



Update from Washington

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Transportation issues take center stage in Washington

TAKING ON UBER'S LATEST THREAT, AND THE TRUCKING INDUSTRY'S QUEST FOR IMMUNITY FOR INJURIES THEY CAUSE

At AAJ, more than a third of our members belong to Sections or Litigation Groups that focus on transportation-related issues and products – from autonomous vehicles (AV), aviation, and distracted driving, to admiralty, railroads, and trucking, and more.

AAJ is unique in how it advocates for the right to a jury trial. Our comprehensive approach covers Congress and federal agencies, research and support for state legislative battles, amicus curiae briefs, advocating for fair rules governing court procedure, and public education.

Here is a look at some of the transportation issues we are working on.

In the states, starting with California

AAJ is closely tracking Uber's tort "reform" efforts. At the start of 2025, Uber began funding a group called Protecting American Consumers Together (PACT). It launched a multi-million-dollar campaign to push tort "reform" in state legislative sessions, targeting California, Florida, Georgia, Louisiana, New Jersey, New York, and Texas.

As of this writing, Uber is mainly focused on California. The rideshare company is pushing a proposed ballot initiative (for November 2026) to amend the state's constitution, requiring that plaintiffs in auto crash cases receive at least 75% of settlements. This amendment would cap attorneys' fees and litigation-related costs, making it impossible for crash victims to hire counsel.

The California ballot initiative would also limit the past and future medical expenses that victims can recover. Another Uber priority is to roll back uninsured motorist insurance minimums, which would lower the amount of money available to passengers, drivers, and pedestrians hurt in catastrophic crashes involving Uber.

AAJ is committed to working with state trial lawyer associations (STLAs) to challenge these kinds of tort "reform" efforts. AAJ's State Affairs Department is well-equipped to monitor insurance and legislative trends nationwide and help state trial lawyer associations (TLAs) with legislative analysis, background research,

model policy, and other materials to support state TLAs' lobbying efforts. In fact, the department had a record year, assisting TLAs from 49 states and the District of Columbia with over 300 legislative requests.

In Congress: Immunity for trucking brokers and shippers

Legislative attempts to immunize brokers and shippers for hiring unqualified drivers and negligent trucking companies with terrible safety records are anticipated as Congress ramps up its work on reauthorizing surface transportation programs.

Large truck crash fatalities have increased 43% in the last 10 years, yet we see proposals that do nothing to improve safety. Instead, one bill (H.R. 5337) would provide immunity to brokers/shippers that meet an unacceptably low standard of care, and the other (H.R. 5268) would force truck crash victims from state court into federal court.

Safety on our nation's roads is also threatened when drivers do not have adequate time to rest, eat, and take breaks.

As of this writing, there is harmful language in the House Transportation, Housing, and Urban Development (THUD) appropriations bill for Fiscal Year 2026. The provision would restrict any funds from being used to override the Federal Motor Carrier Safety Administration's (FMCSA) preemption determinations for Washington's and California's meal and rest break rules for commercial motor vehicle drivers.

There are currently laws in 21 states that provide worker employment protections across a variety of industries to promote health and safety by requiring meal and rest breaks. The trucking industry tried for more than a decade to sidestep these rules and was unsuccessful until the first Trump administration. At that time, the FMCSA overstepped its statutory authority and granted an American Trucking Association (ATA) petition to preempt the meal and rest break laws in California and Washington.

The language in the House THUD bill aims to make permanent the FMCSA

regulations that override the meal and rest laws in California and Washington (which are more protective).

In Congress: Autonomous vehicles and consumer safety

AAJ is also closely monitoring developments in legislation and regulation related to autonomous vehicles. It is paramount to AAJ that any proposals prioritize consumer protection and safety, such that:

- A specific entity is designated to take responsibility for safe autonomous driving and for following the rules of the road;
- Specific prohibitions are placed on the use of forced arbitration clauses;
- Legal rights and traffic laws are preserved; and
- Americans will have access to vehicle safety information.

In the courts: When transit victims are injured out of state

Last month, AAJ filed an amicus curiae brief in the U.S. Supreme Court in *Cedric Galette v. New Jersey Transit Corp.* and *New Jersey Transit Corp. v. Colt and Tsai*, urging the Court to reject NJ Transit's attempt to avoid accountability for injuries it causes outside New Jersey's borders. Both cases involve serious injuries caused by NJ Transit buses in other states.

The Court must now determine whether to accept NJ Transit's argument that it is an "arm of the state," and therefore immune from legal responsibility in other states' courts. AAJ's brief warns the Court that granting such immunity would erode the equal dignity of sovereign states and deny innocent victims any path to justice, since they would be unable to sue NJ Transit in the state where the accident occurred, and New Jersey's venue rules bar them from suing there as well. This outcome would be an "absurd result," as our amicus brief notes, denying injured individuals any legal remedy at all and contradicting centuries of common-law tradition and foundational constitutional principles. 🌐