

UNITED STATES
DEPARTMENT OF TRANSPORTATION
NATIONAL TRANSPORTATION SAFETY BOARD

In the Matter of:

*TRAIN ACCIDENT IN
GRANITEVILLE, S.C.*

INTERVIEW OF JIM THORNTON

*Friday,
January 7, 2005*

Augusta, GA

PRESENT: RUSSELL GOBER, NTSB

1 P R O C E E D I N G S

2 MR. GOBER: We are interviewing Mr. Jimmy
3 Thornton, the conductor that was on the local at
4 Avondale Mills.

5 Jimmy, could you tell me what job you were
6 working on the day of the accident?

7 MR. THORNTON: I was working on the P-22,
8 Aiken Depot.

9 MR. GOBER: Okay. And --

10 MR. THORNTON: You mean, actual day of the
11 accident?

12 MR. GOBER: Yes, the day of the accident, were
13 you working?

14 MR. THORNTON: No, no, sir.

15 MR. GOBER: Okay. What was the last job that
16 you worked?

17 MR. THORNTON: P-22, Aiken Depot.

18 MR. GOBER: Okay. And what time did you go on
19 duty on that job?

20 MR. THORNTON: I went on duty at 7:00 a.m.

21 MR. GOBER: Okay. And where did you go on
22 duty?

23 MR. THORNTON: Aiken Depot, that is in Aiken,
24 South Carolina.

25 MR. GOBER: In this is your regular job?

1 MR. THORNTON: Yes. I am the regular brakeman
2 on the job. The conductor, the regular conductor is
3 off and I had the conductor's job --

4 MR. GOBER: How long have you been a qualified
5 conductor?

6 MR. THORNTON: They went back years ago and
7 qualified us. I don't really know. I can't say --
8 I mean, I am pretty sure 18 years.

9 MR. GOBER: Okay.

10 MR. THORNTON: I am very familiar with
11 everything about being a conductor.

12 MR. GOBER: Okay. Qualified as a conductor for
13 over 10 years.

14 MR. THORNTON: Yes.

15 MR. GOBER: Okay. How long have you worked for
16 Norfolk Southern?

17 MR. THORNTON: I came to work, my seniority
18 date is May 18, 1978.

19 MR. GOBER: Okay. You said that you were
20 working the job because your conductor was off. How
21 long have you been working the job as conductor?

22 MR. THORNTON: This job is a rotation job,
23 between us and Charleston. Charleston District,
24 Piedmont. We rotated every six months. We just got
25 ahold of this job, our time started December 1 of every

1 *year and it runs through May 31 of the following year.*
2 *And then we give it to Charleston District and they*
3 *work it June 1 through November 30.*

4 MR. GOBER: *Okay.*

5 MR. THORNTON: *I came on at December 1.*

6 MR. GOBER: *Okay.*

7 MR. THORNTON: *I had worked it, on that*
8 *rotation period, I had worked it two years previously.*

9 MR. GOBER: *Okay. So, on December 1, you came*
10 *on as brakeman?*

11 MR. THORNTON: *Yes, sir, because I didn't*
12 *stand, I didn't have the seniority to be the conductor.*
13 *If I would have come on as the coadjutor, but I didn't*
14 *have the seniority.*

15 MR. GOBER: *Okay. The reason you are working*
16 *as the conductor on the day before the accident was*
17 *what?*

18 MR. THORNTON: *The reason I was working?*

19 MR. GOBER: *Yes.*

20 MR. THORNTON: *I showed up and I was the*
21 *conductor on the job at that time and I --*

22 MR. GOBER: *Okay.*

23 MR. THORNTON: *I had it claimed. That was my*
24 *job being the conductor.*

25 MR. GOBER: *Okay. How long were you going to*

1 *be the conductor on the job?*

2 *MR. THORNTON: Until someone pulled, I was it.*
3 *Nobody ever pulled me off of it, I was going to be on*
4 *the remaining time.*

5 *MR. GOBER: Okay. Well, how long was the*
6 *conductor that is, the regular conductor was going to*
7 *be off?*

8 *MR. THORNTON: I don't know for sure. I was*
9 *on vacation. When he went on vacation, I knew, he had*
10 *a week's vacation or I thought two.*

11 *MR. GOBER: Okay. So, you thought you were*
12 *going to work it for a couple of weeks.*

13 *MR. THORNTON: A couple of weeks at the very*
14 *most, I figured.*

15 *MR. GOBER: And you --*

16 *MR. THORNTON: Unless he went on another job*
17 *and he come back to that job. I just figured a couple*
18 *of weeks.*

19 *MR. THORNTON: And you are the regular*
20 *brakeman, so you would work that job every day anyway.*

21 *MR. THORNTON: Oh, yeah.*

22 *MR. GOBER: Since December 1.*

23 *MR. THORNTON: Yes.*

24 *MR. GOBER: Okay. On the day of the accident,*
25 *the last day that you worked on the local, before the*

1 *accident, where did you go on duty?*

2 *MR. THORNTON: I went on duty at Aiken, South*
3 *Carolina, the Aiken Depot.*

4 *MR. GOBER: Okay. And then what did you all do*
5 *after you went on duty?*

6 *MR. THORNTON: Well, that morning we are going*
7 *to do the seven o'clock, but we didn't have an engineer*
8 *that day. He was off. They had to deadhead an*
9 *engineer down, and they deadheaded him down and his*
10 *rest was up in 8:32 that morning. We showed up, myself*
11 *and the brakeman, Mike Ford, showed up at seven*
12 *o'clock, 7:00 a.m., to go to work and we waited on the*
13 *engineer to get there at 8:32. That was --*

14 *MR. GOBER: And that was January 6, January 5,*
15 *right?*

16 *MR. THORNTON: Yes.*

17 *MR. GOBER: And when you normally go on duty*
18 *at 7:30, is it a daylight?*

19 *MR. THORNTON: Seven o'clock.*

20 *MR. GOBER: Seven o'clock.*

21 *MR. THORNTON: Seven.*

22 *MR. GOBER: Seven and you can work until*
23 *seven.*

24 *MR. THORNTON: Until seven.*

25 *MR. GOBER: Okay. Is it normally daylight at*

1 seven?

2 MR. THORNTON: I can't tell you for sure. It
3 is right at it. I just don't want to say, I mean, I
4 can't --

5 MR. GOBER: Okay. That is okay.

6 All right. So, you, guys, on the sixth, on
7 the fifth, 1/5/05, I will write it down, and I will be
8 able to remember it now, on the fifth, you had to wait
9 until 8:32 a.m. before your locomotive engineer was
10 rested to go to work.

11 MR. THORNTON: Yes.

12 MR. GOBER: All right. What time did he arrive
13 on the job?

14 MR. THORNTON: I am sure he got there a few
15 minutes before, I don't know, though. He was there on
16 time. I mean, I don't know, I wasn't, I am going to
17 say, he got there before 8:30.

18 MR. GOBER: Okay.

19 MR. THORNTON: I don't know exactly what time
20 he got there, but he got there before 8:30. He was
21 ready to go to work at 8:32.

22 MR. GOBER: And so, he would have had at least
23 eight hours rest --

24 MR. THORNTON: Yes, sir.

25 MR. GOBER: -- at 8:32.

1 MR. THORNTON: Yes, sir, he had, that is the
2 reason he couldn't go to work at seven, he wasn't
3 rested yet.

4 MR. GOBER: Okay.

5 MR. THORNTON: And they make sure he
6 deadheaded down, and he had eight hours rest before he
7 came to work.

8 MR. GOBER: Whenever he deadheaded down, did
9 he deadhead down the night before?

10 MR. THORNTON: That was the plan. I don't
11 know that.

12 MR. GOBER: Okay. Would he stay in a motel or
13 something after he got here?

14 MR. THORNTON: If he did come down the day
15 before, he would have, probably. I don't know.

16 MR. GOBER: With the 8:32 a.m. time for his
17 rest to be up, he couldn't be driving or deadheading
18 during that time that he was off, waiting on that 8:32,
19 could he? Or if he choose personally to drive down,
20 could he do that?

21 MR. THORNTON: What is that now?

22 MR. GOBER: If the engineer choose to drive
23 down during his rested time on his own, can he do that?

24 MR. THORNTON: I would imagine he could. I
25 don't know that. I don't want to say that.

1 MR. GOBER: Okay. All right.

2 MR. THORNTON: But, I know he has, he has got
3 to have a proper time to deadhead. I think we give him
4 two hour deadhead and that is his time to come down.
5 And if he comes down on that time, I guess he can do
6 it. If he doesn't want to come down, he can come down
7 the next morning. I don't know that. I know the
8 railroad has procedures that we have to follow by.

9 MR. GOBER: Okay.

10 MR. THORNTON: They give us the time to be
11 rested.

12 MR. GOBER: Okay. Were you rested? How much
13 rest did you have before you went on duty?

14 MR. THORNTON: Well, that job is kind of a,
15 kind of job that has got a good bit on it. I usually
16 have the proper procedures there, usually. I get up
17 about 5:15 in the morning, and get home about eight or
18 8:30. Clean up and go to bed and that is it for me.

19 MR. GOBER: So you are a full time worker,
20 right?

21 MR. THORNTON: Oh, well, my wife is a good
22 cook and she takes care of everything and I get home,
23 she has got it laid out and I go to bed so I can get up
24 and make the money the next day.

25 MR. GOBER: Okay. When you went on duty on

1 *the, January 5, you went on duty at 7:00 a.m., after*
2 *you had had legal rest.*

3 *MR. THORNTON: Yes, sir. I had been off the*
4 *proper amount of time, yes, sir.*

5 *MR. GOBER: Okay. What days of the week are*
6 *you off?*

7 *MR. THORNTON: Saturday and Sunday.*

8 *MR. GOBER: Okay. And you, if you work on the*
9 *job say 12 hours, how much rest do you have to have?*

10 *MR. THORNTON: Well, I don't know exactly, but*
11 *I am like this, I try to get in bed between 8:30 and*
12 *nine o'clock every night. I mean, I do that. I get*
13 *into bed, now as far as, you know, no one can say they*
14 *are asleep, but I am in the bed between 8:30 and nine*
15 *every night. And I don't say I sleep, you know.*

16 *MR. GOBER: But, you had legal rest whenever*
17 *you --*

18 *MR. THORNTON: Yes, sir, oh, yes, sir.*

19 *MR. GOBER: -- went to work at 7:00 a.m.*

20 *MR. THORNTON: Yes, sir. I had the rest.*

21 *MR. GOBER: Okay. Whenever you arrived on*
22 *duty, was your brakeman there?*

23 *MR. THORNTON: No, we meet, we both live in*
24 *Columbia, and we meet at a place, we get together, we*
25 *drive down, take turns driving. We met that morning,*

1 we meet at the place at about six --

2 (Change of tape.)

3 MR. GOBER: Okay. Mr. Thornton, since you live
4 in Columbia, how long does it take you to drive down
5 from Columbia to Aiken every day?

6 MR. THORNTON: Roughly my house, from my
7 house, well, let's say, if I leave my house and go by
8 and pick up the person that is riding me and get him,
9 it is roughly about a 50 minute drive.

10 MR. GOBER: Okay.

11 MR. THORNTON: One way.

12 MR. GOBER: So --

13 MR. THORNTON: Fifty five.

14 MR. GOBER: So, it is not much more than what
15 some would call a normal commute to work.

16 MR. THORNTON: Right, yes, right. If it was
17 much farther, I probably wouldn't --

18 MR. GOBER: Okay. All right.

19 MR. THORNTON: It is 46 miles from my house to
20 the job.

21 MR. GOBER: Okay. And that is not a long way.

22 MR. THORNTON: No.

23 MR. GOBER: Okay. On the fifth did you guys do
24 your normal work that day?

25 MR. THORNTON: On the fifth did we do our

1 normal work?

2 MR. GOBER: Right.

3 MR. THORNTON: When the engineer got there, we
4 got, what you call a -- and we shared from the -- we
5 work on their SA main line. Approximately from, it is
6 about SA 64 up to the SA 51, that is their main line.
7 And then they got what we call, used to be another main
8 line, they call it industrial lead, which is an AB
9 lead, it is probably about from the 24 milepost down to
10 the 18 milepost. That is about the area that we cover
11 on there, and that is where the depot is.

12 MR. GOBER: Okay.

13 MR. THORNTON: Up in Aiken, their main line.
14 We got industry there, we have got one, two, we have
15 got five industries up there. That morning, when the
16 engineer got there, we went and we worked one industry
17 on the AB line, came back, and I worked an industry on
18 the SA main line.

19 MR. GOBER: Okay.

20 MR. THORNTON: We got back down to the depot,
21 approximately, I am just saying around one o'clock when
22 we got through with the, we had cars from those
23 industries that were going to be taken down to the main
24 line, R main line, Piedmont Division main line, R line,
25 it was going to be picked up by a --

1 MR. GOBER: Okay.

2 MR. THORNTON: We were going to take them down
3 to R main line. We got back to the depot and we ate
4 dinner there, it was getting close to dinner time and
5 he -- In other words, we got down, I left there, I just
6 want to let you know this, when I left there, it was
7 the kind of day, it was going to be a every move count.
8 It was a full day. People needed to be where and you
9 had to make every move count. So, when we got down to
10 the main line, our line, in other words, coming
11 together at the junction down there, we got down there
12 about two something, I can't recall what time I got the
13 track warrant on the R line, but we got down about
14 2:45, I believe, somewhere along in there. I had, I
15 had everything, I had everything figured out in my mind
16 to get everybody work that day and get everything
17 through and I already knew that when I got through with
18 that, I wasn't going to have room to sit my cars up.
19 So, what I was going to do was come down on our main
20 line there, back up on the SA main line, which is only
21 used by us, no trains run there.

22 MR. GOBER: Yes.

23 MR. THORNTON: And knock off, that was my
24 thoughts when I left there. I had all my thoughts to
25 go down, so, and I had two good men working with me

1 that day. A good engineer and a good brakeman. And I
2 left there, we went down and we switched some track ups
3 and some storage tracks up, got it -- in which the 185
4 milepost, that is as far as we go down. Switched up
5 and picked up cars. Picked up cars from another
6 industry north, two industries north down there. Come
7 back up, up to the 182 milepost, stopped, didn't have
8 to make us a pickup, just shoved in, I left four cars,
9 come back out to the, didn't have to come out the main
10 line. I had those cars already figured out on the
11 rear, so I wouldn't have to come back and couple out.
12 I didn't want them on the head, it cost me too much
13 time.

14 MR. GOBER: Yes.

15 MR. THORNTON: I kept them on the rear, we got
16 down at that industry, got my derail off, brakeman had
17 the switch shoving to me, you know, double checking
18 everything, coupled the cars up, already saw when I
19 went back over the four cars, that I brought back. Put
20 them up, make my cut, go to the main line. Everything
21 looked it. Got back on the head, we left. Let's go up
22 to another track up here at Warrenville, we have got to
23 pick up more cars. Picked up more cars, two
24 industries. We had to work northbound. We had, from
25 the time I left that industry, we had two, we had three

1 industries to work. I knew the normal procedure was at
2 Avondale Mill where our train was left, you don't take
3 the cars all the way up and bring them back. You see,
4 that is normal procedure. You don't do it because it
5 is not necessary, but that day I needed to take those
6 cars with me for a reason. If I take them with me now,
7 I get them out of the set up track and switching out
8 cars for two industries northbound, but I am going to
9 work him southbound. So, I said, what I am going to
10 do, I am going to put those two cars on the rear of my
11 train, the two tank cars, two tank cars and when I get
12 back, when I am coming back southbound, I won't have
13 to, see, if I am coming southbound, I am going to have
14 to come down there and switch them cars out again, and
15 then go back up to the industry. The industry at
16 Avondale is north of where I am picking my cars up.
17 So, I said, I am going to take them on with me, bring
18 them back, when I come back by that industry I will
19 have them with me, I won't have to come here, saving
20 time.

21 Everything worked beautiful. Everything
22 worked beautiful.

23 MR. GOBER: Okay. At Avondale Mills, whenever
24 you approach this right here, this is your main track
25 and this is Avondale Mills right here.

1 MR. THORNTON: Yeah.

2 MR. GOBER: All right. Which direction are you
3 going in and what do you have with you?

4 MR. THORNTON: When I came to Avondale Mills?

5 MR. GOBER: Right.

6 MR. THORNTON: Okay. Let me do something
7 first. Let me draw something.

8 MR. GOBER: Okay.

9 MR. THORNTON: Right here. This is a little
10 church. Okay. Right back in here is a little old, this
11 is what you call a house track. Okay.

12 MR. GOBER: Okay. And that is off of the main
13 track.

14 MR. THORNTON: Yes, sir. That is, this is the
15 house track for this industry here.

16 MR. GOBER: Okay.

17 MR. THORNTON: This track, which you are
18 limited, when you are on the main line here, you can
19 only get really, you get, you get back at the 185 and
20 you have got two tracks there. You have got the middle
21 track and you have got a back track for storage cars.
22 And then you have got a set off track. Set off track
23 is on down here, at Warrenville. Those are the only
24 tracks that we use to set our cars off, our empties for
25 pickup for -- and that is what they set their cars off

1 of us. That is where our connection tracks are.

2 MR. GOBER: Okay.

3 MR. THORNTON: So what we have to do here is
4 to make sure that we keep the connection tracks as
5 clean as we can. Keep everything out of them to give
6 these more room they may need, because we never know
7 what they are going to bring.

8 MR. GOBER: Okay. Well, let me just stop you
9 and ask you a specific question. Whenever you got to
10 Avondale Mills you were headed in this direction?

11 MR. THORNTON: Yes, yes, south, this is south.
12 This is north.

13 MR. GOBER: Okay. Okay. And you were headed
14 south.

15 MR. THORNTON: Headed in that direction, yes.

16 MR. GOBER: How many cars did you have with
17 you on your train?

18 MR. THORNTON: I probably had about 10 cars at
19 that time. I cannot recall, but I tell you what I had
20 on my train for sure. I had all the empties I had out
21 of F-28, which is Bridgestone. I think it was about
22 eight. And I had two empties out of Encore, which was,
23 two more, that was 10, and I had the two tank cars that
24 I had already picked up from down here, two cars and
25 brought back with me.

1 MR. GOBER: Okay.

2 MR. THORNTON: Those were the two tank cars on
3 the rear there.

4 MR. GOBER: All right.

5 MR. THORNTON: So it was about 12 cars.

6 MR. GOBER: All right, you had 12 cars. How
7 many of those 12 cars did you go into Avondale Mills
8 with?

9 MR. THORNTON: Every car. I had that figured.

10 MR. GOBER: Okay. All right. You went into the
11 Avondale Mills track, where did you put the cars?

12 MR. THORNTON: Okay. Once we entered Avondale
13 Mills, you come up to a gate.

14 MR. GOBER: Okay.

15 MR. THORNTON: There is a gate right here.

16 MR. GOBER: Okay.

17 MR. THORNTON: And before you get to that gate
18 there is a switch and this leads off over here to a
19 coal, it is called an new shoot.

20 MR. GOBER: Okay.

21 MR. THORNTON: And then after you get pass
22 this gate, you come in a little ways and you have got
23 another track leading off, the old shoot.

24 MR. GOBER: Okay.

25 MR. THORNTON: These are all these coal cars.

1 MR. GOBER: Okay.

2 MR. THORNTON: After you get through that,
3 there, you have got another gate here.

4 MR. GOBER: Okay.

5 MR. THORNTON: Crossing here.

6 MR. GOBER: Okay. Is this the Avondale Mills
7 gate?

8 MR. THORNTON: These, yes, sir, these are
9 their gates and their leads.

10 MR. GOBER: And both of the gates are Avondale
11 Mills gates.

12 MR. THORNTON: Yes, sir.

13 MR. GOBER: Is there a derail in there?

14 MR. THORNTON: There is a derail right here on
15 the new track, only. That is the only derail in it.

16 MR. GOBER: Okay. And whenever, whenever you
17 tied up, where was your locomotive and how many cars
18 did you have?

19 MR. THORNTON: Okay. Let me just say, right
20 here there is a main road running parallel.

21 MR. GOBER: Okay.

22 MR. THORNTON: With this lead here. Yes, this
23 is a road.

24 MR. GOBER: Okay.

25 MR. THORNTON: Can I finish telling you about

1 *this?*

2 MR. GOBER: *Sure.*

3 MR. THORNTON: *Okay. You have got, in other*
4 *words, you come in, you have got a switch here that*
5 *goes to the new shoot, you have got a gate here, you*
6 *come in that gate, you have got another switch here on*
7 *the old shoot.*

8 MR. GOBER: *Okay.*

9 MR. THORNTON: *That is all your coal cars.*
10 *You have got another crossing here. You have got a*
11 *gate here, and you come on back around, you have got a*
12 *big crossing here.*

13 MR. GOBER: *Okay.*

14 MR. THORNTON: *And you shove on in here, and*
15 *that is where you spot your --*

16 MR. GOBER: *Okay.*

17 MR. THORNTON: *It is a big lead in there.*

18 MR. GOBER: *Okay.*

19 MR. THORNTON: *So --*

20 MR. GOBER: *Go ahead, keep going.*

21 MR. THORNTON: *Okay. Can I --*

22 MR. GOBER: *Go ahead and tell me the story.*

23 MR. THORNTON: *Okay. Okay. We have a job, we*
24 *have worked it many times. When I arrived here,*
25 *approximately here at the church, about 6:10.*

1 MR. GOBER: *Six ten p.m.*

2 MR. THORNTON: *Yes, sir.*

3 MR. GOBER: *Okay. If you need to take a*
4 *break, we can take a break.*

5 MR. THORNTON: *All right.*

6 MR. GOBER: *I know how stressful this is, so*
7 *just take care of yourself. We will go off the record*
8 *just for a minute.*

9 *(Off the record.)*

10 MR. GOBER: *Okay. We are back on the record,*
11 *Mr. Thornton.*

12 MR. THORNTON: *Okay. This is roughly at the*
13 *178 milepost here. We left the 171 milepost.*

14 MR. GOBER: *Okay.*

15 MR. THORNTON: *So we had been together there*
16 *for about seven miles. Been riding together, coming*
17 *down, towards Avondale Mills.*

18 MR. GOBER: *Okay.*

19 MR. THORNTON: *All right. In that time period,*
20 *Mike, which Mike has been the conductor before, I have*
21 *worked with him.*

22 MR. GOBER: *Okay.*

23 MR. THORNTON: *I have been the conductor on*
24 *this before.*

25 MR. GOBER: *Okay.*

1 MR. THORNTON: We all know, we have worked
2 this place a lot of times, all of us. I told him, I
3 said, Mike, which is a good hard worker, I know that,
4 good worker, I said, Mike, I am going to get down, I
5 told Ben, Ben, the engineer, let me down here, stop
6 here.

7 MR. GOBER: At the church.

8 MR. THORNTON: At the church, and let me down.
9 There is a road there that goes right in that road --

10 MR. GOBER: That is the first gate.

11 MR. THORNTON: Yes, sir, I am going to go
12 right, what I am going to do, you let me down here,
13 when I get down here, Mike, you pull on up and you
14 bring them in.

15 MR. GOBER: Okay. When Mike brings him in, how
16 many cars does he got with him?

17 MR. THORNTON: He has got everything we have
18 got, 12 cars.

19 MR. GOBER: Okay.

20 MR. THORNTON: I had it, I had those two tanks
21 on the rear.

22 MR. GOBER: Right.

23 MR. THORNTON: I had already figured that out.
24 I know, I figured that about at two something that
25 afternoon.

1 MR. GOBER: Right.

2 MR. THORNTON: To get them on the rear. Well,
3 I want to tell you something else I had done. When I
4 got up here switching out at the set off track about
5 3:15, I called the call office, our call office, and I
6 told them, I said get us a taxi, and meet us at
7 Warrenville. I said the SA main line. I said we are
8 not going to make it back up tonight. See, we are down
9 here on the R line and our home terminal where we go to
10 work is up at Aiken, and we are not going to make it
11 back with the engine. We normally do.

12 MR. GOBER: Okay. How, how many miles is it,
13 you are not going to make?

14 MR. THORNTON: Well, Warrenville is 63, the
15 depot is at about the 57 something. So, about three,
16 about six miles is what it is. We are not going to be
17 able to make back up there tonight. I see, get us a
18 taxi down here, please and tell him to come to the
19 Warrenville, at the SA main line. That is my
20 thoughts. That is where I am going to clear up
21 tonight, because I knew, I didn't know for sure when I
22 was --

23 MR. GOBER: And how many miles pass Avondale
24 Mills is Warrenville?

25 MR. THORNTON: Well, this is about 170, it

1 switches, about 178.2, 178.2, and the switch here, the
2 SA main line, this is the SA main line here, it is
3 approximately about 179.4. That is approximately where
4 that switch there is. I knew we weren't going to make
5 it back down, so I told him, I said, come over here and
6 we have got, we have got, it is not unusual, he always
7 comes right in here. We have got a split rail here,
8 right at about down the end of this SA main line. He
9 comes in there off of the road crossing in here, and
10 waits on us.

11 MR. GOBER: And that is your cab.

12 MR. THORNTON: Yes.

13 MR. GOBER: Your taxi cab.

14 MR. THORNTON: Yes, that is, that is just
15 normal procedure, if we need it.

16 MR. GOBER: Right.

17 MR. THORNTON: I tell him come to Warrenville,
18 he knows where to go.

19 MR. GOBER: Okay.

20 MR. THORNTON: I got down here about 6:10,
21 stopped the engine and told Mike bring him in, what I
22 am going to do, see I have got three gates here, and I
23 have got to get a crossing, this big crossing here
24 before you go into the --

25 MR. GOBER: Okay.

1 MR. THORNTON: You have got to stay there.
2 You have got to be flared. If you don't, you have got
3 to stop your movement flag if nobody is there. I said,
4 I am going to get down, the two cars we needed were
5 already on the rear, we didn't have to make a switch.
6 I said, I am going to get down, I am going to open the
7 gates for you. I went over there, the switch was lined
8 towards the new shoot, so I lined it off of there. I
9 walked up and opened the gate, walked down to open the
10 next gate, walked on down to towards the crossing
11 there, once I did that, I heard Mike coming in. Mike
12 done all the proper procedures. He was up on the rear
13 of the car, shoving in. I noticed, I walked over this
14 old shoot here, had to stop and get it. That gave me
15 time to get on down here. I got down here to the big
16 crossing and there is another gate going into the Coset
17 plant. I opened that gate and what you have to do, you
18 have to call him at least, they say an hour, I have
19 given 30, 45 minutes notice, they have got trucks that
20 dock there. That track runs, it kind of, right at that
21 dock, the trucks back up. I give them 30, 45 minutes
22 notice, get all your trucks pulled away, please, so we
23 can get in there.

24 MR. GOBER: Okay.

25 MR. THORNTON: After I opened my gate, I

1 *looked in there, all of their trucks were away, but*
2 *there was an ice truck sitting there. So, I said, I*
3 *walked to the man, the man was sitting right there,*
4 *running cloth off and I said, hey, whose truck is that*
5 *down there? He said, it looked down and he said, that*
6 *is the ice man's. I need to get that thing out of the*
7 *way. We are pushed for time here. We don't have time*
8 *to wait on it. I said, see if you can get it for me,*
9 *please. He said, all right. He walked down there and*
10 *got the man. I told Mike, Mike was coming up to this*
11 *area here, I told Mike, Mike, I have got one, a truck*
12 *that is in the clear here. He said, all right. So, he*
13 *stopped at this big crossing here.*

14 *MR. GOBER: Okay.*

15 *MR. THORNTON: I said I will let you know as*
16 *soon as he is in the clear here. We didn't want to*
17 *block this crossing, so he stopped here. There is*
18 *pretty good traffic here. Not continuous, but at times*
19 *it gets kind of rough. He stopped there. And I said,*
20 *got the man to move the truck, I said, come on in.*
21 *Once Mike, once I told Mike to come on in, the gates*
22 *were open and everything was right, Mike got up and*
23 *come on in. I walked back up to the crossing. In other*
24 *words, my thoughts were, he is going to do the*
25 *switching. I am going to just control this crossing*

1 here so I don't have to waste no time on him having to
2 stop and flag it. I am going to flag the crossings for
3 you, you just go ahead and do it. So, I told him, when
4 I walked in the first time, I got, I noticed we had
5 cars sitting up here. We had three here, we had three
6 here, and we had a car on the old shoot on the spot.
7 When I walked in, I noticed I had two car lengths of
8 room beyond the derail where he could sit those two
9 empties at.

10 MR. GOBER: Was that derail on the track?

11 MR. THORNTON: Yes, sir. So, I got the derail
12 off. I locked it off when I come in. When he started
13 out, when Mike coupled up the engine, I said, Mike, sat
14 them over to the new track, I have got the derail
15 locked off. I said, you have got the room over there,
16 you won't have to shove. You have got to shove, you
17 got to couple, you have got to check it, set them off
18 over there. You have got the room, set them off and
19 come on back and slide them up. I will have everything
20 right for you down here. Everything worked good. Come
21 back down here and got his, he went up, set them over,
22 come on back, I was on the crossing, crossing is clear,
23 come in, shove back, started up. Once he got in the
24 spot, he called up on the rear, I said, Mike, take him
25 out, please, and bring him up here to the old shoot and

1 couple up to those three cars. Once you get coupled to
2 those three cars, walk up and make your cut to clear
3 the last, this is the last gate, make your cut,
4 whatever you have to clear that gate and let Ben, the
5 engineer, there is a crossing in here, there are road
6 crossings in here somewhere. Let Ben pull on up beyond
7 that crossing there, up towards the main line, this is
8 a big, a big highway here.

9 MR. GOBER: Okay.

10 MR. THORNTON: Canal Street, I believe it is
11 called. Let him pull up here, and whatever is hanging
12 out there should clear this crossing. He did that.
13 When he got up there, he said, Jimmy, it don't clear.
14 It was right there at the clear, but it didn't clear
15 good enough. I said, well, come on back in. I said,
16 come on back in and couple up, he shoved on back and
17 coupled up to the cars.

18 MR. GOBER: On the old shoot.

19 MR. THORNTON: On the old shoot. Where I had
20 a car spotted here, I said, how much do you need to
21 clear? How much more do you need to get a car in the
22 clear? About a half car. So I got a half car. I
23 said, let's don't get against it. I said, come on, I
24 got about a half. I got all the room. He said, it
25 still don't clear, Jimmy. He said, let's do this, he

1 *said, let's pull down and go back on the lead, this*
2 *lead here. He said, let's pull down and shove down*
3 *that lead and leave them. I said, all right. I said,*
4 *do this, I told Ben, I said, if you will stay at the*
5 *switch here, I am going to separate them from this*
6 *spotted car about 15 feet and I am going to come down*
7 *and make the cut and send him out to you at the switch*
8 *and then you send him back to me and I watch the rear*
9 *because of the crossing here.*

10 *MR. GOBER: Okay.*

11 *MR. THORNTON: The plant crossing. I said, I*
12 *will watch the crossing for you and you shove them on*
13 *back in. That is what happened. He did that, he shoved*
14 *them in. That is all I need, Jim. All right. I was*
15 *back down in here, down in this area, at the gate. He*
16 *made his cut, pulled outside this last gate, told Ben*
17 *to pull them on up here. I was down in here. When I*
18 *walked out to close this gate, I saw he had pulled one*
19 *side to, it is a double gate. I walked up and got the*
20 *other side and pulled it and locked it. I started*
21 *walking up. When I got up here to the crossing I saw*
22 *that they cleared this crossing good here. It was an*
23 *engine and two cars. By the time I got to the engine*
24 *there, I looked at my watch, I hit the light on it, I*
25 *said, three minutes to seven. Lord, mission*

1 *accomplished. Everybody is happy.*

2 *MR. GOBER: Had you talked to anybody with the*
3 *taxi company about coming?*

4 *MR. THORNTON: Yes. Okay. I didn't tell you*
5 *that. Once Mike started shoving in, remember I told*
6 *you I got him right shoving in, once he started shoving*
7 *down originally, it was about 6:20, I told him to have*
8 *the taxi at Warrenville at 6:15. Now sometimes they*
9 *don't show, and we have to sit around. I was on the*
10 *ground, I got on my mike, and I said, and I was doing*
11 *this and giving reference to the engineer, because a*
12 *lot of times they can't, we can't hear, and he can*
13 *hear, I said, that Semiron should be here about now,*
14 *you should be hearing from it. And I know him, and he*
15 *said, I am already here. I am at Warrenville. I said,*
16 *well, I tell you what, Arby, come on over to the*
17 *Avondale Mills, we are not going to make it to*
18 *Warrenville. That was 6:20. We were just starting our*
19 *move. He had just coupled up to the empties at that*
20 *time. I said, we are not going to make it to*
21 *Warrenville, come on over.*

22 *So when I, like I say, after, I walked up and*
23 *I looked at my watch and it was about three minutes to*
24 *seven, and I said, I hit my light and it is three*
25 *minutes to seven, I said, Lord, mission accomplished.*

1 *Everybody is happy. Let's get our stuff and go in.*

2 *I got up on the engine, the taxi had already,*
3 *when I got up there, the cars had been tied down, the*
4 *taxi had pulled in on the grass, parallel with the*
5 *engine. The back door was open. I got up on the*
6 *engine, the engineer was up shutting everything down,*
7 *tying it down. I got my little old bag, my clipboard.*
8 *I got out and put my stuff in the back of the taxi,*
9 *went to help Ben to get his stuff down. I had got in*
10 *front of the taxi.*

11 *MR. GOBER: And Ben is the engineer?*

12 *MR. THORNTON: Yes, sir.*

13 *MR. GOBER: Okay.*

14 *MR. THORNTON: And I, Mike was in the back of*
15 *the taxi, I was in the front, normally the conductors*
16 *ride in the front. I guess, I always figured if there*
17 *is a head on, the conductor gets killed, he is easier*
18 *to replace. They don't want the engineers in the*
19 *front. I like to follow suit, you know.*

20 *MR. GOBER: Okay.*

21 *MR. THORNTON: If we are going to have a head-*
22 *on, it will be me and they can replace me easily. But,*
23 *I got in the front, I know Mike was in the back, I*
24 *assumed, I didn't see that Ben was in the middle seat.*
25 *We got in there, told Arby, let's go, he gets ready.*

1 MR. GOBER: Is that the taxi cab guy?

2 MR. THORNTON: Yes, sir. I said, let's go to
3 the depot.

4 MR. GOBER: Okay. All right. You told me that
5 you originally got off at the church and you walked in
6 from the church.

7 MR. THORNTON: Yes, sir, on the road.

8 MR. GOBER: All right. So, you never went to
9 the switch on the main track?

10 MR. THORNTON: No, sir.

11 MR. GOBER: All right. On Norfolk Southern,
12 the switches are locks are big, heavy duty locks. And
13 how do those locks work?

14 MR. THORNTON: Well, you have got, you have
15 got to, you can't take the key out unless it is locked.
16 You have to lock it to take the key.

17 MR. GOBER: So, what do you do whenever you
18 are switching in industry?

19 MR. THORNTON: Well, our policy is when you
20 are using a switch, you always put that, you hang that
21 lock back in that little, put it back in the hole.

22 MR. GOBER: Do you lock it open?

23 MR. THORNTON: Well, I am going to tell you my
24 policy and I know -- If I am there at the switch, it
25 has got the lever on it, and I am there where I can see

1 that, and I know no one, I am not going to go away from
2 it, I usually don't hang that lock because I can see
3 it. And my, my, my foot pedal, is back in it, make
4 sure that is in, check the switch point, because I am
5 going to make a couple of switching moves then. If I
6 am using a switch and I am going to be out of sight of
7 it, that maybe me or the engineer we are out of sight,
8 he is on the long hood and he can't see coming out.

9 MR. GOBER: So you lock the switch open then?

10 MR. THORNTON: Yes, sir, I lock it open.

11 MR. GOBER: Okay.

12 MR. THORNTON: If it is out of sight.

13 MR. GOBER: Okay. You have told me that you
14 worked that job regularly, you are familiar with it.

15 MR. THORNTON: Yes, sir.

16 MR. GOBER: What kind of condition is the
17 switch in on the main track at Avondale Mills?

18 MR. THORNTON: It is in good condition.

19 MR. GOBER: Okay. Is it loose or is it --

20 MR. THORNTON: No.

21 MR. GOBER: Are the targets firm, everything?

22 MR. THORNTON: Yes.

23 MR. GOBER: Everything is Norfolk Southern
24 standard.

25 MR. THORNTON: Yes, if it is not, I report it

1 and they usually get down there and get it straightened
2 out.

3 MR. GOBER: And what I mean by Norfolk
4 Southern standard is it is maintained in very good
5 condition.

6 MR. THORNTON: Yes, sir.

7 MR. GOBER: Okay. So I am clear on this with
8 the engineer/conductor and a brakeman, and the
9 conductor is off in the field and never goes to within
10 10 of the switch.

11 MR. THORNTON: I probably, well, when, when
12 our engine is stopped, we were probably about six car
13 lengths.

14 MR. GOBER: Okay. That is the closest you got
15 to the switch.

16 MR. THORNTON: Yes.

17 MR. GOBER: So, what do you know about the
18 opening and handling of the switch from the time you
19 got there until the time you got in the cab and left?

20 MR. THORNTON: Okay. I have to let you know
21 that I never touched the switch. And we have job
22 briefings, but I never told my brakeman, I never told
23 him, make sure that that switch is lined and locked for
24 the main line movement. I never told him. -- touched
25 the switch, myself. I am suppose to tell him in the

1 *job briefing what is what.*

2 *MR. GOBER: In the job briefing, what are you*
3 *suppose to tell him about the switch?*

4 *MR. THORNTON: What we are fixing to do.*

5 *MR. GOBER: Right.*

6 *MR. THORNTON: It is like when we were coming*
7 *from here today --*

8 *MR. GOBER: Let me interrupt you just a little*
9 *bit. In this case, you know that the switch would have*
10 *to be lined open for you to go into the track.*

11 *MR. THORNTON: Yes, sir.*

12 *MR. GOBER: Do know what the conductor did*
13 *with the lock on the switch?*

14 *MR. THORNTON: No, sir, I do not. I wasn't*
15 *anywhere around there.*

16 *MR. GOBER: Under your Rule 104 --*

17 *MR. THORNTON: He locked it most likely.*

18 *MR. GOBER: Okay, 104 and 104(a), are you*
19 *required to know anything about the switch?*

20 *MR. THORNTON: You have to know that the*
21 *points are meeting, meeting up, properly lined for*
22 *movement that you are fixing to go in that direction,*
23 *points are meeting and you are -- the switch.*

24 *MR. GOBER: Okay.*

25 *MR. THORNTON: I know it was.*

1 MR. GOBER: And with the Norfolk Southern
2 lock, for it to be in the switch, you have got to take
3 the key out of it to lock it.

4 MR. THORNTON: Yes, sir. The key has got to
5 be out.

6 MR. GOBER: So, while you were switching the
7 standard would be for that lock to be locked with the
8 switch open.

9 MR. THORNTON: Yes, it would, because we were
10 away from it, couldn't see it. Because you are --

11 MR. GOBER: That way it would keep --

12 MR. THORNTON: That way, if you come back,
13 somebody can have thrown it on you. As long as you can
14 see it, you can view it and it has got a target on it,
15 you know.

16 MR. GOBER: Okay. So you didn't handle it and
17 the rules are that it should be lined and locked for
18 the movement that you are making until you get off of
19 that movement and then you unlock it.

20 MR. THORNTON: Yes, sir.

21 MR. GOBER: And go back on your train or
22 whatever.

23 MR. THORNTON: That is right, yes.

24 MR. GOBER: Okay. Do you know whether that was
25 done or not?

1 MR. THORNTON: No, sir, I never touched the
2 switch and I never and I never briefed the brakeman
3 about doing that. I never told him, I want you to make
4 sure that switch is lined, locked to the main.

5 MR. GOBER: Should you have done that?

6 MR. THORNTON: Yes, sir, I probably should
7 have.

8 MR. GOBER: Okay. Did you discuss this lock
9 and the switch at all?

10 MR. THORNTON: In my mind, when I --

11 MR. GOBER: Did your locomotive engineer
12 mention it at all?

13 MR. THORNTON: No, sir. No, sir.

14 MR. GOBER: So you haven't had any
15 conversation with the engineer or the brakeman about
16 the way the switch was lined or the way it was locked?

17 MR. THORNTON: No, sir, no, sir.

18 MR. GOBER: Okay. I am going to ask Mr.
19 Norvell, if he has any questions.

20 MR. THORNTON: Can I give you --

21 MR. GOBER: Yes, sir, please.

22 MR. THORNTON: Okay. When I walked up and I
23 looked at my watch and it was three minutes to seven,
24 and in my mind, we touched the switch, I never
25 mentioned the switch. But, I know this, I want to tell

1 *you this, I know in my heart and I know as officially*
2 *you never clear a track warrant until switches are*
3 *lined and locked for the main line movement. When I*
4 *have got that track warrant, that means that is my*
5 *track, that is only mine. No one can use it. The*
6 *dispatcher can call me for it, but if I tell him I am*
7 *using it, he can't take it from me.*

8 MR. GOBER: *Right.*

9 MR. THORNTON: *I can only give it to him.*

10 MR. GOBER: *Right.*

11 MR. THORNTON: *You see, and I did that.*

12 MR. GOBER: *When did you give it to him?*

13 MR. THORNTON: *Okay. What happened, once we*
14 *got in that taxi, we went back towards the depot, and*
15 *in my mind everything was all right.*

16 MR. GOBER: *What do you mean by everything was*
17 *all right?*

18 MR. THORNTON: *Well, okay, I will tell you.*
19 *Okay. When we got to the depot, I had my paper with me,*
20 *we got up there about 7:20, 7:20, 7:25, I had the*
21 *paperwork to do, I had my two track warrants to do. I*
22 *put all that on the desk. And the reason I say that is*
23 *I was sitting there, I was doing my paperwork, I knew*
24 *it was going to take me a few minutes. Mike was over*
25 *there, I don't know if he was sitting, I don't know*

1 *what he was doing, but, I said, Mike, can you do me a*
2 *favor? How about taking these two track warrants and*
3 *clearing them? Everything, I am going to clear no*
4 *track warrants, with the switch --*

5 *MR. GOBER: I understand that. So, why would*
6 *you think that if you hadn't looked at it?*

7 *MR. THORNTON: If, that is, hey, I can't*
8 *answer that question for you now, but I am just saying,*
9 *I know what is what. I am a good railroad man.*

10 *MR. GOBER: I understand and I believe that.*

11 *MR. THORNTON: But, yes, sir, but, I don't*
12 *know.*

13 *MR. GOBER: Okay. But, you never asked him*
14 *to, you never asked him to check them?*

15 *MR. THORNTON: I never asked him, I never*
16 *viewed them, I never looked at them. I got in the*
17 *taxi, and they got in the taxi, nobody mentioned*
18 *anything like that. We went on.*

19 *MR. GOBER: All right. Well, you have got to*
20 *know a little bit about where your brakeman was while*
21 *you were getting ready to get to the taxi and all.*

22 *MR. THORNTON: Well, yes, sir.*

23 *MR. GOBER: Where was he?*

24 *MR. THORNTON: I was closing up the last gate,*
25 *our engine was coupled to two cars. Out here, he was*

1 up there tying those cars in.

2 MR. GOBER: Okay. You are responsible for this
3 conductor. And you know --

4 MR. THORNTON: Brakeman.

5 MR. GOBER: Yes, brakeman, and you know that
6 switch has got to be lined back.

7 MR. THORNTON: Yes, sir.

8 MR. GOBER: Where did you last see him?

9 MR. THORNTON: When I lined the last gate
10 back, I was coming up, looking at the cars that were
11 tied down, make sure they were tied down, coming to the
12 engine, there was two cars and the engine, I went
13 around, there had been probably a few minutes, I would
14 say from the time I, I closed that last gate to I got
15 to that engine, probably was, at the very most probably
16 three to four minutes. Three to four minutes, four
17 minutes at the most.

18 MR. GOBER: Okay.

19 MR. THORNTON: I went around and got up in the
20 engine, when I went around, the taxi was there parallel
21 to it. I saw him.

22 MR. GOBER: Never saw him at the switch.

23 MR. THORNTON: No, sir, I never saw him at the
24 switch and I never asked him.

25 MR. GOBER: Okay. Did your locomotive

1 engineer, whenever the engineer said we are in the
2 clear, we have got room to stop and all, how far was he
3 from the main track switch?

4 MR. THORNTON: Well, he was probably, we were
5 probably from the main road or Good Road runs parallel
6 with it, he was probably, I am just guessing, two car
7 lengths inside of that road.

8 MR. GOBER: Okay. Did he mention anything
9 about --

10 MR. THORNTON: No, he didn't.

11 MR. GOBER: All right.

12 MR. THORNTON: But, but, I want to let you
13 know, it was dark and that locomotive light was shining
14 into some houses, the switch is over here, to our
15 right. Once you come in, you are coming in at a curve
16 here. In other words, our engine, our engine light,
17 our locomotive light was shining towards some homes
18 there, that was shining, when it was shining, and you
19 wouldn't have been able to see the switch there.

20 MR. GOBER: Okay. Do you have any questions?

21 (Pause.)

22 MR. NOVELL: I am going to switch gears on you
23 quite a bit. Okay.

24 MR. THORNTON: All right.

25 MR. NOVELL: What I do for the NTSB is I am

1 called a Human Performance guy, here is my card here.
2 Hold onto that. I am just going to run down some of
3 the areas. This won't take as long as this did. And
4 it is completely different, so let's switch gears quite
5 a bit here.

6 On the back on this card, this is standard
7 procedure where I do all crew members on train
8 accidents, I would like for you to the best of your
9 ability, I realize a lot has happened in the last
10 couple of days, when you go in the next week or so, if
11 you could kind of reconstruct your four day history,
12 work, rest history for this accident. So, we would go
13 back to the second, up to yesterday, okay. And that is
14 on the back there. I had a roast beef sandwich at
15 three, I don't need to all of that detail.

16 MR. THORNTON: I had --

17 MR. NOVELL: And some of this is going to be
18 pretty easy in your case because you were telling me
19 you get up about 5:15 every day, you go home and you
20 are in bed by 9:00, so this should be fairly easy.
21 That is the kind of stuff I am looking for.

22 MR. THORNTON: Okay.

23 MR. NOVELL: Do you have email address? Okay.
24 If you could get that and maybe could you fax it to me
25 or something? There is a fax number, or mail it if you

1 *want. Unfortunately, after 9/11 mail takes forever to*
2 *get to the Government offices anymore. It just takes*
3 *forever. So, if it is possible, if you could fax that*
4 *to me from maybe the office or something. Do you think*
5 *that is possible to do?*

6 *MR. THORNTON: Yes, I want to let you know, I*
7 *don't think, I am just saying this, I don't think*
8 *anything, this had anything to do with it.*

9 *MR. NOVELL: I understand. It is just*
10 *standard procedure.*

11 *MR. THORNTON: Okay.*

12 *MR. NOVELL: And I am going to ask the*
13 *engineer and --*

14 *MR. THORNTON: I am the kind of person --*

15 *MR. NOVELL: I understand. That is fine. I*
16 *understand completely. Same here. And that is part of*
17 *my job.*

18 *MR. THORNTON: I mean -- say the railroad --*

19 *MR. NOVELL: Okay. To the best of your*
20 *ability, if you can, if you could do that for me. And*
21 *again, in your case, there are a lot of guys out there,*
22 *on other incidents, they work all over the map, but it*
23 *sounds like you have got a pretty regular schedule, go*
24 *on duty, getting off work and going home. If you could*
25 *do that to the best of your ability, for the four days*

1 or so, and again, it sounds pretty easy. Has it been
2 pretty much that way, 5:15, works to seven, home by, in
3 bed by nine?

4 MR. THORNTON: Yes.

5 MR. NOVELL: Okay. I will make a note of that,
6 but if there is anything there that comes to mind when
7 you do this, and send it to me, I would appreciate it.
8 Okay. All right.

9 Just a few questions here and again this is
10 standard procedure. I am not taking on anybody, I have
11 done this for 12 years and the same questions have been
12 around for 12 years. Okay. We will get through this
13 pretty quickly and I will be done.

14 When you went on duty that day, any problems
15 at all with the equipment, the radio, anything on the
16 locomotive, the cars?

17 MR. THORNTON: We had -- the sales rep --

18 MR. NOVELL: When you went on duty at 7:00
19 a.m., the day, there was no problems.

20 MR. THORNTON: No, no.

21 MR. NOVELL: How about weather, any problems
22 with weather, raining, fog, that type thing?

23 MR. THORNTON: No.

24 MR. NOVELL: This day, you looked at your
25 watch at 6:57 p.m., mission accomplished, everything is

1 done or something to that effect, right. At three
2 minutes before, okay. You were doing all this work
3 down in here from about 6:10, walked over, up to about
4 6:57, during that, my math is not too good at this day,
5 what it is, 47 minutes or so, roughly. Did you feel
6 that you were pressured, were you working a little
7 faster maybe or --

8 MR. THORNTON: Well, it was something I had
9 told myself --

10 MR. NOVELL: Okay.

11 MR. THORNTON: I could have said, hey, I ain't
12 working --

13 MR. NOVELL: You mentioned earlier on to Mr.
14 Gober that this is a day that everything counted. And
15 what I kind of gathered from that, I don't want to put
16 in words in your mouth, is that it was a tight day for
17 time, is that true? Every move counted, particularly
18 this last 45 minutes or so.

19 MR. THORNTON: Well, normally, when we got
20 here at 2:45, we switch two tracks there, set off
21 tracks, the set off track wasn't available to switch
22 back, we switched over to that and we were pulling --

23 MR. NOVELL: Right.

24 MR. THORNTON: That was when we get the main
25 line at about 2:45 to seven o'clock.

1 MR. NOVELL: Okay.

2 MR. THORNTON: Normally, we don't switch
3 that -- I just meant to say that, but, Avondale, I felt
4 needed to be worked here, that is we wound up, Encore
5 was the plastic place, and I called them, going up
6 Bridgestone lead, you have to go at 171 milepost, go
7 back in about three miles, I called them and said, hey,
8 called them and let them know get your hoses down. We
9 are coming with your car. They had been, they know,
10 they told me they wanted the caution. I called them, I
11 got a recording.

12 MR. NOVELL: Okay.

13 MR. THORNTON: We got up to the switch, I got
14 down, the car was on the rear. I had it ready. I got
15 down to the switch, my phone rang, and on the phone,
16 hey, hello, when you are going to go get it on, Joe,
17 right now, I just tried to call the lady, to make sure
18 the hoses were down, so we could come on and switch.

19 MR. NOVELL: Okay.

20 MR. THORNTON: You know, and I got a
21 recording.

22 MR. NOVELL: Yes.

23 MR. THORNTON: That is what I told him, I am
24 here now.

25 MR. NOVELL: Right, right.

1 MR. THORNTON: So, I switched, I have to give
2 Bridgestone about 15 minutes, a 15 minute warning, open
3 the gates, automatic gates because they have got to
4 send somebody out there. And make sure you can lined
5 in.

6 MR. NOVELL: Okay.

7 MR. THORNTON: At Avondale Mills, Encore,
8 needed to be, now if it is the other ones, I am like
9 this, if I am going to shove all the way the 171
10 milepost, there are only two industries on that lead,
11 Encore and -- I am not going to go up there in the
12 morning. If I am going there, I am working so I don't
13 have to go back up the following day, you see, you
14 can't waste your time. It is just, time is precious on
15 that job. You can't kill it today and set out take it
16 out tomorrow. I will go Encore today and then go
17 tomorrow, you don't do that.

18 MR. NOVELL: I understand.

19 MR. THORNTON: You got both of them at one
20 time while you are there.

21 MR. GOBER: Did you get Encore that day?

22 MR. THORNTON: Yes, sir.

23 MR. NOVELL: Okay.

24 MR. GOBER: Let me just interrupt one time.
25 Can you tell me to the best of your ability what you

1 *think happened with this accident?*

2 *MR. THORNTON: I already went through that. I*
3 *don't like to think about it --*

4 *MR. GOBER: Do you think that the conductor*
5 *forgot to line the switch back?*

6 *MR. THORNTON: The conductor -- and I didn't,*
7 *I know --*

8 *MR. GOBER: Is it possible he could not have*
9 *lined it back?*

10 *MR. THORNTON: I don't want to say. He is a*
11 *good friend of mine. He is a good man. He is one of*
12 *the best. I was working with two good men. Good*
13 *railroad men, they are young yet, you know, and the*
14 *railroad -- They are good men.*

15 *MR. GOBER: Do you think that your crew failed*
16 *to do what they should have done?*

17 *MR. THORNTON: I would have to say I probably*
18 *failed to do what I should I have. I won't say my crew*
19 *did.*

20 *MR. NOVELL: Again, I want to ask different*
21 *types of questions, and if something doesn't seem*
22 *right, I will --*

23 *Jimmy, in the last year or so, has there been*
24 *anything that may have preoccupied or distracted you*
25 *from your duties? And what I am looking for is like a*

1 *death in the family, or bad medical news of a family*
2 *member, things, something that might have played on*
3 *your mind in the last year or so, that you took to work*
4 *with you? And we all have that. But, is there anything*
5 *like that --*

6 *(Change of tape.)*

7 MR. GOBER: *Continuation of Conductor*
8 *Thornton's interview. This is tape 2, side A.*

9 MR. NOVELL: *Jimmy, we were just, and I think*
10 *I got the answer, in the last year or so, nothing had*
11 *been preoccupying or distracting in your personal life*
12 *that maybe your brought forth, like a death in the*
13 *family, a bad medical news, etc., that you may have*
14 *taken to work with you? Prior to this accident?*

15 MR. THORNTON: *My daddy died, but, we weren't*
16 *close.*

17 MR. NOVELL: *Okay.*

18 MR. THORNTON: *I don't, I don't rely on stuff,*
19 *I don't --*

20 MR. NOVELL: *Okay. That is fine.*

21 A couple of questions about your health, just
22 *your health overall. Is it good, bad?*

23 MR. THORNTON: *Well, as far as I know it is in*
24 *good shape.*

25 MR. NOVELL: *Okay.*

1 MR. THORNTON: I am not on any medication.

2 MR. NOVELL: You were reading my mind, that
3 was my next question. How about over the counter
4 medications, do you take any --

5 MR. THORNTON: Well, you know, sometimes I
6 will take some for allergies. A lot of times, it seems
7 to me when I am working at, over there, dirt stuff and
8 clay and all.

9 MR. NOVELL: Do you remember your last
10 medication for allergies used, was it that --

11 MR. THORNTON: It may have been that day, but,
12 it is something like Benadyl Allergy and Sinus
13 medicine, I get a headache, I may have taken a couple
14 of that day, but it really doesn't affect me. It helps
15 my headache.

16 MR. NOVELL: So, just to be specific, again,
17 if you could remember, did you take Benadyl that day?

18 MR. THORNTON: Yes, sir, I would say I did.

19 MR. NOVELL: Okay.

20 MR. THORNTON: I don't take it every day.

21 MR. NOVELL: Do you remember how many tablets?

22 MR. THORNTON: I took two, two, if I took.

23 MR. NOVELL: Do you remember about what time?

24 MR. THORNTON: What is that now?

25 MR. NOVELL: Do you --

1 MR. THORNTON: It was probably, once we were
2 on that SA main line, probably, I would say before,
3 maybe before dinner, say around one o'clock.

4 MR. NOVELL: So two Benadyl tablets about 1:00
5 p.m.

6 MR. THORNTON: Yes, somewhere along in there.

7 MR. NOVELL: Okay. Any other medications
8 before or after?

9 MR. THORNTON: No, no.

10 MR. NOVELL: Okay. And no prescription
11 medication.

12 MR. THORNTON: No prescription.

13 MR. NOVELL: Okay. Any aspirins or --

14 MR. THORNTON: No, no.

15 MR. NOVELL: And again, standard question
16 here, any alcohol or illegal drug use prior to this
17 accident?

18 MR. THORNTON: No, sir.

19 MR. NOVELL: Okay. And on that note, did you
20 go for your post accident FRA drug and alcohol test?
21 You were not tested, were you?

22 MR. THORNTON: No.

23 MR. NOVELL: You were not tested, that is
24 right.

25 MR. THORNTON: No, we never --

1 MR. NOVELL: --

2 MR. THORNTON: But, we are subject to testing.

3 MR. NOVELL: How about your vision, I see you
4 are wearing your glasses? Reading glasses only?

5 MR. THORNTON: When I read.

6 MR. NOVELL: Reading only.

7 MR. THORNTON: But, I have prescription safety
8 glasses for reading.

9 MR. NOVELL: Okay. Now at the time when you
10 were doing your switching down in this area.

11 MR. THORNTON: I am sure I had them on.

12 MR. NOVELL: You had --

13 MR. THORNTON: My prescription. No, I had on
14 my prescription safety glasses.

15 MR. NOVELL: Your prescription glasses were on
16 when all of this was going on.

17 MR. THORNTON: Yes, sir.

18 MR. NOVELL: You had no problem seeing dust,
19 smoke or anything?

20 MR. THORNTON: No.

21 MR. NOVELL: How about your hearing, anything
22 wrong --

23 MR. THORNTON: Well, it is bad, but that is
24 only --

25 MR. NOVELL: Both ears, both or one?

1 MR. THORNTON: Well, both of them probably are
2 bad. My wife says they are.

3 MR. NOVELL: -- She says I can't hear, that is
4 on purpose.

5 MR. THORNTON: Well, not it is kind of bad,
6 but, you know, being there almost 30 years --

7 MR. NOVELL: When was your last physical?

8 MR. THORNTON: Well, I, I get one every year.

9 MR. NOVELL: Okay.

10 MR. THORNTON: I got one probably last, I will
11 be due for one in the next few weeks, probably last
12 January or February from my doctor.

13 MR. NOVELL: Your personal doctor?

14 MR. THORNTON: Personal doctor.

15 MR. NOVELL: Just about a year ago. Who is
16 your personal doctor?

17 MR. THORNTON: Dr. Rhine, R-H-I-N-E.

18 MR. NOVELL: Rhine, R-H-Y --

19 MR. THORNTON: I-N-E, R-H-I-N-E. He is
20 Lexington, South Carolina.

21 MR. NOVELL: So he would have given you your
22 physical back last year.

23 MR. THORNTON: Yes, sir.

24 MR. NOVELL: Does the Railroad require you to
25 have a physical, does NS require you to have a

1 *physical?*

2 MR. THORNTON: *Me not being an engineer.*

3 MR. NOVELL: *Right.*

4 MR. THORNTON: *If I am off over 30 days, I*
5 *have to have one to come back.*

6 MR. NOVELL: *Okay. So when was your last*
7 *railroad physical? It has probably been awhile.*

8 MR. THORNTON: *Yes, sir.*

9 MR. NOVELL: *What did Dr. Rhine say about your*
10 *hearing? Did he give you a hearing test to you?*

11 MR. THORNTON: *No.*

12 MR. NOVELL: *He did not. Okay. So you have had*
13 *no official hearing test. You just said it is bad.*

14 MR. THORNTON: *Bad. I had it tested at my --*

15 MR. NOVELL: *How long ago was that?*

16 MR. THORNTON: *Last six or eight months. Gave*
17 *me ear plugs to --*

18 MR. NOVELL: *- interested in the railroad, a*
19 *little bit about background.*

20 MR. THORNTON: *I will be honest with you --*

21 MR. NOVELL: *Okay.*

22 MR. THORNTON: *But, he was a car inspector.*

23 MR. NOVELL: *Okay. Well, you have been doing*
24 *it for, what, 30 years, you said?*

25 MR. THORNTON: *Twenty seven. But, now, I*

1 *didn't mean that I am a carpenter, that is what I*
2 *really am.*

3 MR. NOVELL: *Oh, that is your --*

4 MR. THORNTON: *That is where I would go, I am*
5 *a railroad man, I have got a job and I am thankful for*
6 *my job.*

7 MR. NOVELL: *Sure.*

8 MR. THORNTON: *And I pray that I can keep it*
9 *three and a half years and I can retire.*

10 MR. NOVELL: *Okay. How did you hire on, how*
11 *did you become 27 years at the railroad as a carpenter?*

12 MR. THORNTON: *Well, what, sir?*

13 MR. NOVELL: *You were a carpenter, how did you*
14 *hire on 27 some years --*

15 MR. THORNTON: *Oh, I just saw that it was out*
16 *there, and I didn't think -- went and applied for it.*
17 *I guess, you know, being my daddy was out there, I*
18 *didn't ask him to help me get on, being he was there,*
19 *maybe --*

20 MR. NOVELL: *A little while ago I asked you if*
21 *there was anything that may have distracted you or*
22 *preoccupied you and you said no. I am going to ask you*
23 *the same question with respect to your engineer, and*
24 *your brakeman. Were you aware of anything on their*
25 *part, personal background that may have been*

1 *distracting to them and preoccupying, something that*
2 *might have taken their mind off of their duties, that*
3 *day?*

4 MR. THORNTON: *Well, I don't know, they try to*
5 *do their job right, and that is why I said I made my*
6 *plans that day, about 2:30.*

7 MR. NOVELL: *Okay.*

8 MR. THORNTON: *I knew I had, I was working*
9 *with good men, and I could get things accomplished.*

10 MR. NOVELL: *Okay. I understand.*

11 *Last area of question here, and this is going*
12 *to focus on this and I touched on this a moment ago,*
13 *just to refresh in my mind, we talked about a lot of*
14 *different things here. You get off here at 6:10 at the*
15 *church, you walk over, you do a number of things here,*
16 *up to and including here, you never saw your brakeman*
17 *until he got into the taxi, is that correct?*

18 MR. THORNTON: *When I saw, I saw him.*

19 MR. NOVELL: *So you were off doing this and he*
20 *was --*

21 MR. THORNTON: *I got off here, and while he*
22 *was pulling up here, and I went this way.*

23 MR. NOVELL: *Okay.*

24 MR. THORNTON: *I saw him when I was down here.*

25 MR. NOVELL: *Okay, got you.*

1 MR. THORNTON: So he went by me, I got the
2 crossing and he come on in, he picked up the cars and
3 took them back out, shoved his load back in there. I
4 was here. He pulled out and pulled out with the cars
5 and I told him to put them on the old shoot, you know,
6 and he coupled up there.

7 MR. NOVELL: Okay.

8 MR. THORNTON: Make his cut, I was still back
9 in here then.

10 MR. NOVELL: Got you.

11 MR. GOBER: How far were you from the main
12 track switch whenever he lined the switch?

13 MR. THORNTON: I never looked back, I was
14 probably, the first thing I did go down here and I
15 lined this switch. It was lined towards the new shoot,
16 just from the, from this switch on the new shoot out to
17 the main line approximately, I would say 12 cars.

18 MR. NOVELL: From here up to this point here.

19 MR. THORNTON: From, from this, from this
20 switch out to the main line switch, probably 10, 12
21 cars at least.

22 MR. NOVELL: Okay. When you were walking
23 towards here, did you happen to look at the train go up
24 pass the clear at this point here?

25 MR. THORNTON: No, no.

1 MR. NOVELL: You didn't look up there at all.

2 MR. THORNTON: No.

3 MR. NOVELL: You were busy doing stuff down
4 here.

5 MR. THORNTON: Right, I knew what I was
6 focused on, get out and get him lined up.

7 MR. NOVELL: But, at some point, apparently
8 you would have had to gone up and --

9 MR. THORNTON: That is right.

10 MR. NOVELL: -- the switch, because he had to
11 back down in there.

12 MR. THORNTON: He pulled up the switch --

13 MR. GOBER: Where was the taxi cab located?

14 MR. THORNTON: Over here. In other words when
15 we got right in this area here, is where that engine
16 was located.

17 MR. GOBER: Okay.

18 MR. THORNTON: And our taxi is, there is a
19 little old grassy place right in here. Our taxi pulled
20 up, our locomotive short hood, had two cars, after that
21 taxi was parallel with the engine.

22 MR. GOBER: Okay. Did you all line and lock
23 the gate behind the, were you behind the gate whenever
24 you all left?

25 MR. THORNTON: No, sir. We locked the last

1 *gate back here and pulled up here, and he had the*
2 *engine and two cars.*

3 *MR. NOVELL: This is not, that is not a gate.*

4 *MR. THORNTON: That is not a gate, no, sir,*
5 *that is not a gate.*

6 *MR. NOVELL: Okay. You were doing your*
7 *thing here, the train with the engineer and the*
8 *brakeman, proceed south, right, at some point, it*
9 *appears that the switch would have had to been thrown*
10 *for them to keep backing and do the tank cars, etc, and*
11 *then you look and say, hey, 6:57, mission accomplished,*
12 *everybody is happy, let's go home.*

13 *MR. GOBER: Where did the taxi cab go whenever*
14 *you all left, pass --*

15 *MR. THORNTON: You can actually see it, the*
16 *switch is here, let's say the switch is here, it has*
17 *got a target on it, taxi is here, this is the road, he*
18 *come out on that road, and went right by that switch.*

19 *MR. GOBER: Was the switch on your side of the*
20 *track?*

21 *MR. THORNTON: I was in the front seat.*

22 *MR. GOBER: Okay.*

23 *MR. THORNTON: It was not on my side of the*
24 *track.*

25 *MR. GOBER: It was on the driver's side.*

1 MR. THORNTON: It was on the driver's side.

2 MR. GOBER: Okay. Did you look?

3 MR. THORNTON: No, I didn't, no, I did not
4 look and I did not observe it being red. I have to be
5 truthful.

6 MR. NOVELL: That is fine.

7 MR. GOBER: Okay. You have worked there a long
8 time. Had you ever had occasion to where that switch
9 had been tampered with or messed up in any way? Because
10 if it had happened, he never knew it. Was it easily
11 visualized whenever you looked towards it, could you
12 see it?

13 MR. THORNTON: I didn't, if you are normally
14 coming out, I would think he would probably have to,
15 the light, the beams of your lights, you would have to
16 look up, you could see it. It would probably be lit up
17 a little bit. Your beams, direct beams of lights would
18 not be hit, but you could see it, if you looked for it,
19 I am sure, with the amount of lights --

20 MR. GOBER: Are we talking about headlights
21 from the automobiles?

22 MR. THORNTON: Yes, sir.

23 MR. NOVELL: Because earlier you said
24 locomotive would have been off to the left and close
25 the right.

1 MR. THORNTON: Now, the locomotive where it
2 stopped, was headed, was, in other words, we were
3 right, headed towards some houses, the lights, and the
4 switch is over here.

5 MR. NOVELL: To the right of it.

6 MR. THORNTON: See, and when we come out, we
7 were parallel here, the locomotive here, taxi here,
8 when we come out, we went right by the switch there.

9 MR. NOVELL: And when you all got off of the
10 unit and you got in the taxi, was there any discussion
11 between any of the guys about, well, we just made it,
12 let's go home and --

13 MR. THORNTON: No, I thought in my mind, well
14 done. Hey, mission accomplished.

15 MR. NOVELL: Okay. So there was no other
16 discussion.

17 MR. THORNTON: No discussion.

18 MR. NOVELL: By anybody, okay.

19 MR. THORNTON: They all, they are along --

20 MR. GOBER: You said earlier that you got back
21 to the station before you gave up your track warrants.

22 MR. THORNTON: Yes, sir.

23 MR. GOBER: All right. What is the requirement
24 as far as giving up the track warrants whenever you
25 are --

1 MR. THORNTON: They would be fulfilled.

2 MR. GOBER: Okay. So, whenever you left there,
3 they are suppose to be fulfilled because you should
4 have had that switch lined back.

5 MR. THORNTON: Yes, sir.

6 MR. GOBER: And the track warrant should have
7 been called in then, right?

8 MR. THORNTON: Well, I don't want to say that,
9 because -- when we walked off, got our stuff and got
10 off that taxi, off that locomotive, it was after seven
11 o'clock. I had to go to the depot, what I do, I have
12 got on my clipboard, I always put my track warrants, I
13 always leave them head out, first out, that way I never
14 forget them. Once I throw that clipboard down, they
15 are staring you in the face. I always keep them, if I
16 have got any papers, I put them up under them.

17 MR. GOBER: Can you take a track warrant on
18 the radio?

19 MR. THORNTON: Can I?

20 MR. GOBER: Yes, sir.

21 MR. THORNTON: Oh, yeah.

22 MR. GOBER: Can you give up a track warrant
23 on the radio?

24 MR. THORNTON: Yes, sir.

25 MR. GOBER: Can you give up your, can you call

1 the dispatcher whenever you tie up in the siding, and
2 tell him, we are in the clear?

3 MR. THORNTON: Well, we would have been the
4 law at that time, on the radio, I don't think it is a
5 good idea to be.

6 MR. GOBER: Well, let me ask you this
7 question. If you are going to be on the law on the
8 radio, you are going to be on the law, you call him on
9 the telephone.

10 MR. THORNTON: Yes, sir, I understand that,
11 but nobody else is going to know that but me and him.
12 The other people in that area there --

13 MR. GOBER: But, the records show that you
14 were on the law whenever the order was fulfilled.

15 MR. THORNTON: Yes, sir. And I am sure that
16 they did. Nobody heard it. Don't get me wrong, I know
17 that, but, you know, I mean, I am not, when a person is
18 on the law, from my understanding, you are not suppose
19 to be using a communication if possible. Unless it is
20 an emergency, you know, that is, that is doing, now, I
21 can call that dispatcher on the telephone and report it
22 live, and that is between me and him. Nobody else. Now
23 if I get on that radio, people in Augusta hears me --

24 MR. GOBER: Well, what I am trying to say is
25 the regulation requires that you be off duty in 12

1 *hours, is that correct?*

2 *MR. THORNTON: Yes, sir.*

3 *MR. GOBER: Were you off duty in 12 hours?*

4 *MR. THORNTON: I was off, that locomotive had*
5 *stopped and we were not working in 12 hours.*

6 *MR. GOBER: Okay. But, you did not --*

7 *MR. THORNTON: I am not performing any*
8 *physical work on that locomotive or those cars in 12*
9 *hours.*

10 *MR. GOBER: And I understand that.*

11 *MR. THORNTON: Yes.*

12 *MR. GOBER: But, according to the hours of*
13 *service regulations, you are performing a duty whenever*
14 *you take or give up a train order or a track warrant.*

15 *MR. THORNTON: Yes, sir.*

16 *MR. GOBER: And at 7:54, whenever you gave it*
17 *up, is that pass the hour of the --*

18 *MR. THORNTON: Yes, sir.*

19 *MR. GOBER: Is that a violation?*

20 *MR. THORNTON: Well, my understanding is as*
21 *long as we are not physically working on that train, we*
22 *can do things like that. I, I mean, unless I am told*
23 *differently, we can do some paperwork. Now this is*
24 *what my procedure is. I try to get back to that depot*
25 *around 6:30, give me time to get my paperwork done.*

1 MR. GOBER: So you are off by seven.

2 MR. THORNTON: Try to, yes, sir. And sometimes
3 it is 7:00, 7:10, 7:15, 20.

4 MR. GOBER: Has your train master ever told
5 you anything about --

6 MR. THORNTON: That he wanted me to put off at
7 seven o'clock and everything done?

8 MR. GOBER: Yes.

9 MR. THORNTON: He may, it may be there, but I,
10 he has never directly told me, Jimmy, I want you off, I
11 want you and that computer put off at 7:00 p.m. He has
12 never told me that. Now if --

13 MR. GOBER: Okay. So you put off at 7:54 p.m.

14 MR. THORNTON: No, sir, I put off at 8:11 that
15 time.

16 MR. GOBER: Eight, eleven. Okay. And that was
17 when the, when your track warrants would have been
18 totally fulfilled.

19 MR. THORNTON: Yes, sir. And all my paperwork
20 done, faxed in, see, I faxed in to -- I had to call
21 them to make sure they got everything, everything looks
22 good and they understand.

23 MR. GOBER: Okay.

24 Do you have any questions?

25 UNIDENTIFIED SPEAKER: No, I don't have

1 anything. I think you have been perfectly honest and
2 truthful with us. We appreciate your testimony.

3 MR. GOBER: Do you have any questions?

4 UNIDENTIFIED SPEAKER: No.

5 MR. GOBER: Dan, do you have any questions?

6 UNIDENTIFIED SPEAKER: No, sir, I do not.

7 MR. GOBER: Tom, do you have any questions?

8 Tom with the UNITED STATES.

9 UNIDENTIFIED SPEAKER: I have a question.

10 (Inaudible)

11 MR. THORNTON: Don't be on that radio after 12
12 hours. People can hear you. -- just saying that, the
13 railroad has never pressured me to conform on that. It
14 has been, you know, I mean, it is 12 hours. It is a
15 big thing, you know, don't be working after 12 hours.

16 MR. GOBER: Tom, when you asked those, do it a
17 little more factual, not a little bit of -- What I am
18 trying to say is, we don't like to put words in
19 somebody's mouth when it comes to why you did
20 something. But, the question is good. I don't have
21 any problem with it, but you can ask it a little bit
22 differently. And I don't want to stop you from asking
23 questions.

24 UNIDENTIFIED SPEAKER: Mr. Thornton?

25 MR. THORNTON: The answer is probably --

1 UNIDENTIFIED SPEAKER: My other question.

2 (Inaudible) You put in a 12 day, a 11 hour day, what,
3 if you had to take them off --

4 MR. THORNTON: Average a five day week, and
5 average about 11 1/2 hours, 11 hours, 45 minutes. We
6 may get off early one day. I don't know.

7 UNIDENTIFIED SPEAKER: (Inaudible)

8 MR. THORNTON: But, I knew, but, I was going
9 to tell you, I know what the job consists of. I say, I
10 know, I meant to say, sir, I never, it is law.

11 UNIDENTIFIED SPEAKER: (Inaudible)

12 MR. THORNTON: That is just --

13 UNIDENTIFIED SPEAKER: (Inaudible) how much
14 time after.

15 MR. THORNTON: An average of -- you know,
16 everybody is different, with me it is probably about,
17 about 12 hours and 15 minutes. And maybe 12 and 1/2
18 hours.

19 UNIDENTIFIED SPEAKER: (Inaudible) That is all
20 I have.

21 MR. NOVELL: I am not going to go into all
22 this dates and everything, but is it, this would be an
23 unusual day, all this here? Is this, all this, it
24 won't fit, and more cars, was this a normal move down
25 here?

1 MR. THORNTON: That was abnormal move, to have
2 all those cars.

3 MR. NOVELL: Yes. You don't have the room
4 and --

5 MR. THORNTON: But, I was going to say that
6 was a light day --

7 MR. NOVELL: Okay.

8 MR. THORNTON: Normally we go in here with
9 four cars of coal, two cars of cotton.

10 MR. NOVELL: That day you had 12.

11 MR. THORNTON: Well, no, sir, I am saying, to
12 work, we had to work three tracks here normally, in
13 that industry, we just worked one that day, in that
14 industry.

15 MR. NOVELL: Okay.

16 MR. THORNTON: But, now as far as going in
17 with those cars, that is an abnormal move.

18 MR. NOVELL: Has it ever happened before, that
19 many?

20 MR. THORNTON: I have been in it before, yes.
21 I have been in it before.

22 MR. NOVELL: Does it take, is it roughly 45
23 minutes like it did that day?

24 MR. THORNTON: Right.

25 MR. NOVELL: Or does it take -- This took

1 *roughly 45 minutes.*

2 *MR. THORNTON: Normally the work at that plant*
3 *is going to take you, at least probably an hour and 15,*
4 *20 minutes.*

5 *MR. NOVELL: Oh.*

6 *MR. THORNTON: If you work the coal shoots,*
7 *see, you have got two coal shoots and that is usually*
8 *the way he wants, he wants three, three on the new, and*
9 *one on the old. It is coal that is, two cuts.*

10 *MR. NOVELL: Okay.*

11 *MR. THORNTON: But, I had worked the coal*
12 *shoot Tuesday. Monday, I couldn't get to him, I felt I*
13 *might get him Tuesday and I worked him Tuesday and I*
14 *left my empties there. I didn't have any room for*
15 *them.*

16 *MR. NOVELL: Okay.*

17 *MR. GOBER: Mr. Thornton, you told us before*
18 *that you are qualified conductor and have been for*
19 *several years, over 10 years. Are you familiar with*
20 *and qualified on the Norfolk Southern Operating Rules?*

21 *MR. THORNTON: Yes.*

22 *MR. GOBER: Okay. Can you read this rule into*
23 *the record for me, GR-8?*

24 *MR. THORNTON: It says an employee is subject*
25 *to the Hours of Service Act, must give the proper*

1 office sufficient advance notice if it becomes apparent
2 that he cannot complete the trip or tour of duty within
3 the lawful period. And employee called to report for
4 service, who will not have legal rest at the indicated
5 time to go on duty, must so inform -- It is says, must
6 give -- and complete the trip or tour of duty within
7 the lawful period.

8 MR. GOBER: And my question is, are you
9 familiar with that rule?

10 MR. THORNTON: Yes, sir.

11 MR. GOBER: You understand hours of service
12 regulations?

13 MR. THORNTON: Yes.

14 MR. GOBER: Okay. I don't have any further
15 questions. I do also reiterate and appreciate the
16 candid that you have given us. I know from what you
17 have said that you are honest whenever you do your job
18 and you have said that you want to do what is right and
19 we believe that. So, with that said, if we have any
20 further questions of you, can we call you and talk to
21 you further?

22 MR. THORNTON: Yes, sir.

23 MR. GOBER: If we need to.

24 MR. THORNTON: No problem.

25 MR. GOBER: Okay.

1 (Pause.)

2 MR. GOBER: Let me find out, what we asked
3 for a copy of the local's 30 day job history, and that
4 has been provided to us and it will become a part of
5 the docket of the Safety Board's investigation. Okay.
6 Again, we really appreciate you talking with us. We
7 know how horrible this is, because it affects you, the
8 community, and the Norfolk Southern and this, and we
9 want you, guys, to be able to work safely and at peace.
10 And thank you for coming and talking with us.

11 We are off the record at 6:05.

12 (Whereupon, the interview was concluded.)