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July 26, 1911.

Interstate Commerce Commission,
Washington, D. C.

Dear Sirs:

Mr. P. F. Loughran, an Attorney of Scranton, Pa., on July 22, 1911, requested the Commission to investigate an accident on the Delaware, Lackawanna & Western Railroad that resulted in the death of Brakeman Joseph J. McNally, charging that the cause of the accident was defective air brakes, and in a following communication on July 1st, further complained that the information he had concerning the accident was that the air brake and other safety appliance laws had been violated.

On account of this complaint alleging violation of Safety Appliance Acts, I had Inspectors Duffy and Gibbons investigate the accident. A freight train, westbound, handled by engine No. 574, with 29 loaded and 12 empty cars, collided with a caroose on the rear end of a train in the yards of the D. L. & W. RR., Scranton, Pa., on June 8, 1911, at 10:40 P. M., and Brakeman McNally received injuries which resulted in his death within a few days.

DESCRIPTION.

The Delaware, Lackawanna & Western Railroad Company, on June 8th, ran a train from Hoboken, N. J., to Scranton, Pa., with 41 cars, 29 of them loaded and 12 empty, handled by engine No. 574. Investigation shows that no trouble whatever was experienced in controlling the speed of this train with the air

brakes on this trip even on descending a grade, 19 miles in length, from Lehigh Summit, Pa., to Scranton, Pa., part of which is 75 feet to the mile, is conclusive evidence that there was no violation of the air brake provisions of the statute.

Upon reaching the yard limits, at a point about 600 feet from where the accident occurred, the track seeming clear, engineman released his brakes and train was drifting along at a speed of between 5 and 6 miles per hour when he found the track immediately ahead of him obstructed by rear end of train that had arrived just prior to his arrival, on which the markers of the caboose were still burning. At the place where this accident occurred there was nothing to obstruct the view of the engineman. The engineman's statement is that he immediately applied the air brakes in emergency, but failed to stop the train prior to its drifting into the caboose, and crushing Brake-man McEally who was in the caboose at the time. The rules do not require freight trains to flag in yard limits on arrival at terminals as was the circumstances in this case. The rules require that enginemen must at all time when in yard limits have their trains under control and be prepared to stop.

The cause of this accident was the failure of the engineman of engine No. 574 to properly control the speed of his train as required by the rules. He was held wholly responsible by the D. L. & W. RR. Co., and suspended from services for 60 days on account of the accident.

Respectfully submitted,

Chief Inspector.