

DCA13MR002
Conrail - Shared Assets
Derailment/Hazardous Material Release
Paulsboro, New Jersey
November 30, 2012

NTSB - Interview of Conrail Trainmaster

UNITED STATES OF AMERICA

NATIONAL TRANSPORTATION SAFETY BOARD

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Investigation of:

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TRAIN DERAILMENT/CHEMICAL SPILL
NOVEMBER 30, 2012
PAULSBORO, NEW JERSEY

Docket No.: DCA-13-MR-002

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Interview of: GARY FILLINGAME

Clarksboro, New Jersey

Wednesday,
December 5, 2012

The above-captioned matter convened, pursuant to notice.

BEFORE: PAUL STANCIL
Accident Investigator

APPEARANCES:

PAUL STANCIL, Accident Investigator
Office of Railroad, Pipeline and Hazardous
Materials Investigations
National Transportation Safety Board
490 L'Enfant Plaza East, S.W.
Washington, D.C. 20594

** PII **

MUHAMED EL-ZOGHBI, Accident Investigator
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** PII **

ROBERT DEDOW
Railroad Safety Inspector
Federal Railroad Administration

JIM BOGUSKY
Manager of Field Services
Trinity Rail

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I N T E R V I E W

(10:46 a.m.)

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2
3 MR. STANCIL: Okay. Today is December 5th, 2012. The
4 time is 10:46 a.m. My name is Paul Stancil. I'm a hazardous
5 materials accident investigator with the National Transportation
6 Safety Board in Washington, D.C.

7 We are here in Clarksboro, New Jersey and this is the
8 Fire Training Academy grounds in a conference room, conducting an
9 interview concerning the railroad accident in Paulsboro of
10 November 30th, 2012.

11 We'll go around the room and introduce ourselves and
12 then we have some questions of the interviewee.

13 MR. EL-ZOGHBI: I'm Muhamed El-Zoghbi, a hazardous
14 materials accident investigator with the National Transportation
15 Safety Board.

16 MR. DEDOW: Robert Dedow, railroad safety inspector for
17 the Federal Railroad Administration.

18 MR. BOGUSKY: Jim Bogusky, Trinity Rail, Manager of
19 Field Services.

20 MR. FILLINGAME: Gary Fillingame, Trainmaster, Conrail.

21 MR. STANCIL: Okay. Mr. Fillingame, we are recording
22 this conversation and we've talked to you about that in advance
23 and you have -- you consent to the recording, sir?

24 MR. FILLINGAME: I do.

25 MR. STANCIL: Okay.

1 INTERVIEW OF GARY FILLINGAME

2 BY MR. STANCIL:

3 Q. All right, sir, we would ask that you give us a
4 narration of everything you can remember about the accident and
5 your response to it, beginning with the time that you first were
6 notified.

7 A. All right. I got the phone call. I was probably no
8 more -- maybe like a mile away. The train was coming down. I had
9 actually communicated with the crew over the radio before they got
10 to the bridge, and what I normally tell them, I told them that
11 morning, you know, you're okay down into yard limits, you know,
12 I'll meet you at, you know, Hercules, which is a spot on the
13 railroad like a mile away from the bridge. I'll meet you at
14 Hercules with the paperwork and a new EOT.

15 Then they cut the cars away and I advanced them, you
16 know, give them a marker and they continued south. I was sitting
17 at Hercules and, normally -- it's funny, normally, I have my
18 portable radio on listening, but for some reason that morning I
19 didn't. I was just, you know, sitting there waiting for them and
20 sitting there waiting and waiting. It was, you know, taking quite
21 a while.

22 So, I guess, finally the conductor called me on the
23 phone and said, hey, you know, we have a problem up here. He said
24 something to the effect of -- because he was -- I think he was
25 excited. So, he said, you know, the bridge collapsed. I said,

1 what do you mean the bridge collapsed? And he said, you know, I
2 said the bridge collapsed. So I said, all right. So I just hung
3 up on him and I drove up there.

4 When I got there the engine locomotive was sitting, you
5 know, close to the crossing just south of the bridge. And from
6 where I -- when I first drove up police officers were already
7 there knocking on doors and they yelled at me, hey, you know, we
8 got to find out what's in those cars; we're trying to get people
9 out of here.

10 So, okay, I look. I ran down there real quick just to,
11 you know, get a quick assessment of what was going on and said --
12 oh -- you know, I won't tell you my verbiage but, you know, I saw
13 the cars and then I ran back to look for the crew, to the head
14 end. And I found the conductor, I took his paperwork from him and
15 I just talked to him briefly and asked him what happened and he
16 told me he came up to the stop signal. If I remember correctly,
17 he said the bridge was already closed and they had to stop. So he
18 said he got out, he walked the bridge, said everything looked good
19 to him and he went back, talked to the engineer and I think he
20 said he keyed the code in again, still had a stop signal, talked
21 to dispatcher and told the dispatcher the bridge looked good and
22 he talked them by, a 241-D.

23 And he said at that point they pulled across and then he
24 said he started feeling a jerk and he said he looked back and --
25 he went to emergency and said he looked back and, you know,

1 everything was in the water. So, I said, okay, you just get out
2 -- I told the crews cut the engine away and go to Paulsboro, just
3 get out of here and go to Paulsboro and wait for me and I'll see
4 you in a little bit.

5 Well, I took his paperwork, the consist, and I ran back
6 there and I looked at what was -- you know, I just wanted to get a
7 quick assessment what was derailed. So I just went down the list
8 seeing what was in the water and what was up on land and then
9 checked my -- I'm pretty sure y'all seen all the notes I wrote on
10 the consist.

11 And from that point I ran up there. The police chief
12 was actually standing in his yard. I think that's his house
13 there. There was a house up there and he was standing there. I
14 told him what I had and then some other fireman ran up and said we
15 need to meet over here and they already had like a temporary
16 command post, if you will, in front of the house.

17 So we met there and I just went down the consist and I
18 told them, you know, what we had, you know, the first car was
19 alcohol and last four were, you know, vinyl chloride. And I told
20 them exactly what we were, how we derailed, you know, what I could
21 see that quickly. And they put a plan into action. They said
22 what they had to do as far as the vinyl chloride. And at that
23 point I couldn't -- I knew something was punctured but I couldn't
24 really tell which one. Because, you know, there's a mist in the
25 air by that time so I knew something was punctured, I just didn't

1 know which one.

2 So I finished talking to them. I went back over there
3 to really get a good look and by that time our STO, Tim Gardner
4 called me. So I gave him a rundown of exactly what I saw. I just
5 went down the consist, said this car derailed, how it was
6 derailed, what side of the tracks. And I walked back up on the
7 bridge and by this time Neil Ferrone showed up. He was talking to
8 somebody, too. So we were both talking, giving our assessment of
9 what we saw. And by this time Neil, I think, had identified which
10 car was punctured, and I could see where there was some substance
11 in the water. So that's when I told it to him, "Hey, we do have a
12 punctured car."

13 So at that point is when we started, you know, pulling
14 everybody back. And, let's see, what happened after that?
15 We pulled everybody back and I got with Neil Ferrone, told him
16 basically pretty much what I just told you guys. And him and I,
17 we talked to the fire people some more, gave a really good
18 assessment of what we saw. We actually -- at that point, when
19 told we actually had a car punctured which, by that time,
20 everybody knew because of the mist.

21 The mist, you know, kept getting, you know, thicker and
22 thicker. And then my supervisor showed up, Ryan Keaton (ph.), to
23 help out. At that point we decided, because I knew I had some
24 chlorine cars in the train so we -- I knew I needed to go around
25 to the rear end of the train and make sure, you know, nothing else

1 was derailed, mainly especially chlorine cars. So myself and Neil
2 Ferrone -- well, I told Ryan Keaton, hey, can we get a crew to
3 come from Camden to come south, once we verified everything on the
4 rail, then we'll pull that part of the train back north just to
5 get out of harm's way.

6 So while that was being worked on me and Neil Ferrone,
7 we drove around to Paradise Road and we walked the tracks south.
8 We walked the train with the consist to make sure everything was
9 on the rail and nothing was punctured. Once we verified that all
10 the chlorine cars were intact, by that time the crew had made it
11 down, we cut the train away and took it back north.

12 From that point I guess it was above my pay grade level
13 at then -- by then. Everybody else was pretty much on site and
14 they kind of took over from that point. I was actually going to
15 go back to interview the crew but they sent another trainmaster,
16 so I couldn't even help out on site. So another trainmaster took
17 care of the urinalysis and all of that.

18 So after that I was running around, you know, getting --
19 just getting more information and relaying to Neil what I saw and,
20 like I say, after a while it was just, you know, more people
21 showed up and they set up a temporary command post. We had a
22 little temporary meeting and the temporary command post was
23 actually at the church just south of the bridge and they just gave
24 a quick rundown on where we were, what we had. They'd sealed the
25 area off. I think by that time pretty much everybody had been

1 evacuated and that was pretty much it.

2 From that point I went back to the yard office to try to
3 come up with an operations plan to get around what was going on.
4 That's pretty much it.

5 Q. Okay. Think back to your -- the moment you first
6 arrived on scene.

7 A. Uh-huh.

8 Q. Describe who was there, what they were doing.

9 A. I was the first Conrail, like, supervisor to -- because
10 I was so close. There was -- there were a couple of cops running
11 around. They were knocking on doors. They were in the process of
12 sealing the road off. They had cars blocking the road. They
13 already had sealed the road off. They were knocking on doors and
14 -- I drove up and kind of parked on the side of the road and I ran
15 down -- I was running by I showed them my Conrail ID and then she
16 -- one of them was a females, she's just yelled, hey, we need to
17 find out what's in those cars. I said, okay, I'm working on that.

18 There was a -- when I ran down to the bridge the first
19 time the fire chief was standing in his backyard writing stuff
20 down. He was on the phone -- he was already on the phone with
21 somebody. Then I think a couple of firemen were running around.
22 Then they kind of like were standing there. I guess they were
23 waiting to see what was in the cars and they all pretty much
24 yelled at me, hey, we need to find out what's in those cars. I
25 said, okay. You know, that's when I ran and got the consist and

1 once -- like, my first concern was to get the crew out of there
2 and then, you know, quickly assess, you know, what was in there.
3 I knew kind of what -- where the cars were because every morning I
4 look at the consist when the train is coming down so I could plan
5 the work. So when I got there I knew the first chlorine cars were
6 at 26-D. So when I saw how much of the train got across I knew,
7 okay, at least I know those aren't leaking, unless they have a bad
8 train handling, which that wasn't the case.

9 So there was just a lot of firemen, police officers
10 running around knocking on doors. They were waiting on me to get
11 a quick assessment of what was in the cars. That was basically
12 the main focus at that time when I first got there.

13 Q. Let's go back to when your -- when you drove up and
14 stopped. What happened first?

15 A. I drove up. I didn't -- first, I didn't drive, like --
16 I think I stopped maybe, guesstimating, maybe 250 feet from the
17 head end. I stopped short and I jumped out of the truck and I ran
18 -- I started running and then I ran back to grab my phone in case
19 somebody called. Then I ran -- and that's when the female officer
20 shouted at me. As I was running up, I didn't see the crew on the
21 head end. That was what -- I was looking for the crew first. I
22 didn't see them on the engine. So first thing I think, okay, well
23 maybe they hightailed out of there before I even got there. So
24 that's when I ran.

25 From that point I stood there for a second because I saw

1 the mist and, you know, kind of hesitant, okay, do I want to, you
2 know, breathe this stuff in, you know, not knowing what it is? So
3 I stood there for a second and then I just kind of said, for lack
4 of a better word, I said, "**** it," and I ran down there real
5 quick, just get a quick look. That's when I saw the fire chief
6 and I told him I'm working on it to find out what's in the train.
7 I ran back up and found the crew. That's when I saw the crew. I
8 ran around the other side of the engine. That's when I saw the
9 conductor and I got the paperwork -- first thing I asked him,
10 "Where's the paperwork?" And he had it in his hand so I took it
11 from him. I quickly asked him what happened. All this happened
12 within a couple of minutes.

13 Q. Um-hum.

14 A. I asked -- got a quick assessment of his side of the
15 story as far as what happened and then I told him to cut the
16 engine away and go.

17 Q. Was there anyone else there?

18 A. Like emergency? Yeah, cops. There were cops there.

19 Q. Okay, what did they say or did you say to them?

20 A. I walked up -- well, ran -- drove up. The one female
21 police officer was already knocking on doors and she yelled at me,
22 "Hey, we need to find out what's in those cars." And I said,
23 "Okay. I'm working on that," as I was running by. And I saw a
24 couple a more police officers and when I found the crew, there was
25 actually a cop with him because he was trying to ask the conductor

1 what happened and what was in the cars. So I kind of took over
2 that from him. You know, I just -- I said, "Give me the
3 paperwork, I'll talk to them. You just go."

4 But it was mainly cops -- they were -- I was honestly
5 surprised how quickly they got there. There were cops, a few
6 police officers -- I mean cops, a few firemen, and that's all that
7 I remember seeing that I can recall, you know, seeing because I
8 was kind of focused on what I had to do. But they, believe it or
9 not, they got there pretty quickly. I was surprised.

10 Q. And what did you say to them?

11 A. When I got there?

12 Q. Did you have a conversation with the police or the
13 firefighters?

14 A. Yeah.

15 Q. Tell us what you --

16 A. When I talked --

17 Q. -- talked about.

18 A. First initial conversation was -- like actual
19 conversation was when I was talking to the conductor there was a
20 police officer standing there. I don't -- of course, I don't
21 remember his name, but he was listening to what the conductor was
22 telling me as far as what happened. And after we -- after the
23 conductor told me what happened, the cop seemed to be somewhat
24 satisfied and I said, "Hey, man, you guys got to get out of here,
25 you know, cut the power away."

1 Then after that once they cut the engines away, then, of
2 course, I walked down to look -- comparing the consist with what
3 was in the train. And after that I went up to talk to --
4 actually, let me back up. As I was getting ready to walk back out
5 there in my initial conversation with the conductor, one of the
6 firemen did say to me, "Hey, we need you up there to the temporary
7 command post." I told him to give me a second so I can see what's
8 in the train and then I'll be up there. Because I actually had
9 Tim Gardner on the phone when I was -- when I told him that. I
10 said, give me a second to go back and see what's in the train,
11 that way -- you know, I need to be able to tell you something.

12 Talked to him, went back to see what was in the train, I
13 came back. Then I walked up to the command post and I -- that's
14 when I went into a in-depth conversation with them about what
15 exactly was in the train. I pointed, you know, to my notes that I
16 wrote. I put like a little dot by every car that was derailed.

17 Q. How long did it take before you gave that information to
18 the command post?

19 A. It happened quickly. I don't even think it was -- it
20 couldn't have been 5 minutes because I got lucky that the
21 conductor was still standing there with the paperwork, because I
22 knew I needed that consist. Luckily, he brought it down off the
23 engine with him and I didn't have to get up on the engine to get
24 it.

25 Q. So they had a command post within 5 minutes?

1 A. Well not a true -- they called it a command -- it was
2 like a temporary --

3 Q. Okay.

4 A. It was more like a gathering site. But they had a
5 couple cars up there and all the engine -- because I remember
6 looking up there while I was walking with the paperwork. You
7 know, a couple of guys were up there standing around. I guess
8 they were waiting on me to make my assessment. I mean, I move
9 pretty quickly and it didn't take long, I mean, because it was the
10 first couple of cars that were derailed. So it didn't take long
11 for me to figure out what was on the ground.

12 BY MR. EL-ZOGHBI:

13 Q. Who did you speak with at the command post?

14 A. There were -- I know there were a couple a -- I think --
15 as matter of fact, that was -- I just thought about it -- there
16 were some hazmat guys there.

17 Q. Uh-huh.

18 A. I don't know what -- whether they were Paulsboro or
19 state, federal. I don't know. But by that time they were there.
20 There were firemen there. I think the fire chief was there, I'm
21 pretty sure, because they introduced me to him. A lot of police
22 officers.

23 Q. Uh-huh.

24 A. That was pretty much it. Hazmat guy, because he had on
25 a like EMT kind of pants, firemen, police officers.

1 BY MR. STANCIL:

2 Q. The initial police officer you spoke to who was there
3 with the conductor --

4 A. Uh-huh.

5 Q. -- what did you say to him?

6 A. It was more the conductor doing the talking.

7 Q. Um-hum.

8 A. Because he was, like, listening to us. Because I think
9 he -- based on what he was -- I guess, his facial expression,
10 whatever, I gather that maybe he had already asked the conductor
11 and I think maybe the conductor and them just guessing. Maybe the
12 conductor got flustered. I don't know. But either way he was
13 standing there with the conductor when I ran up and the -- I just
14 asked the guy -- the conductor what happened. Just give me a
15 brief -- just tell me what happened.

16 And then he told me. The cop was nodding his head while
17 he was talking like, you know, he finally, I guess, got what he
18 wanted information-wise. And I just told the guy, the crew, you
19 know -- by this time the engineer walked up and I just told -- at
20 that point I told the crew, get on the pile, cut it away and go,
21 and wait for me at the yard office.

22 Q. Did you tell anyone before you got to the command post
23 what the chemicals were that were involved?

24 A. No, because I didn't know. I had to get this and
25 physically go back there and look. I didn't want to just say,

1 hey, this is what we got and been wrong, so -- I need to look at
2 this first. And all I did was I just, you know, walked by and
3 looked at the car numbers, first car on the ground, you know, coal
4 hopper, no big deal; and then the next one's a lumber car, no big
5 deal; and then I got to the next one, the denatured alcohol, and
6 that's when I started making my little dots on the paper.

7 Q. Did you hear any discussion about what the mist was that
8 you saw?

9 A. I remember -- I'm trying to remember when this was.
10 Some -- one of the guys, kind of a heavy-set guy, I think he said
11 something to the effect of -- I don't know, because I know I
12 talked to so many people that day. I know a couple people asked
13 me what was in there because I was standing there, like a whole
14 circle of us around there and I was talking to a bunch of people.

15 I remember hearing somebody -- I think after I said what
16 was in there I think I heard somebody said something, okay, that's
17 what that sweet smell, sweet taste is, something like that kind of
18 like a sidebar conversation, but that's -- I don't remember
19 anybody saying anything to me. Like, most of the people I spoke
20 to directly as far as what was in there. Nobody really -- outside
21 of -- far as I can remember nobody that didn't have anything to do
22 with what was going on and needed to know, I talked to. Put it
23 that way.

24 BY MR. EL-ZOGHBI:

25 Q. Did you get to talk directly to the hazmat chief that

1 was there or any of the hazmat personnel at the command post?

2 A. I can't remember, like, who or what their rank was, but
3 I do remember there was -- because it seem like I remember like
4 something-something-hazmat on his shirt.

5 Q. Okay.

6 A. So that's what told me he was the hazmat guy. Now, what
7 his position was, I don't know. Because I think he was the one
8 that introduced me to the fire chief and at that point -- because
9 I remember I was standing there I had -- the paperwork I had it on
10 a clipboard and I just started flipping through and telling them
11 what was in there. And once I told him, then -- I can't remember
12 getting on -- yeah, they got on a loudspeaker and started saying
13 what was in there -- what was in there and what they were dealing
14 with. Because after I told them, as I was walking away, they were
15 on a loudspeaker. Because then by that time I was walking with
16 Neil Ferrone. Because I gave him the paperwork so he could, I
17 guess, whoever he was talking to he needed to tell them exactly
18 what was in there. The paperwork passed back and forth between me
19 and Neil Ferrone a little bit there.

20 Q. Can you describe this gentlemen? Is he -- was he
21 wearing, like --

22 A. The hazmat guy?

23 Q. Yeah.

24 A. He was about my size. He was 5'10" maybe. He looked
25 like maybe 180-pound white guy, dark hair, and he had on a -- he

1 had on like the EMT style pants. I think dark blue or black
2 something like that and he had on --

3 Q. Okay.

4 A. The -- not necessarily a BDU top but like a military --
5 if I remember correctly, it had like, you know, pockets like the
6 old style BDU --

7 Q. Uh-huh.

8 A. -- kind of, sort of. It had something -- something -- I
9 remember EMT, but it had something else in addition to that -- not
10 EMT but hazmat team or something like that.

11 But there were a lot of people in a circle at the, you
12 know, temporary command post once they -- once I got my assessment
13 there were quite a few people in the circle and everybody, you
14 know, needed their little piece of information to do what they
15 needed to do, so --

16 Q. I have a copy of the consist that we were told was the
17 one that the crew carried. Are these your markings, just so we
18 know? I mean, take -- feel free to take a look at it and --

19 A. This is what I mainly use, right here. See that dot
20 right there is the first car derailed, I wrote that. I was
21 writing notes basically from my write-up. I knew it was on its
22 side. And down here, the next one, there's a dot there, on it's
23 side, and then I was writing little marks and I was going off this
24 information as far as what was in the train. And I went further
25 back in the paperwork -- this is all my handwriting, all the way

1 down to here.

2 Q. Okay.

3 A. And I drew this line because I know this is -- we made a
4 cut and took all this stuff back.

5 Q. So he's marking -- and just, sort of, for the record,
6 indicating a line at -- before tank car 13 on the consist.

7 A. Yeah, I drew a line at -- so I would know -- you know,
8 I'm not going to try to recall all this, let you know, so --

9 Q. No, that's fine.

10 A. I drew a line to know where we made the cut and
11 everything that's going back up to Camden.

12 Q. Okay.

13 A. That's what that was for.

14 As we were walking the train to make sure everything
15 else was on the rail, the conductor apparently had -- he circled
16 these. I guess he wanted to know where the chlorine car was.
17 Those are his marks. I was walking along just looking for -- I
18 was looking for these cars as we were walking along to make sure
19 nothing else was on the ground, and I think that's pretty much all
20 the marks that I made on here. Let me double check. And the
21 conductor did that, which is good. He circled all his chlorine
22 cars so he knew exactly where they were. Yeah, that's the only
23 thing I did.

24 Q. Okay. When you were with the conductor and the police
25 officer, did you hear any discussion on propane or other materials

1 that -- or a mist that was -- or what the mist could have been?

2 A. No.

3 Q. No?

4 A. Nobody knew. I mean, there was no way they could know.
5 Only person that would know would be -- remotely know is the
6 conductor but, see, he didn't -- as far as I know --

7 Q. Uh-huh.

8 A. -- he didn't walk back there, which was a smart thing.
9 Nobody could have known -- well, I think the fire chief -- if I
10 remember -- because the fire chief was standing by his house when
11 I ran down there.

12 Q. Um-hum.

13 A. He -- actually, now that I'm thinking about it, when I
14 went -- when I ran down there the first time and I saw him
15 standing up there, I ran up the hill and he did say, oh, that's
16 vinyl chloride." I do remember that. The fire chief was standing
17 on the -- behind his house. And because he could -- it's written
18 on the side of the car, you know what I mean, the consist. I said
19 okay. He knew that much but I still would need it. I wanted
20 this.

21 Q. Uh-huh.

22 A. So I said, okay, I fine. I ran back. From that point
23 is when I ran back to the head end and that's when I found the
24 conductor. But other than that there was no -- I can't remember
25 anybody saying I know what's in that car. There's no way they

1 would know, but, I mean, how would they know?

2 Q. Uh-huh.

3 A. Without this? So --

4 Q. Was there any fog in the area that morning, if you can
5 recollect?

6 A. I don't remember -- honestly, I don't remember any fog
7 when I was coming to work but I swear to God by the time all this
8 started to unfold --

9 Q. Uh-huh.

10 A. -- it was pretty thick and I -- at first I thought it
11 was just fog but then I realized, okay, the car's leaking pretty
12 bad and that could be --

13 Q. Uh-huh.

14 A. -- and you could smell it a little bit. Because I know
15 Neil and I were driving -- by the time we were driving around --
16 we had to go all the way around 295 to get to Paradise Road --

17 Q. Uh-huh.

18 A. -- we could barely see on that -- what is that Commerce
19 Street, the first crossing south of the bridge, you could barely
20 see -- you couldn't even see the lines on the road, that's how
21 thick it was. We were creeping along, creeping along kind of
22 like, you know, couldn't see and then we finally got to the
23 traffic light where, you know --

24 Q. Uh-huh.

25 A. -- you couldn't see the traffic light till you got like

1 right up on it, that's how thick it was. So by the time we got
2 away -- a little farther away, it cleared up. And we drove around
3 295, drove down Paradise Road, wasn't anything up there, I'm
4 assuming maybe because of the way --

5 Q. Uh-huh.

6 A. -- the direction of the wind. And we walked down -- by
7 the time we walked the train, which was shortly after the
8 incident, by the time we walked the train there was no fog north
9 of the bridge that I can remember, you know.

10 Q. Uh-huh.

11 A. It was mostly like -- I mean, I'm just talking railroad
12 direction, the train runs. The railroad goes north to south kind
13 of like a southeast direction, I guess you could say. It was
14 thick for a little while then it kind of went away.

15 Q. Could you describe what the conditions were like while
16 you were in the vicinity of the derailment?

17 A. Like people-wise or just --

18 Q. Just the cloud, you know, what you observed, the
19 movement of the mist?

20 A. You could see it. I mean, just trying to recall, you
21 know --

22 Q. Uh-huh.

23 A. When I first got there you could see it, like, it was
24 like a haze. It was kind of high off the ground. Well, not high
25 but when I walked through it, it was at my head level but it

1 wasn't on the -- it wasn't all the way on the ground, I guess --

2 Q. Okay.

3 A. -- is the way to describe. But as time went by, like it
4 got heavier and it was -- eventually it made it to the ground. It
5 was pretty thick for a little while. But this, I can't really
6 tell you like timeline how long it took for it to get that thick.
7 But it was thick for a little while and then it slowly kind of
8 drifted away a little bit.

9 Me, I mean, I was up there for a while. I mean, I
10 didn't feel that -- I mean, I'm always tired. Hell, I work
11 ungodly hours. I didn't feel bad. I'm still don't feel bad. It
12 was hazy for a while. I just can't really -- far as how long it
13 took to get like that I'm not really sure.

14 Sorry about that. Okay, new phone. Operator problem.

15 Yeah, I can't remember how long it took to get like
16 that. It's just -- it was a couple of minutes. Like I say, I
17 drove up, it was a haze but not that thick.

18 Q. Uh-huh.

19 A. And it just got thicker as time went on and I think that
20 maybe kind of sent people into panic mode a little bit. That's
21 about all I can remember as far as like what it looked like and
22 you could see, you know, you could see it in the water. I didn't
23 notice that at first but -- the first time I went there I didn't
24 notice it because I was just trying to see what cars were
25 derailed.

1 Q. Uh-huh.

2 A. But the second time I walked down, I actually really
3 started looking around assessing the damage and I could see -- you
4 could see like a film on top of the water kind of like a oil-water
5 mix kind of thing.

6 Q. Uh-huh.

7 A. You could see that in the water and that's what led me
8 to believe, okay, one of them's punctured but at that time I
9 didn't know which one. I think Neil saw which one was punctured
10 before I did. Neil Ferrone. There was a lot of people running
11 around. It was -- I don't want to -- it was like organized chaos
12 kind of, sort of. And I say that, I guess, because, you know, by
13 that time I had pretty much knew or figured out, you know, who I
14 needed to talk to about whatever. So I guess it was what I call a
15 kind of organized chaos; you know, people running around but I
16 pretty much knew where to find who I needed to talk to.

17 Q. How familiar are you with vinyl chloride or have you
18 received any training or --

19 A. Yeah, I mean, I know where to find information. I mean,
20 we have a guidebook --

21 Q. Okay.

22 A. -- I mean, you know. It tells, you know, you look at
23 the guide number, you look it up in the book and it tells you what
24 you need to do, whether you need to evacuate or what symptoms to
25 look for if you're exposed to it. Little orange book.

1 Q. Was there any discussion at the -- that you remember at
2 the fire or at the command -- forward command post, as you say,
3 about personal protective equipment --

4 A. What we need to do?

5 Q. -- or, yeah, what would need to be done?

6 A. They started -- one guy, I think it was the same hazmat
7 guy that I told you about earlier, he said okay, vinyl chloride
8 stabilize, he started running off on all this technical stuff and
9 he was like -- he actually said -- he said because it's in the
10 water that's actually a good thing. That's what he, you know, he
11 said.

12 Q. Uh-huh.

13 A. And he started talking about, you know, make sure it's
14 stabilized and they want -- I'm trying to remember exactly what he
15 said -- he ran off a lot of technical terms and he was saying that
16 we need to evacuate. I don't remember how far he said, but by
17 this time they were already -- far as I could see most of the
18 people, they had -- they started knocking on doors quick.

19 Q. Uh-huh.

20 A. So there weren't very many civilians around that I could
21 see. I know he ran down a lot of things.

22 Q. Uh-huh.

23 A. He got on a loudspeaker and he ran down out a lot of
24 other things. I just really wasn't paying attention exactly what
25 he was saying --

1 Q. Uh-huh.

2 A. -- because I had, you know, other things to contend
3 with. I knew -- from my side I knew I had to convey information
4 to him and get the crew out of harm's way and that I had to convey
5 to my people what I saw as far as the technical aspect of how they
6 suppress it whatever.

7 Q. Uh-huh.

8 A. He did say some things. I just can't remember exactly
9 what he said.

10 Q. Okay. Do you -- at what point, if you can recall, did
11 you feel confident that you had all the materials characterized or
12 the tank cars identified that were in the derailment and then if
13 you could sort of break it into two phases like that? When would
14 you say you had fully characterized those tank cars?

15 A. Like actually what was derailed?

16 Q. What was derailed.

17 A. Pretty quick. I'm trying to think in my head everything
18 I did and I'll give you a guesstimated time. It had to be less
19 than 10 minutes because --

20 Q. Okay.

21 A. -- like I say, I got lucky the conductor was standing
22 there with the paperwork. I didn't have to hunt for it. In my
23 head I knew that's one of the first things I needed --

24 Q. Uh-huh.

25 A. -- you know. Like I said, once I got the paperwork from

1 him it was pretty easy, simply because, one, only so many cars
2 made it across the bridge so I didn't have to walk that far --

3 Q. Uh-huh.

4 A. -- to the actual derailment site. But once he cut away,
5 I just walked down and looked and -- making a little dot next to
6 the derailment -- derailed cars and from that, like I said, okay,
7 and I walked right in and told him what I got.

8 Q. Okay.

9 MR. DEDOW: I don't have anything additional.

10 MR. EL-ZOGHBI: Jeff?

11 BY MR. BOGUSKY:

12 Q. Did you hear any unusual noises while you were going
13 down there looking at the cars?

14 A. Like -- no, I was actually -- we were -- I was listening
15 for any kind of -- because I knew I was taking a chance walking
16 down there, first of all, so I was listening for any hissing or
17 anything like that. I didn't hear anything. I'm assessing --
18 I'm, you know, I'm thinking back, you know, I understand -- it's
19 probably why I didn't initially notice at first that that car was
20 punctured, probably because it was underwater but, yeah, I didn't
21 hear anything.

22 Q. When you cut the trailing cars off, did anything else
23 move, cars on the bridge or anything?

24 A. Actually I left one car, to hold -- the one car that was
25 hanging on the north side, I left one car to keep that from

1 falling in the water. So no, nothing moved.

2 BY MR. DEDOW:

3 Q. When did you make the copies? I was told you made
4 copies of the consist.

5 A. Um-hum.

6 Q. When did you do that?

7 A. That was a while after all this went -- started.

8 Q. Okay.

9 A. It was a couple a hours afterwards because everybody
10 kept asking for the paperwork. I needed the paperwork. Everybody
11 else needed the paperwork. So I said, okay, look -- and I knew I
12 needed to keep the originals and I said, well, I'll keep them. At
13 least I know that -- I know where they are. So I just ran -- it
14 was a couple a hours afterwards. I ran down to the --

15 Q. Okay.

16 A. -- office real quick and made a couple copies and I gave
17 them to them and I kept this. So maybe 3, 3½ half hours maybe,
18 later.

19 Q. So you did distribute the copies that you made?

20 A. Yeah, I gave them to Al Richter (ph.).

21 Q. Okay.

22 A. And he gave them to whoever needed them.

23 Q. Okay.

24 A. Yeah.

25 BY MR. STANCIL:

1 Q. When you were down there, initially, and you saw the
2 mist, the cloud, people were working in the cloud, running around
3 in it?

4 A. I think I was the only idiot that was. No, honestly. I
5 mean, when I ran down -- you talking when I initially got there?

6 Q. Uh-huh.

7 A. There were cops -- yeah, cops were running around
8 because, you know, they were knocking on doors. But, see, the
9 mist was more -- the mist initial -- when I first got there it was
10 closer to -- I really didn't see this until I got right up -- it
11 was close to the train more --

12 Q. Uh-huh.

13 A. -- so than like down the street. When I was driving
14 down the street I didn't see it.

15 I guess they saw it coming out and they started knocking
16 on doors because I didn't see it at first. I was like a couple of
17 houses away and then once I ran down there that's when I saw it.

18 Now, the fire people were standing up by the house, to
19 the east of the railroad, the house up on the -- sitting up on the
20 hill by the bridge. They were all standing up there waiting on me
21 to come back and tell them what was in there. So far as like
22 going down to the derailment site, initially, it was myself and,
23 well, Neil Ferrone when he finally got there, the hazmat guy. And
24 then once I told them what was in there, then more people started,
25 you know, walking around doing what they had to do. But, I mean,

1 my assessment of it they wanted to wait to see what was in there
2 before everybody started walking around doing whatever.

3 Q. What were the responders doing to protect themselves
4 from chemicals?

5 A. Well, I mean, the firemen had on their usual gear. No
6 one, that I can recall, really had on any respirators or anything
7 like that, that I can remember. Everybody was pretty much kind of
8 hanging back, so to speak, and I guess I was going to be the
9 guinea pig but --

10 Q. Why do you say that?

11 A. No, I'm just joking about that. But everybody was kind
12 of hanging back and waiting. Nobody, like I said, the mist was --
13 it was not -- you know, it was kind of -- not contained, but it
14 was in a smaller area at first, and as time went on it just, you
15 know, started to grow and grow.

16 So I guess the cops running around knocking on people's
17 doors they weren't in immediate harm's way at first because the
18 mist was just starting to grow when I got there. You could see it
19 but it was closer to the site and, you know, it started to expand
20 as time went on. But eventually there were quite a few people
21 running around in this mist. I don't know how long it took before
22 they -- it was a while, I know. I can't give you an exact time
23 but I know it was a while before they said, okay -- you know, like
24 you're doing now with the readings and, you know, come in/don't
25 come in. It took a while to do that. I mean, you know, you got

1 to get equipment in place. It did -- it took a while to get that
2 to where it was a controlled environment as far as who can come
3 in, who can't, you know, it took a while.

4 Q. Did anyone express concern about how -- who could go in,
5 how they would protect themselves?

6 A. Well, yeah. Neil Ferrone when he got there, he -- we
7 were both on the bridge, you know. I was talking to our STO. He
8 was talking to -- I don't know who he was talking to, but we were
9 both giving our assessment. And I don't know what prompted him to
10 say it, but he said, "Everybody back." Because when him and I
11 were on the bridge and there were a couple of our people, Conrail
12 people, behind us, like track people, bridge people, I don't know
13 what prompted him to say it, but I know by the time he -- maybe he
14 saw the car leaking because I know by the time he said it that's
15 when I saw the substance in the water, and I guess he saw whatever
16 he saw and he said, "okay, everybody back." So we started, you
17 know, falling back from that point.

18 And then after that I gave him the consist. I showed
19 him what I had in the consist and then we walked up together.
20 Again, this was, like, after my initial conversation with the
21 emergency responder, then him and I walked up again together and I
22 told them what we had, again.

23 Q. Do you have any concerns about what happened that
24 morning, how the response progressed?

25 A. How it progressed after the fact?

1 Q. Right. What do you think about it now as far as what
2 happened that morning?

3 A. Got to choose my words carefully here.

4 Q. Feel free. I mean, it's okay to tell us. Feel free to
5 say whatever's on your mind.

6 A. Yeah, I'm concerned. I mean, have some concerns about
7 the bridge. I do. I think that's probably one of my biggest
8 concerns, the bridge itself.

9 BY MR. STANCIL:

10 Q. What about it?

11 A. The operation. I mean, there have been some issues, you
12 know -- I don't want to point the finger, I'm just -- this is just
13 my assessment of it.

14 Q. Uh-huh.

15 A. There were some issues -- well, I can't -- I'm not a
16 bridge guy, so I don't know. From an operational standpoint, you
17 know, there have been some problems where, you know, a crew come
18 down near the bridge and, you know, a function part, maybe, you
19 know, signal wouldn't come up and, you know -- or a crew will call
20 and report that the bridge is not, you know, functioning properly
21 whatever the case may be.

22 So that's why I have concerns about the bridge because I
23 know that in the past there have been times when the crew come
24 down and they have to report that something's going on with the
25 bridge. It would be the signal or whatever the case may be.

1 Sometimes I hear on the radio if I'm in the area because when I'm
2 riding around, you know, I keep my portable on. But yeah, that
3 would probably be one of my number one concerns.

4 BY MR. EL-ZOGHBI:

5 Q. Is it -- did any of the crew of any of these trains
6 express concerns, as well, to you regarding the loads and the
7 bridge or the operations or anything like that?

8 A. They'll -- I know shortly after the hurricane, of
9 course, we were down due to floods. And shortly after we came up,
10 a crew came down. We got to the north -- they were coming -- they
11 were traveling south.

12 Q. Uh-huh.

13 A. Got to the bridge -- I was in the office, matter of
14 fact, monitoring the radio and I heard the crew call the
15 dispatcher and said something, you know, bridge wasn't locked. So
16 I, you know, drove up there to see what was going on because, one,
17 I knew -- you know, because of hurricane we know what happened to
18 it.

19 Q. Uh-huh.

20 A. So I went up there and walked up on the bridge and it
21 was lined, you know, but it was like where it was supposed to --
22 where the rail's supposed to together it's like this much of gap.

23 Q. Uh-huh.

24 A. And also there was a branch in the water that -- I don't
25 know if that had anything -- but there was a branch in the water

1 that was like right up -- it was up under the bridge and I don't
2 know whether or not that had anything to do with it, I don't know.
3 But I'm just, you know, saying what I saw.

4 Q. Uh-huh.

5 A. So I'm standing there with the crew, maintainers came
6 out. I know he was trying to -- I guess he was trying to manually
7 -- I guess he's trying to manually get it to lock, but it
8 wouldn't.

9 Q. Okay.

10 A. So it took him, I don't know -- timeline-wise I can't
11 really say, I mean, but -- I can't remember how long --

12 Q. Uh-huh.

13 A. -- it took but it took a while for them to finally get
14 it to where they could come across the bridge. That was the first
15 thing. And then I know -- I mean, I can't really say exactly what
16 dates and what time but I know there's been times I'll see the
17 maintainers there, you know, doing whatever they're doing to the
18 bridge, I mean, sometime they -- the crew will tell me, you know,
19 they had to align the bridge for us today, you know, or whatever.

20 Q. Okay.

21 A. So that's why I have concerns about the bridge.

22 Q. Just so I know, have these -- did you ever communicate
23 these concerns within the organization or did any of the other
24 crew and, if so, you know, did you receive any response?

25 A. I personally didn't, like --

1 Q. Uh-huh.

2 A. -- you know, call B&B and say, you know, what --

3 Q. Yeah.

4 A. -- what's going on on the bridge? I know whenever they
5 call the dispatcher, the dispatcher turns around, he calls the
6 trouble desk --

7 Q. Uh-huh.

8 A. -- and the trouble desk calls one of them out.

9 Q. Uh-huh.

10 A. So, yeah, there were -- there was -- they knew, you
11 know, far as -- because, you know -- well, I don't know how they
12 keep track of tickets whenever you call in a problem, but in my
13 head I'm thinking, okay, if they keep calling it in, you know,
14 then calling the trouble desk, then there's a paper trail, what's
15 got paper trail, if you will --

16 Q. Uh-huh.

17 A. -- calling the ticket in, they're getting the calls.

18 Q. Yeah.

19 A. So being a manager, if I were a B&B manager I'd go,
20 okay, you know, I'm getting all these calls on this bridge --

21 Q. Uh-huh.

22 A. -- you know, something's got to be going on. That was
23 -- that's the way I saw it and I -- they were doing -- they'd call
24 it in. They would call the dispatch and dispatch call the
25 maintainer.

1 Q. Okay. Are there any other issues or concerns that you'd
2 like to share with us, or --

3 A. No, that was pretty much it. Yeah, you ask any of my
4 concerns, you know, that -- that's probably my main concern.

5 Q. And particularly that bridge out of all the other ones
6 in the area?

7 A. Yeah. Now, I can't say that is the reason why --

8 Q. Uh-huh.

9 A. -- but I know that's my concern.

10 MR. EL-ZOGHBI: Does anybody have any additional
11 questions or --

12 BY MR. BOGUSKY:

13 Q. Did you leave the five cars there because they weren't a
14 threat to anything?

15 A. What's that?

16 Q. You took the locomotives away, the other five cars were
17 still sitting there.

18 A. Yeah, I told them don't touch the cars because I
19 figured, you know, you guys would need to look at them. So I just
20 said don't worry -- plus, you know, too, time-wise I just wanted
21 to get out of there, you know, worry about the cars later. So
22 yeah, I just cut the power away, sent them south.

23 BY MR. EL-ZOGHBI:

24 Q. Excellent. Well, do you have anything else you'd like
25 to share, observations or anything like that?

1 A. No, I think, I pretty much spilled my guts, yeah.
2 Everything I could think of I think I told you.

3 MR. EL-ZOGHBI: Excellent.

4 MR. STANCIL: Okay. Mr. Fillingame, we appreciate your
5 time and cooperation. Now, one last thing if you could just spell
6 your last name for us so that we get it spelled correctly?

7 MR. FILLINGAME: Yeah, F as in foxtrot, i-l-l-i-n-g-a-m-
8 e.

9 MR. STANCIL: Thank you very much. The time now is
10 11:36 and we have finished our interview. Thank you very much,
11 sir.

12 MR. EL-ZOGHBI: Thank you.

13 (Whereupon, at 11:36 a.m., 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: TRAIN DERAILMENT/CHEMICAL SPILL
 NOVEMBER 30, 2012
 PAULSBORO, NEW JERSEY
 Interview of Gary Fillingame

DOCKET NUMBER: DCA-13-MR-002

PLACE: Clarksboro, New Jersey

DATE: December 5, 2012

was held according to the record, and that this is the original,
complete, true and accurate transcript which has been transcribed
to the best of my skill and ability.

Beverly A. Lano
Transcriber