

Bill would increase Metrolink payout

Liability would be \$500 million

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WASHINGTON — Victims of a deadly Metrolink train crash near Chatsworth would be eligible for a combined payout of \$500 million under federal legislation introduced Thursday that would more than double the existing limit on damages.

Rep. Elton Gallegly, R-Simi Valley, filed legislation Thursday that would raise the liability cap on train crashes from \$200 million to \$500 million. The higher cap would apply only in cases in which the defendants are grossly negligent, a higher standard than under current law.

The cap also would apply retroactively to Sept. 12, 2008. It was the day investigators believe a Metrolink engineer ran a red signal light while sending text messages on his cell phone, causing the commuter train to crash head-on with a Union Pacific freight train.

Twenty-five people, most of them Ventura County residents, were killed and more than 100 injured in the crash.

“I met with many of the victims of the crash last month,” Gallegly said. “Through no fault of their own, many now have injuries that will require a lifetime of medical treatment. Others lost a spouse or parent who was their primary means of support.

“The current cap will not even meet the medical needs of the survivors of one of the worst passenger train accidents in modern history. My bill is designed to address that.”

Gallegly’s office said the proposed \$500 million cap is based on a retired judge’s analysis of what the total damages from the Metrolink crash could be.

The current \$200 million limit on payouts to train crash victims has been in place since passage of the Amtrak Reform and Accountability Act of 1997. The cap was part of a broader package meant to provide some stability for Amtrak, which has been beset with financial troubles for years.

Late last month, attorneys for Metrolink and Connex Railroad filed court papers asserting their intention to accept the maximum \$200 million in liability as part of a potential settlement stemming from the crash near Chatsworth.

Connex is a subsidiary of Veolia Transportation, a French company that operates bus, rail and other services throughout North America. Connex was running the Metrolink commuter train system at the time of the crash near Chatsworth.

Eleven House members, six Democrats and five Republicans, immediately signed on as co-sponsors of Gallegly's bill, including Rep. Lois Capps, D-Santa Barbara. All of the co-sponsors are from California, except for Reps. Steven LaTourette, R-Ohio, and Mike Simpson, R-Idaho.

Sen. Dianne Feinstein, D-Calif., said she also plans to introduce similar legislation in the Senate.

"I'm going to work with Rep. Gallegly, and I want to make sure that my bill is limited to gross negligence," Feinstein said. "It seems to me that public transportation systems cannot be operated with gross negligence, period."

Raising the liability cap would hold the French company and its insurers accountable for claims arising from the crash, "as opposed to innocent American taxpayers," said Oxnard-based attorney Mark Hiepler, who represents 13 people seriously injured in the collision and the families of two others who were killed.

The law that set the liability cap at \$200 million "was not designed to protect private companies that are grossly negligent," Hiepler said.

"The (proposed) legislation keeps the standard high for gross negligence, but again allows the additional compensation for people who have had their lives changed through injuries or their husbands' deaths or other deaths," Hiepler said.

Metrolink said in a statement that it would be "speculative" to comment on the proposed legislation.

"Metrolink's focus is on making available the maximum level of funds available to injured and deceased passengers and affected family members on an accelerated basis," the statement said.

Metrolink stressed that the court filing establishes a \$200 million fund for victims and their families and would provide compensation to them "potentially years faster than without this action."

<http://www.vcstar.com/news/2010/sep/16/gallegly-introduces-bill-to-raise-payout-for/>