
NEGLIGENCE - ILLINOIS

Trigsted v. Chicago Transit Authority

Appellate Court of Illinois, First District, Sixth Division - July 19, 2013 - N.E.2d - 2013 IL App (1st) 122468

Bus passenger, individually, and on behalf of her daughter, brought suit against municipal transit authority to recover for injuries they suffered when they were attacked by third parties while riding a transit authority bus.

The Appellate Court held that authority's conduct in overcrowding its buses was not a proximate cause of plaintiffs' injuries.

Proximate cause requires the plaintiff to show that the defendant's negligence was (1) the actual cause or the cause in fact of his injury, i.e., but for the defendant's conduct, the accident would not have occurred; and (2) the legal cause of his injury, i.e., the defendant's conduct was so closely tied to the plaintiff's injury that he should be held legally responsible for it.

Municipal transit authority's conduct in permitting bus to become overcrowded was not a cause in fact of deliberate physical attack of passenger by third parties as required to support negligence action against authority. Passenger's injuries were not connected with any altercation over finding a seat or inadvertent pushes or contact, as might be expected from overcrowding, but instead, her injuries appeared to have been purely result of racial and ethnic hostility.

Municipal transit authority's conduct in permitting bus to become overcrowded was not a legal cause of deliberate physical attack of passenger by third parties exhibiting racial and ethnic hostility, as required to support negligence action against authority. Although authority was arguably aware that some of its passengers harbored inflammatory biases and prejudices, authority's possession of such knowledge did not make it foreseeable that the type of injury that occurred to passenger could occur from bus overcrowding.

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