

NATIONAL TRANSPORTATION SAFETY BOARD

IN RE: :

THE ACCIDENT INVOLVING : NTSB Accident No.

AMTRAK TRAIN #89 AND A : DCA16FR007

BACKHOE IN CHESTER, :

PENNSYLVANIA ON :

APRIL 3, 2016 :

INTERVIEW OF: Michael Franklin

Wednesday,
April 6, 2016

Wilmington, Delaware

BEFORE

STEPHEN M. JENNER, NTSB
DONALD HILL, BLET
WILLIAM BATES, SMART
JONATHAN HINES, AMTRAK
MELVIN WICHELMANN, BLET
DAVID NICHOLS, AMTRAK
JIM GEE, FRA
RYAN FRIGO, NTSB
BARRY CROSS, ATDA
SHANE TUFFY, AMTRAK

This transcript was produced from audio provided by the National Transportation Safety Board.

APPEARANCES:

On Behalf of the Interviewee:

JOHN SALVEY
Vice President
American Train Dispatchers Association
4239 W. 150th Street
Cleveland, OH 44135


P-R-O-C-E-E-D-I-N-G-S

1:48 p.m.

1
2
3 MR. JENNER: Okay, good afternoon. The time
4 is 1:48 p.m. We are in Wilmington, Delaware, at the
5 Amtrak CNOC.

6 MR. FRANKLIN: CNOC Consolidated National
7 Operations Center at 15 South Poplar Street, in
8 Wilmington, Delaware.

9 MR. JENNER: Okay, it is April 6th, 2016.
10 We are here in response to the Amtrak accident that
11 occurred on April 3rd, 2016.

12 My name is Stephen Jenner. I'm an
13 investigator with the National Transportation Safety
14 Board. We are here to interview to interview Mr.
15 Michael Franklin, who is a train dispatcher with
16 Amtrak.

17 Before we begin, we'll go around the room
18 and have everyone introduce themselves. Again, my name
19 is Stephen Jenner with the NTSB, and I'll go to my
20 right.

21 MR. FRIGO: Ryan Frigo, F-R-I-G-O,
22 Investigator in Charge, NTSB.

23 MR. GEE: Jim Gee, G-E-E, FRA Inspector,
24 Philadelphia.

25 MR. WICHELMANN: Melvin Wichelmann, M-E-L-V-

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1 I-N, W-I-C-H-E-L-M-A-N-N, BLET Safety Task Force.

2 MR. TUFFY: Shane Tuffy. S-H-A-N-E, T-U-F-
3 F-Y, Amtrak Senior Manager Operating Practices.

4 MR. HINES: Jonathan Hines, J-O-N-A-T-H-A-N,
5 H-I-N-E-S. Assistant General Road Foreman Amtrak.

6 MR. CROSS: Barry Cross, B-A-R-R-Y, C-R-O-S-
7 S. ATDA General Chairman.

8 MR. NICHOLS: Dave Nichols, N--I-C-H-O-L-S.
9 Chief Transportation Officer, Amtrak.

10 MR. HILL: Donald Hill, BLET Safety Task
11 Force. H-I-L-L.

12 MR. BATES: William Bates, B-A-T-E-S. SMART
13 National Transportation Safety Team.

14 MR. JENNER: Okay, thank you. Mr. Franklin,
15 if you can just spell your full name and tell us your
16 position.

17 MR. FRANKLIN: Michael Franklin, train
18 dispatcher, M-I-C-H-A-E-L, F-R-A-N-K-L-I-N.

19 MR. JENNER: And you're employed by Amtrak?

20 MR. FRANKLIN: Amtrak 28 years.

21 MR. JENNER: Okay, great. Do you have
22 representation today?

23 MR. FRANKLIN: Yes, I do.

24 MR. JENNER: Okay, if you would introduce
25 yourself.

1 MR. SALVEY: My name is John Salvey, S-A-L-
2 V-E-Y. I'm Vice President of the American Training
3 Dispatchers Association.

4 MR. JENNER: Great, thank you very much.
5 Okay, what I'd like to do is just start off and just a
6 little background information about yourself.

7 Can you tell us how long you've been a train
8 dispatcher and talk about when you first got to work in
9 the railroad industry?

10 MR. FRANKLIN: Okay, I've been a train
11 dispatcher for 20 -- well, I've been an Amtrak employee
12 for 28 years. I started off as a block operator back in
13 January of 1988. Dave Nichols was my instructor.

14 I'm qualified the entire office, Assistant
15 Chief 1, 2, 3, 4, 5 and 6, B and C, as a training
16 dispatcher. So, I'm qualified on this whole division,
17 and I got a host of stories, but we're not going to get
18 into all of those.

19 I do a lot with Amtrak. I'm been involved
20 with red block. I've been involved with red block
21 since the inception. So, I go -- I know a lot about
22 things, and I've moved on from there.

23 MR. JENNER: Great. Okay, thank you. Well,
24 as you know, earlier today we talked to Mr. Haywood,
25 who is also a dispatcher, and you owe him lunch because

1 we took extra time and he was able to describe some of
2 the procedures and protocols. So, we don't have to go
3 through that with you.

4 But what I'd like to do is just start off
5 about your shift on the day of the accident. So,
6 Sunday, and if you could just start off with the
7 turnover that occurred between you and Mr. Haywood, and
8 if you can tell us what time that was and what was
9 discussed.

10 MR. FRANKLIN: I got to work approximately
11 6:45 Sunday, but Errol and I, we're good friends. We
12 do a lot together. Our families do a lot together.

13 So, we were just talking back and forth,
14 until approximately about 7:15 a.m., and then I told
15 him, I said, "Well, I guess I need to sit down,"
16 because somebody called for a file alarm. Robinson had
17 a file, and Errol cleared him up for 160 Amtrak Train
18 160 could go through, and that's not -- yes, then you
19 get the files back, I think it was approximately 7:11.
20 I don't know the exact time, but 7:10, somewhere around
21 that time.

22 I told Errol, I said, "I guess if they going
23 to be out there working, you'd better go, because it's
24 on my shift now."

25 So, I sat down around that time. Errol

1 left.

2 Shortly after I sat down, Foreman Yeager
3 called and -- Foreman Yeager called --

4 MR. JENNER: You okay?

5 MR. FRANKLIN: Foreman Yeager called and he
6 requested to take the track out of service. I told
7 him, I said, "Give me about two minutes. Call me
8 back," because I had just sat down.

9 Yeager calls back approximately around 7:20
10 or 7:20 -- I don't have the forms in front of me, but I
11 know I gave him the Form D around 7:23 or 7:25, or
12 somewhere around that time.

13 He told me that Foreman Robinson would be
14 calling momentarily to cancel his Form D, because
15 that's how they normally do it. They -- usually, lot
16 of times, they hand the forms off to each other.

17 So, Robinson called shortly after that. I
18 canceled Robinson's Form D, and he told me, he says, "I
19 want to cancel my Form D." I canceled his Form D, and
20 he says, "I'd like to clear my files on number one,
21 three and four tracks, hook to Baldwin."

22 I said at 7:28 a.m., "I show you cleared
23 your file number one, two and three tracks." Hooked to
24 Baldwin, and I gave him the time. He arrived with it,
25 and that's the last I heard from Foreman Robinson.

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1 I was anticipating Foreman Yeager to call
2 and request file time because I don't know if you all
3 saw my file sheet, but my file sheet, I got his name
4 written on there with no time and no track. Excuse me,
5 anticipating that eventually, he's going to call
6 because -- can I go back a little bit?

7 MR. JENNER: You may.

8 MR. FRANKLIN: Earlier, when Yeager first
9 called me, before I gave him his Form D, I asked him,
10 "Are you going to request files on all three tracks?"
11 He said, "I probably will. I'm waiting on my backhoe
12 driver to get here."

13 So, I left it at that, and that's why I
14 figured soon as Robinson gave up his files, Yeager
15 would be calling momentarily to get files.

16 But the next time I heard from Foreman
17 Yeager was right after the impact, when he called and
18 asked me, "Did Robinson give up his file?" I said,
19 "Yes, he did," and he told me it's bad out here, "We
20 need ambulance," and based on his anxiety in his voice,
21 I kind of knew 89 hit something.

22 MR. JENNER: Okay.

23 MR. FRANKLIN: Because we also, at that
24 time, had an emergency plate on number four track.

25 So, you kind of knew what -- something bad

1 happened out there.

2 MR. JENNER: Okay, let me just continue on
3 with that part of the story.

4 Can you just walk us through your
5 involvement in calling emergency response?

6 MR. FRANKLIN: I didn't actually call
7 emergency response. I told the assistant chief. I
8 stood up. I said, "You know, we got a serious problem
9 out at hook. I think 89 ran into the back of some
10 equipment," because at the time, I didn't know it was a
11 backhoe or nothing. I didn't know -- I didn't think it
12 was no equipment out there on the track.

13 But based on what Yeager told me, he said he
14 ran into the back of -- you know, and it's all kind of
15 -- he didn't say chaos, but he made it sound like it
16 was very chaotic out there.

17 So, I talked to the assistant chief. I
18 said, "We got issues out," and Greg DABINSKI {phonetic}
19 was the manager of train operations on the floor. I
20 told him, I said, "Greg, we got something serious going
21 on at the hook."

22 So, I didn't call emergency response myself.
23 I just relayed the information to the assistant chief.

24 MR. JENNER: Okay, did you have any
25 involvement after that, in terms of communication,

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1 coordination with emergency response and with the --

2 MR. FRANKLIN: Only information I had after
3 that was when Amtrak police called and said they want
4 to put a file on all four tracks, and I said, "Well,
5 number two track is out of service." They said, "No,
6 we're shutting it down. We want files on all four
7 tracks."

8 MR. JENNER: Okay.

9 MR. FRANKLIN: And after that, they kind of
10 removed me from the desk.

11 MR. JENNER: Okay, let me back track a
12 little.

13 MR. FRANKLIN: Sure.

14 MR. JENNER: Yeager had called once. The
15 first time that he called, do you have an approximate
16 time of that, and what was discussed?

17 MR. FRANKLIN: Say, approximately --

18 MR. JENNER: Sure.

19 MR. FRANKLIN: -- 7:15 or 7:18.

20 MR. JENNER: And please, as much -- as well
21 as you recall, what was discussed?

22 MR. FRANKLIN: He told me, he says, "Mike,
23 is this you?" I said, "Yes." He said, "It's John." I
24 said, "Hey, John. How are you doing?"

25 He says, "You and I today." I said, "Okay,

1 good. You're going to be following," that's when I
2 asked was he going to be following like Robinson,
3 because I knew what Errol -- when I did the turnover,
4 Errol said, "They're following one, three and four
5 tracks. Two tracks is out of service." Hook to
6 Baldwin, and I knew they had the 55 hour outage anyway.

7 So, Errol said, "Robinson is following all
8 the tracks." So, I was like, "Wow, okay."

9 So, when I talked to Yeager, I asked him
10 would he be following all the tracks, because I knew we
11 were going to start getting the trains. It's Sunday,
12 but we're still getting trains running, at least two
13 trains each direction, an hour, could be something,
14 Amtrak -- Amtrak and (inaudible).

15 So, I knew we were going to have a volume.
16 I didn't tell him that, but I'm just saying, I knew.
17 That's why I asked him would he be getting files like
18 that, and he said, "I'm not sure. I'm waiting on my
19 backhoe driver to arrive. Call me back in two minutes
20 and I'll give you a Form D."

21 MR. JENNER: Okay, I should have asked you
22 earlier, I think they called 55 hour outage.

23 MR. FRANKLIN: Yes.

24 MR. JENNER: But were you aware that that
25 was in progress?

1 MR. FRANKLIN: Yes.

2 MR. JENNER: Okay, how did you -- how were
3 you aware of that?

4 MR. FRANKLIN: Errol told me that when I
5 relieved him. We talked about that.

6 MR. JENNER: Okay. Let me just go back to
7 the turnover. What else was discussed?

8 MR. FRANKLIN: He told me, he says, "I got
9 files on one, three and four, and Foreman Robinson has
10 the number two track out of service, hook to Baldwin."
11 I said, "Why is he following all three tracks?" He
12 said, "I guess they have equipment out there and they
13 might be spinning a boom."

14 Now, we're speculating on that, because
15 we're wondering why -- I asked Errol, "Why they need
16 all four tracks?" I mean, they got two track out of
17 service. They're following one and three.

18 I could understand the adjacent tracks. But
19 now, you're going over to number four track, and we
20 kind of kidded around. I said -- and Errol said,
21 "Well, maybe they spinning a boom." I don't know if
22 you all know this, like a piece of track equipment,
23 crane with the -- we call it a boom.

24 So, I said, "Maybe they got a boom out
25 there," and he said, "Maybe they do," but that was just

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1 him and I speculating. We don't know exactly what
2 piece of equipment they have out there.

3 MR. JENNER: Okay, okay, and during the
4 second time Yeager called, which you estimate is 7:23
5 or 7:25.

6 MR. FRANKLIN: Right.

7 MR. JENNER: And just some specifics, what
8 you can remember and what you were thinking.

9 MR. FRANKLIN: Yes. He called me. He said,
10 "Okay, Mike." I said, "You ready to get your Form D?"
11 He said, "Yes, I'm ready."

12 I said, "Well, let me get ready," and I
13 grabbed the Form D book. I said, "All right," because
14 joking -- John and I know each other.

15 So, I said, "Are you ready?" He said,
16 "Yes." I said, "Okay, well let me get ready," more or
17 less like to get a little chuckle.

18 I told him, I said, "Okay, Form D Number 814
19 is number one." The four, three, 16 to Foreman Yeager
20 at Hook, and then I said, "Line four circled." Number
21 four track got -- excuse me, number two track out of
22 service, Hook to Baldwin in charge of Foreman Yeager,
23 train dispatcher Franklin.

24 He read it back. I believe that Form D went
25 in effect 7:23, but I'm not 100 percent sure, but

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1 somewhere around that time.

2 MR. JENNER: Okay, and there was a
3 discussion about are you going to want --

4 MR. FRANKLIN: No, I asked him that when he
5 called the first time.

6 MR. JENNER: Okay.

7 MR. FRANKLIN: Are you going to be following
8 as many tracks as Foreman Robinson, because right at
9 that time, Robinson had one, three and four, because
10 160 had just went by.

11 MR. JENNER: Okay.

12 MR. FRANKLIN: One-sixty went by. Errol
13 gave him a file number one track. Hook to Baldwin.
14 Soon as he cleared Baldwin, Errol got on the radio and
15 said, "See tag section four to Foreman Robinson,
16 permission to resume your file number one track, Hook
17 to Baldwin, 7:11 a.m.," and that's when I told Errol, I
18 said, "Well, I guess it's time for me to sit down
19 because you on my watch now."

20 MR. JENNER: Yes.

21 MR. FRANKLIN: And that was like that.
22 Robinson -- I mean, Yeager called shortly after that,
23 and asked could he take his track. I said, "Give me
24 about two minutes. Call me back in two minutes. Oh,
25 and by the way, are you going to be following all four

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1 -- three tracks," because you got two our of service.

2 I don't know. I'm waiting on my foreman to
3 get here. No, he didn't say foreman. Waiting on my
4 backhoe driver to get here, and then I'll let you know.

5 MR. JENNER: Okay. So, you were
6 anticipating and you used the word anticipating.

7 MR. FRANKLIN: Yes.

8 MR. JENNER: A follow up call.

9 MR. FRANKLIN: Yes.

10 MR. JENNER: And in your mind, when should
11 that have happened? In the next few minutes? Next 30
12 minutes? Next hour? Did you have any thoughts about
13 when that call should occur?

14 MR. FRANKLIN: In my mind, I was expecting
15 that call to happen within seconds, if not a minute
16 after Robinson cleared up his file.

17 When Robinson canceled his Form D, that was
18 at 7:28. It cleared his files at 7:29 a.m. I was
19 expected Yeager to call any second from that point on.

20 MR. JENNER: Okay.

21 MR. FRANKLIN: If you look at the file
22 sheet, you will see, you all seen the file sheets?

23 MR. JENNER: Yes.

24 MR. FRANKLIN: Okay, I wrote on there,
25 "Foreman Yeager, Hook to Baldwin." I don't have a

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1 track, and I even put until further notice, but I don't
2 have a time.

3 I wrote that on there because I was
4 anticipating, he has to be calling for at least one
5 track, either three or one, to get a file, because I'm
6 figuring they going to follow on the adjacent track, as
7 long as possible.

8 MR. JENNER: Right.

9 MR. FRANKLIN: I didn't write it on the
10 second sheet because I saw around that time, 789 was
11 pulling into 30th Street.

12 So, had he asked for three, I would have
13 told him, "I can give you maybe three." This is just
14 speculating, because this never took place.

15 "I can give you maybe five minutes," because
16 I got an Amtrak train at 30th Street that's going to be
17 leaving, running down three track momentarily. That's
18 what was going through my mind.

19 I also had 160 coming into 30th -- I mean,
20 Wilmington. So, I'm looking, I'm saying, "I can give
21 him a few minutes on one or the other," and I was even
22 looking at my options.

23 I can run 89 up four track, if need be, but
24 ne never called. So, when 89 -- I didn't pull up at
25 Baldwin until 89 was literally by Phil.

1 MR. JENNER: Okay. But part of your
2 discussion with Yeager was, what he said, he's waiting
3 for his backhoe guy.

4 MR. FRANKLIN: Right.

5 MR. JENNER: So, but there wasn't a
6 discussion, "Oh, he's just a minute away."

7 MR. FRANKLIN: No.

8 MR. JENNER: Or he's on his way. He's
9 running late and stuck in traffic or anything like
10 that?

11 MR. FRANKLIN: Well, we didn't say that.

12 MR. JENNER: Right.

13 MR. FRANKLIN: But I'm anticipating, okay,
14 you all out there. The backhoe driver has to get there
15 soon.

16 Once again, this is not something Yeager
17 said to me. This is just strictly my anticipation.

18 MR. JENNER: Sure.

19 MR. FRANKLIN: Because I'm basing on years -
20 - I worked with John Yeager for 28 years. I've never
21 physically met John.

22 MR. JENNER: Okay.

23 MR. FRANKLIN: But we know each other. When
24 he called on the phone, I know that's John Yeager. He
25 know it's me. Just because the amount of times we work

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1 together, visually, un-visually, I should say for word.

2 MR. JENNER: Okay.

3 MR. FRANKLIN: But just by hearing our
4 voices, we know each other like that.

5 MR. JENNER: And if he had called back and
6 requested file time, would you have granted it to --

7 MR. FRANKLIN: Yes.

8 MR. JENNER: For how long would you --

9 MR. FRANKLIN: Well, it could have been for
10 five minutes. I might have put down until further
11 notice, but I always ask them when they file, how long
12 it's going to take you to clear.

13 So, now, I have a parameter, okay, I know
14 how long it take a train to get from Baldwin -- from
15 Phil to Baldwin. I got to have that signal displayed,
16 because I also understand signal progression.

17 So, I know I have to have that signal
18 displayed within him getting to let's say, no later
19 than four (inaudible), I got to have that signal
20 displayed at Hook -- at Baldwin, so that engineer still
21 got to clear a signal.

22 MR. JENNER: All right.

23 MR. FRANKLIN: So, I'm looking at it, if I
24 give him three track, he only going to get maybe five
25 minutes, because that train is already in 30th Street.

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1 MR. JENNER: Would you have told him, "I can
2 give you only five minutes."

3 MR. FRANKLIN: Yes, I would have.

4 MR. JENNER: And if -- if -- a little
5 hypothetical, but if that were the case, would it have
6 been worth, you know, his -- would it have been worth
7 it to him, to get the backhoe out there just for a few
8 minutes and --

9 MR. FRANKLIN: No, he probably would have
10 said, "I'll wait for the train to go by."

11 I didn't have any signals displayed at
12 Baldwin at all, or at Phil, at that time. This is --
13 we still speculating.

14 I'm saying, I can run this guy three to
15 four, at Phil, and get him on four track, and then he
16 could get on three. I have all my options open. I
17 didn't pull up at Phil. I had no fleets at Phil or at
18 Hook. I mean, obviously Hook was out of service.

19 But I mean, even like on one, three or four,
20 I had no fleets displayed, because I'm saying, I'm even
21 looking at 160 in Wilmington, and I'm saying, okay, if
22 he ask for one, I can run 160 up three track, and 89 up
23 four, and then he can still have one.

24 I was looking at all of that, because I'm
25 figuring he has to call soon to request some type of

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1 file. It never happened.

2 MR. JENNER: Okay, now, your conversation
3 with Mr. Robinson, when he gave up file time, how did
4 that conversation go? Was there -- was there anything
5 -- was that routine or was there anything unusual in
6 your mind about that?

7 MR. FRANKLIN: Nothing unusual. Robinson
8 called on the telephone. He says, "Hey, Mike." I
9 said, "How you doing?" "I'm ready to cancel my Form
10 D."

11 All right, Form D number A1403 dated 4/2/16,
12 Form D cancel time 7:28 a.m., date 4/3. I even
13 emphasized 'three' like that because it was a different
14 day.

15 When Robinson read it back, he emphasized on
16 the three. Four-three-sixteen. Dispatcher MAF, and I
17 said, Michael A. Franklin.

18 He says, "Okay, I want to clear my files on
19 number one, three and four tracks," and I said, "All
20 right, Foreman Robinson, I show you cleared your files
21 number one, three and four tracks," 7:29 a.m. Over,
22 and he repeated it.

23 I said, "All right." That was the only
24 conversation I had with Robinson.

25 MR. JENNER: Okay, had you worked -- you've

1 worked with Mr. Robinson before?

2 MR. FRANKLIN: Yes, I have.

3 MR. JENNER: Okay, can you tell us your
4 experience with working with him?

5 MR. FRANKLIN: I don't like working with
6 Robinson, and I mean, he seem like a nice guy, but
7 Foreman Robinson, it takes a while for him to clear his
8 files sometimes.

9 You're calling. Foreman Robinson, I need
10 you to clear your -- like CTEC section for Foreman
11 Robinson. CTEC section four, Foreman Robinson. CTEC
12 section four, Foreman Robinson. CTEC section four,
13 Foreman Robinson. You'll call it four or five times,
14 before he finally responds, but meanwhile, you got a
15 train coming up to a stop signal.

16 But once he responds, he does what he's
17 suppose to do. So, that has nothing to do with what
18 happened today. I was glad when Yeager called and said
19 he was going to be out there, because I knew with John
20 -- when I called John, he usually answers right away.
21 Robinson, you got to call him several times to get a
22 response.

23 MR. JENNER: Do you know why you have to
24 call him several times? Is it a radio issue?

25 MR. FRANKLIN: Well, speaking of a radio

1 issue, that whole area between Hook and Baldwin, it's a
2 radio issue all the time.

3 MR. JENNER: Okay.

4 MR. FRANKLIN: So much that even the
5 conductor on Train 89, when he was trying to call us,
6 he had to call us on the telephone because we could not
7 understand what he was saying via radio.

8 MR. JENNER: Okay.

9 MR. FRANKLIN: Errol told me, during a
10 turnover, that the reason why they were calling on the
11 phone is because you couldn't hear them on the radio,
12 and it took Robinson almost seven minutes to clear one
13 time, because of the radio.

14 So, that's when we started -- and that's why
15 Yeager called -- so, I'm -- now, I'm speculating again.
16 That's why Yeager called the first time. That's why
17 Robinson called.

18 Normally, we do Form D's and files via
19 radio. We don't normally do it over the telephone, but
20 because the reception is so bad in that area, and you
21 asked me earlier was I -- I told you I'm qualified over
22 the place. If you go out there right now and sit on
23 Section 6, you can hear Section 4 crystal clear.

24 Sit on Section 4. You can't hear Section 4.
25 The guy on Section 6 tell us all the time, "Train so

1 and so is calling you. Foreman so and so is calling
2 you," and I've worked both desks a lot. So, I know, I
3 have to turn my Section 6 base up a lot of times, and
4 now, you get a distortion, because you got crossing
5 signal, you hear (inaudible), you hear (inaudible), you
6 hear Section 6 just a hair, what's going on with
7 Section 4.

8 So, it's a serious radio issue in that area
9 --

10 MR. JENNER: Right.

11 MR. FRANKLIN: -- all the time.

12 MR. JENNER: Okay, going back to Yeager's
13 second call to you. You anticipated hearing from him a
14 third time pretty shortly.

15 MR. FRANKLIN: Yes.

16 MR. JENNER: So, 10 minutes are going by, 15
17 minutes go by and there is no call back from him. What
18 are you thinking?

19 MR. FRANKLIN: I started to call him. I
20 started to call Yeager and say, "Do you -- you want
21 files," but that's why I didn't pull up at Phil -- I
22 mean, I didn't pull up at Phil or Baldwin. I didn't
23 pull up at Phil until 89 was out of 30th Street. I
24 didn't pull up at Baldwin until 89 was by Phil,
25 thinking he might call me. He might call me.

1 The reason why I didn't pull up at Phil
2 until the train left 30th Street, because I can go
3 three to four at Phil. I'm looking at 160 coming into
4 Wilmington. If I run him up three -- up four, excuse
5 me, I still got time if 160 leave Wilmington, to run
6 him up three track, get him by Holly, around the same
7 time that Section -- 89 is going to be getting there,
8 without delaying either train, and he can get one
9 track, but he never called.

10 I'm looking at all my options on how I can
11 give him as much file time as possible. So, I'm
12 pulling up for the trains. The train saw clear all the
13 way. I didn't pull -- slow it down enough that he
14 didn't see it clear, but I slowed it down enough that
15 I'm giving -- this call has to call. This call has to
16 come. This call has to come, and it never did. It
17 never did.

18 MR. JENNER: After the accident, I know
19 Yeager called you.

20 MR. FRANKLIN: Yes.

21 MR. JENNER: One time, and asked about if
22 Robinson had --

23 MR. FRANKLIN: Robinson was -- for his file.

24 MR. JENNER: Right. Did he call you -- did
25 you have any other conversations with him after that or

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1 any other conversations with Mr. Robinson after that?

2 MR. FRANKLIN: I have -- only conversation I
3 had Robinson was him canceling his Form D and his
4 files. No other conversation with Robinson at all.

5 MR. JENNER: Okay. Thank you very much.
6 That's all the questions I have. What we like to do is
7 go around the room. Do we need to go off record at
8 second?

9 MR. SALVEY: No, I just wanted to just --
10 just for clarification for everybody.

11 You asked him a question. You brought up --
12 my name is John Salvey with ATDA.

13 Michael brought up fleeted signals. Are you
14 all familiar with that term?

15 MR. JENNER: Can you please clarify that for
16 the transcription?

17 MR. FRANKLIN: I can do that. Fleeted
18 signals is when we display a signal and then we put it
19 in what we call fleet. That means a signal comes up
20 right after the other one.

21 So, soon as a train knock down a signal,
22 another signal will display, and it's going to be just
23 like signal progression. Stop and proceed. Approach.
24 Clear, etcetera, because after a train pulls away from
25 -- but we don't have to re-display that signal a second

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1 time.

2 We can also -- we have stack routing, which
3 we didn't use on that day, but we have stack routing,
4 where we can put in routes for other trains to go, the
5 same route or different routes in a section, but it
6 can't be flected at that point.

7 But so, but fleeting is if you're just going
8 to go two to two, three to three, it's always a
9 straight move, except at various locations. Like, I
10 can fleet one to two, at Brandy. But usually you can't
11 fleet the (inaudible). Some locations, you can.

12 But mostly, usually it's a straight move,
13 two to two, three to three, one to one, etcetera.

14 MR. JENNER: Okay.

15 MR. FRANKLIN: And then that signal just
16 stay up all day until you actually physically take the
17 fleet out.

18 MR. JENNER: Okay, we got that. Thank you.
19 Okay, we're going to go around the room. Do you have
20 some questions?

21 MR. GEE: Jim Gee, G-E-E. Mr. Franklin, how
22 -- what kind of qualifications do you have to be a
23 train dispatcher?

24 MR. FRANKLIN: Well, on the Mid Atlantic
25 Division, we still have towers open. So, you're hired

1 as a block operator first. You're working the block
2 operators now, it's been a year and two years.

3 Then you come up here. We have a training
4 session, where the train dispatcher will go to class
5 for about six to eight weeks. No, I'm sorry, it's two
6 weeks, two to three weeks, and then you'll come in and
7 post six to eight weeks on this first desk, and you'll
8 post with somebody that's already qualified.

9 Then the manager come out and ask him
10 various questions, then if he pass their questions, he
11 gets promoted to a train dispatcher.

12 MR. GEE: Have you ever been a supervisor in
13 this office?

14 MR. FRANKLIN: Acting role, yes, but never
15 an actual supervisor, as far as an MTO title-wise, but
16 I act numerous times.

17 MR. GEE: Okay, when was the last time you
18 was an acting supervisor and what was that position?

19 MR. FRANKLIN: Every time I act, it was
20 always manager of train operations, and the last time I
21 done it, so, three years ago.

22 MR. GEE: How long have you worked at
23 Section 4 this time around?

24 MR. FRANKLIN: I've been qualified on
25 Section 4 since 2000 or 2001.

1 MR. GEE: When was your last road trip?

2 MR. FRANKLIN: Road day or road trip?

3 MR. GEE: Road day? Sorry, I always call
4 them road trips.

5 MR. FRANKLIN: About three weeks ago. Yes,
6 it was February 17th. I don't have the exact date, but
7 somewhere mid February.

8 MR. GEE: Do you work with new track foreman
9 at the present time, when you're out there?

10 MR. FRANKLIN: There are a few new track
11 foremen out there right now.

12 MR. GEE: Okay, there are a few new ones out
13 there. Have you worked with any?

14 MR. FRANKLIN: Yes.

15 MR. GEE: Okay. How do you treat them
16 different than a regular seasoned track foreman?

17 MR. FRANKLIN: I talk to the new guys, and I
18 tell the guys in the office, we all were new one day.

19 So, I tell the new guys, I'm not embarrassed
20 and don't be embarrassed if you call and tell me you're
21 a new train dispatcher, I mean, new road foreman. Not
22 foreman, new foreman, because it going to make me work
23 easier with him, and I want to make him as comfortable
24 as possible.

25 I had one about two weeks ago, and we went

1 through almost verbatim, what I'm saying. I said,
2 well, we all were new at one time. So, don't worry
3 about it. Take your time, and I'll work with you.

4 MR. GEE: Did he has for file time?

5 MR. FRANKLIN: Yes, he did.

6 MR. GEE: Can you describe that?

7 MR. FRANKLIN: Yes. He called me on the
8 telephone at first. He says, "This is my very first
9 day."

10 INTERVIEWER: Who are we talking about?

11 INTERVIEWER: Yes.

12 INTERVIEWER: Who asked for file time?

13 MR. JENNER: Can you clarify? The question
14 is to clarify who asked for file time.

15 MR. GEE: Okay, I asked Mr. Franklin about
16 the new track foreman. He says, "Yes, I work with
17 them," and then have you worked with a new track
18 foreman recently. He goes, "Yes," and then can you
19 tell -- did he ever ask for file time, and he goes,
20 "Yes."

21 Then I asked Mr. Franklin if he can explain
22 to me, his actions with the new track foreman about
23 file time?

24 MR. FRANKLIN: The track foreman name was
25 Foreman COPELAND {phonetic}. He called me, he says,

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1 "This is my very first day working."

2 I said, "Well, we all were new at one time."

3 He said, "I want file number four track Phil to
4 Baldwin." I said, "Not a problem."

5 I got to set the local in the block right
6 now, but he's approaching (inaudible) and soon as he
7 clears Baldwin, I'll give it to you.

8 I called him on the radio and I gave him his
9 file. I told him, I said -- he asked me, "Can we do
10 this via telephone?" I said, "No. You need to know we
11 do this via radio."

12 Call me on the radio, and I'll work with
13 you. I'll give you your files. I'll let you know when
14 I need you to clear, because you can hear Phil to
15 Baldwin pretty good. It's that Baldwin to Hook radio
16 base that is very distorted, at best.

17 MR. GEE: Mr. Franklin, you're aware of that
18 Amtrak rule about filing five minutes, if it's more
19 than five minutes, try to get a --

20 MR. FRANKLIN: (Inaudible.)

21 MR. GEE: Okay, was that ever discussed with
22 Mr. COPELAND?

23 MR. FRANKLIN: No.

24 MR. GEE: Okay, how long did he file?

25 MR. FRANKLIN: Probably 20 minutes.

1 MR. GEE: Okay, all right. Okay, thank you
2 very much. I have no more questions.

3 MR. FRANKLIN: You're welcome.

4 MR. SALVEY: Can I just add something here,
5 unrelated to your investigation? This is John Salvey.

6 INTERVIEWER: I want to go off the record.

7 INTERVIEWER: Okay.

8 (Off the record.)

9 MR. JENNER: Okay, we're back on the record,
10 and we'll go around for the next set of questions.

11 MR. WICHELMANN: Melvin Wichelmann. BLET
12 Safety Task Force.

13 Just a couple minor questions. The trains
14 that day, pretty much running on time?

15 MR. FRANKLIN: Yes.

16 MR. WICHELMANN: How was your workload?

17 MR. FRANKLIN: Sunday is a light work day
18 anyway. Like, at that time, I had train 160 coming
19 into Wilmington. 98 was coming up around Davis. 89 at
20 30th Street, or 89 was -- and except the 205. That was
21 the only four train that was within 25 to 30 minute
22 window. It was not other trains out there.

23 MR. WICHELMANN: Okay.

24 MR. FRANKLIN: I mean, 79 was coming up to
25 like Holmes, but that's going to take him 12 minutes to

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1 get to 30th Street, then you still got to the station
2 work. By the time he got that area, you're talking
3 about 25 minutes.

4 MR. WICHELMANN: So, even with the weather
5 and that, that didn't affect anything?

6 MR. FRANKLIN: No.

7 MR. WICHELMANN: Everything was running
8 smoothly then? What -- what days off do you have?

9 MR. FRANKLIN: Friday and Saturday.

10 MR. WICHELMANN: Friday and Saturday? So,
11 you just came in from an off day then?

12 MR. FRANKLIN: Yes.

13 MR. WICHELMANN: Okay, now, you had
14 mentioned very detailed about the Form D's.

15 You said that the one that Robinson had as
16 an A, as in apple, or Amtrak 1403 of the second?

17 MR. FRANKLIN: Yes.

18 MR. WICHELMANN: And then the one that was
19 given to Yeager was A, as in Amtrak 1401 of the third.

20 MR. FRANKLIN: Yes.

21 MR. WICHELMANN: Okay, just wanted to
22 clarify that, because it's a couple things in here.

23 Most of this other stuff that has already
24 been answered. So, I'm done with questioning for now.
25 Thank you.

1 MR. JENNER: Okay, we'll go around the room.

2 INTERVIEWER: Do I have to go next?

3 MR. JENNER: No.

4 INTERVIEWER: I figured if there were any
5 questions, I just might be able to clear them up at the
6 end, if I go last.

7 MR. JENNER: That's fine. That's what we'll
8 do. Mr. Bates?

9 MR. BATES: I've just got just a couple.
10 We've heard MTO a couple times. That's manager of
11 train operations?

12 MR. FRANKLIN: Yes.

13 MR. BATES: That's what that stands for?

14 MR. FRANKLIN: Yes.

15 MR. BATES: Okay, we just want to have that
16 in the record.

17 When you give a Form D to incoming foremen,
18 the only thing changes on that Form D, with track two,
19 we was talking about the track is still in service. You
20 just change the name on the Form D?

21 MR. FRANKLIN: Yes, and the date and the
22 number.

23 MR. BATES: Okay, great. All right, that's
24 all the questions I have.

25 MR. JENNER: Okay, thank you, Mr. Bates, who

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1 just asked that question. Okay, all right. So, Shane
2 Tuffy?

3 MR. TUFFY: Just to clarify on Mr. Bates
4 question. Just because to me, it sounded like the
5 names change on the Form D. Is that really how it
6 happens?

7 MR. FRANKLIN: Well, no. I told him the
8 date changed. The number changed and --

9 MR. TUFFY: Right, so, is it a new Form D?

10 MR. FRANKLIN: It's a brand new Form D.

11 MR. TUFFY: Okay, I just wanted to make sure
12 that that was clear, that we weren't changing the date
13 and the name on a Form D --

14 MR. FRANKLIN: No, we don't alter the Form
15 D's.

16 MR. TUFFY: Right.

17 MR. FRANKLIN: That's a totally different --

18 MR. TUFFY: Right, okay. Form D number --

19 MR. FRANKLIN: Different page, everything.

20 MR. TUFFY: I just wanted to be sure that
21 that was clear.

22 MR. FRANKLIN: Yes.

23 MR. TUFFY: Yes, okay.

24 MR. JENNER: Okay, thank you.

25 MR. TUFFY: Okay, so, going back to -- and

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1 again, my questions for you, Mike, are clearly just to
2 clear up anything that I think that anyone here might
3 not really understand.

4 MR. FRANKLIN: Okay.

5 MR. TUFFY: So, things that I detected, that
6 I just wanted to clear up.

7 Earlier, when you were talking, you had said
8 that there was an emergency power plate on track four.

9 MR. FRANKLIN: Yes.

10 MR. TUFFY: Could you talk about what that
11 meant to you and how you were -- or you know, what that
12 meant to you at that moment, and were there any other
13 plates in effect at that time?

14 MR. FRANKLIN: Well, there were plate two
15 track, because that was out of service.

16 But other than that, no, there were no other
17 plates besides number two track out of service. Their
18 power was turned off on that.

19 When that power plate came up, I said, "Oh,
20 no, I hope that they're not out there," because we
21 didn't get nothing on Section -- on track three. Track
22 three looked normal, but we had the emergency plate and
23 a TOL, a track occupancy light, a red light, like a
24 train was on number four track. Nothing else on three,
25 except for 89.

1 I said, "Oh, my goodness." The question is,
2 what is the emergency plate?

3 MR. TUFFY: The question is, what did it
4 mean to you and why, because I mean, have you had any
5 experience in the past with that kind of thing
6 happening, and I am trying to get to what your frame of
7 mind was, so that you can explain to people why you
8 mentioned the emergency power plate on four.

9 MR. FRANKLIN: I mentioned the emergency
10 power plate on four because 89 just happened to be
11 getting around that 15.8 mile point, just as that
12 happened, and I just -- yelled out to the power
13 directors, "We got emergency plate on number four track
14 between Baldwin and Holly," and that's my verbally
15 saying that.

16 I look at 89 is right in that same location,
17 and then around that -- soon as that happened, that's
18 when Yeager called on the telephone, and then I knew
19 what happened.

20 MR. TUFFY: Did it remind you of anything?

21 MR. FRANKLIN: What? When Yeager called on
22 the telephone?

23 MR. TUFFY: When the power plate came up?
24 Did it?

25 MR. FRANKLIN: Well, at first, I'm thinking

1 that 89 hit a boom or something, and that's what struck
2 the (inaudible) to make the power plate come off.
3 That's what I was thinking.

4 Then I actually thought about Train 66, way
5 back in 1988. I was in class at that time, but I was
6 around when that happened. All those kind of things
7 that are in my mind, yes.

8 MR. TUFFY: Okay, also, just clearing up
9 some previous questions.

10 When a foreman reports clear of a file, as a
11 train dispatcher, what does that mean to you?

12 MR. FRANKLIN: Okay, when a foreman reports
13 that he's clear of a file, that means that all the
14 equipment and personnel, the humans are clear of that
15 track and that track is now clear for -- once we remove
16 out of blocks, give him -- or once we give him a
17 clearing time, remove our blocks, that track is open
18 and ready for live rail.

19 That's the only reason why 89 went down
20 there because I'm clearing my files on one, three and
21 four tracks. Nobody else called to request a file, so,
22 I'm thinking all tracks are clear, except for number
23 two, because that's out of service, of personnel and
24 equipment, and that's what the -- that's what clearing
25 a file is suppose to mean, that they are completely

1 clear of the tracks, and that track is now available
2 for us to run trains down at a normal time and speeds.

3 MR. TUFFY: Thank you. Earlier, you had
4 said that when you have a posting employee, which is an
5 employee who is learning on the job with a train
6 dispatcher, who has already gone through the training
7 and already completed their physical characteristics,
8 they get, I think you said six to eight weeks.

9 MR. FRANKLIN: I'm speaking of the initial.
10 He asked me what is the training? I'm thinking of the
11 initial.

12 MR. TUFFY: Understood.

13 MR. FRANKLIN: Section. Once they qualify
14 that first section, that might be 30 to 45 days max for
15 the rest of the sections.

16 The first section that we qualify on, they
17 hand us with a white glove, basically. We get more
18 time than -- but after that, it's 30 -- some people
19 might go 45, but 30 is usually after that, because you
20 been through your training --

21 MR. TUFFY: I'm sorry, finish. I'm sorry.

22 MR. FRANKLIN: I thought you said I'm
23 finished.

24 MR. TUFFY: No, no, I said please finish.
25 I'm sorry, I thought you were done. That's why I was

1 speaking.

2 MR. FRANKLIN: No. That initial thing, you
3 been through your block training, block operator
4 training. You worked out in the towers for two or three
5 years.

6 You went through your train dispatcher
7 training and you post the section. So, now, you should
8 have some general ideas, general knowledge of what your
9 job details, and that's why it's dropped from -- the
10 six to eight weeks was counting the class --

11 MR. TUFFY: Understood.

12 MR. FRANKLIN: -- and the post --

13 MR. TUFFY: So, my next question is, have
14 you ever seen anybody get more time than that?

15 MR. FRANKLIN: More than six to eight weeks?
16 No.

17 MR. TUFFY: Okay. You also -- we talked
18 about, I think new foreman, and I think Foreman
19 COPELAND was mentioned earlier.

20 You were asked how long he was filing. Do
21 you recall if he had track equipment at that time?

22 MR. FRANKLIN: No, he didn't. He was just
23 walking the tracks.

24 MR. TUFFY: Okay.

25 MR. FRANKLIN: He didn't have any track

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1 equipment out there.

2 MR. TUFFY: Okay, okay, and when you were
3 asked, you know, what kind of day you were having, you
4 said it was a pretty light day. So, you gave an
5 example of things that were going on. Could you give
6 us an example of a heavy day, because I just want
7 people to get an idea, because it sounds like a lot,
8 you know, what you mean. What would you consider a
9 heavy day?

10 MR. FRANKLIN: Well, a heavy day is when --
11 a weekday, usually.

12 You got more volume of train. Instead of
13 having four trains on the whole division, you got four
14 trains going each direction. You got guys out there
15 calling for files. Tracks out of service. Equipment.
16 Freight trains running. You have a lot more.

17 On the weekends, it's a lighter load than it
18 is during the weekdays. So, on Section 4 during the
19 weekdays been 7:00 and 9:00, I might run 40 to 60
20 trains, whereas, on the weekend, I might run 40 to 60
21 all day.

22 So, that's what I meant with a light day,
23 the volume of trains is a lot less on the weekends than
24 on the weekdays.

25 MR. TUFFY: Okay, good. That's all that I

1 have.

2 MR. JENNER: Okay.

3 MR. FRIGO: Ryan Frigo, NTSB. Mr. Franklin,
4 thank you for clarifying and answering our questions.
5 I do have some more things I'd like to go over.

6 MR. FRANKLIN: Okay.

7 MR. FRIGO: On the file time log.

8 MR. FRANKLIN: Yes.

9 MR. FRIGO: I see that you did populate
10 'yes' under blocking device applied.

11 Is that common to do when you're
12 anticipating --

13 MR. FRANKLIN: No. But I didn't remove any
14 of the blocks that was up there until I pulled -- took
15 the block off of number three track, to pull off of 89.
16 I left the blocks up on one and four. They were never
17 removed, because I knew they were going to be filing,
18 based on what I -- the turnover, possibly. Well, I
19 shouldn't say I know.

20 I was anticipating they were going to be
21 filing one, three and four tracks between Hook and
22 Baldwin.

23 So, the blocks that was up there when I got
24 to work were still up there, except on three track, and
25 I knew I was going to put them up. Whatever track he

1 asked for, that track was going to still be blocked up.
2 It was already going to be there. All I had to do was
3 write in the track number and the time, and if he'd
4 asked for one, three and four tracks, I'd have wrote
5 the three different lines, but I'm figuring okay, we
6 got trains coming now. I might only be to give him one
7 track at this moment.

8 But that's why I was looking at the trains
9 coming into Wilmington and the trains at 30th Street,
10 and how I can divert them, so I can give him as much
11 file time as possible.

12 But no, that's not the norm. Normally we
13 don't put that down until we actually given them the
14 file.

15 MR. JENNER: We need to pause for a second
16 here. We're going off the record.

17 (Off the record.)

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

19 MR. FRIGO: This is Ryan Frigo, NTSB. I
20 just want to switch the actual routing of 89.

21 Can you walk me through the route -- the set
22 up -- the set up of the route out of Phillie?

23 MR. FRANKLIN: Yes. He left 30th Street,
24 and I work Section 4. So, my qualification on Section
25 4 starts from Phil inclusive to Reagan exclusive.

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1 So, I pulled up at three, which is on track
2 three at Phil. That's his first signal I'm giving him.
3 Go through Phil interlocking. I pulled up at Baldwin
4 then. Before -- while he was approaching Phil, I took
5 my block down between Baldwin and Hook, because now I
6 know even if Yeager calls, he can't get three track,
7 because I'm already committed.

8 Once I pulled up at Phil to go three to
9 three, I can't go three to four at Baldwin. I can go
10 three to two or three to one, but I'm not going to do
11 that.

12 So, I'm committed now three, and I'm
13 committed now at Baldwin, that I have to go three.

14 So, at that time, I took my block off
15 between Baldwin and Hook, and I displayed the signal at
16 Hook, Holly, Landley and Brandywine.

17 MR. FRIGO: And with your explanation that
18 you just gave, can you help me understand when, within
19 that sequence, the call from Robinson clearing his
20 files occurred?

21 MR. FRANKLIN: Robinson cleared his file at
22 7:29. I didn't pull up for anything for 89, until
23 about 7:38. So, you're talking about 10 or 11 minutes
24 later difference, before I even displayed a signal at
25 Phil.

1 MR. FRIGO: Thank you. Then I just want to
2 talk a little bit more about that power -- the
3 emergency --

4 MR. FRANKLIN: Plate.

5 MR. FRIGO: -- plate.

6 MR. FRANKLIN: Yes.

7 MR. FRIGO: Emergency power plate. Do you
8 know what occurs in the field to possibly trigger --

9 MR. FRANKLIN: It's various things.
10 Sometimes a bird, an animal can get on the track.
11 Anything that strucks -- that strikes the (inaudible)
12 can generate emergency plate.

13 It could be a hangar breaks. It could be
14 the wire actually expanded. Anything that touches or
15 has something to do damage-wise towards the (inaudible)
16 is the only reason that emergency plate is going to
17 come up, that's real.

18 Now, there have been times when we get
19 emergency plate and the power director say, "I don't
20 see anything out there. We have no indication of
21 anything wrong. I'm going to try to reset it."

22 If they get it right back, then it's no
23 issue, but any time we get emergency plate has
24 something to do -- something happened with the
25 (inaudible). It's almost like a circuit breaker

1 breaking at your home. The lights go out. Emergency
2 plates mean they losing power on that train.

3 So, at that point, we're calling trains to
4 bring them to a stop, because we don't want them
5 getting tangled up in that, the (inaudible) will get
6 tangled up in the wire, in case wire is down.

7 MR. FRIGO: So, am I accurate to say that a
8 power plate will display if there is an interruption in
9 the power supply with the (inaudible) system?

10 MR. FRANKLIN: Yes and no. There's an
11 interruption. Something hit that (inaudible). But it
12 could have been a bird, a squirrel. Don't necessarily
13 mean that there is an interruption, as far as moving
14 the train.

15 We going to bring the trains to a stop. We
16 not running nothing into an emergency plate. We can't
17 do that, but it don't necessarily mean that something
18 of this magnitude happened, when we get emergency
19 plates, if that's what you're asking.

20 MR. FRIGO: Okay, all right, thank you for
21 that clarification.

22 I think that's it -- may be a question more
23 suited for --

24 MR. FRANKLIN: The ET department.

25 MR. FRIGO: -- the ET department, but thank

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1 you.

2 MR. FRANKLIN: Barry is an ET guy.

3 MR. CROSS: I'm off the record.

4 MR. FRIGO: And we'll cover that. We'll
5 actually cover that at the end of this discussion.

6 MR. FRANKLIN: All right.

7 MR. FRIGO: I want to go to your first
8 indication from an audio source, that something had
9 occurred. Did you hear anything over the radio?

10 MR. FRANKLIN: No, I never got -- an
11 engineer never said, "Emergency, emergency, emergency."
12 None of that was never said.

13 The first audio indication I got was when
14 Yeager called and said, "Mike, did Robinson clear up
15 his file?" I said, "Yes," and you can hear he was
16 frantic. He was just, "Mike, did Robinson clear?"

17 "Mike, did Robinson clear up his file?" I
18 said, "Yes," and by him -- I even -- my 'yes' probably
19 was frantic too, because now, I see the emergency plate
20 and I'm now knowing something bad happened out here.
21 That's what.

22 So, he says, "Get me the -- get ambulance.
23 Get -- it's bad. We got all kind of problems going on
24 out here."

25 So, at that moment, Robinson never said that

1 89 -- or I don't recall him telling me, 89 struck the
2 backhoe. No, he did. He did. He did, he said, "I
3 think the 89 ran into something." No, he didn't know
4 it was 89.

5 INTERVIEWER: Yeager?

6 MR. FRANKLIN: Yeager. I mean, Yeager.

7 Yeager never said 89. He said, "A train just ran into
8 the back," and I knew at that point, the train ran into
9 the back of equipment that was out there.

10 But probably that's the only audio, and that
11 was seconds after the emergency plate popped up on four
12 track.

13 MR. FRIGO: Okay, do you recall hearing any
14 emergency transmissions --

15 MR. FRANKLIN: From the train?

16 MR. FRIGO: -- from the train crew?

17 MR. FRANKLIN: No.

18 MR. FRIGO: Okay.

19 MR. FRANKLIN: I don't remember any of --
20 there was never an audio emergency, emergency,
21 emergency, never.

22 Now, the conductor called me via telephone,
23 and said, "We got problems out here," but that was
24 after I was trying to call the engineer. CTEC Section
25 4 to Amtrak Train 89, and then I called the conductor

1 and he was saying something, but we couldn't understand
2 what he said, and I asked him could he call me on the
3 telephone, and he actually called Section 6 and Section
4 6 brought me the telephone, and that's when I spoke to
5 the conductor.

6 MR. FRIGO: Okay, do you recall how much
7 time elapsed between your phone call with Yeager and
8 the -- the attempted communication with the conductor
9 on 89?

10 MR. FRANKLIN: Well, I didn't try the
11 conductor first. I tried the engineer. But after I
12 didn't get no response from the engineer, I then went
13 to the conductor. You're talking about, let's say 30
14 to 45 seconds.

15 MR. FRIGO: Okay.

16 MR. FRANKLIN: But I called the engineer
17 three times and I didn't get no response. So, now, I'm
18 thinking oh God, is he even capable of answering the
19 radio, and I called the conductor then, and he
20 answered, but you could -- the radios are distorted.
21 You couldn't understand what he was saying, and Greg
22 DABINSKI was over there at the time. That's the
23 manager of train operation. He said, "Tell him to call
24 you on the telephone because we can't understand what
25 he saying."

1 So, I said, "Can you call us on the
2 telephone?" He says, "Roger, I'll call you," but he
3 called Section 6, so Section 6 brought the phone down
4 to me then.

5 MR. FRIGO: Can you recall how much time it
6 took from --

7 MR. FRANKLIN: Him to call Section 6?

8 MR. FRIGO: Okay.

9 MR. FRANKLIN: A minute, most. It was
10 within seconds, but I'm going to say a minute.

11 MR. FRIGO: Okay, and I just want to switch
12 gears here for a second, to the application of blocking
13 devices and your experience in employees in charge,
14 when requesting file time, utilizing a shunting device.

15 MR. FRANKLIN: Yes.

16 MR. FRIGO: Can you just talk a little bit
17 about your experience with that?

18 MR. FRANKLIN: Yes. It didn't happen Sunday,
19 unfortunately, but there are times when foremen will
20 call you and they'll say, "CTEC section wherever,
21 Foreman Smith to CTEC Section 3. Is there a light on
22 number three track," because he called earlier and
23 requested a file, and we gave him the file, permission,
24 we blocked up, give him permission to file, and then
25 they'll put the shunting device down and you get red

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1 light, just like a train occupancy. That's why we call
2 it TOL, train occupancy light.

3 They will call and say, "Let me know when I
4 get my shunt," or when you say a positive shunt, and
5 we'll call them back, this is how we usually say it,
6 "CTEC Section," wherever to Foreman Smith, you have a
7 positive shunt number three track Davis to Reagan, or
8 something like that. That's how we normally do it.

9 MR. FRIGO: Can you say in your experience,
10 is it the norm or is it the exception?

11 MR. FRANKLIN: It's the exception,
12 unfortunately.

13 MR. FRIGO: Okay, thank you.

14 MR. FRANKLIN: Okay.

15 MR. FRIGO: Okay.

16 MR. FRANKLIN: Well, the reason why, a lot
17 of times, the foreman will walk in the tracks. So, if
18 they walking between Baldwin and Phil, obviously
19 they're not going to put a shunt up at Phil, because
20 then they would have to come back to remove the shunt,
21 to clear the file.

22 When they out there without equipment, they
23 might be doing things on the track. Like, you got some
24 of the guys walking around with a wrench. All they
25 going to do is tighten up a bolt or something, or they

1 taking measurements, and they want to collect -- we
2 always ask them, how long it's going to take you to
3 file, and I'm going to say 95 percent of the time, this
4 is the response, within a moment's notice.

5 You'll get a guy that call you and say, it's
6 going to take me five minutes to clear.

7 So, now, you calling. You need him to -- you
8 need him to clear out by 3:00, and he says, "It takes
9 me five minutes." So, you going to call him at 2:45
10 because you got a train coming, and then 10 seconds
11 later, Foreman Smith clear five. I could have gave this
12 guy three or four more minutes, had he not told me five
13 minutes.

14 So, then you call them. Can you call me on
15 the telephone? If you can clear this fast, I can
16 actually give you x, y, z more time to work, and they
17 do that, like that.

18 So, we always as them how much time will it
19 take you to clear, because we trying to save our backs
20 too. Every second that a train is delayed, we got the
21 clerks, the MTO's calling saying, "What happened to
22 train so and so?"

23 So, we want to keep those trains running as
24 often and as fast as possible, and our job description
25 says move trains in the most safe, efficient way to get

1 from here to here. That's what we do.

2 MR. FRIGO: Thank you. I don't have any
3 further questions.

4 MR. JENNER: Okay, this is Steven Jenner. I
5 don't have any additional questions, but we'll go
6 around the room, to see if there are anymore follow up
7 questions, unless you need a break at this time.

8 MR. FRANKLIN: No, I'm good.

9 MR. JENNER: Very good. We'll continue on.

10 MR. GEE: Jim Gee. Mr. Franklin, what time
11 were you relieved on Sunday, sir?

12 MR. FRANKLIN: That's a -- when I say a
13 weird question, it's not weird, because I did get
14 relieved.

15 MR. GEE: Yes.

16 MR. FRANKLIN: But what time did I get
17 relieved from the time I got back from the hospital or
18 what time did I get off Section 4, because I left here,
19 I went and gave my statements. Then they took me to
20 the hospital. I didn't get back here until 6:00 p.m.,
21 but I left Section 4, let's say 7:45 a.m.

22 MR. GEE: Okay.

23 MR. FRANKLIN: And I wasn't relieved yet.

24 MR. GEE: Right, right.

25 MR. FRANKLIN: Because they called somebody

1 to come in, but by this time, they got me back in my
2 MTO's office.

3 MR. GEE: Yes.

4 MR. FRANKLIN: And the people in the office
5 was just filling in, until somebody got there.

6 What time my relief actually got there? I'm
7 going to say 9:00. I'm not sure because I wasn't at
8 the desk. I was in the manager training operation
9 office.

10 MR. GEE: So, you were pulled from the desk
11 at 7:45?

12 MR. FRANKLIN: It was more like 7:48,
13 because I remember I was out there at 7:48, but I don't
14 think I was out there at 7:50.

15 MR. GEE: Okay.

16 MR. FRANKLIN: So, that's why I say 7:45.

17 MR. GEE: Okay. Thank you.

18 MR. WICHELMANN: Melvin Wichelmann, BLET
19 Safety Task Force.

20 One, just one quick question. When a
21 railroad worker in charge calls to get file time or a
22 Form D, to do work, do they tell you that -- if there
23 is somebody else that's going to be joining them in
24 there --

25 MR. FRANKLIN: At times.

1 MR. WICHELMANN: -- or when they release it,
2 do they clear -- tell you that so and so was here with
3 me, and clear it up?

4 MR. FRANKLIN: Usually, yes. This is how it
5 normally happens.

6 Foreman will take -- have the track out of
7 service. He's getting relieved. He will have his
8 telephone and he'll say, or even on the radio, "I want
9 to cancel my Form D," and I have -- the relieving guy
10 always get the Form D before the guy cancels his Form
11 D.

12 So, if you had the track out of service and
13 I'm relieving you, I'm going to get my Form D before
14 your's is canceled.

15 MR. WICHELMANN: Okay.

16 MR. FRANKLIN: So, it usually work, and
17 we're within close proximity of each other, where when
18 I'm talking to you on the radio, they say, "Hold on,
19 Foreman Melvin," "I didn't get your last name, but he's
20 right here, and then you would call and say, "Okay,
21 Mike, I want to take XYV track out of service," I mean,
22 I want to cancel my Form D that I had. Usually they're
23 right there together.

24 MR. WICHELMANN: Okay.

25 MR. FRANKLIN: This time, Yeager called and

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1 Robinson called a few minutes later and that's not
2 unusual either.

3 MR. WICHELMANN: Okay, my question that I
4 was getting at, maybe I didn't explain it very well, is
5 there at any time, two foremen holding the same file
6 time?

7 MR. FRANKLIN: No.

8 MR. WICHELMANN: Or joint occupancy where
9 Foreman A or Foreman Smith has the Form D. Foreman
10 Jones comes in and says, "Hey, I need to get this track
11 -- Form D for this location," and you say, "Well,
12 Foreman Smith already has it. You need to talk to
13 Foreman Smith."

14 MR. FRANKLIN: Yes.

15 MR. WICHELMANN: Now, he talks to Foreman
16 Smith. Do you find that out and do -- does Foreman
17 Smith, if he does grant him occupancy, tell you that
18 Foreman -- he left at certain amount -- certain time
19 and he's clear of that?

20 MR. FRANKLIN: No, usually what they happen
21 -- they call and say, "I want to file Baldwin to Hook."

22 MR. WICHELMANN: Okay.

23 MR. FRANKLIN: And I'll say, "Foreman Smith
24 is already filing Baldwin to Hook."

25 Now, either they will work under him and you

1 will hear them on the radio saying, "Foreman Johnson,
2 I'm filing," you know, "You can work under my file."

3 MR. WICHELMANN: Okay.

4 MR. FRANKLIN: Foreman Smith will call
5 Johnson and say, "You can work under my file."

6 Now, sometimes they'll do this. Well, where
7 are you filing at, and he'll say, "I'm filing at mile
8 post 16." Then Foreman Smith might call back and say,
9 "Can I file for mile post 12 to mile post 16?" That is
10 within that region.

11 So, then Foreman Smith is going to call and
12 instead of having Hook to Baldwin, he's going to give
13 me a point, mile post say 17 to mile post 16, and this
14 guy is now filing 15 to 12. They can do it like that.

15 But no, they don't have the whole block.
16 They can sometimes break it up and have two files, two
17 separate files. But if they file the whole lift,
18 that's only on the one form then.

19 MR. WICHELMANN: Okay, so, there is no joint
20 occupancy?

21 MR. FRANKLIN: No.

22 MR. WICHELMANN: Okay, thank you.

23 MR. FRANKLIN: You're welcome.

24 MR. WICHELMANN: No further questions.

25 MR. JENNER: Mr. Bates? All right, fire

1 away.

2 MR. TUFFY: All right, I have some. Getting
3 into --

4 MR. JENNER: Mister?

5 MR. TUFFY: Shane Tuffy.

6 MR. JENNER: Thank you.

7 MR. TUFFY: I apologize. Getting into the
8 previous line of questioning.

9 If a foreman has -- or if a foreman is
10 requesting a file, and I'll just give you a scenario.
11 They're at mile post five, and the distance between the
12 two interlocking's that they're at is 10 miles. So,
13 they're right in the middle, okay, and we'll call it
14 interlocking A and interlocking B.

15 If he is requesting a file, between A and B
16 and there is a train in the block, can you give him a
17 file?

18 MR. FRANKLIN: No.

19 MR. TUFFY: Okay, if he's at mile post five
20 and reports that train by his location, can you give
21 him a block?

22 MR. FRANKLIN: I can give him a block for
23 mile post five back to A.

24 MR. TUFFY: Right.

25 MR. FRANKLIN: Right.

1 MR. TUFFY: Because --

2 MR. FRANKLIN: The train has cleared the
3 area he wants to work in --

4 MR. TUFFY: Right.

5 MR. FRANKLIN: -- but long as that train is
6 in that block, he can't file that location. But if he
7 call -- we call it a spot file.

8 I want to file at mile post five to A, I can
9 give him that, once he reports that train, he's going
10 to give me an engine and he got working markers on the
11 rear.

12 MR. TUFFY: So, in a similar scenario, if
13 you had a foreman filing between A and B, and another
14 foreman wanted to file at mile post five, what would
15 your response be?

16 MR. FRANKLIN: You have to talk to Foreman
17 Smith. He has A to B. He got that whole block.
18 That's his.

19 MR. TUFFY: Okay, so, but if there was a
20 foreman that said, "I want to file at mile post two,"
21 where would you give him the file?

22 MR. FRANKLIN: He just want to file --

23 MR. TUFFY: I just want to file on number
24 one track at mile post two.

25 MR. FRANKLIN: And no other foreman is out

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1 there?

2 MR. TUFFY: No other foremen are out there.

3 MR. FRANKLIN: Usually I'll give them the
4 whole block. I'll usually give him A to B at that
5 point.

6 MR. TUFFY: Okay.

7 MR. FRANKLIN: Because I have nobody else
8 out there.

9 MR. TUFFY: Okay.

10 MR. FRANKLIN: But if he -- if I got other
11 people out there, then I'm going to give him -- Foreman
12 Smith permission to file mile post two, at whatever
13 time it is, until further notice.

14 MR. TUFFY: Okay, so, understood. So, you
15 kind of went ahead of my next question, but that's
16 okay.

17 So, okay, so, let's say no other people are
18 out there and he says he wants to file at mile post
19 two. You just said that you'd give it to him at mile
20 post two, right? Is that correct?

21 MR. FRANKLIN: What?

22 MR. TUFFY: Did I just get that correct?

23 MR. FRANKLIN: I said if he's -- nobody else
24 out there?

25 MR. TUFFY: Right.

1 MR. FRANKLIN: And he asks mile post two,
2 I'm going to give him A to B.

3 MR. TUFFY: I'm saying if there is somebody
4 else --

5 MR. FRANKLIN: Oh.

6 MR. TUFFY: If you know that there could be
7 somebody else out there --

8 MR. FRANKLIN: Okay.

9 MR. TUFFY: -- and he asks you to file at
10 mile post two, you're going to give him a file at mile
11 post two?

12 MR. FRANKLIN: Provided that other person is
13 not A to B.

14 MR. TUFFY: The other person hasn't spoken
15 yet. You just assumed --

16 MR. FRANKLIN: Yes, then -- if he's the
17 first one to call me?

18 MR. TUFFY: Right.

19 MR. FRANKLIN: I'm going to give him A to B.

20 MR. TUFFY: Okay, that's not my question.
21 Let me rephrase.

22 You know there is other people out there,
23 that could be asking you to file on that track, at a
24 different location, but they haven't asked yet, okay.

25 Now, you have a foreman that asks you to

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1 file at mile post two, okay. But you know that there
2 is another guy that calls you -- let's say, mile post
3 seven.

4 MR. FRANKLIN: Okay.

5 MR. TUFFY: There is another guy that calls
6 you and says he's going to be looking for something at
7 mile post seven, but he hasn't called you for the file
8 yet, okay.

9 The first guy, where do you give him the
10 file?

11 MR. FRANKLIN: Mile post two. I'm going to
12 give him -- I'm going to block up the whole block.

13 MR. TUFFY: Okay.

14 MR. FRANKLIN: I'm going to block up from A
15 to B.

16 MR. TUFFY: There you go, okay.

17 MR. FRANKLIN: But he's going to get his
18 file at mile post two.

19 MR. TUFFY: So, the block covers the entire
20 area. You're giving him his file at mile post two, and
21 then the other guy at mile post seven may want to file
22 at mile post seven, and you could issue him --

23 MR. FRANKLIN: A separate file at --

24 MR. TUFFY: A separate file at mile post
25 seven.

1 MR. FRANKLIN: On that same track, but yes.

2 MR. TUFFY: But because the first guy in our
3 first scenario owned the entire area -- he's got to --

4 MR. FRANKLIN: You're talking to that other
5 --

6 MR. TUFFY: -- you told the second guy he's
7 got to --

8 MR. FRANKLIN: Talk to Foreman Smith.

9 MR. TUFFY: -- talk to Foreman --

10 MR. FRANKLIN: Because he already has the
11 block --

12 MR. TUFFY: The first foreman, right.

13 MR. FRANKLIN: A to B.

14 MR. TUFFY: That's what I was trying to get
15 at. I was trying to get that clarification there.

16 Okay, so, blocking. Can you -- and I am not
17 looking for you to quote out of the book, but can you
18 just tell me what a block is?

19 MR. FRANKLIN: A blocking device is a unit
20 that we use to protect that track. It prevents us from
21 displaying a signal into that track.

22 Once we put that block up, you cannot
23 display a signal in there. You can't throw a switch to
24 get in there. That track is blocked.

25 Like, he said earlier, in the time that we

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1 had the cans, we put the block on the switch, and the
2 can -- now, you can't throw the switch. You can't
3 display the lever.

4 Up here with the computer, once you put that
5 segment block, track block, exit block, off switch and
6 signal, you're protecting that track and once that
7 block is displayed, you could not get a track to come -
8 - a car -- you're protecting that track that no trains
9 or track equipment can get into that track. That's the
10 purpose of the block, to protect that track and the
11 people that's out there working in and around it.

12 MR. TUFFY: Okay, so, to clarify, when
13 you're working in a tower, and correct me if I'm wrong,
14 when you say can, you're talking about --

15 MR. FRANKLIN: The plug.

16 MR. TUFFY: -- we call it a can because it's
17 like metal.

18 MR. FRANKLIN: Yes.

19 MR. TUFFY: What does it do? It goes over?

20 MR. FRANKLIN: It goes over the lever.

21 MR. TUFFY: Right.

22 MR. FRANKLIN: The signal and the switch.

23 The -- you block the switches first and then you block
24 the signal, because the signal locks out the switches.

25 Once you display that signal -- the lever --

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1 the signal, you can't display the switches. So, you
2 block the switches first, thereby, you're not going to
3 throw those switches, and then you put it on the signal
4 and you protected that track.

5 MR. TUFFY: Okay, all right. So, the can
6 prevents you from turning the lever that allows you to
7 move the signal?

8 MR. FRANKLIN: It prevents you --

9 MR. TUFFY: Okay.

10 MR. FRANKLIN: -- from throwing the signal,
11 yes.

12 MR. TUFFY: Okay, okay. Now, that's used,
13 and correct me if I'm wrong, mostly for a block
14 operator, right? A block operator is only --

15 MR. FRANKLIN: On the --

16 MR. TUFFY: -- on the direction of the train
17 dispatcher?

18 MR. FRANKLIN: Yes.

19 MR. TUFFY: Now, what's the difference
20 between a block operator's block or a blocking device,
21 and a train dispatcher's blocking device?

22 MR. FRANKLIN: I'll block it blue. You'll
23 look out on the screen right there and you'll see blue
24 lights up there. Anywhere where you see blue, that's a
25 block. We call them segments. You're blocking the

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1 whole block. A to B, as you said, or you can do an
2 exit block, where you're blocking just at the end, but
3 you still can't display a signal into that.

4 All our blocks are blue. There is no cans.
5 It's all computerized and we still block it the same
6 ways with this signals, but we can block what we -- a
7 track block or segment block that we can have, that
8 blocks that whole unit, that way you can't get in
9 there.

10 We also have what we call interlocking
11 blocks, where you can block the whole interlocking,
12 switches and signals at the same time.

13 MR. TUFFY: Right.

14 MR. FRANKLIN: Just by hitting one button.

15 MR. TUFFY: So, what I'm understanding is
16 that you're saying the difference between the two is
17 that one is like an -- the block operators, when they
18 use a can, it's a manual thing. It goes over a switch,
19 and when a train dispatcher puts a block up, they're
20 requesting a -- they're requesting it from the computer
21 system --

22 MR. FRANKLIN: Exactly.

23 MR. TUFFY: -- to change the color to blue -
24 -

25 MR. FRANKLIN: Yes.

1 MR. TUFFY: -- which prevents you from being
2 able to display a signal or --

3 MR. FRANKLIN: Throw a switch.

4 MR. TUFFY: -- or allowing trains into the
5 area that's been blocked, right?

6 MR. FRANKLIN: Exactly.

7 MR. TUFFY: Okay. Now, does a train
8 dispatcher have to have a foreman request a block or a
9 file or an out of service, in order for you to put a
10 block up?

11 MR. FRANKLIN: No, we could put personal
12 blocks up.

13 MR. TUFFY: Okay, can you tell us what the
14 difference is between a personal block and --

15 MR. FRANKLIN: Personal block is you're
16 trying to protect something on your own. You know you
17 got -- you might have -- you're taking a train against
18 the current of traffic.

19 So, you put your personal block up, just so
20 that you don't display a signal into that train the
21 wrong way.

22 I mean, even though for the --

23 MR. TUFFY: You're talking about like for
24 the next move?

25 MR. FRANKLIN: Exactly.

1 MR. TUFFY: To remind you, so you don't jam
2 yourself up?

3 MR. FRANKLIN: Exactly.

4 MR. TUFFY: Okay.

5 MR. FRANKLIN: Exactly.

6 MR. TUFFY: Okay.

7 MR. FRANKLIN: But yes, we can put blocks up
8 on anything we want to, as a personal block, whereas
9 when we block it to protect the track, that's a file, a
10 Form D, disruptions, anything like that. That's when
11 you can't take that block off on your own. You have to
12 have a person clear. You have to cancel the Form D.

13 A personal block, just like you put it up
14 with no authority, you can take it off with no
15 authority. But it's a personal block, it's to put up
16 just to protect you from doing something, like you
17 said, to jam yourself.

18 MR. TUFFY: Right.

19 MR. FRANKLIN: You're saving yourself, just
20 in case a second go by that you had a brain freeze and,
21 I got this train coming.

22 MR. TUFFY: Yes, something -- some trainers
23 will tell you that a block is a device that's used to
24 protect you from the future, from yourself in the
25 future, so to remind you.

1 Because you had mentioned earlier that you
2 took the block -- I don't remember what location it was
3 at, but you said you took the block off and you ran the
4 train and I just wanted to make it clear to people that
5 you were referring to a block that you had. Was it a
6 personal block?

7 MR. FRANKLIN: It was a personal block
8 because 89 -- Foreman Robinson had cleared the track.
9 So, there was -- technically, I could have removed the
10 block off of one, three and four track, because that
11 track was reported clear, and in our world, the way
12 it's suppose to be, once foreman clears up his track,
13 there is no equipment or personnel on that track.

14 So, those blocks that are left up between
15 Baldwin and Hook, were personal blocks at that point.
16 But I left them up there anticipating that Yeager was
17 going to call and ask for a file.

18 MR. TUFFY: Right.

19 MR. FRANKLIN: So, I'm expediting the move,
20 so when he does call, I'm already blocked up, I'm one
21 step ahead.

22 MR. TUFFY: Thank you. All right, and for a
23 little more clarification on some of the other
24 questions.

25 In your experience, do you think it takes

1 longer -- or can you tell me why you -- what reason do
2 you think it might take longer for a foreman to clear a
3 track than others?

4 MR. FRANKLIN: Track equipment. The amount
5 of people that they have out there working in that
6 location that he's following, and just communications,
7 getting involved with the guy that you have out there.

8 If he's out there by himself, he can clear
9 up almost instantaneously. If he got other people out
10 there, he has to make sure -- and they have equipment
11 out there, it's going to take time because they got to
12 move this equipment off this track and put it someplace
13 else.

14 So, that's usually -- they'll request a file
15 on -- depending on the location, anywhere from two to
16 four tracks, just to get that equipment off the track,
17 so they can run the trains.

18 MR. TUFFY: Okay, and because you had
19 mentioned earlier about swinging a boom, right, so, I
20 just wanted to make clarification, you know, as to
21 those tracks may have been filed, but you don't know
22 whether there was something on there necessarily or
23 not, in terms of equipment or what exactly they were
24 doing.

25 MR. FRANKLIN: Right.

1 MR. TUFFY: Okay. That's all I have.

2 INTERVIEWER: Okay. I have no further
3 questions.

4 MR. JENNER: I do have one question. This
5 is Steve Jenner.

6 If someone wants to give up file time, do
7 they have to physically be at a location where they can
8 see if an equipment is there and if people are there,
9 or can they be at a distance far away, but have
10 confirmation, you know, let's say radio communication
11 from someone else who is in that area, who can verify
12 for them?

13 INTERVIEWER: Can we just go off the record?

14 MR. JENNER: Okay, okay.

15 INTERVIEWER: Actually, that's RWP rules.
16 So, it's not up to the train dispatcher.

17 INTERVIEWER: Okay.

18 MR. JENNER: I'm going to go off the record
19 for a second.

20 INTERVIEWER: Okay.

21 (Off the record.)

22 MR. JENNER: We're back on the record. This
23 is Steve Jenner, and I am going to withdraw my last
24 question.

25 So, but what I'd like to do is finish up,

1 and I'll ask you, given your experience as a dispatcher
2 and whatever reflection you had on this incident, do
3 you think there is anything that has -- changes that
4 can be made or improvements in this part of the
5 operations, to make the industry more safer, and you
6 can -- if you have any thoughts right now, welcome it.
7 If you have thoughts in the future, then we welcome
8 those as well.

9 MR. FRANKLIN: I can answer that. I think
10 that when they have a track out of service and they're
11 filing and adjacent track with equipment, with
12 equipment, shunting devices should be put down behind
13 that equipment regardless, with the file, because had a
14 shunting device been put down, the best 89 would have
15 got was a stop and proceed. That's the best he would
16 have got and possibly no C, and then everybody would
17 have known why this train is not getting a signal,
18 instead of running into the back of that equipment.

19 So, if I had to make a suggestion that would
20 be, if you're going to file with equipment, put a
21 shunting device down the same time that equipment gets
22 on the track, or before that equipment gets on the
23 track. That's the only thing I can say right now,
24 anything I could think of.

25 MR. JENNER: Okay, if you have any thoughts

1 in the future that come to mind, we'd welcome those and
2 would certainly consider your opinions on that.

3 Do you have any questions for us?

4 MR. FRANKLIN: No, I don't.

5 MR. JENNER: Okay, with that in mind, I want
6 to thank you for participating in our discussion, in
7 our interview. It is 3:22 and we'll end this interview
8 at this time.

9 (Whereupon, at 3:22 p.m., the interview was
10 concluded.)

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C E R T I F I C A T E

MATTER: Accident Involving Amtrak Train #89 and a
Backhoe
NTSB Accident No. DCA16FR007
Interview of: Michael Franklin

DATE: 04-06-16

I hereby certify that the attached transcription of page 1 to 73 inclusive are to the best of my professional ability a true, accurate, and complete record of the above referenced proceedings as contained on the provided audio recording; further that I am neither counsel for, nor related to, nor employed by any of the parties to this action in which this proceeding has taken place; and further that I am not financially nor otherwise interested in the outcome of the action.



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