

UNITED STATES OF AMERICA
NATIONAL TRANSPORTATION SAFETY BOARD

NORFOLK SOUTHERN
TRAIN WRECK IN
GRANITEVILLE, SOUTH
CAROLINA

Case
No.

STATEMENT OF DERICK COX

The above entitled matter came on for the
taking of the statement of DERICK COX, before
NATIONAL TRANSPORTATION SAFETY BOARD INVESTIGATORS
at CONFERENCE ROOM, RAMADA INN, 640 BROAD STREET,
AUGUSTA, GEORGIA, on JANUARY 8, 2005 (SATURDAY),
at 10:30 a.m.

A P P E A R A N C E S

RUSSELL GOBER, OPERATIONS GROUP CHAIRMAN
NATIONAL TRANSPORTATION SAFETY BOARD
Suite 3M25
60 Forsyth Street
Atlanta, Georgia 30303
[REDACTED]

TOM DWYER, UNITED STATES TRANSPORTATION UNION
7 North Pinckney Street, Suite 50-c
Madison, Wisconsin 53703-2840
[REDACTED]

DAN BRYSON, DIVISION SUPERINTENDANT
NORFOLK SOUTHERN
1120 West Washington Street
Greenville, South Carolina 29601


RON WRAY, ESQUIRE (represents statement giver)
P.O. Box 10589
Greenville, South Carolina 29603

RICHARD RUSNAK, FEDERAL RAILROAD ADMINISTRATION
614 Old Hollow Road
Clover, South Carolina 29710
[REDACTED]

SAM NOE, FEDERAL RAILROAD ADMINISTRATION
Atlanta Federal Center
Suite 16T20
61 Forsyth Street, SW
Atlanta, Georgia 30303-3104

BEN BLISSETT, BROTHERHOOD OF LOCOMOTIVE ENGINEERS AND
TRAINMEN
425 Creekview Drive
Boones Mill, Virginia 24065
[REDACTED]

RICK NARVEL, HUMAN PERFORMANCE INVESTIGATOR

NATIONAL TRANSPORTATION SAFETY BOARD
490 L'Enfant Plaza, East, SW
Washington, D.C. 20594


EXECUTIVE COURT REPORTERS
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1 P R O C E E D I N G S

2 January 8, 2005

10:30

3 a.m.

4 MR. GOBER: We're here today to try to develop the
5 facts, conditions and circumstances surrounding the
6 collision which occurred at the Avondale Mills and
7 Graniteville, South Carolina on was it the sixth? Yes,
8 the sixth of January, 2005.

9 And right now we're going to interview the train
10 dispatcher, Derick Cox. And Derick, we just want to
11 find out basically what you were doing and what you
12 know about the accident.

13 If everybody would, starting with Mr. Dwyer,
14 identify yourselves so the Court Reporter will know who
15 we are here.

16 MR. DWYER: My name is Tom Dwyer, United States
17 Transportation Union.

18 MR. GOBER: Give him your address and phone
19 number.

20 MR. DWYER: Seven North Pinckney, P-I-N-C-K-N-E-Y
21 Street, Suite 50-C, Madison, Wisconsin, 53703-2840.
22 Area code [REDACTED]

1 MR. GOBER: And give him your railroad address.

2 MR. BRYSON: My name is Dan Bryson, division
3 superintendent, Norfolk and Southern. My address is
4 1120 West Washington Street, Greenville, South
5 Carolina, 29601.

6 MR. GOBER: You're representing the dispatcher,
7 give him name and address if you will.

8 MR. WRAY: My name is Ron Wray, W-R-A-Y, and I am
9 at P. O. Box 10589 Greenville, South Carolina, 29603.

10 MR. GOBER: Mr. Rusnak?

11 MR. RUSNAK: Yes, Sir. Richard J. Rusnak, 614 Old
12 Hollow Court, Clover, South Carolina, 29710. Office
13 phone number, [REDACTED].

14 MR. NOE: Sam Noe, N-O-E, Federal Railroad
15 Administration, the address is Atlanta Federal Center,
16 61 Forsyth, F-O-R-S-Y-T-H Street, Southwest, Suite
17 16T20, Atlanta, Georgia 30303-3104. My office
18 telephone number is [REDACTED]. Cell phone number
19 [REDACTED]

20 MR. BLISSETT: I'm Ben Blissett, B-L-I-S-S-E-T-T.
21 I'm with the Brotherhood of Locomotive Engineers and
22 Trainmen. My address is 425 Creekview, C-R-E-E-K-V-I-

1 E-W Drive, Boones Mill, two words, B-O-O-N-E-S M-I-L-L
2 Virginia, 24065. Telephone number is [REDACTED]

3 MR. NARVELL: I'm Rick Narvell with the National
4 Transportation Safety Board Human Performance
5 Investigator. 490 L'Enfant, that's L, like in Lincoln,
6 L-E-N-F-A-N-T Plaza East Southwest, Washington D. C.,
7 20594. Telephone is area code [REDACTED]

8 MR. GOBER: I'm Russell Gober, I'm the operations
9 group chairman heading up the interviews, and I'm out
10 of the NTSB Atlanta Office at 60 Forsyth Street,
11 Atlanta, Georgia Suite 3M25 Atlanta, 30303. And my
12 phone number's [REDACTED]. And my fax number is 404-
13 562-1674.

14 INTERVIEW OF DERICK COX

15 BY MR. GOBER:

16 Q If you would, Sir, would you identify yourself for
17 the record.

18 A My name is Derick Cox, D-E-R-I-C-K C-O-X.

19 Q And where do you work, Derick?

20 A I work at Norfolk Southern dispatching center in
21 Greenville, South Carolina.

22 Q What is the address, the telephone number where we

1 could reach you there?

2 A [REDACTED]

3 Q Derick, what I mentioned before, we're just trying
4 to find out the details of the accident, what occurred
5 before and up to the accident. What shift were you
6 working and what do you know about the accident?

7 A I worked third shift, from 11:00 p.m. until 7:00
8 a.m.

9 Q And that was the shift whenever the accident
10 occurred?

11 A That's correct

12 Q Did you have any contact at all with the local
13 crew that had tied up at Avondale Mills?

14 A No, Sir.

15 Q Had you had any radio communications or direct
16 contact with either one of the crew members on the
17 accident train?

18 A That's correct.

19 Q What do you know about them?

20 A As far as what they, what we talked about when
21 they called in?

22 Q Right.

1 A They called up initially, as far as I can
2 remember, they called up and they told me that they
3 would not have any work to do going northbound to
4 Columbia.

5 Q And they were operating from where, now?

6 A From Augusta to Columbia. They said they would
7 have to do work at Augusta, but no work on the mainline
8 going - -

9 Q On the main track.

10 A So that gave me an idea of how far I would take
11 them based on southbound trains.

12 Q Had you issued them any track warrants?

13 A Yes, Sir. I gave them track warrant. From
14 Augusta, I believe it was to Summit. And to hold the
15 mainline there at Summit, I believe, if I remember
16 correctly.

17 Q For us novices, where is Summit?

18 A Summit is about, it's approximately, I think it's,
19 it's approximately 30 miles south of Columbia.

20 Q So it was way past the accident area.

21 A That's correct.

22 Q They would have been able to operate - -

1 A That's correct.

2 Q From what we understand, this is dark non-signal
3 territory.

4 A That's correct.

5 Q Is that right?

6 A That's correct.

7 Q Do you have any signals of any kind on your board
8 for this territory?

9 A I understand that there are, I'm not very familiar
10 with it, I've never actually been down on that
11 particular road. But just from talking with people in
12 our office, I understand that there are lights or
13 signals on the switches there at Volcleus, which is
14 past, it's past farther north than the accident site.

15 Q But is it a spring switch indicator?

16 A Right. That's right.

17 Q What do you have in the dispatcher's office? Do
18 you have anything at all on your board that shows that?

19 A No, Sir.

20 Q As a dispatcher, are you aware of, do the train
21 crews tell you what the signals are out there for those
22 spring switches, or do they announce them on the radio

1 or anything?

2 A No, Sir. The only time that they tell us anything
3 about any signals, if they're in error or something's
4 wrong with the signal.

5 Q And you said you had one for Valcleus?

6 A Valcleus.

7 Q Volcleus.

8 A Yes, Sir.

9 Q And that's in the vicinity of the accident but not
10 at the accident.

11 A Let's see. Trying to remember the mile post of
12 the accident.

13 Q Was it 178?

14 A 178. That is south of Valcleus. So they wouldn't
15 have gotten to that point yet.

16 Q I've heard that they have an approach signal to
17 the spring switch and it would have a signal like a
18 couple of miles before that would tell them the spring
19 switch is either aligned properly or it's aligned into
20 the siding.

21 A Yes.

22 Q Is that true?

1 A Sir, to be honest with you, I'm not sure.

2 Q Earlier I asked you to help me find a rule that
3 talked about track warrants and what a train crew was
4 supposed to do whenever they tied up or relinquished a
5 track warrant. And you showed me that it was Rule 181.
6 Would you read rule 181 into the record and tell me
7 what that means?

8 A How far do you want me to go?

9 Q Just - -

10 A The whole - -

11 Q Well, the part that affects the tying up.

12 A Rule 181 in effect, a track warrant, once in
13 effect remains in effect until a crew member or the
14 operator or employee in charge of on-track equipment
15 reports clear of the limits or the track warrant is
16 voided.

17 A crew member or operator or employee in charge of
18 on-track equipment must report to the dispatcher when
19 the train or equipment has cleared the limits. When
20 clearing at a point where switch must be returned to
21 normal position, clear must not be given until switch
22 has been locked in normal position.

1 Q That's what we want. I know that you were not on
2 duty whenever the local tied up in that track. But are
3 you ever in a position to where train crews relinquish
4 their track and tie up?

5 A Yes, Sir.

6 Q How do they do that?

7 A They call in sometimes over the radio, or
8 sometimes they'll call in over the telephone. And
9 they'll call in and say this is whatever train they're
10 on. We'd like to clear track warrant number, whatever
11 the track warrant number is. And they'll give you
12 know, sometimes they'll give the engine number and the
13 limits of the track warrant.

14 Q So what that's telling you is that they're through
15 for the day and you record it in some kind of a book,
16 or what do you do?

17 A We have it inputted into the computer. Which they
18 have their track warrant book on the train and we have
19 the same thing but it's on the computer and we type in
20 the, of course we select the track warrant that they're
21 wanting to clear and then we type in the clearance time
22 and the person that was clearing it.

1 Q From some discussion that we had yesterday,
2 whenever you're dealing with a train crew on a track
3 warrant, that's hours of service work. Is that
4 correct?

5 A To be honest with you, I'm not sure.

6 Q But you are a train dispatcher and you're working
7 under the hours of service and you can't perform any
8 service except while you're on the clock. And you can
9 work how many hours per day?

10 A I can work eight hours and then one hour past
11 that.

12 Q So you can work up to nine hours in a 24 hour
13 period.

14 A That's correct.

15 Q Well, the train crew, as you know, can work up to
16 what, 12 hours?

17 A Yes, Sir.

18 Q And they cannot perform any service or function
19 that has anything to do with operation of trains and a
20 track warrant is serving the function of operation of
21 trains from my understanding. So would that have to be
22 done within the hours of service?

1 MR. DWYER: Can we go off the record for a minute?

2 MR. GOBER: No.

3 Q What we want to do is establish is can you issue a
4 track warrant or close out a track warrant other than
5 when you're on duty?

6 A Me?

7 Q You and the train crew. Do they have to be on
8 duty?

9 A I can speak for myself. I wouldn't clear a track
10 warrant off duty. I wouldn't. Because first of all,
11 somebody else would be on duty and I wouldn't have
12 anything to do with it.

13 Q That's basically what I'm trying to understand. I
14 know in order to issue track warrants, you're supposed
15 to be working, right?

16 A That's correct.

17 Q And issuing a track warrant and closing out a
18 track warrant - -

19 MR. GOBER: Hey, I'm running this investigation,
20 and whenever I get ready, I'll give you an opportunity
21 to speak.

22 Q The track warrants are for the movement of trains,

1 is that correct?

2 A That's correct.

3 Q All right.

4 A Trains, or could be track people, or personnel.

5 Q And then when you're clearing one up, what that

6 generally does is telling you that that track is no

7 longer in service or that train is no longer working.

8 Is that correct?

9 A That just tells me that they're done with those

10 limits and - -

11 Q If they're done with those limits that they're

12 using and they're finished for the day then the tracks

13 are supposed to be aligned and locked for normal

14 position?

15 A Based on that rule, yes, Sir.

16 MR. GOBER: We will go off the record now.

17 (OFF THE RECORD)

18 MR. GOBER: Derick, I don't have any more

19 questions that I'm going to ask you right now, but - -

20 Narvell is our human performance investigator and he

21 has any questions.

22 BY MR. NARVELL:

1 Q How are you doing?

2 A Just fine.

3 Q Can you hear me okay?

4 A Yes, Sir.

5 Q Just a couple here. Did you have any, I'm not

6 sure if I heard this earlier, but did you have any

7 radio contact with the 192 crew?

8 A Yes, I did.

9 Q Do you remember about what time the first time

10 would have been? Roughly?

11 A I came on duty - -

12 Q Around 11:00?

13 A Well, we get our pre-briefing. And then

14 approximately, like I said, I don't really remember the

15 exact time but I would just say approximately, I'm not

16 even sure what time they're on duty, to be honest with

17 you. But - -

18 Q Around 12:30, I think, somewhere in there. So

19 you're on at 12:30 or so.

20 A Approximately 12:30, 12:45, I would say, I can on

21 duty, yes, Sir.

22 Q Did they call you, or did you call them?

1 A They called me.

2 Q What was generally the nature of the content of
3 the conversation?

4 A Pretty much they called me and told me that, like
5 I said earlier, they was just informing me that they
6 would not have to do any work after they left Augusta
7 which normally they work northbound on the main line
8 which is, like I say, it gives me information because
9 those crews are going back home. So they want to get
10 back home, you know, of course, as quick as possible.
11 So we won't run any southbound trains and delay them
12 going north, going home.

13 Q Now at some point after that then, I gather, I
14 don't want to use the assume word, but I gather that
15 you issued a track warrant to them up to Summit?

16 A Yes, Sir.

17 Q Was that shortly thereafter?

18 A I can't remember if I gave it to them then, or if
19 I gave it to them later. I don't remember exactly when
20 I gave them the track warrant, but yes, I did give them
21 a track warrant from August to Summit as far as I
22 remember.

1 Q So after that, did you have any conversation with
2 either crew member?

3 A I don't remember having any contact until they
4 called me about the incident.

5 Q Let's talk about that a little bit. Let's go
6 there. Tell me, just tell us the story about what
7 happened once the incident occurred.

8 A Well, I was sitting at my desk and the emergency
9 on the Madison tower, I believe it was, the emergency
10 tone came on. And it also flashes on the screen. And
11 I immediately answered it. Something to the effect of
12 NS, - - dispatcher answering emergency call in on the
13 Madison tower. That's kind of a standard phraseology I
14 would use.

15 Q Okay?

16 A And at that point, I think it was engineer
17 Seeling, I think it was him. He called and said this
18 is train 192. We came through Graniteville, South
19 Carolina, 45 miles and hour, and I think he said the
20 switch wasn't lined for the mainline or something he
21 said about the switch wasn't aligned properly or
22 something to that effect. And he said, we struck a

1 parked engine in that side, switch or where ever the
2 siding was, the switch was aligned to.

3 And we need to, he said we needed an ambulance and
4 at that point I asked the crew, I said, how is the
5 crew? And he said he thought he was bleeding and at
6 that point I got off and then I started, I notified
7 PCC. And they're the people that notify emergency
8 personnel.

9 Q Just for the record, what's PCC?

10 A I'm not sure of the acronym, but it's basically
11 our communications police, in Roanoke, Virginia, they,
12 anytime we have a problem as far as emergencies or if
13 we need police or anything, we would notify them.
14 They're the central center for receiving those type
15 calls.

16 Q So I'm just going to walk you through this. To
17 the best of your memory. So you contact PCC, and they
18 in turn apparently contacted local 9-1-1 emergency
19 response folks?

20 A That's correct.

21 Q Do you know about what time he called you or the
22 tone hit?

1 A Approximately two, I think it was 2:39, 2:40,
2 approximately somewhere around in there.

3 Q Are all these conversations recorded?

4 A Yes, Sir.

5 Q So you did that act, and then what happened after
6 that?

7 A After I, after I called PCC, I think, I think I
8 got up and went and told the chief dispatcher just to
9 see if he was aware of it. And he heard the call on
10 his radio next to his desk. He heard the call
11 simultaneously as when I heard it. And he, I answered
12 it just a split second prior to him.

13 Q Was there any subsequent conversations with either
14 the conductor or the engineer after this happened? The
15 PCC contact and you contacted the chief?

16 A No, Sir. I attempted to call the crew again but
17 there was no response.

18 Q So you only had that one conversation in essence
19 with the engineer. Is that correct?

20 A That's correct.

21 Q Who told you - -

22 A As far as the train, that's the only conversation

1 I had with the train.

2 Q No conductor?

3 A No, Sir.

4 Q No conversation with him.

5 A No, Sir.

6 Q Were there any other trains in the area that

7 you're aware of that, or any other railroad personnel

8 that you would have talked, spoken with, or to?

9 A Around the area of the accident?

10 Q Correct.

11 A No, Sir.

12 Q I want to shift a little bit here and this is my

13 last area. I'll pass along here.

14 MR. NOE: Rick?

15 MR. NARVELL: Yes, Sir?

16 MR. NOE: I don't mean to interrupt you, but could

17 I just ask a couple questions in relation to this

18 before you get into that area?

19 MR. NARVELL: Sure.

20 MR. NOE: If you don't mind.

21 MR. NARVELL: That's fine.

22 BY MR. NOE:

1 Q Were there any, between the time of 11:00 that
2 you, you came on duty at 11:00 correct?
3 A Yes, Sir.
4 Q From 11:00 till you issued the track permit for
5 the train 192, did you authorize any other trains or
6 persons on that track section?
7 A No, Sir.
8 Q So - -
9 A As far as I can remember. I don't remember
10 issuing any track warrants down there.
11 Q When you came on duty, were there any trains or
12 persons operating on that section of track, discussed
13 in your transfer?
14 A I don't remember it being any other track warrants
15 or anything. I can't remember to be honest with you,
16 but I don't remember it being anybody down in that
17 area, no.
18 Q So to the best of your recollection - -
19 A Yes, Sir.
20 Q - - there was no other operations on that track
21 segment.
22 A That's correct. To the best of my recollection.

1 Q And there was no discussion of any movements in
2 that area with the train dispatcher that you relieved.
3 A No, Sir. Not that I - -
4 Q To be best of your recall.
5 A Not that I remember.
6 Q Since the incident, have you had the opportunity
7 to review the audio tape?
8 A No, I haven't.
9 Q Or any track permit that you may have issued?
10 A No, Sir.
11 MR. NOE: That's all I have. Thank you, Rick.
12 Appreciate that.
13 MR. NARVELL: No problem.
14 BY MR. NARVELL:
15 Q Actually two areas. One quick question in one
16 area and I'll be done. Does this crew have cell phones
17 on them, do you know, and if so, do they call you on
18 cell phones?
19 A You said, do they call me on cell phones?
20 Q Yes, have they ever?
21 A I mean, I'm not sure if that crew ever called me
22 on a cell phone. I'm not sure of that, no.

1 Q Can't recall if they did or not.

2 A Like I said, you know, when they call me on a
3 telephone, I'm not sure if they're calling me from a
4 cell phone or - -

5 Q I see. So you're not aware in fact if they do,
6 when they do call you're not sure if it's a land line
7 or a cell phone. Is that what you're saying?

8 A Well of course, if they're right down the road, I
9 would know. They would have to be on a cell phone.
10 But they could have called from the office, or wherever
11 they call from in Augusta. I'm not sure where that is.

12 Q So I guess the question is, you're not aware if
13 they do or don't have cell phones. Is that true?

14 A I do know that some train crews have cell phones.
15 Yes.

16 Q What about this crew?

17 A That one I'm not sure if they did or not.

18 Q Not sure. Last area here. With respect to this
19 rule 181, is there a time requirement for crews? When
20 they finish up the elements of a track warrant, Box one
21 eight, whatever it is, when they're done with that, is
22 there a time requirement that they're supposed to close

1 that out, or do they close it out when they can?

2 A They close it out when they can.

3 Q What's been your experience out there with crews?

4 Do they do it in a timely fashion, or do they wait or
5 just in general?

6 A It's based on their work. You know, whenever they
7 finish, sometimes they clear up. Of course, you know,
8 sometimes they forget to clear it up. So it's just
9 depending on the situation, I guess.

10 MR. NARVELL: Thank you. That's all I have right
11 now.

12 MR. GOBER: Sam Noe, do you have any questions?

13 MR. NOE: I have two more questions.

14 BY MR. NOE:?

15 Q You can differentiate between on your panel,
16 between a radio communication and a telephone call.
17 Correct?

18 A Yes, Sir.

19 Q You just can't differentiate between a cell phone
20 and a land line phone.

21 A That's correct.

22 Q But you know it's a telephone call versus a radio

1 communication.

2 A That's correct. Yes, Sir.

3 Q And if you get a radio communication on your
4 computer screen, it does indicate the tower that it's
5 coming from?

6 A Yes, Sir. That's correct.

7 Q How long have you worked as a dispatcher?

8 A I was hired on the railroad as a dispatcher in
9 training on March of 2000.

10 Q And your time as a dispatcher, how many times
11 would you say that after the expiration of the hours of
12 service log of the crew beyond that limitation have you
13 been contacted by the train crew clearing track permit?

14 A Uh - -

15 Q Let me rephrase that. Let me re-ask that. Has
16 that ever occurred before?

17 A Yes.

18 Q Would you say more than ten?

19 A I can't remember ten occurrences. I would say
20 somewhere between zero and ten. Yes.

21 Q Have you, what is the longest period of time after
22 the expiration, of your knowledge the expiration of

1 their hours of service or the log got them and the time
2 clearing a track warrant?

3 A I don't remember. I know I worked a lot of
4 different jobs in that office and, let me think. I
5 would say, just on occasion. I mean, on occasion
6 they'll clear it up and you'll notice that it's past,
7 sometimes past the hours, I guess past the time that
8 they went on duty.

9 Q One last question. When that occurs, and that
10 happens, do you receive that call on the radio or
11 normally on the telephone?

12 A I think both. I think both. I know I've
13 received, I know I've received them on the telephone.
14 But I will say both.

15 MR. GOBER: A question came to my mind whenever
16 this was being discussed.

17 BY MR. GOBER:

18 Q Whenever the computer screen comes up, does it
19 show what time the train crew went on duty whenever
20 you're issuing or taking track warrant information
21 whenever you call that track warrant up, do you know
22 what crew you're talking to and what time they went on

1 duty by that, any computer information?

2 A I can get that by selecting the train sheet which
3 gives crew information and time that they went on duty.

4 But if I pull up a track warrant, it doesn't tell me
5 what time the crew went on duty.

6 Q So you're not necessarily thinking about hours of
7 service whenever you're clearing up track warrants.

8 A No, Sir. Just clearing it.

9 BY MR. NOE:

10 Q In reference to that, is part of your position and
11 requirements to keep the record of train movement, and
12 the engineers' names, times on duty? Is that part of
13 the information, part of the information that you're
14 required to keep as a dispatcher and record? Is that
15 information of the engine, engineer, time on duty, time
16 off duty?

17 A Right. We have that information on a, on a, like
18 I said, on a train sheet information the time that they
19 went on duty and the time you know, they'll have the
20 time that they went on duty and then below it they have
21 the time that they went on the hours of service log.
22 But as far as keeping it, I just, all I do is - -

1 Q But you have to make sure that's input into the
2 system. Correct?

3 A No. I don't make sure it's inputted. It's
4 already there.

5 BY MR. GOBER:

6 Q If the crew goes off duty on your watch, while
7 you're on duty, do you update your train sheet to show
8 that he's off duty whenever he goes off duty?

9 A No, Sir. That automatically comes on the train
10 sheet if they put it in.

11 Q The crew puts it in?

12 A Yes. I believe that's how they do it. They go
13 and, once they, I think they, when they get off duty
14 they go to their computer station and they type in, I
15 guess, whatever they do, and they type in the time that
16 they're off.

17 Q So it would show - -

18 A They do that.

19 Q So it would show up on your screen then.

20 A I assume so, yes.

21 MR. GOBER: Tom, do you have any questions?

22 Dwyer?

1 MR. DWYER: No, Sir.

2 MR. GOBER: Don't hesitate to ask one if you want,
3 now. Ben Blissett, do you have any questions?

4 MR. BLISSETT: I have no questions.

5 MR. GOBER: Mr. Bryson, do you have any questions?

6 MR. BRYSON: No, Sir. Thank you.

7 MR. RUSNAK: I've got one question.

8 MR. GOBER: Mr. Rusnak.

9 BY MR. RUSNAK:

10 Q Crews do notify you so many hours before they're
11 going on the log, right? They call you up and tell
12 you?

13 A Yes. If they're, sometimes they do; sometimes
14 they don't. They're going from, say Augusta to
15 Columbia as this crew was going the other night, if
16 they, sometimes they'll call in and say hey, - - if
17 they feel like they might not make it all the way to
18 their destination, they'll sometimes notify the
19 dispatcher or someone to say we're go on the hours of
20 service log at a certain time. Basically I would say
21 to let us know we can't mess around too much longer.

22 Q Do you have any responsibility to call, are you

1 the one that calls the cab for them, that kind of
2 stuff?

3 A Sometimes I call the cab. That's correct.
4 Sometimes they call the cab themselves. Sometimes the
5 yard masters call the cabs. Just different people can
6 call.

7 Q And the questioning that we do, and I want to say
8 this so that everybody understands that there's no
9 intent to ask anything to get anybody upset. But the
10 reason we ask certain questions is, the rules state
11 that train crews can work 12 hours. The rule states
12 that train dispatchers can work up to nine. And if a
13 track warrant is cleared after the train goes off duty,
14 I'm just trying to establish whether or not that's
15 within hours of service or not. I want to ensure that
16 if it is supposed to be is that we address that at the
17 appropriate time. If it's not an hours of service
18 issue, then we will have it clarified and cleared up as
19 to what it means. So I'm not trying to ask questions
20 in any off way to cause somebody to give me an opinion
21 that isn't based on the rules and regulations and laws
22 of the railroad industry. It has nothing to do with my

1 opinion or anything like that. It's what is real and
2 what should be done. So in order to make sure that
3 everybody understands where I'm coming from, that's why
4 I ask the questions the way I do. So if there - -

5 MR. BLISSETT: Which brings to mind another
6 question.

7 MR. GOBER: Go ahead.

8 BY MR. BLISSETT:

9 Q Are you, does the company verse you or school you
10 in anything on hours of service for the train crews
11 working, what the requirements are?

12 A Yes. They, I know that they have twelve hours,
13 hours of service log that they can work.

14 Q Do they verse you on what's commingled service,
15 what's covered service, what's on the clock, what's off
16 the clock, all that kind of stuff?

17 A No, I don't think it's that detailed.

18 Q So basically all you understand, the train crew's
19 going to work up to 12 hours.

20 A That's correct.

21 MR. GOBER: Anybody have anything else? Derick,
22 we many have a need to talk to you sometime in the

1 future. Do you have any objection to that?

2 THE WITNESS: No, Sir.

3 MR. GOBER: We have your company number here where
4 we can reach you. So with that, thank you for coming
5 and being candid with us. And we will off the record
6 at 10:00.

7 (OFF THE RECORD)

8 INTERVIEW OF MR. COX CONTINUED

9 BY MR. GOBER:

10 Q Mr. Cox, we're continuing your interview to ask
11 you, did the Norfolk Southern request that you take any
12 kind of drug and alcohol test after the accident
13 occurred for FRA guidelines?

14 A No, Sir.

15 Q Did you take any kind of drug test under any other
16 guidelines?

17 A After that?

18 Q After that.

19 A No, Sir.

20 MR. GOBER: I'm not aware of any more questions.
21 Does anybody have anything? Mr. Cox, we thank you for
22 coming back. We're off the record.

1 (OFF THE RECORD)

2 (Whereupon, the statement in the above entitled

3 matter was concluded at 10:00 a.m.

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C E R T I F I C A T E

This is to certify that the attached
proceedings
before the National Transportation Safety Board

NORFOLK SOUTHERN TRAIN

WRECK IN GRANITEVILLE,

SOUTH CAROLINA

Case

No.

Date: JANUARY 8, 2005

Place: AUGUSTA, GEORGIA

were held according to the record, and that this is the
original, complete, true and accurate transcript which
has been compared to the reporting or recording,
accomplished at the hearing, that the exhibit files
have been checked for completeness and no exhibits
received in evidence or in the rejected exhibit files
are missing.

Bob Addington

