

UNITED STATES OF AMERICA

NATIONAL TRANSPORTATION SAFETY BOARD

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Investigation of: *

HOUSATONIC RAILROAD WORKER FATALITY *

IN NORTH CANAAN, CONNECTICUT *

ON OCTOBER 14, 2020 *

Accident No.: RRD21FR002

* * * * *

Interview of: MATTHEW BOARDMAN, Project Engineer
Housatonic Railroad, Connecticut

Via Microsoft Teams

Wednesday,
October 21, 2020

APPEARANCES:

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National Transportation Safety Board

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I N T E R V I E W

(1:21 p.m.)

1
2
3 MR. SMITH: All right. So good afternoon. It's 1:21. My
4 name is Owen Smith. I'm the IIC with the Federal Railroad
5 Administration, and we're going to do some introductions first.
6 There's three -- six of us here present right now.

7 So to my left is Matt Boardman. Can you spell your last
8 name?

9 MR. M. BOARDMAN: It's Matt Boardman, Matthew Boardman
10 actually, B-o-a-r-d-m-a-n.

11 MR. DiPIETRO: Greg DiPietro with the FRA is present.

12 MR. E. BOARDMAN: Eric Boardman with the Housatonic Railroad
13 is present.

14 MR. YOUNG: John Young, counsel for Housatonic.

15 MR. BAILLY: P.J. Bailly, Housatonic.

16 MR. SMITH: Okay. So we're here with Matt Boardman.
17 And, Greg, if you'd like to begin.

18 MR. DiPIETRO: Sure, okay.

19 MR. SMITH: Just before that, Greg, is it -- I mean, Matt, is
20 it okay if we record this conversation?

21 MR. M. BOARDMAN: Yes, it's okay that you record it.

22 MR. SMITH: And is it okay that the NTSB observe as well?

23 MR. M. BOARDMAN: Absolutely, yes.

24 MR. SMITH: Okay.

25 INTERVIEW OF MATTHEW BOARDMAN

1 BY MR. DiPIETRO:

2 Q. Okay, all right. Matt, thanks again. To start off, I guess
3 if you wouldn't mind telling us about starting with your -- how
4 long you've had years of service with Housatonic, and your job
5 titles up through from when you started and your position now, and
6 a little bit about your experience and what you do for Housatonic?

7 A. I started out on the Housatonic in the spring of 1994 as a
8 summer job, you know, when I was home from college. The first
9 summer was involved heavily with new construction with grade
10 crossings so I worked closely with the signal department through
11 that summer of '94. I returned in the summer of '95 again as in a
12 part-time fashion on the track, obviously duties were installing
13 ties, changing rail and all other aspects of track maintenance.
14 That job also went into the summer of '90 -- let's say '94, '95,
15 '96 and I graduated from the University of Massachusetts fall
16 semester with a civil and environmental degree in engineering.

17 And after that December graduation, I started full-time on
18 the Housatonic Railroad, at that time still in the track
19 department, and in that summer of '97, I was offered the project
20 engineer position which put me in charge of track signal, bridges,
21 plus all aspects of construction, quoting of projects and that
22 sort of thing. And I've held that position since the summer of
23 '97, and that title remains with me today as project engineer, so
24 approximately 25 years of experience.

25 Q. Thank you. Following that, if you would take your time and,

1 you know, however you want to describe to us the day, last
2 Wednesday, the start of the day, how it began, where it began,
3 what time and just describe the work you guys did and the events
4 leading up to the incident?

5 A. Well, actually the day, last Wednesday actually began on
6 Tuesday, and Tuesday began as a planning of Wednesday, which was
7 the removal and replacement of a turnout in North Canaan. And on
8 Tuesday, because we had two tracks and were able to remove a
9 portion of the turnout and still service our customers and keep
10 the track safe, we removed as much of the turnout as possible
11 which included the closure rails and a portion of the track
12 leading up to the north Y which was going to be unused throughout
13 Tuesday and Wednesday.

14 So then Tuesday was a very rainy day. We worked through the
15 day, you know, between raindrops, preparing as much as we possibly
16 could in anticipation of, you know, a full day on Wednesday.
17 Wednesday began at 6:30, 0630 report time. We started out down at
18 our trailer where we normally report to talk about, you know, kind
19 of the day's tasks, the day's duties.

20 Wednesday was a unique day in that we took the liberty of a
21 brand new log truck. And so the four of us that were working
22 together that day met with the gentleman that delivered the log
23 truck, and we went over some of the specifics of the log truck
24 while we were waiting for operations to service the customer and
25 clear our portion of the track so we could begin our tasks for the

1 day, which was the remainder of the turnout and the replacement of
2 the turnout. I don't recall how long we were with the log truck
3 gentleman, but it was probably an hour to an hour and a half
4 overall time with him.

5 And in that, in that period of time or shortly after that
6 period of time, we talked about we need to take the track out of
7 service. I don't know if Warren had taken the track out of
8 service earlier in that day, but at some point in that morning, he
9 had taken the track out of service which was a Norak (ph.) Line 4
10 exclusive track occupancy for us to do our work. You know, the
11 limits were Canaan to end of track. It is a yard track off of our
12 Canaan yard track; it encompasses two Ys plus approximately 3,000
13 or 3,500 feet of track up to our customer, so that was done
14 through the dispatcher.

15 And in Canaan at that time and during that week, there was
16 multiple jobs that were occurring, some of them were related to
17 this work, which is the replacement -- the ultimate replacement of
18 two grade crossings in the center of town. There's a contractor
19 working with a flagman that was doing drainage work in relation to
20 this, and I know that there was a bridge contact -- excuse me,
21 contractor that was working further up in town, so there was
22 flagman on duty for the mainline portion of the track. We had the
23 yard track to the side that went up to our customer. Once our
24 customer was served communication between us, Warren specifically,
25 and the train had occurred, you know, we're done for the day;

1 we're all set on the hill, something to that effect, which meant
2 that we could begin our tasks for the day.

3 And Warren had coordinated with a couple of the other guys to
4 start torching the joints apart so that we could remove the track
5 in the existing turnout with the ultimate goal of excavating the
6 track. Some of it was handwork, i.e., removing spikes, torching
7 the joints apart, that sort of thing, taking apart the turnout in
8 general, points, connecting rods, switch, switch stand. I think
9 we pulled all the spikes by hand. It was an older turnout and,
10 you know, the timbers were older, so they didn't fight that hard
11 as far as needing hydraulic equipment to do the work. Four of us,
12 you know, were in constant communication throughout the morning,
13 throughout the day, as a matter of fact, and kind of planning out
14 our work, what we were going to do, what we were going to do next,
15 how we were going to do it.

16 I had a couple of guys that are newer to the industry, and we
17 were trying to, trying to tell them how we want to do things,
18 where we wanted to excavate, what kind of grade we want to have,
19 what kind of an opening we wanted to have. And then ultimately,
20 you know, the crossing was going to come up 2 inches, so we wanted
21 to over-excavate to a depth of 16-1/2 inches we settled on below
22 the top of the existing rail. There was a grade there, and I was
23 explaining to Henry Beckwith how the laser level worked and how it
24 basically puts out a plate in a light form and we just match the
25 grade by, you know, matching two ends of the top of rail to the

1 top of rail in the opening where we were going to excavate. And
2 some of the details of how or where we were excavating to and from
3 were already laid out ahead of time the week prior to, we had
4 marks on the rail where we wanted to make cuts, where we wanted to
5 remove track ties and rail to and from to be able to facilitate
6 the turnout replacement.

7 And, you know, as we went through the day, Warren typically
8 runs the log truck, albeit all four of us run the log truck, but
9 that was part of his task for the day was operating the log truck.
10 And we began by removing the rail. When Warren loaded up the
11 rail, the frog, the turnouts, that sort of thing, we were throwing
12 the old plates and stuff to the side of the track, making them in
13 somewhat of a neat pile so that later it could be picked up with a
14 magnet.

15 The old, the old spikes, we put in old spike kegs so that
16 they were easier to pick up. I remember Henry asking why we were
17 putting them in the kegs. It just -- you know, it was just easier
18 to pick them up, you know, you grab, grab one, one keg and it's
19 got, you know, 50 to 100 spikes, and it's easier than just
20 magnetizing them up, even though they were scrap. So we were just
21 kind of trying to make as neat and orderly of a construction site
22 as we possibly could, separating everything out as much as we
23 possibly could, scrap from different size plates, different slide
24 plates, et cetera, so that when it does get magnetized up, you know,
25 you can separate them within the truck for easier loading, easier

1 unloading. And that was the task through the day for that portion
2 of the construction.

3 While Warren was away bringing the rails that we had picked
4 up and removed that morning, I started with the excavator to pile
5 the old ties and timbers in one pile where he could backup and
6 grab them on the next load. And I began doing that, you know, as
7 he was away. He wasn't away that long, I mean it could have been
8 half an hour but, you know, in construction time, we were right
9 there working within Canaan, so where he brought the materials to
10 wasn't that far. Ties and timbers were all piled up, you know,
11 the other two guys were watching as we -- as I was doing that task
12 and Warren was doing his task of removing them from the area.

13 Once those ties and timbers were out, I had done some rough
14 grading starting from -- working from east to west, east being
15 where the crossing was, west being towards where we had the
16 turnout panel. And without taking elevation shots, I just did a
17 rough grade through there with the bucket and piled up, you know,
18 the excess material that I could see for load out into a side dump
19 which we had the operations place on the Y track just west of our
20 location so that we could remove the spoils throughout the day.

21 The advantage of where we were working was we could -- the
22 train could spot the car and then go about their work during the
23 day during -- in Canaan doing their switching, and then as we
24 needed them, they could come back and grab the car and dump it
25 again. And that's how we, we kind of planned that amongst

1 ourselves how we would handle that. Once that I had done the
2 rough grade, we had allowed the train crew to come into the out of
3 service, remove the car, go dump it and bring it back empty.

4 In that meantime, I had started -- I had changed buckets from
5 a rough digging or a bucket with teeth on it to a cleanup bucket
6 that has just a smooth edge on it for more of a fine grading and
7 cleanup. It's called a clean -- we call it a cleanup bucket.
8 It's referred to in many different fashions, but we call it a
9 cleanup bucket. And with that cleanup bucket, Warren and myself
10 had set what we wanted for an elevation which was that 16-1/2
11 inches of depth. We had set the grade which was -- I believe it
12 was almost 1.3 percent in looking at the remote that I had in my
13 pocket, and all the while explaining to the other two guys what we
14 were doing and why we were doing that, and it was just a rough
15 match of the grade.

16 And I don't know if we talked about surfacing at a later
17 date, but we were at least explaining what we wanted to do in the
18 meantime. And then we commenced, you know, doing the grades, more
19 fine tuning in more, in more detail and working together with
20 Warren and myself. Warren was running the stick which had the --
21 it's an audible, so he can hear it, he can hear it beep. I can
22 hear it as well in the excavator, it beeps. Even though he's
23 approximately 20 to 25 feet in front of me, I can still hear it.
24 So when he takes an elevation shot, that audible is there; I can
25 hear it.

1 If I don't hear it, sometimes Warren would indicate, you
2 know, that -- he would indicate to me that it was good by a
3 washout or a safe sign, if you will, from an umpire, and if it
4 wasn't good, he would either point up or point down. And he would
5 verbalize, you know, down an inch, and I could read his lips, down
6 an inch, up an inch, up three-quarters. But I could also hear
7 him; he was close enough where I could hear him. And we worked
8 throughout the day kind of working, you know, east to west in
9 doing so.

10 As we worked along and I dug it down, Tom was folding in the
11 edges. There was a wind row, you know, that the bucket, you know,
12 kind of leaves behind towards the edge of the excavated area. To
13 my immediate left was an old siding and ties sticking out of the
14 ground, so I was following that edge. To the right side was a
15 lawn that I was kind of, you know, in my mind following what was
16 the out -- the extreme outside of the ditch or the swale. And Tom
17 was working kind of behind Warren to fold that in, and we were
18 laughing at trying to make -- kind of make light of Tom's garden.
19 He was out there raking it, you know, Tom's garden. Tom, I'm
20 going to screw up your garden here again. And, you know, we're
21 kind of laughing and having fun at that.

22 But as we worked along, you know, again in close proximity
23 with one another, continuing on to the west, the car got more and
24 more loaded, you know, more material in it. I had to get around
25 to the side of the car to load the extreme west end of the car

1 because I couldn't reach over the knuckle. I couldn't -- I didn't
2 have enough reach to reach the far end of the car to load it. So
3 I was dragging the material down kind of beside the car and, you
4 know, I kept working with both Tom and Henry to a lesser degree,
5 Tom and Warren to more of a degree so that they could see my
6 swing.

7 The excavator, you know, has a counterweight where the motor
8 is located that's in my extreme back of the machine, and when I
9 swing either left or right, I can't exactly see where the backend
10 of the machine is. So I don't remember if it was verbal or non-
11 verbal, but the non-verbal would have been pointing in the air and
12 twirling my finger in a circular motion kind of with a perplexed
13 look on my face to one of the guys on the ground, and they knew
14 that that meant to look at my backside to make sure I had enough
15 swing.

16 In fact, on the one side, it didn't have enough swing. There
17 was trees that were in the way, and we were making a comment that,
18 you know, Canaan is notorious for planting shit on the railroad
19 all the time with no regard to the railroad property, trying to
20 hide it, because, you know, didn't like the looks of it, whatever,
21 but always trying to beautify. But when you're trying to do
22 construction work, you know, the trees are in the way. Warren
23 had, at that time, gone to the log truck and took out a chainsaw
24 and trimmed up some of the sides of those trees so that I had room
25 to swing and load that end of the car.

1 We proceeded to do that, and we got to the point where the
2 entire car was full, and then we had discussions on what we were
3 going to do next, because at that time, you know, the train crew
4 had finished up their work for the day, so they weren't available
5 to move the car. Then we had discussions about, don't worry about
6 it, you know, the next crew's coming on. We can have them nose
7 onto it, you know, get this car out of here, put it up at the
8 airport property, somewhere out of our way and, you know, we can
9 dump it tomorrow. Because we didn't really need to get rid of
10 that material at that point in time; we just wanted to get the car
11 kind of out of our way. So we had moved the car, you know, on our
12 own with a piece of equipment that's equipped to move the car just
13 down the tracks a little bit -- and I say a little, a couple
14 hundred feet -- and tied the car down.

15 And in my mind, I thought we were kind of done with our
16 excavating, and Warren says, no, we need to go a little bit
17 further. I said, a little bit further? He said, yeah, we've got
18 to remove a little bit more of the track. Because the newer
19 turnout, the timbers had longer timbers at the back of the
20 turnout, whereas the old turnout had what we call interlaced ties.
21 So it didn't have long timbers; it had ties that offset one
22 another, and they laced it similar to how your fingers come
23 together, and that was the construction of that kind of turnout at
24 the time.

25 So we had already cut the rails in the morning. We had just

1 left the joint bars together so that we could keep the dump car as
2 close to the excavated hole as possible. And Warren had got in
3 the Pettibone speed swing and had moved the dump car kind of out
4 of the way. And I said, how much do we need to go, how much more
5 do we need to excavate? I don't know, I'll go pace it off and see
6 where we're at. Okay. So he went and had paced it off. I think
7 I had -- at the time, I had already removed those extra rails to
8 the west, but he had gone to pace it off, because we wanted to
9 know how many extra ties that we needed to remove and, you know,
10 excavate the hole, excavate further to the west to be able to
11 facilitate the new turnout.

12 And he had gone back, he had paced it, and he had come up to
13 me on the side of the machine and said, we need to go to
14 approximately right here. And the way I was oriented looking to
15 the east, there wasn't a lot of room to be able to work there to,
16 one, grab the ties out of the way and excavate the material. So I
17 had set myself back down into the hole where I had already
18 excavated and started plucking out the ties. The ties that I
19 plucked out were probably 10 or maybe, maybe 10, maybe 15 -- I
20 don't know. It wasn't that many but approximately another 20 feet
21 or so. And I had done that from the hole, and I had deposited the
22 ties in a pile on the south side of the track kind of out of our
23 way. And once the ties were out of the way, I had more material
24 that I needed to excavate in that 15 or 20 feet or so.

25 And I had done as much as I could from the angle that I was

1 and piled that material to the south as well. It was in a neat
2 kind of wind row pile, off to the side but out of our way. And as
3 I worked closer to where we needed to make the transition where
4 we're going to leave the ties for now, I changed my location, and
5 I moved kind of to the north and to the west where the old north Y
6 track would have been. And we worked together to finish
7 excavating all that material out, and once that was done and we
8 were satisfied that the hole was open and we needed -- that we had
9 as much as we needed to excavate, I set myself back up out of the
10 hole, one end at a time, and then ultimately back on the tracks,
11 back on the high rails. At that time --

12 Q. When you say one end at a time, do you mean you were using
13 your boom to position your -- yeah?

14 A. Because, because my -- because I was down in the hole, I was
15 below the ties, I was below the rail. I was assisting with the
16 boom to kind of pick myself up and move along, you know, to the
17 higher ground, if you will.

18 Q. Yeah, got you. Thank you.

19 A. And then I set myself back on the rail using the same method,
20 and once I was on the rail, I had moved myself to the west, to the
21 very extreme west. My work truck was down on the west end. I'm
22 not sure if I went down for an iced tea or something to drink or
23 something like that, but I was -- I moved to the west anyway.

24 I had heard Warren say, I want to double check and make sure
25 my measurements are correct. And he had gone to the log truck,

1 and we had a tape that was provided with the turnout that -- where
2 we bought the turnouts from, they provided, they provide a long
3 tape measure that's probably 200 or 250 feet. So he had went and
4 he grabbed that tape. Tom and Warren had measured the opening of
5 where we had excavated, and then they brought their tape measure,
6 you know, further to the west closer to where I was and measured
7 the opening of the -- or, sorry, measured the overall length of
8 the turnout.

9 And it was at that time that I rolled back to the east
10 figuring that, you know, our next task was going to be to put the
11 skid rails -- and when I refer to skid rails, we had the turnout
12 on rollers and we had rails joint barred together so that we could
13 easily roll this entire turnout down into the hole. Once it was
14 in the excavated hole, we were going to remove the rails out from
15 underneath the turnout. We had discussions, you know, days and
16 the week prior to how, how we were actually going to do that.
17 We'd all talked about maybe using vegetable oil on the rails to be
18 able to skid them out easier so that they would slide, you know,
19 even on the dirt, stone, ties, et cetera. But we didn't end up
20 doing it. I say, we'll be able to lift it up enough to just get
21 the weight off it. We can yank it out, worst case we'll hook a
22 locomotive to the rail and we'll get it out of there. So there
23 was some discussion on that, but it wasn't, it wasn't a big
24 concern, a big worry.

25 But I had moved back to the east, and Warren was on the

1 extreme west end of the turnout, and I rolled up to him and I
2 said, are we good? And he said, we've got two feet. And I didn't
3 understand what he said -- what he meant by two feet. I didn't
4 know if we had two feet extra or we needed two more feet. And at
5 this time, when I rolled up to him, I was a little bit east of
6 him, so I was, I was leaning out of the excavator door, which was
7 open on my extreme left. He was further left, further to my left
8 at the end of the turnout. I would describe him as being at my
9 seven o'clock, twelve o'clock being straight ahead, you know, six
10 o'clock being the extreme behind my seven o'clock.

11 And I was leaning out of the excavator door and talking to
12 him, you know, when we were discussing that two feet, I didn't
13 understand what two feet meant. Two feet, do we need two feet
14 more or we're two feet over? No, we're two feet over. Oh, then
15 we're good? Yes, we're good. Where did I leave my rail tongs?
16 Rail tongs are up at the end of the panels up there by Tom. Tom
17 was further east, because he was holding the east end of the tape
18 measure, so he was already at the east end of the turnout. So
19 okay. Once I had confirmed where my rail tongs were, I
20 immediately looked to Tom's direction, could see that Tom was in
21 front of me. Henry was further up from that, probably at the far
22 end of those panels, maybe a little bit further, and Warren was
23 still at my seven o'clock.

24 I proceeded to move slowly to the east. My concentration was
25 where I was going. I was just traveling the machine on the

1 tracks, and I caught a glimpse of motion to my extreme periphery
2 in the left, and I knew that there shouldn't have been anything
3 there, so I immediately stopped. And when I stopped and looked
4 and leaned out, that's when I noticed Warren's head just in front
5 of the rear tire staring up at me. I must have had, I must have
6 had a very startled look on my face, because I immediately turned
7 to Tom, who was in front of me and to my right, call it my two
8 o'clock, my one o'clock, my two o'clock. He immediately came over
9 to the side of the machine and leaned down. He looked up at me
10 and he says, back up, and I backed up just a little bit, maybe a
11 foot. Back up a little bit more. I backed up maybe another foot.

12 And once I had backed up that second time, I could see
13 Warren's body at that point laying flat on the ground, you know,
14 staring skyward. It was at that point that I immediately got on
15 the radio 104 to the dispatcher, I need an ambulance, emergency.
16 And she had questioned where we were, and I said, we're behind the
17 John Deere place, you know, on the -- I don't know if I said the
18 south Y, but I said we're behind the John Deere. Okay.

19 I turned the machine off and got out of the machine and got
20 down on the -- I was standing on the ground kind of towards the
21 front of the machine. Tom was at the back of the machine kind of
22 leaning on the machine at that point. I turned to Tom, I says,
23 what the hell happened? He looked at me with a very blank stare
24 and says, I didn't see it. And we didn't speak any more about
25 that, and some time went by, and we had heard nothing. I don't

1 remember if I had gotten on the radio at that point or if it was a
2 little bit later looking for an update, but in that meantime, my
3 brother Eric had called me because he had heard it on the radio,
4 what's happened? And I think I said something to the effect that
5 Warren got hurt or Warren got run over, I don't remember, but
6 something to that effect. Okay.

7 In the meantime, it seemed like an eternity sitting there
8 waiting. Henry yelled over to me because he didn't come near the
9 scene. He had stayed up where he was. Do you want me to go over
10 to the ambulance facility and knock on the door? I say yes, go.
11 The ambulance facility is approximately a quarter to half a mile
12 to the east of our location. So he immediately went in the truck
13 and went over there and started banging on the door to try and get
14 help. I know there was a period of time there that had gone by.
15 He had called me, he says, I can't get -- there's nobody here.
16 There's no cars here -- or there was two cars here and there's
17 nobody here. I can't get anybody.

18 And I think maybe it was at that time that I got back on the
19 radio and says, dispatcher, do you have an update? I don't
20 have -- I don't remember exactly what she said. But it was
21 something to the effect that we're trying to get an ambulance or
22 they're trying to find an ambulance. I don't know. And I said
23 well then call fucking Great Barrington then. And I turned to
24 Tom, I say, what can we do for him? Tom looked at me and said,
25 nothing, there's nothing we can do. I was watching him. I was

1 looking at Warren on the ground with blood coming out of his
2 mouth, choking, and I leaned down over him and gently put both of
3 my hands on each side of his cheek and turned his head so that the
4 blood would drain from his mouth. I know there was nothing else
5 that I could do. I'm not trained as an EMT, but I knew that was
6 the human thing to do.

7 It was shortly after that that a first responder had showed
8 up and started to take charge of the scene. And once the first
9 responders had showed up, I had walked back to the west and leaned
10 down on the turnout. I had leaned down on the turnout and just
11 held my head down, because I couldn't watch the scene. And
12 that -- I don't remember -- at that point, I was in shock, but I
13 don't remember a lot more after that.

14 Q. Do you want to take a little break, Matt?

15 A. No, we can keep going. It's not going to get any easier.

16 Q. Well, thank you. I had a couple questions just from your
17 discussion. You mentioned earlier you had a remote in your
18 pocket?

19 A. Yes.

20 Q. That was for the transit you had?

21 A. Yes.

22 Q. Could you describe exactly what that remote does?

23 A. What the remote does is it -- you can adjust your level, your
24 grade, both in the -- they refer to in the X and Y. You can --
25 you basically from a remote location such as, you know, 100 feet

1 away, you can take that laser level and adjust the grade. And
2 what I was doing was adjusting the grade to match top of rail at
3 the crossing, the top of rail at the west end of the turnout.
4 Once the grade is matched, then you can add 16-1/2 inches, which
5 is what we did to the stick, so that your excavation is 16-1/2
6 inches lower.

7 Q. And does this remote make any noise directly or is it just to
8 address the height and any noise comes --

9 A. The only thing it does is it matches the -- you can hear the
10 -- once it matches the grade, it will make a sound, and then you
11 just acknowledge it, and then it sets the laser level.

12 Q. Okay. There'll probably be a few questions we get to later
13 that kind of address things like this, you know, distractions and
14 stuff. Do you -- that basically the way it's designed, it's not a
15 distraction, you don't believe if you're operating the machine
16 with the --

17 A. No, that's part of the operation. You're looking for those
18 audible cues -- you know, the man that's running the stick is
19 looking for those audible cues, and then it's just a beep that
20 tells you that your grade is good. The man running the stick can
21 see that, and the portion that's attached to the stick will tell
22 you that. If you're too high or too low, it will tell you within
23 say an inch or so or two, I'm not sure. But it will tell you
24 right on the display that you need to come up or down.

25 Q. Okay.

1 BY MR. SMITH:

2 Q. Matt, was that equipment being used at the time of the
3 incident or was it already done at that time?

4 A. Nope, we were done at -- we were already done with that.

5 Q. Okay, great. It sounds -- you know, the way you describe,
6 you know, the situation around the machine, it seems like you're
7 very aware of the characteristics of it and experienced. Could
8 you describe some operating credentials you have, do you have a
9 hoisting license, CDL, et cetera?

10 A. I have a CDL license, and I do not have a hoisting license.
11 I've grown up around equipment. I grew up on a farm. I've
12 operated equipment probably before I could drive.

13 Q. Okay.

14 A. So I've been operating equipment for over 40 years.

15 Q. A Class A or a B CDL?

16 A. B.

17 Q. Class B.

18 BY MR. DiPIETRO:

19 Q. Just something I wanted to go back to if you wouldn't mind?

20 A. Sure.

21 Q. Placing ourselves at the conversation about the tongs.

22 A. Yes.

23 Q. Is that where -- I believe you said that you asked where the
24 tongs were because you were getting ready to move rail?

25 A. Correct.

1 Q. And so that was basically your next task was to move the
2 machine up east to get to the tongs --

3 A. Correct.

4 Q. -- in order to move around?

5 A. Yes.

6 Q. Okay.

7 BY MR. SMITH:

8 Q. Getting closer to the incident, you were -- or actually right
9 immediately after the incident occurred, you mentioned that Tom
10 was at your two o'clock which would have been to the right of the
11 machine?

12 A. Correct.

13 Q. I just want to make sure, because it doesn't quite line up
14 with the way I understood it, so I guess what I'm asking is, where
15 was he in reference to the panel?

16 A. There was two panels.

17 Q. Yeah.

18 A. You had the switch panel to my extreme left and then there
19 was some track panels to my right.

20 Q. Okay. And he went over to the older --

21 A. He was over by the track panels which would have been my two
22 o'clock.

23 Q. Okay.

24 A. Approximately two o'clock.

25 Q. All right. So that explains why he probably didn't see

1 anything because, you know.

2 A. He was, he was in front of and towards the right.

3 Q. So his view would have been obstructed of the --

4 A. Would have been obstructed by the machine.

5 Q. Yeah. And, you know, my apologies, this question might be a
6 little blunt but --

7 A. Yep, go ahead.

8 Q. When you decided to move the machine --

9 A. Yes.

10 Q. -- after your discussion with Warren, why did you decide to
11 move the machine? Did you feel it was safe, you know, did you
12 have a discussion with Warren to -- that he was supposed to stay
13 out of the way?

14 A. I had leaned out of the machine, which was -- you know, the
15 cab of the excavator is on the left side of the machine. Warren
16 was further to my left, and I had to lean out of the door and look
17 to my back, if you will, my -- I refer to it as my seven o'clock.
18 It was to my left and behind where I was -- where my cab was,
19 where I was sitting, and had asked him about the two feet and
20 questioned whether we had two feet too much or two -- not enough,
21 and he had said two feet more, that -- it was -- two feet more.
22 So then we're good? Yes. Where are my rail tongs? They're up at
23 the end of the switch -- up at the end of the panels.

24 Q. Okay. And then after that, you started to move eastward?

25 A. Correct.

1 Q. And seconds later, you see a spark kind of in your
2 peripherals and --

3 A. I see a movement on my very extreme peripheral, because
4 again, I was facing forward, I was looking forward, I was
5 concentrating forward in the direction that I was traveling.

6 Q. Okay, thank you. So let's see. I mean, you really got into
7 great detail about the dynamic with your team. I mean, it seems
8 to me that machine's quiet enough that you'd get a pretty good
9 awareness of your surroundings, would you agree with that, yeah or
10 no?

11 A. The machine, while it does make noise, when you're sitting in
12 the cab, you're somewhat shielded from that noise; it's behind
13 you. And on a nice day that it was last week, beautiful fall day
14 with the sun out, I had the window -- the front window open and
15 the side door open.

16 Q. And is this -- when you do jobs like this, do you normally
17 run the excavator?

18 A. Yeah, a lot of the times I do, yes. I do have others that
19 run it. When you get into some of the finer details on really
20 trying, trying to pull a grade and stuff like that, if you have
21 somebody that's more familiar with the machine, let's face it,
22 we've all seen people operate machines that make it look very easy
23 until you sit in the seat.

24 BY MR. SMITH:

25 Q. Matt, was there conversation at that time when you asked --

1 after you asked about where the tongs were, did Warren know -- was
2 there conversation about you moving up to go retrieve them, or was
3 he telling you anything? Could you maybe --

4 A. There was no further discussion after I said, where are my
5 tongs? They're up there at the end of the turnout -- or they're
6 up there at the end of the panels.

7 Q. And when you said he's at your seven o'clock, you know, we
8 project that backwards, would you say he's kind of in line with
9 the rear counterweight (indiscernible) position, or was he a bit
10 further from like the rear of the machine itself?

11 A. When I say on my seven o'clock, I had to lean out of the cab
12 and look behind me to my extreme left. He was not next to the
13 machine; he was a number of feet away from the machine at my seven
14 o'clock.

15 Q. Okay. So he was kind of behind the machine but, you know, to
16 the side of it?

17 A. Correct.

18 MR. SMITH: I have no questions. Do you have any questions
19 you want to ask or --

20 UNIDENTIFIED SPEAKER: No, thank you.

21 MR. SMITH: Is it all right if the NTSB asks a question if
22 they have anything?

23 MR. M. BOARDMAN: Absolutely.

24 MR. SMITH: Michael, do you have any questions?

25 MR. HOEPF: Yeah, I do, I just -- a couple quick questions.

1 MR. SMITH: Standby one second. I'm going to turn the volume
2 up. All right, go ahead.

3 BY MR. HOEPF:

4 Q. Yeah, thanks to all of you for being with us today. I just
5 wonder if you could talk a little bit more about the team, Henry,
6 Tom, and Warren? It sounds like you guys have worked together
7 quite a bit in the past, is that a fair characterization of --
8 Matt, you guys, you guys have been together for a while?

9 A. Tom has been with us for a couple of years. Tom comes from a
10 background very similar to Warren's and very similar to mine in
11 that we grew up on and worked on a dairy farm or farming, so we've
12 all worked around equipment.

13 Henry's a younger, a younger man; he's in his 20s. He's been
14 with the railroad for a number of years, and he has seen these
15 tasks that we've performed in the past. Henry's usually a very
16 even-keeled person, and when we do some of the, some of the -- I
17 call it -- I wouldn't call it strange, but call it an intricate
18 type of thing when we're talking about assembling turnouts, when
19 we're doing grades and stuff like that, he'll sit on the side and
20 watch. He'll watch more than he participates.

21 So he was more in an observing type of role right there, and
22 he'll -- he was asking questions about the laser level and how the
23 laser level works, so I was trying to explain to him in somewhat
24 layman's terms, and I used the plate or disc in the light that's
25 emitted out. And I said, you know, we're just worried about, you

1 know, one direction because, you know, I use the term all the time
2 we're not building a Swiss watch here, we're building a railroad.
3 So, you know, all we've got to do is get it close, and we take
4 care of the rest of that fine-tuning stuff with a (indiscernible).

5 Tom also has a plumbing background, so he understands grades,
6 and he's inquiring more and more on, you know, how certain things
7 work, why we do things in certain ways. So he's learning the
8 railroad industry.

9 Q. Got you. That's helpful for me. Yeah. And then -- so,
10 Warren, is he a pretty, pretty experienced guy spending a lot of
11 time on the railroad?

12 A. I've worked -- Warren's worked for me -- or for the railroad
13 21 years I think it is. I knew it was over 20. I think it was --
14 I think somebody had said recently 21 years.

15 UNIDENTIFIED SPEAKER: April of '99 I believe it was.

16 MR. M. BOARDMAN: Yep.

17 BY MR. HOEPF:

18 Q. Got that. So pretty, pretty veteran guy out there?

19 A. I know, you know, Warren was always a very private person,
20 and it wasn't until recently that we started talking a little bit
21 about, you know, his involvement with the fire department, which
22 he had done so for -- God, since he was in high school. Warren
23 was one of those people that, you know, once in a while he would
24 open up, but I didn't pry. If he offered, I would talk. I would
25 talk to him about my kids and that sort of thing a little bit, but

1 he never really elaborated much, you know. We'd always talk about
2 work, what we're doing, what we need to do, where we've got to go
3 next, that sort of thing. He was one of those people that, quite
4 honestly, made my life a lot easier because of his work ethic and
5 the things that he did on a day to day and a week to week basis.

6 Q. So a hard working guy? I mean, you know, this is not the
7 kind of guy you had to motivate?

8 A. Oh, God, no. No, no, not at all.

9 UNIDENTIFIED SPEAKER: Would you say he's like a
10 self-starter?

11 MR. BOARDMAN: Absolutely a self-starter.

12 BY MR. HOEPF:

13 Q. Got you, got you. So in terms of, you know, just kind of the
14 work dynamic, I think you've covered this really well, just a
15 couple of, you know, peppered questions here. You know, is -- who
16 was in charge in this situation? It sounds like it was really a
17 collaborative sort of effort, but I mean, is there -- technically
18 speaking, is one guy in charge in terms of who has the track out
19 of service or how does that work?

20 A. Yes, correct. I mean, obviously we work collaborative. We
21 all know that Warren had the track out of service so, you know, so
22 we're covered under the rules, we're covered under, you know, how
23 we do things on the railroad. As far as the fine details, we have
24 those -- you know, Warren and I will discuss this stuff ahead of
25 time or even weeks ahead of time, this is what we want to do, this

1 is what I think we should do. And he'll bounce something back off
2 of me and say, why don't we try this or why don't we do it this
3 way. Okay, yeah, yeah, that's fine.

4 But, ultimately, you know, I'm the person that quotes out to
5 these jobs. I'm the person that is responsible for -- I wouldn't
6 say the billing but at least making sure that we're -- we've got
7 the right equipment. We've coordinated with -- whether it be a
8 water utility or a policeman or whatever or subcontractor, those
9 things that, you know, fall under me. You know, I want to, I want
10 to connect the south wire, I want to connect the north wire, I
11 want to connect the north -- well, I don't want to connect the
12 south wire; those are my decisions in the field.

13 Q. So you're like the technical expert kind of taking the lead
14 role in the design layout and probably even the methods of the
15 work, and then Warren, is he kind of like assisting you with the
16 execution, is that kind of the --

17 A. I'm the project engineer.

18 Q. Yeah.

19 A. And I have people that work for me. Now, that's not to say
20 that I know everything, and I sometimes -- I do it a lot of times.
21 I'll ask my coworkers, the fellows that work for me. Maybe
22 they've had a different experience on something and they've got an
23 idea on how to do something that maybe makes more sense. So I do
24 defer to my, my subordinates.

25 Q. So that's helpful, Matt. And so, you know, I understand this

1 is kind of, you know, difficult to talk about, but I really
2 appreciate you kind of talking with -- about this today a little
3 bit. But, you know, obviously we're just here trying to make
4 safety enhancements wherever possible.

5 A. Right.

6 Q. And, you know, I'm just -- we're just wondering, I mean, are
7 there any safety kind of lessons we can learn about this? You
8 know, I mean, is it, is it kind of on the person who's on the
9 ground to kind of, you know, watch where they're at in proximity
10 to heavy machinery? You know, what's your take on how that's
11 supposed to work?

12 A. In a construction site, we're all responsible for ourselves
13 and our coworkers, and when -- and I don't care if you're moving a
14 train, if you're moving a piece of equipment, you don't, you don't
15 move stuff until you know where everybody is. I knew where Tom
16 was, I knew where Henry was, I knew where Warren was. Those were
17 the -- those are the four people that we're all responsible for on
18 that construction site.

19 UNIDENTIFIED SPEAKER: You had an accounting of everyone's
20 position when you started moving, you know, you kind of touched on
21 that earlier.

22 MR. M. BOARDMAN: Correct.

23 UNIDENTIFIED SPEAKER: And you said it right there, you know.

24 MR. M. BOARDMAN: Correct. They're, you know, whenever you
25 move something you have to know where everyone is.

1 BY MR. HOEPF:

2 Q. Yeah, yeah, and I hear you. And it's, and it's -- obviously
3 this is just a terrible situation, and it's just -- it sounded
4 like you had a pretty good handle on where everybody was, so I
5 think we're just kind of, you know, trying to kind of get an idea
6 of what might have happened in terms of how apparently, you know,
7 maybe Warren wasn't in the clear. Maybe he thought he was.

8 I don't want you to speculate or anything like that, but
9 we're just, again, just trying to figure out, in the future, how
10 can -- you know, is there a safety lesson here that we can pass on
11 to other people that, you know, maybe something that -- a fluke
12 that happened, something that went wrong, something that -- you
13 know, how does this -- you know, what was different about today
14 than every other day when you're out there doing this kind of
15 heavy work?

16 A. Yeah. I mean, I wish I could, I wish I could point to one
17 single thing. I wish I could help out with something like that,
18 because nobody should have to go through this, you know, and
19 unfortunately this is the hand that's dealt me.

20 Q. Yeah.

21 MR. HOEPF: Well, Matt, I really appreciate your time today,
22 and we do have a couple more questions, they're kind of what we
23 just call standard questions.

24 Owen, maybe if you want to ask him, or I can ask him.

25 Don't be offended by these, these are just the usual, you

1 know, fatigue, distraction, that kind of stuff.

2 Owen, do you want to kind of run through some of those?

3 MR. SMITH: Yeah, I can do that because I have, I have the
4 list here. Bear with me one minute.

5 MR. LLOYD: Yeah. And, Owen, I do have just a little bit of
6 follow-up with Matt, if you don't mind?

7 MR. SMITH: Sure. Do you want to go first, Troy?

8 MR. LLOYD: Yeah.

9 BY MR. LLOYD:

10 Q. And, Matt, I do apologize. Everything that you guys are
11 going through up there, you know, small Class 3 railroad,
12 everybody knows one another, working together for multiple years.
13 I just, I feel for you guys, I really do. And you have -- we give
14 our deep condolences from the NTSB.

15 A. Thank you.

16 Q. Yep. So just going back -- you gave some very, very, very
17 good details about the sequence of events. So just going back
18 right prior to the accident, I just got a little lost in the
19 conversation. But you were saying that Warren was -- you were
20 having a conversation or something, Warren was to your -- so
21 should have been to the right of the machine, which would place
22 that at the two o'clock position, correct?

23 A. That's where Tom was, at my two o'clock, which would have
24 been in front of and to my right.

25 Q. Okay. And Warren was located where?

1 A. At my seven o'clock, which was to my left and behind.

2 Q. Okay, okay. Okay. So that would have still had him in that
3 little small clearing in the path between the switch panel to be
4 installed and the out of service track that the track excavator
5 was on, correct?

6 A. He was towards the west end of that switch panel --

7 Q. Yeah.

8 A. -- rolling up the tape measure.

9 Q. Okay.

10 A. So he was towards that west end of that switch panel.

11 MR. LLOYD: I'm good. That's all I need to know. Thank you
12 very much. You've answered my question.

13 MR. M. BOARDMAN: Okay.

14 BY MR. SMITH:

15 Q. So just a couple more questions, and then I think we can wrap
16 it up. Again, these are kind of -- these might be a little
17 triggering.

18 A. Go ahead.

19 Q. So let me just go -- because I feel we kind of covered
20 already, so I'm not going to ask them again. Cell phone or other
21 distractions, we talked about the remote, I'm leaving that -- not
22 playing into that because you weren't using it.

23 A. Nope.

24 Q. Cell phone or anything, nothing?

25 A. No.

1 Q. Fatigue, did you feel well rested that day?

2 A. Yes.

3 Q. Any alcohol or drug usage? And, you know, think bigger, like
4 cold medicine or anything like that that may have affected your
5 performance.

6 A. No, no, and you guys have my tox.

7 Q. Any health issues that would impact -- you know, that kind of
8 goes under the fatigue and stuff. You were feeling normal that
9 day?

10 A. Feeling normal, feeling good.

11 Q. I will just branch out and ask observations on Warren since
12 you know him pretty well. Did he appear to be in normal spirits?

13 A. Warren was in normal spirits. The only thing that I didn't
14 understand which was -- you know, in hindsight you're always
15 questioning yourself. When I talked to him about the two foot, I
16 wasn't clear with what he was saying, two foot too much, two foot
17 not enough. Now we've over excavated by two feet so we're good?
18 Yes. Normally he would say -- normally somebody would say -- I'm
19 not saying Warren would say. Normally somebody would say we've
20 got two foot extra.

21 Q. Okay.

22 A. And that's clear. That's the only thing I've -- in my whole
23 mind in the loop that keeps playing in my head that I question.
24 And I probably, you know.

25 Q. Probably will never really know what he's thinking.

1 A. No.

2 Q. You know, we can't, we can't do that.

3 BY MR. HOEPF:

4 Q. Owen, I'm sorry to interrupt you, but just for clarity, Matt,
5 it sounds like there was maybe a little bit of a miscommunication
6 there. I mean, do you think that that could have possibly had
7 anything to do with this in terms of, in terms of a communication
8 issue there --

9 A. I don't, I don't -- I don't classify it --

10 Q. -- or is that just --

11 A. I don't classify it as a miscommunication, I classify it as a
12 misunderstanding on my part, two foot.

13 Q. Okay, okay. But you don't think that --

14 A. And it was clarified.

15 Q. Okay, okay. So you don't think that had anything to do with
16 this necessarily?

17 A. No.

18 Q. Okay.

19 MR. HOEPF: Okay. Sorry, I just wanted to clarify that, so
20 go ahead on.

21 BY MR. SMITH:

22 Q. And just to drill a little bit deeper -- again, my apologies.
23 You know, this intuitive -- you know, it's strange to say, I keep
24 thinking of here, do you think it's going into about -- any way
25 about how he was just aware, did he appear distracted maybe or

1 like he had something bigger on his mind? I know you said --

2 A. He did not indicate anything bigger on his mind, no.

3 Q. No. Just asked, you know -- and, you know, I think training
4 experience, you know, you were kind of a self-taught operator and
5 you --

6 A. No, I wouldn't consider myself self-taught. I've had a lot
7 of people over the years show me how to operate certain equipment.

8 Q. So you feel you had adequate experience with the machinery?

9 A. Yes.

10 Q. And the schedule you were working on, did you feel rushed or
11 did you feel like --

12 A. No, as I said before, we had a running joke that, that we
13 have to, you know, we've got to take our time on this. We -- I
14 shared with Warren that -- we had multiple projects going earlier
15 in the year, and I shared with him that one of the projects we
16 turned in a lot of money because we came in so far over -- you
17 know, so far under budget. And I say, you know, you've got to
18 remember this: in this government world, under is just as bad as
19 over, so we've got to do this slow. And he made the joke on
20 Tuesday in the rain, you know, he made the joke on Wednesday in
21 the rain, we've got to, we've got to go slow, we can't be too
22 efficient here.

23 Q. Hey, remember we are on the record here.

24 A. That's quite all right. You don't want to get me on my
25 soapbox.

1 Q. Yeah.

2 MR. SMITH: All right. You got something, Greg?

3 BY MR. DiPIETRO:

4 Q. I just wanted to touch base on one thing, Matt. And you had
5 talked earlier about how you guys communicate and work together as
6 a group.

7 A. Yes.

8 Q. And you indicated you use -- you know, like if you're going
9 to swing, you would do your -- and I'm familiar with what you're
10 talking about.

11 A. Yes.

12 Q. Your sign language, so to speak.

13 A. Yes.

14 Q. Can you talk a little bit about how you guys communicate red
15 zones with the equipment in general like maybe starting with a job
16 briefing in the morning and then throughout the day?

17 A. When we -- when we're talking kind of the tasks at hand
18 during the day, you know, what we're going to do and where, you
19 know, in general with myself and Warren, we're working together,
20 using the stick, so he's at my -- if you will, out in front of me.
21 So there's always those areas where you get close to a piece of
22 equipment and then you move away from it, whether it's to hook up
23 that rail tong onto the rail or to run that stick for elevations
24 and that sort of thing. So that's -- that sort of thing goes on
25 all the time within construction zones, and we're well aware of

1 those. Whenever I have people that are in those locations and I'm
2 operating a piece of equipment, I stop, they help me hook up
3 something, I don't move until we're clear.

4 Q. And --

5 A. And those sorts of things, you know, Warren does those same
6 sorts of things when he's operating the log truck. He doesn't
7 pick up a rail when there's somebody beside where that rail could
8 fall or could swing and hit. So we're all -- we're always aware
9 of surroundings, and we watch out for one another that way too,
10 you know. And sometimes somebody will look a different direction,
11 and you make sure that they're paying attention that they're
12 moving away from a danger zone.

13 MR. DiPIETRO: Thank you.

14 MR. SMITH: All right, I'm good. All right. So we're going
15 to hop off here, and if we have any follow-ups, we'll reach out.
16 The only thing that I can think of that we will send is a
17 questionnaire just on your work schedule and sleep stuff from the
18 best of your memory. So if you -- while it's still fresh in your
19 mind, if you could write down, you know, kind of look at your
20 calendar again if you don't mind, that way we could just do a
21 fatigue analysis. That's standard we do in any human factor
22 thing.

23 MR. M. BOARDMAN: Okay.

24 MR. SMITH: All right, very good. I'll talk to you later.
25 Thank you.

1 UNIDENTIFIED SPEAKER: Thank you very much. Take care.

2 MR. M. BOARDMAN: Thank you.

3 MR. LLOYD: Thank you guys.

4 (Whereupon, at 2:28 p.m., the interview was concluded.)

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CERTIFICATE

This is to certify that the attached proceeding before the

NATIONAL TRANSPORTATION SAFETY BOARD

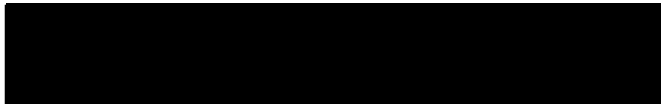
IN THE MATTER OF: HOUSATONIC RAILROAD WORKER FATALITY
 IN NORTH CANAAN, CONNECTICUT,
 ON OCTOBER 14, 2020
 Interview of Matthew Boardman

ACCIDENT NO.: RRD21FR002

PLACE: Via Microsoft Teams

DATE: October 21, 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.



Cheryl Farner Donovan
Transcriber