IN THE COUNTY LEGISLATURE OF JACKSON COUNTY, MISSOURI

AN ORDINANCE vacating a portion of Old Lexington Road due to the proposed closing of an at-grade crossing by the Union Pacific Railroad.

ORDINANCE #4379, January 3, 2012

BE IT ORDAINED by the County Legislature of Jackson County, Missouri as follows:

Section 1. Pursuant to the Unified Development Code of Jackson County, section 24003.24, <u>Jackson County Code</u>, 1984, a portion of Old Lexington Road located one-half mile from O'Donnell Road east to a point one-fourth mile west of Holly Road, is hereby vacated, said tract being specifically described as follows:

Description: Commencing at the Southwest corner of the East half of the Southwest quarter of Section 13, Township, 50, Range 30, in Jackson County, Missouri; thence along the South line of said Southwest quarter of said Section 13, South 88 degrees, 37 minutes, 31 seconds East, a distance of 477.56 to the Southerly line of the Missouri Pacific Railroad right of way and the True Point of Beginning; Thence along said railroad right of way, North 78 degrees, 41 minutes, 12 seconds East 83.34 feet to the point of intersection with the Northerly right of way line Old Lexington Road and the Southerly right of way of said railroad; thence along said road right of way, North 90 degrees, 00 minutes, 00 seconds East, a distance of 96.23 feet; thence South 89 degrees, 25 minutes, 08 seconds East, a distance of 176.06 feet; thence North 88 degrees, 07 minutes, 32 seconds East, a distance of 289.80 feet; thence North 89 degrees, 30 minutes, 10 seconds East, a distance of 103.02 feet; thence South 82 degrees, 18 minutes, 27 seconds East, a distance of 75.05 feet; thence South 73 degrees, 47 minutes, 03 seconds East, a distance of 252.37 feet; thence South 75 degrees, 45 minutes, 26 seconds East, a distance of 106.56 feet; thence South 83 degrees, 21 minutes, 12 seconds East, a distance of 110.73 feet; thence South 86 degrees, 56 minutes, 30 seconds East, a distance of 117.18 feet; thence South 87 degrees, 08 minutes, 49 seconds East, a distance of 133.89 feet; thence South 88 degrees, 52 minutes, 58 seconds East, a distance of 276.57 feet; thence North 86 degrees, 40 minutes, 08 seconds East, a distance of 104.39 feet; thence North 85 degrees, 59 minutes, 00 seconds East, a distance of 120.56 feet; thence leaving said Northerly right of way of said road, South 03 degrees, 04 minutes, 07 seconds West, a distance of 40.30 feet to the South right of way line of said road; thence along said road right of way.

thence South 85 degrees, 59 minutes, 00 seconds West, a distance of 115.83 feet; thence South 86 degrees, 40 minutes, 08 seconds West, a distance of 106.18 feet; thence North 88 degrees, 52 minutes, 58 seconds West, a distance of 278.73 feet; thence North 87 degrees, 08 minutes, 46 seconds West, a distance of 134.56 feet; thence North 86 degrees, 56 minutes, 30 seconds West, a distance of 118.51 feet; thence North 83 degrees, 21 minutes, 12 seconds West, a distance of 114.64 feet; thence North 75 degrees, 45 minutes, 26 seconds West, a distance of 109.91 feet; thence North 73 degrees, 47 minutes, 03 seconds West, a distance of 250.08 feet; thence North 82 degrees, 18 minutes, 27 seconds West, a distance of 69.21 feet; thence South 89 degrees, 30 minutes, 10 seconds West, a distance of 99.67 feet, thence South 88 degrees, 07 minutes, 32 seconds West, a distance of 290.18 feet; thence North 89 degrees, 25 minutes, 08 seconds West, a distance of 176.71 feet; thence North 90 degrees, 00 minutes, 00 seconds West, a distance of 168.53 feet to the intersection of the South right of way of Old Lexington Road and the Southerly right of way line of said railroad, thence North 78 degrees, 41 minutes, 12 seconds East, a distance of 106.63; thence North 88 degrees, 37 minutes, 31 seconds West, a distance of 113.81 feet to the True Point of Beginning.

Beginning at the Southwest corner of the East half of the Southwest quarter of Section 13, Township, 50, Range 30, in Jackson County, Missouri; thence along the West line of said East half, North 03 degrees, 07 minutes, 39 seconds East along said West line also being the West line of the MBT, LLC tract of land as describes in Document I0045364 in Book I-2871 at Page 684, a distance of 19.85 feet to the North right of way line of Old Lexington Road; thence along said North right of way of said road, North 89 degrees, 02 minutes, 28 seconds East, a distance of 303.61 feet; thence South 82 degrees, 43 minutes, 22 seconds East, a distance of 61.32 feet to the Northerly line of the Missouri Pacific Railroad right of way; thence along said right of way, South 78 degrees, 41 minutes, 12 seconds West 117.93 feet to the intersection of the North right of way of said railroad and the South line of the East half of said Section 13; thence along said South line, North 88 degrees, 37 minutes, 31 seconds West, a distance of 249.92 to True Point of Beginning.

<u>Section 2</u>. The Legislature, pursuant to the application of the Public Works Department in conjunction with the Missouri Highways and Transportation Commission and the Union Pacific Railroad Company (LA-2011-025), requesting the vacation embodied in this Ordinance and with notice that the Jackson County Plan Commission voted 8 to 0 to recommended <u>APPROVAL</u> of this application at a public hearing on November 17,

2011, does adopt this Ordinance pursuant to the Jackson County Charter authorizing the Legislature to exercise legislative power pertaining to planning and zoning.

Effective Date: This Ordinance shall be effective immediately upon its signature by the County Executive.

APPROVED AS TO FORM: Chief Deputy County Counselor	County Counselor
I hereby certify that the attach January 3, 2012, was duly passed on County Legislature. The votes thereon	ed Ordinance, Ordinance #4379 introduced on
Yeas9 Abstaining0	Nays
This Ordinance is hereby transmitted to	the County Executive for his signature.
1/30/12 Date	Mary Jo Spino, Glerk of Legislature
I hereby approve the attached Ordinand	e #4379.
Date 131/7012	Michael D. Sanders, County Executive

REQUEST FOR LEGISLATIVE ACTION

Completed by County Counselor's Office:

Res(Ord No.: 4379
Sponsor(s): None
Date: January 3, 20

January 3, 2012

SUBJECT	Action Requested Resolution											
	Ordinance											
	Project/Title: Legislative Action (Jackson County Publ	ic Works), Case No. LA-2011-	025									
BUDGET												
INFORMATION	Amount authorized by this legislation this fiscal year:	\$										
To be completed	Amount previously authorized this fiscal year:	\$										
By Requesting Department and	Total amount authorized after this legislative action:	\$ \$										
Finance	Amount budgeted for this item * (including transfers):	\$										
1 mance	Source of funding (name of fund) and account code	FROM ACCT										
	number; FROM / TO	TROM ACCI										
		TO ACCT										
	faccount includes additional funds for other expenses, total budgeted in the account is: \$											
	THER FINANCIAL INFORMATION:											
	No budget impact (no fiscal note required)											
	Term and Supply Contract (funds approved in the a	nnual budget); estimated value	and use of contract:									
	Department: Estimated Use: \$											
	Prior Year Budget (if applicable):											
	Prior Year Actual Amount Spent (if applicable):											
PRIOR												
LEGISLATION	Prior ordinances and (date):											
GOVERN COM	Prior resolutions and (date):											
CONTACT INFORMATION	RLA drafted by Randy Diehl, Planning and Zoning Coo	rdinator 881-4577										
REQUEST	Requesting an ordinance to vacate a portion of Old Lex	kington Road due to the propos	ed closing of an at-grade									
SUMMARY	crossing by the Union Pacific Railroad. The Missouri H	ighways and Transportation Co	ommission, the Union									
SOMMAKI	Pacific Railroad and Jackson County have proposed a proposed a	roject to abolish a public highw	ay-rail grade crossing to a									
	public roadway near Buckner, Missouri, where said cou	nty road, Old Lexington Road,	crosses the railroad's									
	tracks at Mile Post 263.72, identified by USDOT as cross	ssing #442 296W. Description of	of said vacated road right									
	of way is specifically described on Attachment to RLA-	1.	i									
	The Jackson County Plan Commission voted 8 to 0 to re		County Legislature. (One									
	member recused themselves as they are an adjacent prop	perty owner)										
CLEARANCE												
	Tax Clearance Completed (Purchasing & Departme											
	Business License Verified (Purchasing & Departme Chapter 6 Compliance - Affirmative Action/Prevails		ffice)									
ATTACHMENTS	See Attachment to RLA-2	ing wage (County Auditor's C										
ATTACHMENTS	See Attachment to REA-2											
REVIEW	Department Director: Jerry A. Page, P.E.		Date: 12/01/2011									
	Finance (Budget Approval):		Date:									
	If applicable		Data: Ca									
	Division Manager:		Date: (2/29/11									
	County Counselor's Office:		Date:									

Fiscal Information (to be verified by Budget Office in Finance Department)

	This expenditure was include	ed in the annual budget.		
	Funds for this were encumber	ered from the	Fund in	
	is chargeable and there is a c	ash balance otherwise unencumbere	ed in the treasury to the credit of the fund from whi	ch
	There is a balance otherwise unencumbered to the credit of the appropriation to which the expenditure is chargeable and there is a cash balance otherwise unencumbered in the treasury to the credit of the fund from which payment is to be made each sufficient to provide for the obligation herein authorized. Funds sufficient for this expenditure will be/were appropriated by Ordinance # Funds sufficient for this appropriation are available from the source indicated below. Account Number: Account Title: Amount Not to Exceed: This award is made on a need basis and does not obligate Jackson County to pay any specific amount. The availability of funds for specific purchases will, of necessity, be determined as each using agency places its order.			
	Funds sufficient for this appr	opriation are available from the sou	rce indicated below.	
	Account Number:	Account Title:	Amount Not to Exceed:	
				ility of
\boxtimes	This legislative action does n	ot impact the County financially and	does not require Finance/Budget approval.	

ATTACHMENT TO RLA 1:

Description:

Commencing at the Southwest corner of the East half of the Southwest quarter of Section 13, Township, 50, Range 30, in Jackson County, Missouri; thence along the South line of said Southwest quarter of said Section 13, South 88 degrees, 37 minutes, 31 seconds East, a distance of 477.56 to the Southerly line of the Missouri Pacific Railroad right of way and the True Point of Beginning; Thence along said railroad right of way, North 78 degrees, 41 minutes, 12 seconds East 83.34 feet to the point of intersection with the Northerly right of way line Old Lexington Road and the Southerly right of way of said railroad; thence along said road right of way, North 90 degrees, 00 minutes, 00 seconds East, a distance of 96.23 feet; thence South 89 degrees, 25 minutes, 08 seconds East, a distance of 176.06 feet; thence North 88 degrees, 07 minutes, 32 seconds East, a distance of 289.80 feet; thence North 89 degrees, 30 minutes, 10 seconds East, a distance of 103.02 feet; thence South 82 degrees, 18 minutes, 27 seconds East, a distance of 75.05 feet; thence South 73 degrees, 47 minutes, 03 seconds East, a distance of 252.37 feet; thence South 75 degrees, 45 minutes, 26 seconds East, a distance of 106.56 feet; thence South 83 degrees, 21 minutes, 12 seconds East, a distance of 110.73 feet; thence South 86 degrees, 56 minutes, 30 seconds East, a distance of 117.18 feet; thence South 87 degrees, 08 minutes, 49 seconds East, a distance of 133.89 feet; thence South 88 degrees, 52 minutes, 58 seconds East, a distance of 276.57 feet; thence North 86 degrees, 40 minutes, 08 seconds East, a distance of 104.39 feet; thence North 85 degrees, 59 minutes, 00 seconds East, a distance of 120.56 feet; thence leaving said Northerly right of way of said road, South 03 degrees, 04 minutes, 07 seconds West, a distance of 40.30 feet to the South right of way line of said road; thence along said road right of way, thence South 85 degrees, 59 minutes, 00 seconds West, a distance of 115.83 feet; thence South 86 degrees, 40 minutes, 08 seconds West, a distance of 106.18 feet; thence North 88 degrees, 52 minutes, 58 seconds West, a distance of 278.73 feet; thence North 87 degrees, 08 minutes, 46 seconds West, a distance of 134.56 feet; thence North 86 degrees, 56 minutes, 30 seconds West, a distance of 118.51 feet; thence North 83 degrees, 21 minutes, 12 seconds West, a distance of 114.64 feet; thence North 75 degrees, 45 minutes, 26 seconds West, a distance of 109.91 feet; thence North 73 degrees, 47 minutes, 03 seconds West, a distance of 250.08 feet; thence North 82 degrees, 18 minutes, 27 seconds West, a distance of 69.21 feet; thence South 89 degrees, 30 minutes, 10 seconds West, a distance of 99.67 feet, thence South 88 degrees, 07 minutes, 32 seconds West, a distance of 290.18 feet; thence North 89 degrees, 25 minutes, 08 seconds West, a distance of 176.71 feet; thence North 90 degrees, 00 minutes, 00 seconds West, a distance of 168.53 feet to the intersection of the South right of way of Old Lexington Road and the Southerly right of way line of said railroad, thence North 78 degrees, 41 minutes, 12 seconds East, a distance of 106.63; thence North 88 degrees, 37 minutes, 31 seconds West, a distance of 113.81 feet to the True Point of Beginning.

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ATTACHMENT TO RLA-2:

Exhibits:

- 1. Plan Commission Minutes from November 17, 2011
- 2. Staff Report dated November 17, 2011
- 3. Map Showing Current Zoning Districts in Area
- 4. Application
- 5. Map of Old Lexington Road
- 6. Jackson County Sheriff's Office Accident Report dated 12/19/09
- 7. Railroad Crossing Looking East
- 8. Railroad Crossing Looking West

3. LA-2011-025 - Public Works Development Division

Requesting a portion of Old Lexington Road to be vacated due to the closing of an at-grade crossing by the Union Pacific Railroad. The ½ mile portion of road runs from O'Donnell Road east to a point ¼ mile west of Holly Road, lying in Sections 13 and 24, Township 50, Range 30, Jackson County, Missouri.

Mrs. Mershon abstained from participating as she had a vested interest as a property owner in the area.

Mr. George introduced LA-2011-025 and entered 10 exhibits into the record. Mr. George gave the staff report with comments and recommendation as follows: the request is for vacating a portion of Old Lexington Road due to the proposed closing of an at-grade crossing by the Union Pacific Railroad. The ½ mile portion of road runs from O'Donnell Road east to a point ¼ mile west of Holly Road.

The Missouri Highways and Transportation Commission, the Union Pacific Railroad Company, and Jackson County have proposed a project to abolish an existing public highway-rail grade crossing to public roadway traffic near Buckner, Missouri, where said county road, Old Lexington Road, crosses the railroad's tracks at approximately Mile Post 263.72, which is identified by USDOT as crossing #442 296W. The proposed project will authorize and require the railroad's removal of all grade crossing warning devices and the existing crossing surfaces from the railroad's track at the Old Lexington Crossing and the obliteration of the existing public roadway approaches on both sides of the Old Lexington crossing between the ends of the ties and the boundaries of the railroad's right-of-way. In conjunction with said project, the County will construct a vehicle turn-around within Old Lexington Road at the east terminus of the vacated road. The angle of approach and elevation changes at this crossing are not favorable from a safety aspect. Closing this at-grade crossing improves safety. Exhibit 8 is an accident report taken by the Jackson County Sheriff's Office involving a car vs. train crash which resulted in serious injuries. The latest traffic count we have for this road was taken in 2006 with an ADT of 51. The Development Division requests the Plan Commission forward a favorable recommendation to the County Legislature.

Mr. Tarpley wanted to know what initiated this action.

Mr. George said traffic accidents and Union Pacific and MoDOT wanted to increase safety.

Mr. Jenkins said that following a recent accident, MoDOT and Union Pacific decided to eliminate the crossing. He said an off-set cul-de-sac would be installed east of the vacated portion of the road. Mr. Jenkins said that the Old Lexington bridge that would be in the vacated road portion was in very poor shape.

Mr. Pointer wanted to know why a cul-de-sac was needed for a road that being closed.

Mr. Jenkins said only a portion of the road was being closed and the remainder of the road would continue to be used.

Mr. Pointer asked why the entire road wasn't being closed as it didn't go to anyone's house.

Plan Commission November 17, 2011

Mr. Jenkins said that the property along the sides of the road would need to accessed.

Mr. Tarpley wanted to know if the crossing was considered a high-speed intersection.

Mr. Pointer said he would like to hear Mrs. Mershon's opinion of the closing of the crossing since she lived in the area.

Counselor Snyder said that Mrs. Mershon could only answer fact questions and not give any opinions as that could be considered as advocacy.

Mr. George said the speed of the train at the time of the accident was 33 mph.

Mr. Haley wanted to know if electronic crossing bars would have prevented the accident.

Mr. George said he was not qualified to answer and that it most likely a matter for the sheriff.

Mr. Tarpley wanted to know how the 51 people who used the road would access the area.

Mr. George said they would use Highway 24.

Mr. Tarpley asked about east/west traffic.

Mr. George said they would also use the highway. He said most of the east/west traffic was from people using shortcuts.

Mr. Tarpley said that traffic would need to cross the tracks somewhere.

Counselor Snyder said it was appropriate for Mrs. Mershon to give some factual information. Mrs. Mershon said that there would seldom be more than a few cars using this portion of the road as the houses present were vacant. She said that anyone wanting access to the area would come via the highway. Mrs. Mershon said that there had already been railway crossings closed to the east of this crossing. She pointed out on the map the route that they would use to enter their fields. She said that 51 cars using the road on a daily basis was an unrealistic figure.

Mr. Pointer said the only benefit would be to the railroad as the crossing would no longer need to be maintained.

Counselor Snyder said there would be no benefit or detriment specifically for Mrs. Mershon and if anything, it would be a benefit to the whole community. He said the factual knowledge presented was along the lines of "I know this area and these are the facts".

Mr. Tarpley moved to take LA-2011-025 under advisement. Mr. Pointer seconded the motion.

Mr. Pointer said he didn't see benefits for anyone except for the railroad.

Mr. Tarpley said if the county didn't need to replace the bridge when it became impassable, it would be saving money.

Plan Commission November 17, 2011

Chairman Antey said it appeared that traffic heading west on Old Lexington would not see a train coming due to a blind spot.

Mr. Aikins wanted to know the purpose of the pedestal shown in the picture of the crossing.

Mr. George said it was a phone box.

Mr. Aikins said a buried phone line would need access to maintain.

Mr. Jenkins said the pedestal was within the railroad's right-of-way.

Chairman Antey said transmission lines don't necessarily follow roads.

Mr. George said any easements in place would remain.

Mr. Pointer said closing of railroad crossings can cause farmers to drive 4-5 miles out of their way to get to their fields. He said he didn't want this to happen in this instance. He said conditions can't be made safe for everyone and he wished someone were present to answer the question of whether any inconvenience would result from this closing.

Mr. George said that staff had discussions with property owners in the area and there had been no negative feedback.

Mr. Crawford wanted to know if the bridge failed, how the fields to west would be accessed. He said he didn't want to deny access to any one's property.

Mr. Aikins moved to approve LA-2011-025. Mr. Tarpley seconded the motion.

VOTE:

Mr. Aikins	Approve
Mr. Crawford	Approve
Mr. Gibler	Approve
Mr. Haley	Approve
Mr. Pointer	Approve
Mrs. Querry	Approve
Mr. Tarpley	Approve
Chairman Antey	Approve

LA-2011-025 APPROVED (8 – 0)

STAFF REPORT

PLAN COMMISSION November 17, 2011

RE: LA-2011-025

Jackson County Public Works Department – Development Division Applicant:

Vacation of a portion of Old Lexington Road Request:

Requesting a portion of Old Lexington Road to be vacated due to the Purpose: proposed closing of an at-grade crossing by the Union Pacific Railroad. The ½ mile portion of road runs from O'Donnell Road east to a point ¼ mile west of Holly Road, lying in Sections 13 and 24, Township 50, Range

30, in Jackson County, Missouri.

Comments:

The Missouri Highways and Transportation Commission (MHTC), the Union Pacific Railroad Company (UP), and Jackson County have proposed a project to abolish an existing public highway-rail grade crossing to public roadway traffic near Buckner, Missouri, where said county road, Old Lexington Road, crosses the railroad's tracks at approximately Mile Post 263.72, which is identified by USDOT as crossing #442 296W.

The proposed project will authorize and require the railroad's removal of all grade crossing warning devices and the existing crossing surfaces from the railroad's track at the Old Lexington Crossing and the obliteration of the existing public roadway approaches on both sides of the Old Lexington Crossing between the ends of the ties and the boundaries of the railroad's right-of-way.

In conjunction with said project, the County will construct a vehicle turnaround within Old Lexington Road at the east terminus of the vacated road.

The angle of approach and elevation changes at this crossing are not favorable from a safety aspect. Closing this at-grade crossing improves safety. (EX 9 & 10)

Exhibit 8 is an accident report taken by the Jackson County Sheriff's Office involving a car vs. train crash which resulted in serious injuries.

The latest traffic count we have for this road was taken in 2006 with an ADT of 51.

Recommendation:

The Development Division requests the Plan Commission forward a favorable recommendation to the County Legislature.

Respectfully submitted, Planning and Development Division

Randy Diehl

Planning and Zoning Coordinator

Jackson County Zoning Map Legend

☐ 1000 Ring
☐ Perceis

Old LexRd
STREETNAME
☐ Old de Sec
☐ ROW
☐ Old Lex
☐ Old Lex
☐ Old Lex

LA-2011-025

1 inch equals 165 feet



JACKSON COUNTY, MISSOURI APPLICATION FOR RIGHT-OF-WAY AND EASEMENT VACATIONS

Type of	vacation (check	one):									
	☐ Easement		Street		☐ Road right-of-way						
Applica	nt: AC	KSON	Court	PUBLIC	Works						
Address	: <u>30</u> 3	<u> </u>	WALN	VT							
Phone:_	816-8	181- 0	577								
Applicat	CANT INFORD tion must be file alnut, Independ	ed with the	e Jackson Cou	unty Planning by the date on	and Development Division, 303 the Plan Commission Calendar.						
1.	owing items nee A letter to the A vacation reques	Administra	ıbmitted with itor of Planni	the applicationg and Develo	n: pment giving the reasons for the						
2. An accurate legal description of the easement, street or road right-of-way. This needs to be done by a Missouri Registered land surveyor who must sign and seal the legal description document.											
3.	One (1) copy, s of the subject e	ize 8 ½ x asement, s	11, of a black street or road	and white maright-of-way.	p which shows the general location						
4.	Two (2) copies, shows the subje	, (1 size 8 ect easeme	½ x 11, 1 copent, street or r	oy size 22 x 33 oad right-of-w	3) of a black and white map which ay in detail.						
5.	The filing fee o	f \$250 (no	on-refundable	e), check payal	ole to Manager of Finance.						
Signatur	e of individual	submittin	g the vacation	n request:	,						
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	(Signa	ture)			(Date)						
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Heard by	LEG	Date	De	ecision							

-Cul de Sac in Existing ROW Old Lexington Road -- Church Conveyence - Proposed Vacation Railroad RoW — Right of Way **Legend**

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_		NAME OF WITNES	S		ADDRESS (S	TREET, CIT	Y, STATE,	ZiP)	,	······································	·		TELEF	HONE NO.
_	 				· · ·									
_														
_	<u> </u>													
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PAGE 3 OF 7

9 - CODES															
SEAT LOCATION XX · Not Known FR SR TR FC SC TC	INJURY TRANSPORTED EJ (Medical Treatment)		EJECTIO	N		IR BAG RONT		AIR BAG SIDE				S	AFETY DEVICES		
OU - Occupant - Unenclosed Load Area 4. Prob	oling ent - Not Disabiling able - Not Apparent Apparent	1. No 2. EN 3. Ot 4. Un	AS .	1. NA 2. No 3. Partia 4. Totali 5. Unkno	y	2. Da	ne/NA ployed t Deplo		1. None/i 2. Deploy 3. Not De	/ed	2. 3. 4. 5.	Lap I Shou	lsed ider B Selt Or	elt Only 9. Use U nly nd Lap Belt	t Not Used
10 - DRIVERS											-				
NAME ADDRESS			DATE OF BIRTH MM-DD-YYYY		SEX	VEH.	SEAT LOC.	INJ.	TRANS- PORT	EJEC-		BAG S	SAF DEV	TELEPHONE I	10.
☐ NA DRIVER 2 - SAME ADDRESS AS ABOVE		04/11/		М	2	FL	3	1	2	3			(816) 650-3	407	
NA DRIVER 3 - SAME ADDRESS AS ABOVE						2									
11 - OTHER OCCUPANTS & PEDESTRIANS (SA	D = SAME AS DRIV	ER)	Service Control						<u></u>		Sections	tra-cha:	40.45		
HOFF, GARY LEEANN			10/08/	1992	F	2	FR	2	2	2	3	1	5	(816) 650-34	407
■ SAD														, ,	
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12 VEHICLE BODY TYPES (1)	14. HAZARDOU V1 V2	IS MATE	ERIALS	NA 🖔	17. \)EHICI	EACT	ON/S	SEQUENC	E OF E	/EN	rs:			
V1 V2 Placard Displa						Soing S Overlak	itraight ing			20, R			-		1
☐ ☐ 1. Passenger Car ☐ ☐ 2. Station Wagon	1. Gase				3. N	/laking	Right To			22. O	vertu	ırn / R	ollover	•	
3. Sport Utility Vehicle	3. Liqui	lds in B			4. Right Turn on Red 23. Fire / Explosion 5. Making Left Turn 24. Immersion										
☐ ☐ 5. Van (8 or less with driver)	4. Explo				6. Making U Turn 25. Jackknife 7. Skidding / Sliding 26. Cargo Loss / Shift										
6. Small Bus (9 -15 with driver) 7. Bus (16 or more with driver)	A. Hazai	rdous M	laterials' Care	s' Cargo 8. Slowing / Stopping 27. Equipmen						Failure					
8. School Bus (less than 16 with driver) 9. School Bus (16 or more with driver)	15, ACCIDENT		рінец			itant in Itant Fro	Traffic om Park	ed		28. Se 29. Re					1
☐ ☐ 10. Motorcycle — — ☐ ☐ 2 Wh.	1. On Road	-		ı	11. B	acking	ı			30. C	otlisio	on inv.	Pedes		
11. ATV — — — — 3 Wh.	-	•				topped arked	in Trafi	lic		31, Co				cycle	
13. Pedalcycle	COLLISION INVO	JLVING				hangin volding	g Lanes	5						l (enter code - expla Transport	in)
14. Motor nome/camper	1. Animal 2. Pedalcy	cle				_	ı er Medi	an						d Motor Vehicle	
☐ ☐ 16. Construction Equipment ☐ ☐ 17. Other Transport Device	3. Fixed Ot					rossov	er Cent	erline						Object (enter code - Objeact (explain)	explain)
18. Unknown	5. Pedestri					Irborne	-			38. O					
1 19. Pick-up 20. Single-unit Truck: 2 axies, 6 tires	7. MV in Tr	-	,		 V1	 I		– Unkr	 nown	·					
21. Single-unit Truck: 3 or more axies	8. MV on O				1		34				,		,		
A. Vehicle Pulling Another Unit(s) 1-21 only	NON-COLLISION 10. Overture				<u></u>						—'				
22. Truck Tractor With No Units 23. Truck Tractor With One Unit	11. Other No		sion				l Code_		_						·
24. Truck Tractor With Two Units 25. Truck Tractor With Three Units		O VEHI	CLE COLLISI ad On	ON	36.	Fixed	Object	t Code	·	_/		<i></i>			
26. Other Heavy Truck] [61. Re		,,,,, -		 ,		– – Unkr							
GCVW Rating (not licensed weight) 19-26 only Less than or equal to 10,000 lbs.	0	63. SId	leswipe - Pas		1	. ,	⊔ 32				,			,	ſ
10,001 - 28,000 lbs. Greater than 26,000 lbs.	0		cked Into							_			/ -		
13. EMERGENCY VEHICLE INVOLVEMENT	<u> </u>	67. Oli	ner	_	33.	Anima	l Code_		<u> </u>						
V1 V2 ■ NA □ □ 1. Police	16. TRAFFIC	CONDI	TIONS		36.	Fixed	Object	Code		<i>.</i>					
□ □ 2. Fire	V1 V2	a)													-
☐ ☐ 3. Ambulance ☐ ☐ 4. Other (must check 'A')	1. Norm		ad		Anin	nal, Fi	xed Ol	oject,	and Inatte	ention (Cod	es ex	plalne	d in narrative	
A. Emergency Vehicle on Emergency Run 3. Congestion Ahead															

<u> </u>	•		REPORT # <u>0</u>	909195/0909195	PAG	SE 4 OF 7
18 PROBABLE CONTRIBUTING CIRCUMSTANCES	19. PEDEST	RIAN INVOLVEMENT	20. VISION OBSCI	JRED 21 TRAFFIC CONTROL	2	22. ROAD
V1 V2	P1 P2	■ NA	V1 V2	V1 V2		CHARACTER ALIGNMENT
☐ ☐ 1. Vehicle Defects (explain)		Intersection	☐ ☐ 1. Windshe ☐ ☐ 2 Load on			1. Straight
☐ ☐ 2. Traffic Control Inoperable or Missing ☐ ☐ 3. Improperly Stopped on Roadway		ot At Intersection				2. Curve
3. Improperty Stopped on Roadway 4. Speed - Exceeded Limit	CROSSING R		4. Building	☐ ☐ 4. Stop Sign	. 1 _	ROFILE
5. Too Fast for Conditions		alnst Signal	☐ ☐ 5. Embankr		' I =] 1. Leve!] 2. Grade
☐ ☐ 6. Improper Passing ☐ ☐ 7. Violation Signal / Sign	5. No		7. Hillcrest	ds ☐ ☐ 6. RR Signal / Ga ☐ ☐ 7. Yield Sign		3. Hillcrest
B. Wrong Side (not passing)	6. Df	agonaliy Ihin Crosswalk	8. Parked C	Cars 🗍 🗍 8. Officer / Flagm		
☐ ☐ 9. Following Too Close☐ ☐ 10. Improper Signal		thin Marked Crosswalk	9. Moving C			
10. Improper Signal		hind / In Front of Parked C	ar 11. Other (e)	^(plain) 🗍 🗍 11. Signal on Scho		
☐ ☐ 12. Improper Turn		h Traffic	12. Not Obso	cured 12. None	Politica	
13. improper Lane Usage / Change		ainst Traffic tting On/Off Vehicle	23 LIGHT CONDITION	7237	1,396,500,40	ROAD CONDITION
15. Improper Start From Park	13, Sta	nding / Lying / Sitting on F		eet Lights On 2. Cloudy		1, Dry 2. Wet
P1 P2		shing / Working on Vehicle ser Working	2. Dark with Stro	eel Lights Off 3. Rain	1 =	3. Snow
18. Alcohol		ying on Road	4. Dark - No Str	- I TIE Close	1 =	4. Ice
Drugs 19. Drugs 20. Physical Impairment (explain)	17. Of		☐ 5. Indeterminate	(explain) 6. Freezing (ten	. =	5. Slush 6. Mud
☐ ☐ ☐ 21. Inattention (explain)	26. ROAD SU		k 🔲 5. Dirt/Sand	7. Fog/Mist	I —	7. Standing Water
P1P2V1V2	2. Aspha		=	l 🗀 or macremmar	1 💆 "	3. Moving Water 9. Other (explain)
27 - COMMERCIAL MOTOR VEHICLE (Complete	for each com	mercial vehicle involv	/ed)			other (oxpiani)
A CMV CRITERIA		B. CARRIER ID NUM			E. CAR	GO BODY TYPE
Answer the following to determine if this section should	d be completed	V1 ICC NO. MC	USDOT NO	· <u></u>	V1 V2	
Does this accident involve any of the following: a person fatally injured; or		V2 ICC NO. MC	USDOT NO			Enclosed Box
a person transported for medical attention; or	ŀ	C. HAZARDOUS MA	TERIALS PLACARD NUM	BER NA		Cargo Tank Flatbed
3. a vehicle towed from the scene of the acciden	, I	V1 4-Digit Placard Nu		mber From Bottom		Dump
☐ NO - DO NOT COMPLETE YES - GO TO NUMBER 2		from Diamond / Be		Diamond	ı — —	Concrete Mixer
Examine each vehicle to determine if it is a		V2 4-Digit Placard Nu from Diamond / Bo		mber From Bottom Diamond		Auto Transporter Garbage / Refuse
commercial vehicle based on the following:	, t	D. TRAFFICWAY	,		┥ <u>╗</u> ╗╸	Grain, Chip, Gravel
 a truck with GCVWR or more than 10,000 lbs. and engaged in commerce; or 			المعادلة		9.	Pole Trainer
a bus or school bus (9 or more including drive a vehicle with a hazardous materials placard	i); or	☐ 1. Two-Way; Not Di ☐ 2. Two-Way Divided				Other
NO - DO NOT COMPLETE			l; Positive Median Barrier		1	
YES - COMPLETE SECTIONS B - E		4. One-Way; Not Di	vided			
28 - NARRATIVE / STATEMENTS (If additional room is n	ecessary, attac	n a separate sheet.)				
0= 12 10 00 at 150	1 hours	a T Deput	www.Millon.Ho	2 was dispatsh		014
On 12-19-09 at 150			-	-		Oiu
Lexington Road and O'D						
train crash. Deputy Va	.nCamp	#46 three	Missouri St	ate Troopers a.	LSO	
arrived on scene.				- 4 - 1		
Upon arrival at th						•
(driver's side), in a						
facing the west. I obs						
head standing next to	the ve	hicle (V2)	. I also ob	served another	subje	ect,
who was later identifi	ed as	the conduc	ctor of the	train, also sta	anding	r
near the scene.						
I then asked the d	river(D2)if he r	needed medica	al treatment.	Drive	r
#2 advised that he was	-	-			nen as	ked
the driver (D2) if any					(D2)	
advised that his wife	-				_	
into the vehicle throu	-	-				ļ
pregnant female laying						
unconscious and snorin						
his wife (O2) was one						tne
EMS of the situation u	pon th	eir arriva	1. The fire	department and	1 EMS	
28. REPORTING OFFICER SIGNATURE		DSN / B	ADGE NO.	BEAT / ZONE	TROOP / DIS	T) PCT.
				1 MINTER CO.	2	
REVIEWING OFFICER 1 SIGNATURE EDWARDS E	. (MAY) M	DSN/BADGE NO.	REVIEWING OFFICER 2 SIG	NATURE	-	DSN / BADGE NO.

MISSOURI UNIFORM ACCIDENT													PAGE _5 OF _7	
TRAIN ACCIDENT	_	CONTINUATION SUPPLEMENT		NCY NAM				''S C	FFICE					
ORIGINAL REPORT / CASE / INCIDENT NUM 0909195/0909195	BER ADDITIONAL	SUPPLEMENT NO.												
SUPPLEMENTAL REPORT DATE	12/19/2009		•	TRP/D	IST/I	PCT	JA	NTY CKS	ON	•				
REPORTING OFFICER SIGNATURE		DSN / BADGE I	NO.	SUPPLEM	ENTA	L REV	IEWING	OFF	CER SIGN	ATURE				DSN / BADGE NO.
TRAIN INFORMATION				!					·····					
TRAIN ID NO:		LEAD ENGINE NO).		_		-		EAD ENG		RIAL	NO.		
MKCAS19		UP4236							JP4236	<u> </u>				. <u> </u>
MAKE .				MODE										
HEADLIGHT WORKING HORN WORKIN	G BELL WORK	ING	TTRAIN D	AMAGE (ali dar	naned a	reas)						
■YES □NO ■YES □NO	1			•				,	:	لشِابْ	4	5	븻	7 18 - Undercarriage R 19 - Windshield
NO DE CARE LEBER DISTANCE	E EBOM MIRACE		_ ■ №		NITIA	L IMPA	CT NO.		1 _	15		16	<u> </u>	8 A 20 - Burned
96 33 POINT TO	FRONT OF 177	O ET, CITY, STATE, ZII	<u> </u>	i] NA		1		1	4 1 13	12	. 11	10	R 21 - Towed Unit 9 22 - Cargo
														•
RAILROAD CO TRAIN NAME	UNION PACIFIC, 6455 E COMMERCE KANSAS CITY MO 64120 RAILROAD CO TRAIN NAME & ADDRESS (STREET, CITY, STATE, ZIP) UNION PACIFIC, 6455 E COMMERCE KANSAS CITY MO 64120													
CROSSING SIGNALS	.												•	
1. LIGHT / GATE / BELL COMBINATION 3. LIGHT / GATE 5. PASSIVE WARNING (CROSSBUCKS ONLY) 7. PAVEMENT MARKINGS 2. LIGHT / BELL COMBINATION 4. LIGHT ONLY 6. WIG-WAG TYPE 8. NONE														
OFFICER'S ARRIVAL AT .	ROSSING GATES D		FLASHING			RINGI	NG	NA.						
OTHER CROSSING CHARACTERISTICS														
	STANCE FROM SIG	N TO NEAREST RA	IL CRO	SSING SURI	FACE	(Rubb	er, aspl	halt, et	c.) DOT/	AAR CF	ROSS	SING I	D NO.	
	31	FEET MI		SPHALT		· .	D D A		AIR B	2-296	W			AFETY DEVICES
XX - Not Known P - Pedestrian B - Bicycle M - Motorcycle OE - Occupant - Enclosed Load Area OU - Occupant - Unenclosed Load Area	INJUR 1. Fatal 2. Disabling 3. Evident - Not 5 4. Probable - Not 5 5. None Apparen	1. No 2. EMS Disabling Apparent A Union	г	1. NA 2. No 3. Parlia 4. Totall 5. Unkno	illy y	1. No 2. Do	IR BAC RONT one/NA eployed ot Deplo		1. None/ 2. Deplo 3. Not De	E NA yed	2. 3. 4.	Lapi) Jsed Ilder Bo Belt Or	7. Helmet Used 8. Helmet Not Used elt Only 9. Use Unknown
CP - Commercial Passenger SV - Other (Explain in Remarks)	6. Unknown			"							6.	. Chile	Restr	aint
ENGINEER I& CONDUCTOR		•		•										
NAME_				F BIRTH	SEX	VEH.		INJ.	TRANS-	EJEC-		BAG	SAF	TELEPHONE NO.
ADDRESS			MM-DI	D-YYYY	-	NO.	LOC.		PORT	TION	F	S	DEV	
FERGUSON, GERA			09/24	1/1960	М	1	FL	5	1	2	1	1	1	(816) 294-0931
11380 SW STATE RT JJ ST. JOS CONDUCTOR WOOD JUSTIN THE	-				<u> </u>	-		ļ						
22789 WOODLAND SCHOOL DR		MO 65233	08/25	5/1983	М	1	FR	5	1	2	1	1	1	(660) 537-0650
TRAIN CREW MEMBERS - List Train Passeng	ers in Section 11 - C	Other Occupants and	Pedestrian	s on Page 3										
								-						
COMMENTS		l.	··-							!				

SHP-215A 04/02

NARRATIVE / STATEMENTS	=	CONTINUATION SUPPLEMENT	1	NCY NAME AND OR CKSON CO. SH	I ERIFF'S OFFICE				
ORIGINAL REPORT / CASE / INCIDENT NU 0909195/0909195	MBER ADDITIONAL	SUPPLEMENT NO.	MC	D0480000					
SUPPLEMENTAL REPORT DATE ACCIDENT DATE				TRP / DIST / PCT	COUNTY				
	12/19/2009			2	JACKSON				
REPORTING OFFICER SIGNATURE	DSN / BADGE NO.	,	SUPPLEMENTAL REVI	EWING OFFICER SIGNATURE	DSN / BADGE NO.				

Officer's Narrative

were on the north side of the tracks. The train was separated to allow EMS and the Fire Department to get through.

While EMS was extracting the passenger (O2) of the vehicle (V2), I asked the driver (D2) of the vehicle (V2) what had happened. The Driver (D2) advised that they were not ready to go home yet so they went on a drive. The driver (D2) advised that he went across the tracks and got hit. The driver (D2) advised that he was driving the vehicle (V2) and that he did have on his seat belt. The driver (D2) advised that his wife (O2) was sitting in the passenger side front seat. The driver (D2) advised that his wife (O2) was also wearing a seat belt. The driver (D2) advised that after the accident he got out of the vehicle (V2) and was attempting to help his wife (O2) when he unfastened her seat belt and she fell onto the driver side of the vehicle.

I then contacted the Conductor of the train. The Conductor advised that he did see the vehicle (V2) and thought the vehicle (V2) was going to stop at the rail road crossing. The Conductor advised that they sounded the horn numerous times. The Conductor advised that vehicle (V2) appeared to be traveling approximately 10 to 15 mph. The Conductor then adivsed that as soon as the accident had happened the 911 button on the radio was pressed.

My investigation revealed that the Union Pacific train (V1) was traveling eastward on the tracks at approximately 33 mph (from Union Pacific dispatch) just north of 24 hwy near the O'Donnell Road and Old Lexington Road. The AAR Crossing ID number of the passive warning (crossbucks) sign is 442-296W. The vehicle (V2) was traveling in an eastward direction on Old Lexington Road. At the intersection of O'Donnell Road and Old Lexington on the south side is a warning railroad crossing sign. Approximatley 308 feet east on Old Lexington Road is the The crossbucks were on the south side of Old railroad crossing. Lexington Road Approximatley 61 feet from the rails. The driver (D2) failed to yield to the train (V1) causing the train (V1) to hit the passenger side, rear quarter panel of the vehicle (V2). The vehicle (V2) suffered major damage to the rear of the vehicle. The train (V1) suffered just scratches. The area of impact was in the middle of the two rails, indicated by a scuff mark from the tire of the vehicle (V2) left on the wooden railroad ties. The vehicle (V2) then continued in a south eastern direction for approximately 154 feet, landing in the ditch on the south side of Old Lexington Road, on the drivers side facing the west. The vehicles (V2) rear bumper was located on the north side of Old Lexington road. The train (V1) continued on the rails in a eastern direction approximately 1770 feet before coming to a halt.

The female pregnant passenger of vehicle #2 was transported to

NARRATIVE / STATEMENTS		ONTINUATION UPPLEMENT		NCY NAME AND OR CKSON CO. SH	I ERIFF'S OFFICE		
ORIGINAL REPORT / CASE / INCIDENT NUM 0909195/0909195	IPPLEMENT NO.	МО	0480000	•			
SUPPLEMENTAL REPORT DATE	ACCIDENT DATE			TRP / DIST / PCT	COUNTY		
	12/19/2009			2	JACKSON		
REPORTING OFFICER SIGNATURE		DSN / BADGE NO.	1	SUPPLEMENTAL REVI	EWING OFFICER SIGNATURE	DSN / BADGE	NO.

Center Point Hospital for treatment. The driver (D2) was transported to Center Point Hospital by Reserve Deputy Kamerdiener #548 for a blood sample (see supplement). Sgt. Edwards #27 was on scene and Deputy Detective Cole #91 responded to the scene and took pictures. Special Agent Wasko from the Union Pacific Rail Road arrived on scene (report# 09139698) and assisted with the train information that was need to complete the train section of the accident report. I was advised that Trooper CPl Bradley would be conducting the reconstruction of the train vs. car crash. At the request of Trooper Bradley a police hold was placed on the vehicle (V2) and was towed by Independence Specialty Tow. I then cleared for service.



