

## The Federal Employers' Liability Act and Personal Injury Law

What is the FELA?

In 1908, Congress passed the Federal Employers' Liability Act (FELA). This law assures a railroad employee a safe work place and gives them and their families the right to recover compensation if injured in a railroad related accident. Many railroad workers have been led to believe that when a person is hurt on the job he/she is entitled only to "compensation." Most Railroad Claim Department agents usually tell injured workers that "compensation" is a percentage of the time or wages lost. This is not true. The idea that an injured railroad worker is entitled only to wages lost is not only false, but generally such a notion proves costly to the worker and family. The fact of the matter is that railroad employees injured through the fault of the carriers are usually entitled under the law to receive much more than their lost time or wages.

When an employee of an interstate railroad is injured (or killed) at work, he/she or the survivors come under the protection of a law of Congress known as the Federal Employers' Liability Act. Under this Act an injured railroad worker is entitled to recover not only the time or wages lost. He/she is, in addition, entitled to be paid all of the expenses for medical treatment, for pain and suffering undergone, and for any permanent injury, whether partial or total. If killed on the job, survivors are entitled to recover all damages, without any limit upon the amount, which they have suffered as a result.

How FELA works

A railroader is entitled to recover damages (the amount will depend on the extent of injuries) from his company under the U.S. Federal Employers' Liability Act, if the following facts exist:

(1) When the road he/she works for is engaged, even in small part, in interstate commerce; that is, it either runs across state lines or handles interstate freight.

(2) When injury to the worker is the result – even in part – of the negligence (carelessness) of any officer, agent or employee of the railroad. Or the injury is caused by any defect in the cars, engines, appliances, machinery, track, roadbed, or any other unsafe working conditions.

The railroads, under the law, have a duty to provide safe places of work for their employees. They must also provide safe equipment, tools and proper working conditions for them. If any railroad fails to take these safety measures, or if the employee is injured through the carelessness of any other employee, the railroad is held responsible. It is liable to the worker for any injuries or damages he/she may suffer as a result.

Train Safety Tips

For both railroad employees and the general public, safety should be of the utmost importance around trains. Because of their size, a train can cause significant damage to almost anything it comes into contact with. A few general safety tips are listed below:

- Trains cannot stop quickly. A typical train with 100 railcars can weigh up to 6,000 tons. An object this large moving at 55 mph will need at least a mile to make an emergency stop.
- The safety zone for pedestrians and works should be well beyond the rails, as trains can extend three feet or more out from the tracks.
- Approaching trains are much quieter than in the past, with no "clickety-clack" noise anymore.
- Cross train tracks only at designated crossings.
- Trains do not always follow a set schedule, so expect a train at any time, at any crossing.

The information you obtain from this article is not, nor is it intended to be, legal advice. You should consult an attorney for individual advice regarding your own situation.

### About the Author

A [personal injury attorney or lawyer in Minneapolis MN](#) at a local law firm can provide you with an experienced [accident lawyer or attorney in Minnesota](#).