

OUR PRACTICE

Railroad

Rail clients come to us for help with litigation, labor and employment needs, and tax assistance. Baker Donelson has been the leading litigation firm on behalf of almost all the major railroads and private carlines challenging discriminatory taxation by state and local governments. Utilizing a federal statute prohibiting such discrimination, our trial lawyers have represented the major railroads in state and federal courts in more than 30 states, before the United States Supreme Court, and the Second, Third, Fourth, Fifth, Sixth, Seventh, Eighth, Ninth and Tenth United States Courts of Appeal. The railroad industry has saved hundreds of millions of dollars due to the success of this litigation.

In addition to our tax work, we are national counsel to a Class 1 railroad on compliance with Federal regulation of noise in the workplace and noise-related claims and lawsuits. We also represent a newly formed Regional Railroad Authority, which aims to fund, construct and operate a railroad from the Gulf Coast up to Meridian, Mississippi.



Representative Matters

- Working with four different law firms, represented a Class I railroad in litigation brought on behalf of putative class of over 12,000 persons allegedly damaged as a result of a catastrophic derailment resulting in a release of multiple hazardous substances over a period of several days. Liability issues concerned track inspection and maintenance. Claims included an allegation that Texas law applied and provided a punitive damage remedy. Trial court's certification of a class vacated by Fifth Circuit. Case ultimately settled on settlement class basis.
- Multiple 12(b)(6) dismissals and summary judgments on preemption grounds under FRSA and ICCTA in suits against Class 1 railroad.
- Putative national class action filed on behalf of every transportation employee working for any one or more of the 5 Class I railroads in the United States seeking injunctive relief and money damages on the basis of allegations that the railroads were negligent and, in addition, conspired in failing to warn the employees against the hazards of exposures to toxic chemicals at railroad yards and at industrial plants. Originally working with a team of attorneys for all major railroads. Obtained dismissal of all but FELA claims. After additional motion practice, plaintiffs dismissed all remaining claims.