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LIABILITY - ILLINOIS

Quiroz v. Chicago Transit Authority

Supreme Court of Illinois - September 22, 2022 - N.E.3d - 2022 IL 127603 - 2022 WL 4372898

Estate of pedestrian who died from being struck by a rapid transit train brought wrongful death action against city transit authority, alleging that transit authority's negligence caused pedestrian's death.

The Circuit Court dismissed the action. Estate appealed. The Appellate Court reversed and remanded. Transit authority's petition for leave to appeal was granted.

The Supreme Court held that:

- Exception to rule regarding open and obvious conditions that imposed duty to warn trespassers about artificial conditions highly dangerous to known trespassers did not apply;
- Transit authority did not owe duty to rescue; and
- Estate did not allege any conduct that would impose liability under willful and wanton conduct theory.

Exception to rule regarding open and obvious conditions that imposed duty to warn trespassers about artificial conditions highly dangerous to known trespassers did not apply so as to impose duty upon city transit authority to warn pedestrian of moving rapid transit train, in action brought by pedestrian's estate arising from pedestrian's death from being struck by train after he allegedly trespassed inside underground subway tunnel, fell from a recessed catwalk authorized for transit authority personnel onto ground near the tracks, and injured himself so that he could not get away, since transit authority had no reason to believe a trespasser would not appreciate the danger posed by a moving rapid transit train, and moreover, estate did not allege a failure to warn.

City transit authority did not owe pedestrian a duty to rescue him from rapid transit train, after he allegedly trespassed inside an underground subway tunnel, fell from a recessed catwalk authorized for transit authority personnel onto the ground near the tracks, and injured himself so that he could not avoid being struck by oncoming train, despite transit authority's awareness of pedestrian's presence, where there was no special relationship between transit authority and pedestrian, transit authority did not put him in a position of peril, as his injury from falling in an unauthorized area not open to the public into open and obvious path of the train was personal to him through no fault of transit authority, and transit authority was not an insurer of a trespasser's safety.

Pedestrian's estate did not allege any conduct by city transit authority that would impose liability for pedestrian's death from being struck by a rapid transit train, after he trespassed into area of subway tunnel authorized for transit authority personnel and fell and injured himself so that he could not avoid the oncoming train, under theory of willful or wanton conduct; while estate alleged that train operators failed to keep a lookout for objects and persons who might be in a subway tunnel and failed to monitor the security cameras in the tunnel in real time to determine if people in those areas were endangered, transit authority did not owe legal duty to trespassers to either keep a lookout or

to monitor its security cameras to keep a lookout for trespassers in real time.

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