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 October 4, 2012

44 pages, including cover

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	*
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Interview of: OWEN SMITH
Roadmaster, CSX Transportation

Ellicott City, Maryland

Thursday,
October 4, 2012

The above-captioned matter convened, pursuant to notice.

BEFORE: JAMES SOUTHWORTH
Investigator-in-Charge

APPEARANCES:

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I N D E X

I N T E R V I E W

(3:20 p.m.)

MR. SOUTHWORTH: Okay. Again, my name is James Southworth. I am the Investigator-in-Charge for the NTSB for this accident. We're here today on October the 4th, 2012, to conduct an interview with Mr. Owen Smith, Roadmaster, who works for CSX Transportation. This interview is in conjunction with NTSB's investigation of the train derailment with non-railroad fatalities on CSX's Old Main Line Subdivision in Ellicott City, Maryland on August the 20th, 2012. The NTSB accident reference number is DCA-12-MR-009.

And before we begin our interview and questions, let's again go around the table and introduce ourselves. Again, we'll spell our last names and I'll remind everybody to speak clearly so we can get an accurate recording. I'll lead off and I'll pass again to my right.

Again, my name is James Southworth. The correct spelling of my last name is S-o-u-t-h-w-o-r-t-h. I'm the Investigator-in-Charge for the NTSB on this accident.

Go right here.

MR. HIPSKIND: My name is Richard Hipskind and I work for the National Transportation Safety Board and I am the Track Group Chairman assigned to this accident. The correct spelling of my last name is H-i-p-s-k-i-n-d.

MR. SMITH: My name is Owen Smith, S-m-i-t-h. I'm the

roadmaster with CSX Transportation.

MR. CROWTHER: My name is Frank Crowther, spelled C-r-o-w-t-h-e-r. I am a track safety inspector for the FRA assigned to Region 2, headquartered Baltimore, Maryland.

MR. DANIELS: Randy Daniels, spelled D-a-n-i-e-l-s, Division Engineer, CSX Transportation, Baltimore Division.

MR. INCLIMA: Rick Inclima, I-n-c-l-i-m-a. I'm Director of Safety for the Brotherhood of Maintenance of Way Employees Division.

MR. SOUTHWORTH: Okay. And do we have your permission to the record the discussion and our interview with you today?

MR. SMITH: Yes.

MR. SOUTHWORTH: And do you wish to have a representative with you in this interview?

MR. SMITH: No.

MR. SOUTHWORTH: All righty. Dick, go right ahead.

INTERVIEW OF OWEN SMITH

BY MR. HIPSKIND:

Q. Owen, good morning. Thank you for coming back to tie up a few loose ends with our interview today. I want to just kind of springboard off of some of our discussion in a previous interview. And one of the things that we asked you, not having hi-railed the territory at that point in time, we were asking you how much of your territory on the Old Main Line is curved track, and you thought at that time, I think your best guesstimate was you

characterized it as 90% curves. Is it actually that or is it less than that? How do you think about that today?

A. Yeah, I kind of said that, not accurately. It's a majority of curves. I just said 90% just to try to emphasize the fact that it was very -- the vast majority of curves. That's what it's known for.

Q. Okay. And thinking of -- on the top end at Point of Rocks and thinking of the first half of that territory from, say, milepost, roughly, 64 down to 32, that has quite a bit more tangent track in it in a comparative sense than, say, from milepost 32 on down to the coal depot.

A. Yes. It comes in patches. It's a little bit curvy just east of the office to 62 and then it straightens out a good ways until the 53. It's curvy again there up until about another 44, then straightens out with some more mile of curves from there on down to Sykesville and then it'll pick back up again and get extremely curvy from the 29 pretty much all the way down to the end of the subdivision. So the 29 to the 7 is really where you have the highest amount of curves and severity, you know, in grade and also in number.

Q. Okay. Thank you. One other topic that we covered in our previous discussion was we were trying to get some characterization of the number of service rail failures, and let's revisit that. What do you think you were experiencing in the calendar year of 2012 in terms of numbers?

A. In numbers? Like the total amount I've had?

Q. Yeah, and just service rail failures is all we're talking about.

A. Okay. Reported broken rails, would that include -- you know, I've turned in service failures. I don't know the exact number that I turned in, but would that also include something like a vertical split head where the rail didn't physically break but it was a vertical split head end that we changed that and reported?

Q. Probably not because that's not a failure that may have occurred under a train or something of that nature.

A. So we're just talking about a good old broken rail where it breaks in two?

Q. Yeah, you know, kind of that call in the middle of the night and you've got a track light on and you go out and you find something.

A. All right. I'll try to think from memory for the past year, since January of 2012. We had three in Ellicott City area, one down in Union dam; that's four. We had -- no, that was the year -- that was last year, late last year. I would say maybe seven straight breaks we've had and not all of them were on the Old Main Line. We had some on other subdivisions, too, but probably about seven where the rail broke in two and we had to take the track out of service.

Q. So that answer of seven, that's for the territory that

you're responsible for?

A. Yes.

Q. Okay. And as a routine part of the process, service rail failures do get recorded, do get folded into the ITIS system?

A. Um-hum.

Q. Yes?

A. Yes.

Q. Okay.

MR. HIPSKIND: And so, Randy, I think when we do your interview -- or we'll probably make a formal request to get some of those numbers that have -- that are documented and that come out of the ITIS system. Is that -- would that be a problem?

MR. DANIELS: Service failures?

MR. HIPSKIND: Rail service failures.

MR. DANIELS: We can do that.

MR. HIPSKIND: Okay. Thank you.

BY MR. HIPSKIND:

Q. Another topic that we covered in the previous interview was training. And I'm not sure that I completely recall how much training that you received. It seemed to me like everybody in the engineering department attends annual training on CWR and probably gets annual training on maybe things related to FRA track safety standards. Fair to say?

A. Yes.

Q. Okay. But do you attend or have you attended in your

career training that's other than those two kinds that I just spoke about?

A. Yes. In the past several years I've taken classes on derailment investigation. I've taken classes -- that is the big, though, the derailment task force we take, TAPS.

Q. And TAPS stands for?

A. Train Accident Prevention System.

Q. Thank you.

A. We take, you know, safety courses. We take the required safety courses. And we do have a person called the general roadmaster. He makes his rounds around the system to give some hands on and observation training too just to make sure we're following procedures and policies set forth in the MWIS and the track safety standards.

Q. Okay. And talking about the track safety standards, are you familiar with the terms that FRA uses in categorizing their track deficiencies, and the two terms are class specific defects and non-class specific defects.

A. Yes. A class specific defect has a table with an assigned threshold to it which you cannot exceed for that specified class. So things like gauge, cross-level, warp, runoff, they have a specified threshold that they're not allowed to exceed, or if we do, we have to lower to the next -- either repair it, lower it to the next applicable class, or take it out of service.

And then a non-class specific defect is a multitude of other things in the Part 213 book. And they cover things like vegetation, drainage, ballast, switch components, just general care and upkeep of stuff, which doesn't have an assigned threshold to it.

Q. Okay. And would fouled ballast or saturated subgrade, would they fall into that non-class specific category?

A. Yes.

Q. Okay. And how -- let's talk about the non-class specific category of FRA track deficiencies. And I know that this is -- all these defect codes that are on the -- in Part 213, the track safety standards, those are all incorporated into your ITIS program. Fair to say?

A. Correct.

Q. So how do you think about or how does the ITIS program handle an entry of a non-class specific track condition?

A. Well, if the track inspector reports the non-class specific thing, whatever defect it would be, he has a choice of either repairing it on site or, like I said earlier, removing it from service or stating in ITIS that it's a non-class specific defect. If he says it's a non-class specific defect, it'll be saved in the system and it'll put it on a timer, which will alert me when the 30 days have expired. It'll actually mark on ITIS the due date for having been repaired within the 30-day threshold. So if it's reported and it's not marked as being repaired, the only

thing is, if it's a non-class specific defect that was, you know, not addressed but we're going to put a timer on it, it would notify me in ITIS.

Q. Okay. Any why the 30 days? I mean, why isn't there some other number that we're talking about? Why aren't we talking about 25? Why aren't we talking about 30 or 40? What is the 30-day time limit, what is that tied to?

A. That's -- in the beginning of the Part 213 rules there, it says a track owner has 30 days to bring the track into compliance for a specific -- or certain defects. That's what -- that comes right from the book there.

Q. Okay. Is that -- I'm going to throw a number out and if you think that's it, say so. If you don't know, that's okay too.

But when we talk about the classes of track, we might be talking about 213.9(a), the table?

A. Um-hum.

Q. Yes?

A. Yes.

Q. Okay. And when we talk about 213.9(b), that may be some of the language that talks about a 30-day limit?

A. Right. 213.9(b) is slightly different, though. That could be for a defect that doesn't meet the track safety standards at all where a qualified individual can determine that it is safe, and there's a grace period of 30 days to bring the track back into compliance where you can still operate on it, given that you

maintain a 10-mile-an-hour speed restriction.

Q. Okay. Well, in terms of that kind of thinking, how does a non-class specific track deficiency or condition or noncompliance to the federal track safety standards, where does that fall into? In other words, if you have a non-class specific item that you recorded in ITIS, are you punching the clock? Are you engaging that 30 days?

A. Yes.

Q. Okay. That's where I wanted to get to.

Let's switch gears here for a minute. We also talked about CSX standard plans, standard procedures, and we talked a little bit about rail wear limits and we talked about how you guys go out and assess rail wear, specifically in curves. And I want to see, is it your understanding that those rail wear limit tables, those are guidelines for rail replacement? And the point is, are those what somebody should consider condemnable limits?

A. No, it says nothing about it being condemnable or having to take a certain remedial action. They're advisory mainly. It gives us an idea of when it's appropriate to request new rail. There's no rule in there that says condemn the rail or put a speed restriction on it or anything like that.

Q. Okay. Thank you for that.

In the past couple days we've been out and I'm sure you're aware that we've hi-railed portions, a vast majority of the Old Main Line as well as over on the Capital Subdivision, and in

the course of our hi-railing, we talked about curves and the subject came up about an expectation of personnel walking curves. So with that lead-in, tell me a little bit more about those expectations, how that process evolves, your involvement, if there's any. Just kind of broaden our understanding of that.

A. Yeah, we have a spreadsheet that I share with the track inspectors, myself and the assistant roadmaster. And based on the degree of curvature, a curve is supposed to be walked 3 times, twice or 12 times a year, depending on the degree of curvature. So, since I have a lot of heavy curves there, the east end of the Old Main Line has a lot of monthly curves that we have to walk. So the track inspectors actually routinely handle it all themselves because oftentimes we do end up walking a good portion of the railroad anyway because of track time issues and just because we -- they want to be able to go and kind of scout out ahead of them when they have limited track time and actually do some gauging work, which they might do on their own.

If they have issues doing it, I help them out and I also try to walk every curve at least seasonally when I make a hi-rail trip, where I might jump up ahead and get out and walk a curve and then keep doing that. So it is recorded by the track inspectors and myself, just kind of to help us keep track of where we are walking it. And that way we use it to identify, you know, issues we might be having or future requests for next year.

Q. And when you say recorded, are we talking -- is this

another kind of item that might get folded in, inputted into the ITIS program?

A. Unfortunately, no. I'd like to use the computer. It's a spreadsheet I keep in the visor of my truck. So it's convenient for me to write it down, but it's a little bit harder to share, just because I keep it in my vehicle there for my reference. No, it's not put into ITIS.

Q. Okay. And let's break down, just in terms of logistics, whether you're out there or the track inspector's out there, if the choice that day, depending on the availability of track time, is to accomplish some of this curve walking, it's more productive to do it when you have somebody with you because when you exit the vehicle and start walking the curve and maybe you walk a couple of curves in a row, you don't have to do the double walk back to your parked vehicle. So am I seeing that part of the real world correctly?

A. Yeah, the week program -- Danny, who you talked to, has another track inspector he works with Wednesday. They do that quite often where they'll do walking, either industries or tracks on a Wednesday. That way Will can drive the vehicle to a determined point and they walk to that and then Will will walk and they meet that way. And then they can cover twice the territory in the same amount of time.

Q. Okay. But is it fair to say that's pretty challenging to meet the expectations of completing the curve walks given the

high number of curves and the limited time that Danny has a second person with him?

A. Yeah. The other way we do it too is we hi-rail, and we'll park in between curves there and he'll walk it when he's doing his inspection. And you can cover a few curves in a day doing it that way too, because they're not terribly long curves either. They're -- you know, some are only about 500 feet long, so he'll go and check a few curves in a bunch there. Generally the shorter curves are also the ones that have to get walked more anyway.

Q. Okay. And going back -- I'm sorry for jumping around, but going back to the training here. When you're in Atlanta, do you recall whether the instructors down there, do they use terms like hazard assessment, risk analysis? And if they do, how does that -- how do some of those terms or concepts, how do they get applied into your real world, the things that you do?

A. Yeah. I don't think anyone's ever really said those phrases to me when I was in the REDI Center. But hazard assessment and risk analysis are essentially what we do every day. The track inspector conducts a hazard assessment, you know. And then we're talking really track safety. I'm not going to go into just occupational safety.

You know, hazard assessment, the track inspector is looking for tell-tale signs of deficiencies, of material failures, while he's conducting that. And he'll get a -- and with that, you

know, he'll take that information and determine the amount of the risk each thing has associated with it. That's also kind of based off these track safety standards. Back when they issued those, before I've been here, there was some scientific background to that too, where analyzed data with the geometric conditions where it would give an increased risk of a derailment. So, you know, the track inspection is one of the most fundamental ways we do it. Another way where we do a hazard analysis and risk assessment is with the geometry cars, and that kind of does both. It'll record all the data throughout the territory and it'll prioritize it based on the amount of risk we have: FRA defect near -- approaching a critical limit, or a priority 1 where it's safe but it's an issue that may appear within a few months.

The Sperry car, another good example. They determine the frequency of when they test based off of risk, tonnage. You know, they use actually tonnage, rail age, defect history, service failures. And we use that as a tool too to change out sections of rail that may be a hazard to operations.

You know, another we've started doing is we have the vehicle track interaction, or VTI, devices installed on our locomotives. And that's some research that they started too where they're identifying the hazards or things associated with the ride quality measures. Vertical might indicate that you have, at worst a broken rail or a number of other things which can cause a failure to the car components or the track. They have laterals to

indicate alignment or create a wheel-climb issue with your locomotive or string.

So those are just a few of the technologies we've been using. They never really use those terms with it, but if you think about the intent of what it is, how it works, you know, we conduct hazard and risk assessments daily.

Q. Okay. So a lot of data from a lot of different sources, all come to you and the track inspector on some of those things if you're sharing that with him, but a lot of the data, is it fair to say, is designed to measure and record things before they get to a critical level? Is that the concept that I should understand here?

A. Yeah. You know, we're engaged in preventative maintenance. We really want to get away from being the emergency response team for CSX.

Q. Okay.

A. So we're using these tools to get ahead and get better at being preemptive.

Q. And when we talk about training, thinking about the foreman and the track inspectors who may go down to Atlanta -- we've talked to Danny Glass about that -- what are your thoughts -- what do you think the expectations that are placed on you in terms of when those employees come back from the training center and they're back in a regular job, do you fold in to any of the follow-up of assessing how well they apply the training in the

real world conditions?

A. Yes. That's part of my job as a supervisor. They go and take foreman training and they come back fairly new, probably not having the applied knowledge. They just sat through a class and had a lot of book knowledge. It's my job to make sure that they're applying what they were taught and what is issued in our instructions when they go out and work. So we do that in a multiple amount of ways. I'll go out behind them when they're not there and look at their work, monitor it. Or I'll actively engage them during the day when they're out working and check on them either when they're in the task or about to begin it or sometimes when they've just recently finished it. And then we'll hold like a debriefing and talk to them about what they did, why we did it that way, what we could do differently.

Q. Okay. And in that continuum of your checking them -- please don't take this the wrong way, but I suspect that there's a level that checks and sees that you're doing your job just as you looked at employees coming back from training and applying their classroom to the real world?

A. Yeah, we all answer to somebody. My supervisor is Carey Nelms. He comes by periodically and hi-rails the territory and, you know, keeps -- monitors what I'm doing to make sure I stay focused on the way things are being done.

Q. Okay. And I realize phonetically Carey can be spelled different ways. Can you spell his first name for us?

A. C-a-r-e-y, and I'll spell the last name: N-e-l-m-s.

Q. Okay. Thank you for that.

I think that's all I've got for right now, Owen. Let me pass it off it to Mr. Inclima.

MR. INCLIMA: Thank you.

BY MR. INCLIMA:

Q. Owen, again, thanks for being here. We appreciate that.

Owen, if you can, tell me or maybe you can explain to me in a little more detail how the ITIS system actually tracks recorded defects? In other words, if the track inspector puts in whatever it might, the cross-level or whatever it might be, how does that equipment or the system prompt you as the supervisor, you know, to follow up? I mean, just give us an explanation of the process.

A. Yeah, there's a -- if you open the ITIS screen up there's a summary page on the program, where it'll have some icons that are green, yellow or red. Red means something's overdue; yellow means you got something coming up pretty soon; and green means everything's in compliance. And then next to those icons you have a line that says -- gives you a summary stat sheet. So on the first line, for example, say, 0 pending, non-class specific or 213.9(a) defects. And then another line you got them for rail defects. Another line you got them for geometry defects -- not geometry defects, but you know what I mean.

Q. Um-hum.

A. The big regulatory one there, it'll give you a status of how many you have outstanding and if any are due or overdue. That's one way to do it.

We also have something called the roadmaster portal on the engineering gateway, which also has a similar type of summary sheet there.

Q. Okay. And just so I can get an idea of how the prompts work in time, let's just take a month, you know, any month -- take the month of October -- and something gets put into the system, say, on October 1st. When would you get a prompt, say, you know, the yellow or, hey, there's, you know, something coming up? I mean, is it daily until it's addressed or does it, you know --

A. No. It'll go yellow just before you meet the limit. It doesn't really give you much notice. And I don't really use -- rely on the yellow thing because --

Q. Okay.

A. -- it'll usually tell you it's going to go overdue tomorrow, which is really helpful, but --

Q. That -- yeah, that's what I'm getting at, how do you --

A. But, you know, that's why I don't really look at that. If I see red, I kind of actually get a spike in blood pressure if I see -- if I see green, I see a number next to it. I always just monitor the numbers there because that's more helpful to me than the colors, but --

Q. Okay.

A. Yellow just would annoy me because we waited too long and red would just get me nervous.

Q. Okay. So if understand then, the green color more or less says, hey, you've got 5 things that are in the system that need your attention.

A. Yeah.

Q. And you look at those. By the time it goes to yellow and subsequently to red, it's -- you really don't have time to manage it at that point?

A. Yeah, we don't really get that close anyway. No.

Q. Right.

A. Sperry defects are a little different. They give you maybe about 3 days to 5 days of advanced notice on yellow. But that's a fairly recent change. They just updated that in the past few months. They've been kind of experimenting with some different ideas there. So, you know, I hope that maybe it can be more consistent on the program where they give you normal warning thresholds, but, you know, that's kind of how it is.

Q. But would you, you as a supervisor, or maybe some of your peer supervisors, would you find it helpful in your, you know, in your management of your work and your workforce to have, you know, maybe something that, rather than prompt you with a caution or with a yellow the day before, that, you know -- I mean, if it was backed up 2 weeks, I mean, would that be helpful? Or is it --

A. I mean, I'm happy with how it is now. I mean, we just keep track and monitor things as they come and we have a good enough system where we never really have to get that close to the end of the limit anyway.

Q. Okay. Thank you.

In the ITIS system, the way -- at least the way I believe I envision it, is your track inspector will put in, you know, his or her, you know, defects, things that might need to be tracked. Say it's a 30-day -- needs to be fixed in 30 days or whatever, but there's also -- correct me if I'm wrong, Owen -- there's also a section on inspector notes. So a track inspector can submit his track inspection report or, you know, exceptions, if you will, and then he can also put notes in that daily log, if you will, regarding other things that maybe are not defects, but he wants to bring someone's attention: you know, drainage problem here or maybe we need some ditching there, whatever it might be. How does ITIS track those notes?

A. Yeah, I spoke about this last time, I remember. It does some things well, where if you want to put in a condition report -- there's many different ways I can look at it. When I approve track inspections, I don't do it through ITIS. I go in the engineering gateway and there's a form there and you approve it that way. That form is essentially a summary of what they did, where it'll tell me what tracks inspected, what tracks they traversed, any defects they found, but it'll just really give a

quantity or threshold of the defect, but the more intricate details are actually in ITIS. So you have to go into that system to look at that. They can report conditions on it and I can see them, but if I need more information, I have to go into ITIS and look through his old track inspection records where he may have written a couple notes. And Danny has in the past where if he wrote up a -- I think he wrote up a head block tie one day and he put the measurements I needed for head block ties there in the comments. So if you -- you kind of have to hunt for it, but they're there to look at.

A lot of times I usually just ask him, because it's a bit quicker. When I approve them, I'm in the office and he's usually there so I just ask him.

Q. Okay. So would it be -- would I be correct to say that the ITIS system -- if I put a track inspector note on, you know, on today's date, 10/4, so I do my inspection report and I also put a note. Maybe it's to you; maybe it's to someone else, just as a -- you know, something to watch or something to be mindful of, does that note get carried forward, say, you know, at the end of October will you still see that note on October 29th? Or do you have to go, kind of peel back the pages, the electronic pages, and find the note that only shows up on the 4th?

A. Yeah. I think I get what you're asking. The ITIS system will say, because the regulations require to leave the records available for inspection to the track inspector.

Q. Um-hum.

A. So it'll actually maintain records for about a year in the ITIS screen. So, yeah, if you wanted to go look at some old notes that they may have written back in August, I can scroll down and hunt for them, you know, based off of the track inspector name, I can search for them through ITIS, yes.

Q. Okay. So in other words, you would -- my question is just the simple process of the system. You would have to actually scroll down or search for a note rather than the note popping up when you, you know, on any given day when you pull up something?

A. Yeah, it doesn't give me an alert like, "E-mail message from Danny." I don't get an alert like that.

Q. Right. Okay. Okay.

So your opinion, Owen, would something like that be helpful? I mean, for you to have, you know, like when you pulled up, say, Danny's track inspection reports to take a look, if you had, you know, some field that showed the notes that he might have inputted? Would that be a helpful process as reminders or --

A. I don't really know because ITIS isn't real time, so --

Q. Okay.

A. Danny can put something in there and then when I take the computer, I might get the message a day or two after he put it in. Really, e-mail would probably be the best way to communicate sometimes. Or the way we do it now, where I have a mailbox and he, you know, will give me notes on a piece of paper. There's no

formal tracking of it. It's basically just a business document that he gives to me. I think that's usually best because I'll leave that on my desk there. That way I can ask him some questions if I have it.

Q. Okay. I appreciate that.

Now, I know you said that sometimes they just tell you, you know, which is fairly normal: Hey, Owen, you know, I found this yesterday; maybe you want to look at it. How do you track your verbal? I mean, when -- you know, you've got a couple or several track inspectors and many, many other things going on. How do you as a supervisor track those, you know, verbal notes from various people? I mean --

A. Well, it depends on what it is. Sometimes they'll raise a concern and I'll look back to see if we have any work doing in the area and I'll let him know it's going to be addressed within this time limit anyway. Just monitor it and make sure it doesn't exceed any thresholds or (indiscernible). That's one way we handle them. Usually those, we just know that they're going to be handled by the work that's planned ahead. Other times, I keep a list on my computer. It's just a spreadsheet, where I'll note stuff in there, little projects or jobs that we need to get done on a preventative fashion and I'll just integrate it into that. A lot of times -- and we also sit as a group in the morning and have a meeting, where, you know, we'll talk about what each group's supposed to get accomplished for the day and if there's another

concern we have in the area, we'll get that accomplished while we're down there.

Q. When you say groups, you mean your track forces, your track inspectors, your --

A. Yeah, everybody I have.

Q. Okay.

A. We meet on a conference call in the morning and we'll discuss what everyone's supposed to be doing that day.

Q. Okay. Well, thank you, Owen. I think that's all I have for right now. Thank you.

MR. HIPSKIND: Frank?

BY MR. CROWTHER:

Q. Just a couple of items, Owen. We've talked quite a bit about this ITIS program. I just want to make sure that everybody understands how it's supposed to work and who all is involved in it. How are the defects entered into the system by the track inspector as he finds them?

A. There's a screen there, which he goes --

Q. A screen on what?

A. On the computer.

Q. What computer?

A. On his laptop (indiscernible).

Q. Where's that?

A. In their truck.

Q. So he has a computer laptop in his truck?

A. Yes.

Q. With him as he's doing his hi-rail inspection?

A. Correct.

Q. Okay. Go ahead.

A. So when he's doing his hi-rail inspection, you know, and if he's only entering an FRA for it, there is a screen on his ITIS laptop which is mounted in his vehicle, which is FRA inspections. And then it puts up a list of every track segment that's due to be completed. So he's hi-railing along on, say, the single main on the Old Main Line at milepost 53 and he finds something. He'll stop his truck, do what he normally does to investigate it. He can go into that screen then. There's a button that he clicks that says defect. He can click that. Then that'll pop up a box that has different defect categories.

So you got your surface, joint, (indiscernible), whatever it may be. So he picks the applicable category and then that'll bring a list which he can scroll through that'll have the defect code which is found in the back of that handy book we all have. He can check the box for the applicable defect. Then it asks him more questions about milepost -- depending on the type of defect, it'll ask for severity. So if it's a cross-level spot, they want a measurement. So you put in a few inches or something, and then it'll give you a recommended remedial action, which in that case would be to lower the class to the applicable speed.

So then he would report what remedial action he took,

which can either be I tamped the joint up, or I slow ordered it, or I removed it from service. And then if he repaired it, it'll just say what he did. If he didn't repair it and slow ordered it, it'll say put a temporary speed restriction on it, and then wait for the repair to be done. Then he complete that form and he'll save it and then he can keep hi-railing along and repeat the process over and over again until he completes the track segment. And then when he finally completes the track segment, there's another button you push that says "complete" and he'll complete that out and move on to the next segment.

Q. Okay. So as he progresses through the day he creates these reports for each segment of track?

A. Yes.

Q. And then at the end of the day of his inspection, what happens to all that data?

A. Well, all that -- the button presses he makes, fills a form on another page in ITIS where it'll compile this information he entered. So then if you see in the report, it'll categorize the tracks he inspected on the top, tracks he traversed on the next line, and then it'll list any defects or other type of inspections he did like walking switch inspections, his monthly switch inspections. As he entered all that stuff, it's actively building a form and then when he's done for the day, he'll close that form out and sync it.

Q. All right.

A. If he wants to do two types of reports in a day, where he might do an FRA track inspection in the morning, then turn around and do a heat run in the afternoon, what he'll do is he'll complete his FRA report for whatever he did for the day, he'll close it, and then that'll reset the forms in the system so then when he starts his heat run, it'll actually open up a new form for him, which will be categorized as a special heat inspection. Does that answer your question?

Q. Yeah. So at the end of his shift or at the end of the day --

A. Yes.

Q. -- the report is closed and synced to the main frame?

A. Correct.

Q. And that's when it becomes available to you?

A. Yes.

Q. Okay. Now, so you know by the -- like we'll say his day is 7 to 3:30. When you come in in the morning, unless he's found something critical that he didn't -- you know, he calls you on and verbally tells you there's something terrible out here, come fix it, other than that, if he doesn't do that, you know by -- in the morning, if you wanted to, you could go check his report without speaking to him and see what he found?

A. Yeah. I --

Q. Or defects and notes?

A. Yeah, and I do that at home a lot of times. I can go

over his information from my house.

Q. Right. Okay.

A. So -- yeah.

Q. All right. Now, you mentioned -- and you have to -- oh, by the way, do you have to sign off on those reports saying that you saw them and --

A. Yeah. I spoke about that earlier. I have to approve them.

Q. Okay.

A. I look through it and just check to see what they've been finding --

Q. Right.

A. -- with the inspectors, and you hit the approval button and approve it.

Q. All right. Now, you earlier talked about the green -- you know, a green light -- a green light, amber and red on the conditions of those defects that were found during the course of his inspection which gives you a heads up as to what's going on out there in the field. What happens when a defect gets to red? What happens at that point? Within -- how does the system work when there's a red defect?

A. You get an e-mail that tells you, you have an overdue defect. And really then it'll give you the opportunity to go in there, and maybe you forgot to take it out, so you can post-date it to the day it was repaired. I never really had one that was

overdue, so I don't know if you can I say I repaired it later or anything like that. But, you know, it'll let you go in and have the opportunity to take it out of the computer and say what day you repaired it.

Q. All right. Now, if you don't take care of that opportunity, take advantage of that opportunity, what happens?

A. I'll get an e-mail from my boss saying why do you have overdue -- or, you know, a call or whatever, why do you have overdue defects, because my supervisor's got to get on it as well.

Q. Because he was notified --

A. Yes.

Q. -- that now we got a problem out in the field because somebody isn't fixing these defects?

A. Right.

Q. And then what happens if he neglects to take action on it?

A. I really don't know.

Q. Does the division engineer get notified?

A. You probably have to ask him.

Q. So there's a process of higher responsibility here involved other than it stopping at -- with your inspector or you. There's other people involved in making sure the defects that are found in the field are fixed and fixed in a timely manner?

A. Yes.

Q. Correct?

A. Yes.

Q. All right. On these notes, you explained in clear detail, actually, that once a note is written, it's there for you to see when you look at the report to approve it, but in all reality, once you approve it and it goes away, out of sight, out of mind? There's nothing, as Rick was trying to get, there's nothing that brings those notes up?

A. Right. I mean, a note's a note. It's a recommendation. If there's no formal audit process for the note, like with the 213 and non-class specific defects, there's really no basis or justification that require me to sign off on them other than, you know, look at them.

Q. So if he was to write a note on an area that he had an issue with but wasn't a defect, he can actually write that note every day for a week or for a month?

A. Right.

Q. And it wouldn't accumulate -- it wouldn't be like a bunch of notes saying you had a -- of all the same type that you got a problem; it would just be a note on an electronic record that is kind of like in the system but you don't see other than you saw it that day and you approve it and it goes away and then it comes back the next day on the next note, and you go through the process but it's never accumulating?

A. Right.

Q. It's not putting a number saying, you know, it's getting

bigger; it hasn't gone away; he hasn't fixed it?

A. Right. There's no monitoring --

Q. The only time it would get on the report really to bring your attention is if it was assigned a --

A. Non-class --

Q. -- it became a class specific defect with a number of some type of defect, a warp or a gauge or toe file or --

A. Well, yeah, you could it for anything.

Q. Right.

A. I mean, if there's a tree that's growing there, you could write I'm putting a non-class specific defect on this tree because I'm not able to cut it down by myself.

Q. Right. So -- all right. So I understand that correctly, because -- now when you pull up those -- once it's in the system and you pull up a record, do those notes come back or are they gone? Are they stuck to that inspection form or --

A. Yeah, but you can't see it when you audit it. It's only on an internal inspection form that's retained.

Q. Okay.

A. The only comment you can read, Frank, on it is the top one there which says "Remarks."

Q. Right.

A. But there's other ways you can put comments in there that are hidden from the FRA report.

Q. That's it. Thank you.

MR. HIPSKIND: Thank you, Frank. That was a good discussion.

Randy, do you have anything to clarify?

MR. DANIELS: Just a -- yeah, a couple of questions.

BY MR. DANIELS:

Q. You talked about -- training was one of the questions. You attend quarterly training on multitudes of stuff; is that correct?

A. Yeah. I didn't really talk about the safety stuff, but, yeah, operating rules, break (ph.) worker safety, other regulatory things, on-track worker safety. I take that every year when it's assigned to me. But I was thinking more about track specific, you know, kind of related to this incident.

Q. And then we talked about walking inspections, and you say that's primarily track inspectors, but it is also a team event. So you, your assistant, Carey Nelms, we talked about, even me, we all kind of share in that responsibility when necessary. Is that correct?

A. Yeah. I'll go out and walk around a lot. I mean, I walk -- a lot of times if I'm hi-railing and I'm waiting somewhere, I'll walk some curves. So it's just kind of a habit we all engage in, yeah.

Q. And you and Frank had a lot of discussion about the notes page and how that's handled. Defects do not go on the notes page; is that correct?

A. Defects do not go in the notes page --
Q. The notes page is not for defects; is that correct?
A. Right. That's just for general notes, not --
Q. Information?
A. Yeah. Well, there is another place you can do it too, where if you write a defect you can put in Inspector Thomas, specific actions that need to be done.
Q. Correct. But the notes page is related to -- not the defects that are part of the defect report. That is your notes to you that he wants you to know about?
A. Yeah.
Q. And if that information was important, you would transcribe it to your spreadsheet which you referenced earlier?
A. Yes.
Q. That's all I have.
MR. HIPSKIND: Thank you, Randy.
MR. SOUTHWORTH: Just one item. What's an MWI?
MR. SMITH: Oh, maintenance of way instruction.
BY MR. HIPSKIND:
Q. Okay. Owen, sometimes in our accident investigations and our post-accident discussions we do like to kind of drill down and know and understand some of the -- let me suggest that we pause here for just a minute.
(Off the record.)
(On the record.)

MR. HIPSKIND: Okay. We had a little interruption there. We had some noise in the background. We wanted to get a good recording.

BY MR. HIPSKIND:

Q. Let me recap for the group and for your review, if I understood this ITIS program correctly. It's an electronic system. It's on the track inspector's laptop. It's with him in his truck. And when he sees a defect, he calls that up on his screen. He selects a drop-down menu. He records it. It becomes part of his official track inspector record for that day. Correct so far?

A. Yes.

Q. He also has an option that if he wants to, as part of that system, if he wants to record track inspector notes -- and I want to be clear about this -- track inspector notes are not defects. He had that option to choose when he first got in there to record a condition if it was a defect. But the point is that a track inspector note should not be thought of as a defective condition per FRA's track safety standards regulation?

A. Correct.

Q. Okay. Now, a further point I want to clarify for the record is that when CSX uses the ITIS system, the electronic track inspection record system, when the FRA safety inspector comes in for a track inspection records review, he does not see -- or she does not see the track inspector notes that were entered over the

course of time by the track inspector because those were not defects?

A. Correct.

Q. He sees a different screen than maybe a screen that you had available for you to see before they became the official FRA records given to FRA, correct?

A. Yes.

Q. And one more point of clarification, if I may. I want to be sure we're all on the same page with this. When we talk about a defect, it doesn't make any difference in entering on the screen if it was a class specific defect or a non-class specific defect, I still hit the defect button, it goes in, I get the drop-down menu, and we go forward?

A. Right. The computer -- the initial input, you never specify if it's a class specific or non-class specific defect. You only select the defect based off of what it is. The computer will then decide whether it should be handled as a class specific or non-class specific defect.

Q. Okay. And to be clear, on the non-class specific defects, if I enter them into the ITIS system, it starts -- for all intents and purposes, it starts a 30-day clock?

A. Yes.

Q. And as the track inspector or the roadmaster or anybody who views or has accessibility to the ITIS that wants to look at a particular subdivision, a particular roadmaster, a particular

track inspector, they can go in and watch that 30-day window on non-class specific defects?

A. Yes.

Q. Okay. I'm good with all of that and I don't have any more questions right at this time.

MR. HIPSKIND: Rick?

MR. INCLIMA: Thank you, Dick. Just a couple of quick questions.

BY MR. INCLIMA:

Q. Owen, when you talk about you receive an e-mail, I assume is that a automatically generated e-mail from ITIS?

A. Yes.

Q. Okay. So it'll come in, say your overdue or whatever it might say; it'll give you that?

A. Yeah, it -- essentially, that's what it tells you, yes.

Q. Okay. And does that e-mail come to you in a -- I mean, is it color-coded? Is there any way for you to pick that out of the stream of e-mails you get every day or is it --

A. Yeah, I think it -- it's pretty visible. It says, "WARNING: OVERDUE DEFECT."

Q. Okay.

A. It's all capitals. I think you can see it if you get something.

Q. So they're yelling at you?

A. Yeah.

Q. Okay. Okay, good.

Just as a matter of, you know, your perspective and instructions that you might give to your track inspectors, fouled ballast or saturated subgrade, you know, where you got standing water, you got some mud, do you -- are your inspectors instructed to write that up as fouled ballast or saturated subgrade in the absence of a geometry defect, or is it the practice to rely on the emergence of a geometry defect that then would relate to the presence of mud or saturation?

A. Yeah, we'll -- we tell them as a maintenance issue to cut the ends of the ties out if it's just emerging to help us buy some time.

Q. Okay.

A. And the instruction is, it says -- the definition that FRA's been using when they issue us non-class specific -- or not geometry, but fouled ballast defects, where you have a surface condition in there which isn't the maximum for the class because we don't want to get that close.

Q. Right.

A. We'll get to a class or two above, where if it exceeds that limit, then that's when we're going to slow order it and address it as a non-class specific defect.

Q. Okay. Great. Thank you. I appreciate the clarification.

MR. INCLIMA: That's all I had.

MR. HIPSKIND: Frank, left to you to --

MR. CROWTHER: Oh, I have -- I'm all set. No further questions.

MR. HIPSKIND: Thank you, Frank.

And Randy?

MR. DANIELS: I'm good.

MR. HIPSKIND: We're all good on the clarifications?

BY MR. HIPSKIND:

Q. Okay. Owen, you have been great in your participation and coming in a second time for this interview. Is there anything that's on your mind or anything that you think topically we ought to talk about or are we getting pretty close to understanding how you guys manage risk and how you assess things out here?

A. Yes. I'd just like to say I think the computer technology we've had in the past 4 years and the new implementations they're doing is really going to help us be more effective in analyzing our risk. And I think whatever lessons we learn and the input they can get from people in the field, we can make it better to do our jobs more effectively.

Q. Okay. But let me just try and recap here. We've talked about an awful lot of systems here, the ITIS track inspection reporting of defects, track notes -- track inspector notes, both class specific and non-class specific items are recorded. We've talked about the Sperry test and ultrasonically testing rail giving you a heads up on where rail flaw defects are. Track

geometry car. And the point is all of that in combination are data streams into you to help you manage your risk, to help you to know to be in the right place at the right time.

A. Yes.

Q. Are you in agreement with that or --

A. Yes. That's what I was trying to say. ITIS is -- the ultimate goal of ITIS is to integrate all this data into one section, which can be a reference to not only me but other people in the field so we can identify areas that are going to be an increased risk.

Q. Okay. And the other layered approach that I take it that you have out there is it is not just left to the track inspector solely on his own, or a couple of track inspectors, to make the risk assessments and hazard assessments on a day in/day out, week in/week out, month in/month out. You also assist in their oversight and people look over your shoulder and there's some oversight at that level too?

A. Yeah, they look for the most immediate risk and then I look at a more general risk. They hi-rail every day. I hi-rail a couple times a week. So I look at a bigger picture of them and help integrate their concerns into one plan and then I bring that up the ladder to the other people above.

Q. Okay. And another element of this is when you are providing your oversight, your supervision, we're really talking about elements of good judgment. Are the field personnel and are

the track inspectors exercising good judgment and are they complying with not only CSX standards and expectations, but also the Federal Railroad regulations as well.

A. Absolutely. And that's how I go about doing my job. And, you know, we don't go there just to fix defects the FRA issues. It's the FRA issues a defect or if one of our employees go there, we go above and beyond that. Example, the state inspector wrote up a joint tie defect on the Old Main Line. Well, I could have fixed that just be changing one tie out or welding the joint, but we didn't do that. We changed ties out. We changed the rail out. We did more than what we'd have to do as the minimum to satisfy the FRA. We did -- we went above and beyond that. And that's I say using good judgment or just doing our job, we need to be able to -- above and beyond what the FRA states, and that's what we try to do.

Q. Okay. If there are no questions or comments from anybody, I will just end it with you know that you'll get a package from me, your transcript and some instructions and if you'll just follow through the same way that you did before, that would be great. And with that, I think we'll close the interview and just extend to you our great appreciate for you coming back a second time.

A. Thank you.

Q. Thank you.

(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:	October 4, 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.

_____

Kay Maurer
Transcriber