

UNITED STATES OF AMERICA

NATIONAL TRANSPORTATION SAFETY BOARD

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Investigation of: *

RAIL WORKER FATALITY, * Accident No.: RRD19FR002
ESTILL, SOUTH CAROLINA, *
NOVEMBER 30, 2018 *
*

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Interview of: DAVID POSTON

Estill, South Carolina

Saturday,
December 1, 2018

APPEARANCES:

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National Transportation Safety Board

ROBERT "JOE" GORDON, Technical Working Group Chairman
National Transportation Safety Board

MICHAEL HOEPF, Ph.D., Human Performance Investigator
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International Brotherhood of Teamsters (BMWED-IBT)

RANDY DUMEY, Safety Task Force
Brotherhood of Locomotive Engineers and Trainmen (BLET)

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I N T E R V I E W

1
2 MR. TORRES: Okay. This is a NTSB informal interview. My
3 name's Tomas Torres, T-O-M-A-S, T-O-R-R-E-S. Today's date is
4 December 1st, and we are at Estill, South Carolina, interviewing a
5 roadmaster in connection with an accident that occurred at Estill,
6 South Carolina, on November 30th, 2018. The NTSB accident number
7 is RRD19FR002.

8 The purpose of the investigation is to increase safety, not
9 to assign fault, blame or liability. The NTSB cannot offer any
10 guarantee of confidentiality or immunity from legal or certificate
11 actions. A transcript or summary of the interview will go into
12 the public docket.

13 The interviewee can have one representative of the
14 interviewee's choice. You have somebody?

15 MR. POSTON: Mr. Wray.

16 MR. TORRES: Okay. Do you understand this interview is being
17 recorded?

18 MR. POSTON: Yes, sir.

19 MR. TORRES: Okay. Please state your name and spell it.

20 MR. POSTON: David L. Poston, that's D-A-V-I-D, L, P-O-S-T-O-
21 N.

22 MR. TORRES: Okay, and your representative?

23 MR. WRAY: My name is Ron Wray. Last is W-R-A-Y.

24 MR. TORRES: Okay.

25 MR. GORDON: I'm Joe Gordon with the NTSB. I'm looking at

1 the track and engineering and roadway worker protection aspect of
2 the accident.

3 MR. AMMONS: Steve Ammons, A-M-M-O-N-S, CSX Safety.

4 MR. MEADOWS: Matt Meadows, M-E-A-D-O-W-S, CSX Safety.

5 DR. HOEPF: Mike Hoepf, H-O-E-P-F, NTSB.

6 MR. CAMPBELL: Matt Campbell, C-A-M-P-B-E-L-L, SMART
7 Transportation, Safety Team.

8 MR. MORRISON: Roy Morrison, M-O-R-R-I-S-O-N. Director of
9 Safety, BMWED.

10 MR. DUMEY: Randy Dumey, BLET, Safety Task Force.

11 MR. WOLFE: Nathan Wolfe, W-O-L-F-E, FRA.

12 INTERVIEW OF DAVID POSTON

13 BY MR. TORRES:

14 Q. Okay, it's Tomas Torres with the NTSB. David, can you tell
15 us a little bit about your work history with the CSX, when you got
16 hired, and --

17 A. I got hired on June the 18th of 2001. I worked up until
18 later part of 2004. I left CSX for about a year and 2 months.
19 Come back to work in -- I think it was February of 2016. And the
20 whole time I've been here at Yemassee.

21 I started off as assistant roadmaster when I hired on in 2001
22 of June, and approximately first part of January of 2002, I was
23 assistant roadmaster, acting roadmaster in Yemassee. And I've
24 been a roadmaster there at Yemassee the whole time.

25 Q. Okay. So can you describe your duties as a roadmaster?

1 A. My duties are to protect the track, protect the people,
2 correct any issues that I see, and stay in compliance with FRA
3 rules and regulations. Make sure the employees are trained
4 properly, making sure that they know what they're doing, and
5 protecting the railroad and my people.

6 Q. Okay. So you're in charge of the maintenance on the track --

7 A. That's correct.

8 Q. -- for a segment of the track?

9 A. That's right. Yes, sir.

10 Q. Okay. And you say you're involved in the training of people
11 and stuff. So can you describe that or, you know, how does that
12 training take place?

13 A. Usually we start off like, you know, first part of the year
14 with operating rules, the job briefings, ORM books, also
15 environmental, Safe Way, operating rules, and personal protective
16 equipment. We also do FRA training that was -- that's required.
17 And that's about all I can remember at this second.

18 Q. And you're the one that instructed -- you're the instructor?

19 A. No, usually our boss does it, our ADE.

20 Q. Okay. And then that's --

21 A. But I am involved in helping setting up training and so
22 forth.

23 Q. You schedule them to go in to class, or --

24 A. Oh, yeah. Once it's scheduled, for me to schedule them.

25 Q. I see. Do you know, like the training, like say, for

1 example, the FRA regulations, what FRA regulations are we talking
2 about?

3 A. Like FRA tests, you know, as far as being -- I mean, be able
4 to get track protection.

5 Q. Can you describe which types of track protection?

6 A. 707s, 704, also discussing, you know, far as
7 watchman/lookout, and so forth.

8 Q. Okay. And 707, what, can you describe what's in that rule?

9 A. A 707 is where I pick an employee that puts a limits to
10 limits. So once he has a 707, it goes into effect, he's in charge
11 of that piece of track.

12 Q. So that's establishing working limits between A and B?

13 A. That's right.

14 Q. And when would you use that, you know, that type of
15 protection?

16 A. It depends on job specifics.

17 Q. So --

18 A. Difference in -- I mean, different times.

19 Q. Is that like --

20 A. There's nothing written that's warranted, you know, when do
21 we use it or whatever.

22 Q. Yeah, is it geared more towards --

23 A. It's more geared to what needs to be done to the track, and
24 how long it's going to take.

25 Q. How difficult it is, or how --

1 A. That's right.

2 Q. -- how in depth it's going to be?

3 A. How in depth the repair is.

4 Q. And 704?

5 A. 704 is when we dial up the dispatcher. He wants us to
6 describe for him that's written, that we use from A to B, from
7 control point to control point.

8 Q. And that -- so that's similar to a 707, or is it --

9 A. Well, not really. I mean, it is to a certain point, but, I
10 mean, once you get an EC-1, I'm still the one in charge, or
11 whoever has got the EC-1 is still in charge, and the same way with
12 a 707. But the thing about it is, a 707, you can work a train
13 inside your limits, where an EC-1 you can't.

14 Q. So when you have this type of working limits, do you have
15 control over train movements coming into your area?

16 A. Yeah, on 707s. EC-1s you don't.

17 Q. Okay. So EC-1s say they just can't enter?

18 A. Cut and dry.

19 Q. They can't enter?

20 A. That's right.

21 Q. Okay. And then you also mentioned -- what's the other one?
22 Train approach warning, or --

23 A. No, watchman/lookout.

24 Q. Yeah, yeah. Can you explain that one?

25 A. Yeah, watchman/lookout is where, you know, if I'm looking out

1 for you, you are in the track, then I can tap on you to get out of
2 the way. You can do work long as I got the sight distance, and
3 you go by, you know, conditions of where you at, what you can see,
4 how far out you can see, what speed of the track is.

5 Q. So there's guidelines for sight distance?

6 A. Yes.

7 Q. I mean, like, you know --

8 A. Oh, yeah.

9 Q. -- what are they? You know, like, how do you determine, you
10 know, like --

11 A. We got a chart that we go by.

12 Q. Oh, okay. And that'll tell you?

13 A. Tell you -- it tells you the -- I mean, you got to know what
14 class of track you're on, what the speed is, and how much
15 visibility you got both ways.

16 Q. Um-hum. And how do you establish where you're going to be,
17 or how do you determine where you're going to be, like, you know,
18 where's your safety area?

19 A. Well, that's discussed in the job briefing, your
20 predetermined safety area.

21 Q. And when --

22 A. And how long it's going to take you to get out, once I say
23 you need to get out of the track.

24 Q. And you always have to tap them, or can it be verbal? Or is
25 it like --

1 A. Either way. Verbal, as long as they can hear. Normally it's
2 a tap on the shoulder; say, hey, get out of the track.

3 Q. And when would this type of protection be employed? You
4 know, like is there a specific, certain specific job set that it's
5 used for, or --

6 A. There's no specific jobs. I guess it, you know, depends on
7 me, as a roadmaster, whether it warrants a 707. Like I say,
8 there's nothing in the rules that says at this point you got to do
9 this or do that. Again, it goes back to my work needs to be done;
10 how long you think it's going to take.

11 Q. But, you know, well, what's the practice in CSX? I mean, I
12 guess that's what I'm asking.

13 A. Well, normally my practice is 707 or EC-1. I don't like to
14 use watchman/lookout, but there's certain times, emergencies,
15 different situations, that you have to.

16 Q. So, let's see. I'm trying to understand with a
17 watchman/lookout. So if they're using it, you know, when is that
18 no longer in effect, watchman/lookout? Like when --

19 A. When everybody clears the track.

20 Q. I mean, they have to be completely out of the track, or --

21 A. Completely out of the track.

22 Q. -- or when there's no -- you're not working on the track or
23 the rail anymore?

24 A. Yeah, once we're not working on the rail, our -- you know,
25 for an example, I mean, if we're finishing up a job and we clear

1 up and then say, well, I forgot this, I need to step back in the
2 track, we would still use a watchman/lookout.

3 Q. Okay. So until everything's complete, then it's --

4 A. That's right.

5 Q. -- it doesn't end?

6 A. That's right.

7 Q. It's still in effect?

8 A. That's right.

9 Q. Okay. So when your employees go on duty, you know, what
10 takes place? You know, you're in charge and, you know --

11 A. Every morning I start off with a job briefing, and my job
12 briefings are based on the tasks they're doing, conditions, work
13 hazards. We go over -- we discuss in job briefings, the hazard
14 for the day. You know, I always make sure to go around the room
15 and make sure they understand the job briefing. I always ask them
16 -- the last thing I do is ask them if they have any questions on
17 the task at hand.

18 Q. And currently how many people do you --

19 A. And --

20 Q. Oh, okay, go ahead.

21 A. Normally I supervise 10 people.

22 Q. Ten people?

23 A. Yep. And, you know, this time of year, I emphasize
24 especially on, on being focused. I've said it and said it, you
25 know, for holiday seasons, this time of year, the most important

1 thing is safety. Well, safety's always important, but with the
2 holiday season coming, we've got grandkids -- it's not only safety
3 out here, but safety for your family. Whether it's out here,
4 whether it's home, I can't -- I stress hard as I can stress, do
5 they understand what they're doing? Because I'm a leader, I feel
6 like I'm supposed to protect them. And in this situation, I feel
7 like I failed. My job is to make sure they have the right tools,
8 the right protection to do their job.

9 Q. So when you assign them a job, you know, you assign everybody
10 a specific job for the day, do you talk about what protection they
11 should be using? Or --

12 A. That's right.

13 Q. Or is it their discretion to make that decision?

14 A. No. I determine that. And 707s, we usually -- in fact, you
15 can ask any of my guys, we always job brief the day before. I
16 always like to see my employees come in. I stay out there till
17 they're done, till the last employee leaves if I can, if I'm
18 available. We discuss -- we usually have a light job briefing of
19 what's going to take place the next day. So when we come in in
20 the morning, if I got a 707 out, then we go over the 707, the
21 limits, the milepost, and making sure everybody understands
22 they're going to be working in.

23 Yesterday they were discussed -- they were told what the
24 tasks were going to be, what protection they were using. I asked
25 them if they understood. They said, yes, they understood. I

1 always ask, is there any questions? Then I go back around the
2 room and ask every individual did they understand?

3 Q. So on yesterday, the day of the incident, when your employees
4 showed up, you assigned everybody a specific job. For the
5 incident crew, you know, can you tell me what you discussed with
6 them? You know --

7 A. I discussed that today the plan was to come up to Estill at
8 the 449.7 to do light repair on that frog because it didn't
9 warrant any kind of slow order in the past. So their job was to
10 touch up the frog and move on down toward Fairfax. Because the
11 day before they had a 707 out on one of the frog that needed major
12 work, so after it runs for 24 hours, we always like to come back
13 and grind it. So their task yesterday that they were told was to
14 grind the frog, it didn't matter whether they started at Estill or
15 started at Fairfax, but touch up the frog as Estill and then move
16 on down to Fairfax, or vice versa.

17 Q. So what they were doing was considered light work?

18 A. That's right.

19 Q. Because from the interview, I think they were there for
20 approximately maybe 2, 2½ hours? You know, so, I mean, I don't
21 know what light work is, you know --

22 A. Well, that's a judgment call. You know, your light work may
23 not be the same as mine or his light work. I mean, it's a
24 judgment call. Like I say, there's nothing in the rules that
25 warrant what you need to get far as protection.

1 Q. And you say you pretty much instruct them as to what type of
2 protection they're going to have?

3 A. That's right.

4 Q. And you told them they should use a watchman/lookout?

5 A. Watchman. Yes, sir.

6 Q. Okay. And can you explain again how many miles of territory
7 do you cover?

8 A. I've got 289 miles. That's counting sidings and double main.

9 Q. And that's with 10 employees?

10 A. Yes, sir.

11 Q. And they're pretty much scattered --

12 A. Yes.

13 Q. -- through the whole 210 miles?

14 A. Yes, sir.

15 Q. And how frequently do you go out on scene and, you know,
16 watch them perform?

17 A. I try -- most of the time, you know, just like I start off
18 Monday, you know, we was working at the end of my territory, I
19 mean, we was all there Monday and Tuesday. And then -- but I try
20 to go out, you know, as much as I can. Maybe it's not every day.
21 It's hard to be in one place -- or every place at one time, but
22 normally I try to spend most of my day in the field with them.

23 Q. Um-hum. Are you required to do observations --

24 A. Yes.

25 Q. -- you know, on the employees and how they perform their

1 duties?

2 A. Yes, sir.

3 Q. And how often are you required to do that?

4 A. Well, we got so many that we do per month and, you know, I've
5 always judged mine on what I thought the emphasis needed to put on
6 as far as those tests.

7 Q. So you decide which -- where --

8 A. Well, they send out a -- what they call like a quarterly
9 bulletin that they want us to do, which doesn't limit us to what
10 O-test we do. That's just some of the things they want us to
11 focus on.

12 Q. So they send you some basic rules or --

13 A. That's right.

14 Q. -- regulations that they want you to --

15 A. To touch on.

16 Q. -- touch on. But you can add to it?

17 A. That's right.

18 Q. And what are some of the things that you like -- or that you
19 feel you need to look at?

20 A. Well, you know, I focus a lot on, I guess, as far as
21 training, equipment, distance, making sure they do have the right
22 protection. Also, you know, as far as tool conditions, you know,
23 making sure they got the proper PPE on, what they need. Also, you
24 know, making sure the hydraulic tools, leaks and stuff on hoses
25 and, you know, everything that's in the operating rule book.

1 Q. And when you try to employ, or when you do employ like Rule
2 707 or 704, is it difficult? Is it a challenge? Is it based on
3 traffic? You know, when you're permitted to have, you know, a
4 707.

5 A. Well not much -- so much as traffic. It's just the length of
6 time it's going to take, the amount of work that needs to be done.
7 You know, because I got one line that we run one local a day and
8 sometimes I still put a 707 out because it's a full day of work.

9 Q. And how many of these tests, you know, operations tests, I
10 guess is what they call them, or efficiency test, how many of
11 those are you required to do per month? Is there a requirement or
12 are you just -- tell you, hey, test for this?

13 A. Well, everything is documented in an ORM system, or in the
14 O-test. All that's documented in O-test.

15 Q. Yeah, but is there like a certain number that you need to do
16 every month?

17 A. It varies. You know, I usually -- around 40.

18 MR. TORRES: Okay. At this time I'll pass it on to
19 Mr. Gordon.

20 BY MR. GORDON:

21 Q. Okay. Joe Gordon, NTSB. So, David, you said Columbia
22 Subdivision, your entire assignment for track is 289 miles, and
23 that's including --

24 A. No, not -- no, that's my TES, territory.

25 Q. Okay.

1 A. That's my whole territory.

2 Q. So is that in addition to the Columbia Sub? Do you have --

3 A. That's Columbia -- Columbia as far as Augusta, and Charleston
4 Sub.

5 Q. Okay.

6 MR. TORRES: That's how many miles total?

7 MR. POSTON: Approximately 289.

8 BY MR. GORDON:

9 Q. And only 10 employees for all those, all that combined; is
10 that right?

11 A. That's correct.

12 Q. Okay. And how much of that is main track? Is that --

13 A. That's all main.

14 Q. That's all main track?

15 A. That's main track, double main and sidings.

16 Q. Okay. And then do you have any yards that are assigned to
17 you as well?

18 A. A small, which is -- basically it used to be a yard, but now
19 it's a pass track, a storage track, and then a small yard track
20 for tagging equipment.

21 Q. Okay. And you said 10 employees, so can you give us a
22 breakdown on those number of track inspectors?

23 A. Yes. I got three track inspectors, the welders, which is
24 two; there's five -- and then five on section, and one of them are
25 an equipment, backhoe operator.

1 Q. And the section is located in?

2 A. Everybody reports to Yemassee.

3 Q. Yemassee. Okay. What, just ballpark, as far as if they're
4 reporting to Yemassee, is it centrally located to that 289 miles?
5 If they've got to go work on the far end of the territory, how
6 much drive time?

7 A. On the far end of my territory's about 2½ hours.

8 Q. Okay, okay. Tomas touched on operational testing. How often
9 do you test on just, in general, roadway worker protection? So
10 those different types of, of ways of establishing roadway worker
11 protection, how often do you test on those?

12 A. I mean, this -- there are things in, documented in the
13 system.

14 Q. Okay. So that's a regular test that you would do?

15 A. Right.

16 Q. How about watchman/lookout, train approach warning?

17 A. That's also documented in the system.

18 Q. Okay. And do you find it difficult, because I know one thing
19 with train approach warning, there doesn't really -- I mean,
20 you're having a job briefing with them and telling them where to
21 go, but then as far as them determining to use train approach
22 warning, you may not always know when a work group is using train
23 approach warning. Is that accurate?

24 A. No, I -- when I assign a job task, I dictate that.

25 Q. Okay. You tell them what form of on-track safety?

1 A. That's right.

2 Q. Okay. So with the -- basically the 707, 704, EC-1, those are
3 all exclusive track occupancy. That's keeping the trains from the
4 employees.

5 A. Right. And that's normally what we use, like I said,
6 whatever yard we work in. So the majority of mine is either the
7 EC-1 or 707s.

8 Q. Okay. So was there a reason -- and I understand that there
9 may not have been a need for a large work window, but was there
10 any other reason that they would've -- that you opted for train
11 approach warning, watchman/lookout protection yesterday, as
12 opposed to doing an exclusive track occupancy?

13 A. No. Like I said, the task wasn't really going to -- supposed
14 to take that long, so I didn't see any reason.

15 MR. GORDON: Okay. That's what I've got for right now. I'll
16 pass it to Mr. Ammons.

17 BY MR. AMMONS:

18 Q. Steve Ammons, A-M-M-O-N-S, CSX. Mr. Poston, one thing I just
19 wanted to confirm -- you mentioned some of your earlier responses
20 to Mr. Torres about your work history. You said you hired out in
21 2001. And then you said you left in 2004 and came back a year
22 later, but you said 2016. So something -- that math doesn't add
23 up in my head.

24 A. Oh, I'm sorry, 2006. I'm sorry.

25 Q. 2006, okay.

1 A. Yes. I'm sorry.

2 Q. All right. That makes better sense there. Thank you.

3 A. Yeah.

4 Q. So I think you just answered, talking to Joe, but my next
5 question was, is the use of 707s versus watchman/lookouts. So
6 707s, I'm assuming they're used for more long-term work. And you
7 mentioned earlier, you didn't really like the watchman/lookout.
8 What's the reason behind that?

9 A. Well, because my thoughts on that is the 707 is better
10 protection, or an EC-1. And neither one of them are 100 percent
11 protected, and we talk about that in our job briefings all the
12 time. But that's why I use -- try to stick with EC-1 or 707,
13 because I look at the best way to protect my guys.

14 Q. If -- and I'm not a subject matter expert in your field so
15 forgive me for asking this. But if I've got a watchman/lookout
16 and I've got my sight distances set up, and I've got someone there
17 watching for the guy that's doing the work properly, is that a
18 safe job procedure?

19 A. Yes.

20 Q. Okay. Are the employees -- after the job briefing, they get
21 to the location and for whatever reason work changes, are they
22 empowered to change the method of protection that you assign them
23 to use?

24 A. They are.

25 Q. They are. And they know that? They know that it's --

1 A. Oh, yeah. Yeah.

2 Q. Okay.

3 A. That's right. And then normally the way I do that is, you
4 know, I like to be notified, the changes. If for some reason I'm
5 not available, then they have the power to --

6 Q. So, in this case, they get out to Estill and they see the --
7 maybe they see the work's going take longer than expected, and
8 they decide, you know, EC-1 might be better option here or getting
9 a 707 or a -- whatever it may be. You would just ask that they
10 call and let you know that they've changed that method of
11 protection?

12 A. That's right.

13 Q. They understand that? You guys have a clear understanding --

14 A. That's right. And then -- and the reason I do that is
15 because I may say, well, if that's the case, then we'll reschedule
16 or do something different.

17 Q. Has that ever happened?

18 A. Oh, yeah. Yeah.

19 Q. Okay. Is that pretty common?

20 A. No.

21 Q. No, it's not common? So usually whatever --

22 A. Normally whatever task I assign, because, like I say, I've --
23 when I assign the task, I usually know pretty much -- and I'm
24 human; I make mistakes too, but -- you know, I'm not a welder but
25 I know about welding. But he may say, well, you know, once I do

1 this, which is not very common, you know, we may get into this.
2 And I'll -- okay, let's back up and regroup. We'll maybe do it
3 another day.

4 Q. These two individuals, Mr. Long and Mr. Youmans, have they
5 worked together before?

6 A. They have.

7 Q. And how had they worked on your team? Approximately.

8 A. Approximately -- John Youmans has been with me 9 or 10 years.
9 Randall Long's probably 2 years, 2½ years.

10 Q. But they're -- they were familiar with these are the work
11 practices and working together?

12 A. Oh, yeah. That's right.

13 MR. AMMONS: Okay. I think that's all I have. Thank you.

14 BY DR. HOEPF:

15 Q. Mike Hoepf, NTSB. You still doing all right? You want to
16 get a break of anything?

17 A. No, I'm good.

18 Q. Okay. All right, just flag us at any time if you get tired
19 here.

20 So just kind of back up to talk about -- I apologize if this
21 is redundant. So yesterday, what time do you report for work?
22 What's your normal tour of duty?

23 A. 7 o'clock they report to work.

24 Q. All right, at 7 to 3?

25 A. Seven to 3:30.

1 Q. 3:30. Okay, okay. Anything unusual yesterday? I mean, you
2 feel okay? Were you well rested? Have a cold? Anything that --
3 anything unusual?

4 A. Yeah. I mean, it was -- everything, I mean, I didn't see
5 anything out of the ordinary.

6 Q. Okay.

7 A. Because usually when I'm having my job briefing, I may notice
8 -- I mean, I'm looking around the room as I'm job briefing to see
9 if something's different.

10 Q. Um-hum.

11 A. Because as the leader, I always try to know my people. That
12 way it gives me signs if something's not right, so forth.

13 Q. Get that face to face --

14 A. That's right.

15 Q. -- and the checking, yeah.

16 A. Eye to eye.

17 Q. Yeah.

18 A. Face to face.

19 Q. Okay. So just -- I'm just trying to get a feel for it. So
20 do you have like an office or something?

21 A. I do.

22 Q. Okay. And so does Mr. Long and Mr. Youmans, do they come,
23 just sit in your office for a minute to talk to you or do you --
24 are you like in a hall somewhere where you're talking to them?

25 A. No, we in a room, probably half this size. Got a table about

1 -- maybe a little longer. I always sit at the head of the table,
2 my guys sitting around the table, and I conduct my job briefing.
3 My office is right behind where I conduct the job briefing.

4 Q. Oh, okay, okay. So you kind of brief everybody in your --

5 A. I'm the type, I'm in the office early. I do my prep work.
6 That way -- a lot of my guys come in at quarter till, I'm usually
7 sitting at the table, the safety rules printed out, bulletins
8 printed out, ready for a job briefing.

9 Q. Okay, okay.

10 A. A lot of times we may just shoot the breeze before we start
11 the job briefing. Or if they got any concerns, they may say,
12 well, can I talk to you after the job briefing, or so forth.

13 Q. Okay. Okay. So how long about would you say that you were
14 actually talking to Mr. Long and Mr. Youmans about that, you know,
15 for their tasking and their safety protocol that day?

16 A. Five to 10 minutes.

17 Q. Five, 10 minutes, okay. And so you said, you know, you
18 talked to them, and you said, okay, it looks like it's -- based on
19 the amount of time that it takes to do this job, it seems like
20 watchman/lookout is going to be the way to go. I mean, were there
21 any other -- I think, you know, I think you -- I know you've been
22 asked this, but, I mean, were there other factors that were, you
23 know --

24 A. No. No, me and Mr. Youmans just talked about it the day
25 before, just -- like stated earlier, by the time we come in, I

1 like to kind of give them an idea where they can be thinking about
2 what they're doing the next day. That's just the way I've always
3 operated. So --

4 Q. Well, I guess what I'm getting at is -- and please correct me
5 if I'm wrong here. You know, I'm not -- but it seems that, you
6 know, you'd be interested in things like the frequency of the
7 trains, the visibility. I don't know, but it seems like some
8 other factors would kind of come into play, you know, play a role
9 there, other than, you know, just length of time.

10 A. Well, I mean, the traffic varies from day to day, you know
11 what I'm saying?

12 Q. Um-hum. I just -- and forgive me, I'm not -- I always tell
13 everybody I'm not railroader. But to me, when you're having
14 somebody welding the track, you know, it seems like it would be --
15 you know, having to clear up and get out of the way of incoming
16 trains, that doesn't seem like the best way to go about doing
17 things. But, I mean, that's just my opinion. I'm just -- but
18 what's -- you know, that is, as far as that's just normal
19 operating practice, to go out and to do welding and then have a
20 watchman/lookout and --

21 A. No, that's not what I'm saying. It depends on the amount of
22 time. That's what I'm saying, if it's not going to be that long
23 of a task, then that's not a -- I mean, it's not a common practice
24 for me to do watchman/lookout.

25 Q. Right. Well, yeah, so -- and that's what I'm saying, I

1 get --- you know, it seems like you've said that a 704 and 707 and
2 EC-1 authority are safer methods than watchman/lookout because
3 you've got that exclusive track occupancy. And correct me if I'm
4 wrong here. And so they're out there and they're welding on a
5 track and for several hours on end, and so that's a short amount
6 of time?

7 A. Well, like I say, there's nothing in the rule book that
8 states that.

9 Q. Okay, okay. I'm not trying to put you on the spot or
10 anything, I mean, because -- I'm just trying to understand. Is it
11 difficult to get the track time you need to do the work?

12 A. That varies.

13 Q. Is that -- I mean, is that a factor at all in terms of --

14 A. I mean, it varies.

15 Q. Yeah. Okay. So who's, who is your -- who do you report to?

16 A. Ron Elliott.

17 Q. Ron Elliott, okay. And what is his title?

18 A. DOT.

19 Q. DOT? Director --

20 A. Director of Track.

21 Q. Director of Track. Okay. Does Ron ever talk to you about
22 safety issues, on-track protection issues?

23 A. He does.

24 Q. What -- how often would you say that you talk to Ron about
25 safety issues?

1 A. Well, we -- he job briefs with us every morning at 6 o'clock.

2 Q. Okay. So you talk to him daily?

3 A. Oh, yeah, daily.

4 Q. Okay. So what kind of stuff do you guys talk about?

5 A. We talk about safety, incidents that happened on the system
6 the day before, work that we're doing, and --

7 Q. Okay. So you've got a pretty good relationship with him?

8 A. Oh, yeah.

9 Q. Okay. So, okay, so you've decided you're going to send these
10 -- you're going to use watchman/lookout. What equipment do you
11 issue a watchman for the lookout?

12 A. Well, they're supposed to have -- normally it's two or more
13 people. They usually have a white flag and a whistle. And
14 watchman/lookout, like I say, if you can tap him on a shoulder --

15 Q. So they're -- okay, so they're supposed to have a banner, a
16 white banner; is that what you said? Black banner?

17 A. Flag.

18 UNIDENTIFIED SPEAKER: White flag.

19 BY DR. HOEPF:

20 Q. White flag. Like a -- and I'm just -- just give me an idea
21 of what is this. It's like a -- literally a flag?

22 A. It can be a flag or a white obstacle or --

23 Q. Is there -- okay. Are there any requirements for how big
24 that is or anything?

25 A. No.

1 Q. Okay. Did -- are they equipped with an air horn? You said -
2 - like a fog -- like a an air horn? Like a --

3 A. Yeah. A whistle.

4 Q. A whistle? A whistle and an air horn? Or a whistle or --

5 A. The whistle. Or --

6 Q. Either/or? Are there any requirements for --

7 A. No.

8 Q. Okay. Just a whistle or an air horn? Okay, okay. Do you
9 know -- so Mr. Long was to be the watchman?. Does he -- how does
10 that work? Does he have, like does he have that -- does he have a
11 locker or something where he comes and he gets his --

12 A. Or his bag or something.

13 Q. -- his equipment?

14 A. Yeah.

15 Q. So did you just sort of presume that he would have his
16 equipment because he's already been issued it and he --

17 A. That's right. And he's already been through the training.

18 Q. Okay. So I would -- so you didn't necessarily need to verify
19 that he's got his equipment,

20 A. That's right.

21 Q. You would just assume he's qualified as a watchman and he's
22 got his equipment. Okay.

23 What would be the situation you would have for -- how would
24 you decide if you're going to physically tap somebody on the
25 shoulder versus you use your whistle or air horn or flag? How

1 does that work?

2 A. Well, I mean, like I say, if I'm in -- where I can tell you
3 to get out of track, if you can hear me, or tap you on the
4 shoulder or whatever.

5 Q. So it just depends on -- you just leave it up to the
6 watchman to --

7 A. That's right.

8 Q. -- make that call, based on --

9 A. That's his, that's his call.

10 DR. HOEPF: Okay, okay, awesome. I think that's all the
11 questions I've got for right now. I'll pass it along.

12 MR. CAMPBELL: Matt Campbell, SMART Transportation. No
13 questions at this time.

14 BY MR. MORRISON:

15 Q. Roy Morrison. I just have a couple questions. So when you
16 guys sit around in the morning, you have a pretty tight-knit group
17 and you know your guys pretty well. What would you say kind of
18 the average seniority is? Is it, do you have some -- a lot of
19 older guys that know -- that've been working the job for a long
20 time or are they fairly younger or --

21 A. Oh, it's kind of mixed.

22 Q. Kind of mixed. And as far as Mr. Youmans, where did he fall
23 in line with your seniority guys? Was he one of your --

24 A. He's one of my top seniority.

25 Q. Top of your guys. And so you relied on him a lot?

1 A. That's right.

2 Q. And so he's been a good employee for you?

3 A. Excellent.

4 Q. And so that's a good employee to put a younger guy with to
5 learn from.

6 A. Exactly.

7 Q. Right. And --

8 MR. MORRISON: That's pretty much all the questions I have.

9 BY MR. DUMEY:

10 Q. Randy Dumey. I've got a couple. I'm an engineer on a BNSF,
11 so I'm not familiar with your 707s. The 707, is that like getting
12 track and time? Like you call a dispatcher and say, I need point
13 A to point B for this long, and then he puts up blocks where
14 nobody can get in?

15 A. That's correct. And plus, we have boards, red boards at each
16 -- the limit's from A to B, then 2, 2½ miles we have warning,
17 advance warning board.

18 Q. So that'd be kind of like what we call a Form B where --

19 UNIDENTIFIED SPEAKER: Right. Yeah.

20 BY MR. DUMEY:

21 Q. -- I can holler at you --

22 A. I guess. I mean, I don't --

23 Q. -- to get permission to enter your limits?

24 A. That's right.

25 Q. So the 707 would be more like that?

1 A. Right.

2 Q. Okay. And then the 704 would be what I describe A-block to
3 A-block, nobody gets in unless it's joint track and time?

4 A. That's right. You call me to enter my EC-1, then I write it
5 on a prescribed form, time you entered, time you left.

6 Q. So a EC-1 is basically like a 704?

7 A. That's right.

8 Q. Okay. In the morning you said you have a conference call so
9 you kind of know what the train traffic's going to be like and
10 that helps you decide whether they -- you get a 707 or 704?

11 A. Not -- no, uh-uh. No, we -- I have conference calls to
12 discuss stuff that happened the day before, as far as things --
13 what they need us to do. As far as train traffic, we always
14 communicate through the dispatcher.

15 Q. Oh, that's what I was trying to --

16 A. The job briefings is not about where the trains are and stuff
17 like that.

18 Q. No, but I'm -- what I'm asking is, like do you talk with -- I
19 think you said his name was Ron Elliott, and he's the -- oh, he
20 was director of track.

21 A. Right.

22 Q. What I was talking about --

23 A. Used to be ADE.

24 Q. -- like our guys, they have a conference call in the morning
25 with the dispatchers or their chief dispatchers, and they say,

1 well, I've got 10 trains I'm running today, so you can't --

2 A. No, we don't get on those calls.

3 Q. Okay. So you can just go out there put out a 707 or a 704 --

4 A. The way it works is, 14 -- I think it's 14 hours and
5 something the day before, you put in for a 707. They either
6 accept it or reject it.

7 Q. Okay.

8 A. Very seldom do they reject it. But anyway, you come in the
9 next morning, and it's on the daily bulletins, and whoever the EIC
10 is will call that dispatcher and confirm the message number.
11 There's a message number that they give. So when they confirm
12 everything, as he talks to the dispatcher, the dispatcher gives
13 him another message number.

14 MR. DUMEY: Okay. That's all I have.

15 BY MR. WOLFE:

16 Q. Nathan Wolfe, FRA. David, when was it you determined that
17 you needed to send the welders to go to the north end of Estill?

18 A. John and I talked about it Thursday afternoon.

19 Q. Do you know when the last time you tested the welder helper
20 specifically on his use of train approach warning, like a O-test?

21 A. I don't. It's documented in the system.

22 Q. Do you recall any time in, over the course of doing O-tests,
23 specifically failing any employees on O-tests or train approach or
24 for anything else?

25 A. No.

1 Q. Do you know when the welder and welder helper were trained
2 on, in their RWP?

3 A. I don't know the exact date. It's also documented in the
4 system.

5 Q. But they were both qualified in the use of that form of
6 protection?

7 A. That's correct.

8 Q. Do you know if the external speaker functions on that welding
9 -- were they -- would turn the radio on?

10 A. As far as my knowledge, I mean, nobody said anything to me
11 about it not working.

12 MR. WOLFE: That's all I've got.

13 BY MR. GORDON:

14 Q. Okay. Is this -- Columbia Subdivision, is it PTC equipped?
15 Or is PTC up and running?

16 A. We've done some upgrade, but it's not up and running.

17 Q. It's not up and running yet? Okay. You gave -- and I missed
18 one of you partial subdivisions. You've got the Columbia Sub, the
19 Augusta Sub, and what was the other?

20 A. Charleston Sub.

21 Q. Parts of the Charleston Sub?

22 A. Yeah.

23 Q. Okay.

24 A. Parts of Charleston, parts of the Augusta, and --

25 Q. And all of --

1 A. Not all of Columbia.

2 Q. Not all. Okay. So it's partial.

3 A. And -- I think it's 30 miles of Columbia.

4 Q. Okay. All right. Thank you. And going back to your
5 breakdown of your workforce, you've got three track inspectors,
6 two welders, and then you said five on the section. Is that the
7 foreman, vehicle operator, and the rest trackmen?

8 A. That's correct.

9 Q. Okay. One foreman, one vehicle operator, and three trackmen.

10 A. Two trackmen and a backhoe operator.

11 Q. Two trackmen and a -- okay. Of those employees, how many are
12 actually trained and qualified to be a watchman/lookout?

13 A. They all should be. I mean, they've all been through the
14 training.

15 Q. Do all of them have an opportunity to work as a
16 watchman/lookout? Or would it be more common for a certain
17 position?

18 A. It depends on the certain position.

19 Q. Okay. So who would normally out of your group --

20 A. Well, I mean, and the way I do it, it's just like with
21 Mr. Long, you know, he was taking an interest in welding and,
22 like, you know, John's experienced qualified operator. So that
23 bases my decision on who I put with him.

24 Q. Okay.

25 A. I mean, if somebody's not interested -- because I always like

1 to have somebody that, if somebody's out, to be able to step up in
2 place.

3 Q. Okay. Now the welder helper that normally works with --
4 worked with John, he was?

5 A. He was off for the day.

6 Q. He was -- just a day off?

7 A. Right. Day off.

8 Q. Okay. So typically if those two are together, then he would
9 be working as the watchman?

10 A. That's correct.

11 Q. Okay. And how about an operational test -- and I know you
12 don't know a date or anything like that, but do you recall
13 conducting an operational test on them using watchman/lookout?

14 A. No. It's -- everything is documented in the system.

15 Q. Okay. So let's talk a little bit about the EC-1, 704, those
16 are kind of synonymous, right? The 704 is the form that the
17 engineering group uses to establish an EC-1; is that right?
18 It's -- is it the same thing?

19 Steve, maybe you can help.

20 MR. AMMONS: What was that question?

21 MR. GORDON: 704, EC-1, that's their -

22 MR. MEADOWS: Can I answer that?

23 MR. AMMONS: Yeah.

24 MR. MEADOWS: All right. This is Matt Meadows. 704 is the
25 method of getting protection on the track. EC-1 is simply the

1 form used to document that.

2 MR. GORDON: To document the -- okay.

3 MR. MEADOWS: EC-1 is not a form of protection. 704 is the
4 protection. EC-1 is simply the form.

5 MR. GORDON: Okay. So 704's the rule that covers that form
6 of on-track safety?

7 MR. MEADOWS: Yes.

8 MR. GORDON: Okay. I've got you. All right.

9 BY MR. GORDON:

10 Q. So establishing exclusive track occupancy using an EC-1, can
11 you tell us what would that work group have to do when they arrive
12 at the location? What would they have to do in order to protect
13 themselves in that location that they were working? Would they
14 have needed a mile of track? Or would they have been able to
15 get --

16 A. They would have to get from interlocking to interlocking.

17 Q. Okay. So that would -- would that be from the north end
18 of --

19 A. It would have been from the SAS north end of Estill, to the
20 SAS south end of Estill.

21 Q. Okay. They can't get an NAS to an SAS?

22 A. Or it could -- yeah. I'm sorry, yes.

23 Q. Okay.

24 A. He could also get a NAS/SAS.

25 Q. So where they were working, they could have talked to the

1 dispatcher about getting just a block of time in that interlocking
2 that they were working?

3 A. That's correct.

4 Q. Okay. About -- and I know this varies depending on the
5 number of trains that are out there and the work that the
6 dispatcher's involved in, but about how long does it -- would
7 it -- would you expect it to take for them to establish an EC-1 in
8 that location, from the time they toned the dispatcher all the way
9 through until they're protected?

10 A. It depends sometimes. I mean, there's not a -- I can't
11 really answer that.

12 Q. Okay. Aside from keeping the trains away from the employees,
13 which, you know, is a good benefit for on-track safety, is
14 there -- are there other benefits to the EC-1 that -- I mean,
15 anything that you can think of, a reason to opt for the EC-1 over
16 train approach warning?

17 A. Well, I mean, like, you know, especially if you're moving
18 from location to location.

19 Q. Um-hum.

20 A. You know, being they had another task, determines, too, you
21 know.

22 Q. Okay. And I'm just kind of thinking, you know, if there are
23 two employees out there, if you get -- you know, if you talk to
24 the dispatcher and get an EC-1, then both of those employees can
25 be working, which is different from train approach warning where

1 one of them's sole responsibility is watching.

2 A. That's right. Um-hum.

3 MR. GORDON: I think that's what I had. I will pass it over
4 to Mr. Ammons.

5 BY MR. AMMONS:

6 Q. Yeah, I got a few more questions here. Mr. Poston, I just
7 wanted to, going back to Dr. Hoepf's questions earlier about some
8 of the time, time it takes to do some of these tasks. Maybe I can
9 be a little more specific and talk your language, hopefully, and
10 maybe we can get some clearer answers there. The work that you
11 discussed with Mr. Youmans Thursday, the day before, right, to be
12 done at Estill, that particular light -- which you called, I
13 think, light work on that frog.

14 A. That's right.

15 Q. Average time -- I know that some work faster than others,
16 average time, ballpark? You're the subject matter expert on this.

17 A. Hour and a half.

18 Q. Hour and a half. Okay. So would it be reasonable if they
19 job briefed with you around 7 o'clock in the morning, they get out
20 to the site 8 o'clock, a little thereafter, they start to work,
21 they actually have to stop work because a train comes through,
22 start back to work, and somewhere between 10 and 10:30 they're
23 finishing up? Does that seem like a reasonable amount of time for
24 the work that needed to be done there?

25 A. Yes.

1 Q. Okay. Can you talk a little bit about the task involved and
2 to do that light work there? Once they're there, and assuming
3 they're not having the back and forth clear-up for train movement,
4 they're actually out there ready to start the work. There's some
5 grinding to be done. Some welding. You've got to set some
6 equipment up. Can you just give a brief description of that?

7 A. As far as the procedure?

8 Q. The procedure, the process it takes to work --

9 A. Right.

10 Q. Yes.

11 A. Normally what they do when you've got frog, they grind it
12 down to the bottom of the defect. I mean, if it's chipped out and
13 not broken out that much, it don't take much grinding. Then they
14 start their welding procedure. It should only takes one person.
15 And once they finish welding, then he grinds everything.

16 Q. Okay. And again, you said that particular location there,
17 you figure about a hour and a half of solid working?

18 A. That's right.

19 Q. All right. And that's considered light work --

20 A. Right.

21 Q. -- for that type of a job. Okay.

22 What factors are required for establishing watchmen/lookout,
23 or making that decision to use watchmen/lookout? What kind of
24 factors maybe drove you that day to make that decision?

25 A. Well, I mean, plenty of sight distance, moving -- going from

1 there to the other location.

2 Q. So the sight distance comes into play there. You know --

3 A. Oh, yeah.

4 Q. -- that location there --

5 A. That's right.

6 Q. -- was plenty of sight distance in both directions?

7 A. I mean, if I'm somewhere and there's a bunch of curves --

8 Q. That makes sense, yeah. The amount of train traffic. You
9 know the Columbia Subdivision. I know you're not on an operations
10 call per se every day listening to about what trains are going to
11 operate and this and that. But the Columbia Subdivision, there's
12 a set amount of trains, average daily trains. Would you consider
13 that a heavy route of train traffic, especially during daylight
14 hours?

15 A. No, not in comparison to other ones.

16 Q. Okay. Would that make -- would that ever drive any
17 factors --

18 A. Oh, yeah. It would.

19 Q. -- in how you decide what type of protection?

20 A. It would.

21 Q. Okay.

22 A. Longer amount of work that needs to get done.

23 Q. It was curious to me, I -- again, I don't know, I don't know
24 -- I didn't know about the whistle and the white flag, and
25 Mr. Hoepf was asking about the air horn. Air horn louder than a

1 train horn?

2 A. Yeah. Well, I mean, on our side it's the whistle and the
3 white flag.

4 Q. Right, but there was an air horn out there. Is that any
5 louder than an approaching train horn?

6 A. No.

7 Q. Especially in this area?

8 A. No.

9 Q. Who is responsible to inspect and report the track
10 conditions? You said you had a couple track inspectors. Is that
11 primarily their job or is there someone else?

12 A. That's right.

13 Q. Okay. How did you become aware of this work there at Estill,
14 on the frog that needed to be done?

15 A. Well, I had -- you know, the day before, after they got
16 through with the 707, which the track inspector mentioned it to me
17 a while back, you know, that he usually just try to -- when they
18 inspect it, and if they see it, they give me a heads-up. And when
19 John and them, I think Wednesday, was in this area, he stopped by
20 and looked at it, and looked at that one and the one at Estill,
21 and then we talked about it and then Thursday, I put out a 707.
22 But it -- the one at Fairfax was, you know, going to take a good
23 while. So that's why we talked, and I established a 707 for
24 Thursday and then -- I told them we'd get that Thursday, then we'd
25 come to Estill, get that one, touch it up Friday, and then go back

1 and grind the one we worked on Thursday.

2 Q. Is the sight distance different at Fairfax?

3 A. Oh, yeah.

4 Q. Is it less of a sight distance than Estill?

5 A. I can't really say, I mean.

6 Q. Okay. Well, how's it different? You said it was different,
7 so how is it different?

8 A. What you mean?

9 Q. The sight distance that you would have. If you were to use
10 watchman/lookout at Fairfax on the same location that you're doing
11 this work where you got the 707 --

12 A. Yeah. I mean, no, I mean the sight distance would be the
13 same.

14 Q. It's about the same?

15 A. Yeah, about the same.

16 Q. Okay. Mr. Gordon asked earlier about PTC on the Columbia
17 Sub, using watchman/lookout. Unless, unless I -- I don't think
18 PTC would prevent, prevented this yesterday with watchman/lookout,
19 would it?

20 A. No.

21 Q. Okay. I'm just --

22 A. Not in my opinion.

23 Q. Again, just to try to clarify some of the other's questions
24 maybe, and maybe I can get a -- ask you this a little differently
25 and get a better answer. Talking about getting an EC-1 from the

1 dispatcher, it varies. I heard you say that it varies. But once
2 the dispatcher answers, once he answers and you've got the
3 dispatcher's attention, how long -- I mean, I how long does that
4 take to get an EC-1 at that point?

5 A. Yeah, once we talk to the dispatcher?

6 Q. Once you've got him on the phone or the radio, are we talking
7 about a minute?

8 A. Less than 5 minutes or less.

9 Q. Five minutes or less.

10 A. Yeah.

11 Q. Okay. Is that reasonable?

12 A. Yeah.

13 Q. Okay. To -- okay. Oftentimes the dispatcher, it takes
14 longer than that to get the dispatcher to answer; is that right?

15 A. Right. That's right.

16 Q. Sometimes he answers --

17 A. Sometimes right off the bat, and sometimes it may be 15
18 minutes.

19 Q. When the crew is driving from the Yemassee office there to
20 the location, do they every try to contact the dispatcher that you
21 know of?

22 A. No.

23 Q. Are they allowed to do that --

24 A. No.

25 Q. -- while they're driving?

1 A. No.

2 Q. Okay.

3 A. Normally when he talk -- if they do talk to the dispatcher
4 before they leave the worksite, he always says, call me when you
5 get in place.

6 Q. Okay. All right.

7 A. At the worksite.

8 Q. Okay. All right. I think you cleared up some of the answers
9 in my mind for me, at least, so thank you.

10 BY DR. HOEPF:

11 Q. Mike with the NTSB again. Yeah, I appreciate, you know, I
12 think what Steve's trying to kind of do is, you know, clarify --
13 you know, I don't want to paint you into a corner, you know, but I
14 think kind of off the cuff, it kind of sounded like you were
15 basing the decision for watchman/lookout based just on the length
16 of time it's going to take to do the work. But would I be --
17 based on that discussion, I think I'm hearing you say that's not
18 the case, that you do consider the other factors?

19 A. Yeah, I mean, there's all kind of factors. There's -- you
20 know, depends on the situation, the work needs to be done, the
21 location, and, you know, some days you may have sight distance for
22 the day, some days it may be cloudy and rainy that you normally
23 wouldn't have a sight distance. I mean, just all different things
24 that could take place.

25 Q. Okay. So fair to say you take several factors in

1 consideration when you're --

2 A. Oh, yeah.

3 Q. Okay. So what, just out of curiosity, when you -- how long
4 of a span of time would you say would be, okay, just we're not
5 going to try to use -- we're not going to use watchman/lookout. I
6 mean, but just -- I mean, I know it probably just varies, but just
7 give me like a rough estimate. Would it be longer than 2 hours?
8 Longer than 3 hours? Longer than 4 hours?

9 A. Normally longer than -- anything 3 hours or more.

10 Q. Three hours or more you'd say we're not going to do
11 watchman/lookout?

12 A. Again, it depends on what needs to be done, the amount of
13 work that needs to be done or what is involved in the work that
14 needs to be done.

15 Q. Right. Okay. And so, you know, could you classify -- sort
16 of characterize, you know, does welding pass as light work? Can
17 you give me an example of some other types of tasks would be light
18 work, where a watchman/lookout would be okay, versus some, say,
19 heavier sort of tasks where that wouldn't be okay.

20 A. Well -- yeah, I mean, you may have a couple joints in there
21 or something, or a card of keys, or something like that, and a
22 switch that you may need to put in there. We may use watchman/
23 lookout -- you know, like I said earlier, normally I don't use
24 watchman/lookout.

25 Q. Um-hum.

1 A. Mainly welding is about the only thing I do watchman/lookout.

2 Q. Welding? Okay, okay. I -- you know, and I'm sure you've
3 heard us say --

4 A. When I made my decision on the work needs to be done the next
5 day, I take in considerations of everything as far as what the
6 work that's going to be done, what's going to protect my guys the
7 best, and I usually just try to think it out.

8 Q. Right. Well, you know, just to conclude here, I mean, I've
9 heard -- I'm sure you heard us say, all we're trying to do here is
10 prevent the reoccurrence. You know, obviously it's been a
11 tragedy, and obviously nobody wanted that, and it's really sad and
12 I'm sorry that, you know ---

13 A. Well, I mean, I --

14 Q. -- you know, your team and everything --

15 A. Well, I understand you want --

16 Q. We just wanted, again, to pick your brain and just, you know,
17 get your prospective on, you know, if you could go back and do
18 things differently, is there anything you'd change? Or did it
19 happen sort of down field from your perspective? I mean, is there
20 -- you know, what went wrong here? You know, what --

21 A. Well, I mean, you can always second guess yourself. I mean,
22 the only thing we can do is learn from here and then move forward.

23 Q. And, I mean, do you have any suggestions what that would be?

24 A. Just like everything else, you can say what you done
25 yesterday, you might have done different.

1 Q. Right. But do you have any, you know, any suggestions to
2 improve safety, any guidelines or any suggestions?

3 A. Well, I mean, you know, as looking back on things, to move
4 forward, I'm going to avoid watchman/lookout. And I know that's
5 not possible to do away with it because there's situations,
6 emergency situations. But at my standpoint, I probably will never
7 do another watchman/lookout unless it's an emergency or -- even
8 though it might not take 2 hours, I may just wait till I get some
9 other work that could be done with the section and the welders and
10 put a 707 out and have both of them work together.

11 Q. Um-hum. Yeah, I mean, that makes sense, that makes sense.

12 A. And a section can be over here doing a job, I can say, hey,
13 let's wait till tomorrow to do this, my section's going to be here
14 doing ties. You all can come here and do this frog that I need
15 done. That way we've got a 707.

16 Q. Um-hum.

17 A. That's what I would recommend is to look at different
18 scenarios to where we can avoid watchman/lookout.

19 Q. That sounds like a great idea to me, I'd say. All right.
20 Thank you very much. And that's all my questions.

21 A. Yes, sir.

22 UNKNOWN SPEAKERS: No questions.

23 BY MR. MORRISON:

24 Q, Roy Morrison, BMWED. He kind of hit on where I was kind
25 of -- had a couple questions. I come from Union Pacific up north.

1 Things are a little different from railroad to railroad. We also
2 use watchman/lookout and we also try not to use it. But it's
3 not -- it's common for us to go from one task at certain mileposts
4 and get our -- we've got track and time. Your, it sounds like a
5 704, where you use the EC-1 form to get the 704, right? And then
6 give that time back, go to the next task and get an additional
7 piece of time because we've now moved. Is that not a common
8 occurrence on your territory?

9 A. Again, it dictates on what needed to be done.

10 Q. Okay.

11 A. I mean, that -- I can't sit here and say. It depends on what
12 needed to be done.

13 MR. MORRISON: Okay. No further questions. No more
14 questions.

15 BY MR. DUMEY:

16 Q. Randy Dumey. I just got a couple. We was talking about that
17 -- getting that 704 and the EC-1. You said they could've got that
18 like between the northbound and the southbound control signals,
19 just in that -- in the OS, right? And they could have used just
20 watchman/lookout at Fairfield too, is that --

21 A. Fairfax.

22 Q. Or Fairfax. We was -- earlier you was talking about the
23 flag, the whistle. How could a welder with a mask or a helmet on
24 see a flag?

25 A. Not when one -- one's working, we usually the tap on the

1 shoulder to get him out of the track.

2 Q. Okay. Because he was talking about --

3 A. The flag and the whistle is when you got two or more people.

4 Q. Okay. And them little air horns, you don't think --

5 A. We don't -- I mean, we don't even --

6 Q. Don't have them?

7 A. We don't even have them.

8 Q. When you have a guy like that, is there a distance he's
9 supposed to be away from that guy, I mean, to where he can get to
10 him quick to tap him on the shoulder, is what I'm getting at?

11 A. That's right.

12 Q. Do you know what that distance is?

13 A. Well, it's about 15 seconds.

14 Q. Fifteen seconds, he's to be able to get to a safe place.

15 A. Right.

16 Q. How quick can that guy -- does he have to be to get to him?
17 Like if I'm the lookout and you're over there by that wall, is
18 that too far?

19 A. Oh, yeah. Yeah.

20 Q. So he needs to be close.

21 A. Pretty much to where he can tap him on the shoulder or pull
22 him out.

23 Q. Okay. So within reach?

24 A. Right.

25 MR. DUMEY: Okay. That's all I have.

1 BY MR. WOLFE:

2 Q. Nathan Wolfe. Has this accident raised any concerns in your
3 mind about your employees' full understanding about the proper use
4 of watchman/lookout?

5 A. Yeah.

6 Q. Has this accident raised any concerns in your mind about your
7 employees' general rule compliance with roadway worker protection?

8 A. Like I say, I mean, you know, back to the other question, I
9 mean, they all been trained, been qualified, been tested.

10 Q. Right. But do you -- are you confident that all of your
11 employees fully understand how to apply watchman/lookout?

12 A. Well, yeah. I mean, yeah, I would say that, yeah.

13 MR. WOLFE: That's all I have.

14 BY MR. GORDON:

15 Q. First off, just to clarify the PTC question. I think that's
16 when we were talking about the advantages of exclusive track
17 occupancy over train approach warning, watchman/lookout, and the
18 PTC would just be an additional form of protection. If there's a
19 working limit established on the track, then the PTC system would
20 actually simply enforce a brake application if the dispatcher made
21 a mistake or the train crew, so --

22 A. That's right.

23 Q. That was where the PTC question came from. As far as -- are
24 you qualified as a watchman or is there ever a time where you
25 would go out and watch for your guys when they were working?

1 A. Yeah, I mean, I'm just as qualified as they are.

2 Q. Okay. So are there times where you will, you'll serve as a
3 watchman/lookout?

4 A. In an emergency situation or something like that.

5 Q. Okay. So you mentioned the 15 seconds to get in the clear.
6 What's -- so if you're doing that assessment and, like you said,
7 you told them that that was the form of on-track safety that you
8 wanted them to use at that location. When you're doing that
9 assessment, can you talk to us about everything that goes into the
10 determination as far as the sight distance is concerned? So --

11 A. We go by our chart.

12 Q. Okay. And --

13 A. That's right. And the 15 seconds is -- if you go by a 30-
14 second -- and you got a 10, 20, and 30-second rule.

15 Q. Okay.

16 A. And the 15 seconds is calculated in that.

17 Q. Okay. Yep, you're -- that's exactly what I was looking for.
18 So when you use your chart, if you determine that it's going to
19 take 15 seconds to get to the predetermined place of safety, you
20 use the 30-second --

21 A. 30-second.

22 Q. -- chart? Okay. And then that's your 15 seconds to clear
23 and your 15 seconds to be in the place of safety --

24 A. That's correct.

25 Q. -- before the train get's there. Okay. And you train that;

1 that's what's trained in the annual training?

2 A. That's right.

3 Q. And to your knowledge, the guys understand that.

4 So I think the last question that I have is, a good faith
5 challenge. You're familiar with a good faith challenge.

6 A. That's right.

7 Q. If there's work that's --

8 A. Right.

9 Q. -- being conducted, if somebody -- so can you just, and it
10 doesn't have to be what the rule book says, just, you know,
11 explain the good faith challenge as far as, you know --

12 A. Well, I mean, like if I asked you to do something and they
13 don't feel like it's safe, then they have the right to do a good
14 faith challenge.

15 Q. Okay.

16 A. That it's not safe to perform that work.

17 Q. Okay. And have you ever had a good faith challenge?

18 A. I have not.

19 MR. GORDON: That finishes my questions.

20 UNIDENTIFIED SPEAKER: I don't have any more questions.

21 UNIDENTIFIED SPEAKER: No, sir.

22 MR. DUMEY: I've got just a couple short ones here.

23 BY MR. DUMEY:

24 Q. He's talking about this sight distance chart that you use.

25 So that -- you look down the track and you determine how far you

1 can see a train, and then when you see that train you know how
2 much time it's going to take you. Has that got anything to do
3 with train speed, because one train --

4 A. It does.

5 Q. How do you know how fast that train's going?

6 A. Because it goes by what's in the timetable, what the --

7 Q. But --

8 A. Normally what we do is, we go by the highest speed. Like
9 this line out here's 79 and 60, so we go by 80, with a speed 80.

10 Q. So in other words, all your men are assuming every train, or
11 in their mind, every train's going 60 or 79 mile an hour.

12 A. Because it's the safest course.

13 Q. Okay.

14 A. Because --

15 Q. The welder, we don't know, never met him, but do you think
16 the helper might have been a little intimidated with him? I mean,
17 you know, like he told him --

18 A. I don't. No, because --

19 Q. -- to go do something and he didn't think it was safe, he
20 wouldn't buck him on it or anything?

21 A. I don't think so. He's fully qualified.

22 Q. But, I mean, he wouldn't say --

23 A. No, I don't think --

24 Q. -- I don't think that's --

25 A. I don't --

1 Q. -- I don't need to be doing that or --

2 A. No, he wasn't intimidated. No.

3 MR. DUMEY: Okay. That's all I've got.

4 MR. TORRES: Okay. No further questions, this will conclude
5 the interview. Thank you very much.

6 MR. POSTON: Yes, sir.

7 (Whereupon, the interview was concluded.)

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CERTIFICATE

This is to certify that the attached proceeding before the

NATIONAL TRANSPORTATION SAFETY BOARD

IN THE MATTER OF: RAIL WORKER FATALITY,
 ESTILL, SOUTH CAROLINA,
 NOVEMBER 30, 2018
 Interview of David Poston

ACCIDENT NO.: RRD19FRF002

PLACE: Estill, South Carolina

DATE: December 1, 2018

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.



Deborah Dowling Swergart
Transcriber