

UNITED STATES OF AMERICA

NATIONAL TRANSPORTATION SAFETY BOARD

* * * * *

Investigation of:

*
*
*
*
*
*

NEW JERSEY TRANSIT TRAIN #1614
ACCIDENT AT HOBOKEN TERMINAL
AT HOBOKEN, NEW JERSEY
ON SEPTEMBER 29, 2016

Accident No.: DCA16MR011

* * * * *

Interview of: THOMAS GALLAGHER

Chatham, New Jersey

Saturday,
October 1, 2016

APPEARANCES:

DAVID BUCHER, Railroad Accident Investigator
National Transportation Safety Board

STEPHEN JENNER, Ph.D., Human Performance Investigator
National Transportation Safety Board

NICHOLAS WEBSTER, M.D., Medical Officer
National Transportation Safety Board

PATRICK VEDDER, Inspector
Federal Railroad Administration

BRUCE PARKIN, Inspector
Federal Railroad Administration

FRED MATTISON
New Jersey Transit

RANDY FANNON
Safety Taskforce
Brotherhood of Locomotive Engineers (BLET)

STEPHEN HAMER
SMART, Transportation Division

JACK ARSENEAULT, Esq.
Arseneault & Fassett, LLP
(On behalf of Mr. Gallagher)

<u>ITEM</u>	<u>I N D E X</u>	<u>PAGE</u>
Interview of Thomas Gallagher:		
By Mr. Bucher		5
By Dr. Jenner		16
By Mr. Parkin		28
By Mr. Fannon		32
By Mr. Hamer		34
By Mr. Mattison		36
By Mr. Bucher		42
By Dr. Jenner		43
By Mr. Parkin		47
By Mr. Fannon		52
By Mr. Hamer		54
By Mr. Mattison		54
By Dr. Webster		57
By Dr. Jenner		57
By Dr. Webster		64
By Dr. Jenner		70
By Mr. Parkin		72

I N T E R V I E W

(10:05 a.m.)

1
2
3 MR. BUCHER: This is Dave Bucher, rail accident investigator
4 for the National Transportation Safety Board. It's October 1,
5 2016. The time is 10:05. And this is the interview of
6 Mr. Thomas Gallagher, locomotive engineer on Train 1614, and it's
7 relative to the accident that occurred at Hoboken, New Jersey on
8 September 29, 2016.

9 Just like I said, the little primer for the transcriptionist,
10 the purpose of this investigation is to increase safety, not
11 assign fault, blame or liability. NTSB cannot guarantee
12 confidentiality or immunity from legal or certificate actions. A
13 transcript or summary of the interview will go in the public
14 docket.

15 The interviewee can have one representative of his choice.
16 The representative may be an attorney, but is not required to be
17 an attorney. The representative may not testify for the employee
18 during the interview. In other words, if you want to break and
19 consult, you can go outside, and we'll break and do that.

20 Tom, as I -- we'll introduce ourselves. As we go around the
21 table, everybody please spell their name for the transcriptionist.

22 DR. JENNER: I'm Stephen Jenner, S-t-e-p-h-e-n, J-e-n-n-e-r,
23 with the NTSB.

24 MR. PARKIN: Bruce, B-r-u-c-e, Parkin, P-a-r-k-i-n, operating
25 practices inspector for the Federal Railroad Administration,

1 Region 1.

2 MR. VEDDER: Patrick, P-a-t-r-i-c-k, Vedder, V-e-d-d-e-r,
3 inspector, FRA.

4 MR. FANNON: Randy Fannon, R-a-n-d-y, F-a-n-n-o-n, BLET,
5 Safety Task Force.

6 MR. HAMER: Stephen Hamer, S-t-e-p-h-e-n, H-a-m-e-r, SMART
7 Transportation Division.

8 MR. MATTISON: Fred, F-r-e-d, Mattison, M-a-t-t-i-s-o-n, New
9 Jersey Transit.

10 DR. WEBSTER: Nicholas Webster, N-i-c-h-o-l-a-s,
11 W-e-b-s-t-e-r, NTSB.

12 MR. BUCHER: Tom, if you could just spell your name for --

13 MR. GALLAGHER: Oh.

14 MR. BUCHER: It's okay.

15 MR. GALLAGHER: Thomas Gallagher, T-h-o-m-a-s,
16 G-a-l-l-a-g-h-e-r.

17 MR. ARSENEAULT: Jack Arseneault, A-r-s-e-n-e-a-u-l-t. Tom
18 Gallagher's representative.

19 MR. BUCHER: Thank you.

20 INTERVIEW OF THOMAS GALLAGHER

21 BY MR. BUCHER:

22 Q. Tom, like we talked, if you could just go back to Thursday,
23 and if you could give us a overview of your day from when you got
24 up to get ready to go to work and just through the day, and as
25 many details as you can remember.

1 A. Okay. I got up at 5 a.m. on Thursday morning with my alarm
2 clock. That is the normal time for me to awake on a Thursday with
3 my assignment. I got up. I showered, shaved, got dressed, left
4 my house. Generally I leave my house around 6. That particular
5 day because I shaved, I left around 6:05.

6 I drove from my home in Morris Plains north on 287,
7 Interstate 287, and I went to Woodbine Yard, which is my normal
8 sign-up location for my assignment, without incident, without any
9 problems. I arrived there. My sign-up time, 6:46 a.m., and I
10 arrived there about 2 minutes before sign-up. My crew was already
11 present in the sign-up location.

12 I signed the register, took my paperwork. We had our job
13 briefing between myself, my conductor and my rear brakeman. My
14 rear brakeman and I then went out to the equipment, which was in
15 the yard. We boarded the equipment. We did our brake test.
16 While that was happening, my conductor was waiting for another
17 train in front of us to leave. When that train departed the yard,
18 he then lined us with my -- he threw two switches to line us to
19 follow Train 1612.

20 We sat until it was out departure time from the yard. We
21 left the yard normal time. The only difference is normally Train
22 1614 is a five-car train. For the past -- this is the second week
23 that for whatever reason we only had four cars. And that was part
24 of our job discussion because it's a crowded train even with five
25 cars. With four cars we have a lot more crowding and a lot of

1 standees and people give grief to the crew.

2 Ran the train normally without incident all the way to
3 Secaucus. At Secaucus a large number of our passengers get off
4 and a large number of passengers board because they need to go to
5 Hoboken. We departed Secaucus Station about 6 minutes late, which
6 is to be expected given that there was two speed restrictions on
7 the way. And by having one car short, that's one less car or one
8 less set of doors for the passengers to board the train, so it
9 slows us down.

10 We departed Secaucus. We went through Bergen Tunnels and
11 approached our final destination, which was Track 5 depot. We
12 were just coming under the train shed, and I looked at my watch to
13 see if we had made up any time from Secaucus. I looked at my
14 watch. We were still 6 minutes down. I looked up at my
15 speedometer. We were doing 10 miles per hour as we were going
16 under the train shed. I blew once on my horn, and I began to ring
17 the bell.

18 The next thing I remember was a loud bang. I was getting hit
19 with dust and dirt. I was thrown about the cab. I hit my head,
20 the back of my head, I presume on the wall behind me. And then I
21 had a period where I was going in and out of consciousness. There
22 were flashes of things that I remember. I remember clearly a man
23 yelling that's a live wire, that's a live wire. Don't go near it.
24 Don't touch it, don't touch it, and he's screaming, he's
25 screaming. And I remember hearing people behind me, passengers, a

1 lot of high-pitched women's voices, a lot of crying, and are you
2 hurt? No, I'm all right. No, this hurts, help me, help me. And
3 then it would turn black again.

4 And then the next thing I remember my rear brake, Tom Dougan,
5 he's up in the cab with me, and he's brushing my face. I guess I
6 had a lot of dust and dirt and glass on my face, and he's brushing
7 my face, and he's telling me -- he's a friend of mine. I know him
8 well. I've worked with him for almost 2 years. And I never heard
9 his voice like that. There was panic in his voice, and he's
10 yelling at me. Tom, don't you die on me. Don't you die on me.
11 And he put his hand in front of my mouth, and he could feel my
12 breath, and then he yells to somebody, no, he's breathing, he's
13 breathing. And then it goes black again.

14 And then I remember -- next thing I remember, there's a
15 firefighter. He's got a neck brace, and he's putting the neck
16 brace on my neck, and he's right up on me, and he's sweating, and
17 he's sweating all over me. And I don't know you guys, you know
18 about bubble space. He's totally in my bubble space, and there's
19 nothing I could do, and I'm feeling his sweat run down on me, and
20 I'm just like I can't even wipe the sweat away. And he's yelling
21 at me, you know, can you walk, can you stand?

22 And he was concerned about shutting the train off. And he
23 said, can you shut the train off? And I reached, and I shut the
24 reverser to off. I couldn't reach the brake handle. I don't know
25 what position it was in. But I put the reverser, which was in

1 forward to off, and that deactivated the speedometer. And that
2 was a big deal to the firefighter.

3 Then he's yelling at me, can you stand? Can you stand? And
4 I said, no. I can crawl. I can try to crawl. And they said, no,
5 no, forget it. There's too much debris. There's too much glass.
6 Forget it. Stay. I blacked out again, and the next thing I know
7 I'm being lowered off the train on a gurney.

8 Then they bring me outside off of Track 1 outside. There's a
9 court. I think it's Warrington Court. It's a parking lot. And
10 my memory becomes very sharp and focused from this point on
11 because when they put me down on the gurney, I'm flat on my back,
12 and I'm looking up at the bright white sky. And looking up at
13 that bright white sky it was very hard on my eyes. Was like,
14 whoa, you know. And I couldn't even cover my eyes because my
15 hands were tied down on the gurney.

16 And then there's a circle. It's got to be like five or six
17 people leaning over me. So I see all these heads, and they're all
18 out of focus because I don't have my glasses on. And they're all
19 asking me, you know, what hurts? What's your name? I'm telling
20 them everything hurts. Everything hurts. And they said, all
21 right, well, let's load him into the ambulance.

22 So they load me into the ambulance, and then it's me, a
23 female EMT. I don't know her name. And over my right shoulder
24 was a New Jersey Transit female detective. I don't know her name.
25 So the EMT is now asking me questions, and she said, you know,

1 what's your name? And I say Tom. She said, what's your last
2 name? I couldn't remember my last name, and that was upsetting
3 me. And then she says, all right, do you remember your date of
4 birth? I remembered my birthday. And I asked her, I said,
5 please, I have all this dust and stuff in my mouth, can I have
6 drink? She says, no. She says the hospital is not -- I said even
7 put a wet rag in my mouth just -- so she says, no, no, hold off.
8 So then she says, well let me give you some oxygen.

9 So she puts oxygen over me, and I was breathing through my
10 nose, not my mouth so much. But the oxygen really helped me focus
11 and kind of cleared away a lot of the haze. And I remember saying
12 Gallagher. And she goes, what? I said my name is Tom Gallagher.
13 I remember my name. And she goes, oh.

14 And now the detective starts asking me questions, you know,
15 Do you know where you are? Are you hurt? And I'm telling her
16 everything hurts, everything hurts.

17 And we get to the hospital, and they bring me into a trauma
18 bay, and they are asking me all these questions. Do you have any
19 chest pains? What hurts? And they cut all my clothes off, and
20 now they're checking especially my chest. I guess they thought
21 maybe a heart attack. They were really focusing on my chest.
22 That was actually the one part of my body that wasn't sore. And
23 now they're marking off what hurts. I said, okay, my shoulder, my
24 neck, the back of my head. Where on your head? So I had the
25 doctor actually lean forward, and I touched the back of his head,

1 and I go right here. He says, okay, we'll get you a CAT scan.

2 So then they said, what are you allergic to, and I said
3 sulfa-based drugs. And they said, all right you don't have to
4 worry; we're not going to be giving you any of those today. And
5 then they wanted to know had I had any previous surgeries, and I
6 told them my left knee, I had an arthroscopy, and I had nasal
7 surgery on my nose. And they said, all right, we're going to get
8 you to x-ray, and we're going to get you to a CAT scan for your
9 head. And then they tried taking off my wedding ring. My wedding
10 ring hasn't been off my hand in years, and they couldn't get it
11 off, and the one guy says, oh, we'll cut it off, and I told him
12 something unmentionable. They were not going to cut it off. So
13 they said, okay, we'll just make an adjustment while we do the CAT
14 scan.

15 And they gave me medicine. They gave me -- and at that point
16 I said, can somebody clear out my mouth? And a nurse came, and
17 she had a wet rag, and she gave me the wet rag, and I sucked on
18 the -- the water out of the wet rag, kind of washed out my mouth,
19 and I just spit it right onto the gurney, and that made things a
20 lot better.

21 So then they gave me two Vicodin. They gave me a Flexeril.
22 And they said, all right, you just hang out. There's a lot of
23 people at x-ray, a lot of things going on with CAT scans, you just
24 wait your turn. And I started asking, you know, is everybody
25 alive? How is my crew? And nobody would answer me. And there's

1 a TV. I said, can you put the TV on? They said, no, we don't
2 want you to see it. I said, okay. And then they wheel in a woman
3 next to me, and all that's between us is a sheet, and I hear her,
4 and I'm hearing her details. Oh, I banged my head.

5 Then the police come. One of the higher-ups in the Jersey
6 City Police Force, he interviewed. He just said hello. Then New
7 Jersey Transit detectives came in. They said hello. And then
8 they left one patrolman to guard me. And I thought that was kind
9 of odd. And at first I thought maybe they think I'm going to off
10 myself or something in the hospital. I don't know. I don't know
11 why would they leave one cop here. And he was sitting with me,
12 and he wasn't answering any questions. And I later found out he
13 was there to protect me. There was a swarm of reporters a short
14 distance away and some of them were even trying to get disguised
15 as nurses to try and get in with me. So that was something I
16 found out later that day, but I didn't know it at that time.

17 And so a period of time passed. I didn't have my watch.
18 There was no clocks. There's no TV. Nothing for me to judge time
19 on. So time passed, and I went into the CAT scan, and because of
20 my ring, I had to hold my hand up out of the machine while the ran
21 the test. They scanned my whole body. They found out, and it was
22 unbeknownst to me, they told me later on that I have gallstones.
23 So they said when this is all over, follow up for that.

24 And then they said, okay, now we're going to take you over to
25 x-ray. So they put me in x-ray, and they're doing my neck, my

1 shoulders. And when they had me lean over to do my shoulder, I
2 felt a sudden pain like a spot here on my left elbow. So I said
3 to the technician, oh, that really hurt, can we x-ray my left
4 elbow? And he's laughing, and he says, I can't. I said, what do
5 you mean you can't? We're here. He says, I got to have a script
6 from the doctor, and without that script, I can't do it. I said,
7 can't you even accidentally take it? And he goes, no. So he's
8 having a good laugh like you're laughing. And so they finish up
9 the x-rays without the elbow.

10 They wheel me back to my room. And a period of time goes by.
11 I don't know how much time. And then I woke up, and there were --
12 it was a doctor. He woke me, and he told me that my CAT scan --
13 like I said, he broke the news to me everything was normal but I
14 have gallstones. I had no breaks or fractures. And then he said
15 to me, he confirmed to me, he says, I was told you have a problem
16 with your left elbow. He says we're going to bring a portable
17 x-ray machine here into the bay and we'll do your left elbow. He
18 says does anything else -- have you found any other spots that
19 hurt you? I said, no.

20 So, again, some time passed. The technician comes in. He
21 x-rays me. He gave me a bundle of sheets to put under my head to
22 make me more comfortable. I was in a lot of pain with my -- the
23 back of my head. So he left, and then people started visiting me.

24 My -- let me get this right now. There were cops, and then
25 people just came to visit me, my family, my friends. And people

1 were concerned because there was a rumor, I guess, on Facebook
2 that I was dead. My mother thought I was dead. My wife thought I
3 was dead. They were very upset. My wife came to see me. She was
4 in tears when she saw me. But, I mean, that's pretty much how it
5 went. At the end of the day there were some road foremen from New
6 Jersey Transit, they visited me. And then they were preparing me
7 for release.

8 Q. This is Dave Bucher. They released you the next day or
9 -- I just --

10 A. No, on Thursday.

11 Q. On Thursday. Okay.

12 A. I want to say around 4:00, but my sense of time may be a
13 little off.

14 Q. Thanks. Appreciate it. That was very good. I have a few
15 questions, and Steve has a few questions, and then we'll go around
16 a couple times.

17 Going back to when you were getting your train together at
18 the beginning of the day, you did your air brake test with the
19 brakeman?

20 A. Yes.

21 Q. Okay. And there was no -- were no problems or there were --
22 everything was normal with -- normal air brake test?

23 A. Yes.

24 Q. Okay. And you performed a running brake test after you
25 departed Spring Valley?

1 A. Yes.

2 Q. Great. Thanks. Okay. And the operation of the train over
3 the course of the trip, no issues with the train operation, no
4 issues with the locomotive or the cars? They just operated
5 normally?

6 A. Yes.

7 Q. Okay. Radios. The control car was equipped with a working
8 radio, and you had tested it before you left?

9 A. Yes.

10 Q. Perfect. Did you have an opportunity during the trip to talk
11 to anybody to make sure -- have conversations with anybody, train
12 dispatcher or anybody along the road, on the radio? Just trying
13 to follow up with --

14 A. No. Not en route, no.

15 Q. So you did not -- didn't just have an opportunity to use it
16 or --

17 A. No one called my train, so no.

18 Q. Okay. Could you hear other people on the radio?

19 A. Yes.

20 Q. Okay. Thanks. Okay, and it's my understanding that you use
21 a buzzer system when you're ready to leave a station, either the
22 conductor or the brakeman will buzz you, and then you can depart.
23 Is that --

24 A. Yes.

25 Q. And that system was all operating normally?

1 A. Yes.

2 Q. Okay. Do you want to take a break?

3 A. We're good.

4 Q. You okay? I'm sure, I mean this is not --

5 A. No. Let's keep going.

6 Q. Okay.

7 MR. BUCHER: I'm going to pass it off to Steve right now.

8 I'll probably have one or two more.

9 BY DR. JENNER:

10 Q. First of all, thank you for the story. That was a good
11 description, and thank you for being here today. I'm going to
12 bounce around and have you fill in some questions I have, and then
13 go around. And then the second time we talk to you, I'm going to
14 ask you some background information about your training,
15 experience, and things like that. But let me start off with some
16 of that.

17 Well, let's start off with your background. How long you've
18 been with New Jersey Transit and how long as a qualified engineer?
19 So if you can just walk us through your career?

20 A. I was hired in May of 1987 as a part-time ticket agent at
21 Mountain Station in South Orange, New Jersey. I performed that
22 job for approximately 5 years during the time I was going to
23 college. I graduated college with my degree in business. And
24 then I began interviewing for full-time jobs with New Jersey
25 Transit. I was hired as a full-time claim agent in the Rail

1 Claims Department in July of 1991. I was in claims until October
2 of '98. On October 14, 1998, I went into the LETP Program,
3 Locomotive Engineer Training Program. I graduated the program as
4 a promoted engineer on Saint Patrick's Day of 2000, and I have
5 been a locomotive engineer since then.

6 Q. You get qualified to operate on different territories?

7 A. Yes.

8 Q. Okay. Can you tell us about what territories you're
9 qualified for?

10 A. My qualifications run from Hoboken out the main line, the
11 Bergen County line, the southern tier, Port Jervis, the M&E line
12 beyond Dover all the way to Hackettstown, the Gladstone Branch,
13 the Montclair Branch. Basically the Hoboken Division.

14 New Jersey Transit divides its system into the Hoboken side
15 and the Newark side. I am qualified on the Hoboken side, but also
16 including I'm qualified into New York and Sunnyside Yard.

17 Q. Okay. Now the territory that you were operating on --

18 A. And the Pascack Valley, which is what I was running that day.
19 I'm sorry.

20 Q. Oh, okay. Well, let's talk about that one. How difficult is
21 that territory as opposed to any of the others?

22 A. What stands out about the Pascack Valley line is the number
23 of road crossings. It's over 60 crossings over a short stretch.
24 You're constantly blowing the horn and you're going through
25 neighborhoods while you're doing it. That's all.

1 Q. So that adds to your workload a bit?

2 A. Yeah. You have to stay focused because you can't miss a
3 crossing. You know, there's cars, pedestrians, gates that are
4 down. You've got to observe the gates, make sure none of them are
5 broken. But that's it.

6 Q. Okay. From your description, I heard -- I'm hearing a pretty
7 normal trip, pretty normal day for you until things weren't,
8 but --

9 A. That's true.

10 Q. What sounded a little atypical was the number of passengers.

11 A. No, no. The number of passengers was normal, except they
12 didn't have enough seats.

13 Q. Okay.

14 A. We normally have five cars. We had four cars that day.

15 Q. Okay.

16 A. So it's the same number of people just in less space.

17 Q. Fair enough. Does that affect your particular operations,
18 the way you handle the train or the way you communicate with other
19 crew members?

20 A. Well, it makes it more difficult. It didn't that day because
21 I didn't need my conductor on the head end. But if I needed him
22 for some reason, maybe to take some paperwork from the dispatcher,
23 he would have to fight through all these people that are standing
24 in the aisle. But that did not happen on that day. So he never
25 came up to the head end.

1 Just from my own standpoint, when I know I'm short a car, I
2 try and brake a little bit easier because I know there's a lot of
3 people standing and you don't want to knock people down. You
4 don't want them spilling coffee or women putting makeup on their
5 cheeks. So that's just me.

6 Q. When you talk about the conductor being on the head end, are
7 you talking the operating compartment or just the first car?

8 A. I'm talking about in the cab with me, the head end.

9 Q. Under what conditions do you need the conductor up there?
10 What conditions do you not need him up there?

11 A. If the dispatcher calls me and says a crossing gate is down
12 at Main Street at Milepost 123, you know, you're the first train
13 through. You don't need a Form D, but you got to go 138C, Item 1.
14 We have to stop the train prior to the crossing. My conductor has
15 to get off, hit the ground, and flag the train across. So that's
16 one instance where he would be necessary. Another instance would
17 be he could take a Form D from somewhere else in the train, and
18 then bring my copy up to me in the head end.

19 Q. Okay. So how --

20 A. That did not happen. Neither of those instances happened
21 that day.

22 Q. Okay. How frequently, your best guess, do you have a
23 conductor in the operating compartment?

24 A. On a daily basis or?

25 Q. No. On a given trip.

1 A. On the Pascack Valley or?

2 Q. Yeah, yeah.

3 A. Usually at the very beginning of the trip the conductor will
4 be up with me. And then as the train gets full, he disappears.

5 Q. Okay. Is there any procedure that you have the option of
6 bringing up the conductor when you're entering a station or
7 entering a terminal?

8 A. I could, if I needed him for something, but that wasn't the
9 case that day.

10 Q. Okay. You didn't feel the need on this day?

11 A. No. No. It was a normal day.

12 Q. Okay. Let's get back to your trip after departing Secaucus,
13 and I think that was your last station stop. Okay. We spoke to
14 the conductor yesterday, and he talked about a lot of passengers
15 getting off and a lot of passengers getting on, and sort of
16 described a sardine can situation for the, you know, for the two
17 cars that he was working.

18 A. That's consistent with what I told you earlier. Yes.

19 Q. Sure. Sure. Does a overcrowded type train affect you or
20 did it affect you at all? Do you have people knocking on the
21 operating compartment door trying to get your attention?

22 A. That has happened once in a blue moon, but that did not
23 happen that day at all.

24 Q. Okay.

25 A. And as I stated earlier, the only adjustment I make when I

1 know I have a lot of standees, I just try and brake a little bit
2 lighter so -- and less suddenly so that there's no jolting and,
3 you know, people spilling coffee and falling onto people, that's
4 all.

5 Q. Okay.

6 A. No other adjustments.

7 Q. Okay. And I already apologized for this, about asking you
8 repeat questions, but with detail about what track you departed on
9 from Secaucus, can you walk us through that?

10 A. We came in on Track 3. We got two to go. We departed the
11 station again normally. We had a normal set of signals. It
12 brought us to -- we stayed on Track 3 all the way through West
13 End, all the way through the Bergen Tunnel. And then we crossed
14 over, and then we were coming, like I said, for Track 5 in the
15 depot.

16 Q. Okay. So you had to cross over from Track 3 to Track 5?

17 A. Yes.

18 Q. Okay. What sort of -- how do you know that that's going to
19 be your operations? Is there any verbal communication or is it
20 through the signal system?

21 A. It's through the signal system, and having worked that job
22 for several months, that's the norm for that train. The train
23 would normally go in on Track 5.

24 Q. Okay.

25 A. Occasionally it might be 4 or 6, but it's usually in that --

1 it's usually 5. So again, everything was normal that morning.

2 Q. What challenges, if any, do you have on a normal day going
3 into the terminal? I'm talking in terms of -- is the sun ever an
4 issue?

5 A. It is. It is, but not that day.

6 Q. Okay. Because of the overcast weather?

7 A. It was overcast, but also it's -- that was more or less a
8 -- more in the summertime. So it's maybe 2 or 3 months ago it was
9 more of an issue. Now the sun's location is a bit higher, so it's
10 not a problem.

11 Q. If you can talk us through the speed restrictions that you
12 have as you -- a mile out, what speed are you operating at and
13 what you have to slow down to and when.

14 A. Want me to start at Secaucus?

15 Q. Sure.

16 A. All right. Starting at Secaucus, departing on Track 3.
17 That's 60-mile-an-hour maximum authorized speed for the track.
18 The signals will get you down to your first -- automatic will get
19 you down to approach limited, so you get down to 45. Then to an
20 approach medium. We had a medium clear at West End. And even
21 though it's a medium speed, go 15, 15 miles an hour for the curve.
22 Enter the Bergen Tunnel. Maximum authorized speed in the Bergen
23 Tunnel is 30 miles an hour. Once your hind end clears, you
24 accelerate, you go 30. And then we basically went 30 all the way
25 through the remainder of the tunnel, through East End, and then as

1 we approached terminal, you have to slow down. The signals slow
2 you down. They get you down to 15. And then when you enter the
3 train shed, 10 miles an hour. And that's -- we were doing 10
4 miles an hour when we entered the train shed.

5 Q. Okay.

6 A. That is clear in my mind. I looked at my watch, 6 minutes
7 down. Looked up, 10 miles an hour, okay. Blew the horn one long,
8 rang the bell.

9 Q. Okay. So there was -- you were not on the radio talking to
10 your crew or dispatcher at the time?

11 A. Not at all.

12 Q. And you don't recall any passengers getting -- trying to get
13 your attention?

14 A. No.

15 Q. Okay. Was there other radio communication that you could
16 overhear from other trains, dispatcher and crews talking?

17 A. I heard there was a yard move, and somebody was coming off
18 the fuel pad. I remember that. I can't be more specific, but
19 there was some chatter. The radio was not quiet. And that's
20 normal for that time of morning.

21 Q. That radio chatter that you heard, did it sound just like a
22 normal operations or was --

23 A. Yes.

24 Q. -- there something --

25 A. No, no. Absolutely normal.

1 Q. Okay. We haven't had the chance to go on the equipment yet.
2 You can educate us a bit about the controls and any devices that
3 are part of the cab for overspeed and any type of alerters and
4 things like that. Can you give us an education, please?

5 A. All right. If I'm seated in the cab -- it was a Comet V cab
6 car. It has a desk in front of you. And on the desk you have, in
7 front of you, you have the EPIC brake handle, which is red. You
8 also have your reverser. You also have your throttle. It's a
9 black knob. On this equipment, the radio is to your left. The
10 speedometer and alerter is to your right.

11 Q. How familiar are you with this particular equipment?

12 A. I'm very familiar. I've been running it for years.

13 Q. There's been no modifications that you had to be trained on
14 in the last year or anything?

15 A. No. There's a few oddballs. They actually -- trying to help
16 the engineers with sun and glare on the speedometer, they -- some
17 of them got little sun shields. But, no, they're all basically
18 the same.

19 Q. Okay. If you can, again, educate us on you have an alerter
20 in there. If you can talk about the sequence and when it goes on
21 and what you have to do and its function?

22 A. Well, when you have a cab signal change, like I did passing
23 signals, you have to acknowledge. If you don't acknowledge, the
24 train will stop itself. It will go into penalty.

25 Q. And what type of acknowledgment is it?

1 A. Push a button, or with my foot, there's a peddle at my feet.

2 Q. Okay.

3 A. The same thing for the alerter. If you go a long period of
4 time, and when I say long period, it could be 18, 25 seconds.
5 It's a random number. It will start beeping at you -- beep, beep,
6 beep, beep, beep -- and you just have to push the acknowledge
7 button. If you do not do that, the beeping gets louder and
8 louder, and eventually it's almost like when you hear a heart
9 machine and the patient's dead, beep. So it's very loud. So we
10 don't like it to get to that point. So while it's beeping you
11 just touch the button and it stops. And then it resets itself
12 randomly, and it's looking for any kind of movement from the
13 engineer. As long as you're doing something it will not ring.

14 Q. Right. The sequence time starts again if you make a throttle
15 manipulation?

16 A. A brake manipulation, blow the horn, ring the bell, any of
17 those things, drop sand.

18 Q. Right. Do any of these devices that you've just described
19 prevent overspeeding?

20 A. Well, there's an overspeed built in with the cab signals.

21 Q. Can you describe that, please?

22 A. Well, if I go over speed -- let's just say I'm in an area
23 where I'm supposed to be doing 45. Like let's say, I'm crossing
24 over -- my signal is approach limited. That means I'm supposed to
25 be doing 45 at the next signal. If I'm doing 50, the train will

1 sense that, and it will start beep, beep, beep, and an overspeed
2 will show up underneath my speedometer. And as the engineer, you
3 have to bring the train down to the required speed. And, if not,
4 the train will stop itself in penalty.

5 Q. Okay. You just gave an example of 45 to 50. So that was a
6 5-mile-per-hour difference. Is that 5 mile per hour, is that the
7 rule?

8 A. No. It varies from unit to unit. Some are very sensitive.
9 Some it could be 1. I've had it where you're going 46 miles an
10 hour in that same situation and it will tell you you're over
11 speed.

12 Q. Do you happen to know with your equipment what it was?

13 A. No, I don't.

14 Q. Okay. The equipment that you operated, would that have
15 prevented the train from accelerating from 10 miles per hour to
16 15, 20 miles per hour in the last couple hundred yards? Is the
17 equipment designed to prevent that?

18 A. If -- because we're coming in on a restricting, if I got it
19 above 21 miles an hour, it could go off. The overspeed could go
20 off, could be triggered. And, again, per unit, some it might be
21 20, some will be 21, some will be 22.

22 Q. Right. And the overspeed would give you an audio alarm.

23 A. Yes.

24 Q. And so, just to clarify, you didn't hear any audio alarm
25 during your final approach to the terminal?

1 A. That's correct.

2 Q. Okay. What is your -- how do you normally like to handle the
3 train as you're going the last quarter mile? You have to reduce
4 your speed to 15, and then through the final 10. How do you like
5 to handle your train in terms of using the different controls,
6 using your brakes and things like that?

7 A. I don't know. That's kind of hard to describe. I use the
8 brake and throttle to get me down to -- you know, if I'm supposed
9 to be doing 15, I'll do 15. It's a rush-hour train. I want to
10 get the people into work as quickly as possible so I'll go the
11 maximum speed. Once we get under the train shed, though, I go 10.

12 Q. I think you described that it wasn't particularly difficult,
13 this terminal as opposed to others, in terms of train handling and
14 the operations what you're required to do.

15 A. No.

16 Q. Visibility -- how was visibility?

17 A. Visibility was clear.

18 DR. JENNER: Okay. Thank you for those. That's all I have,
19 but I'm going to ask a little follow-up questions about, again,
20 about your background and your off-duty activities before this.
21 But we'll go around and ask follow-up operation questions unless
22 you want a break right now.

23 MR. GALLAGHER: No. We're good.

24 DR. JENNER: Okay. Does anyone else need a break right now?

25 Okay. Then we'll just go to my left then.

1 MR. PARKIN: Bruce Parkin, P-a-r-k-i-n, FRA.

2 BY MR. PARKIN:

3 Q. Good morning, Tom. You said earlier that there were a couple
4 of speed restrictions along the way.

5 A. Yes.

6 Q. How many did you have?

7 A. The two temporary speed restrictions that were in the RB,
8 which is our paperwork. We had one for Dutch Lane, that's just
9 east of Spring Valley. And then we had a second one HX Bridge.
10 Instead of the normal 30 miles an hour on Track 1, we were reduced
11 to 15 across the bridge. And that helped us to lose time.

12 Q. Okay. And approaching these restrictions at all, did the
13 conductor call you to remind you at all that there was a
14 restriction coming up or anything like that?

15 A. Sometimes they do. I don't recall if Mark reminded me on
16 this day. It was covered in our job briefing. I remember talking
17 about it. I don't remember if he radioed me or called me. I
18 don't know. I don't recall.

19 Q. And you did your brake test on board. Were you -- did you do
20 a cab signal test on the equipment also?

21 A. No. I checked the green card, the cab -- the green card, the
22 cab signal test had been performed by one of the employees at
23 Woodbine Yard and was signed off on.

24 Q. Okay.

25 A. The green card was in Date.

1 Q. Okay. Okay, so let's talk about as you were coming by the
2 shed approaching the terminal. So does the speed change going by
3 the shed? Is that where the speed lowers from 15 to 10 or
4 approximately where does that happen?

5 A. Just as you're entering the shed it goes to 10.

6 Q. It goes to 10 miles an hour. Okay. So you slowed the train
7 down from 15 to 10 going by the shed?

8 A. Going by terminal tower. You might be confusing -- there's
9 terminal tower, and then there's a train shed.

10 Q. Okay.

11 A. Train shed is Tracks 1 through 17.

12 Q. Okay. So going by --

13 A. Terminal tower, that's 15. Now you come off the switch lined
14 to 5. Now I'm going under the train shed, under the roof, and now
15 I'm going 10.

16 Q. Okay. So from where the 10 miles an hour starts, about how
17 much further is it from there to the bumping block?

18 A. 100 yards, approximately.

19 Q. Can you describe to us how you were throttling and braking
20 approaching the bumping block?

21 A. I can't recall.

22 Q. Okay.

23 A. I wish I could. I can't.

24 Q. Okay. On days other than Thursday, what would be your normal
25 approach coming in to the bumping block? Would you normally --

1 you describe, please, how you would do that.

2 A. On a normal day with similar equipment, similar situation, I
3 would come in at the 10 miles an hour. It's something you have to
4 with experience, you eyeball it. About two car lengths prior to
5 the bumping block, you then take a little bit of brake. The train
6 will then slow itself down. Some engineers power brake. I do
7 not. So it's just strictly air brake. And then I'll get the
8 train down just to a couple miles an hour. If I need to add a
9 little more brake, I will. Otherwise, I'll just -- I let the
10 train stop itself. My norm is to stop 12 to 15 feet short of a
11 block.

12 Q. Do you recall on Thursday having applied the brake
13 approximately two cars away like you described that you would
14 normally do?

15 A. I don't.

16 Q. You didn't recall if it was in a throttle position either,
17 did you?

18 A. The last thing I remember, we were doing 10. We were
19 coasting. I looked at my watch. We were 6 minutes down. I blew
20 the horn once, one long to enter the terminal, and I put on my
21 bell. The brakes were released and we were not taking throttle.
22 And that's the last thing I remember.

23 Q. Okay. And I hate to -- well, let me just ask this. Do you
24 recall putting the train into emergency at all?

25 A. No, I don't.

1 Q. Okay. Approaching the bumping block, was there anything that
2 distracted you or possibly that you were thinking about that you
3 might have had on your mind at all?

4 A. No. The only thing I remember that was unusual, Track 6
5 usually had a train on it, and Track 6 was empty that morning.

6 Q. Okay.

7 A. That was the only thing I can recall. My mind wasn't on
8 anything else but stopping the train.

9 Q. And while you were -- left your initial location until the
10 time that you got to Hoboken or let's say Secaucus, how was the
11 operation of the brakes during that trip?

12 A. Acceptable. They were fine.

13 Q. Okay. And you stated earlier your phone, your electronic
14 devices, they were all -- well, where did you have it?

15 A. My cell phone is in my black military bag that is still, to
16 my knowledge, on board that train with my car keys and my good
17 eyeglasses. And the only thing that I have is my employee ID and
18 locomotive certificate. That was on me, and that made it to the
19 hospital. It was not lost.

20 Q. So your electronic device, your cell phone, remains in your
21 bag?

22 A. I had charged it fully the night before. It was shut off in
23 the cab. And as far as I know, it's still shut off sitting there
24 in the cab with a full charge.

25 Q. Okay. On the equipment that you were operating on Thursday,

1 for securement purposes, is there a parking brake or a hand brake?

2 A. Comet V has a hand brake.

3 Q. Has a hand brake. Is there a hand brake located at your
4 operating end of the equipment?

5 A. No. No. It's at the other end.

6 Q. The hand brake would be at the other end --

7 A. The B end of the train.

8 Q. The B end.

9 A. Of the car.

10 Q. Okay.

11 A. Just so we're clear, the locomotive cab would be the A end.

12 Q. Okay.

13 MR. PARKIN: I don't have any further questions of you right
14 now. Thank you.

15 MR. FANNON: I'm Randy Fannon, F-a-n-n-o-n.

16 BY MR. FANNON:

17 Q. Thanks for coming. I just have a couple of questions.
18 They've already taken -- my questions have been answered.

19 When you're operating, do you operate with both hands, one on
20 throttle, one on a brake, or do you -- are you a one-handed, you
21 use -- do everything with one hand?

22 A. I use both hands.

23 Q. Use both hands. When you come off the main line and into the
24 Track 5 you have to cross over. Is those power switches or is
25 someone else handling those switches for you?

1 A. We're talking the terminal?

2 Q. Yes.

3 A. Hoboken?

4 Q. Yes.

5 A. They're all power.

6 Q. All power. So the dispatcher lines you?

7 A. Terminal tower, terminal dispatcher lines us, yes.

8 Q. When you're coming in at the end of the shed -- I apologize.

9 This is similar to the other questions. But when you're coming in
10 at the end of the shed, you said that you looked up, you checked
11 your watch, you looked at the speedometer, and then you rang --
12 you blew the horn and rang the bell. And that's at the end of
13 platform? Is that a platform at the end of that shed?

14 A. We were approaching the -- the western end of the platform,
15 we were approaching it.

16 Q. Okay. That's -- you did that function to let people know
17 you're pulling into the station?

18 A. That's correct.

19 Q. With the short train that you had, one car short, did that
20 change your stopping procedures where you stopped on the
21 platforms?

22 A. No. The way I would have stopped on the platform would have
23 been the same whether I had 4, 5, 6 cars.

24 Q. Okay. And the last question, you knew -- well, never mind,
25 they've already got that. But you take no exception to the way

1 your train handled all the way up to the point, the end of the
2 platform?

3 A. No. The train was operating fine, acceptable fashion.

4 MR. FANNON: Thank you.

5 MR. HAMER: Stephen Hamer, H-a-m-e-r, SMART TD.

6 BY MR. HAMER:

7 Q. Good morning.

8 A. Good morning.

9 Q. Has there been a time when there's been signal issues within
10 terminal, within the -- let's just say east of the tunnel?

11 A. Yes.

12 Q. Okay. Is it sporadic or more than sporadic?

13 A. Somewhat sporadic. I hear stories about guys having trouble.
14 I have not experienced one in quite some time. I had a incident
15 maybe 4 or 5 years ago, it was a long time ago, with the signal.

16 Q. Okay. So there was no exceptions to the signal that day?

17 A. Not to my knowledge.

18 Q. At times do the dispatching -- dispatchers, do they -- you're
19 coming up to a signal and they want to stop you real quick, do
20 they hold you, maybe want to change your route or something to
21 that effect?

22 A. That has happened before. That did not happen that morning.

23 Q. You said that you came down Track 3 from Secaucus through the
24 tunnel. Did you cross over -- well, you, actually I think you
25 stated that you crossed over. Where did you cross over? Did you

1 cross over east end terminal?

2 A. No, no, no. We crossed over at the very end like towards the
3 E route.

4 Q. Okay.

5 A. And crossed over to enter the south side to 5.

6 Q. Okay. And everything was normal?

7 A. Yes.

8 Q. Okay. As was stated, we interviewed the conductor yesterday
9 and we talked about the overcrowding. The question was posed to
10 him whether the overcrowding posed a hindrance to reasonable
11 access to you as the engineer. Do you believe that's a -- there's
12 a strong case there for that hinders reasonable access, let's say,
13 for a welfare check on the engineer?

14 A. Yes. Yeah, because it's crowded with people standing, and
15 it's difficult for the conductor -- Mark Mari is my conductor.
16 He's a large man himself, and it's difficult for him to maneuver
17 through people and their bags and everything else. And they're
18 very indifferent when you ask them to move.

19 Q. Okay. Mark yesterday did say there was reasonable hindrance.
20 He also said that there was multiple times where the trains are
21 shorter.

22 A. For the past 2 weeks.

23 Q. Okay.

24 A. That particular train was short one car for the last 2 weeks,
25 and I don't know why.

1 Q. Can you just -- my last question. Can you give me a -- is
2 there a time -- you don't have to specify an exact situation or
3 time, but did you see or have a time where something was going on,
4 maybe you had to throw a switch or there was a crossing that had
5 to be flagged where because the train was so overcrowded that it
6 delayed you significantly?

7 A. Yes. But in other words, the one time that I can recall
8 right now is within the past year. We were in a cab car. The cab
9 car was full with people standing. Mark had to flag a crossing.
10 So what he did was he got off, instead of the head end, he got off
11 at the hind end of the cab car, and then had to walk the whole
12 length of the car to the crossing and then get back. So that
13 delayed us slightly.

14 MR. HAMER: Okay. Thank you. That's all I have.

15 MR. MATTISON: Fred Mattison, M-a-t-t-i-s-o-n, New Jersey
16 Transit.

17 BY MR. MATTISON:

18 Q. How you doing, Tommy? All right?

19 A. I'm sore, but I'm all right.

20 Q. I know this is tough, you know, but we all appreciate you
21 being here, being so open about this. Thank you very much.

22 I know we keep talking about it. You brought us in on your
23 signal progression from Secaucus onto 3 main. Can you, if you
24 remember, can you please tell us your signal progression from East
25 End into the terminal and what your cabs were the entire time?

1 Do you remember? If you don't remember, that's okay, but --

2 A. It's going to be difficult for me to recall all of them.

3 Q. That's okay.

4 A. But I will say at the end of the E route we were going 10,

5 and we had a restricting in the cab.

6 Q. Okay. You don't remember your speeds, your --

7 A. My last signal was a slow approach.

8 Q. A slow approach. Okay. And that, the cab signal for that

9 is?

10 A. Restricting.

11 Q. Restricting.

12 A. Yes. Everything was normal right to that point.

13 Q. How fast did you take the slow approach at?

14 A. Fifteen.

15 Q. Okay. So when you crossed over from 3 Main to 5 Depot, you

16 were going about 15.

17 A. That's correct.

18 Q. And that's track speed there, right?

19 A. Yes, sir.

20 Q. For the cross-overs. And then when you hit the depot you

21 were at 10 and life was good.

22 A. Yes.

23 Q. Okay. The body end door, the door that separates the

24 passenger compartment from the cab.

25 A. Yes.

1 Q. Do you usually run that open or closed, and how was it this
2 day?

3 A. On this particular day it was closed.

4 Q. Okay.

5 A. I have run in the past with it open.

6 Q. Okay.

7 A. They asked -- Transit has asked us not to in this day of
8 terrorism and security. But there have been times where I'll have
9 the door at least cracked open. If the cab is hot and the air
10 conditioning is not working, you crack the window, and then you
11 get a cross-breeze to cool the engineer. That was not the case
12 that morning. That door was closed.

13 Q. Okay. Now there's a window in that door on all the cabs.

14 A. Yes.

15 Q. Do you remember if that window was smoked, like darker
16 colored, or if it was clear?

17 A. It was tinted.

18 Q. Okay.

19 A. You could see -- I could see, if I looked to my left, you
20 could see the wall of the interior of where the passengers sit.

21 Q. Okay.

22 A. Sometimes there's posters that people tape up. There was no
23 poster on board that window.

24 Q. Was there any sort of glare from the interior of the car into
25 the cab that might have created a distraction for you or anything?

1 A. No. There was no glare.

2 Q. No person was in there staring at you while you were running
3 causing a distraction or anything?

4 A. If they were over my shoulder, I did not see them.

5 Q. Okay. Good. Now our trains are equipped with EP brake.

6 A. Yes.

7 Q. Can you explain to us your understanding of EP brakes?

8 A. Well, as you're coming into a bumping block you don't want to
9 be in EP hold.

10 Q. Okay.

11 A. It's against the rules. In case the electronics drop, which
12 it has, you know, it has -- once in a blue moon the EP will fail,
13 and all brakes on the train will release. So my habit is I don't
14 power brake and I don't go into EP hold approaching a bumping
15 block.

16 Q. Okay. Can you explain to the group what going into EP hold
17 does to the actual mechanics of the train?

18 A. Okay. With a Comet V, we're talking about a Comet V cab car
19 equipped with an EPIC system control stand. You have -- it's a
20 red handle, and it's a straight up and down motion. At the very
21 top and furthest away from the engineer is emergency. Coming back
22 towards you, you have handle off. Then you have the application,
23 you have Lap, you have EP hold, and you have release.

24 Now to answer your question, if I'm out on the road and I'm
25 doing, say, 70 miles an hour, and I want to get down to 60 miles

1 an hour, you're going to take -- you're going to apply some brake,
2 and you'll go to either Lap or EP hold. The difference is when
3 you're in Lap, the brakes simply hold and that's it. Your air
4 system does not charge. It stays depleted. If you go to EP hold,
5 the brakes stay applied and it allows you to charge your air back
6 up.

7 Q. Okay. Cool. So you have a pretty good understanding of our
8 -- the mechanics of our equipment.

9 A. Yes.

10 Q. Very good. Okay. You said you're qualified on the Hoboken
11 side, you're qualified into New York.

12 A. Yes.

13 Q. Do you usually work in and out of Hoboken? You prefer to
14 stay on that side as opposed of working out of New York or
15 anything?

16 A. I dislike Amtrak and I don't like running into New York. So
17 I make my one annual trip to keep up my qualifications, and that
18 is all.

19 Q. So the majority, just about total is working in and out of
20 Hoboken Terminal, and you're very comfortable --

21 A. Yes.

22 Q. -- going in and out? This isn't --

23 A. Yes. It's not a new terminal for me at all.

24 MR. MATTISON: Okay. All right, I got nothing else, Tommy.

25 Thank you.

1 DR. WEBSTER: Tommy, Dr. Nicholas Webster. From the
2 operational standpoint I don't have any questions for you. I
3 believe I've got everything answered I was going to ask. So I'm
4 going to wait until the next round of questions. Unless there's
5 anything you want to pass along to me from a medical standpoint
6 with this right now.

7 MR. BUCHER: Do you want to take a break?

8 MR. GALLAGHER: I'd like to stay at it.

9 UNIDENTIFIED SPEAKER: I'd like to take a break.

10 MR. BUCHER: Not a problem. We're going to take a break.

11 (Off the record.)

12 (On the record at 11:20 a.m.)

13 MR. BUCHER: Okay. This is Dave Bucher, and we're back with
14 the interview of Mr. Gallagher. He wants to add one thing or
15 several things here before we get started with additional
16 questions.

17 MR. ARSENEAULT:: Just for the record, the time is now 11:20.

18 MR. GALLAGHER: The one thing I'd like to correct from my
19 earlier statement, I talked about when we were coming off of
20 3 Main at the end of the E route, I described us as going south
21 towards Track 5. It's north. I misspoke earlier. That was
22 wrong. We were going to the north side.

23 MR. BUCHER: Okay.

24 MR. GALLAGHER: Just so the record's clear.

25 MR. BUCHER: Hey, no problem.

1 MR. GALLAGHER: We can begin with whatever else you're --

2 MR. BUCHER: Okay. This is Dave Bucher. I just have a
3 couple. We'll go around here.

4 BY MR. BUCHER:

5 Q. Just one follow-up on the cab door, the control car cab door.
6 Was it closed for the entire trip?

7 A. Now which door are we talking about?

8 Q. Between you and the passenger compartment in the lead car.

9 A. That door was open when we left the yard, but it has a
10 feature where it automatically closes.

11 Q. Right. And it was closed for the rest of the trip? Okay.

12 A. Yes.

13 Q. Okay. Let's see. I have one other question. We've covered
14 a lot. Your train that day, the 1614, is it a local train? You
15 made all the stops between --

16 A. Yes.

17 Q. -- Spring Valley and Hoboken?

18 A. Yes.

19 Q. The conductor yesterday, Mr. --

20 A. Mari.

21 Q. -- Mari, said there were about 15 stations. Is that what you
22 figure?

23 A. That sounds approximately right.

24 Q. Sounds right.

25 A. Without going over the whole line, yes.

1 Q. Okay. Just wanted to confirm that. And your trip, your
2 assignment for that day -- I know you didn't go through the whole
3 day, but you were -- your trip, you were advertised to go make two
4 roundtrips between Spring Valley and Hoboken? In other words, you
5 would have made a return trip and come back in again?

6 A. No.

7 Q. No?

8 A. No, that's not the case; not on Thursdays.

9 Q. Okay. What is your schedule work-wise?

10 A. On Thursday, my assignment we run train 1614 from Woodbine
11 into Hoboken, local train, as you earlier described. Then we have
12 a yard move. We go west into the yard. Usually 5-L is the track.
13 We park the train. We tie it down. Park the train. Walk back
14 into the terminal, and then we are on break for the rest of the
15 day until we run Train 1633 back to Woodbine as a local.

16 Q. 1643?

17 A. 33.

18 Q. 33. Thank you. Okay.

19 A. So it's one roundtrip and one westward yard move.

20 MR. BUCHER: Okay. Dr. Jenner is going to ask a little bit
21 -- probably ask questions about the break, so I'm just going to --
22 how much time you had and stuff. So I'll just pass it off to him.

23 BY DR. JENNER:

24 Q. Right. Actually, I'm going to just ask a couple of questions
25 before I ask some background questions. I think people have a few

1 more operational questions for you.

2 Just to be clear, a couple occasions you said you couldn't
3 recall. How is your memory, do you think at this point? Do you
4 think the accident affected your memory in any regard?

5 A. For the short stretch on Track 5, yes, I do think. But other
6 than that, no, I have, as far as I'm concerned, full recollection
7 and my faculties are intact.

8 Q. So I'm just trying to get clear when you said I can't recall.
9 There are parts of Track 5 that you cannot recall?

10 MR. ARSENEAULT: Okay, yeah. Can we just stop for one
11 second.

12 MR. BUCHER: We need to take a break now.

13 MR. ARSENEAULT: Well, all right, take a break, stop.

14 MR. BUCHER: Yeah, we need to take a break.

15 (Off the record.)

16 (On the record.)

17 MR. BUCHER: This is Dave Bucher. We're back with our
18 interview of Mr. Gallagher, and we'll continue with questions from
19 Dr. Jenner.

20 BY DR. JENNER:

21 Q. Let me just change directions a bit. When we spoke to the
22 conductor, he talked about different challenges that he has
23 because it's four cars instead of five. Can you talk to me about
24 -- are there any different strategies in terms of train handling
25 that you apply because of four cars that are very crowded as

1 opposed to five cars?

2 A. Yes. I alluded to that earlier. The only thing that I do
3 differently, knowing that I have a lot of standees is that I brake
4 lighter. And so it's not so abrupt a stop. Because you don't
5 want people falling. You don't want them spilling their coffee.
6 You don't want women wiping makeup up on their faces. And it's
7 also for the safety of my crew.

8 Q. And by braking lighter, does that result in earlier braking?

9 A. Yes.

10 Q. Okay. Is that true for every station stop that you make?

11 A. All the time in every single station stop, no, no. Because
12 when I know that we have a large number of standees, and I knew on
13 that day, on Thursday, when we left Secaucus we had a lot of
14 standees because people left the train to go upstairs at Secaucus,
15 and all the people that boarded, any empty seats they typically
16 don't sit in. They all stand because they want to be the first
17 ones off the train once we get to Hoboken. It's -- you know, it's
18 like a mad rush out of the train. So they all want to position
19 themselves near the exit doors and they all stand.

20 Q. Okay.

21 A. So knowing that, on Thursday, I would brake a little bit
22 easier, a little bit earlier for that.

23 Q. Anything else that you alter a little? Acceleration out of
24 the station, does --

25 A. No. No, actually -- it sounds contradictory to what I said

1 earlier, but, no, we were full throttle because we are 6 minutes
2 down and I don't want to lose more time.

3 Q. Okay. What is New Jersey Transit's policy in terms of on
4 time? Do they keep records of on time? Is there a window when
5 something is on time or not on time?

6 A. Once you exceed 6 minutes, it's considered late. And I don't
7 know who at New Jersey Transit maintains that record.

8 Q. What happens when something is 8 minutes, 10 minutes late?

9 A. Sometimes nothing. Sometimes you may get a call from
10 supervision to have the engineer and/or the conductor report to
11 the control center, and they may ask you, you know, why on this
12 particular day last week were you late? And sometimes there's a
13 legitimate reason, sometimes people don't remember. It varies.

14 Q. So if your train came in 8, 10 minutes late that day, you may
15 not hear that -- you may not get a call that day; you may get a
16 call later in the week?

17 A. That's right. Typically it's 3 or 4 days later.

18 Q. Okay. You've operated a long time. I imagine you've had a
19 few trains come in late.

20 A. Sure.

21 Q. What are the consequences?

22 A. Well, it depends on why you're late, you know. Here's a
23 great reason, especially on the Pascack Valley. There are
24 occasions where we've had to stop and spot a station special to
25 pick up a wheelchair passenger. So we have to position the train

1 in an unusual way so that we line up the doors with the mini-high.
2 And then there's a whole procedure that the conductor has to do.
3 He has to get this bridge plate, put the bridge plate down, which
4 covers the gap between the mini-high platform and the car. Then
5 they have to wheel on the person, make sure they're safely and
6 secure inside. Then they have to remove the bridge plate, put the
7 bridge plate back in its box, lock it, and then we get back on
8 board. So that takes sometimes several minutes.

9 Q. You described in the last couple weeks you've had shorter
10 trains fairly frequently. Have you arrived late because of that?

11 A. Every day.

12 Q. Have there been consequences to that?

13 A. No.

14 Q. Do you think there would have been consequences today if -- I
15 mean, Thursday if you arrived safely late?

16 A. No. And I think it's because supervision realizes we're a
17 car short, which adds to your time in the stations. You're losing
18 time at every stop because you're lacking that additional door for
19 people to board.

20 DR. JENNER: Okay. Thanks. Thanks for clarifying that.

21 Again, we'll just do some follow-up operational questions.

22 MR. PARKIN: Bruce Parkin, FRA.

23 BY MR. PARKIN:

24 Q. Tom, you said on Thursday you come in on Train 1614 and go
25 back out. Well, you normally come in on 1614, yard the train to

1 5-L, and then you go back on 1633.

2 A. That's correct.

3 Q. So how long of the layover -- I'm not familiar with the New
4 Jersey Transit schedule. How much time do you have off from the
5 time you go off duty to the time you report back for 1633?

6 A. It's around 8 hours.

7 Q. Okay. And when you have that type of layover, what do you
8 normally do? Do you go back home?

9 A. No.

10 Q. Do you stay in Hoboken?

11 A. I typically stay in Hoboken. Sometimes I'll make a day trip.
12 I'll go over to Jersey City for some sightseeing or I have some
13 friends in Jersey City, we'll have lunch. Just within the last
14 few weeks, we were -- we had a golf tournament. We went and hit
15 some golf balls in anticipation of that. Sometimes I just go for
16 walks. Things to keep me busy.

17 Q. Okay. So going back to this past Thursday, did you have any
18 plans for your layover on Thursday?

19 A. Actually, I did. My plan was to go over to the Newport Mall
20 and to buy some more jeans. And as it turned out, they cut the
21 jeans off me, so I need them more than ever.

22 Q. Okay. Coming into the terminal, you said normally you would
23 yard your train on 5-L. On this particular day were you given any
24 type of instructions coming in over the radio as to what they
25 wanted you to do?

1 A. No. And that's not unusual. They call us if there's a
2 change of track. If not, then it's 5-L.

3 Q. Then it's 5-L. Okay. Let's go back to approaching, you
4 know, you're in the terminal coming approaching the bumping block.
5 You stated earlier that when the trains are very crowded you try
6 to brake a little early to be considerate of the passengers, you
7 know, they're standing up. So when you were coming in, and you
8 checked your watch and blew the horn --

9 A. Checked my speed.

10 Q. Checked your speed and put the bell on, approximately how far
11 out did you do that prior to the bumping block?

12 A. I'm guessing approximately 100 yards.

13 Q. So when you sounded the horn -- well, let me ask -- change
14 the question. On this particular equipment, the Comet V, when you
15 sound the horn, does the bell automatically go on?

16 A. No.

17 Q. Okay. So you have to manually put the bell on?

18 A. Yes.

19 Q. Independently. Okay. At that point when you were 100 yards
20 out -- let me change the question again here. When you start to
21 brake a little early for the consideration of the passengers,
22 where do you start braking at that point?

23 A. As we're entering off of the E route instead of coming in 15
24 to 10, I shorten the 15 and go to 10 earlier. So we're coming off
25 the switch. I saw I was lined for Track 5, which is normal for

1 that train, and we were down to 10 there, as opposed to 15, which
2 you are allowed.

3 Q. Did you keep the brake applied or did you release the brake
4 at that point?

5 A. Released the brake.

6 Q. You released the brake.

7 A. Ten miles an hour, release the brakes, no throttle.

8 Q. No throttle. So when you start braking early for the
9 consideration of the passengers when do you start to do that?

10 A. Normally, like I said, it was a regular train, you have to
11 gauge it, and it's approximately two car lengths away you start
12 braking. With a train where I know people are standing, it might
13 be two and a half cars away.

14 Q. Okay. So do you recall braking about two and a half cars
15 away?

16 A. I don't know. I don't remember.

17 Q. When you were approaching the bumping block, can you tell us
18 what you saw on the platform ahead of you? I know you're coming
19 in, there's a newsstand or something, different shops there. Did
20 you see anything coming in?

21 MR. ARSENEAULT: Just for clarity -- on that day?

22 BY MR. PARKIN:

23 Q. On that day. I'm sorry. Yes, thank you.

24 A. We were at the very western end of 5, and like I said, I saw
25 the bumping block. We had clear track. We had a stop signal next

1 on the ground, and what I noticed, which was unusual was, 6 was
2 empty. Normally 6 Depot has a train on it, and it did not that
3 day, and that's all that I remember.

4 Q. And at what point do you recall seeing that?

5 A. At the very end of 5, at the western end of 5. Just coming
6 under the train shed, just coming under the roof of terminal. And
7 I looked, and -- and the reason why it's important, before I go
8 out to 5-L, I put my bag -- there's a grate there on 6 Depot, and
9 people can't see my bag because there's a train there, and the
10 train wasn't there.

11 Q. Okay. Where was your bag in relationship to where you were
12 sitting in the seat?

13 A. Four feet to my right, to my left.

14 Q. Okay.

15 A. On the ground.

16 Q. In the cab?

17 A. On the floor. Yes.

18 Q. On the floor of the cab?

19 A. Yep.

20 Q. So coming up, approaching the shed, which is the roof of the
21 depot, you had the visual looking down on this particular day, you
22 saw a stop signal -- a door signal that was at stop, you saw the
23 bumping block.

24 A. Yes.

25 Q. And you didn't see the train on Track 6.

1 A. There was no train on 6.

2 Q. There was no train on Track 6. And so at this point you are
3 about at that 100-yard mark?

4 A. Yes. And that's when -- like I said earlier, I looked at my
5 watch to confirm our delay, to see if we'd picked up any time
6 between Secaucus and that point. We were still 6 minutes down. I
7 looked at my speed. We were doing 10. Blew one long to enter the
8 station and pulled for bell.

9 MR. PARKIN: Okay. I don't have any questions at this time.
10 Thank you, Tom.

11 MR. FANNON: Randy Fannon.

12 BY MR. FANNON:

13 Q. Tom, are you the regular engineer on this run?

14 A. Yes.

15 Q. How long have you been a regular engineer on this side of the
16 line?

17 A. I've held -- the job is Spring Valley 7, and I've held that
18 job for a few months now.

19 Q. What rest days are you -- are you assigned rest days?

20 A. Yes.

21 Q. What rest days do you have?

22 A. Tuesdays and Wednesdays.

23 Q. So this is your first trip back off of your -- coming back
24 off your rest days, on Thursday?

25 A. That's correct.

1 Q. Is your schedule consistent? I mean you report at the same
2 time every -- the 5 days that you work?

3 A. No.

4 Q. So you have a varying schedule?

5 A. Yes.

6 Q. Now -- thank you for that. Now back into the station at
7 Hoboken, you're coming at the end of the platform 100 yards
8 approximately. You got your routine down, you've checked your
9 watch, looked at the speedometer, rang the bell, blew the horn,
10 that type of thing. At the -- when you started hearing screaming
11 and the loud noise and all that and you were coming in and out,
12 you said earlier, do you recall hearing the bell again?

13 A. I do not.

14 Q. Okay. Your brakeman was the first person to you, I think you
15 said. He was over top of you?

16 A. Yes. I believe so, yes. Tom Dougan.

17 Q. But you don't know what the time frame is?

18 A. I don't.

19 Q. From that. And you don't recall -- well, I guess I better
20 ask you this. Is it downhill grade? Is it a downhill grade at
21 the station? Where you're coming in to the bumping block, is it
22 downhill? You're coasting, you said.

23 A. Um-hum.

24 Q. So is it a downhill or is it flat, river grade?

25 A. It's flat. It's a very slight -- the last car or so it's a

1 slight downhill, very slight.

2 Q. Okay. So you had no second thoughts about coasting in? I
3 mean, that's normal?

4 A. Yes.

5 Q. And approximately two car lengths out or maybe a little
6 further you were planning on applying the brake and stopping.
7 That was your thought process at the end of the platform?

8 A. That's the norm.

9 Q. Was there anything -- the FRA guy asked you this, what's up
10 on the platform. Was there anything, though, the last little bit
11 that you might can recall that anybody behind you pecking on the
12 window, hollering to get out, anything on the radio? You
13 don't --

14 A. No. Nothing like that.

15 Q. No distraction?

16 A. No.

17 MR. FANNON: Thank you very much.

18 MR. HAMER: Steve Hamer, H-a-m-e-r, SMART TD.

19 BY MR. HAMER:

20 Q. Do you recall the last time you looked at your air gauge
21 coming under the train shed?

22 A. No.

23 MR. HAMER: Okay, that's all I have.

24 MR. MATTISON: Fred Mattison, Jersey Transit.

25 BY MR. MATTISON:

1 Q. Hanging in there?

2 A. Doing as best as I can.

3 Q. I understand. You said two Jersey Transit road foremen met
4 you in the hospital.

5 A. Yes.

6 Q. Who were they? Do you remember their names?

7 A. Yes.

8 Q. Okay. Who were they?

9 A. Glen Eagan and Luis Salinas.

10 Q. Were they good to you in the hospital?

11 A. Yes.

12 Q. Good. Did they ask you to fill out a statement or anything
13 like that at the time or they --

14 A. No.

15 Q. No?

16 A. No. The only one that was insistent on taking any
17 information from me was the female New Jersey Transit detective,
18 and she took a short statement from me and then she walked away.
19 I didn't see her again.

20 Q. Okay. Did -- nobody asked you to make a written statement or
21 anything like that?

22 A. No.

23 Q. Only verbal questions?

24 A. No. The only thing they asked me to write, I had to sign a
25 couple forms, consent forms. And it was difficult, but I did.

1 Q. Did the Transit police officer introduce herself to you or do
2 you recall her name or anything like that?

3 A. I don't recall her name. She was a white female.

4 Q. Okay. All right. You usually work in and out of Hoboken?
5 That's your terminal?

6 A. Yes.

7 Q. Offhand, on 5 Depot, do you know how many cars and
8 locomotives on 5 Track under the shed?

9 A. At least six and a motor.

10 Q. Okay. And you keep referring to about 100 yards from the
11 depot or from the bumping block is when you check your speed.
12 About that, right?

13 A. It's got to be more than 100 yards then, yeah.

14 Q. Okay. So, all right. That answers my question then.

15 And that's when you check. And you stated you just checked
16 your speed as you were going under -- right in the shed?

17 A. That's right.

18 Q. So it might have been a little more than 100 yards, but --

19 A. Yeah, that's right.

20 Q. -- that's the last point you remember?

21 A. Yes.

22 Q. Okay. The Comet V coaches -- you said you had a Comet V cab.

23 A. That's right.

24 Q. Do you recall if it was a mixed set, if there were other
25 types of coaches in that set or if it was all a matched set, all

1 Comet V's?

2 A. I don't remember.

3 Q. Don't remember. Okay. I asked you earlier about braking on
4 Comet V's. Can you please explain to me what types of brakes are
5 on that cab car? If it has tread brake only like an older car, if
6 it has disc brakes on it?

7 A. It's a combination of tread brakes and disc brakes.

8 Q. Do you know how many discs are on each axel? Do you -- were
9 you trained on that?

10 A. I believe there's one on every wheel.

11 Q. Okay. Cool. Thank you. So it has tread and disc brakes?

12 A. Yes.

13 Q. Both. Okay.

14 MR. MATTISON: That's all my questions.

15 DR. WEBSTER: This is Dr. Nick Webster.

16 BY DR. WEBSTER:

17 Q. How are you doing right now? And do you need a break?

18 A. No. I'd like to continue to get this expedited.

19 Q. Okay.

20 A. I'm stiff and sore.

21 DR. WEBSTER: Okay. I'm going to roll over here.

22 MR. BUCHER: I don't have any more questions.

23 BY DR. JENNER:

24 Q. I'm going to change pace. I think I may have suggested one
25 thing we do for all the interviewees is we get a -- what we call a

1 72-hour history, and this is your activities on the 3 days leading
2 up to Thursday. And so I'm going to have you tap your mind here,
3 starting Monday morning. If you can walk us through your on-duty
4 activities times and your commute home, and what you did when you
5 got home, and when you went to bed and fell asleep and wake up?
6 So take your time with that, but if I can start you off Monday
7 morning.

8 A. Okay.

9 Q. And when you woke up and what you did.

10 A. Okay. Monday morning, that's my Friday on the railroad.
11 That's my longest day. And we sign up at 7:31 in the morning. So
12 I set my alarm for 5:30. My alarm woke me at 5:30. I got up, got
13 dressed, left my house, had an unremarkable commute to the yard.
14 I arrived at the yard around sign-up time, maybe 10 minutes early,
15 and --

16 Q. And what time is that?

17 A. Would have been 7:21.

18 Q. Okay. I'm sorry.

19 A. So met with my crew, and again we signed our -- we get our
20 paperwork. We go over a safety rule a day. We go over tracks
21 that may be out of service that will affect us. We have those two
22 speed restrictions that have been in place now, even though
23 they're temporary, they've been there for quite some time. And --

24 Q. And I can just have you skip any details of the -- of your
25 on-duty activities. If you can just walk me through when you went

1 off duty?

2 A. Okay. Well, we brought the train in. Did we fuel? We
3 brought in the train and, the best of my recollection, we fueled
4 our train. We fueled it up on the fuel pad, brought it back into
5 the depot, and then we went on break. Later that afternoon we
6 signed back up, and we ran a roundtrip out to Sterling on the
7 Gladstone Branch on Arrow MU trains. We X back, and then we had
8 to go and -- the conductor and I had to retrieve our go-home train
9 from the yard, and it was on -- I believe it was either -- I
10 believe it was 5-L or 7-L, one of those two tracks. And then we
11 ran 1639 home, back to Woodbine, and that's an express train. And
12 we finish up around 8:20 at night.

13 Q. Great. And how long is your break that day?

14 A. It's shorter. So it's -- let me think -- 5½ hours.

15 Q. Okay. So you end your off-duty at 8:20 p.m.?

16 A. Approximately.

17 Q. Okay. And what did you do then?

18 A. Drove home.

19 Q. And you arrived home approximately?

20 A. Just after 9:00, 9:10.

21 Q. Okay. And if you can just tell me your activities, if you
22 ate and --

23 A. Yeah, sure.

24 Q. -- when you went to bed and fell asleep.

25 A. Had dinner. Talked to my children about their day. Talked

1 to my wife. My wife actually had some work to do. So my kids,
2 they were doing -- they were finishing up their homework. They
3 both showered. I was downstairs and I was watching a little bit
4 of football. Then I went to bed. I don't recall when, maybe
5 10:30, quarter -- between 10:30 and 11:00 at night.

6 Q. Okay. And what time do you fall asleep?

7 A. Usually very quickly.

8 Q. Okay.

9 A. I woke up the next morning to my alarm. The alarm was set
10 for 6:30. And I get both my daughters up. My wife has already
11 left for work, so I get both my daughters up. And if I don't give
12 them breakfast, we get them on the way to school. I drive them.
13 We live in Morris Plains. They both go to Morristown High School,
14 which is a good distance away. It's too far for them to walk. So
15 sometimes on the way, and I did on Tuesday, we stopped and got the
16 kids bagels. They like bagels for breakfast. And I dropped them
17 off at school, and then I had to hurry home.

18 My street is under this major construction right now. Public
19 service is changing all the gas mains in town, and I had to be
20 there because that was the day they were cutting in my house into
21 the new gas main. So I spent the majority of my day, my
22 afternoon, with a public service gentleman, and they cut in the
23 gas main. And they did not activate it until actually the next
24 morning. They came back the next morning.

25 And same process as Tuesday morning, I got up at 6:30.

1 Q. Okay, so --

2 A. Got my daughters up.

3 Q. I'm just going to back you up to Tuesday. So you're spending
4 the day with the service person. Correct me if I'm wrong. Did
5 you pick up your kids from school?

6 A. No. My one daughter, she goes to soccer, and she was brought
7 home by another parent. And my daughter -- she worked. So she
8 walks from her job to -- from school to her job in Morristown, and
9 my wife picked her up on her way home.

10 Q. Okay. Did you nap any time on Tuesday?

11 A. No.

12 Q. Okay. At some point you had dinner. And what time did you
13 go to bed and fall asleep?

14 A. Tuesday night, I would say probably the same time, between
15 -- sometime between 10:30 and 11:00.

16 Q. Okay. And you fall asleep quickly?

17 A. Yes.

18 Q. Okay. How was your sleep? Overall how was your quality of
19 sleep?

20 A. Those nights it was fine.

21 Q. Are there some nights where it's not fine?

22 A. Couple weeks ago with the change of weather, I had a couple
23 of nights that I tossed and turned. We had shut the air
24 conditioning off. We had opened the windows. It was very damp,
25 and I guess the dampness threw me off for a couple nights, but

1 that was all.

2 Q. Okay. Do you usually sleep straight through the night or do
3 you get up for a period of time?

4 A. I get up, go to the bathroom.

5 Q. Okay. When you wake up, how rested do you feel? How alert
6 do you feel?

7 A. I feel fine.

8 Q. Feel good. Okay. So Wednesday you wake up, and I'll let you
9 talk me through Wednesday.

10 A. The alarm went off 6:30 a.m. Got up. Got my daughters up.
11 Got them off to school. Came back. And, again, public service is
12 in my basement. They were with me until about 11:00, maybe 11:30.
13 So since the gas was now turned back on for my house, I could use
14 the dryer. So I had four loads of laundry to do. I did the four
15 loads of laundry. And what else did I do? I checked all my
16 emails. I spent some time on my home computer. And then
17 Wednesday my oldest daughter, she did not work. She took the bus
18 home, school bus. And I left the house, and I went to Mendham to
19 see my youngest play a soccer game in Mendham.

20 Q. Okay.

21 A. When I returned home, my wife was already home, and she had
22 had dinner ready. We had dinner as a family. Kids do their
23 homework. Shower. And then Wednesday night went to bed, same
24 thing for me, between 10:30, 11:00.

25 Q. Fall asleep quickly again?

1 A. Yeah. I had a good night's sleep. Woke up Thursday morning,
2 as I had indicated earlier, at 5 with the alarm.

3 Q. Okay. So that's -- the previous days were 6:30. This time
4 it's 5. How did you feel waking up at 5 a.m.?

5 A. Fine.

6 Q. When you don't have to wake up to the alarm, how much would
7 you sleep if you turned the alarm off and were -- your type of
8 Saturday where you could sleep through?

9 A. About 7.

10 Q. Okay. Seven hours, you wake up feeling pretty rested?

11 A. Yes.

12 Q. Okay. So Thursday morning you woke up feeling pretty rested.

13 A. Feeling rested.

14 Q. Okay.

15 A. Not pretty rested. Feeling rested.

16 Q. I'm sorry. I don't mean to put words -- so you felt rested.
17 And you may have mentioned earlier what time you departed your
18 house. Was that the day you shaved and --

19 A. That was the day of the accident.

20 Q. Right. This is now Thursday. You departed --

21 A. Instead of 6:00, at 6:05.

22 Q. 6:05, okay. Great. Terrific. That's good detail.

23 Appreciate that.

24 Are there any more operational type questions? We're going
25 to ask some more personal type questions about your health, and

1 we'll have Dr. Nick ask those.

2 A. Sure.

3 DR. WEBSTER: Is there any reason you want to have everybody
4 in here or --

5 MR. BUCHER: Nick, Nick, could you --

6 DR. WEBSTER: This is Dr. Nick Webster.

7 BY DR. WEBSTER:

8 Q. Is there any reason you'd like to excuse anybody for this
9 period?

10 A. No. Why?

11 Q. Okay. Well, some people do.

12 A. Oh, okay.

13 Q. So you said you sleep well.

14 A. Yes.

15 Q. Do you use any medicines for sleep?

16 A. No.

17 Q. Okay. CPAP machine or --

18 A. No.

19 Q. -- mouth appliance?

20 A. No.

21 Q. Okay.

22 A. I have a tanner.

23 Q. A tanner?

24 A. It's a -- from my dentist. It's a hard mouthpiece. It keeps
25 me from grinding my teeth.

1 Q. Okay.

2 A. I wear that every night.

3 Q. I understand that completely. What's your normal medication
4 routine, regimen?

5 A. I don't take medication normally. I take a multi-vitamin and
6 a fish oil in the morning, that's all.

7 Q. Okay.

8 A. If I have a headache or something like that, I'll take an
9 Aleve, but I don't regularly take medication.

10 Q. Okay. You've -- when was your last occupational medicine
11 examination?

12 A. My last Transit physical?

13 Q. Yes.

14 A. It was the end of July this year.

15 Q. Okay. Can you tell me about that?

16 A. I passed. Everything was normal, and I was cleared for
17 service.

18 Q. What does a Transit -- different railroads ask different
19 questions for you. What do you have to accomplish?

20 A. I don't understand. What do I have to accomplish --

21 Q. Yeah.

22 A. -- for what? To pass?

23 Q. Hearing? Yeah, what --

24 A. Oh.

25 Q. -- testing do they do on you?

1 A. They do a hearing test. They put you in a hearing booth.
2 They do a -- you put your head into a machine that tests your
3 vision and your color blindness.

4 Q. Okay.

5 A. They check your -- they listen to your heart with a
6 stethoscope. There's a whole questionnaire that you fill out.
7 Then they take an EKG.

8 Q. Okay.

9 A. Then you actually meet with the doctor, and the doctor gave
10 me a full test.

11 (Knock at the door)

12 UNIDENTIFIED SPEAKER: Excuse me. Can we stop for one
13 minute?

14 MR. BUCHER: We're going to take a break.

15 (Off the record.)

16 (On the record at 12:09 p.m.)

17 MR. BUCHER: Okay, this is Dave Bucher, and we're back with
18 the interview of Mr. Gallagher, and we'll continue with
19 Dr. Webster's questions.

20 MR. ARSENEAULT: Just for the record again, Dave, it's 12:09.

21 DR. WEBSTER: Again, this is Dr. Nicholas Webster.

22 MR. GALLAGHER: Yes.

23 BY DR. WEBSTER:

24 Q. We were discussing the physical examination, and we'll
25 continue with that.

1 A. Yes.

2 Q. You've mentioned they listened to your heart.

3 A. Yes.

4 Q. And go from there.

5 A. I was given an EKG.

6 Q. Okay.

7 A. And then you go in with the doctor. And he gave me a series
8 of agility tests and range of motion tests. He made me from a
9 stand, squat down to see if I had any difficulty, which I did not.
10 Then he had, you know, full range of motion things with my
11 shoulders. Does anything hurt? Then it was arm out, touch your
12 nose with your eyes open and with your eyes closed. It was very
13 thorough. He checked my --

14 Q. Yes.

15 A. -- for a hernia, and he checked -- he put a light up my nose
16 and my ears. And he asked me, you know, how I felt, how I was
17 feeling? And in the end, he passed me for fit for service. The
18 only thing he said was I'm overweight, and he advised me to lose
19 weight.

20 Q. Very good. One of the things we mentioned earlier before we
21 got on the record was your glasses. How did you do on your vision
22 test?

23 A. I had difficulty with the distance part of it because the
24 machine makes it very difficult to line up the different parts of
25 my -- what's the --

1 UNIDENTIFIED SPEAKER: Bifocals.

2 MR. GALLAGHER: Bifocals. Thank you. And I have an
3 astigmatism. So if it's not lined up perfectly, things appear
4 blurry. But I was still qualified for service. I didn't do my
5 normal 20/20.

6 BY DR. WEBSTER:

7 Q. Okay. You mentioned that you -- was there a limitation for
8 you at the end of your physical exam? Did you have any
9 limitations on the certificate he gave you?

10 A. Yes. Must wear corrective lenses.

11 Q. And --

12 A. That's on all my stuff.

13 Q. -- for the record were you wearing the corrective lenses --

14 A. Yes.

15 Q. -- on that day?

16 A. I was wearing my shaded safety glasses.

17 Q. In the script that you tested on?

18 A. No. No. That's the -- my safety glasses are not bifocals
19 because I'm not reading generally.

20 Q. Okay. Thank you. Let's go back. Does your company do a
21 sleep apnea questionnaire as part of their --

22 A. He verbally asked me a bunch of questions, yes.

23 Q. Okay. Do you have any history of sleep apnea?

24 A. No.

25 Q. Or sleep disorders?

1 A. Not that I know of.

2 Q. Thank you.

3 MR. ARSENEAULT: Family history?

4 DR. WEBSTER: No. I'm talking about him having a history.

5 MR. ARSENEAULT: Okay.

6 BY DR. WEBSTER:

7 Q. Now in this event that we've been talking about, there is a
8 period where we do not remember.

9 A. Yes.

10 Q. Do you ever have -- has there ever been a time in your life
11 where you've had a similar event?

12 A. No.

13 Q. Have you ever had time where you've had lightheaded,
14 dizziness?

15 A. No.

16 Q. Any history of any head trauma before this? I'm sorry.

17 A. Yes. I sustained what I believe to be a concussion playing
18 lacrosse in college many years ago.

19 Q. Okay. Any other health concerns?

20 A. No.

21 Q. Do you have a primary care physician other than your
22 occupational medicine doctor that sees you?

23 A. Yes.

24 Q. Who is that?

25 A. Dr. Ira Monka of Cedar Knolls.

1 Q. Okay. Has he ever told you that you needed any treatment for
2 anything?

3 A. No. I haven't seen him in years.

4 Q. Okay.

5 A. Knock on wood, I've been healthy.

6 Q. Okay. Are you going to follow up with him after this?

7 A. I actually tried to get an appointment with him for today to
8 remove the glass from my ear, and he was unavailable.

9 Q. Okay. Anything else from a health concern that you'd like to
10 share?

11 A. No.

12 MR. BUCHER: Dave Bucher. I have no more questions.

13 DR. JENNER: Are there any other questions around the table?

14 BY DR. JENNER:

15 Q. This is sort of a concluding type open-ended questions. I'm
16 sure you've been giving this incident a lot of thought the last
17 few days. In your thinking about this, is there anything that you
18 can think of in terms of training or equipment or procedures or
19 rules or regulations that you think, either related to this event
20 or any other operations, that can make the industry more safer?

21 A. No. No.

22 Q. Was I okay with that question?

23 A. Yes. Yes.

24 Q. I was thinking, you know --

25 A. No, I can't think of anything to make our job safer other

1 than -- there is one thing. Yes. New Jersey Transit has cab cars
2 on its leading end. One thing that I've talked about in the
3 safety meeting, actually a long time ago, we should have engines
4 at both ends. We should never be going across crossings,
5 especially on the Pascack Valley Line where we have multiple
6 crossings, cab car first. You're much safer in a locomotive
7 engine because of its shear weight, you're higher up, and there's
8 more metal between you and the front of the train. So if you hit
9 a car, if you hit a bumping block, the engineer is much safer.
10 That's my only -- that's me on a soapbox. That's all.

11 Q. Okay. And anything else besides that?

12 A. No, that's all.

13 Q. And you just prompted one more question from me. Do you
14 notice any difference operating from a locomotive than the cab
15 car?

16 A. Sure.

17 Q. If you can describe that, and is there one that you prefer
18 more than the others?

19 A. I always prefer being on an engine just because I'm actually
20 more comfortable on it, and I know I'm safer on it. But when
21 you're operating from a cab car, you always have to be careful to
22 not take too much power, or not too much brake because the engine
23 will hit you from behind, and that's poor train handling.

24 DR. JENNER: Thank you. That's all I have.

25 MR. BUCHER: Okay. Dave Bucher again. Looking around the

1 table.

2 MR. PARKIN: One quick question. Bruce Parkin, FRA.

3 BY MR. PARKIN:

4 Q. One of my roles in the FRA is sleep -- not sleep apnea --
5 sleep fatigue investigator, and I usually do a report whenever
6 there's an accident of this kind. Just, I have a question with
7 regard to your layovers because it sounds like they range anywhere
8 from 5 to 8 hours layovers.

9 Do you typically take a nap on your -- you know, when you're
10 in between assignments when you have that interim --

11 A. Not every day, but sometimes, yes, I do.

12 Q. Okay.

13 A. We have a break room upstairs in Hoboken with chairs, and
14 it's dim lighting, and you can take a nap if you need to.

15 Q. Okay. So typically would you nap for an hour or two to
16 just, you know, sort of get a little additional sleep?

17 A. Yes, but not every day.

18 MR. PARKIN: Okay, that's all. Thank you very much.

19 MR. BUCHER: Okay, Dave Bucher again, and I think that
20 concludes the interview of Mr. Gallagher.

21 (Whereupon, the interview was concluded.)
22
23
24
25

CERTIFICATE

This is to certify that the attached proceeding before the

NATIONAL TRANSPORTATION SAFETY BOARD

IN THE MATTER OF: NEW JERSEY TRANSIT TRAIN #1614
 ACCIDENT AT HOBOKEN TERMINAL
 AT HOBOKEN, NEW JERSEY
 ON SEPTEMBER 29, 2016
 Interview of Thomas Gallagher

DOCKET NUMBER: DCA16MR011

PLACE: Chatham, New Jersey

DATE: October 1, 2014

was held according to the record, and that this is the original,
complete, true and accurate transcript which has been transcribed
to the best of my skill and ability.

Katherine Motley
Transcriber