

In order to receive immunity for planning and design activities, a state must thoroughly document the design process in order to defend challenges.

A rational and orderly process must be followed if a plan or design is to be considered immune from claims of negligence. If a feature built during construction was not called for in the plans or was altered from the specifications, it is open to a claim of negligence in a tort action.

RRR NOTES ON PROJECT TITLE SHEET

For applicable projects, the following note shall be placed on the plan [title sheet](#) under the Functional Classification and Traffic Data Block:

NOTE: THESE PLANS WERE DESIGNED IN ACCORDANCE WITH VIRGINIA RRR GUIDELINES.

PREVENTIVE MAINTENANCE (PM) PROJECTS / RRR PROJECTS UTILIZING FEDERAL FUNDING ON NATIONAL HIGHWAY SYSTEM (NHS) ROADWAYS*

On April 28, 2009 VDOT and FHWA signed an Agreement for Maintenance Projects on the National Highway System (NHS) to utilize federal funding to perform maintenance/resurfacing, restoration, and rehabilitation (RRR) type work across the Commonwealth. A number of meetings were held between FHWA and VDOT's Location and Design and Maintenance Divisions to discuss the Scope for these type projects, establish a process for the development of these type projects, and to agree upon the level of involvement/oversight that the FHWA will provide. The FHWA and VDOT recognize the fact that the intent of these projects is to preserve the existing infrastructure and provide additional service life for the roadway and/or bridges through a particular corridor with the appropriate level of Preliminary Engineering expenses and a short design/construction time period. FHWA and VDOT agree that by developing guidelines that will provide clarification, flexibility and structure to the use of maintenance/RRR criteria, it will reduce inefficiencies in preliminary engineering and improve these types of projects across the Commonwealth.

* Rev.7/09