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AMTRAK CRASH

Lawsuits claim crossing defects

They say gates failed to come down in time

By Martha Bellisle
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The children of the Amtrak conductor killed in last year's crash and three injured passengers filed lawsuits Thursday claiming the Nevada Department of Transportation failed to post effective warning signs on the road and the railroad companies used a defective rail crossing 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 District 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."

Robert Comer of Magnolia, Ohio, a forensic investigator who has reviewed 300 railroad crossing accidents nationwide over 23 years, agreed, saying the skid 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 marks show that the truck stayed

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ON RGJ.COM/AMTRAK

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

HEALTH CARE



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 IMPACT

Opposing sides claim victory after high court's decision

By Gianna Cruet
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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 clinic, a nonprofit medical and dental center in an network that serves about 30,000 local patients each year. Staff provides primary care and manages chronic disease. Many patients there suffer from diabetes, 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 thing," Barton said. "The more access, the healthier the country. So many people we serve are hardworking with full-time

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NEVADA AND HEALTH CARE

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

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 officials 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



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. 3B

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

ON RGJ.COM

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

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

FIRE SERVICES

New fire agency to issue badges today

Staff report

Washoe County officials plan to distribute badges this afternoon to all the employees who will be part of the new Truckee Meadows Fire Protection District, including more than 100 firefighters.

The county is starting its own fire department at 8 a.m. Sunday, ending a 12-year-old merger with the Reno Fire Department.

About half of the firefighters that will make up the new department are recent hires, but come to the

department with varying degrees of experience, including many with multiple years under their belts. They are completing a two-week academy this week to familiarize themselves with the new department.

The rest of the department 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.



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

Amtrak

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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 said. But they were not.

The lawsuits also ask the court to impose a mandatory injunction against the state transportation department. The plaintiffs want the court to force the DOT to install advance railway crossing warning signs with flashing lights triggered by an

approaching train, rumble strips and reduce the speed limit from 70 mph to 50 mph at the site on U.S. 95.

The suits refer to a Reno Gazette-Journal investigation published Sunday, the first anniversary of the crash. The RGJ found that despite numerous reports of close calls by engineers at the crossing, the DOT has not made any safety improvements at the site.

The story quoted rail workers who said they find it incredible that nothing has been done to make the crossing safer.

Marc Magliari, spokesman for Amtrak, declined to comment on the lawsuits and claims, saying only: "We will file a response through the proper legal channels at the appropriate time but not before."

Meg Ragonese, spokeswoman for the transportation department, said: "NDOT has reviewed the U.S. 95 and other rail crossings with higher speed limits. We have not seen the lawsuits, but we'll review them when we receive them."

Officials with Union Pacific Railroad and lawyers for John Davis Trucking Co. could not be reached for comment or 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 seen near the tracks on U.S. 95. The Amtrak train is seen in the background.

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

Amtrak, Union Pacific and crash victims have sued the trucking company, but John Davis Trucking has countersued the railroad 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.

The newest lawsuits were filed by Lee's children and Richard Alessandro of Elk Grove, Calif., who was an assistant conductor on the train. Passengers Bryan and Rachel Bolingbroke of Tremonton, Utah; and Hailey Loeffler of Crest-

ed Butte, Colo., also filed lawsuits.

They claim Amtrak failed to maintain and calibrate its locomotive signal device that triggers the crossing warning gates, and as a result, there was a delay in crossing gate activation. They say Union Pacific, which owns the track, failed to ensure the crossing warnings and gates operated "in a safe, timely and efficient manner" and as a result, the warning lights and crossing gates were allegedly delayed.

The suits also say John Davis Trucking should have suspended Valli for his moving violations and say Valli should have been more attentive as he approached the crossing.

"This loss of life and limb need not have occurred," Sullivan said in the lawsuit. "The fiery accident could have been prevented in many ways."

BRIEFLY

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 responded 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 investigation, no further details will be released at this time," the sheriff's office said in a news release.

— Staff report

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