

ACC

AC123/TN4

10000/148/2219

LE  
MAR

10000/148/2219

LEVEL CROSSINGS

MAR-JUN. 1944

ACP/gfh

HEADQUARTERS  
ALLIED CONTROL COMMISSION  
Transportation Sub-Commission  
APO 394

Our Reference : ACC Ta/123/17  
Date : 10 June 44

TO : Public Safety Sub-Commission,  
Rear H.Q., ACC.

SUBJECT : Level Crossings.

1. Reference is to your ACC/14610/PS of 29 May '44.
2. Cancellio-Maddaloni crossing is under control of Director General of Military Railway Services.
3. The latter informs no matter has been taken up with Italian State Railways officials, and it is reported that the watchman on duty has been reprimanded, and lanterns have been provided for use at night.

*A. E. Vining*  
E.E. VINING,  
Lieut-Colonel,  
Director, Transportation Sub-Commission, ACC.

3947

Allied Force  
MILITARY RAILWAY SERVICE  
Office of Director General

A. P. O. 400  
7 June, 1944

Subject: Grade Crossing on Canello-Maddaloni Line

To: Hq, A.C.C., Transportation Sub-commission, A. P. O. 394

1. Reference your letter ACC TN/123/11, of 7 April 1944, relative to this grade crossing being unprotected at night.
2. The matter was referred to I.S.R. officials for investigation and correction and we have been advised by them that the watchman on duty has been reprimanded and measures are being taken to provide watchmen with lanterns to avoid recurrence.

For the Director General:

*Benjamin H. Decker*  
BENJAMIN H. DECKER  
Lt. Col., T.C.  
General Supt. Transpn.  
Transportation Dept

3946

123/15  
LEV/ap

HEADQUARTERS  
ALLIED CONTROL COMMISSION  
Transportation-Sub-Commission.  
APO 394.

Our Ref : ACC Tn/123/15

Date : 5 Jun 44

TO : D.C.M.R.S (Attention Col. Dougherty)

SUBJECT : Level Crossings.

1. Reference is to my letter ACC Tn/123/11 of 7 April 44, relating to level crossing on the Cancellio-Maddaloni being uncontrolled at night.

2. Reply is requested as to any action taken.

*Carl Vinson*  
for L.E. VINING,  
Lieut-Colonel,

Director Transportation Sub-Commission, ACC. 3945

30 MAY 1944

777

9195

123/14

REAR HEADQUARTERS  
ALLIED CONTROL COMMISSION  
Public Safety Sub-Commission

29 May 1944.

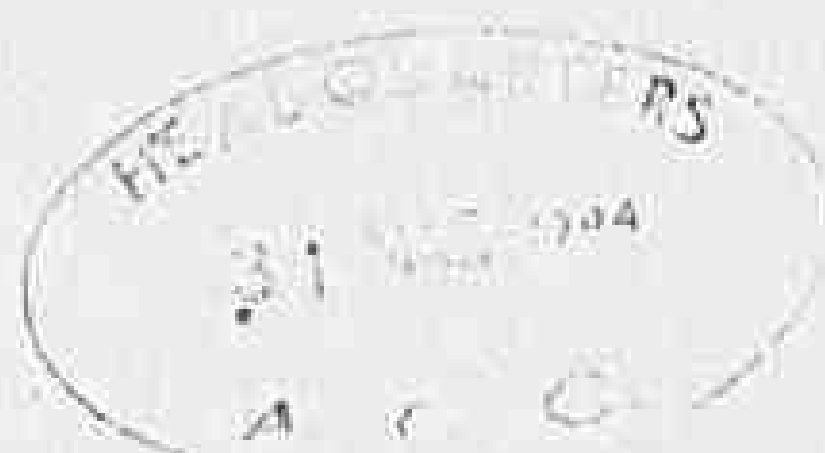
ACC/14610/PS

SUBJECT: Level Crossings.

TO : Transportation Sub-Commission. ✓

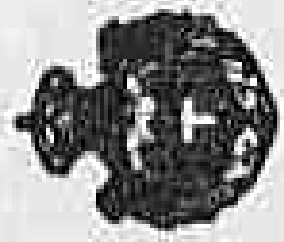
Reference our letter ACC/14610/PS dated 3 April 44 enclosing 3 District letter complaining about level-crossing on the Cancellic-Maddaloni road.

Are you yet in a position to state whether anything has been done to control this level-crossing during the hours of darkness?



*A. E. Young*  
for A. E. YOUNG, Colonel,  
Deputy Chief, Public  
Safety Sub-Commission.

3942



MINISTERO DELLE COMUNICAZIONI  
SOTTOSEGRETARIATO DI STATO

FERROVIE - MOTORIZZAZIONE CIVILE  
TRASPORTI IN CONCESSIONE

OGGETTO:

Incidente ferroviario a Montiguto. =

all.

NA BARI

194

N. 1728/T.O./1 Sez.

al D. ACC/Int/Tab/7 del 18-1

ALLA SOTTOCOMMISSIONE TRASPORTI INTERNI

N A P O L I

Nell'acusare ricevuta dei documenti trasmessi con la lettera su distinte, mi prego informare cotesta Sottocommissione di avere subito disposto per l'espletamento di una sollecita e rigorosa inchiesta:

- a) per la contestazione, secondo le norme stabilite dal regolamento disciplinare italiano, delle responsabilità emerse a carico del Capo Stazione SALVI Enrico;
- b) per l'accertamento di altre eventuali responsabilità di carattere secondario. =

Mi riservo quindi di trasmettere appena ultimata l'inchiesta una completa relazione sul luttuoso incidente che causò la morte del Caporale D.J. Bari, con l'indicazione dei provvedimenti punitivi adottati a carico dei responsabili. =

IL SOTTOSEGRETARIO DI STATO

*Carlo Tanzi*

## OGGETTO:

Incidente ferroviario a Montagnano. =

all. ....

N. 1728/I.O./1 seg.

al R. ACC/TP/I 22/7 del 1944

## ALLA SOTTOCOMMISSIONE TRASPORTI INTERNI

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Nell'accusare ricevuta dei documenti trasmessi con la lettera su distinta, mi prego informare cotesta Sottocommissione di avere subito disposto per l'espletamento di una sollecita e rigorosa inchiesta:

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- b) per l'accertamento di altre eventuali responsabilità di carattere secondario. =

Mi riservo quindi di trasmettere appena ultimata l'inchiesta una completa relazione sul luttuoso incidente che causò la morte del Caporale D.J. Earl, con l'indicazione dei provvedimenti punitivi adottati a carico dei responsabili. =

IL SOTTOSEGRETARIO DI STATO

*Carlo Farini*

3943

Wagles, 21-4-44

No 1728/1.0/1 Sec.

ACC/Tn/123/7 of 16-4-44

Subject - R. accident - Montego.

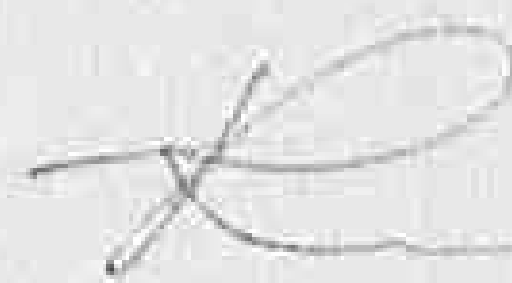
To. Tn. Sub-Comm.

Confirming receipt of documents and above mentioned letter, & by to inform the Sub-Commission that immediate action has been taken for the investigation of said incident.

- a) for the contestation, according to Italian disciplinary laws, of the responsibility of the station Master, SPIN E NRICO;
- b) to ascertain further responsibility even though secondary.

As soon as the investigation has been completed I shall transmit a complete report as to the cause of Cpl. D. J. EARL's untimely death, indicating punitive measures adopted against those responsible.

The Under Secretary of State



Initiation by Lt. Barone -

3942

REAR HEADQUARTERS  
ALLIED CONTROL COMMISSION  
Legal Subcommittee  
APO 394

GRU/gmf

123/12

ACC/4014/4/L

17 March 1944.

SUBJECT: Accident, Montaguto.

TO : Internal Transportation Subcommittee, ACC. ✓

1. Ref your ACC Tn/123/1 dated 12 March 44 I enclose copy of a self explanatory letter to the Public Safety Subcommittee.

X // 2. Please arrange for 16 L of C Signals to cooperate in the further investigations to be made.

3. You will be kept informed of the progress made in this matter.

*G. R. Upjohn*  
G. R. UPJOHN, Colonel  
Chief Legal Officer.

3941

17 MAR 1944

GRU/gmf

HEAD HEADQUARTERS  
ALLIED CONTROL COMMISSION  
Legal Subcommittee  
APO 394

17 March 1944.

ACC/4014/4

SUBJECT: Accident, Montaguto.

TO : Public Safety Subcommittee, ACC.

As arranged with Col. Kirk I pass to you file in the a/m matter.

As you will observe from the proceedings of the Court of Inquiry there is at the present insufficient evidence even to constitute a prima facie case against the Italian level crossing keeper, line controller or station master but your further investigations may disclose further facts which would justify criminal proceedings against one or both of the Italians.

Without attempting to limit the scope of your inquiry the following points appear to deserve especial notice:

(1) Is Caro Filo Carmina the same as the official seen with the flag; what were his duties at the time and what was the scope of his beat?

(2) What procedure is laid down for signalling trains when the telephone fails and why was it not employed. Was the train on time and why was the level crossing keeper not on the alert?

(3) The stationmaster must have known the telephone was out of order. Why did he not stop the train or at any rate warn the driver?

I am asking 16 L of C Signals to give you all assistance in your investigations.

*G. R. Upjohn*

G. R. UPJOHN  
Colonel  
Chief Legal Officer.

Copy to: File ACC/4014/5/L

3940

Transportation Sub-Commission, ACC.  
c/o Mr. & Mrs.  
H.A., A.A.L. (Adm. Schelon),  
C. S. P.

Our Reference : ACC Tn/123/11

Date : 7th April 44

TO : D.G.P.R.S. (Attention Col. Dougherty).

SUBJECT : Level Crossings.

1. Reference your letter dated 29th March.
2. Enclosed herewith a copy of letter forwarded to this Sub-Commission from the C.O. No. 3 District.
3. Will you please have this complaint investigated and inform me what action is taken so that a reply can be sent to the C.O. No. 3 District.

*EOM*  
S.A. FITCH,  
Colonel,  
Director, Transportation Sub-Commission, ACC.

C O P YSUBJECT : Level Crossings.3 District  
Tel. Ext. 17  
35A  
31 March 1944.  

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Rear HQ  
ACC

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Ref your ACC/14610/1/PS dated 26 March 1944

1. It has been reported that OC 657 Gen Tpt Coy once again approached the level crossing on the Cancellio-Maddaloni road at approx 0100 hrs and seeing no watchman, went to his hut to investigate and found him asleep. The watchman stated that he had no means of stopping traffic, other than by waving his arms, and that he is not in possession of a lantern or whistle.
2. May this please be investigated.

Maj. Gen.  
Comd.

4 APR 1944

4122  
123/10

REAR HEADQUARTERS  
ALLIED CONTROL COMMISSION  
Public Safety Sub-Commission

3 April 1944.

ACC/14610/ PS.

SUBJECT : Level crossings.

TO : Internal Transportation Sub-Commission  
ACC. Mov. Tr.  
HQ., AAI ( Adm. Echelon ) On F.

1. With reference to your letter ACC. Tr./123/5 dated 23rd March 1944, the attached letter dated 31st March 1944 has been received from the Commanding Office 3 District complaining that the level crossing on the Cancelli-Maddaloni road is still uncontrolled at night.

2. It is requested that a reply be sent to this Sub-Commission for transmission to 3 District.

*W. W. Cox*

for PAUL G. KIRK Major  
Colonel Inf.,  
Chief Public Safety  
Sub-Commission.

Enclosure  
Copy HQ. 3 Dist. Letter No. 353 A.

AFM/vf.

3928

COPY

SUBJECT :- Level crossings.

3 District  
Tel. Ext. 17  
353A  
31 March 1944.

Rear HQ  
ACC

Ref your ACC/14610/1/PS dated 26 March 1944

1. It has been reported that CC 657 Gen Tpt Coy once again approached the level crossing on the Cancelli- Maddaloni road at approx 0100 hrs and seeing no watchman, went to his hut to investigate and found him asleep. The watchman stated that he had no means of stopping traffic, other than by waving his arms, and that he is not in possession of a lantern or whistle.
2. May this please be investigated.

Maj. Gen.  
Comd.

Transportation Sub-Commission, ACC.,  
C/o Mr. E. Tn.,  
H.Q., A.A.I. (Adm. Echelon),  
C.M.F.

Our reference : ACC Tn/123/9.

Date : 6 Apr 44.

TO : Commanding General,  
No. 3 District, CMF.

SUBJECT : Railway Accidents.

1. Reference your 128/17A dated 6 Mar 44.
2. Copy of the Proceedings of a Court of Enquiry (death of 2336244 Cpl. Earl, D.J. R. Signals) transmitted with your above reference are returned herewith.
3. In collaboration with Legal Sub-Commission, ACC some further investigation was made, which has been summarized as follows:

\* i) The fatal accident would have been avoided if Anna GIAMBI, the level crossing keeper, had closed the gates of the crossing prior to the arrival of the train.

ii) Anna GIAMBI should have been warned by telephone of the train's approach by Enrico SALVI (Station-master at SAVIGNANO) She was not warned. She can therefore be exonerated.

iii) Enrico SALVI (Station-master at Savignano) admits that it was his responsibility to telephone to the level crossing keeper. He instructed an employee (ANTONELLI) to telephone to see if the line was clear. ANTONELLI telephoned to Montaguto Station ( a record of this message is in the Station log) but did not notify the level crossing keeper.

iv) The blame therefore rests between SALVI and ANTONELLI.

v) ANTONELLI was merely a clerk employed at Montaguto Station who happened to be waiting for the train on Savignano Station. The responsibility for notifying the civil crossing keeper lay with SALVI.

It appears that SALVI was negligent in not giving clear instructions to ANTONELLI and in not assuring himself that the level crossing keeper had been notified.

SALVI's statements are unsatisfactory particularly the original statement made to the Court of Enquiry on 16th Feb. 1944 when he said that he was unable to telephone because the line was broken."

4. On advice of Legal Sub-Commission, ACC the matter has now been referred to Railways Section, Italian Ministry of Communications, for action and report.

3927  
S.A. FITCH,  
Colonel,

Director, Transportation Sub-Commission, ACC.

1 APR 1944

/gmf

REAR HEADQUARTERS  
ALLIED CONTROL COMMISSION  
Legal Subcommittee  
APO 394

ACC/H104/4/L

31 March 1944.

SUBJECT: Accident at Montaguto.

TO : Internal Transportation Subcommittee, ACC. ✓

1. Ref the attached documents;

(a) No. 3 District HQ letter ref 128/17A, date 6 March 44.

(b) Proceedings of Court of Inquiry "Death of 2336244 Cpl. Earl, D.J., R. Signals".

(c) Letter Public Safety Subcommittee date 27 March 1944 and attached statement of witnesses.

2. Such negligence as appears from the record is chargeable only against Selvi Enrico, station master. It is not of a character, however, of which cognizance should be taken by Allied Military Courts. If criminal proceedings are to be instituted, they should be undertaken by the Italian authorities in the Italian courts.

3. It is therefore recommended that the matter be referred to Gen. D. Raimondo, Railroads Section of the Ministry of Communications, Palazzo delle Ferrovie, Naples, for action and report.

*G. R. Upjohn*  
G. R. UPJOHN, Colonel  
Chief Legal Officer.

3926

REAR HEADQUARTERS  
ALLIED CONTROL COMMISSION  
Public Safety Sub-Commission  
APO 394

27 March 1944

SUBJECT: Railway accident at Montaguto.

TO : Legal Sub-Commission, ACC.

1. With reference to letter (Ref.ACC/4014/4) of 17 March, 1944, from the Legal Sub-Commission enclosing a file on the above subject, enquiries have been made at Montaguto and Savignano by Capt. Ronnie, Police Division, Public Safety Sub-Commission, and statements have been taken by this officer from

- (a) ANTONELLI Leonardo, age 21, a clerk employed at Montaguto Railway Station, and residing at Savignano Railway Station,
  - (b) CIAMBI, Anna Carusa, age 57, the keeper of No. 47 Level crossing (or intersection), Montaguto.
- SALVI, Enrico, the station-master at Savignano, was interviewed twice before and after statements had been taken from the above named. Notes were made of his replies to questions but he was not invited to make a signed statement at this stage of the enquiry; the substance of his replies is incorporated in a statement by Capt. Ronnie.

2. The three statements referred to are attached hereto.

3. With regard to the three points raised in the letter from the Legal Sub-Commission it was learned that

- (a) Caro Filo Carmina was the official seen with the flag at the crossing; his duties consist of examining the permanent way between Savignano and a point just beyond Montaguto, and he patrols this stretch of line twice a day. He is not in any way responsible for signalling trains or ensuring their safety at intersections.
- (b) (i) The Station master at Savignano states that when the telephone system fails he merely warns the engineer of the breakdown in communications, and advises him to keep a sharp look-out. It must be made clear that there is one telephone line connecting Savignano with Montaguto, and every time one Station rings the other bells also ring in the level crossing keeper's house and in a hut situated between the house and the track, as her telephones are in the same line. There is a system of ringing, in operation, for instance - one short, one long and another short ring means Savignano Station is calling Montaguto Station; three long rings means that Montaguto Station is calling Savignano Station; one short and one long ring means that one of the Stations is calling the level crossing. When a train is waiting at one station

the practice (as laid down in a war time Directive by the Railway authorities) is first to telephone the next Station to enquire if the way is clear for the train to proceed, and upon receiving an affirmative reply then to telephone the level crossing and give warning of the approach of the train.

(ii) The question as to whether the train was on time does not arise as under the present conditions of partial operation by the military there is no schedule or time table to be adhered to.

(iii) It seems fairly clear that the reason why the crossing keeper was not on the alert was because she had not been warned by Savignano Station that the train was approaching.

- (c) The Station-master did not know that the telephone was out of order (in point of fact, it appears, it was used before and after the accident) and only put this suggestion forward because he was told after the accident that the instrument was broken. The crossing keeper states that when someone (presumably one of the soldiers present) required the telephone to call for assistance it was discovered that the receiver was missing from the instrument in the hutment. This, however, would not prevent signals being received and answered from the telephone in the house even if the damage occurred prior to the accident. The woman made vague suggestions to the effect that Antonelli might have stolen the receiver, but there was insufficient time on this day to return to Montaguto and question him further on this point. The only reason that can be seen for such an action on Antonelli's part, is that he wanted to prepare in advance an excuse for the accident, and this presumes that he did not know or forgot the presence of the second instrument in the house.

4. The investigation may be summarized as follows:

i) The fatal accident would have been avoided if Anna GIAMEI, the level crossing keeper, had closed the gates of the crossing prior to the arrival of the train.

ii) Anna GIAMEI should have been warned by telephone of the train's approach by Enrico SALVI (Station-master at SAVIGNANO) She was not warned. She can therefore be exonerated.

iii) Enrico SALVI (Station-master at Savignano) admits that it was his responsibility to telephone to the level crossing keeper. He instructed an employee (ANTONELLI) to telephone to see if the line was clear. ANTONELLI telephoned to Montaguto Station (a record of this message is in the Station log) but did not notify the level crossing keeper.

iv) The blame therefore rests between SALVI and ANTONELLI.

v) ANTONELLI was merely a clerk employed at Montaguto Station who happened to be waiting for the train on Savignano Station. The responsibility for notifying the Civil crossing keeper lay with SALVI.

It appears that SALVI was negligent in not giving clear instructions to ANTONELLI and in not assuring himself that the level crossing keeper had been notified.

SALVI's statements are unsatisfactory particularly the original statement made to the Court of Enquiry on 16th Feb. 1944 when he said that he was unable to telephone because the line was broken.

5. As regards SALVI's statement to Capt. Ronnie that he had never appeared before a Court of Enquiry, it is assumed that SALVI did not appreciate that the English officers questioning him were the Court of Enquiry. This point can only be cleared up by contacting the 16 L of C signals officers concerned who are now stationed at Pietrelana, north of Benevento. This can be done later if it is thought necessary.

6. It appears from the evidence now collected that there was negligence on the part of Enrico SALVI.

These papers are submitted for your consideration.

*Paul G. Kirk*  
Pr PAUL G. KIRK  
Colonel, Inf.  
Chief, Public Safety  
SubCommission.

WR/hgd

ALLIED CONTROL COMMISSION  
Public Safety Sub-Commission

Subject: Railway Accident at Monteguto

STATEMENT OF WITNESS

ANTONELLI, Leonardo states:

I am 21 years of age, and am a clerk employed at Monteguto Railway Station. I reside at Savignano Railway Station.

At 6:50 A.M., on 15 February, 1944, I was at Savignano Railway Station awaiting a train to take me to my place of work at Monteguto Railway Station.

The Station master at Savignano asked me to telephone Monteguto Station, notify them that a train was approaching and ask if they were ready to receive it.

I telephoned Monteguto and spoke to an official there - Cipriani - (I recognized his voice). He said that the way was clear.

The train stops at Savignano, and if Monteguto replies that the way is not clear it is not allowed to proceed.

Level crossing No. 47 is between Savignano and Monteguto and is looked after by Anna Cerusa and her husband. The telephone wire which runs from Savignano to Monteguto is also connected to a bell in the level crossing box, and I understand that the level crossing keeper should answer the telephone and listen in to all messages. In addition it is the responsibility of the Station master at Savignano, Enrico Salvi, to notify the level crossing keeper of the approach of a train. On this particular occasion I do not know whether he did or not as I got in the train myself to go to work at Monteguto.

I did not witness the accident but felt a bump as the train passed over the crossing. The engineer blew his whistle when the engine was about 300 metres from the crossing.

The procedure at Savignano is such that if Monteguto gives a reply that all is clear, the train will leave even though the telephone to the level crossing box is out of order and the keeper there has not replied to a message, and, in fact, does not know that a train is coming.

(Signed) Antonelli Leonardo.

I am 21 years of age, and am a clerk employed at the Station. I reside at Savignano Railway Station.

At 6:50 A.M., on 15 February, 1944, I was at Savignano Railway Station awaiting a train to take me to my place of work at Monteguto Railway Station.

The Station master at Savignano asked me to telephone Monteguto Station, notify them that a train was approaching and ask if they were ready to receive it.

I telephoned Monteguto and spoke to an official there - Cipriani - (I recognized his voice). He said that the way was clear.

The train stops at Savignano, and if Monteguto replies that the way is not clear it is not allowed to proceed.

Level crossing No. 47 is between Savignano and Monteguto and is looked after by Anna Carusi and her husband. The telephone wire which runs from Savignano to Monteguto is also connected to a bell in the level crossing box, and I understand that the level crossing keeper should answer the telephone and listen in to all messages. In addition it is the responsibility of the Station master at Savignano, Enrico Selvi, to notify the level crossing keeper of the approach of a train. On this particular occasion I do not know whether he did or not as I got in the train myself to go to work at Monteguto.

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The procedure at Savignano is such that if Monteguto gives a reply that all is clear, the train will leave even though the telephone to the level crossing box is out of order and the keeper there has not replied to a message, and, in fact, does not know that a train is coming.

(Signed) Antonelli Leonardo.

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ALLIED CONTROL COMMISSION  
Public Safety Sub-Commission

SUBJECT: Railway accident at Montaguto

STATEMENT OF WITNESS

Carusa Anna in GIAREI States:

I am 57 years of age, and am a level crossing (or intersection) keeper at Crossing No. 47, Montaguto

My husband - GIAREI, Pellegrini - and I look after No. 47 Level crossing; I work by day and he by night.

We are connected with a single telephone line from Savignano to Montaguto and every time one station telephones the other two telephone bells ring at the intersection - one in my house and one in the hutment outside. I used to listen to what was being said between the two stations but I was reprimanded for doing so. The second telephone was fitted into my house by the American authorities as the hutment outside was not fit to use in bad weather. There is a system of bells used - one short and one long ring means that a station wants me; one long and one short ring means that Savignano wants Montaguto, and three long rings is Montaguto calling Savignano.

On the morning of 15th February 1944, when the accident occurred, I had received no message from Savignano informing me that a train was coming. I cannot remember whether I heard the bells ring to indicate that Savignano was telephoning Montaguto just before the accident.

About a quarter of an hour before the accident I telephoned Montaguto from the instrument in the hutment and it was then in order.

After the accident someone discovered that the telephone receiver from the hutment was missing, and it has never been found. I had fainted but later, I, myself, saw that it was missing. The soldiers telephoned about the accident from the house.

The fact that the receiver was missing would not prevent the bells ringing, and I could answer from the house. In fact, I had some trains over the crossing later in the day and was informed by the station in the usual way, and I used the house telephone.

It has occasionally happened before that trains have gone over the crossing without my being informed, but there has never been an accident before.

I receive messages from anyone at the stations - not from any particular persons.

Generally, there is a lapse of five minutes in the case of an electric train, and a little longer for a steam train, before it reaches the crossing after I have received the message from the station.

In my opinion the accident was due to the fact that I did not receive a message from Savignano, although the telephone was functioning at the time.

I work by day and he by night.

We are connected with a single telephone line from Savignano to Montaguto and every time one station telephones the other two telephone bells ring at the intersection - one in my house and one in the hutment outside. I used to listen to what was being said between the two stations but I was reprimanded for doing so. The second telephone was fitted into my house by the American authorities as the hutment outside was not fit to use in bad weather. There is a system of bells used - one short and one long ring means that a Station wants me; one long and one short ring means that Savignano wants Montaguto, and three long rings is Montaguto calling Savignano.

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In my opinion the accident was due to the fact that I did not receive a message from Savignano, although the telephone was functioning at the time.

(signed) Caruso Anna in Ciamei.

This woman's husband, - CIAMEI, Pellegrini, was present at the interview with his wife and said that he can, if necessary, corroborate the relevant facts as he was on the premises prior to and at the time of the accident.

3921

NEAR HEADQUARTERS  
ALLIED CONTROL COMMISSION  
Public Safety Sub-Commission

26 March 1944.

SUBJECT: Railway Accident at Monteguto.

STATEMENT OF WITNESSES

Capt. William Ronnie states:

At 12.45 hours on Saturday, 23rd March, 1944, I interviewed SALVI, Enrico, the Station Master of Savignano, in a room at his station.

I told him through an interpreter that I was making inquiries into a fatal accident at Monteguto level crossing on 15th February which involved an engine and a British military motor-cyclist.

I asked him what method is used to warn the level crossing keeper of the approach of a train and he said, "She is warned by telephone." I asked, "Is there an alternative means in the event of the telephone breaking down?" He replied "The engineer is warned to keep a look-out." I enquired "Was the level crossing keeper warned of the approach of a train prior to this accident?" He said "I telephoned to her," and then amended this to "I did not telephone personally but one of my agents - Leonardo Antonelli - told me that he had done so. This man works at Monteguto but was at Savignano waiting for the train." I said "What doesn't agree with your evidence before the Court of Enquiry - you said there that the telephone was broken and you could not warn the level crossing keeper." He replied "That is what I have been told by GIANNI, who is in charge of the crossing. As far as I am concerned I was satisfied that the Monteguto level crossing had been warned of the approach of the train by Antonelli." I asked "Why haven't you told this story before?" and he replied "This is what I told an English officer when I was interrogated. I have not been to a Court of Enquiry, but have only made a statement to an English officer. I told the English officer that my evidence about the broken telephone was what I had been told."

At 3.00 p.m. on the same day, after interviewing the witnesses Antonelli and Gianni, I again saw Salvi. I said to him, "I understand that the practice when a train comes into this Station is to ring Monteguto Station and enquire if the way is clear, and then separately inform the intersection. Is that so?" He said "Before the war the ring to the Station also informed the intersection, but we have had a directive since instructing that they shall be telephoned separately." I then asked him to tell me in his own words what happened on the morning of 15th February and he said "It is customary - after one has been told that the way is clear - to ring the level crossing and tell them that a train is coming. On this particular occasion I asked Antonelli to find out if the line was clear. I did not check up whether Antonelli had warned the crossing because it is customary to do so. It is my duty to find out whether the way is clear and then notify No. 47. I can delegate this duty." I told Salvi that the bells at No. 47 had been working on the morning of the accident, and that in my opinion the fatality was due to the fact that No. 47 had

Trico, the Station Master or signaller, that I was making inquiries into a fatal accident at Monteguto level crossing on 15th February which involved an engine and a British military motor-cyclist.

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WILLIAM ROWLER,  
Captain.

3920

REAR HEADQUARTERS  
ALLIED CONTROL COMMISSION  
Legal Subcommittee  
APO 394

17 MAR 1944

GRU/gmf

17 March 1944.

ACC/4014/4

SUBJECT: Accident, Montaguto.

TO : Public Safety Subcommittee, ACC.

As arranged with Col. Kirk I pass to you file in the a/m matter.

As you will observe from the proceedings of the Court of Inquiry there is at the present insufficient evidence even to constitute a prima facie case against the Italian level crossing keeper, line controller or station master but your further investigations may disclose further facts which would justify criminal proceedings against one or both of the Italians.

Without attempting to limit the scope of your inquiry the following points appear to deserve especial notice:

(1) Is Caro Filo Carmina the same as the official seen with the flag; what were his duties at the time and what was the scope of his beat?

(2) What procedure is laid down for signalling trains when the telephone fails and why was it not employed. Was the train on time and why was the level crossing keeper not on the alert?

(3) The stationmaster must have known the telephone was out of order. Why did he not stop the train or at any rate warn the driver?

I am asking 16 L of C Signals to give you all assistance in your investigations.

*Montaguto  
to be kept  
under review  
until full  
investigation  
is done*  
*for*  
G. R. UPJOHN  
Colonel  
Chief Legal Officer.

Copy to: File ACC/4014/5/L

3929

CONFIDENTIAL

SUBJECT: Court of Inquiry - Death of  
2336244 Cpl EARL, D.J., R.Signals

3 District  
Tel Ext 17  
128/17 A  
6 Mar 44

HQ ACC

A 57 Area

1. Ref enclosed copy of the Proceedings of a Court of Inquiry relating to an accident resulting in the death of 2336244 Cpl EARL, D.J., R.Sigs.
2. On the face of the evidence the accident was due entirely to negligence on the part of officials of the Italian State Railways and in particular to the negligence of the fifth witness who is the official referred to in the evidence of the second and third witnesses.
3. In view of the circumstances of the case it is requested that action be taken against the responsible Italian official.
4. Please return enclosed proceedings after perusal.

AWJ/EJP

*[Signature]*  
Maj Gen  
Comd

3928

1666

CONFIDENTIAL

SUBJECT: Court of Inquiry - Death of  
2336244 Cpl EARL, D.J., R.Sigs

3 District  
Tel Ext 17  
128/17 A  
6 Mar 44

HQ ACC

A 57 Area

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3. In view of the circumstances of the case it is requested that action be taken against the responsible Italian official.
4. Please return enclosed proceedings after perusal.

AWJ/EJP

Maj Gen  
Comd

3928

1666

Proceedings of a COURT OF ENQUIRY assembled at MONTAGUTO Pt. AVELLINO on the Sixteenth February 1944 by order of Major L.C. UDELL, M.B.E. R. Signals. Commanding 16 L. of C. Signals for the purpose of enquiring into the circumstances surrounding the death of 2336244 Cpl. EARL, D.J., R. Signals.

-----  
PRESIDENT:

Capt. F.J. HIGGS, R. Signals

MEMBERS:

Lieut. J.T. Todd, R. Signals  
Lieut. R.F.E. Baker, R. Signals.

The COURT having assembled pursuant to order, proceed to examine the witnesses.

First Witness.

No. 2573914 Sjt. BOWERS, H.W.

states:

At 0830 hrs. on the fifteenth of February 1944 I was riding a motor cycle which formed part of a convoy moving from GOGGLA to BENEVENTO. As I approached the railway crossing of MONTAGUTO, I noticed that there was no barrier and no one present controlling the crossing. When I was approximately a hundred and fifty yards past the level crossing I heard the whistling of an engine hooter. I immediately stopped, looked round and saw the last truck which was then half way over the crossing. I shouted but no one heard me. I then saw the last truck pass over the crossing being narrowly missed by the train but I saw the train hit the motor cycle on which Cpl. EARL was riding immediately behind the last truck. The last truck stopped and I went straight on to inform the C.O. of the convoy, Lieut. S. Cowell, R. Signals of what had happened.

(signed) H.W. Bowers, Sjt. 2573914.  
R. Signals, 16 Feb. 1944.

Questioned by the Court, Sjt. Bowers further states:

It was not possible to see a train approaching from BENEVENTO direction until actually on the crossing owing to the bend of the railway and a house on the side of the crossing. When I saw the train it appeared to be travelling, as far as I can judge, at between 35 to 45 miles an hour. The train which was a small armoured train, pulled up about 30 yards after the crossing.

(signed) H.W. Bowers, Sjt. 2573914  
R. Signals, 16 Feb. 1944.

Capt. F.J. Higgs, R. Signals

MEMBERS:

Lieut. J.T. Todd, R. Signals  
Lieut. R.F.E. Baker, R. Signals.

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(signed) H.W. Bowers, Sjt. 2573914.  
R. Signals. 16 Feb. 1944.

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(signed) H.W. Bowers, Sjt. 2573914  
R. Signals. 16 Feb. 1944.

Second Witness. 14527899 L/Cpl. SIMMS, A. states:

I was travelling in the back of the last truck of the convoy. Just as we passed over the crossing a train flashed past and I saw it hit Cpl. Earl. At the time of the accident I saw a civilian railway official standing on the left hand side of the road beside the crossing. He had his hands in his pockets and a flag under his arm. I tried to attract the attention of the driver of the truck and eventually he stopped.

(signed) 14527899 L/Cpl. SIMMS, A.  
16/2/44.

3937

Third Witness.

284646 Lieut. S. Cowell, states:

I was O.C. convoy proceeding from FOGGIA to BENEVENTO. On approaching the level crossing I noticed an Italian Railway official wearing an armlet and carrying a flag. He was standing on the left hand side of the road and appeared to be guarding the crossing. For this reason I did not post a D.R. at the crossing. About a quarter of a mile past the crossing, an armoured loco. passed us proceeding in the direction of the crossing. The driver had his whistle full open. A few moments later Sgt. Bowers informed me that there had been an accident. I left instructions for the convoy to keep moving and returned to the crossing. On arrival there I noticed the loco No. 1240 driven by T4. R.J. JENNINGS of C. Coy. 715 Railroad Op. Bn. had pulled up at approximately 30 yards from the crossing. I found Cpl. Earl lying beside the track about fifteen yards from the crossing. On examination I found he was dead. His motor cycle was about five yards away in a badly damaged condition. I arranged for two of my sergeants to convey the body back to FOGGIA and proceeded on to BENEVENTO.

(signed) S. Cowell, Lieut.  
16 Feb. 1944

Fourth Witness.

CARUSA ANNA (Italian civilian) states:

(by means of an interpreter)

I am in charge of the level crossing at MONTACUTO. Prior to the approach of a train I am signalled by telephone from SAVIGNANO Railway station. Before the arrival of the train which caused the accident I received no signal from the railway station and did not know the train was coming. If I had known of the train I would have put barriers across the road. When I went to see what had happened I saw the Controller of the Line, a railway official beside the crossing. His name is Caro Filo Carmine.

(signed) Caruso Anna.  
16 Feb. 1944.

I have translated the statement of Carusa Anna as written out above and she agrees to it.

(signed) D'Orta Stan.

(Interpreter, 16 Feb. 1944.)

Fifth Witness

CARO FILO CARMINA (Italian Railway Official, states:  
(by means of an interpreter)

I am a Controller of the Line. Just before the accident I was walking along the line and had reached the level crossing. I was waiting until the convoy had passed in order to cross the road. I did not know that there was a train due, and did not see this train until it was too late to stop the vehicles or the train.

(Signed) Caro Filo Carmine  
16 Feb. 44.

3928

I have translated the statement of Caro Filo Carmine as written out above and he agrees to it.

approximately 30 yards from the crossing. I found the track about fifteen yards from the crossing. On examination I found the track about five yards away in a badly damaged condition. His motor cycle was about five yards away in a badly damaged condition. I arranged for two of my sergeants to convey the body back to FOGGIA and proceeded on to BENEVENTO.

(signed) S. Cowell, Lieut.  
16 Feb. 1944

Fourth Witness. CARUSA ANNA (Italian civilian) states:

(by means of an interpreter)

I am in charge of the level crossing at MONTAGUTO. Prior to the approach of a train I am signalled by telephone from SAVIGNANO Railway station. Before the arrival of the train which caused the accident I received no signal from the railway station and did not know the train was coming. If I had known of the train I would have put barriers across the road. When I went to see what had happened I saw the Controller of the Line, a railway official beside the crossing. His name is Caro Filo Carmine.

(signed) Caruso Anna.  
16 Feb. 1944.

I have translated the statement of Carusa Anna as written out above and she agrees to it.

(signed) D'Orta Stan.  
(Interpreter, 16 Feb. 1944.)

Fifth Witness CARO FILO CARMINA (Italian Railway Official, states:  
(by means of an interpreter)

I am a Controller of the Line. Just before the accident I was walking along the line and had reached the level crossing. I was waiting until the convoy had passed in order to cross the road. I did not know that there was a train due, and did not see this train until it was too late to stop the vehicles or the train.

(Signed) Caro Filo Carmine  
16 Feb. 44.

3926

I have translated the statement of Caro Filo Carmine as written out above and he agrees to it.

(Signed) D'Orta Stan.  
16 Feb. 1944.

Sixth Witness. SALVI ENRICO, Italian Railway Official, states:  
(by means of an interpreter)

I am the stationmaster of SAVIGNANO Railway station. It is usual to signal MONTAGUTO level crossing by telephone when the train is due. I tried to telephone and inform the person in charge of the level crossing of the approach of the train, which caused the accident. I was unable to do so because the line was broken. It must have been broken during the night. It was repaired in that day.

(signed) Salvi Enrico  
16 Feb. 1944.

I have translated the statement of Salvi Enrico as written out above and he agrees to it.  
D'Orta Stan. 16 Feb. 1944.

-3-

Seventh Witness.      T4 R.J. JENNINGS.    Coy. 3, 715th. Rly. Op. Bn. APO400 states:

I was the driver of the train involved in the accident. On approaching the level crossing I slowed down to approximately 14 m.p.h. I blew the whistle for about 200 yards up to the crossing. On reaching the crossing a truck shot in front of the engine causing me to slow down another 4 m.p.h. When about nine feet over the crossing a motor cycle, coming from the north, collided with the engine, hitting the right front part. The rider was thrown off into clear about thirty feet from the crossing. The motor cycle was carried another twenty feet before it was thrown clear at the same time as I stopped the engine. I ran back to see if I could give any assistance and found the rider had been killed.

T4 R.J. Jennings,  
Co.-C 715 Rwy. Op. Bn.  
2.19.44

The Court having taken the evidence closed.

(signed) President: F.J. Higgs, Capt., R. Signals.

Members:    John T Todd, Lt., R. Signals.  
              R.J. E. Baker, Lt., R. Signals.

19 February 1944.

3925

Transportation Sub-Commission, ACC.  
c/o For & Tn.  
H.A., A.A.I. (Adm. Section),  
C. M. F.

Our Reference : ACC Tn/123/7

Date : 6th April 44.

TO : Gen. Di Raimondo,  
Undersecretary of State for Italian Railways & Highways.

SUBJECT : Railway Accident at Montaguto

1. There are attached, copies of statements of witnesses concerning accident that occurred at level crossing No.47 near Montaguto on 15 February, 1944, when a motor cycle driven by Cpl. D.J. Earl (British) collided with a railway engine, resulting in the death of Cpl. Earl.

2. This investigation indicates negligence on the part of station master Salvi Enrico.

3. The matter is referred to you for appropriate action, and a report to this Sub-Commission thereon.

S.A. FITCH,  
Colonel,  
Director, Transportation Sub-Commission, ACC.

123/6

Allied Force  
MILITARY RAILWAY SERVICE  
Office of Director General

A. P. O. 400  
22 March, 1944

Subject: Military Police Protection at Grade Crossings

To: D.Q.M.G. (Movements)

1. Since the Eighth Army have taken over the territory traversed by the Italian State Railways north of Capua there are certain highway crossings at grade which under the Fifth Army were protected by American Military Police.

2. It is observed that Military Police protection is now being afforded the two principle grade crossings - one between Teano and Riardo, and one between Riardo and Vairano - during daylight hours, but no protection is afforded at night.

3. This is called to your attention, as it would appear these two crossings should have 24-hour protection.

For the Director General:



CHARLES F. DOUGHERTY  
Colonel, T. C.  
Assistant General Manager  
Transportation Department

cc - Director, Internal Transport, Sub-Comm.  
c/o Mov & Tr., HQ, ACMP (Adm Ech), CMF  
CO, 703rd Ry Grand Divn., APO 400

292

Internal Transportation Sub-Commission, ACC.,  
c/o Mov & Tn.,  
H.Q., A.A.I. (Adm. Echelon),  
C.M.F.

Our reference : ACC Tn/123/5

Date : 23 March 44.

TO : H.Q., A.C.C.,  
Public Safety Sub-Commission.

SUBJECT : Level Crossings.

1. Reference your letter ACC/14610/1/PS.
2. Subject matter has been taken up with the Director General Military Railway Service for the necessary action.
3. Enclosed herewith reply received from the D.G.M.R.S.
4. Reference para 4 D.G.M.R.S. letter, if a list of crossings which it is considered are not properly safeguarded is submitted to this Sub-Commission, the matter will again be submitted to the D.G.M.R.S. for the necessary action.

*S.A.*  
S.A. FITCH,  
Colonel,  
Director, Internal Transportation Sub-Commission, ACC.

3922

ALLIED FORCE  
MILITARY RAILWAY SERVICE  
OFFICE OF DIRECTOR GENERAL

A. P. O. 400  
20 MARCH 1944

SUBJECT: PROTECTION AT GRADE CROSSINGS

TO: DIRECTOR, INTERNAL TRANSPORTATION SUB-COMMISSION,  
ACC, MOV & TN, HQ, ACOM (ADM ECH), C.M.F.,  
APO 400

1. YOURS 18 MARCH, FILE ACC TN/123/3, REFERENCE COMMUNICATION FROM COL. KIRK, DIRECTOR PUBLIC SAFETY SUB-COMMISSION, ACC, AS TO HIGHWAY CROSSINGS OVER THE RAILROAD AT GRADE.
2. AT THE PRESENT TIME GENERALLY, GRADE CROSSINGS WITH OR WITHOUT GATES ARE MANNED WITH NECESSARY CIVILIAN I.S.R. WATCHMEN AND EFFORT IS BEING MADE TO PROVIDE SUCH WATCHMEN WITH ADEQUATE SIGNALLING FOR BOTH DAY AND NIGHT.
3. THE MILITARY RAILWAY SERVICE HAS NO TROOPS AVAILABLE FOR ADDITIONAL HIGHWAY CROSSING PROTECTION, BUT AT MOST CROSSINGS AT GRADE WHERE MILITARY TRAFFIC IS HEAVY IT DEVOLVES UPON THE ARMIES TO PROVIDE THE NECESSARY MILITARY POLICE PATROL.
4. IF THERE ARE ANY PARTICULAR OR SPECIFIC CROSSINGS IN MIND WHICH IN THE OPINION OF COLONEL KIRK DO NOT HAVE PROPER SAFEGUARDS, WILL BE GLAD TO CONSIDER IF THEY ARE BROUGHT TO OUR ATTENTION, THE SAME AS HAS ALREADY BEEN DONE WITH REFERENCE TO THE CROSSING REFERRED TO ONE MILE SOUTHWEST OF MADDALONI STATION.

FOR THE DIRECTOR GENERAL:

*Charles F. Dougherty*  
CHARLES F. DOUGHERTY  
COLONEL, T. C.  
ASSISTANT GENERAL MANAGER  
TRANSPORTATION DEPARTMENT

CC - CO, 701ST RY GR DIV, APO 400  
CO, 703RD RY GR DIV, APO 400  
ADTN 3, BUILDING

2921

Internal Transportation Sub-Commission, ACC.,  
c/o Mov & Tr.,  
H.Q., A.C.M.F. (Adm. Echelon),  
C.M.F.

Our reference : ACC Tn/123/3

Date : 16 March 44.

TO : D.C.M.R.S.  
(attention Col. Dougherty).

SUBJECT : Level Crossings.

1. Enclosed herewith a copy of letter from Col. Kirk, Director Public Safety Sub-Commission, ACC.
2. It appears from the enclosed letter that fatal accidents occur due to inadequate control of level crossings.
3. I should be pleased to know whether the necessary action can be taken to insure that level crossings where not safeguarded with gates are manned with the necessary personnel provided with flags or lamps for use at night.

*E. G. M.*

S.A. FITCH,  
Colonel.

Director, Internal Transportation Sub-Commission, ACC.

2600

COPY.

SUBJECT : Level Crossings.

3 District  
353 A.  
Tel Ext 17.

7 March 44.

Main HQ, A.C.C.

1. A number of fatal accidents have occurred due to the inadequate measures in existence for the control of level crossings in 57 Area. In most cases it appears that an employee of the Italian State Railways is on duty at the crossings but is not provided with sufficient materials to be effective e.g. there are no barrier gates, flags or lamps for use at night.
2. Such an accident occurred at 1850 hrs. on 31 Jan 44, when a WD truck collided with a train at the crossing one mile south west of MIDDLESBROUGH Station. Although there were no military casualties, seventeen civilians were killed and another fourteen injured. At that time there was no watchman on duty. This has now been rectified but since he has no lamp or flag he is more or less useless.
3. It is requested that urgent steps are taken with the appropriate authority to provide suitable men and equipment to control these crossings, since their deficiency is causing an increasing number of totally unnecessary accidents.

Maj. Gen.  
Comd.

1st. IND

ACC/14610/1/PS

FROM : HQ, ACC, Public Safety Sub-Commission.

2919

TO : Internal Transportation Sub-Commission.

Herewith a communication from No. 3 District which raises a matter presumably under your jurisdiction.

FGK/hgd

(Sgd) PAUL G. KIRK, Colonel, Inf.  
Chief, Public Safety Sub-Commission.

14 MAR 1944

2780

123/2  
845

SUBJECT: Level Crossings

3 District  
353 A.  
Tel Ext 17.

7 Mar 44.

Main HQ A.C.C.

1. A number of fatal accidents have occurred due to the inadequate measures in existence for the control of level crossings in 37 Area. In most cases it appears that an employee of the Italian State Railways is on duty at the crossings but is not provided with sufficient materials to be effective e.g. there are no barrier gates, flags or lamps for use at night.
2. Such an accident occurred at 1850 hrs on 31 Jan 44, when a WD truck collided with a train at the crossing one mile south west of MADDALONI Station. Although there were no military casualties, seventeen civilians were killed and another fourteen injured. At that time there was no watchman on duty. This has now been rectified but since he has no lamp or flag he is more or less useless.
3. It is requested that urgent steps are taken with the appropriate authority to provide suitable men and equipment to control these crossings, since their deficiency is causing an increasing number of totally unnecessary accidents.

Maj. Gen.  
Comd.1st IND

ACC/14610/1/TS

From : HQ, ACC, Public Safety Sub-Commission  
 TO : Internal Transportation Sub-Commission

Herewith a communication from No. 3 District which raises a matter presumably under your jurisdiction.

*Paul G. Kirk*  
 PAUL G. KIRK  
 Colonel, Inf.  
 Chief, Public Safety  
 Sub-Commission

PGR/hgl

2643

2nd. En relement.

Internal Transportation Sub-Commission, ACC.,  
c/o Mov & Tr.,  
H.Q., A.C.M.F. (Adm. Echelon),  
C.M.F.

Our reference : ACC Tr/123/1

Date : 12 March 44.

TO : Legal Sub-Commission, ACC.

SUBJECT : Accident, Monteguto.

1. Reference the attached documents transmitted with Administrative Section letter of 9 March 44.
2. Attention is called to the fact that the accident in question happened in Avellino Province, which is in AMG territory, (Region 3), on a railway line operated by Military Railway Service.
3. If action on the part of this Sub-Commission is proper, will you please outline the procedure to be followed, otherwise direct the case to the proper channel for action, advising this Sub-Commission, of the action taken for its future guidance.

*[Signature]*

S.A. FITCH,  
Colonel,

Director, Internal Transportation Sub-Commission, ACC.

*Enclosures:*

*Ltr 4/3 from Adm Sec Acc  
" 6/3 #3 Dist HG, r-f 128/174  
Copy of proceedings of Ct. of Inquiry "Case of  
233624d C. J. Earl, D.S. R signals."*

*704.*

2141