

Denver Law Review

Volume 66
Issue 4 *Tenth Circuit Surveys*

Article 30

January 1989

Railroads

Denver University Law Review

Follow this and additional works at: <https://digitalcommons.du.edu/dlr>

Recommended Citation

Denver University Law Review, Railroads, 66 Denv. U. L. Rev. 783 (1989).

This Article is brought to you for free and open access by the Denver Law Review at Digital Commons @ DU. It has been accepted for inclusion in Denver Law Review by an authorized editor of Digital Commons @ DU. For more information, please contact jennifer.cox@du.edu, dig-commons@du.edu.

Railroads

RAILROADS

King v. Southern Pacific Transportation Co., 855 F.2d 1485

Southern Pacific employee King appeals the district court's summary judgment against his allegations that because the Southern Pacific ran a locomotive which lacked armrests on the brakeman's chair, the railroad was liable under the Boiler Inspection Act, 45 U.S.C. §§ 22-34, for back injuries he suffered in a grade crossing collision. Also appealed was a jury verdict for the Southern Pacific on King's claims that the railroad was liable for his back injuries under the Federal Employer's Liability Act, 45 U.S.C. §§ 22-34, and the Safety Appliance Act, 45 U.S.C. §§ 1-16. Affirmed.

King's cause of action arose from two separate accidents: a grade crossing collision in 1980 and an emergency stop in 1984. The only contested issue at trial was causation, and the Southern Pacific successfully avoided liability by showing that King had a long history of back problems prior to the accident.

