ALEC’s model Resolution on the Federal Employer’s Liability Act calls for Congress to repeal the Federal Employer’s Liability Act (FELA) and place the railroad industry under no-fault worker’s compensation laws, thus avoiding costly legal expenses.

Model Resolution

WHEREAS, the railroad industry is covered by the Federal Employers’ Liability Act (FELA), a fault-based law enacted in 1908 to provide compensation to employees suffering work-related injuries; and

WHEREAS, since the enactment of FELA, no-fault worker’s compensation laws have been adopted by every state to cover virtually all other American workers; and

WHEREAS, FELA imposes inordinate costs on the railroad industry that serve to put it at a competitive disadvantage with respect to other transportation modes that are covered by no-fault systems; and

WHEREAS, FELA is characterized by excessive transaction costs, with a large portion of the monies paid out as compensation going to trial lawyers rather than injured employees; and

WHEREAS, FELA requires both employer and employee to prove the other is at fault following an accident, therefore creating antagonism between railroads and their workers and a disincentive to the cooperation necessary to determine the true causes of workplace accidents; and

WHEREAS, because of its reliance on litigation, FELA often creates a disincentive for employees to seek speedy rehabilitation and return to the job;

NOW THEREFORE, BE IT RESOLVED, that the Legislature of (state) memorialize Congress to repeal FELA and put the railroad industry under the jurisdiction of the no-fault workers’ compensation laws of the several states under the same terms and conditions as are other American workers; and

BE IT FURTHER RESOLVED, that the clerk of the (House of Representatives and Senate) transmit copies of this resolution to the President of the United States, to the Speaker of the United States House of Representatives, to the President of the United States Senate, to the Secretary of Transportation of the United States, and to each Member of the Congress of the United States.

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