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SUMMARY
October 29, 2026

2026 COA 77

No. 24CA1591, *McBride v. Northeastern Junior College* — Government — Colorado Governmental Immunity Act — Immunity and Partial Waiver — Dangerous Condition of a Public Highway, Road, or Street — Sidewalk

This case requires a division of the court of appeals to determine whether a pathway intended for pedestrian use — located adjacent to a parking lot on a public college’s campus and also near a highway and a campus road — constitutes a “[s]idewalk,” as that term is defined in section 24-10-103(6), C.R.S. 2026, of the Colorado Governmental Immunity Act (CGIA). Because the division concludes that portions of the “sidewalk” definition are ambiguous, it looks to the legislative history to assist with interpreting that provision. In doing so, it concludes that the pedestrian pathway where the plaintiff fell is not a “sidewalk” under the CGIA because (1) the General Assembly did not intend for a parking lot to be a

“public roadway,” something that a “sidewalk” must be a “portion of”; and (2) the pedestrian pathway is not close in proximity to the campus road or highway for the pedestrian pathway to be a portion of those roadways. As a result, the division concludes the district court erred by determining that the public college waived sovereign immunity under section 24-10-106(1)(d)(I), C.R.S. 2026, as the pedestrian pathway is not a “sidewalk” for purposes of the dangerous condition waiver. The division remands the case to the district court to determine whether the public college waived sovereign immunity under other CGIA provisions relied on by the plaintiff.

Court of Appeals No. 24CA1591
Logan County District Court No. 24CV30013
Honorable Charles M. Hobbs, Judge

Gerald E. McBride,

Plaintiff-Appellee,

v.

Northeastern Junior College, a Colorado public community college, and
Colorado Community College System, a political subdivision of the State of
Colorado,

Defendants-Appellants.

ORDER REVERSED AND CASE
REMANDED WITH DIRECTIONS

Division V
Opinion by JUDGE JOHNSON
Welling and Grove, JJ., concur

Announced October 29, 2026

Thomas E. Napp, P.C., Thomas E. Napp, Lakewood, Colorado, for Plaintiff-Appellee

Philip J. Weiser, Attorney General , Frederick C. Haines, Senior Litigation Counsel and Assistant Solicitor General, Denver, Colorado, for Defendants-Appellants

Ramos Law, Spencer B. Aitken, Northglenn, Colorado for Amicus Curiae Colorado Trial Lawyers Association

¶ 1 This case requires us to determine whether a pathway intended for pedestrian use — located adjacent to a parking lot on a public college’s campus and also near a highway and a campus road — constitutes a “[s]idewalk,” as that term is defined in section 24-10-103(6), C.R.S. 2026, of the Colorado Governmental Immunity Act (CGIA). We conclude that the pathway is not a “sidewalk” for CGIA purposes and remand the case for the court to determine whether it falls within the other CGIA waivers raised below.

¶ 2 Plaintiff, Gerald E. McBride (McBride), sued defendants, Northeastern Junior College (Northeastern) and the Colorado Community College System (collectively, the defendants), under the CGIA after he tripped on and was injured by falling on a pathway located on Northeastern’s campus. In denying the defendants’ request to dismiss McBride’s complaint, the district court determined that the defendants waived immunity. It reasoned that section 24-10-106(1)(d)(I), C.R.S. 2026, authorizes a waiver of immunity for a “dangerous condition” on “any public . . . sidewalk” and that the pedestrian pathway where McBride fell is a qualifying “sidewalk” with a dangerous condition due to a misaligned slab.

¶ 3 The defendants appeal, contending that the district court erred because it (1) relied on a “common sense” definition of a “sidewalk” instead of the CGIA’s statutory definition; (2) shifted the burden of proof to the defendants to prove that where McBride tripped is not a sidewalk; and (3) concluded that the misaligned slab on the pathway constituted a dangerous condition.

¶ 4 We agree with the defendants that the court erred by finding that the pedestrian pathway is a sidewalk as defined under the CGIA. In reaching its conclusion, the district court did not account for the statutory language defining a sidewalk as “that *portion of a public roadway* between the curb lines or the lateral lines of the traveled portion and the adjacent property lines which is constructed, designed, maintained, and intended for the use of pedestrians.” § 24-10-103(6) (emphasis added).

¶ 5 But we also conclude that the statute is ambiguous, particularly with respect to what constitutes a “public roadway,” which the sidewalk must be a “portion of” based on the CGIA’s definition. *Id.* Based on our review of the legislative history, we determine that a parking lot is not a “public roadway” for purposes of the CGIA. We likewise conclude that the pedestrian pathway is

not a sidewalk under the CGIA because it is not close in proximity to any curb lines or lateral lines of the traveled portion of a “public roadway.” This, in turn, leads us to determine that sovereign immunity was not waived on this ground. As a result, we need not address the defendants’ other arguments on appeal

¶ 6 But McBride also asserted that the defendants waived immunity under the CGIA because the pedestrian pathway where he fell is (1) a public facility that is part of a recreation center under section 24-10-106(1)(e) or (2) part of the exit of a public building under section 24-10-106(1)(c). Because the court did not rule on McBride’s other waiver contentions, we remand the case to the district court for further proceedings.

I. Background

¶ 7 Northeastern has a campus gym with a parking lot adjacent to it. Below is a photograph depicting the campus gym (which is the long rectangular building on the left side of the photograph with three rectangular structures jutting out from the right-hand side) with the parking lot below it. On the left side of the campus gym and parking lot is U.S. Highway 138.¹

The Location of McBride's Fall



¶ 8 On the day of the incident, McBride attended a public event at the campus gym. When leaving, he walked on the pathway —

¹ This aerial photograph (and the one included further below in this opinion) have been cropped and labeled for our analysis.

identified with an arrow that we added to the photograph — and his right foot caught on the edge of a concrete slab that had sunk approximately two and a half inches below the rest of the path. He fell, sustaining injuries.

¶ 9 McBride sued the defendants, seeking over \$100,000 in damages. The defendants filed a motion to dismiss, asserting governmental immunity. As part of the briefing, McBride requested a hearing. At the hearing, McBride presented evidence that the defendants had waived immunity because the pathway where he fell constitutes a sidewalk under the CGIA.

¶ 10 At the close of the hearing, the court requested that the parties brief whether the misaligned slab on the pedestrian pathway constituted a “dangerous condition,” as that term is used in the CGIA. The court told the parties that it would issue a written ruling resolving whether the defendants had waived immunity under the two other CGIA exceptions McBride had pled. But the court did not address these exceptions. Instead, it denied the defendants’ motion to dismiss on the sole ground that immunity had been waived because McBride fell on a sidewalk, as that term is defined under the CGIA, and that the misaligned slab was a dangerous condition.

The defendants now appeal the district court’s finding that the pathway is a sidewalk under the CGIA.

II. Standard of Review and Applicable Law

¶ 11 “Governmental immunity implicates issues of subject matter jurisdiction that are determined in accordance with C.R.C.P. 12(b)(1).” *St. Vrain Valley Sch. Dist. RE-1J v. A.R.L.*, 2014 CO 33, ¶ 9. When, as here, “the facts are undisputed and the only issue is one of statutory interpretation, we review the district court’s ruling de novo.” *Smokebrush Found. v. City of Colorado Springs*, 2018 CO 10, ¶ 17. “[O]ur primary task is to ascertain and give effect to the legislature’s intent” *St. Vrain*, ¶ 10. “We seek to effectuate legislative intent by construing the statute as a whole, giving consistent, harmonious, and sensible effect to all of the statute’s parts.” *Id.*

¶ 12 When “a statute is unambiguous, we give effect to the statute’s plain and ordinary meaning and look no further.” *Daniel v. City of Colorado Springs*, 2014 CO 34, ¶ 12. On the other hand, if the statute is ambiguous, we may employ other tools of statutory interpretation to determine legislative intent. *Id.* Such tools may include consideration of “the intent of those who adopted the

provision, the circumstances of its adoption, and the possible consequences of different interpretations.” *Mostellar v. City of Colorado Springs*, 2026 CO 22, ¶ 18; *see also* § 2-4-203, C.R.S. 2026 (listing factors that a court may consider in determining legislative intent when a statute is ambiguous). “A provision is ambiguous when it is reasonably susceptible of multiple interpretations.” *Mostellar*, ¶ 18. A statute is not ambiguous simply because the parties have differing interpretations of the terms; instead, “an ambiguity exists only if both parties’ interpretations are reasonable.” *OnePutt Liquors, LLC v. Colo. Dep’t of Revenue*, 2026 COA 26, ¶ 14.

¶ 13 Because the CGIA derogates Colorado’s common law, we strictly construe the CGIA’s immunity provisions and broadly construe its waiver provisions. *Smokebrush Found.*, ¶ 22.

III. Analysis

¶ 14 “[S]overeign immunity generally bars any action against a public entity for injuries that lie in tort or could lie in tort.” *Id.* at ¶ 20. But as relevant here, the CGIA waives sovereign immunity for a “dangerous condition” of

any public . . . *sidewalk* within the corporate limits of any municipality, or of any highway which is a part of the federal interstate highway system or the federal primary highway system, or of any highway which is a part of the federal secondary highway system, or of any highway which is a part of the state highway system on that portion of such highway, road, street, or sidewalk which was designed and intended for public travel or parking thereon.

§ 24-10-106(1)(d)(I) (emphasis added).

¶ 15 The CGIA defines a sidewalk as “that *portion of a public roadway* between the curb lines or the lateral lines of the traveled portion and the adjacent property lines which is constructed, designed, maintained, and intended for the use of pedestrians.”

§ 24-10-103(6) (emphasis added). This definition has two parts.

First, a sidewalk must have one side by the “traveled portion” of the “public roadway” and the other side “adjacent” to the “property lines.” And second, a sidewalk must be “constructed, designed, maintained, and intended for the use of pedestrians.” *Id.*

¶ 16 It is undisputed that the pathway in question meets the second part of the statutory definition — it allows for pedestrian access to the campus gym and the adjacent parking lot. Thus, it was “constructed, designed, maintained, and intended for the use of

pedestrians.” *Id.* This is where the district court ended its inquiry. But we must also determine whether the pathway meets the first part of the definition. To that end, the pathway only qualifies as a sidewalk under the CGIA if one side of it is also a “portion of a public roadway.” *Colucci v. Town of Vail*, 232 P.3d 218, 220 (Colo. App. 2009). This presents two separate questions:

1. What is a “public roadway”?
2. When is a pedestrian pathway a “portion of” that public roadway?

¶ 17 As we explain below, we find the answers to both questions uncertain based on the CGIA’s ambiguous language. Accordingly, we look to the legislative history to discern whether the pathway at issue constitutes a “portion of a public roadway” and conclude that it does not. *See Mostellar*, ¶ 18.

A. Ambiguous Meaning of “Public Roadway”

¶ 18 The first ambiguity we encounter is with the term “public roadway,” which is not defined in the CGIA. *See, e.g., Colucci*, 232 P.3d at 220. But in *Bloomer v. Board of County Commissioners*, the supreme court found immunity is waived under section 24-10-106(1)(d)(I) for four types of roads: (1) “any public highway, road,

street, or sidewalk within the corporate limits of any municipality”; (2) “any highway which is a part of the federal interstate highway system or the federal primary highway system”; (3) “any highway which is a part of the federal secondary highway system”; or (4) “any highway which is a part of the state highway system on that portion of such highway, road, street, or sidewalk which was designed and intended for public travel or parking thereon.” 799 P.2d 942, 945 (Colo. 1990) (quoting § 24-10-106(1)(d)(I)), *overruled on other grounds by Bertrand v. Bd. of Cnty. Comm’rs*, 872 P.2d 223 (Colo. 1994). Based on the four types of roads included in the CGIA, *Bloomer* determined that county roads were not included in the dangerous condition waiver. *Id.*

¶ 19 Divisions of this court have discussed the categories enumerated in *Bloomer* and explained that, because of the technical nature of the categories, “no ‘ordinary meaning’ may be ascribed to them.” *Stanley v. Adams Cnty. Sch. Dist. 27J*, 942 P.2d 1322, 1324 (Colo. App. 1997). The divisions have come to different conclusions based on their understandings of a “public roadway.”

¶ 20 For example, in *Stanley*, *id.* at 1325, the division reasoned that a driveway that serviced a public high school cafeteria was not

“a public road” because the driveway “solely benefit[ed] the property on which it [was] located and d[id] not provide a means by which a person may access another property or road as might be the case with a typical public highway, road, or street.” It further rejected an argument that the service driveway could be a “public roadway” because it was perpendicular to the adjoining sidewalk, which ran parallel with another roadway. In reaching its conclusions, the division relied on various definitions of “roadway” set forth in Colorado’s Uniform Motor Vehicle Law (motor vehicle law). *Id.* at 1324.

¶ 21 Over a decade later, a different division in *Colucci* revisited *Stanley*, rejecting *Stanley*’s reliance on the motor vehicle law “to supplement a term clearly defined in the CGIA.” *Colucci*, 232 P.3d at 220. It also diverged from *Stanley*’s view that the “public roadway” must run parallel to the pedestrian portion of the sidewalk. *Id.* at 221. Instead, *Colucci* seemingly found “public roadway” unambiguous and concluded that “the General Assembly intended th[at] term . . . (a highway designed for vehicular travel) to include the portion intended for pedestrian use.” *Id.* Thus, it concluded that a pedestrian overpass located above and

perpendicular to a highway was a “sidewalk” because “the dispositive factor [wa]s whether the pathway crosses an adjacent property line, and not whether [the public roadway] is parallel or perpendicular to [the pedestrian pathway].” *Id.*

¶ 22 Later, in *Trujillo v. Regional Transportation District*, 2018 COA 182, ¶ 14, another division distinguished a “bus turnaround” from the driveway in *Stanley*. The *Trujillo* division did not address how *Stanley* defined “public roadway,” nor did it address *Colucci*’s departure from that definition. Instead, the *Trujillo* division focused its analysis on the purpose of the bus turnaround, determining that it was a “portion of a public roadway.” *Id.* at ¶ 9 (quoting § 24-10-103(6)). It reasoned that, unlike the driveway in *Stanley*, the turnaround was specifically “designed for public use” (even though only certain vehicles were authorized to use it), it was “designed to serve the general public,” and it was a “necessary link in the transportation system.” *Id.* at ¶¶ 14-15. Consequently, the division concluded that the bus turnaround was a public roadway. *Id.*

¶ 23 We are unable to discern a cohesive interpretation of “public roadway” that reconciles the approaches taken in these three cases. If the *Trujillo* division is correct that a “public roadway” need not

even be generally open to motorists, then it is not at all clear what would *not* qualify as such. And *Stanley* and *Colucci* offer little additional guidance because they expressly disagree with each other as to whether the “public roadway” must run parallel with, or can instead be perpendicular to, the pedestrian pathway. Given the lack of a statutory definition and the inconsistent approaches between these three cases, we have little trouble concluding that the term “public roadway,” as used in the CGIA’s definition of “sidewalk,” is ambiguous. See *Mostellar*, ¶ 18.

B. Ambiguous Meaning of a “Portion of”

¶ 24 The next interpretative question we are presented with is the term “portion of” in section 24-10-103(6)’s definition of “[s]idewalk,” which says a sidewalk is “that portion of a public roadway between the curb lines or the lateral lines of the traveled portion [of a public roadway] and the adjacent property lines.” § 24-10-103(6). But the definition says nothing about *how far* a sidewalk may or must be from the road’s “traveled portion.” To the contrary, it provides only that one side of the sidewalk must be by a “traveled portion” and the other side must be adjacent to “property lines.” A typical city grid layout, in which a “public roadway” runs down the middle

between two pedestrian pathways on either side and property lines of houses or businesses adjacent to the pathways, appears to be the CGIA’s quintessential concept of a “sidewalk.” But not all pedestrian pathways are laid out in such a manner.

¶ 25 As discussed above, the *Colucci* division solved this conundrum by determining that the adjacent property line could be “parallel or perpendicular” to the public roadway. 232 P.3d at 221. But that approach offers little assistance in this case because, while the CGIA provides that a sidewalk must be *adjacent* to the property lines, it offers no guidance as to the sidewalk’s position in relation to the “traveled portion” of a public roadway, nor does the statute give any guidance as to any distance parameter. In other words, because the overpass in *Colucci* was directly above the public roadway, the case left open the question of whether a sidewalk must be *directly adjacent* to the traveled portion to be considered a “portion of” that public roadway. The CGIA’s plain language does not provide any definitive answer to this ambiguity either. See *Mostellar*, ¶ 18. As a result, we conclude that the meaning of a “portion of a public roadway” within the statutory definition of “sidewalk” is ambiguous and, thus, turn to the legislative history.

C. Legislative History

¶ 26 The General Assembly added the definition of “sidewalk” to the CGIA in House Bill 92-1291. *See* Ch. 172, sec. 1, § 24-10-103(6), 1992 Colo. Sess. Laws 1115-16. As introduced, H.B. 92-1291 included a definition of “public roadway” in section 24-10-103(6), as “a sidewalk or that portion of a paved or unpaved public highway, road, or street which is designed and intended for travel by motor vehicles and which is located within the corporate limits of any municipality or is part of the federal interstate highway system, the federal primary highway system, or the federal secondary highway system or a part of the state highway system.” H.B. 92-1291, 58th Gen. Assemb., 2d Reg. Sess. (Colo. 1992) (as introduced, Feb. 17, 1992). This language, though slightly modified, was then removed from section 24-10-106(1)(d)(I). The sponsor of the bill, Representative Fleming, noted during the House’s second reading of the bill on February 27, 1992, that the concept of a “public roadway” was not changing but was instead being moved into its own subsection.

¶ 27 Shortly thereafter, however, the Senate Local Affairs Committee deleted the standalone definition of “public roadway”

and put all the language back in section 24-10-106(1)(d)(I) — where it remains today. Hearing on H.B. 92-1291 before the S. Loc. Affs. Comm., 58th Gen. Assemb., 2d Reg. Sess. (March 11, 1992). Also on that date, testimony from the bill sponsor before the same Senate committee confirmed that the term “public roadway” was to remain consistent with the supreme court’s opinion in *Bloomer*, which, as we discussed above, identified four different types of roads covered by the “dangerous condition” waiver. 799 P.2d at 945.

D. Discussion

¶ 28 There are two ways in which we can assess whether the pathway where McBride fell is a “portion of” a “public roadway.” We could consider whether the parking lot itself is a public roadway. Alternatively, we could determine whether the campus road and highway that the parking lot leads to are public roadways. Either analytical approach reveals ambiguities, but the problems are resolved, in part, by our review of the legislative history.

1. Parking Lot as a “Public Roadway”

¶ 29 For three reasons, we discern from the legislative history that a parking lot is not a public roadway.

¶ 30 First, section 24-10-106(1)(d) speaks of roads and streets in terms of thoroughfares, whether paved or unpaved, within the corporate limits of a municipality or part of the federal or state highway systems. This reading is consistent with *Bloomer's* interpretation that there were, and remain, four types of roads identified in the CGIA. See *Bloomer*, 799 P.2d at 945. And a parking lot is not a thoroughfare, even if it does facilitate public travel.

¶ 31 Second, even though the phrase “parking thereon” is included in section 24-10-106(1)(d)(I) of the dangerous condition provision, it must be read in context. The entire provision uses the word “such,” which refers to “the character, quality, or extent previously indicated or implied.” Merriam-Webster Dictionary, <https://perma.cc/7MNY-JPUZ>. The relevant language of subsection (1)(d)(I) ends with “on that portion of *such* highway, road, street, or sidewalk which was designed and intended for public travel or parking *thereon*.” (Emphasis added.) In this context, “thereon” is defined as “on the thing that has been mentioned.” Cambridge Dictionary, <https://perma.cc/KC6E-LA5H>. In other words, “parking thereon” is limited to places where motor

vehicles travel, which includes a “highway, road, street, or sidewalk” — i.e., the things previously mentioned — and not a parking lot.

¶ 32 We acknowledge that the General Assembly kept the word “sidewalk” in section 24-10-106(1)(d)(I), which adds confusion given that it is not only its own defined term, but sidewalks are also generally not places where motor vehicles travel. To give effect to the meaning of “sidewalk” consistent with its definition and as it appears in section 24-10-106(1)(d)(I), however, a municipality may be liable for dangerous conditions on sidewalks, but only if they meet the definition of section 24-10-103(6).

¶ 33 As part of the 1992 legislative history, the General Assembly confirmed that its amendments maintained the dangerous condition waiver for sidewalks as understood in *City of Aspen v. Meserole*, 803 P.2d 950, 955 (Colo. 1990). Hearing on H.B. 92-1291 before the S. Loc. Affs. Comm., 58th Gen. Assemb., 2d Reg. Sess. (March 11, 1992). In that case, the supreme court determined that “public entities are liable for dangerous conditions on sidewalks, whether it is people or vehicles that are traveling upon them.” *Meserole*, 803 P.2d at 955. *Meserole* interpreted “public travel” in

section 24-10-106(1)(d)(I) to mean either pedestrian or motor vehicle travel. *Id.* Not addressed in *Meserole*, though, was whether “public travel” meant something different depending on whether it occurred on a “public roadway” or a “sidewalk” because the term “sidewalk” was not a separately defined term in the CGIA at the time.

¶ 34 Now, with the CGIA’s definition of “sidewalk,” the General Assembly appears to contemplate public travel having two meanings. We conclude that when the CGIA is referring to a public roadway, public travel means travel by motor vehicles. But when referring to a sidewalk, public travel means travel by pedestrians. *See Elder v. Williams*, 2020 CO 88, ¶ 18 (explaining that courts should look to the entire statutory scheme to give consistent, harmonious, and sensible effect to all its parts, and avoid constructions that would render words or phrases superfluous or lead to illogical or absurd results).

¶ 35 Thus, returning to section 24-10-106(1)(d)(I), the relevant language in that provision ends with “on that portion of such highway, road, street, or sidewalk which was designed and intended for public travel or parking thereon.” We give consistent, harmonious, and sensible effect to “public travel” by interpreting it

to mean vehicle travel when referring to a road and pedestrian travel when referring to a sidewalk. *See People v. Swain*, 959 P.2d 426, 429 (Colo. 1998) (“The General Assembly may furnish its own definitions of words and phrases in order to guide and direct judicial determination of the intendments of the legislation although such definitions may differ from ordinary usage.”). We note that a portion of a sidewalk may, at times, have vehicle travel, such as if a sidewalk leads to a driveway, similar to *Stanley*. But “public travel” on a sidewalk must generally mean foot traffic, as the definition of sidewalk contemplates that the pathway was “constructed, designed, maintained, and intended for the use of pedestrians.” § 24-10-103(6); *see also Union Pac. R.R. Co. v. Martin*, 209 P.3d 185, 189 (Colo. 2009) (“[I]t is a well-accepted tenet of statutory construction that in the absence of a contrary indication, statutes should be construed to assume the existence of other parts of the same statutory scheme and create a single, harmonious whole.”).

¶ 36 Third, because the General Assembly agreed with *Bloomer’s* holding that county roadways were not intended to be included in the definition of “public roadway,” *see* 799 P.2d at 945, we are in the unusual position that the General Assembly has indicated how

we should construe the sidewalk waiver in section 24-10-106(1)(d)(I), which does not include other types of places in which a motor vehicle may travel, such as parking lots, *see Smokebrush Found.*, ¶ 22 (noting that we generally are required to broadly construe the CGIA waiver exceptions).

¶ 37 We recognize that our reasoning — and conclusion — diverges from *Trujillo*. *See First Citizens Bank & Tr. Co. v. Stewart Title Guar. Co.*, 2014 COA 1, ¶ 39 (although we give deference to other holdings by this court, we are not bound by another division’s holding). Indeed, the parking lot is not only a gateway to other parts of the Northeastern campus, but it also connects to a campus road that exits to U.S. Highway 138. Under the *Trujillo* division’s reasoning, it may be a public roadway because it serves the general public and is a “necessary link” to the public transportation system. *Trujillo*, ¶ 14. But we reject *Trujillo*’s rationale that the dispositive criteria to be a “public roadway” under the CGIA are that it serves the general public and is a “necessary link” to the public transportation system, as such considerations are overly broad. Therefore, we conclude that the pedestrian pathway where McBride fell is not a sidewalk for purposes of the CGIA because it was adjacent to a parking lot,

which the General Assembly did not intend to be considered a “public roadway.”

2. Between Curb Lines or Lateral Lines as “Public Roadway”

¶ 38 That leaves us with our second question of whether the pedestrian pathway is a sidewalk under the CGIA because, despite being separated by a parking lot, it is between the curb lines or lateral lines of a traveled portion of a public roadway. To give context to our analysis, we use another photograph, this one with the campus gym now in the lower left-hand corner of the image, with the parking lot above it. We have labeled the photograph below as follows: (1) the area where McBride fell is “A”; (2) the parking lot, located above the gym, is “B”; (3) the campus road located at the top of the parking lot is “C”; and (4) U.S. Highway 138, running diagonally on the left side of the parking lot, is “D.”



Locations of the Fall, Parking Lot, Campus Road, and Highway

¶ 39 We have already concluded that, unlike the property line (which makes up one side of the sidewalk), the General Assembly has not dictated that the curb lines or lateral lines of the traveled “portion of” the “public roadway” need to be adjacent to the pedestrian pathway. This leads us to the question of how far away the public roadway’s curb lines or lateral lines may be from the pedestrian pathway before it is considered too far? In this case, we need not decide whether the pedestrian pathway must be some

definitive distance between the curb lines or lateral lines of the traveled portion of the public roadway.

¶ 40 This is because, based on the above picture, the pedestrian pathway (A) is not lateral to any possible public roadway.

Specifically, assuming the campus road (C) is considered a “public roadway” under the CGIA — i.e., to qualify, the campus road must be a municipal public highway, road, street, or sidewalk or part of the federal or state highway systems — the pathway does not fall between the curb lines or lateral lines of the traveled portion.

Likewise, while it is undisputed that U.S. Highway 138 is a public roadway under the CGIA, the pedestrian pathway (A) is not between the curb lines or lateral lines of the traveled portion of the highway (D).

¶ 41 Given the multiple steps we undertook to parse out the statutory definition of “sidewalk,” we understand why the district court opted for a layperson’s reading of the statute.² But McBride’s interpretation of “sidewalk” would lead to the same overly broad

² As noted, divisions of this court have issued different interpretations of the CGIA’s sidewalk definition, some of which are inconsistent with each other. It may be time for the General Assembly to revisit its sidewalk definition.

reasoning from *Trujillo*'s analysis that we have rejected: Any pedestrian pathway that might be geographically located perpendicular to or parallel with a public roadway could be the "portion of" one side to a sidewalk no matter what structures might be located between the pedestrian pathway and "public roadway."

¶ 42 Based on the General Assembly's precise definition of the term "sidewalk," we decline to interpret the terms "portion of" and "public roadway" so broadly because the definition of "sidewalk" would become meaningless. *See Stanley v. Dist. Att'y*, 2017 COA 33, ¶ 25 ("In interpreting statutes, we must construe the language so as to give effect to every word, and we cannot adopt a construction that renders any term superfluous or meaningless."); *see also Swain*, 959 P.2d at 429 ("The General Assembly may furnish its own definitions of words and phrases in order to guide and direct judicial determination of the intendments of the legislation although such definitions may differ from ordinary usage.").

¶ 43 Instead, we conclude that the pedestrian pathway must be close in proximity to the curb lines or lateral lines of the "traveled portion of" the "public roadway" for the pedestrian pathway to make up one side of a "sidewalk." The pedestrian pathway where McBride

fell is not close in proximity to any curb lines or lateral lines of the traveled portion of the campus road (C) or U.S. Highway 138 (D).

Our analysis can be reconciled with *Colucci*. As we mentioned, the pedestrian pathway in that case was above the public roadway, so the overpass — the “sidewalk” — was perpendicular to the traveled portions of the highway. Thus, under our analysis, the overpass was close in proximity to the curb lines or lateral lines of the traveled portion of the public roadway. See *Colucci*, 232 P.3d at 221.

¶ 44 Because we have determined that the pedestrian pathway where McBride fell is not close in proximity to any curb lines or lateral lines of a public roadway, as we have interpreted that term in the CGIA, we need not decide whether the pedestrian pathway’s other side is even a property line. In other words, we need not decide whether the other side of the pedestrian pathway is simply part of Northeastern’s campus so there exists no “adjacent property line.”

¶ 45 Therefore, the district court erred by denying the defendants’ motion to dismiss, as the defendants have not waived sovereign immunity under the CGIA’s definition of sidewalk.

IV. Conclusion

¶ 46 The order is reversed, and the case is remanded to the district court to determine whether the defendants waived sovereign immunity under the other CGIA provisions relied on by McBride.

JUDGE WELLING and JUDGE GROVE concur.