

MURDER ON THE RAILS

BY "ENGINEER"

THE managements of railroads and the supervisory and executive and legislative branches of the Government hold no greater responsibility than that of adequately protecting the safety of the traveling public. No one in this wide world is more helpless to protect himself from injury or sudden death, than a passenger on a railroad train. He pays for and is entitled to expect safe transportation. He is placed in a closed container (as a steel car) where he is as helpless against the effects of a collision or derailment as a babe in arms. His life and destiny are absolutely in the keeping of the engineer at the throttle, who, in turn, depends upon such a slender thread as the line of vision of the human eye looking out through space, sometimes in fog or rain or snow, or under other conditions where visibility is low, picking up an indication from a signal out on the roadside. Sometimes in the sleepy hours of the morning vigilance relaxes for a few brief moments, or a locomotive defect detracts attention from the signals, or there is a misunderstanding of signals, and then a bloody chapter is written into railroad history. Investigations are held, and the findings are that "this accident was caused by Engineer Blank failing to observe and to be governed by restrictive signal indications;" to which the Federal investigators add: "An adequate system of automatic train control would have prevented this accident." Then the stage is ready for another similar catastrophe.

No class of men are more dependable than locomotive engineers. Many of them go to their deaths with a clear record covering a period of years and at last give their lives as a forfeit; martyrs to their profession; faithful unto death; but victims of a mental lapse or of circumstances which they cannot control, and with them go the lives of other human beings, snuffed out like the light of a candle by a sudden breath, sacrificing their lives,

their fortunes and their happiness on the altar of unsafe operation.

It is not alone the locomotive engineer who is at fault, but rather the method of transportation that will permit such accidents. It is impossible for a man to be one hundred per cent. perfect, physically, mentally and functionally at all times. Recognizing these facts, it is fair to assume that the human at the throttle, high grade as he may be, must be backed up by an automatic agency to prevent disaster, when for any reason the human agency fails. It should be impossible for a locomotive engineer, even if temporarily insane, to run a train at high speed, freighted with human lives, into another train in his path, also freighted with human lives. It would be as reasonable to operate elevators without automatic control, or steam boilers without safety valves to limit steam pressure within safe limits, as it is to operate a high speed train without automatic speed restriction when closing in upon a train ahead.

The fact is that thousands of helpless passengers, who are paying for safe transportation, are killed or injured when means to prevent such accidents are available.

How long, then, before Federal statutes will be enacted holding the railroad managements responsible and making them criminally liable for manslaughter or murder on the rails, where automatic train control protection is not installed and where the lives of passengers are destroyed as the result?

It has long been recognized that some form of protection should be provided to prevent railroad collisions. This subject has been a live issue since 1880. In 1906, Congress passed an act directing the Interstate Commerce Commission to investigate the subject of Automatic Train Control. As a result, the Commission appointed the Block Signal and Train Control Board, which was more or less active until 1912. In 1913, the Bureau of Safety assumed charge until 1919, when the United States Railroad Administration created an Automatic Train Control Committee which functioned during the Federal Administration of railroads.

In 1922, under Section 26 of the Transportation Act of 1920, the Interstate Commerce Commission issued Orders 13413, citing forty-nine railroads to show cause why an order should not be

entered requiring installation of automatic train stops or automatic train control devices upon designated portions of their respective lines. Hearings were held before the Commission, as a result of which the Commission made its order permanent on June 13, 1922. On January 1, 1924, the Commission issued a second order requiring installation of ninety-two additional operating divisions and fixed the date of completion for the territory covered by this second order as of February 1, 1926. This order included an additional division on forty-seven of the carriers contained in the first order. During this period the personnel of Division 1 of the Commission having charge of Automatic Train Control was changed, and, as the result of a sinister influence, the requisites of the Commission were altered to permit the railroads to install automatic train stops with a forestalling feature, so arranged that a locomotive engineer may nullify operation of the device at will.

Subsequently, the order for installation on forty-five railroads covered by this second order was indefinitely suspended by the Interstate Commerce Commission, and since that time numerous extensions of time have been granted by the Commission upon application by the railroads. In fact, upon one of these divisions the railroad has been entirely relieved from installation of automatic train control and has been granted permission to install automatic block signals in lieu thereof. To point out the fallacy of this decision it is only necessary to refer to the recent serious collisions on the Pennsylvania Railroad at Monmouth Junction, N. J., and Gray, Penn., where automatic block signals of the best type were disregarded and where two of the most disastrous collisions occurred.

During the time the Interstate Commerce Commission has been investigating this subject, and in the period 1906-1921, as shown in the records of the Commission during the 1922 hearing, there were 106,473 train accidents in which 6,142 persons were killed, 95,936 injured, and a property loss of \$80,386,694. Of rear end collisions there were 17,043, in which 1,914 persons were killed and 25,974 injured, with a property loss of \$21,507,894. Of head-on collisions there were 9,255, in which 2,412 persons were killed and 34,708 injured, with a property loss of \$19,461,769.

In territory protected by automatic block signals, between July, 1911, and March 31, 1921, there were 111 collisions caused by failure of engineers "to observe and be governed by signal indications", in which 510 persons were killed and 2,458 injured, with a property loss of \$1,539,074. All of the above losses in life and property occurred while the Interstate Commerce Commission was investigating automatic train control from 1906 to 1921 inclusive.

On March 11, 1924, the Hon. Homer P. Snyder, Congressman from New York, delivered a speech in the House of Representatives outlining the status of automatic train control and urging strenuous action. In his speech Mr. Snyder called attention to the fact that the Chicago, Rock Island and Pacific Railway had installed an automatic train control system on a full operating division of 165.4 miles of double main track and 102 locomotive equipments. This installation was completed in November, 1923, and approved by the Interstate Commerce Commission on December 17, 1923. He stated that this progressive railroad had complied with the order of the Commission and completed its installation and received the final approval of the Interstate Commerce Commission one full year before the time limit fixed by the Commission, and that the installation was completed at a total cost of \$235,789, equivalent to \$713 per mile of track. Further, that, in addition to the conservation of life and property, experience has shown tremendous savings in operation due to this scientific improvement in railroad service, as under such a train control system not alone is safe operation assured but, substituting the principle of spacing trains by restricting their speed rather than by stopping them (as is done under the present antiquated method of railroading), train control becomes an asset and a distinct earning power.

He stated, further, that whereas the American Railway Association rules provide that trains shall stop at automatic block signals in the stop and then proceed under a certain speed prescribed by rule alone, this system compels the train to reduce speed and compels the engineer to indicate his alertness to the situation by acknowledging the stop signal, and permits the train to proceed under safe speed without stopping; that such

was the practice and the rule on the Rock Island where a check of operation during July, 1924, showed that in the movement of 1,105 freight trains and 1,183 passenger trains there was a total of 6,078 freight train stops and 485 passenger train stops eliminated, which, capitalized at the American Railway Association figure of \$1.92 per stop, would amount to the tremendous figure of \$150,000 per annum in the savings in fuel, wear and tear of equipment and loss of time.

The question naturally arises as to what possible motive the railroads have in deferring installation of an automatic train control system having the advantages of low cost, simplicity, splendid performance, approval by the Interstate Commerce Commission and the full endorsement of the officials and engineers of the railroad upon which it is installed, and carrying such economical advantages in operation? Why are the railroads installing automatic train stop systems which permit the engineer entirely to nullify operation of the device and run into a collision at full speed? Why are the railroads installing so many different train control systems over short territories which are not interchangeable one with the other, when the engines of one railroad run over the tracks of another road equipped with a different system? Is it with the hope of so confusing the subject as to hoodwink the Commission and eventually "kill" train control? If so, why?

The railroads have consistently opposed the installation of automatic train control. At the 1922 hearing before the Interstate Commerce Commission they attempted to show cause why they should not be ordered to install train control on forty-nine divisions of railroads each specified by name. They failed to show cause and the order was issued on June 13, 1922.

At the 1924 hearing, the railroads attempted to show cause why the second order of the Commission covering installation of ninety-two additional divisions of railroads specified by name, should not be enforced. They succeeded in securing a suspension of this order in so far as fifty divisions were concerned.

While the railroads have consistently opposed installation of automatic train control devices, and apparently have organized to defeat any attempt to force installations, the Interstate

Commerce Commission has, in itself, aided and abetted the railroads to that end, and to a larger extent even than the railroads that body is responsible for present conditions. The Commission has usurped the powers of Congress and has given the railroads friendly help and suggestions which have enabled them to defeat the law.

In so far as Section 26 of the Transportation Act is concerned, it empowers the Commission to order automatic train control protection on the railroads. The railroads have captured the Commission, as is illustrated by the modified order of July 18, 1924, when the requisites of installation were so radically changed as to form the basis of a petition of the United States District Court by the Delaware and Hudson Railroad for relief from penalties imposed by the first order for failure to comply therewith. The Court, while upholding the constitutionality of the law requiring installation of train control systems, sustained the position taken by the railroad, pointing out that the action of the Commission in changing its specifications in this manner constituted an entirely new order. "To call such a change," said the Court, "in the effect of the order, a mere amendment, is unfair, if not absurd. It was an entirely new order, consequently the road is entitled to two years' further delay."

The effect of the two years' grace which the railroads received by this *faux pas* of the Interstate Commerce Commission caused many of the roads to adopt the manual system, by means of which, as stated above, the engineer may entirely nullify operation of the device and collide with a train at full speed. By introducing this unsafe method of operation, the Interstate Commerce Commission not only played into the hands of the railroads in confusing the train control issue but committed such a violation of the law as outlined in the Transportation Act, as to call for a Congressional investigation as a remedy for such usurpation of legislative functions and such utter disregard of the public interest which it was actually created to protect.

Congress cannot longer ignore the voice of the people in their appeals for relief from this deplorable condition. The attention of the public is focused upon their Representatives in Congress, which created the Interstate Commerce Commission and to

whom the Commission is responsible. Editorials in the public press are attempting to direct the attention of the Government to the necessity for action, which should not be further delayed, as is illustrated in the following brief extracts:

The Washington Post, June 23, 1926.

The fact is that there is no excuse for these disasters which are caused by human fallibility, now that automatic devices have been perfected which will stop a train in spite of the effort of an engineer to run against signals directing him to stop.

The Baltimore Sun, June 19, 1926.

In this instance the human equation seems to be again responsible. A signal was disregarded. The public in the circumstances may again become aroused to the necessity of speeding up progress in some better method of train control.

The New York Evening World, June 19, 1926.

Too many lives are being crushed, too many people are being crippled, to dismiss these tragedies any longer as unavoidable accidents.

The Pittsburgh Gazette Times, June 18, 1926.

Here is a striking example of the failure of the human factor of safety, is the common judgment. Here is strikingly illustrated the need of automatic train control devices to prevent just such deplorable accidents, is another conclusion instantly arrived at.

The Pittsburgh Chronicle, June 19, 1926.

The possibility of the sudden and unforeseeable striking down of the engineer by disease is a perpetual danger of railroading, the remedy for which is automatic train control to supplement the present admirable automatic switch and signal system.

Murder on the rails will continue until Congress awakens to the fact that it has abdicated to the Interstate Commerce Commission a large part of its functions in the protection of the lives of passengers, and that the Commission has proved itself incompetent or unworthy of the trust.

“ENGINEER.”

JOHN STEVENS

BY ARCHIBALD DOUGLAS TURNBULL

“*Genius has too fine an edge for common use.*” The quotation is from the writings of John Stevens, that man of extraordinarily varied interests and activities, whose long life of nearly ninety years made him a young officer of the Revolution and a venerable sage in Andrew Jackson’s day as President; whose rich, colorful story has for a century been hidden under dusty documents in half a dozen horsehair trunks. In this sesquicentennial year of our independent existence, when the Federal Constitution and its Amendments are under such heavy fire, it has been thought appropriate to exhume the history of one of the most constructive of our early nation builders.

In the last issue of *THE NORTH AMERICAN REVIEW*, Mr. Francis Thorpe discussed John Adams and his *Defense of the Constitution*. It was this small book which inspired John Stevens to set forth his own views and, like the “Cato” and the “Junius” of his day, he did so under the screen of anonymity. His carefully considered pamphlet, in which he ventured to disagree with the veteran New Englander and his political system of “Orders” and “Balances” as a method of government, was published as the work of no more definite a citizen than “A Farmer of New Jersey,” with the result that it was generally attributed to the brilliant pen of the Revolutionary Governor of that State, William Livingston. Where copies of the pamphlet exist in libraries and historical societies, they are thus catalogued. But Jefferson made a note upon his own copy, “Written by John Stevens,” and the recent unearthing of part of the original manuscript places the question of true authorship beyond all doubt.

“Good government,” runs the pamphlet, “demands constant activity. The people ever have been, and ever will be, unfit to retain the exercise of power in their own hands; they must, of necessity, delegate it. Hence the immense importance of a *representative* legislature and a Tryal by Jury.”