

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: EDWARD SHAW

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

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

<u>ITEM</u>	<u>I N D E X</u>	<u>PAGE</u>
Interview of Edward Shaw:		
By Mr. Flanigon		5
By Dr. Jenner		9
By Mr. Williams		12
By Mr. Koster		13
By Mr. Grissom		15
By Mr. Bates		19
By Mr. Flanigon		20
By Dr. Jenner		21
By Mr. Koster		21
By Mr. Williams		22
By Mr. Flanigon		24

I N T E R V I E W

(1:45 p.m.)

1
2
3 MR. FLANIGON: My name is Mike Flanigon, F-l-a-n-i-g-o-
4 n. It's April 2nd, 2015, about 1:45. And we're interviewing
5 Mr. Edward Shaw who was a yardmaster trainee on duty at the time
6 of the employee fatality that occurred yesterday in Richmond, Acca
7 Yard, on the CSX railroad about 2:50 in the morning.

8 Before we get started I want to make sure that you
9 understood we're going to record the interview and we'll provide
10 you with a transcript.

11 MR. SHAW: Yes, sir.

12 MR. FLANIGON: Okay, good. And let's go around and ask
13 people who are sitting here to state and spell their name,
14 starting with Mr. Allison.

15 MR. ALLISON: Bruce Allison, A-l-l-i-s-o-n, UTU, local
16 chairman.

17 DR. JENNER: Stephen Jenner, J-e-n-n-e-r, with the NTSB.

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

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

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

23 MR. GRISSOM: Don Grissom, G-r-i-s-s-o-m, vice president
24 for the Carmen's Union.

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

1 MR. RICHARDSON: Shane Richardson, R-i-c-h-a-r-d-s-o-n,
2 FRA.

3 INTERVIEW OF EDWARD SHAW

4 BY MR. FLANIGON:

5 Q. Okay, let's start with a very general question and just
6 ask you to walk us through the night with the relevant parts of
7 the story, and you can kind of pick your way to tell it. We're
8 certainly interested in, obviously, the actual incident, but we're
9 also interested in the communications that you -- either you had
10 or you're aware of between the yardmaster's office and the carmen
11 who were involved in this and the remote control operator who was
12 involved in this. So if you can just kind of pick your pace and
13 tell us the story?

14 A. Well, I know it was a busy night. The 401 was leaving,
15 the 303 was leaving out too, by the tower. The 391 had been
16 blocked in for a good while. He went up got his zone -- got his
17 switches to get his zone back. And about the time he did that,
18 322 was ready to come in. The 439 had just come in. They were
19 sitting over there on the main line. And 322, they came in, went
20 into Y14, lined the switches back.

21 I know the carmen were working on the 400 pickup in
22 North 4. And Mr. Eskew, he went over and did a roll by of the
23 Q032 up on the north end. And I knew we had a lot of cars in
24 North 2, I believe, the 401 that we needed. And we called, asked
25 them how they were coming along with the 400 pickup, because that

1 train was starting to come into the picture. They said they were
2 almost done with it. And I said, well, when you get on North 2,
3 there's a lot of cars in there that we're going to need for 794,
4 so just let me know when you're done with it. He said, no
5 problem, we're getting ready to flag it up now.

6 Me and Scott were discussing where to get the clerks to
7 get in place because we had a lot of crew swaps that we had to do.
8 And we heard -- we heard Mr. Van Beveren start screaming,
9 "Emergency, Emergency. He got hit. He got run over."

10 And we looked up, and we were trying to figure out who
11 may have hit him, and saw 91 was moving. I believe Scott called
12 for the 91 to stop. And then we called 911, tried to get a hold
13 of the train master on duty, Omar. He was already headed that
14 way. And started -- we told them the emergency entrance to come
15 in. I ran downstairs, met with the emergency personnel, told them
16 where to pull in. And then we just kind of waited for everybody
17 to show up.

18 Q. Okay. Can you flesh out a little bit any direct
19 communications you had with the carmen? What would have been the
20 back and forth? What would they have asked for, what would you
21 have asked for, or --

22 A. Other than where we asked how they were coming with the
23 400, and, you know, the inbound 401, we asked -- we tried to get
24 ahold of everybody down -- once it happened, I knew they were
25 looking for Erwin, they were looking for Kevin. Other than that,

1 I can't really --

2 Q. Yeah.

3 A. I know they had to go flag a track and -- that's hard to
4 see. From the tower, you can't really see where he was at under
5 the bridge.

6 Q. Okay. And correct me if I'm wrong, you're new to this
7 job, but you've been with CSX for a while, I guess?

8 A. Yes, 4½ years.

9 Q. Four and a half years?

10 A. Yes, sir.

11 Q. As a conductor?

12 A. Yes, sir.

13 Q. And have you worked this yard?

14 A. I normally work that job, the 391.

15 Q. Oh, do you? Okay. So in your experience here, have you
16 had much interaction with the fellow who was hit? That's Kevin,
17 right?

18 A. Yes, sir. Yes, whenever he's -- you know, they come in,
19 flag tracks, things like that. I've talked to him for a few
20 minutes here and there.

21 Q. And based on that -- oh, excuse me -- based on that
22 experience, any -- in your communications back and forth over the
23 radio or the telephone that night, anything strike you as unusual
24 about his -- the way he communicated or what he said or how he
25 said it?

1 A. The only thing I can really think was that I can't
2 recall him calling to get permission to get across that track to
3 flag it. I don't -- I can't remember hearing it at all. I don't
4 know if he ever did say it.

5 Q. Who would he get permission from?

6 A. The 391.

7 Q. Okay. And that's -- based on your experience, that's
8 kind of an expectation that --

9 A. Yes, sir.

10 Q. -- that should happen?

11 A. Because anybody that's going to foul that RCO zone has
12 to contact the remote control foremen to get permission to foul.

13 Q. Okay. And then thinking back to previous times you had
14 interacted with Kevin. Did you ever take exception to anything
15 about his work habits or safety awareness or engagement?

16 A. I've had to knock off the throttle before because he
17 would be crossing the tracks and for me it was too close for
18 comfort. There have been a few times where I haven't been called.
19 I've just come down the lead and a track was already flagged.

20 Q. So he had not called to get permission to --

21 A. That's correct.

22 Q. -- to coordinate with you. And did you have any
23 conversations with him about those things?

24 A. I asked him before to just let me know where you're
25 going to be because I don't want to see anybody get hurt. If

1 they're going to be in this track, and I've got cars for the track
2 beside them, you know, the remote jobs and the carmen work on
3 different channels so it's kind of hard to, you know, communicate
4 with them because we're not supposed to leave the channel that
5 we're hooked up with, with the RCO, the man down channel.

6 So I've asked them or asked the yardmaster to notify him
7 if he's able to. But, you know, I just -- I like to know where
8 they're at in the yard. Myself, personally.

9 MR. FLANIGON: Okay. That's what I have. So I'll turn
10 it over to Steve.

11 DR. JENNER: Okay.

12 BY DR. JENNER:

13 Q. Just -- Steve Jenner with the NTSB. Mike was talking to
14 you about your previous experience as a conductor here for 4½
15 years. Were you doing any RCO operations?

16 A. Yes, sir.

17 Q. Okay. And had you -- okay. I'd just like to get a
18 little more of what you were just saying, just a little more
19 details of the incidents where you said it was too close for
20 comfort where you had to knock off the power. As best you can,
21 can you recall the circumstances?

22 A. Say if I was heading up the lead with a cut of cars or
23 just going up and rerunning my zone and they were going across to
24 flag, it would be -- you know, it would be an accident if I
25 weren't to throttle off. But I've been fortunate. You know, I

1 was fortunate in those circumstances to see him coming. But, you
2 know, there's -- with the remotes, there's -- you could be half a
3 mile away from the head end with the zone set up. So those few
4 instances, I've been fortunate that I was able to see, you know,
5 him or anybody else that was coming across. But --

6 Q. That was a circumstance where no one had to call you to
7 throttle down, you were just in a position to --

8 A. I was just in a position to see it.

9 Q. Okay. And did you have subsequent conversations about
10 what just happened and what went wrong?

11 A. It would be later that I would have them with him.

12 Q. Yeah. And how did those conversations go?

13 A. He would usually -- you know, he'd say, yeah, I
14 understand; I'll give you a shout next time. You know, he'd
15 just -- and then, you know, maybe it could be a couple weeks or a
16 couple months would go by, we've have something similar happen
17 again. And just hoping, you know, that it would catch on.

18 Q. Okay. And I think a separate incident you talked about,
19 approaching, where it was already blue flagged. Can you recall
20 any details about that incident?

21 A. It was usually -- I, you know, as working in this yard
22 for a few years, I would kind of know what was being built in the
23 track so I know it would have to be flagged at some point. But,
24 regardless, they're still supposed to call and get permission to
25 come across and flag and lock out a track.

1 Q. Would you have to throttle down in those situations --
2 in that situation?

3 A. Only if that's where he was headed to do it. If he was
4 headed across to flag.

5 Q. Did that -- in your experience, were other carmen not
6 contacting as well or was it more frequent with Kevin?

7 A. It was a little more frequent with him, but there were a
8 few others that I -- that, you know, wouldn't say anything; they'd
9 just go do it.

10 Q. Okay. Did you work one particular shift at that time?
11 Like the nighttime shift primarily?

12 A. Yes. I was usually on the 391.

13 Q. Okay. How long have you been a trainee for yardmaster?

14 A. It's been 2½ weeks that I've come back from Atlanta.

15 Q. And what went on in Atlanta?

16 A. Just the yardmaster school. I guess just learning the
17 ins and outs of the position: All the programs, computer systems,
18 the car scheduling, the rules.

19 Q. And about how long was your time in Atlanta?

20 A. It was 1 month.

21 Q. And was there any training prior to that for yardmaster?

22 A. We did a week prior to going to Atlanta where we sat
23 upstairs in the tower and just watched them work, got to ask
24 questions.

25 DR. JENNER: Okay. Great, okay, thank you.

1 MR. SHAW: Yes, sir.

2 BY MR. WILLIAMS:

3 Q. I'm sorry, I just need a little clarification. I think
4 I've missed something here. You are saying that you have actually
5 physically stopped or slowed down movements because of people
6 fouling track?

7 A. Yes, sir.

8 Q. That you have seen while operating as a RCL operator?

9 A. Yes, sir.

10 Q. And they would have been hit, had you not?

11 A. Yes, sir. Or, to me, it would be too close for comfort.

12 Q. And what were they doing fouling the track?

13 A. Walking across usually to either work on a track or to
14 go flag a track.

15 Q. This is crews going to trains and carmen, or just
16 strictly carmen?

17 A. It's -- I would say the majority of it was carmen.

18 Q. And you're saying the majority of it was Kevin?

19 A. A few, quite a few times.

20 Q. Okay, now were they going to operate switches within
21 your zone or just locking?

22 A. If they had to lock, you know, throw it against that
23 track, they would go throw it. But it would all depend on which
24 way the switch was lined. They've gone and thrown switches, or
25 gone and just locked them out if it was already thrown --

1 Q. So you're saying they have thrown switches without
2 talking to you?

3 A. Yes, sir.

4 Q. In your zone?

5 A. Yes, sir.

6 Q. And how recent is that?

7 A. I'll try to recall. It's probably been several months
8 since the last time I've had that issue.

9 Q. Okay, and that was escalated to a manager?

10 A. Yes, sir. I've gone and spoken with the trainmasters
11 before about not being called for permission to flag.

12 Q. Okay. And now when you say permission to flag, is that
13 permission to operate a switch or to just blue flag a track, or
14 both?

15 A. Both.

16 MR. WILLIAMS: I'm sorry, that was Gery. That was Gery
17 Williams asking those questions.

18 BY MR. KOSTER:

19 Q. Larry Koster. Whenever you have the lineup call with
20 the carmen at the beginning of the shift, do you usually give one
21 track, two tracks, whatever you have? How do you do that?

22 A. As yardmaster? Usually we'll figure out as we're doing
23 the turnover what we have and what we have coming. And we'll
24 inform them, you know, we have this track that needs to be
25 inbounded in maybe an hour or so; maybe 2 hours we'll have this

1 train will be ready to get its outbound inspection. Just try --
2 we try and figure out what we have as the day progresses.

3 Q. So you -- it's not out of the ordinary for you to give
4 them two or three tracks?

5 A. No, sir.

6 Q. In your experience as an RCL operator, if a carman
7 follows and says -- and if you're making the same move, you're
8 coming out of one and you're going to (indiscernible) and lead and
9 they need to lock 15. Okay, then he hollers and says, hey, I need
10 to lock 15. What is your reply? Since he wants be in your zone
11 and you're operating through your zone.

12 A. Well, usually -- I know it's a bit informal, but they
13 usually say you can have -- I'll usually say you can have 15. Or,
14 you know, 15's all yours. And they'll usually just go ahead and
15 flag it from that point. But just to be notified was the only
16 thing that I was asking so I'd know where they were at.

17 Q. Is there a rule that requires that you know where the
18 carmen are at in the yard?

19 A. I don't believe it's a rule that I have to know where
20 they're at. But I believe it is a rule that they are required to
21 call before they foul my zone.

22 Q. Okay. Have any of the carmen on any of the shifts that
23 you've worked locked a switch that didn't need to be operated
24 without talking to you?

25 A. I don't think so. Not one that didn't need to be

1 operated.

2 Q. Okay.

3 A. Or you mean --

4 UNIDENTIFIED SPEAKER: Just locking it.

5 MR. SHAW: Oh, yeah. I didn't know if you meant they'd
6 locked a track that didn't need to be worked in if --

7 BY MR. KOSTER:

8 Q. No. My question is have they ever locked a switch that
9 didn't need to be thrown?

10 A. Yes.

11 Q. Okay. So that's happened in the past?

12 A. Yes, sir.

13 Q. And you've also stated that they've operated the switch
14 without your permission?

15 A. Yes, sir.

16 Q. Okay. And as Gery asked, you have escalated that to the
17 trainmaster?

18 A. Yes, sir.

19 Q. Do you know if there was ever any follow-up with -- you
20 said Kevin was a large offender in that?

21 A. I don't know if there was any follow-up afterwards.

22 MR. KOSTER: All right. Okay.

23 BY MR. GRISSOM:

24 Q. Okay, this is Don Grissom. When you were working the
25 yard job, 391, did you ever call the car department to let them

1 know you were switching tracks close to them when they were
2 working on the tracks?

3 A. Again, not being allowed to leave the man down channel,
4 I've called the yardmaster and asked him to know that I'd be in a
5 track beside him.

6 Q. But never the car department?

7 A. Not without being able to change the radio channel from
8 the man down channel.

9 Q. What is -- explain that. I'm not familiar with that.
10 So is this another channel when you're talking about the man down
11 channel?

12 A. Yeah, well, channel 60. When you set up your RCO
13 remote, you're required to stay on that channel in case there's an
14 incident where the RCOF, you know, falls, gets hurt, anything like
15 that. In the rule it says you have to stay on that channel.

16 Q. So was that the channel you would be on primarily?

17 A. Yes, sir. Channel 60.

18 Q. And the night of the incident 391 was on channel 60?

19 A. Yes, sir.

20 Q. But to answer my question, usually when you work the
21 job, even though if you knew the car department was in a track,
22 you would not notify them if you were switching next to them?

23 A. If I could catch them in person as they were walking
24 across, and they say, you know, we're going to be in 6. Then I
25 say, well, I've got cars for 7 and 8, you know, a scenario like

1 that. But according to the rules, we're not supposed to change
2 channels.

3 Q. So only if you were face to face?

4 UNIDENTIFIED SPEAKER: And he also said a minute ago
5 that he contacted the yardmaster to inform them of that move.

6 MR. GRISSOM: Right.

7 BY MR. GRISSOM:

8 Q. Do you --

9 A. I would call and say, hey, can you let the car
10 inspectors know that -- if they -- say they were in North 2, can
11 you let them know that North 3's going to be moving?

12 Q. Well, the night of the incident, as trainee of the
13 yardmaster, did you or the yardmaster notify the car department
14 that the crew was coming out of North 1?

15 A. No, because we didn't know when he was coming out of
16 North 1. And we didn't know that they were walking across 2.

17 Q. But they were already given permission to work North 2
18 earlier that night; is that correct?

19 A. I never heard him call the 91 to get permission to go
20 across.

21 Q. Well, was the car department given the track and given
22 instructions to work North 2?

23 A. Yes, they were.

24 Q. And what did you mean when you had that close call with
25 Kevin? He said -- I think your words, says, "I'll give you a

1 shout." What does that mean? He'll give you a shout before he
2 has another close call, or what does that mean? I don't
3 understand what you meant?

4 A. I guess the next time he comes in, that he would call me
5 to get permission to foul the track.

6 Q. Okay.

7 A. I mean, sometimes he would; sometimes he wouldn't.

8 Q. So when the yardmaster gives a track to the car
9 department -- and forgive if I -- answered this already. Does the
10 yardmaster notify the 391 crew or the yard crew that the carman
11 was given that track to work?

12 A. Not generally. They're supposed to call the RCOF.
13 Because once that zone is activated, the yardmaster can't grant
14 permission to anybody. The RCOF has to grant permission.

15 Q. Okay. Even if they're just placing a lock on a switch
16 handle and placing a blue flag without changing the direction of
17 the switches?

18 A. Yes, sir.

19 Q. And if they did that, give permission -- or ask
20 permission to put a lock on number 2 switch, would the yard crew
21 do any different when they're switching next to them?

22 A. Other than letting them know that they would be next to
23 them, they would run the job as normal, as I believe.

24 Q. Well, how could they do that? If they have to be on
25 channel 60, and the yard -- the car department's on another

1 channel? Just by face to face, right?

2 A. Yes, sir.

3 Q. They couldn't do it by radio?

4 A. No, sir.

5 MR. GRISSOM: Okay, thank you.

6 BY MR. BATES:

7 Q. And just one question --

8 MR. FLANIGON: And you are?

9 MR. BATES: William Bates, UTU.

10 BY MR. BATES:

11 Q. Just one question. Do you have a program in place that
12 if you experience a near miss, do you have a program in place so
13 that can be reported and you get some feedback from it?

14 A. I'm sorry. Say that again, please?

15 Q. Okay, if you experience a near miss. And do you have a
16 program in place that you can report that near miss and get some
17 feedback from it?

18 A. I'm not sure if we do, other than talking to the
19 supervisors and trainmaster, things like that. I've never been
20 notified or anything like that.

21 Q. Okay. When those incidents have been reported, have you
22 got any feedback from them?

23 A. I've asked, and they said we talked to, you know, his
24 supervisor, and he said he would talk to, you know, the employee.

25 Q. Okay, but you personally haven't received any feedback?

1 A. No, sir.

2 MR. BATES: Okay, thank you. That's all I have.

3 MR. FLANIGON: Doing okay?

4 MR. SHAW: Yes, sir.

5 MR. FLANIGON: Want a break? I don't have much left.

6 BY MR. FLANIGON:

7 Q. On the briefing that happens with the carmen at the
8 beginning of the shift, were you part of that? Or listening in on
9 it, or was that strictly your yardmaster -- supervisor, yardmaster
10 trainer, and them?

11 A. To be honest, I can't remember from the other night
12 whether I called them or the yardmaster called them. What I know,
13 we usually send them a turnover at the beginning of the shift when
14 we see the work we have. And if they're in the shack, we usually
15 call them on the phone; if they're out in the field, we'll call
16 them on the radio. But to be honest, I can't remember how it went
17 that night.

18 Q. That's okay. And when you mentioned bringing up this --
19 a pattern that you observed of this individual not contacting you
20 when you're an RCL operator, brought it to a trainmaster. Did you
21 get any kind of feedback after that, that anything happened? Or
22 was that what you were talking about when you said he or she
23 talked to --

24 A. That person's supervisor. And that person said that
25 they would talk to the employee.

1 Q. Okay.

2 A. That's really the only feedback we got.

3 Q. Okay. Which trainmaster was that?

4 A. It's been multiple.

5 Q. Multiple? Okay.

6 MR. FLANIGON: Okay, I think that's all I got.

7 BY DR. JENNER:

8 Q. Can you just tell me -- Steve Jenner -- the time that
9 your shift started that evening?

10 A. It started at 10:00. We usually get here a little bit
11 early to start working on the turnover. To get -- you know, they
12 tell us what they have coming in, what they have the jobs doing,
13 what they got done.

14 Q. Did the yardmaster who you were working with, does his
15 shift start at the same time?

16 A. Yes, sir.

17 DR. JENNER: Okay, great. Thank you.

18 BY MR. KOSTER:

19 Q. Koster. One more question. I'm not satisfied with
20 multiple. I need the names of the managers you reported to.

21 A. I've spoken to Ben Tackett about it. I've spoken to
22 Whit Robbins; he's in Selkirk now. Aaron Blue; I believe he's in
23 Monroe now. Joe Dean.

24 Q. Okay. That would be the entire list?

25 A. Yes, sir. I believe so.

1 MR. KOSTER: Okay, thank you.

2 BY MR. WILLIAMS:

3 Q. Williams. I have one more. Has anything changed -- I'm
4 just trying to reconcile here, because you're bringing to our
5 attention -- you're the only one to bring this to our attention.
6 So has something changed in the way we have done RCO operation
7 here? Between when -- now that you're a yardmaster -- or training
8 to be yardmaster and when you were working the job?

9 A. I don't believe so.

10 Q. Okay.

11 A. That's when I was -- you know, when I was working the
12 job, that's the way I've always understood it. And in the rule
13 book I believe it states that anybody that needs to foul an RCO
14 zone --

15 Q. It doesn't.

16 A. -- it does not.

17 Q. But I just -- again, that's why -- we're trying to
18 delineate between common practice, maybe, and the rule book. But
19 that's what we're trying to --

20 A. Okay.

21 UNIDENTIFIED SPEAKER: Yeah, can we get a rule book? Do
22 we need to get a rule book on that? Because I disagree with that.

23 UNIDENTIFIED SPEAKER: Even I couldn't crossover --
24 because --

25 UNIDENTIFIED SPEAKER: Correct.

1 MR. FLANIGON: So we're exploring what the rule actually
2 says regarding --

3 UNIDENTIFIED SPEAKER: Yeah, it may be a local rule.

4 UNIDENTIFIED SPEAKER: I can't speak to the local --

5 UNIDENTIFIED SPEAKER: Yeah, I was told I couldn't cross
6 the remote control zone without talking to the operator.

7 UNIDENTIFIED SPEAKER: Right.

8 MR. FLANIGON: Well, that's something we can sort out.
9 We don't have to sort it out right this minute. But, I mean, the
10 rules will be whatever they say they are, and -- if you know a
11 specific, you know, are you a rulebook guy? Can you tell me it's
12 rule 104(b) (A), you know, subset triple i?

13 MR. SHAW: Not that specifically, no.

14 MR. FLANIGON: Page number? No, okay. Well, we'll --

15 UNIDENTIFIED SPEAKER: I think we'll look up the
16 local (indiscernible) --

17 MR. FLANIGON: We'll dig around. There may be a
18 bulletin or maybe a --

19 UNIDENTIFIED SPEAKER: There is no bulletin. What we're
20 looking for is the definition of foul. And foul in our rule book
21 says in, on, under, over 20.

22 MR. FLANIGON: Okay.

23 UNIDENTIFIED SPEAKER: So to walk across a zone, we
24 don't -- we're not in, on, under or putting in equipment.

25 MR. FLANIGON: Okay, all right.

1 UNIDENTIFIED SPEAKER: So I think that that's maybe some
2 of the things that --

3 MR. FLANIGON: All right. Okay, well we'll clarify
4 that.

5 UNIDENTIFIED SPEAKER: But we're blocking a switch.

6 MR. ALLISON: But the blue flag is placed in the zone.
7 Most of the time, like at this 93, it is south in the zone.

8 MR. FLANIGON: And you are?

9 MR. ALLISON: I'm Allison.

10 MR. FLANIGON: Allison, okay.

11 MR. ALLISON: Some blue flags are placed out of the
12 zone; some are placed in the zone. The majority are in the zone.

13 MR. FLANIGON: So we have some homework. Oh, just one
14 more question.

15 BY MR. FLANIGON:

16 Q. I know, I'm sure CSX -- this is another rules question.
17 It's not a test, though, you're not going to get demerits if you
18 don't answer this right. But most railroads will have a rule
19 about walking around standing equipment. You got to be --

20 A. Minimum of 25 feet.

21 Q. Twenty-five? Okay, CSX 25 feet. Moving equipment, is
22 there any guidance on how close or far away you need to be before
23 crossing a track if something's moving on that track towards you?

24 UNIDENTIFIED SPEAKER: You have two pieces of equipment,
25 the minimum is 50 feet. But that would be --

1 UNIDENTIFIED SPEAKER: That's standing though?

2 UNIDENTIFIED SPEAKER: That's standing equipment.

3 MR. FLANIGON: Yeah.

4 UNIDENTIFIED SPEAKER: That's 50 feet.

5 UNIDENTIFIED SPEAKER: Just that you look -- the only
6 thing that comes to mind. Now, I've been at this a long time, but
7 I still wouldn't say I'm necessarily an expert. But you look both
8 ways before crossing any track.

9 MR. FLANIGON: Sure.

10 MR. SHAW: Yes, sir.

11 MR. FLANIGON: And so it's more a judgment thing. I
12 mean, if something's moving a quarter mile away, I can probably
13 walk across. If it's --

14 UNIDENTIFIED SPEAKER: Correct.

15 MR. FLANIGON: -- 25 feet away --

16 UNIDENTIFIED SPEAKER: I don't think there's anything
17 specific with regard to that.

18 MR. FLANIGON: Yeah, yeah. Okay, so it's a good -- kind
19 of a good --

20 MR. SHAW: More of a judgment call.

21 MR. FLANIGON: -- judgment, yeah. And in your judgment,
22 you were having people cross too close.

23 MR. SHAW: Yes, sir.

24 MR. FLANIGON: Or this individual crossed too close.

25 MR. SHAW: Yeah.

1 MR. FLANIGON: Okay.

2 MR. BATES: Because it says in 902.5 --

3 MR. FLANIGON: That's Willy --

4 MR. BATES: William Bates. 902.5, in active remote
5 control zones, only the remote control operator formally can grant
6 permission for other employees or equipment to foul or occupy a
7 track, or cross a road or a pedestrian crossing.

8 MR. FLANIGON: Okay. Well, we'll dig into that a little
9 bit and kind of try to understand what that actually means. I
10 know the rules are kind of like the Bible, you know, you can go
11 all kinds of directions. And what does it really mean? And we'll
12 try to sort that out a little bit.

13 BY MR. FLANIGON:

14 Q. But to you it means if --

15 A. If you're going to go across, let us know.

16 Q. If I'm going to blue flag or lock a switch, I need to
17 check with you. So that's what it means in your view of the
18 operations. So that's good, we got that document.

19 MR. FLANIGON: And I think I'm good with questions,
20 unless --

21 UNIDENTIFIED SPEAKER: I'm good.

22 MR. FLANIGON: --unless we got more.

23 Then I will say thank you. I'll turn this off.

24 (Whereupon, the interview was concluded.)

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 Edward Shaw

DOCKET NUMBER: DCA-15-FR-006

PLACE: Richmond, Virginia

DATE: April 2, 2015

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

Keith J. Maurer
Transcriber