



I, F. Lippo LaMendola, have read the foregoing pages of a copy of my testimony given during an interview relating to the accident that occurred on June 10, 2017, near Queens Village, NY and these pages constitute a true and accurate transcription of same with the exception of the following amendments, additions, deletions or corrections:

<u>PAGE NO:</u>	<u>LINE NO:</u>	<u>CHANGE AND REASON FOR CHANGE</u>
7	10	After 1:30 add PM
7	11	After 1:30 add PM
7	12	After 11:30 add AM
8	19	After 7:30 add AM
8	19	After 8:00 add AM
10	24	Queens Freight not Queens 3
11	27	After and Add I

I declare that I have read my statements and that it is true and correct subject to any changes in the form or substance entered here.

Date: 7/26/17

Witness: [REDACTED]



I, Filippo LaMendola, have read the foregoing pages of a copy of my testimony given during an interview relating to the accident that occurred on June 10, 2017, near Queens Village, NY and these pages constitute a true and accurate transcription of same with the exception of the following amendments, additions, deletions or corrections:

<u>PAGE NO:</u>	<u>LINE NO:</u>	<u>CHANGE AND REASON FOR CHANGE</u>
15	22	wrote not drove
28	6	mud not one
29	2	After 2 add AM
29	2	After 4 add AM
29	3	After 12 add AM
29	3	After 5 add AM
31	1	After 2:45 add PM

I declare that I have read my statements and that it is true and correct subject to any changes in the form or substance entered here.

Date: 7/26/17

Witness: [REDACTED]



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31	2	After 2:30 add pm
31	3	After 5:30 add pm
31	3	After 11:30 add AM
39	3	After 7:30 add AM
40	1	After 7:30 add AM
40	1	After 8:00 add AM
40	12	after 1:00 Add AM

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<u>PAGE NO:</u>	<u>LINE NO:</u>	<u>CHANGE AND REASON FOR CHANGE</u>
40	13	After 11 add PM
40	20	After 12:30 Add AM
40	20	Track cars not Track claws
41	16	After 8:00 add AM
41	16	After 7 add AM
42	1	Queens Village not Queens Freight
42	2	Queens Village not Queens Freight

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Date: 7/26/17

Witness: [Redacted Signature]



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42	15	After 9:10 add AM
42	15	After 10:10 add AM
43	17	After 7:30 add AM
43	17	After 11:30 add AM
44	12	After 7 add AM
44	12	After 11 add PM
45	7	After 12:30 add AM

I declare that I have read my statements and that it is true and correct subject to any changes in the form or substance entered here.

Date: 7/26/17

Witness: [Redacted Signature]



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45	22	After 7:30 add AM
45	22	After 3:30 add PM
49	23	After 1:30 add PM
49	24	After 11:30 add AM
49	24	After 3 add PM
49	25	After 7 add PM
50	4	After 8 Add AM

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50	5	After 7:30 add AM
51	10	After 4 add PM
51	10	After 4:15 add PM
59	1	After 12 add AM
59	1	After 5 add AM
59	2	After 11 add PM
59	2	After 7 add AM

I declare that I have read my statements and that it is true and correct subject to any changes in the form or substance entered here.

Date: 7/26/17

Witness: [Redacted Signature]



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59	2	After 10 add PM
59	2	After 6 add AM
60	8	After sight, Add I was

I declare that I have read my statements and that it is true and correct subject to any changes in the form or substance entered here.

Date: 7/26/17

Witness: 

UNITED STATES OF AMERICA

NATIONAL TRANSPORTATION SAFETY BOARD

* * * * *

Investigation of: *

*

EMPLOYEE FATALITY *

LONG ISLAND RAIL ROAD * Accident No.: DCA17FR009

QUEENS VILLAGE, NEW YORK *

JUNE 10, 2017 *

*

* * * * *

Interview of: FILIPPO "PHIL" LAMENDOLA

Long Island Rail Road Offices
Jamaica, New York

Tuesday,
June 13, 2017

APPEARANCES:

JOE GORDON, Chairman, Track and Engineering Group
National Transportation Safety Board

ANNE GARCIA, Chair, Human Performance Group
National Transportation Safety Board

ED FLYNN, Chief Inspector
Region 1, Federal Railroad Administration

DON WILSON
Track and Engineering
Federal Railroad Administration

SEAN FITZPATRICK, Operations Safety Inspector
Federal Railroad Administration

DAVID HESS
Public Transportation Safety Board
New York State Department of Transportation

RAYMOND PERSAUD, Safety and Health Inspector
New York State Department of Labor

CHRISTOPHER DERONDE, Superintendent of Train Movement
Long Island Rail Road

GLENN GREENBERG, Deputy Chief Engineer
Engineering Department
Long Island Rail Road

MARTY SACCENTE, Accident Investigations Manager
Engineering Department
Long Island Rail Road

WILLIAM BATES
SMART National Transportation Safety Team

DOMINIC AMENDOLARE
SMART Transportation Safety Team

DON HILL
Safety Task Force
Brotherhood of Locomotive Engineers and Trainmen (BLET)

<u>ITEM</u>	<u>I N D E X</u>	<u>PAGE</u>
Interview of Filippo "Phil" LaMendola:		
By Mr. Gordon		6
By Ms. Garcia		19
By Mr. Greenberg		27
By Mr. Hill		33
By Mr. Wilson		34
By Mr. Flynn		36
By Mr. Saccente		38
By Mr. Persaud		43
By Mr. Fitzpatrick		45
By Mr. Gordon		46
By Ms. Garcia		49
By Mr. Wilson		54
By Mr. Persaud		56
By Mr. Fitzpatrick		57
By Mr. Gordon		59

I N T E R V I E W

1
2 MR. GORDON: Good afternoon. My name is Joe Gordon. I'm the
3 NTSB Track and Engineering Group Foreman for this -- or Group
4 Chairman for this accident. We are here today on June 13, 2017 at
5 the Long Island Rail Road office in Jamaica, New York to conduct
6 an interview with Mr. Filippo LaMendola, who is a Long Island Rail
7 Road employee.

8 This interview is in conjunction with NTSB Investigation that
9 occurred on June 10th where a Long Island Rail Road westbound
10 passenger train struck and killed a roadway worker near Queens
11 Village Interlocking. The NTSB Accident reference number is
12 DCA17FR009.

13 Before we begin the interview, let's go around the table.
14 Everyone introduce themselves. Please give a spelling of your
15 last name, who you're representing and your title. Please speak
16 accurately for the recording. I'll start off and then pass it to
17 my right.

18 Again, my name is Joe Gordon, G-O-R-D-O-N.

19 MR. LAMENDOLA: I'm Filippo LaMendola, L-A-M-E-N-D-O-L-A.

20 MS. GARCIA: Anne Garcia, G-A-R-C-I-A. I'm the Human
21 Performance Group chair for the National Transportation Safety
22 Board for this accident.

23 MR. GREENBERG: I'm Glenn Greenberg, G-R-E-E-N-B-E-R-G,
24 deputy chief engineer, Long Island Rail Road, Engineering
25 Department.

1 MR. HESS: David Hess, H-E-S-S, New York State DOT, Public
2 Transportation Safety Board.

3 MR. DERONDE: Christopher DeRonde, D-E-R-O-N-D-E,
4 Superintendent Train Movement, Long Island Rail Road.

5 MR. HILL: Don Hill, H-I-L-L, BLET Safety Task Force.

6 MR. WILSON: Don Wilson, FRA, Track and Engineering side,
7 W-I-L-S-O-N.

8 MR. FLYNN: Ed Flynn, F-L-Y-N-N, Region 1 FRA, chief
9 inspector.

10 MR. AMENDOLARE: Dominic Amendolare, A-M-E-N-D-O-L-A-R-E,
11 SMART Transportation Safety Team.

12 MR. BATES: William Bates, B-A-T-E-S, SMART National
13 Transportation Safety Team.

14 MR. SACCENTE: Marty Saccente, S-A-C-C-E-N-T-E, corporate
15 safety investigations,, Long Island Rail Road.

16 MR. PERSAUD: Raymond Persaud, P-E-R-S-A-U-D, safety and
17 health inspector, New York State Department of Labor.

18 MR. FITZPATRICK: Sean Fitzpatrick, F-I-T-Z-P-A-T-R-I-C-K,
19 FRA, OP safety inspector.

20 MR. GORDON: Thank you, everyone, for coming today.

21 Mr. LaMendola is it okay if we call you Phil for the
22 interview?

23 MR. LAMENDOLA: Yes, that's fine.

24 MR. GORDON: Thank you, sir. And you understand, we
25 discussed before we'll be recording today's interview. That'll be

1 transcribed.

2 MR. LAMENDOLA: Yes.

3 MR. GORDON: A copy of that transcription will be sent to you
4 for correction.

5 Do you wish to have a representative with you today?

6 MR. LAMENDOLA: No, I decline.

7 INTERVIEW OF FILIPPO "PHIL" LAMENDOLA

8 BY MR. GORDON:

9 Q. Okay. Thank you. And, you know, we're here as a team. You
10 know, everyone's here to -- in the interest of safety. We're not
11 here to assign any fault or blame. We're just trying to get the
12 details that you have from the day of the accident.

13 And to start off, if you could just give us a little overview
14 of your railroad career, when you hired out and what you've done
15 since you came to Long Island?

16 A. Okay. In 2004, I was hired as a track worker. I was a track
17 worker for about 3 years. I then qualified for foreman. I was a
18 foreman for approximately 4 years. I was then promoted to
19 assistant supervisor of track. I've been assistant supervisor now
20 for approximately 6 years. Thirteen years total on the railroad.

21 Q. Okay. And in the Engineering Department? Track and
22 Engineering the entire time?

23 A. Yes. I'm sorry. Yes.

24 Q. Okay.

25 A. Engineering and Track the whole time, yes.

1 Q. Okay. Going back to the morning of the accident. If you'll
2 just start with what time, you know, when you reported, and just
3 kind of walk us through the accident and, you know, any level of
4 detail known. You know, anything could be important to the
5 investigation.

6 A. Well, it kind of actually started the day before with me
7 because I'd worked that previous night. So what happened is that,
8 that Friday -- I don't even know the date at this point. I'm
9 sorry. That Friday I worked basically a half a day. I had an
10 appointment at 1:30 so I took a half day. I went to my son's
11 school at approximately 1:30, so I left the railroad here at
12 Hillside at about 11:30.

13 But I had set up the overtime work for that Friday night and
14 the weekend as well, which consisted of me taking out Montauk
15 Number 1 Track at Valley Stream Friday night from -- it was a 1:00
16 track time. We start the guys 11 headquarters; 12:00 at Valley
17 Stream, which Mr. Ollek was the RWIC of that job.

18 Q. Okay.

19 A. So basically we worked that job. We actually were removing
20 fouled ballast, replacing concrete ties. It was in one spot over
21 by -- between Bridges 1 and 2 in Valley, Montauk Number 1 track.
22 We completed that job at approximately 5 a.m., we gave the track
23 back. So at that point the guys went home or some guys went back
24 to their headquarters to get some rest. Very few guys continued
25 on to the Belmont standby, which started at 7 a.m. headquarters; 8

1 a.m. in Queens. Mike Ollek was one of them. He was the welding
2 crew foreman.

3 So as far as for me, at 5 a.m. when the job was done, I went
4 home for approximately 2 hours, had a cup of coffee, took a
5 shower, came back. I bought -- I actually went to Dunkin Donuts,
6 bought the whole crew donuts at Queens Village. I arrived there
7 at approximately 8 a.m. that morning.

8 I had checked in with Mr. Ollek because he decided to go to
9 Queens Freight. We have trailer there also, Queens Freight,
10 because he felt that Queens Village was crowded, which it was.
11 Because they had eight guys in that trailer, so he decided to go
12 with the welding crew to Queens Freight, which is normal. We
13 didn't -- I didn't have an issue with that.

14 So when I called him at 8 a.m., approximately 8 a.m., he said
15 he had already checked in with ESO, that his whole gang was in and
16 accounted for. So at that point I was in Queens Village. I had a
17 headcount at Queens Village. Victor Pepe was the foreman in
18 Queens Village, and his men. And he had also said that he had
19 previously called the ESO as well at approximately 7:30, 8:00.

20 So I proceeded to call the ESO to tell them that I'm there
21 now; if there's any issues in Belmont for the next 16 hours, that
22 I'm here, call me and I'll take care of it. Now, let's see, that
23 was approximately 8, 10 after 8. At approximately 9, 10 after 9,
24 I get a call from the ESO saying that in Belmont, Belmont Yard,
25 because there's two stop boards and there's two plastic bags over

1 these two stop boards that needed to be removed for the 9 a.m. It
2 was in the general notice these bags are supposed to be removed
3 for 9 a.m. and they weren't. I had no knowledge of this.

4 So the ESO did some investigating. They called me back and
5 they said, yes, you have to remove it; we don't know who's in
6 charge of this but we want you to do it. So I said, okay, no
7 problem. So I started getting the guys together to walk over
8 there to remove these bags. But at the same time I received a
9 text from my supervisor, Eric Ptarcinski, stating that Mr. Swanson
10 gave the order for us to inspect the interlocking -- inspect the
11 IJs within the interlocking because the previous day when I had
12 left, obviously, that Friday, there was an issue with the IJs.
13 There was an issue with an IJ touching or an issue with that.

14 So I said guys let's kill two birds with one stone. Being
15 that we have to walk from Queens Village to Belmont anyway, let's
16 inspect the IJs on the way there, inspect whatever IJs we missed
17 on the way back, and that'll be it. And then we just stand by.
18 It's pretty, you know, routine day. We do it all the time. So
19 the guys said, okay, no problem. Everyone put their vests on. We
20 had a briefing. Basically that was my briefing. Victor Pepe
21 filled out the briefing card.

22 Now, I called Mike Ollek because he was in Queens Freight.
23 He wasn't there at this point. I call him and tell him, you know,
24 what the job task was for the day. So he -- we decide that he was
25 going to walk Main Line 2 and 4 from Queens Freight down to

1 Belmont as we walked up Main Line 3 and 1 towards Belmont. So
2 when we get to Belmont -- I mean -- I'm sorry. We -- I was with
3 the Queens gang. I believe approximately eight employees: Victor
4 Pepe; he had a driver, Mike Weston; the machine operator was
5 Fabian McLeish; Charlie Johnson, a track worker. We had -- sorry,
6 it's hard to remember.

7 Q. Yeah, and that's okay. The names --

8 A. I really can't --

9 Q. Yeah, we can, we can get that.

10 A. -- can't recall that now.

11 So we have, have the whole, you know, Queens section gang
12 there. So we proceed to walk up through the interlocking
13 inspecting IJs, making our way towards Belmont. And we get to
14 Belmont, we remove the bags. I called the ESO saying both bags
15 are removed as of -- I'm not sure -- like 9:20, 9:30 at that
16 point. Maybe 15 minutes later we made it there. They said, okay.

17 So now I had my -- the Queens section driver drove his truck
18 around to Belmont. So they proceeded to go in -- they went in a
19 truck and they went to Bridge 3 in Queens by the Haystack over in,
20 over in Belmont. There's an area to get in by Bridge 3. So they
21 proceeded there and they started to walk from Bridge 3 towards me
22 over in Belmont, walking west -- I'm sorry -- from Bridge 3
23 towards Bridge 2. In the meantime, Michael Ollek was walking with
24 his gang from Queens 3 towards us at Bridge 2 on Main Line 2 and
25 4, they were covering.

1 Now, at that point we all met up at Bridge 2. There was an
2 IJ there. I'm sorry. I saw Mike Ollek. He crosscut an IJ over
3 at 222nd Street. I believe it was Main Line 2. He had done a
4 crosscut there, proceeded to us, met up with us over at Bridge 2.
5 We had done another crosscut there at Bridge 2. I believe it was
6 Main Line 2. It's all a blur right now. I believe it was Main
7 Line 2 we did another crosscut.

8 At this point now, we were walking back towards Queens
9 Village trailer, which in on Main Line 3 and 1, walking back west.
10 All of us started proceeding to walk west towards Queens Village;
11 222nd Street is where that trailer is, or the shanty I should say.
12 As we -- let's see. We're all walking together on Main Line 3,
13 walking west. When I get to the staircase at 222nd Street, Victor
14 Pepe and his gang walked down.

15 Now it's Mike Ollek, Timmy Molnar, Mario Audelo, Jose Torres,
16 and Pat Franzese, they were all left up there because those are
17 the only guys that remained to go back to Queens Freight. They --
18 I said, Mike, I'll call you if I need you. If the ESO calls me
19 with any emergencies, I'll call you. I know you're at Queens
20 Freight. I'll talk to you in a little bit. He said, okay, see
21 you in a little while. He proceeded down Main Line 3 with his
22 four men, his gang, and went down the steps. There's a bench
23 there. The gang all sat around the -- there's two benches there.
24 They all sat down on the bench, talking.

25 Approximately 5 minutes later I get a phone call from the

1 flagman, Mario, saying that Mike Ollek is dead. I was in shock.
2 I just, I just saw him 5 minutes prior. I said, I said goodbye to
3 him. And he's telling me he's dead. So immediately our first
4 instinct was to run up there and help him. So we all ran up
5 there, and within maybe 2 minutes, a minute -- maybe a minute,
6 Mario said there was no helping him, everyone just go back.

7 I didn't see anything. Some of the guys I believe did. I
8 did not. We just went back down. And at that point, his gang
9 came down with us. And the first person I called was
10 Mr. Greenberg to let him know what had happened. I was just in
11 shock at that point.

12 Q. I certainly understand and appreciate that account. You
13 know, that -- it is like a family and, you know, we understand
14 that's very difficult to speak to someone one minute and they're
15 gone the next.

16 A. Actually, as far as like a timeline, that was approximately
17 about 10 after 10, 10:15, I think I called him, something like
18 that.

19 Q. So the job briefing prior to, if you -- you talked about your
20 job. Can you talk to us about, you had discussed the work? Well,
21 first off, I think for clarity for everyone, ESO is -- what does
22 that stand for?

23 A. The Emergency System --

24 UNIDENTIFIED SPEAKER: Engineering.

25 MR. LAMENDOLA: Engineering?

1 UNIDENTIFIED SPEAKER: Engineering Systems Operator.

2 BY MR. GORDON:

3 Q. Okay. And they would notify you guys if there was any issues
4 out there?

5 A. Yes.

6 Q. All right. And crosscutting -- IJ, we established yesterday,
7 insulated joint?

8 A. Yes.

9 Q. Crosscutting an insulated joint, what does that involve?

10 A. What happens, when this flow on the rail, when the two -- the
11 rail ends come very close to touching, which closes out the
12 circuit where it detects -- it puts the signals to stop showing
13 that there's a train on the circuit. So therefore we --
14 preventative maintenance, we crosscut to eliminate that flow, to
15 eliminate that possibility of that happening, especially when it's
16 predicted to be 90-degree weather.

17 Q. Everything's going to be running tight, right?

18 A. Which it was that day, yes. It was -- we would expect to
19 expand, and then we didn't want issues for the Belmont Stakes that
20 day.

21 Q. Right.

22 A. And just to be clear, I mean, I was given the order to do
23 that. And I've done it dozens of times. I never had an issue
24 doing it. I felt it was safe. I mean, and I walked it with the
25 guys. I was there next to them.

1 Q. Right.

2 A. You could ask any of my guys, when I'm out on the job, I'm
3 with them. I wouldn't ask them to do anything I wouldn't do
4 myself. I'm with them 100 percent. I was with Mike until the
5 very last minute until he had to walk the other way. All he had
6 to walk is about 500 feet to that platform. Once he made it to
7 the platform, he could have walked up that platform, crossed over
8 to the other end to Queens Freight. He was home free.

9 Q. Yeah. Yeah, we've been out there. It was a short distance
10 where you guys split up.

11 A. I mean, I have guys walk 5 to 10 miles a day, foreman and a
12 watchman.

13 Q. Right.

14 A. Every day. You know, I didn't think having him walk with
15 four guys in his gang that would be putting them in harm's way.

16 Q. Right. With the crosscut, is that -- how did -- what kind of
17 tool do you use to make that?

18 A. Sorry. We use a rail saw at that point.

19 Q. Okay.

20 A. And that rail saw came from the Queens truck. Okay. He said
21 he had driven around from the Queens shanty to Belmont.

22 Q. Okay.

23 A. And he had taken it off over by Bridge 2, closer to Bridge 2
24 where we had performed that crosscut.

25 Q. Okay. And is it a hydraulic tool, gas powered?

1 A. Gas powered.

2 Q. Gas powered, okay. Okay. And if you're using that -- so is
3 it the same rail saw that you would use to actually saw rail?

4 A. Yes, yes.

5 Q. Do you have to clamp it to the rail to crosscut? Or do you
6 typically just --

7 A. No. Just typically just shave it. That's literally a 10-
8 second job.

9 Q. Right. Okay. Okay. Thank you.

10 And the job briefing, you spoke of the job briefing before
11 your crew went --

12 A. Yes.

13 Q. -- you know, kind of doing their work across to take the bags
14 off at Belmont and inspect the interlocking at the same time.

15 A. Yes.

16 Q. What was the on-track safety briefing? What did that consist
17 of as far as --

18 A. Well, I remember Pepe writing down mainly about Belmont Yard,
19 about the bags. I guess he used that as the focus of his
20 briefing.

21 Q. Right.

22 A. Because I saw he drove 15 miles an hour, but I reiterated to
23 the gang we're also going to be walking on 80 mile an hour
24 track --

25 Q. Right.

1 A. -- to get there. So he kind of used that Belmont job as a
2 briefing.

3 Q. Okay.

4 A. But in doing so we were, you know, crossing 80 mile an hour
5 track, and they all understood that.

6 Q. Okay. And was there -- what type of on track safety was
7 being used as far as getting across there?

8 A. Oh, a watchman.

9 Q. Okay.

10 A. We had, I believe, one watchman, and Mr. Ollek had one
11 watchman. So when we had met up at Bridge 2, we have two watchmen
12 out together.

13 Q. Okay. Okay.

14 A. Protecting the whole group. Then when we split up, he was
15 with his one watchman, and my watchman went downstairs with me.

16 Q. Okay. And who was your watchman? Do you remember who was
17 assigned that?

18 A. I believe it was -- I forgot his name too. I'm sorry. Just
19 a minute. Andrew Hagans (ph.).

20 Q. Okay. And did you guys discuss on that morning the --
21 anything about the -- I know you're familiar with Queens Village
22 interlocking. That's a place that you guys work.

23 A. This is the Queens section that that's all they do, work
24 right there.

25 Q. Right.

1 A. So they're very familiar with it.

2 Q. Okay. So they're aware of the train speed?

3 A. It's not like we had anyone from the outside there, from
4 another division, or from the east end of the railroad that's not
5 familiar with it. They're all strictly, they're all strictly from
6 that gang.

7 Q. Okay.

8 A. With -- I think with the exception of one or two guys that
9 were supposed to be with Ollek that decided to come to the
10 trailer, which was okay with us; it was just extra men with us, I
11 think there was one guy, Scott Paladino (ph.), that was on the
12 boom truck crew, that he came over to Queens Village. And also
13 Marlon Garcia and Vito Verga, that were listed under Ollek's crew.
14 But I guess they worked it out with Ollek to come over to Queens
15 Village as well.

16 Q. Okay. And about -- while you guys were out actually in the
17 tracks, about how many trains passed, would you say, if you --

18 A. It's hard to say. Maybe during that time I think one train
19 came into Belmont, about the time once we removed those bags from
20 the stop boards. And -- it's hard to say. Maybe six. I mean, at
21 80 miles an hour they fly by pretty fast. It's hard to keep
22 count.

23 Q. How about the -- we'll talk about two warnings, the warnings
24 from the trains. Did you feel like you were getting --

25 A. Yes.

1 Q. -- a horn from a train like you normally would?

2 A. Yeah, there was nothing, you know, that I would -- I could
3 remember at the time that caused me any concern about either the
4 trains or my flagmen missing any trains or anything like that.
5 Everybody was, you know, on the up and up. They were kind of, I
6 guess, happy to just do this and go back and stand by for the
7 race, get it over with, I guess.

8 Q. Kind of beat the heat a little bit.

9 A. Yes, beat the heat, yes. So that's why we said perfect
10 timing with this ESO call because we just do everything at the
11 same time while we're out, and that'll be it before it gets hot.

12 Q. Right. Okay. And the previous trains that came through, can
13 you talk to us about the warning that was given by the watchmen,
14 and then what steps the workers took after they received that
15 warning?

16 A. Well, basically, the only crosscut that I was really involved
17 with was at Bridge 2. So when he -- like I said, I believe it was
18 Main Line 2. I just can't remember. I think it was Main Line 2,
19 we had crosscut. We cleared to the south, cleared to the south of
20 -- yeah, which is in Belmont Yard basically.

21 Q. Okay. And there's a little bit of a wide spot in there
22 between like the yard and --

23 A. Yes, wide -- a wide spot, yes.

24 Q. Okay. And --

25 A. It's the east leg of the Y -- I'm sorry, west leg of the Y,

1 the east leg of the Y, and Main Line 4. So it's like a huge
2 triangle.

3 Q. Okay.

4 A. That's where our trucks parked and that's where we brought up
5 the tools from.

6 Q. Okay. And the previous trains, you remember clearing there.
7 On any the previous trains after warning was received, did you
8 guys ever clear in a track, just stay in place where you were?

9 A. Not that I remember, no.

10 MR. GORDON: Okay. I'm going to pass it over to Anne for
11 some questions there.

12 MS. GARCIA: Okay. Thank you, Joe.

13 BY MS. GARCIA:

14 Q. I just have some basic questions, clarifying some things.

15 A. Okay. Okay.

16 Q. Make sure I understand. You had mentioned -- you referred to
17 the crew that you were with and Mike's crew.

18 A. Yes.

19 Q. Like what were there official titles of the crews?

20 A. Okay. Mike had the welding crew, which is -- consists of
21 Michael was the foreman; I believe it was Jose Torres was his
22 driver of the 202 welding truck; then we had Vito Verga which is
23 the machine operator who's technically in charge of doing the
24 crosscut, that too he's qualified on; Marlon Garcia, which is the
25 actual welder; and Mario Audelo, which is the track worker who

1 usually flags in that gang.

2 He also had -- we had canvassed for a boom truck. That boom
3 truck consisted of Timmy Molnar, who's the driver of the 16T boom
4 truck; his trackman that normally works with that truck, Pat
5 Franzese; and I had canvassed an additional trackman because the
6 trackman that normally works on that truck was unavailable to
7 work. So I went in seniority order and I canvassed Scott Paladino
8 for that job. So now, like I said, Scott Paladino came to Queens
9 Village as well as Vito Verga and Marlon Garcia. I believe
10 everybody else out of all that -- out of those two gangs who were
11 with Michael.

12 Q. Okay. Thank you.

13 MR. GORDON: And we've got a personnel list here. If you
14 want to just take a look at it and see if that looks like we've
15 got everything correct on there?

16 MR. LAMENDOLA: Yeah, see Scott Paladino, I put him on this.
17 Because usually I put two trackmen with the boom truck. But like
18 I said, he came to Queens anyway. And like I said, Vito and
19 Marlon also came to Queens. That's why he had Pat Franzese, Timmy
20 Molnar, Mario, Jose Torres, and himself.

21 BY MS. GARCIA:

22 Q. Okay. So he didn't have a full welding crew --

23 A. No. He -- Vito --

24 Q. -- with him?

25 A. Vito and Marlon were at Bridge 2 with the tools, yes. That's

1 why he took the boom truck guys with him, Scott Paladino -- I'm
2 sorry -- Pat Franzese and Timmy Molnar with him as additional
3 help.

4 Q. Okay. That's helpful. And --

5 A. So he still had, let's say, per se, the 4 guys from that
6 welding crew.

7 Q. And the -- so, and then the other crew that you were walking
8 with, what's their title? Just Queens section?

9 A. Yes, it was like Queens section, which was Victor Pepe.

10 Q. Okay.

11 A. Mike Weston is his driver, who drove around the rail saw in
12 Belmont. Fabian McLeish, like I said, was the MOA, the machine
13 operator who was also qualified to do crosscuts with that saw.
14 Charlie Johnson, John Mulligan, Ray Gustaldi (ph.), and Andrew
15 Hagans, yes. I missed some of these names. They're part of the
16 Queens section gang.

17 The only outsider is Nick Corrado (ph.), because he's the
18 number one trackman in seniority order within my whole division.
19 So because I needed -- one person did not work from that Queens
20 section gang, so I canvassed Nick Corrado, being that he's number
21 one, and he took the job. And he's very familiar because he's --
22 he has 29 years on the railroad. He's very familiar with that
23 interlocking, as well.

24 Q. Okay. Good. Thank you for that. That helps.

25 You had -- another thing just for clarification.

1 A. Okay.

2 Q. You had mentioned at the beginning that there was something
3 about bags were over something?

4 A. Yes. What happened is they use these stop boards, and from
5 what I understand, on the race days only, once a year. So they're
6 covered, I guess, the other 364 days of the year. So that one day
7 these bags have to be removed.

8 Q. What is a stop board?

9 A. The train has to get permission -- it's like a stop signal
10 for a train. They have to get permission to pass that stop board.
11 Which is something we normally don't do because we don't really
12 deal with signals and signs. That's a B&B task. And they were
13 canvassed to do that, to remove these bags.

14 But from what I understand, the start time got a little
15 confused I guess where they -- instead of being at Belmont for 9
16 a.m., they were given a start time at 9 a.m. at their headquarters
17 at Richmond Hill. So therefore they wanted the bags removed.
18 That's why they called me to do it. I was right there.

19 When I got there, I found it out it was Chris Smith -- I
20 forgot his title. He's a conductor, union representative. He was
21 there and he had told me that, you know, B&B was canvassed to come
22 in at 10:00 for this, but they said I was told to do it now. So
23 we did it at that point.

24 Q. Okay. And where are those boards with bags over them? Where
25 are they located?

1 A. They're located where the east leg and the west leg of the Y
2 meet, basically going into the throat of the yard there by just
3 -- I want to call it east of the Cross Island Bridge.

4 Q. Okay. So you walked out there this morning and removed the
5 bags?

6 A. First thing, yes. We walked out there, removed the bags, and
7 then, like I said, they jumped in the truck and they drove around
8 to Bridge 3. I walked in the yard -- there's no tracks there --
9 with Vito Verga, and we walked right there to Bridge 2. And both
10 gangs met up there. That's when we did the crosscut. We just had
11 one or two trains passed by at that point. And then we proceeded
12 to walk back west towards Queens Village at 222nd Street.

13 Q. Thank you. That's helpful.

14 And the previous times that morning when a train would come
15 by and you had to clear up, where would you go? Where was it
16 safe?

17 A. Like I said, there were a few trains. I don't really
18 remember because we do it so many times and it's not something I
19 would pay attention because we -- but typically if we're on, let's
20 say, Main Line 4, we would just clear to the south. If we're on
21 Main Line 3, we just clear to the north.

22 And typically, I mean, when you're on an interior track, I
23 mean, if you see -- the protocol is to clear all the way to the
24 south. But sometimes with a lot of train traffic, I have to say,
25 sometimes it's hard. You may end up getting stuck on like the

1 adjacent track, which would be, let's say if you're on 1, you
2 could end up on 2, depending on how the train comes. But usually
3 there's plenty of room to clear.

4 Q. Okay. And so usually you would go completely off the tracks?

5 A. Yes.

6 Q. Either to the north or the south.

7 A. Of course there has to be some kind of circumstance that
8 would allow us not to.

9 Q. Right. And who makes that decision and how is it conveyed to
10 the other people?

11 A. Well, typically it's conveyed in the job briefing. When
12 we're doing a job like this, when we're walking through the
13 interlocking, it's basically said clear to the north when we're
14 walking on 3 and 1, or to the south when you're on 2 and 4.
15 Because you're just walking from point to point so we're not
16 having a job briefing every 50 feet or 100 feet. We're just
17 inspecting the interlocking. So it's kind of a known thing.

18 The flagman blows well in advance because you could see -- it
19 was a very clear day. He could see far down, miles down the
20 track, and that wasn't an issue that morning.

21 Q. Okay. So what would the watchman do? When the train is
22 coming, what would you expect him to do?

23 A. Blow the horn, raise the watchman discs, disc, and point to
24 the area to clear.

25 Q. Okay. Would he give any verbal orders?

1 A. Typically not, just blow the airhorn.

2 Q. Okay.

3 A. Unless he really had to give some kind of direction out of
4 the ordinary. But he typically would just blow the horn.

5 Q. So would the disc, he would show --

6 A. Where to clear.

7 Q. Where to clear.

8 A. And blow the horn.

9 Q. Okay. So if he was -- he would be looking in the direction
10 or clearing, he would put the disk out like that?

11 A. Yes, yes.

12 Q. Point?

13 A. Yes.

14 Q. Okay. Thank you. What would -- would he be looking for any
15 response from the men that he's providing protection for to
16 acknowledgment that they heard or understood?

17 A. Well, typically --

18 Q. Is that part of it or not?

19 A. -- everybody like gives a wave to acknowledge the train.

20 Q. Okay, raise their hand?

21 A. Yes.

22 Q. Okay.

23 A. I mean, obviously we'd see the actions of the guys if they
24 were clearing or not. He would continue to lay on the horn to get
25 their attention.

1 Q. Okay. That's very helpful. Thank you.

2 I've just got a different area. So you -- you've known Mike
3 for many years and you had a chance to talk with him that morning.
4 You were out there, saw him on the tracks. How did he seem to you
5 that morning?

6 A. He seemed okay, his usual, his usual self. I mean -- I mean,
7 he was -- when we were like -- when we were over -- when we
8 cleared up to the south there and we were waiting to get back into
9 the tracks, like he was talking to me. He was saying, like
10 talking about his -- he has a condo. He was getting a condo in
11 Cape May. He was very happy about it. He seemed okay. I mean,
12 he seemed cheerful. Nothing out of the ordinary.

13 Q. Good. Thank you.

14 In terms of training, I know that you're provided with a lot
15 of training, more than the crews are provided. And you're
16 familiar with the phrase fitness for duty? Okay, you've received
17 training on that?

18 A. Fitness for duty?

19 Q. Fitness for duty, how to assess a crewmember if they're fit
20 for duty. Are you familiar with that?

21 A. Not really, no.

22 Q. Okay. That's fine. What about fatigue risk management
23 training?

24 A. No.

25 Q. No? Okay. All right. If you were to -- if you had a

1 crewmember and just something seemed a little off, what would be
2 the things that you would be looking for in talking to them that
3 would make you -- would indicate to you that they shouldn't go out
4 on the tracks that day?

5 A. Well, if he's stumbling, maybe he's not speaking clearly, or
6 glassy eyes. But thank God in my career I've never really had
7 that situation where, you know, I had to worry about one of my men
8 in that respect.

9 MS. GARCIA: Okay. Thank you. Okay, I'm going to pass the
10 questions.

11 BY MR. GREENBERG:

12 Q. Phil, you know how I feel about all this, this is a sad day
13 for all of us. You know, you know, it's just tough. We'll get
14 through it together though.

15 I have just a question. You said you've been an assistant
16 for 6 years. How long in Sub 2? Pretty much all of it, right?

17 A. Oh, no, I'm sorry. About 4 years. I was in ROW. I was in
18 ROW first 2 years. I'm sorry if I didn't make that clear earlier.
19 But I also worked in Sub 2 as a foreman most of my career and as a
20 trackman.

21 Q. And you alluded to -- you were talking about the Queens
22 section gang, but how often would you say you assign either that
23 gang or other gangs in your subdivision to actually work in Queens
24 interlocking?

25 A. As far as -- at least once a week we have them walk the

1 interlocking, at least, at the very least. And as far as regular
2 maintenance, it's very difficult to do regular maintenance in
3 Queens because of the high-speed trains. You can't be changing
4 ties unless it requires a track out of service. But lately, the
5 past couple weeks, we have been taking the tracks out of service
6 between midnight and 5 a.m. to replace concrete ties and one spot
7 locations to do maintenance in Queens.

8 Q. I believe you also did a -- at least one, if not two, nights
9 right on Main Line 1, correct?

10 A. In Queens, yes.

11 Q. You were out west of the tower?

12 A. Yes. Yes, yes, we replaced -- I think it was approximately
13 15 concrete ties that night with the rail vac.

14 Q. So, you know, safe to say that you've done many major track
15 jobs in Queens --

16 A. Oh, yes, yes. No, no, I meant as far as regular inspection
17 or maintenance, we send a gang at least once a week just to walk
18 the interlocking in case there's any issues. But as far as any
19 defects, anything comes up, we have track walkers that walk it
20 also once a week. We have switch inspectors that inspect the
21 switches. Any defects at any time that come up or anything we're
22 concerned about we basically attack it that same day.

23 And like I said, they reported to us these mud spots. They
24 were small mud spots. They told us they're starting to get worse.
25 And right away we got permission to -- we got a track outage for 5

1 hours, to take that section of track, which is very rare; we
2 usually get about 2 hours, from like 2 to 4 they usually give us.
3 But we insisted to get from 12 to 5 so we could get that work done
4 in a safe condition. Because this way we could take the track out
5 and work safely. You basically can't do that during the day in
6 the Queens interlocking.

7 Q. Simple, routine, minor corrections such as what was being
8 done that day, tightening bolts --

9 A. Yes.

10 Q. -- loose clips, stuff -- that's typically done just under
11 watchmen protection, right?

12 A. Protection, yes.

13 Q. Yes. Not --

14 A. No track out of service, no.

15 Q. You typically don't get a track out of service or anything,
16 right? Did you have any particular safety concerns on that day in
17 terms of the ability for the gangs to protect themselves or
18 anything of the sort based on the resources they have?

19 A. No. Like I said, I was with them. I wouldn't put my men in
20 harm's way as well as myself. I was with them the whole time. I
21 felt safe the whole time. They were -- nobody complained about
22 any safety issues the whole time we were there. I mean, it didn't
23 even come up as an issues.

24 Q. Do you have -- or have you experienced times in Sub 2 where
25 either a foreman or the workers have expressed concerns about

1 working either in Queens or anyplace else in the subdivision as
2 far as sight distances or adequate number of watchmen or anything
3 like that?

4 A. Actually, yes, we did have a situation maybe about a month
5 ago where one of my track inspectors noticed a crack in a frog
6 over in Metro, Metro interlocking. That's over in Jamaica.

7 Q. Right.

8 A. Basically right here, just west of here. So it happened to
9 be a Friday. It happened to -- I think it rained 2, 3 inches that
10 morning. It was an insane amount of rain. So being that my
11 foreman put a restriction on it, I had to change it that day. So
12 we had located the frog to replace it over in Dunkirk Yard. My
13 gangs went to Richmond Hill because that's where we get the track
14 equipment on the tracks to come up to perform the work over in
15 Metro.

16 And because of the heavy, heavy rain my guys called me up and
17 they said Phil, we can't move these track cars. We can't see 5
18 feet ahead of us. We're afraid we're going to slide, whatever.
19 So we basically told them sit back and wait until it's safe to do
20 so. I mean, I'm not going to put you in harm's way. I said, if
21 it clears up and maybe if you want to move one track car to see if
22 you slide -- I mean, so you don't slide into another track car.
23 If the conditions allow you to move one track car, and that will
24 be it.

25 They ended up waiting a good 3 hours. We ended up moving the

1 track car at like 2:45. We had told 204 that was a 3-hour job.
2 And the guys still did it, once it stopped raining, from like 2:30
3 to 5:30. And this whole process started approximately 11:30.

4 So we took their word for it. We had them do it -- you know,
5 stand by, it needed to be done. And they had to deal with a
6 restriction for the whole day, but it is what it is. You know, I
7 didn't want my guys crashing and sliding into each other making
8 the track car move.

9 But it rarely, it rarely does happen. And when we do, we
10 address it right away.

11 Q. When did Michael come to Sub 2?

12 A. Actually he just came back to Sub 2 I think last week.
13 Because being that we have so many jobs going on he bid -- I
14 believe it was a construction job like 6 months back. He left Sub
15 2, went to the construction job, and now that they got abolished,
16 he's looking to come back here. And he had the opportunity to
17 come back, I believe it was last Wednesday, and just come back.
18 Yeah.

19 Q. But he -- he's a kind of regular --

20 A. Yes. He's familiar, yes.

21 Q. He's a regular in Sub 2, right?

22 A. Yeah, basically -- maybe on average 8 months out of the year
23 he's with us.

24 Q. And section or more like -- more welding?

25 A. Welding crew usually, which is the same job he was on.

1 Q. So even for you he's worked in Queens plenty of times.

2 A. Yes. And, you know, sometimes we have them -- I'm sorry
3 about the maintenance part of it. If we see like a flow on a
4 frog, we'll have them -- that's something they could do under flag
5 protection too. He'll sometimes ask us -- I'm sorry. He'll ask
6 us, being that these gangs have one trackman -- a welding crew,
7 like I said, consists of a driver, machine operator, welder, and
8 one trackman and the foreman.

9 When you're working in areas like Metro or Queens where it's
10 high speed and you need to spend, let's say, half an hour, an
11 hour, maybe, yeah, about that much time, we usually set up extra
12 flagmen. And they will usually take those trackmen from the
13 Queens section. So if he feels that he needs three flagmen --
14 three flagmen, you know, of advance watchmen to get the job done
15 safely, we'll do so. But the next step would be to take the track
16 out, if necessary.

17 Q. Did -- like I said, you know Mike well. Would you generally
18 consider him to be very safety conscious?

19 A. Yes. Yes. He always -- never really had a safety concern
20 with Mike that I could think of. He always did the right thing by
21 me. You know, he never lied. He always told the truth on any
22 situation whether I liked it or not. He was always honest with
23 me.

24 Q. Thanks, Phil. That's all I have.

25 UNIDENTIFIED SPEAKER: Pass.

1 UNIDENTIFIED SPEAKER: I have nothing.

2 BY MR. HILL:

3 Q. Don Hill, BLET. Just wanted to clear up some terms that you
4 used --

5 A. Okay.

6 Q. -- for the record. So -- because there's going to be a lot
7 of people reading this that won't understand some of this
8 terminology. Let's start with mud spots.

9 A. Yes.

10 Q. Would you please, for the record, explain how they come about
11 and why you need to re-address them?

12 A. Okay. Typically on concrete ties when the track starts to
13 deflect a certain point it causes a dust, a concrete dust or mud
14 or gook under the ties. And as it rains it just becomes like a
15 huge sponge. There's nowhere for the water to go. It just
16 becomes a big tub of water in that area.

17 So on an 80 mile an hour track you can actually see the
18 trains like bouncing over it. And, you know, once it gets to a
19 certain point, which -- you know, FRA standards and were not happy
20 with it, right away we schedule to get the rail vac in to suck it
21 all out, remove the concrete ties. What I usually typically do, I
22 remove all the concrete ties in that area, good or not, suck out
23 the bed underneath, maybe even up to a foot underneath, clear it
24 all out, install new ties, dump fresh ballast and come in with
25 surfacing equipment to surface that location to make it safe for

1 80 mile an hour track for the following rush hour morning.

2 Q. And you mentioned stop boards. With -- I'm not sure if
3 you'll be able to answer this. But what would be the authority
4 for a train to go by at that particular stop board?

5 A. I believe through the yardmaster.

6 UNIDENTIFIED SPEAKER: I'll answer that question.

7 MR. LAMENDOLA: Only because I know from Hillside it's Yard
8 2. That's what I thought. Belmont I'm not really --

9 MR. DERONDE: Chris DeRonde, superintendent train movement.
10 We use stop boards for Belmont, like he said, once a year for the
11 Belmont Stakes. We put manpower in Belmont Yard, which is a block
12 operator. And the authority in and out Belmont is from the block
13 operator. The stop boards are used to control the flow in and out
14 of Belmont Yard, where a normal day in and out of Belmont Yard is
15 just from the Queens Tower. But due to the volume of trains and
16 the priority of eastbound or westbound, we utilize the stop boards
17 to just control things a little bit more from the Belmont
18 perspective. So that's what we use. So once a year they're used.

19 BY MR. HILL:

20 Q. Okay. And last question is, is there a time when you would
21 ever use a supplemental shunting device for additional protection?

22 A. Shunting? Shunting device? No. We do not use shunting
23 devices.

24 MR. HILL: Okay. That's all I have. Thank you.

25 BY MR. WILSON:

1 Q. I'm really sorry, Phil.

2 A. Thank you.

3 Q. And I just don't know how to express it. I've been in track
4 a long time myself. I can't imagine what you guys have endured.

5 I have a couple questions. Don Wilson, FRA, W-I-L-S-O-N. So
6 let's not even talk about the incident, but just in general. You
7 know, even think of the week prior, whatever, okay?

8 How frequently do you guys end up clearing up on inside
9 tracks?

10 A. Like I said, it's got to be a very rare circumstance.

11 Q. Very rare.

12 A. Maybe, you know, two trains coming at the same time, you
13 know, in the distance, you know, it's --

14 Q. Okay. And when that suddenly happens I'm guessing it's the
15 watchman's call on that? Am I --

16 A. Yes, but like -- I'm sorry. Let me reiterate. It's usually
17 --- you're only clearing on an interior track when you're on an
18 interior track. If I'm on an exterior track, I will not clear
19 onto an interior track. I'd just obviously clear out.

20 So typically if you're -- if I'm on Main Line 2, for example,
21 and I see a train on 4, you might not want to cross in front of
22 that train to clear. So you might get stuck clearing into Main
23 Line 1. You just -- you know, it's not typical, but you might
24 have to do that sometimes. You want to be realistic, you know.

25 Q. In your job safety briefings, I guess you said earlier if I

1 heard you right, you specify that you're going to clear to the
2 north or clear to the south depending on the 2 and 4 -- well, vice
3 versa, 1 and 3 for north, and 2 and --

4 A. Four, yeah.

5 Q. Okay. And if -- so somebody mentioned the watchman
6 indicating stay in the inside track. How would he do that? Like
7 how would the other person know I'm not clearing to the inside?

8 A. The -- I guess by pointing the flag.

9 Q. Okay.

10 A. Pointing the watchman discs.

11 Q. Okay.

12 A. That basically tells everyone where to clear, you know, from
13 what he sees. Or maybe getting them from the advance watchman
14 what the advance watchman is pointing at.

15 MR. WILSON: Thank you. Appreciate you coming out.

16 MR. LAMENDOLA: No problem. Thank you.

17 BY MR. FLYNN:

18 Q. Yeah, Ed Flynn, FRA. Phil, I'm very sorry that you had to
19 experience this tragic event.

20 A. Thank you.

21 Q. I just have a few questions. First, just for clarification,
22 you just said that you only clear on a main line track when you're
23 on a main line track. Can you -- is that something that's a
24 common practice as far as --

25 A. Well, I mean, only when I'm on a main line track?

1 Q. Yeah, you only clear on a main line track, you said, when
2 you're on a main line track?

3 A. Inside. Inside. No, not always. Typically if I'm on a Main
4 Line 1 or 2, let's say --

5 Q. Yeah.

6 A. -- we typically clear right out.

7 Q. Sure.

8 A. But what I'm saying is, if there's two trains coming at the
9 same time on the exterior tracks --

10 Q. Right.

11 A. -- you're pretty much stuck in the middle.

12 Q. Right.

13 A. I want to be, you know, realistic. Where are you going?
14 You're not crossing in front of an 80 mile an hour train.

15 Q. Sure, sure. Understood.

16 A. So, yes. Very rare, but yeah, it can happen.

17 Q. Does it happen, does it happen often in your experience?

18 A. No, not that I really could remember, I mean.

19 Q. Okay. And the other thing, were you present during that
20 safety job briefing at the Queens Freight?

21 A. Yes. I actually basically gave the instructions.

22 UNIDENTIFIED SPEAKER: No, he asked at Queens Freight.

23 MR. LAMENDOLA: Oh, Queens Freight? I'm sorry.

24 BY MR. FLYNN:

25 Q. Yeah, the initial one.

1 A. Oh, no.

2 Q. Oh, you weren't present there? Because --

3 A. No, Queens Freight was Mike Ollek. I was at Queens Village.

4 Q. I see. Okay. Was there a secondary -- or a second job
5 briefing at Queens Village or at the Belmont Y; do you know?

6 A. Not that I would --

7 Q. Before they turned to come west again? After they went east,
8 before they --

9 A. Not that I remember, no. Because basically in the job
10 briefing we said that we're going to be walking in either
11 direction initially. So nothing really changed at that point. We
12 were doing the same.

13 MR. FLYNN: Right. No, that's good. Thank you very much.

14 MR. LAMENDOLA: No problem.

15 UNIDENTIFIED SPEAKER: No questions.

16 BY MR. SACCENTE:

17 Q. Marty Saccente. A couple of questions. I'm sorry to see you
18 here under this duress, these circumstances. I've known you a
19 long time. And I'm just sorry about it. Of course I've got to
20 ask you some of these that I've been asked to ask.

21 Did you perform the callout on Friday?

22 A. The callout? The canvassing?

23 Q. Yeah, yeah.

24 A. Yes.

25 Q. And it was --

1 A. Like I said, I took a half of day.

2 Q. Right.

3 A. So at 7:30 -- basically it's a simple canvass because all I
4 have to do is call the foreman of the Queens section, said, does
5 your gang want to work 7 a to 11 p? And same as the welding crew,
6 they're all senior guys.

7 Q. Right.

8 A. So as long as they all say yes, I'm done. The only person,
9 like I said, was Nick Corrado. I had to canvas because one
10 gentleman did not want to work.

11 Q. Yeah, yeah.

12 A. And like I said, that boom truck also. These are the two
13 guys that typically work on that boom truck. There's a phone
14 call. Timmy, you want to work? Yes, Pat will work.

15 Q. Yeah.

16 A. I just canvassed Scott Paladino, and that's it. I was done.

17 Q. All right. It's first done by section and then by seniority
18 outside, right?

19 A. Yes.

20 Q. Okay. About what time Friday did -- was Mr. Ollek and the
21 rest of those guys called? What time, do you remember?

22 A. What time were they called to be canvassed or?

23 Q. Yeah, for Saturday. What time did you give them a call on
24 Friday to come in on Saturday?

25 A. Probably -- probably maybe when even they checked in. They

1 check in with me about 7:30, 8:00. So I don't --

2 Q. All right. So it's early on in then?

3 A. We already knew that this was happening, obviously, the
4 Belmont Stakes. So I usually --

5 Q. Yeah.

6 A. Sometimes when they check in for their orders for the day
7 I'll say, are you looking to work for the Belmont, you know?

8 Q. Right. Okay. All right. Do you recall what the hours were
9 for that job on Friday night at Valley?

10 A. Friday night at Valley, yes.

11 Q. You took them (indiscernible)?

12 A. Yes, yes. It was -- what happened was approximately 1:00
13 track time. So I started the men at 11 because we had to move
14 track cars from Dunkirk --

15 Q. Right.

16 A. -- Hollis, into the work zone.

17 Q. Yeah.

18 A. So I wanted them to get the lineup ready. So this way, once
19 a track goes out, whatever time -- sometimes you get a little
20 early, 12:30, everyone's ready. We move the track claws in and we
21 get right to work. Because like I said, to do these mud spots, I
22 just explained there's a lot of steps that have to be done to get
23 80 mile an hour track back in service and I need every minute I
24 can get. So that's why I start them sometimes an hour earlier
25 just to make sure we have no surprises.

1 Q. Yeah. You have to shuffle equipment around on a lead.

2 A. Yep.

3 Q. Yeah. All right. So it ran from like 11 p to 5 a, right?

4 A. 5 a. Yeah, the shift was -- I canvassed it for 11 to 7.

5 Usually, it's typically an 8- hour shift.

6 Q. Yeah, 8-hour shift. Okay. All right.

7 And Mr. Ollek was going to be responsible for a welding gang?

8 A. No.

9 Q. No?

10 A. He was responsible for the -- he was the RWIC on that Valley

11 job. He was the welding gang foreman on the Belmont Stakes

12 standby.

13 Q. Okay. He was a welding foreman for Belmont. All right. And

14 these guys were instructed to report at Queens Village -- at

15 Queens Freight, rather, at 7 in the morning, right?

16 A. 8:00 because it was 7 headquarters. So typically we give

17 them tops an hour to get to the job.

18 Q. All right.

19 A. From the headquarters.

20 Q. All right. Did anybody -- I guess all of the guys, did they

21 take their own cars to the -- to Queens Freight?

22 A. To Queens Freight. The only maybe person or two might have

23 driven to Queens Freight was, like I said, Marlon Garcia and Vito,

24 because they -- they were supposed to be with Mike Ollek. I don't

25 know if Mike Ollek gave them permission at that point to meet them

1 in Belmont. Because I did see them at Queens Freight early in the
2 morning. So they might have maybe driven to Queens Freight -- I
3 mean, I'm sorry, Queens Village when I was there. And then when
4 we went around, they drove around. I think, if I remember
5 correctly, they drove around.

6 Q. That makes sense. That makes sense. All right.

7 Getting back to that whole determination to send a welding
8 gang out, you know, to inspect the track, about what time -- 9-ish
9 in the morning, you said, you get a text on that?

10 A. I got the text about, yeah, about 9, 9:10.

11 Q. All right.

12 A. To do the -- to remove the bags.

13 Q. All right, the bags. And what time was it -- the whole
14 incident, you know, remove the bags and do minor correction in --

15 A. One hour, 9:10 to 10:10.

16 Q. Okay. All right. And that was texted to you. And what
17 protection would they normally use in this location? Just
18 watchmen out there, right?

19 A. Yes.

20 Q. Okay.

21 A. Like I said, there's as many watchmen that we need.

22 Q. Yeah.

23 A. And then, if necessary, foul time. If it's like a weld
24 sometimes where we can get foul time to protect like an hour or
25 longer. We'll then -- typically anything after that we just set

1 up at night because it's -- you're not going to get time in
2 Queens.

3 Q. Yeah, yeah. I got it. I got it. All right.

4 The whole thing with clearing on live track, it's only if
5 you're a special circumstance?

6 A. Yes, yes.

7 Q. Sometimes. And I've worked over there and I understand how
8 fast they come over the hills, and it's no joke.

9 Okay. That's really all I have for now. Thank you,
10 Mr. LaMendola.

11 A. You're welcome.

12 BY MR. PERSAUD:

13 Q. All right. Good. I just got a couple things I want to clear
14 up. You can work the -- or failed to work on Saturday -- Friday
15 before you left to go -- before you took time off?

16 A. Yes, I took a half a day. So I worked -- I was in my office
17 from 7:30 -- or 7 a.m. to about 11:30.

18 Q. (Indiscernible), and you canvass then during that time?

19 A. Yes, their jobs.

20 Q. Mike and John was working?

21 A. Yes. And now, just to -- the irony in all this too, my
22 supervisor Eric just told me, being that I had left, we also had a
23 Mineola standby crew. Because if there's any additional problems
24 on the railroad we would send that one gang. That's also through
25 the ESO, not really through me because I was at Belmont. Sorry.

1 (Noise interruption.)

2 MR. PERSAUD: Did you hear them going?

3 UNIDENTIFIED SPEAKER: That's recorded (indiscernible).

4 (Crosstalk)

5 UNIDENTIFIED SPEAKE: You were saying about the Mineola?

6 MR. LAMENDOLA: Yes. So we had a Mineola standby crew as
7 well to handle any other issues outside of Belmont.

8 We sometimes -- usually it's Subdivision 3 that canvasses for
9 that gang. But when they run out of foremen, because they're
10 already working or whatever and they need to canvass from us, it
11 got down to Mike Ollek. He was offered the Mineola crew for that
12 Belmont same time, 7, 11. And he took it. When I had left, I
13 didn't know this. He says, okay, I'll take Belmont -- I'll take
14 Mineola instead. Then he called Eric back: No, you know what, I
15 think I'll stay with Phil, and I'll go to Belmont. Then he called
16 him back, you know what; I'm thinking about going back to Mineola.

17 Because then what happens is if he goes to Mineola we only
18 have two welding crews in Sub 2. The next welding crew foreman
19 would get the standby in Sub 2. So therefore it would kind of be
20 like helping his friend. If he takes Mineola, now the second guy
21 in line would get that job. But for whatever reason, maybe that
22 person -- that person ended up getting the Mineola, the number two
23 guy ended up getting the Mineola job. So Mike Ollek stayed with
24 me.

25 So he was kind of toying with the -- I guess it was destiny,

1 you know, just toying with the idea of maybe going to that other
2 job. He made like three phone calls.

3 BY MR. PERSAUD:

4 Q. Yeah, there was (indiscernible). Well, then you were off
5 Friday and then you had other work Friday night, and then came
6 back to work the standby on Saturday?

7 A. Yeah, Friday night I saw him at like 12:30. Brought the Form
8 L at about 1 a.m., gave the track back at 5 a.m. Therefore, he
9 had about 3 hours downtime. Like I said, I spoke to him at 8 a.m.
10 and he was at Queens Freight. Like what he did in between that,
11 you know, I don't know. He might have, you know, just got a nap
12 at Queens Freight. Maybe he went home, you know. That's the --
13 you know, downtime you get sometimes in between shifts.

14 MR. PERSAUD: Okay. I think that's all I have. Thank you.
15 I appreciate (indiscernible).

16 MR. LAMENDOLA: Thank you.

17 BY MR. FITZPATRICK:

18 Q. Yeah, my condolences. Sean Fitzpatrick from the FRA. Just a
19 couple quick ones.

20 Talk about his work schedule. Did he work first shift on
21 Friday?

22 A. First shift, 7:30 to 3:30, yes.

23 Q. So he works 7:30 to 3:30. Then he worked 11 to 5 a.m. on
24 Friday night. Then he worked 7 a.m. on Saturday morning.

25 A. Yep.

1 Q. Basically, okay. With the crosscut saw, when the five men
2 went on their own after the first cleared, did that five man crew,
3 did they have any power tools with them, or did --

4 A. No. Like I said, at that point Vito Verga and Marlon Garcia
5 had put that saw -- when I saw them do that last crosscut at
6 Bridge 2, they had put the saw back on the truck. Maybe they
7 might have had a hammer or hand tool but nothing to really do any
8 work. They're just walking back.

9 MR. FITZPATRICK: I got it. Thank you very much. I
10 appreciate that.

11 BY MR. GORDON:

12 Q. Okay. Joe Gordon, NTSB. You doing good? You need a break?

13 A. No, I'm okay.

14 Q. Okay. You guys work some long shifts out there.

15 A. Yes.

16 Q. Is there any way to -- as you -- you do the canvassing so you
17 do the calling in. Is there any way that you track the hours that
18 the guys have worked or is it pretty much seniority based, so
19 whoever's the oldest gets it?

20 A. Seniority based.

21 Q. Okay. And you were talking about working -- taking a track
22 out of service to do the mud spots, remove the concrete ties, suck
23 up the ballast and clean those areas up. If you get -- that's
24 done under track out of service.

25 A. Yes.

1 Q. Big equipment in there. When you take that track out of
2 service, what about adjacent tracks?

3 A. We stop work.

4 Q. Okay. Is there any protection?

5 A. We normally -- no. Like for a 4-, 5-hour job like that we
6 don't set up speed signs or restrictions or anything like that.
7 But we just stop work when an 80 mile an hour train's coming by.

8 Q. Okay.

9 A. You know, we just stop work, trains go by, and we continue
10 working.

11 Q. Okay. So you just --

12 A. As per the new FRA regulations.

13 Q. So you just stay in place in that track that's out of
14 service?

15 A. Yes.

16 Q. You don't have any protection on the adjacent tracks?

17 A. No.

18 Q. Okay. And following the accident, and I believe it was
19 yesterday, did you work yesterday?

20 A. No.

21 Q. You didn't work yesterday?

22 A. I've been home since the accident.

23 Q. Okay. Okay. Did you hear anything about the safety stand-
24 down that --

25 A. Yes.

1 Q. -- that they had yesterday? Any of the details from that, or
2 just that there had been a safety stand-down?

3 A. Honestly I was -- I was clicking through my emails real quick
4 because I was -- I didn't even want to answer my phone. It got to
5 the point where I just put my phones away.

6 Q. Okay.

7 A. But I did see something about clearing up, I believe, or
8 something real quick, I looked at it.

9 Q. Okay. And to your knowledge, anything changed with that --
10 not common circumstance, but where you guys would have to just
11 stay in one of the inside tracks? Has anything changed since the
12 accident as far as you know right now?

13 A. Not that I know -- like I said, I completely haven't been in
14 the loop. I barely got the time of the services. I really just
15 turned off my phones.

16 Q. Okay.

17 A. Because I was getting numerous phone calls about all kinds of
18 nonsense and --

19 Q. Yeah.

20 A. -- I just didn't want to deal with it.

21 Q. Yeah, take a look at that. You know, talk to some of the
22 guys about the safety alert and take a look -- or the red alert
23 and the stand-down. Take a look at it and see if that -- see if
24 anything changes as far as the perspective of what you may have to
25 do when clearing tracks.

1 MR. GORDON: I think that that's all I have right now. I'll
2 pass back over to Anne.

3 MS. GARCIA: Okay. Thank you, Joe.

4 BY MS. GARCIA:

5 Q. Just a couple follow-up questions. So you talked about what
6 you worked Friday and Saturday. What are your regular workdays
7 and times?

8 A. Monday through Friday, 7:30 a.m., 3:30 p.m.

9 Q. And this past week coming up to Saturday, what overtime
10 shifts did you have?

11 A. This past week up to Saturday? I worked Thursday night and
12 Friday night. I honestly don't remember Tuesday or Wednesday,
13 what I did. I really don't. I think I worked Wednesday --
14 Thursday night.

15 Q. What hours would those have been?

16 A. It's usually about the same, 11 to 7, or sometimes 9 to 5.
17 It all depends on the track time basically, but --

18 Q. Okay. So the Thursday night 11 p.m. to 7 a.m. Friday
19 morning, and then Friday the same?

20 A. Friday was the same, yes.

21 Q. Friday night?

22 A. Basically that was one of the reasons why I took a half day.
23 I was tired, had an appointment with my son's school at 1:30. So
24 I left 11:30 and went to the appointment, went to bed at 3. Woke
25 up at 7 for dinner. I went back to bed for about 3, 4 hours and

1 came back to Valley Stream. So I got like -- I did end up getting
2 like 8 hours' sleep in.

3 Q. Okay. Because you started working Saturday at?

4 A. Saturday I was at Queens Freight at 8, so -- like I said, I
5 probably had Dunkin Donuts at 7:30.

6 Q. Yeah.

7 A. When I left the house.

8 Q. What's your commute time going back and forth to work?

9 A. From Hillside about 15 minutes. I live about 10 miles away.

10 Q. Okay. So that would be to and from, 15 minutes, about the
11 same?

12 A. Yes.

13 Q. And morning rush hour it's 15 minutes to go?

14 A. Yes, because I'm against traffic.

15 Q. Ah. Got you.

16 A. I'm close and that's -- that's what allows me, you know, to
17 work so much, too. Because sometimes, like I said, we give the
18 track back at 4. I could go home, sleep for 2 hours, have a cup
19 of coffee, take a shower, and come back in.

20 Q. Okay. I'm sorry. I didn't quite -- so you get off at 3:30,
21 you can go home. Say it again?

22 A. Oh, I'm sorry. 3:30 p.m., my regular shift.

23 Q. Right. Right.

24 A. Usually -- I'm sorry.

25 Q. And when you pick up a night shift, so you get up at 3 p.m.,

1 you're going to be working again at 11 p.m. What do you do in the
2 time between?

3 A. So like from 3:30 p.m. when I get off, I usually leave here
4 -- leave my office at 3:40, walk to my car. It's a 15-minute walk
5 because they changed my parking spot, so -- to the other side. So
6 it takes me 15 minutes to walk to my car and then 15 minutes to
7 drive home.

8 UNIDENTIFIED SPEAKER: You know anybody in the sign shop?

9 UNIDENTIFIED SPEAKER: Sorry, Phil.

10 MR. LAMENDOLA: So usually, usually I'm home by 4, 4:15.

11 BY MS. GARCIA:

12 Q. Okay. Then what do you do?

13 A. I usually do homework with the kids, have dinner at about
14 5:30, 6:00. And usually when I know I'm going back in for 9, 10,
15 11, I try sleeping 2, 3, 4 hours, whatever I can get in.

16 Q. Okay.

17 A. And then I said -- then on the backend also, after the shift,
18 if I'm fortunate enough to finish, I could go home and maybe get
19 another hour or two and come right back.

20 Q. Okay. If you get off before 7 a.m.?

21 A. Yes. If -- I mean, if it's 7 a.m., I'll just come straight
22 back to the office.

23 Q. Okay.

24 A. But it's usually very rare. At the very least I'll go home
25 and just get a cup of coffee and -- because I'm so close. I'll

1 just take a shower, have a cup of coffee and come right back.

2 Q. Right. Okay. Good.

3 Can you give us some idea as to how much overtime you tend to
4 go for within a week or a month, or however you measure it?

5 A. Roughly it's -- approximately 2 to 3 nights a week. And then
6 we'll try to do -- you know, take advantage of a Saturday.

7 Q. Plus Saturday?

8 A. Plus Saturday, yes.

9 Q. Okay.

10 A. Like daytime, you know, 12 hours during the day, 16 hours if
11 it's a bigger job. If we can't get Saturday because of track time
12 for whatever, if something's going on, we'll try to get that
13 Sunday. But we'll try to take advantage at last one weekend day.

14 Q. Okay. And that would be -- did you say 12 to 16 hours?

15 A. Yes, typically yes. Because if it's an 8-hour job we usually
16 just do it at night.

17 MS. GARCIA: Right. Okay. Okay.

18 MR. GORDON: And just for clarification, for the record --
19 Joe Gordon. When you say take advantage, you're taking advantage
20 of trains not being -- of having a break in the trains?

21 MR. LAMENDOLA: We're taking advantage -- we're taking, let's
22 say, a station track out at Jamaica to work on a switch for an
23 extended period of time, 16, even 24 hours, depending on, you
24 know, the size of the switch or the kind of work we're doing, but
25 typically 12 to 16 hours. And they'll give us like a whole

1 station track, a support track, or whatever we need.

2 MR. GORDON: Yeah, that window of opportunity for trains.
3 Yeah, I just didn't want it to come -- I knew what you meant.

4 MR. LAMENDOLA: Yeah.

5 MR. GORDON: I just didn't want it to come through wrong on
6 the recording.

7 MS. GARCIA: Okay. Good.

8 BY MS. GARCIA:

9 Q. One last question. For the overtime crew on Friday night,
10 which it was you and Mike, was there anyone else from the two
11 crews Saturday that also worked Friday night overtime with you?

12 A. Yes. Let me think. I know it was like three or four -- let
13 me see. This is the list, right? Yeah. That's right. I
14 canvassed them, but it's a blur now. I believe it was Scotty
15 Paladino. I think Mario Audelo might have worked with me also.

16 Do you -- we don't have that list for Friday?

17 MR. GORDON: Uh-huh. No, we can --

18 MS. GARCIA: We can get it. We can get it.

19 MR. GORDON: Yeah, we can clarify that if you --

20 MR. LAMENDOLA: I just -- honestly I don't remember. It's
21 all, it's all a blur now.

22 UNIDENTIFIED SPEAKER: I think it was Mario.

23 MR. GORDON: Yeah.

24 UNIDENTIFIED SPEAKER: Mario indicated he'd worked. I don't
25 know if worked that job. He said he worked --

1 (Crosstalk)

2 MR. LAMENDOLA: Mike, Mario, and Scottie, I think.

3 MR. GORDON: Okay.

4 MS. GARCIA: Okay.

5 UNIDENTIFIED SPEAKER: I remember Mario mentioning it.

6 UNIDENTIFIED SPEAKER: Mario mentioned he worked because he
7 said (indiscernible) --

8 MR. LAMENDOLA: Yeah, Mario --

9 (Crosstalk)

10 MR. LAMENDOLA: Mario, Mike, Scottie, and I'm not sure, Timmy
11 Molnar's a driver. He's a pretty senior driver. So he might have
12 been -- I didn't see him actually on the drive -- job because he
13 drives a crew truck. He might have been with the crew truck. If
14 I remember correctly, I think I canvassed him. I'm not sure.

15 MS. GARCIA: Okay. Thank you. That's helpful.

16 That's all I have.

17 MR. GORDON: I'm going to look around the table one more
18 time. Anybody? Don Wilson?

19 MR. WILSON: Yeah. Don Wilson, W-I-L-S-O-N, FRA.

20 BY MR. WILSON:

21 Q. So I just have two questions. I am -- I cover Metro North a
22 lot, so I'm very used the idea that a shift -- the day/night/day
23 deal. I just wanted to ask, is there night gangs here also?

24 A. No.

25 Q. Or is it just the night work is done by the day gang?

1 A. Just one night emergency crew out of Mineola.

2 Q. Oh, okay. All right.

3 A. That's every night, 3:30 to 11:30, and I know in special
4 circumstances, like the Belmont Stakes or, oh, holidays, we'll
5 have a Mineola standby crew also.

6 Q. Okay. The one other question was in reference to something
7 that you said. And there's no right or wrong when you answer
8 this. But you mentioned the new FRA requirements about something.
9 I wasn't sure about what you meant for the record anyways. You
10 didn't say what you were referring to.

11 A. Like when you're working at tracks -- high-speed tracks,
12 adjacent high speed tracks, all movement stops. If I don't have a
13 speed restriction on the adjacent track all movement stops on my
14 jobsite.

15 Q. Okay. Thank you for your --

16 A. Basically. If I don't have adjacent track protection. Or if
17 I have -- if I don't have a physical barrier protecting me. Like
18 there was one night we worked in Queens maybe 6 months ago. We
19 did a mud spot in a bridge, we had a physical brick barrier, so we
20 didn't -- we did not stop. We could just continue working because
21 we're in a a bridge safe and --

22 Q. So you're referring to the adjacent track protection?

23 A. Yes.

24 Q. And you seem to know it well.

25 A. Yes.

1 MR. WILSON: Thank you.

2 BY MR. PERSAUD:

3 Q. Just two things. One, you know the text that you received is
4 a record kept of it?

5 A. I'm sorry the what?

6 Q. The text that you received to --

7 A. The text?

8 Q. Yeah.

9 A. Yes.

10 Q. (Indiscernible).

11 A. I have it. Do you want to see it?

12 Q. You keep it on your phone?

13 A. Yes.

14 Q. You haven't kept anywhere else?

15 A. The text?

16 Q. Yes.

17 A. No.

18 Q. Okay. Second one, you identify these problems outside like
19 the mud spots. And so then you've got to request that they give
20 you track time?

21 A. Yes.

22 Q. And then who decides when you get that track time?

23 A. Well, we typically go to a track outage meeting.

24 Transportation's at that meeting, and we ask for that section of
25 track, and they determine when's the best time for us to get that

1 amount of time or the most amount of time for that job. And we
2 schedule it accordingly, unless it's an emergency, I have to take
3 it out of service immediately to correct it. But usually we have
4 some time. I mean, we don't -- we're not in the business of
5 letting tracks go to that point.

6 MR. PERSAUD: Okay. I think that's --

7 BY MR. FITZPATRICK:

8 Q. Last one, Sean Fitzpatrick. Just curious, did Ollek work
9 Thursday night also?

10 A. I don't remember to tell the truth.

11 Q. Okay.

12 A. It's all a blur now honestly.

13 Q. Oh, I'm sure. I get you.

14 A. It's quite possible because he worked every job with me.
15 He's pretty senior. So he -- oh, wait. Actually, yes. Yes,
16 because he was on the ground crew. Yeah, sometimes because the
17 seniority, the senior foreman might take the RWIC. He might end
18 up on the ground crew. Because every job I usually have three or
19 four foremans. So he has enough time where he usually gets asked
20 for any one of those jobs. So one night he might be ground crew
21 foreman. The next night he might be a RWIC. The following night
22 he might be a welding crew foreman.

23 MR. FITZPATRICK: Got you. Thank you.

24 MR. GREENBERG: Sean, it's Greenberg. I believe we're going
25 to be providing all the --

1 MR. FITZPATRICK: Sounds good. I was just curious because
2 I --

3 MR. GREENBERG: It's been requested to provide all the work
4 hours and stuff.

5 MR. FITZPATRICK: Yeah, that was that card, the business card
6 I gave you. Just send it all to me. I'll put together the -- oh,
7 I'm sorry. It's been requested.

8 MR. LAMENDOLA: And like you said -- and you said -- like I
9 said, like we worked I believe it was that Thursday, that
10 Thursday/Friday we worked because we had that rail vac available.
11 The railroad pays 10-, \$12,000 a night for us to have that. So
12 when it is available to me, it's on the west end, we take
13 advantage.

14 MR. FITZPATRICK: I get it.

15 MR. GORDON: Okay. Anything else?

16 MR. SACCENTE: Eight hours Thursday would have been some --
17 Marty Saccente. The hours Thursday would have been something like
18 11 p to 5 a also, do you think? Do you recall --

19 MR. LAMENDOLA: That was -- I'm sorry. Let me think of
20 wherever it was now. I just said it. Thursday --

21 UNIDENTIFIED SPEAKER: It's a Thursday into Friday morning.

22 MR. LAMENDOLA: I was in Queens. I was in Queens Thursday,
23 yes. So that was -- like I said, with Queens they've been giving
24 us -- they've been helping us out. Like I said, it's a 2-hour
25 window that works. They've been working us -- working with us

1 from like 12 to 5. So when it's a 12 to 5 window, that's when
2 I'll usually do 11 to 7 or 10 to 6. Depending on when we feel
3 that we might get the track out, I'll start them an hour before
4 that.

5 MR. FITZPATRICK: Yeah, yeah, yeah. Makes sense. Makes
6 sense.

7 MR. LAMENDOLA: So we've been bouncing around with so many
8 shifts I can't keep -- I don't remember, honestly.

9 MR. FITZPATRICK: The work is seasonal, the window is small.

10 MR. LAMENDOLA: Yep.

11 MR. FITZPATRICK: And the work is heavy. Okay. That's all I
12 have. Thank you again, Mr. LaMendola.

13 MR. GORDON: All right. And I think we're almost done.
14 We're going to wrap this thing up.

15 BY MR. GORDON:

16 Q. I've got one question. A track outage, when you guys are
17 doing that, the mud spots, you got equipment setting on the rails,
18 do you -- third rail power, does it come down, or?

19 A. Yes.

20 Q. Okay. That's part of --

21 A. Yes, yes. That's part -- as a matter of fact when we work
22 with the rail vac, they will not even get out of the machine
23 because they actually rub up against it when they suck out the mud
24 up against the third rail. So they have to physically see, test
25 it before we do anything.

1 Q. Yeah. I don't blame them.

2 All right. So I think that's it. I always like to give, you
3 know, the person that's coming in and sitting down and talking
4 with us an opportunity. You know, we've asked a lot of questions.
5 But if you think we've missed anything that would help us in the
6 investigation, if you can think of anything?

7 A. Honestly, like I said, after I walked down those steps I
8 really don't know what happened. He was out of my sight, maybe 20
9 feet below track level and he walked -- they walked a couple
10 hundred feet west. I didn't hear anything. I didn't see
11 anything. All I know is that I said, I'll call you if I need you.
12 He said, goodbye Phil, and continued to walk with his gang.

13 Q. Okay.

14 A. On Main Line 3.

15 Q. And you've also got a unique perspective, you know, being in
16 the supervisory role and seeing all these guys work and everything
17 like that. Knowing the work that you do and the restraints, you
18 know, on time and everything else, if you think of anything -- if
19 you can think of anything that would be a safety improvement, you
20 know, feel free to share that with the group.

21 A. Track time basically. We'd love to get as much track time as
22 we can so, you know, guys aren't rushing to try to get a job done.
23 You know, like I said, we have a 2-hour window, which they work
24 with us. We try -- you know, they give us a 5-hour window. But
25 5-hour window sometimes, by the time you get track cars -- even if

1 the track is out at 12:30 --

2 Q. Right.

3 A. -- now we have to move the equipment in. Most of the time
4 they move the equipment in after the track's out of service. Then
5 third rail power has to be confirmed de-energized. So sometimes
6 now that 5-hour window becomes a 3½-hour window.

7 Q. Right.

8 A. Now, I open up a mud spot at 80, you know, 80 mile an hour
9 track, I have to make sure it gets done. So now sometimes I get
10 an extension, 6:00. You've got phones ringing off the hook, which
11 I don't blame them. It's rush hour.

12 Q. Right.

13 A. But, you know, it's hard to get jobs like that done and now
14 my guys are working a million miles an hour to try to get it done.

15 Q. Yeah, you guys move a lot of trains out there. And there's
16 only so many tracks, right?

17 A. Yeah.

18 Q. Yeah.

19 A. And I'm not saying they don't work with us. But it's just --
20 that's the way it is. There's, you know, there's so many trains
21 just the schedule doesn't work. And you just have to try the find
22 the time to do it, I guess, you know?

23 Q. Yeah, that's some of that pressure.

24 A. That's what would help, yeah.

25 Q. Yeah. Well, I appreciate that. And we really do appreciate

1 you coming in and sitting down and talking with us today. I know
2 it's an uncomfortable thing to have this many people around the
3 room. But you've given us a good perspective on what was going on
4 out there.

5 We're going to go off the record.

6 (Whereupon, 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: LONG ISLAND RAILROAD TRAIN FATAL
 COLLISION WITH PERSON
 ON JUNE 10, 2017
 Interview of Filippo "Phil" LaMendola

ACCIDENT NO.: DCA17FR009

PLACE: Jamaica, New York

DATE: June 13, 2017

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.

Rebecca J. Thompson
Transcriber