

Bond Case Briefs

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HIGHWAYS - KENTUCKY

Collins v. Commonwealth , Transportation Cabinet, Department of Highways

Supreme Court of Kentucky - April 27, 2017 - S.W.3d - 2017 WL 1538165

Widow of school bus driver killed in collision with oversized vehicle on “non-designated” highway sought review of decision of the Board of Claims, denying claim alleging that the Department of Highways was negligent in its failure to enforce length and width restrictions applicable to commercial vehicles.

The Circuit Court reversed and remanded. The Department of Highways appealed. The Court of Appeals reversed. Widow appealed.

The Supreme Court of Kentucky held that:

- Department of Highways was not charged with a statutory or regulatory duty to enforce vehicle size restrictions, and
- The common law duty of Department of Highways to keep highways in a reasonably safe condition did not extend to ensuring compliance with size restrictions.