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Youst v. Pennsylvania Dep't of Transp., 739 A.2d 625 (Pa. Commw. Ct. 1999)

Youst v. Pennsylvania Dep't of Transp., 739 A.2d 625 (Pa. Commw. Ct. 1999) (holding that the State Department of Transportation enjoyed sovereign immunity from nuisance claims).

The Yousts owned approximately 170 acres along a state route in Tioga County, Pennsylvania. They operated a restaurant and permitted several mobile home tenants on their property. Two corrugated metal pipes, owned and maintained by the Pennsylvania Department of Transportation ("PennDOT"), conveyed water from the highway and from homes across the highway onto the Youst's property. The homes across from the Youst property on the other side of the highway, had on-lot sewage treatment systems. One of the PennDOT pipes servicing the treatment systems emptied near the Youst's restaurant and well. The other emptied near the mobile homes. The discharge caused flooding, untreated sewage collection, and made the property impassable and unusable. The Yousts notified PennDOT, among other parties, of the unlawful flows through their pipes and the problems caused by the discharges.

The Yousts asserted public and private nuisance claims against PennDOT, as well as claims under the Storm Water Management Act ("Act"). In addition, the Yousts included several ancillary claims against their neighbors. Specifically, they alleged that the untreated sewage combined with the storm water from the highway, caused their property to be impassable by foot or tractor, and prevented them from entering those areas of the property where the sewage collected. In addition, the Yousts alleged that the contaminants from the untreated sewage and the storm water entered the groundwater, which might have been drawn into the well. In response, PennDOT filed preliminary objections on the grounds that sovereign immunity bars actions to compel affirmative acts on behalf of PennDOT to maintain the existing drainage system.

This court held in favor of PennDOT. It explained that sovereign immunity was waived for damages against the Commonwealth arising out of negligent acts. But, that the legislature did not waive immunity for equitable claims. The court then concluded that sovereign immunity barred the private nuisance claim against PennDOT. The court also found that the Act claim was not barred because it sought to abate unlawful conduct under the Act. This claim imposed duties upon landowners and persons who altered or developed land to ensure that such development did not increase the rate of storm water run-off. The Yousts did not state in their claim that any alteration or land developments affected the land's storm water run-off characteristics. Thus, the court concluded that the Yousts failed to state a claim for which relief could be granted. In so holding, the court dismissed claims against PennDOT and transferred the ancillary claims against Youst's neighbors to the Court of Common Pleas.

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