

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: WILLIAM DAVENPORT

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
(Representative on behalf of Mr. Davenport)

<u>ITEM</u>	<u>I N D E X</u>	<u>PAGE</u>
Interview of William Davenport:		
By Mr. Flanigon		5
By Dr. Jenner		11
By Mr. Cashman		14
By Mr. Williams		14
By Mr. Koster		16
By Mr. Grissom		20

I N T E R V I E W

1
2 MR. FLANIGON: Okay, my name is Mike Flanigon, F-l-a-n-
3 i-g-o-n. I am with the National Transportation Safety Board, and
4 we're interviewing Mr. William Davenport -- D-a-v-e-n-p-o-r-t?

5 MR. DAVENPORT: Yes, sir.

6 MR. FLANIGON: I spelled that right? Who was a
7 conductor on a train going to work at the time of the incident
8 we're investigating, which was an employee fatality that occurred
9 about 2:50 in the morning on April 1st, yesterday, in Richmond,
10 Virginia.

11 And before we go around the room and let everybody
12 introduce themselves, I just want to confirm you know we're going
13 to record the conversation and provide you a transcript before it
14 goes anywhere else.

15 MR. DAVENPORT: Yes, sir.

16 MR. FLANIGON: Okay, and I've got your address here to
17 do that.

18 MR. DAVENPORT: Yes, sir.

19 MR. FLANIGON: So, starting with your union rep, let's
20 go around the table and let everybody state and spell your last
21 name and the organization you're with.

22 MR. BRYANT: Troy Bryant, B-r-y-a-n-t, BLET local
23 chairman, Richmond, Virginia.

24 DR. JENNER: Steve Jenner, J-e-n-n-e-r, with the NTSB.

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

1 MR. WILLIAMS: Gery Williams, W-i-l-l-i-a-m-s, VP
2 Mechanical for CSX.

3 MR. KOSTER: Larry Koster, K-o-s-t-e-r, Division
4 Manager, Florence.

5 MR. GRISSOM: Don Grissom, G-r-i-s-s-o-m, General Vice
6 President of the Carmen Division.

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

8 MR. RICHARDSON: Shane Richardson, R-i-c-h-a-r-d-s-o-n,
9 with the FRA.

10 MR. FLANIGON: Okay. And just a little inside baseball.
11 The reason we want to do that every time, even though you all have
12 done it about half a dozen times now, is the transcription service
13 will sometimes send them to different people to work, so it may be
14 somebody getting this that hadn't heard an earlier one.

15 INTERVIEW OF WILLIAM DAVENPORT

16 BY MR. FLANIGON:

17 Q. So, really what we want to start with, Mr. Davenport, is
18 if you would just walk us through that early morning, what you
19 saw, what you heard. Kind of tell us the story in your own words,
20 at your own pace, and take your time. We've got all afternoon.

21 A. Okay. I was called for Q43930 on duty at 0200 here at
22 Acca Yard. Got here and met my engineer downstairs, crew room.
23 Got our orders together, work order together, our running orders
24 messages, bulletins and everything. And it was probably, I guess,
25 right about 0245 or 0240 or so, once we had gone over our orders,

1 got with the yardmaster and everything to go out and get a ride to
2 our train, which was sitting on 4 main, headed south. And got all
3 our stuff together, got a carry-all, went down to the old car
4 inspector shack and got all our gear out, got it together. Went
5 to check to make sure the 91's not -- wasn't -- proceeded across
6 the tracks.

7 As we went across the tracks, I was a little bit ahead
8 of JJ, who's my engineer, crossed over and noticed -- I don't
9 remember the gentleman's name. The one that was involved in the
10 accident was ahead of us to our left and the other car inspector,
11 the skinnier, the younger guy, was right beside us. And I noticed
12 that the 91 job was pulling south coming towards us. So I saw
13 him; he was right there. I said, hey, you know, we got the 91 job
14 coming up, coming up behind us and all.

15 I had crossed over and gotten out of the way. JJ had
16 crossed over. And I noticed that -- is it Kevin; was that his --
17 that Kevin was walking towards the switch up -- right next to the
18 track, walking up towards the switch, up that way. By the time I
19 saw him, JJ had come across. The 401 was pulling south in 3, the
20 91 job came up, so we were in between the 401 and 91 job. The 91
21 job engine -- what I can only guess, he had to be at notch 8,
22 because it was very loud. He was pulling cars, and I know coming
23 up a track, just from running remotes a while ago, that you can
24 kind of hear how the engine is pulling. Looked back; did not see
25 Kevin anymore. Engine has passed by me.

1 About that time, JJ had come right next to me. We were
2 standing next to each other. He looked at me and he said -- for
3 some reason, he looked at me and he said I don't think he made it.
4 And I looked back at Jess; what are you talking about? He said,
5 he was walking up there; I don't know if he made it. I just -- I
6 said, come on, you know, no. That was the end of it.

7 We had gotten on our motor and we had actually had to
8 get on our third motor north because the lead motor that came in
9 was not good for lead. So our plan was to pull out; we were going
10 to go to the south yard and drop the -- I apologize; I don't
11 remember the motor -- but it was the third motor out and we were
12 going to put it in lead. So we were going to drop the two motors
13 onto our train at South 1, you know, and switch motors around.

14 So, we put all our gear on the rear motor. JJ started
15 doing his lemonade. I was getting ice water and everything
16 together. He had gotten -- checked that engine and started it up.
17 He had gone to the head end, and by the time I had gone up to the
18 head end to check to see what we were going to do, we had gotten
19 the radio on. We had no radio on to, you know, hear anything that
20 was going on. We had noticed that the 91 job had stopped, but we
21 didn't know why. By the time we got on the lead motor there and
22 turned the engine on, turned the radio on, that's when the
23 yardmaster, "Stay where you're at, don't move." And then we head
24 him call the other remote jobs, go into your shacks, stop what
25 you're doing, go into your shacks, call the office. And that's

1 pretty much -- that was where we sat for the next, you know, 4
2 hours. And, of course, me and JJ were speculating, you know,
3 that's the only thing. And needless to say, we started looking
4 and we could see, we could see.

5 Q. Okay. What time did you guys go on duty?

6 A. 0200.

7 Q. Okay. We've got a little chart here and we'll attach
8 this to the transcript. But what we've got is -- I'm going to
9 turn it around because now it -- no, I'll turn it around that way
10 so it's lined up kind of just as we're looking out the window
11 there. So we're over here someplace on the other side of the
12 highway bridge and here's the switch and lead down here. And
13 right about here is where -- I'm going to put an X right about
14 where the guy was hit.

15 A. Yes, sir.

16 Q. So can you mark on here where you were standing when you
17 observed -- I'll tell you what. Actually, can you kind of draw a
18 line across where you walked across the yard?

19 A. Yeah. I don't have my glasses. Is this the old car
20 inspector shack here?

21 Q. No, no. That's where the truck was parked.

22 A. Okay. Well, like I said, where the car inspector --

23 Q. Did you see their truck, their pickup truck, parked out
24 there?

25 A. I didn't notice.

1 Q. No. Okay.

2 A. I didn't. It was something I didn't notice. But I
3 mean, where the car inspector shack is, I mean, do -- like can I
4 use --

5 Q. Yeah, sure. Sketch it out.

6 A. Like, here's the car inspector shack here. The truck
7 came up on this side and we got out here.

8 Q. Okay.

9 A. Okay. So you have your running lead and I -- you know,
10 I can't draw --

11 Q. That's on the north side?

12 A. It would be on the north side of the shack, correct.
13 And that's where we basically walked across, at that -- you know,
14 right across from the shack. So, I mean, if you can see the shack
15 where we walked across, we were well back from, you know, the 1
16 switch or the 3 switch or any of those. We were well back from it
17 and we were behind the signal on number 4, if that helps. Like I
18 said, I can't -- is this --

19 Q. Well, this is 3 and that's 4.

20 A. Right. And --

21 Q. So there's a signal on 4, down here someplace?

22 A. Well, it goes across. It goes across the tracks, all
23 three of the tracks there.

24 Q. Okay.

25 A. There's -- I mean, you can look out the window and see

1 right over the other side of the bridge, the signal tower there.
2 So that's where the train was stopped.

3 Q. Um-hum. Okay.

4 A. I mean, does that answer your question?

5 Q. Yeah, I think so. I think so. You were pretty much --
6 if we put our finger on the old car inspector --

7 A. Old car inspector shack, on the north side of it.

8 Q. Pretty much a straight line across?

9 A. Pretty much a straight line across, yes, sir.

10 Q. Okay, good. And then when you were observed this, you
11 were standing between the main track and the --

12 A. I was standing between --

13 MR. DAVENPORT: I'm sorry?

14 UNIDENTIFIED SPEAKER: Nothing.

15 MR. DAVENPORT: Oh.

16 O2 main and 3 main.

17 BY MR. FLANIGON:

18 Q. Okay.

19 A. Okay? Because 401 was headed south and 91 was coming up
20 1, so that's where we were standing. And like I said, I had -- I
21 don't remember the first gentleman's name, but Kevin was too far
22 up to yell. By the time the engine came up and all, it was just
23 too loud.

24 Q. Yeah. So you didn't actually see the strike or --

25 A. No, sir.

1 Q. -- anything close to a strike?

2 A. No, sir.

3 Q. In your time working here, either main track or working
4 in the yard when you did, did you know Kevin? Had you had any
5 interactions with him?

6 A. I knew him from sight, but not, you know, not -- no
7 conversations or anything like that. But I knew him from when I
8 did work the remote job, when he was -- you know, would walk the
9 train or something like that, just enough to -- hi, how are you
10 doing, you know --

11 Q. Yeah.

12 A. -- stuff like that.

13 Q. Did you ever take exception to any of his work practices
14 or safety engagement or --

15 A. I --

16 Q. -- anything like that?

17 A. -- again, didn't know him well enough, never watched him
18 work, so I wasn't -- you know, never focused on that.

19 MR. FLANIGON: Okay, go ahead. I don't have anything
20 else.

21 BY DR. JENNER:

22 Q. Steve Jenner, NTSB.

23 A. Yes, sir.

24 Q. If I can just get just a little more details about when
25 you first saw Kevin? Where exactly was he when you first saw him?

1 A. He was walking south next to 1 track, walking south next
2 to 1 track on the east side.

3 Q. And what was your first impression? Did everything go
4 okay the way -- his demeanor?

5 A. Yeah. Well, again, I was looking at his back, so I
6 didn't -- I mean, he was walking, you know, south, next to the
7 track. I didn't -- did I see him wobble or anything like that?
8 No. No, I just noticed him. I looked, I saw him, and then I saw
9 Irvin or Erwin, him. Then, like I said, I told him, you know,
10 here comes 91 job, and he -- thanks. And that was it. That was
11 the extent of the conversation. Or, you know, looking -- like I
12 said, once the 91 came by, I had lost sight of Kevin because he
13 was on the east side of the track and the train was going by me.

14 Q. Did he have to step over tracks when you saw him?

15 A. When I observed him, he was on the east side of track 1.

16 Q. Okay. So, really, you're talking just a couple of
17 second, 2, 3, 4 seconds?

18 A. That's it, if that long. It was a glance and looked
19 back, saw 91, everyone was there, told him, and I got across the
20 tracks, you know, to be in the clear.

21 Q. At that time, you -- when you first saw him, the train,
22 the 391 was pretty loud?

23 A. Well, he was still probably -- from me, he was still
24 probably a good 20 cars north of me, you know, once I got across.
25 That's why I said I had plenty of time to get across, get out of

1 the way and let Erwin know, hey, here he comes.

2 Q. Do you think he was close enough even -- he was 20 cars
3 away, but do you think he was close enough to --

4 A. Well, he was even further than that away from me.
5 You're talking about Kevin?

6 Q. Yes.

7 A. He was even further. Like I said, he was up towards --
8 walking up towards the switch at track, you know, 1 track, further
9 -- in what direction? It would be --

10 UNIDENTIFIED SPEAKER: South, south.

11 MR. DAVENPORT: It would be south.

12 BY DR. JENNER:

13 Q. Right.

14 A. Yeah. I'm sorry. Thank you.

15 Q. About how many car lengths away do you think?

16 A. Maybe another five, four to five. Maybe another four to
17 five car lengths.

18 Q. Okay. Just your guess, do you think he was at a
19 distance where he could have heard the train coming or you're
20 not --

21 A. Possibly. Possibly, yes.

22 Q. Did you see his head turn looking, anything?

23 A. No. Like I said, once the 91 job got the engine
24 outside, it's -- I lost sight of him and I couldn't see him.
25 So --

1 Q. Okay. Okay, thank you.

2 A. Yes, sir.

3 BY MR. CASHMAN:

4 Q. I've got one question, 401, how much -- how close to 391
5 -- were they moving at the same time? In other words, 401 was
6 leaving? How --

7 A. 401 was pulling out. They were still pulling out --

8 Q. How close were the engines, to 391's engines when they
9 were moving south?

10 A. Oh, they weren't. No, sir, they weren't.

11 Q. He wouldn't have heard --

12 A. No.

13 Q. -- the roar and thought that that was 401 instead of --

14 A. I don't believe so. No, sir.

15 BY MR. WILLIAMS:

16 Q. Okay, Gery Williams. So, you're -- it's interesting.
17 So there was a lot going on when you guys got out of the carry-all
18 and were headed toward your train?

19 A. Yes, sir.

20 Q. Let me just make sure I heard you correctly. So, you
21 had Erwin to your right. You saw him?

22 A. Erwin was right next to me.

23 Q. Erwin was right next to you? All right.

24 A. Yes, sir. After I crossed --

25 Q. In 2?

1 A. When -- no, sir, Old 2 main, when I had crossed over Old
2 2 main. Old 2 main is on the outside of track 1.

3 Q. And Erwin was in O2 main?

4 A. He was standing on the other side next to me, in between
5 O2 main and 3 main.

6 Q. This -- okay, in that open area?

7 A. Yes, sir.

8 Q. Okay. The --

9 A. That's when I first spoke to him.

10 Q. That's when you first spoke to him.

11 A. Yes, sir.

12 Q. So that was after you had crossed over 1?

13 A. Yes, sir.

14 Q. Okay. But as you approached 1 -- as you were
15 approaching 1, to your left, you saw Kevin --

16 A. Yes, sir.

17 Q. -- and he was on or around 1 --

18 A. He was -- yes, sir, south of me.

19 Q. And you -- and the -- and 391 was coming south on 1, but
20 somewhere in the neighborhood of 20 car lengths away?

21 A. Yes, sir.

22 Q. Your train was on -- Q439 was on 4?

23 A. Was on -- yes, sir.

24 Q. And then on 3 was the 401?

25 A. Yes, sir.

1 Q. Okay. And nothing grabbed your attention about Kevin?

2 A. No, sir, nothing that I noticed.

3 Q. But he -- but there was a period of time there that that
4 engine traversing 20 car lengths, to you anyways, that he was
5 around, again, the vicinity of 1 and that switch?

6 A. Yes, sir.

7 Q. All right. When you crossed over 1, it was 20 car
8 lengths away?

9 A. Yes, sir. Roughly, yes, sir.

10 Q. And then -- and your partner was right behind you?

11 A. JJ was -- I apologize for calling him JJ, but that --

12 Q. Oh, that's okay.

13 A. He was probably 15 feet maybe from me. He had crossed
14 -- we had crossed together, but he had crossed a little further to
15 the --

16 Q. Further down? Okay.

17 A. -- further down than me. But we had crossed together,
18 and when I put my stuff down, he had come up to me.

19 Q. Okay.

20 A. He had walked up to where I was.

21 Q. Thank you.

22 A. Yes, sir.

23 BY MR. KOSTER:

24 Q. Larry Koster. You stated that Erwin was on the east
25 side of Old 2 main. He wasn't in North 2 with the blue flag when

1 you seen him?

2 A. Like I said, he was walking -- when I saw him, he was
3 walking between 1 and 2, and when I called him, he had come over
4 next to me at Old 2 main and I said, hey -- is that a better
5 answer?

6 Q. Yes, sir.

7 A. Okay. That's when I called him and he looked up and
8 walked -- and I said, hey, you know, you got a train coming down.
9 "Yeah, yeah, okay, thanks," and then he proceeded to keep walking
10 down. That's -- yeah. I'm sorry for the confusion. He wasn't
11 standing there. You know, he was actually traversing south.

12 Q. Okay.

13 A. I guess he was leaving the, you know, the track itself.

14 Q. All right. You stated whenever you crossed the track,
15 you had still had 20 car lengths or so of room between you and the
16 locomotive?

17 A. I believe that's what it was, yes, sir.

18 Q. Was Kevin walking straight across or was he walking back
19 to it? I mean, could he have --

20 A. He was walking with his -- he was walking next to the
21 track, walking towards the switch --

22 Q. South?

23 A. -- walking south.

24 Q. South.

25 A. His back was to me.

1 Q. Did he have the same 20 car lengths of vision?

2 A. What, behind him or in front of him?

3 Q. Behind him. Could he have turned around and seen that
4 locomotive?

5 A. Oh, yes, sir.

6 Q. So he would have had --

7 A. I believe --

8 Q. -- had he looked, he would have had 20 car lengths of
9 room?

10 A. In -- from my --

11 Q. From your estimation.

12 A. Like I said, from my estimation, I had 20. It -- you
13 know, 16 -- he could have seen -- yes, he could have seen it was
14 20 cars.

15 Q. Okay. So, from his -- from where you first seen him,
16 had he turned around and looked --

17 A. He had maybe two or three more that --

18 Q. Okay. So he would've had 22 and 25 cars?

19 A. My, like I said, my best guess was 20 cars. So he was
20 probably 2 to 3 cars south of me. So, if had turned around at the
21 same time that I looked, there would have been 22, 23 cars.

22 Q. Okay. You made a -- in your statement here, "I was
23 crossing Y391 zone." Okay. Did you ask Y391 for permission to
24 cross his zone?

25 A. No, sir.

1 Q. Why didn't -- tell me why.

2 A. Why I didn't? Because I was aware of where he was in
3 his position and I knew I had sufficient time to cross over to get
4 to my train.

5 Q. My point is, is there a rule that requires you to ask
6 him to cross his zone tracks?

7 A. Yeah, I can't answer that question, sir.

8 Q. Okay. Are you qualified on the rules?

9 A. Can we take a minute?

10 Q. Yes, sir.

11 MR. BRYANT: Recess.

12 MR. FLANIGON: Oh, yeah. We'll turn this off.

13 (Off the record.)

14 (On the record.)

15 MR. FLANIGON: Okay, we're back on tape here.

16 BY MR. KOSTER:

17 Q. I'll reiterate the question there.

18 A. Yes, sir.

19 Q. You crossed the Y391 zone.

20 A. Yes, sir.

21 Q. Is there a rule that requires you to ask permission to
22 cross his zone or --

23 A. To my best knowledge, I can't say that I know that there
24 is a rule that I have to request that. I am rule compliant. I do
25 follow the rules and at this time I'm not aware that I would have

1 to do that, sir.

2 Q. Okay. Has anybody ever instructed you that you need to
3 ask permission to walk across the yard?

4 A. Again, with --

5 Q. Well, let me put it this way. Without a zone present,
6 would you need permission to walk across the yard?

7 A. No, sir. You'd look both directions, ensure that it's
8 safe to do so, and cross.

9 Q. Okay. All right, thank you.

10 A. Yes, sir.

11 BY MR. GRISSOM:

12 Q. This is Don Grissom. When you saw Erwin, how far were
13 Erwin and Kevin apart when you had them both in your vision, when
14 you -- and I'm assuming you had them both in your vision at one
15 time, right?

16 A. Yes, sir. Like I said, Erwin was right next to me when
17 I was speaking to him and Kevin was, I'd say, two to three car
18 lengths south of where we were.

19 Q. And when you warned Erwin of the moving track, where was
20 Erwin at that time before -- I guess he came over to you, right?
21 He was --

22 A. Well, he --

23 Q. -- doing something else?

24 A. Well, he was -- I'm going to say that he was walking out
25 of the track. I --

1 Q. Do you know which track?

2 A. Well, he was in between 1 and 2 when I saw him, when I
3 initially saw him. And when I called out to him, I was on my way
4 across Old 2 main and called him and spoke to him and told him,
5 you know, train coming.

6 Q. So he came out between 1 and 2?

7 A. We have Old 2 main 1 and 2, and I --

8 Q. Okay, so he came out of Old -- between --

9 A. He was walking south next to -- in between track 1 and
10 track 2. That's where he was walking, south. Okay, you have Old
11 2 main, 1 -- or Old 2 main, 1, 2, 3, 4, you know, going down. So
12 he was walking between 1 and 2. As I was crossing, coming across,
13 I saw him and called out to him. And that's when he kind of
14 walked over towards me and I told him, hey, look behind you, train
15 coming. He said, you know, okay, thanks, and continued on.

16 Q. So, when he -- before he came over to you, did you
17 notice any blue flags up on any of those tracks where he was --

18 A. No, sir. No, sir.

19 Q. And when he came over to you and you advised him of the
20 movement, how far were Erwin and Kevin apart at that time?

21 A. Again, he was standing next to me. Kevin was -- we were
22 two to three cars apart. Kevin was up near the switches and Erwin
23 was walking, you know, south. And once I told him, Erwin actually
24 walked back on the other side of 1 track and continued -- I guess
25 he continued on because, like I said, the 91 job came by and we

1 lost sight of both of them.

2 Q. And Kevin was continuing -- at this time, he walking
3 towards --

4 A. Again, I didn't -- I couldn't see him. It was like --

5 Q. Before you got cut off.

6 A. Yes, sir. He was towards the switch.

7 Q. Okay, thank you.

8 A. Yes, sir.

9 MR. BATES: I don't have anything for you.

10 MR. DAVENPORT: Yes, sir.

11 MR. RICHARDSON: Mike --

12 MR. FLANIGON: Should I hit pause?

13 MR. RICHARDSON: Um-hum. Well, just don't hit erase.

14 MR. DAVENPORT: Yeah. No. No, sir.

15 DR. JENNER: Well, if you don't have any questions,
16 we'll just -- you have no questions for him?

17 MR. RICHARDSON: No questions.

18 DR. JENNER: Okay.

19 MR. FLANIGON: Can I ask you a quick -- it's about the
20 tox box?

21 DR. JENNER: Mike, we're --

22 MR. FLANIGON: Oh, okay.

23 DR. JENNER: We're -- we -- unless people want to go
24 around a second time?

25 MR. FLANIGON: I have nothing more.

1 UNIDENTIFIED SPEAKER: I'm good.

2 MR. FLANIGON: If everybody's good, I'm going to turn
3 this off. Thank you.

4 (Whereupon, the interview was concluded.)

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

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 William Davenport

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.



Karen M. Galvez
Transcriber