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City of Houston v. Manning

Supreme Court of Texas - May 23, 2025 - S.W.3d - 2025 WL 1478506 - 68 Tex. Sup. Ct. J. 995

Motorist brought action against city, asserting various claims including negligence and negligence per se and invoking the waiver of immunity in the Texas Tort Claims Act (TTCA) in connection with collision at intersection between motorist's vehicle that was traveling westbound and fire truck that was traveling southbound.

The 127th Judicial District Court denied city's summary judgment motion. City filed interlocutory appeal. The Houston Court of Appeals affirmed. City petitioned for review, which was granted.

The Supreme Court held that TTCA waived governmental immunity from suit for injuries caused by negligence per se alleged by motorist; disapproving Thoele v. Tex. Dep't of Crim. Just., 2020 WL 7687864; Tex. Dep't of Crim. Just. v. Parker, 2020 WL 5833869.

Texas Tort Claims Act (TTCA) waived governmental immunity from suit for injuries caused by negligence per se alleged by motorist against city in connection with claim that fire truck driver violated standards in statute providing that operator of an authorized emergency vehicle may proceed past a red or stop signal or stop sign after slowing as necessary for safe operation and in statute providing that operators are not relieved from duty to operate an authorized emergency vehicle with appropriate regard for safety of all persons, relating to collision that occurred when driver of fire truck that was traveling southbound above the posted speed limit when en route to an emergency call proceeded into intersection and struck vehicle driven by motorist who was traveling westbound on roadway; statutory standards of care used to measure negligence per se merely defined more precisely what conduct breached common-law standard of reasonable care, so that violating the statutory standards would have also been negligence under the common law; disapproving *Thoele v. Tex. Dep't of Crim. Just.*, 2020 WL 7687864; *Tex. Dep't of Crim. Just. v. Parker*, 2020 WL 5833869. Tex. Civ. Prac. & Rem. Code Ann. § 101.021(1); Tex. Transp. Code Ann. §§ 546.001(2), 546.005(1).

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