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Hedayatzadeh v. City of Del Mar

Court of Appeal, Fourth District, Division 1, California - January 22, 2020 - Cal.Rptr.3d - 2020 WL 370443 - 20 Cal. Daily Op. Serv. 557 - 2020 Daily Journal D.A.R. 528

Deceased pedestrian's father brought action against city, railroad, and train operator after pedestrian was struck and killed by train near ocean bluff.

City filed motion for summary judgment on claim for dangerous condition of public property. The Superior Court granted city's motion, and father appealed.

The Court of Appeal held that lack of barrier to prevent pedestrians from going around guardrail toward railroad tracks did not constitute a dangerous condition of public property.

Lack of barrier at end of street, which terminated at ocean bluff, to prevent pedestrians from going around guardrail and entering hazardous area on railroad's right of way on bluff was not a dangerous condition of public property; persons who traveled to the end of the street were not required to walk toward the train tracks and encounter any hazard on the right-of-way, but rather had to decide to walk around the guardrail, down an embankment and toward the train tracks before encountering any hazard, and nothing about the city's property enticed or encouraged members of the public to put themselves in danger by entering a hazardous area on adjacent property.