

'performing his ordinary duties,' is interpreted as meaning performing fully and acceptably and without extra assistance all the duties customarily included in a regular assignment to one of his title, payroll classification, and pay rate. For example, a brakeman or switchman must be able to walk, throw switches, get on and off cars and set brakes; a fireman must be able to fire an engine, take water, shake grates, etc.; a trackman must be able to walk, remain standing and work, use wrench, shovel, rake, etc. with both hands; a carpenter must be able to stay on his feet, walk, set and drive nails, use handsaw and other tools in a workmanlike manner, a machinist must be able not only to operate his machine, but to do the customary work in connection with placing material in position on the machine and removing same. Generally speaking, any injury which, if it occurred off duty, would be regarded as necessarily incapacitating an employee from performing his regular work should be likewise considered as incapacitating him when the accident occurs on duty. The best and most acceptable evidence that a person is able to perform his ordinary duties consists in his continuing to do his usual work and performing those duties throughout his regular working period without disability amounting to more than three days during the ten days following an injury."

I have heard contentions from railroad safety men that employees were trespassers, merely because they violated some rule of the company at the time they got hurt, and I am particularly anxious that we all have uniform understanding of this term, as well as others.

A railroad employee on the premises of a railroad, injured while on duty during hours paid for, should not be classified as a trespasser. The fact that he was violating the railroad rule, or even a law, does not justify such classification. Such casualties must be reported as occurring to an employee. A railroad employee on the premises of a railroad, injured while off duty or outside of hours paid for, cannot be classified as a trespasser if his presence on the property is for the purpose of getting to or from point of work, or for any other purpose connected with his service as an employee. Violation of a rule or law does not justify such a classification. Such casualties must be reported as occurring to an employee off duty. He may only be classified as a trespasser if and when his presence on the premises is for no purpose connected with his services as an employee."

Necessity of Uniformity in Reporting Accidents

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The speaker said in part: We are all agreeing that it is important to have these statistics based on the reports as accurate as possible, and if they show a favorable tendency, we can all rejoice; if they show an unfavorable tendency, you are the first person who wants to know about it so you can correct the condition.

I think the work of this committee is very important and will help a great deal toward securing uniformity. The definitions which it proposes are, with very slight exceptions, in accord with the interpretation and rules, as I understand them, now, aside from minor differences which we shall be able to iron out without any trouble.

There is one which I wish to mention especially, to which I take exception, and that is the proposed modification of what is a reportable train accident. Mr. Warfel has indicated that he proposes to cut out from the expense which is counted in building up to \$150, that being the limit of a reportable accident, the expenses of

going to and from a wreck. His proposition is entirely logical. Of course, the expense of going to and from a wreck does not affect the importance of a wreck at all, but this is a critical sign in the condition of the railways, and these particular statistics of train accidents are being watched, and it would be unfortunate to make any change just now that would destroy or affect to any material degree the comparability from month to month, or from year to year.

I would rather not see the statistics disturbed, even though they are not entirely logical or perhaps entirely uniform or complete, but I would let each railroad continue to report them as they have been, and the trend in this particular period will still have some significance. In fact, I think that instead of tinkering with this rusty old dipper, we might try to get a new dipper and frame an entirely new definition of what is reportable as a train accident, and make a fresh start, for that \$150 limit has very serious objections.

Passing to another part of the Committee's report, the interpretation by the Committee, that the three days' incapacity means 72 hours and not three calendar days, is in accord with our past interpretation. We put out a circular letter some years ago to that effect. On the other hand, as he has said, there is not complete uniformity at the present time. Some roads are using the calendar basis, and they have perhaps on their side of the argument the fact that the American Standards Association, in its plan for uniform accident reporting from all industries, suggests a three-day calendar day basis. I should be inclined to adhere to the Committee's report and our past practice, unless I heard from a good many more of you that the calendar day basis was preferable. Perhaps, we ought to issue a circular on the subject and gather our experience, unless the Committee is satisfied that the majority using the 72-hour basis is now so large that it would not be wise to change.

I am much pleased with that part of the Committee's report which Mr. Warfel explained, defining the phrase "performing his ordinary duties." As he pointed out, his proposed definition is, "The phrase, performing his ordinary duties, is interpreted as meaning performing fully and acceptably and without extra assistance all of the duties customarily included in the regular assignment to one of his title, payroll classification, and the pay rate. For example, a brakeman or switchman must be able to walk, throw switches, etc."

If we had had that strict definition and had adhered to it in recent years, I think it would have eliminated a good deal of the criticism that has been leveled against the statistics of injuries. I am sure that even if we had adhered to it, there would still have been a very considerable drop in the number of injuries reported because of the close attention obtained to what is a reportable injury, but I mean it would have eliminated the grounds for criticism that have existed. For example, it seems as though a switchman reported at work when he was merely answering a telephone. Things of that kind are magnified far beyond their real importance, and therefore this particular part of the Committee's report will help a great deal, I think, to verify the matter.

The following resolution was presented by J. F. Shedd, chairman of the Resolutions Committee:

Whereas, the Safety Section of the American Railway Association in session at the Stevens Hotel in Chicago, October 3-5, 1933—is not unmindful that the success of this Thirteenth Annual Convention and of those Conventions that have preceded it can only be attributed to the unceasing interest and untiring efforts of those in whose hands the responsibility for arrangement and necessary details were placed