

UNITED STATES OF AMERICA

NATIONAL TRANSPORTATION SAFETY BOARD

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Investigation of: *

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CSX EMPLOYEE FATALITY AT THE SEAGIRT *

MARINE TERMINAL IN BALTIMORE, *

Accident No.: RRD23FR012

MARYLAND ON JUNE 26, 2023 *

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Interview of: MICHAEL HARBIN, Conductor Mentor
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

JORDAN GIBSON
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BLET Safety Task Force

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SMART Transportation Division

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BLET Safety Task Force

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I N T E R V I E W

1
2 MR. SKOLNEKOVICH: Good morning, everyone. My name is
3 Richard Skolnekovich and I'm the NTSB operations group chairman
4 for this accident. We're conducting an interview today on
5 June 29th, 2023 with Mr. Michael Harbin, who works for CSX. This
6 interview is in conjunction with NTSB's investigation of the
7 accident that occurred at Seagrit (sic) intermodal facility on 26
8 June 2023. The NTSB accident reference number is RRD23FR012. The
9 purpose of this investigation is to increase safety, not assign
10 fault, blame, or liability.

11 Before we begin our interview, we'll go around the room and
12 introduce ourselves. Please spell out your last name and title,
13 I'll start off and then pass it off to my left. Again, my name is
14 Richard Skolnekovich and that is S-k-o-l-n-e-k-o-v-i-c-h, and I'm
15 the NTSB investigator, operations investigator for this accident.

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

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

20 MR. EDWARDS: Robert Edwards, E-d-w-a-r-d-s, I'm the CSX
21 Director of Safety and Operating Practices, observer.

22 MR. GIBSON: Jordan Gibson, G-i-b-s-o-n, FRA observer.

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

24 MR. CASSITY: Jared Cassity, C-a-s-s-i-t-y, SMART
25 Transportation Division.

1 MR. CAVE: Jared Cave, C-a-v-e, FRA inspector, OP.

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

3 MR. BROWN: G.W. Scott Brown, B-r-o-w-n, BLET Safety Task
4 Force, observer.

5 MR. GALLIGHER: Joe Galligher, Galligher, Senior Road
6 Foreman, Maintenance, CSX Transportation, observer.

7 MR. SKOLNEKOVICH: Go ahead.

8 MR. HARBIN: Michael Harbin, H-a-r-b-i-n, Conductor Mentor.

9 MR. SKOLNEKOVICH: Okay, I appreciate -- first off, I
10 appreciate you coming in, this will help us hopefully prevent this
11 from happening in the future. Before we begin, you do know this
12 is being recorded?

13 MR. HARBIN: Yes, sir.

14 MR. SKOLNEKOVICH: Okay. And that the recordings will be
15 transcribed and put in a public docket.

16 MR. HARBIN: Okay.

17 MR. SKOLNEKOVICH: Okay. So do we have your permission to
18 record it?

19 MR. HARBIN: Yes, sir.

20 MR. SKOLNEKOVICH: Okay.

21 INTERVIEW OF MICHAEL HARBIN

22 BY MR. SKOLNEKOVICH:

23 Q. All right, so what I'd like to do is start off with just a
24 few questions. Can you tell me about when you hired on with CSX?

25 A. I hired on in August of 2011 as a conductor in Baltimore

1 terminal.

2 Q. Okay. And then how long have you been a conductor?

3 A. I've been a conductor for 12 years.

4 Q. Twelve years. Have you held any other jobs like yardmaster
5 or anything like that?

6 A. No, sir.

7 Q. Okay. The territory qualifications, what are you qualified
8 in?

9 A. I'm qualified Baltimore terminal, Baltimore to Philly, the
10 Hanover Subdivision to Hagerstown, Baltimore to Richmond,
11 Baltimore to Cumberland.

12 Q. Okay. And those qualifications, is that -- was that part of
13 your conductor qualification?

14 A. It's part of territory that I've learned over my career.

15 Q. Okay.

16 A. I didn't learn it all at once, I mainly spent my entire
17 training, I believe it was 13 weeks when I hired on, in Baltimore
18 terminal alone, just learning the terminal.

19 Q. Okay. All right. So you started off at Baltimore
20 terminal --

21 A. Yes, sir.

22 Q. -- trained for 13 weeks and then did you get qualified on the
23 surrounding territory or did you just bid another job and you
24 qualified?

25 A. No, I got qualified on different territories. After the

1 terminal, I qualified Baltimore to Richmond.

2 Q. Now, was that part of your scheduled train qualifications --

3 A. No, sir.

4 Q. -- or were you bidding into something?

5 A. No, it was -- I probably worked the terminal for about 3
6 years at that point as a promoted conductor and then was asked to
7 qualify Baltimore to Richmond because of manpower shortages in
8 that pool.

9 Q. Okay. All right. Did you have to relocate to do that or --

10 A. No, sir, it was a pool that ran from out of Baltimore.

11 Q. Okay.

12 A. We would run to Baltimore to Richmond, stay in a hotel in
13 Richmond and then catch a train back.

14 Q. Okay. So you did that for 3 years. About what was the time
15 frame?

16 A. I want to say I qualified to Richmond in 2014. I've worked
17 that pool on and off for probably 3 years.

18 Q. Okay. So about 2017. And then from 2017 where were you
19 working?

20 A. I bounced back and forth between Baltimore terminal and then
21 was qualified Baltimore to Philly. Again, for manpower reasons,
22 they asked me if I could qualify Baltimore to Philly. I worked
23 that pool for a year, probably between late 2017 into late 2018.

24 Q. Okay. And then from 2018 until now.

25 A. I worked on the Hanover Subdivision in Hanover and would

1 bounce back and forth between Hanover and Baltimore.

2 Q. Okay. All right. And then your current position is trainer,
3 what is that title called?

4 A. Conductor Mentor.

5 Q. Conductor Mentor. Is that a permanent position by itself or
6 is that just an additional duty?

7 A. Yes, sir, it's been a full-time position since June of last
8 year.

9 Q. June of last year. How did you -- did you apply for that or
10 were you asked to do it?

11 A. I was -- I made the request to General Manager Shawn Ireland
12 and superintendant at the time, Paul Zuzich. I'd noticed the
13 training here in the terminal with the new hires, I -- to be quite
14 frank, I wasn't very happy with the kind of training that they
15 were getting.

16 I thought, you know, as a local chairman and a guy that's
17 been on the railroad for some time and had qualified on all the
18 territory that they would see, that I would be a good fit for the
19 position. I asked them if I could do it and they said yes.

20 Q. Okay. Did they give you any specifications of what they
21 wanted you to accomplish or did they just tell you to run the
22 program?

23 A. Yeah, it was pretty much take it over and let's see if we can
24 turn out some better results with the trainees. I manage their
25 schedules, I go in the field and work with them side by side. I

1 spend a lot of time with them in their first few weeks to make
2 sure that they understand the basic railroading, riding equipment,
3 getting on and off moving equipment, being able to make safe
4 couplings, just the basic 101 stuff.

5 Q. Railroad 101. Now, let me ask you this, is this just the
6 training initiative within the division or is -- are there, you
7 know, throughout CSX?

8 A. So it has grown. I asked Shawn if I were -- you know, if I
9 was able to deliver results that they were happy with, would they
10 expand the program and they have. We have mentors in
11 Philadelphia, we have mentors in the Boston area, we have mentors
12 in the Selkirk area, we have mentors in Cumberland, and that's
13 just on the Northeast Region that I know of. I know there's
14 others in Ohio, but that's -- those are just the ones that I know
15 in this area.

16 Q. Is CSX looking to expanding it or --

17 A. As far as I know, yes.

18 Q. Okay. Now, as far as the program itself, are you given
19 training materials or any kind of guidelines or objectives for the
20 mentoring?

21 A. No, sir. It's just I go out and teach what I've learned over
22 my career, I've taken the better parts of what I've learned from
23 the senior conductors that I learned from and had a lot of respect
24 from and I've kind of taught them, you know, the ways that I was
25 told and that's pretty much --

1 Q. Okay. Do you receive any support from REDI, whether it's
2 formal or informal?

3 A. No, sir. I received an e-mail from somebody at the REDI
4 Center, and I don't remember his name, about how many job starts
5 he would like to see on each assignment, on each yard job. I
6 didn't agree with him and I've kind of -- from a guy with the
7 experience here, as myself, I've worked every single job in this
8 terminal, I've worked every local in this terminal, I've worked
9 every road train through this terminal, I hate to say it, but I
10 know better than a guy down at the REDI Center, so I continued
11 down the same training path that I've been doing since June of
12 last year.

13 Q. The job starts they're talking, are they just talking about
14 the amount of time they're spending at any --

15 A. Yes. Yes, sir, he would -- you know, two days on the Y131,
16 three days on the Y127. The Y127 doesn't service the same
17 customers every day, they service Customer A and B on Monday, they
18 service Customer C and D on Tuesday, so if he only gets three
19 starts on that assignment, he's not going to see all the
20 customers. So I kept with the model that I created and they get
21 five starts on that assignment to make sure that they see all the
22 customers.

23 Q. So not to rephrase what you're saying, but basically, my
24 understanding of what you just said is you receive directives,
25 some directives from REDI but not any direct support, per se, with

1 it.

2 A. Correct.

3 Q. All right. Now, what about the division, the division that
4 you're in, so whether it's the -- a division management or local
5 managers, do you get any directives or training support from them?

6 A. The only real support that I've gotten is when I've requested
7 additional training they have accommodated me on that and that's
8 pretty much.

9 Q. What do they accommodate you with?

10 A. So after we had marked a guy up and if I -- even after they
11 marked up, I still spend time with them, being a newly promoted
12 conductor. If I notice that they're struggling in areas or I
13 don't feel like he's seen enough time in this area, I have made
14 phone calls to the superintendent or the general manager
15 requesting additional time and they have given me that.

16 Q. Okay. Do you have -- so when you're working with the
17 conductor trainers (sic), do you have access to like track maps
18 and timetables and stuff like that, or is that something that
19 they're required to get on their own?

20 A. No, I have access to all that. When I started the program, I
21 actually came up with a playbook, went around and took pictures of
22 all the industries, we used the drone to get overhead shots of
23 some of the industries, I would label the spots on that and I'd
24 give them each a playbook. The tablet that they are given at the
25 REDI Center, that has all the timetables in it, it has the

1 rulebooks in it, so there's -- there is paper copies, still, but
2 they're old.

3 Q. Okay. Are you involved in any of their territory
4 qualifications?

5 A. So part of the training that I do, I have access to the RQS
6 system, where I have to observe them doing 24 different -- I got
7 to test them on 24 different areas. So I go out and I observe
8 them and then I go back and put the report in RQS, whether they
9 passed or failed.

10 And then before we mark them up, they have to take two
11 additional, they have to take another 50-question rules test that
12 they take down at the REDI Center and they also have to take a
13 physical characteristics test, I proctor both of those exams and
14 make sure that they pass both before they can mark up.

15 Q. Okay, so it's REDI developed, but they're given locally on a
16 computer with a proctor?

17 A. Yes, on their tablets. Yes, sir.

18 Q. On their tablets, okay. All right, have you reviewed this
19 territory qualification test?

20 A. I had and I've made updates through Warren Rennick, who's the
21 superintendent, I've had him make adjustments because the rules
22 didn't match up to the updated -- the questions on the rules test
23 didn't match up and when I say rules test, the physical
24 characteristics test, didn't match up to the updated timetable
25 special instructions at -- you know, if a six-axle requirement, a

1 change in a customer and that question was on the test, you know,
2 "Are there any six-axle restrictions at Locust Point?" There are
3 now, whereas when this test originally came out, there wasn't. So
4 I would have him get with the rules department and make those
5 changes.

6 Q. Okay. With that in mind, when there are timetable changes,
7 is there any lag between timetable change and to the physical
8 qualification tests, are they updated, like is there any lag time
9 between the two?

10 A. Yeah, it's -- until I catch it, it's not -- it's not
11 automatically updated, the physical characteristics test is not
12 automatically updated to comply with the timetable special
13 instruction changes, so until I catch it when I proctor one of the
14 exams, I'm not sure if anybody's aware of it.

15 Q. Okay. So you locally update it through rules at REDI and
16 then they redo it and then put it back out into the rules exams.

17 A. Yes, sir.

18 Q. And then rules exams are conducted how often?

19 A. They are conducted, they have to take both of their exams
20 before they mark up from their training.

21 Q. Okay, two exams. So then to follow after that, how often do
22 they have to take those exams?

23 A. They have to take a rules test and a physical characteristics
24 test every 3 years as part of their recertification.

25 Q. Okay.

1 A. And they don't do that with me.

2 Q. I understand. So now what I'd like you to do is kind of walk
3 me through the procedure, so a trainee comes out of REDI, reports
4 in this area, and then walk me through the process where you get
5 involved and walk me through his training.

6 A. Okay, so from the REDI Center, Day 1, they have to meet with
7 me in -- not only am I the conductor mentor, I'm also the local
8 chairman, so Day 1 they meet with me as local chairman for
9 orientation day.

10 I take them around the terminal, we have four different yards
11 in this terminal, I take them around to each yard, I show them
12 around, I introduce them to the yardmasters. I explain, you know,
13 where to meet at in the crew rooms to meet with the crews that
14 they're going to be working with. I introduce them to the
15 yardmasters, make sure they understand they need to come up, meet
16 with the yardmaster, have a job briefing with the yardmaster, get
17 their paperwork from the yardmaster.

18 From there, I take them back to Bayview yard because that's
19 where we originally meet Day 1, is Bayview yard. I go through
20 their tablets, make sure that their timetables are updated and
21 current with the territory that they're going to see, which will
22 be Baltimore terminal, the Capital Subdivision, and Philadelphia
23 Subdivision. From there, I make a schedule for them, a training
24 schedule, they're scheduled to get roughly 40 yard starts to see
25 all four yards and each assignment multiple times. From there,

1 they get 20 road starts to see the locals that work in and out of
2 this terminal and the territory that covers from Baltimore to
3 Philadelphia, where they need to see an additional three yards
4 there, they need to see Wilsmere, RG, and South Philly. So in
5 their total 60 starts, they have to learn seven yards and how to
6 become railroaders at the same time. From there, I cut them loose
7 for that day, that happens on a Monday, they are started
8 immediately on Tuesday.

9 I give them a schedule that looks like this, it has what
10 they're going to be working. Below it I put all the assignments
11 on it, the on-duty location, the start time, all the contacts of
12 the managers here in the terminal, as well as my contact at the
13 bottom. After that, on Tuesday, I make sure I make my way
14 around.

15 I make it from -- I've gotten anywhere from one to four
16 trainees at a time, so Tuesday, Wednesday, Thursday, Friday I'm in
17 the field, all of my attention is with them to make sure that
18 they're grasping basic railroading 101, making sure that the
19 conductor that they're working with is very hands-on with them and
20 understanding that hey, they just started, they need to know how
21 to do their hours of service is important, that they're tying up
22 their tickets every day and reporting that accurately. From
23 there, Weeks 2, 3, 4, you know, I -- we're getting an influx of
24 trainees almost weekly, so my focus shifts to the new guys,
25 however, I'm still -- I'm still in the field side by side with

1 these guys, observing them. You know, I try and get eyes on them
2 at least once or twice a week, it's -- I'm kind of running all
3 three shifts here, we work a daylight shift, a second shift, and a
4 third shift on top of the locals and the road, so I'm constantly
5 chasing my tail trying to follow them along.

6 From there, as I'm observing them, I report in to RQS system
7 of what I've observed, whether they've passed or, you know, if
8 there was an exception there, multiple conversations with them
9 about, you know, some things that, you know, I may have seen, you
10 know, as far as, you know, questioning, you know, why are we, you
11 know, doing it this way and, you know, getting copies of their
12 switch list and asking them let's break the switching down, tell
13 me how, you know, how you would switch this out and then going
14 over and, you know, talking about maybe there's a better move
15 here.

16 Not only am I mentoring in the yard, I also go to the
17 customers, I drive to the customers and I'm in the facility while
18 they're in there, making sure that they understand all the spots,
19 you know, each customer has different spots. If there's spots
20 that are interchangeable, I make sure they understand you can put
21 a -- you know, a South 1 where this customer is requesting a North
22 2, that's interchangeable, so if it makes your switching easier in
23 the yard, you know, let's make sure that we're doing that. I hold
24 class in this room every other Friday with the trainees, we go
25 over rules, we go over timetable special instructions, I ask them

1 what they did their previous two weeks, we go through the
2 assignments, what they did, I drill them on those assignments.
3 You can't fool me, I've -- I know this terminal like the back of
4 my hand. So if I take exception to what they're trying to tell
5 me, I call them out on it. I do, I hold these guys accountable.
6 The training was very strict when I went through it just 12 years
7 ago. I had to take a handwritten test, closed book, on the
8 characteristics from Baltimore to Philly, I had to know my
9 signals. I didn't know if they were an absolute or intermediate
10 signal. I had to know my defect detectors.

11 So when I get them in this room and they've gone Baltimore to
12 Philly, I make sure that they can tell me the signals, I make sure
13 that they can tell me the absolute signals, you know, they know
14 the difference between an absolute and intermediate signal. What
15 I have them do is when they go out to the road and they start
16 learning their signals, I make them get three pens: a blue pen, a
17 black pen, and a red pen. The blue pen, you write your
18 intermediate signals; your black pen, you write your defect
19 detectors; your red pen, you write your absolute signals, so
20 there's no confusion on that.

21 Q. Question for you, so you said they have to have 60 starts.
22 What is their work schedule like, is that a 5-day week, is it a
23 6-day week?

24 A. Mostly, it's five on/two off, some -- you know, because now I
25 have such an influx of trainees and I -- at one point I had more

1 trainees than regular assignments, I would put them five on, one
2 off. The road guys, they're on call 24 hours a day. I have them
3 take two round trips, four starts, and they reach out to me, I
4 send an e-mail to crew management and put them on 24 hours of
5 rest. Two round trips, four total starts, I send an e-mail to
6 crew management, 24 hours of rest, to make sure that they're
7 getting their rest when they need it.

8 Q. Okay, so over the course of that time frame, so 60 starts,
9 what is it about the time line before they're ready to be marked
10 up? Generally, on average.

11 A. I want to say it's about two and a half months, it varies
12 because of the road starts and how frequently they're getting out
13 on the road.

14 Q. I'm just asking for on average.

15 A. Yeah, I want to say it's about two and a half months, maybe
16 about three.

17 Q. Okay. About two and a half months. Now, let me back up. So
18 you're not -- I got it you're out spot checking all these guys,
19 but the -- but they get assigned to conductors.

20 A. Yes, sir.

21 Q. Or crews.

22 A. Yes, sir.

23 Q. Are you part of that assignment to those conductors or are
24 they just filled with whoever's on that job?

25 A. No, they're just filled with whoever's on that job. They're

1 not set to a certain person, they're set to the assignment.

2 Q. Okay. All right, so let me ask you this, do you conduct any
3 training for the conductors that are on these assignments to work
4 with trainees?

5 A. No, sir, none of our conductors are trained to be trainers.
6 Myself, I've never been trained to be a trainer, I've just taken
7 the experience that I've learned over the years. I've been out
8 here for 12 years and I have an impeccable service record, I've
9 never been in trouble for anything, I've never run through a
10 switch, I've never been involved in a derailment that was my
11 fault. I've never had a manager come up to me and take an
12 exception to something that I was doing.

13 Q. Okay, so let me ask you this, do you feel, from your personal
14 experience, that there are varying degrees of experience with the
15 conductors that you're working with, with the trainees?

16 A. Oh, absolutely. We have conductors that have been promoted
17 in the last month up to 30-year conductors out here, so it's a
18 various range of experience out here. Unfortunately, over the
19 past year to year and a half, a lot of our old experience has
20 left, whether through retirement or has just left the company, so
21 overall, we are a generally young terminal, whereas when I came
22 in, it was a lot of seasoned vets here and so you got a wealth of
23 knowledge.

24 Q. I got you. So let me ask you this, do you give any guidance
25 or special instructions to the trainees regarding the varying

1 different levels of experience with the crews they're going to be
2 assigned to?

3 A. Yes, sir. So I've made it very clear that a trainee is not
4 to take a road train with an employee that has less than a year on
5 the railroad. I've gone through the mainframe with them, I've
6 walked them through how to look up trains that are to be called,
7 what they're being called for in the extra board where they're
8 going to be pulling these employees from, only because when
9 they're out on the road, I can't make it out there, so I don't
10 want two brand-new guys working together.

11 Unfortunately, in the yard it's really unavoidable because,
12 like I said, we've had so many seasoned guys leave over the past
13 year to 2 years, but I make it a point when I know I have two new
14 guys working together, that's where all my focus is at.

15 Q. Okay. All right, so let me ask you this. So with the --
16 with the trainees, when they get assigned, you give them some
17 guidance on with the crews, is there anything specific,
18 particularly dealing with shoving or riding cars? Do you give
19 them any kind of specific instruction outside of what they were
20 given at REDI?

21 A. So in the -- within the first couple weeks, I go out and I
22 observe them, how they're riding the equipment; if I have any
23 exception to how they're riding the equipment, I stop them, we
24 talk about it, we make the necessary corrections. I have them
25 demonstrate that they do know how to get off -- get off moving

1 equipment, on and off moving equipment, whereas I have them
2 control the move with the engineer, I have the conductor stand
3 with me and I -- you know, within a reasonable distance, I'm right
4 there watching them, on the radio, talking, making sure they're
5 complying with the rule and they're getting off with their trail
6 foot in case of an emergency where they do have to emergency
7 dismount, I can trust that they can do that.

8 Q. Okay. About how much time do you think you spend going over
9 those two things, shoving and riding cars?

10 A. We talk about it throughout the entire time when they're
11 training. There's actually a picture right behind you here with a
12 conductor climbing up on a covered hopper, I use that picture
13 almost daily of how this guy -- how do you ride the equipment
14 properly. We talk, we go over it almost every class. So it's
15 throughout their entire training, we talk about how to ride
16 equipment properly.

17 There's been a lot of -- we get a lot of different answers
18 from management of like how to ride tank cars properly on a shove
19 move, you know, is your foot to be on the platform, one foot in
20 the stirrup, one foot on the platform, or is your leg to be behind
21 the bar to protect you, you know, if there is some slack action to
22 where we don't have an incident like we had on Monday. We
23 actually -- I was over here at Curtis Bay in the crew room and it
24 came up again and guys were talking about it, if the air reservoir
25 was there, how do you position your foot, how do you ride that

1 comfortably, and my answer is if you can't ride a car comfortably,
2 you're not to ride it at all. I can't make it any easier than
3 that. If you're not comfortable, you're not to do it.

4 Q. Okay. So let me ask you this, you talked about -- you said
5 you went out, you would spot check the trainees and then you would
6 make on-the-spot corrections if they were doing something not per
7 rule or per standard, right? But now with the crews there, do you
8 feel comfortable and have you spot checked them, as well?

9 A. Absolutely. I've had conversations with employees that have
10 been marked up for 2 days, I've had conversations with guys that
11 have been out here for 29 years who I have a lot of respect for
12 and have a lot of respect for me. I have zero problem having the
13 uncomfortable conversations, okay, because I had the worst
14 conversation last night with Derek Little's mom that I've ever had
15 and I don't want to have that again.

16 Q. Understood. Do you need a break? Okay. With those
17 conversations with those conductors, have you had any pushback
18 either from, you know, from the craft or from managers or from any
19 entity, you know, when you made those on-the-spot corrections with
20 crews?

21 A. No, I don't get any pushback out of -- out of my coworkers
22 because, like I said, I have a lot of respect for my coworkers, my
23 coworkers have a lot of respect for me because they know, as a
24 local chairman, I'll fight like a badger for them, you know, when
25 they're in the right, you know, and they know that. So they have

1 a lot of respect for me, so they know when I go out here and I
2 preach safety to them and, you know, if I take an exception to --
3 if I see anybody, you know, and I take an exception to it, I'm
4 going to stop them and we're going to talk about that. And no, I
5 don't get pushback because it's not like, you know, "do as I say,
6 not as I do" because these guys understand, they know me, they
7 know that -- what kind of conductor that I am when I'm on the
8 ground, they know that I've never been in trouble.

9 So I practice what I preach, you know, if I tell you hey,
10 you're doing this wrong, I find generally a lot of times that
11 they're not really aware or they forgot that this -- you know,
12 it's a rule violation because the one constant around here is
13 change, you know, things are constantly changing around here,
14 rules are constantly changing, you know, timetable special
15 instructions are constantly changing, you get, you know, updated
16 system bulletins and notices constantly changing, you know, every
17 day, every week.

18 So you find that a lot of these guys, having gotten the job
19 briefings like we used to get through the MTOs, because a lot of
20 the MTOs are new, a lot of the MTOs haven't really spent any time
21 on the ground, you know, being hired right off of the street, you
22 know? So I do have a lot of peer-to -- a lot of peer-to-peer
23 intervention and I'm not afraid to have that conversation, I'm
24 just not.

25 Q. Let me ask you this, do you feel, in that respect or those

1 regards, do you feel that you get adequate support from local
2 management in both this training and the on-the-spot corrections
3 that you were just talking about?

4 A. I found that with this new O-testing (ph.) procedure that CSX
5 has, I found that a lot of managers, a lot of MTOs do have a hard
6 time having uncomfortable conversations. I found within the last
7 6 to 8 months that a lot of these guys, they'll go out and they'll
8 O-test and they'll find bad behavior, but they don't talk to the
9 crews about it. And to me, that's troubling because how do you
10 correct bad behavior if the guy doesn't know about it?

11 Q. Well, let me ask you this, on that note, why do you think
12 that is?

13 A. They're afraid to have the conversation.

14 Q. Okay. All right, let me rephrase it. Do you think that
15 they're afraid to have that -- from your perspective, afraid to
16 have that conversation because they're just not comfortable having
17 a bad conversation or because they rely on these crews to do a lot
18 of extra work and so they want to keep a good relationship so they
19 can get stuff moved on the -- moved quick?

20 A. No, because --

21 Q. Like is it mutually beneficial or is it just --

22 A. No, because they really don't have a relationship with the
23 crews.

24 Q. Okay.

25 A. When I hired on, it was nothing for a manager to walk into

1 the crew room and sit down and talk to the guys and ask about the
2 families and the sports that's going on with the kids and how are
3 the kids doing, and you don't get that interaction anymore. When
4 you see a manager, they're in their office with the door closed.
5 I was here from 2100 Monday night to 1430 Tuesday afternoon, I was
6 going around Tuesday morning and job briefing the crews on the
7 accident that had occurred.

8 Two MTOs were in the office at Bayview with the door shut. I
9 took it upon myself to go around and job brief these crews, okay,
10 because -- I deeply, deeply care about the safety and the safety
11 of my coworkers. I was young when I hired here, I was a kid when
12 I hired here and a lot of these guys took me under their wing and
13 we're a family out here, so I want to take care of my guys.

14 MR. SKOLNEKOVICH: Need to take a break?

15 MR. HARBIN: Yes.

16 MR. SKOLNEKOVICH: Okay, this time we're going to go ahead
17 and take a break.

18 (Off the record.)

19 (On the record at 10:18 a.m.)

20 MR. SKOLNEKOVICH: Okay, current time is 10:18, this is
21 Richard Skolnekovich, NTSB operations. We're going to reconvene
22 the interview with Michael Harbin, the CSX Conductor Mentor.

23 Thanks again, Mike. Once again, if you need to take any
24 breaks, just let us know and we'll go ahead and stop.

25 MR. HARBIN: Okay.

1 BY MR. SKOLNEKOVICH:

2 Q. So the last part we were talking about, we were talking about
3 -- we talked about assignments and the conductor assignments and
4 then some of the stuff that was going on with the training, and
5 then we started talking about O-testing and then we started
6 talking about manager interaction with the crews and the trainees,
7 you know, at the various different locations and I was asking you
8 about did you feel that you had enough support from managers,
9 particularly as far as, you know, just maintaining rules and
10 proper procedures for -- particularly in shoving moves. Do you
11 care to elaborate any more?

12 A. I feel like I've covered -- covered what needed to be covered
13 on that subject.

14 Q. Okay. So my next question for you is, is -- so the
15 conductor trainees, they come out of REDI and they're trained to a
16 particular level, right, and then they hand that off to you, as
17 far as you train. Are there any disconnects, how do you feel the
18 level of training is coming out of REDI compared to what they're
19 doing here?

20 A. They're so far behind the eight ball when they get here. The
21 training now is 4 weeks in Atlanta, they get 3 weeks inside, only
22 1 week outdoors and that's because I've -- I've asked them what
23 the training was like down at the REDI Center, I ask each of them
24 what kind of training that they get. It sounds like the average
25 class is between 40 and 60 guys. I get a lot of complaints from

1 the new hires that if they're on one side of the room, they can't
2 hear the instructor who's on the other side of the room, okay.
3 When they go outside for their field training, they -- it sounds
4 like there's two trainers out there with a class of 50. Okay, one
5 trainee is controlling a move, learning how to couple up, learning
6 how to lace air hoses, learning how to talk on the radio, the
7 other 49 are kicking rocks. So they're not -- they're not
8 learning anything that way.

9 When I went through it, we got 6 weeks, 2 weeks outside. One
10 week outside was just climbing up and down, they had like mock car
11 equipment down there where you would climb up and down ladders.
12 You would learn how to tie hand brakes, you would learn how to
13 lace air hoses before you got to the second week of learning how
14 to talk on the radio and controlling moves and at that time, we
15 had to learn how to emergency dismount.

16 And it was a group of maybe 20 or 30 of us, you know, 20 --
17 the class was half the size, they ran classes at that time around
18 the clock, all three shifts. I was a second shift guy, I worked
19 -- I trained from 1500 to 2300. The trainees, they're all
20 daylight and the class is 40, 50, 60 guys in this class with one
21 instructor in the room trying to talk to them and they can't hear.
22 And when I get them up here, I question them about what -- you
23 know, what they know, what they -- I find out what they don't
24 know, really. I find that they can't tell me the difference
25 between a transfer break test, a Class 1 break test, a Class 3

1 break test, they don't know that there's two different types of
2 knuckles, they don't know how to change a knuckle. They don't
3 know how to cut the air brakes out on a car, they don't know what
4 to look for in Class 1 brake inspection. I'm fortunately here in
5 Baltimore where I have a car shop here at Curtis Bay. I take
6 them, during their training, during one of our classroom sessions,
7 I take the whole group next door with the general port foreman.

8 We change knuckles, we know that there's two different types
9 of knuckles. We change air hoses, we know how to cut air brakes
10 out on cars. We know what to look for in Class 1 brake
11 inspection. So to say they're behind the eight ball when they get
12 here is an understatement. I kind of feel like I'm an instructor
13 at the REDI Center trying to teach them what they should have
14 learned and what I learned at the REDI Center.

15 I can remember the instructor, when I went through it, they
16 were so detailed about a Class 1 brake -- I'm thinking to myself,
17 I'm never going to be able to figure this out, I mean, they were
18 that thorough, they were that deep into it, and then I get to
19 Baltimore and I start my OJTs and I'm like oh, this really isn't
20 that big of a deal or, you know, oh, that's what they were talking
21 about. These guys, they don't have that moment, they don't have
22 the "oh, that's what he was talking about," because most of them
23 can't hear if the instructor's on the other side of the room.

24 Q. Okay, so the trainee -- when you go over to the mechanical
25 shops, you go over changing knuckles and stuff like that, do you

1 -- do you spend any time going over proper method to climb
2 equipment, ride equipment, control moves, you know, over the
3 radio?

4 A. I do that, I do that in the field within their first few
5 weeks, like I said, I need to be able to trust these guys that
6 they can get on and off moving equipment, that they do know how to
7 properly ride a car. I do the best I can, you know, within the
8 first few weeks to make sure.

9 Q. So let me ask you this, so when you do that, you're just --
10 you're just using what equipment is available?

11 A. Yes, sir, the cars that they're switching out at the time,
12 that's what we're using. So they learn on multiple, they learn
13 anywhere from a gondola to an auto rack. You know, what I have
14 available, what they have a hold of there, that's what we --
15 that's what I teach them on. If it's a tank car, that's -- you
16 know, we're going to learn how to ride this properly, you know,
17 we're going to learn where to properly position your leg on a
18 shove move on a tank car.

19 Q. Okay. Well, with that in mind, what about intermodal cars?

20 A. Intermodal cars. I do spend time on the Y131, which is the
21 daylight job at Seagirt. I can honestly -- I don't remember
22 taking a trainee by the hand and showing him how to properly ride
23 an intermodal car.

24 Q. Okay. Do you know of any specific instructions, whether
25 rules, policies, notices, or anything that details how trainmen

1 are supposed to ride an intermodal car during a shove?

2 A. No, I mean, there are certain intermodal cars that you can't
3 ride because the grab bar is not high enough above the platform,
4 but as far as in general, specifically to an intermodal car, no.

5 Q. Okay. All right, have you -- have you shoved the intermodal
6 car before?

7 A. Me, personally?

8 Q. Yes.

9 A. Yes, sir.

10 Q. Okay. Can you describe the platform and the -- and any
11 issues you have with riding an intermodal car during a shove?

12 A. There is one type of intermodal car that has a grab-bar
13 that's only maybe 6 inches above the platform that you just can't
14 ride, it's illegal to ride that. There's other ones that are, you
15 know, 12 inches above the platform and you're hunched over and
16 it's extremely uncomfortable to ride and I don't ride those
17 because it's -- you're never really in a good position, being that
18 hunched over and trying to talk on your radio and give a car
19 count, so those, I'll walk those.

20 There's others that have double grab-bars, vertical grab-bars
21 that you can maintain four points of contact until you have to
22 give a command either with a hand signal or over the radio, so
23 you're going from four points of contact to three points of
24 contact back to four, that's typically a pretty comfortable car to
25 ride.

1 Q. Okay. So out of all those, the last one you describe is the
2 one you feel is safe?

3 A. Yes, sir.

4 Q. Okay. Is that the same type of car that was involved in the
5 accident the other night?

6 A. Yes, sir.

7 Q. Okay. So you think that car is safe to ride during a shove?

8 A. Yes, sir.

9 Q. Okay. All right. So now, with the intermodal cars -- well,
10 with any car, crossing a grade crossing, is there any kind of
11 specific rules that detail what trainmen are supposed to do when
12 riding a car across a grade crossing?

13 A. So if the crossing is protected by gates and lights, you're
14 permitted to ride across that crossing, but you cannot be in the
15 stirrup, the bottom rung of a car or the bottom step of a
16 locomotive, you have to be elevated at least by one in case
17 there's an accident at the crossing.

18 Q. Okay. Now, the crossing the other night was a public
19 crossing, what are they supposed to do there? It's a public
20 crossing without gates.

21 A. Is it a crossing, because we -- I've never been told that
22 that is -- that's a crossing.

23 Q. I'm not here to tell you. I'm asking you.

24 A. Okay, so --

25 Q. You tell me what -- you tell me --

1 A. So that particular area, there is gates, there's not railroad
2 cross gates, but there is gates to the access there that during
3 the day are open and it's protected by a guard and she has a
4 remote that can turn the lights on there at the crossing. In the
5 afternoon, that gate is completely closed and there's no access
6 there. I've asked a handful of managers if they would consider
7 that a crossing or if they wouldn't. I got the answer "no, this
8 isn't a crossing and I wouldn't take exception being in the bottom
9 stirrup" or "yes, this is a crossing and it needs to be
10 protected."

11 Q. Okay.

12 A. You find a lot that if you ask five managers a question about
13 a rule, five different managers, you're going to get five
14 different answers.

15 Q. Let me ask you this, and I'm going to kind of rephrase the
16 question, so outside that facility, at a normal public crossing,
17 what are the requirements for trainmen riding -- riding intermodal
18 equipment during a shove, across the grade?

19 A. So if you are allowed to ride across the grade, you have to
20 be out of the bottom stirrup and at least elevated by one.

21 Q. And that's whether it's got -- whether it's a public open
22 without gates?

23 A. If there's no gates, you have to stop and protect the
24 crossing.

25 Q. Okay. All right. Now, back to what you were just

1 discussing, you're saying that at Seagrit, it's never really been
2 defined whether it's a crossing or not?

3 A. No, sir, because Seagirt's a little bit different because 90
4 percent of that yard is -- it's a crossing because there's asphalt
5 that comes up to the rail cap and trucks are driving over it, so
6 90 percent of that facility, you know, there's truck traffic and,
7 you know, so it's -- you never have been talked to about, you
8 know, what is considered a crossing down there and what isn't a
9 crossing down there.

10 Q. Okay. All right, so particularly for Seagrit and for the
11 area that we had the accident, can you kind of describe any
12 specific training working in that terminal that the trainees or
13 the conductors might receive during qualification and while they
14 operate down in there? Seagrit, specifically.

15 A. Just Seagirt.

16 Q. Seagirt, I'm sorry.

17 A. For me, when I'm down there, it's more of -- those jobs are
18 typically something that they hit on early, so that's -- I'm down
19 there -- you know, when I'm training, it's them learning how to
20 couple up, you know, either -- you know, with locomotives coupling
21 to the cars or making their double, lacing up air hoses, knocking
22 off hand brakes, you know, securing hand brakes, that's really
23 what I'm -- you know, what I'm doing down there.

24 Q. Do you walk the tracks and identify the track numbers and --

25 A. Yes, yes. I -- yeah. We do talk about the tracks, how many

1 tracks are down there. You drop all this information on them, you
2 know, Day 1 out of the REDI Center and so yeah, you make sure they
3 understand that, you know, 1 and 2 is here on this sleeve, 3/4 are
4 here on this sleeve, 5's by itself, you know, 6/7/8 here, 9 is the
5 service track for the locomotives, so yeah, we do go over that.

6 Q. Okay.

7 A. And the conductors that they're training with when I've been
8 down there, they've -- these guys, they're good, they're good
9 about what knowledge that they're giving them, they're good about
10 what they need to know at the time, what really doesn't pertain
11 and what they, you know, can learn down the road. It's a
12 brotherhood, we look out for each other.

13 Q. Let me ask you this. Part of that physical characteristic
14 walks and qualification, do you have any identified close
15 clearance areas?

16 A. So there's certain tracks down there you're not allowed to
17 ride when there's cars on the adjacent track. I'd have to pull my
18 timetable out and give you the exact tracks, but I do know
19 there's a few tracks down there when there's cars on an adjacent
20 track, you're not allowed to ride the side of equipment.

21 Q. So it's just cars or is there any infrastructure that has
22 close clearances?

23 A. No, sir.

24 Q. Okay, all right. And so once they get in there, they pretty
25 much operate on what tracks?

1 A. Primarily, between 3 to 8. The I138 typically yards their
2 train on 1 and 2, so that's locked out, blue flag and derailed for
3 them to unload those cars that come in and that's something else
4 that we talk about is, you know, make sure we're watching out for
5 the blue flags, the derails. You know, there's usually certain
6 times around 9:00 a.m., they're dropping the blue flags and we're
7 able to start our work down there with the Y131, we're grabbing a
8 cut of cars, taking them up to Bayview for the I031 to pick up and
9 keep heading to Richmond.

10 This particular assignment, the Y231, they typically wait for
11 the 137 to build their train up, that train heads west, it's a
12 Cumberland crew on that train, they head west, and those guys will
13 typically have a little bit of switching to do down at Seagirt,
14 you know, usually between Tracks 3 to 8 is where they'll make
15 their moves. I believe that night they did pull a cut of cars out
16 of 2 and they were shoving that entire cut of cars off of 5 track.
17 And then they leave there and they go to Canton and do a little
18 bit of work at Canton and take those cars up to Bayview.

19 Q. Okay. And I got a question. Do they have a crew room down
20 there?

21 A. Yes, sir, there is a crew room down there.

22 Q. With a fax machine?

23 A. Yes, sir.

24 Q. Okay. And do they typically do their job briefs there?

25 A. Yes, sir. The Bayview yardmaster controls Seagirt, so the

1 Bayview yardmaster will fax their paperwork down. Once the crew
2 receives the paperwork, they'll call Bayview, they'll have their
3 job briefing between the engineer, the conductor, and if there's a
4 trainee, they'll all have their job briefing. I've been present
5 for a handful of those job briefings, so they do a nice job with
6 that.

7 Q. Okay, so they get their -- any special instruction or
8 anything over the fax and then they get a switch list?

9 A. Yeah, so Ports of America is who's in charge down there and
10 Ports of America will fax the Bayview yardmaster what they need
11 done as far as switching, if they need cars moved over, if, you
12 know, we have to set a shop out of something, Bayview will just
13 forward that information along to the crews and then they'll call
14 and have their job briefing about what they're going to do, you
15 know, what's the first move going to be and so forth.

16 Q. Okay. From your experience, have you ever -- with the crews
17 working down at Seagirt, have they gotten, you know, a faxed
18 switch list and then have additional changes while they're working
19 throughout the day?

20 A. Oh, sure. Yeah.

21 Q. Okay. How often do you think that happens?

22 A. Down there, not too often, you know, they're pretty good
23 about it but just in general, you know, you're out there -- like I
24 said earlier, constant change.

25 Q. Okay.

1 A. Constant change.

2 Q. Now, from your experience, based on from where the crew, the
3 crew room is and they get their paperwork to that point up where 2
4 track and 5 track meet, I'm assuming they use a van to get up
5 there or do they walk? How do they normally get from the crew
6 room to the --

7 A. It varies by crew. Some guys will walk, some guys will take
8 a van, some guys drive their personal vehicle to 9 track because
9 that's usually where the locomotive is.

10 Q. Okay. Now, just in your own perspective, how long would it
11 take you to walk up there?

12 A. From 2, the --

13 Q. From the -- to 5 track lead to the crew room?

14 A. Five minutes.

15 Q. Five minutes. And then by vehicle, maybe just a couple of
16 minutes?

17 A. Oh, yeah.

18 Q. Okay. All right. Next question I got for you is, is Seagirt
19 itself, is there any kind of special instructions, rules,
20 policies, anything with CSX regarding operating inside of Seagirt
21 terminal?

22 A. Yeah, so you have to ring the locomotive bell constantly for
23 the truck traffic.

24 Q. Okay. Anything else?

25 A. Other than the -- you know, not being able to ride cars

1 beside of cars, when there's cars on certain tracks, nothing that
2 is sticking out. Now, when you're on the Penn Mary end, like this
3 crew was, there is a diamond that we cross with the NS, of course,
4 you have to stop and blow there and then if -- you have to make
5 sure and ask the yardmaster if Canton is still working, if they
6 are, you know, of course you have to call Canton over the radio
7 and check with them to see if you're okay to pull out 7 track.
8 Seven track in Penn Mary is the track -- is our running track that
9 we use for head room.

10 Q. Okay. Let me ask you this. So is there any policies or, you
11 know, written or unwritten instructions from Ports of America with
12 CSX crews operating in and out of the intermodal facility?

13 A. So for the daylight job, the Y131, they take a cut of cars up
14 to Bayview and hand it off to the I031, then they have to pick up
15 what the I032 sets off and take that back to Seagirt to yard, they
16 have to call them on their way, they have to call Ports of America
17 and make sure that they're okay to reenter the yard.

18 Q. Okay. All right. Now, your experience in Seagirt, how often
19 do you -- would you estimate that you've worked, whether as a
20 conductor or as a trainer, in the Seagirt intermodal facility?

21 A. When I was on the extra list, as a switchman here in the
22 terminal, I would catch the 231 pretty frequent. Back then it was
23 a little bit different, you actually built the 137 and would hand
24 it off to the Cumberland crew. As a trainer, I'd probably say
25 that I'm down there, I'd say at least a half a dozen times, maybe

1 more, each month, you know, with the trainees.

2 Q. So about six times, six to ten times a month?

3 A. Yeah, probably about six times, yeah.

4 Q. Okay, six times per month. Now, while you're down there,
5 have you seen any like local management compliance checks or
6 compliance tests down there?

7 A. Usually, when the managers know that I'm out there with the
8 trainees, they're -- I don't see them.

9 Q. Okay. When you're not there, do the trainees tell you of any
10 kind of compliance tests?

11 A. Yeah, I've gotten phone calls that, you know, the manager's
12 down there during testing and --

13 Q. Can you generally just talk about what kind of tests they
14 were conducting?

15 A. Nothing sticking out, you know. I think just overall making
16 sure, you know, the guys are down there doing the right thing, you
17 know, getting -- not found on equipment without having no three-
18 step protection and --

19 Q. Okay.

20 A. Yeah. I mean, Seagrit's a pretty easy yard, there's only
21 nine tracks there, there's not -- not a whole lot going on, you
22 don't do a whole lot of switching down there. Once you get your
23 train built, you know, there's just not a whole lot going on down
24 there, it's -- that's why, when I can, and I try and start them
25 all on the Y131 because it's the easiest job in the terminal. You

1 know, the 231's not that much harder, so I try to, when I can,
2 that's the jobs that they see first because, you know, you try to
3 bring them in easy and not cram too much of having to learn -- you
4 know, Curtis Bay, 57 tracks with the exception of a few taking
5 out, you know, Locust Point, you know, handful of tracks missing,
6 you know, Bayview there's a lot -- you know, lot of special
7 instructions at Bayview. Seagirt's are, by far, our easiest yard,
8 so I try to start them there and then gradually bring them along.

9 MR. SKOLNEKOVICH: Okay. All right, thank you very much. I
10 have no more questions.

11 BY MR. LAWTON:

12 Q. Shawn Lawton of BLET Safety Task Force. Mike, thanks for
13 being here, greatly appreciate your knowledge and it seems you're
14 very well in tune with the operation around the terminal. Can you
15 cover what the trainees are getting trained -- I guess, what is
16 their training in the REDI Center when it comes to climbing on and
17 off equipment, shoving moves, the different types of step rungs
18 and handholds on cars, foot placement, slack action, just their
19 whole -- anything in the REDI Center that would've trained on the
20 situation in hand in this incident. What would've been covered
21 and what needs to be covered?

22 A. So from speaking with the trainees about what they've seen
23 down there, it sounds like they each conduct one shoving move by
24 radio, it sounds like the instructors are using RCO locomotive or
25 shoving platform down there. As far as getting on and off moving

1 equipment, riding shoves, what these guys are telling me, they're
2 making coupling is, you know, what they've been telling me. So
3 are far as, you know, being prepared for this situation or having
4 any experience, I would say it's absolutely minimum.

5 Q. Okay. When they're down at the REDI Center -- and obviously,
6 I mean, in this industry there's all types of cars, intermodal,
7 box cars, tank cars, et cetera, do we know how much training they
8 have on each specific car as each different type of car has
9 different step rungs, to ladders, to just how the equipment
10 handles, whether it's cushioned under frame, whether it's not, do
11 they get into car specifics of hey, these are how these cars are
12 ridden and these are how these cars interact?

13 A. Yeah. From what I'm aware of, no, it just -- in general, it
14 doesn't sound like they get enough time outside, 1 week and 50
15 guys in a class and you're out there 1 week, no, they're just not
16 getting the experience that I was fortunate enough to get when I
17 went through it 12 years ago.

18 Q. Okay. With that said, we bring the trainees up out of the
19 REDI Center after 4 weeks and we're in Baltimore and it sounds
20 like you're pretty involved in more day-by-day learning and adding
21 to this training in here. How much time have you physically spent
22 when we -- Day 1 we do the orientation, Day 2 we get rolling in
23 the process of the on-site training -- how much training, as a
24 trainer, have you put in towards riding equipment, talking about
25 exactly what I just covered about the different types of cars and

1 how they interact and the on and off moving equipment and --

2 A. So as I stated earlier, their first week, two week, three
3 week, I'm spending a lot of time with the group that has just come
4 in and if there's a tank car that they have a hold of, they're
5 learning on the tank car and the safe way to ride the tank car.
6 If I circle back to them, I move on to the next trainee and most
7 of the time I circle back once they get to the customer and they
8 got hold of a gondola, we're talking about the gondola at that
9 point, the safe way to ride a gondola, is it safe to ride.

10 I'm fortunate enough here in Baltimore where we handle and
11 deal with every type of car here from auto racks to tank cars to
12 covered hoppers to box cars. As far as -- as far as how much time
13 it's -- I'm in the field with them the entire time, you know, all
14 of them, all of them. We talk about, I think, class, I use the
15 picture on the wall here with the guy riding the car. So I try to
16 do the best I can and as thorough as I can, and if I've identified
17 a guy that's struggling, I tend to spend more time with him or
18 I'll put him with one of the better conductors in Baltimore.

19 And I get feedback from -- I will call the conductors and
20 hey, how did Trainee So-and-So perform today and if he's telling
21 me hey, he's doing a great job, you know, that's great; hey, he's
22 struggling in this area, well, guess what area we're talking about
23 the next day. And, you know, a lot of times I'll kind of stand
24 off in the shadow just to see how they're working without me
25 watching them to see how they're doing it, because I find like,

1 you know, guys will work a little bit differently when I'm out
2 there, you know, so I try and, you know, they might not
3 necessarily know that I'm there, but I am there. You know, guys,
4 you know, will make comments, you know, "where did you come from,"
5 you know, and "hey, man, I've been here for 30 minutes," you know,
6 and I'll walk them through the move that I just watched and get
7 that interaction. So it's off and on throughout their training,
8 you know, dealing with shoving moves and riding equipment, but I
9 really hit on it the first few weeks because I need to be able to
10 trust them that they can do this.

11 I had a conversation a couple weeks ago with a conductor that
12 I go out there and the trainee's nowhere to be seen and it's
13 raining pretty good and I walked to him, where's the conductor at,
14 he's on the head end, you know, it's raining out and, you know,
15 and I said listen, I appreciate it, you know, and I appreciate the
16 concern, I said, you know, we need to be able to trust these guys
17 that they can do this. If we can't trust them during the training
18 or they get no training on how to ride wet equipment, I certainly
19 can't trust them out here on their own, you know. So I hope that
20 answers your question.

21 Q. Oh, it does, it does. And again, I don't want put in words
22 to your -- you know, words in your mouth. To me, it seems like
23 there's a huge disconnect and I'd like you to just at least answer
24 your opinion of the training that should be going on in the REDI
25 Center and what you're actually seeing show up in the field

1 because to me, when you explain what -- you them see coming out of
2 the REDI Center and we're coming up, do we know the basics of
3 railroading, of how to get on a car, off a car, what a piece of
4 rail is and a tie, I mean, do you see their knowledge coming out
5 of the REDI Center as ready to do that? Because getting on and
6 off and moving equipment is a daily operational thing that we do
7 and climbing step rungs and all, that is stuff we do every single
8 day and I get a sense in your hesitation that they're missing that
9 coming out of the REDI Center.

10 A. Yeah, I mean, they're certainly, like I said, they're far
11 behind the eight ball and a lot of us up here feel like that, we
12 kind of have to be REDI Center instructors because they -- what
13 they should've learned and what they actually have learned is not
14 the case.

15 For some reason, I find that the REDI Center instructors are
16 all from the South and, you know, nothing against that, but the
17 instructors, for some reason, they want to talk about agreements
18 and what claims are and, you know, what the run from Waycross to
19 -- you know, where -- that's information that these guys don't
20 need to -- they don't need to know that, they don't need to learn
21 it, it's two different agreements. You have the CSRA and then you
22 have what we are, the NMAD region. So I'm not sure why -- why the
23 instructors down there are talking about information that they
24 just don't need to know. They need to learn, you know, what a
25 transfer brake test is, they need to know what to look for in

1 class, they don't need to know about claims that don't pertain to
2 them. Or rungs that they're never going to see.

3 Q. When you're up in Baltimore and obviously -- and I don't want
4 to retrench a question a second time, but is -- obviously slack
5 action seemed to have played a role in the accident or it's a
6 topic of discussion. If you haven't trained guys on that or even
7 explained to a new guy what slack action is, is that something
8 going forward you see yourself getting into and explaining?

9 A. This has certainly been a learning experience and it is
10 something that I intend on spending an enormous amount of time on.
11 That being said, it's something that you learn from experience,
12 you know, how to, you know, prepare yourself for slack. You know,
13 empty coal cars, you can hear it coming, bang, bang, bang, you
14 know it's coming.

15 These intermodal cars, you don't really get that, you know,
16 there's not a whole lot of slack in those cars, you don't hear the
17 bang, bang, bang, bang, but as -- you know, as -- you aren't
18 experiencing -- as you're counting an engineer down, your grip's
19 getting a little bit tighter, you know, because you're expecting
20 it.

21 A lot of road engineers, they don't use air, they don't, they
22 just -- and they'll beat you up pretty good. And as a new guy,
23 you don't have the experience to tell the engineer hey, throw a
24 little air under them, okay, you're beating me up pretty bad back
25 here, you know. A lot of yard engineers who've been doing it for

1 a while, they know how to use air, they know how to control the
2 train, but, you know, when it comes to slack, it's something that
3 you learn with experience. Like I said, just naturally your
4 grip's getting a little bit tighter as you're giving the car count
5 and counting them down, you're bracing for it, you know, and it's
6 just something that I've -- without even realizing and thinking
7 about the accident and, you know, you play it over and over and
8 over and over again and, you know, for me, it comes down to
9 experience, you know, it's something that you learn over time.

10 Q. Now, obviously shove movements are either hand signals or in
11 this case radios are involved due to, you know, the engineer can't
12 see. Me, being a locomotive engineer, you guys, as conductors,
13 conductor trainees qualifiers, you are my eyes and ears back
14 there, okay.

15 Do we know what the REDI Center covers and what do you, in
16 Baltimore, cover when it comes to radios and explaining the eyes
17 on the rear end of the movement to these trainees and even the
18 conductors, you know, when they're in the training center, what
19 kind of training do they have, I guess, putting the radio to the
20 shove movements and explaining what you are to the engineer on the
21 back of one?

22 A. As far as the REDI Center, from talking with the trainees, it
23 sounds like they each get to control a shove move one time over
24 the radio. Now, when I get up here in the field, I explain that
25 to them perfectly clear, you know, you have to paint a picture for

1 that engineer up on the head end. If you're coming to a bumping
2 block, you know, you're going to make your safety stop and you're
3 going to let him know hey, we're going to be stopping short, you
4 know, to the end of the track and then we're going to finish our
5 move. The calmer you are on the radio, the calmer the engineer's
6 going to be on the head end. If you're frantic and panicked back
7 there, he's going to be frantic and panicked because he has no
8 idea what is going on back there. You have to paint a picture,
9 you have to paint a picture.

10 You know, I talk to these guys like we're in the crew room,
11 calm, cool, the calmer you are, the calmer he is. Paint that
12 picture, you know, because he might be coming in, in the industry,
13 with a bunch of air on the cars and he doesn't necessarily need it
14 because we're going to be stopping short. I don't want him to
15 waste all of his air, you know, when he's really going to need it
16 when we have to shove to the end of the track to spot this car up.

17 There's numerous places in here in Baltimore, we have to go
18 right to the end, you know, either up to the Willis (ph.) gates or
19 up to the bumping block or just flat out to the end of the track.
20 So I don't want that engineer wasting all his air away when he
21 doesn't need it. Hey, we're going to be stopping short, you know,
22 kick that air off, we're going to be stopping short, we're going
23 to be making our safety stop, okay, and then all right, we're
24 good, bring it back one more now, you know, and you're calm, calm,
25 calm. And I get on the radio and I demonstrate it, you know, and

1 then okay, it's your turn now, you know. And then as long as he's
2 controlling it, where I deem that it's proper, we'll talk about
3 it, you know, what he just did, if he did anything wrong, but if
4 he's got good control of it, I'll let him finish the move and, you
5 know, I critique all the time and I have to have the conversation
6 ahead of time, listen, I'm not criticizing you, okay. I'm going
7 to have critiques, you know, I've been doing this for a long time
8 and, you know, I've been very safe about it, so if I see something
9 that you're going to -- you're doing wrong, don't take it as
10 criticism, okay, I'm just critiquing you, okay. I want to set you
11 up to where if you choose to, I want to make sure that you have a
12 long successful career out here, okay, if you choose to.

13 So if I see you doing something wrong, we're going to talk
14 about it, you know, if I got to stop you in the middle of the
15 move, then -- and I've done that plenty of times, hey,
16 Mr. Engineer, bring me down to a stop and then we'll have the
17 conversation and if I feel like his head's in the right place and
18 he can finish that move, then I let him finish it. If I feel like
19 he's all over the place and he's scatterbrained, Mr. Conductor,
20 you need to take over. I'm going to pull him into the yard
21 office. I've done that, I've done it -- I had a trainee here that
22 for some reason, he would get on the radio and he would just start
23 walking around and talking to the engineer, come on back five
24 more, no, like bring it down to a stop. Go tether up to that car,
25 you're going to run yourself over. Over and over and over again,

1 this guy would do this. Conversation with management, we're going
2 to have to cut him loose, we're going to have to cut him loose.
3 As a local chairman, you know, it sucks, I mean it -- you know,
4 it's tough to make that call, you know, because I am a local
5 chairman and I'm here to protect these guys and I'm not -- if I
6 don't say anything, you're an enabler at that point, you're
7 enabling bad behavior, so if I see him doing something unsafe or,
8 you know, if it doesn't sit well with me, we're going to stop and
9 talk about it. If I don't like what I'm hearing, we're going to
10 have a further conversation.

11 Q. When you do your -- I believe, if I'm not mistaken, you said
12 on Day 1 you do orientation and take them around the yard, just
13 kind of give them a general --

14 A. Yes, sir.

15 Q. -- overview, "hey, either I failed to listen," have we ever
16 been -- do we take the trainees down to Seagirt's at all?

17 A. Yes, that's our first stop when we leave Bayview. Seagirt is
18 our first stop, I get them the address, if there's a door code, I
19 get them the door code. I explain to them hey, Bayview controls
20 Seagirt, I take them up to the yard office, show them around, this
21 is where you're going to report to, there's only two -- you know,
22 I let them know what crews report. You deal with the Y131, you
23 deal with the Y231. Bayview yardmaster controls this yard. Take
24 them in to where the printer and fax machine and the computers
25 are, this is where you get your work, once you get your work, you

1 call the yardmaster at Bayview. I show them the charging stations
2 to the radios because a huge pet peeve of mine are these chargers
3 that they take home -- because what they do, they leave their
4 chargers on the radio at home and then they get here and they
5 don't have their radio. So it's please, throw the charger away
6 when you get to work, put your -- you know, if you don't want to
7 put your charger on -- if you don't want to put your radio on the
8 charger, that's fine, here's a spare battery, you know, take a
9 penny, leave a penny. Take a battery, leave a battery, you know,
10 and -- so I'm as thorough as I can be.

11 From Seagirt, we move on to Locust Point, take them to the
12 yard office, get them the address, give them the door code, walk
13 them inside, this is the crew room, printer, fax machine,
14 computer. Bayview also controls Locust Point, okay.

15 From there we go to Curtis Bay, our largest yard, I save the
16 best for last and their head is spinning and, you know, oh my god
17 and listen, don't worry about learning the tracks here at Curtis
18 Bay, you'll pick up on 14 and 16 and 24 and 32, don't worry about
19 learning every track here. I didn't learn every track at Curtis
20 Bay and, you know, I always felt like I -- you know, I was a
21 pretty good railroader and, you know, I explained to them, I --
22 you need to learn the industries, you need to learn the customers,
23 you need to learn the spots, you need to learn the special
24 instructions, that's what I need you to focus on. You'll pick up
25 on certain tracks here, but you're -- don't stress yourself, you

1 know, about trying to learn this entire yard because you're not
2 going to do it. You're not going to do it while Mr. Conductor is
3 saying hey, go throw that switch and then go throw that switch
4 and, you know, you just threw 33 and 35, you don't know what
5 switches you just threw, you just -- you're doing what he's
6 telling you to do.

7 You'll learn real quick which ladder and which lead leads to
8 what tracks when the yardmaster tells you, hey, come in for
9 Brooklyn for 14, talk to the RCO guys, you know, on Channel 70.
10 And, you know, like I said, there's 57 tracks minus a handful that
11 have been taken out over the years, we have a coal pier, we have a
12 coal bottom that, you know, that they have to learn here.

13 Q. For your qualifications, how many times have you worked the
14 131, the 231, and traversed the Seagrit's (sic) terminal before
15 your trainer mentor, training mentor position, is a rough
16 estimate, you worked for years just a handful of times, how many
17 have you physically been down there?

18 A. Over the years, it -- I can tell you, I never marked up on
19 the assignments regular, either one of those assignments, they
20 were always the older guys, the Y131's the best job in the
21 terminal, you know, you got bad knees, bad ankles, that's the job,
22 you know, and it's all asphalt down there, you get a van that
23 assists you. The Y231, it was always the oldest guys in the
24 terminal took their jobs because you had a vehicle to assist you
25 and they were the easiest jobs. So on the extra board, yeah, you

1 would catch it frequently. I couldn't even begin to give you a
2 rough estimate, but I know my way around that if -- you know, I
3 mean, I know my way around there.

4 Q. So it's fair enough to say you've been down there plenty
5 enough.

6 A. Absolutely.

7 Q. You feel comfortable down there.

8 A. Absolutely.

9 Q. And you're very thorough on the detail, but specifically
10 talking to Seagrit's terminal, when you go down, and I know you
11 went through a very elaborate "what you do at Seagrit's," I don't
12 want to assume, so I'm going to ask you, when you're down there
13 with the crews and other locations, but Seagrit's specific, do you
14 explain some of the moves and how they're normally done and what
15 is the normal operations and normal conditions of hey, this is
16 what we do here, we ride, we walk, we van, do you cover that with
17 them on their orientation just to give them a quick brief?

18 A. During their orientation, Day 1, before I leave the yard, I
19 will run them over to where like the Y131 is working. Again, it's
20 -- this isn't a normal career, you know, you're kind of shell
21 shocked, you know, and you try not to drop too much on them at one
22 time. But I do take them over and I explain to them, you know,
23 hey, this is your UPS freight, this your FedEx freight, you know,
24 these -- you know, these are the important jobs and, you know, as
25 far as, you know, where to ride, where not to ride, no, because

1 you're dropping so much on them that they wouldn't retain it.

2 Q. Okay. Do you know if local management has any suggestions to
3 the crews or have talked to the crews on "we want you to ride, we
4 want you to walk," any special notices, anything around the crew
5 rooms that explain where CSX's position is on how their crews
6 switch out the terminal?

7 A. I know for a while they wanted us riding everything and the
8 mindset behind that is if you're riding you're less likely to roll
9 ankles, you're less likely to trip and fall. I've had numerous
10 conversations with managers here in the terminal about hey, you
11 know, I just watched so-and-so for 40 minutes and he didn't ride a
12 car not one time and I said well, so-and-so just marked up 2 weeks
13 ago, so-and-so has no idea where he's at, he's trying to learn the
14 yard and how do you learn it, you learn it by walking, you know,
15 you do. I can remember being brand new, I walked everywhere, I
16 wore boots out, I'd go through two set of boots a year, I walked
17 everywhere and guess what? It kept me out of trouble and it kept
18 me safe.

19 Q. Do you guys have specific maps with Seagrit's that you hand
20 out to the trainees in your training with them? When you give
21 them information about the Baltimore terminal, do you guys have a
22 physical map?

23 A. Yeah, there is a map, I turned them over yesterday, there's
24 -- it's more of like a hand-drawn map, I couldn't find an actual
25 CSX map, but there's -- I don't have that map of Seagrit and the

1 playbook, but there's access to maps, we have policies on maps at
2 Bayview and, you know --

3 Q. Okay.

4 A. -- we get them the playbooks and I get them the maps and to
5 be totally honest, you know, for me, maps always confused me, you
6 know. I was more of a boots on the ground, you know, walking and
7 asking questions, asking, you know, keeping notes. I'm very --
8 very -- I don't know the word I'm looking for, but when it comes
9 to notes, I tell them you better be keeping notes and I'm going to
10 call you out in class and I want to see the notes.

11 I have notes in my grip that are 12 years old that have
12 customers that -- I haven't worked on the Hanover Subdivision in
13 10 years, but guess what, I can go up there and service those
14 customers because I have those notes to go back on. And if they
15 can't provide me notes of an industry that they just seen the
16 previous week and they can't answer my questions, we're having a
17 conversation after class.

18 Q. It sounds like the Seagrit's terminal is -- and I could be
19 getting it wrong, that Ports of America kind of have ownership
20 down there?

21 A. Yes, sir.

22 Q. Do you know if they have their own timetable, own special
23 instructions, own rules that they want done on their property?

24 A. No, sir, we comply with CSX rules down there.

25 Q. Okay. Do you have any concerns of the facility down there,

1 walking conditions, lighting conditions, truck traffic, any of
2 that?

3 A. The truck traffic is pretty heavy in the morning and, you
4 know, I make sure I stress, when I'm down there, with "head on a
5 swivel," not only for the train traffic but also for the truck
6 traffic. Those guys don't -- you have cranes moving, you have
7 trucks moving, you have cars moving, those guys don't pay
8 attention. If you're not -- if the head's not on a swivel, it's
9 very easy to step out in front of something down there and to have
10 an incident.

11 But as far as lighting, no, the lighting is great down there.
12 Walking conditions, like I said, I think about 90 percent of it is
13 paved over for the truck traffic, so as far as safety concerns,
14 no. Now, we were down there -- I was down there about 2 months
15 ago with a local chairman out of Cumberland and we kind of did a
16 joint safety tour with two MTOs in the terminal and we identified
17 a couple switches that were hard to throw, I identified a gap
18 switch down there and Ports of America, they jumped on it right
19 away.

20 Q. Okay. Earlier, you mentioned an RQS system, what is that?

21 A. It's where I report -- it's where all management -- and I've
22 been given access, it's where when I go out in the field and I
23 observe them, there's 24 tests that you have to observe, and then
24 when I'm done in the field, I try and get back while it's fresh in
25 my head and report in to the RQS system. I'm not sure exactly

1 what it stands for, I just know it's RQS.

2 Q. Okay. So it's safe to say that between management and
3 yourself going out and observing trainees, each trainee may have a
4 report or may have observations of what they complied with, what
5 they haven't complied with, do you know or --

6 A. Yes.

7 Q. Okay. In dealing with the conductor, the trainees, what kind
8 of CSX-provided PPE, specifically to boots, are they provided?
9 Are they guided to what they should be wearing?

10 A. So as far as the boots, that's a conversation that I had with
11 them during our orientation. Comfort is key out here and if you
12 don't have good boots on, life is going to be miserable. I make
13 sure that they have, you know, the six-inch laced up with the
14 defined heel. If I notice that they're walking around in a pair
15 of Walmart boots, it's hey, we -- let's talk about the boots
16 situation. Hiking boots, no.

17 We're not wearing hiking boots out here, you know, I tell
18 them all get a decent pair of Gore-Tex boots that are slip
19 resistant on the sole and that will keep you from sliding on the
20 cars. As far as PPE, they come up here with their vests, with
21 their glasses. If I notice that they're wearing eyeglasses, I
22 make sure that they have the medical prescription form. If they
23 don't, I fill it -- you know, I print it off and I fill it out,
24 you know, I send them on their way to get their medical
25 prescription. I make sure that they have their air gauge, I make

1 sure they have their temple stick. Gloves, you know, I make sure
2 that they got gloves. Lanterns, you know, I make sure that they
3 got their lanterns. Radios, I make sure they have their radios.
4 I get their radios programmed, day one. I have probably a dozen
5 radios in my locker from trainees who haven't made it through the
6 program and what I do is hey, give me your radio, I give them a
7 radio, I go next door to Ken, I get their radio programmed and
8 make sure that they have all the radio channels that they need
9 here, the repeater channels, and then I show them how to work the
10 radio.

11 Q. Okay. Just a couple more questions. When it comes to CSX,
12 you had mentioned 40, 40 starts on yard work, on yard jobs around
13 the Baltimore area, and then we get into 20 starts including
14 locals, industry jobs, and road starts, if I'm correct. Since you
15 are very thorough, and it's very evident, if Mike was in control
16 of the Baltimore area and you had the say of how much training was
17 going to be provided to specific, what would you suggest above
18 those numbers of the 40 and the 20? What would you like to see a
19 conductor trained on and how long, and is there anything you would
20 do more as far as training time in Baltimore versus what it seems
21 to be with the 40 and 20?

22 A. I would double the starts, a hundred and 20 starts, they
23 would get 60 starts in the yard, they would get 60 starts on the
24 road. We're cramming a lot of information on these guys. Not
25 only are we cramming information on them, we're trying to teach

1 them how to be railroaders and there's nothing, you know, that you
2 could do, previous experience, to prepare you to be a freight
3 conductor.

4 Q. Do you think there's room for the overall training in the
5 CSX, coming from the REDI Center to here, that needs vast
6 improvement? Do you feel -- I've gotten the idea from what you've
7 explained, but --

8 A. So from experience, being the 6 weeks down there, the 2 weeks
9 that they have lost, those 2 weeks are crucial. The extra week
10 that you get outside of just climbing up and down the equipment,
11 they would take us -- when I was there, there was a mechanical
12 shop there and they would walk you through and show you the
13 knuckles and they would, you know, show you how to -- what to look
14 for on the brake tests, and we desperately need those 2 weeks back
15 at the REDI Center, we desperately, desperately need those 2
16 weeks.

17 I would like to see a wider range of instructors, I would
18 like to see some guys from the North who have experience with the
19 yards that, you know, all the yards that we deal with and the
20 industries that we deal with. Just from the conversations that
21 I've had and -- you know, it sounds like the instructors down
22 there, most of them work the road. So when the trainees get up
23 here, what are they expecting, they're expecting to go out on the
24 road and then when I hit them "well, you're starting in the yard"
25 and then I get a lot "well, that's not what they told me I was

1 going to be doing, that's not," -- you know. So I do get a lot of
2 pushback about that, you know, I'd like to see the 2 weeks at the
3 REDI Center, I think it's crucial that the 2 weeks need to come
4 back and they get an extra week outside, and I would like to see a
5 broader range of instructors, you know, from all different, you
6 know, territories.

7 MR. LAWTON: Okay. Greatly appreciate your time and
8 patience. Let me -- I'm complete now.

9 MR. HARBIN: Can we take a break?

10 MR. SKOLNEKOVICH: Absolutely. The time is 11:10.

11 (Off the record at 11:10 a.m.)

12 (On the record at 11:19 a.m.)

13 MR. SKOLNEKOVICH: Okay, the time is 11:19 a.m. and we just
14 came back off of a break of the interview with Mr. Mike Harbin.
15 At this time we'll go ahead and reconvene the interview.

16 BY MR. MEADOWS:

17 Q. So Matt Meadows, CSX Transportation. Mike, I don't know that
18 I can express enough of the appreciation of you being willing to
19 come in and share information with us today. I'm going to try to
20 stick to facts, you know, as the NTSB expressed, you know, we're
21 here to gather facts and not assign responsibility and things like
22 that. Saying all that, the first question is, I'm going to ask
23 you a little about your opinion, based on the things you said and
24 talking about how you interact with trainees here at Baltimore,
25 you're very thorough. Do you believe there's anyone in the union

1 ranks more qualified than you to provide that training here in
2 Baltimore?

3 A. Anybody in the union more qualified than me here in
4 Baltimore?

5 Q. Correct.

6 A. No, not here in Baltimore, there's nobody more qualified than
7 me. If there was, he would be in the position, I just want to be
8 very clear about that. Matt, I didn't do this for me, I did this
9 because I wasn't happy with the training that I was seeing that
10 these guys were getting. So if there was somebody more qualified,
11 you better believe he would be in the position.

12 Q. Thank you. There's been a lot of discussion so far about
13 REDI. Mike, have you ever visited REDI to observe the current
14 training program?

15 A. No, sir, but that's something I'd certainly be interested in.

16 Q. Are you aware of any FRA representatives visiting and
17 observing the training at REDI recently?

18 A. No, sir.

19 Q. At the REDI Center, are you aware if trainees are required to
20 taking pass examinations and quizzes prior to graduating that
21 program?

22 A. Yes, sir, they do have to take a hundred question final exam
23 that they have to score an 85 on. And I know that they have to
24 take weekly quizzes, as well, and they got to score an 85 on
25 those, as well.

1 Q. Do they have to maintain an acceptable average to be able to
2 graduate?

3 A. Yes, sir.

4 Q. If someone doesn't maintain that acceptable average, are they
5 allowed to continue their training and are they sent here to you
6 in Baltimore?

7 A. From experience of being at the REDI Center, if you didn't
8 maintain the 85 percent, no, you were cut loose.

9 Q. So when we go back to -- you went through crew training at
10 the REDI when you started your career, correct?

11 A. Yes, sir.

12 Q. So how many instructors were there per class when you were
13 there?

14 A. When I was there, we had two different instructors, we had
15 one instructor that did all of the inside training, learning the
16 rules, signals, and then we had a different instructor when we
17 went outside.

18 Q. So when you were in class, there was one instructor in the
19 class?

20 A. Yes, sir.

21 Q. When you were outside, there was one instructor with you
22 outside?

23 A. There was one instructor that ran the locomotive that we
24 didn't interact with and there was another instructor that stood
25 there with you while you were making your moves.

1 Q. So one instructor that was there to instruct students?

2 A. Yes, sir.

3 Q. How many people were in the class you were in?

4 A. I want to say there was probably 25 of us in the class.

5 Q. So you talked earlier about the class size and on those
6 outside activities, one instructor, you know, and I think you
7 estimated maybe there's 40 people plus in a class and that when
8 one person is doing an activity, the others really aren't
9 involved.

10 A. Yes.

11 Q. Was that any different when you were there?

12 A. They were a lot more strict back then. I can tell you, if
13 you weren't paying attention, you got a plane ticket ride home.
14 If you didn't grab the handrail when you were walking up and down
15 steps, you were on your way home. If you were on your cell phone
16 in the hallway, you were on your way -- it was a lot more strict
17 back then than what it is right now.

18 Q. But specifically, with the outside activities, there was one
19 person doing the activity at the time, correct?

20 A. Yes, sir.

21 Q. And the others weren't able to participate and it's a one-
22 person activity.

23 A. Yes, sir. Well, they paired us off in two back then, I want
24 to -- so you had like a partner, so it was two trainees and an
25 instructor and you guys would, you know, communicate and make the

1 moves together.

2 Q. So I want to jump back to your current activities. As the
3 conductor mentor, do you have regular interactions with the
4 managers here at Baltimore concerning the trainees, their
5 schedules, things of that nature?

6 A. Yes, yeah. I regularly talk to certain managers, yes.

7 Q. So you mentioned RQS, for the record, that's Regulatory
8 Qualification System.

9 A. Thank you.

10 Q. You have access to that system?

11 A. Yes, sir.

12 Q. Did you develop those 24 items that they have to be
13 proficient on?

14 A. No, that was already -- that was already created. I just go
15 through and check them off as I observe.

16 Q. When you observe the trainees, have you had instances where
17 the trainees were not proficient when you observed them?

18 A. Yes, sir.

19 Q. Do you mark that in RQS?

20 A. No, sir, I have a conversation with them and then I go to the
21 manager, I believe that that's management's position to, if they
22 want to put in negative marks on that trainee. But if I observe
23 something that they're not doing correctly, it's a conversation
24 that I have with the trainee and then I let the manager know what
25 I've observed. And then, my thought process behind that is I'm

1 hoping I get some help out of that manager and then he goes and
2 watches.

3 Q. So if you observe a trainee who's not proficient at an item,
4 you inform the -- you provide additional instruction to the
5 trainee --

6 A. Yes.

7 Q. -- and have that conversation.

8 A. Yes.

9 Q. And you also inform a manager.

10 A. Yes.

11 Q. Is it a specific manager in this area or is it any manager?

12 A. It's mostly the more senior guys, Greg Anderson, Cory Warren,
13 of course, Warren Rennick, who I have a lot of interaction with.
14 I probably had more interaction with Warren than everybody else.
15 I just had an interaction with him on Monday about wanting to be
16 -- you know, to be totally honest with you and let you know what I
17 observed and I'm going to be quite frank, there was one that, on
18 Day 1, I wanted to get his radio. I wasn't allowed, but that's
19 what I wanted to do.

20 Q. So if they are proficient, you will go into the system and
21 show they're proficient on that item.

22 A. Yes. Yes, sir. I've --

23 Q. If they're not, if they're not proficient, you will not show
24 that, you will pass that to the manager.

25 A. Correct. I will leave that up to the manager's discretion.

1 Q. Mike, I want to go specifically to Mr. Little at this point
2 and if at any time you need a break or a time, you just tell me.

3 A. Okay.

4 Q. How long had Mr. Little been training at Baltimore?

5 A. In Baltimore, I want to say about a month and a half. I
6 believe, if I'm not mistaken, he had 34 starts.

7 Q. Have you made any -- had you made any observations of
8 Mr. Little on the 24 items of proficiency before?

9 A. Yes, sir, I have a handful of items checked on -- that I
10 observed working with him in his first few weeks.

11 Q. Do you remember which of the 24 items they were?

12 A. No, sir, I can't. That's --

13 Q. Was he proficient or not proficient in any of those items?

14 A. Yes, sir, I haven't taken any exceptions of how Mr. Little
15 was performing out here. I've had many follow-up conversations
16 with the conductors that he's been training with, I've never
17 gotten nothing but good remarks about Mr. Little.

18 Q. Have you ever observed Mr. Little riding equipment?

19 A. Yes, sir.

20 Q. Did you take any exceptions to the way Mr. Little rode
21 equipment?

22 A. No, sir.

23 Q. Have you ever observed Mr. Little riding intermodal
24 equipment?

25 A. No, sir.

1 Q. Did you ever have a chance to observe Mr. Little inside the
2 Seagirt facility?

3 A. Yes, I believe it was the Y131, I didn't get a chance to
4 observe him on the assignment that he was on.

5 Q. Did you take any exception to any of the behaviors Mr. Little
6 exhibited at Seagirt?

7 A. No, sir.

8 Q. You mentioned that while you're observing trainees, you also
9 observe the other crew members and have any necessary
10 conversations with them, as well, is that correct?

11 A. Yes, sir.

12 Q. Have you ever observed Mr. Kurtis during those activities?

13 A. Yes. I've been out with -- when Mr. Kurtis has had trainees
14 and I've observed him.

15 Q. Have you ever taken any exception to the way Mr. Kurtis was
16 behaving or how he handled trainees?

17 A. No, Mr. Curtis is a pretty solid conductor.

18 MR. MEADOWS: I appreciate it, Mike. That's all the
19 questions I have.

20 MR. HARBIN: Thank you.

21 BY MR. CASSITY:

22 Q. Jared Cassity, SMART TD. Mike, as you can imagine, as we've
23 been going, I've been writing notes and questions, some of which
24 are kind of choppy. I'm going to do my best to start with the
25 facility and operations and then go to training from there. So in

1 regards to Seagirt and that facility, when you ride in there, is
2 there a recommended or a best practice about the crews on how they
3 position themselves on the cars and specifically, do they use the
4 bottom sill step or do they use the upper rung?

5 A. I think the majority do, in fact, use the bottom rung. I
6 don't know that if anybody's ever gone down there and specifically
7 showed crews how to ride these intermodal cars, I'm not aware of
8 that.

9 Q. So if I'm understanding correctly, there's a rule that says
10 if you're going to go over a crossing, you got to be on the upper
11 rung, is that correct?

12 A. Yes, sir.

13 Q. I've had the opportunity, with this group, to view that
14 facility and there is a crossing there, am I understanding you
15 correctly there's some debate over whether it's public or private?

16 A. Yes, sir.

17 Q. Are those treated differently as far as operations go? And I
18 think you might've answered this correctly, but -- or correctly,
19 I'm sorry, earlier. But just to make sure I'm in the right place,
20 if it's a public crossing, what's the process?

21 A. If it's a public crossing that's not protected by gates and
22 lights, you have to stop and protect that crossing. If it is
23 protected by gates and lights, you are allowed to shove across
24 that crossing, however, you cannot be on the bottom rung or
25 platform of a locomotive.

1 Q. You also made the comment earlier that the facility is
2 roughly 90 percent paved and having observed some of the
3 operations in there, it's hard to not notice that trucks kind of
4 drive wherever they want to.

5 A. Yes, sir.

6 Q. Do they cross tracks that aren't marked like that crossing?

7 A. Yes, sir. There's a split between 1 and 2 track where trucks
8 have to get access to get on the other side of 1 and 2 track.
9 There's no gates or lights there.

10 Q. Is it fair to say that inside that facility if an area's
11 paved, there's a potential for a vehicle, whether it's a truck, a
12 crane, a forklift to be operating and can be near that?

13 A. Yes, sir.

14 Q. Do you think, in your opinion, that some crews that work that
15 facility view that entire pad, if you will, in Seagirt as a
16 potential for vehicular crossing?

17 A. Yes, sir. We've actually had an accident down there a couple
18 months ago where a truck had driven into the side of the cars down
19 there that we were switching.

20 Q. Was it at that marked crossing that this crew was stopping
21 for, theoretically?

22 A. I want to say yes.

23 Q. Okay. Is the potential there for a vehicle to run into the
24 side of a train that a crew could be riding at another place other
25 than that crossing?

1 A. Yes.

2 Q. Would they then need to be on the upper rung to protect
3 themselves from that potential for impact?

4 A. Yes.

5 Q. Do you feel there could be a safety benefit in that facility
6 to riding that upper rung, then?

7 A. Yes.

8 Q. I'm kind of curious, too, you know, having been a conductor,
9 I know there's times when you make a decision of whether to --
10 excuse me, walk or ride. In your experience, is the carrier
11 encouraging walking or riding, that method over another, meaning
12 would they prefer crews to walk, would they prefer crews to ride
13 or is that not something that's being exhibited?

14 A. They would prefer us to ride equipment. I've had several
15 discussions, not only here in Baltimore, but with the MTO up in
16 Wilsmere about why crews are not riding more equipment. They
17 prefer us to ride, their thought process is it would prevent
18 rolled ankles, slips, trips, and falls.

19 Q. And then earlier you made a comment about the height on the
20 vertical handholds. I think you made the comment of 6 inches and
21 then it sounded like you kind of approximated a foot. Are there
22 actual rules on the height of the vertical handholds and what can
23 and can't be ridden?

24 A. Horizontal, there's a restriction, I believe it's 12 inches,
25 it's got to be at least 12 inches above the platform. If it's

1 not, you can't -- you can't ride it. As far as vertical -- I
2 remember seeing horizontal in that rule.

3 Q. That equipment the incident occurred on had six-axle
4 locomotives on it. Do you think that that complicated the
5 movement at all?

6 A. With only being a conductor, Mr. Cassity, I couldn't answer
7 that.

8 Q. Okay. No, that's fine. I'm going to try to transition into
9 training. I am going to pause in between just because I need to
10 -- I don't want to be repetitive here. You have been pretty clear
11 that you feel like the training is being rushed, I don't want to
12 put words in your mouth, is that fair to say?

13 A. Yes, sir.

14 Q. Do you have an opinion on why?

15 A. Because we're so shorthanded, you know, it's -- we're
16 shorthanded, we're shorthanded everywhere.

17 Q. When the trainees are in the REDI, do you know if they ever
18 use large cuts of cars to give practice on riding equipment?

19 A. From experience of being down there, no, not large cuts.

20 Q. Do you know if they make any specific effort to expose
21 trainees in varying degrees of slack action?

22 A. No, sir.

23 Q. Okay, I'm going to transition just a hair here. Sixty starts
24 is the requirement for training, correct?

25 A. Yes, sir. For here in Baltimore.

1 Q. Do you know how deadheads figure into that or maybe if
2 someone climbs on a locomotive and is on duty and never actually
3 turns a wheel, does that still count for a start?

4 A. That doesn't because I've seen to that, I actually go in and
5 watch. For the road guys, I make sure that they're getting actual
6 trains and I've made it very clear that you're not to deadhead,
7 you don't learn anything sitting in a van.

8 Q. Okay, so you are making an active effort to make sure starts
9 are actual hands-on?

10 A. Yes, sir.

11 Q. Okay. Again, having been a conductor, are there challenges
12 or is there a concern, in your opinion, for getting mixed messages
13 when it comes to how the trainees are being trained because they
14 are rotating conductors? What I mean by that is do you feel as
15 though "I'm with Conductor A for this week, Conductor B this week,
16 maybe Conductor C tomorrow and then Conductor D the day after
17 that," is there any concern for the actual fixation of the
18 training being different among those four or do you feel like
19 we're certain to have a consistent message going across?

20 A. Yeah, so it is a concern of mine that they're not getting,
21 they're not receiving the knowledge that they should be receiving
22 when they're with newer guys. I had an old head conductor when I
23 marked up, Rudy Carroll, who probably had 30 years on the railroad
24 at this point when I came around and I only got a day or two with
25 Rudy and, you know, he said man, I'd like to have you for the

1 whole week. In that week, I can give you 10 percent of what I
2 know, you know, and then you can take that 10 percent and you can
3 teach somebody the 10 -- you know, your 10 percent. And as you
4 start whittling that 10 percent down and whittling it down, you're
5 not really learning much, if that makes sense to you, from the
6 newer guys.

7 There's not really anything that they can -- they can teach
8 you, I mean, they're brand new and trying to figure out how to
9 railroad themselves. So I mean, ideally, I would love to put the
10 trainees with the most, you know, qualified and experienced
11 conductors that we have.

12 Q. If I have a trainee on my assignment and I focus a lot on how
13 to operate switches safely and then the trainee gets assigned to a
14 different conductor tomorrow, does that -- is there a system in
15 place that would allow that conductor to know what we worked on
16 the day before so that it's either repetitive where it needs to be
17 or that it's strengthened in an educational component? Is there a
18 mechanism for conductors to communicate about trainees and talk
19 about where they focused their efforts on?

20 A. No, sir.

21 Q. So each time a trainee starts with a new conductor, it's kind
22 of just a whole new approach, let me show you the ropes, kid, kind
23 of thing?

24 A. Yes, sir.

25 Q. Okay. From an operational standpoint, and I'm at work and I

1 have a trainee and let's say I observe the trainee do something
2 that wasn't a hundred percent or I felt like he needed more work
3 on, so let's say it's a shove move, do I have the ability to take
4 time and reinforce that educational effort, meaning can we do that
5 same shove move over and over and over repetitively to make sure
6 they get it or is there an operational pressure that prevents
7 that?

8 A. Yeah. No, I mean, there's no like set designated area where
9 we can pull them off to the side and go through it over and over,
10 you know, no.

11 Q. So if I have a trainee, I'm still under the same time
12 constraints, if you will, as to whether it's making a pull time or
13 getting the job done, those pressures and those constraints still
14 exist even with a trainee?

15 A. Yes, sir.

16 Q. Okay. This is kind of an on-the-spot question, I don't mean
17 to put you on the spot, I think you alluded to it, but are there
18 conductors that are better trainers than others?

19 A. Oh, absolutely.

20 Q. And there's no system in place to prevent the lesser, if you
21 will, of a potential for training, to actually catch a trainee?

22 A. No.

23 Q. Okay.

24 A. Other than some of the rules that I've set in place of my
25 expectations.

1 Q. I get it. Again, another tough question. If a trainee
2 catches an un-preferred conductor, I'm going to say it that way,
3 if he catches or she catches an un-preferred conductor, is there a
4 potential that it may do more harm than good in their educational
5 growth?

6 A. Oh, absolutely, yes.

7 Q. We had talked a little bit about observations earlier. Can
8 you talk to me about the environment in which the crews are
9 working now and what effect the observations are having on their
10 ability to focus or perform their task?

11 A. Yeah, so I talked about it earlier, you know, as far as the
12 O-testing that's going on, I found, you know, talking with the
13 crews in the crew room and out in the field, I'm finding that --
14 and especially the newer guys care more about being tested by
15 drones and they're constantly looking up in the air and it's -- it
16 drives me nuts because they're not focused on the task that they
17 should be focused on.

18 It's also driving me crazy because when some of these
19 managers who are out O-testing and they do find fault, they mark
20 it on the conductor's history, yet they don't have the
21 uncomfortable conversation that they need to be having with these
22 guys to correct that bad behavior. Most of the senior guys, with
23 me being the local chairman, I get notified of O-test failures
24 when they're getting close to the discipline policy and I'll call
25 the guy and go hey, you know, you've got three failures here in

1 the last month and a half, you know, what's going on and they know
2 nothing about it, they know nothing about it, you know, and for
3 me, it's frustrating and then, you know, I've had plenty of
4 conversations with Warren about this.

5 Q. In fairness to the group, I actually don't like the way I
6 worded that last question, so I want to try one more time, I think
7 it's a little more pertinent to this issue. Have the trainees
8 aired concern or have they exhibited the ability to be distracted
9 in trying to see if they're being observed?

10 A. I hear it in every class that I have, I get complaints about,
11 you know, the drones and the drones being above them and yeah, I
12 do hear it in every class.

13 Q. And there was some conversation about the written tests in
14 the REDI Center, do you think that a person's ability to pass a
15 written test transfers to their ability to perform the physical
16 work?

17 A. No, I don't, because -- and, you know, I'm going to be honest
18 and I tell the trainees when they show up, I have the conversation
19 with them, you don't have to be smart to be a railroader, you have
20 to have common sense. You run across plenty of dumb guys out
21 here, but they're phenomenal railroaders because they have really
22 good common sense.

23 Q. Do you feel like when a conductor is the on-the-job trainer,
24 do you feel like they have the education to properly identify the
25 fine, the finite details of a trainee, like body position, the way

1 they're doing those little, small things, or do they kind of just
2 tend to focus more on the larger things to make sure they
3 understand? Like, let's walk through it real quick. I'm doing a
4 shove movement and I want to teach you your radio rules and
5 distance. Now, am I trained, as an on-the-job trainer, being a
6 conductor, to really lock in on everything that you're doing or am
7 I also still focused on the task ahead? Do I have the tools
8 necessary to really identify that finer point?

9 A. Yeah. No, you're not because, like you said, you also have a
10 job to do, you're also focused on the track that you're coming up
11 to, if you're lined up or not, derails, I mean, there's hundreds
12 and hundreds of things that you're out here looking for, to
13 protect yourself. So looking for and trying to pinpoint the finer
14 details of what somebody's doing wrong or right, no, you're just
15 -- you're not -- as a conductor, no, you're not looking out for
16 that.

17 Q. Do you think being exposed to the slack action for the first
18 time in the field is the best place to do that?

19 A. No, absolutely not.

20 MR. CASSITY: I have no further questions.

21 BY MR. CAVE:

22 Q. Jared Cave, FRA. Mike, thank you for coming this morning and
23 talking to us. I'm going to try to keep my questions short here
24 so we can get this wrapped up. You mentioned at any given time
25 you have, you know, one to four conductors that you're mentoring.

1 Currently, right now, how many conductors are you mentoring?

2 A. I have 14 right now. I have them separate, I have them from
3 daylight to second shift, to third shift, to on the locals and out
4 on the road. I have five currently training on the road, the rest
5 are in the yard, between the yard and on the locals training.

6 Q. Okay, so you have 14 spread out, different shifts, some
7 working in the yard, some working on the road --

8 A. Yes, sir.

9 Q. -- and you're spreading your time out with trying to get out
10 there and make contact with them and be able to observe them
11 performing their job?

12 A. Yes, sir. Sometimes I work, you know, some days I work
13 daylight, other days I work second shift, third shift. Sometimes
14 if I don't have a lot going on at home, I come in twice a day, you
15 know. You know, I care, you know, they're like my kids.

16 Q. Absolutely. What is the average experience for the
17 conductors that are placed with trainees, you mentioned that
18 there's a lot of experience that's been lost, what would you say
19 is the average time the conductors have on the ground with the
20 trainees they're being placed with?

21 A. If you would've asked me this a year ago, I would've said the
22 10- to 15-year range. Today, zero to -- zero to 2-year, I mean,
23 we're such a young terminal now.

24 Q. Okay. What would you say the percentage is for guys that
25 have less than a year, for conductors that have less than a year

1 that have a trainee with them?

2 A. I'd say probably 30 to 40 percent.

3 Q. Okay. Do you feel confident with the conductors correcting
4 trainees? So say I've got -- they've got a trainee with them and
5 they're not -- their body placement is incorrect, do you feel
6 confident with the conductors out there now being able to address
7 those trainees and correct them?

8 A. Not most because it goes back to the -- you know, you have to
9 have the courage to speak up and go hey, you know, you're doing
10 this wrong and I've -- you know, I've found that, you know, to be
11 the case out here, you know, I'll see something and go hey, you
12 know better than this, why are you letting them -- and it's well,
13 you know, I wasn't really paying attention or I didn't see it,
14 knowing full well you did see it, you know. If I saw it, you
15 certainly saw it, you were standing right there, you know.

16 A lot of these guys are unsure of themselves, you know, the
17 promoted conductors, so they find it hard to have those
18 uncomfortable conversations, you know, it takes a different person
19 to, you know, to be able to speak up and have those kind of
20 conversations. You find that out here a lot of guys, they don't
21 want to be labeled as like a know-it-all or, you know, I was
22 always told when I was new, it takes 30 seconds around here to get
23 a bad reputation and it will take you the next 30 years of your
24 career to get rid of that reputation and a lot of guys worry about
25 that.

1 Q. Do you have the relationship with the conductors where if
2 they see a trainee, you know, breaking a rule or doing something,
3 you know, that's unsafe, are you able to speak to that conductor
4 and tell them like hey, this isn't right, like -- and then mentor
5 them to better train the trainees that are out there working?

6 A. Absolutely, I do it all the time.

7 Q. Okay.

8 A. And the conductors also know that they are to contact me and
9 I have text on my phone that can back that up. They know, and
10 I've set the expectations, if a trainee is messing up and you're
11 not getting through to them, you are to contact me, you either
12 call me, send me a text, I have text messages on my phone that can
13 back that up.

14 Q. So if they don't feel confident, like you said, in their
15 selves, they're able to reach out to you and then tell you like
16 hey, this individual needs more training on X-Y-Z.

17 A. Oh, yeah, absolutely. Yeah.

18 Q. Okay.

19 A. Everybody in the terminal knows you come to me. If there's
20 issues, you come to me. If you're having issues with the guy that
21 you're training with, not necessarily getting along with him, you
22 come to me.

23 Q. QRS, there's 24 checks, correct?

24 A. Yes.

25 Q. Are one of those checks riding equipment?

1 A. Yes.

2 Q. Is another check shove moves?

3 A. Yes.

4 Q. Now, you mentioned if they perform it correctly, you can
5 document it, right?

6 A. Yes.

7 Q. But if they don't, you notify the manager.

8 A. I do. I can also document it, but I didn't hire these guys,
9 I don't feel like it's my position to fire them, either, so that's
10 why I defer to management and, you know, I don't hold back, I --
11 you know, I tell them hey, this is -- this is what I'm seeing out
12 of this guy, you know, you might want to go get some eyes on him,
13 you know, now.

14 And we've done it, you know, we've rejected applications and
15 I've pulled guys in and, you know, had the conversation, you know,
16 this might not be for you, you know, and I've had the conversation
17 with -- with Warren present, you know, with a trainee and -- you
18 know. It probably isn't for you, you know. Might be best to
19 resign.

20 Yeah, I -- I feel like I've been doing this job long enough
21 to know and I feel like I've been a mentor long enough to know,
22 and I've certainly gone through enough trainees. I can pretty
23 much tell you day one, speaking with them, their background, if
24 they're going to make it out here or not. Very, very few have
25 actually shocked me at this point, very few have shocked me.

1 Q. Sure. You mentioned talking to the manager, is that -- do
2 you capture that in e-mail or is there any type -- do you have any
3 type of documentation when you address that manager like hey, this
4 individual needs more practice doing this, is that captured
5 anywhere?

6 A. It's a conversation.

7 Q. A conversation, okay.

8 A. It's a conversation, yeah. Because you can get a lot more
9 out of a face-to-face conversation. You can usually tell
10 somebody's demeanor and, you know, having a face-to-face
11 conversation whereas e-mails or text necessarily don't come across
12 as the same. So if I sit down in front of you and I'm pretty
13 passionate about this guy just does not belong out here, I think
14 you're going to take that a little bit different than I just shoot
15 you off an e-mail and go hey, this guy doesn't belong here. So
16 there's no lack of passion in me, you know, I got a fire in my
17 belly and so yeah, again, I prefer to have conversations with
18 somebody face to face.

19 Q. Okay, this is my last question and if it's -- you know, if
20 you don't want to answer, it's fine. So you were Mr. Little's
21 conductor mentor --

22 A. Yes, sir.

23 Q. -- and you scheduled, you made his schedule, correct?

24 A. Yes, sir.

25 Q. How many times prior to this incident had he worked the 131

1 or 231 or been exposed to intermodal equipment?

2 A. He was on the 231 the prior day, I know that, and --

3 Q. Um-hum.

4 A. -- 131, he -- without looking at his -- he's had a few days,
5 but he was on that assignment the prior day, the conductor told me
6 he did a phenomenal job, he let him run the job, you know, he made
7 all the moves the prior day, you know, he was doing a good job.
8 So yeah, he had a little bit of experience down at Seagirt, he had
9 a little bit of experience on the intermodal equipment.

10 Q. So it's fair to say he had some prior exposure to riding
11 these intermodal cars to feeling slack action, like this wasn't
12 the first time coming out here and being in this situation, he's
13 had a little bit of prior experience.

14 A. He's had experience down there. Now I don't, you know, I
15 don't know if he was, you know, riding equipment, how much
16 equipment, you know, if he had the experience, but slack, I
17 couldn't answer that.

18 MR. CAVE: Okay. Thank you.

19 BY MR. SKOLNEKOVICH:

20 Q. Okay, Richard Skolnekovich, NTSB. I got a couple follow-on
21 questions. You said earlier that CSX prefers riding equipment to
22 avoid ankle injuries and stuff like that. Was that a specific
23 rule, instruction, or was it just a verbal instruction?

24 A. Conversation that I've had with management --

25 Q. Okay.

1 A. -- here in Baltimore and in Wilsmere, you know, calling me
2 and questioning why guys -- am I instructing or teaching guys not
3 to ride equipment and, you know, I've always told them, you know,
4 the best way to learn is to get down and to walk. Have I told
5 guys not to ride equipment? No, I haven't. But they've made it,
6 you know, a point that they wanted me to inform them that they
7 wanted them riding equipment.

8 Q. Okay, so you have verbal instructions that they prefer that
9 they ride and not walk.

10 A. Yes, sir.

11 Q. Is there any rules or any policies written out like that or
12 is that just a verbal conversation?

13 A. No, it's just verbal conversation, I mean, there's no rule
14 that says that you have to ride equipment.

15 Q. Okay. I'd like to double back into RQS real quick. All
16 right, so you said, you know, you have access to RQS and you've
17 got the ability to put in basically compliance or noncompliance,
18 right, so they either met the standard or they didn't meet the
19 standard.

20 A. Yes, sir.

21 Q. Now, you also serve as a local chairman, correct?

22 A. Yes, sir.

23 Q. Okay. Putting in noncompliance, do you feel, based on your
24 position as a local chairman, that that could kind of be a
25 conflict of interest?

1 A. Not really necessarily, because they're not really protected,
2 they're in their probation period while they're in training and 60
3 days after they mark up their -- you know, within their probation
4 period and where the carrier can dismiss them for any reason at
5 all and there's nothing that I can do about it. Now, if they want
6 to charge them and have a hearing, then yes, I would sit down and
7 have -- you know, we would hold the investigation and a hearing.

8 But as far as conflict, if I put something negative in, I
9 don't see how me checking a box negatively would -- it's harder to
10 have the conversation, right, I could check boxes negatively all
11 day long, you know, but it's having the conversation.

12 So if anything, you would think it would be tougher, as a
13 local chairman, to have those negative conversations than it is to
14 check a box in RQS. So no, it's more so having the conversation
15 because, you know, are you a local chairman or are you a manager,
16 you know what I mean?

17 Q. Okay. So basically, the way I'm understanding this, you just
18 feel that that's the manager's responsibility?

19 A. Yes, sir.

20 Q. Your job is to just handle it on the ground and let them
21 handle the noncompliances.

22 A. That's how I handle it, yes.

23 Q. Okay, that clarifies it. When you do see a noncompliance or
24 something that you're not -- that doesn't really meet the standard
25 and you have that conversation with them, do you go back and

1 recheck them and --

2 A. Absolutely.

3 Q. Okay.

4 A. Absolutely.

5 Q. What kind of time frame?

6 A. Within a few days.

7 Q. Okay.

8 A. Within a few days, you know, if not the next day. If not,
9 you know, I might circle back later that day just to see if the
10 conversation has set in. If I watch them, observe them doing the
11 same thing, I'm speaking with the manager and hey, maybe this --
12 maybe this isn't for him.

13 Q. Okay, now with that in mind, do you know of or did you talk
14 to any of the managers that have also gone back -- so a manager
15 you've talked to where you may have had an employee that wasn't
16 performing up to per standard, you went to a manager or
17 communicated with a manager there was an issue, do you know of any
18 times where they went back and checked on that event or were they
19 relying on you to handle it and come back to them if there was
20 additional issues?

21 A. More so relying on me, yeah.

22 Q. Okay. Okay. Next question I got for you, it goes back to
23 that joint safety meeting that you had with the MTOs, that you
24 said you guys did a joint --

25 A. Yes, sir.

1 Q. -- testing. Can you tell me where it was and what did you
2 guys actually do, what did you conduct?

3 A. It was at Seagirt. So there was an incident with a
4 Cumberland crew at -- down at Consol Coal where they were moving
5 the DP engine off of the rear of a coal train. They pulled down
6 the track, taxied to the rear end, grabbed the engine. In the
7 meantime, Consol Coal flipped up derail/blue flag. The blue flag
8 wasn't -- it wasn't painted and it was at night, there was no
9 light, there was no paint on it, so the crew, they had the
10 headlight on dim, didn't see the derail and they entered the
11 derail.

12 So the local chairman in Cumberland called me and expressed
13 concerns about this, the derail not being properly protected and
14 asked me if I would do a joint safety tour with him and local
15 management and go to Consol. And then when we got done at Consol,
16 he said that he had had some issues at Seagirt, so I said well,
17 let's go to Seagirt and we just, you know, operated the switches
18 down there to see, you know, if any of them were stuck.

19 I found a gap switch that we reported to Ports of America and
20 they were great about it, they got on it right away and fixed it.
21 There was no crews down there at the time, there was no crews at
22 Consol at the time for us to observe, it was just to get some
23 resolution with the derail and to just identify some issues at
24 Seagirt. I believe that the Cumberland crews were having some
25 run-through switches down there, so he just -- he wanted to go

1 down there and make sure everything was properly marked.

2 Q. So it was initiated by the union?

3 A. Yes, sir.

4 Q. Okay. Do you ever have any joint safety tours where
5 management initiates a safety tour or is it just --

6 A. No, it's -- so I have a joint safety tour coordinator here in
7 Baltimore that I have assigned each month, it's the day of our
8 union meeting, you know, he will send an e-mail a week prior to
9 local management, hey, I want to get a joint safety tour going on
10 this day and Mike Mrazik, who's my coordinator, he will go out
11 with local management, he sends an e-mail out prior to the date of
12 going out to get the guys in the terminal to identify any safety
13 issues and he'll take the manager along and identify those issues
14 and get them resolved.

15 While they're out doing that, they're also instructed by me
16 to go out and observe crews and if they observe anybody taking
17 shortcuts or, you know, not performing up to our expectations and
18 following the rules, they're to go have that conversation. The
19 crews are -- they're not allowed to be written up for anything,
20 it's just a conversation. Mike reports back to me later that
21 night in e-mail of safety concerns that he's found, if there's any
22 exceptions that he's taken with the crews, he lets me know and
23 then, you know, if I need to escalate it on my end, that's what I
24 do.

25 Q. Okay. That explained it real well. I got one last question

1 and then I'm going to open it up for follow-on questions, but what
2 I'm going to ask you now is a scenario, okay, and I just want your
3 opinion, all right, but let's say you're working the Y231, all
4 right, you sign up. At 16:20 you leave the crew room, you go on
5 up to 5 track to pick a power and then you got to double over to 2
6 track, which is the move they conducted that day, and you got to
7 do it before -- to clear out for 137. So leaving at 16:20 and
8 being clear by 1700, is that enough time to get from the crew
9 room, get your power off 5 track and get it doubled over to 2
10 track? In your opinion.

11 A. Give me the times one more time.

12 Q. Sixteen twenty you're walking out of the crew room, you got
13 to be clear before 1700 and your move is power on 5 track, double
14 over to 2.

15 A. Not enough time.

16 Q. Okay. How much time do you think you would need?

17 A. I would like at least an hour to make that move.

18 MR. SKOLNEKOVICH: Okay. All right, thank you.

19 MR. LAWTON: Shawn Lawton, BLET. I have no further
20 questions.

21 BY MR. MEADOWS:

22 Q. Matt Meadows, CSX. I do have a few follow-ups, I apologize
23 if one or two maybe should've been asked the first time, but you
24 are very involved with the training process for new hire
25 conductors here at Baltimore, are you allowed to extend training

1 if you have an employee who may need a little more time?

2 A. Yes, I've been granted additional training time, yes. We
3 mark them up and then put them back in CQ status.

4 Q. But their training continues, they're not --

5 A. Yes, sir.

6 Q. -- allowed to work by themselves?

7 A. Yeah, that's correct, yeah.

8 Q. So you mentioned you put together their training schedules?

9 A. Yes, sir.

10 Q. So you have control over what jobs a trainee works.

11 A. Yes, sir.

12 Q. Do you have any control of who's working the job you're
13 assigning them to?

14 A. No, sir.

15 Q. Why is that?

16 A. Because it's through -- seniority based.

17 Q. Do you believe that a trainee has a shared responsibility in
18 their training?

19 A. As far as how they're trained or what they see?

20 Q. A shared responsibility as in they -- yeah, do you expect
21 them to study up on rules, do you expect them to have
22 conversations with the employees they're training under to let
23 them know something like -- so let me back up and ask it as a
24 question. If I'm a -- if I was a trainee and I was not
25 comfortable with a certain aspect of the work out there, would you

1 expect me to inform the people I'm working with that that's a need
2 I have?

3 A. Yes, not only are they expected to let the conductor that
4 they're training with know, they're also to let me know, as well,
5 and I get -- a lot of times if I notice that they were, you know,
6 safe, for instance on Y164 their first week at Locust Point which
7 has a handful of customers on it, I will circle back their last
8 week and put them back on that 164 at least, you know, for a
9 couple days and hopefully, they come back and go now it's
10 clicking, now I'm understanding.

11 Q. So during their training, they have the opportunity to
12 express what their needs are and get those resolved --

13 A. Absolutely.

14 Q. -- prior to the time they're ready to mark up?

15 A. Yes, sir.

16 Q. So there was some talk, and you talked about employees whose
17 applications were rejected or they didn't successfully complete
18 the program. Are you aware of or do you know what documentation
19 occurs on the CSX side when that occurs?

20 A. As far as rejecting their application, no, I'm not sure.
21 I've been involved with several employees who resigned, you know,
22 I know how to do that, but as far as what management does to
23 reject the application, no, I'm not involved with that.

24 Q. So I wanted to circle back to something you said a couple
25 different times that managers want employees riding equipment. Is

1 that something you believe managers say, they want them to ride
2 all equipment all the time or do you believe maybe that was a
3 concern they had due to trainees maybe not riding moves that may
4 have been appropriate?

5 A. The conversations that I've had with management, it's, you
6 know, when it's practical, they need to be riding the equipment.
7 Now, what you --

8 Q. So it wasn't a statement that the managers wanted employees
9 riding all moves all the time, it was they wanted them riding
10 moves when it was appropriate to do so.

11 A. Yeah, but I believe it's a lot of gray area, what you might
12 think is appropriate or practical, you know, I could deem as
13 something --

14 Q. No, I just wanted to make sure --

15 A. Yeah, no --

16 Q. -- that this wasn't a blanket all, you ride all moves, this
17 was --

18 A. No.

19 Q. -- a concern related to others.

20 A. Yes, sir.

21 MR. MEADOWS: Thanks, Mike, that's all the questions I have.

22 BY MR. CASSITY:

23 Q. Jared Cassity with SMART TD. This might be the most awkward
24 question I've ever asked, but something that was stated earlier
25 kind of flooded me back to when I was training. I actually had a

1 conductor -- and we were talking about how to ride equipment --
2 teach me how to fall. I know that trainees are taught how to
3 place themselves on the side of cars, but in your opinion, is
4 anyone really addressing with them the details of why they're
5 being placed where they are, what the risks are, if they do fall
6 and quite frankly, what I think the strange part of this question
7 is how to fall if they find themselves in that situation.

8 A. How to fall off equipment, no.

9 Q. And I'm not saying like it should ever be planned for, I know
10 that three points of contact should prevent it, but it's one of
11 those things, from an awareness perspective, that I'm just
12 curious, I mean, are people being taught and exposed to why
13 they're being placed where they are or is the focus just strictly
14 on this is how you stand?

15 A. Yeah, I mean -- no, we're -- you know, as far as I know, from
16 the REDI Center, no, they're not being taught how to fall off of
17 equipment, it's not something that I teach, either. I observe
18 getting on and off moving equipment, but as far as, you know, if
19 Scenario A happens, this is what you need to do, if -- no.

20 Q. Okay. And it's hard for me to phrase this, I don't literally
21 mean teach how to fall, but more so if --

22 A. What to do if you come across an emergency situation --

23 Q. Right. If you're standing in this position and you fall,
24 odds are you're going to stay to this side of the equipment or if
25 you're in this kind of position, you know, and that risk runs out,

1 this is your fall area, that kind of -- that kind of focus to make
2 sure they're thinking ahead of what the worst-case scenario could
3 be and so that's why I asked.

4 A. No, because to be honest, I've never prepared for an incident
5 like this. To be honest, I never thought about this, I never
6 thought that this could happen here. There's guys out here that
7 have been here for 30 years that have never dealt with this. So
8 this -- I don't know what I could've done or anyone to prepare --
9 to prepare for something like this, I don't, you know. Now, you
10 better bet now, now I'm going back to the drawing boards and this
11 is something that's going to -- I'll be thinking about for a while
12 and it's going to weigh on me for a while and --

13 MR. CASSITY: I appreciate your willingness to really dig in
14 and prevent it, so that's all for me. Thank you.

15 BY MR. CAVE:

16 Q. Jared Cave, FRA. In regards to the intermodal car involved
17 in this incident, can you describe to me per the rules the proper
18 way to ride this car, where the feet should be positioned, where
19 the hands should be positioned, which rungs you could be on?

20 A. I guess, you know, me, it would've been both hands on both
21 vertical grab bars.

22 Q. Um-hum.

23 A. My feet would've been in the stirrup. If you're concerned
24 about a road crossing that you're okay, you know, that will permit
25 you to ride over, you got to climb up to the second rung to be in

1 compliance with the rule.

2 Q. At any point are you permitted to have one foot on the
3 platform when you're making any of these moves? One foot in the
4 stirrup and one foot on the platform.

5 A. It's been taught -- I can't say with intermodal cars, but
6 with tank cars who have -- you know, with similar platforms, it
7 was taught, you know, when we initially were able to watch some
8 moves on tank cars a few years ago, it was one foot in the
9 stirrup, one foot up on the platform, and we call it Captain
10 Morgan style because of the pose. So that's -- when we were able
11 to start riding tank cars again with the shove move, that's what
12 was taught, taught to us, so --

13 Q. What would you say a general consensus in Baltimore would be
14 with riding with one foot in the stirrup, one foot on the
15 platform, would you say general consensus with the employees here
16 would be that that would be acceptable?

17 A. I think most would say that that would be acceptable, you
18 know, if you had one foot up on that second rung, the next foot
19 would be on the platform. If you're standing in the stirrup, no.

20 MR. CAVE: No further questions.

21 BY MR. SKOLNEKOVICH:

22 Q. Richard Skolnekovich, Operations. I just want one follow-up
23 with that last one. Is that position you're talking about, was
24 that a rule or instruction or was that --

25 A. It is the way that we were instructed when -- when the rule

1 was cancelled that we weren't allowed to ride tank cars on shove
2 moves, so when we were permitted again to ride shove moves, tank
3 cars on the shove move, that's the way that we were instructed to
4 do it.

5 Q. Time frame, about when was that? What is the time frame, a
6 year or is it --

7 A. I couldn't -- 3 years ago, 4 -- I lose track of time out
8 here.

9 Q. All right. So --

10 A. Four years ago, maybe.

11 Q. Definitely more than three?

12 A. I would say so, yes.

13 Q. Okay.

14 A. It feels like yesterday I left the REDI Center, I lose track
15 of time out here.

16 Q. Okay, that's all I have. Do you have anything that you would
17 like to add or is there anything that, other than what we've
18 already talked about that could be changed to prevent this from
19 happening in the future?

20 A. The training at the REDI Center definitely needs to be
21 increased. The quality of the candidates, to be quite frank --
22 for some reason, we've kind of lowered the standards with the
23 quality of candidates that the carriers decided to hire and that
24 has made it an extreme challenge. I think those two cases alone,
25 not to say that Derek was a bad employee, he was doing a good job,

1 but to help prevent future accidents, you know, what the question
2 is, the training at the REDI Center needs to be extended back to 6
3 weeks, we need to get back to hiring quality candidates. My
4 interview process alone was with Matt Ankeny, I believe he's an
5 MTO in Cumberland now, he had a lot of tough questions for me, you
6 know, what's your transportation situation look like, you know,
7 and I got three vehicles, there's no problem with me getting to
8 work. Hiring a lot of guys that don't have transportation to get
9 back and forth to work.

10 I believe we've lowered the bar a little bit too low of the
11 candidates who should be coming out here. And then I would like
12 to see the training extended to prevent future accidents. Would
13 longer training have prevented this accident, no, because Derek
14 was in the middle of his training, but some more time at the REDI
15 Center, yeah, I believe that helps out.

16 MR. SKOLNEKOVICH: Okay. All right. If we have any follow-
17 on questions, do you mind if we contact you?

18 MR. HARBIN: No. No, not at all.

19 MR. SKOLNEKOVICH: Okay. All right. On behalf of the NTSB,
20 I'd like to thank you for your time and your cooperation.

21 MR. HARBIN: Thank you.

22 MR. SKOLNEKOVICH: And if nothing else, then we'll go ahead
23 and end this interview at 12:14 p.m.

24 (Whereupon, at 12:14 p.m., the interview concluded.)
25

CERTIFICATE

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

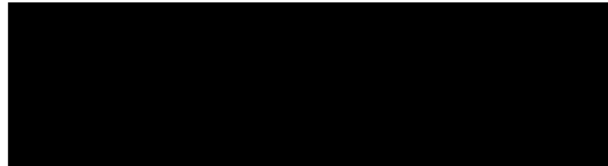
IN THE MATTER OF: CSX EMPLOYEE FATALITY AT THE SEAGIRT
MARINE TERMINAL IN BALTIMORE,
MARYLAND ON JUNE 28, 2023
Interview of Michael Harbin

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