

UNITED STATES OF AMERICA

NATIONAL TRANSPORTATION SAFETY BOARD

* * * * *

Investigation of:

*

*

CSX EMPLOYEE FATALITY

*

ACCA YARD, RICHMOND, VIRGINIA

*

Docket No.: DCA-15-FR-006

APRIL 1, 2015

*

*

* * * * *

Interview of: SETH BROUS

CSX Acca Yard
Richmond, Virginia

Thursday,
April 2, 2015

The above-captioned matter convened, pursuant to notice.

BEFORE: MICHAEL FLANIGON
Investigator-in-Charge

APPEARANCES:

MICHAEL FLANIGON, Investigator-in-Charge
National Transportation Safety Board

STEPHEN JENNER, Ph.D., Human Performance Investigator
National Transportation Safety Board

GERY WILLIAMS, Vice President - Mechanical
CSX Transportation

DONALD CASHMAN, Operating Practices Inspector
Federal Railroad Administration (FRA)
Richmond, Virginia

SHANE RICHARDSON, Operating Practices Inspector
Federal Railroad Administration
Baltimore, Maryland

LARRY KOSTER, Manager Florence Division
CSX Transportation

DON GRISSOM, General Vice President
Brotherhood Railway Carmen Division

WILLIAM BATES, Lead Investigator
SMART/UTU

TROY BRYANT, Local Chairman
Brotherhood of Locomotive Engineers and Trainmen

BRUCE ALLISON, Local Chairman
United Transportation Union
(Representative on behalf of Mr. Brous)

<u>ITEM</u>	<u>I N D E X</u>	<u>PAGE</u>
Interview of Seth Brous:		
By Mr. Flanigon		5
By Dr. Jenner		11
By Mr. Cashman		16
By Mr. Williams		17
By Mr. Koster		17
By Mr. Grissom		18
By Mr. Flanigon		21
By Dr. Jenner		22
By Mr. Koster		22

I N T E R V I E W

(12:20 p.m.)

1
2
3 MR. FLANIGON: My name is Mike Flanigon with NTSB, F-l-
4 a-n-i-g-o-n. It's April 2nd, 2015, about 12:20 in the afternoon.
5 We're interviewing Mr. Seth Brous, B-r-u-s. Did I spell that --

6 MR. BROUS: B-r-o-u-s.

7 MR. FLANIGON: B-r-o-u-s. I'm sorry. B-r-o-u-s. And
8 with him is his union representative Bruce Allison, A-l-l-i-s-o-n.

9 I'm going to go around the room and ask the interview
10 group to state and spell their last name, and the organization
11 they're with. Starting with my colleague, Steve.

12 DR. JENNER: Stephen Jenner, J-e-n-n-e-r. I'm with the
13 NTSB.

14 MR. CASHMAN: Don Cashman, C-a-s-h-m-a-n, FRA.

15 MR. WILLIAMS: Gery Williams, G-e-r-y, VP for
16 mechanical, CSX.

17 MR. KOSTER: Larry Koster, K-o-s-t-e-r, Florence
18 Division.

19 MR. GRISSOM: Don Grissom, vice president for the Carmen
20 Division, G-r-i-s-s-o-m.

21 MR. BATES: William Bates, B-a-t-e-s, UTU/SMART.

22 MR. RICHARDSON: Shane Richardson, R-i-c-h-a-r-d-s-o-n,
23 with FRA out of Baltimore.

24 MR. FLANIGON: Okay. And I just wanted to confirm you
25 understand we'll record the interview and provide you with a

1 transcript to make sure it's accurate?

2 MR. BROUS: Yes, I understand.

3 MR. FLANIGON: Okay, Great.

4 INTERVIEW OF SETH BROUS

5 BY MR. FLANIGON:

6 Q. Again, thank you for being here. We appreciate the time
7 to help us out, understand what happened, and hopefully identify
8 ways we can prevent these kinds of accidents. And if I'm
9 understanding correctly, you were working as a remote control
10 operator and operating the consist that ended up striking the
11 individual yesterday morning, about 2:50 in the morning, April the
12 1st.

13 What I'd like to do, start with a very general way, just
14 from your own perspective kind of pick the starting that you think
15 best tells the story and let us know basically what happened, in
16 your own words at your own pace. Take all the time you need to
17 kind of walk us through.

18 A. Got a list from the yardmaster. Pulled out of North 1
19 to start switching it. So I went into North 1, yellow yard job.
20 Asked for permission to open up at 2 by the tower, and Y14, they
21 were lining back for my lead and let me know.

22 So, in the meantime -- their switches are up here and
23 the North 1 is down there. So, I let them have that, and then
24 once they let me know, I was able to pull out because everything
25 was mine. All the switches were mine and I was able to pull out.

1 So I started pulling out after they gave me -- you know, they let
2 me know that all switches were lined back. Checking the cars on
3 my switch list that were going by, and then noticed that the last
4 two cars were flat cars, and I know I can't ride them.

5 So I started bringing it down, and then as it was in the
6 process of stopping, the yardmaster said, CSX 391 stop. I was
7 stopping and stopped. Started walking back up towards the head
8 end, and nobody -- I didn't nothing was on the ground up there or
9 anything, so I just casually walked up there. Got to where our
10 shack is where I park, anybody parks. I crossed over, and
11 trainmaster have you seen the carman? And I said, no, I don't
12 know where he's at.

13 And we eventually met up with his, I guess, other
14 colleague and he said the he believed he had been hit. And we're
15 like, where is he at? He said his hardhat's on North 2. So me
16 and the other conductor from the other yard job ran up to -- and
17 found the body in the gauge.

18 Q. Okay. Going back to how you went about making the move.
19 What -- I'll back even further. What was the plan in pulling the
20 cars up? What was your objective?

21 A. They were a car that needed to be switched. I was going
22 to go pull them out of the track, put them back on my switch and
23 lead, and start putting the cars in their designated tracks.

24 Q. Okay. And how many cars did you have a hold of?

25 A. I believe it was 33 cars.

1 Q. Thirty-three cars. And did you have to make a cut to
2 get those 33 cars or were they --

3 A. They were the 33 on my list and they weren't coupled to
4 nothing else, so I just pulled them on out.

5 Q. Okay. So you started with a light engine?

6 A. That's correct, light engine.

7 Q. And moved the light engine into the designated track?

8 A. Yeah, North 1 where the cars were.

9 Q. North 1. Coupled up.

10 A. Um-hum.

11 Q. Any air involved?

12 A. There were five cars of air on the head end. I seen the
13 five cars of air.

14 Q. Okay. And so did you then -- did you connect up air?

15 A. Yes.

16 Q. Yeah, okay. So you've got air in the first five cars.
17 Any handbrakes you had to release, or --

18 A. They were on the head end when I coupled up. Everything
19 was stretched, made sure they're all solid. Knocked the
20 handbrakes off and then went and put the air on in all the cars.

21 Q. And at that point you started moving --

22 A. South.

23 Q. South. And you were on the ground? You remained on the
24 ground as the cars are going by you?

25 A. That's correct. In between North 1 and North 2 main.

1 Q. You were standing between North 1 and North 2. And
2 your purpose in remaining on the ground was?

3 A. Checking my switch list with the cars.

4 Q. To see you got the right cars?

5 A. That's right.

6 Q. And as you got towards the end of the consist or the
7 string of cars --

8 A. I noticed that there was two flat cars on the rear so I
9 automatically started bringing it down. I didn't need to pull it
10 by me and then need to walk those two cars. I know I can't ride
11 those cars.

12 Q. Okay. And so your intention was then stop it?

13 A. Right.

14 Q. Get on whichever cars -- side of a boxcar or whatever it
15 was?

16 A. Yes.

17 Q. And then ride up?

18 A. Um-hum.

19 Q. And start dealing with --

20 A. Yeah, once I got back on the lead, bring them down the
21 lead and start switching them.

22 Q. Okay. Had you seen the carman before you went into the
23 track?

24 A. Not in my knowledge. They were -- they asked for
25 permission in 4 and 9 earlier in the night. I don't -- most of

1 the time I don't see them unless they're pulling up to where
2 they're going to leave their truck at or they're in the tracks. I
3 don't really see them.

4 Q. Okay. You said they asked for permission. They ask you
5 permission?

6 A. At North 4 and North 9.

7 Q. North 4 and North 9. And that was -- how did they ask?
8 Was that --

9 A. They come to my radio channel and ask for permission to
10 work in what track they want to work in, and I give them
11 permission. And they lock it out and put a blue flag on there.

12 Q. Okay. And their -- I guess their plan was to work in
13 track 2 when the gentleman was struck. Had they -- had anybody
14 contacted you and said they were going to be working on track 2?

15 A. Not to my knowledge. I never talked to them about North
16 2.

17 Q. Yeah. Is that unusual that you wouldn't know that? I
18 mean --

19 A. No, I should know that.

20 Q. You should know that.

21 A. I should know.

22 Q. And presumably you didn't have any cars for 2 on your
23 list?

24 A. No.

25 Q. No. Okay. Did you know the individual that was struck?

1 Had you had any interactions with him?

2 A. Just talking over the radio, and I see him from time to
3 time when they pull up and get out of the truck, and I wave. But
4 no.

5 Q. Yeah. And was he the individual you talked to on the
6 radio?

7 A. About North 4 and North 9?

8 Q. Yeah.

9 A. Yes.

10 Q. Okay. Anything unusual about that conversation?

11 A. No, same thing every night that he says.

12 Q. Okay.

13 A. Asks the same thing.

14 Q. Okay. Let's see. Any abnormalities in any of the
15 equipment you were using that night? Everything --

16 A. Everything was running fine.

17 Q. Working normal? Your beltpack was responding --

18 A. Oh, yes. Yes.

19 Q. -- properly, and all that? There was -- someone was
20 telling me about a process you go through to check the switches.
21 Can you explain that?

22 A. When you start out the day, you run your zone, you make
23 sure all your switches are -- you know what your switches are.
24 And then switches that go out to the main, or you don't switches
25 against you that you're going to run through. So at the beginning

1 of the day, you run your zone and you check all your switches and
2 you check to make sure that the engine at the very end stops at
3 the puck, and reads the pucks at 9, 8, 7, through the stop puck.

4 And at that time I had recently just ran my zone before
5 I did that because my train just left the zone.

6 Q. And once you've done that, is that pretty much your set
7 of tracks?

8 A. That's mine, yes. The zone's mine, yes.

9 Q. And anybody who's going to work in that or --

10 A. And enters.

11 Q. -- enter it, needs to talk to you?

12 A. That's correct.

13 Q. And get that worked out, how you all accomplish that.

14 MR. FLANIGON: I think that's all I've got.

15 BY DR. JENNER:

16 Q. Okay, not too many follow-ups. This is Steve Jenner
17 with the NTSB. From the beltpack do you have capabilities of
18 throwing switches?

19 A. What do you mean? With the beltpack --

20 Q. Yeah.

21 A. -- on or just press a button on it?

22 Q. Just press a button.

23 A. No.

24 Q. Okay. So if you can walk me through the process for --
25 that you do at the beginning of a shift for checking switches?

1 A. Checking switches, I'll ride the head end, and ride my
2 whole zone and make sure that all the switches are lined for me
3 and nothing is against me. And if it is, there could be someone
4 -- if there's already someone in my zone when I get there, the
5 yardmaster most of the time notifies of what's going on and if I
6 need to stay out of the way. But other than that, it's just you
7 ride the head end, make sure you see everything. And if any -- if
8 a switch needs to be corrected, I can correct it, since I'm on the
9 head end, before any -- there's a possibility of run through
10 switch or anything like that.

11 Q. And everything was normal that evening?

12 A. That's right. Everything was fine.

13 Q. Okay. How is -- in general, how is radio communication
14 in this part of the yard? Is it pretty reliable?

15 A. Yes.

16 Q. Any problems that you were aware of that evening?

17 A. I didn't have no problems.

18 Q. Okay. Under what conditions will carmen contact you?

19 A. They most of the time contact me if they need to work a
20 track that, I guess, the yardmaster needs them to work. And
21 they'll call over the radio and ask for permission to work a
22 track, and I'll give them permission and they go ahead and do
23 their thing and -- locking it up and put a blue flag on it.

24 Q. Is that a pretty reliable operation? I mean, do
25 sometimes they forget to do that with you, or is it --

1 A. What's that? Talk to me or do their --

2 Q. To talk to you.

3 A. I've never had a problem with them working in a track
4 without talking to me before. I've always had them call me. And
5 if they can't get ahold of me, the yardmaster will get ahold of me
6 and tell me that they're trying to call me. But I don't have no
7 problem -- I've never had a problem with that before.

8 Q. Okay. So just the overall evening, the overall night,
9 were things, up until the time of the incident, pretty routine?

10 A. That's right. Correct. Everything was fine.

11 Q. In terms of overall workload for you was this a busy
12 night?

13 A. No, no. Not at all.

14 Q. Okay. In terms of sound, was this a more loud night or
15 a quieter night or pretty routine?

16 A. There was a road train in the zone during the beginning
17 of the shift, but that's just because they had -- I believe that
18 their train wasn't -- was all mixed up with their set-offs and
19 everything, but they were gone to -- another road train came and
20 picked up around there. Everything was gone. And there was an
21 engine sitting on the main running next to my zone in a yard job
22 shoving back at the time when I was in North 1. But other than
23 that, it wasn't -- I don't believe there was a whole lot going on
24 compared to other busy nights that I've had before.

25 Q. So maybe a little less than average in terms of --

1 A. Yeah, there wasn't a whole -- it wasn't like it was a
2 real heavy load that night of work to do that I could tell from
3 working before.

4 Q. Okay. You're outside, I guess, about most of the
5 shift --

6 A. That's correct.

7 Q. -- if not the entire shift. How was the weather or the
8 wind in particular?

9 A. It was calm by that time. Earlier in the night or the
10 previous day was windy, but it was fine.

11 Q. And how would you regard the visibility in the area of
12 the incident? How's the lighting and the visibility?

13 A. It's lit up pretty well where the incident occurred, I
14 believe.

15 Q. Have you ever had anyone tell you of -- not an identical
16 incident, but any, like, near miss types where people were sort of
17 caught off guard that, you know, a train was coming, and had to --

18 A. What do you mean, like that they've experienced?

19 Q. Yeah. Have others told you that, whoa, I didn't see you
20 coming or I didn't hear you coming?

21 A. I don't recall anybody telling me that.

22 Q. Okay. So this was very much out of the ordinary then?

23 A. Yeah. Like I said, when they told me to stop, I didn't
24 expect nothing like that.

25 Q. Okay.

1 A. I didn't expect that to be the outcome.

2 Q. Okay, great. If I can just get a little bit about your
3 background? How long have you been doing remote control
4 operation?

5 A. About a year and 3 months.

6 Q. Are you a qualified conductor?

7 A. That's correct.

8 Q. And when did you become a qualified conductor?

9 A. Through my training, when I finished my training?

10 Q. Um-hum.

11 A. Finished my training in, I believe, June of 2014. Or
12 you asked how long I've been with CSX or how long I've been
13 qualified?

14 Q. First, how long you've been qualified as a conductor.

15 A. Oh, qualified. Well, now I guess it's shorter than that
16 then. June to now. What is it? Nine months, I guess.

17 Q. June 2014?

18 A. That's correct.

19 Q. Okay. But you were doing remote control operations
20 prior to that?

21 A. During training, yes.

22 Q. Okay. And how long you been with CSX?

23 A. A year and 3 months.

24 Q. Oh, okay. So you came aboard CSX and you immediately
25 started remote control training?

1 A. No, I had to go through Atlanta and then here, so -- I
2 couldn't tell you what month I started. I started my training --
3 it might have been in April of 2014 I started remote.

4 Q. So just about 2 years, you started remote control
5 training, I think?

6 A. No, in 2014 --

7 Q. Oh, I'm sorry, 1 year.

8 A. Yes, that's correct.

9 Q. All right. And where did that take place?

10 A. Classroom was in Newport News, Virginia. I did some on-
11 the-job training down there and on-the-job training here at Acca
12 Yard.

13 Q. Has the equipment been pretty reliable for you?

14 A. Yes, it is.

15 DR. JENNER: Okay, great. I think that's all the
16 questions I have. Thank you.

17 MR. BROUS: Thank you.

18 BY MR. CASHMAN:

19 Q. Hey, Don Cashman. I just got one question. When you
20 went into 1 with the light engine, where did the engines -- when
21 you coupled up, where was it?

22 A. At least 15 cars back. I couldn't tell you exact how
23 many, but it was --

24 Q. Fifteen back from the clearance point?

25 A. From the clearance point, that's correct.

1 Q. So you were down there?

2 A. It was a good ways down there, yes, sir.

3 MR. CASHMAN: Okay, thanks.

4 MR. KOSTER: We have that footage. If that's an issue,
5 I can provide that.

6 MR. CASHMAN: No, I just wanted to fill out my
7 background map.

8 BY MR. WILLIAMS:

9 Q. Okay, just -- now, just for clarification, you say the
10 carman -- was it Mr. Eskew -- did contact you for permission into
11 9 and 4?

12 A. Yes, earlier in the shift, yes.

13 Q. On the radio?

14 A. Yes.

15 Q. Now, did -- is he required by rules to contact you? If
16 the switch is not going to be handled?

17 A. No. Yeah, well, he needs to contact me, I believe,
18 because I can't go on that track if he has it. So, you know, I'm
19 pretty sure he needs to contact me to be able to work in track
20 because it's my zone.

21 Q. And he did not talk to you about N2?

22 A. No. No, I do not recall him calling me about North 2.

23 MR. WILLIAMS: Okay, that's all.

24 BY MR. KOSTER:

25 Q. You stated you were coming to a stop whenever the

1 yardmaster hollered at you. Where was your selector lever at that
2 point? Were you stopping or did you stop --

3 A. Yes, I was stopping. I was stopping when -- the engine
4 lever was in stop and I had some airbrakes applied when he said
5 stop.

6 Q. When he said stop already?

7 A. Yes. Yes, sir.

8 MR. KOSTER: That's all I have for right now, but I may
9 get one later.

10 MR. FLANIGON: Okay.

11 BY MR. GRISSOM:

12 Q. This is Don Grissom. Do you recall how many cars you
13 actually pulled before somebody told you to stop? After you
14 coupled to the cars in North 1?

15 A. Well, I mean, I was almost to the rear car, so I
16 probably, I probably pulled it -- probably around 30. There was
17 33 cars and I was almost at the rear. That's probably how many
18 cars I pulled.

19 Q. From the starting point to the time somebody told you to
20 stop, you moved about 30 car lengths?

21 A. Um-hum. Because they told -- yeah, I'd say so. Because
22 it was almost to a stop when they told me to stop.

23 Q. I'm not familiar with the remote control box. Is there
24 like a throttle speed or how fast were you pulling?

25 A. I believe I was only at notch 7 while I was checking the

1 cars.

2 Q. And what's the maximum notches?

3 A. Ten in the yard.

4 Q. Ten in the yard?

5 A. Or 10 here at Acca.

6 Q. And you were going at notch 7 --

7 A. Yeah.

8 Q. -- before somebody -- you were at notch 7 when you were
9 notified to stop?

10 A. I was already stopping when they said to stop. As I was
11 pulling by, I was at 7 while I was checking my list, and I was
12 already in the process of stopping when they told me to stop.
13 That means the lever was in stop and I had air on the cars to help
14 the stopping process.

15 Q. Do you recall what time the carman called you to notify
16 you or ask permission to go into track 4 and 9?

17 A. I don't write that stuff down. I don't remember that.
18 I mean, it was probably -- it had to have been at least, I guess,
19 right at 000, right around that time. I don't exactly remember
20 when.

21 Q. Okay.

22 A. Had to have been after then.

23 Q. You mentioned something about a yard job shoving back at
24 the time. What -- can you give me more detail about that?

25 A. It was a yard job. They work in this industry up here.

1 And they were on -- they were in Y14.

2 Q. Would that be the BIDS, the Transflo?

3 A. Yes, correct, BIDS. BIDS.

4 Q. So how did you know they were in there?

5 A. Because they had asked for permission to come off 2 by
6 the tower and then come in Y14, and they would let me know when --
7 because they've got to use two of my switches in my zone to do
8 that, to get in to work their industry. So once they let me know
9 that was lined back for their lead and they were in the clear on
10 Y14, that's when I know they were going to work their industry.

11 Q. Could you hear any engine noise from them right before
12 this incident?

13 A. No, because, I mean, I was pulling out. If I can hear
14 an engine, it's probably my engine, because it was pulling.

15 Q. Do you check your equipment, like you said -- I know you
16 said you checked your equipment and everything. Did you check
17 before you went to work the lights on the remote control
18 locomotive?

19 A. Yes, the lights were on. The lights were working.

20 Q. And they were on and working?

21 A. Um-hum.

22 Q. All right. Is there any kind of -- do you give any kind
23 of signal, like a bell or a horn, before you --

24 A. When you make an initial movement on the box, a bell
25 rings. When you take off in reverse or forward, there's a bell

1 that rings on the engine.

2 Q. And how long does that ring for?

3 A. I couldn't tell you how long it rings.

4 Q. So it doesn't ring continuously? So more than likely
5 after so many cars --

6 A. Right. It doesn't --

7 Q. So let's say 30 cars --

8 A. -- yeah, it doesn't stay on. It doesn't stay on, no.

9 Q. So more than likely right at the point of the incident,
10 probably the bell was not ringing?

11 A. Probably a good possibility if I was that far in the
12 track, yes.

13 MR. GRISSOM: Okay. Thank you, that's all the questions
14 I have.

15 MR. FLANIGON: Okay.

16 MR. BATES: I don't have any.

17 UNIDENTIFIED SPEAKER: I don't have anything.

18 MR. KOSTER: I got a couple more then, real quick.

19 MR. FLANIGON: I just had one more.

20 BY MR. FLANIGON:

21 Q. If the carman had called you and said, hey, we're going
22 to be working track 2, we're going to put flags up or whatever it
23 is he tells you, what different thing would you have done? How
24 would you have done anything differently or would you have done
25 anything differently?

1 A. No, I probably wouldn't have done anything differently
2 because I'm not in their track. If they call for work for North
3 2, I don't need to go in there. I can still go in 1 and pull out
4 my car.

5 MR. FLANIGON: Okay.

6 BY DR. JENNER:

7 Q. I'm sorry, just to clarify. This is Steve Jenner. Who
8 contacted you to stop your train?

9 A. CSX yardmaster, Acca Yard.

10 DR. JENNER: Okay, thank you.

11 BY MR. KOSTER:

12 Q. Whenever you came on duty, did you perform your own set
13 of tests or did you do a hot handoff or how does that take place
14 when you begin your shift?

15 A. There was a handoff that night.

16 Q. Okay. And also to clarify one of the things that Don
17 was asking there. Whenever you begin your movement, does your
18 lights go on bright and your yellow lights flash?

19 A. Flash?

20 Q. Yeah, your yellow lights --

21 A. Oh, the yellow lights are -- if you're in remote, the
22 lights, the remote lights on the top continuously flash, if it's
23 in remote control.

24 Q. All right. And when you took the hot handoff, you
25 noticed that they were working?

1 A. Yes, they were working. Yes.

2 MR. KOSTER: Okay, all right. That's all I have.

3 MR. FLANIGON: Okay. I think if nobody has anything
4 we're done.

5 MR. BROUS: All right, thank you.

6 MR. FLANIGON: So, thank you. We really appreciate you
7 taking the time to be here. I'll turn this off. Stop -- whoops
8 that's record. Stop.

9 (Whereupon, the interview was concluded.)

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

CERTIFICATE

This is to certify that the attached proceeding before the

NATIONAL TRANSPORTATION SAFETY BOARD

IN THE MATTER OF: CSX EMPLOYEE FATALITY
ACCA YARD, RICHMOND, VIRGINIA
APRIL 1, 2015
Interview of Seth Brous

DOCKET NUMBER: DCA-15-FR-006

PLACE: Richmond, Virginia

DATE: April 2, 2015

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.

Keith J. Maurer
Transcriber