

THE CROSSING Chapter 9

Notes from Weld County prosecutor
Karl Ahlborn's file

Sprint

- ✓ Explain Egt A.
- ✓ Accident report
- ✓ Spects -- include timing of train ~~on~~ 3/17/62
- ✓ Survival 12/14/61 + 3/17/62
- ✓ Weather 12/14/61 + 3/17/62 cloudy
- ✓ Harmer conditions at scene + at SHJ Office
- ✓ No one in Bus
- ✓ Gear of bus + pictures
- ✓ Pictures of mirror
- ✓ Harmer said he stopped 15' to 20 ft
- ✓ Length of bus + point of impact 52.5'
- ✓ Test - stop bus + get out etc
- ✓ Test on train

1.

643

1.

1:30

44.

7:13 - 7:59

6:09 - 6:13

79

39.5

118.5

117

- Jury matters -

1. Contributory negligence.
2. Newspapers etc not accurate.
3. Opinion (when wrong)
4. Relationship or acquaintance with Def or City
5. Relationship to any victims -
6. Acquaintance with families of victims -
7. Ever connected with any school system - particularly Dist 6.
8. Any connection with R, R. ?
9. Ever had a claim for damages for wrongful death or person injuries.
10. Removal of Def. have anything to do with verdict?

Art Larson -

Saw bus when he was 1 mi from R.R. track

At 4 mi slowed to 10 or 12 mph

Continued at 10 to 12 mph to crossing.

Reached crossing - train had cleared but stopped
to make sure bus was stopped.

When he first saw bus it was stopped.

$$\begin{array}{r} 528 \\ \underline{4} \\ 2112 \end{array}$$

$$\begin{array}{r} 124 \text{ second or } 2' 4'' \\ 17 \overline{) 2112} \\ \underline{17} \\ 41 \\ \underline{34} \\ 72 \\ \underline{68} \\ 4 \end{array}$$

$$\begin{array}{r} 528 \\ \underline{3} \\ 1584 \end{array}$$

$$\begin{array}{r} 93 \text{ sec} - 1' 33'' \\ 17 \overline{) 1584} \\ \underline{153} \\ 54 \\ \underline{51} \\ 3 \end{array}$$

People v. Harms

See People v. Humby - Adv. Sh 1-22-62 v 14th p 215'

Length of train in feet

Went to testify Harms said he normally stops 15 or 20 feet from crossing.

Stop watch -

Whistle goes 1298 ft from ^{North edge} Crossing

Is mirror adjustable -

How long to get train brake in operation ^{6 sec} (avg 100)

Dirt said Harms in state of shock at Sh. Office

School Bus regulations of State of Colo.

Dumries 12/14/61 + 3/17/62

Would Bunker have cut off view -

Dumries saw head light burning after accident

Train travels 1 mile in 45 sec (avg 151)

Bus bumper at 1st rail when train 75' from crossing ^{15'}

Bell was ringing from Sterling - 156.

Picture from behind through door

Harms (p 176) takes 6 seconds to stop + look down track

||||| ||||| ||||| ||||| ||||| ||||| ||||| |||||

$$\begin{array}{r} 3600 \\ 120 \\ \hline 72000 \\ 6000 \\ \hline 32500 \end{array}$$

$$\begin{array}{r} 120 \\ 3600 \\ \hline 72000 \\ 360 \\ \hline 432000 \\ 6 \\ \hline 5280 \\ 80 \\ \hline 422400 \end{array}$$

$$\begin{array}{r} .584 \\ 3600 \\ \hline 52800 \end{array}$$

$$\begin{array}{r} 115 \\ 3600 \\ \hline 69000 \\ 345 \\ \hline 414000 \\ 88 \\ 29 \\ 4 \\ \hline 117.3 \\ 36 \overline{) 4224} \\ 36 \\ \hline 620 \\ 36 \\ \hline 264 \\ 36 \\ \hline 252 \\ 120 \end{array}$$

10440' (1 1/2 min)
5104' (44 sec)

$$\begin{array}{r} 60 \\ 150 \\ 44 \\ \hline 254 \\ 5 \\ \hline 259 \end{array}$$

Red signal 1 min.
Head light 2 1/2 min.
Come into view 44 sec.

(37°)

W

$$\begin{array}{r} 360 \\ 1500 \end{array}$$

$$\begin{array}{r} 5280 \\ 79 \\ \hline 47520 \\ 36960 \\ \hline 417120 \\ 5280 \\ \hline 422400 \end{array}$$

$$\begin{array}{r} 115.86 \\ 360 \overline{) 41712} \\ 360 \\ \hline 571 \\ 360 \\ \hline 2112 \\ 1800 \\ \hline 3120 \\ 2880 \\ \hline 2400 \end{array}$$

E

$$\begin{array}{r} 116 \\ 44 \\ \hline 464 \\ 464 \\ \hline 5104 \end{array}$$

- Jury examination -

I. What they know about this case -

Source of knowledge

- a. Newspaper accounts
- b. T.V. + Radio
- c. Conversations

1. Persons related to victims.
2. Persons purporting to know facts.
3. Persons who have expressed an opinion as to guilt or innocence of D.

II. Opinion heretofore formed.

- a. Can it be set aside.
- b. Haven't had all the facts.
- c. When holding an opinion is wrong.

III. Acquaintance with Def or his atty.

IV. Relationship to occupants of bus.

V. Acquaintance with family of occupants.

VI. Contributory Negligence not a defense.

VII. Connection with school system.

VIII. Connection with R. R.

IX. Ever had a claim for damages.

X. Sympathy →

XI. Prejudice

Willful + wanton disregard of others ▶

Instruction may be different →

Witnesses

- A 1. Russ Adamson ✓
 Death of victim
 Venue of action
 Date of accident
- ^{maps} → A 2. Loyel Warner ✓
 Introduce pictures
- B 3. L. J. Kawanda ✓
 Introduce pictures Length of train
 " tapes
 " map.
- B 4. Mafine Johnson ✓
 Defendants statement
- ✓ 5. ~~Heyle~~ David Derrist ✓
 Witness to def's statement
- B 6. Hubert T. Sommers ✓
 Saw bus fail to stop
 Saw light on engine burning after accident
- A 7. M. C. Swanson ✓
 Saw bus fail to stop
 Saw light on engine burning after accident
- B 8. R. W. Courtney ✓
 Conductor.
- A. 9. Don Hirt -
- B. 10. Robinson
- A 11. John Delfillen
- 12. Nelson ▲
- 13. Carril ▲

Faint handwritten notes at the bottom of the page, including phrases like "Saw light on engine burning after accident" and "Saw bus fail to stop".

3/21/62

Ref's statement -

followed manual

stopped at crossing

16 yr old boy looked for train + didn't see it.

L J Nevada -

Was on train coming from Sterling.

I-2 About 9:55 12/20 Rec.

J-2 test Rec.

K-2 crossing Rec.

L-2 etc. Rec.

M-2 " Rec.

A+B ~~to~~ Received.

C thru J Received.

U thru X Received.

N-2 - Dec 17, 1961 tape Rec.

O-2 - 3/17/1962 tape Rec.

Train 1540' 3" long.

Epl P-2 - statement of Harms - Rec.
Signed 1:35 p.m.

Harms statement read to jury.

Herbert V. Sommers -

Left Sterling 6⁴¹/₄ p.m.

M. C. Spanson - foreman

Clear visibility -

Head light burning bright

79 mph

About 1/4 mi from crossing saw
school bus about 200 to 300 feet

Explains 10 or 15 seconds

Bus did not stop.

50' to 75' ft. at time brake started taking effect.

About 2 seconds for reaction time and application of brakes.

Brake had no effect on speed until after collision -

12 feet above ground -

Two lumps - one about 4' then several sheets.

Age 67

X-exam →

Eyes ~~20-20~~ 20-20 with correction.

(D.C.)

Speed of school bus 10 to 15 ~~mph~~ mph.

Slowed to about 5 mph.

Bus 3 feet from crossing -

Made decision to apply brake 50' to 75' from crossing. x.o.

Conditions in cab ~~mainly~~ - ride pretty smooth -

Swanson →

X-exam →

D.C.

3/23/62

Unit:

Not uncommon to fail to recall what happened.

Did not appear to be same →

If bus was tipped you could not see as much →

Used center of road because point of impact was in center.

Marshall was in bus. What gear was it in - in test.

100 lbs per child -

160 lbs - 4 adults →

1.3'
4.0'

5.3'

96
3
288
✓
✓
✓
✓

Were windows frosted at time pictures were taken.

Gilfellow -

Traps gear to start -

150 hp in Prince

150 hp. Drivley

Have driven both types buses →

Sgt A. V. Robinson -

Red - then amber - then out →

Took time to view an object -

Don Quint - no one in bus before.

Ex B was taken.

People rest.

Albert W. Bindel

"Came to the conclusion that he would stop."

3 compressions - stopped a crossing -

Bus hadn't gotten to curve.

136' → from Beam to house

40" → time " " "

Ex Z - about the same - tree in line of vision - on sidewalk -

Ex Y -

Slightly - south of point where pictures were taken & standing on sidewalk.

Arthur Larson -

4 of a mile - drove 10 or 12 miles.

Stationary - Bus stopped when he first saw it

15' seconds 4 mi from R.R. track

1 50

528
3
1587

1 56"
116 sec
12
132
132

528
4
21 120 1800

Jerry Henry -

16 yrs old →

Light front seat -

Stopped bus about 30 feet from truck
What were you doing -

no recollection where bus stopped -

Opened door -

Friend of Queen's

Did see him look -

Window was steamed →

Saw long stopped -

Flashing light →

Sitting where E.F. was taken →

Didn't ride bus at night -

Most of time a ^{2000 something} selling stop -

Missed 7 or 8 times →

Wiped off all 7 windows

• did he always -

• Is it natural?

Saw no train - where was it -

Conflict with Shelton, Permian street -

Friend of def.

Window steamed - not fractured -

Stopped most of time -

Harmes

No signals at crossing -
Paid for driving Bus -
Didn't turn off defroster or heaters -
Didn't always stop at crossings -
Knew there was a morning train - didn't know schedule -
Possible that train was coming thru that a.m. (p 183)
Considered frosted or steamed windows a hazard (p 184)
Stopped about 32 feet from front rail (p 185)
32' in courtroom -
Only observation - 2" above frosted windows -
Never ~~was~~ sure he stopped (p 188) & 189
Should have gotten out of the bus. (190)
Told Belkinder his ~~was~~ recollection was he stopped (191)
Only place he didn't stop was at Loveland (191) &
Crossed this crossing 3 times a day (192)
Stopped - didn't remember (193)
Had driven license since age 16
Knows train runs late -
Regulations -
Look at signals -
Dear Shift positions

Quane Harmes

3/23/62

Driver of the bus - 23

Ex 1 - Manual of school bus regulations - admitted.

3 Examinations

Physical - 20-20 ~~vision~~ vision

Cheiffer - 94

Special School Bus driver license - 100

School for Bus drivers -

Drove a tractor at 6 or 7

Car at 16

No experience driving buses

Drove truck -

Started Sept 1961

Harmes

Get up at 5:30 12/14/61

Went to bus at 7:00 am.

Seated + defrosters

Normal morning - Clear + Cold -

Picked up Jerry Best

Started in 2nd - shifted into high -

Opened door

Visibility was poor

Stayed in seat -

Could see clearly how down track in front of + behind signal pole -

Could you see signal pole - 725'

Only guess at how much he could see

1/3 of way to crossing -

No recollection of stopping -

About two inches of clear glass -

Used eye system always -

Secondary precaution to look through mirror -

Other keys similar -

Condensation + moisture on windows -

Looked same way -

Couldn't see anything through door -

Outside of bus lying down -

Saw train below track - where?

Statement - G. & A. - getting out of bus -

Had anyone told you not to get out of bus?

Nelson + Carrell - meeting in my office -

Made statement but not in same words -

Did he stop always at crossing, to east

no but not going over 1 mi an hour

what gear - what axle ratio - 2

Shifted to second gear -

✓ knew that way because at right angle -
✓ Take slow test - ever make any tests
Did he ever check speedometer -
✓ Experienced more cars - why?
✓ Ever instructed to look at signal - ?
Did you read manual -

1:30^{pm}

Cannot see all test →
Normal Conduct →
Incident → did you discuss it after
work recess →
you made this -
Should Etc →

John Roberts →

Director of Property Services - Sch Dist #6.
1960 G.M.C. Wayne Body → 150 hp.
1960 G.M.C. V.8. Superior → 1/6/62 66hp

32 ft
Located position of driver - placed pin -
Tests - Jan 6 th -

Low gear + lower range →
Stopped - opened door - viewed 4 to 5 sec.
7 to 9 seconds →
7 sec to nearest rail →
2 to 3 sec when struck.

10-11-12 seconds - 1st stop ▼
Pierce bus - March 19, 1962 -

Center of road had not been changed.
Validity of test depends entirely upon a
guess made by a 16 yr. old boy.



7.31
7.56) B

Argument -

Thurmer best position to judge whether bus stopped - driving to Denver.

Would you drive a car across a track under these circumstances.

N.B

Hemby didn't ride bus on the afternoon run - only mornings - said bus stopped most of the time but sometimes came to a rolling stop.

Harms -

Didn't open left window

Didn't turn off heater or defroster -

Said he should have gotten out of bus - knew there might be a train there.

Had studied Bus manual

Had to take a special test for license.

Secondary precaution to look through mirror

Took a direct look first.

Did he opened door.

Saw train down track after accident.

Was aware that this was a Congress Crossing.

Signal could be seen.

Responsibility involved determines care necessary.

Regard for conditions ->

Door open to heater & look

Conduct in natural sequence of events -

Binell wouldn't swear that bus stopped & hearing
held Dec. 15th ->

Why contact not involuntary manslaughter -

Awareness there was train in area - wrong -

Didn't see train -

Signal -

Crossing safely -

Speed of train - vision of door -

Opinion of people in Bus as to open door -



Why didn't James see track -
Bound to get himself in a position to
see train -

Intent

A simple negligence -

James rewrote the rule book

Never remembers looking on that fatal

day. Tests, etc. →

Why?
He is
Marked