

Alleged

640

Dec 3, 1919

IN RE INVESTIGATION OF AN ACCIDENT WHICH OCCURRED ON THE LINE OF THE
BUFFALO & LAKE ERIE TRACTION COMPANY AT DUNKIRK, N. Y.,
ON OCTOBER 4, 1919.

November 20, 1919.

On October 4, 1919, there was a rear-end collision between two electric passenger cars on the line of the Buffalo & Lake Erie Traction Company at Dunkirk, N. Y., which resulted in the death of 6 passengers and injury of 25 passengers and 3 employees. After investigation of this accident, the Chief of the Bureau of Safety reports as follows:

The line of the Buffalo and Lake Erie Traction Company extends from Buffalo, N. Y., to Erie, Pa., a distance of 91.2 miles, and in the vicinity of the point of accident it is a double-track line over which trains are operated by timetable and train orders. The accident occurred on Central Avenue within the southern limits of the city of Dunkirk. Central Avenue runs about north and south, is 40 feet wide between curbs and is lighted with incandescent electric lamps hung from pole brackets which extend nearly over the tracks. Approaching the point of accident from the north, the track is tangent for approximately one mile and the grade is .27 per cent ascending for cars running in a southerly direction.

The cars of the Buffalo & Lake Erie Traction Company are electrically propelled with direct current, and are of the overhead-trolley type. So-called local cars are operated between Dunkirk and Fredonia, a distance of 5.1 miles, on a half-hourly assumed schedule, beginning at 6.00 a.m. and continuing until 12.00 midnight and the last car leaves Dunkirk for Fredonia

at 12-40 a.m., making a total of 36 local cars in each direction daily. There is no printed schedule in effect for these local cars and their movements are not in any way indicated on the printed schedules for the interurban cars. The local cars enter upon common track with the interurban cars at Fourth and Main Streets, Dunkirk, continuing on this common track to Fredonia. The intersection of Fourth and Main Streets is located about 1,000 feet from the New York Central Railroad depot, which is the eastern terminal for the local cars. Eastern Division interurban cars operate between Buffalo and Fredonia on a printed schedule there being 18 trains in each direction daily. Between Dunkirk and Fredonia the local cars have 37 stops at which passengers may be taken on or discharged, while the interurban cars have but 9 such stops in covering the same territory. All cars have equal rights over this piece of track.

On the date of the accident, local car No. 440, in charge of Conductor Elmer Fick and Motorman LeBarren, left the New York Central Railroad depot, Dunkirk, en route to Fredonia at 9.00 p.m., on time. Moving southward on Central Avenue, over the track used by both the local and interurban cars, car No. 400 stopped at Ennis Stop to discharge a passenger and then proceeded to Corwin Stop, a distance of 440 feet, where one passenger alighted and two passengers were taken on; this car then started forward again and had moved a distance about equal to its own length when its rear end was struck by interurban car No. 602, the accident occurring at about 9.22 p.m.

Interurban car No. 602, designated on the time-table as train No. 37, was in charge of Conductor Ferrin and Motorman

Irving Fick. On the day of the accident this car left Buffalo at 7.05 p.m., and arrived at Dunkirk at 9.06 p.m., 5 minutes late. It made its last stop prior to the accident at the Country Club, located on Central Avenue about half a mile north of Corwin Stop and at 9.32 p.m., collided with the rear end of car No. 400 at Corwin Stop. At about 9.00 p.m. a heavy rain had fallen but at the time of the accident only a light mist was in the air.

Local car No. 400 was driven forward about 150 or 200 feet by the collision and its rear vestibule was destroyed, as was also the front vestibule of the interurban car. Beyond the destruction of the two vestibules, neither of the cars was badly damaged. Most of the killed and injured were riding in the rear vestibule of the local car. The rear bumper of this car was 13 inches lower than the forward bumper of car No. 602, resulting in the forward end of car 602 overriding the vestibule floor of car No. 400.

Motorman LaFarron of car No. 400, who was injured in the collision, stated at the time he received the bell signal from his conductor to proceed from Corwin Stop, he observed the reflection of the headlight of car No. 602 and heard a blast of its whistle. Realizing that the car following was very close he endeavored to set his car in motion as quickly as possible, but was able to move it only about one car length when the collision occurred.

Conductor Fick of car No. 400 was interviewed at his home where he was confined on account of injuries received, but could not give a very clear account of the accident. He could not

recall whether or not he had given his motorman a signal to proceed from Corwin Stop, nor was he sure whether or not his car was in motion when struck. He stated that he neither saw nor heard the approach of the interurban car. He said that the seats in his car were all occupied and the rear vestibule was crowded with standing passengers; at the time of the accident he was standing on the floor of the car at the fare box, which was located in front of the bulkhead and about in the center of the main aisle of the car.

Conductor Ferrin of car No. 602 stated that as far as he knew, the motorman was in normal condition during the trip from Buffalo to Dunkirk, and he knew of no trouble having been encountered with the air brakes. At one point the motorman ran the car about 10 feet beyond a stop, but he attributed this to wet rails. On arrival at Doughty Street in Dunkirk, he reported to the dispatcher and while doing so, noticed his motorman on the ground in front of the car; he thought the motorman was dimming the headlight, but was not sure. He said the only method they have of dimming headlights is by inserting a piece of newspaper within the headlight and over the lens. On coming out of the telephone booth the conductor told Motorman Fick that they would change cars at Fredonia and take car/611^{No.} back to Buffalo instead of car No. 602. After leaving Doughty Street and before reaching the point of accident several stops were made and at a railroad crossing Conductor Ferrin went ahead to flag over it. He stated that at the time he did this he noticed that the headlight on his car was burning but did

not notice whether or not it was dimmed. The last stop made by his car prior to the accident was at the Country Club on Central Avenue, and he estimated that if the motorman applied full power after leaving that point he would not be able to attain a speed greater than 20 or 25 miles an hour on reaching the point of accident. He could not, however, give any estimate of the speed at the time of the accident. He stated that he felt the brakes being applied at the time of the collision but was uncertain whether they were applied by the motorman or by the breaking of the air pipes due to the crash. He had no conversation with the motorman at the scene of the accident after its occurrence, except that the motorman told him as he was getting into an automobile that he would report the accident to the trainmaster at Fredonia. Conductor Perrin further stated that on the day after the accident he saw Motorman Fick at his home and when he asked him how far away he saw car No. 400, the motorman replied that he did not see it until after he had passed Emis Stop, or a distance of less than 440 feet. Motorman Fick also told him that the brakes on the car were slack at the time.

Motorman Irving Fick of car ^{No.} 602 was interviewed at his home by Attorney Fernow, a member of the firm representing the receiver of the traction company. According to Mr. Fernow's affidavit the motorman stated that on the day of the accident he took car No. 602 from Fredonia to Buffalo and returned with it as far as the point of accident, and that he had no difficulty with the brakes or equipment until he reached

Lakeside on his return trip. It was his impression that at Lakeside he told Conductor Ferrin that the brakes were a little slack, and he ran 10 or 20 feet beyond two different stops. He said the headlight was burning properly and he did not dim it at Doughty Street, Dunkirk, as it was raining hard at that time. He did at this point, however, get out on the ground in order to wipe off the outside of the front window, and while here the conductor told him that they would leave car No. 602 at Fredonia and take car No. 611 back to Buffalo, as the trolley on car No. 622 was spitting fire and the brakes were becoming slack. He stated that no one rode in the front vestibule with him during any part of the trip from Buffalo, but he allowed passengers to pass in and out through the vestibule at stops. He stated further that he made a stop at the Country Club on Central Avenue and on starting again, put on full power, but before reaching Lafayette Street, about 800 feet north of the point of accident he reduced to half power. Approaching the point of accident there were automobiles moving toward him from the opposite direction and with the water on the glass of the front window he was unable to see the local car ahead until about the time he passed Ennis Stop. At that time he threw off his power, threw on sand, applied the brakes, and sounded a long blast on the whistle. He could not remember what occurred after his car got within 15 feet of the car ahead or how he got out of the vestibule.

Motorman Woodward stated that on the day of the accident he made a trip with car No. 602 from Fredonia to Buffalo and return, and on his return to Fredonia was relieved by Motorman

Pick. He stated that the air brakes and other mechanical and electrical devices worked properly during his trip. Motorman Woodward also stated that three or four years ago a speed limit was in effect through the city limits of Dunkirk, but at present crews use their own discretion with regard to speed and when late do not feel prohibited from making up time through the city limits. He stated that nothing has been said to him recently when he has exceeded the speed limit, although crews used to be reprimanded ~~once in a while~~ ^{occasionally} for this violation of rules.

Mechanical Expert Cameron, employed by the Westinghouse Air Brake Company, stated that two days after the accident he made a careful inspection of car No. 602 at Erie, Pa., and found the entire brake equipment in good working condition. At the time of his inspection he found no evidence of repairs having been made, except the plugging of the air pipes where broken in the collision. He estimated that with car No. 602 running at a speed of 25 miles an hour on level track and with all conditions proper, it could be stopped within a distance of 250 or 275 feet, and running at 30 miles an hour under the same conditions it could be stopped within a distance of 300 or 350 feet.

George Mackloskie, employed by the General Electric Company as designing engineer in the air brake engineering department, stated that he made an examination of the brakes on car No. 602 the second day after the accident and found them in good condition. He stated that at the time of the examination there was no evidence of repairs having been made since the accident.

Garbarn Foreman Bell, located at Fredonia, stated that he gave car No. 602 a careful inspection on the morning of the day of the accident; a new by-pass valve was put into the triple valve and an axle bearing was packed. He said the car left the barn at about 11.30 a.m., with the brakes and all equipment in good condition.

Dispatcher Calvin stated that instructions in the rule book restrict the speed of cars through Dunkirk to 12 miles an hour, but that he has never had occasion to caution any crew with regard to exceeding the speed limit and that he was not aware that the rule was being violated.

Assistant General Manager Baker stated that from time to time employees have been cautioned by himself and other officials in charge of the division with regard to complying with the speed restrictions within the city limits of Dunkirk. He stated further that the officials of the company have not deemed it necessary to require that red lights be displayed on the rear ends of the local cars, believing that the white lights in the rear vestibules of the cars are sufficient protection against following trains. He also said that the officials endeavor rigidly to enforce rule 84 requiring trains running in the same direction to keep at least 1,500 feet apart.

General Manager Myers stated that judging from the appearance of the damaged cars, it did not seem to him that car No. 602 could have been running at a speed greater than 20 miles an hour at the time of the collision.

Bernard Bullock, residing on Central Avenue about 125 feet from the point of accident, stated that on the evening of the

accident he accompanied his father and mother to Corwin Stop and after assisting them to board car No. 400, he started to return to his home. He had just reached the curb of the street when he saw the interurban car approaching at a high rate of speed with the headlight dimmed. He thought the interurban car was about 100 feet from Corwin Stop when he first noticed it, at which time the local car was just starting ahead and had moved only about 10 feet when struck. He did not hear or see any indication of the brakes being applied on the interurban car. He said the street lights were burning at the time.

Thomas Quinn, also residing on Central Avenue near the scene of the accident, stated that he had been a passenger on car No. 400 and had gotten off at Corwin Stop. When he reached the curb he heard the interurban car approaching and a moment later heard the crash of the collision. He did not see the headlight of the interurban car when he alighted from car No. 400 and was positive that he looked in the direction from which it approached to see if any automobiles were coming that would endanger his crossing.

On the night of October 10th, observations were made from the front vestibule of an interurban car for the purpose of learning the method of operation and to what extent the lights of automobiles met along Central Avenue interfere with the clear vision of the motorman. Red lights on the rear of automobiles running in the same direction as the car could be seen clearly when three-fourths of a mile ahead and the range of vision was not seriously impaired by the headlights of auto-

mobiles running in the opposite direction. It was also observed that when local cars were 300 or 400 feet ahead, the reflection of the lights in their rear vestibules could scarcely be seen, and at no time were the lights suspended from the ceilings of the vestibule visible. However, by reason of the ceiling lights in the body of the car being located in line with the panel windows at the rear of the ventilator section of the car roof, the reflected light from these windows, which are 22½ x 4½ inches in size, could be plainly seen for half a mile. In some of the local cars, these windows are of clear glass but in car No. 400 they are of wire mesh glass having a semi-frosted appearance.

There is in effect in the city of Dunkirk an ordinance requiring headlights on all vehicles to be dimmed while passing along its streets, and as the headlights on the interurban cars of the Buffalo & Lake Erie Traction Company are not equipped with any dimming device, motormen make a practice of switching off their headlights before meeting an automobile and again switching them on after the automobile has passed, with the result that at times the cars may be run a considerable distance without the headlights burning. In a test made with an interurban car, about 65 seconds were consumed in passing from the Country Club to Corwin Stop, a distance of about half a mile, or at a speed of about 28 miles an hour, showing that it was possible for the interurban car to have been traveling at a speed greater than that indicated by Conductor Perrin.

This accident was caused by the failure of Motorman Fick, of car No. 602, to exercise proper caution in the operation of his car, resulting in overtaking the car ahead of him. Motorman Fick is also at fault for his failure properly to obey rule No. 5 of the

Special instructions, printed in the current time-table, which reads as follows:

"Trains will reduce speed of five (5) miles per hour through Dunkirk Subway, and will not exceed a speed of twelve (12) miles per hour through Westfield, Fredonia, Dunkirk and Silver Creek."

The absence of a red light or marker, on the rear end of car No. 400 undoubtedly contributed in a measure to the accident. Such lights are easily distinguished and there is little likelihood of their being taken for other indications. It is probable that if a red light had been burning on the rear of car No. 400, Motorman Fick would have seen it sooner than he saw the reflection of the ceiling lights and would have been able to get his car under control in time to avoid the collision.

Motorman Irving Fick entered the employ of the Buffalo & Lake Erie Traction Company, in October, 1917, was drafted into the Army in January, 1918, and was reinstated in January, 1919. His record was good.

At the time of the accident, none of the employees involved had been on duty in violation of the Hours of Service Law.