

Tansavatdi v. City of Rancho Palos Verdes
2026 DJDAR 8611

Design immunity under Government Code section 830.6 may apply when a public entity gave some warning of a dangerous condition and that warning was part of a reasonable plan or design otherwise entitled to immunity. Allegations that existing, approved warnings were inadequate or additional warnings should have been given are complaints about the design and subject to design immunity.

Facts

This case is a result of a tragic death, bicycle versus tractor-trailer, in the City of Rancho Palos Verdes in 2016. Jonathan Tansavatdi was traveling southbound on Hawthorne Blvd. heading towards Vallon Drive. This intersection comes after a sharp right curve in the road, with no bike lanes on this stretch of the road. A witness testified that Jonathan was traveling at approximately 35-40 MPH as he was going downhill. She noticed the tractor-trailer was in the left lane with its right turn signal on. Once the light turned green, witness noticed that Jonathan had not slowed down so she began to honk her horn. Jonathan then looked up and slowed down but was too late and he hit the truck.

Jonathan's mother, Betty, filed suit against the city under Government Code 835 for a dangerous condition of public property. Betty alleges the City was liable for creating a dangerous condition in designing the roadway and in failing to adequately warn of the danger. She alleged the intersection was a dangerous condition.

Under Government Code section 830.6, public entities may be immune from tort liability for dangerous conditions "caused by the plan or design" of public property. This protection, afforded to public bodies for the construction of public infrastructure, is generally called "design immunity."

Design Immunity

The City moved for summary judgement asserting the design immunity under Gov. Code § 830.6. The City submitted the plans for a 2009 street resurfacing project which included this section of the road. They also relied on a declaration and deposition testimony from Nicole Jules, former senior engineer and deputy director of public works for the City. She testified that the plans had exceeded all government standards and the absence of a bike lane was reasonable. This was also echoed by Rock Miller who was the City's traffic engineering expert. The trial court granted summary judgement for the City based on the design immunity but did not address Plaintiff's failure to warn claim. Plaintiff appealed and it was remanded to trial court to address the failure to warn claim. The City then appealed to the California Supreme Court which held that "the design immunity does not categorically preclude failure to warn claims that involve a discretionarily

approved element of a roadway”. The matter was remanded back to the trial court to address the failure to warn claim.

Failure to Warn

The city moved for a second summary judgement partly on the basis that it expressly considered the signs and pavement marking that were present at the time of the accident and it included those warnings as part of the 2009 plans. Part of those designs included warning signs for an upcoming intersection, “RIGHT LANE MUST TURN RIGHT” sign, and hashmarks indicating end of bike lane. The trial court found that the City met its burden to show that warnings were part of the 2009 design plan and that the 2009 plan was entitled to design immunity. Plaintiff then appealed this decision.

On appeal the parties agreed that the City is entitled to design immunity for any dangerous conditions from the 2009 plan, they agreed that the dangerous condition was the intersection, and that some signs were installed for the dangerous condition. City contends that it’s decision to not place additional warnings was part of the approved 2009 plans and thus falls under design immunity. Plaintiff says that failure to warn claims are not subject to design immunity when they are based on a history of collisions after the roadway was constructed.

The Appeals Court held that when there is some warning of relevant dangerous conditions provided as part of an approved design but the Plaintiff claims additional or different warnings were necessary, such claims may be barred by design immunity (assuming the other requirements are met). The court relied on *Flournoy*, in which it held that “the prime requisite of design immunity is a “design-caused” accident”. Here Plaintiff complained the design should have included different or additional warnings and alleged the failure to do so caused the accident. As such the Court found it difficult to conclude it had anything other than a design caused accident thus the design immunity applies. *Flournoy* held GOV. Code § 830.6 does not immunize from liability caused by negligence independent of design. In that case the Court found there was a failure to warn when it lacked any warning at all. Unlike the *Tansavatdi* case, which had warnings. Lastly, Plaintiff argued that the City was required to show it had considered the specific warnings that her expert identified and omitted them in order for the design immunity to apply. The Court struck down this argument citing *Stufkosky*, in which the court held “limiting design immunity to those features expressly considered would be tantamount to requiring the public entity to address all conceivable design features during the approval process”.