

Gallegly wants officials of French company to meet with families of Metrolink victims

By Michael Collins

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WASHINGTON — Rep. Elton Gallegly said Friday he has asked one of the top officials of a French transportation company to meet next week with victims of the deadly Metrolink train crash near Chatsworth.

The Simi Valley Republican said his office has requested that Ron Hartman, executive vice president of Veolia Transportation's rail division in the United States, meet Thursday with the victims and their families.

Veolia owns the company that was operating the Metrolink commuter train, and company officials "have expressed their heartfelt condolences to the families, and they have expressed this to me," Gallegly said.

"I just think it would help a lot if they would sit down and hear the stories and see the folks face to face," Gallegly said. "They need to look at this through the eyes of the people who are impacted more than just through some report that someone put on their desk."

A venue for the meeting has not been determined, but Gallegly said it would most likely be held in either Simi Valley or Thousand Oaks.

Gallegly said Hartman notified him late Friday he won't be able to attend the meeting but may be able to get someone else from Veolia to go in his absence. Gallegly said Hartman promised to give him a response no later than Monday.

A spokeswoman from Veolia did not respond to a request for comment.

Veolia and its contractor, Connex Railroad, are facing a number of lawsuits resulting from the crash, which occurred when a Metrolink commuter train slammed head-on into a Union Pacific freight train on Sept. 12, 2008.

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

Federal investigators concluded the accident was caused by a train engineer who ran a red light while sending text messages on his cell phone. The engineer, Connex employee Robert Sanchez, was among those killed.

If the meeting takes place, one issue that is almost certain to come up is Veolia's offer to set up a \$200 million settlement fund for the crash victims. The settlement, if approved by the court, would limit Veolia's liability in the crash to \$200 million, which is the maximum amount train crash victims are allowed to receive under federal law.

The cap was put in place as part of the Amtrak Reform and Accountability Act of 1997, a package that was meant to provide some stability for the financially troubled passenger train service.

But the Metrolink victims and their families argue that \$200 million would come nowhere close to covering their claims for medical bills and other expenses. Some estimates put those expenses at more than \$600 million.

Furthermore, critics argue, the cap was meant to apply only to government entities, not private companies such as Veolia and Connex.

Gallegly and Sen. Dianne Feinstein, D-Calif., pushed legislation in the last Congress to raise the cap to \$500 million. But lawmakers adjourned without either the House or the Senate voting on the bill.

Earlier this week, Gallegly refiled his bill. While the original legislation would have raised the payout limit to \$500 million, the latest version would boost the cap to just \$275 million, the level at which it would be today if it had been adjusted for inflation.

The higher cap would be retroactive to the date of the Metrolink crash and would apply only in cases in which gross negligence is involved, a higher standard than under current law. Government entities would be exempt from the higher cap.

Gallegly said Veolia has indicated it intends to treat the victims and their families fairly, and, he said, he hopes that includes a willingness to cover their actual medical expenses, even if they exceed \$200 million.

"There is an issue of equity here," he said. "And in this case, hopefully, Veolia will step up and do the right thing."

<http://www.vcstar.com/news/2011/jan/21/gallegly-wants-officials-of-french-company-to-of/>