

**Case Name:** Luman v. ITS Technologies & Logistics, LLC  
**Date Decided:** September 28th, 2010  
**Originally Filed in:** Missouri (state)  
**Decided by:** Missouri Western District Court of Appeals (State)  
**Court:** Mo. Ct. App. W.Dist.  
**Judge:** Newton  
**Citation:** 323 SW.3d. 821

**Background:**

Plaintiff, a railroad terminal operator, was injured while working for his employer. Defendant (employer) was under contract at the time to move rail cars for the interstate railway company, KC Southern. Plaintiff settled the case with KC Southern, and continued this action against his employer, the defendant "who was under contract to KC Southern at the time. Defendant (employer) argued that the FELA did not apply to the case because defendant was not a "Common Carrier" under FELA. The trial court agreed with the defendant employer. Plaintiff brought this appeal. Plaintiff asserted that his employer is a common carrier by implication because of its integral relationship with KC Southern.

**Issue:**

Is an independent contractor to a "Common Carrier", under the FELA, precluded from being a common carrier itself when the independent contractor only performs an isolated function on the behalf of the Common Carrier, entirely within state lines?

**Overall Issues Discussed or Touched Upon in this Case:**

- *Applicability of FELA at Issue*

**Held:**

No. The court held that the Independent Contractor qualified as a FELA Common Carrier in this case. The court first noted that the Congressional intent behind the FELA is to liberalize the recovery for railroad employees due to the hazards of the industry. Consequently, a railroad company may not avoid FELA liability by delegating its duties to an independent contractor. The court went on to reason that, "To hold the railroad company liable while excusing the independent contractor performing essential railroad operations would frustrate the beneficent and humane purposes of the Act. . . by denying relief to employees in interstate commerce who were actually carrying on the railroad functions." In applying the facts of the case, the court found that the defendant performed an integral function of KC Southern's interstate railway services as a common carrier by loading and reloading railcars, and providing maintenance and administrative services.

**Comments:**

Independent contractors who perform integral railroad functions for Common Carriers are classified as common carriers themselves.