

Bond Case Briefs

Municipal Finance Law Since 1971

IMMUNITY - MISSISSIPPI

Mississippi Transp. Com'n v. Adams ex rel. Adams

Supreme Court of Mississippi - June 2, 2016 - So.3d - 2016 WL 3091194

Motorcyclist's widow filed suit against Mississippi Department of Transportation (MDOT) and Mississippi Transportation Commission for wrongful death, arising out of motorcycle hitting uneven portion of pavement while motorcyclist, who had inadvertently entered closed portion of highway that was under construction, was attempting to reenter open portion of road, which caused motorcycle to rotate, and motorcyclist being thrown from motorcycle into traffic.

The Circuit Court denied defendants' motion for summary judgment on grounds of immunity under Mississippi Tort Claims Act (MTCA), and defendants appealed.

The Supreme Court of Mississippi held that:

- Defendants' generally discretionary function with respect to placement of traffic control devices was rendered ministerial by MTC's adoption of Red Book standards for road and bridge construction, for purposes of immunity;
- Adoption of Red Book standards imposed ministerial, mandatory duty on MDOT to replace white edge lines that had been covered or removed during operations with temporary stripe before work was discontinued for day;
- Ministerial duty to "organize an adequate and continuous patrol for the maintenance, repair, and inspection of all of the state-maintained state highway system" encompassed section of interstate highway that was under reconstruction; and
- Provision of MTCA that "governmental entity and its employees acting within the course and scope of their employment or duties shall not be liable for any claim ... arising out of a plan or design for construction or improvements to public property, including, but not limited to, public buildings, highways, roads, streets" did not apply.