

Bond Case Briefs

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IMMUNITY - TEXAS

Fraley v. Texas A&M University System

Supreme Court of Texas - March 24, 2023 - S.W.3d - 2023 WL 2618532 - 66 Tex. Sup. Ct. J. 515

Motorist brought premises-defect action against public university which was charged with maintaining road on which motorist was injured in an accident, alleging that a lack of lighting, barricades, and warning signs around the intersection caused his injuries.

The 361st District Court denied university's plea to the jurisdiction. University appealed. The Amarillo Court of Appeals reversed. Review was granted.

The Supreme Court held that:

- Ditch encountered by motorist when he left roadway by proceeding straight through a T-shaped intersection was not a "special defect" and thus did not support application of Tort Claims Act exception to governmental immunity for discretionary decisions about design and signage;
- University's decision to redesign four-way intersection to a three-way, T-shaped intersection and place a yield sign, rather than a stop sign or some other signal, was discretionary and thus subject to governmental immunity under Tort Claims Act; and
- Court of Appeals properly ordered action dismissed rather than remanded for re-pleading.