

Bond Case Briefs

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Felts v. City of Rochester

Supreme Court of New Hampshire - April 16, 2025 - A.3d - 2025 N.H. 16 - 2025 WL 1119269

Pedestrian's husband, individually and as executor of pedestrian's estate, brought negligence action against city, alleging that pedestrian was struck and fatally injured by motor vehicle while she was walking across street within painted crosswalk and that, at time of collision, the painted crosswalk was not accompanied by any warning signs, signals, or traffic control devices.

The Superior Court granted in part and denied in part city's motion to dismiss, granting city's motion to dismiss negligence claim to extent the complaint alleged that city negligently maintained the crosswalk itself and denying the motion as to allegations that city negligently failed to place crossing signals, warning signs, or other traffic controls alerting motorists to crosswalk. City filed interlocutory appeal.

The Supreme Court held that:

- Term "highways" included pedestrian warning signs pursuant to statute providing that municipality shall not be held liable for damages in action to recover for personal injury or property damage arising out of its construction or repair of public highways unless such injury or damage was caused by insufficiency, and
- Statute governing municipal liability applied to husband's negligence claim to the extent that husband's claim was premised upon city's failure to place pedestrian warning signs at crosswalk.