

June 13, 2008: Families see a \$24 million message for railroad

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The families of four young adults killed in a horrific train-car accident nearly five years ago were awarded \$24 million Friday by an Anoka County District Court jury that rejected earlier suggestions the victims had tried to beat a train to the crossing.

Each of the four families was awarded \$6 million, but for Linda Rhoades, whose 20-year-old son, Harry, died in the Anoka crash, the message was more important than the money.

"That's the only payment I need," Linda Rhoades said. "It takes a lot of weight off my shoulders."

Rail officials contend the victims' car drove around the crossing gates, but in their suit the families argued that the gates were not working properly when a westbound train traveling at 60 miles per hour hit the car at 10 p.m. on Sept. 26, 2003.

In its ruling, the jury determined Burlington Northern Santa Fe was 90 percent responsible for the crash and the driver was 10 percent responsible, said Bill Bongard, who represented the Rhoades family of Blaine.

Also killed in the crash were Bridgette M. Shannon, 17, of Ramsey; Brian L. Frazier 20, of Newport, and Corey E. Chase, 20, of Coon Rapids.

Police reports indicated that the driver likely was Frazier, the car's owner.

Although the railroad submitted evidence it contended showed the crossing gate was working at the time of the collision, the families said that the data provided by the railroad "wasn't authentic." Allan Shapiro, who represented Shannon's family, said the plaintiffs presented evidence that questioned whether the information downloaded from the railroad's data recorders was actually from the crossing where the accident occurred and from the same time as the accident.

"[The jury] obviously didn't believe the railroad's downloads because if they had been accurate, the gates would have been down and the young people in the car would have stopped. But they did not go around the gate, and that was clear."



Anoka, Mn., Sat., Sept. 27, 2003--Fresh flowers were left at a railroad crossing bar near where a train hit a car killing four people in Anoka. The car was hit on N. Ferry St. south of the Anoka County Fairgrounds about 10 p.m. Friday night.

Joey McLeister, Star Tribune

After the verdict however, BNSF officials continued to maintain that the car had gone around the crossing gate.

"BNSF is disappointed with the verdict and while we have deep sympathy for the families of the victims of this tragic event, we believe the verdict should be reversed on appeal," according to a statement from the railroad Friday.

Only one eyewitness

The trial before Anoka County District Judge Ellen Maas lasted six weeks and included more than 300 exhibits. Bob Pottroff of Manhattan, Kan., was lead counsel.

The crash occurred where Hwy. 47, also known as Ferry Street, crosses the Burlington Northern Santa Fe main line north of Hwy. 10. The freight train split the car in two, and the only eyewitness was the train's engineer, who said he saw the car go around the lowered signal arm.

A State Patrol reconstruction report initially agreed the four were trying to beat the train, but a key investigator testified at trial that the conclusion was a mistake, Bongard said.

"The idea that the kids went around didn't fit," Bongard said. "It was our position there was an intermittent malfunction and the gates weren't functioning properly."

The crossing has lights, arms and sound. A woman who had gone through the same crossing in the weeks before the crash testified that she was almost hit by a train when the lights didn't work -- and that she notified the railroad. Bongard said the plaintiffs provided evidence that nothing was done to repair the crossing signal.

David Shannon, Bridgette's father, said he has to cross every day the railroad track where his daughter died and hear the whistle of a train several times a day.

"It was frustrating as a parent to sit there and listen to [the railroad's response] and know my daughter could still be alive today if they would have taken the right action and applied the right level of judgment to the situation," he said.

Burlington Northern did not immediately provide information to investigators from the electronic event recorder kept in the crossing signal, which is akin to a black box on an airplane. The recorder at the crossing contained data about the signal, but it was not encrypted, Bongard said. The railroad later said the laptop on which the data was stored was "recycled," Bongard said.

On Friday, railroad officials said they wouldn't comment beyond their statement.

The families plan to seek federal legislation changing how signal boxes record the data. Bongard said the data should be encrypted so it cannot be altered.

"The families have been waiting a long time for the truth to come out," Bongard said. "These were four normal kids from four average families."

The damages awarded were compensatory, based on the loss of comfort and companionship the young adults would have provided. The jury was not asked to provide punitive damages.

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