



Kaplan Kirsch & Rockwell Obtains Dismissal of Suite Challenging Inward-Facing Locomotive Cameras

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On June 1, 2011, Judge Luis Lavin, Superior Court of California, County of Los Angeles, issued a declaratory judgment in favor of the Southern California Rail Authority (SCRRA) finding that the use of inward-facing video cameras in commuter rail engines did not violate due process or privacy rights of the engineers operating the train and was not preempted by state law. SCRRA is the first railroad in the country to install the cameras to monitor compliance with rules prohibiting the use of handheld electronic devices, unauthorized personnel and sleeping in the cabs of its commuter rail locomotives. Kaplan Kirsch & Rockwell represented SCRRA in the suit, which was brought by one of the Metrolink engineers and the engineers' union, the Brotherhood of Locomotive Engineers and Trainmen (BLET). The suit alleged that the camera system violated the engineers' rights to procedural and substantive due process, invaded the privacy rights of the engineers and was an impermissible attempt by SCRRA to regulate railroad safety matters that only the California Public Utilities Commission can regulate. In granting summary judgment in favor of SCRRA and dismissing the case, Judge Lavin held that plaintiffs had failed to establish any of their claims. Of particular importance, Judge Lavin held that the use of cameras was rationally related to the legitimate goal of promoting safety and that the use of a camera system in locomotive cabs was not the kind of highly offensive or shocking behavior that would trigger due process or privacy concerns. Read the court's decision to grant summary judgment on all counts.

BLET had also challenged SCRRA's use of the cameras in federal court. Kaplan Kirsch & Rockwell obtained a judgment in favor of SCRRA in that case in June, 2010, and BLET has appealed that decision to the U.S. Court of Appeals for the Ninth Circuit. Because SCRRA was the first commuter rail system to install inward-facing cameras, these two cases—if affirmed on appeal—would establish important precedent affirming the legality of such systems to promote safety and facilitate accident investigations.