

INTERSTATE COMMERCE COMMISSION

WASHINGTON

REPORT OF THE DIRECTOR

BUREAU OF SAFETY

ACCIDENT ON THE

MISSOURI PACIFIC RAILROAD

CUNNINGHAM SPUR, ARK.

FEBRUARY 6, 1938.

INVESTIGATION NO. 2249

SUMMARY

Inv-2249

Railroad: Missouri Pacific
Date: February 6, 1938.
Location: Cunningham Spur, Ark.
Kind of accident: Collision with automobile and
derailment
Train involved: Passenger
Train number: 26
Engine number: 6610
Consist: 14 cars
Speed: 70 m.p.h.
Track: Tangent
Weather: Clear
Time: 3:07 a.m., dark.
Casualties: 6 killed; 7 injured
Cause: Automobile stalled on track

March 10, 1938.

To the Commission:

On February 6, 1938, there was a collision between a passenger train and a stalled automobile at a private road crossing on the Missouri Pacific Railroad at Cunningham Spur, Ark., which resulted in the death of 3 passengers, 1 express messenger, and 2 employees, and the injury of 3 passengers, 1 employee on duty, and 3 dining-car employees.

Location and method of operation

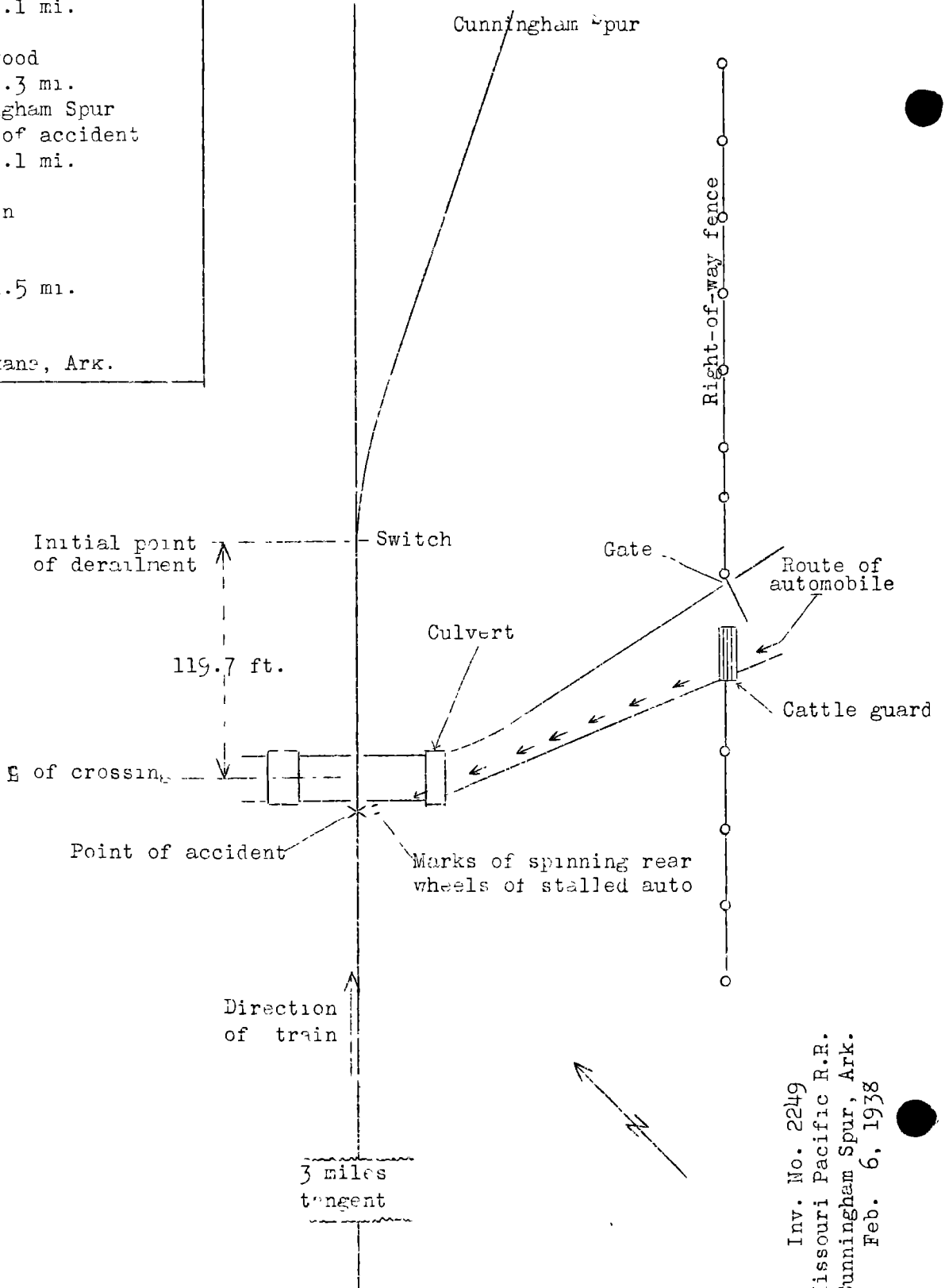
This accident occurred on the Little Rock District of the Arkansas Division, which extends between North Little Rock and Texarkana, Ark., a distance of 146.05 miles. In the vicinity of the point of accident this is a single-track line over which trains are operated by timetable, train orders and an automatic block-signal system. The accident occurred at a private road crossing located just south of the facing-point switch leading eastward to a spur track known as Cunningham Spur; approaching from the south the track is tangent for approximately 3 miles to the crossing, and for a considerable distance beyond. The grade is level at the point of accident.

The track is laid with 112-pound rail, 39 feet in length, with an average of 24 ties to the rail length, single-spiked, tieplated, and ballasted with crushed rock to a depth of between 4 and 6 inches below the ties, on top of about 18 inches of gravel; it is well maintained. The maximum authorized speed for passenger trains is 70 miles per hour.

In the vicinity of the point of accident the railroad right-of-way extends about 100 feet on each side of the track and a wire fence is maintained along each edge. Ditches parallel the track along each side at a distance of about 20 feet from the center line of the track.

The road approaches the track from the northeast at an angle of about 30° and at the east ditch it curves slightly so as to pass over the track at right angles. At the entrance to the right-of-way a cattle guard has been constructed of members 12 feet long laid transversely across the road. The ditch on the east side of the track is 4 feet wide at the road location and is bridged by 4-by-12-inch planks laid lengthwise of the road; the width of this planking is 12 feet 8 inches. The road across the right-of-way is unimproved except between the ditches and the track where there is some gravel, and across the track where crushed stone is laid level with the tops of the rails extending the length of the ties. The road has a serviceable width of 11

o	North Little Rock, Ark.
	33.1 mi.
o	Traskwood
	2.3 mi.
o	Cunningham Spur
X	Point of accident
	9.1 mi.
o	Malvern
	101.5 mi.
o	Texarkane, Ark.



Inv. No. 2249
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feet, and from the east the grade to the track is ascending at the rate of approximately 2 feet in 15 feet. This road is an industrial road used for the purpose of log loading; it connects with highways several miles distant on each side of the railroad. It is entirely unimproved and is in bad condition, being barely passable under most favorable conditions. There are no crossing warning signs or whistle boards.

The State of Arkansas Statutes for Motor Driver License provide that no person shall authorize or knowingly permit a motor vehicle owned by him or under his control to be driven upon any highway by any person who is not authorized under the statutes or in violation of any of the provisions thereof. No person shall drive or operate any motor vehicle upon any street or highway in the State in the absence of the owner of such motor vehicle without said owner's consent. Any person violating this Act, shall be deemed guilty of a misdemeanor. Periodical safety inspections are also required by law.

The driver of an automobile which is between the right-of-way fences on the dirt road can have an unobstructed view of the headlight of a train approaching from the south for a distance of approximately 3 miles.

It was dark but clear at the time of the accident, which occurred about 3:07 a.m.

Description

No. 26, a north-bound passenger train, consisted of 2 baggage cars, 1 coach, 1 chair car, 2 coaches, 7 sleeping cars and 1 dining-lounge car, in the order named, all of all-steel construction, hauled by engine 6610, of the 4-6-2 type, and was in charge of Conductor Harper and Engineman Brannon. This train passed Malvern, the last open office, at 2:58 a.m., according to the train sheet, 1 hour 16 minutes late, and on reaching a point approximately 9.11 miles north thereof was derailed when it struck a stalled automobile at a private road crossing while traveling at a speed estimated to have been about 70 miles per hour.

The automobile involved was a 1931 model Pontiac sedan, owned by Len Hicks, Poyen, Ark. Just prior to the time of the accident it was driven by Homer J. Wilson, an unlicensed operator, who was accompanied by his brother. In moving westward over the above-mentioned crossing the automobile went off the south side of the dirt road and became stalled, headed west, with the front wheels between the rails, and the rear wheels east of the track. After several minutes, during which efforts were made to move the automobile off the track, it was struck by No. 26.

The automobile was completely demolished and parts of it were strewn along the track to the point where the engine stopped. The body of the automobile was thrown to the east of the track, and stopped on top of the ground-throw type switch stand of the switch leading to Cunningham Spur.

Engine 6610, its tender, the first 7 cars and the forward truck of the eighth car were derailed and stopped in various positions, badly damaged. All of the derailed cars stopped practically upright except the first baggage car which was on its side. The engine stopped on its right side, with its front end 912 feet north of the switch. The first coach stopped east of and opposite the engine; the window frames on the west side of this coach were ripped out for almost the entire length of the car. The employees killed were the engineman and train porter, and the employee on duty who was injured was the fireman.

Summary of evidence

Fireman Johnson stated that the engine was in good condition and that the whistle, bell and other appliances were in proper working order. Prior to leaving Texarkana, the air brakes were tested and worked properly en route; the headlight was burning brightly. Approaching Cunningham Spur the speed of his train was about 70 miles per hour, and both he and the engineman were looking ahead from their respective sides of the cab. He was looking through the front door of the cab and could not see the right rail immediately in front of the engine; he did not see the automobile prior to the accident. Before reaching the crossing on which the accident occurred the engineman sounded the whistle and turned on the mechanical bell ringer, but the fireman was unable to say whether the bell was actually ringing. As the engine approached the crossing he did not see any person or vehicle moving in that immediate vicinity, but he was of the opinion that the car which was struck was driven upon the crossing directly in front of the train. The first knowledge that he had of anything wrong was when the engineman applied the brakes in emergency at about the time the engine reached the crossing; immediately afterwards the engine began to sway from one side to the other and finally turned over.

Conductor Harper was in the next to the last car and Flagman Crowley was in the last car; they were not aware of anything wrong until the air brakes were applied in emergency, at which time the speed was about 70 miles per hour. The conductor went ahead to Traskwood to report the accident, and at no time following the accident did he go back to the crossing. Flagman Crowley

said that the rear end of the train stopped at the crossing. He saw two young men there and they told him that they had been the occupants of the automobile. Both young men appeared very excited, but the flagman did not notice anything to indicate that they might have been drinking intoxicants. Both the conductor and the flagman considered visibility good and gave the time of the derailment as 3:07 a.m.

Homer J. Wilson, who was driving the automobile when it became involved in the accident, stated that he is 25 years old and a private, first-class, in the Medical Corps of the Regular Army, U.S.A., and is stationed at the Army-Navy Hospital, Hot Springs, Ark.; he was on furlough. On the evening of February 5, 1938, he took the Pontiac sedan involved, owned by his brother-in-law, Len Hicks, without permission of the owner. About 7:45 p.m. he and his brother Frank left Poyen and shortly after 8 p.m. arrived at Malvern where each had one bottle of beer. Between 8:30 p.m. and 11:00 p.m. in company with various companions they continued to drive around, visiting towns in the vicinity of Malvern. Shortly after 10:15 p.m., he, his brother and another male companion were in the car and each took a drink of whiskey from a bottle which had been obtained along the route of their travels. Between the time they first left Poyen and 11:00 p.m. they had trouble with the headlights and it was necessary to have fuses renewed twice. Shortly after 11 p.m., they decided to go to Traskwood. He was not familiar with the roads in this section of the country and it was necessary for him to be guided by information furnished by others. In the course of his trip he moved over the crossing where the accident later occurred and had proceeded for some distance farther when he decided that he was on the wrong road. In attempting to turn around the automobile became mired and it required about 2 hours or more to get it out of the mud. After turning around they headed back toward the railroad track. Approaching the track he shifted to second gear, but in attempting to move over the crossing the front wheels got over the east rail, with the rear wheels east of the east rail on the south side of the road. During the 4 to 6 minutes which elapsed before the train reached the crossing several unsuccessful attempts were made to get the car off the track and when it was apparent that a collision was inevitable he turned off the motor, and, accompanied by his brother, ran to a point just outside the right-of-way fence. At the time the car was struck it was standing almost straight across the track. Before abandoning the car he turned off the ignition, and he thought that at the same time he might have turned off the headlights, but they were burning at the time the car stalled. No effort was made to flag the approaching train. He did not hear any whistle signals sounded, or the engine bell ringing; he heard

only the roaring noise made by the train. He had driven the car all evening and estimated that he had covered a total distance of about 50 or 60 miles during the course of the night. At the time of the accident the car was not out of gasoline. He did not have a driver's license, but said that he had been driving automobiles ever since he was 14 years old, and felt that he was a good driver. He stated, too, that he was not intoxicated. After the accident he saw the ruts on the south side of the dirt road that were made as a result of spinning the rear wheels of the automobile in attempting to get off the track, but he did not observe wheel tracks leading up to these holes, and he denied that the left wheels of his car had run off the south edge of the wooden planks over the ditch east of the track. In his opinion the insufficiency of the crossing and its rough condition prevented him from getting over the crossing safely.

The statements of Frank Wilson, the only other occupant of the automobile just prior to the accident, corroborated in substance those of his brother as to the movements made from the time they started from Poyon until the automobile stalled on the track. He said that the automobile missed the crossing, and that it was south of the dirt road when it became stalled. He also stated that he did not drink any whisky himself, and could not say how many drinks the others took, but he knew that they took more than one drink apiece.

Len Hicks, of Poyon, Ark., brother-in-law of Homer and Frank Wilson, stated that he was the owner of the Pontiac automobile involved in the accident. He had not directly given Homer Wilson permission to use the car on the evening of the accident, neither had he refused such permission. When Homer left with the car he was sober and did not appear to have been drinking. The car was in good working condition and the brakes were all right. It had been inspected according to State requirements and had the required license plates on it.

Section Foremen Cain and Heath arrived at the scene of the accident within $3\frac{1}{2}$ hours after its occurrence. Their statements were to the effect that there was no indication of dragging equipment south of the crossing, and there were no marks of derailment from the crossing northward to the switch frog. A wheel hub from the automobile was wedged in the crotch of the frog and apparently had been run over by the engine truck wheel, precipitating the derailment. The switch was closed and the points fitted properly although one switch point was damaged, apparently by some part of the dragging automobile. There were freshly dug holes in the ground south of the south edge of the dirt road at the crossing, apparently made by the spinning rear

wheels of the automobile when attempting to get the stalled car off the track prior to the accident. These marks indicated that the automobile was not stalled squarely across the track but that the front of the car was headed slightly toward the south. Two furrows were cut through the crushed rock composing the crossing where the automobile was struck; one was on the gauge side of the east rail, and the other was along the outside of that rail.

Division Engineer Jaeschke arrived at the scene of the accident about 6:40 a.m. Inspection showed that the south wheels of the automobile had missed the south edge of the culvert, and the front wheels went up over the east rail while the rear wheels were on the railroad embankment with the north rear wheel in the south edge of the road and the left, or south, rear wheel about 10 feet off the road. While in this position spinning of the rear wheels had caused the car to settle so much that a clear impression of the rear bumper was left in the railroad embankment. After being struck, the car was carried forward through the road crossing, sweeping out the crushed rock between the rails approximately down to the tops of the ties and on the outside of the rail to practically the same depth. The automobile body was carried northward and stopped on the switch-stand housing located on the east side of the track. One of the front wheel hubs, including spindle, brake band and wire spokes, was wedged in the crotch of the rail to the frog. The height of this brake drum was such that it lifted the flanges of the engine truck over the rails, causing the derailment, the west wheel striking the guard rail on main-line side of the frog and east wheel striking the hold-down cuffs of frog on the east side of the track and from this point the engine truck ran on ties approximately 400 feet to where it started to tear up the track.

Assistant Engineer May stated that he saw the automobile-wheel hub wedged in the crotch of the frog, firmly wedged in place, battered and run over, and in his opinion this caused the derailment. None of the rails through the switch were disturbed except the guard rail on the main line side which had been hit on the south end by some heavy object. Portions were broken off the west switch point, apparently caused by some parts of the dragging automobile. There was nothing about track conditions that would have caused the derailment.

Master Mechanic Hanna inspected the engine at the scene of the accident, but found no condition that would have contributed to the accident.

A 24-hour traffic check made from noon of Saturday, February 12, to noon of Sunday, February 13, 1938, showed only two vehicular movements over this crossing; during the same period three pedestrians passed over the crossing.

During the 30-day period prior to the accident a total of 793 trains passed over the crossing, passenger and freight, both directions included, or a daily average of 26.43 trains.

Observations of the Commission's inspectors

Inspection of the track for more than $\frac{1}{2}$ mile south of the point of accident showed that it was in good condition and there was no indication that dragging of train equipment contributed to the cause of the derailment.

Inspection of the dirt road, the crossing and track in the vicinity of the point of accident disclosed that there was a wheel track of an automobile on the south edge of the road distinguishable about 30 feet east of the track, which led to the ditch, missed the south edge of the culvert, and then led to a hole in the embankment which had been dug by the spinning left rear wheel of the automobile, about 10 feet from the center line of the dirt road and between 9 feet 6 inches and 12 feet from the center line of the railroad track. There was another hole at the south edge of the dirt road and a little closer to the railroad track made by the right rear spinning automobile wheel; the location and angle of these two holes indicated that the car at the time the wheels were spinning was standing with the front wheels between the rails and at an angle of about 75 degrees to the track, with the front end of the automobile farther to the south than the rear end. Across the south edge of the culvert there were marks showing that some of the under parts of the car had been dragged on it. The first flange mark was on the east side of a frog located 117 feet 9 inches north of the center line of the crossing.

Discussion

The evidence indicates that the car involved in the accident left the road at the point where it turns slightly to the right after entering the right-of-way limits of the railroad. The driver of the automobile had passed over this crossing going eastward about 2 hours prior to the accident. It appears, however, that on the return trip he approached the crossing rapidly; the tire tracks which appeared to the south of the road show that the left wheels of the car missed the south edge of the bridge over the east ditch, and then continued up the track embankment and stalled with the front wheels between the rails. Four or

five minutes elapsed before the arrival of the passenger train and during that time several unsuccessful attempts were made to move the car off the track, but no effort was made to flag the train.

The driver of the car stated that the car headlights were burning when he approached the crossing but he was not sure whether he turned off these lights when he opened the ignition switch preparatory to abandoning the car. Even had the headlights been burning it is doubtful whether the engineman of the approaching train would have seen them as the position of the stalled car was such that the rays of light were directed away from the train.

The driver of the automobile did not possess a driver's license as required by the Arkansas State Law. The owner of the car was not with the car at the time of the accident; he had not specifically authorized the driver to use it, but he was present when it was taken, and at that time he did not take any steps to prevent its use. There was evidence that some liquor had been drunk by the driver during the evening but the last drink was taken some 3 or 4 hours before the accident. Just what effect these drinks may have had upon the driving ability of the driver is not determinable, but immediately after the accident the flagman of the wrecked train talked with the two persons who had been occupants of the car and at that time there was no evidence that either was under the influence of liquor.

The derailing agent was the hub of one of the automobile wheels which became lodged in the frog of the switch leading to Cunningham Spur, and caused the flanges of the engine truck wheels to be raised above the tops of the rails.

Conclusion

This accident was caused by an automobile being stalled on the track near a highway, probably due to careless driving.

Respectfully submitted,

W. J. PATTERSON,

Director.