

Case Name: Giebel v. Union Pacific R. R. Co.

Date Decided: May 11th, 2010

Originally Filed in: Minnesota (Federal)

Decided by: Minnesota District Court (Federal)

Court: U.S.D.C. Minnesota

Judge: Judge Schiltz

Citation: Giebel v. Union Pacific R. R. Co. 2010 WL 1904921 (D. Mn 2010)

Background:

David Giebel worked as a conductor for Union Pacific ("Union"). He was working on an assignment when he took a break to use the bathroom. While in the bathroom, the train moved over a rough stretch of track. Due to the small space he had to open the door without turning around but as he did so the train jerked, the latch ripped out of his hand, the door swung open and then slammed shut on his hand. As a result of the door slamming, Giebel suffered fractures in his hand and partial amputation of his fingers. Giebel alleges that his injuries make it impossible for him to work as a conductor ever again and he endures pain every day. Giebel alleges that Union violated the Locomotive Inspection Act ("LIA") because the train was not in proper condition and safe to operate and it violated the Federal Employers' Liability Act (FELA) because Union failed to maintain a safe workplace. Union moved for partial summary judgment arguing that Giebel's LIA claim should be dismissed in its entirety and his FELA claim should be dismissed as it relies on the railroad's failure to replace the jointed-rail track with continuous-wielded rail (CWR) and further that his FELA claim is precluded by the Federal Railway Safety Act.

Issue:

Should the court grant Union Pacific's motions for summary judgment?

Overall Issues Discussed or Touched Upon in this Case:

- *Applicability of FELA at Issue*
- *Ruling on Summary Judgment*
- *Summary Judgment - Defendant Factual Granted*
- *Summary Judgment - Defendant Legal Granted*
- *Locomotive Inspection Act*

Held:

The court began its analysis by examining the motion for summary judgment in regards to the Locomotive Inspection Act. It explained that a railroad can violate the LIA in two ways: (1) by failing to comply with a regulation issued by the Federal Railroad Administration ("FRA") or (2) by breaching the broad duty to keep all parts and appurtenances of its locomotive in proper condition and safe to operate without unnecessary peril to life or limb. Giebel, by his own testimony, ruled out liability under the first basis because the door on the train was equipped

with a secure and operable latch. In order to succeed under the second method, a plaintiff must prove either a failure-to-install claim or a failure-to-maintain claim. Here, Giebel alleges that Union failed to install a dampener to slow the speed of a door as it closed. In order to incur liability on this ground, a railroad must fail to install a piece of equipment required by federal regulation or if the equipment constitutes an integral or essential part of a completed locomotive. Here, the court noted that no federal regulation requires the installation of a dampener on the bathroom door and it also fails to qualify as an integral or essential part of a locomotive. Thus, the court granted Union's motion for summary judgment with prejudice. Next, the court moved to Giebel's FELA claim and again granted Union's motion with prejudice. Under FELA, a defendant is liable for any injury to an employee caused by the railroad's negligence. Giebel alleges that Union was negligent for three reasons: (1) because it failed to properly maintain its track; (2) because it failed to properly maintain its locomotives; and (3) because it failed to properly maintain or secure its doors. Union moved for summary judgment on the first of these claims which is precluded under the FRSA. The court explained that Giebel's FELA claim will be precluded under FRSA if the same claim, brought as a state-law negligence claim, would be preempted. The relevant law says little in regards to the use of CWR. Giebel asserts that this relative silence suggest that there was no intent to preempt or preclude claims under state negligence laws. The Court disagreed because although the FRA does not expressly address whether or when jointed rail should be replaced with CWR the regulations do establish requirements for the construction and maintenance of railroad track, impose inspection requirements, and imposes sanctions for failing to comply with these requirements. As such, the court held that Giebel's FELA claim is precluded insofar as he seeks to recover for failing to replace jointed-rail track with CWR.

Comments:

In order to succeed under Locomotive Inspection Act broad duty to keep all parts and appurtenances of its locomotive in proper condition and safe to operate without unnecessary peril to life or limb, a plaintiff must prove either a failure-to-install claim or a failure-to-maintain claim.