

Senate Bill 747: Establishes TriMet Crash Advisory Committee



Aaron Sturdy-Wagner, fatally struck by a MAX light rail train
June 23, 2003



Danielle Sale, fatally struck by a
TriMet bus April 24, 2010

What is a life worth?



CONTACT

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13. Bus/MAX Fatalities, 2007 to 2018 given to Darla by Aaron, TriMet lobbyist in March 2019

MAX events reported to Federal government as injury now listed as fatality on Aaron's records				
13-1	12/10/2007	102nd MAX	Not on Federal as fatality	
13-2	2/11/08	Farmington & Murray	Not on Federal as fatality	

MAX fatalities not included in Aaron's list		
1/24/2009	10th & Washington	1 fatality
2/17/2010	Wallula Cut	1 fatality
2/26/2010	173rd & Baseline	1 fatality
8/16/14	Gresham City Hall	2 fatalities
6/5/2017	Baseline near 175th	1 fatality

Note: We don't have records to look at accuracy of bus incident reporting

14. MAX fatalities TriMet record request from Dan Maguire, 1986 - 2017

Year	TriMet	Federal Database
2002	2 fatalities	1 fatality
2006	1 fatality	0 fatalities
2014	4 fatalities	5 fatalities

15. 2018 Bus/Rail Major Collisions (Incomplete; does not indicate who died.)

Senate Bill 747

TriMet Crash Advisory Board

My name is Darla Sturdy. Thank you Senator Beyer and Senator McKeown, co-chairs and the committee, for letting me speak today. I will tell you how my son, Aaron Wagner-Sturdy, died June 23, 2003. I will give you the facts of about TriMet's not completing Senate Bill 829, the law that I passed.

I will give you 20 years of facts regarding TriMet's culture, which shifts blame for crashes to the public, finding ways to avoid accepting responsibility for accident prevention. I will also show you inaccuracies in their reporting to everyone to hide critical information on safety. This will show you that we need this TriMet crash advisory committee and why they need to be held accountable and transparent.

My son, Aaron Wagner-Sturdy was awesome. He played six years of baseball, nine years of football, did snowboarding, was fourth in the nation Tae Kwon-do when he was nine, he just made varsity football, was in drama, and him and his sister were the first brother and sister in 100 years to both get first in state in drama. He did all these activities well and carefully, and never was injured. He also was a Christian and he went to church every Wednesday and Sunday, and he always told me how much he loved me. The day he died he was with the youth group that he coordinated himself for that day. So you can see, he had a great future ahead of him.

TriMet said within two hours of killing my son, it came over the media that he was racing the train, when in fact, the police report states from the operator that Aaron was going normal speed on his bike but she thought he would stop.

(Exhibit 1). On June 23, 2003, my son was killed on a crosswalk by light rail. I spent the next three years watching TriMet go in and out of stations. In

2007, I came to the Capitol and passed a law, Senate Bill 829, to have them go back to every crosswalk throughout the entire light rail line to review the safety of the crosswalks and make changes.

(Exhibit 2A) In 1999, TriMet did a poll of their operators and they told TriMet how dangerous the MAX stations were from Gresham to Hillsboro.

(Exhibit 2B). Korve Engineering did a report in 1999 with recommendations for pedestrian and bicycle grade crossings, as a result of two recent deaths. TriMet was supposed to go back to every crosswalk throughout the entire light rail line and make changes, but they never did.

(Exhibit 2C). TriMet provided a list of pedestrian and bike fatal collisions, not including cars, from 1986 through 2006. On this you'll see to the right, in 2002 where TriMet had killed two people. If you look at Exhibit 2D, TriMet turned in only one fatality to ODOT that in turn went to the federal government's National Transit Database. (Exhibit 2E) Just recently I found out in 2006 they did the same thing. One fatality was on TriMet's record, but zero were reported to the federal government.

(Exhibit 2F). From 1994 to 2006, on light rail only, TriMet had 505 collisions with pedestrians, bicyclists, and cars. The Transportation Committee asked TriMet and ODOT for this information, it took three months for them to get it, and we were all appalled at the total. Right now, I can't get the collision data from TriMet and their lobbyist Aaron Deas from 2007 to 2018.

(Exhibit 2G). The National Safety Council's guide says that all operators of commercial vehicles are trained to a higher level than the average driver. Secondly the prevention of an accident remains the responsibility of the operator, regardless of the right-of-way, according to the National Transportation Safety standards. TriMet also embraces these standards in all their training.

With all the information I just shared with you, in 2007 I passed a law in memory of my son, Senate Bill 829 (Exhibit 3), having TriMet commission a study by an independent person of a sample of crosswalks throughout the entire light rail line, because they did not follow the recommendations of the 1999 Korve Engineering report.

In 2008 I went in front of TriMet's board of directors to find out how my law was coming along. They said, "What law?" with Fred Hansen, the General Manager of TriMet present, who was with me in Salem when the legislation was passed. Only because of my persistence, they finally did the report. (Exhibit 4).

In 2009 we had to go back to the Senate Transportation Committee to review the report on TriMet's crosswalks and stations that needed changes due to my law. At the time of the report there were 65 crosswalks and 45 stations. Actually, there were fifteen more crosswalks that needed changes per Steve Banton, head of safety for TriMet, bringing the total to 80 crosswalks and 45 stations.

(Exhibit 5). March 5, 2009, while we were in legislation, the GM from TriMet, Fred Hanson, stated he would fix the station where my son was killed first and in memory of my son they would go back to the crosswalks and stations every year and re-inspect them to make sure the pedestrian is safe.

(Exhibit 6A). After that I went to Senator Rick Metzger, head of Transportation and said, "Since TriMet judges their own accidents and the only time they don't is when their driver is at fault and they have to bring in a third party because they're union." I asked Senator Metzger if we could pick 20 collisions out of the 505 and send them to the National Transportation Safety Board for review. TriMet didn't do this. They selected 20 crashes that were after the period that Senator Metzger wanted examined.

(Exhibit 6B). TriMet sent them to K&J Safety and Security Consulting, who is an independent consultant, not the federal government as I requested.

(Exhibit 7). On November 23, 2009, a man got hit by a MAX train at the same spot as my son and died, the site Fred Hanson promised would be fixed first. Eight months later, TriMet had not fixed the crosswalks at the Gresham City Hall station. But, they did fix the crosswalk a week after they killed him.

TriMet tried to blame this on the City of Gresham for not granting building permits. In Exhibit 8, there is a letter from the City of Gresham indicating that "...TriMet is not required to obtain local permits for work that is conducted within their right of way." So the public was given an untrue statement from TriMet about why this work had not been completed before this man died.

In May of 2010 I met David Sale at a TriMet board meeting, whose daughter was killed when a TriMet bus went across three lanes and turned left, hitting five people in a crosswalk. Two died, one was Sale's daughter and the other was her best friend. David and I tried to get TriMet more accountable and transparent to the public. We asked for a task force, not knowing that a task force is a short recommendation, not an ongoing form of oversight. Being who we are from the general public we are just trying to get as much accountability from TriMet as we can and prevent further injuries and deaths. They put together a "Task Force on Safety & Service Excellence" delivering a final report (Exhibit 9) in October 2010. The task force consisted of Tom Walsh, former TriMet General Manager, K&J Consultants, David and myself along with other members of the public, and TriMet employees. It lasted six months, and reached some important recommendations and observations.

(Exhibit 9a). It said TriMet should consider a community advisory committee,

(Exhibit 9b), change their language about safety to eliminate the word “accident” and shift emphasis to the concepts and terminology around hazard identification,

(Exhibit 9c) take a more proactive approach to safety. It also stated TriMet does not sufficiently analyze data to support identification of hazards and proactively work towards incident prevention.

(Exhibit 9d). The task force also recommended that Mr. Sale and I meet and talk with operators about safety. David and I went to board meetings and nothing was ever brought up about us helping, even though we offered our help.

(Exhibit 10). In 2015 a girl by the name of Amy Laing, was hit by the MAX train, severed her leg, and suffered many other serious injuries. There was an article in the paper February 25, 2019 that said a jury awarded her \$15 million but she will only get \$682,000 because they have a liability cap.

(Exhibit 11). In 2010, from the law that I passed, TriMet should have put in channelization at the crosswalk where she was hit. This was again suggested in a 2014 update to their design criteria. TriMet only made these changes after Laing was hit. The pattern we see again and again is that TriMet refuses to make changes the law requires until another innocent person is hurt or killed. Even worse, they only make the changes at the crash location.

(Exhibit 12). In the summer of 2018, I went to Senator Laurie Monnes-Anderson looking for some help to get statistics from TriMet on how many train collisions from 2007 through 2017 they had between pedestrians, bicyclists, and cars. They sent back 2011-2017 and said they couldn't find 2007 through 2010.

(Exhibit 13). I received from Aaron Deas, the lobbyist from TriMet, a fatality report for buses and MAX. In doing my research Aaron had two fatalities

that might just be injuries because they are not in the federal database as fatalities (Exhibits 13-1 and 13-2). Then I found six more fatalities that were not on Aaron's list but were in the federal database. So this report is not true and accurate.

(Exhibit 14). A separate records request from Dan Maguire at TriMet showed some of the same inconsistencies noted in 2002 and 2006 and another in 2014.

(Exhibit 15). In March 2019 I received a list of "major collisions" from Aaron Deas. It doesn't include all collisions, but only a very small portion of a much larger total. Why would TriMet want to hide that total from us?

This overview of TriMet's safety history is meant to give you the facts regarding TriMet's culture, which focuses on shifting blame for crashes to the public. The agency is constantly seeking ways to escape accepting responsibility for accident prevention.

I have two things I'd like to propose. First, what can we do to make sure TriMet complies with Senate Bill 829, since I've proven that they haven't updated the stations and crosswalks as should have been done?

Second, the failure to properly judge accidents has a cascading effect. It makes the process of judging accidents less credible, it doesn't help their future prevention because it states nothing more can be done, and ultimately the public is less safe. For these and many more reasons I have come to you to ask that you please pass Senate Bill 747.

My son had a saying, "Dream big. Don't let the little things get in your way." To me that means, I can't save my son but I can save your loved ones. Thank you very much for letting me speak today.

Wagner's memory lives on

JILL KALANGES
 PAGE EDITOR

"Roses are red, violets are blue, mommy gosh dang, I love you!"

This poem is just one of many memories left on Aaron Wagner's bedroom walls after his death.

Wagner was involved in a fatal accident with a Max train over the summer.

On cards left on Wagner's bedroom desk, friends wrote memories of him for his family.

One reads, "My favorite memory of Aaron is when I was having a bad day. Aaron and Sean came up to me and said that when I was ready, they would sing for me to cheer me up. Even though they never did, I know that someday when I go to heaven (Aaron) will and that's well worth waiting for."

The memory that almost every single memory card mentions is that no matter what the situation, Wagner always managed to wear a smile on his face. Pictures of Wagner's smile cover his bedroom walls from top to bottom.

The Tae-Kwon-Do belts, medals and drama awards on the walls make it clear that Wagner did not just sit back and watch everyone else have fun. Along with Tae-Kwon-Do Wagner went on to take up four other sports in high school, including football and wrestling.

And that was just the beginning. Entering high school, Wagner faced the conflict of deciding whether to stick with wrestling or start drama. Wagner decided to quit wrestling and start what would become a very productive drama career.

"Aaron was very enthusiastic," drama teacher Sara Dempsey said. "He loved to live life to the fullest."

Last year alone, Wagner was a dancer for the 2003 spring musical *Godspell*, part of the stage crew for the 2002 fall play *You Can't*



Aaron Wagner, his sister Savannah and mother, Darla Sturdy pose for a quick picture after the siblings make state for the drama department. Savannah and Aaron were the first siblings to make state together.

Take It With You, elected to be on the Drama Council for the 2003-04 school year and was a state qualifier for his One Act performance in *Switched at the Crossroads*.

Wagner's sister, former student Savannah Wagner, also qualified for state, making them the first brother and sister to go to state in the school's history.

Wagner always sought to please his family. Written in his daily drama class reflections, Wagner said, "I hope one day in the future I will get to be a lead (in a play) and make my family proud." Wagner never got the chance to have a lead, however his family still supported him with smiles on their faces as he performed on stage.

Wagner's faith was a key aspect in his life. He attended Mountain View Christian Church every Sunday and Wednesday for

youth group. Wagner chose to be baptized in this church in front of friends and family April 2 and one of his best friends, Sean Garcia, baptized him.

Wagner and Garcia, along with junior Josh Williamson, were known to students as the Three Amigos.

This past summer, Wagner, with his church youth group, traveled to Tijuana, Mexico where they built a church. While there, Wagner was awarded a medal called The Order of Paul. He received this award, which is very seldom given, for always being a gentleman to the ladies.

Wagner was notoriously known for wearing a shirt that read "I like church," and a hat reading "Jesus is my homeboy."

For Prom, Wagner simply donned his "

Jesus is my homeboy" hat a regular T-Shirt and tie so that his mom would not have to spend money on a tux.

"Aaron taught me that life was too short to not give the loving God your all," sophomore Kaitlyn Dirksen said.

Wagner was an inspiration to many. Nearly 700 people attended his memorial service and left letters to him and his family. Some did not even know Wagner personally.

Wagner was not one to have his individuality influenced by others. His mother, Darla Sturdy, remembers he would tell her that he loved her no matter who was around.

"(Aaron's death) has been really hard for me. Sometimes I just wish he would walk through the door," Sturdy said. "Its been hard to accept."

PHOTOS COURTESY OF DARLA STURDY



Gophers show support, race against cancer

ASHLEY TJADEN
 PRODUCTION MANAGER

One day of the year the streets are not graced by motor traffic. A day when street signs and light signals are of no importance.

This day the streets are covered by a white cloud stretching over 3 miles. A cloud made up of over 43,000 individuals racing for the same cause: the cure for breast cancer.

Last Sunday, Portland's Waterfront Park held its Twelfth Annual Race for the Cure. Running for the cause were the cheerleading squads and Renaissance.

In 2002 \$1.7 million was raised and this year's goal was \$2 million.

Donning their Gopher spirit the cheer

squad and Renaissance donated what they could to help cause.

The cheerleaders have remained consistent in joining each year, but now Renaissance and the womens soccer team have both proudly entered the race for the second consecutive year.

Traditionally, participants do not start join the race until later in life, as the risk of breast cancer seems more likely, but these students are well aware of the risk it poses and what they can do to help.

Senior Lacy Patrick, student director of Renaissance helped in organizing the decision to continue entering the Race for the Cure this year.

Patrick hopes Renaissance will continue its participation in this event for future years.

"I feel it is a good idea to have students participate in many community events, especially ones like Race for the Cure," Patrick said.

Each participant was given a T-Shirt.

"I want people to realize that high school students care," Patrick said.

CAL begins challenging year

SARAH LILLY
 PAGE EDITOR

Beginning this year, five local high schools will have unique access to state-of-the-art-technology at the \$7 million Center for Advanced Learning (CAL).

The CAL center offers a program for juniors and seniors that immerses students in a two-year intensive study of the fundamentals of medical sciences, technology, engineering and advanced manufacturing. Students can learn about the medical and engineering field, while doing hands on activities, such as lab experiments or exploring the medical field.

"The CAL Center was very thoughtfully planned, created and constructed," principal Paul Boly said.

It began when schools including Gresham, Barlow, Reynolds, Centennial and Corbett came together five years ago, and thought of a place where students could learn lessons they would not ordinarily

learn in a traditional school environment.

Through construction bonds, the school districts were able to pay for the CAL building to be built.

The students are instructed by teachers and also host local business and industry guest speakers. While attending the CAL center students will be given the opportunity to earn college credits for every successfully completed course.

By the end of their senior year, CAL students will complete a capstone project, which is a senior project.

"The CAL Center provides a place with real life experience. It is not just learning from a textbook, it is learning from the people who actually do it," junior and technology student, Travis Bach said.

In addition, the extensive application process requires a students to submit an essay for admittance.

"I think it is a good place to allow students to specialize with more resources and expertise," counselor Scott Lipner said.



DANIELLE "DANI" NICOLE SALE

March 3, 1988 ~ April 24, 2010

Danielle was born in San Mateo, California on March 3, 1988. She died in a tragic bus/pedestrian accident on April 24, 2010, in Portland, Oregon.

Danielle had wisdom, insight and grace far beyond her chronological age. For example, when she was in the 1st grade, she organized a "Penny Drive" to raise money for the homeless, successfully raising hundreds of dollars. She was able to connect to people with genuine compassion, love, empathy and tolerance.

While she was attending Fort Vancouver High School, she successfully completed the Certified Nursing Assistant Program (CNA) at the Clark County Skills Center. After graduating high school in 2006, she went on to attend Boise State University, dreaming of becoming a registered nurse. After her freshman year at BSU, Danielle made the decision to work full time to pay for her own education, holding down three jobs to attain that goal.

Danielle was blessed to enjoy an extremely close bond to her large extended family, as well as her parents and her three siblings, calling them her "best friends". Because of this bond, she decided to move back to her hometown of Vancouver, to live closer to them and to continue her education at Clark College, with a longer term goal of transferring to a university BSN program.

She was passionate about working with people who had Alzheimers, or were facing their own end of life. When she learned of her mother's diagnosis of MS, she worked diligently to both understand the disease, and what affect that disease has on people. She was curious about the world around her, and loved to travel (especially to Mexico, Hawaii and the Caribbean). For her Senior High School trip, she traveled to Europe, which ignited her desire to discover the world.

Dani had a love and appreciation of God, and stated that she was "not afraid to die" because she knew in her heart that death was a continuation of her journey with Him. Dani had the uncanny ability to act silly and fun, and make other people laugh with her facial expressions, words and/or stories. She was a deep and insightful thinker who

loved to have long talks with those close to her about her beliefs, while being open to hearing the thoughts and beliefs of others.

Danielle is the beautiful and loving daughter of David and Jeannette Sale, and much loved sister to Ashley, Kayla and Joshua Sale.

She was preceded in death by her sister Kristy Cassidy in 2004, her uncle Michael Christian in 2009 and her grandfather Dennis Sale in 1997.

She is survived by her grandparents, Jim and Phyllis Strosahl and grandmother, Mary Sale, Aunt Michelle Strosahl (Robert, Abriana), Uncle Brad and Janice Strosahl (James, Brittany), Uncle Doug and Hannah Strosahl (Mason, Katelyn), Aunt Marilyn Christian (Trudy, Mike), Aunt Margie and Jim Pickens (Jessie, Chad), Uncle Bob and Kim Sale (Barrett, Christiana, Kelsey), Uncle Randy Sale (Brittany), Aunt Linda Sale and many other loved second-cousins, aunts and uncles.

It goes without saying that Danielle will be greatly missed by those who loved her and had the pleasure of knowing her. As a gift to her, all donations can be made in her name to Alzheimer's research (www.alz.org) or Multiple Sclerosis Society research (www.NMSS.org).

A celebration of her life will be held on Thursday, May 13, 2010, at 3:00 p.m. at Evergreen Memorial Gardens, 11010 NE 112th Ave., Vancouver, WA 98684.

Please sign her guest book at www.columbian.com/obits

S E N A T E
B I L L 8 2 9

Aaron's Bridge To Safety



WHAT IS A LIFE WORTH?

G.

A copy of the 8/3/99 poll taken of Tri-Met operators regarding their opinion as to the most dangerous Tri-Met stations

- 4. *Baseline Road Gated Crossing – (train / ped)*
- 5. *Gresham Area Gated Crossings – (train / ped / auto)*
- 6. *Gated Crossing West Of Beaverton Creek Station – (train / ped)*
- 7. *Gated Crossings On Both Sides Of Millikan Way Station (train / ped)*
- 8. *Gated Crossings at 117th Avenue And 114th Avenue – (train / ped)*
- 9. *Gated Crossings at NE Elam Young Pkwy East & West – (train / ped)*

SECTIONS OF TRACK WITH HIGH PROBABILITY FOR TRESPASSER / TRAIN CONFLICT

- 1. *Banfield – Gateway to Lloyd Center (curved areas during day / all sections at night)*
- 2. *Westside – Tunnel*
- 3. *Westside – All sections 35 mph and above with hills and curves during day / all sections 35 and above at night.*
- 4. *Cleveland Avenue P/R to 197th & Burnside – (all sections at night)*
- 5. *197th & Burnside to Gateway – (all sections at night)*

SECTION #2

PLATFORMS WITH POSSIBLE PEDESTRIAN / TRAIN CONFLICT

- 1. *Gresham Civic Station
NW Civic Way
Gresham, OR*
- 2. *Ruby Junction / 197th Westbound & Eastbound Stations
197th & Burnside
Gresham, OR*
- 3. *Rockwood / 188th Westbound & Eastbound Stations
188th & Burnside
Gresham, OR*
- 4. *172nd Westbound & Eastbound Stations
172nd & Burnside
Gresham, OR*
- 5. *162nd Westbound & Eastbound Stations
162nd & Burnside
Gresham, OR*

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THIS REPORT STATED
TO FIX SAME LOCATIONS
ON SE SIDE
IN 1999

A FEW EXAMPLES
/ ATTACHED

MEMORANDUM

To: Harry Saporta, Tri-Met Manager Safety Systems

From: Lewis Ames, AICP (Ext. 238) LA
Hans Korve, P.E.
Joaquin Siques

Date: October 27, 1999

Re: Tri-Met LRT-Pedestrian and Bicycle Grade Crossing Safety Recommendations

1.0 Report Purpose

This memo presents Korve Engineering's recommendations to enhance safety at selected pedestrian and bicycle at-grade crossings of the Tri-County Metropolitan Transportation District of Oregon (Tri-Met) light rail transit system. The recommendations are based on Korve Engineering's (KORVE) North American light rail research, field evaluations of the Tri-Met LRT system, and interviews with Tri-Met staff and light rail vehicle operators. The recommendations are also drawn from KORVE's initial review of the record of two recent fatalities including site visits to the accident sites. Following this initial submittal, a more comprehensive review of the system will be prepared.

Safe travel for pedestrians and bicyclists near light rail systems is similar to safe travel near roadways. Where the routes of pedestrians and bicyclists cross light rail tracks, five conditions should exist:

1. Safety built into the design of the roadway, sidewalk and light rail crossings.
2. Public safety education that provides information to reduce risky behavior and increases awareness of light rail transit operations and potential dangers around trains.
3. Safe and responsible behavior by pedestrians-bicyclists travelling near tracks and trains.
4. Safe light rail operations including speed standards, light rail vehicle safety features and light rail operator training.
5. Safety enforcement of traffic codes that define unsafe behavior around light rail trains.

The recommendations in this report focus on the first three of these conditions. However, all discussions of light rail safety touch all five conditions.

EXHIBIT 5

Table 2

MAX Pedestrian/Bike Collisions - Fatal

AOT INCLUDING CAR'S

January 1, 1986 - December 31, 2006

Date	System Segment	Location	System Characteristic	Activity	Transit Customer
07/28/86	Banfield-Gateway to Lloyd	Banfield & Halsey	Exclusive Right of Way	Trespassing	No
1987					
1988					
1989					
01/01/90	Banfield-Gateway to Lloyd	Banfield & 21 st	Exclusive Right of Way	Trespassing	No
03/02/91	Banfield-Gateway to Lloyd	Banfield & 53rd	Exclusive Right of Way	Trespassing	No
02/25/92	Banfield-Gateway to Lloyd	Banfield & 29 th	Exclusive Right of Way	Trespassing	No
06/22/92	Banfield-Gateway to Lloyd	Banfield & 82 nd	Exclusive Right of Way	Trespassing	No
1993					
05/01/94	Banfield-Gateway to Lloyd	West of 60th	Exclusive Right of Way	Trespassing	No
1995					
1996					
1997					
09/20/98	Westside tunnel to Hillsboro	Cedar Hills Blvd	Gated Crossing	Risky & Intoxicated: Rode into side of train	No
06/05/99	Westside tunnel to Hillsboro	East of FairPlex	Exclusive Right of Way	Trespassing: Struck by moving train	No
06/14/99	Westside tunnel to Hillsboro	Baseline Rd	Gated Crossing	Trespassing: Moved into path of moving train	No
08/02/99	Westside tunnel to Hillsboro	Millikan Way Station	Station Crossing	Risky: Wanted to catch eastbound train, moved into path of westbound train	Yes
10/11/99	Westside tunnel to Hillsboro	Hwy 217 & Walker	Exclusive Right of Way	Trespassing & Intoxicated: Walking in path of train	No
2000					
04/09/01	Westside tunnel to Hillsboro	FairPlex Station	Station Crossing	Suicide	No
10/20/01	Westside tunnel to Hillsboro	East of 114 th Ave	Exclusive Right of Way	Suicide	No
01/04/02	Gresham to Gateway	Main St - Gresham	Gated Crossing	Trespassing & Intoxicated: Moved into path of oncoming train	No
02/08/02	Lloyd through Downtown	PGE Park Station	Station Platform	Risky & Intoxicated: Ran and fell between cars	Yes
06/23/03	Gresham to Gateway	Gresham City Hall Station	Station Platform	Risky: Moved in front of passing train	No
08/01/04	Gresham to Gateway	148 th Ave Station	Station Platform	Risky: Moved into gap between trains	No
09/28/05	Gresham to Gateway	193rd & Burnside	Exclusive Right of Way	Trespassing & Intoxicated: Stepped into path of moving train	No
05/14/06	Gresham to Gateway	188th & Burnside	Station Crossing	Trespassing & Intoxicated: Stepped into path of moving train	No

2002 Annual Report Template

5. Rail Grade Crossing Incidents

Please indicate the total number of rail grade crossing accidents for each RFGS in your jurisdiction by type of grade crossing and include the total number of impacts (i.e., fatalities and injuries).

TABLE 7 - LOCATION OF FIA-REPORTABLE RAIL-GRADE CROSSING ACCIDENTS					
RFGS and Mode	Protected Rail Grade Crossing	Traffic-controlled Rail Grade Crossing	Unprotected Street- running Grade Crossing	Total Fatalities	Total Injuries
TRIMET LR	1	8	0	1	9
Fatalities by Type of Grade Crossing	1	0	0		
Injuries by Type of Grade Crossing	0	9	0		

Protected Rail Grade Crossing -- A rail grade crossing equipped with urban traffic control devices. These devices could include gates, signals, signs, bells and other warning indicators.

Traffic-controlled Rail Grade Crossing -- An intersection of street and light rail tracks, located in a mixed traffic roadway, where the light rail vehicle follows vehicular traffic lights to govern movement through the intersection.

Unprotected Street-running Grade Crossing -- An intersection of street and light rail tracks, located in a mixed traffic roadway, where the light rail vehicle does not use traffic lights or other traffic-control devices to guide movement through the intersection.

	A	B	C	D	E	Y	Z	AA	AB	AC	AD
	Year	NTD ID	Agency	Mode	TOS	Collision Total	Derailment Total	Fire Total	Security Total	NOC Total	Event Total
1											
2											
3											
8	2006	00001	King County Department of Trans	LR	DO	0	0	0	0	0	0
9	2006	00001	King County Department of Trans	LR	PT	0	0	0	0	0	0
41	2006	00008	Tri-County Metropolitan Transport	LR	DO	9	0	1	0	12	22
112	2006	00040	Central Puget Sound Regional Tra	LR	DO	0	0	0	0	0	0
113	2006	00040	Central Puget Sound Regional Tra	LR	PT	0	0	0	0	0	0
185	2006	10003	Massachusetts Bay Transportation	LR	DO	6	26	33	0	59	124
349	2006	20004	Niagara Frontier Transportation Au	LR	DO	1	0	0	0	17	18
391	2006	20080	New Jersey Transit Corporation	LR	DO	0	0	0	0	0	0
392	2006	20080	New Jersey Transit Corporation	LR	PT	0	0	0	0	0	0
599	2006	30019	Southeastern Pennsylvanla Transp	LR	DO	409	0	0	0	194	603
607	2006	30022	Port Authority of Allegheny County	LR	DO	2	0	0	0	0	2
641	2006	30034	Maryland Transit Adminlstration	LR	DO	0	0	0	0	0	0
721	2006	30083	Transportation District Commissio	LR	DO	0	0	0	0	0	0
792	2006	40003	Memphis Area Transit Authority	LR	DO	2	0	1	0	1	4

AE AF AG AH AI AJ AK AL AM AN AO AP AQ AR AS AT AU AV AW AX

FATALITIES

INJURIES

	Passenger	Employee					Other										Total Fatalities	Employee		
	Passenger	People waiting or leaving	Operator	Employee	Total Employee	Other Worker	Bicyclist	Ped In Crossing	Ped Not In Crossing	Ped Crossing Tracks	Ped Walking Along Tracks	Other Vehicle Occupant	Other	Trespasser	Suicide	Total Other	Total Fatalities	Passenger	People waiting or leaving	Operator
	0	0			0	0							0	0	0	0	0	0	0	
	0	0			0	0							0	0	0	0	0	0	0	
	0	0			0	0							0	0	0	0	0	0	0	
	0	0			0	0							0	0	0	0	0	0	0	
	0	0			0	0							0	0	0	0	0	0	0	
	0	0			0	0							0	0	0	0	0	0	0	
	0	0			0	0							0	0	0	0	0	0	0	
	0	0			0	0							1	0	0	1	1	161	0	
	0	0			0	0							0	0	0	0	0	0	0	
	0	0			0	0							0	0	0	0	0	0	0	
	0	0			0	0							0	0	0	0	0	0	0	
	0	0			0	0							0	0	0	0	0	1	0	

ADULT PICKED
 OUT 20 OF 505
 TRI-MET PICKED
 THE 20. SENT TO
 NATIONAL SAFETY BOARD
 SOUT 20 JUDGE IN COURT

OLIVIA CURIK
 GAVE THIS INFORMATION
 ON 4/5/2007 TO
 RECK METSGER

Table 1
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 January 1, 1994 - December 31, 2006

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1997	6	1	26	33	59,751	893,520	30,417	27,076
1998	8	3	42	53	66,713	964,468	40,267	18,198
1999	10	3	41	54	130,231	2,237,688	62,308	41,439
2000	2	0	29	31	143,094	2,558,107	68,250	82,520
2001	10	4	28	42	144,674	2,590,668	73,758	61,683
2002	6	3	37	46	183,647	3,171,775	77,825	68,952
2003	13	2	33	48	192,520	3,271,824	81,042	68,163
2004	7	2	29	38	201,235	3,497,866	91,667	92,049
2005	2	4	34	40	263,113	4,056,783	98,250	101,420
2006	5	2	38	45	257,644	3,816,932	102,600	84,821
Total	76	27	402	505				
Annual Average	5.8	2.1	30.9	38.8				

Numbers of accidents include every incident of contact, including minor fender benders, clipped mirrors, and many other incidents in which no injuries were reported and material damage was minimal.

Train Hours and Train Miles are represented per fiscal year (July-June).

*Note: For each one million train moves through traffic-signal controlled intersections, TriMet experiences approximately 7 incidents involving trains and motor vehicles. Many of the incidents occur when the motorist violates a traffic signal or turns in front of a train.

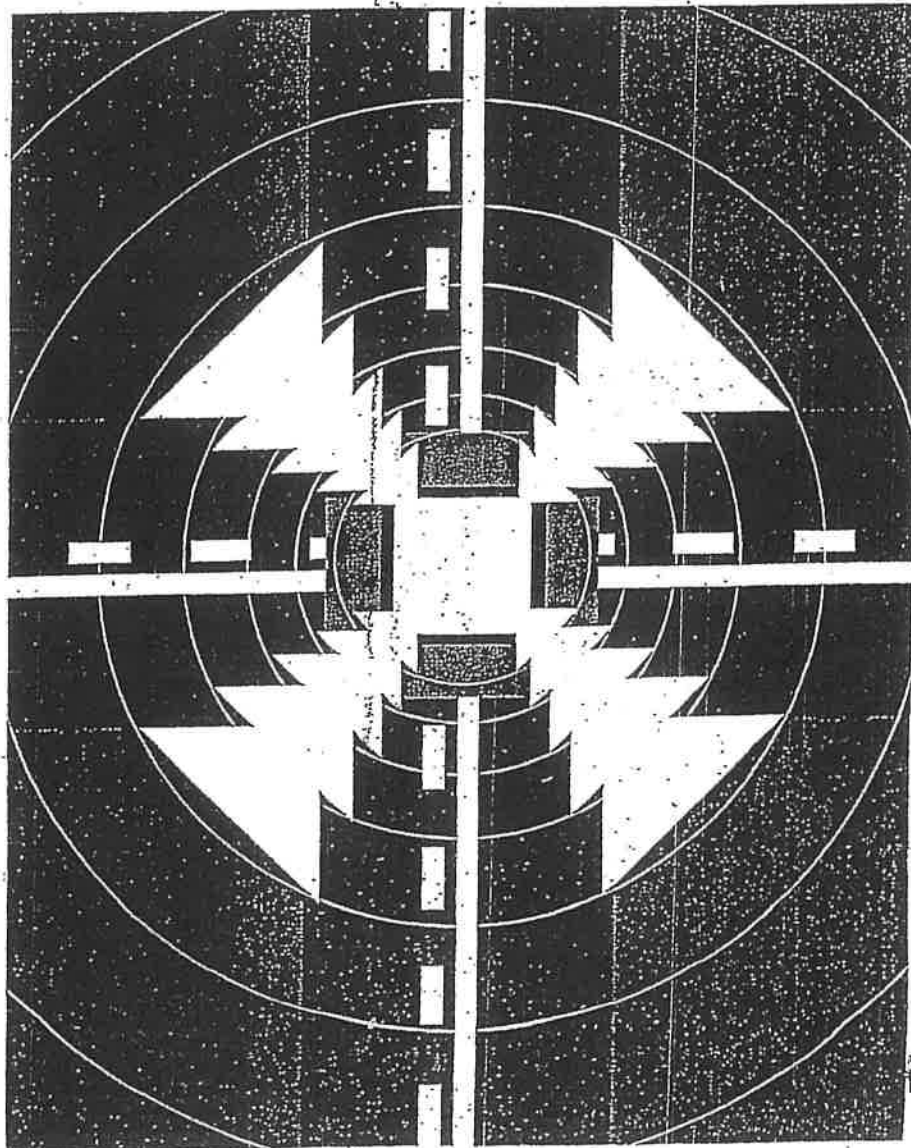
Table 1

EXHIBIT 1



National Safety Council

**A GUIDE
TO DETERMINE
MOTOR VEHICLE
ACCIDENT
PREVENTABILITY**



The organization may spend a great deal of time and resources on the verification process. For instance, if the driver alleges that a mechanical condition of the vehicle contributed to the accident, the vehicle should be inspected by a qualified mechanic. The inspection should take place as quickly as possible — before the alleged defective part has been repaired or replaced.

Usually, a driver's account of the accident becomes distorted as time passes. Therefore, the safety representative should ask the driver to put the account in writing promptly and to sign and date it.

The safety representative may need to investigate some accidents on the scene, in person. There are no rules to follow. These accidents could involve other moving vehicles, pedestrians, or fixed objects. The representative must decide, for example, when to evaluate the condition of other vehicles in person or when to interview an injured pedestrian.

The representative should conduct any investigation as quickly as possible after the accident. Otherwise, temporary physical evidence such as tire marks and pavement scuffs will disappear. Also, with the passage of time, people will forget or magnify details of the events.

The organization bases its decision of preventability on the information collected. To help ensure that the decision is fair, the safety representative should assemble all pertinent documents in one file relating to the case. The case file should be turned over to the decision-maker in a timely and orderly fashion, according to the organization's established policy.

Making the Decision

The fleet safety professional uses the information collected about the accident to determine a number of things. Among them are the cause of the accident, the driver's performance skill, and the driver's judgment in taking action appropriate to the circumstances. The key decision in terms of avoiding future accidents, however, is preventability.

The person or persons responsible for making the decision of preventability have a great deal to consider. What did the driver do or not do to contribute to the accident? To prevent the accident? Was the driver's defensive action appropriate? How about timing?

The decision-maker answers these questions and classifies an accident into the categories of preventable or non-preventable.

However, some organizations classify certain types of accidents as preventable almost automatically. These accidents are usually preventable since no other drivers were involved. A typical example is when a vehicle is negligently driven off the road.

Whether the decision is preventable or non-preventable, the safety representative should assure the driver of several things. One is that the decision is not arbitrary. A second is that the classification of preventable is not solely based on or determined by legal liability. In fact, the organization may classify the accident as driver preventable, in spite of the fact that the other motorist received a traffic citation.

*
2-F-1

Accidents While Turning

Turning movements — like passing maneuvers — require exacting care on the part of the driver. The driver making the turn is responsible for preventing squeeze plays at both left and right turns. The driver may be responsible regardless of whether the accident involved other vehicles, scooters, bicycles, or pedestrians.

A U-turn that results in a collision is a *preventable* accident. Failure to properly position the vehicle for the turn is a sign of error. So is failure to check the rearview mirror and to check pedestrian and traffic lanes.

Drivers sometimes feel that accidents caused by sudden turns by others are not *preventable*. However, extra precaution must be taken based on information received from the driver of the other vehicle immediately preceding the incident. At the first sign of a sudden turn, your driver should take immediate defensive action. Failure to take all appropriate defensive action indicates preventability.

Accidents Involving Passengers

Passenger accidents are *preventable* when they are caused by careless operation of the vehicle. It does not matter what type of vehicle is involved, nor whether another vehicle was involved. Accidents involving passengers are *preventable* when your driver stops, turns, or accelerates abruptly.

The accident also may be *preventable* even though the driver took emergency action to avoid a collision. Proper driving prior to the emergency might have eliminated the need for the evasive maneuver.

Accidents Involving Pedestrians

Most court decisions generally rule in favor of any pedestrian hit by a moving vehicle. An unusual route of a pedestrian at mid-block or from between parked vehicles does not relieve a driver from taking precautions to prevent such accidents.

The professional driver must slow down in any area where accidents are likely to involve pedestrians. The driver must adjust speed whether or not signs indicate lower speed limits or show other warnings. This means slowing in school zones, shopping areas, residential streets, and other areas with special pedestrian traffic.

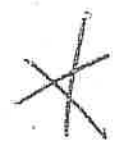
The professional must take precautions in areas where people are using bicycles, tricycles, motor scooters, and skateboards. People using such equipment are often the young, the elderly, or the inexperienced. The driver who fails to reduce speed when this type of equipment is operated within sight-distance has failed to take the necessary precautions to prevent an accident. Keeping within posted speed limits is not taking the proper precaution when unusual conditions call for a voluntary reduction of speed.

Accidents in Bad Weather

Adverse weather conditions are not an excuse for involvement in an accident. Rain, snow, fog, sleet, and icy pavement do not cause accidents. These conditions merely increase the hazards of driving.

Failure to adjust driving to the prevailing weather conditions should result in a ruling of *preventable*.

2F-2



**Enrolled
Senate Bill 829**

Sponsored by Senator MONNES ANDERSON, Representative FLORES; Senators AVAKIAN, BURDICK, METSGER, MORRISETTE, Representatives BOQUIST, ESQUIVEL, LIM, OLSON, G SMITH (at the request of Darla Sturdy in memory of Aaron Wagner-Sturdy)

CHAPTER

AN ACT

Relating to light rail.

Be It Enacted by the People of the State of Oregon:

SECTION 1. The Tri-County Metropolitan Transportation District of Oregon shall commission a study by an independent person with expertise in light rail system safety to review a representative sample of the pedestrian crossings of the district's light rail system and make findings and recommendations to the district regarding the safety of the pedestrian crossings.

Passed by Senate April 12, 2007

[Signature]
Secretary of Senate
[Signature]
President of Senate

Received by Governor:

.....M....., 2007

Approved:

.....M June 13....., 2007
[Signature]
Governor

Passed by House May 29, 2007

[Signature]
Speaker of House

Filed in Office of Secretary of State:

.....M....., 2007

[Signature]
Secretary of State

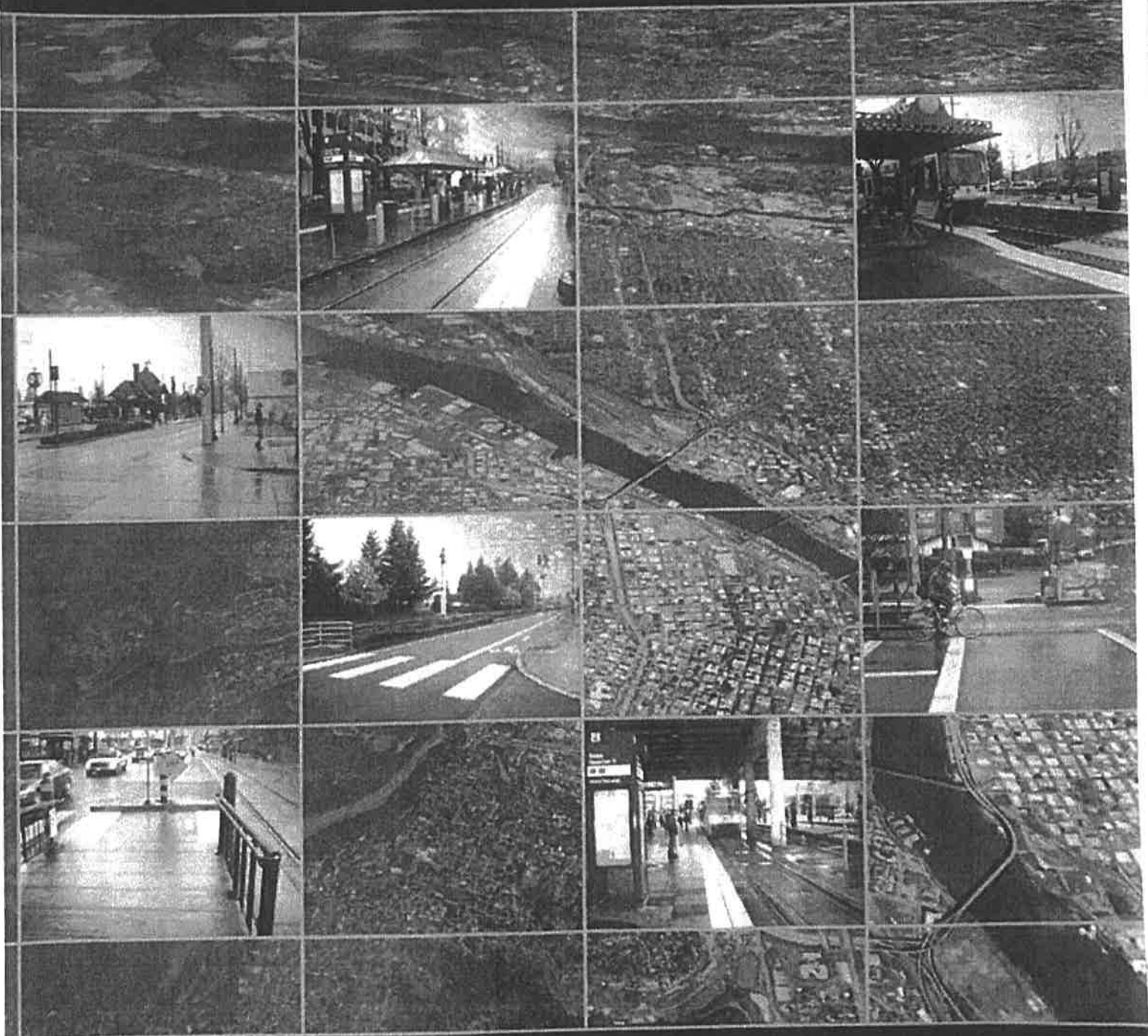


TRI MET
See where it takes you.

Light Rail Pedestrian and Bicycle Crossing

Final Report

September 8, 2008



CDM

Senate Committee
on Business and
Transportation
3/5/09

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Salem, Or. 97301
(503) 986-1195

ON THE VERY FRONT OF
THIS IS FRED HANSON
THE GM FOR TRI-MET
AND THE ME DARLA STURZOY
TALKING ABOUT WHAT THE
LAW HAS DONE. ~~THE~~ FRED
HANSON STATES THAT THEY WERE
FIXING GRESHAM STATION FIRST
AND ~~AS~~ HE WAS SPEAKING
BUT IN NOV. 2009 THEY
KILLED A MAN SAME PLACE AS
MY SON AND THEY HADN'T PUT
THE 2 CROSSINGS IN YET -
8 MONTHS LATER - NO ONE
HOLDS THEM ACCOUNTABLE.

OLIVIA CULIVY
 GAVE THIS INFORMATION
 ON 4/5/2007 TO
 ROCK METSQUER

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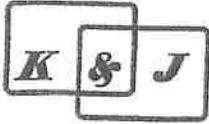
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Table 1

EXHIBIT 1



Safety and Security Consulting Services, Inc.

***3257 Elcano Lane
Cantonment, FL 32533-6876***

July 17, 2009

Shelly Lomax
Director, Operations Support
TriMet
4012 SE 17th Avenue
Portland, OR. 97203

Ms. Lomax:

The following summary report is provided for your review. Twenty (20) TriMet accident reports were provided to me for review. These accidents had previously been reviewed by TriMet using National Safety Counsel Guidelines (NSC) and TriMet was seeking an independent review of the same accidents to determine how effectively TriMet was applying the NSC Guidelines when reviewing accidents to determine preventability. The accident reports (cases) were provided to me without disclosing TriMet's previous determinations on preventability to allow for a "blind" review.

As requested by TriMet, I (K&J) reviewed, analyzed and provided an opinion as to the cases preventability or non-preventability based on a strict adherence to standards established and published by the National Safety Counsel (NSC). Following my independent review of the cases TriMet provided to me a summary of the TriMet determinations for the same 20 cases. A comparison of the K & J determinations verses the TriMet determinations show that 15 of the 20 cases reviewed resulted in the same determinations. This is a favorable corollary of 75%. Of the 5 cases that the determinations did not match (2 bus and 3 rail) between K & J and TriMet, one case was rated more restrictive (preventable vs non-preventable) and 4 less restrictive (non-preventable vs preventable). If the more restrictively rated case is factored into the cases that resulted in the same determinations, a corollary of 80% would be achieved. For your convenience, I have attached a spreadsheet to assist in your review of these determinations.

Based on the TriMet determination data, I have reviewed my case findings on the 5 cases in which the TriMet determinations did not coincide with the K & J determinations. In all five cases, based on the data collected and provided to me, the determinations I have provided would not change, however, the same could be said for the TriMet determinations. The reason for this apparent conflict is that when applying the standards of accident preventability as published by the National Safety Counsel (NSC) a degree of personal experience may have to be included when making a determination.

In summary, the independently derived determination data between K & J and TriMet compare extremely favorably. The strong corollary between the two supports the fact that TriMet has a strong grasp of the preeminent standards established and published by the National Safety Counsel (NSC).

If I can provide you any additional information, please contact me at (850) 450-1031.

Sincerely,



James Tucci, P.E., CSP, WSO-CSSD
President/Chief Engineer
K & J Safety and Security Consulting Services, Inc.

TriMet Accident Audit

REPORT NUMBER	EMPLOYEE NAME	CLAIM NUMBER	ACCIDENT DATE	INCIDENT NUMBER	K & J Determination		TriMet Determination	
					PA	NPA	PA	NPA
1	[REDACTED]	2009-0726	9/17/08	#387427		X		X
2	[REDACTED]	2008-1285	11/1/07	#330388		X		X
3	[REDACTED]	2008-1448	11/16/07	#332162	X		X	
4	[REDACTED]	2009-0444	8/14/08	#379279		X		X
5	[REDACTED]	2008-1564	11/30/07	#333555		X		X
6	[REDACTED]	2008-2689	3/24/08	#346709	X			X
7	[REDACTED]	2009-2656	4/12/09	#433551		X		X
8	[REDACTED]	2008-0266	7/27/07	#319080		X	X	
9	[REDACTED]	2009-2033	1/29/09	#417804		X		X
10	[REDACTED]	2008-1721	12/12/07	#335076	X			X
11	[REDACTED]	2009-1622	12/17/08	#406334		X		X
12	[REDACTED]	2008-0643	9/2/07	#323516		X		X
13	[REDACTED]	2008-2108	1/23/08	#39789	X			X
14	[REDACTED]	2008-2238	2/6/09	#341339		X		X
15	[REDACTED]	2008-1185	10/23/07	#329267	X		X	
16	[REDACTED]	2009-1284	11/7/08	#398791		X		X
17	[REDACTED]	2009-1257	11/7/08	#398808		X		X
18	[REDACTED]	2009-1613	12/16/08	#406203		X		X
19	[REDACTED]	2009-0196	7/21/08	#370620		X		X
20	[REDACTED]	2007-3437	6/5/07	#313427	X			X

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WEATHER

Man dies when hit by MAX train in Gresham

Updated Nov 23, 2009;
Posted Nov 23, 2009

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By [Tom Hallman Jr.](#) | [The Oregonian/OregonLive](#)

A man who reportedly darted in front of a MAX train at the Gresham City Hall station died about 8 p.m. Sunday when he was struck by a westbound train. Authorities said it appears the man was at the east end of the platform and ran to catch an eastbound train.

An investigation is underway.

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CITY OF GRESHAM

March 28, 2019

Ms. Darla Sturdy

Re: SB 747

Dear Ms. Sturdy:

You recently inquired about any permits TriMet may have applied for with the City of Gresham related to station improvements at the City Hall light rail stop. Specifically, you asked if the City of Gresham's permitting process may have delayed any safety improvements between 2007 and 2009, or later. I checked with our land use and building officials, and learned that we have no records of TriMet applying for permits for work at that stop. Our personnel speculate that this is likely because TriMet is not required to obtain local permits for work that is conducted within their right-of-way.

I could not find any record of a permit being requested, and therefore could not find anything that would indicate that Gresham's permitting or land use processes would have delayed any TriMet safety improvements. Please let me know if you have any additional questions.

Sincerely,



Eric Chambers
Government Relations Director

Final Report

TriMet Safety & Service Excellence Task Force

10/20/2010

Members of the public have described their need for more collaboration between TriMet and its customers and partners both in decision-making processes and in response to identified issues.

9-A *

Community conversations will be required to harness the knowledge of all constituents and thereby improve the safety of the region's public transportation for everyone. TriMet should consider a community advisory committee that would allow TriMet's customers and partner stakeholders the opportunity to weigh in as TriMet makes decisions. It would also provide an opportunity for customer engagement on the agency level beyond the limitations of current public testimony to the board. Engagement with the community should also include an improved process for collecting and responding to safety issues that are identified by the public.

5. Engagement with partner organizations

TriMet should continue to strengthen its work with partner organizations in the identification of hazards. Metro's new transportation safety committee may be a resource for TriMet.

9-B *

6. Language and definitions

Within TriMet there is no common definition of safety or universal understanding of what it means. There is limited ownership of safety in the language TriMet uses, e.g., the frequent use of "accident" when referring to collisions and the perceived comfort with "non-preventable" as a description.

TriMet should eliminate the term "accident" from its vocabulary to the extent practicable, and instead use words that are descriptive of the event in order to highlight the predictable and preventable nature of most collisions and injuries.

Additionally, TriMet should shift emphasis to the concepts and terminology around "hazard identification" from accidents, which underlines a more proactive approach to safety.

Accountability, Empowerment and Support

7. Executive Director of Safety

The Phase I K&J Report identified the need for a director of safety who reports directly to the general manager. The task force believes this position should be elevated to the level of executive director to ensure that the person selected is engaged in leadership conversations and decision making at the executive leadership team level.

Tools, Systems and Processes

12. Safety “Dashboard”

9-c Safety must be measured from a known baseline to improve performance. Currently, TriMet does not sufficiently “mine” or analyze data to support the identification of hazards and to proactively work towards incident prevention.

TriMet should develop a safety “dashboard,” comprised of key metrics that can be used to continually monitor and report on safety performance.

13. Data analysis in support of hazard identification and incident prevention

TriMet should use in-house resources to evaluate safety-related data. Data that are collected should be analyzed and distilled into information that can readily inform operator training, service planning, line risk assessments and response to operator feedback.

The new Executive Director of Safety should be responsible for ensuring that the safety program includes a comprehensive framework and methodology to identify risks and hazards, and minimize or eliminate those hazards to prevent incidents. This would include making sure that all operator feedback, incident reports, customer comments and supervisor observations must be communicated in a way to support the safety agenda.

14. Yellow Card program

The Yellow Card program (operator feedback) and the Service Improvement Process (customer feedback) should be reviewed to ensure that safety issues are addressed in a timely manner and that operators are notified of the evaluation/action taken. Further, TriMet should consider wholly rebranding the Yellow Card program to ensure that any improvements are not overshadowed by baggage that may come with its previous title.

15. Systematic “hot spot” review

TriMet should use data to determine where safety “hot spots” may exist or are likely to develop over time, and take a systematic approach to evaluating and treating such “hot spots.” Based on employee comments to the Task Force, the Portland Transit Mall is a “hot spot” in need of review.

Such a review would require working with partner organizations to address the relationship between three spheres of influence over safety on the street: (1) the operator and bus equipment; (2) the roadway, track way and related infrastructure; and (3) other users, such as cyclists, pedestrians and motorists.

- 9-0
- Seems to be a disconnect between what management/staff think and what operators think—is it just a breakdown in communication?
 - TriMet needs more transparency; have people like Ms. Sturdy and Mr. Sale talk with operators.
 - Focus should be on bystander safety; need to give operators the tools they need to change their attitudes; have safe drivers talk to other operators.
 - Find more methods (like Operators' Report) to communicate with employees.
 - There should be more presence of transit police, management and administrative employees in the “bull pen.”
 - Need to work on communication around hazards and incidents. What is the tolerance level for these?
 - Need improved communication and more trust between drivers and management.
 - Lack of understanding of safety and lack of definition of safety; tolerance for lack of safety.

Public Education/Partnerships

- Only measurement tool known in transit that measures public awareness campaigns is reductions in incidents in targeted groups; successful techniques by other transit agencies include: blogging, public chat rooms, weekly safety outreach efforts in schools and community user groups; other approaches can include partnering with DMV to further educate young drivers.
- TriMet has conducted a number of public outreach safety campaigns. These efforts have included: integration of safety messages in existing communication tools and channels, materials for grade, middle and high schools, outreach at venues other than schools for kids (movie ads, skate parks, etc.), partnerships with BTA, partnerships with Operation Life Saver. TriMet spends \$40-\$50,000 annually on these campaigns; TriMet does not routinely measure the impact of these campaigns, but anecdotal information suggests recall of safety messages is high.
- It was suggested that the newly formed Technology Advisory Committee might be a good forum for municipal collaboration.
- Better communication with traffic division and police.
- Need a public awareness campaign as well as law enforcement on the Mall.
- Need to work with the public and with people who have been impacted.
- Have operators make announcements when the bus is turning.
- Need to build trust, reinforcement of being heard and follow-up on customer involvement.

[oregonlive.com](https://www.oregonlive.com)

Jury awards \$15 million after MAX train severs leg of pedestrian wearing hoodie and maybe earbuds

Updated Feb 26, 2019; Posted Feb 25, 2019

6-8 minutes

NOTE: Based on new information, this story has been updated to reflect a different range of amounts Andrea Laing could receive.

A Portland jury on Monday awarded \$15 million to a woman whose right leg was severed by a MAX train as she tried to run across the tracks to catch a train on the other side.

The amount Andrea “Amy” Laing actually will receive could possibly range from as little as \$682,800 or to as much as \$8.7 million, under various Oregon laws applying to the case.

Laing was wearing a hoodie when she was struck by a eastbound MAX train at the Elmonica/Southwest 170th station in Beaverton on Nov. 16, 2015. Although it was disputed at trial, TriMet argued she was wearing earbuds that were playing loud music, as evidenced by an emergency responder who picked them up off the tracks after Laing was hit.

During a 10-day trial, TriMet argued that Laing tried to dart across the tracks without looking both ways first, in a rush to catch a

westbound train that had already reached the station. The eastbound train struck her.

In addition to an above-the-knee amputation, Laing also suffered broken ribs, fractures of facial bones and many internal injuries, including damage to her spleen that required its removal.

She spent five weeks in the hospital. A surgeon said she likely survived the catastrophic injuries only because of her youthful age. She was 23 at the time.

Laing's attorneys sought a protective order from Multnomah County Circuit Judge Christopher Ramras to bar the public release of the TriMet surveillance video of the accident. Ramras granted the order. The video was repeatedly played in court, and The Oregonian/OregonLive took still frame photos of it.

Laing sought more than \$27 million in damages.

She contended TriMet and MAX operator Gabe Sutherland were significantly at fault for her injuries.

Jurors found TriMet 43 percent at fault, the MAX operator 15 percent at fault and Laing 42 percent at fault.

Half a dozen jurors who spoke with The Oregonian/OregonLive after the verdict said TriMet failed to listen to recommendations on ways to improve pedestrian safety in a report written by an engineering firm many years earlier.

Jurors criticized TriMet for failing to install features such as a "swing gate" that would force pedestrians to stop and open the gate before stepping onto the tracks. It could increase the likelihood that pedestrians would look both ways, they said.

Jurors said TriMet also could better alert pedestrians when more

than one train is pulling into the station: An electronic sign that flashes the word “Trains” with arrows pointing in both directions would serve as an eye-catching warning, they said.

Even so, jurors also found Laing was at fault for failing to adequately look out for the incoming train and take reasonable safety precautions.

But they didn't fault Laing for wearing a hoodie, given Oregon's cold and wet weather. They noted the video surveillance showed a large hood -- and they didn't have evidence that it blocked her field of vision.

Jurors also said TriMet hadn't proven that Laing was listening to loud music. Surveillance video didn't show whether she was wearing her earbuds. What's more, even if she had been wearing earbuds, there's no evidence that they prevented her from hearing the sound of the train's horn, jurors said.

Laing's attorneys, Randolph Pickett and Sonia Montalbano, criticized the train operator for not braking sooner and not sounding the horn earlier. An expert said Sutherland began to blast the horn 1.9 second before impact.

On the morning of the accident, Laing was walking toward the MAX station at 9:12 a.m. when she saw the westbound train -- the one she wanted to ride to work -- had pulled into the station. She began to run. An instant before getting hit by the eastbound train, she appears to see it and rapidly try to slow down. But she couldn't in time and was hit by the corner of the approaching train.

Laing was run over by the train, which took 10 seconds to come to a complete stop.

Laing doesn't have a memory of the accident. She repeatedly left the courtroom when video was shown to jurors or when witnesses described what they saw and the aftermath. TriMet faulted Laing for not heeding warning signs or features designed to get pedestrians to "Stop, look and listen."

"You'd seen the 'Look Both Ways' sign?" TriMet's attorney, Michael Shin, asked Laing.

"Yes," Laing testified.

"You'd seen the tactile strip, the white strip, with bumps?" Shin asked.

"I saw them every day," Laing said. "It became habitualized."

"And you saw the 'Don't Stand Here' sign in the middle of the tracks?" Shin asked.

"Yes," Laing responded.



Andrea "Amy" Laing testified during a nine-day trial in Multnomah County Circuit Court in February 2019.

Deborah Kay Anderson, who was stopped in her car waiting for the train to pass, testified she saw Laing pick up her pace as she stepped onto the tracks.

"It looked like 'poof.' She was gone, she disappeared," Anderson said. "It looked like it sucked her underneath."

Anderson said she and a friend who was riding in her car called 911 and rushed to Laing's aid. Anderson described the train operator as distressed.

"He came out of the train and fell to his knees," Anderson said. "He just turned into a puddle, crying sadness."

The jury awarded \$5 million in economic damages for lost wages and past and future medical costs, and \$10 million in noneconomic damages for Laing's pain and suffering. Because the jury found TriMet and its MAX operator 58 percent at fault, Laing's attorneys likely will argue the agency must pay out 58 percent of the \$15 million, or \$8.7 million.

But TriMet likely will argue the most it's on the hook for is \$682,800. That's the amount Oregon law caps TriMet's liability at, under designated limits for public agencies such as TriMet. The tort claim limit law, however, is hotly debated. Higher courts have been asked to rule on its constitutionality.

TriMet hasn't decided yet whether it will appeal.

"TriMet appreciates the work of the jury and thanks the jurors for their service," the agency said in a statement. "We will consider possible next steps in this case."

Laing's attorneys declined comment.

-- Aimee Green

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Design Criteria Update

Current Criteria – January 2010

Suggested Updates 2014

Reevaluate criteria

FIGURE 15.3.M.6 PEDESTRIAN CROSSING APPLICATION CHART *

CROSSING CONDITION	LRV DESIGN SPEED		GREATER THAN 35 MPH
	15 MPH AND LESS	16 TO 35 MPH***	
Ordinary, no special conditions	Detectable Warning only	Basic treatment	Basic treatment; AT
Special Conditions:	Treatments listed below are in addition to those above		
Moderate Sight Restriction**	Channeling; AT; PT gates/barriers	Channeling; AT; PT gates/barriers	Channeling; AT; PT gates/barriers
Severe Sight Restriction**	Channeling; AT; Automatic ped gates	Channeling; AT; Automatic ped gates	Channeling; AT; Automatic ped gates
High Pedestrian Activity	Channeling	Channeling	Channeling
Extreme pedestrian surges, high peak pedestrian or incursion or burned behavior; school zone; transit centers	Basic treatment; Channeling	Channeling; AT; PT gates/barriers	Channeling; AT; PT gates/barriers
Angled crossing or odd geometry; mid-block pedestrian z-crossings	Basic treatment; Channeling; PT gates/barriers	Channeling; PT gates/barriers; AT	Channeling; PT gates/barriers; AT

- * Basic Passive Treatments (PT): STOP HERE and DON'T STAND HERE pavement markings; Detectable Warning; Look Both Ways signs.
- * Other Passive Treatments: Channeling; Swing gates or Pedestrian barriers.
- * Basic Active Treatments (AT): Pedestrian flashing signlights and audible warning devices.
- * Other Active Treatments: Automatic pedestrian gates

* This chart is intended as a guide only, and not a mandate, as to what treatments should be considered. Perform safety analysis for each location. Apply treatments in a manner consistent with all TDM design criteria and other governing code and regulatory requirements.

** Eliminate sight restrictions if feasible. Comply with train-person line-of-sight criteria.

*** Crossings immediately adjacent to light rail platforms fall into this category.

Design Criteria

15-33

Revised January 2010

201942

FIGURE 15.3.N.6 PEDESTRIAN CROSSING APPLICATION CHART *

CROSSING CONDITION	LRV DESIGN SPEED		GREATER THAN 35 MPH
	15 MPH AND LESS	16 TO 35 MPH***	
Ordinary, no special conditions	Detectable Warning only	Basic treatment	Basic treatment; AT
Special Conditions:	Treatments listed below are in addition to those above		
Moderate Sight Restriction**	Channeling; AT; PT gates/barriers	Channeling; AT; PT gates/barriers	Channeling; AT; PT gates/barriers
Severe Sight Restriction**	Channeling; AT; Automatic ped gates	Channeling; AT; Automatic ped gates	Channeling; AT; Automatic ped gates
High Pedestrian Activity	Channeling	Channeling	Channeling
Extreme pedestrian surges, high peak pedestrian or incursion or burned behavior; school zone; transit centers	Basic treatment; Channeling	Channeling; AT; PT gates/barriers	Channeling; AT; PT gates/barriers
Angled crossing or odd geometry; mid-block pedestrian z-crossings	Basic treatment; Channeling; PT gates/barriers	Channeling; PT gates/barriers; AT	Channeling; PT gates/barriers; AT

- * Basic Passive Treatments (PT): STOP HERE and DON'T STAND HERE pavement markings; Detectable Warning; Look Both Ways signs.
- * Other Passive Treatments: Channeling; Swing gates or Pedestrian barriers.
- * Basic Active Treatments (AT): Pedestrian flashing signlights and audible warning devices.
- * Other Active Treatments: Automatic pedestrian gates

* This chart is intended as a guide only, and not a mandate, as to what treatments should be considered. Perform safety analysis for each location. Apply treatments in a manner consistent with all TDM design criteria and other governing code and regulatory requirements.

** Eliminate sight restrictions if feasible. Comply with train-person line-of-sight criteria.

*** Crossings immediately adjacent to light rail platforms fall into this category.

Design Criteria

15-33

Revised January 2010

702751-Laing

Year	Mode	Miles	Collisions			Collisions per 100,000 Miles		
			Vehicle	Pedestrian	Bicycle	Vehicle	Pedestrian	Bicycle
2011	MAX	3,942,295	22	7	3	0.56	0.18	0.08
2012	MAX	3,936,958	35	10	3	0.89	0.25	0.08
2013	MAX	3,919,425	25	10	2	0.64	0.26	0.05
2014	MAX	3,939,912	24	13	3	0.61	0.33	0.08
2015	MAX	4,218,137	36	13	4	0.85	0.31	0.09
2016	MAX	4,535,507	39	9	5	0.86	0.20	0.11
2017	MAX	4,558,157	46	14	2	1.01	0.31	0.04

TriMet Fatalities 2007-2018 Bus/MAX

Date	Location	Vehicle #	Brief Description
11/19/2007	NE 82nd Max Station	316	Female struck in trackway at 55 mph, fatality
12/10/2007	102nd Max Station	206	Man struck. Major head injuries.
2/11/2008	Farmington & Murray	1831	Bus struck bicyclist
4/27/2009	East Portal & Westside Max	115	Woman stepped in front of LRV
11/22/2009	Gresham City Hall Max Station	419	LRV struck a pedestrian
4/24/2010	SW Broadway & Everett	2514	Bus struck 3 pedestrians / 2 Fatalities
8/27/2010	MLK & Bryant	2628	Motorcycle rear ends bus / Motorcyclist deceased
1/28/2011	NW 6th & Davis	123	LRV struck 76 year old woman
6/27/2011	122nd & Burnside	212	Male lunged in front of train
9/8/2012	unknown	110	PED walked into the trackway
9/5/2013	NE 7th & Holladay Max Station	308	LRV struck PED
12/22/2013	SE Division Max Station	207	Hit a PED at Platform
8/7/2014	122nd & Burnside	239	Hit a man near crosswalk
10/10/2014	162nd Max Station	242	LRV stuck PED
11/26/2014	82nd & Causey	3004	Passenger banging on bus, fell under wheels
11/29/2015	Bybee MAX station	320	16 year old ran in front of train
1/10/2016	Hillsboro Central MAX station	121	Train hits PED at platform
2/4/2016	105th & Mt. Scott	2158	Auto hits bus head / V2 driver deceased
8/6/2017	99th & Burnside	206	LRV struck auto in right of way. 69 year old driver of LRV deceased.
12/1/2017	17th & Mt. Scott	117	Train hits PED in trackway
12/20/2018	Cornelius Pass	206	Train hits person sitting on running rail. Suicide

SEPT 2018 MAX ONLY

FROM TRI-MET DAN MAQUIRE

Fiscal Yr	Description	Date of Incident	# of fatalities	Location
14 fatalities involving train & pedestrian in restricted right of way				
FY86	Pedestrian walking in ROW	7/28/1986	1	Halsey & Banfield Freeway
FY90	Pedestrian walking in ROW	1/1/1990	1	NE 21st & Banfield Freeway
FY91	Pedestrian in ROW	3/2/1991	1	NE 53rd & Banfield Freeway
FY92	Pedestrian walking in ROW	2/25/1992	1	NE 29th & Banfield Freeway
FY92	Pedestrian walking in ROW	6/22/1992	1	NE 82nd Avenue EB
FY94	Pedestrian in limited access ROW	5/1/1994	1	NE 60th & Banfield Freeway
FY99	Pedestrian walking in ROW	6/5/1999	1	East of FairPlex
FY00	Pedestrian walking in ROW	10/11/1999	1	Adjacent to Hwy 217 (Hwy 217 & Walker)
FY02	Pedestrian stepped onto tracks in front of train	1/4/2002	1	Main St./Gresham
FY06	Pedestrian walking in ROW walked into front corner of train	9/28/2005	1	NE 193rd & Burnside
FY08	Pedestrian walking in ROW	11/19/2007	1	NE 82nd Avenue EB
FY09	Pedestrian stepped in front of train	4/27/2009	1	West of Goose Hollow
FY10	Pedestrian walking in ROW	2/17/2010	1	Wallulla Cut
FY15	Pedestrian leaned into EB trackway	10/10/2014	1	160th & Burnside
12 fatalities involving train & pedestrian at or near a station				
FY00	Rider at crossing in station area	8/2/1999	1	Millikan Way
FY02	Rider fell into side of moving train	2/8/2002	1	PGE Park (18th and Yamhill)
FY05	Passenger in wheelchair rolled off platform and was pulled under train	8/1/2004	1	NE 148th & Burnside
FY06	Pedestrian walked in front of train	5/14/2006	1	NE 188th & Burnside
FY10	Rider stepped in front of train	11/22/2009	1	Gresham City Hall
FY11	Elderly rider leaned against moving train and fell	1/28/2011	1	NW 6th & Davis St Station

FY14	Pedestrian stepped in front of train - accidental	9/5/2013	1	near NE 7th and Holladay
FY14	Pedestrian walked in front of train	12/22/2013	1	At SE Division St Station
FY15	Pedestrian crossing against light, fell into side of moving train	8/7/2014	1	E 122nd Station
FY15	Woman in mobility device and son went between two cars of moving train	8/16/2014	2	Gresham City Hall
FY16	Male trespassed across eastbound trackway and tripped over chain into westbound trackway	1/10/2016	1	Hillsboro Central
3 fatalities involving train & pedestrian at intersections				
FY99	Pedestrian at intersection	6/14/1999	1	Baseline Road
FY10	Pedestrian stepped in front of train at intersection	2/26/2010	1	173rd & Baseline
FY17	Pedestrian ran in front of train at intersection	6/5/2017	1	Baseline near 175th
2 fatalities involving train & bicyclists				
FY99	Bicyclist in ROW	9/20/1998	1	Cedar Hills Boulevard
FY03	Bicyclist hit by train	6/23/2003	1	Gresham City Hall

	6 fatalities confirmed suicides			
FY01	Suicide at station	4/9/2001	1	Fair Complex station
FY02	Suicide in ROW	10/20/2001	1	East of Beaverton TC
FY11	Male moved into path of train at station	6/27/2011	1	NE 122nd
FY13	Suicide in ROW	9/8/2012	1	near SW Baseline Rd crossing
FY16	Minor in restricted ROW	11/29/2015	1	ROW 300 ft south of Bybee
FY18	Suicide in ROW	12/1/2017	1	ROW near 17th & McLoughlin Blvd.
	3 fatalities involving train & autos			
FY91	Collision with vehicle	1/16/1991	1	NE Holladay & MLK
FY09	Collision with vehicle	1/24/2009	1	10th & Washington
FY18	Collision with vehicle	8/6/2017	1	SE 99th & Burnside
	FY: no fatalities			
FY87	No fatalities			
FY88	No fatalities			
FY89	No fatalities			
FY93	No fatalities			
FY95	No fatalities			
FY96	No fatalities			
FY97	No fatalities			
FY98	No fatalities			
FY04	No fatalities			
FY07	No fatalities			
FY12	No fatalities			
	Updated 8/13/18			TOTAL: 40
				CONFIRMED SUICIDES: 6

TriMet - 2018 Major Collisions

Date	Bus/Rail	Location	Description	Notes
16-Dec	Rail	162nd TC	Made contact with a Pedestrian	
20-Dec	Rail	between Orenco & Quatama	Ran over a person sitting on the running rail - fatality	suicide
20-Dec	Rail	6th & Alder	Person ran out in front of train	
12-Dec	Bus	82nd & Madison	Car rear ended stopped bus	
27-Dec	Bus	122nd & Division	Bus t-boned an auto	
27-Oct	Rail	4th & Morrison	PED stepped off the sidewalk into the side of the train	wet- raining - cloudy
2-Oct	Bus	Hawthorne Bridge	PED stepped off the curb and hit the bus	
9-Oct	Bus	2nd & Burnside	PED walked out in front of bus	
12-Oct	Bus	19th & Hawthorne	PED walking beside the bus, fell	
12-Oct	Bus	82nd & Causey	Vehicle turns left in front of bus	
31-Oct	Bus	Sundail & Rogers Circle	Bus rear ended while servicing a stop	
16-Sep	Bus	Canyon & Weston	Bus was rear ended	
17-Sep	Bus	Rosa Road & Farmington	Bus rear ended auto	
11-Sep	Rail	8th & Division Place	Cyclist ran the z gate and hit the train	
2-Aug	Bus	Lombard & Mississippi	Bus was side swiped	
15-Aug	Bus	6th & Alder	Bicyclist ran into the back of the bus	
6-Aug	Rail	158th & Merlo	Lady (wearing ear buds and lookin at her phone) walks in front of train and bounced off	lady in cross walk - train off loaded
3-Jul	Bus	102nd & Shearer	bus turning left hits auto	

8-Jun	Rail	Grand & Holladay	train made contact with bicyclist who was traveling against the signal at intersection	
16-Jun	Rail	Bybee MAX station	Person jumps out in front of train	
24-Jun	Rail	Grand & Holladay	small truck ran red light and made contact with train	no injuries on train - fire evac. train
5-Jun	Bus	Cedar Hills & Leahy	veh rolled back into veh 1	
25-Jun	Bus	92nd & Sandy	Veh 2 hit veh 1 head on	
13-Mar	Rail	17th & Haig	train came in contact with bicyclist	
28-Mar	Rail	Interstate & Alberta	Auto in the intersection	train evacuated
20-Mar	Bus	TV Hwy & Imlay	Bus rear ended	
27-Feb	Bus	Beaverton Hilsd Hwy & Lombard	Bus was t-boned	
11-Jan	Rail	Skidmore Fountain	made contact with PED	cloudy/rain
28-Jan	Rail	Burnside & Stark	car runs run light	evacuated by police into ROW-cloudy wet
31-Jan	Rail	181st & Burnside	train hits PED running in crosswalk	