

STATE OF MICHIGAN
COURT OF APPEALS

DARLENE WILLIAMS, Personal Representative
of the Estate of JIMMIE RHIMES, JR., Deceased,

UNPUBLISHED
July 30, 2002

Plaintiff-Appellant,

v

CITY OF PONTIAC,

No. 230976
Oakland Circuit Court
LC No. 99-018131-NI

Defendant-Appellee,

and

DETROIT EDISON, MICHIGAN DEPARTMENT
OF TRANSPORTATION, and BEULAH ROSS
RICHARD,

Defendants.

Before: Murray, P.J., and Sawyer and Zahra, JJ.

MEMORANDUM.

Plaintiff appeals as of right from the circuit court's order dismissing her claim against defendant City of Pontiac based on governmental immunity. We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

Plaintiff argues that her claim against the City of Pontiac fell within the highway exception to governmental immunity, MCL 691.1402. We disagree. Liability under the highway exception to governmental immunity is limited to the governmental agency which had jurisdiction over the road at the time of the injury. *Sebring v City of Berkley*, 247 Mich App 666, 684; 637 NW2d 552 (2001). "Only one government agency at a time can have jurisdiction over a highway; there is no concurrent jurisdiction." *Id.* Plaintiff's decedent was injured while crossing Perry Street, a state trunk line highway within the jurisdiction of the Michigan Department of Transportation. There is no suggestion that decedent was injured while walking on an adjacent sidewalk which could be within defendant city's jurisdiction. Since Perry Street

is a state trunk line highway, Pontiac has no jurisdiction over that road and cannot be held liable under the highway exception to governmental immunity.

Affirmed.

/s/ Christopher M. Murray

/s/ David H. Sawyer

/s/ Brian K. Zahra