

UNITED STATES OF AMERICA

NATIONAL TRANSPORTATION SAFETY BOARD

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Investigation of: *

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RAILROAD EMPLOYEE FATALITY *

IN PRICHARD, ALABAMA *

Accident No.: RRD21LR005

ON NOVEMBER 17, 2020 *

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Interview of: TOMMY LEE BOLTON, Ground Crew
Continental Rail, Inc.

Via telephone

Friday

November 20, 2020

APPEARANCES:

ZACHARY ZAGATA, Accident Investigator
National Transportation Safety Board

JOE GORDON, Railroad Investigator
National Transportation Safety Board

LEE DAMRON, Accident Branch Chief
Federal Railroad Administration

DILLON ONDO, Track Safety Specialist
Federal Railroad Administration

BYRL McCOY, Operating Practices Safety Inspector
Federal Railroad Administration

CHRISTOPHER HESTER, Railway Safety Administrator
Alabama Public Service Commission

ROBERT ADAMS, Track Safety Inspector
Federal Railroad Administration

JEREMY MOATS, Track Safety Inspector
Federal Railroad Administration

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I N T E R V I E W

1
2 MR. MOATS: So with that being said, first I'd like to start
3 with your name, and I ask you to spell it for me. So what is your
4 name?

5 MR. BOLTON: Tommy L. Bolton.

6 MR. MOATS: So Tommy.

7 MR. BOLTON: L --

8 AUTOMATED RECORDING: This conference is being recorded.
9 Only the main conference is recorded.

10 MR. MOATS: We'll wait one -- we'll wait a few seconds to
11 make sure everything is working.

12 UNIDENTIFIED SPEAKER: Okay. We're all set, guys.

13 MR. MOATS: All set. Okay. Thank you.

14 All right. Your name again is?

15 MR. BOLTON: Tommy L. Bolton.

16 MR. MOATS: Okay. So, Tommy, spell that for me.

17 MR. BOLTON: T-o-m-m-y, L-e-e, B-o-l-t-o-n.

18 MR. MOATS: And I ask that since it's -- we have some
19 individuals on the phone that if you need to step a little bit
20 closer, I got as close to you -- but when you answer a question,
21 just speak up as clearly as you can. And Tommy was T-o-m-m-y,
22 right?

23 MR. BOLTON: Yes.

24 MR. MOATS: L, Lee, L-e-e.

25 MR. BOLTON: Um-hum.

1 MR. MOATS: Bolton, B-o-l-t-o-n.
2 MR. BOLTON: Yes, sir.
3 MR. MOATS: Okay. And what is your address?
4 MR. BOLTON: [REDACTED]
5 MR. MOATS: [REDACTED]
6 MR. BOLTON: [REDACTED]
7 MR. MOATS: [REDACTED]
8 MR. BOLTON: [REDACTED]
9 MR. MOATS: [REDACTED]
10 MR. BOLTON: [REDACTED]
11 MR. MOATS: [REDACTED]
12 MR. BOLTON: [REDACTED]
13 MR. MOATS: Okay. And that city is?
14 MR. BOLTON: [REDACTED]
15 MR. MOATS: [REDACTED]
16 MR. BOLTON: Um-hum.
17 MR. MOATS: [REDACTED] [REDACTED]
18 MR. BOLTON: [REDACTED]
19 MR. MOATS: Okay. And what is that ZIP?
20 MR. BOLTON: [REDACTED]
21 MR. MOATS: [REDACTED]
22 MR. BOLTON: [REDACTED]
23 MR. MOATS: [REDACTED] [REDACTED] And what is your telephone number?
24 MR. BOLTON: [REDACTED]
25 MR. MOATS: Is that -- what's the area code?

1 MR. BOLTON: [REDACTED]

2 MR. MOATS: [REDACTED]

3 MR. BOLTON: Um-hum.

4 MR. MOATS: [REDACTED]

5 MR. BOLTON: [REDACTED]

6 MR. MOATS: [REDACTED]

7 MR. BOLTON: [REDACTED]

8 MR. MOATS: [REDACTED]

9 MR. BOLTON: Um-hum.

10 MR. MOATS: [REDACTED] [REDACTED] And what is your occupation with
11 Continental?

12 MR. BOLTON: Ground crew.

13 MR. MOATS: You're on the ground crew?

14 MR. BOLTON: Um-hum.

15 MR. MOATS: Okay. Zach, Joe, Lee, would you guys like to
16 introduce yourself before we do it in the room?

17 MR. ZAGATA: Yes. I'll start off here if that's okay, Lee.

18 MR. MOATS: Yes.

19 MR. ZAGATA: Okay. Yeah. My name is Zach Zagata. I'm the
20 NTSB IIC for this accident. We're here today on November 20,
21 2020, to conduct an interview with Tommy Bolton, who works for
22 Continental Rail, Incorporated. This interview is in conjunction
23 with NTSB's investigation of an accident near Prichard. The NTSB
24 Accident Reference Number is RRD21LR005. The purpose of this
25 investigation is to increase safety, and not to assign fault,

1 blame or liability.

2 Just for clarification, we do have your permission to record
3 this, Tommy?

4 MR. BOLTON: Yes.

5 MR. ZAGATA: Okay. And just so you know, this will go on our
6 public docket. We cannot guarantee confidentiality on that.

7 Before we begin, if we could go around for the people on the
8 phone, introduce their selves. I'll start out. Again, my name is
9 Zach, and that's Z-a-c-h, last name Zagata, Z-a-g-a-t-a. And I'm
10 the NTSB Investigator in Charge.

11 Joe Gordon.

12 MR. GORDON: Yeah. Hello, Tommy. This is Joe Gordon,
13 G-o-r-d-o-n. And I'm a Rail Accident Investigator with the NTSB.

14 MR. DAMRON: Good afternoon. This is Lee Damron,
15 D-a-m-r-o-n, and I am a Accident Investigation Chief with the
16 Accident Analysis Branch with the FRA.

17 MR. ZAGATA: Okay. And then once again, we want to thank you
18 for your time and your cooperation in this, Tommy. If you need a
19 break at any point, let us know.

20 Now, I'll turn it over to Jeremy, if you guys want to go
21 around introductions.

22 MR. MOATS: Yes. Thank you.

23 Go ahead then.

24 MR. ONDO: Tommy (indiscernible), but Dillon Ondo,
25 D-i-l-l-o-n, last name is Ondo, O-n-d-o. District 3, Track Safety

1 Specialist for FRA, the Southeast Region of the United States, in
2 the Southeast Region. Thank you for being here, and I appreciate
3 you conversating with us today.

4 MR. HESTER: And, Tommy, my name is Christopher Hester,
5 C-h-r-i-s-t-o-p-h-e-r, H-e-s-t-e-r, and I'm the Railway Safety
6 Administrator for the Alabama Public Service Commission. And,
7 again, to reiterate what Dillon said, I want to thank you for
8 being here and taking the time to speak with us today.

9 MR. BOLTON: All right.

10 MR. McCOY: Tommy, my name is Byrl McCoy. I am the Federal
11 Railroad Administration Safety Operating Practices Inspector in
12 Mobile, Alabama. And, once again, I want to thank you for being
13 here.

14 MR. BOLTON: You're welcome.

15 MR. ADAMS: Good afternoon, Tommy. My name is Robert Adams
16 or Bob Adams. I am the FRA Safety Track Inspector in -- out of
17 Memphis, Tennessee. And thanks again for being here today.

18 MR. BOLTON: You're welcome.

19 MR. MOATS: And my name is Jeremy Moats. I am the FRA Track
20 Safety Inspector at Mobile, Alabama. That is J-e-r-e-m-y, last
21 name Moats, M-o-a-t-s. And as we originally said, my condolences,
22 and thank you for coming in and having this discussion. I want it
23 to be a open -- a relaxed environment for you. So at any time, if
24 you need to take a break, get a drink of water, please take a
25 drink of water, and we'll carry on.

1 MR. BOLTON: Okay.

2 INTERVIEW OF TOMMY LEE BOLTON

3 BY MR. MOATS:

4 Q. Now, first, how long have you worked in the railroad
5 industry?

6 A. 16 years.

7 Q. 16 years. Okay. Has all your time been with Continental?

8 A. Well, MSC, Continental, I'm all together about 25 -- yeah
9 (indiscernible) majority 16.

10 Q. Okay. So I understand this. You've been with another
11 operation called MSC?

12 A. Um-hum. With them (indiscernible) them too.

13 Q. Okay. MSC, can you tell me what that stands for?

14 A. Mississippi Export.

15 Q. So you've been with the Mississippi Export.

16 A. Um-hum.

17 Q. And how long were you with them?

18 A. Four year.

19 Q. All right. You were with them for 4 years. And then where
20 did you go after that?

21 A. I went with Stony there. He (indiscernible) before he ever
22 joined (indiscernible).

23 Q. So you've been with Continental after that or --

24 A. Um-hum.

25 Q. -- is that Stony and George?

1 A. Um-hum.

2 Q. Okay. Okay. So you've been with Continental the remaining
3 of the time?

4 A. Um-hum.

5 BY UNIDENTIFIED SPEAKER:

6 Q. That was a total of 25 years, you said?

7 A. About 25 --

8 Q. And Stony and the owners -- still the same company, they just
9 merged?

10 A. Um-hum.

11 Q. Okay.

12 BY MR. MOATS:

13 Q. Okay. So 25 years total in the industry?

14 A. Um-hum.

15 Q. All right. Has all your time in the railroad industry been
16 with the maintenance of way, track department?

17 A. Yeah.

18 Q. Okay. All right. What all positions have you held in the
19 railroad industry? What all were your jobs?

20 A. Laborer on the ground.

21 Q. Just a laborer on the ground?

22 A. Um-hum.

23 Q. Okay. On November 17th, can you describe your day starting
24 at the beginning all the way to and immediately after the
25 accident?

1 A. No, sir.

2 Q. You cannot?

3 A. When I started? When I started working?

4 Q. When you started working. Yes, sir.

5 A. I started on the shovel.

6 Q. You started on the shovel. Well, what I was looking at was
7 the -- when you began your day. You got to work, from there, and
8 then moving all the way to the accident. So when you arrived at
9 work, can you start there and then go all the way up with just
10 what all happened?

11 A. Putting up (indiscernible) on our tie, and he went to the
12 back and put derail up and then come back through and took the
13 derail off, and a train come through while I'm picking up tie.

14 Q. Okay. Do you remember what time?

15 A. Had to have been about 2:30, 3.

16 Q. 2:30, 3. Okay. Now, do you remember what time your day --
17 what time your day started before --

18 A. Around about 9:30.

19 Q. About 9:30?

20 A. Um-hum.

21 Q. Okay. Now, when you -- on November 17th, the day of the
22 accident, you guys were putting in ties at the work location where
23 the accident happened.

24 A. Um-hum.

25 Q. Did you work anywhere else on that day?

1 A. No. Well, started in the yard first, put in two headblocks.

2 Q. All right. Okay. When you -- before you started work in the
3 yard putting in the two headblocks, was there any discussions or
4 anything like that?

5 A. No, sir.

6 Q. Did anybody cover --

7 A. The car?

8 Q. -- the on-track safety?

9 A. Yeah. We had four, four derail up.

10 Q. Okay. Was there any discussion about the on-track safety for
11 that day?

12 A. No, not I know of.

13 Q. Okay. All right. So were you present at any time when the
14 Alabama Export Roadway Worker in Charge talked to any other
15 Alabama Export employees about where you're going to be working at
16 and --

17 A. Yeah.

18 Q. You were present?

19 A. Um-hum.

20 Q. Okay. Can you tell me about that?

21 A. Yeah. He said, we'll go to (indiscernible) block curve Mile
22 Post 4.

23 Q. Do you remember who the Alabama Export railway worker was
24 talking to?

25 A. He was talking to Peewee.

1 Q. Now, to clarify, what I'm looking for and what I'm asking is,
2 the Alabama Export Railway Worker in Charge, do you know who that
3 was?

4 A. Patrick Bolton.

5 Q. Okay. Patrick Bolton. Okay. So Patrick Bolton, did Patrick
6 Bolton talk to any other employee of the Alabama Export Railroad?

7 A. I don't, I don't --

8 Q. You don't know. Okay. You weren't present during any of
9 those conversations?

10 A. Huh-uh.

11 Q. Okay. Did you -- do you know if he tried to talk to him on
12 a radio?

13 A. He didn't -- we got everything from limit. We got everything
14 on the limit.

15 Q. Okay. So basically he told you -- Patrick Bolton, the RWIC,
16 told you that you had the limits?

17 A. Yeah.

18 Q. Did he explain what the limits were?

19 A. He said (indiscernible) curve Mile Post 4.

20 Q. He said that was the limits?

21 A. Um-hum.

22 Q. Okay. Did -- while in your discussion when he told you that,
23 did he talk about any other protection that he wanted you guys to
24 have or that he was going to afford?

25 A. No.

1 Q. Okay. Did he talk about any other operating rules for the
2 Alabama Export Railroad?

3 A. No, sir.

4 Q. No, he did not. Okay. So he didn't talk about none of that.
5 All right. How long have you worked as a contractor on the
6 Alabama Export Railroad?

7 A. About 4, 5 month.

8 Q. About 4 or 5 months. During your time on the -- when you've
9 worked on the Alabama Export Railroad, how many Alabama Export
10 Railway Worker in Charge have you dealt with?

11 A. None.

12 Q. None?

13 A. No, that I know of.

14 Q. Well, the Railway Worker in Charge is the individual -- is
15 the Alabama Export employee that gives you the job briefing in the
16 morning.

17 A. Patrick.

18 Q. Okay. So you have worked with --

19 A. Um-hum.

20 Q. How many of those individuals have you worked with?

21 A. Maybe about two, three.

22 Q. Just two or three?

23 A. Um-hum.

24 Q. Have you -- so you know Patrick is one of them. What was the
25 other two have you worked with? Can you recall?

1 A. I don't know their names.

2 Q. You don't know their names?

3 A. Huh-uh.

4 Q. Do you happen to remember their titles?

5 A. No, sir.

6 Q. Okay. All right. Now, you've already kind of told us about
7 this, and there will be some questions that seem repetitive, but
8 that's so that we better understand, because we want to make sure
9 that we get a clear understanding of what you're trying to convey
10 to us. So beginning when you arrived at the jobsite where the
11 accident occurred, that's out there in Mile Post 4, blunt curve,
12 on November 17th, can you describe what events occurred? So when
13 you showed up, what events occurred after you showed up?

14 A. Start pulling spike.

15 Q. Okay.

16 A. Put derail, start pulling spike, and start -- then we start
17 slamming ties --

18 Q. Okay. Now, you said you put derail -- you said you pulled
19 spikes, put derails up, pulled spikes. So --

20 A. Um-hum.

21 Q. -- can you tell me in what order those two things happened?
22 Did you -- what order did those two things happen?

23 A. Start pulling spike for when the truck come through.

24 Q. Okay.

25 A. Put derail up.

1 Q. Okay. So you started pulling spikes. You just said
2 something about a truck.

3 A. Um-hum.

4 Q. So can you explain what the truck was doing?

5 A. He's spreading, putting out tie.

6 Q. It was putting out ties?

7 A. Ties, spreading ties out. (Indiscernible) old tie.

8 Q. He left and went to pick up ties?

9 A. Tie, yeah.

10 Q. Where did he go?

11 A. I think around the curve, grab the tie.

12 Q. Just around the curve?

13 A. Um-hum.

14 Q. Do you have an idea where he stopped at to get those ties?

15 He was out --

16 A. Yeah.

17 Q. Could you see him?

18 A. No, couldn't see him.

19 Q. Okay.

20 A. Told me he had couple tie he was going to pick up we left out
21 (indiscernible) the week before.

22 Q. Okay. All right. So we're at a point now where you've --
23 were pulling spikes. We have a truck that went through. We've
24 put the derail up. Is that right?

25 A. Um-hum.

1 Q. So what happened after that?

2 A. When he got through picking up tie, he come back, blow the
3 horn (indiscernible) took the derail off. Took off bolt to the
4 derail.

5 Q. So who took the derail off?

6 A. Buck. His name Buck.

7 Q. Buck? Okay. What's Buck -- is Buck's real name Buck?

8 A. I (indiscernible).

9 Q. All right. Buck.

10 A. Um-hum.

11 Q. All right. Do you know what Buck's real name is?

12 A. Dominique Parker something.

13 Q. Dominique?

14 A. Um-hum.

15 Q. Okay. So the truck blew its horn.

16 A. Um-hum.

17 Q. And then you said Buck, who is Dominique, took a derail down.

18 A. Derail down.

19 Q. Do you know who told Dominique to do that?

20 A. I think Peewee (indiscernible) bolt.

21 Q. You think Peewee told him to do that?

22 A. Um-hum.

23 Q. But you're not for sure?

24 A. No. I think (indiscernible).

25 Q. Okay. So now we have a truck come back through, and the

1 derail, we had that come back down. What else happened? Tell me
2 -- keep -- what happened after that?

3 A. Picking up tie. He get -- he picking up four, five tie.
4 Look. Train come through, bam. I took off running.

5 Q. Okay. All right. So derail went down, truck came in, truck
6 started working; is that correct?

7 A. Yeah. He was picking up tie.

8 Q. He was picking up ties.

9 A. Um-hum. Four, five tie picking up.

10 MR. MOATS: Can we hold for one second, guys?

11 UNIDENTIFIED SPEAKER: Was that the door?

12 MR. MOATS: Um-hum. Can you go check that?

13 UNIDENTIFIED SPEAKER: Check on it?

14 MR. MOATS: Yes.

15 We're going to hold for one second.

16 MR. BOLTON: Okay.

17 MR. MOATS: All right. Okay, so --

18 UNIDENTIFIED SPEAKER: We're with you on the phone.

19 MR. MOATS: Okay. Thank you.

20 BY MR. MOATS:

21 Q. So we were -- in part of our discussion, you said that Buck
22 dropped the derails.

23 A. Um-hum.

24 Q. And the material truck operator started picking up ties.

25 A. Um-hum.

1 Q. And then what happened after that?

2 A. Well, what happened after that, putting in the last tie
3 (indiscernible).

4 Q. Okay.

5 A. Then train come through and boom.

6 Q. Okay. Prior to the train making contact with the equipment,
7 did you hear any noises?

8 A. No. Didn't blow the horn (indiscernible).

9 Q. You didn't hear nothing?

10 A. Nothing.

11 Q. Did you see anything?

12 A. No.

13 Q. Okay. All right. Now, I want to go back and touch a little
14 bit on the job briefing, and I want to make sure you fully
15 understand what I'm talking about. The job briefing that I'm
16 talking about is the briefing that tells you about the on-track
17 safety that's being provided for you while you're working out
18 there on the railroad tracks. Not what the work entails, but what
19 is protecting you out there. Can you elaborate or recall anything
20 about that?

21 A. We had a job briefing --

22 Q. It's okay. Take your time.

23 A. We had a -- I know we had a -- yeah, job briefing Mile
24 Post 4 (indiscernible) curve Mile Post 4 (indiscernible) by derail
25 and stuff.

- 1 Q. Okay. Do you know who told you all this?
- 2 A. Patrick.
- 3 Q. Patrick did?
- 4 A. Um-hum.
- 5 Q. Okay. Besides the derails, did he tell you anything else?
- 6 A. Yeah. He told, he told (indiscernible) I forgot what he said
- 7 the limit (indiscernible).
- 8 Q. Okay. You say the limits. What do you mean by when you're
- 9 saying the limits?
- 10 A. Why we're protected.
- 11 Q. How you're protected?
- 12 A. Um-hum.
- 13 Q. Okay. All right. So going back to the derails, who put the
- 14 derails on the track?
- 15 A. Buck.
- 16 Q. Buck put them on?
- 17 A. Um-hum.
- 18 Q. Did anybody else do it?
- 19 A. No. Buck.
- 20 Q. Only Buck did?
- 21 A. Um-hum.
- 22 Q. Okay. Did anybody tell Buck to do that?
- 23 A. I think Peewee. Peewee told him put the derails up.
- 24 Q. Okay. So how many derails did you have out there?
- 25 A. Had two.

1 Q. You had two. Okay.

2 A. One in the front; one in the back.

3 Q. One in the front and one in back.

4 A. Um-hum.

5 Q. And Dominique, who we call Buck, is the one that put both of
6 those up?

7 A. I think so.

8 Q. Oh, you think so?

9 A. Um-hum.

10 Q. Okay. Now, with that being said, do you know if they were
11 locked?

12 A. I believe they were. (Indiscernible) a key, believe
13 (indiscernible) the key in.

14 Q. Okay. You said something about a key. Who has the key to
15 it?

16 A. I think Peewee had the key.

17 Q. Okay. Can you describe what locked it and what the locks
18 look like?

19 A. Oh, gray, gray lock.

20 Q. How many locks were on there? Do you know?

21 A. One, two lock. One on each, one on each derail.

22 Q. All right. One on each derail; is that what I heard?

23 A. Um-hum.

24 Q. Okay. All right. Now, the derails that were being used, are
25 they owned -- who owned those derails?

- 1 A. Patrick owned two of them.
- 2 Q. Patrick owned both of them?
- 3 A. Yeah. He owned two (indiscernible) too.
- 4 Q. The derails that were on the track during the time of the
5 accident, who owned those derails?
- 6 A. We had one was Patrick, one was ours.
- 7 Q. Okay. So one was Patrick's, and one was you all's.
- 8 A. Um-hum.
- 9 Q. Okay. All right, simple. Now, with that being said, when
10 the derails were on the track, where were they placed at?
- 11 A. (Indiscernible) about 150 yards.
- 12 Q. About 150 yards; is that right?
- 13 A. (Indiscernible) yeah.
- 14 Q. From where?
- 15 A. From (indiscernible) about 150 feet off about rail length and
16 a half, two.
- 17 Q. Okay. Can you remember anything particular about those
18 derails? Can you describe those derails to me?
- 19 A. No.
- 20 Q. Did they have any other thing on it besides the derail?
- 21 A. They had the flags on.
- 22 Q. Okay. They had flags on it.
- 23 A. Um-hum.
- 24 Q. So what did that flag look like?
- 25 A. Red.

1 Q. They were red? Okay. So just for clarification, what kind
2 of work were you doing at the accident?

3 A. Well, he put in tie and (indiscernible) I was shoveling.

4 Q. All right. You were the shovel man?

5 A. Um-hum.

6 Q. Okay. All right. So while you were working, were you aware
7 that the RWIC, Patrick, left the jobsite?

8 A. Yeah.

9 Q. Oh, you were aware.

10 A. Um-hum.

11 Q. Okay. Prior to the RWIC, Alabama Export's RWIC leaving, was
12 there any discussions before he left the jobsite?

13 A. He told them, told them when we get through call him and let
14 him know, he tell the man he can come on.

15 Q. Okay. Who did he tell that to?

16 A. Peewee.

17 Q. Okay. Were you there when that discussion was happening?

18 A. No. Peewee told me.

19 Q. All right. So you weren't present during that discussion?

20 A. Huh-uh.

21 Q. You were just told by Peewee?

22 A. Um-hum.

23 Q. Okay. All right. When you worked on Alabama Export in the
24 past, is it common that the railway worker will leave the job
25 location and perform other duties?

- 1 A. Yeah.
- 2 Q. It is common?
- 3 A. Um-hum.
- 4 Q. How -- estimate how often is that common?
- 5 A. Not, not (indiscernible).
- 6 Q. Not that often?
- 7 A. Not often.
- 8 Q. Okay. Were you aware that the derails were being removed?
- 9 A. Yeah.
- 10 Q. Okay. You were aware the derails were being removed?
- 11 A. Um-hum.
- 12 Q. All right. When you -- do you know who did the removal?
- 13 A. Buck.
- 14 Q. Buck took them off?
- 15 A. Um-hum.
- 16 Q. Do you know who told Buck to remove them?
- 17 A. Peewee.
- 18 Q. Peewee told him to remove them. All right. And when were
19 those derails removed?
- 20 A. About time when Wayne, when Wayne started coming back. He
21 blew the horn and Buck took about -- he had about four, five
22 more ties (indiscernible) go around in front of him.
- 23 Q. Okay.
- 24 A. (Indiscernible) put them back. Put them back on there
25 (indiscernible).

1 Q. Okay. So who made the decision not to put them back on?

2 A. I don't recall.

3 Q. You don't know?

4 A. Huh-uh.

5 Q. Okay. So where and what were you doing when you became aware
6 of the train?

7 A. I took off running through the bush.

8 Q. Okay. Where were you at when you --

9 A. Coming across the rail.

10 Q. You were coming across the rail?

11 A. I was coming off with my shovel.

12 Q. All right. And when you became aware of it, what did you do
13 then?

14 A. I took off (indiscernible) derail. I took off running
15 through the bush.

16 Q. Took off running. Okay. Can you recall where the other
17 railway workers -- that everybody, everybody --

18 A. Me and Buck took off running, and the other dude got
19 (indiscernible) he went other side (indiscernible) he didn't get a
20 chance to move out of there too fast.

21 Q. Okay. So there's -- that's you two. Then the other
22 gentleman, was he working some kind of hammer?

23 A. Yeah. He was on the hammer, jackhammer.

24 Q. Okay. He was using the jackhammer.

25 A. Um-hum.

1 Q. All right. And then who -- what about everybody else?

2 A. Pop was (indiscernible).

3 Q. All right. And then where was Peewee then?

4 A. He was on the backhoe. He was getting ready -- he was moving
5 out of the way.

6 Q. And he was moving out of the way?

7 A. Um-hum.

8 Q. Okay. Pop, what was Pop's location?

9 A. Pop was sitting the last (indiscernible) bent over and grab
10 (indiscernible).

11 Q. Okay. All right. Now, the -- can you tell me about the
12 equipment that was being used?

13 A. I had my backhoe and that old boom truck.

14 Q. Okay. Was there any other mechanized, mechanical device
15 being used?

16 A. No, sir.

17 Q. Okay. Now, who owned all the equipment? Who owned all the
18 equipment out there?

19 A. George and Stony.

20 Q. The Continental contractors?

21 A. Um-hum.

22 Q. That's who owned it; is that right?

23 A. Um-hum.

24 Q. So when you refer to a George and Stony, those are the owners
25 of Continental Construction; is that correct?

1 A. Um-hum.

2 Q. Okay. What condition was that equipment in? Was it in
3 pretty good condition?

4 A. Yeah. Was a good truck.

5 Q. All right. Can you remember anything else about the
6 equipment?

7 A. No.

8 Q. Can you remember any lights or anything on the equipment?

9 A. All the lights work.

10 Q. All the lights were working?

11 A. Um-hum.

12 Q. Okay. All right. Now, what I -- the questions I'd like to
13 ask next is about some training that you have received. And the
14 training that I'm referring to is railway worker training. And
15 what I mean by that is the training that you've received as a
16 railway worker and the information that's been given to you. And
17 when I'm talking about railway worker, I'm talking about the
18 protection that keeps you safe to work with the freedom from being
19 struck by equipment. Okay?

20 A. Um-hum.

21 Q. I'm not talking about the work, actually driving spikes or
22 the manual labor or running a piece of equipment. We'll get to
23 that. When I refer to railway worker, that's what I'm looking
24 for. I'm talking about the on-track safety. Okay? Good?

25 A. Um-hum.

1 Q. All right. Have you been trained as a railway worker?

2 A. No.

3 Q. You have not been trained as a railway worker?

4 A. (No audible response.)

5 Q. You have not received any training about on-track safety?

6 A. Yeah.

7 Q. Oh, you have received training about on-track safety?

8 A. Um-hum.

9 Q. Okay. What kind of training have you received as on-track
10 safety?

11 A. (Indiscernible) when you're working (indiscernible) all that
12 kind of stuff, how you're protected.

13 Q. Okay. How you're protected where you're working at.
14 Anything else?

15 A. Make sure you got derail (indiscernible) up.

16 Q. Okay. Make sure you have your derails up. Okay. Now, this
17 training that you received, what kind of setting was it given to
18 you in?

19 A. What kind of setting?

20 Q. Yeah. Was it given to you out on the field? Was it given to
21 you in a classroom? Where did you get it from?

22 A. Out in the field.

23 Q. Out in the field?

24 A. Um-hum.

25 Q. Okay. Who gave it to you?

1 A. Patrick.

2 Q. Patrick did? Okay. So Patrick gave it to you. What kind of
3 things did he cover when he gave that to you?

4 A. He covered, said the whole, we got the whole yard.

5 Q. Okay. Well, let me back up so there's clarification. I'm
6 not talking about the job briefing for that day. I'm talking
7 about as a railway worker, I'm talking about the on-track safety
8 training so that you know that you have the freedom to work out
9 there without being struck by equipment. That is all the rules
10 that governs your safety.

11 A. Yes.

12 Q. That's what I'm talking about. And I'm talking about in
13 general. So not the job briefing or the protection that was given
14 to you that day. I'm talking about the training that you have
15 received over your career in the railroad about that particular
16 information. Okay? All right. So going back, have you been --
17 so have you received that type of training over your career?

18 A. I reckon so.

19 Q. You reckon so. Okay.

20 A. Um-hum.

21 Q. And what kind of -- over your career, what kind of training
22 have you got with that?

23 A. Stay alive, go home for the next day. Try to go home to the
24 family.

25 Q. Have they ever talked about a non-controlled track?

1 A. Yeah.

2 Q. Okay. So they've talked about a non-controlled track. Have
3 they ever talked about controlled track?

4 A. Um-hum.

5 Q. What have they talked about with non-controlled track?

6 A. I done forgot. Forgot.

7 Q. Okay. What have they talked about with controlled track?

8 A. Controlled track slipped my mind.

9 Q. Okay. That's understandable. So with that being said, the
10 Railway Worker in Charge, what Patrick does, or what another
11 individual does, the one that sets up the protections and makes
12 the decision of what those protections are going to be, have you
13 ever received training to be able to do that?

14 A. I don't think so.

15 Q. You don't think so. Okay. Now, let's talk about how -- the
16 Alabama Export rules. The Alabama Export Railroad have their own
17 railway worker rules and operating rules.

18 A. Yes.

19 Q. Have you ever been trained on those?

20 A. No, sir.

21 Q. You have never been trained on those. Okay. Now, going into
22 your career and going into right now, are you a qualified
23 equipment operator of any kind of equipment?

24 A. No, sir.

25 Q. You are not. Okay. So in the -- in your time with the

1 railroad industry through -- and you've had, you have had some
2 on-track safety training.

3 A. Um-hum.

4 Q. Have you ever heard of the term good faith challenge?

5 A. No, sir.

6 Q. You've never heard of the term good faith challenge. Okay.
7 You also had a job briefing that day, right?

8 A. Um-hum.

9 Q. Okay. You said that he talked about the derails, right?

10 A. Um-hum.

11 Q. And he talked about limits.

12 A. Um-hum.

13 Q. Did he talk about anything else?

14 A. Not I know of, he didn't.

15 Q. That's all, that's all he talked about on that job briefing?

16 A. Um-hum.

17 Q. Okay. On your -- with your tenure with Alabama Export
18 Railroad, okay, and when you've been working down there, have you
19 ever had to clear a train while you're working?

20 A. No.

21 Q. So let me better define this so that we fully understand
22 this. You guys are working. You have your limits set up, your
23 protection set up, right?

24 A. Um-hum.

25 Q. You get notification that a train is coming.

1 A. Yeah, we'll clear --

2 Q. Oh, you have.

3 A. Um-hum.

4 Q. You have done that?

5 A. Um-hum.

6 Q. So when that happens, how will they tell you that you have to
7 get in the clear?

8 A. Give us a clear (indiscernible) train on the way, get in the
9 clear. We've got to get in the clear. Patrick call, tell them
10 when they're clear, then come through.

11 Q. Okay. So Patrick will call them and tell them that you guys
12 are in the clear?

13 A. Um-hum.

14 Q. But how does it go from Patrick to you that's working in the
15 field?

16 A. Patrick, he'll be beside us on the track.

17 Q. Okay. So he's working besides you.

18 A. Um-hum.

19 Q. If he's not besides you, how does it get to you?

20 A. He calls them. He calls them on the phone and tell them.

21 Q. Okay. On November 17th, on November 17th, the day of the
22 accident, were you or did anybody was -- were you aware that there
23 was a train out there in the limits?

24 A. No, sir.

25 Q. Nobody once discussed to you about a train being out there in

1 the limits?

2 A. They said wasn't supposed to be no train there.

3 Q. Was not supposed to be no trains out there?

4 A. Um-hum.

5 Q. Okay.

6 MR. MOATS: I would like to pass it on if you -- open it up
7 for the people in the room. Does anybody else have any questions
8 in the room they would like clarification on?

9 UNIDENTIFIED SPEAKER: Byrl, you can go first.

10 BY MR. McCOY:

11 Q. Yeah. I've just got a couple of questions for you,
12 Mr. Bolton. This is Byrl McCoy with the FRA. On the date of the
13 incident, did you all show up here and then drive to Mobile?

14 A. Yeah. We drove to Mobile.

15 Q. Okay. All right. And do you know roughly what time you
16 showed up here?

17 A. About, I'll say about 8:30, 8:30, 9 o'clock.

18 Q. Here?

19 A. (Indiscernible).

20 Q. No. No. Here. To meet up to drive to Mobile.

21 A. They meet up New -- meet up in New Augusta.

22 Q. Okay. Okay.

23 A. New Augusta and went to Mobile.

24 Q. All right. And once you arrived at the Alabama Export
25 facilities, where did you all go once you arrived?

1 A. We went, put in two headblock tie.

2 Q. No, no. When you first got there, where did you all stage up
3 and put your vehicles to meet up with the Railway Worker in
4 Charge, Patrick?

5 A. In the yard.

6 Q. In the yard.

7 A. Um-hum.

8 Q. Okay. Was it on the -- you know where the car shop is there?

9 A. Yeah. Right beside it.

10 Q. Okay. Where the like parking lot, dirt parking lot is?

11 A. Um-hum.

12 Q. Is that where you all met up?

13 A. Um-hum.

14 Q. Okay. All right. And at any time did you see or hear the
15 Railway Worker in Charge get track authority over either the radio
16 or by him using his phone?

17 A. Yeah. He had called on the phone.

18 Q. Did he -- who did he call?

19 A. (Indiscernible) somebody. I don't know who he had called.

20 Q. Okay. And at any time during the day, did you see the track
21 authority that the Railway Worker in Charge had?

22 A. Got with (indiscernible), but I didn't see it
23 (indiscernible).

24 Q. Okay. And any time during the day, did you see the Daily
25 Operating Bulletin or they refer to it as the DOB?

1 A. No, sir.

2 Q. Okay. And at any time during the day, did you observe the
3 Railway Worker in Charge attempt to contact the train crew?

4 A. No, sir.

5 Q. Okay. And that's either radio or cell phone?

6 A. Um-hum.

7 Q. Okay.

8 MR. McCOY: I have no further questions. Thank you.

9 BY MR. ADAMS:

10 Q. Okay. I have a question for you. This is Bob Adams, FRA.
11 Tommy, you stated he had the whole thing. You used some words
12 like the whole thing. I know you used a description blunt curve,
13 which we -- it's an understanding that was around Mile Post 4.

14 A. Um-hum.

15 Q. What was your understanding of the whole thing?

16 A. It --

17 Q. And use it like mile post.

18 A. We got the whole, the whole surrounded from Mile Post 4 all
19 the way back.

20 Q. All the way back to?

21 A. The yard, I reckon. I reckon from the yard.

22 Q. To the yard in Mobile?

23 A. Yeah.

24 Q. Okay. And to your understanding, that means that there's no
25 trains?

1 A. Yeah.

2 Q. So you have the whole thing. You're the only one out there.
3 That's your understanding of that?

4 A. Um-hum.

5 Q. Okay. I just wanted to clarify.

6 A. Yes.

7 UNIDENTIFIED SPEAKER: You good?

8 MR. ADAMS: Yeah.

9 MR. MOATS: Okay. I'm sorry. We have one more question in
10 the room.

11 BY UNIDENTIFIED SPEAKER:

12 Q. Yeah, I've just got a couple. During the initial -- you said
13 you held an initial job briefing first thing in the morning with
14 Patrick.

15 A. Um-hum.

16 Q. And that covered everything for the entire day; is that
17 right?

18 A. Yeah.

19 Q. When he gave that job briefing and explained what kind of
20 protection was going to be afforded, derails and track authority,
21 did he ask everyone in the job briefing if they understood what
22 the protection was going to be?

23 A. Um-hum.

24 Q. And to your knowledge -- you confirmed that you understood?

25 A. Yeah.

1 Q. Okay. Great. And the other thing I had is you said the
2 derails were picked up when the material handling truck returned
3 from around the curve and sounded his horn.

4 A. Um-hum.

5 Q. And then you all had just a couple more ties left to put in.

6 A. Had two -- we had one -- we had two to nail up.

7 Q. Had two to nail up.

8 A. Um-hum.

9 Q. And he had to pick up a couple more, and then you all were
10 going to leave?

11 A. (Indiscernible).

12 Q. So you pulled the derails up -- or not you, but the derails
13 were removed when he sounded his horn. Is it normal practice for
14 you guys to go ahead and pull your derails up as you're finishing
15 up your work or is that a normal practice?

16 A. Yeah. Take the derails up. We have a two tie, going to take
17 them up and going to leave out.

18 Q. Okay. But in previous work on the ALE, is that normally what
19 you would do is, when you get close to finishing --

20 A. Um-hum.

21 Q. -- or -- okay. And you nodded yes?

22 A. Um-hum.

23 Q. Okay, great.

24 UNIDENTIFIED SPEAKER: That -- I don't have anything else.

25 Thank you very much.

1 BY MR. MOATS:

2 Q. Now, there's one more thing I wanted to ask just for
3 clarification before we move on to the gentlemen on the phone.

4 All right. The training that you received, have you ever had a
5 written test on on-track safety?

6 A. Yes, sir.

7 Q. You have had a written test on on-track safety?

8 A. Um-hum.

9 Q. Do you happen to recall when that written test was?

10 A. (Indiscernible) no, no, there's no (indiscernible) we had a
11 meeting, had a meeting at one of them motels (indiscernible) but
12 we never had no written kind you're talking about.

13 Q. So you had a meeting at hotel. Okay. So you had training at
14 a meeting, but you have never taken a written test about it?

15 A. Never took no written test.

16 Q. Okay.

17 MR. MOATS: All right, that's all I have.

18 Joe, Lee, Zach, I open it up to you gentlemen.

19 MR. GORDON: This is Joe Gordon, NTSB.

20 Tommy, I just, I just want to thank you for coming in and
21 giving us that firsthand look at what happened. I know it's a
22 tragic thing when you lose a co-worker, so just be sure that
23 you're taking care of yourself.

24 MR. BOLTON: Yes, sir.

25 MR. GORDON: And talk to anybody, if you need. Be sure to

1 talk to people and let them know if you need anything.

2 MR. BOLTON: Okay.

3 MR. GORDON: Yeah, but as far as questions, I appreciate you,
4 your good answers. I don't have anything on my end.

5 MR. BOLTON: Okay.

6 MR. MOATS: Zach.

7 MR. ZAGATA: No, I'm good. I don't have anything on my end
8 either.

9 MR. DAMRON: And I don't -- this is Lee Damron, and I don't
10 either. Appreciate you taking the time to talk to us today.

11 MR. MOATS: Okay, Tommy, I do want to make sure it's okay
12 that if we do have any follow-up questions that we can contact
13 you. Is that okay?

14 MR. BOLTON: Yes, sir.

15 MR. MOATS: Okay. Well, thank you for that. With that being
16 said, do you have any questions for us before you leave?

17 MR. BOLTON: No, sir.

18 MR. MOATS: All right. Well, thank you.

19 At this time, we'll go ahead and stop our discussion, and
20 we'll -- if we need anything further, we'll let you know.

21 MR. BOLTON: Okay.

22 MR. MOATS: All right, thank you, sir.

23 MR. BOLTON: You're welcome.

24 (Whereupon, the interview was concluded.)

25

CERTIFICATE

This is to certify that the attached proceeding before the

NATIONAL TRANSPORTATION SAFETY BOARD

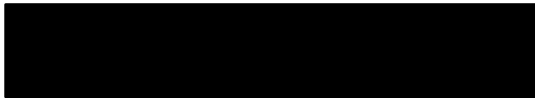
IN THE MATTER OF: RAILROAD EMPLOYEE FATALITY
 IN PRICHARD, ALABAMA,
 ON NOVEMBER 17, 2020
 Interview of Tommy Lee Bolton

ACCIDENT NO.: RRD21LR005

PLACE: Via telephone

DATE: November 20, 2020

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.


Katherine Motley
Transcriber