

UNITED STATES OF AMERICA

NATIONAL TRANSPORTATION SAFETY BOARD

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Investigation of: \*

CSX EMPLOYEE FATALITY AT THE SEAGIRT \*

MARINE TERMINAL IN BALTIMORE, \*

MARYLAND ON JUNE 28, 2023 \*

Accident No.: RRD23FR012

\* \* \* \* \*

Interview of: JAMES KANE, Train Conductor  
CSX Transportation

via Microsoft Teams

Monday,  
July 10, 2023

APPEARANCES:

RICHARD SKOLNEKOVICH, Investigator  
National Transportation Safety Board

SHAWN LAWTON, Investigator  
BLET Safety Task Force

JARED CASSITY, Alternate National Legislative Director  
and Chief of Safety  
SMART TD National Safety Team

JARED CAVE, Operating Practices Inspector  
Federal Railroad Administration

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I N T E R V I E W

(12:03 p.m.)

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2  
3 MR. SKOLNEKOVICH: All right, good morning, everyone, my name  
4 is Richard Skolnekovich, I'm the NTSB operations group chairman  
5 for this accident. Today, we're conducting a Teams interview on  
6 10 July 2023 at 12:03 p.m. with James Kane, who works for CSX  
7 Transportation. This interview is in conjunction with the NTSB's  
8 investigation for an accident that occurred in Baltimore, Maryland  
9 on 26 June 2023. The NTSB Accident Reference Number is  
10 RRD23FR012. I'd like to take the time now to remind everyone the  
11 purpose of this investigation is to create safety, not to assign  
12 fault, blame, or liability. Before we begin our interview and  
13 questions, we'll go around and introduce ourselves. Please spell  
14 out your last name and state your title. I'll start off. Again,  
15 my name is Richard Skolnekovich, S K O L N E K O V I C H, and I am  
16 the NTSB ops group chairman.

17 MR. LAWTON: Shawn Lawton, L A W T O N, BLET safety  
18 taskforce.

19 MR. MEADOWS: Matthew Meadows, M E A D O W S, senior director  
20 in the safety department, CSX.

21 MR. CASSITY: Jared Cassity, C A S S I T Y, I'm the alternate  
22 national legislative director and chief of safety from SMART TD.

23 MR. CAVE: Jared Cave, C A V E, FRA operating practices  
24 inspector.

25 MR. KANE: James Kane, K A N E, CSX conductor.

1 MR. SKOLNEKOVICH: All right, thank you, everyone.

2 James, are you aware that we're recording this interview  
3 today?

4 MR. KANE: Yes.

5 MR. SKOLNEKOVICH: Okay, and do we have your permission to  
6 record it?

7 MR. KANE: Yes.

8 MR. SKOLNEKOVICH: Okay, do you understand that the interview  
9 will be transcribed and will be part of the public docket and that  
10 we cannot guarantee any confidentiality?

11 MR. KANE: Yes.

12 MR. SKOLNEKOVICH: Okay, great.

13 INTERVIEW OF JAMES KANE

14 BY MR. SKOLNEKOVICH:

15 Q. We'll go ahead and begin. James, can you go ahead and give  
16 us a little bit of background about yourself before you came to  
17 the railroad and then what you've been doing since you've come to  
18 the railroad?

19 A. Well, I've actually -- CSX isn't the first railroad I've  
20 worked for. I was a conductor out west with BNSF for about three-  
21 and-a-half years before I moved back to Michigan, where I  
22 currently live and work for CSX. So, all total, I have about five  
23 years in as a conductor for CSX, a shortline here in Michigan and  
24 then I -- BNSF, a shortline here in Michigan, and then I got on  
25 with CSX this past March, and then I was down at the REDI Center

1 in -- for the month of April, and I've been doing OJT since and  
2 actually just marked up about three weeks ago.

3 Q. Three weeks ago?

4 A. Yep.

5 Q. Real quick, what was the name of the shortline you worked  
6 for?

7 A. It was Lake State Railway here out of Saginaw, Michigan.

8 Q. And you said you've been marked up for the last three weeks,  
9 where have you been working at?

10 A. I've been working in Lansing.

11 Q. Is that a yard?

12 A. It's got a small yard, but mostly it's local work. There's  
13 two local jobs that work out of Lansing. It's a satellite yard  
14 for the Grand Rapids, Michigan yard, which is a much larger yar.  
15 But Lansing has two locals that run out of there.

16 Q. What do are you working mostly, are you working the locals,  
17 the yard, or both?

18 A. Locals, yeah. I've been on -- about the past two weeks, I've  
19 been on the night local and then before that, I was extra board  
20 for my first week working both the east and the west.

21 Q. What type of equipment are you working on those locals, is it  
22 tank cars, freight cars, what are they?

23 A. A mixture. We service several different customers. We have a  
24 couple customers taking tank cars, some -- hopper cars, I think,  
25 are our most common and then we also have some boxes and some

1 flats for the lumber yard that we service.

2 Q. Okay, do you work with any intermodal cars at all?

3 A. No, I -- we don't have any intermodal out of Lansing here.

4 Q. Okay. All right, now let me ask you this, you said you went  
5 to REDI in -- you said March?

6 A. No, I believe it was the month of April.

7 Q. April?

8 A. Yes, I was there for the month of April, yeah, for four  
9 weeks.

10 Q. Okay, can you walk me through -- not too detailed, but just  
11 kind of give me an overview of the REDI training and what you were  
12 taught there?

13 A. The first two weeks were -- it was classroom, hitting the  
14 rules, going over CSX rules, and getting ready for the third week,  
15 which we spent out. They have a little training yard there that  
16 we got to spend time riding cars, coupling cars, moving -- doing  
17 conductor work, moving stuff around in the yard under supervision  
18 of a couple instructors. Then the fourth week was back review for  
19 the test there -- the final test.

20 Q. So, was the fourth week pretty much classroom study type or  
21 was it -- did it have any field work as well?

22 A. Well, the fourth week was back -- it was classroom study.  
23 Yeah, there was maybe -- there was a couple times during the first  
24 two weeks we'd go out on the little training center and, like, do  
25 basic stuff, changing knuckles, hang the EOT, I had to hang out

1 the side of a car, and learning, you know, crossing over equipment  
2 and stuff, and then the bulk of the outdoor stuff -- the field  
3 training was week three.

4 Q. Okay, it was all week three? So, in those first two weeks  
5 when you were going out and doing some of that field work, you  
6 said you did -- I guess crossing over, you did some hanging, can  
7 you talk to me about the hanging portion?

8 A. Yeah, they had this setup, it was a mockup, they had several  
9 ladders, like, mounted on this wall, I guess, just to get used to  
10 what it's like hanging off a car. But we were only, maybe, a foot  
11 off the ground over a rubber pit. So, you know, you just had --  
12 it was a test and I'm trying to remember how long we had to hang  
13 on it. It might've been five minutes you had to hang off the side  
14 of this ladder just to verify you could do it before they'll let  
15 us move onto actual hang outside of cars, which we practiced in  
16 week three with the cars moving as well.

17 Q. Okay, when you were hanging off the walls, did you have to do  
18 anything else -- I'm sorry, off the ladders that were testable,  
19 did you have to do anything else or you just hang on the ladders?

20 A. No, they had us practice the lantern signals. So, we had our  
21 lanterns with us and -- so, hanging on one hand, leaning off with  
22 the lantern, you know, giving a backup or giving an A head, giving  
23 stops. Yeah, they had us facing both ways. They had us face one  
24 way, give them center, then face the other way. So, a bit of  
25 practice moving on a ladder, switching -- you know, switching the



1 lantern hand to hand and how to safely do that without falling  
2 off.

3 Q. You said that was under time?

4 A. Yeah, it was -- you had to be able to hang on for like -- I  
5 believe it was five minutes.

6 Q. Okay, you said you did it a couple times a week, how many  
7 times do you think you did that?

8 A. I'm trying to remember. I think we just -- if you passed, I  
9 think we only had to do it once. I think it was -- they gave us a  
10 couple opportunities, but I believe it was the first -- if you  
11 passed on the first time, you only had to do that one once.

12 Q. Okay.

13 A. So, most people did pass on the first one.

14 Q. Most passed on the first, okay. So, you just did it once or  
15 twice a week and then that was good until the third week?

16 A. Yeah.

17 Q. And then on the third week -- well, let me backtrack, you  
18 said there was different kind of ladders, can you tell me what  
19 kind of ladders they represented?

20 A. You had, like, the ladder you'd see on the side of a boxcar  
21 or a hopper with the rungs going all the way up. Those were the  
22 ones we did the practice on but then they also had this area where  
23 they had, like, the end of a tank car where they have, like, the  
24 end of a tank car with the single bar. And so, you know, climb up  
25 one side, traverse, then climb down the other side like you would

1 on the end of a tank car. Those were mostly the -- yeah, the ones  
2 they had were for either your typical hopper, or covered hopper,  
3 or box, or the tank car were the ones they had there, I believe.

4 Q. Did you guys have to demonstrate traverse and cross all of  
5 them or just one of them?

6 A. I'm trying to remember. I think it was just one, they just  
7 had us -- showed us how to do and then we went across it and I  
8 think --

9 Q. You said that was the tank car?

10 A. I believe it was the tank car, yeah. They had a couple  
11 different setups, some people might've gone over, like, the end of  
12 a -- like a mockup of a boxcar, which is the smaller car that runs  
13 along without the full platform like a tank car has. But they  
14 also -- I think it was depending on what group you were in and  
15 where you ended up because it was part of the -- they had, like,  
16 how to tie a handbrake standing on the -- you know, on the end of  
17 the car. So, that was all part of that, I believe.

18 Q. Okay, when you did your hanging test, what did you do your  
19 hanging test on, was it on a boxcar type, a hopper type, a tank  
20 car type? What did you have to do your hanging test on?

21 A. They would've been closer to a hanger -- to a hopper -- a  
22 covered hopper style, yeah.

23 Q. All right, was that every day or did they just break it up  
24 and you just got what you got?

25 A. I believe every day because that was -- the one they did the

1 ladder test on was separate from the ones that had to cross over  
2 platforms. It was just a ladder fixed to a wall, so that was  
3 everybody -- we did it in, like, two or three groups because it  
4 was only -- I think there were ten or 12 ladder spots; I think we  
5 had to do it in two groups.

6 Q. If you can, can you just give me an idea about how big your  
7 class was?

8 A. I think we started with 28 and three people didn't make it  
9 through the midterm, so we -- I think we ended with 24 or 25.

10 Q. All right, so when you did the ladder hanging test, you were  
11 basically, what, maybe 14 in the stations?

12 A. Yeah, thereabouts, and there were a couple -- the instructors  
13 are out there watching. I think we had two or three instructors  
14 at that point.

15 Q. Two or three instructors?

16 A. Yeah.

17 Q. All right, now onto the week three training, I know you did  
18 -- well, can you just kind of walk me through the training you did  
19 with moving equipment?

20 A. Yeah, well, it started out -- kind of worked us up through --  
21 like, the first day was just getting on and off the equipment, so  
22 we practiced getting on and off moving equipment since CSX -- it's  
23 permissible on, you know, under four miles an hour and what not,  
24 how to properly ride -- I'm trying to remember if they had the  
25 equipment moving the first day. The instructors that were out

1 there with us had the RCO set up, so that's how we moved the  
2 locomotives.

3       There were two -- they broke us up into two groups, one at  
4 either end of their little training yard and they have two  
5 locomotives and each had about a cut of maybe four or five cars  
6 and we practiced getting on, getting off the cars. Then did some  
7 practice riding them back and forth just in the single track and  
8 then slowly added more things to it. You'd start directing the  
9 movement, you know, giving A head on the radio telling them when  
10 to stop, then went up from there, which actually, I had to pull  
11 him out, you know, line a switch, shove into another track, grab  
12 another car, pull it out, put it back on the other track. So,  
13 they slowly added more and more stuff every day to the complexity  
14 of what we were doing.

15 Q.   So, for, like, the first day, it was just mostly riding the  
16 cars and then each day you would add a little more?

17 A.   Yeah, I believe so. Yeah, that's what it was and then just  
18 work our way up with more complex stuff that we have to do as  
19 conductors.

20 Q.   Now, when you were doing the riding stuff -- the riding  
21 training, how many students were riding the equipment at a time?

22 A.   I think they had, like -- they'd have four or five cars and  
23 so, they would put one student per car for the initial one because  
24 they were just having you get on, they'd pull it forward, maybe,  
25 five or six car lengths and then shove it back five or six car

1 lengths just so we could get a feel for what it's like riding the  
2 equipment.

3 Q. Okay, were they all on one side toward the instructors or  
4 were they working on both sides of the equipment?

5 A. Yeah, just -- we're all in view of the instructors and all  
6 leading -- you know, we would pull up, there would be a person on  
7 the rear and then after that, there would -- the other cars,  
8 they'd be at the leading end of the car, you know, because it's  
9 safer there than on the trailing end of the car with a car behind  
10 it. So -- but yeah, they were always -- yeah, the instructors  
11 were pretty good about making sure everybody was in view of them  
12 at all times.

13 Q. And not that first day when the students started controlling  
14 the move, how many students did they have riding?

15 A. Usually, just one. We'd take turns. Sometimes, they'd take  
16 two out and one would direct the movement up and then back to the  
17 next track, then the other person would get on and bring it up and  
18 bring it back. But yeah, it was usually only one or two once they  
19 got into the more complex things where the students were directing  
20 the moves.

21 Q. So, let me ask you this, so would two riding, a pull, and  
22 then a shove, or would they drop off?

23 A. I think they -- I'm trying to remember. I don't think they'd  
24 -- no, I don't think we'd both ride the shove when somebody was  
25 directing it.

1 Q. Okay.

2 A. I could be mistaken, but I don't seem to remember riding  
3 while somebody else was directing the movement.

4 Q. No, that's fine, just the best to your recollection?

5 A. Yeah.

6 Q. Okay, so -- now, when you were doing your shoves, did you  
7 have a radio?

8 A. Yes, yep, we were doing most stuff on radio communication  
9 even though -- the instructor was in view of us, but we still  
10 wanted to get used to, you know, talking on the radio. So, we  
11 would -- were working on car counts, and directions, and  
12 instructions to say properly.

13 Q. Now, did they give you any instruction on how to, you know,  
14 ride the shove and talk on the radio at the same time?

15 A. Yeah, you've got to maintain three points of contact at all  
16 times and so, you usually -- yeah, both your feet, have a good  
17 grip with your hand, and then use your other hand to operate the  
18 radio. And between making radio calls, I would -- I don't  
19 remember if they said that, but I would try to have both hands on  
20 the rail when I wasn't on the radio, if possible.

21 Q. All right, was that something that was reinforced, the four  
22 points, or was it just you had to maintain three points and  
23 whether or not you used your --

24 A. It was mainly they made sure three points of contact, they  
25 stressed that quite a bit. I think as -- for my personal

1 experience, I would just try to keep my -- you know, my other hand  
2 on the rail or as close to the rail as I could because I know cars  
3 tend to move and four points is better than three points.

4 Q. Yeah, just out of curiosity, why do you say that?

5 A. You can always -- if you've got three on there, you're less  
6 likely to slip both hands gripping. You know, I've been doing  
7 this for, what, five years now, everybody's had a few close calls  
8 where, you know, a hand slips off and you grab real quick. It  
9 could be weather conditions or just extra slack or something. So,  
10 just always trying to take a safer -- you know, if possible, safer  
11 method of hanging on while riding.

12 Q. Okay, so let me ask you a question, were you guys -- your  
13 class, were they given any instruction on the effects of slack  
14 action or how to maintain three points of contact with slack  
15 action?

16 A. I believe we did discuss slack action, running in, and I  
17 don't remember specifically, I think one of the instructors did  
18 say you can listen for it, that you could hear the slack coming at  
19 you if it's going to be a bit of slack running in or running out.  
20 I seem to remember that was mentioned and I can't remember all the  
21 details of it.

22 Q. James, it's fine. Just best -- all these questions, just to  
23 the best of your recollection.

24 A. Okay.

25 Q. So, no worries. Okay, so for your shoving movements where

1 they were training you and evaluating you, what kind of cars did  
2 you ride on those shoves?

3 A. We had some -- what did we have? We had hoppers, boxes, I  
4 think we had tanks, and I think we might've had one gon. Yeah, we  
5 did have one, old, ratty gon that we tried not to ride because,  
6 you know, gons are bad to ride. But mostly, it was hoppers, the  
7 box, and I think there was one tank car.

8 Q. Okay, and were you taught to ride all those cars in the same  
9 way or was there anything different between them?

10 A. They taught us the method for the tank car with the single  
11 bar, the one foot in the stirrup, and the one foot on the  
12 platform, more secure and that's -- well I can't get off a moving  
13 tank with a single bar because you don't have enough -- you don't  
14 have another bar to grab onto and you rotate too much.

15 Q. So, how did they teach you to ride the tank car during a  
16 shove?

17 A. Well, they call it the Captain Morgan style, I guess. But  
18 yeah, the one foot in the stirrup, the other foot kind of up on  
19 the platform and holding onto the bar. So, you're kind of off a  
20 bit more and facing the movement of travel.

21 Q. Okay, now that center bar, in relative position to your upper  
22 body, is it centered on you or is it, you know, towards the shove,  
23 or towards the tank?

24 A. It's supposed to be centered on you.

25 Q. Okay, centered? Now, was there any other methods of riding



1 that they discussed at REDI besides the tank car and the boxcar  
2 type handholds?

3 A. Well, we didn't have -- yeah, we discussed that you had to  
4 have at least a 12-inch grab iron above the deck. So, that would  
5 be like some flat cars don't have that and then you can't ride.  
6 But we didn't have any of those that weren't rideable, but we  
7 discussed, like, flat cars like that that don't have the vertical  
8 grab iron at least 12 inches above the deck.

9 Q. Did they talk about how to ride flat cars?

10 A. Not that I recall.

11 Q. Do they have any flat cars out there?

12 A. I don't remember seeing any on our group at least. There  
13 might've been some down the other end of the yard, but I don't  
14 remember seeing any flat or intermodal cars in the --

15 Q. Well, that was going to be my next question. Did they talk  
16 about how to ride intermodal cars at all?

17 A. I don't -- I did not -- I don't recall that specifically, no.

18 Q. Okay, let me ask you this, did they -- when you were going  
19 through your classes or for the field training and they were  
20 talking about your riding equipment, they discuss the method of  
21 any different considerations you've got to do when riding over a  
22 grade crossing or crossing a grade?

23 A. Grade crossing is -- I believe there was something about  
24 you're not supposed to ride tank cars across a grade crossing and  
25 if it was locomotives, you're supposed to be higher. You're

1 supposed to not be on the bottom rung across a grade crossing  
2 because of people not paying attention and running into the side  
3 of you.

4 Q. So, let me get this straight, so for tank cars, they  
5 specifically told you just don't ride them across a grade crossing  
6 and then --

7 A. Yeah, I believe that's correct.

8 Q. Okay, was that field training, or classroom training, or  
9 both, do you remember?

10 A. I believe that was in classroom training because I believe  
11 that's in the rulebook that we discussed that. There were no  
12 crossings at grade in the training yard that we dealt with. I  
13 guess there was one on the end, but the gates were always down and  
14 it was closed off when we were training, so it really wasn't  
15 treated like crossing a grade, I don't believe.

16 Q. Okay. All right, once you left REDI and you got to where  
17 you're assigned -- where are you assigned, you said Lansing?

18 A. Yes, Lansing, Michigan.

19 Q. Lansing, Michigan. Do you have a conductor mentor, trainer  
20 up there?

21 A. Yeah, actually, he's out of Grand Rapids, it's Steve Good is  
22 the conductor mentor.

23 Q. Good, so on arrival to your crew base, did you report to him  
24 or did you -- walk me through what happened when you first got to  
25 your crew base?

1 A. Yeah, first day I get back, got ahold of my MTO and he said  
2 report Monday morning with Steve Good in Grand Rapids since  
3 Lansing is a satellite yard for Grand Rapids. So, I reported my  
4 first Monday morning with Steve and went over kind of the  
5 expectations, what training was going to entail. It was me and  
6 another guy that was in class with me down there in Atlanta and he  
7 was hired in Grand Rapids, I was hired for Lansing. So, the first  
8 day was that, what to expect, maps of the yards, kind of what  
9 stuff looked like, took a tour of the Grand Rapids yard. Then the  
10 second day is when I reported to Lansing to start with the working  
11 on -- as a conductor trainee on the local.

12 Q. All right, now, are you working with -- having you been  
13 working with the same conductor the whole time -- during that  
14 whole training period or did you rotate around?

15 A. I rotated around between -- there was probably five different  
16 conductors I worked with over the training time because there was  
17 only two jobs that work there. So, there's the regular guys on  
18 both jobs and then occasionally, I'd catch an extra board guy on  
19 those jobs.

20 Q. Give me an idea just the amount of years of experience the  
21 five different conductors had if you know?

22 A. The regular guys both -- I think both regular guys had about  
23 20 years in. One of the extra board guys is also about 20 and  
24 then the other two guys I worked with, I think one has about five  
25 and the other, maybe three.

1 Q. Did they conduct any training with you or was it, you know,  
2 like hands on type training or -- give me a description of just  
3 how the various different conductors trained you?

4 A. Yeah, I was -- fortunately, you know, I had a background, you  
5 know, from working previous railroads, so it made it a little  
6 easier on them. They -- I knew the basics of railroading already,  
7 so I was able to start working with them more as far as learning  
8 the industries, learning the job, what all these locals entail  
9 switching out the cars, what cars go where. But I had -- you  
10 know, I had to learn that at Lansing yard. But yeah, they worked  
11 well with me as far as training me on the job.

12 Q. Okay, now the -- Steve Good you said was the conductor  
13 mentor, did you have much interaction with him during that time?

14 A. He came over once on the -- he got called to work the job  
15 with me I think one day or two days, possibly, on the day-shift  
16 job. So, he came over and worked with me as the conductor on the  
17 job and then I think I met with him, like, in Grand Rapids I think  
18 two more times, I believe.

19 Q. And when you came out and worked with him, was he working the  
20 job and he just happened to have you or did he volunteer to take  
21 that job?

22 A. They were looking for somebody -- they needed a conductor for  
23 the job and he was available in Grand Rapids, so he came out and  
24 took it. When they did the roster call, he took the job and I got  
25 to work with him on it. I think that's how it was. It wasn't

1 necessarily because I was on the job, it's that they needed a  
2 conductor for the job and he was available.

3 Q. Got you. Did they -- when you first got up there, did they  
4 talk to you about the qualification system, the RQS system, and  
5 what your requirements were to get qualified to get marked up?

6 A. Yeah, you mean, like, the number of trips I got to make?  
7 Yeah, we went over that, the number of trips I had to make on each  
8 job and yeah, then I had to pass the final and the territory test  
9 as well.

10 Q. Okay, is there anything -- any type of standards conditions  
11 that you had to do like dealing with the radio, lanterns,  
12 switching, shoving, anything like that?

13 A. As far as -- like a checklist?

14 Q. Yeah.

15 A. No, I don't believe I had a checklist of things that I had to  
16 check off before I completed my training.

17 Q. What was the time you were told it was going to take you to  
18 get qualified and marked up?

19 A. The qualifications said five trips per job and I ended up --  
20 I think I ended up spending three weeks, so I had more than five  
21 trips. But I spent three weeks on each job. I'm not sure if they  
22 marked me up sooner than they would have had I not had previous  
23 railroad experience. I'm not sure if that played a factor into  
24 it. But I think -- yeah, because I was marked up by the middle of  
25 June. Yeah, I was marked up by the middle of June.

1 Q. Okay, so you saw your conductor trainer about five times?

2 A. Yeah.

3 Q. What about your local manager? How often did you see your  
4 manager, any MTO (ph.)?

5 A. Yeah, I'd see them on day shift. He was usually around if it  
6 wasn't his days off or he had something else going on, he'd  
7 usually be there when the crew -- when the day-shift crew went on  
8 duty. The nights I worked -- the weeks I was working nights, he  
9 would call but usually wasn't there at the office when I would  
10 come on duty. I talked to him a couple times -- probably a couple  
11 times a week as far as figuring out what I was doing for the next  
12 week, what job they were putting me on and getting my schedule  
13 straightened around.

14 Q. Who's making your schedule, is it the conductor mentor or the  
15 manager?

16 A. The manager was making the schedule. That would be Darryl  
17 Brown (ph.) out of Lansing.

18 Q. Let me ask you this, do you know if -- you know what a  
19 compliance test is, right, a switch test or --

20 A. Yes.

21 Q. Yeah, okay. If you know, how often do you think you were  
22 tested while you were out working?

23 A. There were -- I think there were a couple times. He did --  
24 once or twice he did a ride along with us or watched us switching  
25 in the yard and said he put in a good test for us.

1 Q. Okay, so did he come out and talk to you about what you did  
2 and then tell you you did a good job?

3 A. Yeah.

4 Q. Okay. All right, did he ever say anything you could improve  
5 on you could do differently?

6 A. Yeah, once -- I guess once when I lined a switch, he thought  
7 I could've checked the points better after I threw the switch. He  
8 wanted more of -- it was at night, I guess he wanted more of a  
9 light on the switch points than I demonstrated.

10 Q. I just wanted -- was it on the points, was it on the heel?  
11 Where was it at that he was concerned with?

12 A. It was on the points. I had looked at the points to verify  
13 before we -- but I guess it -- he wanted more of a motion than I  
14 -- like, than I gave because he wasn't right next to me when I  
15 threw the switch, I guess. So, that's why he -- oh, you've got to  
16 make sure you're checking your points good.

17 Q. Got you, did you know he was out there when that occurred?

18 A. Yeah, we knew he was with us.

19 Q. Okay. All right, is either your manager or conductor mentor  
20 talked to you about, you know, anything going on with your shoving  
21 or riding?

22 A. No, I think they seemed to be -- they didn't have any  
23 problems with how I was directing shove movements or riding.  
24 Darryl did get -- the MTO did give me the briefing about -- you  
25 know, about tank cars and the close clearance tracks that are in

1 the yard, they're not allowed to ride or shove into. So, we  
2 discussed that. But as far as any specific instructions about how  
3 I was riding shoves or corrections, no.

4 MR. SKOLNEKOVICH: Okay. All right, I'm going to now --  
5 that's going to be my questions for now, I'm going to turn it over  
6 to Shawn.

7 BY MR. LAWTON:

8 Q. Shawn Lawton, L A W T O N, BLET. Good afternoon, James,  
9 thanks for taking your time with us. I just had a couple broad  
10 questions. You said that you were with BNSF, Lake States, and  
11 then CSX five years total?

12 A. Yep.

13 Q. I'm going to assume, unless you tell me otherwise, that  
14 you've gone through some kind of conductor training with BNSF,  
15 Lake States, perhaps, and obviously, now, CSX?

16 A. Yeah.

17 Q. What are your thoughts on the lengths of training at CSX just  
18 as your overall knowledge after having five years on the railroad?  
19 If it's efficient at the REDI Center, was it too short of a time,  
20 too long of a time?

21 A. I think -- you know, as somebody coming in with -- from  
22 previous railroads, I think it worked for me. I did have some  
23 concerns that a lot of my classmates who, you know, had never been  
24 around a railroad before, it seemed like it could have been a  
25 little longer or a little in depth. Especially the hands-on



1 portion in week three because of the number of students we had to  
2 get through, you would do the move once and then sit, you know,  
3 and watch your 12 or 13 other students in your group make the  
4 move. So, we got to make the moves a little bit, but I feel it  
5 could've been maybe with a smaller class size more opportunities  
6 to do more repetitions of the different activities they had us  
7 doing, the different moves and riding cars. I feel it could've  
8 benefited some guys to be able to have more repetitions at the  
9 REDI Center. But with the number of people in the class, we were  
10 not able to do that.

11 Q. Okay, and you said your class -- I might've missed the  
12 numbers, you said -- I think you started off with 24, was it, and  
13 you had three maybe either not make it or something along those  
14 numbers?

15 A. We started with 28 and we ended with 25. That's right, it  
16 was 28 and 25 now that I'm -- yeah, because our groups on the --  
17 our groups during week three, we had one group of 12, one group of  
18 13. So, yes, that -- we -- so, we started with 28 and we had 25  
19 at week three and graduated 25.

20 Q. So, when you got outside and you started to do -- as you  
21 said, in week three, you're out in the field operations, you felt  
22 that it was -- you had too many guys out there at once and not  
23 enough repetitions even with 25 guys, is that what --

24 A. Yeah, I feel it could've been -- they could've broken it into  
25 smaller groups or something, we could've had more repetitions and

1 it could've been helpful.

2 Q. Okay, before I dip into the CSX training, on BNSF and Lake  
3 States, were you trained by the other railroads and if you were,  
4 compare that to CSX's training when it comes to grab irons, the  
5 handrails, walkways, riding equipment? Where is the education  
6 that you picked up with CSX, did they surpass it, meet it, needed  
7 some more?

8 A. Well, Lake State being a shortline, they're -- well, they're  
9 a shortline, so I go back to the BNSF training. You got -- it  
10 seemed like you got a lot more one on one because BNSF runs their  
11 program differently. The instructors come to the location, so I  
12 had, like, a week in class learning safety rules and then they put  
13 us out in the field, I think, for three weeks working one on one  
14 with a conductor who would watch us very closely and make sure we  
15 were being safe and we had learned the job that way. Then we  
16 would return to the classroom for more rules class and -- for, I  
17 think, three more weeks in the middle of training, then we'd go  
18 back out in the field. So, I broke it up between -- where at --  
19 there at the REDI Center, they're -- you know, for four weeks,  
20 basically you were thrown rules -- you're learning all these rules  
21 just by the textbook and then with one week of practical training.

22 Whereas, the training I recall at BNSF, you'd learn -- we  
23 learned -- the first week is mostly safety rules and then when you  
24 went out to the field for those three weeks, it made the rules  
25 click a lot better. It started to make sense why they were in

1 place and so, I think that provided me an advantage when I was  
2 down at the REDI Center was that I -- you know, I had field  
3 experience and -- whereas a lot of my coworkers, at least for the  
4 first couple of weeks, you could tell all this stuff wasn't  
5 sinking in as much because it was reading a book, if that makes  
6 sense. Just reading stuff off of a page. I felt -- and then it  
7 started to come together, I think, in that third week with -- at  
8 the REDI Center with the field training. But I do feel like it  
9 could have been more.

10 Q. Okay, and I guess just staying with that thought process  
11 since we talked about grabbers, handrails, and walking, and riding  
12 equipment and all that, I just -- I'm not going to assume, I'm  
13 going to let you answer it. This thing with slack action because  
14 obviously, that played a role in what we're discussing, just your  
15 education from there, if you can remember what you were taught in  
16 the classroom part in the first couple of weeks at CSX, compared  
17 to the third week on the in-field, and then maybe compare that to  
18 what you already have brought into there because you have already  
19 obviously railroaded for several years prior? So, you're already  
20 ahead of the group that you're with.

21 A. We discussed slack and I think as I previously mentioned, one  
22 of the instructors, at least, mentioned that yeah, you can even --  
23 you can hear it coming and that's something that as, you know,  
24 working for a few years, you figure out in a hurry that if -- that  
25 you can hear it coming in at you. It was -- I'm trying to

1 remember how much it was discussed and the importance and I just -  
2 - I can't recall, like, the amount, I guess I'd say, that it was  
3 discussed. But I do remember them talking about slack, yeah.

4 Q. Okay, and my final question, with all this thought process  
5 with you, again, having the prior railroad knowledge coming from  
6 other railroads and onto CSX, you're fresh out of the REDI Center,  
7 so maybe an updated, you know, rules discussed and the rules that  
8 CSX expects are possibly different than BNSF and Lake States. Has  
9 a CSX manager briefed you on the incident that happened in  
10 Baltimore?

11 A. Yeah, we discussed it. I think it was the day or a couple  
12 days after -- it was my first day back to work after it happened  
13 because I think it happened on a Sunday or Saturday. I was off  
14 that day and I came back and I was marked up by that time and  
15 Darryl came in that night with a very brief synopsis of what  
16 happened. I had heard about it from some of my other classmates  
17 who worked closer to Baltimore and knew -- like had worked into  
18 Baltimore when the guy is from New York.

19 Q. Okay.

20 A. He texted me, so I knew about it before Darryl brought in the  
21 synopsis of it. But yeah, I haven't seen anything beyond that,  
22 but there was -- the official -- you know, the initial thing about  
23 (indiscernible).

24 Q. Okay, and bringing everything together again, what are your  
25 thoughts and your takeaways after your previous railroad, your

1 REDI Center, the incident, what are your thoughts on that  
2 incident? What are your takeaways from that and what have you  
3 learned from what you've been briefed with that?

4 A. Well, I think it was my understanding it was rainy that night  
5 -- it was my understanding that it was rainy and it was an RCO job  
6 and I have worked -- obviously, you know, with BNSF, so I  
7 understand how slack is a little more difficult to control on  
8 those and I've worked in rainy, slick conditions and understand  
9 how slick steel can get even wearing proper gloves and proper  
10 boots. I don't want -- you know, this -- I'm not sure where I was  
11 going with this. But it's --

12 Q. Has this helped you -- I guess has this helped you see  
13 something you might not have seen? Maybe it raised awareness to  
14 you? Is there anything you've taken from this to better yourself  
15 or you see that something maybe you might've done or not have  
16 done? From what you've been briefed and your knowledge of the  
17 situation at this point, is there anything that you've done and  
18 your personal conducting yourself on the job differently, or  
19 thought about changing, or have questions about?

20 A. Yeah, I've -- there's been a couple times where -- recently  
21 where I could have ridden a shove, but I felt it was safer to walk  
22 -- no, you know -- walk the distance it was because to get it  
23 started and maybe the number of cars he was hanging onto and then  
24 to get stopped in time to get down before the switch or the joint  
25 or that there have been a few times that previously, maybe I would

1 have ridden the shove that I was like no, I'm going to -- it is  
2 the safer course just to walk this -- walk down to the joint and  
3 call him back to me because of the number of cars he's hanging  
4 onto, the amount of slack that's going to be in play. We had  
5 those boxes and lumber cars that have those cushioned draw bars  
6 that like to move and those can bounce you around a little bit.

7 MR. LAWTON: Okay. All right, James, thanks much. When we  
8 come back around, I'll grab you on the second round. I appreciate  
9 it.

10 BY MR. MEADOWS:

11 Q. We definitely appreciate you taking time today, James. This  
12 is Matt Meadows with CSX. You've answered most everything that I  
13 would've asked, but I do have a couple of other questions. So,  
14 were -- before you went into phase two or during phase two, did  
15 anybody cover with you the 24-item checklist that you had to  
16 complete before marking up?

17 A. I'm trying to -- I don't think so. I'm trying to remember if  
18 there -- I'm trying to remember if I got a checklist. I know I  
19 never, like, filled out a checklist with any of my conductors that  
20 I work with that they had to sign off on me completing certain  
21 tasks. I'm aware -- I know that I didn't do any of that.

22 Q. Okay, when you were at REDI, did any of your -- obviously, it  
23 doesn't sound like you had any issues or struggled with any  
24 topics, but did any of your classmates have any issues and if so,  
25 were they given any additional instructions or assistance?

1 A. I think some of them took a little longer to grasp some of  
2 the concepts and when we were out in the field, the instructors  
3 would help and would coach them along as far as -- with proper  
4 rated communication. If they weren't riding equipment properly,  
5 the instructors would stop the movement and instruct them in the  
6 correct way. The instructors were available if you had any  
7 questions as far as the -- I mean, the instructor -- yeah, he gave  
8 us his phone number if we needed to call with questions when we  
9 were, like, studying or if something wasn't clear. But they did  
10 provide plenty of time for questions, asking for clarification and  
11 stuff. We went over the rules and so, I hope that answers your  
12 question.

13 Q. Yeah, that's -- yes, thank you. So, when you were in class  
14 and this is you personally, did you ever have any issues  
15 understanding instructors, or hearing in the classroom, or  
16 anything like that?

17 A. It was a large classroom. We were spread out as --  
18 basically, it was two classrooms, they took a partition out of the  
19 middle and sometimes, we'd have to ask the instructor to repeat  
20 himself. If he was -- especially if somebody on the other side  
21 was asking a question, he would direct the question to them. But  
22 he was always good about saying what he had said again, repeating  
23 himself. But yeah, the size of the classroom could lend itself to  
24 not always being able to hear the best.

25 Q. You believe the instructors at REDI are proficient and

1 knowledgeable about the topics they're teaching?

2 A. They seem to be. Yeah, we had -- they seem to all have a lot  
3 of -- a number of years of railroad experience and were able to  
4 answer questions that we had and seemed to present the topics, at  
5 least, in a way I was able to understand what they were saying. I  
6 guess every once in a while, they -- when they're presenting  
7 something, as a former railroader, it made sense to me. But I  
8 could see some of my fellow students who had never been around  
9 railroading before, the terminology, you know, there's a way that  
10 us railroaders talk that have been around the stuff for a while,  
11 terminology that we use, just stuff that's a given. So, there  
12 were a few times that students would -- I remember, like, on  
13 breaks, a couple of guys would be like what was he talking about  
14 here? Maybe that's just something to keep in mind when you're  
15 talking to people who haven't railroaded before, that you're  
16 talking to -- just how to approach things in -- you know, teaching  
17 railroad lingo and basically, railroad 101 and not just jumping  
18 onto talking like you're talking to a bunch of seasoned  
19 railroaders.

20 MR. MEADOWS: All right, that's all the questions I have.

21 MR. KANE: All right.

22 BY MR. CASSITY:

23 Q. I'm Derrek Cassity from SMART TD. I apologize for the pause,  
24 there, James, I was writing a last note. I think you addressed  
25 this earlier and I probably was writing and missed it, other



1 students in your class, did you make the comment that you felt  
2 like you probably marked up a little early compared to them  
3 because of your past experience? Or do you know if there are  
4 others that are already marked up?

5 A. I think I was marked up a bit earlier than others. I think I  
6 just got a text from one of the guys, like, on Friday, he's out of  
7 -- he's in North Baltimore or Ohio, I think he said -- he texted  
8 me he said he was getting his check ride and this was last Friday  
9 -- I think it was Friday and I had been -- yeah, so I think I was  
10 marked up. I think the other guy that's working out of Grand  
11 Rapids that I was down at the REDI Center with, I don't believe  
12 he's marked up yet. But yeah, I believe I was marked up quicker  
13 than the majority of my classmates and possibly because of the --  
14 my prior experience and I only -- I currently only trained in  
15 Lansing. So, I'm only qualified on Lansing and there's only two  
16 jobs that work out of Lansing, so yeah.

17 Q. Okay, so your qualification area, then, is probably less than  
18 some of the others comparably to the other students?

19 A. Yeah.

20 Q. Okay.

21 A. Yeah.

22 Q. Okay, so I want to go back to the REDI Center and you're on  
23 the mockup ladders. In your opinion, how do they compare to the  
24 real-life experience when you're hanging on them? Are they pretty  
25 realistic, is the steel step offset? How is that comparison for

1 you from the wall to the real thing?

2 A. Yeah, the steel step is offset, like it would be on an actual  
3 car. They're all nice, and smooth, and painted, not like you see  
4 in the field with beat up stuff. Your only -- you know, when  
5 you're doing that test, you're only -- I want to say maybe that  
6 step is only six inches to a foot off the ground. I understand  
7 they do that just to get you used to it. But it's fairly like a  
8 ladder would be. Of course, it's stationary, not moving, and in  
9 good condition.

10 Q. Okay, and so do you recall -- and again, if this has been  
11 asked, I sincerely apologize, it's hard to listen and write. In  
12 the REDI Center, were you ever exposed to the two vertical, hand-  
13 hold style ladder?

14 A. Like on the newer tank-car style?

15 Q. That would work. More pertinent to this stuff with the  
16 intermodal car. But the tank car would actually work, so let's  
17 just say there's a steel step, another step, or a rung, and then  
18 two vertical hand holds. Were you ever exposed to that in the  
19 REDI Center?

20 A. I don't believe so. I've seen those before. I worked on  
21 intermodal stuff a little bit with BNSF; we had those. But I  
22 don't believe at the REDI Center they had any of the two-hand hold  
23 either intermodal or the newer style tank car.

24 Q. So, in your time observing at the workstations in week three,  
25 you were kind of talking about that, were you standing in the

1 right of way, kind of close to the activity that was actually  
2 being taught? Or are you some distance away? What was that  
3 actual observation for you like when a classmate was performing a  
4 task like operating a switch or riding a shove movement?

5 A. They had -- next to the yard, they had a shelter -- or one  
6 end had a shelter, the other had a set of bleachers off the right  
7 of way that we were able to sit in or stand against a rail that  
8 separated the shelter from the track and watch. But we weren't in  
9 -- like we weren't in the yard, but we weren't very far away. I  
10 mean, you could see everything, you could hear, and we'd have a  
11 radio -- at least one radio on, so we could hear the communication  
12 that was going on and it was all probably within 25 yards of it.

13 Q. Okay, so if you're my student and I'm your trainer, you know,  
14 we're out there doing an activity and the class is at the -- you  
15 know, behind the -- under the awning or whatever it is and I want  
16 to give you some advice or a way to do it better, is that done  
17 between me and you? Is that done over the radio? Is there a way  
18 in which my instruction to you is simultaneously relayed to the  
19 class or subsequently relayed to the class? Or is there a loss,  
20 or a breakdown, or it stays out there with that duo?

21 A. There could be a potential breakdown because you'd see the  
22 instructor would be saying something to the student, not  
23 necessarily on the radio. It wasn't always over the radio maybe  
24 correcting -- whether it was how they were holding -- you know,  
25 how they were mounting, or dismounting, or how they were riding.

1 Then sometimes, occasionally, they would come back and address the  
2 entire group that was off to the side about something. But they  
3 would not always. Sometimes, they would just make the correction  
4 with the person who was currently on -- who was currently  
5 training.

6 Q. I'm going to kind of put you on the spot here and this is  
7 from personal experience. We'll do it hypothetically, if there  
8 was a student that was really struggling and needed more  
9 attention, do you feel like the REDI Center was capable of sharing  
10 that time with the entire class? Or did that one student take  
11 away from the other students' experiences?

12 A. They -- I'm trying to think of how to answer -- they would  
13 try to help the students that needed help and unfortunately, some  
14 of the other ones -- it did end up with a lot of standing around,  
15 waiting for our turn to go.

16 Q. Okay, so let's talk about actual shove movements and I have a  
17 feeling this is going to be tough for you given your past  
18 experience. Was there a real emphasis on positioning for shove  
19 movements for the students? If you don't care -- was it more  
20 focused on just three points of contact or was it -- was there  
21 ever any discussion of how to position your body so that weight is  
22 distributed, perhaps, in a better place to anticipate the slack  
23 motion -- or movement?

24 A. Not specifically that I recall.

25 Q. That's okay. The Captain Morgan style, that was taught at

1 the REDI Center, correct?

2 A. Yes.

3 Q. Did you find it to be comfortable and/or effective for  
4 shoving movements?

5 A. Yeah, it seems to work. I had some experience with that  
6 before and it's about as stable as you can be on a single, grab-  
7 iron, you know cross -- on a single bar like those tank cars have.

8 Q. Yeah, it's the one foot in the step -- or stirrup and one  
9 foot on the platform, correct?

10 A. Yeah.

11 Q. How were your -- how was the position -- or the direction of  
12 your foot -- or your toes? How were your toes pointed in relation  
13 to the movement on the platform?

14 A. It should be -- normally, it should be facing the direction  
15 of travel on the platform.

16 Q. If you were able to ride a car that basically had a similar  
17 setup to the tank car where the platform was easily accessible,  
18 and comfortable, and felt safe to ride, was there ever anything  
19 taught to you not to do that?

20 A. As far as riding the platform?

21 Q. Yeah, anything other than a tank car and Captain Morgan style  
22 or Captain Morgan style similar, what was the instruction when it  
23 comes to that position on something other than a tank car? Let's  
24 say it that way.

25 A. I'm trying to recall if that was discussed between that and

1 my previous -- you know, unfortunately, it runs together what I  
2 previously have done and what was specifically taught down there.  
3 But I don't recall any discussion other than the tank car as far  
4 as cars with platforms.

5 Q. Okay, and you don't recall ever being told do not do this on  
6 X car, Y car, Z car?

7 A. Not -- no, other than when you're pulling out, the only car  
8 that you can ride is like a tank car with a complete platform.  
9 You're not supposed to ride on that -- like on the end of a box or  
10 a flat -- a box or a hopper with the little -- with the platform  
11 in the middle of the car for the transversing. You're not  
12 supposed to ride on that for a pulling move. The only thing you  
13 can ride on is the rear of a tank car for a pulling move and then  
14 you have to be on the side for a shove.

15 Q. This is going to be kind of opinionated on your part, but I'm  
16 going to ask it. The movements in the yard at the REDI Center, do  
17 you feel as though they adequately prepare the students for that  
18 transition from the REDI to the field? Or do you think maybe  
19 there could be some more focus on the reality of what's going to  
20 be ridden versus what's provided in the REDI Center?

21 A. Yeah, I think there could be -- there definitely could be  
22 more. I understand that it's a small yard, they have limited  
23 amounts. But there were no opportunities to practice on either an  
24 intermodal style car or, like, an auto rack and those are cars  
25 that are fairly common depending on where you go. I think even

1 the cars that we had, there wasn't much with the -- much that had  
2 cushioned draw bars, so -- you know, where you can get the long  
3 action, you know, the four-foot slack that you can get on a  
4 cushioned draw bar.

5 Q. Okay, sorry, I just lost my train of thought. If you're  
6 performing, like, a shove movement in the REDI Center and you as a  
7 student weren't happy with what you did, were you empowered to ask  
8 to do it again? Or is there a pressure on time, given the size of  
9 the class, and the ability or inability to get students through  
10 the station?

11 A. They would usually ask if there was time at the end of the  
12 day if anybody wanted to go again. There were a few people that  
13 took advantage of that, another opportunity to try out the  
14 activity, whatever it was, whether it was a switching move or just  
15 riding the car. So, they tried if there was time. It seemed that  
16 some of the guys tended to get hung up on the verbiage and getting  
17 everything said correctly and it seemed like that was why guys  
18 would ask to go again to make sure they got the radio  
19 communication part of it down more than the proper riding style, I  
20 would say.

21 Q. Okay, going to the three points of contact in shoving  
22 movements, when you're facing the equipment and you have your  
23 three points of contact, let's say you're facing the equipment,  
24 and you're moving to the left, is there a rule -- is there any  
25 instruction taught on which hand to use, whether it be the front,

1 towards the movement of direction, or towards the back? Or is the  
2 only consideration as long as you have three points of contact?

3 A. Oh, which one to operate the radio with?

4 Q. Well, I'm just kind of -- holding in general. So, if we're  
5 moving to the left, am I okay to hold on with the left hand and  
6 use my right hand to manipulate the radio or whatever else I may  
7 need to do?

8 A. I don't recall that being brought up as far as which --  
9 what's the best one. I don't recall a discussion as far as that.

10 Q. How about -- I think you've pretty much answered this  
11 question, but I want to ask it. In preparation for slack action,  
12 is it taught like you're going to run out, the slack is probably  
13 going to push you to the left, it's best to have your left hand on  
14 the handrail? Or if it's going to, you know, run out, it's best  
15 to have it on the right so you can hold on? Is that type of  
16 instruction ever given or is it more still just focused on the  
17 three points of contact?

18 A. I think it's mostly just the three points of contact. I  
19 don't recall anything about specific best way -- discuss about  
20 best -- the best way to hang on when slack is coming.

21 Q. Okay, I write my questions, just so you know, as you're  
22 talking, so this one's a little choppy. Something you said in  
23 here, it just feels out of place, but your time at CSX and now  
24 that you're marked up, is there a best practice for determining or  
25 choosing walking versus riding? Do you feel as though the carrier



1 prefers you to do one over the other?

2 A. It's never really been brought up. We do have places, of  
3 course, where, you know, it's explicitly listed as close clearance  
4 or no clearance, so we can't ride. A lot of it seems to be left  
5 up to individual preference, you know, what the walking conditions  
6 are, if you're going to ride in -- of course, with the new rule,  
7 dismounting three cars before a joint or a switch, what the  
8 conditions are. But the carrier definitely -- you know, they want  
9 you to be efficient -- as efficient as possible, but strive for --  
10 and also strive for being safe and keeping myself in a safe  
11 position.

12 Q. Okay, I'm not sure -- did you do much road training at all in  
13 the area you're qualified or being trained on?

14 A. It is -- there's two locals that run out, so we go 40 to 50  
15 miles each direction, but we're servicing customers the whole way.

16 Q. Okay.

17 A. So, I haven't done road.

18 Q. Okay, so I guess what I was going to ask you is did you  
19 bounce from conductor to conductor to conductor a lot in your on-  
20 the-job-training but it doesn't sound like it, given the nature of  
21 where you're at?

22 A. No, I had just a few conductors that I worked with, the  
23 regular guys on the job and then, occasionally, an extra board  
24 guy.

25 Q. Can you talk to be about your class time with Mr. Good, what

1 you did in there, what those -- what that classroom was like when  
2 he was -- when he had you all?

3 A. Yeah, we -- like the first day was -- sorry, when I first  
4 arrived, it was just an introduction to the terminal. We took a  
5 tour around the yard, saw where stuff was, we talked about the  
6 different jobs that we did working out of Grand Rapids mainly.  
7 But then he also, since he knew I was going to be working out of  
8 Lansing, discussed the Lansing jobs. Then we didn't do -- meaning  
9 with him, we didn't do any field training because that was handled  
10 by the -- our conductor trainings in the field, which, like I  
11 said, I did end up working with him a couple of times in the  
12 field. But in the classroom, it was -- going over roles, reviews,  
13 specific stuff to the terminal, paperwork. We went over -- you  
14 know, had print off a work order for one of current trainings for  
15 that day, we'd go through and figure out all the tonnage, and all  
16 the other stuff, and hazmat placement, and stuff like that like  
17 that. So, that's the kind of stuff we did in the classroom  
18 portion of it.

19 Q. Okay, did any of your classmates ever express concern while  
20 they were at the REDI Center for moving on to the next phase?

21 A. I think by the end of week four, everybody was feeling a  
22 little better. I know the first two weeks some of the guys  
23 expressed that it just seemed like an overload of rules. But then  
24 in the third week, we actually got to start to see how stuff kind  
25 of started to fit together in a -- at least in that little -- in

1 that training scenario that they gave us. But by the end of week  
2 four, it seemed like everybody was looking forward to getting into  
3 the next part of training and moving on.

4 Q. While you were at the REDI, did you all get any unexpected  
5 three days off or any unexpected time off?

6 A. I think it froze, I didn't hear your entire question.

7 Q. Yeah, I did freeze. Can you hear me now okay?

8 A. Yep, I've got you know.

9 Q. While you were at the REDI, in your classroom in particular,  
10 did you all receive any unexpected days off or any unexpected time  
11 off, like a free half day or a day you get Friday off kind of  
12 thing?

13 A. No, they're pretty good about -- we had class every day. I  
14 think after -- no, I don't think we even got out early very often.  
15 It was usually -- it was pretty standard 7:00 to 3:00. Yeah, they  
16 might've let us out early maybe once after that Friday of the  
17 midterm. We might've left at, like, 2:00 or something like that,  
18 just a little early.

19 MR. CASSITY: Okay, sorry, I just had my question. I'll make  
20 that all for now. I appreciate it.

21 Richard, just so you know, I'm going to sign off real quick  
22 and come right back. I'm not doing too good on my end with the  
23 connection.

24 MR. SKOLNEKOVICH: Okay, sir.

25 MR. CAVE: Jared Cave, FRA. Hey, Mr. Kane, thank you for

1 being here today. Can you hear me loud and clear?

2 UNKNOWN PARTICIPANT: I think it's on his connection.

3 MR. SKOLNEKOVICH: Yeah, I was kind of thinking the same  
4 thing.

5 MR. KANE: Is mine not doing well? Let me see.

6 MR. SKOLNEKOVICH: Yeah, you're freezing off and on, James.  
7 If you want to, do you know how to turn off the video portion?

8 MR. KANE: Yeah, I can turn off video.

9 MR. SKOLNEKOVICH: Yeah, why don't you turn off video and see  
10 if that clears up the streaming portion of it.

11 MR. KANE: Okay, is that any better now?

12 MR. CAVE: Yeah, I can hear you pretty clear, James, can you  
13 hear me?

14 MR. KANE: Yeah, I've got you. Maybe my video just isn't  
15 working well. It looks like I got good signal here, but --

16 BY MR. CAVE:

17 Q. Okay, hey, perfect, this is Jared Cave, FRA. Hey, so most of  
18 my questions have already been answered here, so I'm going to keep  
19 this pretty short. How would you describe the climate at the REDI  
20 Center? Do you feel like your fellow students were engaged or did  
21 you feel like -- that the instructors kept it -- kept everything  
22 moving, very organized?

23 A. They tried to -- we tried to keep engaged. There was plenty  
24 of time for questions and it seemed like plenty of people had  
25 questions and they were able to answer to the best of their

1 abilities. I think the -- we did have a schedule we were supposed  
2 to keep and we kept it fairly close, but I think there was enough  
3 time built in to ask questions and get clarifications.

4 Q. Okay, so during the classroom portion, would you say most of  
5 your fellow students were paying attention, engaged in the  
6 classroom? There wasn't, you know, a lot of side talking? It was  
7 -- everyone was there, learning, and not -- and keeping  
8 conversations down?

9 A. Yes, it seemed like it. It seemed, like, pretty good,  
10 everybody was there to learn and I think after -- probably after  
11 the first quiz, people -- you know, I think people started to  
12 realize that hey, we have to -- we better pay attention and learn  
13 this stuff. So, that would've been after the -- that first quiz  
14 was, like, the second or third day. So, it really -- people  
15 perked up and made sure that they were paying attention even --  
16 you know, enough and well.

17 Q. Okay, so in week three when you were outside training and  
18 they were running multiple stations at the same time, it sounds  
19 like there was on average ten to 12 people per station, is that  
20 about right?

21 A. Yeah, that'd be about right. We had two instructors for our  
22 class running the field stuff.

23 Q. Okay, so when one person was engaged with performing the  
24 class, the other ten, 11 people, were they all pretty well engaged  
25 watching that individual perform that task?

1 A. They were supposed to be. I'll be honest, not always. You  
2 know, people get bored and there would be conversations off to the  
3 side and people, you know, not necessarily paying attention to  
4 what was going on on the train sites, on the tracks. But the --  
5 so, not probably as well as it could've been or should've been.

6 Q. Okay, did the instructors ever, like, make a comment and try  
7 to wrangle everyone back in and keep their focus on the task at  
8 hand?

9 A. They were -- I think somewhat they were focused on the  
10 training that was currently performing the activity, so probably  
11 not as well as it could've been.

12 Q. So, you're not new to this, this isn't your first rodeo,  
13 you've been railroading for a while before this phase. Looking at  
14 your fellow trainees in that class, did you feel like they put  
15 forward the effort they needed to for performing this job?

16 A. I think so. I think by the end, I mean, the people that made  
17 it through were taking it serious and everybody seemed to be  
18 improving as much as they could. They seemed like they all wanted  
19 to be there and understood the seriousness of the job.

20 Q. Did you feel like any of your fellow students weren't  
21 prepared when they left the REDI? Did you have any concerns about  
22 any of them and how they might perform outside of the REDI?

23 A. You could tell a lot of them -- I mean, they still had a lot  
24 of training to do. But it's -- I felt that -- I wasn't, like --  
25 there wasn't anybody that I was specifically, like, super worried

1 about that they wouldn't get it by the end of it, I don't think.

2 Q. Okay, so I'm going to shift over here to your phase two  
3 training. so, you mentioned you only worked with a handful of  
4 conductors while you're doing that initial on-job training, is  
5 that correct?

6 A. Yeah, that's correct. Probably five or maybe six.

7 Q. Five or six, what would you say their level of knowledge was?  
8 How many years had they been a marked up, qualified conductor?

9 A. Well, two of them had at least 20 -- or one of the guys  
10 might've been, like, 19-and-a-half years in, so we had a couple of  
11 guys with quite a bit of time in. Then, like I said, one of them  
12 was my -- the conductor mentor, Steve Good, came over and worked a  
13 couple of shifts with me and I think he's got five or six years.  
14 Then one of the -- so, the least amount, I think, was about three  
15 years. Yeah, I think Eric (ph.) had three years in and the most  
16 was over 20. But all -- so, no fairly -- no, like, really new  
17 guys.

18 Q. Do you feel like they provide you with adequate guidance when  
19 you're out there working on those jobs? Did they help explain to  
20 you -- if there's something you didn't understand -- or do you  
21 feel like they reinforce the knowledge of the rules that you had  
22 learned at the RED system?

23 A. Yeah, I think they tried their best. Some are -- some people  
24 are naturally better instructors or trainers than others. I mean,  
25 they all were competent conductors at the job. Some did better at

1 explaining what exactly we were doing and what exactly the job  
2 entailed than others. I think they all tried.

3 Q. Okay, so let me ask this, you don't -- so, you don't recall  
4 having a 24-item checklist or any type of an on-job training  
5 checklist, is that correct?

6 A. That's correct, I do recall having one to fill out. There  
7 was a --

8 Q. I'm sorry, go ahead.

9 A. There was a checklist of the different runs I had to make.  
10 But as far as, like -- because I do remember a similar thing from  
11 my time at BNSF, like, yes, he's confident at throwing a shift,  
12 confident at hanging a marker, confident at several -- I do  
13 remember that kind of checklist. But I do not recall having one  
14 and maybe it's because -- I don't know, maybe it's because I was  
15 in a little different of a boat with CSX of having previous, I'm  
16 not sure.

17 Q. Okay, but -- so, to your knowledge, your conductor mentor, or  
18 none of the managers never came out with you while you were  
19 working one of these jobs training and said hey, we're going to  
20 watch you perfect this task, they didn't say anything like that?

21 A. My MTO did -- a couple times, one of them, he wanted to -- I  
22 had to show him how to -- that I could probably throw a switch and  
23 he asked me about riding equipment and close clearances. I'm  
24 trying to remember what else he asked me. Yeah, mostly about  
25 switches and close clearances. That was his big push.



1 Q. Did anyone ever talk to you about, you know, letting you know  
2 they're watching you riding, dismounting and mounting, moving  
3 equipment, anything like that?

4 A. Yeah, they'd say that there would be -- that he does watch,  
5 he does have to test us, so they will be watching when we're doing  
6 stuff in the yard, yes.

7 Q. But they never specifically came up to you and said James, I  
8 watched you dismount this equipment or mount this equipment?

9 A. No, I don't recall anybody specifically saying that at any  
10 time, no.

11 Q. Okay, now during this on-the-job training, say you made a  
12 mistake, were the conductors you were training with, were they  
13 comfortable enough to make corrections? If they didn't make them,  
14 you know, do you feel like they were confident enough to correct  
15 you?

16 A. Yeah, they would've, you know, if -- yeah, if they saw  
17 something they didn't like, they would correct and say hey, we'll  
18 be riding over here or yeah, to probably throw switches, yeah.

19 Q. Now, during your time on-the-job training, did you notice any  
20 of the conductors you were training with not properly ride  
21 equipment or make any type of shortcuts that are contrary to the  
22 rules that you ruled at the REDI?

23 A. Without getting anybody in trouble, yes. You'd see things  
24 and I just had to remind myself that I still had to -- you know, I  
25 had to make sure I was following the rules of proper riding and

1 proper mounting, dismounting for myself. But yes, I would see  
2 people doing things that were not --

3 Q. Let me reiterate, this interview isn't to get anybody in any  
4 kind of specific trouble. But can you kind of go into detail,  
5 like, what rules or what things have you noticed other people  
6 doing that don't comply with the rules or how you were trained or  
7 taught?

8 A. The -- well, for mounting and dismounting, moving equipment,  
9 sometimes, you know, the rule states you're supposed to have  
10 verbal confirmation from the engineer, that he's under four miles  
11 an hour and that would not always happen. I guess -- I don't know  
12 if it's people that are comfortable working with each other would  
13 have an understanding that he was going to be under four at a  
14 certain point and so, that wasn't always verbally stated.

15 Q. Okay, have you ever noticed anyone not riding with, you know,  
16 three points of contact?

17 A. Yeah, that does happen, or -- yes.

18 Q. Let me ask you this, do you feel comfortable calling those  
19 people out and telling them hey, like, you're not following this  
20 rule properly?

21 A. Yeah, I think there was a time or two I mentioned it to the  
22 guys -- a guy I was working with and he was receptive to it -- or  
23 seemed to be receptive to it.

24 Q. So, you didn't get a major pushback from him saying, you  
25 know, like, hey, I've been on the railroad this long, what do you

1 know?

2 A. I did not seem to, no.

3 Q. Okay, so you're a marked-up conductor now. So, I mean, in  
4 the near future, you could be placed with a trainee?

5 A. Yeah.

6 Q. How comfortable do you feel about training a trainee?

7 A. I've done that before with previous railroads. In fact,  
8 there's another trainee here, in my terminal, that I would've  
9 worked with, I think, last night if I didn't have this interview  
10 today. I'm still -- I mean, yeah, I'm a marked-up conductor and  
11 I've done this before, I've gotten fairly confident that I know  
12 what the jobs entail. But I would prefer, at this point, not to  
13 have a trainee if I didn't have to just because I still have a lot  
14 to remember myself and -- but it is what it is, I guess.

15 Q. So, let me ask you this, technically, if you hadn't done this  
16 interview, last night, you could've been working with a trainee,  
17 correct?

18 A. I believe so, yes, I would have,

19 Q. Okay, now if you had not felt comfortable about that, could  
20 you have gone to your management and voiced those concerns and  
21 would they have been receptive to you, do you think?

22 A. I could've -- I don't know what I would've been told. We're  
23 kind of a small terminal so, there's nobody else on that job for  
24 him to work with, unfortunately. So, I'm not sure what the  
25 response would've been from a manager.

1 Q. Okay, do you feel comfortable enough with making corrections  
2 to a trainee? If you saw them breaking a rule, do you feel like,  
3 you know, you had the experience to correct them and teach them to  
4 work the right way?

5 A. I think I could, yes.

6 Q. Do you ultimately feel comfortable doing that at this point  
7 in your training where you're at right now in your career?

8 A. I think I could, yes.

9 MR. CAVE: Okay, I don't have any further questions at this  
10 time. Thank you, James.

11 MR. KANE: Thank you.

12 MR. SKOLNEKOVICH: Okay, the time right now is 1:43 p.m.  
13 We're going to take a little pause, take care of some housekeeping  
14 and then we'll come right back.

15 James, stay right on.

16 MR. KANE: Okay.

17 MR. SKOLNEKOVICH: And then we will be right back. Stand by.

18 (Off the record)

19 (On the record)

20 MR. SKOLNEKOVICH: Okay, the time is now 1:46 and we're  
21 resuming the interview.

22 BY MR. SKOLNEKOVICH:

23 Q. James, what's going to happen now is we're going to go around  
24 the table one more time for any follow-on questions. I'm going to  
25 go ahead and start off. I'd like to go back to your time at REDI.

1 One of the statements you made was there were two clashes of  
2 partition and they had opened the partition up and you said your  
3 class size is about 28?

4 A. Yep.

5 Q. Was one classroom enough size for 28 people or did they need  
6 to open it up because of social distancing?

7 A. I think it was more of a social distancing issue because,  
8 yeah, we were using -- you probably could've put more -- you  
9 probably could've fit in more room with more chairs per table, but  
10 I think they just spread everybody out for a social distancing  
11 issue. So, yeah, everybody basically had their own table.

12 Q. Okay. All right, the next question I got for you is you  
13 talked about the class kind of struggling with some of the  
14 instruction and that during the breaks when you're out in the  
15 training areas, they would ask you questions, maybe one or -- just  
16 your own general opinion, do you believe that students felt  
17 comfortable asking questions to the instructors?

18 A. I think so, yeah. The instructors tried to keep it light  
19 when they could. But I think they made it comfortable for people  
20 to ask questions. They wouldn't say to anybody, you know, anyone  
21 was dumb for asking the questions. They tried to tell you. Yeah,  
22 they didn't make it -- yeah, if you had a question -- a genuine  
23 question, they would do their best to answer it, yes.

24 Q. Okay, do you -- based on your -- what you observed on REDI,  
25 especially with the clashing stuff, did it seem like they were

1 restricted on time, like if there were additional questions, were  
2 they running out of time, or would they take the initial time and  
3 just push the classes back?

4 A. There were time constraints. They tried to answer as many  
5 questions as they could. But there could've been more time built  
6 in, I guess, for answering questions.

7 Q. Okay, did the instructors offer any timeframe after the  
8 classes for students to ask them questions?

9 A. Yeah, they usually said they'd be around for a little bit.  
10 Usually about -- I'm trying to remember, 20 minutes to a half hour  
11 after class when they let us out at 3:00 and then we had his  
12 number. I don't know if anybody texted or called him after hours,  
13 but he said he'd be available in the evenings to answer questions.  
14 I don't know if we had any. I'm not sure if anybody took  
15 advantage of that though.

16 Q. And I know after class, the students used to ride buses back  
17 to where they were staying. Did you guys ride buses back?

18 A. No, everybody drives a personal car or carpools with other  
19 students. They don't have the bus anymore.

20 Q. Okay, now onto the crew base, you talked about the safety  
21 brief that you got, I'm assuming, this last week about the  
22 incident in Baltimore?

23 A. Yeah.

24 Q. Can you give me kind of a run down of, you know, what kind of  
25 safety instruction you were given with that safety brief?

1 A. Yeah, just that there been a fatality of a student in  
2 Baltimore and make sure we are riding our shoves. At the time it  
3 came out, there wasn't too much information. In fact, I think I  
4 had heard more from my coworker -- from my fellow students who are  
5 a little closer to Baltimore than the safety briefing I got from  
6 my MTO. But he said just make sure you're riding your shoves  
7 properly and being aware of what's going around and being aware of  
8 slack action.

9 Q. Okay, do they kind of focus on slack action or do they focus  
10 on the method of riding? Or was it a combination of all of it?

11 A. Kind of a combination of all. So, kind of an overall be safe  
12 and be aware of your surroundings.

13 Q. Did they discuss any techniques for how to ride or did they  
14 just discuss it in general?

15 A. Just discussed in general, I believe.

16 Q. Did they talk about -- with that safety blurb, anything about  
17 riding over grades, public or private?

18 A. Yeah, there was something about riding over grade. I don't  
19 remember what it was. I think it was just a reiteration. I don't  
20 remember it -- exactly what it was, though.

21 Q. Okay.

22 A. It wasn't (indiscernible).

23 Q. Did that safety blurb specify the type of cars or was it just  
24 in general riding?

25 A. It was just in general riding, I believe.

1 Q. All right, next question I got for you is you talked about,  
2 you know, as far as, like, the safety brief and you talked about  
3 some job briefs, has there been any update in the job briefs as  
4 far as ridings, equipment, or things to look out for when riding  
5 equipment?

6 A. I don't recall any updates since the initial briefing  
7 regarding the incident. Just continued reminders to ride -- I  
8 mean to be safe.

9 Q. Okay, for your qualification, was there any pressure for you  
10 to mark up at a specific time or were you just given as much time  
11 as you needed? Or was it just relegated by your starts?

12 A. I was -- this was a question we were -- I was bringing up  
13 with my local representatives. Since, you know, I only qualified  
14 out of one terminal and, you know, it was six weeks, I was asking  
15 about qualifying out of Grand Rapids since ultimately, I'll  
16 probably end up working over there for at least a portion of the  
17 year and they needed a second person to be marked up in Lansing.  
18 So, I was told that the plan was to mark me up and then when I  
19 couldn't hold, they would qualify me in Grand Rapids.

20 Q. Okay, you said you talked to some of the other students in  
21 your class, have any of them discussed about, you know, getting --  
22 having to get marked up quick?

23 A. I'm trying to recall. Like I said, the one guy that I know  
24 out of Ohio, like I said, he texted me, I think it was on Friday  
25 or something like that, he said he was doing his safety ride.



1 Another guy that's -- or his check ride -- another guy out of New  
2 York, he said he had a bit more to go because he's got quite a few  
3 runs he has to qualify on. Those are about the only two that I  
4 still -- that I'm in contact with from the class, so I don't know  
5 how the other ones are going.

6 Q. Based on the territory -- I know you've got a lot of  
7 experience on the railroads, but based on the experience where  
8 you're at with your crew base, do you feel you had enough time to  
9 be fully, you know, qualified before you marked up?

10 A. I think I was qualified on my territory that I was running  
11 on, yes.

12 Q. Okay.

13 A. Yes, for the two jobs and the two locals that we were on,  
14 yes, I feel I was -- had enough with not being brand new to  
15 railroading, yes.

16 Q. Okay, if you had been brand new, do you think there would've  
17 been enough time or do you think you would've needed more time?

18 A. I would've needed -- definitely, I would've needed more time  
19 to learn railroading in general and to learn the territory had I  
20 not been -- had previous experience, yes.

21 MR. SKOLNEKOVICH: Okay, James, thank you.

22 Shawn?

23 MR. KANE: Yep.

24 MR. LAWTON: James, thank you. I got nothing, I'm good.

25 Thank you.

1 MR. KANE: All right, thank you.

2 BY MR. MEADOWS:

3 Q. Hey, James, this is Matt with CSX. So, at BNSF, you -- based  
4 on what you said, you had one week of class, then three weeks in  
5 the field?

6 A. Yep.

7 Q. And then three weeks back in class and then back to the  
8 field?

9 A. Yep.

10 Q. Do you -- so, that's, what seven weeks, do you know how many  
11 total weeks you had at BNSF?

12 A. 15 or 16 total because we went back to the field for, like,  
13 seven more weeks, then one week back in the classroom to review  
14 for our final. So, I think it was a total of 16 weeks with --  
15 what'd I say, one, two, three, four -- with five of them being  
16 classroom.

17 Q. How much territory did you have to learn at BNSF compared to  
18 Lansing?

19 A. Let's see, at BNSF, I had about 400 miles of territory at  
20 BNSF and Lansing, I run about probably a total of a hundred and 50  
21 miles out of Lansing thinking the distance we go each direction.

22 MR. MEADOWS: Well, I certainly appreciate it, James, I don't  
23 have any more questions.

24 MR. KANE: All right, thank you.

25 BY MR. CASSITY:

1 Q. Jared Cassity from SMART TD, I'm curious, James, do you  
2 recall if BNSF had a training agreement with the labor union that  
3 determined the training for the employees?

4 A. I believe they did, yeah. I think so.

5 Q. Do you know if we do on CSX or not?

6 A. I believe there is one.

7 Q. Okay, I'm kind of curious -- I just have really one question  
8 on -- Mr. Cave asked if you would've had that training or if you  
9 would be required to train, have you given that any consideration  
10 and what do you think your training would be like that this point?  
11 Would it be more of an instructional or a shadowing style given  
12 your recent promotion?

13 A. Can you ask that one more time?

14 Q. Do you feel like you're in a position -- sorry, do you feel  
15 like you're in a position to instruct new students or are you more  
16 better suited to let them shadow you? It's okay if you don't  
17 know.

18 A. Probably at first, more of a shadowing and then until I'm  
19 comfortable with where their level of training is at and then  
20 possibly do some instructing.

21 Q. And you sound a little unique in your location, but given the  
22 five or six conductors you had that trained you, was there a lot  
23 of communication between them regarding your progression as a  
24 trainee and where you were at and what steps you walked through  
25 with them? Were they communicating with each other about you?

1 A. I believe -- yeah, I believe they were because, yeah, I think  
2 one or two of them told me that they were -- that they had heard  
3 from the other guys that, you know, I wasn't completely green and  
4 completely new out here, so that made them feel a little better.

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

6 MR. KANE: Thank you.

7 MR. CAVE: Jared Cave, FRA, I've got no further questions at  
8 this time. Thank you, Mr. Kane, for being here today.

9 MR. KANE: Thank you.

10 BY MR. SKOLNEKOVICH:

11 Q. Okay, since no more questions, James, I've got a couple quick  
12 questions for you. Do you have any questions or anything that you  
13 would like to add to this interview?

14 A. I don't believe so.

15 Q. Okay, based on what you know about the event and with your  
16 training in general, is there anything that you would like to see  
17 in the future, whether it's training or qualifications?

18 A. I'm not sure. Not that I can necessarily think of off the  
19 top of my head.

20 Q. Okay. All right, if we have any questions in the future, do  
21 you mind if we contact you?

22 A. Yeah, that's no problem. Yeah, I'll be around.

23 MR. SKOLNEKOVICH: Okay. All right, well then on behalf of  
24 the NTSB, I'd like to thank you for your time and your  
25 cooperation. We really appreciate your input. We've taken

1 copious notes and you've been an excellent person to interview, so  
2 we really appreciate your time.

3 MR. KANE: Thank you.

4 MR. SKOLNEKOVICH: Best of luck.

5 Unless anybody has any questions, the interview will end at  
6 2:03 p.m., 10 July.

7 (Whereupon, at 2:03 p.m., the interview was concluded.)

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CERTIFICATE

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

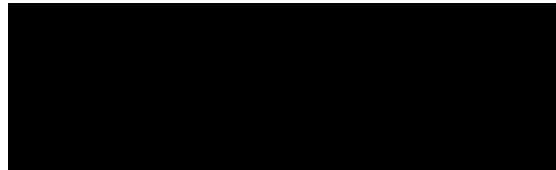
IN THE MATTER OF: CSX EMPLOYEE FATALITY AT THE SEAGIRT  
MARINE TERMINAL IN BALTIMORE,  
MARYLAND ON JUNE 28, 2023  
Interview of James Kane

ACCIDENT NO.: RRD23FR012

PLACE: via Microsoft Teams

DATE: July 10, 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.



Carolyn Hanna  
Transcriber