

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: ANDREW BREUSKENS

Wednesday,
April 6, 2016

Sheraton Suites
Philadelphia, Pennsylvania

BEFORE

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

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

APPEARANCES:

On Behalf of the Interviewee:

Mark Hackett, LORAM Maintenance of Way

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

2 (5:15 p.m.)

3 MR. HIPSKIND: All right. Good afternoon
4 everybody. My name is Richard Hipskind and I am the
5 Track and Engineering Group Chairman for the NTSB for
6 this accident. We are here today, on April 6th, 2016,
7 at the Sheraton Suites Hotel in Philadelphia,
8 Pennsylvania to conduct an interview with Mr. Andrew
9 Beurskens. And he works for LORAM.

10 This interview is in conjunction with NTSB's
11 investigation of a collision of Amtrak Train 89 with
12 maintenance of way equipment and employees on April
13 3rd, 2016 at milepost 15.7 on Amtrak's PW line near
14 Chester, Pennsylvania in Delaware County. The NTSB
15 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 everyone
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 Hipskind. The spelling of my
last name is H-I-P-S-K-I-N-D. I am the Track and

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Engineering Group Chairman for NTSB for this accident.

1 MR. KANNENBERG: David Kannenberg. K-A-N-N-
2 E-N-B-E-R-G. Federal Railroad Administration Deputy
3 Regional Administrator, Region II.

MR. TRAINA: Michael Traina. T-R-A-I-A-A.
RSA president and supervisor with Amtrak.

MR. TOMASSONE: Lou Tomassone. T-O-M-A-S-S-O-
N-E. Inspector for the FRA.

1 MR. KEEFE: My name is Andrew Keefe. K-E-E-
2 F-E. I'm with Amtrak, Deputy Chief Engineer of
3 Maintenance.

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

6 MR. WALKER: Brett Fran Walker. FRA Track
7 Safety Inspector.

8 MR. HIPSKIND: And, Mr. Beurskens, would you
9 put yourself on the record?

10 MR. BEURSKENS: Andrew Beurskens. B-E-U-R-
11 S-K-E-N-S. I'm a LORAM superintendent.

12 MR. HIPSKIND: And we have one gentleman who
13 is posting. Terry, would you put yourself on the
14 record?

15 MR. SPRATT: Terry Spratt. S-P-R-A-T-T.
16 I'm Amtrak's Director of Operating Practices. I

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1 represent the office of the Chief Transportation
2 Officer, and I'm here strictly as an observer.

3 MR. HIPSKIND: Thank you, Terry. Mr.
4 Beurskens, do you mind if we proceed on a first name
5 basis?

6 MR. BEURSKENS: I do.

7 MR. HIPSKIND: Oh.

8 MR. BEURSKENS: Or I don't, excuse me.

9 MR. HIPSKIND: I took it that you meant it
10 was okay.

11 MR. BEURSKENS: Yes, it's okay.

12 MR. HIPSKIND: All right, Andrew. Couple of
13 questions. Do you wish to have a representative with
14 you at this interview?

15 MR. BEURSKENS: Yes, I do.

16 MR. HIPSKIND: And would you please put
17 yourself on the record?

18 MR.HACKETT : Mark Hackett. LORAM
19 Maintenance of Way. Director of Ballast Maintenance
20 and Road Bib Services. Hackett, H-A-C-K-E-T-T.

21 MR. HIPSKIND: Thank you, Mark. And,
22 Andrew, do we have your permission to record our
23 discussion, our interview with you today?

24 MR. BEURSKENS: Yes, you do.

25 MR. HIPSKIND: All right, let's proceed.

1 Marvin (sic), just kind of give us a background some of
2 your work history. Maybe specifically with LORAM. And
3 take us through your duties and responsibilities. And
4 kind of take us up to how you came to be in the
5 Philadelphia area, okay?

6 MR. BEURSKENS: It's Andrew. You just
7 called me Marvin. I'm a LORAM superintendent. My
8 duties include just upkeep on the machine, interaction
9 with the railroad. Paperwork, as far as hard copies
10 and stuff goes. Running the crew, generally like that.

11 Loram sends us on a--what's the word I'm
12 looking for? A work assignment. Just kind of based on
13 need, so you know. I was assigned to RV11 when it
14 moved from the NS line to Amtrak last year, and that's
15 where I've been since.

16 MR. HIPSKIND: And how long have you been
17 working for LORAM or in your current position as
18 superintendent?

19 MR. BUERSKENS: I worked for LORAM for four
20 years at April 16th. I've been a superintendent for a
21 little over a year now.

22 MR. HIPSKIND: Okay. Fair to say you've
23 seen a quite a bit of the countryside?

24 Mr. BEURSKENS: Mostly in the Northeast
25 Corridor.

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1 MR. HIPSKIND: So, you stay kind of in a
2 regional type of a--

3 MR. BEURSKENS: The company not so much.
4 I've spent the majority of my LORAM career on Amtrak.
5 Anywhere from Baltimore, up to New Jersey, New York,
6 and out in here in the Philadelphia, Wilmington area.

7 MR. HIPSKIND: Okay, fair to say you stay
8 pretty busy or?

9 MR. BEURSKENS: Oh yes. Definitely.

10 MR. HIPSKIND: All right, and just out of
11 curiosity do you live within this region?

12 MR. BEURSKENS: No. I live in South
13 Carolina.

14 MR. HIPSKIND: Okay. Thank you. So, you were
15 working on the NS and then it comes time to take the
16 equipment and get over onto Amtrak.

17 Give me a little idea of when that occurred
18 and then you can just kind of pick up talking about the
19 equipment going from Philadelphia if that's where you
20 ended up making a transfer. And just kind of take us
21 through the highlights of Friday, Saturday, and then
22 we'll kind of slow down and we'll talk about Sunday.

23 MR. BEURSKENS: Okay. The machine moved
24 from NS to Amtrak -- it would've been June or July of
25 last year. It was, I'm assuming, assigned to the

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1 Philadelphia area. It took roughly about a month to
2 get there in between switching back and forth. It was
3 dropped off in Bear Delaware and then picked up, moved
4 to Penn Coach Yard. Right there at 30th Street
5 Station.

6 And I mean that's pretty much how it got
7 into that area. And then as far as working down in
8 Wilmington, the machine's been passed back and forth
9 between Wilmington and Philadelphia just based on need.
10 We'd got a 55-hour outage last weekend, the weekend of
11 the incident. So we had crews doing 12-hour shifts
12 back to back. Me and my crew, we came in, wiped the
13 machine around Friday night, and then moved it down to
14 the area where we were working Friday night.

15 We did a 12-hour shift, handed it to my
16 relief crew who was there. They did their 12 hours.
17 We came in on Saturday night to begin our next 12-hour
18 shift, which would be at -- 8:00 p.m. was the start
19 time to roll into Sunday morning.

20 We got there roughly, you know, 10 to 15
21 minutes early, 7:45, 7:50. Just to kind of go over, you
22 know, what the previous crew had done. What their
23 issues may or may not have been and what not. Got
24 there, we signed off on Will Robinson's job briefing.
25 That was the foreman that was on duty at that night at,

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1 you know, 8 o'clock roughly. You know, this is just me
2 paraphrasing with everything that happened.

3 We signed off with that. He told us that he
4 had already had taken the track out of service from the
5 previous foreman. We got a copy of his Form D: at the
6 time.

7 We waited around roughly 15 to 20 minutes so
8 ET would show up. So they could get the ground stick
9 up, take the power out. So we could sign off on them,
10 so we're good to go on that. At the time the only
11 track out of service was Track 2. He got us foul on 1
12 and 3 Track, which we heard over the radio.

13 Confirmed with him we had a foul on 1 and 3
14 because we had a few things that we had to do prior to
15 operating a 12-hour shift. So he got us foul 1 and 3.

16 We had a watchman posted out there, so we
17 could cross 4 Track side. We crossed 4 with the
18 lookout protection. We went about what we needed to do
19 as far as just, you know, inspecting the machine,
20 making sure there was no leaks, making sure all the
21 operations were good to go.

22 He lost foul. He checked with us prior to
23 him giving up foul, I believe it was one track at a
24 time. So, we cleared up into our cab. We did our job
25 briefing, as the company requires us to do our job

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1 brief and go over our safety rule of the night and
2 whatnot. While we were waiting on foul to resume, you
3 know, our operations so to speak.

4 And then once he got foul back, we got
5 permission to start digging. You know, our equipment
6 just takes the ballast out. It's operated off of a
7 belly pack that, you know, we stand out on a platform,
8 we move back and forth, it's all controlled from the
9 front of machine.

10 We have three guys on my crew. I always
11 position one person up in A Cab to listen. We have a
12 radio that designated for our station and then we have
13 one that's on the Amtrak station. So, we can listen to
14 dispatch, we can listen to getting foul time, not
15 getting foul time and whatnot.

16 Throughout the night, Will was off to the
17 side of the machine, you know, with the backhoe
18 operator who came in at 11-ish. I can't really
19 pinpoint the exact time he got in. So as we were
20 operating we had foul time on 1 and 3 Track because we
21 don't operate without foul. And I've always preached
22 that to my foreman. It's as simple as that. I refuse
23 to operate without foul time, and they know this.

24 So it takes roughly on a general day, you
25 know, 30 to 45 minutes to fill up the machine. Then we

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1 were side casting over on 1 Track side. So we'd back
2 up. We cleared, I'm not sure what station it is that
3 was behind us at the time. We'd back up, clear that.
4 Make sure we had foul one side. We'd side cast our
5 spoils, you know, come back in and then go back to
6 work.

7 Throughout the night Will was always good
8 about making sure that he let us know when he was
9 giving up foul. You know, he always checked with me
10 over the radio, so over the Amtrak radio. So anytime
11 he would go to give up foul, he'd would call me over
12 the radio.

13 You know, hey, Andrew, we're about to give
14 up 1 Track. Are all your guys clear? And I would do a
15 head count with my crew, make sure we're all in the
16 clear, and then he would give up foul over the radio.

17 He did always ride with us to go back and
18 side cast our spoils. He'd always bring a watchman
19 with him and he'd, you know, he'd always ride at the
20 rear of the machine. And we pull back up to the job
21 site, we're traveling roughly a quarter mile to go dump
22 our spoils.

23 And that's pretty much how it persisted, you
24 know, throughout the night with the exception of about
25 45 minutes to an hour where there was, bad lightning,

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1 bad wind. You know, it was raining. So we just
2 determined that it was not safe for anybody to be out
3 there at that time.

4 And that's just pretty much how the night
5 progressed until, you know, Saturday night into Sunday
6 morning.

7 Sunday morning arrived. Pete, which was the
8 supervisor, he arrived roughly at about 6:00 in the
9 morning. Maybe 6:30-ish. Like I said, I mean it was a
10 lot going on so I wasn't exactly keeping track on him.
11 He showed up. We had finished digging. We were
12 waiting on foul time to get back to work.

13 Let's see. I'm trying to think of the
14 sequence of events, how the rest of this happened. He
15 showed up. We lost foul on one. This is after we had
16 did our final side cast, which was roughly 6:00, 6:30.
17 We pulled back. Robinson lost foul on 1, so we were in
18 the cab to confirm that he had foul on 1. We were
19 waiting until roughly, maybe about 7 o'clock.

20 Once 7:00 rolled around, I was starting to
21 get my paper work ready because we're required to do a
22 hard copy at the end of the day, which is basically
23 just overall summary of our operating time, you know,
24 our footage. You know, and whatnot.

25 So, I was getting that together. Foreman

1 Yaeger showed up on the scene. Honestly, I'm not sure
2 when he showed up exactly. I had my other crew, I had
3 a relief crew out. They drove in at about 7:15, 7:20.
4 Foreman Yaeger was talking to them off to the machine.
5 It would have been the machine right, so off of 4 Track
6 side.

7 So, when we lost foul time on 1 Track,
8 Foreman Robinson wasn't within eyeshot of the machine
9 at all. I'm not sure where he went. This is kind of
10 where the crews were coming in and shift change I guess
11 was starting to happen.

12 So I just kind of guess that he was over by
13 his truck and whatnot because that's where he'd been
14 much the whole night. And any time I needed to get a
15 hold of him all I needed to do is pull out the radio.
16 And he'd call me anytime he was losing foul or anything
17 such as
18 that. Throughout the night, too, I'll just go on and
19 this is a kind of side note.

20 We were using a backhoe to undercut the
21 cribs. Anytime that he needed to give up foul on 3 and
22 4 Track, because they were using the backhoe to go over
23 3 and 4 Track, he would always radio check Joe Carter,
24 who was the backhoe operator, make sure, you know, he
25 knew he was giving up foul, he'd wait for Joe to call

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1 clear and then give up the foul.

2 There were times Joe wouldn't answer him
3 over the radio, so he'd ask me to radio check Joe, and
4 Joe would always chime in, you know, "Good radio." So,
5 the entire time we lost foul on 1 Track. and I'm kind
6 of jumping around here gentlemen, please forgive me.

7 I'm just trying to piece everything together
8 in my mind too. The entire time, or anytime we lost
9 foul on 1, once again we'd just quit digging because it
10 just wasn't worth trying to let him undercut and us
11 just, you know skipping ahead. We were just stepping
12 on each other. So waited and let him undercut
13 everything.

14 When Robinson disappeared the last time,
15 roughly right around shift change, like I said the
16 Foreman Yaeger came on. He disappeared. Pete showed
17 up. He had a track man working with him at the time.
18 I was getting my hard copy together, this is in between
19 the 7:00 and 8:00 hour, which, once again, we blew up
20 at 8:00, so we were just kind of getting into the cool
21 down mode so the next crew could come on.

22 Roughly about 7:30, Yaeger came over. Pete
23 was down in inside the gage of 3 Track, kind of, going
24 over out work and what not. Because he was trying to
25 get the track to drop so they could come surface it or

1 what not. That's what I was told.

2 Pete -- we had about four or five more cribs
3 that were already undercut with the backhoe that we
4 could reach with our arm. Because once, you know, you
5 took all the support off I refuse to roll over it.
6 Because my equipment's pretty heavy, so you know, it's
7 as simple as that.

8 Pete was flagging for us to get back down
9 and to finish that last bit of crib. So I guess, he
10 could clear out underneath the tie. He had a trackman
11 working with him which was on 1 Track side -- sorry, I
12 hit the table.

13 Him and the trackman were using some kind of
14 bar, L-shaped, to pull what was left of the material
15 and smooth it out. Because it was all just loose dirt
16 and whatnot. Pete was working on the 2 to 3 Track
17 side. He had a trackman over there the entire time.
18 We did have a watchman as well.

19 Foreman Yaeger showed up. Like I said, he
20 came up to the machine. He said, hey can you guys grab
21 these last bit of cribs, Pete wants you to get it. I
22 said well Robinson ain't here. Let me get onto your
23 job brief so I know we're covered. He gave us the job
24 brief and we signed off on it.

25 Matt, which was my operator at the time,

1 because me and him had been swapping all night. I'd
2 dig a load, he'd dig a load. Just so we could stay
3 warm and what not.

4 Matt climbed down to go ahead and operate.
5 We heard Yaeger get the foul on 1 Track side. He told
6 us that we still had foul time on 3 and 4, so all four
7 tracks were out.

8 I've worked with Yaeger for a long time, you
9 know. I've never had any incidents with him or
10 anything. So I had no reason to assume anything was
11 different.

12 Matt got down and started to dig. The
13 entire time the backhoe was still sitting in the same
14 position.
15 The backhoe had not left the track So once again we
16 all just kind of I guess assumed we still had the foul
17 because the backhoe didn't move or anything and the way
18 the watchman was set up.

19 Pete was still in the gage. Matt got down,
20 we moved the machine forward. Matt began to operate.
21 Just as he went to finish, like I said I had my eyes
22 down. I was up in in the cab. I was typing away,
23 finishing up my hard copy. Just as Matt had picked up
24 the arm to readjust it, put it in the center of the
25 gauge, that's when the train smacked the backhoe.

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1 Prior to that, I heard no train horns or
2 anything. I didn't hear the watchman honk his horn.
3 And then I guess the rest is kind of history after
4 that.

5 MR. HIPSKIND: Andrew, let me try to put a
6 finer point on a couple of things. You mentioned that
7 you wide the machine. And for those that don't know,
8 was that a movement through a series of tracks and
9 switches to have the machine facing the right
10 direction?

11 MR. BEURSKENS: Yes sir. When we were up in
12 Penn Coach Yard at 30th Street we were facing--I'm not
13 sure which direction. We were facing the opposite way
14 we were when came down to Philly. They wide the
15 machine so we while we were digging we wouldn't have to
16 roll back over the open cribs.

17 That's why we were wide. But it is through
18 a series of switches, and, you know, it routes us
19 around to face the opposite way.

20 MR. HIPSKIND: Okay. And as your machine is
21 facing the work site, generally speaking, as you grab
22 up the ballast and everything, you end up moving in
23 reverse position. You end up backing up as you work,
24 right?

25 MR. BEURSKENS: Yes sir.

1 MR. HIPSKIND: Okay. And you mentioned too
2 that, I don't want people to get the wrong impression
3 here, but you mentioned a time that you were going to
4 go off duty and you used the term "blew up." And that
5 just means what?

6 MR. BEURSKENS: That's, we're allowed a 12-
7 rule as machine operators. So, we're not allowed to go
8 past that 12 hours. So, if we start at 8:00 p.m., we
9 have to be off track, off our machine, by 8:00 a.m.
10 It's just a rule, that's in place.

11 MR. HIPSKIND: It's kind of like an hours of
12 service, but I want to be -- did you say yes?

13 MR. BEURSKENS: Yes. It's kind of hours of
14 service, basically.

15 MR. HIPSKIND: But you guys aren't regulated
16 on any kind of hours of service are you? I mean, from
17 the federal government. You're not regulated?

18 MR. BEURSKENS: No.

19 MR. HIPSKIND: Okay. All right. One thing
20 I want to understand a little bit better, and you had a
21 great explanation on everything, so thank you for all
22 that. But I think I heard you say that you made your
23 last dump, cast the spoils over there on the other side
24 of one. Was it 6:00 or 6:30?

25 MR. BEURSKENS: Roughly, probably about 6:30

1 pushing to 7:00.

2 MR. HIPSKIND: Okay. So when you went over
3 there to make that move through the switches, off of
4 two track over to one and do all that. You had to have
5 a foul on 1 Track at that time?

6 MR. BEURSKENS: The way the machine works is
7 the entire time we were side-casting, and we stayed on
8 two track. We have a boon on the end of our machine
9 that can pick up and go over to whichever side we need
10 to. So, we would always have foul when we would pick
11 it up, go over to 1 Track side to side cast off to the
12 side of the track.

13 MR. HIPSKIND: So, let me see if I can draw
14 the picture. So, when you'd fill up and you'd have to
15 unload your spoils, you would back up about a quarter
16 of a mile?

17 MR. BEURSKENS: Yes.

18 MR. HIPSKIND: But then you would operate a
19 conveyor or a boom off of your machine to send the
20 spoils out to cast them on the other side of one?

21 MR. BEURSKENS: Yes sir.

22 MR. HIPSKIND: Okay, and it's because of the
23 obstruction of that boom over 1 Track that you would
24 have to get a foul?

25 MR. BEURSKENS: Yes sir.

1 MR. HIPSKIND: All right. I'm with you.
2 But when that's all done, Andrew. And you're done with
3 casting the spoils, you take the machine and you go
4 back that quarter mile back up south. Toward where you
5 left off at the worksite, is that correct?

6 MR. BEURSKENS: That's correct.

7 MR. HIPSKIND: All right. Now here's what I
8 want to know. I thought you said that Robinson called
9 you and said that he had to give up the foul on 1
10 Track?

11 MR. BEURSKENS: This was at the end of the
12 night.

13 Anytime we would, just to, kind of, I guess to
14 re-elaborate, anytime we'd have to go back to side
15 cast.

16 Robinson would always ride on the back of
17 the machine, which is as per our rules and I believe
18 federal rules as well. I always need a pilot, Amtrak
19 employee at the lead into the a move. So, he would hop
20 onto the back with is watchman and my guy. My guy
21 would pilot us back, we'd stop, we'd side cast. And
22 then we'd, you know, put the swing back into place,
23 we'd pull back it forward.

24 After that final dump, we pulled up, we
25 stopped, Robinson hopped off. He went to wherever he

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1 went to. He called us over the radio, hey, we've got
2 to give up foul on 1. And that's why we didn't begin
3 working when we pulled back up.

4 MR. HIPSKIND: Okay, if you can, what time
5 do you think it was, just roughly, when Robinson called
6 you about having to give up the foul on 1?

7 MR. BEURSKENS: Well. If we did our final
8 cast at roughly 6:30, it would then be between 6:30 and
9 7 o'clock.

10 MR. HIPSKIND: But probably closer to 7
11 o'clock?

12 MR. BEURSKENS: Yes, if I had to guess.

13 MR. HIPSKIND: Okay. So, when--and you're
14 sure that that occurred right?

15 MR. BEURSKENS: Yes.

16 MR. HIPSKIND: And it was over the radio?

17 MR. BEURSKENS: Yes.

18 MR. HIPSKIND: It was Will?

19 MR. BEURSKENS: Yes.

20 MR. HIPSKIND: Robinson?

21 MR. BEURSKENS: Yes.

22 MR. HIPSKIND: Okay, so. When -- was there
23 ever a time before you left the machine that day that
24 they put a foul back on 1?

25 MR. BEURSKENS: Yes. I was told by my guys

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1 -- I didn't actually, physically hear it myself, just
2 because once again I had so much stuff going on. I was
3 told by my guys that they heard over the radio that
4 Foreman Yaeger had put a foul back on 1 Track. And
5 that's why we went back to work.

6 MR. HIPSKIND: Do you know about what time
7 that was?

8 MR. BEURSKENS: I couldn't tell you. I
9 don't want to speculate.

10 MR. HIPSKIND: Okay. All right. When did
11 you, were you on the machine when Foreman Yaeger came
12 up to the machine and got in the cab?

13 MR. BEURSKENS: Yes.

14 MR. HIPSKIND: Okay. Do you know about what
15 time that was?

16 MR. BEURSKENS: Let's see. We signed the
17 brief when he climbed in, it probably would have been
18 probably 7:45.

19 MR. HIPSKIND: What did you guys talk about?
20 Anything?

21 MR. BEURSKENS: His briefing. Honestly, we
22 just signed it. We signed it, he took the briefing
23 off, went and did what he was doing, and then he came
24 back, climbed up. He was joking with one of my guys
25 about getting out of his seat, just because we have an

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1 assigned seat for the pilot basically. And, you know,
2 roughly two or three seconds later, that's when the
3 incident happened.

4 MR. HIPSKIND: So, let me be clear. You
5 were in the cab --

6 MR. BEURSKENS: I was.

7 MR. HIPSKIND: -- right when the incident
8 happened.

9 MR. BEURSKENS: I was.

10 MR. HIPSKIND: Foreman Yaeger was in the
11 cab. Was there somebody else?

12 MR. BEURSKENS: Yes, there was.

13 MR. HIPSKIND: And who was that?

14 MR. BEURSKENS: Corey, he's my general
15 laborer.

16 MR. HIPSKIND: Okay. Was Corey with you in
17 the cab most of the operating time throughout the
18 night?

19 MR. BEURSKENS: Yes. Due to the weather,
20 yes.

21 MR. HIPSKIND: Likely, everything he would
22 tell us would be everything you've just told us?

23 MR. BEURSKENS: Yes.

24 MR. HIPSKIND: Fair to say?

25 MR. BEURSKENS: Fair to say.

1 MR. HIPSKIND: All right. So, when you make
2 your last cast of the spoils. You move south on two
3 track, you're back at the jobsite, and--whatever time
4 it was--you hear Foreman Yaeger over the radio say,
5 I've got a foul back on 1.

6 MR. BEURSKENS: Yes.

7 MR. HIPSKIND: Is there any discussion about
8 we know 2 Track is a Form D. We know it's out of
9 service. You know that right.

10 MR. BEURSKENS: Yes, yes.

11 MR. HIPSKIND: And you've got their
12 paperwork, right?

13 MR. BEURSKENS: I do.

14 MR. HIPSKIND: To assure you that it is.

15 MR. BEURSKENS: I've got a copy.

16 MR. HIPSKIND: So, what were your thoughts
17 about 3 and 4 Track?

18 MR. BEURSKENS: Like I said, Yaeger assured us
19 that he had 3 and 4 out.

20 MR. HIPSKIND: Out? Or foul?

21 MR. BEURSKENS: Well foul, foul time.
22 Excuse me, foul time. And like I said, I was told by
23 him that he had 3 and 4 Track out. Or he had foul time
24 on three and 4 Track, sorry.

25 MR. HIPSKIND: Well, when you heard the

1 thing over the radio about 1, at some point, when he's
2 in the cab, it's 1, 3 and 4. Right or not?

3 MR. BEURSKENS: No. We only heard about 1
4 Track.

5 MR. HIPSKIND: From?

6 MR. BEURSKENS: From Foreman Yaeger, as far
7 as over the radio.

8 MR. HIPSKIND: Okay, but when he comes up
9 into the cab. Is that when you have a discussion about
10 3 and 4? Or do you even have a discussion about 3 and
11 4?

12 MR. BEURSKENS: He told us that he had 3 and 4
13 Track out still.

14 MR. HIPSKIND: When he came up in the cab?

15 MR. BEURSKENS: Not when he came in up the
16 cab, when we signed on his job briefing. When he came
17 up into the cab, I'm not sure what he was coming up
18 there for. I don't know if he was coming up to use the
19 radio or what. When he actually climbed up into the
20 cab was just, you know, seconds before the accident
21 happened.

22 MR. HIPSKIND: Okay, when you signed his job
23 briefing is when he told you he had 3 and 4 out. Is
24 that correct?

25 MR. BEURSKENS: Yes, that's correct.

1 MR. HIPSKIND: Where were you physically
2 standing?

3 MR. BEURSKENS: I was up in the cab. All
4 three of my guys, me, my operator, and my laborer were
5 up in our cab.

6 MR. HIPSKIND: I just want to separate out
7 time and I want to make sure that you hadn't left the
8 cab to go out away from the tracks.

9 MR. BEURSKENS: No.

10 MR. HIPSKIND: To have a job briefing with
11 him or other people off to the wayside.

12 MR. BEURSKENS: No. the only time we did
13 that was at the beginning of the night with Robinson,
14 which was when we first got there.

15 MR. HIPSKIND: Okay. Do you know if your
16 operator -- now there were operators that were coming
17 on to the shift to relieve you right?

18 MR. BEURSKENS: Yes, that's correct.

19 MR. HIPSKIND: Because you're about ready to
20 blow up.

21 MR. BEURSKENS: Yes sir.

22 MR. HIPSKIND: Did you talk to them? Were
23 they part of the job briefing that you had with --

24 MR. BEURSKENS: Yaeger? Foreman Yaeger?
25 No, they were not. Because they were still in the

1 truck at the time.

2 MR. HIPSKIND: Do you know if Foreman Yaeger
3 had conducted part of a job briefing with them prior to
4 you?

5 MR. BEURSKENS: Not to my knowledge.

6 MR. HIPSKIND: Okay.

7 MR. BEURSKENS: But I'm not sure. Again, we
8 didn't really have the time to communicate.

9 MR. HIPSKIND: Okay. Fair to say that in
10 your mind you had a foul time on 1, foul time on 3,
11 foul time on 4.

12 MR. BEURSKENS: That's correct.

13 MR. HIPSKIND: And main Track 2 is out of
14 service, Form D.

15 MR. BEURSKENS: That's correct.

16 MR. HIPSKIND: And that was your belief as
17 of when you talked to Foreman Yaeger when he came up
18 into the cab?

19 MR. BEURSKENS: Yes.

20 MR. HIPSKIND: What did you think prior to
21 when he came up into the cab and told you about the
22 fouls?

23 MR. BEURSKENS: Prior --

24 MR. HIPSKIND: You knew you were protected
25 on 2 because of the Form D.

1 MR. BEURSKENS: Right, right.

2 MR. HIPSKIND: What was your thought about
3 1, 3 and 4?

4 MR. BEURSKENS: Prior to that, once again we
5 thought we had foul on 3 and 4 Track because we didn't
6 hear Foreman Robinson give up 3 and 4 Track. So, we
7 knew one was hot, but we still thought we were
8 protected on 3 and 4 Track.

9 MR. HIPSKIND: You said your head was down
10 at the time of the impact. Did you happen to see the
11 locomotive and the backhoe and strike and fire and all
12 that? Or what exactly did you see?

13 MR. BEURSKENS: About the last thing -- the
14 first think I see when I looked up was the train going
15 by. I didn't see the actual impact itself, but I did
16 catch the back end. Or the back three or four cars of
17 the train itself.

18 MR. HIPSKIND: Okay and after the train goes by
19 you on 3 Track, what did you guys do next?

20 MR. BEURSKENS: My first thought was about
21 my operator. I was trying to find out where he was.
22 So, my first reaction was I had to call out to my
23 operator because he was still down there. I attempted
24 to reach him over the radio for starters, but I don't
25 think he could hear me over the fact that our machine

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1 was running, what just happened. We had suction on.

2 I got down on one track to see where he was
3 at. I told him to get the box down, get the arm secure
4 real quick, and we climbed up into the cab.

5 MR. HIPSKIND: And you stayed in the cab for
6 how long?

7 MR. BERSKENS: We stayed in the cab, I mean I
8 couldn't really even begin to tell you. We were in the
9 cab roughly 45 minutes before -- I wouldn't even say 45
10 minutes. Well, after we climbed up I used my company
11 phone to call my boss to give him the heads-up.

12 So we could start our systematic and stuff.

13 We were in there roughly, I mean, I don't
14 even care to speculate about how long we were up there.
15 Once the responders started to show up and what not, my
16 guy that had seen the impact and everything, he was
17 feeling queasy and what not.

18 So, I did get down. This is, you know,
19 after the impact. I got down to cross 3 and 4 Track so
20 I could go talk to some of the first responders to see
21 if I could my guys at least over to our truck. So they
22 could sit down, warm up, and what not.

23 I was advised by the first responders, I
24 don't remember if they were Amtrak police or just the
25 locals or what not, that we needed to stay up in there.

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1 So I climbed back up there. I hanged with my guys
2 until my boss showed up. And then I guess he got
3 permission to let us down. We climbed down and that's
4 where we went
5 from there.

6 MR. HIPSKIND: Andrew, tell us a little bit
7 about the -- Foreman Yaeger, prior to the impact, he
8 had come up into the cab. You guys had a discussion
9 about the fouls and then the impact. Tell us a little
10 bit about your recollection of what does Foreman Yaeger
11 do after the impact?

12 MR. BEURSKENS: After the impact, the first
13 thing he did was he twirled around. Because in my cab
14 we have a little step up. Where's it's a flat walkway
15 and then you have to step up to get in any seats or get
16 access to any of the radios or anything. He twisted
17 around, dropped down. He was visibly upset because of
18 what just happened and what we'd all just seen, you
19 know.

20 He was saying, "Oh my God, Oh my God", you
21 know, and he was getting on the phone. I'm assuming to
22 call, you know, whoever he needed to.

23 MR. HIPSKIND: Did you happen to hear his
24 side of the conversation?

25 MR. BEURSKENS: No, I did not.

1 MR. HIPSKIND: Okay.

2 MR. BEURSKENS: One thing that did stand out
3 to me was -- I can't speak exactly when I heard him say
4 this. It may have been after the crash or it may have
5 been -- well, it wasn't before. It was definitely
6 after.

7 It may have been when we were all cleared
8 off to the side before we went down to Wilmington Yard
9 because this is a statement he made is, "This is why
10 you can't give a foul without letting somebody know."

11 MR. HIPSKIND: Okay, but do you recall when
12 he left the cab? Did he stay with you that 45 minutes
13 or?

14 MR. BEURSKENS: No. No we were by ourselves
15 for that, you know, 45 minutes to an hour or how
16 however long we were stuck up in the cab. The only
17 people that did come up into the cab prior to me
18 getting down, was Amtrak police did come up. To take
19 statements from me and my three guys, they took written
20 statements from us.

21 MR. HIPSKIND: Okay, and this comment that
22 you heard Foreman Yaeger make. This is many minutes
23 after the impact and after you had finally left the
24 machine and had went over to the access road?

25 MR. BEURSKENS: Yes.

1 MR. HIPSKIND: So, that could've 45 minutes
2 to an hour later.

3 MR. BEURSKENS: Yes, it could've.

4 MR. HIPSKIND: Okay. All right. Great job,
5 Andrew. Let's see what some other colleagues have to
6 say. Dave?

7 MR. KANNENBERG: Thanks, Andrew. I'm going
8 to say your timeline has been a real good, a very good
9 help for me. It's probably the best timeline we've had
10 yet.

11 MR. BEURSKENS: Right. Well, you know,
12 forgive me if it's -- most of that morning was a blur
13 at the end. So, forgive me if it's a little --

14 MR. KANNENBERG: I remember seeing you at
15 the site and I'm glad you could make it in. I want to
16 talk a little bit about the job briefing that Yaeger
17 had. Who was all there for the job briefing? And, I
18 guess, let me just start with this. You said were on
19 the cab? When he gave --

20 MR. BEURSKENS: Yes.

21 MR. KANNENBERG: Where was Yaeger during
22 that job briefing?

23 MR. BEURSKENS: He was on the ground. He
24 passed up the job briefing, told us that he had the
25 track out, and we signed it.

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1 MR. KANNENBERG: Okay, he said he had the
2 track out, did he specify which tracks?

3 MR. BEURSKENS: No.

4 MR. KANNENBERG: Okay.

5 MR. BEURSKENS: He didn't specify then, but
6 once again, this is -- right before we went to operate
7 was when we knew we had foul on 1. And once again,
8 said he had foul on 3 and 4 still.

9 MR. KANNENBERG: Okay. So Yaeger said he
10 had the track out of service. And I'm going to -- that
11 was Track 2? Track 1 he said in a separate statement
12 that he had?

13 MR. BEURSKENS: No, Track 1. Once again,
14 after it was given up, was my guys had heard. This is
15 what they told me. That they heard that he had taken 1
16 Track back out over the radio.

17 MR. KANNENBERG: Had anybody contacted your
18 guys or they just heard it over the radio?

19 MR. BEURSKENS: I'm assuming they heard it
20 over the radio. I can't --

21 MR. KANNENBERG: So they weren't back to
22 work then?

23 MR. BEURSKENS: No.

24 MR. KANNENBERG: Oh, okay.

25 MR. BEURSKENS: No, we didn't actually

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1 physically get back to work until Pete flagged us down
2 to have go and dig those 4, 5. Just because, once
3 again, we were on wind down and, you know, we were
4 waiting for our next crew to come in and what not. And
5 I was trying to wrap up my paperwork.

6 MR. KANNENBERG: So, when Pete flagged you
7 down to finish up that little bit of work --

8 MR. BEURSKENS: Yes.

9 MR. KANNENBERG: You --

10 MR. BEURSKENS: That's when Yaeger came up.
11 That's when we got on his briefing, and that's when we
12 went back to work.

13 MR. KANNENBERG: Okay. So, did you have
14 Track 1 under foul time at that point?

15 MR. BEURSKENS: Yes. To my knowledge.

16 MR. KANNENBERG: And do you know who's name
17 it was under?

18 MR. BEURSKENS: I was told it was under
19 Yaeger's.

20 MR. KANNENBERG: Okay.

21 I got to X-out something that Mr. Hipskind went over
22 here. You said you just signed the form. Do you know
23 what the track speed was there?

24 MR. BEURSKENS: 110 is what we were told.
25 But that was the prior night from Foreman Smoot, who

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1 was our foreman when we moved down into the area.

2 MR. KANNENBERG: Okay. Was that information
3 also shared with Foreman Robinson's job safety
4 briefing?

5 MR. BEURSKENS: No.

6 MR. KANNENBERG: Did it, was his job safety
7 briefing -- on-track, excuse me. On-track safety
8 briefing similar to Yaeger's where --

9 MR. BEURSKENS: No, no, no. We went over it,
10 you know, And what he had, what the gains were. I mean
11 it was a pretty in depth briefing.

12 MR. KANNENBERG: So, let's talk about that a
13 minute then. And I'll try to be brief, fellas. I
14 apologize. But when Robinson had his job briefing, he
15 brought out a piece of paper similar to the one Yaeger
16 had that was signed by both. But he went through each
17 of the boxes.

18 MR. BEURSKENS: Yes, line for line.

19 MR. KANNENBERG: Line for line? And did
20 anybody talk about shunts?

21 MR. BEURSKENS: No.

22 MR. KANNENBERG: Over the entire 55?

23 MR. BEURSKENS: Nobody mentioned anything
24 about shunts.

25 MR. KANNENBERG: You've been up in the

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1 Northeast Corridor on Amtrak for quite a while, working
2 with your machine. When you've been working around
3 backhoes that are helping you out, does that happen
4 often as a matter of fact?

5 MR. BEURSKENS: Fairly seldom. I've been on
6 Amtrak for probably two and a half years, and I could
7 probably count on my hands how many times I've seen
8 shunt straps used.

9 MR. KANNENBERG: No, no. My question is how
10 often are machines used to --

11 MR. BEURSKENS: Oh, to assist? With Pete,
12 I've --

13 MR. KANNENBERG: No, just in general.

14 MR. BEURSKENS: Okay, in general? It just
15 depends really.

16 MR. KANNENBERG: Over your couple years? I
17 mean 50 times, 20 times.

18 MR. BEURSKENS: Oh. Yes, I mean. Less than
19 a hundred I can tell you that, I mean.

20 MR. KANNENBERG: And out of those a hundred
21 times -- this isn't science, we can't fact check this.
22 Your best estimate because we're really getting a feel
23 for it is all, we're not --

24 MR. BEURSKENS: No, I understand.

25 MR. KANNENBERG: How many times were shunts

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1 ever used when you were using another machine to
2 support your piece of machinery?

3 MR. BEURSKENS: Fairly seldom. I mean, very
4 seldom.

5 MR. KANNENBERG: Okay. Once, twice.

6 MR. BEURSKENS: Fifty times? Less than
7 half.

8 MR. KANNENBERG: Less than half. Okay.
9 And I'm just going to tell you what's going through my
10 mind. I'm a little bit confused with the on-track
11 safety. I understand what you're saying, and I'm just
12 trying to square that with other things we've heard and
13 what we know from the dispatcher.

14 So, I'm just going to ask you flat out. At
15 the time of the strike, who do you think held
16 authorities and which tracks and what were those
17 authorities? And that's my last question.

18 MR. BEURSKENS: At the time, Yaeger had foul
19 on 2. Robinson still had 2 out of service, and
20 Robinson had foul on 3 and 4.

21 MR. KANNENBERG: Who had 3 and 4.

22 MR. BEURSKENS: Robinson.

23 MR. KANNENBERG: Robinson did.

24 Okay, then now I have to follow up because I thought
25 you said Yaeger said he had 3 and 4.

1 MR. BEURSKENS: Said he had discussed with
2 Robinson. I wasn't told who actually had 3 and 4 out.

3 MR. KANNENBERG: Okay.

4 MR. BEURSKENS: He said --

5 MR. KANNENBERG: And believe me I'm not
6 playing "Gotcha".

7 MR. BEURSKENS: No, no. No, I understand, I
8 understand. No, I was told, just going over it, that
9 we still had protection on 3 and 4.

10 MR. KANNENBERG: So, Yaeger told -- I think
11 what you just told me is Yaeger told --

12 MR. BEURSKENS: Yaeger told us --

13 MR. KANNENBERG: Robinson still had 3 and 4.

14 MR. BEURSKENS: He didn't say Robinson. He
15 said we still had protection on 3 and 4.

16 MR. KANNENBERG: Okay. He just said we
17 still have protection, okay.

18 MR. BEURSKENS: Yes.

19 MR. KANNENBERG: That's exactly what I was
20 looking for.

21 MR. BEURSKENS: Okay. Okay, yes. Just to
22 clarify, sorry.

23 MR. KANNENBERG: Are you kidding me? That
24 was absolutely perfect. Thank you very much, I'm done.

25 MR. TRAINA: Mike Traina. Just one

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1 question. He covered most everything else. You asked
2 for a briefing. They asked you to start sucking, Pete
3 wanted you to hit a few cribs, right?

4 MR. BEURSKENS: Yes.

5 MR. TRAINA: Before you got out of there?
6 And you were ready to wrap and go, right? So, now when
7 he asked you to clear some cribs that was over the
8 radio?

9 MR. BEURSKENS: No.

10 MR. TRAINA: Oh, that was who --

11 MR. BEURSKENS: No, no. That was -- Yaeger
12 was up at the front of the machine with Pete, you know.
13 And Pete was, kind of, I don't know. I guess he was
14 making some kind of hand gesture or what not. Forgive
15 me, I do talk with my hands. And Yaeger came up and he
16 said he wants us to, you know, finish these 4 and 5
17 Cribs.

18 MR. TRAINA: And you were already on the
19 briefing.

20 MR. BEURSKENS: We were on Robinson's
21 briefing and, again, he disappeared. We weren't sure
22 where he was, so I told Yaeger to let us go ahead and
23 just let us sign on to his briefing.

24 MR. TRAINA: Was he in the cab at the time?

25 MR. BEURSKENS: No, he was on the ground.

1 He handed up his briefing to us.

2 MR. TRAINA: When you asked to sign on the
3 briefing -- you did ask to sign on the briefing?

4 MR. BEURSKENS: I did.

5 MR. TRAINA: Okay, he didn't offer. You
6 asked.

7 MR. BEURSKENS: No, I asked.

8 MR. TRAINA: Was that verbally or over the
9 radio?

10 MR. BEURSKENS: Verbally.

11 MR. TRAINA: Okay.

12 MR. BEURSKENS: It was not over the radio.

13 MR. TRAINA: That's it, thank you.

14 MR. HIPSKIND: Thanks Mike. Lou, you going
15 to go next?

16 MR. TOMASSONE: Yes, just real briefly. Did
17 you see Assistant Supervisor Snyder at all throughout
18 the night?

19 MR. BEURSKENS: I believe it did. I'm
20 trying to picture like a face with a name.

21 MR. TOMASSONE: His name was Kyle.

22 MR. BEURSKENS: Yes, Kyle was out there.

23 MR. TOMASSONE: That was the majority of the
24 night?

25 MR. BEURSKENS: Yes he was.

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1 MR. TOMASSONE: You did have contact with
2 him?

3 MR. BEURSKENS: I did.

4 MR. TOMASSONE: Okay. I'm not familiar with
5 the training Amtrak provided you to be on their
6 property. What training did you go through from
7 Amtrak?

8 MR. BEURSKENS: We have an online course we
9 take, which is I guess the standard contractor course
10 for us.

11 MR. TOMASSONE: Okay, do you remember just
12 the general scope of what the training was?

13 MR. BEURSKENS: It just goes over some of
14 the basics and what not. It's good for a year.

15 MR. TOMASSONE: Okay, (unintelligible).

16 MR. BEURSKENS: But it's an online, like,
17 contractor course.

18 MR. TOMASSONE: Okay, and one last question.
19 Did you see Foreman Robinson after the accident?

20 MR. BEURSKENS: No. I did not.

21 MR. TOMASSONE: Okay. That's all I have.

22 MR. HIPSKIND: Thanks Lou, Matt.

23 MR. PORTO: Cross off a couple. You said
24 there is a radio, there's two radios?

25 MR. BEURSKENS: Yes, we have two radios in

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1 both our A and our B cab, which is our caboose. One we
2 always have set to our station, and then one we always
3 have set to our dispatcher's station.

4 MR. PORTO: Okay. Now, towards the end
5 where you said you were inside the cab. Now, is that
6 the same cab, same area where the radio is?

7 MR. BEURSKENS: Yes.

8 MR. PORTO: Okay. But did you hear any
9 radio transmissions at all?

10 MR. BEURSKENS: The last -- roughly, no.
11 Like I said, my guys did say that they heard Yaeger
12 with the foul time. I don't recall hearing it myself,
13 but once again I was focused on my paperwork so.

14 MR. PORTO: All right. Is there any certain
15 person that usually communicates on the radio from your
16 --

17 MR. BEURSKENS: Just whoever's sitting
18 closer, whoever can get to the mic. But, you know,
19 generally, I mean just an example throughout the night,
20 once again, it would've been -- where dispatch called
21 Robinson to take, you know, the foul back, Robinson
22 would say hey, hold on one second.

23 He'd call us, hey, are you guys in the
24 clear? I'd do my head count, make sure all my guys
25 were clear. And then I'd radio back to hey Foreman

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1 Robinson we're clear, foul 1 Track. You know, you're
2 good to give it back. And then he would have called
3 dispatch and gave it back to them.

4 MR. PORTO: And you said when Robinson got
5 out of service Track 2, you got a copy of that form?

6 MR. BEURSKENS: Yes.

7 MR. PORTO: Did Yaeger give you a copy of
8 any form Ds?

9 MR. BEURSKENS: No.

10 MR. PORTO: No. And when you had the job
11 briefing with Yaeger, do you recall any other
12 signatures on it when you went to sign it?

13 MR. BEURSKENS: Honestly, we put our
14 signature on it. I can't tell you whether there was or
15 there wasn't.

16 MR. PORTO: Okay. And you don't recall if
17 the relief crew had it prior to you guys?

18 MR. BEURSKENS: I know John was over there
19 talking to them. I don't know if they had the job
20 briefing with it or what.

21 Just because we were kind of, you know, we
22 were talking back and forth. Me and my relief crew
23 over the radio. Over our radio, kind of, you know,
24 what was
25 going on if we had any issues or what not.

1 MR. PORTO: And at the time of the incident,
2 you said that it was Matt that was out there?

3 MR. BEURSKENS: Yes. Yes.

4 MR. PORTO: You had the machine on, you were
5 sucking the cribs?

6 MR. BEURSKENS: Yes.

7 MR. PORTO: Do you recall, or know, the
8 position of the backhoe arm?

9 MR. BEURSKENS: The bucket was facing
10 forward. Yes, so it would have been facing -- like I
11 said I'm not sure on my direction, whichever way would
12 have been, let's see --

13 MR. PORTO: Wait a second. Look forward,
14 like forward would have been the direction you traveled
15 to get from Philadelphia to Wilmington, facing south?

16 MR. BEURSKENS: Yes, yes. And then the
17 actual arm he was using to undercut was sitting in the
18 center of the gage.

19 MR. PORTO: The center of?

20 MR. BEURSKENS: Yes, the center of 3 Track
21 gage.

22 MR. PORTO: All right, I'm good.

23 MR. WALKER: All right. Fran Walker.

24 You're saying Robinson's always relayed you information
25 over the radio. When to clear out, or when you had a

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1 foul?

2 MR. BEURSKENS: Yes.

3 (crosstalk)

4 MR. WAKLER: Did you ever hear him --

5 MR. HIPSKIND: Did you say yes?

6 MR. BEURSKENS: Yes.

7 MR. WALKER: Did you ever hear him actually

8 talking to the dispatcher to get the foul or to clear

9 fouls?

10 MR. BEURSKENS: Yes.

11 MR. WALKER: You did?

12 MR. BEURSKENS: Yes.

13 MR. WALKER: So, you actually never heard

14 him on the radio clear Track 3 and 4? So, you're

15 assuming he had 3 and 4. You did hear him clear 1 when

16 you had to clear after your side cast.

17 MR. BEURSKENS: That's correct.

18 MR. WALKER: So, when you came back to

19 restart up, you heard Yaeger say we have 1 Track now.

20 So, that's why you could continue working?

21 MR. BEURSKENS: Well, my guys said, once

22 again, they heard over the radio that he took the track

23 back. My two guys.

24 MR. WALKER: Were saying that Yaeger got 1?

25 MR. BEURSKENS: Yes.

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1 MR. WALKER: So you were probably under the
2 assumption that because Yaeger said you still had 3 and
3 4 that it was under Robinson's name, or somebody's
4 name?

5 MR. BEURSKENS: Yes.

6 MR. WALKER: Okay. Question about what your
7 knowledge of shunts? Was there any knowledge of shunts
8 in this contractor training you received?

9 MR. BEURSKENS: Honestly, mine expires this
10 month. So, I've got to get it at the end of the month.
11 I don't remember.

12 MR. WALKER: Okay, so you've worked you said
13 the Baltimore sub division, you've worked in Philly.
14 So, isolated cases, sometimes shunt straps --

15 MR. BEURSKENS: Shunt straps are used, yes.

16 MR. WALKER: Shunts strap are used
17 sometimes, okay. All right, that's all I have.

18 MR. HIPSKIND: Thanks, Fran. Well, Andrew,
19 you've loaded us up with a lot of information and a lot
20 of detail but I want to switch gears here for a couple
21 minutes.

22 As a contractor working for LORAM, I want to
23 understand better. How is it that you're prepared to
24 come over and work on Amtrak property? Do you have to
25 take a day off? Do you have to go to training?

1 Do you go on to a computer? How do you get
2 up to speed? How do you get qualified on some of
3 these, like RWP or how to move equipment? Tell me
4 about your understanding about what do you do along
5 those lines.

6 MR. BEURSKENS: As far we go, we go up, we
7 do our training, as far as like our OSHA training and
8 everything, up in our home office in Hamil. And then
9 depending on which railroad we're going to, we take our
10 E-Railsafe courses.

11 And then our contractor courses depending on
12 which railroad, once again. Amtrak is a online course.
13 That's, you know, once again it's been almost a year
14 since I've taken it. So, it's just a online
15 qualification course.

16 MR. HIPSKIND: Okay, and tell me a little
17 bit about the content of it. What's the subject matter
18 that's covered?

19 MR. BEURSKENS: Rail safety. There's some
20 signals that are covered. I mean, it's a basic outline
21 of the railroad essentially. The Amtrak railroad. It
22 goes over (unintelligible), it goes over third-rail.

23 MR. HIPSKIND: Okay. But, so in taking that
24 training do you feel comfortable when you're out there
25 with different crews in different places but doing the

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1 same thing?

2 MR. BEURSKENS: Yes.

3 MR. HIPSKIND: So, do you have a good feel
4 for when the process, the procedure -- about on track
5 safety, about protecting tracks, if it it's being done
6 correctly or less than that?

7 MR. BEURSKENS: Generally, yes.

8 MR. HIPSKIND: Okay. Generally?

9 MR. BEURSKENS: Well, I mean yes. Excuse
10 me.

11 MR. HIPSKIND: Okay, all right. Okay. When
12 you were describing Saturday night's work and talking
13 about Will Robinson and using the radio. I thought you
14 said that when he would give up his fouls or get his
15 fouls that he would routinely radio you. And that's
16 how you understood what the status of a particular main
17 track and whether or not it had a foul on it. Is that
18 right?

19 MR. BEURSKENS: That's correct.

20 MR. HIPSKIND: And he was good about that,
21 all night long?

22 MR. BEURSKENS: Yes, he was.

23 MR. HIPSKIND: Okay, now I'm going to add a
24 little nuance in here. So, he would let you know when
25 he had a foul time applied to a particular track. And

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1 he would let you know.

2 MR. BEURSKENS: Yes, the way it worked was,
3 this is how we did it the night.

4 MR. HIPSKIND: Okay.

5 MR. BEURSKENS: Was when we first got there,
6 you know, we heard him over the radio. You know, we
7 got one and three, which foul on one and three so we
8 can go do our startup. And then throughout the night,
9 once again after we would side cast or what not if they
10 had to give up foul, he'd call me. You know, Andrew.
11 You know, well let me rephrase this.

12 We'd hear dispatch calling over the radio.
13 He'd call me and ask me, if he was giving it up, he'd
14 call me and ask me, hey, Andrew, are you guys all
15 clear. Once again, I would do my head count. Let him
16 know over the radio, Foreman Robinson we're all clear.
17 Or foul, we're all clear number 1 Track or Number 3
18 Track or whatever.

19 And then when they called to give it back,
20 once again, you know, he'd say, Foreman Robinson, you
21 know, he'd take their Form D from it. And then he'd
22 either call us over the radio or I'd respond to him,
23 hey, Foreman Robinson, that's a roger. We got foul on
24 1 or 3 or whatnot.

25 MR. HIPSKIND: Did Foreman Robinson ever

1 call you on your cell phone to relay that same kind of
2 information? About whether foul time had been applied
3 on a track? Or taken away from a track?

4 MR. BEURSKENS: No.

5 MR. HIPSKIND: Never?

6 MR. BEURSKENS: No.

7 MR. HIPSKIND: So, your reliance was on
8 things people tell me over the radio?

9 MR. BEURSKENS: Yes.

10 MR. HIPSKIND: Okay. And you're being fed
11 information, whether it's the dispatcher saying it or
12 Foreman Robinson saying it, and that's your handshake.
13 That's your confirmation of I'm okay to go, I'm okay to
14 work. I've got foul time on 1, I've got foul time on
15 3. You really didn't care about foul time on 4, right?

16 MR. BEURSKENS: Right. We had no ability --

17 MR. HIPSKIND: For your operations?

18 MR. BEURSKENS: Yes, no I had no ability to
19 foul 4 Track.

20 MR. HIPSKIND: Okay. And you're out there
21 to tell them whether they're doing something right or
22 wrong about foul time on 4 Track, right?

23 MR. BEURSKENS: No.

24 MR. HIPSKIND: Is that right?

25 MR. BEURSKENS: That's correct, yes.

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1 MR. HIPSKIND: That's all I've got for right
2 now. Dave, anything?

3 MR. KANNENBERG: Yes, you did mention
4 earlier that you worked a lot with Yaeger I believe?

5 MR. BEURSKENS: Yes.

6 MR. KANNENBERG: Is that pretty much the way
7 his job briefings usually went?

8 MR. BEURSKENS: No.

9 MR. KANNENBERG: How did his job briefing
10 usually go?

11 MR. BEURSKENS: No, you know, normally
12 they're line for line. You know, this is what we're
13 doing. We'd always have the overview of what the job
14 is. What kind of protection we're going to be taking
15 out. You know, what gains we're working with, when ET
16 will arrive. You know, and what not.

17 MR. KANNENBERG: So when he asked you to
18 sign his form or when he handed to you did he say he
19 was planning on doing a regular on-track safety
20 briefing with everybody at a later time or?

21 MR. BEURSKENS: He didn't mention it, no.

22 MR. KANNENBERG: Did not? Okay. That's all
23 I've got thanks.

24 MR. HIPSKIND: Mike? Lou?

25 MR. TOMASSONE: Just a couple more. I'll

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1 try and be as brief as I can. You've operated on
2 Norfolk Southern, correct? You ran the machine over
3 there?

4 MR. BEURSKENS: Yes.

5 MR. TOMASSONE: Their safety training, is it
6 comparable to Amtrak's?

7 MR. BEURSKENS: No, it's a little more in
8 depth. We actually have to have a company
9 representative come out and give us the briefing
10 itself, or the course itself. We actually have to have
11 somebody from our training department come out and give
12 a NCSX.

13 MR. TOMASSONE: Okay. Did you hear either
14 Foreman Yaeger or Foreman Robinson complaining about
15 the radios and the reception?

16 MR. BEURSKENS: No. The entire night,
17 Robinson and me had good communication over the radio.

18 MR. TOMASSONE: Okay. Last question. Are
19 you familiar with the Good Faith Challenge?

20 MR. BEURSKENS: Yes.

21 MR. TOMASSONE: And what is entailed in that
22 and your rights under that?

23 MR. BEURSKENS: Yes.

24 MR. TOMASSONE: Okay, that's all I have.

25 MR. HIPSKIND: Thank you, Lou. Matt.

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1 MR. TRAINA: Follow up on the radio
2 communication. I know you and Robinson had good radio
3 communication. Did you hear of any issues with
4 Robinson and dispatch and the radio communication?

5 MR. BEURSKENS: No, no.

6 MR. TRAINA: And just to confirm, you
7 probably said it and I just didn't write it down. What
8 time did you start Saturday night?

9 MR. BEURSKENS: 8:00 p.m.

10 MR. TRAINA: That's all I've got, thank you.

11 MR. HIPSKIND: Thanks Matt.

12 MR. WALKER: Fran Walker. You say you
13 worked with Yaeger a lot. Have you ever worked with
14 Yaeger when he's used shunts? With the backhoe or even
15 to cast over the side or something like that?

16 MR. BEURSKENS: No.

17 MR. WALKER: You don't ever recall him using
18 shunts. How about any foreman on Pete's territory?
19 You work with anybody besides Yaeger?

20 MR. BEURSKENS: Let's see I've worked with
21 Foreman Penman, Ryan Pew. I'm trying to think of some
22 of the other ones. Foreman Stacey, I think Zach's his
23 first name, Zach Stacey. And honestly, no. Not to my
24 recollection. I mean, it could've been. You know, I've
25 worked mainly in Philadelphia. So, I mean it, you

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1 know.

2 MR. WALKER: You don't recall the use of
3 shunts anytime down in that territory? You don't
4 recall?

5 MR. BEURSKENS: No.

6 MR. WALKER: That's it for me.

7 MR. HIPSKIND: Thanks, Fran. So, Andrew we
8 are getting close to the end here. You okay with that?

9 MR. BEURSKENS: Yes.

10 MR. HIPSKIND: But you were out there
11 Saturday morning with Yaeger, right?

12 MR. BEURSKENS: Yes.

13 MR. HIPSKIND: He -- that yes?

14 MR. BEURSKENS: Yes.

15 MR. HIPSKIND: Okay, so he was out there
16 Saturday morning. I'm interested, how would you
17 characterize what occurred did that job briefing if
18 there was one held? Saturday morning, not Sunday.

19 MR. BEURSKENS: Saturday morning I wasn't on
20 his job briefing. Because, we relieved. I was on
21 night Foreman Larry Smoot's job briefing. Was Friday
22 night
23 to Saturday morning, and we checked out while we were
24 still on his job briefing.

25 MR. HIPSKIND: His briefing -- oh, the

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1 Amtrak the foreman that was on Friday night.

2 MR. BEURSKENS: Yes sir, yes ir.

3 MR. HIPSKIND: And so as you worked Friday
4 night and then you checked out. And so you weren't
5 present for Yaeger's briefing --

6 MR. BEURSKENS: Saturday morning, that's
7 correct.

8 MR. HIPSKIND: Oh, okay.

9 MR. BEURSKENS: We left, our shift started
10 Friday night at 8:00 p.m. We left at 8:00 a.m., so I
11 was not present for Yaeger's briefing Saturday morning.

12 MR. HIPSKIND: I've done these so many
13 times, I've just learned to say this isn't my last
14 question. But did Foreman Robinson call you on Sunday
15 morning?

16 MR. BEURSKENS: No, he did not call me at
17 all. Throughout the 55-hour outage, at all Saturday
18 night or Sunday morning. He never once called me over
19 the phone.

20 MR. HIPSKIND: Okay, but did he call you
21 over the radio on Sunday morning to let you know that
22 he gave up his fouls?

23 MR. BEURSKENS: No.

24 MR. HIPSKIND: You're sure about that?

25 MR. BEURSKENS: I'm positive

1 MR. HIPSKIND: Okay. Gentlemen, any other
2 questions that you might have? All right, hearing none
3 let's go over some questions that I need to ask you,
4 okay?

5 MR. BEURSKENS: Okay.

6 MR. HIPSKIND: I think you've heard these
7 before. Is there anything that you'd like to add or
8 change to anything that we've talked about or discussed
9 here today?

10 MR. BEURSKENS: Not to my knowledge, no.

11 MR. HIPSKIND: Okay. And is there anything
12 that we should have asked but did not or other topics
13 that we should have asked or did not?

14 MR. BEURSKENS: No, I mean, pretty much to
15 the point.

16 MR. HIPSKIND: Okay. Do you have any
17 suggestions for preventing a reoccurrence?

18 MR. BEURSKENS: Just mainly, radio
19 communication should be required. I don't think
20 anything should be done over the phone, at all.

21 MR. HIPSKIND: Okay, but just elaborate on
22 that a little bit Andrew. What's the benefit if it's
23 done over the radio?

24 MR. BEURSKENS: Specifically, us as
25 contractors, you know, if it's done over the

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1 radio--I'll just use my machine as an example. I have
2 an Amtrak radio in my front cab and my rear cab.

3 If we're making a reverse move and I'm
4 driving the machine, that means I'm in the front of the
5 machine. If foul's given up in B Cab over the phone, I
6 don't know. And so I'm relayed from either my guy
7 that's back there with them, or the foreman does it
8 over the radio.

9 On top of that, generally I have three guys
10 on a crew. I always position one of my guys up in the
11 cab to listen for the radio. Just on the off chance
12 that, once again, we're not told. I've never had it
13 happen, but you know. It would just, to me as a
14 contractor, it
15 would make me feel a hundred percent better.

16 MR. HIPSKIND: Is it just this simple, you
17 can't hear what you can't hear? If it's over a cell
18 phone, you can't hear it.

19 MR. BEURSKENS: Exactly. Yes, I mean yes.
20 To simplify it, yes that's true. If it's done over a
21 phone, I can't hear it. I can't verify it. At least
22 over the radio, I have access to it.

23 MR. HIPSKIND: Thank you for that. Is there
24 anyone else who we should interview? We've interviewed
25 quite a few Amtrak employees at various positions on

1 both shifts. But from the LORAM perspective, is there
2 anybody else we should interview?

3 MR. BEURSKENS: Well, my crew. I mean once
4 again, Corey was sitting not but two, three feet away
5 from me. So he'll probably give you the same story I
6 gave you. Or at least from the same perspective
7 anyway. Matt's about the only other person. He was
8 the one who was out front operating at the time. He
9 would be the only other one I would take a shot in the
10 dark.

11 MR. HIPSKIND: Was he in the six foot
12 between one and two track when the impact occurred?

13 MR. BEURSKENS: No, he was in beside the
14 gauge of two track. Because the way we operate was we
15 have a platform that stands in front of our machine.
16 So, he was actually operating from the inside the gage
17 of 2 Track.

18 MR. HIPSKIND: Okay, but he was out front
19 right when the impact happened?

20 MR. BEURSKENS: Yes.

21 MR. HIPSKIND: So let me --

22 MR. TRAINA: Can I ask a quick --

23 MR. HIPSKIND: Just hold on a second, Matt.
24 So, when you say three employees. It was Matt out on
25 the front of the machine, operating. You in the cab,

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1 and who was the other --

2 MR. BEURSKENS: Corey.

3 MR. HIPSKIND: So, that's the three LORAM
4 personnel that were out there Sunday morning?

5 MR. BEURSKENS: That's the three that were on the
6 machine. I had a relief crew that was in the truck off
7 of 4 Track side.

8 MR. HIPSKIND: And that was two of them,
9 coming in to relieve three of you?

10 MR. BEURSKENS: That's correct.

11 MR. HIPSKIND: Okay. Thank you. Matt?

12 MR. TRAINA: Okay, just occurred to me while
13 we were talking about that. Positioning wise, so Matt
14 was -- there's a platform attached to the machine.

15 MR. BEURSKENS: Yes.

16 MR. TRAINA: Okay. And then do you --

17 MR. HIPSKIND: Did you say yes?

18 MR. BEURSKENS: Yes sir, I'm sorry.

19 MR. TRAINA: Do you recall where Pete, so
20 anybody else was standing?

21 MR. BEURSKENS: Yes. Pete was in between
22 two and three on the shoulder, or he was up on the
23 heads of 2 Track. So he would've been kind of hunched
24 over in between 2 and 3 Track. And he had a trackman
25 working one track side in between 1 and 2 Track.

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1 MR. TRAINA: How far from where Matt was
2 standing?

3 MR. BEURSKENS: You figure the backhoe was
4 probably say five feet from the front of the machine,
5 so probably 15, 20 feet out.

6 MR. HIPSKIND: Thank you Matt. Gentlemen,
7 anything else? All right, well listen, Andrew. What a
8 detailed description and I can tell you some of the
9 things you related to us were very spot on. They were
10 very helpful. So we are very appreciative that you
11 took this time to help understand this entire event.

12 And with that, if there's nothing else, I'll
13 close out the interview. Thanks again, Andrew.

14 (Whereupon, the above-entitled matter went
15 off the record at 6:23 p.m.)

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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 Andrew Breuskens

DATE: 04-06-16

I hereby certify that the attached transcription of page 1 to 61 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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