DCA-12-MR-009

CSX Transportation Freight Train Derailment with Non-railroad Fatalities

Ellicott City, MD

August 21, 2012

Interview of CSX Division Engineer on August 24, 2012

48 pages, including cover & errata sheet

I, D R DANIELS, 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
12	13	AND Between Rail Ties (Missing Word)
17	12,13,14,15,16	Carey Nelms (Name Spelling)
29	1	Change didn't to did
44	1	Change Fill-in to Fillet

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: 9/14/12 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: RANDY DANIELS
Division Engineer, CSXT

Friday,
August 24, 2012

The above-captioned matter convened, pursuant to notice.

BEFORE: RICHARD 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. Randy Daniels, Division Engineer, who works for CSX Transportation. This interview is in conjunction with NTSB's investigation of a train derailment with non-railroad fatalities 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: Frank Crowther. Last name spelled C-R-O-W-T-H-E-R. I'm with the Federal Railroad Administration, Region 2, headquartered Baltimore, Maryland, and I'm a track safety inspector.

MR. KISH: Larry Kish, K-I-S-H. I'm with the Federal Railroad Administration. I'm a Deputy Regional Administrator for

Region 2, Philadelphia.

MR. HONTZ: My name is Brian Hontz, last name spelled H-O-N-T-Z. I'm FRA Regional Administrator here as an observer today.

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

MR. DANIELS: Oh, Randy Daniels, Division Engineer, CSX Transportation, Baltimore Division.

MR. HIPSKIND: Okay. Mr. Daniels, do you mind if -- first name basis; do you mind if I refer you to as Randy?

MR. DANIELS: That's fine.

MR. HIPSKIND: Okay. Do we have your permission to record our discussion, our interview, with you today?

MR. DANIELS: Yes, you do.

MR. HIPSKIND: And do you wish to have a representative with you at this interview?

MR. DANIELS: No, I do not.

MR. HIPSKIND: Okay. Let's proceed.

INTERVIEW OF RANDY DANIELS

BY MR. HIPSKIND:

Q. Randy, give us -- you've been present. You kind of know the drill. You've been here on some of the other interviews, all the other interviews. Give us kind of a synopsis of your work experience and take us up to your present job and let us know how

long you have been in that position.

A. I started in 1981 with one of the CSX predecessor railroads, B&O Chessie System. My first 3 years on the railroad I worked various BMWE related positions: trackman, foreman, equipment operator. About 1983, '84, I was promoted to production supervisor, so I worked production supervisor. In 1986, I came to Baltimore as an assistant roadmaster. About -- and I worked in Baltimore Terminal, Baltimore area. About 1990, I went to Hanover, Pennsylvania as a roadmaster.

In 1998, I became staff engineer in Baltimore, Maryland. In '99, I was transferred to Louisville, Kentucky and was regional staff engineer in Louisville, Kentucky from 1999 to 2004. In 2004, I returned back to Baltimore as engineer of track with responsibilities from Philadelphia to Richmond on our I-95 corridor. And 1997, I went to Connellsville on the west end of the Baltimore Division and was engineer of track responsible for the railroad between Cumberland and New Castle. And --

Q. '97 or 2007?

A. 2007. I'm sorry. I lost a decade.

UNIDENTIFIED SPEAKER: It happens.

MR. DANIELS: And then -- and last year, 2011, I was promoted to division engineer, Baltimore Division, and that would put me on as division engineer -- just over 1 year as division engineer in Baltimore.

As division engineer in Baltimore, I am responsible to

oversee all maintenance of way engineering functions. That could include or would include maintenance of the track and structures. It could include and does include responsibility to oversee, at a high level, track inspections; developing programs, capital programs, approving capital programs; ensuring that all the members of my team are complying with rules and guidelines that they're responsible to comply with.

BY MR. HIPSKIND:

Q. And, Randy, in terms of managing, planning, testing, specifically rail tests and geometry tests, tell us how you fit into those kinds of planning.

A. Well, for planning, with the geometry tests and rail tests I don't actually get involved with the planning. That's not part of what I develop. What does happen, and specifically with rail tests, is that our contractor -- and I heard Brad say it's Harsco now, but in my knowledge it's ZETA-TECH -- develops some recommendations for CSX for our testing frequency, and my responsibility is to then review those recommendations, not with the ability to make them less stringent, but based on my knowledge of the division to ask for them to be more stringent. So if they recommend 120-day test and I think it should be a 90-test, then I can ask that to be done.

Geometry testing is scheduled on a frequency basis. It is no less than three times a year, sometimes four or five, but our goal is to do it at least three times a year with our car, and

then subsequent other tests with FRA vehicles based on their schedule, and I have no input on when they test.

Q. Okay. What are your thoughts about -- you know the Old Main Line has been on a 31-day test cycle. What do you think about that? Is that too challenging, or what signal does that send to you?

A. A 31-day test is always challenging from a performance standpoint for us to actually execute that, but Owen has done a very good job, as has every other roadmaster that's been asked to do that, and it's important that we make those tests happen and get good quality tests. What it does indicate is that it's more important for me to develop a very good rail program related to that location with the ultimate goal of reducing that test frequency.

Q. And just for me to put it maybe in some simpler terms, if you're having some issues with rail wear in curves, it's important that the test data key you in on that and then you have to more or less try and stay one step ahead with rail replacement?

A. I guess you --

Q. Or is it more complicated?

A. Well, it's more complicated than that. We get data from our geometry cars that give us rail wear measurements, and Owen was very good at explaining that. That's just a piece of the puzzle. You have to take rail test data. You have to take physical measurements. As my roadmasters and engineers of track

start to develop the program, which that's where it all starts, it starts at that level. They have to make recommendations especially with something like rail because I cannot personally walk every curve every year. That can't happen.

I can see what they're asking and use the rail plots to try to make sure we're in the right direction, but it's their -- it's at that level to recommend, and we develop that information using a lot of facts and data and input to determine the right rail. We have specific rail wear as one of the criteria, rail wear measurements that we use for different sizes of rail, that will help us to drive rail replacement.

Q. But in all of that the -- when the rail test starts giving you defects or starts clustering defects along with the rail wear data off the geometry car, those are your two indicators, two key indicators?

A. Yeah. Rail wear and rail defects would be the primary drivers, yes.

Q. Okay. Well, the other big thing that all of us know about and we've been talking about is how do you -- when you get the rail wear data off the geometry car, what do you do -- what helps you to understand that you're getting near a critical wear measurement?

A. Owen shared that we get the data through rail plots.

Q. Yes.

A. So, again, that is only a place to start. You have to

field verify your rail. So you have to know that if it says it's 132-pound rail with a half-inch rail wear, it is that, because it is a technical system and everything has to be field verified. Once you determine by field investigation what you have -- again, we're programming our work at least a year out, and that's kind of the way -- what we're doing this year right now programming is for next year and maybe even some stuff for the following year because I'm looking -- personally that's what I do. I'm looking even more than 1 year out. I want to know what my plans are beyond that.

But as we look at that data, we field verify it, we try to predict how much we think it might wear. So if it's at a half inch right now and the threshold is 5/8 inch when our guidelines say that rail should be considered for replacement at that point, do I believe that that rail is going to wear that extra amount by the time we get to our rail replacement next year or do I think it's not? And then that's also why we have a change order process, because if we predict wrong, we can easily make a change.

Q. Well, let me stay with the rail wear limits. Are you familiar with any policy or standard plan, standard procedure, guideline, that CSX has in terms of if a certain weight of rail gets to a certain wear tolerance that it's time -- and I don't want to use the word condemnable, but it's time that a certain action has to take place?

A. There are guidelines -- CSX has a set of guidelines that tell us when we should start to consider that rail for

replacement, and that will bring that rail into -- you know, into the program for the upcoming year, yes.

Q. Okay. And let's go back with you receive a lot of data, and I guess you're always trying to stay one step ahead knowing that it takes time for capital improvement and approvals and for the stuff to actually show up and go in the track, right?

A. That's correct.

Q. What's a ballpark figure of the normal process for something like that to happen? I understand anything can happen on an expedited schedule, and we talked about that phrase earlier, but what should I understand is just the normal lead process on some of those decisions?

A. And I can only -- I'm sure that each division engineer does theirs just a little bit different, so what I'll share with you is what I've asked the people that work for me to do.

Starting in the winter of last year I had asked all my engineers of tracks and roadmasters that I want every curve walked to understand what the field measurements of those curves are. That's what I did when I was an engineer of track and I've asked them to do that for me. Based on those field observations and then some verification with the rail plots, they then input requests into the -- I don't remember what the acronym is, but it's a system that collects our requests.

Now, they also put every request in that is -- that they feel is nearing the threshold that we have set up at CSX. That

doesn't mean it's met the threshold, that doesn't mean it will meet the threshold, but it's -- and sometimes some stuff that's put in there is just a placeholder. It may roll over to the next year, but it's there because it's getting close and further evaluation determines it's okay.

So at that point -- once that's all done, and that has to be done somewhere around June or July of the year so all the information's in for all our program requests for next year, the division engineer -- I have to go to Jacksonville and we have a meeting. In this case it just happened a week or so ago. And we talk about at that meeting ties and out-of-face rail and start to go over the curve patch, because a curve patch is such a large program and it's difficult to understand versus rail ties. We go over those main things and then we go over curve patch and we start to evaluate the things that our computer system says are valid. So we ask for things we see. The computer system says here's what the computer says we should get, and then the answer is somewhere in the middle. And then at that point the -- you know, they continue to evaluate it. The money's allocated. The work is programmed. And then next year with the program, after it's created, the work will happen next year.

And so, you know, is it possible that -- we are programming right now in the Old Main Line rail for next year or the Capitol Sub rail won't be till September/October next year. It just depends on the gridding process, when they actually

schedule it, because that's a very complicated process to schedule, all the subdivisions, and we have certain guidelines and rules say how you grid the teams so that they don't interfere with each other. So, you know, next year will happen. It just may -- the variability is when because of scheduling.

Q. But in general terms at least a year lead time?

A. In general terms I would say by the time we request it till the time it happens it's, you could say, a year. It's a little less to a little more, but you could say average of 1 year.

Q. And in that year's lead time you may get in on the early part of the scheduling or you may get in on the latter part of the scheduling, talking about the rail gang and the rail trains and laying out the rail to do the work?

A. That's correct.

Q. Okay. And I don't want to oversimplify this, but in all the datastreams that come into you about rail wear/rail plots, does it really come down to kind of worst first or that those curves or those areas with the highest degree of wear, they're probably going to bubble to the top?

A. That's where it starts, but that's not necessarily where it finishes. That's why we have a change order process. You know, if there's a curve that based on our experience bubbled to the top because of rail wear, but my experience says, I've been doing this for a long time, that's good rail, it's not going to go anywhere and we can wait on that curve for a year, I would rather

have this curve, or maybe it's I got to have both curves. Because Owen talked about trading and that does happen, but if it comes down to I got to have both curves, that happens too.

Q. Okay. And tonnage and speed of operation are big factors too, right?

A. Absolutely. Tonnage --

Q. I mean on the risk side of things?

A. Risk side. It's tonnage, speed, commodity, whether there's passengers or not. I mean, all those things come into play in consideration of what we do and where we do it.

Q. And in general terms, if you ask for rail replacement, and I want to be clear about this, for the most part you're getting new rail where you're changing out worn rail?

A. On a heavy tonnage main line we get new rail.

Q. Okay. And are there occasions where you're accepting rail that's being cascaded down from other portions of the system?

A. Yes. If it's on a branch line or yard it's absolutely normal practice to first position, second position, even third position rail so we're moving it in a useful fashion into areas with -- that it's appropriate to lay it.

Q. Okay. You know, and you've already heard and we've talked about that this area that -- where we're looking at the POD, the derailment footprint, that it was scheduled for a gang to come in and be replaced, and the common phrase I always heard when I was out there on the investigation is, well, it was next week.

Is that, in fact, correct or was it like next week or 2 weeks or what --

A. No, it was absolutely -- the gang was -- the gang is working at Jessup, Maryland this week and it was scheduled to move to the Old Main Line Subdivision next week. So it would have started on the subdivision on Monday. Now, it may have been another week till it got to -- you know, depending on the schedule, it may be another week till it got to the Ellicott City location, but it was scheduled to be on the Old Main Line on Monday.

Q. And so Owens' forces would have been prepping and supporting that future activity?

A. His forces would be prepping and supporting that, prepping and supporting the -- in the case of most roadmasters, Owen being a normal roadmaster, they look forward to a curfewed opportunity because that allows them to get much more stuff done than they might normally do because the train traffic's not there, so they can piggyback into the work that's going on and really make a lot of things happen that would be more difficult with higher train traffic.

Q. And, in general, those curfews when the rail gang gets over here are, what, 5, 6 hours or more?

A. Old Main Line is probably 10.

Q. So you can get a lot done when that cooperation is made with the operations and it allows you to do a lot of curve renewal

rail laying?

A. Yes, sir.

Q. Okay. In terms of the rail testing, you heard a lot about that. Do you think -- from your vantage point do you think that it is going like you would want it to? I'm talking about in terms of manning the car, responding to the car, following up on the data that comes from the car?

A. And you're -- just to clarify, you're talking about how the roadmasters are handling --

Q. Correct.

A. -- that responsibility? You know -- yes, I think that in general and almost 100% of the time our -- my roadmasters do exactly what they're supposed to do and are very good at following CSX guidelines.

Q. Okay. And you know we talked to Brad Spencer. In terms of tracking or patterning of the defects, the size of defects, the location of defects, is that something more that he looks into or the input of data from those tests that ZETA-TECH looks into, and what I'm getting at is how much are you involved with the analysis of all that data, or does that fall to either Brad or ZETA-TECH?

A. The analysis -- the specific analysis for our testing frequency, is that what you're talking about?

Q. Right.

A. Beyond getting to review that when ZETA-TECH provides it to us, I'm not involved in that analysis at all.

Q. Okay. And in the time that you've been over here has anybody communicated to you, hey, we've got a bad situation with this curve or this area in terms of frequency of rail service failures, broken rails, Sperry rail defects?

A. Specifically to the Old Main Line or anywhere on the Baltimore division?

Q. No, let's just talk the Old Main Line. And specifically let's think about Ellicott City, but if you have some other experiences in other areas that's what I'd like to know about.

A. Well -- and specific to Ellicott City, no, but specific to the Old Main Line, yes.

We have got -- you know, Owen had come to Kerry Nails (ph.) and then, of course, chain of command, Kerry talked to me -- Kerry's the engineer of track over there -- and identified some locations when Kerry first became engineer of track there, which Kerry became engineer of track there when I became division engineer. And I was able to get rail for some locations that he had felt concern about and to take care of problems that we felt were there. And it's not unusual, not only there, but anywhere, to find a way -- if we on the division have a concern, to either give it, you know, into Jacksonville in a change order to authorize a change and change the program or get rail and lay it ourselves. That is not unusual and happens a lot.

Q. Provided you have the material?

A. With -- we can get the material. I've not had -- I can

honestly say if I've needed it, I've not had problems getting it.

Q. Okay. Let's switch gears here a little bit. You've been very helpful in our rail rebuild and our on-scene investigation, and I think it's -- everybody knows that there's a water issue, a drainage issue, on the bluff side of the railroad, and why don't you talk about that and give me your thoughts? And what I'm really asking out of you, Randy, is tell me what your experience tells you in terms of the curve, curve-worn rail, the track modulus, some of that stuff that we were looking at out there.

A. Well -- and there is a drainage issue in that high side of curve. The water is expected to drain westward to a pipe that's up several hundred feet west of there, and --

Q. Closer toward the depot?

A. Away from the depot.

Q. Away from the depot?

A. Yeah. Actually the -- and we have worked in there several times now to not only improve the drainage and correct the conditions in the track, and we were planning to continue to do that in this curfew, but, you know, in my experience it is a condition that has to be addressed and monitored especially to, you know, ensure that it doesn't result into a -- and, again, as I asked Brad in his question about rail surface versus track surface, the big concern for me is track surface where, you know, you would have a surface condition that would cause a car to

derail because of that, a warp-off type situation, and that's not what happened here.

Q. Well, let's talk railroad here on this point because I want some discussion on this. What we're really saying here or what I think -- I'll see if you agree. You feel more comfortable if you've got a line or a curve that lays good, clean ballast, dry and doesn't pump?

A. Absolutely correct.

Q. And part of that, if we lay on top of that kind of track that if you have rail wear challenges, the long and short of it is the rail's probably going to last longer if it's on some nice, sturdy, stable, clean track?

A. I will agree with that, that conditions like we had at Ellicott City could result in increased rail wear, yes.

Q. Okay. And then the flipside of that is it just becomes more of a concern where you already have maybe some rail wear challenges, limits that you're dealing with, managing, but then when you throw into there a soft track modulus, some fouled ballast, some drainage issues, some cross-filtration of water into the subgrade, that just -- well, does that concern you?

A. It does concern me to the point that we would need to consider a corrective action, yes.

Q. Okay. Well, here's one of the things that was going through my head when we talked to Owen, and you correct me if I'm wrong, if I misheard him, but I thought he said Dick, look, in the

spring of this year, 2012, in April, we had a surfacing -- a gang, a tamper. He had access to a surfacing gang and I thought he said, hey, we came all the way through the Ellicott City area. So to put a fine point on it, do you think he surfaced that track in and around where that derailment footprint and our tentative POD was?

A. Yes. What I don't think he did is crib it.

Q. So that may have facilitated some of the conditions coming back a little quicker and how we saw it?

A. That's correct.

Q. Okay. All right. And there were several spots out there. I mean, there was a lot of track that looked and laid great and was clean, but there were some locations that -- especially where some of the drainage issues along the bluff side there were a couple of muddy spots out there?

A. Yes.

Q. Okay, and specifically maybe one in and around the tentative POD area?

A. Yes.

Q. Okay. What -- let's talk a little bit about training. I know you used an acronym REDI, R-E-D-I. Tell me a little bit about that. What's the importance of that; what are your thoughts?

A. Well, as we have a transition from our more experienced tenured employees to a lot of less experienced, less tenured --

and not just managers, but contract employees; I mean the entire workforce -- it was decided or determined that we needed a way to help develop those people much faster to become ready to handle responsibilities. So in a response to that the railroad created what we call the REDI center or the Railroad Education and Development Institute. It's in Atlanta, Georgia. It is one of the most advanced training centers that I know of in the country for railroad education and maybe the most advanced center. They will train all crafts of the railroad, not just engineering, but everyone. They can -- from an engineering standpoint they will train track inspectors, welders, operators, bridge people, fall protection.

We've just within the last few months came up with something called Advanced Track Inspection. So after an inspector has gone through the initial inspection class and spent a year or two doing his job and actually gets some hands-on experience understanding what they're doing, then they go back for more that get them into stuff beyond -- you know, things that they might have learned that they have questions about that they could learn more.

Almost every aspect of what we do, the training center touches and/or will provide special training if we think we need that.

Q. So no problem getting your forces, your personnel, down there for training?

A. Nope. I consistently ask my roadmasters for recommendations and, above that, when I'm in meetings encourage the employees, the rest of the guys, just to ask to go. And I can honestly say that anyone that has ever asked has not been turned down other than, you know, you can't go that week, you have to go next week because of, you know, you're both track inspectors, you both can't go the same week; you've got to go different weeks. But I encourage them to go. The more they know, the better the job they can do for me.

Q. Okay. And that kind of training is -- I'm certain everybody would say is beneficial and it's ongoing, and probably there are elements of reoccurring training depending on how long you've been around and foremen, track inspectors probably end up going back there. But that being said, how often are you able to get with people who work for you to impart all your years of experience, training, understanding of engineering principles to them and just railroading in general to them? You're farther down the path. You know a lot more. How do you get that transfer of knowledge to some of your people who are frontline supervisors?

A. In my experience there's two kinds of people or two kinds of managers: office managers and there's field managers. And I hate to be in the office. I don't go in my office hardly at all. I am out in the field with my managers all the time. I high rail with them all the time, regularly. My -- CSX guidelines tell me that I should get over my whole territory once a quarter. I'm

really close to doing it once a month, which is what an engineer of track is expected to do, and I do that for just that reason, to make sure that I can be with them, I can talk to them, they can touch me, they can ask questions, they can feel comfortable with me.

They understand I'm not going to -- you know, I'm going to hold them accountable for what they're supposed to do, but they don't have to be afraid of asking questions and doing their job, because I encourage them to do that, and if they don't know, they have my number, they ask. And not just the managers, but, you know, everybody. I get regular phone calls from everybody, what should I do in this case; help me with this situation.

You know, I'm a hands-on guy. I want to be out with the people. You know, I think it's important that they not only hear the technical stuff that I have to say, but they hear what I say or the stuff behind it, because my expectations of everybody is -- and it's kind of a theory. It was something I came up with this year and I stoled [sic] it, but I've asked everybody this year to not do me any favors. And they ask, what do you mean don't do you any favors? Well, don't do me a favor by doing something you're not supposed to do. And then all of a sudden a light bulb goes on, wait a minute, I got you.

And so my expectations of everybody is to support them in what they need and teach them when they need taught and help them and support them, and I think by doing that it works better.

Q. Do you think the track inspectors and the roadmasters are putting slow orders on properly?

A. I certainly hope so.

Q. Well, I mean -- well, let me ask it a different way. You said you've been active and you've been out with them. Have there been occasions where you've had to bring to their attention you need to do something here and until you get it done we need to reduce the speed?

A. That's part of the education process. Yes, that happens and that -- and it's because they -- they have good reasons for not having slow ordered something, but that's where I have to educate them as to why it requires a slow order. The expectations are if it needs slow ordered, it will be slow ordered. The only thing I ask them is once they put a slow order on, I need you to have a plan of what you're going to do to get it off.

Q. Okay. But let's just cut to the chase. Fouled ballast and places that may not meet a -- or exceed a specific FRA threshold, those are always the questionable spots, right? If I put a slow order on it, why do I say I've got it on there? If it doesn't meet or beat some kind of FRA threshold, maybe I don't do anything and maybe I just live with it. And it's not just this railroad. We see this a lot of places and a lot of times, and it is a topic of conversation, I'm sure, with FRA when they think and talk about the regulation, and not just the regulation, but the interpretation of the regulation. Do you care to share any

thoughts on all that?

A. Well, again, just dealing with that specific subject with fouled ballast --

Q. Yes.

A. -- if a track inspector or a roadmaster feels it needs slow ordered, then they need to and I would support them for slow ordering it. Yes, I would ask questions. That's part of my responsibilities: Why is it on? You know, what measurements did you have? What are you going to do to fix it?

But never would I encourage them not to put it on. I would go and use that as an educational opportunity, you know, what they did. If it was absolutely improper, we'd go through that. But most times that I found when any of the people working for me put a slow order on, I wouldn't question any of it.

Q. Okay. All right. Well, let me turn this over to my other Track Group members. Thanks, Randy, for everything that we've talked about thus far.

MR. HIPSKIND: Frank?

MR. CROWTHER: Frank Crowther, FRA.

BY MR. CROWTHER:

Q. Randy, I had asked Owen earlier of his high railing of like -- I don't know what the word I'm looking for -- how often he goes and --

MR. HIPSKIND: Frequency.

BY MR. CROWTHER:

Q. Frequency. And so he said he got over his territory, all of his territory, at least once every 2 weeks. And what would be the frequency, if there is any, that is handed down -- instructions handed down to the engineer of tracks to get over his territory?

A. The -- well, the roadmaster is -- you said, you know, Owen gets over every 2 weeks. You didn't ask that question, but that is his requirement, 2 weeks. And he also indicated many times he gets over it every week.

Q. Right.

A. The engineer of track is required to get over his territory a minimum of every 6 weeks. But his whole territory, everything, the entire territory one end to the other, a minimum of every 6 weeks.

Q. All right. And is there a requirement for him to personally high rail along with the track inspector?

A. He should, and I have to check the guidelines exactly, what it says, the wording, but he should spend time with the track inspectors. That is part of his responsibility, yes.

Q. And the reason why I'm asking those questions is that from what I saw when I arrived at the derailment scene there was approximately four saturated subgrade spots between the station and the west end of the ledge there, and they hadn't been there -- they were long-term. They had been there a while. And I'm just kind of curious as to if everybody got over their tracks, you

know, how come they weren't taken care of in more of a permanent manner than they had been.

A. And I can't specifically answer that, but I can say, you know, we talked about it did rain before that. And although subgrade doesn't get bad all of a sudden, it does get worse when it rains, and we have had a unusually dry summer, so up until this time it may not have appeared as bad as it looked at the time of the derailment. And I do know that there were plans to work, again, through all that area with equipment starting on Monday to take advantage of the curfew.

Q. Right. And just to -- I guess to make it a little clearer to me; Dick touched on it a little bit and -- like a substandard of where your men look at a saturated subgrade and they determine, well, there's no geometry, so there's no defect so there's no slow order. And do they ever look at, like, there's half of a defect and it's only going to get worse if I leave it there the way it is, so if I put a defect on it, you know, and report it to my supervisor, that it will get fixed quicker, I guess is what I'm saying.

A. I don't know how to answer that. I can -- I mean I'm --

UNIDENTIFIED SPEAKER: Time out.

(Off the record.)

(On the record.)

MR. HIPSKIND: Okay, we're back on the record.

BY MR. CROWTHER:

Q. Randy, in the area of the derailment, when I got there the day of the derailment, that night, I noticed that there was three or four spots of fouled ballast, and in your prior testimony you had told me that -- and I had learned from your roadmaster that he had gotten over the territory, high rail and inspecting it, and the track inspectors had, and I'm just kind of curious as to why if this fouled ballast was there -- it seemed to me to have been there a while, but nothing had been done to it to make it better, to get the fouled ballast gone.

A. So the question?

Q. Well, the question is, you know, it's a defect, so why hadn't it been reported? Because as an FRA inspector, when I request the records, I don't see any notes that are handed to the supervisor by the track inspector that say, hey, here's something that needs to be addressed. All I see is what the track inspector finds and makes a repair or he calls it a defect and slow orders the track and gives it to the -- so I hadn't seen any of that there when I did my records inspection, so I was just kind of curious as to --

A. And, you know -- and, again, track inspectors, roadmasters, are asked to comply with all FRA guidelines and regulations at a minimum and then, beyond that, with the CSX guidelines and rules. And, you know, based on weather conditions, could it have worsened based from the drought situation and other things, that's a very good possibility. You know, it did rain

Sunday; it didn't rain Monday, so that could have made the situation look much worse at the time of the derailment than it ever looked before those 2 days.

Q. Okay. Very good. Thank you.

MR. HIPSKIND: Larry?

BY MR. KISH:

Q. Yeah. Larry Kish, K-I-S-H, with the FRA. I'm going to shift modes here a little bit. CSX reporting procedures for service failures, how are they -- what are they? I mean there's a form you guys report every time you have a service failure.

A. The service failure information is now input into ITIS. So the same stuff -- the same program and process that a track inspector would use to do his track inspection, that's the same place that they would go to put their rail service failures into.

Q. And generally -- and I'll get to the point. What kind of defect -- in the ITIS system how do they identify the type of defect that was the cause of the broken rail?

A. In a service failure?

Q. In a service failure.

A. Based on their training and opinion, based on their knowledge, they're going to look at the rail. They will determine what the break -- kind of break it is, and then in the ITIS system there is a drop-down box with selections. They can't just make up a broken rail. It will tell them, you know, TDD, or actually straight break if there's no defects or, you know, head and web or

whatever, and they just collect it and it actually forces you to fill in all the required information that's necessary for the report.

Q. And I'm curious, in the REDI training, are they trained to identify the different types of defects?

A. I have never attended the REDI training --

Q. Oh, okay.

A. -- but I can tell you that in every track inspector training I've ever been in for CSX, rail defects were part of that training.

Q. Okay. Because since this is a risk-based model that the CSX is using and part of the calculation, what would be the service failures, I was hoping, you know, that the identifications out in the field would match, you know.

A. Yeah, and I'm fairly comfortable that that is what's happening.

Q. Okay.

A. And I will also tell you that in most cases before that report goes in there is some discussion with the roadmaster to make sure that everybody agrees, that, you know, it's not just somebody who's only worked for the railroad for a couple of weeks making those reports out. There's people that are fairly well trained or very well trained consulting with each other to determine that information.

Q. Good. That's kind of what I was hoping for and looking

for. Okay. Thank you. I have no further.

MR. HIPSKIND: Thanks, Larry. Rick?

MR. INCLIMA: Yeah. Thank you.

BY MR. INCLIMA:

Q. Randy, just a few questions. You had mentioned heavy tonnage mains and the fact that new rail generally goes to heavy tonnage mains. Would the Old Main here be considered heavy tonnage?

A. Yes.

Q. Okay. Do you know -- can you give me an idea of how many MGTs run over that, say, in 2011, last year?

A. And this is an estimate, not looking at information specifically, but somewhere around 30.

Q. Okay.

A. 30 million gross tons.

MR. HIPSKIND: Actually it's -- in the stuff that I looked at, I would say it's somewhere in the neighborhood of 32 to 34 million, something like that.

BY MR. INCLIMA:

Q. Okay. Now, how long have you been on the territory, Larry, here?

A. Randy.

Q. Oh, Randy. I'm sorry.

A. That's all right.

Q. Yeah, that's Larry.

A. As division -- I've been division engineer just over 1 year. It was June of last year.

Q. Okay. Can you give me any sense on the fluctuations in MGT, say, you know, if you went back, say, you know, 5 years? I mean, has it been somewhere in that same vicinity of, you know, 32, 34 or has it been less?

A. It's going to be hard for me to go back that far. I know that over the last year coal traffic has been increasing, and I can tell you that just recently it has -- the coal traffic has decreased. So just within the last month there's been a fairly noticeable decrease in coal traffic. So there was a -- you know, again, we've run a lot of coal here prior to the last month or so and it was -- it had spiked up and now it's dropped off a little bit.

Q. Okay. Great. In your -- you know, I know you're running the Sperry rail detection about, you know, once every 31 days, say, once a month. Do you have a feel for the average number of, you know, internal rail flaws that are getting picked up on the Old Main? I mean, is it --

A. It really varies based on runs so I can't tell you the average. And, you know, my experience tells me certain weather conditions change that and invariably every time it runs when I expect more defects there's less and when I expect less defects there's more based on my experience. So it really does vary fairly widely depending on which test it is and so, you know, I

can't give you that answer specifically.

Q. Okay, and that's fair enough. How about rail service failures? You know, on average, how many, you know, rail breaks might a -- you know, might the track inspector find per month that are, you know, maybe not picked up by the detector car, but something that they'll find in a -- you know, on a monthly basis?

A. Again, that's seasonal, but it's not significant. No more than one or two a month, and generally, a lot less than that.

Q. Okay. The rail that was under the train, do you know if that was laid there new rail or was that -- have any idea on the history?

A. I don't know that.

Q. Okay. And the rolled date on that rail was?

A. 1997.

Q. Okay. And that was 132?

A. Thirty-six.

Q. 136. Do you know if -- I understood from other testimony that there were probably two derailments that occurred somewhere in that vicinity, maybe not at the derailment site, but those cars evidently were dragged through there. Was there any rail replaced based on those cars, do you know?

A. There was some rail replaced. I don't know that it was based on those cars, but there has been rail replaced in that area in 2011 and 2010.

Q. What is the procedure for, for lack of a better word,

certifying plug rail? I know that, you know, you have worn rail and track and obviously you want to get -- you want to match that up. You know, how do you assure that your plug rail is not -- you know, the plug rail doesn't have any defects?

A. There's two paths that can take. One is that we purchase it certified from a outside vendor, that they ultrasound test the rail before they sell it to us. And it comes, it's tagged, it says it was certified by the company that we buy it from.

Q. Okay.

A. We have an internal process where if we have rail that comes out of the track meeting certain guidelines and certified by an outside entity -- they actually come out to the site. The rail cannot be moved from where it was taken out. So we lay curve patch. We take the rail out of the track. They have to come to the site. It has to be exactly where it was. They certify it based on tonnage and last rail test, tag it, and then it's okay for us to use.

Q. So that's done by a third party also?

A. That's done by a third party also, yes.

Q. Have you -- you know, I know we talked about manpower issues early on, you know, 19 -- you know, standard forces are 15 depending on if you include the extra gang. How much of a challenge has that been for you as far as adequate manpower?

A. Actually, at Owens' location, he's had fairly adequate

manpower. He's not had a lot of issues. He even had a significant -- well, not significant, but he's had -- of all my roadmasters he's probably had the most help when it comes to not just only his headquarter folks, but the support folks that are there, the floating forces. So that's not particularly a challenge there.

Q. Okay. This is probably just a hypothetical question, Randy, and I know this rail section and this territory has been scheduled for an upgrade. Has there been any consideration of lowering the class speed pending the upgrades or -- and, if so, what kind of pressure would you be under if -- let's say a track inspector says, hey, this rail is really worn and I think I'm going to put a Class 1 speed on it. What kind of pressure would you get from Jacksonville or elsewhere on something like that? I mean, would that be frowned upon?

A. I might get pressure, but I don't care. That's not my -- well, it's my responsibility. That's not my goal. You know, we -- it's not unusual for a track inspector or a roadmaster to do that, and that would be the situation I talked about earlier where I have to find the resources to fix that problem and help them fix that problem. The expectations are that that's what they'll do.

Q. Okay, good. I have no other questions at this time. Thank you, Randy.

MR. HIPSKIND: Okay. How are you holding up, Randy? Do you want to keep going?

MR. DANIELS: Good.

MR. HIPSKIND: Thumbs up?

BY MR. HIPSKIND:

Q. All right. Let me fill in some gaps on some things that I have thought of listening to everybody. Who on your division monitors or reviews the track inspection records? Does that begin and end at the roadmaster level or how should I understand that?

A. The roadmaster has the primary responsibility to review track inspection records. So he looks at them, he ensures that they're proper, he approves them. Both the engineer of track and I have some monitoring responsibility, too; you know, take a look at the inspection records, just kind of randomly pull out ones here or there. In no way do we do a records inspection near what the FRA would do when they come out to look at our inspections, but it's our job to monitor compliance to ensure that the inspectors are -- understand what they're supposed to do and are doing what they're supposed to do, both by looking at the records and by field follow-up with the inspectors.

Q. Okay. And I want to jump back to the conversation that you and Frank were having, and I'm going to make a formal request. Sometime here in the near future if you can give me a name, phone, contact number of somebody down at REDI? And here's the topic. It seems to me that I need -- at least I need to understand better that if I'm a foreman and if I'm a track inspector and I'm new to the property and I'm new to CSX and I go down to REDI, what I

would like to know is what does REDI tell them about fouled track conditions? What are the do's, the don'ts; what are the expectations that are implanted into those employees as -- and I'm going to say it this way, that they might receive as policy and guidance? And I don't know what the language is and I don't know what the verbiage is, but if you can -- if you know, you can tell me now, but if this is a matter where you need to provide me that contact then I'll take up that topic with them.

A. And I believe that would be best since, again, I've not attended that training. I'll get you that phone number. Because I can tell you what I believe it to be, but I can't tell you what it is, so I'm going to let them --

Q. Okay, and I'm okay with that. And I just want the record to reflect what is your understanding of the two predominant rail weights in and around the Ellicott City area? They are?

A. 136 RE and 141 RE.

Q. Okay. And if on occasion we saw out there some -- you said 136?

A. 136, 141.

Q. Okay. All right. But the point is there is a mixture of them, and depending on Sperry rail and service rail -- replacement rails, there can be a mix. In other words, it's not just all one, there's a blend?

A. There is a blend. There could also be some other small

pieces -- sections of other rail sizes, so --

Q. Okay. Now, Owen this morning talked about -- when we were talking about rail wear and head checking and TDDs and all this and that, he introduced the concept of -- at least he was aware that some locations could experience rapid growth. And I'm going to throw some numbers out there. I don't think they're the numbers he used, but things can go from a 5% to a 60% and they may end up doing that in between test cycles. What are your thoughts on that?

A. And I'm not a rail expert, but I understand that is a possibility. I am aware of that possibility.

Q. Okay. In other words, he wasn't just throwing some off-the-wall scenario out there? You don't necessary disagree with it?

A. I don't disagree that rail fractures can occur and rail growth can occur between cycles.

Q. Okay. Here's another formal request I have for you. Rick was asking you about -- and we just kind of just today became aware of the two rail derailments. Can you reach out and again either give us the contact name or number or provide us just a little bit more information on those two derailments and -- go ahead.

A. I can actually tell you something about them right now if you'd like to know.

Q. Let's do it.

A. They both occurred in 2010. They were both mechanical caused. One was a broken wheel. One was side bearings. One of them had a wheel drag through the town and one occurred east of the town and only was on the ground a little while and then rerailed itself and ended up through a defect detector and was found.

Q. Okay. And what challenges did that present to you in the Ellicott City area?

A. What I have observed since my time as engineer of track -- I mean, as division engineer, and I can only answer that from last year to this year, is based on plate damage primarily on the south rail. It has caused some problems with rail cant, not necessarily defective rail cant, but just areas that we need to address.

Q. Okay. So it's something that you've been able to live with. Well, before I say that, behind each of those derailments did you have to make some track repairs?

A. Yes.

Q. How extensive?

A. In that area around Ellicott City, limited, if any, mostly replacing clips --

Q. So --

A. -- Pandrol clips.

Q. So Pandrol clips. You didn't have to replace any rail, no ties, but it marked the ties?

A. It marked the ties and it -- not a lot, but there was some face breaks that they had to change a rail here or there. Again, I don't know where.

Q. But south rail?

A. South rail?

Q. Not north rail?

A. Not north rail.

Q. And you are certain of that?

A. Mostly certain. I can't tell you --

Q. Okay.

A. -- 100%, but I'm fairly comfortable with that, yes.

Q. Okay. And so 2010, if I do my math right, there's probably been at least 20 ultrasonic rail testings of the area since then?

A. Yes, that's correct. It was early 2010.

Q. Okay. So all of 2010, 2011, 2012. The point you've made is it's not 20, it's probably 30?

A. It's been almost 2 years, so it's --

Q. Okay.

A. The things that would have resulted from that derailment have already been detected and corrected, and --

Q. Okay. Let's switch gears here. Tell me your understanding or your instructions in regards to the observance of trespassers.

A. CSX considers our property to be our property just like

anybody else would consider their property to be their property, and anyone that is on CSX property is considered to be trespassers, not only because it is private property, but because it's a hazardous location to be due to the rail traffic. Anytime any CSX employee sees anyone on CSX property they have been instructed to and generally will address with those people please leave the property. We're not police officers. We have a little bit of issues with enforcement, but we can encourage that to happen. If we don't get cooperation, we will then contact our PCC or the local police and ask for help in removing those people.

And the PCC as an acronym is our Police Control Center in Jacksonville. It's a 1-800 number we can call and get immediate help from our police department.

Q. Okay. And over the years have you identified any areas that seem more problematic than the rest of the railroad?

A. Yes.

Q. Okay. How do you address that? What are some of the strategies that you use?

A. Well, the police can be more active in those areas, both local and CSX police. We post no trespassing signs. Unfortunately, the more active they are, the quicker the no trespassing signs seem to disappear, to the point where the very active areas, they may disappear overnight. So, you know, we do our best to protect our property and to post it as no trespassing and to ensure that people are aware of the hazards, and when we

see them, ask them to leave.

Q. And the Ellicott City area is -- I've heard some discussion about something, a park system and the railroad intersector interface. Tell me where and what that's all about.

A. Generally, up through that entire valley from near Baltimore, well past Ellicott City, is the Patapsco State Park, Maryland State Park, and it is on both sides of the railroad, and generally through that whole area it is not unusual to see trespassers and have to ask them to leave the property.

Q. Okay. And I think I'll tentatively ask you, but maybe -- I think I'll ask the investigator-in-charge to reach out to the CSX party spokesman and maybe we can get some more official language or policy regarding trespassers.

A. For the purposes of the report that would probably -- the best place to go for that question, yes.

Q. Okay. Now, we've been talking to you here for almost an hour and a half and I'm going to ask you the tough question. You ready? So you got a call sometime Monday night or early Tuesday morning and they said we got a train derailed at Ellicott City. What did you think or went through your head?

A. Well, unfortunately, because of my personality, my first thought is always was it something with track. Fortunately also, most times it turns out not to be because that's the -- as 30 years, the first thing you do is start running everything through your mind, what was there. And I can honestly say that based on

the last couple of times I had been over, other than the history of the Old Main Line being a very severe maintenance railroad, which -- you know, that always is in the back of your head, I did not believe that this could be a track-caused derailment or would have been. I was expecting something else, a train handling type derailment or a car cause, because most of the derailments we've had are related to car problems.

Q. So, in other words, not to put words in your mouth, but shades of 2010?

A. Yes.

Q. Or a repeat of that?

A. Yes.

Q. Okay. All right.

MR. HIPSKIND: Track Group, I'm going to turn it back over to you. Larry, any follow-up?

MR. CROWTHER: No, I have no follow-up.

MR. HIPSKIND: Okay. Thank you, Larry. Rick?

MR. KISH: Just one question.

BY MR. KISH:

Q. I'm not familiar with the 136-pound rail. Is there a comprise bar between the 136 and, I think you said the -- was it a 136 and 140, or 141?

A. 141.

Q. Is it a straight bar or is there actually a compromise bar required?

A. 141, 136 and 132 all have the same fill-in section.
Q. Okay.
A. The difference is the cap.
Q. The top of the ball.
A. So the answer is depending on the amount of head wear, we have step-up bars that we can use. But that would be made -- and you heard Owen talking about making sure that the guys making the rail repairs have the right rail.
Q. Um-hum.
A. They would also need to know that they have the right bars to make sure that if it needed to have step bars on them, they had step bars.
Q. Okay. So based on the wear --
A. Yeah.
Q. -- is how you determine? Okay, great. Thank you. That's the only question I had.
MR. HIPSKIND: Frank?
MR. INCLIMA: No further questions.
MR. HIPSKIND: Okay. Randy, thank you for all of your hard work and participation and support with the investigation, both on-scene and you did a great job with getting the records and documents to us as quick as you could. We appreciate that. I mean, that aided our investigation. It just provided us a lot of knowledge in a quicker manner, so -- and you've heard me talk with the other interviewees. If in the subsequent days and weeks you

have some thought that you think that you need to share with us, I would appreciate a call or an e-mail. You know that we'll be sending you a hard copy transcript and I, like Brad, if you want me to send it to your business card I'll do that.

MR. DANIELS: I tend to get something -- stuff better at my home address, so I will give you that.

MR. HIPSKIND: All right. Well, then I'll ask you to fill that out right there. And if there are no other closing questions or comments, Randy, thank you for your time and your candor here today, and that will conclude our interview.

(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 Randy Daniels
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.

_____

Cheryl L. Phipps
Transcriber