

DCA13MR002
Conrail - Shared Assets
Derailment/Hazardous Material Release
Paulsboro, New Jersey
November 30, 2012

NTSB - Interview of Conrail Track Inspector

UNITED STATES OF AMERICA

NATIONAL TRANSPORTATION SAFETY BOARD

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Investigation of:

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CONRAIL DERAILMENT/HAZARDOUS
MATERIAL RELEASE
PAULSBORO, NEW JERSEY
NOVEMBER 30, 2012

Docket No.: DCA-13-MR-002

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Interview of: KEVIN RIVELL

Incident Command Center
Paulsboro, New Jersey

Wednesday,
December 5, 2012

The above-captioned matter convened, pursuant to notice.

BEFORE: TIMOTHY DEPAEPE
Accident Investigator

APPEARANCES:

TIMOTHY DEPAEPE, Accident Investigator
Signal Group Chairman
National Transportation Safety Board
Office of Railroad, Pipeline and Hazardous Materials
DuPage Airport
31 West 775 North Avenue
West Chicago, Illinois 60185

** PII **

** PII **

CYRIL GURA, Safety Engineer
Track Group Chairman
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THOMAS NOON, Signal and Train Control Inspector
Federal Railroad Administration

DAVID KILLINGBECK, Chief Engineer Structures
Federal Railroad Administration

THOMAS BILSON, Assistant Chief Engineer
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Conrail

DOUG TRACY, Assistant Chief Engineer
Communications and Signals
Conrail

CHARLES HANSLER, Union Representative
Brotherhood of Maintenance of Way Employes
Division (BMWED)
District 6

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1 to step out for a moment, but he will be back in and when he gets
2 here he'll also be asking some questions. This is Tim DePaepe
3 again.

4 INTERVIEW OF KEVIN RIVELL

5 BY MR. DEPAEPE:

6 Q. Mr. Rivell, I'd like you just to tell me when you were
7 hired by Conrail, what the jobs you've worked since you've been
8 hired, just so we know a little bit about your work history.

9 A. Okay, work history. I was hired November 15th, 2004. I
10 hired as a trackman at Philadelphia Ann Street. My first job was
11 a truck driver, CDLA, and with the gang. Then from there I went
12 to orgotherm welding. From there, foreman, foreman of a gang.
13 From there, track inspector foreman.

14 Q. And is that the job you currently hold right now?

15 A. Yes.

16 Q. Okay. And what territory or what are the limits of your
17 responsibility as a track inspector?

18 A. South Jersey -- you want me to name the tracks, or --

19 Q. More -- I would like to know more from Point A to
20 Point B. You know, you go from South Jersey to where?

21 A. Strictly Jersey, South Jersey.

22 Q. Okay.

23 A. Yeah.

24 Q. Okay. All right. Thank you, sir. Thank you very much.

25 MR. DEPAEPE: I'm going to pass the questioning along to

1 Mr. Bilson.

2 BY MR. BILSON:

3 Q. Kevin, in regards to -- this is Tom Bilson. Thanks for
4 coming. In regards to your territory, Penns Grove Secondary is
5 part of your territory, correct?

6 A. Correct.

7 Q. Main track, how often do you inspect that?

8 A. Once a week.

9 Q. Once a week. Do you remember the last time you were
10 over it?

11 A. The last time I was over it was --

12 Q. Prior to the accident.

13 A. Prior to the accident was the -- can I refer to my
14 notes?

15 Q. Sure.

16 A. Okay. The last time I was over it was November 20th.

17 Q. Okay. When you do your inspections, do you do a monthly
18 hi-rail inspection or do you make a special trip or do you do that
19 during your normal inspection?

20 A. During my normal inspection.

21 Q. Okay. Yeah, well, it's -- we did a record search. They
22 were all done for the last year. Were they -- did you find
23 anything when you did -- to the best of your knowledge, on these
24 inspections?

25 A. No.

1 Q. Now, how do you do that inspection?

2 A. Well, I walk the base of the bridge and I start -- I'm
3 sorry, I start at the base of the bridge. I walk the bridge
4 inspecting the miter rails and components, such as fasteners,
5 plates, timber and any moving components and, let's see -- ties
6 leading up to the approach, both the north side and south side.

7 Q. And that's once a month, right?

8 A. Once a month, yeah.

9 Q. How about on your normal inspection, your hi-rail
10 inspection?

11 A. As far as the bridge is concerned?

12 Q. Bridge, miter rail, things like that.

13 A. Yeah, it's -- actually, every time I traverse, it's
14 pretty much the same.

15 Q. Pretty much the same?

16 A. Yeah.

17 Q. Okay. Normal operation, you come to the bridge, bridge
18 is open? Closed?

19 A. Open.

20 Q. What do you do then?

21 A. I normally -- most of the time I'm traveling in a south
22 direction, at which time I'll approach the signal, prepare to stop
23 around, I'd say, 15 to 20 feet from the signal.

24 Q. Okay.

25 A. And I get out of the truck, I walk up the track. And I

1 have to do it manually. I'm on a hi-rail vehicle so I don't
2 shunt. I can't give any commands through my radio. I open the
3 case, I check for any boot traffic, if anyone is coming. But if I
4 get the clear sign, I will press the button for 5 seconds, at
5 which time you hear the voice activating saying the warning that
6 the bridge is opening, and I close it up, lock it, step in the
7 gauge and watch the movement of the bridge, at which time the
8 rails seat down. I check and make sure everything's lined and
9 locked and get back on the track car.

10 Q. Okay. Get to the other side, do your inspection?

11 A. Yeah. Yeah, you get to the other side, do the
12 inspection, and it would be the same thing in reverse. I make
13 myself south 15 to 20 feet of the signal, and in this case I have
14 a little bit of a distance from the track to the box. Open the
15 box up. That's a 102 key to open the whole box, and then our
16 little box is in that bigger case. And you do the whole thing:
17 you push the button, 5 seconds you'll hear the warning, and lock
18 everything up, you watch for the bridge to close.

19 Q. Do you normally wait for the bridge to completely
20 reopen, or --

21 A. I clear up at Paul so sometimes I will go in the
22 vehicle. Once I get the warning that everything is open and
23 moving, I will get in the track car and proceed to the crossing,
24 at which time I'll get in the clear and I'll hear -- most of the
25 time I'll hear the Paulsboro bridge is open.

1 Q. Okay. Have you had any issues with the operation?

2 A. No, not that I -- I have gone there and gotten the red
3 signal, at which time I call the dispatcher. You know, the bridge
4 would be closed, it's lined, it's locked. I call the dispatcher
5 and he gives me permission by the signal.

6 MR. DEPAEPE: This is Tim DePaepe, I want to interrupt
7 just for a moment to ask a clarifying question.

8 When you talked about you're a non-shunting vehicle so
9 you can't get the bridge to open and that's why you have to get
10 out and use the push buttons, but my question was going to be,
11 when the bridge closes and it locks and it lines, do you get a
12 green signal as part of that push-button process? Will that
13 signal clear for you to proceed across it?

14 MR. RIVELL: Yes, correct.

15 MR. DEPAEPE: Okay. Excuse me, Mr. Bilson. I just
16 wanted that to be clear.

17 MR. BILSON: Okay.

18 MR. DEPAEPE: Thank you.

19 BY MR. BILSON:

20 Q. Have you ever gotten a red signal?

21 A. On the bridge, yes. Well, not -- I've gotten a red
22 signal, called the dispatcher and gotten permission by.

23 Q. Okay, after you -- did you inspect the bridge before you
24 went across, or --

25 A. Yes.

1 Q. Did you -- what we call the slide locks, did you note
2 whether the locks were in, out, halfway in?

3 A. Yeah, I walked the bridge span and did the best of my
4 knowledge of what I could visually see.

5 Q. Okay. Have you had to do any major maintenance to those
6 miter rails at any time?

7 A. No, no.

8 Q. Tightening? Do you grease it? Do you grease --

9 A. No, I don't.

10 Q. -- the miter rails? Okay.

11 A. No.

12 Q. That's -- I think that's all I have.

13 MR. DEPAEPE: Okay, this is Tim DePaepe again. I'm
14 going to let Mr. Cy Gura, who has already been identified and had
15 his name spelled, he is going to question Mr. Rivell at this time.

16 BY MR. GURA:

17 Q. Kevin, how are you?

18 A. Good. How are you?

19 Q. I missed some of the preliminary part of your
20 investigation but I understand you're a track inspector?

21 A. Correct.

22 Q. Okay. The bridge, do you just more or less do a normal
23 track inspection as you're going over the bridge, looking for
24 gauge and profile?

25 A. Yes, weekly. It's inspections done weekly; miter rail

1 inspection monthly.

2 Q. Okay. And the miter rail, for the folks that don't know
3 what a miter rail is, could you please explain what a miter rail
4 is?

5 A. It's the rail on the bridge that seats into the plate.

6 Q. Seats into the plate.

7 A. The miter rail would be the rail on the bridge.

8 Q. Okay. Is the rail on the bridge approach to the bridge
9 also considered -- the bridge on both sides, are they both
10 considered miter rails?

11 A. Yes.

12 Q. Okay. Are they cut straight across or is there some
13 kind of a 45-degree angle cut?

14 A. Straight across.

15 Q. They're cut straight across. Okay. Is it a specialty
16 rail?

17 A. Yes.

18 Q. In that it's cut -- you know, it can't be just a plain
19 old piece of rail that's been saw-cut, drilled and put in?

20 A. To my knowledge, a specialty rail.

21 Q. What makes it special?

22 A. Well, it lifts out of a seat and it's movable also.

23 Q. Okay. All right. And during your inspection of the
24 miter rail, what do you do?

25 A. I walk the bridge looking at the rail and the components

1 on the rail: fasteners, plates and the timbers in which it's
2 sitting on.

3 Q. Do you have to operate the bridge to see if it works
4 properly then?

5 A. I do it manually to get across, yes.

6 Q. Okay. And then is there a way that -- you said the rail
7 lifts. Is there a way that you could see how that functions?

8 A. Yes. When I approach the bridge, the bridge is open,
9 but once the bridge closes, the rails seat down and that's -- is
10 that the function you're talking about?

11 Q. Okay. And do you do that from both ends of the bridge,
12 then, so you can see how both ends operate or do you just do it
13 primarily from one side?

14 A. Well, from both sides.

15 Q. Okay. Is that marked on your report that you do both
16 sides? You know, like if you were going to inspect in one
17 direction one week and then the other direction the other week, do
18 you mark the same thing with the miter rail inspection?

19 A. No, I don't.

20 Q. Okay. So have you taken any exception to the miter rail
21 inspections?

22 A. As far as?

23 Q. Any notations like, "I had to fix this" or "I had to do
24 that"; is there any problematic areas with the miter rails?

25 A. No, not on my end.

1 Q. Okay. How about the rail on the bridges -- on the
2 different spans, have you noticed any problems with gauge or
3 alignment on the bridges and the bridges that approach the movable
4 span?

5 A. As far as outside of Paulsboro, or --

6 Q. No, no, right there at Paulsboro bridge.

7 A. What's the question again?

8 Q. On the bridge rail -- you know, as a track inspector,
9 you're primarily focusing on the rail.

10 A. Right.

11 Q. Okay, and the track structure. Have you noticed any
12 misalignment coming into the bridges or on the bridge with the
13 track, anything?

14 A. No.

15 Q. Any waves in the rail?

16 A. No.

17 Q. No. How is the rail anchored on the bridge?

18 A. It's -- as far as?

19 Q. Rail anchors, are there rail anchors on the bridge or on
20 the approaches to the bridge --

21 A. Yes, there are.

22 Q. -- on the track? Is it box-anchored, or --

23 A. Oh, okay. Every tie is anchored.

24 Q. Every tie is anchored. How far back from the bridge is
25 it anchored? Do you kind of recall that?

1 A. I don't recall now.

2 Q. Okay. Is the rail section on the bridge different from
3 the rail section off the bridge?

4 A. No.

5 Q. No. Okay. And you know what I mean by rail section;
6 rail size?

7 A. The size?

8 Q. Yeah.

9 A. Yeah. Not that I can recall.

10 Q. Okay. I have no further questions.

11 MR. DEPAEPE: Mr. Tracy?

12 MR. TRACY: No questions.

13 MR. NOON: (Indiscernible) want to go.

14 UNIDENTIFIED SPEAKER: He already went.

15 MR. NOON: Oh, that's right. I'm sorry.

16 MR. DEPAEPE: Mr. Noon?

17 BY MR. NOON:

18 Q. I have a question. There's rail guards on the side of
19 the bridge, right, just before you go onto the bridge, those
20 orange things?

21 A. Yes.

22 Q. But they look fairly new. Are they new or they've been
23 replaced; have they been painted?

24 A. I believe they are new.

25 Q. When were they installed?

1 A. From the -- I believe in 2009.

2 Q. After the other accident?

3 A. Yes, if we're talking about the same thing. I'm not
4 sure --

5 Q. They're orange things. They're about this big and they
6 line the rails. What do they call those?

7 UNIDENTIFIED SPEAKER: Miter plates, miter shoes.

8 BY MR. NOON:

9 Q. Miter shoes? Okay. They are brand new?

10 A. Yes.

11 Q. Okay.

12 MR. DEPAEPE: We're going to go off the record here for
13 a moment.

14 (Off the record.)

15 (On the record.)

16 MR. DEPAEPE: This is Tim DePaepe again. It's 4:42 p.m.
17 We're back on the record. Mr. Noon of the FRA is questioning
18 Mr. Rivell.

19 BY MR. NOON:

20 Q. On one end of the bridge the rails are cut on an angle.
21 Which end of the bridge is that?

22 A. The south end.

23 Q. The south end, the pivot end?

24 A. Yes.

25 Q. Okay. I just had a question and I lost it. Oh, when

1 you're hi-railing and you're inspecting track and everything, you
2 take the whole track out of service; it's your track. When you
3 come to the bridge, do you tell the dispatcher you're at the
4 bridge and you're going to operate the bridge or you just do your
5 normal thing?

6 A. In an out-of-service?

7 Q. No, during your normal day, you come up to the signal,
8 it's red, you get out of the truck, you operate the bridge, it
9 opens, you go through. Do you notify the dispatcher that you are
10 at the bridge and you are going to go through it?

11 A. If -- I'm not sure if I understand the question. In a
12 traveling ticket, I would stop at the signal and go through all
13 the motions and close the bridge, get the green light and continue
14 south without notifying --

15 Q. Without notifying the dispatcher?

16 A. Yeah.

17 Q. Because --

18 A. However, in an out-of-service -- you said something
19 about out-of-service?

20 Q. No, no, no, in the normal sequence of things.

21 A. Yeah. Well, it's -- I'm normally traveling. I'll get a
22 lie to. So I approach the bridge and go through the process.
23 However, if I get the red light then --

24 Q. Then you have to --

25 A. -- I call the dispatcher.

1 Q. -- dispatcher. Okay. No, I'm just trying to clarify
2 that the dispatcher knows that -- or doesn't know that you have
3 gone through, operated it, and went through and everything is
4 normal. Just in case there is something, that it doesn't open as
5 you go out and you don't hear the message or something, that
6 somebody knows that -- I just want to know if the dispatcher
7 knows. That's it.

8 A. Okay.

9 MR. DEPAEPE: Mr. Hansler?

10 MR. HANSLER: No questions.

11 MR. DEPAEPE: Mr. Killingbeck?

12 BY MR. KILLINGBECK:

13 Q. Yes, this is David Killingbeck again. A couple
14 questions, Kevin. Earlier on, you indicated -- you used the term
15 when you were doing your inspections, I believe, track inspection,
16 but maybe you were referring to your monthly walking of miter rail
17 or bridge joint inspection, you used the term "base of bridge" or
18 "base of the bridge." What did you mean by that?

19 A. Let me rephrase. I meant approach.

20 Q. Okay.

21 A. So the approach of the bridge.

22 Q. Okay, thank you. I --

23 A. No, I'm sorry.

24 UNIDENTIFIED SPEAKER: Not a bridge guy.

25 MR. RIVELL: Yeah.

1 BY MR. KILLINGBECK:

2 Q. Well, no, I just wondered if maybe to Kevin the base of
3 the bridge was the south end or something and you always walked it
4 in a certain direction and --

5 A. Okay.

6 Q. So base of the bridge was the approach. All right.

7 You said way back that your last track inspection was on
8 November the 20th, which was a Tuesday. If you'd like to refer to
9 your notes?

10 A. Okay. Yes.

11 Q. And it -- due to the class of track, you're required to
12 do an inspection once per week?

13 A. Correct.

14 Q. Do you normally do it on a Tuesday?

15 A. Yes, that was always the practice; however, with busy
16 train traffic and some things that might take more time, a defect
17 that's fixable outside of the bridge -- you know, you're jumping
18 on and off track, so it might lead to a Tuesday that goes into
19 Wednesday or a Tuesday that goes into Thursday. So it's not
20 always a one-shot deal, if that's what you're asking.

21 Q. Well, no, where I was going with this is, if it was done
22 on the 20th, it would have been due sometime during the week that
23 ended with the accident --

24 A. Right.

25 Q. -- the derailment?

1 A. Right.

2 Q. What happened to the inspection that week?

3 A. Okay, this was -- if I can go through my notes here?

4 Q. Yes, definitely.

5 A. Okay, I did Penns Grove Secondary November 20th from CP
6 Woodbury to Deep. Okay, on the 21st -- that was for that week,
7 okay. I did some various tracks on the 21st. The 22nd was the
8 holiday, 23rd was the holiday. The 24th, 25th was the weekend.
9 The 26th, 27th I was off. Back on the 28th, at which time I did
10 from Camden and the Vineland Secondary into Millville.

11 The 29th, a Thursday, I finished up my morning in
12 Vineland and after lunch I went to Paulsboro Yard. The next day,
13 I arrived at Camden. Supervisor Tom Azzone (ph.) asked me what I
14 was -- what track I was inspecting that day. I mentioned I have
15 to do the Penns Grove from Woodbury to Deep and he had told me the
16 problem.

17 Q. Okay.

18 A. And I did from Deep -- I worked around the incident on
19 Friday.

20 Q. Okay.

21 A. So it wasn't -- so I guess maybe I should say I
22 inspected to Penns Grove on Friday the 30th, just not that portion
23 of the bridge that was out of service.

24 Q. Because at that point --

25 A. Right, correct.

1 Q. -- the wreck had occurred.

2 A. So what would have been done on Tuesday, I was on
3 vacation.

4 Q. Okay. One last question, if you can answer this. Well,
5 I'm going to -- be two questions. When you're operating hi-rail
6 on track, what operating rules are you following? Is Conrail
7 still under NORAC rules?

8 A. Yes. I would be following NORAC rules.

9 Q. Okay. As a non-train, as a hi-rail car, are you
10 permitted under NORAC rules to accept the green signal, the clear
11 signal at the bridge?

12 A. At the bridge, yes.

13 Q. Okay.

14 A. Yes, which is -- it's every other signal, I --

15 MR. DEPAEPE: We're going to go off the record for a
16 moment. It is currently 4:49 p.m.

17 (Off the record.)

18 (On the record.)

19 MR. DEPAEPE: This is Tim DePaepe. We're back on the
20 record at 4:50 p.m. Mr. Killingbeck is questioning Mr. Rivell.

21 BY MR. KILLINGBECK:

22 Q. This is Dave Killingbeck again. Kevin, you were saying
23 that you are allowed to accept that clear signal, that green
24 signal when the bridge is closed to allow you to proceed and do
25 your inspections. Do you know under what provisions you're

1 allowed to do that?

2 A. No. I would have to look in my book.

3 Q. Okay, thank you. That's all I have.

4 MR. DEPAEPE: All right, this is Tim DePaepe. I do not
5 have any follow-up questions. I'll pass it along to Mr. Gura.

6 MR. GURA: No follow-up questions.

7 MR. DEPAEPE: Mr. Bilson?

8 MR. BILSON: None for me, thank you.

9 MR. DEPAEPE: Mr. Tracy?

10 MR. TRACY: None.

11 MR. DEPAEPE: Mr. Noon?

12 MR. NOON: No follow-up questions.

13 MR. DEPAEPE: Mr. Hansler?

14 MR. HANSLER: No.

15 MR. KILLINGBECK: No.

16 MR. DEPAEPE: Mr. Killingbeck?

17 MR. KILLINGBECK: No.

18 BY MR. DEPAEPE:

19 Q. Before I wrap this up, Kevin, I'd like to ask you
20 specifically if you worked on that bridge within 24 hours of the
21 accident. The accident occurred approximately 7:00 on
22 November 30th, so did you work on that bridge at all on
23 November 29th?

24 A. No, I did not.

25 Q. Okay. One follow-up question I do have, you spoke --

1 you know, there were questions about you doing your weekly track
2 inspection of that particular section of territory and you
3 mentioned that there was a couple holidays, a weekend, then you
4 were off 2 days. So the question I have to you, does Conrail make
5 any provisions of having, like, a relief inspector or someone to
6 come do required tests when you're off and conditions like that?

7 A. Yes, they do.

8 Q. Do you know if they had anyone that was either
9 temporarily working the job or on call for that job for that
10 period of time?

11 A. Not for those 2 days.

12 Q. Okay. If that person was there working that job, would
13 it be expected of them to comply with that weekly inspection since
14 you were not there?

15 A. Yes.

16 Q. Okay. All right, that's all the questions I have.

17 What I'd like to do at this time, I'd like to give you
18 the opportunity -- we've asked you a lot of questions. We've kind
19 of been a little bit rapid fire. But if there's anything you can
20 think of that might help us in our investigation of this accident
21 that we may not have asked or something you may remember, however
22 insignificant, but this is your opportunity to give us that
23 information, and if you don't have any, that's find also.

24 A. Okay, I don't have anything.

25 Q. Okay.

1 MR. DEPAEPE: Well, at this time I'm going to conclude
2 the interview with Mr. Rivell. It is currently 4:53 p.m. and we
3 are done. Thank you, sir.

4 (Whereupon, at 4:53 p.m., the interview was concluded.)
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CERTIFICATE

This is to certify that the attached proceeding before the

NATIONAL TRANSPORTATION SAFETY BOARD

IN THE MATTER OF: CONRAIL DERAILMENT/HAZARDOUS
 MATERIAL RELEASE
 PAULSBORO, NEW JERSEY
 NOVEMBER 30, 2012
 Interview of Kevin Rivell

DOCKET NUMBER: DCA-13-MR-002

PLACE: Paulsboro, New Jersey

DATE: December 5, 2012

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.

Vanita Tildon
Transcriber