

# 3 teams investigate death of 12-year-old on subway



BY Chris Brennan  
Of the Daily News Staff

Three teams of investigators combed a Broad Street Subway car yesterday, trying to determine how a 12-year-old boy was killed after he gained access to a motorman's booth on July 11 and stuck his head out the window of a moving train.

[Thomas Kline](#), attorney for the family of Kyle Harris of North Philadelphia, was shocked by how easy it was to pick the lock on the motorman's booth door of that subway car.

Kline said he stuck his finger in the lock and it sprung open. "I have never picked any lock before in my life," Kline said later. SEPTA refused to let reporters watch the inspection and prevented access to the Fern Rock Transportation Center, where the subway car has been impounded since the accident.

"It's legal things," said SEPTA spokesman Jim Whitaker. Kline, who is likely to file at least one lawsuit in this case, led one team of investigators.

Kawasaki, which built the Broad Street Subway cars, which were put into service in the early 1980's, also sent in a team of investigators. So did James L. Howard & Co., the Bloomfield, Conn., which made the locks for the motormen's booths on those cars and which now is making is harder-to-pick replacement locks.

Harris' death put SEPTA at odds with that company about the locks. Company officials said they knew nothing about the accident or problems with its speed in replacing the locks.

SEPTA said it told the company about the accident and offered to pay more to speed up the lock replacement.

SEPTA admitted seven days after the accident that it had known since 1999 that the 165 locks in it subway cars were easy to pick.

The agency had reports from subway operators that children were getting inside the motormen's booths and playing with the subway cars' lights and announcement systems.

SEPTA did not start replacing the locks until September and will not finish until February.

The locks cost \$172.65 each, putting the price for the 18-month replacement program at \$28,487.

Kyle's death may cost SEPTA, Kawasaki and the lockmaker much more. Kline, who in 1999 successfully sued SEPTA for a 4-year-old boy whose right foot was chewed off by a Broad Street Subway station escalator, may sue all three.

If found at fault for the accident, SEPTA is protected by a state law that caps at \$250,000 the amount a personal-injury lawsuit can cost the agency. Kawasaki and James L. Howard & Co. are not protected by that statutory cap. Kline yesterday said his inspection showed a flaw in the way the motormen's booths and locks were manufactured.

Of the booth where Kyle died, Kline said, "The car was clearly designed and manufactured with a lock that to the untrained eye was no lock at all." \*