

March 24, 2003

Hearsay

\$12.5M RR Crossing Settlement

On March 11 Kansas City attorney Thomas C. Jones reached a \$12.5 million settlement with Union Pacific in a lawsuit involving a collision between one of its freight trains and a motorist at a railroad crossings in Lafayette County, Ark.

This is the largest settlement of a railroad crossing collision case in the history of the State of Arkansas.

"Union Pacific refuses to evaluate crossings and spend its own money to install lights and automatic gates," said Jones. "Their policy is that it's always the motorist's fault."

The Aug. 7, 2000 crash occurred when 44-year-old Lee Johnson was driving his family to a church camp north of Hope, Ark. In the collision, Johnson lost his wife of 23 years and his 15-year-old daughter, who was his only child.

As a result of the collision, Johnson suffers permanent brain injuries, orthopedic injuries and is permanently disabled from working, which precludes returning to his pre-collision career as a civil engineer.

During lengthy pretrial proceedings, a review of accidents at the crossing revealed a history of at least 28 crashes involving personal injuries, property damage and deaths over the past 40 years.

Johnson claimed that trees blocked the view of the crossing and that flashing lights did not provide adequate warning.

Johnson also claimed that Union Pacific knew of each of the prior crashes and the dangers the crossing posed to motorists well before the August 2000 collision.

Testimony included many Lafayette County residents who spoke of communications with Union Pacific over the past 40 years requesting the railroad to fix the dangers at this crossing. Testimony also included the Lafayette County community's frustration at the railroad for not making this historically dangerous crossing safer.

"This was one of the worst crossings I've ever seen, which never should've been left in the condition it was in," said Jones. It resulted in "a devastatingly sad case that never should've happened."

Lawyers Weekly, Inc., 41 West Street, Boston, Massachusetts, 02111, (800) 444-5297

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