

UNITED STATES OF AMERICA

NATIONAL TRANSPORTATION SAFETY BOARD

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Investigation of: \*

CSX EMPLOYEE FATALITY IN \*

WALBRIDGE, OHIO \* Accident No.: RRD23FR017

ON SEPTEMBER 17, 2023 \*

\* \* \* \* \*

Interview of: DANIEL LUCZAK, Conductor  
CSX Transportation - Walbridge

CSX Walbridge Yard  
Walbridge, Ohio

Monday,  
September 18, 2023

## APPEARANCES:

RICHARD SKOLNEKOVICH, Operations Investigator  
National Transportation Safety Board

BRIAN BENDEL, Track Inspector  
Federal Railroad Administration

STEVE AMMONS, Senior Director of Train Handling Rules  
and Practices  
CSX Transportation

ROBERT CRAWFORD, Operating Practices  
Federal Railroad Administration

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JOHN RODRIQUEZ, Local Chairman  
Local 1529

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I N T E R V I E W

(11:33 a.m.)

1  
2  
3 MR. SKOLNEKOVICH: Okay. Good morning. My name is Richard  
4 Skolnekovich, and I'm the NTSB operations group chairman for this  
5 accident. We're conducting an interview today on 18 September  
6 2023 with Daniel Luczak who works for CSX. This interview is in  
7 conjunction with the NTSB's investigation of the accident that  
8 occurred at Walbridge Yard on 17 September 2023. The NTSB  
9 Accident Reference Number is RRD23FR017.

10 The purpose of this investigation is to improve safety, not  
11 to assign fault, blame or liability.

12 Before we begin our interview and questions, we're going to  
13 go around and introduce ourselves. Please spell out your last  
14 name and your title. I'll start off and then pass it to my right.

15 Again, my name is Richard Skolnekovich. That is S-k-o-l-n-e-  
16 k-o-v-i-c-h, and I'm the NTSB operations investigator.

17 MR. BENDEL: Brian Bendel, B-e-n-d-e-l, FRA, track inspector.

18 MR. AMMONS: Steve Ammons, A-m-m-o-n-s, CSX Transportation,  
19 senior director of train handling rules and practices.

20 MR. CRAWFORD: Robert Crawford, last name C-r-a-w-f-o-r-d,  
21 FRA, OP.

22 MR. GURZYNSKI: Jason Gurzynski, G-u-r-z-y-n-s-k-i, FRA,  
23 motor power and equipment inspector.

24 MR. COX: Jason Cox, C-o-x, Brotherhood of Railway Carmen.

25 MR. RODRIQUEZ: John Rodriguez, R-o-d-r-i-q-u-e-z, local

1 chairman, 1529.

2 MR. LUCZAK: Daniel Luczak, L-u-c-z-a-k, conductor.

3 MR. SKOLNEKOVICH: Okay. Thank you. All right. You  
4 understand today the interview's being recorded?

5 MR. LUCZAK: Yes.

6 MR. SKOLNEKOVICH: And that we'll do a transcription. Do we  
7 have permission to do that?

8 MR. LUCZAK: Yes.

9 MR. SKOLNEKOVICH: Okay. You understand that the  
10 transcription will be part of the public document and because of  
11 that, we can't give you any confidentiality.

12 MR. LUCZAK: Yes.

13 MR. SKOLNEKOVICH: Okay. All right. Then we'll go ahead and  
14 start.

15 INTERVIEW OF DANIEL LUCZAK

16 BY MR. SKOLNEKOVICH:

17 Q. Daniel, if you could, could you kind of give me a little bit  
18 of background about your railroad career?

19 A. I hired out 6/11 of '12, did my training. The day I was  
20 supposed to mark up, I got furloughed. Was furloughed for like 4  
21 months. Came back, did a little qualifying. When we got done  
22 with that, I actually marked up and went to the road, worked out  
23 of here and went to Flint, Detroit. I did that for I think about  
24 6 years, and then when all the changes were happening here, I  
25 couldn't hold. So I requalified in the yard here, and that was

1 March of '19. They requalified me on all the jobs, and once I got  
2 done with that, I felt it was like a better fit. I like working  
3 the yard better. So I just -- I've been in the yard ever since.

4 Q. Okay. So -- now, this yard is remote control operated  
5 switching. How long have you been RCO qualified?

6 A. I've been qualified since my mark up date.

7 Q. Okay. All right. And how often have you worked as a RCO?

8 A. A lot. Most of the jobs here are remote.

9 Q. Okay. How long have you been on this particular job?

10 A. It's hit and miss because of my seniority. So I work all  
11 types of jobs. But I work that job a lot. I have worked it a  
12 lot.

13 Q. Is that a regular sign up for you or is it an extra board  
14 job?

15 A. Well, right as of last December, I've actually been able to  
16 hold yard jobs, but I still get bounced around. But, the one that  
17 I'm on now is like a relief job where you work like -- covering  
18 off days for guys. So.

19 Q. All right. How many days a week do you work, work that job?

20 A. That end of the yard, I couldn't even tell you how many days.  
21 You know, I had a good month stretch here recently where I worked  
22 it for like a month straight, just the 397 down there, same shift,  
23 same day, and held it and then got bumped, you know, and then I  
24 might work the other end of the yard. So I couldn't tell you  
25 exactly how many -- how long and --

1 Q. Okay. Well, let me ask you this. So in the last week, what  
2 has been your work schedule if you can recall?

3 A. Oh, as in like the jobs or the times?

4 Q. Yeah, just last week's work that you've been working. What  
5 have you been working?

6 A. That relief job that I'm on.

7 Q. Okay. And what time's it sign up?

8 A. The off days are Tuesday, Wednesday, and then Thursday,  
9 Friday, you work the 393, starts at 2300, and then you work 2 days  
10 of the 394. That starts at 2359, and then the last day you work  
11 the 395 which is 2230 start.

12 Q. Okay. The 393, 394 and 395, what time do you end work? So  
13 you start at 2300 on --

14 A. If things go as planned and you get off on time, it's 0700.

15 Q. Okay. And then what about the other two jobs, 394 and 395?

16 A. Right at your 8 hours if you can, so 7:59 and then 6:30.

17 Q. Do you ever have to work over?

18 A. Yeah, yeah. If we're in the middle of a move or, you know,  
19 things don't line up where we get our work done and be able to  
20 swap out with the relief crew, sometimes we're out there past our  
21 8 hours.

22 Q. Okay. So is it like an extra hour or is it --

23 A. It can be.

24 Q. Okay. So 30 minutes to an hour?

25 A. Yeah. I mean that's probably about average if you are going

1 to stay over.

2 Q. Okay. All right. Now, can you talk to me about some of the  
3 type of work you're doing? You know, are you switching out cars?  
4 Can you kind of walk me through what you're doing?

5 A. Yeah. I mean that's pretty much the main thing, switching  
6 cars, getting tracks together, swinging tracks, spotting trains,  
7 kicking rips (ph.) out, going to the shop, pulling the shop up  
8 here.

9 Q. Okay. So it's kind of general purpose. What other --

10 A. Right.

11 Q. Okay. What's the -- what's like the largest cuts of cars  
12 that you make?

13 A. Like largest cuts that I handle?

14 Q. Yeah.

15 A. Oh, I mean they could be 100 car cuts --

16 Q. Okay.

17 A. -- you know. Sometimes these tracks are filled to the brim  
18 and you're handling, you know, the whole track.

19 Q. Okay. Routinely though, how many -- how often are you doing  
20 those big cuts?

21 A. Oh, that doesn't happen two often.

22 Q. Okay. So on a typical day, what do you -- I know you get  
23 some shop work and you're cutting some stuff out, but like just  
24 the average size of the consist that you're moving around the  
25 yard?



1 A. I could say maybe 30 to 50 cars maybe.

2 Q. Thirty to fifty. Now, are these all remote work or do you  
3 ever operate with a crew?

4 A. Yeah, yeah, I catch jobs with conventional, with an engineer.

5 Q. Okay. Any particular crew or just anyone that's --

6 A. Yeah, it could be anyone, you know, any engineer that's on  
7 that job.

8 Q. Okay. Now, when do you know that? Is that when you sign  
9 that, you find out about the work that you're going to have or  
10 does it happen while you're working?

11 A. Oh, both. Like you start the day, getting a job briefing,  
12 know what you start with, but that could change, you know. Hey,  
13 once you're done with that, we're going to have you go do this or  
14 re-crew train out at so and so and so I mean it can change. A lot  
15 of these jobs are, you know, you never know what you're going to  
16 do.

17 Q. Yeah.

18 A. You just show up at the job brief and find out what the plan  
19 is.

20 Q. Okay. And when you're setting up a remote control  
21 locomotive, can you, can you kind of walk me through the process  
22 of, you know, how you set it up, set up the box and conduct your  
23 tests?

24 A. I personally go out to the engines, do a walk around, look at  
25 the brake shoes and pistons, go up on board, look at the books,

1 you know, even if it, it was calendar dayed (ph.), I at least --  
2 once I did my first little walk around, I, you know, just get a  
3 visual of the brake shoes and the pistons and if it needs it, I'll  
4 do that calendar days. And then if not, you know, if it's good,  
5 I'll just sign my name. The engines are always usually running  
6 because we're swapping out. So I don't, you know, I just -- and  
7 they're usually linked up as well. You just have to put it into  
8 remote, generator fueled up, into run, radio on the right channel  
9 and then, you know, get the box turned on, do my test, my  
10 vigilance test, my man down test, standing locomotive brake test  
11 before I, you know, move. And then on the majority of the job,  
12 then you would run your zone.

13 Q. Okay. Can you kind of walk me through the tests when you're  
14 first setting up the locomotive? Can you kind of walk me through  
15 the tests? I know you've got a man down test but, but can you  
16 walk me through all the -- okay. So standard locomotive brake  
17 test, how are you conducting that?

18 A. I put the independent to full, pick a direction, go a couple  
19 and watch the amps, you know, a little throttle, you know, you  
20 hear it, (indiscernible), see the amps go up and if there's no  
21 movement, it's a good test.

22 Q. Okay. All right. Now, when you're doing your calendar day  
23 inspection -- let me ask you this. So when you're -- what are you  
24 looking for during a calendar day inspection?

25 A. I check lights, wipers, you know, the cab, the cleanliness,

1 anything on the ground, headlights, horn, bell, the brake shoes,  
2 the pistons, the walkways, you know. I just recently had one that  
3 had oil all over the walkways, you know. I checked that. I'm  
4 trying to think of --

5 Q. That's fine. Just the best you can remember.

6 A. Right.

7 Q. Okay. Okay. No, that's good. So let me ask you this. So  
8 the -- so after you done your calendar day inspection, and you've  
9 set the box, and you've done all your tests, is there any point in  
10 time that -- okay. So when you're doing a calendar day  
11 inspection, you test like the bells and the lights.

12 A. Um-hum.

13 Q. Is there any follow-on inspection for the bells, lights,  
14 horns, you know, once you've got the box up, you know, like  
15 controls in the box to start the bell, the horn?

16 A. Throughout the shift?

17 Q. Yep.

18 A. Well, the horn usually isn't, you know, certain jobs you will  
19 go across the grade crossings.

20 Q. Yeah.

21 A. But the bell is any time I initiate a move on the box, the  
22 bell dings, you know, so I will hear that all -- for my entire  
23 shift.

24 Q. So it's automatic?

25 A. Yes.

1 Q. Okay. Does it work in both directions?

2 A. Yes.

3 Q. Okay. And is that -- when do you test that to see if the  
4 bells are working?

5 A. Oh, I do that -- that would be right at the beginning of the  
6 shift.

7 Q. Okay. So just like when you make your first movement.

8 A. Um-hum.

9 Q. Okay.

10 A. Yep.

11 Q. Okay. I kind of want to move forward to the date of the  
12 accident. So what time, what time did you sign up on the date of  
13 the accident?

14 A. When you have wrote down that I was working -- I was on the  
15 394, supposed to be on that, that night.

16 Q. Okay.

17 A. My scheduled time was 2359. They couldn't fill jobs. So the  
18 train -- or MTO, Mac, sent me a text and wanted me to work the 397  
19 that night because they couldn't fill it. And I was -- my  
20 switchman vacancy was open. They couldn't fill it, and I was  
21 going to be one man down here, and that's like the priority job.

22 Q. Yeah.

23 A. So he texted me and told me that he needed me down there for  
24 the night. So I told him, okay. He's like, yeah, you know, your  
25 regular start time. I just need you at that end of the yard.

1 Q. Okay. Now, were you using the same locomotive or were you  
2 going to a different locomotive?

3 A. Yeah, when -- whatever locomotive they have down there for  
4 that job.

5 Q. Okay. Did they give you a job briefing or anything about  
6 conditions in the yard and like that?

7 A. The previous foreman on the job --

8 Q. Yeah.

9 A. -- since it's a one man remote job --

10 Q. Yep.

11 A. -- he -- they -- we usually job brief or job brief about  
12 clear tracks, what's going on out there, what tracks are full, and  
13 he did that with me, the previous foreman.

14 Q. Okay. So the guy -- the previous foreman coming off duty --

15 A. Yep.

16 Q. -- gives you a job briefing before you go on duty?

17 A. Yeah.

18 Q. Okay.

19 A. Yep.

20 Q. All right. Can you recall anything that he talked about the  
21 night of the accident in that job brief with you?

22 A. He told me, I think he told me 8 track was clear. Oh, and he  
23 said 17 track was getting kind of full.

24 Q. Okay. So where did you first meet your locomotive at?

25 A. I think it was parked in 3 track. It's usually like the

1 standard spot where we park it and tie it down, and then for the  
2 swap out.

3 Q. Okay. And that's where you conduct all your tests?

4 A. Yep.

5 Q. Okay. Now, if you could, can you kind of walk me through --  
6 did you establish a zone there or did you go somewhere else to  
7 establish the zone?

8 A. When I first got in there, talked to the previous foreman,  
9 turned my radio on because that's always got radio chatter, people  
10 calling. I had the 20 -- Y202 call me to come into the east end  
11 of the new lead with some engines, and I gave them permission to  
12 do that. And then the CN had to come in behind them and come down  
13 the switching lead to shove cars into 1 eastbound. And, I made --  
14 I -- the 202, I made sure they were in the clear. He told me they  
15 were in the clear and the switch lined back even though I didn't  
16 have my zone set up, I still wanted to make sure they were in the  
17 clear and the switch was lined back. The CN engineer told me the  
18 conductor was like new and didn't really know his way around the  
19 yard, and if I would help them out. So, I told them, yep, I'll be  
20 right out there. And once the 202 told me they were in the clear  
21 and the switch was lined back, I told the CN, okay, down, and I  
22 had already went and lined them into 1 track, and I told the  
23 conductor, I have you lined into your track for you. And then I  
24 waited until they shoved their train in the clear, and he rode the  
25 shove in. So then I knew I had time to come out 3 and run my

1 zone.

2 Q. Okay. And when you run your zone, can you walk me through  
3 that or are you getting on, you know, the lead portion of  
4 movement --

5 A. Yeah.

6 Q. Can you walk me through that?

7 A. Right. I'm on the headend because I don't know my conditions  
8 ahead until the zone is ran. So I stay on the headend and run the  
9 zone all the way out to the Latcha (ph.) Road. It's got that, you  
10 know, the zone signs, and make sure my switch is, you know, lined  
11 for me, the east end of the new lead switch. And, then run it  
12 back down towards the junction where the kiosk is at and the signs  
13 are down and I contact the yardmaster and tell him I've got an  
14 active zone on the switching lead.

15 Q. Okay. Do you have any switches to lock out or any like road  
16 crossing gates to lock out?

17 A. There are gates at Latcha, and they are always up but I  
18 didn't catch that job for a while, and I notice like the gates  
19 were down. Apparently they were telling -- they wanted crews to  
20 come out with bigger cuts and run that extra zone out there, but  
21 when I got took back to working that job again, I guess that was  
22 like they didn't want people doing that, didn't want the gates  
23 down and come out with your smaller cuts. So I've never have set  
24 up that second zone or handled those crossings or nothing. I just  
25 make sure from that junction to the Latcha Road, the signs are

1 down and switches are lined, and it's a good zone, that first  
2 zone.

3 Q. Okay. Real quick. How are the zones named or are they just  
4 named by the tracks or are they named by areas? How are zones  
5 named?

6 A. I think it's the -- in the timetable, it's the east end of  
7 the new lead to the -- all the way down to the east bound 19 track  
8 is your whole zone on the 97 down there.

9 Q. Okay. So, what does that zone look like? So you've got,  
10 you've got the new lead. Now, that's the running (ph.) tracks  
11 that come down by 3 and 5 in those areas there, right, the new  
12 track?

13 A. The new lead?

14 Q. Yeah.

15 A. That's next to the switching lead --

16 Q. Yep.

17 A. -- where they usually store engines.

18 Q. Okay. All right. So, now big is that zone? Like how many  
19 tracks does it cover in that zone?

20 A. Tracks, it goes 19 all the way to the junction.

21 Q. How many tracks do you think that is? I don't where the  
22 junction is? 19 I know.

23 A. It goes 19 to like 3.

24 Q. Okay.

25 A. And then once you get to the junction, to go to the other



1 side, that's when you can hit 2, 1 and like scale and MOs.

2 Q. Okay. So that's the zone that you're establishing like that  
3 night?

4 A. Right.

5 Q. Okay. Now, with the cut of cars you're picking up or the  
6 work you're doing that night, are you on the north end or on the  
7 south end of the yard? Like where are you at in relationship to  
8 for instance where you pick up the locomotive on 3 track? Where's  
9 the work at?

10 A. It could be just in our switching tracks.

11 Q. Okay.

12 A. Eastbound 1, the scale, MO1, MO2, 19, 18, those are like all  
13 the switching tracks.

14 Q. Okay. Do you have other RCO crews working out there at the  
15 same time?

16 A. Not on my end of the yard.

17 Q. Okay.

18 A. But, but --

19 Q. Where are, where are they working at?

20 A. I take that -- there's another jobs that works in the  
21 arrival, the 93 they say, because 1, 2 and 393, they work in the  
22 arrival, in the receiving yard on the east end. And sometimes  
23 they'll call to come into your zone through the cutoff because  
24 through the cutoff you can get to 13 to 19 and sometimes they have  
25 to come in and get tracks together.

1 Q. Okay.

2 A. But other than that, it's just me at that end of the yard.

3 Q. Okay. So how often do other crews have to come in through  
4 your zone?

5 A. It's can be pretty active.

6 Q. Okay.

7 A. Remote crews, road trains, they bring them in through the  
8 back lead and into the switching tracks and that's why I always  
9 tell like, you know, newer guys, always have your radio on on that  
10 job because there's always someone calling usually.

11 Q. Yeah. Now, do crews call you directly to go into the zone or  
12 are they going through the yardmaster?

13 A. They get their work from the yardmaster, but once they come  
14 into the cutoff, they stop at the zone sign and switch over to my  
15 channel and contact me about coming in.

16 Q. And what --

17 A. Or the other end of the yard, the 95, they'll contact me when  
18 they need to grab cars and so I'm not kicking cars in on top of  
19 them. They contact me about getting tracks together and whatever  
20 they might have to do with the track.

21 Q. Okay. Now, when they do come into the zone, what are your  
22 requirements? What are you supposed to do?

23 A. They -- usually the thing is with that is they'll come in.  
24 If I -- when I give them permission, they'll come in, and they'll  
25 always throw the switch back. It's like the thing, you know, you

1 -- because it's a hand throw, we can't -- I can't push the button  
2 on the screen to line it for me. It's a hand throw. They line  
3 the switch back and getting the clear in the track they want to go  
4 and then they'll say, hey, we're in the clear in whatever track,  
5 and the cutoff switch is lined back for you.

6 Q. Okay.

7 A. But obviously if they didn't line that back, didn't  
8 communicate with me, then I'd have, you know, I would go down  
9 there, are you in the clear? Yes. And line the switch back for  
10 myself, hand throw it.

11 Q. Okay.

12 A. Tell them I'm taking their line up a way.

13 Q. All right. Now, when they're entering the zone, and they're  
14 doing that, are you, are you still -- you just figure out where  
15 they're at and then you still continue to work in your --

16 A. I can if -- because I can kick cars towards like 2 and 12  
17 while that cutoff switch is open. So 13 on through 19, I couldn't  
18 get to if that cutoff is open. So I can -- let's say I had cars  
19 from 12 and 12 on through 1 or 1 through 12, and they called me to  
20 come in. I'd tell them, yeah, okay to do it, watch that 12, it'll  
21 be hot or, you know, something like that because sometimes you can  
22 keep working if you, you know, don't have to go down there. Or I  
23 might just pause my work. Maybe the yardmaster will say, hey,  
24 they really need to get this track together. Just hang tight, let  
25 them in. So maybe stop my work and then allow them into their

1 track and then continue working.

2 Q. Okay. But they're always talking to you directly. They're  
3 not relaying through a yardmaster.

4 A. No.

5 Q. So when they come up to your zone, they go, hey, you, this is  
6 me, I'd like to work and they tell you where they're working at.

7 A. Right, what they have to do, and usually I already know  
8 because I worked the job that they would be coming in to do that.  
9 So they're going to be in that track probably for a while, making  
10 ties, going to the other end, grabbing cars. So I usually know  
11 what their plan is when they want to come in for a track.

12 Q. All right. And then they report clear, and if you don't, you  
13 go check their --

14 A. Yep, in the clear, and my cutoff switch is lined back.

15 Q. Okay. And let me kind of switch that over to the mechanical  
16 folks now. So the mechanical folks, whether it's track or  
17 mechanical, can they enter your zone and do work?

18 A. Yeah, yeah, with permission.

19 Q. Okay. Tell me what happens with that.

20 A. I haven't really had that happen to me.

21 Q. Yeah.

22 A. I couldn't even -- if it has even, but they would contact you  
23 about permission, about locking a track up, putting their derails  
24 down and obviously locking the switches out, so then I couldn't  
25 throw them with my -- the touch screen, the clicker that I have.

1 Q. Yeah.

2 A. And then obviously once they were done with their work, then  
3 it would -- if it was something where -- with their derails and  
4 all that, I would rerun my route to make sure everything was clear  
5 of what they were doing.

6 Q. Okay.

7 A. But that doesn't really happen too often.

8 Q. Now, do they talk to you on your channel or does the  
9 yardmaster contact you?

10 A. That would be directly to me.

11 Q. Okay. All right. So the night of the accident, there was  
12 some mechanical folks who were going out to do the work. Did they  
13 reach out and get permission from you?

14 A. I was -- I had like a pretty big cut to go to 14. I was  
15 working on the scale track. I pulled the cut out, went up to the  
16 kiosk, did my thing were I activate the, you know, what -- you  
17 change the cut that you come out with, hit activate, it lines it  
18 for 14, and I'm not going to kick. I had like 22 short hoppers I  
19 think. I wasn't going to kick those loaded cars down there, you  
20 know, take a while and be more stress on me I guess. So I rode  
21 them down in there and I had some cars that like didn't make it.  
22 They were in the clear but they weren't -- they didn't keep  
23 rolling. They kind of died. So I wanted to tie onto those and  
24 then shove 14 back to make room for future cars for 14. So, I  
25 rode the shove in 14 all the way down, not all the way to the west

1 end, but just where I felt like I had enough room for more 14s  
2 later. And as I walking up, the carmen were calling to lock the 3  
3 and 5 track I believe out, and I kept answering them, you know,  
4 97, 97, and he like -- I could hear him but he couldn't hear me.

5 Q. Okay.

6 A. So then he -- I heard the carmen call the yardmaster and say,  
7 hey, is he responding or did I just not hear him? And then  
8 somebody else, like road train was like, yeah, you can't hear him.  
9 So then Andrew, you know, the yardmaster, I said, hey, Andrew,  
10 will you let them know that they can lock up 3 and 5, and then I  
11 heard him tell them. He said you're okay to lock up 3 and 5.  
12 Then this is while I was walking up to my headend because I had  
13 rode that shove into 14.

14 Q. Okay. Now, where were you at this time? So were you out --  
15 you're on 14, but is that towards like the 795 on --

16 A. Yeah. We call it like the wires. It's like -- maybe like 10  
17 cars west of 795.

18 Q. Okay.

19 A. It's usually like where we like, you know, would put a tie  
20 down or whatever for, you know, room for guys to kick cars into.

21 Q. Yeah.

22 A. But it was about right there where -- when I got up to the  
23 headend, about where I was at, when I went to cut away from them.

24 Q. Okay. So you contacted yardmaster. You said they were okay  
25 to go do their work.

1 A. Yeah.

2 Q. And did you get any more following information from the  
3 yardmaster or did you actually ever talk to the carmen?

4 A. Nope, not -- nope, not after that.

5 Q. Okay.

6 A. I heard, I heard the carmen say, okay, about -- so hearing  
7 what the yardmaster said that I said, you know.

8 Q. Yeah. Okay. So basically the yardmaster relayed the  
9 message.

10 A. Yes. Yep.

11 Q. Okay. All right. Did you know what work they were going be  
12 doing? Obviously you knew they were going to lock 3 and 5. Do  
13 you know what entails?

14 A. They lock the -- for our power switches that we have, they  
15 have like two locations to like lock them out, and I'm not sure if  
16 they lock them both out, but I just know they toggle the switch to  
17 not power mode or where they lock, you know, do something there  
18 and throw a lock on it, and then they put their blue flags in the  
19 track.

20 Q. Okay.

21 A. I'm not sure if they lock out both of the power units for the  
22 switches.

23 Q. And when they lock them out, I know there's small like,  
24 they're not dwarf signals, but low signals that indicate the  
25 switch is in position, right, and whether or not they're locked?

1 A. There's the switch position. If the switch is like out of  
2 service, something ain't right. There's the white light for when  
3 they have it locked out.

4 Q. So white equals locked out. What other colors do they have?

5 A. They've got green line for the lead. Yellow's lined into  
6 that track. Flashing red, something's not right with the switch  
7 maybe like the contacts and usually you go up, contact the  
8 yardmaster, hey, 12 switch is out right now. And then you could  
9 possibly hand throw it from there even if it's flashing red, you  
10 might still be able to hand pump the switch and get a good contact  
11 and still be able to go over the switch.

12 Q. Yeah. Okay. Now, when you're, when you're working the job,  
13 are you looking at those to kind of confirm what switches you got  
14 lined?

15 A. Always.

16 Q. Okay.

17 A. Yeah.

18 Q. All right.

19 A. I was just going to say, I can see it, lights on the lead. I  
20 can see it in my screen in the kiosk which way switches are  
21 aligned and --

22 Q. Okay. Have you had any problems either with the switch  
23 indicators? What are they called? Do they call them switch  
24 indicator lights? What do they call them?

25 A. Yeah, yeah.



1 Q. Okay. Switch indicator lights. Has there been any problems  
2 with either the switch indicator lights, you know, not showing the  
3 correct light or --

4 A. I haven't had it to where it wasn't in course -- you know,  
5 like if it was green for the lead, it was, you know, and it was  
6 for the lead. I've never had it where it might have been lined in  
7 towards the track.

8 Q. Okay.

9 A. That always matches up and lines up right. Like the only  
10 thing -- the problem would be like the flashing red, something  
11 might be malfunctioning with the switch and that's when I contact  
12 the yardmaster and tell him the switch is out, and then they  
13 contact someone to come and fix it.

14 Q. Okay. So it's a pretty good system. Like do you ever  
15 encounter like gaps in switches or anything like that with --

16 A. No.

17 Q. Okay.

18 A. No, because when you click your clicker to line for a next  
19 switch, the scoreboard will flash and once it's lined and locked  
20 and the switch is good, it'll stay solid and you'll get a white  
21 light on the scoreboard telling you you're line locked and okay to  
22 put cars into it.

23 Q. So, I kind of want to go to the time of the incident now. So  
24 the mechanical crew called up and they wanted to work or they  
25 wanted to lock out 3 and 5 track.

1 A. Yep.

2 Q. And they called you. Of course, they didn't get any  
3 communication.

4 A. Um-hum.

5 Q. So after the yardmaster gave them their instruction, was  
6 there a timeframe that you thought they were going to be doing the  
7 work?

8 A. Sometimes they'll call when they're not even close to even  
9 being out there to lock the switch up.

10 Q. Okay.

11 A. You know, sometimes I hear them -- sometimes I hear -- a  
12 carman will call me or call a crew at the west end, and I can tell  
13 he's at the west end because I -- it's staticky and there's no  
14 vehicles around. And sometimes they'll call me right away and say  
15 -- they'll -- as soon as they get done talking to 95, they might  
16 say, 97, is that okay, to lock that up? Yeah, that's okay to do  
17 that, you know. So I have no idea how long it'll take them to  
18 actually show up to lock that track out.

19 Q. Okay. Do they ever -- the mechanical folks ever call and let  
20 you know they're clear of your zone?

21 A. No, no. It's just a -- that's the only time you talk to them  
22 is to -- they want permission to lock. Okay to lock out 3. Okay  
23 to lock out 3 and 5. And then that's it. You never talk to them  
24 again. You just know they're done when the flag is down and you  
25 don't see the white light on the switch any more.

1 Q. Okay. Have you ever seen the carmen in the tracks when they  
2 haven't called and asked permission to get in the zone?

3 A. I haven't seen that.

4 Q. Okay.

5 A. Sometimes they'll lock up tracks without asking, you know.  
6 I've seen that. I'm like, oh, why is -- the white light's on, the  
7 blue flag's up. No one called, you know.

8 Q. So based on the light and the positions, do the crews  
9 typically ride the point just so they can see the lights, the  
10 switch indicator lights or can you just see them from a distance  
11 and then --

12 A. Yeah. Well, you can see them and then -- you mean for like  
13 kicking car?

14 Q. Yeah.

15 A. Yeah, you can see it on -- from a distance and your screen  
16 and then like I said, your scoreboard will go solid and white  
17 lunar light will pop up meaning your route is lined and the  
18 scoreboard numbers are big enough you know -- it'll tell you the  
19 track. So then you know from your list and that. Okay. I'm  
20 lined for 14 or whatever.

21 Q. So you clearly see it?

22 A. Yes.

23 Q. Okay. All right. The locomotives themselves, so -- first,  
24 what's the, what's the authorized speed to operate in the yard?

25 A. Ten. But, there's spots in the yard where they've raised the

1 speeds to like -- I've seen it like -- when you're not going over  
2 switches, some you can 15 over. My max speed is 10.

3 Q. Okay.

4 A. You know, obviously you've got the shop up here, 5, box only  
5 goes 4. I go 4 in the shop, you know. It's --

6 Q. Yeah.

7 A. But max speed is 10.

8 Q. So is that 15 on leads or something or is it specific spots?

9 A. I think specific spots throughout the yard like some of these  
10 I wouldn't even go 15 in because, you know, you get to rocking and  
11 I'm like, I'm not, you know, safe.

12 Q. Yeah.

13 A. But my max speed would be 10.

14 Q. Now, is there any indicator on the box you your current  
15 speed?

16 A. Yep, I always have it set to that. You can toggle the  
17 status, and I always go to the point where it shows my speed.  
18 Every time I work a remote box, I always do that.

19 Q. Okay. All right. So the night of the incident when you were  
20 coming the lead, do you remember -- do you recall what your speed  
21 was?

22 A. I got it up to 10.

23 Q. Okay.

24 A. Then I had like I said, those cars in 14 that didn't roll all  
25 the way in.

1 Q. Yeah.

2 A. I obviously stopped short of those and walked up and made the  
3 tie, got on the -- it was only two cars, stretched them, got on  
4 the point of those two and headed into 14 track.

5 Q. Now, when you were (indiscernible), did you hear the engine  
6 bells at all?

7 A. You can hear the bells a long way away. When I initiate the  
8 move, that's -- I always hear that. Once I hear that, I know I'm  
9 going to be moving here soon, get it to couple, here comes the  
10 slack, get my moves, my speed going, you know. If I don't hear  
11 the bell, I know something, you know, something isn't right.  
12 Maybe I -- it tells you you didn't hit your vigilance and give it  
13 the time to go to couple, you know, pop up on your box, select  
14 vigilance or --

15 Q. I got you. So when you were coming down the new lead, do you  
16 recall hearing the bells?

17 A. Yes.

18 Q. Okay.

19 A. Yep.

20 Q. And to kind of go back, when you did your calendar day  
21 inspection, did you have, did you have any deficiencies, your  
22 lights --

23 A. No. I remember the -- I can't remember what job symbol it  
24 was, but it was calendar dayed on the 16th. So that tells me it's  
25 good until midnight on the 17th. So I just -- I sign my name.

1 Q. Okay.

2 A. But obviously I heard bell and saw light right off the get  
3 because I'm going back to what I said earlier. When I lined the  
4 CN into the track needed, I stayed in the clear in 3 and walked up  
5 to the kiosk and stayed in the clear. Once they cleared, I  
6 touched my touch screen to line me up 3 track and brought the  
7 engine to me. So I clearly saw the headlight, heard the bell  
8 coming at me. That's when I hopped on to run my zone.

9 Q. So once you complete like a switch list, do you just go -- do  
10 you take your locomotive back down to the kiosk?

11 A. Yep. Guys might do it different but me personally, I change  
12 first last car of the cut, the car I came out with, activate the  
13 list or accept, activate, you know, and then you hit start. It'll  
14 start your process. For that last cut I did that night was all  
15 14. So I went up, started it for 14 and was lined and went into  
16 14.

17 Q. Okay.

18 A. But, but I do -- for each individual cut, I do go back to the  
19 kiosk. I deactivate the list and then you send the portion that  
20 you did to like pickle the switch, you know --

21 Q. Yeah.

22 A. -- pickle the list so it shows that that cut was switched in  
23 that order. So then it's brought in the computer system, you  
24 know.

25 Q. I got you. So let me ask you this. When you're setting up

1 the kiosk are you setting up -- say you've got a switch list. Do  
2 you set the whole switch list and then you can just do certain  
3 cuts?

4 A. Yep.

5 Q. Okay.

6 A. Yeah, you might get a list, could have 100 cars on it. I've  
7 been doing it so long I know -- or I look at my list in the shanty  
8 and mark my cuts like, aw, that'll, you know. But you have racks.  
9 Obviously it's longer. You can't come out with as many manifests  
10 that you might be able to, you know. So I always -- I just know  
11 where I'm going to make my cuts --

12 Q. Yeah.

13 A. -- even before I even go out.

14 Q. Okay.

15 A. But, yeah, you can change it on there, however way you want  
16 to switch the -- you switch your list out, you're available to do  
17 it on that screen. You can edit it how you want.

18 Q. Okay. So basically you get on there -- so that, you went on  
19 there and you put in your switch list, you figured out where you  
20 were going to cut things out.

21 A. Um-hum.

22 Q. You went out and did your work, and then have you already  
23 pre-lined the route back to the kiosk before you leave or is that  
24 something you do while you're out there?

25 A. It won't throw any switches without -- unless someone's in

1 that kiosk hitting the screen or I keep my clicker right here on  
2 my vest, unless someone double taps the green to advance the next  
3 to throw a switch. Other than that, no switches will move.

4 Q. Okay. All right. Thank you very much. That concludes my  
5 questions for now.

6 MR. BENDEL: I have no questions.

7 BY MR. AMMONS:

8 Q. Hey, Daniel. Steve Ammons, CSX. Thank you for being here  
9 today. I've got some questions here. I want to make sure I ask  
10 these in the right order so they make sense to both you and I.  
11 Earlier, you were asked about kind of the process that you go  
12 through nightly at the beginning, linking up and your tests and  
13 things like that.

14 A. Um-hum.

15 Q. Did you do all your safety tests the night of this -- I guess  
16 it would be the night of the 16th?

17 A. Yes.

18 Q. Okay. Regardless of the RCO job that you're working  
19 specifically on third shift, are you familiar with or work with  
20 the same car inspectors? Do you see these car inspectors? Do you  
21 know them?

22 A. No, I -- some of their voices sound familiar, but I never  
23 really get that close to even know who they are or, you know, it's  
24 all radio talk and just the voice, that guy sounds familiar, you  
25 know. Other than that, I don't know them.



1 Q. You don't know them on a firsthand basis?

2 A. Not at all.

3 Q. Okay.

4 A. Only the guys I work with, conductors and engineers, you  
5 know.

6 Q. Talking about the bell, a lot of questions about the bell on  
7 the locomotive and you can only hear it ringing when you initially  
8 select a move. I just want to make sure there's no confusion in  
9 here. So tell us about that. When you, when you select movement  
10 on your OCU, and the bell rings, approximately how long does the  
11 bell ring?

12 A. I feel like it rings for a while, you know, but I -- maybe  
13 like 5 seconds.

14 Q. All right. And then after 5 seconds, you continue to move  
15 but the bell doesn't ring again, correct, unless you manually ring  
16 it?

17 A. Right, correct.

18 Q. And you have the ability to ring it manually from the box if  
19 you need -- if you see the need to do so?

20 A. Right, and the horn as well.

21 Q. And the horn as well. Thank you. But the bell doesn't  
22 continuously ring after you move. It just automatically goes off  
23 after a certain period of time?

24 A. Right.

25 Q. Okay. When you're in a zone and you're working with an

1 active zone, what does that zone provide you?

2 A. Headend protection.

3 Q. So does that mean that you can be somewhere else in the body  
4 of the track or the yard and you don't have to be -- you don't  
5 have to have eyes on the headend --

6 A. Correct.

7 Q. -- within that zone?

8 A. Correct. I mean obviously eyes on your cut you're dealing  
9 with but once the zone is established, you know, you don't need to  
10 have someone up there like, you know, it could be down the track,  
11 knowing where all the headends, like maybe 10 cars on the lead,  
12 you know, I'm in my zone. It's my zone.

13 Q. And it's your zone until you let someone into the zone?

14 A. Correct.

15 Q. To move equipment inside the zone, to change switches.

16 A. Right.

17 Q. Right. When the car inspector that night or any night calls  
18 and tells you they need to lock out a switch, does that mean that  
19 they have now changed the conditions of your zone?

20 A. No, because -- I guess maybe if they threw like if it was --  
21 let's say I came out of 3, let's say they asked for 3, I was in 3,  
22 standby, I'm in 3 at this time. Maybe where they would come out  
23 and -- or I would come out and then they would line it for the  
24 lead, then lock it out, then maybe that would be where they would  
25 change my zone, but then I would visually see it was lined back

1 for the lead, locked out and then maybe, you know, I could run my  
2 engine down past it just to verify, but --

3 Q. Yesterday morning when the car inspectors were attempting to  
4 contact you, and ultimately you relayed your permission or  
5 instructions via the yardmaster, was it to line any switches in  
6 your zone or was it to lock out switches in your zone, was it both  
7 or were the switches that they were attempting to lock out even in  
8 your zone?

9 A. It was lined away from those switches that they needed  
10 because I went from the kiosk 14 and it was line locked for my  
11 move all the way into 14 and would stay that way unless someone  
12 was in the kiosk hitting the screen or double tapping my clicker  
13 that I have, but in order for them to lock up the tracks that they  
14 wanted, they didn't have to throw -- like 4 and 5 has an inside  
15 switch, and I don't know way that was lined for them to lock that  
16 out. But 4 and 5 inside switch didn't affect my move from the  
17 kiosk to 14. So I don't know if they had to like line that, you  
18 know, and lock it out the correct way, but it didn't affect my  
19 move there.

20 Q. It didn't affect your zone?

21 A. No, no.

22 Q. If 4 and 5 switch, if that's what they, in fact, had to line  
23 or lock out --

24 A. Right.

25 Q. -- they wouldn't have needed permission from you to do that?

1 A. Well, they should ask for any track that they are going to  
2 ask to lock out.

3 Q. As far as the remote control zone, they would not need your  
4 permission because they're not affecting the remote control zone  
5 is what I'm asking. Is that correct?

6 A. I always assumed it was always -- any time they wanted to  
7 lock a track out, they would ask for permission to do so.

8 Q. I'll try to ask this a little differently. So, if they're  
9 going to line a switch within your remote control zone, they have  
10 to have your permission?

11 A. Right, correct.

12 Q. All right. If they're going to line a switch that's not in  
13 your remote control zone, do they have to have your permission?

14 A. Not in my zone, no.

15 Q. Right. So the switches that they had to line, to lock out 3  
16 and 5, was it in your remote control zone or outside of your  
17 remote control zone?

18 A. In my zone.

19 Q. It was in your zone.

20 A. In my zone.

21 Q. Okay. And you gave them permission to line or just lock out?

22 A. Okay to lock them up. I knew -- like I said before, 5 switch  
23 I'm not sure which way that would have been lined because it's on  
24 the inside. I'm not sure if they had -- what they had to do to  
25 get it to lock up 5 that night. Maybe it was lined into 5 and

1 they needed to go over and hit the button and line it, but it -- I  
2 gave them permission to do so, and it didn't affect my route with  
3 my engines. You know, it was okay to do it. I knew I didn't have  
4 -- I'm down in 14. I'm line and locked for 14. I'm not going to  
5 4 and 5, not going to 3, and I know 3, the outside switch on the  
6 lead is lined for the lead for me. It's already lined the way  
7 they would need it to be to lock it out.

8 Q. And if they inadvertently lined a switch that was in your  
9 zone, in this particular area, could you have seen that with the  
10 indicator lights?

11 A. No, it doesn't -- it wouldn't have done anything. Like on  
12 the scoreboard or anything, you couldn't -- like let's say I'm at  
13 the kiosk and I'm lining for 14 with a white light, I kick toward  
14 14 and let's say I -- the yardmaster calls, says clear up on 3  
15 track. I could go to 3, reverse it, going to 3 and it's not going  
16 to show anything on the scoreboard at all. It'll just -- the  
17 switch is doing what you want it to, but it's not going to tell me  
18 nothing on that board or anything if someone throws a switch.

19 Q. Yeah. Do you recall, did they ask you to line the switch or  
20 just that they needed to lock up?

21 A. They always say lock up.

22 Q. Okay.

23 A. Okay to lock or sometime not even to lock. Okay for 3 and 5,  
24 okay for 5.

25 Q. Do you recall what they asked that night?

1 A. I'm pretty sure it was to lock up, okay to lock up 3 and 5.

2 Q. Can you tell us about your positioning that night on the  
3 locomotives during the time of the incident, where you were  
4 located at and why you were located there?

5 A. I remember when I walking up to the headend and after shoving  
6 that 14 in, a road crew had called me to come in through the back  
7 lead. Once again, it didn't affect my switches or route, if I let  
8 them in, okay, and back lead for I think one of the MOs. And that  
9 was about the time -- like a little bit after that is when the  
10 carmen were calling for 3 and 5. They couldn't hear me, relayed  
11 it, and when I -- I remember I was thinking in my head, I'm going  
12 to cut away from 14, ride the engine, the rear unit out and maybe  
13 by the time I get up there towards like -- where that train was  
14 coming in, maybe they would have been cleared in time. So I could  
15 just walk across and re-line the back lead switch for me because  
16 it's a hand throw. It's not a power switch that I can just go up,  
17 see they're clear and press the button. It's a hand throw over on  
18 that side.

19 Q. So you were on the rear unit.

20 A. Yes.

21 Q. And which side of the rear unit were you on?

22 A. It would have been this side, whatever --

23 Q. Was it on the fuel side or up from the fuel -- the ladder  
24 side or the offside of the ladder?

25 A. Off. Off the ladder.

1 Q. Did you have any visibility of their truck at that point as  
2 you approached that area?

3 A. I remember seeing headlights, but in my head, I see  
4 headlights all the time. I never know who it is, you know, like  
5 -- obviously I knew what their intentions were, but I see  
6 headlights all the time, you know. Sometimes it's the maintainer  
7 just sitting there by the track. Sometimes it's just a random CSX  
8 vehicle, sometimes the end driver, you know. I remember seeing  
9 headlights down there though.

10 Q. Um-hum. Okay. And, do you recall how fast you were  
11 operating?

12 A. I got it up to 10.

13 Q. Okay. That particular OCU and locomotive, can you run any  
14 faster than 10 with RCOs?

15 A. I think some of them, when you go to 15, it'll try to get it  
16 to 15, but some of them, if you go to 15, it won't even go past  
17 10.

18 Q. Right.

19 A. But like I said, I don't operate at that speed. I'm always,  
20 you know, at 10, I feel safe and that's my speed.

21 Q. And what was your -- at that point in time, when you were  
22 traversing the ladder, just prior to the incident, what was your  
23 -- were you -- what was your purpose at that point? Were you  
24 going back towards the --

25 A. To the kiosk.

1 Q. To the kiosk.

2 A. Because I had activated my list, had ahold of 22, 21 hoppers.  
3 I was going to go up, deactivate the list, show those -- that cut  
4 switched and then head back to the scale track to start switching  
5 again.

6 Q. And at any time did you know that you had -- not you, but  
7 that the locomotives that you were operating had struck someone?

8 A. Not at all.

9 Q. When did you become aware of that?

10 A. I went up the lead, going to the kiosk, went all the way up.  
11 I was looking over at that -- I glanced at that road train and I  
12 think it was still pulling and still where I couldn't handle that  
13 switch. So I was like I'm just going to go up to the kiosk, and I  
14 like stopped, got off, like opened the door, and was looking at  
15 the screen and then I heard someone on the radio, saying to call  
16 911.

17 Q. Okay. Okay.

18 A. And then I came out, and I didn't know where it was coming  
19 from, you know.

20 Q. That's fine. That's fine. Thank you.

21 MR. SKOLNEKOVICH: You need a break? All right. The current  
22 time is 11:33, and we're going to take a few minute break.

23 (Off the record.)

24 (On the record.)

25 MR. SKOLNEKOVICH: The current time is 12:26, and we're going



1 to resume the interview.

2 MR. CRAWFORD: Robert Crawford.

3 BY MR. CRAWFORD:

4 Q. I've just only got a couple of questions here. After you do  
5 your set up for the box there and you do your testing and man down  
6 testing and so forth, when you talk to the yardmaster, I guess --  
7 what do you actually do. When you set up your zone, do you talk  
8 to him shortly after that or do you just go down and then set up  
9 your zone once you get down there?

10 A. Once I run my route --

11 Q. Right.

12 A. -- as soon as I get to the other end of it, I stop and call  
13 him right now.

14 Q. Okay.

15 A. And I tell him the zone is active.

16 Q. Oh, okay. So like right then --

17 A. Yeah.

18 Q. -- you set the --

19 A. Um-hum, and that's how I do it with all the jobs. I go take  
20 my engine to the other end of the zone where the signs are at --

21 Q. Oh, okay.

22 A. -- and soon as I get to that point, I contact the yardmaster.

23 Q. Oh, okay. When -- you say you've worked RCO for quite a few  
24 years?

25 A. Yeah.

1 Q. Several years. Can you tell me what -- in the past, not  
2 necessarily this current, but have always the carmen checked in  
3 with you or is that something that's recently --

4 A. I mentioned that earlier that sometimes they won't --

5 Q. Okay.

6 A. -- even call to lock up a track.

7 Q. Okay.

8 A. I've had it to where I just come back out or do -- and I'll  
9 just look over and say, wow, that's got a blue flag on it, you  
10 know.

11 Q. Oh, okay.

12 A. You know.

13 Q. So sometimes they will and sometimes they won't?

14 A. But I would say the majority of the time I am contacted but  
15 there have been times --

16 Q. Uh-huh.

17 A. -- in the past where I haven't been.

18 MR. CRAWFORD: Okay. I have no other questions.

19 MR. GURZYNSKI: Jason Gurzynski, FRA.

20 BY MR. GURZYNSKI:

21 Q. Thanks, Daniel. Just to make the direction of movement  
22 clear, the eastbound yard is a pretty unique yard, with not just  
23 the switch system, but the way we call directions here. So you  
24 were working at the east end of the yard which is actually the  
25 south end, correct?

1 A. Right, right.

2 Q. And what the employees call the west end of the yard is  
3 actually the north end, right?

4 A. Correct.

5 Q. I know that just because I inspect here --

6 A. Um-hum.

7 Q. -- but it's good that other people know. I guess before the  
8 incident, you were moving south out of 14 track, correct? You're  
9 coming out on --

10 A. Yes.

11 Q. -- that's the lead?

12 A. Yes.

13 Q. So you were positioned on the trail unit, it would have been  
14 on the west side of the --

15 A. Right.

16 Q. So it would have been right opposite where your shanty is --

17 A. Yes.

18 Q. -- at the east end. Okay. And then just what Mr. Crawford  
19 was touching on, sometimes carmen will communicate with the RCO to  
20 lock up a track and sometimes a blue flag may just appear. I'm  
21 not aware. Do you know -- is this a CSX rule or is this something  
22 that may just be like a recommended practice versus a required  
23 practice?

24 A. I think it's that, like a recommended. Communication is key,  
25 you know, and like I always feel like any time something's going

1 to happen out there on the rail, everyone needs to know about it.  
2 So I mean I -- like I said, sometimes they call and some -- I've  
3 had it where they haven't.

4 Q. Right. And you mostly are working on third shift?

5 A. I have been, yeah.

6 Q. Has there been times maybe like on another shift, either the  
7 same job with 397 or the other jobs, whether first or second  
8 shift, where carmen are or another craft is calling to, you know,  
9 to work within your zone or is that more of just like a third  
10 shift?

11 A. No, it's all shifts that can happen.

12 Q. All shifts?

13 A. Yes.

14 Q. I've got nothing further. Thank you.

15 MR. COX: Yes. So --

16 MR. SKOLNEKOVICH: State your name.

17 MR. COX: Jason Cox, Brotherhood of Railway Carmen, C-o-x,  
18 national representative.

19 BY MR. COX:

20 Q. I've got a couple questions I want to ask you here, and I  
21 just want to be very clear. I'm sorry for what has happened here,  
22 and I'm not placing no blame or making any accusations, just  
23 trying to see if there's a better way to do something.

24 A. Um-hum.

25 Q. Okay. On your shift, what -- how many jobs are usually

1 worked?

2 A. It just depends on the shift. You mean how many would be  
3 working in the yard total?

4 Q. Yeah. Were you short any jobs on the night?

5 A. That night we were, yep, because I was supposed to be on the  
6 394 which is the west end of the arrival yard, and my switchman  
7 was vacant that night. So I was going to be by myself down there.  
8 So that's when the train -- when they couldn't fill jobs. So the  
9 trainmaster had told -- texted me and told me I need you on the 97  
10 tonight.

11 Q. So it was the job on that end that was empty, that was blank  
12 that --

13 A. Yes.

14 Q. -- you filled?

15 A. Yeah, they couldn't fill the 397 that night.

16 Q. Okay. And the job that they took you from, did someone else  
17 end up doing that job or that job just went blank?

18 A. The 393 and -- all 93s and the 97 reported to the same  
19 shanty. They filled 393 that night with extra board guys --

20 Q. Um-hum.

21 A. -- and I was like -- they weren't in there when I started my  
22 night, and then when I went out and started my day, I seen them  
23 come back and get in their vehicles and left. So I'm thinking in  
24 my head, well, maybe they're moving them down to the 94 end to  
25 work down there. I didn't find out for sure or didn't look on the

1 computer or nothing, but that was my first instinct. Why are they  
2 -- them guys getting in their cars and leaving like. Are they  
3 going to work the other end of the yard like where I was supposed  
4 to go --

5 Q. Um-hum.

6 A. -- that night? I never did find out.

7 Q. Okay. The job that did end up going short, what does it  
8 normally do?

9 A. The ones they couldn't fill?

10 Q. Yeah, the one ended up -- I know they moved people around --

11 A. Yes.

12 Q. -- and where, where that hole ended up settling, what was the  
13 responsibility of that job?

14 A. I don't know what -- oh, if them guys left that end of the  
15 yard to go where I thought they did, that job then sat vacant, the  
16 93, that's usually a pretty high fill job as well like where  
17 you're swinging tracks, building trains, getting tracks together  
18 in the eastbound, taking them up, switching, switching, they do  
19 that, too. So I was shocked to see them leave that area and go  
20 down there.

21 Q. Okay. Does that result in the work that needs done from that  
22 position being redistributed onto the three remaining positions?

23 A. It could. Maybe they could have them -- if they went to the  
24 94 end, they could do certain things because you can still access  
25 the hill from down here and you could -- it's always like a

1 guessing game, you know. You never know what you're going to do,  
2 what -- building this, switching that.

3 Q. Um-hum.

4 A. So maybe they could have did some work on this end that they  
5 were supposed to do down there.

6 Q. So the job you ended up working down there, is that, is that  
7 normally an alone job? You're alone?

8 A. Yes, it's a one man switching job.

9 Q. Okay. And how many times would you say in the last month  
10 have you worked down there?

11 A. A lot because like I said earlier, I've been able to hold  
12 jobs instead of the extra board, and for a while I was on the 397  
13 like really recently where I didn't get bumped off. So I was  
14 working it like 3 weeks in a row.

15 Q. Okay. Do you have any awareness or idea of how much time  
16 transpired between the time that you were notified that carmen  
17 were going to lock the rail until the incident?

18 A. I don't know for sure. I think in my head I was thinking by  
19 the time that I would have got up to the kiosk, they would have  
20 been gone, you know what I mean. Like from when they called me to  
21 like where I would be up that way, they would have been locked up  
22 and already gone, you know what I mean.

23 Q. Okay. When they were asking for permission to lock the  
24 rails, is that when you say you noticed the headlights on the road  
25 or --

1 A. That's when I was coming out of 14 track, I seen lights up  
2 there.

3 Q. Okay. You were notified just before you come out of 14  
4 track? Is that a fair assessment or --

5 A. Notified of what?

6 Q. That they were going to lock that switch.

7 A. No, that was when I was still walking up to my headend when  
8 they called, I'm like walking up, I'm like 97, 97, and then that's  
9 when he called the, you know, hey, called the yardmaster, can he,  
10 you know, is he responding, and that's when I said, hey, Andrew,  
11 the yardmaster, can you let them know okay to lock up 3 and 5, and  
12 I'm still walking up to my headend. I hadn't even cut away yet.

13 Q. So you say you hired out in 2012. Is that correct?

14 A. Yes, 6/11/12.

15 Q. Okay. Did you have much yard experience at that point or  
16 familiarized with the yard operation?

17 A. When I hired out, they trained me and on every yard job, when  
18 Stanley was still open, everything, and then they trained me on  
19 the PM going to Flint -- or going to Detroit, and then going to --  
20 we had trains going to Cleveland, too. So they trained me out  
21 there, and then the day I was supposed to mark up, they furloughed  
22 me. I think I was off 4 months, and I came back. And since I was  
23 off for the months, they did a few qualifying runs, and they sent  
24 -- they said, oh, we go to Flint now. We can head up, you know,  
25 qualify on that. So when I got done, I'm like I kind of like the



1 road. So I --

2 Q. So they added Flint to the responsibilities of the  
3 yardmasters here?

4 A. Not to the yardmasters, but we would take trains to Flint --

5 Q. Oh, I see.

6 A. -- and Detroit instead of just Detroit. That was like all  
7 the main route out of here. To go north was just Detroit.

8 Q. Okay.

9 A. When I came off furlough, when you worked the PM you would  
10 cover stuff going to Flint and Detroit.

11 Q. Okay. So when you, when you hired out in 2012, until present  
12 day, are you aware of if the speed limit within the yard had been  
13 changed any at all during that time?

14 A. I remember reading bulletins about speed changes. This is  
15 like when the big change happened around here, all the changes. I  
16 remember like rules were changing like crazy and speeds and I do  
17 remember reading speed changes in the yard.

18 Q. Would that be between the 2018-2019 era?

19 A. It sounds about right.

20 Q. Sounds about right. So are you aware if the speed limited  
21 use to be less than the 10 mile an hour you stated earlier?

22 A. It used to be less?

23 Q. And do you know if it used to be less?

24 A. Oh, no, I didn't know, no.

25 Q. Okay.

1 A. And the speeds have increased, nothing have -- with the rule  
2 changes or the changes on speeds. They have gone up in the yard.

3 Q. Yeah, and that's what I'm getting at, that you're saying that  
4 the speeds have gone up in the yard. At one time, were they less  
5 than the 10 mile an hour?

6 A. No.

7 Q. Okay. So it started at 10 miles and went up --

8 A. Yeah, ever since I hired out, I know that, you know, except  
9 for like the shop tracks, you know. You don't go 10. You go 5 or  
10 4 on a box.

11 Q. Okay. But at some point, some of the speed limits went up I  
12 think you said to 15 miles an hour.

13 A. Yeah, I'm pretty sure up to 15. Like I said, I don't, I  
14 don't -- when I'm riding a shove, and I know some of these tracks  
15 get to shaking and wobbling, I'm not going to go 15 even though we  
16 reported it and maybe they know about it, I'm -- oh, yeah, it's  
17 still good for that speed. I'm not doing it.

18 Q. Okay. I'm not familiar with the operation of the box. So if  
19 it's my understanding, you can set a determined speed limit on the  
20 box. Is that correct?

21 A. Yeah, you've got your couple speed and then they do say 15,  
22 but I don't utilize that and sometimes even if I've know that you  
23 can't, some guys have even said like, I have it to -- you know, it  
24 won't, it won't go past 10 pretty much.

25 Q. Because it -- does the box communicate -- I understand you're

1 saying you can set the mile per hour on the box, but does the box  
2 communicate your actual speed?

3 A. Yeah, I can -- I have that set. You can toggle for like  
4 status.

5 Q. Um-hum.

6 A. It shows like brake pipe pressure, airflow if you're putting  
7 air to cars. I always have it set to speed so I can see my speed.

8 Q. Okay.

9 A. So not only is it showing on my selector when I see it on my  
10 screen.

11 Q. So if the box is set at 10 miles an hour, and you're watching  
12 the speed, if something were to grab your attention or maybe you  
13 weren't exactly paying attention, does it have a feature that  
14 would warn you if it went over speed from what you have set? Say  
15 like you were on grade or something, and you're actually picking  
16 up speed.

17 A. I think when like we're working on the hill and maybe like  
18 when you go to stop, it might throw it into full service, may say  
19 over speeding because the engine's trying to stop and you're kind  
20 of going down the hill with some weight --

21 Q. Um-hum.

22 A. -- that's about all I know for that.

23 MR. COX: Okay. I have no further questions.

24 MR. SKOLNEKOVICH: Okay. You doing okay, Daniel?

25 MR. LUCZAK: Yeah.

1 MR. SKOLNEKOVICH: Okay. I've just got a couple of follow-up  
2 questions. Richard Skolnekovich, NTSB.

3 BY MR. SKOLNEKOVICH:

4 Q. If you could -- I kind of want to elaborate a little bit more  
5 on one thing that Steve was talking about. Can you tell me -- a  
6 remote control zone, can you tell me what the purpose of that is?

7 A. Headend protection. Your route is lined clear. They're  
8 measured, you know, your footage that's in the timetable. You  
9 know how long that zone is. So you know how many cars you can  
10 come out with. You don't have to worry about anyone throwing a  
11 switch or anyone coming in without contacting you to do so.

12 Q. Okay. So do you look at it as a way that it protects the  
13 train and the movement?

14 A. Yes.

15 Q. Okay. Does it protect anything else?

16 A. Just that I'd say.

17 Q. Okay.

18 A. You know, your train and your movement.

19 Q. All right. The next question I got, so you'll have carmen  
20 people or other crews that want to get permission into your zone.  
21 Why are they asking you for permission?

22 A. Because it's my zone. I'm in control of it.

23 Q. Okay. And so is that just to protect you and your -- during  
24 your work?

25 A. Right.

1 Q. Okay.

2 A. It could be, you know, that's -- you do your work and let's  
3 say even when I would go take a lunch break, radio's on. I know  
4 my engine is in the clear. Someone calls to come in, okay to do  
5 it. When I come out, I know who had called, where they went, what  
6 I need to check to make sure my zone's still good.

7 Q. Okay. So now, when any other equipment or carmen or anybody  
8 else enter your zone, you said before that, like for instance, the  
9 other crews, they would call you up and they would say they're  
10 clear of your zone, right?

11 A. Right, and switches are lined back.

12 Q. And switches are lined back. You just -- when they're  
13 calling to clear up, is that what you're mostly concerned with, is  
14 just the switches, the position of the switches and what they did  
15 inside your zone?

16 A. Right. What switch was handled, are they in the clear, you  
17 know, like they have power coming in the east end of the new lead  
18 a lot. I can't see way out there. So I will tell the crew, you  
19 know, okay to do it, let me know when you clear the zone and the  
20 switch is lined back or my, you know, my zone, my switching lead.

21 Q. Okay. Now, let me ask you this. So when -- like in this  
22 case, when carmen go into your zone, is it their responsibility to  
23 look out for the moving equipment or is it RCO's responsibility or  
24 is it a combination of both just based on your interpretation?

25 A. I think, you know, both. That's the last thing I think about

1 is when I know I have a zone and my switches are lined, that's  
2 someone would be where they shouldn't be, you know what I mean.

3 Q. Yeah.

4 A. Like I'm in my -- this is my area. I'm switching. No one  
5 else is out here, and if they need to do something, I'm contacted,  
6 you know what I mean.

7 Q. Yeah. Okay. That's all I have. Thank you very much.

8 MR. BENDEL: No questions.

9 MR. AMMONS: No questions.

10 MR. CRAWFORD: Robert Crawford.

11 BY MR. CRAWFORD:

12 Q. I've just got a question. I'd be curious to kind of see how  
13 you feel about it. I know since you've been doing RCO for a  
14 while, some of the RCO crews are a single man like yourself. What  
15 do you think of two man crews and have you used two man crews?

16 A. Oh, yeah. I mean I -- any time you can pitch control to  
17 someone on your headend and tell them what you want them to do,  
18 it's just like having an engineer up there. Someone's always up  
19 there, you know. Being down there by yourself, you know, I don't  
20 know. I know my zone, but I don't know for anything -- I don't  
21 know the word for it, but that isn't right to be happening, I  
22 can't see it.

23 Q. Yeah. That's correct.

24 MR. CRAWFORD: That's all I had.

25 MR. GURZYNSKI: I have nothing further.

1 MR. COX: I do have a follow-up question.

2 BY MR. COX:

3 Q. Based on your experience at 10 miles per hour, if you wanted  
4 to stop those two locomotives, how much distance do you think it  
5 could have stopped in?

6 A. Probably an engine length.

7 Q. An engine length.

8 A. One engine length I'd guess, from 10 with 2 engines.

9 Q. Based on your experience as a train operator, do you believe  
10 that a set of eyes on the front of that locomotive would have  
11 helped in this situation?

12 A. I don't really know how it unfolded. So I don't know if  
13 someone up there would have been able to see that because, you  
14 know, obviously sitting -- if you're on the ladder or on the  
15 headend, you know, three points, or in the seat, you have  
16 different visual aspects of what you can see. Like if you're in  
17 the seat, you can really see really, you know, down low or just  
18 like way up. You know how being on an engine, you know, like you  
19 views. So I'm not sure if -- how that unfolded with this  
20 situation. So I don't know if someone would have been able to see  
21 it in time or, you know, I don't know.

22 Q. Or maybe blow a horn or ring a bell?

23 A. Right, right, someone right there, someone close to the  
24 tracks.

25 Q. Right. All right. Thank you.

1 MR. SKOLNEKOVICH: Okay. Anybody have anything else?

2 (No response.)

3 BY MR. SKOLNEKOVICH:

4 Q. Okay. All right. Daniel, first and foremost, I really  
5 appreciate you coming in. I greatly appreciate your cooperation  
6 in helping us to try to prevent an accident like this happening  
7 again. Is there anything that you can add that might help to  
8 prevent from this ever happening again? Anything that you can  
9 think of?

10 A. Obviously I always think when something bad happens, a rule  
11 change, you know, like I was thinking earlier, like a carman  
12 calls, because sometimes they'll call and I might have a cut of  
13 cars and they can't get across to put a blue flag up. I might  
14 say, okay, to do it, but I'm still blocking their route. Maybe a  
15 way where one side would clear up or let them do it. I wouldn't  
16 move until they would be done what they needed to do and got out  
17 of there. I just -- I don't know. Like communication, someone up  
18 on the headend. I don't, I don't know. Something like that.

19 Q. Okay. All right. In the future, we might have some follow-  
20 on questions. Do you mind if we contact you if we do?

21 A. That's fine.

22 Q. Okay. All right. Unless you have something else to add,  
23 once again on behalf of the NTSB, I want to thank you for coming  
24 in and thank you for helping us to kind of understand what  
25 happened. And then just your perspective of the accident itself.



1 So thanks again.

2 A. Thank you.

3 MR. SKOLNEKOVICH: And the time right now is 12:33, and that  
4 will conclude the interview.

5 (Whereupon, at 12:33 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

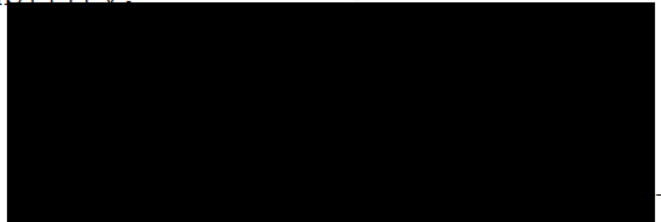
IN THE MATTER OF: CSX EMPLOYEE FATALITY IN  
WALBRIDGE, OHIO  
ON SEPTEMBER 17, 2023  
Interview of Daniel Luczak

ACCIDENT NO.: RRD23FR017

PLACE: Walbridge, Ohio

DATE: September 18, 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.



Transcriber