

TRANSCRIPT
OF PROCEEDINGS
IN THE CIRCUIT COURT
FOR THE CITY OF RICHMOND, VIRGINIA

----- -x
VELDA DAVIS,
Plaintiff,
At Law Number
V. LE-775-4
NATIONAL RAILROAD PASSENGER
CORPORATION,
Defendant.
----- -x

DEPOSITION OF T. R. JONES

Washington, D. C.

Monday, November 9, 1998

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REPORTED BY:
DAVID L. HOFFMAN

I Deposition of T. R. JONES, called for
2 examination pursuant to notice of deposition, on
3 Monday, November 9, 1998, in Washington, D.C. at the
4 AMTRAK Claims Office, 900 Second Street, N.E. at
5 2:25 p.m. before DAVID L. HOFFMAN, a Notary Public
6 within and for the District of Columbia, when were
7 present on behalf of the respective parties:

8

9 RICHARD N. SHAPIRO, ESQ.
10 Wilson, Hajek & Shapiro, PC
11 1294 Diamond Springs Road
12 Virginia Beach, Virginia 23455-3701
13 (757) 460-7776
14 on behalf of Plaintiff.

15

16 AUBREY RUSSELL BOWLES III, ESQ.
17 Bowles and Bowles
18 Two North Fifth Street
19 Richmond, Virginia 23219-2218
20 (804) 643-6768
21 On behalf of Defendant.

22

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P R O C E E D I N G S

2 (Exhibit I identified.)

3 MR. BOWLES: Defendant objects to
4 Deposition Exhibit Number 1 on the basis that this
5 letter was written concerning operations at the
6 Washington terminal. It does not affect the Richmond
7 terminal and the facts set out therein are not
8 applicable to the Richmond terminal. And on the
9 further grounds that it has no relative content with
10 regard to the litigation at hand.

11 MR. SHAPIRO: In response I just will
12 mention that we are willing to redact out grievance
13 number two at a later time, keeping in the date of
14 grievance number one which has to do with the
15 weighted trash bags.

16 Whereupon,

17 THOMAS R. JONES
18 was called as a witness and, after having first been
19 duly sworn, was examined and testified as follows:

20 EXAMINATION

21 BY MR. SHAPIRO:

22 Q Could you state your full name, sir?

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1 and Oilers.

2 Q Is that Fireman and Oilers?

3 A Yes, sir.

4 Q Does that include the utility workers?

5 A Yes, it does.

6 Q What kinds of things does a local union
7 chairman do, such as yourself?

8 A We would handle grievances, we file time
9 claims, we represent our members in a disciplinary
10 form of investigation.

11 Q As part of your duties do you report
12 safety concerns to management also?

13 A Yes, we do.

14 Q How is that done?

15 A Normally we have a meeting quarterly with
16 the union reps and the management. If there is an
17 immediate safety hazard I would refer it in writing
18 to the designated officer.

19 Q The designated officer with Amtrak?

20 A Yes, sir.

21 Q Do you ever get on the phone and talk to a
22 designated officer also?

1 A I never have called; I've always done it
2 either in person or by writing.

3 Q As of March 1997 you were working as a
4 utility worker at Ivy City?

5 A No. I was at Union Station in '97.

6 Q Here in Union Station?

7 A Yes.

8 Q For how many years before early 1997 had
9 you worked out of Union Station as opposed to Ivy
10 city?

11 A Roughly 24 years.

12 Q Had you done as part of your duties the
13 removal of the trash bags from train platforms?

14 A Yes, I had.

15 Q As of early 1997 was that particular job
16 usually handled as a one man or a two man crew for
17 workers that were removing trash bags from platforms?

18 A The 8 to 4 one man would remove the trash
19 and 4 to 12 had two man and midnight supposedly had
20 two men. Well, there are, let's say, two jobs
21 advertised. The job called for two men.

22 Q So when you say there was a one man you

1 mean one man to do all the trash removal?

2 A One man would pick up the trash off the
3 platform, deliver it to the compactor. They have
4 what you call a Contractor Operator who would unload
5 the trash and dispose of it.

6 Q Have you seen in your duties as a utility
7 worker this type of trash bag? Could you just hold
8 that up over there for a second --

9 (Handing object to witness.)

10 BY MR. SHAPIRO:

11 Q -- so the videographer can take a look at
12 it? Are you holding it up to the ground level there?

13 A Yes, I am.

14 Q Are you familiar with that?

15 A Yes, I am.

16 Q What type of cars do these large trash
17 bags come off of?

18 A Every car.

19 Q Does the cafe car have trash bags of that
20 size?

21 A Yes, it does.

22 Q Has Amtrak used that bag for as long as

1 you can recall?

2 A As long as I can remember.

3 Q Are there any aspects of the job of
4 handling or removing the trash bags from the
5 platforms that are physically strenuous?

6 A Yes, it is.

7 Q Are there any time restrictions on picking
8 up the bags from particular platforms?

9 A There is some restriction according to the
10 FDA that said, I believe, if my memory serves me
11 right, when a train enters the station it's something
12 like one hour to trash the train, pick up the trash
13 and dispose of it.

14 Q When you say trash the train you mean get
15 the trash off the train cars.

16 A The entire train, yes.

17 Q How does that affect the job that you have
18 to do?

19 A Well, sometimes you have a metroliner that
20 runs every hour on the hour and you have the
21 Northeast direct that runs, I would say, every two
22 hours but it comes in like maybe 2:20 or 2:30 or 3:20

1 or 3:30. So sometimes you might get two trains at
2 one time hit the station and they're all being
3 trashed at one time.

4 Q Does that require you to work any faster?

5 A Oh, definitely.

6 Q Have staffing levels on the men handling
7 the trash bags been reduced in the last few years?

8 A Yes, it has.

9 Q As a local chairman did you express any
10 concerns about the reduction?

11 A Yes, I have.

12 Q Back in May of 1994 did you write a letter
13 to a Mr. Bagley about your concerns?

14 A Yes, I did.

15 Q Who was Mr. Bagley at that time, in May of
16 1994?

17 A At that time he was general superintendent
18 of Washington Union Station, the highest officer here
19 at Union Station.

20 (Handing document to witness.)

21 Q Let me show you this and ask you if that's
22 the letter you sent to Mr. Bagley, sir?

1 MR. BOWLES: My objection was previously
2 stated.

3 THE WITNESS: This is the letter, sir.

4 BY MR. SHAPIRO:

5 Q Did you mention in the letter an injury to
6 any utility worker from handling trash bags?

7 A Yes, I did.

8 Q Who was that that you mentioned?

9 A Mr. John Phelps.

10 Q What were you complaining about and why
11 did you put this grievance in writing, as to number
12 one here?

13 A The reason is after John Phelps's injury
14 Mr. Perch had the same position and he was going
15 through the same adverse effect of the abundant
16 number of bags being picked up every day. He was
17 doing it by himself and he asked me would I file a
18 grievance.

19 Q Was he on a one man crew?

20 A Yes, he was. If memory serves me right,
21 he worked the high line. He high line is from seven
22 track to 20 track. That would consist of all of the

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DAVJ bg

1 metroliners, some of the commuter trains like the
2 MARC commuter trains, the commissary. So he did the
3 high lines.

4 Q Let me ask you this: had you discussed
5 what trash bags weighed that were being removed from
6 the platform in that letter?

7 A Yes, I did.

8 Q What did you say that the trash bags were
9 weighing?

10 A Some of the bags weighed in excess of 60
11 pounds or more.

12 Q Did you say that some trash bags weighed
13 up to 80 pounds in that letter?

14 A Yes, I did.

15 Q Had you ever come across bags as a utility
16 worker yourself that weighed that much?

17 A I sure have.

18 Q What is the typical range of a large bag
19 like the type I showed you for the heavier bags?

20 A Well, the average bag coming off a car
21 could go from 30 pounds, 40 pounds and some even
22 lighter than that, then you get the monster bags.

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1 You can never ever determine the weight of a bag if
2 you grab it. Some of them look light and they're
3 extremely heavy and some look heavy and they're
4 easier to handle.

5 Q Have you ever expressed any concerns to
6 management about the just total weight of bags?

7 A Yes, I have.

8 Q Was that before March of 1997 that you had
9 done that?

10 A Sure. Yes, sir. Yes, it was.

11 Q Let me go back to this. You expressed
12 some concerns in this letter that we just talked
13 about which, I've asked to be introduced as Number 1.
14 Did the railroad get back to you or did they make any
15 changes in the bag handling?

16 A No, they didn't. No, they did not.

17 Q Now, this was written in May of 194, is
18 that correct?

19 A That's correct.

20 Q Were you aware of whether a fellow named
21 John Jones, a utility worker, also got injured here
22 at union Station?

1 A I was aware, yes, I was.

2 Q Do you recall whether that was during 1994
3 or 1995, the next year?

4 A I would have to believe it was around 194.
5 Around December '94, going into 195. Yes, that's
6 about right.

7 Q Was it before or after Mr. Phelps?

8 A It was after Mr. Phelps.

9 Q Did you actually see the injury report at
10 any time that Mr. Jones had filed?

11 A I can't recall seeing the report. I don't
12 remember seeing the report.

13 Q In any case, did Amtrak make any changes
14 to the bags or the way that they were handled on the
15 platforms between the time Mr. Phelps was hurt and
16 the time Mr. Jones was hurt?

17 A No, there was no changes made.

18 Q Were there any bulletins posted that
19 talked about the problems with these bags for utility
20 workers' benefit?

21 A No, there wasn't.

22 (Pause.)

1 Q Is there any help available to you when
2 you're working alone and encounter a heavy trash bag?

3 A For the utility workers on the platform
4 you might find a mechanic every now and then but
5 basically you're on your own.

6 Q In your operation as a utility worker did
7 you often stop working when you found a large bag and
8 call for a co-worker or supervisor?

9 A No. I never called for a supervisor. No,
10 I never did.

11 Q Have you ever delayed your work to try to
12 find another co-worker?

13 A No, I didn't.

14 Q Did Amtrak ever instruct you to wait
15 whenever you found a large trash bag and get someone
16 else to help?

17 A Yes, they did. They said at a safety
18 meeting to try to find some help.

19 Q Is that realistic? Did that actually
20 happen?

21 A No, it's not.

22 Q why isn,t it?

1 A Everyone has job assignments. And the car
2 repairmen tell me it's not their job, it's the job of
3 the utility workers. That's the attitude and that's
4 what they will tell you.

5 Q What about a co-worker, just another
6 utility worker? Were they nearby usually?

7 A No, they wasn't. No.

8 (Pause.)

9 Q What's the heaviest trash bag that you
10 yourself ever encountered?

11 A Over a hundred pounds.

12 Q Did you believe that handling trash bags
13 that were left on the platforms was a one or two man
14 operation?

15 MR. BOWLES: I would object to the
16 question, calls for an opinion and what he believes
17 has nothing to do with it.

18 MR. SHAPIRO: Let me rephrase the
19 question.

20 BY MR. SHAPIRO:

21 Q Mr. Jones, did you express to management
22 whether you believed it was a one man or a two man

1 operation to handle trash bags on the platforms?

2 A Yes, I did.

3 Q Who did you tell that and what did you
4 tell them?

5 A The manager was Daryl Pesce in 1993. At
6 the time I negotiated these jobs it was clear that we
7 needed two men on the high line at all times and one
8 man on the low level, which would be three utility
9 workers.

10 Q Is this in relation to handling trash
11 bags?

12 A Yes, it is.

13 Q What was the reason that you felt it was a
14 two man job?

15 A It's not unusual to handle anywhere from
16 200 or maybe 300 bags per shift and some of them are
17 in excess of like 60-80, and the trash coming off
18 train number 30 from Chicago is easily over a hundred
19 pounds.

20 Q Did all the trains that were the regular
21 Amtrak passenger trains have a cafe car?

22 A Yes, sir. Yes, definitely.

1 Q Were the workers familiar with or was
2 there any general understanding of how the bags in
3 the cafe car would weight compared to typical
4 passenger cars usually? Which would be heavier or
5 would they be the same?

6 A No, the cafe cars are definitely the
7 heaviest.

8 (Pause.)

9 Q After the Phelps injury or after the Jones
10 injury did any Amtrak safety officials come and do
11 any ergonomic assessments of the job duties or just
12 picking up the trash bags?

13 A No, not that I remember. I remember once
14 having a safety meeting with all the utility workers
15 as to properly lifting the bags but this was
16 something like maybe 1997 or late 196.

17 Q Was that before or after March of 1997, do
18 you know?

19 A Oh, Lord. It's hard to pinpoint that
20 time. I would have to honestly say it would have to
21 be late 196. Late 196, that's about the most
22 accurate time I can give you.

1 Q Late 196. Okay.

2 And were any changes instituted as to the
3 way the bags were removed from the trains to the
4 platform?

5 A No, no changes whatsoever.

6 Q Were any changes made to the size of the
7 bags going from the train cars to the platform?

8 A No.

9 Q Did you ever work as a coach cleaner
10 yourself?

11 A No, I've never worked as a coach cleaner.
12 But in emergencies I've kind of -- an hour here, an
13 hour there in an emergency.

14 Q You go on the train cars?

15 A Sure. Yes, I do.

16 Q You're familiar with the cafe car?

17 A Yes, I am.

18 Q Have you seen where the trash bags are
19 maintained on the cafe car?

20 A Yes, sir. Yes, I sure do.

21 Q Have you seen any change in the way that
22 the receptacle is recessed into the wall or the trash

1 bag is handled in the A or B end of the cafe car?

2 A No. There's no change whatsoever.

3 MR. SHAPIRO: Those are all the questions
4 I have.

5 EXAMINATION

6 BY MR. BOWLES:

7 Q Mr. Jones, are you still an officer of the
8 union?

9 A Yes, I am.

10 Q You're a local chairman?

11 A No, I'm a committeeman now.

12 Q A committeeman?

13 A Yes.

14 Q Do you or the local you belong to -- which
15 local is it?

16 A Local 1050.

17 Q Do you represent the people that work in
18 Richmond terminal?

19 A No, we don't.

20 Q Have you ever represented the people who
21 work in Richmond terminal?

22 A No.

1 Q Are you familiar with what people do at
2 the Richmond terminal?

3 A No, I'm not.

4 Q You mentioned a number of trains coming in
5 and you talked about particularly heavy trash coming
6 off the train from Chicago. But you also mentioned
7 the Northeast direct trains?

8 A Yes, sir.

9 Q Would that include the Northeast direct
10 trains? You'd have to unload trash at Washington
11 Terminal, at Union Station?

12 A That's correct.

13 Q And that would include train numbers 85
14 and 86, wouldn't it? They're Northeast direct?

15 A I believe they're through trains though.
16 I can't honestly say train 85, 86 --

17 Q Well, 85 and 86 both have to stop at Union
18 Station long enough to change motive power from
19 electric to diesel electric, do they not?

20 A If memory serves me right, I would say
21 yes. We've got a diesel going Northbound they have
22 to change going South. They would have to. Yes,

1 that's correct.

2 Q You can go from Florida to Union Station
3 with diesel power?

4 A That's correct.

5 Q When you get to Union Station you have to
6 change the locomotive because you have to go to
7 electric power?

8 A Yes, sir. That's correct.

9 Q And that requires generally a layover of
10 about half an hour?

11 A Just about 30 minutes, that's correct.

12 Q And during that period of time the trains,
13 to use your term, are trashed?

14 A Yes, sir. No -- that's not correct. Just
15 the cafe car, the food car. They'll throw boxes off
16 and some trash off, garbage off.

17 Q Primarily the cafe car?

18 A The coaches. If the bags are full, the
19 attendant's gonna throw them off.

20 Q Regardless of what car you're talking
21 about, whether it's the regular coach, whether it's
22 the diner or whether it's the cafe car, all of them

1 I have the same type trash receptacles in the A and B
2 end of the car? They have these big plastic bags?

3 A That's correct.

4 Q And the containers that those bags go in
5 are either white plastic or orange fiberglass type
6 things, aren't they?

7 A Most of the bags I've seen is the big
8 black bags. The clear bags I've only seen now and
9 then.

10 Q I'm not talking about the bags. I'm
11 talking about the either plastic or fiberglass
12 container that the bag goes in. You're not familiar
13 with that?

14 A No, I'm not.

15 Q When you wrote this letter in May of 1994
16 you were writing on behalf of the people that work at
17 Union Station?

18 A That's correct.

19 Q You weren't writing on behalf of people
20 that work in Baltimore?

21 A No, I wasn't.

22 Q Or Richmond?

1 A No.

2 Q You said you've been with Amtrak for 25
3 and a half years?

4 A That's correct, sir.

5 Q Part of that was with Washington Terminal
6 Company?

7 A That's right. Yes, sir.

8 Q How many years with Amtrak?

9 A Amtrak took over in 1984 so next year will
10 be 15 years.

11 Q Basically have you done the same type of
12 work for whether it was Washington Terminal Company
13 or whether it was Amtrak?

14 A Yes, I have.

15 MR. BOWLES: I don't have anything else.

16 FURTHER EXAMINATION

17 BY MR. SHAPIRO:

18 Q Mr. Tones, you were asked if you were
19 representing or writing on behalf of the local people
20 when you discussed this written grievance relating to
21 Mr. Phelps and Mr. Perch. Is that true?

22 A That's correct.

1 Q Were you aware that there were other
2 linjuries to other workers involving trash bags
3 besides these people that you knew about at Union
4 Station?

5 A Yes, I have. I sure was.

6 MR. BOWLES: I'm going to object to the
7 question and the response on the basis that the
8 evidence in this case is there's never been any
9 injury occasioned to a worker at the Richmond
10 terminal in which the trash bags were involved other
11 than Velda Davis's particular case. So he couldn't
12 be writing on behalf of any injured workers with
13 regard to the Richmond facility.

14 MR. SHAPIRO: I understand that.

15 BY MR. SHAPIRO:

16 Q When you wrote this letter did you know
17 that there had been a number of other injuries
18 involving coach cleaners and utility workers besides
19 Mr. Phelps and Mr. Perch?

20 A Yes, I was.

21 Q Where were those workers?

22 A They were working at Union Station,

1 hauling the trash.

2 Q What I'm asking though is that you didn't
3 know whether there were injuries in other cities or
4 other places, did you?

5 A No, I did not.

6 Q Regarding the trains that came from the
7 North that were heading South through Washington to
8 Richmond, are you with me?

9 A Yes, sir.

10 Q Do coach cleaners board those trains in
11 Washington if there's a half hour layover?

12 A No, they don't.

13 Q So in other words, is there a complete
14 cleaning of the trash bags on all the cars in
15 Washington for that stop?

16 A No.

17 Q Is it totally discretionary on whether
18 people that are on board --

19 MR. BOWLES: Object to the leading nature
20 of the question.

21 MR. SHAPIRO: I'll rephrase the question.

22 BY MR. SHAPIRO:

1 Q Is there any duty on the workers that are
2 on board, attendants --

3 MR. BOWLES: Object to the leading nature
4 of the question.

5 MR. SHAPIRO: Your objection is noted.

6 BY MR. SHAPIRO:

7 Q -- to off load trash at the layover stop?

8 A Yes, there are. The attendant, if he sees
9 the trash running over he's definitely gonna throw it
10 out. So the answer would be yes. And could I
11 elaborate a little bit?

12 Q Sure, if it relates to the question.

13 A There is one train. The train goes to
14 Newport News, I believe. That train just last year,
15 they were told to clean the cafe car, trash it and
16 clean the rest room. It was a cafe car and maybe one
17 other car. I think it's train number 95, that's what
18 it is. I think there's two coach cleaners assigned
19 to that job every day. I think the train arrives
20 about two and leaves out about 2:30.

21 Q What train is that?

22 A Train number 95.

1 MR. SHAPIRO: I have nothing further.

2 MR. BOWLES: I have nothing else.

3 (Whereupon, at 2:50 p.m., the taking of
4 this deposition ceased.)

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7 Signature waived.

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1	C O N T E N T S	
2	WITNESS	EXAMINATION
3	Thomas R. Jones	
4	by Mr. Shapiro	3
5	by Mr. Bowles	19
6	by Mr. Shapiro	23

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9	E X H I B I T S	
10	DEPOSITION NUMBER	IDENTIFIED
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I, DAVID L. EOFFMAN the
 before whor the foregoing deposition was taken, do
 certify that the witness whose testimony appears in
 foregoing deposition was duly sworn; that the testimony
 said witness was taken in shorthand and thereafter
 to typewriting by me or under my direction; that
 deposition is a true record of the testimony given by
 witness; that I am neither counsel for, re7ated to,
 employed by any of the parties to the action in which
 deposition was taken; and, further, that I am not
 relative or employee of any attorney or counsel employed
 the parties hereto, nor financially or otherw--se
 in the outcome of this action.

Notary Publi!c, i'K aaid
 District of Coltim

My Commission Expires 6130100

of: Thomas R. Jones (Davis v. Amtrak) 11-9-98 Cr70694.3
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