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City of Houston v. Green

Supreme Court of Texas - June 30, 2023 - S.W.3d - 2023 WL 4278246

Motorist brought action against city seeking to hold it vicariously liable for police officer's alleged negligence and independently liable for negligently hiring, training, and supervising officer following motor vehicle accident involving officer while he was responding to an emergency call.

The 133rd District Court, Harris County, denied city's motion for summary judgment alleging the Tort Claims Act did not waive city's governmental immunity. City appealed. The Houston Court of Appeals, Fourteenth District, affirmed. City petitioned for review, which was granted.

The Supreme Court held that officer did not act with reckless disregard when accident occurred, and thus, emergency exception to waiver of governmental immunity under Tort Claims Act applied.

Police officer did not act with reckless disregard for safety of others when he proceeded through red light into intersection while responding to emergency call and allegedly caused motor vehicle accident, and thus, emergency exception to waiver of governmental immunity under Tort Claims Act applied to city in motorist's personal injury claim; motorist provided no evidence to contradict that officer was responding to emergency call involving armed suspect, that officer activated overhead emergency lights, that officer averaged 35 to 40 miles per hour, that officer at least slowed his speed before proceeding through each intersection, that officer intermittently activated his audible siren, that other vehicles noticed officer and stopped, that those vehicles blocked officers view of the lane motorist was in, and that motorist was traveling in the dark without headlights.

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