

IN RE INVESTIGATION OF AN ACCIDENT WHICH OCCURRED ON THE  
CHICAGO, BURLINGTON & QUINCY RAILROAD AT BAYARD,  
NEB., ON APRIL 23, 1918.

May 29, 1918.

On April 23, 1918, there was a rear-end collision between a work train and a freight train on the Chicago, Burlington & Quincy Railroad at Bayard, Neb., which resulted in the death of 5 sectionmen and 1 trespasser, and the injury of 3 employees. After investigation the Chief of the Bureau of Safety reports as follows:

The Sterling Division, on which this accident occurred, is a single-track line over which trains are operated by time table, train orders and a manual block system.

Work extra 1059 consisted of 3 loaded and 2 empty flat cars and a caboose, hauled by locomotive 1059, and was in charge of Conductor Jackson and Engineman Johnston. On the date of the accident it was working under authority of train order No. 31, reading as follows:

Eng. 1059 work extra from 8.45 a. m. until 7.01 p. m. between Bayard and Minatare, protecting against west extras and not protecting against east extras until 1.30 p. m.

The work train had been distributing steel along the right of way and was backing up eastward to Bayard to allow the employees to tie up there at noon. It was moving on the main track at a speed of about 5 miles an hour toward the east switch for the purpose of heading in on the house track when train 49 was seen approaching. The crew brought their train to a stop and endeavored to get it in forward motion but before that could be done it was struck by train 49 at about 11.56 a. m.

Westbound train No. 49 consisted of 4 loaded and 39 empty cars and a caboose, hauled by locomotive 1961, and was in charge of Conductor Lovestedt and Engineman Cowman. It was a scheduled second class train, operating between Alliance, Neb., and Guernsey, Wyo., and was due at Bayard at 11.05 a. m. It approached Bayard at a speed of about 25 miles an hour and was running 10 or 12 miles an hour when it collided with extra 1059.

The caboose and two flat cars of extra 1059 were destroyed and that train was pushed forward about 150 feet. The front end of locomotive 1961 was considerably damaged.

There is a yard limit board located east of Bayard which marks the entrance to the Bayard yard from the east, and about 150 feet east of the east end of the station there is a water tank which partially obscures the station. The train order board is located about 175 feet west of the water tank. The east switch of the house track is located about 100 feet west of the train order board, and the west switch of the house track is located about 1,850 feet further west. The accident occurred on straight track about 400 feet west of the train order board and on a grade slightly ascending for westbound trains. It was snowing at the time the accident occurred.

Conductor Jackson of extra 1059 stated that he received train order No. 31 and left Bayard at 9 a. m. He left flagman Miller there with instructions to go back and stop trains the other side of Bayard and notify them that extra 1059 was occupying the main track west of Bayard, and told him to hold all trains that arrived at Bayard after 11.50 a. m. He said his train was backing down the main track from the west at a speed of about 5 miles an hour for the purpose of going in on the house track. He was riding in the caboose at the time, saw train 49 approaching just west of the water tank, located 175 feet east of the train order board, and when he saw that a collision was imminent he called to the section men to get off, instructed his brakeman to give the engine man of extra 1059 a proceed signal, and his train had come to a stop just before the collision occurred. About the same time his train came to a stop he saw Flagman Miller near the water tank giving stop signals to train 49. He said he knew train 49 was due at Bayard at 11.05 a. m. and was overdue but thought train order 31 gave him the right to occupy the main track on the time of that train if his train was protected by flag. He further stated that in the absence of instructions to protect against train 49, or any other scheduled train, the rules required him to keep his train clear of those trains, but was still of the opinion that it was proper for his train to occupy the main track on the time of those trains under flag protection.

Engine man Johnston of extra 1059 stated that when his train returned to Bayard he knew that train 49 was overdue but thought his train was being protected by the flagman. He said his train was slowly backing down the main track at Bayard, he having received back up signals from the rear end, but admitted that his train had no right to occupy the main track on the time of train 49.

Flagman Miller of extra 1059 stated that Conductor Jackson first instructed him to remain at the depot at Bayard, then told him to go with the train, and when it reached the car house and the sectionmen got on, Conductor Jackson told him to go back and flag and tell all trains that extra 1059 would be working between Bayard and Bradley and to hold everything after

11.50 a. m. Flagman Miller said he then went back to the station with the intention of carrying out those instructions. He therefore took a red flag, fuses and torpedo from the caboose of extra 1059 before that train left Bayard, and when train 49 whistled for the station he was in the station. He immediately picked up the flag, started toward train 49, and had reached a point about 50 yards east of the station, giving stop signals with the flag, when that train passed him and collided with extra 1059 at a point about 150 yards past the point where he was standing. He said he did not know extra 1059 had returned to Bayard until train 49 ran past him and he then saw that train just before the collision occurred. He said it was snowing and his view was obscured but thought he was protecting his train in the proper manner although it did not occur to him to put down a torpedo. He said he was depending to some extent upon trains being stopped at Bayard by the train order board.

Conductor Lovesteadt of train 49 stated that when his train reached Northport, 11.7 miles east of Bayard, he called the dispatcher and told him that his train would not stop at Bayard for water, and if he could be given a train order when he reached there, giving his train additional time on train no. 50, his train would not stop. As his train approached Bayard he was riding in the caboose; he expected the train order board there to be in the stop position but intended to proceed to the station and receive the train orders from the operator without stopping his train, and was getting ready to go out on the rear platform of the caboose to receive the orders when the collision occurred. He said he had received no orders concerning the work train and did not know that it was in that vicinity. He thought the speed of his train was about 25 miles an hour when it approached Bayard.

Enginemen Cowman of train 49 stated that when he approached Bayard he expected to receive an order to meet train 50 at some point west of Bayard and therefore did not intend to stop at Bayard. Approaching Bayard the speed of his train was about 25 miles an hour, and the engine was working steam when it passed the yard limit board. When he saw the train order board in the stop position he shut off steam about 10 car lengths east of it, but expected to pass the train order board and receive a train order from the operator as he passed the station; in case no order was received he intended to bring his train to a stop before passing the station. He said he saw the caboose of extra 1059 when about 20 car lengths away, applied the air brakes in emergency and got off just before the collision occurred, the speed of his train being 10 or 12 miles an hour at that time. He said it was snowing at the time, which made it difficult to see ahead, and part of the time the cab windows were closed. He said he was watching for the operator to come out of the station with the train orders and he did not see Flagman Miller or his stop

signals. He was sure he was operating his train prepared to stop within the range of vision, and could have stopped within that distance, but as extra 1059 was moving toward him he could not stop his train in time to avoid the collision. Engineman Cowman stated that it was customary to pass the train order board when it was in the stop position for the purpose of doing station work as long as the passing track switch was not fouled, and he considered the moving his train to the station for the purpose of receiving train orders as station work. Engineman Cowman stated that yard limit boards were placed at Bayard about three months ago but he had never seen a bulletin establishing a yard there, and he did not consider Bayard a yard because there was no regular switch engine there nor were trains made up there; therefore the rule regarding movements within yard limits did not apply. He said a switch engine came from Scottsbluff every day or two to do the necessary switching at Bayard. He admitted that extra 1059 had a right to work in the yard limits at Bayard, protecting against first class trains, but he did not expect to find a train there.

Fireman Green of train 49 stated that as his train approached Bayard he saw Flagman Miller come out of the station and stand on the east end of the station platform, and about the same time he saw the caboose of extra 1059 about 500 feet away. He said the enginemen told him at Northport that their train would not stop at Bayard. He stated that he knew the location of the yard limit board east of Bayard and Engineman Cowman did not apply the air brakes until after he had passed it.

Brakeman Coleman of train 49 stated that he was riding on the engine as his train approached Bayard, and also been told by the conductor that their train would not stop there as the operator would give them their orders as they passed the station. He said he did not see Flagman Miller before the collision occurred.

Operator Brothers, on duty at Bayard, stated that he expected train 49 to stop at Bayard and he had an order for it to meet train 50 at Scottsbluff, 19.1 miles west of Bayard, but as he did not know at what time extra 1059 would arrive at Bayard he had not made out a clearance card for train 49. He said that Flagman Miller remained in the station all the time and told him he had positive instructions to stop all trains after 11.15 a. m. When train 49 approached Bayard and whistled, Flagman Miller rushed out to stop it and Operator Brothers stated that he believes he had reached the station platform in front of the waiting room door when that train passed him. He said the dispatcher had not advised him that train 49 would not stop at Bayard.

Station Agent Colwick, on duty at Bayard, stated that Flagman Miller was in the station when train 49 approached, ran out to flag that train, and was about opposite the station when train 49 passed him. He said flagman Miller was in the station from the time extra 1059 left Bayard until he ran out to flag train 49.

Dispatcher Marvin stated that the conductor of train 49 called him over the telephone from Northport, stated that it would be unnecessary for his train to stop at Bayard for coal or water, and asked for an order on train 20 west of Bayard. Dispatcher Marvin replied that he would have the order ready for him if he could get it up, that the block was clear to Bayard, but said nothing to him about handing the order up to him as his train passed Bayard.

The direct cause of this accident was the failure of flagman Miller properly to protect his train.

Flagman Miller was stationed at Bayard for the express purpose of protecting his train but failed entirely to carry out his flagging instructions. Instead of applying himself to the important duties assigned to him he remained in the station, and when train 49 approached he was not in position to afford protection to his train. Such neglect of duty on his part is wholly inexcusable.

Contributing materially to this accident was the failure of engineer Cowan of train 49 to operate his train in a safe manner and observe the rules provided for safety in train operation.

Rule 201 of the operating rules of the Chicago, Burlington & Quincy Railroad provides in part as follows:

A fixed signal must be used at each train-order office, which shall indicate "stop" when there is an operator on duty, except when changed to "proceed" to allow a train to pass after getting train orders, or for which there are no orders. A train must not pass the signal while "stop" is indicated.

The crew of train 49 assumed that an order would be handed up to them as their train passed through Bayard and they did not expect to stop at that station, although it appears they were not justified in their assumption. When train 49 approached Bayard Engineer Cowan saw the train-order board in the stop position but failed to bring his train to a stop before passing that signal, as required by rule 201. Train 49 passed the train-order board at a speed of about 25 miles an hour and was passing the station when the rear of extra 1059 was seen, too late to avoid the collision.

It had been snowing to such an extent as to obscure the vision of engineers very materially, yet train 49 was proceeding through the yard at Bayard at a speed of about 25 miles an hour when Engineer and Conductor could not see and did not know whether the main track was clear, in violation of rule 93, reading as follows:

Within yard limits the main track may be used clearing first class trains as prescribed by rules. Second and inferior class and extra trains must move within yard limits prepared to stop, unless the main track is seen or known to be clear.

Engineer Conner's claim that he did not consider Bayard a yard, and that rule 93 therefore did not apply to movements there, is without merit of justification, as he knew yard limit boards were located there.

While the evidence is not clear, it appears that extra 1059 occupied the main track west of Bayard on the time of train 49, and although protected by flag, this was in violation of the rule requiring extra trains to clear the time of regular trains five minutes.

All of the employees involved in this accident were experienced men, with the exception of Conductor Jackson and Engineer Johnston, who were promoted to their respective positions on January 6, 1918, and October 18, 1917, and all had good records. At the time of the accident the crew of extra 1059 had been on duty 5 hours and 25 minutes and the crew of train 49 had been on duty 3 hours and 25 minutes.