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FRIDAY, JUNE 29, 2012

AMTRAK CRASH

Lawsuits claim crossing defects

They say gates failed to come down in time

By Martha Bellisle ellisle@raj.com

The children of the Amtrak conductor killed in last year's crash and three injured passen-gers filed lawsuits Thursday claiming the Nevada Depart-ment of Transportation failed to post offective warning signs on

ment of Transportation failed to post effective warning signs on the road and the railroad compa-nies used a defective rail cross-ing warning signal. "There's credible evidence that the gates came down late or not at all," said Jay Sullivan, a Minden-based lawyer who filed the four lawsuits in Washoe Dis-trict Court. "In photographs we've seen, the northbound crossing gate was not broken off. And the question arises, when did that crossing gate drop? "A late deployment of the crossing gate would help explain why Mr. (Lawrence) Valli drove his truck into the train."

his truck into the train." Robert Comer of Magnolia, Ohio, a forensic investigator who has reviewed 300 railroad cross-ing accidents nationwide over 23 years, agreed, saying the skid marks on the road show the truck

marks on the road show the truck was in the northbound lane but the crossing gate in that lane was intact after the crash. "If the gate had been down at the time of the crash, Mr. Valli's truck and trailers would have hit it and smashed it. But that didn't happen," Comer said. The skid marka show that that truck taxed happen," Comer said. The skid marks show that the truck stayed

See AMTRAK, Page 6A

ON RGJ.COM/AMTRAK

Log on to read past coverage of the June 24, 2011, Amtrak crash, including Sunday's investigation into the Neva da Department of Transportation's decision not to make changes at the crossing where the fiery crash occurred.



Dr. Eithne-Marie Barton at the HAWC Clinic talks about Thursday's Supreme Court ruling on the Affordable Care Act. ANDY BARRON/RGJ

HEALTH RULING HAS BIG

Opposing sides claim victory after high court's decision

By Gianna Cruet uet@rgj.com

For Dr. Eithne-Marie Barton, the U.S. Supreme Court's decision to uphold health care legislation could have a big

impact. Barton is a doctor at Reno's HAWC Barton is a doctor at Reno's HAWC clinic, a nonprofit medical and dental center in an network that serves about 30,000 local patients each year. Staff pro-vides primary care and manages chronic disbetes, obesity, high blood pressure and high cholesterol, she said. "The bottom line is that (the law) means more access to health care for the American public, and that's never a bad

American public, and that's never a bad thing," Barton said. "The more access, the healthier the country. So many people we serve are hardworking with full-time

See HEALTH CARE, Page 5A

NEVADA AND HEALTH CARE

Uninsured in Nevada: 563,000, or about 21 percent

Where the state stands now: The Nevada Where the state stands now: The Nevada Legislature in 2011 implemented the Silver State Health Insurance Exchange and created a seven-member board to oversee it. State offi-cials estimate the Affordable Care Act would cost Nevada \$575 million in the first five years as more people become eligible for Medicaid.

What happens now: The U.S. Supreme Court ruling said the federal government cannot threaten to withhold states' entire Medicaid allotment if they don't take part in the law's extension that would relax the threshold of eligibility. Sandoval's office said Nevada would not automatically buy into the expansion. Source: Associated Press

PAGE 4A: FIND OUT ABOUT HOW THE HEALTH CARE LAW WILL AFFECT YOU



ONLINE AT RGJ.COM

President Barack Obama speaks after the Supreme Court ruling. AP

INSIDE

» The momentous health care ruling handed President Barack Obama a campaign-season victory. However, Republicans quickly indicated they would try to use the decision against him, 38

» In the split-second rush to report the Supreme Court's health care decision Thursday, CNN and Fox News Channel got it wrong. 3B

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» Log on to read comments from Nevada elected officials on the health care ruling.

e details on the health care » Get mor law at RGJ.com/healthcare.

6A FRIDAY, JUNE 29, 2012

FIRE SERVICES

New fire agency to issue badges today

Washoe County offi-Washoe County offi-cials plan to distribute badges this afternoon to all the employees who will be part of the new Truckee Meadows Fire Protection Dis-trict, including more than 100 firefighters. than 100 firefighters. The county is start-ing its own fire depart-ment at 8 a.m. Sunday, ending a 12-year-old merger with the Reno Fire Department. About half of the Fire Department. About half of the firefighters that will make up the new de-partment are recent fires, but come to the department with vary-ing degrees of experi-ence, including many with multiple years un-der their belts. They are completing a two-week academy this week to familiarize themselves with the new department.

themselves with the new department. The rest of the de-partment will be made up of the firefighters who already work in the Truckee Meadows and Sierra Fire protection districts.

The ceremony starts at 4 p.m. inside the County Commission chambers at 1001 E. 9th St., Reno.

BRIEFLY

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Man may have been killed by dog

A Cold Springs man was found dead Wednesday, possibly killed in a dog attack. The Washoe County Sheriff's Office respon ded to a home in the 17300 block of Bear Lake Drive in the Cold Springs area on a report that a man was dead. It put a male dog in quarantine.

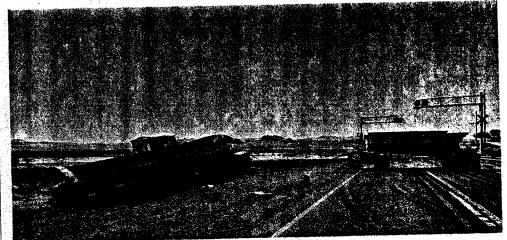
"Due to this being an ongoing criminal in-vestigation, no further details will be released at this time," the sher-iff's office said in a news release. - Staff report

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Install new front or rear brake pads. Excludes machining rotors or drums. Plus tax, if applicable. Not valid with other offers. Present offer at time of service. Plus tax and supplies. Expires 7/29/12



RENO GAZETTE-JOURNAL/RGJ.COM



Wreckage of a semi truck that struck an Amtrak in June 2011 is strewn along U.S. 95. PHOTOS BY LIZ MARGERUM GIELE

Amtrak

Continued from Page 1A

mostly in the northbound lane. If he had drifted into the left lane, the skid marks would have been on that side of the road, he wid But they were not said. But they were not. The lawsuits also ask

the court to impose a man-datory injunction against the state transportation department. The plain-tiffs want the court to force the DOT to install advance railway crossing warning signs with flashing lights triggered by an

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approaching train, rum-ble strips and reduce the speed limit from 70 mph to 50 mph at the site on U.S. 95. The suits refer to a Re-

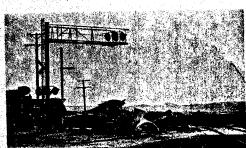
no Gazette-Journal inves-tigation published Sun-day, the first anniversary of the crash. The RGJ found that despite numer-ous reports of close calls by engineers at the cross-ing, the DOT has not made any safety improvement no Gazette-Journal invesany safety improvements at the site.

The story quoted rail workers who said they find it incredible that Marc Magliari, spokes-man for Amtrak, declined

man for Amtrak, declined to comment on the law-suits and claims, saying only: "We will file a re-sponse through the prop-er legal channels at the appropriate time but not before."

Meg Ragonese, spokeswoman for the spokeswoman for the transportation depart-ment, said: "NDOT has re-viewed the U.S. 95 and other rail crossings with higher speed limits. We have not seen the law-suits, but we'll review them when we receive them."

them." Officials with Union Pacific Railroad and law-yers for John Davis Trucking Co. could not be reached for comment or reached for comment of did not return messages. Lawrence Ruben Valli, a driver for John Davis Trucking of Battle Moun-



Wreckage of the semi truck that hit the Amtrak train is ar the tracks on U.S. 95. The Amtrak train is seen in en n the background.

tain, was traveling north on U.S. 95 on June 24, 2011, when he skidded and crashed into the west-bound California Zephyr, carrying 218 people. Valli, conductor Laurette Lee and four passengers died, and 101 people were in-jured. jured.

Amtrak, Union Pacific and crash victims have sued the trucking compa-ny, but John Davis Truck-ing has countersued the railroad companies, rairoad companies, claiming they failed to maintain safe tracks. These four new suits bring to 15 the number of lawsuits filed in response to the crash.

to the crash. The newest lawsuits were filed by Lee's chil-dren and Richard Ales-sandro of Elk Grove; Calif., who was an assis-tant conductor on the train. Passengers Bryan and Rachel Bolingbroke of Tremonton Utab and of Tremonton, Utah; and Hailey Loeffler of Crest-

ed Butte, Colo., also filed

lawsuits. They claim Amtrak failed to maintain and calibrate its locomotive sigal device that triggers the crossing warning gates, and as a result, there was a delay in cross-ing gate activation. They say Union Pacific, which say Union Pacific, which owns the track, failed to ensure the crossing warn-ings and gates operated "in a safe, timely and effi-cient manner" and as a re-sult, the warning lights and crossing gates were allegedly delayed. The suits also say John Davis Trucking's should have suspended Valli for his moving violations and say Valli should have been more attentive as he ap-

more attentive as he ap-

more attentive as ne ap-proached the crossing. "This loss of life and limb need not have oc-curred," Sullivan said in the lawsuit. "The fiery ac-cident could have been prevented in many ways.