



I, Michael Broshowski, 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:

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No changes needed.

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: Nov. 8, 2017

Witness 

UNITED STATES OF AMERICA

NATIONAL TRANSPORTATION SAFETY BOARD

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Investigation of: *

*

EMPLOYEE FATALITY *

LONG ISLAND RAIL ROAD * Accident No.: DCA17FR009

QUEENS VILLAGE, NEW YORK *

JUNE 10, 2017 *

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Interview of: MICHAEL BROSHOWSKI

Long Island Rail Road Offices
Jamaica, New York

Friday,
September 15, 2017

APPEARANCES:

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

TOMAS TORRES, Rail Accident Investigator
National Transportation Safety Board

DON WILSON, Track and Engineering
Federal Railroad Administration

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

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

WILLIAM BATES, National Transportation Safety Team
SMART

DOMINIC AMENDOLARE, Transportation Safety Team
SMART

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

ANTHONY LAVORATORE, President
SMART Transportation Division Local 29
(Representative on behalf of Mr. Broshowski)

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I N T E R V I E W

1
2 MR. GORDON: My name is Joe Gordon and I am the NTSB Track
3 and Engineering Group chairman for this accident. We are here
4 today on Friday, September the 15th, at the Long Island Rail Road
5 Office in Jamaica, New York to conduct an interview with
6 Mr. Michael Broshowski, who works for the Long Island Rail Road.

7 This interview is in conjunction with the NTSB investigation
8 of the June 10th, 2017 accident where a westbound passenger train
9 operated by Long Island Rail Road struck a roadway worker in the
10 Queens interlocking in Queens Village, New York. The NTSB
11 accident reference number is DCA17FR009.

12 The purpose of this investigation is to increase safety, not
13 to assign fault, blame or liability.

14 Before we begin the interview, let's go around the table. I
15 ask you to introduce yourself. Please spell your last name, who
16 you're representing, and your title. I would like to remind
17 everyone to speak clearly for the recording.

18 I'll start off, and then pass it off to my right. Again, my
19 name is Joe Gordon. The spelling of my last name, G-o-r-d-o-n.

20 MR. BROSHOWSKI: Michael Broshowski, B-r-o-s-h-o-w-s-k-i.

21 MR. LAVORATORE: I'm Anthony Lavoratore, L-a-v-o-r-a-t-o-r-e,
22 from Local 29. I'm representing Mike Broshowski.

23 MR. WILSON: Don Wilson, W-i-l-s-o-n, Federal Railroad
24 Administration, Region 1, Acting Specialist.

25 MR. GREENBERG: Glenn Greenberg, G-r-e-e-n-b-e-r-g. I'm the

1 deputy chief engineer of the Long Island Rail Road.

2 MR. BATES: William Bates, SMART National Transportation
3 Safety Team, B-a-t-e-s.

4 MR. AMENDOLARE: Dominic Amendolare, A-m-e-n-d-o-l-a-r-e,
5 SMART Transportation Safety Team.

6 MR. SACCENTE: Marty Saccente, S-a-c-c-e-n-t-e, Accident
7 Investigations Manager of the Long Island Rail Road Corporate
8 Safety Department, Engineering.

9 MR. HILL: Don Hill, Safety Task Force, BLET, H-i-l-l.

10 MR. TORRES: Tomas Torres, NTSB, T-o-m-a-s, T-o-r-r-e-s.

11 MR. GORDON: Okay. And, Mr. Broshowski, do you go by Mike,
12 Michael?

13 MR. BROSHOWSKI: Michael is fine.

14 MR. GORDON: Michael?

15 MR. BROSHOWSKI: Michael or Mike. It doesn't matter.

16 MR. GORDON: Okay. If it's okay, we'll call you Michael for
17 the interview?

18 MR. BROSHOWSKI: Okay.

19 MR. GORDON: Okay. And do we have your permission to record
20 our discussion today?

21 MR. BROSHOWSKI: Yes.

22 MR. GORDON: Okay. And you understand that the transcript
23 will be part of the public docket and, as such, we cannot
24 guarantee any confidentiality?

25 MR. BROSHOWSKI: Yes, sir.

1 MR. GORDON: Thank you, sir. And you have a representative
2 with you today.

3 If you could introduce yourself again?

4 MR. LAVORATORE: Sure. It's Anthony Lavoratore,
5 L-a-v-o-r-a-t-o-r-e. I'm the chairman for Local 29.

6 MR. GORDON: Okay. Thank you.

7 And just to remind everyone in the room, we'll pass it around
8 for questions, please introduce yourself before you start
9 questions.

10 INTERVIEW OF MICHAEL BROSHOWSKI

11 BY MR. GORDON:

12 Q. So, with that, Michael, I appreciate you being here with us
13 today. If you could just start out by giving us a brief overview
14 of your railroad history, when you hired out, and kind of the work
15 that you've done since you came to work for Long Island Rail Road?

16 A. Sure. I started in March of 2004. I started as a trackman.
17 I went to foreman training in my third year, so it would be 2007.
18 In 2008, I finished foreman training and I've been holding a
19 foreman position since then, to date.

20 Q. Okay. And as part of your job as a foreman, can you kind of
21 describe some of your duties and responsibilities?

22 A. My duties are, each morning, to report to my supervisor and
23 my assistant supervisor to receive orders, execute those orders
24 through the day, and report at the end of the day to what did or
25 did not get done.

1 Q. Okay. And in that role as a foreman, do you work as a
2 roadway worker in charge for the work group, or is that assigned
3 to someone else on your team?

4 A. I would be the roadway worker in charge if it was me and my
5 gang only, if there was no out-of-service track or if it was a
6 small job. If we have a bigger job that required an EIC, then I
7 would report to them during those jobs.

8 Q. Okay. And part of your duties -- the accident of course that
9 we're here to talk about today occurred in Queens interlocking.
10 Do you work -- part of your duty is to work in that Queens
11 interlocking?

12 A. Yes, I work in Queens interlocking.

13 Q. Okay. All right. When I say minor correction, routine
14 inspection, that type of work, is that a type of work that you
15 would do with your crew from time to time out there?

16 A. Yes.

17 Q. Okay. So just kind of give me your ideas of what that type
18 of work would be.

19 A. Minor corrections, maybe replacing a track bolt or a bar,
20 hitting down high spikes, putting on pretzels, maybe some tamping
21 by hand.

22 Q. Okay. Okay. And working in the interlocking doing that
23 minor type of work, what form of on-track safety would you
24 typically -- would your work group typically be working under?

25 A. Depending on which track I'm on, how many men I have with me,

1 exactly which task I'm performing. Every situation would be
2 different.

3 Q. Okay. So can you tell us about some of the different methods
4 that are available to you to use in there?

5 A. Sure. Sure. You could use -- obviously, roadway worker
6 protection would be a watchman. You could use foul time, track
7 out of service, if necessary.

8 Q. Okay. Okay. And you're qualified to put all those different
9 methods on on-track safety in place?

10 A. I am.

11 Q. Okay. All right. Going out to do that type of work -- let's
12 just say, for instance, just routine, you're going out to, you
13 know, inspect, maybe get some information on a job that's coming
14 up. You're just basically going out there to look around. What
15 would you typically use? What form of on-track safety would
16 typically be used for that type of work?

17 A. I would use a watchman, gang watchman.

18 Q. Okay. And can you describe to us -- if you and your work
19 group decide that you're going to use train approach warning to do
20 any type of work in the interlocking, just kind of describe to us
21 the job briefing that would be given and how that would -- you
22 know, what the actual protection would look like.

23 A. Okay. Depending on, again, which track you're on, I would
24 let my men know which track we're working on, the speeds in the
25 interlocking, let them know about, in Queens, the trains that

1 cross over for the Hempstead. I would describe to them exactly
2 what our job is, what we're looking to accomplish before we leave
3 the tracks. And part of that briefing would be everybody signing
4 my briefing card, giving them the rule of the day and making sure
5 everybody understands, you know, the job, the task at hand.

6 Q. Okay. And from your understanding, in the Queens
7 interlocking is there -- the sight distance, is the sight distance
8 sufficient in there for the --

9 A. Quite sufficient in Queens, yes.

10 MR. GORDON: Okay. That's all the questions I have to start
11 with. I'll pass it over to Mr. Wilson.

12 MR. WILSON: No, I don't have any questions. Thank you, Joe.

13 MR. GORDON: Okay.

14 BY MR. GREENBERG:

15 Q. Mike, I have a question. This is Glenn Greenberg. How easy
16 or difficult is it to get foul time in Queens interlocking?

17 A. Queens interlocking is not easy due to the trains that come
18 off the Hempstead and all the main lines; then you have race
19 trains occasionally; especially at rush hours, and generally
20 throughout the day in Queens it's not very easy to get foul time.
21 You've got the high-speed crossovers they're using continuously
22 and they're not easy.

23 MR. GREENBERG: Okay. Thank you.

24 MR. BATES: No questions.

25 MR. AMENDOLARE: No questions.

1 MR. SACCENTE: No questions.

2 BY MR. HILL:

3 Q. Don Hill, H-i-l-l, BLET Safety Task Force. Just for the
4 record, EIC stands for employee in charge?

5 A. Yes, it does.

6 Q. Okay. In answer to a question that you stated earlier, you
7 stated that there were different methods you could use for
8 obtaining foul time. Do you use these various methods -- I'm just
9 speaking now in general, so you state if you agree with it or
10 disagree. Do you use these methods determined based upon your
11 experience and what you believe will be the most safest method to
12 use for determining the type of method you will use?

13 A. Well, there's only one way to get foul time and that's to
14 establish foul time. There's different methods of protection.

15 Q. I'm sorry. I said foul time. Methods of protection is what
16 I meant.

17 A. The most efficient -- the safest form of protection is track
18 out of service through Form L or general notice.

19 Q. Well, I guess I should have been clearer. What I was asking
20 is, based on your experience, you would use whatever method of
21 obtaining protection based on your experience; is that correct?

22 A. I'm not sure I understand the question completely.

23 Q. Okay. You stated that you have watchman, foul time that you
24 could obtain, or track out of service, those types of methods for
25 obtaining protection. You would use one of those three based on

1 your experience because you know which one would be most
2 efficient; isn't that correct?

3 A. Yeah, I would make the decision. Depending on the work at
4 hand, I would decide which method of protection I need to use.

5 Q. Okay. That's essentially all I was trying to establish for
6 the record.

7 A. Okay.

8 Q. And you also testified that you said it's not easy to get
9 foul time in Queens. Do you think that, from your experience,
10 that may dissuade you from asking for foul time in Queens when you
11 should?

12 A. At times, I would say it might.

13 MR. HILL: Thank you. That's all I have. Thanks.

14 BY MR. TORRES:

15 Q. Okay, Tomas Torres with the NTSB. Can you go back to your
16 job briefing? Like when you make the determination what kind of
17 protection you're going to use, how do you assess a situation, you
18 know?

19 A. Well, let's imagine for a minute I have to change a bar, a
20 broken bar. I would have to have foul time or track out of
21 service because I'd be -- because trains can't run over that type
22 of job once it's in progress. If I was, for instance, just going
23 to measure out a job for another day, I would just determine which
24 track I'm going to be on and how many watchmen I need or whether
25 or not I do need the foul time, if I'm laying down a ruler or if

1 I'm just eyeballing things. So every situation will be different
2 depending on the task.

3 Q. Okay. And if you're going to use -- if you're going to
4 employ a watchman lookout, I mean, what's the method? You know,
5 how do you go about it?

6 A. In other words -- I'm not sure if I understand the question,
7 but if I do correctly, I would place them in a position that I
8 feel is safe or have a discussion with them and come to an
9 agreement on where I think -- where we think they should be. And
10 determine, first of all, if I need one or two watchmen out, or
11 three or four, depending on my line of sight, day or night. Every
12 situation, again, is going to be different to determine how many
13 or where I station my watchmen.

14 Q. So you'll decide where they're going to be stationed, where
15 they're going to be located?

16 A. Yeah, if we're working in a central location. If I'm doing
17 an inspection and we're walking together, well, then that watchman
18 is going to be either behind or in front of me, or I'll have one
19 in each direction depending on the circumstances.

20 Q. And how do you determine what's going to be your safe
21 location?

22 A. The easiest location to clear. But if I'm walking, that's
23 changing continuously, so --

24 Q. And how do you keep an update on that?

25 A. I'll discuss it with the men as we move along.

1 Q. So it will be continuously --

2 A. It would have to be.

3 Q. And then you don't predetermine where the --

4 A. It would be being determined as we would move along. So if I
5 see a safer place than the last place I told them about, that
6 would be the new place.

7 Q. And you're the one that makes the decision?

8 A. Yeah.

9 Q. Okay.

10 A. I'm the RWIC. It's my decision.

11 Q. And the watchman, now, what would be the watchman's duties?

12 A. By the book, to provide 15 seconds clearance time before the
13 train arrives on the jobsite.

14 Q. And how would he do that?

15 A. By blowing a horn or a whistle, holding a disc in the air,
16 and then instructing my men and myself to clear where we've talked
17 about. Or to stay put in some instances.

18 Q. Yeah. So you would stay -- so he'll sound the horn or a
19 whistle?

20 A. Absolutely.

21 Q. And raise the banner up in the air, and then he'll do what
22 after that? Once he provides warning, what happens after that?

23 A. Well, he will either have cleared with us or stayed with us
24 in whatever location we're at, wait for the train to pass, be sure
25 that we're safe to go back into or continue our work, and let us

1 know by pointing in with the flag and telling us that we're safe
2 to resume.

3 Q. So he'll point to the place of predetermined safe location
4 or --

5 A. To clear, yes.

6 Q. To clear?

7 A. Or again, if we're supposed to stay. You know, if I told my
8 men to stay where they are, he'll just hold the disc straight up
9 and not point because I don't want anybody to move.

10 Q. Okay. Then do you use live track to stay put or --

11 A. Not generally speaking, we don't, but I have.

12 Q. And what would -- what are those situations where you do stay
13 on a live track?

14 A. If I'm doing just an inspection and I'm on a live track and I
15 have a line of sight in each direction, as in Queens, where it's a
16 mile or 2 or 3 in each direction, and I don't feel the need to
17 clear out three tracks to just continue my inspection, I might
18 stay in.

19 Q. Are you allowed to stay in a live track?

20 A. To the best of my knowledge, no.

21 Q. But it's practiced out there?

22 A. It is. Not often, but it is.

23 Q. Yeah. And does your supervisor or anybody say anything about
24 that?

25 A. I don't know if I've discussed it with them, but I generally

1 don't do it.

2 Q. How often do you get tested, like a manager goes out there
3 and makes an assessment on how you're doing and how the -- that
4 you have the right protection?

5 A. I would say lately probably once every 2 or 3 months I have a
6 safety -- somebody from safety approach me, or a supervisor.

7 MR. TORRES: Okay, I'll pass it on to Joe for now.

8 BY MR. GORDON:

9 Q. Thank you. Michael, thank you for that information. That's
10 really helpful. Tomas asked about how often someone would come
11 out and, you know, kind of do a safety check on the work group.
12 When they come out and do that, do they follow up with you and let
13 you know everything looked good or, you know, everything looked
14 good but we saw some areas for improvement?

15 A. We've been critiqued, absolutely.

16 Q. Okay. Okay. But do they always touch base with you
17 afterwards and give you some feedback one way or the other?

18 A. I don't think I've ever been talked to after the incident,
19 after I've been stopped, no. I don't think anyone's ever
20 approached me afterwards.

21 Q. Okay. All right. And you said that it's not easy, just with
22 so many trains coming through that interlocking, it's not easy to
23 get foul time. You know, perfect world, if you were going out
24 there to do work and your guys are going out there to work, what
25 would you -- what would be your, you know, best-case scenario on

1 how you would protect the guys?

2 A. Best-case scenario is always track out of service. If it was
3 easy to get foul time, I would say foul time would be definitely
4 the way to go. The thing with foul time, again, is it depends on
5 where you are. If you're in Jamaica interlocking, I mean, you
6 could wait over an hour, sometimes longer than that, to get 5
7 minutes of time to do a simple task. In Queens, I've waited as
8 much as 45 minutes, you know, to the best of my knowledge,
9 recently, to have three or four trains come past me.

10 You know, time of day is always another thing. You know, is
11 it rush hour; are they trying to get trains out east for the
12 morning rush? You know, depending on time of day.

13 Q. Right. You mentioned one limitation with using train
14 approach warning and like a bar off making the track impassable.
15 If you were doing anything that was going to affect the safe
16 passage of trains, you wouldn't use train approach warning. Are
17 there other limitations besides making the track inaccessible,
18 different things that you guys would be doing, or possibly tools
19 you would be using? Are there other things that would kind of not
20 fit that train approach warning as being the appropriate method?

21 A. Sometimes welding. If you have, you know, too much -- too
22 many pieces of equipment or men in awkward positions that have to
23 get up and clear out, up and down, several times. It could be as
24 many as 15 or 20 times during one weld that they have to stop what
25 they're doing, get up, clear out, wait for a train to go by, or

1 two trains to go by, and then come back in. Other than welding,
2 generally, you know, simple tasks wouldn't need more than either
3 foul time or watchman lookout.

4 Q. Okay. What about slotting a rail, like if you're using the
5 rail saw just to open up the end at an insulated joint, is that
6 something that could be done or that you've seen done under train
7 approach warning?

8 A. Yeah, I've seen that done, especially if it's handheld.

9 Q. Just a handheld? Is that like a gasoline engine on those?

10 A. Yeah. Yeah.

11 MR. GORDON: Okay. I think that's all I've got for now.
12 I'll pass it around.

13 MR. WILSON: Yeah.

14 MR. GORDON: Okay.

15 MR. WILSON: Do you have any?

16 UNIDENTIFIED SPEAKER: No.

17 BY MR. WILSON:

18 Q. Wilson, W-i-l-s-o-n. So I just wanted to know, you're the
19 RWIC, typically, right? And you've been taught -- I'm asking that
20 as a question. It sounds kind of like a statement but I'm asking
21 a question. You've been taught on this property that it's
22 ultimately your choice how that track is made safe for your people
23 or whatever, right? That it's your choice, it's not the
24 dispatcher's; it's not someone else's?

25 A. No, I have to assess the work at hand and make the decision

1 on how we're going to protect the men by myself.

2 Q. Okay. And you mentioned which track changing what you'd want
3 for on-track safety, and that actually makes sense to me, too,
4 when you say that. Or for the record, could you articulate what
5 you mean by that?

6 A. I don't understand the question.

7 Q. Well, when you were saying about on-track safety, which form
8 you would use, you mentioned several forms -- foul time, out of
9 service, train approach warning, watchman, whatever -- and you
10 said sometimes you do this and sometimes you do that. And Tomas
11 had asked what the variables were there that made you sometimes
12 use different forms. And I was just wondering -- you mentioned
13 different tracks, and I was wondering if you meant looking at
14 inside tracks you'd use it differently than when you're on outside
15 tracks, or what. I didn't know what you meant when you said being
16 on which track would change that.

17 A. Oh. Well, which track and the job at hand. For instance, if
18 we're splitting ties on an inside track and we need machinery,
19 obviously I'd have to have track out of service. Even if we were
20 doing it by hand, if I was making the track unsafe for trains, I
21 would have to have either foul time or track out of service.

22 Depending on the length of the job; is it going to be a few
23 hours or is it going to be an overnight? So that's going to
24 determine on whether I have my track out of service or my foul
25 time.

1 As far as an inside track and an outside track, I'm not sure
2 I understand what you want me to differentiate.

3 Q. Oh, no, if you feel that they'd both be protected the same
4 way, then that's fine, you can say that. I'm just asking. I
5 didn't know if there was a takeaway from that or not.

6 A. Well, on the inside track, again, depending on the work at
7 hand, I might have more than one watchman so I have, you know,
8 somebody looking in each direction at all times. But other than
9 that, everything would depend on the task a hand.

10 Q. Okay. And the only other question I had left was, I know
11 you've mentioned that during the job briefing you speak of a
12 predetermined place of safety, which, as you know, is a
13 requirement. And, you know, I don't come here as a regulatory
14 fashion. I know you might think that because I'm FRA, but that's
15 not our purpose here at these, so don't worry that in your head
16 when you're answering anything for me.

17 But so, now, as a predetermined place of safety, what
18 concerns me -- and it's not just you, it's a Long Island Rail Road
19 practice, okay, it's not you alone in this. But it seems to me,
20 and I could be wrong, and I'm fine with you telling me I'm wrong,
21 but it seems to me that the idea of a predetermined place of
22 safety is not really there. It's like we're going to clear here
23 probably, but we also might clear here. I'll give you an example.
24 Like sometimes it seems like somebody might say, well, we'll clear
25 here unless we're here, then we'll clear here. And I get

1 concerned that maybe that was -- you know, maybe somebody might
2 get confused by that.

3 A. Not in my practice. I tell my men where I want them. And
4 when the whistle blows, if I have to make a split decision and
5 make sure everybody hears me and I have to change my mind because
6 I see something that they don't see, I will do it. But I have a
7 small gang, generally, right now, with what I do. So for me, it's
8 very simple to tell my men before the job starts where I want
9 them, and if it has to change at the spur of the moment, I can
10 change it, and they'll know way before they're in any kind of a
11 situation.

12 MR. WILSON: Okay. Thank you. You cleared that right up.
13 Thank you.

14 BY MR. BATES:

15 Q. Bates. I got one question for you, Mike. We talk about the
16 watchmen. Your whole crew, it's only certain men on your crew
17 that's qualified as watchmen, right?

18 A. No.

19 Q. Is everybody --

20 A. Everybody that works with -- everybody is supposed to be
21 qualified once a year to be a watchman.

22 Q. A watchman. Okay.

23 A. Correct.

24 Q. And also, do the watchmen have special tools and --

25 A. They have a watchman bag.

1 Q. Watchman bag that they use for protection?

2 A. Um-hum.

3 MR. BATES: That's all. Thank you.

4 BY MR. SACCENTE:

5 Q. Saccente, Marty Saccente. Where are you working right now?
6 Are you working out of Queens?

7 A. I'm in Hillside, is my headquarters.

8 Q. Hillside.

9 A. I go through Queens with track car moves or if I have to take
10 another gang through from time to time to fill in for somebody.

11 Q. And you've worked in Queens in the past?

12 A. Yes, I have.

13 Q. Okay. All right, (indiscernible) you over there some.

14 MR. SACCENTE: Okay, that's all I have.

15 BY MR. TORRES:

16 Q. Tomas Torres with the NTSB. So does the interlock, are they
17 all similar to this, all the interlocks you got in your system?

18 A. No. No.

19 Q. How are the other ones like? I mean, can you describe them?

20 A. Well, Jamaica is a 50-mile-an-hour speed limit within most of
21 the interlocking, and Queens is an 80-mile-an-hour
22 (indiscernible). Trains do 80 miles an hour through the signals
23 and the switches.

24 Q. So it's --

25 A. Every interlocking is different that way.

1 Q. Yeah, okay.

2 A. Different speed limits.

3 Q. So the speeds -- so this is the high-speed?

4 A. This is a high-speed interlocking, yes.

5 Q. Right. And does the number of tracks present a challenge,
6 you know, with the traffic?

7 A. Of course it does. Yes.

8 Q. And so, do you or your men ever have concern about that, you
9 know, when you have the volume of trains and the number of tracks,
10 as to what protection needs to be employed?

11 A. I can't speak for my men, but I can speak for myself. I
12 don't have a particular concern. I know that what I do, I do
13 safely.

14 MR. TORRES: Okay, Joe?

15 BY MR. GORDON:

16 Q. Okay. So you talked about most of the time you clear
17 completely to the field side, sometimes, you know, I think you
18 said it was safer just to stay in place; that determination is
19 made. Was there anything -- do you remember any discussion from
20 Long Island Rail Road to the guys that use train approach warning,
21 you know, mostly track and engineering guys, but do you remember
22 anything after the accident regarding that practice of sometimes
23 staying in --

24 A. I don't understand what you're saying by after the accident.
25 I don't understand the question.

1 Q. After the June accident has anything -- has there been any
2 more focus on, to your knowledge, on, as opposed to staying in a
3 track, like staying in an inside track while a train passes on the
4 outside track, do you remember any discussion about clearing to
5 the field side?

6 A. I have discussed it with some of the other men and we have to
7 make a determination do I want my men walking over three live
8 third rails where the potential is for them to trip every time I
9 walk in and out carrying, let's say, a whacker, or their forks, or
10 their lining bars, or whatever tools that we can't lay down on the
11 track?

12 Q. Right.

13 A. Or do I have 3 miles of sight in each direction, or 2 miles
14 of sight in each direction and I can determine that it's going to
15 be safer just to keep my men right where I am and, if I see a
16 train coming on another track, at that point I'll have more than
17 enough time and I'll be able to make the determination to get
18 everybody into a clear where, you know, where I have two trains
19 coming and I just can't be where I am.

20 Q. Okay. And you mentioned the 15 seconds that was required.
21 So your watchmen has to give you warning when he sees an
22 approaching train, he has to give you warning 15 seconds before
23 that train would arrive at your location. Is there anything over
24 and above that 15 seconds? So when you're making that
25 determination, you know -- and it kind of goes with the

1 predetermined place of safety, is there anything else that's
2 required in addition to that 15 seconds? Or as long as he gives
3 you warning, you know --

4 A. We'll be told several times, especially if he's not happy
5 with what he sees, how the men are clearing out. And in my
6 experience, any watchman that's been paying attention to the job
7 will tell the men, you know, I blew the horn, get out already.

8 Q. Right.

9 A. You know, he's not going to let people lollygag and stay in
10 the track unsafe.

11 Q. Okay. So would you say that you typically get that notice
12 well in advance of the 15 seconds?

13 A. Yes.

14 Q. Okay. All right. Thank you for that. I think that helps
15 clear it up for the record. And I think the only other question
16 that I have, and we'll look around the room one more time, when
17 a -- you said that your duties are -- you know, you're told a task
18 and then your duties are to go out there and perform that task and
19 then report back that it's done. What level of supervisor do you
20 talk to every morning that tells you what your work is for the
21 day?

22 A. Either my assistant supervisor, or right above him is his --
23 I mean, my immediate supervisor.

24 Q. Okay. All right. And when they assign a task, do they talk
25 to you about this is the work that you're doing, and do they have

1 any other discussion with you, safety --

2 A. I'm always asked to be as safe as I can. If I ever have a
3 problem, as far as my bosses are concerned, any problems I've ever
4 had with not being comfortable doing anything until I had more
5 protection or material that I needed, they've never forced me into
6 a position I was uncomfortable with.

7 Q. That's good to hear, very good to hear. And so do they ever
8 have a discussion with you, say, you know, we're sending you out
9 to such-and-such interlocking, we want you to go in there and, you
10 know, walk this location, just make an inspection, and this is how
11 we expect you to protect yourself? Do they ever tell you what
12 form of on-track safety they would expect you to use, or is that
13 left up to you to make that --

14 A. Not unless the job's been set up -- I'm sorry for
15 interrupting you.

16 Q. No, no.

17 A. Not unless the job's been set up ahead of time and they let
18 me know what they've already determined we're going to do, whether
19 it be track out of service or somebody's going to be getting us
20 some foul time. At that point we'll have an EIC.

21 Q. Okay. And would that be typically for a larger-scale type
22 work?

23 A. Most of the work we do in Jamaica interlocking, simply
24 because of the traffic, for instance, has to be or is usually on
25 track out of service.

1 Q. Okay. Okay, thank you.

2 MR. GORDON: I'm going to look around the table one more
3 time. No questions?

4 UNIDENTIFIED SPEAKER: No.

5 MR. GORDON: Nothing down there?

6 Tomas, do you have anything else?

7 BY MR. TORRES:

8 Q. Yeah, I got some more questions. Tomas Torres with NTSB.
9 What are your regular hours?

10 A. 7:30 to 3:30.

11 Q. Okay. And do you work a lot of overtime, or how does your
12 overtime work?

13 A. I personally don't work a lot of overtime, no.

14 Q. How about the other crewmembers, your --

15 A. I can't speak for them.

16 Q. So you don't keep track, like, when somebody works overtime
17 or --

18 A. In my headquarters, there's not a lot of guys that work a lot
19 of overtime. Outside of that, I can't speak for anybody else.

20 Q. And who makes the decision when they need somebody to work
21 overtime? Where does that come from?

22 A. To be honest with you, I think it comes from the manager of
23 my department.

24 Q. Do you think they need more personnel, I mean, like more
25 maintenance of way employees?

1 A. It couldn't hurt.

2 Q. Why is that?

3 A. That's not my decision to make. I've always been sent out
4 with enough men. If I'm not comfortable, I get the men I need.

5 Q. Okay. So you always get the proper amount of men?

6 A. Personally speaking, yes.

7 Q. And do you know how the overtime works, how they determine
8 who's going to get the overtime?

9 A. Seniority.

10 Q. Seniority?

11 A. Yes.

12 Q. So it might be, usually, the same guys?

13 A. The same guys don't always take it, but again, that's not --
14 you know, I wouldn't know. I don't always see every list.

15 Q. And the men that you supervise, you say you don't know if
16 they take a lot of overtime or not?

17 A. My immediate men?

18 Q. Yeah.

19 A. I can tell you that they don't take a lot of overtime.

20 Q. Oh, okay.

21 A. But that's only three guys. That's all I can tell you about
22 because they're my immediate subordinates.

23 Q. All right. One last standard question: What's your
24 education level?

25 A. Graduated high school and 2 years of college.

1 Q. Okay. And what did you study in college?

2 A. Just a bachelor -- what is it?

3 UNIDENTIFIED SPEAKER: Kind of general studies?

4 MR. BROSHOWSKI: Yeah, general studies. Bachelor of arts, is
5 that what that is?

6 MR. TORRES: Liberal arts?

7 MR. BROSHOWSKI: Liberal arts, that's the one. That was a
8 long time ago.

9 MR. TORRES: No, no, that's good.

10 I'll pass it back to Joe.

11 MR. GORDON: Michael, I appreciate you, you know, once again
12 appreciate you coming in, taking your time to come in and talk to
13 us. And I like to give you an opportunity. You know, you know
14 the incident there at Queens Village, probably not the level of
15 detail that some of the guys in the room do, but, I mean, if you
16 have any suggestions for safety improvements, anything that would
17 make your work out there safer, you know, you can share those with
18 us now.

19 I'll give you my contact information before you leave. You
20 can follow up with me at any point. And then I'll verify some
21 contact information that I have from you. Would it be okay if I
22 contact you if, as we're going through this, we see something that
23 we may have missed?

24 MR. BROSHOWSKI: Sure.

25 MR. GORDON: Reach out to you and ask a question?

1 MR. BROSHOWSKI: Yes.

2 MR. GORDON: I appreciate that.

3 Anything you would like to add?

4 MR. BROSHOWSKI: No.

5 MR. GORDON: Okay. Thank you. With that, we're going to go
6 off of the record.

7 (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: EMPLOYEE FATALITY
 LONG ISLAND RAIL ROAD
 QUEENS VILLAGE, NEW YORK
 JUNE 10, 2017
 Interview of Michael Broshowski

ACCIDENT NO.: DCA17FR009

PLACE: Jamaica, New York

DATE: September 15, 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.


Lisa Fuerstenberg
Transcriber