

INTERSTATE COMMERCE COMMISSION  
WASHINGTON

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INVESTIGATION NO. 2949  
CHICAGO AND NORTH WESTERN RAILWAY COMPANY  
REPORT IN RE ACCIDENT  
NEAR APPLETON, WIS., ON  
NOVEMBER 21, 1945

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SUMMARY

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Railroad: Chicago and North Western  
Date: November 21, 1945  
Location: Appleton, Wis.  
Kind of accident: Collision  
Equipment involved: Passenger train : Automobile  
Train number: First 209 :  
Engine number: 1607 :  
Consist: 7 cars :  
Estimated speed: 50 m. p. h. : Standing  
Operation: Timetable, train orders and  
automatic block-signal system  
Track: Single; tangent; practically level  
Highway: Tangent; crosses track at angle  
of 86°; 3.78 percent ascending  
grade southward  
Weather: Snowing  
Time: 8:12 p. m.  
Casualties: 2 killed; 55 injured  
Cause: Automobile becoming stalled on  
highway grade crossing

INTERSTATE COMMERCE COMMISSION

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INVESTIGATION NO. 2949

IN THE MATTER OF MAKING ACCIDENT INVESTIGATION REPORTS  
UNDER THE ACCIDENT REPORTS ACT OF MAY 6, 1910.

CHICAGO AND NORTH WESTERN RAILWAY COMPANY

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December 28, 1945.

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Accident near Appleton, Wis., on November 21, 1945, caused  
by an automobile becoming stalled on a highway grade  
crossing.

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REPORT OF THE COMMISSION <sup>1</sup>

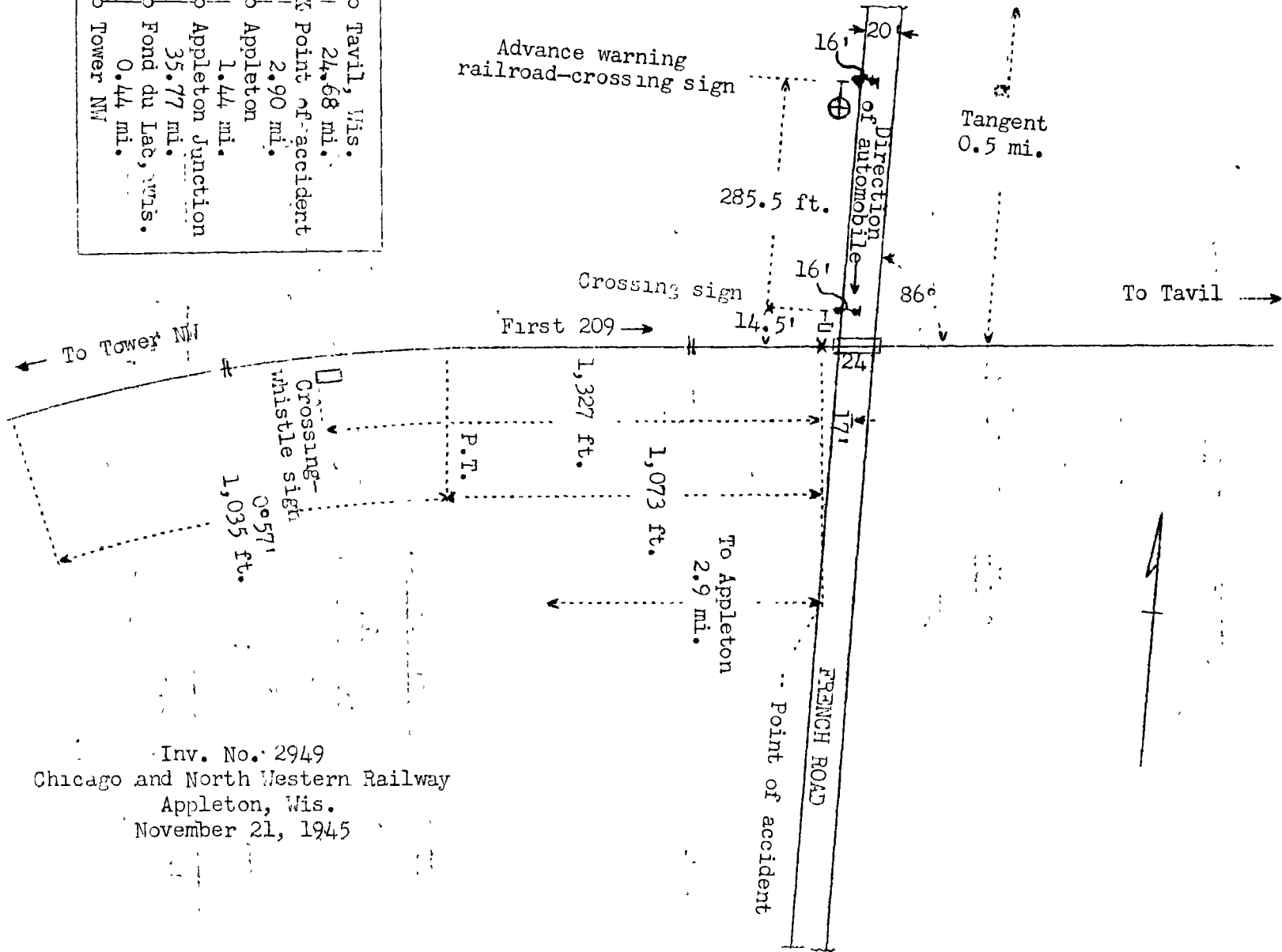
PATTERSON, Commissioner:

On November 21, 1945, there was a collision between a  
passenger train on the Chicago and North Western Railway  
and an automobile at a highway grade crossing near Appleton,  
Wis., which resulted in the death of 2 occupants of the  
automobile, and the injury of 51 passengers and 4 train-  
service employees.

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<sup>1</sup>Under authority of section 17 (2) of the Interstate Com-  
merce Act the above-entitled proceeding was referred by the  
Commission to Commissioner Patterson for consideration and  
disposition.

o Tavitl, Wis.	24.68 mi.
X Point of accident	2.90 mi.
o Appleton	1.44 mi.
o Appleton Junction	35.77 mi.
o Fond du Lac, Wis.	0.44 mi.
o Tower NW	



Inv. No. 2949  
 Chicago and North Western Railway  
 Appleton, Wis.  
 November 21, 1945

Location of Accident and Method of Operation

This accident occurred on that part of the Lake Shore Division extending between Tower NW, near Fond du Lac, and Tavit, Wis., 65.23 miles, a single-track line in the vicinity of the point of accident, over which trains are operated by timetable, train orders and an automatic block-signal system. The accident occurred 40.55 miles northeast of Tower NW, at a point 2.9 miles east of the station at Appleton, where the railroad is crossed at grade by French Road. From the west on the railroad there is a 0°57' curve to the right 1,035 feet in length, which is followed by a tangent 1,073 feet to the point of accident and a considerable distance eastward. The grade is practically level.

French Road intersects the railroad at an angle of 86°. The highway is tangent about 0.5 mile north of the crossing and a considerable distance southward. The grade for south-bound vehicles is 3.78 percent ascending throughout a distance of about 100 feet immediately north of the crossing, then it is level over the crossing. North of the crossing the highway is surfaced with asphaltum to a width of 20 feet. The crossing is 24 feet wide. The area between the rails is surfaced with planks, and there is one 10-inch plank outside each rail.

An advance warning railroad-crossing sign is located 300 feet north of the crossing and 16 feet west of the center-line of the highway. This sign is a disc 24 inches in diameter mounted on a mast. It bears a horizontal line and a vertical line intersecting at right angles at its center, and bears the letters "R.R." in black on a yellow background. A crossing sign is located to the right of the direction of south-bound traffic, 14.5 feet north of the center-line of the track and 16 feet west of the center-line of the highway. This sign is a rectangular board 2 feet high and 5 feet 3 inches long mounted on a mast 8 feet above the level of the tops of the rails. It bears the words "LOOK OUT FOR THE CARS" in black letters on a white background. A crossing-whistle sign for east-bound trains is located 1,344 feet west of the center-line of the crossing.

Operating rules read in part as follows:

14. Engine Whistle Signals.

Note:--The signals prescribed are illustrated by "o" for short sounds; "\_\_\_" for longer sounds.  
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Sound.	Indication.
* * *	
(1)    ___    ___    o o	Approaching public crossings at grade * * *. To be prolonged or repeated until crossing is reached. * * *
* * *	

The maximum authorized speed for the train involved was 70 miles per hour.

Description of Accident

The automobile involved was a 1941 Plymouth four-door sedan, which bore 1945 Wisconsin license No. 144-016. The occupants of the automobile were the driver, who held Wisconsin driver's license No. 1-046-356, and two other adults. This vehicle was moving southward on the highway at an unknown speed when it proceeded upon the crossing, then swerved to the west and stopped with the front end 17 feet west of the center-line of the crossing, and with the wheels in line with the track. Immediately afterward the automobile was struck by First 209, and was demolished.

First 209, a first-class passenger train, moving westward according to timetable direction but eastward according to compass direction, consisted of engine 1607 and 7 coaches. All cars were of steel construction. This train passed Appleton Jct., the last open office, 4.34 miles west of the point of accident, at 8 p. m., 36 minutes late, passed Appleton, and while moving at an estimated speed of 50 miles per hour it struck an automobile on a grade crossing 2.9 miles east of the station at Appleton. Part of the wreckage lodged under the wheels of the engine, and the engine, the first five cars and the front truck of the sixth car were derailed.

The engine stopped on its left side about 22 feet north of the track and in line with it, with the front end 506 feet east of the crossing. The first car stopped on its left side across the track. The second to the fifth cars, inclusive, stopped practically upright. The engine and the first to the third cars, inclusive, were badly damaged, and the fourth car was considerably damaged.

It was snowing at the time of the accident, which occurred about 8:12 p. m.

The engineer, the fireman, the conductor and the front brakeman were injured.

During the 30-day period preceding the day of the accident, the average daily movement over the crossing was 15.2 trains. During the 24-hour period beginning at 12:01 a. m., December 3, 1945, 132 automobiles, 51 trucks and 18 trains passed over the crossing.

Discussion

First 209 was approaching the crossing at a speed of about 50 miles per hour in territory where the maximum authorized speed was 70 miles per hour. The brakes had been tested and had functioned properly at all points where used en route. The headlight was lighted brightly and the enginemen were maintainin a lookout ahead. The whistle signal for the crossing was sounde in compliance with the rules. The first the enginemen were aware of anything being wrong was when the engine was about 75 feet west of the crossing, at which point the fireman saw the automobile enter upon the crossing, then it swerved to the right and stopped in line with the track. The fireman immediately called a warning to the engineer, who moved the brake valve to emergency position. However, the engine struck the automobile and the derailment occurred before the train could be stopped.

A woman, who was in the rear seat of the automobile and the sole survivor, said the first she was aware of anything being wrong was when she observed the headlight of the approaching train as the automobile entered upon the crossing. She alighted from the automobile just prior to the impact. The road and the crossing were covered with ice and snow. Apparently, the driver used the brakes in attempting to stop short of the crossing but, because of the icy condition of the road, the automobile swerved to the right and stalled on the crossing.

Cause

It is found that this accident was caused by an automobile becoming stalled on a highway grade crossing.

Dated at Washington, D. C., this twenty-eighth day of December, 1945.

By the Commission, Commissioner Patterson.

(SEAL)

W. P. BARTEL,  
Secretary.