



I, Mario Audelo, 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>2</u>		<u>Deborah</u> <u>Debra</u>
<u>4</u>	<u>9</u>	<u>June 9th</u> <u>June 10th</u>
<u>4</u>	<u>23</u>	<u>Deborah</u> <u>Debra</u>
<u>33</u>	<u>7</u>	<u>Bill</u> <u>phil</u>
<u>33</u>	<u>9</u>	<u>Bill</u> <u>phil</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: 7/21/17

Witness: [REDACTED]

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: MARIO AUDELO

Long Island Rail Road Offices
Jamaica, New YorkMonday,
June 12, 2017

APPEARANCES:

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National Transportation Safety Board

ANNE GARCIA, Chair, Human Performance Group
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ANTHONY LAVERATORE, President/Local Chairman
Local 29, SMART Transportation
(On behalf of Mr. Audelo)

DEBORAH AUDELO

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I N T E R V I E W

MR. GORDON: Good morning. 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. Mario Audelo, and Mr. Audelo was working with the welding gang -- welding roadway working gang.

This interview is in conjunction with NTSB's investigation, where on June [REDACTED] at about 10:12 a.m. 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, let's go around the table, introduce yourself. Please spell your last name, who you are representing, and give your title. I would like to remind everyone to speak clearly for the transcription, and I'll start, and pass it off to my right.

Again, my name is Joe Gordon, G-o-r-d-o-n, and I'm with the NTSB Track and Engineering Working Group.

MR. LAVORATORE: I'm Anthony Lavoratore, president/local chairman of Local 29, SMART Transportation.

MR. AUDELO: Mario Audelo, Long Island Rail Road track worker.

MS. AUDELO: Deborah A-u-d-e-l-o, Mario's wife.

MS. GARCIA: Anne Garcia, G-a-r-c-i-a, Human Performance Group chairman for this investigation for the National

The correct
accident
date is
June 10,
2017- RJG

1 Transportation Safety Board. And I would ask that everybody put
2 your cell phones away and have them on silent. Nothing on the
3 table. Okay.

4 MR. GREENBERG: Glenn Greenberg, Deputy Chief Engineer, Long
5 Island Railroad, Engineering Department; G-r-e-e-n-b-e-r-g.

6 MR. SACCENTE: I'm Marty Saccente, S-a-c-c-e-n-t-e, corporate
7 safety investigator, Engineering, Long Island Rail Road.

8 MR. HILL: Donald Hill, with the BLET Safety Task Force; H-i-
9 l-l.

10 MR. WILSON: Don Wilson, W-i-l-s-o-n, and I'm with the FRA,
11 Track and Engineering.

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

14 MR. MARALDO: Robert Maraldo, M-a-r-a-l-d-o, with New York
15 State Department of Transportation, Public Transportation Safety
16 Board.

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

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

21 MR. HESS: David Hess, H-e-s-s, New York State Department of
22 Transportation, Public Transportation Safety Board.

23 MR. PERSAUD: Raymond Persaud, P-e-r-s-a-u-d, Safety and
24 Health Inspector, New York State Department of Labor, Safety and
25 Health Division.

1 MR. GORDON: Okay. Thank you all for being here.

2 Is it okay if I call you Mario --

3 MR. AUDELO: Yes.

4 MR. GORDON: -- for the interview? Thank you, sir.

5 And as we discussed previously, do we have your permission to
6 record our interview today?

7 MR. AUDELO: Yes.

8 MR. GORDON: Thank you. And you understand you're able to
9 have a representative with you, and do you have a representative?

10 MR. AUDELO: Yes.

11 MR. GORDON: And that is?

12 MR. LAVERATORE: Anthony Lavoratore, L-a-v-o-r-a-t-o-r-e.

13 MR. GORDON: Okay. All right. I'll start off and then as we
14 pass it around, before you ask a question, if you'll introduce
15 yourself, give the spelling of the last name one more time for the
16 record, and that helps with keeping up with, you know, where we're
17 at in our order there.

18 INTERVIEW OF MARIO AUDELO

19 BY MR. GORDON:

20 Q. So, Mario, as we spoke, clearly understand, it was a very
21 difficult situation that you went through and we are going to keep
22 that in mind as we go through this, and you're -- you know, we're
23 out here as an investigation team trying to enhance safety, and
24 you're in a key position in that you know the story. You're able
25 to help us with our investigation so much because of, you know,

1 being out there on scene.

2 So I'd like to start off by just allowing you to start with
3 the day that you -- that morning when you went to work, reported
4 for duty. No detail is too small as far as what, you know, the
5 job briefing was, how the work assignment came about -- you know,
6 anything that you think is important when you think back to the
7 lead-up to that event, if you could just kind of go through. And,
8 you know, take your time. We're not in any hurry, and anything
9 you have to say is very valuable to the work that we're doing
10 here.

11 A. Okay. I was canvassed for a stand-by crew for the Belmont
12 Stakes. It was probably around, I guess, 8:30, we -- the foreman
13 gets a phone call telling we have to walk the interlocking, make
14 sure everything is tight, you know, bolts, pretzels, and we don't
15 understand why because it's a stand-by crew. You're standing by
16 to make sure if something did happen, you're there for it.

17 So we start doing our walk. You know, we have our briefing,
18 signed a card and get our tools ready, make sure all our stuff is,
19 you know, up to date, and start doing our walk. We walk east.
20 And everything is nice and tight, everything is good.

21 We meet up with the other gang, then we start walking back
22 west. And we get past -- halfway through the interlocking and we
23 tell them that we got the rest because, you know, there wasn't
24 much left to do there.

25 Then we start walking down. I look east. I see a train

1 coming out of Bellerose. Blow the horn twice, and I tell my guys,
2 I got a westbound on the outside. They acknowledge. Blow the
3 horn again. Blow twice. Turn to see where the train's at, put my
4 lollipop up, and he blows his horns two or three times. And then
5 when I turn around to look west, that's when it happened.

6 I got all the guys off the track. Put them to the side, call
7 my supervisor, tell them what had happened. And they rush up, and
8 I tell them don't even go any further. And then that's when we
9 were all taken off the track.

10 Q. Okay. So if you'll take us through the job briefing, the on-
11 track safety job briefing? Kind of talk to us about what was
12 covered in that job briefing.

13 A. Rule of the day, something about make sure you have someone
14 with you if you got to carry heavy machinery, and just what we
15 were -- go over the job that was going to be that day: tightening
16 up bolts, checking IJs, putting on pretzels, walking the
17 interlocking.

18 Q. And then the discussion of the work that was going to be
19 done, and then the on-track safety briefing, if you could talk to
20 us about what type of on-track safety was discussed?

21 A. Safety was -- I was the watchman.

22 Q. Okay.

23 A. And I was going to let the men know where the trains were,
24 where to stay at.

25 Q. And during the train approach -- if you'll talk to me a

1 little bit more detail on the on-track safety job briefing, kind
2 of what all of the elements that you guys will cover before you go
3 out there? I would assume you discuss maybe the speed of trains
4 in the area?

5 A. Yeah, make sure you have all your PPE on, you know, they're
6 coming east and west.

7 Q. Okay.

8 A. And you never know when they're going to come. So we have to
9 -- you know, you got to be on your toes.

10 MR. GORDON: Okay. I'm going to pass it to Anne and let her
11 ask a question there, if she has those.

12 MS. GARCIA: Okay. Thank you.

13 BY MS. GARCIA:

14 Q. I have a number of questions. For the most part it's
15 standard questions that we just need to check the box and get your
16 answers to. Again, it's things that you would know and nobody
17 else necessarily.

18 So first of all, what is -- do you have a regular work
19 schedule that you work?

20 A. What do you mean by that?

21 Q. Do you work like Wednesday, Thursday, Friday, Saturday,
22 Sunday regularly?

23 A. Monday through Friday.

24 Q. Okay.

25 A. 7:30 to 3:30.

1 Q. 7:30 to 3:30. Okay. So you have Saturday and Sunday off?

2 A. Yes.

3 Q. Okay. What is your normal commute time to and from work, or
4 do you report to different places?

5 A. I report at Hillside, or Upper Holban. That's my
6 headquarters.

7 Q. Upper?

8 A. Upper Holban.

9 Q. Okay. And how long does it take you to drive there in the
10 morning?

11 A Ten, 15 minutes.

12 Q. Great.

13 A. No traffic.

14 Q. Great.

15 MR. GORDON: I didn't know you could get anywhere in New York
16 in 10 or 15 minutes.

17 BY MS. GARCIA:

18 Q. Okay. And what about going home at 3:30?

19 A. That takes around a half hour, 45 minutes.

20 Q. Okay. And what time is your normal lunch break? Do you have
21 a normal lunch break or --

22 A. It's supposed to be around 12, but you never know what's
23 happening, you know.

24 Q. Okay. And how long would it be typically?

25 A. Half hour.

1 Q. Okay. And the welding gang, are these people that you work
2 with all the time? Is it a regular work group?

3 A. Yeah.

4 Q. Okay. How long have you been working with them?

5 A. This group, probably 5, 6 years.

6 Q. Okay.

7 A. See, we had the boom truck crew with us too. Like I said,
8 I've worked with them 5, 6 years, too.

9 Q. Both? Okay.

10 A. Yes.

11 Q. And are they -- is it the same group for 5 or 6 years?

12 A. Yeah.

13 Q. Jumping back for a second, when -- just looking at your
14 normal routine on workdays, so you report 7:30, you leave the
15 house around 15 minutes earlier, 7:15 What time do you normally
16 get up in the morning?

17 A. 5:30.

18 Q. 5:30 you're up? Okay. That's on weekdays. Same on
19 weekends? You don't sleep in?

20 A. No. That's why she gets mad at me.

21 Q. And what time do you normally go to bed on workdays?

22 A. 9:30, 10:00.

23 Q. Okay. And on weekends?

24 A. Maybe 11.

25 Q. Okay. Good. And we talked about when lunchtime -- do you

1 normally have breakfast before you go to work in the morning?

2 A. Yeah, or sometimes just eat at home.

3 Q. Okay.

4 A. All depends on the days, you know.

5 Q. So you eat breakfast at home or you pick something up --

6 A. Yeah. Um-hum.

7 Q. -- on the way in? Okay. And what time would you normally
8 have dinner?

9 A. My house, 5:30.

10 Q. Thank you. That's very helpful.

11 Do you have any other things that you normally do during the
12 week? Do you normally go to play softball or do you have a second
13 job or --

14 A. We have baseball, football, you know, spending time with the
15 kids.

16 Q. Okay. So it would be your normal activities?

17 A. Yeah.

18 Q. Okay. Good. Thank you.

19 Getting back to your group, you've been together for a long
20 time. When did you first report on, hire on, with the Long Island
21 Rail Road? Do you recall the year and month?

22 A. 11-29-2000.

23 Q. And what position was that?

24 A. Track worker.

25 Q. Same as now?

1 A. Yes.

2 Q. And how do you decide when you meet up in the morning? Do
3 you have a work assignment where you're supposed to go that day?
4 How do you know what work you're doing?

5 A. Our foreman tells us what we're doing and where we're going.

6 Q. Okay. So the foreman finds out --

7 A. Yes.

8 Q. -- and reports to you?

9 A. Um-hum.

10 Q. And how is it decided -- would you say you're normally the
11 watchman or does --

12 A. Yes.

13 Q. -- that rotate?

14 A. Normally I'm always the watchman.

15 Q. Okay. And you received training from the railroad on that?

16 A. Um-hum.

17 Q. What -- tell us what the training program is like. Is that
18 annual refresher? Do you have initial training?

19 A. It's every year.

20 Q. Every year?

21 A. Um-hum.

22 Q. Okay. And about how long is that?

23 A. Eight hours.

24 Q. Okay. Just a couple of questions on the training. I know
25 sometimes there are different modules that are part of refresher

1 training. So I just want to know if you're familiar with either
2 of these and if you've ever had them.

3 Okay. Are you familiar with fatigue risk management
4 training? Does that ring a bell?

5 A. No.

6 Q. Fatigue awareness training?

7 A. I don't know.

8 Q. Okay, that's fine. What about fitness for duty, are you
9 familiar with that term?

10 A. I don't know.

11 Q. Okay. That's fine.

12 So now going to this particular week, so the accident
13 happened on a Saturday. So let's go on back. Your workweek is
14 Monday through Friday. Did you have any overtime working this
15 particular week; do you recall?

16 A. Yes.

17 Q. Do you know when it was? What hours?

18 A. Friday night.

19 Q. For how long?

20 A. It was an 8-hour shift.

21 Q. In addition to your regular shift?

22 A. Yeah.

23 Q. Okay. So your regular shift you get off at 3:30.

24 A. Um-hum.

25 Q. So instead of getting off at 3:30 --

1 A. Oh, no. I got off, then the overtime was later on that
2 night.

3 Q. You came back?

4 A. Yeah.

5 Q. So what hours did you work that night; do you recall?

6 A. I don't recall what time we started.

7 Q. Okay. But it was that night, okay. And did your whole crew
8 work that, do you know, or was it just you doing something
9 special?

10 A. It was a couple. It was not all of us. Not all of them.

11 Q. Okay. And you worked Saturday, so this was not your regular
12 workday.

13 A. No.

14 Q. What hours were you scheduled to work on Saturday?

15 A. It was --

16 Q. What time did you come in?

17 A. 7:00.

18 Q. Okay. And do you recall how long you were supposed to work
19 on Saturday?

20 A. I think it was supposed to be 8 to 10 hours.

21 Q. Okay. That's good. And what was your job assignment for
22 Saturday?

23 A. Standby.

24 Q. Okay. What does that mean? I'm not familiar.

25 A. Standby, usually what happens, you're there on the job and

1 basically you're waiting when something happens -- a broken rail
2 at IJ -- so at least you're there to do it. You don't have to
3 worry about a call-out for people to get there. You're there so
4 it can get done.

5 Q. Was this at all related to the Belmont going on, or was this
6 just --

7 A. Why we were there? Yes. That standby was because of the
8 Belmont.

9 Q. It was because of the Belmont?

10 A. Um-hum.

11 Q. Okay, thank you. So why was it that you were down on the
12 track and not someplace else, like in the station or --

13 A. I don't know.

14 Q. You don't know, okay.

15 A. We all asked that question, why we were there.

16 Q. Thank you. What -- did you have a radio that you were
17 holding?

18 A. No.

19 Q. Okay. Did anybody in your group have a radio?

20 A. The foreman.

21 Q. The foreman had a radio. Okay. Do you have a company cell
22 phone that's issued to you?

23 A. No.

24 Q. Okay. Do you have have -- did you have your personal cell
25 phone with you?

1 A. Yeah.

2 Q. Okay. And where was that?

3 A. My back pocket.

4 Q. Okay. And that's typically where you would have it?

5 A. Yeah.

6 Q. Were you aware of any problems with equipment the day before

7 or on this day? Did any of the crew members express problems?

8 Did the foreman express problems with the radio or anything?

9 A. No.

10 Q. Okay. Thank you.

11 And what was the weather like on this day?

12 A. Nice warm day, nice warm morning.

13 Q. Okay. Good. And what equipment -- do you have personal

14 protection equipment? Could you just give a description of what

15 that is?

16 A. You have a bag, a lollipop, CPR mask, a horn, and a

17 flashlight so when you're flagging at night they can see it,

18 flares, your "Right to Know" book that's updated, gloves, goggles.

19 Q. You carry all that with you?

20 A. Yeah.

21 Q. Okay. And where did you -- where did your whole work group,

22 where did you report for work?

23 A. Queens Freight.

24 Q. And then did you drive in a crew truck?

25 A. No. We're walking Queens Freight to the interlocking.

1 Q. Did you get in your crew truck at all that day --

2 A. No.

3 Q. -- that you recall?

4 A. No.

5 Q. Okay. You mentioned -- last question for me. You mentioned
6 that after this happened, that you made sure that everybody was
7 off the tracks?

8 A. Yes. On the side of it.

9 Q. On the side of it. You discussed beforehand where safe areas
10 would be to stay if a train came by?

11 A. Um-hum.

12 Q. And what did you identify with them as the safe area?

13 A. It would be on the outside of the track.

14 Q. Okay. And when you put your lollipop up and you were
15 signaling with the train, where was the crew at that time, your
16 crew members?

17 A. They were on the inside track.

18 Q. Which would be?

19 A. I believe Track 1.

20 Q. Okay. Could you just take a look at this and you can
21 identify there is the station, there's the tower. Right, here's
22 the station? This is correct?

23 A. Um-hum. That's correct, yes.

24 Q. And so the train was coming this way. Can you tell us about
25 where you were located when you first saw the train?

1 A. That's the tower; right?

2 Q. This is the tower.

3 A. I was over here near the tower.

4 Q. Okay. So you were over here by the tower. Could you put an

5 X, and this is Track --

6 A. That's Track --

7 Q. -- 3, 1 -- okay. So you were --

8 A. Right here.

9 Q. -- in the middle of the track?

10 A. Yeah.

11 Q. Of Track 3?

12 A. Of Track 1.

13 Q. Track 1. I'm sorry.

14 UNIDENTIFIED SPEAKER: Inside.

15 MS. GARCIA: Okay.

16 BY MS. GARCIA:

17 Q. So that's where you were located.

18 A. Um-hum.

19 Q. And where were the members of the welding gang located?

20 A. I was here. Pat was right here near me.

21 Q. Who? Pat, did you say?

22 A. Franzese, Pat Franzese. Because he was tightening bolts.

23 And then that was Jose Torres.

24 Q. Put a big circle around the X -- yeah. Okay.

25 A. And Mike was around right here.

1 Q. Okay. So that's one, two, three, four, and where was the
2 foreman?

3 A. The foreman was right here.

4 Q. Okay. There were five?

5 A. Our other guy was over here.

6 Q. Oh, he was completely --

7 A. Yes, yes.

8 Q. Okay. So what I'm going to do is I'm going to put numbers on
9 each. So I'm going to have you here as number 1. Okay.

10 MS. GARCIA: Joe, could you write down that Mario was number
11 1? And this will be number 2.

12 BY MS. GARCIA:

13 Q. Who was this again?

14 A. Pat Franzese.

15 Q. Pat?

16 A. Franzese.

17 Q. Franzese is number 2. Who is this off the tracks?

18 A. Timmy Molnar.

19 Q. Number 3. Okay. Then going down here --

20 MR. GORDON: Number 3 is Tim.

21 MS. GARCIA: Tim Molnar.

22 UNIDENTIFIED SPEAKER: Yeah, M-o-l-n-a-r.

23 BY MS. GARCIA:

24 Q. And then number 4 was who?

25 A. Jose Torres.

1 Q. Jose Torres. And then here, number 5, was the foreman?

2 A. The foreman.

3 Q. Okay. And this was the location when you were first aware of
4 the train?

5 A. Um-hum.

6 Q. Okay. And then where did everybody go once you made them
7 aware -- you made them aware; you sounded your horn. Do you
8 recall where they went, what they did?

9 A. We stayed in Track 1 because we knew it was coming on 3.

10 Q. Okay. So everybody here stayed on Track 1 and then he --

11 A. Was there still.

12 Q. -- was there still. Okay. And -- okay, that's very good.
13 Thank you very much.

14 MS. GARCIA: I'm just going to pass this down the table so
15 everybody can take a look. And we indicated 1, 2, 3, 4 and 5.
16 Just really quickly pass it along so everyone can have a look at
17 that.

18 Okay. And that's all I have for right now, That's extremely
19 helpful. Thank you.

20 Your name?

21 MR. GREENBERG: Glenn Greenberg.

22 BY MR. GREENBERG:

23 Q. Mario, you said you were with the welding crew like 5 or 6
24 years?

25 A. Yeah.

1 Q. Were you in Sub 2 prior to that?

2 A. Yes. I've probably been in Sub 2 twelve years.

3 Q. The division. And how far east did you guys go when you were
4 walking; do you remember?

5 A. That day?

6 Q. Yeah, on Saturday.

7 A. We were up there by the Y, past -- right up to the signal
8 bridge.

9 Q. The signal bridge --

10 A. The -- in the Y.

11 Q. Yeah, the signal bridge just past where the west leg of the Y
12 goes up?

13 A. Yes.

14 Q. Bridge 2?

15 A. Yeah. We walked east, then we walked back.

16 Q. And the other gang, the section gang, they were --

17 A. Yeah. We met them there. They -- walking Bellerose, I
18 believe, or Superior.

19 Q. So you met them right around --

20 A. Um-hum.

21 Q. -- where you guys were over there. And then you walked as a
22 combined group back west a distance until they went down the
23 stairs to their shanty; right?

24 A. Yeah.

25 Q. And did some of the members of the welding crew go downstairs

1 with them?

2 A. Yeah.

3 Q. Two of the guys, I think; right?

4 A. Yeah.

5 MR. GREENBERG: That's all I have.

6 MR. SACCENTE: I'm sorry to see you under this
7 circumstance --

8 MS. GARCIA: Name?

9 BY MR. SACCENTE:

10 Q Marty Saccente, S-a-c-c-e-n-t-e. I know you from out there.
11 This is terrible, but I do have to ask you a couple of simple
12 questions.

13 Where did you guys have your briefings that day?

14 Q. Queens Freight.

15 A. Were you all together?

16 A. Yes.

17 Q. You were at Queens Freight?

18 A. Um-hum.

19 Q. The welding gang had their own -- the 222 guys?

20 A. Yeah.

21 Q. 222nd Street, they had their own down there. Then later on
22 you met up, but you had separate briefings?

23 A. Um-hum.

24 Q. Okay. About when did that happen and what kind of hazards
25 did you discuss; do you recall?

- 1 A. Probably around 9:00, I guess.
- 2 Q. Okay. All right.
- 3 A. And briefing what the workload was that day, we're going to
- 4 walk an interlocking.
- 5 Q. Yeah.
- 6 A. Just make sure we had all our PPE on.
- 7 Q. Right. I understand. Did you discuss hazards?
- 8 A. There was going to be more trains that day.
- 9 Q. Yeah, yeah. Okay.
- 10 A. Yeah.
- 11 Q. All right. Now you guys got together and decided to break up
- 12 the work, and they went east and you guys call came back west
- 13 again. When you split and it was just the five of you again, did
- 14 you have another job briefing or anything like that? When you
- 15 were out on your own walking west, actually making your way back
- 16 to Queens Freight where you started from?
- 17 A. No.
- 18 Q. No. Okay. Did anybody call for foul time that day or
- 19 anything like that?
- 20 A. I don't know.
- 21 Q. You don't recall, okay. How did it come about that they were
- 22 just going to use train approach warning to do it out there that
- 23 day instead of getting foul time or anything like that?
- 24 A. I don't know.
- 25 Q. All right. As far as the way you cleared for a train, did

1 you -- obviously you cleared a number of times for trains. Okay.
2 How did you decide where to clear? If you follow my question with
3 this, how did you decide where it was safe to clear at the time?

4 I understand there's a lot of traffic out there. How did you
5 decide -- as you're moving along it's constantly changing. How
6 did you decide? Were you mostly on the side of the right-of-way?
7 You know, clear up north; clear way down south?

8 A. I don't know, because, you know, we walked the whole thing
9 so --

10 Q. Yeah.

11 A. -- there was different spots, different areas.

12 Q. Okay. All right. And you were the only watchman that day?

13 A. Yes.

14 Q. Okay. All right, we square from that day -- so eventually
15 you guys are just headed back to Queens Freight?

16 A. Yes.

17 MR. SACCENTE: Okay. All right. That's really all I have.
18 Thank you very much. I'm sorry.

19 MR. HILL: Don --

20 MR. GORDON: Before we start, are you good? Do you want a
21 break or anything? You good to keep going?

22 BY MR. HILL:

23 Q. Don Hill with the BLET Safety Task Force. I actually have a
24 few questions. Some are for clarity purposes and -- this is part
25 of a record, so some people may not fully understand some of the

1 terms and terminology that you're using. Could you for the record
2 define what IJ is?

3 A. IJ is a rail that has a joint in it. It's insulated, so when
4 they're running signals through the rail, it goes through and
5 doesn't disturb it.

6 Q. And who is the person that was in charge of the gang?

7 A. The foreman.

8 Q. And does the foreman have someone that he reports to?

9 A. His supervisor.

10 Q. And it was asked earlier if you knew if foul time was
11 requested.

12 A. I don't know that.

13 Q. Well, if foul time is requested, would you know that --

14 A. Yes.

15 Q. -- in your job briefing?

16 A. Yes.

17 Q. And I think you stated earlier for the record that the
18 foreman is the only one that has a radio.

19 A. Yes.

20 Q. So generally speaking, would it be true that the foreman
21 would make the foul time request via the radio?

22 A. Yes. I guess. I don't know. That's a foreman job.

23 Q. Okay. And what other job titles have you held?

24 A. Track worker, EWE driver.

25 MR. HILL: Okay. That's all I have for right now. Thanks.

1 And I want to extend my sorrow for your tragic experience.

2 BY MR. WILSON:

3 Q Hi. Don Wilson, FRA. Likewise, we all feel sorry for the
4 loss involved. You know, I just had wanted to ask, not about the
5 train that was involved or that one; let's talk about an earlier
6 train in the day when everything worked right.

7 Okay. Where were you guys clearing? I know it changes as
8 you walk along. Did you sometimes use the tracks to clear and
9 sometimes use the -- I know there's enough shoulder there --

10 A. Yes.

11 Q. -- to clear on. Sometimes you're using the shoulder?

12 A. Yes.

13 Q. And the only other thing I wanted -- is there sometimes more
14 watchmen for that size group or it's typically serviced by one?

15 A. It could be two, if you're working in a small group.

16 MR. WILSON: Okay. That's all I have.

17 BY MR. FLYNN:

18 Q. Ed Flynn, F-l-y-n-n, FRA, Region 1. I too have to say that
19 I'm very sorry that this happened. I'm very sorry that we're
20 here, that we have to -- that you have to experience this.

21 I just have one question. What was your position? I looked
22 at that diagram and I'm just -- for clarification, what was your
23 position in relation to the foreman?

24 A. What do you mean position?

25 Q. In the --

1 A. I was the furthest --

2 Q. In that diagram where you illustrated -- I'm sorry?

3 A. I was furthest east of him.

4 Q. The first person east of --

5 A. East of him. Further east.

6 Q. So you were actually the last employee in this series of
7 employees on the east end?

8 A. On the east end, yes.

9 Q. On the east end.

10 MR. FLYNN: All right. Thank you, sir.

11 MR. MARALDO: I'm Rob Maraldo, NTSB. I have no questions.

12 MR. AMENDOLARE: Dominic Amendolare. No questions.

13 MR. BATES: Bates with SMART National Transportation Safety
14 Team. I'm really sorry that this happened to you. I have no
15 questions.

16 MR. HESS: David Hess. No questions.

17 BY MR. PERSAUD:

18 Q. Raymond Persaud, P-e-r-s-a-u-d, New York State Department of
19 Labor. I just got basically one. You stated before that there
20 was your regular team. Did you or the team worked in that area
21 prior, at any time prior?

22 A. You mean like that day or --

23 Q. Anything.

24 A. Yes.

25 Q. Before that day?

1 A. Yes.

2 Q. You worked in that area?

3 A. Um-hum.

4 MR. PERSAUD: Thank you. I'm sorry you had to go through --

5 BY MR. GORDON:

6 Q. Okay. Joe Gordon, NTSB. There was a good point brought up
7 about sometimes railroad terminology doesn't transfer to the
8 public. You mentioned checking IJs, which was the insulation
9 joints, and also checking pretzels. And that would be?

10 A. Those are the clips that hold the rail to the --

11 Q. Rail clips on the crossties. Thank you for that.

12 The job briefing we've talked about, is there a form that is
13 completed after the job briefing is -- after you guys conduct the
14 job briefing, is there a form that's completed before you go to
15 work?

16 A. Yeah.

17 Q. Okay. And that form, is there anything that you do with that
18 form other than just review it? Do you sign off?

19 A. We sign and you put the rule of the day on there.

20 Q. And is that signing, to your knowledge and through your
21 training, is that signing of the form, is that headcount purposes
22 or is that acknowledgement, like understanding of the -- what was
23 contained in the job briefing?

24 A. That I couldn't tell you.

25 Q. Okay. What's normally done with that job briefing card?

1 Does it stay in the -- in your vehicle? Does somebody carry it --

2 A. I think it's on the foreman. That's his paperwork.

3 Q. Okay. The foreman typically carries that with him?

4 A. I believe so. Or somewhere near him on the vehicle. I
5 really don't know. It's the foreman's job.

6 Q. And you said that you work as a watchman a lot.

7 A. Yes.

8 Q. That's one of your duties. As a watchman is there any
9 paperwork that you're required by Long Island Rail Road to
10 complete?

11 A. No.

12 Q. You had two trains in the area; right? One was eastbound on
13 number 4 track; is that correct?

14 A. Yeah, that was a few minutes before that.

15 Q. A few minutes before. And was it straight through the
16 interlocking or was it diverting off?

17 A. No, it was on the outside track.

18 Q. Outside track. But outside track and just continued through
19 the entire interlocking?

20 A. Yes.

21 Q. Okay. Do trains -- and you can talk about the day of the
22 accident first, and then we'll just talk more general. When you
23 guys are out there working, do you get a warning from the train?

24 A. Yes.

25 Q. Okay. And the day of the accident -- let's talk about the

1 train on 4 track first. Give us an idea of what type of horn
2 sequence he may have given you.

3 A. I believe it had been four or five times I heard the horn.

4 Q. Okay. And about how long before he got go your location?

5 A. I don't know.

6 Q. Was he a pretty good ways off in the distance when he gave
7 the horn or --

8 A. Yeah.

9 Q. Okay. And the train on number 3 track, how about that train?
10 Was it -- did it also give warning?

11 A. Oh, yeah.

12 Q. Okay. And if you're thinking of as he's traveling, you know,
13 and you're familiar with this area, is he giving you warning well
14 before he gets to your location?

15 A. Yes.

16 Q. Okay. Train speed in that interlocking, what's the maximum
17 speed for trains through that interlocking?

18 A. I really -- it's like 70 miles per hour.

19 Q. Okay. And one of the things that you would cover in the job
20 briefing if you're using train approach warning, you would talk
21 about a site assessment, how fast the trains are coming. What's
22 your understanding of a required amount of sight distance that you
23 would have to have for a 70 mile an hour train?

24 A. That -- I can't give you the number on that.

25 Q. Okay. And when you give a warning, and then you're talking

1 about the place of safety may change throughout the day as you
2 guys are walking, but when you give that warning is there any
3 acknowledgement from the train -- or from your crew?

4 A. Yes.

5 Q. So you give the warning. Do they acknowledge that they've
6 received that warning?

7 A. Yes.

8 Q. Okay. And on this -- the day of this incident, as you give
9 the warning for the train on number 3 track, did you get
10 acknowledgement from all of the --

11 A. Yeah.

12 Q. -- workers in the group?

13 A. Um-hum.

14 Q. Okay. How do they give that typically?

15 A. They yell or a hand up.

16 Q. Just something to say --

17 A. Yes.

18 Q. -- yeah, I hear that you've got it. Okay.

19 And Anne spoke about your work schedule. You had no overtime
20 that week prior to Friday, came out and worked Friday night, but
21 there was no overtime Monday through --

22 A. I don't remember.

23 MR. GORDON: Okay. That is all I have at this time. I'll
24 pass it to Anne.

25 BY MS. GARCIA:

1 Q. I have just a -- Anne Garcia. I have a couple of follow-up
2 questions. You mentioned that at the time, once this happened,
3 that you made sure everybody was in a safe area and you called
4 your supervisor.

5 A. Yeah.

6 Q. Who was your supervisor?

7 A. Bill LaMendola.

8 Q. Who?

9 A. Bill LaMendola.

10 Q. And do you know what his official title is?

11 A. Assistant supervisor.

12 Q. And did he come down then to --

13 A. Yeah.

14 Q. Okay. How often do you regularly see him?

15 A. Every morning.

16 Q. Every morning you see him?

17 A. Yeah.

18 Q. Okay.

19 A. Because we -- the same parking lot, you know, so --

20 Q. Oh, okay. You just happen to see him, you're all arriving at
21 the same time?

22 A. Yeah.

23 Q. Okay. Thank you.

24 I want to just clear in my head kind of the timeline here.

25 So you mentioned -- what time did you start work on Saturday?

1 A. What time we had to get there or what time we actually
2 started work?

3 Q. Both.

4 A. 7:00, and we started working around 9 -- 8:30, 9.

5 Q. Okay. 8:30, and where did you start -- where were you then
6 when you say started working?

7 A. Queens Freight.

8 Q. Was that in the station or --

9 A. That's west of the station.

10 Q. Prior before you went on the tracks?

11 A. Yes.

12 Q. Okay. So what time did you go down on the tracks or what did
13 you do after that? You say you started working then. Where was
14 the next location that you went to?

15 A. That's when we walked through the interlocking.

16 Q. You went down on the tracks?

17 A. Yeah.

18 Q. Okay. Were you with the other group at that time?

19 A. No, we met them.

20 Q. You met -- okay. So what time did you go down on the tracks?

21 A. I guess 9:00.

22 Q. Okay. And what time roughly did you meet up with the other
23 group down there?

24 A. 9:30.

25 Q. 9:30.

1 A. 9:40.

2 Q. And about what time did the other group leave?

3 A. A little bit before 10, I guess.

4 Q. Okay. So just before 10?

5 A. Yeah.

6 Q. And once they left, what were you doing? Were you walking

7 down the track? What was going on?

8 A. We were walking and checking the bolts and the IJs.

9 Q. Okay. And were you en route to someplace in particular?

10 A. Back to Queens Freight.

11 Q. Okay. So is it fair to say, then, on your way back to Queen

12 Street that you were checking track?

13 A. Yes.

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

15 It's my -- did you -- after the accident, did you have a

16 request for toxicology specimen? Did you go to provide a specimen

17 for the FRA?

18 A. Did I request it?

19 Q. No. Were you requested --

20 A. Yes, yes.

21 Q. -- and did you --

22 A. Yes.

23 Q. And you provided that?

24 A. Yes.

25 Q. Okay. You know that your group -- well, you've worked with

1 them for many years. How did everyone seem that morning?

2 A. We were having a good day, laughing, joking, you know, like
3 we always do.

4 Q. Yeah.

5 A. Make fun of each other.

6 Q. Would you say that you work together well?

7 A. Yeah.

8 Q. And how in particular did the foreman seem to you on that
9 morning?

10 A. He was in a good mood, having a great day.

11 Q. Okay. Do you all know each other's families at all? Did you
12 ever see each other off of work?

13 A. Not really.

14 Q. Okay.

15 A. It's our own personal family here.

16 Q. Right. But are you aware of family members --

17 A. Oh, we know who has kids, who's still married, this and that.

18 Q. Yeah. And do you tell them about your wife and about the
19 family?

20 A. Yeah. What happened that night with the kids or --

21 Q. Yeah, you share.

22 A. Yes.

23 Q. Does the foreman have family?

24 A. He has two sons. Divorced.

25 Q. Divorced. Okay. Do you know about how long ago he was

1 divorced?

2 A. A long time ago.

3 Q. A long time. Okay. Thank you.

4 And have you had any reason to be concerned in the years
5 you've been working with this group, any reason to be concerned
6 about people's performance on the job?

7 A. Not at all, no.

8 Q. No.

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

10 MR. GORDON: I'm going to just look around the table. Show a
11 hand if you have a question and then just introduce yourself for
12 the record.

13 BY MR. HILL:

14 Q. Don Hill, BLET. Just a few more questions for clarity
15 purposes. It was mentioned earlier, types of protection. I
16 believe it was stated approach or foul time, and what type of
17 protection were you using that day at the time of the incident?

18 A. That would have been me as the watchman.

19 Q. So would that be -- for clarity, that would be considered an
20 approach type of protection?

21 A. I don't know what they would call that.

22 Q. Okay. Would the dispatcher or block operator be aware that
23 you're fouling the track or doing work on the track at that time?

24 A. I don't know that. That would be between him and the
25 foreman.

1 Q. And from your understanding or -- and I know you're not a
2 foreman, but from your understanding is it your expectation for
3 the foreman to actually be -- to actually either perform work on
4 the track or to monitor the group?

5 A. Monitor the group.

6 Q. Okay. And is the foreman qualified on the operating rules
7 from your expectation?

8 A. I guess, yes.

9 Q. And PCs, as well?

10 A. Yeah.

11 MR. HILL: All right. That's all I had. Thanks.

12 BY MR. WILSON:

13 Q. Don Wilson, W-i-l-s-o-n, FRA. I remember you saying
14 something about the guys acknowledging. Do you happen to recall
15 how the foreman acknowledged you?

16 A. I can't --

17 Q. I can understand that -- okay.

18 Do you remember any of the individuals -- I'm not asking
19 about yourself even necessarily, just do you remember any of the
20 individuals using their cell phones?

21 A. No, nobody.

22 Q. And were you or the other members of the group distracted?
23 Do you remember anything else going on?

24 A. No.

25 MR. WILSON: Thank you.

1 BY MR. PERSAUD:

2 Q. Raymond Persaud, P-e-r-s-a-u-d, New York State Department of
3 Labor. Before going on the track, do you remember what the
4 foreman said you were going to do?

5 A. We were going out there to check IJs, pretzels and bolts.

6 Q. Was any work performed during your actual -- actual work
7 performed during your walk?

8 A. Yes.

9 MR. PERSAUD: Thank you.

10 BY UNIDENTIFIED SPEAKER:

11 Q. Mario, I'm sorry I didn't say it earlier, but this is a sad
12 day for us, and I can't even imagine what you're thinking. I know
13 it hurt me bad. I knew Mike a long time and it's a tough one.

14 Were you guys planning on walking the platform, Queens
15 Village, to go back to Queens Freight?

16 A. I don't know, because we didn't get there.

17 Q. Maybe let me ask it another way. Did you walk the platform
18 from Queens Freight to the interlocking?

19 A. Yes.

20 Q. When you went east?

21 A. Yes.

22 Q. Okay.

23 A. Some of them might probably getting on it from west.

24 Q. I just didn't know if you guys had discussed we'll go up to
25 the platform and -- because I know --

1 A. Yeah, because there's no way to get over there.

2 Q. Yeah. And there's really no easy way to get there --

3 A. Yeah.

4 Q. -- by road either. I'm well familiar with it.

5 UNIDENTIFIED SPEAKER: Okay. Thank you.

6 BY MR. GORDON:

7 Q. Joe Gordon, NTSB. Mario, you're doing a great job helping us
8 fill in some of the blanks and, you know, it's invaluable what
9 you're adding to the work that we're doing here.

10 You mentioned that you would have used the platform going
11 back to Queens Freight most likely. Is there ever a time that you
12 would use watchman-type protection within the confines of the
13 station, kind of between the platforms? Do you guys ever get in
14 that area using a watchman to protect you?

15 A. Yeah, when you're working the station, yeah.

16 Q. Okay. And where is your place of safety when you get there?
17 Where do you guys clear up?

18 A. It all depends on how the foreman wants you -- where he wants
19 you to clear up.

20 Q. Okay. And just so we know, and there again, for people that
21 aren't railroaders that may be reading or looking at this at some
22 point, fouling the track, what's your understanding of when you're
23 fouling the track and when you're clear of the track?

24 A. Fouling is when you're on it, and clear is when you're off of
25 it.

1 Q. Okay. Any certain distance off of it or just off of the --

2 A. I believe it's got to be 4 feet from the rail.

3 Q. Okay. Okay. And is there, is there ever -- well, let's look
4 at this -- and I'm getting close to the end, I promise. On the --
5 while you guys were fouling the track, about how many trains
6 passed through the -- passed your location that you had to give
7 warning for the day of the accident? And we know that that's
8 going to be a guess. We know that traffic is pretty heavy through
9 there.

10 A. I really don't know.

11 Q. But more than just those two that were --

12 A. Yes.

13 Q. -- around the same time of the accident? Would you say
14 probably more than 2, less than 10, somewhere in there? And
15 that's okay, as long as we know that there were more than those
16 two trains.

17 A. There was more than two.

18 Q. Okay. And where did the work group primarily clear -- since
19 we don't know how many times you gave the warning, but every time
20 before you gave the warning, everybody acknowledged, where did
21 they go to wait for that train to --

22 A. It all depended on what track we were in.

23 Q. Okay. Was there ever a time when you were still in a track
24 prior to this one? We know during this one you were actually
25 standing in 1 track. Was there other trains that passed when you

1 stood in a track and watched the train by, or did you typically
2 clear all the way out to the field site?

3 A. We cleared out. Because when we walked east, we were on the
4 outer track.

5 Q. Okay.

6 A. So then we could see what was inner one.

7 Q. Okay. So was this the only train that you cleared by where
8 people actually stood in a track --

9 A. Yeah.

10 Q. -- to let the train go through on the adjacent track? Okay.

11 We talked a little bit about the prior warning from the
12 train. Did you hear that train -- did you know that train was
13 there before it blew the whistle or was --

14 A. Yeah, I could see the lights.

15 Q. Okay. Okay. And you gave the warning right after you saw
16 the lights and --

17 A. Um-hum.

18 Q. Just tell us what that warning was again. Was that both --

19 A. I looked east, I see the lights. So I know he's coming from
20 Bellerose. Blew my horn twice. And what I do as a watchman, I
21 yell at the men, tell them if it's an east or westbound. Told
22 them it was a westbound on the outside track.

23 Q. Okay.

24 A. And then I turned my head again to see where the train's at,
25 and I blow my horn again, twice, so they know he's coming and they

1 knew where he was at. That's why everybody acknowledged me.

2 Q. Okay. And do you have the lollipop, the disc -- I guess, is
3 that a white disc?

4 A. Yellow with a big W on it.

5 Q. okay. And that designates that you're the watchman?

6 A. That designates for the engineer to blow his horn.

7 Q. The engineer to blow, okay. And do you hold that disc, that
8 lollipop, is it displayed the whole time the train is coming or --

9 A. Yup.

10 Q. Okay.

11 MR. GORDON: I don't have anything further. I'm going to
12 look around the room one more time.

13 MS. GARCIA: I have just one quick follow-up.

14 MR. GORDON: Okay.

15 MS. GARCIA: This is Anne Garcia. Could you pass me the
16 diagram again?

17 BY MS. GARCIA:

18 Q. So just looking at this, I have -- so looking here, you were
19 at number 1 and the foreman was down here at number 5.

20 A. Um-hum.

21 Q. Any idea what that length is, just ball park?

22 A. Fifty, 70 feet.

23 Q. Okay. So if that's the tower -- this is the train station
24 here?

25 A. Right here.

1 Q. Here? Okay. So it's about one, two, maybe three or more
2 times over the width of the train station? That's -- and you say
3 that you blow the horn, do the airhorn twice.

4 A. Yeah. Then I gave them my verbal.

5 Q. Then you yell out to them?

6 A. Yeah.

7 Q. Do you yell as loud as you can?

8 A. Yeah.

9 Q. Okay. You're a big guy, you've got a big voice?

10 A. Yeah.

11 Q. Okay. And --

12 A. They acknowledged. And I blew them again.

13 Q. Okay. Each one of them, even the foreman, acknowledged?

14 A. Yeah.

15 Q. Okay. Okay. And then you blew it again?

16 A. Yeah.

17 Q. And at that time the other members of the crew, the two other
18 members of the crew that were in the tracks, they moved?

19 A. They stayed in the tracks where we were at.

20 Q. They stayed in the track where you were. Were they looking
21 towards the train?

22 A. Yeah. I guess. I don't --

23 Q. You were looking towards the train?

24 A. I was looking in both directions, making sure they were
25 clear.

1 Q. You were still looking back and forth?

2 A. Yes.

3 Q. Back and forth. Good.

4 And do you recall where the foreman was looking before he
5 started to move?

6 A. I don't know.

7 MS. GARCIA: Okay. Thank you very much. That's very
8 helpful.

9 MR. GORDON: I'm going to look around the table one more
10 time. And we have no questions.

11 I just want to thank you again for coming in and sitting down
12 and talking with us, and I know that it was a very difficult thing
13 to do. I always like to give you an opportunity, you know, with
14 your knowledge of the railroad, to add anything, you know, if
15 there's anything that, you know, even possible, an improvement
16 that you can see, you know, you have an opportunity to share that
17 with the group, and if you can think of anything there.

18 MR. AUDELO: I wish I could right now.

19 MR. GORDON: During the course of the investigation we may
20 have some other questions, some follow-up questions. I'll get
21 some information from you, some contact information. Like I said,
22 this recording will be transcribed. I'll get it sent off to you.
23 You'll have an opportunity to review it and you can talk to me,
24 you can reach out to me. If at any time anything comes up, you
25 want to talk to me about a possible improvement, anything that you

1 may have forgotten, you know, when you review this transcript,
2 anything you want to correct, you can reach out to me.

3 I do appreciate you coming in, and with that we'll go off the
4 record.

5 MS. GARCIA: Off the record.

6 (Whereupon, the interview was concluded.)
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CERTIFICATE

This is to certify that the attached proceeding before the

NATIONAL TRANSPORTATION SAFETY BOARD

IN THE MATTER OF: EMPLOYEE FATALITY
 LONG ISLAND RAIL ROAD
 QUEENS VILLAGE, NEW YORK
 JUNE 10, 2017
 Interview of Mario Audelo

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