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Camarillo teen tells Congress about loss of her dad in Metrolink crash



Kris Connor/Special to The Star - During a House Transportation and Infrastructure Committee's subcommittee on railroads, pipelines, and hazardous materials hearing Thursday, Rep. Elton Gallegly, R-Simi Valley, and Mackenzie Souser, 15 of Camarillo. She told the committee that her father died when a Metrolink engineer who was texting on his cell phone ran a red signal in Chatsworth. The train crash killed 25 people and injured over a 140 people on Sept. 12, 2008.

By Michael Collins

WASHINGTON – A Camarillo teenager fought back tears Thursday as she told a congressional subcommittee what it has been like for her family in the two years since her father was killed in a Metrolink train crash near Chatsworth. "I am simply not a normal teenager anymore without my dad," said 15-year-old Mackenzie Souser, struggling to maintain her composure as camera shutters clicked and television cameras recorded her every word.

To those who still refer to the crash as an accident, Mackenzie reminded lawmakers that federal investigators concluded the collision was caused by a train engineer, Robert Sanchez, who was sending text messages on his cell phone. "It really was not just an accident," she said. What it was, she said, was an "avoidable disaster."

Mackenzie and others who lost family members in the crash or who suffered injuries themselves are asking Congress to raise the payout amount that train crash victims are allowed to receive under federal law. Right now, liability payouts for a single train crash are capped at \$200 million. Veolia Transportation, the French company that owns the firm that was operating the Metrolink train, has created a \$200 million settlement fund for the victims and their families, and a judge is in the process of deciding how the money should be divided.

But families of the 25 people killed and 135 seriously injured say \$200 million would come nowhere close to compensating them for medical bills and other expenses. A retired judge reviewed the case and estimated lifetime medical bills for the survivors would total about \$600 million.

Rep. Elton Gallegly, a Simi Valley Republican whose district is home to many of the victims, has filed legislation that would raise the liability cap to \$275 million, the level at which it would be today if it had been adjusted for inflation. Gallegly, who also testified at Thursday's congressional hearing, said Veolia has enough insurance to pay the full damages but is hiding behind the law. He called once again for Veolia "to step up and at least cover the real damages — not the punitive damages — but the real damages caused by this tragedy."

Oxnard-based attorney Mark Hiepler, who represents Mackenzie's family and a number of the other train crash victims, said there's still time to change the law so that it will benefit the injured parties.

Veolia believes the \$200 million settlement is adequate, said Alan Moldawer, the company's executive vice president and general counsel. It's the largest financial payout in the history of passenger rail, not just in the United States, but worldwide, he said. With the settlement, the money will get to the victims much sooner than if individual claims in the case had been litigated, Moldawer said. If the claims had gone to trial, he said, it could have been up to 10 years before the victims would have seen any payment.

Moldawer also said Veolia disputes the finding that Sanchez's text-messaging was responsible for the crash; questions whether the victims' claims would exceed \$200 million; and believes Gallegly and the plaintiffs' lawyers have been spreading "misinformation" about the cause of the crash and the size and sufficiency of the settlement fund. "We believe we have done the right thing," Moldawer said.

In her congressional testimony, Mackenzie recalled how she was just three days away from her 13th birthday when her father, Doyle Souser, a manufacturing company executive, boarded the Metrolink train for his commute home on Sept. 12, 2008.

The train, filled with passengers, collided head-on with a Union Pacific freight train near Chatsworth. Doyle Souser was riding in the front car. The National Transportation Safety Board concluded Sanchez, the train engineer, who also was killed, caused the accident when he ran a red light while sending text messages on his cell phone. "Within minutes and a few text messages, my life was changed, my family's life was changed, and over 150 other families' lives were drastically changed by this avoidable disaster," Mackenzie told the House Transportation and Infrastructure Committee's subcommittee on railroads, pipelines and hazardous materials.

Mackenzie, who was invited by Gallegly to testify before the panel, said she struggles every day to accept that her father, the sole breadwinner for her family, will never come home from work again. She said she also worries about her mother, Claudia, about the family's finances and about how she and her brother will be able to go to college.

By failing to discipline Sanchez, who had been reported several times before for texting while on duty, Veolia showed it "was more concerned about profits and not about major safety issues," Mackenzie said. "The truth," she said, "is that the engineer's company took such a big gamble with my dad's and all of the other passengers' lives. This was wrong."

Veolia also is wrong to rely on the federal law limiting how much it must reimburse the survivors for their injuries, Mackenzie said. "My dad always taught me to accept full responsibility in any circumstances where I ever hurt someone," she said. "My dad knew that being 100 percent responsible was not only fair to the person that I hurt. He also knew that if I had to be fully responsible for the harm I caused, I would be more careful about my actions in the future."

When Mackenzie finished, the subcommittee members and the audience broke into applause, an acknowledgment seldom shown by lawmakers during a congressional hearing.