

THE CROSSING Chapter 5

Report in Weld County District Attorney's file
for the manslaughter case
against school bus driver Duane Harms.

The document does not indicate
who wrote the report
or what agency it came from.

R E P O R T

The Accident:

Union Pacific streamliner Train No. 111, the City of Denver, was en route from Chicago via Julesburg and Kersey, Colorado, to Denver. The train was reported by Kersey at 7:55 A.M., or 1 hour and 40 minutes late. At about 8:00 A. M., and five miles west from Kersey, the train struck a school bus on the grade crossing of an east-west Weld County road. As of 3:00 P. M., it was reported with some accuracy that twenty elementary school children were killed, seventeen were injured -- of which three had been released; the driver was not injured, but was being held by Weld County authorities for more complete questioning.

Children in this rural farming area about seven miles southeast from Greeley were being transported by bus to the Delta rural school as a result of annexation to the Greeley system about two years ago. While moving over the crossing to a main north-south artery, the bus was struck along the right-rear side and wheel since the driver reported he did not see the train coming.

The Train:

Union Pacific streamliner consisted of three diesel power units operated by a two-man crew in leading unit, and sixteen cars, made up of passenger coaches and pullmans, a diner, two lounge cars, and mail and baggage cars. Reported speed was 79 miles per hour, as permitted in this open territory. The track is straight and train movements are protected and regulated by Centralized Traffic Control under supervision of the main dispatcher in Denver.

There was only slight damage to the front of the engine. After release at the accident scene, the train arrived in Denver at 10:30 A. M. Some 200 passengers were aboard the train and no injuries were mentioned. Reports of brake tests en route and after arrival at Denver indicated no failure of that equipment.

The Bus:

Rated capacity of 60 students; load consisted of 37 which apparently has been the customary loading.

Wayne Type, manufactured by Winter-Weiss, Denver, Colorado, License No. JA-6172, carried side name of "Greeley Public Schools, District #6," age was not determined.

Operated by Duane Harmes, age 23, an employee for the past two months as the regular driver on this route.

Destination was the Delta Elementary School, located one mile east of the Greeley City Limits, and about one-half mile south of U. S. Highway No. 34

Dual wheels on rear of bus were equipped with winter-type tread of heavy diagonal rubber design, in good condition.

Rear end of bus and wheels were broken loose and separated from front 3/4 portion of vehicle.

Nearby witness reported seeing the bus go by his home about one-fourth mile from the crossing. He stated that during the past period of cold weather, the side windows were steamed or fogged over, making vision into the bus difficult. He reported hearing the whistles of the approaching train and while moving around the side of his own car, he noted the red brake lights of the bus as it approached the crossing.

The Road and Crossing:

Road is gravel-surfaced, and averages 20 feet in width, movement of vehicular traffic had blown the light snow cover from the traveled lanes. Railroad track in this area is laid in a north-east to south-west direction, and crossing by the east-west road is made on a long diagonal connecting with a small curve approach in the road on each side of the track.

Area of the road between the rails and for a short distance outside the rails is constructed of asphalt paving material for a length of 34.5 feet along the track. Two vehicles can meet and pass at slow speed over the crossing. Approach grades are slightly upward from each side to the crossing paving. Crossing surface was smooth and in good condition, some ice and mixed snow in the gravel made both approaches somewhat slippery.

Protection:

Standard yellow and black round railroad advance warning signs are located at each approach to the crossing. The bus was moving from east to west and passed the sign at 330 feet east of the crossing. A single pole was located at the west side of the crossing and carried a pair of reflectorized diagonal crossbuck signs.

Vision:

This whole territory is open area for irrigated farming. There are no adjacent obstructions of trees or buildings. The track is on a low fill averaging one to three feet above the ground level.

The flat angle of the crossing, about 30 degrees, affords a long open view directly ahead and to the drivers left side. However, on the right side, the road is approaching the track and the driver must turn his head sharply to the right and look almost to the rear to see an approaching train.

The narrow crossing and curved approaches act as speed reducers for the motorist with the result that no accidents have been reported at this location in the past ten years.

Conclusion and Suggestions:

Rail traffic over this crossing consists of the westbound passenger train (6.23 A.M.), an eastbound passenger (4.46 P.M.) average of two local freight trains during fall and early winter beet movement, and two freights moving at (10:00-12:00 Midnight west) and an eastbound at about the same time. Year around average is five trains per day.

The bus driver would know what to expect during his trip times and possibly thought the morning train had gone by.

During periods of snow and cold weather as currently prevailed, extra driving caution is of necessity required by all motorists in the matters of stopping, starting, and maintenance of clear vision, not only to the front, but also to the sides and rear of any vehicle.

In this case, the size of the bus, extensive window area and passenger loading all resulted in decreased visibility through the misted windows, and would require an added amount of care or even the need to stop the bus in order to look for trains approaching from the rear. Apparently this small added precaution was not taken.

In any study of proposed protection, full cooperation by the driver is expected. Such is not always the case. In Colorado Springs, on Monday, December 11, during the current cold spell, a family of four was killed at a grade crossing protected with automatic flashing signals -- windows and windshield of the car were heavily frosted and the driver was looking through only a small unfrosted area.

Some additional protection could be secured immediately at this location through the installation of an added crossbuck sign by the railroad; to be further supplemented by the placement of a reflectorized red "STOP" sign by Weld County on the side of the track at each approach to the crossing. Open track vision exceeding one-half mile in each direction will then be assured for the motorist who will stop and look.

Final correction of the hazard can be secured by continuation of the existing road along the south side of the rail line in approximately one-fourth mile of new construction, to make connection with the main north-to-south artery. The short segment of old road at the north of the tracks could then revert to farm land and the crossing would be eliminated.

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