

California Law Student Studies City Liability

New York — (UPI) — Chances are that a motorist injured in an automobile accident caused by a defective traffic signal would be unable at present to obtain compensation from the municipality.

But Patrick Herbst, a German law student who wrote his master of laws thesis on municipal responsibility in traffic accidents, believes there is a definite legal trend for holding cities liable in such cases.

Herbst said most municipalities are liable under statutory law for injuries sustained in accidents resulting from their failure to keep streets unobstructed and in good repair. He contends maintenance of traffic signals and signs are just as much a part of a municipality's responsibility for safe conditions.

Thesis Published
Herbst's thesis at the University of California, "Municipal Tort Liability for Inadequate Traffic Regulations," was published by the American Safety Foundation.

The main argument against a city being held responsible for accidents caused by traffic control system failures, Herbst said, is that traffic regulation is a police power and therefore immune from liability. Street maintenance on the other hand, relates to the corporate powers of a city, which carry liability under common law.

Generally, Herbst said, courts have ruled against plaintiffs who contended maintenance of traffic signals fell under a city's corporate duties. However, there have been some dissenting opinions by prominent jurists, he said.

Statutes Give Responsibility
Herbst said that in several cases the question of whether communities were liable was decided on whether or not municipal statutes expressly gave city officials responsibility for maintaining traffic signals. If such a responsibility was in the statutes, Herbst said, courts have ruled that municipalities were liable for injuries resulting from signal failures.

In cases where setting up signals and signs was not specifically made a municipal duty by statute, courts ruled it was a police power and the city had immunity, Herbst said.

Herbst urged that liability for accidents resulting from defective signals be extended to all cities, regardless of how the statutes read. He believes such action would guarantee safer traffic conditions because the liability would put pressure on city authorities to maintain controls more efficiently.

Bomber Crashes North of Boise

Boise, Idaho — (UPI) — A B47 jet bomber on a training flight from its Arizona base crashed in rugged timber-covered mountains about 40 miles north of Boise shortly before last midnight. The three crewmen aboard were believed killed.

The bomber crashed, exploded and started a forest fire.

A fire lookout near the crash site said rescue workers "found parts of bodies" in the scattered wreckage.

Officials at nearby Mountain Home AFB identified the crew members as aircraft commander Lt. Col. Raymond N. McDonald, 40, Eldorado, Tex.; co-pilot Capt. William C. Lebbas, 30, Omaha, Neb.; and navigator Maj. Glen A. McClure, 38, Waverly, Iowa.

The wreckage was scattered over five acres in the mountains near Smiths Ferry. Sixty-five fire fighters battled the blaze touched off by the crash in the rugged fir timber and brush country.

Satellite Launched At Point Arguello

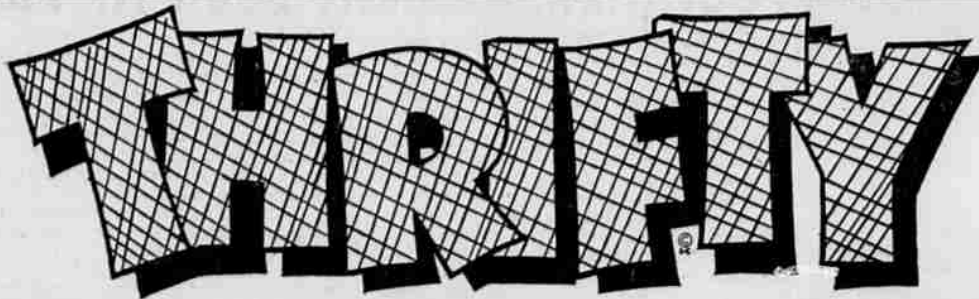
Point Arguello, Calif. — (UPI) — A satellite was launched by the Air Force today with a Blue Scout booster combination rocket.

A tight 18-word announcement from the Air Force followed a strict clampdown on flight information instituted earlier this year. No details of the launch or its program were announced in line with the policy to restrict information on any launch which might be of importance for defense or military purposes.

The Blue Scout is believed to be used in gaining information on radiation. It is listed as a 35,000-pound, 70-foot solid fuel rocket used primarily for high altitude shots and high velocity reentry tests.

The Blue Scout is capable of hurling a 100-pound payload 5,000 miles or more into the sky.

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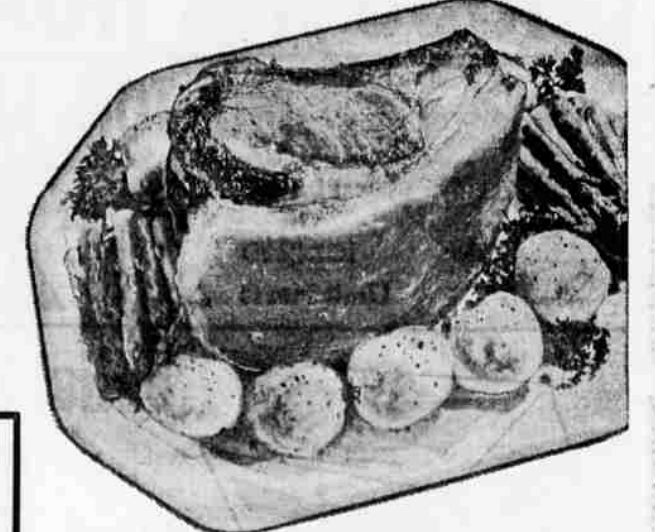
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