

UNITED STATES OF AMERICA

NATIONAL TRANSPORTATION SAFETY BOARD

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Investigation of:

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COLLISION OF AMTRAK TRAIN #91 AND
A STATIONARY CSX TRANSPORTATION
TRAIN NEAR CAYCE, SOUTH CAROLINA
FEBRUARY 4, 2018

* Accident No.: RRD18MR003

* * * * *

Interview of: MICHAEL VARGO

103 Trade Zone Dr.
Cayce, South Carolina

Monday,
February 5, 2018

APPEARANCES:

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National Transportation Safety Board

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I N T E R V I E W

1
2 MR. TORRES: Okay, this is a NTSB informal interview. My
3 name is Tomas Torres, T-o-m-a-s, T-o-r-r-e-s. Today's date is
4 February the 5th, 2018. We are at 103 Trade Zone Drive in Cayce,
5 South Carolina interviewing a conductor in connection with an
6 accident that occurred at Cayce, South Carolina on February 4th,
7 2018.

8 The NTSB accident number is RRD18MR003. The purpose of the
9 investigation is to increase safety, not to assign fault, blame or
10 liability. The NTSB cannot offer any guarantee of confidentiality
11 or immunity from legal or certificate actions. A transcript or
12 summary of the interview will go on the public docket.

13 The interviewee can then have one representative of the
14 interviewee's choice. Do you have somebody present?

15 MR. VARGO: Oh, yeah.

16 MR. TORRES: Okay. Do you understand this interview is being
17 recorded?

18 MR. VARGO: Yes.

19 MR. TORRES: Please state your name and spell it.

20 MR. VARGO: Michael Vargo, M-i-c-h-a-e-l, V-a-r-g-o.

21 MR. TRUESDALE: Jamie Truesdale, J-a-m-i-e,
22 T-r-u-e-s-d-a-l-e.

23 MR. TORRES: And you're representing?

24 MR. TRUESDALE: Yes, sir. I'm representing Mr. Vargo.

25 MR. TORRES: Thank you.

1 MR. LANDY: Marcus Landy, Office of Regulatory Staff. M-a-r-
2 c-u-s, L-a-n-d-y.

3 MR. HINES: Jonathan Hines, Amtrak. H-i-n-e-s.

4 MR. REAVES: Stephen Reaves, Amtrak. S-t-e-p-h-e-n,
5 R-e-a-v-e-s.

6 MR. ALDRIDGE: Bryan Aldridge, BLET. B-r-y-a-n,
7 A-l-d-r-i-d-g-e.

8 MR. CAMPBELL: Matt Campbell, SMART Transportation.
9 C-a-m-p-b-e-l-l.

10 MR. RICHARDSON: Shane Richardson, S-h-a-n-e, R-i-c-h-a-r-d-
11 s-o-n, FRA operating inspector.

12 MR. DRAKULIC: Gregory Drakulic, D-r-a-k-u-l-i-c, FRA chief
13 inspector.

14 DR. MCKAY: Mary Pat McKay, M-a-r-y, P-a-t, M-c-k-a-y, NTSB.

15 MR. AMMONS: Steve Ammons, A-m-m-o-n-s, CSX.

16 DR. HOEPF: Michael Hoepf, NTSB. Last name is H-o-e-p-f.

17 MR. TORRES: Okay, Tomas Torres with the NTSB. Thank you for
18 coming.

19 INTERVIEW OF MICHAEL VARGO

20 BY MR. TORRES:

21 Q. Can you please just start with your work history, like when
22 you hired out with the CSX and --

23 A. Okay. May 19th, 2004 -- I mean, 2014, sorry, hired out of
24 Spartanburg. Got furloughed there. Came down to Cayce for about
25 a year. Got furloughed again for about a year. Came back, went

1 to Spartanburg for a little bit; came back to Cayce, got
2 furloughed again; went to Charlotte, got furloughed again -- I
3 mean, not -- stood for work in Cayce and came back to Cayce.
4 That's where I'm at now, so --

5 Q. Okay. So you've been working continuously --

6 A. Since about June.

7 Q. June? And before that you were furloughed?

8 A. Yeah, for almost a year.

9 Q. For a year? Okay. So you're a conductor?

10 A. Yes.

11 Q. Engineer or just conductor only?

12 A. No, just conductor.

13 Q. Okay. So once -- on the day of the incident, tell us when
14 you went on duty and, you know --

15 A. Okay.

16 Q. -- and what takes place when you go to a yard office and all
17 that stuff.

18 A. Oh, well, we went on duty, got our messages. Is was at 1500.
19 Got a call shortly after from Kirk Kelsey, our trainmaster. He
20 briefed us on the -- I guess it was a signal shutdown. They were
21 taking all the signals out of order, so he was letting us know
22 that we were going to have to get EC1 authority to go on the
23 tracks that we don't normally have signals on. And he just
24 constantly stressed that and told us, you know, if we had any
25 problems or any questions to make sure to give somebody a call.

1 Then we found out our train was going to be tied up. Due to
2 the signal suspension, we weren't going to be able to go down to
3 do our work at the auto ramp until about 6:00, because they were
4 going to let the guys work on the signals and stuff.

5 As we were waiting we got a call from the yardmaster to let
6 us know there's been a change of plans. We were going to go get
7 another train that went on the law, coming in from Savannah. So
8 we went down, got on their train, contacted the dispatcher. He
9 gave us an EC1 authority to Cayce. And I also talked to two
10 different people that had work authorities along the way to get
11 clearance through their work authority.

12 The second guy gave us work at the limits -- gave us
13 authority to the south end of Cayce, but not into the yard yet.
14 So we proceeded towards Cayce. As we were coming to the end of
15 those limits there, he contacted us on the radio and said, go
16 ahead, and we got permission to come in; everybody's in the clear.

17 So we came and we threw the switches -- threw the switch to
18 the derail. We pulled in, doubled out, tied down the train and
19 went back to the yard office, took the -- took our ride to go get
20 some food nearby. And as we went to go get food, we went down to
21 lock at the switch and the derail that we had threw.

22 Got the food, came back to our engine, got on the engines,
23 called the dispatcher again. Gave up that EC1 authority and gave
24 the switch times. Then we got a new EC1 authority to go down to
25 the ramp and permission on the three switches down at the ramp.

1 And so, we proceeded down. He also wanted us to give up past
2 a certain point so he could bring another train through that was
3 waiting in the yard to double out -- or double in. So we went
4 down. As we passed the north end of Dixiana, we reported south of
5 that direction. He had then upgraded our EC1 authority to work
6 both directions.

7 So we went down to the ramp, pulled down the main line, tied
8 down the train, and then ran around it, threw the switch on the
9 south end, closed it up. Booked the train as we went back north,
10 stopping every other car to peek inside to see what had happened
11 with directions that the cars were facing.

12 When we got to the north end, opened up. Came back, opened
13 up the lead switch on the north end. Went and pulled all the
14 empty cars out of A Lot; then went to B Lot, pulled all the empty
15 cars out of B Lot.

16 Had to do a little switch to put a bad order car back into A
17 Lot on the bottom, and another switch to get all the tri-cars on
18 the head and bi's on the south. And shoved those into the clear
19 on the siding, and came back to the main line, coupled up to the
20 train that we left. Pulled about 20 loaded cars, spotted those in
21 A Lot.

22 Came back out to the main line, sent some cars over, back
23 onto the main line because I had to switch out. Went back,
24 finished switching A Lot. Came back to the main line, pulled
25 everything out. Went into B Lot and did a lot of switching

1 between the five different tracks, back and forth there.

2 I guess we finished up around -- it was getting late, and we
3 knew Amtrak was probably going to be coming by about 2:00. So I
4 think it was about 1:15, 1:30, as to where I pulled out engine
5 light. As we were pulling out, I got down -- got the derail on
6 the way out of the lead through the derail. Pulled the engines
7 all the way through, back to the -- past the siding switch, shoved
8 the -- gave instruction for my engineer to shove back. Threw that
9 siding switch and locked it. Walked back and got the derail for
10 the siding and then the switch for the run-around the same time.

11 And then I remembered that I needed to report these because
12 we normally don't report them or write them down. We just let
13 them know when we're all cleared up. So I told my engineer,
14 report the time -- you know report the switch time as your time.
15 You know, both those switches have been restored at your time.

16 And then I walked to the bottom of the engine, shoved back,
17 coupled up to the cars. And walked up and started tying one of
18 his engine brakes for him. And he got out and was tying the other
19 one as I was coming back around.

20 Walked into the engine, put 20 on the radio, because I was
21 going to dial the dispatcher up to release the EC1 authority. Got
22 my EC1 book out, started writing my release out. He walked back
23 into the engine and I asked him to tone them up. So he pushed 3
24 and, right away, the dispatcher picked up.

25 And so, I can't remember if I had the switch list next to me

1 or if I grabbed it when it came back into the engine or if he gave
2 it to me real quick. And when he gave me the switch list, he had
3 the switches written down, but they were written down not as the
4 numbers that we know, because we normally don't know the numbers
5 of those switches. I mean, we know it's north and south end
6 Dixiana. But he had to label it north-south end of Dixiana and I
7 had them written down as the numbers, and I have to give them up
8 as the numbers.

9 And so, I'm just looking at my order that I have, and I just
10 was looking at his paper and just said numbers as I saw them, back
11 and forth. I didn't think about it. I just saw the numbers that
12 were written down, then released our EC1. As we were sitting
13 there waiting on a ride, my engineer said, are you sure you got
14 that main line switched back? And I said, yeah, I'm sure I got it
15 back. And he said, well, because when we pulled back, I could
16 swear you were down at the derail already. I know you walk fast
17 but I don't know if you walk that fast.

18 I'm like -- I was like, well, you got me second-guessing
19 myself, but I'm sure I did. I said, well, flick on the light and
20 see if it's lined. And we turned on the light, and we were about
21 six or so cars back from the switch so we couldn't see it.
22 There's no light at the switch.

23 And he was like, well, I'll get -- I'll go down and check it
24 out. I want to stretch my legs anyway. As he got up to walk
25 down, we saw Amtrak. Right when he was walking down the stairs,

1 Amtrak came around the corner. You see -- saw their light. And
2 so -- sorry.

3 Q. Take your time. If you we need to, we can take a break.

4 A. I just need a minute.

5 MR. TORRES: We're taking a break.

6 (Off the record.)

7 (On the record.)

8 MR. VARGO: And so, we saw Amtrak coming around the corner.
9 And I was sitting there because I was sure I had the switch lined
10 back. And I saw my engineer walking, you know, shining his
11 flashlight towards the switch. Now as he was walking, I mean, he
12 was still a far distance away, you know, you couldn't see
13 anything. And as they approached the switch, you know, I was
14 confident that I had it lined. I mean, I wasn't second-guessing
15 anything. I mean, I knew I lined it. And then they just hit the
16 side, aimed -- you know, come flying down right at us, I mean,
17 fast, coming fast, right at us.

18 And, I mean, I froze for just a split-second and just headed
19 towards the engineer door and just kept running. And they hit us
20 and I just -- I remember falling down. I was thinking I was going
21 to die. And I got crushed, and I was pinned and I couldn't move.
22 And somehow I -- somehow I got loose and fell down between the
23 engine and Amtrak. And I was -- I was doused in diesel fuel.

24 And I remember looking over at the Amtrak, at the locomotive
25 and I was like -- I mean, it was just tore up. And I said,

1 there's no way they made it. And I just kept feeling so bad right
2 there because, I mean, you know, obviously, the switch didn't line
3 itself. And I just kept thinking there's no way I didn't line it
4 back for the main line.

5 And I ran around the engine on the other side. And I think
6 at that point it really hit me that I was just covered in diesel.
7 And I thought everything was just going to blow up. I mean,
8 that's what I had in my mind -- it was just going to all blow up
9 and I was going to burn down.

10 And I saw my engineer's light. He was -- come running back
11 and he's like, I -- you know, he came up to me. He was like, I
12 can't believe you made it out. How did you make it out? And I
13 said, I don't know, you know, I just ran out the engineer door.

14 And luckily I had my phone on me and I called the yardmaster
15 and told him what happened. And then I don't know if I called the
16 trainmaster or trainmaster called, ended up calling me. I tried
17 to call my wife and I let her know what happened. And somehow the
18 engineer's brother had my phone number and called it, and I gave
19 it to the engineer to talk to his brother. And we were just
20 waiting for emergency vehicles to show up. I mean, and everybody
21 came, and they were taking everybody out. And, I mean, now --
22 that was it, till I went to the hospital. They took -- they
23 insisted I go to the hospital, but, I mean, I didn't want to go.
24 I didn't feel like I deserved it.

25 Q. Would you be willing to show us how -- when you guys arrived

1 -- I'm trying to understand your switching operation?

2 A. I understand.

3 Q. So looking at this --

4 UNIDENTIFIED SPEAKER: Turn it up --

5 MR. VARGO: Can you turn it up, please?

6 UNIDENTIFIED SPEAKER: Other way.

7 UNIDENTIFIED SPEAKER: Other way, like flip.

8 UNIDENTIFIED SPEAKER: There you go.

9 MR. TORRES: Like that? Okay.

10 MR. VARGO: Um-hum.

11 BY MR. TORRES:

12 Q. So this is where you guys were doing your switching, right?

13 A. Yeah.

14 Q. You came out which direction? This way or this way?

15 A. We came down from Cayce.

16 Q. Cayce?

17 A. And we had limits from the north end of Dixiana all the way
18 down to the to the hold-out, which is -- it's not on that map, but
19 it's farther down.

20 Q. Somewhere up here or?

21 A. At that switch there, at the north end of --

22 Q. Right there?

23 A. -- of Dixiana. Yeah.

24 Q. Would be a hold-out signal?

25 A. No, no. Farther down was the hold-out.

1 Q. Okay.

2 A. North of Dixiana is where our authority started once we gave
3 up the rest of the authority so he could bring up that train.

4 Q. So when you arrived, you came down the main?

5 A. Came down the main line, tied it down there, ran around
6 through the through Silica Siding, which is on the side there.

7 Q. Oh, you came around this way?

8 A. Yeah, we locked up the south end. We didn't use that switch
9 again. We locked up, came around to the north end, threw that
10 switch. Came back, threw that switch to go down into the auto
11 ramp. And that's the A Lot, and that's B Lot.

12 Q. So how many times did you go in and out to the main track
13 there?

14 A. Lots of times. I mean --

15 Q. I mean, a lot of time, you were doing a lot of switching
16 operations?

17 A. Yeah, I mean, there was more switching down in B Lot when we
18 pulled the bottom cars out because, I mean, everything was out of
19 order and it had to be the proper order to switch. And so, there
20 was a lot going on down in B Lot.

21 Q. So you handled this switch here out of the ramps several
22 times because you're going from there to --

23 A. Yeah.

24 Q. -- back to your train, back and forth?

25 A. Um-hum. And handled that a couple times too. We put -- I

1 put half of the loads in. I had to come back out to get my --
2 another half because I left it out, hanging out here, because it
3 was -- had to go on the head of the train. Coupled up and then
4 put it all in and shoved back.

5 Q. So when did you put cars here in the siding, Silica Siding?

6 A. When we pulled them all out. After we pulled out of A and B
7 Lot.

8 Q. No, but -- so you made switching operations, you were going
9 from A and B to the main track, right?

10 A. Well, all right, to start over again, after we dropped the --
11 all the loads off on the main line, we ran around it and just went
12 into A Lot, came out. I had to do a switch there to put a bad
13 order car on the bottom to leave. I pulled those high and went
14 into B Lot, pulled all those out. Left the bottom cut, dragged
15 everything out -- left that bottom cut right about here, you know,
16 crossing that switch right there. Shoved all of the stuff I had,
17 about 20, 25 cars down into Silica. Cut off, came back, coupled
18 up to those cars that are left there, and pulled high and then
19 shoved back and shoved everything back.

20 Q. Is that the way they wanted the cars blocked?

21 A. Yeah, they wanted all the tri's on the head and the bi's on
22 this -- on the south, or they wanted them blocked together so --

23 Q. Okay.

24 A. -- when they take them down the road, they could easily cut
25 them off.

1 Q. So, once you shoved the second cut of cars onto the siding,
2 what did you do after that?

3 A. I tied -- I mean, we tied it all down. You know, that was
4 going to be it, so I tied, you know, five brakes, brake-tested it.

5 Q. Did you come back light engine?

6 A. Not at that time.

7 Q. So the last move you had --

8 A. The last move of the day was a light engine.

9 Q. Yeah. Oh, I know, but where did you come up light engine
10 from, I mean?

11 A. Oh, yeah, we came out of B Lot. So when we came out of B
12 Lot, I dropped down here. There was a derail here. I threw that
13 derail back on. And as I pulled through here, I didn't get that
14 switch at that time because the derail for the siding was right
15 across from it. So I said I'll just walk back and get it.

16 So as I pulled him light engine out through here, I threw
17 this switch and, like I said, I remember I shoved him back. I
18 told him to get clear of the derail, that he was clear like eight
19 cars behind him. So he stopped, you know, past this derail.
20 Threw that back to the main line. Got the derail here. Then as I
21 walked over here, threw that switch. And I remember, as I threw
22 that switch, I remember that we had to record the times. And I
23 said I got both switches back, you know, lined in the main, your
24 time.

25 Q. Okay. So you had that switch open?

- 1 A. Um-hum.
- 2 Q. And then you lined it for the siding. And then you -- the
3 derail was already dropped, right, because you had already --
- 4 A. Yeah, it's -- I never put the derail back on while we were
5 doing switching, yeah.
- 6 Q. Yeah. But once you're going back light engine you cleared
7 the derail --
- 8 A. And then, and then threw the derail.
- 9 Q. And then you started lining the switches back?
- 10 A. And then I lined this switch back. In my mind, I already
11 lined this switch.
- 12 Q. Oh, so you lined the derail, then you went across to the --
- 13 A. And lined that switch, yeah.
- 14 Q. -- to the ramp and lined it. And then you --
- 15 A. Yeah. And I already had the derail lined on that one as we
16 pulled up.
- 17 Q. And then you got back on the engine?
- 18 A. Yeah, on the bottom of the engine and shoved him back and
19 coupled up, because we were a little ways back.
- 20 Q. And where was he operating from?
- 21 A. The head engine, facing north.
- 22 Q. Facing north. This direction?
- 23 A. Um-hum.
- 24 Q. How often have you worked this job?
- 25 A. Since I got back from furlough, probably about -- well, I

1 work first and second shifts on it. But probably about five or
2 six times since I came back from furlough.

3 Q. So since June, five or six times?

4 A. Um-hum. I only catch it off the extra board.

5 Q. Right. And is the engineer regularly assigned to that job?

6 A. No. He actually just came because he got furloughed out of
7 Greenwood. He used to work here. I guess it was a while ago.
8 Then he came back, and this was only his second week back.

9 Q. So he's been gone from this area or --

10 A. Yes. He's been in Greenwood.

11 Q. So he's been here 2 weeks?

12 A. Yeah. I don't know if he qualified time -- he might have
13 been here 3, but 2 weeks. And I don't think --

14 Q. Where's Greenwood?

15 A. That's in the Upstate. That's about a hour, 45 minutes away.

16 Q. But has he worked in this area before? Or do you know?

17 A. Yeah, he did. Like maybe 2 years ago or so.

18 Q. Okay.

19 A. When I first came down he was here and then he left.

20 Q. On the switch in the ramps --

21 A. Uh-huh.

22 Q. -- is it similar to this one?

23 A. No. The ramp switch? No, they're just -- that one's similar
24 to it. They've got a time-out mechanism that doesn't do any good
25 other than delay everything. But if you come down the main line

1 and you close up on the other end of the siding when you pull in,
2 it takes like 15 minutes for the this to time out. So we actually
3 had to wait on that because I booked them pretty quick. And --

4 Q. It's electric?

5 A. It's electric time-out thing.

6 Q. But this switch is similar to this one over here? They're
7 the same?

8 A. Yeah.

9 Q. Pretty much?

10 A. Yeah, yeah.

11 Q. Well, how do you operate it? I mean, it's not a very good,
12 clear picture, you know, but --

13 UNIDENTIFIED SPEAKER: There's a bigger one by it.

14 MR. VARGO: Well, you unlock it right there, on the -- no,
15 right there on the right.

16 BY MR. TORRES:

17 Q. That one?

18 A. That's right. You unlock it, and then you put your foot down
19 on that lever. Right there. And then you throw it and lock it on
20 the other side.

21 Q. And what's this over here? There's another lever there.

22 A. It's all like a -- I don't -- I'm not really sure. It's all
23 like connected to the signals, I think. I don't know anything
24 about what all those are.

25 Q. So you never handle that lever?

1 A. Uh-uh.

2 Q. So you say it's an electric lock, so how does it work? I
3 mean, how does it time out for you to line a switch?

4 A. It makes you wait like 15 minutes. And I still don't know
5 the pattern because it's complicated. Sometimes, you know, if you
6 throw the derail off on the lead before you come over there and do
7 it, it doesn't work and you got put that back on. Then it takes
8 15 minutes to time out. I mean, all I know is when you walk up on
9 the south end, it takes 15 minutes for that to time out before you
10 could open it.

11 Q. So it's got somewhat of a sequence?

12 A. Some sort of a -- yeah, and there's a sequence you got to do
13 it in. If you pull in -- if you're in a siding or something, you
14 can't throw that switch in the lead first and then come back and
15 do that. I said it still gives me a -- you know, I don't know how
16 the sequence goes. I've had it sometimes that I've had to wait
17 around for it to time out.

18 Q. So when you unlock it, though, you press on the lever, right,
19 with your foot?

20 A. Um-hum.

21 Q. How do you know it's timing out, though? How does it know --

22 A. Because it won't let you, it won't let you throw it. It'll
23 say locked. There's a little thing, a little thing behind glass
24 that says locked still.

25 Q. Yeah, but don't you have to move something to, you know, get

1 the timer started or, I mean --

2 A. No, I guess it's automatic. It's connected to the switch on
3 the south end or connected to the other switch apparently, too.

4 Q. So explain to us, like when you leave the yard, you know, the
5 authority and all that stuff that's required to you get on the --
6 occupy the main track and go to the industry. I mean, what --

7 A. Well, I mean, normally I work in the yard all the time.

8 Q. Right.

9 A. For the most part. This is -- I mean, it used to be a yard
10 job, now it's a local. But, like I said, we normally don't have
11 EC1 authority except for one job across town that I hardly ever
12 work. This is all signal territory where you just get permission
13 to depart by the signal indication. And then he says -- once we
14 get down to, you know, like the auto ramp, we got permission
15 between north end of Dixiana and NASA. I mean, we have permission
16 to go both ways -- when he gives us permission to go both ways and
17 use the switches down there.

18 And normally at the end of the, you know, shift, we'll just
19 lock everything up. We don't tell our engineer that we threw that
20 switch and that switch. We just make sure we lock everything up
21 and then report that we've -- you know, everything's in the clear,
22 lined and locked for main line use.

23 Q. Okay. And you said once you got in the clear, did you come
24 against the cars before you released the authority?

25 A. Yeah. Yeah, we were coupled up and tied everything down.

1 Q. Coupled up. So everything was secured?

2 A. Uh-huh.

3 Q. Then you called the train dispatcher?

4 A. Yep.

5 Q. Do you know what time that would be?

6 A. It has to be around 2:00-ish, or it'd be like 1:50, something
7 like that.

8 Q. So when did you and your engineer communicate about the
9 switches? I mean, like when --

10 A. Well, as I was on the ground. I mean, I really wasn't on the
11 engine much as we were doing all that. I mean, I wasn't. I was
12 on the ground, you know, putting the cars in order.

13 Like I said, he was back in the other engine, I guess idling
14 it. And when he came in, I said, you know, keep pushing number 3
15 to get the dispatcher. He pushed it. The dispatcher picked up
16 right away. There was no -- sometimes you got to wait a while for
17 the dispatcher to pick up because they're busy.

18 But, whatever reason, the dispatcher picked up right away.
19 So I had to grab that switch awareness list and give him the times
20 real quick. Because that's the first thing they want when you
21 give them the EC1 back.

22 Q. Now can you explain to me -- you said you were looking at two
23 forms, his and yours, and --

24 A. Well, I had it written down -- you know, he gives you
25 permission on the switch and I write the switch numbers, like

1 339.6, you know, whatever it was. There's three of them. And on
2 his list, he doesn't know what they are. I mean, I normally
3 wouldn't know what they are. You got to look it up in the
4 timetable. But he just had it written down like south end of
5 Silica, north end of Silica, you know, like that.

6 So I don't know what those numbers corresponded to that were.
7 You know, he didn't write, you know, south end of Silica, 366.3 or
8 anything. So I'm just looking at it, and I'm just -- had my order
9 and his order. And I just kept going, you know, I see that switch
10 time, that switch time, that switch time, that switch -- you know,
11 just repeated it back to him.

12 Q. And who wrote those times? The engineer or you did?

13 A. The engineer did.

14 Q. You were using his times to release --

15 A. Yeah.

16 Q. -- the switch?

17 A. Um-hum.

18 Q. Or the authority.

19 A. Yep.

20 Q. During the day when they had the signal suspension out
21 there --

22 A. Uh-huh.

23 Q. -- was there a signal personnel working out there on the
24 field or --

25 A. They were working on the signals. They -- not around us, but

1 like the south of Cayce, they're there and down by Glenn Road,
2 which is farther south, where we picked up that other train. They
3 were working on it.

4 MR. TORRES: Okay. Thank you. I'll pass it on to Dr. Hoepf.

5 DR. HOEPF: Okay. Thanks, Tomas.

6 BY DR. HOEPF:

7 Q. Yeah, thanks for kind of walking us through, walking us
8 through that. Sorry if some of this is redundant. I don't want
9 to do that, but I just got to ask similar questions, like similar
10 -- you know, coming at it from a little bit different angle.

11 So you said you've done this job maybe five, six times
12 before?

13 A. Since I got back, yeah.

14 Q. Since you got back?

15 A. Maybe more, maybe less by a couple. I mean, I don't -- I
16 catch it off the extra board, so --

17 Q. Yeah.

18 A. It's, you know, it's in -- far and between.

19 Q. Okay. Okay, so it's --

20 A. I've caught it recently about three times in a row, or almost
21 back to back, so --

22 Q. Okay. Was that like last month, a couple months ago?

23 A. No, this -- yeah, this past month here.

24 Q. Oh, okay. So it was like pretty recently?

25 A. Um-hum.

1 Q. Okay. But then, and just trying to get an idea of the -- so
2 the EC1 authority versus, you know, signal territory. So the
3 signal outage, that was just something that had started on
4 Saturday, but that wasn't the case when you did this job before?

5 A. Yeah. We always have the signals up. So if that switch was
6 mis-lined, the signal would have caught it and Amtrak would have,
7 you know, known not to go. They had all red signals, but they
8 were running on the EC1 authority so they just, you know --

9 Q. Gotcha.

10 A. Nothing caught it.

11 Q. Gotcha, gotcha. So you've done the job before, but you had
12 done the job when it was signaled.

13 A. Um-hum.

14 Q. So this was a unique situation in that it was EC1 authority?

15 A. That's right.

16 Q. So it's -- again, I'm kind of belaboring the point here, but
17 this is the first time that you had been doing this particular job
18 with the EC1 authority?

19 A. On EC1 authority, that's right.

20 Q. Okay, okay. So is that something -- the EC1 authority, just
21 generally speaking, is that something you're very comfortable
22 with? Do you when the last time that it is you've been working
23 with that?

24 A. I qualified on the road. I mean, I didn't write any of it
25 down because that was just the qualifier. But if you're not

1 familiar with it, if you're not familiar with the territory and
2 worked it a lot, you know, you got to really pay attention to what
3 the dispatcher says because they'll give you different mileposts
4 and sometimes they'll spring, you know, a surprise on you, you
5 know, that you can mistake it for something else. Or, you know,
6 they just -- you know, you've got to be familiar with the
7 territory. You can't just go out there and hit the signals and
8 just keep going, like you see the signals tell you what you're
9 going to do.

10 Q. Right. Right. So would it be a fair characterization to say
11 it's a little bit more challenging to be operating with the EC1
12 authority --

13 A. Yeah. Yeah.

14 Q. -- than with -- by your normal signaling?

15 A. In this case, yeah.

16 Q. Yeah. Okay. Okay. So can you just -- and, again, I know
17 you've already kind of covered this. But just generally speaking,
18 can you just talk about the procedures you would have for normal
19 signaling versus the procedures you would have for --

20 A. EC1?

21 Q. -- EC1, yeah.

22 A. Well, the signals, just to begin on the signal you'd have to
23 just contact the dispatcher and let him know you're ready to go
24 and he'll line up your signal for you and say you got permission
25 to proceed.

1 And if there's not a signal around, he'll say you got
2 permission to proceed and you've got to, you know, approach the
3 signal, you know, restricted speed, looking out for anything. You
4 know, be prepared to stop before you hit that first signal.

5 So, I mean, in terms of like if you're on a train and you're
6 just traveling along, like I prefer signals a lot of times because
7 you don't have to write down the EC1s and, you know, the
8 dispatcher doesn't catch you off guard and ask you where you're at
9 and you're not really sure where you're at and have to, you know,
10 ask your engineer and stuff.

11 But, I don't know, sometimes the EC1 authority is good if you
12 have a large amount of track that you're in, that you're the only
13 one in there, then you don't need to worry about signals. You
14 just know that you got it all and you don't need to worry about,
15 you know, what was that last signal, if you went by it or
16 anything. So --

17 Q. Okay. So you were saying you write down numbers with the
18 EC1?

19 A. You write down your switch times. Well, you write down the
20 territory he gives you, like from Point A to Point B, and another
21 -- you know, usually at the -- at a siding or something there's a
22 -- where they start and end, you know. But with the signals, you
23 just take the signal, that's it.

24 Q. Okay.

25 A. You don't need to write anything down. You don't need to

1 record your switch times when you operate a switch; you don't
2 record them. You just make sure you got everything lined up. And
3 I guess he could tell because it's all electronically connected.

4 Q. Okay. Cool. And we might come back and talk a bit more
5 about that kind of stuff. But just to kind of switch gears a
6 little bit, I've got some just kind of standard questions we just
7 ask everybody. So just kind of about you and just some of the
8 different factors.

9 So let's talk a little bit about -- so you went on duty at
10 3:00?

11 A. Uh-huh.

12 Q. 3:00 p.m. on Saturday?

13 A. That's right.

14 Q. Okay. And then, so how long does your shift usually go? Or
15 how long were you anticipating it going?

16 A. I thought we were going to do 12 hours, just because it's --
17 you know, everything was backed up and stuff with this signal
18 thing going on, depending on what our train looked like. A lot of
19 times those trains are booked pretty good and you just have to do
20 a couple switches. But timing was pretty, you know, pretty messy.
21 So there was a lot more switching involved.

22 Q. Gotcha, gotcha. So 12 hours is kind of like your max, but
23 you --

24 A. Yeah, your max.

25 Q. -- figure you're going to need to --

1 A. Finish off.

2 Q. Given the work that you had to do, you're probably going to
3 be hitting that upper limit? Okay.

4 A. That's right.

5 Q. Okay. And then can -- if we could just kind of walk back a
6 little bit, back from there. Do you remember what time you woke
7 up on Saturday.?

8 A. Probably at like 8:00.

9 Q. Okay. And then do you know what -- do you remember what you
10 did in the morning? Had breakfast, watched TV, errands, anything
11 like that, do you recall?

12 A. Just hung around because I knew I was going to get called,
13 so --

14 Q. Okay.

15 A. I honestly don't remember. I don't remember anything.

16 Q. Okay. So you're at your house?

17 A. My brother's house, yeah. Um-hum.

18 Q. Your brother's house? Okay. Is that close by?

19 A. Yeah, it's about 20 minutes from the terminal.

20 Q. Okay, 20 minutes from the terminal. Okay. So you're hanging
21 out at your brother's house, get up around 8. So you knew you
22 were going to get called?

23 A. Uh-huh. I saw someone has a personal leave day and so I knew
24 I was going to get called in for it.

25 Q. Oh, okay. So it wasn't like somebody called you and said

1 we'll call you back later. It was just you knew from working the
2 extra board --

3 A. I knew. I anticipated I was first out and I was going to get
4 that, that job, yeah.

5 Q. Gotcha, gotcha. So you're probably not making big plans for
6 Saturday because you know you're going to go out. So --

7 A. Yeah.

8 Q. -- you're just kind of hanging out at the house. And so you
9 don't recall anything particular in terms of your activities?

10 Just --

11 A. Nothing out of the ordinary.

12 Q. Okay. Do you know what time you left for work? I mean, so
13 20 minutes before, like does that mean 2:30 --

14 A. Yeah.

15 Q. -- p.m. maybe?

16 A. Around that time.

17 Q. Around that time. Okay. Do you know what the weather
18 conditions were like?

19 A. It was a nice day. It was cold, but it was clear out. It
20 wasn't raining or anything.

21 Q. Okay. So how were you -- you know, how was your sleep
22 quality? How much -- how were you feeling? Were you --

23 A. I was well rested. I worked the night before, but I probably
24 went to bed at like -- because, you know, when I get off I'm still
25 wired from work, so it takes a little while to come down from it.

1 But, I mean, I probably went to bed about midnight.

2 Q. Okay. Midnight, about, the night before. Okay. So, I mean,
3 I'd estimate you got about 8 hours of sleep maybe?

4 A. Eight hours.

5 Q. Slept -- so like slept okay --

6 A. I was well rested, yeah. I wasn't --

7 Q. Yeah. How were you feeling later in your shift? Were you
8 feeling tired after working for 12 hours or --

9 A. Honestly, I wasn't. I mean, there's times I have, but not
10 that night. I was awake. I was -- I remember it was cold out.
11 It was really cold. And I only had my sweater on because I took
12 my jacket off because I was getting hot trying to beat the -- I
13 was trying to change a hose on one of the cars. It was -- it
14 wouldn't let me connect the EOT, so I was trying to take it off
15 and it, was you, know rusted in there. So after like 10 minutes,
16 I was getting hot and took off my jacket. And then I started
17 getting cold again when I was down at B Lot and had my jacket --
18 left it up by the cut cars that we left in the siding there.

19 So I was cold. I remember my lips were chapped. My mouth
20 was dry because, I mean, there's urgency to -- I mean, I was -- I
21 didn't feel like I was rushing myself, but, I mean, there was
22 urgency -- with all the switching, I didn't know when I was going
23 to finish stopping switching because there was just so many
24 different moves I had to make. And I knew we had to clear it by
25 2:00 for Amtrak.

1 So, I mean, I was trying to get it taken care of. I wasn't
2 really thinking I was rushing, but, you know, when I start
3 switching, I like to get in a rhythm and just keep going. I don't
4 stop and, you know, do all that, so -- so I was thirsty. But, I
5 mean, I was clearheaded. I wasn't daydreaming or anything. I was
6 focused on the task.

7 Q. Right, right. So, I mean, how would you say, you know, if
8 you had to rate your workload on a scale of 1 to 10, you know,
9 roughly around 1 a.m., Sunday morning, I guess, it would be, I
10 mean, are you kind of trying to -- is it a little bit rushed
11 trying to kind of get these things done or is this pretty relaxed
12 pace?

13 A. Like I said, it wasn't a relaxed pace because, I mean, you
14 know -- I didn't have my watch on me because my watch was broken.
15 So I asked my engineer, I said, keep track of the time and just
16 look -- you know, holler at me every now and then and let me know
17 what time it is. And I remember him saying like 1-something. And
18 I said, I think we're good on time.

19 And one of the cars was wrong, like it's a north or south,
20 and I had to make another switch. And I was thinking, man,
21 there's more switching than I thought. You know, I mean, I didn't
22 count them all up, but there was a lot of -- a lot to do. And, I
23 mean, I wasn't really sure exactly how long it was going to take.

24 So, I was like, well, I mean, I got to get it finished, you
25 know. But, I mean, we finished in time. I think the dispatcher

1 came across and told us they were in -- he was checking on us --
2 they were in Camden. And I was like, well, that's good enough a
3 way that, you know, I think we got time. I wasn't, you know,
4 rushing and killing myself. Like I said, I like to get into a
5 rhythm and just keep going. I don't like to stop and take a bunch
6 of breaks.

7 Q. Right. Yeah, you kind of get in a -- you know, it's almost
8 like writing a script. You know, you kind of -- you get in your
9 pattern of doing something and you're kind of going through your
10 steps and all that.

11 Anything, you know, while you were doing that, that out of
12 the ordinary? I mean, I guess we talked about EC1 versus, you
13 know, the signal territory. Did that change the routine at all or
14 anything? I mean, did that kind of change the way you normally go
15 about things or add any the extra workload with that, or --

16 A. I mean, I just knew I had to get back to the engine sooner
17 because normally the engineer could just call up and tell them
18 we're locked up and stuff. But, I mean, it really didn't matter
19 that much, to be honest with you, that night. Other than, I mean,
20 the switch times and stuff was a mess. Knowing what the switches
21 were, like to call them out, I mean, I didn't know when I was on
22 the ground. You know, I think first thing I'm going to do is --
23 like I got my list. I put in my pocket with my switches and
24 stuff. And I go down and I throw the switch and I -- you know, I
25 go down thinking I know I got to tell him the time, but when I

1 throw it I totally forget that I need to tell him the time, you
2 know, because it's -- I normally don't for that job. It's just a
3 routine that you don't ever -- you don't need to tell him the
4 time.

5 Q. Right. Right.

6 A. And so then it hits you, after you throw it back, well, like
7 I got it locked, you know, put in your time, you know, put it like
8 a minute apart. So --

9 Q. Yeah. Gotcha, gotcha. Okay. So did you say that -- I think
10 I sort of caught what you were saying, but I might have got a
11 little bit lost. You said there's a number associated with each
12 switch?

13 A. Yeah. The milepost.

14 Q. Oh, the milepost is the number. Okay, okay. And so you had
15 thrown a couple of switches. And so you just, you know, you
16 thought that you had got both those switches taken care of, but
17 you weren't sure which number corresponded with which switch?

18 A. Yeah. I thought I had them, but I just didn't know what the
19 numbers were. You know, I just said, I got them both. You
20 talking about at the end of the night?

21 Q. Yeah.

22 A. Yeah. Yeah, I mean, I thought I had them both. It wasn't a
23 matter of I missed -- mixed up, you know, switches or anything. I
24 thought I had them both. It was just a matter of forgetting to
25 tell him that I threw them. You know, I threw the first switch

1 and give them a time, you know, tell him to put it in his time.

2 So when I got the second one, I was like, oh, yeah, I got to
3 -- you know, both switches. So both switches your time, you know,
4 because I'm like it only took me a minute to come down to do that.

5 Q. Gotcha. Gotcha. So you figured you got both the switches,
6 you know, kind of just estimating the time because --

7 A. Yeah,

8 Q. -- you weren't sure which milepost corresponded which switch,
9 but --

10 A. Yeah. I knew I had it locked up, and that's all that really
11 mattered in my mind, you know.

12 Q. Right, right.

13 A. Not the exact, you know --

14 Q. Yeah.

15 A. -- exact time.

16 Q. Yeah. Okay. Okay. I gotcha. So did anything -- you know,
17 any interruptions or distractions or anything that, you know,
18 might have popped out or anything like that?

19 A. No. See, I mean, you know, some -- if I switch too slow,
20 I'll daydream and stuff. Like if somebody's going real slow, I
21 mean, my mind will wander off. That's why I like to get into a
22 rhythm. But, I mean, I didn't have any of that that night. Like
23 that's what I said, I can't say I would do anything different as
24 far as throwing the switches. Like it all just -- I mean, I
25 didn't have any distractions. I mean, I didn't. I don't know

1 what else to tell you.

2 Q. Yeah. So I also though I heard -- you mentioned that you
3 said there was the -- your engineer said that you walked to the --
4 you know, he saw you at the derail. But then he didn't think that
5 you had had -- enough time had gone by to walk over to the switch.
6 But am I remembering --

7 A. Yeah, he said when he shoved back -- see, he was shoving
8 back, and I guess he was looking in his mirror as he was going
9 back because he can kind of see, just having two engines. And he
10 says, when he looked back, I was already at the derail when he
11 passed the derail. And so, how'd you get back from that switch so
12 quick? I guess you -- I mean, I know you walk fast. And I was
13 like, I don't know what else to tell you; yeah, I got to switch,
14 threw the derail, went and got the other switch. I mean, it I
15 wasn't questioning myself. That's just, you know, standard
16 routine.

17 I mean, the only thing I could think of is because I was
18 switching so much down on B Lot, you know, pulling out, shoving
19 back; pulling out, shoving back, that final move when he -- when I
20 threw the switch, I just automatically, for whatever reason, think
21 I'm clearing up for the night. Locked it, lined into Silica,
22 caught up on the engine as he was shoving back, dropped down at
23 the derail and watched him by, and said, all right, that's good,
24 and got the derail. But I don't remember that at all. But that's
25 the only thing I could think of that would have happened to make

1 it that way, for the switch to be lined into Silica.

2 Because, I mean, when I was pulling out, I remember
3 specifically thinking, I got to get this derail on the way out of
4 the lead, because I know when I go up there, I'm going to throw
5 that switch, shove them back in the clear, line it for the main,
6 and then walk back and get the derail and the switch for the lead.
7 And I'd lock everything up.

8 I mean, that was, in my mind, that's what the plan was. But
9 like I said, somehow, you know, when I pulled them through, just
10 throwing that switch and, for whatever reason, going back and
11 forth all night stuck in my mind, you know, how to catch up and,
12 you know, ride them back, drop off at the derail.

13 Like in the yard, if you're clearing up or something, you
14 throw that switch and shove back, and that's your final move
15 usually. You don't go back and line the switch. So, I mean,
16 maybe that was stuck in my head. Like I said, I don't remember
17 that at all. In my mind, I thought I did what I just told you I
18 did, that I came out, lined the switch, pulled them back; lined
19 the switch back for the main, walked back, got the derail, and got
20 the switch on the other side.

21 Q. Yeah. So it sounds like there's a lot of -- I mean,
22 throughout the night, I mean, how many of these switches do you
23 think, you know, over the course of the shift, do you think you'd
24 done?

25 A. I mean, I was throwing a lot, especially down in B Lot, I

1 mean, just normal switches. But, I mean, like I said, that
2 movement, just pulling by, get off, throw the switch, shove back,
3 you know, couple up, cut away, you know, come out the switch, line
4 it for another switch, go back -- so that movement, back and
5 forth, you know, you're getting up, getting down and getting up,
6 getting down. Like I said, when I got that, you know, at the end
7 of the night, like in the yard, I would normally throw a switch
8 and we'd shove back into it and that'd be -- you know, you lock it
9 up.

10 So maybe that was just habit, like -- and from all the
11 switching I did that night, when I got in, past that main line
12 switch, I just threw it back and automatically think, I'm locking
13 up, that's it for the night, and shoved back and jumped off and
14 got the derail. Like just, you know, not even -- it's just second
15 nature because that's what I'm doing, but not realizing, no, I
16 needed to stay there, shove him back and then throw it.

17 I mean, I had it in my mind from the get-go that's what I was
18 going to do. That's what -- I mean, that's what I remember --
19 Q. Right.

20 A. -- up here. But obviously it didn't happen. I mean, that's
21 the only other -- I mean, I was thinking about it last night over
22 and over again. That's the only thing I could think of.

23 Q. Yeah, you -- so you got -- you sort of establish this pattern
24 and then --

25 A. Of going, throwing the switch --

1 Q. -- the last time --

2 A. -- catching -- and, yeah, that was my last move, so, you
3 know, throw a switch, lock it up, shove back.

4 Q. So there was an extra step there compared to what you had
5 been doing --

6 A. Yeah, that I had to --

7 Q. -- throughout the night.

8 A. -- shove him back and then line it back. And normally, I
9 mean, that's not a problem. I've never had that ever happen
10 before, you know, the dispatcher catch it or something. So it's
11 like when he asked -- when he questioned me about it, I mean, I
12 was like, I know I got it, you know what I mean? I just knew I
13 got it. But, I mean, apparently I didn't.

14 Q. Right. Yeah. So you guys talked about it then, you know,
15 because he mentioned it and then, you know, so you're kind of
16 going to just to -- so you were going to go verify it and then --

17 A. No, that's when he started -- well, I'll go double-check.
18 When we turned on the light, we couldn't see it. There's no light
19 where the switch is. It's all dark over there. And so, he turned
20 on the engine light to try to see, and it just kind of, you know,
21 stopped short. You couldn't see where it was.

22 And so he said, I'll go down and check it because I need to
23 stretch my legs anyway. And so he got down. And as he was
24 getting down, like in the nose, that's when you saw the light
25 coming around. It was either the light or we saw the, you know,

1 the crossing light starting to come down. I think it was the
2 light far off. And he's like, well, I'll go down there and watch
3 them by or walk that way anyway. And so I remember seeing him
4 down there, and he was kind of standing in the middle of -- you
5 know, like trying to look as he was walking, but his flashlight
6 couldn't, you know, get it.

7 I mean, I couldn't see it, and I was just sitting up there.
8 I was like, I know I got the switch. I mean, you know, I've had
9 other engineers question like, did you get that switch? I go back
10 and check it and, yeah, I got it, you know. So I was certain I
11 had to switch. And then when they hit into the siding, you know,
12 I mean, it was like a nightmare.

13 Q. Yeah.

14 A. You know, then it all just clicked, like, obviously I didn't
15 get the switch. You know what I mean?

16 Q. Yeah.

17 A. Like how did I not get the switch? I got the switch, you
18 know.

19 Q. Right. Right.

20 A. So -- and I just kept thinking about it. I'm like, I got the
21 switch; I got the switch. I mean, there's no way.

22 Q. Yeah. Yeah, it's a, you know, it's a tough, tough situation.
23 I'm sure that -- you know, we appreciate you coming in. I'm sure
24 it's hard to talk about it. We're just here trying to prevent a
25 reoccurrence and just trying to kind of figure out, you know,

1 because it sounds like it's a mistake that anybody can make. And,
2 you know, it's just trying to figure in, you know, what factors
3 could have played, whether that's a pattern. You know, you're
4 kind of in a routine, something odd happens, some distraction, you
5 know, it just kind of -- so, you know, we've kind of -- we've
6 covered a lot of ground there, so --

7 So let me let me just switch gears a little bit. And, again,
8 I know we're kind of going on for a long time here and I
9 appreciate your -- just let us know if you want to break, a
10 bathroom break or something.

11 A. No, that's fine.

12 Q. You know, just let us know. I'm going to just circle back
13 just a couple of general, generic questions. We sort of talked a
14 little bit about your, just kind of your shift. You started at 3,
15 you went to bed around midnight, up at 8.

16 You said you were working on Friday, the day --

17 A. The night before?

18 Q. The night before? Yeah.

19 A. Yeah.

20 Q. Do you know what your shift was for --

21 A. Yeah, it was a second shift yard job, 202

22 Q. Okay, it was similar?

23 A. No. We just switched in the yard.

24 Q. Okay.

25 A. It was just switching in the yard, all the -- you know, just

1 back and forth, back and forth in the yard.

2 Q. Oh, okay. I gotcha.

3 A. Not down at the ramp.

4 Q. Okay. I gotcha. Different job? Okay.

5 A. Uh-huh.

6 Q. And so what were your hours worked on Friday?

7 A. It was 3:30 to -- I think it was just about 11:00. Or it was
8 just a little bit after, maybe?

9 Q. Okay.

10 A. I mean, no, no. We got we got off at 11:30 because they make
11 us stay 8 hours now. But, I mean, I think -- I think we got done
12 just in that time that third shift came on.

13 Q. Okay. And then after -- so after work, do you recall what
14 you did after work?

15 A. Yeah, I just went straight back to my brother's house.

16 Q. Just went straight back to your brother's house?

17 A. Took a shower.

18 Q. Took a shower.

19 A. Yeah.

20 Q. Went to bed.

21 A. Yeah, played on my iPad for a little bit to wind down and
22 then to bed.

23 Q. Sure. Yeah, I can understand that. You get off work, you
24 got to wind down a little bit. How about -- do you recall earlier
25 in the day, Friday, before you went to your yard job, what you

1 did?

2 A. No.

3 Q. No? Okay.

4 A. No. I mean --

5 Q. Fair enough. I know it's --

6 A. I was on a regular assignment, so I knew what was going in.
7 Actually -- no, I'm sorry. I do know. I was in Spartanburg
8 visiting my wife because, you know, so -- yeah, so, I came back
9 from Spartanburg. I drove back from Spartanburg at like 1:00,
10 1:30 down here. It takes about a hour and 45 minutes.

11 Q. Oh, okay. So you --

12 A. I was off the 2 days prior.

13 Q. Okay. Do you remember what time you woke up on Friday?

14 A. Probably at like 9.

15 Q. Yeah. Okay. I know it's hard to think back, but just to the
16 best of your recollection, do you know what time you went to bed
17 Thursday, the night before that?

18 A. I think we went to bed early because my wife has fallen
19 sick. So, you know, probably about 10:00.

20 Q. Yeah. You got -- knew you were going to be going to --

21 A. I knew I had to drive back anyway the next day, so --

22 Q. Right, right. Thursday, do you remember anything about what
23 you did or --

24 A. Just watched the stock market.

25 Q. Okay.

1 A. Day-traded or whatever.

2 DR. HOEPF: Okay. And that's all I got for now. So, thank
3 you very much.

4 MR. VARGO: Okay.

5 MR. TRUESDALE: You still good? Do you need a break?

6 MR. VARGO: No, I'm good.

7 BY MR. AMMONS:

8 Q. Michael, can you talk about just that last final move leading
9 from the auto facility back up to Silica Siding, can you just talk
10 about the sequence of derails and switches in which you threw
11 them?

12 A. Okay. When we came out of B Lot, I had to pull them by the
13 gate because I had to lock up the gate there. So I stopped them
14 outside of the gate. Got back on the bottom of the engine. Took
15 them past the derail for the run-around because it's -- it sits a
16 little farther back from the switch. Stopped them as he pulled
17 past it to throw the derail, to get that back.

18 I remember saying, I'll get ahead two cars, and I was
19 thinking, well, I'm going to grab this switch. And I said, well,
20 no, that's -- I already happened my mind, I'm going to grab the --
21 I'm going to grab it on the way back. So I said, no, just keep
22 going; I'll get it on the way back.

23 I got the Silica switch into the siding, threw that switch.
24 Shoved him back, threw it back for the main line. Walked back to
25 the derail and Silica, threw the derail on. Then walked across to

1 the switch, which is like right opposite of it, and threw that
2 switch back.

3 That's what I remember. Like I got to report the switch
4 times.

5 Q. So the first switch that you had to --

6 A. Throw?

7 Q. -- negotiate -- well, before you threw, negotiate coming out
8 of the facility, first main line switch would have been the run-
9 around switch.

10 A. That's right.

11 Q. And so, after you lined and locked the gate, pulled him high
12 of the derail --

13 A. Got the derail.

14 Q. -- you threw the derail for the run-around back in the
15 derailing position.

16 A. That's right.

17 Q. And then you continued to pull towards the main and then
18 north of -- or south -- north of --

19 A. North of Silica.

20 Q. -- Silica?

21 A. That's right.

22 Q. So the run-around switch had not been lined yet?

23 A. No.

24 Q. Okay. All right. And then you lined the Silica switch.

25 A. Yeah. That's when I lined the Silica switch, is when he

1 pulled by.

2 Q. When he pulled by, you lined the Silica switch on the north
3 end.

4 A. That's right.

5 Q. And was the derail --

6 A. Down.

7 Q. It was still down from where you left the autos in earlier?

8 A. Yeah.

9 Q. So you didn't have to line it again?

10 A. No.

11 Q. Okay. Okay, and then so once you lined the switch, Silica
12 switch for the siding, for (indiscernible), what then?

13 A. That's when I told him to shove back to get in the clear of
14 the derail because, like I said, in my mind, I was getting that
15 switched back for the main line, locked it, walked back to the
16 derail and Silica, threw the derail on, locked it, and then walked
17 over to the to the lead switch and lined it back and locked it.

18 Q. So when the locomotives passed you on that move back into
19 Silica Siding, where were you standing at when the locomotives
20 passed you?

21 A. See, that's where I said I don't. I don't remember. And I
22 don't -- that's why I said I must have not -- I must have caught
23 up on the locomotive and dropped down at the derail and then had
24 him go back two. Because, I mean, if he remembered me being at
25 the derail right away, and obviously the Silica Siding switch

1 never did get lined -- I mean, I locked it thinking I was locking
2 up going in the clear. You know what I mean, I never did that
3 extra switchback.

4 Q. So if you would have mounted the locomotives when they were
5 passing you, would you have mounted the trailing locomotive or
6 what would have been the first locomotive to pass you?

7 A. Probably the first, just because I'm so -- you know, I was so
8 used to -- like I said, that night I was doing a lot of switching.
9 And as he pulls by with the car, get on that car and shove back,
10 you know.

11 So I probably just caught on. Like he didn't see me. He was
12 on the other side, and as he was going by, dropped down at the
13 derail. And he pulled by the derail, looking in the mirror. So
14 he didn't see me until he looked back around and saw that I was
15 down at that derail, throwing the derail.

16 And then, you know, I got that. That's where he said, you
17 were at the derail quick. That's the only thing I could think of,
18 of what actually happened.

19 Q. Okay. Do you remember, when he was shoving back into Silica
20 Siding, were the headlights on the locomotive, on the trailing
21 locomotive leading into siding, were they on?

22 A. I mean, they should be, but I don't remember.

23 Q. You don't remember? Okay. You've worked -- you said you've
24 worked this job in the past when the signals were working.

25 A. Uh-huh.

1 Q. They weren't suspended. That same move, in the past, when
2 the signals were working, would you -- would those switches handle
3 the same way?

4 A. Yeah, I would have done the same thing.

5 Q. You would've done the same sequence that you did that night?

6 A. Yeah.

7 Q. Okay. And you didn't -- have you, in fact, done that same
8 sequence other times?

9 A. Yeah. I mean, a lot of times we'll either lock up there or
10 in the lead, you know. That's the -- you know, in the lead, we'll
11 lock up on the lead sometimes, depending on what's going on.

12 I mean, that would be the sequence. I mean, I try to do it
13 the most efficient, you know, manner that I don't have to keep
14 walking back and forth to different areas. I get it on the way
15 out. And then, since those two are right across from each other,
16 I'll get it back after I line the main line, walk back and get
17 those two at the same time so I'm not walking back and forth and
18 all that.

19 Q. You mentioned earlier, when you were talking about that --
20 the timeout feature on the north end of the Silica switch and how
21 it was timed -- it was in sequence or it was tied in with the
22 derail of the south end. And do you know, under the signal
23 suspension, was that timing mechanism still there, that sequence?

24 A. Yeah, because it had it locked when we came back. I guess
25 when I booked it, I booked it pretty quick. And when I opened up

1 it still, you know, it wouldn't open up. It still said locked.
2 And so, you know, I waited a couple seconds to see if it was just,
3 you know, something going on and it didn't. So I walked back up
4 on the engine for about 10 minutes and waited for it to unlock.

5 Q. So, in your mind, or as far as you know, the switches worked
6 in the same manner even though --

7 A. Yeah.

8 Q. -- the signals were suspended?

9 A. Yeah. Yeah, I believe so.

10 Q. When you normally would line that Silica switch back into the
11 siding there, would you normally hang and lock that derail just
12 for him to pull in there when your intent is to clear that up and
13 line back for the main? Would you normally lock the derails --
14 or, I'm sorry -- lock the switch? Or would you wait until you
15 lined it back for the main to lock the switch?

16 A. I would just wait for him to -- you know, I'd stand there at
17 it, just throw it, wait for him to go by, unlock -- I mean, put my
18 foot down to unlock it, put it back, and then put the lock in.

19 Q. Do you remember that night when you lined it in, do you
20 remember locking it back?

21 A. I remember -- well, I mean, I think I remember locking -- you
22 know, locking it. And that must have been my, you know, I'm
23 locked up, locking it up for the night. You know what I mean, in
24 my mind, when I threw it -- which I probably threw it for Silica
25 and put the lock in instead of just, you know, standing there,

1 locked it and thinking, okay, I'm looked up for the night and
2 shoved back. That's the only thing I could think, of what
3 happened. I mean, in my mind, it didn't happen. But, I mean, the
4 facts of the story is that's probably what happened.

5 Q. You mentioned that once you guys were back up on the
6 locomotive there and you were having a conversation about the
7 position of the switch, and you told you him, look, you know, you
8 wanted to be sure, turn the headlights on to look, and then you
9 still couldn't see. When the engineer dismounted the locomotive
10 to walk, do you remember, were your headlights on that locomotive
11 still on or did he extinguish them?

12 A. I think he dimmed them.

13 Q. He dimmed them?

14 A. I think so.

15 Q. Okay.

16 A. I'm not -- like I said, I'm not a hundred percent positive.
17 He might have dimmed them. They might have still been on because
18 I remember seeing him. Now I can't remember if I saw him because
19 of his shadow in his light because I saw his light doing this or,
20 you know, like -- you know, I can't remember if it was just his
21 shadow or what. But normally they dim it if they know another
22 engine's coming; they don't want to blind him.

23 Q. Right.

24 A. So --

25 MR. AMMONS: Okay. That's all I've got.

1 BY DR. MCKAY:

2 Q. Okay, a couple questions. Sounds like you, when you're
3 working, you're staying with your brother here locally, and your
4 wife is living in Spartanburg.

5 A. That's right.

6 Q. Is that because you're moving with --

7 UNIDENTIFIED SPEAKER: Identify yourself.

8 DR. MCKAY: I'm sorry?

9 UNIDENTIFIED SPEAKER: Who are you? Identify yourself.

10 DR. MCKAY: I'm sorry Mary Pat McKay. I got to -- I'm the
11 only woman on the group. It can't be that hard.

12 BY DR. MCKAY:

13 Q. The -- is that because you're -- I know you just moved back
14 into working out of Cayce. Or is there another --

15 A. It's just for -- no, it's just because it's close by. I
16 can't do that hour 40 drive every day back and forth.

17 Q. Right. Okay. And is your intention, then, to be staying
18 here, moving here, going back --

19 A. Well, the railroad just ruins your life because you don't
20 know where you're going get furloughed. You know, you think
21 you're secure and then you get furloughed again. So we were
22 trying to decide where we're going to actually settle down.

23 Q. Gotcha.

24 A. And it's, you know -- who knows, in a year they're going to
25 sell this track, going to sell that track. I don't know.

1 Q. It's sounds pretty stressful.

2 A. Yeah.

3 Q. Yeah. Are there other stressors going on in your life?
4 Anything in particular going on that's, you know, maybe something
5 you're thinking about?

6 A. Well, not that day. I mean, my wife's got a lot of -- she's
7 under -- I mean, we had a lot of stress a little while ago because
8 she got arrested. And she was a nurse. She got falsely accused
9 of stealing drugs. And so she's dealing with that right now.
10 But, I mean, that hasn't been -- I wasn't thinking about that at
11 all that day.

12 Q. Okay, and are there other stressors going on? We've heard
13 every story you can imagine sitting in these kinds of rooms. So,
14 you know, the dog died, on up.

15 A. I mean, just trying to figure out my life, where I'm going to
16 live, what I'm going to -- you know, that's -- it's stressful not
17 knowing if you're going to have a job next week. You know, you
18 can't plan anything.

19 Q. Okay. But there wasn't anything that had happened in the
20 preceding few days or week --

21 A. No.

22 Q. -- that was going on?

23 A. No.

24 Q. Okay. And were you sick in any way? Been sick with a cold?
25 I mean, everybody's got the flu. It's been a long flu season.

1 A. No.

2 Q. Okay. And it sounds like you were telling us that you were
3 sure you'd flipped the switch into the correct position and --

4 A. Yeah, I -- yeah.

5 Q. -- and you got surprised, it sounds like --

6 A. Yeah.

7 Q. -- by the question from the engineer. And yet you said, on
8 occasion, you'd been questioned before and gone back and checked
9 the switch.

10 A. And I did line right. Yeah.

11 Q. Yeah. So, you know, in this case the engineer kind of, from
12 what you said, kind of offered to go take a look.

13 A. Yeah.

14 Q. Would it be normal for one of you, if you had a question, to
15 go back and look at it again?

16 A. Yeah.

17 Q. Okay.

18 A. Yeah.

19 Q. And had you worked with this engineer before?

20 A. Yeah, I worked with him all last -- well, we only worked, I
21 think, two times last week together, and then just this one time.
22 But I worked with him in the past like, you know, once or twice.

23 Q. Okay.

24 A. I think he was an engineer when he was here back in the day.

25 Q. All right. And any issues with him? Any issues with the

1 working? I mean, sounds like you were pretty busy during the
2 course of the trip.

3 A. None. No, he's -- he's good.

4 DR. MCKAY: Okay. All right. I think those are my questions
5 for now.

6 MR. DRAKULIC: This is Greg Drakulic with the FRA.

7 BY MR. DRAKULIC:

8 Q. On the switch locks and everything, you take the lock off the
9 derail and off the switches, you don't put them back on until
10 you're finished up, right?

11 A. No, you lock them in the --

12 Q. So it's each --

13 A. It's if off position, and you lock it. You put the lock
14 still back in and it locks it.

15 Q. Oh, okay.

16 A. Yeah.

17 Q. Okay. That was one question. Going back to, on the Silica
18 Siding, you had the empty cars you were shoving back to couple up
19 to. When did you put the EOT on?

20 A. Yeah, when we pulled everything by the first time. I do my
21 brake tests, which I guess you're not supposed to do, apparently,
22 because I hear different stories. One trainmaster will tell you
23 you got to brake test it before you hit the main line. Somebody
24 else will tell you -- I just was told yesterday, no, you've got to
25 brake test it all together. It can be on the main line, but

1 before you go down the road. But I did all my brake tests, you
2 know, as I was walking the cars down, when I was pulling them,
3 because the brakes are on both side. So, knock off the brakes,
4 get the pressure at the bottom with the hand-held gauge. Walk the
5 other side, knock off the brakes, and then pull them by.

6 Q. So you're doing cuts, like --

7 A. Yeah, so --

8 Q. -- five cars at a time or --

9 A. Yeah, six cars at a time usually, but -- so I got them all
10 together. As I pulled them all the way out, I hung the EOT --
11 well, I tried to hang the EOT and the -- before I was -- I shoved
12 it part way in Silica, stopped them, got the EOT from the bottom
13 of the cut, put on that one. But the hose, the bottom part was
14 messed up. I couldn't connect the EOT. And I struggled for about
15 10, 15 minutes trying to get it to go, but I didn't have enough
16 leverage.

17 Long story short, I couldn't get it off so I said, we'll just
18 mess with it another time and we'll tell them to leave it and, you
19 know, just cut it off in Silica when they leave, so they could bad
20 order it, because we don't have time to waste messing with it.
21 And then I just shoved them back.

22 Q. Okay. So once they were shoved back --

23 A. They're on the bottom of the -- they were on the bottom.

24 Q. Yeah, you were done with that cut, basically.

25 A. Yeah. Yeah.

1 Q. And then you took the engine out. And did you grab more
2 loads off the main?

3 A. Yeah, we got about 21 loads or something, cut it, went into A
4 Lot.

5 Q. Then you went --

6 A. Worked A Lot, did a couple switches, had to come back out to
7 the main, drop off two cars, pull back. Go back down in there,
8 set some cars down, set some more over, set some more back to 1-
9 Track. And then came back out and grabbed everything, pulled it
10 by and went into B Lot and did a lot more switching, two cars or
11 so at a time for, I guess it was -- I guess it was about 20 cars,
12 20 cars' worth.

13 Q. Okay. All right. And let me see. What else did I have?
14 You're on the extra board, so the hours that you have been working
15 have they been like all first shift, all second shift?

16 A. They just call you for whatever. Actually, last week, I was
17 on second shift all week. I somehow managed to get a second shift
18 job. So this lined up to be on second shift, which, you know, my
19 body was used to the schedule at the time. But, yeah, normally
20 you'd work all hours.

21 MR. DRAKULIC: Okay. Go ahead, there.

22 MR. RICHARDSON: Shane Richardson, with the FRA.

23 BY MR. RICHARDSON:

24 Q. Just a couple quick questions about your -- when you were in
25 EC1 territory and you were having to deal with this SPAF form, and

1 I guess the SPAF form itself stays on the locomotive, correct?

2 A. The, you said the --

3 Q. The switch --

4 A. Switch awareness form?

5 Q. Yeah.

6 A. Yeah, the engineer writes it down for you.

7 Q. So it stays on the locomotive. Now when you throw a switch,
8 while you're working in EC1, do you write down that time yourself
9 on something?

10 A. No, no. I just report it. I said on the radio --

11 Q. Just tell the engineer?

12 A. Yeah. I'll, see -- yeah, I'll usually look at my watch and
13 I'll say I threw, you know, 369.3 your time. Or I'll say, you
14 know, at 12:13 and I set to 12:13 --

15 Q. So he's up there, as you're working throughout the day, he's
16 recording each one for you?

17 A. Yeah. You only throw it when you start and when you end it.
18 I mean, you could throw it a couple times, but --

19 Q. Yeah. Yeah, at the beginning when you opened up, I guess, is
20 what I was talking and when you close it up.

21 A. And close it. That's right.

22 Q. All right. Now, so when you got on the locomotive and he --
23 I guess he handed you that form after he toned up the dispatcher
24 for you to release the SPAF --

25 A. Yeah, either he handed it or I grabbed it. I don't remember.

1 I just know, when he toned the dispatcher, the dispatcher picked
2 up right away.

3 Q. Okay. And after you release it, what do you do with that
4 form?

5 A. Oh, we just keep it.

6 Q. You just keep it?

7 A. Uh-huh.

8 Q. Okay. And did you have the form from that night?

9 A. It should be in my bag or in the trash. I don't know. I
10 mean, it's somewhere up in that mess.

11 Q. Yeah. I just wanted to know, like you put it in your grip or
12 put it your --

13 A. Yeah, I usually just throw all my stuff together with my
14 messages and throw it in my bag and throw it out the next day,
15 whatever I don't need.

16 MR. RICHARDSON: Okay. I think that's all for now.

17 MR. CAMPBELL: Matt Campbell, SMART Transportation.

18 BY MR. CAMPBELL:

19 Q. The switch awareness form, you said you guys had one. Who
20 has that now?

21 A. It's either in my bag right now up on, in the -- on the
22 engine, you know, in my timetable. Or it's in the trash. I mean,
23 it's one or the other. It's up there somewhere.

24 Q. Okay. But it wasn't turned in to anyone or anything like
25 that?

1 A. No.

2 Q. It was left at the scene?

3 A. It was -- it's there, yeah.

4 Q. Okay. I guess the question I have, you mentioned like in
5 activities, hopping off the engine like at a derail, which would,
6 like -- in my mind, I'm visualizing, you know, me working, getting
7 on moving equipment, which in a way -- that used to be a rule
8 violation on CSX?

9 A. Yeah.

10 Q. But it's kind of a common practice now?

11 A. Uh-huh.

12 Q. That leads me to another question. You know, over the past
13 year, you know, has -- you know, the doctor talked about stressors
14 and stuff like that. Is there any extra pressure to, such as
15 getting off moving equipment, work at a faster pace? I mean, have
16 you noticed it --

17 A. I mean, in the yard -- no, I don't know about moving
18 equipment. I mean, I know a lot of guys will stop now because,
19 you know, they were starting charging people for doing that
20 without announcing because the rule's kind of stupid. I mean,
21 it's too much talking on the radio, like, I'm getting down, you're
22 getting down; all right, we're down. All right, I'm seeing you're
23 down. You know, the engineer doesn't have time to do all that
24 while he's trying to couple up. So a lot of guys will stop them
25 short.

1 But I like to get down at the couple. I'll just say, I'm
2 getting down at the couple, because you're supposed to be going 4
3 miles an hour, so -- but there is pressure to get stuff done, I
4 would say.

5 Q. More so than there was --

6 A. Oh, before Hunter Harrison came along.

7 Q. It's a different --

8 A. It's a different environment.

9 Q. Right. I guess what I'm trying to ask, is it a different
10 culture?

11 A. Yeah.

12 Q. Different than the safety culture or whatever it was before?

13 A. Yeah.

14 Q. As far as the effort, is the effort more on do the job A-B-C
15 safely or do the job to get the job done?

16 A. Do the job to get the job done, but if something happens,
17 it's on you; you know, you should have followed the rules. I mean
18 -- yeah.

19 MR. RICHARDSON: Thank you. That's all I have for now.

20 MR. ALDRIDGE: Bryan Aldridge, BLET.

21 BY MR. ALDRIDGE:

22 Q. Do you manage the onboard work order received on this job
23 too?

24 A. No. We just leave it at the office and I get it at the end
25 of the day. We just come back in and do it.

1 Q. That's something you have to complete at the end of the day?

2 A. Yeah.

3 Q. Okay. Once again, Matt stole most of my questions, but I
4 guess one last one. With the EC1s, did you feel at all confused
5 during your tour of duty with them, with the added pressure of
6 having to run under an EC1?

7 A. I mean --

8 Q. And I'll qualify that by saying, I know I do whenever we have
9 a signal suspension.

10 A. I mean, yeah, because not knowing what the switch is -- you
11 know, I had it written down in my pocket, but it's shoved in my
12 pocket behind everything. I don't want to take it out. And you
13 just forget because you're not -- that's not EC1 territory
14 normally. And if you don't work it all the time, you're not
15 thinking about that.

16 And so, for them to throw it on you like this is, you know --
17 well, I don't know what the switch is here, you know, I'm not used
18 to calling it. Then you remember, oh, you were supposed to call
19 it both times. Yeah, you don't remember. I mean, I guess you
20 could say it is a little pressure. And you're like, well, I
21 forgot, you know, hopefully, that's not a -- forgot to call it out
22 on the radio that I threw that switch.

23 MR. ALDRIDGE: That's all I've got. And I just want to say
24 thanks for coming. You've done an excellent job, in my opinion.

25 MR. VARGO: Thanks.

1 MR. REAVES: All right. Stephen Reaves with Amtrak.

2 BY MR. REAVES:

3 Q. A couple of questions. Prior to Saturday and early Sunday
4 morning, have you ever filled out the Switch Position Awareness
5 Form before?

6 A. Yeah. You mean, oh, me? Me fill it out?

7 Q. Yes.

8 A. Oh, no, my engineer fills it out.

9 Q. Does he? Okay. So when you --

10 A. I just initial it.

11 Q. So you have worked a job where this form had to be filled
12 out?

13 A. Yeah. EC1, yeah.

14 Q. Okay. Do you remember how long ago or how long ago it was
15 that you worked a job that that form had to be filled out?

16 A. Well, I was qualifying when they filled out forms, but, I
17 mean, I wasn't doing it then. So, I mean, it's been a little
18 while.

19 Q. Couple months? Year?

20 A. Maybe a month. We only have one job that does that around
21 here, and I -- I mean, I -- normally I just work in the yard and I
22 don't have to do that.

23 Q. Let's see. So when you went on duty, said that Trainmaster
24 Kelsey called and gave a job briefing with you all and talked
25 about the signal suspension.

1 A. Yeah.

2 Q. Was that your first notification that the signals were going
3 to be suspended or --

4 A. Well, we got bulletins and stuff. We knew they were working
5 on stuff around there. But I didn't realize -- to be honest with
6 you, I didn't realize it was only going to be EC1 authority and
7 all that stuff.

8 Q. Okay. Was there any mention about making sure you pull out
9 the Switch Position Awareness Form?

10 A. No, just -- I mean, he told us it's going to be EC1
11 authority, so we knew. Well, I mean, to be honest with you, I
12 can't remember. I mean, we knew what's involved in that.

13 Q. Were you aware of what's required for this Switch Position
14 Awareness Form?

15 A. I believe so.

16 Q. Could you walk us through, like if you were lining a switch
17 in -- a main track switch in dark territory like a signal
18 suspension --

19 A. Okay. If I was on the ground, I'd go line the switch and
20 check -- usually check my watch or, if I didn't have a watch and I
21 knew the milepost, I'd say -- I'd call out the engine number and
22 say, switch at the S362.0 reversed by Vargo, your time. And then
23 normally the engineer would say, all right, 362 reversed at 12:15,
24 as of 12:15.

25 Q. So on Saturday and Sunday, there were only two main track

1 switches that you operated?

2 A. Three.

3 Q. Three?

4 A. Oh, I'm sorry, four if you're including the earlier train.

5 Q. All right. But just for that train, just three?

6 A. Just for that one.

7 Q. Once you got back up on the engine, once you were getting
8 ready to release your EC1 authority, you mentioned that the
9 dispatcher -- engineer toned up to dispatcher, dispatcher answered
10 right away.

11 A. Uh-huh.

12 Q. At the time, you grabbed the Switch Position Awareness Form,
13 and the times were all filled in?

14 A. There was six times. But I remember there was, like, one of
15 them was crossed out and something was written below. And to me,
16 at the time, it looked like an arrow pointing. I mean, it wasn't,
17 I don't think, but it looked like a arrow, I guess, because he
18 crossed it out at an angle. And I remember seeing it. I just --
19 it was written in red, so it was kind of hard to read, like I just
20 remember it said Silica, you know, wrote kind of cursive. And I
21 had my thinking, you know, I got to give it back -- it's at 366.9,
22 366.8, whatever they are. And I don't know what they are. You
23 know, I'm not -- I don't -- I'm not familiar with them. I just
24 know it as north end Silica and stuff. So I just thought he had
25 it in order. And I just saw the times, and I know on the thing it

1 doesn't make any sense. Because I just saw numbers and just said
2 numbers: Saw a number, said a number; saw a number, said a
3 number. And I didn't even think about it. You know, it could
4 have been 1 in the morning and, you know, 5 in the afternoon. I
5 wouldn't have known -- I couldn't -- I wasn't thinking about that.
6 I was just saying the times as I saw them.

7 Q. Okay. Would you say it's an engineer's responsibility to
8 fill out the Switch Position Awareness Form?

9 A. I mean, it's both of ours, really. But, I mean, for him to
10 write it down, I mean, yeah, I would say so.

11 MR. REAVES: All right, that's all I have. Thank you.

12 MR. HINES: Mike -- are you doing okay?

13 MR. VARGO: Yeah.

14 MR. HINES: Okay, John Hines, Amtrak.

15 BY MR. HINES:

16 Q. So wanted to -- I just wanted to touch base on your history,
17 you know, a little bit. So when did you initially come to Cayce
18 Yard? You started in Spartanburg, I heard you say.

19 A. Yeah. When did I get furloughed? I don't know. It's been a
20 while. About 3 years ago, I would say.

21 Q. Three years ago? And you've worked here since?

22 A. Yeah, and then a little bit back in Spartanburg and a little
23 bit in Charlotte.

24 Q. Okay. Can you take me through your training and
25 qualification for this location?

1 A. Yeah, I spent, I think, 2 or 3 days on each job. I mean,
2 just rode with the crew and, you know, worked the job 2 or 3 days
3 each time. And, I mean, I was comfortable with it. I mean --

4 Q. Okay. Was there any training that was done with the
5 trainmaster or any tests that you needed to take or --

6 A. They make you -- they made us do a territory test or
7 something. But, you know, we have the book that we look in, and,
8 I mean, some stuff that I don't -- that thing I had to take was,
9 it had nothing to do with me because I only worked the yard.

10 Q. Okay.

11 A. I wasn't on the road. But I still had to take it, so --

12 Q. Okay. So, you were comfortable with the location -- well,
13 you that --

14 A. Yeah, uh-huh.

15 MR. HINES: Okay. Let's see. That's all I've got.

16 MR. LANDY: Marcus Landy, Office of Regulatory Staff.

17 BY MR. LANDY:

18 Q. I know we don't want to belabor the point about the SPAF
19 form. Just to get clarification, is there a process in place that
20 CSX has to adequately train you on how to fill out the SPAF form
21 and how long you have to maintain that form?

22 A. To be honest with you, it's been so long. I mean, there's --
23 we never -- I don't think there was ever a POD that showed you how
24 to do it. And to be honest with you, since I don't ever hardly
25 ever use it, I'm not sure if it's one of those things you keep 7

1 days or you keep till the next shift.

2 I mean, I really don't know. A lot of times, I'll just throw
3 a bunch of junk in my bag, you know, put it all together and just
4 leave it there till the next day, and I'll, you know, I'll get my
5 orders and throw those away because I don't need them anymore. I
6 mean --

7 Q. Okay. How comfortable would you say -- I know you said you
8 primarily worked in Cayce Yard. How comfortable would you say,
9 because I know you said you didn't understand the annotation of
10 the engineer's notes on the SPAF form versus you saying north end
11 of Silica, south end of Silica.

12 A. Yeah.

13 Q. How comfortable would you say working that ramp job you are
14 with familiarizing yourself with mileposts and the switches and
15 those associated with those mileposts?

16 A. You know, I mean, I do -- I knew -- I know the general
17 location of the area. So, I mean, I don't know the switch number
18 on the north end of Silica or the south end of Silica and the
19 runaround. I just know them as the north end switch, the south
20 end switch and the run-around switch.

21 Q. Would the carrier, CSX provide you maybe job aids with those
22 mileposts associated to those switches, if you needed them?

23 A. I mean, they're in the timetable. But, I mean, they don't
24 give us any cards or anything, no.

25 MR. LANDY: No further questions.

1 MR. TORRES: Mike?

2 DR. HOEPF: Thanks, Tomas, yeah.

3 BY DR. HOEPF:

4 Q. I think we've covered quite a bit of ground here. And I
5 think we've pretty much touched on everything that I've kind of
6 wanted to talk about. I just kind of want to make a couple
7 summary kind of points here and maybe give you just a final
8 opportunity to kind of clarify.

9 So the Switch Position Awareness Form, this EC1 authority,
10 fair characterization to say, that's not your normal operating
11 procedure?

12 A. That's right.

13 Q. Okay. And fair to say that you were trained on those,
14 operating with the EC1, but that's been a while?

15 A. Yeah, I mean, as far as actual training, yeah.

16 Q. Yeah, okay. I mean, I'm just wondering. You said you felt
17 comfortable with those things. I mean, do you feel like the
18 training for your EC1 operations, operating under EC1 authority
19 was sufficient? Do you think it could be improved?

20 You know, were you placed in a situation optimized to
21 succeed, you know, or do you feel like maybe the training could
22 have been a little bit better to maybe make sure that you were a
23 hundred percent comfortable with exactly what you needed to do?

24 A. Well, I mean, it's just a matter of repetition, and we don't
25 get that much repetition depending what job you get, you know.

1 So, if I'm not working the job for a long time, I'm not going to
2 have that repetition and not, you know, have it as comfortable as
3 if I was. So me working in the yard, you know -- I mean, I've
4 done it before, but, you know, I just don't have the repetition
5 for it. I know what I need to write down for the most part. Like
6 every now and then, I discover there's something new. Like you
7 can cancel EC1, Line 1 or something. I didn't know that. I
8 thought you had to report -- you know, you have to give up that
9 section there. You don't just say cancel Line 1 and all that. I
10 just found that out recently, training on the road.

11 So, I mean, yeah, there was no real hard-core class on EC1s.
12 And during training, they gave you a little thing that they play a
13 dispatcher and you practice writing it down. But, I mean, there's
14 so many people -- I mean, the variance of how people, you know, do
15 EC1s is -- I don't know, it's kind of widespread between people
16 and dispatchers, I guess, how they give them. So --

17 Q. So, I mean, again, there's been some training, but maybe it's
18 -- stops a little bit short of feeling rock-solid comfortable with
19 handling that sort of EC1 authority versus standard signaling? I
20 mean --

21 A. Yeah. As far as -- I mean, because it's just not -- you
22 know, I'm not doing it a lot.

23 Q. Yeah. Okay, so it's more about --

24 A. I mean, it didn't have anything to do with -- I mean, the
25 switch times could have been completely accurate, and I don't

1 think it had anything to do with what happened, to be honest with
2 you.

3 Q. Okay. Okay. But so you think it's more so just how
4 comfortable you were with the task, I mean, just based on what you
5 normally do?

6 A. Yeah, just my normal repetition of it.

7 Q. Okay, okay.

8 A. Just --

9 Q. I mean, again, just this -- sorry, I didn't mean to cut you
10 off, but just -- you know, obviously we've had a tragic situation
11 here and we're all just here trying to prevent this kind of thing
12 from happening again. That's all we're trying to get at, you
13 know. And we're just trying to figure out anything that might
14 have been a factor, you know, and it's -- so, and really just
15 trying to get an idea of, again, you know, do you feel like you
16 were comfortably trained to, you know, to do this task? Or there
17 might be room for improvement or maybe even -- or it's more of
18 just a thing where, you know, you've got some variety in the tasks
19 that you do and -- you know what I mean?

20 A. I think it's just the variety. I mean, if you're not working
21 it all the time -- I mean, they could train you every month or so,
22 but it's just not going to stick unless you do it on a daily
23 basis, I think.

24 Q. Right. Right. And then, just to continue on with that, so
25 you had a job briefing, you said, and so you were briefed to be

1 aware that, okay, the signals are out, EC1 authority. Can you
2 just talk a little bit more about that job briefing in terms of --

3 A. He went over it pretty detailed that, you know, signals are
4 going to be out; be careful guys. You know, it's going to be --
5 make sure you get your EC1s. If you don't know what's going on,
6 make sure you call somebody to find something out.

7 I think at first they were going to turn the signals back on
8 at a certain point. I think -- I forget what time they ended.
9 You know, it was going to end, but then he called back and said,
10 no, it's all night. You know, he was thorough with the briefing.
11 I'll give him that. He was thorough with the briefing.

12 Q. Yeah.

13 A. Explaining that, you know, to be careful and stuff, so --

14 DR. HOEPF: Okay. And -- you know, I'm going to go ahead and
15 pass it on.

16 MR. AMMONS: Just a quick follow-up here. This is Ammons,
17 CSX.

18 BY MR. AMMONS:

19 Q. Did -- at the beginning of this process when you were at the
20 auto facility and you had to handle those main line switches -- we
21 talked a lot about the end process, you know, giving up times and
22 locations and things like that. How does the start of that
23 process begin?

24 A. With the switches.

25 Q. With the switches, and the dispatcher and the locations and

1 all that?

2 A. Are you talking about like when you first get a EC1 or --

3 Q. Well, if you know you've got to handle those three switches,
4 do you or the engineer -- who requests that, and how does that
5 process take place?

6 A. Oh. When you call up to get your EC1, you say -- you know,
7 you tell them, you know, you announce what your train is and then
8 you say, I need three switches or how many switches you need, and
9 they're going to be the 366.9, 3- -- you know, whatever they are;
10 list them for him. And then he'll give you your track authority
11 and then he'll say, you got permission on those three switches or
12 the three switches were previously discussed, something like that.

13 Q. So did you request that or did your engineer request that of
14 the dispatcher?

15 A. I requested it.

16 Q. Okay. And so when you requested that, did you call the
17 switches by name or by milepost location?

18 A. You got to call them by milepost location.

19 Q. So you -- did you have that -- did you write that down, that
20 information?

21 A. Yeah, I wrote -- I had my timetable open, so I found them in
22 the timetable, wrote them down and -- you know, Line 11, that's
23 where it says permission on the switches. I wrote those switches
24 down. And I think I actually had my switch awareness form
25 earlier. I was trying to fill it out to give it -- I never did,

1 but I wrote north end Silica, and I wrote the actual numbers so,
2 you know, it wouldn't be confusing to anybody.

3 So I don't -- I think that's when they called and said, oh,
4 you guys got to go down and get that other train. So --

5 Q. Okay. All right.

6 A. So he wrote it all down himself, but he wrote it as the south
7 end of siding, you know, north end Silica. I think he even said
8 -- to be honest with you, he didn't write down the lead or
9 something. And I think when I gave him back that -- you know,
10 when I read back that stuff, that first one, because he had it
11 written down from the beginning, from that other shift, I think
12 the first one he had was the south end up at Cayce, south end of
13 Cayce switch.

14 Q. So the confusion that you spoke about earlier really was
15 based off of how the engineer filled out his SPAF form versus how
16 you --

17 A. Yes, as far as how he had it because, I mean, he doesn't know
18 what they are either. I mean, I didn't know what they were. I
19 just knew -- I mean, I knew them because I looked in the
20 timetable. But, you know, the minute you jump on the ground and
21 you're throwing them, you're forgetting to report them.

22 First of all, you don't know what the numbers are. They go
23 right in and out of your head as far as this is the 366.7, 8, you
24 know. Unless you work it all the time, then you know. And
25 sometimes, what would help is if they have it written -- we're in

1 a lot of dark territory -- they have it written on the handle or
2 something, you know, they'll have the switch number there. Or
3 it'll be on the tie that you know what switch you're throwing.

4 DR. McKAY: Mary Pat McKay. See, I remembered this time.

5 BY DR. McKAY:

6 Q. So just a couple of quick question. Any chronic medical
7 conditions? Take any medications every day?

8 A. Uh-uh.

9 Q. He's saying -- he's nodding his head, no.

10 A. No.

11 Q. And use any over-the-counter medicines in the last week or so
12 before the accident? So --

13 A. Probably ibuprofen.

14 DR. McKAY: Okay. That's it. That's all I have.

15 UNIDENTIFIED SPEAKER: Nothing.

16 UNIDENTIFIED SPEAKER: I have nothing.

17 MR. REAVES: Stephen Reaves. One more follow-up question.

18 BY MR. REAVES:

19 Q. Whenever you gave up the track authority, the EC1 authority,
20 and the dispatcher asked you about the switches and you gave him
21 the times, did the dispatcher ask twice or additional time
22 about ---

23 A. No, he just said it was --

24 Q. -- was the particular switch lined?

25 A. No, he just said he had the switch times recorded. Switch

1 times have been noted, something like that, you know.

2 MR. REAVES: Okay. All right, thanks. That was it.

3 UNIDENTIFIED SPEAKER: No questions.

4 UNIDENTIFIED SPEAKER: No questions.

5 MR. TORRES: Any more questions?

6 BY DR. HOEPF:

7 Q. Just the usual conclusions for the interview. Anything we
8 should have asked you, but we didn't?

9 A. I haven't been thinking about that, to be honest with you.
10 Just answering the questions, but --

11 Q. Yeah, just anything you can think that could possibly be
12 relevant. Lighting conditions --

13 A. If there was a light by the switch or if there was a --

14 Q. Anything --

15 A. -- one of those flip targets that you could see, green or
16 red, that might have helped. And if the signal suspension -- I
17 mean it was like the stars lined up in the wrong way that night.
18 You know, the signals were down or they would have caught that.
19 And the switch was lined into the siding. I mean, the one time I
20 ever forgot it. I mean, that must have happened. I mean, I can't
21 -- I mean, a ghost didn't do it.

22 Q. Yeah. Well, and we'll give you our, you know, our cards too,
23 so if you if think of something later or and you want to mention,
24 feel free. And along that similar vein, I mean, just any
25 suggestions in terms of safety improvements, just anything in

1 general, anything pertaining to switches, anything -- and, again,
2 if you can't think of anything off the spot now, you know, we'd
3 love to hear from you later. So any thoughts there?

4 A. I mean, like I said, where everybody was under a lot of
5 stress, in general, speaking about as far as your job security
6 around here -- I mean, I guess it's across, you know, everything.

7 And then, with -- when Hunter came with all the new rule
8 changes and they did away with stuff, and I think for a while
9 everybody was confused as to what we were allowed to do and not
10 do. You know, like we had placed a safety, and that went away,
11 and it was just clear all tracks again.

12 And they did away with three step, which I don't understand.
13 But they did away with three step and they didn't replace it with
14 anything. They just didn't tell anybody anything, how to handle
15 that. So, I mean, we do our own -- we make it up as we go along,
16 I guess, telling the engineer we're going in and stuff like that.

17 But, I mean, I guess there was a lot of confusion. Nobody
18 knew, from week to week, what rules they were going to change.
19 You know, going away with brake sticks. Like brake sticks are
20 handy for doing stuff. I mean, it makes the job a lot easier.
21 You know, they're unrealistic if they want to do away with brake
22 sticks and want you to do your job legally. For a lot of these
23 cars, you can't -- I mean, you just can't do it. I mean, that's
24 the bottom line. But that's a different subject altogether,
25 but --

1 Q. Well, yeah, but, you know, we're not -- there's a lot going
2 on today, but we -- you know, it's important that we talk you.
3 But, you know, this idea of -- I'm sure you've heard of safety
4 culture before, you know, your operating environment is very --
5 it's very important.

6 I understand, it sounds like you got a stressful situation.
7 You've been furloughed multiple times. You have no -- you know,
8 don't feel like you have comfortable job security. You're getting
9 shuffled around to different jobs. Those things can play a
10 factor. So, I mean, what's -- so what's the story with this
11 Hunter guy? Who is he?

12 A. I'm talking about Hunter Harrison, the old CEO, the one that
13 died.

14 Q. Okay, I'm sorry, I didn't --

15 A. CSX, Hunter Harrison.

16 Q. Uh-huh. And so there's been a change, a shift in safety
17 practices? Safety --

18 UNIDENTIFIED SPEAKER: 133 of them, exactly.

19 DR. HOEPF: 133?

20 UNIDENTIFIED SPEAKER: Rule changes.

21 DR. MCKAY: Changes, rule changes.

22 BY DR. HOEPF:

23 Q. Can you elaborate?

24 A. Like doing away with brake sticks; getting on and off moving
25 equipment, which is the only thing I like, to be honest with you.

1 But it just seems like, I mean, they change rules and you -- so
2 you don't know what the rule is. You know what I mean? Like, for
3 the longest time we thought it was the Wild West out there,
4 jumping off moving equipment and stuff. And then I guess they
5 wanted to come down on everybody, and so they started charging
6 people with stuff, you know, left and right and no, you know, no
7 warning.

8 And like one of the -- another thing is having your conductor
9 card. I guess that's -- I don't know if that's federal to have
10 that conductor card on you at all times. I mean, that's so
11 annoying because you -- I don't take my wallet or my phone out
12 there with me. Like I'd forget it in my pants. If I, if I had to
13 do that -- I mean, that's not CSX's thing, but that's -- but they
14 charged somebody 14 days who was switching the yard for not having
15 their card on them. I mean, that kind of pressure like -- it's
16 ridiculous that you got to work under those kind of intimidating
17 work standards.

18 And I'm not talking about our local trainmasters, but, I
19 mean, it all comes from up above. So --

20 Q. So it's an intimidating place to work at times? Would you
21 say you're in fear for your job? Is that -- well, I don't want to
22 lead you or put words in your mouth. But, I mean, again, it seems
23 like you've got some concerns about the culture in terms of --

24 A. Yeah, I mean, there's nothing going to change with that, I
25 guess, but --

1 Q. Yeah. Let me ask you this. Do you feel comfortable
2 reporting safety issues? Do you feel like if you tell your boss,
3 that he's going to reward you for that and then, you know, act on
4 that?

5 A. You used to get rewarded for that, but you don't get rewarded
6 for that anymore. They took that out because that's budget
7 saving, I guess. They used to give you a thanks award, I guess,
8 if you found like broken rail and stuff, but, you know, now you
9 don't get anything for that.

10 Q. And that's that a recent change?

11 A. Yeah, as far as I know. Yeah, I mean, ever since the new
12 management took over.

13 Q. Yeah. And so, you think the -- you think that the primary
14 motivation is an increase in production, money making over safety?

15 A. Money making, yeah.

16 Q. Yeah? I mean, is that -- well, let me ask you too. I mean,
17 does this -- how does that affect you? Do you feel like that
18 affects you or, you know --

19 A. I mean, it does in general, but not -- I mean, not the night
20 in question, but, I mean, in general.

21 Q. Right. Not in an acute way but just generally speaking?

22 A. Yeah, everybody's miserable at work. I mean, it's not like
23 you come to work happy. You know, you just --

24 Q. Yeah. You just come in and --

25 A. Do your job.

1 Q. -- want to get it done; get out there and go home? Yeah.

2 All right. Well, thanks for sharing that. Anything else you
3 want to tell us?

4 A. I'm just -- I'm upset for them. I'm sorry for the losses of
5 the Amtrak, you know.

6 Q. Yeah.

7 A. And all the injuries.

8 DR. HOEPF: Well, thanks again, so much for coming and
9 talking to us today. I know we talked about a lot. I think that
10 about wraps it up, unless as anybody else has any clarifications
11 or final questions or anything else?

12 And if you think of anything else, please reach out. So --

13 MR. VARGO: Okay.

14 BY MR. TORRES:

15 Q. And I just go to a list of questions. Some of them have
16 already been asked. Tomas with the NTSB.

17 What's the job number that you were working?

18 A. I think it was the -- I think it was the 777-03.

19 Q. Okay. What's your last certification date as a conductor?

20 A. I don't know.

21 Q. When's the last time you got recertified?

22 A. I got a card a little while ago, I guess after I got -- I
23 came back, I think. I'm not sure, to be honest with you.

24 Q. Okay. When's the last time a supervisor rode with you or,
25 you know, spent time with you?

1 A. You talking about on the engine?

2 Q. Yeah. No, when's the last time you got tested by a manager?

3 A. I think it was fairly recent. I think it was a stick man or
4 something. I can't, you know, I can't put a time or a place on
5 it.

6 Q. Did you get tested for, you know, switching operations? You
7 know, what kind of testing -- when you get tested, what do they
8 test for?

9 A. Well, I guess they test to make sure you tie handbrakes and,
10 you know, that you announce you're getting on and off moving
11 equipment and stuff like that. I think a lot of them, they don't
12 announce it to you, but they test you on it. They get -- you
13 know, they're listening in on the radio.

14 Q. But do you get notified if you pass or fail or --

15 A. I haven't had any of that recently, no.

16 Q. No? But have they ever or --

17 A. I've had that -- I mean, I've had that before, you know.

18 Q. Yeah. Do they test you --

19 A. Because you know you passed, I mean, if they got a stick man
20 and you stop before it and you announce it.

21 Q. Do they test you for switches and stuff, or --

22 A. What do you mean by switches?

23 Q. Yeah, how you operate switches. I a switch operation, do
24 they --

25 A. They do, but, I mean, I don't know if -- I can't recall the

1 last time I was actually -- somebody announced that they were
2 looking at me and everything.

3 Q. Okay. Did your training prepare you for your -- for the
4 requirements of your job?

5 A. For the most part, yeah.

6 Q. Okay. Did you use your cell phone while you were on duty?

7 A. Yeah.

8 Q. And --

9 A. But only when I was in the engine -- like before we took off,
10 I had it and then I shut it off before we start heading down. And
11 then I had it off in my bag until -- I believe until I got back on
12 the engine at the very end and called the yardmaster to tell them
13 what I did. But, I mean, the other time when I was on the ground,
14 it was off of my bag.

15 Q. Okay. Is this a safe place to work for?

16 A. I thought it was. I mean, you hear stuff, but I thought I
17 was safe.

18 Q. That's all I have, unless you have anything else to add?

19 A. Yeah, do you have my phone? Or who has my phone and when
20 will I get it back?

21 Q. You know, that'll go to our lab and then we'll return it to
22 you.

23 A. Do you know how long that will be, by any chance?

24 Q. No. I'll have to talk to Sean Payne. He's here -- I think
25 he's still on the property here and he's the one that's going to

1 handle that.

2 MR. VARGO: Okay.

3 UNIDENTIFIED SPEAKER: Tomas, did you need that phone number
4 for that phone?

5 MR. TORRES: Yeah, he gave it to me.

6 UNIDENTIFIED SPEAKER: Okay.

7 MR. TORRES: But then I'll ask him something after I shut off
8 here. So if there's no more questions, then this will conclude
9 the interview. Thank you.

10 (Whereupon, the interview was concluded.)

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CERTIFICATE

This is to certify that the attached proceeding before the

NATIONAL TRANSPORTATION SAFETY BOARD

IN THE MATTER OF: COLLISION OF AMTRAK TRAIN #91 AND
A STATIONARY CSX TRANSPORTATION
TRAIN NEAR CAYCE, SOUTH CAROLINA
FEBRUARY 4, 2018
Interview of Michael Vargo

ACCIDENT NUMBER: RRD18MR003

PLACE: Cayce, South Carolina

DATE: February 5, 2018

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.



Transcriber