

Lawmaker questions liability cap on train crash

By DAISY NGUYEN Associated Press Writer

Posted: 08/31/2010 12:04:34 PM PDT

Updated: 08/31/2010 06:01:51 PM PDT

SIMI VALLEY, Calif.—A Southern California congressman whose district includes dozens of commuter train passengers involved in a catastrophic collision wants to challenge a federal law that sets a \$200 million limit on damage payouts to train crash victims.

Last week, the Metrolink system and its former contractor Connex Railroad filed court papers accepting the maximum \$200 million in liability for the 2008 crash that killed 25 people and injured more than 100.

Republican Rep. Elton Gallegly said the sum isn't enough to cover all the victims' losses and medical expenses.

"That money is going to go quickly," Gallegly said Tuesday after meeting some of the victims in Simi Valley. "Whether the amount should be \$300 (million) or \$350 million or whatever, I want to make sure that we have a way to see that they do receive what's fair."

A federal judge is expected to rule on the settlement in October, creating a deadline for taking legislative action to alter the law that was adopted as part of the reauthorization of Amtrak in 1997. The liability cap was included in a package of measures meant to help stabilize the financially troubled carrier.

The cap is being tested, however, by the magnitude of the crash. An independent evaluation of the 109 pending lawsuits, almost all involving passengers, in Los Angeles Superior Court found damages "far exceed \$200 million," said Jerome Ringler, a lead attorney for the victims.

He said challenging the constitutional grounds of the cap in court would be difficult, and a more expedient remedy would be legislative action.

Raymond Conklin, 58, whose legs were badly injured in the crash, said he has had eight surgeries and medical bills totaling more than \$1 million.

"I need to fix my knees next, but if I undergo one more surgery that would mean less money in the fund for the other victims if the cap stays in place," Conklin said. "This is wrong."

Gallegly said in civil cases the law can be changed retroactively. He said he has been talking with California Sen. Dianne Feinstein and Jim Oberstar, Democratic chairman of the House Transportation and Infrastructure Committee, to form bipartisan support before introducing a bill when Congress gets back in session next month.

"Not everyone is going to agree, but we got to come together and agree to make a bad situation much better," Gallegly said.

The crash occurred Sept. 12, 2008, when the Metrolink train ran a red light and collided head-on with a Union Pacific freight train in the Chatsworth area of the San Fernando Valley. Investigators believe the commuter train's engineer, who was provided by Connex, was texting moments before the crash.

Metrolink, created in 1992, is a regional heavy-rail commuter system serving Los Angeles, Orange, Riverside, San Bernardino and Ventura counties.

http://www.mercurynews.com/breaking-news/ci_15952236?nclick_check=1