

INTERSTATE COMMERCE COMMISSION

REPORT OF THE DIRECTOR OF THE BUREAU OF SAFETY IN RE
INVESTIGATION OF AN ACCIDENT WHICH OCCURED ON
THE BALTIMORE & OHIO RAILROAD NEAR DEER PARK,
MD., OF JULY 26, 1926.

September 21, 1926.

To the Commission:

On July 26, 1926, there was a rear-end collision between a freight train and a work train on the Baltimore & Ohio Railroad near Deer Park, Md., resulting in the death of one employee and the injury of two employees.

Location and method of operation

This accident occurred on that part of the Cumberland Division extending between Cumberland, Md., and Grafton, West Va., a distance of 102.2 miles, in the vicinity of the point of accident this is a double-track line over which trains are operated by time-table, rules, and a manual block-signal system; train orders are used only for movements against the current of traffic. The accident occurred on the westbound main track at a point 4,439 feet east of Deer Park. Approaching the point of accident from the east there is a 3°30' curve to the right 1,902 feet in length and a tangent 536 feet in length, followed by a compound curve to the left 3,735 feet in length, the accident occurring on this latter curve at a point 497.5 feet from its eastern end, where the curvature is 2°. The grade in this vicinity is descending for westbound trains, being 1 per cent at the point of accident. At the time of the accident the view was materially restricted by a train occupying the eastbound main track.

The weather was clear at the time of the accident, which occurred at about 2.33 p. m.

Description

Work train extra 4437 consisted of three gondola cars, one rail-loader and a caboose, hauled by engine 4437, and was in charge of Conductor Jackson and Engineman Rice. It left West Keyser Tower, 23.1 miles east of Deer Park at 7.12 a. m., and was engaged in loading rails between that point and Oakland, 6.1 miles west of Deer Park. This train then departed eastward from Oakland, on the eastbound main track, at 1.34 p. m., and

arrived at Deer Park crossover, approximately 3/4 mile west of Deer Park, at about 2 p. m. At this point the conductor received permission by telephone from the operator at Mountain Lake Tower, 2 3/4 miles west of Deer Park crossover, to move eastward on the westbound track against the current of traffic in order to do some work immediately east of Deer Park. The train departed from that point with the engine backing up and hauling the four cars and caboosc, proceeding to the point where the work was to be performed; after remaining in that locality about 30 minutes, work extra 4437 had just started to move westward when the tender of the engine was struck by extra 7164.

Westbound freight train extra 7164 consisted of 90 cars and a caboosc, hauled by engine 7164, and was in charge of Conductor Nine and Engineman Whelan. This train departed from West Keyser Tower at 12.11 p. m., passed Altamont, 2.8 miles east of Deer Park, at 2.28 p. m., and collided with extra 4437 while running at a speed estimated to have been from 5 to 10 miles an hour.

Engine 7164 and the tender of engine 4437 were slightly damaged; neither of the engines nor any of the cars were derailed. The employee who was killed and the employees who were injured were track laborers assisting with the work train.

Summary of evidence

Conductor Jackson, of work extra 4437, stated that he called the operator at Mountain Lake Tower from the telephone at Deer Park crossover and inquired if there were any westbound trains that would arrive soon, at the same time asking for permission to use the westbound track to load some rails at Deer Park. The operator told him that a train had left Streckers, 8.9 miles east of Deer Park, at 1.44 p. m., Conductor Jackson then told the operator that it would be 2.25 or 2.30 p. m. before this westbound train would arrive, in which the operator concurred. Upon receiving permission from the operator to use the westbound track, the crossover switches were lined and after the train had backed through the crossover to the westbound track the conductor told the engineman to proceed eastward to where the work was to be performed, to remain at that point 20 minutes, and then to return to Deer Park crossover. Conductor Jackson did not accompany his train, but remained at the telephone to clear his train off the eastbound main track. He stated that he did not have any understanding with either of his brakemen as to where the train was going, was not positive as to

whether or not they were with the train when the back-up movement was made, and thought he was at liberty to run from Deer Park crossover to Deer Park against the current of traffic without flag protection. His understanding was that he should have been with his train, although had this been the case he still would have made this movement without flag protection. When asked if it was customary to run against the current of traffic with the information he had, he stated that he did not know, but added that he had been informed by other work-train employees that this was the practice. Conductor Jackson further stated that he had been examined on the operating rules and understood that it was necessary to have train orders to run against the current of traffic.

Engineman Rice, of work extra 4437, stated that after backing over to the westbound track, at 1.58 p. m., Conductor Jackson came out of the telephone booth and informed him that they had rights on the westbound track for 20 minutes. He then proceeded to Deer Park, stopped, and ordered the head brakeman who was riding on the engine to protect by flag. After loading some rails he sounded the whistle signal for the flagman to go out and then moved farther eastward. After the work was completed he signalled the flagman to return, but was delayed in starting back to Deer Park crossover on account of waiting for the rear brakeman, who came from the caboose to learn what moves were to be made, to return to the caboose, on the western end of the train. Just as the train was started, without waiting for the head brakeman to return from flagging, the engineman heard the explosion of torpedoes and in looking back over an eastbound train which was passing on the eastbound track he saw the westbound train approaching, and had only moved his train three or four car-lengths when the collision occurred. He stated that he called in the flagman at 2.22 p. m., and that the accident occurred at 2.33 p. m. Engineman Rice further stated that he understood it was contrary to the rules to run against the current of traffic without train orders or flag protection, but was obeying orders from his conductor, and that if he failed to do so he would have been censured by the conductor. He also said he had been handling the work train for about three months, as well as the two preceding summers, and that it had been the practice to make similar movements in a like manner, proceeding against the current of traffic, without train orders, to the point where the work was to be done, and then sending out a flagman.

Fireman Hethken, of work extra 4437, said he

heard the conductor inform the enginemen that they had permission to use the westbound track for 20 minutes. After running eastward to Deer Park the train was stopped and the loading of rails begun. At this point the flagman started back to protect the train, but they had moved to this point without flag protection, which movement he knew was in violation of the rules. After loading rails for some time, gradually working eastward, he remarked to the enginemen that they must be overstaying their time, and soon the enginemen stated that they had been there 30 minutes and would have to move. The enginemen then called in the flagman, and the fireman said that about three minutes elapsed from the time the flagman was called in until the collision occurred. Fireman Fethken said that he did not hear any torpedoes explode, but on being informed by the enginemen that there was a train approaching he looked back and saw the train coming, at which time the flagman was back a distance of 12 or 14 car-lengths.

Head Brakeman Arve, of work extra 4457, stated that when the work train entered on the westbound track he got on the tender of his engine and rode from Deer Park crossover to Deer Park, where the work commenced. He stated that he was not given any instructions or any information from his conductor as to what was to be done. When the train arrived at Deer Park he asked the enginemen and work-train foreman what orders or rights they had to use the westbound track and was informed they had 20 minutes in which to do some work. He then decided to protect his train and went back, keeping ahead of the train as it worked slowly eastward, until he was recalled, at which time he estimated he was 10 or 11 telegraph pole-lengths from the point where the collision occurred. Brakeman Arve stated that he placed two torpedoes on the right rail before he started in and had reached a point about three pole-lengths from his train when he heard the approaching westbound train explode the torpedoes. He said that the approaching train answered his torpedoes, but did not acknowledge his hand signals.

The statement of Rear Brakeman Stump of work extra 4437 practically corroborated those of the other members of this crew. He thought the accident occurred within two or three minutes after the flagman had been recalled.

Engineman Whalen, of extra 7164, stated that his train passed Altamont at 2.25 p. m., and that the signal at that point was displaying a caution indication. As he was passing the train on the eastbound track the

engineman of that train gave him a whistle signal to apply the air brakes, about which time he noticed a brakeman on that train giving hand signals to stop. He then made an 8-pound brake-pipe reduction and as the rear end of the eastbound train passed his engine his fireman called to him that a train was just ahead, he immediately moved the brake valve handle to the emergency position, opened the sanders and reversed the engine; he did not think he obtained an emergency effect owing to the previous service reduction. He said he did not hear torpedoes, or did he see a flagman until after he saw the tender of engine 4437. Engineman Wholen further stated that at the time he received the first signals to apply brakes he was running about 20 miles an hour and had almost stopped when the collision occurred. He also said he understood from the caution signal indication at Altamont that the westbound track was occupied between that point and Fourteen Lake Park, between which points the accident occurred. His statements were practically corroborated by those of Fireman Miller.

Brakeman Wilkins, of extra 7164, stated that he noticed the caution indication at Altamont, at which time he was riding on the train seven or eight cars back of the engine, but that he did not hear the explosion of torpedoes as his train approached the point of accident, at which time its speed was about 18 to 20 miles an hour.

Engineman Moore, of eastbound train extra 7165, stated that as his train was passing the point where the accident occurred he noticed the standing work train and also a flagman standing about 16 or 13 car-lengths back of that train. Immediately afterwards he noticed extra 7164 approaching and gave the engineman of that train a whistle signal to apply his brakes. He said that he did not hear any torpedoes explode and that on account of the curvature of the track at that point the view of the engineman of extra 7164 was almost entirely obstructed.

Head Brakeman Hoffman, of extra 7165, also stated that the flagman of the work extra was back a distance of 16 or 18 car-lengths when he saw him, and that he had previously heard the engineman on the work extra sound the whistle signal calling to the flagman. He estimated the speed of extra 7164 as it approached the point of accident to have been between 28 and 35 miles an hour.

Conductor Bickford, of extra 7165, was riding

in the caboose of that train and he said the work extra was standing when his caboose passed it but that he saw the work train foreman give a signal to go ahead. Conductor Bickford then noticed the flagman, who was from three to five car-lengths, giving stop signals with a red flag. The work extra then started to move ahead, the collision occurring shortly afterwards. He did not hear any torpedoes exploded. The statements of Flagman Brewer, who was in the caboose with Conductor Bickford, brought out no additional facts of importance.

Operator Fouch, on duty at Mountain Lake Park at the time of the accident, said that at 2 p. m. Conductor Jackson called him on the telephone from Deer Park crossover and asked permission to use the westbound track for a period of about 20 minutes. He then called the operator at Altamont and upon inquiry was informed that there were no trains between the two stations on the westbound track. Operator Fouch then requested the operator at Altamont to display a caution indication as the work train was going to occupy the westbound track at Deer Park. Conductor Jackson did not state where the work was to be performed, and the operator did not consult the train dispatcher about the movement to be made as it was his practice frequently to allow work trains to cross over without consulting the train dispatcher, which he understood was in accordance with the rules in this territory.

Dispatcher Rickoy stated that when a work train desires to cross over and use a track with the current of traffic permission must be obtained from the signaller, to use the track against the current of traffic, train orders must be secured from the train dispatcher.

Conclusions

This accident was caused primarily by the operation of work extra 4437 against the current of traffic without authority, for which Conductor Jackson and Engineman Rice are responsible.

When talking with the operator, Conductor Jackson obtained authority to back across to the westbound track, this was the only authority obtained, and yet the train was moved against the current of traffic a distance of approximately $1\frac{1}{2}$ miles, a part of this distance being traversed without any flagging protection. The idea was advanced that it was customary under such circumstances to obtain authority to make a crossover movement and then proceed to the point where the work was to be done, at which time a flagman would be sent out to protect the train. There is nothing in the rules

authorizing such a practice when it involves making a movement against the current of traffic, and if any such methods are followed in connection with the operation of work trains then the operating officials should take energetic measures toward eliminating such conditions.

After reaching the point at which the work extra was to resume work, proceeding still farther eastward against the current of traffic as the work progressed, Head Brakeman Arvo went back to protect against westbound trains, and while the evidence is very conflicting as to how far from his train the head brakeman was standing at the time extra 7164 approached, and as to whether or not he used torpedoes, it is apparent that he did not go back far enough to provide full protection. He knew his train had only 20 minutes in which to perform its work, and when that time was exceeded he should have been even more careful to provide protection. Had he gone back a sufficient distance, and had his signals been observed, there is no reason why he could not have prevented the occurrence of this accident.

Extra 7164 entered the block under a caution signal indication, which was authority to proceed with caution prepared to stop short of a train or obstruction. This train, however, was not being operated in accordance with this authority. Such a rule in its effect requires an engineer to operate his train prepared to stop within his range of vision, and yet according to his own statement, Engineer Whelan was operating his train at a speed of 20 miles an hour in an occupied block, and on a 1 per cent descending grade. Had Engineer Whelan been operating his train under proper control, this accident would not have occurred.

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.