

Thank you, councilmen and councilwomen, for allowing me the opportunity to address you on the topic of Max travel safety. The Max train system serving our city and area is pretty wonderful and is enjoyed greatly by many.

I need to discuss the terrible tragedy August 16th at the Gresham Central Max Station when two people, one a wheel-chair bound woman, were killed by the Max train.

I was an eye-witness to this horrifying accident and was the first 911 caller.

It was a beautiful sunny Saturday morning and I was waiting on the south side of this train station to pick-up a friend coming out to Gresham from Portland. When the train traveling east arrived at the station, I looked closely up and down the train cars for my friend's arrival. There were few disembarking passengers and my friend had never made that train.

But I did see the above two passengers. I watched these two very closely before and as they died because from first when they exited of last traincar of the Max train they drew attention. A 2<sup>nd</sup> wheelchair-bound woman had just made her way around them when I noticed the 1<sup>st</sup> woman in a wheelchair yelling "Let Me Go!" in a not-too-frightened-sounding voice after she had made her turn off the train and onto the platform. The man, who had exited with her and was walking between her wheelchair and the train, was holding on to her left arm or left wheelchair's arm. (The controls for a wheelchair are typically on the right side I have heard, but am not positive in this fact)

They journeyed like this all the way approx. 90' down the platform an entire train-car length, alongside the stopped train, as she maneuvered her wheelchair down the platform 'walkway' and repeated "Let Me Go!" several more times. The man was acting strangely, positioned between her wheelchair and the train, walking and then kind of lurching/skipping sideways while he held onto the woman's left arm or the left arm of her wheelchair. From my viewpoint I thought that he looked somewhat trapped too closely to the train by the wheelchair for much of this time. They together looked highly unusual and did not behave the way most disembarking passengers behave.

They got closer to the break between train-cars. As the warning bells of a further traffic crossing guard across Eastman St. rang, this full grown man started 'tugging' or 'bouncing' the wheelchair by its left armrest even closer to the train. By this time I was definitely quite worried about the woman's safety: I became afraid and horrified for them both and was saying "Oh No, Oh No, Oh No" out loud to myself in my car as he pulled her even closer to the train and the space between the train cars.

The woman in the wheelchair was very close to edge of platform at this time and just as the train started the man fell or tripped backwards into that break-between –the-train-cars. His face had a very surprised and frightened look and he hung onto the woman's wheelchair's left arm as he fell and the train picked up speed. This tipped her wheelchair over sideways, left toward the train: The woman was quite heavysset and had no way to stop her change in balance. She fell in head-first after the man and was sucked into that space after him, between the train cars by gravity and the train's momentum. Her wheel chair was caught (sideways?) by the train and was stopped approx. 90' later (!) by metal bars near the pedestrian crossing to use train station.

This tragic accident did not have to happen: Like many accidents it could have been prevented. A glance in a side-view mirror would have seen their altercation and delayed departure.

I am not interested in lawsuits or blame except for whatever is necessary to prevent future Max accidents: I believe public safety requires additional protocols for the Max train operation

**My questions for the council to investigate in the matter of Max train safety are these:**

***Why*** didn't the train operator have to procedurally look into a right side-view mirror at exiting riders? Airplane pilots have checklists to follow before starting engines. Automobile drivers are required to use side view mirrors for public safety. Our trains should also be as safe and as safety conscious for all its passengers.

***Can*** Max operators observe their exiting passengers, via these side view mirrors or some other physical means? When I try to observe these side-mirrors on the train, they appear to be angled-inward for interior view, if any, with the angle being too acute, it appears, to catch the exterior view of the side of the train and exiting passengers. I don't think operators currently observe their exiting passengers and side of train, with seems very unsafe.

***What Duties***, if any, does Max have toward its handicapped riders and any assaults-in-progress upon them? These people could have been anyone in disabled conditions: inebriated, psychologically impaired or senile.

***How*** could the train have dragged this wheelchair 90 feet down the platform until it was blocked from continuing without the operator noticing? This could have been anything or anyone: I shudder to imagine it a baby stroller. See attached photo of remains of chair intercepted by safety railings by pedestrian crossing to train.

***Conclusion:***

One look by the train operator in a mirror down the side of the train would've shown something unusual and dangerous was occurring with this handicapped woman and this man. This one look could have stopped the train from moving, would have saved these two lives.

I'm hopeful that this one look at exiting passengers by the train operators may save other lives in the future.

There is another aspect of this accident that is bothering me tremendously and that is that Trimet's official version is that the man jumped into the lap of the woman in the wheelchair and inadvertently drove the chair (perpendicularly) into path of danger.

I cannot understand this. This did not happen from my point of view. They proceeded entire length of train, close but parallel to train until they drew even closer, too close.

There are several more facts that have come to light. The man, John Paul Kelly, turned out to have been severely mentally handicapped man of 48yrs old but happy, polite and excitable (and strong). The woman in the wheelchair was his mother, Bertha Nellie Kelly, aged 66yrs. The second woman in the wheelchair was possibly accompanying them on their way to a Saturday Market. She knew that they both enjoyed the lap-sitting behavior at home. She and I were the only ones left as 'watchers' as other travelers on South side on train had gone about their business. As she had gone ahead, unless she turned her chair around she likely couldn't have seen what happened to them, behind her.

Also I'm aware of the fact that witnesses' accounts often vary, but these two versions differ wildly. I must stand by what I saw. I would very much like to see this video tape that supposedly shows John Paul in his mother's lap because otherwise I just can't get behind that point of view as that reality of accident. I have applied for the request to inspect the public record being this videotape, but as you can see from attached last sheet of packet, TriMet has denied my request in part because of the sensitive nature.

I see replays of this accident in my mind several times a day still. I need to find peace and truth in relation to how it's being represented to the public by TriMet. I feel I am the only real witness to their deaths and must represent for John Paul, Bertha about the incident and danger of this accident. Hopefully this will help prevent any future victims of mischance to close too Max to die.

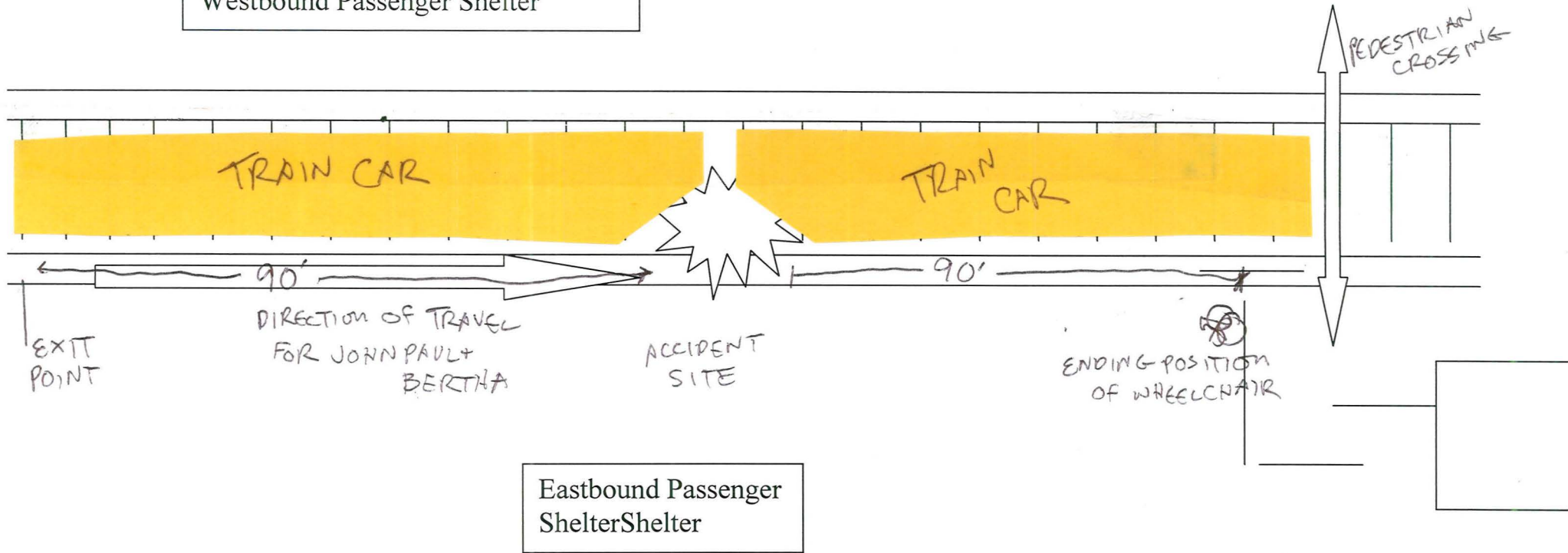






APPROXIMATION

Westbound Passenger Shelter



Passenger Pick-up & Drop-off driveway

(Greenspace)

MY VIEWPOINT













October 10, 2014

**VIA ELECTRONIC MAIL**

Zetta Ryan  
zetryan@gmail.com

Re: Acknowledgement of Receipt of Public Records Request (PRR 2014-456)

Dear Ms. Ryan:

This is to acknowledge receipt of your Request for Inspection of Public Records dated October 9, 2014. Due to the sensitive nature of the record requested and the on-going internal investigation related to this incident, the record you requested may not be released at this time. If you need additional information, please contact my office as indicated below.

Sincerely,

A handwritten signature in black ink, appearing to read "Kimberlee Akimoto". The signature is fluid and cursive, with the first name and last name clearly distinguishable.

Kimberlee Akimoto  
Legal Department  
1800 SW 1<sup>st</sup> Avenue, Suite 300  
Portland, OR 97201  
503-962-6489  
akimotok@trimet.org



5  
10/15  
**Moore-Love, Karla**

---

**From:** zet ryan <zetryan@gmail.com>  
**Sent:** Friday, August 29, 2014 9:52 PM  
**To:** Moore-Love, Karla  
**Subject:** request to address Max safety procedures

Hello,

I am an eyewitness to 8/16/14 Max train deaths. I request to address city council regarding Max train safety.

My name is Zetta Ryan, cell 503-816-0630, hm 503-666-2389  
111 SE Kelly Ave, Gresham, OR. 97080I

If there is a cancelation for the Sept. 3rd meeting, I would be able to attend. Elsewise the soonest date I can request is Sept 17th. Next would be Sept. 24th.

Is there time for me?

Thank you very much for your time.

Zetta Ryan



Request of Zetta Ryan to address Council regarding Max train safety  
(Communication)

OCT 15 2014

PLACED ON FILE

Filed OCT 09 2014

**LaVonne Griffin-Valade**  
Auditor of the City of Portland

By 

COMMISSIONERS VOTED AS FOLLOWS:		
	YEAS	NAYS
1. Fritz		
2. Fish		
3. Saltzman		
4. Novick		
Hales		