

BILL ANALYSIS

Senate Research Center
78R8162 DLF-D

S.C.R. 34
By: Wentworth
Jurisprudence
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As Filed

DIGEST

Henry Aratow, James Drinkard, Minerva Drinkard, Peter Kopels, Trudy Leggett, and Tamila Seal allege that the City of Austin is responsible for the maintenance and inspection of a regional detention stormwater management pond, designated as pond #342, for the Slaughter Creek Watershed, in accordance with the City of Austin's Drainage Criteria Manual. On November 14 and 15, 2001, a mild to moderate rainfall fell in Hays and Travis counties, Texas, followed by heavy rainfall on the afternoon of November 15, 2001, and because the drainage grate for pond #342 was improperly constructed, the City of Austin failed to timely remove debris from the pond, and an embankment of the pond was too short, the pond flooded on November 15, 2001. The flooding of the pond resulted in flooding in the Tanglewood Forest Subdivision, causing significant damage, including loss of life. The City of Austin failed to maintain and inspect pond #342 in accordance with the city's Drainage Criteria Manual, including applicable safety criteria, and was aware of dangerous conditions resulting from this failure before and during the flooding on November 15, 2001. During the flooding on November 15, 2001, the City of Austin failed to place barricades across certain areas affected by the flooding, and, as a result of this failure, Nathan Leggett was killed after attempting to drive through the intersection of Alcott Lane and Gwendolyn Lane in the Tanglewood Forest Subdivision. The City of Austin's negligence in maintaining and inspecting pond #342 resulted in bodily injury, death, and property damage for which Henry Aratow, James Drinkard, Minerva Drinkard, Peter Kopels, Trudy Leggett, and Tamila Seal are entitled to recover damages.

PURPOSE

Provides that Henry Aratow, James Drinkard, Minerva Drinkard, Peter Kopels, Trudy Leggett, and Tamila Seal are granted permission to sue the City of Austin in the manner described for a suit against the state under Chapter 107, Civil Practice and Remedies Code, and that the mayor of the City of Austin be served process.