



I, Eric Ptarcinski, 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:

PAGE NO:	LINE NO:	CHANGE AND REASON FOR CHANGE
11	11	Change from J to Jay
11	16	Change from J, section to Jay Section
11	23	Change gravel Truck to Grapppler truck
12	18	Change from Cross across to Come across
12	20	Change from Jay to Jay
17	7	Change from gravel to Grapppler
20	4	Change Matter's to mats

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: 7/27/17

Witness: [Redacted]



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<u>PAGE NO:</u>	<u>LINE NO:</u>	<u>CHANGE AND REASON FOR CHANGE</u>
22	3	Change Cu to Cue
22	4	Change Cu to Cue
25	16	Change Lee to Lead
25	19	Change Lec to Lead

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: 7/27/17

Witness: [Redacted Signature]

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: ERIC PTARCINSKI

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

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

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

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)

PAUL SANTORO  
SMART UTU  
(Representative on behalf of Mr. Ptarcinski)

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I N T E R V I E W

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

8 This interview is in conjunction with the accident that  
9 occurred on June 10th where a westbound Long Island Rail Road  
10 train struck and killed a roadway worker at about 10:12 a.m. near  
11 Queens Village interlocking. The NTSB Accident Reference Number  
12 is DCA17FR009.

13 Before we begin the interview, we'll go around the table.  
14 Everyone will introduce themselves. They'll give a spelling of  
15 their last name, who they're representing and their title. And  
16 I'll ask everyone to speak clearly for the recording.

17 Again, my name is Joe Gordon, G-O-R-D-O-N, with the NTSB.  
18 And I'll pass it to my right.

19 MR. SANTORO: My name is Paul Santoro. I'm a local chairman  
20 with SMART UTU. I'm representing Mr. Eric Ptarcinski. I'm also a  
21 supervisor of track for the Long Island Rail Road.

22 MR. PTARCINSKI: I'm Mr. Eric Ptarcinski. Last name,  
23 P-T-A-R-C-I-N-S-K-I. I'm supervisor of track for the Long Island  
24 Rail Road Maintenance Subdivision Number 2.

25 MS. GARCIA: I'm Anne Garcia, G-A-R-C-I-A. I'm the Human

1 Performance Group chair for this accident for the National  
2 Transportation Safety Board.

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

6 MR. HESS: David Hess, H-E-S-S, New York State Department of  
7 Transportation, Public Safety Board.

8 MR. HILL: Don Hill, H-I-L-L, BLET Safety Taskforce.

9 MR. WILSON: Don Wilson, FRA, Track and Engineering,  
10 W-I-L-S-O-N.

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

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

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

17 MR. SACCENTE: Marty Saccente, Corporate Safety  
18 Investigations, Long Island Rail Road, S-A-C-C-E-N-T-E.

19 MR. PERSAUD: Raymond Persaud, P-E-R-S-A-U-D, New York State  
20 Department of Labor, Safety and Health.

21 MR. GORDON: Okay. Thanks, everyone, for being here.

22 And is it okay if we call you Eric when we're having our  
23 discussion today?

24 MR. PTARCINSKI: No problem.

25 MR. GORDON: Okay. Thank you.

1           We spoke about this, some of this, before we came in for the  
2 interview. But do you understand we're going to be recording the  
3 discussion today?

4           MR. PTARCINSKI: Yes, I do.

5           MR. GORDON: Okay. And we will have that transcribed. It  
6 will be sent to you for any corrections. You have a  
7 representative with you today. If you could introduce yourself  
8 again for the record?

9           MR. SANTORO: Paul Santoro, S-A-N-T-O-R-O, local chairman  
10 645B, SMART Transportation.

11          MR. GORDON: Okay. Thank you.

12   INTERVIEW OF ERIC PTARCINSKI

13          BY MR. GORDON:

14 Q.       And Eric, we're just here -- you've got a, you know, unique  
15 perspective. You worked in Sub 2, you know, know some of the guys  
16 that were out there that day, and we just want to help -- get you  
17 to help us fill in some of the blanks.

18           If you would, just start off with a little bit of background,  
19 when you hired with Long Island Rail Road and what you've done  
20 since you came to work.

21 A.       I was hired on in June of 2002 as a junior engineer, then was  
22 promoted into the signal department as a staff engineer. And then  
23 from there I went to staff engineer in the structures department.  
24 And then from there I went to assistant engineer of track in the  
25 track department, and then got promoted into the supervisor



1 position for Sub 2.

2 Q. Okay. All right. And if you -- the day of the accident you  
3 weren't actually out on scene. You weren't working on the day of  
4 the accident; is that correct?

5 A. I was not present on the day of the accident, right.

6 Q. Okay. So if you could just help us a little bit with some of  
7 the work that you guys do on Sub 2, kind of how you manage your  
8 resources and, you know, the number of people that you have  
9 working for you and some of the challenges of the territory,  
10 different things like that?

11 A. Sure. In Sub 2 we have approximately 200 switches within the  
12 subdivision itself and approximately -- I think it's like a 106  
13 miles of track that we maintain including yard switches, which I  
14 don't know the exact number on that. The maintenance subdivision  
15 that I'm in, as you can see, is pretty challenging considering the  
16 amount of switches that we have to maintain. So, you know,  
17 obviously I prioritize my work with the inspections that are done  
18 on a daily basis, monthly basis for switches, quarterly basis for  
19 yard switches and TC82 track geometry car, information exception  
20 reports that come to my office.

21 All of that information is taken into consideration to  
22 prioritize the repairs and/or maintenance items that may need to  
23 be done to the track within my area.

24 Q. Okay. So not only do you have the guys in the gangs that are  
25 doing the work, the inspectors also work for you. Do they report

1 to you?

2 A. Yes, that's correct.

3 Q. Okay. And the inspection are -- do you review those and kind  
4 of plan your work based on what the inspectors find?

5 A. That's correct.

6 Q. Okay. The track inspections that are done, what's typically  
7 -- and we can just concentrate on Queens Village interlocking.  
8 When they do a -- when they conduct a track inspection in that  
9 area, what's typically the form of on-track safety that the track  
10 inspector uses?

11 A. Well, the track inspector has what they call a track  
12 patroller that is -- he assists the track foreman, and his sole  
13 responsibility is to watch out for trains as he inspects the  
14 track.

15 Q. Okay. So a track inspection team consists of two dedicated  
16 employees, or is it three? Is it --

17 A. It's two dedicated employees. It's a qualified foreman, a  
18 track foreman, and a track worker that's qualified track  
19 patroller.

20 Q. Okay.

21 A. Meaning there's a separate roster for a trackman that has  
22 become a track patroller, and a track patroller's job is to watch  
23 out for the foreman as he does his inspection.

24 Q. Okay. So he's almost like a dedicated watchman, lookout;  
25 that's his role?

1 A. That's correct.

2 Q. Okay. And are all of the -- what does -- a foreman that does  
3 track inspection, what's his assigned territory? Is he assigned a  
4 certain -- to inspect from one location to the next?

5 A. Yes. There's -- in my division we have the M walks and the L  
6 walks. It's basically broken down to the main line and then  
7 there's like the, quote/unquote, "South Shore" of Long Island,  
8 which would be like the Montauk Branch, the Far Rock Long Beach  
9 Branch, West Hempstead Branch.

10 So essentially there's L1 through 5 and M1 through 5. Each  
11 day is a designated walk. And that's identified on the FRA track  
12 inspection card where exactly they need to walk on a daily basis.

13 Q. Okay. And about how many track miles roughly are you  
14 responsible for?

15 A. I believe it's like 106, something -- something around that,  
16 along those lines.

17 Q. About 106 miles and then a whole lot of switches?

18 A. Correct.

19 Q. Okay. Do the -- any of the patrols ever done in a high-rail  
20 vehicle or are they all -- the foreman has a small enough section  
21 that they can walk?

22 A. They're all walked.

23 Q. Okay.

24 A. Yeah.

25 MR. GORDON: Okay. All right. I don't have anything else

1 right now. I'll pass it over to Anne.

2 BY MS. GARCIA:

3 Q. Okay. Thank you. Anne Garcia. Eric, I just have a couple  
4 of questions right now. So you've been with the railroad for a  
5 long time. Do you ever use -- get overtime work now?

6 A. Well, I do set up overtime, yes.

7 Q. But do you personally get overtime hours?

8 A. I do not get overtime hours, no.

9 Q. Okay. So that stops when you became a supervisor?

10 A. That's -- well, no, as an assistant engineer, I was a  
11 salaried employee, and pretty much my whole career here at the  
12 Long Island Rail Road I've been salaried employee. And currently  
13 I'm a track supervisor, which is a salaried employee. The only  
14 thing that -- the only way that we are compensated if we do come  
15 in on a overtime job would be with comp time.

16 MS. GARCIA: Okay. Good. Thank you. That's all I have  
17 right now. Pass.

18 BY MR. GREENBERG:

19 Q. Eric, first off, you know, you know how I feel about this  
20 whole thing. This was a sad day for all of us. And, you know,  
21 you certainly have my condolences. This was a tough time but  
22 we'll get through it.

23 How long have you been in Sub 2? It's been about 3 years,  
24 right?

25 A. No, a little over 4 now. So, yeah, a little over 4.

1 Q. Track of time.

2 A. Yeah.

3 Q. About how many guys do you have typically at --

4 A. Between 64 and 68 is my headcount usually. It, you know, it  
5 varies throughout the year, but that's pretty much the range.

6 Q. It's four section gangs, right? And then all the  
7 miscellaneous gangs, right?

8 A. That's correct.

9 Q. And those would be, what? Just for the benefit for those  
10 that aren't familiar with it.

11 A. The four section gangs are J, Hall, Valley, and Queens.  
12 Queens, meaning the section gang that maintains Queens  
13 interlocking and parts of the main line and also the Hempstead  
14 Branch. Hall interlocking, which -- or Hall Section which  
15 maintains Hall Section itself, which is the east end of Jamaica  
16 Station. And J Section, which maintains the west end, the  
17 interlocking on the west end of Jamaica Station. And then we also  
18 have Valley Section which maintains Valley interlocking and some  
19 of the outlying areas on to Montauk and the Atlantic Branch, and  
20 also the Far Rock and the Long Beach and the West Hempstead  
21 Branch.

22 Q. Okay. And then you have various other miscellaneous groups:  
23 boom truck, gravel truck, welding crews, right, and then your  
24 track inspection?

25 A. That's correct. I have two welding --

1 Q. Switch inspection?

2 A. Yes. I have two welding crews; I have two track switch  
3 inspectors; and I have two track inspectors.

4 Q. Okay. Do you have any specific safety concerns? I'll ask in  
5 two ways: One, in particular, Queens Interlocking; and two,  
6 anywhere else in Sub 2 that are areas that are of particular  
7 concern to you that you would take any special precautions when  
8 doing work in?

9 A. When doing Queens interlocking, yes, there is a safety  
10 concern there, and it has to do with the speed of trains. Trains  
11 cross over in that interlocking at 80 miles an hour. They do not  
12 slow down going through that interlocking. Obviously, with that  
13 being said, the proper protection needs to be put in place to  
14 protect yourself when you're on an 80 mile an hour track. And,  
15 you know, in -- it's a very complex interlocking because of the  
16 fact that trains for the most are going 80 miles an hour, other  
17 than pretty much when the Hempstead trains come across and they  
18 cross across the whole interlocking, those are the only trains  
19 that are going slow through there.

20 Within my subdivision J and Hall could also be challenging,  
21 but, yet, the trains are going significantly slower, at 15 miles  
22 an hour basically or no more than that. So obviously, you know,  
23 with that being said, the train speed and you pretty much have a  
24 pretty good sight distance there.

25 Along with Queens you also have a very good sight distance

1 pretty much in either direction. Looking west in Queens  
2 interlocking you would have, you know, the bridge abutments on  
3 Springfield Boulevard and the station platform that could  
4 sometimes be deceiving from when you have an eastbound train  
5 coming west. But pretty much if you're looking at a westbound  
6 train you could see, you know, almost to the Floral Park Station.  
7 So the sight distance, especially for a westbound train, is very  
8 good.

9 Q. Have you had any good-faith challenges since you've been in  
10 Sub 2, to your knowledge?

11 A. No.

12 Q. Okay. And if -- or I should say, have any of your foreman  
13 brought specific safety concerns to your attention? And, if so,  
14 you know, how did you deal with them?

15 A. You know, has there been in my 4½ years safety concerns?  
16 Yes. I mean, you know, a foreman may go out and he's looking at  
17 TC82 data and he comes up on a spot that's in a curve. He'll call  
18 me up and say, "Eric, you know, I don't have enough men to handle  
19 this spot because I can't see around the curve. I need more  
20 people." And that has happened. It'll be -- number one, I will  
21 say either, all right, I'm sending you more people; or, number  
22 two, we'll do that tomorrow when I can give you more people.

23 So I'll never -- and I have never in my 4 -- in almost 4½  
24 years as a supervisor, put any of my foremen at risk. You know,  
25 and I've always made sure that they had ample people for proper

1 protection.

2 Q. Thank you. We understand from prior discussion that Mike  
3 Ollek had just come back to Sub 2 recently.

4 A. Yes, he did. He came back to Sub 2 on Wednesday of last  
5 week.

6 Q. But that he had been pretty much a regular in Sub 2, he spent  
7 a lot of time in Sub 2?

8 A. He has spent a lot of time in Sub 2. He would come and go  
9 as, you know, construction jobs in the track department have come  
10 up. He would go over there for a little while, then he would come  
11 back to Sub 2. So, you know, he -- but he spent -- he was  
12 definitely not a newbie to the Sub 2 area.

13 Q. Did you find him to be a safety conscious foreman?

14 A. I did. I found him to be a safety conscious foreman. You  
15 know, I never had any issues from a safety perspective with him.  
16 I also can tell you that none of his guys have ever come to me and  
17 said to me that they've had a problem or a safety issue with Mike  
18 Ollek.

19 MR. GREENBERG: Thanks, Eric. That's all I have.

20 MR. PTARCINSKI: Okay.

21 MR. GREENBERG: Pass.

22 BY MR. HILL:

23 Q. Hi. I'm Don Hill with the BLET. I just wanted to ask a few  
24 questions. Do the foreman report directly to you?

25 A. Yes, they do.



1 Q. And --

2 A. Well, I -- can I just correct one thing? I do have an  
3 assistant supervisor which I think you guys met. So essentially,  
4 they essentially, I guess you could say, they report to both of  
5 us. But, you know, they could report to him and then report to me  
6 and whatnot. But pretty much as far as the subdivision is  
7 structured, if I'm there most of the time, the work assignments  
8 are driven by me, and then my assistant or myself will give that  
9 foreman the assignment.

10 Q. Okay. And honestly, I thought in my head that they would  
11 report directly to your assistant and then to you.

12 A. Right.

13 Q. Thanks for somewhat clearing that up. Who performs -- who  
14 does the monitoring of OT of the men that actually perform the  
15 work, the boots on the ground?

16 A. Who does -- actually monitors the work, or how do we --

17 Q. The amount of the workload of the employees.

18 A. Well, a lot of our overtime is driven by, you know, train  
19 schedule. Meaning that if I have a repair to make in a certain  
20 area of track that needs to be made -- we run a tremendous amount  
21 of trains on this railroad and then what comes to be a lot of  
22 times is that it ends up that we can only get a small amount of  
23 time. Usually it could -- not usually, but a lot of times it  
24 could be in the middle of the night because they can't accommodate  
25 us during the day. So that becomes an overtime job.

1           So sometimes it's prioritized by the amount of work that  
2 needs to be done to complete that job to get the track back into  
3 service. But a lot of times it's also driven by train schedule  
4 and where they have a block of time that they can take a track out  
5 of service to be able to let us perform our job.

6 Q.    Okay. And you mentioned that it was 60 -- I believe you said  
7 64 to 68 people under -- that you manage?

8 A.    That's correct.

9 Q.    Okay. And who are those people? Could you identify them for  
10 the record?

11 A.    Well --

12 Q.    With their titles.

13 A.    Well, we have -- well, let's start -- well, we can start with  
14 a section gang, a typical gang, which I have four of, is usually a  
15 foreman, a driver, an MOB, and usually four to five trackmen in a  
16 section. So that would be in all four sections basically.

17 Q.    Can you explain what a machine operator is?

18 A.    The machine operator is the guy that handles the lagger. He  
19 handles the drill. Any machinery when we're installing ties, he's  
20 the one that handles that.

21           And then we also have -- I also have two welding crews who  
22 consist of five guys. It's a foreman, a driver, an MOA, a welder,  
23 and a trackman. Okay? The trackman being in that gang  
24 specifically for the most part -- and not for the most part, but  
25 his job is to provide flag protection while they're welding. So I

1 have two of those gangs.

2 I also have a boom truck crew which is -- consists of a  
3 driver and two trackmen. I also have two track inspectors. Each  
4 track inspector has a track patroller. I have two track foreman  
5 that do switch inspection, main line switch inspection. And then  
6 I have also, in my miscellaneous gang, I have a payloader operator  
7 which is a -- what we call an EWE. And I also have a gravel truck  
8 operator in that -- in my miscellaneous gang.

9 MR. HILL: Okay. Thank you very much. That's all I have.  
10 Thanks.

11 MR. PTARCINSKI: You're welcome.

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

13 BY MR. WILSON:

14 Q. Eric, a while since I saw you. Sorry it's bad circumstances.  
15 But anyways, I'm wondering a couple things. One was the RWP  
16 like decisions that they can use these kind of methods or those  
17 kind of methods, does that come down from above or is that a field  
18 decision with the men typically?

19 A. That's typically a decision done with the men. I mean,  
20 provided whether we take track out of service, track out of  
21 service is usually requested by me through what we call our track  
22 outage meeting. That happens every week. And I organize that and  
23 then it's the RWIC or the foreman that's out there to perform the  
24 task in that out of service track that's going to take the track  
25 out of service.

1 Q. And not -- let's not talk about the day of the incident, but  
2 in general. How difficult is it if somebody wants to get foul  
3 time on an inside track typically? If it was a sudden thing, say  
4 they weren't able to put it in the outage.

5 A. Yeah.

6 Q. A man looked at it and said, you know, I think I'm going to  
7 call for foul time on this. How difficult would that be for him  
8 to implement?

9 A. I'm glad that you bring up that point, because on the Long  
10 Island Rail Road, especially in Queens, and in many other areas  
11 it's very, very difficult. We get a lot of pushback. We get a  
12 lot of flak for trying to request foul time. Our guys could be  
13 standing there from 20 minutes to an hour to -- you know, or I  
14 can't handle you right now; click. You know, that's kind of what  
15 we're working with here and this is the kind of environment that  
16 we have here.

17 And I'm glad that you brought that up, because it's -- it  
18 puts a lot of people at risk, especially when we do request foul  
19 time often. I mean, when we -- if, you know, if we find something  
20 and we want to do something on an interior track and my foreman  
21 asks for foul time, he should be able to get it within a  
22 reasonable amount of time. Not, oh, yeah, call me back in 25  
23 minutes; call me back in an hour and a half. And that's where  
24 we're at right now on this railroad. And I think it's -- it  
25 causes a lot of people to work unsafe. It's just not -- it's not

1 necessary.

2       You know, I think a lot of time you could stand there and you  
3 could be on main line 1, for argument's sake, and you want to ask  
4 them -- you could stand there, and you could stand there for 20  
5 minutes and you won't see a train go by, but they can't give you  
6 foul time. Oh, no, we can't give you foul time. Why? Because  
7 it's more work for somebody else. And that puts the people in the  
8 field or on the ground, my men, myself, whoever, at risk.

9 Q. Thank you.

10 A. You're welcome.

11 Q. I was actually afraid to ask that kind of question of the  
12 other guys because they were more directly involved --

13 A. Yes.

14 Q. -- you know, so -- good.

15 BY MR. FLYNN:

16 Q. Eric, Ed Flynn, FRA. Again, we're all very sorry that you  
17 had to experience this tragic accident with a co-worker.

18 A. Yeah.

19 Q. Just what you talked about just then, do you have any  
20 suggestions that you think could be implemented to change that, to  
21 enable foul time when needed and to, you know, to ensure that you  
22 get the cooperation that you need to get the job done safely?

23 A. Yes. Well, actually the System Safety Department has  
24 currently hired gentlemen that come out and periodically check us  
25 on our RWP. And a lot of times -- you know, everything is

1 important as far as RWP goes, but the important stuff is left out.  
2 And what I mean by that is, when you come out and somebody says to  
3 you "I'm waiting here for foul time," well, yeah, the expired  
4 third rail matter's important. But I'm waiting here for foul  
5 time. My opinion, that gentleman should be walking up to that  
6 tower or that -- wherever he is and say, why is that guy not  
7 getting foul time? Oh, that came from the bridge up in 204.  
8 Well, then guess what? He should be getting in his car, driving  
9 over to 204, and saying -- and yeah, that might be an hour later  
10 by the time he gets there, but the bottom line is it's got to be  
11 followed through.

12 Because if we're going to do RWP audits, we have to follow  
13 these things through. If we have to make improvements, the only  
14 way to make improvements is to follow the process through. And  
15 there's everything -- like I said, everything as far as RWP,  
16 especially in my opinion, because I definitely would never, ever  
17 want something like what happened the other day --

18 Q. Of course.

19 A. -- to ever happen again to any of my employees. But it's --  
20 if we're going to have a System Safety Department that's going to,  
21 quote/unquote, "come out and do RWP audits," they should be asking  
22 the foreman on top of it, hey, do you have any examples or any  
23 times or any areas where you're having difficulty getting foul  
24 time? And follow the process through. That doesn't happen.

25 We do get, you know, oh, why are you wearing this welding

1 vest and you should be wearing this other vest, and that type of  
2 stuff. But the reality of it is that's not going to kill  
3 somebody. Foul time is going to kill somebody and that's what's  
4 important. And that's where we lack. That's where we lack.

5 And I'm not just throwing it on system safety. I'm just  
6 saying, if we're going to have corporate safety, corporate system  
7 safety coming out to do RWP audits, that's got to be done. That's  
8 one of, I think, the biggest changes because it'll make people who  
9 are granting the foul time think twice about not giving it to you.  
10 Just because the coffee break is a little too -- you know, it'll  
11 be later and this and that.

12 You know, it's -- you know, this puts people in very bad  
13 positions. And the reality of it is, I can't speak for what  
14 happened on Saturday, but I can assure you that if it was easier  
15 to get a shot of foul time on this railroad, I am sure that Mike  
16 Ollek would have said, you know what? Let me pick up the phone  
17 and get a shot of foul time, if it was that easy. But it's not.  
18 It's not. And that is what puts my guys and any other person that  
19 is a roadway worker at jeopardy.

20 MR. FLYNN: Thank you for that.

21 UNIDENTIFIED SPEAKER: No questions.

22 BY MR. BATES:

23 Q. Bates. Eric, I'm very sorry for this accident. One  
24 question. Do you know Mr. Swanson?

25 A. Yes, I do.

1 Q. What is his relationship to you?

2 A. He is -- he actually is the principal engineer for the track  
3 department. My direct boss is Cu Ellis, which is the engineer of  
4 track, and Mr. Swanson is Cu Ellis's boss. And who -- Mr. Swanson  
5 reports to Glenn Greenberg.

6 MR. BATES: All right. Thank you.

7 MR. PTARCINSKI: You're welcome.

8 BY MR. SACCENTE:

9 Q. Maurice Saccente, Systems Safety. Eric, I'm sorry to see in  
10 this circumstance. It's an ugly thing. My one question to you is  
11 this: What -- have you ever seen or what is your -- how can I  
12 phrase this? What is your take on clearing to an in service  
13 track, foul time regardless -- no foul time, foul time, or  
14 anything? Foul time obviously it's okay. What is your take on  
15 the idea of clearance to an in service track under any  
16 circumstance?

17 A. In my opinion, there is no need for it. Especially in the  
18 area of where the accident happened, okay, you have the whole  
19 north side. I'm familiar with the area.

20 Q. Yeah, (indiscernible).

21 A. There is no reason to be clearing to an in service track when  
22 you could have gone one track over and been completely clear.

23 Q. Yeah.

24 A. Okay. There is -- in Queens interlocking it is, like I said  
25 before, and you're familiar with it too, it's 80 mile an hour



1 track, trains crossing over at 80 miles an hour. So it could look  
2 like it's coming on main line 3. Next thing you know it takes a  
3 crossover and it's on main line 1.

4 When you see a train coming, get out. Get out either to the  
5 south side, the north side, whatever it needs. And, listen, if  
6 not, then call for foul time, which is another problem in Queens.  
7 Nobody wants to give foul time. And that's what causes people to  
8 take shortcuts. I'm not saying that Mike did take a shortcut. I  
9 think he was doing more of an inspection on that day and just  
10 walking --

11 Q. Yeah.

12 A. -- back towards to his truck.

13 But, you know, maybe if, like I said before, if there was a  
14 possibility of getting a shot of foul time on main line 3, maybe  
15 he would have elected -- can you give me 10 minutes? No problem.  
16 Just wait 10 minutes. We've got to get a couple of trains  
17 through. But, you know, hour, hour and a half, you know, it's --  
18 in my opinion, it's gotten ridiculous.

19 Q. I agree. I mean, I stood -- yeah, give me the next motor  
20 (indiscernible). Give the next motor, give me the next motor,  
21 give me the -- and it just goes on and on and on to the point  
22 where I personally told him, said if you don't give me foul time  
23 to test this, I'm taking it out of service. That gets there.  
24 That gets it. That stops it right there.

25 A. Yep.

1 Q. I threatened to take (indiscernible) interlocking out because  
2 I had to test (indiscernible) and they wouldn't give it to me.  
3 And it was 20 minutes between trains at 11:00 at night on a  
4 Thursday. Now, there's no need for that. I agree. It's a matter  
5 of their inconvenience, but you're not out there because you like  
6 the air. You're out there to do a job. And I understand that.  
7 You know, I agree that. As far as like that whole other thing  
8 with the RWP, I can't address that personally, but I understand  
9 and I do sympathize with you as far as that goes.

10 A. Yeah. It's definitely, in my opinion, something very  
11 important to be addressed. And I hope that out of this, and this  
12 fatality, that we can get something addressed with this. And we  
13 can have my foreman and any other foreman or maintainer or  
14 whatever feel more comfortable saying, all right, I'm going to  
15 call this tower and within 10, 15 minutes, whatever, something  
16 reasonable, I'm going to get a shot of foul time to do what I have  
17 to do and get out of the way. And I don't have to worry about  
18 trains while I'm there, while I'm doing what I have to do, while  
19 I'm repairing what I have to repair.

20 MR. GREENBERG: If I can interject. This is Greenberg. A  
21 lot of times the foul time they're asking for, you know this  
22 Marty, is often minutes. It's 5 minutes. It's not -- they're not  
23 asking for --

24 MR. SACCENTE: Yeah.

25 MR. GREENBERG: They're not asking for --

1 MR. SACCENTE: I know. I know.

2 MR. GREENBERG: They're not asking for hours out there.  
3 They're asking for five minutes.

4 MR. SACCENTE: I know. And it's nothing -- I see nothing but  
5 Kansas Prairie on either side of you. Why can't I get it? Why  
6 can't I get it? It's not that I'm out there to paint daises on  
7 something. I'm out there performing an FRA test. It's not an  
8 option. I have to have this the ensure the integrity and safety  
9 of the system. I -- believe me, I -- it rankles me, too, believe  
10 me. I shouldn't have to go up and buy an operator coffee for 10  
11 minutes foul time at 11:30 in the afternoon.

12 MR. PTARCINSKI: That's true. I'll give you a perfect  
13 example, a perfect example of what recently happened. And you may  
14 have heard this from Phil LaMendola who was last here if he was  
15 asked the same question. I wasn't there. But I was told by him,  
16 Lee Bridge, which is a bridge that we have on Long Beach, okay?  
17 The bridge is up. Bridge is up. So there's no trains coming.  
18 They wanted a shot of foul time. "I can't give it to you. You  
19 need a special duty dispatcher in Lee Tower." How could this be?  
20 How could this be? How could this be? It's laziness.

21 It's laziness. It's people not wanting to just get out their  
22 own chair to make it safe for everybody. And it's -- I mean, when  
23 I heard that story -- I mean, listen, there's stories everywhere.  
24 But when I heard that story it's like, how ridiculous. What have  
25 we come to at this railroad that we can't have a bridge up where a

1 train can't come in and there's definitely no train going out  
2 unless it's going to go for a swim, we can't get a shot of foul  
3 time?

4 MR. SACCENTE: You got a train coming on you at Lee Bridge  
5 with the bridge open you've got bigger problems than foul time.

6 MR. PTARCINSKI: That's correct.

7 MR. SACCENTE: Either the laws of physics have been suspended  
8 or you better watch what happens next.

9 MR. PTARCINSKI: That's correct.

10 MR. SACCENTE: I sympathize with you. I'm sorry. You know,  
11 that's all I have. You know, I just wanted to clarify that  
12 understanding about clearing for a live track. So, you know,  
13 stuff like that makes my skin crawl. I can't -- I never --

14 BY MR. PERSAUD:

15 Q. Persaud, Department of Labor. RWP, you mind giving me the  
16 explanation?

17 A. RWP is the regulation that is put in place by the FRA to keep  
18 our roadway workers safe.

19 Q. Yeah. What does it mean? RWP? You know, the --

20 UNIDENTIFIED SPEAKER: Roadway Worker Protection.

21 MR. PTARCINSKI: Roadway Worker Protection, yes.

22 MR. PERSAUD: And the specific section or article -- I'll get  
23 it --

24 MR. FLYNN: R214.

25 MR. PTARCINSKI: Yeah.

1 MR. FLYNN: 49 CFR Part 214. Ed Flynn, FRA.

2 BY MR. PERSAUD:

3 Q. Queens interlock, right there in terms of high speed, I've  
4 seen it myself. It extends from where?

5 A. It extends from basically Bellerose, Bellerose Station, which  
6 is on the Hempstead Branch, but that's the -- or Bridge 4 in  
7 Queens all the way through to Bridge 1, which is just on the east  
8 end of Queens Village Station.

9 UNIDENTIFIED SPEAKER: It's a signal bridge.

10 BY MR. PERSAUD:

11 Q. Bellerose 4?

12 A. Let's put it this way. It's from Bridge 4, Queens  
13 interlocking, Bridge 4, Signal Bridge 4, to Signal Bridge 1,  
14 Queens interlocking.

15 UNIDENTIFIED SPEAKER: It's about a mile long.

16 BY MR. PERSAUD:

17 Q. Yeah, I know Queens Village is 3. I know where 2 is because  
18 I had some in there towards the end and then come back this side,  
19 1. Okay.

20 Overtime, overtime is granted on a seniority basis. You  
21 don't have to answer me. I'm going to ask the question. If you  
22 know somebody has worked 16 hours and they're just parked out  
23 there, that is canvassed, and that person because of seniority has  
24 the first shot of it, could you say no to that person?

25 A. No. If the shifts do not overlap, okay, meaning that you go

1 from 11 p.m. to 7 a.m., and then say you don't start this other  
2 shift at 6 a.m. and you start it at 7, that foreman or any craft  
3 within the track department has the ability to go from 11 p.m. to  
4 when that second shift ends.

5 Q. So you can work a 24-hour shift?

6 A. That's correct.

7 Q. And continue. When is it that you've got the authority to  
8 say no, you can't work anymore?

9 A. The only thing that really is going to stop him is if the  
10 shifts overlap. Otherwise if the shifts don't overlap and he's  
11 the, quote/unquote, "senior foreman," he could take every shift  
12 all the way through the whole weekend if that's what he chooses to  
13 do.

14 Q. And that's a union agreement with Long Island Rail Road?

15 A. Yes.

16 MR. PERSAUD: Thank you.

17 BY MR. GORDON:

18 Q. Okay. Joe Gordon, NTSB. Eric, I think everybody in the room  
19 can -- you understand by "you bought in," what we talked about  
20 there, safety improvements. If you have anything to put on the  
21 table, you bought in. And I appreciate that. Because, you know,  
22 that's what we're here for. And, you know, we're -- this is a  
23 long process. We -- we're going be here, you know, for quite some  
24 time. You know, it's hard to get -- sometimes it's hard to get  
25 people to speak the truth that needs to be talked about. And I

1 understand foul time can be difficult at times. You know, I  
2 appreciate you sharing that with us.

3 In your position and these, you know, 64 plus men that you  
4 supervise, do you do efficiency testing on those guys?  
5 Operational testing? Go out and observe the work that they're  
6 doing and --

7 A. Yes.

8 Q. Is that part of your -- that's part of your job?

9 A. Yes. And as a matter of fact, we are -- we have to do safer  
10 audits on our crews. That's main -- that the FRA requires us to  
11 do.

12 Q. Okay.

13 A. So not only do I do it on my own, but I'm also required by  
14 the FRA to do these audits, RWP audits, you know -- you know,  
15 anything from Form L's for taking track out of service, things  
16 like that, you can look at the whole thing from how they're  
17 performing their work, whether they're performing it safely, and  
18 any improvements that you feel need to be done as you're looking  
19 at this crew. So, yes, I do that often.

20 Q. Are -- is there a requirement, a number of those that you  
21 have to get in a certain time or --

22 A. Yeah, there's four a month.

23 Q. Four?

24 A. Yeah, four a month.

25 Q. Do you typically find that that's easy to meet that goal of

1 four? Do you --

2 A. Yeah, it's very easy.

3 Q. Do you normally do more than four, or --

4 A. Yeah. Yeah, you can -- you know, it's very easy to meet that  
5 goal.

6 Q. Okay.

7 A. And definitely you could do more very easily.

8 Q. Okay. Specifically the train approach warning, what kind of  
9 things -- if you're going out and doing an efficiency test on a  
10 workgroup, what kind of things would you be looking for, for a  
11 train approach warning, a group using train approach warning?  
12 Just, you know, some of the things that you would look for?

13 A. Well, most importantly I'd like to see that they're in the  
14 clear within 15 seconds, make sure that they are clear of the  
15 right away. That's what I look for. And not only that, depending  
16 on where they are, is one watchman sufficient? It may not be  
17 sufficient.

18 You know, it all -- it's all according to line of sight. I  
19 mean, if there's something obstructing you on the west end or the  
20 east, whatever it may be -- and I'm not just talking about Queens.  
21 I'm talking about any part of track on a curve. Like I had said  
22 to you before, if my foreman comes to me and says, oh, yeah, you  
23 know, I found a spot that's on the Conduit Curve, just -- it's an  
24 area on the Montauk on Conduit Curve, I'm not going to put those  
25 guys out there by themselves, you know, one gang. One gang is not



1 going to be able to handle it, or what we call our crews or gangs.

2 Q. Right.

3 A. So I will make sure there's ample people to be able to allow  
4 these guys to have, you know, advance watchmen to be able to clear  
5 up within 15 seconds.

6 Q. Okay.

7 A. And, you know, when I go out there, to me that's one of the  
8 most important things. Because for obvious reason, I want to make  
9 sure that -- I don't want to hear that there's a close call in my  
10 subdivision. I don't want to hear that somebody wasn't able to  
11 get of the way of a train.

12 And, you know, it's -- it kills me to see that this accident  
13 happened in my subdivision and, you know, when both myself and my  
14 assistant I can say always focus on safety, always. We always  
15 work safe. Anytime my guys need safety equipment, anything, from,  
16 you know, flagmen, they need new whistles, they need -- whatever  
17 they need, we have a supply. Manpower or whatever they need, I  
18 make sure they have it.

19 Q. Okay. And the train speed in Queens interlocking, it's --  
20 what is the train speed through there?

21 A. Eighty miles per hour.

22 Q. Okay. What type -- what kind of sight distance would the  
23 guys need in order to get in a place of safety before the arrival  
24 of a train?

25 A. Well, you need 15 seconds, and I forget what the footage is

1 on the -- it's actually on -- it's on our briefing cards.

2 Q. You got a briefing card?

3 A. Yeah, it's on our briefing cards, exactly.

4 Q. Yeah, I'll, I'll hand it to you --

5 MR. GREENBERG: It's 1760 because I did it on this one over  
6 here.

7 MR. GORDON: Did you? So there, there's your job briefing  
8 card.

9 MR. PTARCINSKI: Right. So it's 1760.

10 BY MR. GORDON:

11 Q. So is there any additional footage in addition to that 1760  
12 or -- or if they're going out there to work in that location, 80  
13 mile an hour track, as long as they've got, you know, 1800 feet of  
14 sight distance, are they good? Or is there more distance that's  
15 required for that worker?

16 A. No, I would say the 1800 approximately would be ample time  
17 for them to get out within 15 seconds and clear the track at 80  
18 miles an hour.

19 Q. Okay. Okay. Can -- you talked about the difficulties of  
20 getting foul time. And I think the system safety might have kind  
21 of gotten to this as well. Can the foreman or the -- did the  
22 foreman have the authority within the Long Island Rail Road system  
23 to take a track out of service for an unsafe condition?

24 A. Yes, they do.

25 Q. Okay.

1 A. Yes, they do. But a lot of times when I'm talking about  
2 getting a shot of foul time, it's usually not what we would call  
3 something that's an unsafe condition. It's something that needs  
4 to be repaired, okay, but if it's still there and it continues to  
5 be there it's going to become an unsafe condition. So what we do  
6 is we try to prevent it from becoming an unsafe condition.

7 So we find it, and we go for a shot of foul time to correct  
8 the -- whatever it may be -- maybe it's -- you know, what I call  
9 is surfacing a spot, meaning where they -- you know, we may have a  
10 low spot on the track and they have to bring it up. But rather  
11 than do it under traffic, meaning train, okay, well let's get a  
12 shot of foul time so we can do what we have to do for 20 minutes  
13 or whatever uninterrupted, and then give the shot of foul time  
14 back and move out of the way.

15 And if we need more time we request a shot of foul time when  
16 they can handle us. But the thing is, it's not that they can't  
17 handle us, okay, it's that they don't want to handle us, in my  
18 opinion. Now, because we become an inconvenience to them, okay,  
19 and that is where people take shortcuts. And this is how people  
20 -- and I hope it never happens again, but this is how people get  
21 killed.

22 MR. GORDON: Thank you for that. That -- I appreciate that  
23 perspective and I'm going to let Anne -- see if Anne has any  
24 questions.

25 MS. GARCIA: Thank you, Joe.

1 BY MS. GARCIA:

2 Q. I do have a few, mostly clarifying things I couldn't  
3 understand. Do workers ever go out on the tracks to work without  
4 a foreman?

5 A. No.

6 Q. There will always be a foreman with them?

7 A. Yes.

8 Q. Okay. Thank you.

9 Do you know -- you mentioned that Mike, he came back on  
10 Wednesday, and where was he before and what was he doing?

11 A. We had just run a concrete tie job on the Montauk Branch,  
12 which had just recently finished up. So what happens is when we  
13 have projects like that, that finish up, they put out what we call  
14 an abolishment. So they abolish the crews that were in  
15 construction to handle the TLM or what we call the concrete tie  
16 laying machine. Okay? Now those guys have what we call bumping  
17 rights, when they get abolished, meaning that they could bump  
18 anybody who is junior to them, right? They can bump -- what we  
19 call bump a guy out of a job.

20 So what happened was Mike Ollek was in construction with the  
21 concrete tie laying machine. He got abolished. So it gave him  
22 bumping rights. He came and he abolished a guy that -- well, I  
23 mean -- abolished -- my apologies. He bumped a guy that was  
24 junior to him in my subdivision, and that's how he got back into  
25 my subdivision. And once you bump somebody, you, quote/unquote,

1 "own" that job.

2 So that's what happened on Wednesday. He came back. He  
3 bumped a gentleman by the name of Bobby Genovese, another foreman  
4 that I have. He bumped out of his job. And he then owned that  
5 job that Bobby Genovese had owned the day prior.

6 Q. Good. When he was doing that other work, you said with a  
7 construction crew, what exact -- do you know what he would be  
8 doing? Is it the same type? Was it a foreman position, and was  
9 it the same type of thing working down on tracks?

10 A. It is definitely a -- I can tell you that it's definitely a  
11 foreman position because I know he owned a foreman position. I  
12 could tell you it was on tracks because that's essentially, you  
13 know, what we do.

14 Q. Good.

15 A. But I can't tell you what his tasks were --

16 Q. That's fine.

17 A. -- for the concrete tie laying machine.

18 Q. Okay. Do you know in that construction position what type of  
19 a worker protection there would be when they would be working on  
20 the tracks?

21 A. In a job of that size, the track that they're working on is  
22 always out of service. But there's also, you know, you have to  
23 have a adjacent track protection, which depending on where you  
24 are, they'll either have watchmen and/or they'll have what we call  
25 a support track, meaning that the -- that adjacent track could

1 potentially be out of service also.

2       Once again the railroad that we have here, it's very hard to  
3 take -- if you have two-track territory and you're on this track  
4 and take this track out of service, it usually never happens. It  
5 will almost never, ever happen. Because now you've shut down a  
6 whole branch and inconvenienced a ton of commuters.

7       So that's the challenges that we have on this railroad. We  
8 don't have a whole lot of redundancy, in my opinion. You know, so  
9 it becomes a little bit more challenging here, unlike possibly at  
10 a lot of other railroads where you may have a lot more area to  
11 work.

12       The other thing is we have very tight track centers. And in  
13 Queens interlocking everything is -- I'm sure you guys have taken  
14 a walk out there. Everything is very tight, you know, so the  
15 track centers are very tight. So, you know, whenever possible in  
16 those type of areas you want to clear all the way out, you know,  
17 all the way out off of the track completely. Especially being  
18 that the tracks are in service.

19 Q.   Thank you.

20 A.   You're welcome.

21 Q.   So that would be working construction on the tracks and  
22 working for you would be considered maintenance of way? What  
23 would --

24 A.   No, there's construction meaning like it's new construction,  
25 meaning that they're rehabilitating a whole area of track. Where

1 from my perspective in maintenance, we take portions of track out  
2 of service and we make repairs on those small -- so it's --  
3 they're, quote/unquote, "smaller scale" jobs. Meaning we  
4 basically are the guys that keep the railroad running. That's  
5 what we do. We keep the railroad running. We maintain. We, you  
6 know, we do smaller jobs within areas we handle. Like I said, we  
7 have 200 switches in my subdivision alone. So that alone is a  
8 tremendous amount of maintenance.

9 MR. GREENBERG: And I can provide a breakdown of the track  
10 department if that would be helpful.

11 MS. GARCIA: Thank you. That would be helpful.

12 MR. GREENBERG: There's basically seven different --

13 MS. GARCIA: Good.

14 MR. GREENBERG: -- groups within track. I can give you that.

15 MS. GARCIA: Thank you.

16 BY MS. GARCIA:

17 Q. Could you explain -- Joe was talking to you about the time to  
18 clear, you know, and the speed of the train and sight distance and  
19 that. So when you say to be clear within 15 seconds --

20 A. Yes.

21 Q. -- what does that mean? To be -- from the moment they get  
22 notice that we need to clear, they have to be able to be clear  
23 within 15 seconds?

24 A. They have to be out in the clear within 15 seconds of when  
25 that train is -- gets there. So they have to be clear --

1 MR. GREENBERG: Before.

2 MR. PTARCINSKI: -- before that train gets there.

3 MS. GARCIA: Before, okay.

4 MR. PTARCINSKI: Fifteen seconds before that train gets  
5 there, they have to be in the clear.

6 BY MS. GARCIA:

7 Q. Okay. So would another way of saying that be that they have  
8 to be in the clear and then 15 seconds before the train reaches  
9 their point?

10 A. That's correct.

11 Q. Okay. Thank you. Thank you.

12 A little different track here. In terms of training that you  
13 receive as a supervisor, are you trained -- is the term fitness  
14 for duty familiar to you?

15 A. No.

16 Q. Okay. So you wouldn't recall having any training on fitness  
17 for duty assessment?

18 A. Like a fit for duty? Yeah. Well, I mean, training that I  
19 have is we take RWIC, which, you know, we --

20 Q. RWOIC?

21 A. R-W-I-C, RWIC training, which is one of the main classes that  
22 we take. Also, you know -- and that is required by the FRA for us  
23 to be able to be on the track and be able to work safely. And  
24 that goes through all RWP, and filling out briefing cards, and  
25 being able to potentially have to -- you know, we're not qualified



1 on the railroad. Like as a supervisor I am not -- like my  
2 assistant supervisor is qualified PC and Book of Rules, which  
3 means he could potentially take a track out of service because  
4 he's qualified.

5 From my perspective, I am not qualified to take a track out  
6 of service. Although, if I see a condition that obviously can  
7 provide a unsafe, you know, travel of a train, I am going to be  
8 able to put a, quote/unquote, "block on the track" by calling  
9 to -- calling the tower to do so. So I am able to do that because  
10 I am qualified by FRA subpart 213, which allows me to be able to  
11 take a track out of service if I see an unsafe condition.

12 Q. Okay. I think I was using it in a different manner. So for  
13 your employees, can you -- are you trained in how to assess  
14 whether an employee is fit for duty on a particular day?

15 A. Oh, am I trained to -- I mean, do I get, necessarily get  
16 training to see if -- I would say, no. I don't have -- they don't  
17 give us direct training on whether our employees are fit for duty.  
18 But obviously, you know, as I've been at the railroad for a while,  
19 I have taken -- they have management classes which actually does  
20 go through, one of the classes to go through how to assess if  
21 somebody's potentially drunk or, you know, sleep deprived, you  
22 know, a bunch of different things.

23 So I have had that training. So maybe I misspoke before by  
24 saying that I'm -- that I'm not. But I have taken management  
25 training courses to be able to assess that.

1 Q. Okay. Good.

2 A. Yeah.

3 Q. Good. And what about assessing fatigue? You mentioned that  
4 if they're sleep deprived or -- does that fall under it?

5 A. Absolutely, yes.

6 Q. Okay. All right. In terms of the overtime that folks are  
7 working, do you have any idea -- could you give us an example of  
8 how much overtime people are putting in in your department?

9 A. Well, I hate to use him as an example, but unfortunately Mike  
10 Ollek, as we know, we're here, he lost his life. But he worked 11  
11 p.m. on Friday night till 7 a.m. So that was one shift, which we  
12 handled a -- we were rehabilitating a mud spot on the Montauk  
13 Branch.

14 Then he went from 7 a.m., and he was supposed to go till 11  
15 p.m. that night as a standby for Belmont Raceway. Then he was  
16 supposed to come back on Sunday because they were putting rail on  
17 the main line. They were installing rail on the main line between  
18 Jay and Harold, and he was supposed to come back for another 12  
19 hours. So --

20 Q. Sunday?

21 A. Yes.

22 Q. Do you know what hours?

23 MR. GREENBERG: Saturday into Sunday.

24 MR. PTARCINSKI: Yeah, it was -- yeah, it was Saturday night  
25 into Sunday, correct?

1 MR. GREENBERG: 7 p.m. to 7 a.m., the rail drop.

2 MS. GARCIA: Pardon?

3 MR. GREENBERG: 7 p.m. to 7 a.m. was the rail drop.

4 MR. PTARCINSKI: That was on Sunday though. That was on  
5 Sunday.

6 MR. GREENBERG: That was Saturday. Sunday was 11 p.m. to  
7 4 a.m.

8 MR. PTARCINSKI: That was the --

9 MR. GREENBERG: That was scheduled.

10 MR. PTARCINSKI: That was the job he was working though.  
11 Because he, because he -- he had to work.

12 UNIDENTIFIED SPEAKER: He was going to work 7 p.m.

13 MS. GARCIA: Okay.

14 MR. PTARCINSKI: No, right. Correct. That's what I'm  
15 saying.

16 MS. GARCIA: So Saturday he was scheduled to work 8 a.m.  
17 until when?

18 MR. GREENBERG: 7 a.m.

19 UNIDENTIFIED SPEAKER: 7 a.m.

20 MR. PTARCINSKI: No, no -- yeah, 7 a.m. on Saturday.  
21 Saturday morning was 7 a.m.

22 BY MS. GARCIA:

23 Q. It was 7 a.m.?

24 A. Yes.

25 Q. Okay. Until?

1 A. 11 p.m.

2 Q. Until 11:00 p.m.

3 A. Yes.

4 Q. Saturday. And then Sunday he was also scheduled?

5 A. Yes, and I believe it was 11 p.m. It was like --

6 Q. 11 p.m. Saturday night?

7 A. Yeah, 11 till 4 a.m. Monday morning.

8 MR. GREENBERG: That was the Sunday rail drop, two rail  
9 drops.

10 MS. GARCIA: To 4 a.m. Sunday morning?

11 MR. PTARCINSKI: Yes.

12 MR. GREENBERG: Monday.

13 MR. PTARCINSKI: It was Monday.

14 MS. GARCIA: 4 a.m. --

15 MR. GREENBERG: Monday morning.

16 MR. PTARCINSKI: Monday morning.

17 UNIDENTIFIED SPEAKER: Anne, listen, we'll --

18 MR. PTARCINSKI: So Sunday night 11 --

19 UNIDENTIFIED SPEAKER: We'll verify on that.

20 MS. GARCIA: You'll give it to me?

21 UNIDENTIFIED SPEAKER: We'll confirm that for you.

22 MS. GARCIA: Thank you. Okay.

23 UNIDENTIFIED SPEAKER: Yeah, there's no sense in speculating.

24 MR. PTARCINSKI: Yeah.

25 UNIDENTIFIED SPEAKER: It wasn't -- that wasn't a job for

1 Eric.

2 MR. PTARCINSKI: Right.

3 MS. GARCIA: Yeah. So --

4 UNIDENTIFIED SPEAKER: These guys (indiscernible) seniority  
5 to work in other areas.

6 BY MS. GARCIA:

7 Q. Right. So what I'm also interested in, is this just the only  
8 instance that Mike was pulling this? Can you give me an idea of  
9 like what an average -- I mean, do you approve the time sheets?  
10 Do you approve overtime?

11 A. I set up overtime with the approval usually from my manager.

12 Q. So you would have some knowledge. You would have some  
13 understanding about how much overtime is being done?

14 A. Yes. In my area, yes.

15 Q. Okay. Would you know on an annual basis?

16 A. Annual basis would be tough.

17 Q. Okay. How about a weekly basis?

18 A. On a weekly basis I would say sometimes, you know, because of  
19 the way we run trains here, a lot of times it could be three, four  
20 nights a week that these guys are working overtime.

21 So like, you know, usually, like in Jamaica a lot of times  
22 our track time is 10 p.m. at night till 5 a.m. Then the guys  
23 start going back to work at 7:30 a.m. So between 5 a.m. and 7:30  
24 a.m. is their rest time, so to speak.

25 Q. Yeah. Do you have a place for them to sleep?

1 A. They have -- we -- at their headquarters, you know, they can  
2 rest there. They -- and most of them do go and rest there. You  
3 know, if they -- if their -- some guys, very few, but some guys  
4 are close to home. They'll go home for a brief moment and come  
5 back; shower and come back.

6 Q. Is that place where we heard that there was a place where  
7 there were two sofas available?

8 A. Yes.

9 Q. Is that where that is?

10 A. Yes.

11 Q. So that's the sleeping accommodation?

12 A. Well, I don't know if we would necessarily --

13 Q. Or opportunity?

14 A. Opportunity (indiscernible). I'm not sure it would be the  
15 sleeping accommodation.

16 MR. GREENBERG: It depends on the headquarters.

17 MR. PTARCINSKI: Yes.

18 MR. GREENBERG: You know, what's --

19 MR. PTARCINSKI: So --

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

21 That's all I have.

22 BY MR. GREENBERG:

23 Q. I just have -- Eric, I just wanted to clarify something that  
24 had come up in some of the other interviews. Do you think it was  
25 reasonable that a, quote, "standby crew," unquote, did some

1 inspections and minor repairs at the start of their tour?

2 A. Absolutely. I think it was more than reasonable. I think  
3 that, you know, we -- this is work that we do all the time. This  
4 is work that I feel was -- if I felt, when I got the request -- if  
5 I felt that it was a safety concern, I would have put a stop to it  
6 at that point. There was no safety concern here.

7 The safety concern was RWP. And it's as simple as that. The  
8 safety concern was RWP. And this is how Mike got killed.

9 And, you know, like I said, they were asked to do an  
10 inspection. So that inspection may have come up with absolutely  
11 nothing other than walking around the interlocking with more than  
12 enough guys. Absolutely more than enough guys to be able to  
13 handle this, okay.

14 I don't think that it's -- you know, I know you may or may  
15 not have heard that, well, the extra trains and this and that all  
16 this other stuff. But the reality of it is if something happened  
17 in rush hour and I had to go out there and have the guys go out  
18 there, they would have done it for me at that point. Rush hour  
19 has a lot of trains.

20 So the bottom line is there was not the proper protection and  
21 that's why this happened. It has nothing to do with the task that  
22 was given to these guys to do -- the task that they were given by  
23 my boss to me to Phil LaMendola, who then implemented with the  
24 guys in the field. It had nothing to do with that other than RWP.  
25 And that's why Mike's not here today. It's as simple as that. It

1 has nothing to do with the work that they were doing that day.

2 MR. GREENBERG: Thank you. I just wanted to clarify that.

3 BY MR. WILSON:

4 Q. Yeah. So Don Wilson, FRA, W-I-L-S-O-N. Anyways, I just have  
5 one more question, Eric. And I thank you again for your  
6 forthrightness, I guess would be the right word, with the foul  
7 line discussion.

8 But anyway, so RWP training, there were some revisions to the  
9 rules in April.

10 A. Yes.

11 Q. Were you taught them?

12 A. In this past April, there was?

13 Q. April 1st, 2017. I could have the date slightly wrong.

14 A. Those -- you're not talking about the adjacent track  
15 protection, are you?

16 Q. No, sir, that was a couple years back.

17 A. Yeah. My RWP -- I haven't gone to RWIC and RWP yet because  
18 mine's not expired.

19 Q. Sure.

20 A. So since it's changed in April, so I'm not 100 percent  
21 familiar with the change.

22 Q. Okay. That's fine.

23 A. Yeah.

24 Q. Not an issue. Thank you.

25 A. You're welcome.



1 MR. GORDON: We good? We're back around to me or? I know  
2 Willy's good.

3 MR. BATES: No, I'm good.

4 BY UNIDENTIFIED SPEAKER:

5 Q. One quick question, Eric. How was the request for the minor  
6 inspection correction, that request disseminated from where it  
7 started from? How did it get to you?

8 A. Okay. I can only speak from my boss down. I would have --  
9 you know, so my boss Cue Ellis called me up on Friday afternoon  
10 and said, Eric, you know, there had -- they had a problem on the  
11 main line is Westbury where they lost an endpost and the two rails  
12 ran together. Can you please relay to Phil -- who's my assistant,  
13 who you guys met prior to me. Can you please relay to Phil to  
14 have the guys walk the interlocking when they come in in the  
15 morning? And I said, no problem. I had forgotten on Friday.

16 So first thing when I woke up on Saturday morning, I texted  
17 Phil, who he has the text, listen, Cue would like the interlocking  
18 just to check the IJs, make sure everything's good. Okay. He  
19 implemented that order that was given from my boss to me, passed  
20 down to him.

21 As I said before, I did not feel that it was unsafe. I did  
22 not feel that it was unreasonable. I don't think he felt that it  
23 was unsafe. I don't think he felt it was unreasonable because we  
24 would not have put our guys at risk and been out there if we felt  
25 that it was unsafe. And to even think, even for my guys to even

1 think that we would have sent them out there knowing that it was  
2 unsafe is -- I just can't imagine it.

3 But -- and the bottom line is, if they felt it was unsafe  
4 then, they should have said something to Phil LaMendola then.  
5 They didn't find it unsafe until somebody got killed. Then it was  
6 unsafe. But the bottom line is it had nothing to do with unsafe  
7 because of what they were asked to do. It was unsafe because they  
8 didn't put the proper precautions in place to be able to protect  
9 themselves. That's when it became unsafe.

10 Q. Thank you very much.

11 A. Okay.

12 UNIDENTIFIED SPEAKER: That's all I got.

13 BY MR. GORDON:

14 Q. Back to me. Eric, you're doing very good. You need a break  
15 or anything? I think we're real close to wrapping up.

16 A. I'm all right.

17 Q. I've got miscellaneous questions. And I try to keep these  
18 things in order but --

19 UNIDENTIFIED SPEAKER: He's on a roll.

20 MR. PTARCINSKI: No, you're hitting all the good sore spots.

21 BY MR. GORDON:

22 Q. Yeah. There was a safety stand-down yesterday. Did you work  
23 yesterday?

24 A. Yes.

25 Q. Okay. Safety stand-down yesterday. Did -- was that

1 something that you relayed to your guys?

2 A. Yes.

3 Q. Did you get in on that stand-down?

4 A. Yes. Well, as a matter of fact what happened was I -- I did  
5 not get to the stand-down because I was obviously preoccupied with  
6 a lot of things going on. But what we did do was set it up with  
7 -- I have an adjacent subdivision which has a supervisor and  
8 assistant next to me.

9 Q. Okay.

10 A. So they had a big safety stand-down in Morris Park. And all  
11 my guys went there to have the safety stand-down.

12 Q. Okay. And are you familiar with what that stand-down was  
13 about; the -- what was the big takeaway from that stand-down?

14 A. Yeah. The big takeaway was RWP and clearing up and, you  
15 know, that's -- the bottom line here, and I believe that it is  
16 very important to drive home -- and actually after the dust  
17 settles, my intention is to pull my whole subdivision together and  
18 we're going to have a sit-down on understanding what the RWP rules  
19 are and what we should be doing out there and how we should be  
20 protecting ourselves so this never happens again.

21 So on top of whatever recommendations that you guys come  
22 forth with, that's my intention. Because I never, as a  
23 supervisor, want to see this happen again. I don't want to see a  
24 fatality on the Long Island Rail Road. I don't want to see a  
25 fatality anywhere. But to see it right in your own home hits

1 home.

2 Q. Oh, yeah.

3 A. And I don't need to see that ever again in my career. I have  
4 another 16 years here, hopefully, and maybe longer. Who knows?  
5 But I never want to see it again.

6 I mean, we lost a good man. We lost a good employee. And he  
7 lost his life, bottom line in my opinion, for taking shortcuts.  
8 Taking shortcuts on RWP that should never ever have happened.

9 Q. Thank you for that. That's -- I know it's hard to, you know,  
10 come to that point where you're looking at it from that  
11 perspective. But it is -- you know, I appreciate you relaying  
12 that to us.

13 Is there a limit to the number of guys that one watchman can  
14 watch for? I mean, I don't know. Company policy or?

15 A. No, not that I know of. But, I mean, you obviously, as a  
16 supervisor and a foreman, you know where you are. You know how  
17 many people you have.

18 As a foreman, especially as a foreman, if you go out there  
19 and you have 15 guys and you have one watchman, there's something  
20 wrong. There's something wrong. And you as a foreman have to  
21 say, wait a minute, you know what; I'm going to take one less guy  
22 to do wood ties and make another guy a watchman. Because that's  
23 how it works. And you know, like I said, from my perspective  
24 let's say -- I mean, you have -- my sections gangs are 3, 4 --  
25 usually like 8 to 10 people, okay, with one foreman.

1           Now, usually there'll be one or possibly two watchmen  
2 depending on where they are. Now, high speed -- high speed, you  
3 know, like in Queens, I would say that you should have two  
4 watchmen for sure because, you know what, high speed with that  
5 amount of people you don't want anybody to go in where they  
6 shouldn't be.

7           So, you know, it's really -- it's really left on the foreman.  
8 And like I had mentioned earlier, if they call me and they say,  
9 hey, listen, I'm over here in Queens or wherever, on a curve,  
10 whatever, I located this track geometry spot and it's right in a  
11 curve and I can't see -- game over. It's either not being done  
12 that day or I'm sending you more people to be able to give the  
13 proper protection and the proper warning to be able to get people  
14 out of that track within 15 seconds. And it's as simple as that.

15           I don't -- I, as a supervisor, don't take shortcuts with  
16 that. And I never -- you know, and I can speak for Phil LaMendola  
17 too as far as this goes because we work as a team. And I feel  
18 that we make our guys work safe. And I feel that we push the  
19 safety. On top of we -- of course we need to get work done. But  
20 the bottom line is the last thing and -- we ever wanted to see  
21 happen was something like this. And although I believe one  
22 watchman was more than sufficient for what they had going on, the  
23 way that they obviously cleared up was not the -- not what they  
24 should have been doing.

25           There's more than enough space on the north side. There's an

1 embankment. I'm sure you guys all saw it. There's an embankment.  
2 But, hey, listen, I'd rather slide down that embankment than get  
3 hit by a train. And it's as simple as that.

4 And there's nothing wrong -- and I've done it many times.  
5 I'm sure Glenn, even Paul, whatever -- you can clear on that  
6 embankment without a problem. And that's where they should have  
7 been. Not on Main Line 1, not on Main Line 3, on the north side  
8 of that embankment. They were on that north side of the  
9 interlocking on the westbound tracks, they should have cleared out  
10 on the north side. And we would have been having Mike here today  
11 and we would not have all been here. And it's as simple as that.

12 Q. Thank you. And to the watchman/lookout, is there -- do you  
13 take any exception to the watchman actually being in the track as  
14 he's watching? Or would you think that he should be possibly in  
15 the place of safety where they're clearing to him as he's going  
16 what --

17 A. Well, I think -- I think, you know, is it, you know, is it  
18 possible for him to be in a place of safety sometimes? Yes. If  
19 they're on Main Line 3, he can be in a place of safety and tell  
20 the guys, listen, this is where -- you know, well, the foreman's  
21 supposed to brief him and tell him, listen, we're clearing to the  
22 north side.

23 Obviously we'll never know what the details were of that  
24 briefing. But why the watchman was on Main Line 1 while Mike  
25 Ollek was on Main Line 3, I will never know. I will never

1 understand it. And I still can't understand it. I don't know if  
2 they -- and like I said, I wasn't there that day so I can't really  
3 speak, you know, true detail to it. But if they were all walking  
4 on Main Line 3, okay, and then they started doing some work,  
5 there's no reason why the watchman couldn't have been off the  
6 track and notifying the men to -- when to clear. There's no  
7 reason for that in my opinion.

8 Q. And I think I've only got two more. Would you expect the  
9 watchman to, once he hears the audible warning from a train, turns  
10 around, he sees the train, would you expect him to try to wait to  
11 determine which track that train's traveling on or should he give  
12 the warning of the approaching train at that time?

13 A. Not in Queens interlocking. They are going way too fast to  
14 sit here and make decisions on what track it's on.

15 Q. Right.

16 A. You know, in Jamaica, okay, yeah, I see the train all the way  
17 down there. It's going to take long time for it to get to you.  
18 So, you know, you have ample time to clear up. If it's on Main  
19 Line 1, Main Line 3, 2, 4, whatever. Bottom line is you see a  
20 train coming towards you, get out. That's my opinion. Get out,  
21 clear up. It's as simple as that.

22 Q. Completely to the --

23 A. Absolutely.

24 Q. -- field side?

25 A. Absolutely.

1 Q. Okay. And I've mentioned audible warning from trains. From  
2 what you've seen, your time out there, trains, are they giving  
3 audible warning to roadway workers around the track?

4 A. Not always. Not always, no. I will say a good 90 percent of  
5 the time, yes. But you do have trains out there, they'll fly  
6 right by you. They'll fly right by you.

7 But I think we've gotten better with that. I think over my  
8 time here, you know, that has actually improved. But you still  
9 have trains that'll fly right by you, you know, and not honk the  
10 horn, you know?

11 But I have to say that from that perspective it has improved  
12 quite a bit. And I think the engineers pretty much are -- you  
13 know, you get an occasional guy. I don't want to make it sound  
14 like it's a systematic problem because I don't believe that that's  
15 one of the main issues. I don't think that that's really the  
16 biggest issue obviously here or for any reason. But, you know,  
17 you do have an occasional train that will go right past you  
18 without blowing the horn.

19 Q. Okay. But it's not a normal -- not a normal thing?

20 A. No, no.

21 MR. GORDON: Well, Eric, that's -- that's what we've got for  
22 the interview. I'm going to look around the table one more time.  
23 It looks like everybody's good.

24 UNIDENTIFIED SPEAKER: I just want to make sure something's  
25 just clear for the record. You mentioned a number of times not --



1 they did not provide proper protection. For the record, I want to  
2 state what I think you mean by that is that they did not clear  
3 properly.

4 MR. PTARCINSKI: That's correct. Thank you for catching on  
5 to that.

6 UNIDENTIFIED SPEAKER: All right.

7 MR. PTARCINSKI: For the record he is 100 percent right.  
8 When I say provide the proper protection, I mean that they had the  
9 proper protection, meaning train approach warning, but they did  
10 not clearly probably -- properly and that's obvious to --  
11 unfortunately.

12 MR. GORDON: Okay. Thank you.

13 And one thing that I always like to do at the end of the  
14 interview is give the opportunity to you to offer any safety  
15 improvements. I think you've done some of that as we've been  
16 going through the interview, So we appreciate that. I -- no, I'm  
17 glad. Yeah, I'm glad.

18 And if you have anything else that you'd like to add at this  
19 point, you know, it's your opportunity to speak.

20 MR. PTARCINSKI: I'd like to discuss overtime, the issue of  
21 overtime and the amount of hours that our guys are working, I feel  
22 is -- could potentially be a safety hazard. You know, nobody will  
23 ever know, but, you know, Mike Ollek did work the night before and  
24 he was going to work all the way up to 11 p.m. that Saturday  
25 night. And, you know, could fatigue have played a part in this?

1 You know, even though the whole gang cleared up -- they did the  
2 wrong thing right from the start, but why he stayed in Main Line 3  
3 we'll never know. Could it have been a fatigue thing? We don't  
4 know.

5 I'm not -- but what I'm saying as a systematic problem  
6 overtime is an issue. A lot of work is coming our way on the Long  
7 Island Rail Road and the amount of work that's coming this way is  
8 only going to make overtime worse, the overtime problem worse, so  
9 to speak. Meaning that, we don't want to ever have this happen  
10 again and we don't want fatigue to be the cause of it.

11 And, like I said, we'll never know if that was part of what  
12 happened with Mike. But I feel that there has to be some  
13 improvements on how overtime is handled on the Long Island Rail  
14 Road. That's my feeling.

15 I'm sure a lot of people may not feel the same. A lot of  
16 people may not be happy that I say something about the overtime.  
17 But that's reality. And I'm only doing it -- and I'm saying it  
18 here because I don't want to see this happen to anybody else  
19 again, anybody. Forget about just track department. I don't want  
20 to see any roadway worker on the Long Island Rail Road or any  
21 other railroad die because of fatigue. It's just not -- it's just  
22 -- it just doesn't make sense to me.

23 MR. GORDON: Right. And it is a difficult thing to evaluate.  
24 And, you know, it's one of those that I can see, you know, based  
25 on some of the hours that we've been talking about, I mean, it's

1 certainly something that we need to look at. And it's not a --  
2 I'm going to -- we're going to go off the record here very  
3 shortly. It's not -- I'm going to give you my contact  
4 information. You can call me at any time. Anytime anything else  
5 may come up, if you think of anything that would help us with the  
6 investigation, I'd appreciate it.

7 MR. PTARCINSKI: Okay.

8 MR. GORDON: Really appreciate you sharing your, you know,  
9 your knowledge of the workers that you have out there, the  
10 territory, the work that you're doing with efficiency testing,  
11 everything that you shared with us today. I want to thank you for  
12 that.

13 And we will go off the record.

14 (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 Eric Ptarcinski

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.

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Rebecca J. Thompson  
Transcriber