



Log H-586E

# National Transportation Safety Board

Washington, D.C. 20594

## Safety Recommendation

---

Date:       MAR 13 1996

In reply refer to:   H-96-11 and -12

Mr. Orin Gordon  
Ms. Justine Gordon  
O&J Gordon Trucking Company  
Route 1, Box 29-G4  
Estill, South Carolina 29918

---

About 2:35 a.m. on May 2, 1995, National Railroad Passenger Corporation (Amtrak) train No. 81, the Silver Star, on its southbound run from New York, New York, to Tampa, Florida, struck an O&J Gordon Trucking Company tractor-lowbed semitrailer combination that had been lodged for 30 to 35 minutes on a rural, high-vertical-profile (hump)<sup>1</sup>, passive<sup>2</sup> grade crossing about 1 mile north of Sycamore, South Carolina. At the time of the accident, the train was using a single main line track belonging to CSX Transportation, Inc. (CSXT). The two locomotive units and 14 cars of the 16-car consist derailed. The tractor and semitrailer were substantially damaged. No fire ensued.<sup>3</sup>

The train was carrying 279 passengers, 9 service crew members, and 5 operating crew members. Thirty-three persons sustained minor injuries. Combined property damage to the train and truck exceeded \$1 million.

The Safety Board determined that the probable cause of this accident was the motor carrier's failure to provide to the driver appropriate guidance to respond to emergency situations. This led to the truckdriver's failure both to understand that the substandard profile of the Boogaloo Road grade crossing was incompatible with the truck he was operating, and to notify the appropriate railroad and emergency personnel of the blocked crossing.

---

<sup>1</sup> A grade crossing where the railroad tracks are significantly elevated above the approaching roadway, creating a "hump" profile.

<sup>2</sup> A grade crossing with passive devices such as signs but lacking other visual or audible signaling devices or gates that automatically activate when a train approaches.

<sup>3</sup> For more detailed information, read Highway Accident Report--*Highway/Rail Grade Crossing Collision Near Sycamore, South Carolina, May 2, 1995* (NTSB/HAR-96/01).

The accident driver and his employer were engaged in interstate and intrastate commerce and were therefore subject to both Federal and State motor carrier safety regulations. At the time of the accident, the truckdriver did not have a required medical certificate, although he later obtained one. He was not asked to submit to a physical examination either for his CDL or as a condition of his employment with O&J. Mr. Gordon in an interview said he was aware of the driver's medical condition, but he did not attempt to determine if the driver had a valid medical certificate at the time he was hired.

Since the driver was not paid by the hour, neither he nor O&J kept records showing his number of on-duty hours each day. When this accident occurred, the truckdriver had been on duty for 19.5 hours and awake for about 20 hours, exceeding the hours permitted under hours-of-service regulations.

As shown by this accident, O&J Trucking did not properly manage its driver's activities on job assignments performed after normal business hours. O&J dispatched the driver on a job without knowing exactly what the job entailed or how long it would take the driver to complete the job, which made it difficult to ensure conformance with applicable hours-of-service regulations. Compounding the problem, it was difficult for the driver to reach his employer after normal business hours: No one was available in O&J's office, and the driver's cellular phone provided only limited service in remote areas.

Further, O&J had no contingency plan in place to deal with driver emergencies and, in fact, was not aware of this accident until 4 hours after it occurred. O&J had not provided any formal or informal training to the accident driver regarding what to do in emergency situations. The Safety Board thus concluded that the carrier did not properly manage the driver's job assignments after normal business hours or provide any training for emergency situations.

Therefore, the National Transportation Safety Board recommends that O&J Trucking Company:

Establish a program than ensures driver conformance with hours-of-service and medical certification requirements. (Class II, Priority Action) (H-96-11)

Establish a contingency plan that addresses on-the-road emergencies and that provides drivers with guidance in dealing with potentially hazardous situations such as having a vehicle stall or become lodged on a grade crossing. (Class II, Priority Action) (H-96-12).

Also, the Safety Board issued Safety Recommendations H-96-1 through -4 to the Secretary of Transportation; H-96-5 to the Federal Highway Administration; R-96-1 to the American Public Transit Association; H-96-6 and -7 to the American Association of Motor Vehicle Administrators; H-96-8 to the American Trucking Associations, Inc.; R-96-2 to the American Short Line Railroad Association; H-96-9 and -10 to Operation Lifesaver, Inc.; and R-96-3 to Class I railroads and railroad systems. If you need additional information, you may call (202) 382-6208.

The National Transportation Safety Board is an independent Federal agency with the statutory responsibility "to promote transportation safety by conducting independent accident investigations and by formulating safety improvement recommendations" (Public Law 93-633). The Safety board is vitally interested in any action taken as a result of its safety recommendations. Therefore, it would appreciate a response from you regarding action taken or contemplated with respect to the recommendations in this letter. Please refer to Safety Recommendations H-96-11 and -12 in your reply. If you need more information, you may call (202) 382-6208.

Chairman HALL, Vice Chairman FRANCIS, and Members HAMMERSCHMIDT, GOGLIA, and BLACK concurred in these recommendations.

By:   
Jim Hall  
Chairman