**Sovereign Immunity Vehicle Exception Research 2013**

| **CASE NAME,CT,DATE** | **YEAR** | **VEHICLE TYPE** | **MOVEMENT TYPE** | **HOLDING** | **ANALYSIS** |
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| Howard v. SEPTA, 2011 Pa. Commw. Unpub. LEXIS 688 (Pa. Commw. Ct. 2011), aff’d, 2011 Pa. Commw. LEXIS 432 (Pa. Commw. Ct. 2011) | 2011 | SEPTA train | Nonmoving train at station; P passenger fell when exiting | Completely stopped train not “in operation” for purposes of vehicle exception | * Alleged negligence of conductor to align train steps with platform not within “operation” of the train
* alighting/boarding stopped vehicle not within vehicle exception
* mere act of stopping does not constitute “operation”
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| Royal v. SEPTA, 10 A.3d 927, 2010 Pa. Commw. LEXIS 670 (Pa. Cmwlth. 2010). | 2010 | SEPTA bus | Nonmoving bus at bus stop | Vehicle Exception for negligent operation of a motor vehicle inapplicable where public bus was not in “operation” at the time P fell while attempting to exit the bus; injury was not caused by any physical movement of the bus | * Bus was not in operation when passenger fell while exiting bus that was stopped, motionless, and not kneeling.
* Movement of a vehicle, or its parts, that is merely ancillary to that vehicle’s normal operation does not trigger exception
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| Bottoms v. SEPTA, 805 A.2d 47 (Pa. Commw. Ct. 2002) | 2002 | SEPTA bus | Nonmoving bus at bus stop | Bus standing still discharging passengers not “in operation” as required for the vehicle liability exception to apply  | * To be in operation, generally entire vehicle is moving, but a moving party (such as a bus door) has been found to be “in operation.” However, in no case has a P been successful in showing “operation” in the circumstances of entering/exiting a stopped vehicle
* It was not a movement of the bus itself that caused the passenger's injuries from falling while exiting bus
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| Love v. City of Philadelphia, 518 Pa. 370, 1998 | 1998 | City van | P fell while exiting van | The act of entering into and alighting from a motor vehicle does not constitute operation of that vehicle for purposes of motor vehicle liability exception | * “operation” must be construed strictly/narrowly
* woman injured from falling from steps of stopped city-owned van, vehicle liability exception did not apply because van was not operating at time of fall
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| Berman v. Southeastern Pa. Trans. Auth., 698 A.2d 1362 (Pa. Commw. Ct. 1997) | 1997 | SEPTA bus | Nonmoving bus at bus stop, P passenger fell on crowded bus steps while exiting bus  | Bus driver’s actions in allowing bus to become overcrowded did not constitute negligent “operation” of a vehicle for purposes of vehicle exception because failure to limit number of passengers on bus was an act ancillary to the actual operation of the vehicle | * Bus not liable for harm where negligence only facilitated injuries caused by third parties (crowd of passengers)
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| Greenleaf v. SEPTA, 698 A.2d 170 (Pa. Commw. Ct. 1997) | 1997 | SEPTA subway train | P passenger shot by third party on subway train | Vehicle liability exception does not apply where plaintiff’s injuries were not caused by the movement of the vehicle or any of its parts and were caused by the criminal acts of a third party | * P passenger claimed subway train car operator was negligent in failing to open train door to let plaintiff escape third party’s attack
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| Johnson v. Pennsylvania State Police, 23 Pa. D. & C. 4th 154, 1995 | 1995 | PA State Trooper car parked on side of highway | Tractor trailer truck collision with chain of cars | PA State Trooper standing outside of parked car and manually directing traffic was not “operating” a motor vehicle in her possession or control at the time of the collision | * PA State Trooper parked her car on the side of the road and stood in lane to manually direct traffic around an accident
* Tractor trailer truck failed to stop, resulting in chain collision with other cars
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| Taylor v. Jackson, 164 Pa. Commw. 482 (Pa. Commw. Ct. 1994) | 1994 | PSP car | Plaintiff vehicle crashed into backlog from tractor-trailer accident that had occurred 2 hours earlier; PSP cars were at accident site to direct traffic | Motor vehicle exception does not apply where PSP did not operate their vehicles in a negligent manner. | * PSP arrived at accident pile-up of cars to set flares and direct traffic, more collision pile-ups occurred afterward.
* SI vehicle exception claim rejected PSP did not operate their vehicles in a negligent manner while patrolling the line of traffic.
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| Conaway v. Kirschner, 18 Pa. D. 7 C. 4th 338, 1993 | 1993 | DOT vehicle parked on side of road | P collision with parked vehicle | Parked vehicle not in operation for purposes of vehicle exception when struck by P’s vehicle; negligent training or supervision of employees does not fall within vehicle exception | * Stopped vehicle not “in operation,” even if evidence could be shown that DOT was negligent in supervising/training employees
* Narrow construction of exception means that alleged liability must arise out of “operation of vehicle”
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| First Nat’l Bank v. Commonwealth, DOT, 148 Pa. Commw. 158, 1992 (appeal denied 1992) | 1992 | DOT vehicle parked on right berm of road | P collision with parked vehicle | DOT vehicle was not in operation for the purposes of imposing liability on DOT under vehicle exception to SI. Motor vehicle exception to SI applies only where damages are caused by the “operation of any vehicle in the possession or control of a Cmnwlth party.” DOT vehicle not affixed to the roadway so as to be a condition of the roadway for purposes of the real estate exception. | * DOT vehicle was temporarily parked on side of road because DOT employees intended to place delineators on adjacent highway.
* Vehicle ruled not in operation despite facts that vehicle’s motor was running and the vehicle was only making a temporary stop on the side of road with lights flashing.
* Vehicle was not temporarily stopped in traffic, and P decedent’s injuries were not caused by any part of the DOT vehicle.
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| Toombs v. Manning, 640 F. Supp. 938 (E.D. Pa. 1986), aff’d in part, rev’d in part, 835 F.2d 453 (3d Cir. Pa. 1987) | 1987 | SEPTA subway train | Subway train struck P passenger who fell onto | Vehicle exception applied to waive immunity w/r/t negligence of subway train driver; vehicle liability exception does not limit waiver of immunity to events which actually occur in vehicle itself | * Motor vehicle exception to sovereign immunity applied to waive Southeastern Pennsylvania Transportation Authority’s immunity with respect not only to negligence of subway train driver, in striking passenger who fell onto rails, but also with respect to alleged negligence of subway cashier for his failure to assist passenger whose attack on subway platform precipitated his fall onto rails
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