

INTERSTATE COMMERCE COMMISSION

REPORT OF THE DIRECTOR OF THE BUREAU OF SAFETY IN RE
INVESTIGATION OF AN ACCIDENT WHICH OCCURRED ON
THE ATLANTIC COAST LINE RAILROAD AT HAINES CITY,
FLA., ON SEPTEMBER 25, 1931.

October 28, 1931.

To the Commission:

On September 25, 1931, there was a derailment of a freight train on the Atlantic Coast Line Railroad at Haines City, Fla., which resulted in the death of two employees and the injury of two employees.

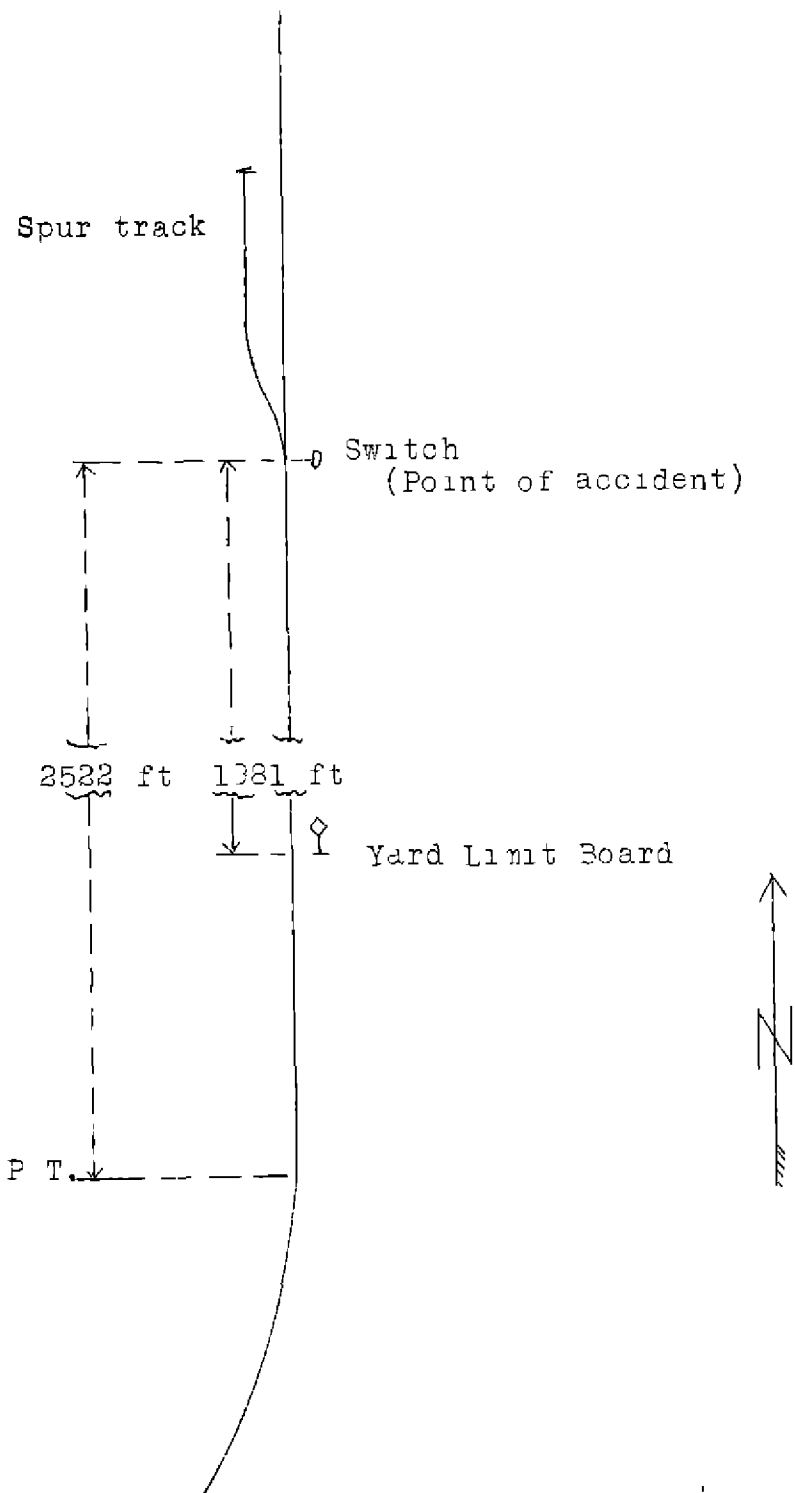
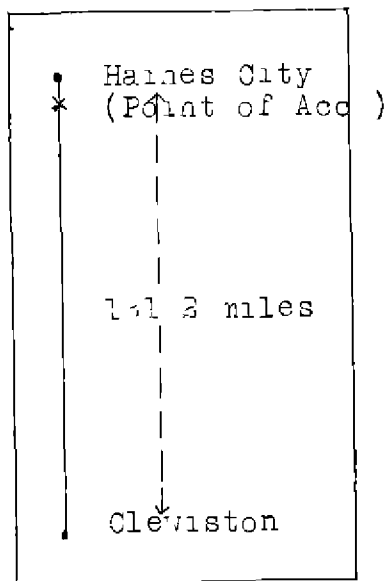
Location and method of operation

This accident occurred on the Ridge District of the Third Division, extending between Clewiston and Haines City, Fla., a distance of 121.2 miles, this is a single-track line over which trains are operated by time-table and train orders, no block-signal system being in use. The accident occurred within yard limits, at the switch leading to an industrial spur, located 1,981 feet north of the south yard-limit board. Approaching from the south the track is tangent for a distance of 2,522 feet to the switch, this tangent extending for a considerable distance beyond the switch. The grade is descending for northbound trains, being 0.70 per cent at the switch.

The switch involved is a facing-point switch for northbound trains, with a No. 10 turnout, and leads off the main track to the left or west to the spur track, which is 226 feet in length. The switch stand is located on the east side of the track, the centers of the targets are 5 feet above the head-block ties. When the switch is closed a green circular target is displayed, while a red arrow-shaped target is displayed when the switch is open. The switch stand is not equipped with a switch lamp.

The track is laid with 85-pound rails, with about 18 ties to the rail-length, single-spiked and fully tie-plated, and ballasted with cinders to a depth of about 12 inches. The track is well maintained.

There was a light mist or fog at the time of the accident, which occurred about 9.25 p.m.



Inv No 1724
 Atlantic Coast Line R R ,
 Haines City, Florida,
 Sept 25, 1931

Description

Northbound fourth-class freight train No. 578 consisted of 43 cars and a caboose, hauled by engine 409, and was in charge of Conductor Getzen and Engineman Lims. This train left Lake Wales, the last open office, 15.4 miles south of Haines City, at 8.41 p.m., according to the train sheet, 8 hours and 46 minutes late, entered the open switch leading to the industrial spur track at Haines City while traveling at a speed estimated to have been between 20 and 25 miles per hour, and was derailed when it ran off the end of that track.

Engine 409, its tender, the first car and the lead truck of the second car ran off the end of the spur, but all the equipment remained upright. The engine was buried in sand up to the running board, coming to a stop with its front end 86 feet 5 inches beyond the spur track, the tender telescoped the engine cab. The employees killed were the fireman and conductor, both of whom were riding in the engine cab at the time of the accident, while the employees injured were the engineman and the head brakeman.

Summary of evidence

Engineman Lims stated that the headlight was burning brightly and that he first saw the red indication of the switch target when about 300 feet from it. On account of mist being on his eyeglasses he raised them in order to see better and looked a second time, during which time he made about a 15 to 18-pound brake-pipe reduction, when he definitely ascertained that the switch target was displaying a red indication he applied the aid brakes in emergency and shouted a warning of danger, but by that time the engine had entered the spur track. The statements of Head Brakeman Claridy corroborated in substance those of the engineman; Flagman Kirkland immediately went back to flag. After the accident the switch was found to be lined and locked for the spur track.

Supervisory Agent Luther, at Haines City, arrived at the scene of the accident shortly after its occurrence, the switch was lined and locked for the spur track and the switch points and switch stand were in good condition. While at this point Superintendent Blanc instructed Supervisory Agent Luther to take Railroad Sergeant of Police Thigpen along and endeavor to find some one connected with the Pan-American Petroleum Corp., the accident having occurred at that industrial spur track, who could give any information as to the movements of a section crew that performed work in the vicinity of the spur track on the day in question. Accordingly, R. W. Clua, Agent, Pan-American Petroleum Corp., was interviewed and he stated that around 8:30 or 9:30 a.m. on the day of the

accident he was standing on the platform located a short distance from the spur track and saw a section motor car occupied by four or five men approaching from the south, just before reaching the spur track one of the men, colored, got off and threw the switch, Mr Clum seeing the target turn, and then the section motor car moved on again northward, however, he could not say positively whether it went in on the spur track, although he thought that it did. Subsequently Mr Clum identified Section Laborer Fields as the one he had seen going through the motions of opening the switch.

Section Foreman Lominack stated that his section motor car left the tool house, located at Dundee, 9.2 miles south of Haines City, at 7.30 a.m., and arrived at the spur track involved around 7.50 a.m., proceeding north of the switch points. He gauged the track on six long ties at the switch and about 8.10 or 8.15 a.m. the car was moved to a point about 200 or 300 feet south of the switch, where work of pulling grass was performed, until about 12.03 p.m., when the car was moved back to the switch and set over on the spur track, near the switch, for the noon hour, during which hour southbound freight train No 577 passed. At 12.52 p.m. he called his men back to work, set the car back on the main track, and moved it to a point from 300 to 600 feet south of the switch, where work of pulling grass was again performed, until 3 p.m., when he departed, proceeding to a point about three-fourths of a mile farther southward, where work for the day was finished, after which he returned to the tool house at Dundee. Section Foreman Lominack stated that there were four men in his crew, namely, Section Laborers Jenkins, Fields, Butler and Thomas, he maintained that he did not give his switch key to any member of the crew at any time during the day, nor did he or any of his men unlock the switch on arrival at the spur or try the switch to see whether it would throw, and he was positive that he did not handle the switch at any time during the day. Section Foreman Lominack said he noticed the switch during the day and that the switch target was displaying a green indication, the switch being lined and locked for the main track and the points fitting closely. He could not definitely recall whether he looked back at the switch target on departing, but thought that he did, at first he stated that it was not always his practice to look back, but later he changed this, saying that what he intended to say was that he always looked back at switches, he also said that it was his practice when he handled a switch to always look and see that it was lined for the main track. Section Foreman Lominack was familiar with the bulletin instructions issued June 22, 1931, requiring that motor and push cars be set off the track, and not

parked in passing or other tracks, having signed for this bulletin on June 24, 1931, these same bulletin instructions also called attention to the fact that the rules require that section foremen must not permit their switch keys to pass out of their possession, and must personally attend to the opening and closing of all switches. While he acknowledged violating the instructions in regard to setting the motor car off on the spur track, yet he said that he thought it would be all right to set the car over in a case like this, instead of setting it off on the right-of-way, since he was present and also since the spur track was not used to any great extent. He was positive that the car was set over both times, saying that he had no occasion to operate the switch during the course of gauging the track, that neither he nor any of his men touched the switch, and that he was unable to account for the switch being open.

Section Laborers Jenkins and Fields testified that the motor car was lifted over both to and from the spur track and that the switch was not used, Jenkins stated that the motor car was set over on the spur track after the work of gauging the track was finished, this work being completed shortly after 8 a. m., and that it was left there until after the noon hour, while Fields stated that the car stood on the main track until noon. Section Laborer Thomas was first interrogated on September 26, 1931, and at that time he stated that the motor car was lifted over to the spur track at noon, that a south-bound freight train passed while the motor car stood on the spur track, and that when they were called back to work following the noon hour the motor car was lifted back to the main track. He also stated that the first he knew of the accident was on being awakened during the night and questioned about the switch, saying that while he did not know what he said at that time in answer to questions asked him, yet he did remember having told Trainmaster Covin that the foreman handled the switch and the car was pushed out. On September 29, 1931, Thomas was again interrogated and at that time he said that when the motor car was pushed up to the spur track at noon, it was lifted over, and that following the noon hour it was lifted back, saying that the section foreman stood on the side of the track on which the switch stand was located, but not at the switch, while this was being done. Thomas further stated that he did not see the section foreman handle the switch at any time during the day and was positive that the motor car was lifted over both times and that the switch was not thrown. Thomas also stated that the section foreman was standing near the switch as the motor car was pushed by him, after the car was pushed by the switch Thomas did not see the section foreman again until the foreman got on the car, preparatory to going to the point where they were to resume work, and

it did not occur to Thomas at that time to look back to ascertain the position of the switch. This was the first day that Thomas had worked for the railroad in four years, Fields and Jenkins had worked off and on for Section Foreman Lominack since 1924, while Section Laborer Butler started working for Section Foreman Lominack in 1929. Butler stated that the motor car stayed on the main track until noon, and then the section foreman opened the switch and the car was shoved in on the spur track, following which the section foreman closed and locked the switch, and that later a southbound freight train passed while the motor car stood on the spur track. After the noon hour was up, the motor car was shoved to the switch, at which time the section foreman was standing near the switch, and then the car was set over on the main track, the switch not being used, and the section foreman still stood beside the switch as the motor car was pushed by, after which the section foreman got on the car and it was driven off. Section Laborers Butler and Fields both stated that on departing after the noon hour, they looked back and saw that the switch was properly lined for the main track and that the switch target displayed a green indication

Trainmaster Covin stated that he arrived at the scene of the accident shortly after its occurrence. Examination of the switch disclosed it to be lined and locked for the spur track, with the switch target displaying a red indication, while the switch points fitted up properly. The derail device on the spur track was knocked off as a result of the accident. No marks were found on the ties to indicate dragging equipment. Later on during the night, Trainmaster Covin went to Dundee, accompanied by Captain of Railroad Police Hill, arriving there about 1 05 a.m., September 26, where Section Foreman Lominack was interviewed, the names and addresses of the section laborers in the crew were obtained from the section foreman and the section laborers were interviewed later in the night. Section Laborer Jenkins was awakened and interviewed first, after which Section Laborer Fields was interrogated. Trainmaster Covin stated that when Jenkins was first questioned he was a little slow in answering and that Section Foreman Lominack, who was present at the time, prompted Jenkins by saying that "we always set the car over." Next they went to the house of Section Laborer Butler and awakened him, but Section Foreman Lominack did not go along, the shock of receiving the news of the accident apparently having upset him. Trainmaster Covin said Section Laborer Butler stated that the section foreman handled the switch at the time the motor car was put in the spur track, following which the section foreman lined the switch back for the main track, and that shortly after southbound freight train No 577 passed, they went out of the spur

track and that the section foreman opened the switch for them and that the car was pushed out. In this connection, however, it is to be noted that Section Laborer Butler subsequently gave an entirely different version of what transpired. Afterwards, they proceeded to the house of Section Laborer Thomas and awakened him and Trainmaster Covin said Thomas stated that the motor car was placed on the spur track while the section crew had lunch and took their noon hour, and that Thomas also stated that he was "sure the Captain handled the switch and he pushed the car". Trainmaster Covin further stated that on returning to the tool house, Section Laborer Fields was again questioned as to whether he was still sure that the car was set over after having heard the statements made by Section Laborers Butler and Thomas, and that Fields then stated that he was very tired, having worked hard all day, and that he might have forgotten just how it was handled, not being sure whether it was set over, or whether the switch was handled. Trainmaster Covin also stated that at the time he interviewed the members of the section crew, he did not take statements from them, but as the men were questioned he wrote their names in his note book and then wrote opposite the names of those who claimed they did not handle the switch the word "No", and opposite those who claimed they did, he wrote "Yes".

Captain of Railroad Police Hill stated that Section Foreman Lominack told them that he had not used the switch and that they set the car over on the spur track at the noon hour, also that Section Laborer Jenkins said that they did not use the switch, but set the car over, and that Section Laborer Fields said the same thing, but that later Fields said that "the Captain threwed the switch for us to pull in." On being awakened Section Laborer Thomas said that "the Captain throwed that switch." Captain of Railroad Police Hill further stated that when Section Foreman Lominack was first questioned about the switch that he did not appear very much concerned and answered in a straight-forward manner, but his demeanor changed when informed of the accident, while throughout the subsequent investigation it did not appear that he was telling all he knew of what had transpired.

Roadmaster Tyer stated that while in conversation with Section Foreman Lominack about 3 a. m., September 26, at the scene of the wreck, the section foreman stated that he had not used the switch at any time during the day of the accident, the section foreman also saying that "he knew they would fire him but he did not mind that as bad as he did those men being killed"

General Roadmaster Haley also stated that Section Foreman Lominack told him that he was absolutely positive he did not use the switch, the section foreman also saying

that he did not think it possible for him to have unlocked the switch and opened it to let the motor car out of the spur track without having some recollection of having done so. General Roadmaster Haley further stated that from the evidence it was not clear at all to him as to how the switch became to be open, he also stated that the section foreman was an unusually good foreman and a very high type of man, so far as he knew, with a splendid record both for maintaining his section and general character.

Conclusions

This accident was caused by an open switch.

After the accident the switch was found to be lined and locked for the spur track, with the switch target displaying a red indication, although it had not been used by train or switch crews for several days. While the testimony was conflicting as to whether or not the switch was used by the section crew, or whether the motor car was lifted over both to and from the spur track without using the switch, yet the investigation established the fact that the switch was lined for the main track at the time southbound freight train No. 577 passed, a trailing-point movement, during the noon hour, at which time the motor car stood on the spur track. Therefore, the whole question hinges on whether or not the switch was opened to push out the motor car from the spur track after the noon hour, or whether it was lifted back to the main track; the weight of evidence in this respect is to the effect that the motor car was lifted back, the switch not being used, and that on departing the switch was observed to be properly lined for the main track and the switch target displaying a green indication. The switch was not damaged as a result of the accident and there was no indication of malicious tampering. It appears that the switch was inadvertently left open by some one in possession of a switch key; while there were circumstances to indicate that Section Foreman Lominack, or a member of his crew, might have left the switch open, yet the section foreman emphatically maintained that neither he nor any of his crew had handled the switch on the day in question and at the time of the investigation it could not be definitely determined exactly when or by whom the switch was opened.

There is a long tangent approaching the switch, and it is believed that the engineman would have seen the red indication of a lighted switch lamp, had the switch stand been equipped with one, in time to have averted the accident. This was a main-track switch, although located within yard limits, and the practice of not equipping main-track switches with lamps, especially in territory

where there is no automatic block protection, is not consistent with safety in train operation.

With the exception of Section Laborer Thomas, all of the employees involved were experienced men, and at the time of the accident none of them had been on duty in violation of any of the provisions of the hours of service law.

Respectfully submitted,

W. P. Borland,

Director.