

SUPREME COURT OF CONNECTICUT

Graham v. Comm'r of Transp., 330 Conn. 400

195 A.3d 664 (2018) · Decided November 20, 2018

SUMMARY

The Connecticut Supreme Court considered whether the sovereign-immunity waiver in General Statutes § 13a-144 applies to a claim that state police failed to close an icy bridge before Department of Transportation personnel arrived. The court declined to overrule *Lamb v. Burns* and held that the waiver may extend to state employees performing highway-maintenance duties when a sufficient relationship with the Commissioner of Transportation establishes a breach of the commissioner's statutory duty. The court concluded that the record did not establish the required relationship between the commissioner and the state police and reversed in part.

CASE DETAILS

COURT	Supreme Court of Connecticut
WRITING FOR THE COURT	Robinson, J.; McDonald, J.; Kahn, J.; Vertefeuille, J.
JURISDICTION	Connecticut
DECIDED	November 20, 2018
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	The Commissioner of Transportation appealed, after certification, from the Appellate Court's reversal of a trial court summary judgment entered for the commissioner in a defective-highway personal injury action.
STANDARD OF REVIEW	Summary judgment is reviewed de novo or plenary. The court determines whether the trial court's legal conclusions are legally and logically correct and supported by the facts. Statutory construction and sovereign-immunity questions are reviewed plenary.
PRECEDENTIAL VALUE	published precedential Connecticut Supreme Court opinion
PARTIES	Commissioner of Transportation v. Barry Graham

TOPICS

- negligence
- statutory interpretation
- summary judgment
- civil procedure

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether General Statutes § 13a-144 waives sovereign immunity for a defective-highway claim based on the alleged failure of state police employees to close an icy bridge.
2. Whether *Lamb v. Burns* should be overruled or limited concerning the statute's application to state employees other than Department of Transportation employees.
3. Whether the record established the relationship between the state police and the Commissioner of Transportation required under *Lamb* for the commissioner's statutory highway-maintenance duty to be implicated.
4. Whether the Appellate Court properly reversed summary judgment based on factual disputes concerning notice and the reasonableness of the commissioner's response.

HOLDINGS

1. Section 13a-144 waives sovereign immunity for the actions of state employees other than Department of Transportation employees when those employees are performing duties related to highway maintenance and the plaintiff proves a relationship between the employee and the commissioner such that the commissioner can be found to have breached the statutory duty to keep highways, bridges, or sidewalks in repair.
2. *Lamb v. Burns* remains good law and should not be overruled.
3. The record did not establish a sufficient relationship between the state police and the Commissioner of Transportation to bring the alleged failure to close the bridge within § 13a-144's waiver of sovereign immunity.
4. The commissioner could not be held liable under § 13a-144 for the state police's failure to close the bridge because the requisite *Lamb* relationship was not established.

KEY QUOTATIONS

"We agree with the plaintiff that Lamb remains good law and conclude that, strictly construed, § 13a-144 waives sovereign immunity for the actions of state employees, but only to the extent that they are performing duties related to highway maintenance and the plaintiff proves that a relationship exists between the commissioner and the state employee such that the commissioner can be found to have breached his statutory duty to keep the highways, bridges, or sidewalks in repair." (at 673)

"Accordingly, because we conclude that there is no evidence establishing a Lamb type relationship between the state police and the commissioner, the commissioner cannot be held liable for the failure of the state police to close the bridge." (at 680-681)

"The practical and logical basis of the doctrine is today recognized to rest on ... the hazard that the subjection of the state and federal governments to private litigation might constitute a serious interference with the performance of their functions and with their control over their respective instrumentalities, funds, and property." (at 674)

“Practice Book § 17-49 provides that summary judgment shall be rendered forthwith if the pleadings, affidavits and any other proof submitted show that there is no genuine issue as to any material fact and that the moving party is entitled to judgment as a matter of law.” (at 674-675)

FACTUAL BACKGROUND

On December 12, 2011, Barry Graham's pickup truck slid on black ice while traveling northbound on the Gold Star Memorial Bridge and collided with a bridge structure, seriously injuring him. The Department of Transportation received a report at approximately 5:49 a.m. that an ice-related accident had occurred on the bridge, and dispatched an off-hour crew to salt it. The crew took more than an hour to reach the bridge, while the state police had already responded to multiple accidents and later closed the bridge. Graham alleged that the commissioner breached the statutory duty to maintain the bridge by failing to treat the ice, provide adequate warnings, or close the bridge.

PROCEDURAL HISTORY

Graham sued the Commissioner of Transportation under Connecticut's defective highway statute, General Statutes § 13a-144, alleging that the state failed to adequately address or close an icy bridge. The trial court granted the commissioner's motion for summary judgment, concluding that the commissioner lacked sufficient notice or time to remedy the ice. The Appellate Court reversed, holding that genuine issues of material fact existed regarding notice, the reasonableness of the response, and whether the state police's failure to close the bridge could support liability. The Connecticut Supreme Court reversed in part, holding that the record did not establish the relationship required under *Lamb v. Burns* between the commissioner and the state police, and remanded with direction to affirm the trial court as to that claim.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The case was remanded to the Appellate Court with direction to affirm the trial court's judgment as to the claim that the state police were liable for failing to close the bridge. The Appellate Court's judgment was affirmed in all other respects.

CASES CITED

- *Graham v. Commissioner of Transportation*, 168 Conn. App. 570, 148 A.3d 1147 (2016)
- *Lamb v. Burns*, 202 Conn. 158, 520 A.2d 190 (1987)
- *White v. Burns*, 213 Conn. 307, 567 A.2d 1195 (1990)
- *Ormsby v. Frankel*, 255 Conn. 670, 768 A.2d 441 (2001)
- *Spiotti v. Wolcott*, 326 Conn. 190, 163 A.3d 46 (2017)
- *Stewart v. Watertown*, 303 Conn. 699, 38 A.3d 72 (2012)
- *Hicks v. State*, 297 Conn. 798, 1 A.3d 39 (2010)

- *Envirotest Systems Corp. v. Commissioner of Motor Vehicles*, 293 Conn. 382, 978 A.2d 49 (2009)
- *Cox v. Aiken*, 278 Conn. 204, 897 A.2d 71 (2006)
- *Conboy v. State*, 292 Conn. 642, 974 A.2d 669 (2009)
- *Gonzalez v. O & G Industries, Inc.*, 322 Conn. 291, 140 A.3d 950 (2016)
- *Williams Ford, Inc. v. Hartford Courant Co.*, 232 Conn. 559, 657 A.2d 212 (1995)
- *In re Jusstice W.*, 308 Conn. 652, 65 A.3d 487 (2012)
- *Wallingford v. Werbiski*, 274 Conn. 483, 877 A.2d 749 (2005)
- *State v. Ray*, 290 Conn. 602, 966 A.2d 148 (2009)

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