

July 17, 1913.

In re investigation of Accident on the Inter-  
national & Great Northern Railroad at  
Kouns, Texas, May 19, 1913.

On May 19, 1913, there was a head-end collision on the International & Great Northern Railroad at Kouns, Tex., which resulted in the death of 1 employee and the injury of 18 passengers, 6 railroad employees, 4 dining car employees and 3 Pullman employees. After investigation of this accident the Chief Inspector of Safety Appliances reports as follows

Northbound freight train No. 54 consisted of 30 cars and a caboose, hauled by locomotive No. 211, and was in charge of Conductor Porter and Engineman Zumberg. It left San Antonio, Tex., at 2:50 a.m., and on its arrival at Buda, Tex., 10.4 miles south of Kouns, at 6:30 a.m., the crew in charge received a copy of train order No. 30, which provided as follows:

"No. Seven 7 Eng. 258 wait Kouns until Seven Ten 7:10 a.m. for No. Fifty-four 54 Eng. 211."

Train No. 54 left Buda at 6:45 a.m. and at 7:03 a.m. collided with southbound train No. 7 at a point about 1380 feet south of the south passing track switch at Kouns.

Southbound passenger train No. 7 consisted of 1 baggage car, 1 coach, 2 chair cars, 3 Pullman sleeping cars and 1 dining car, hauled by locomotive No. 258, and was in charge of Conductor Moynahan and Engineman Hammond. All the cars were of wooden construction with steel platforms with the exception of the coach and second chair car, both of which had steel underframes. This train reached Austin, Tex., at 6:35 a.m., and after completing its station work at that point proceeded to the telegraph office at Colorado Bridge, about one-half mile distant, and 4.2 miles north of Kouns. At this point the crew received, among other orders, a copy of train order No. 30, requiring their train to wait at Kouns until 7:10 a. m. for train No. 54. The regular leaving time for train No. 7 at that point was 6:57 a. m. Train No. 7 left Colorado Bridge at 6:45 a.m., on time, and disregarding the order requiring it to wait at Kouns until 7:10 a.m., passed that station and collided with train No. 54 as previously stated.

Both locomotives were badly damaged, as were the first six cars of train No. 54. The baggage car of train No. 7 was telescoped about 12 feet by the tender of Locomotive No. 258, while the cistern of the tender of locomotive No. 258 was

jammed against the engine, fatally injuring the fireman; the balance of the equipment was practically uninjured. The speed of the passenger train at the time of the collision was estimated to have been about 30 miles per hour, while that of the freight train was in the neighborhood of 15 miles per hour.

This division of the International & Great Northern Railroad is a single track line, and trains are operated by train orders, no block signal system being in operation. The collision occurred in the middle of a curve of three degrees leading toward the east. At the point of collision the track is level, although there is a slight descending grade approaching from either direction. The view of approaching trains is much obscured on account of the curve, and also on account of trees growing beside the right of way.

On account of the injuries he received Engineman Hammond of train No. 7 was unable to attend the investigation. In his statement, which was taken at his residence on June 7th, he said that after receiving train order No. 30 at Colorado Bridge he looked at his watch and read the time at 7:00 a.m. As the scheduled running time of his train from Colorado Bridge to Kouns was 17 minutes he made the remark that the wait order would not result in any delay to his train. Coming into Kouns he did not look at his watch because he supposed that he had left Colorado Bridge at 7:00 a.m. and as his train would consume at least 10 minutes in making the run between the two stations he was under the impression that it would not be necessary to stop at Kouns in order to fulfill train order No. 30. Approaching Kouns he sounded the station signal, and as the train reached the south passing track switch he was signaled by the conductor by means of the signal cord to stop. He then looked at his watch, saw that he had made a mistake in the time, and at once applied the brakes, after which he jumped to the left side of the engine to see if the freight train was in sight. He saw it coming and told the fireman to get off. Engineman Hammond did not know whether he himself jumped or was knocked off, but after the accident he found himself on the ground on the left side of the engine.

Conductor Moynahan stated that he was riding in the baggage car, and after the train passed the north switch went back to the forward vestibule of the smoking car and stood on one of the platform steps in readiness to open the south switch to head the freight train in on the passing track if that train should reach Kouns on the time given in the wait order. He did not pay any particular attention to the speed and had not overlooked the wait order, neither did it occur to him that the engineman had overlooked the order until the train had passed the south switch. When this occurred he stated that he

at once signaled the engineman to stop, using the signal cord, and then ran forward into the baggage car and opened the conductor's emergency valve. He then looked out on the left side, saw the freight train coming, and also saw the fireman looking back at him. He then pointed ahead to call the fireman's attention to the approaching freight train, just after which the collision occurred. Rule No. 89-A of the transportation rules of the International & Great Northern Railroad provides as follows:

"On approaching a station at which a train should stop or take the siding to meet or be passed by another train, the conductor must give the engineman a stop signal, and the engineman must acknowledge the signal by one short blast of the whistle. The signal should be given immediately after the station whistle is sounded, and should the engineman fail to acknowledge it, the conductor must stop the train.

"Conductors on passenger trains will use signal 16 (a) for this purpose."

On May 6, 1913, two weeks prior to the date of this accident, Superintendent Jones issued Bulletin No. 101. This Bulletin called attention to Rule No. 89-A, stating that it was not being strictly observed, and added that "it is required that this rule be complied with in every instance, and in every case, without exception."

Under Rule No. 89-A, as well as Bulletin No. 101, conductors were required under all circumstances to signal the engineman to stop. Conductor Moynahan, however, stated that he understood this rule to apply only to positive meeting points, and not to wait orders. Wait orders were often fulfilled by the time the train whose rights were restricted had reached the point named in the order, and Conductor Moynahan stated that under those circumstances he understood it to be unnecessary to signal the engineman to stop; neither did he think he was required to signal the engineman even if the train to be waited for had not arrived and his train had to come to a stop and wait until the time named in the wait order had elapsed.

Engineman Hammond had been employed as an engineman since 1887, and his record was exceptionally good. In 1894 he was suspended 15 days for running by orders, but since that time he had never been suspended, and had only been reprimanded on two occasions. Conductor Moynahan had been a conductor since 1892. In 1893 he was suspended 10 days on account of an accident. Since that time his record was practically clear. Neither of these men had been on duty

in violation of the provisions of the hours of service law. All of the other employees were experienced men and had not been working in violation of the hours of service law.

This accident was caused by the failure of Engineman Hammond to obey train order No. 30, which required his train to wait at Kouns for train No. 54 until 7:10 a.m.

Conductor Moynahan was equally responsible for his failure to signal the engineman to stop at Kouns. This failure properly to comply with Rule No. 89-A appears to have been due to the incorrect construction placed upon this rule by him. For this he is directly responsible, as Bulletin No. 101, referred to above, should have removed any misunderstanding he had theretofore possessed as to the real meaning of this rule.