

# Gallegly talks to Metrolink victims

## Veolia representative missing

By Anne Kallas

Friday, January 28, 2011

Rep. Elton Gallegly met with about 18 victims of the 2008 Metrolink crash Friday, but a key invited guest couldn't make it: Veolia Transportation, the company that contracted Connex Railroad to operate the commuter train.

"This is the largest company of its kind, and no one was available to come today?" Gallegly said after the closed-door meeting at his office in Thousand Oaks.

The Simi Valley Republican said Veolia representatives said they could meet with victims on Feb. 7, but that is expected to be after U.S. District Judge George H. Wu finalizes a \$200 million crash settlement. Gallegly plans to meet with the company on that date, although details aren't finalized.

While \$200 million may seem like a large sum, there isn't that much to go around when it is divided among the families of the 25 people who died and 135 others who were seriously injured, Gallegly said.

"This company, based in France, has \$750 million in liability insurance," Gallegly said.

Jenny Fuller of Simi Valley, whose husband, Walt Fuller, 56, was among those killed in the accident, was at the meeting. "We were supposed to meet with Veolia, but they are hiding behind the law," Fuller said, adding that it is impossible to put a price on the loss of her husband.

Gallegly said he has taken on the role of advocate. "If not me, who? They are my constituents," he said.

He noted that one crash victim who was going to be a doctor had a portion of her brain removed, while a young man broke every bone in his spine.

"There are young folks who are going to have to pay millions in medical costs for the rest of their lives," Gallegly said.

The \$200 million cap was set in the Amtrak Reform and Accountability Act of 1997, which was passed to help the struggling U.S. railroads.

“It wasn’t intended for foreign entities,” Gallegly said, adding that the cap has not been adjusted for increases in medical costs and inflation.

He introduced legislation to raise the cap to \$500 million before the last Congress adjourned in December, but the bill died. The congressman has refiled the bill with a \$275 million cap, which would be retroactive to the Metrolink crash, Sept. 12, 2008, and would apply in cases where gross negligence could be proved. Federal investigators blame the Metrolink crash on Connex engineer Robert Sanchez, who was text messaging at the time, missed a red-light signal and crashed head-on into a Union Pacific freight train near Chatsworth.

Gallegly said that Sanchez was a troubled employee and the company that allowed him to continue working as an engineer should be held liable. Gallegly wanted to have representatives of Veolia on hand to meet with the victims of the accident.

“I am taking them up on an offer to finally meet with these people and let them see a human face and give the victims an opportunity to explain what has happened in their lives,” he said. “Veolia has made a firm commitment to see what happens.”

Frank Kohler, 65, of Simi Valley was a registered nurse at the time of the accident. “I was in the second car on the top. I was knocked out for an hour and a half,” he said. “I must have been carried off the train.”

Since the accident, he has had trouble concentrating, which has been attributed to severe post-traumatic stress syndrome and brain damage. He said he found peace of mind from his meeting with Gallegly.

“He’s restored my faith in the system,” Kohler said. “He was calm and reassuring to talk to.”

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