

# WILENTZ

—ATTORNEYS AT LAW—

WILENTZ, GOLDMAN & SPITZER, P.A.

## New Jersey Railroad Injury Lawyers

Results achieved in prior matters are not meant to be a guarantee of success as the facts and legal circumstances vary from matter to matter.

Each year hundreds of railroad workers suffer serious injuries in railroad accidents, derailments, chemical spills/exposure and yard incidents. According to [data published by the Federal Railroad Administration](#), 2,410 railroad accidents were reported in 2020.

Enacted by Congress in 1908 to address the epidemic number of work-related injuries and deaths in the railroad industry, the Federal Employers' Liability Act (FELA) was the first worker compensation and industrial safety statute, which, in the words of Justice Douglas, was "intended to place upon the railroad employer the burden of the lives and limbs [and lungs] consumed in the wake of the railroad's dangerous operations."

Under FELA, the railroads have a duty to provide safe places of work for their employees. This duty extends also to their tools, equipment and working conditions. If a railroad fails to take these safety measures, or if an employee is injured due to the carelessness of any other employee, the railroad is held responsible and is liable to the injured worker for any damages he or she may suffer.

According to FELA, a railroad employee has three years from the time he or she believes to have sustained a railroad work-related injury to bring a FELA lawsuit. There should never be a reason for FELA lawsuits not to be filed promptly and well before any statute of limitation concerns.

Railroad companies have extensive experience defending FELA claims. They customarily employ teams of well-trained claims investigators, safety officers, and law firms to minimize their liability in a railroad work injury claim. If you chose to work directly with the railroad company's claim agent, you may be offered a quick settlement by someone who has a vested interest in paying you as little as possible. Although the claims agent will want you to believe that your interests are being considered, there is in fact an inherent conflict of interest since the claims agent cannot serve both your best interests and the best interests of the railroad company at the same time.

At Wilentz, Goldman & Spitzer, P.A. our seasoned personal injury attorneys work tirelessly to hold railroad employers accountable to the victims and the families of railroad accidents. Wilentz lawyers have represented clients in complex, serious injury matters against large railroads such as New Jersey Transit, Port Authority Trans-Hudson Corp. (PATH), New York New Jersey Rail, and Amtrak.

### **The Initial Statement: Railroad Fault or Lack of Fault**

Pursuant to your railroad employer's safety rules, you and your supervisor are required to promptly report any work-related injury and how the injury occurred. In your initial statement, it is essential that you clearly place the blame for the cause of the accident on something that the railroad did, or failed to do. It is equally essential that you clearly state that you complied with all applicable safety rules at all times, exercised due care and that your action or inaction played no part in the cause of your injury.

### **Prompt Reporting and Legal Counsel**

You must promptly report your accident, as your railroad employer may attempt to claim that your injury occurred off the job. Your foreman or supervisor may try to talk you out of reporting an injury for several

reasons, such as maintaining their safety record clean. It is extremely important that you speak with an experienced FELA lawyer as soon as possible after the injury occurs, so that he or she can assist you in proper and prompt reporting of your accident, ensuring that you receive prompt and effective medical care.

### **Occupational Illness or Death**

Even today, the railroad industry is regarded as one of the most dangerous industries in the country. However, not all railroad-related deaths and injuries are due to train accidents or derailments and/or date certain trauma. Every year, hundreds of railroad employees are diagnosed with lung-related illnesses as a result of their occupational exposure to numerous harmful materials and substances. Years of regular, unprotected exposure to asbestos, chemicals, PCBs, diesel fumes, rail dust and dust particulates, cleaning agents, and various other harmful substances often result in a variety of pulmonary conditions and illnesses. These illnesses can be debilitating, progressive and often untreatable.

The railroad is held liable for the workers' injuries when those injuries are the result, even in part, of the negligence or carelessness of any officer, agent or employee of the railroad who failed to provide appropriate warnings, to comply to an industrial hygiene program or to provide appropriate respiratory protective equipment. In addition, railroad liability occurs when the workers' injuries are caused by any defect in the cars, engines, appliances, machinery, track, road bed, or any other equipment of the road. By failing to either provide a workplace free from asbestos, PCBs, diesel fumes or other harmful lung irritants, or to provide adequate warning, and adequate industrial hygiene program or to provide appropriate personal protective training and equipment, such as respirators, the railroads have failed to meet their duty under the law and are therefore responsible for lung-related injuries suffered by workers resulting from the worker's exposure to the above pulmonary irritants.

### **Pulmonary Illnesses: X-Rays and Pulmonary Function Tests**

You should schedule an immediate appointment with your primary care physician and order chest x-rays (PA and lateral) and Pulmonary Function Tests (PFTs) if you have experienced shortness of breath, coughing, fatigue, frequent head and/or chest colds due to exposure to asbestos, diesel fumes, silica, metals, solvents and other pulmonary irritants in the course of your railroad work. If your primary care physician or the physician/pulmonologist reports any abnormalities, please contact our experienced FELA attorneys so that we may immediately protect your rights.

### **Injured on the Railroad? How Our Personal Injury Attorneys Can Help**

At Wilentz, Goldman & Spitzer, P.A., we take great pride in our long-standing client relationships in the personal injury field. We are committed to making a difference in the lives of our clients, helping them receive the proper treatment and care for their injuries, and dedicating the vast resources and legal expertise of our firm in order to secure the monetary recoveries they deserve.

For a free case evaluation or if you have questions about the law or your injury, please phone us directly using the phone number found on this page. Or, if you prefer to complete our free case evaluation form, our client relations representative will contact you as soon as practicable.

**To speak with an attorney about your legal options, please call: 732-352-9800.**