



**Survival Factors Attachment-
Norfolk Southern-National
Salvage Safety Policy Interviews**

**Reed, Pa
RRD22LR003**

(59 pages)

UNITED STATES OF AMERICA

NATIONAL TRANSPORTATION SAFETY BOARD

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Investigation of: *

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NATIONAL SALVAGE & SERVICE CORP *

EMPLOYEE FATALITY IN REED, *

Accident No.: RRD22LR003

PENNSYLVANIA, ON DECEMBER 8, 2021 *

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Interview of: JAMES ROBINSON, Supervisor of Rail
Norfolk Southern Railways

Via Microsoft Teams

Wednesday,
February 2, 2022

APPEARANCES:

SHERYL HARLEY, Investigator in Charge
National Transportation Safety Board

FOREST KOERNER-FOX
National Salvage

IAN BARLICK
National Salvage

JOE YOUNG
Norfolk Southern

CRAIG STAUDENMAIER
Counsel for Norfolk Southern and James Robinson

JUSTIN DALTON
Norfolk Southern

JON (TODD) KRAHOLIK
Federal Railroad Administration

CHAD HALLER
Federal Railroad Administration

ROY MORRISON, Director of Safety
Brotherhood of Maintenance of Way

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I N T E R V I E W

(5:31 p.m.)

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3 MS. HARLEY: So let's get started. So good afternoon. So my
4 name is Sheryl Harley. I'm the investigator in charge with the
5 National Transportation Safety Board, and we're here today to talk
6 about the fatal worker accident that occurred in Reed,
7 Pennsylvania on September [sic] 8th of 2021 at approximately 11:24
8 a.m. local time, and that's the approximate time.

9 Today is February 2nd of 2022, and it's 5:31 p.m. And this
10 interview is being held with Mr. James Robinson from Norfolk
11 Southern.

12 Mr. Robinson, for the record, can I ask you just simply to
13 state your name please.

14 MR. ROBINSON: James Robinson.

15 MS. HARLEY: Thank you, sir. And just to -- just so we --
16 for the record, we've identified everyone that's on the call. I'm
17 going to ask individuals to identify themselves, and I'm going to
18 start with Forrest.

19 MR. KOERNER-FOX: Forrest Koerner-Fox, National Salvage.

20 MS. HARLEY: Thank you, sir. Ian.

21 MR. BARLICK: Ian Barlick, National Salvage.

22 MS. HARLEY: Thank you. Joe.

23 MR. YOUNG: Joe Young, Norfolk Southern.

24 MS. HARLEY: Thank you. Todd.

25 MR. KRAHOLIK: Todd Kraholik with the FRA.

1 MS. HARLEY: Thank you. Roy.

2 MR. MORRISON: Roy Morrison, director of safety for
3 Brotherhood of Maintenance of Way.

4 MS. HARLEY: Thank you. Craig.

5 MR. STAUDENMAIER: Craig Staudenmaier, counsel for Norfolk
6 Southern and Mr. Robinson. And, Ms. Harley, I think you may have
7 misspoke at the beginning. I think you said September 8th was the
8 injury?

9 MS. HARLEY: December the 8th.

10 MR. STAUDENMAIER: December 8th.

11 MS. HARLEY: Yes.

12 MR. SAUDENMAIER: Okay. Thank you.

13 MS. HARLEY: Justin.

14 MR. DALTON: Justin Dalton, Norfolk Southern.

15 MS. HARLEY: Thank you. And Chad.

16 MR. HALLER: Chad Haller, FRA.

17 MS. HARLEY: Okay. Great. Thank you, gentlemen. So what --
18 how we're going to run this is I'm going to basically just ask
19 Mr. Robinson to just kind of run through some information, some
20 background information in regards to the day of the accident and
21 then I'll ask him some follow-up questions. And then I will open
22 it up to the group.

23 INTERVIEW OF JAMES ROBINSON

24 BY MS. HARLEY:

25 Q. So, Mr. Robinson, I'm going to start by asking you to provide

1 me your official job title and the responsibilities of that job
2 please, sir.

3 A. Supervisor of rail, program maintenance, program maintenance
4 north. I travel pretty much around the East Coast installing
5 curved rail.

6 Q. Okay. Thank you, sir. So as part of your responsibility,
7 what exactly do you do out on the worksite?

8 A. You know, we start, you know, we go out there, we tear the
9 old rail out and install the new rail. You know, I assist the
10 gang out there, you know, any way I can. Anything they need I
11 get. You know, I read off the track authorities. Get the gang
12 going, you know, make the start mark and so we start with our
13 daily gang.

14 Q. Okay. Would it be fair to say then that once they're out on
15 the worksite, that you provide them with a -- the final safety
16 briefing before they begin their day?

17 A. We have a job briefing before we go out there.

18 Q. Okay. The day of the accident, were you, were you there with
19 the entire crew?

20 A. That's correct.

21 Q. Did you see Kolton that day?

22 A. I did.

23 Q. Can you tell me what Kolton was wearing?

24 A. Not exactly, no.

25 Q. Okay. What was Kolton supposed to be wearing?

1 A. Hardhat, glasses, ear protection, reflective yellow.

2 Q. I'm sorry. Reflective yellow what?

3 A. You know, safety yellow as I call it, the yellow to help see
4 us out there where we're working.

5 Q. Okay. Was Kolton wearing that?

6 A. Yes, he was.

7 Q. Okay. So what specifically was he wearing then?

8 A. I'm not exactly sure. I remember seeing him with yellow on.
9 What he had on exactly I do not know.

10 Q. Okay. All right. Were you with the -- near the crew at the
11 time of the accident?

12 A. I was.

13 Q. Okay. At that time, do you remember what Kolton was wearing?

14 A. No.

15 Q. Did the crew work the day before?

16 A. We did.

17 Q. Okay. What was Kolton the day before if you can remember?

18 A. I don't remember what the guys wear specifically each day. I
19 have a lot going on. I'm not sure exactly what he wore that day,
20 but we did that day before.

21 Q. Okay. Are you familiar with NS' safety rule 1044?

22 A. I -- not exactly. I don't know if off the top of my head. I
23 mean it's something to do with apparel.

24 Q. Yes.

25 A. Yeah, I'm not exactly word-for-word on that.

1 Q. Okay. Who's responsibility is it to ensure that all workers
2 on the scene are complying with that rule?

3 A. That would be mine.

4 Q. So it's your responsibility to make sure that all the workers
5 are complying that rule, but you don't know what's in the rule?

6 A. I'm not exactly sure how the rule reads off the top of my
7 head.

8 Q. Okay. What is your understanding of what the rule says as
9 far as what is in compliance?

10 A. I know they have to have reflective safety yellow on. It has
11 to be I believe it's ANSI 2 or 3.

12 Q. Do you know what ANSI 2 or 3 means?

13 A. I do not.

14 Q. As a supervisor for this work crew, who provides you with the
15 information as far as the safety regulations that you're supposed
16 to provide to the crew and to make sure that they're complying
17 with it?

18 A. Everything we order for the gangs as far as safety equipment
19 and vests and, you know, safety garments of that nature, you know,
20 shirts that they wear in the summertime that choose due to so, is
21 all ANSI 2 or 3 approved.

22 Q. Okay. But Kolton works for National Salvage which is a
23 contractor for your railroad. Is he required to be in compliance
24 with Norfolk Southern's standards?

25 A. Yes.

1 Q. Was he in compliance with Norfolk Southern's standards on the
2 day of the accident?

3 A. I don't exactly remember what he was wearing that day.

4 Q. Is it your responsibility to ensure that all of the workers
5 that are out on your worksite are in compliance with Norfolk
6 Southern's safety regulations?

7 A. In reflective safety yellow.

8 Q. Okay. What I asked you is, is it your responsibility to
9 ensure that all workers on your worksite are in compliance with
10 Norfolk Southern's safety rules?

11 A. Yes.

12 MS. HARLEY: Okay. I'm going to stop right now for me and I
13 will open it up to the group, if anyone wants to raise their hand
14 to ask further questions.

15 (No response).

16 MS. HARLEY: Okay. I don't have anything from the group.

17 BETWEEN MS. HARLEY:

18 Q. Mr. Robinson, how long have you been in your job as
19 supervisor?

20 A. Two and a half years.

21 Q. What training do you go through to become a supervisor?

22 A. We start out as an operational supervisor trainee. We train
23 on different gangs, and we go to Atlanta as well for some
24 classroom training.

25 Q. Does that training also include all of the policies and

1 regulations of the railroad?

2 A. Most of them I believe, yes.

3 Q. Okay. Thank you.

4 MS. HARLEY: Joe, you've got your hand up.

5 MR. YOUNG: Yeah.

6 BY MR. YOUNG:

7 Q. I just had a quick question, James. Can you hear me all
8 right?

9 A. Yeah.

10 Q. Okay. Do you -- when you wear safety apparel, do you supply
11 to Norfolk Southern employees?

12 A. That's correct.

13 Q. Are you responsible for supplying it to contractors?

14 A. No.

15 Q. Thank you.

16 MS. HARLEY: Okay. Craig, I see your hand up. Craig, can
17 you hear me?

18 MR. SAUDENMAIER: I'm sorry. I forgot to take the mute off.
19 There we go.

20 MS. HARLEY: Okay.

21 MR. SAUDERMAIER: Although sometimes it's better if the
22 attorney is muted, right?

23 BY MR. STAUDENMAIER:

24 Q. Mr. Robinson, when you saw Mr. Helbert that day, did you have
25 reason to take any exception to the safety equipment he was

1 wearing, the reflective equipment he was wearing?

2 A. No.

3 MR. STAUDENMAIER: That's all I have. Thank you.

4 MS. HARLEY: Okay. Todd.

5 MR. KRAHOLIK: Yeah.

6 BY MR. KRAHOLIK:

7 Q. Mr. Robinson, do you take a check every day before the job
8 starts of compliance with PPE?

9 A. Yeah, I do. I make a visible check.

10 Q. Okay. If somebody -- let's say a contractor isn't in
11 compliance, what would be your policy from that going forward?
12 Like what did you if he doesn't have a compliant PPE? Would you
13 provide him the Norfolk Southern gear or would you remove him from
14 the job? I'm just kind of wondering, what would you do in that
15 instance?

16 A. I would ask him if he had the proper safety equipment. Did
17 somebody try to say something?

18 MS. HARLEY: No. Go ahead, Mr. Robinson.

19 MR. ROBINSON: I would ask him, you know, do you have the
20 property safety equipment. If he did not have it, if we had
21 extra, we would let him use it. If not, you know, we would make
22 him stay in for the day.

23 MR. KRAHOLIK: Okay. Thank you.

24 BY MS. HARLEY:

25 Q. I'm sorry. I missed the last part. You'd make him work for

1 the day?

2 A. No, he wouldn't work for the day.

3 Q. Oh, okay. All right. So question. Has anybody ever
4 complained about someone on the site not wearing the proper PPE?

5 A. No.

6 Q. Have you ever had a -- have you ever observed anybody on that
7 site not wearing the proper PPE?

8 A. Yes.

9 Q. When was that?

10 A. I'm not exactly sure of the times and dates, but I've had to
11 correct people, you know, to put earplugs in, things of that
12 nature.

13 Q. Okay. How long have Kolton been working for your crew?

14 A. He started the year with us in Alabama. He was off our gang
15 for a while. I'm not exactly sure how long and then he rejoined,
16 he rejoined the gang sometime in the summer I believe.

17 Q. Okay. Thank you. Okay. So my last question is what is
18 Norfolk Southern's policy for an employee that is not in
19 compliance or who is habitually not in compliance with the PPE
20 standards?

21 A. We do a verbal and then letters and then removal from
22 service.

23 Q. Is that something that you generate?

24 A. Yes.

25 Q. And this also applies to not only Norfolk Southern workers

1 but also contractors working with you?

2 A. We counsel them, but we don't give letter to them.

3 Q. Okay. So you -- so contractors do get counseling. Do you
4 notify the employer about a contractor?

5 A. If I have a problem with a contractor, I would call either
6 Ian or Forrest about it.

7 Q. Have you ever had to do that for any National Salvage
8 employee?

9 A. Yes.

10 Q. How long ago was that?

11 A. I'm not sure of the exact date. I want to say middle of
12 (indiscernible).

13 Q. What employee was that?

14 A. I'm not sure of his name. I don't believe he works for the
15 company any more.

16 Q. Was that the only employee?

17 A. That is correct.

18 Q. So the last question I have to ask is about, if you don't
19 mind, the job, the job safety briefing that, that you do before
20 the employees actually arrive onsite. Who's responsible for
21 giving the job safety briefing?

22 A. I give a lot of the briefings. I'm in charge of the overall
23 briefing, but everybody has a chance to talk in the briefing,
24 whatever they have to address as far as hazards, things they know
25 about the job in front of us, crossings, anything that we might

1 run into that day or the day before that we need to get better on
2 or focus on for that day because, you know, every day's got
3 different hazards.

4 Q. Okay. And the other thing, in that briefing, are your
5 contractors also allowed to address issues and talk about hazards
6 or conditions?

7 A. Absolutely it's encouraged.

8 Q. Okay. Has Kolton ever done that?

9 A. Yes, usually, you know, he would, you know, he's very
10 (indiscernible) with job duties.

11 Q. Okay. My last question might sound a little strange. I know
12 you in your job briefings, you talk about the parameters of the
13 jobsite. The question I have to ask you is do you know where you
14 actually are geographically, not according to the railroad, but
15 geographically what area you're in?

16 A. Yes.

17 Q. Okay. Where were you, where were you operating on the day of
18 the accident?

19 A. Just north of Harrisburg.

20 Q. I know Mr. Kisiel called 911. Did you have to call 911?

21 A. I did not call 911.

22 Q. If you called 911, what would you tell them the location of
23 the accident site was?

24 A. That's why we have a local RWIC in charge.

25 Q. Okay. So the RWIC is the one who knows the area?

1 A. That is correct.

2 Q. Okay. You said that you were north of Harrisburg. Do you
3 actually know where you were?

4 A. The RWIC also called 911. He was the first one to call 911.

5 Q. Okay. My question is, do you notify your crew as to where
6 they are in the event that someone else has to call 911?

7 A. Not typically.

8 Q. Okay. So during your job safety briefing, is it correct to
9 say that all the information that you provide to your crew related
10 to their location is going to be associated with the rail or the
11 railroad?

12 A. Yes.

13 MS. HARLEY: Okay. At this time, is there anyone who wants
14 to ask a question? Ian.

15 MR. BARLICK: Yeah.

16 BY MR. BARLICK:

17 Q. I just wanted to circle around. Mr. Robinson, you said that
18 you would had to call a manager from National Salvage about an
19 employee who was (indiscernible). I was just wondering was that
20 something specific to PPE or was there another incident with that
21 employee?

22 A. No, it was a run through switch.

23 Q. Okay.

24 BY MS. HARLEY:

25 Q. So I'm going to follow up with that. Have you ever had to

1 notify National Salvage in regards to an employee that was not in
2 compliance with PPE?

3 A. No.

4 Q. Do you keep records of these incidents?

5 A. What incidents are you talking about?

6 Q. So if you had to counsel a worker, either a contractor or a
7 NS worker on the scene for failure to comply with the safety
8 rules, do you document this?

9 A. Yes, it would be documented.

10 Q. And where would that, where would that documentation be?

11 A. It would be documented through a computer system.

12 Q. Is that, is that a document that can be pulled up and viewed
13 by other managers or other supervisors?

14 A. I'm not sure that other supervisors would have access to that
15 unless they asked permission for it.

16 Q. Okay. Is this document -- is it specific to you? Is it
17 something that you only have access to or does it go into some
18 kind of an administrative file for Norfolk Southern?

19 A. That's correct.

20 Q. I'm not quite sure what's correct. Is it, is it specific to
21 you that only you have access to?

22 A. No, it would go to the administrative file.

23 Q. Okay. Would this incident be filed under the employee's name
24 or the date of the offense?

25 A. Both.

1 Q. And a copy of this report would be sent to the employee's
2 company, if this was a contractor?

3 A. I don't know that answer.

4 MR. STAUDENMAIER: This is Craig Staudenmaier. I believe he
5 was -- the question you were just asking him, he was -- he said he
6 was responding with regarding to NS employees.

7 MR. ROBINSON: That's correct.

8 By MS. HARLEY:

9 Q. Okay. So you don't keep documentation on contractors?

10 A. I would personally keep track of that.

11 Q. Okay. So it's not a requirement that you document these,
12 these violations of the safety rules?

13 A. If it was a violation of safety rules, I would notify
14 National Salvage plus my boss.

15 Q. And that includes violations of the PPE standards?

16 A. Yes. If I believed there was a violation of PPE standards, I
17 would notify them.

18 MS. HARLEY: Okay. Okay. Does anyone else have any
19 questions?

20 (No response).

21 BY MS. HARLEY:

22 Q. Okay. Mr. Robinson, this is where you get to turn around on
23 me. Do you have any questions for me, sir?

24 A. No.

25 MS. HARLEY: Okay. Mr. Staudenmaier, do you have anything

1 that you want to ask me, sir?

2 MR. STAUDENMAIER: I do not. Thank you.

3 MS. HARLEY: Last change for the group. Does anyone else
4 have anything to say? Anything you want to add in?

5 (No response).

6 MS. HARLEY: And I'm going to end by asking Mr. Robinson one
7 question.

8 BY MS. HARLEY:

9 Q. Is there anything you think I should have asked you and I
10 failed to ask you?

11 A. No.

12 MS. HARLEY: Okay. Well, Mr. Robinson, thank you very much.
13 I do appreciate your help, in all of this, sir.

14 So, Craig, Mr. Robinson, thank you very much, and I think he
15 can go back to work or go home.

16 MR. STAUDENMAIER: Is it okay if he cuts off now?

17 MS. HARLEY: Yes, absolutely.

18 MR. STAUDENMAIER: Okay. It's okay. You can leave the
19 meeting now. Thank you.

20 MR. ROBINSON: Okay.

21 MR. STAUDENMAIER: Thanks, Sheryl.

22 MS. HARLEY: Thank you. Thank you, Mr. Robinson. Be safe,
23 sir.

24 MR. ROBINSON: You as well.

25 MS. HARLEY: I'm going to end the investigation with

1 Mr. Robinson at 6:06 p.m.

2 (Whereupon, at 6:06 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: NATIONAL SALVAGE & SERVICE CORP
EMPLOYEE FATALITY IN REED,
PENNSYLVANIA ON DECEMBER 8, 2021
Interview of James Robinson

ACCIDENT NO.: RRD22LR003

PLACE: Via Microsoft Teams

DATE: February 2, 2022

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.


Kathryn A. Mirfin
Transcriber

UNITED STATES OF AMERICA

NATIONAL TRANSPORTATION SAFETY BOARD

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Investigation of: *

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NATIONAL SALVAGE & SERVICE CORP *

EMPLOYEE FATALITY IN REED, *

Accident No.: RRD22LR003

PENNSYLVANIA, ON DECEMBER 8, 2021 *

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Interview of: JORDAN KISIEL, Gang Foreman
Norfolk Southern Railways

Via Microsoft Teams

Wednesday,
February 2, 2022

APPEARANCES:

SHERYL HARLEY, Investigator in Charge
National Transportation Safety Board

FOREST KOERNER-FOX
National Salvage

IAN BARLICK
National Salvage

JOE YOUNG
Norfolk Southern

CRAIG STAUDENMAIER
Counsel for Norfolk Southern Rail and Jordan Kisiel

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ROY MORRISON
Brotherhood of Maintenance of Way

DAVID OSTRUM
Alliance System Federation
Brotherhood of Maintenance of Way

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I N T E R V I E W

(6:12 p.m.)

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3 MS. HARLEY: Okay. Mr. Kisiel, thank you very much for
4 joining us. So my name is Sheryl Harley. And I'm one of the NTSB
5 investigators, and we're here talking about the fatal worker
6 accident that occurred in Reed, Pennsylvania, and it occurred on
7 December 8th of 2021 about approximately 11:24 a.m.

8 And today is February 2nd of 2022, and it's 6:13 p.m.

9 And just so you know who else is on this call, I'm going to
10 ask everyone to identify themselves, and I'm going to start with
11 Forrest.

12 MR. KOERNER-FOX: Forrest Koerner-Fox, National Salvage.

13 MS. HARLEY: Ian.

14 MR. BARLICK: Ian Barlick, National Salvage.

15 MS. HARLEY: Joe.

16 MR. YOUNG: Joe Young, Norfolk Southern.

17 MS. HARLEY: Todd.

18 MR. KRAHOLIK: Todd Kraholik with the FRA.

19 MS. HARLEY: Roy.

20 MR. MORRISON: Roy Morrison, Brotherhood of Maintenance of
21 Way.

22 MS. HARLEY: Craig.

23 MR. STAUDENMAIER: Norfolk Southern Rail and Company.

24 MS. HARLEY: Chad.

25 MR. HALLER: Chad Haller, FRA.

1 MS. HARLEY: Justin.

2 MR. DALTON: Justin Dalton, Norfolk Southern.

3 MS. HARLEY: Dave.

4 MR. OSTRUM: David Ostrum, Alliance System Federation and
5 Brotherhood of Maintenance of Way.

6 MS. HARLEY: Okay. So how we're going to start this, Jordan,
7 is I'm going to just kind of ask you to give me kind of sort of
8 your background.

9 INTERVIEW OF JORDAN KISIEL

10 BY MS. HARLEY:

11 Q. So what's your job title, how long you've been in that job
12 and your responsibilities?

13 A. My job title at the time was gang foreman. I've done that
14 job on and off roughly six years. And the responsibilities
15 include giving job safety briefings, making sure everybody has
16 what they need for the day and making sure the rail gets put in.

17 Q. Okay. So I'm going to take you back to the day of the
18 accident. Kind of walk me through just basic. Did you give the
19 job safety briefing?

20 A. Yes, me and the gang supervisor usually do it together.

21 Q. Okay. All right. And during that briefing, do you go over
22 all of the required safety regulations?

23 A. We usually go over what's specific to that day and cover
24 anything else that -- maybe hazards that might come up or what we
25 may encounter for the day's work.

1 Q. During that job safety briefing, is it your responsibility to
2 check to make sure that everyone has the proper equipment and in
3 compliance?

4 A. Yes.

5 Q. Out on the jobsite, whose responsibility is it to
6 periodically checked to make sure that all of the, the workers are
7 -- remain in compliance with those regulations?

8 A. The gang supervisor and myself.

9 Q. Do you remember seeing Kolton that day?

10 A. Yes, I do.

11 Q. Do you remember what Kolton was wearing?

12 A. He was wearing his normal, his normal get up. He had his
13 black jacket with reflective gear on. He had his strap and his
14 pouch with all his paint in it, hardhat, glasses, all the above.

15 Q. Okay. Is that normally what Kolton wears?

16 A. For that time of year where it's really cold, yes.

17 Q. Okay. Was he wearing a reflective vest?

18 A. No, he was wearing a reflective jacket. Not NS supplied. It
19 wasn't Norfolk Southern. It was, it was his own.

20 Q. Okay. Are you familiar with Norfolk Southern's safety rule
21 1044?

22 A. 1044, high visibility.

23 Q. Yeah, basically about the PPE and the requirements.

24 A. Yes.

25 Q. Okay. Do you know what the safety standards are for railroad

1 workers and Norfolk Southern's requirements?

2 A. Norfolk Southern requires ANSI 2 and 3 I believe.

3 Q. Okay. Do you know what that means?

4 A. Do I know the difference --

5 Q. Yeah.

6 A. -- between 2 and 3?

7 Q. Yes.

8 A. No.

9 Q. Okay. Do you know what actually meets the requirement to be
10 ANSI 2?

11 A. As far as I understand, it's the reflective stripes and the
12 green, fluorescent green.

13 Q. Okay. In your opinion, was Kolton in the required PPE?

14 A. I think so. He had the green reflective stripes on his, on
15 his jacket, front and back and on his sleeve cuffs.

16 Q. Was Kolton wearing a backpack?

17 A. Yes, he was.

18 Q. Was that backpack obstructing the rear of his coat?

19 A. No, it wasn't a very big backpack, and the stripes -- I
20 believe went around the bottom. There was, there was high
21 visibility all the way around him, but it was, it was obstructing
22 the top of the jacket but not the whole thing.

23 Q. Okay. So what is the policy of Norfolk Southern if a worker
24 or a contractor is not in compliance with the PPE standards?

25 A. Usually we have a talk with them and, you know, ask them if

1 they have the proper PPE. And if not, we can provide them with
2 some.

3 Q. Okay. Do you document these incidents?

4 A. No, I do not.

5 Q. Okay. How long has Kolton been working in your group?

6 A. I remember he started on the gang in January and took a small
7 hiatus. So roughly six or seven months total for last year.

8 Q. Okay. Have you ever had any incidents where you find that
9 workers were not in compliance with the requirements as far as
10 PPE?

11 A. Norfolk Southern employees or contractors?

12 Q. Well, we'll start with Norfolk Southern first?

13 A. Yes.

14 Q. Any recently?

15 A. No.

16 Q. How about contractors?

17 A. No, never -- I've never really had a problem with any
18 contractors from National Salvage.

19 Q. Out of curiosity, is National Salvage the only contractors
20 that are on that worksite?

21 A. For our gang, on the back, yes.

22 Q. Okay. If a contractor was not in compliance, what is the
23 policy?

24 A. Well, usually I would have to talk to my supervisor to see
25 what needed to be done, depending on what it was.

1 Q. Okay. Does Norfolk Southern document incidents involving
2 contractors?

3 A. For offenses like PPE?

4 Q. Yes.

5 A. I don't -- I'm not exactly sure. I know I tell my direct
6 supervisor and, you know, how they handle it after that, I'm not
7 sure.

8 Q. Okay. If this was a Norfolk Southern worker, do you actually
9 document the incidents?

10 A. As a Company, yes. We usually have, you know, a letter of
11 counsel put on the file.

12 Q. Who's responsible for the documentation?

13 A. I believe it goes to Atlanta and then copies of the letter is
14 sent to the supervisor and the employee.

15 Q. Would you be responsible for actually writing that employee
16 up?

17 A. No, I take, I take the -- I take it to my supervisor and then
18 he handles it from there.

19 Q. For the record, can you identify who your supervisor is?

20 A. James Robinson.

21 MS. HARLEY: Okay. Okay. I'm going to stop right here, and
22 I'm going to ask the group if they have any questions for
23 Mr. Kisiel. Roy.

24 MR. MORRISON: Roy Morrison, Brotherhood of Maintenance of
25 Way.

1 BY MR. MORRISON:

2 Q. Thanks for coming on tonight. On the day of the accident,
3 getting back to Kolton's clothing, did you have any reason to take
4 any kind of exception to what Kolton was wearing?

5 A. No, sir.

6 Q. Thank you.

7 MR. MORRISON: That's all I have.

8 MS. HARLEY: Thank you, Roy. Anyone else?

9 (No response).

10 BY MS. HARLEY:

11 Q. So I'm going to change, change course here just for a minute,
12 Mr. Kisiel. At the time of the accident, were you, were you up
13 with the crew?

14 A. Yes.

15 Q. Okay. Okay. Did you call 911?

16 A. No, I did not.

17 Q. When you do your job safety briefings, do you also brief your
18 work crew on their location? And I understand that the briefing
19 talks about your -- the parameters of the job as far as the rail
20 is concerned. Do you actually notify them or provide them
21 information about their location in the event they have to call
22 911?

23 A. Not usually.

24 Q. On the day of the accident where were you exactly
25 geographically located? Do you know?

1 A. I know we were near Harrisburg, Pennsylvania.

2 Q. If you had to call 911, would you be able to give them your
3 location?

4 A. No, but that's why we have a local RWIC with us at all times
5 who is familiar with the area.

6 Q. Okay. Were you near Mr. Nick Kisiel?

7 A. Was I near him?

8 Q. At the time he was calling 911?

9 A. No, ma'am.

10 MS. HARLEY: Okay. I'm going to stop here. Does anyone have
11 any other questions for Jordan?

12 (No response).

13 BY MS. HARLEY:

14 Q. So I don't think I have any further questions. So I'm going
15 to ask, Jordan, do you have any questions for me?

16 A. No, ma'am.

17 Q. Is there something you think I should have asked that I
18 failed to ask you?

19 A. No, ma'am.

20 MS. HARLEY: Craig, do you have anything?

21 MR. STAUDENMAIER: I do not. Thank you.

22 BY MS. HARLEY:

23 Q. Jordan, I'm going to ask you one more quick question here.
24 Has anybody ever complained, and this is for anybody, any of the
25 workers ever complained about other workers not being in

1 compliance on the scene? I'm talking about PPE specifically.

2 A. No.

3 Q. Would that be something that a worker would feel comfortable
4 or confident in doing, to bring a question or concern to you about
5 that?

6 A. Yes, we encourage peer-to-peer.

7 Q. Okay. Very good. Thank you.

8 MS. HARLEY: Actually that's all I have unless someone has
9 something else? Anyone?

10 (No response).

11 MS. HARLEY: Okay. Jordan, thank you very, very much, sir.
12 I certainly do appreciate you taking the time and talking to us.

13 MR. KISIEL: Okay. Thank you, guys.

14 MS. HARLEY: All right. Have a good evening.

15 MR. KISIEL: You do the same.

16 MS. HARLEY: All right. I'm going to end the interview at
17 6:31 p.m.

18 (Whereupon, at 6:31 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

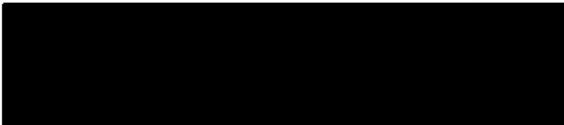
IN THE MATTER OF: NATIONAL SALVAGE & SERVICE CORP
EMPLOYEE FATALITY IN REED,
PENNSYLVANIA ON DECEMBER 8, 2021
Interview of Jordan Kisiel

ACCIDENT NO.: RRD22LR003

PLACE: Via Microsoft Teams

DATE: February 2, 2022

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.



Kathryn A. Mirfin
Transcriber

UNITED STATES OF AMERICA

NATIONAL TRANSPORTATION SAFETY BOARD

* * * * *

Investigation of: *

*

NATIONAL SALVAGE & SERVICE CORP *

EMPLOYEE FATALITY IN REED, *

Accident No.: RRD22LR003

PENNSYLVANIA, ON DECEMBER 8, 2021 *

*

* * * * *

Interview of: WESLEY WUNZ, Boom Operator
National Salvage

JON MICK, Safety Manager
National Salvage

Via Microsoft Teams

Friday,
February 4, 2022

APPEARANCES:

SHERYL HARLEY, Investigator in Charge
National Transportation Safety Board

FOREST KOERNER-FOX
National Salvage

IAN BARLICK
National Salvage

JOE YOUNG
Norfolk Southern

JON (TODD) KRAHOLIK
Federal Railroad Administration

CHAD HALLER
Federal Railroad Administration

DAVID OSTRUM
Alliance System Federation
Brotherhood of Maintenance of Way

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I N T E R V I E W

(11:02 a.m.)

1
2
3 MS. HARLEY: Okay. Good morning, everybody, and thank you
4 for joining me. My name is Sheryl Harley. I'm an investigator
5 with the National Transportation Safety Board. And we're here
6 today in regards to the fatal worker accident that occurred in
7 Reed, Pennsylvania, on December 8th of 2021, at approximately
8 11:20 a.m. local time.

9 Today is February 4th of 2022, and it's 11:02 a.m.

10 And to start, I want, just for the record, Wesley, once
11 again, are you okay with me recording this?

12 MR. WUNZ: Yes, ma'am, you are.

13 MS. HARLEY: And Jon, for the recording?

14 MR. MICK: Yes, ma'am.

15 MS. HARLEY: Okay. Great. So to start, Wesley, I'm just
16 going to ask you to identify yourself and spell your last name
17 please, sir.

18 MR. WUNZ: My name is Wesley Wunz, W-u-n-z.

19 MS. HARLEY: All right. And, Jon, I'm going to also ask you
20 to do the same please, sir.

21 MR. MICK: Jon Mick. It's J-o-n, M-i-c-k.

22 MS. HARLEY: Okay. Thank you very much. Also we're going to
23 -- there are other individuals on the call, and I'm going to ask
24 you to identify yourself and I'm going to start with Forrest.

25 MR. KOERNER-FOX: Forrest Koerner-Fox, National Salvage.

1 MS. HARLEY: Thank you. Joe.

2 MR. YOUNG: Joe Young, Norfolk Southern.

3 MS. HARLEY: Thank you. Todd.

4 MR. KRAHOLIK: Todd Kraholik with the FRA.

5 MS. HARLEY: Thank you. Dave.

6 MR. OSTRUM: David Ostrum, with the BMW.

7 MS. HARLEY: Thank you. Ian.

8 MR. BARLICK: Ian Barlick, National Salvage.

9 MS. HARLEY: Thank you. Chad.

10 MR. HALLER: Chad Haller, FRA.

11 MS. HARLEY: Great. Thank you. And, again, Wesley, thank
12 you very much for taking the time to talk to us today. I
13 certainly do appreciate it. And I know this is difficult for you
14 because you've lost a coworker and a friend, and we do, in fact,
15 extend our deepest condolences for that.

16 INTERVIEW OF WESLEY WUNZ

17 BY MS. HARLEY:

18 Q. So I want to start with some of the basics if you don't mind.
19 Can you explain to me what your job title is and what your
20 responsibilities are?

21 A. My job title is operator. I just operate and drive a boom
22 truck on and off track.

23 Q. Okay. All right. How long have you been working for
24 National Salvage?

25 A. A little over four years.

1 Q. Okay. How long have you been working with -- how long had
2 you been working with Kolton?

3 A. I started working with Kolton I think in July of last year.

4 Q. Okay. July of 2021?

5 A. That's correct.

6 Q. Okay. All right. So I want to go back, sir, to the day of
7 the accident. You took part in a job safety briefing?

8 A. Yes, ma'am.

9 Q. Okay. And Kolton was also there. Is that correct?

10 A. Yes, he was.

11 Q. Who provided that briefing?

12 A. It would have James Robinson.

13 Q. Okay. And what was discussed in the briefing?

14 A. We discussed a lot of the safety stuff, what we might
15 encounter that day, and also the plan for that day, and where we
16 were working at.

17 Q. Okay. At the time of the job safety briefing, were there
18 crew in their equipment and ready to go to work? Were you wearing
19 your PPE?

20 A. Yes, ma'am.

21 Q. Was Kolton?

22 A. He was wearing -- I'm not sure what he was wearing during the
23 briefing.

24 Q. So after the briefing when you guys were out at the worksite,
25 do you know what Kolton was wearing?

1 A. I do believe he was wearing either a black hoodie or black
2 (indiscernible) with high vis strips on it.

3 Q. Okay.

4 A. With his hardhat and glasses.

5 Q. Okay. With the hardhat and glasses. What were you wearing?

6 A. That day, I think I was wearing a high vis sweater and with
7 my hardhat and glasses.

8 Q. What was the color of your sweater?

9 A. It was yellow.

10 Q. Was that issued to you by National Salvage?

11 A. No, ma'am, I was not.

12 Q. Where did you get your -- the sweater from?

13 A. I actually bought it off of Amazon.

14 Q. Do you have any idea what the safety classification for that
15 garment was?

16 A. I do believe it was a Class 2 or 3. I'm not 100 percent. I
17 don't have it with me right now.

18 Q. Okay. When you were -- when you bought the garment off of
19 Amazon, were you specifically looking for that?

20 A. Oh, yes.

21 Q. Okay.

22 A. I did -- I wanted to make sure I wasn't -- I didn't want to
23 get in trouble if I didn't have that specific class, not to be
24 able to wear it.

25 Q. Okay. So is that the policy of National Salvage, that you're

1 required to have an ANSI Class 2 or Class 3 garment?

2 A. I'm pretty sure it is.

3 Q. Okay. How many times have you seen Kolton wear the coat he
4 was wearing the day of the accident?

5 A. I probably seen him wear it a few times.

6 Q. Has anybody ever questioned Kolton or made any comments about
7 the coat he was wearing?

8 A. Not that I'm aware of.

9 Q. Okay. Do you undergo any kind of equipment inspection?

10 A. I know our -- many of our vehicles that go on the track go
11 through annual inspections. And then I do an inspection on it
12 every single day.

13 Q. Okay. What about inspection as far as your PPE is concerned?

14 A. Well, I'm not sure about that. I just make sure I have
15 everything I need for the FRA requirements.

16 Q. Okay. So you've never had an onsite inspection to make sure
17 that you were either in proper PPE or that the PPE you have is in
18 good working order?

19 A. I never had that type of inspection.

20 Q. Okay. Just a -- and I'm going to finish up here, and I'll be
21 done. Question, did you call 911?

22 A. No, I did not.

23 Q. Out of curiosity, if you had to call 911, did you know where
24 you were?

25 A. I would know what milepost I was at. I can't think of it

1 right now. It's been a little while.

2 Q. Is that, is that a railroad milepost?

3 A. Yeah. The only other way I'd be able to do write down an
4 address off a house or something maybe.

5 Q. During the safety briefing that you guys had, they did not
6 tell you your location in the event of an emergency where someone
7 had to call 911?

8 A. No.

9 Q. Okay. Thank you, Wesley.

10 MS. HARLEY: I'm done. Do anyone else in a group have any
11 questions?

12 MR. MICK: Yes, ma'am. Sheryl, am I allowed to ask a
13 question?

14 MS. HARLEY: Sure you are. Just identify yourself.

15 MR. MICK: This is Jon Mick, the safety manager with National
16 Salvage.

17 BY MR. MICK:

18 Q. Hey, Wesley, she asked you if you had the inspections on your
19 safety equipment. Have you had any safety officers or anybody
20 come around and checklist on you, to walk the truck and your
21 safety appliances? Have you seen anybody come around?

22 A. I have been FRA inspected on track. They just kind of walked
23 around and just made sure all my lights were working and my safety
24 -- I had all my safety stuff, my fire extinguishers, the first
25 aide kits were up to date. But other than the PPE stuff, I've

1 never had that done.

2 Q. Okay. My next question. Have you had anybody from National
3 Salvage come around and inspect you and fill out a form?

4 A. Well, I know, Jon Mick, I know you come around and ask and
5 look, make sure we have everything we need quite often actually.

6 Q. Okay. Is there a form that we filled out and you signed?

7 A. Yes, several times.

8 Q. Okay. Good enough. I thank you for that Wesley.

9 MR. MICK: That's all I have, Sheryl.

10 MS. HARLEY: Okay. Todd.

11 MR. KRAHOLIK: Yes, Todd with the FRA.

12 BY MR. KRAHOLIK:

13 Q. So, Wesley, if you buy a garment off of Amazon or anywhere
14 else for that matter offline, on the internet, do you have to --
15 does National Salvage have a policy that you have to run it by
16 them or do you just know -- well, how did you know that ANSI 2 was
17 what you had to be at, 2 or 3?

18 A. I just know that that's one of the requirements for FRA. So
19 I just made sure I was, you know, they had that type of
20 requirement to have that on that sweater that I purchased.

21 Q. Okay. So you could purchase anything, anything you want and
22 wear it and you don't have to run it by National Salvage. Would
23 that be correct?

24 A. Yeah. Not that I know of. I've never heard of that.

25 Q. Okay. Yeah. I'm good. Thank you.

1 MS. HARLEY: Anyone else?

2 (No response).

3 BY MS. HARLEY:

4 Q. I've got one real quick follow-up question, Wesley, and I
5 think we can let you go for the day. When you, when you purchase
6 a garment off of like Amazon and you receive it, do you actually
7 look inside to check to make sure that the certification label
8 says that it meets the requirements?

9 A. Yeah, I do -- I did make sure it said Class 2 or Class 3.
10 That's just one thing I make sure of. I don't like getting in
11 trouble. So.

12 Q. Gotcha.

13 MS. HARLEY: And that's all the questions that I have. Does
14 anybody else have a question for Wesley before we cut him loose?

15 (No response).

16 MS. HARLEY: Okay. Wes, thank you very, very much. I'm
17 letting you have the rest of your day, sir.

18 MR. WUNZ: All right. Thank you.

19 MS. HARLEY: All right. Be safe out there.

20 MR. WUNZ: Thank you.

21 MS. HARLEY: Okay. Bye.

22 MR. WUNZ: Thank you.

23 MS. HARLEY: Okay. And Wesley is out at 11:17 a.m.

24 (Wesley Wunz excused from call.)

25 MS. HARLEY: Mr. Mick, I've got some follow-up questions for

1 you, sir, if you don't mind please.

2 MR. MICK: Go right ahead.

3 INTERVIEW OF JON MICK

4 BY MS. HARLEY:

5 Q. So once again, can you give me your official job title and
6 the responsibility, what that job entitles you -- what you do in
7 that job please?

8 A. Yes, ma'am. I'm a safety manager for National Salvage, and I
9 inspect trucks and the employees as I go around visiting them.
10 And my main job is new employees, when they're put on the job, I
11 try to make sure I get to them regular, early, just to follow up
12 on, you know, what they had to train that they had that, you know,
13 they understand, if they have any questions.

14 Q. Okay. So part of that -- so when a new employee comes on
15 board, they are provided with National Salvage's regulations to
16 include their safety requirements?

17 A. Yes, ma'am.

18 Q. Are they also provided with the safety requirements for the
19 railroad?

20 A. Yes, for the particular railroad that they're on, yes, ma'am.

21 Q. Does National Salvage provide them with their PPE?

22 A. Yes, ma'am.

23 Q. Now, you were talking about some kind of onsite safety
24 inspection. How is that accomplished?

25 A. I visit with the individuals, run around (indiscernible) and

1 it's a random check that I go around and check all the employees
2 and operators. I try to get to them as often as possible, and I
3 do this in the field.

4 Q. Okay. Is it just you or do you have a staff that helps you?

5 A. Just me and when the project manager is around, he'll join me
6 in the inspection, but I fill out the inspections on it, and the
7 employees fill out the inspection when it's completed.

8 Q. Okay. And can you estimate how many jobsites or how many
9 employees you're talking about that you're trying to inspect?

10 A. Just a second. I can get you an accurate count here. About
11 65 I would say.

12 Q. Sixty-five, okay.

13 A. Yes, ma'am.

14 Q. Is that, I'm sorry, 65 employees or jobsites?

15 A. Sixty-five employees. When I do visit them, they are teams.

16 Q. Okay. And you say that you document these inspections. Is
17 that kept in the employee's file?

18 A. Yes, it's kept in the employee's file, and they are sent a
19 copy after I submit it to the office.

20 Q. Okay. What is the procedure when an employee is found in
21 noncompliance?

22 A. It depends on the severity of noncompliance. If -- they'll
23 have a discipline letter wrote on them, and we discipline them on
24 the severity of the incident or whatever the violation is.

25 Q. Okay. How long do these reports stay in an employee's file?

1 A. I'm really not sure. Maybe as long as they're employed by
2 National Salvage. I'm not sure on that.

3 Q. Okay. Have you ever inspected Kolton in the field?

4 A. Yes, ma'am.

5 Q. What time of year was that?

6 A. It was -- the last time was 2/23 of '21.

7 Q. Okay. And where did that inspection take place?

8 A. I would have to look. I could look it up for you if you'll
9 give me a second. Columbus, Ohio, in Buckeye Yard.

10 Q. Okay. At the time, did you find any violations?

11 A. No, ma'am, I did not. He was alone.

12 Q. Okay. All right. Prior to this accident, have you ever seen
13 Kolton wear the coat he was wearing?

14 A. No, ma'am.

15 Q. If you saw an employee wearing that coat, would you take
16 exception to it?

17 A. Yes, ma'am, I would. He would be need to be given another
18 coat.

19 Q. Explain to me how employees are actually trained to know
20 whether or not a garment is in compliance?

21 A. The first thing, they are given the correct garment when
22 they're hired by National Salvage. They're sent one out every
23 year, or if they have a need for any replacements, they notify the
24 office or a project manager, and we make sure that we get it to
25 them. Also, they have a credit card to purchase these type of

1 items, whether it's safety glasses, anything, safety glasses,
2 hearing protection, boots or any type of safety apparel like this.

3 Q. Okay.

4 A. Hoods, the jackets and vest.

5 Q. So as part of the employee training, do you impress upon them
6 the need to ensure that the garments they purchase in -- on --
7 from other sources meet the standards?

8 A. Yes. Yes, ma'am, it's in their Norfolk Southern contract
9 handbook. It's gone over and then a test.

10 Q. Okay. All right.

11 MS. HARLEY: And let's see. I think that's all the questions
12 I have. Does anyone in the group have any other questions? Todd.

13 MR. KRAHOLIK: Yeah.

14 BY MR. KRAHOLIK:

15 Q. Jon, when we were in the conference room at that hotel there,
16 you told us one time that you discussed safety items with Kolton.
17 Can you tell me exactly what you discussed with him that time?

18 A. Yeah. I discussed the items, and he asked me about the
19 hearing protection. I said it wasn't necessary unless you was
20 around equipment. And he was working alone at the time, that's
21 when he was in Buckeye Yard. He was working rail, and I just
22 reassured him that he needed to make sure that he wore everything
23 that he needed when he was working alone. We also discussed when
24 he was working around the equipment, that he needed to make sure
25 he had his hearing protection on, and that he was to help the

1 truck and maintain his compliance with all the instructions when
2 he was working around a truck. But at that time, he was working
3 alone. And I just ensured him that he needed to make sure he wore
4 all his safety items when he was working rail.

5 Q. Okay. And I thought you discussed high vis apparel, but that
6 was not discussed on 2/23.

7 A. No, the main thing that was discussed was safety glasses. He
8 was continuously taking off his safety glasses and wiping his
9 face. I said make sure you wear them at all times.

10 Q. I got you. Okay. And then I want to ask you about this 1/19
11 visit with Kolton in Birmingham, Alabama. I have the -- your
12 safety checklist there. Now, does Kolton ever drive a truck?

13 A. Not that I know of.

14 Q. Okay. I just want to -- on this checklist, you checked brake
15 test, vehicle cleanliness. What did you exactly check on that?
16 What was checked on that? What vehicle would that have been
17 checked on?

18 A. That would have been a pickup truck.

19 Q. Okay. You do brake tests on pickup trucks?

20 A. If they're on the rail.

21 Q. Was his on -- does he a truck on the rail?

22 A. Yes, sir.

23 Q. Okay. So his pickup truck would be -- is a hi-rail pickup
24 truck?

25 A. No, not his. We assign individuals to different trucks.

1 Sometimes they have a cut truck. But when I visited Kolton in
2 Buckeye Yard, there was no need for a cut truck. He did not get
3 behind the rail. This is usually what is behind a gang, and the
4 material truck does not have a torch on the front of it. We use
5 the cut truck in front of that truck, in front of the material
6 truck. It's a pickup truck on the rail. It has a torch on it.

7 Q. Okay. So on the inspection on 1/19, do you know -- it says
8 truck number 1185. Was that a cut truck? Do you know?

9 A. Yes, yes.

10 Q. Yeah, that was a cut truck?

11 A. Yes.

12 MR. KRAHOLIK: Okay. Okay. I think I'm done.

13 MS. HARLEY: Okay. Joe, I see you have your hand up.

14 MR. YOUNG: Yeah.

15 BY MR. YOUNG:

16 Q. I was going to follow up with Todd's question there which he
17 asked about the high visibility that was discussed in the
18 conference room. The inspection on January 19th, Jon, was this
19 the same consist that we were using? The same consist that we
20 were using on January 19th, was it the same consist we were using
21 on December 8th?

22 A. No, it was not.

23 Q. I don't specifically recall a cut truck being with that
24 process.

25 A. Okay. The 19th --

1 Q. January 19th, 2021 in Birmingham, Alabama.

2 A. Yes, that was the cut truck and then you said the other --
3 the day of the incident, Joe?

4 Q. Yeah. The consist, was there a cut truck in that consist?

5 A. No, no, there was not.

6 Q. And you mentioned you never had any conversations with Kolton
7 about high visibility?

8 A. No.

9 MR. YOUNG: That's all the questions I have.

10 MS. HARLEY: Okay. Anyone else have any questions?

11 (No response).

12 BY MS. HARLEY:

13 Q. Jon, do you have any questions for us or for me specifically?

14 A. No, ma'am.

15 MS. HARLEY: Okay. All right. Well, actually that, that's
16 all the information I need. And once again, I'm going to go
17 around the room. Last chance?

18 (No response).

19 MS. HARLEY: Well, thank you everyone for such short notice
20 and taking part in this interview. I will make the actual audio
21 available for everybody, and then I will also make the transcripts
22 available as well. So again -- Jon, thank you very much for
23 taking part in the interview, and I appreciate everyone's
24 participation.

25 And I'm going to end the interview at 11:32 a.m.

1 MR. MICK: Ma'am, ma'am.

2 MS. HARLEY: Yeah, Jon.

3 MR. MICK: I have one other thing here. I was mistaken.
4 That 1185R, it was another driver with that. It was on the second
5 page that Kolton had and his name was Mike Fellers (ph.). I just
6 went back here, and put that onto -- well, I was looking at it and
7 saw that form, but that 1185 is a regular material truck, and it
8 was driven by a Mike Fellers. I was mistaken on that. But we do
9 -- one of the things, we do have cut trucks with some of the gangs
10 out here. It does not have the torch on that, but that 1185 is a
11 regular material handling truck, and it was a Mike Fellers, the
12 PM, and he was the driver on that truck.

13 MS. HARLEY: Okay. Todd, I see your hand up.

14 MR. KARHOLIK: Okay. Yes. That's what -- I've got more
15 questions regarding that.

16 MS. HARLEY: No problem.

17 BY MR. KARHOLIK:

18 Q. So, I just want to make sure that -- so you had that
19 Mike Fellers with Kolton on 1/19, that you do a check for
20 Mike Fellers and also Kolton. If Kolton is not driving the truck,
21 you still do brake tests with Kolton?

22 A. Well, he helps. He helps -- you have to have two people do a
23 brake test. He's assigned -- he's the assistant. He helps with
24 the truck, getting on and off the track and but as far as the
25 paperwork is concerned, that is up to Mike Fellers.

1 Q. Okay. And I guess my question is, because if you go to 2/23
2 -- okay. Kolton was by himself and not with a truck. Is that
3 what you're saying on 2/23?

4 A. Yes, he was working by himself. That's correct.

5 Q. With no truck?

6 A. With no truck.

7 Q. Okay. So does anybody work by themselves with a truck?

8 A. Not at this time, no. Not on, not on the track. No, sir,
9 not on the track.

10 Q. Okay. So you checked the box, brake test, because he would
11 have participated in Mike Fellers' brake test?

12 A. That's right. It takes two -- when the truck's on the track,
13 it takes two to check the brakes especially if you have a cart.

14 Q. This inspection, I'm just trying to look through it here, it
15 looks like one sheet has a backup alarm checklist and the other
16 one doesn't. Is there a different checklist for different -- it
17 looks like there's two different checklists here. Would that be
18 correct to say?

19 A. Yes. If you look at the top, one is a safety checklist and
20 the other one is the safety checklist for trucks.

21 Q. Okay. Yeah, if you look for this one on the 19th, it looks
22 like -- it appears that you just check -- you go down the list and
23 you're just checking all the boxes, and I just want to make sure
24 that that's not what's happening. You're actually checking
25 everything that goes down. I'm just making sure the brake test

1 would be sufficient to check here because he would have
2 participated in the checklist, some kind of brake test?

3 A. That's correct. Which one are you looking at?

4 Q. I was looking at 1/19, yeah. That's the one I was looking
5 at. You answered the question. There's different ones, and I was
6 kind of, kind of thrown back on why Kolton would get a brake test
7 on 1/19. It just isn't -- it didn't make sense to me, until
8 talking to you.

9 A. Okay. Also, when we have an employee with a truck, it his
10 responsibility to help that operator back the truck. That's a
11 part of his responsibility, too.

12 Q. So why is there two different checklists? Or, or -- I guess
13 that's what's confusing me here is there's two different
14 checklists. It looks like you do one for Kolton and then the --
15 Mike has a different one. It doesn't look like they do the same
16 one to me. So my question is do you -- well, I guess on the truck
17 one, you did a checklist for both of them. Okay. Okay. I'm
18 good. Okay. I think I figured it out. So you do a -- when you
19 do a safety check for trucks, you put both names on the checklist.
20 And then when you do a checklist for a person, you do an
21 individual one per person. Is that correct?

22 A. Yes. Yes.

23 Q. Okay. All right. I'm good. Thank you.

24 MS. HARLEY: Okay. Joe, I see you have your hand up.

25 MR. YOUNG: Yeah.

1 BY MR. YOUNG:

2 Q. I was going to follow up with that. It looks like the
3 inspection for Kolton on 1/19/21, and I see the difference with
4 the, you know, safety inspection checklist, and if you go to the
5 next one, safety inspection checklist for trucks and that had
6 Kolton and Mike Fellers' name on it. Just to be correct, there is
7 two different forms that you would use, one for the truck and then
8 one just for the employee. Is that correct?

9 A. Yes. Sometimes on the, on the checklist for the trucks,
10 working alone, I will just fill out one -- two sheets for that
11 same individual, when it's a ground truck. But in other words,
12 the answer's yes.

13 Q. And then just to confirm and specifically on January 7th of
14 2021 until now, did the R12 National Salvage contracting group
15 ever have a cut truck or was it just a hi-rail material truck?

16 A. I don't know the answer to the question, Joe. I don't know
17 if they had another cut truck on there or not.

18 Q. Okay.

19 A. I don't know that.

20 Q. And the last one, the last confirmation was you never had a
21 discussion with Kolton about high visibility items?

22 A. Not that I'm aware of, Joe, no.

23 Q. Okay. Thank you. That's all my questions.

24 MS. HARLEY: Okay. Thanks, Joe. Todd.

25 MR. KRAHOLIK: Yeah, I'm sorry. I've got one more question.

1 MS. HARLEY: Not a problem. Go ahead.

2 BY MR. KRAHOLIK:

3 Q. Now, you said that Kolton has a credit card that he uses. Do
4 we know if he bought that high vis -- I'm not going to say high
5 vis but the jacket and the overalls he was wearing, do we know if
6 he bought that with the company credit card?

7 A. No, I do not.

8 Q. Okay. So if -- do you guys do periodic checks on the credit
9 card to see what they're buying or do you not know that?

10 A. No, I do not know that.

11 Q. Okay. I just wanted to make sure. Okay. I'm good.

12 MS. HARLEY: Okay. Thanks, Todd. Anyone else? Going around
13 the room one more time? Forrest, you good?

14 MR. KOERNER-FOX: I'm good.

15 MS. HARLEY: Ian?

16 MR. BARLICK: Yes, ma'am. I'm good.

17 MS. HARLEY: Okay. Dave.

18 MR. OSTRUM: I'm good. Thank you.

19 MS. HARLEY: Chad.

20 MR. HALLER: I'm good. Thanks, Sheryl.

21 MS. HARLEY: Okay. Todd, anything else?

22 MR. KRAHOLIK: No, I'm good. Thank you.

23 MS. HARLEY: Joe.

24 MR. YOUNG: No, ma'am. I'm good. Thanks, Jon.

25 MS. HARLEY: Okay. And, Jon, one more time, do you have any

1 questions for any of us or for me?

2 MR. MICK: No, ma'am.

3 MS. HARLEY: Okay. Hearing no other objections, I will end
4 the interview -- try to end the interview again. So it's 11:41
5 a.m. Thank you, gentlemen. Appreciate it.

6 UNIDENTIFIED SPEAKER: Thank you, Sheryl.

7 MS. HARLEY: All right. Have a good day.

8 UNIDENTIFIED SPEAKER: You, too. Thank you.

9 (Whereupon, at 11:41 p.m., the interview was concluded.)

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CERTIFICATE

This is to certify that the attached proceeding before the

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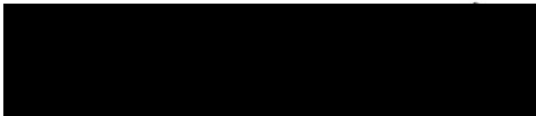
IN THE MATTER OF: NATIONAL SALVAGE & SERVICE CORP
EMPLOYEE FATALITY IN REED,
PENNSYLVANIA ON DECEMBER 8, 2021
Interview of Wesley Wunz and Jon Mick

ACCIDENT NO.: RRD22LR003

PLACE: Via Microsoft Teams

DATE: February 4, 2022

was held according to the record, and that this is the original,
complete, true and accurate transcript which has been transcribed
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Kathryn A. Mirfin
Transcriber