

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 \*

\* \* \* \* \*

Interview of: MICHAEL SMITH  
Engineer

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

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FRA Inspector in Charge  
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Safety Task Force

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Norfolk Southern Division, Transportation Department

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I N T E R V I E W

1  
2 MR. LLOYD: Okay. We're recording, and on record. Good  
3 morning. My name is Troy Lloyd. I am the NTSB accident  
4 investigator in charge of this accident. We are here today on  
5 February 8th, 2019 at the Norfolk Southern Bayview Yard facility,  
6 located in Baltimore, Maryland, to conduct an interview with  
7 Mr. Michael E. Smith --

8 MR. SMITH: Yes, sir.

9 MR. LLOYD: -- who works for the Norfolk Southern  
10 Corporation. This interview is in conjunction with NTSB's  
11 investigation of a Norfolk Southern Corporation's train conductor  
12 fatality accident that occurred at Norfolk Southern Corporation's  
13 Bayview Yard located in Baltimore, Maryland.

14 As a result of the accident, a Norfolk Southern Corporation  
15 train conductor was fatally injured. The NTSB accident reference  
16 number for this accident is RRD19FR004. The purpose of this  
17 investigation is to increase safety, not to assign fault, blame or  
18 liability.

19 Before we begin our investigation and questioning, let's go  
20 around the table and introduce ourselves. Please be mindful that  
21 we're recording this interview, so please speak clearly, so this  
22 will be transcribed at a later date. Spell your name, who you are  
23 representing, and your title. I would like to remind everybody to  
24 speak clearly so we can get an accurate recording. I'll start off  
25 with myself, then I'm going to pass everything. I'll go around to

1 the left here, and we'll go around the table. We'll end with  
2 Mr. Smith.

3 Again, my name is Troy Lloyd. The spelling of my last name  
4 is L-l-o-y-d. And I am the accident investigator in charge of  
5 this accident.

6 MR. ERICKSON: I'm Kurt Erickson, K-u-r-t E-r-i-c-k-s-o-n,  
7 with the Federal Railroad Administration, operating practice  
8 inspector with Region 2, and I'm the FRA inspector in charge of  
9 the investigation.

10 MR. BULL: My name is Mike Bull, B-u-l-l. I'm with the FRA,  
11 operating practices inspector assisting Kurt.

12 MR. CASSITY: Jared Cassidy, J-a-r-e-d C-a-s-s-i-t-y -- T as  
13 in Tom. I'm with SMART Transportation Division.

14 MR. FANNON: Randy Fannon, F-a-n-n-o-n, Brotherhood of  
15 Locomotive Engineers and Trainmen Safety Task Force investigator.

16 MR. GOODEN: David Gooden, G-o-o-d-e-n. I'm with Norfolk  
17 Southern Division Superintendent Transportation Department, based  
18 out of Harrisburg, Pennsylvania.

19 MS. GARCIA: Anne Garcia, G-a-r-c-i-a. I'm the Systems  
20 Safety Group Chair for this investigation from NTSB.

21 SMITH: Name is Michael E. Smith, S-m-i-t-h, engineer for  
22 Norfolk Southern Railroad.

23 MR. LLOYD: All right, thank you.

24 INTERVIEW OF MICHAEL SMITH

25 BY MR. LLOYD:

1 Q. So Mr. Smith, as we told you --

2 A. Yes, sir.

3 Q. As we told you earlier this --

4 MS. GARCIA: Before we -- and we have Ruben in the room.

5 MR. LLOYD: Oh, I'm sorry, Ruben.

6 PAYAN: Ruben Payan, P-a-y-a-n, NTSB accident investigator.

7 MS. GARCIA: Posting.

8 MR. LLOYD: All right, thank you.

9 SMITH: Yes, sir.

10 BY MR. LLOYD:

11 Q. All right. Like we discussed earlier, Mr. Smith, this  
12 interview will be part of the public document.

13 A. Yes, sir.

14 Q. As such, we cannot guarantee any confidentiality. Are you  
15 okay with that?

16 A. Yes, sir.

17 Q. Okay. So this interview, we know is going to be recorded.

18 A. Right.

19 Q. Okay. So it can be come part of the document. And as we  
20 discussed, you do not have any representation --

21 A. Yes, sir.

22 Q. -- with you here today.

23 A. Right.

24 Q. All right. All right, so let's go ahead and get started.

25 I'm going to lead off with the questions. So, Mr. Smith, if you

1 can take us from yesterday, from the accident, from the day you  
2 woke up, you reported to duty. So tell us how you go about that  
3 day. Any -- every little detail is important in these interviews.  
4 If you can just talk and just, and all the way until leading us  
5 up --

6 A. Okay, sir.

7 Q. -- to the time of the accident.

8 A. Yeah. I wake up at my home at 4 a.m. in the morning, prepare  
9 myself to report to duty for Norfolk Southern Railroad at 6 a.m.  
10 on February the 7th, 2019, at 6 a.m. as the engineer for H63H007  
11 on that day.

12 I was assigned on that job for the entire week. My extra  
13 conductor name for February the 7th, 2019 was Keith Gilmore, Mr.  
14 Keith Gilmore. He was my assigned conductor.

15 I arrived at Norfolk Southern Railroad my normal time, 5:45  
16 a.m., get myself together for the daily task that is in hand,  
17 until 6 o'clock, to where I have a job briefing with my conductor,  
18 which was Keith Gilmore, and Chuck, Mr. Chuck Dugan, which is the  
19 yardmaster at Bayview Yard.

20 Mr. Gilmore and I had a job briefing, I'd say about 6:05. He  
21 went into the RIT box, R-I-T. That's where we get our actual work  
22 order assignments for the day before we actually get anything from  
23 the yardmaster. Mr. Gilmore said we have a pull at Grassman (ph.)  
24 and a pull at Capitol (ph.). And I said to Mr. Gilmore, we did  
25 that work yesterday, and the car that's at Grassman is a shop car.

1 We probably won't go to Baltimore Steel or Grassman today. I  
2 said, check with Mr. Dugan before you do anything in the RIT box.  
3 Do not come out the RIT box and do nothing till you see the  
4 yardmaster, Mr. Dugan.

5 He went in to see Chuck Dugan I guess about 6:15, give or  
6 take a few. Chuck said, Mr. Dugan said, give me a few minutes, I  
7 need to get something together for your train orders for the day.  
8 So we sat in the crew room, and then Mr. Dugan gave us the work  
9 assignment, I guess, about 6:20, 6:25. I'm not exact on the exact  
10 time, but I know it's before 6:30. I'd say 6:20 a.m.

11 And the assignment was, 38A train was coming down 30 track.  
12 They will bring it down to the south end of 30. Mr. Smith, you  
13 are to get onto 9207 engine, and relieve the 38A crew. Also, Mr.  
14 Gilmore is going to make a cut between cars 8 and 9. And once he  
15 makes the cut between 8 and 9, we will come off of 30 track and  
16 take them around to truck train 3, that's at the truck train  
17 terminal.

18 Mr. Gilmore and I had a job briefing after he spoke to Mr.  
19 Dugan. I said, will you line the railroad up for 30, coming off  
20 of 30. Get the van and go around truck train, check the D-rail  
21 for truck train 3, line it up for truck train 3, and line us up  
22 from 30 track all the way down to truck train 3.

23 He went on down and did that, and he was coming back. Mr.  
24 Dugan said, have your conductor go down and line the railroad. I  
25 said, H63 to south end, my conductor's on the way back now in the



1 van. He has just completed the assignment of lining up from track  
2 30 to truck train 3, and we're going to double-check the D-rail,  
3 the switches when he get onboard.

4 So he came up onboard. We had another job briefing, Mr.  
5 Gilmore and I. And I said, wow man. I said, you really catching  
6 on pretty good right now. You lined the railroad up, you got the  
7 van and did everything we need to do to try to make this job  
8 efficient for the day. And I say wow, I say good, I say, you make  
9 sure you radio's on Channel 2 before you get off, so we can  
10 collect it. And when he got on the ground, I said, NS9207 to H63  
11 conductor, radio check. He responded.

12 He went on the ground, and he started walking back. I said,  
13 walk back about three car lengths because I'm actually going to  
14 pull the train up to you to make the cut between cars 8 and 9.  
15 And you'll have to put a brake on 9 and 10. You'll have to walk  
16 to the north end of 30, put the brakes on cars 9 and 10. So I  
17 pulled it up, he gave me the car count. He stopped, gave me  
18 three-step attachment. I said 9207 to H63 conductor, you do have  
19 three-step applied? And he responded back, three-step applied.

20 He put the two brakes on. He released the three, and it made  
21 the cut, because you don't need to do a C102 in the class, right.  
22 Made the cut, and went on down to the, pulled apart, pulled apart  
23 a truckler (ph.). I said, 9207 to H63 conductor, you feel  
24 comfortable riding those cars down? Also, I have to go by the car  
25 lift to get a switch, because you forgot the next to the cad the

1 backway bank. He said, I'm comfortable. I said, well if you want  
2 to walk up and get the switch or I can get it for you. He said,  
3 if you don't mind, you get it. So I said I got it.

4 So I tied the engine down and did my test. Got off and got  
5 the one switch. Lined it up for next to the backway bank, I'm  
6 sorry, which takes us into the truck train 3 area. And once I got  
7 back up, I took the brake off the engine. 9207, H63 conductor,  
8 are you onboard, you're ready and you're secure? Said he's on the  
9 rear, take it ahead.

10 So as I'm going through, I say yes, the D-rail is down, the  
11 switch is live for truck train 3. I said, stop me sir, before we  
12 get to the loader road at truck train 3, because you're not  
13 allowed to ride across the road.

14 So he stopped me at truck train 3, once we got there, and he  
15 got off the equipment. And once he got off, I pulled to the -- he  
16 had a car lift, or truck lift. I got an -- might have been a car  
17 lift. I pulled it ahead. He stopped me in the area. He said, I  
18 need three-step protection. 9207, H63 conductor, I need three-  
19 step protection. And I gave him three-step protection to secure  
20 the train to truck-train. We don't do a C102 at truck train.

21 So once he -- still had his three-step. He walked up to car  
22 4 and 5, because we had four truck-train cars and four  
23 miscellaneous cars. There was, two RR boxes was behind the  
24 engine, and two AGMX cars was behind the 3 and 4. So he made the  
25 cut. And I told him, truck-train 3 switch is good. And we made

1 the separation.

2 And then I called on the radio. I said, H63 to -- yeah,  
3 release this three-step attachment after we made the cut. Release  
4 the three-step. I pulled the train apart. He walked up, and I  
5 said, standby. I said, we need to check with south end to see if  
6 we can come back up Track 4. I said, H63, 9207 to south end, can  
7 we come back up truck train 4?

8 And Mr. Dugan, the yardmaster said that we can't ride cars on  
9 truck train pad, not at the truck train pads. And I said okay,  
10 right, roger. So he said, proceed through to the bank and reverse  
11 back up the bank switch. So he walked up to the bank switch, and  
12 he lined me up off of truck train 3, and the bank switch, and I  
13 pulled by. And I pulled by, slowed up and stopped.

14 And I said, Mr. Gilmore, you -- H63, Mr. Gilmore, you know  
15 you can't ride the bank, the Perryville side, because you see  
16 those shop cars on the Perryville. You can't ride that. You got  
17 to ride on the opposite side where I can't see. He said okay. so  
18 I pulled ahead, four cars, five cars, because the engine made  
19 five. Pulled ahead five cars, stopped. He threw the switch. He  
20 said, aligned for the bank.

21 I said, you double-check the two switches? Said no, 9207,  
22 I'm double-checking three switches. He got to do the bank to  
23 truck train 3 switch is one, the incline to the bank is two, the  
24 Perryville switch is three. I said roger, double-check on three  
25 switches. He said, roger. He said, when you're ready, H63

1 conductor to 9207, I'm on the point. Start me back 12 cars. I  
2 said roger, back 12.

3 I started back 12 cars, up the bank, 10 cars, 8, 6. And as I  
4 was seeing six, I see this glare of light, and it was a lantern.  
5 And I said, 9207, H63 -- I was bringing it to a stop. Said 9207,  
6 H63 conductor, you drop your lantern? No response. And as I was  
7 coming to a complete stop, that's when I seen body parts, and his  
8 body.

9 And I got on the radio said, H63, south end, emergency, man  
10 down, need help immediately. I need help. I need everybody. And  
11 that was at 7 a.m. when this incident happened. The emergency  
12 crews came at 7:11, and staff hauled me away from there about 10  
13 minutes after emergency crews got there.

14 And Mr. Gilmore, that particular morning, he was talkative.  
15 He doesn't talk much. He was talkative. He didn't seem to be  
16 under no kind of problems that morning. He was even happy that he  
17 lined the railroad up completely, you all, that he had finally did  
18 a task and he got it done right. But he just missed that one  
19 switch, was at, next to the cab back. I said man, that's no  
20 problem. I'll get that.

21 But he -- it really was like he had got a grasp on the actual  
22 job of working for NS, and he was looking forward to being a  
23 conductor for the company. And then this happened. And how long  
24 he working for them, he's been here, I think he's been marked up  
25 three time -- I mean, I'm sorry, three months, I believe. And

1 I've worked with him, I want to say four, or maybe five times.  
2 I'll have to look in my book. I don't have it with me today. And  
3 maybe four or five times.

4 And each time I get a new conductor aboard, a fairly new  
5 conductor, or a seasoned conductor, we have a job briefing over  
6 doing things. I personally try to go beyond the call of duty to  
7 help and assist the conductors any which way that I can, to make  
8 the job effective and efficient, to be safe, because we all need  
9 to come back home to our families each and every day.

10 You know, we try to do -- I try to do the best I can when I'm  
11 out here for the company. You know, and it's just one of them --  
12 unfortunately -- and I'm sorry that it actually happened, but  
13 that's basically what I can say, that I know of, to my knowledge.

14 Q. Okay.

15 A. I don't think I missed nothing, that I know of.

16 Q. So Mr. --

17 A. So, and not using my phone. (Indiscernible) had turned my  
18 phone on during the time of the incident on the engine. Of  
19 course, you got to get it booted up. The time it got booted up, I  
20 was dialing 911, and they called me back, but I was on the ground.  
21 So you might see that on the video or whatever. But they had  
22 already called 911 here.

23 But I was trying to call them too, because, you know, the  
24 location where we was at, it's like Parker Street and Lombard  
25 Street. I think it's Gate 4, Gate 2. But actually, when the 911

1 called me back, they had to actually pin the location where I was  
2 located at. And I told, well the responders are coming now. They  
3 are on scene now. So you might see that on video, whatever. But  
4 that's the only time my cell phone was on at that particular time,  
5 to use it.

6 Q. So Mr. Smith, you mentioned having a -- you and Mr. Gilmore  
7 having a job safety briefing --

8 A. Yeah, we have --

9 Q. -- between you guys?

10 A. Yes, sir.

11 Q. In detail, what is discussed at a job safety briefing between  
12 and engineer and a conductor?

13 A. You might have 10 or 12 job briefings during the whole course  
14 of your duty, on duty. But this particular job briefing was the  
15 first job briefing, when he goes into the RIT box, which is  
16 actually tell us where our work orders and assignments are, what  
17 we need to do for that day.

18 And that was the first job briefing of that, and I said well  
19 then going like, we're not going to go to Capitol, and we don't do  
20 Grassmans because we did them on Wednesday, which was the 6th of  
21 February. And that one shop car is a shop car, and we probably  
22 won't go there today. We normally do the locals on Tuesdays and  
23 Thursdays, but we did it on Wednesday because there was some  
24 problems with Amtrak over there on that -- the Tuesday, so we did  
25 it on Wednesday.

1           So we did that. Said, well check with Mr. Dugan to see what  
2 other assignments we have. Plus, you know, you got to get your  
3 engine stuff, and then check with Mr. Dugan. Said well, HP38 is  
4 coming in 30 track, and 9207 with, said how many cars, I forgot  
5 how many cars there were, we'll be able to take the first eight  
6 cars off of that. And what was four miscellaneous cars, boxcars,  
7 and four truck train cars. Make a cut between cars 8 and 9. And  
8 you know how to tie down 9 and 10. Then, you know, we need to go  
9 around and line up off of 30 track, which is out front of the  
10 building. Go to line us around for truck train 3, and check the D  
11 rail.

12           And then he did all that exceptionally well. He was very  
13 impressed and happy that he'd done a task that he know he was --  
14 you know, when conductors are new, they -- sometime they not  
15 really sure, sometime. They have to ask us, or want to double-  
16 check their self and looking at maps. But he was on point  
17 yesterday. He was on point except for that one switch, which was  
18 a facing point. You know, I can get that. You know, he could  
19 have got it, I could have got it, but I got it, you know.

20           But otherwise, he was on point. He was happy that he was a  
21 conductor with the railroad. He passed the probation period of  
22 being a conductor for Norfolk Southern, and he was looking forward  
23 to whatever would transpire of his duty of being an employee of  
24 NS.

25           And he -- most of the guys enjoy working with me and, you

1 know, because I try to help each and every male or female that  
2 work with me on the railroad. And we all work together around in  
3 Baltimore. There's nothing, you know, that we won't help each out  
4 about. You know, there's always a senior conductor or engineer.  
5 We can talk to you if you got a problem, or a senior trainmaster  
6 or somebody on the site that can help us through the tasks of that  
7 day. And that's how we operate.

8 Q. So inside this RIT box -- what does RIT, what does the RIT  
9 stand for?

10 MR. GOODEN: Remote Intelligence Technology.

11 MS. GARCIA: State your name.

12 MR. GOODEN: Dave Gooden. Remote Intelligence Technology.

13 We use that to communicate customers' needs, the service needs  
14 they have for a particular day. And that allows the crew to know  
15 what they're going to do. And it's more or less, it's real time  
16 information that's fed between the customers and our operational  
17 support group in Atlanta, Georgia.

18 MR. LLOYD: Thank you.

19 BY MR. LLOYD:

20 Q. So once the -- so once Mr. Gilmore would get the information  
21 out of the RIT box --

22 A. Yes, sir.

23 Q. -- you guys would have a -- you would review it?

24 A. We review.

25 Q. You'd review it to see what's been completed --



1 A. Right.

2 Q. -- what needs to be completed?

3 A. Yes, sir.

4 Q. And just an understanding for myself, each moving or each  
5 switching order is -- there's a separate job safety briefing for  
6 each move that --

7 A. Yeah.

8 Q. -- takes place?

9 A. Once he see the actual information in the RIT box, he can't  
10 print it, he can't be with the train till he talks to, well the --  
11 Mr. Dugan was on duty. He gives us the assigned engines, the  
12 assigned track where the classification cars are, we need to get,  
13 and that's how he builds a trip.

14 He needs to build the trip in the RIT box before we go out on  
15 the property. And he won't get the assigned engines till he get  
16 them from the yardmaster. He get assigned classification chart of  
17 where the tracks are, like the cars might have been at 40 track,  
18 might have been 52 track or 60, might have went in three different  
19 tracks to build the train. Might have been six or eight cars.

20 But we didn't have that assignment that day, because local  
21 work was done on Wednesday. So the other assignment he gave us  
22 was, the 38 crew was coming in 30 track. And the spot, I guess,  
23 we will sit it. I don't know if they was high cars. I didn't  
24 even get a chance, after yesterday, I didn't even know if they was  
25 UPS cars or regular truck train cars. We started on truck train 3

1 and held onto four cars.

2 And that's how we get our assignments. We get maybe four or  
3 five pieces of paper and we go there, and once we finish that  
4 task, he give us something else, or we do our normal duties of  
5 which assignment do we have for that day. And only assignment we  
6 had for that day was to make the cut between cars 8 and 9 on the  
7 38 track and the 30 track, and take those cars around to truck  
8 train 3.

9 We need the four truck train cars spotted on truck train 3,  
10 and cut away with the four head box -- two boxcars and two AMGX  
11 cars. I don't know their exact numbers, but it was two AMGX cars  
12 that was north out, and we made the cut, and then we push the  
13 shove back around.

14 MR. LLOYD: That's all I have. And let's --

15 MS. GARCIA: Let's go around.

16 MR. LLOYD: -- are you going to the left? We go to my left,  
17 but before we start, and please spell your name so we can --

18 MR. BULL: Okay. Mike Bull, B-u-l-l, FRA.

19 MR. SMITH: Yes, sir.

20 BY MR. BULL:

21 Q. Good morning. How you holding up?

22 A. I'm maintaining, sir.

23 Q. Are you? Okay, good. Good. We'll make this as easy as we  
24 can.

25 A. I'm fine, sir.

1 Q. Okay. So, you had a job briefing just prior to shoving in to  
2 that particular track, tank track?

3 A. Yes.

4 Q. Okay. What was the last switch that Mr. Gilmore threw before  
5 that move?

6 A. The last switch would have been the bank, truck train 3 and 4  
7 lead, sir. That's located on the Lombard Street bridge.

8 Q. Bank?

9 A. The bank, b-a-n-k.

10 Q. Yeah.

11 A. Truck train 3 and 4 lead switch.

12 Q. Okay.

13 A. Which is under the Lombard Street bridge.

14 Q. Right. Okay, so he double-checked those switches, and then  
15 he told you that he was going to ride the point into that track?

16 A. Okay. Once he -- once we -- once he threw the switch, I came  
17 to a mini pause, and told him he could not ride the bank and  
18 Perryville side, sir, because there was shot cars on the north end  
19 of the Perryville. He said okay, Mike. Thanks, appreciate that.  
20 He said, I'll be on the opposite side.

21 Q. He said that?

22 A. Yes. I'll be on the conductor's side. Because I couldn't  
23 see him on the engineer's side. Even if he was on that side, I  
24 couldn't see him because as you go around the bank, there's a  
25 curve, and you couldn't see him. He said okay, well fine. Take

1 it ahead five car. This was verbal, out the window. It wasn't on  
2 the radio.

3 Q. Okay.

4 A. And we took it ahead five cars, and he stopped me, as I said.  
5 And he threw the switch. And then he said, I'm aligned for the  
6 bank. I said, double-check two switches. Then he said no, three.  
7 I said roger, correct, three. That's the bank, truck train 3 and  
8 4 lead, bank incline switch, bank Perryville above switch. So  
9 that make three switches.

10 So he said roger. He said -- correct -- he said three  
11 switches. I said right, double-check three switches, because I  
12 said two. He said three. And I said roger, three. And that was,  
13 like I said, the bank, truck train 4, the bank incline, and the  
14 bank Perryville and above switch.

15 Q. Okay. And the intent of the move was to go all the way  
16 through that track out the other end?

17 A. Like I said, the intent was to go through that move, all the  
18 way out the other end, but we'd probably had to stop, if we'd have  
19 got that far. We'd had to stop and check the north end of the  
20 bank for the incline, the north end of the -- let me see, north of  
21 the -- let me see. Bank north end is incline. There's one  
22 switch. There's a switch for the north in the bank. There's a  
23 crossover switch that takes you out to Amtrak, so we'd have to  
24 check -- that was four switches.

25 And then of course, once you threw those four, if we'd have

1 got that far, once you threw those four, there was one switch that  
2 was against us, that was truck train lead, that takes us into  
3 truck train, the north end of truck train, which is 1, 2 and 3 and  
4 4. That would have been against us, because we threw that switch  
5 to go into truck train.

6 So we'd have checked -- that'd have been, if I'm not  
7 mistaken, that'd have been five switches we'd had to check before  
8 we -- when we got to the north end of the bank, we'd have to stop  
9 and check those four switches. Then I probably would have shoved  
10 them back when he did those four, to go to the fifth switch, to  
11 double-check that, which I would -- we -- which I would have known  
12 that that switch was against us, because we went to a facing point  
13 switch into truck train 3.

14 And that main switch for truck train at north end was against  
15 us. So we'd have to stop to restore that switch into the normal  
16 move for us to go back up the ladder. But we never got that far.

17 Q. You didn't get that far?

18 A. Yes.

19 Q. All right. So when he, he began to move, you were at the  
20 south end. And he gave you how many car lengths?

21 A. He started out with 12 cars, sir.

22 Q. Started out 12. And that would have taken you all the way up  
23 to the other end?

24 A. No, sir.

25 Q. No? You weren't that far up that track yet?

1 A. No. Twelve cars would have probably took us -- see, new  
2 conductors, their car counts are longer than a seasoned car count  
3 guy. So his 12 cars might have taken us to the north end of the  
4 bank.

5 You know, we didn't get that -- when I got -- we said 12  
6 cars, he said 10, pretty sure he said 8, then he said 6. When he  
7 said six, that's when I seen the lantern, and I brought the train  
8 to easy stop, said six. I said, H63 conductor, did you drop your  
9 lantern? He never responded. I bring the train to easy stop a  
10 car and a half from the lantern. Then I seen all what I seen.  
11 So --

12 Q. Okay. So six was the last count that you had?

13 A. Six was the last actual conversation I heard from Mr. Gilmore  
14 at that time.

15 Q. Okay. And then how far had you gone, at that point?

16 A. Six -- I was coming to an easy -- still I seen the lantern, I  
17 just asked him, did you drop your lantern? I didn't hear nothing,  
18 so I was bringing the train to an easy stop. Once I brought it to  
19 easy stop, I stopped a car length and a half from where the  
20 lantern was, and his, he was right there, when I stopped. When I  
21 stepped out the engine, I could almost step on him, almost,  
22 really. About a truck length from him.

23 Q. Okay. And then at that point, you called for help. You  
24 notified the yardmaster?

25 A. Yeah. Like I said, emergency. I got a man down. Emergency,

1 I need help. I need everybody. Medical attention immediately.  
2 Then I had people around. It happened at 7 o'clock; 7:11, the  
3 emergency people was coming in there and doing what they did.  
4 Staff was on point. They was there -- I don't -- they was there  
5 two minutes, three minutes or what. It seemed so long for the  
6 medical people to come, because they was trying to find the  
7 location where we was at.

8 Q. Who arrived in a few minutes? You said about (indiscernible)  
9 superintendent?

10 A. I don't know the exact guy, the last name. The van driver,  
11 Mr. Paul, he arrived first. That's a jitney driver.

12 Q. Oh, it is? Okay.

13 A. He arrived first. Next person was Trainmaster Jason Macour  
14 (ph.) and Jonathan Ward (ph.), he arrived. Kevin McCulley (ph.),  
15 he came in his personal car to see what was going on, to meet the  
16 fire department on Lombard and Parker Street.

17 Galen O'Neill (ph.), he came around to assist, and also to  
18 pick me up and make sure the -- they met the -- he also let the  
19 fire department on Lombard Street outside of truck train, while  
20 Kevin and I think Mr. McCulley and Mr. O'Neill talked to truck  
21 train, because they have this low clearance gate that you got to  
22 move, because the hook and ladder fire trucks couldn't get in.

23 So they instrumented the move so they can try to get medical  
24 attention to Mr. Gilmore as best as they can. So they were there.  
25 They had to -- they opened this gate, so the truck can come in,

1 because you can't go out there with a trailer. So they did what  
2 they had to do. So they went right over the spikes coming into --  
3 you know, you come into truck train, there's spikes.

4 Q. Right.

5 A. So they couldn't come in that way. So they instrumented with  
6 truck train crew, trailer, who are the people are in truck train,  
7 I don't know the name of the company, to open up this gate so the  
8 fire department gain access to get in.

9 So they -- I think by then Mr. McCulley was bringing the fire  
10 truck in, or Mr. O'Neill brought the fire truck in, then somebody  
11 brought the ambulance in. So, all this happened within, between 7  
12 and 11 -- 7:11 is the actual time that the first responder was on  
13 the ground, assisting medical assistance to Mr. Keith Gilmore --

14 Q. Eleven minutes.

15 A. -- at that time.

16 Q. About 11 minutes after the incident?

17 A. Yes. Yes, sir.

18 Q. And where were you at, at this time? Were you standing in  
19 the parking lot, or?

20 A. No. No. No, no. I had tied my engine down. I stayed in  
21 radio communication, because I didn't know if anybody needed to  
22 call me, to find out where I was at. I'm trying to talk to 911,  
23 get them on the phone. The phone had cut off two or three times,  
24 I think. And I was on radio communication with -- I don't think  
25 it was Chuck. I think -- somebody -- I don't think it was Mr.



1 Dugan. I don't know who the person was on the radio, and they was  
2 telling me to -- next thing I know, so all these people come  
3 around.

4 And they got there in about three minutes, two minutes. I'm  
5 not too sure, sir.

6 Q. Okay, good.

7 A. But they was a -- it was a fast response time from Bayview  
8 staff, track department, and the Bayview staff here, track  
9 department, the people in truck train. Everybody responded  
10 within -- because the type of call that went out from me, they  
11 never heard that from me. And they all responded at that time.

12 Q. Okay.

13 A. And the first responders on the ground at 11 o'clock -- I  
14 mean 7:11. So 7:11, they was on the ground, assisting Mr.  
15 Gilmore.

16 Q. Okay.

17 A. And that's when they chased me away ten minutes later,  
18 because I had enough after that. Because all the supervision was  
19 there and my train was secure, and I just needed to get away.

20 Q. Okay. You asked them to take you away? Or did --

21 A. I was instructed by -- it was so many people, just grabbed  
22 me, get me out of there. I think, Galen O'Neill had put me into  
23 the vehicle, and then Jonathan Ward gave me my bag. Said I don't  
24 need my bags. I just need to get away. So they took me away, and  
25 brought me around here. And I set --

1 Q. Came to the yard office?

2 A. Yes. I set in -- I set in here. That was in the crew room  
3 until 2:30, 2 o'clock. So went to, to do the FRA urinalysis,  
4 blood test, whatever, down at Occupational Health and Safety at  
5 3600 O'Donnell Street. And that was done at 2:30 yesterday.

6 Q. Okay. So you sat here from the time you arrived --

7 A. Yeah. I might have --

8 Q. -- that you sat here --

9 A. I probably arrived here at 20 minutes of 7, give or take a  
10 few. Had called my sister, and my son to tell them, don't tell my  
11 mother what happened, because it's on the news. And I have a  
12 terminally ill mother, and they needing to her know something  
13 happened. So I called my son and my sister, and told them, that I  
14 was okay.

15 Q. Okay. That's all I have for now.

16 A. Okay.

17 Q. Thank you. Thank you. Do you need to take a break?

18 A. I'm good.

19 Q. Okay.

20 A. I'm all right. I'm good.

21 MR. BULL: Thank you.

22 MR. CASSITY: Jared Cassity with SMART.

23 BY MR. CASSITY:

24 Q. Mike, I've been writing the questions down as you're talking,  
25 so --

1 A. Yes, sir.

2 Q. -- come across a little choppy, I apologize. I'm a do my  
3 best.

4 A. There's no problem. (Indiscernible) are choppy.

5 Q. You made several references that I caught on to, talking  
6 about how Mr. Gilmore had finally got it right, and that he was  
7 catching on now. So he's a fairly new employee, or a new  
8 conductor marked up?

9 A. Yes. He marked up, I would say three months, maybe. Just --  
10 I mean, yeah, I think his anniversary date was yesterday, I do  
11 believe.

12 Q. Okay.

13 A. Yesterday.

14 Q. Did you get the sense that he was confident in his ability to  
15 do the job in the yard?

16 A. Yesterday he was exceptionally well, man. Sir, it was  
17 exceptionally well. He did everything that we had the job  
18 briefing about, except that one switch, was a facer point switch  
19 at the bank, and next to the cab. He lined up the railroad off 30  
20 track. He lined the railroad up going to the truck train 3.  
21 Double-checked the D rail. And we -- he came up. We had another  
22 job briefing. He'd made the cut exceptionally well.

23 After he made the cut, after (indiscernible) three-step  
24 protection and all that, I asked him, did you want to ride up or  
25 you want to walk up? He said no, I'll ride. I said, I got to

1 pull ahead one car, let me get the switch, or did you want to get  
2 it? I said, I can get it, it's no problem. So I tied the train  
3 and did what I had to do. Got the switch.

4 And then when I got on board, told him 9207, back on board,  
5 are you ready? Yes. I said, are you secure? I'm secure and  
6 ready to go. And I said, when we get around truck train, like I  
7 said, you need to stop at that road, because you can't ride across  
8 truck train road. And we stopped. We pulled ahead. Once I  
9 pulled ahead, I stopped, gave him three-step. And he came up.

10 He said man, I really -- I'm really am jumping it today. I'm  
11 catching it. And I like work -- he said -- and he said, I like  
12 working with, you know, and basically like, and the words like --  
13 I don't know if he said, I like working with you, or love working  
14 with you, or I appreciate you. I can't remember, because it was  
15 so much happening yesterday. But he said something nice. It  
16 wasn't nothing negative, that he enjoyed working with me, or it  
17 was something of that nature.

18 And I said, appreciate that, man. I said, I appreciate that.  
19 I said, but be careful. I started out, just be careful. I said,  
20 take your time. We're not in no -- take your time. So, and then  
21 we went on to -- like I said, we made the separation at that  
22 three-step. Then we was going to shove by truck train 4. Can't  
23 shove but another truck train past and ride.

24 So Mr. Chuck Dugan said, well come up the bank. So he walked  
25 down to the bank switch because, I guess -- he walked up because,

1 it used to be a D-rail up there years ago, I guess. He didn't --  
2 he probably seen, or didn't know it was there, but he walked up  
3 around that little curve, and threw the switch at the bank and  
4 truck train 3 and 4, and then told me to come ahead. And then we  
5 stopped. And then we -- gave him the -- double-checked the  
6 switches, and then the incident happened.

7 Q. You had said that he was an extra conductor, which I'm  
8 assuming is off the extra board with Norfolk Southern. Is that a  
9 daily assignment for an extra board employee, or is that by the  
10 week, or --

11 A. He's on the extra list. If there's a vacancy in the  
12 conductor position, they call him -- they pulled him off the extra  
13 list to work with me. My conductor was off today and yesterday  
14 for a personal day. He goes on vacation on Monday.

15 Q. Okay. So in a consecutive time period, it would have just  
16 been that day, is all he worked on that job or that assignment?

17 A. It would -- I would have had him or any other conductor that  
18 was --

19 Q. Okay.

20 A. -- on the extra list, a seasoned or non-seasoned conductor.  
21 I would have had an extra guy on the extra list yesterday.

22 Q. Okay.

23 A. That they would have taken the time, at 6 a.m.

24 Q. Do you know if he had worked that particular assignment  
25 before?

1 A. That, I couldn't tell you if he just came off of his two-  
2 day -- off TA rest or what. But I couldn't tell you that. I know  
3 he didn't work the day before, because I didn't see him the day --  
4 I didn't see him there Wednesday. I saw him Thursday, or much of.

5 Q. In general, though, do you know if he had actually worked  
6 that assignment? I mean, I know it's a local --

7 A. Oh, my assignment?

8 Q. -- take that local job yesterday.

9 A. Oh, he -- I can't -- he worked a local, but not my local  
10 before. He worked the southbound local, which is the 862. I do  
11 know he worked that twice.

12 Q. Okay.

13 A. I want to say he worked that once with me or twice with me on  
14 the 862. I don't know the exact dates at this time, but he did  
15 work the 862 with me, and several other conductors. He has been  
16 out on the locals before. And he has also been up the road, but I  
17 don't know the exact jobs or description he worked at that time.

18 Q. If I can, I want to go to the last shove load, if you will.  
19 Do you know, from his location, when he would have climbed on  
20 point? I believe you said it was -- he bank-tracked where the  
21 cars were sitting. There was cars actually on the bank track; is  
22 that right?

23 A. Cars on the Perryville above, sir.

24 Q. Oh, the Perryville, okay. Do you know if he would have been  
25 able to see the cars located on the Perryville track from where

1 climbed onto that rear car ride?

2 A. Yes. He could see them before he climbed. He could see them  
3 when he was walking, because truck train turn was clear. We was  
4 on truck train 3. There's a blacktop between there. There's a  
5 truck train 2, truck train 1, incline and the bank. He could see  
6 all the way over the Perryville, to where those cars were. So  
7 that whole area was clear, and the sun was coming up about then.  
8 It was getting daylight by then. It wasn't dark.

9 Q. That was going to be my next question. There was no rain or  
10 fog or anything?

11 A. It was dark when he went around to align the railroad up at  
12 6:30, 35 or so, something like that, when he lined the railroad  
13 up. It was still not dark, dark. It's, you know, it was like  
14 dusty dark. It was like the sun was ready to come up, be real  
15 bright, but it -- you needed a lantern at that particular time,  
16 6:30 in the morning.

17 Q. Okay.

18 A. Needed a lantern. It wasn't foggy. Try to recall, it wasn't  
19 raining. Might have been dew on the tires or the cars. I'm not  
20 sure. But it wasn't raining, because I had on my, just my vest  
21 and a hoodie. So I know it wasn't cold or other temperature out  
22 there.

23 Q. You had said that he was in good spirits during your job  
24 briefing. Did he indicate there might have been any kind of issue  
25 with his ability to get rest the night before?

1 A. No, sir. He --

2 Q. Okay.

3 A. He didn't talk much, but he talked to me yesterday. He said,  
4 I'm just, you know, happy to be with you, working and glad when we  
5 can get together to work and get the job done. He didn't seem  
6 upset, or -- he was talking like I'm talking to you all, face to  
7 face, close. I didn't notice anything. I don't drink, so I would  
8 have noticed it, you know, but he seemed to be happy. He seemed  
9 to be happy that he was working, had a job. He was going to be a  
10 conductor for Norfolk Southern and try to do the best he can for  
11 the company, and be safe.

12 Q. I there a marked or bulleted or a close clearance -- in other  
13 word, in that track, is the close clearance marked by the track,  
14 or is it in a bulletin or a notice or anything?

15 A. Close clearance -- don't hold me to it. I can't repeat it.  
16 But it's in the Baltimore Consolidation Terminal, I believe,  
17 Bulletin. And it says, if there's adjacent cars on the north, the  
18 south Perryville in an incline, you cannot ride. Also, if you go  
19 south, you can't ride across the bridge girders on Eastern Avenue,  
20 on the south in the track. The north is wide, because they  
21 reconfigured it, but I wouldn't ride none of the girders across  
22 Eastern Avenue. I would stop and get off.

23 I think that's in your Harrisburg times table, terminal,  
24 number 9 I think, 6 or 9.

25 Q. Okay.



1 A. I know the two -- I'm not too sure. I know it's in there. I  
2 can -- if I had a book, I can probably show you.

3 Q. I want to ask you some just general questions --

4 A. Yes, sir.

5 Q. -- about the railroad. Has there been any changes to  
6 operating rules, or safety rules lately that seem to be a  
7 considerate amount, or anything that may cause some ambiguity with  
8 the crews?

9 A. Not to my -- everybody seems to go by the rules and safety  
10 that we have job briefings in.

11 Q. Okay.

12 A. I been here 16 years. It's the first, or the second  
13 incident. I was here, when I first got here, employee had a heart  
14 attack, Mickey Griffin (ph.), around truck train, years ago. And  
15 that's the second incident I know of happened in Baltimore.  
16 Baltimore is a place where we don't really have any injuries or  
17 fatalities like this, anything happening, you know.

18 Q. And then my last question again is very general.

19 A. Yes, sir.

20 Q. As far as training or qualifying goes, in the yard, for the  
21 conductors, the new hires, how do they go about ascertaining that  
22 they're qualified in the yard? Are they assigned to every single  
23 local and yard job? Or they kind of just allow them to generally  
24 get familiar with the yard?

25 A. They assigned to every local -- every job, every local job,

1 and most of the jobs, the conductors have less than a year, so  
2 they can't be on the ground with that particular employee if they  
3 got less than a year.

4 Q. Okay.

5 A. A new employee. So they --

6 Q. So you haven't seen any circumstances where there is a new-  
7 hire training a trainee, or another new-hire?

8 A. If they're a new-hire, if they had them, they'd be on the  
9 engine with me if I had a junior conductor on the ground. They  
10 wouldn't be on the ground with them. They'd be up on the head and  
11 with the engineer or myself, whoever the engineer is that day.

12 Q. Okay.

13 A. They wouldn't be on the ground, sir.

14 MR. CASSITY: Okay. I have nothing else. Thank you very  
15 much, Mike.

16 MR. SMITH: Yes, sir. You're welcome, sir.

17 MR. FANNON: Randy Fannon, F-a-n-n-o-n, BLET.

18 BY MR. FANNON:

19 Q. Mr. smith --

20 A. Yes, sir.

21 Q. This is difficult for you. I understand that, sir.

22 A. Yes, sir.

23 Q. If you need a break, just --

24 A. I'm fine, sir.

25 Q. All right. Most of the questions that I was going to ask

1 were already, somebody's already hit on most of it.

2 A. Okay.

3 Q. But let's back up on the last ball of questions from Mr.  
4 Cassity. You said if there was a -- if you had a new conductor --

5 A. Right.

6 Q. Is your regular conductor a seasoned conductor, is -- your  
7 normal conductor?

8 A. Regular conductor. I think he has 22 or 23 years of service  
9 here.

10 Q. And he gets a trainee? Do you have trainees a lot on  
11 their -- on your site?

12 A. Yes. We have trainees on this job a lot, when we have a  
13 trainee, sir.

14 Q. Okay. And Mr. Gilmore caught your job off the extra board  
15 duty. Your conductor was going to be off, and he had scheduled  
16 some off time?

17 A. Yes, sir.

18 Q. Do you -- you stated that you'd worked with him four or five  
19 times, Mr. Gilmore --

20 A. Yes, sir.

21 Q. -- prior to yesterday.

22 A. Yes, sir.

23 Q. Do you recall any of those times where -- was he a trainee,  
24 or a conductor, or --

25 A. He was a conductor, all the times that I had him.

1 Q. Okay. And that was on your 6 a.m. job?

2 A. Well I had him on this 6 a.m. job, which February the 7th,  
3 and I had him back in January. I forgot the exact date, but he  
4 worked a job, he caught it off the extra list. But we didn't do  
5 local work that day. We did yard work, moving engines around, did  
6 shop work, miscellaneous stuff in the yard, because we didn't go  
7 out on a local that day. It was a -- and it had to be a Monday,  
8 Wednesday or Friday. It wasn't a Tuesday or Thursday when I  
9 worked with him the last time on this particular job. It was this  
10 year.

11 Q. How long have you been on this assignment?

12 A. Four months, three months, sir. Our job changes every  
13 Thursday. We bid on jobs. I think (indiscernible) four months,  
14 at least three to four months.

15 Q. Okay. And you've had the same regular conductor the entire  
16 time?

17 A. Yes, sir. Except when he's off.

18 Q. Right. Well let's -- your vigilance and your due diligence  
19 on stopping and verbally telling him not to ride the cars on the  
20 Perryville side --

21 A. Yes, sir.

22 Q. You had that opportunity to tell him in person? You told  
23 him.

24 A. Right.

25 Q. And didn't want to put it on the radio. When -- did he

1 comprehend? Did he acknowledge you?

2 A. He said okay, thank you. Appreciate that, thank you.

3 Q. Okay. And then --

4 A. And he smiled when he said that. I'm saying -- you know, I  
5 can just, I can see him still, sir. You know, okay. Go ahead.

6 Q. I understand.

7 A. Okay.

8 Q. So then you pulled off, finished pulling off --

9 A. Yes, sir.

10 Q. What were you saying, by four cars?

11 A. Four or five, because that engine was five cars total.

12 Q. Right.

13 A. Okay.

14 Q. And then you began shoving back?

15 A. No, after we stopped.

16 Q. Right.

17 A. We did the double-checks on the switches.

18 Q. Right.

19 A. Then Mr. Gilmore -- and he said, double-check two switches.

20 I said -- I said two switches. No, three switches. Then he said,

21 H63 conductor's on the point. On the point.

22 Q. But could you physically see him out the rear car?

23 A. No. If I'd have got up out of my seat, looked on the  
24 conductor's side, I might have been able to see him. But I think,  
25 with that --

1 Q. He was on the curve?

2 A. With that bridge and (indiscernible) out there, you can't see  
3 him on the conductor's side neither.

4 Q. Okay.

5 A. If I'm not mistaken, with five cars. And if he was on my  
6 side, I definitely couldn't see him, because as you go around the  
7 bank, there's a curve goes towards, goes back in towards the guide  
8 lane. You could -- I couldn't see him.

9 Q. Okay. I'll ask my last few questions. Do you recall, in the  
10 last four months that you've been on this job, how many trainees,  
11 conductor trainees you've had, or engineer trainees? Have you had  
12 any trainees?

13 A. Yes. I had, I think three engineer -- two or three engineer  
14 trainees. Don't hold me to -- I think, maybe two. Chuck Carnegie  
15 (ph.) and Mike Gaskins (ph.), I do know I had those two as  
16 engineer trainees. The conductor trainees, I'm bad at the guys'  
17 names.

18 Q. Well we don't need names.

19 A. Okay.

20 Q. We just need to know --

21 A. I had two. Two and two, sir.

22 Q. Two conductor trainees?

23 A. Yeah. Two and two, where Mr. Gaddy (ph.) was a conductor on  
24 the ground, and I had two engineer trainees in the engine.

25 Q. Do you have any general observations about the training?

1 A. When I was trained, we got six to five months. I think they  
2 got two months, three months now, I believe. I'm not sure.

3 Q. So they're getting two to three months actually on-the-job  
4 training, after they come back from McDonough?

5 A. I think so, sir. And then if they do that, they're not with  
6 a seasoned guy half the time because they can't be on the ground.

7 Q. So, if they're just setting in the cab of a locomotive,  
8 they're not actually learning what their responsibilities are? Is  
9 that what you mean by that?

10 A. No. They can learn from us.

11 Q. Okay.

12 A. They can learn from engineer who wants to give -- should give  
13 that employee the knowledge that we have, learn what the task is  
14 at hand that we do in a day, giving that new conductor trainee a  
15 job briefing every time the seasoned conductor's making a move.  
16 You have quite a few new guys that would take notes. Like one's  
17 marked up, John Ellis (ph.), he has a lot of notes. Chris Smith,  
18 he takes notes.

19 And these are new guys that was getting marked up or been  
20 marked up, and they're taking notes from us on the engine about  
21 how many cars go here, what is he doing. So the new trainees do  
22 take notes. They're not sitting up on the engine looking like,  
23 what's going on? They taking notes, and got maps out, and asking  
24 you questions, what is you doing, or what's going on? So they are  
25 taking notes.

1 Q. But the notes -- that's my last question. But the notes are  
2 not the replacement for them being hands-on, throwing switches,  
3 tying brakes --

4 A. Right.

5 Q. -- being in between --

6 A. Right.

7 Q. -- seeing the physical. They're actually up on the engine  
8 with you --

9 A. The engine with me.

10 Q. -- getting a verbal --

11 A. Right.

12 Q. -- education?

13 A. Yes. If I have a -- like yesterday, since we was running  
14 truck train, if I had a new conductor with me, trainee, and we  
15 made that cut, I would tie the engine down and go out with that  
16 new trainee with Mr. Gilmore, had Mr. Gilmore to explain to him  
17 what we had done. Because we had time. We wasn't on a rush cycle  
18 yesterday.

19 Q. Okay.

20 A. I would do my thing, and do what I do to secure the unit, and  
21 let the new employee get the knowledge from Mr. Gilmore, what he's  
22 done. And that's how I would have done it if I had a trainee with  
23 me yesterday. And I'm pretty sure Mr. Gilmore would have gave him  
24 information, and we'd have shared our knowledge what was going on.

25 Q. Thank you, sir.



1 A. Yes, sir. You're welcome.

2 MR. GOODEN: David Gooden, G-o-o-d-e-n. Mr. Smith, I do not  
3 have any questions.

4 MR. SMITH: Yes, sir.

5 MS. GARCIA: Anne Garcia.

6 BY MS. GARCIA:

7 Q. I have a, kind of a short list --

8 A. Yes, ma'am.

9 Q. -- of standard questions.

10 A. It's no problem.

11 Q. Just to get some of the background facts.

12 A. Yes, ma'am.

13 Q. Okay. So first of all, could you tell us what your work  
14 history is with Norfolk Southern? When did you come onboard?

15 A. I came onboard September 2006 as a conductor trainee. I was  
16 promoted as a conductor, February 4th, 2004 (sic), as a conductor.  
17 I went to engineer school, September 5th, 2007. And I was  
18 promoted to an engineer October 6th or 8th of 2007. I didn't  
19 actually physically start running permanently until sometime in  
20 2010. But from 2007 to 2010 I was up and down, conductor,  
21 engineer, conductor, engineer as needed. But I've been running  
22 since 2010 as an engineer.

23 I worked the road, I worked the local, all the locals, any  
24 job I been tasked that I need to do as an engineer. And right now  
25 I've been on this job three or four months. If I'm not on this

1 job, work on the H04 local, or the H62 local, or any road job that  
2 needs to be done to make sure the customer product is delivered  
3 and serviced, because I like to get my paycheck like the customer  
4 like to get their cars and material.

5 Q. Okay. Thank you.

6 A. Yes, ma'am.

7 Q. And has all your experience been with Norfolk Southern here  
8 at this yard?

9 A. Yes, ma'am. It's my first railroad job.

10 Q. Okay. Thank you.

11 A. Yes, ma'am.

12 Q. What is your education background?

13 A. I have 12 for education. Graduated from Dunbar High, 1979.  
14 I have one, two years of automotive experience.

15 Q. Okay. Thank you.

16 A. Yes, ma'am.

17 Q. Looking at your work schedule --

18 A. Yes, ma'am.

19 Q. What's your regular work schedule here?

20 A. On this job, Monday through Friday, I work 6 a.m. --  
21 scheduled to work 6 a.m., and scheduled to be off duty by 6 p.m.,  
22 which is 5:59 p.m., Monday through Friday, on this job.

23 Q. Okay.

24 A. Which is the H63 local. Off Saturdays and Sundays. And  
25 available to work Saturday and Sunday if need be.

1 Q. Okay. So your regular scheduled work right now is five days  
2 a week, Monday through Friday, 12 hours a day, 6 a.m. to 6 p.m.?

3 A. Yes. Yes.

4 Q. Okay.

5 A. We don't work 12 hours. But we're scheduled, you know, from  
6 6 a.m. to 6 p.m. We don't actually do all 12 every day.

7 Q. Okay.

8 A. I'm scheduled to work from 6 a.m. to 6 p.m. I have to be  
9 off by 6 -- by the 5:59. I have to be off duty.

10 Q. Okay.

11 A. Can't go over 6 p.m.

12 Q. So when do you find out what hours you're actually going to  
13 work on each day?

14 A. As the day goes on. As you see the work --

15 Q. Okay.

16 A. -- you might know, you have a lot of work, and if we got on  
17 Amtrak on Tuesdays and Thursdays, you're bound to, not to get  
18 back, or get back. It depends on the quality of work you have.

19 Q. Okay.

20 A. We have to service one customer, which is -- we have to wait  
21 for the locals to go in, with is Tildy's (ph.). Then we have to  
22 go across the street to Baltimore Steel, so we're working between  
23 the locals and Amtrak and the sellers. We have to be on a time  
24 frame.

25 Q. Okay.

1 A. And sometime we can't get out in the rush hour windows or  
2 whatever. But we do service the customer.

3 Q. Okay.

4 A. We try to get in a destination. We service the first  
5 customer, and finish over there, and then we have to get a relief  
6 crew to come get the train later, if we can't get back.

7 Q. Okay. So, what I'm hearing is that you're scheduled to be  
8 here at 6 a.m. every day --

9 A. Yes, ma'am. Yes, ma'am.

10 Q. And to be available to work until 6 p.m.?

11 A. Yes, ma'am.

12 Q. Okay, good. Could you give us what your actual work schedule  
13 was, starting on Monday of this week?

14 A. What did we do Monday?

15 Q. Do you recall?

16 A. Monday, Monday, Monday. Oh, yes. We re-crewed a coal train  
17 that was down at O'Donnell Street, because it couldn't come into  
18 the River. River's out of service, because they had a derailment  
19 a few weeks ago. So the coal train was down at O'Donnell Street  
20 with a crew that was about to blow up. So we went down at  
21 O'Donnell Street. I think that train, some of it was the 590  
22 crew. And we --

23 Q. I just need a time frames.

24 A. Okay.

25 Q. Yeah.

1 A. Just like, I guess 6:30, 6:30 Monday, we went down to recrew  
2 that train.

3 Q. Well you just, you started at 6 a.m. and --

4 A. Started at 6 a.m.

5 Q. -- and you were off at what time? Roughly.

6 A. Monday, we might have got off at 1 o'clock. I think we might  
7 have got off at 1 o'clock Monday. It was an early day, Monday.

8 Q. Okay.

9 A. Early day, Monday.

10 Q. And did you have a lunch break?

11 A. Did we eat lunch? Yes. We take a 20-minute break. Yes. If  
12 need be, yes.

13 Q. Okay. You get 20 minutes --

14 A. Yes.

15 Q. -- for lunch?

16 A. Yes.

17 Q. Okay. And do you recall what hours you worked on Tuesday,  
18 starting at 6 a.m.?

19 A. Started at 6 a.m., and Tuesday, we got off at 3:40 or 4  
20 o'clock.

21 Q. Okay. And Wednesday?

22 A. Wednesday was our long day. We did the local work Wednesday.  
23 We come on duty 6 a.m., and we got off exactly 5:55. Triple 5s,  
24 p.m.

25 Q. And when was your lunch break on Wednesday, roughly?

1 A. Probably waiting for Amtrak to give us a railroad, on the  
2 train.

3 Q. So it was on the train, about what time?

4 A. Because we came south. We sat at River for about 30 minutes,  
5 I guess. About 1 o'clock, 1:15, something like that.

6 Q. Okay. And did you get a dinner break also, or is that --

7 A. No. That's the break.

8 Q. -- after you get off?

9 A. We carry our lunch with us, on duty. We keep it with us.

10 Q. Okay.

11 A. A lunch bag, whatever.

12 Q. Okay. And so let's walk through. You mentioned that you get  
13 up at 4 a.m., typically --

14 A. Get up at 4.

15 Q. -- every day?

16 A. That's right.

17 Q. So Monday morning you got up at 4 a.m.?

18 A. Yes.

19 Q. And you leave for work --

20 A. I leave my house at, I'd say 5, 5:15. I'm not that far. For  
21 me, about 5, 5:15. I stop to get something to eat, and all that.

22 Q. Okay.

23 A. I'm here no later than 5:45 in the morning, give or take a  
24 few.

25 Q. Okay. And with that, so when you get off work, what did you

1 do Monday afternoon? Anything special? I'm just, I'm looking for  
2 basically, you know, was it something that was very exerting?

3 A. Well, Monday --

4 Q. Was it napping?

5 A. Monday, Wednesday --

6 Q. Or were you out partying?

7 A. Well Monday, Wednesday and Friday, I take care of my mother  
8 for dialysis. And she gets a ride home from dialysis, and she  
9 stays with me. I take care of her on Monday, Wednesday and  
10 Friday, because she need the care when she get through dialysis.

11 Q. Okay. So she stays with you overnight?

12 A. She stays with me currently. Yes.

13 Q. Okay. Every night? She lives with you?

14 A. Yes. Yes, ma'am.

15 Q. Okay. And so Monday, Wednesday, Friday, you take her for  
16 dialysis when you get off?

17 A. No. No. She gets off from -- she go to dialysis 4 o'clock,  
18 4:30 when they pick her up. When she come home from dialysis, I  
19 make sure she has the food and necessary care that she need when  
20 she come home.

21 Q. Got you. Okay. So about what time do you have dinner?

22 A. If I have a late day, I might have dinner 8. I'm in bed by  
23 9:30, 9:30, no jokes. I would be by 8:30, 9. So about 8 o'clock.

24 Q. So dinner's about 8 p.m. --

25 A. Yes.

1 Q. -- every night?

2 A. Around 8 p.m. Yes.

3 Q. And in bed by 9 p.m.?

4 A. Yes. No later. If I ain't in bed by 9:30, I'm done. I'm  
5 done, because 4 o'clock is in the door.

6 Q. Yeah. I'm with you.

7 A. Yeah.

8 Q. Yeah. Okay, good. So that's very helpful.

9 A. Yes, ma'am.

10 Q. Okay. And do you feel that you have enough time for a good  
11 night's rest?

12 A. Oh yeah. Definitely. Definitely.

13 Q. Okay.

14 A. If I feel that I'm not rested for my job at any given time --  
15 I don't miss time for the work, but if I feel though I'm not  
16 rested, I know I got to call that number. I got to call one of  
17 the conductors to get the number, because I don't use the number  
18 all the time.

19 Q. Yeah. And if you should feel sick, and calling in, do you  
20 get a certain amount of sick leave? And is it every year, or?

21 A. We just mark off sick. I don't mark off sick, so I don't  
22 know. I don't know. I think I might have marked off -- in 16  
23 years, I might have marked off five times sick.

24 Q. Okay.

25 A. So, you know.



1 Q. Okay, good. And we've already gotten your cell phone number.

2 A. Yes, ma'am.

3 Q. And I appreciate that. And that's the only cell phone that  
4 you use?

5 A. That's the only cell phone I have. Yes, ma'am.

6 Q. Okay. Thank you.

7 A. Yes, ma'am.

8 Q. And you mentioned that you work with a -- sorry. My  
9 questions, some are --

10 A. That's no problem.

11 Q. -- standard, and some are picking up --

12 A. You're good. Yes, ma'am.

13 Q. You've worked with him four or five times?

14 A. Yes.

15 Q. And that's been, starting when? The last couple of months?

16 A. I know I worked with him in January, on this job.

17 Q. Okay.

18 A. Some time in '17 -- I'm sorry, '18, 2018 I worked with him  
19 twice.

20 Q. Okay.

21 A. I'd have to look back in my timekeeper book to see.

22 Q. Do you know what month that would have been?

23 A. December, probably -- I was off of work eight days in  
24 December, vacation. It might have been during the Christmas  
25 holiday.

1 Q. Okay.

2 A. After the Christmas holiday time.

3 Q. Okay.

4 A. Because my other conductor was off. And it was sometime  
5 during the Thanksgiving holiday when conductor's off. I do know  
6 that. But it --

7 Q. Okay.

8 A. Yes.

9 Q. Good. Okay. And you mentioned that you had plenty of  
10 opportunity to talk with Keith that morning?

11 A. Yes, ma'am.

12 Q. And you haven't expressed any concerns. Did you have any  
13 concerns?

14 A. He was happy. And was nothing out the ordinary that I know.  
15 He was a very quiet person.

16 Q. Okay.

17 A. And he didn't open up to everybody.

18 Q. Okay.

19 A. And when he talked, he talked to us, to certain people. So  
20 that he talked to me, but it wasn't nothing negative, or nothing  
21 out the ordinary that I seen yesterday.

22 Q. Okay.

23 A. At any given time that I had worked with Mr. Gilmore, nothing  
24 out of the ordinary.

25 Q. Good. And do you happen to know about his family situation,

1 or if he might have had any stresses at home?

2 A. He never talked about his family. Never talked on --

3 Q. Okay.

4 A. -- nobody. I know that he had no kids. I did know that. He  
5 said he had no kids.

6 Q. Okay. All right. And do you receive any training from  
7 Norfolk Southern on how to detect fatigue in your coworkers?

8 A. Yes. We had a training on that several times, about fatigue,  
9 abuse for drugs, alcohol, or stuff of that nature. That's --  
10 we've been well trained in that.

11 Q. Okay.

12 A. Every -- you know --

13 Q. Good.

14 A. I wouldn't have nobody out there with me under the influence  
15 of any kind of drugs or tiredness, myself, because I hate to say,  
16 his life is in my hands at all times.

17 Q. Right.

18 A. At all times, when I have them with me, whoever they are.

19 Q. Okay. Thank you.

20 A. Yes, ma'am.

21 Q. And the -- following the accident, you mentioned that you  
22 called on the radio.

23 A. Yes, ma'am.

24 Q. And that help came from the folks here --

25 A. Everywhere.

1 Q. -- at the yard.

2 A. Everywhere.

3 Q. And you also tried on your phone to call emergency services,  
4 and --

5 A. Yes, ma'am.

6 Q. -- they had already been contacted, and they were --

7 A. Right.

8 Q. -- on the way. And then you mentioned, afterwards, that  
9 Gavin took you in his vehicle over --

10 A. Galen.

11 Q. Galen.

12 A. Yes.

13 Q. Over here to the crew room, in the yard office.

14 A. Right. Yes, ma'am.

15 Q. And then they took you for the tox test.

16 A. Yeah. That was --

17 Q. For FRA.

18 A. -- 2:30, or 2 o'clock. Yes.

19 Q. Okay. That was -- so what were you doing here in the crew  
20 room, in the yard office?

21 A. I wrote a statement. I was praying. I was hoping that he  
22 would survive. I had to go to the bathroom really bad for about  
23 three hours. I didn't know if I could go. But I found out from  
24 Trainmaster Joe Morse, I think it -- I think Joe was -- Chris,  
25 Chris Morse (ph.), Chris Morse that I can go to the restroom. And

1 then they came out 2:30, 2 o'clock and told me I had to take the  
2 FRA test down at the clinic on O'Donnell Street, and we went  
3 there. And that was the same (indiscernible), because I think  
4 several people was using this room, so I sat out in the crew room,  
5 right, with Mr. Dugan. We just sat out there, in the crew room.

6 Q. Okay.

7 A. And that was it.

8 Q. Thank you.

9 A. Yes, ma'am.

10 Q. I really appreciate you coming in to talk to us, and I'm --

11 A. It's no problem.

12 Q. -- very sorry --

13 A. Yes, ma'am.

14 Q. -- for the circumstances.

15 A. Yes, ma'am.

16 Q. Right now, are you back on your regular shift, working, or  
17 are you on time off?

18 A. I requested a time off today, to be off today because I  
19 wasn't going to try to work today. And they told me to come in  
20 today to meet with the individuals that are here, and be off  
21 company business.

22 Q. Okay.

23 A. I'm off the weekend, and I'll take each step at a time.

24 Q. Okay. And they've -- you have employee assistance that's  
25 available to you?

1 A. Yes, yes.

2 Q. And you've been advised of that?

3 A. Yes, ma'am.

4 Q. Okay. Thank you. That's all the --

5 A. Yes, ma'am.

6 Q. -- questions I have right now. We're going to do one more  
7 round, and Troy's going to lead it.

8 A. Okay.

9 BY MR. LLOYD:

10 Q. Still holding up all right, Mr. Smith?

11 A. I'm fine.

12 Q. Good to go?

13 A. I'm fine.

14 Q. Water in front of you.

15 A. I'm good. I'll have to go to the bathroom if I drink. I'm  
16 good.

17 Q. All right, so --

18 A. I'm fine. I'm fine.

19 Q. Just to keep things going, I have some follow-ups.

20 A. Yes, sir.

21 Q. And real quick, if you'd explain, what radio channels did you  
22 guys use on the day of the accident? Is it various channels, or  
23 just one channel in this yard?

24 A. The locals use 064, 064, which is Channel 2. That's the  
25 channel that we use for the locals, is Channel 2, with 064, 64.

1 Q. So that's the channels --

2 A. That's the channel that was on --

3 Q. 064, Channel 2?

4 A. Yes, sir.

5 Q. That was the channel you guys were on the whole time?

6 A. That's the channel I was on the whole time. Yes, sir.

7 Q. Through the accident?

8 A. Through the accident. Yes, sir.

9 Q. Okay. What equipment was the -- or you may -- what equipment  
10 was the conductor carrying at the time of the accident; do you  
11 know?

12 A. He had his safety vest on. He had his clear safety glasses  
13 on. He had his radio on, in his pouch. He had gloves on. I  
14 don't know what kind of gloves he had on. And he had safety shoes  
15 on, his regular work shoes that we're required to wear.

16 Q. Were they required to --

17 A. And he had his lantern. He also had his lantern. He had his  
18 lantern.

19 Q. Do they carry anything that's, that would be bulky, that  
20 would probably interfere with something that would be a close  
21 clearance, something that would probably catch on -- like the  
22 radio pouch, something that maybe hooks on his belt, that could  
23 easily be caught on something or -- I mean, maybe --

24 A. I'm not sure what type of radio belt, did he have the pouch  
25 the radio slides in, or did he actually have it onto his belt of

1 his waist. I'm not sure of that, sir. But I know he had on his  
2 regular jacket, and NS official vest.

3 Q. Okay. So following up on Mr. Cassity's question, just so I  
4 can get an understanding --

5 A. Yes, sir.

6 Q. How are new conductors qualified on physical characteristic?  
7 This is -- to me, this is a pretty big yard. So what kind of --  
8 how do they go through the physical characteristics and special  
9 instructions or special safety instruction rules, in particular to  
10 the Bayview yard?

11 A. They have a training coordinator that's assigned to the  
12 conductors. They give them maps. They also get maps of Port Row,  
13 maps of Amtrak. And whatever seasoned conductor they work with,  
14 or they sit down in the crew room, talk to engineers. They try to  
15 pick our heads of certain things. Each conductor they work with,  
16 they qualify them on the territories, just like you qualified at  
17 Dundalk, you qualified at Canton Railroad, you qualified on the  
18 locals.

19 And I'm on the north, the -- I'm on the, I guess you would  
20 call it the daylight local. There's a northbound local that goes  
21 north. And there's a A62 local when they call up, actually goes  
22 south. So you're qualified each one of these territories by the  
23 engineer's assistants and also the conductor's assistant and also  
24 by the maps.

25 You also qualify with the big maps we have in the yardmaster



1 office. Each individual yardmaster goes over the maps of  
2 territories when they give a new conductor paperwork, to show them  
3 what tracks they work on, or where these areas are. And that's  
4 very helpful to the new conductors. And they get a lot of  
5 information from everybody, the yardmaster, the trainmaster,  
6 conductors, along with the engineers. We all work together round  
7 here to make it efficient and safe as best as we can.

8 Q. So someone that's new, that's coming into the yard as a  
9 conductor trainee, does he work with a -- is there a mentoring  
10 process that he is assigned to a seasoned veteran for so many  
11 months, and he's doing a, you know, a nightly or daily evaluation  
12 on this trainee, he's doing this, he's not doing this? You know,  
13 a --

14 A. The mentor --

15 Q. A mentoring process.

16 A. The mentor assigns him to certain jobs, like the H63, might  
17 work this job a week or two weeks, and might work the H62 a week  
18 or two weeks, the HB01. Each job, the mentor assigns him a job.  
19 If there's a senior conductor there, they will get that training.  
20 If there's a senior conductor off, and there's a junior conductor,  
21 they're not going to be able to be on the ground with that person.

22 But the mentor and the trainmaster works with the new  
23 conductors, setting their schedule up as best as they can, to get  
24 the training from a senior conductor, as best that they can. And  
25 if they on the engine with us, they -- we try to help them out as

1 best as we can. Even when they get marked up, we try to watch  
2 them out, make sure they straight. If they're not even working  
3 with us, we try to give them a job briefing to assist them as best  
4 as we can out here.

5 Q. So with that said, there are some cases that a new conductor  
6 will go out on a nightly switching or -- and may not have a  
7 seasoned veteran watching what he's doing, making sure he knows,  
8 you know, do this, don't do this, don't ride on this side of the  
9 car, this -- here's a close clearance. This -- and there -- so  
10 sometimes he's, it's just that newer conductor and that engineer?

11 A. Yes.

12 Q. With no other mentor?

13 A. Sometime you got a new engineer just got marked up with a new  
14 conductor. It happens.

15 MR. LLOYD: That's all I have. That's all I have.

16 MR. BULL: Yeah, Mike Bull, FRA.

17 BY MR. BULL:

18 Q. Just a couple of quick follow-ups.

19 A. Yes, sir.

20 Q. I think you may have already answered them, but I just want  
21 to make sure.

22 A. Yes, sir.

23 Q. Your commute time from your house to here, how long does that  
24 take you? About, approximately.

25 A. Fifteen -- ten to fifteen minutes, I'd say, tops.

1 Q. Okay.

2 A. I'm close.

3 Q. Close enough. And you go to bed about 9:30 every night --

4 A. Nine o'clock.

5 Q. Nine or nine thirty.

6 A. Nine thirty, I'm done. Nine o'clock.

7 Q. I hear you. I'm with you there. So --

8 A. Nine o'clock.

9 UNIDENTIFIED SPEAKER: You sound like me.

10 BY MR. BULL:

11 Q. And you normally get a good night's rest?

12 A. Yes, sir.

13 Q. For the whole night. You don't wake in the middle of the  
14 night and --

15 A. I may go to the bathroom maybe two times a night, that's it.

16 Q. Okay.

17 A. Check on my moms, give or take a few. That's it.

18 Q. Okay. And the night before the incident, did you get a good  
19 night's rest that night?

20 A. Yes, sir. I was off early, and I was in the house. I might  
21 have -- I don't -- I didn't even see the 6 o'clock news that day.  
22 No, the -- from the night before.

23 Q. You worked 12 hours the night before?

24 A. Twelve hour -- no. I got off at -- 12 hours, yeah. I didn't  
25 even see the 6 o'clock news or the 7 o'clock news. I was in bed

1 before, I know, 8 o'clock, at least before 8, because I got  
2 something to eat on the way home.

3 Q. Okay. So, you had a good night's rest, and you felt alert  
4 when you came to work?

5 A. Yes, sir.

6 Q. Yeah.

7 A. Felt alert. Yes, sir.

8 Q. Would you consider that very alert, or somewhat alert?

9 A. I'm always alert, very alert. I'm on point.

10 Q. Good answer. That's all I have. Thank you --

11 A. Yes, sir.

12 Q. -- very much. Thank you.

13 A. Yes, sir.

14 BY MR. CASSITY:

15 Q. Mike, Jared Cassity again with SMART. I want to go back to  
16 the close clearance thing real quick. Does Norfolk Southern  
17 utilize physical close clearance signs anywhere on the property?

18 A. Yes, sir. There's a close clearance sign that's on the  
19 track, that tells you can't take multi-levels on the track. Now,  
20 around truck train -- don't hold -- I haven't worked truck train  
21 terminal in a minute, but I think there's a close clearance sign  
22 on the lower head of truck train or the top end. So on the very  
23 top end, when you first come in, it says -- I think it's an orange  
24 illuminated sign, yellow. I think it says close clearance on that  
25 too, sir.

1 Q. Okay. So you said earlier there's close clearance  
2 notifications contained in the special instructions of the time  
3 table?

4 A. Yes, sir.

5 Q. And now there's actually close clearance signs. Do you know  
6 where there is a close clearance sign? Is it also listed in the  
7 special instructions, or is that somehow separate?

8 A. It's in the same special instructions, Baltimore --

9 Q. Okay.

10 A. -- Terminal Consolidation.

11 Q. So there are some close clearances that are in the time table  
12 that actually have signs, and then there are some that are in the  
13 time table that do not?

14 A. Yeah, I do believe. There's --

15 Q. Okay.

16 A. -- a sign out on track for the, you can't take multi-levels  
17 down there. I do believe that real bright sign that's on truck  
18 train, don't hold me to it, I think is, it says close clearance  
19 and something of that nature.

20 Q. Okay. Would you have any idea why some are marked and others  
21 may not be?

22 A. I have no idea, sir.

23 Q. If not, that's fine. And just so you know, I'm a CSX  
24 employee.

25 A. Yes, sir.

1 Q. So I'm not real familiar with the NS training program. Could  
2 you very generally walk me through it, to the best of your  
3 knowledge? I know it's been 16 years. I'm sure there's been some  
4 changes. But new hire gets hired on and goes to Atlanta; is that  
5 right?

6 A. Yes, sir.

7 Q. And then does their book training, and then comes out to the  
8 property for on-the-job training?

9 A. I think they go straight three weeks, if I'm not mistaken.

10 Q. Okay.

11 A. They don't do like we did. We had a break in between. I  
12 think they go straight three weeks, go through the book process,  
13 take the signal test. Then they come back, get with us onsite, I  
14 do believe. I'm not too sure.

15 Q. Okay.

16 A. I think it's a three-week process. I'm not sure.

17 Q. You had alluded to the trainees being on the locomotive. Is  
18 that actually part of the training program, or is that just in  
19 circumstance where they happen to catch a junior conductor, and by  
20 rule they're not allowed to work with that conductor so they're  
21 isolated to the cab of the locomotive?

22 A. It's a safety feature. They can't be on the ground with a  
23 conductor that has less than a year's service. So they put them  
24 up in the locomotive with us, so they'll be safe.

25 Q. Do you know if that time in the locomotive counts toward

1 their qualification or the actual training?

2 A. That's something -- I can't answer that, sir. I'm not sure.

3 Q. Do you know what the determining factor is by NS standards  
4 for a conductor to become qualified to train another conductor  
5 trainee?

6 A. One year, I believe.

7 Q. One year? Okay.

8 A. And then it's, I think it's one year.

9 Q. Okay. I have nothing else. Thank you, Mike.

10 A. Yes, sir.

11 MR. FANNON: Randy Fannon. I have no follow-up questions.

12 MR. SMITH: Yes, sir.

13 MR. GOODEN: Dave Gooden, Norfolk Southern, no questions.

14 MR. SMITH: Yes, sir.

15 MS. GARCIA: Anne Garcia. I have no further questions.

16 MR. SMITH: Yes, ma'am.

17 MR. LLOYD: I don't have anything. Anybody else?

18 Mike?

19 MR. BULL: No, sir. I'm good. Thank you.

20 MR. SMITH: Yes, sir.

21 BY MR. LLOYD:

22 Q. Just a couple little follow-up, Mr. Smith, just --

23 A. Yes, sir.

24 Q. -- in the record here. So again, what was your train  
25 identification for that night?

1 A. H63H007, because today's the 8th, right? Yeah. The date,  
2 yeah, the 7, yeah.

3 Q. So we got H as in Henry, 63?

4 A. Yes.

5 Q. Then H again, as in Henry?

6 A. Yes. Zero --

7 Q. Zero, zero, seven?

8 A. Yes, sir.

9 Q. Okay. Do you take any prescription or nonprescription drugs?

10 A. Yes, sir. I take prescription drugs. Take nifedipine for  
11 high blood pressure, and I forgot the other name, metformin for  
12 diabetes.

13 Q. Okay. And we discussed your --

14 A. No other drugs.

15 Q. And what was your last certification date for your engineer?

16 A. I just got my ride, I want to say September of '17 or October  
17 '17 -- '18, I'm sorry. '18, I'm sorry. '18, '18, '18. I got it  
18 in my pocket, I think, or it's in my bag. It's September of 2018  
19 or October 2018, by Road Foreman Ogee (ph.), Mr. Ogee.

20 Q. Did your training prepare you for the requirements of this,  
21 of the job that you perform?

22 A. Yes, it did at the time. Yes, and above.

23 Q. I know you explained this earlier, but did you use your cell  
24 phone while on duty that day?

25 A. No, not till the incident, sir. Not till the incident.



1 Q. Do you consider this a safe place to work?

2 A. Yes, most definitely. In Baltimore City, where we at, yes  
3 sir. No joke. Baltimore, it's a safe place. Yes.

4 Q. Good.

5 A. We watch out for everybody around here. It's a safe place.  
6 Yes.

7 Q. And if anything, is there anything else that you want to add,  
8 so we can -- before we go?

9 A. I'm just sorry that Mr. Gilmore lost his life. I'm sorry for  
10 his family. I tried my best to watch out for him and all the new  
11 conductors as best as I can, when I have them. But, in this  
12 circumstances, I just don't know how it happened. I truly don't.  
13 And I'm just sorry it happened.

14 Q. I like to end on a learning note. If we can take anything  
15 out of this, what do you think could have been done different to  
16 prevent this accident from happening?

17 A. Maybe I could have got him a ride from the van driver. Maybe  
18 he could have walked. There's just so many things that could come  
19 up, you know, with a new guy, because most people ride. So I  
20 could have probably got him a ride, to ride back to the switches  
21 and double-check them to give me a car count. Or he could have  
22 walked, or anything. Or he could have asked for assistance. I  
23 don't know.

24 It's just so many -- it's a lot of things that I can't answer  
25 that, sir. But I probably could have got him a ride, or he could

1 have walked. I would stick with those two.

2 MR. LLOYD: Anything else, anyone?

3 All right, Mr. Smith. I'd like to thank you. This --

4 MR. SMITH: Yes, sir.

5 MR. LLOYD: Call this meeting closed, this interview closed.

6 Off the record.

7 (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 Michael Smith

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.



Pamela Jacobson  
Transcriber

3/21/2019

Interview Transcript  
RRD19FR004



I, Michael Smith, have read the foregoing pages of a copy of my testimony given during an interview relating to the accident that occurred on February 7, 2019, in Bayview Yard; Baltimore, Maryland, and these pages constitute a true and accurate transcription of same with the exception of the following amendments, additions, deletions or corrections:

<u>PAGE NO:</u>	<u>LINE NO:</u>	<u>CHANGE AND REASON FOR CHANGE</u>
7	23	Grasmick NOT Grassman
7	25	Grasmick NOT Grassman
8	1	Grasmick NOT Grassman
9	17	I not he
9	17	I gave him NOT gave me
9	18	protection NOT attachment
9	24	the next to the cab NOT go by the car

I declare that I have read my statements and that it is true and correct subject to any changes in the form or substance entered here.

Date: 3-20-19

Witness: 



I, Michael Smith have read the foregoing pages of a copy of my testimony given during an interview relating to the accident that occurred on February 7, 2019, in Bayview Yard; Baltimore, Maryland, and these pages constitute a true and accurate transcription of same with the exception of the following amendments, additions, deletions or corrections:

<u>PAGE NO:</u>	<u>LINE NO:</u>	<u>CHANGE AND REASON FOR CHANGE</u>
9	25	Remove the word lift
9	25	cab not cad
10	11	lined not live
10	16	length not lift
10	17	length not lift
11	20	lined not aligned
12	4	saying not seeing

I declare that I have read my statements and that it is true and correct subject to any changes in the form or substance entered here.

Date: 3-20-19

Witness: 



I, Michael E. Smith have read the foregoing pages of a copy of my testimony given during an interview relating to the accident that occurred on February 7, 2019, in Bayview Yard; Baltimore, Maryland, and these pages constitute a true and accurate transcription of same with the exception of the following amendments, additions, deletions or corrections:

<u>PAGE NO:</u>	<u>LINE NO:</u>	<u>CHANGE AND REASON FOR CHANGE</u>
13	24	Ponca NOT Parker
14	20	Grasmick NOT Grassman
15	3	38A NOT HP38
19	7	under <del>area</del> NOT ON
19	18	shop NOT shot
22	9	brought NOT bring
23	13	McClure NOT Macou

I declare that I have read my statements and that it is true and correct subject to any changes in the form or substance entered here.

Date: 3-20-19

Witness: 



I, Michael E Smith, have read the foregoing pages of a copy of my testimony given during an interview relating to the accident that occurred on February 7, 2019, in Bayview Yard; Baltimore, Maryland, and these pages constitute a true and accurate transcription of same with the exception of the following amendments, additions, deletions or corrections:

<u>PAGE NO:</u>	<u>LINE NO:</u>	<u>CHANGE AND REASON FOR CHANGE</u>
23	16	Porca not Parke-
24	5	Instructed & NOT instrumented with
24	12	7:11 AM not 7:11
25	14	7:11 AM not 7:11
24	3	2:30 PM not 2:30
30	10	H62 not 862
30	14	H62 not 862

I declare that I have read my statements and that it is true and correct subject to any changes in the form or substance entered here.

Date: 3-20-19

Witness: 





I, Michael E. Smith, have read the foregoing pages of a copy of my testimony given during an interview relating to the accident that occurred on February 7, 2019, in Bayview Yard; Baltimore, Maryland, and these pages constitute a true and accurate transcription of same with the exception of the following amendments, additions, deletions or corrections:

<u>PAGE NO:</u>	<u>LINE NO:</u>	<u>CHANGE AND REASON FOR CHANGE</u>
30	15	H62 not 862
31	3	Terminal not turn
31	12	6:30 AM not 6:30
38	23	Geddie not Gaddy
43	21	Tilley's not Tildy's
48	20	sick not SIX
52	25	Morris not Mouse

I declare that I have read my statements and that it is true and correct subject to any changes in the form or substance entered here.

Date: 3-20-19

Witness: 



I, Michael Smith, have read the foregoing pages of a copy of my testimony given during an interview relating to the accident that occurred on February 7, 2019, in Bayview Yard; Baltimore, Maryland, and these pages constitute a true and accurate transcription of same with the exception of the following amendments, additions, deletions or corrections:

<u>PAGE NO:</u>	<u>LINE NO:</u>	<u>CHANGE AND REASON FOR CHANGE</u>		
56	21	462	not	462
59	3	9:30 PM	not	9:30
61	10	Consolidated	Terminal	not Terminal Consolidation

I declare that I have read my statements and that it is true and correct subject to any changes in the form or substance entered here.

Date: 3-20-19

Witness: 