DCA-12-MR-009

CSX Transportation Freight Train Derailment with Non-railroad Fatalities

Ellicott City, MD

August 21, 2012

Interview of CSX Track Supervisor on August 24, 2012

71 pages, including cover & errata sheet

I, [redacted], have read the foregoing pages of a copy of my testimony given during an interview into NTSB's accident investigation, DCA-12-MR-009, a freight train derailment with non-railroad fatalities on CSX Transportation on August 20, 2012, which occurred at about 11:56 p.m. in Ellicott City, Maryland; and that these pages constitute a true and accurate transcription of same with the exception of the following amendments, additions, deletions or corrections:

PAGE NO:	LINE NO:	CHANGE AND REASON FOR CHANGE
8	15	Δ 15 miles → 50 miles
18	9	+ 2001 after May
39	11	Δ Russ → Russell
40	14	Δ Kelly → Carey
41	9	Δ butay → Boutet
41	11	Δ clockers → Clippers
41	14	Δ Santer → Sanner
41	19	Δ degreaser → greaser
42	14	Δ Kerry → Carey
56	16 & 20	Omit, irrelevant
72	3	Δ → 10 or 20 days depending on severity

I declare that I have read my statements and that it is true and correct subject to any changes in the form or substance entered here.

Date: 9/21/12 Witness: [redacted]

UNITED STATES OF AMERICA

NATIONAL TRANSPORTATION SAFETY BOARD

Investigation of:	*	
	*	
CSX TRAIN DERAILMENT	*	
AUGUST 20, 2012	*	Docket No.: DCA-12-MR-009
ELLICOTT CITY, MARYLAND	*	
	*	

Interview of: OWEN SMITH
Roadmaster, CSXT

Friday,
August 24, 2012

The above-captioned matter convened, pursuant to notice.

BEFORE: RICHARD A. HIPSKIND
Accident Investigator

APPEARANCES:

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I N D E X

I N T E R V I E W

MR. HIPSKIND: My name is Richard Hipskind and I am the Track and Engineering Group Chairman for NTSB for this accident. We are here today on Friday, August 24th, 2012 to conduct an interview with Mr. Owen Smith, who works for CSX Transportation. This interview is in conjunction with NTSB's investigation of a train derailment with non-railroad fatalities that occurred on CSX's Old Main Line Subdivision in Ellicott City, Maryland on August 20th, 2012. The NTSB accident reference number is DCA-12-MR-009.

Before we begin our interview and questions, let's go around the table and introduce ourselves. Please spell your last name, and please identify who you are representing and your title. I would remind everybody to speak clearly, so we can get an accurate recording. I'll lead off, and then pass off to my left.

Again, my name is Richard Hipskind. The spelling of my last name is H-I-P-S-K-I-N-D. I am a Railroad Accident Investigator and the Track and Engineering Group Chairman for the NTSB on this accident.

MR. CROWTHER: My name is Frank Crowther, spelled, last name, C-R-O-W-T-H-E-R. My job duties are Track Safety Inspector for the Federal Railroad Administration assigned to Region 2, headquartered in Baltimore, Maryland.

MR. KISH: My name is Larry Kish, K-I-S-H. I'm representing the Federal Railroad Administration. I am a Deputy

Regional Administrator.

MR. INCLIMA: My name is Rick Inclima, I-N-C-L-I-M-A. I'm Director of Safety for the Brotherhood of Maintenance of Way Employee's Division.

MR. HONTZ: My name is Brian Hontz, spelled H-O-N-T-Z. I work for the Federal Railroad Administration as a Regional Administrator, and my role here today is as an observer.

MR. DANIELS: My name is Randy Daniels, D-A-N-I-E-L-S. I am the Division Engineer for CSX Transportation, Baltimore Division.

MR. SMITH: And my name is Owen Smith, S-M-I-T-H. I am the Roadmaster for CSX Transportation, headquartered out of Point of Rocks, Maryland.

INTERVIEW OF OWEN SMITH

BY MR. HIPSKIND:

Q. Okay, Mr. Smith, do you mind if, in our conversation, I refer to you as Owen?

A. That's fine.

Q. Okay. Thank you. Do we have your permission to record our discussion, our interview with you today?

A. Yes.

Q. And do you wish to have a representative with you at this interview?

A. No.

Q. Okay. Thank you. Owen, let's just go as kind of a

general background, give us a kind of a synopsis of your work experience in railroading, and take us up to your present job, and let us know how long you have been in that position. And once you cover that, if you want to just continue, just tell us about how your day-to-day work and management of your responsibility and your territory goes. And if you wish to continue, you can tell us about some of the testing cycles, like with Sperry and geometry vehicles, and you can cover regulatory inspections. But cover as much as you want, and I'll prompt you later on. Okay?

A. All right. Well, I guess, I'll -- I'm going to try to answer it one at a time, then.

Q. Okay. That's fine.

A. So when you're satisfied, just tell me if we can move on.

Q. Sure.

A. All right. Owen Smith. I've been employed by CSX for 3 years, 1 month. I've been in this roadmaster position now for approximately 1 year and 8 months; since January 2011, January 1st, 2011. Prior to that, I was an assistant roadmaster in the area. I worked out of Jessup, Maryland, and I was in that position for approximately 1 year. Prior to that, for the balance of my time with this company, I was a management trainee. They hired me in July of 2009.

Prior to that, I had studied -- I have a Bachelor of Engineering in civil engineering. And I was also employed by the

Long Island Railroad while I was studying civil engineering, working in their Project Management and Capital Programs Department, mainly focused on, you know, handling larger capital projects and the like. That's my background.

And, then, the second part of the question you want me to talk about my major job duties, currently?

Q. Yeah. That would be fine.

A. Okay. All right. As a roadmaster -- that's also known as the track supervisor -- mainly we handle day-to-day maintenance projects and emergencies. Part of my responsibility is overseeing daily work, planning for the weeks ahead, ensuring we have the proper materials staged and ready for our routine maintenance.

I also give input for capital work. I regularly inspect the territory and notice areas that need attention and addressing in capital program. I work with communities to get their buy-in for other projects, like road crossings and things like that; build a rapport with other departments, that way our interests and our needs are addressed in a timely fashion.

I'm basically kind of the liaison between the railroad's unionized employees and the management, upper management. I'm the liaison between the community and the railroad, and I'm also a frontline supervisor responsible for carrying out the company's interests in the field.

Q. Okay.

A. I'm --

Q. Go ahead.

A. No, go ahead.

Q. I was just -- I know you had another thought, and carry on with that, but --

A. Yeah.

Q. -- also, Owen, if you will, give us kind of a ballpark picture of the width and breadth of your territory, and kind of let us know how much manpower and equipment and stuff that you have to maintain that, if you would, please?

A. I figured you'd ask that. All right. I have two subdivisions -- the Metropolitan Sub, which covers from Weverton, Maryland to Washington, D.C.; and I have the Old Main Line Subdivision that goes from Point of Rocks, Maryland to Baltimore, Maryland -- approximately 157 miles of main line track. And that includes the double track, 15-mile-an-hour -- excuse me, 15-mile route for the Met, and the 57.4 mile Old Main Line.

The manpower I have, I have 3 headquarters, approximately 15 people assigned to me on a permanent basis. In addition, there are several, as we call, floating teams, who aren't headquartered, that are assigned to me on a varying term. And right now that number fluctuates, but it's been increasing lately with the work we've had going on. And, also, I do have one extra four-man gang for construction projects that we've been heavily involved with for the past -- well, basically, since the beginning of my tenure.

So that's the scope of the area I'm responsible for, and the manpower I have. Was there anything else you wanted?

Q. Yeah. It sounded to me like the 15 personnel is kind of like your core group, and other gangs float in and out depending on the amount of work that's going on. If you would, Owen, kind of break out just a little bit better the titles within that 15, if you have track inspectors, foremens, things like that.

A. Okay. Yes. I have five track inspectors. There are four main line track inspectors. Of those four, two are shared with another roadmaster. I have one yard inspector. He works out of Brunswick Yard, and is responsible for all the assets in there. And then, on -- I have, like I said, the two that I share half the time, the one full-time in the yard, and then I have the two main line inspectors who cover 7-day-a-week inspection cycle. And they are responsible for about 137 miles of that, all of the Old Main Line, and about 80% of the Met.

So, like I said, the five track inspectors I have. I have a basic force foreman in Sykesville, Maryland, with a vehicle operator. And in Point of Rocks I have a basic force foreman, a vehicle operator, a trackman, I have a equipment operator for a backhoe, the two track inspectors I spoke of that I have full-time, and a set of basic force welders who do frog maintenance, typically. And then in Brunswick, I have the yard inspector, the two shared track inspectors, and the extra gang I spoke of earlier, who does, you know, the heavy construction projects we

have going on. So that's generally the breakdown of the job titles I have. I have a few foremen and track inspectors. Some of the lower-skilled jobs, like trackman and stuff, I have fewer of.

Q. Okay, Owen. You know we interviewed Danny Glass prior to your interview, and help me out with this understanding. I'm going to take a guess, but you tell me how close I am. Danny was telling us that he works Sunday through Wednesday, 4 consecutive days, but that he's off Thursday, Friday and Saturday. Does that sound correct to you?

A. Yes.

Q. And I noticed that you said you had five inspectors. So, I'm going to guess -- and I heard you say something about that we have guys out here on a daily thing -- on that Thursday, Friday, Saturday, you have the availability of other guys that are like Danny to do your track inspection?

A. Yes. The position that Danny's in is a two-man gang. He has a shift Sunday through Wednesday, and there's another gentleman named Will Norris, who has the Wednesday through Saturday shift. So 1 day out of the week they're together, and then the rest --

Q. Like an overlap?

A. Yeah.

Q. Okay. Okay. So, but the takeaway from that is that you have 7-day-a-week track inspection capability available to you?

A. Right.

Q. Okay. Does that work out good?

A. It is a benefit because, especially in the summer, and in the winter, depending on the changes in the weather, you know, when more problems arise, we do have people in the field who can find them. And they are pretty good about ensuring that we meet our requirement to inspect in the heat and in other different conditions like poor weather and extreme cold. So the 7-day-a-week coverage I think is a benefit, and I think it was a policy CSX has been trying to institute systemwide. I can't really speak on that, though.

Q. And I heard you say that you have two Track Inspectors that are shared.

A. Um-hum.

Q. That's the operative word. How does that work out? I mean, I guess if I was your other roadmaster in adjoining territory, I think I'd want those track inspectors working for me a lot more than they're working for you. So how do you address that little bit of a challenge?

A. I feel that way, too. That situation there, they work 5 days a week, and they work together. I have them three out of the -- we schedule it. So that addresses a lot of it, so the other roadmaster knows when to expect to have them. We have a schedule that we're really good about sticking to. I have them Monday, Wednesday and Friday. He has them Tuesday and Thursday. So that

eliminates some of that, you know, push and pull. And since they do have two shifts, if something were to occur where I need to cover somebody, they can easily get their job tasks accomplished on their own if I borrow the other employee, which happens occasionally, not all the time, though.

Q. Okay. Let's shift our discussion, and let's -- take me through how you come to know about the various testings, whether they be Sperry Rail, geometry. Let's talk about those kinds of testing vehicles and datastreams. How do you come to know that? How do you manage that? Kind of paint the picture for how that process unfolds.

A. All right. We'll start with the Sperry defects, because that's the most common -- or the Sperry inspections, because that's the most common test I have. The Old Main Line is on a 31-day testing cycle, and that's the single main, only. And that runs from the 62.0 to the 7, so 55 miles of single main, plus -- well, I won't get into that. So we end test that every 31 days. So I would expect him in the -- at least the first week of the month, every month.

They just recently changed the double main portion of the Old Main Line, which is about 2½ miles, to also a 31-day test cycle, and they just did that maybe a month or two ago. And then the sidings get tested every 60 days. So every odd month, we do the sidings; every even month, we don't.

I am notified by them that -- well, mainly the way I

know it's coming is I'm just so used to him coming that I know when to expect it. They also publish a schedule that's typically issued Friday afternoon from Brad Spencer that lists the approximate schedule, but that's subject to change on a daily basis. And the operator will normally call me the Friday prior. In fact, he called me today because he's coming Monday.

Then, you know, that was the testing cycle on the Old Main. So it's just every 31 days, so, you know, we -- I just know the cycle that we have. And I try to make it a habit for myself to go with the Sperry car every time, unless something else has come up where I can't. And in which case, I'll delegate it to either the assistant roadmaster who's on me, on occasion. If he's not available, I'll have a track inspector do it. But I try to make every effort possible to take that myself. Mainly, that way, I have a better idea of what's going on. It's a good way to look at my railroad at a slower pace because we get priority on the railroad when we operate.

And, that way, I keep a book in my truck where I'll write down the measurements and what exactly we need to make the repair properly. You know, I kind of have the feeling where if I get to see it, that way I'm able communicate better with my men what we need to actually get it taken care of. And I'll make a photocopy of that document and I'll issue it to the foreman. And, you know, since I laid my eyes on it, I'm able to prioritize based off of some of the -- you know, speaking to the operator, what

kind of indications he's getting, and I can look at his screen and see some of the other issues that he might have in the area. That way I just get a better idea and I feel a bit more comfortable about where we need to lay our priorities next.

So what I'll do is I'll print that list out and then talk to the foreman about, you know, these two -- you know, these three or four I want you to go for today, and so on and so forth, and I'll give them a priority list there based on severity and, you know, available materials and things like that.

Q. Well, Owen, it sounds like the Sperry rail testing is a monthly type deal.

A. Um-hum.

Q. And everybody's -- or, I'll ask you. Is everybody in tune with the drill?

A. Everybody?

Q. The people who work for you that are going to respond to having to repair the defects.

A. Yeah, they are. You know, one -- like -- I forgot to mention. One thing I'll take are measurements to indicate rail wear because, you know, sometimes -- and it depends on, you know, what we have going on, you know, whether other issues we're addressing at the time, but I do try to have the section boom truck in the area with some available rail on it. So when I say, hey, the Sperry car's coming today, they know they got to go and find some of the most worn-out rail we have in the certified plug

rail pile in order to load it. And, you know, they know the drill and the procedure because they always ask what size rail, what are the wear measurements on it, is it curve worn, head worn? You know, that way they got an idea of what they need to put in there to actually make a safe repair.

Q. Well, now, on that last point, about talking about wear and things like that, just elaborate on why it's necessary to think in those terms for making the repairs at certain locations. Why is it that you're sensitive to have rail that matches up? Is there a safety issue with that?

A. Yeah. You know, the FRA regulations have rules about tread and gauge mismatch, so that's one of the most obvious ones. So in order to rectify that, we will grind on the rail to try to get it to conform with an even profile. And, you know, the more mismatch you have, the more grinding you're going to have to do, and you'll even get to the point where it's impossible to have it ground properly to have a good joint.

The other issues, too, even with the grinding, you do create impact loading and higher impact loading, which can degrade the rail. You'll cause more fatigue, surface issues, more chance for joint parts to break and things like that. So in order to make it easier for ourselves to ultimately weld the joint, we want to find the closest match possible. Because if we take a new piece of rail, for example, with a 3-inch cap on it, and put it into something with a 2½-inch cap, you know, the welders will

never be able to get that lined up to where you won't have that lateral force, you know, the banging going on. And we have experience with, you know, some of these poor matched joints in the past where they have become maintenance problems in the future. So in order to minimize that, we try to get the closest match possible.

Q. So the name of the game here is, for various parts of your territory, is to have rail plugs available that are going to provide the best match for what is existing in the track, and then that reduces problems for you in getting them welded up, barred, and all that kind of stuff?

A. Yeah. And then just long term viability of the track.

Q. Okay. So, Owen, do you have enough people, boom trucks, and materials -- rail plugs and stuff -- to take care of this on a periodic basis?

A. Yes. It does vary, though. I do have enough people assigned to me. I do have challenges. Mainly the bid system, as you're aware; people moving a lot of times. It seems like when I do get a very good team together and a good system going, people bid off. You know, we have overcome that because, luckily, there are a few people local who have been in the process that have stepped up to take, you know, more responsible positions. That's the one challenge.

The equipment-wise, no, we have -- you know, to keep up with the Sperry defects, you know, we routinely get -- earlier in

the year, we would get 20 to even 30 defects in one run. Those numbers have been down, which have been a benefit to me. But if we were able to handle addressing 30 defects in the past, you know, in a month, you know, we've been fine, so -- I don't believe that manpower or equipment availability is an issue. We get challenges every once in a while, but, you know, that's part of the job.

Q. Okay. And just to let you know, we have requested and received a lot of the Sperry data and the records and the numbers and all this and that. But I just want to be clear with you, are you saying that months and months ago you were at, like, 30 per test?

A. Yeah. I do remember back in August of last year, I -- for --

Q. Last year?

A. Yeah. This was a year ago, and, you know, the number's gone down. I think, mainly, because we have been doing more work on the Old Main Line. We had a lot of curve patch. I can't give you the footage offhand, but since that -- you know, since when I took this position, they have decreased somewhat. You know, I haven't really looked at the data strong enough to know, but, you know, in a recollection, I will say, yes, the defects have decreased with the curve patch and --

Q. Okay. And by curve patch we mean somebody's identified where you're going to replace rail in a curve; you take that rail

out and new rail comes in?

A. Yeah. That's like when I spoke of giving the input with the capital program. Back in last summer, you know, my supervisor took the position and when he was getting his feet on ground, we hi-railed extensively and we -- I helped him identify a lot of curves that were trouble with, you know, the Sperry defects and the wear and, you know, him and I and Mr. Daniels here, we've looked at the territory numerous times in the past year when he took the position in May. You know, we've worked as hard as we can to identify it because there was, you know, a lot of work to be done with getting the curve patch back up to snuff to where we needed to be.

Q. Okay. And it sounds like that's an ongoing thing, and you mentioned it's one of your challenges. Does CSX have a rail wear standard?

A. Yes.

Q. And is that guidance for you on making determinations about scheduling replacement rail, and things of that nature?

A. Yeah, we'll use that. You know, different sections of rail have different height measurements, you know, for head wear, and different side wear measurements and, you know, there's a certain cutoff where it'll make the program. You know, we identified, you know, all the rail that exceeded the standard, and I think we were able to get that at least programmed to be changed out, but, you know, a lot of times, we're trying to get ahead of

the game and predict, you know, a year or two in advance when it's going to wear out because these -- we have very sharp curvature here and the rail has been wearing out kind of at an inconsistent pace sometimes. Sometimes it wears heavier and sometimes it wears lighter, depending on the times we get. And, you know, it is kind of like a reliever route for train traffic, so we can have really high tonnage for a period and then it can drop off drastically for another, so --

Q. Okay. Well, let's -- I want to continue our conversation about rail and replacement rail for curves and things of this nature, but you triggered a thought about tonnage. And I would remind everybody, you've been out here for 3 years, right?

A. Um-hum.

Q. Just ballpark. Have you seen an uptick in trains per day tonnage?

A. Yeah. I have seen an uptick, probably up till about early August sometime, and then a drop-off with the coal. It's -- the Old Main Line carries -- most of its tonnage is coal, and there was a period in the spring where we had a -- we were running numerous coal trains, almost to the point where, you know, the whole day was occupied by having one coal train after another. That has decreased drastically. I don't have the data enough to tell you what, but --

Q. Okay.

A. -- recollecting, I --

Q. Did some of the uptick in the coal traffic, did it extend back into 2011?

A. Yes.

Q. And how about 2010?

A. I can't really speak for 2010 because I took the position in 2011, but --

Q. Okay. And we can ask Operations for a better understanding of that, but I just wanted to see what your recollection was, and it sounds like there was an uptick in coal traffic?

A. Yes.

Q. And, therefore, an uptick in tonnage?

A. Um-hum.

Q. Okay. In terms of -- you talked about, Dick, we used to have 30 defects per test, and then you said that's decreased. So how about characterizing what it's been here recently, in terms of defects per run.

A. Well, I think the last one we had, and there's two types of defects. When I'm counting defects, there's a kind we have to change out, you know, as according to the -- we have to address as according to the FRA. I think the last run we had, and I wasn't on it, so, you know, I don't really have it locked in my head, but I think it may have been three or four that were TDDs, you know, head defect type defects there. And then the run prior to that, it was about, you know, three, I think. And then a few months

back, I'm not too sure. But I know those records were made available, and you can kind of, see, you know, what kind of defects we've been getting per run. You know, TDDs are the most common, you know, head defect we find.

Q. Okay.

A. And --

Q. And does CSX have a rail testing policy and do they provide guidance for remedial action based on certain types of rail defects, percentage of defect in the rail head, stuff like that?

A. Yeah. In the maintenance way instructions they have a table that has the initial remedial actions and follow-up remedial actions. They'll list what's required by the FRA, which we complied with. You know, that's part of my job, I ensure we comply with the FRA remedial actions for Sperry defects. And then they also have a CSX recommendation, also, in another column. So, you know, we try to maintain to the CSX recommendation and we definitely maintain to the FRA requirement.

Q. Well, what's -- Owen, what's the takeaway there? That maybe some of the CSX standards are more restrictive than the FRA?

A. Yeah. They ask us to go beyond the scope of what the FRA requirement is, either in what the remedial action is or in the time frame it's done.

Q. Okay.

A. You know, TDDs will require you to slow order it and,

you know, joint bar it. And CSX will require us to joint bar it, you know, splice the defect earlier in the period than the FRA will. The FRA gives you 20 days for everything. And, then, depending on percentage, CSX will give you anywhere from 20 days to immediately.

Q. Okay. And within this document that we're talking about, the guidance for addressing rail defects, do you recall if on some of the defect types, whether there is a guidance to, if you get a defect in a certain rail segment, that you change out the entire rail? And then -- tell me what you recollect about that.

A. Yeah, it says -- it'll say change out the entire rail. But in many of our cases, that's an 80-foot piece. We'll take a rail out and go from one weld and get as much of the defective rail out as possible. And that's why I ride with it, because, you know, sometimes it may warrant putting a longer piece in, but, you know, if you can tell that there's shelling or severe wear or corrugation in one area, we'll try to plug that out, and to match a better wear profile somewhere else. You know, generally, a lot of these head defects are associated with wear and shelling, which affects the, you know, rail wear qualities and things like that. So, you know, we'll try to find the best match on either side of the defect, to cut that out, and get back to good rail, you know.

Q. And when you talk about rail wear, we're really mostly talking about curves, right?

A. Mostly curves, but even tangents we have rail wear too on sometimes.

Q. Okay. And when we're talking about -- when you're talking about shelly spots and worn rail, just to be clear, we're talking more side wear, gauge side wear, gauge face wear, than we are top of rail wear, right?

A. Yeah. Yes. You know, the predominant wear on the high side of these curve defects is gauge wear. But even, you know, over time the head thickness decreases, too. So oftentimes we're finding, you know, where we have to do topping and side matching work to it to ensure it fits properly.

Q. Okay. And you've got a lot of miles out there, and I imagine your territory is, I'm going to use the term, "chock full" of curves.

A. It's probably 90% curves.

Q. Okay. I thought chock full would apply. But that just makes it all the more challenging for you to know and understand the rail wear pattern of so many curves out there. So, with that said, my question is, do you get any assistance, like from some kind of a testing vehicle's data that is doing a laser measurement of the rail wear? Is that provided to you?

A. Yeah. We receive rail wear plots from the GMS car -- or, I'm sorry, the TGC2 car. He has a laser scanner on it. That data's analyzed by a consultant, which is ZETA-TECH, and they'll send out rail wear plots to myself and other people in

the engineering department.

That data is helpful, but in my experience, it's best to field verify. Because, say I didn't feel like going out with the Sperry car and I let someone else do it and then I wanted to tell them what kind of rail they had to bring, I wouldn't trust the rail wear plots enough to do it. It's a good idea to gauge and help you identify, but field verification, like what I do with the Sperry car, in my experience, is the best way to know for sure. Because, you know, you might have a small area with more wear than another area, depending on, you know, a number of factors that may cause that to not be quite accurate, or there could be an error with analyzing data and a rail section could be incorrect. So a lot of times I like to be there just because there's always errors in the data sources we get. And in order to minimize the chance of error, I want to look at the data I have and compare it and then verify it with my own eyes there to make sure we have a consistent result.

Q. Okay. So, Owen, when you're out in the field and you have a concern or an issue about understanding the loss of rail or the rail wear measurement at a particular location, what kind of device are you using to get those numbers?

A. Well, I have rail wear gauges in my vehicle.

Q. Is that the old horseshoe type thing with --

A. The horseshoe. You slide it up there against the web and the base, and take the taper gauge; that's for your head. And

then I got a pair of calipers for the side. I'll use that, you know, when I'm, you know, putting together a program or, you know, getting some data. And, you know, if I need an approximate measurement, I'll use a tape measure, but, you know, for the stuff where I need more precision, I'll use the two -- the rail wear gauges.

Q. Okay. And throughout this investigation I have seen you everywhere out there taking care of the track repairs and stuff behind the derailment, and so I know you're familiar with where we spent a lot of our time and the point of derailment and the curves and all this and that.

A. Um-hum.

Q. And what would you tell me about the maintenance for that area?

A. The upcoming maintenance --

Q. The upcoming --

A. Okay.

Q. -- if there's prior maintenance or history of maintenance there, but also please cover the upcoming too.

Q. Okay. Well, you know, Frank mentioned something to me earlier about some broken rails and stuff we identified. That area was the site of two derailments about 2 years ago. They didn't actually derail there, but they went through there in a derailed fashion. So, we've had issues with broken rails originating from base defects in Ellicott City before. So it is

an area that I actually do routinely monitor and check out.

I also happen to live in the area too, so it's convenient for me, but -- you know, we do have a -- you know, I kind of know that that's an area to keep my eye on, especially when we get track lights and things like that in the area. I've made it a known policy to my track inspectors that if you get a track light in that area, I want you out there as soon as you can get there. And that -- it's even with me.

Q. Okay.

A. You know, and we identified that as being a thing, an area of concern. And, you know, of all these service failures we've had from the broken base defects in the area, they've been reported, and I think -- I think I was told once that I have some of the highest service failures on the division.

So since we identified that this was a higher risk area, we couldn't really test it anymore, and since broken base defects can't be tested by the Sperry car, we decided that the most prudent thing would be to do is change the rail. So we requested an extensive amount of rail through the city area there, basically, the three or four curves that, you know, you saw me walking up and down on continuously. We requested for all that to get done, and we had some patch work -- I'm sorry, yeah, some curve patch work scheduled for it, but it wasn't everything we requested so we were going to take some extra rail and take advantage of the curfew and lay some of the other points of

concern too, some of the older rail, ourselves, just to get ahead of the game a bit. But since those were, you know, longer pieces and more extensive projects, we wanted to take advantage of the curfew there to minimize disruption of the train service and, you know, I'd have more manpower available to do that work. You know, we'd be more productive in that fashion, so that's why we opted to wait until later on when we had this work going on for, you know, a number of reasons there, mainly, we'd know it would be done properly.

Q. And in case some people don't understand, when you use the term curfew, what you mean by that is creating a more productive --

A. Environment.

Q. -- environment window whereby they'll hold or stop trains and let you be out there for an extended amount of time to make these broader repairs, like laying rail, et cetera.

A. Right. You know, it's single main, as you know, so -- and when the coal traffic was high and I was talking about these hour headways, which was kind of typical during the day, it's a challenge to get, you know, these larger projects done without hindering operations. So, when we -- and we've been fortunate enough to have curfews here where we've been trying to get some of these bigger maintenance projects done during that and take advantage of that, because, you know, instead of investing men and materials for only a slight chance that we get enough time to do

it, we wanted to get everything done we could, when we were sure we'd get it. If that makes any sense, so --

Q. Well, and let me just ask you, because I don't know, prior to this derailment, and in the previous several months, have you been actively engaged in laying curve rail, curve renewal rail?

A. Yes. We've been doing some basic, you know, some self-help rail work, you know, to help prevent longer term maintenance problems. We've done some curves further west of Ellicott City. We've transposed one curve that was heavily side worn, and we replaced another curve that was also heavily side worn, to take care of some gauge and rail wear issues we had there. And, also, you know, periodically when I hi-rail I'll identify spots where we get corrugation coming up or maybe vertical split heads or shear breaks, and further west there, we've changed rail out. So, you know, when we do get an opportunity, we try to do more extensive maintenance work to prevent it from happening and having to reappear there to do continual maintenance.

Q. And to be clear, when you take on these curve patch rail renewals, transposing rail, whatever you're doing, are you doing those with local forces or is extra help coming in to take care of that?

A. It'll be my local forces. Sometimes I might get permission to use, like, the construction group I have, you know, for a day, if I need to. But the last -- I'm just thinking

offhand. Of the two of the three I just mentioned, it was with my basic force and my actual operating expense maintenance team.

Q. But it takes quite a few people to go out and start ripping rail out of a curve.

A. Yeah. If we're doing, you know, 200 to 400 feet, and we've done upwards of 1400 feet with my people, you know, that's a big investment of people and equipment to get it done as quickly and safely as possible. So, you know, it is quite a taxing thing, yes.

Q. Okay. And you mentioned Ellicott City, and when -- coming through there with a lot of rail, and you said you were going to try and roll in some additional material. When was all that supposed to happen?

A. Oh, there was a rail train working in the area where -- he was going to be coming up to Ellicott City, well, probably by now, if this never happened, and we were going to off-lay rail in the area there. There were a couple curves. I don't know if you saw some orange paint marks in the area, but, you know, we were going to lay those curves and lay some extra through there when we went by.

Q. Okay. And this would have --

A. I had permission to do that.

Q. -- this would have been through and including the area of the derailment?

A. Yes.

Q. Okay. All right. Let's switch gears and let's talk about track geometry.

A. Okay.

Q. And kind of characterize that for me and, same thing, just take us through how all that unfolds and how you address the data that you're given.

A. All right. Geometry cars come every 3 months to 4 months, depending on which one they're going to be bringing on me. You know, and the data there comes on three levels of severity. You have critical asterisk, which is an FRA defect, it exceeds the limits by the FRA; you have a critical which is almost there, but not quite, but it needs to be addressed within 48 hours; and then you have Priority 1's, which are, you know, defects that aren't actual FRA defects; they don't have to be slow ordered or anything like that, but they're spots or conditions that exist that wouldn't be acceptable for the next higher class of track. So if you're in Class 2 track and you have a Priority 1, that means it's not good for Class 3.

You know, we get brush charts issued, you know, with the data too, as well as the printouts of the defects. They're also uploaded onto our computers with GPS tags on it.

So, you know, a lot of the defects on the Old Main Line, we've been addressing with either spotting in ties because of tie conditions, requesting rail and gauging programs from, you know, capital programs, and, you know, we'll use the data there to help

support our case for why we need it, you know. It'll give you a better picture of what the problem is, you know. The spot ties and stuff we were doing for, you know, shorter defects that had to do more with gauge restraint, you know. And, you know, the longer ones generally had to do with rail wear and also the type of fasteners we have. So a big push we're making now is to upgrade our fasteners to Pandrol type fasteners, elastic fasteners, instead of the traditional cut spike plates, because they don't restrain, you know, lateral forces as well and we have problems with cant and things like that.

So, you know, we're using that data to be smarter about requesting where we're going to be putting our rail, smarter about where we need to be looking at, you know, to make our repairs. And, you know, since they're GPS tagged and stuff like that, you know, we get a constant reminder of where they are and we're able to monitor them, you know. You know, we'll monitor Priority 1's. You know, if we're not able to address the Priority 1, you know, we'll monitor it and -- you know, a lot of times these Priority 1's are repairs with surface and stuff like that and, you know, we'll have a spot surfacing unit in the springtime all the time on the Old Main Line and, then, you know, as needed from them on.

And when we had the last run, we had a lot of issues with geometry, actually, in the Ellicott City area and we ran the surface unit pretty much out of face, meaning, you know, from one milepost to the other, inclusive of Ellicott City, back in

April -- yeah, April is when -- no -- yeah, April and May is when we both did it, because we had two curfews then, so --

Q. So about 3 or 4 months earlier you did an out-of-face surfacing in the Ellicott City area?

A. Yes. And then you might have noticed, you know, there was stone again. That was in preparation for when the curve patch came back to resurface it again, because those curves would need to be surfaced.

Q. Okay. You had mentioned earlier, much earlier in your answer on this topic, you said it's uploaded to their computers.

A. Yeah.

Q. And the their is who?

A. I have a computer which contains a software package called ITIS, which is our track inspection software.

Q. Is that I-T-I-S?

A. Yes.

Q. Okay.

A. I-T-I-S. It stands for Integrated Track Inspection System. And that'll put together geometry defects, rail defects, our track inspection records, our inventories. We're able to do our track disturbance reports. I enter my broken rail service failures, which I said I get a lot of through IT IS. And if I happen to be on site with the computer at the time, I'll even GPS tag it using my ITIS.

Q. And, Owen, sorry to interrupt you, but I just want to

understand, almost all this data inputting is occurring almost in real time?

A. Well, with the sync. The data -- like, if the geometry car runs, the data's uploaded in the evening when they get back, you know, to the --

Q. But as soon as data's uploaded, boom, it's there.

A. It's there once we sync. You know, we'll have to --

Q. Okay.

A. We're required by the FRA to sync our records every -- within 24 hours of closure. So, the track inspectors every day, every evening when they're done, they'll sync, and every morning when they come back and report to duty they sync. So, we're as close to real time as possible without actually having an Internet connection.

Q. Well, at least, certainly, daily.

A. Yeah.

Q. Right?

A. Yes.

Q. Okay. And so that addresses how much all this data is shared with everybody, right?

A. Yeah.

Q. Okay. And as part of your duties and responsibility is there a tracking mechanism in ITIS where you're following as these things are repaired?

A. Yeah. The inspectors will report them repaired, or if I

send a maintenance crew out to do it, I'll usually take them out myself when I follow up and look at it, you know. Some of these repairs are minor enough where a track inspector can handle it and they'll say they fixed it. They'll update them, you know, too, if things were repaired, as they come upon them. And then, you know, once they're repaired, that'll put a notice out to me that I need to take a look at it. And I forget the time, required time frame to do it, but, you know, as they show up, you know, and I hi-rail, I'll turn the ITIS on and look at it.

Q. And kind of the same notion, but we didn't touch this earlier, but the same notion with ultrasonic rail testing. If it generates out the data and it tells you where the defects are, the kind and the location, and you have to manage and monitor that as well, right?

A. Yes. Yeah, I didn't get into that detail earlier. Kind of how the system works is, you know, I'll give that list to the foreman with the priorities, and he'll go out and fix them. He'll let me know what he had and hadn't finished that day and he'll go into the computer and enter a track disturbance. I require him to enter the track disturbance. That way, it goes in under their name so, you know, the accountability falls on them instead of me entering it, where, you know, they'd come back to me and ask. But I have them enter the track disturbance, which puts all the required data that we have to put in. And then I'll sync my IT IS and, you know -- in the evening after I'm notified, I'll go into

the ITIS and update it, saying it was -- these repairs were made, and it'll either remove it from the screen or, you know, defer a date for another action later. So, you know, we maintain our Sperry records in as close to real time as possible, too. It's just a computer sync away.

Q. Okay. All right. Well, listen, we've been talking a while. Do you need a break, or you want to continue?

A. I'm fine.

Q. Okay.

MR. HIPSKIND: Well, let me, let me stop with the things that are on my mind and let me hand off to Larry. Do you have any questions?

MR. KISH: Yes.

MR. HIPSKIND: Okay.

He'll come around and sit over there.

MR. KISH: I'm Larry Kish, K-I-S-H, with the Federal Railroad Administration.

BY MR. KISH:

Q. Hi, Owen. How you doing?

A. I'm doing well.

Q. Take a drink of water. Okay. Routinely, do you get a chance to review the inspection records that your inspectors submit?

A. Yes. I'm required to approve them within 14 days of closure of the report. So I routinely open up, you know -- and

when I approve it, you have to scroll down and look through it and see what they are. You know, I'll make sure that we don't have outstanding 213.9(b) type defects. I'll ensure that they protected -- or addressed the defect that they report, and, you know, I'll look at them in varying depths of scrutiny, but I do get a chance to review them and get an idea of what they've been reporting.

Q. Okay. Can you recall if is there is nonclass-specific defects recorded on your inspection reports?

A. Nonclass-specific? No, not --

Q. Do you need examples, or --

A. Yeah. Yeah, give me example, because there's none that are outstanding.

Q. Okay.

A. Well, that's not true. If you got the reports, I did have one as a 213.9(b) I put out myself, which was actually repaired the same night, but I -- with everything going on, I didn't get a chance to update it yet.

Q. Okay. I'll just give you a few examples. Like loose brace plates, loose frog bolts; those are conditions. Fouled ballast, saturated subgrade. Those would be conditions that does not require a speed restriction.

A. Right.

Q. So are those recorded on your track -- by your track inspectors in the electronic reports?

A. Yeah, they'll -- some will record vegetation. That's a nonclass-specific.

Q. Yes.

A. They'll also record -- I often find, like, loose switch clips, braces, frog bolts. Those are reported fairly periodically, yes.

Q. Okay. Good. The track inspector noted that if there are not FRA defects, he does report conditions to you.

A. Yeah. He'll do that either formally or informally. Some will put a condition report in on ITIS, which I can look at when I approve it. Also, you know, things like frogs, and other locations, either he'll verbally tell me in the morning, call me, or, you know, leave a note out if I'm not available at the time. And, you know, a lot of times we'll talk about it, too, about how it's in the plans to be addressed or, you know, we'll put it on the list for another employee to address, so --

I know I had a conversation with them a couple weeks about addressing some fouled ballast conditions, which was mainly some ditching work that we had to do. And, you know, we -- you know, we just spoke with the ditcher operator there and said, you know, you're working in this area; can you address this when you get a chance while you're working?

So, you know, we'll usually work together as a team. I kind of wish sometimes I could -- we'd be a bit better organized about it, but we do discuss and, you know, either formally or

informally record it.

Q. Okay. Well, you did say that ITIS does have a condition report --

A. Yes.

Q. -- that you can -- oh, okay. I didn't know that.

A. Yeah.

Q. Do you want to elaborate on that a little bit?

A. I don't think he can see it from the documents, but -- like, I can go into ITIS and say I found a cross-level spot that was an inch, and I didn't like it for some reason. But Class 4 you're allowed an inch and a quarter. I could record it in ITIS as a defect, and it'll actually say -- you know, it'll give you a recommended remedial action and then it'll actually go blank, which means it's not a defect, per se. But I could still complete it and it'll go in my report, and when I sync it up, that form, which is slightly different than the FRA report form, will get sent to me. So then I'll see in another column, it'll say FRA -- or, not FRA -- but condition report, and it'll say cross-level this, you know, and then those can be recorded as well. But that's not a shared document with, you know --

Q. Right. No, okay. I mean, I understand that. That's good.

Now, when the Sperry test vehicles come around, you normally ride them?

A. Yeah. Unfortunately, the past 2 months, I haven't been

able to, but -- you know, before Mike came around, it was kind of a one-man show and, you know, that was my big thing, riding with it, because it is a very beneficial thing for a number of reasons, I've found.

Q. I agree. Have you ever been trained on the indications of the screen or ultrasonics, not that you would be certified, but --

A. Yeah. Well, you know, I've sat with them long enough where I can look at it and, you know, I'll see a screen, you know, with a lot of noise, which might indicate shelling there, and I can kind of get an idea of the read Russ will have and, you know, when he's doing the hand-testing, I'm able to kind of see -- I didn't say this earlier, but, you know, you might have several defects in a rail, you know. Being able to see that is more helpful than, you know, just being told you got two defects at the same milepost. Because if I got two right here, that means, you know, that's the type of defect that needs to get changed sooner because that's going to be a weaker rail, you know. So, that's --

Q. Great.

A. -- helpful.

Q. Now, you said earlier that when you are testing, you do find defect, you try to take the rail measurements for a matching rail.

A. Yeah.

Q. When you come to a point where it exceeds the CSX

limits, do you ever come across that where the rail -- it was brought up earlier the CSX has limits.

A. Yeah.

Q. And I'm not going to ask you what they are. I mean, you might know them. If you do, that's great. But if it exceeds those limits, do you still try to replace the rail, or do you try to replace longer stretches to get that rail out, or --

A. It --

Q. What's the common practice?

A. -- depends, it depends on the circumstance. I mean, if it's a rail that's getting changed out this year, we'll probably just plug with as a close match. If it's, you know, some heavily worn wear, I'll go back in the evening and check to see if it was requested. If not, I might send a note to Kerry, my supervisor, saying, you know, this rail here is severely worn, you know, have we, you know -- and I'll usually ask because, you know, I know I remember there was one I sent him an e-mail about saying I thought we requested this, but I don't think we did because I can't find it, and it turned out it was. So, you know, we try to communicate to make sure that we have the proper stuff requested. Because sometimes, you know, with all these curves and stuff, we may have requested the wrong curve.

Q. And that's all I have. Thank you.

MR. HIPSKIND: Thank you, Larry.

Randy?

BY MR. DANIELS:

Q. I just have a couple of question, Owen. You talked about floating forces.

A. Yes.

Q. Tell us a little more about what those forces are, what they do, how often you get them.

A. Okay. Floating forces, I have a set of welders -- or two sets of welders. And they're -- you know, they do butay (ph.) welds, exclusively. They're not equipped to do any type of other welding. And then a surfacing unit, which I had. And the last couple months, recently, they were working extensively at clockers (ph.) there, for the switch installation we just completed on time. Well, I say clocker, but sign test, you know what I mean?

And then I have Bill Santer (ph.), and he's an independent gang. He's the ditcher operator. And then, you know, there's some, you know, floating people who live in the area that, you know, are nearby, like Paul Parker. He's our material truck operator and, you know, he'll help out with moving stuff too for me. A degreaser man, you know, who floats around.

Does that answer your question?

Q. Yes. So these are all extra forces that can be brought in to help. Now would you say that these floating forces spent a lot of time on your territory over the last year?

A. Yeah. Especially with the amount of work we've had going on at the -- you know, with curve patching, you know, on the

Met, everything we've had going on.

Q. And I know with the work on the Met, and some of the stuff you do on the Old Main Line, have you had more than one service unit?

A. Yeah, we had that. I just -- I can't really remember exactly when they left, but it was -- yeah, we had two for a while, until they (indiscernible) bump session.

Q. You mentioned we had to -- you had to predict a program where you do your work for rail. What would happen if you predicted wrong?

A. Well, you know, we have a change order process with the capital program, which we used in this go-around, where, you know, we might put this rail in, and then we find another rail's worn more, you know, with your approval and Kerry's approval and other people's approval, we can trade out something for something else.

Q. And I'm sure I misunderstood, but Mr. Hipskind asked you a question about laying rail, and you said all your people lay the rail. So your people lay all the curve patch --

A. No.

Q. -- and everything?

A. No. I think what he asked was about some of the self-help measures, you know, our work. We don't lay everything. We have a system production team that comes -- the vast majority of the rail laying is done by them. But the stuff that, you know, we need to get that they won't do, we will do with our basic forces.

Q. And then when you say system production team, tell us something about what they look like.

A. They're the big mechanized gangs. C5 is the one that does the curve patch routinely on it. They got 40 employees, maybe 20 pieces of equipment. It's basically all done by machine, with very little physical labor. It's more efficient and safer, and the quality is a lot better, too, because it's a more controlled process.

Q. And then has any of that work been done on the Old Main Line yet?

A. Yes. It's being done in two phases. We have phase one that went ahead of the tie unit in the spring. And then phase two's coming up this Monday. And they're going to be getting all the other remaining work on the east end.

Q. One more thing. Well, you mentioned about defects in same rail. When Sperry's there and you're doing a test, do the Sperry operators let you know if there's more than one defect in the same rail?

A. Yeah. Yeah, to clarify about that, how we mark defects. If I have five TDDs in one rail, that'll count as only one TDD, and they'll write in the report the highest number they find. If there's a weld here and here, that'll count as two defects. You know what I mean, right?

Q. But you're told --

A. Yeah. But, you know --

Q. You're told?

A. -- they'll tell there's multiple TDDs in that rail, and, you know, even -- you know, the reporting threshold's 5%, so, you know, even we can look at the screen and see if there might be some smaller TDDs forming that, you know, will give us an indication of what we have there.

MR. DANIELS: I'm done. That's all.

MR. HIPSKIND: Okay. Thanks, Randy.

Rick?

MR. INCLIMA: Thank you.

MR. HIPSKIND: You still good to go, Owen?

MR. SMITH: Yeah, I'm fine.

MR. HIPSKIND: Okay.

MR. INCLIMA: Thank you.

BY MR. INCLIMA:

Q. Owen, I'd like, if you would, to just clarify a little bit on the breakdown of your -- I'll call them local forces versus your system forces. I think you said there were 15?

A. Yes.

Q. Can you break those down? Like, how many trackmen out of the 15?

A. All right. And I'll include the headquartered construction gang with that, too.

Q. And that's the four-man crew?

A. Yeah, that's the four-man crew.

Q. Okay.
A. In Point of Rocks, there's one trackman, and that's in the 5D16. And then, the other gang: foreman, vehicle operator, machine -- and I have one trackman in that gang. So I have two trackmen.
Q. Okay. And that second trackman you spoke, where is he located?
A. Brunswick.
Q. Brunswick. Okay. So that's 2, say, of the original 15.
A. Yeah.
Q. Let's keep the four-man extra gang out for just a minute.
A. Okay.
Q. Just so, you know --
A. Okay.
Q. -- and we'll get to that. Okay, so out of the 15, we've got 2 trackmen. How many foremen?
A. One in Sykesville, one in Point of Rocks, one in Brunswick, which is vacant right now; so three.
Q. Okay. And I think you said you had a number of vehicle operators?
A. One in Sykesville, one in Point of Rocks. And do you want to count that extra gang, too, because there's one in Brunswick as a vehicle operator for that extra gang.
Q. Okay. Well, if we could, just to keep it straight, if

we can deal with the original 15, and then we'll break down the 4-man gang separately.

A. Okay. Then don't include the one in Brunswick. Don't include that second trackman, then.

Q. Okay. So, one of those two trackmen are part of the --

A. The extra gang, yeah.

Q. Okay. All right.

A. So, two vehicle operators, then.

Q. Okay. So we have, let's say, three foremen, two vehicle operators; we've got a couple of trackmen. What are the other --

A. Positions?

Q. -- positions? Yes.

A. He track inspectors five: two in Point of Rocks, three in Brunswick.

Q. Okay.

A. Track -- we talked about foremen, right? Machine operators, one in Brunswick, one in Point of Rocks. They operate backhoes, predominantly. And they drive their own vehicles, if they're equipped with one.

Q. That would be a truck? Just to --

A. Yeah, a dump --

Q. -- clarify, a truck to carry their backhoe?

A. Yeah.

Q. Okay.

A. A dump truck and trailer.

Q. Um-hum.
A. Basic force welders, two of them. And they do --
Q. And those are?
A. They mostly do frog and switch point welding.
Q. Okay. So, it's electric welders?
A. Electric welders, yeah.
Q. Okay.
A. So --
Q. And --
A. I'm trying to think. That's all, I think. Yeah, I think that's about it, so --
Q. Okay. And then the four-man extra gang?
A. Yeah, the four-man extra gang's a foreman, machine operator, vehicle operator and trackman.
Q. Foreman, machine operator, vehicle operator and trackman?
A. Yes.
Q. Okay. Okay, good.
Tell me a little bit about the authority of the track inspectors. I understand you're their immediate supervisor and they report to you. When, let's say, heavy rain's predicted tonight or severe cold or severe heat, do the track inspectors have, more or less, a blanket authority to go out and patrol as they see fit? Or is the process to check with you or someone --
A. Yeah, we'll usually talk about it just to ensure it's

being done. Heavy weather, if we want a flood inspection, our process is to get a notification from Jacksonville. They'll call me. And, you know, then I'll authorize, you know, based on seniority in territory who's responsible for going out. Generally we try to put two people out on those types of jobs, just because of the risks involved.

Yeah, the heat inspections and stuff, that's more delegated to them. You know, I'll just -- you know, they're good at planning it and, you know, we monitor the weather and, you know, knowing the territory, they're able to plan their day ahead of time to be able to cover the areas that need to be heat inspected. You know, it's just one of those things, we'll -- you know, they'll check in and, you know, just give me assurance that they do it, but, you know, they know it's part of their responsibility. So if they have to work overtime or change their day around a bit, they'll take the initiative and do it themselves.

Q. Okay. But on severe weather, like severe rain or something, it would be more of a communication thing?

A. Yeah. That, you know, the severe weather is something more that comes from me, if I decide, or someone above me decides that it's necessary, you know, that will originate from us. But some of the more routine special inspections we do, you know, it's on their own initiative and they'll just follow up with me.

Q. Okay. Great. Thank you. Do the track inspectors have

the ability to allocate materials and forces or does that -- do they really work through --

A. They work through me. They're kind of, like, I guess you could say they're like the scouts, you know. You know, it's my job to inspect the territory, but I can't possibly do it myself --

Q. Um-hum.

A. -- so that task is delegated to them. So, you know, if they find a defect or something that they can't handle themselves, you know, there's an expectation that they help me come up with a plan for it, you know. They'll go out and they'll say we need you to put this in here; you know, you need to arrange this, and we'll come up with a plan together, you know. Sometimes I'll even go down there myself and follow up, depending on what needs to get done. But, no, they're not able to, you know, order material or anything like that.

Q. Okay. Right. And then that --

A. You know, they're just -- they're kind of like my assistant, I guess, you could put it that way. You know, they'll have to go through me and, you know -- they can help it get done, but they don't have the ultimate authority.

Q. Okay. Thank you. You mentioned that you have input, along, I'm sure, with Randy and others, to kind of prospectively look at what you want to do over the next 6 months, the next year, you know, your capital program. So, let's say you, you know, you

present a plan to do X amount of ties, so many curves, et cetera. Tell me about that process. I mean, if you ask for -- if you present a plan that this is the work I think I need as the roadmaster, track supervisor, I mean, do you always get -- you know, does that request get fulfilled, or is there some --

A. Well, I can't speak for the whole process. I can speak for the front-line process.

Q. Um-hum.

A. And my supervisor and myself will hi-rail together. I'll give him a list through e-mail and stuff about stuff that I have an interest in, you know, and we'll be able to gather the facts we need, but when it comes down to what we get and what we don't get, that's a level beyond me and I can't speak on how that works.

Q. Okay. Maybe, if I rephrase the question, Owen. Have you experienced in your time as a track supervisor, roadmaster, not getting your requested capital list approved in total?

A. Yes.

Q. Okay.

A. Yes, everybody does.

Q. Yeah. I figured that would be the case. Okay. And, so, when that occurs, let's say -- you know, let's say you ask for 100%, whatever that, those maintenance issues were, and you're allocated 60% of what you requested, how do you go about, you know, prioritizing what you're going to do with the 60%?

A. Well, if the 40% we don't get is bad enough, we'll try to do the change order process. You know, because if the 60% we get, we get like the bottom tier stuff that we don't need as bad, we'll try to trade some of that out. If, you know, if it's some other, you know, of that 40%, we may plan on doing it ourselves like, what I said, our own self-help work.

Q. Um-hum.

A. And, you know, we may not do 100%, but we'll get the major portion of the problem. You know, maybe, if it's the spiral that's bad we'll get the spiral done; if it's the full body, we'll do that. You know, if we ask for both sides, we may, you know, do one side ourselves. You know, it kind of depends on that, you know, and the priority kind of goes by where the -- the severity of the issue we may be experiencing.

And we had a request for a few curves that we didn't get, or we didn't get soon enough, so, you know, we've gone in and taken initiative on our own to, you know, get the material staged in and do it ourselves. And it's kind of just based off of the facts, you know, how many defects can we get out and prevent, you know, by doing that, and we'll do it on kind of a triage basis.

Q. Um-hum. Okay. So in those situations, you pretty much are --

A. You know --

Q. You prioritize based on what resources you have and what you could --

A. And the facts behind it, yes.

Q. And the facts behind it. Okay. Great.

One other question, Owen, if you would. You mentioned that there is a standard for rail wear. Is there a condemnable limit, where a rail at some -- is there some standard condemnable limit that you say this no longer can be used?

A. No. There's nothing that says rail's out of service, it's worn beyond this. It just says this is the limit for, you know, the rail. It doesn't say that there's a remedial action I have to take.

Q. Okay. Okay, that's all the questions I had at this time.

MR. HIPSKIND: Thank you, Rick.

MR. INCLIMA: Thank you. Thank you, Owen.

MR. HIPSKIND: Frank, I'm going to turn to you.

BY MR. CROWTHER:

Q. Good morning, Owen.

A. Good morning, Frank.

Q. Frank Crowther with the FRA, local track inspector. Owen, how often, you know, in a month, in a week, do you get out and about and hi-rail or walk your territory?

A. Well, I'm always out. I don't necessarily hi-rail it every week, so -- lately, I've been really busy. But I do make it a goal to get over the Old Main Line at least every 2 weeks. I try to do it every week. And the Met on that same amount. You

know, if I'm unable to hi-rail, I may go down to some spots that, you know, are on my list, like Ellicott City or around Sykesville or areas like that, and I'll walk. But, you know, I try to be out looking at, you know, the various jobs we have going on and being on site, you know, on a daily basis.

Q. Is this recorded when you do get out in the field and do an inspection?

A. Yeah. If I do a hi-rail inspection, I'd say 90% of the time I'll put a corresponding thing in ITIS. Sometimes I may forget, if I get home late, or something like that. But I do try to document, you know, especially on hi-rail trips. If I go out walking, I'll keep a note sheet in the visor of my truck that lists the curves I may have walked, but, you know, I don't really record that as much as I should. But, like, the hi-rail trips I will record.

Q. Okay. Now, do you generally give a -- when you have a job briefing in the morning, do you generally give your people a list of tasks to do that day and a material list of what's needed to perform the duties that you've assigned?

A. Yeah, we'll talk about what we have to do and, you know, where the material is. Like this morning, for example, they're going to change out a heel rail that just arrived. So, you know, since it wasn't really the group I talked about doing it originally, because everything changed, you know, we just had a talk about, well, this is where it is; this is, you know, where I

want it to go; you know, you, you and you are responsible for doing it. So, you know, we'll talk about the material we need and, you know, they're usually pretty good about asking, you know, some questions I may have not answered and having a plan to bring down what they need. I really haven't had any problem with my guys, and I'm fortunate enough where they got enough of a head on their shoulders where if I tell them to go change an IJ out, they'll actually take the IJ with them and what they need, you know. They're pretty responsible.

Q. All right. Now, can you tell me, in a general practice, do you follow up with what you've assigned your people to do to see if it's been done, period, or has it been done correctly?

A. Yeah. If I do it during the hi-rail trip, you know, I'll stop and look. That's why I like to hi-rail because it's a good thing to be able to see, you know, a week's or so worth of work there in one trip. Sometimes, if it's a bigger job, you know, I may drive to it. If I can't get the track time, I'll drive up to it that night if it's something that's kind of been a higher priority for me.

You know, I had spoke of a lot of this work that's been going on, like, at this interlocking we built, you know. I was going down there checking the work almost on a daily basis, you know, just to make sure we were keeping the schedule and they were doing what I said, because we were pretty specific about what we had to do, due to the nature of the project. So, you know, that

is a major part of my job responsibility, yes.

Q. All right. Now, just one more question. I understand that you work for a railroad and the responsibilities of a roadmaster are 24 hours a day, 7 days a week. But are your days -- your assigned workdays are Monday through Friday, you know, something like we'll say 6:00 until 5:00?

A. Yeah.

UNIDENTIFIED PERSON: That's a half day.

MR. SMITH: That sounds nice.

BY MR. CROWTHER:

Q. Well, but that's what they would like to have you work. I mean, I understand you might work more, but --

A. Yeah. You know, I'll routinely be in the office 6:30, thereabouts, and depending -- you know, 5:00, I try to -- you know, I work in Point of Rocks and I try to spend the mornings in the office, then get out in the field, you know, by mid-morning. And usually, you know, I'll find myself getting home 6:30, if I'm lucky, 7:00. Eight o'clock is, you know, a bit later than normal.

You know, the day prior to this derailment, I was actually out hi-railing my territory, and I think I got home around 8:00, 7:30, 8:00. And, you know, I routinely will go in on weekends, even on my own weekends off to hi-rail, you know, just to try to stay up with what I'm doing and, you know, just keep my mind involved with what I need to be involved with. You know, I mean, you looked at the reports there, you could see what I

document and when I do it, so --

Does that answer your question?

Q. You did. And you actually answered the next question, which was, you know, do you work weekends and do you document the inspections when you're out in the field?

A. Yes. Yeah, I'll go in on weekends if -- try not to do it all the time, but, you know, sometimes it's necessary just to keep up. Yes.

MR. CROWTHER: That's all I have.

MR. HIPSKIND: Okay. Thank you, Frank.

Owen, are you still upbeat? Can you go another 15, 20 minutes, maybe? Or do you want --

MR. SMITH: Yeah, I think I got enough --

MR. HIPSKIND: Or if you want to take a break, we'll take a break.

MR. SMITH: Yeah, if I can use the bathroom, real quick, actually?

MR. HIPSKIND: All right. Give me the timeout sign and we'll go on a break for a little bit.

MR. SMITH: I want to use the bathroom, please.

MR. HIPSKIND: All right, here we go.

MR. SMITH: I can't believe I recorded that.

(Off the record.)

(On the record.)

MR. HIPSKIND: Okay. We're going to resume our

interview with Owen Smith.

BY MR. HIPSKIND:

Q. And, Owen, we all kind of chuckled when we talk about the hours because pretty much all of us have been there and it's -- I'll just tell you this, it gets better the longer you're at it.

A few follow-up questions, and I'm going to jump around on some topics, okay?

A. Um-hum.

Q. I take it you've got an assistant roadmaster, and his first name is Mike?

A. Um-hum.

Q. Okay. And, but you've only had an assistant roadmaster for just the last -- you tell me.

A. Well, he came in as a management trainee in September. He is a new hire. I don't know when he actually was assigned in the permanent roadmaster position, but it must have been around January sometime. So he kind of came in real green in January, yes.

Q. Okay. And the point is that when Mr. Inclima was talking with you about the manpower count, you and Mike are not part of that 15?

A. No. I only counted contract employees.

Q. Okay. We've used this phrase change order process in our discussion here today. And tell me if I'm correct about that,

it is just a process whereby you can quicken the response on something that you need to address maintenance-wise?

A. Yes.

Q. Is that the long and short of it?

A. Yeah. You know, like I said to him -- I forget your name, sorry.

MR. INCLIMA: Rick.

MR. SMITH: Rick.

You know, if I had the 100% that I wanted and I got the 60, you know, then you'd say, well, what percentile was this job in, you know, in the whole scheme of things, what rank. This is how we could trade the lower ranking jobs for the higher ranking jobs, because sometimes the equations and formulas don't match up completely. So, this is our way to fix a problem before it comes --

BY MR. HIPSKIND:

Q. So a process of re-prioritization?

A. Yes.

Q. Okay. And --

A. You know, take the -- to allow the field element, you know, to make that decision, as opposed to some of the more number crunching ways of doing it.

Q. Okay. And, Owen, if you will, if you could briefly describe program work in and around Ellicott City for the past 3 years? And what I'm asking there is out-of-face surfacing, tie

gangs, rail gangs.

A. Okay. The last 3 years, and I can really speak the most heavily on, you know, the past year and 9 months. In March of 2011, they replaced about 500 feet of rail in the vicinity of the station there. We've done spot tamping through there on an annual basis because of the curves. Since they are very sharp curves, they have to be tamped every spring. We also did an out-of-face tamping with our basic -- or not basic, but our local tamper, in the -- what is it called -- spring of 2012.

The tie unit has last gone through there in 2008, if I remember correctly off of the records we maintain. And, you know, the curve patch was just the curve I spoke of there.

The planned work that we had on record of coming in was scheduled to be in approximately 2 weeks, depending on the progress of the team.

Q. Okay. And we didn't talk about this, but do you ever see any rail grinding on the Old Main Line?

A. Yeah. It comes roughly on an annual basis. The rail grinder last came through on the Old Main Line in July.

Q. July of this year?

A. Yeah, July of 2012.

Q. Okay. And we were talking about when you run the Sperry car sometimes it will identify TDDs. So, just for the record, tell me what a TDD is.

A. A TDD stands for a transverse detail defect. And those

are defects that originate from a gauge corner of the rail caused by shelling, fatigue, rolling contact fatigue, impacts. It's basically just a crack that forms right there where you have some of the highest stresses in the rail, and it'll propagate kind of at an unpredictable rate.

You know, some TDDs are dormant and they don't spread quick, and others are what they call fast growth TDDs. And, you know, the fast growth TDDs are kind of the ones that scare us the most. Those are the larger ones. Because on a 31-day test cycle, you have your 5% detection threshold, and if we get a 60-percenter TDD, you know, those are some of the first priority changes we got to do. Because if you had a 60% -- or 55% development, you know, over a 30-day period, you know, that's something that we identify as being a higher risk.

Q. In your experience, Owen, where the Sperry runs the test and you detect a TDD and they give you a size and a location -- here's the question -- has it been your experience that there might be others in and around that same location?

A. Yes.

Q. Or --

A. Yeah, I see --

Q. -- what's your thought about that?

A. I think so. You know, especially on the same curve, because we'll have curves that run -- you know, we'll have one run and we'll plug that rail out, and then right next to the joint bar

there's another one we find, and so on and so forth. You know, so, from our experience, yes, we -- you know, if the rail gets TDDs, it's a good indicator that it is going to continue to get them.

Q. And, in fact, don't you hit a certain threshold there where you just see -- you keep seeing these things every month cropping up in curves, and does that not become the basis for a decision, we just need to change out this entire rail in this curve?

A. Right. And that's kind of the story at Ellicott City, because they had, you know, several plugs there. You probably saw that plugs that were either welded in --

Q. Yeah, we did.

A. -- or spliced in. You know, that's kind of why we said, we had it; we're going to just drag this piece of rail in -- or drop this piece of rail off and change it, so --

Q. Okay. Are you satisfied with the training that you have been given since you've hired on?

A. Yes. I have -- a lot of the training's been hands-on training. I'll tell you, you know, honestly, I think most of the stuff I learned out here was on my own or working closely with people who I had a good rapport with. I learned a lot from both -- the three supervisors I've had when I worked on the Baltimore Division, and even Randy's worked with me, too, and helped me.

I kind of am in the belief that you can't learn this trade or job in the classroom and merely to put someone through roadmaster school would kind of be a waste of time. I think, you know, you have to kind of have a personality to be able to pick up things as they're thrown at you and learn them. So I'd be happy with the training I got, you know, just mainly because that's the way I learn.

Q. And how would you characterize, or are you satisfied with the level of training that the employees who work for you, how would you characterize that?

A. Well, you know, they get pretty extensive rules training and stuff, you know, on a quarterly basis. That's good.

I think some of the craft training, because we have a large contingent of new people coming in, I do think we can improve the way we teach people their craft, because it's tough when you get an operator come in who's never run a piece of equipment before and I don't know how to run the equipment. You know, I can tell them that what they're doing is screwing everything up, but I can't tell them how to not screw it up by the equipment. So that's, maybe, one thing I see a need of improvement for.

Q. So that's just kind of an ongoing challenge, and it goes back to seasoned people rolling out and new people coming in, those kinds of issues?

A. And, you know, we try to put experienced people with,

you know, less experienced people. And, you know, if you get the right type personality person who learns well that way, you know, it's a great thing and that's usually -- that's how we've -- you know, like, I'd actually talked about that earlier with the boom truck and, you know, people bidding around and that being a challenge. But, you know, I've been fortunate enough that the people working in the less skilled positions were able to step up and work, you know, the foreman -- leadership positions. And although they're fairly new employees training even newer employees, at least we have that step-down in knowledge going, you know. I've been satisfied with that.

Q. Okay. I said we're going to jump around on some topics. Owen, do you have an occasion -- or at least characterize to me the frequency, if you get out and ride trains over your territory.

A. Yes. I try to make it a habit, you know, about once a month I'll ride a MARC train, on Friday, because I run the early one. I'll get on at Point of Rocks, ride to Brunswick, ride the deadhead move to D.C., and then catch a train to Frederick. And I'll get over, you know, most of the -- well, all the passenger line I have. And, you know, then the other train rides would be either on a train -- a track geometry car.

Q. Do you find that beneficial, to get out there and get the feel of the track?

A. Yeah. And, you know, it's good to get feedback from the crews, too, because they go over it -- the MARC train crews go

over it twice a day, and some of them even go four times a day, depending on what job they're doing, so they're a good source of feedback there. They kind of got an eye out and, you know, just a lot of the more minor, you know, things -- well, I say minor, but some of the other issues that might not be, you know, related to track safety, but just right-of-way maintenance, you know, they're a real good help with that. You know, fences, vegetation, things like that, you know, they got a good eye for that. So it's good to talk to them. That way they know I'm there and it kind of keeps issues from coming up sometimes, just because out and about.

Q. And for the times when you're out there riding trains, do you make somebody aware of that? Do you document that with your people that you work for?

A. Yeah, I have that N501 form that I'll document it on.

Q. Okay. And earlier in your answer to somebody, you used an acronym IJ. And that stands for what?

A. Insulated joint.

MR. HIPSKIND: Okay. You did a great job, Owen. That's all the questions I've got for right now, and I'd like to hand it back to Larry. Larry, have you got any follow-up?

MR. KISH: No. No follow-up questions.

MR. HIPSKIND: You're good to go?

MR. KISH: Yes.

MR. HIPSKIND: And, Randy?

MR. DANIELS: Just one.

BY MR. DANIELS:

Q. Do you send people to the REDI? Do you know what it is?

A. Yeah. Yes. Not recently, but the track inspectors have gone to initial track inspector training. One thing I need to do is get some of these newer ones put in that advanced training. The welders, they do it.

And part of the way I do that is I want them to ask me. That way I know they're going to take the training seriously. Because if I just assign them to go, they might think it's going to be a vacation.

MR. HIPSKIND: And, Randy, if I could ask you, the word -- it sounded like a word you used, is that actually an acronym?

MR. DANIELS: That is an acronym.

MR. HIPSKIND: And would you let us know how to spell it and what it stands for?

MR. DANIELS: It is R-E-D-I. That's REDI. That's the acronym. And it's Railway Education and Development Institute.

MR. SMITH: The Tony Ingram railway.

MR. HIPSKIND: And located where?

MR. DANIELS: Atlanta, Georgia.

MR. HIPSKIND: Okay. Thank you. Anything else, Randy?

MR. DANIELS: That's all I have.

MR. HIPSKIND: And, Rick, any follow-up?

MR. INCLIMA: Just one --

MR. HIPSKIND: Okay.

MR. INCLIMA: -- question. I'll just come up here so you get it on -- I'll be close enough to hear.

BY MR. INCLIMA:

Q. Owen, just, if you can, out of the 19 personnel under your charge, the 15, you know, general forces and the 4 on the extra crew, do you have any sense of what the average, you know, experience or seniority range is?

A. Yeah. I saw a document on that a year ago, and it was young. And I got to tell you right now, it's even younger now. The yard inspector I have has 40 years. His machine operator he works with, he's got close to 40 years, too. The extra gang there, the average age is probably 24.

Q. Twenty-four years old?

A. Yeah. And they got -- some have 5 years, some have 5 months, you know, in that time frame there. The basic force at Point of Rocks, the foreman has 2 years, or a little bit less than 2 years; the vehicle operator has the same amount of time; and the new trackman we got has a couple months. The machine operator job is vacant currently, but the guy who was in it last week, before he bid off, has a year and a half. Track inspector, Danny, he probably spoke to you about how much experience he had, but --

Q. He's about a --

A. He's been around --

Q. 2008 I think he hired on --

A. Yeah.

Q. -- if I recall.

A. But he's been a track inspector for almost a year now.

Q. About a year, yeah.

A. Will, his partner, is about the same. And then Sykesville, well, you got a 40-year-man there, that doesn't really matter, and a 35-year-man. So, as you can see, I mean, the majority of it is young.

And, you know, I don't think they should hold that against it, because I think one of the proudest moments we had, you know, with the interlocking project we just completed, the average age of people involved in that was probably 28 years old, and it was built on time and correct. So, you know, I think we're hiring a good quality group of people now, and they're able to identify good candidates, so, you know, I think that's a benefit.

Q. Well, that's great. You answered my question, and I don't have any follow-up question. Thank you.

MR. HIPSKIND: Frank.

MR. CROWTHER: I have no further questions.

BY MR. HIPSKIND:

Q. Okay. Owen, we are to that part of the interview that you've been looking for. And just a couple of housekeeping things. I will -- when we get the transcript printed, I indicated to you earlier, I will mail that to you. And there will be some, like an errata sheet in there. And please read through the interview and if there is something that was misspelled, or

phonetically needs to be changed, whatever, you'll see the instructions there. And let me know about that and mail that back. There'll be a sheet for you to sign off on. Okay?

A. Okay.

Q. The other thing I want to leave you with is, we asked you a lot of questions. Is there anything that's on your mind that maybe we didn't ask you, but that you want us to know about?

A. No. I think this was very thorough and, I mean, I think everything -- we kind of have a good background of how this operation works. I can't really think of anything else to share or ask myself. I don't --

Q. Okay. But on that point, if in the subsequent days or weeks you have this epiphany of something that you think that would help us in our investigation that we should know about, you have my business card, you know many of the members on Track Group team, do not hesitate, reach out, and we'll be glad to listen to what you might have to say. Other than that, I want to thank you for assisting us and broadening our understanding of what you do and all the challenges you have out there. And any comment from you or --

A. No. I think it was a good meeting and I see some benefit to it, so --

Q. Okay. Thanks again, Owen. It has been a pleasure.

A. Thanks.

UNIDENTIFIED PERSON: Thank you, Owen.

(Whereupon, the interview was concluded.)

CERTIFICATE

This is to certify that the attached proceeding before the

NATIONAL TRANSPORTATION SAFETY BOARD

IN THE MATTER OF:	CSX TRAIN DERAILMENT AUGUST 20, 2012 ELLICOTT CITY, MARYLAND Interview of Owen Smith
DOCKET NUMBER:	DCA-12-MR-009
PLACE:	Ellicott City, Maryland
DATE:	August 24, 2012

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.

_____

Karen Coen Brooks
Transcriber