Syllabus

NOTE: Where it is feasible, a syllabus (headnote) will be released, as is being done in connection with this case, at the time the opinion is issued. The syllabus constitutes no part of the opinion of the Court but has been prepared by the Reporter of Decisions for the convenience of the reader. See *United States* v. *Detroit Timber & Lumber Co.,* 200 U. S. 321, 337.

SUPREME COURT OF THE UNITED STATES

Syllabus

CSX TRANSPORTATION, INC. *v.* MCBRIDE

CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE SEVENTH CIRCUIT

No. 10–235. Argued March 28, 2011—Decided June 23, 2011

Respondent McBride, a locomotive engineer with petitioner CSX Transportation, Inc., an interstate railroad, sustained a debilitating hand injury while switching railroad cars. He filed suit under the Federal Employers' Liability Act (FELA), which holds railroads liable for employees' injuries "resulting in whole or in part from [carrier] negligence." 45 U. S. C. §51. McBride alleged that CSX negligently (1) required him to use unsafe switching equipment and (2) failed to train him to operate that equipment. A verdict for McBride would be in order, the District Court instructed, if the jury found that CSX's negligence "caused or contributed to" his injury. The court declined CSX's request for additional charges requiring McBride to "show that . . . [CSX's] negligence was a proximate cause of the injury" and defining "proximate cause" as "any cause which, in natural or probable sequence, produced the injury complained of." Instead, relying on *Rogers* v. *Missouri Pacific R. Co.*, 352 U. S. 500, the court gave the Seventh Circuit's pattern FELA instruction: "Defendant 'caused or contributed to' Plaintiff's injury if Defendant's negligence played a part—no matter how small—in bringing about the injury." The jury returned a verdict for McBride.

On appeal, CSX renewed its objection to the failure to instruct on proximate cause, now defining the phrase to require a "direct relation between the injury asserted and the injurious conduct alleged." The appeals court, however, approved the District Court's instruction and affirmed its judgment for McBride. Because *Rogers* had relaxed the proximate cause requirement in FELA cases, the court said, an instruction that simply paraphrased *Rogers'* language could not be declared erroneous.

Held: The judgment is affirmed.

Syllabus

598 F. 3d 388, affirmed.

JUSTICE GINSBURG delivered the opinion of the Court with respect to all but Part III–A, concluding, in accord with FELA's text and purpose, *Rogers,* and the uniform view of the federal appellate courts, that FELA does not incorporate stock "proximate cause" standards developed in nonstatutory common-law tort actions. The charge proper in FELA cases simply tracks the language Congress employed, informing juries that a defendant railroad "caused or contributed to" a railroad worker's injury "if [the railroad's] negligence played a part—no matter how small—in bringing about the injury." That, indeed, is the test Congress prescribed for proximate causation in FELA cases. Pp. 4–14, 16–19.

(a) CSX's interpretation of *Rogers* is not persuasive. Pp. 4–12.

(1) Given FELA's "broad" causation language, *Urie* v. *Thompson*, 337 U. S. 163, 181, and Congress' "humanitarian" and "remedial goal[s]" in enacting the statute, FELA's causation standard is "relaxed" compared to that applicable in common-law tort litigation, *Consolidated Rail Corporation* v. *Gottshall*, 512 U. S. 532, 542–543. *Rogers* described that relaxed standard as "whether the proofs justify with reason the conclusion that employer negligence played any part, even the slightest, in producing the injury or death for which damages are sought." 352 U. S., at 506. Because the District Court's instruction tracked *Rogers*' language, the instruction was plainly proper so long as *Rogers* actually prescribes the causation definition applicable under FELA. See *Patterson* v. *McLean Credit Union*, 491 U. S. 164, 172. CSX, however, contends that *Rogers* was a narrowly focused decision that did not displace common-law formulations of "proximate cause." Drawing largely on Justice Souter's concurrence in *Norfolk Southern R. Co.* v. *Sorrell*, 549 U. S. 158, 173, CSX urges that *Rogers'* "any part . . . in producing the injury" test displaced only common-law restrictions on recovery for injuries involving contributory negligence or other multiple causes, but did not address the requisite directness of a cause. Pp. 4–6.

(2) In *Rogers,* the employee was burning vegetation that lined his employer's railroad tracks. A passing train fanned the flames, which spread to the top of the culvert where he was standing. Attempting to escape, he slipped and fell on the sloping gravel covering the culvert, sustaining serious injuries. 352 U. S., at 501–503. The state-court jury returned a verdict for him, but the Missouri Supreme Court reversed. Even if the railroad had been negligent in failing to maintain a flat surface, the court reasoned, the employee was at fault because of his lack of attention to the spreading fire. As the fire "was something extraordinary, unrelated to, and disconnected from the incline of the gravel," the court found that "plaintiff's injury was not the

natural and probable consequence of any negligence of defendant." *Ibid.* This Court reversed. FELA, this Court affirmed, did not incorporate any traditional common-law formulation of "proximate causation[,] which [requires] the jury [to] find that the defendant's negligence was the sole, efficient, producing cause of injury." *Id.*, at 506. Whether the railroad's negligent act was the "immediate reason" for the fall, the Court added, was "irrelevant." *Id.*, at 503. The Court then announced its "any part . . . in producing the injury" test, *id.*, at 506.

Rogers is most sensibly read as a comprehensive statement of FELA's causation standard. The State Supreme Court there acknowledged that a FELA injury might have multiple causes, but considered the respondent railroad's part too indirect to establish the requisite causation. That is the very reasoning this Court rejected in *Rogers*. It is also the reasoning CSX asks this Court to resurrect. The interpretation adopted today is informed by the statutory history, see *Trainmen* v. *Virginia ex rel. Virginia State Bar*, 377 U. S. 1, 3, the precedents on which *Rogers* drew, see, *e.g., Coray* v. *Southern Pacific Co.*, 335 U. S. 520, 523–524, this Court's subsequent decisions, see, *e.g., Ferguson* v. *Moore-McCormack Lines, Inc.*, 352 U. S. 521, 523–524, the decisions of every Court of Appeals that reviews FELA cases, and the overwhelming majority of state courts and scholars. This understanding of *Rogers* "has been accepted as settled law for several decades." *IBP, Inc.* v. *Alvarez*, 546 U. S. 21, 32. To discard or restrict the instruction now would ill serve *stare decisis.* Pp. 6–12.

(b) CSX nonetheless worries that the *Rogers* "any part" instruction opens the door to unlimited liability, inviting juries to impose liability on the basis of "but for" causation. A half century's experience with *Rogers* gives little cause for concern: CSX has not identified even *one* trial in which the instruction generated an absurd or untoward award.

FELA's "in whole or in part" language is straightforward. "[R]easonable foreseeability of harm is an essential ingredient of [FELA] *negligence*," *Gallick* v. *Baltimore & Ohio R. Co.*, 372 U. S. 108, 117 (emphasis added). If negligence is proved, however, and is shown to have "played any part, even the slightest, in producing the injury," *Rogers*, 352 U. S., at 506, then the carrier is answerable in damages even if " 'the extent of the [injury] or the manner in which it occurred' " was not "[p]robable" or "foreseeable." *Gallick*, 372 U. S., at 120–121, and n. 8. Properly instructed on negligence and causation, and told, as is standard practice in FELA cases, to use their "common sense" in reviewing the evidence, juries would have no warrant to award damages in far out "but for" scenarios, and judges

Syllabus

would have no warrant to submit such cases to the jury. Pp. 12–14, 16–19.

GINSBURG, J., delivered the opinion of the Court, except as to Part III–A. BREYER, SOTOMAYOR, and KAGAN, JJ., joined that opinion in full, and THOMAS, J., joined as to all but Part III–A. ROBERTS, C. J., filed a dissenting opinion, in which SCALIA, KENNEDY, and ALITO, JJ., joined.