

DISTRICT OF COLUMBIA COURT OF APPEALS

Walter G. Herndon v. National Railroad Passenger Corporation

814 A.2d 934 (D.C. 2003) · No. 01-CV-1349 · Decided January 16, 2003

SUMMARY

The District of Columbia Court of Appeals affirmed summary judgment for Amtrak in a Federal Employers’ Liability Act negligence action brought by an injured conductor. The court held that federal railroad speed regulations controlled claims based on endemic, long-term track conditions and that the plaintiff had not shown a particularized immediate hazard falling within the relevant exception.

CASE DETAILS

COURT	District of Columbia Court of Appeals
WRITING FOR THE COURT	Steadman, Associate Judge; Farrell, Associate Judge; Newman, Senior Judge
JURISDICTION	District of Columbia
DECIDED	January 16, 2003
DOCKET	01-CV-1349
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal from an order granting summary judgment to Amtrak in an employee's negligence action under the Federal Employers' Liability Act.
STANDARD OF REVIEW	De novo review of a grant of summary judgment, viewing the facts in the light most favorable to the nonmoving party.
PRECEDENTIAL VALUE	Published opinion; precedential District of Columbia Court of Appeals decision.
PARTIES	Walter G. Herndon v. National Railroad Passenger Corporation

TOPICS

- negligence
- personal injury
- federalism
- statutory interpretation

PRACTICE AREAS

- torts
- employment law
- railroad liability
- federalism

QUESTIONS PRESENTED

1. Whether FRSA speed regulations barred Herndon's FELA claim that the train was traveling at an excessive speed because of endemic, long-term track conditions.
2. Whether Herndon presented evidence bringing his claim within the Easterwood exception for a specific, individual hazard requiring the train to slow or stop.
3. Whether the trial court properly granted summary judgment to Amtrak.

HOLDINGS

1. When a train operates within the speed limit established under the Federal Railroad Safety Act, the federal speed limit is determinative and bars a FELA excessive-speed claim based on hazards or conditions endemic and long-term to the track.
2. The Easterwood exception is limited to a specific, individual, immediate hazard requiring the train to slow or stop; general knowledge of a chronically dangerous or rough track condition does not qualify.
3. Summary judgment for Amtrak was proper because, even viewing the evidence in Herndon's favor, he presented no facts showing that a specific immediate track defect caused the injury or required Amtrak to reduce speed.

KEY QUOTATIONS

"We affirm, holding that under CSX Transp., Inc. v. Easterwood, 507 U.S. 658, 113 S.Ct. 1732, 123 L.Ed.2d 387 (1993), the speed limit set by the federal authorities was determinative with respect to any endemic long-term track conditions and that Herndon had proffered no evidence to show that Amtrak was on notice of any particularized immediate track defect." (814 A.2d at 935)

"We must conclude that Herndon's claims are barred by the FRSA. Accordingly the order of the trial court granting summary judgment in favor of Amtrak is Affirmed." (814 A.2d at 939)

FACTUAL BACKGROUND

Herndon, an Amtrak conductor, was injured when his train lurched violently and unexpectedly near milepost 97 in the Baltimore-Potomac Tunnel. He claimed that the train was traveling too fast under the circumstances despite being within the federally authorized speed limit and that Amtrak had failed to inspect, detect, and repair track defects. The evidence showed that rough rides and lurching at the location were longstanding and generally known, but did not identify a recent, particularized defect or immediate hazard of which Amtrak should have been aware.

PROCEDURAL HISTORY

Herndon, an Amtrak conductor, sued Amtrak under FELA after his train lurched in the Baltimore-Potomac Tunnel. The trial court granted Amtrak summary judgment, concluding that Herndon had not presented sufficient evidence to avoid the effect of the federal speed regulations. The District of Columbia Court of Appeals affirmed.

DISPOSITION

affirmed

CASES CITED

- Boulton v. Institute of International Education, 808 A.2d 499 (D.C. 2002)
- CSX Transp., Inc. v. Easterwood, 507 U.S. 658 (1993)
- Waymire v. Norfolk & Western Ry. Co., 218 F.3d 773 (7th Cir. 2000), cert. denied, 531 U.S. 1112 (2001)
- Lane v. R.A. Sims, Jr., Inc., 241 F.3d 439 (5th Cir. 2001)
- Rice v. Cincinnati, New Orleans & Pacific R.R. Co., 955 F. Supp. 739 (E.D. Ky. 1997)
- Thirkill v. J.B. Hunt Transportation, Inc., 950 F. Supp. 1105 (N.D. Ala. 1996)
- Missouri Pacific R.R. Co. v. Lemon, 861 S.W.2d 501 (Tex. Ct. App. 1993)
- Armstrong v. Atchison, Topeka & Santa Fe Ry. Co., 844 F. Supp. 1152 (W.D. Tex. 1994)
- Herriman v. Conrail, Inc., 883 F. Supp. 303 (N.D. Ind. 1995)
- O'Bannon v. Union Pacific R.R. Co., 960 F. Supp. 1411 (W.D. Mo. 1997)
- Beausoleil v. National R.R. Passenger Corp., 145 F. Supp. 2d 119 (D. Mass. 2001)