

FOR IMMEDIATE RELEASE  
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CLIFFORD LAW OFFICES  
NEWS

## **Clifford Law Offices in Chicago Retained by Six Individuals Injured in Amtrak Derailment Near Tacoma, Washington**

**CHICAGO, IL (December 2017)** – Clifford Law Offices has been retained to represent a number of victims of the derailment of Amtrak Cascades passenger train 501 near Tacoma, Washington, Monday (Dec. 18, 2017). The tragic derailment claimed at least three lives. Many of the estimated 77 passengers were injured and taken to numerous hospitals in the area. There were also victims injured on the highway, where a number of the derailed train cars immediately plummeted as the train derailed. The National Transportation Safety Board ("NTSB") is investigating the derailment and has stated that the train was traveling at 80 miles per hour on a curve where the maximum speed limit has been reported to be 30 miles per hour. Clifford Law Offices has already retained highly qualified experts to assist in our investigation of this incident on behalf of our clients.

Questions that will need to be answered include:

### **Why did the engineer drive the train 80 miles per hour and not slow the train down to the posted speed limit of 30 miles per hour before reaching the curve?**

The NTSB will be looking into the mental and physical condition of the engineer. They will also try to determine whether the engineer was distracted at the time of the occurrence (ie. cell phone usage). They will also be examining whether the engineer was impaired by taking blood samples. To date, no public statements have been made by the engineer.

### **Why was the engineer training someone at the time of the occurrence?**

Early reports indicate that the engineer was training somebody in the cab at the time of the derailment. The NTSB will be looking into what training was being provided, whether the training was appropriate, and whether the training was a distraction to the engineer on this new route.

### **Why was safety technology known as Positive Train Control ("PTC") not available or in use?**

Early reports are discussing PTC, which is designed to slow a train down if the train is exceeding the speed limit in sections of track like the curve Amtrak Cascades train 501 was approaching. While Amtrak utilizes this technology in some areas of the country, it was not in use here. The NTSB will delve into why it was not installed here, given the fact that this was a brand new route, much of which was just rebuilt.

This is an incident that should not have occurred. Amtrak trains have been involved in a series of derailment occurrences similar to this one over the past few years, including the 2015 Amtrak derailment near Philadelphia, where - like here - an engineer was operating a train in excess of 50 miles per hour over the posted speed limit. The safety culture of Amtrak must be thoroughly reviewed and analyzed. Continuing systemic failures or failures in procedures or training protocols are not acceptable. The repeated failures must come to an end.

### **How is Amtrak sued, and are there limitations on damages?**

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Amtrak is incorporated in the District of Columbia. Congress created the National Railroad Passenger Corporation (commonly known as Amtrak) when it passed the Rail Passenger Service Act, 45 U.S.C. Sec. 541, et seq. Amtrak is not an agency or establishment of the United States government; therefore, there is no need to file a notice of claim with the government pursuant to the Federal Tort Claims Act before filing suit. As a for profit company, Amtrak can be sued like any corporation. Victims of the derailment can bring claims against Amtrak for economic damages, including: past and future medical bills reasonably expected to be incurred; past and future lost wages; property damage; past and future emotional distress; past and future pain and suffering, among other damages. Punitive damages can also be assessed if the facts establish that the harm that is the subject of the action was the result of conduct carried out by the Defendant with a conscious, flagrant indifference to the rights or safety of others. 49 U.S.C. Sec. 28103(a)(1). Amtrak's liability is limited pursuant to 49 U.S.C. Sec. 28103(a)(2) to the amount of \$200,000,000 for any one single incident.

The gravity of the injuries coupled with the egregious facts that have come out to date have the potential to limit recovery for plaintiffs because the total damages may exceed this limit. We will be working hard to ensure that clients represented by our office are not impacted by this limitation.

Clifford Law Offices partners, [Robert A. Clifford](#) and [Kevin P. Durkin](#) served as co-lead counsel in the Amtrak crash that occurred in 1999 in Bourbonnais, Illinois, leaving 11 dead and dozens more injured. Clifford Law Offices has represented a number of families who have lost loved ones in rail crashes and derailments. [Michael S. Krzak](#) and [Sean P. Driscoll](#), partners at the firm, led the litigation of a Union Pacific freight train that derailed outside of Chicago, killing two people in a vehicle below.

Trains should not derail. Clifford Law Offices will put the necessary time, energy and resources into preparing these cases for trial. We have already retained experts. We are committed to thoroughly examining all of the causes of the derailment, with the goal of bringing to light the systemic failures that led to this derailment and assuring that Amtrak is held accountable for the injuries it has caused to the clients we represent. From a damages perspective, each individual case will be prepared to be presented so that a jury will fully understand the physical and mental injuries each victim of this tragedy we represent have gone through. We regularly use technology in cases to effectively present the damages claims of injured victims, including day-in-the-life videos (which document steps of the recovery process), animations/re-creations (which show what victims experienced during the derailment), life-care plans (which document future needs) for those who are seriously injured, and documentaries where individuals have lost loved ones.

To contact an attorney at [Clifford Law Offices](#) or to learn more information about rail crashes if you have been the victim of a rail crash, contact Clifford Law Offices Communications Partner Pamela Sakowicz Menaker at 847-721-0909 (cell) or [Michael Krzak](#) at 312-899-9090.