NEW YORK STATE
PUBLIC TRANSPORTATION SAFETY BOARD
RAIL SAFETY SECTION
ABBREVIATED REPORT

CASE NUMBER: 8585

DATE OF ACCIDENT: July 13, 2005

CARRIER: Long Island Rail Road

TYPE OF ACCIDENT: Grade Crossing

At approximately 3:05 p.m., on Wednesday, July 13, 2005, the crew of westbound Long Island Rail Road equipment train #3951 reported striking a pedestrian at the Hempstead Avenue grade crossing in Malverne, NY. Further investigation revealed that the male pedestrian walked under and/or around the lowered pedestrian crossing gate in an attempt to cross the single track from north to south. The pedestrian was transported to a local hospital where he expired from his injuries; there were no other injuries reported.

Prior to the time of the accident, the engineer reported that he was operating a six car equipment train from cab car #7217 with a conductor and brakeman on board, westerly, at approximately 60-65 mph. As he approached the Hempstead Avenue crossing with the train horn sounding in accordance with FRA regulations, the engineer observed the pedestrian on the track and in the path of the train. The engineer placed the train into emergency braking but was unable to avoid striking the pedestrian who eventually came to rest on the south side of the crossing.

Two witnesses, who were stopped at the crossing in their respective vehicles, reported that they both heard the repeated sounds of the train’s horn prior to the accident. One of the witnesses confirmed that the crossing lights were flashing and that the crossing bells were ringing; while the other witness who initially observed the pedestrian standing near the downed gate, looked down momentarily then upon looking up saw the victim get struck by the train. Immediately after the accident, both witnesses attempted to aid the pedestrian whom they found breathing but unresponsive.

The train was released upon completion of the preliminary police investigation. Post accident signal testing revealed that the crossing gates were operating as intended and within NYS DOT/FRA requirements. The crossing is not equipped with an event recorder. Weather at the time of the accident was clear with a dry road pavement.

As part of the LIRR’s continuing effort to improve safety at all grade crossings, the Rail Road, in cooperation with the Village of Malverne, has proposed improvements at the Hempstead Avenue grade crossing to further enhance both vehicle and pedestrian safety. The proposed work includes sidewalk gate realignment, additional warning lights and lengthening the gate mast on the north side of the tracks. Improvements to the south side of the crossing include realigning the sidewalk area to guide pedestrians to a newly located pedestrian gate; lengthening of the gate mast and installing...
additional flashers; closing off existing sidewalk access to the tracks, and removing of the cement curb for better access. Additional fencing is also planned around the new gate location.

The Village of Malverne has already cut back the vegetation from the crossing area to provide enhanced visibility and, in conjunction with the LIRR Office of Safety and the MTA Police Department, conducted an Operation Lifesaver campaign in the area on September 1, 2005. Enforcement details are being planned by both the MTA Police Department and the Malverne Police Department.

The Public Transportation Safety Board finds that the most probable cause of this accident was the unsafe action of the pedestrian who disregarded the warning protection devices at the crossing and walked into the path of the oncoming train. Henceforth, the PTSB staff makes no recommendations in this case.

NAME OF INVESTIGATOR:  John L. Compitello   DATE SUBMITTED:  September 12, 2005

SIGNATURE:_______________________________
Jerry Shook, Director
Rail Safety Bureau