

February 20, 1913.

In re investigation of accident on the Northern Pacific Railway at Toppenish, Wash., December 10, 1912.

On December 10, 1912, there was a head-end collision between a passenger train and a yard engine on the Northern Pacific Railway at Toppenish, Wash., resulting in the death of 1 employee and 1 other person, and the injury of 3 employees and 4 passengers.

After investigation the Chief Inspector of Safety Appliances reports as follows:

That portion of the Northern Pacific Railway upon which this accident occurred is a single track line operated under a manual block system.

The trains involved were east-bound passenger train No. 282 and yard engine No. 480 attached to 14 freight cars.

Train No. 282 is a regular passenger train running between North Yakima and Grandview, Wash. On the date of the accident this train left North Yakima on time, at 7 a.m., with the engine running backwards on account of the turntable at North Yakima being out of service. It consisted of engine No. 692, one mail car, one combination smoking and baggage car, and one coach, and was in charge of Conductor Stein and Engineeran Storah. It left Wapato, the first block station west of Toppenish (7 miles distant) at about 7:27 between one and two minutes late, and collided with the yard engine approximately 1300 feet west of Toppenish depot at about 7:40 a.m. At the time of the collision train No. 282 was running 15 to 16 miles per hour and the yard engine was moving westward on the main track at a speed of 8 or 10 miles per hour. The track is precisely level and straight for several miles in either direction from the point of collision, but at the time of the collision there was a dense fog prevailing which limited the range of vision from either train to a distance of but 5 or 6 car lengths.

Yard engine 480, in charge of Conductor Vining and engineeran Miller, began work at 7 a.m. on the morning of the accident. Toppenish is the terminal for a local freight train, and this yard engine in taking this train to leave at 8:30 a.m. went to a track known as the stock track, west of Toppenish depot, and coupled onto 14 cars for the purpose of taking them to the west end of the passenger branch about 3/4 of a mile west of the depot.

The statements relative to the time of the accident are conflicting, but according to the statements of the conductor and brakeman of the yard engine it was 7:30 when the yard engine pulled out of the stock track onto the main line and started for the west switch 3/4 of a mile away in the face of an approaching

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passenger train which was already 5 minutes past due at the first block station west of Toppenish depot. Conductor Vining and Engineer Miller, and Brakeman Gay of the yard crew all place the time of the accident at about 7:34 or 7:35, while the evidence of all members of the crew of train 282, as well as of some outside parties is that it was not earlier than 7:41 or 7:42.

Approximately 4 miles west of Toppenish is a flag station, named Monte, where train 282 is timed at 7:35, and even admitting the statements of the members of the yard crew regarding the time of the collision are correct, they have no right to occupy the main track without flag protection after 7:35 when train 282 was due to pass Monte. According to their own statements the collision occurred at about 7:35, and they were then moving toward the approaching train with the intention of going a distance of nearly 3/4 of a mile and back into clear.

This accident was caused by the yard engine occupying the main track without flag protection on the time of train 282. This was a clear violation of Rule 93 of the Northern Pacific Railway Company's book of rules, for which Conductor Vining and Engineer Miller are equally responsible. Rule 93 reads as follows:

"Within yard limits the main track may be used protecting against first class trains. Second and third class and extra trains must move within yard limits prepared to stop unless the main track is seen or known to be clear."

There can be no excuse for such dereliction of duty as was exhibited by these employees. Even if it been absolutely necessary for them to place the 14 cars at the west end of the passing track before the arrival of train 282, it was their plain duty to place a flagman beyond the west switch to protect the movement. Their failure to flag while occupying the main track on the time of a first class train was especially reprehensible in view of the condition of the weather. According to their own statements it was so foggy at the time that they could see but a few car lengths.

No employee involved in this accident was working in violation of any of the provisions of the Hours of Service Law.