



Family files lawsuit against BNSF for wrongful death

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The family of a former Belen railroad worker filed a wrongful death lawsuit against BNSF Railway, alleging the company failed to provide safe working conditions.

The lawsuit, filed in Valencia County 13th Judicial District Court, alleges the company failed to provide

Santiago Riley a safe, healthy work environment, and that hazardous conditions caused Riley to have respiratory failure and asbestosis that led to his eventual death at age 89 in March 2011.

Riley worked for the railway when it was named the Atchison, Topeka and Santa Fe Railway, where he was an employee from 1942 to 1955. Riley repaired locomotives in railroad shops in both Belen and Winslow, Ariz.

"There could have been a lot of

other people that were affected by (asbestos)," said Michael Sanchez, one of the plaintiff's attorneys.

Sanchez said in similar types of cases, there "haven't been an outpouring of individuals" who have come forward to seek financial compensation for damages.

But Sanchez said the family is entitled to seek compensation for inadequate facilities. The lawsuit does not spell out how much money the family is seeking in the suit.

"(They) should be able to recover (financially)," Sanchez said.

The lawsuit lists 18 specific points that includes that BNSF allegedly failed to provide workers "safe and suitable tools and equipment," such as adequate protective masks and inhalation devices, and that the company failed to provide "a reasonably safe place" to work.

The suit claims company officials

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failed to warn Riley of "the hazardous effects" of asbestos and asbestos-related materials he was exposed to during his time with the company.

It also alleges that the company failed to inspect its locomotives and boilers and officials allowed "excessive fumes, dusts, gases and mists to exist and remain in the work area."

The lawsuit claims Riley swept floors in the "vicinity of toxic substances," without respiratory protection, as part of his regular duties.

Riley, who died in Cibola County last year, was unaware of the cause of his abnormal health until he was diagnosed with asbestosis, a lung disease that occurs from breathing in asbestos

fibers.

Joseph Faust, a spokesman for BNSF Railway, said "it would be inappropriate" to comment on the lawsuit since attorneys for the company have not officially been served as of Tuesday, Feb. 28. He said BNSF could not comment until its attorneys have a chance to review the lawsuit.

"We have not been officially served at this point," Faust said.

In a press release, John Roven, a Houston-based attorney for the plaintiff, said many railroad employees were required to work with toxic materials and that asbestos was widely used as insulation on locomotives during Riley's 13 years of employment.

"The medical and safety departments at the former (Atchison, Topeka and Santa Fe Railway) knew or should have known about the hazardous conditions to which they were subjecting Riley and many others," Roven said. "Today, we are asking a jury to hold the railroad accountable for those choices."

A court date has not been set.

