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POLITICAL SUBDIVISIONS - INDIANA

Lowe v. Northern Indiana Commuter Transportation District

Supreme Court of Indiana - December 16, 2021 - 177 N.E.3d 796

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:

- Tort Claims Act applies 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.

Tort Claims Act applies to Federal Employers' Liability Act (FELA) suits against state entities; Congress does not have power under Article I of the United States Constitution to subject nonconsenting states to private suits for damages in state courts, the mere fact that FELA is a federal statute does not automatically exclude from consideration the procedural constraints of the 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.

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 requirement that employee provide notice to the governing body of commuter transportation district political within 180-days of his injury; employee conceded at the summary judgment hearing that substantial compliance concerned the notice's content, not its timing.