

UNITED STATES OF AMERICA

NATIONAL TRANSPORTATION SAFETY BOARD

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Investigation of:

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CSX COLLISION

\* Docket No. DCA-11-FR-004

MINERAL SPRINGS, NORTH CAROLINA

\*

MAY 24, 2011

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Interview of: DANIEL LEARY

May 2011

The above-captioned matter convened, pursuant to notice.

BEFORE: WAYNE WORKMAN  
Investigator-in-Charge

## APPEARANCES:

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MR. WORKMAN: My name is Wayne Workman. I'm the investigator-in-charge in the investigation of the collision between CSX Trains Q194 and Q618 that occurred at approximately 3:35 a.m. on May the 24th. Would you give us your name and spelling please?

MR. LEARY: First name is Daniel, D-a-n-i-e-l, middle initial S, Leary, L-e-a-r-y.

INTERVIEW OF DANIEL LEARY

BY MR. WORKMAN:

Q. And the morning of May the 24th. What was your position and what train were you on?

A. Conductor on the Q61623.

Q. And what time did you go on duty?

A. 2115.

Q. How long, Mr. Leary, have you been an employee with the railroad?

A. I'm in my 10th year now.

Q. Tenth year. And have you always been a conductor?

A. Yes, sir.

Q. The evening of the accident, Q616 was ahead of both the Q618 and the Q194?

A. Yes.

Q. If you could begin at the south end of Leary -- I mean excuse me, at the south end of Waxhaw.

1 A. Yes, sir.

2 Q. And take us from there to Monroe and when your train  
3 left and what you observed. What signal indications --

4 A. Okay. We --

5 Q. -- and what you heard on the radio and such?

6 A. We hit the south end of Monroe on a clear, preceded up  
7 the hill. We had a fairly heavy train, 114 cars, and we dragged  
8 all night. We went up the hill. We had a clear at the other end,  
9 at the north end. We hit the --

10 Q. And that's the north end of Waxhaw?

11 A. Of Waxhaw, yes, sir. And then at the 316, we had a  
12 clear. And at Mineral Springs, we had a clear.

13 Q. And is that 314?

14 A. Approximately, yes.

15 Q. Okay.

16 A. And then -- let's see, the next one is a Reno, we had a  
17 clear signal there.

18 Q. Go ahead.

19 A. And then the signal after that was the holdout. That  
20 was clear.

21 Q. Now, when you say the holdout, would that be the old  
22 Monroe holdout signal?

23 A. Yeah, I think it was 308, I think it was.

24 Q. 308?

25 A. Yes.

1 Q. And at the 312 --

2 A. And then at the 312 that was a clear. That was Reno.  
3 And then at -- I believe, at the south end of -- or the -- yeah,  
4 the south end of Monroe, we had an approach. And then there was  
5 an approach at the north end of Monroe. Then we stopped at the  
6 north end of Monroe.

7 Q. So south end of Monroe was an approach?

8 A. Yes, I believe it was.

9 Q. And the north end?

10 A. Was an approach. And we stopped because there was  
11 another train ahead of us who was leaving there. And we sat  
12 there, for probably, around an hour or more. Earlier in the  
13 evening, I could hear 318 behind us. And I heard them up until  
14 the point that we probably had to -- either Reno or the holdout,  
15 then I didn't hear them anymore.

16 Q. When you say hear them, what did you --

17 A. I could hear over -- just -- it was gargled over the  
18 radio. You know, they were -- it was kind of broken up. They  
19 were still a ways behind us.

20 Q. Uh-huh.

21 A. But I didn't hear really discussing what -- maybe  
22 talking to the dispatcher.

23 Q. Okay.

24 A. And I could tell you we sat at the north end of Monroe  
25 and then the dispatcher, in between times, probably about -- he

1 gave us this -- the head block by the signal at Richardson Creek  
2 at exactly -- I know what it was because I had it written down,  
3 0428, permission by the signal. And before that, probably half  
4 hour, 45 minutes before that, he was trying to get a hold of 194.  
5 And they -- he probably -- I'd say he tried calling them anywhere  
6 from 6 to 10 times over the radio. They never responded. Then he  
7 tried to call 618 and they never responded.

8           Of course, we didn't know anything about what had  
9 happened. And we left about 6:28 or 6:30. I mean, not 6:30,  
10 excuse me -- 4:28 or 4:30, right after he gave us the head block,  
11 and we headed north. And I never heard a thing about it until we  
12 pulled into the depot in Hamlet. And that's about all I can tell  
13 you.

14           Q. Sure. When you say he gave you a head block, what does  
15 that mean?

16           A. Well, he gave us permission by the red signal, stop  
17 signal.

18           Q. Uh-huh.

19           A. Permission to stop and then go by the stop signal at the  
20 Richardson Creek. I think he might have been having problems with  
21 the signal.

22           Q. Okay. Did you hear 618 behind you respond to, or did  
23 you hear the defect detector, at all, that they may have gone  
24 over?

25           A. We probably did hear the defect detector, but we never

1 thought nothing of it.

2 Q. Okay, normal?

3 A. Because it's just normal.

4 Q. And what was the weather like that night?

5 A. It was clear.

6 Q. No fog?

7 A. No fog. No mist.

8 Q. Okay, that's all the questions I have for the moment.

9 MR. WORKMAN: Mr. Jenner?

10 BY MR. JENNER:

11 Q. I'm sorry if I missed earlier, you're a conductor. Are  
12 you also a qualified engineer?

13 A. No, I'm not.

14 Q. Okay. Have you -- I imagine you've ridden with other  
15 engineers?

16 A. Yes, I have.

17 Q. What is your impression or their impression of operating  
18 over this territory, in terms of challenges and difficulties?

19 A. It's a good territory to operate over. I don't believe  
20 that there was many -- you know, there's the normal up and down  
21 hills but that's about it.

22 Greg Hadden, the gentlemen who was involved, I've ridden  
23 with him two or three times and he seemed like a real good  
24 engineer.

25 Q. Oh, okay, that was my next question.



1           A.    Yeah, I've ridden with him a couple -- probably, 3 or 4  
2 times in the last 10 years.

3           Q.    What was the most recent time? Do you recall?

4           A.    It's been a while. I couldn't even tell you. It may  
5 have been a year and a half, 2 years ago. It's been quite  
6 a while.

7           Q.    Okay. Have you experienced -- how long have you  
8 operated over this territory?

9           A.    Let's see, about 3 years, I think; 3 or 4 years. Before  
10 that I was running out of Augusta.

11          Q.    Over this territory, you're responsible for looking at  
12 signals also.

13          A.    Um-hum.

14          Q.    What's your impression of visibility of the signals and  
15 particularly the ones that we're -- we've been discussing today?

16          A.    Good visibility. You can see them. Like, you can see  
17 the one coming up the -- just at the bottom of Waxhaw, you can see  
18 that as soon as you come around of the corner, which is just good  
19 visibility. Same thing when you're coming off that, go to the  
20 north end, it's good visibility. Real good visibility coming to  
21 the 316. Pop around the corner and it's -- you can see the signal  
22 at Mineral Springs real well. And just after you go by that  
23 signal, you can -- actually there's a little hill there but you  
24 can see the signal at Houston and then shortly after you pass that  
25 or just before you get to it. If it's at night, you can see the

1 next signal down there at the holdout. So, it's good visibility.

2 Q. Is there ever -- is the track parallel -- like, the  
3 street road, where sometimes in the background you see car traffic  
4 signals that -- in the background, or other colors from signs or  
5 businesses.

6 A. Well, you -- there's a couple spots where I think where  
7 you probably can, but I've never really paid attention to them  
8 because I know where the other -- where my signals are.

9 Q. Okay. And have you ever experienced dark signals --

10 A. Yes.

11 Q. -- in that area?

12 A. Not recently but coming up this way and going back this  
13 way, we had some down around the southern crossover, which is at  
14 the -- about the 350.

15 Q. How do you handle dark signals? What's --

16 A. Restricted.

17 Q. Okay. Do you need to contact anyone, notify --

18 A. Yeah, we -- I always -- when I hit one, either dark  
19 signal or a restricted proceed, I always ring up the dispatcher  
20 and inform him of the unusuality.

21 Q. Right. At what point do you do that on the trip,  
22 immediately?

23 A. I do that immediately, as soon as we go by it.

24 Q. Right. Okay. Did you know the conductor on the  
25 striking train?

1 A. Not real well, but I knew him.

2 Q. Okay. Are you responsible for training other  
3 conductors? Have you been put in that position?

4 A. I have before, yes, but not recently.

5 Q. Um-hum. Are there any particular nuisances, unusual  
6 things about this stretch of territory that you pay particular  
7 attention to?

8 A. Yeah. I'm always watching signals because occasionally  
9 we'll -- you'll have a -- have to call and report maybe a tree or  
10 bush got in the way.

11 Q. Right.

12 A. So, I'm always looking for that. Other than that the  
13 track seems to be very well maintained and the signals are kept  
14 up, so we don't -- I don't find there's a problem seeing them most  
15 of the time.

16 Q. Do you write down the signals? Are you required to  
17 write those down?

18 A. We're not, but I write them down.

19 Q. Okay. Where do you write them down? Just a --

20 A. I've got a regular sheet that I always write them down  
21 on.

22 Q. Do other conductors do that, do you know?

23 A. I can't speak for other conductors.

24 Q. For what reason do you write them down? What value is  
25 it to you?

1           A.    Just so that I knew today -- I knew that I got that  
2 signal at 04:28.

3           Q.    Good.  That's helpful for us.  Do you -- are you  
4 responsible for calling out signals?

5           A.    Yes, and I do.

6           Q.    And is --

7           A.    And I'm also responsible for calling stops.

8           Q.    Okay.  Can you generally hear other trains call out  
9 signals in that part of the territory?

10          A.    It depends whether you're, you know, way out in front of  
11 them or they're fairly close.  If they're pretty close to us, you  
12 can hear them, yeah.  But if they're not close to you, you can't.

13          Q.    What is close in this case?

14          A.    Maybe within -- I would say maybe within 5 miles or so,  
15 you can usually hear them.

16          Q.    Okay, is it easier to hear -- do trains behind you have  
17 a better chance of hearing you call out the signals or trains in  
18 front?

19          A.    They should be -- either way, it shouldn't make a  
20 difference.

21          Q.    Right.  So 5 miles is a --

22          A.    I would say 5 miles.

23          Q.    -- pretty good reliability?

24          A.    Yeah.  Um-hum.  Now, that being said, if you got a bad  
25 radio or if you got a radio that's not -- you could have a radio

1 that might not be putting out the way it should either. I mean,  
2 that's a possibility.

3 Q. Right. And how was radio reception that evening, that  
4 night?

5 A. Pretty decent.

6 Q. Okay. I think that's all the questions I have.

7 A. Okay.

8 Q. Thank you.

9 MR. WORKMAN: Yes, sir? Mr. Corcoran?

10 BY MR. CORCORAN:

11 Q. Speaking to the radio system, is it pretty -- fairly  
12 consistent on this line?

13 A. Yes, sir. Yes, sir.

14 Q. It's pretty clear every place?

15 A. Yes.

16 Q. And how about your rear-end markers?

17 A. They're --

18 Q. Have you had any problems with them?

19 A. None that I've noticed.

20 Q. So you haven't --

21 A. They're pretty, they're pretty --

22 Q. Pretty -- they work consistent --

23 A. Pretty consistent, yeah.

24 Q. --- and maintained properly --

25 A. Yeah.

1 Q. -- to the best of your knowledge?

2 A. You know, we had -- with our train yesterday, the marker  
3 was working well, but every once and a while it would go in and  
4 out upfront.

5 Q. Um-hum.

6 A. You know, but then it would -- you'd go -- it's probably  
7 because of the length of the train.

8 Q. Um-hum.

9 A. Then it would pop back in, you know, but -- that you  
10 find from time to time on different -- but that doesn't say that  
11 the marker's not working. You know, I -- it's been a long time  
12 since I've seen one that wasn't flashing.

13 Q. Right. Now, you're a regular on this job or are you  
14 on --

15 A. I am a regular on the sit pool, yes. I've been working  
16 it off and on. I've been working it steady since last August.  
17 And I've been working it off and on, probably, for the last 3  
18 years since I've been up in this territory.

19 Q. And the engineer, Mr. Hadden --

20 A. Yes.

21 Q. -- have you had opportunity to work opposite him often?

22 A. Not often. Not often.

23 Q. I mean, does it happen where he's following you or  
24 you're passing or something?

25 A. Not very -- you know. That I -- I'm not sure whether I

1 pass him or not. You know, I've worked with him two or three  
2 times, but I can't tell you for sure whether I'm passing -- what  
3 engineer I'm passing, you know.

4 Q. And you say you didn't hear them calling signals or  
5 anything like that?

6 A. I didn't hear 194 at all.

7 Q. 194. But you heard 6 --

8 A. 618.

9 Q. 618.

10 A. But I didn't hear 194. They were probably far enough  
11 back so, you figure, Waxhaw is -- it's probably, from where we  
12 were, probably 10, 12 miles.

13 Q. Okay. All right, that's it for me. Thank you.

14 MR. WORKMAN: Mr. Herndon?

15 BY MR. HERNDON:

16 Q. You said that you've been working this pool for several  
17 years now.

18 A. Yes.

19 Q. At least for the last 3?

20 A. Yes.

21 Q. I guess you've had the opportunity to work with  
22 different engineers --

23 A. Yes.

24 Q. -- or are assigned one? In this particular stretch of  
25 track, is there anything in there that could cause a headache for

1 an engineer? I mean that you've noticed?

2 A. Not really, no. Not -- I mean, not -- no.

3 Q. According to the rules, you are required to call out the  
4 signals?

5 A. Yes.

6 Q. And once you're stopped, you call that stop out?

7 A. Yes.

8 Q. And obviously, you said that you heard that 618 was  
9 behind you?

10 A. Yes.

11 Q. Did you attempt to call him and tell him that you were  
12 stopped at that location to ensure that they knew it?

13 A. I can't sure -- I'm not sure if we did or we didn't, to  
14 be perfectly honest with you.

15 Q. Well, what I'm getting at --

16 A. Yeah.

17 Q. -- you knew they were following and --

18 A. Yeah. Yeah.

19 Q. -- they maybe were stopped at particular locations --

20 A. Yeah.

21 Q. -- stopped for road crossings or whatever.

22 A. Yeah.

23 Q. Yeah.

24 A. Normally we do, but I'm not sure whether -- I'd be lying  
25 if I said that I did it or we didn't. You know, we got up there



1 and we stopped, called stopped. And normally we do, but whether I  
2 did at that --

3 Q. Okay

4 A. -- point, I'm not -- I'd be lying if I said I did,  
5 but --

6 MR. HERNDON: That's all I had.

7 MR. WORKMAN: Okay. Mr. Setser?

8 MR. SETSER: I don't have any further questions. I  
9 think I've satisfied the questions around this train.

10 BY MR. WORKMAN:

11 Q. I just have a couple of basic following-up questions.  
12 When you mentioned at Greenville -- is that your home terminal?

13 A. Greenwood. Greenwood.

14 Q. Greenwood.

15 A. Yes, sir.

16 Q. Greenwood is your home terminal?

17 A. Yes, sir.

18 Q. Engineers and conductors are on separate boards?

19 A. Yes, they is a separate -- like the engineers and  
20 conductors we'll be on a pool together, but then they got the  
21 extra boards -- they got the extra boards for the engineers and  
22 the extra board for the conductors.

23 Q. So an engineer and a conductor are on the same pool  
24 together and --

25 A. On a pool, yes, we're together.

1 Q. -- that rotate in and out. And then there's extra  
2 boards for both engineers --

3 A. Yes. If somebody calls off --

4 Q. -- and conductors to cover vacancies from the pool --

5 A. Yes. Yes, sir.

6 Q. -- that are there. I wasn't clear, and the term has  
7 been used before is called engineer and conductor are married;  
8 they're on the same pool together. In some locations, they're  
9 not. So I just --

10 A. We're not. We are, but we're not. In other words, we  
11 just went to a six man on the conductor's part of it. They've  
12 always had six, okay. It's dictated by mileage.

13 Q. Um-hum.

14 A. So, in that point we didn't catch the same one all the  
15 time.

16 Q. Um-hum.

17 A. Okay, right now, I guess since we both got six, we could  
18 probably match up and catch pretty much the same engineer. But  
19 they do have day -- like a -- they may have one day a week off,  
20 but they can turn it on or off.

21 Q. Okay. So, there are six jobs in the engineer pool --

22 A. Yes, six in the conductor's pool. Yes, sir.

23 Q. -- and six in the conductor's at the moment, but that  
24 doesn't mean that you'll catch the same engineer on every trip?

25 A. No.

1 Q. Okay.

2 A. That's right.

3 MR. WORKMAN: That's all the questions I have.

4 Mr. Jenner any questions?

5 MR. JENNER: Nothing else. Thank you.

6 MR. WORKMAN: Mr. Corcoran?

7 MR. CORCORAN: No, nothing.

8 MR. WORKMAN: Mr. Herndon?

9 MR. HERNDON: I have no follow-up, no.

10 MR. WORKMAN: Mr. Setser?

11 MR. SETSER: No, sir.

12 MR. WORKMAN: Okay. Thank you very much.

13 MR. LEARY: No problem, I hope I was helpful.

14 MR. JENNER: Thank you very much.

15 MR. WORKMAN: Yes, you were. Mr. Leary, have a good  
16 day.

17 MR. LEARY: Thank you.

18 (Whereupon, the interview was concluded.)

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CERTIFICATE

This is to certify that the attached proceeding before the

NATIONAL TRANSPORTATION SAFETY BOARD

IN THE MATTER OF: CSX COLLISION  
MINERAL SPRINGS, NORTH CAROLINA  
MAY 24, 2011

Interview of: Daniel Leary

DOCKET NUMBER: DCA-11-FR-004

PLACE:

DATE: May 2011

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.

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Jennifer Ames  
Transcriber