

Jeff Blumenthal

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Congress agrees to raise \$200M damages limit after Amtrak 188 derailment

Victims of the deadly Amtrak train derailment could receive more compensation after a bipartisan transportation bill was introduced in Congress Tuesday that would raise the accident liability cap for railroads from \$200 million to \$295 million.

The proposal is expected to be passed this week after Democrats and Republicans in both the Senate and House fused their respective transportation bills into one \$300 billion package. The increased cap was a direct response to the May 12 Amtrak 188 crash in Port Richmond that killed eight and injured hundreds.

Claims filed by plaintiffs in that case would apply retroactively.

Kline & Specter's Tom Kline and Saltz Mongeluzzi Barrett & Bendesky's Robert J. Mongeluzzi, whose firms filed the first lawsuits representing Amtrak 188 victims, commended the increased cap.

Mongeluzzi said the cap increase merely reflects the change in cost of living since the original \$200 million cap was established in 1997.

"This essentially puts victims today on the same footing as those in 1997 and nothing more," Mongeluzzi said. "The victims will not get full justice, because we still think the compensatory damages alone will exceed \$295 million, but it's 47.5 percent more."

The bill also provides for automatic cost-of-living adjustments on a five-year basis, which plaintiff lawyers say will preserve the monetary value of the cap for future victims of railroad disasters.

Saltz Mongeluzzi represents 17 passengers who have filed claims, and Kline & Specter represents 12, including two death claims.

Kline and Mongeluzzi said they are waiting for the National Transportation Safety Board to complete its investigation, which could be released in the coming weeks.

Plaintiffs lawyers like Mongeluzzi and Kline have been working with trial lawyer lobbyists to raise the cap that had been set in 1997 and did not factor in inflation.

The Amtrak 188 victims included Philadelphia chef Eli Kulp, who suffered a severe spinal cord injury, and local technology company CEO Rachel Jacobs, who was killed in the crash.

Kline represents Jacobs and said her family is interested in seeking "the full measure of justice" in the case, with a particular focus on Amtrak engineer Brandon Bostian, who was driving the train at 108 miles per hour around a bend that had a 50 mile per hour speed limit.

There have yet to be criminal charges filed in the case.