

Truck driver cleared in Beattyville crash

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from the overturned tank truck and flowed through the Main Street gutters, creating explosions and a wall of flames. About 10 to 15 percent of Beattyville's business district — one whole block — was destroyed at an estimated cost of \$750,000 to \$1 million, according to Mayor Charles Beach III.

A report of the National Transportation Safety Board, released in July and introduced as evidence by the prosecution, concluded that the probable cause of the accident was "the driver's loss of vehicle control because of speed excessive for the highway geometry. Contributing to the accident was the lack of judgment by the driver to respond to the warnings and to the basic rules of the road."

The report explained that the crash occurred after Wilson's truck started down the steep grade while railroad crossing warning lights flashed below because of a moving freight. "The circumstantial evidence tends to indicate that the truck driver was trying to beat the train and lost control of his vehicle, because he was driving too fast," the report said.

National Transportation Safety Board investigators reported that Wilson's truck had been in eighth gear on the hill, a gear used in the 39- to 45-mph speed range. However, because of fire damage, they said, their finding was not conclusive.

Since the accident, Wilson has maintained that the truck was in first gear when it careened down the hill, according to his attorney Jim Early, an assistant state public defender.

Several factors contributed to the accident, including the truck, the trailer, the hill, the railroad crossing, and the 23 miles between the Mountain Parkway exit and Beattyville, Early said in a telephone interview yesterday.

Those 23 miles of rough road and windy hills were enough to get the brakes on any truck hot, he said. Wilson's truck lost air in the "brake line system causing a breakdown where all he could do is try to keep the truck in the road rather than jump out," Early added.

Wilson blacked out when the truck lifted as it went up the incline in front of the railroad crossing at the bottom of the hill on KY 11, Early said. His head hit the roof of the truck, and he didn't come to until his shirt was on fire, the defense attorney added. Wilson escaped with minor burns.

Early said he thought Wilson was acquitted because the jury believed him when he said he didn't deliberately drive over the hill at 25-30 mph. He reached those speeds because his brakes failed him, Early added.

"There was an accident and it wasn't a crime," he said.

The foreman of the six-man, six-woman jury, Warren Lakes of Sand Gap, said in a telephone interview, "Nobody



File Photo

William E. Wilson of Louisville was acquitted of manslaughter charges in a tank truck accident that killed seven people in Beattyville, Ky. The photo was taken after the accident on Sept. 24, 1977.

in that crowd (the jury) believed that that truck driver would have gone over that hill if there hadn't been a mechanical failure on the truck."

Lakes added that the federal report indicating Wilson's truck was in eighth gear was misleading because it conflicted with the state investigators' conclusion that the truck was in sixth gear and Wilson's statements that it was in first gear.

"Most of us were of the opinion that it was in first gear," Lakes said.

The trial, which started Tuesday, was transferred from Lee County, where Beattyville is the county seat, to Jackson County on a defense motion for a change of venue. Jackson County Circuit Judge Clay M. Bishop heard the case in McKee.

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allenbegley

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