

As lawsuits over Amtrak crash start piling up, resolution may be years away

By Aaron Moselle
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As federal investigators continue to dissect this month's fatal train derailment in Port Richmond, the lawsuits are piling up – fast. Still, lawyers representing Amtrak 188 passengers say it'll likely be years before any case is resolved.

"An individual lawsuit, let alone a lawsuit involving hundreds of claimants, usually takes something on the order of two or three years," said trial attorney Tom Kline with Kline & Specter, which has, so far, filed one suit in federal court.

To date, six lawsuits have been filed in Philadelphia on behalf of passengers injured in the May 13 crash that killed eight people.

Hundreds more suits could follow. The Wednesday night crash at Frankford Junction changed the lives of 238 passengers, with the vast majority sustaining injuries.

That means Amtrak may wait until all suits have been filed before moving forward with possible settlements, said attorney Evan Aidman, another lawyer representing a passenger.

People have two years to file. What's more, federal law caps Amtrak damages at \$200 million, no matter how many people go that route.

"How do they pay out claims before the two years with the issue of that \$200 million being exhausted prematurely?" said Aidman.

Whether Amtrak goes that way or not, recent history supports a multi-year legal timeline.

On Dec. 1, 2013, four people were killed and 63 injured after a Metro-North passenger train derailed in New York City after blowing a sharp curve near the Spuyten Duyvil station in the Bronx.

The train was reportedly going 82 mph heading into a curve that called for travel at 30 mph.

Two years later, some lawyers are "trial ready" for what's now a consolidated case that includes more than 50 individual lawsuits.

"It hasn't really been delayed. They're not dragging their feet," said attorney Michael Lamonsoff, one of the lawyers who is part of the case.

In Philadelphia, the National Transportation Safety Board's ongoing investigation is expected to take a year to complete.

Authorities have questioned Brandon Bostian, the train's engineer. He has said through his lawyer that he has no recollection of the moments before the crash and hadn't used any drugs or alcohol at the time.

Investigators say preliminary data obtained from the train's black box shows the locomotive was traveling 102 mph hour at the time of the crash. The maximum authorized speed for that curve — a "shore curve" — is 50 mph.

Investigators also have determined that Bostian used his cell phone the day of the derailment. It's unclear at this point if it was used while the train was moving and, if so, when.