

UNITED STATES OF AMERICA

NATIONAL TRANSPORTATION SAFETY BOARD

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Investigation of: *

CSX EMPLOYEE FATALITY AT THE SEAGIRT *

MARINE TERMINAL IN BALTIMORE, *

MARYLAND ON JUNE 26, 2023 *

Accident No.: RRD23FR012

* * * * *

Interview of: DANIEL ALVAREZ, Engineer

CSX Transportation

Baltimore, MD

Thursday,
June 29, 2023

APPEARANCES:

RICHARD SKOLNEKOVICH, Accident Investigator
National Transportation Safety Board

ZACH ZAGATA
National Transportation Safety Board

JARED CAVE, Operating Practices Inspector
Federal Railroad Administration

JOSHUA QUILLEN
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MATTHEW MEADOWS, Senior Director, Operating Practices
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ROBERT EDWARDS, Director, Safety and Operating Practices
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SHAWN LAWTON, Investigator
BLET Safety Task Force

G.W. SCOTT BROWN
BLET Safety Task Force

JARED CASSITY, Alternate National Legislative,
Director/Chief of Safety
SMART Transportation Division

MARK CROUCH, Chairman
BLET Local 97
Representative for Daniel Alvarez

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I N T E R V I E W

1
2 MR. SKOLNEKOVICH: Okay, good afternoon. My name is
3 Richard Skolnekovich, I'm the NTSB operations group chairman for
4 this accident. Today we're conducting an interview with
5 Daniel Alvarez -- am I saying that correctly -- on the 29th of
6 June 2023 and Daniel works for CSX. This interview is in
7 conjunction with NTSB's investigation of the accident that
8 occurred on 26 June 2023. The accident reference number is
9 RRD23FR012. The purpose of the investigation is to increase
10 safety, not to assign fault, blame, or liability.

11 Before we begin our interview and questions, we'll go around
12 and introduce ourselves. I ask just spell out your last name and
13 your title. I'll start off and then I'll pass to my left. Again,
14 my name is Richard Skolnekovich, S-k-o-l-n-e-k-o-v-i-c-h.

15 MR. LAWTON: Shawn Lawton, L-a-w-t-o-n, BLET Safety Task
16 Force.

17 MR. MEADOWS: Matthew Meadows, M-e-a-d-o-w-s, Senior Director
18 of Operating Practices, CSX.

19 MR. EDWARDS: Robert Edwards, E-d-w-a-r-d-s, Director of
20 Safety and Operating Practices for CSX, observer.

21 MR. CAVE: Jared Cave, C-a-v-e, FRA, OP, observer

22 MR. ZAGATA: Zach Zagata, Z-a-g-a-t-a, NTSB, observer.

23 MR. CASSITY: Jared Cassity, C-a-s-s-i-t-y, Alternate
24 National Legislative Director for SMART Transportation Division.

25 MR. QUILLEN: Joshua Quillen, Q-u-i-l-l-e-n, FRA.

1 MR. CROUCH: Mark Crouch, C-r-o-u-c-h, BLET Local Chairman
2 97, Mr. Alvarez's representative.

3 MR. ALVAREZ: Daniel Alvarez, A-l-v-a-r-e-z, locomotive
4 engineer.

5 MR. BROWN: G.W. Scott Brown, BLET Safety Task Force,
6 observer.

7 MR. GALLIGHER: Joe Galligher, G-a-l-l-i-g-h-e-r, Senior Road
8 Foreman, CSX, observer.

9 MR. SKOLNEKOVICH: All right, Mr. Alvarez -- this is
10 Richard Skolnekovich. Mr. Alvarez, do you understand that we're
11 recording this interview today?

12 MR. ALVAREZ: Yes, sir.

13 MR. SKOLNEKOVICH: All right. And we have your permission
14 to?

15 MR. ALVAREZ: Yes, sir.

16 MR. SKOLNEKOVICH: Okay. And you understand you're going to
17 get a transcript of it and you'll be able to make -- read, review
18 it and then make corrections, you know, if you find something
19 outside the transcript?

20 MR. ALVAREZ: Yes, sir.

21 INTERVIEW OF DANIEL ALVAREZ

22 BY MR. SKOLNEKOVICH:

23 Q. Okay, so what we'd like to do now is go and get started.
24 What I'd like to do is just start off with a little bit of your
25 background, so could you tell me a little bit, how long have you

1 been on the railroad and, you know, what positions you've held and
2 what year you started?

3 A. Actually, I guess 25 years on June 22nd, I -- as a conductor,
4 work as a conductor as a year and a half before I went to engineer
5 school and then I work on the engineer --

6 Q. Can I ask you to speak up? It's difficult, a little bit
7 difficult hearing and we're worried about the recording. No
8 worries. So what year did you start, again?

9 A. I start on June 22nd, 1998.

10 Q. Nineteen ninety-eight, okay. Go ahead.

11 A. And I work as a conductor for year and a half and then I went
12 to engineer school and I work as an engineer to the present day.

13 Q. Okay, so that was what, about 2000, 19 --

14 A. I think it was December 2002. No, 2000.

15 (Crosstalk)

16 BY MR. SKOLNEKOVICH:

17 Q. Two thousand, okay. December 2000, okay. And when you first
18 got qualified either as a conductor or as an engineer, where did
19 you first get qualified at, territory-wise?

20 A. As an engineer or as a conductor?

21 Q. We'll just go with engineer, where did you get qualified at?

22 A. As an engineer, my first qualification was Richmond and
23 Philadelphia.

24 Q. Richmond to Philadelphia?

25 A. Um-hum.

1 Q. Okay. And then where else are you qualified at?

2 A. And then qualify Cumberland and New Jersey. And that's all
3 the ones I got, between the other companies (ph.) with the Capital
4 subdivision, metropolitan (ph.), regional, urban line, and that's
5 all.

6 Q. Okay, I'm going to put this a little closer to you, okay?

7 A. Oh.

8 Q. Okay. So currently, what is your current job assignment now,
9 what is the name of your job assignment?

10 A. I was working, I'm assigned to Y -- Y231.

11 Q. Okay. Okay, how long have you been on that job?

12 A. On the assignment?

13 Q. Yes, on 231.

14 A. That was what, maybe a couple weeks, I was working 131 and
15 then got displaced and work 231.

16 Q. Okay.

17 A. And that job, not continuous but, you know, sometime because
18 I got displaced, I working --

19 Q. So you spent a lot of time on 131 and 231 basically working
20 -- let me rephrase.

21 A. No, later on, I escort (ph.) those jobs because I was working
22 different jobs.

23 Q. I understand. So let me ask you this, I'll rephrase it, how
24 much time do you think you've worked in the Seagrit (sic)
25 intermodal facility? I know off and on, but if you could give me

1 a --

2 A. On and off, it would be more -- I work in the road, like 15
3 years in the road and then --

4 Q. Okay.

5 A. -- I work in the yard, I work 10 years.

6 Q. Fifteen years on the road, okay.

7 A. In the yard for in those years, you know, I work maybe a
8 week, couple weeks, and then they displace, work other jobs.

9 Q. Okay.

10 A. And go back again, so it's -- I came --

11 Q. So you've worked this facility pretty often off and on?

12 A. Yeah.

13 Q. Okay.

14 A. I'm working more facility, yes.

15 Q. Okay. And then you've been working Y231 for the last couple
16 of weeks, you said?

17 A. Yeah, I think it's -- I was displaced, I was working -- I
18 forgot what day it was, but I think it's more than a -- more than
19 a year because on and off I was working 231, got displaced, work
20 131 --

21 Q. Okay.

22 A. -- go back again 231, go to relief jobs and the relief jobs,
23 I work in the 231, too.

24 Q. Okay, so you've been kind of working back and forth --

25 A. Uh-huh.

1 Q. -- in and out of Seagrit --

2 A. Yes.

3 Q. -- over the last year?

4 A. Maybe around 3 years or 2 years.

5 Q. The last 2 years? Okay.

6 A. Something like that.

7 Q. And for the most part, working in the current area you're
8 working in now?

9 A. Yes, um-hum.

10 Q. Okay, okay. With that particular job assignment, over the
11 course of the last couple years have you seen a lot of rules
12 changes or is all the -- you know, the moves and the rules.

13 A. Rules changing, yeah, most every day --

14 Q. Okay.

15 A. -- all the time.

16 Q. Okay.

17 A. You know, it's really (indiscernible).

18 Q. Yeah. Any rule changes that stick out working in that area?

19 A. I don't think so, the last one, move is over three car
20 lengths from the equipment, I think it is, and then walk to the
21 cabin (ph.), something like that.

22 Q. Okay. Okay, so if you could, if you could just kind of walk
23 me through what type of work does Y231 do at Seagrit?

24 A. Y231, we do -- we do switching in Seagirt and then once we're
25 done switching, we take -- we go to the Canton yard, Canton yard,

1 take cars from there to Bayview and then bring back Canton to --
2 Canton's car to Canton yard and it's most all something --
3 sometime we do something extra like that day was especially, we're
4 supposed to do Coke, Tenax and Coke, but we never did. Sometimes
5 its miscellaneous job, mostly it's switching Seagirt and Canton
6 cars.

7 Q. Okay, so now you were talking about Coke, so Coke and Tenax
8 is the other one?

9 A. Yes.

10 Q. Okay.

11 A. It's extra, when somebody don't do -- when job assignment,
12 don't do the job, we maybe have time to do it.

13 Q. Okay. How often do you -- I know it's not part of the normal
14 assignment, it's just kind of an extra -- extra work?

15 A. Yeah.

16 Q. And so that crew might be assigned? How often does that
17 happen?

18 A. Not, not -- once in a while.

19 Q. Okay. Once in a while, once a month or once a couple of
20 months? Just estimate.

21 A. Maybe twice a month or maybe sometimes --

22 Q. Twice a month, okay.

23 A. Sometimes it's not --

24 Q. Okay. Do you feel that -- when you get those extra
25 assignments, do you feel that you and your crew are properly

1 prepared to do the extra assignments like Coke or Tenax?

2 A. Yeah, it's our job.

3 Q. Okay, nothing difficult?

4 A. No, it's not difficult, no.

5 Q. Okay, all right. Now, that particular day you -- you were
6 looking at getting those extra assignments.

7 A. Yeah, it looked like that because that was (indiscernible).

8 Q. Okay.

9 A. Not sure it was. We may, we may not. That was --

10 Q. Okay, all right. So it was up in the air?

11 A. Yeah.

12 Q. Okay. All right, so I'll kind of dive in to the day of the
13 incident. So we'll go ahead and start off when you signed up and
14 you guys do your job brief, can you give me kind of an idea of
15 what was discussed during the job brief?

16 A. That day, when I went over there, I did my orders and what's
17 his last name, Mr. Little, the trainee, he -- he give me the job
18 briefing, the tasks, what we had to do, you know, the switching
19 was not too bad and we may -- he told me we may do cold --

20 (Noise interference.)

21 MR. ALVAREZ: And then he say the --

22 BY MR. SKOLNEKOVICH:

23 Q. It's okay, just --

24 A. It was like me, normally, when our official came to the
25 engine before the conductor give me job briefing, I did the job

1 briefing to the official and I look at him, he was doing like me,
2 he go -- have the conductor give me the job briefing, what we're
3 going to do and I was impressed. And after that, I got my
4 paperwork and (indiscernible) and I went to get my engines ready.

5 Q. Okay, so when you went to go get the engines ready, did you
6 walk up there, did you drive up there?

7 A. I walk and I inspect my engines and I find out some --
8 something like, you know --

9 Q. I'm sorry, did you take any exceptions when you got up there
10 with the equipment, with the engines?

11 A. When I inspect the engine, one actually was a little out of
12 -- brake shoe was out of place a little bit, so I call the
13 yardmaster and I say hey, man, I need a mechanical to check this
14 out, mechanic to check this engine. And we waiting, mechanic
15 check, everything was okay, I think.

16 Q. Okay. Was it just one brake shoe?

17 A. One brake shoe, it was --

18 Q. Okay.

19 A. He told me I may need to report it later, but --

20 Q. Okay. Once you started making your moves, you started off
21 light, correct?

22 A. Yeah.

23 Q. Okay, so when you started off light, did you do any kind of
24 brake tests when you started moving the equipment?

25 A. Yes, running brake test on things.

1 Q. Okay. Can you just give me an idea of how you felt the
2 condition of the brakes were? At that point, you're only going to
3 have (indiscernible), so did you --

4 A. First, you -- when you are engineer, you test it for a while,
5 for an air test or thing and then you do a standing brake test and
6 then after the standing brake test, you do a running brake test,
7 you know, and after that, I ask Little (indiscernible).

8 Q. I got you. So did you have any exceptions --

9 A. But I got that one.

10 Q. Oh, I'm sorry.

11 A. Then we coupled to a car, we do the brake test on the cars
12 and then -- because one car had to come -- go to Bayview.

13 Q. Okay. Now, I guess --

14 A. Brake test, everything.

15 Q. I guess what I was asking is when you did your running brake
16 test, how did the conditions of the brake feel?

17 A. Oh, they felt good.

18 Q. Okay, they felt good.

19 A. Yeah.

20 Q. So I didn't -- you didn't feel they were --

21 A. No, sir.

22 Q. They weren't sloppy or anything like that?

23 A. No, they stop, they slow down.

24 Q. Okay.

25 A. All that, you know. Okay.

- 1 Q. All right. With the trailing (ph.) unit, was it on line?
- 2 A. Yes, sir.
- 3 Q. Okay. And it was all MU'd (ph.) up?
- 4 A. Yes.
- 5 Q. Okay. So when you did do your running brake test, did you
6 get any slack action from the second locomotive?
- 7 A. No.
- 8 Q. All the brakes came on?
- 9 A. Yeah.
- 10 Q. It came down smoothly? Okay. Now, once you did hook up to
11 equipment --
- 12 A. We got one car.
- 13 Q. Oh, it was just one car?
- 14 A. We got one car.
- 15 Q. Okay.
- 16 A. Uh-huh.
- 17 Q. All right. Did you do a continuity test once you hooked up
18 to the car?
- 19 A. The car, what did we do? Yeah, I think that car,
20 (indiscernible) shop car or something.
- 21 Q. It was a shop car, okay. Do you know what it was shopped
22 for?
- 23 A. No.
- 24 Q. Okay.
- 25 A. I don't know.

1 Q. Once you had coupled up, did you do a continuity test, you
2 know, on/off for that one car or did you just grab them?

3 A. Oh, yeah, he give me --

4 Q. Okay.

5 A. The conductor give me everything, so yeah.

6 Q. Okay. And no issues?

7 A. No.

8 Q. Okay. So then you took that car, was it -- which track was
9 that in, do you remember?

10 A. At the number 5 track.

11 Q. Okay, that was in 5 track.

12 A. Um-hum.

13 Q. Did you couple up in that track or did you go to another
14 track?

15 A. No, it already was coupled to the car.

16 Q. Oh, was it? Okay.

17 A. It was already coupled.

18 Q. And then where did you -- where did you take that to?

19 A. I think we took -- I think we do first, I think we finish 1
20 and 2, I think. We couple 1 and then couple 2 on the line, then
21 we (indiscernible) cars and then come back and then we going to 5
22 track, that was -- I think that what happened with him, the
23 accident.

24 Q. Okay, okay. So as you started collecting cars, you know, did
25 -- as you were collecting up more and more cars, did you feel any

1 difference with the brakes?

2 A. No.

3 Q. Okay, all right. Now, once you collected up -- this is right
4 before the incident, you collected up, so you were over on 2
5 track --

6 A. I think we going without -- we were going to shove back to --
7 I think we were going to shove back to 5 track, we taking cars to
8 5 track again.

9 Q. Yes, but before then, so before you were on 5 track, all
10 right, you -- the way I understand it is you came out of 2 track?

11 A. We pulled cars from -- we coupled 2 track, I think we pulled
12 cars from 5 and we took -- we pulled that car on because we
13 (indiscernible), but we couple again. We pulled track from 5, I
14 think, to -- to Track 8, something like that.

15 Q. Okay, what's --

16 A. Actually, that was more and then we finish with the 1 and 2
17 track --

18 Q. Yeah.

19 A. -- and then we come back, I think we should go back, put cars
20 on 5 because we put cars on 5, we put more cars --

21 Q. Okay.

22 A. -- after that and that track was clear, I think, we put cars
23 on 5 and he was giving me the commands.

24 Q. Okay. So let's kind of go there real quick. So let's think
25 about the last move when you went up to the diamond, right --

1 A. Okay.

2 Q. -- before the shove and the accident, okay, so --

3 A. I think we pulled cars from 2 because he made the car count,
4 like by the time I pulled, it was like 40 cars, I was past
5 Holabird Avenue, that was --

6 Q. Okay.

7 A. -- our pass. And then we start shoving back to -- he gave me
8 the command to shove back on 10 cars onto Track Number 5, to put
9 those cars on 5.

10 Q. Okay.

11 A. And then I shove back 10 cars, because it's 10 cars, I don't
12 -- a little bit over the speed, I was when I was about six --

13 Q. Okay, well, that's some of the questions I want to ask, so
14 before the shove, so you come out before the shove, right, and
15 then before the shove, tell me about your air, so did you set up,
16 how did you set up your --

17 A. I was set up, when they come within 10 cars, about 10 car
18 lengths, I started shoving back and then I put on a minimum.

19 Q. Okay, so you put on a minimum?

20 A. I put a minimum and then start shoving back.

21 Q. Did you bail (ph.) a minimum?

22 A. Yes, sir.

23 Q. Okay.

24 A. As always, I --

25 Q. Yeah, yeah. All right. And then about what throttle were

1 you in?

2 A. Maybe 2 or 3.

3 Q. Okay, so 2 or 3.

4 A. And then he gave me 10 cars back, so I started shoving back
5 and then he gave me another 10 cars, I started shoving back 10
6 cars, and then I wasn't sure if he say eight cars or five cars and
7 I started shoving back and went by Holabird Avenue and then I hear
8 like a muffled voice, something, listen voice very low on the
9 radio, I hear no, no, stop, no, no, stop. And I wasn't sure if it
10 was from my crew, so I stop because that's what require, when you
11 hear something, for me, you are to stop.

12 And I stop and when I stop, I'm not sure if I put independent
13 or (indiscernible) stopped the train. Then I hear another voice,
14 stop, so I stop and then the car went in emergency and then he
15 force his voice, I know something was wrong and then first, he
16 told me to back up three cars, but I thought I can't back up, I'm
17 in emergency and then he was calling the yardmaster for the
18 ambulance or something like that, you know, after -- I would not
19 move the train, anyway.

20 Q. Okay, so I'd like to go back, a little bit back to when you
21 started shoving back. Do you need a break?

22 A. No.

23 Q. Okay. All right, so you set a minimum, you build it, all
24 right, and then -- and you're shoving. How were you controlling
25 your speed as far as during the shove?

1 A. I was -- well, the last time when I check was like 6, 6.5, 6
2 something, that's what my speed was.

3 Q. Okay, so --

4 (Crosstalk)

5 BY MR. SKOLNEKOVICH:

6 Q. Yeah. So did you have to do anything, so did you just set a
7 minimum, put it in Notch 2 and --

8 A. Put it -- yes, uh-huh.

9 Q. -- just go back?

10 A. Yeah, shove back and because I know they were riding in the
11 rear so --

12 Q. Yeah.

13 A. -- that's why I had to put it.

14 Q. Were you using the throttle to, you know, maintain your speed
15 or did you just put it in the notch and just let it go back?

16 A. The (indiscernible), you know.

17 Q. Okay. But were you moving the throttle back and forth?

18 A. Throttle back on one, yes, it's not --

19 Q. Okay, so throttle off to slow it down, throttle on to --

20 A. Yes.

21 Q. Okay. Did you use your independent at all during the shove?

22 A. No.

23 Q. Okay.

24 A. No, that's why I had minimum.

25 Q. Okay.

1 A. So I can control more.

2 Q. So when you heard the muffled voices, is that when you went
3 to the independent?

4 A. I start --

5 Q. Or were you using --

6 A. I had just -- I'm not sure if I put it -- push everything and
7 put it in independent or -- yes, I start with independent --

8 Q. Okay.

9 A. -- because it was like I hear somebody say no, no, stop, no,
10 no, stop --

11 Q. Yeah.

12 A. -- very, very low and I was -- it was not -- it wasn't clear
13 in the radio until my conductor came in, but it was clear or
14 different.

15 Q. So let me ask you this, so when you're -- when you're
16 operating out there and you're working to spot your train, okay,
17 so is it pretty typical to set, you know, set some minimum or set
18 some air and then use the throttle?

19 A. If there's somebody riding, normally, if there's somebody
20 riding the cars, I put minimum --

21 Q. Okay.

22 A. -- so I can -- they'll ride for the conductors.

23 Q. And you control your speed with the throttle?

24 A. Uh-huh, yeah --

25 Q. Yeah.

1 A. -- because there's -- now, if I'm switching with nobody ride,
2 then I just use independent only to --

3 Q. Okay.

4 A. -- slow down.

5 Q. Now, let me ask you this, as you're -- okay, so you've got
6 your minimum set, you're using power to control your speed, as you
7 start slowly bringing that train to a stop, or that consist to a
8 stop, and you get -- you know, you're down at Notch 1 or whatever,
9 do you just stop it with the throttle or do you apply a little bit
10 of independent?

11 A. It depends on my speed --

12 Q. Okay.

13 A. -- depends on my speed, about 2 miles or 1 mile, I just put
14 independent.

15 Q. Okay. So that particular day, do you think you were starting
16 to use the independent, getting prepared to stop or only because
17 of the radio?

18 A. Because of radio, it was --

19 Q. Okay, because of the radio.

20 A. -- it was radio --

21 Q. Okay.

22 A. -- not prepare.

23 Q. So you weren't intending to use the independent to stop until
24 you heard that on the radio, you were just going to use the
25 throttle.

1 A. No, I was shoving back because like I hear like give me the
2 count.

3 Q. Yeah.

4 A. So when I -- now, so when I try to couple to the cars, you
5 know, and then I use independent --

6 Q. Okay, that's kind of what I was asking, yeah.

7 (Crosstalk)

8 MR. ALVAREZ: But no, it was not.

9 BY MR. SKOLNEKOVICH:

10 Q. Okay. So typically, when you're coupling --

11 A. I was shoving back.

12 Q. So when you're coupling or shoving and you're -- you kind of
13 stop at a spot, you'll throttle modulate and then you'd use the
14 independent at the very end to get the final stop, is that --

15 A. To final stop --

16 Q. -- what you normally do?

17 A. -- or when -- sometimes it's -- if I've got -- like I said,
18 if I put 10 pounds, okay, yeah, we're getting prepared to stop,
19 all right. Then like 5 feet to coupling, I release the 10 pounds.
20 When he told me 5 feet, I just pull independent lever (ph.), they
21 slap (ph.) couple to the cars.

22 Q. Yeah, okay. But you don't really mess with the automatic at
23 that point.

24 A. No.

25 Q. You leave the automatic -- okay.

1 A. No.

2 Q. All right. Was that kind of your plan that day?

3 A. No.

4 Q. Okay.

5 A. Unless we have an easy coupling.

6 Q. Okay.

7 A. No, no for hard.

8 Q. When you were shoving, could you feel any slack in the
9 equipment?

10 A. No. I had 6 pounds.

11 Q. Okay. Did you see any -- any movement between the cars
12 behind you and any kind of slack action?

13 A. No.

14 Q. Okay.

15 A. Not any, no, no, no.

16 Q. You didn't feel anything?

17 A. No, I had 6 pounds, it's not like normally when you hook up,
18 when you handle air, you feel the slack.

19 Q. Yeah.

20 A. When you have 6 pounds and I'm not -- he only gave me 10 car
21 lengths, so he made me take 20 car lengths and then I go close to
22 target speed, 9 miles an hour or close to 10 and then when he --
23 before I slow down (indiscernible) like I sit there, he said 20
24 cars and then he say 15 cars, yes, I mean, (indiscernible) speed,
25 so I'm watching my speed very loosely (ph.), now I put on a little

1 independent or --

2 Q. Okay.

3 A. -- if I need 10 pounds, I put 10 pounds for the slack.

4 Q. Okay, all right.

5 A. And then 10 car lengths is -- some guys, they give me 10 car
6 lengths but really, it's five car lengths.

7 Q. Yeah.

8 A. So that's why I don't -- I just keep a safest -- he's riding
9 (ph.) this up.

10 Q. Now, were -- were you expecting that with a trainee, that the
11 car counts might be off?

12 A. I worked the day before with him and he was good at counts.

13 Q. Okay.

14 A. We talk and he was like good for counts and --

15 Q. So he was counting you down pretty accurately?

16 A. Yeah, uh-huh.

17 Q. Okay. So on the day before, just as an estimate, how many --
18 how many cuts and moves do you think you did with the trainee?

19 A. With him alone, maybe it was 15, 15, 20 --

20 Q. Okay.

21 A. -- or something like that because he was --

22 Q. And did you --

23 A. The conductor wasn't there, sometimes he was.

24 Q. I got you. Did you have an engineer trainee the day before?

25 A. Yes, sir.

1 Q. Okay. Was he operating during that time or was it you or
2 were you splitting it?

3 A. No, it was the trainee all the time.

4 Q. Okay. All right. Do you feel that the engineer trainee and
5 the conductor trainee, they were doing everything the --

6 A. Yeah.

7 Q. -- way they're supposed to?

8 A. Yeah.

9 Q. Did you take any exceptions to it?

10 A. No.

11 Q. Okay.

12 A. No, he was doing good.

13 Q. Okay. So back to the day of the incident, based on the radio
14 communication between you and the conductor trainee, did you have
15 any issues or anything that made you nervous?

16 A. No, no. It was -- it was clear.

17 Q. Okay.

18 A. Communication with him was so clear, it was.

19 Q. Okay.

20 A. I understand when do car counts.

21 Q. Did you feel comfortable with him on the point --

22 A. Yes, sir.

23 Q. -- protecting the shove?

24 A. Yes, sir.

25 Q. Okay, all right. Was there anything in the previous moves

1 that made you concerned as far as the way that the conductor or
2 the conductor trainee were riding the equipment, like he had one
3 car, did they -- did they ride that car, did they --

4 A. They were riding the car, no problem.

5 Q. Okay.

6 A. That day was okay. I was watching them. Normally, when I
7 pull, I watching where they're riding and then it was -- I saw him
8 riding the one side and the conductor the other side, it was okay.

9 Q. Okay. So no issues, no exceptions.

10 A. No, no issue.

11 Q. Okay. Now we'll go back to the incident, so they told you to
12 stop, you brought the train to a stop and you used the
13 independent, is that correct?

14 A. In that moment, when I hear stop, I'm not sure it was the --
15 I put it automatic or I put the independent.

16 Q. Okay.

17 A. I just want to stop.

18 Q. Okay.

19 A. Okay, it was -- because I know I have 10 pound, minimum.

20 Q. Yeah.

21 A. I got 6 pound on it.

22 Q. Yeah.

23 A. All right. And (indiscernible) you are putting pounds, you
24 know, you just want to stop.

25 Q. Yeah.

1 A. In that case, I (indiscernible) I put it in independent or I
2 put it in the automatic.

3 Q. Okay.

4 A. I think I put it -- I think I put full service in --

5 Q. Okay.

6 A. -- for the automatic (indiscernible).

7 Q. So you went independent, then you went full service?

8 A. No, full service, then put automatic.

9 Q. Okay, so full service, then automatic. Okay.

10 A. Yes, sir. I think that's what it was because I was
11 (indiscernible) --

12 Q. Then the train went into emergency and --

13 A. After I stopped --

14 Q. Okay.

15 A. -- and the train went in emergency, I start to hear the
16 conductor, his words tell me to stop and the train went into
17 emergency at the same time.

18 Q. Okay, do you know why the train went into emergency?

19 A. He maybe, he maybe (indiscernible), I'm not sure.

20 Q. Okay, all right. I just didn't know if you knew, okay. Then
21 after that -- and this part is going to get a little bit more
22 sensitive, so if you want to take a break or if you don't want to
23 answer something, you're more than welcome not to. But this will
24 be with the communications between you and the conductor after --
25 you know, during the incident and afterwards. So the conductor

1 told you to stop, what were the follow-on conversations between
2 you and the conductor?

3 A. Well, he told me to stop and then he called the -- I hear he
4 call in to the yardmaster.

5 Q. Okay.

6 A. And calling to -- for the trainmaster, MTO.

7 Q. Okay.

8 A. And request an ambulance. That's what I hear them say.

9 Q. Okay. And you made a statement earlier about the conductor
10 asked to give you six cars and you said you were in emergency.

11 A. No, is -- I think when that happened, when they told me to
12 stop and then he -- and he's where he was, he told me to back up
13 three cars.

14 Q. Back up three cars.

15 A. Uh-huh. But he was -- his voice was like it was not in
16 control, it was like --

17 Q. So let me ask you this, did he --

18 A. -- panic, something like that.

19 Q. Okay.

20 A. And even I had -- you know, I would not make a reverse until
21 I know what's going on.

22 Q. Now, when he says --

23 A. Even --

24 Q. Oh, go ahead. No, go ahead. Are you okay?

25 A. Nobody -- in that moment happened a lot of things, we may run

1 through switch or (indiscernible) switch something like that, but
2 as far as a switch, I know I'm not backing up. And so I would not
3 move the train, anyway.

4 Q. I understand. So you weren't going to move the train --

5 A. No.

6 Q. -- but I'd like to get a -- clarify something. When the
7 conductor said back up, can you tell me, from your perspective,
8 what direction he's talking about and did he use the word back up?

9 A. Yeah.

10 Q. Okay. Do you know what direction he meant by back up?

11 A. Make a reverse move.

12 Q. Okay, so continue to shove or pull back the opposite way?

13 A. No, just back three cars.

14 Q. Okay.

15 A. And that is not nothing like --

16 Q. And did you understand what that meant?

17 A. For his voice, it was not -- it sounded like -- when you hear
18 somebody, like -- like a panic voice or something like that.

19 Q. Yeah.

20 A. I don't know, but I will not -- I will not do it.

21 Q. Okay. So what did you do?

22 A. Stop and (indiscernible) my air.

23 Q. Okay. And then you just -- so you left all the air alone?

24 A. And they (indiscernible).

25 Q. Okay. And then did the conductor contact you at all --

1 A. No.

2 Q. -- to tell you what happened?

3 A. No.

4 Q. Okay.

5 A. No. After a while, maybe, I don't know how many minutes,
6 I'll come and get you, all right. Then (indiscernible) call the
7 yardmaster and I asked him what's going on and then the yardmaster
8 told me -- told me there was some kind of problem with the
9 trainee, he said. Then he (indiscernible). And I said oh, okay,
10 but I (indiscernible).

11 Q. Do you need to take a break?

12 A. I'm okay.

13 Q. We can stop any time.

14 A. No, I'm okay, sir.

15 Q. Okay. Let me ask you this, so you're up on the head end, you
16 knew something had happened. Were you given any instructions
17 either by management or the yardmaster on what to do with the
18 equipment at that point in time or were you just sitting, sitting
19 in the cab, waiting for --

20 A. I was waiting in the engine. Nothing, nobody said nothing
21 until -- until the training mentor and the superintendent came and
22 gave me the news.

23 Q. Okay. And about how long after the incident was that?

24 A. I'm not sure if was an hour, hour and a half, I'm not sure.

25 Q. An hour and a half, okay.

1 A. It was over 2 hours, I don't know.

2 Q. And did they relieve you up there or did they just come up
3 and tell you what happened?

4 A. I stayed until 11:30, something like that.

5 Q. You were there until 11:30, okay.

6 A. (Indiscernible) 8 o'clock and it was 11:30 or quarter of
7 12:00, something like that, because I leave the office about 13,
8 something like that.

9 Q. Okay. Did you move the equipment anymore after that, after
10 you stopped, did you move the equipment anymore after that?

11 A. No, no.

12 Q. Okay.

13 A. I didn't move at all. I think the superintendent came and I
14 think it's -- an MTO told me (indiscernible).

15 Q. Okay.

16 A. I said (indiscernible). Then he isolated (ph.)
17 (indiscernible).

18 Q. Okay.

19 A. He already started to -- once I stop the air, when they told
20 me to stop in the accident, I (indiscernible).

21 Q. Okay.

22 A. And I think my superintendent told me to -- or the mentor
23 told me to (indiscernible) including the console, (indiscernible).

24 Q. Okay. All right. After this, did you hear any emergency
25 calls go over the radio or any -- anything over the radio

1 directing an emergency?

2 A. After this, no.

3 Q. Okay.

4 A. Everything was silence after that.

5 Q. Okay.

6 A. I hear somebody working in the yard, but --

7 Q. Okay. All right. Can you do me a favor, the watch is
8 banging on the table, so -- no, it's okay, it's just going to mess
9 up the recording, so --

10 A. That's my --

11 (Crosstalk)

12 MR. SKOLNEKOVICH: No, no, I understand. No, no, I
13 understand. I have no further questions.

14 Shawn.

15 BY MR. LAWTON:

16 Q. Shawn Lawton, BLET. Dan, thanks for taking the time today
17 for this. When you guys are working the Seagirt's terminal, is
18 there anything regarding special instructions or any train
19 operations on that property that you're aware of?

20 A. The work that we're on, the lights on, blow your horn,
21 crossings, because you know, (indiscernible) or the cranes operate
22 or they running crazy, but --

23 Q. Are those rules that -- where would I find, if I'm new to the
24 territory, where would I find those rules at?

25 A. Special instruction in the timetable.

1 Q. In the timetable, okay. You said when you heard the word
2 stop on the radio, it wasn't clear, do you guys have known issues,
3 radio or communication issues when you're doing moves like this?

4 A. No, nothing.

5 Q. Okay.

6 A. That, normally, some engines have problems with radios, but
7 that engine, I don't have an issue with the radio, it was clear.

8 Q. Okay. After you, the incident, stopped, how long was it --
9 it seemed like a decent amount of time, but what went on from the
10 time the incident happened to the time that you were physically
11 relieved and removed off the engine?

12 A. When the trainee gave me the command, like I say, I wasn't
13 sure it was eight cars or five cars laying back, and seconds after
14 that, I hear no, no, stop, no, no -- it's like somebody telling
15 the guy no, stop. It looks like it went like that, okay, but at
16 the beginning I hear something and then pretty much they say no,
17 no, stop, no, no, stop, and I stopped the train. And then the
18 conductor, in that second, the conductor came on the radio and say
19 stop, you know, so I'm not sure if he say my name or no, I just
20 hear stop, real -- very loud and clear. The other one was like --
21 it was like muffled, I feel like it was for another crew far from
22 the yard, not clear, not close to me, right there in the yard.

23 Q. Okay.

24 A. So maybe it was Mike on that because he saw the trainee
25 falling down and he said maybe stop, no, no, stop or -- I don't

1 know. But that is why I stopped.

2 Q. Okay, so from the time the incident occurred or you were told
3 to stop, you had said that you stopped and you heard transactions
4 on the radio of somebody trying to get hold of -- the conductor
5 was trying to get a hold of the yardmaster, but you were unaware
6 of anything --

7 A. That was after we stopped.

8 Q. Correct, so after you stopped, the conductor tried to get a
9 hold of the yardmaster via the radio and you said that you
10 eventually pulled out your phone, called the yardmaster to find
11 out what was going on. From the time that you stopped and he
12 yelled stop up until you were relieved by getting off the
13 locomotive, what went on in that time because it seemed like a
14 considerable amount of time that you were on the locomotive.

15 A. I don't know what happened behind me because I was -- I was
16 in the locomotive.

17 Q. No, what happened with you, what were you doing in the
18 locomotive --

19 A. Yes.

20 Q. -- from the time you stopped --

21 A. Waiting to get relieved.

22 Q. Okay. Did you fill any statements out, anything on the
23 locomotive?

24 A. About maybe 10:00, 10:30, something like that, maybe the
25 trainmaster came and made me do a statement for the police and for

1 the company.

2 Q. So CSX, somebody from CSX, the trainmaster and MTO --

3 A. Yeah, the trainmaster, Travis.

4 Q. -- took your statement on the locomotive?

5 A. Yes, uh-huh.

6 Q. Did you have -- you mentioned the police, did the police take
7 any statements from you in the locomotive?

8 A. No, the trainmaster came with those two documents and then
9 the police was waiting in the truck outside.

10 Q. Okay. So you, as far as I'm understanding, from the time you
11 stopped until the time you got off, you were left there the whole
12 entire time and you filled out a statement on the locomotive.

13 A. Yes.

14 Q. Okay. And then after you got off the locomotive, what was
15 the next steps?

16 A. The trainmaster -- the trainmaster -- what was his name?

17 UNIDENTIFIED SPEAKER: Barry.

18 MR. ALVAREZ: Barry. Trainmaster Barry take me to the
19 Seagirt, to the trailer.

20 MR. LAWTON: Okay.

21 MR. ALVAREZ: And that was it. I saw Mike over there, we
22 went to the office. The trainmaster told me to go home and we're
23 done, we can go home, but it was like quarter of 6:00 or something
24 like that. (Indiscernible) to my hours of service, hours already
25 opened -- hours already open in the computer so I can do my hours

1 of service, you know, something -- I think it's now 10 o'clock
2 or --

3 BY MR. LAWTON:

4 Q. So you didn't tie your slip up?

5 A. No.

6 Q. Somebody else tied your slip up?

7 A. Yes.

8 Q. Time slip, when I say slip, time slip.

9 A. When the conductor, I think it was -- my hours of service, I
10 can do it because I already was off duty.

11 Q. Do you have any idea who did that?

12 A. No.

13 Q. So when you left, you said an MTO came up, Barry, or an MTO
14 came up to you at the locomotive, what were the actions after you
15 got off the locomotive, where did you -- you said you ended up
16 back at Seagirt's?

17 A. Yeah, (indiscernible) bring another engineer, your relief man
18 and give all the information, both when you was isolated, there
19 was no -- I didn't put no hand brakes because I know they -- I got
20 a relief, but just in case, isolate both things and I told the
21 engineer that everything is isolated and no hand brakes are
22 applied, but (indiscernible).

23 Q. Okay, so you were face-to-face relieved by another locomotive
24 engineer?

25 A. Yes, uh-huh.

1 Q. Okay. So after you left the locomotive, did you meet back up
2 with your conductor?

3 A. Yes.

4 Q. And where was that?

5 A. In Seagirt, in the trailer.

6 Q. And what did you guys discuss?

7 A. Well, if I was okay, nothing with the cars, yes,
8 (indiscernible), sorry, sorry what happened.

9 Q. Okay.

10 A. I asked him if he was okay and I know he was -- he saw the
11 whole -- he saw the -- he saw the whole -- where it happened, you
12 know, it's nothing like --

13 Q. Okay.

14 A. It's -- yes. (Indiscernible). I know you saw what happened
15 and he told me he fall, he was falling and I said no more detail
16 because that -- I feel like I can ask more to him. He already had
17 -- he already had that occupation (ph.), I can -- I can --

18 Q. You need a minute?

19 A. I can talk to him, nothing about -- he already, you know, you
20 see somebody, somebody asking you, you're not --

21 MR. SKOLNEKOVICH: Would you like to pause?

22 MR. LAWTON: Just real quick, just give him --

23 (Off the record.)

24 (On the record at 3:13 p.m.)

25 MR. SKOLNEKOVICH: Okay, time is 3:13 p.m. and we are

1 beginning again after a pause.

2 BY MR. LAWTON:

3 Q. So when you were taken back by the MTO, back to meet your
4 conductor, where did you guys physically meet each other?

5 A. To the trailer in Seagirt.

6 Q. Okay. Where is the trailer in comparison to where the site
7 of the incident is?

8 A. Five hundred feet, five -- 600 feet, something like that.

9 Q. Is the trailer in view of the incident?

10 A. No.

11 MR. LAWTON: Okay. No further questions. Thank you.

12 BY MR. MEADOWS:

13 Q. Matt Meadows, CSX. Mr. Alvarez, thank you for coming today.
14 I don't have many questions. Do you remember the locomotive
15 number that you were on?

16 A. Three twenty-eight.

17 Q. And is that -- your controls, were -- was it the conventional
18 controls --

19 A. No.

20 Q. -- beside you or the tabletop?

21 A. Table.

22 Q. It's a tabletop control. Do you know if the van drivers that
23 carry the employees around, the conductor around, do they have a
24 radio?

25 A. I think they have. Yeah, some, they have a radio.

1 Q. Do you know where that -- where the van driver for your
2 conductor and Mr. Little, do you know where that van driver was
3 when you were shoving track 5?

4 A. When the first shove, when we do 1 or 2, there wasn't present
5 van, there was no van. But when I was shoving back on track
6 number 5, Mike told me to -- Mike told me, when I was -- when I
7 went to the trailer, even though I say what happened with the van,
8 you know, where are you riding back, he said oh, we're shoving
9 back to get in the van. Shove back to the yellow tie, so get off
10 and get in the van and going back. He asked for -- the van just
11 pulled to that track right there in that moment.

12 Q. And you found that out after you got to the trailer?

13 A. After that, yeah. So they never use the van.

14 MR. MEADOWS: That's all the questions I have. Thank you.

15 BY MR. CASSITY:

16 Q. Jared Cassity with SMART TD. I really just have one
17 question. When you're able to view conductors and you're working
18 in the yard there or at Seagrit (sic), do you ever see them get
19 tired or show physical exhaustion from holding on to those cars?

20 A. When we -- no. I work normally, I work when I shove back, I
21 will try to go -- try to go my track speed, move, you know, aside
22 (ph.). I don't -- I'm not real slow, so that would be too much
23 stress on the conductors, you know, depends, depends on how the
24 car lengths are he gave me. So that way I try to avoid because of
25 -- you know, because I was a conductor, too. Whenever somebody is

1 running very slow, it keep the other thing even (indiscernible),
2 you know, so I try to work with my conductors in that way, but at
3 the end of the day, we try to (indiscernible).

4 Q. Okay. And I do have one other question or maybe two. Was
5 there any maintenance-of-way type work being done in Seagrit when
6 you went on duty?

7 A. It was trainmaster doing -- we got -- I think it was -- we
8 got a blue flag and derail right next to the engine.

9 Q. Did you feel anything different after you were given
10 permission to move, anything that felt out of the ordinary,
11 lateral movement or anything like that?

12 A. No, it was -- it was okay because when they done everything,
13 they clean, that was the first time I saw when they brought --
14 with a blower airplane (ph.), the job was okay.

15 MR. CASSITY: Okay, I have nothing else, thank you.

16 MR. CAVE: That answered my questions already, so I have
17 none.

18 BY MR. SKOLNEKOVICH:

19 Q. Okay. Richard Skolnekovich, NTSB. Just one quick follow-on
20 question. For the area from the diamond down into the Seagrit
21 facility, what is the max authorized speed?

22 A. What is the max an hour?

23 Q. I'm sorry, say again?

24 A. Ten miles an hour.

25 Q. Ten miles an hour, is that restricted?

1 A. It's 10 miles an hour.

2 Q. Ten miles an hour or 10 miles an hour?

3 A. Ten miles an hour, so --

4 Q. Ten miles an hour.

5 A. -- they drop the speed, yeah.

6 Q. Okay. Do you have any signals in between, say, 5 track and
7 the diamond or is the diamond the first signal?

8 A. No, the diamond is the stop, stop and because it's a -- the
9 next train going by, so whatever (indiscernible). We had a stop
10 at the stop sign.

11 Q. Is it a controlled signal, is it pushbutton?

12 A. No, no, no, no, it's a stop sign. It's a stop sign.

13 Q. Stop sign. Okay, got you.

14 A. Yeah.

15 Q. All right, so it's not even a signal, it's just a stop sign.

16 A. No, a stop sign, yeah.

17 Q. Okay.

18 A. And before that, we had to stop all the time before we could
19 cross over the diamond.

20 Q. Okay.

21 A. And blow the horn.

22 MR. SKOLNEKOVICH: Okay, thank you. I have no further
23 questions. I'll put it around the room for any additional
24 questions.

25 BY MR. LAWTON:

1 Q. Shawn Lawton, BLET. Just one follow-up question. Have you
2 ever been trained in dealing with incidents like this, to better
3 understand what's expected of you, as an employee, as an engineer,
4 procedure-wise what is going to happen?

5 A. I always hear some, you know, accidents happen in different
6 places in the freight yards or (indiscernible), but training, I
7 never thought that would happen to me, okay, even I got military
8 background and, you know, but it's different situations with
9 working the railroad, you know, some trespassers or
10 (indiscernible), it's -- the feeling when you -- when you work
11 with somebody, you know, a coworker has an injury, that feeling is
12 totally different, like somebody -- like you have an assassin
13 (ph.) with a trespasser, you know, is that you never -- you never
14 want to hurt somebody, a coworker, a friend, like you talk with
15 always, who are with you all the time, you know. I never expected
16 it happen to me.

17 MR. LAWTON: I have no further questions.

18 BY MR. CASSITY:

19 Q. Jared Cassity with SMART TD. I just have one. Have you been
20 marked off on a critical incident by CSX and have you been
21 contacted by the employee assistance program or counselor?

22 A. Yes, sir.

23 MR. CASSITY: Okay, thank you. No further questions.

24 BY MR. SKOLNEKOVICH:

25 Q. Okay, Richard Skolnekovich, NTSB. Last couple of questions,

1 just your opinion, but based on what you know now, is there
2 anything that you know or you could add that might prevent this
3 type of accident from happening in the future?

4 A. Like I say, training, but even -- anyway, more training, I
5 guess. I don't know, maybe. This can happen in 1 second. The
6 program, a new trainee, I don't know, it depends, I'm not sure if
7 the individual or, you know, the personnel, some people are --
8 they didn't pass or they have (indiscernible). I thought some
9 trainees, they'll have -- they are training but they don't have no
10 clue what it is to work in the railroad.

11 Q. So with some of the trainees, you're saying that some of them
12 are fast learners, some of them are --

13 A. Yes. As an engineer, I work with new trainees regular.
14 Sometimes -- I try to work with those so I don't have to explain
15 so many times, and Mr. Little, he was a good guy, good employee.
16 I was thinking I could create one of the best conductors.

17 Q. Is there anything else you'd like to --

18 A. Training --

19 Q. -- add?

20 A. If I see some training, I guess. I always told my
21 conductors, you have a right, you don't need to ride the cars, you
22 know, use a van, use a ride, go to the -- you know, same location,
23 get off from the van, give me the instructions, stop and give me
24 another -- get another location and continue the move. And the
25 service, you know, even we have good training with practice, but

1 still something happen and -- it happened like in 1 second.

2 Q. Okay. We might have follow-on questions in the future, would
3 you mind if we contacted you if we had some?

4 A. No, sir.

5 Q. Okay. And we can use your phone number, we can contact you?

6 A. Yes, sir.

7 MR. SKOLNEKOVICH: Okay, I really appreciate it. So on
8 behalf of the NTSB, I want to thank you for your time and your
9 cooperation in helping us look at this accident for the purpose of
10 preventing it in the future. I realize this is a hard subject and
11 so I really do appreciate you coming down here.

12 So the time is currently 3:24 and that concludes this
13 interview.

14 (Whereupon, at 3:24 p.m., the interview concluded.)
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CERTIFICATE

This is to certify that the attached proceeding before the
NATIONAL TRANSPORTATION SAFETY BOARD

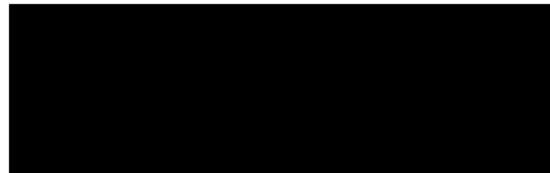
IN THE MATTER OF: CSX EMPLOYEE FATALITY AT THE SEAGIRT
MARINE TERMINAL IN BALTIMORE,
MARYLAND ON JUNE 28, 2023
Interview of Daniel Alvarez

ACCIDENT NO.: RRD23FR012

PLACE: Baltimore, MD

DATE: June 29, 2023

was held according to the record, and that this is the original,
complete, true and accurate transcript which has been transcribed
to the best of my skill and ability.



Karen D. Martini
Transcriber