

STATE OF MICHIGAN
COURT OF APPEALS

SHIRLEY PATTISON, Personal Representative of
the Estate of MARIE PATTISON, deceased,

UNPUBLISHED
July 27, 2001

Plaintiff-Appellant,

v

STATE OF MICHIGAN and DEPARTMENT OF
TRANSPORTATION,

No. 222949
Court of Claims
LC No. 99-017161-CM

Defendants-Appellees.

Before: Wilder, P.J., and Hood and Griffin, JJ.

MEMORANDUM.

Plaintiff appeals as of right the Court of Claims' order dismissing her complaint based on governmental immunity. We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

The trial court properly dismissed plaintiff's complaint based on governmental immunity. Statutory exceptions to governmental immunity, including the highway exception provided by MCL 691.1402, are to be narrowly construed, in strict accordance with the statutory language. *Nawrocki v Macomb Co Rd Comm*, 463 Mich 143, 158; 615 NW2d 702 (2000). The language of MCL 691.1402(1) limits the liability to the governmental agency having jurisdiction over the specific highway, not to any agencies which might be responsible for regulating some aspect of highway safety. The road in question was under the jurisdiction of the Macomb County Road Commission rather than defendants, so MCL 691.1402(1) simply does not apply to defendants. Furthermore, the language of MCL 691.1402(1) specifically limits defendants' liability to "the improved portion of the highway designed for vehicular travel" and does not include liability arising from the failure to install railroad crossing gates, signals, or other safety devices which fall outside of the improved portion of the highway designed for vehicular travel. *Nawrocki*, *supra* at 173-180.

Affirmed.

/s/ Kurtis T. Wilder
/s/ Harold Hood
/s/ Richard Allen Griffin