

**Before the  
United States House of Representatives  
Committee on Transportation and Infrastructure**

**Hearing on  
The Impact of Railroad Injury, Accident and Discipline Policies on  
the Safety of America's Railroads**

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Good morning Chairman Oberstar, Ranking Member Mica, and Members of the Committee. My name is Timothy Knisely. I used to be a conductor for the Norfolk Southern Railroad. I hired out in October of 1974, at the age of 20. In 2001, I was injured in the course of my duties.

On the evening of March 9, 2001, I reported to work as usual. I was required by the Norfolk Southern to take a train from our Homestead Yard in Oregon, Ohio to CSX's Stanley Yard in Walbridge, Ohio, to pick up a number of rail cars and bring them back to the Homestead Yard. After arriving at the CSX Yard, I went to disconnect the air hose from the set of rail cars. The brass fitting on the air hose fractured because of metal fatigue and old age. When this happened, the air hose, being under approximately 80 pounds of pressure, began to whip around in the air much like a fire hose, and with its brass fitting on its end. The hose struck me, knocking me to the ground. It repeatedly hit me in my legs, back, chest and head. Each time I tried to get up off the ground, it would knock me back down. This lasted for about one minute. It finally stopped when the hose got caught underneath one of the cars and permitted me to get on my feet as best I could. I knew I was seriously injured and called for help.

The Norfolk Southern trainmaster came to the site to investigate the incident. He transported me to the local hospital that the railroad uses. The trainmaster attempted to persuade me to not report the injury, but I refused his coercion and reported the injury. The next day, I was charged with making a false injury report. The trainmaster did acknowledge that I, in fact, was struck in my legs, back, and chest, but claimed because he could not see any injury on my head, and, therefore, I must have lied about being struck in the head. After 27 years of dedicated and loyal service to the railroad, I was subsequently charged with lying about being struck in the head and eventually fired. This charge happened solely because I dared to report my injury.

The day after the incident the trainmaster, with others, went back out to the CSX yard to video tape a re-enactment in order to prove at my hearing that I could not have been struck in the head by the hose, to show that it could not go that high so as to support my firing. Unbeknownst to me, the video tape was altered and those portions that showed that the hose would in fact go much higher than my head were removed from the video tape. The railroad contended that the hose would only go five to 10 inches off the ground. The railroad proceeded to have their hearing and fired me after 27 years of service allegedly not because of the incident and not because I claimed to be hit on other places on my body, but simply because I claimed I was hit on the head. The truth was that they fired me because I chose to report my injury; and the claim that I was **not** struck in the head was simply the best they could come up with.

The Railroad fired me even after I submitted voluminous pages of medical documentation specific to my head injury. The medical reports included the emergency room treatment of the day of the injury and the immediate months thereafter, not the least of which was extensive examination right here in Washington, D.C., with doctors from George Washington University School of Medicine. The railroad chose to ignore both my statement and the volumes of medical proof of severe head injury. Nevertheless, I remained permanently fired not because of my work that night, nor because of my injuries, but solely because I chose to report my injuries.

During the civil FELA litigation that followed, the railroad was required to produce that video tape. It was then that it was discovered that the video tape had been tampered with and a portion

out of the middle of the tape which proved that the hose under these circumstances would fly in the air up to nine feet or more was taken out. When this was brought to the attention of the Court, the railroad acknowledged and admitted in Court to the tampering of the video tape. The Court made a finding that:

a video tape recreating an equipment malfunction which was video taped by Defendant Norfolk Southern and produced during the course of discovery in this case, was deliberately and intentionally changed for the purpose of deception before it was provided to Plaintiff.

...

Of particular concern to the Court is the fact that Defendant Railroad edited a significant portion from the video tape which helps substantiate the type of injuries Plaintiff received on March 9, 2001 by the malfunctioning and defective equipment, and which controverts the basis upon which Defendant Norfolk Southern terminated Plaintiff's employment. (See attached document, emphasis added by myself.)

It was my belief then, and it remains my belief today, that I was charged and fired for daring to make an injury report so as to be made an example of; and so that others in the future would think twice before filing a Federal Railroad Administration required injury report.

I am aware of other colleagues of mine at the same yard, Arthur Richter, Michael Linkenbach, Susan Sheidler, and Jimmy Doyle, and others who have been similarly charged for allegedly filing false injury reports within days or hours of such reporting of their injuries. It is my belief, as well as the belief of others, that the purpose of such firings is to maintain a chilling effect throughout the Toledo, Ohio area on the abilities and initiative of other injured people who might dare to report their injuries as required by the FRA.

Thank you all for taking the time to listen to me today.