

# **Bond Case Briefs**

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## **IMMUNITY - CALIFORNIA**

### **Churchman v. Bay Area Rapid Transit District**

**Court of Appeal, First District, Division 5, California - August 28, 2019 - Cal.Rptr.3d - 2019 WL 4050993 - 19 Cal. Daily Op. Serv. 8579**

Train passenger brought action against train operator, a public agency, alleging that operator violated its duty of care as a common carrier with respect to injuries she sustained when she fell on a train boarding platform.

The Superior Court sustained operator's demurrer without leave to amend and dismissed the action. Passenger appealed.

The Court of Appeal held that train operator, a public agency, did not owe passenger a statutory heightened duty of care for injuries she sustained when she lost her balance and fell on train boarding platform; passenger's injuries were not incurred while she was in actual progress on her journey, but rather, were caused by ordinary risks of a busy train platform, that is, crowds of people moving in multiple directions, noise, partially inaudible announcements on the public address system, and train doors abruptly opening and closing as passengers boarded and disembarked.