

**ASH PAN BILL: HEARINGS BEFORE
THE COMMITTEE ON
INTERSTATE AND FOREIGN
COMMERCE. H.R. 19795. VOL. I-II**

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HEARINGS

BEFORE THE

COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

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OF THE

U. S. HOUSE OF REPRESENTATIVES

ON

H. R. 19795

TO PROMOTE THE SAFETY OF
EMPLOYEES UPON RAILROADS

ASH PAN BILL

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WASHINGTON
GOVERNMENT PRINTING OFFICE

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SAFETY OF EMPLOYEES UPON RAILROADS.

COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE,
HOUSE OF REPRESENTATIVES,
Friday, May 8, 1908.

The committee met at 2.30 o'clock p. m., Hon. James S. Sherman presiding.

Present, also, Mr. H. R. Fuller, representing the Brotherhood of Locomotive Engineers, the Brotherhood of Locomotive Firemen and Enginemen, and the Brotherhood of Railroad Trainmen; Mr. S. C. Neale, representing the Pennsylvania Railroad lines, with whom appeared four practical men employed by the Pennsylvania Railroad; Hon. L. E. Payson, representing the Harriman roads, the Southern Pacific lines; Hon. Charles J. Faulkner, representing the Southern Railroad, the Atlantic Coast Line, the Santa Fe, and others; Mr. Charles C. Paulding, representing the New York Central lines.

The committee then proceeded to the consideration of the bill (H. R. 19795) to promote the safety of employees upon railroads.

STATEMENT OF HON. JOSEPH V. GRAFF, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF ILLINOIS.

Mr. GRAFF. I am likely to be called out before this hearing concludes this afternoon, and I would like to make a brief statement before Mr. Fuller commences.

Mr. SHERMAN. You introduced the bill?

Mr. GRAFF. Yes, sir.

Mr. SHERMAN. That is entirely proper. You may be heard now, Mr. Graff, if you please.

Mr. GRAFF. Mr. Chairman, I introduced this bill at the request of Mr. J. J. Hannahan, head of the Brotherhood of Locomotive Firemen of the United States and Canada, who lives at Peoria, Ill., in my district, that organization having its headquarters in my home city, and the bill is drafted after present legislation regarding air brakes.

Mr. SHERMAN. Safety appliances generally?

Mr. GRAFF. Yes, sir; but the penalties in this bill are heavier than the penalties in existing law, the representatives of the organization claiming that it was necessary to have them so in order to have satisfactory and real enforcement of the measure. At the time of the introduction of the bill there was inserted section 5, which provides:

Sec. 5. That any employee of any such common carrier who may be injured or killed by any locomotive in use contrary to any of the provisions of this act shall not be deemed thereby to have assumed the risk thereby occasioned, although continuing in the employment of such carrier after the unlawful use of such locomotive had been brought to his knowledge, nor shall such employee be held to have been guilty of contributory negligence in any case where such carrier shall have violated any provision of this act when such violation contributed to the injury or death of such employee.

That section, of course, was inserted at the time when the present and recently enacted provision of law with reference to personal injury recoveries of employees against common carrier railroads existed, and it occurred to me since that possibly that section would not be needed, as the present law would cover the case. There might be some question as to whether this section might not cover a class of employees which were not covered entirely by the present law.

I was informed, when I asked the gentleman who consulted me about the introduction of this bill, that there were several of the railroads of the country which had in successful operation a number of devices which would comply with the provisions of this act, and, furthermore, that the most of these devices were simple in construction and comparatively inexpensive, and were not covered by any patents. Naturally enough, I inquired about whether this bill would be only complied with by putting in some particular device covered by some patent which was held by some individual or corporation. I was also informed that during the past year there had been something like 133 firemen who had been injured, some of them killed, by being compelled in their work to get beneath the engines for the purpose of cleaning and emptying the ash pans.

Naturally, I had depended for my information for the necessity of this legislation and for the facts connected with it upon the representatives of the organization, of this body of men who were back of this measure, but in a general way I might say that I am decidedly in favor of any measure to be enacted within reason which is calculated to lessen the dangers of this hazardous business, and that I think the public itself are quite willing to bear the additional expense which is imposed upon the railroads in the first instance by the installation and operation of any of these safety devices, and it is of course quite apparent that the railroads themselves are not going to take the initiative with regard to these matters, and that State legislation upon these lines is futile, and I felt that I was very glad to have the opportunity and the honor of introducing a measure of this kind in line with legislation on the statute books which has proven not burdensome upon the railroad companies but advantageous to them and to the employees of the railroads, and neither the railroads nor the employees to-day would wish that legislation repealed.

STATEMENT OF MR. H. B. FULLER, REPRESENTING THE BROTHERHOOD OF LOCOMOTIVE ENGINEERS, BROTHERHOOD OF LOCOMOTIVE FIREMEN AND ENGINEMEN, AND THE BROTHERHOOD OF RAILROAD TRAINMEN.

Mr. FULLER. Mr. Chairman and members of the committee, Mr. Graff has stated the object of the bill; I think it is apparent on the face of it. I appear here in behalf of the organizations which I have named, and especially in the interest of the members of the Brotherhood of Locomotive Firemen and Enginemen, as they are the most directly affected by this question.

The purpose of this bill, gentlemen, is simply to require the railroads to equip their locomotives which they use in hauling interstate and foreign commerce and those in the Territories and the District of Columbia with ash pans which can be cleaned and dumped without

the necessity of men going underneath the locomotives for that purpose. That is the object and purpose of the bill, and the reason for it is that men are being killed and injured by the hundreds as a result of going under locomotives for that purpose. The construction of the modern locomotive, or many of them, is so compact that a man in order to get under one of them has in some instances to get in sideways; he can not lie down flat and crawl under.

The policy of the railroads is to get all they can out of their locomotives. They put all the tonnage behind a locomotive it is possible for it to haul. Necessarily the locomotive has to be fed to the fullest extent with fuel to furnish the power with which to draw those heavy loads. As a result of that this condition has arisen, something which did not exist in days gone by, that men are frequently compelled to clean ash pans out on the road between terminals, where formerly the loads were light as compared with the capacity of the engine, and that was not necessary; they were then cleaned in pits, or over pits, where men got down in pits, and there was not nearly so much danger.

It is a horrible thing to think of a man edging his way in between the wheels of a locomotive on the main track, and they sometimes have to do it, because occasion arises where they have to clean their ash pans on the main track. If the locomotive moves while he is in that position he has no show whatever; if the engine moves a foot he is gone. The attachments to the locomotive are many, nowadays. While they are building the fire boxes higher than they used to, in many cases there is very little room under there after a man does get under, and he has to lie down, or get down on his knees and scrape the ashes out of the pan, and when an engine moves he has no show. I have letters here from men who have had the experience of being dragged for car lengths, others telling of other cases, of members of their lodges who have been killed in that way; trains have started off, and they have cut the air hose to apply the brakes—you understand, to cut the air hose stops the train automatically—they do this to save themselves.

It has been said, and will probably be said here, that somebody is negligent if an engine moves while a man is under it. That may in some instances be true, but the fact that a man has to get under there and perform that service remains, and if that necessity were removed, then he could not even be injured in that way through negligence.

They are often injured in this way: A train will pull in on the side-track to meet another one; the room on the siding is scarce; there is another train to come in behind them; the first train stops, and the fireman wants to clean his ash pan; when their train stops he gets down underneath, and another train comes in behind them, moving up as close as they can; they bump up against this train and move it, and the fireman is injured or killed. A train may come up to a stopping place; they may have switching to do, and the fireman may get down underneath to clean the ash pan, and there may be an understanding between him and the engineer; a brakeman comes over, knows nothing about it, and he uncouples the engine from the train and tells the engineer to go ahead, and gives him a signal to go ahead, and, by force of habit—he is used to hearing that voice and is used to getting that signal—for the instant he

forgets his fireman, and moves the engine but a few feet when it comes back to him that his fireman is underneath, but it is then too late. The fireman is either killed or injured.

Mr. ESCH. Are not cabs so constructed that the engineer can not always see the fireman on his side of the cab?

Mr. FULLER. Yes, sir; there are a number of engines where the engineer and fireman are entirely out of sight of each other when they are in the cab, but when a fireman gets under the engine, if the engineer is there, there is generally an understanding, or there should be. There are cases where men have been under the engine and knew that the engineer was going to start and attempt to get out, and they have their hands cut off and their arms cut off; maybe they will get their bodies out and they will get a leg cut off; maybe they get their legs nearly out and have a foot cut off. I have here a number of resolutions from the lodges of the Brotherhood of Locomotive Firemen and Enginemen, in which they ask for this legislation, and give their reasons. I will not take the time to read them. I have one here that was passed by a union meeting of the Brotherhood of Locomotive Firemen and Enginemen, held in this city on March 30 of the present year, and there were 30 States represented at that meeting. I will just read the resolution:

WASHINGTON, D. C., March 31, 1908.

Sir: The undersigned, a committee representing a union meeting composed of 1,000 delegates representing the Brotherhood of Locomotive Firemen and Enginemen from 30 States, held at Masonic Temple, Washington, D. C., March 30, 1908, respectfully submit for the consideration of the Senate the following memorial adopted by said meeting:

Resolved, That we favor the early consideration and passage by Congress of the Hemenway-Graff bill, requiring common carriers to equip their locomotives with automatic self-dumping ash pans, thereby doing away with the necessity of men exposing themselves to danger by being compelled to go under locomotives."

Respectfully submitted.

JOHN M. HALL,
WILLIAM A. CAROON,
Committee.

HON. CHARLES W. FAIRBANKS,
President of the Senate, Washington, D. C.

I have here a number of letters. They are principally from the secretaries of the lodges of the locomotive firemen in response to a circular sent out by Mr. Hannahan, the grand master of that organization, asking for information as to accidents and the practices of those roads, and unless the committee desires to hear them, I will not read them.

Following are the resolutions referred to:

BROTHERHOOD OF LOCOMOTIVE FIREMEN,
INDUSTRIAL LODGE, No. 21,
St. Louis, Mo., April 15, 1908.

RESOLUTIONS.

Whereas in very many instances, while in the performance of a compulsory duty of cleaning the ash pan, the fireman has been terribly maimed and in some instances killed, and as a relief from the performance of such a dangerous duty House bill known as H. R. 19795 (Senate bill known as S. 6320) has been introduced: Therefore be it

Resolved, That it is the sense of this body that we heartily indorse and recommend the passage of House bill known as H. R. 19795; that we earnestly and urgently request our representatives in the United States Senate and House of Representatives for humanity's sake to support, work, and vote for the passage of House bill 19795; that

a copy of these resolutions be forwarded to each of our representatives in the Senate and House of Representatives, also a copy sent to H. R. Fuller, our legislative representative at Washington, D. C.

Adopted.

[SEAL.]

Attest:

Wm. A. MURPHY, *Master*.

To our SENATORS.

R. E. MCKENZIE, *Secretary, No. 21.*

CACTUS LODGE, No. 94, B. OF L. F. AND E.,
Tucson, Ariz., April 15, 1908.

HON. H. R. FULLER, *Beaver Falls, Pa.*

DEAR SIR: I submit the following resolution by Cactus Lodge, No. 94, B. of L. F. and E.:

Be it resolved, That we do heartily indorse proposed legislation entitled "A bill to promote the safety of employees upon railroads," and having for its object the compulsory equipment of all locomotives in interstate or foreign commerce with automatic self-dumping and self-cleaning ash pans; and we furthermore do most earnestly urge the passage of this bill.

Yours, respectfully,

J. L. ABELL,
Secretary Lodge No. 94.

PUEBLO, COLO., April 13, 1908.

MR. H. R. FULLER,
Hotel Ventosa, Washington, D. C.

DEAR SIR AND BROTHER: At a regular meeting of Royal Gorge Lodge, No. 59, Brotherhood of Locomotive Firemen and Enginemen, Pueblo, Colo., the following resolution was unanimously indorsed and the proper officers of the lodge instructed to write Colorado's Senators and Representatives in Congress respectfully requesting them to support and use their best efforts to secure the enactment of the measure referred to in the resolution:

Resolved, That the membership of this lodge heartily indorse a bill now pending before the Congress of the United States requiring interstate railways to equip their locomotives with automatic self-dumping and self-cleaning ash pans. We believe such a measure will entirely eliminate the great danger to enginemen of getting beneath the complicated mechanism of modern locomotives and obviate terrible accidents from this source, and we therefore respectfully urge Colorado's delegation in the National Congress to give said measure their approval and support.

Respectfully,

[SEAL.]

Attest:

E. W. WELLS, *Secretary.*

M. P. McMILLIN, *Master.*

CUMBERLAND, MD., April 6, 1908.

BROTHER H. R. FULLER: You are hereby requested by the members of Fairfax Rock Lodge, 701, of the B. of L. F. and E. to urge the immediate passing of the bill requiring all railway companies to equip engines with an automatic self-dumping and self-cleaning ash pans. Hoping you will do all in your power to better the conditions of our locomotives, we remain,

Yours, fraternally,

G. W. EARNEST, *Secretary.*
C. E. BUREKY, *Master.*

BROTHERHOOD OF LOCOMOTIVE FIREMEN AND ENGINEMEN,
MACKINAW LODGE, No. 458,
Van Wert, Ohio, April 6, 1908.

MR. H. R. FULLER, *Washington, D. C.*

DEAR SIR AND BROTHER: I have been asked by the members of Lodge 458, B. of L. F. and E., to write to you and to ask you to do all you can for the passage of Senate bill, known as S. 6320, and House bill, known as H. R. 19795, for we think it is very dangerous to have to go under an engine for the purpose to remove ashes from ash pan. I have written Congressman T. T. Ansberry concerning same.

Fraternally, yours,

[SEAL.]

F. A. DERNINT,
Secretary No. 458, 321 Fulton Street, Van Wert, Ohio.