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Date: 7-19-17

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UNITED STATES OF AMERICA

NATIONAL TRANSPORTATION SAFETY BOARD

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Investigation of: *

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EMPLOYEE FATALITY *

LONG ISLAND RAIL ROAD * Accident No.: DCA17FR009

QUEENS VILLAGE, NEW YORK *

JUNE 10, 2017 *

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Interview of: PASQUAL "PAT" FRANZESE

Long Island Rail Road Offices
Jamaica, New York

Monday,
June 12, 2017

APPEARANCES:

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

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

TOMAS TORRES, Rail Accident Investigator
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

ROB MARALDO
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)

ANTHONY LAVORATORE, President/Local Chairman
Local 29, SMART Transportation
(On behalf of Mr. Franzese)

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I N T E R V I E W

1
2 MR. GORDON: Good afternoon. My name is Joe Gordon and I'm
3 the NTSB Track and Engineering Group chairman for this accident.
4 We are here today on June the 12th at the Long Island Rail Road
5 headquarters in Jamaica, New York, to conduct an interview with
6 Mr. Pasqual Franzese, who is a trackman with the Long Island Rail
7 Road.

8 The interview is in conjunction with NTSB investigation that
9 occurred that June 10th at about 10:12 a.m., where a westbound
10 passenger train struck and fatally injured a roadway worker near
11 Queens Village, New York. The NTSB accident reference number is
12 DCA17FR009.

13 Before we begin our interview, we'll go around the table and
14 have everyone introduce themselves. Please spell your last name,
15 tell us who you're representing, and your title. Please speak
16 clearly for the recording. I'll start, and then I'll pass it off
17 to my right.

18 My name is Joe Gordon; last name G-o-r-d-o-n, and I'm the
19 Track and Engineering Group chairman for the NTSB.

20 MR. LAVORATORE: Anthony, L-a-v-o-r-a-t-o-r-e,
21 president/local chairman of Local 29, SMART Transportation.

22 MR. FRANZESE: Pasqual Franzese, trackman, Long Island Rail
23 Road.

24 MS. GARCIA: Anne Garcia, G-a-r-c-i-a. I'm the Human
25 Performance Group chair for this investigation, with the National

1 Transportation Safety Board.

2 MR. GREENBERG: I'm Glenn Greenberg, G-r-e-e-n-b-e-r-g. I'm
3 a deputy chief engineer for Long Island Railroad, Engineering
4 Department.

5 MR. SACCENTE: I'm Marty Saccente, S-a-c-c-e-n-t-e, corporate
6 safety investigator, accident investigator for engineering side.

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

8 MR. WILSON: Don Wilson, FRA, Engineering Track Group.

9 MR. FLYNN: Ed Flynn, F-l-y-n-n, FRA Region 1, chief
10 inspector.

11 MR. MARALDO: Rob Maraldo, New York State DOT; M-a-r-a-l-d-o.

12 MR. TORRES: Tomas Torres, T-o-r-r-e-s, NTSB.

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. HESS: David Hess, H-e-s-s, New York State DOT, Public
18 Transportation Safety Board.

19 MR. PERSAUD: Raymond Persaud, P-e-r-s-a-u-d, Safety and
20 Health Inspector, New York State Department of Labor, Safety and
21 Health.

22 MR. GORDON: Okay. Thank you, everyone, for being here.

23 And before we start, is it okay -- I understand people call
24 you Pat?

25 MR. FRANZESE: Yes.

1 MR. GORDON: Okay to call you Pat during the interview?

2 MR. FRANZESE: Yes.

3 MR. GORDON: Thank you, sir.

4 And we discussed this, but I just want to make sure you
5 understand the interview will be recorded and transcribed. You'll
6 get an opportunity to review that.

7 MR. FRANZESE: Yes.

8 MR. GORDON: And eventually it will be part of our public
9 docket.

10 Do you have a representative with you today?

11 MR. FRANZESE: Yes, I do.

12 MR. LAVORATORE: Anthony Lavoratore, L-a-v-o-r-a-t-o-r-e.
13 I'm here representing Pat, Pasqual Franzese.

14 MR. GORDON: Thank you.

15 INTERVIEW OF PASQUAL "PAT" FRANZESE

16 BY MR. GORDON:

17 Q. Okay. So the purpose of the interview, the reason that the
18 NTSB is here, we're just here to get your account of the accident,
19 help us to fill in some of the questions that we have. And so to
20 get started, if you'll give us a little bit of a background, when
21 you came to work for the Long Island Rail Road, kind of what the
22 progression of your work history, you know, what job you started
23 on and --

24 A. I was hired June 30th of '04. Just about to complete my 14th
25 year in June. I'm a track worker, machine operator, all track

1 tools, and working on the boom truck.

2 Q. Okay. And on the day of the accident, what gang were you --
3 what section were you working with?

4 A. We were working in Queens section, brought in to work with
5 the boom truck.

6 Q. Okay. And if you could, just go back to the start of the
7 shift, when you reported to work, and if you could -- no level of
8 detail is too much, just -- you know, you can tell us about the
9 meeting when you guys got together, the type of work that you
10 talked about you were going to do, and go all the way through, the
11 accident, through the events of that day, if you would?

12 A. Report time was 7:00 a.m. till completion. Reported to
13 Queens Freight. Foreman of the day was Mike Ollek for us. Met my
14 driver, Timmy Molnar there. Mario Audelo was part of our gang
15 also, and Jose Torres, another driver, was also a part of the gang
16 for the day. We sat down, discussed that we would be going out at
17 some point to do some maintenance on the interlocking itself, and
18 we waited for that phone call to come. It was up to our foreman
19 to advise us to go.

20 Q. Okay.

21 A. At some point he said, told to go out.

22 Q. And after you got that call, you --

23 A. We proceeded to walk the interlocking. We started west to
24 east, from Queens Freight, walking all the way through to the
25 Belmont Y, Tracks 4 and 2, tightening bolts. That was my job.

1 Checking IJs. Jose Torres was hammering down clips and whatever
2 was high high spikes out there, just to tighten up the
3 interlocking. So we walked from Queens Freight straight through
4 the station right up to the Belmont Y, where there was a Queens
5 section gang, where we actually met up there.

6 Supervisor Phil LaMendola was there, at which point we all
7 just stopped at that point and we were told to switch over to
8 Track 1 and 3, and head west doing the same maintenance on our way
9 back to Queens Freight, which we proceeded to do.

10 Everything was fine. We went through. We were on Track 1,
11 all of us. Had a cement on Track 4, so clips we were looking at
12 were on. Everything was fine. We were all lined up straight. We
13 had our flagman behind us, watching our back. We could see in
14 front of us.

15 So walking towards Queens Freight through the station, just
16 doing the regular maintenance check. Whatever was loose,
17 tightened. Whatever needed to be put on, tightened up.

18 And once we got past the tower, I know we had a -- we two
19 trains first, because our driver, Timmy Molnar, my driver who I
20 work with, was south of me. He was outside the track. We had an
21 eastbound train come first, so we stayed in 1. All tracks were
22 live. We stayed right where we were. So I came down 4, I
23 believe, and Timmy was in the right-of-way, safe. He was outside.

24 And then we also, about a minute later, had that westbound
25 train come, which was on Track Number 3, and we stayed in 1. Our

1 flagman blew, our watchman blew his horn twice. We all
2 acknowledged. We had a train outside on 4. We know that Queens'
3 MAS is fast coming through there.

4 Everybody acknowledged it. And at that point the train came
5 by us, came by me, and which, you know, you get that wind whips by
6 you. And Mike was up ahead. He was in front of Jose. Jose in
7 front of me with a sledgehammer and had like -- I'm sorry -- Mario
8 behind me, watchman. So he blew the horn and everything. We had
9 the pop up. The train blew his whistle, acknowledged where we
10 were, and he acknowledged the disc the watchman had. And then
11 Mike sort of -- I don't know how to explain it, but I don't know
12 how he leaned or whatever he did, was right onto 3.

13 At that point you heard a thud, which we all saw, and that
14 was the accident right there, at which point we all stopped and
15 got out of the tracks immediately and contacted the supervisors.
16 Q. Thank you for that. We know that was a very difficult thing
17 for you guys to see and, you know, everyone is feeling for you in
18 that loss of a teammate out there.

19 Going back to before you guys started your walk from Queens
20 Freight, was there a job briefing, contract safety briefing that
21 was conducted?

22 A. Yes. Our foreman briefed us earlier. The safety rule of the
23 day was if you need to have help, anything too heavy, you always
24 get help lifting something if it's too heavy. That was the safety
25 rule of the day. And he did explain the work was going to be

1 tightening up the interlocking, so --

2 Q. Okay.

3 A. -- at a certain point.

4 Q. Okay. And when you were walking -- when you were in the
5 track, was there any provision made for on-track safety before you
6 got in the track? What --

7 A. We follow what the watchman is doing, because we're working
8 just four live tracks there. So the closest place to clear would
9 have been to the right, which would be Track 2 and Track 3,
10 because you don't want to go across three tracks when you can get
11 over one into safety. So --

12 Q. Okay.

13 A. But we had a train there, so we stayed in 1. So we would
14 follow the disc. Whichever way our watchman wants to clear, we
15 clear.

16 MR. GORDON: Okay. I'm going to pass it over to Anne and let
17 her ask some questions there.

18 MS. GARCIA: Thank you.

19 BY MS. GARCIA:

20 Q. Ann Garcia with NTSB. I've got a number of questions. They
21 are questions we ask everybody, standard questions.

22 So thank you for walking us through what happened on that
23 day. What I'd like to know is information on what your regular
24 work schedule is. Okay?

25 A. Well, like I say, I work on a boom truck. You want to know

1 my regular day?

2 Q. Right. The days of the week that you work and what your
3 hours are.

4 A. Our hours are 7:30 to 3:30, Monday to Friday. Work on the
5 boom truck as a trackman. And we'll be out there to change rail,
6 frogs, guardrails, whatever steel needs to be loaded up on our
7 truck, possibly wood. We've done that, and cement. Whatever we
8 need to do, we can get on the boom truck, that's what we do. That
9 is our job, to maintain the tracks.

10 Q. Okay. Thank you. So for your regular workdays, Monday
11 through Friday, how long does it take you to commute into work in
12 the morning?

13 A. Takes about an hour and a half coming in, in the morning,
14 Monday to Friday, especially during school, school year, because
15 of the buses out there.

16 Q. And going home?

17 A. It's about the same going home. Unless there's an accident,
18 then it's a lot longer. I commute almost 60 miles each way every
19 morning.

20 Q. Okay, thanks. And what time would you normally go to bed
21 when you have a workday coming up in the morning?

22 A. Right after I put my guys to bed, my sons, about 9:30, 10,
23 I'll be laying down these days. And up at 10 to 5. I like to be
24 out on the road, want to get on to Taconic, like to be out there a
25 little ahead of the traffic. It starts at about 6.

1 Q. Did you say 10 minutes of 5 you hit the road?

2 A. I get up at that time.

3 Q. Oh, you get up.

4 A. I get up at that time and I'm out the door before about a
5 quarter to 6. So it takes 7 -- 12 minutes to get to the Parkway
6 from where I live.

7 Q. So 4:50 you get up, 5:45 you're out the door?

8 A. Yes.

9 Q. Okay. Thank you.

10 And what time do you normally have dinner? Do you normally
11 have it at home?

12 A. Yes. Between 6, 6:30.

13 Q. Okay. And what about weekends? What time do you get up on
14 Saturday and Sunday mornings?

15 A. I'm usually the first one up in the house regardless of the
16 day. I'm up at 6:30 in the morning and sometimes earlier. My
17 usual routine is go to the gas station, get some coffee, come back
18 and be quiet, sit on the deck a little, and my children will get
19 up. My wife, I try not to bother but --

20 Q. Yeah.

21 A. You learn that one early on. I've got 20 years under my belt
22 with her.

23 Q. Uh-huh.

24 A. Yeah, so that's generally a Saturday. And we'll order out or
25 we'll go out to eat and we'll do something. My sons are active,

1 baseball and all that stuff. So there's always something going
2 on.

3 Q. Yeah. What time then would you normally go to bed on Friday
4 and Saturday nights you don't have work the next day?

5 A. It doesn't matter. I'm usually the first one out of there.
6 They always laugh because I don't make it through the movies with
7 them. But we'll watch a movie on a Saturday night, my wife and I,
8 after dinner with the kids, and usually I'm the first one gone.
9 So it's like 10:30. I try -- if it's a good movie, I'll force it,
10 but I'm usually the first one gone to sleep.

11 MR. GORDON: I'm glad that's not just me. It sounds like
12 he's describing me.

13 UNIDENTIFIED SPEAKER: I thought you're supposed to do that.
14 Working as intended.

15 MR. FRANZESE: I try. I try to stay up for it.

16 BY MS. GARCIA:

17 Q. How old are your sons?

18 A. I've got a 14-year-old and a 10-year-old boy.

19 Q. Okay.

20 A. Nicholas is the oldest and Christopher, the youngest.

21 Q. Uh-huh. Good. Thank you. Thank you very much.

22 A. You're welcome.

23 Q. That gives us a good idea of your work schedule, the rhythm
24 of your days.

25 Now on the job are you issued a railroad cell phone to use?

1 A. No. No, ma'am.

2 Q. Okay. And you have a personal cell phone?

3 A. I do.

4 Q. And where do you keep that when you're at work?

5 A. That's supposed to stay in our bags. We don't take that out
6 on the tracks with us.

7 Q. Okay. And where did you keep your bag on this particular
8 day?

9 A. It was in the front seat of my car in my lunch bag.

10 Q. Okay. You leave it in your car in your lunch bag?

11 A. Yes.

12 Q. Okay. Thank you.

13 A. You're welcome.

14 Q. And you mentioned that on this day that your job duty was
15 tightening the bolts and your welding crew, your general duties
16 this day, were tightening the interlocking?

17 A. Correct.

18 Q. Okay. Is that typical of a workday for you?

19 A. It's not unheard of. We usually work with a welding crew,
20 boom truck goes out with a welding crew most of the time. If
21 we're changing rail, we need them out there, cut rail, change
22 bars. And we'll put the rail line out or whatever we need, to
23 load and put it in place for them. And the MOAs will do their
24 jobs accordingly. So that's with the welding truck, you have an
25 MOA, you have a welder. Guys are prepared to do the tightening up

1 after we lay the steel in and take the old stuff, the broken stuff
2 out.

3 Q. Okay. Now I just need a little clarity because you mentioned
4 the welding crew. So is your crew the welding crew?

5 A. No. We are the boom truck. I'm part of the boom truck crew.

6 Q. Okay. So the guys that you were out there with on this day,
7 you're the boom truck?

8 A. Well, we had one boom truck. I had my driver with me. We
9 were the two on the boom truck. Mario is part of a welding crew.
10 So we all intermingle because Queens Freight is a little bigger.
11 That's where our foreman wanted us to meet and that's where we
12 were told to go. That's where I went to show up with my partner,
13 which is Timmy Molnar. He's our main driver on the boom truck.
14 Okay?

15 Q. Thank you.

16 A. You're welcome.

17 Q. Okay. And you normally work with the same group? This is
18 your regular foreman?

19 A. No. We are assigned different foremen on the boom truck.

20 Q. Okay.

21 A. That can change at any day.

22 Q. Have you -- Mike was this foreman?

23 A. Of the day, yes, he was.

24 Q. You've worked with him before?

25 A. Yes, I have.

1 Q. How often and for how many years?

2 A. I'm there 14 years. I've worked with Mike a whole bunch of
3 times, probably 20 times, 30 times, over the course of my career.

4 Q. Okay. So you know him pretty well?

5 A. Yes.

6 Q. Okay. What type of -- you have training. You had initial
7 training and then you have refresher training?

8 A. Yes. We do take courses every year for safety, terrorism,
9 everything. They try to keep us abreast of everything, keep us
10 fresh. So we can --

11 Q. Have you heard of the training for fatigue risk awareness?

12 A. Yes, we do that too. They're very much aware of that now,
13 people working too many hours where they're exhausted and can't
14 perform safely out on the track. Absolutely.

15 Q. Good. And are you familiar with the term fitness for duty?

16 A. Yes.

17 Q. Fit for duty? Okay.

18 A. Yes.

19 Q. Do you receive training in that?

20 A. Our job is pretty physical. Since I've been hired, from
21 digging, put in track ties, to even working with steel, everything
22 out there weighs -- it's all steel and rock, and you've got to be
23 pretty fit working out there, especially in the track department.
24 So --

25 Q. So what is your understanding that's included in being fit

1 for duty?

2 A. Well, being capable -- in other words, you have to have --
3 first of all, let me step back there. Not just the physicality of
4 it, but you use common sense. Safety is the first thing we go by
5 out there on track. Everybody's got a family. We all want
6 everybody to go home. I learned that early on. I go by that.
7 Treat each day like it's your first day. I believe in that
8 complacency rule, where people do get complacent. I try not to do
9 that. That's probably my biggest fear.

10 And, of course, we have accidents out there. Everybody has
11 minor accidents, where they get hit with debris or at some point
12 something -- you know, God forbid, you know, you don't want it to
13 be too serious. Unfortunately, it's dangerous and things happen
14 out there. I've already, as you can tell, been through this now.

15 Q. What type of personal protection equipment do you keep with
16 you?

17 A. Our PPE, we use a -- we have new vests now saying we work for
18 the Long Island Rail Road, but we always have a breakaway vest. I
19 wear a hardhat, as I work with steel on the boom truck. Safety
20 gloves. We do wear our boots, which are steel and they are ANSI
21 rated for electric; and heavy-duty pants at least -- no wearing
22 shorts -- and shirts, got to have a shirt on. Safety glasses,
23 too. I'm sorry.

24 Q. Yeah. So on this particular day, that wasn't a regular
25 workday for you.

1 A. Yeah.

2 Q. Would this be an overtime day for you?

3 A. Yes, it was.

4 Q. And when did you receive notice that you were going to be
5 working that day?

6 A. We were canvassed to work -- I believe it was Friday, that
7 Friday -- Friday morning, I believe it was.

8 Q. The morning before?

9 A. Yeah.

10 Q. Okay. And was this the only overtime that you worked this
11 week?

12 A. That was the only overtime, yes, but I did accept other work
13 offered to me, yes.

14 Q. What does that mean?

15 A. Well, in other words, we can do -- you can do a shift on a
16 Sunday too, so -- which I did. I accepted a shift to work in
17 another subdivision to do platforms on Sunday, which was called
18 off. Rightfully so.

19 Q. Yeah. Okay. Do you normally accept extra work like that?

20 A. Well, if I feel strong enough, yes, of course, I'll do the
21 hours. It's extra money for my family.

22 Q. Yeah. Good. About how much overtime do you think that you
23 put in, in any week or month or --

24 A. I usually work maybe 2 days a week, 16 hours overtime.

25 Q. A week?

1 A. Yeah, which is not so -- not as heavy. But sometimes we do
2 have to work over our shifts, so I will take the over-shift if
3 it's offered to me.

4 Q. Okay. Thank you.

5 A. You're welcome.

6 Q. On this particular day you worked with all of these men
7 before?

8 A. Yes.

9 Q. Would you say that you know them pretty well?

10 A. Yes.

11 Q. How was everybody that day, when you showed up for work?

12 A. Everybody was in good spirits. I mean, it's been a good
13 year, we're working good. Everybody is doing all right. The main
14 thing, everybody is healthy, naturally, so -- everybody was in a
15 good mood really.

16 Q. Good.

17 A. Right frame of mind, I thought. Beautiful day. A little
18 hot, but beautiful day. We all want the warm weather. We had
19 enough rain, God knows. But it was -- everybody was in the right
20 frame of mind, I would say, yes.

21 Q. Good. And the foreman?

22 A. He seemed very happy. Mike was in a good mood. He was
23 talking about going on vacation with his fiancé -- his girlfriend.
24 Sorry. So he was showing Timmy and I pictures of the condo; oh,
25 we're going to go here. He was in a great mood actually. He was

1 looking forward to it.

2 Q Thank you.

3 A. You're welcome.

4 Q. That's very helpful. And the watchman also?

5 A. Yes. Mario?

6 Q. Um-hum.

7 A. Very good. He's always been good. He's loud, he's direct,
8 make sure we hear his signal. He wants me to hear him and he'll
9 let you know which way we're going. He's got your back. Very
10 good man.

11 Q. On this particular day when was it discussed where you would
12 go to clear up in the event the train was coming?

13 A. We always follow -- we're going to clear out wherever our
14 flagman is. Usually it's going to be the shortest distance to get
15 into the clear. We don't want to go across three tracks as
16 opposed to one track. So we'll follow our watchman.

17 Sometimes you can't. Sometimes we have trains coming, double
18 headers, both directions, which it would be safer to actually stay
19 in the track you're in. And it's really we're following the
20 watchman's order at that point, and it's known by the foreman, we
21 will follow, we'll clear whichever is the safest, shortest.

22 MS. GARCIA: Good. Thank you. That's very helpful. I
23 appreciate it That's all I have at the moment.

24 MR. GREENBERG: I don't, I don't even know what to say. Sad
25 day for all of us. Mike was a great guy. I knew him, not as well

1 as you guys, but I worked with him a bunch of times over the
2 years. It was a tough phone call to get.

3 I just have a couple of quick questions.

4 BY MR. GREENBERG:

5 Q. How long did you work on Sub 2?

6 A. I've been in Sub 2 most of my career. Going to finish my
7 14th year, like I said, in June. Twelve of the 14 years.

8 Q. Might as well stay in Sub 2, huh?

9 A. I am.

10 Q. Pretty dedicated group. When you guys left Queens Freight
11 initially, did you walk on the tracks to get to Queens
12 interlocking or did you walk on the platform?

13 A. No, we crossed the platform initially till we got over to the
14 other side and -- yeah, I'm sorry -- the east end of the platform.
15 Then we came down the ladder, the siding.

16 Q. Do you know if you were planning on doing the same thing on
17 the way back?

18 A. I was not told that, no. I was not privy to that
19 information.

20 Q. I didn't know if you guys had discussed it or anything.

21 A. I was to keep on checking the bolts and keep everything
22 tight, on 3 and 1. That was after we had met the Queens Village
23 gang, we went down to the first signal bridge, basically, by the
24 Belmont Y, and we crossed over to 3 and 1, and then we started
25 heading west on Track 1.

1 MR. GREENBERG: That's all I have. Thanks.

2 BY MR. SACCENTE:

3 Q. I've got to tell you, I'm very sorry to see you under the
4 circumstance. It's horrible. And we all regret having to put you
5 through this. I do have to ask you some questions. Marty
6 Saccente.

7 Did you work any overtime Friday night or anything else? So
8 you basically had at least 8 hours off before you came in on
9 Saturday?

10 A. No, I didn't work any overtime Saturday.

11 Q. No. So, all right, so no issues that -- you drove to Queens
12 Village, you drove to the -- okay.

13 A. Yes, drive.

14 Q. All right. All right. You're very familiar with it. You
15 worked the section 12 years. Okay. Do you remember where and
16 when you had your job briefing?

17 A. Yes. We had our job briefing outside the Queens Freight
18 shanty and it was outside the tracks.

19 Q. Okay. Do you remember signing a job briefing card?

20 A. I did.

21 Q. Okay. Briefly, what hazards did you discuss?

22 A. We go over a safety rule, first thing is safety rule of the
23 day. We make sure we get that, and then he gives us our job
24 descriptions.

25 Q. Okay.

1 A. And that was to maintain the interlocking, check the IJs and
2 loose bolts and everything else that's not right.

3 Q. Okay. Any other job briefings during the day? Nothing
4 really changed?

5 A. No, nothing changed.

6 Q. Okay. All right. Any other protections discussed other than
7 using a watchman? Did anybody call for foul time? Did you ever
8 use foul time on that day?

9 A. No, sir, no foul time that day.

10 Q. Okay. All right. All right. So you guys decided from the
11 beginning you were going to use train approach warning and that
12 was it?

13 A. Yes.

14 Q. All right. Any idea how many times you might have had to
15 clear for trains that day? There was a lot of extra trains that
16 day.

17 A. Oh --

18 Q. I know it's asking like -- just to give an idea, you know.

19 A. There were a lot of trains and, fortunately, we did not have
20 to clear a lot of times.

21 Q. Okay.

22 A. One guy, like I said, said we was clear. We had one
23 eastbound that had passed us before that westbound train. There
24 was a lot of train movement but not on our track. We did clear
25 out -- I'm sorry -- a couple of times on 4 coming down when we

1 first started our walk after the platform, we stayed out. I
2 believe a couple of trains went by.

3 Q. Yeah.

4 A. And then we had another, another eastbound and unfortunately
5 the westbound.

6 Q. Yeah. I'm sorry. And can I just ask quickly, why again did
7 the gang split up at the end of the day? You were going back to
8 Queens Freight; they were going downstairs.

9 A. There were two gangs initially. There was a Queens Village
10 gang over in there.

11 Q. Right. On 222nd --

12 A. Mike was part of the -- he was actually our boom truck
13 foreman for the day, so he wanted us to go to Queens Freight.

14 Q. Okay.

15 A. Which was the next shanty down actually.

16 Q. Um-hum. All right.

17 MR. SACCENTE: That's all I have for now. Thank you very
18 much.

19 MR. HILL: Hi. Don Hill, BLET Safety Task Force. I have no
20 further questions for you at this time.

21 BY MR. WILSON:

22 Q. Don Wilson, W-i-l-s-o-n, FRA Engineering Group. I'm not even
23 going to ask you to think about the incident train. Earlier in
24 the day when you would cleared for trains or even earlier in the
25 week, say, there's a double header, as you call them. You

1 mentioned you clear in the tracks?

2 A. Sometimes we have a track out of service, and you get called
3 out sometimes, you will have two trains --

4 Q. Sure.

5 A. -- coming from different directions.

6 Q. How often is it that they don't use working limits in the
7 tracks?

8 A. We usually always do working -- we always have working limits
9 when we're doing work in the track. We have -- putting rail in,
10 we have a track out of service, that working limits, where we are
11 performing the actual job to replace rail or whatever, and the
12 track is taken out, absolutely. But when you're walking track,
13 no.

14 Q. Okay. Oh, following the disc, I kind of understand that
15 because the guys down at GCT kind of do that. Could you explain
16 how they do that here? Like you mean you're basically just going
17 to follow whatever track your watchman is in, or what did you mean
18 by that?

19 A. Well, we'll discuss protection before we go, and usually we
20 will have a watchman out with us, and that's usually every
21 worksite, we're going to have one on the east end. Okay. We're
22 walking tracks, so we had one man with us; our foreman was leading
23 the way. Mario stayed behind. He's watching the trains coming on
24 our back. We can see what's in front of us.

25 So all of us stayed together in the same track. Track 1, we

1 were walking. Flagman's job is to blow his horn loud, tell us
2 where that train is coming and where we're going to clear. And we
3 acknowledge, and he's supposed to hold up that disc, and the train
4 will acknowledge that the watchman is seeing him and that we are
5 working right there.

6 MR. WILSON: All right, thank you. And thank you for coming
7 out.

8 MR. FRANZESE: You're welcome.

9 BY MR. FLYNN:

10 Q. Ed Flynn, F-l-y-n-n, FRA Region 1. Pat, I too am very sorry
11 that you had to experience this tragic event, and I just have a
12 few questions. The first being, you said that everybody
13 acknowledged the warning that was given by the watchman. Did you
14 notice how -- like how did you acknowledge that warning?

15 A. Well, I had Mario right behind me, okay, and I was third in
16 line. It was Mario --

17 Q. Right.

18 A. -- had me, Jose walking in front of me -- he was banging
19 pretzels -- and you had the foreman, Mike, was about 20 feet past
20 Jose.

21 Q. And how did the gang acknowledge to --

22 A. Mario blew the horn and told us where the train was coming.
23 Okay. We Roger'd that. We turn our head, we're looking right at
24 him, and we see the train coming.

25 Q. Right.

1 A. We turn, so --

2 Q. Did you notice if the foreman acknowledged in any way?

3 A. I believe he acknowledged with a wave of his hand. That's
4 how I took it. And that's all I can say.

5 Q. The other thing, you mentioned that there was a safety job
6 briefing prior to starting the work.

7 A. Yes.

8 Q. Was the work that you were performing as you moved westward
9 after you met the gang at the Y at Belmont, I think you said, was
10 the work discussed that you performed going west during that
11 initial --

12 A. The same work that we started out with was continued west.

13 Q. Okay. So it was just the same activities --

14 A. Maintenance.

15 Q. There was no change in activity or anything?

16 A. Right. So just regular routine maintenance, tighten up the
17 track, make sure nothing is loose, both directions.

18 MR. FLYNN: Understood. Understood. Thank you very much.

19 MR. FRANZESE: You're welcome.

20 MR. MARALDO: Rob Maraldo, M-a-r-a-l-d-o, DOT. I have no
21 questions for you. Thank you.

22 MR. AMENDOLARE: Dominic Amendolare, A-m-e-n-d-o-l-a-r-e. No
23 questions. Thank you.

24 MR. BATES: SMART -- Bates, B-a-t-e-s. I'm very sorry about
25 the accident. No questions.

1 MR. FRANZESE: Thank you.

2 MR. HESS: David Hess. H-e-s-s, no questions.

3 MR. PERSAUD: Raymond Persaud, P-e-r-s-a-u-d, New York State
4 Department of Labor. Nothing at this time.

5 MR. GORDON: Pat, you're doing good. You're helping us fill
6 in some of the blanks and, you know, certainly you've got the
7 perspective that we need to look at this thing and make sure that
8 these things don't happen again. I appreciate your time.

9 BY MR. GORDON:

10 Q. I've got a few questions. You talked about how everyone was
11 equipped and, of course, Mario was the watchman. You had a
12 wrench. You were tightening bolts.

13 A. Right.

14 Q. Tim had -- what tool did Tim have with him?

15 A. The tool he was carrying -- to be honest with you, I forgot
16 what he was doing. Maybe he was getting material for us or he was
17 looking for -- oh, he had bolts. He had bolts on him or something
18 to that effect.

19 Q. Okay. So some track material --

20 A. He usually had -- right, he was carrying track material.

21 Q. And Jose had --

22 A. Sledgehammer.

23 Q. -- the sledgehammer, knocking on clips?

24 A. Yes.

25 Q. Okay. And the foreman, did he have any tools with him or was

1 he --

2 A. No. Mike didn't carry any tool with him. He just had his
3 phone to communicate with the other foreman or supervisors,
4 whoever needs to get in touch with him. And that was basically
5 it, sir.

6 Q. And then when the two gangs came together, you guys
7 originally started out going eastbound, looking at 2 and 4.

8 A. Right.

9 Q. You meet up with the other gang that's coming your direction
10 to meet, and then you decide to make that turn. Did you work with
11 the other gang at any point?

12 A. No, we did not. We were working as two separate gangs.

13 Q. Okay. You met at that location and turned around and started
14 the other way?

15 A. That's correct.

16 Q. Okay. And I know this -- we asked the question before about
17 how many times you had to clear, but about how many trains do you
18 remember that morning?

19 A. At least four went by in our walk.

20 Q. Okay. And the accident train, did you see or hear that train
21 before you got warning from --

22 A. No.

23 Q. -- from Mario?

24 A. We were warned ahead of that -- before you can hear that
25 train, we were warned ahead by him blowing the horn, and that's

1 when we knew they're coming fast, again, need to hurry at that
2 speed. So we knew it was in 4. We turned our head. You could
3 see down -- it's a straight line down the interlocking in Queens,
4 so you get a good line of view.

5 Q. Right.

6 A. You're going to look, you're going to make sure where that
7 thing is. And I was actually checking bolts, so I could see right
8 down the track.

9 Q. Right.

10 A. Mario was actually 5 feet behind me, very close to me.

11 Q. Okay.

12 A. Gave the instruction that we had one outside, okay, and we
13 were safe right where we were. So this is where we stayed. He
14 held a disc up. I know that. Everybody acknowledged. Jose was
15 right in front of me, and he was checking clips, so he knew also.
16 We all did. We acknowledged, and Mike seemed to wave.

17 Q. Okay.

18 A. He acknowledged that.

19 Q. Okay. And you mentioned that the trains get on you fast in
20 that interlocking. What's your -- what's the train speed in that
21 interlocking, or do you know?

22 A. You can see quite a distance, so the warning was well ahead.

23 Q. Right.

24 A. We could have cleared safely or -- you have a clear time of
25 15 seconds, I think it is. We were well aware, at least, a half a

1 minute to a minute ahead of time.

2 Q. Okay.

3 A. So we knew it was coming.

4 Q. Okay. And during the on-track safety briefing, if you guys
5 are going out to use watchman/lookout train approach warning as
6 your type of on-track safety, are there certain elements that
7 you're looking for in that on-track safety briefing? I mean, are
8 there certain things that are always discussed before you go out?

9 A. Well, we like to know exactly where we're working, what the
10 speed of the trains are going to be in that area. We know that
11 that's a high-speed interlocking, like Metro is, like Valley is.
12 So we pretty much have an idea, when you've been out there as long
13 as we have --

14 Q. Right.

15 A. -- we all know our job and stuff. We've been together a long
16 time pretty much, so we do know that it's a bad interlocking, it's
17 fast. And, yes, we always discuss that. It's a general thing we
18 go over, and you kind of do know where you're at.

19 Q. Okay.

20 A. At least you should.

21 Q. So if you go out to a location, and you knowing the territory
22 the way that you do, and say, you know, they say we're going to
23 use a watchman and you know that you don't have the sight distance
24 required to get in the clear, is there something that you can do?

25 A. Yes. You would use advance watchmen, as many as it takes to

1 get a clear line of view.

2 Q. Okay.

3 A. Keep the men safe, that's a priority. That's number one.

4 Q. And what if there aren't enough men for advance watchmen,
5 what's your -- is there anything you can do there?

6 A. We wouldn't be going out there, I don't think. I would
7 challenge that.

8 Q. Okay. And talk to us a little bit about that challenge
9 procedure.

10 A. We have a challenge form if we don't feel safe. But our
11 foreman are pretty well informed and pretty good at keeping us
12 safe, and we know the trouble areas. We have used advance
13 watchmen before, like in Metro at curves that are dangerous. So
14 you want to give as far as distance as you can to get the men out
15 as fast as they can and save -- it's just that simple.

16 Q. Okay. Thank you.

17 A. You're welcome.

18 Q. Throughout the day -- we mentioned that you guys were moving
19 the whole time, so it's not like you're out there replacing a rail
20 and you've got a place of safety that's going to always be the
21 same place.

22 A. Right.

23 Q. Throughout the day, what was -- can you help us understand
24 where you were clearing to for these trains that came through
25 previously?

1 A. Yes. One of the first trains that arrived, we were actually
2 crossing over the platform, heading east --

3 Q. Okay.

4 A. -- when we first started our walk, which is you hit the
5 platform maybe 50 yards past the shanty, which is Queens Freight.
6 So as soon as we were on the siding, you're going to be walking
7 right on top of them. We had one come right by us then.

8 After we had come down the east end of the platform, there
9 was another train that had passed, in which case we saw the other
10 gang, the Queens Village gang, coming west, as we were walking
11 east on 2 and 4. And that's where we actually met up, around the
12 first signal bridge over there. So there was two trains.

13 And then we had one, when we crossed over to 3 and 1, we did
14 have an eastbound before that westbound came.

15 Q. Okay.

16 A. At least four trains, I would say, at least.

17 Q. Okay. Prior to the accident train, did you ever stay in the
18 gauge of the track as a train went by? Did you --

19 A. No, we actually were safe. We were on the clear. The only
20 time was at that one point, we had it on 4 and we thought it safe
21 to stay in -- I'm sorry. We had it on Track Number 3 and we
22 stayed in 1, all three -- all four of us together.

23 Q. Okay.

24 A. And that's where our flagman said, stay here, stay safe;
25 we're safe right where we are. Because we were kind of going

1 through that bridge area. You got (indiscernible). It's a little
2 tight in there, you know what I mean, so you don't want to cross
3 over three more tracks. So we stayed safe in there and continued
4 our work.

5 MR. GORDON: Okay. And Anne, the visual, if you want --
6 okay, I'm going to pass it off to Anne. She's going to have you
7 help us with the visual there on that map.

8 BY MS. GARCIA:

9 Q. So -- Anne Garcia. We have here just the aerial view of the
10 area. So this is the tower here.

11 A. Yes.

12 Q. The train was coming this way on the track.

13 A. Right.

14 Q. And this is the station here.

15 A. Station on down.

16 Q. That's the station down there?

17 A. Yeah.

18 Q. That's the station there?

19 A. Yes.

20 Q. Okay. So if you could indicate with an X -- let's start with
21 where Mario was and then where you are. We want for each of the
22 five people that you were out there with.

23 A. Well, we were on this track.

24 Q. This was when he first saw the train coming to give you
25 warning.

1 A. Mario?

2 Q. Mario. The tower is here.

3 A. We were close by the tower. I can't be exactly sure of where
4 exactly. I wasn't worried about that. I was looking for bolts.
5 Mario was behind last. I know that.

6 Q. Okay.

7 A. Then it was me.

8 Q. So you were next to --

9 A. I was actually facing this side. I was looking at loose
10 bolts on an IJ here. And then you had --

11 Q. Put an arrow pointing that way.

12 A. I was this way, facing this way.

13 Q. Yeah.

14 A. Mario, I'm sure, had -- he had the line of sight.

15 Q. Um-hum.

16 A. So look at the train coming down on 4 here. Here's the
17 cement I told you about earlier. So you could just see the clips.

18 Q. Um-hum.

19 A. You're not going to be able to -- not going to be able to see
20 the (indiscernible), there were no IJs on there whatsoever.

21 Q. Okay.

22 A. Then we had Jose right in front of me.

23 Q. Here's the tower.

24 A. Yeah. It could be a little closer. I think it's a break. I
25 got to look for where the break is now. Should have been a break

1 right here. It's got to be in here then. It could be a little
2 further down than I'm saying here, probably past the tower.

3 Q. Okay. If you want to start over, that's fine.

4 A. Yeah, I need to. I'm trying to be exact with you but --

5 Q. I want to put you back in the visual mindset.

6 MR. GORDON: But you don't see it from that view very often.
7 Over top, right?

8 MR. FRANZESE: No. No, sir. No, I think -- it has to be
9 where he -- because he went over from 1 to 3, so he has to be
10 where there's no third rail. He had to have crossed here. I
11 would say Mike was over here. It's got to be past the tower then.

12 BY MS. GARCIA:

13 Q. Okay.

14 A. I apologize.

15 Q. So where was Jose?

16 A. Jose was maybe 20, 30 feet behind him. I was close to Jose,
17 and Mario, I know, was right beside me or very close to me, closer
18 to me than Jose was.

19 Q. And there was a fifth member of the crew?

20 A. Timmy, yes. I'm sorry. There was a train about -- a bit
21 earlier and he was -- he was all the way out south, south.

22 Q. Okay. Yeah.

23 A. He actually was on the south side in the right-of-way.

24 Q. Okay. I'll put a --

25 A. I don't remember -- you asked me --

1 Q. Yeah, put a dot there or something.

2 A. I would say probably around here. Yeah, somewhere in that
3 area.

4 Q. Okay. So what I'm going to do is I'm going to label these
5 with a 1 for Mario, 2 for you, 3 for Jose; we'll do 4 for Timmy
6 and 5 for Mike. Okay. And that was the location -- so you have
7 Mike is there right at the third rail?

8 A. Yeah, he -- that's like when the train came by, because I --
9 you could, like I said, you feel that wind hit you and, you know,
10 you keep your back to a train doing that speed. You don't want to
11 get hit with any debris.

12 Q. Um-hum.

13 A. Sometimes you get kick-up in the tracks. We all had our
14 backs -- we knew it was coming right then and there. But as we
15 just lift our head, it had to be just when he got struck. And it
16 has to be where there was no third rail. He did not step over a
17 third rail, so --

18 Q. So it might have been down here even?

19 A. It has to be in there -- it could have been -- sorry -- yes,
20 it has to be at an end approach or where there's no third rail.
21 So I could be wrong in my area. I apologize. But --

22 Q. So if that's the third rail --

23 A. -- I'm not seeing it from up here.

24 MS. GARCIA: This is a little better?

25 UNIDENTIFIED SPEAKER: Might be better, a little clearer than

1 that.

2 BY MS. GARCIA:

3 Q. Sorry to ask you again.

4 A. That's okay.

5 Q. So this is the station here.

6 A. Right, platform.

7 MR. GORDON: You might not go back as far as they were --

8 MS. GARCIA: The tower would be --

9 MR. GORDON: -- is the only thing. I think you lose the
10 tower; right?

11 MR. FRANZESE: Yeah.

12 UNIDENTIFIED SPEAKER: Yeah, it's a little closer view.

13 BY MS. GARCIA:

14 Q. Yeah, the tower would be here.

15 A. I thought the tower was --

16 Q. This is the third rail.

17 A. Well, he stepped out -- I know he -- when Mike got hit, he
18 had stepped out. There were boxes -- I'm not sure if this is
19 them, signal boxes.

20 Q. Um-hum.

21 A. But it had to be a spot where he could -- there was no third
22 rail. I know we didn't step over one, so --

23 Q. So this --

24 A. I just don't see --

25 Q. That's the end of the third rail; this is the beginning of

1 the third rail; right?

2 A. Right. Correct.

3 Q. Does that help orient -- yeah.

4 A. No, it doesn't, because I'm really looking at the track.

5 Q. Right. Right.

6 A. I'm not looking at the back, the end of the --

7 UNIDENTIFIED SPEAKER: That's the last crossover there, Pat.

8 MR. FRANZESE: Yes, okay. But what I remember -- listen, I
9 can tell you that when we all jumped out, there was signal boxes
10 because we said -- or was it over here? It could be here. I'm
11 not sure.

12 BY MS. GARCIA:

13 Q. Okay.

14 A. Because we kind of -- not (indiscernible) --

15 Q. So do you know about the distance between each of you?

16 A. Yes. I had Jose maybe 5 to 10 -- we were close; 7 feet in
17 front of me. It was very close. And Mike was ahead of him by at
18 least 20 feet, 30 feet in front of me. So that's why I said 20
19 something feet.

20 Q. Okay.

21 A. Twenty-seven feet. And then Mario was right behind me, okay.
22 He was close to me. I know that.

23 Q. Okay.

24 A. And Timmy was clear on the south. Because I looked -- I was
25 looking directly at Timmy.

1 Q. And, I'm sorry, how close were you to Mario?

2 A. He had to be probably 3 feet behind me, 4 feet behind me. He
3 was close, watching our back.

4 MS. GARCIA: Okay. That's really helpful.

5 MR. GORDON: And Anne, just so I'm clear on that diagram,
6 you've got Mario is 1, Pat is 2, Jose is 3, Tim is 4, and the
7 foreman is 5?

8 MS. GARCIA: Yeah.

9 MR. GORDON: Correct?

10 MS. GARCIA: Let's change that so Tim is 3. I think that's
11 what we did before.

12 MR. GORDON: That's what we did on the previous, yes. You're
13 fine.

14 MS. GARCIA: This is my confusion, my memory problem. Okay.
15 Good. Thank you so much. That's really helpful.

16 Okay. Did you have other questions, Joe?

17 MR. GORDON: I'm going to look around the table one more time
18 and just throw up a hand if you have any questions.

19 BY UNIDENTIFIED SPEAKER:

20 Q. Just one question. Pat, you said that you heard the warning
21 from the watchman. Did the train also sound the horn on the
22 approach?

23 A. Yes, he did, sir.

24 Q. And what did you hear first, the warning from the watchman
25 first?

1 A. Absolutely, yes. Our watchman blew a horn twice, at least.

2 Q. And you heard that?

3 A. Did hear -- when the train came, he blew a horn also to a
4 signal that he had the disc up, correct.

5 Q. Thank you.

6 A. You're welcome.

7 MR. GORDON: Anybody else? Okay.

8 Pat, again, we can't thank you enough for coming in and
9 sitting down with us. I like to always give the person with the
10 knowledge of the accident an opportunity, if you can think of
11 anything, that you think might help us that we may not have asked,
12 you know, feel free to share that with us. Also, in that same
13 line, any safety improvements that you can think of and, you know,
14 those are always welcome.

15 I'm going to give you my contact information. You can give
16 me a call if you have any questions. We'll get a copy of this
17 transcribed. We'll get it over to you, make sure everything looks
18 correct.

19 And if you have anything to add for the group? Okay.

20 All right. Well, with that we will go off the record.

21 (Whereupon, the interview was concluded.)
22
23
24
25

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 Pasqual "Pat" Franzese

ACCIDENT NO.: DCA17FR009

PLACE: Jamaica, New York

DATE: June 12, 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.

Sandra K. Young
Transcriber