



The Wham-Bam-Tram Houston Mass Transit or Weapon of Mass Destruction?

by John Gaver
March 18, 2004
Updated March 31, 2004



Houston. We have a problem.

Houston's former Mayor Lee P. Brown, backed by a variety of downtown Houston businesses, including Enron, wanted a modern light rail system for downtown that, as they said, would put Houston on the map. Well, they got their wish. Houston's new MetroRail has certainly put Houston on the map, but not in the way they planned.

The new MetroRail system, now just over two months into normal public operation, is indeed, drawing all kinds of national attention, because of the national records that it is breaking. Unfortunately, the records that are being broken are the kind that Houston Mayor Bill White, the City Council and the MetroRail Board, would just as soon forget. You see, in just the first two months of public operation, Houston's rail safety record has become the absolute worst on record in the entire United States and by a very wide margin, at that. Jokes abound about Houston having used dual use technologies to turn their *mass* transit system onto their own private weapon of *mass* destruction. Just don't tell the Bush administration or they'll invade Houston.

As an example of the records being set, according to a [KHOU television report](#), the Houston MetroRail has the dubious distinction of having been involved in more traffic accidents in its first two months of public operation, than any rail system, in any other city, over the entire first year of operation - not exactly a record to be proud of. Then consider the fact that the 7.5 mile route of the Houston MetroRail system is far shorter than that of any of those other cities and you will realize that the magnitude of the MetroRail failure is multiplied, since a shorter route, should logically mean fewer accidents. Is it any wonder then, that, many Houstonians now laughingly refer to it in such terms as, the "**Wham-Bam-Tram**" or the "**Streetcar Named Disaster**".



Light rail supporters are quick to point out that, in every one of the now, 26 MetroRail accidents (see counter and list at <http://www.ActionAmerica.org/houston/>), police placed the blame on the driver of the automobile. Metro officials and other proponents refuse to admit that the design of the system is largely to blame for most, if not all of the accidents. Certainly, the drivers are at least partially to blame. But, the sheer number and frequency of accidents points to an underlying design flaw in the system - a flaw that has created an environment conducive to driver error.

Since January 1, 2004, when the Houston MetroRail began official operation, it has earned its "Wham-Bam-Tram" reputation, by racking up 21 accidents and 5 more occurred during limited trials in November and December, with 11 people injured in those accidents. That averages out to one accident every 3.7 days of official operation. If that rate continues for the rest of the year and there is no reason to believe that it won't, the total for the year will be roughly 100 accidents or more than five times as many accidents than any other city's light rail system has recorded in its first full year of operation.

A KHOU television investigation found that the cost to repair the damaged rail cars exceeded \$600,000 at the end of February. Project that out to 12 months and the annual cost to repair the rail cars will exceed \$3.5 million. These are certainly not the kind of expenses that Houston taxpayers were led to expect. Houston Metro officials say that they expect to recover those repair costs from the insurance companies representing the drivers. But, as I will show in a moment, such expectations are not only overly optimistic, but that approach could well backfire on Metro, costing taxpayers even more.

Those who supported Houston's light rail project are now trying to blame the huge number of accidents on the aggressive nature of Houston drivers. But, if that were the case, then Houston would have a similarly high number of non-rail related accidents. *They don't*. The fact that the number of accidents along the Houston MetroRail line far exceeds the average for Houston, as well as the accident rate of any other rail system in the nation, clearly takes Houston drivers out of the picture and places the blame where it belongs - on poor design and implementation.

If the Houston MetroRail accident numbers were 10%, 20% or even 50% higher than any other city, an argument might be made that area drivers were solely to blame. If the Houston numbers were double that of any other city, then we would have to, at least, give serious consideration to the possibility of a causative flaw in the design of the MetroRail system. But, the Houston MetroRail accident numbers are not 10%, 50% or even 100% more than any other city. They are more than 500% that of any other rail system, in any other city. Such overwhelming numbers leave no doubt that there is a very serious causative flaw in the design of Houston's MetroRail system. Even so, Houston Metro officials, refusing to admit to a problem with their new toy, will not shut the train down while the problem is analyzed and corrected.

Let's look at this from a different perspective. If a company that manufactured ladders were to start selling a new model of ladder and they suddenly started getting confirmed reports of people falling off of that new model of ladder at a rate five times that of any other similar ladder on the market, they would immediately issue a recall of that ladder, even before determining for sure that there was a flaw in the ladder's design or manufacture. They would do that for one very simple business reason - to *limit liability*. They could figure out the problem later. But, if they let the defective ladders continue to be sold and it was later determined that the ladder was at fault, they would not only be opening their company up for a class action lawsuit, but because they failed to issue a prompt recall, they would probably be found to be negligent, which would multiply the size of any judgment.

Now, let's switch back to the Houston Wham-Bam-Tram. Ok, so that's not really its name. But it sounds so catchy. By continuing to run the MetroRail, even after such overwhelming evidence that there is some underlying design flaw, Houston Metro officials are setting up Metro and the City of Houston for a huge class action lawsuit and establishing a solid case for *negligence*.

But, it gets worse. Although such a suit might be filed by the drivers of the many vehicles involved in MetroRail crashes and litigated by one of Houston's ambulance chasing lawyers, the suit that the City of Houston really needs to fear is the suit by the massed automobile insurance companies that don't want to have to pay out that \$3.5 million a year to repair MetroRail cars, over and above the cost to repair the insured automobiles involved. Furthermore, since the insurance companies have deep pockets, such a suit will certainly be litigated by a major law firm.

The statistics already speak for themselves, but the insurance companies will, no doubt, show up with dozens of expert witnesses. Not only would it be an open and shut case, but because Metro failed to take the train out of service when it became obvious that there was a serious problem with it, the plaintiffs will be able to demonstrate negligence on behalf of Metro, thus boosting the size of the judgment or negotiated settlement.



Proposed paint scheme to alert drivers to danger posed by this vehicle

Every day that the MetroRail train stays in service, increases the likelihood of a major class action suit against the City of Houston and Metro and also increases the likely size of the judgment, in any such suit. If Metro is not going to take this menace to public safety out of service, while its numerous problems are analyzed and fixed, maybe they should, at least, give it a paint scheme worthy of its ominous threat to public safety. At least that way,

when those lawsuits hit, Metro can claim that they tried to warn the public.

With all the people around the country laughing at Houston over this fiasco, it's nice to know that, at least Houstonians can still laugh at it themselves. Perhaps, as the saying goes, they are only laughing, to keep from crying.

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