

Joy H. 333A
SP-30

NATIONAL TRANSPORTATION SAFETY BOARD
WASHINGTON, D.C.

ISSUED: October 27, 1982

Forwarded to:

Honorable Leslie G. Foschio
Commissioner
New York State Department of Motor Vehicles
Empire State Plaza
Albany, New York 12228

SAFETY RECOMMENDATION(S)

H-82-49 and -50

About 2:18 a.m., on Sunday, March 14, 1982, a privately owned southbound Ford van was struck by an eastbound commuter passenger train at a railroad/highway grade crossing on Herricks Road and the main line of the Long Island Railroad in Mineola, Nassau County, New York. The Ford van, occupied by a teenage driver and nine teenage passengers, had been driven around a properly functioning lowered gate with flashing lights onto the crossing. Following the impact, a minor fire was ignited in the van's motor compartment. The fire was quickly extinguished by a local fire department. Nine of the van occupants were killed and one passenger was critically injured. There were no reported injuries to the passengers or crew aboard the commuter train. 1/

The New York State Vehicle and Traffic Law (Section 1170(b)) states: "No person shall drive any vehicle through, around, or under crossing gates or barriers at a railroad crossing while such gate or barrier is closed or being opened or closed." New York State Law also prohibits driving on the left side of a double yellow centerline.

The New York State Driver's Manual does not contain any information on the drivers' responsibilities with respect to railroad crossing automatic gates. A response to an inquiry made to the New York State Department of Motor Vehicles (DMV) indicated that there are 120 variations of the written test given to applicants for motor vehicle operator licenses, but that none of the variations contain a question relating to railroad/highway crossing gates. The only question relating to railroad/highway crossings concerns recognition of the Railroad Advance Warning Sign. A New York State DMV official, responding to a suggestion that a question regarding drivers' responsibilities at a closed gate be added to the tests, said that based on his experience drivers would not retain the information. The official stated that the DMV had in the past enclosed informational fliers in the envelopes containing motor vehicle registration renewal forms, which are mailed annually to vehicle owners, and suggested that a flier on drivers' responsibilities at railroad/highway crossings might be a cost-effective means of disseminating such information to drivers throughout the State.

1/ For more detailed information, read: Highway Accident Report: "Long Island Railroad Commuter Train/Ford Van Collision, Mineola, New York, March 14, 1982" (NTSB-HAR-82-0).

RHR-82-2

The Safety Board believes that the New York State Driver's Manual should contain information and instruction as to drivers' responsibilities and requirements when approaching a railroad/highway grade crossing. It is noted that the current New York State Driver's Manual contains instructions as to what actions to take if one's vehicle plunges into deep water. This type event is far less likely to occur than approaching a railroad/highway grade crossing or being confronted with flashing lights and lowered gates at crossings. The Safety Board believes that driving manuals being studied by student drivers should contain such information and instruction. Further, the Board believes that instruction should be a part of driver education programs. Every motor vehicle operator should know and appreciate exactly what is required when approaching a railroad/highway grade crossing irrespective of the safety equipment installed at that crossing.

As a result of its complete investigation of this accident, the National Transportation Safety Board recommends that the New York State Department of Motor Vehicles:

Provide information on drivers' responsibilities at grade crossings particularly those with automatic railroad crossing gates and flashing lights in the New York State Driver's Manual and examinations. (Class II, Priority Action) (H-82-49)

Include in a future vehicle registration renewal mailing, an informational flier explaining drivers' responsibilities at automatic railroad crossing gates and flashing lights. (Class II, Priority Action) (H-82-50)

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." (P.L. 93-633). The Safety Board is vitally interested in any actions taken as a result of its safety recommendation(s). Therefore, we would appreciate a response from you regarding action taken or contemplated with respect to the recommendation(s) in this letter.

BURNETT, Chairman, GOLDMAN, Vice Chairman, and McADAMS and ENGEN, Members, concurred in these recommendations. BURSLEY, Member, did not participate.



By: Jim Burnett
Chairman