

**Case Name:** Chris Streeter v Canadian Pacific Railroad, et al.

**Date Decided:** April 22nd, 2009

**Originally Filed in:** ()

**Decided by:** (State)

**Court:** U.S.D.C. - E.D. Wisconsin.

**Judge:** District Judge Adelman

**Citation:** 2009 WL 1080853 (E.D.Wis.)

**Background:**

Plaintiff Chris Streeter brought suit against defendants Canadian Pacific Railroad, Soo Line Railroad and CP Rail Systems. Streeter was employed by defendants as a conductor of two locomotives. A fire started in one of them, and Streeter ran to a nearby locomotive to retrieve a fire extinguisher. While exiting the locomotive with the fire extinguisher, his foot became entangled in the locomotive's ladder and he twisted his knee. He was forced to undergo several operations. Streeter sought damages for injuries incurred as a result of defendants' alleged violation of the Federal Employers' Liability Act ("FELA") and the Locomotive Inspection Act ("LIA"). Defendants moved for summary judgment on the LIA violation

**Issue:**

Whether the Court will (1) find the defendants in violation of LIA and/or FELA and, (2) whether the Court will grant the defendants summary judgment.

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

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**Held:**

The Court first looked at the pleadings, depositions, interrogatories and admissions to determine if there was a genuine issue as to any material fact. All inferences were drawn in the light most favorable to Streeter. This Court liberally construed their interpretation of LIA. The purpose of LIA is to protect employees by requiring work equipment to be safe and in its proper condition. Thus, the Court held that when the locomotive was on fire, it was not in proper condition and safe to operate. Thus, the injuries Streeter sustained while trying to put out the fire were related to its improper and unsafe condition. Streeter successfully argued that there was a LIA violation. Further, the Court held that because there was proof of a LIA violation that was sufficient to prove negligence under the FELA. Therefore, the Court stated that the defendants' argument failed. There was no question that a fire in a locomotive made it unsafe, and summary judgment was not granted.

**Comments:**

The LIA allows a railroad to use a locomotive only when it and its parts (1) are in proper

condition and, (2) safe to operate without unnecessary danger of personal injury. Thus, the LIA is violated whenever a railroad uses a locomotive that is not in proper condition and safe to operate. The difference between the FELA and LIA is extremely important. The FELA compensates railroad workers who are injured as a result of employer negligence. The LIA imposes on railroad carriers the duty to provide their employees with safe equipment. Most notably, the LIA does not create a private right of action for injured employees. The United States Supreme Court has construed the LIA as an amendment to the FELA, so that proof of a LIA violation is sufficient to prove negligence as a matter of law under the FELA. Steve Gordon <http://www.gordon-elias.com>