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Interview Transcript – Jared Cassity, Alternative National Legislative Director and Chief of Safety; Tim Sloper, Local 68 Legislative Representative SMART; Nick Greficz, Associate General Chairman SMART General Committee 687; Rusty Pitts, Chairman SMART Local 48; International Association of Sheet Metal, Air, Rail, and Transportation Workers
April 25, 2023

UNITED STATES OF AMERICA

NATIONAL TRANSPORTATION SAFETY BOARD

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Investigation of:	*	
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NORFOLK SOUTHERN TRAIN DERAILMENT	*	
IN EAST PALESTINE, OHIO	*	Accident No.: RRD23MR005
ON FEBRUARY 3, 2023	*	
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Interview of: SMART Transportation Division Officials
International Association of Sheet Metal, Air, Rail and Transportation Workers

Washington D.C.

Tuesday,
April 25, 2023

APPEARANCES:

STEPHEN JENNER, Human Performance & System
Safety Investigator
National Transportation Safety Board

ANNE GARCIA, Ph.D., Human Performance & System
Safety Investigator
National Transportation Safety Board

TIM SLOPER, Local 68 Legislative Representative
SMART

NICK GREFICZ, Associate General Chairman
SMART General Committee 687

JARED CASSITY, Alternate National Legislative Director
and Chief of Safety
SMART

RUSTY PITTS, Chairman
SMART Local 48

I N D E X

I N T E R V I E W

(9:40 a.m.)

MR. JENNER: Good morning. Today is Tuesday, April 25th, 2023, the time is 9:40 a.m. My name is Stephen Jenner and I'm a human performance and system safety investigator with the National Transportation Safety Board. We are at the International Association of Sheet Metal, Air, Rail and Transportation Workers, SMART, offices in Washington D.C. Today we are meeting with SMART officials as part of NTSB's investigation of Norfolk Southern's safety practices and safety culture.

First, I'd like to go around the room and we'll all introduce ourselves and if you would, just state your name, spell, and who you're with and your title. Again, I'm Stephen Jenner, I am a human performance and system safety investigator, first name is S-t-e-p-h-e-n, J-e-n-n-e-r, and I'm with the NTSB. I'll go to my left.

DR. GARCIA: Good morning, I'm Anne Garcia, G-a-r-c-i-a. I'm also a system safety and human performance investigator for the NTSB.

MR. SLOPER: My name is Tim, T-i-m, Sloper, S-l-o-p-e-r, I'm SMART Local 68 legislative representative. I'm a Norfolk Southern local chairman for Springfield-Hannibal and Wilmington districts out of Decatur, Illinois. Twenty-four years of service, engineer and conductor.

MR. GREFICZ: Nick Greficz, Nick, N-i-c-k, Greficz,

G-r-e-f-i-c-z, I'm with SMART General Committee 687. I'm an associate general chairman, 2005 seniority with Norfolk Southern as a conductor.

MR. CASSITY: Jared Cassity, J-a-r-e-d C-a-s-s-i-t-y. I'm the alternate national legislative director for the union SMART Transportation Division and also the chief of safety.

MR. PITTS: Rusty Pitts, P-i-t-t-s, local chairman, Birmingham, Alabama. Fourteen years on the railroad and 3 years as an engineer.

INTERVIEW

MR. JENNER: What is your -- Rusty, what is your current position?

MR. PITTS: Engineer. I'm an engineer on the Birmingham East End line from Birmingham to Atlanta. As well as a local chairman for SMART.

MR. JENNER: Very good, thank you.

In the last few months, Norfolk Southern has had a number of train derailments on their main line, including one in East Palestine, Ohio. We have heard from Norfolk Southern officials stating their goal is to have the strongest safety culture in the railroad industry, so we'd like to explore your experiences with Norfolk Southern to better understand how close they are to achieving their goal. So thanks for meeting with us and sharing your experiences. So let's start off, I'd like to hear about your background and your experiences. I'll go to my left.

Tim, can you just talk to us about how you got started in the railroad industry and work your way up?

MR. SLOPER: Well, I hired out in 1999. I went to Atlanta, Georgia for Phase 1. I spent, I believe, a week or 2 weeks there, sorry, it's been a long time, I don't remember. Came back, trained for about a month and then back to -- down in Georgia for Phase 2 and then I trained on my one single district, which was between Decatur and Moberly, Missouri, it's a 211-mile run, I trained on that district for 5 months before I was promoted to conductor.

And then I worked, I was furloughed for -- well, I worked for about 5 months, was furloughed for about a year and a half, and then I came back and I've been with NS ever since. I worked about 5 or 6 more years and then went to the locomotive engineer school and had my locomotive engineer license ever since then. Started running the engine pretty regular around 2017, 2018, and then PSR started, we eliminated half of our trains because we just basically doubled in size. And now I no longer have enough seniority to work as engineer, so I'm back working as conductor for 24 years' service.

MR. JENNER: Thank you.

Nick?

MR. GREFICZ: Good morning.

MR. JENNER: Good morning.

MR. GREFICZ: I was a young man, I heard about Norfolk

Southern not long after I graduated high school, within 2 years. Like Brother Tim, I went down to McDonough for a handful of weeks, came back up in Detroit and I qualified there on my home property, qualified as a conductor. And then I went back down to McDonough and I was qualified for approximately 6 to 7 months on my home district, that's how the training went. And ever since then, up until 2020, I worked as a full-time conductor in Detroit. That's like the basis of my training.

MR. JENNER: Thank you.

Jared.

MR. CASSITY: So Jared Cassity, I'm an elected officer with the union at the international level. As a matter of background for me, I'm actually off of CSX or a CSX employee, I hired out in 2005 as a conductor, promoted to engineer in 2008. Really, the purpose for me in this meeting, one is as a facilitator for the NTSB and our folks to participate, but then also, as a chief of safety, to talk broadly about Norfolk Southern issues that we're seeing on the system as a whole and the ability to kind of talk about the impacts that it has across all localities, all jurisdictions, if you will. I will be much more broad, I have a feeling, than what the other gentlemen have to offer here today. I have a feeling that I can probably paint a picture and they can actually give you the line, so that's what I'm here for today.

MR. JENNER: Very good, thank you.

Rusty.

MR. PITTS: I was hired out with Norfolk Southern 2010 at 38 years old. My experience was a little different than the other two brothers. I went 4 weeks in McDonough, it was a longer training period at that given time, but it was one training period. Then I came back and spent 9 months training on the territory as a conductor. You were able to spend 1 week with every single job that worked on that territory.

Right at 10 years then I was sent to LET or engineer's school in McDonough, Georgia, which was another one period of time which was 3 weeks to go learn how to run the locomotives. And then at that point in time, I came back and spent about 6 months training as an engineer and then once that training period was over, qualified as an engineer, spent a -- spent about four and a half, 5 months working, again, during my conductor training.

At that time, we had to have 2 years' experience on the ground before we could go to RCO school and learn how to run a remote control op. I ran a remote control in Birmingham yard for, you know, 8 years, that's -- that was primarily what I did and -- until I went to engineer school. But there was about a 4-, 6-month period of time where I was back down, but since the -- I've been an engineer pretty much the whole time PSR's been in place, so I pretty much ran as an engineer because we're short manpower. When 2020 hit, it completely and totally destroyed the ranks, I mean, you look at the cuts that have been made since PSR was put in place for Norfolk Southern back in 2018, 2019, the number of

employees we have over the past 10 years dropped dramatically, and so we're really hurting for employees, so I've been up running since.

MR. JENNER: Great, thank you.

So as discussed beforehand, there are different components or processes that go on in terms of getting a train from Point A to Point B safely and what I'd like to do is touch on your role of, from Point A, getting the train departed from the yard and your role, if anything abnormal happens and you're required to do an inspection during your transit and your responsibilities when you hear from -- information regarding hot box detectors, if you hear from a dispatcher, if you hear directly, so different components that we're interested in getting your opinion about and your experiences.

But first let me open up with a very general broad question. As I mentioned in the opening comments, Norfolk Southern's goal that they've stated publicly is they have the best safety culture in the industry and we've heard from them, that safety is their number one priority. So do you have any thoughts about that, your experiences? We'll hear from you at this time.

MR. CASSITY: Steve, this is Jared Cassity, I'm going to jump in first, I want the other gentlemen to follow. At this point, those are just words, they're not meaningful, they lack merit from anything and everything that we've ever seen from the railroad, at least in the last 7 to 10 years. It's not uncommon for a

railroad, especially Norfolk Southern, to say that they're going to make safety the priority and then we see nothing but the opposite of that. To that point, I'll give you one example. Shortly after East Palestine, Norfolk Southern made a recommitment to safety and the first thing that they did was create new train make-up rules and train length rules for the crews, in which the trains were being built and how to operate them.

It wasn't 48 hours and we were already seeing trains that Norfolk Southern was instructing crews to operate that were in violation of that very rule. To this day, that rule has now been changed, just in my conversation with these guys this morning, that looks like five different iterations at this point, all trying to get back to operations the way they were pre-East Palestine.

And so when Norfolk Southern says that, for us, as a union, and the members that I represent on Norfolk Southern, it's just an empty promise or hollow words. It just doesn't -- it just does not ring true and I'll let these guys fill in the blanks from there. I think they can pretty much more elegantly clarify just how that is when it comes to fruition.

MR. JENNER: Very good, I appreciate that. I'm just going to ask you one question, then we'll hear from the others. You specifically stated in the last 7 to 10 years. How were things before that?

MR. CASSITY: I don't want to say that it was ever perfect,

because it wasn't, but there was actually this idea or belief in fundamental railroading that was being practiced and to be honest, across the entire industry, not just Norfolk Southern, but you saw people in the management ranks or that were making decisions on how trains were being built that were -- that were directly and thoroughly making decisions on just how the train is being built for the route and the territory that it was going to cover.

If it was too long or built right, they were actually paying attention to tonnage, to train make-up, where empties were being placed, they were paying attention to the conductor's concerns for the train and the yard, if the conductor or engineer had a concern with maybe a bad order or a defective car, a bad order or a defective locomotive, or maybe an engineer didn't like just how many loads were behind so many empties, the railroads would allow that input from the crews and then allow them to fix it in the yard.

But since the implementation, and I don't want to make this meeting about precision scheduled railroading, I want to keep the focus where it is, which is Norfolk Southern and the changes, but the unfortunate reality is that we can't do that without acknowledging PSR's introduction into the industry and the changes that have happened subsequently. And so now if a conductor or an engineer brings up an issue or identifies a defect, all too often the instruction is for the crews to ignore it or to take it anyway. And so that's kind of the transition that we're seeing is

that, that fundamental railroading is no longer taking place, but rather this shift to efficient or timely movement at all costs to railroad or freight is now the priority and what used to be commonsense measures no longer matter in the industry anymore, it's just take it as is, you know, we'll deal with it as it comes.

MR. JENNER: Thank you.

MR. SLOPER: This is Tim Sloper. I just wanted to say that saying that their movements are efficient or timely is a gross exaggeration from what is actually happening to the movement of the freight.

MR. PITTS: Rusty Pitts. I will agree wholeheartedly with everything that Mr. Cassity said. You asked the question what was it prior to 8 to 10 years ago, we had -- all the Class I railroads participated in what was called the Harriman Award, which Norfolk Southern won the Harriman Award 13 --

MR. CASSITY: A lot.

MR. PITTS: -- 13, 13 years straight, some of the other Class I -- but it was based on safety. When I came to work for Norfolk Southern we were preached to about safety Day 1 of class. It was a discussion, there were -- I can -- I can physically remember having safety audits and safety teams in the yards, Birmingham, Atlanta, Sheffield, asked to participate on safety training days where they would actually go out and make meaningful contacts, not a -- this is locally, done on the local level, you had local chairmen and different people who were actually involved in the

safety culture. But during the Harriman Awards, we would, you know -- every year that Harriman Award came out and it was for the Class I railroad that had the lowest. Now, Norfolk Southern's was told that hey, you're cooking the books, that's how you are winning it every year, you know, you're buying your votes, whatever it was, and the Harriman Award disappeared. I think that's where we started really seeing the major changes, you started seeing a swing from safety, as he said. Alan Shaw can say that PSR is dead and we're going to a safety culture and a service culture. In theory, it makes sense, but in practice, it doesn't happen, it just doesn't.

When you're told to bypass wayside detectors or you're told to bypass or you're told that you don't have the time to turn an engine, you've got to run it backwards, looking out of the mirror going backwards with a long hood in front of you because "we don't have time to turn that engine," take 5 minutes just to turn the engine -- or not 5 minutes, 30 minutes to turn that engine, you got to run backwards now.

There's a disconnect from, say, a CEO or Alan Shaw or Floyd Hudson to the ground level, because I've sat in meetings with terminal superintendents or division superintendents while they were on conference calls and it's all about why do we have this number, why do we have that number, I don't care, mark these people up, we're not getting -- I don't care if they haven't worked or they haven't trained on this job, mark them the freak up

-- I'm just trying to be nice with my language -- but have a general manager specifically tell a division superintendent "I don't care whether they're trained fully or not, mark them up, we've got to get these trains across the road," and that's what's happening at the management levels with Norfolk Southern.

DR. GARCIA: When you say mark them up, what do you mean?

MR. PITTS: Mark them up from a training position from where they're --

UNIDENTIFIED SPEAKER: Promotion.

MR. PITTS: -- promoted to conductor.

DR. GARCIA: Promote them, anyway.

MR. PITTS: Right. I've got lists of -- involved (ph.) division with Norfolk Southern since 2021, a hundred and 60 names of new hires that Norfolk Southern has attempted to hire. Now, on this list, if you see their name in black, they're no longer employed with Norfolk Southern, they either quit, they walked away, or they were -- their application was rejected, which means that they didn't make it through the training process, they were fired, they were pushed away, because once they come in, they're not actually protected under union protection, they're still considered company employees until they went through a 60-day -- after they've marked up, then they're still in a probationary period of time where the company has the right to fire for any reason whatsoever. And so when you're talking about out of a hundred and 60, a hundred and 59, actually --

DR. GARCIA: Can we keep that?

MR. PITTS: You can.

DR. GARCIA: That will be Exhibit 1.

MR. PITTS: Yeah. Out of a hundred and 59, 67 have made it to conductor. It's not about training and making -- I believe the crux of the issue at hand is PSR. I think that was the beginning of the end for Class I railroads, that's just an opinion, but it has created a culture because training comes within that and when everything's run by the number and people are forced through the training process in McDonough, they're rushed through real fast, they don't have an applicable -- you have one man who oversees everybody involved in this, all these CTs, how does one man know how well each and every person there is learning their job? There's not a set process. I met with Kevin Lewis 2 weeks ago, who is the certification -- he's the director of certification for the FRA out of Tulsa, Oklahoma?

MR. CASSITY: I don't know where he's located, but he's the 240/242 specialist for FRA.

MR. PITTS: Correct. The C.F.R. 49, which is the -- of course, Norfolk Southern writes their own training agenda and proposes that to the FRA and then the FRA just says yeah, that sounds good to me, and then Norfolk Southern just follows through with it and have been able to do that. We met with him and, you know, the training that these -- these people are getting, the newer conductors, I don't know, I know that all my other brothers

here will say the same thing, when they come out, you have zero confidence in them being able to perform the job, to be honest with you, not just be able to perform the job or be safe doing the job, it terrifies you when you're -- me, as an engineer, being 10,000, 12,000, 14,000 foot away from the rear end of my train where I have the rear end of the train hanging up over two knots and around three curves before it gets into the yard and we're having to set this block of cars off over the side of a hump and I've got this new conductor who's had, you know, the past 5 to 6 months to train and he's telling me, you know, how many cars or trying to make these decisions, they're not being trained properly, they're not getting what they need to be able to do the job safely. I don't believe they have a third of what we were taught.

MR. SLOPER: This is Tim Sloper. Just to, I guess, illustrate it a little more to his point, when I was a trainee, I was assigned, for my freight run, I was assigned to a specific conductor so that every time that I went to work, that conductor knew what I knew and what I didn't know and so each trip he could turn -- he could teach me something new and then, over the course of my 5 months, when I was promoted, he knew that I was ready to go out there and work on the train by myself. Under the current training program, the conductor trainees go with a different conductor every single trip, so they just say when you're rested, go on the next train that you can go, you're rested to go on and

just call the caller and place yourself on the next train that's going to leave town and that might be a conductor that you've met before or you've never met before. So a lot of times they go to work with these conductors that don't know if they know, they don't know if they don't know, there's no interpersonal relationship, so a lot of times the conductor doesn't even really speak to the trainee because there's no -- I mean, you don't know if you're ever going to meet the guy again and so there's just no relationship built there to foster a productive learning environment.

And all NS cares about with their conductor trainees right now is just get your starts in as fast as you can so that we can get you promoted so that we can get you out there working on these trains and they don't care what you know or what you don't know, they just want you to be able to pass the paper test and demonstrate that you can repeat the rules back but to actually be proficient at the craft, it takes years to learn how to do what we do and do it well, and they're just expecting these people to do it.

Once they're promoted, they're just kind of learning on their own and it's dangerous and we're seeing the fruits of that right now. In my terminal, we've had several incidents here, we had a conductor trainee that was marked up just a few weeks ago, his very first trip he had a track authority violation. We had a conductor trainee that was marked up, he'd been marked up for 2 --

so he was a conductor trainee, he was marked up as a conductor for 2 months, they forced him in to work as a foreman and a yard assignment in Decatur yard, it used to be that you had to have at least 60 starts as a helper before you could work as a foreman in Decatur yard; they reduced that to 10. Well, now it's zero. And so this guy had never worked as a foreman, which is the boss of the job on the lead, by himself, and he had not done that since he was a trainee about 5 or 6 months prior.

He went out there by himself, told the -- he did not understand. During his training, I interviewed him and asked him if this had been the case, that he had been trained, that when you're watching a shove, you're not to engage in any other activity and he said that was never expressly explained to him.

So he was watching the shove of an inbound freight train coming into a track while he was simultaneously switching a car out in Track 17, he was supposed to be watching a shove in Track 25, the freight train shoved all the way out of Track 25 into the side of his cut before the movement was stopped by the engineer on the other end because he knew that he had seen this train and would run into it.

Meanwhile, this trainee was 20 car lengths away and I mean, it's just -- they could've ran into the side of a loaded car of, you know, petroleum gas and blown up the whole yard. These are the kind of people that we're going to work with and it's -- I don't want to go to work with them. If you don't know, if you're

out there working and you've been promoted for 2 months and you don't know that you're not supposed to engage in other activities while you're watching a shove, which is one of those safety critical jobs that we perform, something's wrong.

MR. GREFICZ: So it's not to the fault of the individual.

MR. SLOPER: No.

MR. PITTS: No.

MR. SLOPER: No.

MR. GREFICZ: So I'll say, to understand the culture of safety from Norfolk Southern you have to start history, you learn from history. So if you look back, speaking on my personal experience, my 30,000 foot "U," as I call it in the railroad, you've heard a lot of conversation about how the training programs have been pared down. Training used to be number one and it was number one because they didn't preach it, they actually demonstrated it, it was applied out in the field.

The main topics of history of the safety culture, when Norfolk Southern was at the top in this game of history list, they required you to show up to work and get the work done. That was the expectation. Along with that expectation, the people that were the managers, they understand the work that needed to be done, they made sure that the people that they had working for them knew what needed to be done, so that's the safety culture and that's how it worked. Local people had control of local operations, meaning that I'm out of Detroit, the guy in Detroit,

the superintendent of Detroit, he understood the jobs, he had operational ability to go in and change things, he had decision-making abilities, he had to answer if things messed up, but at the same time, he knew what he could and couldn't do as far as dealing with the crews and the operations. Unfortunately, I don't think it was just PSR, there's a lot of things that go into it, but if you're looking at the way the safety culture's changed, I have a whole list of things, you know, yard switching, road trains, road service, discipline, inspections and air tests, and I'm going to say, you heard 7 to 10 years is the time line, I think it's going a little further back than that.

I think it started out with the railroad has always ran slim on manpower and then for whatever hiring model they use, they always hire way too many people. At any given time you can look back at the history and see they always over-hire and what they do is they self -- they self-control or self-regulate their manpower with discipline.

Discipline is not a progressive training tool where they walk you through the steps or where they teach you and talk to you about what the expectation is and how that is to keep you safe. What it is now is simply a discipline rule where they impose it to get rid of you, that's what they do. Discipline is no longer training, it's just to rid of the excess employees. I call it like the 2019, the great employee purge, as I reference it. There's no profitable business that can just purge 33 percent of

their employees and think that everything is just going to stay the same. It's not even fathomable. You talk more about the safety culture, we talked about the qualifications with the new guys. Anybody pre-2010 will tell you that they had no less than 70 train starts. When I say 70 train starts, I mean, you hire in Joe Smith off the street, he had 6 months to learn his territory, the territory that he's going to be working. He's going to ride at least 60 to 70 train rides and the local, just for information, the local labor leaders were involved in the scheduling, he'd be able to say hey, Tim Sloper is a great teacher, he knows his job, I'm going to put this Mike Green with Tim Sloper for a week on this job so he gets to learn the basics, how to not get killed and how to protect himself. It doesn't happen.

Part of the safety culture is the simulators, they have -- like it was referred to earlier, they have one or two individuals logistically spanned out, they run these trainees' names through the simulators, the simulator makes a schedule for them, the person gets handed a schedule, then they're just off to the abyss. They just show up and kind of wander around aimlessly until somebody there says hey, you're with me for today. And with all the training, specifically on Norfolk Southern, with a thousand-plus new hires they've had, their records will show you that you have new people training new people, that's against their own policy.

MR. PITTS: Correct.

MR. GREFICZ: That would've never happened in history, but it's important because it shows that the rules and the oversight by the FRA, certainly the FRA standards, they try, in most cases, to follow them but their own policy is just that we're accountable to their policy but they're not accountable to their own policies. So when they say you have to have 12 months or longer to have a trainee, they don't abide by their own policy and then you say, "Well, why? How?" They say well, there's too many new people out here so we just tell them to sit on the engine and look out the window.

What are they learning when the training program's already pared down and you have this guy who now, instead of training for 6 or 7 months and gets to work all these jobs with somebody who knows it, now you put them out there and his time went from 6 months to 3 months, in some cases 10, 12 weeks, and that includes his classroom training, and then when he goes out there in the field, he's only getting 30 train rides, which is 50 percent of what it historically has been, when the safety culture was good.

And out of the 30 train rides, anywhere between seven to 15 of them, they're sitting up on the engine looking out the window, they don't get to see anything. So relation to yard switching/road service, unfortunately, it is attached directly to PSR because it's all about the operating machine (ph.), it's do more with less, the resources, and it's not just the T&E, it's not just conductors and engineers, it's mechanical, maintenance,

deferred maintenance, it's track people, it's all across the board. The only people that they haven't cut is managers, there's managers all over the place. And the managers aren't like the managers I spoke on earlier, the managers that they have now don't hire or they don't know anything, they don't know anything about the territories they're working on. I'll relate that to, like I said earlier, as far as the local management having control over the operations, it's all run by a centralized command center in Georgia, the knock (ph.).

These guys don't know nothing about the territories, all they know is what the computer spits out as far as train schedules, and you have to abide by the train schedules and you have to do whatever that takes. Now how that relates to the safety culture in the field is, I show up for work with Tim, Tim's my engineer. I show up to work 10 minutes early, pull my paperwork, have a job briefing, figure out what's going on, I need dispatcher bulletins for this other railroad because all the railroads, you know, mix.

If I got questions, Tim says hey, where's the hazardous loads at, where do we have to work at today, this is all normal things that you need to know for your job. Now, if you look specifically, like at Norfolk Southern, they have policies out, again, that we're accountable to where you have to be out on your engine within 15 minutes of on-duty time. It's absurd to think that you can come in to work and have to double up six rails and make six doubles to build your train, find a rear-end device, do

all these things, air slips, safety briefings, all this stuff you have to communicate and be out on your engine within 15 minutes. It's all a result of the PSR. What that translates to is that -- it's like the discipline. People, they use it as tool to coax employees. What I'm getting at is people always want to be the good boy, they don't want to be a rebel, they don't want a highlight on their back, they don't want to be targeted for discipline, so people try to abide by it and how that translates into the field is Nick shows up to work at 2:00 p.m., because that's our on-duty time, and at 2:01 p.m. Tim's already got his bags and he's already walking out to the engine.

We don't even have a job briefing, we don't even talk because it's the expectation that you need to go get on your locomotive now and you need to be moving the engine, you need to be doing something. It creates a real safety concern because if I have any questions, if I'm a newer guy like we have in the field, or if he needs to know something, you don't have that time for positive interaction about what we're actually doing.

And to translate for yard switching, you said the safety culture, it used to be, before the employee purge and before PSR, the work was attainable, the expectation was able to be done. With a lack of employees, with a lack of -- what's the word I'm looking for? Locomotives, not machinery, but -- at any rate, what I'm getting at is it's -- the expectation is not realistic anymore. You used to come in to work and switch out a couple

hundred cars, pull some tracks to air and then maybe go to lunch and come back, switch out another track and then you're done for the day. Well, they have so many less employees, you go out there and you talk about the safety culture, right from the rip (ph.), as soon as you show up to work, you're pushed out the door, not a lot of talk about what needs to be done, you're pushed out the door, and how it affects everybody in the safety culture is that the yardmasters, the yardmasters (indiscernible), they've got way too much territory and yards to look over, they don't know what's going on.

Historically, they'd say Rusty, that train only holds 4,000 feet, you're putting 3800 feet in there, you probably want to make sure you're ahead of the bull (ph.) when you're shoving. But no, it's not Rusty, a 20-year guy, you got Mike Green, the 3-month-old employee, and then paired up with a brand new yardmaster, that's how stuff hits the fan pretty quick because this guy up in the tower doesn't know what's going on, the guy on the ground doesn't know what's going on, they were all pushed out the door in 20 minutes and that's when stuff happens.

Before, the safety culture, we always took time and our concerns held weight. Our concerns, as a railroader, it held meaning and if I said hey, this don't look right or something happened, then they'd stop and they'd address it. Now, we don't have time for it. Safety concerns, safety exposures, they're not addressed. It's documented and they're put on notice, but they'll

put some cones out there or if there's a hole through a bridge that's falling down, they'll take a sheet of plywood and lay it down so you don't fall through the hole in the bridge and just pass the buck off to somebody else. I'm almost done with my rant, but you know, it goes to road service, you talked about the -- you talked about the scanners, it used to be, we -- the scanners would communicate directly with us, we'd know what's going on. So they modernized a few, so to speak, their scanners to where they're trending hot, you know, they got all the temperature settings and all this other stuff.

We don't know any of that information in the field and there's no train-specific information, it's a one-size-fits-all shoe. So if Tim's operating a bomb train and he's trending hot, he still didn't hit that threshold, these people that aren't railroaders, they're running the railroad, they don't know that this guy's got Class 3 flammable or chlorine cars, they just say it doesn't meet the threshold.

That's not the same as Rusty being on a grain train or a salt train that's trending hot that may not be, you know, as important, but again, it's -- the push to run everything, the push to get everything out the door, the crew doesn't know anything, we have no information until it's absolutely too late. We don't communicate with the scanners, they don't communicate with us, we don't know anything unless it's like you've seen in East Palestine where "critical alarm, you're train's about to fall off the rail."

Well, that's a little too late. The PSR models have affected everybody from the trainmasters to the superintendents, to the dispatchers, to the chiefs, and I say I relate it to the PSR because it's never been like this. In the history, you know, I'm only 39 years old, I grew up as a man and became a man working on a railroad, which is a tough industry. The new generations of today, they're not going to work on call like Christmas eve and Christmas day and New Year's eve and Thanksgiving, that's the expectation, and with the paring down of the employees, with a lack of manpower, I call it the self-imposed manpower shortage, that's what the expectation is.

The expectation is you're on call 24/7, it's not a joke, you can't even make people understand the lifestyle. It's so hard to articulate and explain, you just can't, and you have no sleep rhythm, you have no sleep cycle, you just go through life tired, absolutely tired.

And when you combine that with the lack of training, the lack of communication, safety, it goes out the window, it doesn't matter what you say. You know, their policy can say it's an apple all day long, but when you eat it, it's a lemon, that's the policy. Manpower, you guys talked about block swaps, inspections, and air tests. Under 215 subpart (d), we're T&E people. We aren't on duty for the purpose of inspecting cars, so if I inspect a car as a conductor, it's on the rail, looks good, there's not stuff dragging or hanging down on the ground and it holds air and

the little piston comes in and out, and that's like the in-depth training version that they give people. We don't have small gauges, we don't have flange gauges, we don't have mechanical tools that the mechanical people use to look at these trains, these train cars, so I'm not even going to go down to 30 seconds and 45 seconds and 3 minutes that they used to have because all them people, massively, job cuts. Now all the inspections are on us.

Now, lack of training, lack of communication with your coworker, I don't even know where I'm at, I'm looking at a map that there's a disclaimer on, that at the investigation when they fire me is going to say may not be an accurate depiction of the yard, but that's what they give me for a training tool. I'm out here in the middle of nowhere at 3 a.m. in the rain and have no idea what's going on and they tell me I got to air test these cars, I don't even know what I'm doing let alone being able to air test --

MR. PITTS: Um-hum.

MR. GREFICZ: -- these cars, but that's what the expectation is. And the dangling carrot over the top, and I said it two or three times now, is discipline.

MR. PITTS: Um-hum.

MR. GREFICZ: There is no remedial training, there's no precipice hitting on that, it used to be you always had your rebels, so you got your guys to go out in the yard and they don't

have their boots tied or they don't have safety glasses on, whatever the case may be, they're talked to, you know, you have your people that don't follow the rules. But then you have the people that do follow the rules and everything is just exaggerated and embellished because they use discipline as a way to control their manpower. They literally, when they have too much manpower, they don't want to furlough people, they'll just fire a bunch of people.

If you look at even pre-pandemic, that's what they did, that's what they've always done in the history. Everybody on the railroad's always said it. When they have nobody to work, they don't fire nobody, they don't discipline nobody, when the manpower's low, there's no discipline, virtually zero, they don't care. But when the manpower's big, when they have an excess of people, discipline across the board, all kinds of rules, checks, all kinds of crazy stuff.

So they use discipline and they use safety as leverage when it suits them, it's self-serving. It's 100 percent up to their discretion. There's no consistency in the way they apply the rules and I'll tell you this, it's almost like an expectation. When you hire a new guy and you see a new class and they got 50 people in this new class, the only people that make it through from Brother Rusty's exhibit are going to be the guys that yes, yes, I'll work the weekends, I'll work 24 hours a day, I'll do whatever you need me to, those are the people that are making it

through. And I'll give you an example, DeMarkel Elberty (ph.) got hired out of Detroit, was one of the "yes" guys and I had several conversations with him, they marked him up premature, and day three of him being out there, he was on the head end of an RCO, which you used to have to be 12 months on the property before you could run RCO, now they've integrated that into their 8- to 10-week program --

MR. PITTS: And they're going to.

MR. GREFICZ: -- the guy's sitting on the head end of the engine and goes right through a red signal interlocking. Catastrophic consequences. And just has no idea he's even doing it, has no idea he's even going through a red signal. That is the quality of training. We complained. If you guys ask anybody that's been on the railroad 10 years or more, they'll be able to tell you the decline or the factors from the safety culture because safety, it didn't used to be not only talked about, but it was implemented, it was expected.

Now it's just talked about. It's not applied in the field. We still, day to day, every railroader in the industry deals with the expectation of hey, there's going to be a SAT (ph.) team out there checking to make sure you follow the rules today. Well, yesterday it was "hey, get all the work done, I'm going to grab Burger King and then I'll be back." It's almost like they expect -- it's hard for me to say that, but it's true, there's an expectation that you do whatever you do to get this massive amount

of work done that they know is absolutely preposterous for you to be able to do in the first place, do it today, but tomorrow when they come to watch you, make sure you're a good boy, don't violate the rules because they'll be here. And then if something happens, they know you're doing it, they expect it, but when something happens, you're just hung out to dry. They turn around and say well, this is -- you watched me do it yesterday, it's no big deal. Like I said, it's talked about but it's not implemented.

MR. PITTS: One of the things that he talked about, Brother Nick was talking about, was the numbers. Now, I'm reading directly from the GAO report on PSR and what -- its effects on Class I railroads. This was issued by the STB, this STB, Surface Transportation Board, but from, we'll just say the past 10 years, because that's what we've been pretty much talking about, we'll say Norfolk Southern had 304,000 or 30,490 -- 59 employees, all right, at that given time.

Now, 18,129. And that was 2021 when this report was done. So you've cut the employee manpower in half. Now, he said what was the one department that got the least amount of cuts out of any department with Norfolk Southern or any Class I railroad, the highest was maintenance. Maintenance employees had 39.8 percent cut. Transportation other than train and engine, 29 percent. We get down to professional administration, 27 percent. Train and engine services, which is conductors and engineers or helpers, 26 percent. Executives, officials, and management staff, 21 percent.

We're cutting the guys who are doing the jobs, but we've got more -- when Warren Buffet looked to possibly buy Norfolk Southern 15 years ago, said he wouldn't do it because there were too -- middle management had it. And managers, say 15 years ago, a majority of them came off the ground.

MR. GREFICZ: That was my point, was that what we're dealing with now -- Greficz, I apologize. What we're dealing with now is the exact opposite. You know, the railroaders aren't running the railroad, the degree holders are running the railroad because it's no longer a service industry, it's a profit industry.

MR. SLOPER: And the go-to, I just want to show this example. The safety culture and the willingness to have it be easy for us to perform our job safely, this is from a train that ran on our district, this is from the 2nd of April. So this crew comes to work, they print out 44 pages of paperwork, so you got 44 pages of text to go through, and there's only one place in this entire 44 pages where it says they have a speed restriction, it's right here.

So you come in to work tired, you're on call 24/7, I can show you just how terrible our train lineups are, you never really know when you're going to work because they never update the train lineups, but they had to go through 44 pages of text and you hope that he sees this one line that says 40, if he's got a car it's 40 mph. And then you're on the dispatcher's bulletin. You would think Norfolk Southern, on the very first page of your paperwork,

would say what the speed of your train is or at least on the dispatcher's bulletin it would say what the speed of your train is, its max speed, it's blank. That's how much they care about how fast we run their trains or how much they trust us to catch, if you want to look at that, how hard it will be to catch that one line of text.

And so the district that we run on has fully integrated PTC, so you think when they log into PTC and they put their train, the speed of their train as 50 mph, but that computer system would say no, no, no, you've got a 40-mile per hour car. System didn't catch it. They're at 77 miles at 50 mph with a 40-mile an hour car. That should be impossible on a fully integrated PTC territory, I mean theoretically, so their PTC system, there's some sort of hole in it.

MR. GREFICZ: That's the other thing with this. Norfolk Southern uses an MTR, mobile train reporting, they've given all of the employees, including the new ones, essentially an iPhone with their, you know, privatized apps, if you will, on it for train reporting.

I think one of the big things, misconception out on the railroad in general that a lot of people aren't aware of, that we're constantly breaching, is that that is not acceptable, when you have hazardous cars, to not have the HAZMAT information and HAZMAT weight bills. So I say that's important because with the current climate of everything that's happening, we're going to

come across people where trains, the hazardous cars aren't where they're supposed to be, the lineups are incorrect, and people don't have hazardous paperwork in their consist anymore. You've got to print out all these sheets and it takes too long, the printer's broke, just use your MTR.

Well, your MTR, the way that their privatized system works is you can see a consist and you can see allegedly where the car is, but if we get into a wreck or an accident, there's a leak, and the first responders show up and they say hey, where's the paperwork, what's in that car, their technology doesn't show any of that and that's going to be the next trend, if you ask me, because everybody's being rushed out the door and their technology hasn't caught up with their expectation.

So you have all these crews out there taking these trains, these vast 15,000-foot trains across the line of road with 30 to 60 cars in it and they don't know where these hazardous cars are at. Their MTR, if they have it turned on or if they stopped to do work, they're supposed to update with the PTC, but that's not -- that's not interchangeable with a hard copy that actually gives you the hazardous information of what's in the car.

MR. CASSITY: Steve, if I can real quick, this is Jared Cassity. I don't know if you can tell or not, but we have a lot to say about Norfolk Southern's safety and I know we're kind of approaching this like a shotgun pattern. Do you all want to keep it more regimented or do you like it just being kind of the story

being told as is, the way it's going down, are we all good with that or --

MR. JENNER: This is going fine.

MR. CASSITY: Okay.

MR. JENNER: And then when we're slowing down, I'll have more pointed questions --

MR. CASSITY: Okay.

MR. JENNER: -- if that's okay.

MR. CASSITY: And then I want to add something real quick that Nick brought up about the training and how the training is pretty much applied through discipline on Norfolk Southern, there's also -- we have quite a few exhibits or examples of people that have gone to management and told them they didn't feel that they were trained properly or qualified to do a job and asked for more training and denied that opportunity.

Even examples of new folks being disciplined for, let's say, running through a switch, receiving 10 days off; 2 weeks later, doing it again, receiving 30 days off; another 3, 4 weeks goes by, doing it again, repeat offenders that are newly promoted people that keep doing the same thing over and over and rather than identify that as a need for more additional training, Norfolk Southern just accepts the fact that they're going to terminate them and that's how they approach the training process with folks coming out of promotion, if you will, once they've become conductors. It's almost impossible to convince management that

you need more qualification or more training on specific issues or instances and Norfolk Southern grants it. And then also, in that same vein, when you look at the regulations, specifically for engineers, they're supposed to be qualified on the train they're called to operate, it could be possible that an engineer has never operated a train more than 8,000 feet and 15,000 tons, we'll say, and all of a sudden they get a 20,000 foot train with 60,000 tons, the railroad's approach to that is that a train is a train no matter what and that's not true.

Every train is different, it's a lot harder to operate a train that is bigger than any you've ever operated before, but there is no concern or care whatsoever into your inexperience in operating a train that big. Even distributed power, while we're talking about training, the way that it's taught, if you're already a marked-up engineer and they do it, they'll give you a pamphlet, PTC, for the most part, is nothing more than a pamphlet.

All these things, it's not a real hands-on training experience, it's just this notion of get by as you can get by. And I want to make one clarification for the transcriptionist or whoever else is reading this, Nick made reference to a bomb train earlier, that is a key train, by regulation it meets a certain threshold for hazardous materials in a train placement. And that's it for me.

MR. SLOPER: Yeah. And I could -- just to add to what Jared -- this is Tim Sloper. So I am (indiscernible) engineer and had

my license since 2006 but I've been demoted to conductor because I don't have seniority to hold the engineer position anymore, but for my -- so they've gone to distributed power on a lot of the trains that we run since I've been demoted and so I almost have no experience running a distributed-power train or one of these gigantic 15,000-foot, 20,000-ton trains and their expectation of me is I go once a year and I run a simulator and I go I think we're required to run it for 50 miles, which is one quarter of my district, and I am qualified to run one of those trains with my 1 hour of running for 50 miles on a simulator.

MR. PITTS: But that's the lack of requirements from the FRA.

MR. SLOPER: Yes.

MR. GREFICZ: That's a bigger picture. When I said earlier it's a shoe box fix, that means it needs to be to each specific location. So to Brother Tim's point, it's like that across the system, you talk about the safety culture as it relates to training, oversight, distributed powers --

(Noise interference.)

MR. GREFICZ: They started to run distributed power. PTC. Just to give you an example of how it works, a lot of engineers were trained on PTC in the Detroit district, 2011, 2012, when it became a system initiative, when PTC started getting implemented in Birmingham or it started getting implemented in Decatur, my point being is that they got the pamphlet, they got to see the 20-minute VHS tape, but then it didn't get applied in the field for

seven more years and then when it came, go out there and do it, you've seen the video, you're trained because it says so right in your history.

MR. PITTS: But if you mess up, you're fired.

MR. GREFICZ: Yeah, qualifications is a huge issue because, like we said several times, there's no remedial training, there's no concern for what you know, what you don't know, and what you look like, that's with PTC, that's with distributed power, every training phase or module goes out or rolls out as a system initiative whether it's being applied or implemented in specific locations or not and that's why it's more so a concern specific to me is that when you look at training in general, you go to a place like Chicago where there's 26 yards or you go to a place like St. Louis where it's all yard jobs and the guy's not leaving the yard, there's 12 jobs, you might be able to get by with 8 weeks of training or 12 of training in St. Louis where he's working in the yard, but you're not going to get by on 8 weeks of training in Chicago where there's four major carriers, interchange, and short lines, 26 yards.

Same thing related to what I know in Detroit, we used to qualify, you have the old Wabash lines that run west and you had the (indiscernible) territory. My point, to be very explicit, is that when we hired out on the railroad for -- and 10 years after the history of it, we were trained and expected to be proficient on one territory. Now the guys come in, their training time has

been pared down to 50 percent, train rides less, but the territory's been expanded by double. And we talked about the quality of life, you talk about the safety culture, the train lineups, all that other stuff, the point to that is the quality of life already sucks, that's why people don't want to work on the railroad. You got a new guy out here or a new girl out here and once they see the quality of life, regardless of all the extra stuff, they're not working out here and that's directly attributed to, I say, the lack of the qualifications.

Before, if you weren't qualified on a job, the carrier would self-regulate, they wouldn't call me for a job. If I've got enough seniority and I worked in this yard on this big district and I worked in this yard for a couple years, I'm no longer qualified under the FRA reg, no longer qualified. But now they need people to run trains, they need people to conduct.

So I'm on my off day or I just put off at 10:00 a.m., okay, so now it's 7:00 p.m. and my phone just starts blowing up as soon as I'm resting, "Hey, you want to take this train to Decatur?" I don't know where Decatur is, but call me. Six minutes later, "Hey, you want to work in Chicago?" Have I ever worked there one day in my life? And what they're doing is they're playing on the employee's emotions to do the right thing by the carrier, let's help the carrier out, so I'm going to go work this job and then when the employee goes there and again, stuff hits the fan, well, it's his fault, he shouldn't have done that.

Your know, they rolled out the MTR, which I called earlier the mobile train reporting, and it's specific, they didn't give anybody any training and I tell my people all the time, if you don't have training and you don't know, don't do it, ask for help. But it's 60/40. Sixty percent of the employees, they just want to be the good boy or girl and they just figure it out with zero training, then they have nothing to fall back on because as soon as they mess something up, put cars on the wrong tracks or not in the right yard or forget to put times in there, it's always that discipline, the carrot on the stick. You're going to get disciplined.

DR. GARCIA: Yeah. When you said they rolled out the NTR?

MR. GREFICZ: M, MTR.

MR. PITTS: M.

DR. GARCIA: MTR.

MR. SLOPER: Mobile train reporting device. It's essentially a iPhone.

MR. GREFICZ: I mean, the safety culture is not just them talking about it, it's about their actions and how it's applied and implemented in the field. And like I said, if you ask any railroader about the East Palestine stuff with the deferral to maintenance, the cutting of the crews and the manpower, this was inevitable. If you ask any railroader, they're going to tell you I'm surprised that it hasn't happened previous to this and I'm surprised that it doesn't happen weekly thereafter, because of the

lack of infrastructure on the railroad in general is not made to run these trains and it's not made to run with this amount of manpower. They cannot move the car counts they're moving, it's not sustainable, it's just not.

MR. JENNER: Thank you for all that. But one thing I'm unclear about is we all know turnover is costly to organizations, right, high turnover has an effect on many aspects of production, efficiency, effectiveness. I don't understand, from what you're telling me, why high turnover discipline to get rid of people is a common practice here. How does that help the company?

MR. CASSITY: So this Jared Cassity. There is some counterintuitive thought processes that go along with this and part of it is, is the attrition that's occurring right now in the industry because of the safety culture and lack thereof, because they're trying to keep up.

But when it comes to the termination piece it's more about control of the employees that you have, there's this underlying understanding for basically any worker that walks the ballast that you toe the line or else you're going to be fired, I mean, you know that and it's like a cloud that hangs over your head every time you go to work.

And so it's almost like the old comic strip where they were beaten into compliance, you know, beatings will continue until morale improves, but that, unfortunately, is the reality that our members are experiencing every day they're out there. And, you

know, maybe NS does want to fire everybody, maybe they don't, you know, from a business standpoint that doesn't make sense, but when -- when you're not running a fundamental railroad you have to find other ways to get people to comply and so the threat is if you don't do what I'm telling you, I'm going to fire you and if I tell you to do something that's not safe, I will now be more apt to do that out of concern that I'm going to lose my job if I don't.

And so there's this constant pressure to get the train out of the yard, to get the cars switched out, there's this constant pressure with every task you're given that you almost have to cut corners because they want you to cut corners, you know that, they won't say that, they won't put it in writing, but that's the expectation and the belief you're under at all times that your job is to do it as quickly as possible and if you don't do that, then you know they're going to come after you and find a reason to fire you.

Our folks that approach it from a more safety oriented approach, if you will, typically find themselves being targeted by the managers for termination or discipline and -- and so, you know, that's -- that's the piece to it. I don't think Norfolk Southern is actually expecting to fire all these people, but rather they're trying to force everyone else to keep their mouth shut and just do what they're told, it's this -- it's just this -- I don't know the word that I'm looking for, it's just this environment or the culture, I guess --

MR. PITTS: Intimidation.

MR. CASSITY: -- that you're always under the thumb and threat of termination, so you just do what you need to do and I mean, there is -- there is a sense of understanding in the employees that if you work too safely and by the rules, you're going to get fired for that and it's this fine line of just how do you -- how do you figure out what it is you're expected to do but also to do it safely that you don't get yourself hurt.

And there are situations where managers absolutely, 100 percent, will turn and look the other way today and then tomorrow some other pressure will be put on them and so all of a sudden you see a new focus on what they just let you do yesterday is not allowed today. East Palestine is a good example of that. Practices and things that were occurring on the railroad all of a sudden put a new focus in certain areas. So all of these corners that employees have been told to cut, now today suddenly can't be cut anymore.

And granted, that's fading away quickly, but it speaks to -- it speaks to the fact that as long as you're helping them meet their marks for efficiency, if you will, then nothing else is going to be said to you unless you get hurt, then you're going to be fired, that's for sure, unless you get someone else hurt or tear up equipment, then the termination kicks in, but it's just their way -- it's just a railroad way of controlling their employees and it's an unfortunate truth.

MR. GREFICZ: I'll elaborate, I'll elaborate a little bit more specific for the discipline part of it. There's certain rules you see through policies that are in effect and they're to get the employee, so to speak, under their thumb. Specific examples are short-term policies that turn around and amount to high discipline. So they came out with these signal logs, specifically on Norfolk Southern. So you got Jared, hypothetically, a 20-year employee, they put in the signal log policy and they're doing these random spot checks.

Jared protects the shoves, he walks ahead of the move, so now he's, for lack of a better term, targeted or highlighted to do SAT checks on because he's become now a problem employee. Well, he isn't done and this is the discipline aspect. So they look at his signal log and you abbreviated approach, that's the start series. There's no derailment, there's no delay, there's no cost to the carrier whatsoever, but it's well documented.

But because he abbreviated something or didn't put a time on this massive sheet of paper every day, you just got to write all the stuff down, now he's got this discipline on his record. I understand that's an organization thing for, you know, resolution down the road, but the example is with the discipline. So now Jared has this hanging over his head, okay, now anything subsequent to that for the remainder of his career, he already has this serious incident documented on his record and because of their discipline policy, he can't mess up, his whole career is

gone and they're going to paint him as this terrible employee because look at his record, well, what happened to the policy? This serious incident that he was negligent in doing, where did the policy go, it just disappeared, it's just not in effect anymore, it's no longer in effect. Same thing with the brakes didn't work, same thing when you look at the attendance policy. I'll tell you, the attendance policy, Rusty Pitts -- again, it's an organization thing, we're arguing, but just to shed a light on it.

Rusty Pitts here, 20 years on the railroad and he's working in (indiscernible), he has no rest days, no assigned rest days, constantly on call, he has no time off. And that 90-day window, if he marks off on Friday night -- so he comes in Thursday at 10:00 p.m., okay, so he's rested at -- what time would that be, 8:00 a.m. Friday. He gets home, the kids are up, you know, his wife's there, so he has lunch, goes for a bike ride, doesn't rest, "man, I've got to get some sleep."

So he sleeps for an hour and a half to 2 hours, wakes up and he's like, "man, I got to get a little nap, there's no way I can go and work a 12- to 14-hour shift." So at 11:00 p.m. Rusty calls in and says yeah, take me off the board, mark me off sick, I've got to get some rest, 11, 12, 1, 2, 3, 3:00 a.m. he wakes up from his cat nap and says okay, put me back on the board, I've got 6 hours of sleep today. Well, two calendar days, Friday night rolled into Saturday, it's two calendar days, even though he was

off 4 hours, a 4-hour window, he's now violated their attendance policy because it's two weekend days in a 90-day window. One 4-hour event, one 4-hour sick event, because he legitimately needed to get -- there's always different rules; I'm talking about, it's -- you know, it really -- it's really applied that way, where he took 4 hours off sick, this is how they hold discipline because now he's going in the attendance policy, now he's in the discipline policy for not -- for abbreviating an approach, the brakes didn't work, we had to use brake sticks, it's another policy that they put out, again, using discipline as a tool.

He didn't have to use his brake stick for 20 years, then all of a sudden, for 18 months, 16 months, you had to use a brake stick, all this discipline on all these peoples' records about it and then what happened, it's not efficient. It was safe, it was safe enough for them to spend millions of dollars on and tell people hey, you got to use it, watch this 20-minute video.

All these people got disciplined for doing it the way they did it for 20 years because it wasn't effective, it took time, right, they did away with it, but what happened to all the discipline on these peoples' records? So I just wanted to elaborate a little further on how they use discipline to -- they don't educate people through -- what's the word I'm -- they don't educate people through conversation or information, they educate them through discipline, "don't do it and here, you're disciplined."

DR. GARCIA: It sounds like the brake stick or the other example that you gave, that they put out a policy that you have to use the brake stick and people get violated because they've not been using it for 20 years, they might forget, whatever goes on their record, and then the organization says you know, this isn't effective, let's get rid of that policy, you have to use the brake stick, but the violation still stays on the employees' records.

MR. GREFICZ: Yeah, absolutely.

MR. PITTS: Correct. And they do it. And going back to what Mr. Cassity was saying, God forbid you do report an injury. Of course, here -- OSHA release on Norfolk Southern having to pay an individual $300,000 for violating the whistleblower act and this was in Chattanooga, Tennessee, because somebody reported an injury. They got fired. It's not an open policy, they will terminate you for -- I have two specific incidences with two separate employees.

The Norfolk Southern safety policy in regards to reporting injuries has changed, it used to state that you had to report the injury when the injury happened, before you went off duty or when it manifested itself. I can turn my ankle. I mean, we've all seen the actual -- the place that we all have to work, it's not walking down a pavement. I mean, you've got places you might turn an ankle. You may not know that it's hurt, but if I turn my ankle and I don't think anything about it. We had one gentleman who turned his ankle when he was stepping off of a platform in

Atlanta, when -- he thought oh, it's no big deal, it's not anything major, it's not killing me, I'll just -- and we'll go home, I'll be done, it will be fine. And when he got home, his ankle was the size of a grapefruit and he was like hey, I twisted my ankle when I was in Atlanta. Boom, wrote him up, he's in an investigation. Investigation's, you know, investigating the responsibility for the incident, trying to fire you. So he goes to an investigation for it and he's found to be guilty because he didn't report it at the time of the injury.

MR. GREFICZ: The discipline investigation.

MR. PITTS: The discipline investigation. Three weeks later an employee in Birmingham yard is operating a brake stick and feels something in his shoulder pop and says, at that moment in time, hey, I've hurt -- you know, something popped in my shoulder but I don't know that there's anything really wrong with it, yeah, it hurt a little bit. They come down, pull him out of service, the next day he's out of service and has to go to an investigation because he must have been doing something wrong, he couldn't have been doing it by the rules.

And when I was sitting in an investigation with him, everything that the trainmaster was trying to discipline him for to have him removed from service, I was like yeah, sorry. That's speculative, that's -- he just said that he pulled harder. Well, if you look at the nature of using a hand brake, you have to pull it harder every single time, but they try to use whatever they

can. So God forbid you do, you have to deal with that, the actual discipline side of it for making -- saying that you got hurt. There are people that are terrified to speak the truth. Honestly, every one of us that are in this room right now, we become -- we become targets because of speaking the truth. The thing is Norfolk Southern, 10 years ago, had safety meetings on a regular basis, each terminal, each division, each territory had its own safety team.

I was the chairman of the safety committee in Birmingham, out of Norris Yard, when my terminal superintendent came in to a meeting 5 years ago and said yeah, they're stopping the safety committees, this will be you all's last meeting, and it was removed completely. They were gone until last year.

Last year, safety committees were brought back. You don't see safety banners everywhere, you didn't see a whole lot of that. When the NTSB stated that they were going to be -- they were going to be investigating Norfolk Southern's safety culture, that was 10 days ago, was it 10 days, 2 weeks ago when that came out?

MR. CASSITY: It's probably a month or more now at this point.

DR. GARCIA: It was about a month ago.

MR. PITTS: Oh, a month or more?

DR. GARCIA: Yeah.

MR. PITTS: Our terminals became bulletin board -- everything went safety. You have, you know, mouse pads with safety, you have

bulletins, you drive into a yard, any yard across the system, "safety first." Where's that been for the past 5 years?

MR. GREFICZ: But still -- I can add to that, Rusty. If you take a deeper look, they're advertising it but they're not practicing it. Specific examples, like I said, are in Detroit and I'm sure it's across the system, there's specific examples, but Don Roach is our state director.

It's been elevated from the safety meetings that you said they just started back up, that the railway over an overpass, the railway goes over an overpass, there's handrails, wooden handrails that are just so dilapidated they actually fell out into the roadway and then the city comes by and -- there's no handrails, there's no guards at all, and we complained about it, complained about it, and they said well, we got to look into it.

Three, four, five, six months later, there's still cones or big orange barrels with caution tape, you know, as the barrier. My point is to say that it's one thing to preach it, but it's another thing to apply it.

So maybe -- you know, I'm not saying they're not advertising they're taking steps, but the proof is in the action. And you talked earlier, just talked about -- and you said the attrition. Historically, if you look at attrition, there's railroad -- railroad jokes, the only way you gain seniority is by somebody dying, somebody getting sick, somebody getting fired, you know, not too many railroaders retire for some reason, they like to

stick around, but -- so we never gained seniority, historically, in the past. I can tell you, from 2005 to 2015, I gained maybe two or three spots of seniority. There was like two or three people that were fired, five or six guys retired, you didn't gain seniority and that's how you hold better jobs, with seniority. So you had to have 20 years to come off an extra (ph.) board to actually hold a job.

If you relate historically the attrition, we talked about it and I think it's important to figure out why. I can't give you the specific answer, but I bet you it has to do with safety and it has to do with the operational aspects of how they're applying their new operations to the employees, but the attrition, and I'm not talking about new hires that just say "this ain't for me," I'm talking about 10-year, 15, 20-year people that have a vested interest to continue their railroad career are walking away from it.

I've seen it and to me, it's unfathomable to think that this guy that I know, a devout Catholic, he's quiet, he's calm, he does his job great, just says "man, this ain't for me" and just walks away. Well, why? "Because I can't deal with this, somebody's going to get killed." And what happens to his concerns? He just takes it off and carries it home with him. And it's not just the guys that are out here 6 months, 3 months, or 9 months, this is affecting the long-time employees that are walking away from the industry, as a whole. I think that if you could actually get

those numbers, the question then becomes what did you do different between 2000 to 2015, from 2015 until now? And take the employees with 3 years or less, take them right out of the mix, I'm talking about 10-year vested employees. You know, there's a reason for it, we know what it is, but I'd like to hear what they have to say about that.

MR. PITTS: They're always going to have the answer that they want you to hear, that was like earlier Mr. Cassity spoke about right after East Palestine, Norfolk Southern's CEO, Alan Shaw, spoke to investors about the new formula for Norfolk Southern was going to be about safety and we were going to change things and we're going to do the right thing.

Do the right thing, how many of us heard him in the East Palestine hearing saying we're going to do the right thing? Mr. Cassity spoke specifically about the rule about train build, that would be OB-7, it was issued on March 8th within days of the East Palestine hearing. OB-8, which is operating bulletin, that was the 8th. The 12th, it was changed, again.

We said something that was going to make everybody feel like we're doing something different now, we're not going to have trains over 10,000-foot long anymore. Well, then that changes on the 12th. And you get OB-8. Then on the 9th, we get a bulletin that says effective immediately, OB-8 train build and operation special instructions revised, issued on March 12th, is cancelled completely. And then on the 16th, hey, OB-10. Then on the 20th,

OB-11. On March 25th, we get OB-12, which is our train build make-up that we're legislated under, the rule that we -- that's applicable to us at this time. So imagine being a conductor who's just learned your job or being somebody trying to train a new conductor on doing their job. You have copies of everything.

DR. GARCIA: Thank you.

MR. PITTS: Everything I brought today, you can have. But Mr. Cassity spoke of the rule regarding train build. Over a -- what is that, the 8th through the 25th, that changed from OB-7 to OB-12, so you got eight different -- seven, eight, nine, ten, eleven, twelve -- six, six different operating bulletins on how we're going to build trains. We asked the question "What is Norfolk Southern doing in regards to safety?" We're saying the right things in theory, but in practice, we ain't doing a damn thing, to be honest with you.

Yes, I believe that there are -- and I'm not saying that it's -- I'm not going to say because I would be speculating, I'm not going to say that it's an intentional -- from every level, but somewhere there is a great deception going on, whether it be in regards to safety, the training that goes on, I mean, there's huge issues in regards to that and with -- like he said, what -- somebody such as Mr. Shaw says in the East Palestine or in front of a set of investors, they say a lot of things but they don't happen in practice.

DR. GARCIA: All right. If I could just, I've been trying to

take notes on the safety issues that you've been talking about, I want to look at just the areas that they are and see if we've covered everything. So I've got training, which is on-the-job training, the length of it has been shortened while the territory area has been lengthened. Returning after -- I put down an offense, is that the correct term?

MR. GREFICZ: Discipline.

DR. GARCIA: Discipline. Fifteen thousand-foot trains, is that the right cutoff, basically the longer trains and not receiving sufficient training or on-the-job training?

MR. CASSITY: If you want to put a number to it, it's probably around 7500, 8500. I think really what we're talking --

DR. GARCIA: Right.

MR. CASSITY: -- about is kind of an experience for each territory. You get used or accustomed to trains of a certain size because it tends to be how things operate on the railroad and then all of a sudden, they'll bring in a gigantic one, so it's -- it varies in nature, but if we had to put a number, I'd shoot for between 75 and 8500.

DR. GARCIA: Okay. I've heard that as being the cutoff like for what they call very long trains.

MR. CASSITY: Yeah. And it's being studied by the National Academies of Science right now for over 7500. Would now be an appropriate time to give you a quick synopsis on why we've chosen those numbers? I shouldn't say we, but --

DR. GARCIA: Let me finish --
MR. CASSITY: That's fine.
DR. GARCIA: -- going through this list --
MR. CASSITY: That's fine.
DR. GARCIA: -- and then I do want to get back to that and get more information --
MR. CASSITY: Okay.
DR. GARCIA: -- on what the TRB --
MR. CASSITY: Sure.
DR. GARCIA: -- is doing. Okay. Norfolk Southern policy for reporting injuries, the threat of firing, being fired. The number of things to do when reporting for work within a 15-minute time frame. So what am I missing? Did I capture everything?
MR. CASSITY: Inspections.
MR. GREFICZ: Inspections is a big thing --
DR. GARCIA: That's it, yeah.
MR. GREFICZ: -- and the 30-second overview is explicitly because of the cutoff of mechanical forces. Under the regulation we are able to inspect for basic things, but we don't have the tools that the inspectors have and those are big things when you start talking about flange gauges, how tall the flange is on the rail wheels when they go over frogs or shallow depth, if the rail wheel is too worn down, that's when it comes off the rail. Or spall gauges, when you see these rail sets that have essentially divots or parts that are broken out of the actual rail, there's

gauges. And you may not think it's a big deal, but these cars, when the mechanical people aren't there, we're a hundred percent tasked with inspecting these cars. Outpost locations, even at home terminals, if the carmen are wrapped up -- carmen being plural -- doing something else, and this train has to go out, it's common practice and an expectation for the railroad management to say "hey, Nick, go air test Track 10." So I mean, I'll leave it at that, but that's -- I think when you go to inspections and air tests, it's important to really note that the burden has been placed on the T&E workforces and not the mechanical inspectors.

MR. SLOPER: Yeah, we're not qualified mechanical inspectors.

DR. GARCIA: All right.

MR. CASSITY: How about in-rail operation instructions from management, that would get into the wayside detector issues and Tim told a story earlier, I want him to elaborate on, I only want to give a few more minutes, but I think we need to talk about the instructions that come down from management when it comes to operating procedures and instructions they give the crews.

MR. SLOPER: I would like to touch upon train lineups.

DR. GARCIA: What's that?

MR. SLOPER: Okay, so when --

DR. GARCIA: Train lineups?

MR. SLOPER: Train lineups, yes.

MR. JENNER: Before we do, how about we take a break?

MR. CASSITY: Yeah, that's fine.

MR. JENNER: So we'll go off the record.

(Off the record at 11:05 a.m.)

(On the record at 11:33 a.m.)

DR. GARCIA: Okay, we're on the record.

MR. JENNER: All right, we're back from break, it's 11:33 a.m. I wanted to change directions a bit and talk about -- that was mentioned briefly earlier in discussion, but I'd like to hear more details about Norfolk Southern's safety -- safety programs. If you can talk about what they are and how effective they are and what role you have in contributing to the safety programs. Is that too broad of a question?

MR. CASSITY: This is Jared Cassity. No, in my opinion, it's not. I think it's an appropriate question and a question that needs to be asked. Norfolk Southern used to have some pretty robust safety -- had a robust safety program that was kind of a labor/management coordination, if you will, and then one day a few years ago, Norfolk Southern unilaterally decided to eliminate that program or terminate that program without any labor input and despite our best objections, they went through with it, anyway.

There was no real justification to its elimination, it was just the fact that they didn't want to spend the money, to be frank, on the program anymore and the cost that it had for labor to participate. The effect of that was quite dramatic in that when you lose that labor buy-in when it comes to safety, it has this detrimental effect on the employees that work around each

terminal. You know, the folks are fully aware that the union is participating in safety, they're aware that the folks that they elect to represent them have a voice in what's going on and also clarifies the streamlining of safety complaints to the carrier. If an unsafe condition is identified, it makes it very nice for that to be done in a way that you hand it to your representative of the union who also addresses that with the carrier and then holds them accountable to get that through, it makes it very easy for the employees to follow up on their complaints to see if they've been addressed.

In the lack thereof you now have a vacuum, which I will say NS is trying to get that back, I will let these guys talk about the new process, my opinion is it still lacks quite a bit from what used to exist and certainly could be improved upon. It occurred with no labor input whatsoever.

It just kind of -- all of a sudden, one day Norfolk Southern said they had this labor/management program even though labor was not involved in its development, its creation, and its implementation, we had no role whatsoever. In my opinion, it's more of a mirage or something to appear as though they have safety as a priority or a program in place than it actually is about meaningfully identifying unsafe conditions and correcting them. That also can mean unsafe practices, as well. So anyway, they have it, it's not what it used to be, it went away for a long time, it's conveniently back, and I choose the word conveniently

on purpose because that's what I think it is and, you know, it is there but I'll look to these guys or defer to these guys since they work the ballast with the folks that experience it and let them address, you know, what their takeaway is from the program.

MR. JENNER: Right. If I can just ask you --

MR. CASSITY: Sure.

MR. JENNER: -- what time frame were you thinking of when it went away?

MR. CASSITY: So I would say the safety program got terminated roughly 3, maybe 4 years ago. I feel like it happened right around the time I was coming into this position. And then the new safety program is pretty much brand new, I was hearing rumblings about it maybe 6 months ago, I'm not even sure how long these guys have been involved with the program. To be quite honest, I was surprised to hear that anything was being done with it when they mentioned it in this room.

So I guess maybe I'm encouraged in the fact that there is some participation at this point, I don't know to what degree, I know very little about it, but I would say -- I would say roughly 3 to 4 years ago the program that we enjoyed with Norfolk Southern was terminated and then in the last handful of months, they've made this unilateral program and declared it as a joint program.

MR. JENNER: Fair enough. If someone could talk a little more about details, about what the safety program --

MR. GREFICZ: So looking at the history of it, the safety

program is in line with the training. I attached the two because of the coordinated effort with the organizations, so it was always understood and they went hand in hand. When new people came on the property, the local reps had oversight of scheduling, jobs they worked, and we even did -- we even did write-ups, safety audits, essentially, of the new trainees. They don't do that anymore. That's the same way with the safety program, it was always understood historically that the local reps, whenever the safety meeting was held, the local reps had an unspoken ticket to attend, you were always invited, no matter what.

Didn't matter, you were invited. So openly communicating, talking about documenting conditions in the front of a room with your peers and then the next following month them same people had the same invite to come back and you talked about it and you collectively resolved issues. Now everything's dictated, you know, they say that we have a joint committee and it relates, like I said, with the training on the safety committee. The managers, they dictate who attends.

MR. JENNER: Um-hum.

MR. GREFICZ: They dictate how things are brought up, how the meeting is ran and they dictate what gets put on the record as far as the monthly meeting minutes and what doesn't. It's all dictated how it works and that's a complete 180 from how it used to be, it used to be an open door policy to where the reps had full invite and you could talk about anything.

But, as Brother Cassity said, I don't know if it's to shield or suppress the facts or it's because of the money it takes with bringing in the two or three reps who have oversight of the territory, the membership coming in there, but for whatever the reason, it's no longer consensual, it's all dictated by the carriers.

MR. SLOPER: I could just anecdotally, our local safety committee meeting, the first 3 months of this year, only one member -- well, let me back up. We used to have a safety committee for each district, so out of Decatur you have the Decatur to Moberly district, Decatur to St. Louis, Decatur to Peru, Decatur to Wilmington and Peoria, so you had four different districts plus you have Decatur terminal, Decatur terminal is the largest flat switching yard in the northern hemisphere. So maybe you had five different safety committees out of this one terminal, now we have one. Each district is allowed to have one member come --

MR. JENNER: Um-hum.

MR. SLOPER: -- to this meeting each month. The first 3 months of this year we had one member that was allowed to mark off and attend; the last 2 months, the maintenance of way supervisor representative, so of course, when we bring up these safety issues, we need to -- most of the time we're talking about, you know, tree litter on line, the rails that are hard to throw switches that need to be addressed, so you're going to speak to

the maintenance of way supervisor who's going to be the representative in this meeting and he hasn't been there the last 2 months.

MR. PITTS: Correct.

MR. SLOPER: So we're not even speaking to the people that are going to be doing the work. We used to have an Operation Lifesaver representative, that's gone. I did not know, this is the first that I'm hearing, that -- is labor supposed to be involved in these meetings? I've never been invited to a meeting.

MR. PITTS: I was specifically told by a terminal superintendent when the safety committees were brought back at the first of 2022, that was January. Rob Sarver, which was the terminal superintendent at the time, said that he was -- they were re-starting the safety committees and I said good, love to be there. He goes no, no local chairmen or union officials will be present, we're not going to allow that to be -- we're not going to have you all coming in and this being a bitch session. I apologize, but that's the terminology he -- the exact term.

MR. GREFICZ: Let me interject a little bit. The importance of that is, as a union representative, you're there in the capacity of a union representative representing your members. When the carrier dictates that Joe Smith, who's an afternoon switchman, comes in to the meeting, he is going to be apprehensive to unveil any facts or put anything on the record because now he's going to be scrutinized because he's brought all these issues up

to where a labor representative is going to make sure that it gets on paper, it's going to be documented and it's going to be followed, so that's the importance. And I apologize for interrupting.

MR. PITTS: No, absolutely.

MR. GREFICZ: That's the importance between a labor rep and an average member, is that we go in the room and any labor rep anywhere, how historically it always was, have no issues documenting anything. But when they dictate that any labor's involved, "I pick Chris, Chris doesn't say two words in a 12-hour shift," of course you want Chris there, you know.

MR. SLOPER: And to Nick's point, I was allowed to assign the member for my district and so I assigned a very experienced, thorough, and thoughtful member to be our representative and so he's only been on the committee about a year now, if that, and management came to me last month and asked that he be replaced by a new employee who hasn't even been marked up, he's been a conductor for 12 months and he's now -- their idea is for him to be, this new person, to be our representative on the safety committee and it would seem for the sole purpose of they know that he doesn't know what to turn in or --

MR. PITTS: What to say.

MR. SLOPER: Yeah. So they're trying to get the experienced people off the committee for the newer people that won't, I guess, push the issues.

MR. GREFICZ: It also goes hand in hand, we talked about the training of the new hires, not given to the weeds on the crafts or the organization differences, but the sheer facts are that it's whoever's friends with the management is who they pick to train these new hires. When you have BLE or engineers or SMART and conductors, it's a proven fact that if Nick has been a conductor on this territory for 18 years, solely in this territory, that I'm more well-versed than Tim or Rusty, who's been an engineer in the same territory, they haven't worked on the ground as a conductor, so when you're training conductors, you need a conductor training the conductor, you know.

So if you take out the difference of organizations, you're talking about qualified trainers, qualified mentors, not get into that language, but you talked about the safety culture, it has a direct impact because it's not about who's friends with somebody, it's about the content and what education is being put forth and that's, again, a huge issue with the trainees. I'm attaching it to the training, the collective effort to educate the people. We're just being shut out and stuff is just dictated.

MR. PITTS: Fourteen years ago, 13, 14 years ago when I came to work for Norfolk Southern, we were required to attend an SQ or a safety quality class every year, every year during the slower months, January, February, March. Out of Birmingham you have the East End, the AGS North, the AGS South, which -- the West End, you have the Birmingham terminal, 3-D, Birmingham's a very large

terminal in the South. They would take two or three people from each terminal or each district or territory and all of them would attend a class. They would have videos, you were required to do a rules test to show your proficiency in the rules, but that was a yearly thing. Now it's what, once every 4 years? Now, only when you're required to take the --

MR. GREFICZ: The recert.

MR. PITTS: -- the recertification test, do you take a rules test. Rules are what help people stay safe. Every rule in those rule books were written because somebody screwed up and that's what they're there for. Now, you don't. He said Operation Lifesaver, it's gone. We have engines that go down the track and you see the fog of, you know, Operation Lifesaver where we would go out, I mean, you could just see it where it's painted on the side of an engine, but it's not something that's actually practiced anymore.

The new meetings, like I said, I was like great, I want to be involved because that is something that I am passionate about, is training and safety and -- because the two of them go hand in hand, and they were like no, you can't be, as a local chairman, you can't be on the committee, we're not going to have local chairmen on the committee. And like he said, you see more experienced people who have been out here for years not being placed on the committees and just grabbing people who have less time.

DR. GARCIA: Okay.

MR. PITTS: So as Mr. Cassity said, smoke and mirrors.

MR. CASSITY: This is Jared Cassity. I want to -- what he just said, I want to follow up on because I had made the assumption, which is always dangerous and I apologize for that, that labor was more involved in the new program than they actually are because of something that was said here earlier this morning and again, to the smoke and mirrors piece, you know, it sounds to me after listening to everything that was just divulged that the carrier, Norfolk Southern, has a program in place, best to say they said they have a program in place, but it is not truly a joint program nor is it meaningful.

When the carrier selects the participants from the labor ranks, it's -- there's a word I'm looking for, it misses the view that labor is actually participating. In the railroad world, you have unions, by law you have to have unions and the employees select their representatives and in my opinion, if Norfolk Southern is utilizing a program wherein they're making the selection, they're circumventing the whole process of the Railway Labor Act and the purpose of the union to only benefit them rather than the employees. The employees should have the voice and the decision on who represents them on any committee that is arguably labor and management, and that should fall to the union so that we know that the membership or the employees are actually selecting those folks. To be clear, I do think that managers will select

people that they know to be more friendly toward them, for lack of a better way to say it, and are less apt to rock the boat, if you will, or to demand safety improvements and safety changes. And so basically, from what I've just heard, what I would like to say now is the safety program ended roughly 4 years ago, Norfolk Southern created a so-called safety program that was under the guise of being labor/management, but clearly, after hearing this, is not a labor/management program but rather strictly a management program that they have given the self -- or they have made a self-title as labor/management and it is not a labor/management program and in fact, I would say that it merely exists to check the box, if you will, on someone's checklist or paper document to show that they're doing their part when, in fact, they're not.

MR. PITTS: It's amazing how, in a short period of time, say, close to the East Palestine or East Palesteen (ph.) derailment and you have somebody such as Alan Shaw who's questioned about how something is done. Decisions are made and things are said and done to give an appearance, like the rules, of changing things, no more 10,000-foot trains, we're not going to do this anymore, and then slowly but surely it fades back into normal.

They found out that they're going to be -- their safety culture's going to be looked into and all of a sudden, every terminal is covered with safety material within a week because they know that they're going to be looked at and the processes that they go through are going to be looked at. As I said this

morning, saying one thing and then actually putting it into practice are two different things and they just don't happen.

DR. GARCIA: Okay. Any other issues on the safety processes or safety programs, the new one?

MR. JENNER: Well, just one question in the area, just about risk management, so I mean, what we're discussing here is a very -- programs that once existed that were better and have now been reduced to something less in different capacities and, you know, you alluded to the effects that this is all having. So the question is about risk management and how does Norfolk Southern manage their risk, evaluate it and mitigate it, and where are you guys involved in that?

MR. CASSITY: Sure. So this is Jared Cassity. As you may or may not know, FRA regulations and some passed law, I believe it was the 2008 Rail Safety Improvement Act, required the implementation or creation and implementation of risk reduction programs that include risk assessment processes. But that regulation also requires that the railroads consult with the labor organizations or the applicable organizations to create new programs.

I served as one of -- well, I was actually the head service member, if you will, for the union with Norfolk Southern's consultation piece and what I can tell you is that that consultation was laughable, it was not meaningful. Norfolk Southern was not willing to hear what labor had to say, they did

just enough to make it look as though they were again checking the boxes but no considerations about labor were accepted from Norfolk Southern; in fact, labor had some significant objections to the program as a whole. Norfolk Southern created their own program through the drafts and despite our objections and our concerns, submitted it to FRA, anyway.

Again, another area of concern and heartburn or frustration for us is that FRA, at least the RRP segment of FRA, was not willing to accept our complaints but rather told me that was part of the consultation and it wasn't appropriate to be given to FRA and seemingly approved that program, anyway, despite us and when I say us, not just SMART TD, which is this union, but other rail labor unions, as well, objecting to the program being submitted as is and the fact that nothing that we suggested was put into it.

And we also had very serious concerns with the language and text of their program and the way it would be applied. All of that fell on deaf ears, not just for the railroad, but with the FRA as well, and that was approved.

Now, since the RRP has been in place there has been absolutely zero change in Norfolk Southern's approach to safety as far as processes and programs are concerned, at least none is visible by labor; the ability to assess risk or to have discussions about things that are occurring, whether it be operations or any style of risk. I don't know how it's being measured, quantified, I don't know how it's being analyzed,

labor's not a part of any of that and so, you know, it's basically, in my opinion, a pointless program because it does nothing. I have this feeling that Norfolk Southern has got someone somewhere that is writing stuff out and making it look as though it's an active program, but I'm here to tell you right now it is, in fact, not an active program. I don't know of anybody in labor that is participating on Norfolk Southern in anything that has to do with risk reduction program process.

So it's there, under our objection, but it's there and it exists, but to do what, I honestly cannot tell you, it's -- we have missed a very good opportunity to improve safety on a very large scale, on a system-wide scale, through this regulation and legislation and we have missed it, wholly missed it, and -- you know. And it's just a shame, really, is what it is.

MR. SLOPER: And this is Tim Sloper. Currently, I believe they're in the process of, by the -- is it the 13th of July they have to have the fatigue risk management program submitted? I've been pressing NS on this and the FRA on this and they still have not, I believe, submitted that plan for the union to review and we're what, 3 months away from it becoming --

MR. CASSITY: Yeah, so that's a good point. FRA did write the carriers and basically mandate that they expedite the fatigue management portion of the RRP and nothing has been seen as -- to date, regarding the fatigue portion and we are on a very short timeline and it speaks to the approach of safety or safety

programs that are mandated or required or requested, whatever word you want to use, and how the railroad does it. It's an obligation, it's almost like a hurtle to the railroad that stands in the way of potentially slowing down operations and so it's this one thing that they're going to sandbag on and wait until the last possible minute and they'll throw a program out and it -- when they do that, it hamstrings labor, it hamstrings labor's ability to be able to interject because when you're on that short of a time frame, they have this always running excuse in the background, well, we got to have it submitted by then, well, you only gave us 2 weeks to comment but you got this deadline and so there's not a meaningful way to actually review the program and to weigh in, in a way that may make a difference.

So you know, that just speaks to the RRP process, it was done wrong, it's still being done wrong, and now you look at the fact that you've got FRA that just recently came out and said you got to have the fatigue mitigation to us and it's still -- it's still not a priority, it's just something in the background that eventually the clock will tick noon or midnight and they're going to send something out and we will be limited in our ability to really weigh in, in the way we should. And FRA will be tempted to accept because there's just this weird obligation and requirement where all these things have to be in place so it looks as though we're doing things to improve safety when it only exists on paper, it's not a real thing.

MR. GREFICZ: I can support that. As far as Mr. Cassity's picture of risk management, it doesn't exist at the local level. I don't know if it exists on a higher-up level, I can just take his word for it that it doesn't, but on a local level, there's no back-and-forth, and I can give you specific examples, and we talked about it here, the conversation about the new hires and the new trainees.

I have formal letters from our legislative rep, Tom Dillon, where the carrier puts out bulletins relating to the new hires, saying that OB-4 2018 was put out and then it was revised, the same thing was put out again on February 13th of 2023, the bulletins, operating bulletins from Norfolk Southern. And the brief overview is that there's so many trainees on property and it's not ambiguous at all, it says that if you're a new hire you are not to be paired with a person that has less than 1 year's time on the railroad.

So given their policies, as we talked about earlier, our LR, our legislative rep, was proactive and was e-mailing the superintendent and saying hey, here's an example, here's an example, this is happening and then the superintendent basically says, and like I said, I have documentation for it, basically says "and I told him to just stay on the engine and look out the window and observe from a distance," and it completely contradicts their policy, what they're putting out as a rule, it's convenient at the time, so they don't follow it.

So then a day later, another e-mail goes out and says "hey, this is still happening, what is your plan to correct it, you talk about risk management, that seems to be a pretty big risk." We have a brand new guy and then you had him training a brand new guy and the organization, a representative says hey, this is a risk, I'm notifying you that there's potential -- a potential issue here for great bodily harm, injury, damage, whatever.

And the response to the second e-mail is "and so, do we need to go over this again," meaning refer to the e-mail I sent you yesterday, they're just going to sit on the engine and look out the window. So when you say risk management, I can tell you that the organization still presses risky notifications and tries to notify the carrier, but it's just like everything else we talked about, it just goes out the window, it's not even considered. So at the local level there's zero, zero contribution to risk management.

MR. PITTS: And you said that, of course, the company policy is if you have a trainee, you have to have more than a year's experience. And then we get verbal instruction from management that says we've got way too many CTs and our conductor pool is so young, it's impossible, we can't get our CTs through to do their training. So as long as you're comfortable, break the rule and do it, just do it. We're not going to -- I know it's one of our rules, but if you're comfortable and the CT's comfortable, go ahead and do it.

DR. GARCIA: Yeah. And for the record, CT is conductor trainee?

MR. PITTS: Correct.

DR. GARCIA: Do you know if that time, because we heard this at Bayview also, with the conductor fatality there a few years ago, do you know if the time when they are assigned for on-the-job training to a person who has less than a year of experience and therefore they're put in the engine and can only look out the window, is that counted towards their required time --

MR. PITTS: Yes, yes.

DR. GARCIA: -- for on-the-job training?

MR. PITTS: Yes. Say like, our divisional training coordinator literally, as he said, it is a -- when they come out of McDonough, they're handed a schedule that's created through Schedule Matrix. Like he had said earlier, that schedule has X number of jobs so that they can meet the requirements, they can give them to FRA under C.F.R. 49.

While they're completing that, when they sit on an engine, because they don't feel comfortable being with a guy that's been marked up 2 weeks and then they sit on that engine, at the end of a set period of time, then that CT is asked by the training coordinator, whoever it may be, they may have had two or three rides with a trainmaster or they may have had two or three rides with a train coordinator at some point in time, but they're given the test and honestly, it's a joke, because now, heck, the guys

that go through the training in McDonough at this period in time, they're allowed to miss stuff. When we went to school, if we had a signal test, if you missed one, one question on a signal test, "have a nice day, thank you for your application, go home." Now they can miss multiples. They can fail the drug test for Norfolk Southern and be told to go home and be re-hired 12 weeks later, "come back again."

That's a problem, when you're hiring risky employees. I know that the job pool was very difficult after 2020, after, you know, COVID, but we're doing it, we're hiring people with felonies, honestly, and going "come on." It used to be when you were hired for the railroad, you were proud because you actually accomplished something.

MR. CASSITY: And this is Cassity, back to your question. Under the training program that Norfolk Southern currently has in place and has had in place for quite a while, it basically says that you've got to be training for this amount of time, it does not require an actual exposure to the environment or to the actual operating practices of the railroad.

There are times when you get called to work that the train may not be there or it may break down just outside of the yard and this is -- I mean, while it is rare, it's not that unheard of in our industry, you may sit in the crew room for 12 hours and never do anything. Under Norfolk Southern's program, that counts as a day towards training, even though the trainee didn't do anything.

You may be put on a train that never moves or moves 5, 10 miles and then it ends up meeting hours of service out there. That, too, qualifies or quantitates as a day of training, the box being checked. You may only deadhead and ride in a van to a place, that also counts toward training under Norfolk Southern. You know, if we're going to take a real approach to changing the industry, and I'm not just talking Norfolk Southern here, but the industry as a whole, we need to start looking at other industries and their training programs, specifically aviation and maritime, and talk about hourly components to exposures of when they're actually doing these operations, how much time did you get actually walking the ballast, how much time did you get actually calling signals while the train was moving, and let's identify periods of lull or when you're not doing anything so that doesn't count towards it, because the way the NS training program is working now, they build in a surprising and scary amount of time for these trainees to not actually be working.

It's time off, but it still counts as training in this window. And you know, you may see 8 weeks, but the fact is they may have only gotten 5 or 6 actual weeks of training and that's including the 4 weeks in school and 2 weeks on property and that, to me, is a terrifying concept --

MR. PITTS: Um-hum.

MR. CASSITY: -- and is one of the biggest factors into the degradation of safety, if you will, the actual effect of safety,

but then, you know, it's the one thing that we have to identify and do something about is there should not -- it should not be considered training when you're not receiving training. And then I want to be perfectly blunt here, there are conductors that may have all the experience in the world, there may be a 30-year conductor with an unblemished record that does not want to train somebody and those people are out there, but they put trainees with them anyway and they will almost put them in the corner, basically put them in the back seat of the locomotive and just say sit down and shut up, I don't want to train you today, and the conductor trainee gets no exposure to anything other than looking over the conductor's shoulder.

I had one when I was a trainee, it's not a new process, but it's one of those things that the railroad should, with labor, identify people that have a proven ability to be a good employee, to work safely, to show the characteristics of a good trainer and then to have the interest in doing it so that they can train these people. On to Tim's point earlier, it also gives them consistency and you know where they're at in the process, you're not constantly flipping. And so all of these holes exist in the program as it is and that is something that is severely worrisome for us, as a union.

MR. PITTS: And at one time Norfolk Southern did have -- as an engineer, you had a certification card, you had a training card that you could apply for and actually get once you've met certain

requirements to be able to train people. That was something that was given. And I know that in regards to our general committee, we've made wholesale, you know, proposals to the carrier in regards to training and offering specific people, like Mr. Cassity said, people who want to, who take pride in it. If I have a trainee, I'm given, what is it, 10 bucks? Today?

MR. SLOPER: Yes.

MR. PITTS: Ten bucks to train them for a 12-hour, 8 to 12-hour period at a time. Ten bucks to train them. But for many of us, it has nothing to do with that $10, it has to do with pride, knowing that I'm teaching somebody a skill to move forward. But to have a set -- when I started with Norfolk Southern, I had a checklist that followed me everywhere I went. When I went to work with this guy, I handed it to him when I got there, he knows what I've done, he knows what jobs I've worked, he knows what jobs I haven't worked, he knows what skills that I mastered at this time and what skills I have not.

The CTs today coming out of McDonough, they have nothing to follow them, they have no way of reporting where they're at in their training process, they have no -- they may be with Nick today, where they sit in the washroom for 7 hours or they PTI out and sit on a train that doesn't move, may be with Tim tomorrow, then be with me today. None of us have a clue what he's done, where he's at, where he's at in the process. Now, imagine being a new trainee going through this process, what do you say, I don't

know? We looked at this list of how many has been fired, how many has been removed from service. You're scared to because you're scared that they're going to let you go if you say that I don't know and tell the truth.

DR. GARCIA: Do you know what the current training program is for trainers at Norfolk Southern --

MR. PITTS: There's not a --

DR. GARCIA: -- to like train the trainer? For on-the-job training.

MR. PITTS: The question, in regards to the trainers, in McDonough was brought up in a meeting with Kevin Lewis 2 weeks ago and his answer to that --

DR. GARCIA: Who is --

MR. PITTS: Kevin Lewis with the FRA. He is the -- he is with certification.

MR. CASSITY: For clarification, Kevin Lewis is doing his part of the FRA's safety audit or audit into the NS safety culture, as well, and the discussion he's referring to is FRA's piece in that when it comes to training.

MR. PITTS: Correct. But the question was asked, when they were in McDonough with the trainers that teach these CTs, what training did you get, you know what their answer was? We followed the person that's doing the job for a week, 2 weeks, and then we were told to train them. We don't have a "train the trainer" or we don't have a "train the trainer" program. Have you seen

anything that teaches --

MR. CASSITY: No. For the railroad, there's -- for a conductor to be an on-the-job trainer, there's no training --

MR. PITTS: Nothing.

MR. CASSITY: -- there's nothing, it's just "go do your job and let them watch." There are instances now that are popping up all over Norfolk Southern where folks are getting hurt or cardinal sins, if you will, serious, serious rule violations are occurring because folks with less than a year are being tasked with training someone that has -- being brand new and they're not able to do that.

In fact, there was recently one where a newer employee was training a trainee on a shove move and wasn't aware of a close clearance that existed and shoved the guy into a close clearance and the trainee had to be life-flighted and it just speaks to the fact that when you're that new, (1) you're still getting your situational awareness under your feet; (2) you're not able to look out for yourself and someone else at that point; and (3) you just don't have the experience or the time, the familiarization, if you will, to not only be thinking about operational components of the rules compliance, but also just physical safety risks that exist and identifying those, too. And you know, I'm being perfectly honest, when you add a trainee to a job, it's quite a bit harder. I mean, when you're riding a shove move, you're not just thinking about the shove move of the train, you're making sure they're put

on a car in a way that you can still see them because you're responsible for them but you're also protecting the shove, do you put them on the other side of you, do you put them behind you, you know, what's best for them, what's best for you. Me, personally, when I had a trainee, we did a lot of walking because I thought that was the safest way to do that and we could talk while we're doing that so I'm not trying to scream over a train movement but, you know, to each his own.

But you know, it's -- we are seeing the impacts of this scenario playing out and it's particularly troublesome but it's extremely concerning, to your point, when you asked the question, there is no added education component for being an on-the-job trainer, it's just go out there and do what you do every day and let them watch or use them as much as you can and everybody does it different. Some guys know how to keep you close and show you, others put you on a switch and tell you to throw the -- or operate the switch all day, every day, and you know, again, that standardization has got to find a way in.

MR. GREFICZ: Historically, historically speaking, from 2005 until 2010 to '12, I can speak on my territory. The organization had a big input as far as the schedules, what they trained on and who they trained with. All that has been thrown out the window in the last handful of years and like it's been spoken about several times, there's an optimization computer tool used so it mitigates their off time and maximizes their on-the-train time.

It doesn't take into account, because the person doing this and runs them through this program, computer program, you got trainees on top of deadheading in a PTI cab, minivan or sitting on an engine, it's all counted as certified time. They're showing up to jobs that aren't working, there's nothing taken into account as far as that somebody's on vacation or somebody's not working, the extra person that's doing the job which is creating these instances of new people working with new people.

So in a nutshell, just to support what you're saying, there was consideration for the miscellaneous issues that arise, there's no longer any movement, there's no longer any changes made, this is what it is, this is dictated how it's going to be and you just have to follow it. You know, there's room for incidental, so to speak, and I think it's important when you talk about the safety culture, pointed out, it may take 3 or 5 years.

And I could speak for myself, getting off an engine with a map of the yard in the rain in the dark just so I know which track is 23 because there's four different leads of tracks and I don't know which one's 23. And it took me a good solid several years to do that and to send somebody out there now and think that they can do it themselves, let alone train somebody to do it, it's -- this is the result of it.

MR. PITTS: And not only that, it's when they're sent out there to do that. Now, at one time management with Norfolk Southern, again, we've said it time and time again, a lot of times

the trainmasters, they were guys that used to be on the ground, with us, and they just decided that they wanted to go the management route. And so trainmasters, you know, some of the local guys may be old conductors or old engineers, whatever it may be, they decided to go the management route. There was a point in time where there was a -- where you had managers that would come down and see a disciplinary action happen, if something happened, a rule violation being broken, and they would take -- and they would mentor, they would step up and go hey, listen, Nick, I know that this -- I'm not sure if you know this or not, but if you -- when you walk across this track, let's walk at a 90 degree, not a 45 degree.

And so they were -- management was allowed, some of your trainmasters, they were allowed to make a decision, I'm going to mentor this young guy, this young girl, whoever it may be, this young conductor, I'm going to mentor them and I'm going to gain a relationship with them because I'm not just immediately going "sign this letter, you broke a rule," they actually took the time to mentor and it created more of a relationship between management and members, and now there's no such thing. When was the last time you heard of anybody getting a verbal?

MR. GREFICZ: Zero remedial training.

MR. PITTS: Zero. It just leads to the --

MR. SLOPER: One thing that I would like to point out -- this is Tim Sloper -- is that the managers who are determining that

these employees are qualified are not qualified themselves. For instance, you get these new managers who were not craft employees, a conductor or an engineer, they come out of college, they go through Norfolk Southern's management training and then they put them on a territory and they've never seen the industry work, they don't know the customers, they don't know the yards that we're working in, and then they're tasked with going out and saying that this employee is qualified to do this work in this industry or this yard that they've never even seen or views it.

You know, if you ask a manager to go out and do my -- like to work a local assignment that I would be called to work and he had to show up and get my paperwork and then go work in industry and switch a customer, he could not do it, but he is determining whether or not, he or she is determining whether or not these trainees are qualified to work these industries and it's just -- it's like the blind leading the blind.

MR. PITTS: They have no seniority on --

(Crosstalk)

MR. GREFICZ: That would never happen, explicit examples, you can -- you know, I can provide training logs of their work histories where they train for, say, a 12-week period and then they were marked up, put on an extra board and then, because they're the lowest man on the extra board, subsequently because of the CBA or the agreements, if a job goes no bid, the youngest man on the extra board gets forced to it here.

So I have examples where -- I provided them to the FRA, where a person goes through the whole training program and they never worked this pool, it goes from Point A to Point B, then they get -- they go through the training program and they've never worked this through-freight road service pool, seen these ends of the yard, seen these tracks, they get set up, put on an extra board and then within a week get forced up to that pool and now they're a full-time conductor in that pool, they've never even worked before.

MR. PITTS: That's right. We have --

MR. GREFICZ: That's happening across the system.

MR. PITTS: What's even what I would consider to be a hundred times more -- I mean, being a conductor on a territory that you don't -- but due to the lack of manpower in the Gulf division, in the Birmingham terminal, there are employees called go-team, you apply for a go-team through Norfolk Southern and you get paid a high amount of money to be on call, to be able to go work other terminals when they're short staffed. All right.

As an engineer, of course, we know how -- there's a reason that -- usually, you've worked for the railroad for 8, 10 years before you actually go engineer because now you've learned a whole lot more in regards to basic railroading. But to talk about the company's decision to have a list of -- let's see, one, two, three, four, five, six, seven, eight, nine -- nine different LET or go-team guys, they were brought into Birmingham on the 1st of

April and their first trip on a territory, very first trip ever seeing that territory, they're running as an engineer and they may have -- and Birmingham to Atlanta is not an easy run, that's a very difficult, very technical territory to have to run, possibly running a 12,000-foot 10,000-ton train.

But they may have a -- and Kevin Lewis said it's fine because that -- the road foreman, they pull a road foreman from Chicago, Illinois to come down and ride with an engineer who's trying to learn, they're trying to make more money by being on a go-team, but they're brought in by Division and told here, all right, you're going to run engineer on this and this road foreman, who has no idea, anything about that territory other than looking at a track profile, you know, standing on the back wall with a track profile watching you run and it's like, you know, how are they supposed to learn?

And we actually had, in PTC, if you're running a certain speed, if it's a 30-mile an hour and you go 33, the minute that it hits 34 it enforces you and it applies brakes to you. We had one of these guys, between Birmingham and Atlanta, "where's the technical part of the track," slacks running in, boom, it enforces them. If that happened to me, what's happening to me if I'm enforced? I'm in an investigation being -- having to go into a disciplinary investigation, let me clarify, a disciplinary investigation for getting over speed, for speeding. They just took him and said hey, we're going to EQ you the next trip and

take -- put you in a hotel and then bring you back. But you're putting engineers who are controlling these trains -- I mean, we've seen, on the East End territory in Calhoun County, a huge derailment, in the past few months, but we take them -- and I've got a list of every one of the LETs that are on our go-team that came in to Birmingham to try to help and every job that they've worked on and got lists of all of them, and you can see that they run as an engineer on 4/3, 4/3; 4/4 they run as an engineer on a 187 freight train and then they have to run as an engineer qualifying on 4/6, run as full-fledged engineer, but been running as EQ 2 days later.

DR. GARCIA: Why would they be running as an EQ?

MR. SLOPER: Because they're -- basically, they probably messed up the day before and they're saying you don't know what you're doing, come back tomorrow and we'll let you be -- we'll let you be a trainee after the fact.

MR. PITTS: It's a matter of getting trains from A to B.

MR. SLOPER: So they're admitting that he didn't really know what he was doing that first day and then saying well, maybe you need a little more time. But to his point, they're just letting people run these freight trains, these locomotive engineers that don't really know if they're qualified to do it.

MR. GREFICZ: They've never seen the territory.

MR. PITTS: They've never seen the territory.

DR. GARCIA: Is this just the go-team, that have never seen

the territory?

MR. SLOPER: Yes.

MR. PITTS: Yes.

DR. GARCIA: Some of them? Yeah.

MR. PITTS: Yeah. But I mean, it's -- we've talked about them putting conductors in positions that can be dangerous, that doesn't follow what I would call safety, what would be safe practices. A conductor, yes, very dangerous job. An engineer, who's controlling a 10, 12,000 or 10, 12,000-foot train, you know, 12, 14,000 tons with maybe two sets of DPs in the train, you've got engines on the front end, engines in the middle, and engines on the rear and then it's being handed over to this guy, we're bringing these guys in just because we're shorthanded, it doesn't matter.

MR. SLOPER: If you want to bring us back to the East Palestine, I think you -- so I represent the engineer that took that train from Decatur, so that train's consist that eventually derailed in East Palestine came from Decatur, Illinois. I know that it originated in Madison, but they changed consists in Decatur and I was in the NTSB interview with that engineer, that was a few weeks ago, but it will come out in the transcripts that he -- when he came to work, that was the largest and heaviest train that he had ever run and he didn't feel comfortable running it. They called the yardmaster and said why are we running this train so big, because it came in and the DP unit with, I believe

it was 40 or 50 extra cars, was in a different track. So the train had already come in with, I believe, a hundred and 10 cars and they could've easily just run two trains rather than one train that was an engine and a hundred and 10 cars and then run that second train that was an engine and, I think, 50 cars.

Instead, they said double on top of that locomotive and they DP'd that train and he said that it was 18,000 tons, I believe, after they doubled it up and that was the longest train he'd ever run and he -- they got a knuckle, which means they severed a knuckle en route at, I believe, Attica, Indiana, because the train -- and it came out in the investigation of his train handling, because whenever we get a knuckle or an engineer breaks a knuckle on a train, you're almost always disciplined for train handling, they'll do a disciplinary investigation and they'll look into one end of the incident.

In that investigation, they plugged in the numbers to see if that train adhered to the Operation Bulletin 12, it did not, because that was a train that they did not -- it wasn't built properly, the rear end was much heavier than the head end and that's what resulted in the train break, but -- and he's a very -- a young engineer, he was concerned about the build of his train, the weight of his train, and they said, just like everything, oh, in the last few years it was just take it and, you know, hope for the best.

MR. PITTS: That's right.

MR. GREFICZ: A lot of this stuff gets overridden and I'd be remiss if I didn't address it, just for conversation's sake, but it comes down to interpretation of the regulation from the FRA and safety is seemingly recently been taking a back seat as far as the qualified instructors. Common sense says you don't want a guy coming out of school and being paired up with a new guy. But when you look at the definition and interpretation of a qualified instructor, it's like a human being, somebody that can breathe air and walk, you know, so the railroad skirts around it because of the ambiguous language.

Same thing with the block swaps, used to be no more than one block you can carry on. If you get two or more blocks, then the initial terminal has to be re-air tested, meaning that if I'm taking Track 1 on my train and there's two trains, Trains 3 and 4 pull in, I can tie on to one of them tracks and use that air slip, but if they wanted to take Tracks 2 and 3, both tracks, then Track 3 has to be air tested at that initial terminal of that train.

Apparently, the interpretation says now I can just have eight air slips from wherever they were worked however many thousands of miles ago and the new interpretation benefits the railroad and throws safety out the window. So I'm not going to harp on it too much, but it's a well-known fact that the railroads in general are going to get away with what they're allowed to get away with and safety, the safety language as it's being interpreted and applied in the property isn't beneficial. The regulations, as they're

being interpreted, are not beneficial to safety. I mean, the big thing, everybody knows railroads aren't in the best towns across America. When you go over railroad tracks, they're normally not predominantly in great areas. And saying that, there's cars that are set off or set in sidings or set out in the open in industries and you've got kids playing, you've got vagrants, homeless people, you've got all these things, well, they were air tested 23 hours ago, I know because that's what time they called, go ahead and tie on and go, you don't need to inspect it, just tie on and go.

All these interpretations and changes to these regulations is detrimental to safety. It's having the opposite effect of oversight, it's actually allowing the railroads to get away with the exposures. So that's my rant on that, but --

DR. GARCIA: Thank you. I'd like to get back to Jared's point earlier, about the length of the trains.

MR. CASSITY: Sure. So there's a lot to unpack here. Railroads have made clear, since the implementation of PSR, that they are intending on growing the length of trains to astronomical lengths. We have examples of trains being tested over 5 miles long out west, we have daily routine trains being operated in excess of 3 miles. The notion of long trains is not new, it's been around for a long time, but it was extremely rare and was not accepted as a fundamental railroading practice, if you will. The reason for that is long trains, as an engineer, are complicated to operate, especially in undulating territory where you have hills

going up and down, and curvature. Ideally, you like your train to be in one consistent state, and what I mean by that is either bunched up or buff forces or stretched out or draft forces, and you can't do that with a longer train. I mean, it's hard enough when you have a small train, it's extremely hard when you have a long train. The other caveat to that is, is the railroads and Norfolk Southern, in particular, is building trains and we discussed a little bit earlier, is building trains in a way that doesn't prioritize the placement of tonnage.

And so when you're building these long trains and you're doing it so nonchalantly that you're not paying attention to where the tonnage actually sits, it's extremely likely that you're going to have a lot of tonnage behind a lot of empties. We have seen derailments, serious derailments, that exhibit this, the most recent one, in my opinion, is the one in Springfield, Ohio, it spoke heavily to just what happens when you have a long train and a lot of tonnage on the rear end.

Simple physics is the rule at play here. You know, if you can take a Slinky and tie a 10-pound weight to the rear end of it and you start to stretch that Slinky out, when you finally get to the weight on the read end, you're going to feel that Slinky have that force and that stretch to want to get out there. That's true on a train. The equipment, I would argue, is not built for those kind of excessive forces, meaning especially the knuckles and the drawbars that are used in the coupling of rail equipment. I would

make the argument they're not built to withstand the forces that are involved in this. But when you take that Slinky and you get it moving and all of a sudden you stop quickly, that rear-end weight does not stop as fast as the Slinky, it keeps moving and pushing forward and that's what's happening with very long trains. When you put the brakes on, that weight comes crashing in, what we refer to as a run-in, and the harder the run-in, the more likelihood that the weight on the rear end is going to push the empties, it's going to make them want to lift vertically in the air.

Physically speaking, if you can picture just that weight crashing in and having those empties that are light, it's easy to see that they just want to pick up. Rail wheels are not built to be able to maintain or be able to take the hit, if you will, of a vertical movement beyond a couple inches. Once that flange is above the ball of the rail, it's easy for that car to come off and that's what we're seeing in these very long trains.

Why does that matter? Well, it matters for a whole lot of reasons: (1) it's a safety concern to the crews operating it and to the workers around the ballast that may be involved in this; (2) as evidenced in East Palestine, it presents the threat for major derailment. I'm going to expand on that, when you look at East Palestine, because of the weight on the rear it also presents a likelihood, a greater likelihood of more damage being done in the derailment, which also can lead to breaches of cars and the

release of commodities, some of which are hazardous materials. Now, if you can picture that train going 40-plus miles an hour and all of a sudden the 21st car comes to a stop instantly and you have all the tonnage behind it, you know, it's one thing for, if it was all empty cars, to just kind of come crashing in but when you have that weight, everything else keeps coming with it and so more cars are piling up, like in an accordion-style accident that keeps coming and coming and coming and there's just more room for the breach of these cars and the way they're built and more room for danger and disaster.

And so again, that relates to more risk to the employees and more risk to the public. You can also look at very long trains and the effect it has on the system, as a service component. The industry was built in the late 1800s, it never contemplated the fact that there may be trains in excess of 2 miles, 3 miles, 4 miles. We do not have sidings or situations where we can park these kind of trains.

And so from a service issue, when you look at the system, if one very long train stops, every other train on the territory stops with it because they have nowhere else to go. To the contrary, if you have a right-sized train that fits in the siding, if it has a breakdown or needs to stop and it goes in the siding, every other train continues to move. So all of a railroad's freight is contingent upon whether or not this very long train is able to keep moving. When you combine that with the fact that

it's more likely to break, it's more likely to experience a mechanical breakdown, it's more likely to experience a derailment, you look at all these confounding factors that slow the system and create congestion. The other issue with the very long trains is it impacts the public greatly and we are seeing more block crossing complaints than I've ever seen in my history as a railroader.

We are constantly getting reports of EMS vehicles not being able to respond to a house on fire or a victim or a medical -- whatever it may be, whatever they were called to do, they're not able to arrive on scene because this one train, it may not just have one crossing blocked, it may have an entire community blocked in a series of crossings. And we are experiencing EMS not being able to get there, we have seen people die from heart attack-type medical events because the ambulance was not able to get to the other side of the train. We've had houses burn down.

I'm constantly seeing videos on line that absolutely break my heart, not to be too sensitive, but of children that are constantly climbing through trains on their way home from school because they're so accustomed to the train being there now. And so it's these kind of things and how it impacts the communities, I mean, just being able to move in and out of your community is extremely important from a health and safety perspective and these long trains prevent that. The other issue is, and I'll go ahead and make the railroad's argument here and then counter it, is the

railroads say that one train is more efficient than three trains and if you think about it quickly, that makes sense, why would I want to wait on three trains at a crossing when I can just wait for one. But the reality of it is, is this very long train is three trains put together, so you're not just waiting on one train, you're still waiting on all three but now, here's the reality, that one very long train may take 15, 20 minutes, if it's moving at a good speed, to clear up this crossing.

But that 15 and 20 minutes, the traffic and the congestion that builds on the highway to the train grows and grows and grows, so the impact is that much greater on the community. If you run three right-sized trains, you have a train that goes over the crossing, three 5-minute stops, the traffic is allowed -- then it's able to start moving, it clears itself up. Ten, 15 minutes later, you have another right-sized train come through and you lose another 3 minutes, but the congestion and the impact to the community is far less.

And so, you know, the reality of very long trains is they look good on paper, and I think that's where we're getting lost in this industry is that we're trying to reach this efficient goal in fewer touches, I hear that all the time coming out of industry spokesmen saying we need to have fewer touches, fewer touches, that's the way we make more money, but that's not how you railroad, it's not how you railroad good, you've got to touch the cars to build your train right. You've got to touch the cars to

make sure that your train is being inspected and being worked and you've got to switch it out so that you know you can provide for your customers in a way that makes sense and these very long trains are the antonym to what it should be. And so, you know -- and I can go on forever about very long trains, but that's part of the issue. The other part is, is the distributed power it requires to run these trains.

We have a lot of issues with being dependent upon -- there are two modes that you can run these trains in synchronomous (ph.), am I saying that right? Basically, they're asynchronomous and basically they run where you have control of them individually, meaning you can put your lead locomotive in power and -- or excuse me, let's say your lead locomotive and braking and have your rear units in power or you can set it up to where it's automatic and they just mirror or mimic everything that you do.

And there are issues and concerns with what's going on with communication for the distributed power and the ability to have that communication. Train length has an impact on that, that it may break that communication wavelength, if you will. There's also a lot of instances where you don't know what's going on with the distributed power back there, they're constantly on fire, you'll see a big fireball going down the road and someone else has to tell you hey, I think you've lost your mid or rear unit. And then there's also the issue of communication with very long trains

in general. In train device technology that's 30-plus years old, you can almost guarantee you're going to lose communication with your EOT on every single trip anymore. You just are going to lose communication with it. And that has an impact on your ability to know the integrity of your train and how the brake system and air system is functioning. But the other issue with communication is how it applies and affects the personnel that staffs the train.

The radios that we are given are required to be narrow-band radios, they're extremely limited in length, they are also harmed by the presence of the train and then also the terrain around the train and what we're seeing now is radios are not able to communicate from the rear end to the head end. We have conductors that are protecting shove movements on these long trains, trying to tell engineers what they need to do with the throttles to have a safe movement and the engineer is not able to hear them.

This is so prevalent that we've coined a new pose in the industry called the Statue of Liberty pose, where a conductor will literally climb the end of the train, the ladder, as high as he or she can get, will wrap an arm in the rung of the ladder so that they can hold onto the ladder with the crease of the elbow and key the mike with their hand and then they'll use the other hand to hold their radio unit as high in the sky as they can to get the antenna in the air so they can get communication. The railroads say well, that's not important because the rules say you have to stop in half the distance, so if I give you okay, shove back to e

40 cars and if you don't hear from me in 20, you have to be stopped. But here's the nature and reality of the railroad industry, it's not like aviation. When you're moving on train tracks, things appear, people walk out at you, people come out of the woods, four-wheelers show up, cars show up, rocks will fall down the road or down the hill and when one of those things happen, and I'm speaking from personal experience here, I vividly remember a mainline shove I was moving one time and I could see forever, I said come on back 60 cars and we didn't get moved 10, 15 cars and just this string of four-wheelers, and you could see their coolers and the alcohol, they were having a good time, but they start coming across.

I'm yelling stop, stop, stop, stop, stop. Now, in that instance, I was on the right side of the train, he could hear me, but if I'm on a long train and my half of the range of distance suddenly disappears and I need to say stop, that communication is critical. And the fact that you had to stop and have the range of vision is irrelevant because things happen.

If you get tired as a conductor, all of a sudden you feel sick, you don't think you can hang on to the side of this car anymore and it's an emergency situation, you've got to know that you can communicate with your engineer because that's who's got your life in their hands at that moment. And these long trains absolutely prevent that from occurring. It is a day-to-day obstacle that our people are trying to figure out and having them

climb as high as they can, trying to hold onto a car that's at the end of a 300-hundred car length train is almost an impossible task. But then when you figure in all the other junk that's in the train, like cushioned under-frames and tank cars and the slack that's involved in there and you're up there like a flagpole trying to hold on, it's -- I mean, it's -- it's so much with very long trains.

And I'll even tell you again, from a service component, I'm getting on my soapbox here, it's not easy to service industries with a very long train because what's happening in the way they're blocking these trains is you don't always have your set-out first out anymore, it maybe a hundred deep, it may be 200 deep and when you're trying to spot a car literally within inches of certain marks in these industries and you've got a hold of all of that, it is a very hard job as an engineer to control that and it's extremely hard for the conductor to give the instructions to do that.

What I was taught, ideally, you had to hold just a handful of cars, you would set a little bit of errors and you had the ability to control the cars and they would stop quickly. You can't do that when you've got a hundred cars on because there's too much braking effort. And so it just -- it compounds, it restricts, it aggravates everyday, normal day operations from start to finish. Very long trains are bad for the workers, they're bad for service, and they're bad for communities altogether.

DR. GARCIA: Thank you, Jared, that brings up a number of different issues, but I'd like to tie this into the types of inspections that you all do on the cars. So for very long trains, how does that change if you have -- if you are the ones responsible for inspecting cars, how does that change your duties?

MR. CASSITY: So it adds a task, to be frank, that shouldn't be our burden to bear, if you will. The regulations, the way they're written, the intent of the regulations, to me, is quite clear, that the requirement for inspections, especially at originating terminals, on these trains, where they're created, is to be done by what's called a qualified mechanical inspector.

The QMI, or the qualified mechanical inspector, is referred to in regulation and required. My opinion, the FRA's regulation gets it wrong in that it has a caveat for the QMI to do these inspections because it states where present or where available. And what's happening now under PSR, and we talked about the reduction in workforce earlier, is that the carman craft is being pretty much eliminated in the industry and we have more terminals than we've ever had with no carmen present.

And so now, because of the way the regulation is written, instead of carmen doing these inspections, the onus is passed on to the conductors to do it. The difference between the conductor and the QMI is the QMI is an apprenticeship program, it takes 4 years, maybe 3 years, but it takes 3 or 4 years to become a journeyman. It is an intensive, extensive training program that

takes tools, it takes qualifications, it takes knowledge to do and get done, none of which the conductor has. The conductor, if they're lucky, might get a 45-minute program on a computer that tells them how to do a Class I inspection. Additionally, when I get to talking about the tools from the qualified mechanical inspector, they have tools that we don't have and again, it's been discussed in here today, I mean the ability to do some of the most fundamental things like measure a wheel flange to see if it's thick enough to go over switches, a conductor can't do that. Only a carman can do that.

If you're looking at brake shoes and measuring width there, a conductor can't do that, only a qualified mechanical inspector can do that. When you're looking at all of the safety apparatuses that these cars have, per the freight safety standards or freight car safety standards in the regulations, conductors can't really do that.

All they can do is kind of eyeball and see what's there, they're not able to determine wheels or look at things metal or anything of that sort. And so when you look at these long trains and what's being put onto them and you have a conductor doing it, you're now putting the equipment into a situation where they're more susceptible to failure. And that's not just hyperbole, we are seeing more broken knuckles and more broken drawbars than we've ever seen in the industry. I will highlight the fact that there's no requirement for that data or information to be

reported, the FRA doesn't require the railroad to do it, it doesn't require the employees to report it, and so the actual number is unquantifiable because it doesn't exist or the railroads are the only owners that have it. If I can make a recommendation on here, I think that the employee should be obligated to report derailments and then they should be obligated to report train separations. I think they should be obligated to report those types of failures so that we can actually see what's going on in the industry.

But regardless, you have these breaks going on and so now you have a lower quality of inspection on a train that has a more likelihood of failing or failure and it has a great impact on the overall safety culture and the overall safety process when you look at it as a whole because, to be frank, you have folks that really aren't qualified to do the job trying to do the job and then you also tie that in with the safety problems that we've been talking about, you've got guys that are still trying to figure out what's going on and now they're being tasked with an inspection that was only really ever meant to be something you do on the line of road when you make small pickups, not 200, 300 car lengths long.

MR. PITTS: Correct.

MR. CASSITY: And you know, the time it takes, it's not an easy process.

DR. GARCIA: Okay, thank you. Why don't we move into what

the process is for the car inspections, then. Yeah.

MR. JENNER: Yeah. The process that you were just talking about, that conductors, in your opinion, conductors should not be part of or responsible for it, that's all in the train yard pre-departure?

MR. CASSITY: Correct.

MR. JENNER: What happens when something along the way, they get -- they know there's something wrong with equipment, somehow they get that information --

MR. CASSITY: Okay.

MR. JENNER: -- what's the responsibilities and what are they capable of doing, in your mind?

MR. CASSITY: Sure. So the line of road is a little bit different, there obviously are not carmen out there. Basically, what a conductor should be able to do and how I was taught to do it and my understanding of what was required of them, is to identify major failures when someone from the carman craft should come out and fix it.

If you're going down the road and basically -- well, let's just talk about the best way that you're -- pretty much the only way you're going to find out about defects is you either see smoke coming from your train or someone else sees smoke coming from your train or a wayside detector or a dispatcher tells you that you have a defect with your train, that's pretty much the only ways you're going to find defects once you're out there and moving

along the line of road. If I see smoke, if someone else sees smoke or if a detector tells me that I have a hot bearing or a critical alarm, as it says on Norfolk Southern, my reaction is the same. The engineer's going to stop the train, hopefully without using any air, just using the dynamic brakes because if there is a threat to the brake system, you don't want air applied. But once you come to a stop, the conductor should hit the ground quite quickly, ready to do an inspection and to walk back and look for it.

If you don't know exactly where it is, and even if a detector tells you what axle it is, you're still on alert to smells, you're on alert to the feel of heat. There are a lot of times you can feel the heat coming before, I mean, it's surprising how hot some of this equipment gets. And then you can also -- you might be able to see the smoke. Generally speaking, you should still be looking at your train, as each car you pass, to make sure there's nothing that looks funny or different to you.

And then when you get back to the car that's been identified, pretty much the extent of everything you do, depending on the alert, is if it's a -- say it has a hot bearing or a hot wheel, you put what we call a temp stick, or some call it crayon, on it to see if it melts, it melts at 200 degrees, just for clarity, and if it does melt, you basically call the dispatcher and are guided by their recommendations. Most of the time that's to move the car to walking speed to a place it can be set out. There are times

when they call a carman to come out and blue flag the train, which gives them protection and they'll actually fix the wheel or do a wheel set replacement there. You inspect ahead of and behind to make sure that's the only defective wheel and then you kind of go from there. If you have a dragging equipment alarm that comes off, or someone tells you, you got something dragging, it's pretty much the same process.

You're going back, you're looking at each car, trying to figure out if you can find what it is they saw, and then if you're not so much feeling for heat or anything like that, but you're literally just looking for dragging equipment, which could be brake grading (ph.) hanging on the ground, it could be a whole lot of things. I've seen instances where bearings have burnt off and the trucks were falling along the side, somehow the train's still on the rail, but the truck is dragging the equipment. But you're looking for that, too.

Typically speaking, in my experience, most dragging equipment, there's nothing a conductor can do. Someone from the carman craft has to come out and repair that car and that's -- I mean, that's really it for the on-the-line-of-road processes. If you want to talk about the actual process of a true inspection, for a conductor to do that, you really are looking, mainly looking at brake distance to make sure they're not too short or too long. If you have HAZMATs, you're looking at placards to make sure that they're in place, you're looking to see if there's anything

leaking or coming out. And to be quite frank, when I do a Class I or the way any conductor I've ever known is told to do a Class I, you're just looking for things that are obviously abnormal, you're not -- you're not doing a true inspection, it's just kind of this "it doesn't look like my train is going to stay on the rail without movement," that's the goal of a conductor for Class I.

And so that's -- you know, it's hugely different than an actual inspection by a carman because they're making measurements, they're doing true inspections, they're looking at a much more large-scale pinpoint of items that they're trying to get off their list to make sure that are compliant but also safe to move the car, and the conductor does not possess that knowledge or the ability and so you do -- you make sure all your brakes are released, you make sure your pistons are where they're supposed to be, you make sure your placards are there, and that's really about the crux of what a conductor does when they do a Class I and that's how they're taught to do Class I's. They don't know to do more because they're not able to do more and it is quite different.

DR. GARCIA: What type of training do you receive?

MR. CASSITY: When you're brand new, you'll receive a decent amount of training in the training program. I don't even know if I can quantify that and when I say decent, I don't think that's a fair statement, it's more like an hour or two of kind of a -- just a -- basically, this is what you're required to do, look at these

things, that's your Class I. They may go outside, going at them and talk about it and they may do that, but it's not a very in-depth thing. And what I was trying to say about the school, when I say decent, is compared to what we learn once you're in the field, because that's a joke, but it's -- let me rephrase what I said. There's more to it when you're brand new, but it's still insufficient.

You might get a couple hours. When you're at 3 years and your refreshers and things of that nature, when you're required to go back in for recertification or whatnot, it's literally a 30-minute program on a computer that walks you through it to make sure you can still check the boxes. It's not an in-depth program, it's not a sustainable training program.

DR. GARCIA: Nick, did you have something on that?

MR. GREFICZ: Yeah, I wanted to speak about how I've had in-depth conversations with the new hires and what they do is kind of like play a game as far as the inspection. So the basis of it is to make sure that the car is functioning, meaning that the angle cocks that control the air flow is opened or closed. So they'll give them an overview, walk around the car, explain some things to them and then they'll go out there and they'll turn the brake retainer valve the wrong way or they'll close an angle cock and then they'll say okay, let's walk and you tell me what's wrong. It's like a child's game of hide and seek. Is the car functional, is there air flowing through it? As Jared alluded, is

the piston in or out? Then they explain if it's out, the brakes are set and if it's in, the brakes that are released, there's air flowing through it. Are the wheels on the rail, is there anything sagging or dragging? That's the extent of it, so that's the basis of it. And as far as videos or remedial training, there's not. You know, when we take our rules test, it used to be every year, every 3, 4, or 5 years, whenever they decide to give it to us, you have to indicate the PSIs, the sets, you know, you have to go more in depth so it relates and matches what the rule book says, but that doesn't mean, just because you have it memorized or you have a rules exam cheat sheet, it doesn't mean that you can apply that in the field, that you actually know what it means.

DR. GARCIA: Okay. So conductors and engineers, before you take a train out, you do kind of a safety check, a review of the train to make sure it's ready to go?

MR. CASSITY: This is Cassity.

DR. GARCIA: Yeah.

MR. CASSITY: That's almost a "no" anymore. It's very rare that any crew called to a train is able or required to look at their train for safety. You're told that it's good to go and that's how you take it. The notion of being able to overlook your train is gone away a long time ago and you always take someone else's word for it. I'm aware of trains, under the new regulations or at least under the new interpretation by FRA, according to extended haul interpretations, according to block

swapping interpretations, there are unit trains out there that have gone years without inspections. They're just being told to run, run, run, keep pushing, pushing, pushing. And crews are not able to actually ascertain their train is safe by visually looking at it, they just have to take someone else's word for it. The other piece of this that's extremely concerning is the 24-hour off air rule.

You know, when we had the 4-hour off air rule, that meant that you had to have a Class I far more often than what you have now and so the frequency of Class I inspections is almost gone by the wayside because the railroads have such a long period and again, just to be blunt, it is extremely common for the railroads to lose track of how long the train's been off air, but somehow it mysteriously always finds a way to have just been under the minimum number and all of a sudden "oh, yeah, it was off, it was put back on by 23 hours."

And another issue we're having here is the air slips are being falsified, purposely falsified. It is not uncommon to see -- and I'm being serious -- Mickey Mouse is the inspector that did the inspection and at this time of day. I've seen Peyton Manning on a air slip, I've seen -- I mean, all of these, I've seen all of the Disney princesses signing air slips and it's laughable, but it's the truth, and these are federal-required papers that document air inspections and inspection completeness for the trains and that's how it's being handled and approached and it's

not -- it's not taken seriously by the railroads at all, especially the 24-hour off air. It's likely put them in a place, and I shouldn't say we, it's like the FRA has put them in a place where they can just kind of generally blow it off and say well, you know, we're good, it's only been 24 hours and there's no concern for it. But then the frequency, because of the 4 to 24, trains are not getting Class I like they used to. It used to be common. Now it's extremely rare, and that's scary.

MR. SLOPER: This is Tim Sloper. We had a manager in Decatur that was caught red handed by the FRA operating practices inspector forging a T&E employee's name on an air slip, saying that that train had had a Class I air test. And he did not lose his job.

MR. GREFICZ: Well, I'll take it a step further with the Class I process at the initial terminals. With the mechanical forces being run down so far, they've broken down the Class I process and his point about forging an air slip, theoretically you cannot sign an air slip or put it in the knuckle until the Class I air test is complete, front to back.

Now, what's happening all too often across the system, and I've made complaints to the FRA about this and it's well documented to the point where if you ask the mechanical people, they'll tell you that's how they do it. The process has broken down to where it's broken up, meaning it's not all completed at once. So a brief overview would be the crew switches these cars

in the tracks, the tracks are switched and the train proper ordered to depart. The yardmaster says to the car department, hey, Tracks 3 and 4 need to be air tested for this afternoon's train. So what the carmen do is one guy will take the Kubota and he'll drive to the other end and drop a guy off and then he'll drive back down here and he'll hook the airplane (ph.) up to the opposite end of the track and then they'll walk opposing sides.

That walk, they'll lace air hoses and do a mechanical inspection, a C-100 on Norfolk Southern, to make sure that things mechanically look good as they're prepping it and ready to go. So they're passing each other, now it's mechanically inspected, the train line is solid, all the air hoses are laced, all the handbrakes are off. They get to the opposite end of it, this guy on the front tells them okay, tell me when you're ready to set the brakes. The guy in the rear gives him a reading, he sets the brakes 65 pounds and then they walk back by each other in the opposing direction.

Now, when they walk back by each other, the original guy's back by the Kubota, he'll sign the Class I air slip, put it in the knuckle, he'll go pick up the guy in the rear and they're off to do something else. Tell me, whatever point in that process where is a release of dirt (ph.)? Never, they don't get -- they don't get releases because they're too short of manpower. So unless an adamant, outspoken crew says to them hey, is somebody going to come watch the roll-by, there's a rule, an interchange, trains

arriving, trains departing, they're supposed to be watching a roll-by because that's where they catch the majority of these issues, when the train is moving, because that's when issues are very prevalent. I guarantee you, if you go to these yards where carmen are active, the way that I described it is exactly how the Class I initial terminal test is done and it is not allowable by the regulation. They're never, ever observing a release on these cars. But yeah, the air slip is signed, the air slip is in a knuckle and the crew goes out there, hooks the knuckle up, hooks the air up, grabs the air slip, puts it in their pocket and they go.

MR. PITTS: It used to, every time a train left the yard, the carman was sitting or standing beside the track and you would hear "that's a good roll-by, all your brakes released, have a safe trip." I can't tell you the last time I saw a carman on an outbound train.

MR. CASSITY: The conductor used to be able to have that ability, too, and that's gone.

MR. PITTS: Correct.

MR. CASSITY: You have to be on the locomotive and moving so quickly. The thing I'm used to, if I just -- if there was anything in my paperwork that I thought I want to look at my train, I had the right and opportunity to have a cab sent to me and let my train roll by and then they would run me out to my locomotive and we would be able to go. That doesn't -- that just

doesn't exist anymore.

MR. GREFICZ: Well, it doesn't matter -- and I say it to your point, though, it doesn't matter because of the convoluted instructions. If that's the way that it was to be or that it ever was, then the air slip should say Class I's done up until the release, when you do the release, the air slip is complete. But that's not what's happening. The air slip, Mickey Mouse signs it, Tommy Tutone signs it, whoever signs it, and it's in the knuckle and you go tie on and the conductor, the T&E is like hey, you got an air slip, yeah, we're good to go and at that point in time, when this document is signed and complete, you can't even question it because "you got an air slip, what are you waiting for, you're delaying my train, go." So I mean, that's the reality of what happens.

DR. GARCIA: When you do your inspection at whatever point it comes, if you find something wrong with a car, what is your process, then, in reporting it?

MR. CASSITY: So typically, you would report that to the dispatcher to let them know you found a defect and what you're seeing and, depending on the defect, you know, it could have different impacts and what I mean by that, if I put a crayon on or a temp stick on a wheel and it was hot, it melted, I would tell the dispatcher hey, it's melted and I would be defined or governed by what they said to do, which is typically either move it no greater than 4 mile an hour with you walking beside the car the

entire way or calling a carman out to do whatever they need to do. If you have like a handbrake stuck and you have a ton of buildup that comes from where the car's been sliding across the rail, there's a real threat for derailment, I would notify the dispatcher and say hey, I'm not comfortable moving this car, someone from the car department needs to come out here and fix this wheel or change out this wheel set because of the presence of that buildup and the likelihood of derailment.

The same thing with dragging equipment, I would want someone out there to fix it. I'm not qualified to do it, I don't want to be under that car, the way that they are without the protections they have. And also, I don't have the knowledge or skill set to do that. So typically, when the defect occurs, you walk back, you find it and identify it, you radio the engineer and let them know what's going on, then you talk to the dispatcher and follow their instructions.

Part of the problem, if we want to talk about East Palestine to some degree, is that one of the most common and reliable sources for identifying defect detectors, which is the wayside detectors, they have been muted or silenced by the railroads and you used to -- you would get an acknowledgement that the detector was working when the head end came over it and basically it would say Norfolk Southern, defect detector at milepost 1-2-3 and that would tell you it's working. And then as you go over, you're listening for it to say any defects, if it doesn't say anything

and your rear end clears it, it would say Norfolk Southern, defect detector at milepost 1-2-3, no defects, no defects. It may say total axles and tell you how many axles or whatever, but the primary point to it is, is that it let you know it was working and it let you know that it found no defects. Traditionally, it would give you the introduction, if you had something wrong, it would say the introduction and then it would say, all of sudden, well, you're going over a critical alarm or dragging equipment or any type of alert to let you know there's a problem.

And then it would give you, at the end, it would say Norfolk Southern, defect detector at milepost 1-2-3, critical alarm, axle 1-4-1, critical alarm, and it would repeat it and then it would shut itself off and then you would stop and you would know to start going back to look for that defect. What's happened in the industry, the analysts at Norfolk Southern, the East Palestine, to be clear, is that the railroad, for no justifiable reason, at least that we can tell, has silenced these defect detectors.

And so now when you go over them, you don't get an introduction, you don't know if it's working. When you come off the end of it, you don't get a declaration, if you will, it's just complete silence. And so the theory is, as long as you're hearing nothing, then there's nothing wrong. The fact is, is that if the defect detector isn't working, you have no way of knowing that. And there are rules that are literally written to tell you what to do in train-handling practices when defect detectors don't work.

But by silencing them, now you have circumvented their own rules process and how to handle that. And then the other issue is, is they've got these detectors talking to people in what's called a back room, which typically is found in the dispatcher's center, and the back room is either manned by a manager or an engineer or some combination thereof and they get the alert and make the determination of whether or not they should tell the crew if that defect is worth letting them know about or anything else of that nature.

And so it's been publicly discussed, so let's say it this way, in East Palestine, you had defect detector number 1, no issue; defect detector number 2, no issue, defect detector number 3 had a 65-degree Celsius increase above ambient temperature. In my knowledge and experience in railroading, there's not a world, as an engineer or a conductor, that I don't want to know about that, I have to know about that. That is a significant increase in temperature.

But because the defect detector isn't talking, I don't know what's going on, as a crew member, and now someone in the back room, again, just to be blunt, that's probably subject to managerial bonuses that are built around timely movement of freight rather than the safe movement of freight is making the decision on whether or not to tell me and then they have these self-imposed thresholds of what actually determines when to make an alert. And so we had a 65-degree increase, but we're not going

to tell them that there's something to be cautious of or on the lookout for or worth inspecting, we're just going to let them keep moving and see what the next one's looking at. And I'm telling you now, 65 degrees, the sun didn't just rise and warm up that axle, that did not happen, something was wrong. And then you get to defect detector number 4, again, which was silent, and you know that you have a defect and, of course, derailment almost immediately after.

The detector's ability and job is to let the folks know what's going on and if you're going to run a safe railroad, you've got to let the crews know what's happening in real time on their trains. And so, you know, that speaks to the ability to inspect or not inspect and when they have them silenced, again, the inspections are way down from where they used to be. And this isn't just an NS problem, this is all the Class I's are silencing these things for no reason whatsoever.

And then the other piece of it is there are other detectors out there, like acoustic detectors. To be honest, crews really have almost no knowledge of what those things do. I mean, supposedly, they listen to a harmonic sound that the bearings put out, but we're not taught about them, they don't speak to us, it all goes to someone else and they determine whether or not the crew should be notified. It's a broken system, especially when you're looking at identifying defects and correcting them before a derailment happens.

MR. JENNER: What do you think the crew would've done if they got alerted of the 65-degree increase?

MR. CASSITY: They would have stopped.

MR. JENNER: The crew --

(Crosstalk)

MR. GREFICZ: I'll put it to you like this, to add on to Jared, specifically what I've dealt with, my own personal experience, I just want to paint a picture for you. So we're going down the rail on a freight train and back when the detector spoke to us, the detector would come right over the radio, it would monopolize the radio channel and you couldn't key over it, you couldn't talk over it, and it would say hot box detector milepost 1-2-3, hot wheel bearing detected, axle 7-7-6, and then it would repeat it.

And then the two would look at each other, meaning the two crew members and the engineer would look over at the conductor and say, well, what is that? Right away they have access to the paperwork. Oh, that's a chlorine car, that's a flammable car, or just a salt car, it doesn't matter what the car is, but that may change immediately how things are. You immediately start to slow the train down, you call the dispatcher and say hey, we got a hot box, I don't know if you heard it, and they say yeah, we heard it. Okay, we'll bring it to a safe stop. The conductor goes back and assesses the situation. Herein lies the problem, I'm going to add it to Jared's point with the longer trains.

Okay, you got a car and I did the math, so say you got a train that's 210 cars total and six engines, okay, so the hot box detector gives you a number, axle 7-7-6, okay, how many cars you got to walk back, what car is that? It's the 186th car on the train, it's 65 degrees over ambient temperature. Well, the whole northeast region is at 30 degrees outside. Okay.

So by the time the conductor walks, in great walking conditions, back there two and a half miles an hour and gets back there with his temple stick, which is what we're supplied with to see if it's overheated or not, no, it's the temple stick, it's got to be notified and set out, but if it doesn't melt the temple stick, you report it nothing found. But by the time you walk a hundred and 86 cars back, what happened to that 65 degrees over ambient temperature, what happens then? The average time --

MR. PITTS: Bopping down.

MR. GREFICZ: -- I don't know, I'm just the conductor and it's on the rail, I don't see any issues, you know what they say? Go, keep going.

MR. PITTS: Keep going.

MR. GREFICZ: And then to put it in perspective, there was an issue, somebody else can probably provide better insight than me, but I know the engineer, he was a dispatcher for a long time, Dale Wilkins (ph.), who was in Sandusky when the cars almost fell off the bridge. They had a hot box detector go off and critical alarm and it was on the sixth engine and the conductor went back

there, a brand new guy, just brand new marked up, went back there and said -- he got there quick because it was only six engines back and said whoa, this thing is hot, it's blue, I'm not touching it, I don't know anything about it. By the time -- an hour and a half later, the mechanical guy gets out there, he tells the engineer -- factual, all of it can be fact checked, the mechanical guy shows up and says "what do you want to do," set the brakes, release the brakes, "they work, I don't know what you want me to do."

So the engineer, being the engineer, comes on the radio and says I'll tell you what, I want to set this out in Sandusky, I don't want to take it to Conway, I want to set this out before we have problems. Well, they don't want to hear that. So the mechanical inspector calls his boss and says what do you want to do? Next thing you know, they find out there's no problem, the brake sets and releases, don't know what's going on, so they say, the chief says go, take the train.

They take the train 7 miles down the road and at 37 miles an hour through a turnout, a massive catastrophic failure happens and stuff starts flying off the rail. You talk about risk management, safety culture, this is a 25-year guy out here and you got a brand new conductor, so I don't know how much more you can mitigate their problems when you got a brand new guy who stands up enough to say there's a problem, I need a professional. The professional comes out here and says there's no problem, then the 10-year guy

steps in and says there's going to be a problem and we need to mitigate it now and they still don't even consider what he says and say no, just go. Well, 7 miles down the road you got what you asked for. That's why I say if you ask the people who know, they will tell you what's happening in the industry is not a surprise, it's not a surprise. And like I said, that's a factual, factual story.

MR. CASSITY: And if I could jump back real quick to the 65 degrees, there is a very good likelihood that the conductor would see that grease is leaking from that journal or being thrown from it, and even though it doesn't melt, that's an indication that there's failure within. Those are pretty much closed systems, they're not meant to leak, and when you have leaking, that is a bearing well on its way to failure.

And so, you know, there are times when you're never going to get the temperature simply because of the length of the train, which is a problem, and that's evident in the Arizona derailment and I apologize, which city that was.

But that actually occurred where they received a hot box, by the time the conductor got back there, the temp stick did not melt and they were told to move on and then subsequently, another detector got up and they derailed and really, the reason that the temp stick didn't melt was because of the time it took to get to the rear end. That being said, with the 65 degree increase, regardless of the size of my train, I want to know about it and I

want to see what's going on because if something's wrong, it's much better to stop and inspect than it is to take the risk and the risk is far greater, and keep that train moving, than it is from stopping and -- but yes. Yes. I mean, you know, where that magic number is, Steve, I don't know, to be honest with you, but to say that there was a 65-degree increase within 15, 20 miles of each other, that's a problem that obviously is there and it should be looked at before taking off.

MR. PITTS: And here's even more of an issue that I'm going to throw out there, is we have a declared critical alarm that we have -- we are seeing more and more of declared critical alarm, whether it be an impact alarm, like you said, there's multiple different alarms that you can get from a wayside detector. Now, when I found out that I was going to be involved in this meeting, I reached out to all the members around and it was like give me specifics, I don't want to hear a "this happened on this line some time ago."

I can give you a train, 856, Birmingham, Alabama, where they had an impact alarm by a wayside detector, critical alarm. It was blocking, it was a local and 856 is a local train, they were blocking and the dispatcher, they went pat to go. Our rule says that we have to set it out -- where? The next available location. Well, they were sitting right beside Bessemer Yard, they could've set it out right there except that they were blocking other traffic. This is a local.

It's not one of those FedEx, UPS, United States Postal Service trains, a double-stacked, intermodal train. That's what we call 2-trains because they start with the number two, which just means that they're that much more important. The dispatcher told them bypass the next two locations and set it at McCalla. I have the channel, the day, the time that all of that happened so that if we wanted to listen to it, we could. I had another train, a train 131A7 --

DR. GARCIA: Do you know what date that was?

MR. PITTS: Yeah.

MR. JENNER: This is Bessemer?

MR. PITTS: That was in Bessemer. The 856 was on April 12th.

DR. GARCIA: Okay.

MR. PITTS: Four twenty-nine p.m. The channel that that would've been -- you know, the channel was 96-96 in Birmingham. I could literally pull the tapes of that. We had a -- that other train, the 131A706, which would've been on the 7th, it was actually on the 7th of -- of April, where that train was -- the engineer noticed the pressure on the rear of the train was going down with the EOT.

The train's coming, the air pressure's going down. The flow, the airflow, is going up. He knows there's an air problem there. It's only a matter of time that all of a sudden the pressure goes down and the brakes start applying across the train, which is going to heat up and start causing other problems.

They tone up the dispatcher and tell the dispatcher we've got an airflow problem and we've probably got a gasket, something, a 15-cent gasket problem. But we're going to go back and look at this. They start preparing to slow down, the chief comes over the radio, and this was a train between Meridian and Birmingham, and the chief comes over and says absolutely not. If it doesn't go into penalty or emergency, keep pulling the train. You got chiefs and dispatchers and people making decisions to bypass what we're being told with wayside detectors are issues in our train, so that we can get trains from A to B. We can't, we can't pull them. That's just blatant violations, that's just blatant, you know --

DR. GARCIA: What happened with that train?

MR. PITTS: They made it to the next siding and got out of the way.

MR. CASSITY: That is a theme that's occurring more, just so you're aware, on Norfolk Southern where crews are being told to ignore warnings that are coming from alerts or alarms, I should say, coming from defect detectors, and it is troubling.

MR. JENNER: Let me ask for clarification. You used the term critical alarm, that means something specific to Norfolk Southern. Are you using the same threshold or criteria as Norfolk Southern? When you say critical --

MR. PITTS: Critical alarm, the critical alarm can be put out by a wayside detector for a number of different reasons, whether it meets a specific threshold for the impact or the -- generally,

you're not going to get it for dragging equipment, but you'd get it for a hot box detector, correct?

MR. CASSITY: Yeah. So Norfolk Southern's critical alarm is what others would refer to as simply a hot box alarm or things of that nature. I don't know why they've chosen that language, but it's -- from what I've experienced with the other carriers, they all are similar except for the fact that some may call it the actual defect, others may say critical alarm.

MR. PITTS: Correct.

MR. CASSITY: And then it will specify what the defect is.

MR. PITTS: And I've had a critical alarm, hot wheel, a hundred and 76 axles. But that critical alarm means that we're to immediately stop, don't care if you're in a siding or wherever you're at, you stop, you inspect, and then you report it back.

MR. GREFICZ: I hate to interrupt, but I've got to use the restroom.

MR. JENNER: Oh, sure.

MR. GREFICZ: Can we take like a 5-minute break?

MR. JENNER: Yeah. And we'll finish up shortly after a quick break. Okay, we'll take a break right now, it is 1:24.

(Off the record at 1:24 p.m.)

(On the record at 1:36 p.m.)

MR. JENNER: We're back from break, the time is 1:36 p.m. If you would, for us, just sort of clarify the type of detectors we were discussing previously.

MR. GREFICZ: So Greficz. All I was going to add to it was the question, Stephen, that you asked earlier was about the critical alarm. So that what I've ever experienced, and there's two other individuals here who will correct the record, that's all I've ever experienced as far as since the transition. We used to be given a hot bearing detector over the radio where you can get an axle count, as we spoke on. That doesn't happen anymore.

That's all handled by the wayside desk, they monitor the ambient temperature of the equipment and if they deem, through their discretion, that the crew needs to know, then they notify us. At the current present time, the crews are only notified if there's a critical alarm over the radio.

Critical alarm, as pointed out by Brother Rusty, was that -- stop your train, there's an imminent issue you need to address now. But as far as the incidents where it's deemed nonessential, so to speak, the crews are not notified of how we were before, trending hot or an overheated axle. We only get the critical alarm.

MR. JENNER: So if you hear something over the radio, I mean, automatically, not from the ATC, not from a dispatcher or an ATC person, then it's -- if you hear an alarm automatically, then it's going to be critical.

MR. PITTS: Yes.

MR. GREFICZ: Yes.

MR. JENNER: So when that radio comes on you know it's --

MR. PITTS: Yeah.

MR. JENNER: -- not a good thing.

MR. GREFICZ: For, I want to say, a decade or so now, they've implemented what's called the wayside desk, so the wayside desk is people that are specifically tasked with monitoring, in a back room somewhere --

MR. PITTS: Right.

MR. GREFICZ: -- these different trains running over the detectors. Before, when that position didn't exist, these detectors were set up in a way to a radio frequency where they would report right over the radio --

MR. PITTS: Right.

MR. GREFICZ: -- no defects, axle 2-4-3 is trending hot, it would say, right over the radio, hot wheel detected and it would just rack off stuff over the radio and it would notify us. Like I said, the crews now are only notified of the critical alarms.

MR. PITTS: And I want to say that that's not system-wide, that's not a complete system-wide, there's -- there is variations depending on the territory that you're on, because we still have detectors that give us a no defect, detector out type thing. You know, you might here, you know, detector, milepost and give you what milepost it is, no defect, defector -- detector out, you know. What happens on one territory may not specifically happen on another. It's such a large system. System-wide, it's not completely that way, but it's --

MR. GREFICZ: But since the implementation of the wayside desk, do you guys get notified on the southern territories of hot bearings, axle numbers --

MR. PITTS: No.

MR. GREFICZ: -- over the radio?

MR. PITTS: No. Not until they come over the radio and tell us, unless it's a critical alarm, unless it's reached that threshold.

MR. SLOPER: Yes. And this is Sloper. That's what, I guess, from what Jared said earlier, is that we don't even -- the wayside detectors have been completely silenced, that's not what I have experienced, we still get the no defect transmission over the radio.

But the only other time that we -- the only other transmission we ever hear other than no defects is critical alarm, there is no in between, and it used to be -- we used to get stopped for hot wheels, hot bearings, things all the time, it wasn't uncommon years ago, you know, every second or third or fourth trip, that you had to walk your train to look for a hot wheel. Now it's -- I haven't walked a train for a hot wheel in, you know, a year and a half because there's somebody in Atlanta that's saying that wheel's not that hot.

DR. GARCIA: Is that about when that change happened, about a year and a half ago?

MR. SLOPER: Oh, no.

DR. GARCIA: No?

MR. SLOPER: They never notified us of it, they just -- we started -- we just started noticing like I haven't had a hot wheel detector come off and say I have a hot wheel, stop and inspect, in years, you know. And the only time that detector ever goes off is when it is the critical alarm, meaning, you know -- they've taken it out of the discretionary hands of Atlanta and this detector is detecting something that is so critical that they want you to stop right now. But all of the -- like I said, the discretion has been given to the desk in Atlanta.

DR. GARCIA: Okay. You mentioned that you've spoken with the engineer, the crew of the East Palestine train.

MR. SLOPER: Yes.

DR. GARCIA: Could you --

MR. SLOPER: No, Decatur.

DR. GARCIA: Pardon?

MR. SLOPER: The crew that left Decatur, they were in the train from Decatur, Illinois to Peru, Indiana.

DR. GARCIA: Okay.

MR. SLOPER: So that was first leg of the run for that consist.

DR. GARCIA: Okay. Could you walk us through, again, what they reported?

MR. SLOPER: They reported that when they showed up for work, they got their paperwork and they saw immediately how long and

heavy the train was and how many dangerous cars there were and that they were concerned with the weight and the length, as the engineer had never run a train that was that long or heavy before. They called the yardmaster and said Larry, are we running this train this long and heavy and they were told that's just how -- you know, we were told how to -- I can't speak. This is what we were instructed to do, this is how we run trains now.

And so they asked well, you know, you have a track with an engine and cars on it and you got this other track with an engine and cars on it, why don't we just run two separate trains and they said that's not how we do things and we're going to put the two trains together and we're going to run that train, 18,000 tons, and I think it was a hundred and 48 car lengths, which I know the FRA, I believe, is looking into the impact of that because when you have a train that's that long and that heavy and, like Jared was saying, when the 21st car goes on the ground, they had not added the rear, you know, 48 cars and the locomotive.

It's very likely that that derailment in East Palestine would not have been as large as it was, so it would've vindicated the size and you may not have had the puncture of the cars and you may not have the release of the hazardous materials.

DR. GARCIA: Um-hum.

MR. SLOPER: But the FRA, I believe, or the NTSB, I'm not sure, is actually going to try to quantify.

DR. GARCIA: And was the train crew experienced in handling

the longer trains?

MR. SLOPER: This engineer, no.

DR. GARCIA: Okay. And did they report any issues with the train during their leg of the trip?

MR. SLOPER: Yes, they had -- when they left town, the rear-end device, they had lost communication, they had to send a carman out to replace the -- I think it was probably like 10 miles outside of town, they had to send a carman out to replace their rear-end device.

DR. GARCIA: Out of where?

MR. SLOPER: Out of Decatur.

DR. GARCIA: Okay.

MR. SLOPER: And then at Attica, Indiana, they experienced a train break, which was the result of a broken knuckle.

DR. GARCIA: Okay. When was the last time the train had been inspected prior to them taking it out, all the cars were inspected?

MR. SLOPER: That, I cannot -- I know it was inspected in Madison, Illinois by, I believe, the terminal railroad. I don't know that Norfolk Southern employees actually inspected that portion of the train and then the portion that they picked up in Decatur that ended up being the rear end, that might -- I think it was inspected in Kansas City and that would've been a case where -- I believe it just would've been on the air slip transferred from the previous train. So I can't say with any accuracy when

the last -- when that part of the train was inspected.

DR. GARCIA: Okay. Thank you.

MR. JENNER: For people in this room, if SMART could have greater impact in one area of Norfolk Southern's operations, if you can say this is the area that we most need to improve on --

(Crosstalk)

MR. PITTS: Training.

MR. JENNER: Training for --

MR. PITTS: Training.

MR. JENNER: Just what we earlier discussed, across the board?

MR. PITTS: Training, whether it be initial training for CTs, as well as engineer training, for the LETs, as well as initiating more of a continued education in any profession that would -- that you have to maintain certain standards for. You have -- whether it's a pilot, whether it's, you know, lawyers, accountants, attorney, whatever it is, doctors, you have continuing education. What continuing education do we have for conductors, engineers? Puncture (ph.) environment changes dramatically, but it's marked, could be involved -- that's my answer because I'm so passionate about training, period, but training. We have nothing to do with it.

MR. SLOPER: I would echo what Rusty said, our conductor training program is woefully inadequate. The continued training, once you do become a promoted conductor, is inadequate. In lieu

of the safety quality classes, they've essentially issued us an iPhone and you get an e-mail periodically that says you have a learning event that you need to take part in and you open that e-mail and you'll click a link and there will be a video that you're supposed to watch and I mean, a lot of guys just hit play on it and sit through it and don't really pay attention to it.

DR. GARCIA: There's no test or --

MR. PITTS: Uh-uh.

MR. SLOPER: No.

DR. GARCIA: Yeah.

MR. PITTS: Some of them do have --

MR. SLOPER: Yeah.

MR. PITTS: -- a question and answer at the end, but if you don't pass it, it does -- there's --

MR. SLOPER: Yeah, there's no consequences.

MR. PITTS: You just watch the video again.

MR. SLOPER: Yeah.

MR. PITTS: And a lot of people do it. Not everybody's text happy. We have some guys that have been on the railroad for a long time, they haven't turned their MTR on in -- since they got it. I mean, they believe that it's a spy device, a tracking device for them.

MR. SLOPER: Yeah, a tracking device.

MR. PITTS: So literally, when they got it, they put it in their engineers who don't have to use it on a regular basis. So

when they watch the video, they would watch them on the monitors in the crew rooms. Those computers don't work half the time, the speakers don't work, they hit play and it sits there and plays, you can't hear a word that's being said. Answer's A, click, you know, and that gets them through that. But that's just, again, training would be where we need to --

MR. SLOPER: And when they issued us the mobile training, the MTR --

MR. PITTS: MTR.

MR. SLOPER: -- they didn't give us any training on how to use that device. And so for example, when we had the conductor trainee symposium, I guess, 2 weeks ago in all these large terminals, general manager Barner came to Decatur and he was asking the CTs is there anything that we can do to help facilitate your training and people would raise their hands and they were saying we don't know how to -- no one's teaching us how to operate these MTR devices and we'd really like some more training on this and he said you know what, we'll have some people come up from Atlanta to help train you folks and all of the local labor leaders raised their hands and said can we come to that, too, because we've never been trained on it, either, and we've had these things for 2 years. So it's just -- that's just how they operate, they hand you this and they say figure it out. That's the way they've been operating. It's very frustrating.

MR. GREFICZ: I would say safety in a whole, everything that

falls under the umbrella, training falls under safety, operations fall under safety. If SMART, as a whole, was allowed to be involved, our best interest is to be efficient, be productive, and to be knowledgeable of what we do. So I wouldn't just stop at training, I would use the umbrella of safety and everything that that encompasses. And you know, the unions, the organizations, whichever one it may be, has just as much stake in the game as the carrier does for the employees because they're our members.

We're the ones working out there, we're the ones looking out for each other, we know each other's wives, we know each other's children, we're close. The first 10 years I worked on the railroad I spent more time with five different individuals than I did with my wife, period. When I got married to my wife, I had to tell her I never want to hear about I'm working too much or I'm working too little, because I can't control it.

It's a hard life in general, but the organization, coming from a good place, if we had more stake in the game or we're allowed to have input, if it was earnestly looked at or even considered, the railroad would be a better place, not only to work, it would be a safer place for the employees and again, at the end of the day, we all do have the same role in mind. It's about doing the job, coming home to our family safe and making an honest day's wage. That's it.

DR. GARCIA: Okay.

MR. PITTS: And it's not just the safety of our employees and

the people that we work around, it's the safety of the communities that we operate our trains through. And the truth of the matter is this, 99.95 percent of the public have absolutely no idea what is coming through until you have an East Palestine. Period. It would terrify them. They go oh, well, that happened up there, it could never happen here. Yeah, well, guess what? Yeah, it could, because most of us live, you know, within a certain radius around a railroad track, yeah, it can. They have no idea until it actually happens.

MR. GREFICZ: (Indiscernible) with the public. In a short time on the railroad, I think 16 months in, I was involved in a grade-crossing accident where there was a fatality involved, from a pedestrian. A couple years later, involved in another pedestrian fatality, on foot. And then subsequently, a couple years later struck a vehicle, a mobile vehicle at a private crossing. It was a public crossing, but it was -- no gates, arms, lights and everything. My point to say that it is the public is unaware of the dangers in the railroad, generally.

We talked about Operation Lifesaver and I thought that it was a good outreach program in the high congestion areas where we've all seen kids carrying bikes through these tracks and that's a major concern, but everybody forgets about the train crew. You're operating on little to no sleep, with a guy, you know, or a girl, you're keeping each other up and alert and situationally aware of what's going on and then you have things like this happen. It

happens all the time. And nobody takes into account the train crew or what they're feeling. You're involved in a public grade-crossing accident, they take you off the train, you go home and 10 hours later, guess what? You're back in. It doesn't matter if you hit a school bus with 20 kids, it doesn't matter if you hit a mom. There's no way to quantify. A person's a person. Whether there's a child in the car or it was a school bus, you're still involved in that and are you physically okay? Yeah. Mentally, you'll be back in 10 hours with no sleep to do it again.

You know, I think that there's a lot of things that are overlooked about the craft and the industry as a whole, and the employees, and not hitting the depth of their feelings, but their mental state as well as their physical state. And again, to answer your question, I think that that's part of the safety umbrella I talked about with SMART being involved or the organizations in general being involved with the operational safety.

MR. PITTS: The thing is, as a whole, and I know that there was a study put out a couple of years back, if you are an engineer on a railroad, it's not if you hit and kill someone, it's when. It's not something -- you know, 90-something percent of conductors and engineers have seen a fatality. You know --

MR. GREFICZ: It could be traumatic.

MR. PITTS: The truth is it really, really is and, you know, then you have instances, you know, the fatality in Birmingham,

actually Bessemer, you know, to go through that and have to go sit with the family and this is -- I've mentioned it a few times and I'll continue to put myself in the crosshairs. Norfolk Southern does a great job at smoke and mirrors. A young African American conductor trainee loses his life in a freak accident in Bessemer. The funeral, now I'm there, but I -- I'd met him, I had different people who worked with him, I had another guy that was there with me, the union fully represented in regards to being at the funeral to be able to pay our condolences to him and his family. He had already signed up for SMART, but he wasn't a member yet because he has to go through -- you have to mark up and then get to that period.

DR. GARCIA: Um-hum.

MR. PITTS: And somebody goes would you believe that, stand up, and there is Shaw, there's everybody below him. How many years have you been out here?

MR. GREFICZ: Eighteen.

MR. PITTS: Eighteen. I've been out here 14 years.

MR. SLOPER: Twenty-four.

MR. PITTS: Twenty-four years. If something happened to you, who's going to be there? Who's going to be at your funeral? Is Alan Shaw going to be at your funeral?

MR. GREFICZ: From the carrier, nobody.

MR. SLOPER: Yeah.

MR. PITTS: Alan Shaw going to be at your funeral? Smoke and

mirrors. Does that make sense? We've looked at what does that have to do with safety or anything like that. We put on a good face and we say the things that need to be said, but we truly do -- as Mr. Shaw said in the East Palestine or East Palesteen (ph.) hearings, we do the right thing. We're going to do the right thing. Shut up and do the right thing then. Let's do the right thing, let's make the railroad a safer industry for all of us to come to work and make it safer for the communities that we work around on a daily basis.

Let's truly get rid of this PSR mindset that we've all went to in building these freaking monster trains that can't be controlled effectively. They run a train one time on a simulator and go oh, we had no problem on the simulator, there's no problem, let's run it. As Mr. Cassity said, we're running 3- and 4-mile trains at the proving grounds out west. That's pretty flat, it's pretty level, it's real easy.

I had a train back on April 14th, April 14th, that was 10,000 tons, 10,000 feet long. My DP was a hundred and 24 times from the rear. Okay, a hundred and 24, that's your DP. It was asynchronistic, which means that I had a fence up, which I was controlling the DP with button pushes, where I'm controlling the head end locomotives with the throttle and all your controls. You lose connectivity between the head, the head end and the DP, that DP continues doing what it was doing. If I'm coming down a hill, as it's been said, when you're 10,000-foot long, that's 2 miles.

You're over two hills, three knots, around four curves, through three different speed changes and that's now in power and your head end's coming straight off the side of a hill, you're not going to get -- you're not going to get that connection back to your DP until it comes over that hill and they have line of sight, which anybody knows line of sight, satellites and all of that kind of stuff, but until you get that line of sight, you're not going to get connection.

So it's going to be pushing to number 4, but you've got to have that power to get it over the side of the hill. But because it worked on a simulator sometime, it's okay to go that way. Not every territory's the same. Most of the engineers on our side, if you actually get a true group of engineers who have done the job on our territory, every territory's going to be a little bit different. Say if it's more than, you know, 85 times back, you're in trouble because you're going to spend more time with it out of communication than you will with it in communication.

DR. GARCIA: Yeah. Do these very long trains have the same crew size as a regular length train?

MR. PITTS: Um-hum. Two.

DR. GARCIA: Two.

MR. GREFICZ: But in my estimation, make no mistake, and East Palestine did bring this into the limelight with all the PR out there, the carriers, I'm assuming, speculate, they wouldn't have withdrew their section 6 and the (indiscernible), the crew

consist.

MR. PITTS: Correct.

MR. GREFICZ: They would've continued to run long trains and (indiscernible) they have one posting, 100 percent. So had all of this bad publicity brought what we've all known to everybody else's attention, make no mistake, the course would not have been altered.

MR. PITTS: They would've still wanted a one-man crew, one engineer to be on that train, period.

DR. GARCIA: Another issue that's been in the press recently is the amount of leave and sick leave that's been given, so what's the status of that with Norfolk Southern?

MR. PITTS: Now, after the national negotiations in regards to the -- was determined in Congress and everybody kind of got involved and then Mr. Ferguson and the BLE and the -- some of the stuff was put into on-property agreements, that's still in the process of being negotiated.

DR. GARCIA: Okay.

MR. PITTS: Yes, there was the -- they had agreed to specific terms in regards to that, but things such as the PWS, which is the automated --

DR. GARCIA: POS?

MR. PITTS: PWS, it's just a bidding system for us to bid our jobs for conductors.

MR. SLOPER: That's like a predictable work schedule.

MR. PITTS: That's correct. Everything's about that predictable work schedule and that's still being negotiated on property. And so we don't expect that to actually be finished until probably June. That was a hundred and 80 day with the backstop binding arbitration, so that hasn't been finished yet. I know Tommy Gholson, our -- 898's general chairman, is on the national negotiating team for that.

DR. GARCIA: Okay. And one last -- yeah.

MR. SLOPER: Yeah, long story short, we don't have any paid sick leave.

MR. PITTS: Uh-uh.

MR. SLOPER: Train and engine --

MR. PITTS: No.

MR. SLOPER: -- does not have any paid sick leave. Some of the crafts do, train and engine does not.

DR. GARCIA: So train and engine, that's the engineers and conductors?

MR. SLOPER: Yes.

MR. PITTS: Correct. No paid sick leave at all.

DR. GARCIA: So what happens if you get sick or if one of your family members gets sick?

MR. GREFICZ: It reverts back to the attendance policy, what I spoke on earlier, where you -- if you were up a 4-hour window from 11:00 p.m. to 3:00 a.m. Friday into a Saturday, that counts as two calendar days and you're in violation of the policy and you

will be stepped through the program, through the attendance violation, subsequently subject to, at their discretion, termination. So just to paint that picture, it's not a farce and it's not embellished, Brother Rusty was correct that Articles 5, 6, and 7 of the national agreement that was imposed on us by Congress, pushed it back to on-property negotiations, which they are under.

Brother Sloper is correct in saying that our general committees are currently negotiating. What that boils down to is we don't have any sick leave and if -- or set rest days on through-freight service. So if you are in a pool right now, you have no assigned rest days, no permitted time off. Due to the needs of manpower, they have exclusive discretion to deny any accrued personal leave days you may have, which are all defined and that's what the record shows.

So you essentially have no time off and there's various precedents set, we can all talk about them. I was in an investigation in Bellevue, Ohio last week where a 20-year guy took 4 days off over a 90-day period and they're progressing him through the attendance policy for taking 4 days off. Now, he's on call 24/7 aside from his mandated 10 hours, hours of service rest, but he took 4 days off sick over a 90-day period and he's ascended through the attendance policy and assessed discipline.

MR. PITTS: Norfolk Southern's attendance policy is a five-step process. Step 1 is the first step and if you accrue X number

of days during a 90-day period of time, then they will have a verbal warning, really nothing. Step 2, then it's a written. Step 3, then you have -- what's Step 3?

MR. GREFICZ: Start minor.

MR. PITTS: Start minor.

DR. GARCIA: What's that?

MR. PITTS: Just a -- it's a --

MR. GREFICZ: It's a note in your career service record --

MR. PITTS: Correct.

MR. GREFICZ: -- documentation.

DR. GARCIA: Okay.

MR. PITTS: Your service record book. Step 4, 15 days deferred.

DR. GARCIA: What's deferred?

MR. PITTS: Deferred means that they pretty much tell you that you have to take 15 days off, but they defer the actual time.

DR. GARCIA: No pay?

MR. PITTS: No pay. And then Step 5 is termination --

DR. GARCIA: Okay.

MR. PITTS: -- of employment.

DR. GARCIA: So these steps are the same as incidents where you violate the policy?

MR. GREFICZ: Yes. But the important part of it is that any minute of any calendar day counts as a negative or a whole day. So I know it's to the extreme, it's the opposite end of their

spectrum, but if you work Friday morning, you go in at 6:00 a.m. and get off at 6:00 p.m., you're subject to call Saturday morning at 4:00 a.m. So if you use the 11:00 to 4:00 theory that I just told you of, just a handful of hours, you're in violation of the policy automatically.

The important part to say is that you could work Friday and Saturday, had starts and worked full days, but you had that 4-hour break past midnight over the calendar days, they count it as 2 days and you're ascended through the steps and saying that the 90-day window is their discretion. When I say their discretion, I mean that it's a sliding scale, like you pick your hotel dates not in your travel, they pick for 90 days and it's always picked to best suit their needs.

DR. GARCIA: Got it. So if someone is sick, they call in --

MR. PITTS: Um-hum.

DR. GARCIA: -- what happens?

MR. PITTS: Just that they can use the -- and I'll defend, to a certain extent, I can only speak as to the management that I personally deal with in Birmingham, Alabama, with the crews that I deal with as local chairman for Norris Yard in Birmingham, I can only speak as to that.

DR. GARCIA: Okay.

MR. PITTS: Our management, if you are verbal and you explain hey, I'm sick, I've got this issue, this is going on, I've got strep throat or I've got COVID or whatever, I have the flu, you

show documentation for it, they're going to be able -- they may not be as tight on the attendance policy with this person as somebody who just -- I marked off every Friday, Saturday or Sunday or I may mark off, you know, on a specific holiday or whatever it may be, going into a specific off day or whatever it is, there is some discretion.

MR. GREFICZ: Well, the short answer to your question, Anne, is that if you call in to mark off sick and we'll mark you off sick and then I'll ask you if you would like an automatic mark-up by the system.

MR. PITTS: Correct.

DR. GARCIA: They'll ask you if you want one?

MR. GREFICZ: Yes.

DR. GARCIA: And what if you say no?

MR. GREFICZ: Then that's fine.

MR. PITTS: That's fine.

DR. GARCIA: Okay.

MR. PITTS: You just say up until you're better and then you mark back up. You just deal with the consequences at a future date.

DR. GARCIA: What would the consequences be?

MR. SLOPER: The attendance policy.

MR. GREFICZ: The policy.

MR. PITTS: The attendance policy.

DR. GARCIA: Okay.

MR. SLOPER: Policy or dismissal.

MR. PITTS: And they do have -- I feel like I'm defending the company, they do have -- if you're off for a certain number of days, they immediately send out a packet for FMLA for you to fill out, whether or not you're -- you meet the requirements for --

DR. GARCIA: That's family medical leave.

MR. PITTS: Family Medical Leave Act. I've got a mother who's got Alzheimer's that lives in my home with me and my wife and we both have FMLA to be able to take care of my mother. But, you know, that's protected by the government.

DR. GARCIA: Um-hum.

MR. PITTS: If that makes sense.

DR. GARCIA: Two last questions, one just in general. People who are employees of a railroad, are you covered by OSHA rules and regulations?

MR. CASSITY: No, there is a joint -- there's a memo. I can make myself a note and I'll send it to you. There's a memo between FRA and OSHA for jurisdictional reasons. Very, very little does OSHA have jurisdiction over us. When it comes to facilities, there is some range to that, but if it's anything tied to the train or potential movement for a train, OSHA does not apply and that's the vast majority of railroading, unfortunately. In fact, my experiences, even with things like water, when terminals run out of water for the crews, I've tried to progress that through OSHA and it's found to be outside of the

jurisdiction, it's an FRA issue. So some of the more fundamental things that people see as OSHA being related to, it's actually the railroad, or excuse me, the FRA that applies. Now, let's say I had a piece of rebar sticking out of a bridge or something like that, which has happened, that would actually be an OSHA deal. Just for a matter of comparison.

DR. GARCIA: Why is that?

MR. CASSITY: Because it's actually construction related, it more to the facility itself, it doesn't have any effect whatsoever on the actual movement of trains, so they would go there. Theoretically, stuff like mold in buildings also is an OSHA realm. Ironically, rest rooms in buildings falls under FRA. Again, it just speaks to this weird, kind of complicated relationship between the two agencies, but there is a memo I'll shoot you, that's been around for quite a while, that kind of pinpoints where the fine line falls or draws.

DR. GARCIA: Okay, thank you. Then my last question is you have some other documents there, was there anything else you wanted to share with us?

MR. PITTS: The documents that I have here, I mean, I would explain the -- how a train with a DP at a hundred and 24 times back, how difficult that is and every territory's different and -- but they believe that if they can run it on the simulator, it's good. This is the GAO, this is a copy of the GAO, which if we go back and we look at the -- what my personal opinion the crux of

this issue is, is PSR and what's alarming is you can read throughout this 98-page report and then go oh, well, it's -- we haven't found where it really -- the FRA says that we're not a hundred percent sure that it really affects anything and there's a whole section in there that talks about how PSR affects safety. But it talks about train length, you know, it details how PSR has affected the rail industry over the past 10 years. So that's that. This was just -- this was an article that talked about trains ignoring the wayside detectors and being explained to bypass those specific things.

DR. GARCIA: Thank you. Any other questions?

MR. JENNER: No. We do have another task we're going to ask you about. Do you want to talk off the --

DR. GARCIA: Let's go off --

MR. JENNER: Right, but for now, I just want to thank everyone for giving your insight and your time and patience. So we do appreciate that and if there's -- if we have any follow-up questions, would it be okay to reach out to you?

MR. PITTS: Um-hum.

MR. JENNER: Appreciate that. So is there anything else that you think we should know, that we haven't discussed today?

MR. CASSITY: I will give a closing statement of sorts. I don't think there's any way for anyone from the rail worker perspective to quantify or to put into words the realities of the actual culture when it comes to Norfolk Southern and just how bad

it has gotten over the last 7 to 10 years and maybe a little bit longer. There has been a very serious decline in the approach to operations when it comes to safety, where the prioritization is safety, and there's been a very serious decline in morale that's associated with that, to a large degree, and it's extremely concerning to us that not enough is being done.

So I commend the NTSB for commissioning the special study into this, for the effort that you all are putting into it, but I do want to reiterate that this by no means is everything that we could address because it almost is a seemingly never-ending story anymore. I mean, everything that we do or that our members do on Norfolk Southern has got this tinge or hint of just unsafe reality to it and there's this constant harassment and intimidation or fear of discipline that touches everything.

And so I just want to say thanks and I do hope that you all continue this study and looking into it. I wish that there was a way that we could put this into terms that encompassed everything, but I would say that you probably just heard the tip of the iceberg today, there's still much more to come. But thank you all.

MR. GREFICZ: I have something if you guys are off the record.

MR. CASSITY: They're not.

MR. JENNER: Right.

DR. GARCIA: Okay.

MR. JENNER: So if there's nothing else, it's 2:13 p.m. and we'll finish up this interview. Thank you again.

(Whereupon, at 2:13 p.m., the interview concluded.)

CERTIFICATE

This is to certify that the attached proceeding before the

NATIONAL TRANSPORTATION SAFETY BOARD

IN THE MATTER OF:	NORFOLK SOUTHERN TRAIN DERAILMENT IN EAST PALESTINE, OHIO ON FEBRUARY 3, 2023 Interview of SMART officials
ACCIDENT NO.:	RRD23MR005
PLACE:	Washington D.C.
DATE:	April 25, 2023

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.

[redacted]

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Karen D. Martini
Transcriber