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Hampton v. County of San Diego

Supreme Court of California - December 10, 2015 - P.3d - 2015 WL 8460616

A motorist who was involved in a collision while turning left across an oncoming lane brought an action against the motorist in the oncoming lane and the county, alleging dangerous condition of public property.

The Superior Court granted county's motion for summary judgment on grounds of design immunity, and turning motorist appealed. The Court of Appeal affirmed. Turning motorist petitioned for review. The Supreme Court granted review, superseding the opinion of the Court of Appeal.

The Supreme Court of California held that:

- Discretionary approval element of the design immunity defense for injuries caused by dangerous conditions of public property does not require the employee who approved the plans to have been aware of design standards or aware that the design deviated from those standards, disapproving *Levin v. State of California*, 146 Cal.App.3d 410, 194 Cal.Rptr. 223, and *Hernandez v. Department of Transportation*, 114 Cal.App.4th 376, 7 Cal.Rptr.3d 536, and
- Design of intersection received discretionary approval.

Design of intersection where automobile collision occurred received discretionary approval prior to construction, as required for county to rely on design immunity for injuries caused by any dangerous condition of the intersection, even if the plans deviated from county's visibility standards, where the intersection plans were approved before construction by a civil engineer who was in charge of the county's Design Engineering Section, "as-built" plans were approved and signed after construction by another civil engineer, and those two civil engineers had authority to approve the designs, absent evidence that the engineers lacked authority to approve designs that deviated in any respect from county standards.