

TRAIN ACCIDENTS

According to USA Today a train accident happens on average once every two days in the United States. The Massachusetts Bay Transportation Authority is a vital commuting source to the state. It is the fourth busiest subway system in the nation. Further, the subway system is one of the oldest which means the infrastructure and safety is an ongoing issue.

The subway system is considered a common carrier, meaning a company or individual who transports people or goods in exchange for a fee. Although the MBTA is a government agency it is still a common carrier under MA and federal law. Thus, this public service is required to exercise the utmost care, diligence, and vigilance in transporting passengers. Usually train operations have large insurance policies or self-insured companies who are capable of compensation. Commuter train accidents are investigated by the MBTA and National Safety Board if there is a major accident.

What causes accidents:

- Derailment of train cars
- Collision of freight trains and passenger trains
- Trolley crashes
- Runaway freight cars
- Improperly parked train cars
- Negligent railway maintenance
- Failure to warn of safety hazards
- Negligence of conductor engineers
- Safety equipment fails
- Driving fatigue
- Excessive speed
- Improper use of brakes

What is needed?

- Preservation of evidence from the scene
- Skid marks/gouge marks when fresh
- Establish contact with the investigatory authorities
- Prompt medical attention

Damages:



TEMPUS FUGIT LAW



183 State Street, Floor 2
Boston, MA 02109



(617) 752-2371 (Main)
(617) 934-4310 (Fax)



www.tempusfugitlaw.com

- Medical bills
- Lost wages (may include lost in future if no longer able to work)
- Property damage
- Long term care and disability
- Property damage
- Pain and suffering

*Unless you suffered serious bodily injury your damages are capped at \$100,000

To bring a claim pursuant to Massachusetts Tort Claim Act:

1. 3 year statute of limitations of claims
2. Submit notice of your injury claim to the MBTA legal department within accident
3. \$100,000k cap on damages unless you suffered a fatality or serious bodily injury such as loss of limb