MARTA faces lawsuit over contractor’s death

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By David Wickert, The Atlanta Journal-Constitution

The wife of a MARTA contractor who died in an accident in June has filed a lawsuit accusing the agency of negligence in his death.

Robert Smith of Griffin, 38, was working on a rail line near Medical Center Station on June 3 when he was struck and killed by a MARTA train. Smith, an employee of Cleveland Electric Co., was in his work vehicle when he was struck.

The lawsuit, filed Monday in Fulton County Superior Court by Michelle Smith, says MARTA failed to ensure that trains did not enter the area where Smith was working. It also says the agency failed to stop the train, failed to warn Smith that it was approaching, did not use due care in operating the train and generally failed to ensure a safe workplace.

Michelle Smith’s attorney, Rudjard Hayes, told Channel 2 Action News he has learned that two MARTA employees were fired and a third resigned in the wake of the incident.

“I think the conduct was so egregious that everybody needs to be concerned,” Hayes said.

MARTA issued a statement saying it does not comment on pending litigation.

The National Transportation Safety Board is investigating Smith’s death. MARTA has declined to provide the Atlanta Journal-Constitution copies of records related to the incident, citing the federal investigation.