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POLITICAL SUBDIVISIONS - INDIANA

Low v. Northern Indiana Commuter Transportation District

Supreme Court of Indiana - December 16, 2021 - N.E.3d - 2021 WL 5961638

Employee of commuter transportation district, who sustained injuries to his shoulders while working on a portion of train track, sued the district under the Federal Employers' Liability Act (FELA).

Transportation district moved for summary judgment, alleging that employee failed to provide timely notice of tort claim, as required by Indiana Tort Claims Act (TCA). The Superior Court granted motion. Employee appealed. The Court of Appeals affirmed and employee petitioned to transfer decision.

The Supreme Court held that:

- The Tort Claims Act applied to FELA suits against state entities;
- As a matter of first impression, the commuter transportation district was a political subdivision, not a state agency, under the Tort Claims Act; and
- Employee who provided notice of his work place injury to attorney general 263 days after the alleged injury did not substantially comply with Tort Claims Act.

The Tort Claims Act applied to FELA suits against state entities; Congress does not have the power to subject nonconsenting states to private suits for damages in state courts, the mere fact that FELA is a federal statute did not automatically exclude from consideration the procedural constraints of the Tort Claims Act, the Act applies to "a claim or suit in tort" against governmental entities and their employees, and FELA applies to causes of action for negligence.

The commuter transportation district was a political subdivision, not a state agency, under the Tort Claims Act, and thus employee was required to provide notice within 180-days of his injury; a political subdivision included a "separate municipal corporation," and a commuter transportation district is defined as a municipal corporation under enabling statute.