

Bond Case Briefs

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Transit Authority of River City v. Bibelhauser

Court of Appeals of Kentucky - September 27, 2013 - S.W.3d - 2013 WL 5423061

Pedestrian filed suit against transit authority, alleging that transit authority was negligent in the hiring, training, supervision, and retention of bus driver who collided with pedestrian in crosswalk while operating transit authority bus.

The Court of Appeals held that:

- Transit authority would not be afforded sovereign immunity, and
- Transit authority was not entitled to governmental immunity.

Transit authority was more corporate than governmental, and thus would not be afforded sovereign immunity. Statute addressing transit authority's creation provided that transit authority was "a public body corporate," with power "to sue and be sued," and "to have and exercise, generally, all of the powers of private corporations."

Transit authority did not carry out function integral to state government, but rather engaged in quintessentially local proprietary venture of providing transportation services, and thus was not entitled to government immunity for claims asserted against it. Transit authority did not provide transportation infrastructure, facilitate state-wide transit, legislate, administrate, or otherwise predominately serve state-level concerns.