

DCA-06-FR-004

**Norfolk Southern Rear-end Collision
Derailment**

Train No. 226 & Train No. 22R

Lincoln, AL

January 18, 2006

**Interview (2/1/06) of Engineer of
Train No. 226**

**85 pages, including cover & errata
sheets**

UNITED STATES OF AMERICA
NATIONAL TRANSPORTATION SAFETY BOARD
OFFICE OF ADMINISTRATIVE LAW JUDGES

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Investigation of: *
*
NORFOLK SOUTHERN REAR-END *
COLLISION * Docket No.: DCA-06-FR-004
LINCOLN, ALABAMA *
JANUARY 18, 2006 *
*
* * * * *

Interview of: AARON SMITH, JR.

Holiday Inn
Birmingham, Alabama

Wednesday,
February 1, 2006

The above-captioned matter convened, pursuant to
notice.

BEFORE: RICHARD A. HIPSKIND

APPEARANCES:

RICHARD A. HIPSKIND, Investigator-in-Charge
National Transportation Safety Board
DuPage County Airport
31 West 775 North Avenue
West Chicago, IL 60185
[REDACTED]

RUSSELL GOBER, Operations Group Chairman
National Transportation Safety Board
Atlanta, GA

NORRIS FULFORD, Operating Practice Inspector
Federal Railroad Administration

SANDY CAMPBELL
Norfolk Southern

CURTIS WALL, Safety Team, Investigator
United Transportation Union

BEN BLISSETT, Safety Task Force, Investigator
Brotherhood of Locomotive Engineers and Trainmen

N. B. FRANK, Local Chairman
Brotherhood of Locomotive Engineers and Trainmen

PAUL WINGO, Vice President
Brotherhood of Locomotive Engineers and Trainmen

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I N T E R V I E W

1
2 MR. HIPSKIND: My name is Richard Hipkind. I am a
3 Railroad Accident Investigator for the National Transportation
4 Safety Board, and I am the Investigator-in-Charge of our
5 investigation of the collision or derailment of two Norfolk
6 Southern freight trains on January 18, 2006, at the Coosa
7 siding in Lincoln, Alabama.

8 The NTSB reference number for the accident is DCA-06-
9 FR-004.

10 I am here today, on February 1, 2006, located at the
11 Holiday Inn in Birmingham, Alabama, to conduct interviews with
12 the crew of Train 226A117, and I am accompanied with other NTSB
13 party representatives.

14 We are recording these interviews, and I would ask
15 that each of us identify ourselves before we begin speaking and
16 also as an introduction by providing your name, spelling of
17 your last name, your title and who you represent. Please
18 remember to speak clearly and loud enough for the recording. I
19 will begin, and we can continue going to my left with the
20 introductions.

21 Again, my name is Richard Hipkind. The spelling of
22 my last name is H I P S K I N D, and I'm the Investigator-in-
23 Charge.

24 MR. GOBER: Russell Gober, NTSB, Atlanta.

25 MR. FULFORD: Norris Fulford. Last name is

1 F U L F O R D, Operating Practice Inspector, and that's Federal
2 Railroad Administration.

3 MR. CAMPBELL: Sandy Campbell, last name spelled
4 C A M P B E L L, representing Norfolk South.

5 MR. WALL: Curtis Wall, W A L L, United
6 Transportation Union, Safety Team, Investigator.

7 MR. BLISSETT: Ben Blissett, with the Brotherhood of
8 Locomotive Engineers and Trainmen, Safety Task Force,
9 Investigator. The spelling of my last name is B L I S S E T T.

10 MR. HIPSKIND: And, Mr. Smith, will you introduce
11 yourself please, sir.

12 MR. SMITH: Aaron Smith, Jr., last name Smith,
13 S M I T H, Locomotive Engineer with Norfolk Southern Railroad.

14 MR. HIPSKIND: And, Mr. Smith, you have some
15 representation with you here today as well as a family member?

16 MR. SMITH: Yes, I do.

17 MR. HIPSKIND: And could you please introduce
18 yourself, Miss?

19 MS. LARRY: Quinta Larry. The spelling of my last
20 name is L A R R Y, friend of Aaron Smith.

21 MR. HIPSKIND: And your representative please.

22 MR. FRANK: N. B. Frank, F R A N K, Local Chairman
23 for the Brotherhood of Locomotive Engineers and Trainmen.

24 MR. HIPSKIND: And, sir.

25 MR. WINGO: I'm Paul Wingo, W I N G O, and I'm Vice

1 President of the Brotherhood of Locomotive Engineers and
2 Trainmen.

3 MR. HIPSKIND: Okay. I thank everybody for the
4 introduction.

5 Mr. Smith, as we discuss the events, may I refer to
6 you as Aaron?

7 MR. SMITH: Yes.

8 MR. HIPSKIND: Okay.

9 INTERVIEW OF AARON SMITH, JR.

10 BY MR. HIPSKIND:

11 Q. Aaron, first of all, I'd like to talk about your
12 employment history, and so in your answer, would you please
13 cover a couple of things for us? When you hired on with
14 Norfolk Southern and take us through some of the positions that
15 you've held and your promotions, and also include, if you
16 worked for another railroad prior to Norfolk Southern.

17 A. I was employed by Norfolk Southern Railroad in May of
18 1970 -- March of 1978, as a trainman. I received my conductor
19 rights in 1980. I worked as a conductor and a trainman from
20 then until 1995. At that time I was promoted to an engineer.

21 Q. And have you remained in that capacity since then?

22 A. Yes, sir.

23 Q. And you've not worked for another railroad prior to
24 your employment with Norfolk Southern?

25 A. No, sir.

1 Q. And on the day of the incident, you were a locomotive
2 engineer?

3 A. Yes, sir.

4 Q. And are you current with your engineer's locomotive
5 certification?

6 A. Yes, sir.

7 Q. And do you recall the date on that?

8 A. No, sir.

9 Q. All right. Is that something that the Norfolk
10 Southern might have a record of that that we could view?

11 A. Yes, they do.

12 Q. Okay. We'll access it that way.

13 MR. HIPSKIND: I'll turn it over to the group. Are
14 there any other questions on Mr. Smith's employment history?

15 BY MR. GOBER:

16 Q. Russell Gober, Aaron. Do you have a certificate that
17 you carry yourself, locomotive engineer certification card?

18 A. A license?

19 Q. Yeah.

20 A. I'm not sure I understand your question.

21 Q. Yeah. I mean you get a little card that says that
22 you had your physical and that you're qualified locomotive
23 engineer. Is that right?

24 A. Yes.

25 Q. Do you have that with you?

1 A. No, sir.

2 Q. Okay. How long has it been since you went through
3 the locomotive engineer certification program?

4 A. Training?

5 Q. Yeah.

6 A. Let me make sure I understand your question. Like
7 McDonough.

8 Q. Yeah.

9 A. 1995, 1996 I believe. 1995 or '96.

10 Q. Okay. When was the last time a road foreman rode
11 with you to recertify you as an engineer?

12 A. Last year.

13 Q. Okay. Do you remember?

14 A. No.

15 Q. Okay. The last time you rode with a road foreman,
16 did he pass you for your locomotive engineer recertification?

17 A. Yes.

18 Q. Okay. Did, did you take an operating rules class in
19 the last year?

20 A. Yes.

21 Q. Do you know whether it was in 2005 or 2006?

22 A. 2005.

23 Q. Did you pass the examination?

24 A. Yes, sir.

25 Q. And that would be part of the record.

1 A. Yes, sir.

2 Q. Okay. Do you feel like you are a qualified
3 locomotive engineer?

4 A. Yes, sir.

5 Q. Okay. On the day of the accident, did you have any
6 supervisor riding the train with you?

7 A. No, sir.

8 Q. Okay. Who did you have on the train with you?

9 A. The conductor trainee --

10 MR. HIPSKIND: Okay. I'm getting off.

11 (Off the record.)

12 (On the record.)

13 MR. GOBER: Okay. Aaron, this is Russell Gober
14 again. I don't have any further questions right now.

15 MR. HIPSKIND: Norris, do you have any questions?

16 BY MR. FULFORD:

17 Q. Norris Fulford, on the engineer certification, do you
18 have any restrictions, eye or hearing restrictions?

19 A. No, sir.

20 MR. FULFORD: That's all I have.

21 MR. HIPSKIND: Sandy?

22 MR. CAMPBELL: No questions.

23 MR. WALL: No questions, UTU.

24 MR. BLISSETT: No questions, BLET.

25 MR. HIPSKIND: Okay. If there aren't any questions

1 on the employment history, and Aaron, we do have some records,
2 and we'll check that to kind of fill in any gaps.

3 BY MR. HIPSKIND:

4 Q. Next I would like to talk about the 72 hour history
5 prior to the date of your accident. So everything that we're
6 talking about is prior to that. And, first of all, I want you
7 to characterize your work/rest cycle a few days before the
8 accident, and really what I'm looking for here is did you work
9 each day? Were there days prior to the incident that you did
10 not work? And then tell me just in general terms when you're
11 not working, how many hours of sleep you generally get.

12 A. Okay. Prior to the 72 hours, I had been off with a
13 broke ankle for two and a half months. So it was actually my
14 first trip out.

15 Q. So no immediate work history prior to the date of the
16 accident?

17 A. No, sir.

18 Q. And just so I'm clear on this, the day of the
19 accident, that was your first tour of duty coming off what I
20 would call sick leave?

21 A. Yes.

22 Q. And how many hours of sleep or rest do you generally
23 get in a 24 hour period?

24 A. Eight to ten hours.

25 Q. And again, prior to the incident, were you taking any

1 medications and/or prescription drugs again prior to the date
2 of the incident?

3 A. Yes.

4 Q. And could you tell me what kind of medications you
5 may have been taking?

6 A. Pain pills, Motril, high blood pressure medicine,
7 Ziac. I -- Motril is blood pressure medicine. Ziac is blood
8 pressure medicine. Pravachol, cholesterol medicine. Pain
9 pill -- the pain pill, I can't think of the name.

10 Q. And the pain medication that you were taking, this is
11 in connection with what?

12 A. With my ankle.

13 Q. For your ankle.

14 A. Yes.

15 Q. And I'm going to ask you to kind of speak up a little
16 bit to make sure that we can get you recorded. And tell me --

17 A. I'll tell you what you want.

18 Q. All right. Well, let's take time and get it clear.

19 A. Let me think because I'm going until the accident.

20 Q. Prior to the day of the accident.

21 A. I'm going into the medicine that I was taking with
22 the broke ankle. Let me clear it up straight.

23 Q. Sure.

24 A. While I was off with the broken ankle, I was on blood
25 pressure medicine and the pain pill. I'm trying to think the

1 name of it, and I can't think of it. Lortab. The day -- at
2 least -- it was just some blood pressure medicine when I came
3 back to work.

4 Q. So during your time off, you were taking something
5 for blood pressure. That's correct?

6 A. Yes.

7 Q. And the name of that again, do you remember it?

8 A. Ziac.

9 Q. Ziac?

10 A. Yes.

11 Q. And were you taking anything for cholesterol?

12 A. Yes, Pravachol.

13 Q. Pravachol?

14 A. Yes.

15 Q. And then while you were off, you were also taking a
16 pain medication for the ankle?

17 A. Yes.

18 Q. But you're not sure what the name of that one is?

19 A. Yes.

20 Q. Do you want to guess at what you think the name is?

21 A. Can I take time out?

22 Q. Yes. Sure.

23 A. Thanks.

24 MR. HIPSKIND: We'll go off the record for a second.

25 (Off the record.)

1 (On the record.)

2 BY MR. HIPSKIND:

3 Q. Aaron, I understand you might not know the exact name
4 of your pain medication for your ankle while you were off and
5 before you came back to work, but just a couple of things.

6 Were you taking the pain medication on the day of the accident?

7 A. No, sir.

8 Q. For whatever reason, you had stopped taking the pain
9 medication?

10 A. Yes, sir.

11 Q. And do you know about how long before you reported
12 back to work that you stopped taking the pain medication?

13 A. I'd say at least five or six days.

14 Q. Okay. A week to about five or six days.

15 A. Yes.

16 Q. Okay. And on the blood pressure medicine, the Ziac,
17 how often were you taking that a day?

18 A. One a day.

19 Q. Just one pill a day?

20 A. Yes.

21 Q. And on the cholesterol medication, again you were
22 taking that once a day?

23 A. Yes.

24 Q. And with the pain medication, how often were you
25 taking that per day before you stopped?

1 A. Twice a day.

2 Q. Twice a day. Okay. All right. Okay. No other
3 medications or prescriptions other than what we've talked
4 about. Is that correct?

5 A. Before the accident.

6 Q. Before the accident.

7 A. Yes.

8 Q. Okay. All right. And just, just in general,
9 describe your physical health again prior to the accident? How
10 would you characterize your overall health?

11 A. Good.

12 Q. Good health.

13 A. Yes.

14 Q. Okay. And --

15 A. With the exception of my ankle.

16 Q. With the exception of your ankle.

17 A. Yes.

18 Q. All right. And in terms of your eyesight and
19 hearing, that's part of your engineer certification. Do you
20 routinely take that examination or when was the last time that
21 your eyesight and hearing was examined?

22 A. Eyesight and hearing examined -- do you want the
23 exact date?

24 Q. No, no, just --

25 A. Oh, I just took it, when I was released to come back

1 to work. That was I would say on January 12th.

2 Q. Okay. January 12 of 2006.

3 A. Yes.

4 Q. Okay. And that was like a come back to work physical
5 or something of that nature?

6 A. It was a total physical.

7 Q. Total physical.

8 A. That was the railroad annual physical plus my return
9 back to work physical from leave, release for my ankle.

10 Q. Okay. So everything, you were good to go in coming
11 back to work?

12 A. Yes, sir. I didn't --

13 Q. And no restrictions when you came back to work?

14 A. No, sir.

15 Q. All right. And again, any, any issues or problems
16 that were -- or events that were occurring in your life, a
17 wedding, a funeral, anything like that?

18 A. No, sir.

19 Q. All right.

20 MR. HIPSKIND: That's all that I have on the 72 hour
21 history. Russell, anybody else?

22 BY MR. GOBER:

23 Q. Okay. On your -- was it two different doctors that
24 gave you your physical for your work release and for your two
25 year biannual physical?

1 A. Yes.

2 Q. Okay. Were both of them -- either one of them aware
3 of the medications that you were taking for the pain in your
4 ankle and other medicines that you were taking as well?

5 A. Yes, both of them were.

6 Q. Okay. And that is part of the record?

7 A. Yes, sir.

8 Q. Okay. For the 72 hours, I basically want find out
9 what kind of rest you had. How much sleep had you had in the
10 24 hours before you reported for duty that morning? What time
11 did you report?

12 A. It's on the record at the call office, but I was
13 there approximately 10:00, January 17th, 10:00.

14 Q. 10:00 at night?

15 A. 10:00 in the p.m., that I marked up.

16 Q. Okay. What time did you report for duty for 226?

17 A. It would be I would say 11:15 a.m. on January 18th.

18 Q. Okay. And had you had sleep from the time you marked
19 up before you reported for duty the next morning?

20 A. Yes, sir. I slept all night.

21 Q. And how -- roughly how many hours?

22 A. I would sleep at least eight hours.

23 Q. And did you feel rested when you reported to work?

24 A. Yes, sir.

25 Q. Okay. In the course of having a broken ankle, I know

1 you took medication for that.

2 A. That's right.

3 Q. We asked you if you took legal drugs. Do you take
4 any drugs besides legal drugs? I'm just asking routinely. I
5 don't mean to infer anything.

6 A. I understand. No, sir, I do not.

7 Q. Okay. Do you drink alcohol?

8 A. No, sir.

9 Q. Okay.

10 MR. GOBER: I have no further questions.

11 MR. FULFORD: Norris Fulford, FRA.

12 BY MR. FULFORD:

13 Q. Which ankle did you break?

14 MR. SMITH: Let me clarify that. When you said drink
15 alcohol, I might drink an occasional dinner drink, a glass of
16 wine or something like that.

17 MR. GOBER: Okay. That's what I wanted to know.

18 MR. SMITH: Right. Okay.

19 MR. FULFORD: Again Norris Fulford, FRA.

20 BY MR. FULFORD:

21 Q. Which ankle did you break?

22 A. Left ankle.

23 Q. Was it an on duty injury?

24 A. No, sir.

25 Q. Are you -- what is your job assignment?

1 A. Locomotive engineer.

2 Q. I understand that. Are you on the extra board?

3 A. No, sir. Route. It's a pull turn.

4 Q. Can you explain that?

5 A. I run from Birmingham to Atlanta, every turn, three
6 turn service.

7 Q. And what is a pull turn? Does that mean you work
8 with a regular conductor or --

9 A. Yes.

10 Q. Did you have your regular conductor on board the day
11 of the accident?

12 A. No, sir.

13 Q. Was your regular conductor marked off?

14 A. I don't know. --

15 Q. Well, how -- explain how pull term is different than
16 being on the extra board.

17 A. It's a regular assigned job. Extra boards you
18 work -- you stand for everything, yard work, East End, West
19 End. Pull turn, I'm on call but I know that I'll be going on
20 East End to Atlanta.

21 Q. Okay. On any regular kind of trains or you just know
22 you're going to be working on the East End?

23 A. I be working on the East End in pull service, not
24 assigned train, but first in, first out service.

25 Q. How is that different from the extra board?

1 A. The extra board, you stand for any job, any train.
2 You stand for East End trains. You stand for yard work. You
3 stand for West End trains. You stand for work trains. If you
4 first out, they can call you for any train at all. You don't
5 have a choice. When they call you, they say we need you for a
6 work train. That's your assignment. They might say Aaron
7 Smith is marked off on E12, pull turn. That's your job. They
8 might say we need you to go to the West End on a coal train.
9 That's your job. They might say we need you for a switching,
10 helping in the yard. That's your job. My assignment, I'm
11 not -- I'm assigned to the East End in pull service. They
12 don't call me for everything.

13 MR. FULFORD: No more questions.

14 MR. HIPSKIND: Sandy?

15 MR. CAMPBELL: No questions.

16 MR. HIPSKIND: And Curtis?

17 MR. WALL: UTU, no questions.

18 MR. HIPSKIND: And, Ben, do you have any questions?

19 MR. BLISSETT: No questions, BLET.

20 BY MR. HIPSKIND:

21 Q. Aaron, take a look at some of that information there
22 in front of you and could you tell me again about the
23 medications and prescriptions that you may have been taking
24 prior to the day of the incident? Do you need a time out to
25 understand these better?

1 A. No. You want me to tell you -- the question again.

2 Q. Well, prior to the incident, what kind of
3 prescription drugs or medications were you taking, and if you
4 can give me the name and the amount and how often you take
5 those?

6 A. Lortab. I mean Lotrel.

7 Q. Lotrel, and that was for?

8 A. High blood pressure.

9 Q. Okay. Anything else?

10 A. They have it on here, they have the generic name.

11 Q. Well, give me the generic name. That's fine.

12 A. I don't know the generic name. I know them by their
13 regular name. Do you understand what I'm saying to you?

14 Q. Okay.

15 A. Okay. This right here what they got, see the Lotrel
16 is like the generic name. It's the name. And this right here
17 I can't pronounce it, but it might be the Ziac. You see what
18 I'm saying to you, the blood pressure medicine.

19 Q. Well, what I'm looking at is Pravachol.

20 A. Okay.

21 Q. And that's for cholesterol?

22 A. Pravachol is for cholesterol. This is --

23 Q. And the pain medication?

24 A. To answer you question, on the day of the accident, I
25 was taking the blood pressure medicine.

1 Q. Only.

2 A. Only.

3 Q. Okay.

4 A. Now I'm looking at this, and looking at this, I
5 cannot tell you exactly what the -- because these are the
6 generic names. You see what I'm saying to you?

7 Q. Yes.

8 A. Right. The only name I see on here that's not the
9 generic name is this right here.

10 Q. The Motril.

11 A. Motril.

12 Q. All right. Well, to the best of your ability, why
13 don't you just read off the names that are on there, and we'll
14 have those entered in the record?

15 A. Okay. Can I spell them to you?

16 Q. Yes, that will be fine.

17 A. C R A V A C H A L, 20 milligrams.

18 Q. And that was for cholesterol?

19 A. I don't know.

20 Q. Okay. And the next name on the list there?

21 A. The Lotrel.

22 Q. And that was for?

23 A. Blood pressure.

24 Q. Okay.

25 A. L O P E R S I -- I don't have my glasses on.

1 Q. All right. Let me -- L O P E N S I N I -- I can't, I
2 can't read it, and the last one on here, there's two more,
3 Doxazosin, D O X A Z O S I N, for blood pressure, and then
4 Darvocet, D A R V O C E T, for pain and then Lortab for pain, L
5 O R A T A B, 5 milligrams. Did I read all that correctly?

6 A. Yeah. As you read these, what I'm saying to you is
7 that these two pain medicines transferred over to after the
8 accident. That's the point I'm trying to get across.

9 Q. Okay.

10 A. At the time of the accident, I was only on blood
11 pressure medicine.

12 Q. Okay. And I'm clear on that.

13 A. Right, right.

14 Q. I'm clear on that. Okay.

15 MR. HIPSKIND: Any questions on Aaron's pain
16 medication or prescriptions?

17 MR. SMITH: Time out, time out, time out.

18 (Off the record.)

19 (On the record.)

20 BY MR. HIPSKIND:

21 Q. And, Aaron, I understand that things may have changed
22 in terms of the medications that you're currently taking, and
23 if you don't mind, we'll cover that just a little bit later in
24 the interview.

25 A. Okay.

1 Q. All right. Let's move on to the qualifications and
2 training. I think you filled us in about your promotions and
3 the fact that you went to McDonough. Just a couple of loose
4 ends I want to clear up. In terms of your training at
5 McDonough, kind of give us a timeline for that. Was that a
6 day, a week, a month? Kind of tell us how long that was and
7 how that benefited you?

8 A. At McDonough, it's been over 10 years. I want to say
9 it was a month. I went for a month. Three to four weeks I
10 believe it was, and as far as benefit, it was very beneficial,
11 very good school. It was helpful with becoming an engineer.

12 Q. And what all kinds of things did you do over the
13 course of that three or four weeks about 10 years ago when you
14 were down at McDonough?

15 A. We did like train simulations, rules, territory, what
16 it would be like as far as territory. Took all kind of tests,
17 basic rule test, mechanical. We had a lot of things that were
18 mechanical. Operation of the engine, dynamic braking, how the
19 engine were built. I think the first thing we learned how to
20 stop, the brake system. That's the first thing we learned, and
21 like I said all of the rest.

22 Q. And when you left that training back I think you said
23 it was in 1995, were you comfortable with operating the
24 locomotive?

25 A. Yes, sir.

1 Q. And you've had -- in the 10 years since then, other
2 than the time that you were off for your ankle, have you been
3 in continuous service as a locomotive engineer?

4 A. Yes, sir.

5 Q. How's that all going? Any problems? Have you built
6 upon your experience?

7 A. Yes, sir.

8 Q. Okay. And in -- now after McDonough, have you had an
9 occasion to receive additional training to become a better
10 locomotive engineer, to maintain your skills?

11 A. Yes.

12 Q. And describe some of that for us.

13 A. Most of that was on-the-job training. Actually
14 handling the train, handling -- running the engine, training
15 how to, a -- different type trains. On the East End, you run a
16 different type of train, D train, freight train, coal train and
17 different type engines.

18 Q. And then as part of your, not only on-the-job
19 training, have you had any additional time on a simulator? I
20 know you mentioned that when you were at McDonough, you had
21 some simulator time. So since McDonough, have you had any time
22 on a simulator?

23 A. Offhand, I don't remember that. I can't recall being
24 on the simulator.

25 Q. But nothing on a simulator recently?

1 A. No, sir.

2 Q. Okay. And what about when you were at McDonough, as
3 part of your training and qualifications, did that include
4 knowing and understanding the signal system and display,
5 meaning and indication?

6 A. Yes, sir.

7 Q. And how did all that go? Did you feel comfortable
8 with that when you left McDonough?

9 A. Yes.

10 Q. And then over the course of, of -- after you left
11 McDonough, and through the years, do you have to go through an
12 annual testing or examination to stay current?

13 A. Yes.

14 Q. And what does that include?

15 A. It includes rules and signal.

16 Q. Rules and signal exam?

17 A. Yes.

18 Q. And how often do you take that?

19 A. Every year.

20 Q. And have you been passing it right along?

21 A. Yes, sir.

22 Q. Okay. And is there a certain percentage or certain
23 number of questions or something you have to get right on the
24 test?

25 A. Yes.

1 Q. And again, you've passed all that?

2 A. That's correct.

3 Q. Okay. Do you recall if you ever had any occasion
4 where on the signals that you didn't get a particular question
5 right?

6 A. No, sir.

7 Q. If you -- in that testing examination, sometimes
8 railroads have it that if an employee doesn't correctly answer
9 a signal, that they don't pass the test. Is that the case with
10 Norfolk Southern?

11 A. That's correct.

12 Q. In other words, you have to get them all right. You
13 can't get any signal indication or name or display of a signal
14 wrong on the test, right?

15 A. That's right.

16 Q. Okay. All right. I just wanted to be clear on that.
17 And in terms of -- we talked about on-the-job training, and I
18 think Russ brought up about supervisors being with you, and I
19 just want to understand. How frequently is a road foreman of
20 engine or a trainmaster or somebody with you or spends some
21 significant amount of time with you say over the course of a
22 year?

23 A. In a year, I would say approximately once a month.

24 Q. About once a month.

25 A. Yes, sir.

1 Q. And that's while you're operating out of the
2 Birmingham area?

3 A. Yes, sir.

4 Q. Okay. How has all that gone? Any issues or problems
5 there or --

6 A. No, sir.

7 Q. Okay.

8 MR. HIPSKIND: That's all the questions I have.

9 Russ, do you have some follow up on qualifications or training?

10 BY MR. GOBER:

11 Q. Do you feel like that from your training that the
12 other crew members on your locomotive understood the signals
13 the same way you did?

14 A. Yes, sir.

15 Q. On the day of the accident?

16 A. Yes, sir.

17 MR. GOBER: I don't have any further questions.

18 MR. HIPSKIND: Norris.

19 BY MR. FULFORD:

20 Q. Norris Fulford, FRA. You were off for two and a half
21 months. Is that correct?

22 A. Yes.

23 Q. What -- did you have any training or any briefings
24 when you came back to work from any carrier officers to bring
25 you back up to speed on your assignments? That's a long time

1 to be off. When you came back to work, can you tell us what
2 you did as far as training or retraining?

3 A. I had briefing.

4 Q. You had what?

5 A. A briefing.

6 Q. By whom?

7 A. Road Foreman Tipton.

8 Q. Okay.

9 A. Yes, sir.

10 Q. And what did you all discuss?

11 A. We discussed -- we went over rules. We went over
12 safety. We went over -- we talked about the signal system, the
13 new system that was coming in. We talked about bulletins. We
14 talked about speeds. My main question I asked, I asked him had
15 there been any speed changes. We talked about if any signals
16 had been moved in the territory on the East End, and just our
17 safety rules in general.

18 Q. When did this take place?

19 A. It took place the day before, the day before I came
20 back to work.

21 Q. Okay. So before you went on this train, the day
22 previous you came in and sat down with Road Foreman Tipton and
23 you went over all the information you just related to us?

24 A. Yes.

25 Q. Did you feel that was adequate for you to come back

1 to work?

2 A. Yes, sir.

3 MR. FULFORD: That's all I have.

4 MR. HIPSKIND: Sandy, anything?

5 MR. CAMPBELL: No questions.

6 MR. WALL: No questions, UTU.

7 MR. BLISSETT: No questions, BLET.

8 MR. HIPSKIND: Okay. Aaron, thanks.

9 BY MR. HIPSKIND:

10 Q. Let's get onto the day of the incident, and what we
11 want to do is we want to sit back and have you talk to us for a
12 while, and kind of take us through when you were called, and to
13 the best of your recollection, give us the times, so that we
14 can kind of understand both in time and distance as well as
15 activity what went on from the time you got called, and bring
16 us forward to reporting a Norris Yard and then just paint the
17 picture for us from there right through what happened at Coosa
18 and afterwards.

19 A. Okay. The day of the accident?

20 Q. That's correct.

21 A. Okay. I want to make sure I understand. You want to
22 know from the time I took the call, from the call ons, take you
23 through the collision.

24 Q. Yes, sir. And try and, try and go into as much
25 detail as you can remember, and the things that you normally do

1 and actually did that day and please be descriptive about the
2 operations of your training upon leaving Birmingham and the
3 signals and activity in the cab as you proceeded down the
4 track.

5 A. Can I take a time out.

6 Q. Sure. No problem.

7 A. Thank you.

8 (Off the record.)

9 (On the record.)

10 MR. HIPSKIND: Okay. We're back on record.

11 BY MR. HIPSKIND:

12 Q. We kind of gave you a road map there of some things
13 to talk about. So let us sit back and we'll listen, and if
14 you'll just kind of talk for a while and, and kind of get us
15 informed as much as you can.

16 A. Okay. On the day of February 18th, I was called
17 for --

18 UNIDENTIFIED SPEAKER: January.

19 MR. SMITH: I always say February.

20 BY MR. HIPSKIND:

21 Q. Okay. January 18th?

22 A. January 18th.

23 Q. Okay. Proceed.

24 A. I was called for Train 374, and I forget exactly what
25 time Taylor put me on duty, but anyway, he called me back.

1 About five minutes later, he called me back and knocked the
2 call down. I guess about an hour, hour later, he called me
3 again for Train 22R. I don't know if he knocked the call down,
4 but he changed it to -- he said 22R or 22E, something like
5 that. And when I got to the yard office, the train had been
6 changed. He told me I was on 226. I want to say I was going
7 to do it at 1:15, the 226. At that time, I did all the
8 procedures, went through all the bulletins, that I normally do.
9 I got my safety glasses from the chief clerk. Talked to a
10 couple of fellows. As a matter of fact, I talked to the
11 conductor off of the Central MEK. He told me -- he asked me
12 what train I had. He was glad to see me back. He asked me
13 what train I was going on. I told him I was going on 226 and
14 he said he would probably be going out in front of us on 198.
15 The crew hauler came and picked us up and swapped out at
16 Irondale Junction. I did the normal routine of checking the
17 engines and, well, the bulletins, read all the bulletins and
18 all, train orders, and we had a coast signal at Irondale
19 Junction. So I called Trainmaster Lewis and told him we were
20 ready to depart and asked him, could we get a better signal at
21 Irondale Junction. And he told me that 198 was ahead of us,
22 and he would get a better signal. So I asked him, I said what
23 time you have, and he said 50. Okay. I said, okay, we'll make
24 it 50. We departed at 50. I left on approach at Irondale
25 Junction. I don't know exactly what I had there. I don't

1 remember the signal at Norris Junction. But I do remember
2 having approach at Diamond Head Track 2. I had approach at
3 Lovick. I stopped at Lovick because I heard 198 call a signal
4 and I told the crew, I said, well, we'll just wait here for a
5 clear signal because it should be cleared up in a minute. And
6 Weedy (ph.) had called me, or Marvin, and Lee King called me
7 over the radio at that time. He called me when I called the
8 approach, and I said, well, you might have to come and push us
9 over the hill because we might slip down, and we joked, and I
10 said, keep -- and we made it over the hill, and I approached
11 the diversion at Henrietta. They had the diversion clear and
12 saw 198 train, 198. And during this time, I stepped out on the
13 back of the engine to relieve myself, and I came back in and
14 the signal went from approach to red. And Monte asked me, he
15 said, did you see that? I said, yeah, I saw that. And he
16 said, well, what caused that, and I said I have no idea, man.
17 I do know that Tipton had told me that they're working on a new
18 signal system. I said it could be a number of things. I said
19 I don't know what it is. I said, but it should -- I said we
20 should have got a clear signal. I said it should be coming up
21 here clear in a minute. And that's what it did. It went
22 approach, red, clear. At that time we departed, knocked the
23 brakes off and we departed. We had -- I can't recall. But
24 anyway, I tested my speedometer at 787 to 786. I asked Monte
25 to put the time on the mile, and he did, and the Cub put his

1 time on the mile, too. I didn't know he was doing it, but at
2 the time when I asked them what they had, Monte had and the Cub
3 confirmed the time of the mile, and we had a good speedometer.
4 As I went around to -- got off 1A went on over to central, and
5 from Leeds to -- approach at Leeds, we had a 25 mile an hour
6 slow on at Brockton, for the engine to go across. That slowed
7 22R down. We had approach. At that time, we were following
8 22R. We went from 198 to 22R's train. He kind of pulled away
9 from me a little bit because I had to get down pretty slow. I
10 gave them all the approaches we had, all the clears we had, and
11 I do know we had some approach signals from Leeds to Eden. I
12 do remember the dispatcher calling 22R, telling him that I
13 thought we would get around him at Roberts but she didn't hear
14 the man at Roberts and she called him and told him, said you
15 will be pulled in at Coosa, to let 226 around you. And then
16 you will come out on the mainline, go down the mainline and do
17 your work, and I had an approach signal at Pell City.
18 Approaching Pell City, I'm sorry, approaching Riverside, the
19 Cub got up and I asked Monte, I said where is he going. He
20 said he was stepping outside to smoke a cigarette. He came
21 behind me on my side and went out my door, and evidently
22 because I had got the train down so low, that he felt that he
23 was comfortable enough that he could step on the outside, and
24 which he did, and I told Monte, I said I'm going to get them
25 down even more. I got them down even more. I'd say I got down

1 to approximately five miles an hour approaching Riverside I'd
2 say. And it was so distinct to me, that part of the trip,
3 because of the cub getting up. I didn't want him to get up.
4 As a matter of fact, I told Monte, I said he wished he would
5 have just cracked the window and smoked the cigarette on the
6 other side to be honest with you because I didn't want him on
7 the outside. I said because he's out, I said I need to get it
8 down. I had the train under control. I said I'm going to get
9 it down even more. And so I did, and as we came around to
10 Riverside, we had a clear signal. Monte and I called the
11 signal clear. At that time, the cub was coming in -- back into
12 the cab. When he entered the cab, he was asked, what kind of
13 signal you got? He said a clear signal. At that time, I
14 started -- I knocked the dynamic off. I was in dynamic, and I
15 put it off because I was stretching the train out, and as I
16 went by the signal, I looked at it for the last time, and we
17 still had a clear signal. I called it again in the cab, still
18 clear, and at that time I called it over the radio. At that
19 time, I started working the train out, picking up my speed.
20 Over the Coosa River, I notched off, and in the process of
21 notching off, I looked at the speedometer, and I was running at
22 50 miles an hour. As I came around the curve, the train was in
23 the clear, switch one line, put it in emergency, told them to
24 hold on and they got us lined in on top of the train.

25 Q. Keep going.

1 A. At that time of the collision, we went into the rear
2 of the train. Wow. I said to myself, it's over with. First
3 of all I thought, you know, when I saw them, when I put it in
4 emergency, I said, man, I never thought you would go out this
5 way, I said personally. Your life flies before your face and,
6 you know, you just, I just didn't see how we were going to get
7 out of it. This is the way you going out of here, and I know I
8 was running at 50 miles an hour because I just looked at the
9 speedometer coming over Coosa. And, shoot, we hit. I told
10 them to hold on and we did. I, I remember getting hit hard in
11 the face and in the chest.

12 Q. Take your time, Aaron.

13 A. I just thank God I'm alive. I know I'm hurt, but I
14 just thank God I'm alive. All my years of experience, I've
15 seen wrecks, I've read about wrecks, know how they look, I knew
16 what the results of this was going to be, and I just thank God
17 I'm here giving this interview if you want to know the truth.
18 I really, really do. I often think how I look today, by the
19 grace of God, but I also know what could have happened, what
20 could have happened. After the collision, the next thing I
21 remember was I was on the floor, and I asked the guys, I said,
22 is everybody all right, and they responded yeah. I started
23 smelling diesel fuel, smoke, and as I was breathing, I was
24 breathing in hot air and it was burning my lungs and I told
25 them, we've got to get out of here. We've got to go. The Cub

1 made a statement. He said, well, I'm hurt, I'm hurt. He said
2 my ankle's hurting. I said, I said I know you're hurting, man,
3 I'm hurt. I said -- I was bleeding real bad from the face,
4 blood all over, was coming down off my face and my head was
5 hurting. I said I'm hurting, too. Monte said then his
6 shoulder was hurting. I said I understand that, but I said
7 we've got to go. I said this engine going to blow up. And the
8 reason I know it was going to blow up because before hiring out
9 on the railroad, I was a six year veteran of the Columbus Fire
10 Department, Columbus, Georgia. I was a fireman for six year,
11 and I knew that smell, and I knew that breathing, when I
12 smelled that air. That air coming in. The air I was
13 breathing, and my lungs burning. You still think of dying if
14 you don't get off this engine. And I crawled over everything
15 and got to the door on the Cub's side, it was jammed, and I saw
16 it was cracked. I crawled over to the door and Cub was still
17 complaining about he couldn't go on. I said, man, we've got to
18 go on. I said, Monte, come help me, help me. We started
19 helping him out, and we all started the process of getting off
20 the engine. We finally hit the ground, I don't know, I don't
21 know if the engine were turned up or what, but we were not --
22 it wasn't a regular descent like I was coming down off the
23 engine, because I remember sticking on branches, tree branches,
24 you know, climb, like you climbing down out of a tree. We had
25 to jump and Cub had to jump and, and when we hit the ground, he

1 said I need to sit down. I said, man, you can't sit down. We
2 got to go. I said the engine is going to blow. At that time,
3 I looked up, more smoke were coming off -- out of the engine
4 and black smoke got worse and the -- got real bad, and I said
5 we've got to get out of here, man. I looked at my surrounding
6 to see where we were, and I said we need to go this way. I
7 said if we go this way, we parallel to the street, and we'll be
8 going parallel to the street going south, getting out of here,
9 you know. I said, Monte, you get on one side. I get on the
10 other side. Use your good shoulder and we'll get him out of
11 here. And we hobbled, hobbled out and I don't know how far we
12 got from the engine, but it blew up. We got to the road
13 crossing, and at that time we saw some people standing in the
14 street and evidently they had called 911. I assume they had
15 called 911, and I asked Monte, do you have you cell phone? Now
16 Monte had pulled out his cell phone. I lost everything on the
17 engine, cell phone and all. And I told Monte, I said, I asked
18 him, is your cell phone working, and he was trying to call
19 somebody. I said you need to call dispatch. I said call the
20 dispatch. He called dispatch, and he talked to the dispatcher
21 and I talked to the dispatcher. As we were talking to the
22 dispatcher, the ambulance came up. And I talked to Sandy and
23 told her that we had ran in 22R and she was asking, how were
24 we. I told her, well, we're hurt, we're banged up. I told
25 her, I know that Cub complained about his ankle. I believe

1 that's what I said. I do know I told her I was bleeding real
2 bad from the head, and she was trying to keep me talking, she
3 wanted to keep me on the phone. By that time, the ambulance
4 was coming up, and I told her that help just arrived. I don't
5 know how the conversation went, but it went in that manner.

6 Q. Eventually did you -- you were taken to the hospital?

7 A. Yes, sir.

8 Q. And while you were at the hospital, did you provide
9 samples for post-accident testing? Do you recall if you did
10 that?

11 A. Did I do what?

12 Q. When you got to the hospital, while you were at the
13 hospital, did you and the rest of the crew, did you end up
14 providing samples for post accident testing?

15 A. Yes, sir.

16 Q. How did all of that work? I mean did they -- when
17 you got there, did you end up getting medical attention and
18 then provide the samples or did you get there, provide the
19 samples and then you got medical attention? Do you recall the
20 sequence there?

21 A. No, sir. I think we were given -- yeah, we got
22 medical attention and during the process of that, they came and
23 got the samples.

24 Q. Okay. Let me go back and just clear in my mind a few
25 terms you used. You mentioned a person's name Sandy. She was

1 the dispatcher?

2 A. Yes.

3 Q. And each time that you mentioned the term Cub, you
4 were referring to what, the conductor trainee?

5 A. Yes.

6 Q. And also I thought you were saying the name Marty.

7 A. Yes.

8 Q. Like M A R T Y. And you're actually referring to
9 Marty.

10 A. Yes, Monte.

11 Q. I just want to make sure there wasn't somebody else
12 there, that that's who you were talking about.

13 A. Yes.

14 Q. And do you recall any radio transmissions that you
15 may have made when you came around the curve at Coosa?

16 A. Repeat that question for me please.

17 Q. Well, I want -- think -- close your eyes and think
18 about when you were coming around the curve at Coosa, and you
19 indicated you were operating at about 50 miles an hour. Do, do
20 you recall if you had the, the mic for the radio in your hand
21 and do you recall whether you made any kind of a radio
22 transmission?

23 A. No, I did not.

24 Q. Okay. Do you know if you were getting ready to call
25 at the signal at Coosa over the radio?

1 A. No, I do not. Did I explain to you how I was calling
2 the signal? You said mic.

3 Q. The mic on the radio, the handset.

4 A. I do not have a handset. That's what I'm explaining
5 to you.

6 Q. You were using the console radio on the engineer's
7 locomotive stand?

8 A. Yes, sir.

9 Q. Okay.

10 A. I had to -- reach over punch the button and speak
11 into the radio.

12 Q. Okay. And throughout the course of your traveling
13 down that --

14 A. Yeah. I called all the signals. I could go back,
15 the reason why that was so because I asked the conductor, did
16 he have a handset, and he said no. I said I check and see if
17 there's one on the engine. We went through the engine looking
18 for a handset and there was no extra handset on the engine. At
19 that time, I told him I calling the signal from the radio deck
20 that was mounted on the console. We did not have a handset.
21 So that's what I was doing.

22 Q. So normally you don't, you don't take the
23 responsibility of calling out the signals over the radio?

24 A. Yes, sir. I mean I do, but a lot of times the
25 trainee -- the conductor will ask me, will it be all right if

1 I call the signals if he has a handset.

2 Q. Well, is it fair to say that between -- when you're
3 with a conductor or you, that one of you calls out the signals?

4 A. Yes, sir.

5 Q. Okay.

6 A. One of us will call out the signals, that's correct.

7 Q. Are you pretty good about that?

8 A. Yes, sir.

9 Q. Okay. Let me take you back to Birmingham. Did you
10 have an occasion to talk to the crew that was leaving Train
11 226? In other words, I guess my understanding is you guys were
12 in a crew hauler van, you leave the yard office and go to where
13 the train's at. Do you see the crew that you're relieving? Do
14 you see them get off the train before you get on it, and do you
15 have any kind of conversation with them?

16 A. Yes.

17 Q. Do you recall what may have been said?

18 A. I relieved 226. I believe you said 22R.

19 Q. Well, no, if I said, I meant -- the train that you
20 eventually got on and operated was the 226?

21 A. Yes, sir.

22 Q. And so what I was asking was, did you talk to the
23 crew that got off the 226 that had brought it into Birmingham
24 that you were relieving?

25 A. Yes, sir.

1 Q. And what, what did you guys talk about? Do you
2 remember?

3 A. We talked about normal procedures, the conversation
4 was going, hey, man, how you running? Well, pretty good, the
5 speedometer right, good dynamic, got good air. How many
6 engines? You got all nine. The dynamics, you got all nine?
7 Do you have your paperwork up to date?

8 Q. Did you take any exception to that briefing that you
9 had with them?

10 A. I don't understand the question.

11 Q. Well, I mean there wasn't anything that you had to do
12 based on what they told you at that time?

13 A. Yes.

14 Q. What did you end up doing?

15 A. I checked, these briefings, you know, we want to
16 know, it's still my responsibility to go through the engine and
17 check everything, inspect the engine.

18 Q. And how did you find it?

19 A. It was a good work engine.

20 Q. And throughout the trip from Birmingham up to the
21 crash, did you take any exception to the equipment or the
22 operation, the handling of the train?

23 A. The train handled -- it was a good handling train.

24 Q. So --

25 A. Good dynamics, good air. Everything he said was

1 exactly the way he said.

2 Q. The way it worked, everything --

3 A. Everything worked.

4 Q. Good visibility?

5 A. Yes, sir.

6 Q. Okay. And as I understand it, you had talked to one
7 of the crew members on 198 and you knew that they were ahead of
8 you but you also knew that they were going to depart the main
9 and go a different route, and how did you come to know then
10 that the 22R was the next train ahead of you?

11 A. Dispatch was telling -- had told them we was on the
12 route.

13 Q. So everything that you knew about 22R is from what
14 the dispatcher was saying over the radio and you were hearing
15 it?

16 A. They also called the signals ahead of me.

17 Q. And you were able to hear that?

18 A. Yes, sir.

19 Q. So you were hearing them. They should have been able
20 to hear you as well?

21 A. Yes.

22 Q. Okay. And this --

23 MR. HIPSKIND: Okay. We've flipped the tape. Let's
24 continue.

25 BY MR. HIPSKIND:

1 Q. You said that you were hearing the train ahead of
2 you, the 22R call out signals and did you have an occasion to
3 talk with 22R, I mean to the crew or did you have an occasion
4 to talk to other train crews that were out there over the
5 radio?

6 A. No, I did not talk to 22R at all. In the signal
7 calling you verify who it is. 22R ahead of us called the
8 signals. I did not hear every signal. I want to make clear
9 that just because you hear them calling signals, that don't
10 mean you hear them call every signal. Do you understand what
11 I'm saying?

12 Q. Okay.

13 A. Right. They might call the signal. If I'm at
14 Henrietta, and he said clear Brockton, you know, I know he's
15 ahead of me. Right. So I just want to clarify that.

16 Q. Okay. But while, while your crew with you on the
17 226, while you're going from Birmingham down to West Coosa or,
18 excuse me, to -- let's just say to Riverside, you guys are
19 communicating the signals in the cab?

20 A. Yes.

21 Q. And just tell me a little bit more about that. I
22 mean when did you decide to call out a signal? Who was calling
23 them out? What were you doing in terms of that process?

24 A. Well, I'm running the engine and the signal comes
25 visible, we call it when it first become visible and when we

1 pass it.

2 Q. And primarily you were calling the signals out over
3 the radio just prior to passing the signal?

4 A. Yes.

5 Q. Do you recall whether you guys were good about that?
6 I mean you called --

7 A. Called every signal.

8 Q. -- every signal at each location?

9 A. If I'm not mistaken, if you check the tape, you
10 should hear every signal recorded on the tape that I called
11 over the radio.

12 Q. Okay. Aaron, are you aware of any like dead spots
13 out there on the radio, I mean out there on the territory?

14 A. We do have dead spots I imagine, but that's not --
15 no, no, no. Time out, time out, time out.

16 (Off the record.)

17 (On the record.)

18 BY MR. HIPSKIND:

19 Q. Aaron, let me ask you again. Maybe I need to explain
20 dead spots, but just in the course, and I'm not talking about
21 the day of the incident, but just over the general course of
22 your familiarity with this territory, are you aware of any dead
23 spots out there in the territory between Birmingham and
24 Atlanta?

25 A. No, sir.

1 Q. And in terms of your experience, you said you've been
2 operating for 10 years. Has the area, the territory that
3 you've been operating, has it been primarily between Birmingham
4 and Atlanta or does it include other territories?

5 A. I've also operated other territories.

6 Q. With the hub being Birmingham?

7 A. Yes.

8 Q. Okay. How often are you over the area between
9 Birmingham and Atlanta, say on a weekly or monthly basis?

10 A. I would say it's probably been, probably about 75
11 percent.

12 Q. Most of the time Birmingham to Alabama.

13 A. Yes, sir.

14 Q. I mean, excuse me, Birmingham to Atlanta.

15 A. That's correct.

16 Q. Okay. And did you say that on occasion that you have
17 been in a train that is following 22R? I'm not talking about
18 the day of the incident, but on other occasions.

19 A. Have I been on a train following 22R?

20 Q. Yes.

21 A. Yes. I would say yes.

22 Q. And are you kind of familiar with what 22R does?

23 A. Yes.

24 Q. And tell me what do you normally think that they
25 would be doing? I mean if 22R is out ahead of you, and left

1 Birmingham and was out ahead of you, and you happened to be on
2 another train that's following them, not necessarily 226, but
3 what do you expect 22R to do?

4 A. Stop at Lincoln.

5 Q. Stop at Lincoln.

6 A. Yes.

7 Q. And Lincoln, is that the same thing as Coosa?

8 A. No. It could be a number of things. A number of
9 things could happen.

10 Q. Continue.

11 A. Okay. For instance, if I'm on a train following
12 22R, I mean he could get -- depending on what train I'm on, I'm
13 operating such as 226, 226, you could head them in at Brockton,
14 you could be head in at Roberts, you could be head in at Coosa,
15 you know, to get around them in other words. Most of the time,
16 you know, you run around them because of the work that he's
17 going to do.

18 Q. And by that, do you mean work? What? The Honda
19 plant.

20 A. Yes, sir.

21 Q. Does he usually do that?

22 A. Yes, sir.

23 Q. Okay. Let me ask it a different way. Have you ever
24 been an engineer on 22R?

25 A. Yes.

1 Q. And what do you generally figure on doing?

2 A. Working the Honda plant.

3 Q. And has that -- on an occasion, have you had to --
4 you're an engineer on 22R?

5 A. Yes, sir.

6 Q. And have you had to exit the main and get in the
7 siding at Coosa?

8 A. Yes.

9 Q. And wait on other trains to pass you on the main?

10 A. Yes.

11 Q. And then what happens? When the traffic clears, you
12 go up and work the Honda plant?

13 A. Yes.

14 Q. So you have had that kind of experience?

15 A. Yes.

16 Q. All right. When, when you were coming around the
17 curve at Riverside, now I'm talking about the day of the
18 incident, when you were coming around the curve there, do you
19 know about how far out in front the signal was from when you
20 first observed it?

21 A. I can't recall.

22 Q. Well, if you don't know an exact distance, can just
23 describe where your train was at in terms of the track, in
24 relationship to the signal? Were you in the curve or were you
25 on the straight away?

1 A. In the curve.

2 Q. So you were in a curve when you first see the signal?

3 A. We were in the curve coming into a straight away.

4 Q. Right.

5 A. Right.

6 Q. And that would be west of the signal at Riverside,
7 right?

8 A. Ask me that question again.

9 Q. When you're coming around the curve at Riverside, and
10 you observe the signal, the first time you see the signal,
11 you're still in the curve.

12 A. At Riverside.

13 Q. At Riverside.

14 A. Yes, sir.

15 Q. Okay. And again, when, when the three of you looked
16 at that signal, do you recall who called out clear first?

17 A. I believe I did.

18 Q. Do you recall who called it out second or who called
19 it out last?

20 A. At Riverside?

21 Q. Yes.

22 A. The conductor called it out second.

23 Q. And -- okay. So the Cub, he called it out last?

24 A. The Cub was not in the cab when I first called it
25 out. Monte and I was in the cab when we first saw the signal.

1 The Cub was on the outside smoking.

2 Q. And in terms of when he did come in the -- the
3 conductor trainee, when he did come in, where was he when you
4 asked him to look at the signal and call it? Was he behind
5 you? Was he over sitting on -- over on the conductor's side?

6 A. He was on the conductor's side. He was not behind
7 me. He was on the conductor's side.

8 Q. Do you know if he was sitting down or standing up?

9 A. I believe he was standing up.

10 Q. Okay. And how did he call the signal?

11 A. Clear.

12 Q. And then did you observe the signal -- how long did
13 you observe the signal as you were coming around that curve and
14 then getting onto the straight away?

15 A. I don't know. You mean timewise?

16 Q. Yeah.

17 A. I would say probably a minute.

18 Q. Okay. And do you know about how fast you were going
19 then?

20 A. About five, five, six miles an hour.

21 Q. When you first saw it?

22 A. Yes.

23 Q. And then what did you do then after you first saw it?

24 A. I called it. I acknowledged it.

25 Q. Notched it meaning?

1 UNIDENTIFIED SPEAKER: Acknowledged it.

2 BY MR. HIPSKIND:

3 Q. Oh, you acknowledged it.

4 A. Yes.

5 Q. Okay. And what did you do with the train or the
6 train speed?

7 A. I acknowledged the signal. I come around, saw the
8 signal, clear signal, the conductor said clear signal. I was
9 running about five miles an hour. The Cub was standing
10 outside. My thought was, well, I'm waiting on him to come in,
11 you know, everything. So about that time, thoughts going
12 through my head, he coming in the door. Come out of dynamic --
13 start, you know, come out -- asked him what signal he had, and
14 I start working the slack out the train. Clear signal.
15 Working the slack out, as I blowing the crossing, blowing the
16 crossing, working the slack out, passed the signal, I looked up
17 at the signal for the last time, clear signal, still clear,
18 still working the slack out, all this I'm doing simultaneously
19 at the same time, blowing the crossing, working the slack out,
20 calling in the signal. He had called it earlier.

21 Q. Okay. And take your thoughts back to when you were
22 operating the train slow and coming around the curve, and paint
23 a picture of what you saw in terms of the signal. I know you
24 called it a clear, but what I want you to do now is tell us in
25 terms of color and position, what you observed on the signal.

1 A. I had a green over red.

2 Q. Anything else?

3 A. No, sir.

4 Q. And was this on the vertical mast? Was there any
5 other part of the signal that you were looking at?

6 A. I saw the whole signal, saw the whole thing.

7 Q. Okay.

8 A. If that's what you're asking me.

9 Q. Yeah. And is, is this signal, is it an intermediate
10 signal?

11 A. Yes.

12 Q. And is there anything different about an intermediate
13 signal?

14 A. I was amazed that it had a number plate on it.

15 Q. Okay. Do you recall whether there was anything, an
16 obstruction? Were you able to see the whole signal?

17 A. Yes.

18 Q. And you -- did you continue looking at the signal as
19 you were approaching it?

20 A. Yes.

21 Q. Did the signal ever change?

22 A. No.

23 Q. I think I know the answer to this question, but I'll
24 ask it anyway. Was it clear in your mind that you had a clear
25 signal?

1 A. Yes.

2 Q. No doubt about it?

3 A. No doubt about it.

4 Q. Okay.

5 MR. HIPSKIND: Let me -- I know, Russ, I know you've
6 got some questions. I want to give everybody else a chance,
7 too. So --

8 BY MR. GOBER:

9 Q. I don't have too many, Aaron --

10 A. Okay.

11 Q. -- but I wanted to ask you a question because when
12 you started talking about Pell City and Riverside, I understood
13 what you said, but you didn't say what you meant at first. The
14 signal at Pell City had what displayed?

15 A. Approach.

16 Q. Okay. And then you slowed your -- you said you
17 slowed your train and you were running about five whenever you
18 got down to what?

19 A. Riverside.

20 Q. Riverside. Okay. You didn't say it that way the
21 first time. You said Riverside you had an approach. But did
22 you ever have an approach at Riverside?

23 A. No.

24 Q. Okay. All right. Whenever you came around the
25 curve, you were making a left-hand turn on the rail, coming

1 into Riverside, going real slow, as you get closer to the
2 signal, did you ever have a -- could you ever see a limb
3 hanging over the track that kind of blocked the lights at all?

4 A. I didn't see anything.

5 Q. Okay. As you continued on around the, the curve and
6 then you got on tangent track, which means straight track,
7 the -- you got your signal post standing up here and as you
8 come around the curve, you start seeing the crossing
9 protection, and the stanchion post that holds up the lights,
10 gates and bells, it's lined up exactly with the same position
11 as the post that's holding up the signal and from the
12 locomotive, once you get on the straight track, the signal
13 protection blocks the signal post or it doesn't necessarily
14 block the lights out completely, but blocks the post where you
15 can't see everything there with the number plate and all. Did
16 you remember that?

17 MR. HIPSKIND: Russ, okay. I was just waiting -- if
18 you were asking a question or telling him. Okay.

19 MR. GOBER: I'm telling him what I saw.

20 BY MR. GOBER:

21 Q. I'm asking, do you remember that?

22 A. No, sir.

23 Q. Okay. That is all that I have on that part of it.
24 You said you had a clear, and I'm not sure what a clear always
25 means because sometimes you have more than -- sometimes you can

1 have one light or two lights or three lights and maybe more.
2 Did you have -- can you tell us what you had at Riverside with
3 the number of lights on the signal post? What was the actual
4 aspect you saw?

5 A. Aspect? A green aspect and a red aspect.

6 Q. Okay. You told Dick earlier that you had number
7 plate on there. What does that mean?

8 A. A restricted signal. It can be displayed as a
9 restricted signal.

10 Q. It could be displayed as a restricted signal. What
11 is a restricted signal since you mentioned it? What color is
12 that? What lights show on a restricted signal?

13 A. Red.

14 Q. Okay. You said you had a clear. What, what did you
15 see and how many lights did you see?

16 A. A clear aspect and a red aspect.

17 Q. Okay. There is no such thing as a clear aspect. You
18 have a -- what does the clear mean?

19 A. A green.

20 Q. Okay.

21 A. Green and red.

22 Q. All right. And, and the configuration of it, on
23 that, an intermediate block signal with a number plate on it,
24 you got the top aspect, you've got blue lights, and then
25 there's a bottom one with two lights. What did you have

1 showing whenever you came into Riverside?

2 A. I had a red light and a red light.

3 Q. Okay. And with that, how many lights were showing in
4 the top signal group? You had, you had three lights up there.

5 You can possibly have more than one type of a signal displayed
6 from the signal box, and you had what?

7 A. One red.

8 Q. Okay. And --

9 (Off the record.)

10 (On the record.)

11 BY MR. HIPSKIND:

12 Q. This is Dick Hipkind again. Let me -- just to
13 clarify some of what we're talking about here, I'm going to
14 show you a page out of NS's operating rules book, and this is
15 page number 98, and it says Norfolk Southern Railway, automatic
16 block, interlocking TC and remote control signals. And so I
17 want you to look at this page and point out to me where you see
18 a clear signal. And by that, you're pointing to Rule 301 at
19 the top of the page. Is that correct?

20 A. That's right.

21 Q. And underneath there, underneath each depiction of a
22 signal, there are letters of the alphabet that go from A to I,
23 and please pick out the signal that best describe what you saw
24 on the day of the accident.

25 A. I would say D.

1 Q. These. And why do you say D? There's so many
2 selections here to make. Why, why do you pick D out of all of
3 those?

4 MR. HIPSKIND: Let's go off the record just a minute.

5 (Off the record.)

6 (On the record.)

7 BY MR. HIPSKIND:

8 Q. Aaron, you had a couple of minutes. You've been
9 looking at the signal depictions on page 98 on the signal page,
10 Rule 301, and there are several different ways that a clear
11 signal is depicted there going from letter A to letter I.
12 What -- how, how are we to understand what you think you saw
13 there on the day of the accident at Riverside?

14 A. It was either D or E.

15 Q. D or E. Okay. And you're looking at that page.
16 Tell us what, what is the difference, or what's, what's the
17 distinction between D over E, and each of them has a colored
18 green circle at the top and then below it a red colored circle
19 and then on the mast, each of them has a number plate. So
20 what, what is the distinction between D and E if you will tell
21 me please?

22 A. Well, the red aspects are different sides.

23 Q. So on E, the two aspects are in line with the signal
24 and then on -- excuse me -- on E, they're in line with the
25 signal and then on D, it is offset. The red is offset to the

1 left --

2 A. Left.

3 Q. -- of the vertical mast?

4 A. That's right.

5 Q. Okay. And -- but in either case, what should I
6 understand? That at Riverside you saw a green over red?

7 A. Yes.

8 Q. Okay. And in terms of, if you'll think back, when
9 you were looking at that signal at Riverside, did it have one
10 signal head or did it have two? In other words, did it have an
11 upper and lower or did it just have one that was an upper
12 signal head?

13 A. Two.

14 Q. So one was on the mast and then one that was down
15 below?

16 A. Yes.

17 Q. And the signal that was down below, do you think it
18 was offset to the left?

19 A. Yes.

20 Q. And do you recall what that signal had, whether it
21 was illuminated or what the color would have been there?

22 A. I don't recall.

23 Q. But you do recall seeing two different colors on the
24 signal?

25 A. Yes.

1 Q. And they were what?

2 A. Green over red.

3 Q. Is it possible that the green over red that you saw
4 was contained in the upper signal head?

5 A. No.

6 Q. Okay. And when you went around the curve, this
7 business of a limb or some kind of an obstruction, that's not
8 part of your recollection?

9 A. No, sir.

10 Q. Okay. Well, listen, I appreciate you looking at that
11 page and helping us to understand a little bit more about that
12 signal.

13 MR. HIPSKIND: Those are all the questions I've got
14 for right now. I want to turn it over to the other
15 interviewers.

16 BY MR. GOBER:

17 Q. I was -- this is Russell Gober. I was asking him
18 about the clear which would be Rule 301 in the rule book, and
19 this, this is part of NS's current operating rule book that was
20 furnished to us by the carrier doing the on site investigation,
21 and I just pulled out the section with the operating rules, and
22 I can't tell you what date the, the rule book is because I
23 don't have the cover page. Okay. This is effective November
24 15, 2005, and it's operating rules issued by Steven C. Kabias
25 (ph.), Vice Chairman, Chief Operating Officer.

1 MR. GOBER: Thank you, Sandy.

2 BY MR. GOBER:

3 Q. The, the reason I wanted you to see the rules was to
4 basically ask you if the carrier furnishes you a set of rules
5 that shows you how to identify signals?

6 A. Yes.

7 Q. They do?

8 A. Yes.

9 Q. And the rules that we looked at, are these the rules
10 that you currently go by?

11 A. Yes, sir.

12 Q. Okay. I think I asked you earlier, I'm not sure, but
13 does the carrier have rules to caution you about checking
14 signals to insure that they are displaying a proper signal?

15 A. Could you repeat that please?

16 A. Does the carrier, does NS have rules that caution you
17 about observing a proper signal? Additional signal rule number
18 27 basically says, a signal imperfectly displayed, a signal
19 functioning erratically, the absence of a light, a white light
20 display, displayed where a colored light should be or the
21 absence of a signal at a place where its signal is usually
22 shown, must be regarded as the most restrictive indication that
23 can be given by the signal and must be promptly reported to the
24 dispatcher, control station or yard master. And I'm just
25 asking, do you know of this rule?

1 A. Yes.

2 Q. And did you see anything unusual about that signal
3 which invoked this rule?

4 A. No.

5 Q. You did not?

6 A. No, sir.

7 Q. Okay.

8 MR. GOBER: I have no further questions.

9 MR. HIPSKIND: Thanks, Russ. Norris?

10 BY MR. FULFORD:

11 Q. Norris Fulford, FRA. Let's go back to when you got
12 your first call. You're saying you got called for two trains
13 while you were at home?

14 A. Yes.

15 Q. And you showed up for 22R and then they changed it to
16 226.

17 A. Yes.

18 Q. Does this happen very often?

19 A. Not often. Sometime, but not often.

20 Q. When you get called for a train, are you required to
21 answer the phone again or can you show up to work on that train
22 that you were first called for?

23 A. One more time.

24 Q. If you're called for a train -- you're at home and
25 you get called for a train, you get up and you take a shower

1 and you get dressed, ready, are you required to take the phone
2 up if it rings and they bust your call? Do you have to pick
3 that phone up and answer it once you've been called?

4 A. No, sir.

5 Q. Okay. So you showed up and then planned to work on
6 374.

7 A. Yes, sir.

8 Q. And what I'm asking is, does this happen very often
9 on the East End?

10 A. No, sir.

11 Q. Okay. It was unusual then. When you showed up, you
12 said you got your safety glasses from the chief clerk there at
13 the -- where you go to work?

14 A. Yes.

15 Q. Were they clear or tinted?

16 A. Both.

17 Q. What were you wearing -- which pair were you wearing
18 when you saw the signal?

19 A. Tinted.

20 Q. You were wearing tinted sunglasses?

21 A. Yes, sir.

22 Q. The whole trip --

23 A. Yes, sir.

24 Q. -- until the collision?

25 A. Yes, sir.

1 Q. Okay. Thank you. Job briefing, what did you and
2 your conductor discuss when you reported to work?

3 A. The orders that we had. That's all really. Just
4 coming back, you know, that this was my first trip back. We
5 went over the bulletins, the speed, slow order. I asked him
6 basically how long have you been working, and I told him, that
7 if there was anything I could help you with, let me know.

8 Q. Did -- so I noticed that you said earlier you had a
9 slow at Brockton. Did you all discuss that during the job
10 briefing?

11 A. Yes, sir.

12 Q. Did you notice anything unusual about the, the
13 conductor trainee or the conductor as far as any use of drugs,
14 alcohol, anything unusual? Did they look like they were tired
15 or --

16 A. No, sir.

17 Q. They were ready to come to work?

18 A. Yes, sir, they looked in good shape.

19 Q. Okay. The last radio communication that you can
20 recall before the collision, do you recall what it was?

21 A. No.

22 Q. How about the last communication that you actually
23 transmitted?

24 A. Clear, proceeding to Riverside.

25 Q. Okay. You were taken to the hospital and examined.

1 Do you recall how long you were there prior to being post-
2 accident drug and alcohol test?

3 A. I don't know. It wasn't long.

4 Q. Were you told why you were being tested, under what
5 authority?

6 A. I don't recall.

7 Q. Did you have any problem with the testing procedure,
8 the drawing of the blood or the urine?

9 A. No.

10 Q. Did -- were they -- did they administer any pain
11 medication or any type medication prior to you being tested?

12 A. I don't recall.

13 Q. Try to think if you would.

14 A. Okay. No, I did not.

15 Q. Do you recall a carrier officer at the hospital?

16 A. Yes.

17 Q. So did you see him bring the drug testing kit? How
18 did you first see the drug testing kit?

19 A. The nurse.

20 Q. So the nurse had them in her possession?

21 A. Yes.

22 Q. Okay. Was it in a box or a baggy? Do you recall?

23 A. I don't recall.

24 Q. You don't. Can you -- briefly, do you remember any
25 of the sequence of the drug test itself?

1 A. How was it applied?

2 Q. Yes.

3 A. Yes.

4 Q. Did they do urine first, blood test first? Do you
5 recall?

6 A. Blood.

7 Q. They did the blood first?

8 A. Yes.

9 Q. So then they sealed the tube. Did you sign the --

10 A. Yes.

11 Q. -- the forms. You signed the seals?

12 A. Yes.

13 Q. After they give you the drug, did they give you the
14 bottle and tell you to go to the bathroom?

15 A. No. They cathed me.

16 Q. They did what?

17 A. Cathed me.

18 Q. They did what?

19 UNIDENTIFIED SPEAKER: Catheter.

20 MR. SMITH: Yes, sir.

21 BY MR. FULFORD:

22 Q. Why was that?

23 A. Because I had just went to the bathroom.

24 Q. So after you -- they prepared the samples, they put
25 them in the bottles and sealed them.

1 A. Yes.

2 Q. And you signed the seals?

3 A. Yes.

4 MR. FULFORD: That's all I have.

5 MR. HIPSKIND: Sandy, any questions?

6 MR. CAMPBELL: No questions of Mr. Smith.

7 MR. HIPSKIND: Curtis, anything?

8 MR. WALL: UTU, no questions.

9 MR. HIPSKIND: And, Ben.

10 MR. BLISSETT: BLET, no questions.

11 BY MR. HIPSKIND:

12 Q. I've got a few follow up. I just want to, the
13 conductor, do you know, do they keep a signal log while they're
14 going down the track? Do they have some kind of a form, a
15 requirement that they write down the signals and the locations
16 as they're traveling along?

17 A. Yes. Time out.

18 (Off the record.)

19 (On the record.)

20 BY MR. HIPSKIND:

21 Q. Aaron, we were talking about a signal log and I
22 understand that conductors have a delay sheet but other than
23 the delay sheet, where there might be stops or delays for
24 whatever reason, I'm asking about a separate form or piece of
25 paper whereby the conductor records the signals that your train

1 encounters on a daily incident. Do you know if they do
2 anything like that?

3 A. I don't know.

4 Q. But you never seen a form like that?

5 A. No, sir.

6 Q. Okay. If a signal is missing or somehow it's
7 unreadable, what do you do? I mean you received training and
8 everything, but what goes through your head during a condition
9 like that?

10 A. If it's missing --

11 Q. If some part of a signal is missing, or if when you
12 look at the signal, it's unreadable, what do you normally do or
13 what would you do?

14 A. Stop.

15 Q. Have you ever encountered anything like that in your
16 10 years?

17 A. Yes.

18 Q. Describe that for us please.

19 A. You come to a safe stop and report the signal to the
20 dispatcher.

21 Q. And give us a little bit more information. If you're
22 coming down the track, what happens with the signal? What are
23 the colors? What's the indication and what causes you to stop
24 the train?

25 A. If it goes -- if I'm running, and if it goes from

1 green to red, if you have an approach signal, go from yellow,
2 you know, to red, --

3 Q. Okay. And if a signal was displaying multiple
4 lights, in a signal head, what does that cause you to do? How
5 do you regard that?

6 A. What do you mean by multiple lights?

7 Q. I'm talking about a single, one signal head, and
8 different aspects. In other words, more than one light lit and
9 just a single signal head. Does that, does that trigger you to
10 do anything different? How do you regard that?

11 A. It depends on the signal. It depends on the signal
12 you're receiving, if it's red over green or if it's all red,
13 but it was two levels.

14 Q. Okay. And I think you've already answered this, but
15 has a signal ever changed while you're operating, and I think
16 you indicated you seen some clear signals go to red and then
17 you have reacted to that?

18 A. Yes.

19 Q. Does this happen very often? Is it an exception to
20 the rule or how should I understand your experience with the
21 signal system?

22 A. It happens. How often, I can't tell you but it
23 happens.

24 Q. Did any signals change on you -- now you did tell me
25 about the signal at Lovick.

1 A. Right.

2 Q. But other than that, did any signals change on you
3 during your trip from Birmingham to Coosa?

4 A. Other than Lovick.

5 Q. Yeah, other than Lovick?

6 A. No, sir.

7 Q. And I want to ask you a follow up on the simulator
8 training. Did you say that you had any simulator training
9 since your initial training at McDonough?

10 A. I said I couldn't remember offhand.

11 Q. Okay. Do you recall, if you had any, whether it was
12 voluntary or mandatory?

13 A. No, sir, I don't recall that.

14 Q. And with that, and I know I'm kind of taxing you, but
15 I want you to go back 10 years to McDonough.

16 A. Okay.

17 Q. And you're on the simulator. Do you know -- when you
18 were on the simulator, do you ever recall whether that program
19 produced an improperly or an imperfectly displayed signal while
20 you were going through that simulation?

21 A. I don't remember.

22 Q. Okay.

23 MR. HIPSKIND: Those are all the questions I have on
24 this portion of our interview. Does anybody else have any
25 other follow up?

1 BY MR. HIPSKIND:

2 Q. Okay. Let's talk real quickly about the operations
3 of the train, and you had said before that you didn't take any
4 exception. Is there anything that we need to know about the
5 operations of your train that day that we haven't talked about?

6 A. No, sir.

7 Q. Everything operated okay?

8 A. Yes, sir.

9 Q. And when you were slowing down between Pell City and
10 Riverside, the train responded and when you decided to increase
11 the speed upon seeing the clear signal at Riverside, did the
12 train respond as well?

13 A. Yes, sir.

14 Q. And in terms of approaching Coosa, I believe you
15 indicated that you placed the train in emergency?

16 A. Yes.

17 Q. And any exceptions to what happened there?

18 A. No.

19 Q. Okay.

20 MR. HIPSKIND: Any other questions on the operation
21 of the train from anybody?

22 (No response.)

23 MR. HIPSKIND: Okay. Nobody indicating.

24 BY MR. HIPSKIND:

25 Q. Okay. Let's talk to you about the familiarity with

1 the territory. I think we've covered some of this. So let me
2 ask you about your familiarity with the crew. How often have
3 you worked with the conductor and please describe how often you
4 have worked with the conductor trainee?

5 A. The first trip with the conductor trainee. Just met
6 him. I believe I worked with the conductor once before.

7 Q. Okay. Did everything go okay that day? I mean you
8 guys communicating, working as a team?

9 A. From my first time meeting him, I was real pleased
10 with both of them, with they way they conducted themselves, the
11 way they carried themselves, the way they communicated in the
12 cab. I was very well pleased with them.

13 Q. No friction, no horsing around?

14 A. No.

15 Q. Everything professional?

16 A. A typical trip.

17 Q. Okay. And in terms of -- you mentioned that there
18 was a speed restriction I think you said at Brockton over a
19 road crossing?

20 A. Yes, sir.

21 Q. Other than that and, of course, operating your train
22 in compliance with an approach signal, any other speed
23 restrictions or slower that you needed to know about?

24 A. Through the whole course of the trip?

25 Q. From -- yeah. From Birmingham to Coosa?

1 A. On the train orders is what you're saying?

2 Q. Yes, exactly. On the train orders. I realize that
3 there may be permanent speed restrictions. I'm not asking
4 about that.

5 A. Right. I don't believe so. No, sir.

6 Q. Okay. And while you were operating the train from
7 Birmingham to Coosa, were there any distractions in route?

8 A. No, sir.

9 Q. And were you aware that your train, 226, was carrying
10 hazardous materials?

11 A. Yes, sir.

12 Q. Who did you -- how did you learn that? Who did you
13 talk to?

14 A. Through the orders of the conductor.

15 Q. And were you aware of what to do in case anything
16 happened?

17 A. Yes, sir.

18 Q. And what would you do?

19 A. I would report it to, to the dispatcher and also
20 report it to the parties, as soon as they arrived on the scene.

21 Q. Okay.

22 MR. HIPSKIND: Any questions on this portion of the
23 interview? Anybody?

24 (No response.)

25 BY MR. HIPSKIND:

1 Q. All right. Let's proceed to talking about efficiency
2 tests. And, Aaron, what I want you to do is describe for us
3 how you know and understand the efficiency testing program on
4 Norfolk Southern. Just tell us what you know, how you know
5 that, and maybe how often you're tested or whatever.

6 A. You're asking me the question?

7 Q. Yeah. I'm asking you.

8 A. Okay. Can I take a time out for a minute?

9 Q. Sure.

10 (Off the record.)

11 (On the record.)

12 BY MR. HIPSKIND:

13 Q. Aaron, we had talked a little bit about efficiency
14 testing and you understand kind of what we're wanting you to
15 describe for us.

16 A. Yes, sir.

17 Q. Okay. Just go ahead and proceed then please.

18 A. The railroad has tests on bantering, and checking
19 radar for speeding. It also have efficiency check on roll form
20 and train message, riding to check on train handling, signals
21 and this type thing.

22 Q. So from time to time, a transportation supervisor
23 will ride with you and make some assessments of your
24 performance?

25 A. That's correct, sir.

1 Q. Well, here's what I want to know. How well is all of
2 this efficiency testing communicated to you? I mean does
3 somebody give you a piece of paper or does somebody talk to you
4 verbally. Do you know when you're tested? Do you know if you
5 passed, failed? Give me some idea what's going on there.

6 A. On the riding, you get that through paperwork,
7 signing of your card, verbally you're told how you performed.
8 Bantering you know, because you have to stop and show them the
9 banter. Speeding, you know, the radar check and if you are
10 speeding, they immediately stop the train.

11 Q. And bantering, that's something that they either put
12 outside the track or across the track?

13 A. Yes, sir. That's correct.

14 Q. If you run over a banter, that's not a good thing,
15 right?

16 A. Yes, sir.

17 Q. Okay. And they're probably going to take exception
18 to that?

19 A. Yes, sir.

20 Q. Okay. All right. And again, the whole purpose of
21 efficiency testing is to what?

22 A. Is to, is to keep up alert, to keep -- to make sure
23 we are up on the job, qualified and just basically that we are
24 doing our job.

25 Q. Complying with the --

1 A. Rules and regulations, yes.

2 MR. HIPSKIND: Let me turn it over to the group. Any
3 other additional questions on the topic of efficiency testing?

4 BY MR. GOBER:

5 Q. Have you ever had a banter test that you're aware of?

6 A. Yes, sir.

7 Q. And how was it conducted?

8 A. Metal was put across the track.

9 Q. I haven't experience one with you, so I would not
10 know how it would work.

11 A. Okay.

12 Q. So they're not going to give you a clear signal and
13 put a banter on the --

14 A. No. You have a restricted speed and you -- normally
15 you're told by the dispatcher that you're having signal
16 problems, but she give you permission to pass -- at a certain
17 location, to proceed according to restricted speed.

18 Q. And what does restricted speed tell you?

19 A. Restricted speed tells you that, you can run, --
20 obstruction, man on the truck, train, everything basically.

21 Q. And then you've got to do what?

22 A. Be prepared to stop shortly.

23 Q. Okay. And that's what banter depicts?

24 A. All of it.

25 Q. Okay.

1 A. All of the above, and you stop short of the banter.

2 Q. Okay. I understand how it works.

3 MR. GOBER: No further questions.

4 MR. HIPSKIND: Thanks, Russ. And, Norris, anything?

5 MR. FULFORD: No questions.

6 MR. HIPSKIND: Anyone else? Sandy?

7 MR. CAMPBELL: No questions.

8 MR. HIPSKIND: Curtis?

9 MR. WALL: No questions, UTU.

10 MR. HIPSKIND: Ben?

11 MR. BLISSETT: No questions, BLET.

12 BY MR. HIPSKIND:

13 Q. Just -- how, how have you faired on the efficiency
14 tests? I mean --

15 A. I did good on the efficiency check.

16 Q. Okay. Let's change the topic now, and I just want to
17 briefly go over this business about the 22R --

18 A. Okay.

19 Q. -- and tell me if I'm understanding this correctly
20 and maybe you can make kind of a quick study of this.

21 Everything that -- you've been on the 22R before. You kind of
22 know what the pattern or the drill is with the work that he's
23 got to do. Is that correct?

24 A. Yes, sir.

25 Q. And you -- if I understand it, when you were at

1 Birmingham, you became aware that not only the 22R but the 198
2 was out ahead of you?

3 A. Yes, sir.

4 Q. Nothing unusual about that, and you knew that the 198
5 was going to leave the mainline territory that you were on and
6 go to another territory.

7 A. That's correct.

8 Q. And so simple subtraction, that mean that the 22R was
9 out ahead of you.

10 A. Yes, sir.

11 Q. And you mentioned that you thought he would go into a
12 couple of sidings but when you didn't hear that he was doing
13 that, and that you heard over the radio that dispatch was
14 talking to 22R and going to put him in the siding at Coosa,
15 that all made sense to you?

16 A. Yes, sir.

17 Q. And the fact that you're going down from Birmingham
18 to Coosa and you see approach signals along the way, that
19 was -- was that an indication to you that this train ahead of
20 you, whether it's the 198 or 22R?

21 A. That's correct.

22 Q. And when you saw the approach at Pell City, tell me
23 what your thinking is there? Tell me what you -- how you
24 understand where 22R is and what he might be doing?

25 A. He's in the processing of heading in at Coosa.

1 Q. By what you heard on the radio and by the signals
2 that you --

3 A. That I had.

4 Q. And you just put two and two together, and when you
5 come around the curve at Riverside, that all made sense to you,
6 a clear signal and it's time to continue, proceed, track speed
7 down the main and pass 22R on the main at?

8 A. Coosa, yes, sir.

9 Q. Now I don't want to put words in your mouth, but is
10 that your thinking?

11 A. My thinking, 22R -- they'll head 22R in at Coosa, he
12 passes you, you come out behind him and you clear up for him at
13 Coosa, and he passes you. You come out behind him and go down
14 the mainline and -- she's talking to 22R.

15 Q. This is the dispatcher -- what you just quoted was
16 what you heard the dispatcher saying to 22R?

17 A. Yes, sir. I'm heading you in a Coosa, the 226. When
18 226 clears you, you come out and go down the mainline and do
19 your work. I know 22R is ahead of me, I've got an approach
20 board. I know he's ahead of me.

21 Q. An approach board where?

22 A. Different areas.

23 Q. Okay.

24 A. I started out with an approach board at Irondale
25 Junction.

1 Q. Okay.

2 A. We're talking the 198. So I running on an approach
3 board. After passing Central, the approach board, I get an
4 approach board because of not 198 but 22R. Approach board at
5 Pell City tells me, knowing that the dispatcher told him, what
6 she told him, he's to clear up at Coosa. I approach Riverside,
7 -- clear signal.

8 Q. A clear signal at Riverside and then you --

9 A. And that tells me that 22R is cleared up.

10 Q. Okay.

11 MR. HIPSKIND: Any questions on this participate
12 topic about how he understands where 22R is at?

13 BY MR. GOBER:

14 Q. I think I understand but he says that -- he tells you
15 that 22R is cleared up and you can resume track speed. What is
16 track speed through there?

17 A. Fifty-five miles an hour.

18 Q. Okay.

19 BY MR. HIPSKIND:

20 Q. And this is Dick Hipskind again. And to the best of
21 your recollection, about how fast were you going?

22 A. About 50.

23 Q. Fifty?

24 A. Yes, sir.

25 Q. Okay. If there's no other questions on this

1 particular topic, Aaron, let me, let me ask you this. What
2 lessons are we to learn from this accident? And you can answer
3 that either from your perspective or what, what you think that
4 we should learn from the accident as investigators.

5 A. I need a time out here.

6 Q. Sure.

7 (Off the record.)

8 (On the record.)

9 BY MR. HIPSKIND:

10 Q. So, Aaron, let me ask you again. What, what lessons
11 are we to learn either as investigators or what lessons did you
12 learn from this incident accident?

13 A. At this time, I'm not ready to answer that question.

14

15 Q. Okay. Let me, let me ask maybe the question a
16 different way. What safety recommendations or improvements
17 would you offer or suggest to us as a result of the incident or
18 to improve safety in general?

19 A. Better communication.

20 Q. And better communication between who and where and in
21 what setting?

22 A. -- and the dispatcher.

23 Q. Okay. Anything else?

24 A. No, sir.

25 MR. HIPSKIND: Does anybody else have any questions

1 for Aaron?

2 (No response.)

3 MR. HIPSKIND: I'm seeing a lot of head shaking
4 negatively. Listen, your interview today has been very
5 helpful. You really have filled in a lot of the blanks, and
6 you were great in how you described things for us. We're very
7 appreciative of that effort. It truly has helped us with the
8 investigation. You have my contact information, and I will
9 send you a copy of the transcript to your contact information,
10 your mailing address and please take a look at that and fill
11 out the paperwork in there and send that back to me, and if
12 there are no other questions or comments, I'll just close
13 saying, Aaron, I really appreciate your time and effort today.

14 So with that, the interview is concluded. Thank you,
15 Aaron.

16 MR. SMITH: Thank you.

17 (Whereupon, the interview in the above-entitled
18 matter 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: Norfolk Southern (NS) Rear-End
Collision
Lincoln, Alabama
January 18, 2006
Interview of Aaron Smith, Jr.

DOCKET NUMBER: DCA-06-FR-004

PLACE: Birmingham, Alabama

DATE: February 1, 2006

was held according to the record, and that this is the original, complete, true and accurate transcript which has been compared to the recording accomplished at the hearing.

Kathryn A. Mirfin
Transcriber



I, ARON SMITH JR., have read the foregoing pages of a copy of my testimony given in the case of the collision/derailment of NS Train Nos. 226A117 & 22RA116 on January 18, 2006, at about 4:17 p.m. (CST) in Lincoln, AL, and these pages constitute a true and accurate transcription of same with the exception of the following amendments, additions, deletions or corrections:

PAGE NO:	LINE NO:	CHANGE AND REASON FOR CHANGE
<u>11</u>	<u>6</u>	<u>Lotrel instead of Matril</u>
<u>18</u>	<u>3</u>	<u>Pool instead of Pull</u>
<u>28</u>	<u>22</u>	<u>Talked on Phone instead of Camera sat down.</u>
<u>31</u>	<u>18</u>	<u>Approach instead of Coast</u>
<u>32</u>	<u>8</u>	<u>He instead of I</u>
<u>32</u>	<u>10-11</u>	<u>He had approached diversion at Henry Allen</u>
<u>32</u>	<u>10-11</u>	<u>instead of I approached the diversion at Henrietta</u>
<u>32</u>	<u>11</u>	<u>diversion clear central instead of diversion clear</u>
<u>33</u>	<u>6</u>	<u>slow order - Broompton - Across crossing instead</u>
		<u>of slow - Brockton - across</u>
<u>34</u>	<u>23</u>	<u>switch was not line instead of switch one line</u>
<u>51</u>	<u>16</u>	<u>Passing instead of passed</u>

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

Date: March 14, 2006

Witness: [Signature]



I, Aaron Smith Jr., have read the foregoing pages of a copy of my testimony given in the case of the collision/derailment of NS Train Nos. 226A117 & 22RA116 on January 18, 2006, at about 4:17 p.m. (CST) in Lincoln, AL, and these pages constitute a true and accurate transcription of same with the exception of the following amendments, additions, deletions or corrections:

PAGE NO:	LINE NO:	CHANGE AND REASON FOR CHANGE
52	14	It Had instead of I was amazed That
56	2 2	Green Light and instead of Red Light and
56	7	Green instead of Red
74	8	Stop short of instead of Stop and show
75	8	Banter instead of metal
75	19	Run looking out for instead of run obstruction
78	17	at Coosa, for 226 instead of a coosa, the 226 or instead of.
78	17, 18, 19, 20	in place of Lines No 11, 12, 13, 14

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

Date: March 14 2006

Witness: [Redacted Signature]