

On 10/29/14 at approximately 1130 hours this I/O and Inv's Gernon and Peterkin and Det. Colon were dispatched to MP 100 which is located in Rhinecliffe NY area to assist Det. Ulrich in regards to a Train pedestrian accident. It was determined that an Amtrak C&S Employee (later identified as Minwella Klein) while working on the mainline in that area was struck by Train #280 and killed.

Upon arrival at scene at around 1330 hours. This I/O met with Colombia County Sheriff's Investigator Forster. Train#280 was still at location and the work gang that the deceased was assigned to was at Hudson Rail Yard, Hudson NY. This I/O interviewed a one David Kestler. Mr. Kestler is a contractor for Henkler Group and his task is to splice wiring in that area. Klein was working as a signal helper at the time performing train protection duties for the contractor. Mr. Kestler stated that he was working in the hole adjacent to Track#1 and he observed the deceased walking past his area and he remembered the deceased stated that her legs were cramping from sitting in her truck and that she was stretching her legs. Kestler then stated that he heard the train and looked up and saw the train was stopped and he no longer could see the deceased. He then realized that she had been struck. Kestler was asked if he had a safety briefing before going out to the job site. He stated he did, he was asked if he knew if the deceased was their. Kestler stated that he did not remember if she was.

The following Amtrak C&S Employees were interviewed separately at Hudson Rail facility.

Mike LaBello [REDACTED]

Scott Kessler / [REDACTED]

Matt Hauser / [REDACTED]

The above employees are assigned to Gang# ACS3

All three employees stated that they reported to work today at 6am and that they went out to the job site at Tivoli crossing and that their safety briefing was given by Foreman James Novak Jr. [REDACTED]. Part of the briefing covered that Track#1 was a live track, whereas for the last three weeks it was not due to work related issues. The employees were aware of safety concerns and had proper precautions taken, such as Flagman and Signal helpers so as to foul the tracks when needed for the workers/contractors. When asked if the deceased was at the safety briefing the employees stated that due to her job she was not. Klein reports out of Hudson. Her job is to drive the Engineer and Conductor for the plow train to their equipment and then turn the switch for them to proceed to the work site. Klein then gets in her truck and reports to the work site and will be briefed at the location by supervision. Neither of the employees could say for sure that she was given the safety briefing because they were at one location and she was alone with the contractor.

The employees were asked if Klein had any problems such as emotional or if she seemed distracted or unhappy. Each employee stated that she never showed signs of being depressed, she was always happy talking about her children and she was confident and at ease with doing her job. When asked the employees stated that Klein was aware of the track switch from one to two and this proved to be evident when a log showed that at 0925 hrs Klein had fouled the track and then around 1020 hours it

was lifted for Train# 69. The same log showed that at 1058 hrs Train engineer for T#280 radioed that he had an emergency and had struck a worker.

The employees in their statements also stated that between 1050 and 1100 they heard the engineer frantic and yelling into the radio repeating emergency several times and then state that he hit a road worker. Employee LaBello stated that when he and the other workers responded to the area where Klein was struck they knew she was deceased and he covered her with a coat.

Inv. Peterkin secured a work log as well as the safety sign in sheet. Inv. Gernon has those documents. This is an ongoing investigation.