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METROLINK CRASH SETTLEMENT

## **Camarillo teen, whose father died in 2008 Metrolink crash, urges company to cover full costs of the damage done**

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In powerful [testimony before Congress](#), a Camarillo teen took aim Thursday at the company that employed the engineer blamed for causing the 2008 Metrolink catastrophe in Chatsworth that killed her father and 23 other passengers.

Fifteen-year-old [Mackenzie Souser](#) told Veolia Transportation that it should accept full responsibility for the crash, saying that was something her father, Doyle, had taught her to do.

"He never said, 'Well, Mackenzie, just try to make things 30 percent or 50 percent better,'" she said. "My dad (said to be) 100 percent responsible.

"It's not only fair to the person I hurt, he also knew that if I had to be fully responsible for any harm I caused, I would be more careful about my actions in the future."

She also criticized the supervisors of engineer Robert Sanchez, saying they had known he'd long been using his cell phone and texting while on duty but had failed to take action to stop him.

Federal investigators concluded that Sanchez was sending text messages on his cell phone just before the crash. He missed a red-light signal, which put his westbound commuter train on a collision course with an eastbound freight train.

Sanchez and 24 passengers were killed in the crash and 135 others were seriously injured.

"The truth is that the engineer's company took such a big gamble with my dad's and all the other passengers' lives," she said tearfully. "This was wrong."

### **Firm pushed to cover cost**

Mackenzie was speaking on behalf of legislation sponsored by Rep. Elton Gallegly, R-Simi Valley, that would raise the cap on damages to the victims' families from \$200 million to \$275 million.

She recounted her family's grief, as well as the financial uncertainty, after her father's death on Sept. 12, 2008.

"I am simply not a normal teenager anymore without my dad," she said.

"The best part of every day was when my dad came home from work and our family would have dinner together," Mackenzie told members of the [House Subcommittee on Railroads, Pipelines, and Hazardous Materials](#).

"I struggle every day with the fact that my dad, who was the sole bread-winner for our family, isn't coming home ever again."

At the time of the accident, Metrolink - a five-county regional rail authority - contracted with Connex to provide engineers. Connex is a subsidiary of Veolia, a French company that operates bus, rail and other services throughout North America.

Veolia disputed Gallegly's view of the settlement as inadequate - as well as the findings of the National Transportation Safety Board that the engineer's distracted driving was responsible for the crash. | [See Daily News photo gallery](#).

Alan Moldawer, Veolia's vice president and general counsel, said the \$200 million settlement for victims and their families is the largest financial recovery fund in the history of passenger rail.

"It is more on a per-claimant basis than was paid on the 9-11 (settlement) fund," he said, referring to the money paid to survivors of the terrorist attacks on Sept. 11, 2001.

"To say this is not adequate, we believe, is not true."

Moldawer said the settlement, which has been approved by the plaintiffs as well as a federal judge, averted a protracted legal fight that could delay payments to victims and their families for as long as a decade.

But Gallegly told the hearing he has learned that Veolia is insured to cover damages as high as \$700 million. He said he has asked the company to use this coverage but that he has not received a response.

If Veolia does not cover the full damages, the lawmaker said, the exorbitant cost will fall on the victims as well as the taxpayers.

"Obviously when (the personal insurance) caps run out, it's going to be the taxpayers and public hospitals and so on that are going to be paying this," he said. "Of those 135 people that were seriously and critically injured, we have several that already have doctor bills over \$1 million.

"We did have one person who had just graduated from medical school and was ready to start being a doctor. She had half of her brain removed and is scarred permanently for life."

Moldawer said he would not comment on Veolia's insurance policy.

A California Superior Court judge recently opened hearings with victims' families to determine how the \$200 million will be allocated.

Advocates for the victims - families of those who died and the 135 who were seriously injured - maintain that the \$200 million covers possibly only half of the actual damages.

"My family will appear before the (state) judge soon and tell him about all our losses," Mackenzie said.

"If there is no change in the law or Veolia does not offer additional funds, the judge will have to determine some fair way to reduce each award so that everyone's case fits inside the limit. I can only imagine how difficult this will be."

At Thursday's hearing, Gallegly presented charts showing the extensive number of text messages in which Sanchez had engaged - while operating the train - in the days leading up to the crash.

According to records, Sanchez was sending more than 150 text-messages a day - two-thirds to three-fourths of them while on duty.

"He had made almost 100 text messages that day," Gallegly said, ending with the final message that apparently caused the engineer to overlook a signal to stop.

Mackenzie said that the engineer's texting habits violated all the lectures that teens are given about text-messaging - and that he had been using texts to develop relationships with teens, apparently along the Metrolink pathway, that led to the crash.

## **Putting a face on safety**

"The engineer had recently invited a teenager for a ride-along in the cabin with him and allowed him to have contact with the controls," Mackenzie told the subcommittee. "The engineer had been planning on letting the same teenager actually drive the train on the evening of the collision.

"Within a few minutes and a few text messages, my life was changed. My family's life was changed and over 160 other families' lives were changed drastically by this preventable disaster. I'm telling you this because I would never want anyone to go through the same traumatic loss as I have for the past two and a half years."

The teenager's appearance in the Rayburn House Office Building hearing drew applause and praise from longtime lawmakers.

"Certainly, young lady, that took a lot of courage for being so honest and so forthright," said Rep. Grace Napolitano, D-Santa Fe Springs.

Rep. John L. Mica, R-Fla., chairman of the House Transportation and Infrastructure Committee overseeing the subcommittee, said Mackenzie's testimony was important because "it's very important we put a human face on (the issue of safety)."

Moments before Mackenzie testified, Rep. Bill Shuster, R-Pa., chairman of the subcommittee, tried to ease the teen's nerves.

"I know you have butterflies in your stomach. That's a good thing," Shuster said. "It's going to be a breeze for you. I can tell you that there's one person in the room that's got more nerves going on in their stomach than you - and that's your mother."

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