

\$4.5M award to Amtrak upheld in deadly Nev. truck crash

By Scott Sonner, AP

RENO – A federal judge has refused to grant a new trial for a Nevada trucking company ordered to pay more than \$4.5 million in damages to Amtrak after a truck slammed into a passenger train at a rural highway crossing in 2011, killing six people.

Conductor Laurette Lee, 68, of South Lake Tahoe was one of those who died.

A U.S. District Court jury in Reno returned the verdict in September 2014 against the Battle Mountain-based John Davis Trucking.

The jurors concluded the truck driver who was killed along with five people on the California Zephyr was primarily to blame for the fiery crash in Northern Nevada's high desert about 60 miles northeast of Reno.

Lawyers for the trucking company argued in a motion for a rehearing that Judge Howard McKibben should have instructed the jury to consider evidence suggesting a faulty signal and crossing gate could have contributed to the collision on Highway 95 just south of Interstate 80.

McKibben ruled Monday the verdict – which also awarded more than \$210,000 to the Union Pacific Railroad for damage to the tracks – was a reasonable one.

John Davis Trucking “received a fair trial,” McKibben wrote in a four-page order, adding that the company's motion was “comprised largely of arguments it has already raised – some repeatedly – and which the court has already decided.”

“The verdicts were not contrary to the clear weight of the

evidence, the damages were reasonable and supported by the evidence and there is no basis for concluding that the jury was presented with false or perjurious evidence," he said.

The National Transportation Safety Board concluded in December 2012 that the probable cause of the accident was an inattentive trucker with a history of speeding violations driving an empty tractor-trailer with faulty brakes.

The California Zephyr bound from Chicago to Emeryville was three hours behind schedule when it left Salt Lake City on June 24, 2011. It was going 77 mph in Nevada's Forty Mile Desert when it approached the crossing north of Fallon, the NTSB said.

With the whistle blaring, the engineer initiated the emergency brakes about 450 feet from the crossing, the agency said. Rubber skid marks on the highway showed the truck driver hit his brakes 300 feet from the tracks but skidded nearly the length of a football field into the second car behind the engine. The truck embedded in the side of a crew car, which ultimately was destroyed by the fire that also charred a passenger car behind it.

The driver, Larry Valli, 43, of Winnemucca, was killed along with the train's conductor and four passengers.