

INTERSTATE COMMERCE COMMISSION  
WASHINGTON

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INVESTIGATION NO. 2971  
THE NEW YORK CENTRAL RAILROAD COMPANY  
REPORT IN RE ACCIDENT  
NEAR NEWTON FALLS, OHIO, ON  
FEBRUARY 2, 1946

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SUMMARY

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Railroad: New York Central  
Date: February 2, 1946  
Location: Newton Falls, Ohio  
Kind of accident: Collision  
Equipment involved: Freight train : Motor-truck  
Train number: Extra 1238 South :  
Engine number: 1938 :  
Consist: 11 cars, caboose :  
Speed: 20 m. p. h. : 35 m. p. h.  
Operation: Timetable, train orders and  
manual-block system  
Track: Single; tangent; 0.21 percent  
descending grade southward  
Highway: Tangent; crosses track at angle  
of 50°11'; practically level  
Weather: Clear  
Time: 4:10 p. m.  
Casualties: 1 killed; 5 injured  
Cause: Failure to operate a motor-truck  
approaching railroad crossing  
at grade in accordance with  
requirements of law

INTERSTATE COMMERCE COMMISSION

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INVESTIGATION NO. 2971

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

THE NEW YORK CENTRAL RAILROAD COMPANY

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March 25, 1946.

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Accident near Newton Falls, Ohio, on February 2, 1946,  
caused by failure to operate a motor-truck approach-  
ing a railroad crossing at grade in accordance with  
requirements of law.

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

PATTERSON, Commissioner:

On February 2, 1946, there was a collision between a freight train on the New York Central Railroad and a motor-truck at a highway grade crossing near Newton Falls, Ohio, which resulted in the death of one train-service employee, and the injury of the driver of the motor-truck and two train-service employees. This accident was investigated in conjunction with representatives of the Public Utilities Commission of Ohio.

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



Location of Accident and Method of Operation

This accident occurred on that part of the Cleveland Division extending between Phalanx and Dillonvale, Ohio, 87.64 miles, a single-track line, over which trains are operated by timetable, train orders and a manual-block system. The accident occurred 2.75 miles south of Phalanx, at a point 1.63 miles north of the station at Newton Falls, where the railroad is crossed at grade by State Highway No. 5. From the north on the railroad there are, in succession, a tangent 3,618 feet in length, a 2°03' curve to the right 642 feet, and a tangent 364 feet to the point of accident and 2,630 feet southward. The grade is 0.21 percent descending southward.

State Highway No. 5 intersects the railroad at an angle of 50°11'. The highway is tangent throughout a distance of more than 1 mile west of the crossing and a considerable distance eastward. The grade is practically level. The highway is 24 feet wide and is surfaced with concrete. The crossing is 31.4 feet wide. Throughout the width of the crossing there are 8-inch planks outside and inside each rail. Flangeways 2-1/2 inches wide are provided. The remainder of the surface of the crossing is paved with asphaltum.

An advance warning railroad-crossing sign is located 447 feet west of the crossing and 17.5 feet south of the center-line of the highway. This sign is a disc 30 inches in diameter mounted on a mast 3 feet above the level of the highway. It bears two diagonal lines intersecting at right angles at its center, and bears the letters "R.R." in black and in colorless reflector buttons on a yellow background. A standard cross-buck railroad-crossing sign is located to the right of the direction of east-bound traffic 15.6 feet west of the center-line of the track and 19 feet south of the center-line of the highway. This sign is mounted on a mast 10.25 feet above the level of the highway, and bears the words "RAILROAD CROSSING" in black letters on a white background. A crossing-whistle sign for south-bound trains is located 1,133 feet north 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.  
\* \* \*

Sound.	Indication.
* * *	
(1) ___ ___ o ___	(1) Approaching public crossings at grade
* * *	
* * *	

Section 6307-61 of the Motor Vehicle Laws of Ohio read in part as follows:

\* \* \* The operator \* \* \* of any vehicle carrying \* \* \* inflammable liquids as a cargo, \* \* \* before crossing at grade any track or tracks of a railroad, shall stop such vehicle \* \* \* and while so stopped shall listen through an open door or open window and look in both directions along such track for any approaching train, \* \* \* and shall proceed only upon exercising due care.  
\* \* \*

\* \* \*

The maximum authorized speed for the train involved was 25 miles per hour.

#### Description of Accident

Extra 1938 South, a south-bound freight train, consisting of engine 1938, a 2-6-6-2 type, 11 cars and a caboose, departed from Phalanx, the last open office, at 3:40 p. m., and while moving at an estimated speed of 20 miles per hour it struck a motor-truck on a grade crossing 1.63 miles north of the station at Newton Falls, and the engine, the first car and the front truck of the second car were derailed.

The motor-truck involved was a tractor and semi-trailer, owned and operated by the Standard Oil Company, Cleveland, Ohio. The driver, who was the sole occupant, held Ohio chauffeur's license No. 98223. The tractor was a 1942 WA-122 White 6-cylinder model, and bore Ohio license No. 9-B-757. It weighed 8,600 pounds, and was equipped with dual tires on the rear wheels and air brakes on all wheels, and was provided with an enclosed steel cab. The semi-trailer was a Trailermobile 1942 model, which had dual tires on its wheels, and was provided with air brakes. The semi-trailer was equipped with a steel tank, and the total weight was 9,800 pounds. It bore Ohio license No. 51-B-10. The over-all length of the two units was 40 feet 10-1/8 inches. At the time of the accident the cargo consisted of 3,700 gallons of gasoline. This vehicle was moving eastward on State Highway No. 5 at an estimated speed of 35 miles per hour when it entered upon the crossing and was struck by Extra 1938 South.

The tractor was torn loose from the semi-trailer, and both units were demolished. The tank was punctured, and escaping gasoline became ignited. The engine of Extra 1938 overturned to the left and stooped with the front end about 189 feet south of the crossing. The engine was badly damaged.

The weather was clear at the time of the accident, which occurred about 4:10 p. m.

The front brakeman was killed. The engineer and the fireman were injured.

During the 24-hour period beginning at 8 a. m., February 19, 1946, 717 automobiles, 352 trucks, 4 buses and 3 trains passed over the crossing.

#### Discussion

Extra 1938 South was approaching the crossing at a speed of about 20 miles per hour in territory where the maximum authorized speed was 25 miles per hour. The enginemen and the front brakeman were maintaining a lookout ahead. The air brakes had functioned properly en route. The whistle signal for the crossing was sounded in compliance with the rules. When the engine was about 200 feet north of the crossing the engineer saw the motor-truck proceeding on the crossing. He immediately moved the brake valve to emergency position. However, the engine struck the vehicle and the derailment occurred before the train could be stopped.

The laws of the state of Ohio governing the operation of motor vehicles require that a vehicle transporting inflammable liquids must stop before it proceeds upon a railroad track, and must not proceed unless it is safe to do so. The driver of the motor-truck was an experienced driver and was familiar with the route. The weather was clear and the driver could have seen the approaching train throughout a considerable distance immediately north of the crossing. He said that he was maintaining a lookout for approaching trains as his vehicle was approaching the crossing, and was preparing to stop the vehicle if a train was seen. The windows of the cab were closed. He did not see or hear the train, and did not stop the vehicle before it entered upon the crossing.

#### Cause

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

Dated at Washington, D. C., this twenty-fifth day of March, 1946

By the Commission, Commissioner Patterson.

(SEAL)

W. P. BARTEL,  
Secretary.