

Inv-2056

INTERSTATE COMMERCE COMMISSION
WASHINGTON

REPORT OF THE DIRECTOR
BUREAU OF SAFETY

ACCIDENT ON THE
CENTRAL OF GEORGIA RAILWAY

BYRON, GA.

MARCH 28, 1936

INVESTIGATION NO. 2056

SUMMARY

Railroad: Central of Georgia
Date: March 28, 1936
Location: Byron, Ga.
Kind of accident: Bus struck by train on grade crossing;
train derailed.
Train involved: Passenger : Bus
Train number: 93 :
Engine number: 437 :
Consist: 4 cars :
Speed: 35-60 m.p.h. : 3-8 m.p.h.
Track: Curve to right :
Highway: : Practically tangent
Weather: Clear
Casualties: 11 killed, 2 injured
Cause: Failure of bus driver to stop before
passing over a railroad crossing at
grade; failure of authorities to
enforce and of railway company to
obey ordinance restricting speed of
trains within corporate limits.

Inv-2056

May 6, 1936.

To the Commission:

On March 28, 1936, there was a derailment of a passenger train on the Central of Georgia as the result of striking a bus of Southern Stages, Inc., on a highway grade crossing at Byron, Ga., this accident resulting in the death of 9 bus passengers and the driver of the bus, and the injury of 3 bus passengers, 1 of whom subsequently died.

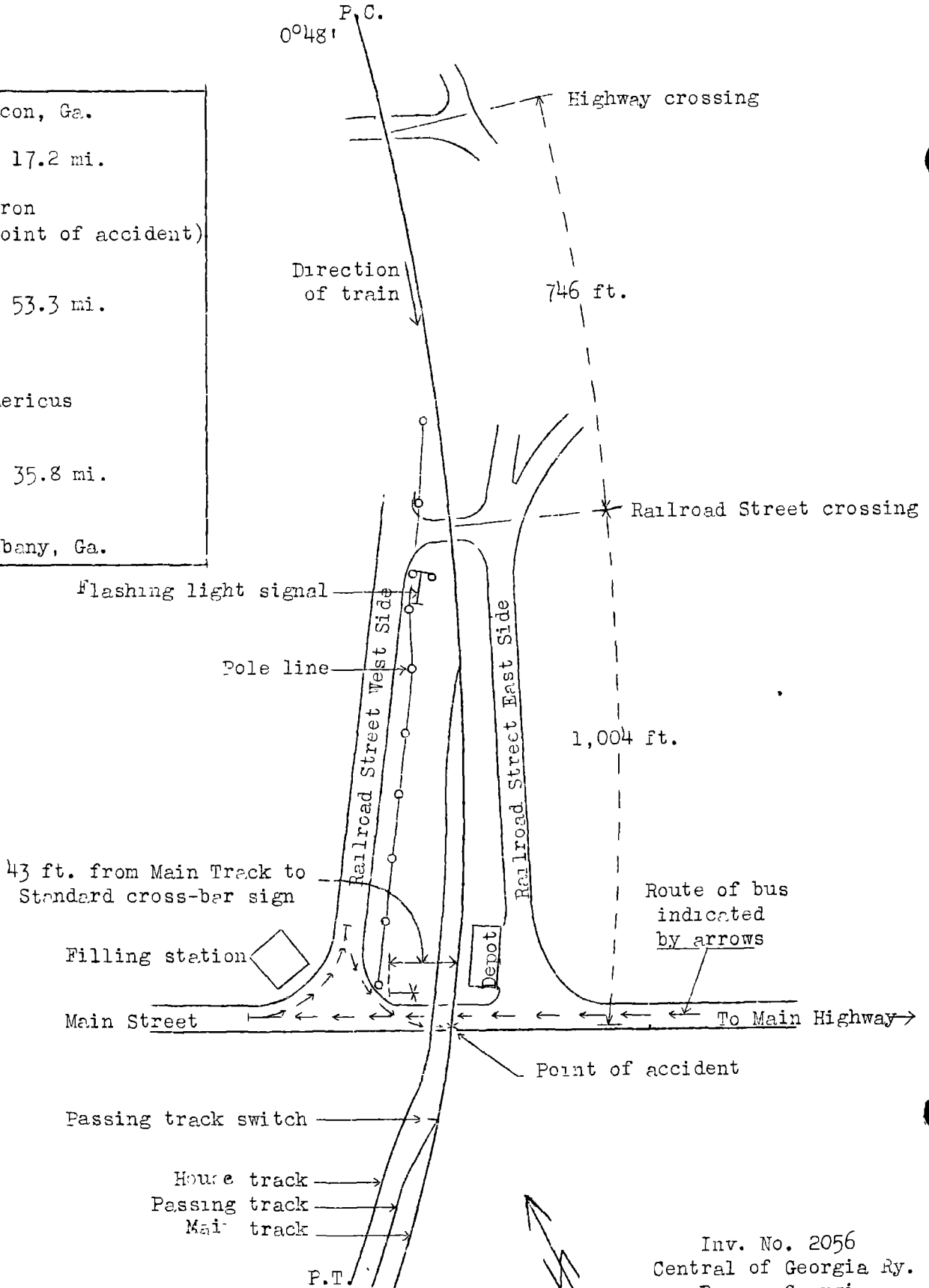
Location and method of operation

This accident occurred on the Albany district of the Macon Division of the Central of Georgia Railway, which extends between Albany and Macon, Ga., a distance of 106.3 miles; between Terra Cotta, near Macon, and Carman, a distance of 23.6 miles, this is a single-track line over which trains are operated by means of centralized traffic control. The point of accident was at the Main Street crossing of the tracks of the railway, near the west end of the depot at Byron. Approaching this point on the railway from the east, the track is tangent for a distance of 4,900 feet, followed by a $0^{\circ} 48'$ curve to the right 2,458 feet in length, the accident occurring on this curve at a point 513 feet from its leaving end. The grade is 0.83 percent ascending for westbound trains for a distance of 6,380 feet, following which it is level for a distance of 400 feet and then is 0.26 percent descending to the point of accident, a distance of 60 feet, and for a short distance beyond that point.

There are two tracks at the intersection with Main Street, a track known as the house track being located on the north side of the main track. West of the station this house track curves away from the main track sufficiently to make provision for the entrance switch to a passing track, between the house and main tracks, the east switch of this passing track being located 104 feet west of the point of accident. At the time of the accident there were no cars on the house track east of the point of accident.

Main Street crosses the railway tracks practically at right angles, there being only a very slight curve to the right when approaching the crossing from the south and then a very slight curve to the left after passing over the crossing. The grade is level over the crossing and is slightly ascending when approaching it from either direction. The crossing and its approaches are paved with asphalt and are 21 feet in width, with 6-foot shoulders on each side which are used as sidewalks. No protection is provided other than that afforded by a single

• Macon, Ga.
17.2 mi.
• Byron
× (Point of accident)
53.3 mi.
• Americus
35.8 mi.
• Albany, Ga.



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standard sign of the cross-bar type, located in the northeast angle of the intersection at a point 43 feet from the center of the main track and 5 feet from the edge of the highway pavement.

There is a highway known as Railroad Street on each side of the tracks, extending eastward from Main Street, and the street on the north side of the tracks is hereinafter referred to as "Railroad Street West Side"; this particular street is 32 feet in width, unpaved, and intersects Main Street practically at right angles, and at the intersection its nearest edge is 45 feet from the center of the main track. There is a gasoline filling station in the northeast angle of this particular intersection and at the time of the accident this filling station was used as a stopping point for the passenger busses of Southern Stages, Inc.

Railroad Street West Side is connected with Railroad Street East Side by means of a grade crossing, the center line of which is 1,004 feet east of the point of accident. This crossing is protected by flashing-light signals and also by a bell, and the signal on the north side of the tracks is so located that it can be seen plainly, and ordinarily the bell can be heard, from any point on Main Street between the depot and the north side of the intersection with Railroad Street West Side. The west-bound control circuit for these signals extends 2,797 feet east of this crossing. There is a third grade crossing located 746 feet east of Railroad Street crossing, and the whistle posts for the station and for these three grade crossings are located 5,309, 3,140, 1,882 and 1,201 feet, respectively, east of the point of accident.

Electric lights are located on the east side of Main Street and both north and south of the tracks, at points 80 and 88 feet, respectively, from the center of the main track, these lights being suspended 18 feet above the ground and equipped with shades for the purpose of reflecting the light downward, and there is a similar light on the northwest corner of the depot as well as several lights on the filling station; all of these lights were burning at the time of the accident.

Between Railroad Street crossing and Main Street crossing there is a line of seven telegraph poles located along Railroad Street West Side, the pole nearest Main Street being 46 feet from the center of the main track and the one nearest Railroad Street crossing being 19 feet from the track center; these poles are in a straight line, the difference in distance being accounted for principally by the curvature of the track. When there are no cars on the house track the engineman of a west-

bound train has an unobstructed view of the crossing for a distance of 1,070 feet, while the headlight of a westbound train when 1,200 feet distant can be seen from practically any point on Main Street between the filling station and the depot.

The weather was clear at the time of the accident, which occurred at 8:46 p.m.

Description

Train No. 93, a westbound passenger train, consisted of 2 express cars, 1 combination baggage car and coach, and 1 coach, all of steel construction, hauled by engine 437, and was in charge of Conductor Howell and Engineman Hall. This train left Macon at 8:23 p.m., 8 minutes late, passed Terra Cotta, the last open office, 14.1 miles from Byron, at 8:29 p.m., 7 minutes late, and collided with a bus of Southern Stages, Inc., on Main Street crossing in Byron while traveling at a speed estimated to have been between 35 and 60 miles per hour.

Bus No. 24 of Southern Stages, Inc., northbound from Americus, Ga., to Macon, was in charge of Driver Looney. It left Fort Valley, Ga., about 11 miles from Byron, about 8:15 p.m., 40 minutes late, made a stop en route, and then stopped on Main Street in Byron on the south side of the tracks. The bus then proceeded over the crossing to its regular stopping point at the filling station, discharged some passengers, backed into Railroad Street West Side and then headed out, made a left turn, and started back over the crossing; it was struck by Train No. 93 while traveling at a speed variously estimated to have been between 3 and 8 miles per hour.

When the engine stopped it was entirely derailed with the exception of the front pair of wheels on the engine truck; the tender and the first two cars were entirely derailed and the other cars partly derailed, but all of this equipment remained upright and sustained only slight damage. The bus was demolished and its wreckage was carried ahead of the engine to the point where it stopped, a distance of 480 feet from the point of accident. There were 13 people in the bus, including the driver, and all of them were either killed or seriously injured.

Summary of evidence

Engineman Hall, of Train No. 93, said that the station whistle signal was sounded by means of the steam whistle, which whistle also was used in sounding the signal for the road crossing east of Railroad Street crossing. Engineman Hall then began

using the air whistle and he said he was using that whistle for Main Street crossing when he saw the bus about 10 or 15 feet from the track, moving slowly. At that time the train was about two passenger-car lengths from the crossing and Engineman Hall said he at once shut off steam, applied the brakes in emergency, and began sounding the steam whistle, and he thought the speed had been reduced from about 40 miles per hour to about 35 miles per hour before the accident occurred. The engineman said he had been looking ahead toward the crossing, using the front window, and that the bus was not in sight when he first saw the crossing and he did not know where the bus came from; there was no smoke or steam from the engine to interfere with his view. Engineman Hall further stated the headlight on his engine was burning brightly, that the bell ringer was in operation, and that the brakes on his train had been tested before leaving Macon and worked properly when he applied them in emergency immediately preceding the occurrence of the accident. It also appeared from the engineman's statements that the speed limit through Byron was 8 miles per hour, according to the time table, and he did not recall any bulletin or other order increasing this speed limit to 20 miles per hour; he was not obeying the speed restriction on this occasion and said it had been customary to disregard it ever since he had been there, and he had been on these runs since October, 1924.

Fireman Woods said he turned on the bell ringer before reaching the first of the three grade crossings and he verified the engineman's statements concerning the use of the steam and air whistles and the fact that the headlight was burning. The fireman's first knowledge of anything wrong was when the engineman applied the brakes in emergency and began using the steam whistle, but the fireman was unable to see anything of the bus from his side of the engine until just before the crash occurred. Fireman Woods also was of the opinion that the speed of trains through Byron was restricted to 8 miles per hour and said that this restriction never was observed, that he would not have observed it had he been running the engine, and that he had never known of the local officials at Byron taking any exceptions.

Conductor Howell was in the vestibule of one of the cars preparing to observe the indication of the train-order signal when he felt an emergency application of the brakes, only a few seconds before the engine reached the crossing. He had heard the whistle sounded for the station and for the three crossings, although he thought all of these signals had been sounded with the steam whistle. Conductor Howell estimated the speed to have been about 40 miles per hour when approaching Byron and said that while he thought he remembered seeing a bulletin changing the time-table restriction from 8 to 20 miles per hour, it was not

customary to observe this restriction and he had never known of any of the crews being criticized for violating it.

Baggage Master Lindsey had been standing in a door on the engineman's side and after seeing the train-order signal in clear position he crossed over to the opposite side of the car without having seen the bus, or anyone standing on the crossing. The baggage master said the whistle was still being sounded when the accident occurred. The statements of Flagman Davis added nothing to those of preceding witnesses.

Operator Lamar, on duty in the station at Byron when the bus arrived, said he could hear Train No. 93 near the station whistle board and after checking the position of his levers he went outside for the purpose of watching the train as it passed and also to watch the crossing, although this latter was not one of his required duties. As the operator came out of the station the bus already had backed into Railroad Street West Side and was heading out, just coming onto the pavement, and as the bus straightened out on Main Street and started toward the crossing the operator began waving at the bus driver, and as the bus continued to approach the crossing the operator got right in front of the bus, waving at the driver with a white handkerchief until the bus was within 2 or 3 yards of the crossing, then running back to a place of safety when he saw that an accident was inevitable. The bus did not stop for the crossing and the speed seemed to increase after the driver shifted gears; Operator Lamar estimated the speed to have been about 7 miles per hour when he last saw the bus. It also appeared from the operator's statements that he was standing on the first rail of the main track when flagging the bus and that the bus probably was 30 or 40 feet distant when he first began trying to attract the attention of the driver. Operator Lamar further stated that he had heard the engineman of the passenger train using the steam whistle and then the air whistle, and that the steam whistle was being used again when the train was closely approaching the crossing.

Section Foreman Davis, located at Byron, was in a store on Main Street opposite the filling station at the time the bus arrived, and after hearing the whistle of the train he looked out and saw the bus approaching the crossing slowly. It appeared as though the bus was going to stop and then the section foreman heard the steam whistle and about the same time the speed of the bus seemed to increase slightly, the collision occurring immediately afterwards. Section Foreman Davis said he is a member of the town council of Byron; he stated that section 90 of the code of the Town of Byron restricts the speed of trains to 20 miles per hour within the corporate limits, and he did not

recall having seen the former ordinance said to have restricted the speed of trains to 8 miles per hour.

Superintendent Smith, of the Central of Georgia Railway, stated that local ordinances establishing speed restrictions as shown in the time table were not required to be observed unless complaints were made by local officials, nor was any criticism made of employees for violating such speed restrictions. The current time table of the railway, effective December 12, 1935, shows the speed limit through Byron as 8 miles per hour and Superintendent Smith said this would be corrected at the time of the next change in the time table.

Examination of the track showed that the first flange marks on the ties appeared at a point 61 feet west of the point of accident. These marks were 7 inches inside of the north rail and appeared on five successive ties. There were no corresponding marks on the outside of the south rail nor were there any other flange marks on the track until the east passing-track switch was reached, and it was thought that at this point the wreckage came in contact with the throw rod of the switch, allowing the points to open and causing the engine and cars to enter the passing track. Apparently the engine truck rerailed itself at the frog and continued on the main track, holding the engine in line with that track. Road Foreman of Engines Atkinson, who reached the scene of the accident shortly after its occurrence, said he did not think any of the parts of the bus were under the engine at that time and it was his opinion that the train was derailed as a result of the bus having torn up the track while being pushed ahead of the engine.

Clarence Bell, a negro boy who was a passenger on the bus when the accident occurred, said he was riding on the rear seat; he had not noticed anything wrong with the driver and did not hear the train as it approached. J. J. Jones, a negro boy who also was on the bus and died subsequently, said he was in the seat next to the rear on the right side of the bus, and that when the bus was 60 or 70 feet from the track he saw a man on the crossing waving a handkerchief and some one else also was flagging the bus; Jones heard the train and saw it coming, but did not call to the bus driver as he thought the driver would stop, nor did he hear anyone else in the bus call to the driver, and he said the driver looked to the left and saw the train about the time the front wheels of the bus were on the first rail of the main track and then changed gears and speeded up, but it was too late.

Miss Dora Poole and Miss Ruby Gunter, both of whom got off the bus when it arrived at Byron, said the driver stopped at the crossing before passing over it en route to the filling station; they considered the driver to be a careful man, while Miss Gunter added that the brakes on the bus had been operating properly. A colored passenger who also got off at Byron said the bus stopped for the crossing before proceeding to the filling station.

W. K. Lineberger, who witnessed the occurrence of the accident, saw Operator Lamar flagging the bus with a white handkerchief, but the bus continued until it reached the main track and apparently it stopped on that track directly in front of the train, which was traveling at a speed he estimated to have been about 45 or 50 miles per hour; he thought the bus could have gotten across the track if it had not stopped. O. J. Bateman and C. F. Hays said the bus did not stop, Mr. Hays adding that people were calling and waving to the driver; he estimated the speed of the train to have been at least 40 miles per hour before the accident and at least 35 miles per hour at the time of the accident, while Mr. Bateman thought the speed was 60 or 65 miles per hour.

The statements of C. E. Jackson, L. A. Powers and Howard Lowe, all of whom were connected with the filling station, indicated that after having been turned around the bus was not stopped before reaching the tracks, although Jackson thought it was running very slowly, or stopped, about the time the front wheels reached the track; these witnesses had heard or seen the train as it approached the crossing and estimated its speed to have been from 50 to 60 miles per hour. H. C. Jackson, who drives a school bus, said that if the bus made any stop at all it was not until it was on the main track, while E. H. Holland said he was watching the bus driver and that the latter gave no indication of having seen the train.

Many other witnesses were questioned in addition to those referred to above, and the statements of the majority of the various witnesses indicated that as the train approached the crossing the whistle was being sounded, the headlight was burning brightly, and the bell was ringing; it also appeared from these various statements that the bus did not stop for the crossing and that the operator was signalling the bus driver to stop. In addition, some of the witnesses saw the flashing-light signals operating at Railroad Street crossing, while the statements were quite conclusive to the effect that the bus driver could have seen the train when it was 1,000 feet distant and that the crossing itself was well maintained and lighted. The statements of these witnesses also indicated that the bus approached the crossing slowly.

Dr. J. B. Kay, local surgeon for the Central of Georgia Railway, said that Driver Looney was among those brought to his office immediately after the occurrence of the accident. The driver apparently was in a dying condition and Dr. Kay said he did not examine him closely but gave him first aid and then sent him to a hospital. The doctor did state, however, to the general claim agent of the railway, that there was no evidence that the driver had been drinking and that conditions which developed while Driver Looney was in his office were such that he would have detected any condition of that kind.

President Wilkinson, of Southern Stages, Inc., stated that Bus 24 was operating between Macon and Americus, a distance of 70 miles, and that a round trip constitutes a day's work for the driver, who is on duty a total of about 4½ hours. Driver Looney had been employed as an extra driver in August, 1935, and had been employed regularly since November, 1935, the line between Macon and Americus being his regular run. Driver Looney had worked for this company prior to this time, however, and also had had experience with four other bus companies. Mr. Wilkinson said he never had had any complaints about the driver's ability as a driver and considered him to be thoroughly competent. Mr. Wilkinson also stated that the rules of his company require bus drivers to stop at all railroad crossings.

Traffic Manager Millirons, of Southern Stages, Inc., said it was his duty to ride with and supervise the work of all drivers and that he had ridden with Driver Looney on many occasions, always finding him to be careful in the handling of his bus. Mr. Millirons was in the company of Driver Looney for several hours prior to his departure on his run on the day of the accident, and also supervised the loading of the bus and gave the driver information relative to connections, and he said that during this period Driver Looney appeared to be in normal condition and performed his duties satisfactorily.

Driver Looney, who was 29 years of age, was an experienced bus driver although he had been employed by Southern Stages, Inc., only a few months; he had a clear record with this company, but it was noted that he was involved in a collision on December 22, 1935, in which he was not at fault. Previously he had been employed by Florida Motor Lines, Inc., from December 25, 1934, until May 10, 1935, being discharged on account of insufficient business; during this period, according to the superintendent, Driver Looney had an accident on January 6, 1935, wherein he backed his bus into an automobile standing near the entrance to a bus terminal, this accident resulting in his being suspended for 15 days, and on April 23 of the same year he was involved in another accident in which he was not at fault. The South-

eastern Management Co., operating the Southeastern Greyhound Lines, reported that Driver Looney was employed on June 3, 1934, and was discharged on account of responsibility for an accident on September 15, 1934, in which the bus he was driving left the road, went over an embankment, and crashed into some trees. The manager of the Pace Bus Lines advised that Driver Looney had been employed 8 or 9 months, with one minor accident, while the president of the Bass Bus Lines said Driver Looney had been employed as a regular driver for about 2 years, without having any accidents.

Under the "Rules and Regulations of the Georgia Public Service Commission Governing Motor Carriers of Passengers for Hire", a bus cannot be driven by a driver who has not passed a satisfactory physical examination, and this examination is required to be given annually. President Wilkinson, of the bus company, said no forms had been furnished for this purpose but that it had been his practice to have drivers examined in accordance with the law, and in a letter received by him from Dr. L. L. Rawls of Macon under date of April 2, he was advised that the doctor had seen Driver Looney about 3 weeks previously and that at that time the driver appeared to be physically and mentally fit. It is further required by the rules of the Public Service Commission relative to motor carriers of passengers for hire, that all such vehicles shall be brought to a full stop before crossing a railroad track, not closer than 10 feet from the nearest rail of the crossing, and the driver then is required to look in each direction before crossing the tracks, while the rules of Southern Stages, Inc., also require drivers to make a complete stop at all railroad crossings. Section 90 of the code of the Town of Byron, adopted September 17, 1935, restricts the maximum speed of trains within the corporate limits to 20 miles per hour, while under the code of 1933 of the State of Georgia, Section 94-507, Acts of 1918, page 213, it is provided that within the corporate limits of cities, towns and villages, railroads are not required to erect whistle posts or to sound the whistle for crossings within such limits, but the bell is required to be rung. It also is provided that nothing in this section shall relieve a railroad or its enginemen from exercising due care in so controlling the movement of trains as to avoid injury to persons or property on such crossings in said city or within 50 feet of such crossings, or for failure to observe any ordinance of such city, town or village, lawfully passed, regulating the speed at which trains are to be operated therein.

Inquiry into the reason for having these busses cross the railroad tracks twice, developed the information from Traffic Manager Millirons that when the franchise was taken over in April, 1935, the busses approached Byron from the north on Main Street,

stopped at the filling station, which was the only place available for passengers using the busses at night, and then turned into Railroad Street West Side and proceeded along that street to Railroad Street crossing, where the busses than would cross the railroad track and proceed on their way. In December, 1935, a new highway was opened which is located on the south side of the tracks for many miles, being about 1,200 feet distant therefrom at the point where it crosses Main Street, thus making it necessary to proceed northward on Main Street and pass over the tracks en route to the filling station and then to go back across the tracks in order to return to the highway. Under these conditions, it appeared that the use of Railroad Street crossing by through traffic was entirely eliminated, while any traffic in or out of Byron from or to the new highway used Main Street crossing. Subsequent to the accident a change was made whereby the stop at Byron was made on the south side of the tracks, thus eliminating the use of the crossing by the busses of this company.

A check of traffic for a period of 24 consecutive hours showed that Main Street crossing was used by a total of 285 motor vehicles, consisting of 210 passenger cars, 59 trucks and 16 busses. The traffic on the railway amounted to 27 trains, consisting of 16 passenger trains and 11 freight trains, while the daily average movement on the railway for the 30-day period preceding the date of accident was 24.5 trains. The maximum amount of motor traffic was between 7 and 8 a.m., 41 vehicles passing within this period, while only 1 motor vehicle passed between 10 p.m., and 5 a.m.

The bus involved in this accident was a White-Bender Streamline Inter-City Coach, Model 713, having a wheel base of 190 inches and a seating capacity of 21 passengers. It had been purchased new in August, 1935, and had been run approximately 70,000 miles; among other lights, this bus was equipped with four marker lights, one on each corner of the roof. Tests were made on the night of April 2, using a bus of the same type as the one involved in the accident, and with observers posted on the main track of the railway at five different points between 666 and 1,070 feet from Main Street crossing, it was found that the bus was continuously in view from the time it started to move out of Railroad Street West Side, also that the marker lights were plainly visible until the bus had passed over the crossing and disappeared from view behind the depot. In making this movement the bus consumed 15 seconds between the time of starting out of Railroad Street and the time it reached the center of the main track. A repetition of the test with observers located at four different points varying from 559 feet to 880 feet from the crossing produced similar results, while the driver after com-

pleting the turn into Main Street could see plainly the flashing-light signals at Railroad Street crossing, and when 43 feet from the center of the main track he could have seen the headlight of an engine, unobstructed, for a distance of 1,070 feet. It also was noted that due to the lighting at the crossing the bus was readily visible. It further appeared that with the bus standing on Railroad Street West Side prior to making the left turn into Main Street, approaching westbound trains could be heard when ascending the grade east of Byron and that the whistle signals for the station and also for the three grade crossings involved could be plainly heard.

Discussion

The evidence shows that after the bus involved in this accident had discharged passengers at a filling station on the north side of the tracks, it was backed into Railroad Street West Side and then headed out on Main Street, making a left turn for this purpose, and proceeded slowly southward without stopping for the crossing, with the result that apparently it was squarely on the crossing when struck by Train No. 93. Not only was the bus driver required by State law and the rules of the bus company to stop before proceeding over this crossing, but observations and tests showed that the view from the highway was unobstructed for more than 1,000 feet, and there is no reason why the bus driver should not have been able to see and hear the train in ample time for him to stop his bus in safety.

The evidence further indicates that the engineman of Train No. 93 had whistled for the various grade crossings on entering the city, including the one on which the accident occurred; also that the headlight was burning brightly. Notwithstanding the unobstructed view, however, the engineman said he did not see the bus until he was within two passenger-car lengths of the crossing, at which time the bus was within 10 or 15 feet of the track. Subsequent tests clearly indicated that the bus could have been seen a much greater distance, and while an engineman would have no reason for thinking that the bus would not stop for the crossing, nevertheless he should have seen the bus much earlier than actually was the case, in which event the speed of his train could have been considerably reduced prior to the impact.

The investigation developed the fact that the maximum authorized speed of trains within the corporate limits of the Town of Byron is 20 miles per hour, yet the evidence indicates clearly that no attention whatever has been paid to this restriction, and the superintendent of the railway stated that local ordinance speed restrictions as shown in the time table were not required to be observed unless complaints were made by local

officials and that no criticism was made of employees for violating such speed restrictions. Time-table speed restrictions are supposed to be observed, and to allow open violations of any of them is to invite violations of other speed restrictions and of rules and regulations in general. It should not be left to the employee to find out for himself what rules are to be observed and what rules are to be violated with impunity, and any rules which are not to be observed at all times and under all conditions should be eliminated. The speed limit set forth in the time table is 8 miles per hour; the speed limit had been fixed at 20 miles per hour in September, 1935, but the change was not carried in the current time table, which became effective December 12, 1935, and the engineman involved in this accident said he thought the limit still was 8 miles per hour. Had the existing speed restriction been enforced and obeyed the engineman could at least have reduced the speed of his train to such an extent as to make the accident one of relatively minor character in its consequences.

The investigation further developed the fact that since the opening of a new highway extending for many miles on the south side of the railway tracks there is no occasion for through traffic to pass over the tracks at the crossing at Railroad Street, with the result that that particular crossing now carries very light traffic, for any traffic moving between Byron and the new highway uses Main Street for that purpose. Under the circumstances, there is much more need for crossing signals at Main Street crossing than at Railroad Street crossing, where such signals are now in use. As the matter stood at the time of the accident, the opening of the new highway resulted in the busses crossing the tracks twice at an unprotected crossing, whereas the movement through Byron formerly required only one crossing of the tracks and this at a point where protection was provided. There appears to be no reason why the practice of making the stop on the south side of the tracks and thus avoiding the use of the crossing, which practice was placed in effect subsequent to the accident, should not be made permanent.

On April 11, 1935, there was a similar accident on the Baltimore & Ohio Railroad at Rockville, Md., in which a school bus started over a crossing without stopping and was struck by a rapidly-moving train. In the Rockville case, however, the view was considerably obstructed and there was no speed limit on trains within the corporate limits involved, while school busses were exempt from the provisions of law which required commercial busses to stop for railroad crossings; on the other hand, there was a failure on the part of the driver to take the precautions which every driver should take before entering upon a railroad

crossing at grade, and there also was a failure upon the part of local authorities to enforce a law requiring the maintenance of watchman at certain hours and a failure upon the part of the railroad to observe that law. The story of failure which led to the occurrence of that accident is similar to the condition which prevailed in the case of the accident here under investigation. In the present case the bus driver apparently failed to take any precautions, while there was a failure on the part of local authorities to enforce the speed restrictions and failure on the part of the railway company to obey them, and in addition there was failure on the part of the bus company to take appropriate action to avoid an additional element of danger which resulted from changed traffic conditions and rerouting of its busses. It is unfortunate that this story of failure has to be repeated again and again.

Conclusion

The primary cause of this accident was the failure of the bus driver to stop, as required by law and also by the rules of the bus company, and to know that no train was approaching before attempting to proceed over a railway crossing at grade. Contributing causes were the failure of local authorities to enforce an ordinance making it unlawful for trains to operate within the corporate limits at speeds in excess of 20 miles per hour, and the failure of the railway company to require its employees to observe the provisions of the ordinance.

Recommendations

The following recommendations are made:

1. That responsible authorities enforce the provisions of law requiring motor carriers of passengers for hire to stop their vehicles before passing over a railroad crossing at grade.
2. That responsible authorities enforce the ordinance restricting the speed of trains while moving within corporate limits.
3. That unless train speeds are held to a comparatively low rate, continuous crossing protection should be provided permanently at this point, so as to give warning at all times when a train is approaching.

4. That whenever practicable busses should be routed so as to avoid grade crossings which are not protected by watchmen or devices which give warning at all times when a train is approaching.

Respectfully submitted,

W. J. PATTERSON,

Director.