

UNITED STATES OF AMERICA

NATIONAL TRANSPORTATION SAFETY BOARD

\* \* \* \* \*

Investigation of:

\*  
\*  
\*  
\*  
\*  
\*  
\*

FATAL PATCO TRAIN ACCIDENT ON  
THE BENJAMIN FRANKLIN BRIDGE  
NEAR CAMDEN, NEW JERSEY ON  
OCTOBER 14, 2022

Accident No.: RRD23FR001

\* \* \* \* \*

Interview of: LUKE METZ, Track and Facilities Manager  
Port Authority Transit Corporation

Cherry Hill, New Jersey

Wednesday,  
August 2, 2023

APPEARANCES:

MATT THOMPSON, Investigator in Charge  
National Transportation Safety Board

CHRIS GIBSON, Counsel  
Delaware River Port Authority

MIKE BACHMEIER, Operations Group Chairman  
National Transportation Safety Board

ROBERT FINNEGAN, Chief Security and Safety Officer  
Delaware River Port Authority

TODD KROPILAK, Program Manager  
NJDOT State Safety Oversight

TODD KRAHOLIK, Investigator  
National Transportation Safety Board

DANA SANZO, Branch Chief  
National Transportation Safety Board

TROY LLOYD, Railroad Accident Investigator  
National Transportation Safety Board

I N D E X

<u>ITEM</u>	<u>PAGE</u>
Interview of Luke Metz:	
By Mr. Thompson	5
By Mr. Bachmeier	5
By Mr. Kraholik	7
By Ms. Sanzo	10
By Mr. Lloyd	11
By Mr. Thompson	25
By Mr. Bachmeier	26
By Mr. Finnegan	29
By Mr. Kraholik	30
By Ms. Sanzo	31
By Mr. Lloyd	35
By Mr. Thompson	41

I N T E R V I E W

1  
2 MR. THOMPSON: We're here today on August 2, 2023, in Cherry  
3 Hill, New Jersey to conduct an interview with Luke Metz, who works  
4 for PATCO. This interview is in conjunction with NTSB's accident  
5 investigation of, the accident number is RRD23FR001. It was an  
6 accident near Camden, New Jersey. The purpose of this  
7 investigation is to increase safety, not assign fault, blame, or  
8 liability.

9 Before we begin our interview and questions, let's go around  
10 the table and introduce yourselves. Please spell your last name,  
11 for those who are representing, and your title. I'd like to  
12 remind everybody to speak clearly so we can get an accurate  
13 recording. I'll start off and pass to my right. Again, my name  
14 is Matt Thompson. The spelling of my last name is  
15 T-H-O-M-P-S-O-N. I'm the NTSB IOC for this accident. Go ahead.

16 MR. METZ: Luke Metz, track and facilities manager  
17 (indiscernible).

18 MR. THOMPSON: Okay.

19 MR. GIBSON: Chris Gibson, G-I-B-S-O-N, Counsel for Mr. Metz  
20 and the DRPA.

21 MR. BACHMEIER: Mike Bachmeier, NTSB operations group  
22 chairman, B-A-C-H-M-E-I-E-R.

23 MR. FINNEGAN: Robert Finnegan, F-I-N-N-E-G-A-N, chief  
24 security and safety officer for the DRPA.

25 MR. KROPILAK: Todd Kropilak, K-R-O-P-I-L-A-K, NJDOT State

1 Safety Oversight.

2 MR. KRAHOLIK: Todd Kraholik, K-R-A-H-O-L-I-K, with the NTSB.

3 MS. SANZO: Dana Sanzo, S-A-N-Z-O, branch chief with the  
4 NTSB.

5 MR. LLOYD: Good morning, everyone. My name is Troy Lloyd  
6 with the NTSB. The spelling of my last name is L-L-O-Y-D.

7 INTERVIEW OF LUKE METZ

8 BY MR. THOMPSON:

9 Q. Okay. Can we start out with a little bit of work history,  
10 when you started, how long you've been working in your position?

11 A. For PATCO, I guess it's roughly 17 years.

12 Q. Okay.

13 A. Started off as a track mechanic. In 2014, I -- it was around  
14 2014, I became a foreman. And then, in around 2018, I applied for  
15 commander position.

16 MR. THOMPSON: Okay. So, do we want to start off with you,  
17 Troy, (indiscernible)?

18 MR. LLOYD: (Indiscernible).

19 MR. THOMPSON: You can go last? Okay. Mike? Mike  
20 Bachmeier.

21 MR. BACHMEIER: Mike Bachmeier. Thank you for coming here,  
22 Troy.

23 BY MR. BACHMEIER:

24 Q. Luke, what -- so, the EIC, or the employee in charge of you,  
25 is he the same guy as the flagman pilot?

- 1 A. No. The EIC, no.
- 2 Q. Okay.
- 3 A. Employee in charge.
- 4 Q. Okay. So, like, when I was looking through -- what is a pre-  
5 job briefing versus a job briefing?
- 6 A. A pre-job briefing versus a job briefing?
- 7 Q. Yeah.
- 8 A. They're essentially the same. The job briefing is given  
9 prior to the job. It's a pre-job briefing.
- 10 Q. Okay. So, like on the night of this incident back in  
11 October, there was a pre-job briefing, but it was only signed by  
12 Mr. J. Thompson, I think, if I remember right. Does anyone else  
13 sign that sheet?
- 14 A. It'll be our employees, PATCO's employees.
- 15 Q. Okay. So, who would -- so, you had Skanska?
- 16 A. Yes.
- 17 Q. And also, JPC, right?
- 18 A. Yes.
- 19 Q. Who would give the briefing to them?
- 20 A. I mean, it was my understanding, because it was a capital  
21 project, they had their own safety briefings, and foremen, and  
22 whatnot. I mean, they were actually working on the bridge prior  
23 to the outage.
- 24 Q. Yes, but who would let them know what it was safe to go onto  
25 the bridge?

1 A. Their foreman would contact either our foreman, or  
2 maintainer, or anybody that was at Camden Storage to let them know  
3 that the track was out of service or when it was out of service.  
4 We would contact them.

5 Q. But that wouldn't be documented --

6 A. It was usually --

7 Q. -- during the job briefing?

8 A. -- (indiscernible) or he would be there.

9 Q. But that wouldn't be documented in the job briefing? They  
10 don't have a job briefing with a form?

11 A. At the time, there wasn't. I mean, it was just verbal.

12 MR. BACHMEIER: Okay. I'll defer to Robert.

13 MR. FINNEGAN: Nothing here.

14 MR. BACHMEIER: Nothing.

15 MR. KRAHOLIK: All right. Todd Kraholik.

16 BY MR. KRAHOLIK:

17 Q. So, who assigns the EICs and the flag persons for the day?

18 A. As of right now, the EIC is either a manager or a foreman  
19 that's on duty. That's the only person that can be an EIC.

20 Q. And that was in place --

21 A. That's now.

22 Q. Well, how was it at the accident, though?

23 A. I mean, employee in charge at the time, I guess, they would  
24 refer, for that time, I guess it could be anybody that took the  
25 outage, like a maintainer, if he was taking the outage, if he was

1 calling for it.

2 Q. So, how would they get assigned? Would it be daily, or would  
3 it be somebody weekly, or could it be somebody every day  
4 different?

5 A. No, every day was -- I mean, it could change, yeah.

6 Q. So, how would the contractors find out?

7 A. Oh, we were meeting at their yard every night.

8 Q. Okay. Okay. All right. And then, to piggyback on  
9 Bachmeier's question about the job briefings, the safety plan for  
10 PATCO says that they have to acknowledge they understood the job  
11 briefing? How would PATCO know that they understood the job  
12 briefing?

13 A. How would PATCO know they understood?

14 Q. Yeah. Like, if the job briefing was given to --

15 A. And they signed for it.

16 Q. Is that -- I'm just -- how --

17 A. Yeah, yeah.

18 Q. So, they would sign the job briefing for acknowledgement?

19 A. Yes.

20 Q. So, the job briefing forms that we have are only signed by,  
21 it looked like, the IICs for the night. Would that be --

22 A. It should be the flagmen and whoever else was on PATCO  
23 employees at the time. Now, we have the contractors themselves.  
24 We're doing one with them.

25 Q. Okay. But at the time, that wasn't taking place?



- 1 A. For that job, we weren't. I mean, it was --
- 2 Q. Okay.
- 3 A. They were already up there working the whole time. We were
- 4 just there to remove service from the track for them.
- 5 Q. So, they would -- I'm not real familiar with the job. So,
- 6 they would be working on the road, not close to the track; and
- 7 then, when they would need track at the night, then --
- 8 A. Yeah, they were --
- 9 Q. -- you guys --
- 10 A. -- working above it, around, it, you know. But come
- 11 9 o'clock, we would start to remove service; and then, after
- 12 service was removed, we would let them know; and then, they had
- 13 permission to enter the track.
- 14 Q. Okay. So, they were supposed to have a safety manager on
- 15 site; is that correct?
- 16 A. I mean, I would assume they had one.
- 17 Q. But we don't know if they did or not? Is that right?
- 18 A. I don't -- I can't -- I wasn't on that weekend --
- 19 Q. Okay.
- 20 A. -- so I don't know for sure.
- 21 Q. Do you know if they had one prior to that weekend?
- 22 A. I mean, they should have, yeah. They have -- it's a
- 23 contract. I'm sure they had one contracted.
- 24 Q. Would anybody check for compliance with that?
- 25 A. I'm sure that's part of the contract.

1 Q. Who would check for compliance? Would that be done? Not the  
2 local -- not you?

3 A. Yeah, I don't. I mean, I wouldn't.

4 MR. KRAHOLIK: Okay. Fine. That's it for me right now.

5 MS. SANZO: Okay. This is Dana Sanzo.

6 BY MS. SANZO:

7 Q. I'd like to ask about, not specifically that day, the general  
8 process in the planning and preparation for a budget, what it is,  
9 as far as what planning or preparations go on to -- and  
10 discussions about on-track protection, about flagmen. How would  
11 that process work? And I'm speaking very generally, not  
12 necessarily the day of the accident.

13 A. Well, that's done outside of, you know, I guess, my  
14 department. It's, you know, with safety, and done with the  
15 contract. I mean, I'm not really involved with that. If there's  
16 safety issues and I need more flagmen, I can, you know, ask for  
17 more or assign more, but --

18 Q. And generally, who would be requesting more flagmen in the  
19 number of flagmen?

20 A. Who would be requesting?

21 Q. Generally, yes.

22 A. Ahead of time, the contractor usually requests how many they  
23 want.

24 Q. Okay.

25 A. But if we decide that, you know, the work's too spread out, I

1 think it's -- you know, you need more to watch over, it's too  
2 large of an area, we'll send another one out.

3 Q. Okay. And then, the process in the time since the accident,  
4 have there been any changes to process or procedures since that  
5 time?

6 A. Has there been?

7 Q. Yes.

8 A. Well, I think they updated like the EIC, stuff like that, but  
9 we went over -- I think everybody had to go over, and retrain, and  
10 everything else just to make sure everyone was up to date. But  
11 it's done yearly through PowerDMS, so the railway working program  
12 and the EIC program is done here through PowerDMS.

13 MS. SANZO: Thank you, and I pass to Mr. Troy Lloyd.

14 MR. LLOYD: Hey. Thanks for being here this morning. I  
15 guess it was my idea to call these additional interviews, because  
16 (indiscernible) a little late, but, you know, after looking at all  
17 the transcripts through Kiteworks, that's everything that's been  
18 compiled from the accident, we're just reading the *Right of Way*  
19 safety manual, all that stuff. I just need a little bit more  
20 factual stuff from someone like you that's in charge, and, you  
21 know, the EIC track report, and things of that nature. So, you  
22 know, that's why we're here today, just so I can get a little bit  
23 more insight of what happened that night, but what was occurring  
24 previous, okay?

25 BY MR. LLOYD:

1 Q. So, describe your duties. What is your responsibilities as  
2 the, you said, T and E or something, track and --

3 A. T and F, yeah, track and facilities.

4 Q. Yeah. So, talk to me about that.

5 A. Basically, it's to manage all the track and everything that  
6 has to do with the stations, track, the repairs that we make,  
7 setting up for our crews to make repairs on the tracks --

8 Q. Okay.

9 A. -- and station cleaning, custodians, you know.

10 Q. So, any responsibilities on your part that would have been  
11 taking place at this worksite on the Ben Franklin Bridge, like  
12 people that might have been appointed as EICs --

13 A. No.

14 Q. -- people -- so, you had no responsibilities --

15 A. Not with that.

16 Q. -- whatsoever with what was going on in this project?

17 A. Negative.

18 Q. What about the EIC? Is he your direct report?

19 A. No. We're not even -- like, technically, even I'm assigned  
20 as an EIC by, you know --

21 Q. Okay. So, what's the difference between you and who the EIC  
22 was that night?

23 A. Whoever's on duty that week, whoever's covering for the week.

24 Q. So, you could have been an EIC. Were you ever an EIC for  
25 this --

1 A. Yeah.

2 Q. -- DRP project?

3 A. Just last week --

4 Q. Okay.

5 A. -- or two weeks ago, yeah.

6 Q. So, that's cool, then. I like that. Talk to me about EIC  
7 duties. What's your responsibilities? What do you do? What are  
8 you in charge of? Tell me everything that you do as an EIC on  
9 this project.

10 A. Yeah. As soon as I -- well, so, basically, we will write up  
11 that it has scheduled times when the track's supposed to go out.  
12 I'll meet with the contractor, and they add his (indiscernible)  
13 prior. At that time, I'll call the center and get permission to  
14 start removing service. Center tower dispatcher will remove  
15 power. Then, I can give permission to the maintainers on either  
16 end to start applying safeties, and, you know, flags, shunts,  
17 grounds if needed. And then, from there, once they've applied all  
18 the safeties, I can ask the dispatcher for permission to go to  
19 work.

20       Once I get permission, then I give basically a safety  
21 briefing to the contractor. They all sign, and they've all taken  
22 the PATCO since the railway worker thing, the program, or the  
23 safety (indiscernible). And then, I sign a card that says they're  
24 approved and -- or have taken the class. And then, they all sign,  
25 and then they have permission to do their work. But then, I'll

1 walk over with usually their foreman or supervisor to verify power  
2 off and, you know, to see the safety supply. And then, he gives  
3 his guys permission to --

4 Q. So, technically, you're the guy, you're the safety guy that's  
5 there that's making sure everybody knows what responsibilities,  
6 everybody knows that track's not a surface between point A or  
7 point B; rather, it's (indiscernible) track out of service,  
8 whatever PATCO uses. You're that guy as that EIC, right?

9 A. Yeah.

10 Q. You're also the guy that is in charge of the PATCO employees  
11 that are there providing protection, such as watchmen, pilots?

12 A. Yeah.

13 Q. Plus, you're in charge of the contractors doing the work, as  
14 well?

15 A. Yeah. I mean --

16 Q. If you see them --

17 A. -- they have their own -- yeah.

18 Q. If you see them doing something out of the ordinary, as an  
19 EIC, you can go up to them and say --

20 A. Oh, yeah.

21 Q. -- time out?

22 A. Yeah.

23 Q. Because they work under your rules, and --

24 A. Oh, yeah.

25 Q. -- when they step on your tracks, they work under PATCO?

1 A. Yeah, (indiscernible).

2 Q. Right. So, you mentioned job safety briefings, which are  
3 under right of way plan. It's under 10.0 and 10.1. Explain that.  
4 Good plan if it's followed. But explain that section to me, 10.0  
5 and 10.1 out of your right of way plan.

6 A. I don't think I could.

7 Q. Okay. So, if you're going to be an EIC, and you don't know  
8 the right of way safety plan, or what procedures are in our right  
9 of way, such as job safety briefing, what needs to be done, it's  
10 like --

11 A. Yeah, right.

12 Q. -- (indiscernible). Very good, very good plan.

13 A. It is.

14 Q. So, talk to me about how you --

15 A. I could read it back to you.

16 Q. What's that?

17 A. I could read it back to you.

18 Q. Oh, no. (Indiscernible). That's fine. Talk to me how you  
19 do a job safety briefing. What is a quality job safety briefing,  
20 a PATCO -- what's a quality job safety briefing to look? What's a  
21 quality job safety briefing? What would you cover?

22 A. I would cover basically all the hazards, and the areas that  
23 they're not allowed to go, and where they should stay, and stay in  
24 view of the flagmen, and listen to the flagmen at all times --

25 Q. Right.

1 A. -- or pilot.

2 Q. Okay. So, you would make sure they know that track's out of  
3 service from point A to point B, (indiscernible) power's  
4 deenergized --

5 A. Yeah.

6 Q. -- correct?

7 A. Yeah.

8 Q. Watchman's in place, all that stuff, for (indiscernible) --

9 A. Yeah.

10 Q. -- for site distance and all that. You explain all that  
11 stuff, and that's on a job safety, a PATCO job safety specific  
12 form --

13 A. Yes.

14 Q. -- right? And then, everybody's there, and once you do your  
15 briefing, everybody signs and says, yes, I heard everything Luke  
16 says. I have an understanding. We're good. Then, everything's  
17 confirmed, and you allow them to enter the right way.

18 A. Yeah.

19 Q. Correct?

20 A. Permission to go to work, yeah.

21 Q. Okay. Has that always been done where that EIC's on site,  
22 and that job safety briefing's being completed, and everybody has  
23 that full understanding before everybody enters, even, I mean,  
24 leading up to the accident, not previous, but leading up to that  
25 accident, has that job safety briefing been quality briefings that



1 you know of, and ones you've been on site --

2 A. I mean, originally, we were doing the job safety things with  
3 our employees.

4 Q. What about the contractors?

5 A. We were not doing (indiscernible).

6 Q. So, and then, again, you know, just, you know, throwing  
7 things out, but --

8 A. They --

9 Q. -- they work under your rules --

10 A. Yeah, but they weren't allowed to enter the track, either --

11 Q. Right, but --

12 A. -- until it was out of service, yeah.

13 Q. Yeah. But they -- so, if you're not -- would contractors  
14 sign the briefing forms?

15 A. They would sign on and off with the clearance  
16 (indiscernible).

17 Q. As a clearance, but they wouldn't sign a briefing form?

18 A. No, just the PowerPoints that we had.

19 Q. Okay. And so, they're just listening to a briefing. They  
20 listen to your briefing. Contract workers are there listening to  
21 you saying (indiscernible) power's out between (indiscernible)  
22 over here and (indiscernible) over there, or (indiscernible) over  
23 here, or whatever. Track one engine's out of service.

24 (Indiscernible) power's deenergized. They're hearing all this --

25 A. Um-hum.

- 1 Q. -- right? But they don't sign for acknowledgement.
- 2 A. No. I mean, I'm sure they've all taken their safety course  
3 before even coming to our --
- 4 Q. Yeah.
- 5 A. -- property, so --
- 6 Q. Yep.
- 7 A. But, you know, they're not allowed through the gate into the  
8 track area until we've removed service and made it safe for them  
9 to come in.
- 10 Q. So, you have a good faith challenge in your book?
- 11 A. I'm sure they do, yeah, safety, yeah.
- 12 Q. Thanks, thanks. What's a good faith challenge to Luke?  
13 What's a --
- 14 A. Like, it's basically, if they don't feel it's safe, they can  
15 stand down.
- 16 Q. Yeah. Okay. Do contractors have the right to say that --
- 17 A. Yeah. Absolutely.
- 18 Q. -- I don't understand, here, Luke, what's going on?
- 19 A. Hundred percent.
- 20 Q. Okay. But they don't sign the briefing?
- 21 A. Hundred percent. They always do that.
- 22 Q. Yeah?
- 23 A. Yeah.
- 24 Q. And so, they sign something that says, Luke, we're going to  
25 go? The contractors give you some type of acknowledgement.

1 That's --

2 A. Correct.

3 Q. -- what I'm trying to get. Okay. You ever had any good  
4 faith challenges and from when you were -- as you were --

5 A. No.

6 Q. -- as EIC? Do you know of any good faith challenges,  
7 et cetera, taking place on the project? Or near misses? Just --

8 A. No, not me, no.

9 Q. Okay.

10 A. Not this project, no.

11 Q. Can you do a briefing via phone? Do you have --

12 A. I've never done it.

13 Q. -- to be on site to do -- does it actually have to be on  
14 site?

15 A. I've always been on site, yeah. I've never done one by  
16 phone.

17 Q. But technically, I guess, by rule, can that EIC --

18 A. Not that I know of, but --

19 Q. Okay.

20 A. -- I mean, (indiscernible)?

21 Q. Thinking of the right of way safety plan, (indiscernible) the  
22 EIC, the briefing can be done by phone. And my question is, if  
23 it's done by phone, how do you get that acknowledgement from --

24 A. Yeah.

25 Q. -- 23 workers, and how do you get their signature? How do

1 you get that if you're not on site?

2 A. I don't know if that was like a coded thing or something, but  
3 no, I --

4 Q. I got you. Okay. So, talk to me about training of PATCO  
5 people. You, as an EIC, you have to go through everything. You  
6 know how to be a train watchman, all that stuff, a right of way  
7 mantra --

8 A. Yeah.

9 Q. -- and all that. So, if you --

10 A. You actually (indiscernible).

11 Q. -- had to do EIC training, which is like a foreman  
12 (indiscernible) training, talk to me about the training.

13 A. We actually all go through the same training. It's through  
14 PowerDMS.

15 Q. Okay.

16 A. Everyone takes the exact same classes.

17 Q. So, everybody takes -- the PATCO employees take the exact  
18 same classes?

19 A. Every one of them.

20 Q. Okay. What about me as a contractor stepping on foot? What  
21 do I take to where I'm allowed to walk into your property and  
22 perform work under your rules, or an FTA-funded project, something  
23 like that?

24 A. I'm not exactly sure what Dave has (indiscernible) now,  
25 but -- Dave Ord (ph.). But there is something. You can't just

- 1 work there without --
- 2 Q. Okay. But --
- 3 A. -- going through it.
- 4 Q. Okay. But they cannot be EICs? They can't --
- 5 A. No, no.
- 6 Q. So, they can't be the EIC --
- 7 A. Contractor? No.
- 8 Q. They can't be a watchman?
- 9 A. No.
- 10 Q. Okay. Okay. So, a contractor cannot be a watchperson?
- 11 A. Absolutely, no.
- 12 Q. Okay. So, what does it mean that contractors are to provide
- 13 watchpersons? What is a watchperson from a contractor? That's
- 14 where I'm getting confused, too, (indiscernible) terminology.
- 15 A. What do you mean? Where you --
- 16 Q. Yeah. So, in the book here -- there's two books -- there's
- 17 two documents that you have. One is the Ben Franklin Bridge. I
- 18 think it's a safety plan. Then, another one is from DRP, and it
- 19 gives contractor/subcontractor responsibilities, PATCO
- 20 responsibilities (indiscernible). And I think we got something
- 21 where Mr. Fulton says that --
- 22 A. Yeah, refers to that, yeah.
- 23 Q. -- the contractors are required to provide watchpersons.
- 24 What is a watchperson provided by a contractor?
- 25 A. I --

- 1 Q. They're not like (indiscernible). I don't know.
- 2 A. Yeah.
- 3 Q. That's what I'm asking.
- 4 A. I get it. Well, it's not a flag person. It's --
- 5 Q. Okay.
- 6 A. I guess it's a safety watchperson.
- 7 Q. So, it's somebody that they have that say --
- 8 A. (Indiscernible).
- 9 Q. -- get your glasses on, the hardhat --
- 10 A. Yeah.
- 11 Q. -- fall protection --
- 12 A. For (indiscernible) safety.
- 13 Q. Okay. But it's not nothing to do with right of way --
- 14 A. No.
- 15 Q. -- protection and safety? They don't do that? You guys do
- 16 that, right?
- 17 A. Um-hum.
- 18 Q. Okay. And are you a regular worker, or are you a supervisor?
- 19 A. A manager, yes, sir.
- 20 Q. So, you're a manager. So, under your responsibilities, do
- 21 you do efficiency testing, which is safety checks? I'm a manager,
- 22 so I'm going to go make sure my guys are working under the rules
- 23 and --
- 24 A. Yeah.
- 25 Q. -- procedures correctly? Do you do those?

- 1 A. As a foreman, I did; and then --
- 2 Q. Yeah.
- 3 A. -- most of the foremen do.
- 4 Q. Did you do --
- 5 A. Every month.
- 6 Q. Okay. Did you do any for this particular project, you know,
- 7 just to make sure --
- 8 A. It wouldn't be for contractors. It would be for our
- 9 employees.
- 10 Q. Yeah, right. So --
- 11 A. Oh, yeah.
- 12 Q. -- did you ever get to go do any safety efficiency testing on
- 13 your employees, making sure -- hey, let me see your briefing
- 14 sheets. Let me see if everybody's signed. Let me walk around and
- 15 ask if anybody that's (indiscernible) for a day, just pumping
- 16 stuff out?
- 17 A. Probably not, not on this job, no.
- 18 Q. Okay. Is there other people that can do those safety
- 19 efficiency tests besides you, being a manager? Did other people
- 20 go up there and --
- 21 A. Yeah. Everyone. Any --
- 22 Q. Okay.
- 23 A. Every foreman or manager does safety checks basically
- 24 monthly.
- 25 Q. Got you. And required?

1 A. Yeah, we have a rule.

2 Q. All right. And when did this project start? Do you know  
3 approximately, from the date of the accident, when --

4 A. I don't remember.

5 Q. -- been going for a month, two months, six months?

6 A. I don't know.

7 Q. You don't know?

8 A. I don't remember the exact time.

9 UNIDENTIFIED SPEAKER: Years.

10 BY MR. LLOYD:

11 Q. Years?

12 A. Yeah.

13 Q. Okay. So, as a manager, and just -- so, reviewing the -- we  
14 interviewed the EIC a couple of months ago, and this is the reason  
15 why we're getting around the table, here, is some questions I  
16 asked, and it was -- we've got a right of way safety plan dated  
17 2019. So, I asked him about child safety briefings or what he's  
18 signing, and he would answer, we didn't do that before, but we're  
19 doing it now. Well, tell me about, you know, being on site,  
20 whatever. Well, we didn't do it before, but we're doing it now.  
21 But we're looking at a plan, say, in 2019, and we're interviewing  
22 in 2023. Have you seen any practical drift for aviation from the  
23 right of way safety plan that you would have to correct? You  
24 saw -- that you would maybe see when a safety follow-up, when they  
25 got it, said, what are we doing here? Because I'm just curious.



1 We didn't do it before, but we're doing it now. So, it's like  
2 they --

3 A. You're saying, now, has there been any --

4 Q. No, but, even --

5 (Crosstalk)

6 Q. -- before, up to the accident, did you see any where you have  
7 to -- any deviation from the right of way safety plan with this  
8 gentleman saying, we didn't do it before, but we're doing it now?  
9 It's --

10 A. No. I mean, you just -- I mean, things evolve. I think it  
11 was December of 2019 or something when we started going over  
12 everything for the right of way; and then, the EIC was, I think,  
13 December 2022, I think, or something like that.

14 MR. LLOYD: Yeah. That's all I have right now, Matt. I'm  
15 sure I'm going to have some --

16 MR. THOMPSON: Yeah.

17 MR. LLOYD: -- follow-ups going around the table.

18 MR. THOMPSON: Just have a follow-up.

19 BY MR. THOMPSON:

20 Q. So, the power clearance for --

21 MR. THOMPSON: Oh, this is Matt Thompson, (indiscernible).

22 BY MR. THOMPSON:

23 Q. The power clearance form that you were talking about that  
24 gets signed, you said signed by the contractor, where you referred  
25 to, is Skanska the contractor or JPC, the subcontractor?

1 A. No, it was just the contractor (indiscernible) their point of  
2 contact was, but it was only if they asked for a power clearance.

3 Q. Okay. So, if they wanted --

4 A. So, they didn't -- if it was just power off with no power  
5 clearance, there was no power clearance to sign.

6 Q. Okay. And has JPC Group ever signed any of those, or is it  
7 usually Skanska?

8 A. If they asked for it, it would just be Skanska.

9 Q. Yeah, okay. And as far as, are these records stored like in  
10 the tower or anything, or --

11 A. I'm sure (indiscernible).

12 MR. THOMPSON: Okay. That's all I've got right now. Do you  
13 have anything else, Mike?

14 BY MR. BACHMEIER:

15 Q. Okay, Luke, I just want to talk about the EIC. So, I think,  
16 (indiscernible) the way, we talked back in October, we talked  
17 about the pilot, the signal maintainers. Now, is that, the signal  
18 maintainer, the pilot, there was a pilot, there was flag people,  
19 are they all the same as the EIC? Do they all kind of intertwine?

20 A. No, the EIC is either a manager or a foreman.

21 Q. Okay.

22 A. And the maintainers are the ones who apply safeties,  
23 remove --

24 Q. Okay.

25 A. -- power.

1 Q. Okay.

2 A. -- and the pilot is just basically assisting with the  
3 operation of their equipment. They have their own operator  
4 that'll --

5 Q. Yeah.

6 A. -- run the equipment --

7 Q. Okay.

8 A. -- (indiscernible).

9 Q. So, I'm assuming, most of the time, like in this evening back  
10 in October, that they didn't get to the point where the track was  
11 on a service, but your protection, you know, you've got individual  
12 protection, train approach, traffic protection, train out of  
13 service, blue flag, and station platform. I'm assuming most of  
14 this stuff was track out of service? Is that --

15 A. It would have been track out of service, yeah.

16 Q. Okay. And that should have been kind of put onto like your  
17 job safety briefing (indiscernible)?

18 A. Yeah.

19 Q. Because most of the job safety briefings back then looked  
20 like they were all pre-filled out, and then just had the guy's  
21 name, so like you can't tell what kind of protection they had.  
22 So, I was just kind of curious of like -- the signal maintainers  
23 were at one end of the bridge, right? They took out their stuff,  
24 they did their stuff, or whatever?

25 A. Applied safeties, yeah.

1 Q. Yeah. Applied the safety. Was there anyone with the work  
2 group like with -- so, JPC was a subcontractor at Skanska. JPC  
3 had two different work groups. They were working where the  
4 accident happened, plus they were working on the other end of the  
5 bridge --

6 A. Yeah.

7 Q. -- plus Skanska was doing their thing. Did PATCO have an  
8 employee with every one of the work groups, or was -- since it was  
9 a track out of service?

10 A. Well, the track hadn't been --

11 Q. Yeah.

12 A. -- taken out of --

13 Q. Yeah.

14 A. -- service yet.

15 Q. But if this would have been a normal night where the track  
16 was out of service?

17 A. No. I mean, we would have had the flagmen up there. If they  
18 were spread out, probably, I would have had two --

19 Q. Okay.

20 A. -- positioned where you could see --

21 Q. Okay.

22 A. -- both. But, you know, they were working, I guess, out of  
23 the out-of-service lane all day long.

24 Q. Yep.

25 A. Yeah. And I guess they had their containment area --

1 Q. Yep.

2 A. -- that was supposed to keep them from entering the track  
3 area.

4 Q. Okay. I got you. I understand. Okay. And then, on the  
5 operations checks, so I just want to make sure, so PATCO only did  
6 operation checks on PATCO employees?

7 A. Operations? What do you mean?

8 Q. Like operations tests or --

9 A. Safety?

10 Q. -- like rules tests. Yeah.

11 A. Safety observations?

12 Q. Yep.

13 A. Yeah, we were doing them on just PATCO employees, yeah.

14 Q. Okay. And the contractors, JPC, Skanska, they did their own?

15 A. Yeah. I mean, the (indiscernible). Yeah, I would think it  
16 would be (indiscernible), yeah.

17 Q. Okay. Okay.

18 A. For their own safety observations.

19 Q. Thank you.

20 A. I mean, obviously, if we saw something that was unsafe, we  
21 could stop at any time, but it wasn't --

22 MR. BACKMEIER: Yep. Thank you. That's all I've got, Matt.

23 MR. THOMPSON: Okay.

24 BY MR. FINNEGAN:

25 Q. Luke, are you aware that --

1 MR. THOMPSON: Can you state your name, please?

2 MR. FINNEGAN: Oh, I'm sorry. Robert Finnegan.

3 MR. THOMPSON: Thank you.

4 BY MR. FINNEGAN:

5 Q. Luke, are you aware that the contractors would typically have  
6 their own safety people under contract to do the --

7 A. Watchmen?

8 Q. -- watch and things like that --

9 A. Yeah, yeah. They should have been.

10 Q. -- while they worked?

11 A. They definitely should have, yeah.

12 Q. Yeah. I just wanted to make that point.

13 A. Because they were up there basically all day long.

14 MR. FINNEGAN: Yeah, they were. They were working outside  
15 the track area during, you know, the day; then, at night, when  
16 service could be reduced (indiscernible) from one track going to  
17 and from the city, they would typically request an outage, get an  
18 outage; and then, when it was clear, they would go to work in the  
19 areas that they needed to (indiscernible) tracks. That was it.

20 MR. THOMPSON: Okay.

21 MR. FINNEGAN: Thank you.

22 MR. THOMPSON: Todd?

23 MR. KROPILAK: Todd Kropilak. Nothing.

24 MR. THOMPSON: Okay. Todd?

25 MR. KRAHOLIC: Todd Kraholic.

1 BY MR. KRAHOLIC:

2 Q. I just want to clarify, when we're saying that now, you have  
3 to give a job briefing to the contractor, would you give the job  
4 briefings to, in this case, Skanska and JCP Group, or would you --

5 A. I do, yeah. That's what we do now.

6 Q. And back then, you would only do it for Skanska --

7 A. I mean, it was left up to them, yeah. We would just  
8 basically contact their point of contact, foreman, supervisor,  
9 whoever was their safety, but -- to let them know that it was, you  
10 know, safe to go to work.

11 Q. You're saying you would contact their safety -- would that be  
12 JCP or Skanska's?

13 A. It was Skanska. They --

14 Q. And they were in charge of relaying the message to JCP Group?

15 A. (No audible response.)

16 Q. And you guys have since changed that? Now, you talk to both  
17 groups?

18 A. Everyone involved now.

19 MR. KRAHOLIC: Okay. That's all I have right now.

20 MS. SANZO: This is Dana Sanzo.

21 BY MS. SANZO:

22 Q. A couple of follow-up questions from earlier, on my own  
23 question. And we had talked about planning ahead of time, and the  
24 contractor would discuss with you or somebody in your department  
25 flagmen, the number of. Which contractor would you be getting a

1 call with and coordinating that with?

2 A. What do you mean?

3 Q. I mean, in this case, at least two possibilities. It could  
4 be Skanska directly or JPC.

5 A. I mean, they're set up ahead of time, prior, like when  
6 they're actually setting up the contract. It's set up ahead of  
7 time. They'll ask for what they need, and it's actually applied  
8 through overtime and everything, you know. So, it's already  
9 ready, but if we needed one more, I could add one.

10 Q. And that's where I go back to. How do you identify the  
11 number of flagmen for the project? You said, if you need more,  
12 you can add more. How would you come to the judgment you need --

13 A. Oh, we always --

14 Q. -- some more?

15 A. -- keep our work areas --

16 Q. Okay.

17 A. -- under 1,000, you know, try to keep it under 1,000 feet or  
18 so, but if it were too spread out, obviously, that's too much, and  
19 I could send one out.

20 Q. And so, we're just talking about how these arrangements are  
21 all set up at the very beginning. So, for a lengthy project such  
22 as this, if circumstances changed in that work area, or what work,  
23 how is it communicated to you or you to one of the contractors  
24 about what's needed as far as contract protection (indiscernible)?

25 A. I mean, he would contact me, call me.



1 Q. Okay. And that's -- I want to make sure. Who would be  
2 contacting you for this?

3 A. Skanska.

4 Q. Okay. That's what I neglected to ask you.

5 A. Sorry.

6 Q. No worries at all. I do you want to follow up with another  
7 question that had been talked about, about taking power down, and  
8 talking about with or without power clearance. If you could just  
9 describe power clearance and what that involves?

10 A. A power clearance is just, basically, there's grounds applied  
11 to the third rail, and that's just in case, at any time, if it was  
12 reenergized, or if something energized it, it would basically go  
13 right to the ground. And there's a number of safeties, you know,  
14 on that, so it can't -- if they're working around or touching the  
15 third rail, they're going to need a power clearance.

16 Q. Are there any circumstances in which, if they had a situation  
17 with power off and would not have that power clearance?

18 A. Oh, yeah, yeah.

19 Q. How --

20 A. If they're not working on or touching the third rail, they  
21 can work with power off. And if they --

22 Q. Well, without the power clearance?

23 A. Yes.

24 Q. Okay. I wanted to make sure I understand --

25 A. They --

1 Q. -- that process.

2 A. You know, there's no chance of them, you know,  
3 (indiscernible) they're not going to be constantly touching it.  
4 Now, even if power's off, if anything happened --

5 Q. And what would be some circumstances that would require that  
6 one must have the power clearance?

7 A. If they're going to be working with third rail, or touching  
8 it, or --

9 Q. Okay, thank you. (Indiscernible). Also, a few additional  
10 questions. You know, we see ahead of the project, then, that the  
11 contractor has to provide what is titled a site-specific work  
12 plan, and that's ahead of it, but are there other, during the  
13 course of the project, site-specific work plans developed during  
14 the course of the project?

15 A. I wouldn't -- it's not my -- yeah.

16 Q. Okay. Thank you. And a question that goes to one of the  
17 interviews that was conducted earlier this year. One of the  
18 interviewees had discussed having flagman responsibilities, but  
19 also being a pilot. And I'd like to talk about what circumstances  
20 that would lead to one having responsibility of flagman and pilot.

21 A. If the equipment is basically staying in the outage in a work  
22 area they're piloting the equipment into that work area. Once the  
23 equipment gets there, they're flagging for the work crew.

24 Q. If there's -- in this case, there was -- well, was it three  
25 different locations? Are there additional flagmen used in this

1 situation? (Indiscernible) and the FTA boundaries of the entire  
2 work project?

3 A. Well, the tracks have service. There's safeties  
4 (indiscernible), so there's -- you know, that basically, it keeps  
5 any train from going into it when we take the track out.

6 Q. Okay. Thank you very much.

7 A. So, there wouldn't be flagging, there wouldn't be flagging  
8 persons in that track --

9 Q. All right.

10 A. -- until it's out of service.

11 MS. SANZO: Thank you very much.

12 MR. THOMPSON: Mr. Lloyd?

13 MR. LLOYD: Yeah. Troy Lloyd again here from the NTSB,  
14 L-L-O-Y-D.

15 BY MR. LLOYD:

16 Q. Following up on Mr. Flannagan's [sic] question he gave you  
17 regarding contractors' safety representatives and all that stuff,  
18 whose rules do they apply under? If the contractor is providing a  
19 safety representative, whose rules are they under?

20 A. I would assume they'd have to follow ours, yeah.

21 Q. They're --

22 A. Or have a plan that equals ours.

23 Q. Would they be under PATCO rules, or would it be under --

24 A. (Indiscernible).

25 Q. -- their own rules out there doing whatever?

- 1 A. What do you mean?
- 2 Q. What I'm saying --
- 3 A. For safety --
- 4 Q. -- if a contractor provides a safety representative, he's
- 5 a --
- 6 A. (Indiscernible)?
- 7 Q. -- truthfully, he's an employee of PATCO. He's being paid to
- 8 perform functions for PATCO.
- 9 A. Yeah.
- 10 Q. Would he be responsible to follow PATCO rules, and then have
- 11 a safety plan. You know, we've exceeded -- that's what I'm
- 12 asking.
- 13 A. I'm pretty sure he would have to then --
- 14 Q. Okay.
- 15 A. -- along with, you know, federal, and --
- 16 Q. Yeah.
- 17 A. -- state --
- 18 Q. Yeah.
- 19 A. -- and everything else.
- 20 Q. Right. And all the guys, contractors, subcontractors,
- 21 including the safety representatives, they all get a right of way
- 22 safety contract, or right of way safety training, before they are
- 23 allowed to function on your property --
- 24 A. Yeah.
- 25 Q. -- correct? Is that a different type of training, what you

1 would get versus what a contractor or a subcontractor would get?

2 A. I don't know exactly what they receive on it. I mean, I  
3 would think Dave Ord would know exactly which class they're  
4 taking. I --

5 Q. Right. And how would an EIC know that one has been  
6 successfully trained --

7 A. Well, they receive --

8 Q. -- through PATCO right now?

9 A. They receive like a card basically saying that they -- Dave  
10 puts out a list of names and the company they work for saying  
11 they've been approved.

12 Q. Okay. And they're taught by PATCO instructors, correct?

13 A. Yeah.

14 Q. Okay. So, they would go to a contractor --

15 A. Safety --

16 Q. -- safety class, and they would get trained on terminology,  
17 and this, that, and the other, (indiscernible) voltage, things of  
18 that nature?

19 A. Yeah.

20 Q. And they would get some kind of, I think, the right of way  
21 safety card, or --

22 A. Yeah.

23 Q. -- something like that?

24 A. Just, yeah, basically saying they've been through --

25 Q. Okay.

1 A. -- PATCO training.

2 Q. Yeah. I think, a sticker or something. So, is that  
3 something an EIC would look for to make sure that everybody's  
4 safety-trained?

5 A. Yep.

6 Q. Okay. Might be going off of a limb here, and it might be  
7 something that's with Mr. Fullerton, but types of -- what's the  
8 difference between a contractor and a subcontractor when it comes  
9 to projects like this? What's the difference between a contractor  
10 and a subcontractor?

11 A. The subcontractor --

12 Q. Okay.

13 A. -- was working for the contractor.

14 Q. So, you've got the big companies hiring these --

15 A. Yeah.

16 Q. -- other people to do work, but they're both combined? They  
17 both have to be under the same rules, the same responsibilities,  
18 same right of way training, same preplacement testing --

19 A. Yeah.

20 Q. -- all that stuff, right?

21 A. Think so, yeah.

22 Q. Okay. So, there's no difference between a contractor and a  
23 subcontractor when it comes to safety rules and regulations,  
24 preplacement drug testing, things of that nature? Everybody's the  
25 same, correct?

- 1 A. Yeah.
- 2 Q. Especially if it's an FTA-funded project?
- 3 A. (No audible response.)
- 4 Q. And that's what I'm saying. It's something you may not --
- 5 A. Yeah, I --
- 6 Q. You know, it's something for --
- 7 A. -- don't see that stuff, but yeah.
- 8 Q. Okay. Okay.
- 9 A. I would think so, yeah.
- 10 Q. Okay. That's all I had. I mean, I had to get some stuff,  
11 because I definitely see through interviews and all that stuff, we  
12 see like that's practical drift from what's written, what was  
13 being done before and what's being done now. Quick question.  
14 Have you seen any post-accident actions after this accident that  
15 PATCO or maybe State Safety Oversight has put in place? Hey,  
16 since this accident, we need to do this, we need to do that, we  
17 need to review this rule, rewrite this? Have you seen any post-  
18 accident actions or what we call corrective action plans that's  
19 been sent forward that you had to communicate to your  
20 subordinates?
- 21 A. I can't really remember exactly, you know, what's been  
22 updated, but I --
- 23 Q. Any lessons learned that was put out, like lessons learned?  
24 This accident happened. We'll account for this, account for that,  
25 do this, do that? I'm just looking for things that you would

1 communicate. You know, you had an accident. Let's get this out.  
2 Let's talk about it. What post-accident actions or caps have been  
3 placed forward that you had to put in place, that you --

4 A. I didn't --

5 Q. -- had to communicate to your people?

6 A. I mean, now, you know, all contractors and anybody involved  
7 with the outage meets prior to the track going out of service.

8 Q. So, everybody meets. Okay. And that was prior to the  
9 accident, as well?

10 A. I mean --

11 (Crosstalk)

12 A. It was with our guys, always, but --

13 Q. With your guys, yeah.

14 A. Yeah.

15 Q. But what about every single person that was to go wayside?  
16 Were they always there, or could I go in late? Could I, you know,  
17 get there a half hour later, and you would --

18 A. Oh.

19 Q. -- give me a break?

20 A. You wouldn't (indiscernible), yeah.

21 Q. Okay.

22 A. You probably wouldn't get in.

23 Q. Yeah. But right now, everybody's together, they're getting  
24 the job safety briefing, everybody has an understanding,  
25 everybody's signed the form, and all that, right?



1 A. Yeah.

2 Q. Okay. Okay.

3 A. Well --

4 Q. I'm good. Thank you, Luke.

5 MR. THOMPSON: Okay. Matt Thompson, T-H-O-M-P-S-O-N.

6 BY MR. THOMPSON:

7 Q. This might be a better question for Dave Fullerton; however,  
8 do you know if the contractors and subcontractors, are they drug  
9 and alcohol tested? Like, does PATCO require that? Do they fall  
10 under randoms for preemployment, or --

11 A. I don't know if they -- yeah, I don't know if he does it, or  
12 if they require the company to do it. You know, I'm not sure.

13 Q. And as PATCO employees, you fall under the FDA testing, for  
14 instance?

15 A. Yes, yes.

16 MR. THOMPSON: Okay. That's all I have. Does anybody have  
17 anything else? No? Is there anything else you'd like to add?

18 MR. METZ: (No audible response.)

19 MR. THOMPSON: No? Okay. So, if we have any follow-up  
20 questions, do you mind if we contact you?

21 MR. METZ: Okay.

22 MR. THOMPSON: Okay. And on behalf of the NTSB, we'd like to  
23 thank you for coming out to the interview, and --

24 MR. BACHMEIER: Please contact him through Mr. Finnegan or  
25 myself, please.

1 MR. GIBSON: Pardon me? What was that again?

2 MR. BACHMEIER: Contact him through either Mr. Finnegan or  
3 myself.

4 MR. METZ: Okay.

5 MR. THOMPSON: Okay. How do you stop this?

6 (Whereupon, the interview was concluded.)

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

CERTIFICATE

This is to certify that the attached proceeding before the  
NATIONAL TRANSPORTATION SAFETY BOARD

IN THE MATTER OF: FATAL PATCO TRAIN ACCIDENT ON THE  
BENJAMIN FRANKLIN BRIDGE NEAR  
CAMDEN, NEW JERSEY ON OCTOBER 14, 2022  
Interview of Luke Metz

ACCIDENT NO.: RRD23FR001

PLACE: Cherry Hill, New Jersey

DATE: August 2, 2023

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.



Transcriber