

Atlanta: Who is responsible for rail crossings?

ATLANTA -- The death of 5-year-old twins in a car-train accident last month has raised troubling questions about who was responsible for installing a warning device at the south Fulton railroad crossing -- and enforcement of the county's zoning rulings.

Fulton County planning officials insist they approved zoning permits for Atlanta Auto Auction on condition that the company install a railroad signal at Stansell Road, where the twins -- a girl and a boy — were killed just off the company's property.

But auction executives said they thought it was beyond their authority to install a railroad signal, an act they argue rests with the county, state or federal government. They said they offered to pay for installation but never heard back from the county.

Auction officials also said state transportation officials recommended against putting a warning device at the crossing, a charge state administrators deny.

All agree now, however, that Stansell Road, which connects the sprawling auto auction complex to Roosevelt Highway, should be shut down. "The fewer number of crossings, the fewer number of opportunities for accidents," said Marion Waters, traffic operations engineer at the state Department of Transportation.

The County Commission has also ordered its transportation officials to survey all crossings in south Fulton in the wake of the accident.

"We need to make sure the public gives more caution to those hot spots," Commissioner Michael Hightower said. "We need to identify those locations (that) our people feel are dangerous."

It was Feb. 23 when Melvin Lawrence dropped off his girlfriend, Shenandoah Combs, at Atlanta Auction, where she worked in the reconditioning shop, and headed out of the lot onto Stansell Road, apparently to take her children to school. Seconds later, his Chrysler LeBaron was hit by a CSX train. Quentavious and Shantavious Combs were killed instantly. Their 10-year-old sister, Shanquilla, was critically injured.

Lawrence told police he didn't see the 45-mph train, but a witness said Lawrence sped up rather than stop at the sign in front of the tracks. Lawrence has been charged with two misdemeanor counts of vehicular homicide and one count of failing to stop at a railroad crossing.

In the days since, auction executives and state and county officials have been sorting through the site's history.

"We have tried to get this unsafe situation corrected repeatedly and it persists," said Dennis Berry, president and chief executive officer of Manheim Auctions Inc., the company that owns Atlanta Auto Auction. "Hopefully, the right things will be done, including making the crossing safe and allowing the auction to go about its business."

Manheim Auctions is a subsidiary of Cox Enterprises, the same company that owns The Atlanta Journal-Constitution. In 1996, Atlanta Auto Auction asked Fulton County planners

to approve land disturbance permits and zoning changes for expansion at its 150-acre site.

"We have long been in favor of putting a signal there," said Manheim's Berry, noting that the company also made an offer to the county to pay to install a signal after a fatality along the tracks in 1995. Jim Demetry, the auction's lawyer, suggested efforts to install a signal languished because his client thought that it was a government duty.

"We cannot legally install a signal," he said. "We can not go out and put one up on our own. It involves the county, state Department of Transportation and some federal overlay as well."

Fulton officials said last week that companies can install signals provided the county has approved the plans. Waters, the state transportation official, said the auction should have contacted CSX, which would install and maintain the signal. The auction would be billed for the work, which could run as much as \$150,000. Waters said his office would have coordinated the company's plans, but never heard from it.

Auction officials said state transportation officials had recommended against installing a signal at the crossing, but according to Waters, "We never denied any road signal here."

Auction officials said they decided Stansell Road should be closed to the public after getting no help from the county for a railroad signal. The company said it favored another entrance to the auction from Buffington Road. "We have documentation that we tried to close (Stansell) road," Berry said.