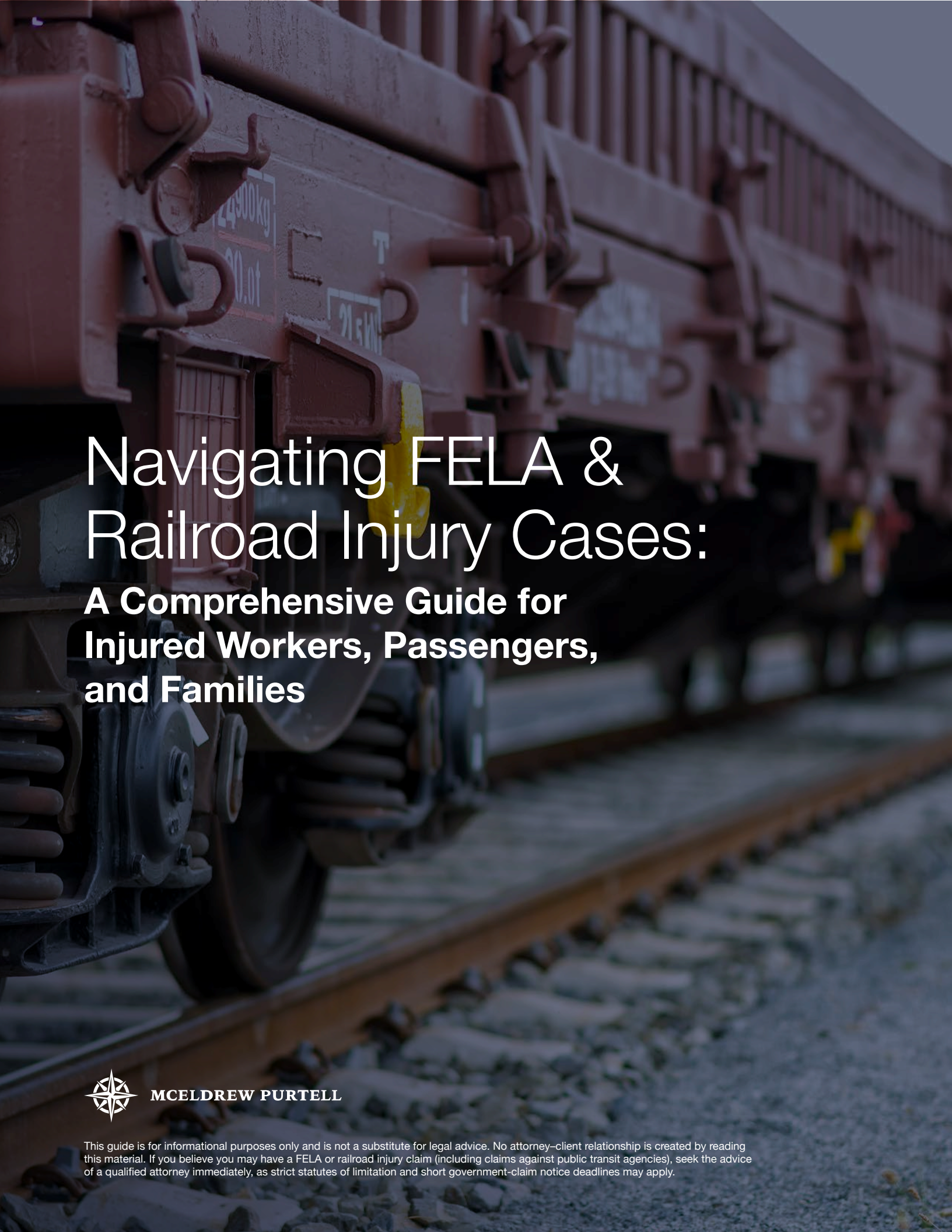




Navigating FELA & Railroad Injury Cases:

**A Comprehensive Guide for
Injured Workers, Passengers,
and Families**



MCELDREW PURTELL

This guide is for informational purposes only and is not a substitute for legal advice. No attorney-client relationship is created by reading this material. If you believe you may have a FELA or railroad injury claim (including claims against public transit agencies), seek the advice of a qualified attorney immediately, as strict statutes of limitation and short government-claim notice deadlines may apply.



Railroad injuries can upend a life in seconds.

Whether you're a **rail employee hurt on duty** or a **passenger injured on a train**, platform, or at a grade crossing, you face **complex rules, powerful defendants,** and **evidence that can disappear** quickly.

This guide explains your rights under the Federal Employers' Liability Act (FELA), what to do first, how claims against SEPTA and other railroads work, the statistics behind rail incidents, how to choose the right lawyer, and the types of compensation available.

What is FELA and Why It's Different

FELA is a federal law that lets injured railroad workers seek full compensation when the railroad's negligence played any part in the injury. Unlike no-fault workers' compensation, FELA is fault-based and preserves your right to a jury trial and full damages (reduced only by your share of fault).

Deadline (Statute of Limitations): Most FELA claims must be filed **within three years** of when the claim accrues. FELA actions can be filed in state or federal court (concurrent jurisdiction). Do not wait.

Passengers & the Public: Passengers & the Public: FELA protects workers. Injured passengers and bystanders typically bring negligence claims under state law. When the defendant is a public authority like SEPTA, special immunity rules and damages caps may apply to passengers and the public but will not apply to workers.

First 72 Hours: Your Critical To-Do List

Anti-retaliation: Federal law, the Federal Railroad Safety Act (FRSA), protects railroad workers who report injuries or safety hazards. FRSA bars railroads (and contractors) from disciplining or discriminating for reporting injuries, refusing unsafe work, or cooperating with investigations. OSHA enforces these protections.

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THE 10 COMMANDMENTS OF FELA

- 1 **Report your injury** immediately to management.
- 2 **Seek medical attention** promptly and document your condition.
- 3 **Clearly describe** how the injury occurred.
- 4 Identify and secure **witness contact information** and reach out to your **union representative**.
- 5 **Photograph the injury** scene and involved equipment.
- 6 **Do not give recorded statements** without legal advice.
- 7 **Keep detailed records** of medical visits and treatments.
- 8 File an **accurate** and **timely injury report**.
- 9 **Push** for the **treatment and care** you need.
- 10 **Consult an FELA attorney** as soon as possible.

Types of **FELA** & Railroad Cases We Handle

FELA workplace injuries (employees):

yard/track incidents; switching; struck-by; falls; crush/pinch; repetitive trauma; overexertion; equipment defects.

Train-to-train collisions & near-misses.

Derailments tied to track, signal, mechanical failures, fatigue, or speed.

Grade-crossing crashes
(sightlines, warning devices, gates/lights, horn use, speed, design).

Passenger & commuter injuries
(Amtrak/SEPTA/NJ Transit)—on-board events, sudden stops, defective doors, platform/station hazards.

Maintenance-of-way & construction accidents (roadway machines, cranes, third-party contractor negligence).

Electrocution/high-voltage contact
(catenary/third rail, Lock Out Tag Out (LOTO)).

Toxic/occupational exposure
(diesel exhaust, silica, welding fumes, solvents).

Wrongful death for workers, passengers, and families.



QUICK REFERENCE

FELA vs. Workers' Compensation

Issue	FELA (Rail Employees)	Workers' Compensation
Fault required?	Yes - railroad negligence played any part	No - generally no-fault
Damages	Full tort damages: medicals, wage loss, future earning capacity, pain & suffering; reduced for comparative fault	Scheduled benefits; no pain-and-suffering
Jury trial	Yes	Usually no
Venue	State or federal court (concurrent)	Administrative system
Filing deadline	3 years (generally)	Varies by state

Sources: FELA statutes (45 U.S.C. §§ 51, 56).

Evidence in Rail Cases: What to Preserve



Event data
(locomotive/vehicle recorders),
signal logs, dispatch audio,
automated train-control safety
system data (PTC/ATC).



Maintenance & inspection records
(track, rolling stock,
signals, doors).



**CCTV, body-worn cameras,
platform cameras**
(rapid preservation letters
are essential).



**Crew reports and
witness statements.**

The **FELA 10 Commandments** booklet includes ready-made **incident documentation** and **medical treatment logs** to help you organize proof from day one.

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Claims Against Public Rail Agencies

Many commuter systems are public agencies. That often means short notice deadlines and damages caps. Here are common examples:

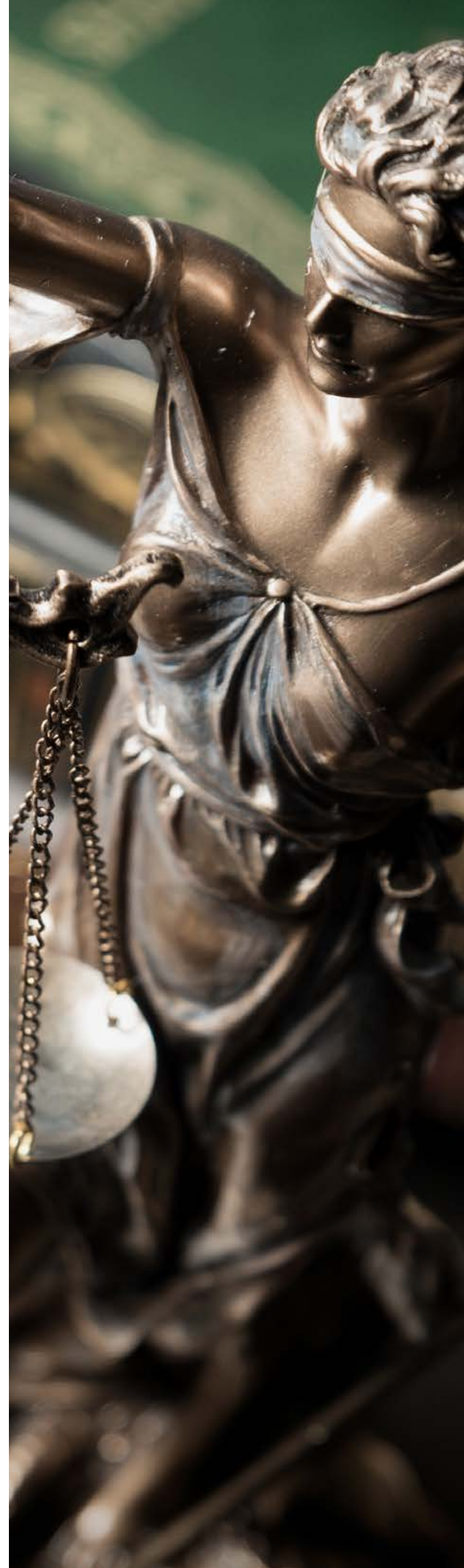
New York (Metropolitan Transportation Authority (MTA) & subsidiaries): Tort suits generally require a Notice of Claim within 90 days and must be filed within 1 year and 90 days (different timing for wrongful death).

California (e.g., Metrolink, Caltrain): Under the Government Claims Act, most personal-injury claims must be presented in writing within 6 months before filing suit.

Massachusetts (MBTA): The Massachusetts Tort Claims Act imposes a \$100,000 cap per claimant for public-entity liability.

Pennsylvania (e.g., SEPTA): Claims against Commonwealth parties face statutory exceptions and caps of \$250,000 per plaintiff/\$1,000,000 per occurrence.

Bottom line: Notice requirements and caps vary by state and agency. Early counsel is critical to preserve claims and maximize recovery.



Real-World Examples

These public investigations show the range of hazards, from overspeed and signal errors to grade-crossing and hazmat events, and the **evidence** that often decides liability (event data, signals/dispatch, training, maintenance).

Metrolink Chatsworth CA (2008)

Head-on collision with a Union Pacific (UP) freight after the Metrolink engineer missed a red signal while **texting**. Sparked momentum for **Positive Train Control (PTC)**.

Metro-North Spuyten Duyvil NY (2013)

Bronx derailment from **excessive speed in a sharp curve**, with **operator fatigue** a central factor.

Amtrak Cascades 501 DuPont, WA (2017)

Inaugural run on the Point Defiance Bypass entered a 30-mph curve at high speed; findings emphasized **training, route familiarization, and curve mitigation**.

Amtrak 91 & CSX Cayce, SC (2018):

Passenger train diverted through a **misaligned hand-throw switch** into a parked freight; highlights the risks when signals are suspended and the need for robust protections.

Norfolk Southern Graniteville, SC (2005)

Chlorine release after a misaligned switch led to mass evacuation and fatalities—illustrating catastrophic hazmat consequences when switching/lockout fails.

MBTA Green Line Newton, MA (2008)

Rear-end collision; NTSB (National Transportation Safety Board) pointed to operator disengagement/microsleep and lack of automated safeguards on the line.

Metra Clarendon Hills, IL (2022)

Grade-crossing strike on a stopped box truck underscores the importance of crossing design, warning systems, and hazard clearing.



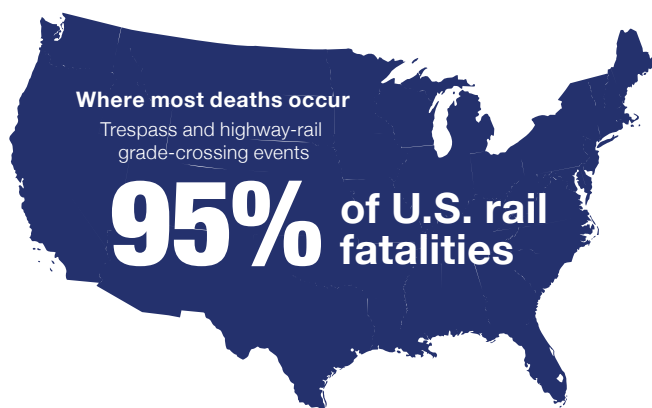
Key Statistics

The National Safety Picture

Nationwide totals (2024)

per National Safety Council using Federal Railroad Administration (FRA) data

954 rail fatalities + **6,542** nonfatal injuries



2024 grade-crossing SNAPSHOT

2,257 collisions
264 fatalities
760 injuries

(preliminary FRA data summarized
by Operation Lifesaver)

807 fatalities
637 injuries

1,444 total

2024 trespass casualties
per FRA preliminary data

Damages in Railroad Cases



ECONOMIC

Medical bills (past/future), rehabilitation, home/vehicle modifications, lost wages and diminished earning capacity.



NON-ECONOMIC

Pain, suffering, disfigurement, loss of life's pleasures.



WRONGFUL DEATH/SURVIVAL

Funeral expenses; support for the family; pre-death pain and suffering.



CAPS

FELA cases (workers): No statewide damages cap. Claims against Pennsylvania state agencies (like SEPTA): caps apply - \$250,000 per person/\$1,000,000 per incident.

Choosing the Right Railroad/FELA Lawyer

Look for (1) **deep FELA experience** and trial results, (2) access to **rail experts** (signal/track/rolling stock, human factors, economics, life-care planning), (3) capacity to **preserve complex evidence** immediately, and (4) fluency with **SEPTA immunity** and forum strategy.

Step-by-Step: Building Your Case

- 1 Immediate care & report**
(document symptoms and restrictions).
- 2 Preserve evidence**
(photos, video, equipment/scene, witness info).
- 3 Send preservation letters**
Formal notices telling railroads and agencies to save key evidence (data recorders, dispatch audio, CCTV).
- 4 Avoid recorded statements**
until represented.

- 5 Track costs & limitations**
(use the booklet's treatment and expense logs).
- 6 Assess venue & jurisdiction**
Where your case can be filed (state or federal court for FELA; special rules for public agencies).
- 7 Quantify damages**
with economists and life-care planners.
- 8 Negotiate or try the case**
FELA preserves your jury trial right.



FAQs

Does FRSA protect me if I report my injury?

Yes. Retaliation for reporting a work-related injury, requesting medical treatment, or cooperating with safety investigations is unlawful. File quickly if retaliation occurs. You can also file a whistleblower complaint with OSHA.



How long do I have to sue?

Some public-agency claims require a written notice within 90–180 days before you can file suit. Generally **3 years** under FELA; other claims may have different deadlines (and shorter notice rules). Ask a lawyer immediately.



Can I sue SEPTA?

Yes, **if** your claim fits a statutory exception (e.g., vehicle or real-estate exceptions). Damages are capped at **\$250,000 per person / \$1,000,000 per occurrence**.



Do passengers use FELA?

No. Passengers bring negligence claims under state law. FELA covers **rail employees**.



Quick Tools & Checklists

Incident Documentation Worksheet

(date, location, scene conditions, equipment, witnesses).

Medical Treatment Log

(visits, diagnoses, restrictions, work status).

Safety Analysis Prompts

(prior complaints, training, supervision, PPE, procedures).

All of these items appear in your
FELA 10 Commandments
booklet (pp. 8–10)

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Special Focus:

SEPTA & Claims Against Government Entities

What is SEPTA?

The Southeastern Pennsylvania Transportation Authority was started in the 1960s and serves Philadelphia, Chester, Bucks, Delaware, and Montgomery Counties. It runs buses, commuter rail trains, rapid transit subway or elevated trains, and trolleys (light rail vehicles). The subway and elevated train system is divided into the Market-Frankford Line and the Broad Street Line. The regional rail, in addition to the Philadelphia suburbs, also provides transportation to parts of Delaware and New Jersey. Hundreds of thousands take SEPTA on a weekday.

SEPTA is a Pennsylvania state agency. Pennsylvania's Sovereign Immunity Act often limits lawsuits against state agencies unless an exception applies. In order to sue SEPTA, there must be an exception to sovereign immunity. One of the ways that this may occur is through the motor vehicle exception. If you're hurt while the vehicle is moving, the claim may fit the 'motor-vehicle' exception - one of the ways to sue a state agency. If the Sovereign Immunity Act applies to your case, which in most cases it will, its damages can be limited to \$250,000 in any one claim and \$1 million total per accident (without regard to the number of victims).

Is SEPTA a state (Commonwealth) agency?

Yes. Pennsylvania courts recognize SEPTA as a **Commonwealth** agency, which brings sovereign-immunity rules into play.

Damage caps

For claims against Commonwealth parties (which include SEPTA), Pennsylvania law limits damages to **\$250,000 per plaintiff** and **\$1,000,000 per occurrence**—and recovery usually must fit a statutory exception (often **vehicle** or **real-estate** exceptions).

Why counsel matters

Framing the claim to fit an exception and maximizing recovery beneath the cap are strategic issues you should address early.

About McEldrew Purtell

At McEldrew Purtell, we represent individuals and families facing the most serious, life-altering injuries. From catastrophic workplace accidents to complex medical malpractice, civil rights violations, and national mass tort cases, our attorneys bring decades of trial experience, strategic insight, and an unshakable commitment to justice.

We're not just lawyers - we're advocates, problem-solvers, and trusted partners in some of life's most challenging moments. With deep roots in Philadelphia and a network of referring attorneys and partner firms across the country, McEldrew Purtell has built a national reputation for delivering results in high-stakes cases such as medical malpractice lawsuits.

The mission of McEldrew Purtell is to provide our clients with highly skilled, effective, and innovative legal representation through our team of experienced and award-winning attorneys.

MEET THE TEAM



Jim McEldrew
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Cormick McLaughlin
Associate Attorney



Shannon Zipkin
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Jessica Colehouse
Paralegal



Denise Marquard
Paralegal



Sharon Davis
Nurse Paralegal



Eugene Hill
FELA Investigator



Mike Murphy
FELA Investigator

Have a case you want to discuss?

**Our team of experienced lawyers
are ready to fight for you.**

Contact us today!



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Sources

FELA statutes: 45 U.S.C. § 51 (liability standard) and § 56 (3-year limit; concurrent jurisdiction).

FRSA whistleblower protections: 49 U.S.C. § 20109; OSHA FRSA factsheet.

Pennsylvania Sovereign Immunity (SEPTA): 42 Pa.C.S. § 8522 (exceptions); § 8528 (caps).

FRA Safety Data Portal & catalog: data, casualty and crossing statistics.

Operation Lifesaver statistics (w/ FRA data): crossings and trespasser trends (95% share; 2024 prelims).

NSC Injury Facts (2024 totals).

NTSB Reports: Amtrak 188 (RAR-16/02); SEPTA accident briefs (2017).

This publication is intended solely for general educational purposes. It does not constitute legal or medical advice, and it does not create an attorney-client relationship with McEldrew Purtell or any of its attorneys. Railroad injury matters including claims under the Federal Employers' Liability Act (FELA) for railroad employees and negligence claims by passengers or members of the public are highly fact-specific and may be governed by federal and/or state law. Procedural requirements (e.g., government-claim notices, shortened limitation periods, venue and jurisdiction rules), potential immunities (including sovereign or governmental immunity), and damages limitations (such as statutory caps for certain public transit agencies) vary by jurisdiction. Do not rely on this material as a substitute for legal counsel. If you believe railroad negligence or unsafe practices caused an injury or death, contact a qualified attorney immediately to discuss your options. Strict deadlines including FELA's generally three-year statute of limitations and various state-law statutes of limitations or repose may limit the time to file. Different or shorter time limits may apply to claims involving minors, wrongful death, or government-run railroads and transit systems. Prompt legal guidance is essential to preserving evidence and protecting your rights.

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