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## Lawyer suing transportation facility designer questions mayoral contributions

JAMES HALPIN

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The lawyer suing the firm that designed the James F. Conahan Intermodal Transportation Facility said in court Friday that the firm has made repeated campaign contributions to Wilkes-Barre Mayor Tom Leighton and suggested it knew it would land the project before the city even put out a request for proposals.

The estate of 86-year-old Wilkes-Barre resident Edward Rehill is suing the Philadelphia-based Pennoni Associates Inc., which designed the facility, over his death in September 2011, arguing a flawed design created a dangerous facility that allowed a Luzerne County Transportation Facility bus to back over Rehill as he walked behind it.

Rehill's estate has already settled with the city, which owns the facility, and the LCTA for undisclosed amounts, according to documents released Friday.

During questioning Friday, plaintiff's attorney David J. Selingo peppered Pennoni Associate Vice President and Wilkes-Barre Office Director Joseph Mullen about the company's ties to Leighton. Mullen, however, denied the business knew it had the job before the city put out the RFP.

"No sir, I was not aware of that," Mullen said.

Selingo began asking if Mullen was aware of campaign contributions the business made to Leighton in the years leading up to the facility's construction.

"Not only did they contribute in 2005, they contributed in 2006. Were you aware of that?" Selingo asked.

"No, sir," Mullen said.

The line of questioning was cut off after Luzerne County Judge Thomas F. Burke Jr. sustained an objection by Pennoni attorney John O'Rourke and ordered the jury to disregard the statements.

Officials at the Luzerne County Bureau of Elections said Friday that their office is required only to maintain campaign finance reports for five years and that they no longer had reports for Leighton from 2005 and 2006.

Leighton, who announced earlier this year that he would not seek a fourth term in office, acknowledged Pennoni has contributed to his campaign in the past but said any implication that Pennoni got the job for that reason is absurd.

"Many, many people have given me donations over my 12 years as mayor and 12 years as councilman," Leighton said. "Never once did I compromise my integrity by choosing somebody because of any support that I received from anybody."

Pennoni had been working under the prior administration on plans for a transportation facility on East Northampton Street, but those plans were scrapped in favor of the current location, he said.

"They were on the job prior to me becoming mayor," Leighton said.

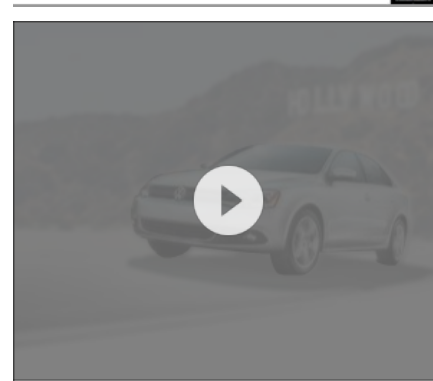
The firm may have had an advantage because of doing a lot of the preliminary work on the project, but Leighton said he wasn't on the selection committee that recommended it for the job. The mayor said he has never tried to influence a selection committee's decision and that he has never gone against a committee's advice.

"If Mr. Selingo or anybody representing the plaintiff is insinuating that Pennoni is not qualified and only got the job because they supported me, that is absolutely ludicrous," Leighton said. "They're a well-known firm."

As Selingo brought the plaintiffs' case to a close in the courtroom Friday, he moved on to question how much Pennoni knew about the safety problems with the facility, and when. He noted that the firm still had an open contract with the city for changes to the facility leading up to Rehill's death, but that Mullen never even visited the facility during that period.

Mullen said he had seen some meeting minutes addressing a safety concern with the facility at one point, but that the LCTA had determined an operational procedure change would address it. He believed the design was safe and did not go back to review the plans for safety, as is sometimes done in other projects, he said.

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"In this case, the idea of backing up buses never came up during the construction phase," Mullen said, acknowledging the facility has some pedestrian safety issues.

During cross-examination by O'Rourke, Mullen said he learned of the "confusing situation" for pedestrians at the facility only after the accident. From the facility's opening until Rehill's death, he had never gotten a complaint, he said.

With Mullen departing from the witness stand, Selingo rested the plaintiffs' case. The defense is set to begin its presentation Tuesday morning.

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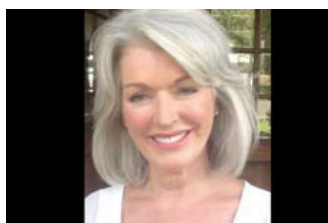
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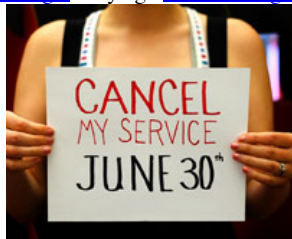
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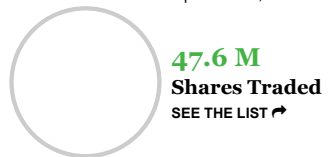
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