

UNITED STATES OF AMERICA

NATIONAL TRANSPORTATION SAFETY BOARD

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Investigation of:

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CSX TRAIN DERAILMENT

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AUGUST 20, 2012

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Docket No.: DCA-12-MR-009

ELLICOTT CITY, MARYLAND

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Interview of: CORY PAINTER
Engineer, CSXT

Friday,
August 24, 2012

The above-captioned matter convened, pursuant to notice.

BEFORE: RUBEN PAYAN
Accident Investigator

APPEARANCES:

RUBEN PAYAN, Accident Investigator
National Transportation Safety Board
490 L'Enfant Plaza East, S.W.
Washington, DC 20594
[REDACTED]

WAYNE WIGGINS
Trainmaster
CSX Transportation

PATRICK BOYD, Inspector
Operating Practices
Federal Railroad Administration
Baltimore, Maryland

JASON TALLEY, Railroad Safety Inspector
Operating Practices
Federal Railroad Administration
Baltimore, Maryland

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I N T E R V I E W

(10:55 a.m.)

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3 MR. PAYAN: It is 10:55 on August 24th, 2012. We are in
4 Ellicott City holding interviews with regards to the CSX train
5 derailment that occurred on Monday, August 20th at 11:56 p.m. The
6 NTSB Accident Number is DCA-12-MR-009. And we'll go around the
7 room and introduce the people here participating. My name is
8 Ruben Payan, P-A-Y-A-N, and I am an NTSB investigator.

9 MR. WIGGINS: My name is Wayne Wiggins. I'm a
10 trainmaster, CSX.

11 MR. PAINTER: My name is Cory Painter. I'm an engineer
12 with CSX.

13 MR. TALLEY: Jason Talley, Railroad Safety Inspector for
14 Operating Practices in Baltimore, Maryland.

15 MR. BOYD: Patrick Boyd, Operating Practice Inspector,
16 FRA out of Baltimore.

INTERVIEW OF CORY PAINTER

BY MR. PAYAN:

17
18
19 Q. All right. Okay, Mr. Painter, thank you for being here.
20 We're going to start off with asking you to kind of walk us in --
21 walk us through your day, starting off from the time you went on
22 duty on the day of the accident, what you did, how you got on your
23 train and how you operate your train, and all the way up to when
24 the accident happened.

25 A. Okay. Come into work at 4:00. Called for, obviously,

1 Coal Train U813. We had to do some safety briefings at work that
2 day with Wayne. Had us watch safety videos and our weekly video
3 -- our monthly video we watch every month, and then he did a new
4 video that we have for the new conductors. And then after he did
5 his briefing with us, we did the briefing with the train, you
6 know, went over the orders and all that stuff, and then waited a
7 little while on the train to come in to Cumberland. Went out, got
8 on the train, obviously. Departed, I think it was around 5:30 or
9 so, and then pretty much had an uneventful trip.

10 It looked like a good trip going down the road, you
11 know. Got stopped twice, trains in front of us, obviously, and
12 one time was for, he said, track work or something ahead of us.
13 And then we got -- I mean, after that there was a straight shot,
14 it looked like, into Baltimore, you know. We didn't pass anybody,
15 really, and just going along down in Ellicott City, and then the
16 train went in emergency, you know.

17 Nothing, nothing uneventful when we felt it, you know.
18 It didn't feel like a derailment, which I've never felt one
19 before, but it just felt like a normal, you know, train
20 separation, like an air hose or a knuckle possibly or something.
21 And we sat there and waited for the train -- you know, tried to
22 rest the air. Waited, you know, your minute for the air to reset,
23 and it didn't reset, obviously. So Tim gathered all his stuff up
24 and said -- you know, got his air hose and his wrench, said I'll
25 see what I can find.

1 And he made it back to the first car and he hollered at
2 me on the radio to come back. He said, you know, there's
3 something back here you got to see, which I didn't -- wasn't
4 thinking that. I was just thinking, you know, we were dragging
5 something or -- when I walked around the corner and saw the cars
6 on the ground, like, you know, my heart went up because I never
7 seen nothing like that. And then people had already started
8 gathering there, were yelling, you know, you got cars on the
9 ground, and someone yelled there's a car over the bridge, and I
10 just turned around and said, Tim, I got to go call dispatch. I
11 said, this ain't good. So I went back up, buzzed the dispatcher
12 and told him, you know, cars on the ground.

13 And within a couple of minutes, you know, the police and
14 fire department started showing up at the scene. And then Tim
15 said he was going to do his walking inspection and he started
16 walking. And me and the engineer trainee, Tim, sat on the engine
17 and just pretty much wait and see what happens is all it really
18 is. I mean, you just got to wait and tell you what he's finding
19 and he's, you know, he's letting us know as he goes, cars on the
20 ground, cars are in the parking lot. Then he got to the rear of
21 the train and said everything from such and car back looked good,
22 you know. Everything else was on the rail, but -- by the time he
23 started working his way back up, you know, CSX officials started
24 showing up and talking to him on the radio. And then we were up
25 there just waiting to hear, and then the trainmaster start coming

1 up on the engine and talking to us, and that was pretty much until
2 everyone started showing up and what goes on after there, you
3 know.

4 Q. All right. Well, thank you. Thank you. Kind of going
5 back a little bit. You say you were operating on all clears?

6 A. Pretty much the whole way down, yeah. We had all clears
7 leaving Cumberland. I mean -- yeah, I'm pretty sure. I mean, we
8 didn't have really any problems until we got to Harpers Ferry.
9 Coming into Harpers Ferry, we had some, you know, approaches
10 coming down. There was a train setting in front of us right
11 where, you know, the Cumberland Sub ends and the Metropolitan.
12 That's for the dispatcher switch. And they had a congestion in
13 Brunswick a little bit, so we sat there and waited for a train --
14 I can't even remember how long -- roughly, 40 minutes to hour,
15 maybe, sat at Harpers Ferry, and then he said he'd get us moving.
16 We had a straight shot in through -- around Harpers Ferry, and
17 then coming into Point of Rocks on the other side of Brunswick
18 Yard, he buzzed us and said you're going to be holding at Reels
19 for -- I think he said track work or there was something working
20 ahead of us, which we thought that was kind of weird because it
21 was at night, but -- and he said you'll be there an hour and we
22 roughly only sat there, I'd say, 20 minutes to a half an hour, and
23 then he told us, you know, signal indication. Away we went, up
24 the hill and down into Ellicott City until it happened.

25 Q. Okay. And do you recall any defect detectors going

1 through there?

2 A. Yeah, yeah. We had -- well, right before that, there's
3 the one at Daniels, and then one on top of the hill there at
4 Mt. Airy, and then all the ones on the Cumberland Sub we had the
5 whole down and they come back, you know, no defects and clear.
6 And Tim even, like, he announces it in the cab. He said, "Axel
7 count, no defects", the conductor, so --

8 Q. Okay.

9 A. So every time we come over one, you know, we'd always --
10 you know, you're talking and carrying on, just listening to what's
11 going on, you know, talking about stuff. And then, you know, we're
12 up to date on our briefings and stuff, you know, slow orders and
13 stuff. But, you know, he'd always stop when you hear it go off,
14 because you're always listening for them, you know, and he'd say,
15 you know, "no defects, 332 axels", or whatever it was, you know.

16 Q. Okay. So all clear on the defects. How about the
17 signals, are you required to call those out on the radio?

18 A. Yeah. Yeah. It was -- me and Tim were calling them
19 back and forth. Like he'd call one time or I'd call some for a
20 while, you know, the conductor, Tim. The engineer trainee, he was
21 just running.

22 Q. Okay.

23 A. But, yeah, we called signals out in the cab, you know.
24 We always -- always call your signal in the cab, and then
25 definitely whenever you see an approach, you know, everyone, you

1 know -- okay, we're under approach now. You've got to be on your
2 toes now, see what's going on, come in prepared to stop or
3 whatever.

4 Q. So it's everything, not just less than clear? All the
5 signals are called?

6 A. Yeah. Oh, yeah. Yeah, in the cab and on the radio.

7 Q. Okay. Now, when you went into emergency, how did you
8 know you were in emergency? Did you hear it or did you --

9 A. It just popped. You know, you hear it and then it
10 lights up on the engine screen or, you know, your --

11 Q. So you heard the air blow?

12 A. Yeah, you hear it pop. You know, you're up there and
13 you can tell it popped on the engine, you know. You even hear it
14 pop before you see it on -- your little screen pops up and it
15 tells, you know, you're train on emergency.

16 Q. Oh, okay.

17 A. But was just coming along, like I said, 25 mile an hour,
18 24, whatever we're doing through there, and it just went in
19 emergency and then -- it stopped so sudden that I couldn't even
20 tell him to bail off. Because, you know, you're always taught as
21 an engineer to bail off the brakes on the engine so it doesn't
22 slide the wheels. And before I could even get out the "bail off",
23 I mean, we come right to a stop within, I'd say, six car lengths
24 or so.

25 Q. Okay.

1 A. I've gone in emergency before and you stop a quarter
2 mile or so, you know, roughly, if there's no -- if you're not on
3 the ground. But this was kind of sudden and we should have known
4 -- like, this felt unusual, you know, to stop that quick. You
5 know, six car lengths, 25 mile an hour with 10,000 tons of coal,
6 it's pretty quick happening, and then the air didn't reset.

7 Q. Do you know what throttle the notch was -- or what notch
8 the throttle was in?

9 A. Dynamic.

10 Q. Dynamic?

11 A. We were in dynamic coming in -- kind of a little
12 downhill grade coming in through there. I mean, it's river grade
13 following you along, but it shoves you a little bit coming out of
14 the tunnel above you there we just come out of. It's a little
15 spot like where you're pulling, and then when you come out of that
16 tunnel, you bunch it up because it will run up over speed if you
17 don't pay attention to what you're doing. And then right around
18 Ellicott City, though, you start coming out of your dynamic and
19 you start pulling again.

20 Q. Okay.

21 A. But we were still -- he might have been in first notch
22 of dynamic or so, you know, bunched up.

23 Q. Okay, very good. And so you came to stop. The engineer
24 -- the conductor gets off and goes to the back and calls you?

25 A. Yeah.

1 Q. And then did you talk to the dispatcher at any time
2 before that?

3 A. No. Oh, yeah, we buzzed him to let him know we were in
4 emergency.

5 Q. Okay.

6 A. Buzzed the dispatcher to let him know that we were in
7 emergency. And he asked us if train air was restoring and Tim
8 said negative. I guess he misunderstood and said the train was --
9 thought we said it was coming back up, but --

10 Q. Oh.

11 A. So we start walking -- or he started walking and I went
12 back up and I told him, I said, we've got cars on the ground. He
13 said, I thought you said the air was restoring? I said, no, he
14 told you negative. And then, you know, it just -- from there, it
15 was what it was.

16 Q. Um-hum.

17 A. But, I mean, we did buzz him when we stopped and told
18 him our milepost. You know, you got to tell him your milepost,
19 air wasn't restoring, and the conductor was getting down. But I
20 guess he misunderstood what we said and --

21 Q. Um-hum. And then, so when you went to the conductor and
22 walked back, you called the dispatcher again?

23 A. I went back up and buzzed him on emergency channel that
24 time.

25 Q. Okay.

1 A. And told him that, you know, cars were on the ground and
2 people said that there was a car over the bridge. Some guy yelled
3 it, which I wasn't 100 percent sure now. But, I mean, it was
4 pretty panicked then when I saw the cars flopped over, and I've
5 never seen nothing like that.

6 Q. Yeah.

7 A. It was pretty shock and awe, you know.

8 Q. Sure, sure. And you requested emergency responders
9 or --

10 A. No. I mean, they showed up -- by the time I got back to
11 the engine and buzzed him and told him, fire trucks were already
12 coming around the corner. We could hear the lights and the sirens
13 were coming on and everything.

14 Q. So pretty quick?

15 A. Yeah, that -- like, at first, we were like, you know,
16 that was really quick. Like, you know, they were thinking like
17 how could they have been here so quick? But I was just assuming,
18 you know, quick response, you know, and I guess they were close in
19 the area, the fire department in the area, but -- I would have
20 said it was within 3 minutes to 5 minutes they were showing up.

21 Q. Um-hum. Wow, pretty quick. Did they approach you, the
22 emergency responders?

23 A. Yes. He come up to the engine -- the fireman come up to
24 the engine and was talking to us out the window saying, you know,
25 we need to see your tonnage graph or your paperwork on your train.

1 And I said, well, we just have all coal, you know. I said -- he
2 said, well, I still need to see it; my chief needs to see it. So
3 I gathered up the paperwork, handed it out to him in a plastic bag
4 there, and -- or he wanted me to take it back with him to his
5 boss. So I walked back to his boss. He said go down to this
6 truck and talk to this guy down here, who was the chief, I guess.

7 And I stood down there for a couple of minutes and that
8 guy was just talking so much on the radio to everyone there for a
9 few minutes and he was just so busy going on that I just walked
10 back up to the engine. And then our boss, I think -- I think it
11 was Ian, one of the trainmasters, showed up and said we need all
12 your paperwork, so I gathered everything up. And he said we need
13 your orders, your profile and everything. So we put that in a
14 plastic bag and gave it them, and they took it all.

15 Q. Him? CSX?

16 A. Yes. Ian was the trainmaster at Parkhurst.

17 Q. Okay. Now, when you say that the fireman -- do you
18 recall his name or his rank?

19 A. No. He -- they had just -- there was three of them that
20 come up and they all had, you know, the full fire suites on and he
21 just said, you know, I need all your paperwork. And I told him, I
22 said, well, it's all coal, you know, we don't have anything
23 hazmat, dangerous. And he said, well, just bring it with you.
24 And so I took it down and walked back with him, and then he
25 directed me down, you know, just down to this truck, and I went

1 down and the guy was just -- so many people were coming up to him
2 talking --

3 Q. Yeah.

4 A. -- and he was on the radio going a hundred mile an hour
5 that --

6 Q. Do you know where he was at? Do you recall?

7 A. He was parked right underneath the bridge, almost, in a
8 truck that said chief battalion or fire battalion or something on
9 the side of it.

10 Q. Was he on the side of the old station or the river side?

11 A. He was on the old station side.

12 Q. Old station side?

13 A. Yeah.

14 Q. Okay. So you handed your paperwork to him?

15 A. Yeah. I was standing there with it and --

16 Q. Did he have any questions for you? Did he --

17 A. No. He -- I walked up and I had my vest on and I said
18 I've got the paperwork, and he didn't even -- he just looked at me
19 a little bit and he just kept talking, and, like I said, firemen
20 were coming up to him and he was directing them.

21 Q. Yeah.

22 A. And then I stood there for about 5, 10 minutes, maybe 7
23 minutes or so, and he was just going on. I said, well, I got to
24 go back up to the engine, because I wanted to be up there on the
25 engine just in case someone's trying to contact us. I mean, I

1 knew that the trainee was up there and he could have probably
2 handled it, but --

3 Q. Sure.

4 A. -- I wanted to get back to the engine. And I told him,
5 I said, you know, it is all coal. I know you guys are probably
6 thinking maybe hazmats or something dangerous, I said, but it's
7 just coal. There's nothing dangerous as far as something that
8 could be leaking or spilled or something.

9 Q. Um-hum. Okay. Did anybody else approach you while
10 you --

11 A. No. I just stood there by myself a couple feet from the
12 truck. He was sitting in the passenger's side of it and the
13 firemen were walking up, talking to him. But other than that,
14 nobody else.

15 Q. Okay. And then you said you went back to your --

16 A. I went back up to the engine.

17 Q. Okay. And then --

18 A. Climbed up on the engine with Tim, and then, within a
19 few minutes, the trainmaster started showing up, coming up to us,
20 and he asked me for the paperwork again and all of our orders and
21 everything. He said they needed it all. So I gave it all to him
22 in a garbage bag and they took it back.

23 Q. Okay. And when were you taken -- about what time were
24 you taken to the hospital?

25 A. I think it was around 3:00 or 3:30.

1 Q. 3:30? Okay. And how long after that did you provide
2 samples?

3 A. Within an hour of being there. They had to go over the
4 paperwork to get us signed in. We were there, you know, in the
5 lobby, roughly half an hour. Went back, and then they went
6 through the protocol, I guess, of getting out the samples, making
7 sure they were all sealed and marked and held by the right people.
8 But I'd say within an hour of being in the hospital.

9 Q. Okay. And then after the hospital, what happened?

10 A. Then we went outside and waited for a PTI van to pick us
11 up to take us back to Cumberland. Trainmasters Parker and -- he
12 had a trainee with him -- and then the trainmaster from Brunswick,
13 we were all outside waiting on the van to show up. And then as
14 soon as the van picked us up, we all went our separate ways. They
15 went back to the site, I guess, and we went home in the van.

16 Q. Okay. You were released back in Cumberland?

17 A. Yeah. Just -- they released us from the hospital there.
18 We had to do all that, and then sign out, or whatever they had to
19 do, and then back to Cumberland. Went to the yard office to make
20 our ticket off.

21 Q. Okay. Now, through this -- on the Old Main Line, about
22 how many times would you estimate you've gone through there in
23 both directions -- or in either direction?

24 A. Oh, almost every trip, really.

25 Q. Yeah.

1 A. That's where a lot of our trips run that way.
2 Especially if you're on a coal train, it's almost always that way
3 95% of the time.

4 Q. So you're talking several years experience on that line
5 or --

6 A. Oh, yeah. I've been an engineer 6 years.

7 Q. On that line?

8 A. Yes.

9 Q. So a lot of your trips are on that line?

10 A. Yeah.

11 Q. Okay. Now, if you were to characterize, on that line,
12 seeing people on the track and compared to -- with Ellicott City,
13 would you say there's the same people on the -- you see people on
14 the track throughout the line or do you see more in Ellicott City,
15 less in Ellicott City?

16 A. You see more people from right above Ellicott City all
17 the way down to, pretty much, Baltimore City -- or, you know, the
18 city limits almost, I guess, because of the park area in through
19 there. There's a state park down below Ellicott City. It's --
20 they call it Avalon, I guess. There's a state park, and then you
21 see people on the tracks up through there. Right below Ellicott
22 City, there's a pull-off area, and you always see people in there
23 either partying or taking pictures by the tracks. And I've seen
24 people around the tracks in Ellicott City a lot, you know, people
25 hanging out, walking up along the tracks, you know, walking dogs

1 during the day, summer days, and stuff.

2 Q. Um-hum.

3 A. But more so on that end than on the other end of the Old
4 Main Line like towards Brunswick. I mean, just housing along that
5 area. You don't see a whole lot, but you see them, but down along
6 that area, like I said, it's more parks, people walking dogs and
7 nature hikes along that line, I guess.

8 Q. Um-hum. I see. Okay. Okay, now how's the view coming
9 in from either end into Ellicott City? You have a pretty straight
10 shot or is it --

11 A. Well, coming in right where it happened, you're in a
12 curve, left-hand curve, and -- but then once you get into where
13 the town is, you know, it's a little straight area, and then it
14 goes back in another left-hand curve. But, I mean, you've got
15 good sight on everything. You can see as far as anything around
16 or on the tracks, you know, on both sides of you.

17 Q. But you don't recall seeing --

18 A. I mean, it's real tight --

19 Q. Yeah.

20 A. -- coming in there, though, with the wall on one side of
21 you. It's like a big cliff on the right side of you. Not a whole
22 of area in between there and the tracks, but --

23 Q. Do you recall people out that night on the --

24 A. No, I didn't -- we didn't see anybody the whole way
25 down. I mean, it was late at night. We didn't see anybody along

1 the tracks. Didn't see, obviously, the two girls anywhere in that
2 area, you know. We didn't notice them or anything like that.

3 Q. Okay. I'm going to turn it over to Pat here to see --
4 let him ask a few questions.

5 BY MR. BOYD:

6 Q. So you've been operating on the Old Main Line for 6
7 years or you've just been an engineer for 6 years?

8 A. I've been an engineer for 6 --

9 Q. Okay.

10 A. -- operating on that end 6 years.

11 Q. How many times would you say you went over that route on
12 the Old Main Line?

13 A. At least four times a week, you know, down and back, and
14 then down and back again.

15 Q. Um-hum. Do you remember the last signal you had prior
16 to arriving there?

17 A. At Union Dam was a clear.

18 Q. Union Dam. Okay. And you said it was kind of unusual
19 for a train with, you said, about 10,000 tons to come to an abrupt
20 stop that fast --

21 A. Yes.

22 Q. -- because usually it takes longer?

23 A. Yeah.

24 Q. You thought that way? Okay. Now, when you're coming
25 through there, you said maybe four times a week, have you ever

1 seen anybody sitting on the bridge or in that area?

2 A. Never. I've never seen nobody right on that bridge
3 area. Now, I've seen people right before the bridge. Like, right
4 before that parking lot along the side of the tracks, there's an
5 old concrete pad. I don't know what it is, but I've seen people
6 -- like young kids drinking on that pad, I guess, at nighttime and
7 stuff.

8 Q. That's like the, maybe the partying spot.

9 A. Yeah, I would say. Kids in the tracks. Like, one time,
10 there was a kid standing on the tracks, I guess, playing chicken
11 and there was a bunch of kids on the platform and his buddy
12 grabbed him and pulled him out of the way. That was years ago.

13 Q. Have you ever been involved in a train accident before?

14 A. Yes.

15 Q. Have you ever been disciplined for any performance on
16 your job?

17 A. Just years ago working in Cumberland Yard for not having
18 safety glasses on, along them lines, but nothing like running
19 through switches or derailling cars or nothing, no.

20 Q. Okay. And on this day, you had the trainee operating
21 the train and he was under your --

22 A. Yes.

23 Q. -- under your watch?

24 A. Yes.

25 Q. That was your first time working with the trainee?

1 A. No. I've worked with him, I'd say, 2 weeks before that.
2 I worked with him back from Baltimore to Cumberland. He went down
3 with another crew and then he went back with me on the way back.

4 Q. Right. During the course of this trip, did you or any
5 of the other crew members have a personal cell phone on in use
6 during the time when you were working?

7 A. No, not while we were working. Now, when we stop, you
8 know, you turn your phone on and check to see if you have any
9 messages or anything along them lines, but --

10 Q. Yes.

11 A. -- not while we were working.

12 Q. Okay. I have no more questions at this time.

13 A. Okay.

14 BY MR. TALLEY:

15 Q. All right. My name's Jason Talley with the FRA. I've
16 just got a couple questions. I want to specify on one of the
17 questions he asked about you being involved in an accident
18 previously and you said yes. Do you recall when and what type of
19 accident it was?

20 A. I think it was last year. I'm not sure what time of the
21 year. I can't remember. I hit a guy walking in the tracks in
22 Martinsburg. Shenandoah Junction, I guess, is the correct area
23 it's called.

24 Q. What about derailments?

25 A. No, never any derailments.

1 Q. And can you give me a brief background of your CSX
2 employment real quick?

3 A. Started 12 years ago out of Brunswick, hired as a
4 conductor. Did all my training in Brunswick. Was from
5 Cumberland. Once I was able to mark up as a conductor, I went
6 back to Cumberland. Worked out of Cumberland Yard for the first 5
7 years. Never really worked the road a whole lot as a conductor,
8 just stayed in the yard. And then once I went to engine school on
9 the east end, I trained from Cumberland to Baltimore as an
10 engineer. I've been out on the road pretty much ever since as an
11 engineer, Cumberland to Baltimore east.

12 Q. Have you gotten any, ever gotten any commendations for
13 your performance?

14 A. No. I mean, I wouldn't say I've gotten commendations,
15 no. I never got, like, awards or anything like that, no.

16 Q. Okay. Now, I'm sure you've had a lot of efficiency
17 tests --

18 A. Yes.

19 Q. -- and you probably looked through them. Do you recall
20 the last time -- well, let me rephrase that. Do you recall if
21 you've ever failed any efficiency testing?

22 A. No, not that I recall of.

23 Q. I mean, when's the last time you recall your last
24 efficiency test?

25 A. Two weeks ago, when I worked back with Tim, Mr. Wiggins,

1 in Road Foreman Keller banner tested us in Martinsburg.

2 Q. And you've always passed?

3 A. Yeah, I've always passed my banner tests or efficiency
4 testing along the line I rode, yes.

5 Q. Okay. So you mentioned you went over safety briefings
6 and you had no slow orders?

7 A. Yeah, we did have slow orders on the way down.

8 Q. Okay. What about the -- between -- what was those two
9 signal aspects? Nothing with -- in the Ellicott City area?

10 A. No. Nothing -- we didn't have nothing in between them
11 areas. We had a 25 just below Ellicott City in the tunnel. It's
12 been there for months now. It's -- I mean, everyone knows about
13 it, you know.

14 Q. So how many slow orders do you recall?

15 A. On the Old Main Line, there was two. Well, there was
16 three, counting that one.

17 Q. Do you remember approximately where those three were?

18 A. Yeah. The first one is Mile Marker 55, there's a 40-
19 mile-an-hour, which you're in a 40 anyway; Mt. Airy Tunnel,
20 there's a 25; and then the one at Ilchester Tunnel, just below
21 Ellicott City, is a 25-mile-an-hour.

22 Q. Okay. And touching up on the cell phones, did you
23 observe or see any other crew members with cell phones?

24 A. No. Just when we stopped at Reels, Tim went outside on
25 the engine and used his cell phone.

1 Q. All right. Describe for me your professional
2 relationship with the other crew members, with your --

3 A. I've worked with Tim a couple times over the years since
4 he's hired out. Other than working with Tim --

5 Q. Tim's your conductor?

6 A. Tim, yes. Tim Hummelbaugh. I'm sorry. Working with
7 him over the years as a trainee and a couple of times as a
8 conductor since he's been here. And then Tim Fisher --

9 Q. Now your locomotive engineer, right?

10 A. Engineer Tim Fisher, I've only worked with him just the
11 trip 2 weeks ago when I was banner tested with Wayne on the way
12 back, and this is the first -- second trip I've worked east with
13 him. But he worked Cumberland west to Pittsburgh as a conductor
14 and I never really worked with him or ever met him before until he
15 started training down east.

16 Q. Okay. How do you think our co-workers' moods were right
17 before the accident?

18 A. We were good. Just, you know, good mood, talking about
19 everything, talking about sports and stuff on the way down the
20 road and stuff like that.

21 Q. All right. And in your opinion, after you got down and
22 looked with your conductor at that first car after the second
23 locomotive and you saw the rail -- or the wheels looking right at
24 you, what do you think would have happened?

25 A. My estimation would have been a broken rail or a bad

1 wheel on a car or something along them lines, rail rolled over,
2 maybe, something along that line, you know, because --

3 Q. What was that? Like rail what?

4 A. The rail rolled over.

5 Q. Okay. All right. All right, that's -- and who placed
6 the train in -- well, I guess, never mind. That's not a question.
7 I guess that's all I have.

8 MR. PAYAN: Mr. Wiggins?

9 MR. WIGGINS: No questions.

10 BY MR. PAYAN:

11 Q. You mention every once in a while, you encounter people
12 on the track or about the track. What's the policy, CSX policy
13 when you see somebody on or about the track?

14 A. I guess you should probably report people on along the
15 tracks. I would think so.

16 Q. Do they require you to sound your horn and --

17 A. Yeah. Oh, yeah. When you see people close, you ring
18 the bell and sound the horn, yeah.

19 Q. And then notify the dispatcher?

20 A. Yeah.

21 Q. Do you get any feedback from the dispatcher as far as
22 we're sending police? Or do they make a note of it or do they
23 just acknowledge it?

24 A. Yeah, sometimes they'll make a note, you know. But, I
25 mean, a lot of times in the area down around Ellicott City, I

1 mean, there's people everywhere and you're reporting it all the
2 time. They just, you know -- they -- it's just -- I guess -- I
3 don't know how to explain it. Like, they -- it's just -- they're
4 always there and every day they're there. I mean, you'll see the
5 CSX police down below that area in Ellicott City a lot of times
6 where I said there's a big pull-off area, and they'll come up
7 there and you'll see them ride in that area to clear people out if
8 they're in that area, because there's always people, you know,
9 pulled off to the side of the road and drinking and stuff in that
10 area.

11 Q. Okay. So you have seen some police activity?

12 A. Yeah, yeah. Not --

13 Q. Railroad police?

14 A. Just not long ago, the CSX Police were parked down in
15 that lower parking lot. That's like the big spot where I said
16 people are always pulled off and they always want to get right up
17 against the train and take a picture like someone's taking a
18 picture of them. Like, I guess it's like -- they look like senior
19 pictures for kids. And one guy was standing there holding a
20 guitar. And, like, I looked down out the window and he's like
21 right there as the train goes by. They want to get a good
22 shot.

23 Q. Yeah.

24 A. I'm like, guys, you don't realize how close you are
25 getting and how dangerous it is. But then, like I said, you'll

1 see CSX police up in that area too, I guess, to keep an eye on
2 them, keep that area cleared out.

3 Q. So you -- the dispatcher does maybe fill out a form or
4 something or --

5 A. I guess he does. Yeah, or report it to the CSX police
6 to check that area for --

7 Q. Um-hum. Okay.

8 A. -- you know, people on, around the tracks, especially if
9 they're, you know, causing a disturbance, like throwing rocks at
10 the train or you'll get reports, you know -- sometimes they'll
11 throw rocks and you'll report, hey, you know, people were throwing
12 rocks, and they'll send somebody out.

13 Q. Okay. Okay, so they are responsive?

14 A. Yeah.

15 Q. You feel comfortable that they do take your reports
16 seriously?

17 A. Yeah.

18 Q. Very good. Very good. Some of the boilerplate stuff we
19 need. I'm going to try and build a little work/rest history. So
20 I know it's been a week, but to the best of your knowledge, going
21 back to the Friday before the accident, do you recall about what
22 time you went off duty or --

23 A. I come back from Baltimore and got back Saturday early
24 in the morning, I want to say, around in between 2 and 4. I can't
25 remember the exact time. Called out of Baltimore at 6, and we had

1 a pretty good run up the road, 6 in the evening. So made it off
2 around 3, maybe.

3 Q. Okay. And --

4 A. Then I've had -- I laid in on Saturday, Sunday, and then
5 that was my first trip going back east.

6 Q. Now, so let's -- Saturday morning, when you got in, you
7 went home?

8 A. Yes.

9 Q. Did you stay up or go to bed?

10 A. I laid down for a little while during the day.

11 Q. Took a nap?

12 A. Yeah.

13 Q. About 1 hour, 2 hours?

14 A. No, no, about 4 hours.

15 Q. A 4-hour nap?

16 A. Yeah.

17 Q. And then, Saturday, you stayed -- you say you stayed
18 local or your --

19 A. Yeah, I stayed in the area.

20 Q. What time do you go to bed?

21 A. About 11.

22 Q. 11 p.m. And Sunday, what time did you get up?

23 A. About 9.

24 Q. 9 a.m. All right. And again, Sunday, you stayed local?

25 A. Yeah, I stayed -- got up that morning and went and

1 played basketball.

2 Q. And you went to bed at what time?

3 A. Sunday evening, probably about in between 10 and 11
4 again.

5 Q. Okay, p.m. And that brings us to Monday. What time did
6 you get up?

7 A. Probably about 8:00 that day.

8 Q. 8. Okay. And you stayed local until you were called?

9 A. Yeah, stayed around all day until I got called, yeah.

10 Q. Did you take a nap that day or anything?

11 A. No, not that day.

12 Q. Okay. And how far do you commute from your house to the
13 reporting?

14 A. Less than 5 minutes.

15 Q. Oh, okay. So it's kind of nice.

16 A. Close. A throw -- a stone's throw.

17 Q. Very nice. Okay. I think that's --

18 MR. PAYAN: Any other questions, Pat?

19 BY MR. BOYD:

20 Q. So you said this is your second accident you've been
21 involved in?

22 A. Well, I've had two other collisions on hitting cars. I
23 hit a car when I was a trainee, engineer trainee, and then I hit a
24 cop car on the Old Man Line up around Frederick.

25 Q. With those things happening, do you think any of those

1 would contribute to interfering with you being able to safely
2 operate your train without being distracted?

3 A. No. None of them were. It was just, the guy ran around
4 the crossing the one time, and then -- that was when I was a
5 trainee -- and then the other time it was just a cop car. He
6 parked on the tracks, down the tracks. Come around the curve 40
7 mile an hour and there he was. No way to get stopped in time from
8 hitting him.

9 Q. Well, if you were to come down the Old Main Line again
10 and you were to see somebody sitting on that bridge, how do you
11 think -- how would you respond to that? Well, if you -- not if
12 you see somebody sitting on there again. If you come through
13 there and see someone sitting on the bridge span, how would you
14 react?

15 A. Obviously, blow the horn and you ring the bell --

16 Q. Ring the bell?

17 A. -- to let them know you're coming, you know, when you
18 see people around the tracks. And then definitely call the
19 dispatcher now and say, hey, listen, there's people on the tracks,
20 you know, you've got to get somebody out there. Obviously, you
21 don't want to see it happen again.

22 Q. Yeah. I appreciate that. That's all I have to ask.

23 MR. PAYAN: Jason?

24 BY MR. TALLEY:

25 Q. I just have one last question. When was the first time

1 that you heard -- you mentioned the two girls. When is the first
2 time you actually heard of the fatalities?

3 A. Within, I'd say, 2 hours of it happening. The train --
4 I think it was a CSX -- yeah, it would have had to been a CSX
5 official come up and said that there's two fatalities.

6 Q. Okay.

7 A. I'd say, within -- it was probably within a couple
8 hours, you know. Someone -- they started coming up on the engine
9 and asking us questions and talking to us.

10 Q. So you learned before you went to the hospital?

11 A. Yeah, yeah, yeah.

12 Q. Okay.

13 MR. TALLEY: That's all I have. Yes.

14 MR. PAYAN: Mr. Wiggins?

15 MR. WIGGINS: No questions.

16 BY MR. PAYAN:

17 Q. That's all the questions we have, but I always like to
18 give an opportunity to the people we're interviewing. Is there
19 anything you think we missed, anything you think we can move
20 forward to try and avoid this kind of tragedy?

21 A. No, not that I have. I don't have any questions or
22 anything to --

23 Q. Well, very good. We'll -- I'm going to give you my
24 business card. If you think of anything, please feel free to call
25 me. We are, again, very thankful that you came in and helped us

1 out. And again, thank you very much.

2 We'll end at 11:30.

3 (Whereupon, at 11:30 a.m., the interview was concluded.)

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CERTIFICATE

This is to certify that the attached proceeding before the
NATIONAL TRANSPORTATION SAFETY BOARD

IN THE MATTER OF: CSX TRAIN DERAILMENT
AUGUST 20, 2012
ELLICOTT CITY, MARYLAND
Interview of Cory Painter

DOCKET NUMBER: DCA-12-MR-009

PLACE: Ellicott City, Maryland

DATE: August 24, 2012

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

Karen M. Galvez
Transcriber