

# **Bond Case Briefs**

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## **IMMUNITY - TEXAS**

### **Christ v. Texas Department of Transportation**

**Supreme Court of Texas - February 10, 2023 - S.W.3d - 2023 WL 1871560**

Motorists injured as result of head-on collision in construction zone brought action against Texas Department of Transportation and others, alleging premises liability based on condition of construction zone.

The District Court denied Department's plea to the jurisdiction and no-evidence motion for summary judgment. Department filed interlocutory appeal. The Corpus Christi reversed and dismissed for want of jurisdiction. Motorists' petition for review was granted.

The Supreme Court held that use of painted stripes and buttons to separate opposing lanes of traffic when engineer-sealed traffic control plan called for concrete barriers did not create unreasonably dangerous condition that would allow motorists to invoke waiver of sovereign immunity under Tort Claims Act.

Use of painted yellow stripes and buttons to separate opposing lanes of traffic in construction zone did not create "unreasonably dangerous condition," and thus, did not waive Texas Department of Transportation's sovereign immunity under Tort Claims Act from premises defect claim by motorists injured as result of head-on collision in construction zone, although engineer-sealed traffic control plan called for concrete barriers; stripes and buttons themselves were not defective, there was absence of any other accident or injury occurring at collision site, and use of stripes and buttons to separate travel lanes on roadways was ordinary, commonplace, and standard engineering practice, absent any inference that some aspect of construction site rendered use more dangerous than usual.