

**Case Name:** Douglas Williams v. Grand Trunk Western Railroad Incorporated

**Date Decided:** November 6th, 2009

**Originally Filed in:** ()

**Decided by:** (State)

**Court:** U.S. Court of Appeals, Sixth Circuit

**Judge:** Judge Rogers

**Citation:** 2009 WL 367095 (C.A.6(Mich.))

**Background:**

Plaintiff, Douglas Williams, brought this action pursuant to the Federal Employer's Liability Act ("FELA") alleging that his employer and defendant, Grand Trunk Western Railroad Inc. ("Grand Trunk"), was negligent for not removing snow from the area from which Williams was working and malfunctioning equipment, all leading to his injuries. Williams was an employee of Grand Trunk and assigned to drive an engine, connect it to three other engines, and use the four to move a train. According to Williams, it had snowed that night and there was ice in the yard Williams was required to work in. To connect the engines, Williams had to stand on the track bed between two engines and plug a large electrical cable, like an extension cord. The cable weighs about 15-20 pounds and to plug them in a spring-loaded cover must be opened first and then connect the cord to the other cord. Williams testified that the cover was not functioning on one of the plugs, and that it was full of snow which he had to remove prior to connecting the two. After he removed the snow and was attempting to push the cables together he slipped, got up, steadied his feet, and successfully connected the cables. Williams alleged that his slip caused him lower back injuries that have prevented him from returning to work. Two employees testified that the owner of the yard, CSX, did not regularly remove snow from the tracks or nearby areas but employees walked in the areas. A CSX employee testified that he didn't believe snow removal was reasonable or necessary. Moreover, the employees were notified with nonslip footwear and if they noticed an unsafe condition the employee could radio track department personnel who would salt and gravel the area as necessary. Williams was not wearing his boots and did not advise anyone regarding the conditions. Williams filed suit under FELA and Grand Trunk moved for summary judgment, which was granted, arguing that they were not negligence and that they had no notice of any unsafe condition. Williams appealed.

**Issue:**

Did this Court affirm the lower court's granting of summary judgment holding that Grand Trunk was not negligent and had no notice of the slippery conditions in their yard?

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

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**Held:**

The snow removal claim, by Williams, was construed in two separate ways. First, Williams argued that CSX had inadequate general policies or that CSX did not reasonably respond to a specific dangerous condition. This Court found that because Williams could have, at any time, radioed track department personnel regarding unsafe conditions and they would have remedied it. Williams failed to present evidence to suggest that this policy was not in place or that it would not have been sufficient. Moreover, CSX's trainmaster testified that he had received zero complaints about the condition of the yard. Therefore this Court found that Williams failed to establish that CSX/Grand Trunk failed to act reasonable in providing him with a safe place to work. (This Court also stated an expert opinion silent to what type of inspection would have been adequate, was not sufficient to avoid summary judgment). Furthermore, Williams failed to provide sufficient evidence of either negligence or notice regarding the defective cable receptacle. Williams failed to link the condition of the cable with any action of Grand Trunk. Accordingly this Court affirmed the lower court's granting of summary judgment.

**Comments:**

The failure of a railroad to remove snow or ice from an entire rail yard, while it did not here, can be a result of employer negligence. However, where the railroad has in place, policies to remedy any specific dangerous condition of which they are given notice the plaintiff will have a harder time to show that the railroad did not act reasonable under the circumstances. In such a case the plaintiff must present evidence that establishes the (1) Policy was not in place at the time of injury or that (2) it was not effective. Failure to do so may result in losing their day in court. Steve Gordon