

# Answers sought in SEPTA accident

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While SEPTA sought to dispel the impression that it was a faceless government authority with "no compassion, no concern and no sensitivity," family members of a 12-year-old boy killed when he stuck his head out a Broad Street subway train last week, said they were awaiting the results of an investigation that would determine whether the transportation authority should be held legally accountable for the fatal incident.

"SEPTA is still going to make money, but no one can bring my son back," a tearful Evette Harris, Kyle's mother said in an interview with the Tribune. A SEPTA conductor last Wednesday discovered the body of Kyle Harris on the train track in the area of Race/Vine Street station. According to SEPTA officials, the boy had apparently made his way inside one of the line's motorman's car, opened the window, and stuck out his head, which struck a subway column.

Maloney said Harris's body was slumped over an open window in the cabin, and as the train pulled out of the station, he was struck again. Then his body fell onto the tracks.

When the boy had not returned from an outing, his grandmother, on word from friends who had accompanied the boy on his outing, approached a SEPTA employee about her grandson's possible whereabouts.

That's when she learned that a tragic incident had occurred on the tracks, and later that the victim was Kyle. The family has criticized SEPTA's handling of its report of the incident, complaining that the authority failed to contact them about the accident.

SEPTA discounts that charge, with Frances M. Jones, assistant general manager of government affairs for the authority, saying "We are sorry. It's difficult anytime anybody is injured, particularly children."

Kyle's father Aaron DeShields has hired [Thomas Kline](#), the same attorney who successfully sued SEPTA in the 1999 trial involving a 4-year old boy who lost his foot on a Broad Street Subway station escalator.

While admitting that, "First we need to gather the facts," Kline argued, "There is a duty on SEPTA's behalf to disclose information, at least the basic facts, because they are a public agency, they serve the public." Scores of community residents gathered to support the family's complaint with a demonstration Wednesday, blocking traffic outside the authority's Market Street office

and carrying signs, some reading, "Justice for Kyle's death."

"We are demonstrating because we feel SEPTA has instrumented a veiled silence to the Black community," said Sacaree Rhodes, community activist and director of Women Making a Difference. "We believe it was kept quiet intentionally. We are demanding that the doors and windows on all of the motorman's cabins be locked at all times."

SEPTA meanwhile insists that the doors-as well as the window-were locked, and says it is unsure of how Kyle managed to get into the car. "We believe the door was locked," SEPTA spokesman Jim Whitaker said. "We're trying to figure out how he got in, it appears that he broke into the car." However, Frances M. Jones, assistant general manager of government affairs for the authority, admitted, "That's a part of what we're piecing together." SEPTA's chief spokesman Richard Maloney said that an official report indicates that when the train that was carrying Harris arrived at a preceding Fern Rock terminal; the doors to the motorman's cabin were locked. SEPTA spokesman Jim Whitaker said SEPTA officials contacted the Philadelphia Police Department but they did not immediately call the family because they could not identify Harris. His body was then taken to the morgue. Maloney said that any time there is an accident or death involving a passenger, notifying the next of kin is the responsibility of the Philadelphia police Department.

"Never in SEPTA's history have we notified a family or identified a victim in an accident," he said.

Maloney added, "I think there is a lot of confusion about what happened." He said that although services were shut down, and some of the trains were delayed after the accident the delay "was not significant enough to notify the media." He said in the initial investigation, police officials thought Harris was between 16 and 20 years old.

While Kyle's parents insist they have not received a phone call or any other notice from SEPTA officials about the death of their son, Jones says she attempted to contact the family.

She said SEPTA late Thursday learned of the child's identity, and that she, late Monday afternoon, personally visited the family's Gessup Street home, but received no answer at the door.

Jones said that before she was able to make a return visit, she had been told that the family had secured counsel, and that any further dealings would be handled by that counsel.

She said she attempted, unsuccessfully, as well to speak with Kyle's mother during the protest.

"I've been crying everyday," Evette Harris said. "The problem with SEPTA trains needs to be corrected."

Harris said she had been recently released from a local hospital after nearly suffering a nervous breakdown.

SEPTA said that beginning last year, as a part of on-going upkeep of the subway system, it has been changing the locks on the motorcars to a dead bolt style, which is harder to be picked open. The job won't be completed for another seven months.

Meanwhile, Kyle's family shared memories of him.

Mother Evette called Kyle very responsible for his age, a child who was dependable about calling her whenever he was out and knew he would be late getting home from school or any activities in which he was involved. DeShields said that on the day of the accident, his son had sold T-shirts to raise the money to have a night out with his friends at the skating rink. Last year at the Greek Festival, Kyle was out selling wet rags to out-of-towners, DeShields said.

Meanwhile, SEPTA continues to stress the dangers of its trains and their surrounding areas.

"If people are not waiting for our vehicles in the designated public areas, they are putting themselves at a serious risk of death," Maloney said. "Our vehicles are very big and they move fast."