

UNITED STATES OF AMERICA

NATIONAL TRANSPORTATION SAFETY BOARD

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Investigation of: *

BAYVIEW YARD CONDUCTOR FATALITY *

BALTIMORE, MARYLAND * Accident No.: RRD19FR004

FEBRUARY 7, 2019 *

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Interview of: BENJAMIN SCHWARZ
Conductor/Yardmaster

Bayview Yard
Norfolk Southern Facility
Baltimore, Maryland

Friday,
February 8, 2019

APPEARANCES:

TROY LLOYD, Investigator in Charge
National Transportation Safety Board

ANNE GARCIA, Systems Safety Group Chair
National Transportation Safety Board

RUBEN PAYAN, Rail Accident Investigator
National Transportation Safety Board

KURT ERICKSON, Operating Practices Inspector
FRA Inspector in Charge
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MIKE BULL, Operating Practices Inspector
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JARED CASSITY
SMART Transportation Division

RANDY FANNON, Investigator
Brotherhood of Locomotive Engineers and Trainmen
Safety Task Force

DAVID GOODEN, Superintendent
Norfolk Southern Division, Transportation Department

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I N T E R V I E W

1
2 MR. LLOYD: Okay, we are officially on record.

3 All right. Good afternoon. My name is Troy Lloyd and I'm
4 with the NTSB and I'm the investigator in charge of this accident.
5 We are here today on February 8th, 2019 at the Norfolk Southern
6 Bayview Yard facility located in Baltimore, Maryland, here to
7 conduct an interview with Mr. Benjamin Schwarz, who is a
8 conductor, a relief yardmaster for Norfolk Southern.

9 This interview is in conjunction with the NTSB investigation
10 of a Norfolk Southern Corporation train conductor fatality
11 accident that occurred at Norfolk Southern Corporation's Bayview
12 Yard located in Baltimore, Maryland. As a result of the accident,
13 a Norfolk Southern Corporation train conductor was fatally
14 injured. The NTSB accident reference number for this accident is
15 RRD19FR004. The purpose of the investigation is to increase
16 safety not to assign blame, fault, or liability, okay.

17 So, again, before we begin our interview and questions, let's
18 go around the table and introduce ourselves. Please spell your
19 last name, who you are representing, and your job title. I would
20 like to remind everybody to speak clearly so it's being recorded
21 so we can get it properly transcribed.

22 And I'll start off with myself. We'll pass it off to my
23 left, Mr. Ruben. So again, my name is Troy Lloyd. Spelling of my
24 last name is L-L-O-Y-D. I'm with the NTSB and I'm the accident
25 investigator in charge of this accident.

1 MR. PAYAN: Ruben Payan, P-A-Y-A-N. I'm a rail accident
2 investigator for the NTSB.

3 MR. ERICKSON: Kurt Erickson, E-R-I-C-K-S-O-N, with the FRA,
4 operating practices. I'm the FRA's inspector-in-charge.

5 MR. BULL: Mike Bull, B-U-L-L, OP inspector with the FRA.

6 MR. CASSITY: Jared Cassity -- excuse me -- C-A-S-S-I-T-Y,
7 SMART Transportation Division, National Safety Team.

8 MR. FANNON: Randy Fannon, F-A-N-N-O-N, Brotherhood of
9 Locomotive Engineers and Trainmen, Safety Task Force.

10 MR. GOODEN: David Gooden, G-O-O-D-E-N, division
11 superintendent, Norfolk Southern, Harrisburg, Pennsylvania.

12 MS. GARCIA: Anne Garcia, G-A-R-C-I-A, system safety
13 investigator for the NTSB.

14 MR. SCHWARZ: Benjamin Schwarz, S-C-H-W-A-R-Z, conductor and
15 yardmaster for Norfolk Southern.

16 INTERVIEW OF BENJAMIN SCHWARZ

17 BY MR. LLOYD:

18 Q. All right. So let's go ahead and get started. So if you can
19 talk about your -- tell us about your Norfolk Southern work
20 history, you know, from when you started, you know, going through
21 how you became a mentor, a relief yardmaster and all that stuff.

22 A. I hired in summer of 2011 as a conductor trainee, marked up
23 qualified in December of that year. Worked as a conductor for 2,
24 3 years, I would need to go back and find my seniority dates, but
25 became a -- applied to become a yardmaster when a vacancy opened.

1 Got the position, worked as a yardmaster solid for 2 years. Got
2 bumped out, didn't have the seniority to hold. Went back to the
3 ground working as a conductor. And then I want to say it was the
4 summer of 2016, the position for the conductor mentor in Baltimore
5 opened up, and I applied and got an interview with the terminal
6 superintendent and the trainmaster at the time and got the
7 position.

8 Q. So tell us about what it is to be a conductor mentor. What
9 duties do you do, how do you acquire those duties, all that stuff?

10 A. So I talked with the previous conductor mentor, Michelle
11 Benner, and she taught me a lot about what she had done and the
12 techniques and the practices that she used in her training
13 program, and I modeled a good bit off of it. I changed quite a
14 bit also, but that alongside with -- I believe it was Eric Wright
15 at the time, he helped guide me in what I would do, and how I
16 would schedule and how I would do all of my duties as the
17 conductor mentor.

18 Mostly what I did was scheduling. I would have classroom --
19 actually in this room. I would have classroom time with them
20 where I would go over safety critical rules, signals, territory.
21 I would go over maps. We have to qualify on Amtrak. A lot of
22 time was spent on Amtrak characteristics and qualifying. And then
23 talking to the conductors that they worked with to see how they
24 were progressing and reporting that information back in -- at
25 least initially that was the case.

1 Q. So within this conductor mentoring job would you -- would
2 they be the one if I was a trainee I'd be following you, walking
3 with you and learning what switches are, learning how to throw the
4 switches, how to uncouple the cars and all that stuff?

5 A. So not exclusively you -- the way the training program works
6 is me, as the mentor, I would schedule them to work with every
7 crew out here that -- every job that they need to see, all of the
8 territory that they need to see. So they would be working with a
9 myriad of different conductors. They did get a chance to work
10 with me as well when I managed to get them lined up with my
11 schedule, but that wasn't -- it wasn't for any extensive period of
12 time. It was no more than the amount of time that they had with
13 any other crew, normally about a week, 3, 4 days, 5 days. Yeah.

14 Q. Okay. So basically, I guess, the mentor that you were --
15 mentoring you were doing here was more of scheduling that
16 conductor trainee with the --

17 A. It was --

18 Q. -- proper folks that he can get the training?

19 A. Right, right. The -- I believe this is the way it works
20 across all divisions. The mentor -- I'm not even sure if the
21 other divisions have mentors, but the training program -- it's on-
22 the-job training. So the conductor trainee will work with
23 whatever crew is -- they are assigned to that day and or that week
24 or however they do their scheduling. And so they're working with
25 every conductor that's on whatever job they're assigned, not just

1 with the mentor. So --

2 Q. Did you personally ever work with Mr. Gilmore as a mentor?

3 A. I believe so. I believe I had him for his first 2 days, I
4 believe -- I would need to go back and look at -- I know I worked
5 with him but I don't remember when exactly it was. I would need
6 to go back and look through my schedules.

7 Q. Now was that for scheduling or was that the boots --

8 A. No, that would have been --

9 Q. -- on the ground with him?

10 A. No, when I say I worked with him, I mean boots on the ground.

11 Q. Okay. So you were boots on the ground?

12 A. Yeah, yep.

13 Q. How did you feel how he was picking up on things?

14 A. It being extremely early in his training, it was difficult to
15 judge how well he was picking up. But he was asking questions, he
16 seemed motivated, and he had the right attitude, and those are
17 generally the things that make me feel that they will eventually
18 succeed.

19 MR. LLOYD: Sure. I don't have anything. Mr. Ruben?

20 MR. PAYAN: I have nothing. FRA?

21 BY MR. ERICKSON:

22 Q. Yeah. When you're doing the responsibility of a mentor, are
23 you also working as a conductor?

24 A. Yeah, yes.

25 Q. So it's like double duty?

1 A. The way it works -- or the way it worked for us here in
2 Baltimore, I believe across the division, is I still performed my
3 regular conductor and yardmaster duties and then in addition to
4 that I would hold classroom time with them to go over the Amtrak
5 qualifications and the safety critical rules, and signals and --

6 Q. Okay.

7 A. So it was something in addition to, not instead of or --

8 Q. But not the same day?

9 A. Not the same day, no.

10 Q. Okay. That's what I was driving at.

11 A. No.

12 Q. Okay.

13 A. Yes.

14 Q. Okay. You had separate days to do that function?

15 A. Right.

16 Q. Okay.

17 A. Yep.

18 MR. ERICKSON: That's all I have for right now. Thank you.

19 BY MR. CASSITY:

20 Q. Jared Cassity with SMART Transportation Division. Ben, I'm
21 going to put you on the spot because I know the railroad's in the
22 room with you. Did you ever have anybody that you were mentoring
23 that felt like they needed more training?

24 A. Yes.

25 Q. Did they eventually get marked up even though you felt like

1 they needed more training?

2 A. Yes.

3 Q. Do you feel like the trainmasters would listen intently to
4 what the mentors were relaying as far as the qualifications of the
5 trainees or did you feel like there was a pressure or urgency from
6 the railroad to get them marked up?

7 A. I did feel that pressure or urgency for sure. The immediate,
8 my local management, generally speaking, had a pretty good
9 understanding and attitude towards my opinion, but it never seemed
10 to, never seemed to materialize into additional training time.

11 Q. You're not a mentor now, right?

12 A. I am not.

13 Q. Can I ask what caused that to change? Was that a decision on
14 your part?

15 A. It was a decision on my part and it was largely in part due
16 to my -- I did not appreciate the experience that I had as the
17 conductor mentor.

18 Q. Okay.

19 A. Yep.

20 Q. Did you ever hear any concerns -- it sounds like you probably
21 weren't the mentor at the time but did you ever hear any concern
22 with Mr. Gilmore specifically and his qualifications?

23 A. Yes. Yep. From quite a few conductors and engineers.

24 Q. So there was some concern about his ability?

25 A. Yes.

1 MR. CASSITY: Okay. I don't have anything else right now
2 thank you.

3 BY MR. FANNON:

4 Q. Randy Fannon, F-A-N-N-O-N. Ben, so were you the mentor in
5 November of 2018?

6 A. There was a transition period. I believe I was the mentor
7 for all of Keith's training, but I would need to go back and find
8 the exact date that he marked up and when my replacement took over
9 the program. I believe I was, I believe I was for his entire
10 training.

11 Q. Okay. So in this class -- in this room you would have had
12 some sessions throughout his training period. Do you recall some
13 of the things that you went over in the classroom portion?

14 A. Most of it was Amtrak qualifications, physical
15 characteristics for the foreign railroad that we go over. The
16 next largest section that we would have gone would have been
17 signals, signal progression, making sure that they understand how
18 that operates, because that was something that I lacked in my
19 training when I initially went through the program and I wanted to
20 make sure that they got that.

21 And then it would have been, you know, safety critical rules,
22 things that many new conductors mess up, going over things like
23 protecting shove moves and lining routes and -- you know, three-
24 step protection and all of the safety critical rules. Those are
25 generally the things that we went over.

1 Q. Do you recall if there was anything in that -- the physical
2 characteristics part in being close clearance of riding cars on
3 adjacent tracks?

4 A. I can tell you that I did not specifically mention the
5 Perryville bank where the incident took place. But I do believe I
6 told them about other close clearances that we have in the yard.

7 Q. Trains, road trains out of here that he would have worked --
8 well, go into the (indiscernible), right?

9 A. Yes.

10 Q. Some do, some go to Harrisburg --

11 A. Yes, yes, yep.

12 Q. Those yards also have issues with close clearances, right?

13 A. Yes.

14 Q. So he would have been exposed to some type of discussion
15 somewhere about not riding tracks -- not riding on with cars on
16 adjacent tracks?

17 A. Yes, absolutely.

18 Q. If trainees -- if one was hired today, what is the
19 expectation? I mean, what -- as you as a mentor, what is the
20 expectation? Is it a fast track program or is it subject to the
21 learning curve of the conductor trainee?

22 A. So I'm going to answer it in a relatively roundabout way.
23 When I went through the training program, I had almost 6 months of
24 training and I -- at the end of that training I did not feel
25 confident in my ability. Well, I feel as though I have since

1 become a very successful railroader. I feel I am well qualified
2 and good at my job, but the program that we have now has shortened
3 that down.

4 I can actually recall as it grew -- or rather, shrunk, as it
5 got smaller. When I took over the program in 2016, I believe
6 there was a -- and I could be wrong about this, I'm not sure, but
7 I believe there was a restructuring of the training program with
8 maybe even some consulting or -- I'm not sure exactly what
9 happened, but I do know at that point it was down to 10 weeks for
10 Baltimore. It was done on a territory-to-territory basis based on
11 how much they had to qualify on, how much physical territory they
12 had to qualify on.

13 And the expectation is to -- well, this is all outside of the
14 training that they receive in Georgia as well, but, yeah, their
15 expectation was to become qualified on the territory within
16 Baltimore Yard, Amtrak, and Port Road, Harrisburg and Enola within
17 10 weeks.

18 Q. That's a short period of time.

19 A. I agree.

20 MR. FANNON: No further questions. Thank you.

21 BY MR. GOODEN:

22 Q. David Gooden. Ben, just a few things. Field days, did you
23 ever have any field days, van trips around--

24 A. No.

25 Q. -- with the CTs?

1 A. Not with, not with his class, no.

2 Q. Okay. But you have done those before?

3 A. Specifically just to places that we see so rarely that it was
4 not plausible to get them to those places within their training
5 period. I would take them to, you know, places that we don't get
6 to a lot just to make sure they got a chance to see it. But I did
7 not get a chance to do that with Keith and his -- the rest of his
8 class.

9 Q. So the trips you did make with other CTs, what locations
10 would you take them to?

11 A. The only one that I actually took anybody to, and I've done
12 this multiple times, was the power plant at Chase, the BGE power
13 plant at Chase.

14 Q. Okay.

15 A. We used to yard trains there. I don't think that power
16 plant's -- I think they're closing it entirely. But we used to
17 take trains there, and it was pretty rare, and it was even rarer
18 if a CT was on the train when it did go. So we would take them
19 there to see the territory, show them how to yard the train. Show
20 them how to build the train out and get back out.

21 I also know that some of my local management did take -- I
22 don't know if Keith was involved in this or not, but I know that
23 they have taken CTs to see some of the customers again that we
24 don't get a chance to see often on the south, going southbound on
25 Amtrak.

1 Q. All right. Well, during your -- excuse me, during your field
2 days and your classroom time -- and I know all close clearances
3 aren't, are not marked, but would you in the critical sensitive
4 safety rules would you cover that with a CT?

5 A. The -- what I would speak about most often is I would use our
6 yard, our switching yard here as an example when I was talking
7 about riding shoves, lining switches, you know, for protecting
8 shove moves. And I would tell them that specifically out here --
9 I don't believe it is in the timetable yet; I think there was a
10 push to do so. But there are close track centers out here in the
11 yard, and I would tell them that the tracks between 54 and 64 are
12 very tight. But that's pretty much the only -- I definitely did
13 not mention anything about the Perryville and the bank.

14 Q. Okay.

15 A. Yeah.

16 MR. GOODEN: No other questions.

17 BY MS. GARCIA:

18 Q. Anne Garcia. I have a couple questions.

19 A. Sure.

20 Q. Okay. How many were in the class that you were mentor of
21 with Keith?

22 A. Four. There were four, four CTs that marked up with --

23 Q. Four including Keith?

24 A. Yes, four including Keith, I'm sorry, yep.

25 Q. Is that a typical number?

1 A. Yeah, yeah.

2 Q. Okay.

3 A. Not unheard of, not unheard of definitely not. It's happened
4 a couple of times since had been the trainer, the mentor.

5 Q. Okay, okay. You mentioned that you have considered that
6 people who still needed more training still got marked up and that
7 you've had pressure from the railroad to mark them up regardless
8 of what your opinion was, and that you heard concern about Keith's
9 abilities from the other conductors. Okay. Did you have concern
10 about marking Keith up?

11 A. Yes.

12 Q. And did you express this concern?

13 A. I expressed this concern to my immediate local management but
14 not to the training coordinator for the division.

15 Q. Okay. So who was that specifically?

16 A. The training coordinator for the division would be Kyle
17 Brake, my local management would have been Mike Brown and Jason
18 McClure.

19 Q. Okay. So you expressed this to Mr. Brown and Mr. McClure?

20 A. Uh-huh.

21 Q. And what was their response?

22 A. They agreed. They said that he also needed more time.

23 Q. Okay. And do you know if they expressed that to anyone
24 besides you?

25 A. That I'm not sure about. That is something you would have to

1 ask them.

2 Q. Okay.

3 A. Yeah.

4 Q. Thank you.

5 A. Yep.

6 MS. GARCIA: That's all I have right now.

7 BY MR. LLOYD:

8 Q. So I guess while we're still on the subject, what concerns or
9 problems were you hearing about? Was it -- I mean, was it more
10 safety, an issue type of --

11 A. It was -- I can't recall all of the specific incidents that
12 they were -- that people brought to me, but it was generally just
13 an idea that he was not ready to be on his own. Yeah.

14 Q. And --

15 A. I --

16 Q. I'm sorry.

17 A. I was just going to say I can't call the specifics --

18 Q. Yeah.

19 A. -- of the issues that were brought up.

20 Q. And even though the mentors -- there's problems coming in,
21 there's problems being relayed, they can still sit there and go,
22 okay, we're going to release him anyway?

23 A. Yes.

24 Q. Why do you think that is? So if I'm hearing that someone's
25 not ready and they're -- why would I want to release someone as a

1 full conductor that I'm getting problems and concerns about?

2 A. To be honest, I'm not sure -- I believe I can think of a
3 couple of motivations that -- short on manpower, you need people
4 to fill jobs. You don't want to invest time and money and effort
5 on somebody's behalf to have them quit later. You want to -- I
6 can understand why the training program needs to be efficient, but
7 I believe those would be the motivations in that regard.

8 Q. As a trainee mentor yourself, do you feel that the time spent
9 on these conductor trainees, time spent is too short?

10 A. I do. I do.

11 Q. Because you were telling me you were 6 months when you got
12 and you were still --

13 A. Right.

14 Q. -- still uncomfortable?

15 A. Right.

16 Q. So you feel the program now is -- the program has been
17 shortened since you were hired, correct?

18 A. Right. I don't want to make it sound as though 6 months is
19 too short, because while I did feel uncomfortable and while I will
20 say I was not ready, I don't believe that that's -- also, I don't
21 believe that that's necessary. I don't believe 6 months is
22 necessary to become a qualified conductor, but I do believe it
23 should be more than 10 weeks. I do, and I had expressed that
24 concern multiple times.

25 MR. LLOYD: Okay. I don't have anything. Ruben?

1 MR. PAYAN: Nothing.

2 MR. LLOYD: FRA?

3 MR. ERICKSON: I'm good.

4 BY MR. CASSITY:

5 Q. Jared Cassity, SMART Transportation Division. Ben, just real
6 quick, when you became a mentor -- congratulations you're a
7 mentor, we're going to elevate you or promote you, what happened
8 at that point?

9 A. I took multiple visits to the Harrisburg Division offices to
10 meet with Eric Wright as well as the assistant division
11 superintendent at the time. I got to sit down with them while
12 they marked up -- while they qualified new conductors, got some
13 training material from Eric, some quizzes, and notes and things to
14 do for classroom training, and I had a day with the previous
15 conductor mentor.

16 Q. Did you feel like your training to be a mentor was
17 satisfactory?

18 A. To be honest, that's something I never really thought about.
19 I would say, yes, I would say, yes.

20 Q. Okay.

21 A. I feel like I got the appropriate resources that were
22 necessary.

23 Q. And I have one kind of random question. Just so I make sure
24 that it's not included. There's no RCO training of any kind
25 involved --

1 A. No.

2 Q. -- with this, is there?

3 A. No.

4 MR. CASSITY: Okay. I have nothing else.

5 MR. LLOYD: What did you say, I'm sorry?

6 MR. CASSITY: I wanted to make sure there was no RCO remote
7 control operating training involved in there at any time.

8 MR. LLOYD: Gotcha.

9 MR. SCHWARZ: No.

10 MR. CASSITY: Gotcha. No questions.

11 UNIDENTIFIED SPEAKER: No further questions.

12 BY MS. GARCIA:

13 Q. This is Anne Garcia. I have one additional question. So
14 while you were -- appeared that you were a mentor for Keith
15 Gilmore, who was the training coordinator in Harrisburg?

16 A. I believe -- I believe, at least when he marked up, it was
17 Kyle Brake, but I believe there was also a transitional period
18 there between the last couple of training coordinators.

19 Q. Okay. So there was a transition for that?

20 A. Uh-huh.

21 Q. Okay. I do have a couple more questions.

22 A. Sure.

23 Q. Who is it that makes the final decision whether a trainee
24 gets marked up?

25 A. I believe that would be the assistant division

1 superintendent, I believe.

2 Q. Okay. And do you know who that was at the time?

3 A. It would have been Josh Lafferty.

4 Q. Okay. Thank you.

5 A. Yep.

6 MS. GARCIA: That's all I have.

7 BY MR. LLOYD:

8 Q. I've just got just two more questions then we'll --

9 A. Sure.

10 Q. -- wrap things up. So what's the perks of being a trainee
11 mentor, other than spreading the knowledge and knowing that you
12 helped someone get through the railroad career? What else --
13 what's the benefits of it? Is it a pay raise, is it a promotion?

14 A. It's a -- I would say it's -- if you're looking for a reason
15 to do it, it would be something that you could put on your resume
16 if you wanted to further your railroad career. But in terms of
17 financial gain, it's not -- it has the potential to do that but
18 not significantly. It's more -- for me, it was more the idea that
19 I could come out and help these guys through the training program.
20 Yeah.

21 MR. LLOYD: Around the horn, anybody?

22 UNIDENTIFIED SPEAKER: I'm good.

23 MR. LLOYD: Jared, Mr. Fannon, Mr. Gooden, Anne?

24 MS. GARCIA: No.

25 MR. LLOYD: All right. I'd like to thank you all. I'd just

1 like to end on -- the interview on a lessons learned. You with
2 your knowledge and skills of being a conductor, a conductor mentor
3 and now you're a yardmaster, you've got the knowledge, skills and
4 abilities. What in the training program that you would -- if you
5 could change something immediately to fix what happened yesterday,
6 what would it be?

7 MR. SCHWARZ: There's probably a lot of things that could be
8 changed, but I -- even being in the program for 2½ years, I'm not
9 sure what they would be, other than I do feel as though time is
10 something that would benefit everybody. But aside from that, I
11 imagine that there were some other things that we could benefit
12 from but the main one being time, additional time.

13 MR. LLOYD: That's all I have. Anybody else?

14 All right. Mr. Schwarz, we thank you and let's -- we'll be
15 going off the record.

16 (Whereupon, the interview was concluded.)
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CERTIFICATE

This is to certify that the attached proceeding before the

NATIONAL TRANSPORTATION SAFETY BOARD

IN THE MATTER OF: BAYVIEW YARD CONDUCTOR FATALITY
 BALTIMORE, MARYLAND
 FEBRUARY 7, 2019
 Interview of Benjamin Schwarz

ACCIDENT NO.: RRD19FR004

PLACE: Baltimore, Maryland

DATE: February 8, 2019

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.



Wade Donovan
Transcriber