

# Bring Back Train Whistles — Coroner's Jury Says

By MARY DAWSON  
A coroner's jury at the September 17 inquest into the death of Albert Harrand, recommended that train whistles be reinstated in Richmond Hill.

Mr. Harrand was driver of a car involved in a collision with a freight train at the Crosby Avenue CNR crossing at 10:35 pm approximately Sunday evening July 21, in which five people were killed. The other victims were Mrs. Margaret Taylor, Mrs. Ena Brake, 13-year-old Victor Stone and nine-year-old Daniel Stone, all of Toronto. The driver and the two women were declared dead at the scene and Victor was dead on arrival at York Central Hospital, Daniel lived until July 31 before succumbing to his injuries in the Hospital for Sick Children, Toronto.

Foreman Munro Ashkanase presented the report of the jury to York County Coroner Dr. Bernard Granton. The jury found that Mr. Harrand's death was due to fractures to the brain resulting in injury to the brain received in the collision of the automobile in the driving with a train at the Crosby Avenue CNR crossing. All warning signals were operative and the jury could only assume that some form of distraction within the car, or brake failure, was a contributory factor. However, jurors felt that a train whistle might have been heard.

The recommendation to reinstate the train whistles was based on the facts that most of the town's residents live east of the track, that the railway line is used by only 16 or 17 trains daily and few of these are at night, and added, "Even if one life is saved, it will be worth it."

Other jurors were Ronald Harding, Kenneth Addley, David Harvey and Diane Troyan. Sgt. Ted McBrien of Richmond Hill Police represented the crown.

the northbound CNR freight, riding 53 cars behind the engine, stated all cars were empty and the first warning he had of the accident was when the train went into emergency.

**EMERGENCY STOP**  
John Poirier, CNR brakeman, reported he was riding on the left hand side of the diesel engine and at a distance of about 1,000 feet from the crossing observed that the flasher warning signals were working. When the train was approximately 125 feet away from the crossing he first noticed the car approaching, about 75 to 100 feet away, travelling at a normal speed, and realized that a collision was imminent. "I yelled to the hogger to 'soak it,'" he said, "and the hogger immediately put the train into emergency."

Later, at the request of Dr. Granton, Mr. Poirier translated "hogger" as engineer and "soak it" as making an emergency stop. Mr. Poirier also reported that the train's bell had been ringing since the last two crossings (Markham Road and Centre Street), but "we are not required to blow the train whistle as there is a town by-law." He also stated the train's headlights were working and the headlights of the car were working. The train was doing approximately 40 to 45 miles per hour. The car was going east and did not increase or decrease its speed, which he described as "normal" about 30 to 35 mph. The brakeman reported no other traffic in the area, the crossing looked clear until the train was within 100-150 feet, and there was no visibility problem.

He said the train was drawn by two 4,500 diesel engines, the front one of which had a long nose and the cab was located with about two-thirds of the engine ahead of it.

CNR Engineer N. B. Chubb reported that as his train came around the station curve, approximately 1,045 feet from the Crosby crossing he was able to see that the warning signals were operating and no traffic was using the crossing. "It was not until the brakeman yelled that I was aware of the approaching car," he stated. "I didn't see it at any time." Mr. Chubb reported he had worked this line for the last 10 years and stayed with his engine as required by the railroad.

**SAW CAR HIT TRAIN**  
Ian Gray, who was walking east on Crosby Avenue, on the

east side of the track and had just passed over the crossing, told the coroner and the jury that he turned around to watch the train pass and noticed car lights coming east on Crosby for an instant — "Then they were gone, and I heard the collision. The train came to a stop and I ran to a factory and got the workers to phone for the police and an ambulance." Mr. Gray also reported the warning signals working and the weather dry and stated the car hit the side of the train. "I could see the flash of the headlights between the wheels of the train," he reported, "and then they were gone."

Robert Ash, who lives on Crosby Avenue, reported he saw the car go by the driveway and was first aware of the accident when the train stopped suddenly. In answer to a question from a juror, he stated he did not hear the car apply its brakes or the screeching of tires.

Joseph Hartin, an employee of Horticultural Products, whose plant is located on Crosby Avenue beside the tracks, reported he was working outside about 400 feet from the crossing, which was well lit up, when he heard the train come to a stop. "Since Crosby Avenue drops down to go over the railway tracks, I couldn't see the car. I couldn't see the bottom half of the train but could see the flashing lights, which were operating."

He also told the jurors, in reply to a question, that the Board of Transport Commissioners does not normally approve crossing gates on a single line, but only where there are two or more mainline tracks. At Crosby Avenue, he said, the second track is a passing track, not a main line.

Mr. Robbins reported elimination of train whistles in Richmond Hill was the result of a

lights. Mr. Harrand asked that Mrs. Taylor ride in his car to direct him over this alternate route. "That was the last I saw of my wife," Mr. Taylor said. "When I came to Highway 400 the traffic was moving freely, so I used it. I didn't know anything about the accident until the police officer knocked on my door." Mr. Taylor reported.

He said he had driven the 1965 Mercury to Collingwood on Saturday, a round trip of eight miles and had found the brakes "lazy", although they would stop the vehicle. Asked to tell what he meant by "lazy", Mr. Taylor, a power brake specialist, said, "For a woman to drive the car, it wasn't safe — for a man driver, it was okay."

He described Mr. Harrand as a sensible driver and added, "If I hadn't thought so and thought the car roadworthy, my wife wouldn't have got into it."

Mr. Taylor also stated that Mr. Harrand had consumed only one pint of beer on Saturday evening, and "to my knowledge, none on Sunday. He fished with the kids down at the bay."

**TOWN'S BYLAW**  
Councillor Lois Hancey was called to give the background of Richmond Hill's Bylaw 1248 which prohibits the sounding of train whistles within Richmond Hill. It was passed by town council October 3, 1966, she reported, and approved by the Board of Transport Commissioners August 29, 1967. She reported the bylaw was introduced as the result of complaints from ratepayers. She also pointed out that Markham Township's Bylaw 2296 prohibits sounding of train whistles at eight crossings in the township.

**BRAKE LININGS GOOD**  
Mike Catania, licenced auto mechanic at Dan's Esso Service Station, reported he had checked the brake system of the car as closely as possible and found the linings in the back wheels good, the left front wheel locked and the right front wheel imbedded in the debris. The master cylinder was gone and the power brake unit was also missing, so he was not able to establish brake failure. However, he testified that there was no trace of any leakage of fluid, commenting that traces of brake fluid "will stick around for a number of months. The car was too mangled to come up with a decision," he stated.

**CARRIED 120 FEET**  
Richmond Hill Constable Douglas MacKay, arrived on the

scene at approximately 10:44 pm he testified. He helped move the two boys from the back seat and placed them in the ambulance. The car came to rest about 120 to 150 feet north of the crossing with greatest damage to the right front wheel well, he said. The only mark on the road was a gouge, possibly made by a metal object, but there were no brake marks and all railway warning signals were working. He identified Mr. Harrand as driver of the car because of the way he was situated and his shoe was near the brake pedal.

**MEASUREMENTS**  
Constable Kenneth Paton, who assisted Constable MacKay, testified as to measurements and visibility of the signal lights. In a test conducted at a later date, the glow of the signal lights was visible at the Yonge Street entrance to Crosby Avenue, two-thirds of a mile away, the lights themselves being clearly visible at Pugsley Avenue, approximately 1,000 feet west of the crossing. The warning bell could be heard 750 feet from the track, by the officer seated in his cruiser with the driver's window down and all others closed.

**6,059 CARS IN DAY**  
He also reported that a counter placed by the Toronto and York Roads Commission at the railway on the weekend of September 14-15, revealed that 6,059 cars passed over the crossing on Saturday and 3,087 on Sunday. Between 10-11 pm Saturday night 298 cars used the crossing and between the same hours Sunday 102.

**NO TRAFFIC VIOLATIONS**  
Constable Arthur Haney reported the deceased driver had no record of demerit points or traffic violations. He said the three adults were in the front seat and the two boys in the back. One of the driver's shoes was found under the accelerator pedal.

In charging the jury, Dr. Granton noted that there were four factors involved in the accident — the train, the crossing, the car and the driver. Railway crossings may or may not have warning lights, gates or a grade separation. He didn't feel that a grade separation was called for in this case, nor that the town's bylaw was unreasonable according to the density of population in the area. "Out in the Oakville district, the trains don't blow whistles," he said, "but they do have gates."

## INQUEST

Thirteen-year-old Robert Geary, photographer, identified six photographs taken at the scene of the accident, showing damage to the car and train.

**FLASHERS WERE WORKING**  
CNR Claims Agent E. J. Robbins stated he had investigated the accident on behalf of the railway. He said signals are checked weekly by the section and monthly by the railway's signals department. The warning flashers at Crosby Avenue had been checked by the section on Friday and were checked by the signals department in the early morning hours of July 22 in his presence. Both inspections found them in good working order, he reported.

He told the inquest that the signals are completely automated and have flashing red lights

bylaw passed by the town and approved by the Transport Commission — and that numerous cities in Ontario have similar bylaws. A maximum of 16 or 17 trains a day pass over the crossing.

**BRAKES LAZY**  
Gordon Taylor, husband of Mrs. Margaret Taylor, reported that Mr. Harrand and his other passengers had been weekend guests at his cottage near Collingwood. For some years when traffic on Highway 400 was heavy, he had made a practice of using the Aurora Sideroad, Yonge Street and Crosby Avenue on the return trip to his home at the Beaches. On the night of July 21, the Harrand car was following his and at the intersection of Highway 50 with Highway 9 had flashed its



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