

Preventable Train Accidents: Personal Injury Lawsuits May Provide Relief

If you've been involved in a train accident, call The Law Offices of Thomas J. Lavin at (561) 557-4546 right away for a free consultation.

WEST PALM BEACH, FLORIDA, UNITED STATES, February 19, 2018 /EINPresswire.com/ -- On February 4, 2018, an Amtrak Silver Star train traveling to Miami, Florida collided with a CSX freight train in South Carolina, killing two crew members and injuring more than 100 passengers.

On January 31, 2018, an Amtrak train carrying Republican lawmakers from Washington, D.C. to West Virginia collided with a garbage truck stalled on the tracks. The person in the truck was killed, and six people were injured.

On December 18, 2017, the new Amtrak Cascades train line in Washington State failed to slow down when approaching a 30 mph turn. The train, going 80 mph, derailed killing three people and injuring more than 80.

These major Amtrak train incidents, killing six people and injuring many more, occurred only over the last three months. Many other recent major accidents come to mind when thinking about train derailments, such as the New Jersey Transit train that did not slow down and drove into the Hoboken Train Station. Recall also the Amtrak crash near Philadelphia in 2015, in which the train derailed as it sped through a sharp curve, killing eight people.



Train accidents do not always include derailments. Take, for example, the Brightline train in Broward County. Over the last year, a Brightline train has hit a pedestrian or bicyclist four separate times. As

another example, take the person who was struck by a falling metal pole when walking in a Washington D.C. Metro station. The metal pole was being used to close an area of the Metro station, and it had become dislodged. The accident resulted in traumatic brain injury to the pedestrian. It was an injury so serious that he could not return to work for the foreseeable future.

What Could Have Been Done to Prevent These Accidents?

With regard to the Brightline train example, it appears that the Brightline operation employed barriers to alert pedestrians and cyclists to oncoming trains. Some of the pedestrians and cyclists were injured or killed because they were trying to “beat the train.” In a handful of cases, the fatality was deemed a suicide. However, it does appear that more work needs to be done to foster a culture that respects signage and alerts around the Brightline train.

With regard to the Washington D.C. Metro accident, it appears that pure negligence caused that terrible result. In fact, the victim instituted a \$50 million lawsuit against the Metro authority for failing to properly inspect and maintain the Metro station.

Finally, with regard to the many train derailments and spills we hear about in the news, three words are constantly repeated: [Positive Train Control](#).

Positive Train Control

Positive Train Control (PTC) is technology that reliably and functionally prevents train-to-train collisions, over-speed derailments, incursions into established work-zone limits, and the movement of a train through a main line switch that is in the wrong position. In 2008, following a California railroad accident that resulted in 25 deaths, Congress required all railroads to install Positive Train Control by the end of 2015.

In late 2015, when it became clear that Amtrak and other railroads were not going to make the deadline, Congress extended the deadline to the end of 2018. Unfortunately, the facts appear to indicate that PTC could have prevented the tragedies that occurred in Washington State and more recently in South Carolina.

When A Lawsuit Can Hold A Railroad's “Feet To the Fire” For Negligence

Railroad companies have a legal responsibility to provide safe passage on their trains. In addition, they have the responsibility to build and maintain safe train stations and railroad crossings. In legal terms, that is their legal duty. That responsibility also includes complying with all state and federal laws applicable to the industry. In sum, railroad companies have a duty of safety, and the applicable state and federal laws establish a particular standard of care that must be followed.

When a derailment occurs, when a crossing signal does not function, and when a train station has falling scaffolding because it is not properly maintained, then the railroad company has breached that duty to the riding public. If an injury occurs as a result of that breach of duty, then train accidents will, appropriately, lead to personal injury lawsuits.

The key to any personal injury lawsuit involving a [train accident](#) is to ensure that the railroad's breach of duty, i.e., its failure to provide the required standard of care, was the cause of the resulting injury that resulted. Negligence on the part of the railroad – which is the actual breach of the railroad's duty of care – can occur in many ways. It can be lack of, or poor, training of employees. It can be failure to maintain equipment, or allowing faulty equipment to remain in place. It can be ineffective, or non-existent, safety measures.

Interestingly, with regard to Positive Train Control, it appears that it cannot yet be grounds for a personal injury lawsuit in negligence. Given that Congress has extended the deadline for railroads to install the PTC systems to the end of 2018, it appears that lack of a PTC system cannot be used as a basis for a breach of the standard of care on the part of the railroad.

That said, there are many other ways in which a negligence lawsuit can be developed in order to hold railroad companies to their responsibility of providing safe travel.

Obtaining A Personal Injury Attorney

If you, or a loved one, have been involved in a train accident, either as passenger, crew member, or pedestrian outside the train, you deserve to know whether the injury you suffered can be compensated by the railroad company. Contact [The Law Offices of Thomas J. Lavin](#) at (561) 557-4546 right away for a free consultation. We will have the wherewithal to investigate all of the facts surrounding the incident, strategize a way in which to learn more information from the railroad company to find precisely where the breach in duty occurred, and pursue a personal injury lawsuit appropriate to your situation. It would not be wise to stay in the dark with regard to injuries you suffered from a train incident. Contact an experienced, seasoned personal injury attorney today.

Mr. Thomas J. Lavin
The Law Offices of Thomas J. Lavin
(561) 557-4546
[email us here](#)

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