

IN AN INVESTIGATION OF AN ACCIDENT WHICH OCCURRED ON THE
ST. LOUIS-JAN FRANCISCO RAILROAD AT NERGE, OKLA.,
DECEMBER 25, 1918.

February 7, 1919.

On December 25, 1918, there was a rear-end collision between a passenger train and a freight train on the St. Louis-Jan Francisco Railroad at Nerge, Okla., which resulted in the death of 5 passengers and injury of 21 passengers.

The Chickasha subdivision of the Northwestern Division on which this accident occurred is a single-track line extending between Oklahoma City, Okla., and Quanah, Tex., a distance of 184.6 miles, over which train movements are governed by time table and train orders, no block signals being in use.

The trains involved in this accident were westbound passenger train No. 407, and westbound freight train extra 719.

Train No. 407, consisting of engine 604, 1 baggage car, 2 wooden coaches and 1 steel underframe coach, in charge of Conductor Lewis and Engineer Quinn, left Oklahoma City at 8.45 p.m., Dec. 24th, two hours late, passed extra 719 at Tuttle, 24 miles east of Nerge, about 10.32 p.m., 2 hours and 44 minutes late, and departed from Chickasha, the last open telegraph office east of Nerge, at 11.30 p.m., 2 hours and 56 minutes late, arriving at Nerge, a flag stop, six miles west of Chickasha, about 11.55 p.m. The train stopped at this place on account of engine failing for steam, and at 12.40 a.m., Dec. 25th, while standing at Nerge, the rear of the train was struck by extra 719.

Extra 719, consisting of engine 719, four cars and a caboose in charge of Conductor Sawyer and Engineer Atkins, left Oklahoma City at 4.45 p.m., Dec. 24th, was passed by No. 407 at Tuttle and left Chickasha at 12.10 a.m., Dec. 25th. At 12.40 a.m., while travelling at a speed estimated at about 18 miles an hour, it collided with the rear end of No. 407, as above stated.

None of the equipment of either train was derailed. Engine 719 was slightly damaged, its headlight and pilot being destroyed and smoke arch broken. The rear coach of train No. 407 telescoped the coach just ahead of it for a distance of 30 feet and one half of each car was broken up. Most of the personal injuries occurred in these two coaches. The seats and windows of the third coach from the rear of this train were broken. The baggage car was slightly damaged.

Approaching the point of accident from the east there is a 3-degree curve to the right 1520 feet long followed by a 2203-foot tangent leading to a 2-degree curve 523 feet long and a tangent 2430 feet long to a 1-degree curve to the right more than 9000 feet long. The collision occurred about 400 feet from the east end of this latter curve. The grade is .41% ascending for westbound trains for 1000 feet east of point of accident; for a distance of 2000 feet further east the grade descends westward at the rate of .84%. The weather at the time of the accident was clear and very cold. About six inches of snow was on the ground.

Engineer Quinn of train No. 407 stated that coming into Norge he had only 100 pounds of steam and a gauge of water

and found it necessary to stop and blow up. Nerge is a flag stop and the train usually has to stop there, but on this date there were no passengers to get off or take on. When he whistled for the station, he decided that a stop was necessary, and brought his train to a stop in front of the station. He did not whistle out a flag, but stated that as soon as the train came to a stop he went back and informed Conductor Lewis, who was in the combination baggage and mail car, that the train would have to stand there until steam could be blown up. He then went back to his engine. He said that about that time Brakeman Higgins appeared and asked if he was needed to assist the fireman. Engineman Quinn refused his offer of help and told him to go back and protect the rear end of the train. He said that immediately after the departure of the brakeman, and about four or five minutes after the train stopped, Conductor Lewis came to the engine and sat down on the engineman's seat box and remained in the cab until the accident occurred. The conductor told the engineman that he had sent out the brakeman to protect. The engine crew spent about ten or fifteen minutes attempting to blow up steam, but did not succeed in getting the engine hot. The engineman then decided to clean the fire and they had just about gotten it cleaned out and were starting to rebuild the fire when the train was struck by extra 719. Engineman Quinn stated that while they were working with the fire, the brakeman came back and asked how they were getting along; he did not see the brakeman at that time, but recognized his voice. The conductor who was still in the engine answered

the brakeman sharply and told him to hurry back and flag. This was about five or ten minutes before the collision. Engineman Quinn further stated that he had on the engine a red lantern, about half a dozen fuses, and at least one torpedo. He said that it was very cold and after the collision he had some difficulty in getting flag protection for the head end of the train.

Fireman Lawson of train No. 407 corroborated the statements of the engineman.

Conductor Lewis of train No. 407 stated that he left Oklahoma City with a train made up of extra equipment as the regular equipment had not arrived in time to go out on No. 407. He said that he sent Porter Burns to get torpedoes and fuses and saw Burns return with a bag. He said that on leaving Oklahoma City his train was equipped with necessary train supplies, particularly torpedoes and fuses, which he saw in the bag the porter carried. In addition to this, fuses were in the little rack placed in the mail end of the car. He is sure the red light was good and bright on both occasions when the flagman went out to flag. The conductor said that he experienced no trouble keeping his lantern lighted and up to the time of the accident did not receive any complaint about lanterns from any member of the crew. He said the engineman brought the train to a stop at Berge, which is a flag stop, and there being no passengers to board or leave the train, he gave the engineman a proceed signal which was answered. He said he went to the engine to ascertain the cause of the delay

and was told that they would have to blow up steam. He said that he met brakeman Higgins near the head end of the train and told him to go back and flag, mentioning the fact that a train had been passed at Tuttle. He further said that he saw the flagman go back out of sight with a red and a white lantern, but could not say whether or not he had torpedoes and fuses. He said that he then went through the train, saw the porter was fixing the fires, straightened up the tickets he got at Chickasha and went back to the engine where he was at the time of the accident. After the train had been standing for some minutes the flagman returned to the engine and asked when they expected to get started. He said that he spoke sharply to him and ordered him to hurry back and flag; the flagman then started back with the red and white lanterns, but could not have gone more than 20 feet beyond the rear of the train when the collision occurred.

Porter Burns of train No. 407 stated that when the train stopped at Herge he saw the conductor and asked what the trouble was. The conductor got up and went out in the vestibule and gave the engineman a proceed signal. The train did not start so the conductor went out, and when he returned he said they were waiting to blow up steam. The porter stated that later he was trying to fix the fire in the front car when the brakeman apparently in quite a hurry came to him and borrowed his overcoat, saying he had to go out and flag. He also stated that the lanterns were burning all right and he knew of no trouble any of the crew had had with them, and that he saw

the markers at amber and they were burning brightly. Porter Burns stated that at Oklahoma City he got about five torpedoes and five or six fuses, that they were in the front end with his light and bag. There was a red flag and the torpedoes were wrapped up in it, but there were no fuses or torpedoes on the rear end of the train. He did not see the brakeman on the platform at Herge and does not know where he was riding.

Brakeman Higgins of train No. 407 stated that he had had about eight years railroad experience, and had been in the service of this road for about two months. He was familiar with the flagging rules, and had never been dismissed from any road for improper flagging. On being called to go out on No. 407 with extra equipment, he called the yard office at Oklahoma City and asked about lanterns and supplies and was informed that all of these supplies would be sent up with the equipment, which was done. The lanterns were low in oil, but all lanterns and markers were burning and he had at least three torpedoes and two fuses on the rear of the train when it left Oklahoma City. When the train stopped at Herge he was not whistled out by the engineman, but was told by Conductor Lewis that they had stopped to blow up steam and was instructed to go back and flag. He stated that he went back through the rear coach, picked up a red light and looked for torpedoes and fuses but could not find either. He then took his red and white lights and went back. When he reached the section house, located about 700 feet behind the rear end of the train, a man came out and walked four or five car lengths down the track

with him. The flagman said he went back approximately 16 car lengths from the rear end of his train and waited for twenty-five or thirty minutes, and that by that time his lights had gotten so low that he thought he would not be able to flag a train with them and he returned to his train to see if he could find a fusee. He found one fusee in the coal box and hurried back with it and had gotten about three car lengths back from the rear of his train when extra 719 passed him. He could not light the fusee because the cap was missing. He signaled the engineman with his lanterns, but received no reply to his signal. Brakeman Higgins further stated that between stations he had been riding either in the last coach or the second coach, and that he was not in the baggage car at all. He denied having seen the porter at Norge until after the accident, and is positive in his statement that he did not borrow the porter's overcoat until after the accident occurred. He stated that he was not up at the engine at all at Norge, that he had no conversation whatever with the engine crew and that the only time he talked with the conductor was when the conductor told him to go out and flag.

Section Foreman Isaacs stated that at the time Flagman Higgins passed his house, he had gone to bed, but that he heard his son talking with him and his son did not go out of the house, but just stood at the door for a minute and then came back in. He further stated that if the brakeman had been opposite the section house he could have seen extra 719 while still half a mile distant.

Section Laborer Thomas Isaacs stated that when the flagman came by the house he came right out in front of the window and spoke to him. He did not understand what the flagman said and stepped to the door, explained that he was sitting up with a sick brother, closed the door and saw no more of the flagman. He also stated that the flagman's lanterns seemed to be in good condition at the time.

Engineman Atkins of extra 719 stated that he had no trouble with his train on this trip and believed his brakes to be in good condition. The first knowledge he had of a train at Borge was when he saw his head light glitter on the back end of train No. 407. He was then about 300 feet from this train and was looking out of the side of his cab. The markers on No. 407 were burning. He stated that he thought he saw a flagman just before the collision occurred, but could not tell whether he was near the end of the train or on the car and was so busy trying to stop his train that he did not notice what sort of lights the flagman carried, but is sure he got no signal at all from him and found no torpedoes or fuses. When he first saw the rear of No. 407 he was moving about 20 miles an hour. He immediately applied the brakes in emergency and by the time the collision occurred had probably slowed down to 15 or 18 miles an hour.

Fireman Ezell of extra 719 west corroborated the statements of Engineman Atkins.

Conductor Sawyer of extra 719 stated that his train left Chickasha at 12.10 a.m. The engineman whistled for Borge

and was given a signal to proceed by the rear brakeman. The engineman whistled for a road crossing. Just as the train came into Nerge the air was applied in emergency and the conductor and three brakeman were thrown to the front end of the caboose in a heap. As soon as the train came to a stop the conductor immediately went forward and found his engine had collided with the rear end of No. 407. He stated that he did not hear his train strike any torpedoes.

This accident was caused by train No. 407 occupying the main track an unusual length of time without rear end protection.

Rules 99, 100 and 415 of the St. Louis and San Francisco Railroad read in part as follows:

99. When a train stops or is delayed under circumstances in which it may be overtaken by another train, the flagman must go back immediately with stop signals a sufficient distance to insure full protection. He must at once place one torpedo on the rail on the Engineman's side, and will remain until recalled. When recalled he may return after placing a second torpedo on the rail 60 feet from the first one. * * * * *

99 (a). Enginemen are required before coming to a stop at unusual points to call for flag protection for the rear of train as provided in Rule 14 (c). Flagman must not wait for train to come to full stop, but get off as soon as he can do so with safety.

99 (b). By night or when the view is obstructed by fog or otherwise Flagman must place a red fusee on the track to assist in protecting his train.

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100. When the flagman goes back to protect the rear of the train, the Conductor must, in case of passenger trains, and the next brakeman, in the case of other trains, take his place on the train.

On all passenger trains where Flagmen are employed, the Flagman must appear at rear of train, on the ground or station platform, with red flag by day and red and white light by night, at every stop. When private or observation cars are attached to rear of train, Flagman will occupy position on first car ahead. Conductors will be held responsible for enforcing this rule.

415. Conductors will see that a red flag by day and a red lantern lighted at night are kept in rear end of the rear car of their trains (except as provided in Rule 100). Three torpedoes must be attached to the staff of the flag, and three torpedoes to the wire guard of the lantern, so as to be ready for immediate use.

These rules were not complied with, and responsibility for failure to obey the rules rests equally with Conductor Lewis and Brakeman Higgins.

In going back in the first instance without a proper supply of torpedoes and fuses, Brakeman Higgins was grossly negligent. His statement that he had fuses and torpedoes at the rear of the train when it left Oklahoma City, but was unable to find them when he went back to flag at Borge, indicates that he had no proper appreciation of his responsibilities as a flagman. Had the requirements of Rule 415 been observed, the torpedoes would not have been misplaced, and for this failure Conductor Lewis is directly responsible.

Notwithstanding the flagman's inability to comply fully with the requirements of Rule 99, because of not being supplied with all flagging equipment, there was no justification for his action in returning to his train before being called in by the engineman's whistle. He should have remained out and made every effort to protect his train with the means at his command. His statement that he returned to procure a fuse because his lamps were burning low cannot excuse his abandonment of duty.

Had Conductor Lewis made proper provision for the protection of his train after it stopped at Nerge, instead of remaining on the engine where his presence was not required, it is probable that this accident would not have occurred. Rules 100 and 415 appear to have made no impression on the mind of Conductor Lewis.

In the examination of Engineman Quinn at the investigation of this accident a feature was developed which is worthy of note, as possibly having an important bearing on the general observance of rules by employees of this railroad.

When asked why he did not whistle out a flag at Nerge, as required by Rule 99 (a), Engineman Quinn replied:

"In this case I was referring to Rule 99(c), that the train does not require whistle when coming to a station stop until delayed five minutes. We flag stop at Nerge nearly all the time, as I say; we don't miss stopping there once in thirty days, and I don't think it requires flag to be whistled out at this point unless delayed five minutes."

Questioned further on this point Engineman Quinn said:

"I never had the understanding in my mind that it would be necessary, according to Rule 99, clause C, that it would be necessary to flag out unless we were delayed longer than five minutes."

Clause C of Rule 99 of the St. Louis and San Francisco Railroad Company's book of rules has no reference to the question of enginemen whistling back a flagman. The

present book of rules took effect Feb. 1, 1909, and it contains no such rule as Engineman Quinn referred to. At a subsequent hearing Engineman Quinn corrected his previous statement with reference to the rule, and explained his misinterpretation of the rule by saying that he was relying upon a previous flagging rule, contained in a book which became effective Feb. 15, 1902, and in answering the question at the previous hearing he had gotten hold of the wrong book! He admitted that he received a copy of the present book of rules on Jan. 31, 1909, and said that he had been examined on these rules once since that date.

The fact that this engineman relied upon a rule which was superseded practically nine years ago would seem to indicate that the system of examination and supervision of employees, to determine their familiarity with, and observance of the rules, is not very efficient on that portion of the St. Louis and San Francisco Railroad where this accident occurred. Why the 1902 book of rules was permitted to remain in the hands of employees after it was superseded by the book which became effective in 1909, is not clear. Without reasonably frequent examinations to determine their familiarity with rules, and proper supervision to see that the rules are observed, employees inevitably become lax in their observance of established safeguards, and grave responsibility rests upon railroad operating officers who fail to take all reasonable and proper measures to insure the highest degree of safety in

train operation consistent with the conditions and circumstances under their control.

At the time of the collision the crew of No. 407 had been on duty 6 hours and 55 minutes, the engine crew having been off duty 18 hours and 40 minutes and the train crew 28 hours and 25 minutes prior to beginning this period of service. The crew of extra 719 had been on duty 12 hours and 10 minutes after 13 hours and 45 minutes off duty.

A.H.O.