

## INTERSTATE COMMERCE COMMISSION

REPORT OF THE DIRECTOR OF THE BUREAU OF SAFETY IN RE  
INVESTIGATION OF AN ACCIDENT WHICH OCCURRED ON  
THE NEW YORK CENTRAL RAILROAD NEAR LOCKPORT, N.Y.,  
ON JUNE 30, 1927.

July 28, 1927.

To the Commission:

On June 30, 1927, there was a collision between a passenger train and a work train on the New York Central Railroad near Lockport, N. Y., resulting in the injury of two passengers and three employees.

Location and method of operation

This accident occurred on that part of the Rochester Division extending between Suspension Bridge and Rochester, N. Y., a distance of 75.83 miles, in the vicinity of the point of accident this is a single-track line over which trains are operated by time-table, train orders and a manual block-signal system. Mile post 53 is east of mile post 52 located at Lockport, the accident occurred on the main track at a point 1,728 feet west of mile post 54. Approaching from the west the track is tangent for more than 4,000 feet, followed by a  $0^{\circ} 30'$  curve to the right 1,600 feet in length, the accident occurring on this curve at a point 1,089 feet from its western end. The grade at the point of accident is 0.50 per cent descending for eastbound trains. At a point 250 feet east of the point of collision there is a temporary work-train siding, leading to Wilson's pit, this siding parallels the main track on the north and the switch is a facing-point switch for eastbound trains. Owing to a slight embankment on the south side of the curve it is difficult to determine from the engineman's side of an eastbound engine whether another train is occupying the main track or the siding until within a short distance of the other train. The weather was clear at the time of the accident, which occurred at about 10.40 a.m.

Description

Work extra 3906, consisted, from west to east, of one caboose, one spreader, tender, engine 3906, headed east, and 18 dump cars, and was in charge of Conductor Pond and Engineman Bowerman. At Lockport, train order No. 15, Form 19, was received reading as follows:

"C&E Eastward exas at Lockport  
" Eng 3906 "  
" Westward exas opr. Middleport

Eng 3906 works extra 705 am until 535 pm  
between Lockport & mile post 53

GDD

Made complete Time 706 am Flannery Opr."

A clearance card was also received stating that the block was clear. Work extra 3906 departed from the siding at Lockport, eastbound, at about 7.40 a.m. Brakeman Rogers was instructed to close the switch at Lockport and protect against eastbound trains. The work train arrived at Wilson's pit and got into clear at about 8 10 a.m. and after loading gravel at that point for about 1½ hours it moved out upon the main track, westward about the length of the train, where the gravel was being dumped. During the work of unloading one of the cars was derailed, and while standing at this point the caboose of the work train was struck by train No. 48.

Eastbound passenger train No. 48 consisted of one mail car and one coach, hauled by engine 3588, and was in charge of Conductor McEvoy and Engineman Parish. This train left Lockport at 10.34 a.m., one minute late, passed Brakeman Rogers, who did not flag it, and on reaching a point about 950 feet west of the temporary work-train siding switch it collided with work extra 3906 while traveling at a speed estimated to have been between 15 and 20 miles per hour.

The caboose and spreader were entirely demolished, the tender of engine 3906 was derailed to the south and came to rest on its right side. Engine 3588 was derailed to the north and came to rest on its left side, none of the rest of the equipment was derailed.

Summary of evidence

Conductor Pond, of work extra 3906, stated that at about 7.40 a.m., he went to the telephone in the baggage room at Lockport, rang the signalman, reported that he was ready to depart and obtained permission to proceed out upon the main track. He thought he was talking to Signalman Flannery. His train then proceeded to the eastern end of the siding, about 3/4 mile from the station and while pulling out of the siding he instructed Brakeman Rogers to close the switch and stay out to flag, on arrival at Wilson's pit at about 8.10 a.m., Brakeman McMahon was sent out to protect against westbound trains. Conductor Pond connected his portable telephone with the dispatcher's wire and advised the dispatcher that his train was in the clear and would remain there for about 1 1/2 hours. At about 9.50 a.m. the conductor said that he got into communication with Dispatcher Dugan again, asked for a line-up of trains and for and received permission to use the main track directly west of Wilson's pit. Immediately after securing this permission he heard the dispatcher call Lockport Junction, 3 6 miles west of Lockport, and issue instructions to hold train SJ-2 for train No. 48 remarking at the same time that the work train was on the main track. The work train then moved out upon the main track, and westward a short distance from the temporary work-train siding and dumped twelve of the sixteen loads, after which, at about 10.15 a.m., Conductor Pond found that one of the dump cars was derailed. There was a period of eighteen minutes at the disposal of the work train crew to reraill the dump car and get the train into clear before train No. 48 was due to leave Lockport, at 10.33 a.m., and he felt confident that this work could be accomplished in that time. He secured car replacers and sent Brakeman Nailos to the portable telephone to advise the dispatcher of the situation. Then the conductor proceeded with the work of rerailling the car and while so doing heard his engineman sound one long blast on the engine whistle, immediately after which the accident occurred. Since starting work at the pit, on June 27th, there had not been any prior occasion in which train No. 48 or any other first-class train should have been held on account of the work train not being into clear. Conductor Pond said that on the first and second days of this job he had instructed his brakemen to flag all trains and to notify the crews that the work train was at the pit, he did not repeat his flagging instructions after that as he assumed that the

brakemen understood what to do. Conductor Pond further stated that before moving out upon the main track from the temporary work-train siding he could have gotten into direct communication with Signaller Flannery by asking the dispatcher to call the Lockport signal station, but he thought that by getting in touch with the dispatcher it relieved him of communicating with the signaller; during the time he had been on this job he had had occasion every day, and sometimes two or three times a day, to get permission from the dispatcher to use the main track in the same manner as on this occasion. Engineman Boverman of the work train stated that the flagmen were not recalled at any time prior to the accident because when the train was in the construction siding the steam shovel which was working at that point fouled the main track.

Brakeman Fogels, of work extra 3906, stated that after his train needed out of the long siding at Lockport he closed the switch and walked about one-quarter mile eastward where he remained to flag eastbound trains. He stated, however, that when train No. 48 approached he did not flag it, nor did he have torpedoes down, he had left his flag sticking up in a timber near a bridge and was on the north side of the track when the train passed. He said he understood the rules required him to stop all trains, but he could not say what instructions had been given him by Conductor Pond. However, Brakeman Rogers said he understood from other brakemen that when his train was to clear for first-class trains he was only to slow them up. He said he was examined on the rules in March, 1927.

Engineman Parish, of train No. 48, stated that he received a clearance card at Lockport stating that the block was clear. Between Lockport and the point of collision the maximum speed of his train was about 25 miles per hour. He did not strike torpedoes or see a flagman, when he first saw the work train across the curve he thought it was on the siding and did not discover that it was on the main track until his engine was only a short distance from it, he immediately applied the air brakes in emergency and thought the speed of his train was not more than 15 or 20 miles per hour at the time of the collision.

Dispatcher Dugan stated that he issued train order No. 15, previously quoted, to the work train. At about 9.50 or 9.55 a.m. Conductor Pond called on the telephone and asked for a line-up of trains as he wanted

to go out upon the main track to perform some work, the dispatcher told him that train SJ-2 was reported at the bridge at 9.30 a.m., and that he would hold it at Lockport Junction to follow train No. 48 and that train No. 48 would be the first train out of Lockport. Dispatcher Dugan thought he heard the conductor then say "he had plenty of time"; he said he assumed Conductor Pond had already obtained the block from the operator, but on being questioned further admitted that the only way the conductor could get into communication with the operator was for the dispatcher to call him to the telephone. He did not do that, nor did he notify the operator that the work train was going to move out upon the main line. He said it was his practice when a conductor asked for a block to call the signalman to the telephone for the purpose of placing the conductor and signalman in direct communication with each other; when a conductor reports into clear he frequently transmits the information to the signalman himself. Dispatcher Dugan said he authorized the issuance of a clearance card for train No. 48, he said that the work train at other times had cleared at Lockport and he "assumed it was all right in this instance". Later, someone came on the telephone at the construction siding and said to stop train No. 48; he immediately rang Lockport but train No. 48 had just left and there was no other point where he could reach it.

Signalman Flannery, stationed at Lockport, stated that he received train order No. 15, for the work train, and delivered it together with a clearance card to Conductor Pond shortly after 7.00 a.m. He understood that they had some work to do in the lower yard and would call up from the telephone at the east end of the long siding before the work train pulled out upon the main track, however, the crew of the work train did not communicate with him on the telephone and he thought that they were still on the long siding at Lockport. Signalman Flannery said that had Conductor Pond called him from the telephone at the east end of the long siding as arranged, instead of from the telephone in the baggage room as he said he did, he could have gotten into direct communication with him, also, that his office was only about 300 feet from the baggage room and the conductor could easily have walked to his office instead of using the baggage room telephone and talked to him personally; had he done so the signalman would have known

definitely that the work train had departed from the siding at Lockport. He said he had talked with the dispatcher but did not recall that anything was said about the work train asking to use main track after clearing at the construction siding. He heard part of the conversation between Conductor Pond and the dispatcher about working on the main line but thought it was to be done after train No. 48 passed. When train No. 48 arrived, Signalman Flannery got the block from the operator at Gasport, 5.94 miles east of Lockport, at about 10.30 or 10.25 a.m., and then asked the dispatcher to O.K. the clearance card, which was done, he delivered it to the crew and the train departed at 10.34 a.m. After train No. 48 departed he heard the conversation over the telephone about a car in the work train being derailed. Signalman Flannery said that while he gave Conductor Pond a clearance card in addition to the work order the work train should not have departed from the siding at Lockport until the conductor called from the telephone at the east end of the long siding, in accordance with his instructions. He said that it is not customary to issue clearance cards in this manner and the reason he did it on this occasion was that the conductor gave him his word that he would call up before departing. He acknowledged that he should not have issued the clearance card until the work train was ready to depart from Lockport, and he asked for and obtained the block from the operator at Gasport.

The train sheet shows no entry of any movement of work extra 3906 leaving Lockport and proceeding to Wilson's Pit, which is located east of Lockport yard limits, or its arriving time at Wilson's Pit, or any notation of work extra 3906 being into clear at the latter point.

Rule No. 919, of the Rules for the Government of the Operating Department, reads as follows:

"When a train takes a siding it must not again enter the block without permission of the signalman. A train having passed beyond the limits of a block must not back into that block without permission from the signalman".

### Conclusions

The direct cause of this accident was the failure of Brakeman Rogers to protect his train. Contributing causes were the failure of Conductor Pond properly to instruct his flagman, and to obtain permission to use the block from the signalman, as required by the rule, and neglect of the dispatcher either to place the signalman in communication with Conductor Pond or to transmit to the signalman information reported by Conductor Pond.

Brakeman Rogers admitted that the rules required him to stop all trains but that when train No. 48 approached and passed he did not flag it nor did he have torpedoes down. He did not offer any excuse for this neglect of duty, and the only explanation of his failure to flag contained in his statement is his understanding, said to have been gained from other employees, that he was not supposed to stop first-class trains for which his train was supposed to clear. Had he flagged train No. 48 and informed the crew of the presence of the work train ahead the accident probably would not have occurred. Brakeman Rogers did not recall the flagging instructions which had been given him by Conductor Pond, but apparently he acted upon his understanding of what he was supposed to do, an understanding which was contrary to the requirements of the rules. This is a matter concerning which there should have been no possibility of misunderstanding; it was incumbent upon the conductor to know that the flagman clearly understood what was required, and equally incumbent upon the flagman to carry out those requirements.

There was a second misunderstanding, involving Conductor Pond and Dispatcher Dugan. Conductor Pond intended his conversation with Dispatcher Dugan concerning work on the main track as a request for permission to enter the block and use the main track, and understood from the dispatcher's part of the conversation that the required permission had been obtained. It appeared from the investigation that on previous occasions similar movements had been arranged for in the same manner. However, Dispatcher Dugan considered Conductor Pond's request as merely for information concerning approaching trains and not as a request for permission to use the block, although it appears he was fully aware that it was Conductor Pond's purpose to use the main track prior to the arrival of train No. 48. Had Conductor Pond directly and specifically asked for permission to enter the block, or had Dispatcher Dugan placed Conductor Pond in communication with Signalman Flannery, or had Dispatcher Dugan notified

Signalman Flannery when he was advised by Conductor Pond that Extra 3906 had cleared the main track, and again when it was about to enter the block, this accident probably would have been averted.

Under a time-table rule an eastward train before departing from Lockport is required to have a clearance card which must be authorized by the train dispatcher. Under the circumstances in this instance, Dispatcher Dugan erred in authorizing the issuance of a clearance card to train No. 48. He had been notified that the work train was going out upon the main track shortly before the arrival of train No. 48, and had had no further report concerning it. Instead of assuming, as he said he did, that it had cleared at some other point, he should have assumed that it was still occupying the main track until he had received a definite report that it had cleared. Had he ascertained the location of the work train before authorizing the clearance card for train No. 48, the accident probably would have been averted.

The investigation of this accident disclosed other irregularities in connection with the operation of this work train. Signalman Flannery issued a clearance card, to be acted upon at a later time, showing that the block was clear, before he had obtained the block from the operator at the opposite end. Extra 3906 was required to protect by flag, but in making the movement from the switch at Lockport to the pit the flagman rode for at least the greater part of the distance on the head end of the work train. Prior to departure from Lockport on the morning of the accident, Conductor Pond said he called the signalman for the purpose of obtaining authority to enter the block, but he used a telephone line connected to a number of local offices and was not positive that it was Signalman Flannery with whom he talked.

The Commission's inspectors were informed that the grading in which the work train was engaged was for the purpose of laying a second track, and when this division is double-tracked between Rochester and Suspension Bridge, which is expected to be completed this coming fall, an automatic block signal system will be installed. Had such a system been in use this accident probably would not have occurred; an adequate train stop or train control device would have prevented it.



All of the employees involved were experienced men, at the time of the accident none of them had been on duty in violation of any of the provisions of the hours of service law.

Respectfully submitted,

W. P. BORLAND,

Director.