

UNITED STATES OF AMERICA

NATIONAL TRANSPORTATION SAFETY BOARD

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Investigation of: *

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SEPTA TRACK WORKER FATALITY *

PHILADELPHIA, PENNSYLVANIA *

Accident No.: RRD19FR009

JULY 8, 2019 *

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Interview of: LOUIS TREMARKI, JR.

Maintenance Manager of Track

SEPTA

SEPTA Headquarters
Philadelphia, Pennsylvania

Thursday,
July 11, 2019

APPEARANCES:

TROY LLOYD, Railroad Accident Investigator
National Transportation Safety Board

JOHN WEISGERBER, State Safety Oversight Representative
Pennsylvania Department of Transportation (PennDOT)

BILL BANNON, Vice President
Transport Workers Union (TWU), Local 234

RONALD BENSON, JR., Director of Construction Safety
Southeastern Pennsylvania Transportation Authority
(SEPTA)

DAVID STUMP, Chief Engineering Officer
SEPTA Track Department

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I N T E R V I E W

1 MR. LLOYD: Okay, we are on the record.

2 Good morning everyone -- afternoon everyone. My name is Troy
3 Lloyd. I'm with the National Transportation Safety Board.
4 Today's date is July 11th, 2019, and we are at the SEPTA
5 headquarters located in Philadelphia, PA, in Room 12B. We are
6 interviewing Mr. Louis J. Tremarki, Jr., who works as a
7 maintenance manager assigned to the Track Inspections Branch for
8 the Southeastern Pennsylvania Transportation Authority, or SEPTA.
9 This interview is in connection with an accident that occurred on
10 July 8th, 2019 in Erie interlocking. The NTSB accident reference
11 number is RRD19FR009.
12

13 The purpose of this investigation is to increase safety, not
14 to assign blame, fault or liability. The NTSB cannot offer any
15 guarantee to confidentiality or immunity from legal or certificate
16 actions. A transcript or summary of the interview will go into
17 the public docket.

18 The interviewee can have one representative of the
19 interviewee's choice. Have you chosen to have a representative?

20 MR. TREMARKI: No, I don't need one.

21 MR. LLOYD: Okay. Do you understand that this interview is
22 going to be recorded?

23 MR. TREMARKI: Yes, I do.

24 MR. LLOYD: Okay, awesome. So before we start the interview
25 in question, what I'll do I'll go around the table. I'll start

1 off with myself and I'll go to the right to Mr. Tremarki. Speak
2 clearly, when it comes to you, your first name, say your last
3 name, spell out your last name, title, and who you work for.
4 Okay. I'll start off and pass off again to my right.

5 Again, my name is Troy Lloyd. The spelling of my last name
6 is L-L-O-Y-D. I'm with the NTSB, track and engineering group
7 chairman for this accident.

8 MR. TREMARKI: My name is Louis Tremarki. My last name is
9 spelled T-R-E-M-A-R-K-I. I am a maintenance manager of track and
10 I do inspections.

11 MR. BANNON: Bill Bannon, B-A-N-N-O-N, vice President TWU
12 Local 234.

13 MR. BENSON: Ronald Benson, Jr., B-E-N-S-O-N, director of
14 construction safety for SEPTA.

15 MR. WEISGERBER: John Weisgerber, W-E-I-S-G-E-R-B-E-R. I'm
16 representing PennDOT, the SSO program.

17 MR. STUMP: David Stump, S-T-U-M-P, chief engineering
18 officer, SEPTA's Track Department.

19 MR. LLOYD: Would you -- call you Lou, Louis, Mr. Tremarki?

20 MR. TREMARKI: Lou is fine.

21 MR. LLOYD: Lou? Is that what everybody calls you, Lou?

22 MR. TREMARKI: Yeah.

23 MR. LLOYD: Okay. Well, Lou thank you very much for coming
24 here on short notice to get this interview.

25 MR. TREMARKI: No problem.

INTERVIEW OF LOU TREMARKI

1
2 BY MR. LLOYD:

3 Q. So lets just go ahead and start, so just, and briefly, so I
4 can jot some stuff down, tell me about your work history at WMATA,
5 date of hire, how you worked yourself through promotion. I
6 mean --

7 A. SEPTA. Yes.

8 Q. -- with SEPTA. I'm sorry. Yes.

9 A. Well, I was hired on April 1st, 1985 as a laborer. Took a
10 general helper's position 6 months later. I worked in the track
11 department for approximately 4 years, where I was injured and I
12 moved into a security division with SEPTA, where I stayed there
13 for approximately 10 years. At that time I became a supervisor,
14 supervised about 130 individuals over three tours, or three
15 shifts. Worked in the police radio room as a dispatcher for
16 approximately 1 year, from 1999 to 2000. Approximately 2001, I
17 took the track foreman position, and I worked at night with the
18 track department. Moved to day work I guess in 2005, '6 area,
19 where I done street construction and maintenance, and then was
20 moved to track inspection I guess about 6, 7 years ago, where I've
21 been inspector ever since. Inspection foreman ever since.

22 Q. You said that was about in the last 6, 7 years ago?

23 A. Yeah, um-hum. Yes.

24 Q. Okay. What year did you take the track foreman position?

25 A. Approximately 2000.

1 Q. Okay.

2 A. Maybe 2001, right in that area.

3 Q. I'm trying to remember if there's a good (indiscernible) 9/11
4 for me.

5 A. Yeah.

6 Q. So what's that mean, so what are your daily duties? What's a
7 track foreman of inspections do, what are his duties?

8 A. Well, besides communicate with my employees on what they're
9 seeing, walk with them daily, review what they're seeing, discuss
10 what remedial actions they can take, and prioritize our
11 maintenance for our work groups. That's a general.

12 Q. So does that take any kind of special trainings, or like a
13 MW-1000 training?

14 A. Well, you have to be 213.7 qualified, first of all, to make
15 any repairs to track, which we test every year and you have to
16 maintain that position or that qualification or you can't do your
17 job. So with that and experience, on-the-job training, that is
18 what's needed in your position.

19 Q. So do you -- so you work with the track inspectors every day?
20 So they would receive the assignments from you?

21 A. Yes, they receive -- from a supervisor at our location,
22 whether it be myself, the other supervisor, or our direct boss.

23 Q. Okay. And how are those directions or those instructions of
24 what they're going to do for that day, how is that relayed to the
25 guys?

1 A. Well, we relay that they have a certain run number, and each
2 run number covers a particular area. Okay. So we have about 25
3 runs a week that we take care of where they physically inspect the
4 rails. Then we have maintenance time built into some of these
5 runs, and then some days we have (indiscernible) maintenance,
6 where they would go out and do physical work in their areas,
7 tightening up bolts, making sure if they had loose nuts or bolts
8 they would go and take care of it.

9 Q. Is there a particular line that you're in charge of or are
10 you the (indiscernible)?

11 A. No, I have everything -- I have the Market-Frankford subway
12 elevated, the Broad Street Line. We do have some surface trollies
13 that we use on the Green Line. Also have the Media-Sharon Hill
14 and the Norristown Line.

15 Q. So that's not -- so how many foremen are there that's over
16 (indiscernible)?

17 A. Well, there's, totally, two foremen and one director
18 specifically with inspection. That's not including the gang
19 foremen that run the track crews.

20 UNIDENTIFIED SPEAKER: There's two maintenance managers and
21 an assistant director.

22 BY MR. LLOYD:

23 Q. Okay. So you guys report up to the assistant director?

24 A. Correct.

25 Q. So do you guys, the two foremen, do they divide the system;

1 I'll take the southern division you take the northern?

2 A. Yes.

3 Q. Do you guys like divide the system in half?

4 A. We divide the system in half, or if something needs to be
5 walked in a particular area -- they may be back-to-back if it
6 needs to be done, but we try to divide our, you know, where we're
7 walking each day.

8 Q. And then your job requires PCs for the whole territory?

9 A. Correct. Yes, I do. Yes, you have to have physical
10 characteristics training, yes.

11 MR. LLOYD: Bill, you got anything? Well, matter of fact, go
12 on record because you never --

13 UNIDENTIFIED SPEAKER: He did.

14 MR. LLOYD: Oh, okay.

15 UNIDENTIFIED SPEAKER: He went on record. He put his name.

16 BY MR. BANNON:

17 Q. How many inspectors work for your --

18 A. Well, we have two, one for the Media-Sharon Hill Line and one
19 for the Norristown Line, and then we have seven that work inside
20 the City Division. That's nine.

21 MR. LLOYD: Yeah, I want to apologize real quick. We had him
22 do his stuff. I just want to make it -- ensure everybody's on
23 record with the spelling of their name and --

24 UNIDENTIFIED SPEAKER: We did that. Everybody's on.

25 MR. LLOYD: And you did that?

1 UNIDENTIFIED SPEAKER: Yeah, it was right after
2 (indiscernible).

3 MR. LLOYD: Oh, okay. I'm sorry.

4 UNIDENTIFIED SPEAKER: We followed protocol.

5 MR. LLOYD: I thought he came in after we started. I
6 apologize.

7 UNIDENTIFIED SPEAKER: No, no. He came just before we
8 started.

9 MR. BANNON: You were reading your shtick when he came in.

10 MR. LLOYD: Gotcha.

11 BY MR. BANNON:

12 Q. Is Monroe and Nixon, are they usually there together?

13 A. Yes, unless one is off for some reason and we have to pair a
14 new watchperson with Mr. Nixon.

15 Q. Was Monroe picked with Shawn?

16 A. I believe he picked with him, yes.

17 Q. Did you tell these guys at what time to go into the track
18 area to do their -- start the overtime?

19 A. No.

20 Q. Is it normal procedure not to go in until after the load
21 line, usually, to do this kind of stuff?

22 A. No, they will go in during load line.

23 Q. Whether it be straight time or overtime?

24 A. Correct.

25 Q. That area, Erie interlocking, you think that's a good idea to

1 go into that interlocking on rush hour and do a detailed switch
2 inspection? At that time of the day?

3 A. I don't see any difference between that time of the day or
4 midday because you're still looking, you still have to be on your
5 P's and Q's, you have to watch for trains, you have to know where
6 to clear. You may do it a little bit more during load line than
7 you would do at normal time, but you're still doing the same
8 procedure. Nothing changes out.

9 Q. You've been in track for a while.

10 A. Yes.

11 Q. You're familiar with at some point these track inspection
12 runs were changed. Probably before you got over, probably while
13 you were still a gang foreman, but are you familiar with it for
14 that day? Before that, each track inspection runs were done by
15 two track inspectors, not per se just the track inspector and a
16 watchman.

17 A. No, when I started they were done by -- well, I'll give you a
18 brief history. When I started, it was one inspector, no watchman.

19 Q. Right.

20 A. Okay. Then they proceeded to change. I don't per se
21 remember two inspectors, but I do know since I've been back it's
22 always been the inspector with a watchman.

23 Q. Did they routinely do the Erie interlocking or did they do
24 other --

25 A. Well, they would've done whatever was assigned to them that

1 day. They don't necessarily have to do Erie, they could've been
2 given another location, but they would've been doing the switches.

3 Q. But normally on Broad Street Line, or did they do other lines
4 as well?

5 A. They can get other lines. If for some reason it comes up on
6 overtime, they may get the Market Line. If we needed to have the
7 switches done right away, they could've done it earlier in the day
8 and then go on and do another assignment.

9 Q. Do you think they could do a thorough detailed switch
10 inspection at that time of the day with one guy, or --

11 A. Do you mean one inspector or one inspector and a watchman?

12 Q. I'll ask you both ways. First, I guess one inspector. Can
13 he do a detailed -- thorough detailed switch inspection at rush
14 hour in that interlocking with one track inspector?

15 A. Not during load run. On -- without load line yes, but not
16 during load line.

17 MR. BANNON: Okay. I don't have anything else.

18 UNIDENTIFIED SPEAKER: Yeah, I've got (indiscernible).

19 MR. LLOYD: Hey, guys, when you do your questions, say your
20 name, spell your last name, that way we can have it officially on
21 record who's asking the questions.

22 MR. BENSON: Okay, this is Ronald Benson, Jr.

23 BY MR. BENSON:

24 Q. Lou, was this job that these gentlemen were doing
25 prescheduled, prearranged? Did you know about -- when did we find

1 out that this needed this repair?

2 A. The frog repair of the scheduled track inspection?

3 Q. The frog repair.

4 A. That -- I received a phone call at 5:17 p.m. from Mr. Nixon.
5 Mr. Nixon told me, Lou, the frog is moving, I'd like to put a few
6 cut spikes in it, and I told him, I said okay, proceed with that;
7 you have a watchman. Okay. You're going to put four spikes in,
8 you're fine. Just make sure your protection is on point and then
9 make sure to fill out your inspection sheet, separate from his
10 switch inspection sheet.

11 Q. So when we say -- when you said make sure your protection is
12 in place.

13 A. Yeah.

14 Q. Do we -- is it routine to question them what protection
15 they're going to use or is it assumed that they're already going
16 to use the protection that they were using at the time?

17 A. I believe the inspector should make -- is going to make the
18 right decision, making the protection based on his experience.
19 Everyone went through class, we know the levels of protection.
20 Okay. And him having to -- picking his right level of protection
21 is up to him.

22 Q. Okay. Do you all -- you said -- did you say that you all
23 often audit or walk with the employees?

24 A. Yes.

25 Q. So do you ever get recommendations on changes in -- have you

1 ever given a recommendation on a change of protection that they
2 chose?

3 A. Yeah, I'll talk with them. If I came out and I thought
4 something was wrong, absolutely.

5 Q. Correct, the flagman, he is not trained as an inspector?

6 A. Correct.

7 Q. So his sole duty --

8 A. Is to watch.

9 Q. -- is to just watch? When they are taught train approach
10 warning -- that's what they were under correct?

11 A. Um-hum.

12 Q. Is it discussed where the watchman should be in relation to
13 the inspector?

14 A. Each location, the inspector should be telling his
15 watchperson where he needs to be.

16 Q. So it's the inspector's responsibility?

17 A. Correct, because the inspector is in the field with him.

18 Q. Is the flagger also a QPE, by chance?

19 A. Yes, he is QPE. So he should know these rules also.

20 Q. Okay. Were you there when they made the decision for
21 protection or did you arrive after the incident?

22 A. I arrived after the incident.

23 Q. Arrived after the incident, okay. And they were by
24 themselves; there were no other managers, no other workers in the
25 area?

1 A. No. They should've been by themselves. And I don't know if
2 there was any other person working that area, maybe from a
3 different department, I can't say.

4 Q. And those two report directly to you?

5 A. Yes.

6 MR. BENSON: Okay. I don't have anything right now.

7 MR. STUMP: This is David Stump, S-T-U-M-P. Troy, I don't
8 want to kind of step over or get ahead of the game. I wanted to
9 talk a little about the job briefing sheet. Is that okay with
10 you? I mean, are you planning -- again, I don't want to just --

11 MR. LLOYD: Ask the questions that you feel you should ask.

12 MR. STUMP: Okay.

13 BY MR. STUMP:

14 Q. All right. Did you get a chance to review Mr. Nixon's job
15 briefing sheet?

16 A. Yes. I don't have a copy with me, but --

17 Q. And again -- that's fine. I don't expect you to. We had a
18 couple concerns about it.

19 A. Correct.

20 Q. And I'm assuming if you got a chance to look at it, that you
21 identified them as well.

22 A. Yes.

23 Q. Do we have -- obviously the rulebook that they work out of is
24 available. Do we audit that when we do our audits, our rail
25 walks, audits with them? Would they have the information with

1 them that they're supposed to have? The rulebook?

2 A. The rulebook? Yes. We always -- well, I shouldn't say every
3 day that we remind them you should have your books with you. But
4 yes, we do tell them that their books are mandatory at all times.
5 Not just the inspector, but also the watchman.

6 Q. All QPEs?

7 A. All QPE must have their book with them at all times.

8 Q. Did we make sure that he had it with him at this time during
9 that incident?

10 A. Mr. Nixon?

11 Q. Yes.

12 A. No. Mr. Monroe had his in his bag, which I retrieved.

13 Q. Okay. But Mr. Nixon did not have his?

14 A. I cannot say.

15 Q. You didn't see it? Okay.

16 A. I did not see it.

17 MR. STUMP: That's all I have right now.

18 MR. LLOYD: I just, I got a series of questions here, Lou.

19 MR. TREMARKI: Okay.

20 BY MR. LLOYD:

21 Q. So take it me back on the day of the accident, on July 8th,
22 2019. Tell me what your routine history is. Talk to me, how did
23 that day go from the time you get up, what is your daily routine?
24 I want to know from everything up to the point of the accident.
25 How instructions are relayed, if anything special came in, how do

1 you talk about safety with your employees, do they discuss
2 protection with you before they go out to make sure it's adequate.
3 Just hit me up on all that stuff.

4 A. Well, generally I arrive at work at 7:30, 7:40. Our shift
5 starts at 8:00. My habit is every day when I walk in, I walk into
6 the boss's office and ask, you know, anything hot today? He'll
7 say yes, he'll say no, whatever, and I'll ask him, okay, any
8 overtime or things like that. We go through that. I go to my
9 office, open up my emails. I start answering any emails or
10 reviewing any paperwork that needs to be signed and put away, such
11 as inspection sheets or switch inspection sheets.

12 Once we do the -- if anyone calls out or whatever, we have to
13 modify the runs for the day, maybe put -- assign something for
14 overtime or not, switch it up, we'll do that. We'll go
15 downstairs, we give a job briefing to everybody about, listen --
16 they sign their job briefing sheets, they're signing in for the
17 day, we're letting them know that this is what we have today,
18 always be safe. It's always T for teamwork. That's a general
19 thing that we do every day.

20 At that time we assign all our inspectors their runs. If
21 it's something that they're not used to doing, let them know what
22 they're doing. And we tell them if there's any problems, you call
23 us. Just make sure we are always available to our inspectors.
24 You call us, we answer, we come out.

25 Is there anything else you want to know?

1 Q. Yeah, so talk to me all the way up to you have Nixon and them
2 go out and inspect. How are those instructions relayed to them?
3 How do they know where to start; how do they know where to end?

4 A. Well, the -- I don't like to tell the inspector which end to
5 start from. That's his decision to make. His run works a certain
6 way. So if he's doing Erie interlocking, he can start at Erie, he
7 can go up the track to the other switches, he could come back, he
8 could do Erie ramp and the switches up on the ramp. Okay. That's
9 his area that he's doing.

10 So if he wants to start on the ramp and where there's no
11 traffic at all, that's fine. That's his -- you know, that's his
12 call, it's part of his routine, which is fine. But we gave him
13 his assignment, that he was going to work Erie ramp on overtime.
14 He selected that; he had a choice of areas to work. I think there
15 was three, maybe four -- four pieces of overtime that day, I
16 believe it was, and that's the one he selected.

17 Q. Okay. He was going to work Erie ramp on overtime?

18 A. It was supposed to be Erie interlocking, and it includes the
19 ramp.

20 Q. Okay. All right.

21 A. Okay. So that's part of his inspection. If there's any --
22 that's if he walked it before. So he was given this assignment,
23 and he's going to go out and he's going to decide which way he's
24 going to work his run. Him and his flagman should discuss where
25 they're going to work first, what switches and what track. That

1 should be their normal routine. And like I said, if they had any
2 problem, they would call me and I would come right out, because I
3 was on overtime that night myself. We -- a supervisor will work
4 overtime if there's three or more inspectors working, in case
5 there are any problems, in case they needed any assistance.

6 So they decided they were going to start at Erie. They
7 finished their normal run; they were going to start at Erie on the
8 main tracks to do their inspection. Again at 5:17, I received a
9 phone call -- I was at, I think, 53rd or 54th and Haverford; I got
10 in the truck -- that he was going to work on -- he was doing his
11 run, while doing his run he noticed that the frog needed some cut
12 spikes. Again, at that time I told him, okay, you do that, make
13 sure to put it on the maintenance report and not on the switch
14 report. You can still put it on the switch report, but I wanted
15 it on a maintenance report. He said no problem.

16 Approximately, I guess it was not even 10 minutes later, I
17 heard the call go out that an employee was struck. And at that
18 time I made my way to Erie Avenue. I parked my vehicle at Broad
19 and Hunting Park, and walked down the tracks to the location, at
20 which time I saw Mr. Monroe.

21 Q. So that particular day, so these guys started at a segment
22 three or four stations from Erie? And so they would perform their
23 daily switch inspection that's probably conducted twice weekly
24 with a day interval, right?

25 A. Well, no, detailed switch inspections are a monthly, month --

1 Q. Well, I know that, but they -- the detailed switch inspection
2 wasn't done until -- so they just didn't go down there and all day
3 do a detailed switch inspection. They started somewhere --

4 A. They walked the run. Okay. So the run --

5 Q. Exactly. So where did that run start and where did it end,
6 and then they did their --

7 A. I do not have the sheet for the day to tell you that. But
8 that information I could get for you.

9 Yeah, they would walk an area of track. What they were doing
10 is walking straight track, curves, guarded rail, okay through all
11 the crossovers and switches. That was their normal run. Once
12 they completed that normal run, then they worked on their
13 overtime. Overtime started at 4:30. So you can tell that they
14 started the run pretty much immediately. They weren't out
15 anywhere else, you know. And then I heard that there was an
16 employee struck.

17 Q. So does the Track Inspection Branch put out some kind
18 of -- so you were just sitting there saying -- and correct me if
19 I'm wrong, there might be up to 25 to 28 runs, daily runs a day?

20 A. Weekly.

21 Q. Or inspections?

22 A. Weekly.

23 Q. Weekly?

24 A. I will have seven --

25 Q. So 25 to 28 weekly track inspections, that's the normal,

1 casual or the interval track inspections?

2 A. Complete. Yes, that's our interval, yes.

3 Q. Gotcha. So weekly, per week. So do you guys put out any
4 kind of track inspection locator sheets so you can sit there and
5 say, Nixon and Bill are walking track between Girard --

6 A. Yes.

7 Q. -- and Allegheny, track 2 --

8 A. Yes. That is on our daily duty roster.

9 Q. And does that go out to the ROC so the train dispatchers can
10 see that?

11 A. No, because each employee has to call into the track, let him
12 know what locations they're at. And some days, like Tuesdays and
13 Thursdays, you'll have work zones set up between Walnut and City
14 Hall, and then they'll work all four tracks. Of course there's a
15 lot of curves there, reverse curves, so they'll walk that area.
16 After that's done, they may break down the works zones and then
17 work and walk under train approach warning. So it depends on
18 where they're at.

19 Q. So explain a detailed switch inspection to me. What would
20 have took place at Erie?

21 A. Well, you went to Erie, first of all, he has to call
22 (indiscernible) track area let him know where he's at. Then he's
23 going to identify which switch he's at. He's going to take
24 measurements, so the middle, the heel, through the turnout, up to
25 the frog, make sure his back-to-back is good, his check gauges are

1 good, and he's going to do it to all four switches, okay,
2 including the diamond. He'll do the back-to-back checks on the
3 diamonds, that's a part of his inspection.

4 Q. So more checking the offsets and all that stuff. He's
5 checking his back-to-back, his guard face gauges --

6 A. All the guard faces and everything.

7 Q. -- all (indiscernible) points, all of that, okay.

8 So now let's go back to on-track protection. You mentioned
9 train approach warning. Explain train approach warning to me.

10 A. Okay. Train approach warning is when there's an inspector
11 and a watchperson. Watchperson will signal that there's a train
12 approach; you're going to have at least 15 seconds to clear the
13 rail. That's 1300, off the top of my head -- 1300 feet, 1400 feet
14 to get out of the way. So you have 15 seconds before the train
15 passes you on the train approach warning.

16 Q. And who performs that? Who's in charge of that? Who's in
17 charge of establishing train approach warning, that it's being
18 done correctly?

19 A. The inspector. Well, either one, because they're both QPE.
20 They both know. They've both been trained and taught, so it
21 should be the two of them.

22 Q. So the watchman was qualified protection employee as well, so
23 that means he is a qualified track inspector?

24 A. No. He's qualified to be in the track.

25 Q. Gotcha.

1 A. Okay. He's qualified to establish protection.

2 Q. So he can remove track from service?

3 A. No, he cannot. He's not 213.7. We don't allow hourly people
4 to take tracks out of service. Normally that's reserved for
5 management only.

6 Q. So what would be the difference between the watchman
7 qualifications and Nixon's qualifications?

8 A. 213.7 training.

9 Q. So he just has MW-100 training?

10 A. MW-1000 training.

11 Q. Okay. So Erie interlocking, they get down there, they choose
12 train approach warning?

13 A. As a protection.

14 Q. So the little bit I had, I had four-track territory, and I
15 got two express tracks with a number double-8 crossover non-
16 standard with a diamond. Two outside third rails that, if I'm in
17 there, that's how I would have to clear.

18 Is train approach warning a safe type of protection when I
19 got headway of 3 or 4 minutes and it's a dark interlocking and
20 tripping hazards and all that?

21 A. Well, if their line of sight is several thousand feet, yes,
22 and it was several thousand feet. If you are going from Erie
23 Avenue, which is the 3500 block or 3700 at that interlocking, and
24 the next station is 42nd street -- or 4200, you're looking at 5
25 city blocks long that you can see clear line of sight. Then yes,

1 they can easily clear the track within 30 seconds of a train
2 approaching without rushing at all to get out of the way.

3 Q. So explain the term predetermined place of safety.

4 A. That's when you stand -- say look, I'm going to stand here,
5 this is where you're going to work, and we're going to clear to
6 this area when a train comes. That's predetermining where you're
7 going to be and where you're going to clear to.

8 Q. Who chooses where the watchman would stand for the best sight
9 advantage for approaching trains in that (indiscernible)?

10 A. That should be both of them. But, in essence, the track
11 inspector, being the lead man, should identify where he should
12 stand. But you have a right to challenge. If you feel it's not
13 safe, you have the right to stand up and say look this is not
14 safe, I'd feel better standing here. If I'm here, I could see
15 further, and go from there.

16 Q. So at Erie interlocking, would there be predetermined places
17 of safety that a watchman could stand and to be out of the way to
18 still have the best advantage?

19 A. Certainly. Just north of there there's no third rail on your
20 left-hand side, it's still a little wider, okay, and he could see
21 clearly up the 2 track. And if he was on 3 track, he could stand
22 at the platform. Up near the platform there's a wide-open area
23 where, they're in between tracks, you could step right across the
24 third rail and have no problem.

25 Q. What's a hotspot?

1 A. Hotspots may be curves, obstructed views, those things.

2 Q. Are interlockings hotspots?

3 A. Interlockings would be a hotspot just because of movement and
4 whether switches are moving. Clear line of sight is still being
5 established, so that's something you have to determine.

6 Q. Is Erie a hotspot?

7 A. I don't recall. I really don't recall. I remember seeing
8 the sheet; we have the sheet it's on the computer.

9 MR. LLOYD: And I'm good. I'm good. Bill?

10 MR. BANNON: Yeah, I've got a couple questions.

11 BY MR. BANNON:

12 Q. Is any interlocking to your knowledge on the hotspot list?

13 A. I think Walnut is, Pattison, because they have curves right
14 before them.

15 Q. So Walnut interlocking and Pattison interlocking?

16 A. Yeah, and maybe Fern Rock because you have a curve right
17 before.

18 Q. How would you, if that's -- let's say that's true. Let's
19 say, how would you deal with assigning somebody into that
20 interlocking to do, let's say, a detailed switch inspection in a
21 hotspot area? What would be the -- what would you do different
22 there than, let's say, an interlocking that wouldn't be?

23 A. Either advanced personnel, a watchperson. If need be, I have
24 to put up a zone, a work zone. If I had welders working down
25 there at the same time, I would have my inspectors go into the

1 Form W, and do it.

2 Q. You were there obviously after the incident?

3 A. After the fact, yes.

4 Q. You seen the repair that was done, right?

5 A. Um-hum.

6 Q. Based off of your experience, is that -- was that repair that
7 was made, was that something, had it not been made, would've
8 rendered the track out of service? Is that a repair that could
9 have been, shot it down and maybe turned over to a maintenance
10 crew to do? Was it imperative enough to fix at that time?

11 A. I didn't measure what was there. I didn't take my ruler out
12 and measure it; I wasn't there for that reason. I was there for
13 the reason of my employee. Okay. So I can't tell you what he was
14 seeing and how much it was moving, even though I could see cuts in
15 the tie from where there was movement.

16 Q. Okay. So earlier I asked you questions, you said basically
17 that you didn't think it was ideal, let's say, for one track
18 inspector at that time of the day to do a thorough detailed switch
19 inspection. That's what you said.

20 A. That's right.

21 Q. However, my question is when Shawn called you, and based off
22 of what you just said, why would you okay, if it's not ideal to do
23 a detailed switch inspection which is less tedious and all as a
24 repair would be, why did you think it was okay to okay the repair
25 to be done at that time?

1 A. Because you -- because you asked one person, and I
2 specifically asked "one person?" and you said yes. Because I made
3 the comment that we used to inspect rail by one person only, not
4 -- without a watchman. He had a watchman.

5 Q. Right.

6 A. Okay. So it was a little bit back and forth there for me.
7 It's either he had one inspector with a watchperson or no
8 watchperson, which way is it? First was no watchperson.

9 Q. No, I guess what I mean -- you misunderstood me. But what I
10 was trying to say was, with that situation in the interlocking,
11 where he's at, lighting and all that, even with a watchperson,
12 even with the guy he sends out -- and I guess the key word here is
13 thorough and detailed with a watchperson, with one guy, one
14 inspector, do you think that you can get a thorough and detailed
15 switch inspection from that one guy in that interlocking at that
16 time? As opposed to, say, maybe other times that would be more
17 ideal or safe, for lack of a better word?

18 A. Well, both are two different things to me. He came out and
19 did an inspection. Okay. If you're saying -- he can do his
20 inspection during that time of day, there's just more frequencies
21 of trains. Now he did ask about making a repair. Okay. The
22 repair was simple enough where you put a few spikes in. He only
23 put four spikes in, that's all he's going to put it. That is 10
24 seconds worth of work and you get out of the track. To me, it
25 wasn't too much to ask to put four spikes in. I'm not going to

1 second guess what he thought he needed to do at that time to make
2 it safe. He said to me, I feel very uncomfortable with it, I'm
3 going to put in a few spikes, and I said okay.

4 Q. Would the track inspection be better preformed at a different
5 time than it is now? Let me rephrase that. Would track
6 inspections be more safely preformed at a better time than it is
7 now, and in the manner in which it's being done now?

8 A. I don't think so. And my reason is you have to see what the
9 tracks are doing under load. If I walked on the tracks out there
10 from 10 o'clock at night to 6 in the morning, half the night I'm
11 going to see nothing running on them, I'm going to see no
12 movement, everything is going to be good, and you're going to miss
13 a lot. You're going to find some things, but I think you see more
14 when the trains are running over it and you're taking your
15 flashlight and you're watching each wheel go past your location.
16 You can see the pumping, you can see the movement, you can see,
17 you know, the rails doing what they're doing, and it helps in your
18 inspection.

19 Q. What about specific in switch inspection? I'm not talking
20 tangent inspection. I agree with you. But in regards to
21 specifically detailed switch inspection, would you say that it's
22 probably safer to do that aspect of inspection at maybe a
23 different time? Due to all the circumstances involved and what's
24 involved now.

25 A. I'm going to stick with what I said. I believe it could be

1 done safely at any time. Now you asked me about hotspot locations
2 and I gave you three that I think could be done a different way.
3 Okay. For me they should be under a zone, but that's -- we've
4 always done it under the train approach warning and that's the way
5 it's been done. I remember doing it with one man without a
6 watchman, doing these same switch inspections by himself, carrying
7 the wrench and hammer.

8 MR. BANNON: I don't have anything else.

9 MR. BENSON: Yeah, I have a couple.

10 MR. TREMARKI: Could I get a water, a glass of --

11 UNIDENTIFIED SPEAKER: Sure can. Get a drink, bathroom, yup.
12 It's done.

13 MR. LLOYD: Lets go off the record real quick so this
14 gentleman can take a break.

15 (Off the record.)

16 (On the record.)

17 MR. LLOYD: All right. We are back on the record.

18 MR. BENSON: Okay. This is Ronald Benson. Jr.

19 BY MR. BENSON:

20 Q. Lou, Bill was asking about optimal -- basically looking for
21 optimal times to make this. Would you have used the same level of
22 protection in this same situation?

23 A. Yes.

24 Q. I guess now, in hindsight, would you still feel that same
25 level of protection would be suitable for that location? We'll

1 speak just about Erie location.

2 A. Yes.

3 Q. And why?

4 A. Because you never stand on a live track. At some point you
5 have to learn -- you have to know to cross them. If you're going
6 to stand in live track, you better be watching the direction of
7 the trains. It's just a habit you have to develop, what you need
8 to do. It's a matter of life and death. Okay.

9 It's -- 12 feet further, you are out of the track area.
10 Either way you wanted to go, you would've stepped over a third
11 rail and you would've been in a cutout, okay, in an open area
12 where you're safe. So I would still do it the same way, and
13 that's just me.

14 Q. Okay. Would you think third shift would be or the shift
15 after the express train, even on OT, could be considered?

16 A. Anything could be considered. Anything could be considered.
17 I don't -- I think it comes down to the employees being -- on
18 doing their job and making sure they're safe with themselves.
19 There's just not a building you can set here. I would still do
20 it. I just mentioned three places I thought that were hotspots,
21 which I think you could change, but they could be done during
22 normal hours. They don't need to be put on overnight, but maybe
23 not done during a load line period. That's just me.

24 Q. Fair enough. I only asked because I want to see where your
25 thought process was as far as when jobs should be done, whether

1 there's a second thought in certain situations when they're
2 recognized prior to employees going in to work. So I'm looking at
3 when the employees asked to go in. I understand that you said
4 yes, this is something we would do on load line, this would be
5 something normal; it's only four ties, it should take you a couple
6 seconds to get in and out and do what you have to do, and I
7 understand that. I'm seeking to find out where your thought
8 process is. Could it have been, you know what, we don't have to
9 do this right now; can we plan our repairs around a certain
10 particular time outside of -- in other words, inspectors, you just
11 inspect and then later on we may plan for you to come back and do
12 X and Y.

13 A. I was not there. I can only go by what my inspector said,
14 that I do not feel comfortable with the way it looks, I would like
15 to put in a couple cut spikes. I cannot second-guess him because
16 I was not there. If he said to me, Lou, this needs to be taken
17 out of service, I'd be calling the train dispatcher, take it out
18 of service, and then go deal with it.

19 Q. Okay.

20 A. Okay. So I have to respect what he told me.

21 MR. BENSON: I appreciate it. Thank you. I'm good.

22 MR. WEISGERBER: No.

23 MR. STUMP: I don't have anything either.

24 BY MR. LLOYD:

25 Q. Detailed switch inspections, do you guys do them jointly with

1 C&S?

2 A. No.

3 Q. So you don't -- okay. So your guys would go in, do the
4 measurements or whatever, then C&S would come in and do the
5 quarter-inch throws and test it in machines, and the point
6 protectors?

7 A. What we ask is to throw the switch so we can take the
8 opposite measurements. Throw the point, then we put it back to
9 normal, so he can do his measurements.

10 Q. How does C&S protect themselves when they do a detailed joint
11 -- joint switch inspection?

12 A. They take local control.

13 Q. What does that mean?

14 A. That means that they may shunt, they may, for lack of a
15 better word, they may put a signal in before the interlocking at
16 red. As a train approaches, they give them a clear to pass that,
17 okay, but they have to stop first, and then they're given
18 protection. Permission to proceed.

19 Q. So C&S would put local control on the switches. They've got
20 a person in a room, and then they would control the signals and I
21 guess --

22 A. Pretty much, yes.

23 Q. -- all the trains past the red signals or give OCC
24 permission?

25 A. Yes. On the rule (indiscernible)5(c), stop sign down or

1 whatever it is.

2 Q. So that means they have 50 people out there and then they
3 know trains are definitely stopped on all --

4 A. Yes.

5 Q. -- all four switches. And then they probably come back and
6 say, okay, look, I've got a train that needs to leave track 2,
7 whatever, I need you guys to clear up. Is that how that's
8 usually --

9 A. Basically.

10 UNIDENTIFIED SPEAKER: And they have trip cocks at those red
11 signals.

12 MR. TREMARKI: Yes.

13 UNIDENTIFIED SPEAKER: So the train can't pass the red
14 signal. Pretty safe.

15 MR. TREMARKI: Yeah. That's system (indiscernible).

16 BY MR. LLOYD:

17 Q. Really safe?

18 A. I would say so.

19 Q. What about track inspection performing a joint switch
20 inspection with C&S under that type of protection?

21 A. We've never done it. Nothing's off the table. I mean it can
22 to be done.

23 Q. And that way you would see if the quarter-inch test is being
24 done, if you've got stopped all movement or --

25 A. It's something we've never done, but I don't see, you know --

1 it's a matter of coordination.

2 Q. Now is that done after hours? I'm sure they're not taking
3 local control during the day, are they?

4 A. Oh, yes they are. If they're out there working, they take
5 local control. I will say that I don't know that they do those
6 inspections during the day. I know that they will work on things
7 during the day; you will hear them take local control to fix
8 issues, but I don't know what their schedule is.

9 MR. BENSON: They're night inspections. They do the
10 inspections, they them on second shift, third shift or weekends.

11 MR. TREMARKI: Okay.

12 BY MR. LLOYD:

13 Q. It sounds like they kill two birds with one stone type of
14 thing. I'm just coming up with some things here, you know. So
15 you've got someone that's actually switches out of service, taking
16 signals out of service, and you've got that positive communication
17 where they're in charge of the red signal so they can -- 241, you
18 know, 241 pass a stop signal, whatever.

19 A. Yes.

20 Q. And then you've got that positive communication, so that's --

21 A. It sounds good.

22 Q. Talk to me about mentoring your track inspectors. You ever
23 go out and, hey, let's walk; hey, you know, you walk past this you
24 walk past that?

25 A. Yes.

1 Q. You're not reporting this or you reported that this, I see
2 that this -- you ever do that?

3 A. Absolutely.

4 Q. How often do you do it?

5 A. I do that at least once a week, walk with an inspector, and
6 then -- more than that actually. Mondays, Tuesdays, walk with
7 inspectors. Wednesday is somewhat organized, so I will be doing
8 some checking of my own, where I'll be walking without an
9 inspector, walking over territory, making sure that what they're
10 reporting is what they're seeing, you know, I see what they're
11 missing. I do that. I watch them do switches if I'm out there in
12 that area with them, and the biggest thing is I talk with them.

13 Q. Gotcha. What about close call reporting? Do you all deal
14 with that? Does SEPTA have a close call reporting program?

15 A. Not that I'm aware --

16 UNIDENTIFIED SPEAKER: Not on the transit side. They do on
17 the railroad but not on the transit side.

18 BY MR. LLOYD:

19 Q. So how are near misses reported? Because my theory is it's
20 -- you know, we had this tragic accident at Erie interlocking.
21 How many times prior was it just a near miss?

22 A. The only one that I know reported was the one at Fern Rock.
23 That was it. But as I'm saying --

24 Q. But that was after the fact, right?

25 A. Correct.

1 MR. BENSON: That was after an incident.

2 MR. TREMARKI: That was after an incident. But other than
3 that, I don't hear too much about -- they don't let us --

4 UNIDENTIFIED SPEAKER: I don't know that -- well, yeah, I
5 don't know that Fern Rock would qualify as a near miss. That
6 was --

7 MR. TREMARKI: Well, that was a strike.

8 UNIDENTIFIED SPEAKER: A strike. Yeah, and I don't know that
9 that would qualify as a near miss.

10 MR. TREMARKI: Well, to me that was the closest thing to a
11 near miss that I could say was there, you know?

12 MR. LLOYD: So a near miss would be, you know, we've went
13 into Erie interlocking a hundred times and the watchman always
14 stands in the diamond with me, and he's not in a predetermined
15 place of safety, and we just barely got out of the way of that
16 train.

17 MR. TREMARKI: Yeah. But --

18 BY MR. LLOYD:

19 Q. You don't -- your track inspectors don't talk to you about,
20 man, that was a messed up situation; we need to look at something
21 different?

22 A. I don't get that too often.

23 MR. BENSON: And uniquely, if it was a close call for the
24 track individuals, it was a close call for the operators. The
25 operators normally sure do call.

1 BY MR. LLOYD:

2 Q. And does the operators call stuff?

3 A. Yes.

4 MR. BENSON: Yes, absolutely.

5 MR. TREMARKI: It doesn't happen very often. It's not that
6 -- no, I can't remember the last time that I've heard that. I
7 can't remember having to investigate a near miss. I can't
8 remember, you know, where we discussed --

9 BY MR. LLOYD:

10 Q. In that sense, is it because it's so safe or they're just not
11 telling you?

12 MR. BENSON: Well, we discussed it, but --

13 MR. LLOYD: And that's the thing, just because you're not
14 investigating them, are you being -- are they being reported?

15 MR. BENSON: We did have one where the operator thought they
16 saw somebody step out when they were going by. We investigated it
17 and watched video, and it wasn't the case but it was the illusion
18 that the operator saw and what the employee was doing at the time,
19 which was getting out of the way and moving a bucket that was in
20 front of him. And the operator reported it and we did
21 investigate, just several months ago. We did investigate it. So
22 they do report it.

23 Actually I got a report, called me and I wasn't in the track
24 area, so -- in fact, I was in Norristown. So they do -- the
25 operators, if track (indiscernible) employee, one of us, saw them

1 in the track, most likely the track operator -- the operators do.

2 Q. So, overall, how do you feel about SEPTA's roadway worker
3 protection training with the instructors? Are they seasoned, are
4 they -- people that's worked in the environment for years and now
5 they're the best of the best, and now they're teaching this
6 subject? You know, how do -- is it a good program?

7 A. Well, SEPTA trains. And SEPTA does offer a lot of training,
8 I believe our trainers do the best job they can do. They do have
9 a wealth of experience, mainly from the operating side, but they
10 do have a wealth of experience. I feel that they train well and
11 they field the questions well. Every class we're asking questions
12 and challenge them and we do things like that, so I think it's
13 working.

14 BY MR. BANNON:

15 Q. Two-man crew: watchman, track inspector. Primary duty as a
16 watchman is strictly to watch?

17 A. Correct.

18 Q. Not be roped into any type of work whatsoever, at all?

19 A. Nope. He's not even supposed to help the inspectors if they
20 go -- if they both leave the track and go get material, he needs
21 that material to maybe make a repair, he could help him carry
22 something but he still has to watch. He can't be engrossed. You
23 can carry a bucket and still look forward and use a flashlight.
24 Okay. With a train approaching, you put the bucket in the column,
25 clear, and then give the sign to proceed. But he should not be

1 engrossed in physical work at all. That's my --

2 MR. WEISGERBER: I'm good.

3 MR. STUMP: I'm good, Troy.

4 BY MR. LLOYD:

5 Q. Let's wrap it up. I like to end things on a positive note.

6 A. Okay.

7 Q. Okay. And this is your interview. This is your chance to
8 sit there and be like, you know what, something tragic has
9 happened and we need to do this, we need to do this right now. So
10 in Lou's eyes, if Lou could change anything -- we can't turn back
11 the hands of time, so we can't change that. But if Lou had a
12 voice and he said, you know what, this would have prevented that
13 or we need to change this now, we need to do this now, what would
14 it be?

15 A. I think first of all we need to take account for what we do.
16 Make sure each person takes account for what they're supposed to
17 do. If it's a two-man crew, it's a two-man crew, not one. Not
18 the inspector saying I'm the lead man, that's it. You have an
19 inspector of 4 years telling a man of 20 years where to stand.
20 This man worked by himself before, he did track cleaning, he did
21 track sweeping, he did all of this. That would be down
22 (indiscernible).

23 In hindsight, because this is all we have, there are a few
24 places I'd like to see that they do work in a different way. An
25 inspection, maybe we can change that, all right, you don't do all

1 the switches on overtime, you do them between this hour and this
2 hour. And if you're not going to do it, like Fairmount
3 interlocking's a good one because you've got local, you've got an
4 express, and you've got a bridge coming up. Maybe that should be
5 done under a work zone, an advanced watchman down on the bridge
6 line. Hey, you've got a bridge train coming, are you clear?

7 Okay. So you're looking at trains coming at 70, 55, and
8 coming up to a stop on a ramp. So I guess there are areas you
9 could include as hotspots. The last two individuals at Fern Rock,
10 that should be done with an advanced person standing on a platform
11 with them like a town crier that they see. Okay. And these are
12 things that can be done, so it's just a matter of are we going to
13 implement them and when.

14 Q. Are they not done that way because they're not considered a
15 hotspot?

16 A. No, I think it's that -- I think it's -- we have always done
17 things in a regimented manner. Okay. The guy before me did it,
18 guy before him did it, and it doesn't always necessarily make it
19 right, okay, but -- you know, it just takes someone with new
20 vision or something like this guy said, say make change, go do
21 something different. Okay. That's just the way I feel about it.

22 Q. You ever heard the term advanced mobile flagger?

23 A. No.

24 Q. It's called an AMF.

25 A. Okay.

1 Q. It stands for advanced mobile flagger. You know, a lot of
2 transit agencies that, you know -- D.C., New York is a busy place
3 like SEPTA, where they have actually put someone physically on the
4 platform. When that train stops, he goes up to that window, he
5 says, hey, guy, I've got --

6 A. Well, we have done that. We have done that for emergency
7 repairs.

8 Q. -- yeah, I've got people out there, you know, when you leave
9 here, start tapping your horn, be on the lookout for roadway
10 workers and equipment; be prepared to stop the train.

11 A. We have actually physically stopped the trains, I mean, at
12 the window say, look, wait here for a minute, then call us. When
13 we had emergencies, like broken joint bar or whatever in the past.
14 So we had a town crier, per se. We're going to hold him, we're
15 going to let him clear it's safe to do so at the mile per hour we
16 want you to go. We have done that. Okay.

17 It's a shame this had to happen, but it's -- hopefully we can
18 really move forward and make it safer.

19 Q. So whatever you can do, you know, this is your chance to make
20 a positive change.

21 A. I think we just need to respect where we -- we're all looking
22 at a different angle and it should all be looked from the same
23 angle. Okay. We want to make it safe, we want to move people,
24 but I think first and foremost we make it safe, because you can't
25 make it safe without moving people. That's what I'd like to --

1 Q. Of course. Of course.

2 UNIDENTIFIED SPEAKER: I'm good. Thanks, Lou.

3 MR. LLOYD: Anybody else?

4 MR. TREMARKI: Thank you.

5 MR. LLOYD: All right, we are officially off the record.

6 Thank you.

7 (Whereupon, 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: SEPTA TRACK WORKER FATALITY
PHILADELPHIA, PENNSYLVANIA
JULY 8, 2019
Interview of Louis J. Tremarki, Jr

ACCIDENT NO.: RRD19FR009

PLACE: Philadelphia, Pennsylvania

DATE: July 11, 2019

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.


Danielle K. Klunk
Transcriber