

NATIONAL TRANSPORTATION SAFETY BOARD HEARING

INTERVIEW OF: KENNETH SLAUGHTER

Report of proceedings had at the National
Transportation Safety Board Hearing held at the
Residence Inn, 7542 Colosseum Drive, Rockford, Illinois,
on the 21st day of June, A.D., 2009, commencing at the
hour of 3:08 p.m.

APPEARANCES:

NATIONAL TRANSPORTATION SAFETY BOARD, by
MR. RUSSELL F. GOBER
MR. STEPHEN M. JENNER

UNITED TRANSPORTATION UNION, by
MR. JERRY L. GIBSON

BROTHERHOOD OF LOCOMOTIVE ENGINEERS, by
MR. CARL W. FIELDS

UNITED STATES DEPARTMENT OF TRANSPORTATION, by
MR. KENNETH B. JAMIN

CANADIAN NATIONAL RAILWAY, by
MR. KEVIN BROCKMAN

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I N D E X

WITNESS

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KENNETH SLAUGHTER

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1 MR. GOBER: My name is Russell Gober, I'm with the
2 National Transportation Safety Board, I'm the operations
3 group chairman, and this is Mr. Steve Jenner and he's
4 our human performance group chairman and we've got
5 Mr. Jerry Gibson with UTU, Mr. Carl Fields with BLET and
6 we of course have Mr. Ken Jamin the FRA operations
7 specialist inspector specialist.

8 MR. JAMIN: Operating practices inspector.

9 MR. GOBER: Okay. And then we have Mr. Kevin
10 Brockman of the CN, assistant superintendent.

11 THE WITNESS: Okay.

12 MR. GOBER: Okay. We're here, Ken, to try and
13 develop the facts, conditions and circumstances related
14 to the derailment --

15 THE WITNESS: Okay.

16 MR. GOBER: -- which occurred here in Rockford,

17 Illinois on the evening of June the 19th, 2009.

18 WHEREUPON:

19 KENNETH SLAUGHTER,

20 called as a witness herein was examined and testified as

21 follows:

22 EXAMINATION

23 BY MR. GOBER:

24 Q. Can you tell me about what time that accident

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1 occurred?

2 A. Approximately about 8:40 in the evening.

3 Q. Okay. Because the FRA is going to ask you a

4 lot of questions about training and so will Steve, I'll

5 just ask you --

6 A. Okay.

7 Q. -- how many years you've been with the

8 railroad?

9 A. A little bit more than 16 years.

10 Q. Sixteen years?

11 A. Yeah.

12 Q. Did you start out as a conductor?

13 A. No, I started out as brakeman.

14 Q. Okay.

15 A. About February 22nd of 1994.

16 Q. Okay. And then you went to conductor?

17 A. Yeah, I went to conductor somewhere around
18 November of '94 I believe, somewhere in there.

19 Q. Okay. And then how long have you been a
20 locomotive engineer?

21 A. Since '96. November 11th, '96.

22 Q. Okay. Based upon the information that we
23 developed from your conductor, you went on duty up north
24 of here, and I'm trying to find the right page. Okay.

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1 Did you -- did you go on duty at Dubuque?

2 A. Yes, I did.

3 Q. Okay. About what time did you go on duty?

4 A. I want to say was it 2:00 o'clock?

5 Q. Okay. We -- that's 1400, that would be

6 correct. Okay. When you went on duty, you got your
7 train, was it -- do you know what kind of cars you had
8 on the train?

9 A. Yeah, we had all ethanol train. Seventy-six
10 cars of ethanol I believe.

11 Q. And you had a few spacers in there?

12 A. Yeah, we had one space behind the engineer,
13 behind the second unit.

14 Q. Okay. Okay. And after you got on your train,
15 did you -- Well, just tell me what you did from the time
16 you got on the train until the time the accident
17 occurred.

18 A. Well, the crew that brought the train in was
19 just getting off and we jumped on. He hadn't tied it
20 down because I was right there to get on the train.
21 Shortly after we get on the train, we went through our
22 documentation, the conductor made the proper calls as
23 far as who we needed to talk to to negotiate the train
24 across the railroad. He called the BI, I called our

1 dispatcher, he called the bridge operator and once we
2 got the okay, we took off from there.

3 Q. And that was Freeport?

4 A. No, that was from Dubuque.

5 Q. That was Dubuque. Then you went to Freeport
6 and made a pickup?

7 A. Well, actually, we didn't go directly to
8 Freeport, we had to -- we were held out of Freeport at
9 Lena, I think that's Milepost 126, there was a siding
10 there, we had to wait for a, I think it was a grain
11 train that was doing some work at Freeport at the time.
12 We had to wait for him at Lena.

13 Q. Okay. When you went on duty at Dubuque, what
14 was the weather like there?

15 A. I believe it was partly sunny.

16 Q. Okay.

17 A. I believe it was partly sunny.

18 Q. And then you went on to -- finally got to
19 Freeport, you had 76 ethanol cars on your train?

20 A. That's correct.

21 Q. And then you made a pickup --

22 A. That's correct.

23 Q. -- of 38 cars?

24 A. I believe that's correct.

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1 Q. And then you had a total of 114 cars --

2 A. That's --

3 Q. -- when you departed Freeport?

4 A. That's correct.

5 Q. Okay. What kind of brake test did you make at

6 Freeport?

7 A. We did a class 1 air te- -- well, yeah, we

8 picked up and, yeah, we did a I think it was a class 1

9 on the pickup, yeah.

10 Q. Did the trainmaster help you?

11 A. Yes, he did, he did assist us.

12 Q. Okay. Okay. What was the weather like at

13 Freeport?

14 A. It was -- it was raining. I believe it was

15 raining.

16 Q. Okay. I understand that it had been raining

17 and storming in the area. Did the storm go from like

18 Freeport back towards Chicago or from Chicago back
19 towards Freeport?
20 A. In my years working on the railroad I've
21 always assumed that the weather worked out of the west
22 going east. So I'm assuming that it started out at
23 Dubuque and worked west toward Chicago, that was always
24 my assumption.

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1 Q. Uh-hum. Okay. So whenever you left Freeport,
2 did you have any train orders relating to water or
3 weather or anything like that?

4 A. No.

5 Q. Okay. Okay. Did you have signals like CTC
6 and automatic block?

7 A. Well, from east junction, which is the east
8 end of Freeport it's all ABS into Chicago. Well, I take
9 that back, I'm sorry, it's CTC up to Stewart which is
10 Milepost 100 something, 100.1 or something like that,
11 and then from that point on it turns to ABS all the way
12 into Chicago.

13 Q. Okay. And in the ABS you had track warrants
14 in addition?

15 A. Track authority.

16 Q. Track authority. What kind of signals were
17 you incurring out there?

18 A. We were running on clears.

19 Q. Okay. Had you had any discussion with the
20 trainmaster -- not trainmaster, train dispatcher in
21 route before reaching Rockford about anything?

22 A. I want to say no. I did contact the
23 dispatcher though as I was departing Rockford, coming
24 out of Rockford, but prior to Rockford I don't think I

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1 discussed anything with the dispatcher. To the best of
2 my recollection, I don't believe I did.

3 Q. Okay. You said you had contact with the
4 dispatcher?

5 A. Yeah, I did.

6 Q. What kind of contact was that?

7 A. Well, as I was coming into Rockford, the
8 second crossing at the west end of Rockford just east of
9 that crossing I noticed that there was quite a bit of
10 water along the side of the rail. It was pretty swift
11 water. Rockford has the Rock River going through it and
12 some creeks or tributaries just off of the Rockford
13 River and I noticed how swift the water was along the
14 side of the rail. It wasn't directly on the side but it
15 was a ways -- or partly off to the side of the rail but
16 it was running pretty rapidly.

17 And then as I came out of Rockford and I was
18 coming up the hill departing Rockford, I also noticed
19 how swift the water was along the side of the rail there
20 too. There was one particular point that I pointed
21 out -- well, actually, there was two particular points I
22 pointed out to the dispatcher that I was concerned
23 about. There was one point by the absolute signal just
24 west of the Rockford diamond up underneath the trestle

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1 where I started to see some accumulation of water and I

2 thought that over a period of time it could become a
3 potential problem. And there was another spot as I was
4 departing Rockford going up the hill coming out of
5 Rockford I noticed how swift the water was in several
6 locations and I did see another area along there that I
7 also thought was a potential problem -- after awhile it
8 would be a potential problem.

9 Q. So did you notify the dispatcher?

10 A. I sure did, yeah.

11 Q. What did you tell him?

12 A. I told him, I says we got some water here, two
13 specific spots that I thought that might be pretty bad
14 eventually.

15 Q. Okay. The conductor told us when we were
16 going over that question with him that the water was
17 near Milepost 81 and Milepost 84.5.

18 A. That sounds about right.

19 Q. Okay.

20 A. That sounds about right.

21 Q. And then after you noticed that you called the
22 dispatcher, what did the dispatcher respond back to you
23 whenever you called him?

24 A. He took the information in and he basically --

1 just basically took the information in, didn't say much
2 of anything else after that as far as I can remember.
3 He just took it down, notated that I made the call into
4 him and that's basically what --

5 Q. Okay. According to the conductor, very
6 shortly after the call then there was a problem.

7 A. That's correct.

8 Q. Okay. How shortly and what kind of a problem?

9 A. I would say roughly about within ten minutes
10 there was a problem. I was coming up the hill and
11 run -- well, I was in run seven but I had a little wheel
12 slippage and I notched down to run six and at the time I
13 believe I was doing like 18, 19 miles an hour, and I was
14 cresting the hill at Mulford Road, which is across from
15 there, and just after that road you start to go downhill
16 again.

17 As more of my train was getting over the
18 crossing, I started to pick up speed. I noticed my

19 speed was going up, it was increasing to about maybe
20 approaching 30 miles an hour, if not a few more miles
21 per hour more than that, and I came by the overhead
22 bridge, which was Route 20, and soon as I just passed
23 that, I felt two surges, two gentle surges in my train,
24 and I told the conductor oh, oh because I through past

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1 experiences when I felt that, generally that means that
2 your train is separated.

3 Q. Okay.

4 A. And shortly after I said that, I lost my air
5 on my train. There was no air set at all, I was at run
6 six when the train went into emergency.

7 Q. Okay. What happened after that?

8 A. Well, I tried to recover my air. I waited a
9 few minutes, the conductor waited to see what I was
10 going to say to him and I told Thomas, I said Tom it
11 doesn't look good because I'm not getting my air back.
12 And after that I called the dispatcher, told him that my
13 train was in emergency and I'm having difficulty getting

14 my air back, and I think Tom decided to put his stuff on

15 and walk back and check out the train.

16 (Whereupon an interruption was had.)

17 BY MR. GOBER:

18 Q. Dispatcher -- you told dispatcher that you

19 were in emergency?

20 A. That's correct.

21 Q. And then what happened?

22 A. Like I said, the conductor got his stuff on

23 and he started to walk back to check out the train.

24 Q. Okay. And then what did you hear?

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1 A. Well, I did communicate with him before he got

2 to his final point before he talked to me. I asked him

3 was he okay, he says, yeah, I'm okay and after that he

4 got back to the 38th car which was basically our pickup

5 from Freeport, the whole pickup, and he communicated to

6 me over the radio that there was an orange glow, smoke

7 and he just assumed that it was fire and that he had no

8 intentions of going any further back because he was
9 afraid that if there was a fire, that it might work its
10 way up towards him and he had no place to go.

11 Q. Uh-hum.

12 A. So he had to back up to the head end of the
13 engine.

14 Q. Okay. What did you all do then?

15 A. After he got back up on the engine, I think I
16 called the dispatcher again, notified the dispatcher
17 that -- of what the conductor found and I told him based
18 from what I was looking at out the back window of my
19 engine that there was an orange glow in the sky, a
20 flicker, a fire it looks like in the sky, and there was
21 smoke and it didn't look good.

22 Q. Okay. What did the dispatcher do then?

23 A. Dispatcher notified me that the fire
24 department, I think it was the Perryville fire

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1 department, was on its way and to take care of the
2 situation and look at what was going on out there.

3 He did instruct Tom to see if Tom would go
4 back and make a cut on the train and pull the train up a
5 half a mile away from the area for security purposes.
6 And after we got off of the radio talking to the
7 dispatcher, I know Tom was kind of hesitant because of
8 his safety to go back there and I was telling him I was
9 based on past experiences I thought it was important
10 that the conductor would be back there just in case
11 there might be fire department people back there that
12 need to know the content of our train and what we're
13 carrying in our train, we need to divulge that
14 information to them for safety purposes, but I also
15 thought of you know too your safety is still at hand,
16 so. He -- you know, it was his call to do what he
17 needed to do so we basically -- he basically waited
18 around. While we were waiting around, we were trying to
19 look up the content of the cars and what procedure would
20 be used to squash the fire if there was one through our
21 hazmat material that we had with us.

22 Q. Okay. What happened then?

23 A. Basically we just -- I believe we sat there
24 and all of a sudden there was a fire rescue truck that

1 approached us -- well, tried to approach us on the
2 tracks, I think he got stuck and he had to back up and
3 then he finally worked his way up to us.

4 He indicated to us that he was instructed to
5 convey to us that we had to get off the train and that
6 he was going to take us to the command post. I said
7 well, I says let me check with my dispatcher and see if
8 that's what they want us to do because I know the
9 dispatcher had given us instructions to try to make a
10 cut on the train and pull it down so I didn't want to
11 have any conflicting information going on there so I
12 checked with my dispatcher and he says okay. And we --
13 Tom tied the train down, I tied the train down. I
14 killed one engine, just kept one engine running just to
15 keep the train pumped, and we got in the truck and
16 shortly thereafter we arrived at the command post.

17 Q. What did you do when you got to the command
18 post?

19 A. Well, we basically just stood there for a

20 little while. We waited for some of our company
21 representatives to get there to give us more
22 instructions as to what we were supposed to do. I was
23 with a gentleman by the name of Roy Tallman, he's with
24 the mechanical department, he was on the phone with

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1 officials before there was officials there and he was
2 giving us instructions as to what they were telling him
3 to tell us and we just waited and finally our general
4 manager arrived and -- oh, we had to write up
5 depositions as to what we thought happened, our version
6 of what happened, and then shortly thereafter that I
7 believe Mr. Peck, our general manager, arrived and we
8 had to speak with him one on one individually.

9 Q. Okay. What did you tell the general manager
10 when you met with him?

11 A. Well, he basically asked me what happened and
12 I just gave him a general synopsis as of what I felt
13 occurred and that was basically it.

14 Q. Did you give him a synopsis of what you've

15 told us?

16 A. Exactly.

17 Q. Okay. Okay. Was that a written statement
18 that you made?

19 A. I made the written statement prior to talking
20 to Mr. Peck.

21 Q. Okay. Do you know who got that?

22 A. I left it with Roy Tallman, the mechanical
23 personnel officer. What happened thereafter with it, I
24 don't know.

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1 Q. Did the conductor give a statement as well?

2 A. Yes, he did. As a matter of fact, he wrote
3 his statement directly up underneath mine on the same
4 page.

5 Q. Okay. One page, both of you?

6 A. Yeah, that's correct.

7 Q. Okay. All right. You all gave an in-depth
8 interview then, didn't you?

9 A. Yeah, I guess.

10 Q. Okay. After you talked with the general

11 manager, what did he advise you to do?

12 A. He advised us that we were going to be taken

13 to the hospital by our assistant superintendent that

14 sits right beside us, Mr. Brockman, and we got our stuff

15 out of the fire truck and I believe we followed him to

16 his vehicle, got in his vehicle and he took us to the

17 hospital.

18 Q. Okay. And you gave a blood test?

19 A. Gave a blood test, gave a urine specimen.

20 Q. Blood and urine?

21 A. Yeah, we took a high blood pressure test, that

22 was basically it.

23 Q. Do you have any reason to believe that your

24 test will be negative?

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1 A. Not at all, I don't drink, I don't smoke.

2 Q. Okay.

3 A. I don't do drugs.

4 Q. Okay. So you think it is negative?

5 A. I'm positive it should be negative.

6 Q. All right. Do you have any further comments
7 you'd like to make to me about what's occurred, any
8 suggestions on how to make this kind of a thing safer
9 for people or anything like that?

10 A. No, not really. You know, before we left
11 Dubuque I was up at -- I was up at 5:30 that morning and
12 I happen to walk downstairs later on that morning, I was
13 speaking with some fellow railroaders from out of
14 Dubuque and further west and we were just noticing how
15 bad the rains were that morning. I mean, it almost
16 turned pitch black and that was about 9:10 in the
17 morning and through the course of the day it kind of
18 gotten better, came a little partly sunny, but it was
19 just awesome to see it practically being dark where it
20 should be day.

21 Q. So was it raining in that darkness?

22 A. Oh, yeah, it was really coming down.

23 Q. Okay. You were noticing that, what was the
24 point of noticing that?

1 A. Well, I just -- it was just -- it was just
2 amazing to me to see that it was practically dark and it
3 was 9:00 o'clock in the morning.

4 Q. Okay. Well, in that regard, did it give you
5 any concern about track conditions?

6 A. No. No, not at all. Not at all. I think the
7 track people do a fantastic job with our tracks compared
8 to what it used to be.

9 Q. How long ago are you comparing that used to
10 be?

11 A. Well, when we were in the CCP.

12 Q. When you were what?

13 A. When we were in the CCP.

14 Q. Okay. What does CCP mean?

15 A. Chicago Central and Pacific Railroad.

16 Q. Okay. Is that a short line or was it --

17 A. It was a short line, yeah.

18 Q. Okay. At the area there near the derailment
19 where the little bridge is, did you ever have any
20 problem with that at about 20 car lengths before you got

21 to crossing?

22 A. Other than the wheel slip that I indicated to

23 you earlier, that was the only problem if you're --

24 Q. Was that wheel slip because you were going

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1 uphill pulling that?

2 A. Yeah. Yeah, I guess as I got more my train

3 uphill, more of the weight from the ethanol was, you

4 know, pulling me back a little bit, giving me more

5 resistance, so I had to go up a notch and then I

6 realized that that notch wasn't good enough because it

7 was causing wheel slips so I just reduced a notch.

8 Q. Wheel slip from tonnage and dampness?

9 A. Tonnage, a little dampness, yeah.

10 Q. Was it raining whenever your derailment

11 occurred?

12 A. I want to say no. No, it wasn't.

13 MR. GOBER: Okay. The FRA has a bunch of holes

14 they have to fill in in their report so he's going to

15 ask you several bullet fact questions and then we'll go

16 through Steve and then back around.

17 THE WITNESS: Okay.

18 MR. JAMIN: I already told Mr. Slaughter I'll get
19 with him in a week or so and we'll fill in those holes
20 after I see what we've covered on this interview, that'd
21 probably be the easiest way for all concerned.

22 MR. GOBER: Okay.

23 MR. JAMIN: So.

24 MR. GOBER: I don't know of a great deal I need to

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1 ask so, Steve, go ahead.

2 MR. JENNER: I just have a few follow-up questions,
3 then --

4 THE WITNESS: Sure.

5 MR. JENNER: -- if it's okay, I'd like to ask about
6 your overall health and --

7 THE WITNESS: Okay.

8 MR. JENNER: -- things like that.

9 THE WITNESS: Okay.

10 EXAMINATION

11 BY MR. JENNER:

12 Q. How long have you been operating over this
13 territory?

14 A. Well actually since the time I was hired -- I
15 hired out with the railroad which was in '94. I'd done
16 it as a brakeman, as a conductor and as an engineer.

17 Q. Now, you've probably seen some, in all those
18 years some heavy rains before over this area.

19 A. Yeah.

20 Q. Have there been a number of times where you
21 feel the need to call the dispatcher and report it?

22 A. No. No. Not at all. I never seen the amount
23 of rain that I saw this time or that magnitude.

24 Q. And so in 15 years this was as bad as you've

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1 seen it?

2 A. Yeah. Yeah, it has been.

3 Q. So have you called in before, I'm sorry, to
4 report water?

5 A. No. Not in that particular area, no.

6 Q. Okay.

7 A. No.

8 Q. On other areas have you felt the need to call
9 in?

10 A. I probably have but I believe somebody else
11 got to it before I did, so.

12 Q. Okay. I see.

13 A. I was well aware about the situation, there
14 was always documentation about watch out for water and
15 things like that so somebody else probably reported it
16 before I got a chance to get to it and notice it.

17 Q. Well how high does the water have to be before
18 you would take action to call it in, at the ballast
19 level, at the track level, over?

20 A. What I believe the rule says, I think it's
21 three inches over the rail or something like that. I'm
22 not too sure on that but I believe it's something
23 similar to that but it was a concern to me because I
24 started to see the water spill over into the middle of

1 the track up just east of 81 and I thought that wasn't
2 good. Potentially some time during the course of the
3 night if the water was as swift as it was, I thought it
4 might presume a potential problem, so.

5 Q. When you saw the water there, did you get a
6 chance to observe the ballast?

7 A. Everything looked like it was in place from
8 what I could tell. I didn't see anything to where I
9 felt that I had to reduce my speed to a restricted speed
10 for the security of the train. Basically I was doing
11 restricted speed whether I wanted to or not because of
12 going up the hill and the tonnage and everything, so.
13 But, no, I didn't feel no immediate need to take evasive
14 measures, so.

15 Q. Now, when you saw the water at this level and
16 called in to the dispatcher --

17 A. Okay.

18 Q. -- what action would you have liked to have
19 seen at that moment?

20 A. Well, like I said, I really didn't see no real
21 potential for danger at that particular point in time,

22 but I probably from the farther stretches of the
23 situation I probably would have thought at some point
24 that the dispatcher would have given us a mandatory

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1 directive to reduce our speed of our train if at all --
2 if anything at all.

3 Q. And what would be the nature of this mandatory
4 directive, is there a certain name or procedure?

5 A. No, it's just -- it's just information
6 communicated over the radio about based on the condition
7 of the tracks and the nature of the situation out there,
8 reduce your speed to a certain speed that would be safe
9 to negotiate the train or the area that we considered
10 that might be a potential problem or something similar
11 to that nature.

12 Q. We've heard in previous interviews today the
13 term a Rule X, I think Rule X, is that the proper name?

14 A Rule X?

15 MR. GIBSON: Rule X, yeah.

16 MR. JAMIN: Or Rule W, whichever you're familiar

17 with.

18 MR. JENNER: Have you heard of those terms before,

19 Rule X or Rule W?

20 THE WITNESS: I've heard it, but, yeah, it's --

21 MR. GOBER: It's in your special instructions in

22 your rule book about weather.

23 THE WITNESS: Yeah. Okay, yeah.

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1 BY MR. JENNER:

2 Q. If you wanted to -- If you did hear that term
3 Rule X from the dispatcher and weren't familiar with it,
4 what would you do to familiarize yourself?

5 A. I'd probably pull out my rule book and look at
6 it and get more familiar with the wording of it.

7 Q. Okay. You carry a rule book with you?

8 A. Oh, yeah, constantly, yes.

9 Q. All right. Based on what you saw and how your
10 train was handling, were you still comfortable about

11 planning to operate at track speed at 50 miles per hour
12 where that was available?

13 A. Well, based on my history of running over that
14 particular territory, I felt that by the time I would
15 have gotten up to track speed, a good portion of my
16 train would have been over that area, it would have
17 cleared that area before I would have gotten up.

18 My speed was constantly coming up anyway but
19 it was coming up slow as more of my train was getting
20 over the hill because our tonnage was on the rear end of
21 the train so as more of that got over the hill, I
22 figured that we would have been pretty much clear of
23 that area there before I got up to real track speed.

24 Q. Nothing in terms of the feel would have

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1 deterred you from --

2 A. Oh, yeah.

3 Q. -- getting to even a higher speed?

4 A. I've been taught to run a train by the seat of
5 my pants; whatever I feel and whatever I hear, I go by

6 that, so.

7 Q. Okay. Can I get your date of birth?

8 A. 10/25/61.

9 Q. I'm going to change pace a little.

10 A. Sure.

11 Q. In terms of your overall health -- Well, first

12 of all, were you injured at all due to the --

13 A. No.

14 Q. -- derailment?

15 A. No, not at all.

16 Q. In terms of your overall health, how would you

17 regard your overall health?

18 A. It's good. I have a little high blood

19 pressure.

20 MR. GOBER: Did you say your date of birth was

21 10/25/51?

22 THE WITNESS: '61.

23 MR. GOBER: '61.

24 THE WITNESS: That's correct.

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1 BY MR. JENNER:

2 Q. How was your blood pressure when they took it?

3 A. It was like I think 177 over 95 or something

4 like that.

5 Q. Is that typical for you or a little higher?

6 A. Well, it might have been a little higher

7 because of the excitement of the night and so forth.

8 Q. Sure. Okay. I don't see you wearing glasses,

9 do you wear contacts?

10 A. No, I don't.

11 Q. Okay. So when was your last company physical

12 exam?

13 A. My last -- when I had my last recertification,

14 I think that was a year, maybe a year and a half ago,

15 something to that effect.

16 Q. Do you recall any exceptions to operating --

17 any limitations?

18 A. No.

19 Q. Okay.

20 A. No.

21 Q. Your hearing normal --

22 A. Oh, yeah.

23 Q. -- according to those tests?

24 A. Yeah, sure.

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1 Q. Okay.

2 A. As far as I know it was, yeah.

3 Q. Are you on any prescription medications for
4 any condition?

5 A. No, not at the moment.

6 Q. Anything over the counter for allergies --

7 A. No.

8 Q. -- or colds?

9 A. No.

10 Q. And you're confident all the tests will come
11 back negative?

12 A. Oh, yeah, absolutely. I have no doubt
13 whatsoever.

14 Q. Okay. One thing that if I can get a
15 general -- what I'd like to do is a 72-hour history
16 three days before Friday night's incident. Can you tell
17 me your work history, your work and rest history,

18 starting like on Tuesday what your jobs were and what
19 your time on was and your time off? If, and I'll just
20 give you a heads up, if this is -- this is difficult a
21 lot and I can give you a piece of paper to do it if you
22 want to do it on your own time.

23 A. Okay. Maybe let's see if I can piece it
24 together without the paper.

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1 Q. Okay.

2 A. I -- well, let me just go backwards.

3 Friday -- well, when I got the call to take the train to

4 Dubuque, I don't think I worked prior to that, that

5 prior day. But I had to get to the -- call in and I

6 said well, okay, fine, but I'm -- you know, tomorrow's

7 my off day. He says well, there's nothing we can do

8 about that. I said okay, that's fine, just wanted to

9 let you know that.

10 Q. When was that call?

11 A. That was Thursday.

12 Q. Okay. About what time?

13 A. I believe that call was 9:30 for 11:30 that

14 day.

15 Q. In the evening?

16 A. Morning.

17 Q. A.m., right?

18 A. A.m., yeah. Prior to that, Wednesday I don't

19 believe I worked. I don't think I worked. To the best

20 of my recollection, that's all I can remember at this

21 point.

22 Q. Okay. Well, I'll let you think about this on

23 your own time.

24 A. Okay.

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1 Q. Okay?

2 A. Sure.

3 Q. And you can use your notes and tell me then.

4 A. Okay.

5 Q. How did you feel at the start of the trip, did

6 you feel rested and --

7 A. Oh, yeah. I was rested, yeah. Well rested.

8 Q. Do you sleep pretty well at nights?

9 A. Yeah. Generally I do, yeah.

10 Q. Okay.

11 A. Yeah.

12 Q. And no -- anything diagnosed in terms of sleep
13 problems, or?

14 A. Oh, my wife says I snore too much but so do my
15 kids but other than that.

16 Q. You felt pretty good?

17 A. Oh, yeah.

18 Q. Okay.

19 A. I felt good.

20 Q. Okay. How was the visibility right before the
21 time of the derailment when you're looking out the
22 window at the tracks?

23 A. Like I said, the weather was starting to get
24 pretty good. It was partly sunny, still cloudy but I

1 could see where there were shades of sun coming out. It
2 had stopped raining and the weather was good as far as I
3 was concerned.

4 Q. Okay. And how would you characterize your --
5 the overall workload of your trip, was there -- was it a
6 difficult trip for you to run, was it an easy trip?

7 A. It was fairly easy. Actually, to be quite
8 honest with you, I did make mention to someone about the
9 fact that this was my first time running a train from
10 Dubuque into Chicago; I'm just now learning that
11 territory between Dubuque and Freeport.

12 I have run trains to Dubuque eastward from
13 Chicago but that was my first time running trains -- I
14 mean, westward to Dubuque, but this was my first time
15 running a train from Dubuque to Chicago eastward.

16 MR. GOBER: We asked this question of the
17 conductor. Do they -- they don't turn you around, they
18 cab you back or how is it that you don't go both ways?

19 THE WITNESS: Generally with my short experience
20 going to Dubuque, what we've been doing is once we got
21 the train there and we get our rest, they would call us
22 out and cab us back to Chicago and then we would become
23 the switch engine after we got there.

24 MR. GOBER: Is that because they don't have regular

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1 trains turning around? I mean, you just go and wouldn't
2 be another train to bring back?

3 THE WITNESS: I really couldn't tell you that. I
4 don't under- -- I don't --

5 MR. GOBER: Okay.

6 THE WITNESS: -- know what the nature would be as
7 to why they do it that way.

8 MR. GOBER: Okay.

9 BY MR. JENNER:

10 Q. A question about the postaccident testing.

11 Was there any problems getting specimens from you?

12 A. Oh, no. None whatsoever.

13 Q. Do you have an estimate of what time you gave
14 specimens?

15 A. If I remember correctly, I think I looked at
16 my watch, it was -- it was somewhere after 1:30 in the
17 morning I believe.

18 MR. JENNER: I think that's all the questions I

19 have. Thank you.

20 MR. GOBER: Mr. Gibson?

21 MR. GIBSON: No questions at this time.

22 MR. GOBER: Mr. Fields?

23 MR. FIELDS: Yes, I do. Carl Fields, BLET.

24 THE WITNESS: Okay.

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1 EXAMINATION

2 BY MR. FIELDS:

3 Q. Ken, after the derailment you said, from what
4 I recall, you got in a vehicle, you went to the command
5 center?

6 A. That's correct.

7 Q. And then from that point you went to the
8 hospital or did you come back to the train to --

9 A. We did come back --

10 Q. -- make a cut?

11 A. Yeah, we did come back to the train.

12 Q. Okay.

13 A. There was some decision as to whether or not
14 they wanted us to move the train or not and finally we
15 got the okay to go ahead back to the train and move it
16 down, pull the train down, which we did. We pulled the
17 train down, the conductor and a fireman walked back,
18 they made a cut I think on the 43rd or 45th car, they
19 jumped on the back end of that last car, I pulled them
20 down to the fire vehicle in which we were going to get
21 in after we made this move. Once I got them down to the
22 vehicle, I shoved back to clear the crossing there, I
23 think it was Perryville Road crossing I was trying to
24 clear, and after that I tied the train -- I tied my

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1 engines down, shut my unit down and we got in the
2 vehicle and took off to the command post.

3 Q. So you pulled them east?

4 A. That's correct.

5 Q. After -- You made the cut?

6 A. Right.

7 Q. Pulled them east?

8 A. Right.

9 Q. About how far?

10 A. Well, we had a hold of 45 cars so I -- from
11 the point where I started at to the point where I
12 stopped at I think it was about maybe 15 to 30 car
13 lengths, something like that, somewhere around 30 car
14 lengths I guess basically.

15 Q. And then you said you shoved them back west a
16 little?

17 A. Yeah, I did.

18 Q. To clear the circuit for Perryville?

19 A. To clear the crossing there at Perryville. I
20 believe that's the name of the road, Perryville Road.

21 MR. FIELDS: That's all I have. Thank you.

22 THE WITNESS: You're welcome.

23 MR. GOBER: Okay. So that I can get it a little
24 bit cleared up, I know I asked the conductor these

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1 questions but I think I forgot to ask you.

2 THE WITNESS: Okay.

3 FURTHER EXAMINATION

4 BY MR. GOBER:

5 Q. The train stopped and you all went to the
6 command center -- Okay. Before your train derailed as
7 you were approaching the road crossing there where the
8 cars piled up, did you feel any unusual movement going
9 across the little bridge?

10 A. Not at all. But what I did -- what I did
11 notice is that little bridge, and I indicated this to
12 the gentleman by the name of Rod Bufton, he's a -- I
13 guess he's a track foreman from out of Freeport, I
14 noticed -- I notified him and told him that the water up
15 under that trestle was moving really, really fast. I
16 noticed that, that caught my eye. And I told him in
17 describing where the trestle was at, I thought it was
18 just west of the crossing there at Mulford Road but he
19 told me, he says well, Ken, I think that's about
20 1800 feet from the road. I said well, you might be
21 right. But nevertheless I thought the water was pretty
22 swift up under that trestle, that little wooden trestle.

23 Q. That would be about 1800 feet with say 20 cars
24 from the crossing?

1 A. Yeah, somewhere in that ballpark I would
2 assume, yeah. And I made mention to him about that when
3 I was at the command post and he was standing there
4 talking with me and he says oh. He says okay. And then
5 he corrected me, it was after -- subsequently after that
6 about the length of where the trestle was from the road
7 crossing but other than that --

8 Q. The water was very fast but --

9 A. Yeah, it looked like it was swift. It was
10 just moving real swift up under that trestle there. I
11 noticed that, that caught my eye a little bit. And I
12 think I turned to the conductor hey, Tom, did you see
13 that, how fast that water was moving up under that
14 trestle. It was running pretty swift. And I can't
15 remember what his response was.

16 Q. Okay. But you didn't feel any bouncing,
17 bumps?

18 A. No, I didn't feel any --

19 Q. Nothing unusual?

20 A. Nothing. Nothing. Nothing at all.

21 MR. GOBER: Okay. Did you ask everything you
22 wanted to ask?

23 MR. JAMIN: No.

24 MR. GOBER: No, you didn't I mean?

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1 MR. JAMIN: No. These I'll catch up on later, but

2 I do have questions.

3 MR. GOBER: Okay. Ask them.

4 MR. JAMIN: Thank you. Ken Jamin, FRA again.

5 THE WITNESS: Okay.

6 EXAMINATION

7 BY MR. JAMIN:

8 Q. Mr. Slaughter, I believe you've already told
9 us that you did not get a formal severe weather warning
10 from the dispatcher; is that correct?

11 A. That's correct.

12 Q. Okay. If you had felt a need in your own
13 judgment to at any point on this trip or any other trip,

14 just speaking hypothetically --

15 A. Okay.

16 Q. -- if you had felt a need to reduce train

17 speed for safety due to weather conditions, would you

18 have done so?

19 A. Absolutely. Absolutely.

20 Q. Would you have had any second thoughts about

21 it?

22 A. None whatsoever. None whatsoever.

23 Q. Would your actions have been --

24 A. It would have been immediate and right there.

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1 Q. Okay. And how in your own opinion do you feel

2 that your supervisors would have felt about that?

3 A. Well, I think our railroad is predicated on

4 safety and I think that's what they would want in a

5 judgment and that's what I would convey to him. I took

6 a -- I made, you know, made a safe call and I think one

7 of our first rules in our rule book is whenever in

8 doubt, safety first. So that's what I would have gone

9 on.

10 Q. So if I understand correctly, you would have
11 been comfortable in doing that and standing -- and that
12 that decision --

13 A. Oh, absolutely.

14 Q. -- would not have been criticized by your
15 superior?

16 A. Absolutely. I would have taken the criticism.
17 I think it's safer to get a train over the road than to
18 put it in danger.

19 MR. JAMIN: Sure. Good. Thank you. I don't
20 believe I have any more questions. I'll follow up on
21 these at a later date.

22 MR. GOBER: Okay. CN, do you have any questions?

23 MR. BROCKMAN: Just a couple of questions. Kevin
24 Brockman, CN.

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1 EXAMINATION

2 BY MR. BROCKMAN:

3 Q. Mr. Slaughter, the conductor stated that when
4 you guys went back to the train to make the cut, when
5 the fire department took you back to make the cut --

6 A. Okay.

7 Q. -- he walked back approximately 42 cars.

8 A. Uh-hum.

9 Q. He could see a glow and that the fire
10 department had said this is as far as we're going to go.

11 Did you know at that time that there were two
12 derailed cars on the end of the head end of the train
13 that you had a hold of?

14 A. On the head end of the train?

15 Q. Yeah. The derailment point was approximately
16 car 58 --

17 A. Right.

18 Q. -- and you had car 57 and 58 on the head end
19 at the time and he made the cut approximately car 42.

20 A. Yeah.

21 Q. Did he at any time tell you that there were
22 two derailed cars in that cut?

23 A. I believe Tom made some reference to the fact
24 that there was one car that looked like the trunks was

1 missing from it and I believe that he was viewing this
2 from a distance telescoping it, he wasn't for sure,
3 based on his conversation with me. So that's basically
4 what I heard from him.

5 Q. All right. At any time did you move the train
6 which would have caused that car to move?

7 A. Oh, absolutely not.

8 Q. Okay. So Mr. Fitman made his cut ahead of
9 that --

10 A. Right.

11 Q. -- and moved those cars?

12 A. No, I don't move a train unless I have
13 communicate with the gentleman on the ground. I
14 wouldn't endanger him as well as myself so I would not
15 do that.

16 Q. When you came through Rockford and came over
17 the crest of the hill and was coming down to Mulford
18 Road, at any time did you see any CN personnel, any
19 police, any fire department personnel in the area?

20 A. Prior to the derailment?

21 Q. Correct.

22 A. I don't believe I did. No.

23 Q. Okay. Do you remember who the first CN
24 personnel you saw that night was?

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1 A. I believe, yeah, it was Rod Bufton. I think I
2 believe that was the first gentleman I talked to.

3 MR. BROCKMAN: Okay. That's all I have.

4 THE WITNESS: If I'm correct.

5 MR. GOBER: Okay. Does anyone else have any
6 follow-up?

7 MR. FIELDS: Yes, I do, please. Carl Fields, BLET.

8 FURTHER EXAMINATION

9 BY MR. FIELDS:

10 Q. Ken, just prior to you receiving those two
11 gentle surges that you spoke of --

12 A. Sure.

13 Q. -- before the derailment.

14 A. Right.

15 Q. Were you distracted in any way?

16 A. None whatsoever.

17 Q. Do you have a cell phone, I don't know if that
18 was brought up, was it and nor was it on?

19 A. No, actually, to be quite honest with you, my
20 cell phone had died earlier that day. It had died
21 earlier that morning and -- because I remember talking
22 to my wife in a hotel room and I lost her in the midst
23 of the conversation and I didn't have a charger with me
24 so I couldn't make any phone calls for the rest of that

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1 day so the phone was off.

2 Q. Okay. I appreciate that. And track authority
3 line 11, are you familiar with that?

4 A. You might want to refresh my memory.

5 Q. It's somewhat vague to us right now until I
6 can see it in front of me, so.

7 A. Okay.

8 Q. But it was made reference earlier but that's
9 okay for right now. And last but not -- last but not

10 least. Once again and I apologize if this is being

11 redundant. You departed Dubuque --

12 A. Right.

13 Q. -- to Freeport?

14 A. That's correct.

15 Q. Did you take any exceptions of the performance

16 of the train in braking?

17 A. Oh, none whatsoever.

18 Q. Okay.

19 A. I think the train was a good runner. As a

20 matter of fact, I thought that was one of the best

21 running trains I had.

22 Q. And then after the pickup, you had no

23 exceptions aside from the two gentle surges?

24 A. No.

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1 MR. FIELDS: Okay. Thank you.

2 MR. GOBER: I'll have one last little follow-up.

3 THE WITNESS: Sure.

4 FURTHER EXAMINATION

5 BY MR. GOBER:

6 Q. We've asked a little bit of information about
7 cell phones. What are the CN's rules regarding to the
8 use of cell phones?

9 A. Cell phones cannot be on at all if they're on
10 company time.

11 Q. Okay.

12 A. Period.

13 Q. Is that in the operating rule book or
14 bulletin, or?

15 A. It's in the rules, yeah. As a matter of fact,
16 there was a bulletin that came out that stated that as
17 well.

18 MR. GOBER: Okay. All right. Well we appreciate
19 you coming, your information has been very helpful to
20 us, we understand the stress this can put you under and
21 we --

22 THE WITNESS: None whatsoever.

23 MR. GOBER: -- appreciate you giving us your time.
24 This hopefully will help us to come up to some kind of

1 recommendation for change to keep it from happening
2 again in the future, but I don't know what it would be
3 right now.

4 THE WITNESS: Okay.

5 MR. GOBER: So thank you very much. We are off the
6 record.

7 (Interview of Kenneth Slaughter
8 concluded.)

9 (Which were all the proceedings had
10 on this day, Sunday, June 21st,
11 2009, in the above-entitled cause.)

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MARGARET MAGGIE ORTON, CSR

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19 CSR No. 084-004046

20

SUBSCRIBED AND SWORN TO

21 before me this _____ day of

_____, A.D., 2009.

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