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Castillo v. New York City Transit Authority

Supreme Court, Appellate Division, First Department, New York - November 12, 2020 - N.Y.S.3d - 188 A.D.3d 484 - 2020 WL 6600656 - 2020 N.Y. Slip Op. 06447

Passenger on city bus brought personal injury action against city transit authority claiming that due to bus driver's negligence the bus stopped short causing passenger to fall into fare box.

The Supreme Court granted city's motion for summary judgment and dismissed passenger's complaint. Passenger appealed.

The Supreme Court, Appellate Division held that emergency doctrine excused transit authority from liability for alleged negligence of bus driver resulting in passenger's tripping and falling.

No evidence indicated that emergency created by car moving into bus's lane of travel was created by bus driver, or responded to by bus driver in unreasonable manner, and thus, emergency doctrine excused city transportation authority from liability for alleged negligence of bus driver resulting in passenger's tripping and allegedly sustaining injury; transit authority submitted bus driver's sworn testimony, written immediately after the incident, that he was obliged to brake because of actions of car suddenly entering into his lane, and passenger offered no evidence, other than speculation, challenging bus driver's account, and passenger conceded he did not see what happened outside the bus because he was looking to find a seat.