

SEPTA: No need to contact media



Agency claims it's not procedure to issue news release after fatality

BY WILLIAM BUNCH
Of the Daily News Staff
JULY 17, 2001

It was, by anyone's definition, a senseless tragedy - the accidental death of a 12-year-old boy riding a subway train.

But for SEPTA, the death last Wednesday of Kyle Harris was also something of a test - a test of how a public agency whose credibility has come under fire in recent years would handle an accident with the potential for making major news.

The transit agency's initial response was to say nothing.

Richard Maloney, SEPTA's chief spokesman, insisted the agency had no responsibility to issue a news release in the case of a boy who stuck his head out of a moving train and was killed.

"It's not our procedure if we have a fatality to put out a press release," Maloney said. "That's for the police to do. That's not our legal jurisdiction."

Maloney said that SEPTA would have notified the media if service had been interrupted on the Broad Street Line, but that didn't happen because Kyle died on the express track. And because he was killed instantly, there was no need to call for rescue teams - typically a trigger for news coverage.

What's more, Philadelphia police didn't issue a release on the fatality. It was a unclear last night why. Police brass insisted yesterday an accident investigator was on the scene, although an official from that unit claimed it did not get the case officially until nearly two days later.

SEPTA's failure to release immediately information about the boy's death might not be much of an issue if the agency's credibility had not come under attack in recent years. In the best-known case, a judge in late 1999 imposed a \$1 million fine - later reduced to \$100,000 - against the agency in the case of a 4-year-old boy whose foot was severed by an escalator. The judge said that SEPTA had hidden documents in the case.

This year, activists were angered when fares were raised to \$2 after officials first said it would be \$1.90. The fare increase followed by only a few months the assertion by SEPTA General Manager Jack Leary that there would be no increase.

[Thomas Kline](#), the lawyer who represented the 4-year-old boy in his civil suit, said that - while the circumstances of the fatality are still unclear - he was "disappointed" that SEPTA hasn't been more forthcoming. He said the agency "should err on the side of full disclosure."

Kline said that Kyle's family has asked him to represent them in their quest for information, saying that SEPTA has been unable so far to explain to them how and why the boy died. "The facts as we know them are sketchy," insisted SEPTA's Maloney, who said the agency was continuing its own probe.

Although the fatality should serve as a warning never to stick one's head out of a moving train, Maloney said SEPTA wants to know all the facts before issuing any official advisories. *

Staff writer Dana DiFilippo contributed to this report.