

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: KEVIN SMITH
Control Operator, SEPTA

SEPTA Headquarters
Philadelphia, Pennsylvania

Friday,
July 12, 2019

APPEARANCES:

DAVID BUCHER, Chief, Rail Division
National Transportation Safety Board

GEORGE GOOD, Accident Investigator
Federal Transit Administration (FTA)

RICK DOLBIN, Project Manager, State Safety Oversight
(SSO), Rail Transit Safety Review Program (RTSRP)
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AMELIJA SORG-TAYLOR, Project Analyst, RTSRP
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PennDOT

JOSEPH WILSON, Operational Safety Officer
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SEPTA

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SEPTA

MARQUITA WALKER, TWU Local 290
(On behalf of Mr. Smith)

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I N T E R V I E W

1
2 MR. BUCHER: Good morning. This is David Bucher, and I'm the
3 chief of the Rail Division for the National Transportation Safety
4 Board. Today is July 12th and we are at the headquarters of the
5 Southeastern Pennsylvania Transportation Authority, SEPTA, in
6 Philadelphia, PA.

7 We are interviewing Kevin Smith who works as a control
8 operator for SEPTA. And this interview is in connection with the
9 accident that occurred on July 8th, 2019, at Erie interlocking.
10 The NTSB accident reference number is RRD19FR009.

11 The purpose of this investigation is to increase safety, not
12 assign fault, blame or liability; however, NTSB cannot guaranty
13 full confidentiality because your name is going to go in the
14 docket for the purposes of this interview.

15 The interviewee can have one representative of the
16 Interviewee's choice. Today you have your union representative.

17 Do you understand that this interview is being recorded?

18 MR. SMITH: Yes, sir.

19 MR. BUCHER: Thank you. Before we start the interview and
20 questions, we'll go around the table and introduce ourselves. My
21 name is David Bucher, B-U-C-H-E-R, and I work for the National
22 Transportation Safety Board.

23 MR. GOOD: George Good, G-O-O-D, Federal Transit
24 Administration, accident investigator.

25 MS. SORG-TAYLOR: Amelija Sorg-Taylor, S-O-R-G, hyphen, T-A-

1 Y-L-O-R, project analysist representing PennDOT Rail
2 Transportation Safety Review Programs, State Safety Oversight.

3 MR. JONES: Dean Jones, J-O-N-E-S, SEPTA.

4 MR. CREEDON: James Creedon, C-R-E-E-D-O-N, Director of
5 Transportation, SEPTA.

6 MR. HARRIS: Anthony Harris, Project Officer on RTSRP.

7 MR. DOLBIN: Rick Dolbin with PennDot, Dolbin is D-O-L-B-I-N.

8 MR. WILSON: Joseph Wilson, W-I-L-S-O-N, SEPTA system safety.

9 MR. BUCHER: And you just have to give your name and spell
10 it.

11 MS. WALKER: Okay. Marquita Walker, W-A-L-K-E-R, TWU Local
12 290.

13 MR. BUCHER: Okay.

14 MR. SMITH: Kevin Smith, S-M-I-T-H, Sub El Dispatcher.

15 MR. BUCHER: Thank you.

16 INTERVIEW OF KEVIN SMITH

17 BY MR. BUCHER:

18 Q. Kevin, just like I said before, if you could go back to July
19 8th and recount for us your involvement as a control operator with
20 the accident at Erie interlocking?

21 A. Okay. The first thing I remember is the mayday call. And I
22 wasn't sure who was calling mayday, whether it was a operator; I
23 assumed it was a operator.

24 Q. Um-hum.

25 A. And the guy sound real upset. You know, it was hard for him

1 to give me the information. So I just had all trains just stop
2 where they were until I can find out where exactly the mayday call
3 was coming from.

4 And then I believe it was another operator that was going
5 northbound, he told me that the person who got hit by the train
6 was laying between 2 and 3 track, Erie interlocking. And I asked
7 him was it safe for me to get the trains out of 1 and 4 track,
8 would they continue -- 1 being southbound, 4 being northbound.
9 And prior to that, when he told me that, I put out the power on
10 track 3.

11 And we called rescue, police, supervision, whoever we can get
12 there. And then it was my job to secure the area, make sure no
13 other trains go into the area or leave the area, and my best
14 ability to continue service on 1 and 4 track, if we could. But
15 when SEPTA police came, I believe they shut down 1 and 4 track
16 also. They say they didn't want any trains in the Erie
17 interlocking at all.

18 So we began emergency turnback, and that would have been from
19 Girard back to NRG-Pattison Station. And all we had to do is wait
20 for rescue and police and everybody to get on the scene.

21 Yeah, it was a sad day. I was a little upset and nervous
22 also. Basically that was my job, trying to put people in place
23 and continuous service as safely as I can, and secure the area.
24 And someone called and say -- I believe they told me that one of
25 the supervisors got on the scene and she was deemed the IC, and

1 she called and said that they pronounced him deceased, you know,
2 and everything just went on from there. Yeah.

3 Q. Okay.

4 A. Anything else, I don't know ==

5 Q. Well, I have some questions.

6 A. Yes, sir.

7 Q. And we'll go around, maybe it'll to help -- how long have you
8 been a control operator?

9 A. Ten years.

10 Q. Ten years?

11 A. Yes.

12 Q. Okay. And then in the office, it's all been with the Broad
13 Street Line and the --

14 A. Market-Frankford.

15 Q. Market-Frankford.

16 A. Yes, sir.

17 Q. Okay. All right, a little bit of, on the 8th, at the time of
18 the accident how many other trains can you -- just an estimate,
19 were in operation at the time?

20 A. I believe there was 24. I'm not sure. I believe all of them
21 was out there. It was load line, so -- how many trains? I
22 believe 18 to 24.

23 Q. Okay.

24 A. All the trains was out there: the local, the express, and
25 the 8th and Market and Ridge. There was three routes --

1 Q. Okay.

2 A. -- operating at that time.

3 Q. Okay. Just a ballpark, that's good. So you operate both the
4 Market -- the Frankford line and the Broad Street Line, too?

5 A. I'm available for both, yes.

6 Q. Okay. And are you, for my purposes of just learning, is it
7 one position or two that sit at the desk?

8 A. I don't understand the question.

9 Q. I mean, do you -- you work as --

10 A. A team?

11 Q. Yeah.

12 A. There's two of us that sit there.

13 Q. Okay.

14 A. And, yeah, we both could operate either one, Market or Broad.
15 Yes.

16 Q. Okay. I just wanted to make sure, because I thought that's
17 what it was, but I just wanted to clarify.

18 A. Yes.

19 Q. Okay. All right. Okay, just a couple of questions about
20 track workers in general and the control operator.

21 A. Um-hum.

22 Q. I understand that there are times when they call in and say
23 they're going to be working at a certain location. Can you
24 describe that process for us?

25 A. Well, they either call us on the phone or the radio, and say

1 we'll be in the track, say, from Susquehanna to Erie. And our job
2 is just to log it in, the time they go in, and announce it over
3 the air to all the operators, letting them know that we have track
4 personnel in the track area from A to B, and proceed with caution
5 through the area.

6 Q. Okay.

7 A. And that's what we basically do.

8 Q. Okay.

9 A. Yeah.

10 Q. Did that -- did anything like that happen in -- for the Erie?

11 A. Yes. It always happens, yes.

12 Q. Okay.

13 A. We always call them in and make the announcement, yes.

14 Q. Okay. So for this, these track workers, had they called in
15 to you and asked for --

16 A. I believe it was the other train dispatcher. I'm not sure.
17 I don't remember because it's like something that's going on all
18 day.

19 Q. Continuously?

20 A. Continuously on both lines. So I'm not sure whether they
21 spoke to me or spoke to Lawyer Taylor, the other train dispatcher,
22 when they called in.

23 Q. Okay.

24 A. I can't remember that part.

25 Q. No, that's fine, that's fine.

1 A. Okay.

2 MR. BUCHER: That's all I have for now. We'll just go around
3 the table.

4 BY MR. GOOD:

5 Q. Hi.

6 A. How you doing?

7 Q. Just a question. I know you said you, you know, in that
8 emergency situation you took power down.

9 A. Um-hum.

10 Q. But you also said you made it safe. I was just wondering
11 what --

12 A. Well, by taking control of the interlocking and not letting
13 anymore trains through there, verbally telling them to hold.
14 Whatever I can do to control the situation, you know, so --

15 Q. That's good. And the other thing -- I probably should have
16 asked this earlier, but I just thought of it. The mayday, is that
17 just a common terminology accepted for when there's an
18 emergency --

19 A. For an emergency.

20 Q. -- that you use mayday?

21 A. Yes, sir, mayday.

22 Q. And what happens when someone calls mayday? Like you did,
23 you stopped all the trains.

24 A. We try to find out the location and direction if we can find
25 out. Sometimes the operators be so upset, it's hard for them to

1 give us information. But when we find out the location and
2 direction, we ask them did they make contact with the person,
3 because sometimes they can call mayday if somebody just -- if they
4 see somebody fall in the tracks.

5 Q. Um-hum.

6 A. So we find out whether or not they made contact, do we need
7 power out, and could they do a ground inspection to go see if the
8 person is still alive, you know. And everything just spirals from
9 there: rescue, police, whatever we need, taking control of the
10 interlocking and trying to continue service safely as we can. You
11 know, there's a lot of people out there.

12 Q. In emergency situations like this where you're dealing with
13 an emergency, you're getting emergency responders, does someone in
14 the control room normally come to help assist --

15 A. Yes.

16 Q. -- because I know there's a lot going on.

17 A. Yes, there's quite a few of us. I believe a person, maybe --
18 who you calling? I'm calling rescue. I'll call police. Somebody
19 else get the buses, find out what code it is. I believe our
20 assistant director was up there with this. He was putting out
21 pages, letting everybody know what was going on and everything.
22 Yeah, we have help when we have situations like that, yes.

23 MR. GOOD: All right. Thank you. That's all I had.

24 BY MS. SORG-TAYLOR:

25 Q. Amelija Sorg-Taylor, S-O-R-G - T-A-Y-L-O-R. I was wondering

1 if you can describe what you do with the different types of track
2 protection you provide when track workers are asking for either
3 foul time or train approach warning, what do you do with in each
4 of those circumstances?

5 A. Well, foul time, if they call and ask for 5 minutes of foul
6 time, we will grab the interlockings and make sure no other train
7 is going in there, and then we'll give them the foul time, and
8 they'll let us know when we're finished -- when they're finished,
9 and we let them back out the track, and let the trains go.

10 With him, I believe he had the watchman; he was the flag
11 person. So I guess he believed that whatever work he was doing,
12 all he needed was the flag person.

13 Q. Yeah.

14 A. You know, so with them, all we do is announce them in the
15 track.

16 Q. Yeah.

17 A. And other protection, if we take a track out of service,
18 whoever is the QPE that takes the track out of service, he is in
19 charge, so we wouldn't let trains in there at all without the QPE
20 permission. In work zones is another flag person, or whatever.
21 So it's different kinds of protection. It's based on what exactly
22 they believe they need in order to accomplish the work they have
23 to do. So at the time, he just had a flag person. So I guess
24 whatever it is, he was able to get out of the way within 15
25 seconds of the approaching train.

1 MS. SORG-TAYLOR: Thank you.

2 MR. SMITH: Yes.

3 MR. JONES: Dean Jones, J-O-N-E-S.

4 MR. BUCHER: You might have to speak up.

5 MR. JONES: Dean Jones, J-O-N-E-S.

6 (background noise of something falling)

7 UNIDENTIFIED SPEAKER: Hey, calm down --

8 (Laughter)

9 BY MR. JONES:

10 Q. Did you assign someone as the incident commander or did
11 someone in the field assign someone as the incident commander, and
12 do you remember who the incident commander was?

13 A. I believe the first person on there was 224, and that was
14 Aaliyah Foreman, and I think I assigned her as incident commander.
15 I believe I did. There was so much going on. I believe I did
16 though.

17 Q. Okay.

18 A. That's the -- yeah, I'm not sure, but that's what we
19 basically would do, the first person on the scene we would assign
20 incident commander, yes.

21 MR. JONES: That's all.

22 BY MR. CREEDON:

23 Q. James Creedon, C-R-E-E-D-O-N. Kev, when someone calls in a
24 track area for foul time or a form of protection, do you document
25 that in the control center?

1 A. For foul time and train approach warning, yes. Whenever
2 anybody call in the track, we supposed to document the time they
3 went into location they asked for, and when they get out, we write
4 the time that they're out. Yes.

5 MR. CREEDON: Thank you.

6 BY MR. HARRIS:

7 Q. Anthony Harris, H-A-R-R-I-S. I just have one question. When
8 you put the information out on the radio for any activity on the
9 tracks, is there any form of acknowledgement from the train
10 operators on that specific track?

11 A. No.

12 Q. Okay.

13 A. No.

14 MR. HARRIS: Thank you.

15 BY MR. DOLBIN:

16 Q. Dolbin, Rick Dolbin, D-O-L-B-I-N. Do you know who made the
17 mayday call? Was it an operator or --

18 A. I found out later that it was the person that was with the
19 person working in the track area that got hit by the train. I
20 found that out later. At first I assumed it was the operator,
21 yes.

22 MR. DOLBIN: Okay, that's all I have. Thank you.

23 BY MR. WILSON:

24 Q. Joseph Wilson, W-I-L-S-O-N. Mr. Smith, you mentioned that
25 you recorded in a log. Is the log written or is it an electronic?

1 A. It's written.

2 Q. All right, so you write it down?

3 A. We write it down, yes.

4 Q. All right. Is there anything else that you can keep track of
5 where the workers are? Like is there something that pops up on
6 your map or board, or anything like that? Or is it just strictly
7 kept track --

8 A. It's just tracked from the log, and when they call us --

9 Q. Then you go back to --

10 A. -- and say that they're out of the track, we can't see them
11 or we don't know where they at or -- you know, only what they give
12 us verbally, you know, and that's the only way we can log it in
13 and out.

14 MR. WILSON: That's all I have.

15 BY MR. BUCHER:

16 Q. Okay. I just have a couple more questions.

17 A. Sure.

18 Q. And they're general questions about railway workers and train
19 dispatchers.

20 A. Um-hum.

21 Q. Given that you have 10 years as a train dispatcher, is it
22 common for the -- I mean, how often do you encounter or hear from
23 railway workers and track inspectors at Erie interlocking?

24 A. Almost every day.

25 Q. Almost every day?

1 A. Almost every day. The track inspectors are all over them
2 every day, you know?

3 Q. Okay.

4 A. From both lines.

5 Q. And they call in and just request foul time if they need it
6 or --

7 A. Whatever they need, they'll call us and let us know, or
8 they'll just let us know I'm going to be in the track from
9 Allegheny to Susquehanna, me plus one, or me plus two, or by their
10 self, you know.

11 Q. Okay.

12 A. And that's what we go by.

13 Q. Okay. Commonly, I guess, is -- do you hear from them during
14 the regular work hours? Like, I mean, I'm assuming they go to
15 work fairly early in the morning and then conclude in the
16 afternoon.

17 A. We try to do -- like if they taking out work zones and stuff,
18 we try to do it after load line when there's less trains on the
19 line. And that's the time they usually call in too sometimes.
20 Maybe when there's less trains on the line, I guess, they have
21 more time to do whatever they want to do. But it can be any time
22 of the day. Yeah.

23 Q. Okay. And that was my next question.

24 A. It can be any time of the day because --

25 Q. Is it common or uncommon for track workers to call during

1 rush hour?

2 A. It's not uncommon, no. It's not uncommon.

3 MR. BUCHER: Okay. And that was my last question. Pete?

4 BY MR. GOOD:

5 Q. George Good. During this accident and emergency, do you
6 remember either you contacting Train 46 or Train -- or Block 46 or
7 Block 46 operator contacting you and, if so, what was said?

8 A. I don't remember. I was thinking that, too. I don't think I
9 remember talking to them at all. I believe it was once the
10 supervisor got there that I spoke to -- I was trying to remember;
11 did I talk to the operator at all. I'm not sure. I'm not sure.
12 I believe it was once the supervisor got there. Oh, no, I did
13 talk to him. I told him just stand by, wait for supervision; I'm
14 putting out the power, keep your passengers informed that we have
15 a medical emergency and, you know, and they might be sitting for a
16 while.

17 Q. All right.

18 A. I believe I did, yes.

19 Q. Thank you.

20 BY MR. JONES:

21 Q. Dean Jones, J-O-N-E-S. Kev, I know with all your experience
22 as a train dispatcher you deal with track inspectors all the time.
23 When track inspectors call in, what's the normal level of track
24 protection they request from you?

25 A. Just a flag person. All the time, just a flag person, you

1 know.

2 Q. When you say a flag person, do you mean a work zone?

3 A. A watchperson. No, just a watchperson.

4 Q. For a train approach warning?

5 A. Train approach warning, with the one watchperson. That's
6 what they usually call, track inspectors do. They rarely --

7 Q. Do they ever ask for other track protection?

8 A. Very rarely. Very rarely. If they need foul time, we'll try
9 to give them foul time, but it's just basically the watchperson,
10 you know, train approach warning with them, you know.

11 Q. So in your experience you can say that they either ask for
12 train approach warning or foul time?

13 A. Or foul time, yes. Unless they have some major work, and
14 then it's something different, whereas though they got to take the
15 power out and anything like that. But that's very rarely, you
16 know. Burning insulators, I believe, and they wanted time.

17 Q. Thank you.

18 A. Yes.

19 UNIDENTIFIED SPEAKERS: Nothing. I don't have anything
20 further.

21 BY MR. WILSON:

22 Q. Joe Wilson. Mr. Smith, do you, in the course of your day,
23 ever hear of any transmissions from the field about any near
24 misses or "I almost struck someone" or anything along those lines?

25 A. No, because if I hear something like that, we're going to

1 have to dig further into it, because anything that's close to an
2 accident, I guess, we consider a accident. So no, I don't hear
3 anything about near misses or nothing like that.

4 Q. Okay. So if you did, and you said you'd have to get more
5 into it. Do you now --

6 A. We would have to get more information about that near miss so
7 it won't happen again. You know, we would have to dig deep into
8 that to find out exactly what do you mean near miss or whatever,
9 you know?

10 Q. So then it would result in some type of reporting, and all?

11 A. Investigation, reporting, yes, yes.

12 MR. WILSON: Thank you. That's all.

13 MR. BUCHER: I don't have any, but George?

14 BY MR. GOOD:

15 Q. George Good, one more. Are the control -- are you or the
16 controllers trained or have any knowledge of areas in the system
17 that are considered hotspots or may require additional protection?

18 A. They're called no clearance areas. Those are spots where we
19 would have to stop a train before we let anybody go in, like City
20 Hall, for instance.

21 Q. Um-hum.

22 A. City Hall on the Broad Street Line, Spring Garden on the
23 Market-Frankford Line, some of them spots -- them spots there, we
24 couldn't let a track person in with the trains continuously
25 running. We would stop the trains. Now, if the track worker asks

1 us could we hold the train while they do something, we'll hold it
2 then. If he verbally asks us to hold the train, we'll hold it
3 then.

4 Q. Now do you have something in the control room that shows you
5 those areas or is it just (indiscernible)?

6 A. We have no clearance zones, yeah. And our physical
7 qualifications, you know, we know from our training where most of
8 the areas -- where the areas are, you know. And yeah, we have
9 something up there that show that no clearance areas, yes.

10 Q. So normally if someone -- if you're familiar with that area
11 and somebody asks I want train approach warning, you would say --
12 you would grant that to them?

13 A. I wouldn't grant it unless I can get in touch with the trains
14 or take control of the interlocking to stop all trains going
15 through the area before I grant them permission to go in the track
16 area, yes.

17 Q. Okay.

18 A. Yes.

19 MR. GOOD: Thank you.

20 BY MR. JONES:

21 Q. Dean Jones, J-O-N-E-S. Just to follow up on his question,
22 what's your definition of a hotspot, Kev?

23 A. Well, I'm thinking he's talking about a no clearance zone, no
24 clearance area.

25 Q. What's your definition of a no clearance area?

1 A. A place where a train and a person couldn't be in a track at
2 the same time.

3 Q. Okay. I -- Dean Jones, J-o-n-e-s. Just to elaborate, I
4 believe that we're talking about two different things.

5 A. Oh, what are -- hotspots? What are you considering a
6 hotspot? I'm sorry.

7 Q. Well, no that is a hotspot.

8 A. Oh, okay --

9 Q. But I'm just -- I was just wondering from the control room's
10 perspective, what do you know about the system or no clearance
11 zones or other hot --

12 A. No clearance. Okay, that's --

13 Q. But that's all you're familiar with is the no clearance zone?

14 A. No clearance zones and -- yeah, that's what I believe he was
15 talking about. I apologize.

16 Q. Well, that is one of them.

17 A. Okay. Okay.

18 BY MR. DOLBIN:

19 Q. Dolbin, D-O-L-B-I-N. The interlock at Erie is a hotspot?

20 A. It's not considered a hotspot.

21 Q. I didn't think.

22 A. No, it's not considered a no clearance area.

23 Q. Just thought I'd put that on the record.

24 A. Right.

25 Q. You have areas, but this is not one?

1 A. Not one, no.

2 BY MR. WILSON:

3 Q. Joseph Wilson. So the areas that you would know as really no
4 clearance areas, are usually areas that are marked --

5 A. Marked.

6 Q. -- with some type of signage or some sort?

7 A. They have signage out there, from A to B, where there are no
8 clearance for anybody who wants to go into the track area at that
9 specific location, yes.

10 MR. WILSON: Okay. That's all.

11 MR. BUCHER: Okay, I have no more. I'm looking around the
12 table. I think we're done.

13 Thank you so much for coming in and giving us your interview.

14 (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 Kevin Smith

ACCIDENT NO.: RRD19FR009

PLACE: Philadelphia, Pennsylvania

DATE: July 12, 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.


Deborah Dowling Sweigart
Transcriber