Conrail Train Derailment with Hazardous materials Release Paulsboro, New Jersey, November 2012

Hearing Transcript – Day 1 of 2 Tuesday, July 9, 2013

UNITED STATES OF AMERICA

NATIONAL TRANSPORTATION SAFETY BOARD

In the matter of:	
INVESTIGATIVE HEARING IN CONNECTION WITH PAULSBORO, NEW JERSEY TRAIN DERAILMENT AND HAZARDOUS MATERIAL RELEASE NOVEMBER 30, 2012	DOCKET NO.: DCA-13-MR-002

Board Room and Conference Center
National Transportation Safety Board
429 L'Enfant Plaza East, S.W.
Washington, D.C. 20694

Tuesday,
July 9, 2013

The above-entitled matter came on for hearing, pursuant to Notice, at 9:00 a.m.

BEFORE: BOARD OF INQUIRY

APPEARANCES:

NTSB Board of Inquiry

CHRISTOPHER A. HART, Hearing Chairman; Vice Chairman
NTSB Board
MARK R. ROSEKIND, Ph.D., Member
ROBERT L. SUMWALT, Member

NTSB Technical Panel

PAUL STANCIL, Investigator-in-Charge
MATTHEW NICHOLSON, Hearing Officer
STEVE BLACKISTONE
LARRY BOWLING
RICHARD DOWNS
MUHAMED EL-ZOGHBI
ERIK GROSOF
DR. GARY HELMER
DR. STEPHEN JENNER
JIM SOUTHWORTH
TED TURPIN
JOHN VONDERBRUEGGEN
DAVE WATSON

Interested Parties

- Federal Railroad Administration (FRA)

  RON HYNES, Director, Office of Safety Assurance and Compliance
  LES FIORENZO, Regional Administrator, Region 1
  DAVE KILLINGBECK, Bridge Expert

- Pipeline and Hazardous Materials Safety Administration (PHMSA)

  WILLIAM SCHOONOVER, Deputy Associate Administrator for Field Operations

- Consolidate Rail Corporation (Conrail)

  ERIC LEVIN, Assistant Chief Engineer
  JONATHAN BRODER, Counsel
  ALLEN RICHTER, Manager, Risk Management
  DAVID D'AMICO, Attorney
  RON RAY, Attorney

APPEARANCES: (Cont.)

Interested Parties

- United States Coast Guard (USCG)

  CAPT DAVID FISH, Chief, Marine Casualty Investigations and Analysis
  LCDR Laneka Giano, Counsel

- Borough of Paulsboro, New Jersey

  ALFONSO GIAMPOLA, Chief, Paulsboro Fire Department
  GARY C. STEVENSON, Deputy Chief, Paulsboro Fire Department
  GLENN ROEMMICH, Captain, Paulsboro Fire Department
  VERNON MARINO, Captain, Paulsboro Police Department
  JEFF DANIELS, Attorney
  BRAD CAMPBELL, Attorney

- State of New Jersey

  DAVID SWEENEY, Department of Environmental Protection
  MARY BETH WOOD, Attorney
  GREGORY SPELLMEYER, Attorney
  SCOTT DUBIN, Attorney
  ROBERT VAN FOSSEN, Department of Environmental Protection, Emergency Response Program
  BRYAN EVERINGHAM, State Police, Office of Emergency Management

- Brotherhood of Locomotive Engineers and Trainmen (BLET)

  WILLIAM WALPERT, National Secretary-Treasurer, National Chairman of Safety Task Force,
  STEVEN BRUNO, Vice President,
  TOM HEBERT, Primary Investigator, Safety Task Force

- United Transportation Union (UTU)

  WILLIAM H. BATES, District 11 Legislative Director and Spokesperson

APPEARANCES: (Cont.)

Panel 1: Conrail Bridge Operations

LES FIORENZO, Regional Administrator, FRA
NEIL FERRONE, Chief Risk Officer, Conrail
WILBERT den OUDEN, Conductor, Conrail
MARK MATHER, Locomotive Engineer, Conrail
TIM TIERNEY, Vice President/Chief Engineer, Conrail

Panel 2: Initial Emergency Response

ALFONSO G. GIAMPOLA, Chief, Paulsboro Fire Department, Borough of Paulsboro, New Jersey
GARY C. STEVENSON, Deputy Chief, Paulsboro Fire Department, Borough of Paulsboro, New Jersey
VERNON MARINO, Captain, Paulsboro Police Department, Borough of Paulsboro, New Jersey
NEIL FERRONE, Chief Risk Officer, Conrail
GARY FILLINGAME, Trainmaster, Conrail
PATRICK ROBINSON, Fire Chief, Paulsboro Refining Company, Paulsboro, New Jersey

Additional NTSB Staff

TERRY WILLIAMS, Public Affairs
ANN GAWALT, Legal Support
SHANNON BENNETT, Legal Support
ALEX BURKETT, Legal Support
NANCY MASON, Administrative Support
JENNIFER CHEEK, Audio/Visuals
STEPHANIE DAVIS, Audio/Visuals

I N D E X

I N D E X

I N D E X

P R O C E E D I N G S

(9:00 a.m.)

CHAIRMAN HART: Good morning. May we come to order please.

I am Christopher Hart, Vice Chairman of the National Transportation Safety Board, and I'm joined by my fellow Board Members, Member Robert Sumwalt and Member Mark Rosekind.

Thank you very much for coming this morning and joining us on this 2-day hearing.

As you may know, Chairman Hersman is the Board Member on scene in San Francisco at the site of the crash of Asiana Airlines Flight 214. Member Earl Weener is not here today because he is also leading a Go Team in Alaska to investigate the crash of a De Havilland Otter that claimed 10 lives. On behalf of the entire NTSB staff, I extend our condolences to the families of those that lost loved ones in San Francisco and Alaska, and we continue to hope for the recovery of those who were injured in the Asiana accident.

Much of this investigative hearing will be examining the roles and responsibilities of first responders. It is only fitting that we recognize the dedication and professionalism of the men and women in our local communities, whether paid or volunteer, who put themselves on the front lines of safety to protect our communities. As we painfully witnessed in the last week with the loss of 19 firefighters in Arizona, there is great

risk and sacrifice associated with being a first responder or a family member of a first responder. All of us at the NTSB salute those 19 fallen firefighters and their families during this very difficult time. And, we offer a collective thank you to all the first responders who are here today for their professionalism and self-sacrifice on our behalf.

So let me move on to the event itself. At 6:49 a.m. Eastern Standard Time on November 30, 2012, a westbound Conrail freight train, FC4230, approached and stopped at a red signal ahead of a moveable bridge spanning Mantua Creek in Paulsboro, New Jersey. Following several unsuccessful attempts by the train crew to clear the signal, the crew received permission past the stop signal and over the bridge from the train dispatcher. At about 7:00 a.m., while crossing Mantua Creek, the locomotive engineer felt the emergency brake activate and watched in the side mirror as seven cars, including five hazardous materials tank cars, derail from the bridge tracks, some falling into the creek.

Four of the derailed tank cars contained vinyl chloride, a known carcinogen and highly flammable chemical. The shell of one of these tank cars was breached during the derailment releasing approximately 20,000 gallons of liquid vinyl chloride into Mantua Creek where it vaporized, creating a large white cloud that was dispersed with the prevailing winds. Twenty-three people were treated that day at nearby hospitals for symptoms of vinyl chloride exposure. Additional emergency responders and members of

the public have since sought treatment for possible vinyl chloride exposure.

The local emergency responders were made aware of the release soon after the accident and established an incident command close to the accident site and in the vapor cloud. Evacuation orders initially were issued to the community but later replaced by recommendations to shelter-in-place. While some emergency response organizations were aware of the released chemical and its dangers, communications were inconsistent and, at times, referred to the release as non-toxic.

Throughout the morning of November 30, the incident command post remained near the ruptured vinyl chloride tank car, and first responders, including Conrail employees, continued to inspect the accident site and wreckage without wearing personal protective gear to prevent overexposure to the vinyl chloride. Later that afternoon a unified command was formed and the incident command post was moved farther away from the release. The unified command also reinstated a community evacuation order when data from the air monitoring activities indicated unsafe vinyl chloride vapor concentrations.

The NTSB is holding this hearing to understand how Conrail ensures the safe operation of moveable bridges and safe crossing. In addition, this hearing will seek to understand the actions and decisions that took place during the initial emergency response in Paulsboro, New Jersey. We are here to find out what

information was available to the emergency responders and what actions were taken to protect the first responders and the community from the release. Furthermore, we will discuss available standards for training first responders, best practices for hazardous materials releases, and state and federal responsibilities with respect to hazardous materials incident response.

As part of our investigation, the NTSB is looking to identify from this hearing the key safety lessons learned from the actions, decisions, and communications during this response so that other emergency responders and communities will be better prepared in the future.

There is always some risk when large quantities of hazardous materials are transported through our communities or through environmentally sensitive areas. It is important to understand whether rail operators are applying sufficient operational safeguards to counter these risks and whether the hazardous materials emergency responders have the knowledge, guidance, equipment, procedures and training to keep pace with a multitude of potential threats from hazardous materials releases.

Over the next 2 days we will be asking: How are moveable bridges kept safe and what are the operational measures put in place to ensure operating crews can safely cross bridges? How do emergency responders assess the dangers of a hazardous materials release? What information do first responders have, or

need, to take protective action following a hazardous materials release? What actions should the first responders take to an unknown chemical threat? And, what role do the state and federal agencies play during a hazardous material release to protect the workers and community?

On June 27, 2013, the NTSB conducted a pre-hearing conference attended by the Technical Panel, the parties to this hearing, and the Chairman of the Board of Inquiry, Deborah Hersman. At the conference, we delineated the topics to be discussed at this hearing and identified and agreed upon the list of witnesses and exhibits.

The hearing will address key issues of the investigation through four panels. These four panels are:

1. Conrail Bridge Operations;
2. Initial Emergency Response;
3. Hazardous Materials Incident Management; and
4. State and Federal Emergency Response Actions.

The primary emphasis of the hearing is on the hazardous materials release and the emergency response that followed. There will be discussion of bridge operations, operating rules, and train operations traversing the bridge. Topics related to the specifics of the bridge structure, tank car design, and the crashworthiness and performance of tank cars will not be addressed at the hearing. In addition, the hearing questioning will be limited to events that occurred during the first day of the

accident response on November 30, 2012.

That is to say, that this is a 2-day factual hearing that is not the complete aspect of our factual gathering process. The factual gathering began on November 30th and will continue after this hearing. The purpose of these 2 days is solely to address those four issues that were agreed upon in the pre-hearing conference.

Testimony and questioning will be limited to the topics identified and agreed upon, and I'd like to underscore we are still in the fact-finding stage of the NTSB investigation, and it will not be complete when this hearing is over. This hearing allows us to supplement the facts, conditions and circumstances related to the incident and identify what can be done to prevent similar incidents, and also what can be done to help mitigate the injury and harm that results if such accidents occur.

Before proceeding, I'd like to recognize the NTSB staff members who are part of this hearing: Mr. Paul Stancil, Investigator-in-Charge; and Mr. Matt Nicholson, the Hearing Officer; and our technical panelists include: Mr. Steve Blackistone, Mr. Larry Bowling, Mr. Richard Downs, Mr. Muhamed El-Zoghbi, Mr. Erik Grosof, Dr. Gary Helmer, Dr. Stephen Jenner, Mr. Jim Southworth, Mr. Paul Stancil, Mr. Ted Turpin, Mr. John Vorderbrueggen and Mr. Dave Watson.

Additional support is provided by Mr. Terry Williams who will be handling Public Affairs, Ms. Ann Gawalt from the General

Counsel's Office, Ms. Shannon Bennett from the General Counsel's Office, and Mr. Alex Burkett will provide legal support to keep me on the straight and narrow. Ms. Nancy Mason will be providing administrative support, and Ms. Jennifer Cheek and Ms. Stephanie Davis who will be handling the audio/visuals.

I will now introduce the parties who are designated to participate in the investigative hearing. As prescribed in the NTSB rules, we designate as parties those organizations or individuals whose participation we deem necessary in the public interest and whose special knowledge will contribute to the development of pertinent evidence.

As I call the name of the party, I ask the designated spokesperson to identify themselves, their affiliation with the party they represent and introduce those other persons at their party's table, starting with the Federal Railroad Administration.

MR. HYNES: Good morning, Vice Chairman Hart. My name is Ron Hynes. I'm serving here as the Director of FRA's Office of Safety Assurance and Compliance.

CHAIRMAN HART: Please pull the microphone a little closer.

MR. HYNES: Good morning, Vice Chairman Hart.

CHAIRMAN HART: That's better.

MR. HYNES: Ron Hynes, Director of Office of Safety Assurance and Compliance, and with us here today is Les Fiorenzo, who is our Regional Administrator from Region 1, and Dave

Killingbeck, who is our bridge expert.

CHAIRMAN HART: Thank you.

The Pipeline and Hazardous Materials Safety Administration.

MR. SCHOONOVER: Good morning, Chairman Hart. I'm Bill Schoonover. I'm the Deputy Associate Administrator for Field Operations for Pipeline and Hazardous Materials Safety Administration.

CHAIRMAN HART: Thank you.

Conrail, Consolidated Rail Corporation.

MR. FERRONE: Good morning, Mr. Vice Chairman. My name is Eric Levin. I'm Assistant Chief Engineer for Conrail. I'm joined by Jonathan Broder, he's our in-house counsel; and Mr. Allen Richter, he's Manager of Risk Management; Mr. Dave D'Amico, he's outside counsel; and Mr. Ron Ray, he's also outside counsel.

CHAIRMAN HART: Thank you.

United States Coast Guard.

CAPT FISH: Good morning, Vice Chairman Hart. My name is David Fish. I'm Chief of Marine Casualty Investigations and Analysis. With me this morning is counsel, Lieutenant Commander Laneka Giano (ph.).

CHAIRMAN HART: Thank you very much.

Borough of Paulsboro, New Jersey.

CHIEF GIAMPOLA: Good morning, Vice Chairman. Alfonso

Giampola, Fire Chief, Paulsboro Fire Department. With me are Jeff Daniels, our attorney; and Brad Campbell, our attorney; my Deputy Chief, Gary Stevenson; my Captain of the Fire Department, Glenn Roemmich; and my Captain of the Police Department, Vern Marino.

CHAIRMAN HART: Thank you. State of New Jersey.

MR. SWEENEY: Good morning, sir. My name is David Sweeney. I'm with the New Jersey Department of Environmental Protection. With me are Mary Beth Wood, Greg Spellmeyer and Scott Dubin, counsel, Robert Van Fossen from the DEP Emergency Response Program and Bryan Everingham from the State Police, Office of Emergency Management.

CHAIRMAN HART: Excellent. Thank you very much.

Brotherhood of Locomotive Engineers and Trainmen.

MR. WALPERT: Good morning. I'm Bill Walpert, National Secretary-Treasurer and National Chairman of our Safety Task Force. Here with me is Steve Bruno, Vice President, BLET, and Tom Hebert, Primary Investigator of our Safety Task Force.

CHAIRMAN HART: Thank you very much.

And then the United Transportation Union.

MR. BATES: Good morning, Vice Chairman. My name is William H. Bates. I'm the District 11 Legislative Director and also spokesperson for the UTU.

CHAIRMAN HART: Thank you. And if any of you accidentally call me Chairman in the course of the event, I will not be insulted. I completely understand, and I appreciate the

promotion.

I'd like to thank all of the parties for their assistance and cooperation with the NTSB investigation thus far. As you all know, we could not do any of this without you. So I appreciate that. There is still more work to be done in the investigation, but we appreciate your valuable time and we look forward to working with you as the investigation continues.

We will begin the hearing with a presentation by the Investigator-In-Charge, Paul Stancil, who will provide an overview of the accident and investigation. We will then proceed in sequence, one panel at a time for each hearing issue.

For each panel, Mr. Nicholson will call and introduce the witnesses, and each will testify under oath. The witnesses have been pre-qualified and their qualifications and biographical information are available on the NTSB website.

The witnesses will be questioned first by the NTSB Technical Panel, then by the spokesperson for each party, and finally by the Board of Inquiry. Presentations should be kept between 5 to 8 minutes in length. The witnesses giving testimony and each person who asks questions will be limited to 5 minutes. After one round of questions, due to time constraints, a second round will be limited to pertinent questions that serve to clarify the record or to address some new matter raised.

I would like to emphasize that this hearing is for the purpose of finding facts and not opinions and not analysis. By

regulation, this means it's fact finding with no adverse parties. We do not assign fault or blame for an accident or incident. Our purpose is to find ways to prevent it and to mitigate the impacts of it. At this hearing, witnesses may not speculate, give analysis or give opinions, and questions are limited to the predetermined subject matter of the hearing, and we don't want the questions to elicit speculation, analysis or opinions. Questions related to fault, outside litigation or legal liability in general will not be permitted, and if I hear any questions of that nature, I will ask you to rephrase your question in a way that elicits facts and not speculation, analysis or opinion.

The exhibits contain redactions that are noted with a gray box, which were the result of negotiations between the parties and the NTSB regarding the disclosure of information claimed to be personally identifiable information or business confidential. The NTSB is authorized by statute to disclose information to carry out its mission, but we must do so in a way that protects the confidentiality to the greatest extent possible. While the NTSB has access to all of the information, the exhibits disclose to the public relevant materials that are part of the investigation and/or will be discussed at the hearing. A white paper that explains our authority to use proprietary information is available on the NTSB website.

At this time I will call on the Hearing Officer, Matt Nicholson, to go over housekeeping items and to describe the

exhibits to be used during the hearing. Mr. Nicholson.

HEARING OFFICER NICHOLSON: Thank you, Vice Chairman Hart.

The exhibits for the hearing have been divided into seven groups.

Group 1, Exhibits A through F, are administrative exhibits. This group is composed of the Order of the hearing, designation of the Chairman of the Board of Inquiry, Notice of Public Hearing, and designation of the Hearing Officer.

Group 2, Exhibits A through M, relate to the bridge operations. These include the NTSB Operations Factual Report, Exhibit A; the NTSB Mechanical Factual Report, Exhibit B; the NTSB Event Recorder Graph, Exhibit H; and interviews of the Conrail conductor and locomotive engineer, Exhibits C and D.

Group 3, Exhibits A through BX are related to the Paulsboro accident and hazardous materials incident management. These include the NTSB Hazardous Materials Group Factual Report as Exhibit A; the NTSB Timeline of Events as Exhibit D; the Paulsboro Emergency Operations Plan as Exhibit T; Plume Models as Exhibits BA through BC; NTSB interviews of the Paulsboro Fire Chief and Deputy Fire Chief, Gloucester County Emergency Management Coordinator and Conrail employees, as Exhibits BE through BI. Also in this group are air monitoring reports, New Jersey DEP statements to the press and Paulsboro fire and police transcripts.

Group 4, Exhibits A through AC, are accident

photographs. These include witness photographs taken immediately after the accident, showing the derailed tank cars and chemical cloud in Exhibits A through O, and aerial photos of the accident, Exhibits P through R and AA through AC.

Group 5, Exhibits A through AK, are exhibits introduced by parties to this hearing. This group includes presentations by the Coast Guard, International Association of Fire Chiefs, The National Fire Protection Association, and Conrail.

Group 6 are witness biographies. This group is composed of Exhibits A through S and contains the respective experience and qualifications of each witness. These biographies were used to pre-qualify the witnesses participating in this hearing.

Lastly, Group 7. Group 7 will contain documents introduced at this hearing. The group will contain the Investigator-in-Charge opening presentation and video, as well as additional documentation requested of the witnesses and parties.

All of the exhibits in Groups 1 through 6 were released to the public docket this morning, and all parties to the hearing have been provided electronic copies.

Any exhibits entered into the record at this hearing and any presentations, along with other records of the investigation, become part of the NTSB public docket and are available via the NTSB website, www.ntsb.gov. Additionally, a transcript of the testimony taken during the hearing today and tomorrow will be prepared and entered into the docket as soon as practicable.

The parties will have the opportunity to submit proposed findings of fact, conclusions and recommendations to the Board of Inquiry after the close of the hearing, and as defined under Title 49 of the Code of Federal Regulations Section 845.27, submissions will be made part of the public docket and will receive careful consideration during the Board's analysis of the evidence in preparation of the final report.

Please note that submissions must be sent to the NTSB within 30 calendar days of today's date, August 9, 2013, and copies must be provided to each of the parties.

Vice Chairman Hart, this concludes the introduction of the exhibits.

CHAIRMAN HART: Thank you, Mr. Nicholson.

Mr. Stancil, will you now provide a description of the accident?

MR. STANCIL: Good morning, Vice Chairman Hart, Member Sumwalt and Member Rosekind.

My presentation will emphasize the Paulsboro Movable Bridge operations, the hazardous materials release, and the emergency response following the November 30, 2012 derailment of Conrail freight train FC4230 in Paulsboro, New Jersey.

On Friday, November 30, 2012, about 6:59 a.m. Eastern Standard Time, a Conrail freight train consisting of 2 locomotives and 82 cars derailed 7 cars, the 6th through the 12th, on the Penn's Grove Secondary track in Paulsboro, New Jersey. The

derailment occurred on the 160-foot-long Paulsboro Movable Bridge over Mantua Creek, a tributary of the Delaware River.

The event recorder data showed the train was traveling at 8 miles per hour when it derailed. The train was traveling from the bottom towards the top, as seen in this aerial photograph.

One tank car in the consist was breached and released about 20,000 gallons of vinyl chloride. Twenty-three area residents were treated at nearby hospitals for possible vinyl chloride exposure. The train conductor and numerous emergency responders were also exposed to vinyl chloride.

Equipment damage estimates were about $450,000 and, as of June 25, 2013, the emergency response and remediation cost totaled about $28.2 million.

This 2011 pre-accident satellite image shows the Paulsboro Movable Bridge in its normal open position for river traffic. The pivot point is located at the geographic west side of the span.

The investigative team found that the bridge has had a history of malfunctions, with a total of 24 reported problems over the year preceding this accident. Half of those problems occurred during the month of November between Hurricane Sandy and the time of the accident.

The investigative team determined that after the previous train crossed the bridge, 8 hours before the accident,

the bridge failed to reopen. The train crew arrived to find the bridge apparently closed but with a red signal displayed. The crew stopped and repeatedly signaled the bridge to close in an effort to get a green signal but the control system did not respond. The crew notified the dispatcher that the conductor had inspected the track and concluded that the bridge was locked. The dispatcher gave the crew authority to operate their train past the red signal. Shortly thereafter, the train derailed.

Four tank cars containing vinyl chloride derailed on the bridge with portions of three cars coming to rest in Mantua Creek. One car was punctured by the coupler of another car at the location identified by the red circle in this photograph.

The following animation describes the early hours of the emergency response to the Paulsboro derailment. Staff has assembled the events presented here from the factual record of exhibits for this investigative hearing.

(Animation of Paulsboro Derailment.)

MR. STANCIL: Despite public statements that the hazard had completely dissipated, air monitoring teams continued to detect the presence of vinyl chloride throughout the morning of the accident.

At 1:00 p.m., a unified command was established that included the U.S. Coast Guard, New Jersey Office of Emergency Management, the New Jersey Department of Environmental Protection, the Paulsboro Fire Department and Conrail. The measured levels of

airborne vinyl chloride prompted the unified command to order an expanded evacuation at 5:00 p.m. on the day of the accident.

On subsequent days, vinyl chloride releases from the breached tank car resulted in additional evacuations that lasted through December 8. As many as 680 residents had been displaced.

Wreckage removal operations were completed by December 17, 2012.

On November 30, 2012, Chairman Hersman and a team of 11 NTSB investigators and 12 Headquarters support personnel launched to Paulsboro to begin the investigation of this accident.

In January, the Hazardous Materials, Mechanical and Track and Structures investigative teams returned to Paulsboro to conduct follow-up investigation. Additional investigative work remains to be done with tank car metallurgy and evaluation of the bridge control system.

At this time, the majority of the investigative group factual reports have been completed and along with other investigative information has been entered into the NTSB docket for this accident.

This concludes my presentation.

CHAIRMAN HART: Thank you, Mr. Stancil.

Now I'd like to get the first panel up to the table and call on the Hearing Officer to call and qualify the first witnesses. Mr. Nicholson.

HEARING OFFICER NICHOLSON: Thank you. For Panel 1, I'd

like to have Mr. Mark Mather, Mr. Wilbert den Ouden, Mr. Tim Tierney, Mr. Neil Ferrone and Mr. Les Fiorenzo, please take your places at the witness table and remain standing.

Okay. Thank you. Would you please raise your right hand?

(Witnesses sworn.)

HEARING OFFICER NICHOLSON: Thank you. You may now take your seats. And beginning with Mr. den Ouden, please state your name, your title and your place of employment or the Agency you're representing today.

MR. den OUDEN: Wilbert den Ouden, Conductor, Conrail.

CHAIRMAN HART: Would you bring the microphone closer? It's difficult to hear sometimes. Thank you.

MR. den OUDEN: Wilbert den Ouden, Conductor working for Conrail.

HEARING OFFICER NICHOLSON: I'd like for each of you to do the same please, if you would. Mr. Mather.

MR. MATHER: Mark Mather, Engineer for Conrail Shared Assets.

MR. TIERNEY: Tim Tierney, Vice President and Chief Engineer for Conrail, Mt. Laurel, New Jersey.

MR. FERRONE: Neil Ferrone, Chief Risk Officer, Conrail, Mt. Laurel, New Jersey.

MR. FIORENZO: Les Fiorenzo, Regional Administrator, FRA Region 1.

HEARING OFFICER NICHOLSON: Vice Chairman Hart, the witnesses have been pre-qualified. Their respective experience and qualifications appear in the docket under Group 6, Exhibits A through S.

Mr. Turpin, would you please begin.

MR. TURPIN: Thank you. Panel 1 will take testimony from the conductor, engineer, Conrail representatives, and the Federal Railroad Administration. We intend to cover the operational aspects of the Paulsboro Bridge.

We'll start with narratives from both the conductor and engineer covering the day of the accident, and then Conrail's management will be questioned about the bridge operations, and then finally we will ask the Federal Railroad Administration their role overseeing the operational aspects of Conrail's use of movable bridges.

And I'll start with Conductor den Ouden. Mr. den Ouden, were you the conductor on the accident train, FC4230, on November 30th?

MR. den OUDEN: Yes.

MR. TURPIN: Please describe what happened on the day of the accident starting with when you went on duty.

MR. den OUDEN: I went on duty, I got my paperwork from the yardmaster in Pavonia. I check all the paperwork, make sure all the dangerous information is correct, at which we go to the engines. The engineer, Mark, inspects the engines and we go to

couple up to our first track and we make the doubles that we have to do. At that time, after we hang the EOT marker, we go to -- Mark takes the train to Jackson Street. I take a jitney there. I got on the train, and he gets his Form D, after which we take the train to Paulsboro.

We come in front of the bridge. Mark comes to a stop. He punches in the code. Mark gets up and leaves the engine for a minute. I look up. I see the bridge was closed so I got off the train. I walked the bridge. I checked the locks. I saw it was locked. I come back on the engine. I tell Mark the bridge was already closed but it's locked. Mark was like let's move the engine up a little bit because we didn't hear any messages.

He moves up the engine. He punches in the code a few more times. It didn't work, at which point we contacted South Jersey dispatch. We told South Jersey dispatch the bridge was closed, it's lined and locked, and he gave us the 241(d), which means pass the stop signal, permission to pass the stop signal.

We go by the bridge and about six, eight cars, all of a sudden I hear a bang, and I look in my side mirror. I see the A-frame actually collapsing, at which time we knew that we derailed.

Mark goes on the radio, calls for the emergency, emergency, emergency, to the South Jersey dispatcher. He also notices the white cloud of vapor, at which point I grabbed my paperwork. We both got off the engines. Mark goes to the right. I go to the left.

A couple of minutes later, the first police officer shows up. I gave him the information. I tell him there's a dangerous car. I wasn't sure which. I was trying to figure out the code. We had one car, one dangerous car for Peerland (ph.) and then we had that whole block for Oxy. So I was trying to tell him what was that code.

In the meantime, I also called Gary, my trainmaster. He was supposed to meet us a little bit farther up the track at Hercules, and I called him up. He asked what happened. I said the bridge collapsed. He's like, what do you mean the bridge collapsed? I'm like the bridge collapsed. So he came back. He showed up. I gave him the paperwork.

At this time Mark was back. One of the police officers wanted to us to cut the engines away. I went, tied on two brakes, either one or two brakes. I cut the engines away, and I told Mark to take the train to Paulsboro Yard Office.

MR. TURPIN: All right. Thank you. Going back to when you stopped at the red signal, could you describe what your role and responsibility is as a conductor when you get a red signal at the bridge?

MR. den OUDEN: At a red signal, what we're supposed to do is there's a code that will close the bridge. We punch that in and remotely the bridge will close. We just have to make sure that the bridge closes and then we have to wait for the message. There are two messages. When we punch in the code, the message

should say "Paulsboro Movable Bridge closing." Once it is closed and we have the green light, it will say "Paulsboro Movable Bridge closed."

MR. TURPIN: Okay. But if the signal stays red and there is no response, what's your responsibility?

MR. den OUDEN: My responsibility is to walk the bridge, make sure it's lined and locked.

MR. TURPIN: Okay. And when you walk it, what are you examining?

MR. den OUDEN: I make sure that the bridge is locked, that the bars are slid in.

MR. TURPIN: Okay. And on the day of the accident, they were in place?

MR. den OUDEN: Yes.

MR. TURPIN: Could you describe the training that you received in order to inspect the bridge?

MR. den OUDEN: Mostly on-the-job training. Eventually after your training, you ride with the conductors for a year and they will -- they might show you, and it was actually shown to me once.

MR. TURPIN: So you had been shown exactly what to look for on the bridge?

MR. den OUDEN: Yes.

MR. TURPIN: Okay. When was that?

MR. den OUDEN: Sometime during my training. I'm not

exactly sure.

MR. TURPIN: Okay. When were you going through your training?

MR. den OUDEN: In 2009.

MR. TURPIN: Other than that day, have you ever inspected the bridge before?

MR. den OUDEN: No.

MR. TURPIN: Okay. So once during training and then once the day of the accident?

MR. den OUDEN: Yes.

MR. TURPIN: Okay. Have you ever inspected any other movable bridges?

MR. den OUDEN: No.

MR. TURPIN: Okay. Anybody else have any questions?

DR. JENNER: Yes, I have a couple follow-up questions in the area of training.

You mentioned 2009 was your initial training. Had you had any follow-up training since that period?

MR. den OUDEN: No.

DR. JENNER: Okay. And overall, did you feel comfortable or confident about your ability to inspect bridges, movable bridges?

MR. den OUDEN: Yes.

DR. JENNER: Okay. Thank you.

MR. TURPIN: Anybody else have anything?

All right. Thank you. I'll now hand the questioning over to Mr. Watson.

MR. WATSON: Thank you. Mr. Mather, starting -- first off, are you comfortable? You okay testifying here?

MR. MATHER: I am, sir. I didn't get much sleep last night. The anxiety level is through the roof. I'm not used to coming to a hearing or Board like this, so it's understandable, but today I'm comfortable enough to let you know everything I know.

MR. WATSON: Okay. That's good to go, and we appreciate that and we appreciate you coming. A lot of horsepower here. A lot of suits and ties and people dressed up in their Sunday best.

MR. MATHER: Yes, sir.

MR. WATSON: Yeah. So yeah, you're the one that was there and can help us to figure out what happened. So we'll just walk through it. That's all right.

MR. MATHER: Yes, sir. I appreciate that.

MR. WATSON: All right. If you need to stop, you just say and we'll stop. Start with when you got the call for duty and walk us down through the wreck.

MR. MATHER: Okay. This particular job is the CA11. That's the way we know it on Conrail's property. I had been on that job for 14 months prior --

CHAIRMAN HART: Could you bring the mic a little bit closer please?

MR. MATHER: Yes, sir. I'm sorry.

CHAIRMAN HART: Thank you.

MR. MATHER: A little better? Okay.

I had been on that job 14 months prior to the November 30th derailment there at the Paulsboro Movable Bridge. I had a steady conductor for about 12 of those 14 months. He was out on an injury from Hurricane Sandy, and then it was kind of musical chairs with the conductors for a little while; everybody was changing places.

The Paulsboro Movable Bridge, no matter which conductors it was, was giving us an issue where the conductors who were on the job had to physically get down and walk the bridge because we were getting conflicting signals. It seemed like they were happening more frequently after Hurricane Sandy had gone through.

On the day of November 30, 2012, we sign up at 3 a.m., and that particular day we were to have 82 cars; 68 of those cars were loaded, 14 of them were empty. The total tonnage for the train that day was 9320 and the feet was 4,917. So if you include the engines, the train itself was 1 mile long.

We made our doubles out of Camden Yard, New Jersey, and we had a total of three doubles to get our train together. All the cars were inspected. All the cars were approved to be in good condition. We didn't have to set any of them out at shops.

So after making our doubles and doing our required airbrake tests, I was able to proceed to Jackson Street and I

stood by and waited for my conductor, Big Will here, to take the jitney ride up to meet me. We went over the bulletin for the day, and I have a copy of the bulletin with me, and there is no restrictions on either the Camden running track, the Vineland running track, the Penn's Grove track, or the Paulsboro Movable track. Everything was okay for our movements.

We came up to the Paulsboro Movable Bridge, and the bridge itself was closed when we got there, but it was displaying a stop signal. Naturally, we stopped at that bridge. I pressed in the code, which is 137 and the star key, waiting for the time to initiate where the bridge would try to close by itself again or at least it was going to give us the signal that we were looking for. We wanted it to change from stop to a clear signal, and it did not do so.

So the conductor got down and he walked the bridge. It's something that's been, again, happening quite often. It was the first day that Big Will, since he was on the job with me, he had to go down and walk the bridge.

I did take a stretch out the back door. I walked out the back door of 8817 and took my stretch in the morning time air, and when I came back, I seen him on the north side of the bridge, and he came up and he said, yeah, the bridge is all lined; it's all locked up. And I said to him, well, we still didn't get our signal, so what I'll do is I'll move up a few feet to try to reenter the code again, to trick the circuitry into letting them

know that the wheels are on the circuit.

It's something that has happened before in the past by just nudging the train up a little bit, reentering the code, the circuitry might tell it, okay, there is a train sitting here and it'll change the signal only, because the bridge is already lined and locked, but it'll change the signal from a stop to a clear. This way I don't have to bother the train dispatcher. It didn't work. I tried the code maybe about six times.

So I called up the train dispatcher. It was John Havlicek that was on duty that day. He's normally the dispatcher in the mornings who I deal with. And I let him know that we were on the Paulsboro Movable Bridge at the stop signal. He gave us a 241, which basically says, okay, the CSXT 8817, you have permission past the stop signal to Paulsboro Movable Bridge, the single track in a south direction.

Before he gives me that, though, I have to make clear that he asks, "Was the bridge walked? Is it lined and locked for your movement?" And I say, "Yes, sir, it is." So he does ask, you know, if it's been inspected.

I get the permission past the stop signal. I'm looking out of the window, and I can see exactly what Big Will's seeing too. The Paulsboro Movable Bridge has locking mechanisms that do one of two things. If they're retracted, they're only going to extend. If they're extended, they can only retract. So I'm looking for those locks, and I can see the conductor's spot on.

They are fully extended.

We go over the bridge real slow because we have to open it up nice and easy, first notch, second notch, because the train itself is just stretching out at that point. If you go too quickly, it can actually -- you know, you have enough power you could tear the train in two.

So very slow and easy, we go over the bridge. Two engines go by the bridge, and the suspension portion of the bridge, and there wasn't a ripple. Everything felt nice and soft. We get about five more cars and then the train went into an emergency. That means all the air pressure just completely dumped from the engine. And I said to -- turned to Big Will and I said, we just went into an emergency, and I looked into the side view mirror, and I could see the A-frame portion of the bridge listing from side to side until it finally goes over like a tree.

When it fell over like a tree, it was almost instantaneous that from the Mantua Creek, I could see a fog cloud coming up. So I said, oh, my God, the bridge is collapsing. So I made an emergency response on the radio, which breaks all other communication. I said, emergency, emergency, emergency. I said, CA11; we have an emergency. Emergency, emergency, emergency.

The dispatcher says, all right, C11, what is your emergency? I said, John, the Paulsboro Movable Bridge is collapsing. I said we have a vapor trail behind us, which he knows that we're carrying dangerous cars. I said to him, John, I

said the vapor trail is heading this way. I said, we've got to get out of here. We've got to get away from these engines. He said, I have to make my phone calls now; I'll be away from the radio for a minute.

So the conductor, Big Will, picked up all his bundle of paperwork that has the placement of every single dangerous car in that train and he got off the front engine at Commerce Street there in Paulsboro. He ran to the left. I took my paperwork that I have here with me today and I ran towards the right, because there's two schools in that area and our thought right there was for the public safety. If we were afraid to be in that fog cloud, we knew we didn't want anybody else to go through it as well.

I can only remember coming up on my side two vehicles that I turned around and I told them, see that fog, you're not going to go through it; turn this car around and head in the opposite direction. The one of them, the fellow had passengers. The other one, I believe he was alone.

Until finally the young officer from Paulsboro came up on the scene where I was at with his lights flashing. It's a little hard to judge time then because everything kind of moves almost like a dream state. It's just -- it's happening so quickly and you can't believe your eyes. You're overwhelmed by what your eyes are actually seeing. And I told this young officer, I said, listen, I said we have chemicals in the train that are very dangerous. And he said you have to get back on the power. My

chief is here now and he wants those engines out of here; they're a possible source of an ignition. And I said to that young man, I said, you know, don't let anybody come through here. I said if you're going to hold the scene, I said be careful.

So I knew he didn't want to be there that day as well as anybody else, but I followed his instructions. I ran back to the engines. I saw my conductor with our trainmaster, Gary Fillingame. Gary was on the scene and he had the bundle of paperwork that had all the cars and what they were carrying in his possession. And I instructed both of them, I said the young officer just told me they want these engines out of here. My trainmaster said, Mark, do exactly what that man tells you to do.

So at that point, I went back on the engines and I recovered from the panel the -- I believe because the engines were still in an emergency status, so I recovered my air. Big Will put a couple handbrakes on the cars to make sure that they were secured, the ones that we were leaving behind, wouldn't be able to roll anywhere on their own accord. He cut me away and we went to Paulsboro Yard office.

After I got over Commerce Street, I had stopped for a moment and I said to him, do you want to drop down here with the trainmaster, because I wasn't sure if the trainmaster had a portable radio at that time. And I believe he did because Big Will said to me, Mark, take us to Paulsboro Yard office. So we did go to Paulsboro Yard office, filled out our statements of what

we remember what happened at that instant, and then we were taken to the hospital right away to take the mandatory tests. We did blood and urine tests and all the results came back negative that same day.

MR. WATSON: All right. Thank you for that, and thank you for that detailed answer. That answered a lot of the questions that I had scripted out here to do. We're getting the hook. You know, we've got so much time to ask on each one. So that was very detailed and it's much better that the information come directly from you than having to, you know, parcel it out, you know, a little at a time. That was a very good answer. Thank you for that.

MR. MATHER: You're welcome, sir.

MR. WATSON: Are you a qualified conductor?

MR. MATHER: Yes, sir, I am.

MR. WATSON: And during the time that you were in that qualification process, did you go through the training or the process that's been described as far as inspecting how a bridge is locked?

MR. MATHER: Well, what they'll do is -- the gentleman that would have showed me is now retired from Conrail. And I remember being at Paulsboro one time and he said, listen, you've got to get down and take a look at the bridge with me. So we basically walked, he showed me the locking mechanisms, and they're something that's very easy to see. They're huge. They're maybe

about 4 foot long. And what they're going to do is they're going to extend or retract. When the bridge is in an open position for the marine traffic, they're retracted. As the bridge lines itself up, the locking mechanism gets extended, which locks the rail parallel to each other. So I was shown, you know, what to look for.

MR. WATSON: And how long ago was that roughly?

MR. MATHER: It would have been probably 2003 when I first came to Conrail.

MR. WATSON: Okay. And had you had reason to get off of the locomotive and look down at that from to 2003 in the 10 years up to the accident?

MR. MATHER: I may have, sir. I couldn't tell you any specific date, but I may have, yes. As a matter of fact, I can tell you for a fact, when I was engineering, and the conductor had turned to me -- he's now a yardmaster -- he said to me, Mark, I'm not really sure what I'm looking for. So I said, okay. We stopped at the Paulsboro Movable Bridge. It was a stop signal. It didn't display the green that we were hoping for. So I walked this particular conductor over the bridge and I showed him the placements of the locking mechanisms. So I actually showed a conductor what he was looking for.

MR. WATSON: Do you have a rough idea of what year that was?

MR. MATHER: It was probably, let's see, I'm going to

say 2011.

MR. WATSON: Okay. And when you say you could see these locking mechanisms, there's four of them, right?

MR. MATHER: Yes, sir.

MR. WATSON: Can you see all four of them from your locomotive or just the two farther ones out?

MR. MATHER: Well, I can see them both but at different times. When I'm on the north end of the bridge, I can see the north end's slid in. As I'm going over the suspension portion of the bridge, now I can see farther to the south end. So when the north end travels, they both travel simultaneously. There's like a connecting cam that shoves both of them in at exactly the same time. Now I'm not sure if all four of them travel at the same time because I can only see the closest end towards the engineer's window first. Those I can see slid into place. And then as I go over the bridge I'm always looking out the window, constantly, I see the south end also in place.

MR. WATSON: And on the day of the accident, are you pretty sure that they were all four in place?

MR. MATHER: Sir, I'm 100 percent sure that all four were in place. There's no doubt in my mind.

MR. WATSON: Okay. And can, and I don't know this, can they be partially engaged?

MR. MATHER: I don't think they can. I don't think they can. I've never seen anything that would indicate that they could

be partially in place.

MR. WATSON: All right. And are there other swing bridges that you operate over?

MR. MATHER: Yes, sir.

MR. WATSON: All right. On the --

MR. MATHER: On the same branch, it's the Bridgeport Movable Bridge, which is 6 miles farther south from the Paulsboro Movable Bridge. The bridge is set up a little bit different. The important thing that they have on the Bridgeport Movable Bridge that the Paulsboro Movable Bridge did not have on November 30, 2012, or ever had, was Bridgeport has 4-foot high steel girdered walls. If a rail should snap, and one of the cars would derail, then it's not likely to go anywhere other than remain inside of the bridge. Paulsboro Movable Bridge doesn't have that, so that when the rail had snapped, the cars went right down into the creek. So we do operate on a different bridge, but if the same incident would have happened there, then the cars wouldn't have fell into the creek because of those steel 4-foot high girdered walls.

MR. WATSON: Yeah. Is that a through -- let me ask Mr. Tierney. Is that a through truss bridge he's talking about?

MR. TIERNEY: Yeah, that's a through girder bridge.

MR. WATSON: Through girder bridge, all right. Thank you. And, Mr. Mather, are you familiar with the requirements to get by a red signal?

MR. MATHER: Yes, sir. I'm very familiar with it because it's happened to me, on that 14 months that I've been on this job, dozens of times.

MR. WATSON: Okay. And is it as Mr. den Ouden described; for the sake of time, did he get it right?

MR. MATHER: I'm sorry?

MR. WATSON: In the sake of time, did Mr. den Ouden get the process right when he described it earlier?

MR. MATHER: Yes. He knew that he had to get down and walk the bridge and inspect the bridge and make sure that the locks were in place.

MR. WATSON: All right.

MR. MATHER: So he did that exactly right. He walked the bridge. He made sure that they were in place. He came back and told me what he saw and I can confirm what he saw with my own eyes.

MR. WATSON: And is the process that we understand now, is it the same in non-signalized territory and in signalized territory?

MR. MATHER: I have never came across this incident in signal territory. The only movable bridge that I go across like this would be the Paulsboro Movable Bridge. I guess the signal territory would be the Delair. Delair would be the same -- I'm trying to think of how to answer that now. Give me a second.

If I'm going across the Delair Bridge and I have a stop

signal, from this point on, since that November 30th incident, I can't go across the bridge no matter what a dispatcher tells me. I report that the signal is a stop signal. He knows at this point now that there's nothing we can do. They're going to send out people who are maintainers to inspect that bridge, instead of a conductor, instead of an engineer, and they're going to make that signal change for us.

MR. WATSON: Good.

MR. MATHER: So it has changed now the rules at Conrail at least.

MR. WATSON: But prior to the accident, there was no requirement that maintenance of way people come to assist you to get across a bridge?

MR. MATHER: The maintenance people would only come to assist us if the bridge did not lock up.

MR. WATSON: Have you had that happen? Have you had it where the --

MR. MATHER: I've had a conductor who had walked the bridge and he told me, no, the bridge is no good; it's not locked up. And at that time, someone at Paulsboro Yard office was overhearing our conversation because they can hear the communications that are happening on the radio, and he chimed in from the Paulsboro office and he said, hey, fellows, listen, try this: There's a box on the side of the bridge. Go into that box and hit a reset button and then try your code all over again, and

see if that changes your situation.

So at the prompting of another conductor who wasn't on our job, just happened to be listening in Paulsboro Yard office, we took his advice and we tried what he had told us to do and, in fact, the locking mechanisms at that point had slid into place and my signal turned into a clear. So it had worked. So apparently the fellow who works at the Paulsboro Yard office that gave us those instructions that day, he had problems with the bridge and he found a solution that he passed on to us.

MR. WATSON: All right. And this is all word of mouth, just amongst -- informal type training?

MR. MATHER: Yeah, it's informal type training. It's just somebody that's an older, wiser conductor, said, hey, listen, guys, this happened to me before, try this: Go in there, hit a reset button and try your code all over again and see if you get a different result.

MR. WATSON: Did you ever have a time when maintenance of way people, actual bridge technicians or someone, came out to help you get across the bridge?

MR. MATHER: I don't recall. No, I don't recall. Because what we'll do is, if we're stopped and the conductor walks the bridge, he knows what he's looking for, he sees that those locks are in place. The only thing that we're missing here is the signal, the clear signal. We don't know if something in the circuitry's bad. We don't know if the green light is out. So

we're going to move the train. We're going to let the dispatcher make that call. We're going to tell that dispatcher that the conductor that's on this job has walked that bridge. He can see the locks are in place. I can see them with my eyes out through my windshield and I'm going to tell him the same, and he's going to give us a 241 to move that train so it's not blocking -- it's a mile long -- blocking other road crossings.

MR. WATSON: Yeah. And the information that the dispatcher is relying on is the information that both the conductor and the engineer are passing to him --

MR. MATHER: Yes, sir.

MR. WATSON: -- in non-signalized territory?

MR. MATHER: Yes, sir. That's true.

MR. WATSON: All right. I'm looking down through my questions here, and you answered a lot of them.

Oh, and here's kind of a critical one. Is it possible that in -- let me frame it this way. In the time that you came up on there and the bridge was not locked, you know, was it lined? You know, was the gauge in place? Was the bridge closed so that the gauge was proper but just the locks were not slid in?

MR. MATHER: I'm not exactly sure. What position are you saying that the bridge is? Are you saying the bridge is open for marine traffic? Could you repeat the question?

MR. WATSON: Yeah. Can it be lined, can the bridge be lined for rail movement but not locked?

MR. MATHER: Yes. Yes, like I said earlier, a young conductor who had walked the bridge found the bridge in a closed position but the locks were not in place. So he had told me on the radio, no good, this bridge is not locked up. And at that point, that's when another conductor from the Paulsboro Yard office chimed in and said, hey, fellows, try this.

MR. WATSON: All right.

MR. MATHER: Open up and hit the reset button.

MR. WATSON: We're getting the hook here. You said you didn't feel anything. Oh, operational tests, they're called in the railroad vernacular, efficiency test. Have you ever had an efficient test, you know, performed on you or your crew at the Paulsboro Bridge prior to the accident?

MR. MATHER: An efficiency test. By whom, sir?

MR. WATSON: A trainmaster, an operating officer, someone like that?

MR. MATHER: Yearly, a trainmaster or a road foreman will go for a ride with me to check out my operation skills as an engineer.

MR. WATSON: Sure, a 240. But something --

MR. MATHER: But I don't recall --

MR. WATSON: -- a surprise test where they hide in the bushes and they come by and they drop a red flag or they drop a fusee or, you know, they'll turn a light out on you or whatever those efficiency tests are to see if you're able to comply with

the operating rules.

MR. MATHER: I'm not really sure I understand your question, sir. Are you saying has anybody surprised me on my engines by --

MR. WATSON: Yeah.

MR. MATHER: -- doing something that they're not supposed to be?

MR. WATSON: No, no, not -- no, absolutely not. Efficiency test, operational check are required by the FRA and the carrier, you know, just to check the operating crews to find out if they're knowledgeable and compliant, you know, with the rules. And in order to do that, there's a number of different ways that they do it, banner tests --

MR. MATHER: Oh, I've heard of a banner test, yes. I've never had one on me, but, yes, I know what you are -- yes, I know what you're talking about with the banner test, yes, sir.

MR. WATSON: All right. Any other of those kinds of things. Have you ever been checked at the Paulsboro Bridge prior to this accident on the procedure to go across it?

MR. MATHER: No, sir.

MR. WATSON: Okay. Have you heard of other locomotive engineers, you know, when you're sitting in a coffee shop or something, you talk about being tested there at that bridge?

MR. MATHER: No one has mentioned it to me that they've had a Conrail person test them at the bridge, no, sir.

MR. WATSON: And you talked about, and I'm going to get shot here in a second, have you -- the changes regarding the train movements over movable bridges since the accident.

MR. MATHER: Yes, sir.

MR. WATSON: Can you go over again that for us?

MR. MATHER: If we go to a movable bridge now, and regardless of the state of the bridge, whether it's open or closed, if it's a stop signal and the bridge swings and the conductor gets down and takes a look at the bridge and says, yeah, it's all lined up and it's pinned down, but we still have that stop signal, now we'll report that to the train dispatcher and say the conductor took a look at the bridge, it's all lined up, it's all pinned down, but it's a stop signal. He has to say to us, I'll send a maintainer because he cannot give us a 241 past that bridge ever anymore, and that's ever since that accident on November 30, 2012.

MR. WATSON: Can you see this red light here?

MR. MATHER: I can, sir.

MR. WATSON: They keep flashing it at me. So thank you for your testimony. It was really enlightening. Thank you very much.

MR. MATHER: There's one thing, if I can add? I don't know if anybody has this for a follow-up question, but I'd like to point it out there for you.

MR. WATSON: Go ahead.

MR. MATHER: Okay. Thank you, sir.

MR. WATSON: They'll hook me, but they can't you.

MR. MATHER: Okay. Thank you. Paulsboro Movable Bridge actually has a voice. When the bridge is closing, I key in my response and it says, "Paulsboro Movable Bridge closing; out." When the bridge is lined and locked for my movement, it'll say, "Paulsboro Movable Bridge closed; out."

What I've been getting for the 3 months prior to this incident was conflicting messages where the bridge would close, the bridge would line up, lock up and give me a clear, but I was getting no audible messages at all. I would go over the bridge maybe about 10 car lengths and then it would say, "Paulsboro Movable Bridge failed to operate." So I would call up the train dispatcher and say, John, we've got conflicting messages. The bridge is lined and it's locked, it gave us a clear, but it's telling us it failed to operate.

And all these like problems that were happening with this Paulsboro Movable Bridge seemed to be reoccurring more often since that Hurricane Sandy. Now I don't know if the hurricane itself had any effects on the bridge, but I do know for a fact that I was on the job for 14 months, and the problems got worse after the hurricane.

MR. WATSON: And this was on multiple occasions, right?

MR. MATHER: Yes, sir. And it's not just my crew alone that have been having problems with it. I've been hearing from

all the crews, the guys that work at Paulsboro, the PA40, the PA10, the PA21, and there's the ethanol trains that run down there. So if it's happening to me, it's happening to everybody, and they've been echoing the same thing back to me. They said, Mark, we've been having nothing but problems with that bridge.

Every time that we have an incident with that bridge, it gets reported to the train dispatcher. So he says, okay, I'll notify the maintenance people. So it's something that they're very aware of that it's been happening.

MR. WATSON: All right. And you heard earlier when Mr. Stancil had the opening statement, that there were 24 reported incidents in the year prior to the accident and about 12 of those were in the last month. Do you think that's the tip of the iceberg?

MR. MATHER: I think the number's far greater than that to tell you the truth, far greater.

MR. WATSON: All right. Thank you. See all these sticky notes they're writing, there's ugly stuff on everyone of them.

MR. MATHER: Okay.

MR. WATSON: Thank you for your testimony.

MR. MATHER: You're very welcome.

MR. TURPIN: Thank you. Any follow-ups from the panel?

All right. We're going to move on now to Mr. Tierney. I understand you have a short presentation. And if you'd like to,

please begin.

MR. TIERNEY: Yes. Good morning. Good morning, Vice Chairman Hart. My name is Tim Tierney, and I am Vice President and Chief Engineer for Consolidated Rail Corporation, more commonly known as Conrail. I have been with Conrail since 1978 and I am responsible for the bridge management program at Conrail.

I thought it might be helpful to describe Conrail's organization generally and to briefly describe the operation of the Paulsboro Movable Bridge where this incident occurred.

First, let me tell you about Conrail. Conrail was formed by federal law to acquire federally designated rail properties and to operate certain rail services previously provided by several bankrupt railroads throughout the Northeast and Midwest United States. Conrail began its operation April 1, 1976, and the company eventually went public in 1987.

In 1999, pursuant to a transaction approved by the Surface Transportation Board, Conrail transferred a significant portion of its real property and operating assets to each of two Conrail subsidiaries: one to be operated by Norfolk Southern Railway Company, NSR; and one by CSX Transportation, Incorporated, CSXT. Conrail itself continued freight rail operations utilizing real property and operating assets that it retained.

Following the 2003 decision by the STB, in 2004, the two subsidiaries were spun off from Conrail and merged into NSR and CSXT. Today, Conrail is a switching and terminal railroad that

operates in northern New Jersey, southern New Jersey and Philadelphia area and the Detroit area as a separate and distinct company from Norfolk Southern and CSX.

Certain corporate functions are provided by NS and CSX through service provider agreement, such as claims services by Norfolk Southern and environmental response services from CSX. Some of those services were provided in the response to the incident at Paulsboro.

Secondly, I'll talk about the Paulsboro Movable Bridge. Engineers and conductors operating on this territory are trained and must be qualified on the physical characteristics of the territory. This training includes 4 weeks of classroom work and 50 weeks of on-the-job supervised familiarization in the field. Additionally, qualification testing for engineers and conductors includes questions regarding bridge operations.

Conrail's timetable includes specific instructions regarding the Paulsboro Movable Bridge. Conrail operates under the Northeast Operating Rules Advisory Committee's operating rules, or NORAC, which govern operations of nearly 60 railroads in addition to Conrail.

NORAC Operating Rule 241, subpart (d), which sets forth the procedure for proceeding past stop signals at a movable bridge, applies to all railroads operating under NORAC and is very similar in this respect to operating rules that prevail throughout this country.

Conrail also maintains a comprehensive bridge inspection program which has been reviewed by the Federal Railroad Administration. Although we have seen some references in the early comments following this incident to a bridge collapse, it is important to note that the bridge did not collapse at the time of this derailment. An independent consultant analysis post-derailment which has been provided to the NTSB and is part of this record, has also confirmed the bridge was structurally sound.

Conrail restored service across the bridge within hours after the last derailed car was recovered on December 16, 2012. Since the derailment, the bridge has been permanently locked in the closed position. Conrail is committing to replacing the bridge with a new movable bridge that will permit marine and rail traffic by September 2014.

I'd like to refer to our Exhibit AK to help explain how the bridge is operated by Conrail crews.

This is a view of the Paulsboro Movable Bridge in the open position on our Penns Grove Secondary Line. The arrows indicate railroad orientation, north, south, east and west, with the Delaware River approximately a half mile west of this location.

From March 1 to December 1, each year, the Paulsboro Movable Bridge is left open for marine traffic, as required by federal regulations. Train crews needing to operate over the bridge must close the bridge during that period to allow for the

passage of trains. The procedures to operate this bridge are documented in our timetable for the Penns Grove Secondary. Train crews must approach the bridge prepared to stop, and upon verifying there is no marine traffic in the river channel, they activate closing the movable bridge by keying in a required code on their portable radio or locomotive radio keypad. A warning message is broadcast over loudspeaker and radio announcing the closure and that announcement is acknowledgement that the request has been received.

This photo shows a trainman keying in the code to activate a bridge closure, and the bridge signal is seen to the right-hand side of the track.

This is a close-up view looking north of the Paulsboro Movable Bridge in the open position, the swing span perpendicular to the bridge structure and a visible view of the marine channel.

This photo shows the bridge partially closed and moving right to left in the photo with the crew observing the movement. The miter rail assemblies and slide locks are seen here both on the swing span and the fixed span.

When the movable bridge is completely closed, a message is broadcast over radio and loudspeaker confirming closure. A proceed signal will then be displayed.

In this photo, you see a train proceeding over the bridge after closure. The posted sign on the bridge structure advises boaters of our bridge operation and a contact number at

Conrail.

After the train proceeds over the bridge and is clear of all bridge circuits, the movable bridge will automatically open. A message will be broadcast over the radio and loudspeaker confirming the opening and completion of the opening cycle.

This is a close-up view looking northward of the four slide locks at the north and south ends of the movable span.

The next two photos show a close-up view of the signal proximity detectors shown on the slide locks in the driven position. In a fully driven position, the signal to proceed will be displayed.

At this time I'd be happy to answer any questions the Board may have regarding the bridge.

MR. WATSON: Good morning. At the time of the accident, you were responsible for both Conrail's bridge maintenance and maintenance of the track structure?

MR. TIERNEY: Yes.

MR. WATSON: And were you directly responsible or consulted regarding operational decisions or procedures for passing over these bridges on Conrail?

MR. TIERNEY: Can you rephrase that, Mr. Watson?

MR. WATSON: Yeah. Typically on a railroad when there's a joint operation like passing over a bridge, the maintenance of way people will get in either a committee or a group with the operational folks and talk about what needs to be done, what rules

need to be published, what timetable notices, whatever, you know, the instructions of how something is to be done, safely get over the bridge.

MR. TIERNEY: And your question is in reference to the remote control?

MR. WATSON: To that. Yeah, were you involved in any --

MR. TIERNEY: Yes.

MR. WATSON: -- process like that?

MR. TIERNEY: Yes. At the time it was remote, yes.

MR. WATSON: Yeah. And that was prior to the accident?

MR. TIERNEY: Yes.

MR. WATSON: Developing those procedures for getting over the bridge?

MR. TIERNEY: That's correct.

MR. WATSON: All right. And were the procedures, 241 procedures, the same in signal and in non-signal territory?

MR. TIERNEY: The requirements are the same.

MR. WATSON: Exactly the same. All right. They've already passed the ugly notes here.

And can you tell us how the procedures have been altered since the accident?

MR. TIERNEY: Well, the night of the derailment, there was concern raised by the FRA about passing stop signals on movable bridges, and we want to confirm that reports were being received promptly about any issues at movable bridges and that,

you know, at all of our 11 movable bridges that we were in compliance with the full requirements of 241, subpart (d).

MR. WATSON: Okay. And the 24, I guess that would be official reported trouble tickets, how comfortable do you feel that that was the entire amount of problems that were being experienced out there at the Paulsboro Bridge?

MR. TIERNEY: Well, we record all reports of issues, and our service desk is located in the same room and directly behind our dispatchers. It's manned 24/7 and we get reports, not only from train crew operations, but from the police, the public, and policing agencies, for example. We document all reports that are received and we do not close a report out until there's satisfaction that the proper people were dispatched to look at the problem and that the problem was either rectified or it's been documented properly.

MR. WATSON: All right. And from my general understanding of the process, sometimes maintenance of way people are dispatched out to take care of whatever problem is wrong with the bridge and sometimes the train crew is instructed to, you know, check it out. Can you tell me how that determination is made?

MR. TIERNEY: When the report comes in of a problem, maintenance people are dispatched, and we go out and verify what was reported and what the likely cause was and what repairs were made to that. Now in the Paulsboro situation, every report we

responded to, at all times when we responded to it, if we could not duplicate the problem, the bridge was found to be in working condition before those maintenance people left the scene.

MR. WATSON: How do the instances transpire when the crew checks out the bridge? They come up and they get a red and they walk the bridge, it's locked, and they get a 241 across the bridge. That doesn't involve maintenance of way responding, does it?

MR. TIERNEY: Sure.

MR. WATSON: Oh, it does?

MR. TIERNEY: They are -- the 241 notification to the South Jersey train dispatcher that they can't get the signal is a cue to our service desk through communication that there's a problem there that needs to be looked at. So we respond to 241 issuing to go out and inspect the bridge.

MR. WATSON: And have you had the opportunity to ride a locomotive over the Paulsboro Bridge or other movable bridges?

MR. TIERNEY: Yes.

MR. WATSON: All right. And with your experience, can you see from the locomotive control compartment when the slide locks are engaged and when they're not?

MR. TIERNEY: Yes. At the Paulsboro Movable Bridge, the slide locks are at track level and they're very, very evident from the view of the locomotive cab.

MR. WATSON: All right. And as Mr. Mather described,

you can see the ones closest to you, depending on which direction you're going, first up, and as you proceed across the bridge, you can see the other side. Is that pretty accurate?

MR. TIERNEY: Yes. They're separated by some 50, 55 feet. So as you proceed south or north, the other end comes into view as you progress.

MR. WATSON: All right. And from a safety point, if there's two of them, the ones closest to you that you can see, are engaged, they should keep that bridge from swinging, right, from moving?

MR. TIERNEY: It is a swing pivot bridge and all four locks are required to be driven to receive a proceed signal.

MR. WATSON: And are they driven at the same time?

MR. TIERNEY: The north end and south end are driven independently but they're driving, you know, ideally at the same time, but they're driven by separate motors.

MR. WATSON: And is it possible for a bridge to come unlocked under a moving train?

MR. TIERNEY: No, the circuitry involved with the PLC, the programmable logic controller, once you enter the circuit of the bridge, the locks or any type of driving of the mechanism would be prohibited.

MR. WATSON: By that circuitry?

MR. TIERNEY: That's correct.

MR. WATSON: And is that the circuitry that was in

question that had been giving these false annunciations or conflicting annunciations?

MR. TIERNEY: Well, the annunciations are driven by the PLC, the logic controller, and the fail-safe feature of the bridge is through the proximity detectors and the signal system. If you don't have a full stroke of your locking rails, all four of them, you won't get a signal to proceed.

Now there have been times where you would have a signal proceed and get a different message that would indicate you have some type of sequence issue with the PLC, but nonetheless, the fail-safe mode of the bridge is through the signal system and you have to have the slide locks fully driven to get the signal to proceed. If not, you'd have a red signal.

MR. WATSON: So by design, the bridge is fail-safe?

MR. TIERNEY: That's correct. Regardless of the mode of failure of the bridge, the signal system is the fail-safe mode.

MR. WATSON: And in the event that fail-safe is displayed as a red signal, then the approved method to get beyond that red signal is as described by the two train crew members this morning. They walk and they check and they look and they confirm to the dispatcher, he then gives them authority, 241, to pass over the bridge.

MR. TIERNEY: Yeah, the requirements of 241 are to verify that the rail is lined and the bridge is safe for passage.

MR. WATSON: All right. And then we've heard quite a

bit during the investigation about the effects of Hurricane Sandy and what was going on and it was just a mess, not just at the bridge, but generally, you know, throughout that region. And setting aside the reported problems with the Paulsboro Bridge in the 6, 8 weeks leading up to the accident, what was the general volume of unusual occurrences on Conrail? High water, soft spots, washouts, anything that would entail sending personnel or equipment out after hours to do something other than the normal inspection or maintenance?

MR. TIERNEY: The impact that we felt with Hurricane Sandy was much more significant in our northern New Jersey area, Staten Island and northern New Jersey, with the similar type events that you've described. The southern New Jersey area, we did not have significant problems with Sandy by the nature of the way the storm came through. We had a lot of trees down. We had some minor washouts, but nothing to the extent we had in northern New Jersey.

MR. WATSON: And had you transferred personnel or equipment or assets of any kind, you know, within your region, within your jurisdiction, you know, to take care of the other problems that were occurring?

MR. TIERNEY: Some staff certainly directed their activities to the northern New Jersey area, but the maintenance people and managers assigned to the southern New Jersey area weren't redeployed. They stayed in the southern New Jersey,

Philadelphia area.

MR. WATSON: And how comfortable are you that you had sufficient staff and equipment to take care of the day-to-day needs in that area?

MR. TIERNEY: We had everything we needed and, as needed, we employed contractors to supplement our requirements.

MR. WATSON: And had you employed contractors?

MR. TIERNEY: Yes. Yes, especially in northern New Jersey.

MR. WATSON: And how would you characterize the volume in those, you know, few months after Sandy with any given year or 5-year period?

MR. TIERNEY: Clarify that, Mr. Watson, the volume of?

MR. WATSON: Bad things will happen from time to time, whether it's a hurricane or whatever it is, you know, bad snowstorm, you know, whatever can occur, and there's typically a recovery period, you know, given a 6-month window. How critical was the recovery after Sandy compared to other events you had had in the last 5 years?

MR. TIERNEY: Well, again, our focus was northern New Jersey and Staten Island, but we recovered very quickly, and through the help of our contractors and our staffing we recovered quite well.

MR. WATSON: I see the light's blinking at me here. I've got one more question. They're going to start passing ugly

notes any second.

On occasion it's necessary to prioritize, you know, what's going on, you know, with any operation. Had you done that in relationship to moving men and equipment after Sandy?

MR. TIERNEY: Well, naturally, you know, we always prioritize, you know, the demands of our operation, and safety is certainly the first requirement that we look at to make sure we have safety for our crews and for our employees, as well. So anytime that we're deploying resources, including our managers and our employees, you know, we're concerned about safety first and that's really our first requirement. Secondly is prioritizing the service demands that we have to provide and making sure that we're meeting them in a prioritized order. So, yes, we prioritize our response, but we don't jeopardize the safety of the crews or our people.

MR. WATSON: All right. Thank you. And I appreciate your testimony.

MR. TIERNEY: Thank you.

HEARING OFFICER NICHOLSON: I'm going to interject at this time. It is 10:30. We'd like to -- there are additional questions, I believe, on the panel. If we could, I would recommend or ask that maybe we shorten our break, Vice Chairman.

CHAIRMAN HART: You're good to go. We won't take the break until after the panel's done.

HEARING OFFICER NICHOLSON: Okay. Thank you. Dr.

Jenner, please proceed.

DR. JENNER: Thank you. In the spirit of what you just mentioned, safety first, I'd like to follow up with that and change directions a bit and talk about how Conrail identifies hazards and risks and, Mr. Ferrone, I may call you into service as well.

To start off, are you familiar with the concept of safety management systems?

MR. TIERNEY: I have heard of that, but I'm not totally familiar with the details.

DR. JENNER: Okay. Does Conrail have a safety management plan? And what I'm getting at is just a process for identifying potential hazards and minimizing risks.

MR. TIERNEY: I would ask Neil, maybe, to comment on that.

DR. JENNER: By all means.

MR. FERRONE: Mr. Jenner, yes, we do. We have a safety action plan that we follow and we also employ safety committees and methods of unsafe conditions are being reported. We have numerous ways to do that: Through a safety hotline which goes direct to my reporting officer. We have forms that the employees can fill out and give to their supervisors which we follow up. There is also a corporate hotline on a decision tree which employees can call and give us issues and we follow through with those as well, sir.

DR. JENNER: Okay. Well, along those lines, let me give you a hypothetical. If you could give me an example of how a hazard is identified, evaluated, and mitigated by the process you just described?

MR. FERRONE: Well, let's just say an employee calls into the safety hotline of an unsafe condition. It could be a walking condition. It could be, I mean, any condition. That safety hotline is transcribed, given to the local management that is responsible for that area, whether it be the engineering department, the transportation department, or the mechanical department. That field supervision will then inspect it, repair it and then get back, and if the employee leaves us contact information, we usually get back to the employee and tell that employee what the resolution was of the problem.

DR. JENNER: Okay. And along the lines of this accident, you know, certainly earlier we heard that in the months prior to the accident, there were several reports by crew members of problems with the bridge. Can you give me some details about the type of process that those -- or the type of attention that those reports received and the resolution before the accident?

MR. TIERNEY: Well, as I described the process before, our reporting process goes through our service desk. That's manned 24/7 and is in close proximity to our train dispatchers for communication purposes. They record all reported problems associated with our infrastructure, and I said that may come

through train operations, through crews reporting it to train dispatchers; some come from the public and from other agencies.

Those reports are documenting what happened, when, the description of what the problem was, and they're left open until appropriate maintenance personnel and/or managers review the response and the corrective action. And, you know, in the 30 days leading up to Paulsboro, there was, as mentioned, some 10 or so problems that were identified. Several of those were problems that were obviously repaired, with either debris associated with high water that got jammed in the mechanisms of the bridge as part of the tidal cycle, or other repairs to components such as the proximity detectors I showed you in the presentation, or one was simply a burned out bulb.

We were, however, chasing an intermittent problem. During the course of November, we had our electronic consultant that was involved with the design of that bridge out there twice trying to research this intermittent problem, and we could not duplicate the intermittent problem when he was there nor at any response during the course of November when we responded to these problems. However, when we did respond to those problems, the bridge was tested, the bridge was cycled through its process of opening and closing, and was found to be working as intended each time before they left.

DR. JENNER: And finally, has anything changed in terms of the process you just described since the accident?

MR. TIERNEY: No, the process continues. I mean, we continue to monitor the activities that are reported, we document them all. We continue to ensure that proper response and timely response is given to reported problems, and we follow up on those problems till we're comfortable that a resolution has been reached.

DR. JENNER: Great. Thank you, sir.

MR. TURPIN: Okay. Anybody have any other further questions?

All right. Then we'll move on down to Mr. Fiorenzo, Fiorenzo. Mr. Southworth, please.

MR. SOUTHWORTH: Hello, everyone. Mr. Fiorenzo, if you could just briefly explain the region you regulate? You mentioned Region 1. The regional office is in Boston. What encompasses Region 1?

MR. FIORENZO: Region 1 consists of the six New England States in addition to New York and New Jersey. Just a note on New Jersey. We assumed control of southern New Jersey, south of Trenton, in the summer of 2010. Prior to that, the southern portion of New Jersey belonged to FRA Region 2.

MR. SOUTHWORTH: And how does the FRA conduct oversight or enforcement of the regulations, of operating rules used by the railroads in your region?

MR. FIORENZO: Well, the railroad promulgates operating rules; timetable special instructions, which are an application of

the operating rules to specific situations, locations, conditions; and also safety rules. We have inspectors that when the opportunity presents itself, they observe employees as they go about their duties. And in the observations, we try to determine if they are complying with the operating rules, the timetable special instructions, the safety rules. If we identify noncompliance, we so note on an inspection report as a defect, which we furnish to the railroad and, if the opportunity presents itself, we discuss the noncompliance with the employee.

Certain operating rules, we have regulations for certain operating rules. Those relate primarily to shove moves, switches and correspondence, cars left afoul. For those operating rules, we have federal regulations. So if we find noncompliance, in addition to citing a defect, we also have the option of citing a civil penalty. But other than those few operating rules for which we have regulations, we cannot cite a civil penalty. We resort to the identification of a defect.

MR. SOUTHWORTH: Has the FRA ever monitored the Conrail control operation center? And, if so, have dispatcher duties and responsibilities in providing instructions to train crews at red signals been part of your observations or the FRA's observations?

MR. FIORENZO: Since we took over -- the control center is in southern New Jersey. So prior to the summer of 2010, that was handled by FRA Region 2.

Since then, we've been to the control center, but we

haven't conducted any monitoring or audits of the control center. We've been there for other purposes, but we've never conducted an audit. Now prior to the summer of 2010, I don't have the answer to that.

MR. SOUTHWORTH: Okay. Thank you. Has the FRA reviewed and monitored Conrail's operational testing program or efficiency testing? And, does the program include operations at movable bridges?

MR. FIORENZO: Since the summer of 2010, we have not conducted an audit of their operational testing program. Once again, prior to that, I don't have the answer. 214 compliance, 241(d) should be part of their operating rule program.

MR. SOUTHWORTH: So the information prior to 2010, would that be available to us later?

MR. FIORENZO: We could get that information, sure.

MR. SOUTHWORTH: We would like to get that information please.

MR. FIORENZO: Yes, sir.

HEARING OFFICER NICHOLSON: I'm going to add that then as an exhibit. That will be 7C. It's a request to Les Fiorenzo for a pre-2010 -- what is it I'm looking for, Mr. Southworth?

MR. SOUTHWORTH: Any operational testing programs that they've looked at and any observations that they may have done, by FRA, within Conrail's control center of operations.

CHAIRMAN HART: Do you have a time frame in mind?

MR. SOUTHWORTH: Two years.

MR. FIORENZO: Yes, sir.

MR. SOUTHWORTH: We heard earlier from Engineer Mather. He mentioned the Bridgeport Bridge 6 miles south of Paulsboro. Are there any other movable bridges within your region, particularly within Pennsylvania, New Jersey area?

MR. FIORENZO: We have approximately 68 movable bridges in Region 1. I think there's about 29 in the State of New Jersey. Even though Pennsylvania's not part of our region, I understand there's four movable bridges, or about four.

MR. SOUTHWORTH: And these are all different designs? Are any of them the same design as the one in Paulsboro? We've already known or heard from Engineer Mather the difference in the Bridgeport area bridge.

MR. FIORENZO: Well, there's three basic designs for movable bridges. There's a bascule type bridge, which pivots on a horizontal axis. So it pivots on one end, would raise and lower in this fashion. Another type is the swing bridge. Paulsboro was a swing bridge. It pivots or rotates on a vertical axis. And there's a lift bridge which acts like an elevator with two towers, raises up and down. Those are the three basic types.

But I understand Paulsboro, that design, it's referred to as a shear pole swing bridge, and that A-frame that you saw in the photographs, I understand that's a unique design. That may be the only design in the entire nation.

MR. SOUTHWORTH: Okay. Thank you. We've already talked about NORAC Rule 241 and the different descriptions there. I'm going to jump to a question here that -- have any FRA inspectors ever had an opportunity to observe a railroad operating crew inspecting a movable bridge that you know of?

MR. FIORENZO: That's difficult to answer. It's possible. The inspector would have to be present at the bridge with the crew and observe it.

MR. SOUTHWORTH: That's kind of what I'm after. I'm trying to find out whether with the Paulsboro Movable Bridge, if the FRA has ever been there to ensure that the bridge is inspected by qualified employees when it's red?

MR. FIORENZO: We have no record of that. It's possible that a crew member was there -- or an FRA inspector was there with the crew, but if everything functioned as intended, there would be no record made of that. Only if there was some type of malfunction or noncompliance would there be a record, and we have no record of that.

MR. SOUTHWORTH: What actions did the FRA take following the Paulsboro accident?

MR. FIORENZO: We issued a safety advisory. I think it's number 2013-01.

MR. SOUTHWORTH: Just briefly, what was the purpose of the safety advisory? What information does it provide?

MR. FIORENZO: Twofold. It was to notify the industry

of what happened in Paulsboro and, secondly, and more importantly, to remind the industry of the importance, the necessity of when granting permission by a stop signal at a movable bridge, that the employee inspecting the bridge must be properly trained, must have the necessary knowledge and expertise to make the decision that the bridge is safe for train operation.

And there were three parts to that also. It advised the industry to review the design of their bridges, movable bridges, to ensure that they have span locking, which AREMA advises. Secondly, to advise the industry to make sure their operating rules protect the safe movement of trains across movable bridges. And thirdly, to ensure that the person, the employee that makes that determination whether or not it's safe is properly trained and consequently has the requisite knowledge and expertise.

CHAIRMAN HART: Matt, is that document an exhibit?

HEARING OFFICER NICHOLSON: Yes, the safety advisory is an exhibit.

CHAIRMAN HART: Thank you.

MR. SOUTHWORTH: Thank you, Mr. Fiorenzo. I don't have anything further right now.

MR. TURPIN: All right. Thank you.

Mr. Nicholson, this completes the initial questioning from Panel 1.

CHAIRMAN HART: Okay. I think we'll go ahead and the next questioning will be by the parties. We're going to take a

20-minute break. Let's be back at 5 minutes after 11. Thank you.

(Off the record at 10:47 a.m.)

(On the record at 11:08 a.m.)

CHAIRMAN HART: Welcome back, everyone. We're going to now go to the questioning by the parties, and again, I caution the parties that we're looking only for facts, not speculation, not analysis, not a conclusion. We're just looking for the facts. So the first party to ask questions will be the Coast Guard.

CAPT FISH: There's no marine nexus, Vice Chair, so we'll pass.

CHAIRMAN HART: Thank you.

PHMSA, do you have any questions of this panel?

MR. SCHOONOVER: Thank you, Vice Chair, but no.

CHAIRMAN HART: Thank you.

FRA, do you have any questions of this panel?

MR. HYNES: Yes, Vice Chairman, I just have a couple of questions.

Mr. den Ouden, you indicated that your training consisted of on-the-job training as far as the bridge, and that you were aware of the rail locks having to be in place before you proceeded. What was your training or do you recall your training, if any, what to do if the rail locks were not in place?

MR. den OUDEN: No. I don't remember.

MR. HYNES: Okay. Thank you.

And, Mr. Tierney, you mentioned about a programmable

logic controller for the bridge. Does that have a data logger or some kind of fault recording device? If it doesn't work, if a signal doesn't clear, can you go to anything on the bridge to let you know why the signal didn't clear?

MR. TIERNEY: There's a record of faults that would be recorded if through a cycling of the bridge there was some type of problem. So those faults are recorded or are available to review.

MR. HYNES: And was there anything that came to light after your people went to the bridge after it didn't work, was there anything that was commonplace that showed as a fault?

MR. TIERNEY: There was -- as I said, we were trying to replicate and troubleshoot an intermittent problem, and that involved with locking the bridge and producing a "bridge failed to operate" message. There was a pattern of certain faults that would be given when that happened. When we tried to replicate that in the few times we were there, including with our consultant, we couldn't replicate it to a failure mode when we were there.

MR. HYNES: Okay. But it did show an indication of the locking devices not being -- am I getting that right, that it showed a fault with the locking devices?

MR. TIERNEY: Well, there's many types of faults that get indicated having to do with the different logic that the controller goes through for a full cycle of closing. So you would review those and it would help you to try to pinpoint either a

pattern or a certain component that was failed. But as I said, we couldn't replicate that, not that there weren't similar faults, but we couldn't replicate it to ascertain and be confident that we had a component failure that was causing this.

MR. HYNES: Okay.

MR. TIERNEY: And each time that -- as I said, each time that we left the bridge, the bridge had been cycled and tested and found to be in working condition.

MR. HYNES: Okay. Thank you. No other questions for FRA, Vice Chairman.

CHAIRMAN HART: Thank you.

Brotherhood of Locomotive Engineers and Trainmen.

MR. WALPERT: Yes, I have some questions.

My first question is for Mr. Mather, and you previously stated that you have been on the -- were on the Paulsboro job for 14 months prior to the November 30, 2012 accident. In those 14 months, do you have any idea of how many trips you had made over the Paulsboro Bridge?

MR. MATHER: Yes, sir, I could probably give you a good estimate. Any given day I'll have about 100 cars going roundtrip between Camden and returning to Camden. So during an average week, I'm looking at about 500 cars a week. I had been on the job for 14 months, 60 weeks. So that's about 30,000 cars that I've taken back and forth across that bridge safely before the November 30, 2012.

MR. WALPERT: Okay. And you also said that you could see the locking mechanism on the bridge from your seat as an engineer. Do you observe that only when you receive a stop signal there and are proceeding under Rule 241?

MR. MATHER: No, sir. No, sir. I'll look for those locks every time I approach that bridge. When you approach the bridge, you always approach prepared to stop, always, because you never know if -- even if the bridge is lined and locked up in the wintertime, and if you do not have a clear, then you have to stop at the bridge, somebody has to walk the bridge and take a look and make sure the locks are in place. At that point, when we know that everything that we've done is satisfied by the rule, then we can talk to the dispatcher. He's going to give us a 241, and at that point, 241 requires us to move at restricted speed.

At restricted speed, not only are we going to be under 15 miles an hour -- at the Paulsboro Movable Bridge the maximum speed is 10 -- but we're going to look for things like broken rail, we're going to look for switches that are not aligned properly. In the case of Paulsboro Movable Bridge, we're going to look at the locking mechanisms, not just me, but the whole crew. We're all looking for these things, and we're going to stop within half of our vision if we find anything misaligned.

MR. WALPERT: Okay. Thank you. Also I'd like to follow up on a question asked by Mr. Watson regarding the operational testing or efficiency testing. You indicated that you were not

aware of any efficiency testing. Could it be that you had been tested and/or observed by carrier officials and were not aware that they had tested you?

MR. MATHER: Yes, sir. It would be a strong possibility that if they had tested us, the only way we would get approached is if we didn't pass the test, and then they would say, you know, we watching and you did something wrong. So that has never occurred. So it's possible, yes, that they have watched us in the past and we satisfied their requirements so they didn't stop us to give us an attaboy but had watched us perform our work successfully, yes.

MR. WALPERT: So you have never been notified that you had failed an efficiency test; is that correct?

MR. MATHER: That is correct, sir. I've never been notified that we failed anything.

MR. WALPERT: Okay. Thank you, Mr. Mather.

I have a question now for Mr. Tierney. You indicated that when a crew proceeds past a bridge under Rule 241 that -- and I understood you to say that every time, that there is an inspection of that bridge by maintenance crews. Is that correct?

MR. TIERNEY: What I referred to was when 241 is instructed by the dispatcher, after the crew observes the bridge, that report is given to our service desk as a follow-up to look at the reason why 241 was necessary. Sometimes it's a burned out bulb, sometimes it's something routine, or sometimes it involves

the bridge operation.

MR. WALPERT: Okay. So I'm still not clear. Is the bridge inspected every time that there's a report of a stop signal at the bridge and the crew proceeding under Rule 214?

MR. TIERNEY: If the report is made that they need permission past a stop signal, that information should be given to our desk, who's right in proximity to a train dispatcher, and we follow up on that report. Yes, sir.

MR. WALPERT: All right. Thank you.

Also a question for Mr. Fiorenzo. How many FRA inspectors are there in Region 2?

MR. FIORENZO: I can answer for Region 1.

MR. WALPERT: Region 1, excuse me.

MR. FIORENZO: We have approximately 30, 32 inspectors in Region 1.

MR. WALPERT: Okay. And how much territory does that encompass?

MR. FIORENZO: It's the six New England States, New Jersey and New York.

MR. WALPERT: Yeah, and how many track miles is that?

MR. FIORENZO: Lots.

MR. WALPERT: Okay. So you're not sure how many track miles?

MR. FIORENZO: No, I don't have that information.

MR. WALPERT: Okay.

MR. FIORENZO: But it's not so much a large territory but a very dense territory. Many train operations, just take New York City, for example, the commuter rail, Amtrak, just many, many trains, many, many passengers, and significant freight operations also.

MR. WALPERT: Okay. Thank you.

CHAIRMAN HART: Could you provide that information for the record?

MR. FIORENZO: Yes, sir.

CHAIRMAN HART: Thank you.

UTU.

MR. BATES: UTU has no questions.

CHAIRMAN HART: Thank you.

State of New Jersey.

MR. SWEENEY: Thank you, Mr. Chairman.

A couple of questions, first for the engineer. Immediately following the derailment, you had cut away and removed the front end of the train. Both you and the conductor had shipping papers. At the time you cut away and left, who did you leave the shipping papers with on the scene? I missed that, I think.

MR. MATHER: That's not an accurate statement you just made, sir, and I'm going to correct you by, immediately after the derailment, an emergency response went over the radio to notify the dispatcher at South Jersey so that they could give the proper

authorities notification that we had the problem. We then left the engines with the cars that were attached to them and ran into the middle of Commerce Street there because of the two schools in that area. My conductor ran to the left, I ran to the right, and any vehicles that were approaching us, we turned them around.

MR. SWEENEY: Yeah, I'm -- at the point that you were removing the front end of the train, did you leave the shipping papers with anyone at the scene, because you and Mr. den Ouden went to the Paulsboro Yard.

MR. MATHER: Big Will wants to answer that, if he may.

MR. den OUDEN: I'm in charge of the shipping papers. When I took them out, I went over with the police officer afterwards. My trainmaster, Gary Fillingame, came. I gave the papers to Gary.

MR. SWEENEY: Thank you. Good.

Second question, for the engineer, based on Mr. Tierney's comments, when you first were approaching the Paulsboro Bridge, you would normally have expected that to be in the open position, correct?

MR. MATHER: Yes, sir. November 30th, the bridge would be open for marine traffic. The bridge was scheduled to be closed for the season December 1st, 2012, the very next day.

MR. SWEENEY: And when you arrived, in fact, the bridge was in the closed position already, correct?

MR. MATHER: Yes, sir, it was.

MR. SWEENEY: Thank you. You had also mentioned earlier a reset procedure that you had learned about from another conductor. You didn't try that the day of the emergency, right?

MR. MATHER: No, sir. The only reason you would use that if the locking mechanisms weren't in place. Then you would go into the cabinet, and you would hit the reset button, initiate the response code a second time, and then the bridge would close, lock, and then hopefully you would get the clear signal which would indicate you're okay to proceed with your movements.

MR. SWEENEY: Thank you.

The next question, I guess, is for either Mr. Tierney or Mr. Ferrone. You had referenced inspections by Hans Heidenreich. It's Exhibit Group 2, Exhibit E, if anyone else wants to look at it. He had made some recommendations following his inspection and his inability to fix the intermittent problems. He had recommended that the bridge get closed 10 days prior to the December 1st normal shutdown of the navigable waterway. How did Conrail evaluate his recommendations?

MR. TIERNEY: We viewed -- of course, he was there twice during the month, and we understood his recommendations as -- and we knew we were troubleshooting an intermittent problem that we couldn't duplicate. We viewed his recommendation as the type of work we'd have to do to further troubleshoot the problems we had there was best done after the bridge was closed for the season so we would not disrupt both marine traffic and rail traffic.

We did not take it as an immediate safety concern because we knew that the fail-safe method of the bridge with the signal system was working properly and, again, we could not duplicate the failure mode that was being reported. Each time we were out there, we ensured that the bridge was functioning as proper before we left.

MR. SWEENEY: And my last question is for Mr. Tierney and, Mr. Chairman, I apologize if this goes across the boundary of what I'm allowed to ask.

There's been a lot of discussion about the procedure of 241. Does that process of stopping and doing an evaluation assume that the locking system is properly functioning? We're applying a procedure to a system that could be broken. So my question for Mr. Tierney, does the 241 process assume that there is a transient glitch in the system?

CHAIRMAN HART: That's a fair question. If you know the answer?

MR. TIERNEY: Well, I'm not sure exactly what you're getting at, but there's many reasons you'd have a stop signal at a bridge other than just the locking mechanism. There could be many other reasons for that, and one of them would be that the locking mechanisms weren't fully engaged. So depending on whether it's signaled or non-signaled territory and certainly the type of bridge and the design of the bridge, there are different circumstances, I guess to answer your question.

MR. SWEENEY: Thank you. That's it for New Jersey.

CHAIRMAN HART: Thank you.

Any questions from the Paulsboro table?

CHIEF GIAMPOLA: Yes, Vice Chairman. For Mr. Tierney, when was the logic system installed onto that bridge at Paulsboro?

MR. TIERNEY: We made the Paulsboro Movable Bridge remote control in the 2003 time frame and that PLC was installed then, and there had been some updates to the software with that over time, but initially installed in 2003.

CHIEF GIAMPOLA: And my last question. Was there any correlation with this bridge failure to the 2009 bridge failure? Was that investigated by Conrail?

MR. TIERNEY: Yes. We were very involved in the incident in 2009, where we did have a structural problem with one of the supporting mechanisms on the bridge. That was fully and properly repaired in the 2009-2010 time frame, and there's no correlation between what happened then and this incident.

CHIEF GIAMPOLA: Thank you. No other questions.

CHAIRMAN HART: Thank you. And does Conrail have any questions?

MR. LEVIN: Yes, Mr. Vice Chairman, thank you.

This is a question for Mr. Tierney. Can you please explain how service desk trouble tickets, the information that's garnered on those tickets are disseminated to the organization for proper handling?

MR. TIERNEY: Well, as I said, you know, these are permanent records that are left open until properly closed out, and they are available to all maintenance and operation personnel on a daily basis. We in the engineering side view those daily in our 6:45 operational call, and we look for proper closeouts, patterns, but most importantly, ask our field managers for any assistance or follow-up that they need to make sure that we're following through on proper closeout of a reported problem.

MR. LEVIN: Thank you, Mr. Tierney. No further questions from Conrail.

CHAIRMAN HART: Thank you.

Now we will have the Board of Inquiry questions. Mr. Sumwalt.

MEMBER SUMWALT: Yes, good morning. And as a point of decorum, my colleague here, the Vice Chairman, is Vice Chairman of the Board but he is acting as Chairman of this hearing. So it would be nice to address him accordingly, but he's too nice of a guy that he wouldn't say it himself. So thank you.

CHAIRMAN HART: I'll take a temporary promotion anytime I can get it.

MEMBER SUMWALT: Absolutely.

Mr. Tierney, would you agree that determining the pin position of this movable bridge is critical before a train passes across the bridge?

MR. TIERNEY: Determining the position of the locking

mechanism; is that your question?

MEMBER SUMWALT: That is correct, sir.

MR. TIERNEY: Yes.

MEMBER SUMWALT: And describe the training that Conrail provides to ensure that employees are adequately trained on ensuring the locking mechanism position.

MR. TIERNEY: Well, we have an extensive program that really begins with the hiring of our employees, and I addressed it somewhat in my opening statement with classroom --

MEMBER SUMWALT: But I want to know specifically the training to determine the position of the locking mechanism. That's what I want to know.

MR. TIERNEY: Well, most of that comes from on-the-job familiarization and operating, either during their training or during their job assignments. All our crews that operate on our lines, removable bridges, are required to be familiar with those as part of our physical characteristics. Keep in mind, specially on our movable bridges that operate like Paulsboro, and there's several of them, where the crew activates the closure, there's a lot of successful closures where crews observe the operation of that bridge -- the closing, the annunciation, the movements of the bridge -- and there's a lot of familiarization that comes from observing that as part of a normal operation where it worked as intended. So in the course of time, crews operating over this line have a lot of successful closures where they observe that.

And as I said before, our fail-safe mode, of course, goes to the signal system and if they're not comfortable with determining whether the bridge is lined or safe for passage, they must report that and ask for instructions.

MEMBER SUMWALT: Well, thank you for the answer.

You mentioned that they go across the bridges several times when they're successfully locked. Now what training do you provide for your train crew members to determine how the bridge is properly locked when they have to go out manually and walk the bridge? What training do you specifically have in your training program and your syllabus to determine that?

MR. TIERNEY: That comes from on-the-job familiarization with working with the crews, and as part of their new hire and early-on training, they're very often, as you heard today, taken to the bridge and either shown from experienced members or from our training group the function of the bridge.

MEMBER SUMWALT: Now we heard Mr. Mather state that in 2011, he worked with a conductor that did not know how to determine whether the bridge was properly locked. I know you're probably not familiar with that particular event, but how do you suspect that might have happened? If you have this built into your training program, how could you have a conductor that doesn't know how to determine whether or not the bridge is locked?

MR. TIERNEY: I'm not familiar with that particular --

MEMBER SUMWALT: Do you specifically have a line item in

your syllabus to determine the proper position of the locking pins, of the locking mechanisms?

MR. TIERNEY: No, there's not a description of that in our timetable or in our training manuals. It's done through, as I said, on-the-job familiarization.

MEMBER SUMWALT: Do you have it now, after the accident, a specific item?

MR. TIERNEY: No. But, you know, as this is an ongoing investigation and, you know, we're all hoping to learn a little bit more through this process, we haven't changed anything with that.

MEMBER SUMWALT: Thank you.

Mr. den Ouden, just for clarification, in your interview the day after the accident, you stated that the first time you checked, that you were shown -- the first and last time that you were shown how to determine the position of the locking pins was 4 years earlier. In your testimony just a little while ago, you stated that was in 2009. So there's about a year discrepancy there. And I know you may not remember precisely, but I want to make sure that we are precise. So 2009 would have been about 3 years before the accident. 2008 is what you indicated in your interview. So can you -- which is correct? Do you recall?

MR. den OUDEN: It's going to be 2008, 2009. I was hired September 2008. So that training probably happened in 2009, on-the-job training.

MEMBER SUMWALT: So you think it was 2009?

MR. den OUDEN: Yes.

MEMBER SUMWALT: Okay. Thank you.

Mr. Mather, back to the question I asked Mr. Tierney. You stated that in 2011, you found a conductor that did not know what to look for. Any idea how that might have happened?

MR. MATHER: I think he was very unfamiliar with that bridge. He's never taken a walk by himself. Somebody else might have showed him what to look for, but it was his first time getting his feet wet, walking out there by himself and looking, so he asked me to show him what to look for. So the two of us went out there together and I showed him exactly how the locks slide up against the rails tightly.

MEMBER SUMWALT: Thank you.

I'm going to call for Exhibit 5B. We've seen this earlier and Mr. Tierney called for it, but I'd like to call for Exhibit 5B and I want to get a -- let's look.

Mr. den Ouden, I'm going to ask you to describe in detail how you check these locking mechanisms. And so we're going to scroll through these slides, and you tell us where to stop because I want you to have the slide that is best, best describes -- best shows what you can describe.

MR. den OUDEN: Actually, the other one, the one before this. Yeah. Basically what I'm looking for is that the bar is slid up.

MEMBER SUMWALT: And we can take the mouse pointer and we can move it around here so we can make sure we're looking at the right thing. Okay?

MR. den OUDEN: Yeah. Actually, go over to -- that one, yeah. To make sure that's slid in. And I always thought it had to line up with the orange box because I thought somehow that connected.

MEMBER SUMWALT: You say does it have to line up with the orange box, or not?

MR. den OUDEN: I found out later, it does not.

MEMBER SUMWALT: So in this picture, would you say that that locking mechanism is properly locked?

MR. den OUDEN: I would probably say yes.

MEMBER SUMWALT: Okay. And let's denote which page that is. I don't know the answer to the question I just asked, but just for the record, I want to have a notation of which page that is in Exhibit 5B.

HEARING OFFICER NICHOLSON: That's page 3 of the exhibit.

MEMBER SUMWALT: Page 3. Thank you.

Okay, so can you describe how much of an overlap there should be? Give us as much detail as you can on how you would go out and look at what you're supposed to be looking for? How much overlap should there be between the -- are these actually the rails that we're looking at here? No, they're not the rails.

These are the locking mechanisms, correct?

MR. den OUDEN: Locking mechanism. These are locking mechanisms, yes.

There you go. Basically it actually has to fit into the -- as I understand, as far as possible, probably about a foot or so, but I'm not 100 percent certain about that.

MEMBER SUMWALT: I'm sorry. I could not hear that. Say that one more time please.

MR. den OUDEN: Probably about a foot, but I'm not certain.

MEMBER SUMWALT: Oh, okay, about a foot. Okay. Thank you. Now the train stopped at 6:49. That's when you did not get the clear signal. The accident happened 10 minutes later. So there was about a 10-minute period of time, opportunity for you to go out and inspect. How much time did you spend looking at these?

MR. den OUDEN: I walked up. I just looked, I saw the locks were engaged. I go to the south end, I see the locks are engaged, and I come right back.

MEMBER SUMWALT: Did you actually physically walk over and look at each of the four locks?

MR. den OUDEN: Yes.

MEMBER SUMWALT: And I don't know what the lighting conditions would be. We're almost towards the shortest day of the year. It's before 7:00. Describe the lighting conditions. Was it like twilight, where the light was somewhat illuminated, the

sky was somewhat illuminated but the ground was still dark, or what were the lighting conditions?

MR. den OUDEN: As I remember, it was actually pretty clear. It might have been twilight. It was pretty clear. I know I didn't need my lantern.

MEMBER SUMWALT: And that's what I wanted to know. You did not need a flashlight to look at it?

MR. den OUDEN: No.

MEMBER SUMWALT: Okay.

CHAIRMAN HART: You're close to the end.

MEMBER SUMWALT: Now I'm going to take that chairmanship back from you. All right. So we have -- that's what I want to know, what are the length of our rounds, because it started at 20 minutes?

CHAIRMAN HART: All right. Well, for now I'll just go 10 minutes per member on the first round.

MEMBER SUMWALT: Okay. All right. Good. Then if that's the case, then I'm out of time. So thank you.

CHAIRMAN HART: You're out of time.

Member Rosekind.

MEMBER ROSEKIND: And now that I know exactly how much time I have, I'm actually going to start with -- Mr. Tierney, would you answer Member Sumwalt's question from your perspective, how far is that lock supposed to be? That mechanism, how far -- that we were just looking at, fully engaged, halfway engaged, can

you give us a --

MR. TIERNEY: It has a stroke of, you know, approximately 8 or 9 inches from the retracted to the fully extended. It's got to bridge, obviously, the gap between the fixed and the movable span, and then continues on to a fully engaged position where the proximity detector would determine it's fully driven.

MEMBER ROSEKIND: And that's a very helpful description. So now I'm thinking you're doing the training -- I'm sorry you're doing it in public like this, but I'm curious, if Mr. den Ouden was out there, how far would you tell him he needs to see that slide to be locked and able to go across?

MR. TIERNEY: Well, the best indication it's in line with -- a couple of my slides showed the proximity detectors, and it would be in line with the proximity detectors, where we consider it fully engaged.

MEMBER ROSEKIND: So in line means all the way up to the end of that orange box?

MR. TIERNEY: Yeah. Not all -- well, I'd have to see the -- I couldn't tell from the slide you had up, but the slides that I showed, you could see the reference to the proximity detectors in a fully driven position.

MEMBER ROSEKIND: Okay. Thank you.

CHAIRMAN HART: Can we show the slide that shows the number 4 proximity director [sic]? That was one of the ones that

you showed earlier. Maybe that one would help us.

MR. TIERNEY: Yes.

CHAIRMAN HART: Yeah, that's it.

MR. TIERNEY: Yeah, that's fully driven.

MEMBER ROSEKIND: Great. And I think, you know, what's important about what we're trying to get to here is, what you were describing as on-the-job training, what you described as seeing it locked, and now hearing maybe that wasn't quite right, and what the company's expectation is of what his knowledge base is supposed to be and what he's actually seeing out there.

I actually want to move my questions to the discrepancy. We've had some accidents, a Red Line accident with the Metro here in Washington, 1,000 alarms going off that are getting ignored. We had the *Delta Mariner* a little while ago where lights were out on a bridge. When you have a discrepancy, it's really tough, and I'm kind of curious from the crew's side and then the company's side, you know, for you guys, you've got this discrepancy, right. Everything looks locked, but you've got a red light. What are you supposed to do? And one of the challenges you have is you've got somebody somewhere else who's not even on site with you telling you it's okay to go and then you have a procedure, but you've still got to be wondering what's going on here, right?

So can you just say anything about -- you know, and I heard the specific procedure that you described, but, you know, what else can you do to be concerned about this discrepancy,

right. You know it was locked but you got a red light. Your on-the-job training with the troubleshooting you got, move it a little closer, see if that sort of readjusts it, et cetera. But if that stuff's not working and you've still got a red light, somewhere in your head you've got to be wondering am I okay here?

MR. MATHER: Yeah, the on-the-job training that I have that told me to move up the engine again and try the code, it's something that happened in the past for us that had happened to work, but it doesn't always work. The important thing is somebody has to get out there and know what they're looking for, walk that bridge and determine that those locks are in their place. Once those locks are into place and we can confirm the fact that they're in place, now we have a signal that's not in sequence with the bridge, but everything is all lined up for us.

The locks themselves don't hold up any weight of the cars. What they do is they keep the track perpendicular with itself so it doesn't shimmy side to side. So once he comes back and he tells me, yeah, we're all lined up, we're all locked up, and I can confirm the same thing with my own eyes, then I let the dispatcher know.

If we have a long train, he wants to move us along because he doesn't want to block up traffic behind us. And he repeats back to us, okay, somebody physically got out, looked at the bridge, made sure everything was lined and locked? I tell him, yes, sir, that was done. Then he gives us the 241 and that

241 with the restricted speed, again, we're to watch everything out the window to make sure that we see, that we know what we're looking at, those locks are in place for a fact; there's no guessing. And then once we have that, then we're confident that we can go across the bridge.

MEMBER ROSEKIND: And basically that's all you've got. I mean, you're on the ground, you're looking at it. All those pieces you just mentioned, if they're in place, that's all you've got for you, permission aside, for you to know "I can move ahead very slowly"?

MR. MATHER: Yes, sir.

MEMBER ROSEKIND: Which is why now I want to shift to the company's side, because I think not only is there a discrepancy, you've got like the worst of all things, an intermittent problem, right? I mean, we all love those with our cars and everything else, but I think what's interesting in the questions that have come from Dr. Jenner about the safety management system, how do you track these, came from New Jersey, sort of, you know, you had a consultant out there. Clearly you were trying, you know, multiple times to sort of figure out what's there.

Do you have a criteria or something where the discrepancy has gone on for a period of time -- clearly, while you had it working, when they left, it kept coming up. So either what about a SMS that can be in place or, you know, what other

consultation? What can be used to kind of get you out of this cycle of just having a continual discrepancy going on without real resolution?

MR. TIERNEY: Well, I think the first part of that is making sure you have good documents of reports of problems and the response to those problems, which we did, and as I said, each time we went there, we tried to replicate the problem. As you mentioned, sometimes these intermittent problems, whether it's in computers or automotive equipment, are hard to replicate and hard to find. And we were there several times during November trying to do that.

We went through our standard procedures. We looked at, you know, different things that we could do. We recognized that it failed in a fail-safe mode, and all the times we were there, we couldn't make it fail while we were there, and it worked as intended.

So we rely on, as our crew said, the confidence of the crew to know that the bridge is locked and permission was given. And there were times, that's part of the record, where the crew didn't feel comfortable that they knew the bridge was lined but weren't sure if it was locked, and they stated so, and they were not given permission to pass the signal.

MEMBER ROSEKIND: And is there criteria or a plan when you're stuck in the cycle of how many visits or, you know, how long this discrepancy has to go on before some other level of

intervention is going to take place?

MR. TIERNEY: Well, that's kind of the purpose of, you know, our discussions daily on our -- in our calls, is to verify if we really truly have a safety concern and making sure we have the right resources applied to that.

Now whether it's human or consulting or some other actions have to be taken, our view of the situation was the fail-safe mode was in place and operating as intended and the crews -- you know, while there was a report of, you know, some 10 or a dozen failures during the month of November, there were, you know, literally hundreds of operations during the month that were the way it was designed for. So we didn't foresee that as a continued failure mode. You know, it was a component of problems that during November were continuing, and we had a plan in place to address it because of the need to stop water traffic after it was closed a day or so later.

MEMBER ROSEKIND: Well, and I guess I'm focused on this because I think we hear a lot that safety is the priority and because of the eyes on the ground it was safe to go. In fact, on the *Delta Mariner* accident, I mentioned earlier where the lights were out, there had been a safety management system in place for 10 years in this marine operation and it wasn't until, you know, this accident, this allision took place, that it got some focus.

And that's the problem. When it's working fine, we don't worry about it. It's when something, unfortunately, that

discrepancy actually plays through and we have a problem, that's when it gets our attention.

Mr. Mather, we just have a minute, and I'm just curious, if you can just make one comment about how much information you had about the hazardous materials that you were carrying in the cars behind you?

MR. MATHER: I have the documents, which is my tonnage graph, and it tells me the placement of all the hazardous materials that are in the train.

MEMBER ROSEKIND: And what kind of training do you have about what do we do "if", if something happens? So you have knowledge about what's in there, and then again is there training or, you know, other kinds of information you have about, you know, what do we do if there's a breach, if there's a derailment, if, you know, there's a question somehow; are you trained on those aspects as well?

MR. MATHER: Yes, sir, we are. Every year we do a test for Conrail and Conrail makes sure -- there's a gentleman named Allen Richter here, and he's the hazardous materials man for Conrail and he usually attends all those sessions. It's a school setting and we're there all day. And the first thing he'll tell us is, you don't know what it is, get upwind, make sure that you're not in the fog. Notify as best you can. Take all your documentation with you because the first responders are going to need that. They're going to need to know what's breached -- not

only what is breached, but what's immediately following it or preceding it so that they can address those issues, too. They need as much information as you can give them in a timely fashion, and just keep that scene as safe and quiet as you can, keep people away from it.

When there's a derailment, there's a lot of times that people want to come out and see what's going on. If it's not safe to be around there, you just let them know, I don't want to be here myself so you turn around and get your car in the opposite direction, go, leave.

MEMBER ROSEKIND: And your actions, the way you described it, and I'm with Mr. Watson, that it was a very good description, it was very helpful to know that you were focused on going out opposite sides.

MR. MATHER: Yes, sir, public safety --

MEMBER ROSEKIND: The school was there, you know, turning traffic back, waiting for the police officer and stuff. So clearly there was enough knowledge to know that there was something that had to be dealt with here. And we're over time. Thank you.

CHAIRMAN HART: Mr. Tierney, we heard from Mr. Mather that since Sandy, there have been a greater incidence of problems with that bridge. Is that consistent with what you saw at your level?

MR. TIERNEY: Yes, we saw that there had been an

increase in the number of occurrences during November.

CHAIRMAN HART: And given the greater incidence of occurrences plus the concern with an intermittent problem that you couldn't figure out and couldn't replicate, was there any consideration of maybe changing the procedures -- this is kind of a follow-on of what Member Rosekind was asking, of sort of upgrading the protective procedures, if you will, to respond to this uncertainty that had gotten worse since the hurricane?

MR. TIERNEY: Well, as I said, the important part of it was making sure we respond to every call and try to replicate the problem and validating that the fail-safe mode of the bridge was intact, and it always was. Some of the reports during the course of November were associated with the storm, from debris and other things, and some of them were a part of the intermittent problem that we continued to try to troubleshoot. But as I said before, we did not leave the scene until we knew the bridge was functioning as intended each and every time the report was made.

CHAIRMAN HART: And have you yet figured out -- on the intermittent problems, have you yet figured out what the issue was to know what to correct?

MR. TIERNEY: Well, unfortunately, a lot of the components of the bridge, you know, that we probably would have been troubleshooting was destroyed during the derailment so we couldn't go forward with this.

CHAIRMAN HART: Okay. Thank you. I know that Member

Sumwalt had more questions. I can defer the rest of my time to him.

MEMBER SUMWALT: Thank you, Chairman. Thank you.

Mr. Ferrone, you had mentioned in an earlier question that you had a safety hotline. How many calls do you get to that safety hotline per month?

MR. FERRONE: I'd have to get you the exact number. I don't have it, but it varies. I can get you that number, sir. I don't have it.

MEMBER SUMWALT: Yes, sir, if you could submit that for the record? And I'd like to know the two previous years of calls broken down by month, if that's not too much of a burden. And do you have any idea, off the top of your head, I don't need the exact number, but does it range from 0 to 10, or do you have a general idea?

MR. FERRONE: It's probably less than 10, sir.

MEMBER SUMWALT: And how many trains do you have operating per month? Round number.

MR. FERRONE: Are you talking about on that line or --

MEMBER SUMWALT: No, sir, all together.

MR. FERRONE: We have hundreds of trains operating every day, both ones that are ours, ones we host for our parents, and ones we host for commuter agencies.

MEMBER SUMWALT: And so how many of these would the safety hotline calls and safety reports be submitted to? That's

really what I want to know. I want to get an idea of magnitude of scale of how robust your reporting system is.

MR. FERRONE: Well, sir, if you're referencing 241 of the bridge, most of that would not even come into the safety hotline. They would go directly to the dispatcher and then to the service desk.

MEMBER SUMWALT: Yeah, I'm just wondering about your safety reporting system as a whole. How many calls do you get on your safety hotline, and a follow-on to that question, how many safety reports do you get? So you've got a formal reporting system, a written reporting system, I presume, and you have a safety hotline. Is that correct?

MR. FERRONE: Yes, sir.

MEMBER SUMWALT: I'm going to ask this to the crew.

Mr. den Ouden, how many written reports or safety hotline calls have you ever made to Conrail?

MR. den OUDEN: None like that. I have told the trainmaster once in a while that a certain track needed to be looked at.

MEMBER SUMWALT: And was the response that you received satisfactory? Did they go out and look at it and, if necessary, make the repairs?

MR. den OUDEN: Yes.

MEMBER SUMWALT: And, Mr. Mather, I'm going to ask you the same thing. How many calls to the safety hotline have you

made or reports, written reports?

MR. MATHER: I don't recall ever making a single call to the safety hotline. But what I do is when I show up at the yard, there's usually always supervision that's there, and very recently I went out to my engines in Camden, and it was track number 3, and I found like a piece of broken rail. The rail was fatigued and it had busted off and was just laying there. It was a 6-inch section of the rail. So I went in and I told the trainmaster on duty at the time, and he came, walked out in the yard with me. It was nighttime. We had the lamps on. I showed him, and he said this train had just pulled into the yard. The marker was still on and blinking. And he said isn't that something; it must have just fell down. So he immediately at that time took that rail right out of service until it could be repaired the next day.

So they respond quickly. If there's an issue and you show it to management, they work accordingly. If it's a switch that's hard to throw from side to side and a conductor reports it, they don't want to see an injury, so they send the people out there to grease the switches up to make sure that they're not gapped, make sure that there's no locks that are missing where kids can get to the switch and throw the track in a different direction than you want to go.

So when you report something, they're on top of it.

MEMBER SUMWALT: Thank you. In your interview the day after the accident, you indicated that the -- I think it was a

police officer that said his chief -- maybe it was a fire person or, I'm sorry, yeah, a firefighter. No, I think it was a police officer, quote, "ordered you to go back and move the train"?

MR. MATHER: That is correct, sir. He's not here today. I looked at the table. He was a young man in his 30s. He was a Paulsboro police officer that had first approached me when I was telling the traffic to turn around and go, and he ordered me back to the engines because his chief had told him "I want these engines out of here."

MEMBER SUMWALT: How comfortable were you going back to your engine at that point, knowing that -- you were telling people to divert from there, how comfortable were you going back to your engine and cutting the cars and moving it out?

MR. MATHER: Not to sound facetious, sir, but I was grateful. I was grateful to leave. I didn't want to be there. I honestly didn't. I told him that there's dangerous chemicals on that train, don't let anybody through that fog, but I was kind of grateful myself to be able to get back on those engines and get out of there. It was a lot of fumes, a lot of clouds, and I didn't want to be in there.

MEMBER SUMWALT: When you left the train, when you first got off of it, after the derailment, did you leave the engine running or was it shut off?

MR. MATHER: I believe I -- I do remember shutting them off. I don't know if it was immediate, but I would have tied the

handbrakes on both of the engines, and then we sat down at the Paulsboro Yard office there. I'm sure if they weren't shut down immediately, it was shortly thereafter.

MEMBER SUMWALT: And I'm talking immediately after the derailment, after the derailment. That's what I'm talking about.

MR. MATHER: No. I'm sorry. After the derailment, sir, we didn't shut the engines down at all. The engines were left running.

MEMBER SUMWALT: Okay. I was curious about that. And with that, I have no further questions. Thank you.

CHAIRMAN HART: Thank you.

Member Rosekind.

MEMBER ROSEKIND: I want to just finish going down the panel. We heard from the crew about information and some training about hazmat, but let's finish down the panel. I'm curious from either one, Mr. Tierney or Mr. Ferrone, tell us sort of your expectation of what you want the folks on the ground to know about what they're carrying and, you know, what actions to take. And I'm not looking for, oh, they have a list and it says what they've got on there. You know, from your company perspective, you know, what's the expectation of what they've been trained, what they should know, how they should act, give us a sense of that from your perspective.

MR. FERRONE: Well, as our crew said earlier, they do an annual book of rules class of which hazardous material response is

one of them. They all carry Conrail's HM-1, which is our hazardous material instructions, and Section 8 deals with emergency response. And as the crew stated, they're instructed to take their paperwork, find the nearest emergency responder, get the information to the emergency responders, as long as it is safe to do so, and keep themselves as far out of harms way as they can.

MEMBER ROSEKIND: And roughly how much time does the company spend on training regarding hazmat?

MR. FERRONE: As I said, as part of their 8-hour book of rules exam, annually they get hazardous material, probably different pieces of that every year in an hour, hour and a half maybe, including, you know, classroom and quiz on the instructional material.

MEMBER ROSEKIND: And let's just keep moving down the panel, and I was looking at all the witnesses coming over the next day and a half, and you're our FRA guy. So without having to give us all the regs, et cetera, give us a sense of the FRA's expectation about what the company should be providing and on the ground what should a crew kind of have knowledge of and be able to act on in the hazmat situation.

MR. FIORENZO: Well, of course, we require that the crew have the proper paperwork, hazmat paperwork in their possession that gives a full description of the hazardous materials in the train, and that in the case of emergency, that they make that information readily available to emergency responders. That's

very important.

And they should be properly trained on the types of hazardous materials, signage, placarding, proper shipping name, hazard class, et cetera.

MEMBER ROSEKIND: And there are, and I just gave you an out so you didn't have to give us all the regulations, but there are very specified issues that have to be covered, sort of knowledge levels tested to. Can you give us some sense of that?

MR. FIORENZO: Yes, there's training requirements for hazardous materials in the regs and basically it focuses on the identification of hazardous materials, the conveyance of the information to the emergency responders in situations like this.

MEMBER ROSEKIND: Great. And just last question, kind of wrapping up. I'm curious, just a crew perspective and company, can you say anything about your communication processes? So there is this issue at the bridge, red lights, but it looks locked, the intermittent problem from the company side. Is there communication about this? Is there a way for crews to have a sense that we've got an ongoing issue here and we're still working on it, or what Member Sumwalt was just getting to, other ways for the company to kind of track that this is going -- maybe everybody's not always putting in a, you know, notice that there's a problem here, but they're seeing it, but it fixed this time. What's the communication about these things so somebody knows there's a spot here that needs some special attention?

MR. den OUDEN: The communication is basically the trouble tickets. Every time we went over, we would call the dispatcher, the dispatcher acknowledge it. That's as far as we go. We might mention it to the trainmaster. I don't remember if we did or not previous times, but that's as far as we go. If there's a problem, there's a daily bulletin, and they would put it in the daily bulletin if there was a problem.

MEMBER ROSEKIND: So the daily bulletin would be your place to know where there was an issue or some ongoing concern for you to -- do you ever get any other feedback? You know, people put in a problem, you know, a ticket. Is there ever feedback that says, oh, by the way, thanks everybody because we fixed that and as of this date, we're done?

MR. den OUDEN: No. No. If it's not in the bulletin, we assume it's fixed.

MEMBER ROSEKIND: Any thought from the company side?

MR. TIERNEY: I'll just follow up on that, and that's exactly right. We publish the bulletin daily, and it's really a 24-hour snapshot of the changes to the individual lines, you know, in each of the dispatch areas, information about anything that's out of service, warning devices at crossings, speed restrictions that have been applied or removed, safety concerns with anything working near the track that the crews have to be aware of. I mean, there's a process that's follow up every day and it's updated by our train dispatchers for the next 24-hour period. So

that's available and updated on a regular basis.

MEMBER ROSEKIND: And so the bulletin is going to have the issues, and just out of curiosity, is that the default, that if it's not in the bulletin, then it's not an issue; it's been handled?

MR. TIERNEY: Well, the bulletin supersedes the timetable. The timetable lists the physical characteristics and the operating instructions for the line. Anything that varies from that is updated in the bulletin, and it's either carried in the bulletin till you make a timetable change or if it's temporary in nature, it's carried until it's repaired.

MEMBER ROSEKIND: Got it. Thank you.

CHAIRMAN HART: Mr. den Ouden, I wanted to understand more clearly what happened to the consist paperwork, the paperwork that would show the makeup of the train. Was it your understanding that that's your responsibility to get that to the right person after the derailment?

MR. den OUDEN: Yes.

CHAIRMAN HART: And say again who was it you gave it to?

MR. den OUDEN: I went over it with a police officer first, and then my trainmaster, Gary Fillingame, came and I handed it to him.

CHAIRMAN HART: So the trainmaster was on site by then?

MR. den OUDEN: Yes.

CHAIRMAN HART: Where would the trainmaster normally be?

I mean, why would he be on site so quickly?

MR. den OUDEN: The Paulsboro Yard is pretty close, but he was actually at Hercules, which is an industry where we stop to cut all the Paulsboro cars away. He was there, and he came right back. I don't even know actually how far it is. It's only about a mile, mile and a half.

CHAIRMAN HART: So do you have any understanding what the trainmaster is supposed to do with that paperwork or do you have any knowledge of that process after you give it to him?

MR. den OUDEN: I just wanted to get out.

CHAIRMAN HART: Okay. Okay. Thank you.

It's just a little bit after noon. I want to give the Tech Panel another round, and I would like to give the parties another chance. So let's see if we can do the Tech Panel in 15 minutes and the parties in 20 minutes, and then we'd be out by 12:35. Is that okay for everybody? Okay. Fifteen minutes for the Tech Panel. Thank you.

MR. TURPIN: All right. Go ahead.

MR. WATSON: Okay. Thank you. This is for Mr. Tierney or Mr. Ferrone. After the initial classroom training, when the guys hire on, and the 50, you know, give or take, weeks of on-the-job training, so after that, is there any recurrent training forever?

MR. TIERNEY: Well, I'll start and maybe Neil can follow up. Certainly we have annual book of rules.

MR. WATSON: Excuse me. For the sake of time, let me interrupt. Specifically about the bridge and closing and locking and checking and making sure it's safe to cross.

MR. TIERNEY: It would come from on-the-job familiarization. Our efficiency check program often would look at stop signals and stop signals at movable bridges, and that's used as a process to both mentor and educate our crews when they're out there making those checks at those locations as well.

MR. WATSON: Okay. All right. Thank you.

And as far as a qualified inspector, I understand that after the report of a problem with a movable bridge, that it's a requirement, a federal requirement, that a qualified inspector check the bridge. Is that right?

MR. TIERNEY: Well, it's our requirement that we have one of our maintenance people or managers or both go out and review what the problem was and making sure that there's not a problem with the bridge and that the signal system is functioning as intended.

MR. WATSON: I'm still not quite clear there. Is that before the train moves? After you've got a problem reported and the train is stopped, like it was at Paulsboro on the day of the accident, and does it require -- first off, does the CFR require that a qualified inspector inspect that? Let's ask Mr. Fiorenzo.

MR. FIORENZO: Well, you're referring to 241(d), and that's an operating rule, not a federal regulation, when it

mentions qualified employee. So that's an operating rule, but we enforce operating rules. So did I answer your question?

MR. WATSON: Yeah, I guess. Okay, so the base of the question is, what is a qualified inspector? Do you consider the train crews qualified inspectors or does it have to be a maintenance of way person, you know, with a range of experience to be designated a qualified inspector?

MR. TIERNEY: Yeah, leading up to the accident, we said that -- you know, we train and qualify our people based on their experience out there and working with qualified crews, and the train crew was qualified to make a determination at the bridge to accept the 241 permission.

MR. WATSON: Okay. And is there a short list by category of who would be qualified train crews? Could an operating officer or a maintenance of way employee also accept responsibility for talking them over 241?

MR. TIERNEY: Yes. I mean, if you're in that capacity, whether hi-railing or whether you're out there performing maintenance, you have the -- if you're qualified, you can determine whether that bridge is lined and safe for traffic.

MR. WATSON: And do you have a formal list by category or name of who is designated as being qualified?

MR. TIERNEY: Not on specific, like the specific bridge, no.

MR. WATSON: Or specifically on who can authorize to the

dispatcher that it's good to give it, you know, 241 authority?

MR. TIERNEY: Well, again, they've got to be qualified to be out there on the line. So if they're a train crew operating on the line, they've got to be qualified, and part of the qualifications is the physical characteristics of that line, which includes the bridge or any other components of that line.

MR. WATSON: And how about the others, the maintenance of way, the track inspectors, the operating employees, whomever else might be out there that could authorize them by a red signal?

MR. TIERNEY: Well, again, they're not members of crews so they wouldn't be operating a train by it. But by their experience and their familiarity with the bridge, they often are qualified to determine whether the bridge is operating properly and whether the bridge is secure, but they're not acting as part of the train crew when they're doing that.

MR. WATSON: So if you get a situation where the bridge is not locked up and you can't get across it, you know, signal's red, bridge is not locked. You call the maintenance of way guy. He comes out there, hand drives the locks or whatever he does to, you know, make certain that the locks are now in place. Then who is it that notifies the dispatcher that the train is authorized to proceed?

MR. TIERNEY: He would. That person, and it could be a manager, it could be a maintenance employee, he would then tell the dispatcher that I have corrected the problem or the locks are

driven and it's okay to give 241 permission by, but that information would then be given to the train crew.

MR. WATSON: All right. So the information comes from the field to the dispatcher. The dispatcher makes the final determination as to whether he's comfortable to issue the 241 authority?

MR. TIERNEY: That's right. And sometimes you would, you know, end up with getting a signal to proceed as part of his whatever repair or corrective action he took.

MR. WATSON: All right. Now we know the train crew, you know, is authorized to give that information to the dispatcher. Do you have a list of other folks that are qualified, you know, to pass that information to the dispatcher?

MR. TIERNEY: Well, we maintain a list of our bridge inspectors, our signal maintainers, and our managers that are our bridge supervisors. Those are typically who's out there. We don't maintain a list for every location of who's specifically qualified for that location.

MR. WATSON: All right. Thank you.

DR. JENNER: Yes, moments ago we heard discussions about a hotline and I'd like to hear from both the crew and from Conrail, I want to delve into this a little more. Can you tell me about the hotline, what it is? Is it an anonymous reporting system and under what circumstances would you use it? If I could hear from the crew first.

MR. den OUDEN: The hotline is just if you have some problems, as I understand, to call them up. And I never had to use them so I really don't know anything else about it. Like I said, I could just talk to a supervisor and they normally take care of it.

DR. JENNER: Mr. Mather, do you have anything to add to that?

MR. MATHER: If you're working at a yard, like Millville Yard, there's no immediate supervisor that's there. So in that case, I was working that yard before, and doing the customers, industries and stuff, we were on sidings that had weak rail. The wood underneath the rail was bad and you could feel every time you went over it with the train, it would dip down; it would list really hard to the one side, and I was uncomfortable with it. I always kept my speed below 5 miles an hour to go over the soft piece of rail.

So at that point I notified Camden and they said, well, we can pass it along. Nothing was getting done, so I actually talked to one of the trainmasters, and I consider that being part of the hotline there, to notify him to let the maintenance of way people know exactly where that location was. Because if somebody other than myself didn't know it was there and they went over that particular rail a little bit too fast, they're going to derail. Something's going to hit the ground and, you know, people are at jeopardy to put the equipment back up on the rail and they want to

fix it before it becomes an issue.

So that would be my idea of the hotline, to communicate what you know in the field is wrong, pass that information around to a trainmaster where he can in turn, you know, get it put on a list for the maintenance people to go out there and see it right away, address the problem and get that problem resolved as quickly as they can.

DR. JENNER: Okay. Thank you.

And, Mr. Tierney or Mr. Ferrone, can you just tell how long this process has been in place and what is your perspective of how it should be used?

MR. FERRONE: This process has been in place, gee, since I'm going to say the mid '80s. We continued it when Conrail was acquired, and we do prefer through our safety committee's processes, of which union employees are part of, that they deal with it at a committee level. But let's say a road crew heads down through a main line track and sees a safety issue or a switch is hard to throw or an employee wants to report an issue at a customer's siding, if they don't give it to the supervision, they can then call the hotline, which goes to my office. My reporting officer types them up every day. We feed them out to the field for conclusion, and they're looked at every day and every week to conclusion.

It can be anonymous. It cannot be anonymous. If the employee leaves a name or a contact number, we will get back to

that employee with the solution. If we have an anonymous complaint, we just have to handle the solution and then document it. But you will see, when I produce to you, you will see the initial call and you will see the follow-up action underneath it.

DR. JENNER: Do you feel that the employees are using that process adequately? Is it abused, used too much, used too little?

MR. FERRONE: It's not used a lot, the hotline. Most of the complaints or most of the issues go directly from the field employees to the frontline managers for handling.

DR. JENNER: Very good. Thank you. That's all I have.

MR. TURPIN: I've got a couple. This would be for Mr. Tierney. When Conductor den Ouden talked about his on-the-job training, he said he encountered a red signal at the bridge, the working conductor took him down there and showed him what to look for to get by the red signal. Would that happen for every conductor during their on-the-job training or is it just random, since he encountered a red signal?

MR. TIERNEY: I would say it's random, but, you know, I think it's not unusual that as part of the experienced people and the younger people working on these crews that that would occur. But there's not a process for that to happen, if that's your question.

MR. TURPIN: Okay. Yeah, and obviously, there's a possibility that on-the-job training for somebody would not

involve the actual inspection of the bridge?

MR. TIERNEY: Can you restate that, Mr. Turpin?

MR. TURPIN: During the on-the-job training, there are conductors that would not get the opportunity to inspect the bridge or be trained on inspecting the bridge?

MR. TIERNEY: That could occur.

MR. TURPIN: Okay. Did you have actual plans to do some repair to the bridge once it was going to be closed on December 1st? Was there something you had designed, ready to do?

MR. TIERNEY: To resolve the intermittent problem here that was present, you know, during November.

MR. TURPIN: Okay. So there was, like, going to be a complete teardown or something you had planned to --

MR. TIERNEY: Well, you know, we were focused on, you know, a few components that we had to look at. Access to those components would take a little bit of, not necessarily disassembly, but you'd have to get under the bridge. Much easier to do when it's in a state of closed for the season. So that was being developed.

MR. TURPIN: Okay. And what's the status of the bridge right now?

MR. TIERNEY: It's closed and locked for rail traffic, and we're proceeding with plans to replace that bridge in 2014.

MR. TURPIN: And replace it with?

MR. TIERNEY: A vertical lift movable span.

MR. TURPIN: Okay. So it won't be a swing style as it is right now?

MR. TIERNEY: It will be a different design.

MR. TURPIN: Okay. Slide locks?

MR. TIERNEY: Different. It will have locking mechanisms that will be of a different design than what Paulsboro was.

MR. TURPIN: Okay. All right. Thank you.

HEARING OFFICER NICHOLSON: Chairman Hart, I believe that concludes this panel's questions at this time.

CHAIRMAN HART: Thank you very much. Now we'll allow the parties 20 more minutes to complete the line of questioning, and I will start with the Coast Guard.

CAPT FISH: No questions at this time, Chairman.

CHAIRMAN HART: Thank you. Any questions from PHMSA?

MR. SCHOONOVER: Yes. This question is for Mr. den Ouden. On your consist, in addition to the hazmat car placement and hazmat descriptions, there's generally additional information that tells you what to do in the event of an incident. Was this available on your consist and did you take the time to read it?

MR. den OUDEN: It is available on the consist. At the moment of the accident, I did not read it. I went with my training.

MR. SCHOONOVER: That's it. Thank you.

CHAIRMAN HART: Thank you.

Federal Railroad Administration.

MR. HYNES: No questions from FRA, Mr. Chairman.

CHAIRMAN HART: Thank you.

BLET.

MR. WALPERT: Yes, thank you, Mr. Chairman. I have a question for Mr. Fiorenzo. I think you indicated that since 2010, summer of 2010, you were not aware of any operational or efficiency tests that occurred under Rule 241. Is that correct?

MR. FIORENZO: Whether or not the carrier performed the efficiency test.

MR. WALPERT: Or the FRA?

MR. FIORENZO: Well, we don't perform efficiency tests. We conduct joint efficiency tests with the carrier managers, and when we do that, the purpose is to observe the manager, to make sure that he's conducting tests in accordance to their program, that they're proper tests, and they're being recorded properly. So that's a test on the manager. But we don't on our own do efficiency tests. We do observations, and we have no record of an inspector doing an observation at the Paulsboro Bridge in a 241(d) situation.

MR. WALPERT: Okay. Do you have any records of joint testing with the carrier?

MR. FIORENZO: I would have to get that information. I don't have the answer to that.

MR. WALPERT: Could I request that information?

HEARING OFFICER NICHOLSON: Yes, that will be Exhibit 7F. Do we have a time span of what we're --

MR. WALPERT: I would suggest since the summer of 2010, when Region 1 took over that area.

Okay. Also, Mr. Tierney, I would like to just clarify for my own reference, when inspections occur of a bridge, does that include -- is that different than inspection of track insofar as the track on the bridge?

MR. TIERNEY: Yes. I mean, we have a variety of inspections that are done on a routine basis. We have Conrail-required quarterly inspections done with various disciplines within the engineering department. Weekly, that line is inspected, including the bridge, from a track perspective, and that includes inspection of infrastructure on the bridge. And the signal department have certain requirements as well on a monthly, quarterly, and yearly test involving the signals and the proximity detectors. As well as our bridge management program that speaks to inspecting both the movable operation of the bridge and prescribed structural inspection of the bridge, that's done on a regular basis. So there's a multidiscipline approach to the inspection. Especially with movable bridges, it's not uncommon to see many inspections being done in the course of a short period of time.

MR. WALPERT: Are there records of track inspection on either side of the bridge?

MR. TIERNEY: Yes, they're part of this record.

MR. WALPERT: Okay. For Mr. Ferrone, I'd like to follow up on the questions that occurred on the hotline. Can a train crew call that hotline while the train is operating?

MR. FERRONE: The answer to that question is no, sir.

MR. WALPERT: And that's because of Emergency Order 26?

MR. FERRONE: Yes, it's the electronic device federal regulation.

MR. WALPERT: Okay. Thank you.

CHAIRMAN HART: Thank you.

UTU.

MR. BATES: I have one question for Mr. Tierney. On the locking mechanism, is there anything as a conductor's looking at the locking mechanism tells him it is now locked?

MR. TIERNEY: On Paulsboro, as I said, it's at track level and fairly recognizable as far as it's location. And we look for the full stroke, which, you know, we talked about this morning, being somewhere 4 to 5 inches beyond the opening. That would give you a signal to proceed if there were no faults with the bridge, but that would really indicate a fully locked position.

MR. BATES: Okay. Is there anything on the track, if you can't get the signal, that would tell a conductor or anybody that's making sure that track is locked, would tell you is locked? Is it just judgment by looking and making sure? What about the 2,

3, 4 inches, whatever? You know, is there anything right there that a conductor can look at and you have a mark there and said now it's actually locked?

MR. TIERNEY: There's not a specific mark. The proximity detector is in line with what a fully driven position would be, but it's not specifically marked to say this is locked.

MR. BATES: Okay. Thank you.

CHAIRMAN HART: Thank you.

State of New Jersey, any follow-up questions?

MR. SWEENEY: Thank you. We're going to lose Mr. Fiorenzo as a witness, but I wanted to ask, are there any Federal Railroad Administration requirements for the participation of the rail company with local emergency responders after an emergency condition happens?

MR. FIORENZO: There's a requirement for a debriefing with the emergency responders, where the railroad gets together with the emergency responders to review what transpired to possibly identify what worked, what didn't work, and what we can do better in the future.

MR. SWEENEY: That's it. Thank you.

CHAIRMAN HART: Thank you.

Paulsboro, do you have any follow-up questions?

CHIEF GIAMPOLA: No, Mr. Chairman.

CHAIRMAN HART: Thank you. Conrail, your turn.

MR. LEVIN: Thank you, Mr. Chairman. Conrail has no

further questions.

CHAIRMAN HART: Okay. Well, you guys put us right back on time, and I appreciate that, although I'm being a little bit facetious because our goal here is to find out the facts, not so much to be specific on the clock, but my first priority is to get the facts that we're here to collect.

We're going to take lunch break now. We can take an hour and a half lunch break and be back at 5 minutes before 2. Thank you very much.

(Whereupon, at 12:25 p.m., a lunch recess was taken.)

A F T E R N O O N S E S S I O N

(1:55 p.m.)

CHAIRMAN HART: If everybody can take their seats, we'll get started again. I'm embarrassed to say this morning, here we are National Transportation Safety Board and I forgot to tell you the ways out in an emergency.

Probably the best way out is the door through which you entered and then that's actually the shortest way out to the street. There are exits on both sides this way, but that takes you into the bowels of the building, and with all this construction going on, I wouldn't guarantee where that's going to end up. So if at all possible, I would suggest going out that way, and my apologies for not going through that logistical detail when we started.

Mr. Nicholson, would you like to introduce the next panel please?

HEARING OFFICER NICHOLSON: Yes, thank you. For Panel 2, will Mr. Neil Ferrone, Mr. Gary Fillingame, Chief Patrick Robinson, Captain Vernon Marino, Deputy Chief Gary Stevenson and Chief Alfonso Giampola, please take your place at the witness table and remain standing?

Thank you. If you would please raise you right hand.

(Witnesses sworn.)

HEARING OFFICER NICHOLSON: Thank you. You may take your seats.

And if you would please, beginning with Mr. Ferrone, would each of you please state your name, title and place of employment or agency you represent at this hearing.

MR. FERRONE: Good afternoon. Neil Ferrone, Chief Risk Officer with Conrail.

MR. FILLINGAME: Gary Fillingame, Trainmaster, Conrail.

MR. ROBINSON: Good afternoon, Chairman Hart, Board Members and others. I'm Patrick J. Robinson, Fire Chief, at the Paulsboro Refining Company, Paulsboro, New Jersey.

MR. MARINO: Good afternoon. I'm Vernon Marino, Captain with the Paulsboro Police Department, New Jersey.

DEPUTY CHIEF STEVENSON: Gary Stevenson, Deputy Fire Chief, Paulsboro Fire Department, Paulsboro, New Jersey.

CHIEF GIAMPOLA: Alfonso Giampola, Chief, Paulsboro Fire Department.

HEARING OFFICER NICHOLSON: Thank you.

Chairman Hart, the witnesses have been pre-qualified, their respective experience and qualifications appear in the docket under Group 6, Exhibits A through S.

Mr. Downs, please proceed.

MR. DOWNS: Thank you, Mr. Nicholson. Panel 2 will be addressing the initial emergency response to the accident which will encompass the following four issue areas:

First, response efforts during the first day of the release; second, and there's four parts to this, hazardous

materials emergency response operations, including (a) interagency and railroad communications; (b) site characterization and hazardous materials identification; (c) worker, that's responder, protection; and (d) Paulsboro responder training and qualifications; third, roles of the hazardous materials teams during the response; and, four, Paulsboro community protective action.

And before we begin with questions, as we do have many questions to cover here, I'd like to request that witnesses please be succinct and as focused as possible in their answers, and that I will intervene if responses tend to stray off course. Thank you.

The first question will go to Mr. El-Zoghbi.

CHAIRMAN HART: Before you do that, I would like to add the warning I had with the first panel -- warning is too strong, caveat. We're here for the facts only, not for speculation, not for opinions, not for analysis, but just for the facts, and I mention that not only to the witnesses but to our staff and to the parties who will be asking questions of these witnesses. Thank you.

MR. EL-ZOGHBI: Excellent. Deputy Chief Stevenson, as we heard in Mr. Stancil's presentation this morning, you made the first 911 call reporting the train derailment and I believe you reported, and I quote, "the train was spewing out all kind of gas." So I want to ask what precautionary actions did you take

after concluding the call?

DEPUTY CHIEF STEVENSON: When I came out of the house, my wife said, you know, it had let all its contents out, and that's why I said about it spewing the gas. I didn't physically see it spewing gas out. I'm just saying what I was told.

My first thing was to -- my wife was on the phone. I grabbed the phone and she was on the 911 call, and it was easier for me to get on my deputy chief's fire radio and work the communications that way. So I immediately told the 911 center what I had, what I could visually see, and asked for a couple of things like wind direction and things of that nature.

MR. EL-ZOGHBI: Well, what actions specifically, though, for your own safety and protection did you take at that point?

DEPUTY CHIEF STEVENSON: The only thing initially, and I don't know when I did it, was I put on my fire gear. But for my own protection at the time when it first went off, I didn't see anything warranted me to put anything on for protection because where I was in relationship to what I saw.

MR. EL-ZOGHBI: So you did not see the gas cloud?

DEPUTY CHIEF STEVENSON: The gas cloud, and which I wasn't sure if it was a gas cloud, was all laying down on the water. I'm a good 20 feet up on a hill looking down, and from where I was to where the train is, is a good 100 feet, give or take, and then where I was, I considered to be fine.

MR. EL-ZOGHBI: So did you have sufficient information

to determine if you were in a safe location at that point?

DEPUTY CHIEF STEVENSON: No, I didn't. I was just going by where I could see the cloud and where I was, and at the time there was nothing.

MR. EL-ZOGHBI: Did you consider using any respiratory protection, given that there's an unknown gas or --

DEPUTY CHIEF STEVENSON: Negative. First, as a responder, I have to put myself out there and try to get the information to save everybody else. That's my job.

The second thing, I didn't have no respiratory protection to put on. I don't carry a respirator in my personal vehicle or anything like that. I do now, but at the time, no, I had no Scott air pack, respirator, no.

MR. EL-ZOGHBI: What safety precautions did you advise any arriving units that were coming, arriving on scene at that point?

DEPUTY CHIEF STEVENSON: The only, the only -- during the time that I was IC, there was only a police officer there on scene who was actually outside before I was. When all the responders came in, the chief was already there handling IC, so I had no one to control.

MR. EL-ZOGHBI: My understanding is that the chief arrived around 7:17 a.m. and so there was about 20 minutes or so where you --

DEPUTY CHIEF STEVENSON: I would say it was probably

close --

MR. EL-ZOGHBI: Fifteen or 20.

DEPUTY CHIEF STEVENSON: -- 15 minutes, yes. And I don't know about the fire trucks' response time, but I had none of those -- there was no one else there but me, my officer, and my wife and my father initially when they first came. So there was no one for me to give orders to or anything like that, other than me talking to the 911 center relaying information.

MR. EL-ZOGHBI: Well, did you relay any safety precautions or any -- did you advise any of the arriving units, given the knowledge you had?

DEPUTY CHIEF STEVENSON: The chief got there before anyone else, and I gave him the report of what I thought I had, what I saw, and then he took it from that point on.

MR. EL-ZOGHBI: Well, at approximately 7:09 a.m., and this is roughly 9 minutes into the incident or 10 minutes, you reported reading a placard number 1086, vinyl chloride. What reference material did you have to help you know, you know, what actions were necessary?

DEPUTY CHIEF STEVENSON: And just to go back to your slide earlier when someone mentioned that I read the placard off the breached car, that may not necessarily be true. I thought I read a placard back farther. So I just know from living there that cars run in bunches. So anyway, I was able to get my binoculars, read the 1086. I didn't have my guidebook with me

because I didn't have all my fire gear. It was probably back at the station. So I said to my wife, I gave her a website or something, I said go Google this, enter this, give me the -- just write MSDS, and have it brought out to me.

MR. EL-ZOGHBI: So is that the primary resource you were using at the time?

DEPUTY CHIEF STEVENSON: Yeah, it's the same thing, really, that the guidebook has. That's what I asked her to go print out for me.

MR. EL-ZOGHBI: When Chief Giampola arrived on scene at 7:17 a.m., what discussion did you have about the incident specifically regarding the condition of the tanks or anything you observed, as you were handing over command?

DEPUTY CHIEF STEVENSON: As I was handing over command, I said, Chief, this is what I have. Obviously, there's one car that's at least leaking. He heard me on the radio with the vinyl chloride and asking for all the information anyway, and I just told him I wasn't sure if that's it, but knowing that they run in packs, I said this is maybe what we have. And he says, okay, I'm going to go up towards the back of the house, which would actually be the front, and he would handle IC; could I handle operations up front here? And that's what I did.

MR. EL-ZOGHBI: So you recall specifically informing him that there was a breached tank car at that point?

DEPUTY CHIEF STEVENSON: I told him, something spewed

out all its contents, and I just said I wasn't sure if it was vinyl chloride. I said I've got one placard reading off another train car, and I wasn't sure if that was it or not, but that's what I was going to go by for right now until we got the consist.

MR. EL-ZOGHBI: Did anyone question or doubt that there was a chemical release at that point at the command post?

DEPUTY CHIEF STEVENSON: Initially after all that went through, and I don't have a time frame but I'm going to just say 10 minutes, I had a discussion with a police officer up on the top of my hill on whether it was fog, because he said, oh, this is fog. Somebody either on scene or something said when they came into work, the fog was there. Now, I was in bed, so I don't know if it was. I've lived there a long time. We always get fog rolling in off the marshes. So, yeah, the discussion went on for a good 5 minutes on whether it was a mixture of whatever the contents, all fog, or just the contents itself. So that went on for 5 minutes whether this was a fog or not a fog.

MR. EL-ZOGHBI: But you were operating on the basis that there was a release, correct?

DEPUTY CHIEF STEVENSON: I was operating on the basis that there was a release.

MR. EL-ZOGHBI: Okay. Mr. Jenner.

DR. JENNER: Yes, thank you. Deputy Chief Stevenson, would you please describe any concerns you had about the emergency response activities during the first few hours after the accident?

DEPUTY CHIEF STEVENSON: I had zero concerns. I should back up. There was one concern when we started seeing the cloud roll in -- I'm sorry, it started to lift, the cloud that was on the water. Before, it was just laying on the water like a blanket. As it started to lift and started to come up, things started to get a little hazier and hazier, and cloudier and cloudier. That's when I believe they started to move the command post back. Someone did ask, you know, are we safe here, to the chief, and he answered them with whatever, and I -- I never felt, no, no.

DR. JENNER: Okay. Were you in the best position to see the cloud rolling in?

DEPUTY CHIEF STEVENSON: Being up on the hill, yes, sir.

DR. JENNER: Okay. Did you express these concerns to anyone else? Did you communicate that fact about what you observed?

DEPUTY CHIEF STEVENSON: No, because where they had set the IC command post, they could see it just as well as I could. I was just a little bit closer to the trains, but -- I mean, you know, the thing out there, but you could see the visual of the whole creek from where the IC was. So they could see it themselves and, like I said, I was walking up to the chief to give him some information. He answered the person's question, you know, we're going to be moving the command post. So I basically went into my house and tried to get some more information, grab my

other set of -- the rest of my fire gear to put on. So I was in full gear.

DR. JENNER: Great, thank you.

Mr. Stancil.

MR. STANCIL: Yes, good afternoon, Mr. Fillingame. I have a question for you. During your interview with our investigators, you described how you took possession of the train's consist from the train crew and then you met with police and fire department officials. Could you please describe for us that interaction that you had with the police and fire department, what you told them about the derailed tanks cars?

MR. FILLINGAME: Yes, sir. When I initially arrived on the scene, I stopped about 250 feet short of the locomotive because I wasn't sure what was going on at that point. When I got out of my truck, I walked up and I, you know, stopped, just to take everything in, looked around. I was looking for my crew, first of all, because I knew he would have the paperwork, and I didn't initially see the crew.

So I ran down -- well, I guess ran north along the side of the train toward the bridge, just to get a quick assessment of what was going on. I looked and I could see what appeared to be fog. I wasn't sure what it was. From what I could see, it was like above the ground. So I wasn't really sure what it was.

I ran down, and as I was running down, I looked to my right and I saw a gentleman standing up there in his backyard. I

found out later that he was assistant fire chief. I ran up to him and I was going to ask him if he saw anything, like how it happened, and he pointed out to me that vinyl chloride was, you know, one of the cars in the water. And I said, okay, I got to go find my crew.

So I ran back to the -- we call it the head end, the locomotive of the train, and went around the front end of the locomotive, and that's when I saw the conductor standing there talking to a police officer. I don't know how long they were standing there. I don't know what they discussed. I came in at the tail end of the conversation.

The first thing I asked the conductor, do you have the paperwork? He said yes. He gave me the paperwork. I asked him, just give me a quick rundown of what happened. He told me how they were coming across the bridge and they got a couple of car lengths over the bridge and they looked back, and they saw where the A-frame was falling over and, you know, the cars looked like they were derailing into the water. I said, okay.

MR. STANCIL: So, sir, what discussion did you have about the train consist or the nature of the materials on the train?

MR. FILLINGAME: Well, once I got it from him, another officer asked me about moving the locomotives. I had them move the locomotives. I still needed to go assess what I had. The assistant chief had already told me there was vinyl chloride. I

didn't know if it was breached. I didn't know how many cars. At that point I didn't know.

So I had to take the consist to walk the train to see exactly what I had. I made notes on the consist, and once I made the notes, about that time, Neil Ferrone showed up, and he was looking as well as I was, and then he saw the breached car. So then at that point he said, okay, everybody back. So we walked around to the front of the train consist and they had what I'll call a temporary command post in front of the house by the bridge. We walked up there with the consist and Neil ran down what I wrote on the paper, what car was derailed, where, which car was breached and everything.

MR. STANCIL: Okay. But when you were talking to the train crew at the head of the train and the police officer was there, did you give him any information about what was on the consist?

MR. FILLINGAME: No, I didn't. The conductor was talking to him as I walked up, and when they finished the conversation, he appeared to be satisfied in what -- I guess I made an assumption about what they were talking about, and he didn't ask me and I still needed to see for myself what was on the ground.

MR. STANCIL: Okay. So once you had taken the consist from the train crew and until the time you arrived at the incident command post, how long of a period was that?

MR. FILLINGAME: From the time I arrived until I got the consist?

MR. STANCIL: From the time you physically took possession of the consist until the time you provided the information to the incident commander.

MR. FILLINGAME: Maybe -- it was no more than 10 minutes by the time I walked and came -- walked the train, walked to the bridge, made my notes, walked back up, about 10 minutes.

MR. STANCIL: Okay. So also during your interview, you told us that you saw a cloud or a mist and you were hesitant about entering into it to do an assessment of the tank cars. What prompted you to enter that gas cloud?

MR. FILLINGAME: I knew I had to gather information. Like the assistant chief said, I have a job to do. I have to assess the situation, I have to gather information, and I have to ensure the safety of the train crew. So after I stopped and looked around, it didn't appear to be a dangerous situation to myself, that's when I decided to go in.

MR. STANCIL: Did someone ask you to do this or did you consider this on your own?

MR. FILLINGAME: No, I did it on my own.

MR. STANCIL: Okay. Dr. Jenner.

DR. JENNER: Yes. Mr. Fillingame, this morning we heard from the crew about their activities both before and after the accident. So I'd be interested in what type of training,

emergency response training or drills that are provided to Conrail employees for these type of situations.

MR. FILLINGAME: As far as if you have a hazardous materials spill, we have a reference book, HM-1 it's called, and it's actually part of the rulebook that we carry, and I believe it's Section 8 explains everything that you have to do as far as information you need to provide to the first responders, where you need to be in relation to the spill. Anything you need to know is in that book.

DR. JENNER: How do the employees demonstrate their proficiency with this type of training?

MR. FILLINGAME: Through testing, book of rules, that we give every year. They are tested on the information.

DR. JENNER: Okay. Is that through a written test?

MR. FILLINGAME: Yes, written. Yes.

DR. JENNER: Annual test? Great.

CHAIRMAN HART: Mr. Nicholson, is that reference book one of the exhibits?

HEARING OFFICER NICHOLSON: I believe it is, but I'm not finding it on the list. Let me continue to check.

CHAIRMAN HART: Thank you.

DR. JENNER: Finally, did this training include the use of personal protective equipment?

MR. FILLINGAME: As far like breathing apparatus? No, sir.

DR. JENNER: Okay. Thank you.

Mr. Stancil.

MR. STANCIL: Yes, Chief Giampola, I was wondering if you could explain how information you received about the vinyl chloride release influenced your decisions regarding establishing a hot zone?

CHIEF GIAMPOLA: When we found out what it was, that it was vinyl chloride, and we looked at the RG guide, based on the information that we gathered from that, is when we started making decisions. The police department started evacuating the 30 residents or so along Commerce Street on the creek side. We went to a shelter-in-place order for the rest of the residents and closed the schools. The notification was made by my emergency management director.

We moved the command post back to the church. At that time, my assistant, my deputy chief went into his home, and we moved back -- myself, Pat Robinson, and the others that had arrived, we had moved back to the church to try to formulate a game plan to see where we were in reference to where the vinyl chloride -- because apparently, and as I'm learning over the past 6, 7 months, the characteristics of it didn't act like it normally does. Apparently it laid down because of the weather inversion and it being colder that morning, it laid down on the creek and then as the sun started coming up is when we started getting the weather inversion which heated up the atmosphere and moved the

vinyl chloride to a cloud. And again, we were assuming it was a cloud of that and not fog.

And then we started making our decisions from there, where we were going to go and the plan that was formulated. First and foremost was making sure that the residents of the town were safe, and knowing the characteristics of it now, that it caused drowsiness, dizziness, possible, you know, death, and it was a very low ignition source, we didn't want people walking in it, driving in it, and possibly causing an explosion with their car. So that's why we went to the shelter-in-place and just removed the people that were on Commerce Street.

MR. STANCIL: Well, how do you identify a hot zone?

CHIEF GIAMPOLA: Based on the ERG, you go by what they tell you the consideration should be, how far out the cloud's moving. They tell you a half mile. They said, you know, consider a half mile for it. So if you can't move your residents and, again, it goes back to you follow the guidebook or, at least in my 36 years of doing it, you follow the guidebook to the best of your ability but you have to have local knowledge of the town. The local knowledge of Paulsboro is 40 percent of them are rental properties and they're a transient community that walks. There's not a lot of cars in it for, you know, the most part.

So you have to make your decisions based on where your hot and warm zones are based on what you can do to protect your citizens, and that was the decisions that we had to make there. I

felt I had the experts there to do it. I had Paulsboro Refining Company with the guy I respect most for hazmat, Pat Robinson, and Neil Ferrone had gotten there from Conrail and he was helping to formulate a plan to go forward.

MR. STANCIL: Did the hot zone have a perimeter established?

CHIEF GIAMPOLA: Eventually we established the perimeter to be Commerce Street.

MR. STANCIL: And how was that identified to other responders that were coming in for this incident?

CHIEF GIAMPOLA: We had staged most of the responders out at the Fulton Bank before they got there. My staff was very limited to approximately five people. The police staff, they had their staffing, and then the rest of the people were the DEP, Neil Ferrone and his crew from Conrail, I had Paulsboro Refining Company there with their hazmat people, and that's how -- that's who we used to establish it. So they were already on location. The county hazmat team did not arrive to our location until well after 10, I want to say 10:30-ish, quarter to 11, before they arrived at the forward command post.

MR. STANCIL: Were there any other considerations that you used, such as air monitoring or other data used to establish the hot zone?

CHIEF GIAMPOLA: Yes, we had, we had air monitoring going on by, again, Paulsboro Refining Company, and we had the --

and I think it's part of the evidence, where we were getting hits and the hot spots, and we were looking at what we were sustaining. You know, we would get a hit of vinyl chloride in one spot and come back there 5 minutes later, and we got a zero reading. So we were considering the movement of the cloud and where it was going and, you know, you were trying to chase a laser light. It was all over the place in trying to catch it.

MR. STANCIL: Were people excluded from the hot zones that were not wearing personal protective equipment?

CHIEF GIAMPOLA: No, they were not.

MR. STANCIL: Based on this information that you had, how did you assess personal protective needs for the emergency respond?

CHIEF GIAMPOLA: Again, in my chief's vehicle, I do not have one in there. Unfortunately, due to budgetary constraints, we don't have Scott packs, and prior to this incident, we did not have respirators, which has changed since then. That's the one thing that we changed. Our guys have respirators with the face pieces. Prior to this, all we had were air packs. Myself and my deputy chief do not carry air packs in our vehicles. When the vehicles got there, the only one that got out of their vehicle was my emergency management coordinator, and the three of us did not have personal protection air packs on. And due to the monitoring, we didn't feel that it was needed at that time.

MR. STANCIL: And what about your decision to establish

a command post near the accident scene?

CHIEF GIAMPOLA: We needed to get all the players that were at the table: Conrail, the DEP, the state police, Paulsboro emergency management, we had to get all the players somewhere to figure out what we were going to do. When we got to the command post at St. James Church, we talked and we quickly reevaluated the situation with the state police, and then we moved to the municipal building, which is about 3 blocks away.

So again, it was a chaotic situation with a lot of people coming into it. It was a unique situation and we didn't have the essence of time on our side so we were making decisions on the fly and doing it to the best of our ability, and that's when we moved to St. James Church. We had a buffer zone, or we felt that there was a buffer zone, and we could go inside the building and make decisions that needed to be made, and that's when we made the decision to move back, to fall back to the municipal building.

MR. STANCIL: And you acknowledged earlier that you received the county dispatcher's report about the chemical hazards of vinyl chloride. Once you received that report, did that affect your response in any way or your decision making regarding whether people needed to wear personal protective equipment?

CHIEF GIAMPOLA: Knowing who was there, and besides being my deputy chief, he's a lifelong friend, we grew up together, he was giving me information back and forth, and as I

said in my interview to you guys, he was still on two feet standing up so I trusted the decisions that he was making at the time and I had no reason to second guess his decisions at the time. So we felt we were doing the best things for the residents of Paulsboro. Sometimes you end up taking a little chance on your own, that you don't want to take with your residents.

MR. STANCIL: And regarding other incidents that you've responded to, particularly hazardous materials incidents, have the Paulsboro responders faced difficulties before with designating hot zones or use of respiratory protection? Has this situation occurred in other responses?

CHIEF GIAMPOLA: I do not believe so. In my 36 years and 10 or so years, 10 years as chief, I do not believe so. We have not had an issue. But again, we've never had anything to the scale of this. We've had a diesel spill where a saddle tank on a tractor and trailer was dripping diesel fuel on the ground. The only major incident that we've had with hazardous materials in the recent past was an acid spill from a trash truck, in which a gentleman burned his lungs that was on the trash truck. They are our hazmat calls. You know, it's a motor vehicle accident with diesel fuel or something of that nature. We don't have --

MR. STANCIL: There's a lot of heavy industry in the area. What about from fixed facilities, refineries, chemical companies?

CHIEF GIAMPOLA: We've had a couple of releases in

Paulsboro, and again, they were not a hazardous material. They were a spew of heavy crude or that, you know, spotted some houses up. It wasn't considered a hazmat release and we did not respond, and it wasn't in our town. We have industry on the west side of our town, which is Paulsboro Refining, and that's in Gibbstown, New Jersey, and on the east side of our town, we have NuStar which is in West Deptford Township. So we don't have heavy industry in Paulsboro. They are our neighbors that have it. We have them on either side and we have a train that runs through the middle of the town and 295 that runs on the south end of the town.

MR. STANCIL: Okay. There were a number of other agencies responding to this incident from the county and state. I would like to know what advice you received from the Gloucester County hazmat team, the New Jersey State Police or the New Jersey Department of Environmental Protection regarding the location of your incident command?

CHIEF GIAMPOLA: At about 10:30 is when the gentleman from the Gloucester County hazmat team came up wearing his BDUs, with no respiratory protection and no monitoring on him, and advised us as we were going in the St. James Church that we were too close. He came to us unannounced. We didn't know that he was there. The gentleman that I had from the hazmat team was Jay Jones, was the guy that was initially talking to me, and I had him helping me with planning.

MR. STANCIL: Mr. Jones is with the county or --

CHIEF GIAMPOLA: With the county.

MR. STANCIL: Okay.

CHIEF GIAMPOLA: I had him helping us with planning and the state police, they came, and Bob was there, Neil Ferrone was there, and that's when we were dropping back to the St. James and that's when the decision was made at that point with influence of those guys that we should drop back to the municipal building, that we were too close.

MR. STANCIL: What specific advice did they give you about the incident or in general or the location of the incident command or personal protective equipment?

CHIEF GIAMPOLA: We did not discuss the personal protection equipment. We discussed the location of the incident command, that we were extremely too close to it considering that there was ethanol -- yeah, alcohol car that was in the water and other vinyl chloride cars there, that we were too close and we needed to drop back.

MR. STANCIL: Was there any confusion about the meaning or the significance of the air monitoring readings that were being reported to you?

CHIEF GIAMPOLA: No. And again, Chief Robinson, he was getting most of the reports back from his crew that was there, his hazmat team. The Gloucester County hazmat team, I found out 2 days later, their equipment was not working. Their monitoring equipment was not working. When they were asked to do air

monitoring, their equipment was not working. So we only had one source of air monitoring for most of the day, which was the Paulsboro Refining Company until CTEK arrived on location, which was late afternoon, I believe, 3:00, 4:00 area.

MR. STANCIL: And those results were reported to your hazmat mutual aide, Chief Robinson. What concerns were brought to your attention about those results?

CHIEF GIAMPOLA: We were getting spikes in a couple areas throughout the town. We weren't getting -- and we were getting downwind and you could sort of follow the plume, you know -- or I shouldn't say plume. You could follow the ball of gas of where it was going. You know, they got a hit on Billings Avenue, and then they got a hit on Greenwich Avenue, and it was just -- you could see where it was almost like a bouncy ball going through the community, and at some point, it just went away.

MR. STANCIL: Okay. Thank you, Chief.

Mr. El-Zoghbi.

MR. EL-ZOGHBI: Chief Giampola, just for clarification, we know this is around 7:07 a.m. You did call out for the CBRNE team, right? The Gloucester County CBRNE team?

CHIEF GIAMPOLA: Correct. According to our emergency management plan and the county's plan, our plan says that we call the Paulsboro Refining Company and we call the CBRNE team. That's what our emergency management plan calls for and that's what the county calls for.

MR. EL-ZOGHBI: And did Mr. Pat Dolgos of the CBRNE team advise you of anything or have anything to say earlier in the incident regarding the location of your command post?

CHIEF GIAMPOLA: He's the one that said we were too close. He's the one that came up in the BDUs, no monitor, no respiratory protection, and told us that we were too close.

MR. EL-ZOGHBI: And what did you do with that information at that point?

CHIEF GIAMPOLA: Well, the way he related the information wasn't as calmly as I'm saying it, and he was rather rude with it, and I told Jay Jones to get him away from me, send him away. I don't know why he came up here. We had Jay there. So I had him -- send him away and go have him do air monitoring, and that's what their direction was given, to go do air monitoring.

MR. EL-ZOGHBI: This question is both for Chief Giampola and Chief Robinson. Did either of you perform or direct anyone to perform chemical dispersion modeling to determine areas that may need to be evacuated and where the chemical cloud was going?

CHIEF GIAMPOLA: I did not, and I'll tell you up front that I'm a very novice at hazmat. Send me to a house fire. Send me to an accident, I got you. Hazmat, my knowledge of hazmat is very limited. That's why I call the experts. So, no, I did not.

MR. EL-ZOGHBI: Chief Robinson.

CHIEF ROBINSON: We did not, sir, no.

MR. EL-ZOGHBI: Do you have the capability to perform such modeling?

CHIEF ROBINSON: The Paulsboro Refinery hazmat team does utilize CAMEO with the ALOHA for -- modeling, but we did not do modeling early in the incident.

MR. EL-ZOGHBI: Can you elaborate on the reasons why no modeling was done?

CHIEF ROBINSON: Yes. The early emphasis for our team was to do a site assessment, which included atmospheric monitoring. So that was our main focus for the team members.

MR. EL-ZOGHBI: Now my understanding is that that monitoring began around 8:30 a.m. Prior to that, was anyone conducting air monitoring at the site?

CHIEF ROBINSON: No, sir, I'm not aware of anyone conducting air monitoring prior to that time.

MR. EL-ZOGHBI: Also for Chief Giampola and Deputy -- well, this is for Deputy Chief Stevenson. Why did you rely on Conrail to provide you that information about the status of the tank cars and sort of have them -- Mr. Fillingame was running, doing that, trying to assess the information about the tank cars. You had some hazmat resources available to you that could have suited up or such and done --

DEPUTY CHIEF STEVENSON: I had no consist to know exactly -- because of the cloud was handing over the cars or up against the cars, I couldn't see every car. So there was no way

for me to know without a consist of exactly what cars were carrying what and what exactly cars were in the water and the ones that were laying half out of the water contained. So Mr. Fillingame is correct in that he came up to the scene, he kind of, you know, gave an expletive of what he saw, and I said, you know, I said, I need the consist. And he goes -- and he's still looking. I said, sir, I need your consist right away, like ASAP. So like he said, he went back and we met up a little bit later, so --

MR. EL-ZOGHBI: For the characterization, I mean we had -- you had an unknown situation of what was released, what was available. You had hazmat teams that could suit up and go in to work in an unknown environment. I guess one of the questions is why wasn't that actually used?

DEPUTY CHIEF STEVENSON: There was no hazmat team suited up to go in, sir.

MR. EL-ZOGHBI: But, Mr. Robinson, the resources you brought, available to the site --

DEPUTY CHIEF STEVENSON: Negative, sir. Nobody was allowed up towards the scene past me, past the back deck of my home. They got up on my hill, looked at what they had, but there was no one that was in full, whether it was A or B suit, whatever, ever went up to the scene until, this had to be 10-ish, 10:30-ish, when the rail guys went out on the boat. But no one went up to the scene in anything.

MR. EL-ZOGHBI: You're sort of hitting exactly what I'm trying to ask. Why didn't anyone go up there to do adequate hazmat site characterization early in the incident with full suit? You have an unknown chemical, unknown condition of the tank cars.

DEPUTY CHIEF STEVENSON: Because, first, for a little while, we weren't even sure what we had. Secondly, and that's why I stayed on the scene for a little while, out in the cloud circle, I wanted to make sure -- those cars could have shifted at any time and we would have had a worse -- fire or whatever. So we didn't want to put anybody in danger.

We could see with my binoculars from up on my hill and with the big gap, not like a hazmat technician walking up with some putty or a plug or something to put it in a big hold, I guess. So there was no a reason for anyone to go up past where I established my operations point on my deck of my house.

MR. EL-ZOGHBI: One quick follow-up to Chief Giampola. Did you know that the Gloucester County hazmat team has members that are trained in tank car specialists, at the tank car specialist level?

CHIEF GIAMPOLA: No, I did not.

MR. EL-ZOGHBI: Okay.

CHIEF GIAMPOLA: To clarify the point of why Mr. Fillingame went up there. He chose to go up there to do an assessment on his own. We did not sent him.

As far as the hazmat team and the assembly of them, that

didn't happen until about 8:30, 8:35, I think, is the time period when they finally got assembled. Mr. Robinson was at the plant so he was the first responder from the plant to us, and that was early on in the incident. When I signed on radio about 7:06 that morning, I hadn't made it on location, and had already called for the refinery and the CBRNE team. Pat was already in work -- or Chief Robinson was already in work, and he came to us from work, which is a mile away or less, three-quarters of a mile. So he was there first and his team did not fully assemble until 8:30. That's why the air monitoring didn't start until 8:30.

As far as us air monitoring, we have four gas meter air monitors. Again, being a novice at the hazmat part of it, our monitors were fairly useless to it, to the best of my knowledge, and I may be wrong on that, but that's why Mr. Fillingame went and made the assessment. He wasn't asked to. He did it on his own to find out what was wrong with his train.

MR. EL-ZOGHBI: Okay. Mr. Stancil.

MR. STANCIL: Okay. To follow up on the placard communications, Deputy Chief Stevenson. Emergency communications transcripts show that you called in placard number 1086 to the dispatcher, and you were informed that the material was stabilized vinyl chloride. What did the term stabilized mean to you?

DEPUTY CHIEF STEVENSON: When I first heard the term stabilized, I'm thinking, okay, it's okay if it releases into the air. I didn't know what stabilization was for that particular

chemical. So, I thought it would -- for a release in the air, was stabilized, would either knock it down and -- because I work in the refining environment and we do some of that stuff. So that's what I thought the stabilized vinyl chloride, what the stabilization word actually meant.

MR. STANCIL: Chief Giampola, do you have anything to add?

CHIEF GIAMPOLA: No, sir.

MR. STANCIL: Deputy Chief Stevenson, how did that affect your sense of urgency for the response?

DEPUTY CHIEF STEVENSON: That actually knocked me down a little bit, meaning, okay, what I just explained about being stabilized. If that word stabilized wasn't there, then I'm going to treat it -- maybe my adrenaline, maybe other things are going to pump up a little higher. But once I heard stabilized, stabilized means actually something stable, okay. So, yeah, the word threw me.

MR. STANCIL: Did the markings and placards on the derailed tank cars provide the information that you needed for the emergency response?

DEPUTY CHIEF STEVENSON: My mother was a train wrecker, not, but no, sir. And partially because of the way they were all twisted, the bridge was in the way, the A-frame, some of the cloud on the water was obscuring me, I couldn't see. Something written on the top, somewhere, where a placard would be better. The

placards are usually on the back corners and such. Like I said, I picked a placard, I believe, and I can't say this for 100 percent, but I think I picked a placard that was sitting back on another car and just said, okay, these cars look alike and that's the information I went with. But, yeah, better placarding is definitely needed, and I put that in my report.

MR. STANCIL: Thank you.

Dr. Jenner.

DR. JENNER: Yes. Chief Giampola, as I'm listening to you recount your story, it's clear that a lot of people are trying to talk to you and you're making a lot of decisions. Were there any challenges that prevented you from getting all the information you needed to make informed decisions?

CHIEF GIAMPOLA: And I think early on, that early on, there was chaos. I was getting information from five, six different people at the same time. That's why we tried to control it and go into St. James Church and be able to have clear heads, sit down and do a brainstorm roundtable, so to speak. You know, I had police officers, they're giving opinions. Residents are asking what's going on. Other first responders are giving their opinions. And it was a massive amount of information to process in a very limited time, knowing that you had something, as they say, the genie was out of the bottle, and you need to try to control where it's going to or protect the people where it's going to. So it was a process nightmare to process it all.

But again, and I say this with all respect to everyone involved, nobody died. We got through this, and here we are sitting to discuss how we can do it better, but I think the emphasis has got to be the first responders did their job and nobody died.

DR. JENNER: When I hear the word chaos, a red flag goes up. So what was your strategy for handling maybe, perhaps, an overload of information?

CHIEF GIAMPOLA: That's why I had Chief Robinson next to me because, again, two heads processing the information are better. So we would bounce things off of each other. My deputy chief was bringing me things. And then, fortunately, Neil Ferrone from Conrail got there, who I deemed to be a better expert of the train and what was in it, and he was giving guidance. So I tried to surround myself with the people that were giving me the best guidance or at least I thought, and trying to block out the other people and just trying to narrow, you know, the span of control, you know, the 1:5 ratio with the span of control, and narrowing it down to people that I thought knew the best, that could give me the best information at the time.

DR. JENNER: Okay. Great. Thank you.

Mr. Stancil.

MR. STANCIL: Yes. Captain Marino, radio communications suggested that the police department had received information the chemical release was not toxic. What led Paulsboro Police to make

that determination?

CAPT. MARINO: Well, I believe early on, when my officers responded, they were there soon after the event. One of my officers came across the train personnel, one being the conductor. The conductor relayed to the officer that they were carrying hazardous material but it was still -- we were unaware or the officers were unaware what had been released, if anything. We were still unsure if it was breached/it wasn't breached, if there was a release.

As this was going on, the cloud formed. It was obvious or apparent to the officer that something had happened, and he asked the conductor, well, what are we smelling right now? What's in the air? And the conductor relayed to him that what you were smelling was liquid petroleum, or better known as LP.

As this was going on, as we were cordoning off the area, we added additional units, other officers from another town outside the zone, on Route 44. It just so happened a passerby stopped and advised the officer that this person had worked in the industry and he saw the cloud on top of the water, and he believed it was LP as well. Where they formed that knowledge or why they came up with that is unbeknown to me. But that officer radioed to our officers that, hey, someone just stopped me and told me this may be LP, and I believe that's how our officers got that.

MR. STANCIL: You had an officer in the initial incident command post next to the incident commander. Did he receive

information that vinyl chloride had released?

CAPT. MARINO: I believe at some point he did.

MR. STANCIL: So was there a common operating picture between the police and fire departments here, or how did this get confused?

CAPT. MARINO: Very early on -- well, you have to understand the police operate on one channel; the fire department operates on a different channel. So the communications very early on, we didn't have that direct line of communication. Our guys were securing a scene. At the time we don't know if it's criminal, if this was a deliberate act, if it was an accident. As well as then trying to evacuate individual residents that were in the immediate area. So I had four officers working that morning, but very early on, there was no direct contact -- or communication, rather.

MR. STANCIL: Thank you.

Mr. Fillingame, as Mr. Schoonover had earlier mentioned, there's additional information on the train consist regarding emergency response. And I believe on this train consist, there were rail cars that were identified as toxic inhalation hazards or poison inhalation hazards. Did that subject ever come up with your discussion with the emergency responders?

MR. FILLINGAME: Briefly, after myself and Neil talked to them, we just basically said, hey, I need to go check the rest of the train to make sure that everything else is still on the

rail, because I did know I had some TIH cars in the train.

MR. STANCIL: You did know that you had them?

MR. FILLINGAME: Yes. I looked at the train.

MR. STANCIL: And what did you tell the emergency responders about the TIH cars, or the toxic inhalation hazards?

MR. FILLINGAME: Only that I needed to go make sure they were still on the rail.

MR. STANCIL: Did you inform them that they were leaking or not leaking?

MR. FILLINGAME: No, I had to go check them first.

MR. STANCIL: But after you checked them, did you report back what the condition was?

MR. FILLINGAME: No, I didn't myself. What we did, once we realized they weren't leaking and the rest of the train was still on the rail, we had another crew come down and pull those cars north, back to the yard in Camden.

MR. STANCIL: Mr. Ferrone, did you happen to have any conversations with any of the emergency responders about toxic inhalation hazards?

MR. FERRONE: No, Mr. Stancil, I did not. Like Mr. Fillingame said, I knew there was TIH in the train. I told them prior that we had the breached VC car and then went to check the rear end of the train.

MR. STANCIL: Okay. Thank you.

Captain Ferrone [sic], did you officers notice anything

in the train consist regarding toxic inhalation hazards? Did that -- could that be the source of this information that the material released was not toxic?

CAPT. MARINO: I'm unaware of that.

MR. STANCIL: You're not aware of that?

CAPT. MARINO: I'm not aware of that, no.

MR. STANCIL: Okay. And have your officers been trained on the term toxic or poison inhalation hazard as it relates to hazardous materials shipping regulations?

CAPT. MARINO: Our officers are trained as a hazmat awareness biannually by our academy, our local academy. It's just an awareness, a Level 1, if you will.

MR. STANCIL: Okay. Thank you.

Mr. Downs.

MR. DOWNS: Thank you.

Captain Marino, how did the police department determine what the evacuation radius should be in response to this accident?

CAPT. MARINO: From very early on, our officers determined that with the residents in the immediate area on Commerce Street, which was about 30 residents, 30 individuals rather, that they would be the ones to evacuate since they were in such close proximity to the accident site.

Once that was conducted or completed, they set up a perimeter or set up a controlled security, if you will, for that site. Again we had yet determined if it was going to be criminal

in nature or if it was just an accident. So we did the 30 individuals and then at that point we were under the understanding that they were giving a shelter-in-place. We did that by using our early warning system which we have and maintain on top of our PD, and as well as reverse 911.

MR. DOWNS: So you did use the reverse 911, you say?

CAPT. MARINO: Yes, sir.

MR. DOWNS: Great. And those 30 individuals, does that encompass the 3-block area that was shown on that map earlier?

CAPT. MARINO: Yes, sir.

MR. DOWNS: Thank you. Who ordered the evacuation?

CAPT. MARINO: I believe our -- I had two sergeants on location along with two patrol officers, and I believe it was between the sergeants and the fire chief, they felt it was in the best interest to remove those 30 individuals right away.

MR. DOWNS: Thank you. Besides knocking on doors, what other means did the police department use to notify the public? You mentioned the reverse 911. Were there other means?

CAPT. MARINO: We used the early warning system, which is an automated system, as well as live speech and Chief Roemmich went back to our PD very early on and utilized that system and put out a shelter-in-place as well as the reverse 911.

MR. DOWNS: The warning system, that's basically a text message to various cell phones and such? Is that how it works?

CAPT. MARINO: I believe so, yes.

MR. DOWNS: Thank you. What references were consulted to determine the appropriate evacuation distance?

CAPT. MARINO: Can you repeat that?

MR. DOWNS: What references were consulted to determine the appropriate evacuation distance?

CAPT. MARINO: I don't know if any was used. Like I said, at the onset, the officers spoke with the fire personnel that were on location and it was determined -- I wasn't there at the time. It was determined at that point that those residents would be evacuated.

MR. DOWNS: So you relied upon the fire department guidance?

CAPT. MARINO: I'm unaware of any other or what individuals my officers spoke to, but it was among them and the fire personnel that were there.

MR. DOWNS: Thank you. You officers told NTSB investigators they placed themselves in harms way and in several cases were engulfed in the chemical cloud while going door to door to notify citizens to evacuate. How many of your personnel were exposed to the vinyl chloride release?

CAPT. MARINO: I had four officers working that morning.

MR. DOWNS: And what is being done to document their exposures?

CAPT. MARINO: We're monitoring right now. They went and received medical treatment at the time, and it's just ongoing

monitoring.

MR. DOWNS: Thank you.

Mr. El-Zoghbi.

MR. EL-ZOGHBI: Captain Marino and Chief Giampola, as earlier mentioned, a member of the Paulsboro Police stated over the radio that the cloud was non-toxic and that people should shelter-in-place. This is one transmission. Was the belief that the chemical was non-toxic the driving force behind the shelter-in-place order?

CHIEF GIAMPOLA: Not for me. The driving force for the shelter-in-place was the information that was found in the ERG about what it would do to you if you were breathing it. That was my driving force because, like I said earlier, about local knowledge of our residents. So that's why the shelter-in-place. We only evacuated in the immediate area of the train derailment, more so for what could have happened than what already happened.

Again, the chemical release happened, the cloud came in, the cloud went out, and now it was just the threat to the area. So we moved the people that were the closest to the immediate threat and shut down the schools. Basically, one school was a block away. So shutting down the schools and sheltering in place was what I believe and still believe was the right call to make, not to have residents out in the cloud and out taking, you know, taking a chance on the streets.

And I believe it was about 10:30 when our PIO officer,

Assemblyman Burzichelli, said that it was okay to go back out, and that's when we got the schools released and sent them home to their parents. And within the next hour and a half, 2 hours, the Coast Guard came on board and more things started happening at that point.

MR. EL-ZOGHBI: Chief Giampola, you stated in an interview with us something to the effect that you didn't have the resources to evacuate the civilian population that was located in the area of the accident. Could you please elaborate for us what are the challenges that you were referring to when you made that statement in the interview?

CHIEF GIAMPOLA: We have two buses in Paulsboro. We have no handicap bus. It was -- and for that day, again, local knowledge, the Army-Navy game was that weekend, most of the hotels were filled. We would have had to find transportation to be able to move people, their animals, their households. And again, having a large transient population that are walkers, the challenges of trying to moving thousands of people. I think our last -- 6,000, 6100 people in Paulsboro. If they say evacuate for a half mile, you're probably talking 3,000 of those people.

And logistically just trying to move 3,000 people, the safer bet was to keep them where they were, with their children, to make sure that they were not out in it, and that's again, sorry, but local knowledge says that that's the easiest way to control what's going on, is to have them where we know where

they're at, so if there is a catastrophe or something else happens, we know where they're at and we can take on those challenges of moving them at that time.

MR. EL-ZOGHBI: Thank you. What resources does your emergency operations plan provide for an evacuation?

CHIEF GIAMPOLA: Our police department, which is staffed with 17 police officers at the current time, our fire department, which is about 25 personnel, and a couple buses. We have one local bus and I believe one school bus. That's what we have for resources to move people out of Paulsboro. Additional resources would have to be called in, either from other towns through mutual aid agreements or through the county.

MR. EL-ZOGHBI: Did you consider that at the time?

CHIEF GIAMPOLA: We did consider the resources when we were moving people and we finally evacuated 27 blocks total. We had the county handicap bus in, we had our buses. We had reached out to a couple of schools because now we were into Monday. When we started the second round of evacuations, we were into Monday and we had to have places to put them, and a couple of schools allowed us -- they were going to allow us to use their gymnasiums that were well out of Paulsboro. We went in our evacuations, we were one county below us and one county above us in trying to find hotel rooms to put the residents up and, again, logistically moving them and bringing them back.

MR. EL-ZOGHBI: Given that your emergency operations

plan identifies that roughly 99.9 percent of the population, and this is in your planning, could need to be evacuated during a transportation disaster or hazmat release, were you prepared for that? Did you feel like -- let me rephrase that. Did you have the resources you needed?

CHIEF GIAMPOLA: No, we would have had to call other resources. Again, we don't -- Paulsboro alone and as well as most of the towns around us, do not have the resources. We all depend on mutual aid or memorandum of understandings with our neighboring communities to gather those resources.

MR. EL-ZOGHBI: Mr. Stancil.

MR. STANCIL: Yes. Mr. Fillingame, the train consist section pertaining to personal protection states that positive pressure, self-contained breathing apparatus must be worn for a release of vinyl chloride. Please explain why this guidance wasn't followed by yourself or others.

MR. FILLINGAME: At the time when I arrived to the scene, as I stopped and I assessed the situation, I didn't feel that my life would have been threatened by going into, onto the accident site.

MR. STANCIL: Did you read the guidance on the consist before you entered the scene?

MR. FILLINGAME: No, I didn't have the consist in my hand at that point. But I do know, I've read it before, and I know I have to assess the situation before I go in there, and

that's what I did.

MR. STANCIL: You read it before the accident?

MR. FILLINGAME: I mean, I've read, you know, other consists, is what I'm saying.

MR. STANCIL: You knew about the hazards of vinyl chloride before this accident?

MR. FILLINGAME: Oh, yes, I've read it on the consist before. That particular product comes down on that train quite often.

MR. STANCIL: Just to be clear, is that before or after this accident?

MR. FILLINGAME: I'm sorry?

MR. STANCIL: Just so that we're clear, did you know this before this accident or did you learn it after the accident?

MR. FILLINGAME: You mean as far as the breathing apparatus?

MR. STANCIL: The requirement for using breathing apparatus for vinyl chloride release.

MR. FILLINGAME: I've read it before, yes.

MR. STANCIL: Before the accident?

MR. FILLINGAME: Yes, that's provided. You know, like I said, I went up, I didn't see where there was a need for me to be concerned about wearing breathing apparatus.

MR. STANCIL: Are you properly equipped to enter a hot zone? Do you carry personal protective equipment, for instance?

MR. FILLINGAME: No, I don't.

MR. STANCIL: And have you been trained on the use of personal protective equipment?

MR. FILLINGAME: As far as breathing apparatus?

MR. STANCIL: Breathing apparatus or chemical protective clothing?

MR. FILLINGAME: No.

MR. STANCIL: And is what you did on that day, going in on your own to inspect the tank cars, consistent with the way you've handled other situations with leaking hazardous materials tank cars? Say, for instance, other chemicals, other types of leaks, maybe not as serious as this one.

MR. FILLINGAME: Yeah, I would say not as serious. Yes, you go up -- I go up, I assess it, assess the situation, and I react accordingly. That's pretty much how I do every incident.

MR. STANCIL: Has that changed since this accident or are you still doing it this way?

MR. FILLINGAME: I still do the same thing. I assess the situation and I react based on my assessment.

MR. STANCIL: So you enter the hot zone without wearing personal protective equipment?

MR. FILLINGAME: Well, I didn't know it was a hot zone when I first arrived. I arrived, I looked at the situation. I didn't deem it necessary to be concerned about breathing or fire or anything else. I didn't see a fire. Like I said, I saw a

cloud. I didn't know if it was fog or whatever. It was above the level of the train from what I could see when I first walked up. And, two, I knew I had to get the information in order to give it to the fire department so they could do what they had to do.

MR. STANCIL: Okay. Thank you, Mr. Fillingame. I see I'm out of time.

MR. DOWNS: Thank you, Mr. Stancil. Mr. Nicholson, this concludes the first round of Panel 2 questions.

HEARING OFFICER NICHOLSON: Okay. Just a bit of housekeeping before I pass it off to the Chairman. Mr. Fillingame had referenced a HM-1 manual in his testimony. We do, in fact, have that in the docket. It is an attachment, Attachment 3 to the NTSB Hazardous Materials Factual Report. We can go ahead and add that as an exhibit. That will be Group 7, Exhibit G, to this hearing, but it is not currently an exhibit. And with that, Panel 2 is finished with questioning at this time.

CHAIRMAN HART: Thank you, Mr. Nicholson, and I would like to see you add it as an exhibit as you suggest.

Let's go to the questioning by the parties, starting with the Coast Guard.

CAPT FISH: Thank you, Chairman.

Chief Giampola, is there a site safety plan? Is that part of your --

CHAIRMAN HART: Excuse me. Microphone please.

CAPT FISH: Chief, is a site safety plan part of your

emergency management plan?

CHIEF GIAMPOLA: More specific, site safety for any incident or --

CAPT FISH: Hazardous material release.

CHIEF GIAMPOLA: Hazardous material, yes, we do have a hazardous material section.

CAPT FISH: And prior to this incident, did you exercise hazardous material response based upon your plan?

CHIEF GIAMPOLA: We do usually once a year in conjunction with our hazardous operations refresher.

CAPT FISH: And you had mentioned in order to plug resource gaps, you use mutual aid agreements. Do you exercise with your neighbors?

CHIEF GIAMPOLA: Yes, we do.

CAPT FISH: Okay. Excellent. Thank you.

And was ICS training held by the fire department prior to this incident?

CHIEF GIAMPOLA: Yes, it is. My officers are all Level 4, I-400 qualified.

CAPT FISH: Okay. Thank you, sir.

CHIEF GIAMPOLA: Thank you.

CAPT FISH: Mr. Ferrone, does Conrail provide -- provided ICS training to your responders prior to this incident?

MR. FERRONE: No, I have personally had some training in it, but we don't provide that to our employees.

CHAIRMAN HART: Captain Fish, what is ICS training? I'm sorry.

CAPT FISH: Incident Command System.

CHAIRMAN HART: Thank you.

CAPT FISH: When a unified command is set up, the responsible party, just like the first responders are a part of the unified command, it makes the unified command more efficient if people have this training prior to.

And, Mr. Ferrone, does your team have HAZWOPER training, your response team?

MR. FERRONE: Yeah, Conrail utilizes its response contractors and they all have HAZWOPER, sir.

CAPT FISH: Okay. Thank you very much. That's it, Chairman.

CHAIRMAN HART: Thank you.

PHMSA, any questions?

MR. SCHOONOVER: Thank you, Mr. Chairman. I want to follow on Captain Fish's question about mutual aid agreements to Chief Giampola. Is there any type of a mass document that you have that identifies the capabilities of each of the various teams that you have mutual aid agreements with?

CHIEF GIAMPOLA: I do not believe we have a mass document that says what their resources are. We do know what the resources are and that's why we sign mutual aid agreements with them for specifics. As the Gloucester County CBRNE team, we sign

it with them because they are a hazmat team. We sign with 21-1, Gibbstown Fire Department, because they have a ladder, and that's why they're -- you know, our mayor and council, they sign mutual aid agreements with them or memorandum of understandings for, you know, street sweeper use and stuff like, you know, of that sort. So we have large memorandum of understanding for multiple reasons, not just fire service.

MR. SCHOONOVER: Thank you.

And my other question is for Captain Marino. Do your officers carry emergency response guidebooks or do you rely on the dispatchers to provide that?

CAPT. MARINO: We have hazmat books in our cars.

MR. SCHOONOVER: Thank you. Thank you, Mr. Chairman.

CHAIRMAN HART: Thank you.

FRA.

MR. HYNES: Thank you, Mr. Chairman. FRA has no questions at this time.

CHAIRMAN HART: Brotherhood of Locomotive Engineers.

MR. WALPERT: Yes, thank you. I have a question to Mr. Ferrone. What is the nature of the formal emergency response training that is offered to Conrail train crews?

MR. FERRONE: It is basically the HM-1, and we give our train crews general awareness. During rules class, they'll get information on shipping papers and placarding. Obviously, we do not train our crews into emergency response. We train our crews

to take the paperwork, seek out the first responders and get themselves to a place of safety, sir.

MR. WALPERT: Okay. To Mr. Fillingame, what level of emergency response training have you personally received?

MR. FILLINGAME: Pretty much the same. I was hired as a trainman, so I pretty much received the same training. I go to book of rules every year. I pretty much receive the same thing that the trainmen do.

MR. WALPERT: Okay. Mr. Fillingame, subsequent to the accident, are train crews now provided personal protective equipment or breathing apparatus?

MR. FILLINGAME: Did you say are they now provided this?

MR. WALPERT: Yes.

MR. FILLINGAME: No, they're not.

MR. WALPERT: Okay. I have a question for Chief Giampola. Prior to the incident, have you had any contact with Conrail regarding hazmat incidences?

CHIEF GIAMPOLA: We did a few years back, and I'm going to guess, and my emergency management coordinator could probably give me a better timeline. There was a gentleman that lived in Woodbury up the road from us that worked for Conrail, and probably 10 years prior to this accident, was the last time we actually trained with them and they brought their demo train down. Since the accident, we did train with them, their ICAER unit, probably a month ago, 6 weeks ago. Prior to that, it didn't happen.

MR. WALPERT: Okay. Thank you. That's all I have.

CHAIRMAN HART: Thank you.

UTU.

MR. BATES: UTU, no questions.

CHAIRMAN HART: State of New Jersey.

MR. SWEENEY: Thank you, Mr. Chairman.

For Neil Ferrone, is it standard procedure for Conrail to provide immediate assistant to local responders regarding the chemical identification and recommended initial response steps? That's it.

MR. FERRONE: Yes, it is. Like I stated earlier, our HM-1 trains our crews to get the paperwork to the first responders. True, if you look at a train consist, it has the cars in the order. It also carries, for any hazmat car, a commodity description which states what the chemical properties are. For lack of -- it's like a mini MSDS sheet that gives the first responders and the crews information on personal protective equipment, evacuation recommendations, what to do if it's involved in a fire, what to do if it's not involved in a fire.

MR. SWEENEY: Thank you.

Chief Giampola, if you were to assess the first 2 hours of this incident, was there a Conrail person assisting you and directly in your presence for most of that time, or give us a percentage?

CHIEF GIAMPOLA: Mr. Ferrone arrived, and again I'm not

100 percent -- 7:30-ish, 7:35-ish, Mr. Ferrone arrived and he started his assessment and giving me feedback and that's when the discussion was held about the trains on the east end of the tracks. I think that's Conrail's north. We use nautical directions. So true east is where the other trains were, and we looked at what they were and how far they were, and he had asked me, can we get them off of there so if the trains move, we don't pull a bunch of trains into the water. And he was there, like I said, 7:30-ish, a half hour after the initial call went out, and he was helpful to us. He came up to me and said whatever you need, chief, you got.

MR. SWEENEY: Thank you, Chief.

Mr. Ferrone, in your interview with the NTSB, you relayed that you identified the chemical to the fire chief, the leaking chemical as vinyl chloride, and advised them that a half a mile evacuation was in order based on the hazmat information paperwork that accompanied the train consist. The chief didn't act on this advice. Did you communicate this to anyone at Conrail or any other agencies, like the Coast Guard?

MR. FERRONE: No, I did not. I said the hazardous commodity description, I went over with Chief Giampola, basically says consider a half a mile evacuation, depending on wind, weather, you know, downwind. The chief is in charge of incident command and those decisions rest with him.

MR. SWEENEY: So let me follow that up by saying, by

asking, even though you wouldn't agree with that decision, did you have any additional dialogue with the fire chief to convince him to reevaluate that half mile evacuation?

MR. FERRONE: Not that I can remember, sir.

MR. SWEENEY: Thank you. Continuing with Mr. Ferrone, you described phone calls to notify response contractors in the NTSB interview. Who with Conrail has the responsibility to notify the National Response Center and the New Jersey Department of Environmental Protection hotline?

MR. FERRONE: Our control center was notified to notify the National Response Center and the appropriate notifications that they go through.

MR. SWEENEY: Okay. We had identified several exhibits, AF through AI, that addressed the notifications. At 7:41 a.m., Gloucester County Communication Center notified the National Response Center. A protocol exists between DEP and the National Response Center, where they fax to us their notification from Gloucester County. So we became aware of this incident at 7:51, and there was a DEP incident report. At 8:32 a.m., the NRC received an incident report from Conrail, and in that incident report Conrail said that they are going to notify DEP, which then precluded a fax being originated from that incident report. At 9:02, DEP received an incident report from Conrail reporting the emergency. So it was a 2-hour delay between notifying New Jersey DEP from the time of the incident. It's through other redundant

sources and communications that routinely go on that the department became aware of the incident.

CHAIRMAN HART: Did you have a question?

MR. SWEENEY: I was trying to determine why it took -- I'll make it a question. Thank you, sir. Why does it take 2 hours to notify a hotline of an emergency situation? For Mr. Ferrone, please.

CHAIRMAN HART: If you know, but don't speculate.

MR. FERRONE: I'm not speculating, sir. It's just that, like I said, I realized there was a breach. My control center was told to make the appropriate notifications to the National Response Center, okay. When he got to do it, I can't speak for the gentleman that made that call to you.

MR. SWEENEY: Thank you.

This is a question for Chief Robinson. You had been given from the chief some responsibility regarding the initial standing up of incident command, identifying hot zones and evacuation zones. Do you recall a recommendation to the chief of the appropriate evacuation zone?

CHIEF ROBINSON: Sir, not specifically on the hot zone recommendation. I can tell you that my initial rule, I transferred hazmat team leadership to our hazmat team captain. I assigned another person on our team to record all the atmospheric data that was coming in from our team and a few other sources, and I told the chief I could be most valuable to start documenting the

incident as ascribed to him. I merely pulled out the 201 form and tried to diagram the incident with the silhouettes of the cars, tried to ascertain the consist, which I was not able to do. That was my immediate concerns.

MR. SWEENEY: Thank you. Then follow up with Chief Robinson, did you have any participation coordinating between fire and police on the evacuation strategy that was being implemented?

CHIEF ROBINSON: No, sir, not specifically an evacuation.

MR. SWEENEY: Thank you.

For Chief Giampola, do you recall the first -- at what time, excuse me, what time did you get any initial air monitoring results at the incident scene?

CHAIRMAN HART: Can we have this and one more question because your time is running. Thank you.

MR. SWEENEY: That might be it. Thank you, sir.

CHAIRMAN HART: Thank you.

CHIEF GIAMPOLA: I believe my first documented readings were about 8:35.

MR. SWEENEY: Thank you. That's it for New Jersey.

CHAIRMAN HART: Thank you.

Paulsboro, do you have any questions?

CHIEF ROEMMICH: Yes, Chairman. For Chief Robinson, at 8:30 or 8:35, with the VOC meters, did your personnel detect any readings that would have caused concern?

CHIEF ROBINSON: Upon the hazmat team's arrival at 8:33 and upon activation of the MX6 detectors, they did detect a reading.

CHIEF ROEMMICH: Okay. And follow up with Chief Robinson, did Paulsboro Refining provide training and equipment to Paulsboro first responders prior to this incident, and can you describe those efforts?

CHIEF ROBINSON: To our emergency responders?

CHIEF ROEMMICH: To the Paulsboro emergency responders, does the refinery assist or provide equipment or training?

CHIEF ROBINSON: We do. We provide -- naturally we have unique hazards at the refinery, so we do offer training. We have mutual aid drills. We co-sponsor training efforts, for instance, at Texas A&M University for flammable liquid fire fighting. We've taken personnel to the AAR Pueblo Tank Car Safety Course and several other specialty courses such as trench collapse, structure collapse, et cetera.

CHIEF ROEMMICH: Thank you.

For Mr. Fillingame, what is the volume of train freight that goes in and out of Paulsboro over the swing bridge?

MR. FILLINGAME: You're saying the volume of freight per day?

CHIEF ROEMMICH: Yes.

MR. FILLINGAME: Car counts average between 80 to 150 per day, going back and forth over that bridge.

CHIEF ROEMMICH: Okay. And the percentage of those that are hazardous?

MR. FILLINGAME: Percentage? I would say half, about 50 percent of the train is usually hazardous materials.

CHIEF ROEMMICH: Okay. Thank you.

Mr. Ferrone, the day of the train incident, when your personnel did arrive on location, you had them up on the train with no respiratory protection. At that point did you believe or did your hazmat team believe that the situation was stable at that point?

MR. FERRONE: I'm not sure what personnel you're referring to in the question, sir.

CHIEF ROEMMICH: When they were climbing on the train cars, sir.

MR. FERRONE: Oh, you mean later on in the day?

CHIEF ROEMMICH: Yes, sir.

MR. FERRONE: That was the hazmat team.

CHIEF ROEMMICH: Yes, sir.

MR. FERRONE: That was their call and they felt at that time they were in a safe position.

CHIEF ROEMMICH: Okay. Could you describe any training or equipment that Conrail along the lines of what Paulsboro Refining does for the first responders?

MR. FERRONE: Sure, I'd be glad to. Conrail, unlike any of the other railroads here, we offer a classroom type training

which talks about Railroad 101, safety, general awareness. We also offer tank car hands-on training through the TRANSCAER operations, which either brings in the Dow, DuPont or the CSX training cars. We also do tabletop emergency response drills for the communities.

CHIEF ROEMMICH: Okay.

MR. FERRONE: As well as Operation Lifesaver, trespasser and grade crossing safety awareness.

CHIEF ROEMMICH: And that's available to any personnel, emergency responders at this time. And going forward, do you plan on doing any training with the Paulsboro Fire Department?

MR. FERRONE: Yeah, like I said, we had the cars in the hands-on Dow -- through TRANSCAER last year in around April or May in Woodbury. We brought them back again this year on a four-stop whistle tour, which was Woodbury; Bristol, Pennsylvania; Piscataway, New Jersey; and then Staten Island, New York. We reinvented the wheel this year to replicate what we had last year. We did the same tour last year in April, and that's offered to Camden County, Gloucester County, Salem County, Burlington County.

MR. SWEENEY: Thank you.

No further questions, Mr. Chairman.

CHAIRMAN HART: Thank you.

Conrail.

MR. LEVIN: Yes, Chairman.

A question for Mr. Ferrone. Kind of in response to the

last question, can you describe how long Conrail has offered that type of training to community first responders?

MR. FERRONE: Conrail has been doing that type of training since I come into safety, and that was around 1982. TRANSCAER has been going on for at least 26 years, where we've been having the tank cars in and Conrail has been doing tabletop drills of at least three to five per year somewhere in our system.

MR. LEVIN: Thank you. No other questions.

CHAIRMAN HART: Okay. Thank you. I think we'll take a break now. The agenda shows a 25-minute break, but I'm going to cut it a little bit short to 21 minutes because we're a little bit behind time. Let's be back at 3:40. Thank you.

(Off the record.)

(On the record.)

CHAIRMAN HART: May we have our seats please so we can resume. We will now as the Board of Inquiry resume the questioning. Member Sumwalt.

MEMBER SUMWALT: Thank you.

Mr. Giampola, this is for you. We heard Mr. Fillingame say before the break that in his estimate, oh, somewhere between 80 and 150 cars pass through Paulsboro each day and about half of those contain hazardous materials. Just doing some quick math on that, that would mean that somewhere between about 25- and 30,000 cars each year go through your community with hazardous materials on it. So when was the last time that the town of Paulsboro

conducted a live drill or a tabletop drill to simulate a disaster such as this, maybe a train derailment with hazardous materials breach?

CHIEF GIAMPOLA: To the best of my knowledge, in the 30 plus years I've been there, we've never done one for a train. We've done tabletops and emergency response drills for the refineries that we had in town and next to us, our neighboring towns. Exxon Mobil has a facility there, and we train once a year with them and we do a tabletop and a live exercise with them, and we've occasionally thrown in a hazardous material leak. But with doing a tabletop with trains or anything of that, again, living there all my life, it's just something that didn't happen. And it's an eye opener and it's a wake-up call, but it was just something that never happened so we really didn't -- shame on us. We really didn't prepare for that incident.

MEMBER SUMWALT: Thank you.

Mr. Ferrone, you had talked about some training that the railroad conducts for communities. Would that sort of training that you were talking about before the break, would that be available for a town like Paulsboro?

MR. FERRONE: Yes, sir. When we offer these training classes, just like here in June of this year, we did the TRANSCAER tank cars in Woodbury here in, I believe it was, end of May, which a lot of the Paulsboro Fire Department attended. And then in June, at Salem County Fire Academy, we did a computer-based

tabletop exercise on a Sunday at the Salem County Fire Academy, which I know that Salem offers that up to Gloucester County and Camden County as well.

MEMBER SUMWALT: Thank you very much.

Mr. Giampola, back to you. You did acknowledge that you're not a hazmat expert, and so I'm wondering when Mr. Ferrone on the morning of the accident advised that a half mile evacuation area was recommended, since he ostensibly would have more knowledge about that than you would based on he's bringing you information, what went into your decision process at that point not to heed that advice?

CHIEF GIAMPOLA: Again, knowing my community and knowing the layout and the demographics of the people that live in my community, as I said earlier, we have a 40 percent rental population in Paulsboro, and we have an older community, Paulsboro is. So it's easy to say, yeah, you know, it's recommended a half a mile. Then you have to go about taking these people out of their homes and where to move them, where to put them. Do you put them at the fire house? Do you put them in the high school? Where do you move these people? And it's just not that easy.

From my standpoint, and in discussions I had with my officers, putting them in their own home and sheltering in place at that time I believe was the right call. And as we got further into the incident and we started doing -- CTEK started doing more of the air monitoring and we were seeing the clusters and we were

finding more information out, that's when we logistically started to be able to move and evacuate areas.

But early on, it just -- from my point of view, it was not a feasible idea right at that moment, at 7:00 in the morning. We had children that were at school that were in shelter-in-place. If you're a parent and your child's in school and we tell you you've got to evacuate, you're not going nowhere, not without your kid.

So all those things played into the decision not to, and again, I took his advice and I weighed my options and the demographics and the decision that I felt that was best for the community that I was to protect, was to keep them in their residence.

MEMBER SUMWALT: Thank you for explaining that.

Something I heard you and the deputy chief say during your testimony earlier was that -- it was something along the lines, of first and foremost, we want to protect the citizens and maybe even, not quoting you, but something along even to the detriment of your own health. I sit in the back of airplanes a lot and I hear the flight attendant say things like if you're sitting next to a child and the oxygen masks drop, put your mask on first and then assist the person sitting next to you. The idea there that if you're dead or incapacitated, then you can't help anybody else.

So is this sort of a, this attitude that both of you

have espoused there, is that common with first responders to save people even by risking their own lives?

CHIEF GIAMPOLA: I can't speak for everybody, but I know we do things uniquely as first responders. Sometimes you take that little edge. My deputy chief has been honored for saving a man's life. I pulled a gentleman out of a carbon monoxide filled house. We do what we need to do to make sure we help people. And sometimes, you're right, that's to our detriment, but they're the things that you do, and most of them are done as a calculated risk. I mean you just don't run through a wall of fire, but it's a calculated risk, you know what you can get away with, so to speak.

MEMBER SUMWALT: And that's what I was wondering. Is there a risk assessment? Because certainly the business that you're in is very risky, but we want to manage the risk to an acceptable level, and explain to me how you conducted this calculated risk that you're referring to.

CHIEF GIAMPOLA: The readings that we were getting and what we seen, smelled, tasted, felt, the conditions, that's -- and it goes more, I guess, and all the experts will say I'm absolutely wrong, but it goes more to a gut feeling. Looking at -- you know, being experienced, looking at the lay of the land, where it's moving to, where it's coming from, the wind direction. I mean, you process that information and you make that decision, is it a calculated risk or not? We would never put anyone else's life in

danger, but sometimes you take that calculated risk that you've went through the mental process to process to get to the end decision.

MEMBER SUMWALT: You, somewhere in the -- well, you said it earlier today and I've got it in the Group Chairman's Factual Report as one of the exhibits. It's Exhibit 3A. And we talked about NTSB investigators asked you if you issued any guidance on PPE for the first responders. And the Paulsboro Fire Chief explained, he's the assistant fire chief standing on two legs, he's having a conversation with me, so protective breathing apparatus didn't even come into my mind. And is this idea of somebody standing on two feet, does that necessarily mean that he or she is not inhaling something?

I see also in that same line of discussion there, you said I didn't smell anything or at least I didn't smell anything, I didn't smell anything, I didn't taste anything. Were you aware at the time that the odor threshold, the threshold to be able to detect this hazardous material is 3,000 parts per million? And to put that in comparison, OSHA would only allow 5 parts per million in a 15-minute period of time. So you're going to be exposed to a lot of bad stuff a long, long, long, long time before you're going to be able to smell it. Were you aware of that?

CHIEF GIAMPOLA: No, I was not. That was something that since the train derailment I've become very familiar with trains, bridges, and vinyl chloride and its properties and what it does.

And the comment that my assistant chief was standing on two feet, we grew up together. We hung together. We played together. Knowing his comments and knowing him talking to me on the radio when I was on my way there, and seeing him, didn't lead me to believe that he was dizzy, nauseous, drowsy. And they were things that I knew that the vinyl chloride would do. So he had been there a bit longer than I had and he wasn't showing signs of what vinyl chloride does.

MEMBER SUMWALT: And I see what your point is after hearing you explain it, when I read it on paper. But I see what you're saying there.

Finally, in your testimony just before the break, you mentioned nobody died. Would that be a good metric for the success of the way this thing went? I know ultimately we don't want people to die, but is that an accurate metric?

CHIEF GIAMPOLA: I don't know if it's accurate that the incident went well, but in the big picture of -- out of it, we did not attend any funerals.

MEMBER SUMWALT: Okay. I get it. You can turn that off. Thank you. I'm going to keep going for another 40 seconds, if I may. Thank you. But I appreciate that. I didn't know what that was, but I get it now.

And have you held a debriefing after the event?

CHIEF GIAMPOLA: Yes, we've held two hot washes on it, one where the Coast Guard facilitated it and we were all involved

in it, and another one where the fire departments, we got together with our mutual aid companies, the people that helped us, and we went through it.

MEMBER SUMWALT: And If you would, I know I'm out of time, but I would be curious to kind of hear some of the points that you've -- some learning points so that we can all learn from that.

CHIEF GIAMPOLA: I mean, some of the things that were taken out of it was, was the initial command post too close to the area? Should have PPE been put on at the very onset of it? And, I mean, they came out, our points that we -- lessons learned so to speak, but again, we all run into the same budgetary constraints that everybody runs into. Do you have the equipment? I mean, one of the things we've changed, everybody's got respirators now. Our police department, our fire department, they have the canister respirators. But how many canister respirators do you carry? For how many chemicals do you carry them for? As you just said, you know, 50 or so trains come through with a hazardous chemical in them every day. So, I mean, how many canisters can I afford to buy for how many chemicals that go through? So, you know, and how many do you buy?

I have manpower, my manpower, manpower coming from outside communities that may not have -- a small community that doesn't have a train that goes through it or a highway that goes through it that doesn't see these chemicals, but they're coming to

my aid. So how many respirators do I store, canisters I store for what chemicals? So again, budgetary constraints sometimes outweighs some of the decisions, you know, we'd like to do. I'd love to have every one of my guys with a Scott pack in their locker. I just can't afford 4- or $5,000 per man times 25.

MEMBER SUMWALT: Thank you. Would you be willing to submit for the record the learning points that you've gotten out of this event?

CHIEF GIAMPOLA: I believe the hot washes are part of the record.

MEMBER SUMWALT: Okay. Mr. Nicholson, the Coast Guard hot wash?

HEARING OFFICER NICHOLSON: Yeah, we have the Coast Guard hot wash. I'm looking -- I can't tell you which exhibit it is.

MEMBER SUMWALT: No, that's okay.

HEARING OFFICER NICHOLSON: But we do have it.

MEMBER SUMWALT: Thank you so much.

CHAIRMAN HART: Thank you, Member Sumwalt.

Member Rosekind.

MEMBER ROSEKIND: I'm going to start with Deputy Chief Stevenson because you made a comment earlier about your PIO, which is your public information officer, was assemblyman. So just for some context, to be clear, you're department's public information officer is also an assemblyman in the town, right?

DEPUTY CHIEF STEVENSON: I didn't make no comment about any PIO.

MEMBER ROSEKIND: Okay. That's fine. I guess what I want to know from both of you guys is, so how many full-time professional firefighters are there in Paulsboro?

DEPUTY CHIEF STEVENSON: Zero, sir.

MEMBER ROSEKIND: Thank you because we haven't talked about that yet, and that's why I'm getting your PIO's also your assemblyman.

DEPUTY CHIEF STEVENSON: Yes.

MEMBER ROSEKIND: Which means all of you do other jobs.

DEPUTY CHIEF STEVENSON: Yes, and when you have a small town, like I'm a councilman. We all wear many hats because there's not many people in town and volunteerism is way down. So we all wear multiple hats. Like the scene of the derailment, I'm a homeowner there because my house is closest, I'm the fire chief, and I'm also a councilman in charge of public safety. So I'm worrying about all kind of different things at one time.

MEMBER ROSEKIND: Got it. Again, nobody's talked about that yet, and I'm curious about the police department. How many full-time sort of professional officers are there and is there a volunteer group that complements that?

CAPT. MARINO: Seventeen full-time officers and we have four special officers.

MEMBER ROSEKIND: Great. So and I think, going back,

and Member Sumwalt started this a bit too, which is that, Chief, you were talking about lessons learned, which really is a huge focus of this activity and this investigation, is to figure out how to make things safer, and one of the things I'd like to focus on is the hazmat training and resources. And so I'm curious now for either one of you, who wants to talk about sort of not just what you've learned, but training-wise, what do you wish you had now that you know about and then let's talk about the resources, because we've talked about different things already, the breathing devices, meters and things.

And I've just got to give you a context. When we investigated the San Bruno gas pipeline explosion, we had the San Bruno, you know, fire chief in here not even knowing what was in the pipeline. And so it's great to have training and stuff, but sometimes there's a major disconnect between knowing that that's out there and you folks actually getting access or knowing it's around.

So I'm curious now if you had to think about on the training side of resources, you know, what do you want now that going forward would really make a difference for this scenario or similar ones.

CHIEF GIAMPOLA: On a training aspect, and recently we did train with -- Mr. Ferrone set up for us, and I made this comment, 30 years in the fire service and 20 years in the chief's position, that was probably the best training I've ever had

anywhere. And we learned from this experience with the train and now he's going to give us the opportunity, as well as other local responders, to go out to, I think it's Pueblo with the train. So we're going to learn more on what we can do, better ourselves in that training.

Like I said, we work with the refineries. They send us -- they haven't done it in recent years because of budgetary problems, but we're going to go out to other -- Texas A&M. We're going to learn a lot more because things evolve constantly. You can't just say you went to school, Texas A&M, 10 years ago. So we've learned a lot more. We learned, like the chief said, about doing a tabletop drill on trains, and we did do some work on training but in a refinery in another town, so we might have been put somewhere just as water supply. So, we've learned quite a lot.

The resources, once again, we are a volunteer fire department. We don't have -- people can Monday morning quarterback who are paid fire departments with 50 members and a big hazmat trailer and everything ready to go all at once. We can't do that. We can just make those decisions immediately on what we have as equipment.

You're talking about resources. As the councilman in charge of public safety, I would like -- we're going to talk about how we can make that, if it again happens wherever, hazmat a little bit more responsive. We can't always count on the

refinery. They could have an issue in their own refinery at that very minute.

The CBRNE team is basically volunteer. I have to get with the state officials, national officials, whatever, and say, hey, we need to designate a hazmat team that is ready to go immediately to this town and we can't wait for 4 hours for somebody to show up. So we are taking all this in. I have a committee together to look into every one of those matters, and they're going to be part of the things I'm going to issue in a report.

So, yeah, we need more meters. Obviously everybody needs more money to buy those meters, but you need the manpower to be able to run those meters. So, you know, for a big city, they might have handled it out a lot better, different, whatever, because they have the resources. We in volunteer end, don't have that. So there's merging of services. There's all kinds of things that we need to take from this, put it together and say, hey, what can we do better the next time?

MEMBER ROSEKIND: And so part of the answer there you're highlighting is no one community's going to be able to get all the resources they want or need probably for the diverse things that could happen, and so these kinds of arrangements where you're sharing or mutual aid kinds of things are going to become even more critical basically in the future for all communities like yours, and that's what I'm kind of interested in.

Actually, Mr. Ferrone, earlier you mentioned that it was like since 1982, some of this training has been going on, but you talked about like four, five around the country which, you know, per year it sounded like, some of the tabletop exercises and things, which I think just goes to the point, like great training, but if it's only four or five communities out of the country, it's hard to figure out how you match it up. And my specific question is, I'll let you get to the answers, you know, in the 30 years, what's it going to take to make sure that people know that it's available? He just gave it the highest compliment he can. Great training. How do we make sure that these communities know that it's available so they get access, not after the fact, but before they need it.

MR. FERRONE: Well, first of all, respectfully, I want to correct you. It's four or five along the Conrail system, which is a very short system. It's not all over the country. I mean, since 1999, Conrail, between northern New Jersey, southern New Jersey and Michigan, has been doing four to five tabletops a year, sir.

What we try to do is go into a community, and we do it in a three-step process, like I said. So we would go to Salem County, let's say, or Camden County, and say, okay, we want to do it in a classroom setting first, and there is a, we call it our public liaison program. It's a six-part program that we go through in a classroom setting.

The next step of the training is bringing in the DuPont, the Dow, or the CSX safety train, which is through TRANSCAER, which is hands on training on the tank cars, which also consists of some more classroom training where a first responder can go through all the parts or some of the parts. And then we don't only do it for trainings, we also bring in a highway tanker truck like Dana Trucking, okay. And we bring in -- we pick one chemical usually a year. This year we focused on chlorine. So we brought Kuehne Chemical in as well to teach on chlorine.

After those two steps are done, I bring in a company called Compliance Associates, which does a computer-based training tabletop geared towards the community we're in, but we rely on the chief or the officer at the fire academy to get that message out. They publish it through a flyer, through TRANSCAER. There's a website put up that the adjoining communities can get, you know, sign up. When we do this, the more the merrier we want. I'd rather have 1,000 people there with the resources we're bringing in than have 5.

MEMBER ROSEKIND: And I think, you know, the highlight here is you're doing four or five on your system. The point is in 30 years, they haven't had a chance to get there. And the question is, and I'm not saying you should or shouldn't, but again it's this connection. How do you know that it's out there? That's what happened in San Bruno was PGD kept saying, oh, we offer all this training. The guy in San Bruno didn't know that,

you know, and it's the same thing here. I think for the whole community, both first responders and companies that have things going through your communities, we've got to figure out how these connections get made so that they're not out -- these great resources are out there for 30 years and then you take and say, wow, that was great; how do I keep it up?

And the other thing just in the last minute or so here, I'm curious, for all of you, shifting gears a little bit, what about communication? I mean, one of the biggest challenges, and we've heard it here, you know, and we get this when we launch an investigation, you know, there's chaos for a period of time. So how do you coordinate the communication side of, you know, who's taking meter readings or it's visual; there's an update on, you know, what's happening right now. You were talking about like a laser, right, kept changing all over the place, et cetera. How do you communicate among the multiple groups that you've got operating here to try and keep, you know, the story straight? You know, talk about how you've done that, please. Whoever wants to address that.

DEPUTY CHIEF STEVENSON: I'll be the first, sir. Yes, you're right. Communications because there was things going on on different radio channels from a county standpoint that the chief and I didn't know people were giving orders, doing things that we had no idea.

One of the things I learned was, and the chief had Chief

Robinson taking, scribing, is I had nobody doing notes for me or saying, Gary, don't forget this or this guy's coming back for this, and things of that nature. So, you're right. That IC command, ICS system, explains all that and you need to always go through that because they're important steps in that, you know, you have to have somebody keeping your head level and say, you've got this coming or this coming or this coming. And I remember when we worked with Conrail for the 3 weeks, I learned quite a bit about that system because they had a lot going on, they're raising trains, yet they had a couple of people here scribing notes, reminding them, taking notes down, in order what we need to do, relaying that to their chief person who was in charge of hazmat. So that is an important step that we learned.

I think we did actually pretty good, but still we can't operate on different radio channels and try to understand why things are moving here and there or hazmat teams leaving and I have no idea why. So, yes, that's my answer to your question, sir.

MEMBER ROSEKIND: And Captain Fish kind of threw out, ICS and the Chairman said, you know, that's incident command system. And again, there's another resource that addresses something like coordination of communication that is just central to a good response in these kinds of circumstances. And I think what's interesting through a lot of these lessons learned is there are, in fact, a lot of resources and opportunities out there. How

do you make sure the connections get made between those who need the training, resources, et cetera, and the ones that have those things to offer out there? We see that too often, you know. So I think that's going to be an interesting question for us to figure out how we address. Thank you.

CHAIRMAN HART: Thank you, Member Rosekind.

I'm going to -- Chief Giampola, I'm going to follow on the line that he started, which is the volunteer aspect. So you're entire force is volunteer. So let me ask you personally how does that work for you? Does that mean you show up at the station and man it for "X" hours a week or does that mean you're just sort of available on call or how does that work?

CHIEF GIAMPOLA: We're available on call. We carry pagers or through our cell phone we get dispatched. My community runs about 200, 225 calls a year, and they vary from cat in a tree, structure fire, train derailment, and again all my staff is volunteer. At 7:05 in the morning -- I have four or five shift workers. If it's a good week, they're on nights, and I have a whole crew at 7. Some mornings, I have three, four people at 7:00 in the morning and I'm waiting for my next town over, Gibbstown, East Greenwich and West Deptford to come in, and vice versa. They have the same issues.

Everybody works a regular job. I mean, my full-time job, I was a car salesman for 22 years and I do commercial fire inspections. That's my full-time job, and this is just something

I like to do, and my 25 guys are the same way. And the training, as the other gentleman, our training, they do it on -- they take a week's vacation, they go out to Reno, a week's vacation, go to Texas, a weekend away from their family, go to ICS class. They don't get paid for it. It's all because they love it. That's why they do it.

CHAIRMAN HART: Thank you. That's very helpful. I was going to ask if there's any way for you to know in a month how many hours would you spend as a firefighter in your volunteer status? I mean, I know that has ups and downs, but I'm just curious if there's kind of an average over time, just to get a sense of how much time you spend as a firefighter in your volunteer status.

CHIEF GIAMPOLA: In my position as chief, I probably spend, without fighting fires, 20 hours a week between paperwork, ordering equipment, going through budgets, getting back to, you know, reports that I have to fill out. I probably spend 20 hours a week doing that. And a good week, 2 hours fighting fire; a bad week, 10. You know, and the calls throughout the day, day, night, 2:00 in the morning, son's birthday, and you do it. So, I mean, a good week I'm 30 hours, a bad week I'm 40 hours.

CHAIRMAN HART: And that's very helpful. You also mentioned training. So I don't know what other kind of training you go through, but is there a way to say how many hours a week or a month or whatever? I'm just trying to figure out how much of

your time is spent not only the fighting itself, but the training for the fighting, because you've got to do a lot of other training besides hazmat training, I assume. So, I mean, correct me if I'm wrong, but how many -- is it possible to put a number on that?

CHIEF GIAMPOLA: It depends on the classes that are coming up. Over the summer months, most of the classes are done. Come September, the classes start gearing up for the fall semesters, and then you get into January and they start, I think it's somewhere around 180 hours right now for a Firefighter-1 candidate to go through Firefighter-1 training. So if you're going to be a volunteer and you want to be an interior firefighter and you want to be pack certified to be able to wear a Scott pack, you need to take your Firefighter-1 class and you go through it. You can either do it at nights, a couple of nights a week and a Saturday every other week, or you can do it as a weekend course, but either way, it's 180 hours to get your Firefighter-1 certification.

And that doesn't count -- now if you want to start progressing to become an officer, you've got I-100, I-200, I-300, I-400, I-700, I-800. These are all courses that you have to do, and they run 16 hours to 24 hours, and most of them are held on the weekend. And there's always constant training, rescue training for motor vehicle crashes, live fire training on how to handle live fire, room and content. So you can get yourself, depending on where you want to be in your career as a firefighter,

you can be very busy, a couple hundred hours a year in training, or you can maintain, which may be 50 hours a year to maintain your training.

CHAIRMAN HART: And how much of this training involves traveling someplace and who pays for that?

CHIEF GIAMPOLA: Usually you do it yourself or you drive the chief's vehicle and you go there. Usually we do them local to the fire academy, the Gloucester County Fire Academy, but occasionally you go to Camden County, Salem County, Burlington County, but again that's -- the township or the borough pays the gas for the vehicle, I pay for the training out of my budget, and you pay for it with your time.

CHAIRMAN HART: The reason I'm asking is because when we're looking at the big picture here, looking at this problem of communities like yours that are small and don't have a lot of resources and it's all volunteer, and we make training recommendations a lot and we're often criticized that we're trying to squeeze 10 pounds in a 5-pound bag because they only have "X" amount of time for training and so they are naturally going to train most often for the things they see most often, which obviously isn't this for you because you haven't seen it in your career.

CHIEF GIAMPOLA: Correct.

CHAIRMAN HART: So that's what I'm trying to get a sense of and then things like, how do you get there? I just came from

the training academy in Pueblo, Colorado, where they train, you know -- they blow up the car. You come in, in your hot suit in the middle of summer, 110 degrees in Pueblo and fight this fire in your hot suit, but you've got to get there. You've got to get to Pueblo and you have to pay for the hotel and, you know, room and board, et cetera. So that's why I'm trying to explore what is the reality of life for a volunteer firefighter in a community like yours.

CHIEF GIAMPOLA: Most of it is time sacrifice with family, friends, to do your training. If it's something that you -- and me and my deputy have been doing it a long time, and it's just the things you did. If you want to be a part of your town and your community, you do it. Again, we both wear councilman hats. So you put your time in. You earn it, and again back to the other gentleman with being a volunteer and the training, I'm chief this year. My term's up in November. I need to get elected by my guys again. That doesn't always happen, you know.

So keeping up with the inner department things that go on in the inner circle to keep the training above board, when you have sometimes a revolving door's chief, a new chief may be coming in every -- our terms are for 3 years. At the end of 3 years, there may be a new chief coming in. Some towns are 2 years. So in 2 years, Neil Ferrone knew to take and speak to Chief Giampola. Next year it may be a different chief and trying to reach out. So it's a volunteer organization, truly volunteer, and the names -

- we all do the same thing, but sometimes the names rotate through the roster.

CHAIRMAN HART: Okay. Thank you. That was very informative and very helpful.

We're now going to go back to the Tech Panel to see if you have -- let's give the Tech Panel -- it's quarter after. Let's give the Tech Panel 25 minutes to ask further questions.

HEARING OFFICER NICHOLSON: Okay. Thank you, Chairman Hart.

Just before we begin, I wanted to close the loop on Member Sumwalt's question about the exhibit on the hot wash that was mentioned by Chief Giampola. That is, in fact, an exhibit. The hot wash is in Group 3. It's Exhibit AM.

Mr. Downs, with that.

MR. DOWNS: Thank you. Next question I have for Mr. Ferrone, and we may have touched on this a little bit earlier, but I want to make sure we covered it. Please describe for us the interaction you had with the Paulsboro Fire Department immediately after you arrived at the accident scene.

MR. FERRONE: Yes, I'd be more than happy to. Once I arrived on scene and realized we had a breached car, I got a copy of the train consist from Trainmaster Fillingame here, and went over to what looked to me like the ICP, which was some fire officials standing there. I asked who the incident commander was of someone and they pointed me to Chief Giampola.

I explained to the chief, I just looked at the scene. The car was breached. It was a vinyl chloride car. Took the consist out, went down the consist from the 6th through the 12th car, and I believe the chief asked me, okay, well, what is that? I read the commodity description, which basically says it recommends a half -- or consider a half mile evacuation if not involved in a fire; consider evacuation of a mile if it's involved in a fire. I explained all that to the chief. Told the chief I was bringing in some additional resources as far as hazmat contractors, environmental contractors, wrecking contractors, and then I excused myself and left the scene to go to the north end of the derailment so I could look at the 82nd car down to the 13th car, because I needed to know what was going on with the balance of that train. You know, was the balance of that -- the rear end of that train intact? Did we have anything else derailed? You know, I didn't know that. I could only get up to the first seven or eight cars from, you know, the bridge.

Once I knew that the rear end of the train was intact, we made a decision at that point to cut the rear end of the train away with a crew out of the north end of our operations at Camden, pull that balance of the train back from car 14 back, and bring it to Camden so we could open up the additional road crossings and the north end of that derailment site.

Then I went back towards the incident command and was inside the church here with the chief and the rest of the people

that had responded, obviously, taking some phone calls and then decisions were made to move the incident command towards the borough hall sometime shortly after that.

MR. DOWNS: Thank you. You mentioned that the paperwork indicated, the train consist indicated that there was a half mile evacuation, a distance mentioned. Is that correct?

MR. FERRONE: Yes, it says consider, if I remember correctly without reading it, it says consider a half a mile evacuation if not involved in a fire.

MR. DOWNS: And does the paperwork, the documentation, indicate whether or not personal protection equipment should be utilized when there's a leak of the vinyl chloride?

MR. FERRONE: Yes, it does, sir.

MR. DOWNS: Thank you. As follow-up to that, I want to give Chief Giampola and Deputy Chief Stevenson, the opportunity, do you have anything to add to Mr. Ferrone's testimony here?

DEPUTY CHIEF STEVENSON: I was on operations. So I wasn't with Mr. Ferrone back at the command post, but the MSDS that eventually came out of my printer that I went in the house and printed did say about the half mile.

I had, like I said, coat and helmet. I had no SCBA stuff or anything at my residence. I just went on my instinct like I've always done for 30 years, and somebody needed to be there to see what was going on, if those trains caught fire. Someone had to put theirselves out there. It's not a heroic

effort. It's what we do as volunteer firemen or firemen in general to put our lives on the line to save life and property, and I did what I had to do with the resources and equipment I had at the time.

Did I learn from it? Yeah. If it happens again, I have at least a respirator, hopefully for the right chemical in that car. But I can -- that's pretty much what the book says and what he told the chief, so that's why I did what I did.

MR. DOWNS: Great. Thank you. And you are saying that the possibility of a fire was distinct in this particular case as well? Was that one of the concerns and considerations that you employed in staying at that location?

DEPUTY CHIEF STEVENSON: Yes. I mean, when I went back in my house, I started developing plans. I didn't stay out in the cloud the whole time. What happens if it catches fire? Where am I going to put my fire trucks. What water supply do I have? I've got to do all the stuff that the incident commander can't do because he's dealing with other issues. That's my job as operations. So that's what I did for that hour or so, and because even though they weren't on fire then, they're all -- our tide runs incredibly fast in and out. Something could break, a support, the bridge that was holding some of the cars up could give way. We have a spark, and then we've got a whole bunch of issues.

So I'm in there getting the MSDSs on the ethanol car now

and the -- I have a website I can go to in my house to give me all that. I didn't need the consist anymore. So that's what I was doing.

MR. DOWNS: Very good, Chief. Thank you.

And, Chief Giampola, anything you might want to add?

CHIEF GIAMPOLA: No, I believe those guys pretty much covered it. It's the same thing we had said earlier, consider a half mile and I gave my reasons why the recommendation wasn't taken.

MR. DOWNS: Very good, Chief. Thanks so much.

I'm going to turn the next question over to Mr. El-Zoghbi.

MR. EL-ZOGHBI: Thank you. I have a question for Mr. Ferrone. Why does the guidance at the back of the consist regarding vinyl chloride differ from the emergency response guide? Because you alluded to -- the back of the consist mentions half a mile if involved in fire, although when you reference the emergency response guide, it says half mile for large spill, a mile for if it was involved in a fire. So is this common that the information in the back of the consist differs from the emergency response guide?

MR. FERRONE: To my knowledge, the information that comes out of the consist is based off the Standard Transportation Commodity Code, the STC Code, through the Association of American Railroads. It is a database based on STC Code. And when a train

consist is printed out, it utilizes the STC Codes that are assigned to that car and that commodity description comes out through that. I've never actually compared them to the guidebook versus what's in the STC Code commodity description of the consist.

MR. EL-ZOGHBI: Thank you.

I have a few questions for Chief Robinson. Why did it take the refinery sampling team about an hour and a half to respond with monitoring equipment, given the proximity and that you arrived on scene at approximately 7:28? What was the cause of the delay?

CHIEF ROBINSON: Well, I arrived on scene approximately 7:33, immediately went to the chief, and tried to ascertain what was needed. At that time we agreed that I would page out the hazmat team and the oil spill response team to standby at our dock, at our boathouse. That call was time stamped through our notification system at approximately 7:38. The team did start to arrive, but we're not fully staffed. We're a volunteer team also. So no one's there fully staffed for hazmat, for rescue team, for EMS. These are all personnel doing other jobs in the refinery or we have to wait for other personnel responding from their homes also. Most of the ERT assignments are volunteer, except for two different brigades. They responded. They were hooking up the proper apparatus to respond.

There was a slight delay in the response because they

were routed in an opposite direction down Commerce Street. So that accounted for some delay, but they did arrive on scene at Commerce and Jefferson at approximately 8:33 when the first readings were taken.

MR. EL-ZOGHBI: Now that brings me to, we interviewed your certified industrial hygienist who mentioned and provided the data to us, that as he arrived at the incident command post outside of St. James Church, they turned on their meters and they alarmed and basically they detected readings in excess of 500 parts per million of volatile organic compounds. Now, when adjusted for vinyl chloride, that's roughly about, you know, 900 and something parts per million. He mentioned that he walked into the church and told the crowd about these readings and warned them to leave the area and, in fact, he left. Do you recall that occurring?

CHIEF ROBINSON: Yes, there was a conversation. First of all, we do use the MX industrial scientific meters. We have a 10.6 electronic volt lamp, and there is a response correction factor of 4, that our meters are calibrated in isobutylene, which closely mimics gasoline. There is a response factor, as you mentioned or alluded to.

That information was shared and I think at that point Chief Giampola and the other officers, Chief Stevenson, were trying to corral the troops with the forward command post people in the church and trying to progress this movement back towards

borough hall during that time.

MR. EL-ZOGHBI: That reading was at 8:30, roughly, and the movement of the command post and all that didn't really occur until about 10:40. I don't have the exact time on me right now. So that's a significant time delay. Also given the level of information that you had at that time, what did you advise or, you know, what actions did you think were -- or what did you advise, I guess, at that point?

CHIEF ROBINSON: Well, our discussions in the church kind of focused on life safety issues, on the evacuation, treating it as a crime scene, the readings were being obtained. There were multiple sources of information coming in. We tried to filter that information to make sure we had accurate information to properly assess the situation and get the accurate readings. So there's a lot of information flow there.

It is my interpretation of our data, however, that what happened was this cloud from the solar radiation, as it started to heat up, this cloud basically lifted and moved. And what our documentation shows is this cloud moved towards to the Paulsboro High School, which is a northwestern direction, in about a 20-minute span. So those high readings quickly dissipated to some very low readings, with one small pocket moving towards the Paulsboro Shopping Center. So it was a fast moving event.

MR. EL-ZOGHBI: However, you were detecting pretty significant readings an hour and a half into the incident very

close to the derailment, correct? I mean, we have these --

CHIEF ROBINSON: The documentation was from Commerce and Jefferson.

MR. EL-ZOGHBI: And we do have also your team's analysis. They did some sampling from 8:30 to approximately -- I know they were getting measurable readings until about 1:00 or so. Was that information being relayed back to the command post or to you specifically, and then could you elaborate on how that information was being passed on to the --

CHIEF ROBINSON: Well, the initial readings were mentioned in the church gathering, and that's about the time when a 20-minute time span when the cloud started to move. After that, the readings were kind of relayed back to borough hall as we were assembling, starting to write our -- complete our ICS 202 Incident Objectives form, and we were making decisions there to further increase the evacuation zone and also talking about further assets coming in to do air monitoring.

MR. EL-ZOGHBI: Let me transition now to Chief Giampola and Deputy Chief Stevenson. In January 2012, the New Jersey Public Employees Occupational Safety and Health Program, the PEOSH Program there, conducted an inspection of the fire department, of your fire department in response to a complaint letter that was received by them in November 2011, and the letter had alleged that there were hazmat training deficiencies and that the fire department officers entered hot zones without adequate respiratory

protection. Your department was cited for failure to provide HAZWOPER operations level training, and could you please just briefly describe for us how these violations were abated?

CHIEF GIAMPOLA: I'll have to pass that off to my deputy chief because at the time I was not chief of the department. I helped to mitigate some of the violations, but I was not chief of the department at that time.

DEPUTY CHIEF STEVENSON: Yes, we had another chief at the time, and the letter on the OSHA is about the fireman that wrote. Is that what you're talking about?

MR. EL-ZOGHBI: Yes.

DEPUTY CHIEF STEVENSON: And the pictures. Some of those pictures are not really what they were. The one he said this gentleman was in air pack. Well, he was in an air pack but it was an outside little car fire that was basically out.

MR. EL-ZOGHBI: Specifically, I just want to know, you were issued citations, correct?

DEPUTY CHIEF STEVENSON: Yes, the chief was issued citations, that's correct. And I took over the ball and I -- it was me that made -- because I'm head of Public Safety Council, and that was the first time I had learned of any issues. They were all taken care. They were all abated. Some of the things they found in our files were like broken outlet covers and stuff of that nature, but anything training-wise was immediately taken care of, the Hepatitis C shots or whatever else, and I don't remember

everything.

So I immediately jumped in and took care of all those issues, and I worked directly personally with the OSHA person because I didn't want to leave it to the chief that was there to take care of because obviously some things weren't being taken care of.

MR. EL-ZOGHBI: Can you address specifically how the HAZWOPER operations and training deficiencies were addressed?

DEPUTY CHIEF STEVENSON: By scheduling a training session to bring us all up to snuff on that training. And we know the gentleman in the county training grounds very well who gives that training, so we bring people in to train us on that. Because of my jobs, I don't make a lot of drills. So I get my training where I work to save money for the fire department so they don't have to pay me. So obviously, that training and other things became lax, but it was immediately taken care of so no fines and no harm done.

MR. EL-ZOGHBI: Did you attend that training?

DEPUTY CHIEF STEVENSON: The hazmat?

MR. EL-ZOGHBI: Yes.

DEPUTY CHIEF STEVENSON: No, I get mine where I work.

MR. EL-ZOGHBI: Do you have certificates --

DEPUTY CHIEF STEVENSON: Yes, yes.

MR. EL-ZOGHBI: -- that you could provide to us?

DEPUTY CHIEF STEVENSON: Yes.

MR. EL-ZOGHBI: For the record, I'd like to ask the Hearing Officer if we can receive those, the hazmat?

DEPUTY CHIEF STEVENSON: Because where I work, we have a fire brigade which is part of -- there's a hazmat team attached to that, so --

MR. EL-ZOGHBI: Okay.

DEPUTY CHIEF STEVENSON: And we're mandatory that we train there.

HEARING OFFICER NICHOLSON: Yeah. So that will be Group 7, Exhibit H. We're looking for hazmat training records from Chief Stevenson?

MR. EL-ZOGHBI: Yes.

HEARING OFFICER NICHOLSON: Okay.

MR. EL-ZOGHBI: Can you describe this drill? You said it was a drill that was put together, if I understand, by the Gloucester County Fire Academy?

DEPUTY CHIEF STEVENSON: Yeah, it's merely -- if the awareness is what you're hitting on. It's merely a PowerPoint presentation.

CHIEF GIAMPOLA: No, we had to do operations. We had to do --

DEPUTY CHIEF STEVENSON: Okay. I wasn't there for that one. So I'll divert to the chief here. Chief could you --

CHIEF GIAMPOLA: They wrote a violation saying that we did not have hazmat operations. To the best of our knowledge,

prior to hearing that from PEOSH, we were trained to the level of awareness. That's where we thought we needed to be trained to.

They came in. They went through our records. That was the only fire violation, that we were not trained to hazmat operations, and they showed us in the state book where we were supposed to be trained to operations level. And we went and we -- prior to abating it, we went to a hazmat operations class held at the Gloucester County Fire Academy specifically for Paulsboro Fire Department to receive our hazmat operations level. They facilitated that at the county for us. I got in touch with Bob Hill, who is the chairman of the fire academy, and he scheduled the training and got us into the training so we would be up to date on it. Up to that point, we were not aware that we were supposed to have that training.

MR. EL-ZOGHBI: So is this training for the entire department?

CHIEF GIAMPOLA: Yes, sir.

MR. EL-ZOGHBI: Can you describe sort of what were the objectives or what was covered in that training?

CHIEF GIAMPOLA: They went over if you had a leaking chlorine bottle and the cloud was going this way, which way do you go if you're upwind or downwind from it. Operations level, how to keep basically a defensive mode, to keep people back until you got the techs in and you got the right staffing with the right people to control the leak or the hazmat incident.

MR. EL-ZOGHBI: Thank you.

Hand the questioning to Mr. Jenner.

DR. JENNER: Yes, thank you.

Mr. Ferrone, I just wanted to close the loop on the area about the half-mile evacuation. We heard from Chief Giampola about, he discussed many factors that went into his decision not to evacuate at that time. When you read the information about the need to evacuate to the fire department, did the chief discuss his decision with your, all the factors that went into his decision at that time?

MR. FERRONE: No, I don't recall a discussion. I think the chief said he made his -- he considered it, because like I said, the description I read said consider evacuation of a half a mile depending on wind and I think weather. The chief heard that and he made a decision at that point he wasn't going to do it. I don't remember him at that time discussing his logic with me, but there's really no reason that he should. That's his decision. He's in command of that scene.

DR. JENNER: I imagine you had to weigh many factors as well in deciding what action Conrail, yourself and your employees, would have to take. But I haven't heard from you, did you concur with that decision based on everything you had to weigh?

MR. FERRONE: No. I mean, once I realized there was a breach and the first thing I did was any Conrail people that were there, I told them to get out of there. And like I said, my next

concern at that point after I talked to the chief was go find out what's going on between the 82nd car and the 14th car. That was my next crucial concern. I didn't give the evacuation of the scene. I was upwind the entire time when I was on the bridge and on the right-of-way road going in. There was no fog bank. It was definitely upwind. The cloud was moving towards Route 44 and north towards the marsh, so I didn't give an evacuation any other consideration at that point.

DR. JENNER: How did you communicate with the other Conrail employees about your desire to get them out of the area? And how many are we talking about?

MR. FERRONE: There was probably four to five employees there when I arrived, and I told them all to leave and head towards the Paulsboro Yard, okay, with the exception of Mr. Fillingame sitting next to me here who stayed with me.

DR. JENNER: Very good. Thank you.

Mr. Stancil.

MR. STANCIL: Yes. Chief Robinson, we heard from Deputy Chief Stevenson that you were scribing for the incident command, and I think you previously had told us that you had completed an ICS 201 and a 202 during your time there early on the scene. Can you please explain what these forms are and what sort of information you recorded in them?

CHIEF ROBINSON: Yes, sir. These are standardized National Incident Management System forms, and specifically the

ICS 201 form is usually a four-page document that has a scene sketch, a listing of all the resources, your immediate objectives and actions, and just an organization chart for the incident. So it was a sketch of the scene based on the silhouettes of the cars, trying to obtain the actual consist to marry that up.

Also I did some scene observations. I did notice a "Do Not Dredge" sign in the Mantua Creek area, realizing that that meant there was a pipeline there, approximately 20 yards upstream from the train derailment. So I believe Mrs. Stevenson actually went and called that number. We tracked it down to a pipeline marker, called that number to give notification to them. It turned out to be a line owned by Lynd Company (ph.). So I just transcribed the information all on the 201.

As we transitioned to borough hall, I started to complete the ICS Form 202, our initial incident objectives, and we were prioritizing our objectives, and pretty soon thereafter, Captain Kathleen Moore from the United States Coast Guard came and we reviewed those objectives, fine tuned those objectives, and that's when my duty with the scribing ended.

MR. STANCIL: And what became of those documents?

CHIEF ROBINSON: They were submitted as part of the unified command records.

MR. STANCIL: Both of them?

CHIEF ROBINSON: Yes, sir.

MR. STANCIL: To the Coast Guard?

CHIEF ROBINSON: As part of the unified --

MR. STANCIL: Part of the unified command?

CHIEF ROBINSON: -- post, yes, sir.

MR. STANCIL: Okay. All right. Thank you.

Dr. Jenner, go ahead.

DR. JENNER: Yes.

Chief Robinson, I asked this question earlier of Deputy Chief Stevenson, but would you describe any concerns that you may have had during the first few hours of the emergency response activities?

CHIEF ROBINSON: My concerns were just trying to accurately ascertain the hazards and specifically I could do a sketch. I could do car silhouettes. I could see pressure cars. I could see at least one non-pressure car. I could see a hopper car, a lumber car, but trying to ascertain the exact commodities, I needed to see the consist so I could marry that information up. That was my immediate concern was a site assessment so we could turn it over to the chief and do a proper risk assessment based on the site assessment. That was the first step.

DR. JENNER: It sounds like you and Chief Giampola were discussing a lot of the decisions that needed to be made throughout the day or at least the first few hours. Were you on board with the decisions that were begin made in terms of resources that were being called upon, decision to evacuate, just the overall incident command process?

CHIEF ROBINSON: Dr. Jenner, I was not really privy to that part of it. When I initially arrived, I said to Chief Giampola, the best thing I can do for you is to gather more information and scribe, turning over the hazmat team assignment to two of my deputies, and I would just be on this independent quest to complete the 201 and trying to obtain the consist.

It was not until a little bit later, probably 45 minutes into the incident -- after my arrival, when we had the initial meeting in the church annex, that we kind of gathered together, tried to get some logic and organization to the response with the forward command post personnel. That's when we kind of joined up, and then later that morning we transitioned to borough hall where I continued to scribe.

DR. JENNER: Great. Thank you for explaining that.

Also another question for you, changing directions a bit. During the on-scene interviews, you had talked about your facility providing training and annual mutual aid drill to Paulsboro police and fire departments. Would you please describe that training?

CHIEF ROBINSON: Well, every year we host an annual mutual aid drill to the local communities, both Greenwich Township and the Borough of Paulsboro, and frankly, other municipal entities too in our surrounding area. And we try to focus on different events that could happen, whether it be some type of chemical release, explosion or fire. And most of the time, these

are full-scale functional drills, which means we actually deploy assets. We actually squirt water, squirt foam, talk about the incident, deploy resources, and then do a critique afterwards. On occasions, we do do tabletops, too, but mostly full-scale functional exercises.

DR. JENNER: Okay. Has there been any revisions to this type of training protocol since the Paulsboro accident?

CHIEF ROBINSON: No, sir, there has not.

DR. JENNER: Very good. Thank you.

Mr. Stancil.

MR. STANCIL: Yes, I see we're running out of time. So, Mr. Ferrone, I just have a question for you. Bear with me one second. Okay, since the trainmaster maintained possession of consist for a period of time, what is Conrail's current capability to transmit an electronic copy of the consist to an incident commander?

MR. FERRONE: Right now the only means we would have to do that is by via fax to the incident commander's site or to one of our yard locations where we can get it duplicated and get it to them.

MR. STANCIL: Does it exist in an electronic form other than the hard copy document that the train crew carries with them?

MR. FERRONE: Not to my knowledge, sir.

MR. STANCIL: And who would have that? Is there an extra copy of the consist maintained by the dispatch center or how

would that work?

MR. FERRONE: Our Customer Service Center obviously can print another one out of the, you know, the database, the consist for the train, and like I said, but there's no way to electronically copy it without maybe scanning it, pdf-ing it to them on an attached e-mail or faxing it to them, sir.

MR. STANCIL: Okay. And, Deputy Chief Stevenson and Chief Giampola, can you describe for us the importance of having a copy of the train consist immediately following an accident?

CHIEF GIAMPOLA: It's almost knowing -- to be able to reference, I guess, to ERG, knowing what we have. Sometimes, and again I'm not real familiar with consists, but sometimes there may be something printed on there that we need to know. Just having that and having a lineup of the cars and what chemical can react with another chemical or what's in the line, you know. Is the car that's breached next to a real flammable car, and could a shift cause a spark? Just knowing the lineup of the train is really the importance of having that document.

MR. STANCIL: Deputy Chief Stevenson, do you have anything to add?

DEPUTY CHIEF STEVENSON: Yeah, ditto with Chief Giampola. You know, if we can read the placards, we can go to our response guidebooks and know that, but the consist helps us if we're oblivious to what -- we can't quite see them. We need that consist to tell us what's in them, also what the lineup is of the

cars. But if we can see the placards, if they're placarded very well, we can immediately identify what's in them and then start working from that point on. But the ER Guide doesn't tell us what lineup the cars are and what -- you have four cars down, if this one's catching fire, well, these two may be okay because the next one's a lumber but, hey, the next one behind it may be chlorine. So that's why the consist is absolutely critical.

MR. STANCIL: And, Chief Giampola, you expressed some frustration to us during your interview about not having the consist soon enough?

CHIEF GIAMPOLA: And again, Chief Robinson really put me on, we need to get the consist. The engineer and the other guy that were there passed it off to the trainmaster who passed it off to Neil. The timeline, and I'll have to ask Chief Robinson, I guess was 45 minutes or so before we actually got it from the time we asked for it, and that was -- not having that, we had an ethanol car in the water, there were vinyl chloride cars, the car up on top as a vinyl chloride car. Knowing what was behind it was crucial. Until we got those cars that were on their north end of the tracks off of there, we didn't know if something else was going to pull those cars into the water or cause, you know, other damage or, you know, other derailments. So knowing what we had on the other end, so my counterpart, Chief Zimm, from West Deptford, I could let him know what was in his territory.

MR. STANCIL: Thank you.

Mr. Downs.

MR. DOWNS: Thank you. Mr. Nicholson, that concludes this round of questioning for the panel.

HEARING OFFICER NICHOLSON: Chairman Hart, at this time there's no further questions from this panel.

CHAIRMAN HART: Okay. Thank you very much. Now we will turn to the parties to have their final round of questioning for the day. And so we'll start with the Coast Guard again.

CAPT FISH: Thank you, Mr. Chairman. We have no further questions at this time.

CHAIRMAN HART: Thank you.

PHMSA.

MR. SCHOONOVER: Thank you, Mr. Chairman.

Chief Giampola, even after getting the shipping paper, there's no indication that you used the phone number on that particular description to call the shipper. One of the important pieces of information contained in that shipping description is an emergency response number of the shipper or their contract representative to provide detailed information. Were you aware of that or did you attempt at any time to call that number?

CHIEF GIAMPOLA: We did not because I had DuPont, who uses the product, they came to my location, and PolyOne, who also uses the product, they both sent representatives to us. So I felt there was no need to contact the manufacturer when I had the end user there with their metering equipment that was specific to

vinyl chloride and them assisting us in what we were doing.

MR. SCHOONOVER: Thank you.

CHAIRMAN HART: FRA, any questions?

MR. HYNES: Yes, Mr. Chairman, just a couple of questions.

Mr. Ferrone, when you have these classes for emergency responders, whether it's Operation Lifesaver or hazmat classes, how do you notify the emergency responders that there will be a class?

MR. FERRONE: Well, we do that through, like I said, their county instructors and let them get it out. Sometimes it's by letter. Sometimes it's by phone calls. But we usually deal with the county fire instructors at their academies and let them get it out to their neighboring communities for us because they have the contacts.

MR. HYNES: I see. And you mentioned training at Pueblo. Have you send Conrail supervisors or managers to training at Pueblo?

MR. FERRONE: Yes, we have had some supervisors go to Pueblo for hazmat, including myself. We also send some of our frontline supervisors to our sentinel classes that are offered either through Norfolk Southern or CSX in Atlanta, at their training centers as well. And like I said, we have in the past and will continue to do so, we do send some of the first responders out with either -- you know, we'll pay for the class

and you pay for your accommodations or, you know, some sort of arrangement of that nature.

MR. HYNES: Okay. So you don't sponsor those trips out there?

MR. FERRONE: Not full sponsorship, no, sir.

MR. HYNES: Okay. And one other question. When you do training for your supervisors or your train crews, do you talk about the need to quickly get the train consist into the hands of the emergency responders?

MR. FERRONE: Yes, sir, we do.

MR. HYNES: Okay. Have you changed any of that training since the accident as far as the consist to the emergency responders?

MR. FERRONE: No, sir. Like I said, from what I've read and from what I've heard, you know, the conductor talked to the first responder, which obviously was a police officer. I know Mr. Fillingame then obviously had the consist and talked to the assistant chief, and then I discussed it with the chief and then utilized that consist to inspect the rear end of that train because I needed that consist to go from 82nd to 14th car.

MR. HYNES: Okay. Thank you.

No further questions, Mr. Chairman.

CHAIRMAN HART: Thank you.

BLET.

MR. WALPERT: Yes, just a couple of questions for

Mr. Ferrone. Trainmaster Fillingame earlier indicated that 80 to 150 cars per day move over the Paulsboro Bridge and nearly -- or 50 percent of those were hazmat. Are there any records to indicate how many cars have moved over that for a period of time, say, 2 years, and if so, do those records indicate what the gross tonnage may have been?

MR. FERRONE: Yeah, I believe that stuff was all supplied to the Transportation Safety Board on what moves down the Penns Grove Secondary Line. I believe it was a year's worth of traffic, it may have been two, but that was all supplied to the Transportation Safety Board.

MR. WALPERT: Okay. Also, Mr. Ferrone, have any of the Conrail employees that were on site tested for exposure to vinyl chloride and are those tests ongoing?

MR. LEVIN: Chairman, Conrail has an objection to that question.

CHAIRMAN HART: Could you repeat the question please?

MR. WALPERT: The question was have any of the Conrail employees been tested for vinyl chloride that were on site.

CHAIRMAN HART: Do you want to talk about the nature of that objection to the group or come up and talk about it individually?

MR. LEVIN: Yeah, just due to the nature of the question and the HIPAA of the medical records associated with the employees.

CHAIRMAN HART: The privacy of the medical records?

MR. LEVIN: That's correct.

CHAIRMAN HART: Okay. Would it be sufficient to get numbers without names? Would that be sufficient for the purpose of the question?

MR. WALPERT: Yes.

CHAIRMAN HART: Is that okay with Conrail? Have numbers but no names?

MR. LEVIN: We're going to stand on our objections for now.

CHAIRMAN HART: Okay. I think that I understand. Just one second. Okay. We're going to convene a momentary sidebar. So if you would come over and Conrail and we need some help from the Technical Panel and we'll address this forthwith.

(Off the record.)

(On the record.)

CHAIRMAN HART: Okay. UTU, do you have any further questions?

MR. BATES: I have one question to Mr. Ferrone. I know we've been talking about first responders, and in listening to the testimony, I think the conductor and engineer probably were the first responders to this incident, and I'd like to know do you all have anything in place or any plans coming up so the engineer and conductor have proper PPE or respirators, supplied with respirators, in case -- because you have such a high concentration

of hazardous materials operating on your line, is there anything in place that respirators will be supplied to the engineer and conductor? Because I know from the earlier testimony you said within a half a mile, but this engineer and conductor were seven cars away. It sure would have been nice if they had a respirator of some type to protect them.

MR. FERRONE: Well, sir, the best answer I can give you at this point is we're looking at FRA Safety Bill with emergency escape respirators. That would be the only thing you can give a crew member at this time, is an escape respirator, an emergency escape respirator. If I gave a crew member an air purified respirator, I'd have to think of all the different cartridges I would need to purify the chemicals he's involved with.

Take the CA11, for example. There's multiple chemicals on that train, you know. An air purifier respirator would not work if he's dealing with something other than -- if I give him a vinyl chloride cartridge, is it going to work on a chlorine cartridge? So I have to look at an air escape respirator type, which is in the actual safety bill, as you're well aware, for that type of situation. The only thing that's going to be 100 percent for any crew member is self-contained breathing apparatus, which is putting him in Scott air packs.

MR. BATES: Okay.

CHAIRMAN HART: And I apologize, because I meant to say BLET did you have any more questions, and then after that, I was

going to give the disposition of what just occurred.

BLET, do you have any further questions?

MR. WALPERT: No.

CHAIRMAN HART: Okay. The disposition of the sidebar was that we will await -- a similar question will be asked of the state authorities and we will await that question and see if there remains an objection to it. Meanwhile, that question will remain unanswered for now, and we'll see if the question's answered in a form that's suitable to Conrail at that time when we ask it to the state authorities. So that's the resolution of that issue.

So, BLET, no more questions? And UTU -- oh, I'm sorry, go ahead.

MR. WALPERT: No, I have no more questions.

CHAIRMAN HART: And UTU, are you finished?

MR. BATES: Yes.

CHAIRMAN HART: Thank you very much, and I apologize for the disorder.

State of New Jersey, do you have any further questions?

MR. SWEENEY: Yes, this is a question for Mr. Ferrone. We're struggling to understand the path of the consist. You had taken the consist to inspect the back end of the train, and I think I heard through your discussion that Mr. Fillingame was with you. So help me understand if that is, in fact, true. And if you and Mr. Fillingame left, did anyone in a senior position from Conrail remain with the incident commander?

MR. FERRONE: At that time, no, sir, you're correct. Mr. Fillingame and I did depart, via 295 to the north end of the derailment at Paradise Road, with the consist. Mr. Fillingame walked one side of the train, I walked the other with the consist. We then cut the train apart, rode -- secured the cars and rode the train out to Paradise Road and then returned to the incident command, at which time Mr. Fillingame took the consist, went back to Paulsboro to make additional copies of the consist.

MR. SWEENEY: What would you estimate the length of time, including Mr. Fillingame making copies and then returning, that the consist was unavailable to the incident commander?

MR. FERRONE: I would have to say by the time I drove over there, walked three-quarters of a mile in and then rode out, I would have to say 45 minutes maybe. It's a guess.

MR. SWEENEY: Thank you.

One last question, I guess Mr. Robinson would be best to respond to this, a discussion or an understanding of the role that DuPont and PolyOne performed on site, we believe they did some kind of air monitoring and who, if anyone, did those results get communicated to?

CHIEF ROBINSON: Mr. Sweeney, I'm not sure about their direct air monitoring contributions. I did physically receive a MSDS for vinyl chloride from DuPont. The air monitoring, other than the Paulsboro Refining team that we obtained, were from a neighboring industrial facility, from their fence line monitoring,

and that was the other party that I was referring to.

MR. SWEENEY: Thank you. No other questions.

CHAIRMAN HART: I'm sorry. MSDS, what is that?

CHIEF ROBINSON: Material Safety Data Sheet, which is a summary of the chemical, its hazards, its physical properties natures, and that whole form is changing with the global harmonization. But it's basically information about the chemical, chemical specific, everything you want to know about the chemical and then some.

CHAIRMAN HART: Okay. Thank you very much.

Paulsboro, do you have any further questions?

CHIEF ROEMMICH: Paulsboro has no questions, sir.

CHAIRMAN HART: And Conrail, do you have any further questions?

MR. LEVIN: Yes, Chairman, one question.

For Fire Chief Giampola, who ordered the 5 p.m. evacuation on the day of the derailment?

CHIEF GIAMPOLA: That was done through the unified command, through discussions and more specific data on where there was hot spots of vinyl chloride. It was a joint decision of the five people on the unified command.

MR. LEVIN: Thank you. No further questions.

CHAIRMAN HART: Okay. Thank you. We've reached the end of the day. I would like to thank the witnesses for testifying, for taking time out of their busy schedule to testify. I would

like to thank the parties again for their continued assistance in helping us elicit the facts so that we can determine a probable cause and make recommendation on how to keep this from happening again and how to mitigate the extent of injury and damage from this type of event if it occurs again. So thank you for all that. It's been very valuable.

We will adjourned for the day and reconvene at 9:00 tomorrow morning.

(Whereupon, at 5:07 p.m., the hearing was adjourned, to reconvene on Wednesday, July 10, 2013, at 9:00 a.m.)

CERTIFICATE

This is to certify that the attached proceeding before the

NATIONAL TRANSPORTATION SAFETY BOARD

IN THE MATTER OF:	INVESTIGATIVE HEARING IN CONNECTION WITH PAULSBORO, NEW JERSEY TRAIN DERAILMENT AND HAZARDOUS MATERIAL RELEASE NOVEMBER 30, 2012
DOCKET NUMBER:	DCA-13-MR-002
PLACE:	Washington, D.C.
DATE:	July 9, 2013

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.

_____

Timothy J. Atkinson, Jr.
Official Reporter