



NATIONAL TRANSPORTATION SAFETY BOARD  
**Investigative Hearing**

Norfolk Southern Railway general merchandise freight train 32N  
derailment with subsequent hazardous material release and fires,  
in East Palestine, Ohio, on February 3, 2023

<b>GROUP</b>	<b>G</b>
<b>EXHIBIT</b>	
21	

Agency / Organization

**NTSB**

Title

**Interview Transcript – Randy Fannon,  
General Chairman,  
Brotherhood of Engineers and Trainmen  
May 2, 2023**

**The latter portion of this interview has been removed because it is a separate topic not directly related to the NTSB hearing. The entire interview will be entered into the NTSB public docket at a later date.**

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 \*

\*

\* \* \* \* \*

Interview of: RANDY FANNON, General Chairman  
Brotherhood of Engineers and Trainmen

Washington D.C.

Tuesday,  
May 2, 2023

APPEARANCES:

STEPHEN JENNER, Ph.D.,  
Human Performance and System Safety Investigator  
National Transportation Safety Board

ANNE GARCIA, Ed.D.,  
Human Performance and System Safety Investigator  
National Transportation Safety Board

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I N T E R V I E W

(11:17 a.m.)

1 DR. JENNER: Good morning. Today is Tuesday, May 2nd, 2023.  
2  
3 The time is 11:17 a.m. My name is Stephen Jenner and I am a human  
4 performance and system safety investigator with the National  
5 Transportation Safety Board. We are at NTSB headquarters in  
6 Washington D.C. Today we are meeting with a BLET official,  
7 Mr. Randy Fannon, as part of NTSB's investigation of Norfolk  
8 Southern's safety practices and safety culture.  
9

10 But first I'd like to go around the room and we'll have you  
11 introduce yourselves and your name and title, your affiliation and  
12 spell your name, please. Again, I'm Stephen Jenner, S-t-e-p-h-e-n  
13 J-e-n-n-e-r. I'm a human performance and system safety  
14 investigator with the NTSB.

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

17 MR. FANNON: And my name is Randy Fannon. I'm a BLET vice  
18 president, I'm the director of short line department, I'm also the  
19 national coordinator for the BLET safety task force. And my name  
20 is spelled Randy, R-a-n-d-y, Fannon, F as in Frank-a-n-n-o-n.

21 DR. JENNER: Thank you. So in the last few months, Norfolk  
22 Southern has had several train derailments on their main line,  
23 including one in East Palestine, Ohio. We have heard Norfolk  
24 Southern officials state that their goal is to have the strongest  
25 safety culture in the railroad industry and we'd like to explore

1 your experiences with NS to better understand how close they are  
2 to achieving their goal. So thank you for meeting with us and  
3 sharing your insights.

4 INTERVIEW OF RANDY FANNON

5 BY DR. JENNER:

6 Q. But can we first hear about your background, how you got  
7 involved in the railroad industry and walk us through to your  
8 current position?

9 A. Yes, sir. I hired in Norfolk Southern July the 5th, 1988, in  
10 a little town, in Norton, Virginia, as a brakeman. In May of 1989  
11 I was promoted to conductor. In November of 1990, I had my  
12 seniority as a locomotive engineer. And soon after that, I began  
13 working relief yardmaster, it's a -- it was a management position  
14 in the coalfields of Virginia, Kentucky, and West Virginia, I  
15 began working relief yardmaster. And then in 1991, I was promoted  
16 to a supervisory role as a yardmaster in Grundy, Virginia, at  
17 Weller Yard.

18 In 1993, as a result of a company-wide buyout of senior -- of  
19 managers to downsize management, I was promoted and transferred to  
20 Decatur, Illinois as assistant trainmaster, where I spent 4 years,  
21 almost 5. And then in October of -- no, excuse me, January of  
22 1998, I was promoted to trainmaster in Toledo, Ohio and then in  
23 October of the same year, 1998, I was promoted back to Weller as a  
24 road trainmaster, in charge of a road territory. And then June of  
25 '99 history was made when the Conrail acquisition was given

1 fruition and October of '99 I was promoted and sent to Buffalo,  
2 New York as terminal superintendent and I was there for two and a  
3 half years. And then in December of 2001, I was promoted to  
4 terminal superintendent in Harrisburg, Pennsylvania and then in  
5 March of 2005, I was promoted to terminal superintendent in  
6 Chicago, Illinois. And then in 2006 -- excuse me, December of  
7 2005 there was an issue in Chicago with one of my subordinates and  
8 I was basically relieved of my duties there and I exercised my  
9 seniority back to the ranks as a locomotive engineer in January  
10 3rd, 2006 where I remained.

11 And then in 2009, I was elected to my first union job as  
12 local chairman. Two thousand -- as local chairman. In 2012 I was  
13 elected to vice general chairman. Two thousand and 16, May of  
14 2016, I was elected general chairman and I held that position up  
15 until December 31st of this year.

16 And on January the 1st, I was elevated to vice president of  
17 the BLET, a position I currently hold and that position is I'm in  
18 charge of the short line division, I'm in charge of organizing, I  
19 assist with education and training, and I'm the national  
20 coordinator of the BLET safety task force that works hand in hand  
21 with you in the rail department of the NTSB on accidents and  
22 incidents that the NTSB launches upon. I've been doing that,  
23 safety task force, since 2012 and I went to my first launch in  
24 Petal, Mississippi. I've been on 10 launches alone, but I've  
25 assisted with just about every launch in the submissions and the



1 information and gathering and editing and so forth and so on. And  
2 then since January, as the national coordinator, those submissions  
3 come in under my signature to your department. And that's the  
4 history of my career to this point, I've got thirty -- about 36  
5 years in the industry going on 37.

6 Q. Thank you. Just to clarify, when you first joined the union  
7 or first became a union position, was that with BLET?

8 A. With BLET.

9 Q. So it's always been with BLET?

10 A. I joined the BLET in 1989 and I've been a member before,  
11 prior to going into management and then I've been a member ever  
12 since.

13 DR. JENNER: Okay.

14 DR. GARCIA: So you can be a member of BLET when you're in  
15 management?

16 MR. FANNON: Sure. You pay dues. You get no coverage from  
17 anybody, but you can still pay the dues.

18 BY DR. JENNER:

19 Q. All right, thanks for your background there. So as I said in  
20 the opening comments, we're exploring the safety culture, safety  
21 management systems that are part of Norfolk Southern, but I'm just  
22 going to start off with a very general question, tell me what it's  
23 like working at Norfolk Southern all these years and how have  
24 things changed through the years?

25 A. I can tell you myself, personally, this is a personal

1 rendition. I have been proud to work for Norfolk Southern over my  
2 career. In recent years, I don't feel as strongly about it. It's  
3 not because of the union affiliation, it's the change that Norfolk  
4 Southern has undertaken. And it is where management and labor  
5 worked together for a great number of years and in 2019, because  
6 investors or hedge funds got involved, management's theories  
7 changed. I mean, there's always the management/labor adversarial  
8 things on -- due to certain topics, but it doesn't -- there should  
9 be no adversarial about safety.

10 In NS, when they hired their consultants to come in and then  
11 promoted them within the company, they removed labor from all  
12 discussions about any topic. They, management -- and his name was  
13 Mike Farrell at the time, he was a contractor, and then they made  
14 him vice president of transportation. His first instruction to  
15 all management on Norfolk Southern was to stop talking to labor,  
16 that labor is not going to do anything, push the envelope, go  
17 outside of the agreements and keep going until labor stands up and  
18 takes an objection to it and then we'll see how far we've pushed  
19 and what we can get away with.

20 And so up until today, labor and management really still do  
21 not have that bond that they had prior to 2019. And what happened  
22 prior to any of that is that, you know, NS was a long-time winner  
23 of the E.H. Harriman Award, proud safety medal that was given out  
24 yearly for the lowest number of accidents and incidents for per  
25 man hour and NS won it for 21 years straight and then all of a

1 sudden, they went away, it just stopped. I guess all the others  
2 got tired of NS "winning" ever year, so they disbanded the E.H.  
3 Harriman Award. And all of the people in the rank and file  
4 thought that was odd because safety, is safety still important?  
5 NS has their rule book so gray and they allow a low -- a brand-new  
6 assistant trainmaster to "interpret" what the rule means, to -- in  
7 another word, to take an exception to somebody they don't like or  
8 to be able to accommodate someone that they do, but the gray area  
9 is so wide, it's not specific, and they'll -- that gives them a  
10 lot of latitude and they have that in every aspect, the safety  
11 rule book, the operating rule book, whatever, it's not specific.

12 They even have it in their attendance policy. But NS changed  
13 in 2019 and the CEO, Jim Squires at the time, said I have to do  
14 what the investors tell me to do, we're working for the investor  
15 now. We're not working for the customer anymore, we're working  
16 for the investor. And the investors, the hedge funds, have told  
17 them that they were able to get \$15 billion of profit for their  
18 investment out of CSX and they wanted their \$15 billion out of NS.

19 And so the drive at that point was to get the stock up as  
20 high as they could, to return the investment value back to the  
21 investor and the only way to do that was to cut, and NS began a  
22 cut -- cost-cutting endeavor. The administration at the time, at  
23 the FRA, was very favorable to management and they allowed some --  
24 a lot of latitude with any requests, so the waivers were being  
25 granted for a lot of things. Car inspections went from a thousand

1 mile to three thousand miles, locomotive from 92-day inspection to  
2 6-month inspections. A lot of latitude was given to the railroads  
3 so they could cut costs. Track inspections changed and I can't  
4 tell you exactly how the track inspections changed, but you had  
5 less track inspectors, you had less people, you had less carmen,  
6 and then you had less T&E ranks to run the trains.

7 So then it was to maximize -- well, Mike Farrell said it in a  
8 meeting with me in the room, that they were going to begin  
9 downsizing Norfolk Southern, that they -- the most -- the people  
10 they had working that day would be the most Norfolk Southern would  
11 ever have in the history of the company ever working for them  
12 again and they're going to cut and they did, they cut down to  
13 17,000 people.

14 DR. GARCIA: From what?

15 MR. FANNON: All departments, they had 22,000. So they cut  
16 and they cut and they cut. So when you cut -- Farrell's analogy  
17 was to cut until they can't run a train and then they would add  
18 back. And that was in the operating craft. But the other crafts  
19 took it worse. They combined territories to make these huge track  
20 inspection territories or car department inspection territories,  
21 they closed yards, and with the federal regulations, if there's no  
22 yard and no mechanical people, it don't have to be inspected  
23 there, it would run to the next mechanized point to where a car  
24 would have to be inspected which could possibly get it out. And  
25 this East Palestine derailment, the car came from a foreign

1 railroad at St. Louis, an interchange, it went to Decatur,  
2 Illinois, they had issues there, the train wasn't inspected, they  
3 only had one carman working third shift when the train came in and  
4 departed and if the car was inspected under the old regulations,  
5 it would've been inspected in Decatur, Illinois. But yet, it got  
6 away and it resulted in the East Palestine derailment which  
7 triggered everything that -- why we're in the room today.

8 In essence, had several high-class or high-profile incidents  
9 since, they had a fatality in Cleveland; a derailment in  
10 Springfield, Illinois; another derailment in Bessemer, Alabama.  
11 Now they've had a rear-end collision just yesterday. And until NS  
12 goes back to basics, what they sowed in 2019 is still here and the  
13 open dialogue and the open communication has still not been turned  
14 back on with the labor leaders to get the buy-in of every employee  
15 back in Norfolk Southern, that safety is important to them and  
16 it's not there right now. To every -- from the bottom person in  
17 seniority to the top, the buy-in is not there in the safety  
18 culture at NS.

19 BY DR. JENNER:

20 Q. Thank you. I don't want to put words in your mouth, but it  
21 sounds like what you're describing is saying that productivity and  
22 safety are perceived as in conflict with one another.

23 A. That's the message that Farrell put, that they would lower  
24 safety, but in my history as a manager, things can be done safely  
25 and still obtain productivity. NS was very well at doing that,

1 that's their long history of the E.H. Harriman Award is that they  
2 were able to get productivity, able to get new customers, able to  
3 attract business, able to service their customers and run trains  
4 on time while being safe at it. And demanding safety, NS demanded  
5 safety back in the day, they demanded it and the first sentence of  
6 the rule book, it states that safety is the first importance in  
7 the discharge of duty, that is their first sentence. But yet,  
8 today it is operating on -- safety is number four, working safely  
9 is number four.

10 Q. Can you talk a little bit about that, when did it go down  
11 from number --

12 A. Twenty nineteen.

13 Q. Twenty nineteen, prior to or up to 2019 safety was number  
14 one?

15 A. Number one. Safety, everything you heard, you had a job  
16 briefing, it was about safety with a manager, you had the first  
17 discussions, everything was about safety. The first slide of a  
18 presentation in your rules classes that was held annually, was  
19 about safety. This is how safe the territory you're working in is  
20 or this is how safe the division is or this is how safe the  
21 company is. Due to the cost measures in 2019, they went from an  
22 annual rules class to every 3 years, so now you do not bring your  
23 T&E operating people in except once every 3 years and that way  
24 they did not lose 1 or 2 or 3 days of productivity every year, now  
25 you only had to do it every 3 years. And bringing people together

1 to bring up issues and ideas and everybody in the same room  
2 talking about the safety statistics or talking about this is  
3 tantamount to having it out in an open discussion. NS, in their  
4 efforts to raise the value of their stock, made that one of their  
5 cuts and not bringing people in, not telling them how important  
6 they are and their safety has led to everybody's perception that  
7 safety is not important at NS.

8 Q. Do you have an insight about why, in 2019, as you described,  
9 they stopped talking, management stopped talking to labor, what's  
10 the incentive behind that?

11 A. Well, the BLE, from 1996 until 20 -- the agreement that's  
12 current in -- well, not the current one, but it expired in 2020,  
13 December 31st. From 1996 until December 31st of 2020, every  
14 agreement between the BLET and Norfolk Southern was done on  
15 property.

16 And what I mean by that is the three general chairmen sat  
17 down with Norfolk Southern and worked out a labor agreement  
18 locally, didn't involve the national, didn't involve any  
19 outsiders, they'd sit down with the vice president of labor  
20 relations, the vice president of operations, and the three -- and  
21 they hammered out an agreement and they had agreements in place  
22 before other ones expired. And the dialogue, to be able to walk  
23 in to the chairmen or the chief operating officers and have a  
24 conversation was there. In 2019, with the inception of PSR and  
25 bringing in these outsiders that never worked for NS and then

1 ending all communication, when this agreement expired, I was a  
2 general chairman at the time, we attempted to continue that  
3 history and make an on-property agreement, but NS said no. Their  
4 upper management was not interested in having any dialogue with  
5 the general chairman at the time and so they reverted back to the  
6 national agreement and then that took years to get finished, they  
7 just got finished in the last year and the relationship that -- so  
8 NS would be able to call the general chairman and said hey, in my  
9 case, "Randy, I need some help, we need some help at Norfolk,  
10 Virginia, and we need some latitude here," or a hurricane hit at  
11 New Orleans and they would call Jerry or Mark and say hey, we need  
12 some help here because we need to get some cars moved.

13 So we would help them out -- sometimes outside of the  
14 confines of the agreement and allow them a lot of latitude and  
15 then get back into the confines of the agreement after the  
16 emergency had subsided. Well, in 2019, that dialogue stopped.

17 We used to be able to pick up the phone and call the vice  
18 president of transportation and said hey, we got this problem and  
19 we need it fixed and they would fix it. Well, they wanted no  
20 communication with us. They told us we had to call the local  
21 trainmaster or the local people, and then they had no idea and it  
22 just ended. The attitude shifted when they went into the PSR mode  
23 that they did not need labor, labor was going to be a roadblock to  
24 their PSR endeavors. And so that communication stopped and when  
25 the communication stopped, the adversarial conflicts began rising



1 and that we had never endured before. Discipline was at an all-  
2 time high until they could not -- until COVID hit. When COVID  
3 hit, discipline stopped because they didn't have enough managers,  
4 their management turnover was -- they couldn't get people to work,  
5 I mean, their turnover was 75 to 90 percent turnover in the  
6 management ranks and then we had a lot of T&E people that were  
7 leaving, quit to go to other jobs, other industries, going on  
8 disability or retiring at a high number because of these changes  
9 that was instituted at NS.

10 And it has decimated the industry nationwide, in essence,  
11 just the one that's being under the spotlight right now due to  
12 their -- UP's had several incidents lately, the runaway train in  
13 California, they've had a fatality, they've had, you know, trains  
14 hit head on and it's all the same issues, it all started with PSR  
15 models, 2019, 2020, when all these railroads adopted PSR and  
16 safety culture went out the window.

17 BY DR. GARCIA:

18 Q. You mentioned that in 2019 Norfolk Southern saw labor as a  
19 roadblock to PSR implementation.

20 A. Yes.

21 Q. Were they?

22 A. Well, I mean, if they would've communicated, there's things  
23 that we could've negotiated with locally on property to help them,  
24 okay, to achieve a goal, but we offered -- okay, so on the CP  
25 railroad they have what's called an hourly rate agreement, okay?

1           At the end of last year with the raises that went into effect  
2 in January, those engineers are making \$63 an hour, okay? But  
3 they have no arbitraries, they can run trains from Point A to  
4 Point B, they can switch cars, they can switch industries, they  
5 can do whatever. We had limits in our agreements. We were  
6 willing to go to an hourly rate agreement to give them more  
7 flexibility and more latitude. NS wanted no part of it because  
8 they didn't want to spend any of the money. So if you're wanting  
9 to be able to have these -- the benefits of these issues, sit down  
10 and negotiate. Well, they want the benefits by going outside of  
11 the current agreement without paying for it.

12           And the only way they pay for it is in a time claim model  
13 which takes years to run its course to get it to arbitration and  
14 so in essence, doing the same thing but with an impetus of paying  
15 for it down the road, if they have to, and that creates a lot of  
16 animosity to everyone because prior to 2019, if me and another  
17 person was on a crew together and we were asked by a manager hey,  
18 I need you to go over here and I need some help yarding a train,  
19 and that manager would look at me and say Randy, I'll pay your  
20 out-of-territory day because you're going to go do me a favor.

21           So we'll go over on another territory and bring the train in.  
22 The manager paid the out-of-territory day. That was my -- that's  
23 a contract violation and I was getting paid to violate the  
24 agreement but do the company a favor and bring the train in.  
25 Well, they got to the point after 2019, they instructed me to go

1 get it, that train, and then not pay me for the contract  
2 violation. And so it's pushing the envelopes between labor and  
3 management that the relationships were built before and now those  
4 relationships are all being severed and it's upper management's  
5 decision to sever those relationships.

6 In an industry such as the railroad industry, you have to  
7 have relationships to make things -- everything's not going to go  
8 perfectly every day and the relationship you make determines how  
9 well your operation went and NS severed all relationships and then  
10 they want -- they still, to this day, refuse to come and ask for  
11 the BLET or SMART to help buy in and fix these issues, they don't  
12 want to fix them because they're more worried about their stock  
13 price instead of what it's going to cost them.

14 The PSR Ponzi scheme that Hunter Harrison created is a false  
15 narrative, it's to cut everything down to right before it  
16 disintegrates and then they have to build them back. At CP, when  
17 Hunter Harrison left CP, Keith Creel has had to spend a lot of  
18 money rebuilding CP and relationships with the labor and their  
19 customers. NS hasn't got awakened yet that they need to do the  
20 same thing.

21 BY DR. JENNER:

22 Q. So you discussed earlier that safety was at least discussed  
23 as a priority prior to 2019 --

24 A. Yes.

25 Q. -- safety was discussed at safety meetings.

1 A. Safety first.

2 Q. Did their actions reflect that?

3 A. Yes.

4 Q. Okay.

5 A. Prior to 2019 the actions reflected everything that they  
6 talked about. Their actions and words matched, okay. Now, you  
7 always had the inexperienced or the people looking for a favor or  
8 looking the other way or however you want to say it. But for the  
9 most part, every -- from the top down, from the chairman to the  
10 brand-new supervisor, safety was told to be the number one aspect  
11 and after 2019, all of that stopped. I mean, it was like they  
12 flipped a light switch and it just stopped.

13 And it's obvious, not only to the labor leaders but it's  
14 obvious to the brand-new man they just hired on the railroad, in  
15 all departments, it was obvious how it changed. The mentality  
16 changed and then the economy changed and then COVID hit and when  
17 COVID started coming back, they didn't have enough people to run  
18 trains or they didn't have enough people in the car department or  
19 they didn't have enough people.

20 At that moment, when everything started coming back and the  
21 train volumes started picking up is when key decisions, in my  
22 opinion, were made that's created here today and that is they took  
23 every shortcut they could to close yards, bypass safety  
24 inspections, and to run trains. I mean, out of Roanoke, Virginia,  
25 they started making these trains longer and longer and heavier and

1 heavier. Every day trains were getting knuckles and putting  
2 people into situations where they could get hurt, injured or  
3 whatever, and was forcing them into doing these things. Trains  
4 were blocking road crossings for 8, 10 hours a day and they were  
5 getting verbally abused by the public. And one of my engineers  
6 was actually arrested for following instructions of Norfolk  
7 Southern and blocking a road crossing for hours at a time. The  
8 sheriff's department showed up at his house and put him in  
9 handcuffs.

10 Because of the train length, PSR models, they couldn't run  
11 the way they wanted to and all the issues that was going on, they  
12 showed up and arrested him. And then NS had the audacity to  
13 charge him for a disciplinary hearing for failure to follow the  
14 state police direction, but yet he was following the direction to  
15 do exactly as he was told by Norfolk Southern.

16 So all of that shows the mental state of NS's adoption of PSR  
17 and not safety because prior to all of this, a train would be told  
18 to stop back of a road crossing and not block it for hours at a  
19 time. So it put our T&E people or our carmen or anybody else into  
20 situations that they weren't used to and so the safety culture has  
21 taken a decline.

22 Q. You mentioned the increase in discipline at an all-time high.

23 A. Yes.

24 Q. How am I to understand that? Is that because people were,  
25 for whatever reason, violating rules or was it because they're

1 being held to a higher account or something else?

2 A. Well, a lot of -- all right, so a lot of our T&E people, it's  
3 human nature to do it the easiest or the shortest, short-cuttest  
4 (ph.) way or whatever you want to say, but discipline was at an  
5 all-time high in 2019 and I'm talking about major discipline which  
6 would result in taking an employee to arbitration. I had a small  
7 territory as general chairman and it went from Virginia Beach to  
8 Columbus, Ohio, from Hagerstown, Maryland, to Winston-Salem, North  
9 Carolina, so it's not -- not a huge territory. And I had 60-some  
10 dismissals at the all-time high out of that territory at one time.

11 After PSR, after COVID hit, my last year as general chairman,  
12 I had six dismissals. So how can you explain, to go from an all-  
13 time high to an all-time low of dismissals in major discipline in  
14 that short period of time? That's where supervisors were no  
15 longer focused on safety, it was all focused on running trains on  
16 time and they took their eye off -- as a baseball player analogy,  
17 you took the eye off the ball or golf analogy, you took your eye  
18 off the ball and you missed.

19 Well, supervisors, there wasn't enough of them, they weren't  
20 in the field to observe safety issues or to correct safety issues.  
21 You know, when our members would come back and tell me -- when it  
22 gets to the general chairman, there's a problem because you  
23 should've been handled locally. And trees were blocking a signal,  
24 trees, some vegetation, something was changing, a customer was  
25 doing something different. It should never get to a general

1 chairman, it should stay locally and have it fixed. A lot of that  
2 information was getting to the general chairman to have to deal  
3 with NS at a corporate level to get safety items fixed and then it  
4 was still taking months after that to get it corrected. Locally,  
5 NS had a safety committee, okay, that met monthly and all crafts  
6 and management was on these safety committees. NS disbanded them.

7 So how can the company say safety is our main focus when  
8 safety is no longer having a meeting and you no longer had a local  
9 voice to tell the management hey, I got weeds here, I got bad  
10 footing there, I've got a derail or a switch hard to throw at an  
11 industry or they're doing this at an industry, there was nothing  
12 to tell NS, along with that, that was part of their issues with  
13 PSR was that they were spending too much money on safety  
14 committees and they disbanded them.

15 So safety was not number one anymore after 2019, it was  
16 obvious. And then they posted these documents that I provided,  
17 the annual reports, the publication for financial investment,  
18 analyst conference, and these -- what's hung on every principle,  
19 the five principles on every bulletin board, safety went from  
20 number one to number four.

21 Q. And this was the five principles, this was in 2019 --

22 A. Yes.

23 Q. -- that it changed?

24 A. And their key disciplines, which is also on the bulletin  
25 board, says they'll run trains on time, that was number one,

1 instead of safety. Switch cars in less than 6 hours, right car,  
2 right train, and right block and then do it safely. You know, NS  
3 -- we, as the general chairmen, questioned NS about it and  
4 verbally they would say oh, you know, safety's still important to  
5 us, it's number one, but it's number four on this list, so it was  
6 lip service. And I brought the other two documents to point out  
7 that it was made in public venues by the chairman and put out  
8 publicly, that safety is number four.

9 But the NS safety -- I mean, I'm still proud of Norfolk  
10 Southern, I mean, what they're going through right now is also  
11 going to be going through on the UP, it will be -- we had our  
12 issues with CSX (indiscernible) driving (ph.) Kentucky. Then you  
13 had Hyndman, Pennsylvania on CSX, that was one of the very first  
14 ones after PSR, the long trains, and things like that.

15 To get back to a safety culture, it has to get back to basics  
16 and it begins with training people properly, focusing on safety,  
17 and then, you know, doing the right thing at the right time and  
18 working with the labor people. Labor's not an impediment, it is  
19 here to work together as the voice of the employees.

20 Q. You mentioned training, is -- are you concerned about the  
21 training, the quality of training?

22 A. Yes.

23 Q. Okay, can you talk about that?

24 A. So when Norfolk Southern used to train the conductors, it  
25 would take anywhere from 4 to 6 months to train a new hire and



1 that included 30 days in McDonough, Georgia. And as time went on  
2 and the previous administration changed the rules and allowed  
3 people to change their training scope or training programs, I  
4 mean, so now training in McDonough has went from 30 days to as  
5 little as 2 weeks and then their plan is to have them marked up  
6 and working as a conductor alone in 60 days, total. So if you  
7 hired on January the 1st, the goal was to have you marked up as a  
8 conductor on March the 1st, 60 days.

9 Now, some people took a little longer, not many, because the  
10 trainmaster had to answer for anybody that went over 60 days, so  
11 whatever impediment that they get to that they had to get this  
12 person marked up, they did it. So then they were putting them on  
13 a train and the engineer usually is a seasoned veteran, but that  
14 engineer is to look out for that conductor and tell him what he's  
15 supposed to be doing and if something were to happen a hundred  
16 cars deep in the train, that engineer can't see what that  
17 conductor's doing, or if they had to set a car out.

18 The training has diminished considerably, they're rushing  
19 people through, and right now, I was talking to the general  
20 chairman on NS, the number of run-through switches on a daily  
21 basis by a new-hire conductor in 90 days, within 90 days of being  
22 marked up, is at an all-time high. They're running through  
23 switches, and as I was taught in management, a run-through switch  
24 is a predictor to something big coming up, it's coming, and if  
25 they don't get things in the training and get some quality

1 training back in, it's just a matter of time, I mean, before  
2 another incident occurs, hopefully it doesn't, but another  
3 incident occurs. A few years ago, in one year, the new conductors  
4 and trainees, they had three major incidents; one lost three  
5 fingers out of a hand, one lost an ankle, and one lost a leg, all  
6 within a year, all brand-new conductors, all because of the  
7 training program. And NS has lost its focus, the focus needs to  
8 be put back into safety. They can still get the stock prices  
9 higher while still focused on safety, they're just not there.

10 Q. If I can, I'd like to better understand how, as you're  
11 describing safety culture and more discipline and less training,  
12 how that affects certain components of operation. So to greatly  
13 oversimplify something, we need to get a train from Point A to  
14 Point B --

15 A. Okay.

16 Q. -- and it needs to be inspected and depart a yard, it may  
17 need some inspections en route, you may get some information from  
18 hot box detectors and other wayside detectors. Can you walk us  
19 through any changes that you've seen in that overall process,  
20 getting it from Point A to Point B?

21 A. Well, as I gave you in my background, I was a terminal  
22 superintendent at major yards, okay, I was assistant trainmaster  
23 in Decatur, Illinois, so a lot of my time has been spent in the  
24 yards and management. So when cars come in to the yard, locals  
25 bring them in, other trains, what have you, they classify the cars

1 and they put them in blocks. When it gets time to build the train  
2 and you have all the cars you're supposed to have, a yard crew  
3 will double up all the cars and set the train out for the  
4 mechanical department to inspect the train. They'll blue-flag the  
5 train in and usually two or three or four carmen would go over  
6 this train on both sides, they would lace air hoses, look for  
7 safety defects, and then they would do an air test because a  
8 hundred percent of the brakes had to work during that air test to  
9 depart.

10 In the day, after that was done, a road crew would be called,  
11 bring their power out, tie on to the train, if there were cars  
12 that had to be set out, a yard crew would either assist or they  
13 would do it themselves, set a bad order out. They would do their  
14 application release, make sure everything's ready to go and then  
15 they would depart. That was back in the day. And then they would  
16 go from Point A to Point B.

17 And these defect detectors was fairly new until they got, you  
18 know, more readily available and they would look for dragging  
19 equipment, hot box bearings, so forth and so on, over the  
20 territory and there would be an alarm that would go off and the  
21 crew knew when they got these alarms that they had to stop.  
22 Technology came into play in the recent -- recent past, I don't  
23 know when, but these hot box detectors, and they put a desk on,  
24 for Norfolk Southern, and it was in Atlanta, Georgia, right beside  
25 the dispatchers, that it -- these alarms would notify this desk

1 that Train So-and-So had one trending hot or is hot and this desk  
2 would then tell the train that they either had to stop and inspect  
3 it where it was at, so forth and so on. I mean, NS showed me a  
4 camera that they've got in certain locations, it's a high-speed  
5 camera that they can inspect safety appliances as this train goes  
6 by, that they can zoom in and look for knuckle pins and broken  
7 ladders and so forth and so on.

8       So NS is relying on technology to do what a human had done  
9 prior and this technology doesn't get everything right. So today,  
10 a train, due to PSR, would get built in a yard and the management  
11 in the mechanical department said you had to inspect -- used to,  
12 like 3 minutes or so a car was what was average to inspect a car,  
13 now it's down to a minute. They had 1 minute to inspect a car.  
14 It's hard to walk 50 feet and look at every aspect of a rail car  
15 in 1 minute, 60 seconds.

16       And managers, when they started this, walked behind the  
17 carmen with stopwatches and timed them and come to this 1 minute  
18 because they found the person that walked the fastest and that's  
19 who they used to set the standard of the 1 minute. So then, so  
20 the inspections got down to 1 minute and they missed, they missed  
21 things. There's no way to do a proper inspection in that time  
22 frame. But they were relying on these detectors to catch this  
23 stuff. So now a train departs the yard, everybody thinks  
24 everything's fine and it goes over the road. But as it's  
25 departing, in the old days they would post two carmen in vehicles

1 if it was at night or even if it was day, they would be at the  
2 exit of the yard, watching the train leave, looking for handbrakes  
3 that might still be on or something they missed or a sticking air  
4 brake, what have you, something that they missed, may have missed,  
5 on a roll-by departure. When NS downsized the mechanical  
6 department, there's nobody giving that roll-by departure review as  
7 the train's leaving the yard.

8 And so things that were getting caught before are no longer  
9 getting caught and they're now on the road. So the train's going  
10 from Point A to Point B and they're being relied upon these hot  
11 box or these defect detectors. So what happens now, unbeknownst  
12 to the crew, is if the car bearing is starting to get hot, this  
13 hot box detector desk in Atlanta gets notified, but the train crew  
14 is not unless it's "trending" hotter. The first ones had set the  
15 baseline, the next one it's hotter, and the next one could even be  
16 hotter.

17 There's no alarm going off until it gets to a critical state  
18 and the alarm out in the field would go off. But this hot box  
19 detector desk is supposed to be watching this. Well, if they're  
20 busy doing something else, they may miss this one. So human error  
21 can still miss something, it's just that it's a global scale when  
22 you have one desk doing it for the entire system. So as the train  
23 goes over, the desk tells them they have to inspect it or they get  
24 a critical alarm, the train comes to a stop, the conductor has to  
25 get off and go back to the area of the car, they're going to give

1 him the axles, the axle number, so he has to -- he or she has to  
2 count off the number of axles and then check 10 cars on each side  
3 to determine. They would have a temple stick with them to check  
4 the temperature of the bearing and the wheel to see what they have  
5 and -- if they can find anything, if they don't find anything,  
6 they radio it in, we didn't find anything, and then they tell  
7 them. If we found something wrong, they would either call a  
8 mechanical person that would have to travel there by truck, which  
9 delays trains.

10 The entire key of this is doing it the way NS has done it,  
11 reflected to East Palestine, was to quit and not delay trains.  
12 We've been told that Mike Farrell again raised the threshold up of  
13 the temperature before it would set off a critical alarm because  
14 these are not regulated and no standard set by FRA to prevent the  
15 one-off train for stopping and delaying other trains when it  
16 didn't need to.

17 And I mean, I know I'm throwing Mike Farrell's name around a  
18 lot, it's not that there's a lot of animosity toward Mike Farrell,  
19 but he just didn't know what he was doing and that's why NS let  
20 him go eventually and he's -- but he's created this atmosphere at  
21 NS with the short time that he was there and -- so now you have a  
22 conductor on the ground, waiting on a mechanical person to show up  
23 or the dispatcher would tell them to take it to a siding nearby  
24 and have them set a car out, just to keep from delaying them any  
25 further, and then the train would go on and go to the next

1 location. Eventually, somebody would go and inspect that car, see  
2 what's wrong, okay to go or send it back to a shop somewhere else  
3 and -- or fix it right there, replace the wheels right where it's  
4 at, if needed. That's how it's supposed to work. East Palestine  
5 didn't happen that way. East Palestine, there was never an  
6 inspection indicator, it went on to Bellevue, never an inspection  
7 there, it kept going, went across two or three hot box detectors  
8 where it was trending hotter, the crew had no knowledge of that,  
9 and then it got a critical alarm and as the train was stopping, it  
10 failed because, you know, you put the brake on, it causes chain  
11 reactions, you put the dynamic brake on, it causes buffer forces  
12 and the wheel just couldn't take it anymore and then the wheel  
13 failed and a proper inspection back at the beginning, at the  
14 interchange, would've possibly caught this. There's no guarantee,  
15 no guarantee, that car could have failed, but -- there's no  
16 guarantee, but it was not inspected.

17       And that's the same as the derailment in Bessemer, Alabama  
18 where they put two locomotives with the non-adjusting drawbars  
19 together, and the rule says you can't, all because a mistake was  
20 made when it came out of an industry, that these two were good to  
21 go and it traveled, what, 6, 700 miles before it derailed and it  
22 was just due to the terrain and the buff forces of the long train  
23 that caused those cars to not slue and the drawbars didn't slue  
24 and that caused the train to derail. It goes back to doing  
25 everything possible to get it out, get it done, and then mistakes

1 are being made.

2 Q. You talked about the decrease in time to inspect a car in the  
3 yard from 3 minutes to 1 minute. Has the number of carmen or  
4 mechanics also decreased?

5 A. Considerably.

6 Q. Since when?

7 A. Twenty nineteen.

8 Q. Okay.

9 A. And the same with track inspectors and, you know, not only  
10 did they put the stopwatches on the mechanical department, they  
11 put stopwatches on T&E conductors when they were servicing  
12 industries or making pickups and setouts along the line of road,  
13 they set standards that it takes this amount of time and if  
14 something went wrong, all right, let's say that they published a  
15 time of 30 minutes to work something.

16 If you went over 30 minutes, you had to wake up the  
17 trainmaster in the middle of the night and say hey, I went over my  
18 30 minutes, I need some new instructions. And then the  
19 trainmaster was mad because you woke him up at 2:30 in the morning  
20 to say you went over your 30 minutes. I mean, it's some of the --  
21 and I -- there's no other way to say it, asinine instructions that  
22 was put out, all due to the stopwatch.

23 Q. So with the decrease in the number of carmen doing  
24 inspections, has that changed the role, responsibilities of  
25 conductors and engineers?



1 A. It has at certain locations, okay. So if there's no  
2 mechanical doing an inspection, the C-100 or the C-100, C-101,  
3 C-102's, any of this type of stuff that has to be done and the  
4 initial terminal air test, it falls back on the train crew, the  
5 train crew would have to do an inspection and is the train -- is  
6 the conductor that's a 60-day wonder properly qualified to know  
7 what is or is not a defect, what works or what doesn't and, you  
8 know, they're under the same stopwatch to get going.

9 Q. Are conductors doing or asked to perform the task of a  
10 carman?

11 A. So in the absence of a mechanical department, so let's say I  
12 pulled up to a yard where there used to be carmen that would do  
13 this work, they cut all the carmen off, so if I have to have an  
14 inspection, the conductor has to be the one to do the inspection.

15 Q. And he's got to walk the train?

16 A. Has to walk the train. Supposed to walk the train.

17 Q. Okay.

18 A. So if there's an initial terminal air test that the  
19 mechanical department was doing before, now the conductor is and  
20 that initial airbrake test includes inspecting of the car, safety  
21 appliances, the lading, everything, that --

22 Q. The same checklist as a carman.

23 A. Correct.

24 Q. But they're not --

25 A. Carmen.

1 Q. They're not carmen and they're not -- I'm asking they're not  
2 trained as -- to do this.

3 A. They're not, they're not. They're trained to look at  
4 something that -- like a broken safety appliance. When I hired as  
5 a conductor, I had an old head conductor show me hey, when you're  
6 doing an air test, this is what you look for, because a conductor  
7 -- in an industry there's no mechanical people, they have to do  
8 this inspection.

9 Q. Right.

10 A. It's similar to what a carman does. They don't have the  
11 gauges for the brakes and stuff like that, but they still have  
12 everything that they're supposed to look at, the side ladder, the  
13 end ladder, the cut lever, the knuckles, the lading, if it shifted  
14 or what have you, or if there's any damage to the car. But it's  
15 different for a person that does it every day like a mechanical  
16 department carman and a conductor that does it very rarely.

17 Q. Right. But industries never had carmen, is that right?

18 A. They do not.

19 Q. Right, so they never -- so the conductor's responsibilities  
20 have remained the same at industries --

21 A. Yes.

22 Q. -- but have they -- but you're telling me they've increased  
23 at other locations.

24 A. Yes, they have increased at other locations due to the lack  
25 of the mechanical department.

1 DR. JENNER: I'm sorry.

2 BY DR. GARCIA:

3 Q. Could you tell us for -- go over what this pre-departure  
4 check, checking of the train, looks like and how long does it  
5 take?

6 A. Well, I mean, it varies on how big the train is, okay, and  
7 what the temperature is. First, you have to -- when you get the  
8 train solid, you have to charge the train for the parameters of  
9 the air. So if the air's set to 90 pounds on the head end, the  
10 least you can have on the rear of the train is 75. So they  
11 started putting distributed-power engines in the middle to help  
12 pump air through a very long train.

13 It's there for that as well as buff forces on the first half  
14 of the train, to minimize the buff forces. So you have to get the  
15 air up on a long train, so then when it comes time, the train is  
16 charged, the conductor says they're ready for an air test, you put  
17 the brake on in the cab of the locomotive and you use what's  
18 called as an airflow method.

19 So the airflow has to be below 60 pounds on the gauge, that  
20 the airflow is below 60, you put the brake on and that you don't  
21 have a weird airflow that there's a hole in the train line  
22 somewhere. So you tell the conductor that the brake is on, all  
23 right, so that conductor, depending on the size of the train, can  
24 take anywhere from 45 minutes to an hour to what it takes to walk  
25 -- they're supposed to walk both sides of the train, if they're

1 doing an initial air test, they're supposed to walk both sides of  
2 the train. So what normally happens is they walk one direction  
3 with the brake on and then tell the engineer to release the brake  
4 and they inspect the other side for the release. If they can walk  
5 on both sides. If they cannot walk on both sides, it's  
6 permissible by rule to knock the brake off and pull the train by  
7 the conductor while they're watching the release, making sure all  
8 the brakes released.

9 That still doesn't inspect the other side, if they can't get  
10 there, but that's -- so then the train, somebody takes the  
11 conductor, puts him back on the head end, or a utility man could  
12 be the person doing the brake test, watching on and off, the brake  
13 test, but there's no mechanical people there.

14 Q. What about other things besides the brake test?

15 A. They're supposed to look at the safety appliances, the  
16 ladders, the cut levers --

17 Q. This is every time the train departs?

18 A. Yes. If it requires an initial terminal air test, they have  
19 to look at it, every aspect of that.

20 Q. Okay.

21 A. Okay. Now, NS and other railroads do what's known as a block  
22 swap and what it is, is somebody else brings 50 cars in and they  
23 set the 50 cars in a block and set them off on a track. They  
24 provide an air slip that those cars were inspected and they're  
25 ready to go. Train B comes in and picks those 50 cars up and puts

1 them in their train. Supposedly, those cars do not have to be  
2 inspected because they were previously inspected, okay? So the  
3 only thing you do as a new train, you put them together, is you  
4 make sure there's train continuity and that the brakes apply and  
5 release.

6 Q. So where would that previous inspection have been done, there  
7 at the yard or at the --

8 A. At the previous yard --

9 Q. At the previous --

10 A. -- before they came in, yes.

11 Q. And is there any time or distance restrictions?

12 A. Right now, it's 3,000 miles. So 3,000 miles those cars -- if  
13 those cars travel 3,000 miles, they're supposed to have another  
14 inspection and that's up from 1,000 miles under the previous FRA  
15 administrator.

16 Q. And where is that in the regulations?

17 A. C.F.R. 249, I don't know exactly, but it says that those --  
18 the waiver grants them from -- when I first hired on, the cars had  
19 to be inspected every 500 miles, 1988. Then it went to a thousand  
20 miles and it stayed that way through most of my career, a thousand  
21 mile inspection. And then, then it went to now, in 2020, I think  
22 it's when it got changed, it went from 1,000 miles to 3,000 miles.

23 Q. So besides the air brakes, about how much time is allotted  
24 for the train crew to do a pre-departure check?

25 A. It's 1 minute a car.

1 Q. One minute a car. That's the inspection, though?

2 A. That's all of it, so if a conductor is doing, or a mechanical  
3 is doing the inspection, that's still 1 minute a car. So they  
4 want them done faster, but 1 minute is the minimum.

5 Q. Okay. So if there is a carman inspector there to do that --

6 A. Um-hum.

7 Q. -- what does the train crew do prior to departure?

8 A. Not a whole lot. They check their paperwork, they get in the  
9 cab of the locomotive, they do an application and a release,  
10 working with the mechanical department. When the mechanical  
11 department said the brakes are applied and releases, then they  
12 depart. The conductor and the engineer doesn't have a large role  
13 in any part of that inspection because the mechanical department's  
14 doing it.

15 DR. GARCIA: Okay.

16 BY DR. JENNER:

17 Q. When the conductors perform these inspections, do you get a  
18 sense that they're confident in their abilities or --

19 A. No. No.

20 Q. And why is that?

21 A. They're not trained to look for -- I mean, they're told what  
22 to look for, they're not shown what they're looking for. So the  
23 main item that they're looking for, a conductor, is two things.  
24 Lading that shifted or hanging out of the car or the brakes are  
25 not working and they're looking at that through the piston of the

1 air cylinder, not at the wheels and the brake shoes. So the  
2 piston may be out, but there might not be any brake shoes on the  
3 car.

4 Q. Right.

5 A. They're not really looking for that, they're just looking for  
6 that piston to be out.

7 Q. Right. And in terms of journals and bearings and things --

8 A. Right. Oh, they don't have any clue on that.

9 Q. Got it.

10 A. None. None, whatsoever.

11 DR. GARCIA: What type of training do you receive to do this  
12 type of inspection?

13 MR. FANNON: The mechanical department has thorough training.  
14 They're shown explicitly -- they have a gauge that they can get,  
15 out of their vehicle, to measure the bearings, the side bearing  
16 clearance, all of the stuff that goes with a bearing inspection  
17 along with the brake shoes and everything else. A conductor has  
18 none.

19 It doesn't tell them that if you see something here with this  
20 wheel, they're mainly focused at the piston travel and the lading  
21 or if there's car body damage to a car, like the ladder's gone or  
22 the ladder rungs are broken or the cut lever's broken and then  
23 they move on. They'll listen for an air leak, I mean, see if a  
24 train line's broken.

25 BY DR. JENNER:

1 Q. Yeah, sorry to revisit this one area --

2 A. That's all right, that's all right.

3 Q. -- but -- so what you're telling us, that at industries  
4 conductors are responsible for doing this, this type of --

5 A. Yes.

6 Q. But that's always been the case.

7 A. Always.

8 Q. But now, in certain locations where carmen don't exist but  
9 they used to exist, the onus is now on the conductor.

10 A. Correct.

11 Q. So how frequently does that happen?

12 A. Daily. Daily. Twenty-four hours a day, at these locations  
13 where they have a very reduced skeleton -- so third shift -- the  
14 third shift in Roanoke, Virginia, hypothetically, they cut down  
15 until they have one carman on third shift, let's say, one carman,  
16 and that one carman is busy doing something else and you got  
17 Randy Fannon pulls up to take his train out, that carman's busy,  
18 that trainmaster still wants me out of there. So my conductor has  
19 to go and do the work or we're not leaving.

20 Q. So daily --

21 A. Daily.

22 Q. -- a conductor would expect to have to do --

23 A. Yes, daily.

24 Q. Depending on his routes or --

25 A. Depending on the route, what the yards are, where -- when and



1 if there's a mechanical department that would be doing this work.  
2 Daily.

3 BY DR. GARCIA:

4 Q. So when a conductor -- does the engineer ever do this  
5 inspection or is it only the conductor?

6 A. The engineer is only responsible for inspecting his or her  
7 locomotives.

8 Q. Okay. So when the conductor does this inspection, what  
9 happens if something is found?

10 A. They radio to whoever controls the yard. So it could be a  
11 yardmaster, it could be the dispatcher that controls the yard,  
12 because they went in and eliminated yardmasters, as well, as the  
13 -- at a lot of yards, combined the territories. So they used to  
14 have yardmasters in Williamson, West Virginia; Portsmouth, Ohio;  
15 Bluefield, West Virginia; and Grundy and Norton.

16 Okay, so they went in and eliminated all the yardmasters and  
17 said dispatcher, you give trains permission in and out of the  
18 yard, okay, telling them to talk to whoever's in there and the  
19 dispatcher has to ride down. Well, Randy Fannon's on the U-44,  
20 U-44 is in the yard, all right, U-45 wants to come in or Train 817  
21 wants to come in, "817, you got permission into the yard, talk to  
22 the U-44, he's in there working." So before, the yardmaster would  
23 be the one that the conductor would report a problem to, now  
24 they're having to tell the dispatcher, who then has to call  
25 somebody if there is a mechanical person. Right now, out of all

1 these yards, they have one mechanical person in Grundy, Virginia  
2 and one in Bluefield, and they have to get in a truck and drive an  
3 hour and a half or so to go and inspect a car. That's the  
4 territory that I just -- was just on.

5 Q. Okay. Where is the dispatcher located?

6 A. Atlanta, Georgia.

7 Q. Okay, so if the conductor finds something on the train while  
8 they're doing this short version of the inspection, they call the  
9 dispatcher in Atlanta, Georgia and report it?

10 A. Yes.

11 Q. And the dispatcher will find a mechanic who travels --

12 A. Or tell him to set the car out.

13 Q. And tells him to set the car out. And when they set the car  
14 out, does it go to a maintenance shop in the yard or where does it  
15 go?

16 A. Well, there's not any -- so if they've eliminated the carmen,  
17 there's no maintenance shop there. So the person in the truck,  
18 two car mechanical people in a truck will either come and make an  
19 attempt to fix the car there or they would come in and inspect it,  
20 make it safe to the next destination, and then they'll put it on  
21 another train to go to a mechanical point to be set out and be  
22 repaired.

23 Q. In yards where there is an inspector there and there's a  
24 maintenance shop, do you know -- do you ever follow or find out  
25 what happens to the car, that it goes --

1 A. If there's a shop there, it will go into the shop and be  
2 repaired.

3 Q. Okay. Have you ever heard the shop was too busy?

4 A. No, you can't. You can't do that. So if there's a  
5 mechanized point, that car would have to go in and be repaired  
6 there.

7 MS. GARCIA: Okay.

8 DR. JENNER: I don't have any further questions.

9 BY DR. GARCIA:

10 Q. Okay, so there's a procedure that a conductor would follow to  
11 do an inspection or a carman inspector would follow to do the  
12 inspection and it's well known within the craft what that  
13 procedure is --

14 A. Um-hum.

15 Q. -- although some get extensive training on doing it and --

16 A. Um-hum.

17 Q. -- some don't. Would you say that the inspection as designed  
18 is exactly how the inspection is done or is there a difference?

19 A. If the mechanical department is doing it, it is exactly how  
20 it's designed to be done. If a conductor is doing it, I cannot  
21 tell you that it is being followed 100 percent because that  
22 conductor is not 100 percent trained to do a full inspection of a  
23 railcar. It is to quickly look at it, mainly to make sure that  
24 there's no lading shifted, there's nothing damaged, and that the  
25 brake pistons are -- the brake is working. And that's all that

1 conductor's looking for.

2 Q. And to your knowledge, the level of training they receive --

3 A. Is very minimal.

4 Q. Okay. A different line. So you talked about the level of  
5 injuries has gone up and you mentioned that there was a year where  
6 there were three major incidents with new conductors.

7 A. Um-hum.

8 Q. And I know that you and I both went for the investigation of  
9 the Baltimore Bayview Yard to conduct --

10 A. I've been to two fatalities with NS and both of them involved  
11 brand-new employees, Petal, Mississippi, and Baltimore Bayview,  
12 Maryland. Brand new, one was still a trainee, in Petal,  
13 Mississippi, and the conductor at Baltimore had just recently been  
14 marked up. And that is 100 percent a reflection on the training  
15 program in Norfolk Southern.

16 Q. This might be out of your complete area, but perhaps you've  
17 had an interest in looking into this. So we've talked about  
18 Norfolk Southern kind of balancing or weighing the difference  
19 between safety and the investors.

20 A. Um-hum.

21 Q. Do you know what goes into the cost that Norfolk Southern  
22 takes on when there is an employee injury?

23 A. Well, they have their own claims department and that is a  
24 bottom-line number that comes off of their sheer profits if  
25 there's an injury and that goes through the Federal Employers

1 Liability Act, FELA, where they pay that money out and it comes  
2 off the bottom line, and that's in the millions of dollars a year  
3 -- millions of dollars a year -- to settle these claims in the  
4 FELA process and those could be for minor roll your ankles to a  
5 fatality.

6 Q. Do you know if there's been any difference in that over the  
7 years?

8 A. I don't have those numbers, I wouldn't have access to those  
9 unless they publish them, but due to the amount of people that I  
10 know that's been injured or seriously injured recently, it's got  
11 to be an astronomical -- got to be up higher than it has been in  
12 the past. I mean, so with Norfolk Southern, in the numbers that  
13 the NTSB has published, you know, the first of eight was a  
14 contractor fatality in the maintenance-of-way department in  
15 Pennsylvania that got run over by a spiker machine or a  
16 maintenance-of-way machine.

17 I mean, from that point to the fatality in Cleveland at the  
18 1st of March, I mean, those numbers have to be astronomical  
19 because you still have the people that lost three fingers, an  
20 ankle, a leg, and just a few months ago, I think it was in January  
21 or February, a person that had been off furloughed in Kingsport,  
22 Tennessee, got called back, been back about 8 or 9 months, had his  
23 leg severed below the knee and then ended up having to take it off  
24 above the knee. I mean, all of this is happening in a very short  
25 time and so their numbers have to be paying out a lot more than



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 Randy Fannon

PLACE:                                 Washington D.C.

DATE:                                 May 2, 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.



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Karen D. Martini  
Transcriber