UNITED STATES OF AMERICA

NATIONAL TRANSPORTATION SAFETY BOARD

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Investigation of: *
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NORFOLK SOUTHERN TRAIN DERAILMENT *
IN EAST PALESTINE, OHIO * Accident No.: RRD23LR008
ON FEBRUARY 3, 2023 *
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Interview of: RYAN STEGE, Locomotive Maintenance and Ops Director
Norfolk Southern

SHANNON MASON, Train Op Practices and Cert Manager
Norfolk Southern

JOHN GRAHAM, Assistant Manager of Safety
Norfolk Southern

COREY VEAL, Safety and Environmental Dept Member
Norfolk Southern

Oxford, Alabama

Saturday,
March 11, 2023

APPEARANCES:

RYAN FRIGO, Investigator
National Transportation Safety Board

MATT CAMPBELL. National Safety Team Member
SMART Transportation Division

BRIAN FRANSEN, Safety Task Force Member
Brotherhood of Locomotive Engineers and Trainmen

ROBERT SARVER, Assistant Division Superintendent
Norfolk Southern

MICHAEL CHAMBLISS
Federal Railroad Administration

BRIAN STANLEY, General Manager, Operations
Norfolk Southern

RYAN STEGE, Locomotive Maintenance and Operations Dir
Norfolk Southern

I N D E X

I N T E R V I E W

MR. FRIGO: Okay. Good afternoon. My name is Ryan Frigo. I'm an investigator with the National Transportation Safety Board. Today is March 11, 2023. We are at the Oxford, Alabama Fire Department in Oxford, Alabama. We are here with members of Norfolk Southern Management. We're going to talk about train consist makeup and management, we're going to talk about some locomotives, and we're also going to talk 49 CFR Part 271, which is the risk reduction program.

This is in reference to NTSB accident number RRD23LR008, a derailment in Piedmont or Anniston, Alabama. So, what we'll do is, we'll go -- we'll introduce ourselves, and then we'll go around the room, spell our last names when we introduce ourselves for the benefit of the transcriptionist, and just identify what organization you're with. And for those on the NS side that we're speaking to today, just give us your title, too. That'll be helpful. So, I'll start out, and then I'll pass to my left. My name is Ryan Frigo, F-R-I-G-O, NTSB.

MR. CAMPBELL: My name is Matt Campbell, C-A-M-P-B-E-L-L, SMART Transportation Division National Safety Team.

MR. FRANSEN: Brian Fransen, F-R-A-N-S-E-N, BLET Safety Task Force.

MR. SARVER: Robert Sarver, S-A-R-V as in Victor E-R, Norfolk Southern Transportation Assistant Division Superintendent.

MR. CHAMBLISS: Michael Chambliss. That's C-H-A-M-B-L-I-S-S.

FRA.

MR. VEAL: Cory Veal, V-E-A-L. That's V as in Victor. Norfolk Southern Safety and Environmental Department.

MR. STANLEY: Brian Stanley, S-T-A-N-L-E-Y, Norfolk Southern General Manager, Operations.

MR. MASON: Shannon Mason, M-A-S-O-N, manager of train operating practices and certification with Norfolk Southern.

MR. STEGE: Ryan Stege, director of locomotive maintenance and operations. Last name is spelled S-T-E-G-E.

MR. GRAHAM: John Graham, assistant manager of safety. Graham, G-R-A-H-A-M. Norfolk Southern Safety and Environmental.

MR. FRIGO: Excellent. Gentlemen, thank you for being here. I just have, I've got one other question for you. I just need to get a yes from each of you. Do I have permission to record our conversation today?

(Each participant answered in the affirmative.)

MR. FRIGO: Okay. Excellent. All right. So, let's try to talk to -- let's start out, we're going to talk with Ryan and Shannon about, let's talk about locomotives first. Maybe we'll start with that.

INTERVIEW OF RYAN STEGE

BY MR. FRIGO:

Q. So, with this accident down here, the way I understand it -- and forgive me, I am not a mechanical expert, so I'm going to use the wrong words and terminology, but I'm hoping we could find a

way to work through it. There were two locomotives in tow in the consist that came from another railroad and that were being moved to another location. Are you aware of that?

A. Yes.

Q. Okay.

A. To be clear, there were other locomotives in tow, one of them being a UP, which would have been from another railroad. But to be specific, the two that you're probably referring to are the RMEX units.

Q. Yes.

A. And we would call those waybill locomotives, because they were being moved for a customer.

Q. Okay. So, let's stick with that term, then, with the waybill locomotives. So, can you walk me through the process of how those get onto your system?

A. So, our clearance office built in the NOC at Atlanta would receive notification that some locomotives need to move from another owner. They would notify our mechanical system operations center, who would contact the closest mechanical employees to that location where those locomotives would enter the Norfolk Southern system. They would send mechanical employees to inspect those locomotives so that we would accept them onto the system and move them.

Q. Okay. And is that the ME925 form?

A. ME925 is the form that our local mechanical employees would

use to inspect those locomotives, correct.
Q. Okay. Can you give me a little bit more detail on that process, how that -- so, I'm understanding how the flow down from the clearance office to the mechanical op center, and then the mechanical op center would then organize an employee to go to the location and to perform an inspection on the equipment. Is it the -- is this through Division, I mean, or is there a centralized group of employees that are qualified to do this inspection? How can I better understand that?
A. So, they would contact -- for locomotive inspections, they would contact the locomotive employees that would cover that territory where the locomotives were going to be. So, they wouldn't call the car shop at that location; they would call the locomotive employees at that location to send them to do the inspection.
Q. Okay. So, then, these employees go to the -- in this case, it's somewhere in Indiana?
A. Bluffton, Indiana is where these were inspected, and then entered Norfolk Southern.
Q. Okay. And what type of items are on the inspection form?
A. Clearances is one of the big ones. So, you're checking to make sure that it's within the standard locomotive clearance, meaning that when it moves down the track, it doesn't have appurtenances or other pieces that would hang off or catch on anything. And then, we also check to make sure that it has good

bearings, good running, good running gear. They're doing the full mechanical inspection. They also check airbrakes. These would not be in lead at any point, so they don't check horns, and bells, and those sort of things, but they do check that it's safe to move in the train.

Q. Okay. And are the -- are non-articulating couplers part of that inspection process?

A. Yes. The -- there's two questions on the form that have to do with whether or not it has alignment couplers or not, and the first one asks if it's equipped with non-alignment draft gear, and then the second one says that if so, does it have stop blocks installed?

Q. Okay. How long does it take an individual to perform this inspection on a locomotive?

A. It really depends on if, where the locomotives are set, if they have air on them, so that they can do the airbrake test, all those sort of things. For these two locomotives, he actually had to make two trips. So --

Q. Okay.

A. -- it took the course of several days for him to complete the inspections.

Q. Okay. And the -- what type of training does this -- should I call him an inspector? Should I call him a, you know, just a locomotive mechanical employee? What --

A. Mechanical employee's the best way to describe him. This

particular individual that inspected these two units was an electrician.

Q. Was an electrician. Okay.

A. Yep.

Q. So, a mechanical employee who's in a pool of employees that could be selected to perform this task?

A. Correct.

Q. Okay. And the type of training that an individual within this pool of employees would have, is there anything beyond their normal training in the craft that they would be required to have in order to conduct this type of inspection?

A. Yeah, they're also qualified for what we call with the FRA a qualified mechanical inspection, or a QMI. Every so often, on locomotives, we have to have the daily inspection done by a qualified mechanical inspector. So, they would be qualified to that standard, being a mechanical department locomotive employee, as well.

Q. Okay. All right. And the form, the ME925 form, where all this information gets filled out, do you know, are there -- is there any requirement on there to check safety appliances?

A. The -- yeah. The LDI 121 is the locomotive department instruction that covers that ME925 form. In fact that form is part of LDI 121. And that LDI 121 does tell them to perform the full mechanical inspection. It would include the safety appliances. But give me one second. I'm looking at the form to

confirm if the form actually -- the question that covers that does not say, safety appliances, but what it asks is, is unit suitable for movement in through train service? So, that would include that.

Q. Okay. Thank you for that. And, okay, help me understand where -- so, we got to the point in the process where the employee, the inspecting -- the mechanical inspector goes out to the equipment. They fill out this form. What do they do with the form?

A. The form is then returned to the system operations center. The -- which is the same group that notified them of the need for the inspection. The systems operations center reviews the form, confirms that it looks like the inspection does say that it's safe to move, and then notifies the clearance manager of that.

Q. Okay.

A. Then, the clearance manager would send the actual release that goes to all of operations to tell them that this unit's now been inspected and is ready to move. It also lists who's shipping it and where it's going.

Q. Okay. All right. So, when they look at the form, what are they looking for specifically? I know you mentioned, you know, any abnormal clearances, anything -- you mentioned, you know, good running gear and bearings, anything like that. I mean, what are they looking for on that form to verify that either the equipment's good to go, or there might be some special

considerations?
A. So, on the -- there's a couple of things. On the bearings, their concern was whether they're roller bearings or the older-style friction bearings. There are some extra restrictions in the clearances if they were to have friction bearings. So, the first thing I look is to see if the inspection revealed they had roller bearings. Then, they look down through and confirm that it's got draft gear. They'll look at the -- whether or not it has the alignment control draft gear or not, because there's also some restrictions for that. And then, after that, it gets into, we require operable hand brakes, air brakes are operable. And then, the last one is that it's safe for movement in through train service.
Q. And those are all items that are checked off by the inspector?
A. All of those that I just mentioned. They actually write out whether it's friction or roller --
Q. Okay.
A. -- but the rest are all checked off yes or no.
Q. Okay. And then, does this get filled into a program? Like, does this information go from a paper to an electronic record that gets inputted into a system, do you know?
A. No, not all of this. The actual -- what comes out of the clearance is electronic, but it doesn't capture all of this data, to answer that question.

Q. Okay. And now, I'm going to ask a question that's not in my area of expertise, but the Umler records, is that tied into this discussion now? Because it sounds like we're at the system ops center right now, I think, in our discussion, with the flow of the form. The form has come back to the inspector. Now, it's at the system ops center, and there's someone else, another set of eyes, on the form looking at the feedback from the inspector. Does the Umler record tie in at this point?

A. The Umler record would have even been earlier.

Q. Okay.

A. The inspectors will pull the Umler record to get some of the measurements to confirm them against the unit when they go out there. And I checked with the supervisors in Fort Wayne in this case, and they had pulled the Umler record for this electrician ahead of him doing the inspection, as well.

Q. Okay. So, the electrician who was performing the mechanical inspection had the Umler record as part of their process for --

A. (No audible response.)

Q. Okay. So, have you looked at the Umler records for the RMEX 06 and 08?

A. I have.

Q. Okay. Excellent. So, you can help me with this, because again, I'm getting this information from my mechanical investigator, who's not here. So, it's my understanding that, I believe it's the 08, the RMEX 08, where it's listed on the Umler

as having alignment, an alignment coupler?
A. Let me just make sure --
Q. Yeah.
A. -- which one --
Q. Let's just check.
A. I'm just --
Q. I'm going to --
A. -- I'm pulling them back up to make sure I'm telling you the right unit number. So, the RMEX 6 in its Umler record was listed as not having alignment control, and the RMEX 8 was listed as it did have alignment control.
Q. Okay. All right. So, and then, the -- since we're talking about it, let's just -- I'm just going to draw a little box here to help guide our conversation. So, the RMEX 06 in Umler is listed as nonalignment, and the 08 is listed as having it. And then, do you have the ME925 forms for both of these?
A. Yes.
Q. So, let's just go over those two questions that are on the forms for both of these. So, for the 06, what does the inspector say?
A. He said that -- in the answer to the question, is unit equipped with alignment control draft gear? He said, yes.
Q. On the 06?
A. Correct.
Q. Okay. And then, the follow-up question with the blocks,

what's the -- what does he indicate there?
A. The follow-up question reads, are stop blocks applied? And he also wrote, yes.
Q. Okay. And then, let's just do the same thing for the 08. Is it the same responses for the 08?
A. (No audible response.)
Q. Okay.
A. The inspector wrote the same responses for both questions for the RMEX 8, as well. Is unit equipped with alignment control draft gear? Yes. And, are stop blocks applied? Yes.
Q. Okay. That helps me ask kind of the next series of questions. Okay. So, if something's in conflict with Umler, because it sounds like there's a conflict here with -- on the 08 -- well, no, on the 08, it would have been what Umler has, because he indicated that it was equipped, so the 08 would not be in conflict. On the 06, when it's indicated on this form that it has an alignment coupler for the 06, but Umler lists it as a nonalignment, how does that conflict get resolved according to the process?
A. So, in this case, even, the system operations center sent an email back to Fort Wayne and asked, you wrote that these have alignment control draft gear and stop blocks applied.
Q. Oh, you're taking my next question.
A. Is that correct?
Q. Okay.

A. And Fort Wayne, in their response, said, we doublechecked with the electrician. It did have stop blocks applied.
Q. Okay. So, we'll make a separate request for that email, but I just wanted to make sure we -- you know, I say it here. I'll put it through our process for requesting information. Okay. So, that was the verification, right? That was the attempt at verification, and that was picked up at the system ops center?
A. Correct.
Q. Okay. So, is there a policy or procedure that guides that, or is that just an astute individual looking at it and seeing a conflict, and then taking initiative and writing an email?
A. I don't know if it's written, but that is standard operating procedure for the SOC people.
Q. Okay.
A. I've even spoken to a few of them, and they say that those are the sort of things they're looking for on that form.
Q. Okay. So, I'll just -- I'm just going to -- I'm taking notes here, too. So, maybe that's something that we'll ask for, if there is an SOP that kind of explains what to do. All right. So, the email goes back to Fort Wayne. Fort Wayne talks to the -- their response is that they spoke with the inspector, and the inspector validated what the inspector put on the form.
A. In regards to the stop blocks, yes.
Q. In regards to the stop blocks, right. Okay. Was the coupler, was that question answered, or was it just the stop

blocks?
A. Just the stop blocks.
Q. Okay. All right. So, then, at that point, system operations center has the information they're looking for, has the answer that they're trying to get. What happens then with, I guess, the process in the system to get things moving?
A. They then told the clearance manager that the inspection had been completed and the units were ready to move.
Q. Okay. All right. So, then, the clearance manager has an okay, essentially. Okay. All right. So, then, where are we at in the process after that point?
A. The clearance manager is the one that issues the actual instructions to pick the units up --
Q. Okay.
A. -- and where they're being picked up from, where they're destined to; and that email also, then, includes any of the movement restrictions that would be necessary to move those units, as well.
Q. Are you aware of any movement restrictions that were placed on those two units?
A. No.
Q. No. Okay.
A. No.
Q. So, at this point in the process, they're just, they're waybill locomotives. Okay.

A. Correct.

MR. FRIGO: All right. Okay. So, are we now into Shannon's world of how we're going to get these things from point A to point B? Have we made that transition?

MR. STEGE: Very nearly.

MR. MASON: Yep.

BY MR. FRIGO:

Q. Okay. Is there any other part of the story from your perspective with if we're trying to get from how it gets approved and gets okayed to, you know, how it gets put into a train, or have we covered that area?

A. The only thing I'll add is that they were actually both nonalignment control couplers. You know, I verified it myself. And so, the units were -- one was mismarked in Umler, and both were mismarked by the inspector.

Q. Okay. And it sounds like that additional layer where the email went to Fort Wayne, I think you said -- and again, we don't have the email in front of us, so we're going off recollection, but I think you said they asked both -- they asked two questions.

A. I can pull --

Q. They asked

A. -- I can pull it up if needed. If you'd prefer to hear exactly what it said.

Q. Yeah. I mean, if you don't mind pulling it up. And, you know -- yeah. And then, well, actually, I think we should ask

questions as a group for Ryan just on what we discussed right after we talk about this email, which is -- it's a little bit of a deviation from how we usually do things, but I think, when we have multiple individuals that we're sort of trying to work a flow here, I think it'll help us stay on track.

A. So, the forms were sent to -- well, at least the form for -- I don't have the attachments on this, so I can't tell if it was both forms or not. The subject says, RMEX 8.

Q. Okay.

A. The -- so, at least the form for RMEX 8 was sent to SOC. SOC responded on that same night of February 2 and said, this form indicates the unit is equipped with alignment control draft gear and that stop blocks are applied. Is this correct? Then, he says, I will doublecheck with the electrician in the morning. SOC says, if the information is not accurate, please resubmit an updated form. The original submitted is attached. Then, someone else from SOC, on February 23, says, have we heard back from the electrician? And later that morning, the supervisor responds and says, electrician says the unit has stop blocks.

Q. That's it?

A. That's it. That's --

Q. So, the --

(Crosstalk)

Q. So, the alignment draft gear was never addressed, but that was the response. Okay. All right. I just wanted to make sure

we got that clear.

A. That's correct.

MR. FRIGO: Okay. Thank you, sir. I'm going to -- let's go around the room, and let's see if we have any questions for Ryan on what we just discussed.

MR. CAMPBELL: I don't have any right now.

MR. FRIGO: Okay.

MR. FRANSEN: I guess just a clarification, and it's somewhat -- I'm sorry. I'm Fransen, BLET Safety Task Force. More than anything, it's just a clarification and a what-if in this scenario.

BY MR. FRANSEN:

Q. If the forms were filled out correctly and showed that there was nonalignment gear and Umler was correct, would your system with the clearance center recognize -- and I haven't read it, but what is it, Rule L.2.12, that says -- is that system built -- if they tried to put them together, and those forms were all correct, and it was all -- would there be a red flag in some type of computer program or something that would say, hey, those two can't be together, or would it be just knowledge of the person putting it in that recognized that rule?

A. So, not in the paperwork, if they tried to put it together; but in the initial clearance, it would have come out. The top five lines would be in red for any that do not have nonalignment control couplers, spelling out that special attention to L.2.12

is --

Q. Okay.

A. -- is required.

Q. That clears that up.

A. It would be in the clearance email, is the answer.

Q. Okay. So, the system would recognize it, and it would be in that that they -- okay.

A. The clearance email that came out would have the red text at the top saying that these are equipped with nonalignment control couplers or draft gear.

MR. FRANSEN: Okay. That's all I've got. Thank you.

MR. SARVER: Robert Sarver, Norfolk Southern. No questions.

MR. CHAMBLISS: Michael Chambliss, FRA.

BY MR. CHAMBLISS:

Q. One question I have, I understand you said you (indiscernible) inspection. Is there any additional document that goes in there, in the locomotive, that says, mechanical inspected, and so that a crew member or somebody, you know, that they can recognize it's been inspected?

A. Later on in the process, yes. For instance, on the 245 train consist, those units were inspected again as part of building that consist, and a mechanical gold card form was filled out for those.

Q. Since a gold card was placed on it, mechanical inspected those two in question. So, the crew's basically going to get on it and hook it to the train?

A. Are you asking if that's what a gold card means?
Q. I know that a gold card means everything was inspected; they can go.
A. Yeah.
Q. And I'm looking at a crew. How would they know that there was any special handling put on those two RMEX cars, 06 and 08?
MR. FRIGO: This is a Shannon question.
MR. CHAMBLISS: Okay. All right. That's all I have.
MR. FRIGO: Go ahead.
MR. MASON: The -- we have -- you mentioned L.2.12. There's an additional rule, L.2.14(c). Sorry, Shannon Mason, for the record. We have an additional rule, it's L.2.14(c), that -- and I'll read it. Before accepting a foreign dead in tow locomotive at interchange or before moving a private ownership locomotive dead in tow, the crew must know that a mechanical inspection has been made by the (indiscernible) mechanical department and be informed of any restrictions necessary for safe movement documented on the transportation notice issued by the (indiscernible) clearance group. We have a rule that tells the crew, if you have a foreign locomotive doing dead in tow, you have to have that form.
MR. CHAMBLISS: Okay.
MR. FRIGO: What was that rule again, Shannon?
MR. MASON: L.2.14(c).
MR. FRIGO: Thank you.

MR. CHAMBLISS: So, the crew should have known they did not -- the special instruction on transporting those --

MR. MASON: The crew should have had a clearance notice. We'll get to the rest of that. But there was a clearance notice for this.

MR. CHAMBLISS: (Indiscernible). Okay. That's all I have for now.

MR. STANLEY: Michael, was your question in reference to when they picked them up from off the --

MR. CHAMBLISS: (Indiscernible) understand they picked them up in the yard.

MR. STANLEY: Right, but that's what you were asking about? Would they -- should they have known?

MR. CHAMBLISS: Yes, would there have been a restriction or --

MR. STANLEY: Brian Stanley, for the record.

MR. CHAMBLISS: Yeah. My question basically was trying to get understanding, because it had a gold card on it. The crew typically would say, I'm getting on there. Everything's good to go. How would they know that there was any kind of restriction other than clearance? Other than on the clearance, how would they know there was any restriction transporting those two locomotives?

MR. STANLEY: Right.

BY MR. STANLEY:

Q. So, my clarification question is, in this case, in that the

Umler file was wrong, and everything was checked off, their clearance -- would their clearance have given them the okay to take them in pick-up?

A. And I have the clearance email in front of me, and I'll be bluntly honest, it's very confusing. It says both alignment control and nonalignment control in that email. So, depending on where the crew looked first, and if they saw the ME925 tags, you know, the crew has something in their hands saying nonalignment control. They received the train with both locomotives put together. I can see where the confusion there might have occurred.

MR. STANLEY: Okay.

MR. FRIGO: Okay. All right. I just want to, all right, I want to make sure we capture that email. So, I'm looking at you, Robert. So, I want to -- so, I'm looking for that email, I'm looking --

MR. SARVER: (Indiscernible).

MR. FRIGO: -- I'm looking for the email chain back and forth to Fort Wayne that Ryan mentioned.

MR. STEGE: Should I forward that to Robert?

MR. FRIGO: If you guys can send those to Robert --

MR. SARVER: That's correct.

MR. FRIGO: -- that would be perfect, because then, when I ask Robert, I'm going to refer to it as the list of items that we discussed in today's interview.

MR. SARVER: In the firehouse.

MR. FRIGO: Exactly, at the firehouse.

MR. STANLEY: What about the paperwork, or form, or whatever that crew would have received?

MR. FRIGO: Oh, I'm getting there.

MR. STANLEY: Okay.

MR. FRIGO: Yeah. Let's -- so, it would be the email chains, and then the copy of the clearance paperwork where there's the conflict. We'll just keep a running list going, and then we'll --

MR. SARVER: Yeah.

MR. FRIGO: But I just want to make sure, as these come up, I'm going to look at Robert and make sure we get those. Okay. All right. Ryan, thank you.

MR. STEGE: You're welcome.

MR. FRIGO: We're probably going to have some follow-up, but maybe we kind of move and transition into Shannon's world here and -- I think we started to with some of those questions.

MR. MASON: And to be clear, we do and have moved units with nonalignment control draft gears and couplers. We just do it normally according to L.2.12, which wouldn't let you couple them together.

MR. FRIGO: Let you put it together, exactly. That's good to know. And I think, maybe, as part of that request, if it's possible to see one where the form flagged it, like an example of a clearance email where nonalignment has been flagged.

MR. FRANSEN: Where you've got the red at the top.

MR. STEGE: It's usually the red at the top.

MR. FRIGO: Yeah. If we could have an example of --

MR. FRANSEN: Yeah.

MR. FRIGO: -- what it should look like.

MR. SARVER: Can you get that? Because I don't have one.

MR. FRIGO: Excellent.

MR. FRANSEN: I don't think that would be -- or could we --

MR. SARVER: Could you fake it?

MR. FRANSEN: Right, enter some --

UNIDENTIFIED SPEAKER #2: We don't have to fake it. We'll find one.

MR. FRANSEN: Okay. Okay. Fair enough.

MR. FRIGO: All right. Excellent. All right, Shannon, so I think we're in your territory now.

MR. MASON: Very closely.

MR. FRIGO: We're close.

INTERVIEW OF SHANNON MASON

BY MR. FRIGO:

Q. And I'll be up front. This state of the movement is not my specialty. I'm more train build, train handling, train operating rules. But I have experience in both, so I can speak to it. Once the cars are cleared for movement, the clearance department would forward that information along to our Network Operations Center, where the cars would be planned for pick-up on the correct train

to route them as they needed to. Of course, the cars would be waybill'ed. The cars would then be scheduled to be picked up depending on where they were, I can't speak to these specifically, either by local and moved to a serving yard, or they would be picked up by a train as they passed through a location, depending on where it was, and moved in regular train service in accordance with whatever restrictions those cars may have.

And, you know, like I said, there's an L.2.14(c) that I mentioned earlier. I can't speak to what this specific train crew had in their possession. But I do see the clearance notice. It is there. Prior to departure, that same crew picking the car up from Bluffton, Indiana would have had to have something like that in their possession to know that they had been inspected, okay to be moved, and what, if any, restrictions there were. And then, I think someone mentioned earlier L.2.12 is the restriction that applies to having nonalignment control draft gear coupled together. There are some cautions in that rule, as well. The crews would be cognizant of dynamic brake, that kind of thing, with those cars. But the car would then move in regular freight service under normal billing systems to the destination.

Q. Okay. So, let's kind of, let's break this conversation down and try -- you know, here's my way of thinking about it. We've got the what happened, then we've got the what should have happened. So, maybe -- so, let's try and keep those separate. So, do we know what day that these RMEX waybills were picked up?

A. When the crew picked the cars up? And I apologize, this is not what I thought I was coming over here to talk about.
Q. That's fine.
A. I can find that.
Q. Okay.
MR. STEGE: And, yeah, I've got it, too. Let me just get to my movement records.
MR. FRIGO: Okay. That's fine.
BY MR. FRIGO:
Q. Basically, what I want to ask is, can we also -- do we know where they always couple together until the event on March 9?
A. I know they were not coupled together when they were inspected, but I'll look and see if they were both picked up at the same time.
MR. STEGE: They moved together once they started moving.
MR. FRIGO: Okay, and -- excellent. Okay. So, they moved together once they started moving, and -- Shannon, I'm trying to get questions in your area.
Q. So, they're moving together. So, how would -- and this is coming from Indiana, and it wasn't yesterday, it wasn't the day before, so they're moving around making their way down here, and then making their way to their final destination. And if they're coupled together, I assume they stay together from a --
A. Yes, sir. They would have -- any locomotive -- we have an instruction about locomotives being handled on the head end of a

train. There are exceptions to it, but they would have moved together on the head end of whatever trains moved them.

Q. Okay. And so --

MR. FRIGO: Go ahead, Ryan.

MR. STEGE: They left Bluffton on February 24.

MR. FRIGO: Okay. Great.

BY MR. FRIGO:

Q. Do you know what their final destination was? Is that something we could kind of --

A. It was the Port of Mobile, Alabama.

Q. Okay. Port of Mobile. Okay.

A. And I can tell you what exactly trains moved this if needed. I did just get that pulled up.

Q. How about you tell me how many trains move this?

A. Okay. I count a total of four.

Q. Okay. All right. So -- okay. So, let’s talk about kind of -- and again, let’s keep in mind that we’ve got what happened versus what should have happened because of these locomotives. And the -- you know, within the rule we discussed with the L.2.12. So, as these things are moving through the five trains --

A. It is five.

Q. Okay.

A. That’s right.

Q. As they’re -- let’s correct that. Five trains. As these are moving through the five trains, how does that happen? Like, I

know there's planning, and it's, you know, trying to move things when other -- you know, trying to fit it in where we can. How does that system work as far as building these into a consist?

A. I'm not -- as far as -- I'm not sure -- the -- all right. We have trains that have scheduled pick-ups at each individual location. So, in the case of this, these cars were picked up in Bluffton, Indiana by a local. Would have been L69. So, generally, the way a freight works from a customer's facility, and I'll speak to this, but in general, as well, is that if the customer facility's not immediately at the yard, a local will move -- you know, perform the first mile switching, is what we call it. That local went out, pulled these cars from Bluffton, and brought them back to the serving yard there at Muncie, Indiana.

So, from Muncie, once this car is waybill'ed and in our system, it moves from there on on its billing. So, when it arrives at Muncie, it would have tripped to the next train scheduled to make a pick-up at Muncie along its route to its destination. That train would have been the 189 on the 25th. So, when 189 on the 25th came through, he has a scheduled pick-up at Muncie, Indiana. He stops and picks up. These two engines would have been a part of that scheduled pick-up. He would then move that to wherever -- these cars would need to have been set off for their routing, which gets them down to Atlanta, Georgia. 189 takes them all the way to Atlanta. Then, from Atlanta, they would

have tripped to their next train. Our system would have said, next train is, and they would have been switched out. Now, two of the movements on here, I can't answer to. We have a local G70 that took them from Atlanta, our main yard, over to East Point, which is a separate yard in Atlanta, and then brought them back from East Point back to Atlanta. And then, they did depart on the 245.

Q. Okay. No, that's helpful, that's helpful. So, at this point in the process, they're just being moved along to their destination like any other --

A. Correct. No special handling identified. They didn't need to be broken into single-unit blocks and ensured that they were being moved separate because of, you know, what we've already talked about. So, there are really no restrictions on these, other than that they are locomotives that have to be handled on the head end of the train.

Q. Okay. So, let's -- that's a great answer, and it leads me to my follow-up question, which is, if they would have been identified that they needed to be separated, and we're talking about them being put on the head end of a train, what happened -- how should they have been moved?

A. There would have been more manual intervention in the plan. The local who picked them up would have had to have picked them up one at a time, which probably would have been all of the intervention that was necessary, because you'd pick one up one

day, bring it back, it would trip to the next train; then local would go out to pick the next one up, and they would automatically be following each other on --

Q. A day behind?

A. -- a day behind each other's trains. So, literally, if they're handled correctly from destination, there's not much manual intervention. Now, say they both got to Atlanta, and they lay in Atlanta like they did, and they both get back together. That's the point at which you have to realize, hey, I've got locomotives. There are special circumstances. I've got to have this billing. I've got to check it anyway. There's no restrictions. It's okay to move them together again.

Q. So, that's where the red on that paperwork would come into play. Okay. Okay. That helps me understand that. And let's just transition to the 245. How -- help me understand how the train gets built as far as, you know, where we put empties, where we put hazmat, where we put -- you know, I'm understanding where we're putting these locomotives that we've been talking about. I understand keeping those in the front. Let's move on to the rest of the train.

A. Okay. Our trains are generally built through a blocking system where trains are scheduled to operate with certain blocks, cars going, for instance, with this train to Birmingham; and then, behind that would be a block for Meridian run-through to KCS. And this train has the option to carry additional blocks, but those

are generally the two that they run. So, the train is blocked all the cars going to Birmingham, all the cars going to Meridian for KCS interchange. If you've got New Orleans, you put New Orleans on the rear end, vice versa. From there, you have your hazmat rules that determine placement of cars beside each other and/or cars near the head end or rear end if pusher service is going to be necessary. Those are generally complied with during train build by the yardmaster.

We do have train build rules, current rules, in place that govern things like keeping large blocks of empties towards the front end when possible. I'm sorry, keeping large blocks of empties towards the rear end when possible, large blocks of loads towards the front end when possible, you know, articulating cars on the head end when possible. We have rules like that in place.

Q. All right. Let's talk about, when possible. Let's talk about what that means. And again, I understand you're coming at it --

A. Right.

Q. -- from one perspective --

A. Correct.

Q. -- and, you know, the railroad is a multifaceted organization. So, what you're going to tell us is different than what, you know, what someone else might tell us.

A. The, when possible, gets tripped up by blocking, and often, the ability to switch out the cars, whether it's for room, track

space, whatever. Most often, the, when possible, type rules -- when possible's a bad word to have in a rule. I'll just say that straightforward.

Q. Yeah, it's kind of like --

A. We would actually use the word, when practicable.

Q. Yeah. It leaves a little ambiguity there.

A. Yes, sir.

Q. And with the blocking, you know, I'm seeing it as, you know, it's an efficiency, but, I mean, there's also a safety component to that, right?

A. The fewer times you have to touch a car, the fewer times that an employee is actually, you know, in the field performing tasks that put him in harm's way.

Q. So, it's kind of a double win there.

A. Right.

Q. So, okay, so then, let's -- you know, when practicable, let's -- does the system -- so, the system knows which blocks are going together?

A. Correct.

Q. And the system's going to try and keep things together?

A. Yes, sir.

Q. Okay. Is the system designed to also apply those, when practical, rules, or is that --

A. No, sir, the car handling system we have, call it TYES, call it a yellow sheet, we have openings for it, it's generally built

to handle and move cars and keep track of the logistics of moving cars. It will flag cars as hazardous. It can apply flags to call your attention that there is a need to take a look at this car, check certain instructions, but it doesn't flag specifically, hey, this car can't be here. It just simply will flag certain cars if we've already called that out saying that things need to be done.

We do have a separate system. It's a fairly new system called train build optimizer that will look at a train. It is currently only looking at two things; that is, it's running physics engine in the background looking at the entering forces as that train crosses its route, and it's looking at what we call our slack and trailing tonnage rating, which is basically, measure how much tonnage is behind how much free slack in the train. And we have in place an instruction right now that the 245, when he departed, that his start rating, his slack and trailing tonnage rating, would be under 3,800, and it was when it departed.

Q. Okay.

A. But that program, that system, is still in its infancy, and it does nothing more than those two things at this current time.

Q. Okay. And let's put that in layman's terms. Let's put that in terminology that, you know, someone reading this can --

A. Yep.

Q. -- can understand a little bit more. So, it's taking these inputs where, you know, let's take the 245, right? We've got the empties in the front, we've got a lot more tonnage in the rear,

and what is this system doing, and how is it coming up with that numerical output?

A. The numerical output is, it looks at how much free slack is in the train. So, if you have standard couplers, you have about 6 inches of free movement. Or if you have some of the larger -- in the car cushioning devices, you can have up to 36 inches of movement. It takes all of that into consideration, and basically, it's a straight ratio between where you are in the train, how much slack is ahead of that location versus how much slack is behind it, and it looks at the peak. Because as you look at a train, every one of them peaks, or at least, it's a curve. And it looks at that, and the highest points in the train is what we call that train's star rating, or how much slack versus trailing tonnage that train has.

Q. And what would that mean, though? What does that mean to an engineer?

A. It's not really a terminology that we have introduced to our engineers. Our engineers are given a train consist that shows them where the tonnage is in their train and where the cushion couplers are in their train, and it's indicated by asterisks or hashmarks. Depending on what type of car it is, it then aligns and tells them how heavy their train is. So, they will get a printout that looks kind of like a bar graph that shows them where the tonnage is in their train, and then, by hashmark or asterisk, which cars have cushion underframe couplers, so that they can then

look at their train and estimate, hey, I've got a lot of cushion underframes, I've got a lot of free slack, and I've got a lot of tonnage on the rear end of this train.

Q. Okay. Remember, we were talking about data-rich environments, right? I mean, it's a lot of information.

A. But to hand an engineer a star score, that's just a number. That wouldn't tell an engineer much. That engineer needs that printout to see where his slack is, to see where his EOCs are. If I just tell you a number, that doesn't really tell you what you're dealing with; it just tells you it's a number.

Q. So, who is that number of value to?

A. That number is of value to yardmasters and people who are planning and building trains, and it might even one day be available and useful to the crew as they are assembling their train, to make sure that it stays within the parameters. But that number is a representation of a lot of datapoints distilled down to one number that is intended to be used as a go/no-go or a level -- I hate to say a level of risk assessment, but it lets you know where you are on that risk assessment scale.

Q. Okay. All right. And the -- so, this train was in the go area with this number?

A. Yes, sir.

Q. Okay. And let's say a train gets built, and it's in the no-go area. Then, what happens from a, you know, a consist management perspective?

A. Current instructions that were applicable for this 245 is, they would have to remarshal the train, move loads to the head end, move empties to the rear and, and BOC's (ph.) to the rear end, and/or cut off cars, or reposition locomotives into a distributed power consist to bring that star score down.
Q. Okay. Well, that's interesting. And is the star score just based on the train makeup, or does it take into account the territory?
A. It does not take into account the territory yet. It's a fairly new metric that we have begun using, and along with the TBO (ph.), it is still in its infancy. We use a standard of 3,800 as our star score right now, and again, that number means nothing --
Q. Okay.
A. -- other than as a datapoint or a compilation of a lot of datapoints. But we're using 3,800 as the star score for our system now, with the intent to go territory by territory across the railroad and establish star scores.
Q. Based on the uniqueness of the territory.
A. Based on the uniqueness of each territory, yes, sir.
Q. Okay. So, this program is a new program, like you said, and it sounds like it's being utilized, but not yet to its full potential.
A. Correct, and it doesn't catch everything. We're talking about how much slack and how much tonnage in the train. The star score itself does not tell you what your entering forces are going

to be or anything like that.

Q. Okay. It's interesting stuff, Shannon. I mean, it really is. Now, let's say there's a territory, and there's some feedback from some of the engineers that -- you know, it's hard when it's -- it's tougher for us when -- you know, it's more of a challenge --

A. Yes, sir.

Q. -- when a train is made up a certain way. Is there a process for that information to flow into this decision-making process?

A. To say that we take feedback directly from engineers -- we do listen and we do hear feedback from the crews, but we look for more empirical data when we're looking at things like that. We track things like train separations. We track train delays. We look at and we use things like, you know, any time we have like cars -- occasionally, we'll see automobiles knocked out of the wheel chocks on a multilevel. We use things like that as a trigger for a review. And, of course, derailments, accidents, all of those things trigger a review on our part, and we look to see if change is necessary.

So, while an engineer might come forward and say, this train's very hard to handle, we feel like, in most cases, we're giving the engineer a train that they can handle. It may be more challenging, and to hear back that it's a challenging train is not necessarily a surprise. We're looking for more empirical data. Not to say that if we hear over and over that something is a

problem or something is a challenge, that we won't look, but like I said, we're looking for that, those trigger events, that empirical data. We will look at a train, we will simulate the operation of that train, and see what we need to do, if anything, to operate it differently.

Q. Well, and maybe it's the converse of that, too. When the data's telling you that there's repeat occurrences in a given location, you know, maybe it's also adding that human, you know, the human element to it, and that experience element, to help you really get the full picture. So, it --

A. Right.

Q. -- kind of sounds like you're working through that process.

A. Yes, sir, and we do that quite often. An example of it is, we had some empty coal trains that we were continuing to get knuckles on, and not only were we looking at the empirical data, the simulation, all of those things, but we went back and talked to the engineers at the location. What are you seeing through here? What's causing it? And, you know, the feedback was, in two miles from here, we're getting a pretty hard run-in. This is where it's all coming back out. And I think we ended up putting a slow order through there to help with that. We put a slow order on for those empty coal trains, and it made a big difference. So, we do look to them for feedback, just not necessarily as empirical data.

Q. Yeah. No, absolutely. I think it's -- you know, I think

your example's, I think it's a good example to kind of explain how the process should work. Okay. So, if I also wanted to ask about new cars, is that your area?

A. That's beyond me. No, sir.

Q. Okay. All right. We can kind of cover that from maybe a system safety sort of perspective, maybe.

A. We'll try.

Q. We'll try.

A. That might be out of --

Q. Yeah.

A. -- the whole group's range of data.

Q. Shannon, I'm just trying to -- you know, I want to make sure we empty our cup while we've got you here. You drove all the way here. And, you know, you got some great information for us.

Q. We -- I'll go ahead and volunteer. We do have new train-handling -- or, updated train-handling rules going into place next week that we'll address some of the things that we saw on this train, and they were planned, and written, and actually issued ahead of this train being marshaled. They're just not yet in effect.

Q. Okay.

A. And those rules would have moved that multilevel block to the head end of this train.

Q. And -- well, so --

A. Or, no, I'm sorry, not multilevel. The double-stack block.

I've got multi-levels on my mind. It would have moved those double-stacks to the head of the train.

Q. So, all right, so let's just, let's try to talk about that a little bit. So, is that because data was saying -- data was giving information that, you know, changes needed to be made to improve safety and operations?

A. Yes, sir. The data that we'd been looking at -- and this has been an ongoing project. You don't make largescale train build changes easily. But this has been an ongoing project for about four or five months now, and we were moving forward with the first couple of phases of this, and decided just to go ahead and to issue the rules. They went out Wednesday. This train, you know, obviously departed. And they're going into effect on Monday.

MR. FRIGO: I think that, you know, I think you hit on something. I think us in the railroad industry, I don't think we should make any drastic --

MR. MASON: Right.

MR. FRIGO: -- changes without being thorough and really thinking it through. So, yeah, let's -- I mean, Robert, let's add that to your list, whatever these new, you know, make-up, consist make-up rules are that were already planned to go into effect.

BY MR. FRIGO:

Q. And just, again, for clarification on the record, those would be systemwide?

A. Yes, sir.

Q. So, not related to any known issues on this east end subdivision? It's systemwide?
A. Correct.
Q. Okay. I want to make sure we capture that.
A. You know, specifically what this one does, is, it takes that word practicable that we were speaking of, it takes it out of many of our rules.
Q. I like to hear that. That's -- you know, let's take the ambiguity away from it. You know, someone once told me that, you know, when we do that in this industry, that we're, you know, that we're dumbing down the railroad, and they kind of said it with a negative connotation. And I -- my response was, no, I think we're just getting smarter. And I think that's what we're doing. I think, by removing some of the ambiguity and relying more on the empirical data and all the technology that we have, you know, we're just, we're getting smarter. And again, that just, at the end of the day, that just increases operating efficiency and safety, which is, you know, it's a good thing for everybody. All right. Shannon, is there anything else that I should have asked you that I did not ask you?
UNIDENTIFIED SPEAKER #3: That's a --
(Crosstalk)
UNIDENTIFIED SPEAKER #3: That's a very hard question.
MR. FRIGO: Yeah.
MR. MASON: Anything about what?

UNIDENTIFIED SPEAKER #4: Anything else you want to add about any evolving changes.

MR. MASON: You know, like I said, there are multiple changes, but that's the only one that would have affected this train.

MR. FRIGO: Okay. All right. I'm going to pass it off to my left, here, for any questions.

MR. CAMPBELL: I just have one. Matt Campbell, SMART Transportation Division.

BY MR. CAMPBELL:

Q. And Ryan touched on it. Like, this train or any other train that gets that star rating, that kind of thing, who has the responsibility or who is allowed to, you know, see that train, that it's, A, the system said it's okay to go, but, you know, the yardmaster, or the trainmaster, or the engineer, work this territory, you know, for five, 10, 20, 30 years, and last -- you know, who -- is that allowable?

A. The systems are built for use by our yardmasters and our trainmasters. They're not on a platform that our T and E crews would have access to. It's a web-based system, but it's accessed through our yellow sheet and our TYES systems. So, while the rules that are coming out will be crew-facing, they also apply to our yardmasters and trainmasters, which is their intent. And the instruction for the star rule is, in any location where a train is initiated or has a work event where yardmasters are on duty, so

we're specifically targeting the yardmasters, they will run the TBO, and it will pass, and it will have a star score below 3,800.

So, the direct answer is yardmasters, but it could also be a trainmaster that's there helping them out. The crew is not going to have visibility into the star score. They may at some point down the road. But currently, it's pointed at yardmasters, because again, handing a crew a number, even if I tried to explain in depth how that number's arrived at, it would mean nothing to the crew.

Q. So, yardmaster. So, the score's good and all that, and he's responsible for that, but does he have the authority to use personal knowledge/experience to say, yeah, it's rated -- you know, when the system says it's great, it's good to go this way, he can't say, well, you know, I'm kind of worried about that, you know. There's 10 curves, and --

A. All of our employees have the right and the responsibility, if they see something wrong, to bring it up to their supervisor or their supervisor's supervisor. Yes, he absolutely has the right, if he sees a train that he thinks is built poorly, to bring that up to somebody and say, hey, we need to look at this. I don't like what I'm seeing here. Let's take a hard look at this. I'm sure Corey can probably tell you somewhere in our rulebook where it encourages that kind of thing, but that's the culture we've had at this railroad for years, is that we should speak up. See something, say something was a phrase for a long time. But, you

know, every employee has the right and the responsibility to ensure safety --

Q. Oh, 100 percent.

A. -- and that's --

Q. Yeah, that's --

A. -- I mean --

Q. -- just what I was -- like, if there's --

A. -- that's what all of our --

Q. -- a common, you know, like, if that's something that happens regularly, or is it --

A. I --

Q. You know, I mean --

A. I wouldn't say it happens too regularly, because --

Q. It's good to go, kind of a thing.

A. Yeah. Generally, we deal with those situations when they come up, and they don't -- we don't see a lot of reoccurrence. You know what? These guys talk to the larger safety trends. But from my knowledge base, you know --

MR. VEAL: I think -- this is Corey Veal. I think one of the things that could happen in this context with these train build rules, like Shannon explained, and to your point about, I'm an engineer, or conductor, or what have you, and I'm looking at my train consist, and at the (indiscernible), I don't have a star score in front of me, but I've been presented with this train that has an acceptable star score. But I'm looking at a tonnage

profile, and I see a block of ELCC (ph.) equipped cars towards the head end. So, if I raise my hand as a crew member to say, 185 to the tower, can you take a look at -- is this train good to go? I see a block of empties. I would turn my head to the yardmaster and say, the expectation would be, based on these rules, because they apply to him or her, as well, take a look at that train. What is the star score? And if it is less than 3,800, and you have a train build optimizer, proceed? You could come back to that crew to indicate, based on the technology, based on the systems, and according to the rule, that train is acceptable to depart.

Now, I will say, could you improve it? So, let's say it has a 3,500, which is less than 3,800. Could I take a block of empties and move them or move around some ELCC cars to get it down to 2,700? It's certainly possible. But I guess the threshold -- and this is the challenge of, Shannon spoke to it, of making it kind of a science project for the train crew, without all of the information, because it is just a threshold. And going to kind of a pass/fail, go/no-go model is where we are with it. That's where we are with it today. And there are conversations about, can we take star and TBO, and productionalize it on a company-provided device for a crew member to see it, but in a way that it's not confusing?

So, it's a balance of, how do you do that to maybe reassure someone that that train's okay? Because they're not going to know

their star score unless they ask. But the people responsible for building the trains definitely know the star score, and they have the responsibility to build an acceptable train. Hope that helps.

MR. CAMPBELL: Yeah. I don't have anything right now. Thank you.

MR. FRANSEN: Brian Fransen, BLET. I don't have any questions.

MR. SARVER: Robert Sarver, Norfolk Southern. No questions.

MR. CHAMBLISS: Michael Chambliss, FRA. I have, I guess, some clarity questions.

BY MR. CHAMBLISS:

Q. (Indiscernible). Initially, maybe I didn't hear it clearly, when they was in Indiana, they was moved separately? (Indiscernible)?

A. They were picked up at the same time by, I think I said earlier, the L69 local. I know they were separate when they were inspected, but by the time they were picked up, they were together and picked up at the same time, same location, and coupled together.

Q. Okay. And the next one is (indiscernible). You mentioned data. Do that 245 have any data about (indiscernible) what's some of the history of broken knuckles on their route?

A. To that specific train, I can look. We have like broken knuckle data going back, I think, three years, that we keep on hand. I can look, but I haven't prepared --

Q. Yeah.
A. -- anything on that.
Q. I just want to know, was there any specific issue that those trains had doing those routes?
A. I looked at the all our coupler failures, knuckle failures, and 245 is not a train that even rings a remote bell for me as having knuckles or (indiscernible) issues.
MR. CHAMBLISS: That's all I have.
MR. STANLEY: Brian Stanley.
BY MR. STANLEY:
Q. Shannon, can you speak to some of the training that's been done in regards to TBO and some of the resources that's available if there are questions or concerns with any of the tower people?
A. I actually have a group that works for me. They are road foremen, qualified engineers, supervisors of engineers. And we man a desk 24/7. And if there are questions on train build, use of the TBO, star scores, distributed power, any of those things, my guys have been trained up to be kind of the experts. Maybe the jack-of-all-trade expert is the best way of saying it. We might not be the final, but we've been trained up to help in all of those cases. And should there be an issue with star score or something like that, the group that works for me, I would be kind of the first line, the first resource, to go to, and we would provide whatever help we could, or we would refer on up the line, on to a more specialized assistance.

Q. And for the people that use the TBO system, what kind of training have they received?

A. There have been -- I think TBO's on its third iteration of training, or third update, but there was a slide deck that went out that I think was about 30 slides, might not have been that many, that went into very detail on how to access. And not only can you look at a train that's build in your yard; you can look at one that you are building, or you can prebuild a train and say, with these cars that I have in my yard, I haven't even started building this train yet, but let me go ahead and build it first and see what it looks like, so that if I want to pull it from the yard, or if I want to pull it from the class tracks differently because blocking it differently makes sense, I can prebuild it, and then move everything around, and go, okay, so I need to pull the tracks in this order instead of the order I normally do. So, there's a prebuilder in there, as well. And that's in that training that we just actually rolled out February 24, I think it was, and that was sent to all of our yardmasters and frontline supervisors.

MR. STANLEY: Good. I have no other questions.

MR. FRIGO: Shannon, I've got you here, so I've got to ask one more.

MR. MASON: Yes, sir.

BY MR. FRIGO:

Q. So, is the -- and I guess this is strictly a technology

question --
A. That's --
Q. -- capability question.
A. -- my specialty.
Q. So, within the system, if -- let's say you've got a, you know, you've got a local, all right? But it's one where you're -- you know, it's a long local, okay? And it requires you to leave a bunch of stuff out somewhere in an industry, or a siting, whatever. We can pick whatever. Is the system capable of knowing the length of track in a given set-out location and helping you build that train to make these moves more efficient and safer at the set-out location?
A. I'm going to caveat my answer, because I'm not an expert-level user of our TYES systems. There's a lot I get into. My caveat of answer is, no, I do not believe so.
Q. Okay.
A. I think it has notes in the system. I recall it has notes in the system that will tell you what the track line does, but that wouldn't prohibit you from showing more cars on the track than could possibly go there. I know of nothing that would say, hey, you're building too big of a set-out for Bluffton, Indiana, because the track at Bluffton only holds 15 cars, and you're planning to put 4,500 feet in there. I don't believe it does that.
Q. Okay.

A. But again, I'm not an expert-level, every-day user.
Q. Okay. Just something -- you know, you go to these things, and they -- you know, could be years down the road, and you get someone in the room that, you know, could --
A. Yeah. That's --
Q. -- could answer the question, but it's --
A. There are a lot of technology systems I'm very, very familiar with, but TYES, I use it, and I use it, and I'm probably average for a field supervisor user, but I'm not a daily user like some of these guys are.
Q. No, I appreciate you --
MR. VEAL: I could add, maybe.
MR. FRIGO: Okay. All right, Corey.
MR. VEAL: Not much more.
MR. FRIGO: Okay.
MR. VEAL: (Indiscernible). So -- and I think what Shannon's alluded to, I've seen that data field in TYES. So, TYES is an acronym, Thoroughbred Yard Enterprise System. I've seen data fields for track capacities at industries, at some yard tracks, at some interchanges, but I don't -- from an operations perspective, it's not actionable data. Like, if you were going to make a shove move, or make a train lead, or figure out, could you yard a train at a particular yard. I think it's just more of a profile --
(Crosstalk)
MR. VEAL: -- on an outpost, and a controlling station, and a

name. And it's a starting point. Like, if RR Donnelly was an industry that could hold 50 cars, and they put a new track in, I don't think anybody goes in and says, well, then, it can hold 10 more. I just think it's kind of a generic datapoint, but not something that's actionable.

MR. FRIGO: Yeah, I was just curious.

MR. VEAL: Yeah.

MR. FRIGO: But -- okay. Do we -- I think we're at a transition point in our discussion here. Do we have any other questions right now for Shannon or for Ryan? Okay. All right. So, let's take a break. We'll go off the record.

(Off the record.)

(On the record.)

MR. FRIGO: Okay. We are back on the record. Everyone is still here at the firehouse. No one's left after our first part of the discussion. And as a group, I think we're ready to start talking about risk reduction, and system safety, and kind of trying to draw everything together, here.

INTERVIEW OF JOHN GRAHAM

BY MR. FRIGO:

Q. So, John, you're the manager, right, of the risk reduction program?

A. That's correct.

Q. All right. So, why don't you tell us a little bit about what that is.

A. Well, it's Part 271, a risk production program and regulatory requirements. It is, I would say, a safety management system concept. So, the components are identifying hazards and their related risks, safety performance evaluation to ensure that you are addressing those hazards and risks, and identifying new hazards and risks that may have previously been unidentified or have changed. There is a significant outreach component to provide information to employees, an employee involvement component, to make sure not just that you're providing information, but also getting feedback and information from the employees. The regulation has a three-year implementation schedule, which, we have laid out our implementation and our plan.

Q. So, when did all this start? Where are you in your three-year --

A. Our plan was approved May of last year, so we're approximately one year in. The initial implementation, it's really laying a lot of groundwork. I'd say we're early. If you compare it to building a house, where the -- you know, you excavate, you prepare the site, you lay the foundation, those are all time-consuming, and it's not a house. And then, as you frame it, you know, it resembles a house, and, you know, if you've watched anyone build a house, all of a sudden, it's ready. And so, it's the opposite of the law of diminishing returns, as the more you put into it, the more you start getting out of it.

Q. All right, John. I think that's a good kind of lead-in here.

So, you mentioned three kind of tenets that will try to shape our conversation here: identifying hazards and risks, addressing the hazards and risks, and then the outreach and feedback. So, let's walk through those three. What does it mean at NS to identify a hazard and risk?

A. It means to look at our operations and look where there could be a negative impact, which could be an injury, you know, damage to the system, damage to the community; and determine, you know, what's the likelihood of that occurring, what's the potential severity; and giving a risk score, and then evaluating where we need to focus our attention.

Q. And, you know, it's not just you that's doing this. I mean, is this a committee? Is this -- how is this information being developed?

A. So, we have a team within the safety and environmental department, and we have brought together a risk committee. So, safety and environmental will work on topics and get information together, and then we have it with the risk committee to -- initially, we had identified topics we wanted to immediately start addressing, so we've been working on risk scores for those topics.

Q. Okay. So, who's in this risk committee?

A. The risk committee is -- by job title?

Q. Or even department.

A. Oh, okay.

Q. Let's just start at that kind of high level. What

departments are represented on the risk committee?
A. Transportation, ATC mechanical, ATC CNS (ph.), engineering. And we also, as needed, would include information from health services, HR.
Q. Okay. Is HR and health services, are they a standing --
UNIDENTIFIED SPEAKER #5: Oh, oh, oh.
MR. FRIGO: We're going to off the record, here, for a second.
(Off the record.)
(On the record.)
MR. FRIGO: Okay. We're back on the record, here.
BY MR. FRIGO:
Q. So, with the risk committee, I think we described like a lot of the operating departments, and then we also talked about HR. I believe I was in the process of asking if HR is on the committee?
A. Not as a standing member.
Q. Okay.
A. And labor relations is identified as having a standing member.
Q. Okay.
A. And that would round out the --
Q. The committee.
(Crosstalk)
Q. And what is the level of individual? Is it a VP from each of those, or what level within the organization is represented at

that committee?

A. Typically, director-level, assistant division superintendent.

Q. Okay. So, high enough to make some decisions.

A. Yes.

Q. Okay, and to pass stuff up if need be.

A. Yes, yes.

INTERVIEW OF JOHN GRAHAM AND COREY VEAL

BY MR. FRIGO:

Okay. Is there a higher-level committee that exists to talk about safety? Is there something at the highest level of the organization?

MR. VEAL: Yes. So, Corey Veal. We have an operations division safety and service committee that is chaired by our chief operating officer, and the membership on that committee includes all of the vice presidents from the operating departments, as well as law, HR, labor relations, several members from the safety environmental department, that meet regularly, and typically, around the system. So, there's a large amount of outreach when that committee meets. It involves a field day, so to speak, engaging with employees in their operating environment, so at the ballast line, doing what we call safety check-ups, as well as a business meeting on basically corporate safety policies, so a lot of decision-making.

And also in that meeting of that top-level safety service committee is a presentation from the local safety service

committee on their activities, their challenges, things they need help with, things they've accomplished, safety milestones, safety promotion. Sometimes, it's things like one month injury-free, or whatever their streaks or accomplishments are. They also highlight their service chiefs a lot of times if their customer service in the terminal is up or down. So, that's really high-level.

One example of that outing is to go to a division and split up into teams to get broader coverage. We had one on the Gulf division last fall where we had folks at multiple locations. We had kind of a hub in Birmingham, but we had teams at Decatur, Alabama, Selma, Alabama, New Orleans, multiple teams at Birmingham, and numerous employee interactions. It was one of the best outings. In fact, it's kind of the blueprint as we are making the 2023 schedule, to duplicate that model of broad dissemination of the teams. And then, everybody comes in for day two to hear what the local safety service committee actually is doing maybe on some of these (indiscernible), and labor leaders and supervisors are at that meeting. So, there's some -- it's a big deal.

MR. FRIGO: Okay.

MR. VEAL: But it's a combination of local supervisors, local safety service committee members, and local labor representatives.

MR. FRIGO: And then, that highest level?

MR. VEAL: Then, that highest level of the safety committee.

MR. FRIGO: Okay. So, there's decision-making that's occurring, but there's also a lot of promotion and engagement going on?

MR. VEAL: Yes.

MR. FRIGO: Okay.

UNIDENTIFIED SPEAKER #7: Yes.

MR. GRAHAM: Yeah, pooling the LSSCs, and the ODSSC (ph.) meetings, and the labor reps has been a great way to increase that employee involvement and get them talking with management and with our department.

MR. FRIGO: Okay. In the -- Corey, when you say, regularly-scheduled, how can I -- is that quarterly? Is it monthly? How can I -- what's the expectation?

MR. VEAL: So, in 2022, it was monthly except for a couple of months. And in 2022, it was actually a return from remote, right? Coming back from COVID-19. We had seven or eight in-person meetings to the way I described it in 2022. Previously, and I'm saying prior to the pandemic, it was a monthly meeting of that top-level safety committee going out in the field at various locations. And those locations are selected for a number of reasons. It could be a safety achievement driving it. It could be safety concerns driving it. Could be a change in the operation to drive that location for where that group actually goes. So, in 2023, our first one is scheduled, actually, in March, and the plan is to do at least every division in the year 2023, so that would

be six divisions, so at least six meetings of that committee in the field.

MR. FRIGO: That's --

MR. VEAL: But the decision-making happens even outside of that event.

MR. FRIGO: That's interesting. No, thanks for that further explanation. So, we're talking about identifying hazards and risk, and we're talking about the risk committee. So, how does the risk committee generate this identification of hazards and risk?

MR. GRAHAM: So, to help build out our processes in this plan, we identified several goals, and some of those were operational goals, and we used the risk committee to start building out our risk analysis process. So, because we had agreement on, these are things we want to tackle, we used that to kind of kill several birds with one stone. We have reevaluated that, and we are considering taking a step back with the risk committee and actually talking more about where do we want to -- where we want to focus attention and get guidance from the operating departments on what they're seeing, because we set these goals a year and a half ago, and so maybe, as conditions have changed. So, we're going to really, we're going to start that more from the ground and discuss what they're seeing, and then certainly use any data to show us where we're seeing things.

MR. FRIGO: So, okay, and I know we're kind of at the

beginning of a -- we're one year into a three-year plan of, you know, a safety program that really is going to live forever. Is it safe to say that this program is constantly evolving?

MR. GRAHAM: Yes.

MR. FRIGO: Okay. So, you know, and again, going back to this, so -- I just want to be clear. So, it sounds like the initial goals of the plan are to establish, I guess, goals within the risk identification and hazard identification area to even understand what those are. I mean, is that where you're at? I mean, are you at the point where you're actively identifying risk and hazards, and putting them on a hazard registry, and working through corrective actions, or are we still defining what it is these risks are to the system?

MR. GRAHAM: I think the answer would be yes to all of this.

MR. VEAL: Yeah, I would say, both.

MR. GRAHAM: Yeah.

MR. FRIGO: Okay.

MR. GRAHAM: Yeah. It's not an either/or, where we wouldn't refrain from making an improvement to something because we haven't worked out our risk analysis process. So, it's -- so, as we're building this very formal systematic approach, we're also taking steps and looking at improvements.

MR. FRIGO: Okay. And how does data -- you know, we've talked about data today, and we've talked about it in -- you know, really, as it relates to train makeup, but how does data -- and

Shannon had a great example with pull-aparts and, you know, some issues with knuckles, and -- I mean, how does data like that, how does that inform this risk identification process?

MR. GRAHAM: That's a component of this that is still being built, and it is one of the next priorities to really, to firm that up.

MR. FRIGO: Okay.

MR. VEAL: I could just add a little bit to what John's saying, because there's two things going on. Obviously, we've got data on accidents. There's an FRA Part 225 reporting, you know, a requirement for accidents/incidents. Actually, it's injuries. And so, that data is being used. In October, we changed to a different platform to report accidents. We went from an internal platform called SIRS, we love acronyms, to IMS, which is an SAP-based platform. But -- so, you have that data, and from that, we get things like accident causes. There's the FRA cause code for accidents. So, we look at train accident causes.

Most recently, we looked at shove moves, and there's actually kind of human factor general switching cause codes that drove some activity in the field with respect to awareness, monitoring, and education. So, we use that data for directing the activities for awareness and for what even supervisors are looking to monitor people for, as well as make them aware of. So, you see that at the local safety service committee member level, you see it at the manager level, you see it from a safety environmental/safety

promotions perspective based on accident data.

We also highlight and look at, really, more recently, the mainline versus yard train accidents, and that's a really interesting analysis if you think about -- you know, if I said, yard, most people would immediately think about switches, derails, shove moves. Okay. And then, mainline, you start to look at train build, which connects back to what Shannon spoke of, where we're having continual conversations on train separations, train build, train makeup, and improving those processes with the things that we described earlier. So, data is driving the yard and the mainline responses from a rule and policy perspective, but also from a process, and then safety promotion/safety awareness monitoring. And there's a level of enforcement with that, as well, so --

MR. FRIGO: Yeah, and to me, it sounds like, you know, we're talking about incidents, right? And accidents, and that's giving you your lagging indicators.

MR. VEAL: Right.

MR. FRIGO: But, you know, also mentioning about switch movements and some of the root causes, and it sounds like you're also trying to go after leading indicators that the data might be highlighting.

MR. VEAL: Yes.

MR. FRIGO: So, is -- how can I better understand how that is feeding into the hazard ID program? If you're -- you know, let's

just, let's take switch run-throughs as an example. I mean, how is that -- if you're -- you know, I could see, you know, right, like a hierarchy, where you've got, you know, yard, right? And yard movements. Then, you know, switch run-throughs. And then, your human factor cause codes under that. And then, you know, you'd have potentially the track cause codes. And is that -- is there a hierarchy that's part of this hazard process, at least how hazards are being identified and categorized?

MR. VEAL: John, I'm -- I guess he was going to tag team it, because --

MR. GRAHAM: Yeah.

MR. VEAL: -- sometimes, I won't speak in the context of RRP. I'll just say it, right? From a railroad operations perspective, there is a hierarchy if you look at human factor, versus track, versus mechanical, versus signal. And human factor is a bonus, not that the other things aren't. But when we look at our workforce, we're very young from a seniority perspective. When we look at our data on our incidents, they are -- train accidents in the yard tie right back to shove moves, and switches, and derails as the leading causes.

And so, all of the activity is really focused on, how do we lie the switch, handle a derail, make a shove move safely? And mainly, in yards. We don't see those same trends on mainline accidents. We just don't. If you look at incidents, if you said, okay, let's turn the page over and say, where is there a ton of

exposure, and a lot of risk, and even a high dollar value? It would be mainlines. And if you tease that out even further, you say, well, there's a lot of controls already in place, a ton of controls in place, but train handling, train makeup, the controls are evolving to really try to get ahead of it even more. So, you don't see -- like, our separations are -- we monitor that really, really closely, and Shannon and his team have the data to show increases and decreases, what's behind it. You know, is it seasonal? Is it traffic? Is it competency like at the throttle and the brake? Is it -- am I building trains that are more challenging?

So, we're looking at that part of it, but the -- and I think I lost your original question about the hierarchy of the yard/human factor. It's to the top of the list, Ryan. I mean, it just -- so, one of the action -- maybe this'll tie it together. One of the action items that we've done in the last -- I think we started in August. No, we actually started in April of last year with pilot; and then, we went full system in August. We started with a switch flag test, which is all about raising the awareness of the switch position and the derail position. So, we use the flag, we place it at a switch, we place it at a derail that's in the off position, and the requirement is, that flag indicates that the switch for the derail is not (indiscernible). And your requirement as an operating employee is to stop short of that flag.

And then, there's subsets. Stop short of it; don't follow adjacent tracks. When you do stop short of it, make a controlled stop, not a panicked stop. Don't line the switch or derail with the flag in place. So, those are the business rules for that test. And those tests are made in yards, because the other requirement is that you have to make it where a restricted speed is required. That means it's a fair test. But there's also like a lot of effort into teaching the supervisors on how to make a fair and realistic test. Not to put the flag where someone just determined the track is clear by FRA definition, which would include switches and derails (indiscernible).

MR. FRIGO: So, let's use that example, right? Of the flag and the test that has been developed.

MR. VEAL: Okay.

MR. FRIGO: And I liked what you said under it. There's all these different components. So, if you're seeing a trend in one of those areas, let's say it's, you know, not stopping in the clear, if you're seeing a trend, is that something that gets -- because we're just talking at a yard level, you know, at a location. Is that something that then gets captured, trends upward into an -- if you're seeing a certain amount of them, trends upward into an overall risk identification that then gets disseminated across the system?

MR. VEAL: With -- one of the things with the new system of reporting incidents is that the dashboard and this ability of

those incidents is evolving. So, if I'm thinking about your question right, if I'm at Birmingham as a yard, and I'm responsible for Birmingham, how easily can I see Birmingham versus Chattanooga, or another yard, or the whole system, which, from a system perspective, with John, and I, and others of our team, is, we're looking at the system. And then, we have to drill down to Birmingham. So, without coordination, Birmingham, other than manually tracking it, doesn't see it in the context of, I'm at Birmingham, I'm going to see my accidents and analyze across the causes. It's more manual today. It's headed to be more programmatic.

MR. FRIGO: But do you see it at your level systematically? When you see it -- you know, we kind of went from, you know, the top down. I mean, how does it -- when you see it, if it's occurring at the Birmingham level, will it flow upward so that, at your level, looking at it from a system perspective, you could apply -- you can connect the dots, or you can see that his is trending in in this area, and, you know, we think we've -- you know, it happens to be this certain class of employee that went through training during this time period?

MR. VEAL: We were --

MR. FRIGO: Maybe we --

(Crosstalk)

MR. FRIGO: -- we --

MR. VEAL: That was a conversation on the way here today.

MR. FRIGO: You know.

MR. VEAL: So, that particular piece, we're getting that visibility. We have some of it now --

MR. FRIGO: Okay.

MR. VEAL: -- to identify craft/years of service of the involved employees, like who was involved. And then, you would kind of peel that back to your point about like, what group were they in? What was the curriculum of their training? So, the answer would be yes, but we want to go deeper, because in this new system, programmatically, we don't assign or capture -- if myself and Brian are on a train crew, just as an example, and I fail to properly protect the shove, Brian, as the engineer, doesn't violate a rule, but I did. And I'm reporting from an internal report, because this is not an FRA requirement, right? Not Part 225. But from an internal reporting. We don't currently say, Corey failed to properly protect the shove. And that way, I can tease out Corey's years of service, disciplinary record, training record, et cetera.

That's where we're heading in the second quarter to actually identify that, because today, it would be a little bit inaccurate, because the system would look at Brian's seniority and my seniority collectively. And we don't want to use that data particularly for that one reason, because it'll skew it. Because he may have 25 years of service, and I may have 18 months, and what does that do to the data?

MR. FRIGO: Right.

MR. VEAL: It won't tell me -- it won't tell you what you really need to know. It'll just give you a general experience level. No different if the tables were turned. If Brian mishandled his train, but I'm the conductor on the job, and it went in as a train handling rule violation, so I'm the 18-month person and he's the 25-year person, it's not pure data. So, we're headed that way in the second quarter, to identify it.

MR. FRIGO: Okay. No, and I think that's helpful to -- it's helpful for me to understand at least maturity-wise where it is and where it's going.

MR. VEAL: Right.

MR. FRIGO: You know, it -- I want to also try to understand within this, you know, maybe we kind of transition a little into the addressing risk part of it, but I want to give us a different example than what we're kind of using. So, we've established that the program is in its infancy, that it's -- you know, that the requirement, the regulatory requirement, was for a program that would be implemented over three years, and that we're in, you know, year one of that. We've established that there's committees that are in place to identify risk; that there is higher-level committees that are addressing risk, and also working on safety promotion, or outreach and feedback, whatever we want to call it. And then, we've talked a little bit about data.

So, if a risk is identified, and let's say it's, you know,

let's say it's what we're kind of -- what brought us all here to this room today, you know. There's some locomotives that, you know, it looks like, according to rule, you know, shouldn't have been together. And, you know, in the previous hour, we talked about kind of how they got together, and we talked about some of the safeguards in place. From that systematic level, and from the risk reduction program, can you walk me through how this type of -- we had an occurrence, and we've identified, you know, yes, it's a lagging indicator, but we identified a risk out of the occurrence. So, how would that work into the existing program that, once it's identified, we're going to resolve it? Can you maybe walk me through that process?

MR. VEAL: Yeah, I think I can, and I don't know if you want to start it with a serious incident review as the --

MR. FRIGO: Yeah, so --

MR. VEAL: -- the beginning of that kind of identification, and then unpacking it.

MR. GRAHAM: So, our department would review the incident with information generated from the investigation, you know, look at -- you know, our department has a number of people who have worked in operations, that are knowledgeable, and if we need additional info, we invite people from mechanical, from CNS, transportation, to the discussion, look for -- you know, it's based on that five Y, or however many Ys it takes you, look for where the fault occurred, where the breakdown, look for that

cause, that file, you know, root cause.

Something like this, I think we would -- if Shannon wasn't already in the conversation, we'd, you know, reach out to him and get more information, and then start looking at, what are corrections? What can be put in place to prevent this from happening again if there's a -- is there a need to clarify a rule? Is there -- you know, this sounds like an administrative control type situation, but is there something available to get a higher level of protection?

MR. FRIGO: And -- yeah, right. So, how do you feel about administrative controls? I mean, where would you -- according to your plan -- I know I kind of -- not you as an individual --

MR. GRAHAM: Yeah.

MR. FRIGO: -- but the plan, how does the plan feel about administrative controls?

MR. GRAHAM: You want things more protective when it's possible. I think that whether it's railroad industry, construction, or forklift operation, when you're talking about heavy things that move around, you are going to have administrative controls. You're always going to need those. As technology develops, we're going to be continuing to look at higher levels of protection, things that don't rely on people, making sure that they are following rules. But it's the nature of this industry that administrative controls are going to be very important.

MR. FRIGO: So, and let's just define that. Are we talking people, policies, and procedures when we're -- and training? Is that -- and rulebooks? Is that administrative control as we're discussing it?

MR. GRAHAM: I believe so.

MR. FRIGO: Okay. All right. And what would be a better, a stronger level of control? If you're looking at layering something on top of an administrative control, what would be the next level?

MR. GRAHAM: Obviously, engineering controls when available.

MR. FRIGO: And that would be, you know, something like a signal system, right?

MR. GRAHAM: (No audible response.)

MR. FRIGO: Okay. Is there -- does elimination factor into this at all, just eliminating that hazard outright?

MR. GRAHAM: Absolutely. If you can eliminate a hazard, that's something that you want to look at; if you can substitute something with a lower degree of hazard, you want to look at that; and then, down the list.

MR. FRIGO: Okay. So, and the plan includes a hazard assessment table. So, there's a way to look at risk probability and risk outcome.

MR. GRAHAM: Right.

MR. FRIGO: Okay. And is there -- you know, and that's kind of a -- there's really an art to it. It's -- has there been

any -- here, let me ask this question first. According to the plan, whose responsibility is it to figure out where, within that matrix, a hazard lies?

MR. GRAHAM: It's a consensus of the risk committee.

MR. FRIGO: Of the risk committee. Okay. And is there any tools or job aids that help the risk committee in making that determination?

MR. GRAHAM: Just the definitions of the severity, and likelihood scores, and --

MR. FRIGO: Within the document --

MR. GRAHAM: Yes.

MR. FRIGO: -- within the program?

MR. GRAHAM: Yes.

MR. FRIGO: Okay. And, you know, we kind of talked about this before we started our discussion here today, but if you're in the highest, I think -- what do we call it? High, very high --

MR. GRAHAM: High and very high.

MR. FRIGO: If we're in that, you know, I'll use a little bit different terminology, but if we're in that undesirable or unacceptable area of risk, which, on your table, is red and orange, can you just tell me, according to the plan, what needs to be done to a hazard that's in that area?

MR. GRAHAM: Mitigations to reduce the risk, either likelihood, severity, or both.

MR. FRIGO: Okay. And is there -- if we come across a hazard

where we can't reduce that risk, does the plan address what should be done at that point?

MR. GRAHAM: The plan says, suspend the operation until a mitigation can be developed.

MR. FRIGO: Okay. So, I mean, that would require high-level interaction. So -- and I don't know if this is a question for you, John, or for Corey, but, I mean, who's empowered to make that decision to suspend the operation?

MR. VEAL: So, I guess I can answer that question a couple of ways, and Shannon touched on it earlier. If you just think about frontline experience/frontline perspective of empowering employees, agreement/nonagreement, doesn't matter, empowering employees to work safely, that your personal safety is the priority, and then, from there, it would go to your fellow employee or coworker, that service doesn't supersede personal safety. From a plan perspective, though, because I think I heard your question kind of be both like what's in the culture of if we went an interviewed an employee today versus what is in the plan, and how closely do they align.

So, even in the middle-management level, we're suspending an operation because it was not safe or, like to use a matrix vocabulary, unacceptable or undesirable, that they're empowered. Middle management is empowered. Upper management is empowered. If it was a complete like enterprise-level risk to determine, obviously, that would -- the buck stops at the COO for that type

of operation to suspend. But often, that may flow up the organization that there is an issue that would require that level of decision-making, not that the person that encounters that risk isn't empowered right off, but that's not to themselves. They share that information. They communicate that risk.

MR. FRIGO: So, let's unpack that, because --

MR. VEAL: Sure.

MR. FRIGO: -- that's all, that's really interesting, right? I mean, what I'm hearing from you at that ground level is, be your brother's keeper.

MR. VEAL: Absolutely.

MR. FRIGO: And empowering the employees and -- because they're dealing with this stuff every minute, every second of every minute of every hour of every day. And I think -- I'm glad you said, middle management, because so much of the decision-making is right there, and so much of that safety leadership is right there. And, you know, as we all know, right? Because we all have worked through our careers. You know, we're all on the ground level at one point. And the interaction with that middle manager, that first-level supervision, is kind of key, right? So, if they're missing it, you know, what's that going to do to that be your brother's keeper mantra?

So, I heard what you said about the being out in the field with that high-level committee and trying to, you know, reach out and touch someone, basically, and, you know, talk to everybody.

Is there any specific training at that, you know, first-level supervision at that middle manager level that, you know, those individuals are being trained in a consistent manner to deal with these issues? Does that exist?

MR. VEAL: Yes. Over time, there have been different training programs introduced to equip supervisors, especially in the middle management ranks, with resolving conflict, managing operations, but also promoting/developing/building relationships and maintaining safety. Most recently, and I think it started this week, in fact, the week of the 6th, we have balance line leadership training, which is focused on our frontline supervisors. There was a recognition of -- I spoke earlier about us being young. I mean, most people would say, you're talking about train crews, and I'm not just talking about train crews. I'm talking about railroaders. Management, as well.

So, the ballast line leadership training is a new module that -- or, program, I should say, that was recently released, and there's a focus on communication, interpersonal communication; crucial conversations, having those crucial conversations; safety promotion; rule knowledge; accountability. So, that's right now being rolled out to our frontline supervisors. There's other iterations of that that have come -- you know, been used over the years. It's all about equipping the supervisors. But I think what's maybe more -- a little bit different this time is a recognition of the youth. And we've all dealt with folks that

maybe have more seniority in service or in age, and managing interpersonal relationships, it doesn't just happen. You have to work at it. I mean, you have to be really intentional at that. So, that's one of the principles in that training that I spoke of.

MR. FRIGO: And that's, boy, it's interesting. I can't tell you how many places I go and kind of have this conversation, because it's -- you know, like I said before, you -- at the top, right? Like, you have the chief safety officer and that high-level committee. You know, the intentions are there, and it's -- and at that bottom level, the intentions are there, like. But it's, how do we meet in the middle? So, you know, to me, I like hearing when there's a well-thought-out program and, you know, communication, and addressing -- because that's kind of where it slips a lot of times. Is there something in place to validate that that training is actually working? You know, is that something that exists just to -- you know, it's kind of like your 217 program, right? That validates that the way you're training and teaching on the road is actually working. You know, is there something that's looking at these other initiatives that feed into this program?

MR. VEAL: Yes.

MR. FRIGO: Like a plan, to, check, act, and repeat, repeat?

MR. VEAL: There's a couple of things that give some validation to that whole process, right? There's -- I gave you that little acronym earlier, ODSSC. Those -- that senior-level

safety and service committee going around to engage with employees at every level, and that's a way to really kind of identify a gap, that there is a gap, or to understand what's the temperature at a particular location between labor and management, with the focus on safety.

The other means of determining kind of how we're doing in that area, we do performance assessments. So, we have a team of managers that go across the system. They have expertise in the department, but they work in safety and environmental. But they're not like auditors, because they have worked the jobs, they worked in the department, and they go out with local managers and without local managers to observe safety and efficiency of operations, and they engage directly with our frontline employees. But they also look to see how well the managers are performing, and that's been really valuable in seeing kind of a clean view of how the departments are doing business.

So, we look at rule compliance; we look at best practices. And we have like a template or a playbook of, these are the categories of things that we will look at at every location, but depending on that location, there may be something specific, like remote control, or it's an intermodal facility, or an auto loading facility. So, you would go beyond the template of every yard. So, we go to hump yards, go to intermodal facilities, go look at industries, go look at interchanges. But again, the real value of it is you're not only looking; you're actually engaging with the

employees that are laying track on a track gang, switching an industry, or building trains.

And then, what about managers? How are the managers handling themselves? Are they engaged? Are they making quality rule checks? Are they discussing incidents on the system or incidents at the local yard? You know, whatever incident is, I would say, pertinent, depending on that operation. We don't typically talk about every incident that happened in engineering with all our transportation folks, but we do talk about things that are relatable, like track authority violations, because a railway worker mishandling the track authority, there's a lot of lessons that can be learned and takeaways that can be applied to a train crew handling the track authority to prevent it from happening.

MR. FRIGO: Well, I'm glad you bring that up, the, you know, kind of this cross-pollination between departments and, you know, learning and applying those lessons learned across the departments. So, you know, the other, I think the other example that -- by the time this transcript is out in, you know, in our docket in six months, you know, I think the other example of this risk matrix at play is, you know, kind of the work that's going on to identify, you know, the coil cars, the new coil cars. You know, there's -- you see the potential -- a potential issue, and there's decisions being made that the risk is unacceptable. And so, there's -- it seems like there's a process being followed to address an unacceptable risk where, in this example, mitigations

don’t apply. You know, the available mitigations don’t apply.

So, I think that that’s -- you know, at least from the -- from a risk reduction standpoint, you know, it’s just, again, it’s a way you’re using that -- even though, you know, we look at it from the railroad operations perspective, but when you look at it from this risk -- from the RRP, you know, you’re in that red. And so, does -- and since we’re still kind of talking about addressing risk, all right, we’re -- you’re also a railroad that, from time to time, especially out here, as we saw --

(Crosstalk)

MR. FRIGO: -- you’re also a host, right? You host Amtrak. The -- I mean, is there anything within that risk reduction program that covers that extra layer of, you know, where you’re at in having that level of, you know, passenger route? Is there anything that’s in that --

MR. GRAHAM: So, that is another component that’s on the list for this year to really --

MR. FRIGO: Integrate.

MR. GRAHAM: -- formalize -- yeah. So, there -- you know, we would work with the departments in our company that have that information and start building out the reporting and, you know, what information’s being shared, and -- but that’s another one that’s in program.

MR. FRIGO: Okay. And then, is there a way within -- and, okay, I’m understanding it’s in progress, so you might not be able

to answer all my questions related to it. But is part of that plan to talk to Amtrak --

MR. GRAHAM: Yes.

MR. FRIGO: -- and to address some of these issues, or whatever that commuter -- that passenger service might be?

MR. GRAHAM: We have had one meeting with Amtrak to work on our communication particularly with them. And then, so, on our side of it and on Amtrak's side of it, that is a work in progress.

MR. FRIGO: Okay. And the -- someone's chopping ice in the background, for the transcriptionist hearing some noise in the background. But it's one thing to talk about transporting coal, and it's another thing when we talk about passengers. And so, I have this on my list of things I want to ask. I think it's a perfect time to ask it, and are you aware of -- you know, John or Corey, are you aware of like the terminology of like a high-reliability organization? So --

MR. GRAHAM: I couldn't define it, but I'm familiar with the term.

MR. FRIGO: So --

MR. VEAL: I've heard the term and been in some meetings and discussions, and I know it's -- I think it's probably more of a term in the hazardous material environmental response world. I hear it more there --

MR. FRIGO: Yeah.

MR. VEAL: -- I'll say.

MR. FRIGO: In, you know, operating rooms --

MR. VEAL: Yeah.

MR. FRIGO: -- you know, nuclear --

MR. VEAL: In the Navy.

MR. FRIGO: Yeah.

MR. VEAL: Nuclear subs.

MR. FRIGO: Exactly.

MR. VEAL: Yeah.

MR. FRIGO: And -- but I think, when we talk about it in this context -- so, high-reliability organizations, and I guess the point I want to make is, it's a lot different when you have humans on your railroad than when you have a lump of coal. And I think that the examples we mentioned did not include the railroad, but there are humans on the railroad, there is hazmat on the railroad, and I think we should think of the railroad in those terms. And, you know, we -- and I think that the -- East Palestine is a perfect example of that. And so, from the risk standpoint, is there anything in the current plan that just looks at this human interaction, and whether it's the communities we run through, or it's our double-track where we've got, you know, the (indiscernible) pass and, you know, the Palmetto passing us at 79 miles an hour, I mean, is there anything in that program that looks at that higher level of risk that's involved?

MR. GRAHAM: So, our severity scores include a com for employee safety, and it also includes a com for environment, and

that would be, you know, that's the environmental side of our department. They're the ones who have that category. So, that includes hazmat releases, so they are including at least that component. So, I think, for hosting a passenger railroad, I think, no, that may be something we need to reevaluate.

UNIDENTIFIED SPEAKER #9: Well, and it's a work in progress.

MR. FRIGO: Yes. That's -- it's a work in progress, right? Like, it's an initial submission, and it's -- you know, and I think what we're just talking about here is, you know, it's -- I mean, this is something that did not exist 10 years ago. It's a new way of thinking, you know, for the railroad. So --

MR. VEAL: I was always of the mindset that if you did that analysis in the current framework, we'd be thinking about passenger -- whether it's the crew aboard or the passengers, in the same scope of the employee safety column, because who you work for -- I could go really deep, because I have an operating rules background. But like, that train crew on Amtrak, or BRE, or whatever passenger company, only Norfolk Southern is governed by Norfolk Southern operating rules. And the exposure is equal, if not more, because passenger trains operate, you know, faster than our freight trains. But the passengers, to your point, it's not like hauling coal. In fact, one of our former colleagues said, on Amtrak, you're hauling souls, not coal. And so, point taken about the risk analysis for passenger operations and the interaction of passenger or freight.

MR. FRIGO: Just something to keep in mind, you know, as your program evolves. Hm. I've been talking a lot, but I just want to have a few more; and then, maybe we'll go around the room; and then, we'll kind of end with the outreach and the feedback part and, you know, anything else you might want to share. But in the development of this program, can you discuss any of the outreach or guidance that was provided by the Federal Railroad Administration?

MR. GRAHAM: Sure. We had a few meetings with them. We provided a draft plan for feedback, made some adjustments. The first version of it they say, they thought was solid. They did give us some guidance on where we could add some more detail. What I remember most was, they wanted very specific operational goals, and that really comes back to some of the things that we've been talking about, and we identified, for example, switching operations, and that was a data-driven decision at the time. But like I said, we're not going to not start working on something because we're working on a big program.

So, in the meantime, all the things that Corey was talking about with, you know, the flag test and the -- you know, we've addressed that, so that is possibly a reason to come back. I know I'm going on a tangent, but that is possibly a reason to come back and reevaluate with the risk committee of, you know, are we putting our attention in the right place now, or -- you know, we wouldn't abandon those goals, but maybe we need to add some.

But, so, back to your question, yes, we did work with FRA. They gave us some guidance. During development, we submitted a plan as required. They did return it with some very minor tweaks on requesting a little bit more detail, but not substantive changes to the plan.

MR. FRIGO: Okay. And so, would you characterize this as a sprint or a marathon?

MR. GRAHAM: Clearly, a marathon.

MR. FRIGO: Okay. All right. I'm going to -- I do have a few more questions, but I'm going to pass it off to my left.

MR. CAMPBELL: I don't have any right now.

MR. FRANSEN: Brian Fransen, BLET. I'll maybe ask some on the next pass, but none right now.

MR. SARVER: Robert Sarver, Norfolk Southern. No questions.

MR. CHAMBLISS: FRA, Michael Chambliss. No questions at this time.

MR. STANLEY: I don't have any.

MR. FRIGO: All right. So, I'm looking at my, you know, my party members from labor here, and I'm going to ask a question for them. So, can you tell me how labor was involved in developing the risk reduction program?

MR. GRAHAM: Oh, that's for me. I thought --

MR. FRIGO: That's for you.

MR. GRAHAM: -- you were going to ask --

MR. FRIGO: No, no. That's for --

MR. GRAHAM: Okay.

MR. FRIGO: That's for you or for Corey.

MR. GRAHAM: Yes. You started looking at me, so --

MR. VEAL: Yeah.

MR. GRAHAM: -- sure. We set up an initial meeting to just inform them of what was coming, that there would be a process that we would have their involvement. We did this through Microsoft Teams during the pandemic. Convenient, anyway, because of how spread out a lot of them are. We scheduled -- couldn't guarantee the number. We scheduled several meetings. We provided components of the program -- or, the draft plan, a few sections at a time that we thought were somewhat related. Like, we did risk-based hazard management with safety performance, we did employee involvement with outreach. Gave them time to review, had a meeting to discuss, provided the -- then, ultimately, just the draft plan complete, had two, I believe two more meetings as intended to just be the -- you know, these are the meetings, if you have any thoughts that haven't been talked about, any lingering questions, anything, this is kind of open forum.

We did also, at the end of those two meetings, we said that we would -- you know, if you have any more thoughts going forward, please give them to us by this date. And then, even sent a couple of email reminders of, you know, anything else coming. We had, from my point of view, enjoyable conversations. I got to know a lot of people that I hadn't met before, and have built good

relationships.

MR. FRIGO: Okay. Let's talk about that outreach and feedback. So, I guess I kind of view this as, you know, you get your employees to invest in this system, and it's more than just a slogan, right? I think I've seen the, you know, I'm coming home, slogan around. But it's more than that, right? Like, it's, we're going to invest in something, so what are we going to get out of it, and how do we get to see the action of our investment? So, can you kind of walk me through, at least from the program, how that --

MR. GRAHAM: Sure. So, the employee involvement is identified as a separate component than the consultation with labor during development or during any amendments. That's the involvement of our direct employees. And we do that through ODSSC (ph.), as Corey was talking about. We have strong LSSCs that we've been really working on reestablishing. Some of them paused during the pandemic. We have included information on the risk reduction program in the LSSC training. And are requesting identified hazards, along with some information that would really help us with risk scores. We didn't ask them to do a risk analysis. We just asked for like what's the outcome, and what do you feel like is the likelihood of this occurring?

We have not gotten much feedback so far. We're reevaluating that approach, and would -- I mean, we want to continue it, but maybe we didn't roll that out the right way, because we want to

make sure we're getting that information. We're going to reemphasize it. What we would like to do is get that information from our employees through the LSSCs, and whenever it's a topic that we've also evaluated through the risk committee, look at, are we getting different information? Do our employees who are doing this work have a different opinion than what we have? And if so, why? And then, bring some of those back to the LSSCs and talk about that, and that may be something where we explain, here's our point of view. We feel like we're correct. Here's our point of view. Or, you're right, and we missed something, and here's how we're adjusting to meet what you all thought.

And then, we also do an annual survey that gives us feedback on what the employees are thinking about, and we develop action items from that survey, and we then promote those so that people know, we took action on your comments.

MR. FRIGO: So --

MR. VEAL: I feel like we need to unpack LSSCs, because I don't think we explained what that is very well.

MR. FRIGO: Within the safety committee structure.

MR. VEAL: Yes.

MR. GRAHAM: Yeah, I don't know if we ever --

MR. VEAL: I explained --

MR. CAMPBELL: See, that's the whole thing.

MR. VEAL: -- over the years --

MR. CAMPBELL: I think we always used the acronym.

MR. VEAL: But LSSC --

(Crosstalk)

MR. GRAHAM: Yeah.

MR. FRIGO: The local.

MR. VEAL: Safety service committees.

MR. FRIGO: Right.

MR. VEAL: And that is a committee at a particular location. You think about the hubs, like in Birmingham, like in Atlanta, like in Chattanooga, and even the road districts have safety committees, safety and service committees, made up of safety leaders from the various departments. So, it's interdepartmental. It's volunteer. It's folks that want to be a part of the committee. They have monthly meetings. To John's point, we lost a little bit of momentum during the pandemic; and then, we reconvened those meetings last year, and they'd be monthly. There's training for those committee members. There are packets distributed monthly with statistics, with safety promotion material, with topics that tie back to risk reduction. And that's the group at the ODSSC, right, at the senior level. And then, there's even division-level committees and regional committees that meet. So, that information flows up.

So, like, a good example of that process working is, a local safety service committee may notice that they have a lot of debris in the yard, and they schedule a clean-up day. Volunteer. Maybe it's a four-hour block. They may also do crew contacts or

employee contacts about particular subjects. Could be hot weather, could be stop signal violations, could be a number of things. There also could be like a project that would introduce them to engineering control that is beyond their local scope. It may take dollars. It may take resources. And that type of a project can flow up to the division committee, to the region committee, and even to the senior committee, the ODSSC, depending on what it is.

MR. FRIGO: I like what I hear. I mean, I like that hierarchy. And I also imagine it can flow the other way.

MR. VEAL: It can.

MR. FRIGO: It can --

MR. VEAL: It can.

MR. FRIGO: -- it can go the other way. Right, exactly. And, John, you also mentioned something that I think is worth talking about a little bit more, too, is, you know, evolve it. And, you know, we were kind of talking about how, in places where a message might not have been received as one group thought it would be, trying to learn from that, and evolve, and give that message in a different way, right? You know, some of the tenets that, you know, you've hit on, especially in the second part of our discussion, it kind of, it hints at it turning into a learning organization, you know, an organization where you're really trying to learn what everybody's thinking; and how your policies, and procedures, and the rules, what effects that they're having; and

then, incorporating and trying to go back in. And, you know, it's that plan, do, check, act. It's that continuous improvement. A lot of good -- a lot of stuff. A lot of good information here.

MR. CAMPBELL: Can I --

MR. FRIGO: Yeah, Matt, hold your question for a second. So, the one thing we didn't talk about is, where is the CEO in all this? Where is the highest level in the commitment from the highest level of the organization to the risk reduction program? I there a policy statement?

MR. GRAHAM: Yes.

MR. FRIGO: Is there a --

MR. GRAHAM: Yes. There is a policy statement, you know, early in the written plan, signed by then then-CEO when this plan was approved. We have some likely revisions to the plan over the next year, and there will be some changes, and that would then certainly go to Mr. Shaw (ph.) to look at.

MR. FRIGO: Okay.

MR. GRAHAM: And I'll defer any more questions about the CEO to Corey.

MR. VEAL: Well, we have a new CEO, and John's right, that if you looked at the plan that we shared with Rob to share with you, it does have (indiscernible) name and signature there, and he retired last year, transitioned (indiscernible). That would be an update. There's also been some recent organizational changes in our department, as well, as well as the operation department, some

revisions due to the plan.

But I think the other way you see commitment from the CEO is in our culture, and we -- you know, he has a vision of a customer-centered/operations-driven company, and that safety being first is -- he's on the ballast line more than any CEO I've ever seen trying to do exactly what the ODSSC structure is doing, although he's not a formal member. I don't know that we've had a CEO at those meetings, probably just due to schedule. He does his own field visits to get it directly from the employee, not filtered through a negative connotation, right? Filtered through a committee. But Alan goes straight to the people. And internally, in the organization, I see the support, or feel the support, in my role. I don't talk to him regularly, but there is a sense of the importance of safety at NS.

MR. FRIGO: Thank you for that.

MR. VEAL: Not only the history and the legacy of it, but like, what are we doing now? It's there.

MR. FRIGO: All right. I know you have -- you have a question here, right, Matt?

MR. CAMPBELL: Yes, sir.

MR. FRIGO: Okay.

MR. CAMPBELL: Ready?

MR. FRIGO: I'm ready.

MR. CAMPBELL: All right. Matt Campbell, SMART Transportation, just on the LSSC. So, does every terminal or

locality, do they have these? Are these sporadic, or are they --

MR. GRAHAM: I think you're more immediately familiar. I'm --

MR. VEAL: Yeah, I can weigh in. They are organized -- so, I can't -- well, I could, actually. I could quantify it to you. But for instance -- and, you know, we talked in the hallway about --

MR. CAMPBELL: Yes, sir.

MR. VEAL: -- your experience. So, the way a division is typically laid out, you have, you know, a terminal; and then, you have districts; and then, another terminal. In a lot of aspects, though, seniority. And we've got LSSCs at the major locations, which would include road territories, which would include car shops/locomotive shops, LSSC for the Network Operations Center with the dispatchers. So, they are represented across the system. I don't -- I think that's your question, is, is every location a part of one?

INTERVIEW OF COREY VEAL

BY MR. CALDWELL:

Q. Yeah, and I would just like, from that, what's the process or the opportunity for an employee, ballast-line level employee, to join that or be a part of that? Like, what's the selection process or the appointing process? And one of the crew members on this train that had the incident this week, if one of those guys that works out of Birmingham were to want to someday serve on one

of these safety committees, is that opportunity there for them, or how would someone do that?

A. Good question. And I think there's a variation of how that happens. At some locations, you have a lot more interest than other locations. I haven't really solved why. Some of that is -- I think a lot of it, honestly, is attitudes and work relationships. If an employee is interested in the safety committee, they would basically go to their supervisor and make it known. At the same time, a lot of times, they go to their local chairman and make it known. And then, that information is shared with the committee kind of structure. The chairpersons of the safety committees, well, I should have said this earlier, but they are not management. They are agreement employees, union employees. But they're selected based on their department, because it rotates.

So, each year, you have a chair and a co-chair of that LSSC. And so, for example, you have a transportation person as the co-chair and an engineering person as the chair; and then, the next year, the co-chair becomes the chair, and the department that wasn't in that leadership role becomes the co-chair, so that the transition is strong. But in all those departments, you've got people that volunteer to be on, and some people stay on, like stay on board in a year, which is (indiscernible). Some people stay on the committee for, you know, for a duration. But we've also had places where folks say, well, I don't know if I want to be on the

committee, but I want to go to a meeting and see what's going on. So, we have guests that are allowed to come to meetings, even -- like, not in a membership role, but as an --

Q. Observer?

A. -- observer, right, and somebody that can contribute, because they know the work.

MR. GRAHAM: Did you talk about how we change the chairmanship every year, too, Corey?

MR. VEAL: Yeah.

MR. GRAHAM: All right.

MR. VEAL: I mentioned --

MR. CAMPBELL: Okay. I guess --

MR. VEAL: -- I mentioned the co-chair/chair piece, but that's designed to rotate the chairmen between the different departments each year.

BY MR. CAMPBELL:

Q. And how often does one particular LSSC meet? Is that a monthly --

A. Monthly.

Q. And is --

A. Yes.

Q. -- is it the same one LSSC group every month, or do you -- you know, does like, manpower, are they allowed to, if it's ballast line employer, allowed to mark of as like a guarantee, or is there participation, or, you know, presence at the meeting, you

know, we need you on (indiscernible) or whatever? If they have to miss a lot of meetings, are they allowed to be off? Is that like a priority?

Q. It's, I think it's a priority. I will tell you, has someone not come to an LSSC meeting, and ended up working a train or working an assignment? Sure. It's not 100 percent. I think, most of the time, a committee member is at that meeting. We were -- I'll give you a quick story. We were recently in (indiscernible) Virginia with this senior committee meeting with the LSSC, and we had an employee with, I think he had 28 years injury-free, and we wanted to recognize him at that meeting with the senior committee there.

MR. GRAHAM: Thirty.

MR. VEAL: Thirty. (Indiscernible). Thirty years of service, no injuries. And he would not mark off to come to the meeting, because he said, I have customers to service. I appreciate the recognition, but I'd just as soon go to work. So, it varies.

BY MR. CAMPBELL:

Q. In those committees, like when stuff's talked about, or fixed, or, you know, stuff's adopted, and all that, is that broadcasted? Like, is there a report that goes out to the affected managers and employees?

A. Yes. So, when LSSCs meet, they have minutes of their meetings. They actually receive guidance on how to keep minutes

of a meeting. And then, they have email distribution lists on the committee members. And in some places, it's posted at a reporting location that this particular walkway condition, as an example --

Q. That's what I was --

A. -- was corrected.

Q. Because that -- because if it wasn't, I mean, that's huge for buy-in, you know, like morale, and getting people to -- you know, like you said, like attitude and stuff like that, you know. But when you're sharing your wins, you know --

A. Yes.

Q. -- if you actually think that, hey, if I'm signed up for this, it's not just a day off work. Actually, if I bring up, you know, signals that you can't see, or whatever, an --

A. Right.

Q. -- unsafe condition, and it does get repaired, and then, that kind of, you know, creates more of an appeal to join the cause.

A. I agree.

Q. So, it's --

A. Yeah, the credibility of a safety --

Q. Yeah.

A. -- committee is important, and the results, the wins --

Q. Yeah, you've got to --

A. -- some of it is -- obviously, a lot of it is getting it done, but I think you could almost miss the importance of how you promote it.

Q. Right.
A. If you don't broadcast it --
MR. CAMPBELL: Yeah, if you don't know that avenue's there --
MR. VEAL: Yeah.
MR. CAMPBELL: -- then -- all right. That's all I have.
MR. FRANSEN: Brian Fransen, BLET.

INTERVIEW OF COREY VEAL

BY MR. FRANSEN:
Q. I want to just piggyback off what Matt was saying along the lines of the LSSCs. Let's just go from, I'm a switchman in Birmingham.
A. Okay.
Q. And I notice, in my opinion, the walking conditions are getting horrible between two track and six track on the lead, and what do I do, then, as an employee? What's my first step to get that situation in front of somebody? Is there a form I fill out that's a resolution process type thing, or what do I do then from that point of recognizing what I think is a hazard?
A. If you can walk, you know what I mean, I don't --
Q. And maybe we've addressed it. I don't think we have. But just boots-on-ground guy, and I notice something.
A. I got you. And that's a good question, because making sure people understand that is equally as important as actually correcting it. So, that scenario, and we've seen that scenario play out, the first report typically from that switchman on the

ground in Birmingham is through local management. It may be on the radio, it may be a phone call, it may be eye to eye/face to face with the on-duty supervisors, depending on the department. If we're talking switchmen and transportation, more than likely, they're calling the tower, we're talking about a hump yard with round-the-clock coverage, to tell that person, that manager, about that condition. In some instances -- in a lot of instances, they would also maybe tell the -- an LSSC committee member could be on the same shift with them. At a lot of places, I've seen -- we don't prescribe this, but a lot of folks take the initiative of, I'm an LSSC member. If you see something, let me know, whether I'm on duty or not. Phone call, text, email, or, you know, verbal while I'm on duty or if you see me. So, that's two ways of it keep going up for being addressed.

Q. Is there any record of that, of me making that report of the walking conditions? Is it a closed-loop type thing where it'll get back to me that it's been fixed and here's how it went to get from point A to point B, and it's fixed, or how do I record that I made that observation and said this is unsafe in this condition? Is there a way?

A. In transportation today, there is not a formal way. We do get some of those reports via email to a supervisor, so there is, you know, a documentation trail. In -- I don't want to put Ryan on the spot, but in mechanical, there's a more formalized way of reporting conditions through an app, and that's something that

we're actually looking at expanding across the company to not only allow reporting of conditions, but also two-way communication about safety, culture, promotion, awareness through a mobile app.

Q. A mass messaging type thing?

A. Yeah.

Q. I guess it just, it -- I'm wondering about the tracking and the accountability of reported issues, and you can take close-call reporting, even, in that same bracket.

MR. STEGE: So --

MR. CAMPBELL: You know -- go ahead.

MR. STEGE: Yeah. So, Ryan Stege from mechanical. The program or the system that Corey's talking about that we've been piloting is called solutioNS, with a capital NS at the end of it, and it is a system that all the employees have access to. It's had real big success within the shops, especially. But they can go in and say, you know, issues on track two in the shop, or in the pit on track three, whatever the issue may be. And that issue is now attached to that person that reported it. So, anything that happens from there with that issue, that employee gets an email back. So, if a shop maintenance employee goes out, and looks at it, and writes in there that, you know, inspected it, and we're calling in the guy to pressure wash it on the 2nd, or whatever it may be, then that other employee gets that. And then, when the issue's finally closed, he also gets that email back, too.

MR. CAMPBELL: Yeah. I love -- like that a lot.

MR. STEGE: Yeah.

MR. CAMPBELL: And along those lines, also in the same -- under the same umbrella, knowing the railroad that we all know the railroad, there's people out there that are never going to go talk to a trainmaster about an issue they see, right? There's guys who say, you know what? That walking condition stinks, but I ain't going to go talk to Robert, me. I don't think he'd like -- whatever their case may be. So, I would then go to my -- the process is clear to everyone that you would go to your local chairman or go to their own SSC and report your issue there, and they are comfortable that it's being tracked and that it's going to be handled. And I guess that's my main -- what I was hoping this would roll into. So --

MR. STEGE: Yeah.

MR. VEAL: So, the counter, the one counter to that that we've had that were my folks over the years, even when I was in transportation operations, if you wait for the monthly safety meeting to tell me that the walkway's bad over in track two --

MR. CAMPBELL: Agreed.

MR. STEGE: It's too late.

MR. VEAL: -- what have we created?

BY MR. CAMPBELL:

Q. Yes.

A. And so, we have -- and you've got to even address that the

right way, because you don't want to hurt or discourage somebody, or beat them up, or --

Q. Yeah.

A. -- honestly --

(Crosstalk)

A. So --

Q. -- discouraging way, yes.

A. -- you say, if you see something, Shannon said earlier, say something, but, you know, do it timely so that we can address it right away, not when we come to the meeting two weeks, three weeks out. But, I mean, I appreciate you bringing up how some people may feel about reporting something, right? So, that goes back to culture, because you've got to be -- it has to be a safe -- now, the term about safe environment is not only like physical safe, but almost mentally safe, and safe from any kind of repercussions from bringing something up.

Q. There you go.

A. And that's -- we're all aware of that, to try to manage that to where folks feel like, number one, they're empowered. So, if there's something between track one and track two that's detrimental, one of the hierarchy or controls is to avoid it completely.

Q. Walk around it.

A. Because a bulletin is an administrative control; and an engineering control would be to, you know, repair it. But to

eliminate that hazard would be, I prevent accidents from it. And there's examples of where we have done that based on whatever the condition was.

Q. And this is encouraging people to report these things. I mean, that ties back into the ballast line training that Corey was talking about, and the safety survey, and the action items, and -- I mean, through this conversation, you can see how like intertwined all these efforts really are, and that is what a safety management system is --

MR. STEGE: Yeah.

MR. CAMPBELL: -- is just --

MR. STEGE: Not to interrupt. I really like the closed-loop process idea that you were talking about with mechanical, and I've seen it in other railroad worlds, and I believe it works when it's -- the accountability's there and you're getting responses to your, you know, your problem, and I think it's a great idea. And with that, I have no other questions, but --

MR. SARVER: No questions, Robert Sarver.

MR. CHAMBLISS: No questions, Michael Chambliss.

MR. FRANSEN: I don't have any questions.

MR. FRIGO: All right. I just have a few follow-up, because there's a lot of interesting, good information.

INTERVIEW OF COREY VEAL

BY MR. FRIGO:

Q. So, is there a close call reporting system in place at NS?

A. Yes. It is, it's called, Close Call Experience. It is not completely anonymous so it doesn't have three Cs that the FRA program has of Confidential Close Call. We report close calls through a sharepoint site that's available to employees on the property. It's optional to put your name on it. I think we all kind of understand IT enough to know that if somebody wanted to figure out who inputted, that there's enough artifacts there to figure out who typed it in. But to that end, our Close Call Experience program, before the pandemic, we had the most success with it in the engineering department, so there's a lot of opportunity to kind of refresh it. But we're also a part of the C3RS working group through the RSAC. That task was recently approved, and I think the first working meeting is actually this Tuesday. And we are participants in it.

Q. So, I know you mentioned that it's not totally confidential. Is it nonpunitive?

A. It is very much so nonpunitive. In fact, I -- we were -- to encourage folks to report close calls, we have, for years, showed or, you know, promoted that no one has ever been disciplined from a close call report. And we understand the importance of that. It kind of goes back to the safety committee having wins to get folks to participate and report. What we do with the close calls that we have received over the years is -- so, they go into a -- they come into a sharepoint site, our system safety coordinator would review them, and -- we called it the golden nugget. So,

what's the lesson from that close call that can be shared? And those golden nuggets, it's like a list of kind of brief incident description takeaway, golden nugget, have been used with LSSCs and a fair amount of safety promotion. No discipline from those incidents.

MR. FRIGO: Okay. Got two more questions.

RE-INTERVIEW OF JOHN GRAHAM

BY MR. FRIGO:

Q. All right. So, this employee survey, do you know what the response -- is this a yearly?

A. Yes. 2021 was the first. We --

Q. Okay.

A. -- and so, the third one's coming up, scheduled for June. We know the response rates. We know it by agreement/nonagreement. We can break it down by department. You know, we can look at the, obviously, individual questions.

Q. So, at a later date, if I wanted to see response rates, it could be provided, and that all exists?

A. Um-hum.

Q. Do you get decent response with your survey?

A. We're disappointed. We'd like more. You all can help us with that.

Q. Maybe that's -- you know, and --

MR. VEAL: We got more in 2022 --

MR. GRAHAM: Yes.

MR. VEAL: -- than we did in 2021.

MR. FRIGO: Okay.

MR. GRAHAM: Yeah, so that's --

MR. FRIGO: So, there's a trend.

MR. GRAHAM: Yeah.

MR. VEAL: A trend.

MR. GRAHAM: So, if I have the numbers right, 20 percent companywide, year one; 27 percent the second year, up for both, it was up in both agreement and nonagreement in year two. And we promoted it more in -- I messed up years. In 2022, we promoted it more than we did the first year, and we've already started some promotion this year, and we want to keep that on people's minds. We want that information.

BY MR. FRIGO:

Q. Okay, okay. And then, my last question with this. So, the risk reduction plan program. If I was to go to a ballast line employee and ask them what this is, do they know at this point?

A. Right now, I would guess that they would not, they probably wouldn't be able to describe it, and it is possible that they wouldn't recall hearing about it. They probably have heard about it. But it could be promoted more.

Q. Is there a training component just on this program that will be delivered to employees?

A. Potentially. The training required by the regulation is for employees who are involved in developing, implementing, and

managing it. So, our first run-through of training was for personal in safety environmental who would have a role and help putting this in place. And the training really just helps explain what a safety management system is, and how these things all tie together, and how we're all really starting to, you know, make sure, if we have our own lanes, we're on the same highway. And that is something to be evaluated, though, as we go forward. Do we need to expand the training, the content? Do we need to expand the population? And then, what those things would be. But currently, it was an introduction for the people who were going to be building this program out.

Q. Okay.

A. And that was -- we knew that was by design.

MR. FRIGO: Okay.

MR. CAMPBELL: Just one more thing.

RE-INTERVIEW OF JOHN GRAHAM

BY MR. CAMPBELL:

Q. I guess it's more of a comment or (indiscernible). But like when you're talking about the, like an unsafe condition or whatever that was brought up during the LSSC meeting, and there's things that are reported like over the radio, or face to face, or eye contact, but there's no -- for the transportation department, there's no form or no designated document that you would submit that on or anything like that?

A. Not a form or designated document. There is a rule that

requires you to report unsafe conditions, unusual occurrences, things like that, but not an official form.

Q. Would a manager, whoever, or a safety team member, accept something in writing? You know, like if I'm a conductor --

A. We've received -- now --

Q. -- write down the milepost, and --

A. Yeah. We've received conditions, unsafe conditions, observed, it could be on our property or even off our property, like at an industry, or about a taxi driver, or about a hotel, laundry facility. We've received them in all forms. We've seen them in emails, we've seen them in paper written on the back of a train clearance, we've gotten them, as I mentioned earlier, you know, verbally, but --

(Crosstalk)

MR. CAMPBELL: I think --

MR. VEAL: Huh?

(Crosstalk)

MR. VEAL: Oh, yeah. Through locomotive management.

MR. CAMPBELL: I guess what I was kind of getting at --

MR. VEAL: So, it just is --

MR. CAMPBELL: -- is just like, like we talked about, the credibility of it and the buy-in. And so, the first time I go to Manager Joe or LS, you know, LSSC member, and I say, hey, man, the ABC's got to be fixed. You know, working a local yesterday, and somebody's going to get killed. And he drops the ball, right? He

leave this conversation, and he goes to work, or he goes home, and whatever, and he drops the ball. Then, that person who was already a little bit, you know, withdrawn from reporting stuff and even giving a damn, just trying to get through the day, you've lost that guy, you know. Whereas, if you do have a tracking method, you do have documentation that, boom, he's got it, he's got it. And then it's got feedback on there like, item corrected on, you know, March 11, that kind of thing, it just -- I think it -- when you -- when the guys on the ballast line report a condition or failing, some of them --

You know, me, I'm good. You know, I've always been on the safety committee, and I'm, you know, I'm not afraid of bringing anything to your attention and helping you to fix it, so I'm on common ground. But there are some that are hesitant to do that, whether it be scared, or not very sociable, they don't really know, you know. I mean, hell, they might just be getting by and don't even know what they're doing out there. But the first time somebody does finally get the courage to report something, and the ball gets dropped, I don't think you're going to get anymore out of him. So, that's where I was, you know --

MR. VEAL: No, that's a good point.

MR. CAMPBELL: It would be helpful with some type of tracker, some type of -- that kind of thing.

MR. VEAL: That's a good point, and, you know, like Ryan and the mechanical group is piloting solutions. We've also

benchmarked that type of system with a few of the railroads, and, you know, the feedback has been pretty positive. Like, if somebody tells you a signal sight distance is interfered with by a tree, and if you don't have that way to report it, including the use of photos, you could spend a lot of, you know, unproductive time trying to figure out which tree and which signal.

MR. CAMPBELL: Yeah.

MR. VEAL: So, it's on our road map, for sure, to develop a way where, across the whole organization, you could input a safety concern, or even a safety idea, or even a question, which, we have the question piece for rules and things in another platform that our employees submit all the time. But point taken about that feedback, kind of digital feedback of the report, and then a follow-up coming back.

MR. CAMPBELL: I'm done.

MR. FRANSEN: To piggyback, though, on what you were saying, Matt, I believe that we're also missing the fact that the employee that notices that there's a hole by one track and has to walk around, he might not get along with the guy that's in the LSSC that represents him, and he might -- they might -- you know, that goes deep, too, where he might think, I don't want to report it. I guess my -- what I think me and Matt are both getting at is, there needs to be a clear path for me to report an issue and know it's being looked at by the carrier that is free from any obstruction to get that to the railroad, whether it be personal

between me and the LSSC guy or anything like that, and that I know that that issue's being resolved, or I'll -- the way railroaders work is, they're never going to try to report anything again if it doesn't work, and you're never going to have the culture and the buy-in into any program you start if you don't have the employees buy in first that it works. And sometimes, it's just getting a tool in front of somebody that they can report their issue, because it could be personality conflicts that are terminal or something like that, so, I mean, that's -- you know, I think that's a great step in the right direction to open up them talks with everybody.

MR. FRIGO: All good conversation.

MR. VEAL: Yeah.

MR. SARVER: Nothing to add.

MR. CHAMBLISS: I don't have anything to add.

MR. STANLEY: I'm good.

MR. FRIGO: Well, we're approaching record territory. We are at the three-hour mark, and I think we've had a very good discussion. I think there's a lot that we've learned. I think we've covered all the topics that we set out to discuss. I'm just going to go -- is there anything that anybody else would like to add?

MR. VEAL: I think we're on the right path with the risk reduction plan program, and I appreciate you acknowledging that it's evolving, because it is a new regulatory requirement, and

there are a lot of positive things already in motion. And based on the road map for full implementation that I plan, we really look forward to getting the most out of some of the things that we're already doing, but also expanding like risk identification and a really good process for hazard analysis.

MR. FRIGO: I am always willing to talk this topic more, and as you evolve, you know, maybe I'll come back, and we'll have another chat and see where you're at. But thank you for today, and thank you for your time and your patience in explaining everything. And I think, you know, we all, we always come together to -- you know, because of a bad event, and I think, for the most part, we have these conversations, and it helps us come out of it with moving toward solutions.

And so, again, with that, we'll close this out. We'll go off the record. Just thank you again for your participation today. Thank you.

(Whereupon, the interview was concluded.)

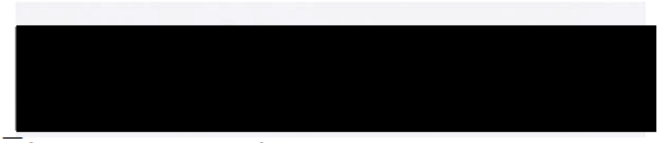
CERTIFICATE

This is to certify that the attached proceeding before the

NATIONAL TRANSPORTATION SAFETY BOARD

IN THE MATTER OF:	NORFOLK SOUTHERN TRAIN DERAILMENT IN EAST PALESTINE, OHIO ON FEBRUARY 3, 2023 Interview of Ryan Stege, Shannon Mason, John Graham, and Corey Veal
ACCIDENT NO.:	RRD23LR008
PLACE:	Oxford, Alabama
DATE:	March 11, 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.



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