

IN RE INVESTIGATION OF AN ACCIDENT WHICH OCCURRED AT THE  
CROSSING OF THE CENTRAL OF GEORGIA RAILROAD  
AND THE LOUISVILLE & NASHVILLE RAILROAD  
AT SYLACAUGA, ALA., FEBRUARY 24, 1919.

May 1, 1919.

On February 24, 1919, there was a side collision between a freight train of the Central of Georgia Railroad and a passenger train of the Louisville & Nashville Railroad at the intersection of their tracks at Sylacauga, Ala., which resulted in the death of 1 passenger and the injury of 17 passengers and 3 employees. After investigation of this accident, the Chief of the Bureau of Safety reports as follows:

The Birmingham District of the Columbus Division of the Central of Georgia Railroad, on which this accident occurred, extends between Birmingham, Ala., and Columbus, Ga., a distance of 157 miles. The Anniston-Calera Subdivision of the Alabama Mineral Division of the Louisville & Nashville Railroad extends between Anniston, Ala., and Calera, Ala., a distance of 86.26 miles.

Approaching the crossing from the west on the Central of Georgia Railroad the track is straight for a distance of 1-1/2 miles, with an ascending grade of .3%. Approaching from the north on the Louisville & Nashville Railroad the track is straight and practically level for a distance of 1,800 feet, there being an unobstructed view of the crossing for this distance. The crossing at the point of accident is not protected except by stop boards located 57 feet west of the crossing on the Central of Georgia track and 97 feet north of the crossing on the Louisville & Nashville track. Approximately a hundred feet north of the crossing and on the west side of the Louisville & Nashville track there is a brick building which obstructs the view of trains on the Central of Georgia Railroad approaching from the west. On the north side of the main track of the Central of Georgia Railroad is a passing track, the east switch to this track being about 70 feet west of the crossing.

Section 5474 of the Code of Alabama reads as follows:

\*DUTY AS TO RAILROAD CROSSING;- When the tracks of two railroads cross each other at grade, engineers and conductors must cause the trains of which they are in charge to come to a full stop within one hundred feet of such crossing, and not proceed until they know the way to be clear, the train on the railroad having the older right of way being entitled to cross first; but the provisions of this section shall not be applicable where crossings of such roads are regulated by interlocking, crossing or derailing switches, or other safety appliances of like kind to prevent collisions at crossing, nor where a flag man or watchman is stationed at such crossings, and such

flagman or watchman signals that the trains may cross in safety."

This law is not published in the book of rules or current time table of either road, nor is there any rule in their books of rules or current time tables regarding the method of operation of trains over this crossing. The Louisville & Nashville Railroad has the older right of way.

The trains involved were Central of Georgia eastbound freight train 2nd No. 39, and Louisville & Nashville southbound passenger train No. 81. Train 2nd No. 38 consisted of engine 1801, 20 loaded, 2 empty box cars and a caboose, in charge of Conductor Lindsay and Engineman Sweatt. It left Birmingham at 3:00 a. m., 4 hours and 40 minutes late, and arrived at Sylacauga at 7:50 a. m., 4 hours and 50 minutes late. After taking water the train proceeded, striking the Louisville & Nashville train on the crossing at about 8:10 a. m. Train No. 81 consisted of engine 261, 1 combination baggage and mail car and 3 coaches, in charge of Conductor Meigs and Engineman Talford. Two of the coaches were of wooden construction, while 2 had steel underframes. This train left Anniston at 6:15 a. m., on time, and arrived at Sylacauga at 8:10 a. m. 1 minute late. When the locomotive had cleared the crossing, the engine crew observed the Central of Georgia freight train approaching and before the passenger train had entirely cleared the crossing, the head end of the rear coach was struck by the locomotive of train 2nd No. 38, which at the time was moving at a speed of about 10 miles an hour.

The force of the collision broke the coupling on the head end of the rear car. This car was derailed and partly overturned, the head end being thrown to the east about 35 feet. The trucks of locomotive 1801 were damaged and all the drivers were derailed, but the trailers remained on the track. The engine stopped within about 35 feet after striking the coach.

Engineman Sweatt, of train 2nd No. 38, stated that he stopped at the west water plug, which is located about 490 feet from the crossing, and his train stood there about 20 minutes, during which time he made a cut for a street crossing, took water, and then crossed the Louisville & Nashville track to the sand house. After taking sand, the engine was backed up and coupled to the train; on looking ahead the engineman saw the flagman standing near the Louisville & Nashville crossing. He sounded two blasts of the whistle, whereupon the flagman gave him a signal to come ahead. After starting his train and proceeding a short distance, the fireman told him the conductor was giving a proceed signal and he answered the conductor's signal with two blasts of the whistle. When they were about 120 feet from the crossing he asked his fireman, who was standing in the gangway of the engine, "How about the crossing?"

The fireman looked out and replied: "All clear." In the meantime the flagman had walked across the crossing toward the train and he assumed from this that there was nothing in sight. When within about 100 feet of the crossing, he passed the flagman, who was coming back along the track for the purpose of boarding the train. He was working steam and when the front end of his engine was within 50 feet of the crossing and he was proceeding at a speed of about 10 miles an hour, he saw the engine of train No. 81 cross ahead of him. He shut off steam, made an emergency application of the brakes, reversed his engine and opened the sanders, but it was too late to stop. He had not heard any whistle sounded by the Louisville & Nashville train. He further stated that it was his common practice to proceed over this crossing without stopping after leaving the west water plug, provided there was some member of his crew at the crossing, as there was in this instance, and he considered he was fully protected by a flag at that time.

Fireman Doolittle, of train 2nd No. 38, stated that when they coupled on to their train after taking sand, the flagman was standing by the Louisville & Nashville crossing and gave them a proceed signal, which the engineman answered. When the flagman gave the signal, the engineman asked him: "How is the crossing?" He looked out and from what he could see, the crossing was clear, so he replied: "Crossing is clear." The engineman then started the train, while he got down and put on some coal and they proceeded to within about 100 feet of the crossing, when the engineman again asked him about the crossing. He looked out but saw nothing on the crossing and he said they assumed from the flagman's signal that the crossing was clear and therefore made no stop after they started from the water crane. He again went to work on his fire, but soon heard the engineman make an application of the brakes, looked up and saw the next to the last coach of the passenger train passing over the crossing at a speed he estimated at 20 miles an hour. He said Engineman Sweatt applied the brakes, reversed the engine and opened both sanders in an effort to stop before striking the passenger train. He heard no whistle from the passenger train and was positive that it could not have stopped before starting over the crossing.

Conductor Lindsey, of train 2nd No. 38, stated that after the engine had coupled to the train he gave the fireman a proceed signal. He was standing on the left side of the train, about 4 or 5 car lengths from the caboose when the train started. He knew the flagman was at the head end of the train but did not know what he was doing. He gave the engineman a stop signal from a point about opposite the water crane, but the train was not stopped until an emergency application of the brakes was made just prior to the collision. He thought that after the train had run 10 or 12 car lengths, the speed was about 10 miles an hour. He did not see or hear the Louisville & Nashville train coming and did not look to see if one was

coming.

Flagman Kirven, of train 2nd 38, stated that while the engine was at the sand house he went to the freight house, which is east of the crossing. While he was in there, the engine returned to the train and when he came out, it was ready to go. At this time he heard the Louisville & Nashville train whistle for the station, but could not see that train. He walked to a point about 6 feet west of the railroad crossing, south of the Central of Georgia tracks, and as there was no train in sight in either direction, he gave a proceed signal. He admitted that in giving the engineman a proceed signal he assumed a certain degree of responsibility; the crossing was clear at that time, and notwithstanding that he heard the whistle of the approaching Louisville & Nashville train, he took it for granted that train would stop and as his train had stopped first he considered that it had right of way. He stated he did not consider it necessary to remain at the crossing to protect the movement of his train over it, and he did not inform the engineman that a train was approaching on the Louisville & Nashville track. After giving his engineman the proceed signal he started to walk toward his train for the purpose of getting aboard. The engineman sounded two blasts of the whistle and started the train within half a minute after he gave him the proceed signal. The first he saw of the approach of train No. 81 was when he was proceeding toward his train, being at that time on the station platform, about 60 or 65 feet from the crossing; at this time he could see train No. 81 coming around the curve north of the station. When the front end of his train came between him and train No. 81, that train was within 400 feet of the crossing, moving at about 15 miles an hour, and the front of his engine was about 50 feet from the crossing. When his own train passed him, it was moving about 8 or 10 miles an hour and he estimated the speed of train No. 81 at 20 miles an hour as it passed over the crossing. Flagman Kirven said that as his train had stopped first, he presumed that train no. 81 would come to a stop before proceeding over the crossing. He was positive that train No. 81 could not possibly have come to a stop and then have moved upon the crossing ahead of his train.

Brakeman Coleman, of train 2nd No. 38, stated that when the engine came from the sand house he coupled it to the train and the conductor gave a proceed signal, which the engineman answered. The train then started and did not stop, although the engineman sounded the crossing signal when within about 100 feet of the crossing. He had boarded the train and was on the 4th car from the engine, the train moving at a speed of about 10 miles an hour, when he saw train No. 81 about 100 yards from the crossing, travelling at about 15 miles an hour. He saw that it was not going to stop and leaned over the edge of the car, first on one side, then on the other, giving signals in an effort to attract the attention of the engine crew of his train.

He also shouted to the flagman, about a car length from him and said that flagman also signalled the engineman to stop. He was positive that the Louisville & Nashville train did not stop for the crossing, the engineman merely sounding two blasts on the whistle while his train was moving.

Engineman Talford, of train No. 81, stated that upon arrival at Sylacauga he stopped with the front of his engine about 5 or 10 feet from the stop board. He saw smoke from the vicinity of the second water crane on the Central of Georgia track, which he supposed was smoke from a train, but saw no train in the vicinity and there was nothing to indicate the approach of 2nd No. 38. There were some cars standing on the Central of Georgia side track and train 2nd No. 38 was behind them, which prevented him from getting a clear view. He asked his fireman if everything was clear and, being told by him that it was, started his train. Some children were about to cross in front of his engine and he sounded his whistle to warn them; about this time he heard the Central of Georgia train whistle. He first saw the freight train when he reached the crossing and when that train had reached Broadway, about 50 feet from the railroad crossing, he had his engine and one car over the crossing; he then thought he could get the remainder of his train over it without being struck. He gave his engine a full head of steam in an effort to get his train across. He said his speed going over the crossing was 8 or 9 miles an hour, but that his train had attained a speed of between 12 and 15 miles an hour before the last coach was struck.

Fireman Vernon, of train No. 81, stated that Engineman Talford brought the train to a stop about 8 or 10 feet north of the stop board. He was sure his train came to a full stop at the stop board, as the baggageman, who had been riding on the engine, got off there when the train was at a standstill. The engineman sounded the crossing whistle, then asked him about the crossing and he replied: "All right on my side." As they got on the crossing he saw 2nd No. 38 crossing Broadway at a rate of about 10 or 12 miles an hour and did not think it was going to stop. He said that when his engineman saw 2nd No. 38 was nearly on them and was not going to stop, he opened the throttle to get his own train across and did not shut off steam until the rear coach was struck.

Conductor Meigs, of train No. 81, stated that he was inside the third coach from the engine and had just called the station. When their train stopped for the crossing, he looked out and saw that the rear end of the last coach was about opposite the street crossing at the wye switch, which is about 300 feet from the railroad crossing. After stopping about 15 seconds, the engineman sounded the crossing whistle and started. Hearing the exhaust of an engine, he came out upon the rear platform of the third coach. He did not see train 2nd No. 38 until after his train had started and was on the crossing, at which

time the freight train was almost upon them. He estimated the speed of his train at from 10 to 12 miles an hour and that of train 2nd No. 38 at 8 or 10 miles an hour.

Baggagemaster Martin, of train No. 81, stated that approaching Sylacauga he had been riding in the baggage car, then went over to the engine to get a drink of water. He said their engine stopped about 15 feet north of the stop board. He then got off and went back to the baggage car and when he had climbed up in the side door, the engineman started the train and sounded the crossing whistle. He was standing in the doorway of the baggage car and heard a whistle and when the baggage car was about midway over the crossing he saw train 2nd No. 38 about 25 feet away.

Flagman Jarvis, of train No. 81, stated that he was riding in the rear coach when his train stopped for the crossing and identified their usual stopping place by noticing that the rear coach was opposite a store building there.

Chief Dispatcher Brock, of the Louisville & Nashville Railroad, a passenger on train No. 81, stated he was riding in the smoking car; the train made proper stop for the crossing, sounded the whistle and proceeded over the crossing. As the baggage car was about over the crossing, his attention was attracted by hearing two blasts of a whistle and he saw train 2nd No. 38 within 75 or 100 feet of the crossing, moving at about 10 miles an hour.

Track Supervisor Porterfield, of the Louisville & Nashville Railroad, a passenger on train No. 81, stated that he was in the rear coach when the train stopped for the crossing and the engineman sounded the usual crossing signal. Preparatory to getting off at the station, he went out and stood on the steps on the west side and saw 2nd No. 38 approaching when the engine was 300 or 400 feet from the crossing, working steam and gaining in speed. He said the engine and one coach of train No. 81 were over the crossing before the engineman of train 2nd No. 38 sounded crossing signal and about that time the engineman of train No. 81 sounded his whistle again. He was positive that train 2nd No. 38 did not stop within 100 feet of the crossing; he could have stopped had he shut off steam, but he kept working steam up to the time the trains struck.

Car Inspector Streip, of the Louisville & Nashville Railroad, a passenger on train No. 81, stated that he was riding in the 3rd coach; the train stopped for the crossing, the engineman sounded crossing whistle, then proceeded over the crossing. As the car in which he was riding passed the red building about opposite the stop board he saw 2nd No. 38 approaching from a distance of about 200 feet, working steam. He said the baggage car of train No. 81 was about on the crossing when the engineman of train 2nd No. 38 sounded the whistle and immediately

afterward, Engineman Talford again sounded his whistle, just before the trains struck. His statements were corroborated by Car Inspector's Helper Sewell, of the Louisville & Nashville Railroad, who was also a passenger on train No. 81.

Operator McClain, on duty in the Central of Georgia telegraph office at the time of the accident, stated that he came out of the office and walked to the passenger station platform, west of the crossing. He saw train No. 81 coming around the curve and at about this time heard the engineman of train 2nd No. 38 sound the whistle preparatory to starting. He said the passenger train did not stop, but slowed down just before reaching the "stop" board; the engineman sounded the whistle twice and the train then proceeded. He was positive that train No. 81 did not come to a full stop, but reduced speed to about 6 or 8 miles an hour, then increased speed and went over the crossing at about 20 miles an hour. After train No. 81 slowed down and had started again, he then saw train 2nd No. 38 at the Broadway street crossing, moving at about 10 or 12 miles an hour, the engine using steam.

Operator Norris, who was just going on duty in the Central of Georgia office at the time of the accident, stated that as he saw the smoke indicating the approach of train No. 81 he saw 2nd No. 38 about 200 feet from the crossing, between the water crane and crossing, just starting off, heard their whistle for the crossing, and, assuming that they were departing, notified the dispatcher to that effect but did not look at the train after that. Immediately afterward he saw train No. 81 and watched it approach from the time it came around the curve, which is 1,800 feet from the crossing, until it was on the crossing, and is positive that the train did not stop. About the time they passed the wye switch, about 300 feet north of the crossing, the train was apparently slowed down to about 15 miles an hour and speed increased from this point until the crossing was reached.

The primary cause of this accident was failure of Flagman Kirven to provide proper protection for his train after giving a signal indicating to the engineman that the crossing was safe for the passage of his train. Contributing causes were the failure of one or both of the enginemen of the trains involved to stop before passing over the crossing as required by stop boards as well as the state law; also, failure of the railroad companies to provide adequate safeguards for traffic at this crossing.

While it may not have been within the ordinary scope of the duties of the flagman on this train to flag the crossing, nevertheless, when Flagman Kirven gave the proceed signal to the engineman of the freight train from the position he then occupied at the crossing he assumed responsibility for the safe

passage of his train; knowing that the L. & N. train was approaching, good judgment and a proper realization of his responsibility under the circumstances should have prompted him to remain at the crossing until the arrival of his train or until he was certain that its movement over the crossing had been safely begun. Had he done so, he would have been in position to flag the L. & N. passenger train and thus avert the accident; or he could have taken measures to stop his own train before it reached the crossing. For these reasons it is believed the primary responsibility for this accident rests upon Flagman Kirven.

Engineman Sweatt of train 2nd 38 admitted that he did not stop for the crossing at the stop board, but stated that he followed his customary practice; he considered that the stop at the water plug fulfilled all the requirements of a crossing stop. Had he brought his train to a stop at the stop board, he would no doubt have discovered the L. & N. train in time to avert the accident. If he accepted the flagman's signal as assurance that the crossing was clear and safe for the passage of his train he exercised poor judgment as he was aware the flagman did not remain at the crossing while his train approached. But as the engineman questioned the fireman twice about the condition of the crossing, it is clear he was fully alive to his responsibility in the matter, and as his train struck the side of the passenger train on the crossing, Engineman Sweatt must bear part of the responsibility for this accident.

The question of whether or not L. & N. train No. 81 stopped before passing over the crossing in this case is very important in connection with determining the cause and placing responsibility for this accident. In addition to the statements of the employees of the two railroads involved, statements were obtained from ten eye-witnesses, six of whom said that the passenger train stopped for the crossing while four stated that it did not stop. However, in view of the statements of the operators and others who were in position to know and who were positive that the passenger train did not stop for the crossing, the statements that this train did stop for the crossing, as required by the state law and the stop board, are called into question.

The statements as to where the engine of train 2nd No. 38 was located at the time train No. 81 slowed down or stopped are also much disputed. According to some witnesses it was on the Broadway street crossing, while according to Engineman Talford, of the passenger train, he saw its smoke in the vicinity of the second water crane. If it was on the street crossing, then it must have been in plain view from the engine of train No. 81. If it was at the second water crane, then it had time to move a distance of about 490 feet, on a slightly ascending grade, with a train consisting of 20 loaded and 2 empty cars, in the time the passenger train consumed in moving a total distance



of about 325 feet, and this is not credible. Train No. 81 was coming in to Sylacauga 1 minute late, with a station stop to make at the platform just beyond the crossing. If it crossed before the freight train passed, no more time would be lost, while if it stopped and waited for the freight train to pass, it would be delayed 2 or 3 more minutes. These facts point to the conclusion that the passenger train was not brought to a full stop, but that it merely slowed down and the engineman then proceeded over the crossing ahead of the freight train. While this conclusion was not established beyond question of doubt, the evidence indicates a strong probability that such was the case. If Engineman Talford did not make a proper stop for the railroad crossing, then he was grossly negligent and was to a large extent responsible for this accident.

While any one of two or three employees involved might have averted this accident, both the Louisville & Nashville and the Central of Georgia Railroad Companies were at fault on account of the lack of proper system for safeguarding the movement of trains over this crossing. There was not even a rule or regulation in effect governing this crossing, nor was the state law requiring trains to come to a stop within 100 feet of such a crossing published in the timetable or book of rules of either company. Except for the stop boards mentioned, no protection of any kind was afforded train movements over this crossing. This crossing is used regularly by 14 scheduled trains of the C. of Ga. road and 8 scheduled trains of the L & N road. Immediate steps should be taken to provide some form of protection for trains using this crossing.

Flagman Kirven was employed as a flagman in 1911 and had a clear record. Engineman Sweatt was employed as a fireman in 1900 and promoted to engineman in 1906. At the time of the accident his record was clear. Engineman Talford was employed as a hostler helper and fireman in 1905, promoted to fireman in 1905 and engineman in 1909. He had a good record. The crew of train 2nd No. 38 had been on duty about 5 hours after a period off duty of about 11 hours. The crew of train No. 81 had been on duty 2 hours and 30 minutes, after a period off duty of 8 hours.

R.W.L.