From: David Casaceli
To: Alexy, Karl (FRA); Michael Hiller; FRA[redacted]
Subject: RE: Response to questions regarding the contractor fatality at great Barrington, MA
Date: Wednesday, January 10, 2024 11:15:00 AM

Thank you, Karl. We appreciate the written responses and the commitment to timely responses to our subsequent questions.

The follow-ups we have for the FRA are below:

In the operations surrounding this accident (RRD23FR015) on the Housatonic Railroad (HRRC), Middlesex Corporation was contracted directly by the Massachusetts Department of Transportation (MassDOT) to perform track work on the Berkshire Line. This line was previously owned by HRRC, and sold to MassDOT, who now owns the track, with the Housatonic Railroad continuing freight operations on the line. We want to ensure our proper understanding of the applicability of the relevant FRA regulations to each of these three entities: HRRC, Middlesex, and MassDOT.

1. Is Middlesex Corporation considered a railroad contractor or contractor to a railroad for the purposes of Parts 214, 225, 243, and other CFR parts?
    a. If yes, which entity is considered the 'railroad' regarding the regulations that put requirements on a railroad utilizing contractors? Is that entity the same for all FRA regulations?
        i. (Example 1: Part 243.209 requires railroads to maintain a list of contractors utilized; who must keep this list: MassDOT or the Housatonic Railroad? Example 2: Part 225 requires railroads to report injuries/fatalities that occur to railroad contractors to the FRA; which entity was required to report this fatality?)
2. Is MassDOT considered a 'railroad' or 'railroad contractor' under FRA regulations, such as Parts 214, 225, 243, or other CFR parts?
3. Regarding this accident, was the fatality properly reported to FRA? If not, please provide any additional relevant details you may have.

I believe these are the final questions for the FRA from NTSB's investigative team regarding this accident. Thank you for your continued support of the investigation.

David F Casaceli PE

Railroad Accident Investigator
National Transportation Safety Board