



**Signal and Highway Factors Attachment – Email from Attorney representing John Burns
Construction Company to NTSB Investigators dated 8-9-22**

Clarendon Hills, IL

HWY22MH009

(4 pages)

Walsh Daniel

Subject: FW: Clarendon Hills, IL METRA train crash

From: Todd Murphy [REDACTED]
Sent: Tuesday, August 9, 2022 6:08 PM
To: Walsh Daniel [REDACTED]
Cc: Currie Shawn [REDACTED]
Subject: RE: Clarendon Hills, IL METRA train crash

Dear Mr. Walsh:

My client, John Burns Construction Company ("JBCC"), is in receipt of the inquiries contained in your email below. JBCC submits the following responses to your inquiries:

1. Did Mr. Steve Volz have a conversation with Mr. Mustafa Shaikh of Terra Engineering on April 29, 2022, after the binder paving was completed regarding the construction of butt joints to be installed along both sides of the track?

Response: No; Steve Volz did not have a conversation with Mustafa Shaikh of Terra Engineering on April 29, 2022 regarding construction of butt joints. Mr. Volz was on-site and part of a conversation on April 27, 2022, between himself, Mustafa Shaikh of Terra Engineering, and Mohammed Yousef of R.W. Dunteman, but that conversation involved reminding Dunteman that its scope of work included grinding (milling) the old asphalt all the way up to the existing railway crossing panels so that new binding and asphalt could be installed up to the panels (Dunteman expressed concern that the milling might damage the panels). Technically speaking, this is not a "butt joint" because it is not an asphalt-to-asphalt joint. At the time of the aforementioned April 27th conversation, Dunteman was still milling existing pavement at the site. Dunteman had not yet started installation of any of the binder course for the project or the milling of the area immediately adjacent to the railway panels (i.e., the area referred to in this request as a "butt joint").

2. Did Mr. Shaikh make it clear several times to Mr. Volz on April 29, 2022, that the butt joints were to be installed along both sides of the track and the area between the end of sidewalks and the track (four corners) because it could be a tripping hazard?

Response: No such conversation took place on April 29, 2022 involving Mr. Volz. Assuming this is in reference to the aforementioned April 27, 2022 conversation, that conversation involved Mustafa Shaikh, Mohammed Yousef, and Steve Volz, and did not have to do with tripping hazards, but rather confirming Dunteman's scope of work, which included removal of existing asphalt and installation of a new asphalt surface all the way up to the existing crossing panels. Of note, Mr. Volz visited the jobsite on April 29, 2022 but there was no discussion between Mr. Shaikh and Mr. Volz regarding tripping hazards.

3. Did Mr. Volz inform Mr. Shaikh on April 29, 2022, that the butt joints would be completed as requested?

Response: No; Mr. Volz was not part of such a conversation on April 29, 2022. However, Mr. Volz and Mr. Shaikh were both informed by Mohammed Yousef of R.W. Dunteman that Dunteman would complete the grinding and repaving all the way up to the existing railway panels.

This correspondence and the statements therein are made solely in response to and for the purposes of the NTSB's investigation, and are not intended or authorized to be used in any other manner, nor do they waive or limit any aspect of the attorney-client or attorney work product privileges.

Please let me know if you have other questions or would like to discuss.

Sincerely,

Todd Murphy

TODD M. MURPHY | Partner

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From: Walsh Daniel [REDACTED]
Sent: Thursday, July 28, 2022 2:46 PM
To: Todd Murphy [REDACTED]; [REDACTED]
Cc: [REDACTED]; Currie Shawn [REDACTED]
Subject: FW: Clarendon Hills, IL METRA train crash

Hi Todd and Steve,

My name is Dan Walsh, Senior Highway Factors Investigator, with the NTSB. Some questions have come up during our investigation into the Clarendon Hills, IL METRA train crash that occurred on May 11, 2022, and we would like to get your input. I am hoping to resolve the questions informally with a few questions. However, we are prepared to subpoena Mr. Steve Volz that could potentially lead to extensive questions and an in-depth interview. The questions are the following:

1. Did Mr. Steve Volz have a conversation with Mr. Mustafa Shaikh of Terra Engineering on April 29, 2022, after the binder paving was completed regarding the construction of butt joints to be installed along both sides of the track?
2. Did Mr. Shaikh make it clear several times to Mr. Volz on April 29, 2022, that the butt joints were to be installed along both sides of the track and the area between the end of sidewalks and the track (four corners) because it could be a tripping hazard?
3. Did Mr. Volz inform Mr. Shaikh on April 29, 2022, that the butt joints would be completed as requested?

Should you have any questions, please do not hesitate to call me at [REDACTED]. Thank you for your assistance.

Dan



Dan Walsh, P.E.
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[REDACTED]