

Case Name: Richard E. Corns v. Grand Trunk Western Railroad Inc

Date Decided: October 21st, 2009

Originally Filed in: ()

Decided by: (State)

Court: U.S.D.C. Western District of Michigan

Judge: Judge Neff

Citation: 2009 WL 3430029

Background:

Plaintiff, Richard E. Corns ("Corns") a former yardmaster for defendant, Grand Trunk Western Railroad Inc. ("Grand Trunk") filed this action under the Federal Employers' Liability Act ("FELA") to recover for back injuries suffered in an automobile accident when Corns fell asleep while driving home after working a 16 hour shift. Corns's primary work duties as yardmaster were to lay out the work for the train crews by printing out switch lists and marking them for the cars that need to be switched and to make up a list of the work needed to be done by the train crews. Corns would monitor the trains on the main line, trains leaving other terminals, oversee the cars that are being switched, run the computer and switch the cars on the computer and handle customer calls. Towards the end of 2002, Corns began working as a yardmaster at both the Battle Creek and Lansing yard offices. Corns was also a member of the United Transportation Union (UTU) Local 1962 and subject to a separate collective bargaining agreement with Grand Trunk governing his work. Under the CBA a yardmaster, such as Corns, was not permitted to work more than two consecutive shifts or more than 16 hours. On the day of the accident, Corns worked a double shift of 16 hours. After the double shift, Corns left for his commute home, stopping on the way to realign a switch for incoming trains as instructed by his boss. After driving about 20 minutes, he allegedly fell asleep at the wheel and collided with another vehicle. Corns filed this action under the FELA seeking damages for his injuries alleging that Grand Trunk forced him to work excessive work hours, suffered from severe sleep deprivation and fatigue, causing him to fall asleep at the wheel. Corns alleged that Grand Trunk was negligent in forcing him to work excessive hours in violation of the HSA. This Court denied Grand Trunk's first motion for summary judgment and Grand Trunk subsequently filed a new motion.

Issue:

Did this Court grant Grand Trunk's motion for summary judgment holding that Corns did not have a claim under FELA for falling asleep at the wheel of his car?

Overall Issues Discussed or Touched Upon in this Case:

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Held:

Grant Trunk first argued that Corns's negligence claim under the FELA must be dismissed because there is no evidence of negligence on their part. They contended that Grand Trunk merely complied with the work rules set forth in the CBA as to work schedules for yardmasters. Corns countered that Grand Trunk was negligent in requiring him to work a double-shift of 16 hours which was excessive. However, Grand Trunk countered that such an order was in compliance with the express provisions of the CBA which provides that "yardmasters who work 16 consecutive hours will be allowed to book up to 14 hours of undisturbed rest prior to going back on duty". Grand Trunk also notes that, in his testimony, Corns admitted to working 16 hour double shifts once per week for the year prior to the automobile accident and that he testified he went 24 hours without sleep as he did the day of the accident. This Court found however, that Grand Trunk's assertions do not make the negligence claim an impossibility. Grand Trunk however, claimed that compliance with bargained for work rules, under the CBA does not demonstrate negligence on their behalf or demonstrate a breach of standard care. Simply put, Grand Trunk believes that because they followed the CBA rules, that they could not have been negligent. However, the FELA expressly prohibits carriers from adopting any regulation or entering into any contract to limit their FELA liability. Therefore, Grand Trunk cannot simply rely on the provisions of the CBA to escape FELA liability. Furthermore, Grand Trunk argued that the FELA claim is preempted by the Railway Labor Act because it governs the terms of the CBA and that the National Railroad Adjustment Board has exclusive jurisdiction over plaintiff's claim. However, the RLA provides a mechanism for labor disputes and is not designed to address the broad remedial purpose taken into account by FELA. In fact, this Court found that FELA provided railroad workers with substantive protection against negligent conduct independent of the employer's obligation under its CBA. Finally, Grand Trunk argued that Corns's strict liability claim under the Hours of Service Act ("HSA") failed because Corns's duties did not fall within HSA. However, this Court found that there were genuine issues of material fact whether the HSA applied because it applies to employees actually engaged in or connected with the movement of any train. Both parties disputed whether duties performed by Corns related to a train or trains already in motion or about to move. Accordingly this Court denied Grand Trunk's motion for summary judgment.

Comments:

This Court found genuine issues of material fact whether Grand Trunk was negligent in making Corns work two double shifts prior to his accident. In some cases, a carrier will argue that the negligence, or condition causing the injury, occurred outside the "scope of employment" as required under the FELA. However, because the plaintiff here alleged negligence by Grand Trunk in making him work too much, causing fatigue, then it the negligence occurred by his being at work too long. Although the injury took place on his drive home Grand Trunk did not try to argue that it was outside the scope of employment because the alleged wrong took place during his employment. Steve Gordon