



National Transportation Safety Board

Washington, D.C. 20594
Safety Recommendation

R-619
Log

Date: December 5, 1989

In reply refer to: R-89-62
through -64

Mr. James A. Hagen
Chairman, President, and Chief Executive Officer
Consolidated Rail Corporation
6 Penn Center Plaza
Philadelphia, Pennsylvania 19103

At 6:20 a.m. on December 6, 1988, a tractor-semitrailer combination operated by Island Transportation Corporation (Island) and loaded with 8,800 gallons of gasoline collided with a Consolidated Rail Corporation (Conrail) train at the Roosevelt Avenue grade crossing near Lafayette Street in Carteret, New Jersey. The truck overturned and caught fire.

The truckdriver died - - no other persons were injured. The tractor-semitrailer, a pickup truck, and two houses southwest of the crossing were destroyed in the fire. At least three other unoccupied vehicles, other buildings, one locomotive, and several vehicles parked nearby were damaged.

The National Transportation Safety Board determined that the probable cause of this accident was the conductor's failure to flag the crossing and the truckdriver's failure to stop his vehicle between 15 and 50 feet of the grade crossing as required. Contributing to the accident was the failure of the engineer to set the headlight of the locomotive facing the crossing on bright. 1/

The grade crossing where the accident occurred is located on Conrail's Reformatory Running Track at Roosevelt Avenue, in Conrail's Eastern Region, which at the time of the accident was in Conrail's New Jersey Division. At the time of the accident, trains using the Reformatory Running Track were required to be operated in accordance with Conrail's Timetable No. 1, Eastern Region, effective October 1, 1988, and rules of the Northeastern

1/ For more detailed information, read Railroad/Highway Accident Report - - "Consolidated Rail Corporation Train Collision with Island Transportation Corporation Truck, Roosevelt Avenue near Lafayette Street, Carteret, New Jersey, December 6, 1988," (NTSB/RHR-89/01).

Operating Rules Advisory Committee (NORAC), effective September 1, 1988.

There was a railroad whistle post located about 328 feet north of the accident crossing on the west side of the tracks facing north. NORAC's Rule 14 provided that the engine whistle or horn signal must be sounded when approaching a public crossing at grade and at a whistle post, and that this signal is to be prolonged or repeated until the engine or train is on the crossing.

However, the conductor and the trainmaster on duty when the accident traincrew reported for duty stated that it was an "established practice" not to sound a train's whistle as it approached the Roosevelt Avenue crossing because of complaints from the Carteret police and local residents.

In addition, a representative of the United Transportation Union stated that "approximately 20 years ago," when he was a conductor on the same job as the traincrew on duty at the time of the accident, local residents complained about the train noise in the vicinity of the Roosevelt Avenue crossing. It was his recollection that the Boro of Carteret passed an ordinance prohibiting trains from sounding their whistles as they approached the Roosevelt Avenue crossing from about 9:00 p.m. to 9:00 a.m.

Representatives of the Carteret Police Department (CPD) were unable to locate any record of such an ordinance, and they reported that at the time of the accident no such ordinance was in effect. The CPD also reported that, although it was possible there may have been some contact between a member of the CPD and a traincrew concerning sounding a train's whistle at the crossing, no record of any such contact existed.

The Safety Board believes that simply establishing a practice not to sound a whistle in apparent violation of an operating rule because of complaints from local residents gives that practice at best a dubious legitimacy. If in fact such complaints or contacts were made, prudence would dictate that responsible management officials of the railroad should be advised of such contacts or complaints.

The Safety Board is aware that several local jurisdictions have passed legislation prohibiting the sounding of trains' whistles in the interest of noise abatement. The Safety Board does not believe that so-called "blanket" legislation prohibiting the sounding of a train's whistle at any crossing within a city's limits is a sound safety practice.

Provided that certain factors, including but not limited to provisions of local laws and ordinances, automatic protection devices, a low speed limit for highway vehicles, a restricted

speed for trains, traincrew flagging requirements, a low traffic count at night, sufficient illumination at the crossing, and sufficient sight distance were present at a particular crossing, a railroad, in cooperation with the local jurisdiction, may determine there may not need to be a requirement that a train's whistle be sounded.

However, if that determination is made, the fact that the whistle need not be sounded at a given crossing should be specified by a rule or special instruction. The Safety Board believes that Conrail should determine if there are other crossings in the Conrail system where trains' whistles are not regularly sounded even though rules or special instructions in effect require that they be sounded, and take action either to enforce the requirement or establish appropriate rule or special instructions that a train's whistle need not be sounded after evaluating the feasibility of such changes and their possible impact on safety at a particular crossing.

At the time of the accident NORAC's Operating Rule 105 required:

When an employee is required to provide protection at a highway crossing, he must use a red flag or fusees by day and fusees or a white light at night to give stop signals to pedestrian and highway traffic.

Timetable special instruction 105-2 specified that:

On all Industrial, Yard and Industry Tracks on all Divisions the following instructions must be followed to provide protection: Approach all crossings protected by automatic protection prepared to stop and if protection fails to operate do not proceed until crew member provides protection. Crew member must provide protection at all crossings not protected by automatic protection.

Conrail officials advised that the track being used at the time of the accident is a "running" track, rather than an "industrial, yard, or industry track" as mentioned in the above special instruction. Therefore, special instruction 105-2 in effect at the time of the accident did not require the traincrew to flag the crossing over Lafayette Street, the crossing immediately north of the crossing where the accident occurred, even though that crossing was not provided with automatic protection devices. After the accident, Conrail instituted a change in requirements and required that the Lafayette Street crossing be flagged.

Although at the time of the accident the traincrew technically may not have been required by special instruction 105-2 to flag the Lafayette Street crossing, the Safety Board believes that crossings without automatic warning lights and/or gates near tank farms or other facilities with a high volume of hazardous material truck traffic need to be protected regardless of the railroad classification of the track.

Title 49, Code of Federal Regulations, Part 217, Railroad Operating Rules, administered by the FRA requires that each railroad subject to those regulations conduct tests and inspections periodically to determine the extent of compliance with its code of operating rules and timetables in accordance with a program filed with the FRA.

The rule does not specify which operational tests and inspections a railroad must perform, nor does it specify how often each employee shall be tested. Instead, managers of each of Conrail's operating divisions meet about twice a year to determine what efficiency tests should be performed during the next testing period based upon what operational problems the railroad is presently encountering in that division. Conrail reported that determining compliance with operating rules and special instructions pertaining to signals and speed are generally given the highest priority. There are two methods of testing. These are the surprise test, where an employee is unaware of the test being made, and the on-board trip or field observation test.

Conrail's director of operating rules reported that there was no record of any efficiency tests performed by Conrail supervisors in the last five years to determine traincrews' compliance with NORAC Operating Rule 105 or Timetable No. 1 special instruction 105-5 pertaining to traincrew protection of grade crossings. He stated that Conrail managers did not perceive traincrews' compliance with grade crossing protection requirements to be a problem.

The Safety Board believes that Conrail should identify job assignments in its system which require one or more of the grade crossings on that assignment to be flagged by the traincrew, and periodically conduct surprise efficiency tests to determine traincrew compliance with rules and special instructions pertaining to flagging of grade crossings.

Therefore, the National Transportation Safety Board recommends that Consolidated Rail Corporation:

Determine if there are other crossings in the Conrail system where trains' whistles are not regularly sounded even though rules or special instructions require it, and take action either to enforce the requirement or establish a rule

or special instruction that a train's whistle need not be sounded after evaluating the feasibility of such a change and its possible impact on safety at the crossing. (Class II, Priority Action) (R-89-62)

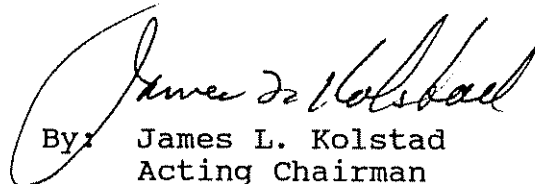
Evaluate other running track grade crossings in the Conrail system near industrial areas where hazardous materials trucks are likely to be encountered, and determine if other such crossings should be required to be protected by flagging. (Class II, Priority Action) (R-89-63)

Identify job assignments in the Conrail system which require one or more of the grade crossings on the assignment to be flagged by the traincrew, and periodically conduct surprise efficiency tests to determine traincrew compliance with rule and timetable special instructions pertaining to flagging protection at crossings where it is required. (Class II, Priority Action) (R-89-64)

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 R-89-62 through -64 in your reply.

Also as a result of its investigation of this accident, the Safety Board issued safety recommendation R-89-65 to the Federal Railroad Administration, H-89-35 to the New Jersey Department of Transportation, H-89-36 to the Research and Special Programs Administration, and H-89-37 to the National Tank Truck Carriers, Inc., of the American Trucking Associations.

KOLSTAD, Acting Chairman, and BURNETT, LAUBER, NALL, and DICKINSON, Members, concurred in these recommendations.


By: James L. Kolstad
Acting Chairman

