



TITLE IX NEVADA'S FIRST BIG WIN

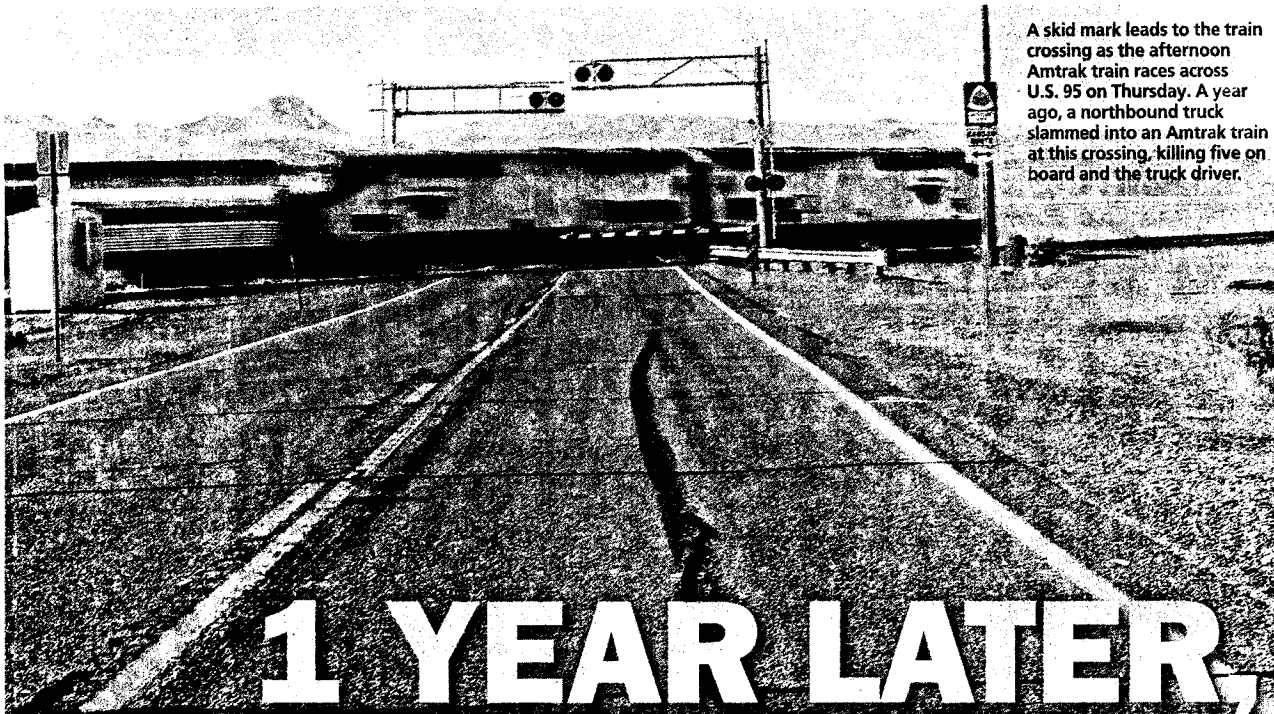
73 years before law's passage, women's basketball team scored a stunner. **SP-08-15-10C**

RENO *Sunday* GAZETTE-JOURNAL

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SUNDAY, JUNE 24, 2012 • ONLINE AT RGJ.COM



A skid mark leads to the train crossing as the afternoon Amtrak train races across U.S. 95 on Thursday. A year ago, a northbound truck slammed into an Amtrak train at this crossing, killing five on board and the truck driver.

RGJ
INVESTIGATES

WHAT THEY SAID THEY WOULD DO:

Weeks after the deadly June 24, 2011, crash between an Amtrak passenger train and a truck, the Nevada Department of Transportation said it would conduct a study into all of the state's rail crossings on roads with speed limits of 65 mph and 70 mph to determine whether additional safety warnings or lower speed limits were needed.

WHAT HAPPENED:

One year later, NDOT has not made any changes at the crash site to make it safer nor has the agency made changes at other high-speed rail crossings. A spokesman said NDOT conducted the reviews and decided that it would not change the speed limits on any of the roads with high-speed limits and rail crossings. The department also said it did not add new warning signs or lights. But it said it will consider an additional review of the U.S. 95 crash site.

1 YEAR LATER,

'MAKE THIS CROSSING SAFER'

— AMTRAK ENGINEER
RON KAMINKOW

No changes at site where truck hit Amtrak train

By Martha Bellise
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One year after a tractor-trailer slammed into an Amtrak train at a rail crossing east of Reno, sending a fireball into the passenger cars that killed six and injured dozens, railroad workers say the crossing is still dangerous, a Reno Gazette-Journal investigation has found.

Another truck nearly crashed into an Amtrak train in April but managed to slide to a stop. Rail workers say that neither the state nor the railroad companies have done anything to make the crossing safe. But Aaron

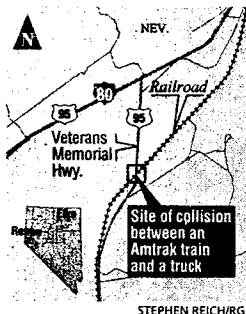
Hunt, spokesman for Union Pacific, owner of the tracks, said they have been "investigating that crossing to determine if additional steps can be taken to make it safer."

Lawrence Ruben Valli, 43, was driving north on U.S. 95 on June 24, 2011, when his tractor-trailer skidded, crashed through the safety guard rails and into a westbound train carrying 218 people. The second and third rail cars burst into flames. The train, traveling 79 mph, took a half-mile to stop. Chaos erupted as passengers tried to escape by jumping out windows to the ground 15 feet below. But some

See AMTRAK, Page 8A



An ID tag hangs from one of the crosses that stand as memorials to the six people who died a year ago. PHOTOS BY MARILYN NEWTON/RGJ



ON RGJ.COM/ AMTRAK

Log on for complete coverage of the crash that killed 6 people on June 24, 2011, and the following investigation.

Amtrak

Continued from Page 1A

were trapped and burned inside the cars.

The crash was Nevada's deadliest train accident in more than 20 years. The National Transportation Safety Board has not yet completed its investigation. Eleven lawsuits are moving through state and federal courts. Damages could run in the tens of millions.

The Reno Gazette-Journal reported last July that train engineers see up to five close calls at the crossing on U.S. 95 every year. Just nine months before the deadly crash, another truck traveling south was unable to stop in time and slammed into the guard rails, just missing a train. Those RGJ reports prompted the Nevada Department of Transportation to launch a study into rail crossings on state roads with high speed limits — 65 to 70 mph.

But a visit to the crash site this week revealed that the speed limit remains 70 mph and no new warning signs have been posted. NDOT spokesman Scott Magruder said the agency decided against making changes to the rail crossings but may reconsider that position in the future.

Two months ago, a truck traveling north on U.S. 95 "skidded to a stop in a cloud of breakshoe smoke and burned rubber as Amtrak Train No. 5, the westbound California Zephyr, approached the crossing," said Amtrak engineer Ron Kaminkow — the same engineer on the train during last year's crash.

"Friends, family and fellow railroaders all find it incredible that nothing has been done to date to make this crossing safer," he said in an email. Both state governments and the railroad companies are responsible for creating this dangerous situation, he said.

A physical inspection of the rail crossing on U.S. 95 by the RGJ found that the only warning on the 70-mph road is a single orange circular RR sign just one-tenth of a mile before the tracks. Safety lights at the crossing flash a warning when a train is approaching, but it is not known how far they can be seen when the sun is high in the desert sky.

At 5:17 p.m. Thursday, an Amtrak train approached the crossing but the lights on the safety tower and the guard rails did not click on until the train was about 30 seconds from crossing the road. Hunt said the Federal Railroad Administration has set the minimum warning time at 20 seconds.

The RGJ also confirmed that a new set of tire skid marks are visible on the road approaching the crossing at the spot described by Kaminkow.

Magruder said the agency had not heard about the April 6 close call. Kaminkow said he reported the incident to Union Pacific and to the chief investigator at the NTSB.

After the Nevada Department of Transportation reviewed all of Nevada's roads with high speed limits and rail crossings last year, the agency decided to keep the 65 and 70 mph speed limits and opted out of adding warning signs or flashing lights, Magruder said.

"At the time of the crash, we thought all of the proper signs were in place and the speed limit was fine," Magruder said. "And we continue to feel that all of the proper safety precautions and signs are still fine. But we'll keep reviewing that road." Kaminkow and the national rail workers union said the state's response is not acceptable.

"Please understand the importance to us train crews, as well as the traveling public, motorists, etc., just how important it is to fix this crossing," Kaminkow said in an email. "Advance warning signs and lights, rumble strips and a lower speed limit could — individually or in combination — go a long way to drastically improve the safety of this grade crossing."

Amtrak runs two trains per day on the tracks that cross U.S. 95. Union Pacific spokesman Hunt said he did not have a current count of the freight trains it runs on that line but said, "It is an important corridor for Union Pacific freight train use." Its trains carry a wide range of products, he said, from gravel to automobiles to grains.

Union Pacific trains also carry a long list of hazardous chemicals, including propane, fertilizer, alcohol and ethanol, he said.

Rail safety: a national problem

The train workers' union, Railroad Workers United, held a national memorial day this month to highlight railroad crossing safety and asked all



A memorial now stands near this train crossing on U.S. 95, a short distance south of Interstate 80, for the six victims of last year's tragic accident in which a tractor trailer rig slammed into an Amtrak train. MARILYN NEWTON/RGJ

THE VICTIMS

Killed in the June 24, 2011 crash between a tractor trailer and Amtrak passenger train:

- ▶ **Lawrence Valli**, 43, the driver for John Davis Trucking Co.
- ▶ **Laurette Lee**, 68, of South Lake Tahoe, was a conductor on the Amtrak train.
- ▶ **Cheyu Ong**, 34, of West Jordan, Utah, was a passenger on the train.
- ▶ **Frances Knox**, 58, and her daughter **Karley "Annie" Knox**, 18, of Seward, Neb., were passengers.
- ▶ **Barbara Bell**, 60, of Whitehaven, Cumbria, United Kingdom, was a passenger.

RAIL INTERSECTIONS THAT CROSS HIGH-SPEED ROADS IN NEVADA

ROADS WITH 70 MPH SPEED LIMITS

- ▶ U.S. 95 south of Interstate 80
- ▶ U.S. 95 near Hawthorne depot
- ▶ U.S. 93 near Wells Road

ROADS WITH 65 MPH SPEED LIMITS

- ▶ U.S. 50 east of Silver Springs Montello Road in Elko
- ▶ U.S. 95 Alternate outside Weed Heights

Source: Nevada Department of Transportation

workers to wear black shirts on June 15 to honor all rail workers killed at crossings, including Laurette Lee. She was the conductor on the Amtrak train involved in the June 24, 2011 crash.

The group said the crossing on U.S. 95 is one of "literally thousands" of dangerous rail crossings across the country.

"We need to hold the railroad industry, together with state and federal governments, responsible for the havoc caused by this lack of protection," the Railroad Workers United said in a press release.

Hunt, with Union Pacific, disagreed with that assessment. The rail company runs a program called UP CARES, which stands for Crossing Accident Reduction, Education and Safety, and has reduced crossing accidents by 37 percent since 2001, he said.

He also said Union Pacific officials held a four-hour observation operation at the site of last year's Amtrak crash to study traffic and train patterns. Rail officials have held talks with the Nevada Department of Transportation, he said, but no final decisions have been made concerning changes at that crossing.

Statistics for close calls at crossings are not readily available, and the federal government does not keep track of near-misses, the RGJ investigation found.

An RGJ review of accident and incident reports for the past 10 years compiled by the Federal Railroad Administration did not show any reports for the U.S. 95 rail crossing beyond the fiery crash on June 24, 2011. Even the September 2010 incident when a truck crashed into the safety guard rails at the U.S. 95 crossing to avoid hitting the train did not make it into FRA data.

The FRA, part of the U.S. Department of Transportation, enforces rail safety regulations and conducts research in an effort to improve rail safety.

According to FRA spokesman Warren Flatau, close calls and crashes that do not involve an actual collision between a vehicle and a train are not collected by the FRA. In the September 2010 crash, the truck was able to stop before hitting the train so the incident did not meet the FRA's reporting threshold, Flatau said. The FRA only keeps statistics when the

train and vehicle touch, he said.

Engineers and rail workers said they report incidents to their companies, whether it be Amtrak or Union Pacific, but the rail companies have refused to release information about how often they receive these complaints and where they occur. Union Pacific and Amtrak also would not say how many reports were needed to trigger safety improvements.

"They do receive reports of close calls," Mark Burrows, a locomotive engineer based in Chicago, said of the rail companies. "If we encounter something, we are mandated to report it to the proper authorities. But what happens after that is the question of questions."

"If engineers are turning these in, are the close call reports going to the circular file?"

Hunt said Union Pacific provides NDOT and FRA their "close call" reports whenever they are requested. He said these reports are "common, though they are anecdotal."

The Reno Gazette-Journal filed Freedom of Information Act requests last year with Amtrak and Union Pacific asking for copies of all reports by rail workers about close calls or incidents at the site of the crash. The companies refused to release the information, saying it could not be made public because it is part of the NTSB's ongoing investigation.

The RGJ requested that information again on Friday, but both Union Pacific and Amtrak declined to provide the data.

"The investigation is still ongoing by the NTSB, and we have no further comments," said Vernae Graham, spokeswoman for Amtrak.

Peter Knudson, spokesman for the NTSB, said they were "entering the final stages of the investigation."

He said they expected to have a report ready in the next few months.

Victims remembered

Six crosses and a white plaque with six hand-written names sit atop a small dirt mound on the southeast side of the rail crossing — the only reminder of the chaos and destruction that resulted from the fiery collision.

The first name listed: Lawrence Valli. The 43-year-old driver and his employer, John Davis Trucking Co. of Battle

LAWSUITS STEMMING FROM THE AMTRAK CRASH

▶ **Alexandra Curtis v. John Davis Trucking Co.**, filed in Washoe County District Court. Curtis, an on-duty train attendant, claims the company was negligent in hiring driver Lawrence Valli.

▶ **Lana Dickerson v. John Davis Trucking Co. and Amtrak**, filed in Washoe District Court. Dickerson is a train attendant and claims the trucking company was negligent and Amtrak was in part liable for her injuries because a door on the train was locked, hindering her escape from a burning car.

▶ **William Knox v. John Davis Trucking Co.**, filed in Washoe District Court. Knox, who lost his wife and a granddaughter in the crash, filed a wrongful-death suit claiming the company was negligent.

▶ **Blaine Bennett v. John Davis Trucking Co.**, filed in Washoe District Court. Bennett claims the trucking company was negligent in training its drivers and operating a safe vehicle.

▶ **Ronald Werkenthien v. John Davis Trucking Co. and Amtrak**, filed in Washoe District Court. Werkenthien of Crete, Ill., was a chef on the Amtrak train. He claims the trucking company and Amtrak were negligent.

▶ **Evelyn Johnson v. John Davis Trucking Co. and Amtrak**, filed in Washoe District Court. Johnson of Dolton, Ill., was an attendant on the Amtrak train and claims the trucking company was negligent and Amtrak failed to

ensure a safe workplace.

▶ **Stephen Michael Shirley v. John Davis Trucking Co.**, filed in Washoe District Court. Shirley of Utah, lost his wife, Cheuy Fen Ong, in the crash and filed a wrongful death suit claiming the trucking company was negligent.

▶ **Kyung Ran You, Hyung Won Park and Dae Keu Park v. John Davis Trucking Co.**, filed in Washoe District Court. Kyung and Hyung were passengers and claim they were injured in the crash because of the trucking company's alleged negligence.

▶ **Amtrak v. John Davis Trucking Co.**, filed in U.S. District Court in Reno. Amtrak claims that the trucking company negligently owned, operated, maintained, inspected and entrusted the trailer combination. It also says the company failed to train its driver and knew he was incompetent or unqualified to operate vehicle. It seeks damages in excess of \$10 million.

▶ **John Davis Trucking Co. filed a countersuit against Amtrak and Union Pacific Railroad Company** in U.S. District Court in Reno claiming the rail companies failed to maintain a safe rail crossing.

▶ **Union Pacific Railroad filed a countersuit against John Davis Trucking Co.** in U.S. District Court in Reno claiming the trucking company was negligent.

Source: RGJ research



An evidence marker is attached to the roadside crossing sign a tenth of a mile from the crash site. MARILYN NEWTON/RGJ

Mountain, were criticized after the crash for Valli's driving record — he had six moving violations since 2008. The company was cited for seven violations since 2010, according to Federal Motor Carrier Safety Administration records.

A spokeswoman for the trucking company said the company did not want to comment for this story.

The speed limit on U.S. 95 is 70 mph but it is not known how fast Valli was traveling when he approached the train or why he didn't or couldn't stop. The FRA accident report said his estimated speed at impact was 30 mph. The train was traveling 79 mph on a section of track that was posted 80 mph. His 50,000-pound semi tractor-trailer truck exploded into pieces when he hit.

The FRA accident report said 101 people were injured — 12 railroad employees and 89 passengers. Most were flown to area hospitals. Valli and five on board died.

Laurette Lee, 68, was the only rail worker to die in the crash. An Amtrak employee since the 1980s, Lee lived in South Lake Tahoe and worked as a conductor on the Zephyr train runs between Chicago and Emeryville, Calif. Fellow workers nicknamed her the "Iron Maiden" because she was

known to climb out of the trains and use a sledgehammer to smash ice off frozen switches.

She was riding in the first car, the employee dorm car, when the truck slammed into the side of the train.

Francis Knox, 68, of Seward, Neb., was sitting in the first coach car with her granddaughters Marissa, 16, and Karly "Annie," 18, when the semi hit. Francis and Annie were escorting Marissa back to California after a visit to Nebraska.

Marissa Knox was sitting across the passenger car from her grandmother and sister when the truck hit. Suddenly they were gone, she told her grandfather Bill Knox. In an interview with the RGJ days after the crash, Knox said Marissa was hysterical when she called and she said she thought a bomb had exploded.

Knox has filed a wrongful death suit against the trucking company, claiming it was negligent.

Thirty-four-year-old Cheyu Ong of West Jordan, Utah, also died in the crash, and a British woman who was on a holiday was the last victim to be identified. Barbara Bell, 60, of Whitehaven, Cumbria, United Kingdom, was making a solo cross-country trip when the truck crashed through the crossing guardrails.