

The Effect of Sovereign Immunity on the Safety of Roads

Zachary Clark
North Carolina State University

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Background

- Sovereign Immunity is the freedom of the government from liability
- Inherent in the nature of power
- Arose in England in the 11th century under William the Conqueror
- Court system did not allow the king to be sued predicated on the concept that the sovereign can do no wrong

Background

- Spread to government and eventually U.S.



Image from www.salemhistory.net

Issues

- Both precedents transportation related
- Users left with no recourse
- Despite faulty facilities, parties responsible for the bridges were not held accountable



Safety Issues With Sovereign Immunity

- Governments spend less on law suits
- Implement new treatments with no risk of suit
- No one held accountable
- Dangerous sites and practices not brought to attention



Purpose

- Determine if the protection of sovereign immunity has any bearing on the safety of roads



Analysis Method

- States divided into 3 categories
 - Total: state maintains total sovereign immunity
 - Limited: state retains partial immunity
 - None: all aspects of sovereign immunity have been waived by the state

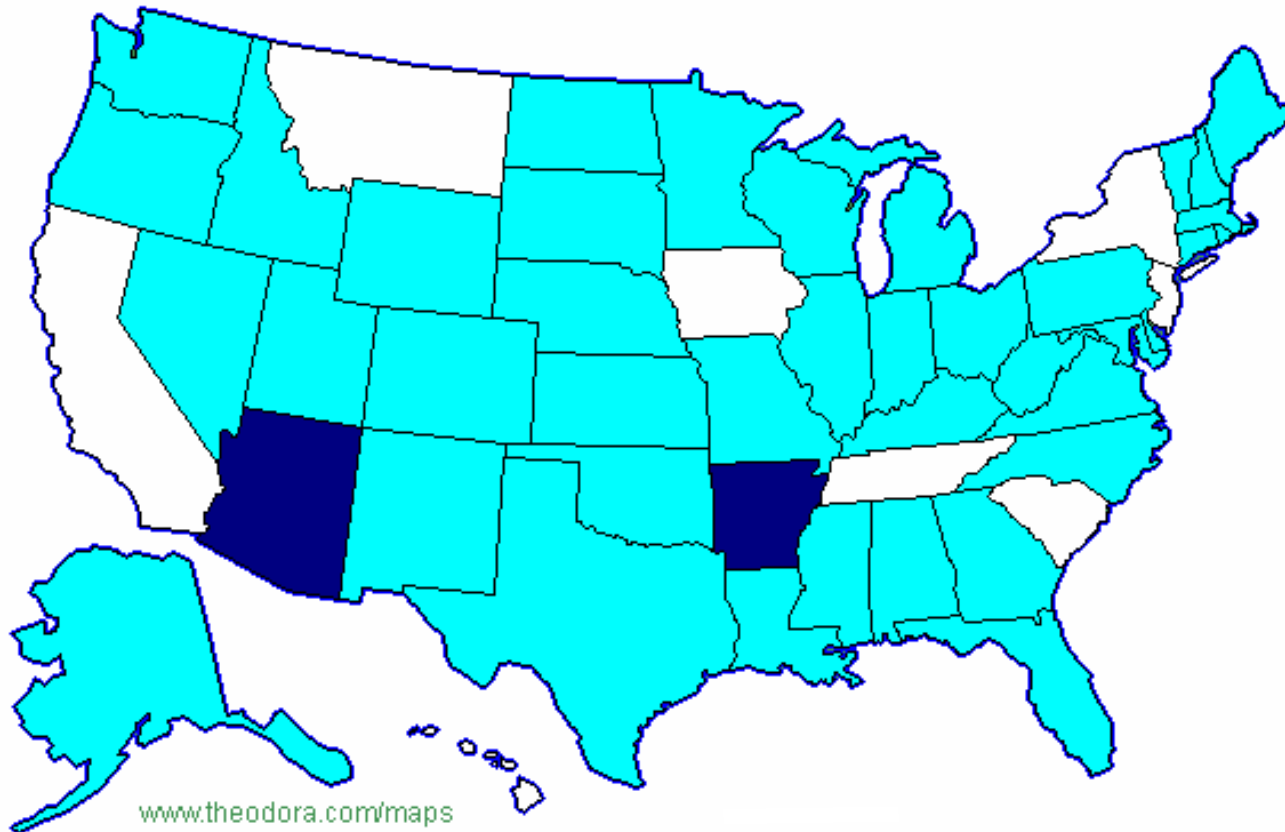


Examples

- Tennessee
 - Abolished Sovereign Immunity for government entities in tort cases.
- North Carolina
 - Common law governs
 - Immunity may be waived by cities, counties, board of education and community colleges through purchase of liability insurance.
 - As to state, recovery limited to \$150,000
 - Punitive damages
 - 3x compensatory damages or \$250,000

State of Practice

- Only 2 states maintain full immunity (AR & AZ)
- 8 states have no immunity (CA, HI, IA, MT, NJ, NY, SC, & TN)
- All others keep partial immunity (including DC)

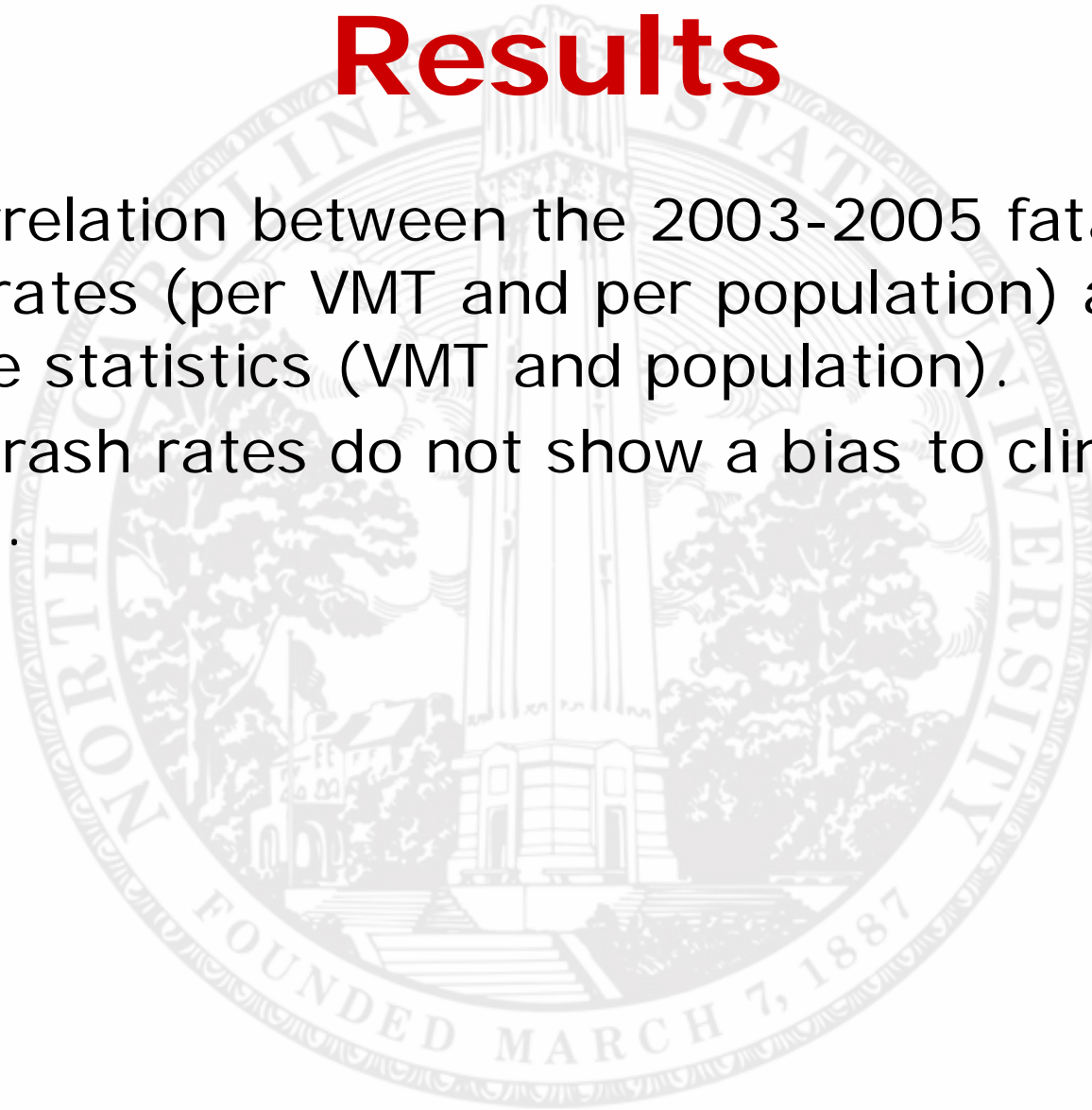


Analysis Method

- Comparison of Sovereign Immunity law classifications using 2003-2005 fatal crash rates of all 50 states and D.C.
 - Fatal crash: A police-reported crash involving motor vehicle in in which at least one person dies within 30 days of the crash.
- Rates per VMT and population

Results

- No correlation between the 2003-2005 fatality crash rates (per VMT and per population) and volume statistics (VMT and population).
- Fatal crash rates do not show a bias to climate or terrain.



Results

- “Total” states had statistically significant more fatal crashes per VMT for 2003-2005.

2003-2005 Fatal Crash Rate (per 100M VMT)

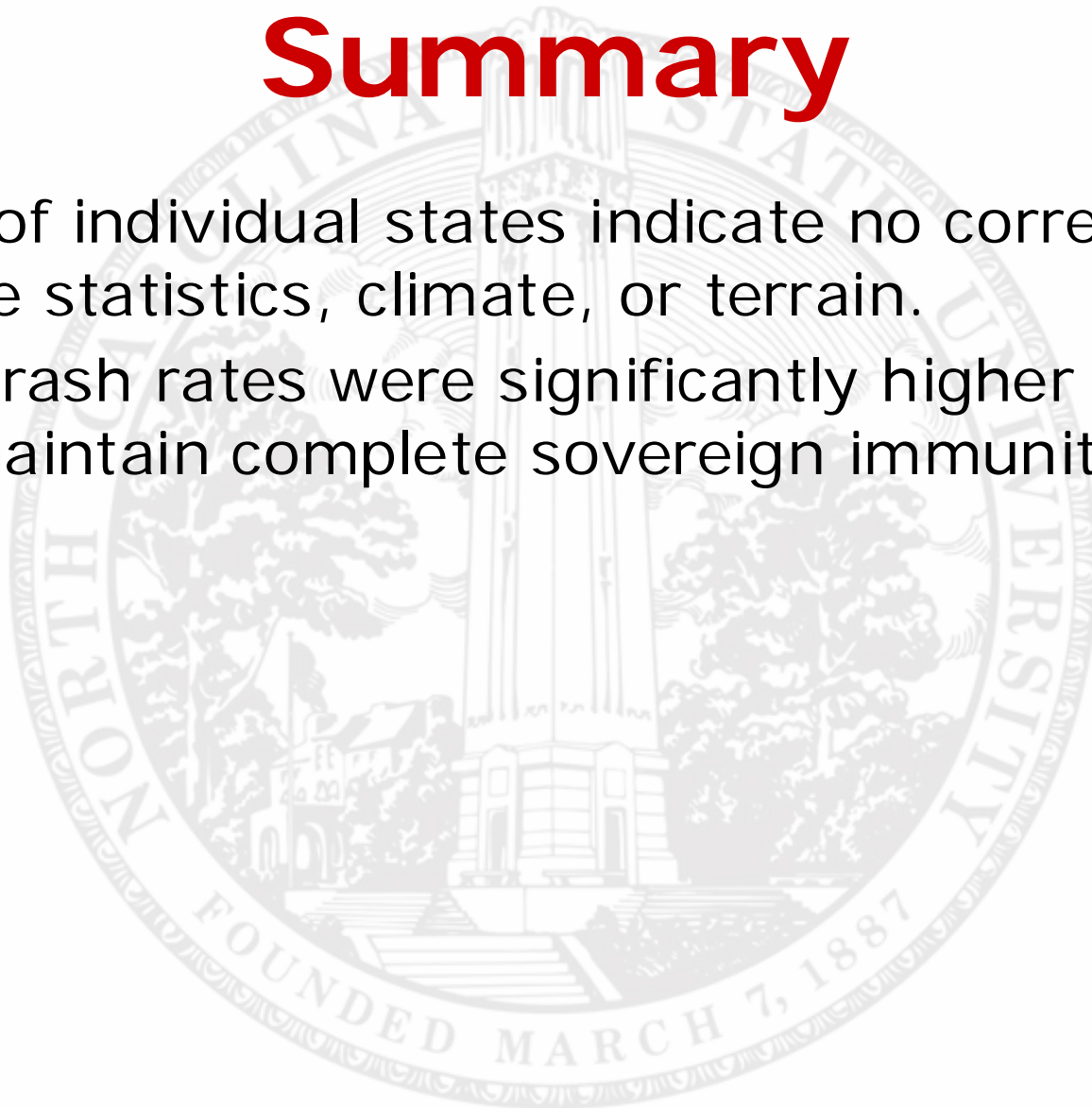
	Average	95% Confidence Interval
None	1.39	1.11-1.68
Limited	1.35	1.25-1.44
Total	1.81	1.70-1.92
National Average	1.37	1.28-1.46

2003-2005 Fatal Crash Rate (per 100K pop'n)

	Average	95% Confidence Interval
None	14.26	9.57-18.96
Limited	14.6	13.04-16.16
Total	19.33	15.50-23.16
National Average	14.73	13.27-16.19

Summary

- Rates of individual states indicate no correlation to volume statistics, climate, or terrain.
- Fatal crash rates were significantly higher in states that maintain complete sovereign immunity.



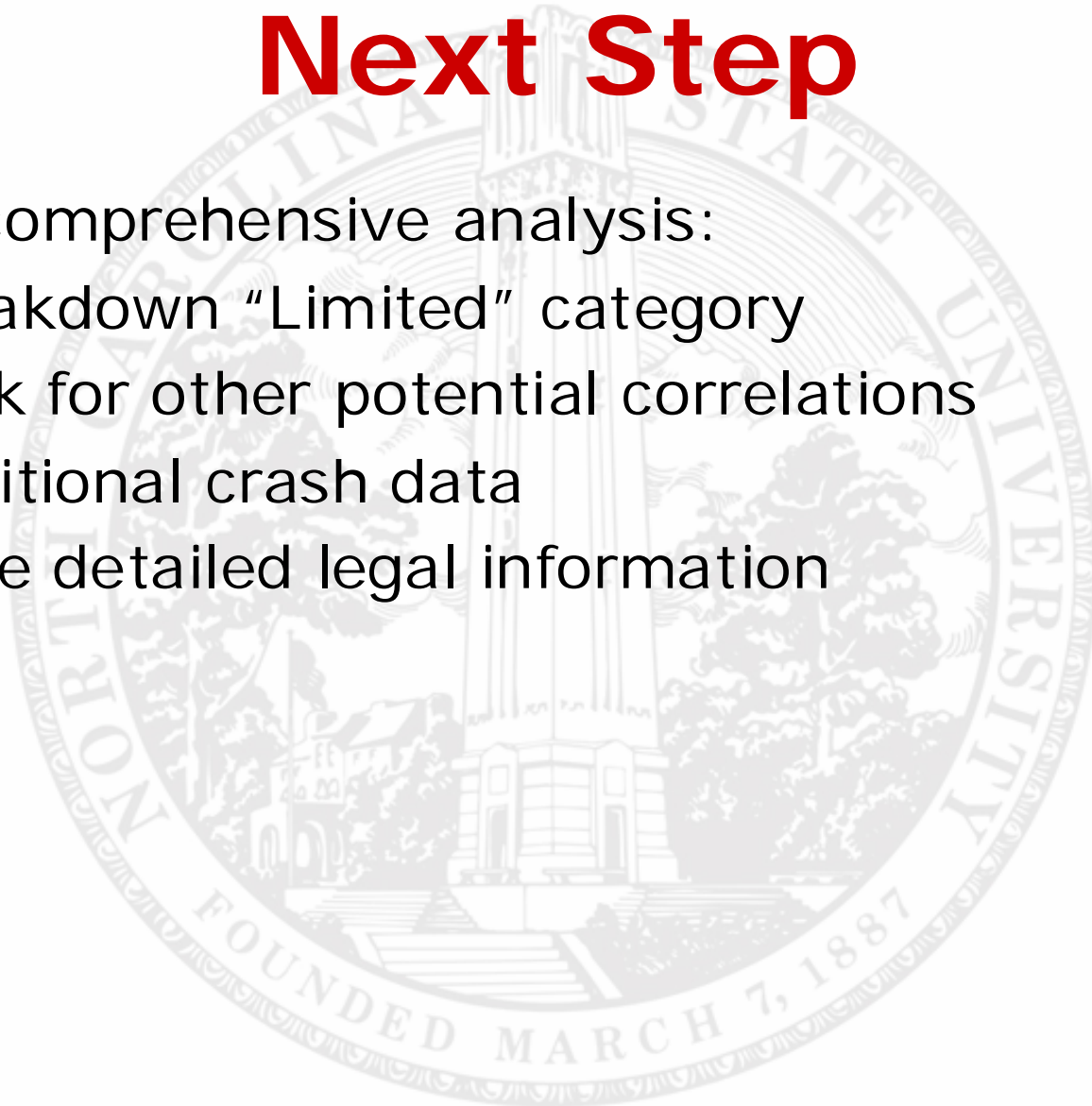
Recommendations

- States that maintain full sovereign immunity should consider waiving some of the rights to create a system that creates safer roads.
- Evidence doesn't support states with partial sovereign immunity waiving all rights.



Next Step

- More comprehensive analysis:
 - Breakdown “Limited” category
 - Look for other potential correlations
 - Additional crash data
 - More detailed legal information





Thank you

Results

2005 Fatalities per 100M VMT Across Sovereign Immunity Categories				
Sovereign Immunity	Fatalities per 100M VMT	Standard Deviation of Rates	Standard Error of Rates	95% Confidence Interval
Total	1.99	0.042	0.030	1.93-2.05
Limited	1.36	0.404	0.062	1.34-1.59
None	1.47	0.484	0.171	1.02-1.70
National Average	1.47	0.416	0.058	1.34-1.57

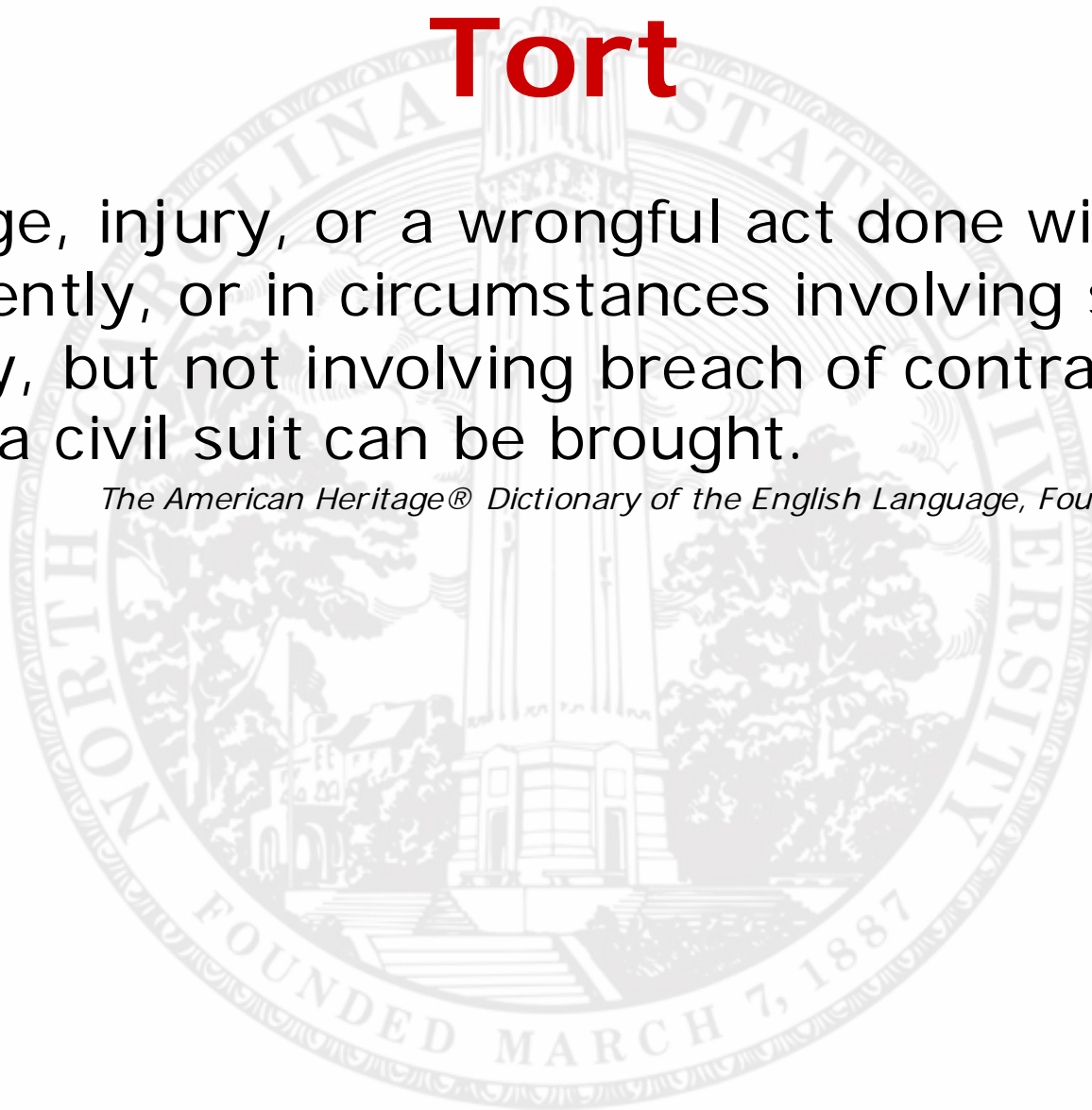
2005 Fatalities per 100K Population Across Sovereign Immunity Categories

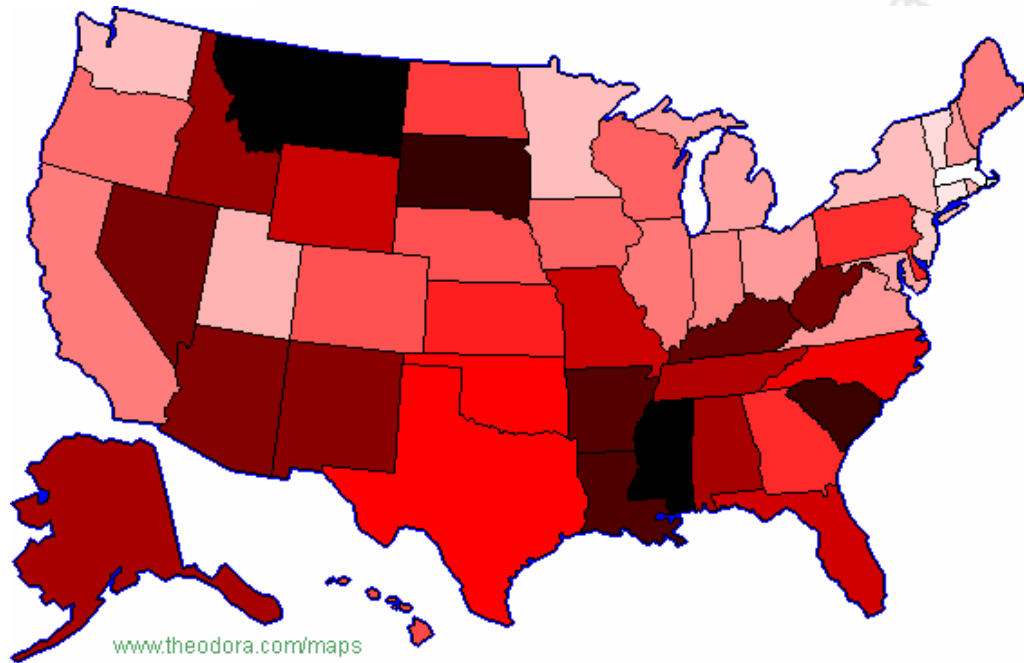
Sovereign Immunity	Fatalities per 100K Population	Standard Deviation of Rates	Standard Error of Rates	95% Confidence Interval
Total	21.57	2.475	1.750	17.50-24.36
Limited	16.05	6.213	0.959	13.38-17.14
None	15.99	7.653	2.706	6.91-17.52
National Average	14.62	6.352	0.881	12.85-16.38

Tort

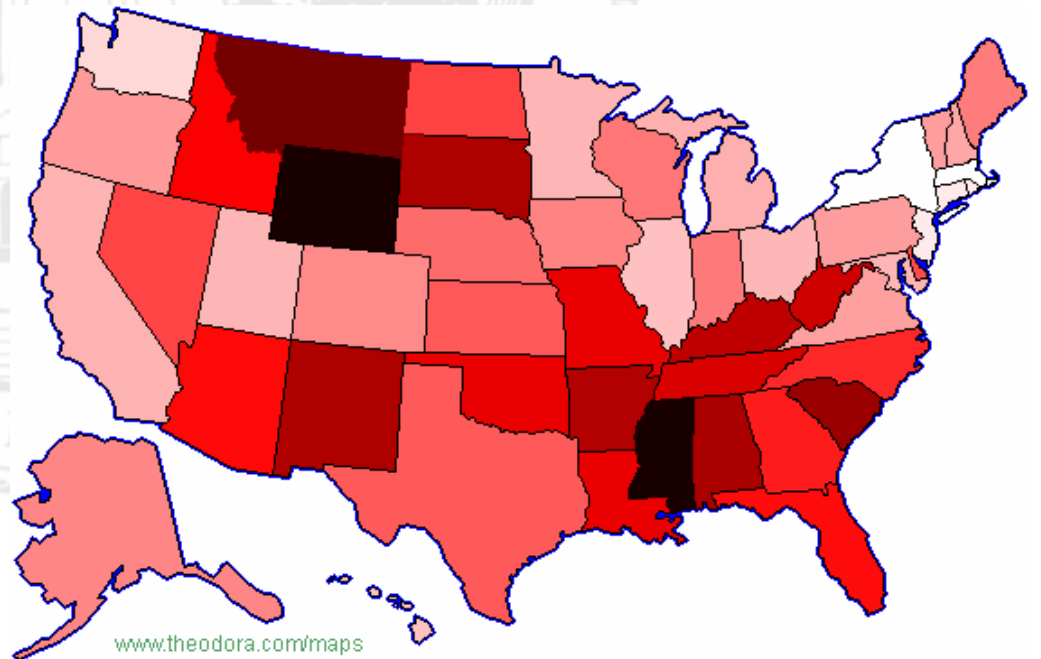
- Damage, injury, or a wrongful act done willfully, negligently, or in circumstances involving strict liability, but not involving breach of contract, for which a civil suit can be brought.

The American Heritage® Dictionary of the English Language, Fourth Edition





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