

Bus, Train and Trolley Accidents

One may think that buses, trains, and trolleys are very similar. All three provide a means of transportation for a collection of people. All three can run locally in a neighborhood or stretch into the city or even across states. However, if an accident occurs involving a bus, train, or trolley the laws are very different, if an injury results. The difference in the law can affect how medical bills are paid and any compensation for injuries that is received.

Motor Vehicles

In Pennsylvania, trolleys and trains are not treated as a motor vehicle. However, a bus, like a car, is considered a motor vehicle. The definition of a motor vehicle is very important since ALL motor vehicle accidents are covered and governed by the Pennsylvania Financial Responsibility Act (42 Pa.C.S.A. §1700 et seq., referred to as Act 6 of the Motor Vehicle code). The regulations and statutes govern all aspects of a motor vehicle accident, but do not cover non-motor vehicle accidents.

In Pennsylvania, a motor vehicle is defined as a vehicle which is self-propelled, except one which is propelled solely by human power or by electric power from over-head trolley wires, but not operated upon rails. If a person is involved in a bus accident in most states your own car insurance company will pay your medical bills. Such is the case in Pennsylvania.

No Fault Insurance

The payment of medical bills in Pennsylvania is governed by No-Fault insurance. No-Fault means that there is no determination of fault in deciding who pays the medical bills. This is beneficial, since there will be no dispute while an injured party needs treatment. If a person does not own an automobile, then if there is auto insurance for a family member in the household, that coverage will apply. If no cars are present in the household, in Pennsylvania, the car (or bus) which the injured party occupied would be the next "layer" of coverage. Thereafter, the injured party could turn to health insurance. If there is no health insurance, then the Pennsylvania Assigned Claims Plan (PFRACP) would be the appropriate source of benefits.

Tort Thresholds

In some states, there are limitations placed upon recovering for non-economic or for pain and suffering. Some states have thresholds. Pennsylvania has an optional threshold, where the insured party may save money on his or her premium in exchange for giving up certain rights to sue for non-serious impairments.

Trolley Accidents

In Pennsylvania, when a person is involved in a trolley accident, his or her motor vehicle insurance does not come into play at all. A railed trolley is not considered a motor vehicle. As such, a person injured on a trolley must use his or her health insurance to pay for medical bills. As a trolley is not a motor vehicle, there is no restriction on recovering for non-economic damages, such as for pain and suffering. However, if the trolley system is owned by the local city (considered a municipality), there could be restrictions on the recovery. The restrictions or immunity rules are set up in order to protect municipalities, cities, states and their agencies and departments from the burden of certain litigation. The exceptions to governmental immunity vary by state. Each state's law must be carefully examined.

Train Accidents

A train is a unique creation in the law. When an accident occurs involving a train, federal law usually applies. This means that if litigation is required, it will generally be in federal court not state court. There are often differences in the jury pool and the procedural rules between federal court and state court. This may affect the presentation of the case and could affect the amount of damages a plaintiff receives. When an accident occurs competent attorneys refer to the Federal

Railroad Administration Act to make sure the correct steps are taken to preserve the rights of the injured individual. Train accidents often include:

1. Train derailment
2. Train collision with another train
3. Train collision with a car
4. Train crossing over a road
5. Pedestrian on a train track
6. Failure to blow whistle
7. Failure to properly inspect the train
8. Failure to inspect the tracks