



**Survival Factors Factual Report Attachment-
Cleveland Police Department Incident Report**

Cleveland, Ohio

RRD23LR007

(6 pages)



CLEVELAND DIVISION OF POLICE

FIELD CASE REPORT

CASE# 2023-00066334

EVENT	REPORTED DATE/TIME 03/07/2023 01:27	OCCURRED INCIDENT TYPE Dead Body	LOCATION OF OCCURRENCE Cleveland Cliffs
	OCCURRED FROM DATE/TIME 03/07/2023 01:00	OCCURRED THRU DATE/TIME 03/07/2023 01:15	2615 W 3rd ST Cleveland, OH 44109

OFFENSES	STATUTE/DESCRIPTION	COUNTS	ATTEMPT/COMMIT	

SUBJECT	JACKET/SUBJECT TYPE Adult Interview	NAME (LAST, FIRST, MIDDLE SUFFIX) Hundley, Ryan Earl					
	DOB [REDACTED]	AGE or AGE RANGE 22	ADDRESS (STREET, CITY, STATE, ZIP) [REDACTED] Litchfield, OH 44253				
	RACE White	SEX Male	HEIGHT or RANGE 5'9	WEIGHT or RANGE 230	HAIR Brown	EYE Brown	
	DL NUMBER/STATE [REDACTED] / OH	PRIMARY PHONE [REDACTED]	PHONE #1	PHONE #2		PHONE #3	

SUBJECT	JACKET/SUBJECT TYPE Adult Complainant	NAME (LAST, FIRST, MIDDLE SUFFIX) Shuster, Louis Paul					
	DOB [REDACTED]	AGE or AGE RANGE 46	ADDRESS (STREET, CITY, STATE, ZIP) [REDACTED] Broadview Heights, OH 44147				
	RACE White	SEX Unknown	HEIGHT or RANGE 6'1	WEIGHT or RANGE 260	HAIR Brown	EYE Brown	
	DL NUMBER/STATE [REDACTED] / NV	PRIMARY PHONE	PHONE #1	PHONE #2		PHONE #3	

SUBJECT	JACKET/SUBJECT TYPE	NAME (LAST, FIRST, MIDDLE SUFFIX)					
	DOB	AGE or AGE RANGE	ADDRESS (STREET, CITY, STATE, ZIP)				
	RACE	SEX	HEIGHT or RANGE	WEIGHT or RANGE	HAIR	EYE	
	DL NUMBER/STATE	PRIMARY PHONE	PHONE #1	PHONE #2		PHONE #3	

REPORTING OFFICER 1674 Matt	DATE 03/07/2023	REVIEWED BY Borden, David W	03/14/2023
---------------------------------------	---------------------------	---------------------------------------	-------------------



CLEVELAND DIVISION OF POLICE

FIELD CASE REPORT

CASE# 2023-00066334

NARRATIVE

Dead Body/Accidental

Ryan Hundley was operating a Caterpillar 769C Off Road Dump Truck (Vehicle #1) in a southwesterly direction with a full load of limestone approaching a stop sign at a railroad crossing with no flashing lights or railroad gates. After stopping, Vehicle #1 proceeded forward and collided with the front left side of the first train car that was being pushed in a southerly direction by the Norfolk Southern train engine. The Conductor (Louis Shuster) was positioned outside on the front left side of the forward train car and was crushed between the front right side of Vehicle #1 and the front left side of the forward train car. The conductor was pronounced deceased on scene.

NOTES

- *The rear train car lacked any kind of lighting indicating it was moving in reverse.
- *The gravel yard and vehicle paths were dimly lit with overhead lighting.
- *The direction of travel for both the train and the Caterpillar created a visual obstruction for the operator of the Caterpillar due to the size of the dump truck and the cab position.
- *CCME Death Investigator Lydia Johnston was on scene to conduct her investigation.
- *The parents of Louis Shuster, Louis and Paulette Shuster [REDACTED], were notified of his death by the Norfolk Southern Police Department, Officer Sac Anthony.
- *Train Engineer: James Yammarino [REDACTED]

REPORTING OFFICER
1674 Matt

DATE
03/07/2023

REVIEWED BY
Borden, David W

03/14/2023

SUBJECT: Fatal/Train Incident		DATE OF REPORT: April 14, 2023			
Victim Louis Shuster	Address [REDACTED]	Phone Unknown	Age 46	Sex M	Race W
Address of Occurrence 2615 West 3rd Street		Type of place Private Property			
Time of Occurrence 0127 Hours	Date of Occurrence March 07, 2023	Day of Occurrence Tuesday			

ASSIGNMENT: On Tuesday, March 7, 2023, while assigned to the Accident Investigation Unit (AIU) Car 7443, I received a page at 0205 hours to respond to 2615 West 3rd Street for a crash involving a train and an off road construction vehicle. 3S33, Sergeant Borden #9311, was requesting AIU. Fatal injuries were being reported and the incident number is 2023-00066334.

SCENE: At the location of 2615 West 3rd Street, I was directed by security personnel southbound to a gravel yard where several Cleveland Police and Norfolk Southern Police vehicles were on scene near the railroad tracks along with representatives from Cleveland Cliffs and TMS International. I observed a Norfolk Southern train engine facing a southerly direction with twelve train cars attached south of the engine. The furthest south tanker train car sustained heavy damage to the southeast corner of the car. A small, battery operated flashlight was located under the car in between the railroad tracks. East of the train, between the twelfth and eleventh car, the deceased victim was laying on the ground with obvious signs of trauma to the midsection and lower half of his body. Just north of the victim, a Caterpillar 769C off road dump truck with the cab located on the left side of the truck, was facing a southerly direction with minor damage to the front right. The scene was in final rest.

CCME Death Investigator Lydia Johnston was on scene to conduct her investigation.

The gravel yard of 2615 West 3rd Street is private property that was dimly lit with inadequate overhead lighting and no discernable roadway. An illuminated, flashing stop sign was located east of the tracks. The condition of the yard was poor being covered with mud and large puddles of water due to current rain and wet snow.

The on scene evidence consisted of the damaged train, victim and vehicle in final rest. The on scene evidence is consistent with the manner of occurrence reported.

VEHICLE #1: Caterpillar 769C, Off highway dump truck, yellow in color. VIN: [REDACTED] **X04043**. Owner: TMS International. Address: 3 Summit Park Drive, Independence, OH, 44131. Telephone number: 440-526-9301. This vehicle sustained minor damage to the right front. This vehicle was carrying a full load of limestone and remained on scene.

VEHICLE #2: EMD GP 38-3, Train Engine, Black in color. Train ID: **5813**, VIN: [REDACTED] **6251-15**. Owner: Norfolk Southern. Address: 1200 Peachtree Street NE, Atlanta, GA, 30309. Telephone number: 800-635-5768. This vehicle did not sustain any visible damage. This vehicle was pushing 12 train cars and remained on scene.

DRIVER VEHICLE #1: Ryan Hundley, W/M/22. DOB: [REDACTED] OLN: [REDACTED] (**VALID Class-A**). Address: [REDACTED], Litchfield, OH 44253. Telephone number: [REDACTED]. Mr. Hundley was the operator of the Caterpillar. He appeared free from the effects of alcohol/drugs and claimed not to be injured as a result of the collision.

ENGINEER, VEHICLE #2: James Yammarino, W/M/59. DOB: [REDACTED]. OLN: [REDACTED]. Address: [REDACTED] Rocky River, OH, 44116. Telephone number: [REDACTED].

CONDUCTOR VEHICLE #2: Louis Shuster, W/M/46. DOB: [REDACTED]. OLN: [REDACTED]. Address: [REDACTED], Broadview Heights, OH, 44147. Telephone number: Unknown. Louis Shuster riding on the left side of the forward train car. He was pronounced deceased at 0129 hours by Cleveland EMS #7.

MEASUREMENTS: The scene was mapped using the Trimble Type S5 Total Station S/N 37120182 with Ranger TSC3 Data Collector S/N TSC3111-002. The data was downloaded into Visual Statements VISTA FX3 software and stored under file number 23D-080. Two diagrams were generated from the data.

PHOTOGRAPHS: I took a total of one hundred-twelve (112) digital photographs of the vehicle and scene using the Canon EOS 90D digital camera. They were uploaded and assigned Photograph Log Number 23D-080.

WITNESS: No witnesses came forward or were present.

NOTIFICATIONS: On scene supervisor Sergeant Borden #9311. The parents of Louis Shuster, Louis and Paulette Shuster [REDACTED], were notified of his death by the Norfolk Southern Police Department, Officer Sac Anthony. Cleveland Cliffs Security Manager, Tom Lanning (216-429-6000). Norfolk Southern Supervisory Special Agent, Carey Warner [REDACTED]. TMS International Vice President Operations, Rocky Agozzino [REDACTED].

SYNOPSIS: Ryan Hundley was operating a Caterpillar 769C Off Road Dump Truck (Vehicle #1) in a southwesterly direction with a full load of limestone approaching an illuminated, flashing stop sign at a railroad crossing with no flashing railroad lights or railroad gates. After stopping, Vehicle #1 proceeded forward and collided with the front left side of the lead train car (12) that was being pushed in a southerly direction by the Norfolk Southern train engine. The Conductor (Louis Shuster) was positioned outside on the front left side of the forward train car and was crushed between the front right side of Vehicle #1 and the front left side of the forward train car. The conductor was pronounced deceased on scene.

****NOTES****

- *The rear train car lacked any kind of lighting indicating it was moving in reverse.
 - *The gravel yard and vehicle paths were dimly lit with overhead lighting.
 - *The direction of travel for both the train and the Caterpillar created a visual obstruction for the operator of the Caterpillar due to the size of the dump truck and the cab position.
 - *The incident occurred on private property.
-

SUPPLEMENTARY REPORT

CLEVELAND DIVISION OF POLICE

FOLLOW UP: On March 12, 2023, I was able to confer with NTSB Investigator Sheryl Harley at the AIU Office. She advised me that she will be conducting her own investigation of the incident.

On April 13, 2023 I was requested to issue a UTT summons to Ryan Hundley by Prosecutors Oates and Bascone of the Cleveland Prosecutor's Office by way of Detective Bilko. After conferring with Sergeant Hartman, I issued a UTT summons for slow moving vehicles or equipment crossing railroad tracks (4511.64). The state code was provided to me by the Cleveland Prosecutor's Office.

DISPOSITION: Form-10 completed and Dead Body/Accidental FBR report completed.

******The above information is current as it pertains to the investigation at the time of report submission and is subject to change based on further investigation, additional details and witness information.******

Investigating Officers P.O. Matt #1674 -----				Car 7443	Approved By
Weather	Clear <input type="checkbox"/>	Rain <input checked="" type="checkbox"/>	Wind	Requested <input checked="" type="checkbox"/>	On Scene <input checked="" type="checkbox"/>
	Cloudy <input checked="" type="checkbox"/>	Snow <input checked="" type="checkbox"/>	Temp 34°F	Not Requested <input type="checkbox"/>	