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# Lack of safety measures at railroad crossing blamed for fatal accident

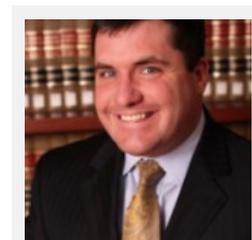
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By JIM BOYLE

The family of a teenager killed in a train collision has filed a suit in the Philadelphia Court of

Common Pleas against the parent company, railroad and the operators of the locomotive, saying lack of proper maintenance and warning equipment at the railroad crossing contributed to the accident.

On May 14, 2012, Maxine Eschbach, 17, was traveling in the passenger seat of a car driven by a 16-year-old friend when they approached the Center Street crossing in Milton, Pa., in Northumberland County. Maxine's mother, Roxanne Eschbach, claims that the lack of gates at the crossing and an obstructed view of the tracks led the driver to continue over the crossing, causing a collision with a train owned by the North Shore Railroad Company. Eschbach was pronounced dead at the scene by the Northumberland County coroner, while the driver was rushed to the hospital with critical injuries and ultimately survived.



Thomas Sweeney

The plaintiff has filed the suit against Norfolk Southern Railroad Company and Conrail, which own and operate the tracks at the Center Street crossing, and against North Shore Railroad, Lycoming Valley Railroad Company and the Susquehanna Economic Development Association-Council of Governments Joint Rail Authority (SEDA-COG), which use the tracks for business operations.

Roxanne Eschbach claims that the defendants were negligent by failing to add gates or bells at the construction between 1970 and 2012. According to the complaint, the crossing has been equipped with flashing lights and a sign, but there is a history of the lights mistakenly flashing when no train was approaching.

The complaint also states that vegetation and houses close to the crossing obstruct the views of drivers, as well as the sight of conductors who may not see vehicles approaching from the westbound lane. There are also no advance warning signs or highway paint on the two lane road, the claim says.

The court documents cite the adoption of a safety policy by Norfolk Southern in 1993, which says that the company will pursue its own "agenda of grade crossing closure and improvement." Under the policy, the complaint says, Norfolk Southern created Operation Division Safety Teams tasked with identifying conditions which could "interfere with the ability of a motorist to appreciate the potential hazard of an approaching train."

The court documents say that the next crossing to the north and south have been equipped with gates and various safety measures. Since 1970, Norfolk Southern has not invested any funds toward installing additional safeguards at Center Street, nor has any federal funding been used for the intersection, even though a similar collision occurred at the same location in October 1980.

The driver and her father, who owned the car, have also been included in the wrongful death suit, in the event that discovery shows she did not properly stop at the crossing and wait for the train to pass. At the time of the accident, witnesses told reporters from news channel WNEP in Scranton that drivers try to beat approaching trains to the crossing to avoid waiting for them to pass.

Roxanne Eschbach is seeking punitive damages from all parties for the wrongful death of her daughter due to negligence and recklessness. She is represented by Thomas Sweeney of Messa & Associates in Philadelphia.

*The case id number is 140500994.*

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