

NATIONAL TRANSPORTATION SAFETY BOARD

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IN RE: :

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THE ACCIDENT INVOLVING : NTSB Accident No.

AMTRAK TRAIN #89 AND MOW : DCA16FR007

EQUIPMENT AND EMPLOYEES :

NEAR CHESTER, PENNSYLVANIA :

ON APRIL 3, 2016 :

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INTERVIEW OF: RICHARD BRIGANDI

Tuesday,
April 5, 2016

Sheraton Four Points
Philadelphia, Pennsylvania

BEFORE

RICHARD HIPSKIND, NTSB
STEVE STEARN, BMW
MICHAEL TRAINA, AMTRAK
ANDREW KEEFE, AMTRAK
MATTHEW PORTO, AMTRAK
LOU TOMASSONE, FRA
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

1
2 MR. HIPSKIND: Good afternoon everybody. My
3 name is Richard Hipskind, and I am the Track and
4 Engineering Group chairman for NTSB for this accident.
5 We are here today on April 5th, 2016 at the Sheraton
6 Four Points Hotel in Philadelphia, Pennsylvania to
7 conduct an interview with Mister -- I've already
8 forgotten you name.

9 MR. BRIGANDI: Mr. Brigandi.

10 MR. HIPSKIND: Who works for the National
11 Railroad Passenger Corporation or Amtrak. This
12 interview is in conjunction with NTSB's investigation
13 of a collision of Amtrak Trail 89 with maintenance-of-
14 way equipment and employees on April the 3rd, 2016 at
15 Mile Post 15.7 on Amtrak's PW Line near Chester,
16 Pennsylvania in Delaware County.

17 The NTSB Accident Reference No. DCA16FR007.
18 Before we begin our interview and questions, let's go
19 around the table and introduce ourselves. Please spell
20 your last name and please identify who you are
21 representing and your title. I would remind everyone
22 to speak loudly and clearly enough so we can get an
23 accurate recording.

24 I'll lead off and then pass off to my right.
25 My name is Richard Hipskind. The spelling of my last

1 is H-I-P-S-K-I-N-D, the Track and Engineering Group
2 chairman for this accident.

3 MR. TOMASSONE: Lou Tomassone, T-O-M-A-S-S-
4 O-N-E. I'm the Region II Track Inspector for FRA and
5 investigator in charge for the FRA.

6 MR. TRAINA: Michael Traina, T-R-A-I-N-A,
7 ASRA president. Also ET supervisor Amtrak Railroad.

8 MR. KEEFE: Andrew Keefe. I am with Amtrak,
9 Deputy Chief Engineer for Maintenance.

10 MR. PORTO: Matthew Porto, Director of
11 Safety, Amtrak.

12 MR. STEARN: Steve Stearn, S-T-E-A-R-N, Vice
13 Chairman with Brotherhood of Maintenance and Ways and
14 party spokesman for that organization.

15 MR. MANNING: William Manning, Vice
16 Chairman, Brotherhood of Maintenance Way Employees.

17 MR. HIPSKIND: And Bill, you're going to be
18 representative of Mr. Brigandi?

19 MR. MANNING: Yes.

20 MR. HIPSKIND: And Richard, would you put
21 yourself on the record?

22 MR. BRIGANDI: Richard Brigandi, B-R-I-G-A-
23 N-D-I, and I'm a track man at Wilmington base.

24 MR. HIPSKIND: I think we've already covered
25 the do you want to be represented and Bill, you've

1 already introduced yourself to the record. As a matter
2 of record, we have one other gentleman who is posting
3 the meeting.

4 MR. SPRATT: My name is Terry Spratt, S-P-R-
5 A-T-T. I am Amtrak's Director of Operating Practices,
6 and I am here representing the Office of Chief
7 Transportation Officer.

8 MR. HIPSKIND: Okay Rich, just one more
9 question. Are you okay if we go on a first name basis
10 here?

11 MR. BRIGANDI: Yes, absolutely.

12 MR. HIPSKIND: I've already put your name
13 twice, so I'm doing this for me. Do we have your
14 permission to record our discussion, our interview with
15 you today?

16 MR. BRIGANDI: Yes, you do.

17 MR. HIPSKIND: All right, let's proceed.
18 Rich, if you can kind of give us a synopsis of your
19 work experience, like when you hired out, and just kind
20 of hit the high tops of what you've done and where
21 you've kind of worked and take us up to your present
22 position.

23 MR. BRIGANDI: Well, before I came to Amtrak
24 I was welding instructor. I got employed at American
25 Infrastructure where I worked for about, I think it was

1 six months to eight months and then I came here. Do
2 you want me to go further back or --

3 MR. HIPSKIND: Well, give me a time
4 reference, maybe what year to what year.

5 MR. BRIGANDI: From maybe like 2012 to 2013.
6 I'm not sure on all the dates. It gets confusing as I
7 get older.

8 MR. HIPSKIND: All right, and what have you
9 done here at Amtrak?

10 MR. BRIGANDI: As Amtrak, I started off as a
11 track man. I got qualified in like the rail saw, rail
12 drill, rail structure and stuff like that, and I became
13 an MO. Then I bid to a driver's spot and then they
14 abolished our gangs, I've been back to a welder helper.
15 When they abolished the gangs, I bid back to the welder
16 helper.

17 And then I wasn't getting any overtime, so
18 the bid came up for track man and I bid the track man's
19 spot and I've been a track man probably since they
20 abolished the gangs. I'm not sure of the dates.

21 MR. HIPSKIND: Okay. That's okay. I'm
22 guessing MO is machine operator?

23 MR. BRIGANDI: Yeah, machine operator and
24 then I was a welder helper.

25 MR. HIPSKIND: Tell me a little bit about

1 your time at Amtrak and your -- the training that
2 you've received?

3 MR. BRIGANDI: Well, I had RWP class. I had
4 AMT-2 class, the whole two week course.

5 MR. HIPSKIND: RWP is roadway worker --

6 MR. BRIGANDI: Roadway worker protection.

7 MR. HIPSKIND: Okay.

8 MR. BRIGANDI: And along with that comes the
9 AMT-2 class. I did the whole two week class. As far
10 as training goes, you get taught by people on site that
11 are qualified in like the rail saw/rail drill, and they
12 kind of like show you, and there's no class. They
13 don't really have a class for that.

14 MR. HIPSKIND: Do you feel comfortable with
15 the training that you received?

16 MR. BRIGANDI: Yeah. For the most part
17 yeah. I mean maybe they should have a class on it or
18 something. I don't know.

19 MR. HIPSKIND: On?

20 MR. BRIGANDI: On it, being like the rail
21 saw/rail drill.

22 MR. HIPSKIND: Oh okay. Do you feel
23 comfortable in the work that you're doing?

24 MR. BRIGANDI: For the most part, yeah.

25 MR. HIPSKIND: Do you feel safe?

1 MR. BRIGANDI: For the most part, yeah.

2 MR. HIPSKIND: And you work -- basically do
3 you work a set five days a week or --

4 MR. BRIGANDI: Yes. It's Monday through
5 Friday, 7:00 to 3:30.

6 MR. HIPSKIND: Okay. I'm going to guess
7 that almost every day you work out here, do you attend
8 a job briefing?

9 MR. BRIGANDI: Yes.

10 MR. HIPSKIND: Tell me your thoughts about
11 that process, I mean what you really think?

12 MR. BRIGANDI: It should be better.

13 MR. HIPSKIND: Well, how so? I mean where -
14 - if it turns you off or it needs to be better, what
15 might you be talking about?

16 MR. BRIGANDI: For instance a lot of times
17 there's 40 new hires that came to our division. So you
18 can imagine 40 guys along with, you know, our group.
19 There's so many people. It's very confusing about
20 who's doing what, your jobs. One minute you're going
21 to this location, and the next minute you're going to
22 that location, and sometimes you'll have a foreman here
23 that says sign, this is where you're going in the
24 morning for the morning briefing.

25 MR. HIPSKIND: So a job briefing to a big

1 gang can be challenging?

2 MR. BRIGANDI: Yeah.

3 MR. HIPSKIND: Okay. We know that there was
4 a 55-hour outage, and we know there was a main track 2
5 was taken out of service with a Form D, and your name
6 came up as part of one of the gangs, and you and I
7 talked before we started to interview. You were on the
8 day shift the day of the accident. Why don't you take
9 me through your recollection, and just start out your
10 day at the reporting spot and just kind of bring me
11 forward?

12 MR. BRIGANDI: At the base when I clocked
13 in?

14 MR. HIPSKIND: When you clocked in, yeah.
15 Just start me there and just take me up through it.

16 MR. BRIGANDI: Well, when I clocked in, I
17 clocked in and do what I normally do. I go in to the
18 locker, I put on my boots and I usually wait around to
19 see -- I usually clock in like a half hour early,
20 usually on time. So you're usually waiting around. I
21 was waiting around.

22 Jerry Moore had showed up and we were
23 waiting for Yaeger. I didn't see Pete, but then we saw
24 Yaeger and he said "Just go out there. Will's out
25 there. You know, this is where you're going. You're

1 going to Booth Street." So we never had a morning
2 briefing at the base.

3 That's happened like one or two times, where
4 they said hey, he's at the location already. Go out
5 there, you know. You did a briefing out. So we
6 proceeded to Booth Street and me and Jerry usually work
7 -- so I call him Jerry or Jake. So if I say Jake, you
8 know I'm talking about Jerry Moore. So me and Jake
9 usually hey, who's going first, blah blah blah. He
10 does you go out first and then, you know, I'll go out.

11 So I go out to relieve Marvin, and I relieve
12 -- I signed Will's briefing. As I'm going up, he's
13 getting foul back on some track. I couldn't hear, but
14 he was getting foul back from one of the tracks. I
15 don't know which track it was.

16 MR. HIPSKIND: Let me slow you down. When
17 you say "foul back"?

18 MR. BRIGANDI: He must have lost foul at one
19 point on one of the tracks. So it seemed to me like he
20 was getting foul back, because after he was done on his
21 radio I said what's up? I said where's your briefing?
22 He says I got one -- foul on 1 track, two tracks out of
23 service and then 3 and 4 I have foul. So he goes I
24 have everything. So then I proceeded to watch.

25 So Marvin had left and then two seconds

1 later -- I don't know the exact time. I don't know all
2 the time frames.

3 MR. HIPSKIND: That's okay.

4 MR. BRIGANDI: But however many minutes
5 later or whatever, I heard Will say all right. Well,
6 I'm going to back up and get out of here. So he
7 proceeded to back up.

8 MR. HIPSKIND: Like in his vehicle?

9 MR. BRIGANDI: In his vehicle. So he was
10 gone. So in the meantime, while all this was going on,
11 Pete showed up. He was out there.

12 MR. HIPSKIND: He's the stretch supervisor?

13 MR. BRIGANDI: He's the supervisor, yeah.
14 He was out there and then he had called Jerry Moore out
15 onto the tracks, because they were digging out the mud
16 from underneath the ties, something that Pete always
17 like to do. Everybody always complains about it, but
18 that's what he does.

19 So they're out there. I'm watching, Will
20 left. So I don't know exact time frame. I see Yaeger
21 walking up into the outer service track, walking up.
22 He did something there, the barricade or something that
23 was placed over there and he continued to walk up.

24 MR. HIPSKIND: Rich, are you on the field
25 side of main track 4?

1 MR. BRIGANDI: I'm on the access road side,
2 however you want to put it.

3 MR. HIPSKIND: Okay.

4 MR. BRIGANDI: So I guess that would be 4
5 track, yes. So I'm out there.

6 MR. HIPSKIND: All right. I'm just trying
7 to picture where you're at.

8 MR. BRIGANDI: Yeah. I was originally in
9 front of the bucket of the backup, and then it was --
10 the sun was like brutal that day, the sun glare. So I
11 moved to the other side of backhoe, because the vac
12 train kind of gives a little bit of shade over there.
13 So I caught a little bit of shade. So this way the sun
14 glare wasn't in my eyes, because when I looked to my
15 left, the sun glare was in my eyes.

16 So Jerry Moore's out there, Pete's out
17 there, Will had left. Yaeger pulls up or Yaeger walks
18 up and I had said to him, I said do we still have all
19 the fouls, and he said to me yeah, Will still has all
20 the fouls. I didn't take them yet. So it was my
21 understanding that he had, you know, we had foul on all
22 the tracks.

23 So I hear Yaeger on his radio and he's
24 telling -- well, let me back up too, because at that
25 point when Pete was there, Jerry Moore was there and

1 Joe was there on the tracks, Joe was digging out a
2 little bit of the cribs. So he had stopped. Yaeger
3 goes on the radio and says hey, you guys want to vac
4 out what Joe just did while we still have foul?

5 MR. HIPSKIND: Okay.

6 MR. BRIGANDI: So the guys in the vac train
7 turn around and I heard it on the radio. I said not
8 without signing a briefing.

9 MR. HIPSKIND: Who did they mean needed to
10 sign a briefing?

11 MR. BRIGANDI: The guys on the vac train.

12 MR. HIPSKIND: Okay.

13 MR. BRIGANDI: So the guys that were vac'ing
14 out said that they weren't going to start vac'ing until
15 they signed the briefing. So I'm assuming that Yaeger
16 went over and gave them a briefing.

17 MR. HIPSKIND: Okay, I should think of these
18 as Loram operators?

19 MR. BRIGANDI: Loram operators.

20 MR. HIPSKIND: They're newly coming on?
21 They're the new shift relieving the other guys?

22 MR. BRIGANDI: I don't know. I don't know.
23 I didn't pay attention to that. I know there were
24 Loram guys in the train and I think there was Loram
25 guys on the access road in the truck. So I don't know

1 who -- I don't know who relieved who. I don't know if
2 they were on the same schedule. I don't know their
3 time schedule.

4 MR. HIPSKIND: Okay. Well that's helpful,
5 but go ahead. You're doing a great job.

6 MR. BRIGANDI: So he goes over there. He's
7 walking around for a little bit. I don't know. Again,
8 I'm not going to be good with the times because I'm
9 not. So at this point Joe had -- they started vac'ing.
10 So Joe's stinger was out, hanging all the way out in 3
11 track.

12 MR. HIPSKIND: Stinger meaning the back end,
13 the cribbing bucket?

14 MR. BRIGANDI: The cribbing bucket was
15 extended out, and so they were vac'ing. So if this is
16 Joe, the vac train had made it to right there. So I'm
17 assuming they got a briefing or whatever it was. While
18 all that's going on, I'm watching. So I'm probably
19 right here on the access road, the 4 track and, you
20 know, I'm watching and I see a train coming and I'm
21 thinking to myself, you know, and I'm new. I've got a
22 year and a half in. I don't have anything on these 30
23 year veterans that have been watching.

24 So they know the position of the train and
25 everything else. So I blow my horn, raise my banner

1 and I'm looking and I just keep looking, and I finally
2 see that it's coming down on the track. It's coming
3 down on 3 track and before I knew it, it was there and
4 I ran out of the way.

5 MR. HIPSKIND: Running away from 4 track?

6 MR. BRIGANDI: I was running -- if this is
7 the backhoe and this is the train and I was placed
8 right here, I ran that way.

9 MR. HIPSKIND: In opposite the direction of
10 the --

11 MR. BRIGANDI: The opposite direction, yeah.
12 So if the train's coming this way, I ran that way.

13 MR. HIPSKIND: So north?

14 MR. BRIGANDI: Yeah.

15 MR. HIPSKIND: Southbound train, so you ran
16 north?

17 MR. BRIGANDI: Right, right.

18 MR. HIPSKIND: Okay. Then the unbelievable
19 event happened?

20 MR. BRIGANDI: Yeah. As I'm running, I'm
21 kind of looking back and I see the backhoe get hit,
22 burst into flames.

23 MR. HIPSKIND: We weren't sure about that.

24 MR. BRIGANDI: And you know what I mean,
25 I'll never forget it. I hear the noise, I hear -- I

1 see the flames. I see it get drug, you know, however
2 far it got drug down the road and --

3 MR. HIPSKIND: Take your time. You want me
4 to take a time out?

5 MR. BRIGANDI: Yeah.

6 MR. HIPSKIND: All right.

7 (Off the record.)

8 MR. HIPSKIND: All right. We're back on the
9 record. Rich, where we left off is you were headed
10 north, the train south. It comes in, hits the backhoe
11 and there really is kind of an explosion or fire or
12 what-not.

13 Rather than dwell on all that, kind of give
14 me -- and I know time just gets distorted when we're
15 talking about some of these events and what-not. But
16 kind of characterize for me what happens in the next
17 20-30 minutes, an hour? I mean who do you see? What
18 arrives? What goes on next?

19 MR. BRIGANDI: Well after the dust had
20 settled, I saw Jerry Moore face first down into the
21 ties. I thought he was dead, so I started screaming
22 for his name and then I saw like a jacket with blood,
23 and you know, I'm screaming and I'm Jake, Jake, you all
24 right? I'm like where's Pete, because I didn't see
25 Pete.

1 Then I said where's Yaeger, where's he at?
2 As all that's going on, I'm running down the track at
3 the same time. I run past the bridge and the whole
4 time, you know, I'm saying "emergency, emergency,
5 emergency. Call emergency, emergency, emergency. Call
6 emergency, emergency, emergency."

7 So I kind of run up to the guys. Now I
8 realize that they were the Loram guys. I said "call
9 emergency, emergency, emergency," and they're like
10 looking at me like that. (Facial gesture) I'm like
11 "somebody fucking call emergency. Emergency,
12 emergency." They said all right, got it.

13 So I'm pacing back and forth. I still --
14 I'm holding my banner in my hand at this point, you
15 know. I'm like, because I'm shaking and I'm nervous.
16 I'm in disbelief and I'm like did that just happen, did
17 that just happen? Then I started dry heaving a little
18 bit and Jerry Moore -- and all this, I might be saying
19 this out of order or how, you know, because I'm
20 remembering things and forgetting things.

21 But Jerry Moore starts to get up and I'm
22 like "Jerry Moore, are you all right?" He said yeah.
23 I'm like where's Pete? He's like he's dead. I said
24 where's Yaeger? He goes I don't know, and you know,
25 we're all just in shock, and then you know like, you

1 know, I don't know exactly what time. I finally see
2 Yaeger and I'm like Yaeger, you all right. He's like
3 yeah, and Yaeger, you know, he's in shock too. So
4 everybody's really just in shock and --

5 MR. HIPSKIND: Do you recall where you say
6 John Yaeger come from, I mean what track, what
7 direction?

8 MR. BRIGANDI: No. I don't want to assume
9 either where he came from. The last I saw Yaeger
10 before the accident, he was getting up into the vac
11 train. I don't know where he came from after that
12 because I was -- I mean I was, like I said, I was dry
13 heaving a couple of times. All of the sudden I turned
14 around and he was on the access road.

15 MR. HIPSKIND: Tell me a little bit what
16 your recollection of the emergency response was?

17 MR. BRIGANDI: It felt long. It felt long.
18 I don't know how long it took them to get there, but it
19 felt long. That's all I can say. I know me and Yaeger
20 were at the CHI Hut I guess you call it.

21 MR. HIPSKIND: CHI meaning what?

22 VOICES: CIH.

23 MR. BRIGANDI: CIH Hut, the little brown
24 little hut. We were over there and nobody came and saw
25 us. I don't think anybody came to check out Jerry

1 Moore. Jerry Moore was there, again I don't want to
2 speculate time, but it felt like forever. He was
3 across the tracks. They were more focused down that
4 end, which I don't even understand why.

5 MR. HIPSKIND: That end meaning toward where
6 the train was?

7 MR. BRIGANDI: Towards where the train was
8 at. Well I can understand why now, because there was
9 passengers and stuff like that. But as far as us, I
10 don't even -- I can't even remember when they actually
11 got to us. I think I walked up to the van, the first
12 van after Jerry Moore had -- Jerry Moore crossed over.

13 I walked over there with him, and I don't
14 think anybody -- I don't even think anybody -- the one
15 lady that talked to me, and then I must have sat in the
16 truck for probably until 12:30, until anybody came and
17 said anything to me. They just stood, the first EMT
18 responders said are you all right, and I said yeah. I
19 mean I'm physically all right. But as far as that
20 goes, it felt like forever.

21 MR. HIPSKIND: And did police, fire, a lot
22 of emergency response vehicles show up or people all
23 over the place?

24 MR. BRIGANDI: Like I said, eventually yeah,
25 they came down to that end. But it seemed like they

1 were more focused on where the train was at, which is a
2 good thing. It's not bad. It's just I don't think
3 anybody really came down to us for a while.

4 MR. HIPSKIND: Okay, and how did you -- how
5 did you finish out your day? Where did you go? What
6 did you do?

7 MR. BRIGANDI: I finished out my day, they
8 said -- I think it was -- I don't know the exact time.
9 I was sitting in the van and then Kyle came over and
10 said we're going to get you back to the base. So I
11 probably spent --

12 MR. HIPSKIND: Base meaning Wilmington?

13 MR. BRIGANDI: Wilmington, and I spent the
14 rest of the time pacing around. They had some EAP
15 people there. I talked to them, and then they drug
16 tested me and they said once I get drug tested, I can
17 leave.

18 MR. HIPSKIND: Okay. Did you happen to do
19 an interview of give anybody any kind of report?

20 MR. BRIGANDI: No. They wanted --
21 originally, we were supposed to waiting around to give
22 a report. But after a while, it was like I don't even
23 know what time it is, time it was. They said no, just
24 take the drug test and let those guys go home. But as
25 far as me, I don't give no interview. I don't know if

1 anybody else did.

2 MR. HIPSKIND: All right. You did really
3 well there. Let me see what some of the other guys
4 have on their minds. Lou?

5 MR. TOMASSONE: Yeah. Thanks for being
6 here. I'm sorry for this whole thing. Originally, you
7 said that you clocked in at Wilmington a half hour
8 early. What time was that? Would that be 5:30, 6:00?

9 MR. BRIGANDI: No, no. Our shift started at
10 six. So yeah. So yeah, it was probably -- I'm pretty
11 sure that was the time. I usually clock in early.

12 MR. TOMASSONE: Okay, that's fine. Did you
13 ride with Mr. Moore to the location from Wilmington to
14 the job site?

15 MR. BRIGANDI: Yes.

16 MR. TOMASSONE: And do you know 'round about
17 what time you got to the job site?

18 MR. BRIGANDI: Seven-ish.

19 MR. TOMASSONE: Seven-ish, okay. Then you
20 said that you relieved --

21 MR. BRIGANDI: Marvin, yes.

22 MR. TOMASSONE: Marvin, and was there
23 another third trick guy there, track guy there
24 somewhere?

25 MR. BRIGANDI: Larry.

1 MR. TOMASSONE: Larry.

2 MR. BRIGANDI: Larry Bernard. I passed him
3 in the Dooley. He was sitting in the Dooley.

4 MR. TOMASSONE: He was sitting in the Dooley
5 when you showed up?

6 MR. BRIGANDI: Yeah, yeah.

7 MR. TOMASSONE: When you relieved Marvin and
8 you signed Will Robinson, the foreman's briefing, he
9 went over the briefing with you?

10 MR. BRIGANDI: As far as what, like the
11 whole the way you're supposed to do it?

12 MR. TOMASSONE: Yes.

13 MR. BRIGANDI: No. He just said that, you
14 know, he explained to me that he had foul on 1, foul on
15 3, foul on 4, 2's out of service, so he has everything.

16 MR. TOMASSONE: Okay. So Will leaves. He
17 gets into his vehicle. Did you see where his vehicle
18 was in relation to you?

19 MR. BRIGANDI: Yeah. He was right up at the
20 site. He was crossed over to the bridge.

21 MR. TOMASSONE: Okay.

22 MR. BRIGANDI: So his vehicle was right
23 there while everything was going on.

24 MR. TOMASSONE: And when he was leaving with
25 the vehicle, was he heading south towards Hook?

1 MR. BRIGANDI: Yeah. He was heading back
2 south towards Hook.

3 MR. TOMASSONE: Okay, and Foreman Yaeger
4 walked up to you. Did he give you a job briefing?

5 MR. BRIGANDI: No.

6 MR. TOMASSONE: That's all I've got.

7 MR. HIPSKIND: All right. Thanks Lou.
8 Matt, over to you.

9 MR. PORTO: All right. So with the job
10 briefing that Will Robinson, you say it didn't go into
11 surgical layers at all. But what did he explain?

12 MR. BRIGANDI: The only thing he explained,
13 he said I got foul 1, 3, 4. 2's out of service.

14 MR. PORTO: Okay. So he did say there was a
15 foul up there?

16 MR. BRIGANDI: Yeah, yeah.

17 MR. PORTO: Do you recall how much time went
18 by between when that was and when you saw Yaeger go
19 into the cab? Was it somewhat close or was it --

20 MR. BRIGANDI: It felt like forever, but I'm
21 sure it wasn't. I'm sure it wasn't.

22 MR. PORTO: How about when you first go to
23 the site, signing the job briefing?

24 MR. BRIGANDI: After signing the job
25 briefing, it might have been -- and again, I don't want

1 to speculate. Maybe like in between two and five
2 minutes.

3 MR. PORTO: Okay. But that was like one of
4 the first things you did when you go to the site?

5 MR. BRIGANDI: Will was anxious to go. He
6 was anxious to go. He was out there all night. It was
7 hailing, it was snowing. It was just bad weather. It
8 was completely windy and I got the impression that he
9 wanted to get out of there. Yaeger was late, you know.

10 MR. PORTO: Have you worked with Will
11 before, with him being in the foreman capacity?

12 MR. BRIGANDI: No, no.

13 MR. PORTO: Have you worked with him before
14 otherwise?

15 MR. BRIGANDI: Yeah, I've worked with him
16 before. Not many times, maybe like one or two and I
17 couldn't tell you. It might have been like a big, huge
18 job where there was other people involved.

19 MR. PORTO: And how about Yaeger?

20 MR. BRIGANDI: Yeah, I've worked with Yaeger
21 a bunch of times.

22 MR. PORTO: As the foreman?

23 MR. BRIGANDI: Yeah, uh-huh.

24 MR. PORTO: And how does he usually do
25 briefings?

1 MR. BRIGANDI: Yaeger? Not really the way
2 it's supposed to be done. I mean just cut and dry.
3 Here, this is what we're doing. Sign.

4 MR. PORTO: Okay, and with foul time, is
5 that usually done with cell phone or over the radio?

6 MR. BRIGANDI: I've heard that it's common
7 practice that if there's a communication error to do it
8 over the cell phone. But normally it's done over the
9 radio.

10 MR. PORTO: When it's done over cell phone,
11 how is that communicated to the rest of the gang?

12 MR. BRIGANDI: It's not. Sometimes it's
13 not.

14 MR. PORTO: It's not when you received the
15 foul and when you get it back, or one or the other?

16 MR. BRIGANDI: Yeah. Sometimes it's not.
17 Sometimes they don't let you know.

18 MR. PORTO: That's all I have.

19 MR. HIPSKIND: Mike, I skipped you. So
20 let's go to you next.

21 MR. TRAINA: Rich, Mike Traina, ET
22 supervisor. I've just got a couple of questions for
23 you, just a time line thing. How long do you think
24 transpired? How much time do you think transpired
25 since the last day you laid eyes on Will, when he was

1 pulling away to the time of the impact, roughly?

2 MR. BRIGANDI: Say this again?

3 MR. TRAINA: When you saw Will Robinson
4 pulling away from the job site, how long of a time
5 transpired between then and when the train came and
6 struck?

7 MR. BRIGANDI: Oh, I saw Will after the
8 accident. I saw him for the two to five minutes
9 before, and then I didn't see him until after the
10 accident.

11 MR. TRAINA: That's what I mean, like --

12 MR. BRIGANDI: Oh, oh, oh. Like gosh. I
13 can't give an exact time. I don't want to -- I mean if
14 you want me to estimate it. If you want me to estimate
15 it, maybe an hour. Man, I was in bad shape. I was --
16 yeah.

17 MR. TRAINA: No, no. Between -- what I'm
18 saying is you saw Will Robinson?

19 MR. BRIGANDI: Right.

20 MR. TRAINA: Before anything happened?

21 MR. BRIGANDI: Right.

22 MR. TRAINA: He was pulling away?

23 MR. BRIGANDI: Right.

24 MR. TRAINA: You're watching for trains,

25 then you see the train. How much time between the time

1 you saw him pulling and the train coming? Pulling away
2 and the train pulling in?

3 MR. BRIGANDI: Will wasn't around when the
4 train impacted.

5 MR. TRAINA: That's what I'm saying.

6 MR. BRIGANDI: Yeah. Oh, he wasn't there.

7 MR. TRAINA: I understand. But when you
8 saw him driving away.

9 MR. BRIGANDI: Right.

10 MR. TRAINA: What do you think the time
11 frame was between him leaving and when you turned
12 around and saw the train coming?

13 MR. BRIGANDI: Oh, oh, oh.

14 MR. TRAINA: And it could be rough. I
15 understand.

16 MR. BRIGANDI: Between 10 and 15 minutes, if
17 that.

18 MR. TRAINA: Okay, and after the collision,
19 Will Robinson came back to the job?

20 MR. BRIGANDI: Yes.

21 MR. TRAINA: What do you think about that?
22 How long that -- I understand it's just rough.

23 MR. BRIGANDI: Maybe an hour, I don't know.
24 I can't even answer that with accuracy at all.

25 MR. TRAINA: Okay, that's fine, that's

1 fine. Kyle came back too?

2 MR. BRIGANDI: Yeah, Kyle came back too. I
3 think they both came back around the same time.

4 MR. TRAINA: Okay. That's all I have.
5 Thank you.

6 MR. HIPSKIND: Steve, do you want to chime
7 in?

8 MR. STEARN: Steve Stearn. Rich, thank you
9 again for coming in and having a conversation with us.
10 You're filling in a lot of holes here and helping us
11 connect a lot of dots. So you leave the base, you and
12 Jake in a van? You've been there, you've clocked in.

13 You've got your boots, you've got your grip,
14 you're going to the job site out. You know you're
15 going to working at Booth Street. How did you get into
16 Booth Street? Did you come up through Traynor
17 (phonetic), come up through Main Street and then come
18 past Hook and head towards Baldwin on the 4 track
19 access road?

20 MR. BRIGANDI: Yeah. We came up through the
21 -- on the Main street, through Main Street and made the
22 right up through the access road and drove all the way
23 out.

24 MR. STEARN: You didn't come in through the
25 junk yard?

1 MR. BRIGANDI: No, no. Apparently, I think
2 the junk yard is -- you can't get in there anymore.
3 That's what the impression that we got. That's why
4 everybody was coming in through that side.

5 MR. STEARN: And you didn't drive across the
6 old track, 5 track at Booth Street, the old --

7 MR. BRIGANDI: No, no, no. Originally Jake
8 pulled up to let me off and then he backed up to let
9 the other guys out, and then pulled up, reversed and
10 backed in to where the van was positioned when these
11 guys saw it.

12 MR. STEARN: And who were the other guys in
13 a vehicle that had to be let out?

14 MR. BRIGANDI: I believe it was Marvin and
15 Larry, and it might have been a couple of ET guys. I
16 don't know. There was a ton of vehicles there.

17 MR. STEARN: And Marvin and Larry were the
18 track men, watch men from the earlier shift?

19 MR. BRIGANDI: Right, right.

20 MR. STEARN: And basically you were
21 replacing them?

22 MR. BRIGANDI: Right. Me and Jake were
23 replacing them.

24 MR. STEARN: And so then you said that
25 Foreman Robinson was going to back out here, get out of

1 here. Did that mean that he had crossed Booth Street
2 and north of the Booth Street bridge and he had to back
3 across the old bridge?

4 MR. BRIGANDI: Yeah, he backed across the
5 old bridge to get all the way out, and he backed out
6 all the way down to the access road.

7 MR. STEARN: And went out the same way you
8 came in at Main Street?

9 MR. BRIGANDI: I don't know if he left or
10 not. At that point, it was so far down and I wasn't
11 really focused on that.

12 MR. STEARN: How long had you been there?
13 As soon as you got there, basically you hop out, get
14 your watch men gear and relieve --

15 MR. BRIGANDI: Marvin.

16 MR. STEARN: Marvin.

17 MR. BRIGANDI: Right.

18 MR. STEARN: So that was just a matter of
19 minutes?

20 MR. BRIGANDI: Yeah.

21 MR. STEARN: And Marvin was happy to get out
22 of there, because it was a bitch that night?

23 MR. BRIGANDI: Right, right. He was very
24 happy to get out of there.

25 MR. STEARN: So from the time you started

1 performing the watchmen duties, how long until Yaeger
2 shows up?

3 MR. BRIGANDI: Maybe 10-15 minutes. Again,
4 my times aren't going to be accurate.

5 MR. STEARN: You were up pretty closet to
6 the Loram and the backhoe. That was where you were
7 performing your watchmen duties. Were you clear of all
8 the tracks? Were you outside of 4 track and the access
9 road?

10 MR. BRIGANDI: I was I call hugging. I was
11 on the end of the ties of 4 track. I usually, you
12 know, did a little like two-step this way, two-step
13 that way and walked back and forth.

14 MR. STEARN: Uh-huh, so and it was light?

15 MR. BRIGANDI: Yeah, it was light. It was
16 bright, it was bright. The sun was out, real bright.

17 MR. STEARN: Do you remember an old box
18 spring laying there on the side of the access, a rusty
19 box spring? No, that's not even worth it. And so when
20 Yaeger was there, you asked him do we still have all
21 the fouls?

22 MR. BRIGANDI: Yeah.

23 MR. STEARN: And he said yes?

24 MR. BRIGANDI: Yeah.

25 MR. STEARN: Is it -- you also said that

1 sometimes you're told whether or not they get the foul
2 or they lose the foul and sometimes you're not?

3 MR. BRIGANDI: Yeah, right.

4 MR. STEARN: But by you being in such close
5 proximity to the Loram and the backhoe, and maybe some
6 ground personnel who might be carrying hand helds, can
7 you ever or often hear any of these radio transmissions
8 between dispatcher and whoever's requesting a foul?

9 MR. BRIGANDI: Yeah. A lot of times we
10 communicate with people that we know that have radios,
11 and when Will did drive away, I did speak to Joe and
12 tell Joe if you lose foul let me know, because I know
13 Joe had a working radio.

14 MR. STEARN: What would he do, like give you
15 a hand signal or two or one or --

16 MR. BRIGANDI: Oh I was -- I mean I was
17 pretty close. Sometimes I could hear it, you know what
18 I mean? But Joe would say hey, we're losing foul on
19 this.

20 MR. STEARN: And so he would tell you that
21 one so that you'd know they didn't have foul on 2 to
22 get out of his way, because he's also going to clear
23 up?

24 MR. BRIGANDI: Right.

25 MR. STEARN: Is there an external speaker on

1 the Loram, on the back train for these radio
2 communications? You've never heard one? I mean --

3 MR. BRIGANDI: I've heard them speak before.
4 I think -- I don't know. I couldn't tell you. All I
5 know is I heard Yaeger's radio when they were talking,
6 because he must have did it through the radio when the
7 Loram guys

8 MR. STEARN: So the briefing you got from
9 Foreman Robinson was basically here, sign this. I've
10 got foul on 1, 3 and 4. Of course 2's out all the
11 time. We're good to go. Get to work. Marvin's
12 hopping in the truck and warming up?

13 MR. BRIGANDI: Right.

14 MR. STEARN: Okay. No questions. Now let's
15 hear some from you Dick, because I know you've been
16 sitting there thinking of some.

17 MR. HIPSKIND: Well yes I have. I've been
18 thinking. I want to go back to job briefings and you
19 work full time, right? I mean week after week, month
20 after month, a year and a half?

21 MR. BRIGANDI: Right.

22 MR. HIPSKIND: So you've been on various
23 parts of Amtrak from Wilmington to Philadelphia?

24 MR. BRIGANDI: Basically just Wilmington.
25 Yeah. It's Wilmington, yeah Wilmington locations.

1 MR. HIPSKIND: Okay. Well here's where I'm
2 going with all this. Every day, you probably get out
3 there and you're tackling some kind of a track
4 occupancy or working somewhere near the track, right?

5 MR. BRIGANDI: Yeah. For the most part,
6 yeah. But this last couple, last couple of weeks when
7 the new hires were coming, I was working -- I've been
8 working at night, and then working during -- coming in
9 at 10:00 and then leaving at 12:00, because there was
10 overtime available. So I was working some overtime,
11 and I've been watching for the new guys and watching at
12 night.

13 MR. HIPSKIND: Watching meaning as a watch
14 man?

15 MR. BRIGANDI: Yeah, as a watch man.

16 MR. HIPSKIND: Oncoming trains and all that
17 kind of stuff?

18 MR. BRIGANDI: Yeah, yeah.

19 MR. HIPSKIND: Okay. So you've attended
20 quite a few job briefings, right, almost on a daily
21 basis?

22 MR. BRIGANDI: Right.

23 MR. HIPSKIND: Whether it's day or night,
24 job briefings is just something that's done?

25 MR. BRIGANDI: Right.

1 MR. HIPSKIND: And I'm kind of interested.
2 Have you worked for several different foremens, or is
3 it just a real small number, one, two or three type
4 foremens?

5 MR. BRIGANDI: I've worked with quite a few
6 foremens in my time there.

7 MR. HIPSKIND: Okay.

8 MR. BRIGANDI: Recently, probably maybe like
9 three or four consistently.

10 MR. HIPSKIND: And do you routinely, are you
11 part of a work group that uses foul time?

12 MR. BRIGANDI: Yeah, yeah. At night time,
13 if I'm at night time they use foul time. Like I said,
14 during the day, a lot of the stuff during the day has
15 been bare, where they're just putting up barricades and
16 calling (inaudible) on the tracks.

17 But for the most part just recently, and
18 then with the new hires, we're working on like 0
19 tracks, freight tracks or staging base tracks where
20 there's no need for foul, but you still need a watchman
21 because the adjacent track is live, less than 25 feet
22 away.

23 MR. HIPSKIND: See if you agree with this
24 statement. Not all foul time is the same.

25 MR. BRIGANDI: No, it's not.

1 MR. HIPSKIND: Well let's talk about that.
2 When we talk about different kinds of foul time, it's
3 mainly dependent on the type of work that's being done?

4 MR. BRIGANDI: Correct.

5 MR. HIPSKIND: Minor in nature versus maybe
6 I've got a machine, maybe I've got a backhoe. Maybe
7 I'll get the machine or the backhoe up on the track?

8 MR. BRIGANDI: Right.

9 MR. HIPSKIND: Why don't you run me through
10 what you think is the right thing to do in terms of
11 getting that foul time, and I'll tell you where I'm
12 coming from, because you're part of that job briefing
13 group, right?

14 MR. BRIGANDI: Right, right.

15 MR. HIPSKIND: And isn't one of the roles of
16 all people who are in the job briefing is to be mindful
17 listening, participating, accessing, making sure that a
18 foreman made, if he's making a misstep, you can kind of
19 bring that their attention?

20 MR. BRIGANDI: Right.

21 MR. HIPSKIND: So I'm not trying to put you
22 on the spot, but I'm really, I'm interested in how you
23 listen to some of these different job briefings,
24 different foremens, different applications of foul
25 time. How do you separate that all out, or is it all

1 just the same?

2 MR. BRIGANDI: They don't -- in the original
3 job briefing or even on the original job briefing, they
4 talk about getting foul time. But they don't talk
5 about on the briefing how long it's going to be.
6 That's something that's kind of discussed with the
7 foremen and dispatch.

8 Like if we're out there banging on clips,
9 the foreman would say at a moment's notice or a minute
10 to clear. If we're working with, you know, maybe
11 nutters or the drill that drills holes and then the
12 logs, he'll say, you know, maybe five minutes to clear,
13 you know. It depends on where the backhoe's at or what
14 track he's on, how far he's got to travel to get off
15 the tracks.

16 Then he'll say, you know, five minutes to
17 clear, ten minutes to clear, you know. There's
18 different levels of how they describe it to the
19 dispatch. I only observe that from then listening.
20 They don't really communicate that in the briefing or
21 on the on track. They're not going to say oh, we're
22 going to get foul time and you're going to have five
23 minutes to clear. They don't go over that.

24 MR. HIPSKIND: Okay. But there is a --
25 there is kind of a check box about whether if I'm the

1 EIC or if I'm the foreman in charge of this particular
2 task at this particular area, whether I'm going to get
3 foul time or not?

4 MR. BRIGANDI: Right, yes, yeah.

5 MR. HIPSKIND: And they make you aware --

6 MR. BRIGANDI: That there's foul time
7 needed, but they don't tell you how long it's going to
8 be.

9 MR. HIPSKIND: Okay, and again, I know and I
10 think I get that when you're doing work of a minor
11 nature, maybe certain other requirements do not have to
12 be met.

13 MR. BRIGANDI: Right.

14 MR. HIPSKIND: Okay, I get that. But I want
15 to talk about the business of like the work you were
16 doing, and that you do intend to put a backhoe up in 3
17 track, etcetera.

18 MR. BRIGANDI: Right.

19 MR. HIPSKIND: Do they cover anything
20 additional?

21 MR. BRIGANDI: As far as -- when they go --
22 now when they go over a briefing, they'll say, you
23 know, foul time is required. I do have one watch man.
24 They'll say whether ET is needed or SSDs need to be
25 applied if it's a --

1 MR. HIPSKIND: Well now slow down. Tell me
2 what -- you've got to spell out some of these acronyms
3 you're using. ET means?

4 MR. BRIGANDI: ET protection is like if they
5 need to take power out.

6 MR. HIPSKIND: So the canton area
7 (phonetic)?

8 MR. BRIGANDI: Yeah, canton area.

9 MR. HIPSKIND: Okay, all right, and SSDs?

10 MR. BRIGANDI: SSDs are the supplemental
11 sounding devices.

12 MR. HIPSKIND: Okay. Clamps, wire?

13 MR. BRIGANDI: Clamps, wires to indicate
14 that --

15 MR. HIPSKIND: Track occupancy?

16 MR. BRIGANDI: Track occupancy, yes.

17 MR. HIPSKIND: Okay. So is that the right
18 thing to do?

19 MR. BRIGANDI: With the backhoe?
20 Absolutely.

21 MR. HIPSKIND: Okay, and if you heard a
22 foreman -- you know you're going to be a watchman or a
23 task, and they are going to put the backhoe up there,
24 if that foreman doesn't cover the SSDs, what do you do?

25 MR. BRIGANDI: Guess I'm supposed to say

1 something to him? I mean as a worker, yeah I would
2 assume. But you know again, a lot of times when guys
3 like me that are new speak out we get told, you know,
4 ahh, we don't need it. We're only going to be in there
5 for five minutes.

6 MR. HIPSKIND: Okay. Do you now know why I
7 asked you about your training and how comfortable that
8 you were with it?

9 MR. BRIGANDI: Yeah, yeah.

10 MR. HIPSKIND: So let me ask it a different
11 way. In the conversation that we just had, it sounds
12 like you know right from wrong?

13 MR. BRIGANDI: Right.

14 MR. HIPSKIND: Do you think a lot of you co-
15 workers know right from wrong?

16 MR. BRIGANDI: Yeah.

17 MR. HIPSKIND: Okay. I'm not trying to ball
18 you up here Rich, but when's the last time you saw
19 somebody put on an SSD?

20 MR. BRIGANDI: Roy, in Roy's gang. Roy
21 always puts up SSDs.

22 MR. HIPSKIND: And you were working with Roy
23 --

24 MR. BRIGANDI: I was working with Roy last
25 week. I was working with him probably the week before

1 I was on vacation. But I was doing a lot of night work
2 recently, because they had people in classes and stuff
3 like that. But the last person I see, saw use an SSD
4 was Roy, and because the backhoe was on the track.

5 MR. HIPSKIND: Okay. Were you out there on
6 that 55-hour outage on Friday night?

7 MR. BRIGANDI: No, I was not.

8 MR. HIPSKIND: Were you out there on
9 Saturday night?

10 MR. BRIGANDI: No, I was not.

11 MR. HIPSKIND: You were out there on Sunday
12 morning?

13 MR. BRIGANDI: Sunday morning.

14 MR. HIPSKIND: First time?

15 MR. BRIGANDI: Yeah.

16 MR. HIPSKIND: Do you know if an SSD had
17 been applied?

18 MR. BRIGANDI: I have no idea. Oh, when I
19 was there? I have -- no, I have no idea. No idea
20 whether one was applied or not.

21 MR. HIPSKIND: Okay. I'm kind of -- I'm
22 kind of good with everything. Let's go around and
23 we'll finish up this round, okay.

24 MR. BRIGANDI: Okay.

25 MR. TOMASSONE: Real quick Rich. You're

1 pretty comfortable with the watchman position? You
2 were trained, RWP all that?

3 MR. BRIGANDI: Yeah, for the most part.

4 MR. TOMASSONE: Now I know the job briefing
5 that you got wasn't a complete job briefing. Are you
6 familiar with the speeds on all 4 tracks between Hook
7 and Baldwin?

8 MR. BRIGANDI: To be honest with you, I know
9 they're high speed, but I know they're I think from 110
10 to 125 on some of the tracks. I don't know -- each
11 track has a different speed, correct? I mean I'm not -
12 -

13 MR. TOMASSONE: Okay, and in your training,
14 did they go over -- does Amtrak go over sight-distance
15 with you and how far you need to be able to see?

16 MR. BRIGANDI: In the watchman, in the
17 watchman, original watchman class yeah, they do go over
18 that with you. But after that, you're kind of left on
19 your own.

20 MR. TOMASSONE: So do you feel comfortable
21 being able to judge sight-distance?

22 MR. BRIGANDI: Yeah.

23 MR. TOMASSONE: Do you believe you had
24 enough sight-distance where you were standing for the
25 job you were posted at?

1 MR. BRIGANDI: Yeah. There's -- I believe I
2 had enough sight-distance. There's a -- if you look at
3 that direction, there's kind of like a little hump that
4 goes over. But you can see the light of the train.

5 MR. TOMASSONE: Okay, and the last question
6 you said you were on 4 track. You weren't on the
7 access road. You were standing on the edge of ties?

8 MR. BRIGANDI: I was standing on the edge of
9 the ties, because I usually use that to pace back and
10 forth so I don't trip.

11 MR. TOMASSONE: Okay. That's all I've got.

12 MR. HIPSKIND: Thanks, Lou. Mike, you good?

13 MR. TRAINA: I'm good.

14 MR. HIPSKIND: Matt?

15 MR. PORTO: Do you recall what the last
16 safety bulletin was that we issued within Engineering?

17 MR. BRIGANDI: Nope.

18 MR. PORTO: Do you recall any discussions of
19 any safety communications that are put out, any of the
20 FAMES alerts?

21 MR. BRIGANDI: Nope. In the morning
22 briefings lately, they're non-existent because you've
23 got three foremen, you had 40 guys. They're all
24 fighting over who's going to take the 40 new guys to
25 put in ties by hand. You've got, you know, who's going

1 where, who's doing what. Orders are changing within
2 minutes.

3 You know, my gang doesn't even know where
4 they're going, know enough they're going to there here,
5 and you just say here, sign the morning briefing and
6 this is where we're going.

7 MR. PORTO: Do you have any ideas of how to
8 get safety communications out and to be more effective,
9 reach the hands of the people that should be reading
10 it?

11 MR. BRIGANDI: Yeah, take it seriously. I
12 feel like they're not taking it seriously.

13 MR. PORTO: By -- taken it seriously by?

14 MR. BRIGANDI: By anybody. By the people
15 that are listening, by the people that are giving them.

16 MR. PORTO: Well, we put a safety briefing
17 out a little over a month ago with the latest FAMES
18 publication is on with the challenge and the right to
19 refuse.

20 MR. BRIGANDI: Right, right.

21 MR. PORTO: Thank you.

22 MR. HIPSKIND: Steve, back at you now.

23 MR. STEARN: Yeah. I don't know. I'm
24 sitting here in a puddle. No questions. Thanks.

25 MR. HIPSKIND: Lou, go ahead.

1 MR. TOMASSONE: One more question, I'm
2 sorry. You know there was a fatality on Amtrak March
3 1st of this year?

4 MR. BRIGANDI: Yeah. It was a guy up in New
5 York or something like that, or New Jersey?

6 MR. TOMASSONE: Close. Was that fatality
7 gone over with you, the narrative on what happened and
8 --

9 MR. BRIGANDI: Nope.

10 MR. STEARN: Nothing? Okay, sorry.

11 MR. BRIGANDI: Any time something happens,
12 there's never really -- there's supposed to be a safety
13 stand down, but there never really is.

14 MR. STEARN: Okay. That's all I've got.

15 MR. TRAINA: Okay. Can I ask one question?
16 I want to touch on --

17 MR. HIPSKIND: Mike, you can ask however
18 many questions you want to ask. I just want you to
19 know that.

20 MR. TRAINA: Thanks Dick. As far as what
21 Matt was saying, bulletins, updates, alerts.

22 MR. BRIGANDI: Right.

23 MR. TRAINA: You guys don't have them
24 posted on a wall or anything in your headquarters? Are
25 they available --

1 MR. BRIGANDI: I think Lorraine started to
2 post them up on the wall, but for a while we didn't
3 have a secretary or anything. Like even our bids
4 aren't even posted up on the wall. The communication
5 over there is pretty non-existent. To be honest with
6 you, I don't notice them anyway. I wouldn't notice
7 them even if they were up.

8 MR. TRAINA: So you wouldn't know what the
9 safety focus of the week is or anything like that, not
10 even on a job briefing?

11 MR. BRIGANDI: If I got one, I would
12 probably -- I would hope to remember it. But you know
13 like I said, I haven't got really one in a while.

14 MR. TRAINA: Okay. All right thank you.

15 MR. HIPSKIND: Matt, go ahead.

16 MR. PORTO: Sure. Further along the
17 discussion about what these new hires, I know there's
18 been a lot of new hires recently.

19 MR. BRIGANDI: Right, right.

20 MR. PORTO: Has it been as chaotic or was it
21 as chaotic before the new hires, or is this something
22 just recently that you noticed?

23 MR. BRIGANDI: It was primarily recently
24 that it's been going on.

25 MR. PORTO: I just wanted to clear that up.

1 MR. TOMASSONE: But you yourself were a new
2 hire less than two years ago, and wasn't it as chaotic
3 then?

4 MR. BRIGANDI: No.

5 MR. TOMASSONE: Or you just didn't know it?

6 MR. BRIGANDI: No. I was the only one that
7 came to Wilmington at the time.

8 MR. TOMASSONE: Okay, fair enough.

9 MR. HIPSKIND: All right, Rich. Thanks for
10 -- I think Steve hit the nail on the head. I think
11 you've filled in a lot of gaps. You've tied a lot of
12 things together for us, and that's been very valuable.
13 I want you to write your contact where you want me to
14 mail this, while I read you off some questions here,
15 okay?

16 MR. BRIGANDI: You said mail. What are you
17 going to mail to me?

18 MR. HIPSKIND: Just give me your mailing
19 address and no P.O. Box. Is there anything, Rich, that
20 you'd like to add or change to what we discussed here
21 today?

22 MR. BRIGANDI: Not at this moment, no.

23 MR. HIPSKIND: Okay, and are there any
24 questions we should have asked but did not?

25 MR. BRIGANDI: Not that I can recall, no.

1 MR. HIPSKIND: Okay. And do you have any
2 suggestions for preventing a recurrence?

3 MR. BRIGANDI: Make sure the proper job
4 briefing is done correctly. Make sure, you know,
5 everybody's on the same page.

6 MR. HIPSKIND: Well, I'm going to press you
7 on that. What role do you think a SSD could have
8 played in this scenario?

9 MR. BRIGANDI: If an SSD was applied from --
10 I believe that it would put up a signal, and I believe
11 the train stops or slows the train down to ten miles an
12 hour, from what I've been told.

13 MR. HIPSKIND: Okay, and is it your
14 understanding that if a foreman takes, for whatever
15 track a foreman takes on a foul time, that SSD should
16 be applied?

17 MR. BRIGANDI: A foul time. I don't believe
18 in every, in any instance.

19 MR. HIPSKIND: No, no. I'm talking
20 specifically about in the area where you guys were
21 working?

22 MR. BRIGANDI: Do I feel that it should be
23 applied in all the area that we were working?

24 MR. HIPSKIND: Yeah.

25 MR. BRIGANDI: I mean it wouldn't hurt the

1 situation.

2 MR. HIPSKIND: Okay, all right. And we did
3 make a distinction earlier about different kinds of
4 work, minor work?

5 MR. BRIGANDI: Right, right.

6 MR. HIPSKIND: Okay. Is there anyone else
7 who we should interview?

8 MR. BRIGANDI: Not that I --

9 MR. HIPSKIND: And just know we are going to
10 interview some of the other workers on the night gang
11 and the day time gang.

12 MR. BRIGANDI: Right.

13 MR. HIPSKIND: All right. Any other
14 questions, comments? All right. On behalf of the
15 Track and Engineering Group, we want to extend our
16 thanks. I know you were very patient in waiting on us
17 to get to you and everything, but if you have any
18 thoughts on what might help to change or improve out
19 there, don't hesitate to call me. You've got my
20 contact information, okay.

21 MR. BRIGANDI: Okay.

22 MR. HIPSKIND: So thanks again, Rich.

23 MR. BRIGANDI: Thank you.

24 (Whereupon, the above-entitled matter went
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 Richard Brigandi

DATE: 04-05-16

I hereby certify that the attached transcription of page 1 to 49 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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