

## NATIONAL TRANSPORTATION SAFETY BOARD

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 IN RE: :  
 :  
 THE ACCIDENT INVOLVING : NTSB Accident No.  
 AMTRAK TRAIN #89 AND MOW : DCA16FR007  
 EQUIPMENT AND EMPLOYEES :  
 NEAR CHESTER, PENNSYLVANIA :  
 ON APRIL 3, 2016 :  
 :  
 -----:

INTERVIEW OF: WILLIAM ROBINSON

Thursday,  
 April 7, 2016

Sheraton Suites  
 Philadelphia, Pennsylvania

BEFORE

RICHARD HIPSKIND, NTSB  
 DAVID KANNENBERG, FRA  
 STEVE STEARN, BMW  
 MICHAEL TRAINA, AMTRAK  
 ANDREW KEEFE, AMTRAK  
 MATTHEW PORTO, AMTRAK  
 LOU TOMASSONE, FRA  
 FRAN WALKER, FRA  
 WILLIAM MANNING, BMW  
 TERRY SPRATT, AMTRAK

This transcript was produced from audio  
 provided by the National Transportation Safety Board.

P-R-O-C-E-E-D-I-N-G-S

{time not provided}

MR. HIPSKIND: Good morning, everybody. My name is Richard Hipkind. I am the Track and Engineering Group Chairman for NTSB, for this accident.

We are here today on April 7th, 2016, at the Sheraton Suites Hotel in Philadelphia, Pennsylvania, to conduct an interview with Mr. Will Robinson, who works for the National Railroad Passenger Corporation.

This interview is in conjunction with NTSB's investigation of a collision of Amtrak Train 89 with maintenance-of-way equipment and employees, on April 3rd, 2016 at Mile Post 15.7 on Amtrak's PW line near Chester, Pennsylvania in Delaware County.

The NTSB accident reference number is DCA16FR007.

Before we begin our interview and questions, let's go around the table and introduce ourselves. Please spell your last name and please identify who you are representing, and your title.

I would remind everybody to speak loudly and clearly enough, so we can get an accurate recording. I'll lead off and then pass off to my right.

Again, my name is Richard Hipkind. The spelling of my last name is H-I-P-S-K-I-N-D. I am the

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1 Track and Engineering Group Chairman for the NTSB on  
2 this accident.

3 MR. KANNENBERG: Good morning, Will. Dave  
4 Kannenberg, DRA Federal Railroad Administration, Region  
5 II. Sorry for what you've gone through. Thank you for  
6 coming.

7 MR. STEARN: Good morning, Will. Steve  
8 Stearn. S-T-E-A-R-N. I'm a Vice Chairman with the  
9 Brotherhood of Maintenance of Way Employees, and party  
10 spokesman for that organization.

11 MR. TRAINA: Good morning. Michael Traina,  
12 T-R-A-I-N-A. I'm President with the American Railway  
13 and Airway Supervisors Association, and I'm also an  
14 Amtrak supervisor.

15 MR. KEEFE: Good morning. Andrew Keefe, K-  
16 E-E-F-E. I am with Amtrak, Deputy Chief Engineer of  
17 Maintenance.

18 MR. PORTO: Matthew Porto, P-O-R-T-O,  
19 Director of Safety, Amtrak.

20 MR. WALKER: Fran Walker, FRA Track Safety  
21 Inspector.

22 MR. TOMASSONE: Lou Tomassone, FRA Safety  
23 Inspector, T-O-M-A-S-S-O-N-E.

24 MR. HIPSKIND: Mr. Robinson, would you  
25 please place your introduction on the record?

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1 MR. ROBINSON: Will Robinson, W-I-L-L, R-O-  
2 B-I-N-S-O-N, Amtrak, Foreman.

3 MR. HIPSKIND: Okay, and Mr. Robinson, do  
4 you mind if we proceed on a first name basis?

5 MR. ROBINSON: No, I don't mind.

6 MR. HIPSKIND: Thank you, Will, and first  
7 question, do you wish to have a representative with you  
8 at this interview or discussion today?

9 MR. ROBINSON: Yes.

10 MR. HIPSKIND: And who would that be? Would  
11 you please introduce yourself?

12 MR. MANNING: William Manning, M-A-N-N-I-N-  
13 G, Vice Chairman, Brotherhood of Maintenance of Way  
14 Employees.

15 MR. HIPSKIND: Okay, and we have one other  
16 gentleman who is posting the meeting. Sir, would you  
17 please introduce yourself?

18 MR. SPRATT: Terry Spratt, Amtrak Director  
19 of Operating Practices. S-P-R-A-T-T. I represent the  
20 Office of the Chief Transportation Officer, and I am  
21 here strictly as an observer.

22 MR. HIPSKIND: Okay, Will, one more  
23 question. Do we have your permission to record our  
24 discussion, our interview with you today?

25 MR. ROBINSON: Yes.

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1 MR. HIPSKIND: All right, thank you. Will,  
2 just in general, kind of take us through how long  
3 you've been railroading, if it's all be with Amtrak,  
4 and take us through the highlights, the different jobs  
5 you may have held, and take us up to your present  
6 position, if you would, please.

7 MR. ROBINSON: I've been with Amtrak since  
8 3/18/2013.

9 MR. HIPSKIND: Okay, and over the course of  
10 -- and your present title, the job you're working now  
11 is what?

12 MR. ROBINSON: EA Foreman. EA Welding  
13 Foreman. Electric Arch Welding Foreman.

14 MR. HIPSKIND: Electric Arch Welding  
15 Foreman. Will, have you pretty much held that position  
16 since you've been with Amtrak?

17 MR. ROBINSON: No.

18 MR. HIPSKIND: And some of your prior jobs  
19 were what?

20 MR. ROBINSON: Hired as a track man. After  
21 track man, I moved on to be a thermite welder. After  
22 thermite welder, I was a truck driver for the thermite  
23 welding gang.

24 Then I held a position as a lubricator,  
25 which is the machine that lubricates the rails and the

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1 curves. Then I went to EA welding school, and I came  
2 back as an EA welder, held a position as an EA welder.

3 Then I went to foremen school, and then  
4 exercised my right as an EA welder to hold the position  
5 as an EA welding foreman.

6 MR. HIPSKIND: And Will, how should I  
7 understand, how long have you been the EA welder  
8 foreman?

9 MR. ROBINSON: Since December of 2015.

10 MR. HIPSKIND: So, four or five months?

11 MR. ROBINSON: Yes.

12 MR. HIPSKIND: Okay. Now, you mentioned  
13 going to take some training, and I appreciate that  
14 segue.

15 I want you to talk about your thoughts about  
16 training here at Amtrak, what kind of training you've  
17 had an just in general, if you're comfortable with it.

18 MR. ROBINSON: Training in general?

19 MR. HIPSKIND: The training that you've  
20 taken or your comments about Amtrak training in  
21 general. Actually, both, whatever you want.

22 MR. ROBINSON: The training that I've taken.  
23 The training that I've taken has been informative.  
24 Some instances, I don't think it's long enough or in  
25 detail enough, in certain aspects, but it is

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1 beneficial. But it could be a lot more in detail.

2 MR. HIPSKIND: Do you want to elaborate or  
3 go into some examples or --

4 MR. ROBINSON: You know, I mean, as far as  
5 any training?

6 MR. HIPSKIND: Any training that you've had  
7 or any that you want to comment on.

8 MR. ROBINSON: And I state that not saying  
9 that there is something wrong with the instructors. I  
10 just think that the block of time allotted for it may  
11 not be large enough, in certain cases.

12 Electrical arch welding, the situations that  
13 you run out -- run into when on the track, you don't  
14 really cover that in school, and especially if you've  
15 never welded before, they're really trying to get you  
16 to learn how to weld and weld correctly, and once you  
17 get a -- become proficient in that, then they start to  
18 teach you other things.

19 But just that block of time, it isn't -- it  
20 doesn't season you enough for what does go on outside  
21 and how you can deal with certain problems, that you  
22 may encounter on the actual track.

23 MR. HIPSKIND: So, longer duration on some  
24 of the things that -- in their training. Is it also  
25 maybe a better mix of hands-on and classroom, or how is

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1 the balance with that?

2 MR. ROBINSON: I think the balance with that  
3 it good, within a field like that, between the  
4 classroom and the hands-on. It's very hands-on.

5 But maybe it could be mixed with not just so  
6 much classroom time, but actual field time, where you  
7 actually have to leave the classroom, maybe go to an EA  
8 gang for a certain amount of time, so you can see  
9 certain things and then even come back and finish  
10 classroom time.

11 MR. HIPSKIND: Okay.

12 MR. ROBINSON: Because the FROG that's in  
13 the classroom doesn't look like a FROG that's on the  
14 track.

15 MR. HIPSKIND: How so?

16 MR. ROBINSON: As far as the ware.

17 MR. HIPSKIND: Okay.

18 MR. ROBINSON: Because it's an old FROG and  
19 it's been built up and blown out, and built up and  
20 blown out.

21 So, when you go out there, kind of the  
22 shape, the size of it, not true to what you may have  
23 seen in class.

24 MR. HIPSKIND: Are you saying it's not  
25 reflective of real-world?



1 MR. ROBINSON: Not all times, no.

2 MR. HIPSKIND: Okay, all right. Since we're  
3 talking about training, tell me about your thoughts,  
4 your experiences with either roadway worker training or  
5 foremen's training regarding NORAC rules.

6 MR. ROBINSON: RWP training?

7 MR. HIPSKIND: Yes.

8 MR. ROBINSON: I really have -- don't have  
9 too much to say about it. I mean, it's a class that  
10 you have, and it's pretty straight forward, as far as  
11 any questions or any kind of --

12 MR. HIPSKIND: Does the training that you  
13 take in the classroom, is it long enough? Does it  
14 adequately prepare you for the test that you have to  
15 take?

16 MR. ROBINSON: I would imagine so.

17 MR. HIPSKIND: Were you comfortable taking  
18 roadway worker training?

19 MR. ROBINSON: From what I can remember,  
20 yes.

21 MR. HIPSKIND: Okay, all right. What --  
22 have you been exposed to NORAC rules training?

23 As I understand it, the different levels of  
24 increasing responsibility that you take, as an employee  
25 at Amtrak, requires certain training that goes with it.

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1 Have you gone down that path?

2 MR. ROBINSON: Yes.

3 MR. HIPSKIND: Can you tell me a little bit  
4 more about that?

5 MR. ROBINSON: When you -- certain positions  
6 within Amtrak required NORAC, and I have taken NORAC  
7 class.

8 MR. HIPSKIND: Recently?

9 MR. ROBINSON: Last summer.

10 MR. HIPSKIND: So, my guess --

11 MR. ROBINSON: Within the calendar -- within  
12 the fiscal year, I guess you could say.

13 MR. HIPSKIND: Okay. So, if I ask Amtrak  
14 for a record, it would likely show that you're NORAC  
15 qualified?

16 MR. ROBINSON: Yes.

17 MR. HIPSKIND: Okay, are you made aware of  
18 your qualifications? I mean, do you -- I mean, you  
19 know what you're qualified on, right?

20 MR. ROBINSON: Yes.

21 MR. HIPSKIND: Okay, when you take training  
22 to be NORAC qualified, is that a one-day thing, a  
23 multiple day thing or how should I understand that part  
24 of it?

25 MR. ROBINSON: The initial -- I think it's a

1 week.

2 MR. HIPSKIND: Have you taken that?

3 MR. ROBINSON: Yes, when I was first hired.

4 MR. HIPSKIND: Okay, and the one that you  
5 took here lately, what was the duration of that?

6 MR. ROBINSON: That's one day.

7 MR. HIPSKIND: One day?

8 MR. ROBINSON: Yes.

9 MR. HIPSKIND: Is it all classroom?

10 MR. ROBINSON: Yes.

11 MR. HIPSKIND: And then take a test at the  
12 end of the day or whatever?

13 MR. ROBINSON: Yes.

14 MR. HIPSKIND: Okay, were you comfortable  
15 with that? Did you do well?

16 MR. ROBINSON: Was I comfortable with it? I  
17 don't think that you can go over everything in a day.  
18 I mean, it -- you -- the book is just too big. You  
19 can't go over everything in a day.

20 But as far as being comfortable with it, for  
21 what -- I guess I had to -- as far as, for the test, I  
22 was comfortable with that.

23 MR. HIPSKIND: Well, let me -- let me ask it  
24 a different way.

25 MR. ROBINSON: Okay.

1 MR. HIPSKIND: Okay, because I do want to  
2 have a little bit of a conversation.

3 What did you -- Will, what did you get out  
4 of that course? What do you think they were trying to  
5 impart to you? I mean, do you have thoughts on that?

6 MR. ROBINSON: The rules of the railway,  
7 your signals. You know, how you -- how the railroad is  
8 governed.

9 MR. HIPSKIND: Okay, so that you could go  
10 out there and do certain jobs and get tracking time,  
11 stuff like that?

12 MR. ROBINSON: Yes.

13 MR. HIPSKIND: Okay, so, rules about  
14 different procedures on how to do things?

15 MR. ROBINSON: Yes.

16 MR. HIPSKIND: Okay. All right, let's talk  
17 a little bit about -- we're aware that there was a 55  
18 hour outage, and we're aware that the railroad brought  
19 in a LORAM cleaning machine. It was a vacuum train,  
20 just didn't have the wheels on the side like a shoulder  
21 cleaning, but you loosen up the (inaudible) on the --  
22 between the tight-cribs and the thing would run up and  
23 down the track and vacuum stuff, and we're aware that  
24 from time to time, it would have to go after -- maxed  
25 out on its capacity, it would go down and transload and

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1 all that stuff. We're aware of all of that.

2 So, let me just kind of go through some of  
3 this, and you're going to have an opportunity -- if you  
4 want to elaborate on stuff, that's fine with me.

5 But they moved -- we're aware they moved the  
6 machine down from Philadelphia on Friday, but when they  
7 put up the volunteer for the different time slots, the  
8 day shift, night shift, Friday, Saturday, Sunday, tell  
9 me what did -- what did you sign up for and what time  
10 slot did you end up working?

11 MR. ROBINSON: I didn't sign up. I was  
12 called and asked if I could cover --

13 MR. HIPSKIND: Okay.

14 MR. ROBINSON: -- the Saturday night shift.

15 MR. HIPSKIND: Well, I think this -- that's  
16 just -- this is something we're not aware of, so please  
17 elaborate on that.

18 MR. ROBINSON: I was called by my supervisor  
19 Pat Collins, and asked if I could cover -- if I was  
20 willing to cover the Saturday night shift, and I said  
21 okay.

22 MR. HIPSKIND: Okay.

23 MR. ROBINSON: He asked whether I was  
24 qualified to, as far as my physical characteristics. I  
25 said down to Regan, and he said, "Okay, would you like

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1 to cover VAC train on Saturday night?"

2 MR. HIPSKIND: Well, help me out on some  
3 geography here. You're far -- you know far more about  
4 this local area than I do. You basically work out of  
5 Philadelphia?

6 MR. ROBINSON: Yes.

7 MR. HIPSKIND: For another supervisor, not  
8 the one that was out there that day, right?

9 MR. ROBINSON: Yes.

10 MR. HIPSKIND: Is that correct?

11 MR. ROBINSON: Yes.

12 MR. HIPSKIND: So, when you mentioned these  
13 cities, the place where the work was -- that took  
14 place, the VAC train, was that within your physical  
15 characteristics qualification?

16 MR. ROBINSON: Yes.

17 MR. HIPSKIND: Okay, so, I've got to ask the  
18 next question. What physical characteristics limits  
19 are you qualified on?

20 MR. ROBINSON: In totality?

21 MR. HIPSKIND: Well, yes.

22 MR. ROBINSON: Okay.

23 MR. HIPSKIND: I mean, I don't know, so  
24 you're going to have to help me out here.

25 MR. ROBINSON: Seventy-six to Regan.

1 MR. HIPSKIND: Seventy-six is a mile post?

2 MR. ROBINSON: Yes, mile post --

3 MR. HIPSKIND: Okay.

4 MR. ROBINSON: -- 76 to Regan and from the  
5 station to Harrisburg, 30th Street station.

6 MR. HIPSKIND: So, that covers roughly how  
7 many miles?

8 MR. ROBINSON: A lot.

9 MR. HIPSKIND: A lot? All right, well, let  
10 me ask it a different way. I've got a time table, and  
11 I can look at it.

12 Are we talking basically about the PW line  
13 here?

14 MR. ROBINSON: We're talking PW line, NYP  
15 and PH.

16 MR. HIPSKIND: Okay, so, a lot of territory?

17 MR. ROBINSON: Yes.

18 MR. HIPSKIND: All right, and how did you  
19 become qualified on the physical characteristics? I  
20 mean, what did you do? Did somebody just come along  
21 and say, "You're qualified," or you were out there  
22 working?

23 I mean, tell me, I'm a little bit lost on  
24 that.

25 MR. ROBINSON: The -- when you go to foremen

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1 school, you bid a certain zone and you have to become  
2 qualified in that zone, and take certain tests on the  
3 actual area.

4 MR. HIPSKIND: So, ride a train, right?

5 MR. ROBINSON: Ride a train and walk the  
6 track.

7 MR. HIPSKIND: Well, forgive me for being  
8 stupid, but if you've got a lot of miles, you either  
9 rode a lot of trains or you walked a lot of track, and  
10 can you elaborate on that for me?

11 I mean, do you get where I'm going with  
12 this? If you qualified on physical characteristics,  
13 how did you master a lot of that? Was it more train  
14 riding or more walking? That's really what I'm asking.

15 MR. ROBINSON: It was a combination.

16 MR. HIPSKIND: Combination?

17 MR. ROBINSON: Yes, and studying. I mean,  
18 you have to study.

19 MR. HIPSKIND: Okay, and what is it that you  
20 get that helps you to study that?

21 MR. ROBINSON: Track maps.

22 MR. HIPSKIND: Track maps?

23 MR. ROBINSON: Yes.

24 MR. HIPSKIND: Okay, I'm going to have to  
25 ask you to speak up.



1 MR. ROBINSON: Okay.

2 MR. HIPSKIND: Just a little bit.

3 MR. ROBINSON: Okay, track maps.

4 MR. HIPSKIND: Okay, all right. So, in the  
5 work that you're doing now, is another way to talk  
6 about your title, are you a welder foreman or a  
7 foreman, because I've been a little bit mixed up about  
8 that.

9 MR. ROBINSON: I'm confused.

10 MR. HIPSKIND: Okay, all right. Let's try  
11 and take this --

12 MR. ROBINSON: Are you saying am I -- when  
13 you say a welding foreman -- or can I just instruct  
14 welders? Is that what you're asking me?

15 MR. HIPSKIND: Get tracking time for them,  
16 or you've got multiple welders who work for you and  
17 you're the welder foreman for more -- I really don't  
18 know what the term welder foreman means, and I think I  
19 know what foreman means, but a lot of times, when  
20 people talk about people's jobs, they just say foreman.

21 So, I'm trying to differentiate, most of the  
22 time, not this particular job that you're -- that we're  
23 talking about, but most of the time that you're up in  
24 Philadelphia, what kind of a foreman are you up there,  
25 title-wise?

1 MR. ROBINSON: Electrical arch welding  
2 foreman.

3 MR. HIPSKIND: So, electric arch welding  
4 foreman and that means that you have -- does that mean  
5 that you do the welding or you're in charge of other  
6 people who do welding?

7 MR. ROBINSON: I'm in charge of someone  
8 else.

9 MR. HIPSKIND: Okay, all right, and when  
10 you're called to go down to work on this 55 hour  
11 project, are you welder foreman or are you a foreman?

12 MR. ROBINSON: In that capacity I'm just a  
13 foreman because there is no welding going on.

14 MR. HIPSKIND: Okay, all right. Thank you  
15 for that clarification. I just didn't know how to  
16 think about that.

17 All right, so, your supervisor contacts you  
18 and wants you to fill in for just the Saturday night  
19 shift?

20 MR. ROBINSON: Yes.

21 MR. HIPSKIND: Okay, so, what -- why don't I  
22 be quiet and why don't you just take me through after  
23 the phone call, tell us when you received it and just  
24 kind of -- you take us through when you went down there  
25 and how the night shift went and all that?

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1 MR. ROBINSON: Pat called me Friday morning,  
2 and asked if I wanted to cover the VAC train down in  
3 Wilmington, I said, "Sure."

4 First, he made sure that I was qualified far  
5 enough, and I said, "Yes." He said, "Okay, would you  
6 like to cover it?" I said, "Sure."

7 So, he said, "Okay," then he told me to meet  
8 -- to be down there at seven. I said, "Okay." He said  
9 I would meet Yaeger at Booth Street at seven, Saturday  
10 night. I said, "Okay," and that was Friday morning.

11 Saturday, I went to 30th Street. I picked  
12 up a truck to go to the site. I clocked in, went and  
13 picked up a truck, when to 30th Street.

14 Well, clocked in at 30th Street. Picked up  
15 a truck to take to Booth Street. I drove down to Booth  
16 Street. Pete actually called me on the phone. He  
17 asked, you know, make sure I was on my -- you know, I  
18 was coming. I said, "Yes." He said, "Okay, I'm with  
19 John right now. We'll be here." I said, "Okay."

20 Pat told me to be there by seven. He said,  
21 "Yes, I know, that's fine. We'll be here." I said,  
22 "Okay."

23 So, got down to Booth Street, roughly about  
24 6:50, and it was one of my watchmen, Larry and Pete  
25 there, and the other watchman Marvin was about to come

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1 onto the access road.

2 MR. HIPSKIND: And Marvin was a -- was he  
3 working as a watchmen?

4 MR. ROBINSON: Yes.

5 MR. HIPSKIND: Okay, all right.

6 MR. ROBINSON: That night.

7 MR. HIPSKIND: Okay, truck you're driving,  
8 big truck? Pick up truck, what?

9 MR. ROBINSON: Pick up truck.

10 MR. HIPSKIND: Okay, that's usually what you  
11 ride around in or take to work?

12 MR. ROBINSON: Usually, the truck that we --  
13 the regular Amtrak-issued vehicle.

14 MR. HIPSKIND: Okay, please continue.

15 MR. ROBINSON: When I got there, it was only  
16 Pete, as far as -- you know, white hat, it was only  
17 Pete. He said, "Let me show you what we got." I said,  
18 "Hold on, Pete." I said, "Let me do this paperwork."  
19 I do the briefing and everything, before we do  
20 anything.

21 So, I got my job briefing together. I got my  
22 on-track briefing together and I briefed Pete, Marvin  
23 and Larry.

24 After we did that, I told Larry to -- to  
25 watch for us while we walked out, and we looked at what

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1 the job entailed.

2           Pete said, as you can see -- well, actually  
3 before that -- well, Pete told me the track was in a  
4 hold, in a hold position. He said, "You know, contact  
5 CTEC, and you can get -- so, you can get the Form D  
6 effective for you," and things like that, so I did  
7 that.

8           But we walked out onto the track, after all  
9 that was done, and we reviewed what the job entailed.  
10 Pete said, "We have two track out from Hook to  
11 Baldwin," and you know, you could see the ground up  
12 from the ET, right there, barricade up on the south  
13 end, along the ground.

14           I said -- he said, "What we're going to have  
15 done, we're going to have the backhoe." Basically, you  
16 could see there was probably 15 ties that were cribbed  
17 out undermined, and he explained what the backhoe was  
18 going to do.

19           I was going to undermined all the rest of  
20 the ties, the balance was going to come through,  
21 balance train was going to dump, come through, whole  
22 process.

23           I said, "Okay, so, what forms of protection  
24 are we going to use for all of this?" He said, "We're  
25 getting fouls on one, three and four." I said, "That's

1 it?" He said, "That's all we been doing, fouls on one,  
2 three and four. Two out of service." I said, "Okay."

3 We walked back off of the track and waited  
4 for the LORAM guys to show up, the ET guys to show up,  
5 and then they were briefed and they were -- signed off  
6 on everything and I discussed with the Loram guys,  
7 wanted to know how far could the backhoe undermined the  
8 ties before they could come forward without them  
9 feeling uncomfortable, about the undermined ties, and  
10 they said five ties, and I said, "Okay."

11 So, we had our game plan, as far as how it  
12 was going to work.

13 MR. HIPSKIND: I'm curious, what -- when you  
14 said earlier that you went down there and you were  
15 suppose to be there at a specific time, and you got  
16 there a little ahead of item, and it was for the  
17 purpose of relieving the day shift guys, who started 12  
18 hours earlier that day.

19 So, where is Foreman Yaeger, the whole time  
20 that you're spending with Pete and the other employees?

21 MR. ROBINSON: He wasn't there.

22 MR. HIPSKIND: He wasn't there when you got  
23 there or --

24 MR. ROBINSON: No, when I talked to Pete on  
25 the phone, he was with John.

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1 MR. HIPSKIND: Okay.

2 MR. ROBINSON: But when I got there at ten-  
3 of-seven, John wasn't there.

4 MR. HIPSKIND: He had already left?

5 MR. ROBINSON: Yes.

6 MR. HIPSKIND: And I know -- it sounds to me  
7 like you have a crew that you're working with. Where  
8 did they come from? Did they come from Philadelphia or  
9 Wilmington?

10 MR. ROBINSON: Wilmington.

11 MR. HIPSKIND: Okay, did you know the guys?

12 MR. ROBINSON: Yes.

13 MR. HIPSKIND: Okay, so, the plan was Pete  
14 was there, he's going to show you the job. You arrive.  
15 You're going to be the foreman, and other guys come  
16 from Wilmington and you've got the Loram people that  
17 are going to operate the machinery, right?

18 MR. ROBINSON: The -- the plan was, what Pat  
19 said to me was meet Yaeger at Booth Street, at 7:00  
20 Saturday night.

21 MR. HIPSKIND: Well, I think what I'm  
22 hearing now is, you didn't meet him. That didn't  
23 happen.

24 MR. ROBINSON: No.

25 MR. HIPSKIND: Was there a benefit to have

1 him there or --

2 MR. ROBINSON: Well, I guess he could go  
3 over the stuff that was going on, whatever the process  
4 that was being carried out.

5 MR. HIPSKIND: Okay, I haven't heard you  
6 mention a backhoe or a backhoe operator yet, in your  
7 kind of visual description.

8 MR. ROBINSON: Because he didn't come in  
9 until MR. SPRATT: 00.

10 MR. HIPSKIND: Saturday night?

11 MR. ROBINSON: Saturday night.

12 MR. HIPSKIND: Okay, well, let's -- tell me  
13 -- take me from -- you've been shown the job and tell  
14 me what it is -- did the machine work, and take me  
15 through when the backhoe showed up and continue with,  
16 how did you use the backhoe and tell me about your  
17 acquiring fouls and all that kind of stuff.

18 MR. ROBINSON: Okay, until the backhoe got  
19 there what we did was, we just -- I got fouls on the  
20 adjacent tracks one and three, for the Loram to work,  
21 and removed the balance, and until we could get the  
22 backhoe operator here and so, he could start doing his  
23 thing.

24 So, for them not to just be sitting there,  
25 they just started to remove the balance from the cribs,



1 from the point where they had stopped and the end point  
2 was an old signal bridge that was just north of where  
3 we were working.

4 So, they started to remove that balance, and  
5 we were removing that balance and then we would shift  
6 north, just north of Highland Avenue, and we would dump  
7 the balance up there.

8 MR. HIPSKIND: Okay, so, machinery is kind  
9 of working backwards most of the time, right?

10 MR. ROBINSON: Yes.

11 MR. HIPSKIND: All right. Well, just please  
12 continue with when the backhoe arrived and how you may  
13 have used that.

14 MR. ROBINSON: When the back -- when Joe  
15 arrived, I spoke with Joe, briefed him and I told him  
16 the discussion that I had with Loram, about only  
17 wanting to undermine five ties at a time, for them to  
18 come forward and remove the dirt that he did.

19 I said, "I'll be fouling three and four for  
20 you to get one, and also one, because I don't want you  
21 to reach on the other side of two," and they won't work  
22 outside of the gauge of two, without a foul on one, so  
23 basically, we'll have everything out.

24 He said, "No problem," and it took a while  
25 before I could get three and four out, and then that's

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1 -- we really didn't begin any of the undermining until  
2 I could get three and four, and a storm came through  
3 also, which also held some of the work up. It was an  
4 electrical storm, real high winds.

5 MR. HIPSKIND: Do you have a rough idea of  
6 when that began and when it ended?

7 MR. ROBINSON: The storm?

8 MR. HIPSKIND: Yes.

9 MR. ROBINSON: I don't want to speculate.

10 MR. HIPSKIND: Okay, all right. Let me ask  
11 you this then.

12 Had you ever done this particular job  
13 assignment, this particular task before?

14 MR. ROBINSON: As a lead foreman?

15 MR. HIPSKIND: Well, you tell me.

16 MR. ROBINSON: I've worked with the VAC  
17 train. I've seen the VAC train in motion, as far as  
18 being there on the ground and things like that.

19 MR. HIPSKIND: And what capacity were you in  
20 when you had that experience?

21 MR. ROBINSON: I may have been an assistant  
22 foreman, at the time. When I say assistant, I was a  
23 foreman, but I was not the employee in charge, and I  
24 was a welder and I saw them working with it.

25 MR. HIPSKIND: Okay, but seeing something

1 work is different than being part of the work, right?

2 MR. ROBINSON: You could say so.

3 MR. HIPSKIND: Okay, but I just -- I want to  
4 put a fine point on this.

5 At any time that you've -- in all the time  
6 that you've been with Amtrak, have you actually been  
7 part of the working gang that was working with the  
8 vacuum train?

9 MR. ROBINSON: Yes.

10 MR. HIPSKIND: And in that capacity, on  
11 those occasions when you were actually part of it, what  
12 function did you perform?

13 MR. ROBINSON: I provided watchman  
14 protection and also, I was actually right next to the  
15 gentleman, as he was removing the foul balance with the  
16 train.

17 MR. HIPSKIND: Okay, so, helping recover the  
18 loose balance or as a watchman?

19 MR. ROBINSON: Yes.

20 MR. HIPSKIND: All right, but never in  
21 charge, right?

22 MR. ROBINSON: No.

23 MR. HIPSKIND: Okay, so, let me ask the  
24 question a little bit different. I'm not trying to  
25 trip you up here.

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1           On Saturday night, was that the first time  
2 that you like the foreman, foreman in charge of vacuum  
3 -- the vacuum train?

4           MR. ROBINSON: Yes.

5           MR. HIPSKIND: Okay, that's kind of where I  
6 was going. But you've gotten time for different  
7 projects before, right?

8           MR. ROBINSON: Yes.

9           MR. HIPSKIND: Mostly welding?

10          MR. ROBINSON: Yes.

11          MR. HIPSKIND: Okay, so, the storm comes in,  
12 storm goes out and do you ever do anything with the  
13 backhoe?

14          MR. ROBINSON: No, the backhoe is sitting on  
15 the access road.

16          MR. HIPSKIND: Until the storm is over?

17          MR. ROBINSON: Yes.

18          MR. HIPSKIND: Right?

19          MR. ROBINSON: Yes.

20          MR. HIPSKIND: All right. Well, kind of  
21 just -- Will, kind of pick up the story there and take  
22 me through the rest of the night, and hopefully we'll  
23 get somewhere close to morning time.

24          MR. ROBINSON: From that point, once the  
25 storm passed over, and it was deemed safe to be able to

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1 go back out, I contacted Section 4, which is the  
2 dispatcher, and asked for fouls on three and four. I  
3 may have possibly already had a foul on one, I can't  
4 remember, and when I actually got those fouls, that's  
5 when I let everybody know, and that's when Joe actually  
6 went to start undermining the ties and the Loram train.  
7 They started to work together.

8 MR. HIPSKIND: The backhoe and the VAC  
9 train?

10 MR. ROBINSON: Yes, he would undermine the  
11 ties. The Loram would come forward. He would remove  
12 the balance and fill and he would back up.

13 MR. HIPSKIND: Okay, backfill and back up,  
14 right?

15 MR. ROBINSON: No, he didn't backfill. He  
16 removed the bad backfill.

17 MR. HIPSKIND: Okay.

18 MR. ROBINSON: He removed a bad fill, and he  
19 would go north so that Joe could come north and work on  
20 more ties.

21 MR. HIPSKIND: Okay, I got you. So, the --  
22 visually, the way I should think about what you just  
23 described is, the backhoe -- storm is over. You've  
24 gotten fouls on multiple tracks. Is it fair to say  
25 one, three and four?

1 MR. ROBINSON: Yes.

2 MR. HIPSKIND: Two is out of service?

3 MR. ROBINSON: Yes.

4 MR. HIPSKIND: But the backhoe is no longer  
5 outside of four track. He's no longer on the access  
6 road. Where is he when he's doing this work?

7 MR. ROBINSON: He's on three track.

8 MR. HIPSKIND: Stabilizer is down?

9 MR. ROBINSON: Yes.

10 MR. HIPSKIND: Set up with his back end to  
11 go in and crib out, loosen up the mud and the balance?

12 MR. ROBINSON: Yes.

13 MR. HIPSKIND: Okay. So, you take the stuff  
14 five ties at a time, and how long does all that process  
15 continue? For hours? Were there any trains? You tell  
16 me.

17 MR. ROBINSON: They -- there was -- the VAC  
18 train would fill up after a while, and then we would  
19 have to shift north and empty it.

20 So, VAC train would shift north. I would go  
21 with the VAC train -- I mean, you can see where it's  
22 going. It's just going, just north of the station.

23 We had fouls all over everything, and he  
24 would swing out over one, and it was empty, and the --  
25 the only time we lost fouls, I think one time, while we

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1 were dumping, and I mean, and Joe cleared up and he let  
2 me know that he was clearing up, and when he cleared  
3 up, the -- then I let dispatcher know that he cleared  
4 up and then he gave the fouls back.

5           Then the train -- whatever came through,  
6 came through, and then he called me back. But several  
7 times -- yes, yes, and then the Loram would shift back  
8 and then we would start the process again.

9           MR. HIPSKIND: Okay, when you say lost your  
10 fouls, you know what you mean, but I -- you're going to  
11 have to help me out.

12           Does somebody call you? Do you call  
13 somebody else because it's a certain time and you run  
14 out of time and the dispatcher wants to run a train?  
15 How should I understand that phrase?

16           MR. ROBINSON: When I asked for permission  
17 to foul the tracks, I asked for five minutes to clear,  
18 and they said, "Okay." They gave me permission to foul  
19 the tracks.

20           But when I -- he -- when he asked for the  
21 track back, he was giving me 10, 12 minutes to clear.  
22 He would give me time to clear and then the train would  
23 be still a little ways off. It wasn't five minutes  
24 away. He was giving me way more time.

25           So, what he did was, he called me, said, "I

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1 need that track. You know, I need you to clear your  
2 fouls," and I said, "Okay," and you know, whatever, if  
3 I was fouling the track, then we did whatever we had to  
4 do to not foul it.

5 Then I let him know everything, just kind of  
6 stayed still.

7 MR. HIPSKIND: So, you've got foul time,  
8 foul time on one, three and four, when you're up there  
9 operating the VAC train, and the backhoe is up there  
10 scratching, working on two track, right?

11 MR. ROBINSON: Could you repeat that?

12 MR. HIPSKIND: Sure. I just -- here is  
13 where I'm going with this.

14 I want to -- I want to understand more about  
15 the communication between you and the dispatcher --

16 MR. ROBINSON: Okay.

17 MR. HIPSKIND: -- and the five minute lead  
18 time, or whatever that is. I just want to understand  
19 it crystal clear.

20 The way I think about how you describe it to  
21 me is, one track, you've got a foul on it, foul time.  
22 Two track, Form D, it's out of service. You and the  
23 dispatcher really aren't talking about it, because it's  
24 out of service, and from time to time, when you want to  
25 move the backhoe up there, you talked to the dispatcher

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1 about having a foul on three and four.

2 MR. ROBINSON: Yes.

3 MR. HIPSKIND: If I don't miss my guess, if  
4 you've got one, two, three and -- you've got the whole  
5 shot.

6 MR. ROBINSON: Yes.

7 MR. HIPSKIND: You've effectively -- so,  
8 between you and the dispatcher, you're kind of working  
9 a deal where if he wants to run a train on whatever  
10 track, he's going to call and talk to you. But if he  
11 wants to run a train, he's got to get a hold of you.

12 MR. ROBINSON: Right.

13 MR. HIPSKIND: Right?

14 MR. ROBINSON: Yes.

15 MR. HIPSKIND: So, first things first. All  
16 of this communication back and forth, over the radio?  
17 On the cell? Both?

18 MR. ROBINSON: Both.

19 MR. HIPSKIND: Both?

20 MR. ROBINSON: Yes.

21 MR. HIPSKIND: Why both?

22 MR. ROBINSON: Because I was having some  
23 radio problems and I actually -- I said, "I have to  
24 call you on the cell because I'm not -- you're not  
25 coming through good," and when I called for him on the

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1 cell, he said, "Yes, you're breaking up real bad," and  
2 he had needed a foul released, and we did it over the  
3 phone.

4 I was -- I kept -- several times that night,  
5 I turned my phone off and turned it back -- not my  
6 phone, my radio off and then back on, just trying to  
7 see if -- what the problem was, but he was not coming  
8 in great at all times. Sometimes he came in real clear.  
9 Sometimes it was just covered with static.

10 MR. HIPSKIND: But poor transmission, poor  
11 reception on both ends?

12 MR. ROBINSON: Yes.

13 MR. HIPSKIND: The dispatcher to you, you to  
14 the dispatcher?

15 MR. ROBINSON: Yes.

16 MR. HIPSKIND: Even though both of you  
17 really don't know how it's sounding on the other end,  
18 right?

19 MR. ROBINSON: No, but we -- he said that I  
20 was coming in pretty bad and vice versa.

21 MR. HIPSKIND: Okay, so, that's how --  
22 that's why I should understand that a lot of what you  
23 did with the dispatcher was over a cell phone?

24 MR. ROBINSON: Yes.

25 MR. HIPSKIND: Any problem with the cell

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1 phone, on your end?

2 MR. ROBINSON: No.

3 MR. HIPSKIND: Any problem with him  
4 understanding you when you called him on the cell  
5 phone?

6 MR. ROBINSON: Not that I know of.

7 MR. HIPSKIND: And he didn't voice it to  
8 you?

9 MR. ROBINSON: No.

10 MR. HIPSKIND: Or did he voice it to you?

11 MR. ROBINSON: No, he didn't.

12 MR. HIPSKIND: Okay, so, you've got two out  
13 of service. You've got fouls on one, three and four.  
14 The backhoe is up there.

15 Give me an example or tell me like, so if  
16 the dispatcher wants to give you this five minute  
17 heads-up, he's always going to call you on the phone,  
18 your phone, right?

19 MR. ROBINSON: No.

20 MR. HIPSKIND: No?

21 MR. ROBINSON: No.

22 MR. HIPSKIND: Well, you're going to have to  
23 explain some of that to me, because I wasn't there.

24 So, would he try you on the radio first or  
25 what?

1 MR. ROBINSON: Yes.

2 MR. HIPSKIND: Okay, you talk. I'll listen.

3 MR. ROBINSON: When he needed the foul --  
4 whatever track to be released from foul, he would try  
5 me on the radio.

6 MR. HIPSKIND: You could tell it was him,  
7 trying to get a hold of you?

8 MR. ROBINSON: Yes, I could hear my name,  
9 certain times, but sometimes when he was saying what he  
10 needed, what track or whatever, I couldn't hear it.

11 So, that's why I said, "I have to call you  
12 on the phone."

13 MR. HIPSKIND: And?

14 MR. ROBINSON: And he, "Roger," and then  
15 that's when I went to the phone to speak with him.

16 MR. HIPSKIND: Okay, so, he would tell you -  
17 - you and he would talk about what then?

18 MR. ROBINSON: Just that, whatever he  
19 needed. Whatever track he needed fouled to be clear  
20 of, that's it.

21 MR. HIPSKIND: So, would he ask you for all  
22 the fouls back or would he just ask for you for one  
23 track -- I mean, a track back? I mean, how should I  
24 understand all of that?

25 MR. ROBINSON: He only asked for whatever

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1 track he needed.

2 MR. HIPSKIND: Which track did he usually  
3 need? Would it be any one of them?

4 MR. ROBINSON: It was any track at any given  
5 time, anything except for two, which was out of  
6 service.

7 MR. HIPSKIND: Okay. So, let's just say for  
8 example, he wanted one or three? What would you --  
9 what did you end up doing?

10 MR. ROBINSON: If he asked for three or  
11 four, Joe had to clear up. If he asked for one, all  
12 work just ceased.

13 MR. HIPSKIND: Okay.

14 MR. ROBINSON: Because no one was going to  
15 work out of the gauge of two, on one track side.

16 MR. HIPSKIND: Okay, but in -- like if he  
17 asked -- he said he -- if he called you up and you had  
18 bad communications, and you guys talked on the phone  
19 and I'm the dispatcher and I said, "Well, I need the  
20 foul back on one, and I got a train to run," you would  
21 just stop the work with the VAC train, but the backhoe  
22 could stay on three and four?

23 MR. ROBINSON: The backhoe could stay on  
24 three and four, if I released the foul off of one,  
25 because three and four still had a foul.

1 MR. HIPSKIND: Okay, and what if -- I don't  
2 know that this happened, but if the dispatcher wanted  
3 to run a train on three, take me through that.

4 MR. ROBINSON: If he wanted to a train on  
5 three, then Joe had to clear on the field side of four,  
6 which was the access road.

7 MR. HIPSKIND: Okay, so, let me recap, and I  
8 -- we're getting pretty close to getting to daylight  
9 here, I think.

10 The backhoe operator Joe finally shows up  
11 around 11:00, and you've got challenges with the  
12 weather, whatever, but eventually, you're able to put  
13 the backhoe up on three, and you've got fouls on three  
14 and four, and you've got fouls on one, you got two out  
15 of service, and you do your work.

16 Does the night continue like that, say for  
17 the -- and you tell me how many times. How many times  
18 did you and the dispatcher talk to stop work and run a  
19 train through there? Do you have any thought about  
20 that?

21 MR. ROBINSON: No, I don't. I don't know  
22 how many times he -- I stopped work for the trains. I  
23 don't have -- off the top of my head, I could not tell  
24 you how many times I stopped the actual work for trains  
25 to come through the actual work site.

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1 MR. HIPSKIND: Okay. Well, let me put --  
2 let me put some numbers out and we'll try and  
3 eliminate.

4 It wasn't -- he didn't run 10 or 20 trains  
5 in the time you were out there? He ran a few trains a  
6 couple of times? If you don't know, that's fine, Will.

7 MR. ROBINSON: I don't know.

8 MR. HIPSKIND: Okay.

9 MR. ROBINSON: But it wasn't 20 trains, no.  
10 But the exact number, I couldn't -- I can't give you  
11 that.

12 MR. HIPSKIND: Okay, if he were to give --  
13 if he were to talk to you and you'd give him back say,  
14 one or three track and the work stopped and things got  
15 in the clear, when he -- when you would give back a  
16 foul on a particular track, did he generally run just  
17 one train and then you and he would talk, or would he  
18 run more than one train?

19 MR. ROBINSON: {No audible response.}

20 MR. HIPSKIND: Don't guess. If you don't  
21 know, that's fine.

22 MR. ROBINSON: I can't tell you right now.  
23 I mean --

24 MR. HIPSKIND: No, that's okay. That's all  
25 right. So, let's move more towards -- do you have a

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1 recollection of the last time that you went and dumped  
2 a foul with the VAC train?

3 MR. ROBINSON: When you say the last time,  
4 the last time before I left?

5 MR. HIPSKIND: Yes, exactly.

6 MR. ROBINSON: Yes, I have a recollection of  
7 that.

8 MR. HIPSKIND: Okay. Do you know about what  
9 time it was?

10 MR. ROBINSON: Whatever time my Form D was  
11 canceled. It was within the same conversation.

12 MR. HIPSKIND: Okay. All right. Here, let  
13 me -- do you mind if I give you this foul time thing  
14 that -- the conversation between you and the  
15 dispatcher?

16 MR. ROBINSON: No.

17 MR. HIPSKIND: All right. Here. This --  
18 this is some of the stuff that we've been looking at,  
19 and this one thing about -- or I've got to look at my  
20 sheet over here too.

21 It looks like the third line up, one, two,  
22 three, it looks like around 6:35, you gave up your time  
23 on number one. Do you think -- you say yes?

24 I mean, do you think that -- before you gave  
25 this time up at 6:35 for one track only, do you think

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1 you ran down and emptied out the VAC train prior to  
2 giving that up?

3 MR. ROBINSON: I'm confused. You said do I  
4 -- before I gave up at 6:35, did I go down?

5 MR. HIPSKIND: No, no, prior to that.

6 MR. ROBINSON: Prior to giving it back to  
7 him?

8 MR. HIPSKIND: No, prior -- at 6:35, you  
9 gave up one track. You gave up your foul.

10 MR. ROBINSON: Okay.

11 MR. HIPSKIND: All right?

12 MR. ROBINSON: Yes.

13 MR. HIPSKIND: Before you gave up your foul  
14 with the dispatcher on one track only, do you think  
15 prior to doing that, you went down there and made your  
16 last empty with the VAC train?

17 MR. ROBINSON: Rich, I'm not being difficult  
18 here.

19 MR. HIPSKIND: No, I understand. I listen -  
20 -

21 MR. ROBINSON: I'm not being difficult. I'm  
22 really -- I'm going through a lot right now, but I'm  
23 just really having a problem processing this --

24 MR. HIPSKIND: Okay.

25 MR. ROBINSON: -- question.

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1 MR. HIPSKIND: All right.

2 MR. ROBINSON: So, prior to me giving up my  
3 foul at 6:35, did I take the VAC train north and empty  
4 it?

5 MR. HIPSKIND: Exactly. Do you have a  
6 recollection of being with the VAC train and going down  
7 there and emptying it, the last time before you went  
8 off duty?

9 MR. ROBINSON: I remember emptying it, I  
10 just can't remember at what time it was.

11 MR. HIPSKIND: That's fine.

12 MR. ROBINSON: Okay.

13 MR. HIPSKIND: That's fine.

14 MR. ROBINSON: Okay.

15 MR. HIPSKIND: But do you have a  
16 recollection then -- look down here another line and  
17 see where it says like one track?

18 MR. ROBINSON: Yes.

19 MR. HIPSKIND: Do you recall calling the  
20 dispatcher and getting a foul on one track at that  
21 time, 7:11?

22 MR. ROBINSON: Yes.

23 MR. HIPSKIND: You do?

24 MR. ROBINSON: Yes.

25 MR. HIPSKIND: And tell me, was that on the

1 radio or was that on a cell phone, if you can recall?

2 MR. ROBINSON: I think --

3 MR. HIPSKIND: What I'm really asking is,  
4 did that radio thing ever clear up?

5 MR. ROBINSON: I mean, I think it was -- the  
6 radio thing, I'm not saying that it was a constant  
7 thing.

8 MR. HIPSKIND: Okay.

9 MR. ROBINSON: But it was on an off  
10 situation.

11 MR. HIPSKIND: Okay, but at any rate --

12 MR. ROBINSON: Was the 7:11 over the phone  
13 or by my -- it may have been my mic.

14 MR. HIPSKIND: Okay, by mic, you mean?

15 MR. ROBINSON: The radio.

16 MR. HIPSKIND: Radio?

17 MR. ROBINSON: Yes.

18 MR. HIPSKIND: Okay, all right. All right,  
19 we've kind of nailed that down.

20 So, you've got a foul. I think it's fair to  
21 say that when you gave up the foul at 3:35, and it  
22 looks to me like the dispatcher is saying, "You've got  
23 a foul back on one," if I'm doing the math right,  
24 you've got a foul on one, effective 7:11. You've got  
25 two track, the Form D, and you still have three and

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1 four?

2 MR. ROBINSON: Yes.

3 MR. HIPSKIND: Does that mesh with kind of -  
4 - but now, listen, it's -- it's like it's after 7:00 in  
5 the morning, okay?

6 So, tell -- tell me about what you recall  
7 from about this point in time, to the next 20 minutes  
8 or so.

9 Like did you see Foreman Yaeger? Did you  
10 had he talk about anything? Tell me a little bit about  
11 what you guys talked about, just for starters.

12 MR. ROBINSON: Morning crew was showing up,  
13 some time after seven. I don't know if it was right  
14 after I got that foul or right before I got that foul.  
15 I'm not sure. I can't remember that part.

16 MR. HIPSKIND: Well, just --

17 MR. ROBINSON: Ritchie came up --

18 MR. HIPSKIND: Here, let me interrupt you  
19 for a second. Will, don't get hung up on thinking I  
20 want a specific time, and you can't remember it. I  
21 want you to just say it in your own words, as you  
22 remember it.

23 Just, you know, run -- run the memory. Just  
24 think about who you saw and what you did, okay?

25 MR. ROBINSON: Okay. Ritchie came up to me

1 and -- Ritchie came up to me and he said, "I need --  
2 can I sign your job briefing?" I said, "Why? What do  
3 you need to -- I don't understand."

4 He said, "Yaeger said for me to sign your  
5 briefing, so I can get started working," and he said he  
6 -- his exact words, "Yaeger said for me to come up here  
7 and sign your briefing, so I can get started working."

8 MR. HIPSKIND: Now, Ritchie is on Yaeger's  
9 crew.

10 MR. ROBINSON: Yes.

11 MR. HIPSKIND: Ritchie is not on your crew?

12 MR. ROBINSON: He's not on my crew.

13 MR. HIPSKIND: Okay.

14 MR. ROBINSON: So, I briefed Ritchie, and  
15 Ritchie relieved Marvin.

16 MR. HIPSKIND: The watchman?

17 MR. ROBINSON: The watchman.

18 MR. HIPSKIND: Okay.

19 MR. ROBINSON: I explained to Ritchie, I  
20 said, "Two is out of service. I have fouts on one,  
21 three and four." He said, "Okay."

22 Where my truck was parked at was all the way  
23 up at the job site, and with more trucks coming in and  
24 -- I said, let me get out of everyone's way, and so, I  
25 don't get blocked in. Let me move, so people could get

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1 up here, north side of Booth Bridge.

2           So, I pulled my truck down the access road,  
3 was getting out of everyone's way, because a lot of  
4 trucks started to form, and when I got -- I was -- my  
5 intention was pull my truck down here, walk back up. I  
6 just didn't want to be blocked in or block anybody from  
7 getting north of the bridge, and that's where I ran  
8 into Yaeger. He was sitting there. He was eating  
9 breakfast, in a line of trucks. I didn't even know he  
10 was there.

11           MR. HIPSKIND: Okay, but when you pulled  
12 down by the line of trucks, did you stop and have any  
13 conversation with him?

14           MR. ROBINSON: Yes, I did.

15           MR. HIPSKIND: How about taking us through  
16 that?

17           MR. ROBINSON: I got out of my truck, and I  
18 walked towards -- he rolled his passenger window down,  
19 but I got out of my truck and I walked around his truck  
20 to talk to him. I said -- he said, "What's up?" I  
21 said, "Hey." He said, "How was it?" I said, "Fine."

22           You know, nothing to speak of. Suck some  
23 balance out. Dumped it.

24           He said, "Yes," he said, "What do you have  
25 right now? What do you have out," and I said, "I have a

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1 foul on one, three and four, and two is out," of  
2 course.

3 He said, "Okay, so, you've got everything?"  
4 I said, "Yes." He said, "Well, I have my Form D, but  
5 I'm waiting on a call," and I said, "Okay."

6 He was eating his breakfast. So, his phone  
7 rang after, I don't know, 30 seconds or a minute. I  
8 don't know.

9 MR. HIPSKIND: But the phone call  
10 interrupted the conversation you're having with him?

11 MR. ROBINSON: Well, he was eating. I was  
12 just kind of standing there.

13 MR. HIPSKIND: Okay.

14 MR. ROBINSON: Because I was talking about  
15 frivolous stuff because -- not really frivolous, but  
16 you know, I was saying, "It's kind of a monotonous  
17 thing," or whatever. He said, "Well, what's going on  
18 now?"

19 I said, "Well, Pete has Joe undermining a  
20 couple of ties that were sitting high," because he  
21 wanted the track to sag and it was a couple of places  
22 where the dirt on the edge of the ties didn't go as low  
23 as he wanted it to go.

24 He said -- I'll tell you, he said, "Pete  
25 always finds something." I said, "So, that's all

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1 that's going." So, I said, "I don't know if the Loram  
2 guys are either going to pull that far north, that far  
3 south to even," --

4 MR. HIPSKIND: Vacuum it.

5 MR. ROBINSON: -- vacuum it up because what  
6 he's undermined north of that, and he was like, "I'll  
7 tell you, Pete just," he said, "He's just a piece of  
8 work."

9 Then his phone rang. So, he just goes --  
10 you know, I'm just standing there, and then he goes,  
11 "Okay, all right," and he hangs up his phone, takes a  
12 bite of his sandwich, and then he goes, "Go ahead and  
13 cancel your Form D." I go, "Huh?" He said, "Go ahead  
14 and cancel your Form D." I go, "Okay. What do you  
15 want?" I asked him, "What do you want me to do?" I  
16 said, "Call on the radio right now?" He said, "You,"  
17 he said, "Just call them on the phone."

18 I said, "Okay," and I stopped. I said, "But  
19 if I cancel my Form D," I said, "I have to give up my  
20 fouls." He said, "I know what you have to do. I'm the  
21 one telling you to do it."

22 So, I said, "All right, but you know, they  
23 are doing something." I said, "You will have to get  
24 your fouls immediately," just like it's always done.

25 He said, "I know what I have to do." I

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1 said, "All right." I walked back around his truck,  
2 back to my truck.

3 So, he got out of his truck and he started  
4 to prepared his self for his job, for I guess, to walk  
5 up there and do whatever he has to do. You know, put  
6 his boots on, things like that.

7 So, I called dispatch, and I said, "This is  
8 Foreman Robinson, and talking to Foreman Yaeger, I'm  
9 aware that he has Form D for two track," and they said,  
10 "Yes." I said, "Okay."

11 While I was calling to cancel mine, and I  
12 said, "He would also be," I said, "Assuming the fouls  
13 that I have right now." He says, "Okay."

14 I said, "So, after I release these fouls,  
15 he's going to call you to foul these tracks. He's  
16 going to resume these," and he says, "Okay."

17 So, he takes -- cancels my Form D, and then  
18 he cancels my fouls, and so, he says, "I could show  
19 that you're at," I said, "I'm all clear of the fouls,  
20 but Foreman Yaeger is going to call you to foul these  
21 tracks." He said, "Okay."

22 I said, "All right." So, I hang up and I  
23 say, "John, go ahead and call. I'm done. He took all  
24 my stuff from me." He says, "I got it," like this, and  
25 I just said, "Okay, all right, John," I said, "Well,

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1 all right, I'm out of here." He said, "Good bye,  
2 Will."

3 I turned around and I got just -- you know,  
4 I drove off.

5 MR. HIPSKIND: Now, Will, I want to -- I  
6 appreciate you going into great detail with this  
7 conversation.

8 MR. ROBINSON: Okay.

9 MR. HIPSKIND: I just -- it is -- is all  
10 this, that you just laid out in detail, you're at his  
11 truck, he's at his truck? Is that where all this took  
12 place?

13 MR. ROBINSON: Yes.

14 MR. HIPSKIND: Now, have you already called  
15 the dispatcher and he's witnessing or hearing your  
16 call, or did you call with the dispatcher come later,  
17 after you left his presence?

18 MR. ROBINSON: No, it was in his presence,  
19 because my car was sitting right next to his with the  
20 window down, and he was in his -- the -- the cab of his  
21 truck, right next to me, putting on his shoes -- on his  
22 boots and everything, and after -- immediately, I  
23 barely hung up the phone. I said, "John, go ahead and  
24 get him. He cleared up all my stuff. It's all your's,  
25 go ahead," and he said, "I got it," and that's when I

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1 said, "Oh, okay," and like I had -- I had no idea that  
2 he had a Form D. You know?

3 MR. HIPSKIND: Now, the location of your  
4 truck and the location of his truck, I've been out  
5 there, so, I'm trying to run this through in my head.

6 You are south of Booth Street --

7 MR. ROBINSON: Yes.

8 MR. HIPSKIND: -- underpass, right?

9 MR. ROBINSON: Yes.

10 MR. HIPSKIND: So, when you're having this  
11 conversation with the dispatcher, do -- can you see the  
12 job site?

13 MR. ROBINSON: Yes.

14 MR. HIPSKIND: Can you see where the machine  
15 is at?

16 MR. ROBINSON: Yes.

17 MR. HIPSKIND: And you could see where the  
18 backhoe is at?

19 MR. ROBINSON: Yes.

20 MR. HIPSKIND: Okay, so, what do you think  
21 John should have done?

22 MR. ROBINSON: Rich.

23 MR. HIPSKIND: Let me ask it a different  
24 way. What were you expecting John to do?

25 MR. ROBINSON: When?

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1           MR. HIPSKIND: Well, when you guys are  
2 having this conversation. He's getting ready. You're  
3 calling the dispatcher. You're talking to him after  
4 you cleared up the fouls.

5           I mean, that -- you want me to be honest  
6 with you? This is kind of the crux of the matter here.  
7 So, I just -- I want to slow down --

8           MR. ROBINSON: Yes.

9           MR. HIPSKIND: -- and I want to be sure I'm  
10 hearing what you're trying to tell me. I don't want to  
11 hurry now. I want to have a discussion on this.

12          MR. ROBINSON: The way that the Form D was  
13 seamlessly transferred is the expectation that I had  
14 for the fouls and that's what we discussed.

15          I said, "Soon as I release them, you know  
16 you have to take them." He said, "I know what I have  
17 to do."

18          So, within that conversation, he had the  
19 Form D. It was a seamless transfer, and also with the  
20 fouls, he said I -- I said, "You have to take them, you  
21 know, soon as I release them," because they're -- he  
22 said, "I know what I have to do."

23          MR. HIPSKIND: Okay.

24          MR. ROBINSON: And then within the  
25 conversation, couple minutes later, "John, I'm all

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1 cleared up. Go ahead. Get your fouls that," you know,  
2 "I got it."

3 So, within that, I thought that there was a  
4 seamless transfer, being as he already talked to them  
5 when he releases these fouls, just call me and I'll  
6 jump right on them, or I didn't know if he had fouled,  
7 because he just told me, "I got it. I know what I have  
8 to do and I got it," were his exact words to me.

9 MR. HIPSKIND: Do you really think he  
10 understood what you told him? I know you can't speak  
11 for -- I'm asking you, do you think that you said loud  
12 enough, clear enough, what you said to him?

13 MR. ROBINSON: Yes.

14 MR. HIPSKIND: All right, let me ask you  
15 something else. Do you think he was paying attention?

16 MR. ROBINSON: Yes.

17 MR. HIPSKIND: You have no doubt in your  
18 mind, none?

19 MR. ROBINSON: None.

20 MR. HIPSKIND: Okay, why do you think he  
21 said what he said to you? Like, "I got it." What did  
22 that mean to you?

23 MR. ROBINSON: When someone says, "I got  
24 it," they have the situation under control, that what  
25 I'm telling them, they already have handled or are in

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1 the process of handling.

2 MR. HIPSKIND: But you had an eyeball on him  
3 during this conversation, right?

4 MR. ROBINSON: Yes.

5 MR. HIPSKIND: You're positive?

6 MR. ROBINSON: Positive.

7 MR. HIPSKIND: Okay, you've got -- from  
8 where you're at, you've got an eyeball on him. You've  
9 got an eyeball on the equipment, and an eyeball on the  
10 backhoe? You're still there? I mean, right?

11 MR. ROBINSON: Are you asking me, was I in  
12 another location?

13 MR. HIPSKIND: Well, I'm thinking as you  
14 told this, that your truck drove out of there to make  
15 room for the other trucks coming in, and you didn't  
16 want to be blocked in.

17 There is a line of trucks that are trying to  
18 get north of Booth Street, but you stop and you have  
19 this conversation with Foreman Yaeger.

20 MR. ROBINSON: Okay.

21 MR. HIPSKIND: And you got out of your truck  
22 and went around to the passenger side of his truck.  
23 He's eating breakfast. You guys start talking about  
24 how the night things went, right so far?

25 MR. ROBINSON: Yes.

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1 MR. HIPSKIND: And he asks you, "What do you  
2 got," and you say, "Two is out. I've got fouls on one,  
3 three and four."

4 Now, if I'm mis-remembering this or  
5 whatever, you know, that's okay, let's talk it out.

6 But here is another part. It sounds like --  
7 and I know you're not doing this intentionally. You're  
8 just remembering this stuff. But I'm painting a  
9 picture in my head, you know.

10 It sounds like you didn't stay over there by  
11 the passenger window, that maybe you had -- there was  
12 something that interrupted the call, and you went back  
13 over to your truck. Right or not?

14 MR. ROBINSON: You said something  
15 interrupted the call?

16 MR. HIPSKIND: Well, okay, let me just plain  
17 speaking. In this conversation, this dialogue you're  
18 having between you and Foreman Yaeger, after you go  
19 over to the passenger side and you're standing outside  
20 of his truck, did -- toward the end of the  
21 conversation, did -- had you moved back over to your  
22 truck or did you stay right there at that passenger  
23 window of his truck, for the entire conversation?

24 MR. ROBINSON: For the initial conversation?  
25 Right there at his driver window.

1 MR. HIPSKIND: Okay, initial. Where were  
2 you at -- toward the end of the conversation, when you  
3 talked to the dispatcher and you had this thing with  
4 Foreman Yaeger, where you've told him, "I've given up  
5 my fouls," and he responds with, "Yes, I've got it."  
6 Where are you at that time?

7 MR. ROBINSON: I'm sitting in my driver's  
8 seat.

9 MR. HIPSKIND: In your truck?

10 MR. ROBINSON: Yes, with the window down.

11 MR. HIPSKIND: And he is in his truck?

12 MR. ROBINSON: No, he's not in his truck.

13 That's what I said.

14 MR. HIPSKIND: Okay.

15 MR. ROBINSON: He was --

16 MR. HIPSKIND: That's what I'm trying to --  
17 okay, so, where is he now?

18 MR. ROBINSON: I said he was next to my  
19 truck and he was putting his boots on and doing things  
20 in his cab, getting things out of his cab. That's why  
21 I said he was preparing himself for his -- I guess for  
22 the day.

23 MR. HIPSKIND: Well, and that's -- okay, and  
24 I get that, and your comment about him getting his PPE  
25 stuff and fumbling around in his truck, and all of

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1 that, that's why I said do you think he was paying  
2 attention to you?

3 MR. ROBINSON: Yes, because he looked  
4 directly at me, and I said, "John." I mean, he was no  
5 further than Mr. Walker away from me.

6 I said, "John, I released everything. They  
7 got everything. Go ahead and get your fouls," and he  
8 said, "I got it."

9 If he was saying, "I got it," what would he  
10 be referencing?

11 MR. HIPSKIND: I don't know. You know, I  
12 don't know, but you know, in listening to you, you seem  
13 to be a little concerned about him telling you, "I got  
14 it," and you knowing that the fouls are up. Fair to  
15 say or not, or did you think he had done what?

16 MR. ROBINSON: When you -- there is the open  
17 --

18 MR. HIPSKIND: Okay, and I don't mean to do  
19 that and you told me you didn't want me to do that.  
20 That's the -- I mean, let's talk this out.

21 I'm just -- it seems to me, in talking with  
22 you, that you're trying to impress on Yaeger, not your  
23 words, my words, an urgency for him to take an action  
24 of some sort. Is that -- is that the way you felt?  
25 What were you thinking? Help me out here.

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1 MR. ROBINSON: Of course.

2 MR. HIPSKIND: Because why?

3 MR. ROBINSON: Because he had me release  
4 those things and he needed to act on reassuring that  
5 they were protected, everyone around.

6 MR. HIPSKIND: Okay, and the 'he had me  
7 release those things' goes back to when you had the  
8 conversation and you were standing by his window?

9 MR. ROBINSON: Yes.

10 MR. HIPSKIND: And you think he said to you,  
11 "Go ahead."

12 MR. ROBINSON: Well, hold on.

13 MR. HIPSKIND: No, go ahead, all right.

14 MR. ROBINSON: No, you said, "I think he  
15 said."

16 MR. HIPSKIND: No. I didn't mean to say  
17 that.

18 MR. ROBINSON: Okay.

19 MR. HIPSKIND: Forgive me. You're over here  
20 by his window. Take me through that little bit of  
21 conversation.

22 MR. ROBINSON: Walked over. We talked about  
23 the course of the night. I said, "Sucking balance,  
24 dumping balance." He said, "Okay."

25 MR. HIPSKIND: All right.

1 MR. ROBINSON: He says, "I'm just waiting on  
2 a phone call. I already got my Form D." I said,  
3 "Okay." He said, "What's going on?"

4 I said, "Well, Pete has Joe knocking down  
5 some dirt," --

6 MR. HIPSKIND: Okay.

7 MR. ROBINSON: -- because a few spots were  
8 sitting high. Loram might not come back up to get it,  
9 because it might be too far south for them.

10 MR. HIPSKIND: Track is unstable?

11 MR. ROBINSON: Yes. He said, "I'll tell  
12 you, that Pete always finds something," so forth, so  
13 on.

14 Phone rings. Takes the phone call.

15 MR. HIPSKIND: His phone rings?

16 MR. ROBINSON: His phone rings. He's eating  
17 a sandwich. His phone rings. I don't know who he  
18 talked to. I don't know what he's -- you know, it  
19 wasn't a lengthy conversation.

20 He took another bite of his sandwich. He  
21 said, "Go ahead and call and cancel your Form D." I  
22 said, "When?" He said, "Now."

23 I said, "Oh, you have your's?" Well, yes.  
24 I said -- he said -- I said, "But when I cancel my Form  
25 D, I have to also give up my fouls." He said, "I know

1 what you have to do. I'm the person telling you to do  
2 it."

3 I said, "Okay." So, I said, "Do you want me  
4 to call them on the phone or mic?" He said, "Just go  
5 ahead and call them on the phone. Doesn't matter."

6 So, then I said, "Well, them still out," I  
7 said, "Soon as I give up those fouls, you know you're  
8 going to have to grab them." He said, "I know what I  
9 have to do."

10 MR. HIPSKIND: And this is all the  
11 conversation and you're by the passenger window?

12 MR. ROBINSON: Yes.

13 MR. HIPSKIND: Okay, I have this messed up a  
14 little bit. Go ahead.

15 MR. ROBINSON: I walk around to my driver's  
16 side. I get in, I make the phone call, and I express,  
17 "In talking with Foreman Yaeger, I understand that he  
18 has a Form D," and --

19 MR. HIPSKIND: Talking to the dispatcher?

20 MR. ROBINSON: Talking to -- and he's in  
21 control of the two track, and I was looking to cancel  
22 my Form D, and he says, "Okay, yes, he does have one."  
23 So, I said also --

24 MR. HIPSKIND: He does have what?

25 MR. ROBINSON: He does have a Form D. He

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1 was saying Foreman Yaeger does have a Form D.

2 MR. HIPSKIND: So, you knew that the  
3 exchange on the Form D for two track was --

4 MR. ROBINSON: Was already made because  
5 Yaeger --

6 MR. HIPSKIND: Okay.

7 MR. ROBINSON: -- told me had called a Form  
8 D.

9 MR. HIPSKIND: Okay, all right, go ahead.

10 MR. ROBINSON: That's the only reason -- I  
11 wouldn't just go, you know, knock down my Form D.

12 MR. HIPSKIND: No, I get that. I get that.

13 MR. ROBINSON: So, he says, "Okay," I said,  
14 "Okay, but at the same time, I have to -- I got to  
15 release my fouls on one, three and four. Foreman  
16 Yaeger is going to be assuming those fouls."

17 I said, "He's going to take those fouls  
18 over, you know, when I clear my fouls, but I have to  
19 clear them for him," and he goes, "Okay, I understand."

20 I said, "Okay," so, we went through that  
21 process. So, I said, "He's going to be calling you to  
22 get those." He says, "Okay."

23 So, when I hung up, I say to John, who is  
24 right there, I said, "John, look, did everything.  
25 Cleared up everything. Call to get your fouls. You

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1 can do that right now." Like I said, he turned and  
2 said, "I got it."

3 MR. HIPSKIND: Okay, I'm going to be -- I'm  
4 going to ask you the same thing I asked you before,  
5 okay?

6 I get everything that you just told me. Do  
7 you think he was paying attention when you were telling  
8 him -- and I'm going to say it this way.

9 It sounds like you were telling him some  
10 pretty critical information. Do you think he was  
11 paying attention?

12 MR. ROBINSON: I really don't know any other  
13 way to answer that, except for yes. I -- I cannot -- I  
14 cannot assume his thought process or anything like  
15 that. But the conversation that we were having was  
16 very straight forward with eye contact, and logical  
17 answers, with logical questions.

18 There wasn't a wasted sentence within our  
19 dialogue. There was no fluff added to it at all, and  
20 you're asking me, do I think that he understood.

21 MR. HIPSKIND: No.

22 MR. ROBINSON: Well, those were -- well, do  
23 I think he was paying attention to me.

24 MR. HIPSKIND: Yes.

25 MR. ROBINSON: And in my heart --

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1 MR. HIPSKIND: That's good.

2 MR. ROBINSON: In my heart, I say yes. In  
3 my mind, I say yes. I mean, you're -- you keep asking  
4 me this question. I don't know --

5 MR. HIPSKIND: Well, I'm going to stop  
6 asking that.

7 MR. ROBINSON: No, I'm just -- because you  
8 know --

9 MR. HIPSKIND: Well, no, come on. I -- I  
10 just -- I just want to ask you the -- twice, because  
11 the picture I'm painting is that he was getting stuff  
12 out of the back of his --

13 Now, this time, when we talked about it, you  
14 say you have eye contact, and how could he not -- my  
15 thought now is, how could he not understand? I'm  
16 telling him, I've given up my fouls.

17 There is only just about one way you can say  
18 that, "I've given up my fouls."

19 MR. ROBINSON: Okay. You said I was stating  
20 that he was getting stuff out. Yes, he got his shoes  
21 out. I mean, he got -- hey, John -- if he's moving a  
22 piece of paper and I say, "Hey, Fran, such and such," I  
23 think once I say your name, and then you make eye  
24 contact with me, even if you were putting on a boot,  
25 and I'm this far away from you, and I give you some

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1 pertinent information, that you would understand it.

2 MR. HIPSKIND: Okay. I got it. His answer  
3 to everything after you've talked to the dispatcher and  
4 after you and the dispatcher have straightened out the  
5 Form D thing, and the dispatcher -- you've given back  
6 the -- everything that we're talking about now, it's  
7 after that phone call, you're in your truck, by his  
8 truck. You can see what's going on back at the work  
9 site. You can see what he's doing. You're trying to  
10 tell him to do something, more or less immediately.  
11 Right?

12 MR. ROBINSON: Yes.

13 MR. HIPSKIND: I mean, that's the thought  
14 you're trying to impress upon him.

15 MR. ROBINSON: Yes.

16 MR. HIPSKIND: And the reason you're giving  
17 up your stuff with the dispatcher is fulfilling an  
18 expectation between the conversation you had when you  
19 were over at the passenger window.

20 MR. ROBINSON: Yes.

21 MR. HIPSKIND: That's what you thought he  
22 wanted you to do?

23 MR. ROBINSON: That's what I knew --

24 MR. HIPSKIND: He wanted --

25 MR. ROBINSON: -- not thought.



1 MR. HIPSKIND: Okay, all right.

2 MR. ROBINSON: Okay.

3 MR. HIPSKIND: I've got it. I mean, I had  
4 to go through it a couple times. My apologies, but  
5 just to tell you the truth, a lot of -- a lot of this  
6 does revolve around that. I think you know that.

7 Okay, so anything else you want to tell me  
8 about the time you spent with Foreman Yaeger, and I  
9 think at this point, he's got his boots on and he goes  
10 towards the job site?

11 MR. ROBINSON: I'm not going to speculate,  
12 as to what he did.

13 MR. HIPSKIND: I mean -- did --

14 MR. ROBINSON: No, because he was still  
15 standing there in my presence, and he said, "I got it,"  
16 and then he said --

17 MR. HIPSKIND: Well, then I don't know what  
18 you did or he did.

19 MR. ROBINSON: Okay.

20 MR. HIPSKIND: So, help me out with that.

21 MR. ROBINSON: He said, "I got it." I don't  
22 know -- I said, "Okay." I said, "Well, John, I'm out of  
23 here then. I'm leaving." He said, "Good bye, Will."  
24 I said, "All right," and I just --

25 MR. HIPSKIND: Drove off?

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1 MR. ROBINSON: -- drove off.

2 MR. HIPSKIND: All right, well, you have  
3 filled in an awful lot of gaps of stuff that we really  
4 -- just really didn't know. We knew you were there and  
5 it's been very helpful.

6 Let me -- you and I have talked for a long  
7 time now. So, does any -- do you want to take a break  
8 or you want to keep talking?

9 MR. ROBINSON: I think -- be totally honest,  
10 if I take a break, I don't know if I could come back in  
11 here.

12 MR. HIPSKIND: Well, we're not going to take  
13 a break then, okay, because -- but let -- let me bring  
14 some of the other guys in, okay, and maybe in what you  
15 and I were talking, maybe they've got some questions or  
16 something, all right? Okay, Dave?

17 MR. KANNENBERG: Will, thanks again, and I  
18 think you want me to be straight forward and I'm not  
19 going to ask you leading questions, anything of that.  
20 All I got -- I only got three or four.

21 I believe that -- exactly what you said,  
22 where it is what happened, in that conversation, lead  
23 up with Yaeger, when he said, "I got it."

24 Did you think that this -- and when he --  
25 when you said, I -- you know, you told him, "You have

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1 to pick these Form D's up," or excuse me, foul times  
2 up, as soon as I give them up, and you called the  
3 dispatcher and you -- and released your foul times.

4 Did you expect that the dispatcher would  
5 hang onto those tracks until Yaeger called?

6 MR. ROBINSON: I thought that it would have  
7 been a seamless transfer, meaning that he had already  
8 spoken about the fouls and/or soon as I hung up the  
9 phone, he would have got right on the radio or phone or  
10 whatever, and just transitioned right into them.

11 MR. KANNENBERG: And so, you know, I did  
12 listen to the tape. I heard you clearly say, "Yaeger is  
13 going to be picking these up." Clearly stated.

14 So, I just wondered if you know, did you say  
15 it was going to be -- you expected a seamless -- I  
16 don't know what seamless is. Help me out.

17 MR. ROBINSON: The way that -- if you look  
18 at our Form D's, I would have to imagine that they  
19 basically over lap each other.

20 MR. KANNENBERG: Okay.

21 MR. ROBINSON: I would imagine. Okay, so,  
22 that's what I thought it would be, just as seamless as  
23 that overlap even though you kind of can't -- two  
24 people can't foul that track, I thought it was going to  
25 be I hang up, you pick up. That's -- I thought it was

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1 going to be that succinctly.

2 MR. KANNENBERG: Okay, so, with the Form D,  
3 Yaeger got a Form D while you still had your Form D,  
4 and then you canceled your Form D?

5 MR. ROBINSON: Yes.

6 MR. KANNENBERG: Was that -- so, but that  
7 soon -- you didn't think that was happening with your  
8 foul time, right? You thought that you would give  
9 your's up and then -- then he would call?

10 MR. ROBINSON: Yes.

11 MR. KANNENBERG: Immediately afterwards?

12 MR. ROBINSON: Yes.

13 MR. KANNENBERG: Okay, and is there a reason  
14 they didn't overlap?

15 MR. ROBINSON: Because you can't -- two  
16 people can't foul on a track.

17 MR. KANNENBERG: Okay, thank you. That  
18 helps me out there a lot.

19 When you said you have to give up your fouls  
20 when giving up your Form D's, why? Why did you have to  
21 give up fouls exactly when giving your Form D's, or you  
22 just -- that's what you said. I wondered why.

23 MR. ROBINSON: Because I was given -- I was  
24 no longer in control of the track, and I was not the  
25 employee in charge of on-track protection.

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1           When he took that Form D, and his Form D  
2 became effective, he now became the employee in charge  
3 of on-track protection.

4           MR. KANNENBERG: And in fact, there could  
5 only be one EIC?

6           MR. ROBINSON: Yes.

7           MR. KANNENBERG: At any work site. So, that  
8 helps me understand that a little bit more.

9           Is there pretty much the way things usually  
10 go on big jobs like this, where you're going to have  
11 crews handing off time, where -- that the outgoing  
12 foreman, which would be you in this case, will give up  
13 a foul time and -- with people still working, and then  
14 the other foreman calls as quickly as possible after  
15 the foul times are cleared up, so there is -- there's -  
16 - you know, very, very little gap, seconds or whatever,  
17 in between -- or seconds or minute or whatever --

18          MR. ROBINSON: I have --

19          MR. KANNENBERG: -- in between --

20          MR. ROBINSON: I have seen that before.

21          MR. KANNENBERG: Okay.

22          MR. ROBINSON: Yes.

23          MR. KANNENBERG: Okay, let's see. The only  
24 other real issue -- or question, not issue. I have, but  
25 did you have a conversation with Yaeger after the

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1 accident?

2 MR. ROBINSON: I just asked him what  
3 happened, you know, it was right at the site. I said,  
4 "What happened?"

5 MR. KANNENBERG: So, you were at the site  
6 when it -- when the accident happened?

7 MR. ROBINSON: No, I had come back.

8 MR. KANNENBERG: Okay.

9 MR. ROBINSON: I'm sorry, I didn't make that  
10 clear. I actually came back, once I had gotten a phone  
11 call in reference to it. I wasn't called back to the  
12 site. I went back to the site to see what happened,  
13 because --

14 MR. KANNENBERG: I understand.

15 MR. ROBINSON: -- I had a relationship with  
16 Joe Carter and with Pete, but --

17 MR. KANNENBERG: Yes, I understand and I  
18 guess what -- when you asked Mr. Yaeger what happened,  
19 what was his response?

20 {Off the record}

21 MR. HIPSKIND: Okay, we're done taking a  
22 break and we're back on the record.

23 Dave, I think you had asked a question here.  
24 So, would you just please repeat it, and let's continue  
25 our discussion.

1 MR. KANNENBERG: Yes, I was just asking  
2 about how the conversation went with Yaeger, following  
3 the accident.

4 MR. ROBINSON: We didn't really have a  
5 conversation, it was just, "What happened?" I didn't  
6 really get a logical reply. So, there was no  
7 conversation.

8 MR. KANNENBERG: When you say wasn't  
9 logical?

10 MR. ROBINSON: Just -- he -- it wasn't  
11 really toward me. It was kind of just talking. You  
12 know, I was kind of asking everybody, "What happened?  
13 What happened," and nobody really had any answers. It  
14 was just, you know, the train came in.

15 MR. KANNENBERG: Okay, that's all I got.  
16 Thank you.

17 MR. ROBINSON: Okay.

18 MR. HIPSKIND: Steve, please.

19 MR. STEARN: Thank you, Steve Stearn, and  
20 Will, thank you for coming in. I know this is -- I  
21 know this is a tough deal. You know, we all --  
22 everybody in this room got that call, and we weren't  
23 there hours before or at the time. It was sometime  
24 later, before we all showed up, and we began by talking  
25 with people and gathering data and we start outlining

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1 this picture, and then as the day progressed and we get  
2 more information, we get a pretty good outline, and we  
3 go back and we start coloring it in, and today, I think  
4 that, you know, you have really filled in a lot of  
5 that, that color for us, to help us get this clearer  
6 picture and understand.

7           So, I'm grateful for you coming in, and I'm  
8 sorry to -- well.

9           So, to continue on, Will. Just a couple of  
10 questions I have about your working as a foreman, as a  
11 welder foreman, and working and communicating with  
12 CTEC.

13           The dispatcher at CTEC4 that you were  
14 working with that night, getting your Form D, line four  
15 or your foul time, had you worked with that dispatcher  
16 before?

17           MR. ROBINSON: The one that I got -- the one  
18 that I got the Form D from, I can't recall. The  
19 overnight fouls, yes, that was --

20           MR. STEARN: We don't need to know the name.

21           MR. ROBINSON: No, I'm just saying, I know I  
22 worked with him before, because of his accent. He had  
23 a Haitian accent.

24           MR. STEARN: Really?

25           MR. ROBINSON: Yes, and the guy in the

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1 morning, I don't know.

2 MR. STEARN: So, during the overnight while  
3 you were getting foul, giving foul back, track  
4 traveling down to dump off of Highland Avenue with a  
5 back train, that was a different dispatcher than the  
6 one you had in the morning when you were canceling your  
7 Form D?

8 MR. ROBINSON: Yes.

9 MR. STEARN: Did you feel comfortable  
10 working with him?

11 MR. ROBINSON: I guess. I didn't --

12 MR. STEARN: You didn't feel --

13 MR. ROBINSON: Yes, I didn't feel any  
14 unease.

15 MR. STEARN: While you were having  
16 communications with him, you felt that he was  
17 understanding you and you were understanding him? I  
18 guess that's what I was asking.

19 MR. ROBINSON: Yes.

20 MR. STEARN: All right.

21 MR. ROBINSON: Yes.

22 MR. STEARN: Okay, and so, then even going  
23 back farther, just to clear up my mind and color in my  
24 little corner of this outline.

25 Pat Collins says, "Hey, Will, you want to

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1 work Saturday night?" You know, and if so, you know,  
2 "You have to be down there 7:00," or whatever it is,  
3 and you said, "Sure," you know, "I'll come in. Be  
4 happy to come in."

5 So, you go to 30th Street and pick up the  
6 truck to use when you go down there. Was that your  
7 truck, the truck that you would typically use when  
8 you're working your regular gig in 30th Street?

9 MR. ROBINSON: Yes.

10 MR. STEARN: So, you took your truck?

11 MR. ROBINSON: Yes.

12 MR. STEARN: Did your truck have a working  
13 radio?

14 MR. ROBINSON: No.

15 MR. STEARN: That truck had no radio? You  
16 were working off a handset?

17 MR. ROBINSON: Yes.

18 MR. STEARN: And then just the one last  
19 thing, and I'll have all of mine done, so to speak.

20 How long -- how many cribs, how much volume,  
21 how long would it take for the back train to be filled  
22 to where now, it has to be dumped? Would you have to do  
23 that a couple of times on a shift? One time?  
24 Depending on -- I know you have a storm delay and some  
25 other down time while waiting on valve, but can you

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1 remember, how many times did we dump that VAC train  
2 that night?

3 MR. ROBINSON: That night?

4 MR. STEARN: With you?

5 MR. ROBINSON: I think that we dumped three  
6 times.

7 MR. STEARN: Wow. So, in dumping it, and  
8 you said that, you know, you're going down just passed  
9 Highland, to a dump site that they had set up down  
10 there.

11 When they were dumping that, would you ride  
12 the VAC train down or would you take a highway route to  
13 get down there to them, or would you go down there at  
14 all?

15 MR. ROBINSON: Yes, I went down. I went down  
16 on the train.

17 MR. STEARN: You rode the VAC train down  
18 with them --

19 MR. ROBINSON: Yes.

20 MR. STEARN: -- and rode back with them?

21 MR. ROBINSON: Yes.

22 MR. STEARN: Because did you -- let me ask  
23 this question, so that I'm clear.

24 We were dumping the VAC train. The VAC  
25 train remained on number two track out of service and

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1 you --

2 MR. ROBINSON: Yes.

3 MR. STEARN: -- could dump from there?

4 MR. ROBINSON: Yes.

5 MR. STEARN: As long as you had a foul on

6 one?

7 MR. ROBINSON: Yes.

8 MR. STEARN: Okay, that's all for me, and  
9 thank you so much.

10 MR. ROBINSON: Okay.

11 MR. HIPSKIND: Thanks, Steve. Mike, do you  
12 want to slip down here closer?

13 MR. TRAINA: Will, as everyone else said,  
14 thank you coming in. Just to clear up a couple things.

15 Sunday morning, when you were like wrapping  
16 up, you know, everybody is showing up. Now, Pete showed  
17 up?

18 MR. ROBINSON: Yes.

19 MR. TRAINA: Okay, did he talk to you?

20 MR. ROBINSON: Yes.

21 MR. TRAINA: Okay, did he ask for a  
22 briefing?

23 MR. ROBINSON: That, I can't recall.

24 MR. TRAINA: No?

25 MR. ROBINSON: I can't recall.

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1 MR. TRAINA: You don't remember him signing  
2 or --

3 MR. ROBINSON: I knew he had signed my one  
4 the night before. I can't remember if he signed it  
5 again or if it was the same one.

6 MR. TRAINA: Okay, did he -- did you witness  
7 him go anywhere or like, did he go out on the tracks?

8 MR. ROBINSON: Yes, he went out.

9 MR. TRAINA: Okay, he went out on the  
10 tracks. SSD's, supplemental shunting device? Were  
11 they available to you?

12 MR. ROBINSON: No.

13 MR. TRAINA: None in the vehicle? None on  
14 site?

15 MR. ROBINSON: No.

16 MR. TRAINA: Would you know where to get  
17 them?

18 MR. ROBINSON: I would have had to ask for -  
19 - from the base at Wilmington, if they wanted me to  
20 apply those. They would have had to brought me some. I  
21 didn't have any on my truck.

22 MR. TRAINA: Okay, all right. I just got  
23 one more question here.

24 Foreman Yaeger --

25 MR. ROBINSON: Yes.

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1 MR. TRAINA: -- have you worked with him in  
2 the past?

3 MR. ROBINSON: When you say worked with him,  
4 directly in that manner or just part of a job?

5 MR. TRAINA: Just ever worked for him? With  
6 him?

7 MR. ROBINSON: Yes, yes, I -- but it's been  
8 a while, but part of a job that he was part of.

9 MR. TRAINA: Okay, how would you describe  
10 your relationship with him?

11 MR. ROBINSON: Professional.

12 MR. TRAINA: Courteous?

13 MR. ROBINSON: Hello, you know, how you  
14 doing?

15 MR. TRAINA: Okay.

16 MR. ROBINSON: You know, nothing more.

17 MR. TRAINA: Yes. Okay, that's all I have.  
18 Thank you.

19 MR. ROBINSON: All right.

20 MR. HIPSKIND: Thanks, Mike. Fran, why  
21 don't you do your piece?

22 MR. WALKER: Fran Walker. Can you just put  
23 an 'x' on a map? You had this conversation with Yaeger,  
24 face to face, just sort of the access road. I mean, if  
25 you -- it's sort of north/south there.

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1 MR. ROBINSON: Okay.

2 MR. HIPSKIND: Could you be more specific?

3 MR. WALKER: Other words, here is where you  
4 come in the access road.

5 MR. ROBINSON: Yes.

6 MR. WALKER: This is, you know, tracks four,  
7 three, two, one.

8 So, my curious is where -- you say you're on  
9 the access road somewhere, having a conversation with  
10 Yaeger before you cleared up. Just put an 'x', general  
11 area where you think you had a conversation.

12 MR. HIPSKIND: Again, are you talking about  
13 where the trucks were?

14 MR. WALKER: Yes, where the trucks are when  
15 they had the conversation.

16 MR. ROBINSON: Right there.

17 MR. WALKER: There is a Google map, maybe  
18 helpful.

19 MR. ROBINSON: Well, if you look at it, you  
20 see these underlying lines right here?

21 MR. WALKER: That's sort of the access road.  
22 Sort of, and the --

23 MR. ROBINSON: So, this is property lines  
24 and things like that.

25 MR. WALKER: I got you, yes.

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1 MR. ROBINSON: Okay.

2 MR. WALKER: That's why I'm guessing the  
3 access road is sort of, right in here, south --

4 MR. ROBINSON: Yes.

5 MR. WALKER: So, it's somewhere --

6 MR. ROBINSON: It looks like -- okay, okay,  
7 I see it, because --

8 MR. WALKER: All right, thanks. All right,  
9 so, just make a note that he -- he notes that he was on  
10 the access road, just south of Booth Street.

11 INTERVIEWER: That was a gift.

12 MR. WALKER: All right, so, did you -- when  
13 you were on this access road, did you notice anybody  
14 having this -- did anybody notice you having this  
15 conversation with Yaeger? Did trucks drive by? Did  
16 you see any ET people?

17 MR. ROBINSON: There were -- there were ET  
18 people that were out there, you know, someone actually  
19 spoke to John. I didn't really pay attention to get  
20 facial recognition with those people. I was basically  
21 doing -- trying to carry out some stuff. I wasn't  
22 trying to be side-tracked.

23 You know, he wasn't talking to them, but  
24 there were people around, but not within our  
25 conversation.

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1 MR. WALKER: Did you actually hear John  
2 Yaeger get his Form D, when you had this conversation?

3 MR. ROBINSON: No.

4 MR. WALKER: Did -- did Yaeger hear you  
5 canceling your Form D? Were you in proximity when that  
6 happened?

7 MR. ROBINSON: Yes, he was -- like I said,  
8 the conversation prior, when I was handling my  
9 paperwork, he was about the same distance we're apart.

10 MR. WALKER: So, do you think he heard you  
11 canceling your Form D and canceling your fouls?

12 MR. ROBINSON: You know what? I'm not going  
13 to assume that he heard that, but once it was done, the  
14 conversation that he told me to have, I let him know  
15 that it was done.

16 MR. WALKER: Okay, so, it was a possibility  
17 he could have heard you canceling the Form D?

18 MR. ROBINSON: Yes.

19 MR. WALKER: All right. That's all I have.

20 MR. HIPSKIND: Matt?

21 MR. PORTO: He asked my question. So,  
22 that's good.

23 MR. HIPSKIND: Okay, so you get a pass.

24 MR. PORTO: I just didn't want to get up.

25 MR. HIPSKIND: All right, Lou, it's your

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1 turn.

2 MR. TOMASSONE: Lou Tomassone.

3 MR. HIPSKIND: Thanks for waiting.

4 MR. TOMASSONE: No problem. From the time  
5 Pete let to the time he came back, was there any  
6 supervision out there at night for you?

7 MR. ROBINSON: Yes.

8 MR. TOMASSONE: Okay.

9 MR. ROBINSON: Kyle Snyder.

10 MR. TOMASSONE: And he was there the whole  
11 night?

12 MR. ROBINSON: Yes.

13 MR. TOMASSONE: In between?

14 MR. ROBINSON: Yes.

15 MR. TOMASSONE: Okay, how long after you  
16 canceled your Form D, did you leave the work site to go  
17 back to Wilmington base, just approximate?

18 MR. ROBINSON: I didn't go back to  
19 Wilmington.

20 MR. TOMASSONE: I'm sorry, I'm sorry, yes,  
21 30th Street station?

22 MR. ROBINSON: From the time I canceled my  
23 Form D, I just had that -- told Yaeger it was all done.  
24 He said, "I got it." I said, "All right." Two  
25 minutes, three minutes.

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1 MR. TOMASSONE: Okay, that's all I got.

2 MR. HIPSKIND: Thanks, Lou. Will, I just  
3 want to talk a little bit about the -- just the general  
4 process of fouls, and just your understanding of it and  
5 how you usually do it.

6 When you're a foreman and you're having  
7 people do welds and stuff like that, you don't  
8 generally have equipment on a main track where you're  
9 making a weld, do you?

10 MR. ROBINSON: Yes.

11 MR. HIPSKIND: What kind of equipment?

12 MR. ROBINSON: Welding truck.

13 MR. HIPSKIND: Okay, so, if you got a  
14 welding truck, you're getting what kind of protection?

15 MR. ROBINSON: Out of service.

16 MR. HIPSKIND: Form D?

17 MR. ROBINSON: Yes.

18 MR. HIPSKIND: All right. So, when you do  
19 welding and you take a track out of service, you got  
20 the truck on the track with a Form D. Do you end up  
21 getting fouls on adjacent tracks to where you're  
22 working?

23 MR. ROBINSON: Yes.

24 MR. HIPSKIND: And you do that pretty much  
25 on a regular basis?

1 MR. ROBINSON: Yes.

2 MR. HIPSKIND: The Form D and the fouls,  
3 right?

4 MR. ROBINSON: Yes.

5 MR. HIPSKIND: Okay, when you do those fouls  
6 with the dispatcher, do you place a shunt on those  
7 adjacent tracks?

8 MR. ROBINSON: When I weld, I weld within  
9 interlocking's, and SST's, I know are applied with  
10 interlocking's.

11 MR. HIPSKIND: What a great answer. Thank  
12 you. If you're not in interlocking, do you do  
13 something different?

14 MR. ROBINSON: I have not welded outside of  
15 an interlocking, except for thermite welding.

16 MR. HIPSKIND: Okay.

17 MR. ROBINSON: And we will use the jumpers  
18 for the rail.

19 MR. HIPSKIND: Okay, so, if -- I want to be  
20 clear about this.

21 If you're in Philadelphia, at the start of  
22 the day, you kind of know where you're going to go and  
23 what you're going to do?

24 MR. ROBINSON: Yes.

25 MR. HIPSKIND: And it varies from day to

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1 day? You might be in an interlocking one day. You  
2 might be out doing a thermite weld another day?

3 MR. ROBINSON: No, I'm a EA welder.

4 MR. HIPSKIND: A what?

5 MR. ROBINSON: I'm an EA welder. So, I weld  
6 frogs.

7 MR. HIPSKIND: Okay.

8 MR. ROBINSON: Which are --

9 MR. HIPSKIND: Okay, I got you.

10 MR. ROBINSON: -- within the interlocking.

11 MR. HIPSKIND: All right. Forget the  
12 thermite welding. My bad.

13 If you're welding on a frog that's not  
14 within an interlocking, you would do what again?

15 MR. ROBINSON: The frog is always within the  
16 interlocking.

17 MR. HIPSKIND: You don't have any switches,  
18 cross-overs or anything like that, that you ever have  
19 to work on?

20 MR. ROBINSON: No. Well, those are all  
21 within the interlocking.

22 MR. HIPSKIND: Okay, all right. Bottom line  
23 is, most of the time you do your work, even when you  
24 get fouls, you don't have to do the -- apply the shunts  
25 because you are in an interlocking?

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1 MR. ROBINSON: Yes.

2 MR. HIPSKIND: I got it. In the time that  
3 you've been working on Amtrak, have you ever used  
4 shunts?

5 MR. ROBINSON: As a foreman?

6 MR. HIPSKIND: As anything.

7 MR. ROBINSON: We've had shunting  
8 barricades. We had a shunting barricade.

9 MR. HIPSKIND: Not that you placed up, but  
10 you were part of a gang that used them?

11 MR. ROBINSON: Yes.

12 MR. HIPSKIND: Okay, shunting barricades,  
13 okay, all right, do you think that that was in  
14 connection with some kind of foul time or something?

15 MR. ROBINSON: I can't tell you that.

16 MR. HIPSKIND: All right.

17 MR. ROBINSON: No, when I'm saying I can't  
18 tell you that, I don't know. I wasn't privy to that  
19 part.

20 MR. HIPSKIND: Okay, all right. That's all  
21 I've got for right now.

22 Does anybody else have any other questions?  
23 Cups are empty?

24 All right, let me talk with you about --  
25 I've got -- I'm suppose to ask you some human

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1 performance questions. So, can we talk about that for  
2 just a minute?

3 Do you have -- your worse -- your work/rest  
4 cycle, how -- how many hours do you generally work a  
5 day?

6 MR. ROBINSON: My shift is 10 hours.

7 MR. HIPSKIND: Ten hours?

8 MR. ROBINSON: Yes.

9 MR. HIPSKIND: And in your off time, what is  
10 the average number of hours of sleep you generally get,  
11 that you allow to get?

12 MR. ROBINSON: Seven. Nine.

13 MR. HIPSKIND: Seven to nine?

14 MR. ROBINSON: Yes.

15 MR. HIPSKIND: And you're pretty regular  
16 about that?

17 MR. ROBINSON: For the most part.

18 MR. HIPSKIND: And the number of days a week  
19 that you generally work is -- do you have like a  
20 regular five day week or something?

21 MR. ROBINSON: I work a four-day.

22 MR. HIPSKIND: A four-day?

23 MR. ROBINSON: Yes, four ten's.

24 MR. HIPSKIND: Four ten's, 40 hours?

25 MR. ROBINSON: Yes.

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1 MR. HIPSKIND: But then on your -- on these  
2 other three days, do you frequently work overtime and  
3 volunteer and you're out on the railroad or not?

4 MR. ROBINSON: On my days off, no, I haven't  
5 worked a weekend in a while.

6 MR. HIPSKIND: Okay, should I think about  
7 volunteering or being called out to work this Saturday  
8 night shift, is that kind of the exception, not the  
9 rule?

10 MR. ROBINSON: Yes.

11 MR. HIPSKIND: It is? Okay, and in terms of  
12 your health, how would you describe your health?

13 MR. ROBINSON: Good.

14 MR. HIPSKIND: Okay, any chronic illnesses  
15 or anything like that?

16 MR. ROBINSON: No.

17 MR. HIPSKIND: Any under doctor's care for  
18 some kind of prescription or medical type thing?

19 MR. ROBINSON: No.

20 MR. HIPSKIND: No?

21 MR. ROBINSON: No.

22 MR. HIPSKIND: Okay, all right, that's all  
23 I've got there.

24 Let me get my piece of paper here. Okay,  
25 what did I do with it? Give me just a second.

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1           We kind of went over these questions  
2 earlier, and we're about ready to close this thing out.  
3 So, if we need to talk more now, that's fine. We'll  
4 take the time to do it.

5           Is there anything else you would like to add  
6 or change to the interview, the discussion we've had  
7 here today?

8           MR. ROBINSON: Just emotion. I mean, what I  
9 would have to say is just my emotion towards the whole  
10 situation, but that's not -- you know, why we're here.  
11 You know, you're here to collect facts and to try to,  
12 you know, make sure a situation like this doesn't arise  
13 again, and you know, what I have to say is just, you  
14 know, my personal feelings, as far as this is  
15 concerned.

16           INTERVIEWER: I'd love to hear them.

17           MR. ROBINSON: No, it's just that this whole  
18 situation is just a terrible situation and it's been  
19 hard to deal with, losing two people like that, and I  
20 mean, every loss is devastating, but you know, the  
21 respect for life, as you grow and when you have a  
22 relationship with someone and then losing that person,  
23 those people, it really is hard to deal with, and I  
24 didn't -- I didn't come down here to -- you know, do  
25 anything, but tell the truth to you all, and how

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1 everything happened and how everything happened, and it  
2 was just -- it was really hard to walk through that  
3 door because what I knew walking through that door,  
4 you're going to have to relive the whole experience,  
5 and that has really been hard, sitting here.

6 MR. HIPSKIND: But you know we appreciate  
7 you coming in, and I -- I just want to tell you my  
8 personal thanks, because as everybody has said, you  
9 filled in a lot of holes, and we didn't want to close  
10 out the investigation if we didn't have to, without  
11 hearing from you.

12 I hear where you're coming from. Next  
13 question is, are there any questions we should have  
14 asked, but we did not? Any topics that maybe we could  
15 have talked about or you wanted to talk about, that we  
16 did not?

17 MR. ROBINSON: I don't know. I don't know.

18 MR. HIPSKIND: All right, okay. All right,  
19 that's fine. Do you have any suggestions for  
20 preventing a reoccurrence?

21 MR. ROBINSON: I think a seamless transfer  
22 of track and foul, a way that we can transfer -- we can  
23 have a Form D overlapping another Form D, I think  
24 fouls, there should be something like that with -- for  
25 -- it -- within the blue flag -- blue light can be put

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1 up and taken down by any member of that craft.

2           A foul should be able to be -- if a foul is  
3 up, if Bill has the foul up and then I come take over  
4 the job, I should be able to -- as long as I've --  
5 we've both confirmed with the dispatcher that he's  
6 taking over that foul, he should be able to take it  
7 down.

8           Also, another thought, I mean, this is --  
9 transfer paperwork, when a track is transferred, I  
10 think that the foreman leaving, the foreman coming and  
11 the supervisor should all sign off on it, with the  
12 foreman leaving Form D effective time, foreman coming  
13 in, Form D effective time, and any fouls that are  
14 involved in it with three signatures on it, once --  
15 both -- the foremen get a copy and the supervisor gets  
16 a copy and it's put on file.

17           That way, there is no, well, I did this and  
18 I did that, and within that communication, you know  
19 everything is going to be stopped and there is no  
20 guessing, who is in charge or who was in charge, if you  
21 have that, you have your three signatures, you have  
22 your contract.

23           MR. HIPSKIND: Literally, everybody is on  
24 the same page.

25           MR. ROBINSON: Yes.

1 MR. HIPSKIND: Okay, Bill, I haven't forgot  
2 about you, all right?

3 Will, is there anyone else that we should  
4 interview? We've interviewed six or seven other people  
5 representing the day shift, the night shift, the  
6 linemen. Is there anybody that comes to your mind that  
7 you think would be beneficial?

8 MR. ROBINSON: I mean, I don't know who you  
9 have interviewed, but maybe -- I don't know if you've  
10 interviewed Jerry Moore. Jerry Moore is someone that  
11 needs to be talked to.

12 MR. HIPSKIND: Okay.

13 MR. ROBINSON: He was the other watchman  
14 coming on duty.

15 MR. HIPSKIND: Watchmen.

16 MR. ROBINSON: For the day time shift.

17 MR. HIPSKIND: Okay, all right. We'll take  
18 a look at that.

19 Anything else that you want to comment on,  
20 and listen, if you have other thoughts about this or  
21 suggestions or whatever, I am serious as a heart  
22 attack, about calling me on that card, and I know  
23 sometimes it takes a little time, but if and when that  
24 happens, if it does happen, I want you to reach out to  
25 me.

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1 Bill, you've been here and you've kind of  
2 been in a power seat and listening to all of this.  
3 Other areas of clarification that you want to talk  
4 about?

5 MR. MANNING: The dispatchers. I voiced my  
6 opinion to you on that, and I think there should be a  
7 way, when this dispatcher -- and you made the comment,  
8 you heard the tapes, that the dispatcher acknowledged  
9 that he said, "Yaeger is here and he's going to take it  
10 back over."

11 He should have never let that train leave  
12 30th Street. It's 15 miles away at 107 miles an hour.  
13 Somebody -- the dispatcher said, "Well, call and make  
14 sure they're -- you know, they just had a foul there,"  
15 and they already said somebody is going to take it over  
16 immediately.

17 I mean, it goes back to what Will just said,  
18 you need some other signatures or other people  
19 contacted in a situation where you've got 55 hours of  
20 outage, that dispatcher knows those people are still  
21 out there, and supposedly a welding gang going out and  
22 calling for 10 minute foul.

23 I mean, this is -- was a long term outage  
24 that they knew was running around the clock. There  
25 should be some standard for that. So, that's basically

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1 --

2 MR. HIPSKIND: Anything else?

3 MR. MANNING: No, no, I think you've been  
4 courteous and kind to our guys so far.

5 MR. HIPSKIND: Will, what do you think about  
6 Bill's comments?

7 MR. ROBINSON: I totally agree. I totally  
8 agree. As was pointed out, I didn't say to him one  
9 time, I said it to him two or three, that he would be  
10 assuming taking over, calling, I reiterated it to the  
11 dispatcher, and he said, "Okay," letting me know that  
12 he understood that when I gave these up, these were  
13 going to be coming right back off the board.

14 MR. HIPSKIND: Okay, gentlemen, any other  
15 closing comment, remarks?

16 Again, Will, I appreciate where you're  
17 coming from. I do appreciate everything that you've  
18 added to our investigation today, and do not hesitate  
19 to call me.

20 So, on behalf of everybody in here, and I  
21 know they've expressed their thoughts throughout the  
22 interview, we greatly do appreciate the fact that you  
23 came in. We know it was difficult, and with that, I  
24 will close the interview.

25 {Off the record.}

C E R T I F I C A T E

MATTER: Amtrak Train 89 Accident  
April 3, 2016 near Chester, PA  
Accident No. DC16FR007  
Interview of William Robinson

DATE: 04-07-16

I hereby certify that the attached transcription of page 1 to 95 inclusive are to the best of my professional ability a true, accurate, and complete record of the above referenced proceedings as contained on the provided audio recording; further that I am neither counsel for, nor related to, nor employed by any of the parties to this action in which this proceeding has taken place; and further that I am not financially nor otherwise interested in the outcome of the action.

  
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