

Carman receives \$1.6 million judgment against railroad

By SONJA GARZA
The Enterprise

BEAUMONT — A Jefferson County jury this week awarded about \$1.6 million to a 55-year-old Houston man who was injured while inspecting train cars at a Union Pacific Railroad yard in 1991.

The jury in 172nd District Judge Donald J. Floyd's court awarded William Roberson the money for lost wages, future medical expenses, physical pain and impairment, and mental anguish.

The trial began Sept. 8. Jurors reached their verdict at about 4 p.m. Tuesday. The jury began deliberations at about 4:15 p.m. on Monday.

The trial stemmed from a personal injury lawsuit Roberson filed in 1994 against Missouri Pacific Railroad Co.,

doing business as Union Pacific Railroad Co. The case was governed by the Federal Employer's Liability Act, or FELA.

Roberson, who was a carman for the railroad company, was injured while inspecting train cars at the Texas Settegest rail yard in Houston. Roberson alleged the yard was unsafe because the ballast, the rock gravel used at the yard, was an improper size and violated standards.

Daniel J. Cohen, of Bauer & Baebler, St. Louis, Missouri, an attorney for Roberson, said the ballast was too large by Union Pacific's own standards and shifted underfoot, creating an unstable walking surface.

Because of the large gravel, Roberson twisted and injured his knee, requiring surgery and a total knee replacement in the future, Cohen said.

The ballast size also violated Federal Railroad Engineers Association rules, the plaintiff alleged. Cohen said many employees, including Roberson, had complained about the unsafe conditions.

"By their verdict, 12 citizens of Jefferson County told the railroad that it better do something to improve the working conditions which it requires its men and women employees to work in," said Cohen.

Erin Patterson, a Houston attorney for the railroad company, declined to comment Wednesday on whether the case will be appealed.

"All I'm able to say at this point is obviously we are disappointed with the verdict, but the case is not over yet," Patterson said.