



I, Jose Torres 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
<u>7</u>	<u>2</u>	<u>I STARTED AT 7 A.M AT VALLEY STREAM</u>
<u>7</u>	<u>3</u>	<u>I WAS THERE AT 7:30 IN THE MORNING</u>

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: 7/20/17

Witness: 

UNITED STATES OF AMERICA

NATIONAL TRANSPORTATION SAFETY BOARD

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Investigation of: *

*

EMPLOYEE FATALITY *

LONG ISLAND RAIL ROAD * Accident No.: DCA17FR009

QUEENS VILLAGE, NEW YORK *

JUNE 10, 2017 *

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Interview of: JOSE TORRES

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

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ANTHONY LAVORATORE, President/Local Chairman
Local 29, SMART Transportation

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I N T E R V I E W

MR. GORDON: Good afternoon. My name is Joe Gordon and I am the NTSB Track and Engineering Group chairman for this accident. We are here today on June 12th at the Long Island Rail Road headquarters in Jamaica, New York, to conduct an interview with Mr. Jose Torres, who works for the Long Island Rail Road.

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

Before we begin the interview, we'll go around the room, everybody will introduce themselves, give you their title and who they're representing. And we'll just remind everyone to speak clearly for the record and that will help our transcriptionist. Again, my name is Joe Gordon, and I'm with the NTSB.

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

MR. TORRES: Jose Torres. I work for Long Island Rail Road.

MS. GARCIA: Anne Garcia. I'm the Human Factors Group chairman for this accident for the National Transportation Safety Board.

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

1 MR. SACCENTE: Marty Saccente, S-a-c-c-e-n-t-e. I'm an
2 accident investigator with corporate safety on the engineering
3 side for Long Island.

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

5 MR. WILSON: Don Wilson, W-i-l-s-o-n, FRA, Track Engineering.

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

8 MR. MARALDO: Rob Maraldo, M-a-r-a-l-d-o, New York State
9 Department of Transportation.

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

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

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

15 MR. HESS: David Hess, H-e-s-s, New York State Department of
16 Transportation.

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

19 MR. GORDON: Okay. Thank you, everyone.

20 Before we get started, okay for everyone to refer to you as
21 Jose in the interview today?

22 MR. TORRES: Yes.

23 MR. GORDON: Thank you.

24 INTERVIEW OF JOSE TORRES

25 BY MR. GORDON:

1 Q. And, Jose, we talked a little bit prior to us going on the
2 record here that, you know, we're here to enhance safety. You've
3 got a unique perspective on this accident since you were out there
4 working with that work group. And so what you can tell us today
5 is going to really help us with this investigation and possible
6 safety improvements that may come as a result of our
7 investigation. So we appreciate your coming in and sitting down
8 and talking with us today.

9 If you would, just start off with -- or just start off with
10 telling us a little bit about your railroad career, when you hired
11 out with the railroad and what your progression has been through
12 different jobs since you've been here.

13 A. Okay. I started in March 2008. I've got almost 10 years in
14 the job now. And started as a trackman and now I'm a driver.

15 Q. Okay. So driver. What type of truck do you operate?

16 A. Right now I operate a gravel truck. That day I was driving a
17 welding truck.

18 Q. Okay. If you would, just go to the morning of the accident
19 and just start us out with your -- you know, what time you
20 reported, a little bit about any discussion of the work for that
21 day, job briefing, any safety briefings that were held prior to
22 you guys going out and working, and just kind of walk us through
23 all the way up to the accident, as much detail -- you know, with
24 the events of the day, as much detail as you can give us. You
25 know, those are the things that really help us with the

1 investigation.

2 A. Okay. Yeah, I started at 7 in the morning. They told us to
3 go to the Queens Freight. So I was there at 7 in the morning, and
4 then Mike showed up, and then Timmy Molnar showed up, so we all
5 went inside. And then -- inside the shanty, and then he received
6 a phone call. And then he said we're going to have to go outside
7 and walk the interlock. And then I think it was around 9:00, he
8 said, all right, so -- I think it's 9:30 probably, said it's time
9 to go outside. So he -- so then he tells us what we're going to
10 be doing, and then so he gave us a briefing. Then he told me to
11 -- what do we need for the job, so he told me what tools we need.
12 So I got all the -- whatever we need, and then we started walking,
13 started walking east.

14 Q. Okay.

15 A. Walk east, and like I was with a -- like a sledgehammer, I
16 was looking for loose clips or missing clips. Pat Franzese was
17 with a wrench; he was tightening bolts. Timmy Molnar was with a
18 bucket of bolts. And (indiscernible) CRC. And Mario was with a
19 flag, and then we start walking.

20 Q. Okay.

21 A. Started walking east. Started walking and we did whatever
22 they tell us to -- he tell us to do, like -- and then keep walking
23 till we got to Belmont Y. That's when we meet with the other guys
24 from Queens Village. And so then we turn around and start walking
25 back west.

1 Q. Okay.

2 A. So, yeah, we were on track, walking on Track 1. And so we
3 walking and then Timmy was on the sides. Timmy was on the south,
4 south side. It was I think Mike Ollek was in front of me. I was
5 behind him. Pat Franzese is I believe was behind me, and Mario.
6 And then that's the way we were walking.

7 And then I think we passed Queens Tower and then I heard
8 Mario blow the horn, and then he said -- he said westbound on the
9 outside, westbound on the outside. And then I turned around, and
10 then I saw Mario with the thing, holding it. And then I saw that
11 the train was coming on Track 3, so I keep doing what I was doing,
12 looking for missing clips, keep walking.

13 And then I heard a noise, like a pop noise, and I look --
14 when I look up, I see something fly. Then after the train passed,
15 so it was like Timmy was just yelling what -- oh, my God; oh, my
16 God. And then we all went to the north side. North side, and
17 then Mario called the supervisor, and then some guys went there,
18 like another foreman and all the guys that were in the Queens
19 Village shanty went there. And then they told us, everybody clear
20 the tracks, go downstairs. We went downstairs.

21 And that's basically what --

22 MR. GORDON: Thank you for walking us through that. And you
23 know, I know it's a very difficult thing that you guys experienced
24 and, you know, everyone in the room is understanding of that and,
25 you know, feel for you, and we'll be keeping you in our thoughts

1 and prayers on that.

2 I don't have anything else right now. I'm going to pass it
3 over to Ann Garcia for some questions.

4 MS. GARCIA: Thank you.

5 BY MS. GARCIA:

6 Q I'd like for you to take a look at the aerial view that we
7 have here. And just to orient you, I want you to be thinking
8 about is where everybody was positioned when you first heard Mario
9 give the warning that the train was coming. So this is the tower,
10 and that's the station house there, the platform, that comes down.
11 Okay.

12 A. I believe it was somewhere around here.

13 Q. Okay. Of course, this -- the white is the third rail.
14 Right?

15 A. Yeah.

16 Q. So if you could put a mark there for where Mario was, the
17 best of your recollection?

18 A. Maybe Mario --

19 Q. Or you could start where you were. Just put an X.

20 A. Yeah, I think somewhere on the -- I was probably here.

21 Q. Okay.

22 A. Then I think Pat Franzese was here. Mario probably was here.
23 Then as far as memory, I think all -- Mike was like somewhere over
24 here. He was about maybe 25 feet in front of me.

25 Q. Okay. And Tim would be --

1 A. Tim was, Tim was somewhere around -- I think there's a
2 walkway somewhere in here.

3 Q. Okay.

4 A. So he was -- it was a walkway somewhere.

5 Q. Okay.

6 A. Somewhere here. No, he was like where I was, I think,
7 somewhere in here.

8 Q. Okay. Good. So what I'm going to do is I'm going to make
9 these a little bit bigger, and we know the order that you all were
10 in. So about how much space would you say there was -- you said
11 between you and Mike, there was how many feet?

12 A. Maybe 25, 30 feet.

13 Q. Okay. And what about between you and --

14 A. And Pat?

15 Q. Yes.

16 A. Maybe 10, maybe 10 feet.

17 Q. Okay. And between Pat and Mario?

18 A. Also 10 feet.

19 Q. Good. That's very helpful. And what direction were you
20 facing?

21 A. I was walking -- we were walking that way, so we were walking
22 -- we all were walking west.

23 Q. Okay. So you were facing that way?

24 A. Yes.

25 Q. Okay. I'm going to put a little arrow there for you, that

1 that's where you were facing. Okay. And so when you heard Mario
2 sound the airhorn and call out, what did you -- you said that you
3 kept working, which meant walking?

4 A. I looked behind me, made sure that the train, where the train
5 -- look to see where the train was coming. So I did not -- when
6 Mario said westbound outside, so I look, and I was -- just to make
7 sure that the train was coming here.

8 Q. Um-hum.

9 A. So then the train was coming here, so I keep looking for what
10 I was looking for.

11 Q. Okay. And did you acknowledge to Mario that you heard him?

12 A. Yeah, yeah.

13 Q. What do you do then?

14 A. I just -- I look at Mario first and then he look at me, then
15 he know that I was --

16 Q. You catch his eye?

17 A. Yeah, yeah. So then I look and see where the train was
18 coming.

19 Q. Okay. You put your hand up usually or --

20 A. Yeah.

21 Q. -- something like --

22 A. Yeah, most of the time, it is.

23 Q. Okay, good. And did you see the other people do it also?

24 A. No, I didn't -- to tell the you the truth, I didn't look at
25 -- I specifically look at Mario and look where the train was

1 coming.

2 Q. Okay. And then you looked forward again. So --

3 A. Yeah, yeah, because I look -- I look down because that's what
4 I was doing. I was looking for missing clips.

5 Q. Okay. So did you observe Mike doing anything? Did you
6 notice if he heard Mario?

7 A. No. I don't know. To tell you the truth, I don't -- I
8 didn't see Mike. See, he was in front of me, so I saw him walking
9 but I didn't -- I saw him walking and then --

10 Q. So your focus was on the ground and you were looking for
11 missing clips?

12 A. Yeah.

13 Q. Okay, that's good. Thank you. That's very helpful.

14 Okay. So on this morning you started at 7, just to go over
15 what you said --

16 A. Yeah.

17 Q. -- with Joe. You started at 7, and then you went inside and
18 met with Mike about -- at 7, or was that after?

19 A. It was probably, yeah, like maybe 7. Yeah, that was probably
20 7, probably a little before 7.

21 Q. You said about 9-ish you went outside and that's where you
22 got the briefing from Mike?

23 A. Yeah.

24 Q. Okay. And what time did you get down -- you started on the
25 tracks --

1 A. We started? I don't know. We started -- we started
2 somewhere around here, I guess, right?

3 UNIDENTIFIED SPEAKER: No, you're down here. So this is --
4 you're --

5 MR. TORRES: Yeah, we started and -- the Freight. We started
6 from the Freight. We walk, we walk over here. Then we go up the
7 platform, come down here. Then we keep walking. Then I think
8 somewhere around here is Belmont Y. So we go to Belmont Y and
9 then we -- with the other guys. Then we start walking west.

10 BY MS. GARCIA:

11 Q. Okay. Good. And the other group, they stopped?

12 A. Yeah. The other group just went down. I think -- somewhere
13 right here, I think. Somewhere here, right?

14 Q. Still back over here?

15 A. Yeah.

16 UNIDENTIFIED SPEAKER: Yeah, it's right over there.

17 BY MS. GARCIA:

18 Q. Okay.

19 A. So, yeah, they went down here.

20 Q. Okay, good. So about what time did you actually get on the
21 track up there?

22 A. Where?

23 Q. When you first got on the track, about what time was that?

24 A. I would say it was a little after 9:30 maybe.

25 Q. Okay, 9:30-ish, okay. So that's a fairly good walking speed?

1 A. Yeah.

2 Q. That you were coming down and then turned and came back up
3 and were up here at the time of the accident.

4 A. Um-hum.

5 Q. Okay. Thank you so much.

6 On a little different topic, I just want to go over what your
7 regular weekly routine is. Okay. Standard question we're asking
8 everybody.

9 A. Okay.

10 Q. So what are the days and hours that you normally work?

11 A. Monday to Friday from 7:30 to 3:30.

12 Q. Okay. And when is your normal lunch break?

13 A. 1:00 maybe.

14 Q. Okay. For about an hour?

15 A. Yeah.

16 Q. And is this -- do you normally work with this same group of
17 men?

18 A. No. I mean, I see them every day because we're from the same
19 division. Sometimes I work with them; sometimes I don't.

20 Q. Okay. Okay. Is there anyone that you regularly do work
21 with?

22 A. The guys that I was -- I mean, I see them every day. We are
23 in the same division, but it's like sometimes I got some other
24 things -- like what I do is I got a gravel truck, so they send me
25 with different persons every day. So --

1 Q. Okay, got you. Okay. So that's your normal schedule.

2 What's your commuting time in the morning to get to work
3 normally?

4 A. Twenty to 30 minutes.

5 Q. Okay. And what about going home?

6 A. Thirty to 40 minutes.

7 Q. Little longer in the afternoon?

8 A. Yes.

9 Q. And you drive?

10 A. Yes.

11 Q. Okay. And on the night before you're going to work in the
12 morning, what time do you normally go to bed? So Sunday night,
13 Monday, Tuesday, Wednesday, Thursday?

14 A. 10:00.

15 Q. 10:00. Okay. And what time do you normally wake up to go to
16 work?

17 A. 6:00.

18 Q. Okay. And what about on weekends? Friday night, Saturday
19 night, what time do you usually go to bed?

20 A. When I'm home, probably the same time, 10:00.

21 Q. Okay.

22 A. 10, 11:00, most --

23 Q. And what about waking up Saturday and Sunday mornings?

24 A. 8, 9.

25 Q. Okay. Thank you. That's good. And you have meals at a set

1 time on weekdays, dinner?

2 A. Yeah.

3 Q. About what time do you usually eat?

4 A. 6:30, 7:00.

5 Q. Okay. And so this day on Saturday you were working and it

6 wasn't a regular day; it was overtime?

7 A. Yes.

8 Q. So what were the overtime hours for Saturday that you were

9 scheduled to work?

10 A. 7 to 11.

11 Q. Okay. And when did you find out that you were going to work

12 those hours?

13 A. Friday morning.

14 Q. Okay. And how does that happen? Do you get an email or does

15 someone call you and ask you if you're interested, or --

16 A. Yeah, someone call me and asked me if I wanted to work. And

17 I guess they asked the other guys -- some guys got more time than

18 me, so they asked the other guys and whatever they had left, take

19 it.

20 Q. So it's like on seniority --

21 A. Um-hum. Seniority, yeah.

22 Q. -- you get the call? And you like working overtime hours,

23 picking up an extra shift or two?

24 A. Yeah.

25 Q. Yeah. How many hours every week do you like to work overtime

1 or what's your normal?

2 A. Twelve to 16.

3 Q. Okay.

4 A. If I can get 12 --

5 UNIDENTIFIED SPEAKER: It's expensive to live in New York,
6 isn't it?

7 MR. TORRES: Yeah.

8 BY MS. GARCIA:

9 Q. Okay, good. And did you work any overtime on this week?

10 A. No, that was my first overtime.

11 Q. That was your first one.

12 A. Yeah.

13 Q. Okay, good. That's all very helpful.

14 MS. GARCIA: At this time I'm going to turn it over to other
15 folks to ask some questions.

16 MR. TORRES: Okay.

17 BY MR. GREENBERG:

18 Q. First I'd like to say this was a sad day for us. I've worked
19 with Mike a number of times over the years. He was a really good
20 guy and I can't imagine what you guys, you know, are going
21 through, having seen this (indiscernible). Very sad.

22 I don't have much. How long have you been in Sub 2?

23 A. Like now maybe a week now. But it's like I went to
24 construction, then I came back, you know. But I -- before I was
25 there another 6 month -- I'm always in Sub 2, but sometimes --

1 like I went to construction because it's close to home. They
2 abolished the job, so I went back to Sub 2.

3 Q. So you've obviously worked in Queens interlocking plenty of
4 times then?

5 A. Yeah, yeah. I was -- well, when Mike Russo was there, I was
6 there. Like, what was it, 3 years ago? I was there for like a
7 year.

8 Q. In the section gang?

9 A. Yeah.

10 Q. So you're very familiar with Queens then?

11 A. Um-hum.

12 MR. GREENBERG: Thank you.

13 BY MR. SACCENTE:

14 Q. I've got to say I'm very sorry to see you here under these
15 circumstances. It's got to be awful. I don't want to go into
16 that at all. I just want to ask some questions for you, at your
17 pace, you answer them. I don't want to push you too hard or
18 anything like that.

19 So you were saying earlier that you really didn't work any
20 overtime this week.

21 A. That was my first overtime.

22 Q. Your first one was Saturday. So you had plenty of time off
23 in between Friday and Saturday.

24 A. Yeah. Um-hum.

25 Q. Okay. All right. How did you get to Queens Village that

1 morning? You drove?

2 A. Yeah, I drove.

3 Q. Okay. All right.

4 A. No, actually, I -- yeah, I drove to Valley Stream. I went to

5 get the truck at Valley Stream.

6 Q. All right.

7 A. So I drove -- my car was at Valley Stream.

8 Q. All right. All right. So on Saturday what exactly were you

9 doing, again? What was your job? You were knocking pins back in

10 and knocking pangels back in, and all of that stuff?

11 A. Yeah.

12 Q. Okay. All right. Did you notice anything different about

13 the move that day?

14 A. No.

15 Q. No? It was not an unusual day; it was just a typical day on

16 the railroad?

17 A. Yeah.

18 Q. All right. All right. When you -- tell me about your job

19 briefings -- your job briefing. Where was that conducted? What

20 was some of the stuff that was discussed?

21 A. Okay. He said that we're going to work the interlock, okay,

22 we're going to look for -- look at the IJs.

23 Q. Um-hum.

24 A. Look the IJs, make sure everything is fine. And then he said

25 if it's missing or loose pins, so then we're going put them back

1 in, and if there's some loose bolts, we're going to tighten them
2 up too.

3 Q. Okay. All right. And about what time and where was the job
4 briefing conducted?

5 A. I would say maybe 9:00. It was outside of the shanty in
6 Belmont Y.

7 Q. All right. Belmont Y?

8 A. Yeah.

9 Q. Okay.

10 A. No, no, no. No, not Belmont Y. What's the name -- right
11 here. Queens Freight.

12 Q. Queens Freight. Okay. Okay.

13 A. Yeah, I get confused.

14 Q. That's all right. That's all right. Do you remember filling
15 out and signing a job briefing card at the time?

16 A. That's when Mike told me, I put your name and I put your IBM
17 on it, go and get me the tools. So I jump on the truck and I went
18 to get all the tools.

19 Q. Okay. But a card was filled out?

20 A. Yes.

21 Q. Okay.

22 A. He told me I put your name in and I --

23 Q. Okay. As the day went by, you -- as the day progressed, you
24 started working, you know, from Bridge 1, on main line 2 and 4,
25 and making all your adjustments and corrections.

1 A. Um-hum.

2 Q. And you met the other guys by the Y, and you swung back west
3 again.

4 A. Yes.

5 Q. Any other briefings? Nothing changed; right?

6 A. Nothing changed.

7 Q. Okay. All right. When you're talking about during the
8 briefing, were you discussing what other protections you could use
9 other than a watchman or anything like that?

10 A. No, he said the watchman.

11 Q. No. Okay. All right. You saw -- you said like a word, just
12 (indiscernible) again. How do you guys decide the train approach
13 was what you were going to use that day? You know, how did you
14 decide watchman versus foul time? Did you use any foul time that
15 day?

16 A. No.

17 Q. Okay. All right. So -- but you're familiar with?

18 A. Yeah.

19 Q. Okay. All right. How did you know as you're walking around
20 the plan, it changes; it's all changing. You've got traffic on --
21 how do you know where to clear when a train comes?

22 A. So like in the track that we were walking, so when Mario
23 sounded horn so we knew that the train was coming, so -- but the
24 train was coming on that one, not on the side that we were
25 working.

1 Q. Right. Right, I understand that. So Mario, was he telling
2 you where to clear?

3 A. Yeah.

4 Q. On a case-by-case basis? All right. All right. So he's
5 telling you where to clear.

6 How often did you clear for trains that day? Do you have any
7 idea, any recollection? Could you come up with a number?

8 A. I think when we were walking here, the first I think it was a
9 train somewhere here, we're walking the platform.

10 Q. Not an exact number. You don't have to count them one for
11 one.

12 A. I think it was one the platform. Then we cleared somewhere
13 around here too. Mario, he's really good though. He tells us
14 what to clear, so we clear somewhere here. And then somewhere
15 around here by the Y. And then I think -- I think somewhere
16 around here too, and that's why Timmy went -- he had met us all in
17 the -- there's a walkway there. Timmy just stayed there. We were
18 walking (indiscernible) --

19 Q. Right. Right. Right, right, right. So if you had to put a
20 number on it, could you put a number on it roughly? Any more than
21 usual during the week? Less?

22 A. Maybe a little bit more, maybe --

23 Q. Oh. All right.

24 A. Yeah, because it was -- I remember it was trains going into
25 the Y though.

1 Q. Oh, yeah.

2 A. So we cleared a couple of times the train was going into the
3 Y.

4 Q. All right. Let's see. That's really all I've got for now.
5 What's your ID, if you can --

6 A. [REDACTED]

7 MR. SACCENTE: Okay. That's all I have for now. Thank you
8 very much. I may come up with something else. I don't want to
9 burden you too much all at once, so -- thank you very much, Jose.

10 MR. TORRES: Okay.

11 MR. HILL: Don Hill, BLET Safety Task Force. I'm sorry for
12 your experience. I have no questions for your at this time.

13 MR. TORRES: Okay.

14 BY MR. WILSON:

15 Q. Hi. Don Wilson with the FRA, and I'll keep it short. And
16 some of my questions, they aren't even about necessarily the
17 accident train, so you can place your mind back earlier in the day
18 or something, if you would.

19 Sometimes I'd hear cases where people clear multiple places.
20 Did you find that to be common or -- like maybe two guys clear up
21 on a shoulder and two guys clear up on a track, or things like
22 this? Or, no, they're always clearing the same spot, they're
23 staying --

24 A. Yeah. Yeah, most of the time we always clear in the same
25 spot.

1 Q. Okay. Okay, thank you. Okay. And so that day you weren't
2 sure of the number of trains. You just remember there were
3 multiple trains?

4 A. Yes.

5 Q. We'll just leave it at that.

6 A. Yeah, I can't come out with a count.

7 Q. That's fine. That's fine. Do you remember clearing on the Y
8 tracks at any other time that day?

9 A. No.

10 MR. WILSON: Okay. That's all I have. Thank you.

11 BY MR. FLYNN:

12 Q. Ed Flynn, F-l-y-n-n, FRA. Jose, very sorry that you had to
13 experience this tragic event.

14 I just have a few questions, the first being you said that
15 Mario, your watchman, sounded the warning. And after that sound,
16 did you hear the train blowing the horn as it approached?

17 A. Yeah.

18 Q. You did?

19 A. Yeah.

20 Q. Did that happen after the warning from Mario?

21 A. Yeah.

22 Q. Okay. And also was there any other train movement at the
23 same time happening in the interlocking, either east or west?

24 A. I think it -- the eastbound passed before that, but I don't
25 remember how -- maybe 2, 3 minutes.

1 Q. Okay. All right.

2 A. Before the westbound.

3 Q. Okay. And the only other question I have is, how did the
4 gang know where to clear? How did your watchman relay that
5 information after sounding the horn? How was that done? And was
6 that method of informing the gang discussed during the job
7 briefing, when the job briefing happened? How did you know where
8 to clear up?

9 A. Most of the time it's -- I mean, we work together so we know
10 how to -- you know, we know. Like I know what -- like Mario said,
11 westbound on the outside, so I know it was train coming on Track
12 3.

13 Q. Right.

14 A. So we -- I mean, we work together, so I know what he --

15 Q. What his intent --

16 A. Yeah.

17 MR. FLYNN: I see. All right, thank you.

18 MR. MARALDO: Rob Maraldo. I have nothing.

19 UNIDENTIFIED SPEAKER: No questions.

20 MR. BATES: Will Bates, no questions.

21 UNIDENTIFIED SPEAKER: No questions.

22 MR. PERSAUD: Persaud, no questions.

23 BY MR. GORDON:

24 Q. All right, back to me. You're doing a great job. A lot of
25 information that we couldn't get from anywhere else, so we

1 certainly do appreciate your time in coming in and sitting down
2 and talking with us.

3 Ed asked a question about the clearing and the staying in the
4 track and just, you know, determining that that was the safest
5 place to be at that time. And the other trains that you had
6 cleared for, and we don't know the number but we know there were
7 multiple trains before, you guys had always cleared to either the
8 south side or the north side, completely clear of all tracks?

9 A. Yeah. When we were walking west, so we clear on the south
10 side.

11 Q. Okay. And was there a reason with this train, did it get on
12 you guys a little bit faster than you -- I mean, the notice wasn't
13 given in time for you to get over to the clear? Was there a
14 reason that you guys decided it was safer just to stay in 1 track?

15 A. I know we all stayed -- I guess it was safe to stay there
16 than --

17 Q. Than to try to make a move anywhere?

18 A. Yeah.

19 Q. And did you notice that westbound train, the accident train,
20 did you notice that train before you got the warning from Mario?

21 A. No.

22 Q. Okay. It was you got the warning?

23 A. Yeah.

24 Q. And then after you got the warning and you looked back to
25 Mario to assure him that you had the warning, how close was the

1 train to your work location at that point? Do you feel like it
2 was inside the interlocking or was it still beyond the
3 interlocking when you got the warning?

4 A. I think it was in interlock.

5 Q. It was in the interlocking? Okay.

6 Okay. Train speed, you said you had worked in that
7 interlocking in the past. What's the train speed, to your
8 knowledge, in that area?

9 A. Sixty, 70, something like that.

10 Q. And the sight distance required for you guys to get in the
11 clear, you feel like the work group had adequate sight distance,
12 both east and west, to give you guys time to get in the clear even
13 with that higher train speed?

14 A. What do you mean?

15 Q. Do you feel like you had plenty of -- when you're looking to
16 detect trains both directions, you've got plenty of line of sight
17 to see that train before it comes into the interlocking?

18 A. Well, when I turned around and I see the train, so I did not
19 -- I knew that it was coming, though, the train, so then -- but it
20 wasn't coming on us, so that's why I keep working on the track
21 that I was. Everybody stayed in the same track.

22 Q. Okay. Okay. Let's talk about an on-track safety briefing.
23 And, you know, say, you get into some areas where you don't have
24 the sight distance that you have in this location. You may have a
25 curve or something that, you know, the trains can get on you

1 really fast. If the foreman says we're going to go out and use
2 watchman protection in this area, and you know that there's not
3 the required sight distance, can you tell us what you guys would
4 do or what you would do in that situation?

5 A. I would tell that we need more protection because I'm not
6 going to be -- you know.

7 Q. Okay.

8 A. We need more protection.

9 Q. Okay.

10 A. Usually everybody is pretty good, so they give you protection
11 if you need it.

12 Q. And you had worked in that interlocking before --

13 A. Yeah.

14 Q. --- that day under train approach -- under watchman
15 protection?

16 A. Yeah.

17 Q. Okay. Was there anything throughout the course of the day
18 that made it seem like the work that you guys were performing and
19 the protection that you were provided, was there ever a time when
20 anybody made a mention that, you know, hey, maybe we need foul
21 time? Did anything change throughout the day, any discussion of
22 that?

23 A. No.

24 Q. And you mentioned you work with different groups, but are you
25 still on that same sub?

1 A. Yeah.

2 Q. Okay. And what's the limits of that? That's one question we
3 haven't asked. What's your territory? Do you go milepost to
4 milepost on one line or do you --

5 UNIDENTIFIED SPEAKER: Like me --

6 MR. GORDON: Yeah, you can answer.

7 UNIDENTIFIED SPEAKER: I could probably answer that. This
8 track -- Subdivision 2, is part of the West Division.

9 MR. GORDON: Okay.

10 UNIDENTIFIED SPEAKER: So 2's limits on the main line are
11 from the westerly limits of J interlocking in Jamaica to Culvert
12 Avenue in New Hyde Park on the main line. I'll have to get you
13 the mileposts on that.

14 MR. GORDON: That's fine.

15 UNIDENTIFIED SPEAKER: I don't know them off the top of my
16 head. I mean, do you need to know the other branches too?

17 MR. GORDON: No. No, that's fine.

18 UNIDENTIFIED SPEAKER: Just main line is fine?

19 MR. GORDON: No, just to get an idea of -- you know, I think
20 all you guys kind of share the same territory and just get an idea
21 of how many track miles and, you know, what type of different
22 tracks and areas you have to be familiar with to work your job.

23 BY MR. GORDON:

24 Q. So, staying in the track and making that determination that
25 this is the safest place to be, under train approach

1 warning/watchman protection, are you trained that it's okay to
2 stay in that live track or how does the training go with train
3 approach warning? I mean, I know you talk about a place of
4 safety. Can that be determined as a place of safety?

5 A. What, the track where we -- probably clear on the north side.

6 Q. Clear out of the tracks?

7 A. Yeah.

8 MR. GORDON: Okay. I don't think that I have anything else
9 at this time. I'm going to pass it back over to Anne.

10 BY MS. GARCIA:

11 Q. Thank you. I have just a couple of questions. So how long
12 had you known the other men that you were working with on this
13 day?

14 A. Almost 10 years.

15 Q. Okay. So you know them pretty well?

16 A. Yeah.

17 Q. Would you say that you worked together well as a team?

18 A. Yeah.

19 Q. Have you ever had a time when you felt concerned about one of
20 them or their performance or their ability to do their work?

21 A. No.

22 Q. What was the mood of everybody on that morning; do you
23 recall?

24 A. Everybody was happy. Everybody -- everybody was fine.

25 Q. Yeah.

1 A. Yeah.

2 Q. And how was Mike?

3 A. He was fine. The morning, he was showing -- he was saying
4 that he was going on vacation, showing pictures of the place that
5 he rents for vacation. He was showing it to Timmy and everybody.

6 Q. Yeah. Okay. Thank you.

7 And just to double check, were you asked after the accident,
8 were you asked to give specimens for toxicology report?

9 A. Yeah.

10 Q. Okay. And you did provide that?

11 A. Yeah.

12 MS. GARCIA: Okay. That's all I have. Thank you.

13 MR. TORRES: Okay.

14 MR. GORDON: I'll look around the room one more time. Don?

15 BY MR. HILL:

16 Q. Yeah. You said something about the foreman placed your name
17 on the job briefing.

18 A. Yes.

19 Q. Is that common?

20 A. Yes. Like he filled the card. So then he's like go and get
21 me the tools, I'll put your name and your IBM.

22 Q. Okay.

23 A. Yeah.

24 Q. I was just asking because --

25 A. Yeah. I mean, I was there and then just at that time he was

1 like go and get the tools. All right. So I just jump in the
2 truck and get the tools.

3 Q. Sure.

4 MR. GORDON: Anything else? Okay. I think we've got all of
5 the questions in the room.

6 Once again, I can't thank you enough for taking the time to
7 come in and sit down with us. I always like to give the people
8 that were out there in the field, you know, at the time of the
9 accident, I like to give them an opportunity to offer anything,
10 you know, anything that you think might help our investigation
11 that we didn't ask. I know we've asked a lot of questions and it
12 probably doesn't seem like we left anything unturned, but if
13 there's anything that you can think of that would help our
14 investigation?

15 And then the other thing, if there's any safety improvements
16 that you can think of? You know, you're out there doing this work
17 every day, if there's anything that you can think of that would
18 help prevent an accident like this in the future, you know, we'd
19 be glad to hear that from you. And, you know, you can let us know
20 now or you'll have my contact information, you can give me a call.

21 MR. TORRES: Right now I can't.

22 MR. GORDON: Well, thank you again for coming in.

23 We're going to go off of the record.

24 (Whereupon, the interview was concluded.)

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 Jose Torres

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