

2164

INTERSTATE COMMERCE COMMISSION

WASHINGTON

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REPORT OF THE DIRECTOR

BUREAU OF SAFETY

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ACCIDENT ON THE

PENNSYLVANIA RAILROAD

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WEST MERCHANTVILLE, N.J.

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MARCH 22, 1937

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INVESTIGATION NO. 2164

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SUMMARY

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Railroad:	Pennsylvania		
Date:	March 22, 1937		
Location:	West Merchantville, N.J.		
Kind of accident:	Collision		
Equipment involved:	Passenger train	:	Motor tank truck
Train number:	2661	:	
Engine number:	6506	:	
Consist:	3 cars	:	
Speed:	40-45 m.p.h.		20 m.p.h.
Track:	Tangent; 0.60 percent ascending grade. Unobstructed view.		
Weather:	Clear		
Time:	8:22 a.m.		
Casualties:	1 killed and 2 injured		
Cause:	Motor truck driven on private cross- ing directly in front of approaching train.		

May 22, 1937.

To the Commission:

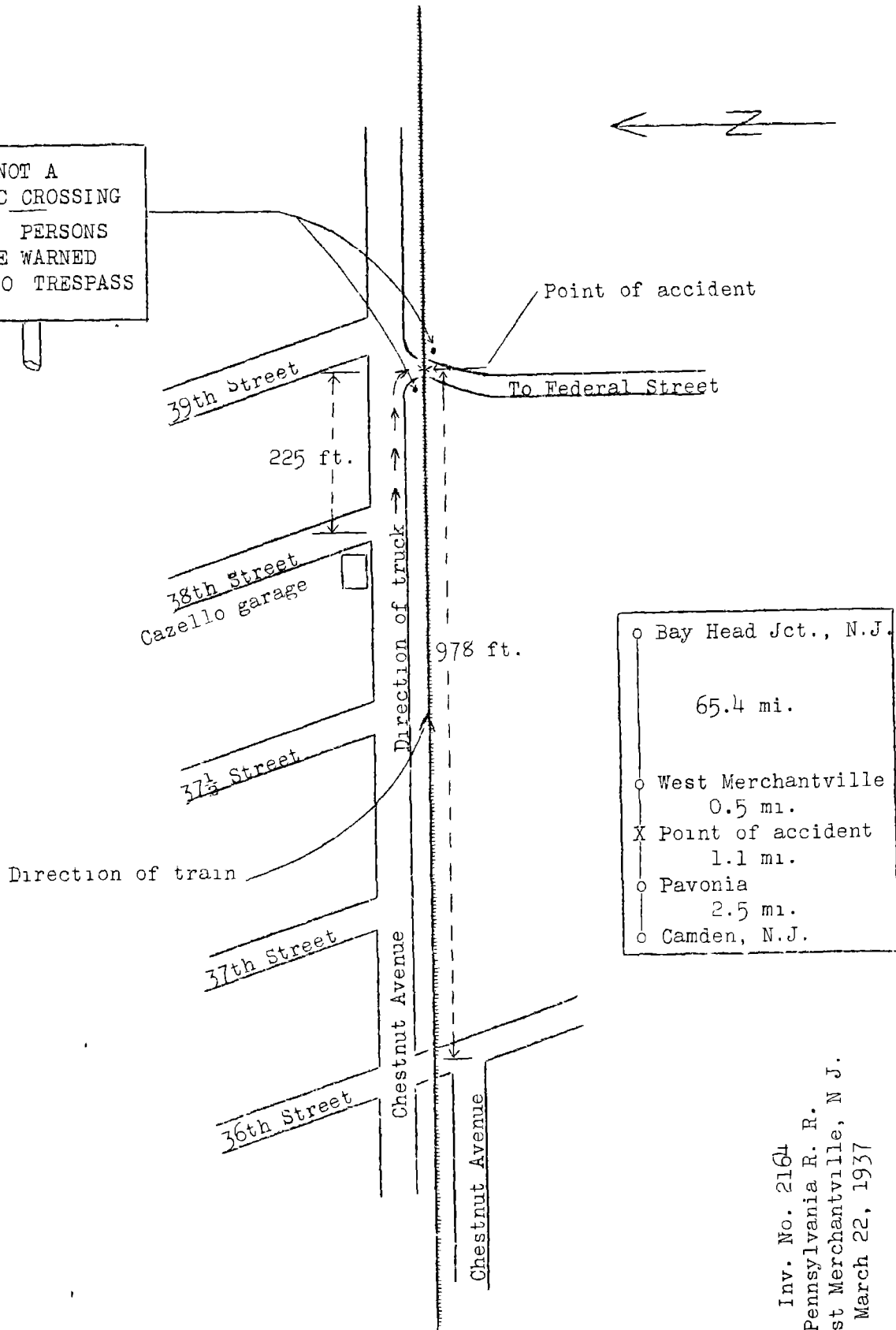
On March 22, 1937, there was a collision between a passenger train and a gasoline tank truck at a private crossing on the Pennsylvania Railroad near West Merchantville, N.J., which resulted in the death of the truck driver and the injury of two railroad employees. The investigation of this accident was made in conjunction with a representative of the Board of Public Utility Commissioners of New Jersey.

#### Location and method of operation

The accident occurred on that part of the Atlantic Division which extends between Camden and Bay Head Jct., N.J., a distance of 69.5 miles. In the vicinity of the point of accident this is a single-track line over which trains are operated by timetable, train orders and a manual block system. The accident occurred in Pensauken Township at a private crossing generally known as 39th Street, located one-half mile west of the station at West Merchantville. Approaching the point of accident from the west there is a 4° 40' curve to the left 935 feet in length, followed by 2,152 feet of tangent to the crossing, this tangent extending approximately 1 mile beyond the crossing. The grade for east-bound trains is 0.99 percent descending to a point 325 feet west of the point of accident and then 0.60 percent ascending to and beyond the point of accident.

From 36th to 40th Street, Chestnut Avenue runs parallel to the track with its south edge 25 feet north of the north rail, and none of these intersecting streets, except 36th Street, extends to the railroad. The private crossing involved is located 50 feet west of the end of 39th Street, and provides entry to an unimproved dirt road leading to the South. The crossing, which is 12 feet in width, is constructed of macadam and dirt, and is level with the rails, but there is a slight ascent to the track level from either side. There was a warning sign on each side of the crossing, bearing the words, "NOT A PUBLIC CROSSING. ALL PERSONS ARE WARNED NOT TO TRESPASS." The view of the track from Chestnut Avenue is unobstructed and a clear view of an approaching east-bound train could be had by the driver of a motor vehicle for a distance of 2,152 feet, when at the private crossing and 15 feet from the track.

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Inv. No. 2164  
Pennsylvania R. R.  
West Merchantville, N. J.  
March 22, 1937

The motor vehicle laws of the State of New Jersey require the operator of a commercial vehicle carrying explosive substances or inflammable liquids as a cargo or part of a cargo, shall bring said vehicle to a full stop and shift gears of the same to a neutral position before crossing the tracks of any railroad or high-speed interurban railroad at grade, and such stop shall be made not less than 15 feet nor more than 50 feet from the nearest rail.

The rules of the railroad company do not require that the whistle be sounded or the bell rung for private crossings. The speed for passenger trains is restricted to 60 miles per hour.

The weather was clear at the time of the accident, which occurred about 8:22 a.m.

#### Description

Train No. 2661, an east-bound passenger train, consisted of 1 combination baggage and mail car, 1 combination baggage car and coach, and 1 coach, all of steel construction, hauled by engine 6506, and was in charge of Conductor Hanson and Engineman Watts. This train departed from Camden, 4.1 miles from West Merchantville, at 8:13 a.m., according to the train sheet, on time, passed Cooper, 2.6 miles from West Merchantville, at 8:19 a.m., on time, and while approaching West Merchantville, struck a motor tank truck at a private crossing while traveling at a speed estimated to have been between 40 and 45 miles per hour.

The motor tank truck involved was a 1936-model Studebaker with dual rear wheels, owned and operated by the Petrol Corporation of Paulsboro, N.J. The gasoline tank was in three sections, having a total capacity of 1,046 gallons, and at the time of the accident was loaded with about 600 gallons of gasoline. The truck had a rear view mirror mounted on the left front fender, in line with the eyes of the driver but below the level of the top of the tank. This truck, driven by Joseph Wersits, left the garage of J.A. Cazzello at 38th Street and Chestnut Avenue after having discharged 360 gallons of gasoline, proceeded eastward on Chestnut Avenue, turned southward to the private crossing, and was moving over that crossing at a speed of about 20 miles per hour when its front end was struck by Train No. 2661.

The truck was demolished and thrown to the left clear of the track; gasoline was sprayed over the engine and first car of the train and immediately became ignited, causing slight damage to the engine and first car. The tanks

and the motor were torn from the chassis of the truck and scattered along the track. The driver's cab was completely demolished; parts of it being scattered along the right-of-way and part carried on the pilot of the engine which stopped 1,125 feet beyond the crossing. The engine sustained slight damage, but was not derailed. The employees injured were the engineman and fireman.

#### Summary of evidence

Engineman Watts stated that the air brakes had been tested at their initial terminal and worked satisfactorily en route. Approaching 36th Street crossing, located 978 feet west of the point of accident, he sounded the crossing whistle signal, giving the last blast when the engine was on the crossing; the engine bell was ringing and continued to ring up to the time of the accident. He did not sound the whistle signal, however, for 39th Street, as this is not required for private crossings. The train was traveling at a speed of about 45 miles per hour when the fireman called a warning and the engineman immediately applied the air brakes in emergency, at which time the engine was about 45 or 50 feet from the crossing. Engineman Watts did not see the truck prior to the accident, but the instant the engine struck it the engine cab was enveloped in flames. Engineman Watts further stated that since the first of the year he had not seen any vehicles moving over this crossing.

Fireman Davis stated that approaching the point of accident he was on his seat box and after passing 36th Street crossing he observed a motor truck slightly in advance of his train moving eastward on Chestnut Avenue. He estimated the speed of the truck at about 20 or 25 miles per hour and stated that it did not reduce speed at any time. When his engine was about 50 feet from the private crossing at 39th Street the truck made a right turn onto the private crossing, and he immediately called a warning to the engineman. He estimated the speed of his train to have been about 35 or 40 miles per hour at the time of the accident.

Track Supervisor Walker stated that negotiations are underway to convert this private crossing into a public highway and although the change has not been authorized a construction company has started to widen the crossing. In the course of this work and without the knowledge or sanction of the railroad company, the warning sign on the north side of the track had been removed and after the accident was found lying east of the crossing. Warning signs are placed at the crossing and maintained by the railroad company, and this warning sign was in its proper position, 15 feet west of the

center line of the crossing and 15 feet north of the north rail, when a check was made by the engineering department about two weeks prior to the occurrence of the accident. During the construction work a saw horse plank barrier bearing the words "STREET CLOSED" has been used to prevent entry to the crossing but this sign was standing at right angles to the track and west of the crossing at the time of the accident. He was on the train at the time of the accident and heard the whistle sounded at 36th Street.

Crossing Watchman Korte, located at 36th Street crossing, stated that the truck involved proceeded northward over 36th Street crossing at about 8 a.m. and was brought to a stop before passing over the crossing; it then turned eastward on Chestnut Avenue and he did not again see it. He stated that before construction work was started at 39th Street gasoline trucks had used the private crossing about four or five times a week but that lately this traffic had decreased somewhat; the trucks would proceed northward over 36th Street crossing, stop at the garage on Chestnut Avenue and then proceed southward over the 39th Street crossing.

Secretary and Treasurer English, of the Petrol Corporation, stated that Driver Wersits was a licensed operator 26 years of age and had been in the employ of his company since November, 1936. He considered him a trustworthy and competent driver. Driver Wersits had not worked on Sunday, the day preceding the accident, and had left the Paulsboro plant about 7:30 a.m. on the day of the accident.

The records of the railroad company show that the land on which this crossing lies was acquired as right-of-way in 1864, and as it divided a farm property the company permitted the construction of a private crossing to provide a connection between the two portions of the farm notwithstanding the fact that no right to such crossing was reserved in the deed. About 1908 or 1910 the north portion of the farm was sold and at that time the public began to use the crossing. On March 26, 1910, the railroad company erected signs at the crossing reading, "Private Crossing-No Trespassing.", and these signs have been maintained since that time. In 1926 the railroad company successfully defended an action seeking to change the status of the crossing to that of a public highway, and at the present time negotiations are under way to accomplish this.

#### Discussion

The investigation developed that the motor tank truck proceeded along Chestnut Avenue a distance of about 225 feet

to the private crossing at 39th Street where it made a sharp turn to the right and notwithstanding the provisions of the New Jersey motor vehicle law, it moved upon the crossing without stopping. Since the view of the track westward was unobstructed for a distance of 2,152 feet it is probable that the accident would have been averted if a stop as provided by law had been made by the truck driver. This being a private crossing, the engineman was not required to sound the crossing whistle signal, but the engine bell was ringing and a whistle signal had been given approaching the 36th Street crossing which is located 978 feet west of the crossing involved.

Negotiations with the railroad company have been started by the Township of Pensauken which seeks to convert this private crossing into a public highway, and, although authority had not as yet been granted by the railroad company, construction work had been started to widen the crossing and a sign reading "STREET CLOSED" was being used to bar traffic from the crossing while work was in progress. This sign was not across the road at the time of the accident, but was standing at right angles to the track, and the warning sign placed by the railroad company, which had been located north of the track and west of the crossing, had been removed as it was in direct line with the fill that was being made. This sign was found lying east of the crossing after the accident. The railroad company, however, had not given permission for the removal of this warning sign and at the time the last check of this crossing was made, about 2 weeks prior to the accident, it was in its proper place.

#### Conclusion

This accident was caused by a motor truck being driven upon a private crossing directly in front of an approaching train.

Respectfully submitted,

W. J. FATTERSON,  
Director.