

UNITED STATES OF AMERICA

NATIONAL TRANSPORTATION SAFETY BOARD

\* \* \* \* \*

Investigation of: \*

\*

AMTRAK WORKER FATALITY \*

BOWIE, MARYLAND \* Accident No.: RRD18FR006

APRIL 24, 2018 \*

\*

\* \* \* \* \*

Interview of: SHANE CAMPBELL

Linthicum, Maryland

Wednesday,  
April 25, 2018

## APPEARANCES:

RUBEN PAYAN, Investigator in Charge  
National Transportation Safety Board

MICHAEL HOEPF, Ph.D., Human Performance Investigator  
National Transportation Safety Board

JIM HURLEY, Signal and Train Control Inspector  
Federal Railroad Administration

JOHN DeFRANCESCO  
Amtrak

CARL FIELDS, Coordinator, Safety Task Force  
Brotherhood of Locomotive Engineers and Trainmen (BLET)

STEVE STEARN, Vice Chairman  
Brotherhood of Maintenance of Way Employees (BMWED)

<u>ITEM</u>	<u>I N D E X</u>	<u>PAGE</u>
Interview of Shane Campbell:		
By Mr. Payan		5
By Mr. Stearn		11
By Dr. Hoepf		<b>Error!</b>
<b>Bookmark not defined.</b>		
By Mr. Payan		22
By Mr. Stearn		25
By Mr. Fields		26
By Dr. Hoepf		30
By Mr. Payan		35
By Mr. Stearn		38
By Dr. Hoepf		43
By Mr. Payan		50

I N T E R V I E W

1  
2 MR. PAYAN: All right. My name is Ruben Payan, P-a-y-a-n. I  
3 am the investigator charged for this accident, from the National  
4 Transportation Safety Board.

5 Today is May 1st, 2018. We are in Linthicum, Maryland  
6 interviewing the assistant production engineer in connection with  
7 an accident that occurred at milepost 119.2 on April 24th, 2018.  
8 The NTSB accident number is RRD18FR006.

9 This interview is being tape recorded. We are going to  
10 transcribe it afterwards and a copy will be provided to you for  
11 review.

12 So, we will start with: can you please state your full name  
13 and spell your last name?

14 MR. CAMPBELL: First name is Shane, last name is Campbell,  
15 that's C-a-m-p-b-e-l-l.

16 MR. PAYAN: Okay. And your current employer and current  
17 title?

18 MR. CAMPBELL: Current employer is Amtrak. My occupation is  
19 Assistant Production Engineer.

20 MR. PAYAN: Okay. I'm going to go around the room and have  
21 everybody introduce themselves for you. And then if you could  
22 spell your last names please.

23 MR. FIELDS: Carl Fields, F-i-e-l-d-s, Brotherhood of  
24 Locomotive Engineers and Trainmen.

25 MR. HURLEY: Jim Hurley, H-u-r-l-e-y, FRA.

1 MR. DeFRANCESCO: John DeFrancesco, D-e-f-r-a-n-c-e-s-c-o.

2 MR. STEARN: Steve Stearn, Brotherhood of Maintenance of Way  
3 Employees, S-t-e-a-r-n.

4 DR. HOEPF: Michael Hoepf, H-o-e-p-f, NTSB.

5 MR. PAYAN: And if we can have the person sitting with you,  
6 can you just identify yourself and your name and title?

7 MR. CAVANAUGH: Joe Cavanaugh, C-a-v-a-n-a-u-g-h, Director of  
8 Production.

9 MR. PAYAN: All right. All right, thank you very much.

10 INTERVIEW OF SHANE CAMPBELL

11 BY MR. PAYAN:

12 Q. We're working on this accident that happened last Tuesday and  
13 we're trying to gather information and we are hoping you can help  
14 us with that.

15 Can you kind of state your current position and how that ties  
16 into the work that was being done out there on Tuesday?

17 A. Tuesday I was actually not directly involved. I wasn't in  
18 the area. I was in the Newark Division.

19 Q. Okay.

20 A. I currently manage a gang called Independent Track South and  
21 we were actually at a split derail project at Eddington, which is  
22 just like North Philly.

23 Q. Okay.

24 A. My job entails supervising and managing production, like a  
25 production unit. Like the rail gang or the under cutter

1 independent track south. So, I overlook, you know, not just the  
2 men but the foremen and the supervisors. So, we go out. We plan  
3 work. We set up work, future work, stuff like that.

4 Q. Okay. So, in particular with the Bowie, Maryland work that  
5 was being done there, can you describe how long that's been going  
6 on, what the actual work is and what it encompasses?

7 A. I believe like operations been running for beginning of March  
8 wasn't it -- since the beginning of March I believe it was. Like  
9 March 15th.

10 Q. Of this year?

11 A. Yes.

12 Q. Okay. And do you know where you started and where you were  
13 headed as far as that gang?

14 A. Yes, yes. So, there's a machine called the undercutter. It  
15 comes through it filtrates the ballast. That goes through first.  
16 Behind that is a surfacing unit. They get the track geometry back  
17 to where it needs to be to run trains safely. And then behind  
18 that is the rail unit, destressing rail.

19 Q. Okay. And do you know where you started on March 15th?

20 A. March 15th?

21 Q. Yeah. Where did the project start and where --

22 A. It started at Bowie Interlock.

23 Q. It was right there at that location?

24 A. Yes. 350 feet north about 23 switch at Bowie.

25 Q. Okay. And where was it going to go up to the undercutting

1 project?

2 A. Grove Interlocking.

3 Q. Grove Interlocking, Bowie to Grove. Okay. Now, in setting  
4 up this project from Bowie to Grove, what does your job entail?  
5 Are you in charge of setting up the work zones or the type of  
6 protection, anything like that?

7 A. I am not directly involved in setting up the protection. I  
8 don't place watchmen. I don't get track out of service.

9 Q. Okay.

10 A. I don't get foul time.

11 Q. How about as far as determining what kind of protection  
12 you're going to use out there for these projects?

13 A. As the work starts there is -- so you could go out to a spot  
14 and say this needs four watchmen or you could go to that spot when  
15 all the equipment is running and say you need 10 watchmen. So, a  
16 lot of times like myself and Joe we will go out before there's any  
17 equipment and we'll inspect the job.

18 Q. Okay.

19 A. So, we are actually out there on the ground before the  
20 equipment gets there months in advance, weeks in advance. So, I  
21 don't actually go out there -- I can -- now, when the job starts,  
22 yeah, I can give the foreman a hand. If the foreman needs any  
23 type of help or the supervisors need any type of help, then we all  
24 come together as a team and we suggest, you know, this is what we  
25 need --

1 Q. Okay.

2 A. -- before the job even starts.

3 Q. Okay. How about more globally before March 15th, when you  
4 are told this project is going to take place, do you get involved  
5 with the actual planning of how the work is going to get done? Is  
6 there going to be a temporary speed restriction or what kind of --

7 A. Yes.

8 Q. -- what kind of --

9 A. Yes. By NORAC Rule you have to have an 80-mile an hour slow-  
10 by while the undercutter is actually working. So, all of us that  
11 are actually qualified on NORAC and that's not just foremen that's  
12 actual operators. They know by rule in the NORAC book that there  
13 is supposed to be a slow-by.

14 Q. Okay.

15 A. But just so you know, I just started this position so I  
16 wasn't directly involved as a manager setting this job up. I was  
17 just an assistant supervisor at the time.

18 Q. Okay. Yeah.

19 A. So, I wasn't actually in the same role when this job started.

20 Q. I see. Okay. I forgot that. Thank you for reminding me.

21 So, for this project the undercutter, there was a slow order  
22 based on the NORAC rules. Do you know what that slow order was?

23 A. It's an 80-mile-an-hour slow-by.

24 Q. 80-mile?

25 A. On both adjacent tracks.



1 Q. On both adjacent tracks.

2 A. On any track adjacent to the undercutter machine.

3 Q. Okay. And the middle track is still taken completely out of  
4 service?

5 A. Out of service, yes.

6 Q. Okay. And then once the undercutter goes through the area  
7 the surfacing and the realignment gang come in, is there any speed  
8 restriction for them?

9 A. No. not by a NORAC rule?

10 Q. No?

11 A. There doesn't need to be by NORAC rule.

12 Q. Okay. How about Amtrak do they allow you to decide if  
13 there's going to be a slow order or not?

14 A. There is nothing set forth I would just say by Amtrak we go  
15 by the NORAC rule, which is, you know, the operating rules, there  
16 are those rules.

17 Q. Okay. So, now, when the work zone is set up, like it was  
18 here at Bowie, near the Bowie Station, number 2 track is taken out  
19 of service by RWB RWP standards you need clearance time and 15 --  
20 to be in the clear 15 seconds. Do they consider the track to be  
21 the safe zone in this area?

22 A. Well, it -- on the briefing every morning the RWI -- or the  
23 EIC, the man in charge, the foreman in charge will state where the  
24 safest way to -- safest place to clear is.

25 Q. Okay.

1 A. That could be on the field side of one, the field side 3 or  
2 the in the out of service track, number 2 track.

3 Q. Okay. So, if they are clearing into the track that's out of  
4 service, does that cut down or does that eliminate the clearance  
5 time and just go with the safe --

6 A. Does it eliminate how fast you can clear?

7 Q. Yes.

8 A. It all depends on where you are standing. I mean, obviously,  
9 if you're -- if you're on the shoulder of 3 track you're not going  
10 to run over into 2 track to be out of service.

11 Q. That's true.

12 A. You're going to go to the least resistant path as possible.  
13 So, you're not going to want to cross over four rails to get into  
14 the clear. You are going to want to step off to the side.

15 Q. Okay. So, you --

16 A. That's why it's specifically said on the briefing to clear  
17 here, here, here or vice versa so guys know there's not just one  
18 place to clear.

19 Q. Okay. That's what I was getting at. So, you still have to  
20 consider --

21 A. Yep.

22 Q. -- people not on track 2?

23 A. Yes.

24 Q. Okay. Very good. I'm going to go around the room and let  
25 other people ask questions here.

1 A. Okay.

2 MR. PAYAN: FRA.

3 MR. HURLEY: Nothing from FRA.

4 MR. PAYAN: Okay. Amtrak?

5 MR. DeFRANCESCO: I'm all right.

6 MR. PAYAN: Nothing? Okay. BMW?

7 MR. STEARN: Thank you.

8 BY MR. STEARN:

9 Q. Steve Stearn with the Brotherhood of Maintenance of Way  
10 Employees.

11 So, Mr. Campbell, you said you worked in your current  
12 position at the time the undercutter work for this area was being  
13 planned out?

14 A. Yeah, while the work plan was going on. Like the setting of  
15 this job, setting up of this job I was actually just an assistant  
16 supervisor. I wasn't an assistant production engineer at the  
17 time.

18 Q. So, in your role as an assistant supervisor was that also  
19 with the same group?

20 A. Yes. Yes.

21 Q. Were you involved with a site-specific work plan --

22 A. Yes.

23 Q. -- for this project?

24 A. As SSWP, yes, at the start of every project.

25 Q. So, then as a layman could you tell us, me, about a site-

1 specific work plan and what is included in the plan?

2 A. Yes. You want to know?

3 Q. Would you please?

4 A. It'll tell you the work limits. It'll tell you -- it'll give  
5 you the break down of the schedule, you know, when are we supposed  
6 to start. We are we supposed to finish. They give you everyone's  
7 contact number in the area as far as division engineer, system  
8 division engineer, supervisor of the subdivision you're working  
9 in, all the contact numbers in our unit as far as supervisors,  
10 managers, and so forth.

11 You know it will have medical facilities on it. It'll have a  
12 check list to make sure that everything is needed for the job  
13 safety wise, you know, watchman equipment. It'll have the other  
14 departments on there as far as CNS and ET who to contact.

15 I mean it has -- it's a pretty good thorough breakdown of  
16 what is supposed to be on one. So, it's actually very helpful if  
17 you read it. Now, there's people out there that probably don't  
18 read them, but I know that I do because that's what my job  
19 entails. I can't make anybody read anything but I know that they  
20 are very -- you know, they have very good information on them.

21 Q. So, when you say that's what your job entails, your job as  
22 the -- and I'm sorry, is it the system production engineer or  
23 assistant production engineer?

24 A. Assistant.

25 Q. Assistant. So, that would be part of your duties then as an

1 assistant production engineer to read and understand being versed

2 --

3 A. Yes.

4 Q. -- in and as an assistant supervisor the same?

5 A. Yes.

6 Q. So, this site-specific work plan how far down the chain would  
7 that information be shared?

8 A. All the way down to the most junior trackman in the gang.

9 Q. So, the most junior trackman in the gang has access to this  
10 site-specific work plan?

11 A. Yes. Yes.

12 Q. Well, I didn't know. And how is that made known?

13 A. Not many people -- not many other trackmen knew that and I  
14 said the is an SSWP and I had to go on and tell them, you know,  
15 this is what this stands for, site-specific work plan, because  
16 some foremen had asked for: Hey, do we have the SSWP, before we  
17 start this job? And I said, yes, here I'll give you one. We'll  
18 go over it. So, --

19 Q. How do they get that? Is it a hard copy you had out?

20 A. Yeah. I'll get it through e-mail and then I'll print them  
21 out, print them out or whatever paper copy.

22 Q. So, they would have to request these, most junior trackmen or  
23 whoever up through the line --

24 A. Yes.

25 Q. -- they would have to request to be given that hardcopy?

1 That I didn't know. And back to this SSWP and that part  
2 concerning not material, not transportation, on all those  
3 logistics, but concerning safety. What would be referenced in  
4 this SSWP concerning safety?

5 A. I believe I said it pretty much has the territory where  
6 you're working. I've never really been a part of one that's  
7 actually been put together. I've never actually been there as one  
8 has been put together. So, I don't know actually what goes into  
9 it. I mean I've never been a part of one, so I don't know. I  
10 mean you can't really comment so, I don't know if there's -- what  
11 else goes into it.

12 Q. Okay.

13 A. I mean I've never just -- I know I plan on putting one  
14 together because that's what my job entails now actually getting  
15 these SSWPs together, but I've never actually been there to put  
16 one together when it's being put together.

17 Q. And you were up on the metropolitan division on that Tuesday?

18 A. Yes. I was in North Philly I think siding. It's just over  
19 the line into the Newark division.

20 Q. Yes. And the day before?

21 A. The day before I was -- I was -- Yeah, I was with the  
22 undercutter the day before because that was a Tuesday. So, Monday  
23 I was with the undercutter.

24 Q. And the undercutter we noticed was not on the track or  
25 working --

1 A. Oh, I was with the unit. I'm sorry. It's the undercutter  
2 unit. I wasn't with the undercutter machine. I was with -- I  
3 bounced around as -- between surfacing and rail because the  
4 undercutter was out of the ground at the time. So, I started my  
5 job on a Monday as an assistant production engineer and then --  
6 but as an assistant supervisor I was going back and forth with  
7 both gangs.

8 Q. So, you just started on Monday and you --

9 A. April the 9th I started as an assistant production engineer.

10 Q. So, I mean while you worked there but you must have had  
11 knowledge about -- either before the incident or afterwards you  
12 must have had some knowledge about the types of work that was bid  
13 before and on that Tuesday morning and specifically was there  
14 surfacing work going on Tuesday morning?

15 A. I do not know. I don't. I don't know any specifics on what  
16 the plan was for that morning or what went on that morning or what  
17 their game plan was.

18 MR. STEARN: No further questions for the BMW at this time.  
19 Thank you.

20 MR. PAYAN: Okay. BLET?

21 MR. FIELDS: No questions for BLET. Thank you.

22 MR. PAYAN: All right. Mr. Hoepf?

23 DR. HOEPF: Thank you.

24 BY DR. HOEPF:

25 Q. Thanks for talking with us, Shane. So, you started to be an

1 assistant production engineer April 9th, 2018, and which was, of  
2 course, after the planning of the work. Before that you said you  
3 were an assistant supervisor?

4 A. (Non-verbal response.)

5 Q. Okay. Actually what (Indiscernible) ask people later. Can  
6 you just kind of walk me through your career, you know,  
7 railroading career? Not like super deep --

8 A. No, no, no. So, I started with Amtrak April 1st, 2013, I got  
9 five years one month. I started out as a trackman just like  
10 everybody else, moved up to an equipment operator, moved up to a  
11 foreman, moved up to an assistant supervisor, and just now took  
12 the promotion as the assistant production engineer, five years.

13 Q. Okay. I got you. So, you just kind moved your way up  
14 through the ranks.

15 A. Yep.

16 Q. Okay. As an assistant supervisor and assistant production  
17 engineer, you know, are those safety jobs, you know, production is  
18 in the title I guess. So, obviously, their production oriented  
19 but --

20 A. Yeah. Every job is a safety job. I mean you want to look  
21 out for everybody. It doesn't matter if you're CEO. I mean I want  
22 you to tell me if I'm doing something wrong or, you know, no job  
23 out here is -- puts safety aside. I can tell you that whether  
24 you're in an office every day or your feet are on the ground.

25 Q. Right.



1 A. So, no, I mean my job entitles safety because I'm looking  
2 over 111 men or whatever is on the force account --

3 Q. Right.

4 A. -- in that unit.

5 Q. Right. So, yeah, okay. I mean, sure, that makes sense. And  
6 so, you know, I'm sure you are familiar with you know actually  
7 working on the rail, you know, the roadway work protections and  
8 stuff from a worker perspective. So, as they are sort of making  
9 this jaunt at (Indiscernible) you know, are there other types of  
10 systems, you know, safety principles that you're being taught or  
11 that you're learning or is it kind of just you have done -- you  
12 have walked the walk and, you know, --

13 A. Well, (Indiscernible) safety starts with me. I got that in a  
14 manager's class.

15 Q. Okay. Well, tell me about that.

16 A. But I haven't learned any different rules. I haven't been  
17 told any false rules, any false ways to go about teaching people.  
18 Joe is probably one of the best people I've worked with and,  
19 obviously, you can see what he's done for this unit as an Amtrak  
20 manager making sure these men are safe. Everybody is okay.  
21 Everybody is going send it through EAP or yeah, EPA and all that  
22 so it's -- no, I haven't been told anything out of the ordinary  
23 that I haven't been taught as a trackman.

24 Q. Uh-huh.

25 A. Or have been tried to have been led down the wrong path, you

1 know.

2 Q. Right. Right. You know, and don't think, you know, I'm  
3 trying to, you know, suggest anything with any of these. What I'm  
4 trying to kind of get an idea is, you know, how does information  
5 flow at Amtrak, you know, how does safety information flow. I  
6 think, you know, we've kind of talked with some other people  
7 about, you know, what in the train, you know, why should we go  
8 through and that sort of thing. But, you know, again, now we are  
9 kind of getting into the, you know, kind of getting into the  
10 higher ranks. And, I know that, again, you didn't plan this  
11 project but as you're kind of learning about how to plan these  
12 projects is that kind of line an on the job training thing or --

13 A. Yeah. I mean everyone learns different but I'm the type of -  
14 - Yeah, I like to be on the ground to learn because I want to make  
15 sure if I'm going to tell somebody what to do I know what I'm  
16 doing before I tell them how to do it.

17 Q. Right. Okay.

18 A. Yeah, definitely like on the job training.

19 Q. Okay. So, I mean I think, you know, what we are kind of  
20 trying to get to here is, you know, let's say you are planning a  
21 job. And if you're not comfortable with any of this just, you  
22 know, if you're not there yet because I understand you're new --

23 A. Yeah.

24 Q. -- just feel free to say, you know, I'm not sure how to  
25 answer that or whatever. But, you know, as you're planning a job,

1 you know, how do you go into assessing the risk that's associated  
2 with that job?

3 A. (No response.)

4 Q. Like just what are some of the factors that you might  
5 consider?

6 A. I mean you could look at, you know, hot spots, you know, this  
7 is a work area with a lot of curves or a lot of noise. I mean we  
8 do have tunnels out here.

9 Q. Uh-huh.

10 A. Like I said before, I haven't actually gone and actually sat  
11 down and actually planned an SSWP or wrote one out.

12 Q. Uh-huh.

13 A. So, it's just hard for me to really comment on how I would go  
14 about doing it because I've never actually done it.

15 Q. Okay. So, the SSWP that is where, you know, the planning of  
16 the job before it happened is that some of the Amtrak management  
17 would scope out a job and then they would figure out what the  
18 risks are and then they would put together a site-specific work  
19 plan so they are making sure that they are (Indiscernible).

20 A. Job, job details and everything.

21 Q. Okay. But you -- I'm sorry, go ahead.

22 A. Yes. Specific details about the work location and the  
23 project.

24 Q. Okay. But you haven't done that yourself?

25 A. No, I have not written one myself.

1 Q. Okay. So, seeing as how you're a little bit new on the  
2 assistant production engineer, maybe let's just talk just little  
3 bit more about your role as an assistant supervisor. Can you tell  
4 me about what you did when you were doing that?

5 A. Oh, yeah, I mean it's I supervise the men, made sure every  
6 morning, you know, the men knew what the goal was. Every job  
7 briefing, I was at, you know, there was always good talk, always -  
8 - never kept my mouth quiet at a job briefing. I always reminded  
9 the men especially in this work location (Indiscernible).

10 You know, anytime somebody new came to a gang walked them out  
11 there personally most of the time and said, look, if you don't  
12 understand what the tracks are, this is what we do. I bounced  
13 around a lot between two different units, surface and a rail. I  
14 pretty much, you know, helped the foreman. Did anything I could to  
15 make sure the day went by safely and productively.

16 Q. Uh-huh. Okay. I got you. and also, maybe you can just to  
17 kind of tie these two together, can you just kind of walk me  
18 through what would be the hierarchy and, you know, at the Amtrak  
19 management. So, let's say starting from like a foreman to, you  
20 know, the role you are in now and then, you know, who do you  
21 report to.

22 A. Okay. So, yeah, the chain of command would be -- it would go  
23 foreman, assistant supervisor, supervisor, assistant production  
24 engineer, manager of the undercutter and then Joe Cavanaugh.

25 Q. Okay.

1 A. So, I'd be like the third in the middle of the chain pretty  
2 much in the role that I'm in right now.

3 Q. Okay. Okay. I got you. I got you. And then so, not to  
4 belabor the point here but I mean and, again, I know that you're  
5 new here your understanding as far as the assistant production  
6 engineer what's going to be your primary responsibility then, I  
7 mean you said you do anticipate that in that level that, you know,  
8 given these site-specific work plans that's going to be something  
9 you're going to be doing as you're moving forward?

10 A. Yeah. My job is to manage a project make sure it's done  
11 safely, make sure it's done productively, make sure it's done on  
12 time. Any issues that arise that may hold us up or -- and I'm not  
13 just saying obstruction under the ground. I'm saying safety. So,  
14 if it came to an instance where, you know, the men were  
15 approaching me or the supervisor is saying, you know, saying we  
16 need to advertise more jobs because of watchmen and that's like an  
17 example of what I would do. I'm sitting there -- I'm also at the  
18 same time going to go out and plan other jobs too.

19 So, what my job is to manage and over see the whole  
20 operation, you know, make sure it's running smoothly, safely and  
21 productively.

22 Q. Okay. Okay.

23 DR. HOEPF: All right, thank you, Shane. I'm going to pass  
24 it back off to Ruben for now.

25 MR. PAYAN: Okay. You doing okay? You need a break or you

1 want to keep going?

2 MR. CAMPBELL: No, I'm good. I'm good.

3 MR. PAYAN: All right. They are not being too rough on you,  
4 are they?

5 MR. CAMPBELL: No.

6 MR. PAYAN: I didn't think so.

7 BY MR. PAYAN:

8 Q. As assistant supervisor you were with the undercutter gang,  
9 correct?

10 A. Yes.

11 Q. So, let me stick with that. So, you're told on March 15th or  
12 you started on March 15th, you're going to go from Bowie to Grove.  
13 You were handed an SSWP for that job?

14 A. Yes.

15 Q. Do you get to review it and comment back or is there any  
16 feedback from you as a field person?

17 A. I mean SSWPs have changed before jobs have come out. They'll  
18 be sent out early and guys will make comments, you know, we can  
19 add this contact to this list or whatever it may be.

20 Q. Okay.

21 A. There have been changes too.

22 Q. So, there is a channel for you to provide feedback?

23 A. Yeah, but a job won't -- it won't change when in the middle  
24 of a job. The won't start until the SSWP is correct. That's  
25 correct, right.

1 Q. Okay. That's what I was -- and as assistant supervisor did  
2 you ever get involved with problems with the watchmen? Like, if  
3 there was a watchman out there that was always falling asleep or  
4 looking the other way and complaints came up would you get  
5 involved with any of that and did you ever get --?

6 A. I have never been involved with it but if the issue arose or  
7 came about, yeah, I would get involved.

8 Q. Okay. So, if they did --

9 A. You know, it would be -- it would probably be, you know,  
10 obviously the foreman would come to me and say, man we have an  
11 issue with this guy. Watch him we need to do something.

12 Q. Okay.

13 A. And then we would address the issue.

14 Q. Okay.

15 A. That's never come to my attention.

16 Q. Okay. That was my next question. Very good.

17 MR. PAYAN: I think that's all I have right now.

18 FRA?

19 MR. HURLEY: No questions for the FRA.

20 MR. PAYAN: Amtrak.

21 MR. DeFRANCESCO:

22 Q. Just one more. As a supervisor or a manager, do you usually  
23 hold safety meetings with your group?

24 A. (Non-verbal response.)

25 Q. You got to verbally answer please.

1 A. Oh, yeah. I'm sorry. I keep forgetting.

2 Q. What types of things do you talk about like hazards, upcoming  
3 and --

4 A. Yes. So, going along with the SSWP before we start any  
5 project and that's about to bring us up to you, Steve, we always  
6 have a safety meeting, always. Right now, we are just at hotels  
7 so we go in the conference room below and we go over what the game  
8 plan is. It's pretty much my boss going over the SSWP. You know,  
9 we've stressed and stressed and stressed before we started we are  
10 in a center track. It's dangerous. You know, everyone needs to  
11 pay attention to detail. And we let everybody know, you know,  
12 safety starts with me. Look out for yourself. Make sure you're  
13 in the clear. If you're not sure ask questions.

14 So, I mean, yeah, before we start any project we always do a  
15 safety meeting. We actually spend the whole day in a conference  
16 room a lot bigger than this but -- and we go over everything. We  
17 answer any questions. We don't leave that room until everybody  
18 has a clear understanding of the job and/or task at hand and what  
19 needs to be done.

20 Q. Top to bottom, total brief?

21 A. Yes.

22 Q. Hit all the areas?

23 A. Yes. I mean I have some very good mentors (Indiscernible) I  
24 learned from Mike Broden (ph.) very good supervisor. J.P. Miller  
25 very good. Now, that I have worked for Joe for the past two weeks



1 I mean he's probably one of the best managers I've worked for.  
2 You know what I mean, to see what he's done for these men, what  
3 they've been through, to support them like he does, I think Amtrak  
4 has a bad name. They need to call me Joe Cavanaugh is what I  
5 think because he's done a great job of looking out for us. And I  
6 told him I appreciate it and I know the men do. But as far as  
7 this team that we have this is great. I don't think there's  
8 anything more we could do to be safer. I mean we -- like I said  
9 we have a meeting before every project. So, that'd pretty  
10 thorough. This one was very very thorough.

11 MR. DeFRANCESCO: I have nothing else.

12 MR. PAYAN: Okay.

13 Mr. Stearn.

14 BY MR. STEARN:

15 Q. Steve Stearn, Maintenance of Way group. This meeting while  
16 we are on that track, who is there, everybody?

17 A. Everybody in the unit. Yeah. I mean from trackmen on up.  
18 Now, obviously, you know, if a guy is on vacation or something --  
19 but, yeah, everyone, supervisors, managers.

20 Q. Cool.

21 A. It's actually a pretty good meeting.

22 Q. And heading back to the SSWP Amtrak decides to engage in a  
23 project whatever it might be, parties come together whoever they  
24 might be and begin drafting up and editing and commenting and  
25 meetings over and at the end of someday there's a final product;

1 would that be generally how that works for the SSWP and then more  
2 further is there like and approval or it gets adopted or--

3 A. I have never been through the process. So, I couldn't  
4 comment on that. I don't know. I don't know the way that it  
5 works.

6 MR. STEARN: Okay. Nothing further.

7 MR. PAYAN: Okay. BLE?

8 BY MR. FIELDS:

9 Q. BLE Carl fields. Shane, did you have a chance to review the  
10 accident area?

11 A. I was -- I got a call when it happened. So, I was down  
12 there, yes.

13 Q. Are you familiar with the placement of the proposed watchmen  
14 that were in place at the time of the accident?

15 A. I can't say exactly where he was. I don't know exactly where  
16 he was standing, no, but that's (Indiscernible) I don't know?

17 Q. Or any of them for a matter of fact?

18 A. No, like I said, I was in North Philadelphia so I just showed  
19 up pretty much to what everybody else here showed up to.

20 Q. Since the incident have you and/or Amtrak managers reviewed  
21 the placement of watchmen prior to work starting?

22 A. In this particular unit or just Amtrak?

23 Q. Amtrak anywhere that you know of.

24 A. We have safety stand down about, you know, not specifics,  
25 obviously detailed specifics or what have you but, yeah, we go

1 over a safety stand down on, you know, this is pretty much what  
2 happened and we all will sit there and we'll talk and we won't  
3 start work for the day until everyone has a clear understanding of  
4 what their job is. I know the unit that I work in right now is a  
5 smaller unit. It's only probably 25 guys in each gang. But, yes,  
6 I mean we talked about, you know, going over safety rules like 300  
7 rules in RWP book, went over multiple rules before, you know, we  
8 even went back to work after this happened.

9 Q. So, then prior to starting the work at a job site, were you  
10 recognized where the watchmen are placed prior to them beginning  
11 work?

12 A. Will I?

13 Q. Yes, you.

14 A. After like the foreman puts them out?

15 Q. Correct.

16 A. Yeah, yeah. Well, before any work starts the watchmen have  
17 to do a whistle test. So, nobody even goes out on the tracks  
18 until, you know, a whistle test is performed. So, no work even  
19 starts until everyone in the unit is happy with the watchman  
20 placement.

21 Q. We heard about the whistle test earlier prior testing, prior  
22 interviews and what I'm trying to find out is: your capacity as a  
23 manager prior to work and during the work do you review and see  
24 where the watchmen are placed to make sure that they are in the  
25 clear of any possible, you know, line of fire?

1 A. I mean as the job I'm in now like I said I'm -- I could be,  
2 you know, tomorrow I could be in a meeting or I could be right  
3 there in the field. And if I -- me personally if I do see  
4 something that I don't think is right, then, yeah, I will say  
5 something. See something, say something is a good motto to go by.

6 But since I've worked in that unit up until this point, I  
7 mean I think the two or three foremen that I've worked with the  
8 closest there are some of the safest foremen I've worked with. I  
9 mean always whistle test, personally walk the watchmen, I mean  
10 personally holding them and take them and say, you stand right  
11 here. I mean so they are -- they are not like, oh, hey, go up  
12 four poles and you're good. They'll physically walk the watchmen  
13 where they are supposed to be.

14 Q. So, in that thread where Luke was struck or in the proximity  
15 there of, you're familiar with around the area where he was struck  
16 at?

17 A. Yeah, I'm familiar. Yeah, because I showed up on the scene.  
18 So, I'm pretty sure where he was standing. I'm not positive.

19 Q. Okay. Is there any place where he could do his job with due  
20 diligence using the panel as a visual and the air horn to where  
21 the flagmen to his north and/or south could see him, where he  
22 should be placed?

23 A. I can't say. I don't know where he was standing. Where was  
24 he standing at? I don't know where he was standing. So, I mean,  
25 unless you can tell me where he was physically standing I can't

1 give you an answer on if there was a better place for him to  
2 stand. I mean that's --

3 Q. Okay. And one of the last is: Have you ever heard and/or  
4 taken an exception to a foreman requesting more watch?

5 A. I've shot unit -- I've shut down an operation to give a  
6 foreman more watch.

7 Q. That's my next question. Thank you. That's all I have.

8 A. Yeah. And I know Joe well enough, I know my other boss J.P.  
9 well enough that if they ask me, you know, why did a tamper get  
10 shut down? I say we needed adequate watching with the one in the  
11 back or with the rail gang. They never once argued. But safety  
12 is the main priority for all of us whether you're management or  
13 trackmen, supervisor we all want to go home the same way we came  
14 to work.

15 Q. One more question, all right, if you don't mind. The whistle  
16 test you do it -- do you do it both prior to starting up the  
17 equipment and after the equipment is fired up?

18 A. Yes. What they'll do is they'll -- obviously you have go to  
19 get the men to the equipment. They'll set the watchman out,  
20 nothing is running, men are in their equipment. Well, they'll do  
21 their whistle test before the men get there, boot, boot, boot;  
22 whatever they have to do. The men get in their equipment. Our  
23 equipment operators start everything up and do another whistle  
24 test.

25 Q. Okay.

1 A. If there needs to be additional watch then we'll add an  
2 additional watch.

3 Q. Thank you.

4 MR. FIELDS: That's all I have. Appreciate it.

5 MR. PAYAN: All right. thank you.

6 Mr. Hoepf?

7 BY DR. HOEPF:

8 Q. All right. Thanks. You still doing all right?

9 A. Yeah.

10 Q. Okay. Just let us know if you need a break or anything.

11 A. No, I'm all right.

12 Q. Okay. So, I apologize if this is redundant. So, there's a  
13 site-specific work plan created for this job and you didn't, you  
14 know, (Indiscernible) creation of but you read it.

15 A. Yes.

16 Q. Yes.

17 A. Can't read everyone, yes.

18 Q. Okay. Okay. Do you recall what was in that from a safety  
19 perspective?

20 A. No. Like I said it just -- it pretty much has in there, you  
21 know, contact numbers, specific, you know, work location, what the  
22 plan is, when the job is supposed, you know, to start, when it's  
23 supposed to finish, you know, who to get a hold of, things like  
24 that.

25 Q. Were there any -- was there a discussion or any indication of

1 hazard, hazard identification?

2 A. Yeah, like I said, even in the meeting before everything  
3 starts we go over everything. You know, we go, you know, there's  
4 big curves here or the track splits here and it goes in either  
5 direction or there's a station here. So, yeah, I mean there's,  
6 you know, there's deep ditches or there's access road isn't very,  
7 you know, I wouldn't say safe but it goes -- it had potholes. We  
8 talk about almost everything.

9 Q. Okay

10 A. So, we go over a lot of stuff. So, I mean the main focus was  
11 being a center track.

12 Q. Okay. Okay. So, the SSWP talks about the center track as  
13 being a hazard. So, what's risky about working in a center track?

14 A. I mean standing two track when you got two trains going by at  
15 125 miles-an-hour you tell me. I mean it's dangerous just being  
16 outside of the (Indiscernible). But you're working in a center  
17 track and you have trains going any time, any direction on both  
18 tracks next to you. So, I mean it's very dangerous.

19 Q. Yeah, I mean, you know, I wouldn't want to work there. I  
20 mean I wouldn't want to be center track with trains going by at  
21 100 some mile-an-hour on both sides. I mean that sounds like a  
22 pretty hazardous situation. You know, sounds like there was also  
23 a curve around there, you know, so it's obstructing train  
24 visibility. So, yeah, I mean it's a pretty hazardous situation.  
25 So, you know, the fact about some watchmen is there anything else

1 that Amtrak does to mitigate the risk associated with, you know, a  
2 hazardous situation like that?

3 A. I mean you can get (Indiscernible) time if (Indiscernible)  
4 time is available. If it's available. I mean Amtrak's job is to  
5 run trains. I mean, obviously, that's where a passenger --  
6 they're a passenger company. But I mean I believe everything --  
7 Amtrak gives us everything to remain safe if you ask me. I mean  
8 watchmen -- I mean I don't --

9 Q. So, how about, you know, how about slowing trains down; is  
10 that an option?

11 A. 5-mile-an-hour train is going kill you the same way a 105-  
12 mile-an-hour train is going to kill you. That's just my honest  
13 opinion.

14 Q. So, I mean -- so you don't think that it would --

15 A. You can't even hear the things. I mean trains aren't as loud  
16 as you think they are. So, --

17 Q. So, you don't see that as being an impact on risk?

18 A. I don't see train speed being an impact on risk.

19 Q. Okay. Are you familiar with the accident that occurred in  
20 Chester in 2016?

21 A. I didn't get specifics. Just, you know, word of mouth, word  
22 travels fast on the railroad.

23 Q. Did Amtrak management have any kind of safety stand down?

24 A. Oh, yeah, yeah, definitely that. Yeah, safety stand down.  
25 And, obviously, you guys have your own investigation that I don't



1 even this is actually final to this point, is it? I don't know --

2 UNIDENTIFIED SPEAKER: It is. Last November.

3 BY DR. HOEPF:

4 Q. It is.

5 A. Yes, I mean -- I mean I knew Joe and Pete. Did I work with  
6 them every day, no. But yeah, there's always a safety stand down.  
7 It doesn't even have to be a fatality. It could be an employee  
8 gets injured. Hey, look, this guy, you know, on December 1st at  
9 10:00, you know, he tripped and fell, you know, this is what could  
10 have been done to be prevented and so on and so forth. So, yeah,  
11 there's always alert safety alerts, system safety alerts. You  
12 know, if FRA ever comes out with anything, obviously, it's passed  
13 down to Amtrak if it involves Amtrak. Yeah, they are very very  
14 good at sending out safety alerts.

15 Q. Do you know if Amtrak has done anything as a response to  
16 Chester?

17 A. Yeah. They have positive train control. Use shunt straps,  
18 which have always been available. But, like I said, I wasn't part  
19 of that situation. So, I don't really know how to comment on  
20 that. I don't.

21 Q. Yeah.

22 A. Like I said, Amtrak provides everything to make the job safe.  
23 It's on you as an individual, like I say, safety starts with me.  
24 If you want to use those devices or whatever you want to call  
25 them.

1 Q. Well, sir, how about, you know, in terms of you, the  
2 individual responsibility there, you talked about the site-  
3 specific work plans, you know, physically distributing copies, so,  
4 I mean do those go to everybody, do you have to request those?

5 A. I mean they can go to anybody who wants them. I mean I can  
6 give you one if you wanted one. But I mean they are passed out,  
7 you know, to the supervisors, the foremen look over them. Every  
8 now and then, you know, a trackman will say, hey, can I look at  
9 it? Can I see it?

10 Q. So, is it -- are the foremen supposed to look at them?

11 A. Yeah. I mean, yeah, they should. I mean --

12 Q. And then --

13 A. It's like a chain of command, just like the military, you  
14 know, it gets passed down. You know, me I tall depends on how you  
15 are as a supervisor.

16 Q. Right.

17 A. Me, yes, I handed them out because I want my men to know.

18 Q. Right. I'm just trying to get an idea of, somebody plans to  
19 work, somebody is responsible for identifying hazards, mitigating  
20 those hazards, and, you know, communicating the information down  
21 the hierarchy, you know, and I'm not saying that person was you,  
22 but, you know, I'm just trying to get an idea of, you know, we've  
23 got this hazardous situation, we've got trains going by on two  
24 sides at 10 mile-an-hour around a track and you have got some  
25 watchmen out there. Is that it? I mean have we -- is there

1 anything else that's going on that we can get to, you know,  
2 mitigate the risk there? Is there some other thought process  
3 that's going into this?

4 A. Yeah. I mean there's a job briefing every single morning.  
5 There's on track briefings every single morning and all that is  
6 discussed at every single brief and nobody signs that sheet  
7 because the last question is any comments or concerns. We won't  
8 start work until everybody is on the same page. Today we're going  
9 out to an S curve. The foremen will even state in the briefing  
10 I'm going to use 8 to watchmen. Somebody says, no, that ain't  
11 right. Well, we are going to sit there and we'll figure it out  
12 before we go to work.

13 Q. Okay.

14 A. I mean that's why we -- I mean every day we have an on-track  
15 briefing and a job briefing before work starts.

16 Q. I got you.

17 A. Discusses all that. Discusses specific work location, the  
18 physical character, the worst physical characteristics of the work  
19 Location, track speeds, direction of the traffic, how many  
20 watchmen, do watchmen -- do all the watchmen have all their gear,  
21 I mean it goes through everything. Pretty specific.

22 Q. Okay.

23 DR. HOEPF: Thanks, Shane.

24 MR. PAYAN: All right. I think we are getting close here.

25 BY MR. PAYAN:

1 Q. As assistant supervisor you had the undercutter gang and you  
2 mentioned another gang?

3 A. Well, so, when I say undercutter I'm referring to the whole  
4 unit because it's referred to as the undercutter unit. But it's  
5 composed of three small like subunits. So, you have the  
6 undercutter machine that works and you have behind that a  
7 surfacing gang that works --

8 Q. Okay.

9 A. -- and then you have the rail gang behind that.

10 Q. Okay. And each one of those has a foreman, they report to  
11 you?

12 A. Yeah, each gang I believe actually has two foremen.

13 Q. Okay.

14 A. Two or three.

15 Q. Okay. And then I thought you mentioned somebody in -- a gang  
16 in Newark, is that --

17 A. That's the -- no, that's the unit that I'm with now as an  
18 assistant production engineer.

19 Q. So, assistant supervisor it was just undercutter?

20 A. I was just -- yeah, just with that.

21 Q. Okay. And how much territory did you cover with them?

22 A. As far as in one job or --?

23 Q. No. What territory were you responsible -- were you for the  
24 whole corridor, anywhere they needed you?

25 A. No. I went wherever that unit -- where ever that gang went

1 is where -- if the undercutter was in Bowie, Maryland I was in  
2 Bowie.

3 Q. Okay. But the undercutter they worked the whole corridor  
4 anywhere they needed them on the corridor?

5 A. Yes. Yeah. Yes. I mean three months from now, you know, if  
6 it's in the plans to go to Harrisburg line, that's where we go as  
7 a unit.

8 Q. Okay. Now, as the assistant production engineer what's your  
9 territory?

10 A. So, right now, I'm with independent track south working on  
11 the mid-Atlantic division, you know, between D.C. and North  
12 Philadelphia right now and then there's also a gang on the  
13 Harrisburg line from Philly west down to Harrisburg.

14 Q. Okay. And how many other assistant production engineers are  
15 there?

16 A. With?

17 Q. How many other of you are there in Amtrak?

18 A. Oh, I don't know. I couldn't even give you a number.

19 Q. There's more than one though?

20 A. Yes. Definitely more than one.

21 Q. Okay. So, you're not the only one that's going to do the  
22 SSWPs for the whole --

23 A. No. No, no.

24 Q. Okay. That was my question.

25 A. Yeah.

1 MR. PAYAN: Okay. That's all I have. I'll go around again.

2 FRA?

3 MR. HURLEY: Nothing for FRA.

4 MR. PAYAN: Amtrak?

5 MR. DeFRANCESCO: (Non-verbal response.)

6 MR. PAYAN: No. Mr. Stearn, BWE?

7 BY MR. STEARN:

8 Q. Steve Stearn, Maintenance of Way. Shane, you talked about  
9 with this group out there when you were an assistant supervisor,  
10 really good guys, really good foremen.

11 A. Yes. Yes.

12 Q. All the workers?

13 A. Yes. I mean very very good power working group of men and  
14 women. Sorry.

15 Q. Have you been in contact with some of these workers, foremen,  
16 et cetera since the -- since Tuesday?

17 A. Yeah, yes.

18 Q. And we all know the mindset. I guess the question that will  
19 undercutter now working Bowie to Grove and at some point, that  
20 will be completed, is the plan to come then Grove to Bowie a  
21 different track or back in this location and how would that and  
22 their mindset from an incident at 119 factor into their daily work  
23 routine, whether it be at Bowie or public places? Is that  
24 concerning to you?

25 A. Yeah. I'm not just going to say me, but I'm going to say as

1 Amtrak and whole our management team with the undercutter that's  
2 already been brought up. We will accommodate the men whatever it  
3 takes if we do go back to that area. If them guys come to us and  
4 say, you know, we can't work here, so be it. You might have to go  
5 up to Grove and do whatever you got to do, but we are not going to  
6 put you back through that if you don't want to. We will  
7 accommodate the men and we have already talked about that so  
8 that's already been brought up.

9 Q. And the SSWP, I'm sorry to keep going there, but it's not  
10 required reading, it's just if requested we can see that? Is that  
11 how it works for the guy -- and I'm only talking about the guys,  
12 foremen down?

13 A. It's -- I would say, yeah, it's required. It's e-mailed, you  
14 know, from someone whoever, you know, obviously come up with it it  
15 comes to me. And then like I said, it's -- as a supervisor, you  
16 know, it's up to the supervisor to pass it out to the men just  
17 like anything else works. You know, if my boss doesn't send it to  
18 me then, obviously, he did something wrong or whatever. So, it's  
19 got to get pass that level and pass that level and keep going  
20 down.

21 Q. So, Shane, you started at the bottom, entry level position,  
22 worked your way up. At some point, I'm assuming, you must have  
23 been a watchman?

24 A. Yes.

25 Q. And how was that for you?

1 A. I hated to watch because I like to work. So, it was my job.  
2 I knew what my task was everyday at hand. I knew what my job  
3 entitled, what my goal was to keep the men safe and most  
4 importantly to keep myself safe too. So --

5 Q. And then in being a watchman, was it to your understanding a  
6 more than common practice to adhere to whistle tests? Does  
7 everybody do them or are some more lax than others, some, you  
8 know, more --

9 A. I've always been part of whistle tests. But I've always been  
10 around, like I said, great mentors. I've always worked under Mike  
11 Broden as trackman, as an operator and stuff like that. So, yeah,  
12 I've always been around whistle tests.

13 Q. Do you get the sense that the men and women working out there  
14 understand that initially when we hit a jobsite that we are going  
15 to post watchmen before others can occupy any of the tracks that  
16 we are going to do a whistle test but then once equipment is  
17 running maybe another test is required or additional watchmen are  
18 placed before of noise and other conditions?

19 A. Yes. With me with my men, yes. I can't comment on how  
20 anybody else runs their unit, but I know in this unit that's --  
21 yes, we do that every day. All the men know to, you know, if  
22 you're a trackman you're going to get off the bus, have all your  
23 gear, we are not even going to send you out there to even attempt  
24 to watch without the right gear.

25 Q. And so, we run into a work location where we post watchmen,



1 we get men on equipment and performing work and we discover we  
2 don't have enough watchmen and now we don't have enough men, what  
3 do we do?

4 A. Well, all work is going to stop, banners are going to go up.  
5 We are going to clear the tracks. If we got to re-brief, we'll  
6 re-brief. We'll bring everybody together and we'll say, you know,  
7 we'll come to a conclusion what's the issue. To say, one of the  
8 watchmen will says we don't have enough, or one of the operators  
9 will say, you know, I couldn't hear his horn. We'll get back  
10 together and we'll re-brief and we go at it again with more  
11 watchmen.

12 Q. So, some equipment is on the rail road, in and out of service  
13 like was the circumstances at Bowie, welding trucks, de-clippers,  
14 whatever they might be, even a surfacing unit; is it common  
15 practice for those workers to use the radio or their equipment to  
16 warn or help warn each other of the approach of trains?

17 A. I mean you'll hear somebody on a radio just say hot rail.  
18 You know, most of the time we are already in the clear. So, yeah,  
19 I mean it's -- it's the brotherly thing to do. You're not just  
20 going to sit there in silence. You're going to toot your horn.  
21 Whenever I ran a piece of equipment; toot toot, hot rail on  
22 southbound on three track. That's not how we clear. We clear by  
23 boot and this, watchmen.

24 Q. But it's pretty common practice for Maintenance of Way  
25 equipment and those operators to use radios and their horns in

1 addition to or some do some, don't, it's not -- is it required?

2 A. No. It's not required. No. They are doing it as a helping  
3 hand, is what they're doing. But that's not what we go by to  
4 clear, because, obviously, you know when you go forward two honks,  
5 when you go backwards three honks. That's by rule. So, you can't  
6 go by that or you'll be jumping around all day.

7 Q. In you work experience as being a watchman and being in other  
8 positions up to and including now, is there -- do you notice  
9 differences in watchmen in a double bubble circumstance?

10 A. Like physically watching them? No, but I do know the horns  
11 go off a lot more and then you'll also get that double bubble,  
12 double bubble is what, you know, the rail road sign for double  
13 bubble, yeah. But, yeah, horns will -- you know as a railway  
14 worker just even myself you know what -- toot, toot, toot the  
15 horns coming and all of a sudden you know you hear even more going  
16 on. You'll hear it actually come back through the cycle and you  
17 know something is up.

18 Q. And then again --

19 A. That's just from me being out there too. You know, I mean  
20 for five years it's not a long time but it's just for me being  
21 around it too and working in the center track multiple times.

22 Q. I had another question and lost it. It may come back. I  
23 don't know.

24 MR. STEARN: Sorry. Nothing further.

25 MR. PAYAN: Okay.

1 Mr. fields?

2 MR. FIELDS: Nothing, thank you.

3 MR. PAYAN: Mr. Hoepf?

4 DR. HOEPF: Thanks, Ruben.

5 BY DR. HOEPF:

6 Q. You still doing all right?

7 A. Yeah.

8 Q. Okay. Can you just tell me a little bit about the Safety  
9 Starts with Me?

10 A. Safety Starts with Me is a program where you go in and you --  
11 it's all about accountability. Holding yourself accountable for  
12 anything safety wise or see something, say something. Like I said  
13 know what your job is. If you don't know ask questions. But it's  
14 being held accountable for your actions, you know. Just know that  
15 you're also out there looking out for yourself also. You got to  
16 make sure your own self is safe, obviously. But, yeah, I mean  
17 that's pretty much what it's all about. What it says Safety  
18 Starts with Me. If I'm being a bad leader and I'm not showing  
19 somebody the right thing to do then I'm leading by bad example.  
20 So, how Safety Starts with Me then it's not going to start with  
21 him or vice versa. So, it's all, you know, lead by example, being  
22 held accountable for your actions, know what your job is, what the  
23 task at hand is, and just, you know, being as safe as possible.

24 Q. Okay. So, you think it's a pretty good program?

25 A. Yes.

1 Q. Do you know when it started?

2 A. Not specific dates. I actually took it like my first week as  
3 being a supervisor, assistant supervisor so I'd say I probably  
4 went in, I don't know, August of 2016, is when it was.

5 Q. Does everybody take it or just supervisors?

6 A. I'm not sure. I know that I was in a class with managers and  
7 supervisors.

8 Q. Uh-huh.

9 A. Supervision and management.

10 Q. Okay. Actually, I'm just trying to get a general idea. Are  
11 you part of a union?

12 A. I'm part of two unions, but actually -- I'm a non-agreement  
13 employee, but I still pay union dues in two different unions. But  
14 no, I'm not a part of one now. I still keep my dues up.

15 Q. Okay. Okay. I got you. Did Safety Starts with Me replace  
16 another program?

17 A. I don't -- to be honest I don't know. I know there was a  
18 program safe to safer. But I'm not going to say that replaced  
19 that. No, I don't -- I don't think the intention was to replace  
20 anything.

21 Q. Uh-huh. Okay. Do you have a close call reporting system?

22 A. Yeah. Well, I mean most of the time, you know, engineers  
23 will, you know, call in close calls and all that. There's a whole  
24 system you got to go through.

25 Q. Uh-huh. Do you know what the name of that system is or is

1 that just like one of your supervisors?

2 A. If we have a close call out on the tracks?

3 Q. Yeah. Well, I mean anybody. I'm just wondering I mean like  
4 is there --

5 A. I mean from -- just from my knowledge I don't know if it's  
6 just, you know, engineers call out close calls or not. You know  
7 what I mean so --

8 Q. But like -- all right like, let's say like it doesn't have to  
9 be like a close call like that. you know, I mean my question is  
10 say, you see something that's unsafe and like let's say you just  
11 wanted to report it anonymously or something, would you have a  
12 channel you can do that?

13 A. Oh, yeah, anything unsafe you can always report. You can go,  
14 you know, if you're a trackman, you go to the foreman. If the  
15 foreman doesn't know he goes to his supervisor. And then it'll go  
16 up until somebody gets an answer.

17 Q. Okay. Is there like a -- could you do it anonymously, do  
18 they somehow if you want to, it would be like a system where, you  
19 know, just put it on line or like, you know, call some independent  
20 group or something like that? Or is it just going through chain  
21 of command?

22 A. Not the I know of. No, not anonymously or anything unsafe.  
23 I mean I guess if you wanted to call Amtrak police and say you saw  
24 something but you want to remain anonymous. But, no, most of the  
25 time us out here as workers we don't see something we like we are

1 going to say something face-to-face so somebody knows what's going  
2 on. We're not going to keep it anonymous and say, we're out here  
3 and this is this. Nobody wants nothing -- we don't want to keep  
4 nothing a secret because we want to be as safe as we can.

5 Q. Uh-huh. Uh-huh. Okay. I just want -- yeah. I'm just  
6 wondering if there was some kind of like system or something  
7 there. Okay. and then, you know, I already asked you about this  
8 but, I just, you know, I just want to revisit this. So, there's  
9 been no discussion about speed restrictions as a result of the  
10 Chester, accident I mean is that -- that's not like an option that  
11 you have like you couldn't go and say, hey, we need to slow trains  
12 down?

13 A. No. That's --

14 Q. I mean could you do that if you wanted to?

15 A. I'm sure, you know, if we got together and we asked and we  
16 could come -- I'm pretty sure Amtrak as a group could come to  
17 conclusion on something. But there's, you know, with the incident  
18 there's certain forms now that have to be filed out that came out  
19 after that like Form O's, transfer authority forms where you have  
20 to physically meet with the person you're transferring the track  
21 from in person.

22 Q. Uh-huh.

23 A. It's no more this over the phone or whatever -- whatever may  
24 have happened in that situation.

25 Q. Right.

1 A. So, yeah, there's implementations that Amtrak has put out due  
2 to that, you know, like I said they came out, obviously, with the  
3 positive train control.

4 Q. Right.

5 A. And the certain forms, the Form O's, transfer of authority  
6 forms and all that.

7 Q. Right. Right. But I just, you know, I have a hard time, you  
8 know, I guess my view doesn't really matter here, but I mean I  
9 understand if you get hit by a train going 5-miles-an-hour or 100-  
10 miles-an-hour it doesn't matter. You know, the risk in terms of  
11 the outcome is going to be the same. But, you know, we're talking  
12 about slowing down trains, you know, to give people more of a  
13 reaction chance to get out of the way, or, you know, react to  
14 trains, I mean, you know, from the perspective that you give  
15 somebody a little bit more time to react to the incoming trains,  
16 you think maybe from that perspective that, you know --

17 A. I mean could it definitely help the situation, yeah. Yes.  
18 Slowing trains down could help the situation. But that's out of  
19 my control. I can't -- I don't make the decisions on whether to  
20 slow the trains down. Can I suggest it?

21 Q. Yeah.

22 A. Yeah, like we just talked about. Yeah, I can make a  
23 suggestion. Hey, boss, this is what we are thinking, you know, a  
24 couple guys said, why can't we, you know, have the trains a 60-  
25 mile-an-hour restriction between the work location?

1 Q. Right.

2 A. So, and then from there it goes wherever it goes. I don't  
3 know how the process works. How it actually gets broken down.

4 Q. Uh-huh.

5 A. I mean, obviously, if a train is coming through the work area  
6 at 125 you may have, you know, so many seconds to clear and so  
7 many feet, but if it's coming through at 60 you may have double  
8 that.

9 Q. Right. Right. Right.

10 A. And I think that's what you were trying to ask me earlier.

11 Q. Yeah.

12 A. Okay. Yeah. That's what you were trying to ask me.

13 Q. (Indiscernible).

14 A. Yeah, definitely, I mean yeah. Obviously, even more time you  
15 can have the clear is better.

16 Q. Right. right. Yeah, I'm more so looking -- you know, and I  
17 appreciate the clarification. I'm looking to see, you know, what  
18 tools, you know, what bag of tools are being provided, you know,  
19 to you guys as you plan needs work, you say, hey, you know this  
20 corner around maybe you look at (Indiscernible) time, maybe extra  
21 watchmen, maybe we can still train. Then, you know, what is that,  
22 you know, bag of tricks look like, you know, tools look like.

23 One of the other thing we've seen too is that, you know, you  
24 have got these air horns and, you know, you can blow them again  
25 for like a double bubble situation but I'm trying to think too



1 like if there's something -- is there like another means of  
2 communication, you know, I know the watchmen already have both  
3 their hands full but, you know, it's these double bubble  
4 situations kind of seem to be another hazard, you know, is there  
5 something else that, you know, they can do, you know, to maybe  
6 warn people, you know, that maybe they are directing your  
7 attention one way and, you know, they are not paying attention,  
8 you know, with trains going 100-some mile-an-hour you don't, you  
9 know, there's not a lot of room for error there. So, that's what  
10 they were trying to have here just a discussion about, you know,  
11 what the risk mitigation strategies are possible, what, you know,  
12 is out there.

13 So, along those veins do you have any suggestions I mean in  
14 terms of safety improvements related to this --

15 A. You know, I think it's pretty clear it says in the book, you  
16 know, the watchman puts his banner up clear all tracks, clear all  
17 live tracks. Make sure you are in the clear and you're informed  
18 at the job briefing and you signed off stating that you understood  
19 the pre-determined place of safety.

20 Q. Uh-huh.

21 A. And that's just my opinion, you know, that's -- you signed  
22 off on a federal document in the morning, job briefing and on-  
23 track briefing that you had a clear understanding of where to  
24 clear, what was going on, where you're working at, what type of  
25 protection you're being provided. So, it doesn't matter if there

1 were 50 tracks, you know that when the banner goes up you are  
2 either to be in point A, point B, point C or point D, however many  
3 positions there are to clear.

4 Q. Uh-huh.

5 A. So, I mean somebody might come up with something that's  
6 safer. But I think what we have now is safe enough. I mean I  
7 don't know how any clearer it could be. I mean you sign off on  
8 something and you have a clear understanding of it, you know, then  
9 -- that's pretty much it. I mean it's -- you know as a railway  
10 worker, you knew at RWP when the banner goes up make sure you're  
11 in the clear or you are in the predetermined place of safety.  
12 That's what it is on job briefing.

13 Q. Uh-huh. Yeah, I mean right, shouldn't matter, you know, you  
14 should be in place of clearing. So, I understand that.

15 DR. HOEPF: All right. Well, I appreciate it.

16 Ruben.

17 MR. PAYAN: I thought I was finished. Just one quick follow-  
18 up.

19 BY MR. PAYAN:

20 Q. Say your foreman does recommend or think speed reduction is  
21 warranted, he floats it up to you. You take it up to your  
22 supervisor. How far up the chain does it go before somebody  
23 decides there is a speed reduction required?

24 A. I'm not -- I'm not --

25 Q. You don't know?

1 A. I don't know how high it goes. Like I said, I'm still new to  
2 the whole management, you know, the latter how -- where things --  
3 you know, certain decisions get made. Now, there are decisions I  
4 can make on my own without having to go to my boss or Joe.

5 Q. Uh-huh.

6 A. You know because that's my duty to make those type of  
7 decisions. But as the job I'm in now that's not my decision to  
8 say, okay, tomorrow we are putting a 60 mile-an-hour on. Now,  
9 I've got transportation calling me saying: why is there a speed  
10 restriction out here?

11 Q. Okay. But as assistant supervisor --

12 A. I would go -- as an assistant supervisor I would go to my  
13 supervisor and then he would pass it along the chain of command  
14 like I gave you guys earlier.

15 Q. Okay. Yeah. Is safety anywhere, the safety department  
16 anywhere looped in there that you know?

17 A. Yeah, you have got safety liaisons it'll go through. You  
18 have, you know, obviously, the safety department is going to want  
19 to hear about anything that can make a job safer.

20 Q. But I mean specifically to a speed reduction, are they cut in  
21 and they can overrule somebody that you know of?

22 A. Not that I know of. I don't know.

23 Q. I mean -- let me give you a scenario. You float up a request  
24 for a temporary speed restriction. It goes up the chain of  
25 command. It comes down and says, no. Keep working.

1 A. Safety is going to step in.

2 Q. Do you have that option to go somewhere sideways and float up  
3 the request again?

4 A. Yeah. We can keep sending it.

5 Q. But to a supervisor or somebody else?

6 A. I mean I would -- yeah, to the next person in the chain of  
7 command, which would be my boss. So, --

8 Q. We are still talking track department.

9 A. Okay. As an assistant supervisor?

10 Q. Uh-huh.

11 A. Yeah, I would go to my supervisor.

12 Q. Okay. But say it went up the chain and came back down and  
13 you're still concerned. Say, this is a really bad area. And I  
14 don't mean to put you in a spot. I'm just wondering is there an  
15 alternative you can reconsider or your request to be reconsidered?

16 A. Well, you could go to the -- I mean, obviously, you know,  
17 like I said there's safety liaisons. You get them involved. You  
18 know, you say, hey, so and so, your safety liaison for the gang.  
19 This is an issue we are having. Obviously, they could bring it up  
20 to a union meeting.

21 Q. Okay.

22 A. The union could go to senior management or wherever they go  
23 to.

24 Q. Okay. All right. So, there are options.

25 A. Yes. Oh, yes.

1 Q. All right. Very good. That's all I had.

2 MR. PAYAN: I'll open it up. Did your question come back?

3 MR. STEARN: No, that one didn't, but 15 others did if you  
4 don't mind.

5 MR. STEARN:

6 Q. Steve Stearn, Maintenance of Way. Just real quick to help me  
7 understand the hierarchy. I pretty much am good with, you know,  
8 trackmen up through (Indiscernible) et cetera, until we get to the  
9 foreman. You talked about for you, Shane, it was foreman, then  
10 assistant supervisor, the supervisor, assistant production  
11 engineer, manager and then the director. So, I'm wondering not  
12 counting the foreman, but could you help me fill in the blanks  
13 with the names of these. So, you're the assistant supervisor for  
14 this project who would that have been?

15 A. After I left it was Alex Predobical (ph.). I don't know how  
16 to spell his last name.

17 Q. Yeah, nobody does probably. I know Rowden your super.

18 A. Rowden's supervisor.

19 Q. Then you?

20 A. Yes.

21 Q. As the assistant production engineer.

22 A. Now, the undercutter actually has two right now, assistant  
23 production engineers.

24 Q. Oh, you and someone else?

25 A. No. No. I'm not with the undercutter. I'm with Independent

1 Track South.

2 Q. So, then the assistant production engineer with the cutter is  
3 who?

4 A. There's two of them.

5 Q. Who are they?

6 A. One guy is Pat Palmer and the other guy is Simon Chafer  
7 (ph.).

8 Q. And so then after then the manager and you would have the  
9 different manager at Independent Track?

10 A. No. I have the same manager.

11 Q. And that manager is J.P. Miller?

12 A. Yes.

13 Q. And then Mr. Cavanaugh is your director, and so that's  
14 generally the line up of directory points. And then do you know  
15 after Mr. Cavanaugh, who is --

16 A. No. I don't know directly who is after him. I don't want to  
17 say no names. I don't want to make any assumptions.

18 Q. Sure.

19 MR. FIELDS: Shane, Thanks for coming in. No further  
20 questions.

21 MR. PAYAN: Okay. All right. I think that's everybody. Any  
22 other closing out? I think we captured all the background  
23 information, your name and all that.

24 BY MR. PAYAN:

25 Q. In your position as assistant supervisor, can you kind of

1 just walk us through what certification, railroad certifications  
2 you're required to have and if you have them? I guess they are  
3 to date.

4 A. Yeah. You need obviously, RWP, AMT2, NORAC, and W1000 and  
5 you have to actually pass an ARASA test.

6 Q. Okay.

7 A. ARASA is the union. So, you have to actually score, if you  
8 want to be, you know, there's a general foreman, assistant  
9 supervisor and supervisor in the ARASA union are three positions  
10 and you have to score, you know, a certain percentage to get -- to  
11 be able to hold one of those jobs.

12 Q. Okay. And as assistant production engineer what  
13 qualifications do you have or do you need?

14 A. You got to have the same ones I just stated, you know, the  
15 RWP, AMP2, MW1000, the NORAC. The ARASA test you can have. You  
16 don't necessarily have to -- yeah, ARASA test. I'm sorry. And  
17 years of experience.

18 Q. Okay. And those tests that you or the certifications that  
19 you mentioned is one of those physical characteristics?

20 A. As a foreman, yeah. Now, some jobs -- some are supervisor  
21 jobs, like subdivision jobs, they require physical  
22 characteristics. Now, as a, you know, big large unit that travels  
23 a lot most assistant supervisors don't need PCs.

24 Q. Okay. How about on your current position assistant  
25 production engineer?

1 A. No.

2 Q. But you're going to be writing SSWPs, you don't need physical  
3 characteristics for that?

4 A. Not to be tested, no. I don't have to pass a physical  
5 characteristics test.

6 MR. PAYAN: Okay. Okay. All right. That's all I Have. It's  
7 1:12 and I think you for coming in and helping us out. I'm going  
8 to give you my business card and you can call me if you have any  
9 ideas that might help us out in this investigation. And we are  
10 off the record.

11 (Whereupon, the interview was concluded.)

12

13

14

15

16

17

18

19

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:           AMTRAK WORKER FATALITY  
                                  BOWIE, MARYLAND  
                                  APRIL 24, 2018  
                                  Interview of

ACCIDENT NO.:               RRD18FR006

PLACE:                        Linthicum, Maryland

DATE:                         May 1, 2018

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.



---

Letha J. Wheeler  
Transcriber