



**MOTOR CARRIER FACTORS GROUP
Supplemental - Factual Report of Investigation**

**Fatal Grade Crossing Accident
Midland, TX; 11/15/2012**

**HWY-13-MH-003
(3 Pages)**



**NATIONAL TRANSPORTATION SAFETY BOARD
OFFICE OF HIGHWAY SAFETY
WASHINGTON, D.C. 20594**

A. ACCIDENT

LOCATION: At the intersection of South Garfield Street and the Union Pacific Railroad (UPRR), Mile Post 554.65, DOT grade crossing inventory #796-331L, Midland, Midland County, Texas

VEHICLE 1: 2006 Peterbilt truck-tractor in combination with a 2005 Transcraft Eagle Drop Flatbed Semitrailer

OPERATOR: Smith Industries of Midland, Texas

VEHICLE 2: Union Pacific Freight Train ZLCAI-14, consisting of 4 locomotives and 84 loaded cars

OPERATOR: Union Pacific Railroad (UPRR)

VEHICLE 3: 2008 Ford Crown Victoria Police Interceptor

OPERATOR: Midland County Sheriff's Office

DATE: November 15, 2012

TIME: Approximately 4:35 p.m. CST

NTSB #: HWY-13-MH-003

B. ACCIDENT SUMMARY

See Accident Summary in a separate docket entry.

C. REPORT CONTENT

This report contains additional information regarding a new Midland TX City Ordinance 10-1-2 "Permit Required for Special Events, addressing the issuance of all special events including a parade. The ordinance became effective on March 1, 2013.

Some of the key elements of the Ordinance are:

- All special event applications must be approved by the City manager
- Special event permits must be accompanied by a non-refundable \$50.00 fee and a refundable \$250 clean-up and damage fee
- Permits must be submitted at least 30 days prior to the event

- An event map must accompany the permit request
- The following city department heads must sign off on the permit and they must indicate any items necessary to provide security and/or safety needs on the approval form and the event organizers must provide evidence of a \$2 million insurance policy:
 - City Attorney's Office
 - Department of Engineering Services
 - Police Department
 - Community Services Department
 - Health Department
 - Fire Department
 - Solid Waste Management Department
- Event shall not exceed a speed of 10 miles per hour
- No special event permit shall be issued for any event proposed to cross over any railroad tracks.

A copy of the new ordinance can be found in Attachment #15.

End of Report