

UNITED STATES OF AMERICA

NATIONAL TRANSPORTATION SAFETY BOARD

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Investigation of: *

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BAYVIEW YARD CONDUCTOR FATALITY *

BALTIMORE, MARYLAND * Accident No.: RRD19FR004

FEBRUARY 7, 2019 *

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Interview of: JASON McCLURE
Trainmaster

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
Federal Railroad Administration

MIKE BULL, Operating Practices Inspector
Federal Railroad Administration, Region 2

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

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2 MR. LLOYD: We are officially on record.

3 Here today we have Mr. Jason McClure, who is a trainmaster
4 with Norfolk Southern. So I've just got a little spiel I'm going
5 to read and then we'll go ahead and start with questions. Just
6 remember to speak clearly because everything's being recorded, so
7 we can get it transcribed properly.

8 All right. Good afternoon, my name is Troy Lloyd. I'm with
9 the NTSB. I'm the investigator in charge for this charge.

10 We're here today on February 8th, 2019, at the Norfolk
11 Southern Bayview Yard Facility located in Baltimore, Maryland, to
12 conduct an interview with Mr. Jason McClure, who is a trainmaster
13 for Norfolk Southern. This interview is in conjunction with
14 NTSB's investigation of a Norfolk Southern Corporation train
15 conductor fatality, an accident that occurred at Norfolk Southern
16 Bayview Yard located in Baltimore, Maryland. As a result of the
17 accident, a Norfolk Southern train conductor was fatally injured.

18 The NTSB accident reference number for this accident is
19 RRD19FR004. The purpose of the investigation is to increase
20 safety, not to assign fault, blame or liability.

21 So before we go around, everybody's going to do their name,
22 spell their last name. Please speak clearly. Everything's being
23 transcribed. I'm going to start out. My name is Troy Lloyd.
24 Spelling of last name is L-L-O-Y-D. I'm with the NTSB and I'm
25 the accident investigator in charge. Mr. Ruben.

1 MR. PAYAN: Ruben Payan, P-A-Y-A-N, rail accident
2 investigator with the NTSB.

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

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

6 MR. CASSITY: Jared Cassity, C-A-S-S-I-T-Y, T as in Tom.
7 SMART Transportation Division, National Safety Team investigator.

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.

12 MS. GARCIA: Ann Garcia, system safety investigator for this
13 investigation for the National Transportation Safety Board.

14 MR. McCLURE: Jason McClure, M-C-C-L-U-R-E, trainmaster with
15 Norfolk Southern.

16 MR. LLOYD: All right. All right if I call you Jason?

17 MR. McCLURE: That's perfect.

18 MR. LLOYD: All right.

19 INTERVIEW OF JASON McCLURE

20 BY MR. LLOYD:

21 Q. So, Jason, take us from the time from the day of the accident
22 from the time you get up in the morning to the time you arrive at
23 work, just walk us through when you started your shift, all the
24 way until you was -- until the accident was reported.

25 A. Okay. I woke up the morning of, and yesterday, and got up

1 brushed my teeth, showered, got ready, came into the office, got
2 here about 6:36 yesterday morning. I was in my office logging
3 into the conference call that starts at 6:45 had all my stuff
4 together for the call.

5 I was sitting there going through different -- a bunch of
6 different things. The next thing I know a utility conductor came
7 into my office saying they need a trainmaster, need a trainmaster.
8 I go into the crew room not knowing what was going on and there's
9 several people in there and one of the engineers that was in there
10 said, I'll go with you. I'm like, where are we going? He said,
11 there's been an accident. I still at this point did not know what
12 was going on.

13 So we jumped in my truck, we drove down there. Upon driving
14 down to the intermodal ramp here in the yard, I saw the van driver
15 that we use, Renzenberger. I saw Mr. Smith, the engineer that was
16 on the job, walking around the parking lot, heard the actual pad
17 tracks over there.

18 And as I drove by, I was scanning the area because I still
19 didn't see the conductor and I -- as I looked, I saw between two
20 trailers that were to be loaded with containers later on that day,
21 looked to be somebody laying on the other side of the tracks. So
22 I pulled around, got out over there by the actual two trailers,
23 still trying to figure out what was going on. And, you know, I
24 saw Mr. Smith and he was beside himself telling me, I'm sorry, I'm
25 sorry, it was an accident, you know. I don't know what happened.

1 I didn't mean for anything to happen.

2 I looked over and saw Mr. Gilmore laying and at that point I
3 was kind of taken back because I wasn't 100 percent sure exactly
4 what had happened at that, at that moment still, until I looked
5 over and saw two feet laying in the gauge of the bank track.

6 I walked over about 10, 15 feet away, and as I'm walking that
7 way I'm shouting his name to see if there's any response. Another
8 employee that was -- the engineer that had came over with me, he
9 was shouting his name also. So in the meantime, while we're doing
10 that, it seemed like maybe a minute or two later, it might have
11 been a couple minutes later, I'm not exactly sure, the paramedics
12 showed up and they beat us over to checking the pulse and -- of
13 Mr. Gilmore, and they put a heart cath, whatever it is, the
14 machine, just to see if there was some sort of a heartbeat at all
15 or a pulse.

16 At that point, they did what they did. I stayed out of the
17 way and let them handle the situation. I went over and I started
18 talking to the engineer, Mr. Smith, just to see how he was doing,
19 calm him down, find out what I could find out at the time, what
20 moves they were making, the best way I could with -- you know,
21 considering what was going on.

22 Mr. Smith stated to me that he didn't realize where the
23 conductor was at; he didn't know he was up riding. He doesn't
24 know if he crossed over at that point, if he got up on one side,
25 didn't know, might have crossed over, fallen. He said, I don't

1 know, he says, all I know is he gave me car counts, started back
2 at like 12, 10, 6. And he goes, and after that I didn't hear
3 another word.

4 And then, as he said, he saw the lantern up on the engineer's
5 side which would have been on the right side of the track between
6 the two switches. I mean -- I'm sorry -- between the bank and the
7 Perryville tracks. He immediately started to stop because there
8 was no response on the radio, no nothing. And that as he started
9 to stop and slow down, that's whenever he said he noticed -- told
10 me he noticed the body laying between the two tracks.

11 I immediately at that point got in touch with -- and actually
12 let's take a step back -- I got in touch with my immediate
13 supervisor and told him, you know, that we've got something going
14 on. He called me and I explained to him what I knew at that point
15 and then I talked to Mr. Smith.

16 But besides that, I mean, for the rest of that time until
17 they put him on the ambulance, took him away, I was pretty much
18 there with -- I mean, I sent Mr. Smith back to the office in the
19 van just so he could come, get away from the situation, sit down
20 and relax, try to calm down the best way possible.

21 I stayed there with the other engineer that actually drove
22 over. The locomotive engineer trainee drove over and he actually
23 assisted like with the paramedics talking and walking them in, how
24 to get into the facility. So me and him were sitting over there
25 talking. I had several conversations with my immediate boss,

1 Mr. Morris, Mr. Gooden, Mr. Eddie -- I'm trying -- I think that
2 was just about it, on and off back and forth with what I knew at
3 the time and so on and so forth.

4 Then the one engineer trainee left, the police showed up. I
5 think it was a Baltimore City officer showed up. I don't remember
6 his name. So he's there and he's asking -- you know, he was just
7 seeing what was going on, curious. You know, I kind of told him
8 what, you know, what we had here. The body was gone by that point
9 by the time he showed up.

10 Then not long after that, there looked to be a fire --
11 someone from the fire department shows up. He had the red bag;
12 you know, was going and picking up the pieces and putting them in
13 the bag and so on and so forth. Then he left. Our NS police
14 officer, Mr. Johnson, showed up, talked to him a little bit.

15 Then I left, came back to the office, because he had the
16 police officer there plus Mr. Johnson, our railroad police. He
17 had the, you know, the scene secure so I came back to the office
18 to check on Mr. Smith and anybody else that was here that heard
19 the situation that went down.

20 Spoke to Mr. Smith, Mr. Duggan, the yardmaster. He was tore
21 up, of course. Just anybody that was in here that was having an
22 issue I kind of went around talking to each one of them trying to,
23 you know, do the best thing I could for them. Then everybody
24 started showing up one by one from different locations. We were
25 here for a little while, then went back down to the scene, of

1 course, and started investigating more as to what happened, you
2 know, as to what happened for the rest of -- basically the rest of
3 the afternoon into the evening.

4 MR. LLOYD: I'm good. Do you have anything, Ruben?

5 MR. PAYAN: No, nothing from me, no; FRA.

6 MR. LLOYD: FRA.

7 BY MR. ERICKSON:

8 Q. Okay. So I've got -- this is Kurt Erickson, FRA. We talked
9 with the engineer previously and we talked with the yardmaster
10 previously specifically about job briefings. They both pretty
11 much said the same thing, that they had talked about we came in on
12 -- they called it Train Track 3, and asked about coming back on
13 Train Track 4. The yardmaster says, no, we can't do that. So the
14 agreed-upon route was the bank track. Is that the normal runner
15 coming back from that yard?

16 A. It depends what's open. I've never -- we don't really have
17 anything designated which one you come down. You just ask the
18 yardmaster which one to go down and he'll tell them whichever way.

19 MR. ERICKSON: Okay. Thank you. That's all I have.

20 MR. BULL: I'm good, thank you.

21 BY MR. CASSITY:

22 Q. Jared Cassity with SMART Transportation Division. Now did
23 you ever have the opportunity to work personally with Mr. Gilmore?

24 A. He was -- I actually assisted in hiring Mr. Gilmore.

25 Q. Were you like boots on the ground with him though or went out

1 switching on the lead or anything?

2 A. I was never a conductor here. I've actually been out there
3 with him before just doing observations with him as he -- whenever
4 he hired going through CT training.

5 Q. Okay. Did anyone ever reach out to you as a trainmaster to
6 mention concern for Mr. Gilmore in his training specifically
7 perhaps? Maybe better stated has anyone ever reached out to you
8 to share concern with how his training was progressing?

9 A. The only thing that had ever came up was that he wasn't --
10 they said he -- there was one job he had never fully got to work,
11 so we addressed it by having the CT mentor for this area come in
12 and go with him on the job, so he had an actual -- technically a
13 pilot with him so he'd learn the job.

14 Q. Okay. How long have you been a trainmaster here? I'm sorry
15 if you already said that.

16 A. I've been with the Norfolk Southern for 17 months.

17 Q. Okay. You probably weren't a part of the actual development
18 of the training program for this facility, were you?

19 A. No, sir.

20 Q. What I'm getting to is, I'm curious if Mr. Gilmore was on a
21 70-day training program. Do you have any knowledge on how 70 days
22 became the standard for training here? I mean, how it came about
23 that 70 days is sufficient to train somebody?

24 A. I'm not 100 percent sure. The only thing that I could
25 honestly say is that with the amount of jobs that we have here

1 that he sees a lot of the same work on multiple jobs, so that's
2 the only thing I could probably say would be the reason why it's
3 the 70 days.

4 MR. CASSITY: Okay. I have nothing else right now. Thank
5 you.

6 BY MR. FANNON:

7 Q All right. Mr. McClure, Randy Fannon. You stated you made
8 observations, you observed Mr. Gilmore working?

9 A. Yes, sir.

10 Q. You take no exceptions?

11 A. No exceptions. I mean, he was a newer employee, of course, a
12 little slower than others because he is new and I was completely
13 fine with it. We've talked about it. I talked to him several
14 times through the past about it since he's been here. And I said
15 I would rather you work at a slower pace and do -- and get it done
16 the right way and safe way than take a chance at shortcuts and
17 trying to move a little faster. I said, you're new, you need to
18 learn.

19 Q. But were your observations, were any of them part of your
20 train ride to be with that crew? You spent a large amount of time
21 with the trainee that way; did you do a train ride?

22 A. I don't remember doing a train ride with Mr. Gilmore. The
23 other two trainmasters had done the train rides with him during
24 the CT training. As far as, you know, doing rules checks, I mean,
25 I've watched Mr. Gilmore. I really -- I didn't -- never saw

1 anything except, you know, those couple times I had a conversation
2 with him about lining switches properly but that was about it.

3 Q. Did you participate in any of the written testing for
4 Mr. Gilmore?

5 A. As far as what goes?

6 Q. His rules test, his physical characteristics test, anything
7 like that did you help participate in any of that?

8 A. Yes, I did do the classes.

9 Q. You did the classes?

10 A. Yes, sir.

11 Q. With the mentor or without the mentor, or just the regular
12 rules class?

13 A. The regular rules class. I never sat in on the actual CT
14 biweekly class.

15 Q. Okay. And his aptitude taking the test was sufficient?

16 A. Yes, sir, he was a very, very bright individual.

17 Q. You say you've been a supervisor for 17 months?

18 A. With --

19 Q. Go ahead.

20 A. -- with the Norfolk Southern.

21 Q. Okay.

22 A. I was with CSX prior for 22 years.

23 Q. Okay. So 22 years with CSX. In the -- have you been here
24 the entire 17 months?

25 A. Yes, sir.

1 Q. Are you -- in the timetable where it talks about the close
2 clearance in these tracks, other tracks here in the yard, plus
3 other tracks that's in your territory that these -- your crews go,
4 do you recall having any conversations about any of the close
5 clearance, not to ride on tracks with cars in the adjacent track,
6 so forth and so on?

7 A. Those were mentioned in rules classes.

8 Q. They are mentioned in rules class?

9 A. Yes, sir.

10 Q. Okay.

11 A. And it's mainly the newer guys who ask the questions because
12 they just want to be, you know, clear on which is which and what's
13 not so, yes, we do talk about it.

14 MR. FANNON: Okay. I have no further questions.

15 MR. GOODEN: Dave Gooden, no questions for Mr. McClure.

16 BY MS. GARCIA:

17 Q. Ann Garcia. I have just a couple of questions. You
18 mentioned most recently that you had conversations with Keith
19 about lining switches properly. In what context was that
20 conversation?

21 A. Just out doing rules checks and watching him, you know,
22 operate the whole from start to finish, checking it, lining it,
23 double checking it and so on and so forth. And the only exception
24 I took, which I use it as a teaching, educational thing was I
25 discussed with him he forgot he didn't check the switch points

1 after he would throw it or let the engineer know about the double
2 check. So we, you know, stopped him, had the conversation and
3 used it as a learning experience.

4 Q. Okay. Was this while he was a CT in training?

5 A. No, ma'am.

6 Q. This was after he --

7 A. This was after he had been promoted.

8 Q. Okay. So, it wasn't something worth reporting as a violation
9 but it was, like you said, a teaching moment?

10 A. Yes, ma'am, that's correct.

11 Q. Okay. And is that normally the way you do it when you're
12 walking around and you see someone doing something --

13 A. Pretty much, I mean --

14 Q. -- that you might not agree with?

15 A. Yes, ma'am. It's, I look at it -- whenever I do my rules
16 checks, I try to teach them first and so they understand before
17 just automatically, you know, doing it, you know, taking it the
18 hard way.

19 Q. Okay. And you said you had him -- you were his trainer for
20 the rules class?

21 A. Yes, ma'am.

22 Q. And how many people were in that class roughly?

23 A. I don't remember to be honest with you.

24 Q. Okay. And what were your observations as you recall about
25 Keith's work on that?

1 A. During the class itself?

2 Q. Uh-huh.

3 A. I mean, he was generally pretty quiet; he sat back and
4 watching everything going on the videos we played on the screen,
5 didn't have many questions. So, I mean, he was generally -- just
6 he whizzed through the test --

7 Q. Okay.

8 A. -- like it was nothing.

9 Q. Okay. So your feeling was that he absorbed all the material
10 and, like you said, he whizzed through the test meaning he passed
11 it without problems?

12 A. Yes, ma'am.

13 Q. Okay. Thank you. There was a question of if there was any
14 concerns about him while he was going through the CT training,
15 okay. Did you hear any of the conductors that he worked with
16 express any concerns?

17 A. I mean, just, just about like any other new person that comes
18 out here, you know, some people get it right away, some people
19 don't get it right away, some are faster than others -- learn
20 quick, you know, so on and so forth. There was a few but it was
21 nothing more than he's still a little slower pace. But here
22 towards the end of his training and even after he got promoted
23 people were saying, you know, he's actually got a lot better in
24 that he's picking up exactly what he needed to -- he understands
25 it more is what I'm getting at.

1 But for the most part, I mean, there weren't a lot of
2 complaints except you get some guys that just don't like working
3 with brand new people.

4 Q. So you got feedback that he was picking it up and
5 understanding it more towards the end of his training and even
6 once he graduated and was a conductor, you still got that feedback
7 that he was starting to pick it up more?

8 A. Some, pretty much, I mean, just by hearing different
9 conversations, because at first, you know, when you get -- you go
10 from being with somebody who's right there with you the entire
11 time, walking you through it, letting you make the decision, then
12 if it's the wrong decision -- say if you're shifting cars, doing
13 whatever, there could be a better way, so they let them try it to
14 see how it goes.

15 It was kind of like that with him whenever he got first
16 promoted by himself. Now he's by himself and so he's doing all
17 the thinking, asking the engineers, okay, you know, using it as a
18 team thing, what do I do here, what do you think about this move,
19 that way you're both kind of in the same ballgame, you have job
20 (indiscernible) basically.

21 He was a little slower because he was being more cautious.
22 He knew he was by himself and that there were times where he was
23 going to be 20, 30, 40, 50, 60, 100 cars away from the locomotive
24 engineer, so he was overly cautious on certain things during his
25 things, so he was a little slower and people didn't -- some people

1 didn't like it because they were being out here longer than they
2 thought they should be out.

3 Q. Okay. Did you get -- so I meant to ask you about feedback
4 that you might have gotten from the more senior conductors that he
5 was working with on on-the-job training, basically shadowing and
6 learning from them during that period.

7 There was also a mentor who was involved onsite here; did you
8 get feedback from him on how he was doing?

9 A. Yeah. Ben was the mentor, I believe. Ben was still the
10 mentor at that time. He said he was a little slower. He said he
11 might, you know, need more training, you know. And we offered --
12 you know, a little bit of extra help to him but that was because
13 he was picking it up as a slower pace.

14 I think we, I think we might have extended his training by
15 maybe a week, if I'm not mistaken. I'd have to double check but I
16 believe that was somewhere around a week, week and a half, 2
17 weeks, I forget exactly what it was.

18 Q. Okay. So did you express this back to the training
19 department in Harrisburg that he might need more training and did
20 you get that?

21 A. Yes, I did talk to Mr. Brake about it and, you know, said,
22 hey, you know, I noticed his mark up date's coming up soon but,
23 you know, we might need to push it off a little bit, he's still a
24 little slower than -- you know, a little behind.

25 Q. Okay. And it's your understanding that that happened that

1 his graduation date was pushed back to give him more training?

2 A. As far as I remember, yes, ma'am.

3 MS. GARCIA: Okay. Okay, that's all right now.

4 BY MR. LLOYD:

5 Q. What did you do at CSX, Jason?

6 A. I was a brakeman, a conductor, a yardmaster, locomotive
7 engineer, assistant trainmaster and a trainmaster.

8 Q. So sort of the same thing you're doing here?

9 A. Yes, sir.

10 Q. Does CSX have any kind of training mentor that they use to
11 train their new hire conductors like Norfolk Southern?

12 A. At one point, yes, they did and then they kind of got away
13 with it and just made one. Instead of having one at each location
14 they just had the trainmaster kind of be the mentor and they --
15 everybody else, all the conductors did all the training for them.

16 Q. Okay.

17 A. But you still had one division coordinator.

18 Q. Yeah. So when you got here as -- hired in as a trainmaster
19 for the last 17 months, did they put you through any kind of
20 training PCs, book of rules to where now you're going out and
21 you're evaluating people, I'm sure like you did at CSX? What kind
22 of training did you go through at Norfolk Southern where you can
23 now -- you're telling people they're good to go and they're
24 checked off and let's get him out there?

25 A. I mean, I had rules classes. Basically that and I was --

1 let's see what else did I do? I shadowed a couple people here
2 during like OJT. I mean, to be honest with you, railroading
3 there, railroading here is identical, it doesn't matter where
4 you're at, the rules are basically identical with the exception of
5 maybe a period and a comma here and a period -- you know, twisted
6 the other direction but besides that, I mean, it's about all.

7 Q. Right. I know you had mentioned earlier when you were doing
8 the first question where they were setting there saying, the
9 engineer, Mr. Smith, I guess -- I don't want to say lost track of
10 him but didn't know once where he got on, if he crossed over,
11 whatever.

12 With an engineer in -- I'm sorry, with a conductor in
13 training is there any type of rule that states that he must be
14 within the engineer's view at all times or can he just be, you
15 know, I lost track of him and I don't know if he went up this side
16 and went down that side?

17 I mean, is there a rule that states you're in training, this
18 engineer has to be -- he has to have his eyes on you at all times
19 so he knows where you're at?

20 A. Well, as a conductor trainee the engineer -- you have the
21 conductor who actually -- they shadow the conductor. That's who
22 they have to be by. Now the engineers, they keep an eye on -- do
23 their best to keep an eye on them also, you know, during moves but
24 the CTs have to be with the conductors.

25 Q. And in this case was Mr. Gilmore with a seasoned conductor?

1 A. Mr. Gilmore was a promoted conductor.

2 Q. So he was allowed to do what he was doing by himself after 60
3 -- what 60 days he was --

4 A. Yes, sir.

5 Q. Okay.

6 A. He was promoted to qualified conductor.

7 Q. Do you feel that the training program is too short, 60 days
8 and putting them out there?

9 A. Well, it's not what I feel. I mean, I could feel just about
10 anything but I --

11 Q. Okay, then what do you think?

12 A. What I believe is that you go through -- I mean, with the
13 amount of work that we have here, I do think the 70 days is
14 probably very feasible with the training schedule here, because
15 most of the -- a lot of the yard jobs they see the same locations.

16 One day they could be shifting in the yard, then we send them
17 to Dundalk. Well, they've been -- if we've got two jobs to go to
18 Dundalk, well, if they're -- you know, they've seen it all. We
19 have seven yard jobs here and we average about four trains a night
20 out of here that are just our crews that go to Harrisburg and back
21 and I have three locals that go between here and Havre de Grace,
22 Sparrows Point and out to the other one north on Amtrak also up
23 towards Martin's which is just north of town here. They traverse
24 all the same territory. I do think 70 days is probably good.

25 Q. So are conductors allowed to ride point on the rear of cars

1 in Bayview Yard?

2 A. Yes, unless it says -- unless there's either a timetable
3 where it says they're not -- locations with close clearances that
4 you're not allowed to ride. They can make shoving moves here all
5 the time as long as it's not one of those.

6 Q. So how would I know, how would I get -- how would I know if a
7 close clearance adjacent track is occupied when I'm 300 cars away,
8 I mean, what do I do if the system is that the yardmaster looks in
9 and says, okay, well, you're going to be going up the bank track
10 but paved rail track has a set of cars going on it?

11 So, I mean, how is that -- how do I know that I can ride and
12 be clear that nothing's setting on that adjacent close clearance
13 track?

14 A. Well, first of all, I mean, you have a couple different ways
15 of looking at it but the -- you don't always take the yardmaster's
16 word because the track -- what they might have in their system
17 might not be right. It might show cars in there and there's not
18 cars here, it might show cars not there and it actually is there.

19 But we've got rules in place where they -- if they're
20 shoving, especially here in the Baltimore Consolidated Yard limits
21 they have to -- they're shoving -- they're either going forwards,
22 backwards. They're running, looking out for everything, properly
23 lined switches, cars in the foul, anything, you name it, that's
24 the way they're supposed to be operating prepared to stop.

25 MR. LLOYD: I'm good. Ruben.

1 MR. PAYAN: Nothing for me. Thank you.

2 MR. LLOYD: The FRA?

3 MR. BULL: Nothing from me. Thank you.

4 BY MR. CASSITY:

5 Q. Jared Cassity, SMART Transportation Division, just one main
6 one at the moment. Just a second ago talking to Troy when he was
7 asking you about the 60 days and the 70 days qualification, you
8 were talking about the yard jobs and how they kind of see the same
9 areas in the yard and how they -- you made the comment that in
10 regards to the qualifications, I guess, when it comes to the
11 training that they've seen it all.

12 Well, in your opinion, as a trainmaster is just seeing the
13 territory enough to give them a stamp of approval for trains?

14 A. Well, if they've been over it, I mean, and they're working --
15 say, even if we take one job that's here and sent it down to there
16 and as long as they've been on that job and actually physically
17 worked that job. A lot of these jobs interchange so, I mean, just
18 because they hadn't worked that job say in three weeks and they
19 qualified on it before, now they're working say the shift or even
20 a local and sent them down there, they're -- as long as they're
21 qualified that -- you know, been on the ground doing it, I mean,
22 that's what I'm getting -- that's what I meant by that.

23 Q. Okay. So you're not just saying that just to see it or had
24 worked the job one time is enough to determine them as being
25 trained or qualified on the job?

1 A. No, sir.

2 Q. So then the intent is in that 70 day time period for them to
3 work the same area or territory at least more than once enough for
4 them to get familiar and qualified with it?

5 A. Yes, sir.

6 Q. Can you say what the railroad deems is enough for someone to
7 be qualified to have worked over that territory?

8 A. I can't make that determination. I didn't, I didn't come up
9 with the 70 days. But with the amount of work that we -- jobs
10 that we have here, I truly believe 70 days is more than enough.

11 Q. Can you give me a close approximation as to how many jobs or
12 assignments you actually have, yard and road?

13 A. I have seven yard jobs that includes one utility brakeman for
14 one utility. Three locals and we have on average three empty
15 hoppers at a console night, 123W and 33A belongs to the Harrisburg
16 crews. So you figure 10, say 14 trains.

17 Q. 14 trains. And then the seven yard jobs and the three
18 locals?

19 A. Correct.

20 MR. CASSITY: Okay. I have nothing else right now. Thank
21 you.

22 MR. FANNON: I have no questions.

23 MR. GOODEN: Just two questions real quick. Jason, are
24 conductors, whether it's Baltimore Terminal or other places, are
25 they provided with any kind of job training aid or industry

1 resource guides to aid them in becoming familiar with the industry
2 or qualified in the industry?

3 MR. McCLURE: Yes, sir. Each territory has their own book
4 and it gives them a list of whether it be tracks, mainline tracks,
5 yard tracks, customer industry tracks where it shows where each
6 car spots, each car delivers, how many cars they can handle in
7 there, how many cars, you know, each track can hold, but, yes,
8 sir, we do.

9 MR. GOODEN: Okay.

10 MS. GARCIA: Ann Garcia, just a couple of final questions.

11 BY MS. GARCIA:

12 Q. First I'm just curious why the move from CSX to Norfolk
13 Southern?

14 A. My honest opinion?

15 Q. Yeah. That's what we're here for.

16 A. Okay. This is on record, he's not alive anymore. When they
17 had their hostile takeover things started going downhill quick and
18 I saw the writing on the wall and I -- this might sound funny but
19 I wanted to be a free agent.

20 MR. LLOYD: Free agent.

21 MR. McCLURE: No, I came here. I mean, to be honest with
22 you, it was, it was brought -- I should have done it years ago.
23 It was like -- it was a breath of fresh air considering what was
24 going on down there at the time and it was the best thing for me.

25 BY MS. GARCIA:

1 Q. Where were you located?

2 A. My last job was Andrews, South Carolina, about 59 miles
3 outside of Charleston but I've worked in multiple -- I moved, I
4 think, seven or eight times when I worked for them.

5 Q. Okay. Thank you.

6 A. You're welcome.

7 Q. Just checking out a couple of things. What is your education
8 background?

9 A. I'm a high school graduate with some, some college, about six
10 months and then the railroad, I knocked on their door. So, and
11 then you add that into almost 23 years of, I think, more than what
12 sometimes you get in Railroad 101 and this is what you know.

13 Q. Yeah. You mentioned that you assisted in hiring Keith. What
14 form did that take?

15 A. Basically we'll get the hiring group -- of course, they'll
16 send, you know, an email, we're going to hire, you know, have a
17 hiring session in Baltimore and I forget which location Keith was
18 actually at, because we try to, you know, scatter around. We've
19 been going to Frederick, Baltimore, South Baltimore, Manassas.

20 But we'll invite -- have people go online and they'll, of
21 course, apply. They'll, at that time, were taking the online
22 assessment test and those types of things. And then if they pass
23 that successfully then they would be invited to the hiring
24 session.

25 Then we come in and they would sit down and we would go

1 through our presentation, HR, human resources guy do his
2 presentation then he'd give me the opportunity to speak and let
3 them know about the area, what we do here, how many jobs we have
4 and so on and so forth.

5 Q. Okay.

6 A. And then once we got through that, you take a break, and then
7 one by one you would go through and you'd sit down and interview
8 them and ask them questions.

9 Q. Okay. Thank you. Are there any educational requirements to
10 being hired in the position Keith had?

11 A. The only thing I ever knew was a high school diploma or GED
12 equivalent.

13 Q. Right. Okay. And is any kind of screening or background
14 check done on the applicants?

15 A. Yes, ma'am, they have a full police background check and a
16 medical.

17 Q. Okay, good. And for your employees, do you do any drug
18 testing?

19 A. We will have random drug tests and if there's a post-
20 accident, depending on what it is, there's to be testing on that
21 or also a reasonable suspicion.

22 MS. GARCIA: Okay, okay. Thank you, that's all I have.

23 MR. McCLURE: Okay.

24 BY MR. LLOYD:

25 Q. Jason, that's about it. Do you have anything to add to the

1 group?

2 A. No, that's -- not that I can think of.

3 Q. Okay. It's like to add on to lessons learned, would you take
4 anything out of this? If you could, if you could put the
5 immediate fix in place right now to stop this from ever happening
6 again, what would, what would you do?

7 A. I thought about it yesterday throughout the day, you know,
8 interacting with most of you guys over here and, you know, it kind
9 of -- it hit home, of course, you know.

10 Q. Certainly.

11 A. Being involved in road crossing and, you know, trespasser
12 deals before, but never somebody that I actually knew and was
13 through his whole process and in the yard so it was very -- it was
14 difficult. And I kept thinking, what could we do that would make
15 things better?

16 I mean, you can -- we go out and we do our rules checks,
17 which like we're supposed to. You talk to them, you try to teach,
18 train and educate them so they'll understand, you know, if they
19 have questions. I mean, even if, even if there were times
20 whenever there were guys that say didn't understand and we handled
21 it either on paper or teaching, you know, the coaching and
22 counseling thing, we always would go through the rule and go
23 through the book together. Whatever the rule was we'd stop and
24 we'd do it.

25 Now in this instance this was -- in my honest opinion, this

1 was completely avoidable. I mean, as sad as it sounds, I mean,
2 I'm sorry the man lost his life and I don't mean it that way, but
3 if we could change one thing here to make it better is -- I mean,
4 I've already, I've already been looking at them eyeball to eyeball
5 since it's happened and just taking the messages that we lost a
6 family member, a friend, a teammate, and I don't want to see it
7 happen again.

8 But guys need to pay more attention to what they're doing
9 instead of trying to -- I mean, yeah, the overtime's there, you
10 know, but guys -- a lot of people seem to want to try to get off
11 early which, you know, things going on, personal problems, things
12 in their life, whatever the case may be.

13 But what I've been doing since the ones that I've seen is
14 just having that heart to heart, just eyeball to eyeball, and
15 like, look, we don't want this again. Do what you get paid to do.
16 Work safe, work efficient and service our customers.
17 You know, sometimes you can give them the, oh, hey, yeah, you guys
18 be safe, have a great day speech. I mean, that's not going to go
19 far.

20 Q. No.

21 A. And unfortunately we have to use this as a prime example as
22 to what happened and that, to me right now, that's probably the
23 biggest thing we can do.

24 Q. Well, that's in with the work safe, work efficient, serve
25 your customers is -- do crews have a certain amount that they are

1 required to get done such as switching orders, so are they getting
2 a list they're expected to have this done or can they get two or
3 three of them done because they was working safely or working
4 sufficient and they were being extra cautious? I mean, are they
5 expected to get this entire run done for that night?

6 A. I mean, honestly, yes, they should. And, I mean, there's --
7 and I speak from personal experience. I know everybody's
8 different, everybody is -- learns to pace, like I said earlier.
9 But I've been there on the ground, like I said, I've been an
10 engineer. I know you can work safe and efficient and get it done.

11 Now there's things that might happen if you're on the line on
12 the road, dispatchers hold you up, things like that. I get that,
13 that's a different story. But if you don't have those issues or
14 anything like that you shouldn't -- there should be no reason why
15 you don't get the work done.

16 MR. LLOYD: Yeah. Around the horn, anybody else?

17 UNIDENTIFIED SPEAKER: No.

18 MR. LLOYD: Thank you, Jason, I appreciate it.

19 MR. McCLURE: Yes, sir.

20 MR. LLOYD: We'll officially go off the record.

21 (Whereupon, the interview was concluded.)
22
23
24
25

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 Jason McClure

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