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NEGLIGENCE - NEW YORK

Harris v. New York City Transit Authority

Supreme Court, Appellate Division, Second Department, New York - August 13, 2025 - N.Y.S.3d - 2025 WL 2326682 - 2025 N.Y. Slip Op. 04635

Subway passenger brought action against city transit authority to recover damages for injuries that she allegedly sustained after slipping and falling on snow and ice that accumulated on uncovered staircase at subway station.

The Supreme Court, Kings County, denied transit authority's motion for summary judgment dismissing the complaint. Transit authority appealed.

The Supreme Court, Appellate Division, held that pursuant to storm-in-progress rule, transit authority was not liable for passenger's injuries.

At the time that subway passenger slipped and fell on snow and ice that accumulated on uncovered staircase at subway station, less than five hours had passed since the end of an extraordinary snowstorm, and thus, pursuant to storm-in-progress rule, city transit authority was not liable for injuries that passenger allegedly sustained as a result of her fall.