



FACTUAL REPORT ATTACHMENT

Train Crew Interview Transcript

Melbourne, FL

HWY24FH002

(51 pages)

UNITED STATES OF AMERICA

NATIONAL TRANSPORTATION SAFETY BOARD

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Investigation of: *

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MULTIPLE VEHICLE CRASHES ALONG *

U.S. ROUTE 1 IN MELBOURNE, *

Accident No.: HWY24FH002

FLORIDA ON JANUARY 12, 2024 *

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Interview of: MATTHEW DZIURZYNSKI, Conductor
Brightline Trains

via Microsoft Teams

Monday,
January 29, 2024

APPEARANCES:

SHANE RICHARDSON, Railroad Accident Investigator,
Operations Group Chairman
National Transportation Safety Board

MIKE BACHMEIER, Railroad Accident Investigator
National Transportation Safety Board

EMANUEL COUTO, Vice President, Transportation
Brightline Trains

MICHAEL LEFEVRE, Vice President, Operations
Brightline Trains

DANE JAQUES, Esq.
Steptoe & Johnson LLP
On behalf of Mr. Dziurzynski

I N D E X

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I N T E R V I E W

(10:30 a.m.)

MR. RICHARDSON: So Matthew, we'll get started if you are ready. Can you hear me good?

MR. DZIURZYNSKI: Yes, absolutely.

MR. RICHARDSON: All right. One second. See what I've done here. All right, my name is Shane Richardson and I am the NTSB operations group chairman for this accident. We're here today on January 29th, 2024 at 10:30 a.m. on a Teams conference to conduct an interview with conductor Matthew Dziurzynski who works for Brightline railroad. This interview is in conjunction with NTSB's investigation of the grade crossing accident where a train struck a vehicle at a railroad crossing in Melbourne, Florida. The NTSB accident reference number for this accident is HWY24FH002. The purpose of this investigation is to increase safety, not to assign fault, blame, or liability.

Before we begin our interview and questions, we'll go around and introduce ourselves. Since we're on Teams, I'll call on each person to do so. Please spell your last name, who you are representing and your title. I'd like to remind everybody to speak clearly so we can get an accurate recording. I'll start off and then call on the next person. Again, my name is Shane Richardson, the spelling of my last name is R-i-c-h-a-r-d-s-o-n and I am an NTSB operations group chairman for this accident. And we will go around.

1 Mr. Bachmeier.

2 MR. BACHMEIER: Mike Bachmeier, NTSB operations.

3 B-a-c-h-m-e-i-e-r.

4 MR. RICHARDSON: And Mr. Dane. You're muted.

5 MR. JAKUES: I've never done that before.

6 Dane Jacques, spelled D-a-n-e J-a-q-u-e-s. I'm a partner
7 with the Steptoe law firm in Washington, D.C., and I'm here on
8 behalf of Mr. Dziurzynski.

9 MR. RICHARDSON: All right, Mr. Couto.

10 MR. COUTO: Good morning, my name is Emanuel Couto, spelled
11 C-o-u-t-o. I'm the vice president of transportation representing
12 Brightline.

13 MR. RICHARDSON: All right. And Mr. Lefevre.

14 MR. LEFEVRE: Good morning, Michael Lefevre, L-e-f-e-v-r-e.
15 I'm the vice president of operations at Brightline and I am the
16 party coordinator on this investigation.

17 MR. RICHARDSON: All right, just a couple questions before we
18 get started. Mr. Dziurzynski, do you have -- do we have
19 permission to record this interview?

20 MR. DZIURZYNSKI: Absolutely.

21 MR. RICHARDSON: Do you understand that the transcripts will
22 be part of the public docket, as such we cannot guarantee any
23 confidentiality?

24 MR. DZIURZYNSKI: Yes.

25 MR. RICHARDSON: And do you have a representative with you

1 today?

2 MR. DZIURZYNSKI: Yes, I do. Dane.

3 MR. RICHARDSON: All right, thank you. All right.

4 INTERVIEW OF MATTHEW DZIURZYNSKI

5 BY MR. RICHARDSON:

6 Q. Well, the first question for you, Mr. Dziurzynski -- am I
7 pronouncing that right?

8 A. Yeah.

9 Q. All right, well, we're good. Better than I've been doing.
10 All right. Could you give us like a synopsis of your work
11 experience, take us through your present job, how long you've been
12 in each position and if you worked for a prior railroad before
13 coming to Brightline, et cetera?

14 A. Yes. So I've been with Brightline since July of 2018 until
15 current. Previous to that, I was employed by CSX, I believe it
16 was -- yeah, November 2011 up until I joined Brightline.

17 Q. All right, thank you. Can you walk us through the day of the
18 accident, when you came on duty all the way up through until after
19 the accident occurred?

20 A. Yeah. So on duty approximately 5:00 a.m. to get ready for
21 the -- prepare for the 5:35 shift. The day went as usual, you
22 know, I was rested. On our northbound train ride back to Orlando
23 from Miami we were traveling northbound on the west main and
24 that's when we had just passed Lime Street, Milepost 194.77, and
25 that's when I heard and felt an impact and that's when we

1 proceeded to immediately look in the rearview-facing cameras and
2 that's when we saw what looked like a vehicle kind of falling
3 apart in, you know, pieces going everywhere and, you know, we were
4 pretty sure that the vehicle had driven straight into the
5 locomotive.

6 Q. All right, thank you. So this is the accident that occurred
7 on Wednesday and the vehicle struck the side of your locomotive?

8 A. That's correct. Approximately, maybe 10 feet behind the
9 engineer's door.

10 Q. All right, then to your recollection, do you recall if the
11 lights and gates were working on that crossing before you went
12 through it?

13 A. As we passed, I did not see if the gates were down or not.

14 Q. Okay, fine. Understand.

15 A. I didn't see --

16 Q. Is this your regular assignment that you're on every day?

17 A. That's correct.

18 Q. And you start out in Orlando or Miami?

19 A. That's correct, I start out in Orlando, make a trip down to
20 Miami, and then we return to Orlando.

21 MR. RICHARDSON: All right, thank you. Nothing further from
22 me.

23 Mr. Bachmeier.

24 BY MR. BACHMEIER:

25 Q. Good morning, Matthew, I'm just going to say Matthew because

1 I cannot say that last name. Did you see the vehicle coming as
2 you were approaching, going northbound, that vehicle?

3 A. No.

4 Q. Okay. Going back to your -- I forget, did you say you worked
5 for CSX from 2011 up to joining Brightline?

6 A. That's correct.

7 Q. Okay. And were you a conductor with CSX or what was your
8 duty there?

9 A. Conductor.

10 Q. Conductor, okay. Since your home base is in Orlando and
11 you've been going through this, Melbourne, have you had any close
12 calls prior to this incident at that crossing?

13 A. When you say close call, I mean -- I mean, we had -- I
14 haven't had -- you know, I can't recall if I had any there at
15 Melbourne.

16 MR. BACHMEIER: Okay. Okay, that -- that's all I have, thank
17 you.

18 MR. RICHARDSON: All right, Mr. Couto, do you have anything?

19 MR. COUTO: No, sir.

20 MR. RICHARDSON: All right, thank you.

21 Mr. Lefevre.

22 BY MR. LEFEVRE:

23 Q. Just because I think we missed it, I'm going to ask the
24 hardest question of the day, can you spell your last name?

25 A. D-z-i-u-r-z-y-n-s-k-i.

1 MR. LEFEVRE: I have no other questions.

2 MR. RICHARDSON: All right, if nobody else -- Mr. Bachmeier.

3 BY MR. BACHMEIER:

4 Q. One question there, Matt. On this one, I don't think we --
5 do you know how many passengers and attendants were on this train?

6 A. I -- yeah, I can't say for sure.

7 Q. Not offhand, okay. And then your -- no one was injured on
8 this train, right?

9 A. Yeah, I asked my train attendants to report any injuries and
10 they didn't report any.

11 Q. And you and the conductor were -- you and the engineer were
12 all right?

13 A. That's correct.

14 MR. BACHMEIER: Okay, thank you. Appreciate it.

15 BY MR. RICHARDSON:

16 Q. All right. If nobody else has anything, I just have a few
17 follow-ups. First off, is there anything you'd like to add to
18 this interview, anything you'd like to talk about?

19 A. No, sir.

20 Q. All right. And if we have any follow-up questions, do you
21 mind if we contact you?

22 A. Not at all.

23 MR. RICHARDSON: All right. Well, on behalf of the NTSB,
24 we'd like to thank you for your time and cooperation and that will
25 end our interview.

1 MR. DZIURZYNSKI: Thank you.

2 MR. RICHARDSON: All right, thank you.

3 MR. COUTO: Thank you, Matt.

4 MR. BACHMEIER: Thank you, Matt.

5 MR. DZIURZYNSKI: Thanks, everybody.

6 MR. BACHMEIER: Thanks, guys.

7 MR. LEFEVRE: Take care.

8 (Whereupon, at 10:40 a.m., the interview concluded.)

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CERTIFICATE

This is to certify that the attached proceeding before the
NATIONAL TRANSPORTATION SAFETY BOARD

IN THE MATTER OF: MULTIPLE VEHICLE CRASHES ALONG
 U.S. ROUTE 1 IN MELBOURNE, FLORIDA
 ON JANUARY 12, 2024
 Interview of Matthew Dziurzynski

ACCIDENT NO.: HWY24FH002

PLACE: via Microsoft Teams

DATE: January 29, 2024

was held according to the record, and that this is the original,
complete, true and accurate transcript which has been transcribed
to the best of my skill and ability.



Karen D. Martini
Transcriber

UNITED STATES OF AMERICA

NATIONAL TRANSPORTATION SAFETY BOARD

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Investigation of: *

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MULTIPLE VEHICLE CRASHES ALONG *

U.S. ROUTE 1 IN MELBOURNE, * Accident No.: HWY24FH002

FLORIDA ON JANUARY 14, 2024 *

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* * * * *

Interview of: CARLOS FERNANDEZ, Conductor
Brightline Trains

via Microsoft Teams

Monday,
January 29, 2024

APPEARANCES:

SHANE RICHARDSON, Railroad Accident Investigator,
Operations Group Chairman
National Transportation Safety Board

MIKE BACHMEIER, Railroad Accident Investigator
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I N T E R V I E W

(9:45 a.m.)

MR. RICHARDSON: All right, my name is Shane Richardson, I'm the NTSB operations group chair with this accident. We're here today on January 29th, 2024, 9:45 a.m. on a Teams conference to conduct an interview with conductor Carlos Fernandez, who works for Brightline railroad. This interview is in conjunction with NTSB's investigation of the grade crossing accident where a train struck a vehicle at a road crossing in Melbourne, Florida. NTSB accident reference number for this accident is HWY24FH002. The purpose of this investigation is to increase safety, not to assign fault, blame, or liability.

Before we begin our interview and questions, we're going to go around and introduce ourselves. Since we're on Teams, I'll call on each person to do so. Please spell your last name, who you are representing and your title. I would like to remind everybody to speak clearly so we can get an accurate recording. I'll start off and then call on the next person.

Again, my name is Shane Richardson, the spelling of my last name is R-i-c-h-a-r-d-s-o-n and I am the NTSB operations group chairman for this accident. And we will go around the room.

Mr. Bachmeier.

MR. BACHMEIER: Mike Bachmeier, NTSB operations. Oh, geez. Yeah, yeah. I'll get it. I love Teams. Mike Bachmeier, NTSB operations. B-a-c-h-m-e-i-e-r. Thanks, Carlos, for joining us.

1 MR. RICHARDSON: All right. Mr. Couto.

2 MR. COUTO: Good morning, my name is Emanuel Couto,
3 C-o-u-t-o, and I represent Brightline as the vice president of
4 transportation.

5 MR. RICHARDSON: All right, Mr. Jack-wa (ph.), Jack-wez
6 (ph.). Jaques, Jaques.

7 (Laughter.)

8 MR. JAQUES: Dane Jacques, it's spelled D-a-n-e. Last name,
9 J-a-q-u-e-s. I'm a partner of the Steptoe law firm in Washington,
10 D.C., and I'm here on behalf of Mr. Fernandez.

11 MR. RICHARDSON: Mr. Lefevre.

12 MR. LEFEVRE: Michael Lefevre, L-e-f like Frank-e-v like
13 Victor-r-e. I'm the vice president of operations at Brightline
14 and I'm the party coordinator.

15 MR. RICHARDSON: All right. And Mr. Fernandez.

16 MR. FERNANDEZ: Hi, my name is Carol Fernandez, I'm a train
17 conductor. Last name, F-e-r-n-a-n-d-e-z.

18 MR. RICHARDSON: All right, thank you very much. All right,
19 do we have your -- Mr. Fernandez, do we have your permission to
20 record our discussion with you today?

21 MR. FERNANDEZ: Yes, sir.

22 MR. RICHARDSON: All right. Do you understand the
23 transcripts will be part of the public docket, as such we cannot
24 guarantee any confidentiality?

25 MR. FERNANDEZ: Yes, I'm aware of it.

1 MR. RICHARDSON: All right. And who do you have representing
2 you today?

3 MR. FERNANDEZ: Mr. Dane Jaques.

4 MR. RICHARDSON: All right. If you're ready, we'll get this
5 started and just keep in mind, this is your interview and anything
6 you want to say or get out, it's your interview, do so. So with
7 that said, we'll get started. I'll ask a few questions and then
8 I'll call on the rest of the room to ask anything they may have
9 and we will get this going.

10 INTERVIEW OF CARLOS FERNANDEZ

11 BY MR. RICHARDSON:

12 Q. So first question for you, Mr. Fernandez, could you give us a
13 synopsis of your work experience, like how long you've been on the
14 railroad, where you started, how long you've been with Brightline,
15 et cetera?

16 A. All right. I started about eight years ago as a railroad
17 flagman, basically building the tracks for Brightline on this
18 project. It wasn't too long until April 10th, last year, when I
19 decided to go on Brightline and become a train conductor, and I've
20 been with the company since April 10, last year, working as a
21 train conductor.

22 Q. All right. Next question, can we -- I want to talk about the
23 day of the incident, can you go through and just talk about from
24 the time you reported for work up until after the accident?

25 A. Yes. Specifically, I got to work about 30 minutes ahead of

1 time so we can verify the bulletins and go through all the
2 paperwork that we needed to before we occupy the train and say
3 like a normal day, we just -- me and my engineer did the job
4 briefing, verified all the items on the bulletin, and we left
5 Miami, we departed Miami to Orlando. Everything went normal, as
6 expected. Got to Orlando, got about a 35-minute break and we
7 verified the bulletins again and got on the train, running the
8 train back to Miami.

9 As we're approaching the Melbourne area, we got to do a
10 sequence of horns, I don't know if you guys are familiar with it,
11 it's two shorts -- I mean, two longs, one short, one long before
12 we go by the crossing until we clear the crossing, that's for
13 safety. As we're traveling southbound and getting close to the
14 accident crossing, WH Jackson, we pointed out this is where the
15 accident happened about two days ago and as we're approaching the
16 crossings, we notice a vehicle was coming at a high rate of speed
17 and it looked like he had no intention to stop.

18 And what happened after is like -- the minute he got up, I
19 blew the horn all the way through it, my engineer applied all the
20 brakes, put the train in emergency, and the last thing we know is
21 we struck the vehicle, we came to stop within, if I'm not
22 mistaken, about 1500 feet and we didn't even know that the vehicle
23 was stuck in the nose of the train at that moment. We had a
24 couple of good Samaritans that were coming, running towards the
25 engine of the -- that we're sitting on and we open up the doors

1 and we hear the lady screaming the train's on fire. At that
2 moment, I reach out for the fire extinguisher and the other one
3 that was out there just told me hey, close the doors, I got it,
4 everything is under control. We notified dispatcher when we
5 initially struck the vehicle and we also notified dispatcher that
6 we have reports by bystanders that there was some fire at the
7 engine.

8 After that, immediately I open up the door after the smoke
9 was clear from the fire extinguisher and that's when I noticed the
10 vehicle was impaled in the nose of the train. So I came
11 downstairs from the engine and I assessed the damage and looked up
12 to the front and noticed it was a lady deceased, barely hanging
13 from the nose of the train, I don't know if you guys have seen the
14 pictures and stuff like that. I turn around and told my engineer
15 to give the dispatcher a description of what happened, I noticed
16 there was a second person impaled behind her.

17 Then I start making phone calls to managements and the
18 pictures (ph.) and coordinating with the police officers
19 investigating all, you know, the next steps to take care of. On
20 the meantime, soon as the incident happens, we got a call on the
21 radio saying emergency three times and after that, I started
22 talking to my train attendants, making sure like everybody was
23 okay and nobody got hurt in the train and then we started doing
24 the process of like talking to one of the police officers because
25 I know people were already getting upset, the passengers, we had a

1 hundred and 83 passengers on board plus the three train
2 attendants. So after about 20 minutes or so, we got to get one of
3 the police officers that came up to me and we went coaches by
4 coaches, giving like brief information of all the passengers that,
5 you know -- unfortunately, we didn't have a time frame when we
6 were supposed to be leaving out of there and it was an accident
7 investigation at the moment, so -- and we'll keep people posted of
8 like everything (indiscernible) and all of that, but we promised
9 them as soon as we get something figured out, we're going to get
10 another train and do a train-to-train transfer so we can get the
11 passengers going southbound to Miami.

12 Q. All right, I appreciate it. I got one more question for you.
13 Do you recall, coming up -- you mentioned going up on the crossing
14 and you see this vehicle moving at a high rate of speed, do you
15 recall that the gates and lights were down --

16 A. Yes.

17 Q. -- prior to entering the -- you did?

18 A. Yes.

19 MR. RICHARDSON: All right, great. All right, that's all I
20 have.

21 Mr. Bachmeier.

22 BY MR. BACHMEIER:

23 Q. Good morning, Carlos. One thing, flagman, were you working
24 for a contractor at that time for your first eight years?

25 A. Yes, sir, for road crews.

1 Q. Okay.

2 A. It's one of the contractors for Florida and East Coast for
3 Brightline.

4 Q. Okay. And then April 10th, 2023, you started as a conductor,
5 they trained you up and -- so you've been running that Miami to
6 West Palm and then just started, is this your regular turn or
7 extra board or --

8 A. Well, I'm on the extra board right now, but before that I
9 used to have a regular run, Miami to Orlando all the times.

10 Q. Okay, okay. Okay. Now, since you've been running Miami to
11 Orlando coming through Melbourne, have you had any other close
12 clearances, close calls at this -- not close clearances, but close
13 calls at this crossing?

14 A. No, never.

15 Q. Okay. Have you been involved in any grade crossing accidents
16 since April of last year, as a conductor?

17 A. I had one on June 5th, which it was a suicide --

18 Q. Oh.

19 A. -- on the Delray Beach area and a second one, unfortunately,
20 on September 22nd, it was a female, another suicide, just jumped
21 in front of the train --

22 Q. Yeah.

23 A. -- and never move.

24 Q. Yeah. Sorry for them two, yes. Well, thank you, though. So
25 this was a vehicle -- you were heading south and the vehicle, was

1 that coming from the right or left side of the train, do you
2 remember?

3 A. From the left side. He was going east to west.

4 Q. Okay. And you could see that crossing pretty well, it's not
5 -- you know, going down the tracks you could see him coming around
6 there?

7 A. We got a couple of trees out there that may obstruct the view
8 for us on the trains, but I mean, it's pretty specific that you
9 can see when the gates are down and you still got, you know, room
10 to see both ways.

11 MR. BACHMEIER: Okay, perfect. Thank you very much, that's
12 all I have, Carlos. Thank you.

13 MR. RICHARDSON: Mr. Couto, do you have anything?

14 MR. COUTO: No, sir, I do not.

15 MR. RICHARDSON: Mr. Lefair (ph.), Lefevre?

16 BY MR. LEFEVRE:

17 Q. Carlos, can you just describe the function of an EIC railroad
18 flagman, and did your -- and what was the territory that you
19 worked?

20 A. As a flagman or a flagger, you were supposed to be in charge,
21 we normally have like somewhere between three to five miles of
22 work authority, which you're in charge of every man working on the
23 ground, plus the -- moving, the freight moving of trains through
24 the area that is affected by the work being done on the area. So
25 I did that for eight years, my main responsibility was safety

1 within my crew, in general, all equipment, traffic risks, and
2 trains in general. And the area of my expertise on the area was
3 anything south from Fort Pierce -- not Fort Pierce, Stuart to Oak
4 Ridge all the way down to Miami.

5 MR. LEFEVRE: Understood, thank you. I have no further
6 questions.

7 BY MR. RICHARDSON:

8 Q. All right. If nobody else has anything else, just a few
9 follow-up questions for you, Mr. Fernandez. Number one, do you
10 have anything you'd like to add?

11 A. No, sir. You guys have been very thorough.

12 Q. All right. And we may have to have some follow-up questions,
13 do you mind if we contact you?

14 A. Yes, sir, not a problem.

15 MR. RICHARDSON: All right. Well, on behalf of the NTSB, I'd
16 like to -- appreciate your time and cooperation and that will end
17 this interview.

18 MR. FERNANDEZ: Thank you, sir, appreciate it.

19 (Whereupon, at 9:59 a.m., the interview concluded.)
20
21
22
23
24
25

CERTIFICATE

This is to certify that the attached proceeding before the

NATIONAL TRANSPORTATION SAFETY BOARD

IN THE MATTER OF: MULTIPLE VEHICLE CRASHES ALONG
 U.S. ROUTE 1 IN MELBOURNE, FLORIDA
 ON JANUARY 14, 2024
 Interview of Carlos Fernandez

ACCIDENT NO.: HWY24FH002

PLACE: via Microsoft Teams

DATE: January 29, 2024

was held according to the record, and that this is the original,
complete, true and accurate transcript which has been transcribed
to the best of my skill and ability.



Karen D. Martini
Transcriber



I, Carlos Alberto Fernández, have read the foregoing pages of a copy of my interview that was held on January 29, 2024. These pages constitute a true and accurate transcription of same except for the following amendments, additions, deletions or corrections:

| <u>PAGE NO:</u> | <u>LINE NO:</u> | <u>CHANGE AND REASON FOR CHANGE:</u> |
|-----------------|-----------------|--|
| <u>5</u> | <u>16</u> | <u>Name is Carlos, C-A-R-L-O-S not car</u> |
| <u> </u> | <u> </u> | <u> </u> |
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I declare that I have read my statements and that it is true and correct subject to any changes in the form or substance entered here.

Date: 06/24/2024

Witness: Carlos Fernande:

UNITED STATES OF AMERICA

NATIONAL TRANSPORTATION SAFETY BOARD

* * * * *

Investigation of: *

*

MULTIPLE VEHICLE CRASHES ALONG *

U.S. ROUTE 1 IN MELBOURNE, * Accident No.: HWY24FH002

FLORIDA ON JANUARY 14, 2024 *

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Interview of: BRIAN MOORE, Conductor
Brightline Trains

via Microsoft Teams

Monday,
January 29, 2024

APPEARANCES:

SHANE RICHARDSON, Railroad Accident Investigator,
Operations Group Chairman
National Transportation Safety Board

MIKE BACHMEIER, Railroad Accident Investigator
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DANE JAQUES, Esq.
Steptoe & Johnson LLP
On behalf of Mr. Moore

I N D E X

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I N T E R V I E W

(9:00 a.m.)

MR. RICHARDSON: All right, we'll get started. My name is Shane Richardson, I am the NTSB operations group chairman for this accident. We're here today on January 29th, 2024, 9:00 a.m. on a Teams conference to conduct an interview with locomotive engineer Brian Moore, who works for Brightline railroad. This interview is in conjunction with NTSB's investigation of the grade crossing accident where a train struck a vehicle at a railroad grade crossing in Melbourne, Florida. The NTSB accident reference number for this accident is HWY24FH002. The purpose of this investigation is to increase safety, not to assign fault, blame, or liability.

Before we begin our interview and questions, we're going to go around and introduce ourselves. Since we're on Teams, I will call on each person to do so. Please spell your last name, who you are representing and your title. I'd like to remind everybody to speak clearly so we can get an accurate recording. I'll start off and then call on the next person. Again, my name is Shane Richardson, spelling of my last name is R-i-c-h-a-r-d-s-o-n, and I am the NTSB operation group chairman for this accident. And we will go with Mr. Bachmeier next.

MR. BACHMEIER: Mike Bachmeier, NTSB operations.

B-a-c-h-m-e-i-e-r.

MR. RICHARDSON: We'll go with Michael.

1 MR. LEFEVRE: Michael Lefevre, L-e-f like Frank-e-v like
2 Victor-r-e, and I'm the vice president of operations at Brightline
3 and I am a party member.

4 MR. RICHARDSON: Mr. Dane.

5 MR. JAKES: My name is Dane Jakes, spelled D-a-n-e
6 J-a-q-u-e-s. I'm a partner with the Steptoe law firm in
7 Washington, D.C., and I'm here on behalf of Mr. Moore.

8 MR. RICHARDSON: All right. Manny.

9 MR. COUTO: Good morning, my name is Emanuel Couto, I
10 represent Brightline as the vice president of transportation.
11 Last name is spelled C-o-u-t-o.

12 MR. RICHARDSON: And Mr. Moore.

13 MR. MOORE: Good morning, my name is Brian Moore, M-o-o-r-e.
14 I'm a locomotive engineer for Brightline.

15 MR. RICHARDSON: All right. And thank you for that and do we
16 have your permission to record our discussion with you today?

17 MR. MOORE: Yes.

18 MR. RICHARDSON: All right. You understand the transcript
19 will be a part of the docket, as such, we cannot guarantee any
20 confidentiality?

21 MR. MOORE: Yes.

22 MR. RICHARDSON: All right. Do you have any representatives
23 with you today?

24 MR. MOORE: I do. Mr. Jakes.

25 MR. RICHARDSON: All right, perfect. Well, let's get going

1 now.

2 INTERVIEW OF BRIAN MOORE

3 BY MR. RICHARDSON:

4 Q. First thing I got for you today is, I guess start to out, can
5 you give us a synopsis of your work experience, take us up to your
6 present job and let us know how long you've been in your current
7 position.

8 A. Can you repeat that first part again for me, please? I'm
9 sorry.

10 Q. Just lead us up to your work experience, tell us about your
11 present job, how long you've been with the company, et cetera.

12 A. Certainly. I've been with Brightline since April of 2019, so
13 just coming up on five years. I was a conductor and then I've
14 been a locomotive engineer now for two and a half years, I
15 believe. What was the next part of the question?

16 Q. That was it, that was all.

17 A. Okay.

18 Q. All right, now the next question will be just walk us through
19 the day you came on duty, the day of the accident, talk about your
20 assignment that day from the time you reported all the way up
21 until after the accident, if you can just kind of give us a little
22 briefing.

23 A. Certainly. I was scheduled to start work that day at 05:35,
24 I arrived in to work in Orlando, scheduled for one round trip
25 between Orlando and Miami, I made it to Miami, turned back north

1 and at WH Jackson/Lime Street in downtown Melbourne is where the
2 incident took place. I was northbound on the west main track, had
3 just finished sounding the sequence for that crossing when I heard
4 a noise and we have rear view facing cameras in the locomotive
5 where it will show us the back view, looked up into the camera,
6 saw what I believed to be a vehicle and car parts flying in the
7 air and I brought the train to a stop.

8 Q. What was your assignment number, Mr. Moore?

9 A. I may need to get that, if Manny or -- the assignment. It
10 might have been 5317, but I -- Manny --

11 MR. LEFEVRE: How about your crew number, Brian?

12 MR. MOORE: Oh, I'm sorry, yeah. It's ALF722.

13 MR. COUTO: Yeah. Hey, Shane, just to clarify, Mr. Moore has
14 an assignment labeled Orlando MRL-05. The train number for that
15 day was 7-2-2.

16 MR. RICHARDSON: What was that again, the train number?

17 MR. LEFEVRE: Seven twenty-two, 7-2-2.

18 MR. RICHARDSON: All right.

19 BY MR. RICHARDSON:

20 Q. Mr. Moore, is this your regular assignment that you're on,
21 has it always been --

22 A. This is my regular assignment, yes.

23 Q. Okay, all right. So you stated that you seen the debris in
24 your -- in the background, I guess -- this is the one where the
25 train was actually hit on the side, correct?

1 A. That is correct.

2 Q. All right, so once you seen that, I'm -- can you tell us what
3 you did once you seen in your -- I guess, in the mirror, what you
4 described as debris?

5 A. Certainly. I believe I was already in the brakes, I had a
6 temporary speed restriction ahead of me. Once I noticed the
7 debris, I went into an emergency brake application to bring the
8 train to a stop.

9 Q. All right. And one last question from me, do you recall
10 seeing the lights flashing and the gates down when you were
11 approaching that crossing?

12 A. I don't, not offhand.

13 MR. RICHARDSON: Okay, understand. All right, that's all I
14 have for this round, I'll call on Mr. Bachmeier to see if he has
15 any questions.

16 BY MR. BACHMEIER:

17 Q. Good morning, Mr. Moore. Did you have any prior railroad
18 experience before 2019?

19 A. I did. I worked for Norfolk Southern.

20 Q. How many years did you spend there?

21 A. Four.

22 Q. Four years.

23 A. Just over four years.

24 Q. Okay, so you -- just under 10 years total rail? Okay.

25 A. Yes.

1 Q. And it's been all in the operating department?

2 A. Yeah, all and T&E.

3 Q. Okay, okay sounds good. And now you worked 2019 as a
4 conductor, then you worked out of that West Palm to Miami and then
5 when did you -- so this is your regular route, do you -- so do you
6 go on duty, I did not hear that, do you go on duty at Orlando to
7 Miami, is that where you start?

8 A. I do. I start at Orlando and we make one round trip from
9 Orlando to Miami and back to Orlando.

10 Q. Okay. And how long have you guys been running that, has that
11 just been up since like August or July?

12 A. Yeah, so September/October of last year.

13 Q. Okay.

14 A. The qualifications and revenue service.

15 Q. Okay. So since September/October you probably went through
16 this, I don't know, a few times, going through Melbourne, then
17 crossings right there, have you ever had any close -- have you
18 ever had any close calls there before?

19 A. I have not, no.

20 MR. BACHMEIER: Okay, okay. Other than that, I'm -- I'm
21 good. I'll defer.

22 MR. RICHARDSON: All right. Michael, do you have anything?

23 MR. LEFEVRE: No, sir, I have no more questions.

24 Mr. Bachmeier covered my questions.

25 MR. RICHARDSON: All right, Mr. Jaques?

1 MR. JAUQUES: No, I'm good. Thank you.

2 MR. RICHARDSON: And Mr. Couto.

3 MR. COUTO: No, sir, no further questions. Thank you.

4 BY MR. RICHARDSON:

5 Q. All right, I think I had a follow-up question, I think
6 Michael covered that, also. I have one more question for you,
7 Mr. Moore. During --

8 A. Certainly.

9 Q. During your career with Brightline, do you know offhand how
10 many incidents you have had at road crossings throughout your
11 career? Not close calls, but actual incidents.

12 A. I wouldn't know that offhand without giving that some
13 thought.

14 Q. Okay, understand. All right, well -- and nobody else has
15 anything, I've just got a few post-interview questions for you.
16 Is there anything you'd like to add?

17 A. No.

18 Q. All right. We may have some follow-up questions, do you mind
19 if we contact you?

20 A. Certainly, you can contact me.

21 MR. RICHARDSON: All right. Well, on behalf of NTSB, I'd
22 like to thank you for your time and cooperation and that should do
23 it for this interview.

24 MR. MOORE: Great, thank you. Thank you for your time.

25 MR. BACHMEIER: Thanks, Brian.

1 MR. LEFEVRE: Thank you, Brian.

2 MR. MOORE: Take care.

3 (Whereupon, at 9:10 a.m., the interview concluded.)

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CERTIFICATE

This is to certify that the attached proceeding before the
NATIONAL TRANSPORTATION SAFETY BOARD

IN THE MATTER OF: MULTIPLE VEHICLE CRASHES ALONG
 U.S. ROUTE 1 IN MELBOURNE, FLORIDA
 ON JANUARY 14, 2024
 Interview of Brian Moore

ACCIDENT NO.: HWY24FH002

PLACE: via Microsoft Teams

DATE: January 29, 2024

was held according to the record, and that this is the original,
complete, true and accurate transcript which has been transcribed
to the best of my skill and ability.



Karen D. Martini
Transcriber



I, **Brian Moore**, have read the foregoing pages of a copy of my interview that was held on January 29, 2024. These pages constitute a true and accurate transcription of same except for the following amendments, additions, deletions or corrections:

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I declare that I have read my statements and that it is true and correct subject to any changes in the form or substance entered here.

Date: 6/27/24

Witness: 

UNITED STATES OF AMERICA

NATIONAL TRANSPORTATION SAFETY BOARD

* * * * *

Investigation of: *

*

MULTIPLE VEHICLE CRASHES ALONG *

U.S. ROUTE 1 IN MELBOURNE, * Accident No.: HWY24FH002

FLORIDA ON JANUARY 14, 2024 *

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* * * * *

Interview of: DUSTIN O'NEIL, Engineer
Brightline Trains

via Microsoft Teams

Monday,
January 29, 2024

APPEARANCES:

SHANE RICHARDSON, Railroad Accident Investigator,
Operations Group Chairman
National Transportation Safety Board

MIKE BACHMEIER, Railroad Accident Investigator
National Transportation Safety Board

EMANUEL COUTO, Vice President, Transportation
Brightline Trains

MICHAEL LEFEVRE, Vice President, Operations
Brightline Trains

DANE JAQUES, Esq.
Steptoe & Johnson LLP
On behalf of Mr. O'Neil

I N D E X

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| By Mr. Richardson | 8 |

I N T E R V I E W

(10:00 a.m.)

MR. RICHARDSON: All right, everybody's ready. Good morning, my name is Shane Richardson, I am the NTSB operations group chairman for this accident. We are here today on January 29th, 2024 at 10:00 a.m. on a Teams conference to conduct an interview with engineer Dustin O'Neil who works for Brightline railroad. This interview is in conjunction with NTSB's investigation of the grade crossing accident where the train struck a vehicle at the railroad crossing in Melbourne, Florida. The NTSB accident reference number for this accident is HWY24FH002. The purpose of this investigation is to increase safety, not assign fault, blame, or liability.

Before we begin our interview and questions, we'll go around the room and introduce ourselves. Since we're on Teams, I will call on each person to do so. Please spell your last name, who you are representing and your title. I'd like to remind everyone to speak clearly so we can get an accurate recording. I'll start off and then call on the next person. Again, my name is Shane Richardson, spelling of my last name is R-i-c-h-a-r-d-s-o-n and I am the NTSB operations group chairman for this accident.

And Mr. Bachmeier.

MR. BACHMEIER: Mike Bachmeier, NTSB operations.

B-a-c-h-m-e-i-e-r.

MR. RICHARDSON: Mr. Couto.

1 MR. COUTO: Good morning, everyone, my name is Emanuel Couto,
2 C-o-u-t-o. I'm the vice president of transportation representing
3 Brightline.

4 MR. RICHARDSON: All right, Mr. Jaquens (ph.) or -- I'm going
5 to butcher it every day that we do -- I'll get it right, though.

6 (Laughter.)

7 MR. JQUES: Jaques, yes.

8 MR. RICHARDSON: Jaques.

9 MR. JQUES: Dane Jaques, spelled D-a-n-e. Last name,
10 J-a-q-u-e-s. I'm a partner of the Steptoe law firm in Washington,
11 D.C., and I'm here on behalf of Mr. O'Neil.

12 MR. RICHARDSON: Mr. Lefevre.

13 MR. LEFEVRE: Michael Lefevre, I'm the vice president of
14 operations at Brightline. L-e-f-e-v-r-e, F like Frank, V like
15 Victor. And I am the party coordinator.

16 MR. RICHARDSON: All right, Mr. O'Neil.

17 MR. O'NEIL: Dustin O'Neil, O-N-e-i-l, a locomotive engineer
18 for Brightline.

19 MR. RICHARDSON: Thank you. Do we have -- Mr. O'Neil, do we
20 have your permission to record our discussion with you today?

21 MR. O'NEIL: Yeah.

22 MR. RICHARDSON: Do you have a representative with you today?

23 MR. O'NEIL: Yes, Dane.

24 MR. RICHARDSON: All right. And you understand that the
25 transcripts will be a part of the public docket, as such we cannot

1 guarantee any confidentiality?

2 MR. O'NEIL: Yeah, yes.

3 MR. RICHARDSON: All right, well, we'll get started. I've
4 got a few questions for you and then we'll go around the room.

5 INTERVIEW OF DUSTIN O'NEIL

6 BY MR. RICHARDSON:

7 Q. First question, Mr. O'Neil, could you please give us a
8 synopsis of your work experience, taking us up to your present
9 job, how long you've been in this current position and any
10 previous railroad experience you might have.

11 A. Yeah, I worked for CSX railroad in Ohio and Miami, started in
12 2014, and I got hired with Brightline in 2017 and I was a
13 conductor for two years, and then I became an engineer in 2019 and
14 I've been doing that ever since 2019. A little break in there for
15 COVID.

16 Q. All right, thank you. Next question, can you walk us through
17 the day you came on duty, from the time you came on duty until
18 after the accident?

19 A. Yes. I came on duty 7 o'clock a.m., did a job briefing with
20 my conductor, Carlos. Got on board the train, took the train from
21 Miami to Orlando. Got a 30-minute break, got back on the train in
22 Orlando, started taking the train back to Miami and then once we
23 got to Melbourne, a car went around the gates and we struck the
24 car and came to a stop and then -- oh, yeah, then the police came
25 and everything and I took a deadhead home on another train after

1 that.

2 Q. All right, thank you. Just a couple more questions. Do you
3 recall seeing the lights and gates being down before you
4 approached that crossing?

5 A. Yeah, the gates were down.

6 Q. All right. And were you sounding your horn and bell prior to
7 the crossing?

8 A. Yeah.

9 Q. And one more question, did you place your train in emergency
10 -- did you have time to place your train in emergency prior to
11 impact or was it afterwards?

12 A. You know, it was so quick, to be honest, I think it was like
13 simultaneous almost, you know, as soon as I noticed something was
14 wrong, I put the emergency brakes on, it was maybe one second
15 before I hit the car.

16 Q. Okay, thank you.

17 A. Yeah.

18 MR. RICHARDSON: And that is all I have at this time.

19 Mr. Bachmeier.

20 BY MR. BACHMEIER:

21 Q. Good morning, Dustin. So in your -- since this Miami to
22 Orlando opened up coming through Melbourne, have you guys had any
23 close calls at this crossing before, that you know of, on your
24 trains?

25 A. No, personally, I haven't had any close calls at that

1 crossing, no.

2 Q. Okay. As you were approaching, you were on the east main, is
3 that the --

4 A. Yeah, I was on the east main.

5 Q. East main, vehicle was coming off the left-hand side to your
6 right, so your -- your conductor probably saw it first, you saw it
7 second?

8 A. I'm not sure when he noticed it, to be honest.

9 MR. BACHMEIER: Okay. That is all I got right now, there,
10 Shane.

11 MR. RICHARDSON: All right. Mr. Couto.

12 MR. COUTO: No, sir, no questions.

13 MR. RICHARDSON: All right. Mr. Lefevre.

14 MR. LEFEVRE: No, nothing. Thank you.

15 MR. RICHARDSON: All right. If nobody has anything else, I
16 just got a few follow-ups and then that will conclude the
17 interview.

18 BY MR. RICHARDSON:

19 Q. First question, do you have anything you'd like to add to
20 this interview, Mr. O'Neil?

21 A. No.

22 Q. All right, if we have any follow-up questions, are you okay
23 with us contacting you?

24 A. Yeah.

25 MR. RICHARDSON: That is all we have. On behalf of the NTSB,

1 I'd like to thank you for your time and cooperation and that will
2 end your interview.

3 MR. O'NEIL: All right, thank you.

4 MR. RICHARDSON: Thank you.

5 MR. BACHMEIER: Thanks, Dustin.

6 MR. JAKES: Thank you, Dustin.

7 (Whereupon, at 10:07 a.m., the interview concluded.)

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was held according to the record, and that this is the original,
complete, true and accurate transcript which has been transcribed
to the best of my skill and ability.



Karen D. Martini
Transcriber



I, Dustin O'Neil, have read the foregoing pages of a copy of my interview that was held on January 29, 2024. These pages constitute a true and accurate transcription of same except for the following amendments, additions, deletions or corrections:

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I declare that I have read my statements and that it is true and correct subject to any changes in the form or substance entered here.

Date: 6/26/2024 Witness: Dustin O'Neil