

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: SHAWN NIXON
Track Inspector
SEPTA

TWU Local 234 Union Hall
Philadelphia, Pennsylvania

Thursday,
July 11, 2019

APPEARANCES:

TROY LLOYD, Chairman, Track and Engineering Group
National Transportation Safety Board

DAVE BUCHER, Rail Division Chief
Operations Group Chairman
National Transportation Safety Board

JAMES SOUTHWORTH, Investigator in Charge
National Transportation Safety Board

AMELIA SORG-TAYLOR, Project Analysis Representative
Rail Transportation Safety Review Program
PennDOT

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

RONALD NEWMAN, Business Agent,
TWU Local 234

MADELINE NIXON
(Mother of Mr. Nixon)

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I N T E R V I E W

1
2 MR. LLOYD: We are on the record. Good morning everyone, my
3 name is Troy Lloyd. I am from the National Transportation Safety
4 Board. Today's date is July 11th, 2019, and we are located at the
5 Transport Workers Union, TWU, Local 234, union hall located in
6 Philadelphia, Pennsylvania.

7 We are interviewing Mr. Shawn Nixon, who works as a track
8 maintainer assigned to the inspections branch for the Southeastern
9 Pennsylvania Transportation Authority, SEPTA. That's S-E-P-T-A.

10 This interview is in connection with an accident that
11 occurred on July 8th, 2019, in Erie interlocking. The NTSB
12 accident reference number is RRD19FR009.

13 The purpose of this interview is to increase safety, not to
14 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 in the
17 public docket.

18 The interviewee can have one representative of the
19 interviewee's choice. Note the representative may not testify for
20 the interviewee. Representative comments should be limited.
21 Legal evidentiary objections are not grounds for NTSB to refrain
22 from asking questions.

23 Do you understand everything? That's everything we explained
24 to you in the office. So you know it's being recorded, it's going
25 to be transcribed?

1 MR. NIXON: Yeah.

2 MR. LLOYD: You've got your mom sitting in; you have your
3 union, legal representation. Are you all right with that?

4 MR. NIXON: (No audible response.)

5 MR. LLOYD: Okay. Before we start this interview in
6 question, let's go around the table and introduce ourselves.
7 Please spell your last name, who you are representing and your
8 work title. I would like to remind everyone to speak clearly so
9 we can get an actual recording. I'll start off and then pass off
10 to my right.

11 Again, my name is Troy Lloyd. The spelling of my last name
12 is L-L-O-Y-D, and I am the NTSB track and engineering group
13 chairman for the NTSB in this accident. Passing on to my right to
14 Mr. Shawn Nixon.

15 MR. NIXON: My name is Shawn Nixon, N-I-X-O-N. I'm a track
16 inspector for SEPTA.

17 MS. NIXON: My name is Madeline Nixon. I'm the mother to
18 Shawn Nixon.

19 MR. BANNON: Bill Bannon, last name, B-A-N-N-O-N. I'm a vice
20 president of TWU Local 234.

21 MS. SORG-TAYLOR: I'm Amelia Sorg-Taylor, S-O-R-G hyphen T-A-
22 Y-L-O-R, and I am a project analyst representing the PennDOT Rail
23 Transportation Safety Review Program.

24 MR. SOUTHWORTH: My name's Jim Southworth, S-O-U-T-H-W-O-R-T-
25 H. I'm the accident investigator in charge assigned to this

1 accident. I'm out of Washington, D.C. headquarters NTSB.

2 MR. NEWMAN: My name is Ronald Newman, N-E-W-M-A-N, TWU Local
3 234 business agent.

4 MR. BUCHER: My name is Dave Bucher, B-U-C-H-E-R. I am the
5 chief of the Rail Division for the National Transportation Safety
6 Board and the operations group chairman for this accident
7 investigation.

8 MR. LLOYD: Okay. All right. Thank you, everyone.

9 INTERVIEW OF SHAWN NIXON

10 BY MR. LLOYD:

11 Q. So just starting off, Shawn, tell us -- just start -- give us
12 a little bit of history about your work, day you was hired for
13 SEPTA, you promoted, worked, the years, years of service, all that
14 stuff.

15 A. I started in September '09. I was doing maintenance first, I
16 mean, as a custodian. Transferred to track like 2½ years after I
17 started. Took a test to become a classman. Worked overnight for
18 a while, then I came into track inspection. That's it.

19 Q. So tell us how one would go from a track maintainer to a
20 track inspector?

21 A. I took a test. That's it.

22 Q. Is that it? Anything else?

23 A. (No audible response.)

24 Q. No. So this would be -- this is probably going to be hard
25 for you, but on the day of the accident, see if you can talk to me

1 about your normal routine for that day, from the day you get up,
2 how you go throughout your day; do you make any stops for coffee
3 and what takes place at the office, how you receive your
4 instructions. If you can just relay to us how that day went from
5 the start, you got up until up to the time of the accident.

6 A. Woke up and went to work. I got (indiscernible). I walked
7 my area from Susquehanna to Girard, first. Then the overtime was
8 at Erie interlocking and the ramp. I was doing my switch
9 inspection. 25, the switch, the frog was moving so we put a
10 couple cut spikes in. And then the train on 3 track was at the
11 platform, complete stop.

12 I told my partner, I want him to stop this train right here
13 because the train was coming down 2 track. I'm going to watch the
14 train go over, over the frog on 2 to see if we need to do anything
15 else to it -- to the frog. He said, all right, I got it. So
16 stopping the train on 2 track, flashing my flashlight. He said,
17 all right, look at the train coming down -- the train's coming
18 down 3. He said, look, look at it, see if it's moving. So I
19 turned and looked, the train is in my face.

20 The train was in my face, and by the grace of God the train
21 hit me and I spun, and my shoulder went back and I just spun. And
22 when the train was coming down 3 track, I don't know -- if that
23 train was going any slower, I would have hit the train with 2
24 track. So when I turned, the train was in my face like this and
25 I'm trying to hold my balance. As soon as the last car went past,

1 I stepped up just in time and I came out of my spin, I saw my
2 partner roll under the wheels.

3 I saw him roll under the wheels. I just saw -- I couldn't
4 help him, I couldn't do nothing. I couldn't do nothing to help
5 him. I sat there with him for like 25 minutes till anybody came
6 just talking to him. I was trying to get him up. He wouldn't get
7 up. He wouldn't get up. He couldn't get up. I couldn't help
8 him. I couldn't help him. Everything else was a blur after that,
9 it's just a blur.

10 MS. NIXON: Can I talk to him? Can I (indiscernible)?

11 MR. LLOYD: Yeah, we'll take a break. Taking a break, going
12 off record.

13 (Off the record.)

14 (On the record.)

15 MR. LLOYD: All right, we are back on the record after a
16 small break.

17 BY MR. LLOYD:

18 Q. Shawn, just continue on. I know you were setting there
19 saying that you were doing a switch inspection at Erie
20 interlocking?

21 A. Yes.

22 Q. Explain to me what do you do during a switch inspection?

23 A. You take measurements of the switch, the gap opening of the
24 point, the frog distance, the max, make sure everything's intact,
25 and watch the train under dynamics, see if anything's moving. And

1 that's when I saw something was moving so I put the cut spikes in.
2 And that's, as I say, after we put them in, the train was coming
3 down 2 track. It was like (indiscernible) -- I saw it from a
4 distance; I saw the train on 2 track (indiscernible).

5 The train pulled into Erie station on 3. So I said, I told
6 my partner, I'm going to watch that train coming down 2 go over
7 the frog to see if it move any, and we want to hold the train in
8 the pocket on 2 track, the ridge. So while the train is
9 approaching on 2, giving 3 track train the signal repeatedly,
10 repeatedly, over and over repeatedly, repeatedly.

11 My partner was like, all right, look at the train coming,
12 look at the frog, I got it. I said, all right. So I'm still
13 doing it anyway. So I hear the doors are closing, so, all right,
14 my partner now got it. So I'm looking on the ground. Next thing
15 I know the train is my face.

16 I said, "Monroe, look out, look out, look out." Then the
17 train hit me and I spun around. I said the train on 2 track was
18 like right in my face when I did the spin, and I was holding my
19 balance so it wouldn't move, I couldn't move. So when the last
20 car on 2 went past, that's when I lost my balance and I stepped up
21 on the rail on 2 and I finished my spin. I turned around and saw
22 my partner just tumbling, tumbling under the train.

23 Q. So do you remember, so the train that was 3 track, all right,
24 the train that was coming northbound on 3 track, with you having
25 the physical characteristics of knowing that territory like the

1 back of your hand, do you remember if he was -- how far he was
2 within the platform? Was it 2 or 3 or more (indiscernible)?

3 A. I would say at least 40 to 50 feet away from me.

4 Q. Okay.

5 A. And my flashlight is brand new, high density.

6 Q. Gotcha.

7 A. You cannot miss this light. And another thing, why didn't he
8 see our vests, if anything? Why didn't he hear the dispatcher
9 say, "Track person on the track Erie interlocking, be careful"?
10 Why didn't he hear that?

11 Q. So what do you mean by that? Is there announcements that
12 take place?

13 A. There's announcements.

14 Q. Talk to me, talk to me how that takes place?

15 A. I would say I called in the track around 4:15 around, around
16 I'm going to say 4:15, and the train inspector said, "Track
17 personnel in the track, Erie interlocking, (indiscernible)." That
18 was my inspection. So we walked that inspection with the rest of
19 the switches, then we came to that one and I saw the problem and I
20 tried to fix it. I (indiscernible).

21 Q. How often have you performed a detailed inspection at Erie
22 interlocking?

23 A. Numerous times.

24 Q. Numerous times?

25 A. Yes.

1 Q. So you know that, you know that how the track moves --

2 A. (Indiscernible).

3 Q. -- and what frogs need spiked and switch-throughs and all
4 that stuff?

5 A. Yes.

6 Q. Gotcha. Explain the conditions to me at Erie interlocking.

7 A. The track conditions there?

8 Q. More of -- not track conditions, the safety of the
9 interlocking, whether it's trouble walking, is there trouble
10 negotiating third rail, lighting issues? Explain that to me
11 there.

12 A. It's kind of dark down there, it's kind of dark, it's kind of
13 dark. There are a lot of ties, a lot of crossovers, diamond.
14 That's the middle one where things cross over at. I mean, it's a
15 tripping hazard. I mean, it's a tripping hazard, but how we were
16 positioned, we were right in front of it so he should have seen
17 it. He should have saw us.

18 Q. Right.

19 A. He should have saw. I took every precaution, every
20 precaution, every precaution.

21 Q. So when two of you go out -- so when you perform a switch
22 inspection you would have a track inspector and --

23 A. A watchman.

24 Q. A watchman. So what is a watchman?

25 A. A watchman alerts me when the train is coming.

1 Q. Okay. And how do they do that?

2 A. The train up, he be no more than 20 feet away from me.

3 Q. Okay.

4 A. No more than that, no more than 20 feet away from me.

5 Q. Okay. What does he -- does he have specific equipment that
6 he uses to alert trains -- does he alert trains or alert you?

7 A. He alerts me the train is coming.

8 Q. Okay. And how's he do that?

9 A. He'll radio me if I'm a distance or most likely no more than
10 20 feet away from me, he'll tell me train up.

11 Q. Okay.

12 A. I see the train also. I see it also.

13 Q. Okay, gotcha.

14 A. But the distance, we were cool because we could see the train
15 coming down 2 from a distance. We had the line of sight already.
16 And any other train coming in will have to stop at that platform
17 first.

18 Q. Three track?

19 A. Three track -- no, 2 track -- no, 3 track, you're right.

20 Q. Okay.

21 A. It will stop there first. So I saw that one and I saw that
22 one. So I got everything coordinated like, watched the train come
23 over 2, hold that one on 3.

24 Q. Okay. And who did you tell to hold that?

25 A. I told my partner to hold that one on 3.

1 Q. Your partner. Okay. So how do you signal a train to --

2 A. To hold, stop, don't move, repeatedly, repeatedly.

3 Q. Okay. So that's a signal, a hand signal --

4 A. Yeah, just with --

5 Q. -- with a flashlight or something?

6 A. -- repeatedly, repeatedly.

7 Q. Okay.

8 A. Repeatedly, repeatedly stop don't move, repeatedly.

9 Q. Okay.

10 A. Repeatedly stop.

11 Q. Gotcha. So when you do that, how would one know that I see
12 you doing this and understand -- how would I acknowledge that I
13 see Shawn giving me a stop signal?

14 A. Two beeps; like beep, beep.

15 Q. Okay.

16 A. So at the time the train was coming down 2 track, it happened
17 so fast -- it was noisy.

18 Q. Gotcha.

19 A. So once the train said the doors are closing, that's when
20 Monroe said, I got it. I said, all right. So I'm still doing my
21 thing too. I was doing my thing. So he started doing his, like
22 the same thing. So he said, "Look at the track." I looked at it.
23 Then I just glanced at the track another 2 seconds, the train was
24 coming.

25 Q. Okay.

- 1 A. It was coming, it was coming.
- 2 Q. Okay. And you guys were standing in what you called the
3 diamond area or something?
- 4 A. Uh-huh.
- 5 Q. So this interlocking is in the shape of --
- 6 A. Like this.
- 7 Q. Gotcha.
- 8 A. Like this.
- 9 Q. Okay.
- 10 A. Like that.
- 11 Q. So you've got 2 tracks and then you -- so it sort of looks
12 like this?
- 13 A. Right. Got 2 tracks tangent --
- 14 Q. Like an X?
- 15 A. Right, 2 tracks tangent and the diamond's in the middle right
16 there.
- 17 Q. Gotcha, gotcha. The frogs?
- 18 A. The frog's there.
- 19 Q. Gotcha.
- 20 A. Right.
- 21 Q. Okay. I'm with you, I'm with you, I'm with you. Do you
22 remember where you guys were standing? Was you on track 3, track
23 2, or the diamond area?
- 24 A. At the time we were standing on 3 track right in the line of
25 sight of this guy.

1 Q. Okay.

2 A. Right in the line of sight.

3 Q. Gotcha.

4 A. So I said like lights are flashing, like flashing, flashing,
5 flashing. If there's any sporadic motion, the train should stop
6 automatically.

7 Q. I'm with you.

8 A. You see my vest on. The cab is on the same side as we were.
9 The cab is on the outside of the platform and that's where we
10 were, like on the outside. So straight away, so why didn't he see
11 us?

12 Q. Right, right.

13 A. And once it hit, it probably stopped at 100 feet away from
14 us. So I don't know what, was he not paying attention or what, I
15 don't know. There wasn't no, oh, shit, stop, hit. It was like
16 (making train noise).

17 Q. Right.

18 A. Then it stopped.

19 Q. So when you walk these interlockings, regardless if it's Erie
20 or another interlocking, trains are moving, so how do you clear?
21 So let's say you're not in the station, so let's say it's
22 interlocking between stations. How would one clear to move out of
23 the way of a train in an interlocking like Erie?

24 A. Interlocking, we would have to clear it between. If we're on
25 an interlocking, go between 1 and 2 or 3 and 4, just sit in the

1 columns between the rails.

2 Q. Okay.

3 A. Between the third rails like a little column there called
4 like a dummy area, stand right there while the trains go past us.

5 Q. So that's the steel members, the columns, so you all would --
6 so that's a place that you can stand --

7 A. Right, until the train --

8 Q. -- which I would call a predetermined place of safety?

9 A. Right.

10 Q. And you would clear up, the train would come by, then you
11 would go back and --

12 A. Right.

13 Q. -- perform your inspections. Okay. Each interlocking you
14 guys do like an on-track job safety briefing if conditions change;
15 one interlocking's different from another with configuration or
16 size, clearing locations, you guys talk about that?

17 A. Yes. Oh, yes.

18 Q. Okay.

19 A. That's first and foremost, yes.

20 Q. Absolutely. Okay. What about, what about predetermined
21 places of safety? So like let's say if a train would come we will
22 clear in this spot?

23 A. Yes. We discussed that.

24 Q. Gotcha.

25 A. Before we even got down there, we discussed that.

1 Q. Right.

2 A. Because we know that interlocking is dangerous.

3 Q. Yes.

4 A. And --

5 Q. Is that a form? Is there like -- is that a formal form that
6 you fill out before you go out or is that just a verbal thing?

7 A. Yeah, we have a job briefing form that we fill out before we
8 go out, a job briefing.

9 Q. Okay.

10 A. So we did our job briefing and went to work.

11 Q. Okay. That's something you have to write out or is this like
12 a check, you know, you write some stuff in but it's already like a
13 pre- -- uniform form that's --

14 A. What do you mean like a form?

15 Q. So is it a form that's already pre-written and you would put,
16 okay, we're walking these tracks, a little --

17 A. Yes.

18 Q. -- you would write it in?

19 A. Yes.

20 Q. Okay.

21 A. And the part that says, "discuss location clear," I put, yes.

22 Q. Gotcha.

23 A. Because we verbally discussed that so we know where we
24 clearing at.

25 Q. Of course, of course. Okay. How do you feel about the

1 safety equipment that you wear, the flashlights that you use? Is
2 it awkward down there when you're in tight clearance and
3 interlockings and having to do that signal and then you're trying
4 to write stuff down and work on stuff, is it awkward?

5 A. Somewhat.

6 Q. Okay.

7 A. Somewhat. You've got to be, you've got to be on point, you
8 have to.

9 Q. Gotcha.

10 A. Somewhat. And I know sometimes the operators come past with
11 earmuffs on their ears, plugs in their ears. So did they hear the
12 announcement? I know it's loud down there, but they've got our
13 lives in their hands. They're moving that train and we're down
14 there; they're not paying attention. He should have saw us.

15 MR. LLOYD: Do you have any?

16 UNIDENTIFIED SPEAKER: Do you want to go around?

17 MR. LLOYD: What's what?

18 UNIDENTIFIED SPEAKER: Do you want to go around?

19 MR. LLOYD: I'm going to move off to my right. Do you have
20 anything as a representative to, the union -- not ask anything?
21 Do you have any questions?

22 MR. BANNON: Yeah. Shawn, when you --

23 UNIDENTIFIED SPEAKER: Spell your name though.

24 MR. LLOYD: Say your name and spell it.

25 MR. BANNON: Okay. Bill Bannon, B-A-N-N-O-N -- B-I-L-L, B-A-

1 N-N-O-N.

2 BY MR. BANNON:

3 Q. Is Roe usually with you? Is Roe your watchman for all -- at
4 all times?

5 A. All the time -- it differs but --

6 Q. Right.

7 A. -- most of the time doing it, yes, he's my normal watchman.

8 Q. He picked with you, right?

9 A. Yes.

10 Q. He picked his run with you?

11 A. Yes.

12 Q. Before you went to Erie, did you know the condition of that
13 frog or did you come upon that in your inspection that there was
14 an issue there? Or did they kind of -- did you know -- like did
15 they say, yo, Shawn, you got Erie tonight, look out on 25 end
16 switch or because --

17 A. When I inspected it before, I saw it before and I said next
18 time I get it I'm going to fix it, and that's what I did.

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

20 MR. SOUTHWORTH: I have no questions.

21 MR. NEWMAN: No questions.

22 MR. BUCHER: I have an easy one. Dave Bucher, B-U-C-H-E-R.

23 BY MR. BUCHER:

24 Q. Just to back up, where did you go on duty that day, your
25 reporting station?

1 A. 103 Victory.

2 Q. Okay. And that's a SEPTA reporting station? I'm just --

3 A. Yes.

4 Q. -- just for information so I know where you all went to work.

5 A. Yeah. We go there, clock in, get our briefings, give us our
6 job assignments, then we go out in the field.

7 Q. Okay. Perfect. And what time did you go on duty?

8 A. Just around 9:15, 9:30.

9 Q. In the morning, 9:30 a.m.?

10 A. Yeah.

11 Q. Okay. And you were with Mr. Roe the whole time?

12 A. Yes.

13 Q. Okay, okay, perfect. And just for -- you felt fine for the
14 day and Mr. Roe seemed fine?

15 A. Yeah.

16 Q. I'm just looking for -- you know, making sure --

17 A. Yeah.

18 Q. -- nobody was --

19 A. Everybody was good. We were just talking about
20 relationships; we were just talking about seafood. That's all we
21 talk about, like food. He goes to the gym all the time.

22 Q. Cool.

23 A. I'm picking up pointers from him. I mean, just a regular day
24 we talk.

25 Q. Perfect. Just a little background. I mean, was there -- it

1 was hot. I mean, you were -- you have plenty of water --

2 A. Yeah, it was kind of humid.

3 Q. -- and that kind of --

4 A. Yeah, we was cool. We was good. It was all right.

5 Q. Okay. And there was -- you had all your safety equipment,
6 you weren't short anything?

7 A. Right. It was good. Right.

8 MR. BUCHER: Okay. That's all I have. I just was trying to
9 get, you know, as much background information as possible.

10 MR. LLOYD: All right. Again, this is Troy Lloyd, L-L-O-Y-D.

11 BY MR. LLOYD:

12 Q. Talk to me about how you would protect yourself in
13 interlockings? Is there something other besides watchmen -- I
14 think you called it watchmen -- is there anything else that or
15 that you would be empowered to do? Are you allowed to remove
16 tracks from service? Are you allowed to slow down trains, foul
17 time?

18 A. Yes, we're allowed all that.

19 Q. Okay.

20 A. If conditions were that extreme, yes, we're allowed all that.

21 Q. Have you ever had to use that before?

22 A. Foul time?

23 Q. Yeah.

24 A. Yes. When I go to the platform area I use foul time.

25 Q. What does that mean? How does one get foul time?

1 A. Call the train dispatcher and request it. The foul time,
2 like 5 minutes, just to walk through the station and just look at
3 stuff, make sure everything's in compliance. And once foul time,
4 we call in and say we're clear the track area.

5 Q. Okay. So to get an understanding, so once foul time is --
6 you are given the authority to do the foul time, so that means
7 they're not allowed to move a train in that area where you're at?

8 A. At all.

9 Q. At all. And how do they -- how did you stop that? How do
10 they -- do they stop at signals or something or --

11 A. The train dispatch -- I really don't know, I just know trains
12 don't be coming.

13 Q. So they tell these trains, stop, I have someone fouling the
14 track --

15 A. Right.

16 Q. -- and don't move until you've released that foul time,
17 right?

18 A. (No audible response.)

19 Q. Okay. Talk to me about hotspots. All through the railroad
20 you hear the term hotspots.

21 A. Hotspots are no clearances --

22 Q. Okay.

23 A. -- like curves, no clearance, and you really can't see what's
24 in front of you, it's not like tangent. Like curves, for instance
25 like City Hall, the train is so close to the wall it's a hotspot

1 you can't get -- you can't clear there. That's basically it.

2 Q. So what do you -- so is there -- does that make it another
3 unique type of on-track protection if something's a hotspot versus
4 a non-hotspot?

5 A. If I'm expecting a curve, I have two watchmen, an advance --

6 Q. Okay.

7 A. -- and one that's with me, and they're ready -- one watchman
8 will probably be all the way at the end of the curve and one would
9 be with me. The one at the -- the advance one to tell like the
10 train is coming, and he'll tell me and we'll get out of the way
11 until the train go past.

12 Q. Gotcha.

13 A. That's what we do usually with curves and --

14 Q. So you're upping your protection because you can't see so
15 you're putting more people out?

16 A. Right. More people, right.

17 Q. Okay.

18 A. And say, like City Hall, like I was saying, for instance,
19 we'd have to get foul time for that because there's no way you can
20 -- like advance, it don't matter, advance or not, you still need
21 foul time where there's no clearance at all. At least on the
22 curve you still have vents you can slide out.

23 Q. How easy is it to get foul time through dispatch?

24 A. Sometimes they deny you because there's so much movement.

25 The trains might be backed up. So if they deny, you just, just

1 try again later.

2 Q. So it's pretty busy out there so you're trying to do an
3 inspection and you're in an interlocking doing a detailed switch
4 inspection, pretty busy out there with trainmen, so you're having
5 to move out of the way to the foul --

6 A. Trying to move out.

7 Q. -- at various times throughout the day, right?

8 A. (No audible response.)

9 Q. So with the way you described Erie interlocking, the
10 lighting, the ties and all that stuff, having to step over third
11 rail, that's -- Erie interlocking's not considered a hotspot where
12 additional protection would be needed?

13 A. Me personally, like looking at it now, yeah, we do. We do.
14 Especially with doing switch inspection, because if my head is
15 down and he's watching both ways, I mean, he can't see all tracks
16 at one time, especially during interlocking, could come either way
17 -- train come any direction. I mean, I don't know, man. I don't
18 know. I don't know. If I could have did something different, I
19 would have. I really would have. I play it back in my head every
20 night, man. If I could have did something to save him, I would
21 have.

22 Q. Are you all right?

23 A. I'm all right.

24 MR. LLOYD: Bill.

25 MR. BANNON: Bill Bannon.

1 BY MR. BANNON:

2 Q. Shawn, you've done this job -- you know, you've done
3 switches, you know, a long time. Would you say that that part of
4 the inspection job, the actual detailed switch inspection, what's
5 involved in it and you have to take the measurements, you have to
6 fill out the switch forms, you also have to, you know, be on --
7 you know, where you're at, where trains and all, would you think
8 that you absolutely need more than one guy?

9 A. Yes, yes. Me personally, to get really accurate, we do a
10 track -- I'd take track out of service, so I could pay attention
11 to what I'm doing.

12 Q. It's probably better, what you think, to do --

13 A. I know probably it is better.

14 Q. Right. You have a very hard time getting foul time
15 routinely, right, it's --

16 A. Yeah, mostly, yeah.

17 Q. -- it's almost always --

18 A. Because most of the time we work in the daytime, it's not
19 like rush hour.

20 Q. Right.

21 A. So that's why it's probably so hard to get foul time. But, I
22 mean, if it was like later on in the daytime, it slows down,
23 they're like, okay, you can get foul time because trains are like
24 -- probably like 20 minutes apart, if that. But during the
25 morning time it's kind of impossible to get foul time because

1 trains are constantly back to back, back to back, back to back.

2 Q. Would you also agree that even though you are qualified, 213
3 qualified and all that, totally qualified to make any decision as
4 far as if you come upon something, I think this should be removed
5 from service, I think this should be foul time, I think -- do you
6 feel as though you have that authority or do you feel as though
7 you --

8 A. I'd have to call somebody and ask them, is what you're trying
9 to say?

10 Q. Yes. Even as, even as a qualified employee --

11 A. Yeah.

12 Q. -- do you feel as that qualified employee, that you have that
13 authority?

14 A. I do, I do. Then I get questioned later.

15 Q. Right.

16 A. Basically. Basically.

17 MR. LLOYD: Any questions?

18 UNIDENTIFIED SPEAKER: No questions.

19 UNIDENTIFIED SPEAKER: I'm good.

20 UNIDENTIFIED SPEAKER: I have no more.

21 BY MR. LLOYD:

22 Q. Shawn, you brought up some good points. So when you're doing
23 this stuff, and just piggybacking on what Bill was saying -- again
24 this is Troy Lloyd, L-L-O-Y-D -- hard doing a detailed switch
25 inspection, you're taking switch throws, you're taking back to

1 back, and then guard face measurements, all that stuff, you're
2 taking track gauge or heel block stuff, heel block spreads, all
3 that stuff. Is there another time that maybe these detailed
4 inspections, is there -- does SEPTA shut down like a line of
5 something or lines where like no trains are running from midnight
6 to 4 or something that where these --

7 A. Yeah.

8 Q. -- inspections could be done more safely?

9 A. Yeah, I would say so. I would -- me personally, like you
10 said, switch inspections should be done, like nothing should be
11 running. Nothing should be running.

12 Now on the track that you can look at it and see if any
13 movement or anything, but actually getting down there with the
14 ruler, writing notes and all that, switch inspections, we're
15 talking about now. Regular inspection, walking, I mean, you can
16 do it, but switch inspections you've got to be real in tune with
17 what you're doing. Got to look at everything, and sometime you
18 might get sidetracked and forget where you at.

19 Q. Now you're not doing that jointly with C&S when they're doing
20 their quarter, quarter-inch throws and all this stuff; it's just
21 you and one guy taking your measurements and then, I guess, C&S
22 would come in at another time and do their switch adjustments or
23 quarter-inch tests and all that stuff, is that how that's
24 completed?

25 A. Yes.

1 MR. LLOYD: That's all I have for right now.

2 BY MR. SOUTHWORTH:

3 Q. Shawn, anything you want to add, anything on your mind?

4 A. Safety's got to get better; we've got to do better. No one
5 of my partner's got hit before in front of my -- it got -- it has
6 to get better, it has to get better. I mean, need to implement
7 some like -- me personally, train operators got to be more aware
8 of us. They have to be more aware.

9 Like really, man, I mean, how I feel now, I consider the
10 smell of the tunnel death. That's how I see it now, it's death.
11 The smell of the track, the wheels, the lights, everything about
12 that tunnel is death right now. But that's how I feel about it.
13 That's all I've got to say.

14 UNIDENTIFIED SPEAKER: Can I just -- I just want to add
15 something --

16 MR. SOUTHWORTH: Sure.

17 UNIDENTIFIED SPEAKE: -- not necessarily a question, as more
18 so a statement, is what they --

19 MR. BUCHER: This is his interview.

20 UNIDENTIFIED SPEAKER: Okay.

21 MR. BUCHER: Yeah. This is his interview, so --

22 MR. LLOYD: Yeah.

23 BY MR. LLOYD:

24 Q. But, Shawn, you've brought up some, you brought up some good
25 points. You know, I like to end the thing, is if you can change

1 RWP to make interlocking inspections or even track inspections in
2 general during revenue service or even after revenue service, what
3 would you talk about where you would see fixes that could take
4 place?

5 A. I don't, I don't know. I really couldn't say. I don't know,
6 I don't know. That's just -- me personally, like switch
7 inspections, I would do overnight when there's nothing running at
8 all so you know you're safe, because most of the time switch
9 inspections would be on Broad Street and nothing really runs on
10 Broad but revenue like one or two trains every hour or so. I
11 would still -- or set up a work zone. That's what I would do, I
12 would set a work zone up, that's what I would do.

13 To do switch inspections, I would set a work zone up, both
14 ends, bidirectional. That's what I would do. To make it safer
15 that's what I would do. If we had to do another track like that,
16 would be two work zones and an interlocking, bidirectional both
17 tracks, 2 and 3. That's what I would do.

18 So, you know, you say no train coming past the stop. That's
19 what I would do personally.

20 Q. Okay. Shawn, anything else to add before we end the
21 interview?

22 A. No, that's it.

23 MR. LLOYD: All right. All right, let's end the interview.

24 MR. SOUTHWORTH: Thank You.

25 MR. LLOYD: Thank you.

1 MR. BUCHER: This concludes the interview.

2 MR. LLOYD: Yeah.

3 (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 Shawn Nixon

ACCIDENT NO.: RRD19FR009

PLACE: Philadelphia, PA

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.


Wade Donovan
Transcriber