

By William Bender
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Watch your step: Why won't SEPTA fix dangerous trap doors?

DAVID CROCKETT had been driving from Overbrook to work in Trenton two summers ago when he decided to cut the cost of his daily commute by using SEPTA.

"Everyone was telling me, 'If you took the train, it would be cheaper,' " said Crockett, who works in real-estate development and construction management.

On Sept. 1, 2010, perhaps his third day of riding SEPTA, Crockett said, he was exiting the R7 train in Trenton when one of the spring-loaded trapdoors that cover the train's stairwells popped open, cutting him on the right leg, where he still has a scar. Then, he said, the door came down on his left foot, which was crushed under his weight as he fell forward.

"To be honest, I thought I had lost my foot. I thought my foot was gone; that's how bad it hurt," Crockett said. "The conductor says to me, 'So, are you gonna get up?' And I said, 'Dude, the door is on my foot!' "

SEPTA records show that Crockett is among scores of riders who've had the traps unlatch on them unexpectedly. It often results in only a bruised shin. Sometimes, a tumble. Occasionally, a more serious injury with a five- or six-figure financial settlement.

"I pulled my foot out, and that's when I could see that it was broken," Crockett said. "It was still in my shoe, but it was just huge and pushed out to the side."

After two surgeries and physical therapy, the 46-year-old Bronx resident still has a large screw running through two bones in his foot. Doctors originally had to realign it with three plates and 10 screws, he said. He may need more surgery down the line.

Once an avid runner and weight-lifter, Crockett can't do either anymore. Not even an elliptical machine. He sleeps with his left leg elevated. No more pickup football games. No more running up and down the basketball court with the kids he coaches in New York City.

And it's difficult, he said, to climb stairs or ladders, two things he needs to do while overseeing renovation projects.

"If I spend any amount of time on it, it swells up like a balloon," Crockett said. "Somebody might look and say, 'Come on, now, what are you making a big deal for?' I'm in pain - every day."

Not a big problem?

SEPTA officials say the trapdoors are not a significant problem for a system that provides 30 million rides a year. The traps are raised at stations with low platforms so passengers can use the trains' stairwells. At stations with high platforms, they're lowered so passengers can step directly out of the train.

Over the past decade, six passengers a year, on average, have filed claims involving trapdoor incidents, "almost all of them being pretty minor," said SEPTA's chief lawyer, James Jordan. He said they often involve a banged shin, and the claims are typically settled for a "small amount."

But records that SEPTA provided to Crockett and the Daily News show that the doors have been linked to serious injuries in recent years. Since 2001, SEPTA has paid out nearly \$800,000 in settlements involving trapdoor claims - including three six-figure payments.

The cases include a Lawndale man who allegedly suffered nerve damage when the door unexpectedly lowered on his leg, a woman who suffered a knee injury that required surgery, a child whose leg was trapped between the door and the train when the door sprang open and a man who suffered a head injury when one of the doors - heavy enough to support up to 600 pounds - fell on him as he was boarding at the Fox Chase Station.

SEPTA's maintenance records are full of reports of broken trapdoor springs, trapdoors slamming up and down, and problems with the foot latches that release the doors - and that's only on the train car Crockett was riding.

"There's no question they knew about the problem," said Crockett's attorney, Aaron Freiwald. "This problem had occurred literally dozens of times over the years, and we know of specific cases where individuals were injured because of the same mechanism."

'Very acceptable'

Jim Fox, SEPTA's director of system safety and risk management, said the number of trapdoor claims is low, relative to the thousands of passengers that ride regional rail every day. He said the most common incident is a passenger accidentally stepping on the latch that releases the door, or rolling over it with their luggage.

Fox said SEPTA has received 84 claims involving trapdoors since 2001, including 17 slipping incidents. He said SEPTA began spray-painting the floor latches orange around 2009 and trimmed them slightly to reduce the chance of the doors popping up.

"There are other issues we have to focus on before I say that trapdoors are a problem," Fox said. "The numbers, in my mind, are very acceptable."

SEPTA officials say the traps are required because the trains stop at stations with high and low platforms. Converting all stations to a single level would cost much more than the cash-strapped agency could afford, Fox said.

"You're talking billions of dollars," he said.

Crockett's lawsuit alleges that SEPTA has failed to correct the problem because, under a Pennsylvania law covering government agencies, SEPTA's negligence liability is capped at \$250,000.

That means even if a trapdoor caused a major injury or death and a jury awarded the passenger, say, \$5 million in damages, the payout would be reduced to \$250,000.

"I'm convinced that the cap is an invitation for negligence and reckless misconduct," said personal-injury lawyer [Tom Kline](#), who is not involved in the Crockett case but has successfully sued SEPTA and has run up against the state's Sovereign Immunity Act for decades. "They'll pay the claims - \$20,000, \$40,000, \$100,000. There's no incentive for them to fix something when they can pay the smaller claims, which are insignificant to them."

Kline is appealing a recent case in which a \$14 million verdict awarded to a former Pennsbury High student who lost her leg in a bus accident was reduced to \$500,000 because of the negligence cap for school districts. A Bucks County trial judge called it "unfair and unjust." Kline hopes that the state Supreme Court will declare the Sovereign Immunity Act unconstitutional.

In 2000, an investigation of the Shareif Hall case - the 4-year-old's foot had been torn off in 1996 by a SEPTA subway escalator that was in need of repair - found that the \$250,000 cap had created a "culture of complacency" within SEPTA's litigation unit.

Jordan, however, said that the Hall case was "such a shock to SEPTA that it really did change the culture." He dismissed Crockett's claim that SEPTA officials have deliberately ignored the danger posed by trapdoors because it is cheaper to settle the cases.

"I think he's read one too many John Grisham novels," Jordan said.

SEPTA spokesman Richard Maloney acknowledged this week that some of the injuries involving trapdoors "have been serious," but he said that the doors are used by railroads around the country.

He said trapdoor-related payouts account for only a fraction of a percent of the approximately \$35 million SEPTA has paid in claims annually since 2001.

"The fact is that people can be injured by a common mechanism - used by hundreds of millions of people - that is fundamentally safe," Maloney wrote in an email. "And we own up to our responsibility if/when that occurs."

"Owning up" is exactly what Crockett wants SEPTA to do. He wants them to acknowledge that there is a problem, and to warn train passengers before the next serious injury occurs.

"OK, you can't build all high-level platforms to eliminate the need for trapdoors? Do something with the trapdoors so they don't pop open," he said. "If that's too much, then at the very least you should warn people that trapdoors have a propensity to pop open and you could be maimed."