

IC0200359

Commonwealth of Massachusetts

Date of Crash 01-09-02 Time of Crash 1312 24HR City/Town MEDWAY

Motor Vehicle Crash Police Report

Number Vehicles 2 Number Injured 1 Speed Limit 40 State Police Local Police MBTA Police Other

AT INTERSECTION: LOCATION NOT AT INTERSECTION:

1 109 E MILFORD ST RT 109
Route# Direction Name of Roadway/Street
At
Route# S TROTTER DR
Direction Name of Intersecting Roadway/Street
Also at Intersection with
Route# Direction Name of Intersecting Roadway/Street

Route# Direction Address # Name of Roadway/Street
Feet N S E W of Mile Marker Exit Number
Feet N S E W of Route# Intersecting Roadway/Street
Feet N S E W of Landmark

3 Please Select One of the Following: Vehicle 1 Occupants Hit/Run Moped

1 License # 20275 11000 0147L St NJ DOB/Age 04-23-44
Sex M Lic. Class A A Lic. Restrictions 1 CDL HN
Operator ZALEWSKI CARIO
Address 50 BELLEVUE LIGHT AVE
City KENNSBURG State NJ Zip 07734
Insurance Company Zurich American Ins. Co
Vehicle Travel Direction: N S X W Responding to Emergency? NO
Citation # (If Issued) K1767615
Violation 1: Ch 90 Sec 24 Violation 2: Ch Sec
Violation 3: Ch Sec Violation 4: Ch Sec

Reg # ADE70W Reg Type App Reg State NJ
Veh Year 1999 Veh Make FRE Veh Config 8
Owner PENSKE TRUCK LEASING CO LP
Address 2364 SOUTH CLINTON AVE
City South Plainfield State NJ Zip 07080
Vehicle Action Prior to Crash 1 Damaged Area Code: (Circle Up to Three)
Event Sequence 1 2 2 2 2 2
Most Harmful Event 1
Driver Contributing Code 10 10
Underride/Override 3 Towed YES

Table with columns: Name (Last First Middle), Address, DOB/Age, Sex, 26 Seat Pos, 27 Safety System, 28 Airbag Status, 29 Airbag Switch, 30 Eject Code, 31 Trap Code, 32 Injury Status, 33 Transp Code, Medical Facility. Operator: See Above, DOB: 04-23-44, Sex: M, 26: 1, 27: 1, 28: 1, 29: 1, 30: 0, 31: 0, 32: 5, 33: 1.

3 Please Select One of the Following: Vehicle 2 Occupants Non-Motorist A Type Action Location Condition Hit/Run Moped

1 License # 158502605 St MA DOB/Age 06/22/55
Sex F Lic. Class D D Lic. Restrictions B
Operator RHODES MARCIA
Address 11 JANOCK RD
City MILFORD State MA Zip 01757
Insurance Company Metropolitan Property
Vehicle Travel Direction: N S X W Responding to Emergency? NO
Violation 1: Ch Sec Violation 2: Ch Sec
Violation 3: Ch Sec Violation 4: Ch Sec

Reg # 727 ELO Reg Type PAN Reg State MA
Veh Year 1997 Veh Make TOYT Veh Config 1
Owner SAME
Address SAME
City SAME State Zip
Vehicle Action Prior to Crash 2
Event Sequence 1 2 2 2 2
Most Harmful Event 1
Driver Contributing Code 1 1
Underride/Override 2 Towed YES

Table with columns: Name (Last First Middle), Address, DOB/Age, Sex, 26 Seat Pos, 27 Safety System, 28 Airbag Status, 29 Airbag Switch, 30 Eject Code, 31 Trap Code, 32 Injury Status, 33 Transp Code, Medical Facility. Operator/Non-Motorist: See Above, DOB: 06-22-55, Sex: F, 26: 1, 27: 1, 28: 4, 29: 4, 30: 0, 31: 1, 32: 2, 33: 2, Medical Facility: MILFORD/UMASS-HID.

→ = Direction [1] = Vehicle 1 [2] = Vehicle 2 ○ = Pedestrian

**Crash Diagram:**

ie: → [1] → [2] → ○

SEE ATTACHED

If Crash Did Not Occur on a Public Way:

- Off-Street Parking Lot
- Garage
- Mall/Shopping Center
- Other Private Way

**Crash Narrative:**

SEE ATTACHED

**Witnesses:**

| Name (Last, First, Middle) | Address                   | Phone #      | Statement |
|----------------------------|---------------------------|--------------|-----------|
| BOULTEUILLOIS, WILLIAM     | 315 VILLAGE ST, MEDWAY NJ | 508-558-3212 | YES       |
| KAMPER, SANDY              | Medway NJ                 | 508-438-1259 | YES       |
| DEBOER, RAMON              | Medway NJ                 | 508-438-5142 | YES       |

**Property Damage:**

| Owner (Last, First, Middle) | Address | Phone # | 34-Type | Description of Damaged Property |
|-----------------------------|---------|---------|---------|---------------------------------|
|                             |         |         |         |                                 |
|                             |         |         |         |                                 |

**Truck and Bus Information:**

Registration = NJ AD870W (From Vehicle Section)

Carrier Name GAF BUILDING MATERIALS CO. P. Carrier Issuing Authority Code 1<sup>35</sup>

Address 1361 ALPS ROAD City WAYNE St NJ Zip 07470

US DOT #: 00510003 State Number \_\_\_\_\_ Issuing State \_\_\_\_\_ ICC #: \_\_\_\_\_ Interstate 1<sup>36</sup>

Cargo Body Type Code 6<sup>37</sup> Gross Vehicle Weight 3<sup>38</sup>

Trailer Reg #: T76H6V Reg Type \_\_\_\_\_ Reg State NJ Reg Year 2000 Trailer Length 97<sup>39</sup>

Hazmat Information:

Placard 2<sup>40</sup> Material 1 digit # 9<sup>41</sup> Material Name ASPHALT Material 4 digit # \_\_\_\_\_ Release code 2<sup>42</sup>

William Kingsbury      *W.Kingsbury*      84      MEDWAY      01-11-02

Police Officer Name (Please Print)      Signature      ID/Badge #      Department      Precinct/Barracks      Date

Single Narrative

| INCIDENT LOCAL #<br>PRIORITY<br>ACC REP  | ACTIVITY<br>ADDRESS (JURISDICTION)<br>DISPOSITION   | OFFICER(S)                    | RECEIVED<br>DISPATCHED<br>ARRIVED<br>CLEARED                                     | DISPATCHER<br>SUPERVISOR<br>NATURE<br>INCIDENT TYPE                  |
|--|---|-------------------------------|--|--|
| I0200359<br>1<br>Yes Yes   | CALL FOR SERVICE<br>140 MILFORD ST<br>Cross: GREEN ST @132<br>MEDWAY, MA, 02053 (01)<br>TRANSPORT                                   | KINGSBURY<br>ATINGLEY<br>MALO | 01/09/2002, 13:12<br>01/09/2002, 13:12<br>01/09/2002, 13:15<br>01/09/2002, 15:13 | CTINGLEY<br>GRIMES<br>ACC MV INJURY<br>ACC MV INJURY<br>CT: CTINGLEY |
| <p>Reported as: ACC MV INJURY      Found as: ACC MV INJURY<br/>                     Domestic Abuse: No</p> <p>Dispatcher Remarks:<br/>                     SGT BOULTENHOUSE REQUESTS OFFICERS AND AMBULANCE RESPOND TO MILFORD STREET BY TROTTER DRIVE FOR AN MVA W/INJURIES. ON DUTY EMS PERSONNEL NOTIFIED, K3 (TINGLEY), K4 (KINGSBURY) AND K6 (MALO) ENROUTE. 13:15 A1 ENROUTE. 13:19 A1 ON SCENE. 13:20 MP2181 PAGED. 13:20 FIRE DEPT REQUESTED, SOUNDED BOX 35 FOR FD. 13:22 A1 (MAHAN) ESTABLISHED COMMAND, MC1 AND MC3 ENROUTE, MP2181 ALSO ENROUTE. 13:23 LT MALO REQUESTS SP TRUCK TEAM NOTIFIED TO RESPOND. 13:24 LIFE FLIGHT REQUESTED, ADVISED THEY ARE NOT FLYING DUE TO FREEZING RAIN. 13:28 CONTACTED SP/TRUCK TEAM AWAITING ETA. ENGINE 4 ENROUTE. 13:31 ENGINE 5 ON SCENE. 13:42 SP TRUCK TEAM ETA 10 MINUTES. 13:44 MC1 REQUESTS SANDER, HIGHWAY DEPT NOTIFIED. 13:48 MC1 REPORTS THE PT. HAS BEEN EXTRICATED AT THIS TIME. 13:52 OFFICER KINGSBURY REQUESTS PHOTOGRAPHER, OFFICER DUNCAN UNAVAILABLE, OFFICER BOYAN NOTIFIED AND ENROUTE. 13:56 A1 ENROUTE TO MILFORD/ALS/20.8. 13:57 WRECKER REQUESTED, JOHN'S AUTO NOTIFIED AND ENROUTE. 14:03 A1 OUT AT MILFORD/24.5. 14:11 MC1 REPORTS ALL APPARATUS CLEAR EXCEPT ENGINE 5 AND COMMAND HAS BEEN TRANSFERRED TO LT COAKLEY AWAITING REMOVAL OF BOTH VEHICLES. 15:15 E-5 REPORTS BEING CLEAR AND ALL MV'S INVOLVED IN THE MVA HAVE BEEN REMOVED. 15:17 K4 REPORTS THE ROAD IS OPEN. SEE SGT.TINGLEY'S AND OFFICER KINGSBURY'S REPORT FOR MORE INFORMATION.</p> |   |                               |  |  |
| OWNER<br>M0200081  | PENSKE TRUCK LEASING CO.<br>1800 HYLTON RD<br>PENNSAUKEN NJ<br>Phone: None Recorded<br>Commt: OWNS NJ AD870W/MV#1 IN MVA            |                               | License: None<br>DOB: None Recorded  |  |
| OPERATOR<br>(Male)<br>M0200082   | ZALEWSKI, CARLO<br>50 BEACON LIGHT AVE<br>KEANSBURG NJ 07734<br>Phone: None Recorded Race: WHI<br>Commt: OPER NJ AD870W/MV#1 IN MVA |                               | License: Z02751100004442 (NJ)<br>SSN: 146-34-1971<br>DOB: 04/23/1944 Age: 57     |  |
| OWNR/OPER<br>(Female)<br>M0200083  | RHODES, MARCIA<br>11 JANOCK ROAD<br>MILFORD MA 01757<br>Phone: None Recorded Race: WHI<br>Commt: OPER MA 787ELO/MV#2 IN MVA         |                               | License: 158-50-2605 (MA)<br>SSN: 158-50-2605<br>DOB: 06/22/1955 Age: 46         |  |

Single Narrative

| INCIDENT LOCAL # | ACTIVITY ADDRESS (JURISDICTION) | OFFICER(S) | RECEIVED DISPATCHED ARRIVED CLEARED | DISPATCHER SUPERVISOR NATURE INCIDENT TYPE |
|------------------|---------------------------------|------------|-------------------------------------|--|
|------------------|---------------------------------|------------|-------------------------------------|--|

Incident I0200359 (continued)

Persons:

PATIENT RHODES, MARCIA License: 158-50-2605 (MA)  
 (Female) 11 JANOCK ROAD SSN: 158-50-2605  
 M0200083 MILFORD MA 01757  
 Phone: None Recorded Race: WHI DOB: 06/22/1955 Age: 46  
 Commt: OPER MA 787ELO/MV#2 IN MVA

Vehicles:

| ID                                     | Sr | Status   | Color | Year | Make       | Model   | Style  | VIN                |
|--|----|----------|-------|------|------------|---------|--------|--------------------|
| V0200091                               | IN | Accident | White | 1999 | Freightlin | Tractor | Tanker | 1FU YDCYB9XLB63880 |
| Tag: NJ AD870W Apportioned Red         |    |          |       |      |            |         |        |                    |
| Person: 02 ZALEWSKI, CARLO (OPERATOR)  |    |          |       |      |            |         |        |                    |
| V0200092                               | IN | Accident | Blue  | 1997 | Toyota     | Corolla | Sedan  | 2T1BA02E9VC178274  |
| Tag: MA 787ELO Personal Green          |    |          |       |      |            |         |        |                    |
| Person: 03 RHODES, MARCIA (OWNER/OPER) |    |          |       |      |            |         |        |                    |

Property:

| Loss Type | Property Type       | Value | Recovery | ORI   | Quantity | Measuremnt |
|-----------|---------------------|-------|----------|-------|----------|------------|
| [Unknown] | OTHER PROPERTY TYPE | \$0   | [N/A]    | [N/A] | 3.000    | [None]     |

Comment: REAR LIGHT BULBS

Narrative(s):

Narr. 1: PTLM WILLIAM KINGSBURY Division: None Status: Open [I0200359]  
 Title: ACCIDENT REPORT Entered: PTLM WILLIAM KINGSBURY Date: 01/12/02  
 Reviewed: No officer Edit: 01/12/02

About 1:12PM, on Wednesday January 09, 2002, Officer William Kingsbury of the Town of Medway Police Department was dispatched to the intersection of Milford St. (RT109) and Trotter Dr. for a reported MVA with injury at that location. Upon arrival, I saw a tractor-trailer unit stopped in the Eastbound lane of Milford St. The trailer was a tanker unit used to haul liquid cargo. The tractor, NJ Apportioned registration plate # AD870W was hauling liquid asphalt in NJ trailer # T76H6V. The operator of the Tractor-trailer unit was later identified as ZALEWSKI, CARLO.

I also saw a small blue 1997 Toyota Corolla bearing Ma registration plate 787-ELO; this vehicle was heavily damaged and was off the road into the woods lining the southern side of the roadway. I approached the Toyota, which was occupied. Sgt. William Boultenhouse of the Town of Medway Police Department was leaning into the Toyota assisting the operator, later identified as RHODES,

Single Narrative

| INCIDENT LOCAL # | ACTIVITY ADDRESS (JURISDICTION) | OFFICER(S) | RECEIVED DISPATCHED ARRIVED CLEARED | DISPATCHER SUPERVISOR NATURE INCIDENT TYPE |
|------------------|---------------------------------|------------|-------------------------------------|--|
|------------------|---------------------------------|------------|-------------------------------------|--|

Narrative 1 (continued) By: PTLM WILLIAM KINGSBURY Incident I0200359

MARCIA.

While Sgt. Boultenhouse was advising me of the situation, the Town of Medway Fire Department ambulance arrived on scene. EMT's Colin McCarthy and Andrew Mahan took over administering care to RHODES. Due to the nature of RHODES' injuries, EMT McCarthy requested the Fire Department respond to assist in removing RHODES from the vehicle. Soon thereafter, The Medway Fire Department and Paramedics from Milford Hospital arrived on scene. Lt. Richard Malo and Sgt. Allen Tingley, both of the Town of Medway Police Department, also were now on scene. Life Flight was contacted but unable to fly due to poor weather conditions. At about 1:48PM, RHODES was removed from the Toyota and then transported to Milford Hospital. She was later transported to UMASS Medical Center located in Worcester Ma.

The Massachusetts State Police were contacted after which a truck team unit was dispatched to the scene of the accident. Trooper James Jaworek arrived a short time later. Officer James Boyan of the Town of Medway Police Department was called to the scene to take photographs.

I spoke with Sgt. Boultenhouse, who was at the scene when the MVA occurred and witnessed a portion of the event. Sgt. Boultenhouse was working a detail for the Town of Medway. The Town had hired Professional Tree Service to grind a number of tree stumps around town. A number of these stumps were located just off the southern side of the Milford St. roadway. A stump was being ground up just east of Trotter Dr.

The vehicle being used by Professional, a tree stump grinder on a trailer pulled by a pick-up truck, was straddling the Eastbound fog-line, leaving a portion of the truck on the roadway. As a result of this, Sgt. Boultenhouse was directing traffic through the work area, which had squeezed the travel area of the road down to one lane.

At the time of the accident, Sgt. Boultenhouse stated that he had stopped the traffic in the Eastbound lane and had just begun to wave on the Westbound traffic. The car he had stopped in the Eastbound lane was the Toyota operated by RHODES. Sgt. Boultenhouse stated that he was out in the road with his left hand up signaling the Eastbound traffic to stop while simultaneously signaling the Westbound traffic to proceed.

Sgt. Boultenhouse stated that while his attention was on the Westbound traffic, he heard a crash and looking over, saw a Tractor-trailer unit pushing the blue Toyota towards where he was standing. He ran into the woods to avoid being struck. He stated that the TT unit pushed the Toyota into the woods and then came to a stop in the roadway right where he had been standing. The TT unit was stopped in the Eastbound travel lane with the front end just over the double yellow line running down the center of the road. Sgt. Boultenhouse stated that the Toyota was completely stopped in the intersection of Milford St and Trotter Drive at the time he started to wave on the Westbound traffic.

Sgt. Boultenhouse also provided me with the names of two individuals who had witnessed the accident. Santos Ramirez of Milford and Ramon DeBriac also of Milford. Both told Sgt. Boultenhouse that they had seen the Tractor-Trailer unit strike the Toyota from behind while the Toyota had been stopped.

I also was able to speak with ZALEWSKI, who was the operator of the

Single Narrative

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|------------------|---|------------|-------------------------------------|--|
|------------------|---|------------|-------------------------------------|--|

Narrative 1 (continued) By: PTLM WILLIAM KINGSBURY Incident I0200359

tractor-trailer unit. ZALEWSKI stated that he had been driving Eastbound on Milford St. He stated that his attention had been diverted by a vehicle that had pulled out of Trotter Dr. and had then proceeded Westbound. He stated that he thought this vehicle was driving too close to his truck so he was watching it in his side mirror and not watching what was in front of him. He stated that when he turned his attention back to the road in front of him, he saw the Toyota stopped in front of him but was unable to stop before striking the Toyota. I asked him for more details about the car that pulled out but he was unable to elaborate any further. ZALEWSKI was very shook up about the accident and had difficulty relating what had occurred.

Trooper Jaworek conducted an inspection of the Tractor-trailer unit. He found a number of administrative violations and one inoperative brake. According to Trooper Jaworek, this brake, one of a system of ten brakes, would not be a factor in the accident. Trooper Jaworek concluded that the condition of the Tractor-Trailer in no way contributed to the accident which appeared to be caused by driver error.

An inspection of the accident scene showed that RHODES' Toyota was stopped in the Eastbound lane of travel on Milford St in the Trotter Dr. intersection. The TT-Unit operated by ZALEWSKI was traveling Eastbound on Milford St. ZALEWSKI did not see the stopped Toyota, striking it in the rear. The Eastbound travel lane just west of Trotter Drive is a long downward slope leveling off at the Trotter Drive intersection. This is also a straight stretch of roadway. I measured the roadway there and found that there is a clear view from the crest of this hill to the site of the accident of about 800 feet.

There is an even longer view of the work site location and of the location where Sgt. Boultenhouse was directing traffic. Sgt. Boultenhouse was wearing a full police uniform, including an 8-point hat, badges of office, an orange traffic vest and white gloves while he was directing traffic. He was in a highly visible location out in the travel area of the roadway.

While operating the TT-unit down the 800 foot slope, ZALEWSKI did not see Sgt. Boultenhouse signaling traffic in his lane to stop, nor did he see RHODES' Toyota stopped in the travel lane in time to react to it. Speed also did not appear to be a factor in the accident. I issued ZALEWSKI citation number K1767615 seeking a criminal complaint for Operating negligently so as to endanger. This citation was issued in hand.

I later learned that RHODES' injuries were more serious than they originally appeared to be. I learned that RHODES had been transferred to UMASS Medical center with life threatening injuries. As a result of this, the MASS State Police MVA Reconstruction Unit was contacted and advised of the situation.

On Thursday January 10, 2002, Trooper Daniel O'Hara made an examination of the accident scene, the tractor-trailer unit, and the Toyota. Trooper O'Hara produced three light bulbs from the Toyota. His examination showed that the Toyota's brake lights were functioning properly at the time of the accident. The three light bulbs were placed into evidence in the Medway Police evidence locker.

Single Narrative

| INCIDENT<br>LOCAL #<br>PRIORITY<br>ACC REP | ACTIVITY<br>ADDRESS (JURISDICTION)<br>DISPOSITION | OFFICER(S) | RECEIVED<br>DISPATCHED<br>ARRIVED<br>CLEARED | DISPATCHER<br>SUPERVISOR<br>NATURE<br>INCIDENT TYPE |
|--|---|------------|--|---|
|--|---|------------|--|---|

Narrative 1 (continued) By: PTLM WILLIAM KINGSBURY Incident I0200359

Milford St is a public way in the Town of Medway as defined in MGL Ch 90 section 1. The speed limit is 40 MPH.

The sky at the time of the accident was overcast. Light rain had sleet had been falling on and off during the day making the pavement wet.

Both vehicles were removed from the scene by John's Auto of Medway.

SEE MVA REPORT OF OFFICER KINGSBURY  
 SEE REPORT OF SGT BOULTENHOUSE  
 SEE REPORT OF TROOPER JAWOREK  
 SEE REPORT OF TROOPER O'HARA  
 SEE PHOTOGRAPHS OF OFFICER BOYAN

Respectfully submitted,

William Kingsbury  
 PTLM #84  
 Medway Police Department

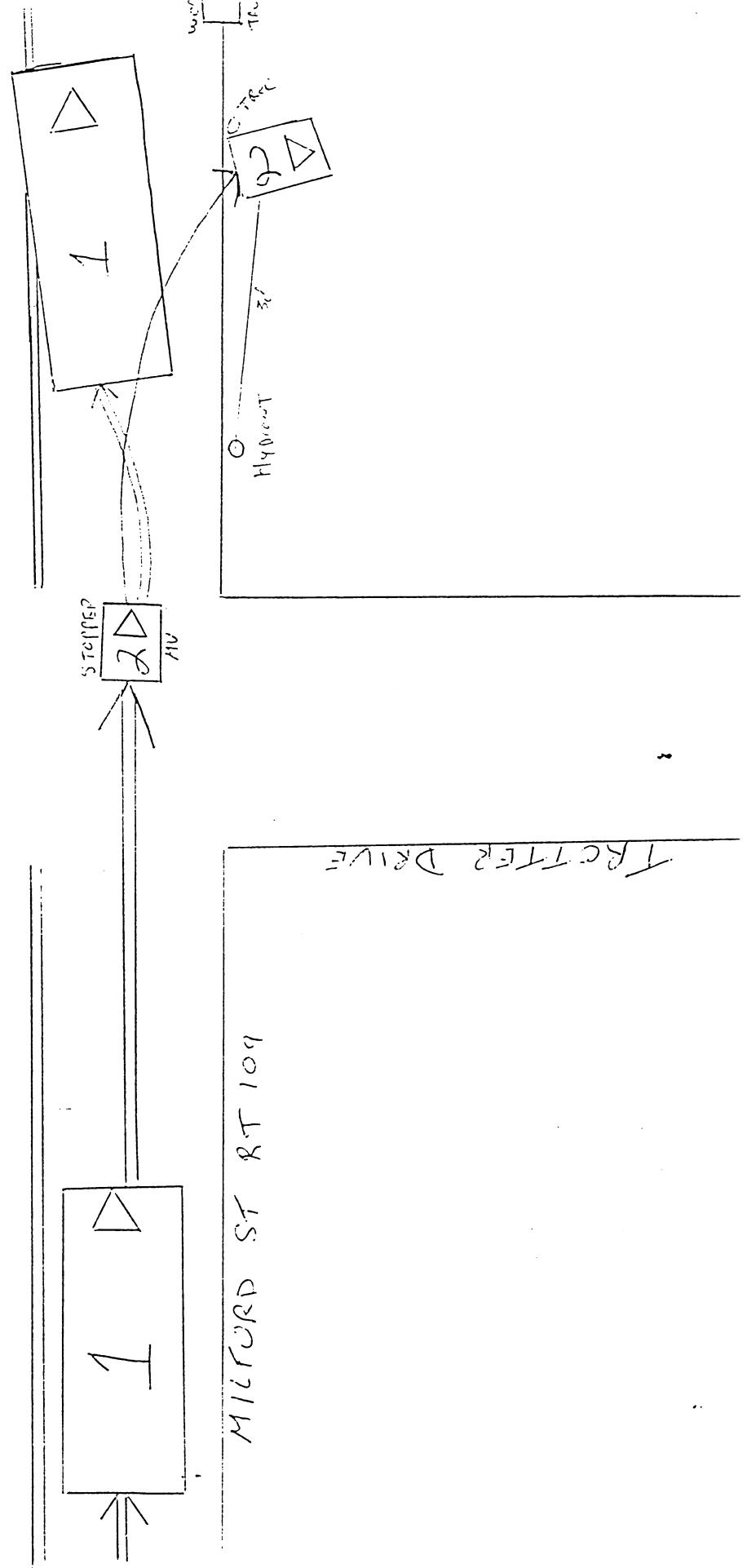
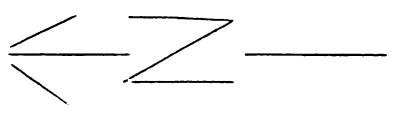
DATE 01/09/08  
 TIME: 13:12

MVA SWITCH + MOUNTED TO TOWER S/S  
 WEATHER CONTROL / SPECTROCAST  
 FACILITY WGT

MV# 1 NS AD870W  
 MV# 2 MH 787-FL0

Office William Kingsbury Atlanta GA  
 PROPERTY P&H CORPORATION  
 11/1/07

Rel # 79  
 ( )



MILFORD ST RT 109

TRACTOR DRIVE