

UNITED STATES OF AMERICA

NATIONAL TRANSPORTATION SAFETY BOARD

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Investigation of: *

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RAIL WORKER FATALITY *

ESTILL, SOUTH CAROLINA, * Accident No.: RRD19FR002

SOUTH CAROLINA, NOVEMBER 30, 2018 *

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Interview of: LEWIS TRAINOR

December 2018

APPEARANCES:

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

MICHAEL HOEPF, Ph.D., Human Performance Investigator
National Transportation Safety Board

NATHAN WOLFE, Operating Practices Inspector
Federal Railroad Administration

STEVE AMMONS, System Road Foreman, Safety
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RANDY DUMEY, Safety Task Force
Brotherhood of Locomotive Engineers and Trainmen (BLET)

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RUSSELL FARMER, Union Representative
(On behalf of Mr. Trainor)

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P R O C E E D I N G S

1
2 MR. GORDON: Good morning. My name is Joe Gordon, and I am
3 the track and engineering and roadway worker protection, Technical
4 Working Group Chairman for this accident.

5 We are here at the Yemassee engineering office to conduct an
6 interview of Mr. Lewis Trainor in connection with an accident that
7 occurred on November 30th in Estill, South Carolina. The NTSB
8 accident number is RRD19FR002.

9 Mr. Trainer, as we spoke about before, the purpose of an NTSB
10 investigation, we're here solely for safety. We're not here to
11 assign any fault or blame. You know, it's only to see if we can
12 find a safety improvement if there's one there.

13 You understand that we are recording the interview today?

14 MR. TRAINOR: Yes, sir.

15 MR. GORDON: Okay. And we record these interviews, they're
16 transcribed. You'll have an opportunity to review the
17 transcriptions. After you review the transcription for accuracy,
18 then the transcripts will be put -- placed in the public docket.
19 So it is -- it will be something that is available, you know, with
20 this accident when we complete the investigation.

21 So, because it will be placed in the public docket, we -- you
22 know, we can't guarantee any confidentiality, anything like that.
23 We keep your personal information out of it, but your name will be
24 attached to the transcript.

25 Do you have a representative with you today?

26 MR. TRAINOR: Yes, sir.

1 MR. GORDON: Okay.

2 MR. FARMER: Russell Farmer, Vice Chairman, Allied
3 Federation.

4 MR. GORDON: Okay, thank you.

5 Okay, what we'll do is, I'll ask you to start, and is it okay
6 if we call you Lewis? Is that what you normally go by?

7 MR. TRAINOR: Yes, sir.

8 MR. GORDON: Okay. So, let's -- I'll ask you to just state
9 your name, spell your last name for us for the recording, and your
10 title, and then we'll just go around the room and everybody will
11 do that, and then, you know, we'll get started with the interview.

12 MR. TRAINOR: Okay. My name is Lewis Trainer, that's
13 T-R-A-I-N-O-R. I'm a welder in Yemassee, South Carolina.

14 MR. FARMER: Russell Farmer, F-A-R-M-E-R, Vice Chairman,
15 Allied Federation, Brotherhood of Maintenance of Way.

16 MR. MORRISON: Roy Morrison, M-O-R-R-I-S-O-N, Director of
17 Safety, Brotherhood of Maintenance of Way.

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

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

20 MR. DUMEY: Randy Dumey, D-U-M-E-Y, BLET Safety Task Force.

21 DR. HOEPF: Mike Hoepf, H-O-E-P-F, with the NTSB.

22 MR. GORDON: Okay, thank you.

23 So, Lewis, at any time, you know, if you need a break, if you
24 want to talk to Russell, you know, just give me a sign and we will
25 go off the record and let that take place.

1 We want -- I want to start off by saying that I understand
2 how tightknit a railroad family is. You know, it's a brotherhood,
3 and it's a difficult thing when you lose somebody that you're that
4 close to. So I appreciate your coming in and being here for the
5 interview today.

6 INTERVIEW OF LEWIS TRAINOR

7 BY MR. GORDON:

8 Q. If you would, just start off with -- just kind of give us
9 your railroad background, when you came to work, kind of the
10 progression of your career, and just we'll start with that.

11 A. Okay. I was hired on 4/21/14. I interviewed here in
12 Yemassee, was hired on in Savannah. I worked in Savannah as a
13 trackman. Vehicle operator job opened up; I've been on that. I
14 was a vehicle operator for a while.

15 I see everybody writing so, I'm -- backhoe operator opened
16 up; I've been on that. I don't remember the amount of times, but
17 I was rolled several times. And eventually in November 2015, I
18 was rolled out of Savannah, and I've been on the welder helper
19 job, I believe it was, here in Yemassee.

20 No, no -- I'm sorry -- that's a mistake. I rolled the
21 trackman here in November. And then the first of the year when
22 the job opened up, I bid on the welder job, and I was on that job
23 by myself for a little while. Eric Baxter, who's now a manager,
24 came off the road, rolled me, became the welder; I became the
25 helper. Eric went into management after a year and a half of us

1 working together. I again, I was on my own working with several
2 other people as the welder.

3 John Youmans got rolled when -- some period, came off the
4 road, and at that point I had been, I guess, faithful to staying
5 in that position so long that they left me as welder and put the
6 other job out for bid as welder, and that's when John and I became
7 partners. We have been partners now of a year and a half.

8 Q. Okay. And we spoke a little bit about this when we met with
9 you before the interview. If you could just talk a little bit
10 about the two-welder position and just, you know, let us know
11 about how that work goes when one or the other of you is off?

12 A. If one or the other of us is off, we -- and, like I said
13 before, I had been on the welder job for 3 years now. I've been
14 the helper; I've been the welder. I've been on the job for 3
15 years solid.

16 Any time someone misses a day, David will usually assign
17 someone to go with you. A lot of the times it's the same person.
18 Not always. And it doesn't really happen often enough for the
19 person to -- you know, especially someone who hasn't welded, you
20 know. But you job brief, you tell them things, and that's how it
21 goes.

22 Q. Okay. And so, both you and John are qualified as employee in
23 charge, qualified in the territory to give --

24 A. Yes. There -- like I said earlier, John is the senior man.
25 He was always a take charge kind of person. Wanted to be the

1 leader. Wanted to drive the truck. Wanted to put the order out
2 in his name. And there was occasions where him and I were
3 together and I would have a 707, but it was rare. John was just a
4 leader.

5 Q. Okay.

6 A. And liked -- he was just that type of person.

7 Q. Okay. So, with you being qualified to do the welding work,
8 as well, if John was running the 707, did he -- did you primarily
9 do the work and he managed the 707? Or would he do --

10 A. No.

11 Q. -- both?

12 A. Typically, we do mainly two jobs out here; we make field
13 welds and we grind/repair frogs.

14 Q. Okay.

15 A. The incident happened repairing a frog. Typically, not
16 always, John would grind out the defects, I would come in, I would
17 repair it, weld it back up, and then John would come back out
18 there and finish grind.

19 Q. Okay.

20 A. Okay. Occasionally, if it was a week like this week, where
21 we did three frogs this week. We repaired -- I wasn't there
22 Friday, but that was the third one of the week. Typically, on a
23 week like that I may have been the one grinding because, you know,
24 just to change it up a little bit.

25 Q. Okay.

1 A. Okay.

2 Q. A little bit more labor intensive the grinding part --

3 A. The grinding's a lot more labor intensive. The welding,
4 you're bent over. It's a little rough on the body but you're just
5 sitting there.

6 Q. Right.

7 A. The grinding is tough work.

8 Q. So, both of them have their challenges, they're just
9 different --

10 A. That's correct.

11 Q. -- different challenges?

12 A. And that's the reason why we would swap it up. I would feel
13 bad for John for having to grind everything all the time. So, I
14 would be like, hey, man, why don't you weld today and I'll grind.

15 Q. Okay. All right. Yeah, well, that sounds like you guys
16 worked well together?

17 A. We were tight man.

18 Q. Yeah. You let us know any time if you need --

19 A. I'm all right.

20 Q. -- a break. Okay. Yeah, so looking at -- you said you --
21 that would have been the third frog for that week. And I know
22 primarily the field welds and the frogs are the -- are things that
23 drain the most of the welder's time. So, on a typical week, how
24 much time would be spent welding frogs versus shooting field
25 welds?

1 A. It's been a little different here lately with the holidays
2 and all. And we had to do a big job in Savannah changing out the
3 diamonds on Monday, but I would say on a typical week you are
4 making welds 4 days out of the week, and you are repairing a frog
5 one day of the week.

6 Now, I will say this; John and I are stationary, everyone
7 else is floating. They work 10-hour days, John and I work 8-hour
8 days. I'm getting off track. John and I did such a good job, and
9 Eric and I before that, that we don't have near with the amount of
10 track we have, we don't have near the amount of welds that other
11 people have. So, I would say, I don't know the past while that
12 John and I have been working together, there's really not a lot of
13 field welds to make, so you know, maybe there was a little bit
14 more time out maintaining frogs, grinding frogs. But typically,
15 it's 4 days field welds, 1 day working on frogs.

16 Q. Okay. All right, so the -- the nature of work --

17 A. I would like to talk to Russell for just a second.

18 Q. Okay.

19 A. If y'all don't mind?

20 Q. Yeah.

21 DR. HOEPF: Yeah, we'll just pause here and --

22 (Off the record.)

23 (On the record.)

24 DR. HOEPF: And we are back on the record.

25 BY MR. GORDON:

1 Q. So, Lewis, knowing the kind of the nature of the work, if
2 you're shooting field welds, then you're making the track
3 unsafe --

4 A. Inaccessible.

5 Q. -- for the passage of trains. So --

6 A. EC-1, 707.

7 Q. EC-1 or 707 all the time shooting --

8 A. Every single time.

9 Q. Okay. So, there's that 1 day of week -- 1 day out of the
10 week where you're repairing frogs. We already spoke that last
11 week was a heavy repair week for frogs.

12 A. Yes.

13 Q. But there's that 1 day out of the week that you're -- that
14 you're still doing that frog repair. What would you say as far as
15 the percentage of time there that you use exclusive track
16 occupancy, EC-1/707 versus train approach warning,
17 watchman/lookout?

18 A. Repairing a frog of -- I don't recall ever getting an EC-1 to
19 do that. Yes, I do; there's spots where you can't get alongside
20 the track, okay.

21 Q. Okay.

22 A. And there's only a few of them. You don't do it all the
23 time, so it's rare. But there is times that you would do that.
24 Typically, though, it would be a 707. I would say the majority of
25 the time. I really couldn't give you a percentage.

1 Q. Right.

2 A. But a lot of times you're doing it under watchman/lookout
3 because it's probably not going to take all day, and you are going
4 to -- you're probably out there looking at frogs and grinding them
5 if they need maintenance, or coming across one and needing to
6 repair it. That is what happened on Wednesday.

7 John and I were on the Columbia sub and we were just looking
8 at frogs and we came across one that needed repairing. I'm not
9 real familiar with all the territory, but it was Scotsman Drive.
10 I don't -- I can't remember the name of the industry, but we came
11 across it. It was broken out, three-quarters down, 8 inches long,
12 something like that, and we said we got to fix it. It's a defect.

13 Q. Um-hum.

14 A. So, we did that under watchman/lookout. We saw another one
15 that day that needed work. Thursday, we put out a 707 because we
16 knew the frog needed work. We went out there under 707 and
17 repaired it.

18 And then Friday I wasn't here, but it was the same thing.
19 John, I think, was going to continue on, looking and finding
20 things that needed repairing. John had -- I'm not sure, I think
21 he already knew that one needed repairing and he may have went
22 straight there that morning. I think he knew about that, but I'm
23 not --

24 Q. Okay.

25 A. Okay.

1 Q. So, safe to say, from what I've seen, the Columbia
2 subdivision, fairly tangent track, you guys --

3 A. The curves are up north, yeah.

4 Q. Okay. So, normally you have the required sight distance?

5 A. Yes.

6 Q. So, I guess that's a good time to talk -- talk a little bit
7 about train approach warning. If you guys are sharing that role
8 as, you know, you're -- he's grinding the frog out, you're
9 stepping in to do the welding, and then he'll do the finish up
10 grinding?

11 A. Yes, sir.

12 Q. All right. Is that a tradeoff for watching? So, when he's
13 grinding, you're the watchman/lookout? When you go in to do the
14 welding, he's the watchman/lookout?

15 A. Yes, sir.

16 Q. And then you swap back? Okay. So, using -- if you would
17 just talk to us a little bit about the site assessment. You know,
18 what goes in to making the decision to use train approach warning
19 and some of the considerations that you have to take when you --
20 when you use that form of on-track safety? When you use
21 watchman/lookout.

22 A. Okay. Well, like I said, I've been on the job 3 years, and
23 we, you know, have a job briefing in here. Usually, David -- I
24 know some road masters will just talk to a foreman exclusively or
25 a welder exclusively or -- but David usually -- everybody in here

1 knows what everybody's going to do for the day. So, David would
2 tell John and I, okay, today you're going to do this, a frog that
3 needs repairing.

4 John always fills out his daily form. And I look at it. We
5 talk about it on the way to the job where we're working. And we
6 basically job brief all the way there. We talk about where we're
7 going, what we're doing. We get out of the truck, we, you know,
8 check the site distance, which been on the job 3 years; we've gone
9 everywhere. We get out and we go to work. We get the tools out.
10 Once we start -- once we foul the track, John's got his grinder
11 and I'm standing where I can touch John the entire time. And then
12 when that's done, we step off the track, John's got his grinder,
13 he pulls it to the side, we get back in the track. I sit down and
14 I begin welding. John is next to me the entire time. That's what
15 I don't understand about this, okay?

16 Q. Right. Right.

17 A. And it's the same thing when -- it's -- when we're done.
18 When I'm done welding, same thing again, we just swap. We've done
19 it so long together. I'm standing next to John where I can touch
20 him.

21 Q. Um-hum.

22 A. He finishes up. We get the tools up, we walk -- we watch --
23 we're watching out, we're -- we do it exactly how you're supposed
24 to do it. And that's what I don't understand, okay.

25 Q. Right.

1 A. And Randall's worked with me before.

2 Q. Okay.

3 A. I don't get it.

4 Q. Right. Right, I'm sure it's very hard, you know, especially,
5 like you said, with 3 years of history and knowing the way that
6 you guys have done it. It's hard to understand how something like
7 that can happen.

8 Pre-determined place of safety --

9 A. Is always the truck.

10 Q. Is always the truck.

11 A. Every time.

12 Q. Okay. Do you -- did both of you guys clear to the truck?

13 A. We split -- no, we split the track. Our place of safety is
14 the truck, but we split the train like you're supposed to.

15 Q. Okay. So, you do a roll-by inspection --

16 A. Yeah.

17 Q. -- from both sides?

18 A. And it just -- when you work with somebody that long, you
19 don't talk about doing it. If I'm welding on this side of the
20 track and John's watchman/lookout, Lewis, there's a train coming,
21 I'm on this side, I go that way, he's on this side, he goes that
22 way.

23 Q. Okay.

24 A. The train passes, we both walk into the track. He's looking
25 out, I go back to work.

1 Q. Okay.

2 A. It's not a lot of -- that's how it is.

3 Q. Yeah. Not a lot of need for communication because --

4 A. We do it every day.

5 Q. Okay.

6 A. Year and a half John and I've been working together. Like I
7 said, we talk about it because he's the senior guy. I ask him all
8 kinds of stuff on the way to work. I -- where we going? Like I
9 said, I'm not real familiar with the territory. When I was
10 working the job by myself, I've got a GPS with the points of
11 interest with CSX on them that take me to the milepost I'm
12 supposed to go to. So I say where are we going? Where's that at?
13 We got a 707. We either do -- no, we're doing it under
14 watchman/lookout. Okay, we've been there 20 times. We know we've
15 got the sight distance. It's just --

16 Q. Yeah. Okay, is there -- in your experience of working like
17 that, where you're changing that role back and forth, is there --
18 is there ever a time where you've needed to call John out or
19 John's needed to call you out? You know, like you're working and
20 you notice as a watchman he's not in the position that he needs to
21 be in? Has that ever -- has that ever happened?

22 A. Never. I -- never. Never happened.

23 Q. Okay. And how about any -- any other time? I mean, have you
24 worked train approach warning watchman/lookout with anybody else?
25 I know you said that Randall had gone out with you.

1 A. I want to tell you that -- and I'm sure this is maybe what
2 John did, okay. The last two people I worked with was -- that I
3 repaired a frog under train approach warning was Randall Long and
4 shit, this was so long ago, I don't even remember how long ago,
5 Joey Bellflower. And when I worked with the two of them, I said,
6 I know you don't want to be here. I know you don't want to do
7 this. I'll grind it, I'll weld it, I'll finish grind it, we'll
8 get the tools up together. I don't care what you do, you watch my
9 back.

10 Q. Um-hum.

11 A. And that's all they did. I did all the work. Because, you
12 know what I mean, it's a dangerous thing. It's a scary thing.
13 And if it's not somebody that you're with every day that you trust
14 100 percent with your life, I felt like I needed to take that
15 extra, like, I don't give a shit what you do, watch out for
16 trains.

17 Q. Right. Right.

18 A. Okay.

19 Q. Okay.

20 A. That's how I do it. And I'm sure John's the same way because
21 John's a hardworking guy. But I don't know, I'm not there when
22 I'm not there, you know.

23 Q. Right. Right. Right, so Randall, when you worked with him,
24 your instruction to him was you're watching for me --

25 A. And he stood right there by me.

1 Q. And he stood right there?

2 A. I don't get it.

3 Q. Okay.

4 MR. GORDON: So, I'll have a few more questions and a follow-
5 up, but I want to pass it to the rest of the group.

6 MR. AMMONS: This is Steve Ammons, A-M-M-O-N-S, with CSX
7 Safety.

8 BY MR. AMMONS:

9 Q. Lewis, I know this is -- I know it's tough, and I appreciate
10 you being here today because it's going to help ultimately someone
11 else.

12 A. I know.

13 Q. So, thank you. You talked a lot about the work habits of
14 yourself and John, and some about Randall. And we've talked to
15 Randall, and he's given us a lot of information, too, and he's
16 obviously upset as well. Do you know if he's -- is he qualified
17 -- I know he's not a qualified -- not qualified to weld, but he
18 said that he had shown some interest in learning how to do that,
19 and that he speculated maybe that's why he was put with John. But
20 do you -- was he qualified to do any kind of grinding? Do you
21 know that?

22 A. Well, I don't know that Randall's ever had welding training.
23 I think Randall's been here 4 years. Like I said, it doesn't
24 happen very often. Typically, when he goes with me, I do all the
25 work. There has been times where Randall has ground for me, with

1 me. There has been times that -- where I've let Randall try to
2 learn to weld; I think maybe once or twice we did that. But like
3 I said, typically I do all the work because I just -- I want the
4 work to be done right. I don't -- you know, you don't want
5 somebody in there welding, making pits, and you have to get in
6 there and grind out more. You just want to do it yourself because
7 you're the one that does the job. But --

8 Q. Is there a qualification or certification on grinding like
9 there is welding? Is it similar, I mean, as far as you have to
10 set training --

11 A. I don't --

12 Q. -- or is that --

13 A. I don't think so.

14 Q. -- something you just sort of learn to do?

15 A. When I was trained out in the field by our welding manager,
16 Richie Hagen, he himself came out there with me and made field
17 welds with me and showed me how to weld. It's so long ago, I'm
18 having trouble remembering, but I think the first time I repaired
19 a frog -- like I said, there was periods in the 3 years I've been
20 a welder that I was alone, and I think the first time I welded a
21 frog John, who was a track inspector at the time, came and helped
22 me. Richie and I did some welding, but John was really the one
23 that we were out there all day and he showed me. But Richie did
24 train me on welding and field welds. I do not believe that
25 Randall was ever trained on it. But the grinding, other than it

1 being hard work, it's not a difficult task.

2 Q. Okay. Can you describe -- so, in your year and a half
3 history working with John, can you describe, assuming John's
4 finishing up, you know, he's grinding, he's welding, he's made
5 some -- had some more grinding, he's finishing up the job on a
6 frog --

7 A. Yeah.

8 Q. -- and as he's finishing, can you sort of describe the
9 process of how you guys finish that? I mean, as he's finishing,
10 what's his direction to you as you're still performing
11 watchman/lookout? Can you --

12 A. As John's finishing, I'm standing right there next to him
13 watching out for him. When he is completely done, we put the
14 tools up together. We clear the track, get the tools up, and
15 we're done.

16 Q. Has he ever directed you to go do something as he's finish --

17 A. John would not direct me to do anything because we've been
18 working together so long that we -- every day in and outs, John
19 and I could do our job without even speaking to each other.
20 Whether it's repairing a frog or making field welds or what have
21 you, we each have our unspoken assigned tasks that we do. And
22 it's -- that's just the way it is when it's just two guys every
23 day, same thing every day, okay.

24 Q. Has he ever indicated, hey, we're done and then you turn
25 around and we're not done, you got to go back and hit something

1 else again?

2 A. No, when you're -- when you are finished grinding a frog,
3 when you're done with the finish grind, you are completely
4 finished. There is no, oh, I missed this. Doesn't happen.

5 Q. Okay.

6 A. It's not -- that's not part of that job. It never happens.

7 Q. And I know some of these questions they may feel a little
8 personal, whether it be towards you or towards John or tough --

9 A. Okay.

10 Q. -- you know, but they have to be asked.

11 A. Okay.

12 Q. So, what I want to know is, is in your year and a half
13 working with John, have you ever seen John working out there on a
14 frog -- track with Bluetooth headphones in his ears?

15 A. John has those headphones, and he gets a lot of calls, but
16 I've never seen him working with them in. He gets a phone call,
17 he steps out of the track and answers it. He gets off the phone,
18 he gets back in there.

19 Q. So, you --

20 A. I've never --

21 Q. -- you've seen him working with Bluetooth headphones in but
22 you've not seen him --

23 A. No, the neck thing.

24 Q. Around his neck?

25 A. He did wear one of those neck things.

1 Q. Okay. All right, so you've never seen them in his --

2 A. No.

3 Q. -- ear while he's working?

4 A. No.

5 Q. Okay. Is that okay -- permissible by the engineering
6 department rules to be out there doing that?

7 A. I believe that you are not supposed to have one of those.
8 John's a senior guy and I know that all of you have worked with
9 senior people before and I mean, maybe it's my fault. Maybe I
10 should have said months ago when he got the thing, hey, bro,
11 you're not supposed to have that. But I didn't.

12 Q. That's fair. Understand. Are you familiar with the area
13 where this incident occurred, Estill?

14 A. Yes, sir.

15 Q. Have you done some work there?

16 A. Yes, sir.

17 Q. And you knew all the road crossings that are through there,
18 through the town?

19 A. Yes, sir.

20 Q. Is -- in your experience, in your professional opinion, what
21 would have prevented John or Randall from hearing that train --

22 A. I have no idea.

23 Q. -- approaching?

24 A. It -- when I'm out there welding or grinding, you've got your
25 -- when I'm bent over welding, I've got a hood on, I'm welding, I

1 can't see anything, and you hear the trains coming. It don't
2 matter what you're doing; the truck's loud, the tools are loud,
3 they're blowing the horn through the whole town. I don't
4 understand. I do not know.

5 Q. You can hear the trains coming --

6 A. Oh, yeah.

7 Q. -- even when --

8 A. You can hear the trains coming. And I would say Estill's a
9 very busy area, you know, just talking to people over the past
10 several days. I do know that without the hearing of the horn,
11 when I'm bent over welding with my hood on and all that, it's kind
12 of hard to tell. There's a lot of trucks come through there, and
13 sometimes a truck will come through there and I'll pop my head up,
14 lift my hood thinking there's a train coming, and it's just a
15 truck. And they're in and out there all day, but I mean, I don't
16 know why they wouldn't have heard the --

17 Q. Is the noise --

18 A. -- train blowing the horn.

19 Q. -- between welding and grinding much different, as far as the
20 decibel level when you're grinding?

21 A. I'm sure it is. The grinding is probably a lot harder to
22 hear.

23 Q. Okay. What about for Mr. Long who's standing there or in the
24 vicinity, anything that would have kept him from hearing?

25 A. He should have been able to hear it. I don't -- I live by

1 the railroad tracks, I can hear them from a mile away at my house
2 on my couch watching TV.

3 Q. Sure.

4 A. I don't understand.

5 Q. If you're standing by that truck with the welder still
6 running and the truck at idle --

7 A. You should be able to hear it. I hear it. I don't --

8 Q. Are you familiar with any -- well, let me ask you this, let
9 me back up. So, when you guys are in route, you and John are in
10 route to a location to do some work similar to what was being done
11 that day, do you guys -- what do you guys do as far as monitoring
12 railroad traffic? Do you listen to the radio?

13 A. Yeah.

14 Q. How do you do that? Do you have handhelds? Do you use the
15 truck radio?

16 A. We have truck radio, inside and outside radio. Plus, like in
17 route to the job, we have our inside radio on. It's usually on.
18 We do shut it off when we're done for the day on our way back to
19 the office.

20 Q. So, you --

21 A. Because it drives me crazy.

22 Q. -- can hear train traffic? You can hear crews talking --

23 A. Yeah.

24 Q. -- calling signals? Other crews talking to each other?

25 A. Yeah.

1 Q. I'm assuming you hear just typical radio chatter?

2 A. Yeah.

3 Q. Okay. Because there was a southbound train that passed by
4 about a half hour prior, from what we understand.

5 A. Okay.

6 Q. Which met the northbound in --

7 A. In Garnett.

8 Q. -- Garnett.

9 A. Yeah.

10 Q. So, they're talking to each other, calling signals.

11 A. That, that I think is a little too far away to hear.

12 Q. Okay.

13 A. I, I mean, I can't be -- I don't really remember, but I mean,
14 we -- sometimes you hear them calling a -- I don't know what they
15 are, signals or intermediates or whatever, but sometimes you'll
16 hear them scratching on the radio even before they get up to you.

17 Q. Right.

18 A. Sometimes you don't.

19 Q. Do you guys, when you split a train and thus inspecting the
20 train --

21 A. Yes.

22 Q. -- when the train passes by, do you guys announce the results
23 to the train crew that -- the results of the inspection over the
24 radio?

25 A. We have before. Not always. And I'm not trying to say

1 anything, but when I was in the job by myself as the welder, and I
2 was the senior man, I do.

3 Q. Okay.

4 A. Okay. I just -- we didn't always do it.

5 Q. Were there -- are there any issues, are you aware of any
6 issues with the radio in the truck, internal or external speakers?

7 A. Yeah, we -- the external speakers we have had fixed several
8 times, but what it is, is the wire comes loose and we've had it
9 fixed several times. But it's really just a matter of plugging it
10 back in. And I know that's -- maybe that could have contributed
11 to it. But if you look back at whatever records, we've had that
12 radio fixed several times since I've been on that truck. I mean,
13 probably a half a dozen or more. And it -- I don't know what
14 keeps happening with it, but that -- I'm not the radio repairman,
15 but I know that the wire comes out and you got to stick it back in
16 occasionally. It's not an everyday occurrence. It's not a every
17 week occurrence. It just -- every once in a while it happens.

18 Q. So, when you're use -- do you use the same truck every day?

19 A. Yes.

20 Q. Do you test the radio on that truck every day?

21 A. Yes.

22 Q. You do?

23 A. Yes.

24 Q. Okay. Does -- was John good about testing the radio on that
25 truck every day?

1 A. John -- yeah. Yes, he was.

2 Q. Would you record defects in the radio when you found them?
3 Did you make records of those defects?

4 A. When we would record -- when we would find defects, like say
5 Wednesday when we went up to the frog and it was defective, we
6 would not announce it on the radio, no, because we're not putting
7 a 10-mile-an-hour out on it. If it was badly damaged and we had
8 to put a 10 mile an hour out on it, typically John would get on
9 the radio, get a hold of dispatch and put a 10-mile-an-hour out on
10 that defect.

11 Q. What I'm asking for is if there's a defect with the radio
12 when you test it.

13 A. No.

14 Q. Do you record the defect or write the defect up so --

15 A. No.

16 Q. -- if there's --

17 A. And as far as I don't know that that is a rule. I mean, if
18 it -- if I knew that, I would, but we do not. We did not.

19 Q. Do you make any type of reports of any kind of defective
20 equipment on the equipment that you're using?

21 A. Yes, we do. And like I said, you -- I'm sure you can go back
22 and see that that radio has been repaired numerous times.

23 Q. Okay.

24 A. And we do test the radio, and it does work. But
25 occasionally, it does come out.

1 Q. Do you guys have a job briefing form daily that you use?

2 A. John always every day fills out the paperwork, the page of
3 the job briefing form. I look at it. I used to sign it, and then
4 they said we had to go back to our job briefing books and at that
5 point, I stopped signing the paper. But I still -- John normally
6 drove, I would look at it sometimes in the morning sitting next to
7 him, where I would look at it in the truck.

8 Q. So, John would sign it. He wouldn't make you sign or initial
9 it?

10 A. No, he wouldn't say, hey, Lewis, sign this.

11 Q. Is there an additional form that you would sign or initial?

12 A. I have my job briefing book.

13 Q. Job briefing book, okay.

14 A. Yes.

15 Q. Can you talk about -- so, if you're performing
16 watchman/lookout duties, talk both about the person performing the
17 lookout duties, and then the person performing the work. What's
18 the PPE requirements for both?

19 A. The PPE requirements are the -- for the welder, you've got
20 your hood, you've got your fire-resistant jacket on, you've got
21 the welding gloves on. For the grinder, you have your shield down
22 with the chin guard, your long sleeves and your leggings.

23 Q. So, any kind of high visibility vest required for either --

24 A. Well, yes, the high visibility vest obviously is required.
25 And the flame-retardant welding jacket is high visibility.

1 Q. So, if you're performing grinding duties on a frog you should
2 have a high viz --

3 A. Yes.

4 Q. -- vest on?

5 A. And --

6 Q. What about a hard hat?

7 A. Yes, you have to have your hard hat on. Grinding duties, you
8 would have had the hard hat with the face shield.

9 Q. Did you ever witness or see John working grinding without a
10 high viz vest?

11 A. There was several occasions that John -- he always had his
12 vest on. But there was times that he didn't put the leggings on
13 or he might not have worn the hard hat with the face shield.

14 Q. So, you never saw him just working, say, in a T-shirt with no
15 kind of high viz on?

16 A. No. He -- John always had his vest on.

17 Q. Okay. What about his hard hat?

18 A. He -- like I said, if he didn't have his -- the hard hat with
19 the shield on it, because we have a hard hat in the truck with the
20 face shield on it, we would take our hard hat off and put that one
21 on.

22 Q. Okay.

23 A. But like I said, there were times where John didn't have the
24 face shield down but he would have had his hard hat on.

25 Q. Okay.

1 A. Okay.

2 Q. So, talk about the lookout person. What type of personal
3 protective equipment would you be required to have --

4 A. If I was standing there watchman/lookout for John while he
5 had -- I would have had on just my standard hard hat, my vest, and
6 that -- that's all that's required. I might have my gloves on, I
7 might not.

8 Q. Any other requirements for lookout duty for you, as far as a
9 white flag or banner, whistle, anything like that?

10 A. Yes. You have your flagging kit. You have your white disk,
11 your whistle. I have a whistle on my keychain. And all of that
12 stuff. But as a -- and we had our flagging kit on our truck, but
13 as a two-man team, I'm -- we're next to each other. We're -- I
14 can touch John.

15 Q. So, it's not required if it's just two of you, is that what
16 you're saying?

17 A. I believe it's -- I believe it's required to be on the truck,
18 and we have one on the truck, but I do not think that it's
19 required for a two-man job. I think you just have to be within
20 touching distance of him. And like I said, I have a whistle on my
21 keychain.

22 Q. Where is it at?

23 A. It's on my hip.

24 Q. Where is it at on the truck?

25 A. It's on the passenger side, top shelf.

1 Q. Passenger side, top shelf?

2 A. Yes.

3 Q. Do you guys inspect for that daily? Is that one of the
4 inspection --

5 A. It's not a daily inspection because we -- it's on our truck.
6 Nobody touches out truck. And --

7 Q. Okay.

8 A. -- and it's in there.

9 Q. All right. Are you guys ever -- do you guys ever attempt to
10 contact the dispatcher, specifically if you know you're going to
11 be doing watchman/lookout --

12 A. John does all the time. John, like a lot of these guys, I'm
13 -- like, I'm not the senior guy around here, and yes, I've done
14 the job by myself, but like a lot of the senior guys that have
15 been around here for years, like John has, have sort of a
16 relationship with these dispatchers. And John would typically,
17 not every day by occasionally, call up a dispatcher and say, hey,
18 you know, what do you got coming today? We're going to be doing
19 this. He did do stuff like that. Not at -- not all the time, but
20 he did.

21 Q. So, he -- so, it was hit or miss but he did sometimes call --

22 A. Yes.

23 Q. -- get train --

24 A. Yes.

25 Q. -- see what was out there?

1 A. Yes.

2 Q. Okay. And that was 707? Or 704? EC-1? Is that for just
3 watchman/lookout --

4 A. He's done it in every -- in every scenario.

5 Q. Okay. Have you -- have you ever been -- do you know if
6 you've ever been tested, operationally tested by Mr. Poston or any
7 other CSX managers?

8 A. Yes, all of us have.

9 Q. Do they talk to you when that happens?

10 A. I think I've been tested before where he hasn't mentioned it,
11 but yeah, he does -- he -- we see Poston out there quite
12 frequently. He'll stop and talk to us. I don't know if sometimes
13 he's doing a no test, sometimes he's not. But yes, he does.

14 Q. Does he talk to you about observations he's made of your work
15 performance, good and bad?

16 A. He has before, yes.

17 Q. Has he ever corrected you or anything, informally? Not
18 necessarily formal but --

19 A. I mean, there was like a time where he was out there and I
20 had my hands too high on the claw bar. There was times out there
21 where I was -- you know, because we'll go and work with the
22 section occasionally, there was times where I wasn't holding the
23 spike right and he, you know --

24 Q. So, he's corrected some behaviors for --

25 A. Yeah, he's never --

1 Q. -- some acts --

2 A. -- written me up about it, but he has to me personally, yes.

3 Q. Okay. So, you've had conversations with him. Any other
4 managers? You don't have to name them by name, but have you ever
5 had conversations from other managers, too on correcting behavior
6 or enforcing good behavior? Either way?

7 A. Yeah, I have.

8 Q. Okay.

9 A. I mean, you're out there. If it gets hot, you -- you know,
10 you're not, although you try to be -- like I said, my hand, my
11 hand was too high on a claw bar. I wasn't holding a spike
12 properly. But I have had managers pull me to the side and say,
13 hey, you know, you're doing that wrong.

14 Q. Do you receive annual training, safety training?

15 A. Yes.

16 Q. Skills training?

17 A. Yes. I believe we were scheduled Monday for training. I'm
18 not sure what it all was, but Monday we were scheduled for it.

19 Q. Did you have your rules training in 2018?

20 A. Yes. I've had --

21 Q. Passed, completed all your requirements?

22 A. Yes. I've had it every year.

23 Q. Okay. You did great, man. Thank you for your help there.
24 That's all I've got for now.

25 A. Okay.

1 MR. WOLFE: Nathan Wolfe, FRA.

2 BY MR. WOLFE:

3 Q. Has Mr. Youmans ever assigned you to perform another task
4 while you were actively performing the duties of a
5 watchman/lookout?

6 A. Never.

7 Q. You stated earlier that Randy Long had been assigned to you
8 as a watchman/lookout --

9 A. Yes.

10 Q. -- in the past?

11 Have you ever had to correct him for not devoting his full
12 attention to that process?

13 A. Never.

14 Q. In your job briefings with Mr. Youmans or anyone else
15 assigned to work with you to weld on a frog, before you use
16 watchman/lookout and start working, what do you discuss in your
17 job briefing?

18 A. We discuss the range of vision, the clearing point, which
19 like I said is always the truck. We usually do 20 seconds.
20 And -- 20 seconds and we discuss it the way we're supposed to. We
21 make sure we have the range of vision, we talk about where we're
22 going, we're talking about time, we're talking about everything
23 that and everybody knows that everywhere we go we have the sight
24 distance. You see a train coming. Some places you can see it
25 coming from 3 to 4 minutes away, some places you can see it coming

1 from about 8 minutes away. As a welder, it's a little annoying
2 sometimes how long it takes those trains to get there. But we do
3 discuss the watchman/lookout, things that you're supposed to do.

4 Q. Do you discuss the timetable speed?

5 A. Yes. And we have it everywhere. It's different when John
6 and I do it. Like I said, John's the senior guy. We know we have
7 the sight distance everywhere. When I'm in charge, and you can
8 ask anybody that works here, I'm a little weird about it, okay; I
9 already said that I don't know where I'm going, so I have the GPS.
10 Even though I've worked somewhere before, I don't remember, so I
11 actually get my timetable out, look at the track speed, look at
12 the timetable, the speeds and the distances in my job -- in my job
13 briefing book, and I discuss that with who is working with me.

14 Now, I will admit when John and I worked together, we don't
15 have to do all that, but we do get out of the truck and it's
16 written down in my book. It's, it's documented. It's, it
17 happens. I'm just more thorough about it when I'm the one in
18 charge. Like with Randall, I feel like I need to take the extra
19 time to explain to him. I get the books out. I look at the
20 speeds. We talk about the amount of time and the place of safety.

21 Q. What time -- you mentioned the 20 seconds, which you have
22 three choices in your chart there.

23 A. Yes.

24 Q. In your statement of on track safety, you've got 10, 20 and
25 30.

1 A. Yes.

2 Q. So, you said you use the 20-second table.

3 A. Yes.

4 Q. What timetable speed would you use on the Columbia sub of --
5 to right -- you know, to select correct sight distance?

6 A. I would, I would select the 20 seconds everywhere on the
7 Columbia sub.

8 Q. But the sight distance, you have to, you also have to
9 consider the timetable speed, right?

10 A. Yes.

11 Q. So, which speed would you use on, on the Columbia sub?

12 A. I -- on the Columbia sub? I usually will put the speed
13 that's there. But everywhere you have the 80 miles an hour. But
14 like I believe where they were at, I -- like I said, I would have
15 to look in my book, but I think it's 30 miles an hour through town
16 there. I'm not sure.

17 Q. But -- okay. So you -- but you would confirm that --

18 A. Yes. I would confirm it.

19 Q. -- with the timetable when you were in charge?

20 A. When I was in charge.

21 Q. But maybe not --

22 A. But John knows this stuff. John knows it. He already has it
23 written down. And, and I know that everywhere on the territory
24 we've got sight distance. We see it coming from minutes away. We
25 hear the noise. We hear the whistles blowing.

1 Q. Does Amtrak run on the Columbia sub?

2 A. Amtrak does run on the Columbia sub. But I would have to say
3 that in my time working out there I rarely ever see it. I don't
4 know what the times are that they come out there. I don't know if
5 it's before we usually get out there or after we usually get out
6 there, but I -- I mean, I don't think I've ever seen an Amtrak out
7 there. I do know they run, but -- and typically, I do 20 seconds,
8 80 miles an hour is what I write down in my book.

9 Q. Okay. Okay, a little earlier you discussed the cleanup
10 process at the end of the job.

11 A. Yes.

12 Q. When the job is complete, do both of you participate in the
13 cleanup process?

14 A. We -- one man will usually clean up the welding stuff, and
15 it's usually me, and John will watch out for me. And once we get
16 everything outside of the track, then we'll both put everything
17 up. But it's usually, it's usually me and John is there looking
18 out for me because it's, I don't know, I'm --

19 Q. So, if --

20 A. -- the welder, these are my tools.

21 Q. If you're watching and he's grinding --

22 A. Yes.

23 Q. -- and he's done grinding, what would that cleanup process
24 look like?

25 A. That cleanup process would look like I'm standing in the

1 track, John leaves the track, puts his grinder down. John comes
2 back over there, I disconnect the leads from the machine. I --
3 and I've already taken some of my small tools when I got finished
4 welding, and I actually do, I toss them outside of the track. But
5 the welding machine is still in there, and when John sets his
6 grinder down, he comes back over, I unplug the leads, I grab the
7 box, carry it outside of the track. At that point, everything is
8 clear of the track. It's pretty quick. It happens pretty fast.
9 And then we'll pull the leads out from under, because they go
10 under the track, roll them up, put the tools where they go in the
11 boxes.

12 Q. So, would it be safe to say that during that process there is
13 a period of time when someone's not watching for the other person?

14 A. No. There is no period of time when the -- someone's not
15 watching. It's -- I'm watching. John's done, John's got one tool
16 in his hand, okay, he's got a grinder. John's done, I'm watching.
17 John takes his grinder and sets it on the ground. He doesn't put
18 it up.

19 Q. Out of the foul?

20 A. Out of the foul, okay. He comes back and he's watching out
21 for me. I disconnect the leads from the welding box, pick it up,
22 carry it outside of the truck and you know, at this point he's
23 behind me and everything's cleared. It's not -- yes, it takes
24 time putting the tools up, but this -- this part of the process
25 where we're switching places and, and getting the tools outside of

1 the foul is, is pretty quick, and then we put the tools up
2 together.

3 Q. Okay. So, just to clarify, someone is continuing the
4 watching -- watchman/lookout role --

5 A. Yes.

6 Q. -- during the cleanup of tools that are in the foul of the
7 track?

8 A. Yes.

9 Q. Once the tools are out of the foul, then you both
10 participate --

11 A. In the cleanup and --

12 Q. -- in the clean up?

13 A. Yes.

14 Q. Okay. You mentioned the external speaker having some, some
15 problems with that. Do you, when it's working, do you
16 typically --

17 A. Which is almost always. It --

18 Q. Okay.

19 A. -- it's very rare that it happens.

20 Q. But do you typically have it on monitoring --

21 A. Every day.

22 Q. -- the radio when --

23 A. Every day.

24 Q. -- you're using watchman/lookout?

25 A. Yes. And that, and that's the issue that we've had, and

1 that's why it's been fixed so many times, because we'll go out to
2 work and notice that the radio's not working. Said, David, we
3 need to get this radio fixed. He makes a phone call, the guy
4 comes out, fixes it the same day. And it's --

5 Q. When, when you left -- finished work on Thursday, was it
6 working as far as you knew?

7 A. Yes.

8 MR. WOLFE: That's all the questions I have for now.

9 MR. DUMEY: I've got a few. Randy Dumey with BLET.

10 BY MR. DUMEY:

11 Q. We're -- we don't know these guys, so some of these
12 questions, don't take them personal or nothing.

13 A. Okay.

14 Q. Okay, on your truck to you -- how many grinders do you
15 normally have on there, one or two?

16 A. We have one. Thursday afternoon, John said that he felt like
17 a bearing was going out in the grinder and we grabbed another
18 grinder out of that shed, so that day there was two grinders on
19 the truck.

20 Q. Okay.

21 A. I never did. Like I said, it was Thursday afternoon. There
22 was two grinders on the truck. You don't typically put one up not
23 knowing if the other one's working yet or not, but --

24 Q. Okay. You mentioned that John always wanted to be in charge.
25 He's the senior man. Did John ever intimidate any of the

1 younger --

2 A. No, never.

3 Q. -- guys? I mean, not on purpose but just, you know --

4 A. John was not an intimidating person. He just --

5 Q. Okay.

6 A. -- he was a "go get 'em" type of guy. And he just -- that's
7 just how he was.

8 Q. If a younger had an issue, like a safety issue, do you think
9 that he might be a little intimidated --

10 A. No.

11 Q. -- to go to him and say, hey, you ain't doing this right?

12 A. John is not that type of person. John is a great human
13 being. John is the type of dude, and I know personally, if you
14 were pulled over on the side of the road, John Youmans would pull
15 over and change your tire.

16 Q. Okay.

17 A. Okay.

18 Q. Earlier you talked about getting the 707s and EC-1s in the
19 field. Is it because it takes longer out there and you're -- a
20 lot of time you don't have the sight distance?

21 A. No, we have the sight distance. It depends on whether we are
22 having to go -- and I'll tell you this, I don't know if I've
23 mentioned it before, I'm -- whatever, but I think the reason John
24 didn't have a 707 -- like I said, Wednesday we came across a
25 defective frog. We didn't have a 707. We did it on a

1 watchman/lookout because we came across it out there maintaining
2 frogs.

3 Thursday, we knew about the frog, we had a 707. John, I
4 think, knew about the frog, okay, but I think that he had planned
5 on leaving that location to go grind the two frogs that we had
6 worked on previous in the week because the metal softens and it
7 needs grinding. That's why I believe he didn't have a 707.

8 Q. Let's see, you said he never had you rolling up -- or
9 anything while he was grinding or --

10 A. No.

11 Q. -- when you was the lookout. Earlier, you mentioned that the
12 younger guys don't want to be there; is that --

13 A. That's not what I meant. I know I said that, but it -- you
14 know, you have your tasks you do every day. You come in and
15 they're like, oh, you got to go with the welders, and more times
16 than not that means you got to go drop field welds, that is really
17 hard, hot work. And nobody wants to do it, you just know it,
18 okay. It's not that Randall's like, hey, I don't want to do this;
19 that's not the case. Randall was a -- and I feel terrible for him
20 because he's really young guy, happy all the time, smiling and I
21 think he's going to be messed up rest of his life. And I feel
22 terrible.

23 Q. Do you need to take a break?

24 A. No, I'm okay. I feel bad for him.

25 Q. You mentioned earlier like if you was standing by that truck

1 and the welder's running and everything and the truck's running
2 and the grinder's going you can still hear the trains coming --

3 A. Yes.

4 Q. -- pretty good? With, even with hearing protection in?

5 A. Yes. And I, I don't typically wear hearing protection.

6 Q. Another question, sounds like you and John was pretty tight.
7 You probably knew him pretty good. Did he have anything in his
8 personal life that could have distracted him?

9 A. No, just the typical stuff we would talk about. Just what
10 guys talk about in trucks; talk about their wives and stuff like
11 that.

12 Q. Okay. What about Randall? Do you know anything about him?
13 Anything could have been --

14 A. I mean, I think I know Randall pretty good. We're all pretty
15 tight in here, and I didn't spend a lot of the one-on-one time
16 with Randall like I did with John, but I know Randall was
17 interested in racing cars and his girlfriend's pregnant, and just
18 a happy young guy man.

19 Q. Yeah. But nothing in his personal life that would --

20 A. No, everybody's --

21 Q. -- have him distracted or anything?

22 A. No.

23 Q. Okay. You mentioned about the outside speakers on the truck
24 and you usually have them on when you're outside working.

25 A. Yes. So, it's -- it comes on -- that's -- you know it's

1 working because it comes on when the truck comes on and you hear
2 it all the time. It's annoying.

3 Q. Is there hot box detectors or anything in that -- in
4 proximity of that place that could have been heard if that speaker
5 would have been --

6 A. That's what I was talking about earlier. I'm not real
7 familiar with the territory, but I, I couldn't tell you
8 specifically, but a lot of times you hear -- you either hear them
9 talking or you hear them scratching. Sometimes you don't. I
10 can't be specific about where they were at. I just -- my memory's
11 not that good.

12 Q. Mr. Randall, he's a younger guy? He's probably anxious, a
13 go-getter; would he go and do thigs on his own without --

14 A. He would -- Randall wouldn't do anything on his own. He
15 would not.

16 Q. Okay.

17 A. He's a young guy and he's a good worker.

18 Q. I mean, he wouldn't be like looking ahead, like, well, I know
19 he's done welding, I'll go ahead and unplug --

20 A. No.

21 Q. -- these welding leads and roll them up?

22 A. No. Randall's not that kind of -- I've worked with a lot of
23 people. I've been in construction my whole life. I've been on
24 the railroad 5 years, and there's certain types of guys and
25 Randall is not going to do anything without being told.

1 Q. Okay.

2 A. And it --

3 MR. DUMEY: That's all I have right now.

4 MR. TRAINOR: Okay.

5 MR. DUMEY: Thank you.

6 MR. GORDON: I know we keep asking you, but do you want a
7 break or anything?

8 MR. TRAINOR: No, I'm, I'm okay.

9 BY DR. HOEPF:

10 Q. And we appreciate you coming in, you know, talking to us. I
11 know we've been going for a while here, but you're helping to kind
12 of, you know, fill in a lot of gaps for us and, you know, I'm sure
13 as Joe told you, we're just -- you know, we're just safety people.
14 We're just trying to learn what we can and, you know, hopefully we
15 can prevent recurrences like this. So that's all we're trying to
16 do.

17 Can I just, you know, just ask you as -- some basic
18 questions? Just real briefly, can you just kind of, I mean, just
19 a real quick overview, if you're doing like a repair on a frog,
20 can you just describe to me what that welding looks like? And
21 then, you know, what that grinding process looks like? Just in
22 general.

23 A. You got the welding machine out there and you get up there,
24 you get all the tools out, and it's the same process as I
25 explained before about when we were leaving the track; it's the

1 same thing when you're going to work. You get everything out,
2 kind of get it in place. And then you foul the track with a
3 lookout and do the other -- hooking up the machine part. I --
4 it's usually I hook the machine up, John's watching out for me.
5 And once that's done, we, like I said, we get everything ready.

6 Once that's done, John begins to grind and I'm watching out
7 for him. He gets done, I sit down, start welding, John's watching
8 out for me. I finish my welding, swap up again, John's grinding,
9 I'm watching out for him. We finish up, we get the stuff out of
10 the track with a watchman, then we put up all the tools.

11 Q. Okay. Yeah, and I -- these guys here must see this a
12 thousand times a day. I'm not a railroader, so just -- so, when
13 you're -- what does that -- what is grinding like? I mean, what
14 is -- what are you actually doing there?

15 A. You're taking a pretty heavy grinder. I mean, I don't know
16 the specifics about these tools and stuff like that, I'm not that
17 smart of a person or whatever, but it's a pretty heavy-duty
18 grinder. It's got a 8-inch rock on it that's about, I don't know,
19 about an inch and a quarter thick. It's pretty heavy. You're
20 bent over. It's tough work. I know, I've done a lot of it, and
21 it, if you do a lot of grinding in one day and you're going to be
22 wilt. It's tough work.

23 Q. Yeah. And just, again just excuse my lack of knowledge here,
24 but so, I mean, the grinding -- the grinder, it's like smoothing
25 out the --

1 A. Yes.

2 Q. -- after you --

3 A. It smooths out the rough weld that the welder would have
4 placed on -- the beads, are rough.

5 Q. Uh-huh.

6 A. You kind of grind off the excess and then you grind it
7 smooth.

8 Q. Got you. Got you. And did -- again, did you say the -- I
9 know you said it was tougher work than welding. Did you say it
10 was louder, too, than welding? Or --

11 A. Yeah, it can be --

12 Q. -- kind of --

13 A. -- it can be pretty loud. We actually -- and we
14 don't typically do it when we're watchman/lookout because it's
15 watchman/lookout, and we are standing next to each other. But we
16 had a speaker on our truck put with a longer cord on it, that when
17 we have 707s out, we take and put it on the other side of the
18 truck if need be --

19 Q. Um-hum.

20 A. -- because it is hard to hear the radio. But when you're
21 under watchman/lookout, you're looking out, so maybe you can't
22 hear the radio, maybe you hear a scratch, maybe you hear them
23 talking, but it is pretty loud.

24 Q. Um-hum.

25 A. But under watchman/lookout we don't pull that speaker out.

1 With a 707, when you're doing radio communication all day, if it
2 needs to be on the opposite side of the truck, we will pull it out
3 around the other side. So --

4 Q. Okay. So, you're --

5 A. -- watchman/lookout, that radio was in the door with -- you
6 know, the door was probably open because there's tools in there
7 that you have bring out and I know what we would typically leave
8 the doors open on all the bins. Everything that we used we would
9 just leave the bins open.

10 Q. Um-hum. Okay.

11 BY MR. GORDON:

12 Q. Okay, and is the -- just real quick, so that's the -- this is
13 Joe Gordon, NTSB. So that's the extra speaker that you said had
14 the longer cord?

15 A. It's got a longer cord because when you're running the 707
16 and you need to do radio communication all day, our truck is loud.

17 Q. Okay.

18 A. Specifically, when you're making repairs to a frog with the
19 707.

20 Q. Okay. So, that one that you said was in a bin that you --
21 typically the bin's open, that that's the extra speaker?

22 A. Yes. And it's on a cord --

23 Q. The other speaker's mounted?

24 A. It's mounted on the top, yes.

25 Q. Okay. Okay.

1 MR. GORDON: Okay. Thank you. Just -- I want to clarify
2 that in my mind before we moved one.

3 DR. HOEPF: Okay, thanks Joe. This is Mike with the NTSB
4 again.

5 BY DR. HOEPF:

6 Q. Okay, so -- thanks, I appreciate that. So, when you're --
7 so, when you've got a watchman/lookout, you know, I know you said
8 that you're right there, so I mean, you're -- so you're relying on
9 that tapping on each other's shoulder or whatever it is to -- to
10 make sure, you know, you let each other know of a train because
11 you wouldn't want to just -- well, is that -- I mean, is that part
12 of the reason, because it's noisy and that's why you need to be
13 right next --

14 A. No, it's because it's dangerous and it's a -- the other
15 person's life is in your hands.

16 Q. Um-hum.

17 A. So, you watch out for them. You don't do other shit. You
18 stand there and you --

19 When I started this job, that part of it was scary, and
20 that's why when I started the job, I didn't have a partner, and I
21 would say things, like I said earlier, I don't care what you do,
22 you stand right here and you watch out for trains because it works
23 well. It's not a bad rule. It works well, but it's -- it is
24 dangerous and you got -- you have to pay attention. You cannot do
25 anything else.

1 Q. Um-hum. Yeah, I mean, I definitely see, you know, you're
2 using that protection mechanism, you know, you definitely want to
3 have somebody close by. Would you say you feel a little bit more
4 comfortable operating with a -- having the track authority, you
5 know, having, using a 707? I mean, is that preferred?

6 A. It's -- I will say this; it's a little more piece of mind,
7 but you never know. You can have a 707 out with boards out where
8 someone's got to get permission to come to your authority and they
9 can be, I don't know, sleeping up there or not paying attention,
10 and blow right through there and the same exact thing can happen
11 either way. It's the railroad industry, just like any other --
12 I've been in construction since I was 14 years old, I'm 38 years
13 old, my whole life, it's all dangerous. Okay. I think the rules
14 they have sitting in place work well when you do it the way you're
15 supposed to.

16 Q. Um-hum. Okay. Thanks. I'm just going to bounce around a
17 little bit here. You use the term -- when you're talking about
18 your job you used the term rolls, like rolling; is that just like
19 replacing somebody's job or something?

20 A. Yeah. I was the junior man. When the gangs got cut off and
21 they came and rolled me out of my position because they had more
22 seniority than me. That's how it goes.

23 Q. Oh, okay. Okay. That's, that make sense.

24 A. Getting displaced I think is a better word for it. But
25 "rolled," getting rolled is what we say.

1 Q. Okay. All right, thanks. You talked quite a bit about your
2 working with John, but I did just want to clarify something. So,
3 can you talk a little bit more about -- I know you said you
4 didn't, you know, take phone calls while he was working, but like
5 he had something around his neck that he wore?

6 A. John didn't take -- he didn't take phone calls when he was
7 supposed to. But like I said, John was in charge as far as me and
8 John go. He's just a senior man. And anybody who's ever worked
9 at any kind of job knows that the senior guy's usually the one in
10 charge, regardless if you have the same title and pay. It's just
11 part of it. And John would get a lot of work phone calls. The
12 roadmaster would call him. Other guys on the crew would call him.
13 The foremens would call him. He would use them to call the
14 dispatchers. It just, you know, he's basically like a foreman,
15 and foremen, they have to communicate with people a lot.

16 Q. Uh-huh.

17 A. You know, it doesn't mean that he was -- he doesn't use it
18 when he's not supposed to. He's not -- I've never seen John
19 standing in the foul of the track talking on the phone.

20 Q. Um-hum.

21 A. I've never seen John standing in the foul of the track with
22 his -- with those things in his ears. I know he wore them. I
23 know I should have said something. But I didn't think he used
24 them inappropriately.

25 Q. Right. Right. Yeah, and I don't, you know, I'm not trying

1 to insinuate anything. I just --

2 A. Okay.

3 Q. -- I'm just trying to get an idea --

4 A. I just --

5 Q. -- of you know, was it, was it like, you know, like
6 headphones coming from your phone with like a wire?

7 A. It's one of those things you wear around your neck. It's
8 not -- he -- I mean, there was probably days that he wore them all
9 day long and didn't get a phone call, but they were still on his
10 neck.

11 Q. I guess I don't know what you mean. I'm sorry to keep --

12 A. I'm sure you've seen them before.

13 Q. They're hanging around your neck --

14 A. They're the Bluetooth headphones that you wear around your
15 neck.

16 Q. Oh. Oh, okay. Okay, I got you. And then you put them on
17 your ears to make the phone call?

18 A. You stick it in your ear.

19 MR. MORRISON: You stick -- the earbud's attached to it.

20 MR. TRAINOR: And a lot of times that's --

21 DR. HOEPF: Oh, oh, okay.

22 MR. TRAINOR: -- that I noticed, that's what John --

23 DR. HOEPF: In the collar, okay.

24 MR. TRAINOR: -- he would stick one of them in his ears.

25 DR. HOEPF: I got you. I got you.

1 BY DR. HOEPF:

2 Q. I was just trying to get -- so, does -- did he have like the
3 ear -- hearing protection that you know --

4 A. No, we didn't. Neither one of us really wore hearing
5 protection. I mean, you -- some things you do you wear it, and
6 some things you don't. You're under watchman/lookout, you don't
7 want to have shit in your ears. You want to be able to hear.
8 It's dangerous. You want to --

9 Q. Yeah.

10 A. -- be able to hear your partner. You want to be able to
11 touch him.

12 Q. Right. Right. Yeah, no, that makes, that makes sense.
13 Okay. You were talking sometimes you worked with Randall, as
14 well.

15 A. Yeah.

16 Q. In terms of the number of times you would say that you and
17 Randall went out and did a frog repair, I mean, if you -- do you
18 have any kind of guesstimate in the past year, I mean, how many
19 times you two have worked together to do a kind of job --

20 A. I mean, I could tell you John -- I don't know, he had 6 days
21 of vacation left, so I probably worked with him four times all
22 year.

23 Q. Okay. So --

24 A. Because John, because John had like 6 days of vacation left.

25 Q. Okay. Okay, so safe to say that was usually not the case --

1 A. Very few. No.

2 Q. -- it was usually working -- okay. So, and then you said, so
3 kind of when you worked with him that was sort of atypical and so,
4 you know, you kind of would do the work and say, hey, just make
5 sure you stand here and watch?

6 A. That's just how -- people are different; that's just how I
7 am. Maybe I'm a little bit more paranoid than other people.

8 Q. Um-hum.

9 A. But like I said, it's a good rule. It works like it's
10 supposed to.

11 Q. Right.

12 A. But you are putting someone else, you know, in charge of your
13 safety without -- you have your head down, you don't --

14 Q. Right. And all I'm trying to kind of get at is, you know,
15 when you work with somebody a lot you kind of, you kind of get
16 into a flow of things, and then sometimes when you've got
17 somebody --

18 A. That's what John and I had.

19 Q. Yeah. So, it sounds like you and John have got this like --

20 A. Yeah.

21 Q. -- what you said a flow, you could even work without really
22 not even communicating. But then, you know, when you're working
23 with Randall, you know, you -- it sounded like you kind of need a
24 little more communication just to make sure --

25 A. And I --

1 Q. -- you're on the same page and all of that?

2 A. Yes. Yes.

3 Q. But I mean, did -- did you have any trouble communicating,
4 you know, what you -- how you were going to work things out with
5 Randall? I mean, was --

6 A. No. Randall --

7 Q. -- it just a matter of kind of explaining --

8 A. Randall's a good guy. Randall's a smart guy. He's -- you
9 tell him what to do -- like I said, when I'm out there, I don't, I
10 don't know -- I hadn't been out here 10 years. John grew up here.
11 John knows the area. John knows where all the roads are at, the
12 road crossings. He can go to -- you can say any road crossing
13 around here, John knows the milepost, John knows the track speed.
14 John was a track inspector for like 2 years. John knows his
15 stuff. John's a -- you know, he was a smart guy.

16 Q. Um-hum.

17 A. And like riding with John to a spot, I would typically -- I
18 would be asking him questions, like, you know, where's that at?
19 What's the milepost? This and that, you know. What's the track
20 speed? Things like that. And when I'm in charge, I don't know
21 those things, so when Randall's with me, I -- I have my GPS. I
22 get those books out where I look at all of that stuff. I --

23 Q. Um-hum.

24 A. -- because I, I don't know. And I -- that's how you're
25 supposed to do it. I know that's how you're supposed to do it, so

1 that's how I do it. I got a notebook in that truck full of all
2 kinds of track charts and information because I don't know that
3 stuff.

4 Q. Right. Right. Yeah, that makes, that makes perfect sense to
5 me. Okay, the other thing I want to talk you about and deal with
6 probably kind of, you know, follow-up on some of this sort of
7 stuff, but so, so, where we're sitting right now, this depot is
8 actually --

9 MR. GORDON: Let's take a break until the train goes by so
10 that --

11 DR. HOEPF: Oh, yeah, sure, we'll just take a 2-minute break
12 here.

13 (Off the record.)

14 (On the record.)

15 DR. HOEPF: We are back on the record. Okay.

16 BY DR. HOEPF:

17 Q. So, yeah, the last thing -- this is Mike, NTSB. The last
18 thing I wanted to talk to you about was just -- so, where we're
19 actually sitting at right, this is where you guys rendezvous in
20 the mornings?

21 A. Yeah. This is where we job brief every morning.

22 Q. Okay. So, that happens around 7:00?

23 A. 7:00. We're all in here before 7:00. Some of us get here
24 at, you know, 6:30. Some of us get here at 5 till, but we're all
25 in here before 7:00 to job brief.

1 Q. Uh-huh, okay. Can you just walk me through that process,
2 what that looks like? You know, just a typical day, you know.

3 A. Well, we would all be sitting here around the table. David
4 would be sitting at the head of the table. We will talk about
5 safety practices. We'll read the -- all the safety rules. And
6 David would go around and almost every day pick somebody out and
7 ask him a question. A lot of times it's a few guys, you know, two
8 or three every day. And then he'll job brief with us. Like I
9 said, he -- everybody pretty much knows what -- where everybody's
10 going to be because he goes around and says it, all right, Trevor,
11 y'all going to be going over here. John and Lewis, you're going
12 over here, and it kind of goes like that. And then we'll stand up
13 and do our stretches and go out there and load our trucks up, what
14 we may not have on them and do our inspections and get out of
15 here.

16 Q. Um-hum.

17 A. It's the same thing every day.

18 Q. Okay. Okay, got you. And let's just say it's a typical day
19 and you know, let's say you and John are going to go out. Let's
20 say it's a frog repair for the day.

21 A. Okay.

22 Q. Are you usually like briefed on what kind of track protection
23 you're going to use?

24 A. John and I sit next to each other.

25 Q. Okay.

1 A. John's a pretty thorough guy. John fills out the, the big
2 page, the big paper every day. I'm not good -- I can't think
3 clearly right now, I can't tell you the exact name of the form,
4 but it's a -- there's a job briefing form which is for group
5 workers. John fills it out every day. I sit right next to John.
6 I normally pick it up and look at it. And like I said earlier, I
7 used to sign it but then they said, oh, no. There was always kind
8 of an issue with that, and you know, maybe it's my fault, maybe I
9 should have spoke up and asked David sooner, but you know, it was
10 like use this, but don't use the book, and use the book and don't
11 use this, and it was always kind of a back and forth. And I said
12 maybe it's my fault, maybe I should have asked David, but I used
13 to sign it, I stopped signing it. But I would look at it, kind of
14 tell where we're going. And John would have all of the hazards,
15 all of the -- everything, 707, watchman/lookout, everything, every
16 day right there.

17 We sat next to each other, I would pick it up and look at it.
18 If I didn't look at it in the office because it was maybe a
19 quicker day or we were engaged in conversation or whatever, we
20 have our clipboard in the truck and it was right there on top with
21 all of our daily rules and, and all that stuff and it's right
22 there on top, and I'll pick it up and look at it. And that was --
23 that's kind of how our job briefings were; I would pick it up and
24 I would start to ask questions of things that I didn't know, and
25 by the time we got to the work site we had -- we probably had more

1 thorough job briefings than anybody gets just because I ask a lot
2 of questions.

3 You can ask anybody around here; when I -- when our truck's
4 down and I'm in the truck with the track inspector, I'm asking him
5 questions all day long; what's this? What's that? What -- you
6 know what I mean, because I'm not, I'm not from here, okay. I
7 grew up in Savannah. All these guys grew up here. And I'm
8 just -- I like to know things and I like to ask questions. And
9 so, that's as to how typically how John and mine's job briefings
10 went; he filled out the form, I would fill out my personal book,
11 and that -- and that's how we did it.

12 Q. Okay. So, yeah, so you and John are, you know, you're
13 talking about it. You --

14 A. All the way to --

15 Q. -- talk about it in the truck, you know, it's --

16 A. Yeah.

17 Q. -- probably far more than, you know --

18 A. Than anybody else.

19 Q. Yeah. So, just for clarification then, is -- does David,
20 does he tell you typically like what kind of -- does he say, hey,
21 you know, you and John are going to use 707 today? Or hey, you
22 guys are going to use --

23 A. Yeah, yeah, he says that. He's -- Trevor's the foreman, he
24 usually sits there and John would sit right here and I would be
25 next to John, and he would go around the room and say, all right,

1 we've got Trevor's got a 707 here, this section goes there and
2 doing this. John and Lewis, you're going to make some field welds
3 over here, you're going to get an EC-1.

4 You know, David, David's a good thorough boss. He's -- a lot
5 of people kind of pick that he's maybe a little too paranoid
6 sometimes, you know what I mean? But David, David goes over
7 everything, and he's not -- I've been around roadmasters that just
8 pull a, pull a foreman into the office and talk to a foreman and
9 the rest of the crew has to hear it from the foreman. David does
10 it openly. Everybody knows what's going on. And I like that. I
11 think that's how it should be. I don't like hearing thing second
12 hand.

13 Q. Um-hum.

14 A. David -- David, he's a good boss. He's very thorough.

15 Q. Okay. Okay. I got you. And so, let's say you guys are
16 going to go out there, David says, okay, you guys are going to use
17 watchman/lookout. You know, do you -- is that, sort of like,
18 okay, is that the end of it? Or does he talk about, you know, why
19 you're going to be using watchman/lookout at that point?

20 A. Well --

21 Q. Like is there -- what are -- like what are the --

22 A. It kind of depends because the whole welding of the frog
23 things is different. There's, like I said, we were out there
24 doing maintenance, we came across one and it was done. A track
25 inspector might be out there, came across one, it needs to be

1 worked. In the morning, David would say, okay, you guys are doing
2 this. You don't have a 707, it's under watchman/lookout. And I
3 mean, he doesn't really go into any more detail about it. We --
4 we're the ones out there. We're the ones responsible for our own
5 safety. So, that's pretty much where David, you know, ends that
6 part of it at.

7 Q. Okay. So, I mean, has there ever been a situation where
8 you've got out there and said, hey, you know, what really need --
9 you know, we really need to get --

10 A. No.

11 Q. You didn't?

12 A. Never.

13 Q. Okay.

14 A. There's -- and like I said, I'm not familiar with the
15 territory, but there's places you go you have a 707 every time.

16 Q. Um-hum.

17 A. The north end of Estill is not one of those places.

18 Q. Um-hum.

19 A. You can do it under either/or.

20 Q. Okay. Okay. I got you.

21 DR. HOEPF: Okay, thanks, Lewis. That's all the questions I
22 got for right now.

23 MR. TRAINOR: Okay.

24 MR. MORRISON: All right, Roy Morrison, BMWED.

25 BY MR. MORRISON:

1 Q. Most of my questions have already been asked, so this
2 shouldn't take very long. Just quick, very layman's description
3 of the work that's being done on the frog, you grind to remove
4 damaged metal?

5 A. Yes.

6 Q. You weld to replace that metal?

7 A. Yes.

8 Q. And then you grind it again to clean up the metal you just
9 put in?

10 A. Yes.

11 Q. That's the very layman's terms of the process?

12 A. That's as simple as it gets.

13 Q. Simple as it gets, right. So, you said that John was -- had
14 formerly been a track inspector?

15 A. John knew his stuff. There's a cut -- there's few guys in
16 here that you know they know, you know what I mean?

17 Q. Yeah.

18 A. And John's one of them. There's a -- there's three or four
19 of them and John is one of them.

20 Q. And he's a guy that people would come to for information if
21 they --

22 A. Yes, absolutely.

23 Q. -- or clarify information when they needed to get answers?

24 And Mr. Poston even alluded that John was one of his best guys.

25 A. He really is. I don't --

1 Q. He's one you can rely on for --

2 A. I mean, there's, there's some other guys I had worked as
3 closely with, but John I would have to say is, is David's best
4 guy.

5 Q. Okay. And you said a few months ago he got the Bluetooth
6 device, and I have one at work, it's like a little horseshoe that
7 goes around --

8 A. Yes.

9 Q. -- and has a wire that comes out --

10 A. Yes.

11 Q. -- and it puts an earbud and it's Bluetoothed to your phone?

12 A. Yes.

13 Q. And predominantly used, I mean, pretty much exclusively for
14 phone calls --

15 A. Yes.

16 Q. -- over any other possible use. And people come to John all
17 the time? He'll receive phone calls from work?

18 A. Yeah. It's -- I mean, I don't know who he's talking to.
19 Sometimes when we're in the truck next to each other, at like a
20 lunch or something, I can tell he's talking to David.

21 Q. Right.

22 A. You know what I mean? And I'll say, like, you know, what's
23 up? What's he want us to do? But I mean, really, I, I couldn't
24 tell you who he's on the with.

25 Q. Right.

1 A. But I do know from experience, as being someone, you know, in
2 charge of a situation, you can get a lot of phone calls during the
3 day that are about work.

4 Q. And the roadmasters rely on that to get a hold of --

5 A. They really do. Yeah.

6 Q. So, John being the kind of guy that would help anybody,
7 change a tire or help get track information, anything like that --

8 A. Yeah.

9 Q. -- he wants to make sure he's available --

10 A. Yes.

11 Q. -- for people that -- for David to get a hold of him so he
12 can be the most efficient at his job?

13 A. Yes.

14 Q. Right. So, he also had a relationship with the dispatcher
15 and -- and he used that to contact the dispatcher sometimes?

16 A. Oh, yeah.

17 Q. Okay. Is there a daily inspection log for your truck? I was
18 never a truck driver. I know the --

19 A. For the daily inspection log for the truck used to be filled
20 out. And again, it's another one of those things, maybe it's --
21 maybe I need to be asking David, but you're, you're doing a daily
22 pre-inspection and post-inspection now that we have the tablets.

23 Q. Okay.

24 A. As far as I know it's not necessary. But like I said, if
25 it's not -- if it's -- if I'm not doing it right it's because I

1 didn't ask.

2 Q. Yeah. I just --

3 A. And it stopped.

4 Q. -- wasn't sure of -- I was never a truck driver.

5 A. Okay.

6 Q. And I wasn't sure if -- so if there had been a problem with
7 something on the truck, it goes in that digital inspection log?

8 A. Yeah. We just had some work done, I don't know how long ago,
9 a couple months maybe, and John put it in the truck and we had it
10 repaired. But it was on the tablet on the inspection.

11 Q. Great. And you said earlier that working in Estill up there,
12 when you have the hood down or when we're working sometimes the
13 horn of a truck might sound like a train?

14 A. Well, I wasn't necessarily talking about the horn of a truck,
15 because the trucks aren't going through there blowing their horns.

16 Q. Okay.

17 A. I'm just talking about the sound of the truck moving compared
18 to the sound of a train moving when you're, you're down there
19 working.

20 Like, John's watching, I know he's watching me. I've got my
21 head down, my hood on. I don't know how many people in here have
22 welded before, but you can't see anything, okay. And sometimes,
23 and I know John's watching me, but sometimes you hear what's a
24 truck and you just get a little nervous and you sit up, pop up
25 your hood and you look and it, it's just a truck. It just --

1 there's -- they sound similar, okay.

2 Q. Sure. So, there is a possibility maybe if you're --

3 A. And Estill is a very high traffic area for like log trucks.
4 I believe there's a sawmill there or something. They're all day
5 long in and out of there.

6 Q. So, there is a possibility, you know, that --

7 A. Yeah.

8 Q. -- you did hear something from a train and you might actually
9 think --

10 A. Yes.

11 Q. -- it's a truck?

12 A. Yeah. But I mean, I -- the horn, that's --

13 Q. Yeah.

14 A. -- that's something else.

15 Q. Agreed. So, Mr. Poston comes out, and do you guys all sit
16 around here and like -- it sounds to me like there's a very
17 distinct order, senior, chain of command if you will, and it's
18 kind of respected?

19 A. It's not really a chain of command. You just -- you kind of
20 got your roadmaster, then you got the guys that know everything.
21 Anybody that's ever worked in any kind of whatever, you know what
22 there's the boss, there's the guys that really know what's going
23 on, there's the guys that bust their tail, and there's the guys
24 that are there.

25 Q. Okay.

1 A. Okay. But everybody here in Yemassee is everybody does their
2 job. Everybody does their job safely. We all get along. There's
3 no -- there's no like, you know, oh that's, you know, that guy,
4 he's, he's in charge around here. It's not like that. It's just
5 you know that there's a couple of guys that just -- if you got a
6 question, you ask them.

7 Q. Right. But if one of those senior guys were to give you an
8 order, like you're not really going to take too much time to think
9 about it? You're going to --

10 A. Well, railroad's a lot different. I worked construction for
11 a very long time and if somebody told me to go do something, I
12 would go do it. The railroad, however, is different. There's
13 rules. There's things you know you're not supposed to do. I've
14 heard some things, okay. If I was watchman/lookout and John told
15 me to go do something, I wouldn't have done it.

16 Q. Right.

17 A. I would not have done it. And it -- you know, as you guys
18 probably know, I feel like if I would have been at work John would
19 still be here because it would not have happened. It just
20 wouldn't have happened. But it --

21 Q. Are you all right?

22 A. Go ahead, yeah.

23 Q. Okay.

24 MR. MORRISON: I think that's really all I have. Most
25 everything I had written down everybody asked. Thank you.

1 MR. TRAINOR: All right.

2 MR. GORDON: All right, we'll go around with one more round
3 of questions, and this one won't be as long. Mine's probably
4 going to be the longest because I've got asterisks everywhere.

5 MR. TRAINOR: Okay.

6 BY MR. GORDON:

7 Q. So, Joe Gordon, NTSB. You mentioned the 20 seconds, that you
8 would normally use the 20 seconds to clear.

9 A. My -- yes. Go ahead -- let me -- finish asking the question.

10 Q. That would kind of be the default that -- but how long does
11 it actually take? If you had to say --

12 A. A long time.

13 Q. Well, but I mean, I'm just talking about clearing for the
14 train. So, you know, the watchman sees the approaching train --

15 A. Probably not even 20 seconds.

16 Q. Yeah. More --

17 A. Okay, the way that we set up our work is to where I have a
18 little seat out there, the welding seat that we -- comes on our
19 truck and I have the welder in my hand. Everything is run up
20 under the tracks. The welding machine is inside the gauge of the
21 track. The train can go over it. So, typically when there's a
22 train coming and I'm welding, I drop the welder, I through my seat
23 out of the track and in 10 seconds we're clear.

24 Q. Okay.

25 A. We're in -- we're splitting the train or next to the truck in

1 the clear.

2 Q. Okay. Okay.

3 A. It doesn't even take that long. It happens quick. When
4 John's doing it, he's got the one and only tool out there in his
5 hands, he hits a switch, walks into the clear. It doesn't, it
6 does not take long at all.

7 Q. Okay. So, you said that there were times where, you know,
8 depending on the location you may have a mile and a half of sight
9 distance. There are some places you might have over 5 miles; I
10 think the words that you said were if feels like it's taking
11 forever for the train to get there?

12 A. Yeah. Yes.

13 Q. You know, when you -- if you're working the watchman, when
14 you see that train, even though you know it's one of those
15 locations that, you know, I see the headlight, we've got a lot of
16 time --

17 A. Yeah.

18 Q. -- do you let -- could you let John know --

19 A. Immediately.

20 Q. -- right then?

21 A. As soon as I see a light. I don't care if it's 20 miles
22 away, immediately I say, John, we got a northbound coming. John,
23 we got a southbound coming. Immediately.

24 Q. And then he clears the track?

25 A. Yes.

1 Q. So, now --

2 A. That's why it's annoying, because --

3 Q. Right. So, now you're waiting --

4 A. -- you're stopping working, you're waiting for what seems
5 like forever.

6 Q. Right.

7 A. Yeah.

8 Q. Right. Understand. Okay, so, but the, but that's the
9 practice that you guys always used?

10 A. That both of used; John watching for me, me watching for
11 John.

12 Q. Okay. You mentioned that most likely the reason that there
13 wasn't a 707 was because he was going to be moving from Estill
14 over to some of the frogs that you had previously --

15 A. He would have been heading north to Fairfax to get the other
16 two that we had gotten earlier in the week.

17 Q. Okay. So, just for everybody's -- you know, for the good of
18 the order, a 707 authority, once you pick that up it's yours until
19 the end of that time?

20 A. Yeah. If it --

21 Q. Unless you called the dispatcher --

22 A. -- would have been out till 1400, John would have been there
23 till --

24 Q. Till --

25 A. -- 1400. He -- you do not leave the area until your order is

1 up.

2 Q. Okay. So, I understand the reason for, you know, not putting
3 out the 707 because once you pick it up it's yours.

4 A. Yeah.

5 Q. You've got to dispatch trains there. You don't have the
6 ability to go --

7 A. He would have been stuck there.

8 Q. -- somewhere else. But an EC-1, is there a reason, you know,
9 that -- what would be some of the complications to getting an EC-1
10 and having exclusive track occupancy in that location?

11 A. You would have to give up time and then get back on the radio
12 and I know it's not, but it seems like forever when you're ringing
13 up the dispatcher or calling him over the phone and can't get in
14 touch with him, so it's just typically not done. I mean, it's
15 either watchman/lookout or 707 repairing a frog.

16 Q. Okay. And, you know, I'm -- I know what you meant when you
17 made this statement. I'm -- we're going to just talk through it a
18 little bit. You said that, you know, watchman/lookout, that you
19 felt like it was a good form of on track safety.

20 A. Yes.

21 Q. But at the same time, it's dangerous.

22 A. Yes.

23 Q. Some people would hear that and say, well, it can't be, it
24 can't be a good form of on track safety and dangerous.

25 A. It can be. If I am standing next to John and doing my job,

1 there's no way that you cannot be prepared to get in the clear.

2 Q. Okay.

3 A. There's no way.

4 Q. And that helps to clear it up. So, but what we've got to
5 make certain that everybody knows is, if you're using train
6 approach warning it's a minimum form of on track safety?

7 A. Yes.

8 Q. So, all the other forms of on track safety keep the trains
9 away from you?

10 A. Yes. But like I also stated earlier, people are human.

11 Q. Things can happen.

12 A. People make mistakes.

13 Q. Exactly.

14 A. And just because you have a 707 or an EC-1 does not mean that
15 you cannot be struck by a train.

16 Q. Okay.

17 MR. GORDON: We're going to take a break.

18 (Off the record.)

19 (On the record.)

20 DR. HOEPF: Okay, and we are back on the record.

21 BY MR. GORDON:

22 Q. So, John -- Lewis, just to finish up that discussion we were
23 having. You feel safe using train approach warning. Train
24 approach warning's dangerous.

25 A. Yes.

1 Q. It is a minimum form of on track safety where you're relying
2 on the watchman to provide you warning and you're clearing the
3 track, as opposed to other forms of on track safety that keep the
4 train from coming to you. So, where, where it's safe is when you
5 have a watchman who's solely devoted to watching for trains?

6 A. When the -- yes.

7 Q. It becomes dangerous if that watchman is doing anything
8 other --

9 A. Other than watching.

10 Q. -- than watching for trains. So, yeah that's -- thank you
11 for walking us through that.

12 So, this is just kind of a question about that Estill switch.
13 Is that a -- how often would you guys have to go touch that frog
14 up? Is there --

15 A. It's pretty much the same with almost everywhere. There's
16 some places that we might go once a year. There's some, you know,
17 most everything you're -- maybe two or four times a year.
18 Estill's one of those places, John always did a good job of
19 keeping a log of everything. I'm sure if I looked in his book,
20 we've probably been there -- that would have maybe been the third
21 time this year.

22 Q. Okay.

23 A. Okay. But John, John has a book in that truck where he keeps
24 track of everything we've done, every single day all year long.
25 That's something that I think John has always done when he was on

1 the welding job before. That is something that Eric did when I
2 got on the job with him. That's something I did when I was on the
3 job myself. And that is something John continued to do when he
4 got back on the job.

5 Q. Okay.

6 A. And it, it doesn't say anything anymore than where we were at
7 and what we did. But --

8 Q. Okay. Now, is there also -- is there a requirement for a
9 welder's report electronically? Anything --

10 A. Yes. We have out tablets. The foreman's tablet and the
11 welder's tablet right there every day after work. You use that
12 tablet. You put in what you've done and sync it into the system.

13 Q. To the IDIS or whatever?

14 A. Yeah, IDIS.

15 Q. Okay. So, if -- it doesn't matter if you're shooting field
16 welds or welding frogs --

17 A. Or cutting rail or assisting another team; you put a report
18 in every single day.

19 Q. All right. That's, that's good to know. So, just a few
20 cleanups here. The -- you mentioned leaving the machine in the
21 track. The MIG welder --

22 A. Yes.

23 Q. -- it's got a low enough clearance that --

24 A. It has low --

25 Q. -- it doesn't touch the train?

1 A. -- enough clearance. You, you put the leads under the rail
2 and the only thing exposed is your welder. And like I said, when
3 you clear up for that, it's just as simple as setting it down,
4 then standing up and grabbing that seat, and that's it. It's
5 boom, that fast.

6 Q. Okay. And I know you mentioned that you guys aren't out
7 there normally working when Amtrak runs, but would that be
8 something, if you did have an Amtrak train, is it -- I mean, in
9 your opinion would it be safe to leave --

10 A. I mean, it -- we've done it. And I'm not saying I've never
11 seen one, it's possible that I have, but I know on the Charleston
12 sub we see them and 80 mile an hour, we've got out our, our stuff
13 together and you typically know the time of day that it's coming,
14 okay, so there's no real -- I'm always cautious. I don't want to
15 say I'm extra cautious, but like I said earlier, I -- maybe I'm a
16 little paranoid, but when I know that Amtrak hasn't run and we're
17 on the A-line, and it's about 8:30 to 9:30, I am -- I mean, I'm
18 not even joking, my head is like this (indicating) on those
19 tracks. It's just -- it's flying, okay.

20 Q. Right. Right. Yeah, so --

21 A. Not that the other trains aren't, but I mean, you've all --
22 everybody in here that's seen Amtrak coming down 80 mile an hour,
23 that -- it's getting there.

24 Q. Yeah. Yeah, it's moving.

25 A. So, I would -- yeah.

1 Q. Yeah. So, is it -- have you, have you ever had Amtrak pass
2 over that MIG welder in the track?

3 A. Oh, yeah. Oh, yeah.

4 Q. And it's not an issue?

5 A. No, it's not. The tools are never an issue. The tools are
6 never an issue.

7 Q. Okay. I think I've got everything on the front of the page.
8 Problem is, I got a back, but it's short. You already answered
9 this about clearing the -- clearing as soon as you see the train.
10 There's multiple crossings, especially if you're there at Estill
11 and you're looking in the direction that this accident train was
12 coming from.

13 A. The northbound train, there's a lot of crossings.

14 Q. Yeah. Do those crossings ever affect the -- have you ever
15 been there on a day where traffic's particularly heavy and you
16 know, maybe you're losing your sight distance because of all the
17 traffic going over the crossings?

18 A. No. I mean it's a pretty busy area, but even when you're
19 looking out, you know, a car goes by, it's -- I would, it would be
20 safe to say I've never seen a car just stopped on the track where
21 I do not have sight distance.

22 Q. Okay. And you do have a CDL license; correct?

23 A. Yes, sir.

24 Q. Okay. So, did -- and I think you mentioned this before, John
25 typically drove the truck when it was you and him working?

1 A. Yeah. And it -- I used to drive the truck a lot. We
2 recently had a little girl and I get up a lot in the middle of the
3 night, so John typically drives every day.

4 Q. Yeah. I understand that. I've got some little ones I've
5 raised up, too. So, the outside speaker on the truck, and this is
6 my last one, is that a -- is there a switch that has to be
7 flipped --

8 A. No.

9 Q. -- to activate the outside speaker?

10 A. That speaker comes on automatically.

11 Q. If the radio's on in the cab, the outside speaker's on?

12 A. They -- as soon as you crank that truck up, all those radios
13 light up. It's just how it is.

14 Q. Okay.

15 A. And then you can hear them. They're as plain as day.

16 Q. Okay. All right, that is -- one last thing. If -- if you
17 are assigned work that requires you to foul the track, and you
18 don't feel comfortable with the form of on track safety that
19 they're telling you to use, are you familiar with the process
20 that's available to formally --

21 A. Yes, I am.

22 Q. Okay. And what's the name of that process? I can help you a
23 little bit.

24 A. It's -- that's not something you do all the time. I know
25 there's a form in the back of the book.

1 Q. Good faith challenge?

2 A. It's good faith challenge, exactly. If I'm ever
3 uncomfortable with anything, we get that out and go through the
4 ranks and figure out what's going on. This is not a place where
5 you have that problem. It's -- everybody gets along great. I
6 mean, it's --

7 And I know this is getting off track, but when we went up
8 there Monday, and it was our section and extra team and Savannah
9 section, we were so -- our -- the guys from Yemassee, there was
10 the section, the welders, everybody, all of us worked so well
11 together that we seriously made those guys look bad. We -- I'm --
12 that's just how good of a group of guys there are here and how
13 well we all work to each other. And it's just -- I mean, it's
14 different than any other place.

15 Q. Well, that's good. It's really good to hear and I know it
16 will, you know, take you guys banding together to get through
17 this, as well. So, you know, stay strong and keep up with your --
18 keep up with your buddies --

19 A. Yeah.

20 Q. -- because their heads aren't going to be in the game for --

21 A. They're -- they've actually been taking care of me, because
22 I -- I mean, I feel horrible. You know, you take a day off and
23 your buddy gets killed.

24 Q. Yeah, wherever change is -- yeah, I --

25 MR. GORDON: Lewis, I appreciate it. I'm going to pass it

1 over to the rest of the guys.

2 MR. AMMONS: This is Ammons, CSX. Just a couple follow-up
3 questions, and one comment.

4 BY MR. AMMONS:

5 Q. I can hear the pride that you got and it's -- from a CSX
6 perspective and me working for CSX I've been out there 23, 24
7 years, I appreciate that. I really do. Thank you for taking
8 pride in the work you do.

9 A. Yeah.

10 Q. I heard a term yesterday used, I've heard it used before, but
11 not in the manner that was used yesterday; it's called "close
12 call." Typically, when I talk about a close call or hear about a
13 close call it's at a crossing or someone -- we almost hit a car on
14 a crossing, something like that.

15 A. Okay.

16 Q. Yesterday, it was used in a sense where close call with
17 people, maintenance of way people like yourself working in
18 tracks with trains coming.

19 A. Yeah.

20 Q. So, have you ever -- is -- this is not exclusive to you and
21 John working together.

22 A. Okay.

23 Q. Have you ever been on a gang, section, anything, a two-man
24 crew, whatever it may be and experienced maybe what you would
25 consider a close call?

1 A. Yeah. I have. I've seen it with other people. Things
2 happen. You -- not necessarily that you get complacent, but you
3 do a lot of the same work and just sometimes you're working and
4 maybe you get too close to somebody swinging a hammer; it --
5 things happen. There's close calls. I've seen it before.

6 Q. So -- okay, so be more specific, a close call with a train.

7 A. I've never seen a close call with a train.

8 Q. Never seen a close call with a train?

9 A. I've never seen -- well, I have. There was one instance
10 where we were in Savannah yard and we were working but we were job
11 briefing and I think one of the guys got a little too close to the
12 track. You're in a yard, so it's pretty -- I mean, we've got our
13 derails up, we've got our protection, but I think he was just --
14 didn't realize he was standing a little too close. And it wasn't
15 even like that close, but it was the train's coming, hey, man, you
16 know, step away. It's -- it wasn't anything major or serious. It
17 was just through the course of working. I don't think he really
18 realized where he was standing. But --

19 Q. So, working on main track, and just to be a little more
20 specific, working on main track where there are permissions that
21 have to be had to --

22 A. Never.

23 Q. -- occupy a main track --

24 A. Never. Just the time in the yard.

25 Q. -- watchman/lookout, no close calls?

1 A. No. Never. Like I -- like I've said several times, I
2 believe now -- and you see them coming. It's -- there's too much
3 time. There's the horn blowing. I just don't understand.

4 Q. Okay.

5 A. I'm just like you guys, I don't understand.

6 Q. Have you ever been working with a group of guys on the track
7 with a 707 and had a train pass a red board into a 707 without
8 permission?

9 A. No. Not, not in my experience I have not.

10 Q. Have you heard of that happening?

11 A. No, I have not.

12 Q. Okay.

13 A. No. No. And I've only been here 5 years, and you know, I
14 don't know if that has happened before, but I haven't heard any
15 stories of it happening.

16 Q. Do you have -- when you have a 707 authority, do you also
17 have watchmen still looking out?

18 A. Well, I will, I'll tell you this, okay, we had a 707 out the
19 other day, and I -- and maybe it's just me, and this is the --
20 speaking for me personally, we had a 707, John was doing his
21 finish grinding and his welding, and I literally stood there next
22 to him the entire time, and he did the same for me. It was under
23 707 but it was still like we were under watchman/lookout. Just --
24 I -- that's just what way we work.

25 Q. Okay. You mentioned earlier that that radio becomes annoying

1 at times on the truck.

2 A. Yeah. We've even had David call and say people around here
3 are complaining about the radio, go up there and turn it off.

4 Q. Would you forget to flip the switch --

5 A. Yeah.

6 Q. -- you --

7 A. Because you have to --

8 Q. -- for the day?

9 A. Yeah, you have to turn it off. It's --

10 Q. Has that ever happened when you're out working though, you
11 turn it off because it's annoying?

12 A. No. No, no, no. Like I said, we have our radios on all day
13 every day. On the way back, when we are done for the day, I --
14 John doesn't always do it but I personally will turn that radio
15 off.

16 Q. Last question, I believe, unless you say something that jogs
17 my memory on something else. If the radio -- in the cases where
18 the radio's not working, do you have a redundancy plan? A backup
19 plan?

20 A. We have the radio in the truck. But like I said earlier,
21 that's something we know about before we leave to go to work for
22 the -- before that truck pulls out of this office, that we know
23 that that radio works. And when we get out there to the job, when
24 we're done driving down the road, we know that that radio works.
25 It's not -- it's -- yeah, it's an issue with the radios. We've

1 had it fixed. We know there's an issue with it. We check it. We
2 test it. You know, we do the best we can and when we know it's
3 not working, I just --

4 Not to get in too much detail about it, but I don't -- I'm
5 not a radio guy, okay. But why can't this be fixed permanently?
6 You know, we -- like I said, we've had it fixed several times by
7 the guy that fixes it, and I'm not trying to say anything bad
8 about him. I don't even know the guy. But -- I've seen him
9 before but, the -- I just don't understand why it keeps happening.
10 And it's not, it's not a -- it's a rare occurrence that it
11 happens. It's -- I mean, it's always working and then you go out
12 there to test it and it's not working, we get it fixed. If we --
13 if we see that it's loose, we stick it back in. I don't know what
14 the issue is.

15 Q. Okay.

16 MR. AMMONS: That's all I got, thank you.

17 MR. TRAINOR: Okay.

18 MR. WOLFE: Nathan Wolfe, FRA. Just a couple quick
19 questions.

20 BY MR. WOLFE:

21 Q. Do you keep a copy of the protection manual --

22 A. Yes.

23 Q. -- on the --

24 A. We have every book that is ever given us in that truck.

25 Q. Okay. Do you know where John would usually keep his cell

1 phone when he was working in the track?

2 A. Typically, John would either have it on his hip or it would
3 be in the truck. Like I said, he's the employee in charge. He
4 would be getting a lot of calls.

5 Q. Where do you usually keep your cell phone when you are
6 working?

7 A. I usually keep it in the truck. Like I said, though, you
8 know, I have a new daughter and the -- here lately a lot I have
9 had it on my hip. But typically, I leave it in the truck. You're
10 not supposed to have cell phones out there. I think it's
11 different for foremens and things like that because they have to
12 be contacted. And there could be several hours where you -- you
13 know, nobody can reach you on the radio because if maybe we're
14 there and you're at, but they have to get in touch with you. So I
15 don't --

16 Q. Last question. Would either of the cab doors on the welding
17 truck be opened while you were working? Would that be common?

18 A. The cab doors, no. No. We -- we would leave those bins
19 open, but we wouldn't leave the cab doors open. I mean, not even
20 to get out and put a board up that's just something that's going
21 to take a minute, you -- we both jump out the truck and close
22 them, even if it's --

23 MR. WOLFE: That's all I've got --

24 MR. AMMONS: Can I -- Randy, could I -- before, so it doesn't
25 have to come back around to me?

1 MR. DUMEY: Yeah.

2 MR. AMMONS: This is the last one. Something did jog my
3 memory. Not anything you said.

4 MR. TRAINOR: Okay.

5 BY MR. AMMONS:

6 Q. I'll ask you to turn around and look at your safety bulletin
7 board. Does that look current? I mean, do you look at that? Do
8 you -- does Mr. Poston cover those stats with you? Is that stuff
9 posted and kept up on?

10 A. We do talk about it. It's -- I don't -- I'm not a safety
11 guy. I don't know how often. It's supposed to be updated
12 quarterly, but I -- it's been a while since I've --

13 Q. The document on the rate of pay right, the FAMES, the fatal
14 accident under train approach warning, has that been covered with
15 you guys?

16 A. Yeah. We -- David is -- he talks about everything. And we
17 talk about statistics and he has printouts that he prints things
18 out, makes copies for everybody. Even for the simplest things.
19 Everybody always gets their own individual copy of everything all
20 the time. Whether you keep it or not is up to you, but it's -- he
21 covers all that stuff and gives you the information.

22 Q. Okay. Thank you.

23 MR. AMMONS: Sorry about that.

24 MR. TRAINOR: Okay.

25 MR. DUMEY: That's Okay. Randy Dumey, BLET. I just got two.

1 MR. TRAINOR: Okay.

2 BY MR. DUMEY:

3 Q. I'm not -- I don't know your job, so that's why I'm asking
4 this. Might be a silly question, but --

5 A. Okay.

6 Q. -- is there a more safe way to be facing when you're like
7 welding?

8 A. You -- there's no --

9 Q. No like --

10 A. You face both directions several times. I know when I'm
11 grinding, I might turn around three or four times. While I'm
12 finish grinding, while I'm grinding out the bad material. You
13 turn around a lot. Sometimes, you might not turn around at all,
14 but you do turn around, depending on what -- really what side
15 you're grinding. And I'm guessing John was probably facing north
16 with his back to it, so he was probably grinding on the right side
17 of the, of the point of the frog.

18 Q. That's kind of why I was -- where I was going with this. If
19 you was sitting where you could see with your peripheral vision,
20 is that possible to be in that position at all times?

21 A. No. It's --

22 Q. Is there times you got to be facing north?

23 A. No, you turn around a lot.

24 Q. Okay.

25 A. But your, your head's down focused on what you're working on.

1 You're really -- you depending on the other man.

2 Q. Okay. What -- if he was grinding, would he have a clear face
3 mask on if he had it on?

4 A. He should have had his clear face mask on. And I said
5 earlier he didn't wear it all the time. But yes, he had a clear
6 mask.

7 Q. Would John have known that Randall wasn't there by him? I
8 mean --

9 A. I don't, I don't know. Like I said, when I had Randall, we
10 did things a certain way. I don't know what John and Randall did
11 together when I'm not there. I don't know.

12 Q. I guess what I'm trying to get at, John would make him be
13 here where he could touch him?

14 A. Yes. He -- your safety is in that man's hands. You want him
15 right next to you.

16 Q. Okay. And so, that's what I was asking; is there anything
17 that John could have been doing where he didn't notice Randall
18 walk off or not being right there by him? Is that possible?

19 A. I don't -- if -- and I don't know what happened and I don't
20 want to speculate.

21 Q. Right. No, no, I don't want you to.

22 A. If John was -- had his head down working and Randall just
23 wandered off, John would have no way of knowing. But I don't
24 think --

25 Q. Okay.

1 A. -- knowing Randall that -- I don't think Randall would ever
2 do that in a million years.

3 Q. Okay.

4 MR. DUMEY: That's all I got. Thank you.

5 MR. TRAINOR: Okay.

6 DR. HOEPF: Still doing alright?

7 MR. TRAINOR: I'm okay. I -- it's hit and miss. I come and
8 go. It's --

9 DR. HOEPF: Okay.

10 BY DR. HOEPF:

11 Q. Just some general questions. So, I like I said, we're just
12 trying to improve safety here, you know, so just a couple of
13 topics in general. Before -- just before that, okay, obviously I
14 get that you guys wouldn't be welding and grinding if you were
15 concerned it was going to derail a train or something. But again,
16 it's just, for me, not a railroader, like, it seems interesting
17 that you guys can get in there and weld. How does that work with
18 like -- you'll be in the middle of a weld and a train goes by,
19 does that like -- does that impact what you're doing at all?
20 Like --

21 A. Yeah, it does. When a -- when the train goes over it, it's
22 going to kind of -- it's a soft metal, so when the train goes over
23 it, it kind of pushes it out on the side. And what typically
24 happens is -- well, first of all, you have to grind on a clean --
25 you have to weld on a clean surface, so regardless if it pushes

1 out or not, you do have to step out there and shine it up, takes
2 about 5 seconds, and so you've got a clean surface. But sometimes
3 it pushes it out to where your block doesn't fit in.

4 You have a carbon block, that's kind of like a, a gauge of
5 sorts to keep your weld from spelling over the side, and sometimes
6 the carbon block doesn't fit back in there right. Sometimes it
7 does. If a train rode over it and my carbon block didn't fit in
8 there right, John would go ahead and clean up the side, and then I
9 would go back to welding.

10 Q. Okay. I got you. And then, I mean, is there any chance
11 anything that you're doing would -- I mean, I guess, I'm assuming
12 you wouldn't do it if it wasn't safe, but so none of the welding
13 that you're doing like impacts negatively the train going over?

14 A. No. If we -- if -- I think earlier we mentioned the 10 mile
15 an hour, and if we go out there, and we're talking probably more
16 than, I don't know, three-quarters of an inch, depending on how
17 long -- if we're taking too much out of that point, we put a 10
18 mile an hour on it to where the trains have to slow down so
19 there's no chance that they can derail. If it's minor repairs, if
20 it's still within the measurements of it being safe to run it at
21 maximum speed authorized, then we don't, you know, we don't
22 typically put a 10 mile an hour on it.

23 Q. Okay.

24 A. But we -- that's something that we can do. And I -- I'm --
25 that frog did not need a 10 mile an hour. It was just -- it was

1 something that if you don't get out there and work on it now, it's
2 going to be way worse later. That's -- and that's what it was.
3 It wasn't bad, it just should have been worked on.

4 Q. So speaking of train speeds, I mean, you mentioned that. Is
5 that something that you think there should be like a limit on how
6 fast trains can go by, you know, when people are working out
7 there?

8 A. No. I think the speeds that they run them at are there for a
9 reason. It's not my -- I'm sure there's been plenty of people
10 better, smarter than myself that can speak to those train speeds.
11 I think they're fine.

12 Q. Okay. And is that -- does that include the Amtrak trains?
13 Do you think Amtrak trains will slow down? I mean, other than 80?

14 A. No, I think that's fine. I think if you've got sight
15 distance, there's still plenty of time, whether it's running 80
16 miles an hour or 10 miles an hour.

17 Q. Okay. How about -- I mean, do you see any other just
18 limitations of train approach warning? I mean, is there -- do you
19 sort of have like a time limit or any other factors that you would
20 say, you know, if we're going to be out here longer than, I don't
21 know, 4 hours, longer than 3 hours, is there like -- you know, do
22 you have any kind of rules of thumb where you say, you know, we're
23 not going to use watchman/lookout?

24 A. No. Like I said, it's -- if it something that we know about
25 beforehand and it's bad, we are definitely putting out a 707. If

1 it's something we know beforehand and we know there's nothing else
2 we have to do to leave the area, we'll do a 707. If it's minor
3 work or if we come across it, we typically do it under
4 watchman/lookout.

5 Q. Um-hum. Okay. Okay. There was a discussion about close
6 calls earlier. Do you have somewhere where if you see something
7 that's not safe you can, you know, report that information?

8 A. Yeah. Yeah, we can report it. I don't -- like I said, I've
9 never really seen anything unsafe. I mean, you're working around
10 a bunch of guys doing heavy work, you know, you have some close
11 calls. But I don't think -- I've never in my time at CSX seen
12 anything done unsafe before.

13 Q. Okay. So, it hasn't really been relevant then?

14 A. No, it's not relevant. But I -- if I were to see something
15 unsafe, I would report it and --

16 Q. Um-hum. Would you just kind of run it up the chain of
17 command? Go talk to David or something?

18 A. I would talk to David about it if it was something with the
19 guys. If it was something with David, I would go above his head
20 and speak to someone about it. It depends on the situation.

21 Q. Okay. I mean, these are all -- I'm just kind of asking
22 about, you know --

23 A. Yeah.

24 Q. -- like, do you -- would -- do you see any area for safety
25 improvement? I mean, you know what -- I mean, what's kind of

1 your -- what went wrong here? What could be done better to make
2 sure --

3 A. I don't know, I wasn't there.

4 Q. -- something like this doesn't happen again?

5 A. But I know if I would have been there it would not have
6 happened. I know -- that's all I can tell you.

7 Q. Right. I mean, that's -- right. Without understanding what
8 happened in this accident, it's, you know, make -- it's hard to
9 make a suggestion, so.

10 A. Yeah. But as far as every day welding or working with the
11 section, there's -- I mean, they've, they've got all their bases
12 covered everywhere. There's, there's nothing that we do out here
13 that if we do it properly it's not done safely.

14 Q. Um-hum. Okay, thanks, Lewis.

15 A. Okay.

16 Q. I appreciate you tell us today.

17 BY MR. MORRISON:

18 Q. Do you guys have a handheld radio in your truck?

19 A. We do not. But if, if -- let's say for example the radio's
20 not working, the outside radio, you know, it's a major issue, it's
21 not working at all or whatever, I can -- we would go in there in
22 the morning and David could give us a radio, a handheld, and we
23 would have access to one. So.

24 MR. MORRISON: I don't believe I have any other questions.

25 MR. TRAINOR: Okay.

1 MR. GORDON: We're almost done. Everybody -- we keep jogging
2 some more questions up there. So, you still good? We're going to
3 wrap up.

4 MR. TRAINOR: Keep going. Let's keep going.

5 MR. GORDON: Ten minutes.

6 BY MR. GORDON:

7 Q. Grinding, you mentioned that you would be looking different
8 ways, anything like that. Would that ever be where you would have
9 one knee on the ground when you're grinding?

10 A. No. It -- you can't -- it would be tough to do if you did
11 that.

12 Q. So, you're standing the whole time when you're grinding?

13 A. Oh, yeah. You're on your feet the whole time. You got
14 your -- you're bent over, you got your knees bent.

15 Q. But you're not -- you're not one knee --

16 A. You would never have a knee on the ground. If you -- and I
17 don't know -- okay, if y'all have seen the video? I don't know --
18 I mean, you said that and it's got me thinking; if John's knee was
19 on the ground, something probably -- I don't know, somebody
20 probably happened to him, I don't know.

21 Q. Okay. Okay.

22 A. I don't --

23 Q. Yeah, see that -- that's an interesting --

24 A. If his knee was on the ground, he would -- something
25 happened.

1 Q. Okay. So, how about inspecting? Let's say --

2 A. Not on a frog. We -- there's nothing you can't see from
3 standing up straight. If there was a crack, he maybe thought he
4 saw he may have, I guess, gotten down on his knee. But I -- you
5 don't -- you can see it. It's not something you have to get
6 closer up to to inspect.

7 Q. Okay.

8 A. But --

9 Q. Well, and I --

10 A. -- maybe. I just --

11 Q. Yeah. I guess a follow-up question to that, you've worked
12 with John for quite some time --

13 A. Yeah. And --

14 Q. -- have you ever seen him --

15 A. -- now I'm thinking about it, he has. But --

16 Q. Okay.

17 A. -- I mean, rare occasion. You don't -- you can see a crack.
18 You don't have to get down there and get on your knee and stuff.

19 Q. Okay. So, one, you mentioned roll by inspection, you guys
20 split the train.

21 A. Yeah.

22 Q. And you said what when you were working as the -- as the
23 employee in charge when John's not there, you're working as the
24 employee in charge, do you normally announce to the train that --

25 A. I do.

1 Q. -- the results?

2 A. I do

3 Q. So --

4 A. Not every time, but I think that's something that it's a
5 courtesy.

6 Q. Okay.

7 A. You're supposed to do it. I do it.

8 Q. And so, without having a handheld, you've got to --

9 A. Outside radio.

10 Q. -- you got to use the outside radio?

11 A. Yes. Yeah.

12 Q. So, when you're doing that, was -- was that also an
13 expectation that there's nobody fouling the track until I'm done
14 with this communication?

15 A. Yeah. Yeah. Yeah, you're not -- and usually one guy's on
16 that side, and if that guy is doing that, and I -- you know, it --
17 like I said, we didn't do it all the time, but it's usually the
18 guy over there by that -- the truck, and he's right there by it,
19 picks it up. The guy, the other guy's not going to go in there
20 and get to work when the other guy's not there.

21 Q. Until the watchman is there?

22 A. Yeah.

23 Q. Okay. All right, that's -- that's good. So, just one -- one
24 final question from me. How much -- let's just say train approach
25 warning for welding on frogs went away tomorrow, how much of an

1 impact would that have on the work that you guys do if you had to
2 start tomorrow, you know, now we've got to get an EC-1 in order to
3 do this work?

4 A. That would -- the only problem I see with that, which I've
5 been kind of thinking that that might happen, I don't know, but
6 that could take two guys who get paid for 8 hours can -- you're
7 going to go out there and you know, sometimes you don't know how
8 bad it gets. Sometimes when you're grinding out it keeps going
9 and going and going and you keep grinding, so you
10 typically -- 707's usually set up for 5 to 6 hours, if not all day
11 long. But you send a guy out there with a 707 for 6 hours and
12 he's only got 2 hours' worth of work, he can't go anywhere or do
13 anything else the rest of the day.

14 Q. Okay.

15 A. That's --

16 Q. Would --

17 A. -- I mean, that's really the only issue I see with that.

18 Q. Yeah. What about an EC-1? If you were to just pick up and
19 EC-1? I know you mentioned you would have to --

20 A. You could, you could do that. And I mean, I'm sure all this
21 -- people that work for CSX know this, if you use an EC-1, you get
22 out there, you get track time. A train comes, you give up your
23 time. You get back on the radio. You get time back maybe.

24 Q. Um-hum.

25 A. You go back to work. Train comes. You give it up.

1 You've -- same thing, three or four times.

2 Q. Right. Right.

3 A. So.

4 Q. Okay. And --

5 A. I think it's --

6 Q. -- the only other -- there's a, there's another form of on
7 track safety and I'm not sure, you know, if you guys are -- use
8 this, so this is just a question to you; foul time, do -- are you
9 guys familiar with foul time?

10 A. I don't -- I'm not familiar with foul time. I don't --

11 Q. Okay.

12 A. I'm not familiar with it.

13 Q. Okay.

14 A. But like I said, I don't -- you know, I'm not the -- I don't
15 know all the terms.

16 Q. Okay.

17 A. I'm still learning, okay.

18 Q. Yeah.

19 A. Yeah.

20 MR. GORDON: All right, that's all I have.

21 MR. AMMONS: I don't have anything else.

22 MR. WOLFE: No, I don't have any other questions.

23 MR. DUMEY: Just one.

24 BY MR. DUMEY:

25 Q. We was talking about getting tracking time. Is there any

1 like -- you was leaving here and you was going to Estill, did you
2 get tracking time on the radio on the way there?

3 A. That -- I mean, like a 707, yeah, you could, you know, say
4 I'm driving and John hasn't checked his order yet, he would check
5 his order, but the 707's already in the system. EC-1, you don't
6 typically do that. You get on site then you call dispatcher, and
7 then you get your -- you don't want to go somewhere and not know
8 where you're working at and already have track time. That's just
9 not something you do.

10 Q. Well, I mean it's possible that it could be done? Like when
11 you're getting close there, you can run -- tone her up, she comes
12 in and you get time?

13 MR. AMMONS: Randy, this is Ammos, if I may step in?
14 Dispatchers are trained to tell them, call me back when you get
15 there.

16 MR. DUMEY: Okay.

17 MR. TRAINOR: Yeah.

18 MR. DUMEY: Okay. That's --

19 MR. TRAINOR: It's not something I've -- we've ever done.

20 MR. DUMEY: Yeah. Okay. That -- because I was asking that
21 from your question, about the -- you know, that's it. That's all
22 I have.

23 MR. GORDON: Okay. All right, no more questions. We're
24 going to go off the record.

25 (Whereupon, the interview was concluded.)

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

ACCIDENT NO.: RRD19FR002

PLACE:

DATE: December 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.


Elaine M. LaRosee
Transcriber