

**U.S. HOUSE OF REPRESENTATIVES  
COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE  
HEARING OF THE SUBCOMMITTEE ON RAILROADS  
MARCH 17, 2010**

**STATEMENT OF MACKENZIE SOUSER**

My Dad, Doyle Souser, an executive at a manufacturing company, left work on the afternoon of Friday, September 12, 2008 and boarded the Metrolink 111 train to come home. He usually took the later train but was coming home early to cook a barbeque tri-tip dinner for a struggling family in our community. I was really excited because my 13<sup>th</sup> birthday party was scheduled for the next day, Saturday. My Dad always helped with all of the details for family events. Earlier in the week, my Dad and I painted the necklaces I was going to be giving to my guests as party favors. After dinner on Friday, we were going to finish the rest of the preparations for my party.

Instead, on that Friday afternoon, my Dad's train, which was filled with passengers, collided head-on at full speed with a freight train on a bend in Chatsworth in Los Angeles County. The 80 mile per hour force of the crash caused the Metrolink locomotive to completely enter the first passenger car and ignite in flames. Twenty-four hours later, we learned that my Dad was riding in the front of the first car and was one of the 24 passengers killed. The Chatsworth Metrolink collision was the worst ever in California's history. In addition to all of the people who died, more than 150 others were injured, many seriously and permanently.

The survivors of the crash – those who were injured as well as those of those of us who are trying to make it through each day without someone we depended on – do not refer to this event an accident. It really was not just an accident. According to the National Transportation Safety Board, the collision was caused when the engineer of the Metrolink train, Robert Sanchez, ran through a red signal while using his personal cell phone to send text messages. The NTSB also determined that the engineer, an employee of Veolia Transportation, sent and received 43 text messages and made three phone calls while on duty on the day of the crash. Two days before the collision, the Veolia engineer sent or received 125 messages during the time he was responsible for operating the train. He would regularly send and receive an average of 180 text messages each day.

Many of the text messages the engineer typed were sent to teenage boys he was communicating with. The engineer had recently invited a teenager for a ride-along in the cabin with him and allowed him have contact with the controls. The engineer had been planning on letting the same teenager actually drive the train on the evening of the collision.

Within minutes and a few text messages, my life was changed, my family's life was changed, and over 150 other families' lives were drastically changed by this avoidable disaster. I am telling you this because I would never want anyone to go through such a traumatic loss as I have for the past 2 ½ years. I am simply not a normal teenager anymore without my Dad. The best part of every day was when my Dad came home from work and our family had dinner together. I struggle every day with the fact that my Dad, who was the sole breadwinner for our family, isn't coming home from work ever again.

My Dad was my best friend and a strong Christian influence who was helping me become a lovely young lady inside and out. I miss spending time with him talking about cars, watching cooking shows on TV, going to movies, playing in our backyard, and discussing school and many other things. I miss joining him at work for "father-daughter day" which he would let me do when I wanted to spend the day with him. I remember observing the great relationship my Mom and Dad had—a wonderful example of a beautiful marriage. I hope someday to find a husband that will treat me like my Dad treated my Mom. My loss is not only physical, but also emotional.

My Dad was also my brother Zach's best friend. It is so hard to watch my brother trying to grow up without his best buddy and male role model. Others my age get to worry about normal teenage concerns, while I worry about our Mom, our family's finances and future and how my brother and I will be able to go to college. I worry about what we would do if someone broke into our home during the night or if there was a fire. It is hard knowing that my Dad will not be here to walk my older sister Kelsey or me down the aisle on our wedding days. It is hard knowing that he will never be here for us again.

As a teenager I am very familiar with the popularity of text messaging. But every teenager I meet knows that driving and texting do not mix! My Mom and I relied on the pilot of the plane that brought us here today to do his job very carefully. In the same way, my Dad and all of the other passengers relied on the Veolia engineer to pay attention to the signals and drive the train according to all of the important safety rules. Those rules said NO cell phones and NO unauthorized people in the driver's seat. The engineer's supervisors knew that he was using his cell phone while on duty. It is so hard for me to understand why they did not immediately investigate and put a stop to this. We learned that the engineer had been reprimanded recently before the collision, but then we learned that what he got in trouble for had nothing to do with text messaging or allowing kids to ride with him. It had to do with not bringing a train into one of the stations on time. This means the company was concerned about profits and not about major safety issues and the hundreds and hundreds of safety violations that were going on.

The truth is that the engineer's company took such a big gamble with my Dad's and all of the other passengers' lives. This was wrong. It is also wrong that in these unbelievable circumstances, Veolia is relying on the federal law that limits how much it has to reimburse all of the survivors for their injuries. My Dad always taught me to accept full responsibility in any circumstances where I ever hurt someone. He never said "Well, Mackenzie, just try to make things 30% or 50% better." My Dad knew that being 100% responsible was not only fair to the person that I hurt. He also knew that if I had to be fully responsible for any harm I caused I would be more careful about my actions in the future.

My family is so grateful to Congressman Gallegly for trying to fix this problem with legislation that would increase the damages cap. Congressman Gallegly has provided several opportunities for the survivors to meet one another, share our stories and suffering and honor our loved ones. I got to hear the story of the boy and his Mom who were on the train with their Dad and experienced the horror of watching him die before their eyes. I got to spend an evening with the family of Walt Fuller, another amazing Dad and husband that was killed. He was an FAA air traffic controller who always put safety first and had recently disciplined someone for text messaging. I got to meet Cheryl Santor whose head was split open and had to be sewn and stapled back together. She

needs a surgery for the injury to her back that is interfering with her ability to walk and another surgery for her damaged neck. I got to meet the family of Rachel Mofya, a foreign exchange student whose skull was cracked and body was burnt in the fire. Doctors had to remove part of her brain. Her dreams of attending the medical school where she was accepted are gone. Another future medical student who had the highest SAT score in the history of his high school and scored in the top 1% of his medical school entrance exam did not survive the crash. I got to meet Curtis Whitney who is 25 and now has screws and hardware all through his back and will need more operations to be able to just function. I got to meet Mike Kloster who has already had 5 major surgeries and now has diabetes because the doctors had to remove his pancreas. There are many, many more stories like theirs and like mine. Just like me and my brother and sister worry about how my Mom is going to be able to pay for our college, the other survivors worry about how will they pay all the bills from all the time they could not work, and how will they be able to afford the medical care they need for the rest of their lives.

My family will appear before the Judge soon and tell him about all of our losses. We have been trying to make it for 2 ½ years without my Dad's support and we have a long road ahead. If there is no change in the law or Veolia does not offer additional funds, the Judge will have to determine some fair way to reduce each award so everyone's case fits inside the limit. I can only imagine how difficult this will be.

I am so glad that new technology will be in place in 2015 that will make it impossible for a horrible collision like this to ever take anyone else's Dad away at thirteen. In the meantime, thank you for doing anything you can to hold those who refuse to follow or enforce important railroad safety rules one hundred percent responsible for the harm that they may cause. Thank you for helping us honor my Dad, Doyle Souser, and all of the others whose lives were taken or forever damaged by this tragedy.

**COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE**  
*Truth in Testimony Disclosure*

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Pursuant to clause 2(g)(5) of House Rule XI, in the case of a witness appearing in a nongovernmental capacity, a written statement of proposed testimony shall include: (1) a curriculum vitae; and (2) a disclosure of the amount and source (by agency and program) of each Federal grant (or subgrant thereof) or contract (or subcontract thereof) received during the current fiscal year or either of the two previous fiscal years by the witness or by an entity represented by the witness. Such statements, with appropriate redaction to protect the privacy of the witness, shall be made publicly available in electronic form not later than one day after the witness appears.

**(1) Name:**

Mackenzie Souser

**(2) Other than yourself, name of entity you are representing:**

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**(3) Are you testifying on behalf of an entity other than a Government (federal, state, local) entity?**

YES

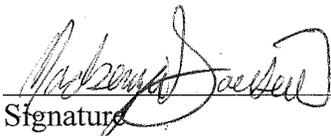
If yes, please provide the information requested below and attach your curriculum vitae.

NO

**(4) Please list the amount and source (by agency and program) of each Federal grant (or subgrant thereof) or contract (or subcontract thereof) received during the current fiscal year or either of the two previous fiscal years by you or by the entity you are representing:**

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Signature



Date

3-17-11