

# **Bond Case Briefs**

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## **GOVERNMENTAL IMMUNITY - CONNECTICUT**

### **Horrigan v. Town of Washington**

**Appellate Court of Connecticut - July 30, 2013 - A.3d - 144 Conn.App. 536**

Administrators of deceased motorist's estate brought defective highway action against town after his car flipped over after sliding into an uncovered storm drain.

The Appellate Court held that evidence was sufficient to support finding that uncovered storm drain on shoulder of road did not "necessarily obstruct or hinder" use of the road, as required to be a defect.

A "defect" in a highway has been described as any object or condition in, upon, or near the traveled path which would necessarily obstruct or hinder one in the use of the road for the purpose of traveling thereon, or which, from its nature and position, would be likely to produce that result.

In this case, testimony showed that drain was placed at least three feet from the paved portion of road and that it was placed there for the purpose of making the paved portion safer by draining excess water, and two wooden posts of visible size identified the location of the drain to passersby.

The court noted that a municipality is not an insurer against accidents occurring on its highways; its duty is not to make its streets absolutely safe for the users thereof but only to exercise reasonable care to keep them in a reasonably safe condition for travel.