

Bond Case Briefs

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Lacava v. Southeastern Pennsylvania Transportation Authority

Commonwealth Court of Pennsylvania - March 29, 2017 - A.3d - 2017 WL 1161051

Motor scooter driver brought negligence and premises liability action against city, regional transportation authority, and Department of Transportation after driver was injured when wheels of scooter allegedly struck a discontinued and exposed trolley track.

Following jury trial, the Common Pleas Court entered judgment in favor of driver and awarded damages. City and authority appealed and driver cross-appealed.

The Commonwealth Court held that:

- City's failure to notify regional transportation authority of alleged defect in trolley track was not a basis for imposition of duty on part of city to driver;
- Provision of Restatement allowing for imposition of a duty based on a voluntary undertaking does not apply to government actors and thus cannot be used to create a duty on part of government actor that does not otherwise exist;
- Exposed rail was not a dangerous condition of authority's property and thus could not support application of the real estate exception to sovereign immunity;
- Trial court acted within its discretion in declining to allow driver leave to amend pleadings to seek punitive damages against authority.