

Simi Valley Acorn

Crash victims share heartache with train engineer's employer

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By Carissa Marsh

cmarsh@theacorn.com



REMEMBERING HUSBAND AND FATHER—

Camarillo residents Claudia Souser and her daughter Mackenzie, 15, brought photos of husband and father, Doyle, to a Feb. 6 meeting with Veolia Transportation representatives at Simi Valley City Hall. The company operated the Metrolink trains and employed the engineer who caused the September 2008 crash that killed 25 people, including Doyle Souser. IRIS SMOOT/Acorn Newspapers

On Monday, victims of the 2008 Metrolink train crash and their families gathered in the council chambers at Simi Valley City Hall to recount the tragedies and struggles they've endured during the past 2½ years.

“We were all crying,” said Simi resident Cheryl Whitney, whose son Curtis was injured in the crash. “The stories are horrendous to hear and it felt like you were going to 20 funerals in one day. It’s very emotional to be in there. It’s heart-wrenching.”

There to listen were representatives of French conglomerate Veolia Transportation, which provides operating crews for Metrolink commuter rail service.

Connex Railroad LLC, a subsidiary of Veolia, is the company that hired engineer Robert Sanchez, who was found to be texting on his cellphone when he ran a red light and collided with a freight train outside of Chatsworth on Sept. 12, 2008.

Including Sanchez, 25 people were killed and more than 130 were injured in the crash. Twentyone of those killed were from Ventura County, including 10 from Simi Valley, four from Moorpark, three from Camarillo and two from Thousand Oaks—all cities represented by U.S. Rep. Elton Gallegly, who organized the meeting.

The core issue for the approximately 60 people who attended is the \$200-million fund that has been set aside to compensate victims of the crash.

Those affected say that is far from enough.

Over and over, residents coming out of the meeting said they want Veolia to “step up” and “do the right thing.”

“We really wanted them to understand what each of us has gone through . . . and that we’re not asking for anything outrageous, we’re just asking that they help us try to put our lives back together,” said Simi resident Devika Shankar, 27, who attended the meeting with her parents, Anita and Kumar.

Kumar Shankar was in the first train car and sustained severe injuries, breaking bones from his face to his feet. He’s had several reconstructive surgeries and there are likely more in his future.

Like other victims, the Shankars have struggled with both the emotional and the financial repercussions of the crash. Affected families wonder when Veolia will decide to abide by its creed.

“They claim in their mission statement that accountability is important and they put safety first, so we’re asking them to live up to that,” Devika Shankar said.

In August 2010, Southern California Metrolink and Connex established a \$200-million fund to use to settle lawsuits brought by victims of the crash. Federal law caps the maximum liability for passenger rail accidents at \$200 million.

In September, Gallegly proposed a bill to raise the cap to \$500 million, but the bill failed. He’s since proposed a scaled-back version that would increase the limit to \$275 million to account for inflation.

However, a federal judge’s approval of the \$200-million settlement was finalized last week, releasing Metrolink and Connex from further liability. The case will move to a state court next, where a judge will decide how to divide the money.

Veolia set hard ground rules for Monday’s meeting, including locking out media and banning recordings or videos inside the chambers. Also, Veolia’s three representatives wouldn’t answer questions from attendees.

Gallegly exited the meeting looking exhausted. With tears in his eyes he spoke to awaiting reporters, saying it had been a very emotional day.

“I had a couple friends that were lost and a lot of friends that were injured. That’s what happens when you’ve been in this community all your life,” he said, choking up. “And I personally feel a big responsibility to help these folks.”

He called those folks courageous, but said they are afraid, too.

“There’s so much uncertainty about whether they’re going to be able to pay the bills. People say, well, gee, \$200 million, that’s a lot of money,” he said. “But when you start counting: 25 lives, 135 or 140 serious- to critically injured people, many with bills already over a million dollars—and that doesn’t count for how they’re going to be able to survive for the next 20, 30, 40 years of their life.”

The congressman said he felt more optimistic leaving the meeting than he did coming in, but Steve Burch of Camarillo was less hopeful. Walking out of the meeting, he called the Veolia reps a “bunch of hypocrites.”

Burch, 57, was riding in the third train car. The crash knocked him out and broke his collarbone and ribs.

Burch believes Veolia cares only about keeping its contracts, not about the crash victims, saying that if it did it would have done the “responsible” thing long ago.

“(They should look at) what are the injuries? What can we do to make you whole again?” Burch said. “They have the resources to do that. It’s not as though this is a small mom-and-pop, podunk company that can’t do this. They certainly can, and they refuse at this point.”

While money won’t bring loved ones back or fix health problems, said County Supervisor Peter Foy, it will ensure that victims and their families don’t have to worry about paying the bills on top of everything else.

“I was disappointed because we do have examples, like we saw with BP and PG&E, the ones who have done the right things up front,” Foy said. “But I was encouraged at the end to hear their legal counsel speak. It sounded like there was some hope for opportunity for these people.”

Alan Moldawer, executive vice president and general counsel for Veolia, wouldn’t comment on the cap. But he said Veolia was glad it had the opportunity to hear victims’ stories.

“It’s powerful. It has the effect it would have on anybody,” Moldawer said. “We’re human beings, we all have families, we all have loved ones. We can sense and know the pain that they have.”

While what happens next is anyone’s guess, Whitney hopes something positive will come out of the meeting, for her son’s sake.

Just 23 years old at the time of the crash, Curtis broke every bone in his back and suffered head injuries, too. He went from being a vibrant, active man with a job in construction to being housebound and unable to work. Now he has \$1 million in medical bills.

Whitney shared with Veolia her son’s X-rays— and her family’s heartache.

“Maybe it humanized it for them. Maybe. I can only hope,” she said.

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