

INTERSTATE COMMERCE COMMISSION  
WASHINGTON

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REPORT NO. 3293  
ERIE RAILROAD COMPANY  
IN RE ACCIDENT  
NEAR KINGSLAND, IND., ON  
OCTOBER 29, 1949

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SUMMARY

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Date: October 29, 1949

Railroad: Erie

Location: Kingsland, Ind.

Kind of accident: Collision

Equipment involved: Passenger train : Motor-truck

Train number: 5 :

Engine numbers: Diesel-electric :  
units 801A, 801B,  
801D

Consist: 9 cars :

Estimated speeds: 82 m. p. h. : 40 m. p. h.

Operation: Signal indications

Track: Double; tangent; 0.2 percent  
ascending grade northward

Highway: Tangent; crosses tracks at angle  
of 89°27'; level over crossing

Weather: Clear

Time: 2:30 p. m.

Casualties: 1 killed; 40 injured

Cause: Failure to operate motor-truck  
approaching rail-highway grade-  
crossing in accordance with  
requirements of law

INTERSTATE COMMERCE COMMISSION

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REPORT NO. 3293

IN THE MATTER OF MAKING ACCIDENT INVESTIGATION REPORTS  
UNDER THE ACCIDENT REPORTS ACT OF MAY 3, 1910.

ERIE RAILROAD COMPANY

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December 30, 1949

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Accident near Kingsland, Ind., on October 29, 1949, caused  
by failure to operate a motor-truck approaching a  
rail-highway grade-crossing in accordance with require-  
ments of law.

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

PATTERSON, Commissioner:

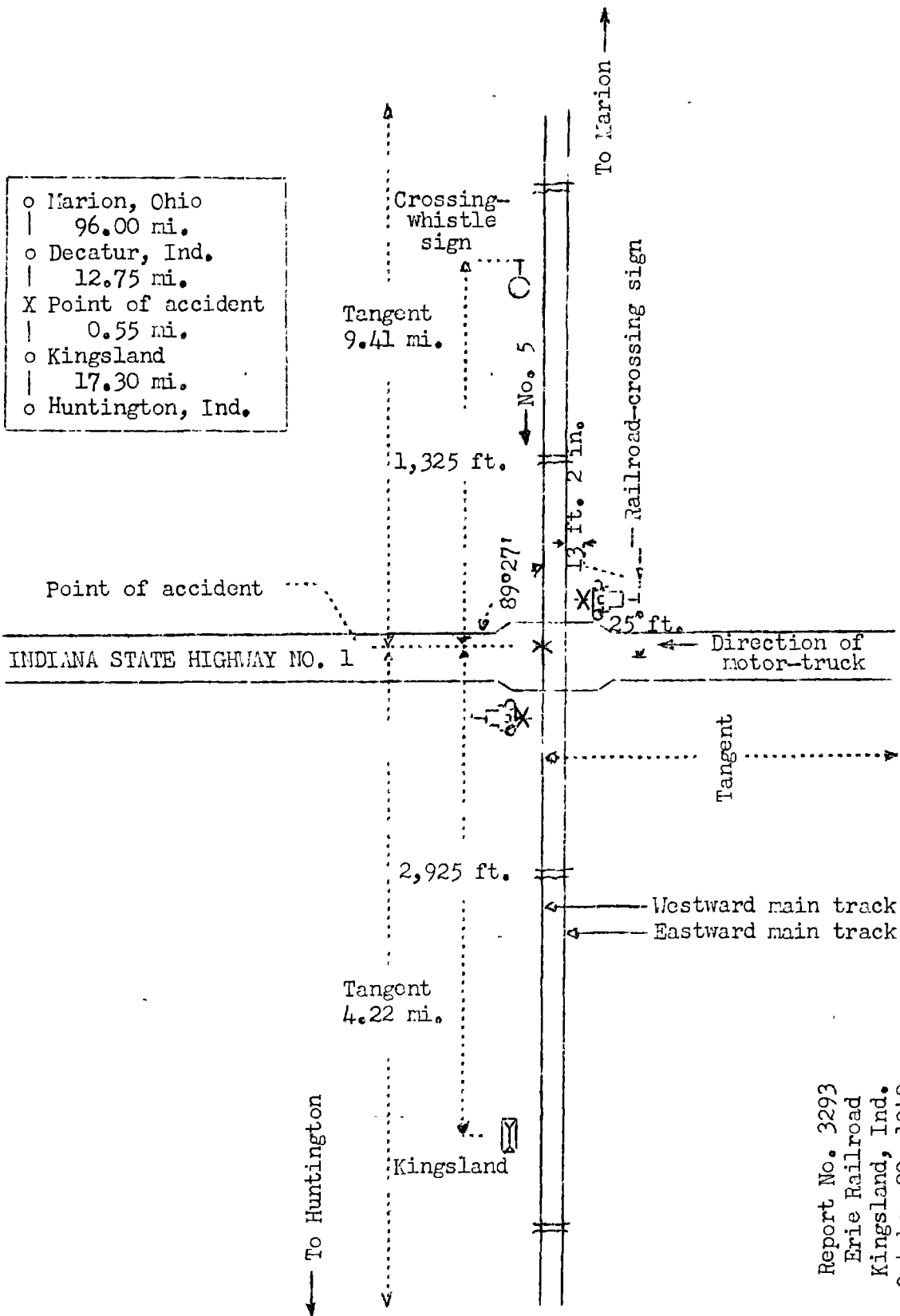
On October 29, 1949, there was a collision between a  
passenger train on the Erie Railroad and a motor-truck at a  
rail-highway grade-crossing near Kingsland, Ind., which  
resulted in the death of the driver of the motor-truck, and  
the injury of 38 passengers and 2 railroad employees not  
on duty.

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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 Marion, Ohio
- | 96.00 mi.
- o Decatur, Ind.
- | 12.75 mi.
- X Point of accident
- | 0.55 mi.
- o Kingsland
- | 17.30 mi.
- o Huntington, Ind.



Report No. 3293  
 Erie Railroad  
 Kingsland, Ind.  
 October 29, 1949

Location of Accident and Method of Operation

This accident occurred on that part of the Marion Division extending between Marion, Ohio, and Huntington, Ind., 126.6 miles, a double-track line, over which trains moving with the current of traffic are operated by signal indications. The accident occurred on the westward main track 108.75 miles west of Marion, at a point 2,925 feet east of the station at Kingsland, where the railroad is crossed at grade by Indiana State Highway No. 1. The main tracks are tangent throughout a distance of 9.41 miles east of the crossing and 4.22 miles westward. The grade is 0.2 percent ascending westward. Indiana State Highway No. 1 intersects the railroad at an angle of  $89^{\circ}27'$ . The highway is tangent a considerable distance on either side of the crossing. The grade for north-bound vehicles is 0.35 percent ascending 500 feet to the crossing, and is practically level over the crossing. South of the crossing the highway is surfaced with concrete to a width of 30 feet. The crossing is 40 feet wide, and is surfaced with concrete. Flangeways 3-1/8 inches in width are provided.

A standard cross-buck railroad-crossing sign is located in the southeast angle of the intersection, 25 feet east of the center-line of the highway and 13 feet 2 inches south of the center-line of the eastward main track. This sign is mounted on a mast 13 feet 6 inches above the level of the highway, and bears the words "RAILROAD CROSSING" in black letters on a white background. A horizontal bar is mounted on the mast below the cross-buck sign. Two pairs of hooded red lamps, 8-3/8 inches in diameter, are attached back-to-back to each end of this bar 7 feet 8 inches above the level of the highway. A sign bearing the numeral "2" over the word "TRACKS" outlined with colorless reflector buttons on a black background is mounted immediately below the bar supporting the lights. A sign 22 inches by 25 inches, bearing the words "STOP ON RED SIGNAL" outlined with colorless reflector buttons on a black background, is mounted on the mast and its lower edge is 3 feet 11-1/2 inches above the level of the highway. A similar sign is located in the northwest angle of the crossing. When actuated, the red lamps for each direction of traffic on each signal flash alternately at a rate of 30 to 45 times per minute. The control circuit extends 2,766 feet east of the crossing on the westward main track. A crossing-whistle sign for west-bound trains is located 1,325 feet east of the crossing.

This carrier's 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. \* \* \*

SOUND	INDICATION
* * *	
(1) -- -- o o	Approaching public crossings at grade. To be prolonged or repeated until crossing is reached.
* * *	

30. The engine bell must be rung when \* \* \* approaching and passing public crossings at grade \* \* \*.

31. The whistle must be sounded at all places where required by rule or by law or to prevent accident.

Laws of the State of Indiana governing operation of motor vehicles over the public highways read in part as follows:

ARTICLE VI

Sec. 55. \* \* \*

\* \* \*

(2) Forty-five Miles Per Hour. No person shall drive a freight-carrying pneumatic-tired vehicle with a gross weight of over five thousand pounds at a speed greater than forty-five miles per hour.

ARTICLE XIII

Sec. 100. Obedience to signal indicating Approach of Train. Whenever any person driving a vehicle approaches a railroad grade crossing, the driver of such vehicle shall stop within fifty feet but not less than ten feet from the nearest track of such railroad and shall not proceed until he can do so safely, when;

A. A clearly visible electric or mechanical device gives warning of the immediate approach of a train.

\* \* \*

C. A railroad train, as defined in this act, approaching within approximately one thousand five hundred feet of a highway crossing emits a signal audible for such distance and such train, by reason of its speed or nearness to such crossing, is an immediate hazard.

\* \* \*

The maximum authorized speed for the train involved was 75 miles per hour.

Description of Accident

No. 5, a west-bound first-class passenger train, consisted of Diesel-electric units 801A, 801B, and 801D, coupled in multiple-unit control, one mail car, two express cars, one baggage car, three coaches, one dining car, and one sleeping car, in the order named. The second and fourth cars were of steel-underframe construction, and the other cars were of all-steel construction. This train passed Decatur, the last open office, 13.3 miles east of Kingsland, at 2:24 p. m., 38 minutes late, and while moving at a speed of 82 miles per hour over a rail-highway grade-crossing 2,925 feet east of Kingsland it was struck by a north-bound motor-truck.

The motor-truck involved was a dump-truck owned and operated by Habig & Son Trucking Co., of Bluffton, Ind. The driver, who was the sole occupant, held Indiana driver's

license No. 40827. The motor-truck was a 1946 Reo model 22, and bore Indiana license TR 11447. It was being operated under Indiana permit P.S.O.I. 1524-A4. It weighed 11,100 pounds, and was equipped with an all-steel cab. The dump body was of all-steel construction. It was 24 inches deep, 6 feet 6 inches wide and 9 feet long. A wooden extension 8 inches high was mounted on the top of each side. It was equipped with single tires on the front wheels, dual tires on the rear wheels, and vacuum brakes on all wheels. The overall length of the motor-truck was 18 feet. At the time of the accident the truck was loaded with loose earth weighing approximately 6 tons. This motor-truck was moving northward on Indiana State Highway No. 1 at an estimated speed of 40 miles per hour when it struck the fifth car of No. 5.

The fifth car of No. 5 was struck 24 feet from its front end. The rear truck of this car was derailed, but the wheels closely followed the track rails a distance of 2,868 feet where the sixth to the ninth cars, inclusive, were derailed at a railroad grade crossing. The engine and the first five cars remained coupled and stopped with the front of the engine 3,731 feet west of the point of derailment. A separation occurred between the fifth and sixth cars. The sixth to the ninth cars, inclusive, stopped about 8 feet north of the westward main track, with the west end of the ninth car 417 feet west of the railroad grade crossing and 3,265 feet west of the rail-highway grade crossing. These cars leaned to the north at an angle of about 45 degrees. They were badly damaged. The motor-truck was practically demolished.

The view from the cab of a north-bound vehicle of an approaching west-bound train is not obstructed throughout a distance of about 2,500 feet east of the crossing.

The weather was clear at the time of the accident, which occurred about 2:30 p. m.

During the 30-day period preceding the day of the accident, the average daily movement over the rail-highway grade crossing was 18.1 trains. During the 24-hour period beginning 12:01 a. m., November 12, 1949, 285 motor-trucks, 26 buses, 2,649 automobiles and 16 other vehicles passed over the crossing.



### Discussion

The investigation disclosed that No. 5 approached the crossing at a speed of 82 miles per hour in territory where the maximum authorized speed was 75 miles per hour. The enginemen were maintaining a lookout ahead from their respective positions in the control compartment of the first Diesel-electric unit. The members of the train crew were in various locations throughout the train. The brakes had been tested and had functioned properly when used en route. The engine-whistle signal was sounded for the crossing, and the bell was ringing in compliance with the rules. The engineer did not observe the approaching truck. When the engine was about 150 feet east of the crossing the fireman observed the truck approaching the crossing at a speed of about 40 miles per hour. A person who was driving northward on Indiana State Highway No. 1 at a speed of 50 miles per hour said the motor-truck involved passed his car about 1,500 feet south of the crossing and continued northward on the highway apparently without reducing speed. He said the truck was turned slightly to the right immediately before the collision occurred. He said the highway crossing signal was functioning properly. Another person said that he was driving southward on Indiana State Highway No. 1 immediately before the accident occurred. When he approached the crossing at a distance of about 1/2 mile he observed that the highway crossing-signal lights were flashing. He observed the train approaching the crossing, and when he was about 400 feet north of the crossing he observed the motor-truck approaching the crossing from the opposite direction. About the time he stopped his car clear of the crossing on the north side, the motor-truck struck the train.

The laws of the State of Indiana require that, under the circumstances present at the crossing in question, motor vehicles be stopped not less than 10 feet from the nearest railroad track and not to proceed until it is safe to do so. The driver of the motor-truck had made several trips over the route prior to the accident and was familiar with the route. It could not be determined why he failed to take action to stop the motor-truck short of the crossing in accordance with requirements of law, as he was killed in the accident.

Cause

It is found that this accident was caused by failure to operate a motor-truck approaching a rail-highway grade-crossing in accordance with requirements of law.

Dated at Washington, D. C., this thirtieth day of December, 1949.

By the Commission, Commissioner Patterson.

(SEAL)

W. P. BARTEL,  
Secretary.