

\$13,750,000

## Bridge Wash Out on Route 66 **Public Entity Liability**

**FACTS:** Plaintiffs were working as surveyors inspecting gas lines located in the desert in San Bernardino County. They were driving a company truck to a job site early in the morning which required them to take Route 66. During the night, a rainstorm had occurred in the desert and fast-flowing rainwater washed out one of the small bridges on Route 66. Plaintiffs were driving in the dark and did not notice that the bridge was washed out. Plaintiffs' truck went airborne and landed on the other side of the collapsed bridge trapping both Plaintiffs inside the truck.

**CONTENTIONS:** Plaintiffs contended that the bridge was originally constructed many years earlier with a system of stop dikes and storm ditches which were designed to prevent fast-flowing rainwater from washing out the bridge - however, over the years, design changes were made which resulted in the detrimental effect of shifting the path of the rainwater directly into the supports located under the bridge. Plaintiffs also contended that the bridge had previously washed out and the County was aware of this dangerous condition. County contended Plaintiffs drove around the posted signs indicating that the bridge was closed. County contended that Plaintiffs were speeding and if they were driving within the posted speed limit then they would have seen the washed-out bridge in their headlights in the dark. County also claimed that they were immune from all liability since the rainstorm was an "Act of God" involving an unforeseeable 100 year storm.

**INJURIES:** 29 year old sustained orthopedic injuries requiring surgery involving external fixation and bone graft. 58 year old had his right leg amputated at the knee.

**KELLY/GILLESPIE v. COUNTY OF SAN BERNARDINO, ET AL.**  
**CASE NUMBER:** CIVS1818867  
**SAN BERNARDINO COUNTY SUPERIOR COURT**