

Guidelines for Granting Relief of Responsibility –

00170.80, Responsibility for Damage to Work, provides that all Work is performed at the Contractor's own risk until the entire Project is complete and accepted by the Agency, and the Contractor is responsible to repair all damage to Work performed at no additional cost to the Agency.

Exceptions to this general responsibility of the Contractor include damage caused by:

- Acts of God or Nature;
- Actions of governmental authorities; and
- Public Traffic, when a Request for Relief of Responsibility for that portion of the Work has been accepted by the Agency.

00170.80(c) includes information for the Contractor to submit requests for relief of responsibility for damage to Work caused by Public Traffic and guidelines for when a request for relief may be accepted.

All of the following conditions must be satisfied before the Agency will approve a request for relief of responsibility for damage to Work caused by Public Traffic:

- Work for which the Contractor is requesting relief has been completed according to the Contract, Change Orders, and approved stage construction plans;
- Traffic control complies with approved traffic control Plans; and
- All required Materials conformance and quality compliance documents pertaining to the Work for which the contractor is requesting relief are on file with the Engineer.

The RE will determine whether all required Materials conformance and quality compliance documents have been received for the purposes of granting relief of responsibility. If documentation deficiencies are later identified, any such deficiencies must be corrected but this will not impact the status of an accepted Request for Relief of Responsibility.

Contractors may request relief of responsibility for damages caused by Public Traffic to any of the following completed portions of the Work:

- A segment of Roadway, drainage facilities, Slopes, lighting, traffic control devices and access facilities;
- A Bridge or other Structure within a segment of Roadway;
- Traffic signals and appurtenances at an intersection;
- Permanent, passive traffic control devices;
- Complete circuits of a highway lighting system; and
- Portions of a building open to public use.

In an effort to improve consistency of interpretation and application of 00170.80(c), the following examples are intended to illustrate the types of “completed portions of Work” for which a request for relief may be granted if the required conditions are satisfied. The provided examples are not an exhaustive list of scenarios for which relief of responsibility may be granted.

- ITS equipment - installation must be complete and equipment operational with required guardrail or barrier in place
- Permanent pavement markings - Traffic must be in its final configuration
- Wearing Surfaces – When ACP, PCC pavement, or other wearing courses (e.g. PPC overlay) are complete, whether or not pavement markings or roadside features are complete
- Roadway segments – When work is complete on a segment of roadway (e.g. interstate ramp, intersecting alignment, or completed portions within an alignment)
- Traffic Signing – required guardrail or barrier must be in place
- Roadside drainage facilities - excluding plant establishment
- Bridge structures – When work on the structure has been complete. Final wearing course may or may not be complete and traffic may be in a temporary configuration
- Sign bridges or sign cantilevers - required guardrail or barrier must be in place
- Traffic Signals - completed and operational at an intersection with all detection equipment and controller equipment installed, turn-on completed, and traffic in final configuration
- Guardrail and concrete barrier – permanent paving/stripping does not need to be complete
- Cable barrier - grading or seeding does not need to be complete
- Bridge Rail - Final wearing course may or may not be complete and traffic may be in a temporary configuration
- Permanent impact attenuators - permanent striping does not need to be complete
- Luminaires – complete and operational
- Restroom facilities - Pay Item Work is complete