

Bond Case Briefs

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LIABILITY - CONNECTICUT

Giannoni v. Commissioner of Transp.

Supreme Court of Connecticut - August 9, 2016 - A.3d - 322 Conn. 344 - 2016 WL 4124295

Parents brought highway defect action on behalf of their child, who was injured when he fell into a stream culvert while riding his bicycle on the sidewalk along a state highway, which ended at a private driveway and lawn shortly before the culvert.

The Superior Court denied Commissioner of Transportation's motion to dismiss, and Commissioner appealed.

The Supreme Court of Connecticut held that parents demonstrated that child was a traveler and that culvert was highway defect, as was required to state highway defect claim.

Parents of child, who was injured when he fell into a stream culvert while riding his bicycle on the sidewalk along a state highway, which ended at a private driveway and lawn shortly before the culvert, demonstrated that child was a traveler and that culvert was highway defect, as was required to state highway defect claim. Child retained his status as a traveler on the highway when he moved from the shoulder of the road to the sidewalk along highway because his travel over the sidewalk was incidental to and for a purpose connected with his travel over highway, state reasonably should have expected the public to traverse the culvert area, which would render the culvert a highway defect actionable under statute, sidewalk led directly to the culvert, the sidewalk was an area intended for public travel, and bicyclists were invited and reasonably expected to utilize the sidewalk, when necessary, in connection with their travel over highway.