

UNITED STATES OF AMERICA

NATIONAL TRANSPORTATION SAFETY BOARD

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Investigation of: *

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MIDDLESEX RAILROAD EMPLOYEE *

FATALITY IN GREAT BARRINGTON, *

Accident No.: RRD23FR015

MASSACHUSETTS ON AUGUST 8, 2023 *

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Interview of: BILL LEWIS, RWIC
Housatonic Railroad

Great Barrington, Massachusetts

Sunday,
August 6, 2023

APPEARANCES:

JOE GORDON, Track Group Chairman
National Transportation Safety Board

JOHN PATANE, Safety Inspector, Track Discipline
Federal Railroad Administration

RICHARD SKOLNAKOVICH, Investigator
National Transportation Safety Board

JOSHUA WERNIG
Middlesex Corporation

P.J. BAILLY, Train Master
Housatonic Railroad

DAVID CASACELI, Railroad Investigator
National Transportation Safety Board

TODD KRAHOLIK, Rail Investigator
National Transportation Safety Board

I N D E X

<u>ITEM</u>	<u>PAGE</u>
Interview of Bill Lewis:	
By Mr. Gordon	5
By Mr. Patane	8
By Mr. Skolnakovich	14
By Mr. Wernig	22
By Mr. Bailey	25
By Mr. Casaceli	26
By Mr. Kraholik	29
By Mr. Gordon	34
By Mr. Patane	36
By Mr. Skolnakovich	40
By Mr. Wernig	47
By Mr. Bailey	48
By Mr. Casaceli	49
By Mr. Kraholik	50
By Mr. Skolnakovich	52
By Mr. Bailey	52
By Mr. Casaceli	53
By Mr. Kraholik	53
By Mr. Skolnakovich	55
By Mr. Patane	58
By Mr. Wernig	59
By Mr. Kraholik	61
By Mr. Gordon	62

I N T E R V I E W

(1:57 p.m.)

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2
3 MR. GORDON: All right. Good afternoon. My name is Joe
4 Gordon. I am the NTSB track group chairman for this accident. We
5 are here on August 6th in Great Barrington to conduct an interview
6 with Mr. Bill Lewis, who works for the Housatonic Railroad. The
7 interview is in conjunction with the NTSB investigation into an
8 employee fatality that occurred near Great Barrington. The NTSB
9 accident reference number is RRD23FR015. The purpose of the
10 investigation is to increase safety, not to assign fault or blame.

11 Before we begin, we'll go around the table. Everyone will
12 introduce themselves and spell their last name for the record.
13 Again, my name is Joe Gordon. The spelling of the last name G-o-
14 r-d-o-n.

15 MR. PATANE: John Patane, P-a-t-a-n-e, FRA Safety Inspector,
16 Track Discipline.

17 MR. SKOLNAKOVICH: Richard Skolnakovich, S-k-o-l-n-a-k-o-v-i-
18 c-h, NTSB Investigator.

19 MR. WERNIG: Joshua Wernig, W-e-r-n-i-g, Middlesex
20 Corporation.

21 MR. LEWIS: Bill Lewis, L-e-w-i-s, Housatonic employee.

22 MR. BAILEY: P.J. Bailey, B-a-i-l-e-y, Housatonic Train
23 Master.

24 MR. CASACELI: David Casaceli, C-a-s-a-c-e-l-i, NTSB Railroad
25 Investigator.

1 MR. KRAHOLIK: Jack Kraholik, K-r-a-h-o-l-i-k, NTSB Rail
2 Investigator.

3 MR. GORDON: All right. Mr. Lewis, okay for us to call you
4 Bill today during the --

5 MR. LEWIS: Yes.

6 MR. GORDON: -- interview? Okay. And you understand -- we
7 talked a little bit before -- we're going to be recording the
8 interview?

9 MR. LEWIS: Yes.

10 MR. GORDON: And it will -- we also talked about a
11 representative. You don't wish to have a representative today?

12 MR. LEWIS: Right, yes.

13 MR. GORDON: Okay.

14 INTERVIEW OF BILL LEWIS

15 BY MR. GORDON:

16 Q. So if you could just start out by telling us about your
17 railroad experience, you know, kind of when you started in the
18 industry, different positions that you filled and up to the
19 position that you're holding now.

20 A. All right. Started with Conrail (ph.) in '93, brakeman,
21 conductor, engineer. CSX, when they took over Conrail
22 (indiscernible). Left '09, I think. Came here, I think, 2011.
23 Conductor, dispatcher, RWIC flagman before you changed it to RWIC;
24 now RWIC only.

25 Q. All right. So can you talk us through as far as the -- your

1 responsibilities as a flagman RWIC with Housatonic?

2 A. Yes, we like to group together in the morning, whenever it
3 is, when everybody shows up, we have a job briefing. We go over
4 some safety stuff, things I might have seen or heard from other
5 people, bring that up, to get people, you know, wakeup call from
6 being lax. We go through -- when they first show up, I go
7 through, make sure they all got their RWIT's, whatever they're
8 running, (indiscernible) for equipment or, you know, crane
9 operator or whatever the different things are for whatever they're
10 doing. Just make sure everybody's got all that, got a card on
11 them and then make sure they have copies in the office there in
12 case anybody want to come looking for it.

13 So we go through what's on there. Then they have a job
14 briefing when I'm done. They do their job briefing. Then I have
15 people sign my sheet there. I don't know what you really want to
16 call it -- it's a job briefing sheet, but everybody who's at that
17 job briefing signs it. If people come in later, they get a hold
18 of me or they show up (indiscernible). We'll go give them a job
19 briefing, you know, individually for the ones that show up --
20 because some people don't show up, you know, work in different
21 hours.

22 And we get them all on board with the same stuff again with
23 my part of it. And then they're good to go, you know. They let
24 me know, it's either tell me where you're at, when you're hopping
25 on track, when you're clearing track, so I have an idea who's

1 where in this whole outcome and everything.

2 Q. Okay. So how long have you been, like, with Middlesex, on
3 the property? How long have you been doing this --

4 A. Since they've been here, since they started, which would be
5 mid-May, end of May, somewhere in there.

6 Q. Okay.

7 A. Maybe early June, but I think it was still in May, I think.
8 That was -- yes, it was early May because I was on vacation in
9 May, and I was here before I went on vacation.

10 Q. Okay. And the track authority -- track protect, is it a Form
11 B?

12 A. Form B.

13 Q. Okay. Is -- was the Form B on the day of the accident, was
14 that in your name?

15 A. No, Supervisor E. Boardman.

16 Q. Okay. Is that always the case or --

17 A. It's due to their on-duty time. No dispatcher on duty when
18 they're here to go to work.

19 Q. Okay.

20 A. So they turn around, he gets in his name, I'm here. By the
21 time I'm done with him, you know, because this was Friday.

22 Q. Um-hum.

23 A. So our dispatcher, one shift whenever they're done, I'm still
24 out there most likely. So then I give it there for Saturday. So
25 he gets his D back, I inform him where everybody is, what's there,

1 what's out there, what switches if there's any crossings out. I
2 let him know so he knows what's up.

3 Q. Okay. All right.

4 MR. GORDON: That's what I've got for the first round there.
5 I'm going to pass it around the table.

6 BY MR. PATANE:

7 Q. John Patane, FRA. What's your typical form of communication
8 between yourself and the Middlesex foreman? How do you guys
9 discuss what's going on between each other when you're on the
10 field?

11 A. Out in the field?

12 Q. Yes.

13 A. Okay. If I'm right there, they'll come up and talk to me.
14 They have their own phone radio/communications. I don't know what
15 they want to call it, but no matter where I am, it's not like our
16 portables where there's a dead zone --

17 Q. Um-hum.

18 A. -- I guess is due to phone lines. So they get a hold of me,
19 and they'll let me know. Tell me, hey, this is what we're doing
20 or whatever.

21 Q. Who do you normally communicate with the contractor? Is
22 there any specific individuals or job titles?

23 A. No specific. It's -- anybody who's out doing whatever in
24 certain areas.

25 Q. Okay, so --

1 A. It's always different.

2 Q. So you'll be communicating directly with some of the RMM
3 operators.

4 A. What's that?

5 Q. Like the roadway maintenance machine operators, like the --
6 let's say --

7 A. Yes.

8 Q. -- say you have the drill out there. There's times where
9 you'd be communicating directly -

10 A. Yes.

11 Q. -- with the operator.

12 A. Yes.

13 Q. When there's -- is there ever -- like if you have, like, a
14 separate work group that's not working with the work group you're
15 directly with. Is there usually a designated person you have
16 communication with, or could it be anybody in the group?

17 A. Anybody in the group.

18 Q. Okay. So the day of the incident, I understand that, you
19 know, everybody was in the yard and you kind of had your briefing
20 in the morning -- your initial briefing?

21 A. Yes, their yard --

22 (Crosstalk)

23 Q. Yes, their yard, yes. Was it discussed what RMM's, roadway
24 maintenance machines, were going to be utilized --

25 A. No.

- 1 Q. -- that day?
- 2 A. No.
- 3 Q. When you were -- was any equipment -- was any RMM's used to
- 4 -- for the bridge project that day?
- 5 A. Yes.
- 6 Q. What was out there?
- 7 A. They had a truck with a boom. The grapple truck was out
- 8 there, he was parked on the side of the road, but he was out there
- 9 reaching over. And I don't really recall what else --
- 10 Q. Was that (indiscernible) out there?
- 11 A. I can't tell you for sure.
- 12 Q. Okay. Was any equipment authorized to track travel within
- 13 your working limits between, I believe, it was 50 and 60.
- 14 A. 55 -- 50 and 59 --
- 15 Q. 50 and 59 --
- 16 A. -- for this.
- 17 Q. Okay. Was any equipment authorized to use the tracks between
- 18 lanes or anywhere within your working limits to the bridge?
- 19 A. Yes.
- 20 Q. What equipment was authorized to make moves?
- 21 A. Well, there were jostling equipment around to line stuff up.
- 22 Q. Okay.
- 23 A. So I dropped the switch, I dropped my D rail --
- 24 Q. Okay.
- 25 A. -- and I gave them permission to go out to do whatever, to

1 line up what they need to get down there.

2 Q. Okay. But you're not sure what equipment, if any equipment
3 made it down there?

4 A. Equipment made it down there. I can't tell you what
5 equipment made it.

6 Q. Okay, okay. Does -- is there anybody that needs to ride with
7 them or pilot them to get them down there or are they -- do you
8 feel that they're qualified to get down there on their own?

9 A. They're qualified to get down there on their own from what I
10 know.

11 Q. Okay. Is --

12 A. I can't tell you about who's qualified to run what machines
13 people run.

14 Q. Okay.

15 A. I'm just saying for them to travel from A to B.

16 Q. Uh-hum. I noticed on the job briefing form here, it says
17 roadway maintenance machines. If operating equipment or machines,
18 are the operators qualified and there's a check yes. Who's the
19 one that makes a -- who does that go through? Is that something
20 that you find out from the foreman of the job or --

21 A. From my understanding, that is them. By signing that sheet,
22 they're okaying it because I marked it yes that they're the ones
23 in control of who's running what machines --

24 Q. Okay.

25 A. -- who's qualified to run what machines.

1 Q. Okay. So if you have work groups working over a large
2 stretch of track, several miles of working limits, and now with
3 the grant going on you've got multiple large-scale projects going
4 on, do you feel that just having yourself, one roadway worker in
5 charge, is sufficient to cover all the separate projects going on
6 at the same time?

7 A. I can't answer that question. It depends on how many
8 projects you're talking about.

9 Q. Well, let's say the day of the incident.

10 A. There was only one project I knew of, so it was sufficient.

11 Q. Okay, okay. Now typically would you -- if -- what would have
12 been the procedure if they didn't discuss the lagging operation in
13 the morning and they wanted to do the lagging operation in your
14 field out on the bridge. How would they contact you and arrange
15 -- set it up and say hey, listen, this is what we want to do
16 today.

17 A. Usually by the radio --

18 Q. Um-hum.

19 A. -- maybe by phone to say this is where we want to go, is it
20 okay to go there.

21 Q. Um-hum.

22 A. Because I'm the only one who knows who's out there, so.

23 Q. Um-hum, okay. So did you authorize any limits -- because you
24 said that some RMM's track traveled from lanes down to the bridge.
25 Was there any limits that you authorized them to track travel

1 between?

2 A. Between where?

3 Q. Well, within the track that you owned --

4 A. Right.

5 Q. -- from 50 to 59, the lane switch is at -- what, 57 and
6 change?

7 A. Yes.

8 Q. Did you authorize them to go any further north than that?

9 A. Just to -- when they're jostling their equipment.

10 Q. So headroom?

11 A. Yes, the headroom, to line up their stuff the way they needed
12 to have it lined up, which, usually with the amount of equipment,
13 they're not going to make it past Lime Kiln Road (ph.).

14 Q. Um-hum.

15 A. Which is, you know, just south of Filmore (ph.), so.

16 Q. Was that specifically discussed that they have -- they only
17 have headroom up to Lime Kiln?

18 A. No, they just said they were jostling lining it -- they said
19 they were lining equipment up.

20 Q. And --

21 A. So --

22 Q. -- on a track travel they headed down to the bridge?

23 A. Right.

24 Q. Okay. So as far as you understand, nobody should have been
25 north of --

1 (Crosstalk)

2 A. Without talking to me, nobody should have been out there.

3 Q. Okay. I believe that's what I have for right now.

4 BY MR. SKOLNAKOVICH:

5 Q. Okay. Richard Skolnakovich, NTSB. I kind of like to go back
6 a little bit. So with the Form B, the dispatcher gave the Form B
7 out on Friday. Is that correct?

8 A. You guys a copy of it. I'd have to see it. It was Thursday
9 night.

10 Q. Thursday night?

11 A. Yes, it's on the top there if you read it. I wrote in the D,
12 the date and the time effective on the second line down, line 2.

13 Q. Okay. We'll review it. But, okay, so to your knowledge, the
14 Form B went out Thursday night?

15 A. Yes.

16 Q. Okay. And so -- and who received that Form B?

17 A. Supervisor E. Boardman.

18 Q. Okay, so E. Boardman. And then -- so then he goes home and
19 then you pick up. So you guys operate in 24 hours, like -- okay,
20 so he gets off duty and you're coming on duty?

21 A. I'm actually going to bed because I have to be up for 4:00.
22 Well, I have to be up at 2:30 to be there for 4:30.

23 Q. Okay. So Boardman is working overnight or is the job shut
24 down?

25 A. No, he's taking the track out --

- 1 Q. Okay.
- 2 A. -- after the train passes through. He forwards it to me and
3 gives me permission, and he's out of service.
- 4 Q. Okay.
- 5 A. And then when I'm done, I relay it to him.
- 6 Q. Okay.
- 7 A. Any crossings or anything would be on that.
- 8 Q. Okay, great. All right. So on that Form B for that
9 particular day, you tell me what kind of instructions were on it.
10 I know you had a mile post between 50 and 59.
- 11 A. You'd have to show me the -- we're talking about a couple of
12 days ago. When I'm done, it's done with me.
- 13 Q. All right.
- 14 A. I've been doing this a long time.
- 15 Q. Let me rephrase the question. So is there -- between those
16 two points, between 50 and 59, are there any switches?
- 17 A. Yes.
- 18 Q. Okay.
- 19 A. You got the lane switch where they're using as a yard.
- 20 Q. All right. So --
- 21 A. There's more switches to --
- 22 Q. Okay. So are there switches -- how are they normally set up?
23 They're locked and lined?
- 24 A. They're lined and locked, 104D --
- 25 Q. Okay.

1 A. -- and a D rail, and lanes has its own D rail.

2 Q. Okay.

3 A. Well, not lanes. Middlesex has their own portable on the
4 siding there.

5 Q. Okay. All right. So now who locks those switches? Is that
6 Middlesex or is it --

7 A. I lock the switches. They got permission to throw, I lock
8 the switches.

9 Q. Okay. So they have permission to throw the switches?

10 A. Yes.

11 Q. Okay. And is that permission that you've given them?

12 A. I've given them.

13 Q. Okay, all right. Is there any -- typically on their, you
14 know, because you've been on the railroad for quite a while. So
15 for switch operation, is there any kind of specific rule for
16 operation switch?

17 A. As in typically you walk up, make sure there's nothing in the
18 switch points. If it's a newer switch, pop the lever, let it
19 spring up, whatever it's going to do, and lower it. If there's
20 any fight or anything, back it up, see if there's anything in the
21 switch points, make sure something's in the way, make sure in a
22 spike in there, anything that could be. Usually in the morning,
23 I'll do it, I'll unlock it, I'll throw it. And I'll let them know
24 it's lined, you know, from the side into the main. So I throw it
25 first to make sure there's no issues. If the switch is tight and

1 we have those hot days, I'll let them know the switch is real
2 tight, be careful throwing it.

3 Q. Okay. Now do you know if the employees, the Middlesex
4 employees, they know all that? Are they qualified to inspect the
5 switch or throw a switch? Do --

6 A. You'll have to talk to them.

7 Q. Okay.

8 A. I tell their -- I don't know what Nick's title -- foreman I
9 would consider Nick -- with Middlesex. I always let him know when
10 I have my D rail down switch unlocked and which way it's lined
11 after I throw it.

12 Q. Now the -- at the end of the day -- so typically your workday
13 is on (indiscernible).

14 A. It depends on when they get done.

15 Q. Just on average.

16 A. 12-hour days.

17 Q. Okay, about 12 hours about. Now at the end of the day, are
18 they locking up the switches or --

19 A. No, no. I have the key; they don't have the key.

20 Q. Okay.

21 A. And I don't get the track back or tell anybody I'm clear
22 until their D rails lock up, too. So my switch will be thrown and
23 locked, my D rail will be up, and if their D rail ain't up, I'll
24 let them know. And when I see their D rail up and locked, then
25 I'll inform, you know, the dispatcher if I'm cancelling or

- 1 whoever's taking over there what's lined and locked.
- 2 Q. Are you using portable D rails or --
- 3 A. Mine's fixed; theirs is portable.
- 4 Q. Okay, so yours is fixed?
- 5 A. Yes.
- 6 Q. So now are all the D rails, all the fixed D rails, they all
- 7 have the ability to lock?
- 8 A. No.
- 9 Q. Okay. Do you know which ones don't lock?
- 10 A. Well, they've changed some of them. Lanes doesn't lock for
- 11 us. And in this stretch of track, that would be the only, you
- 12 know, from 5-0 to 5-9, that's the only D rail --
- 13 Q. Okay.
- 14 A. -- that doesn't lock in that section.
- 15 Q. Okay. Is that D rail protected with any other D rail or any
- 16 barricade or anything like that, or is it just --
- 17 A. It's the switch --
- 18 (Crosstalk)
- 19 A. The switch is locked with the 104, so it's not a key they
- 20 have.
- 21 Q. Okay. All right. Let me go back to the briefing real quick.
- 22 So that particular day for the briefing, do you have, like, all
- 23 the Middlesex employees or do you just have a representative from
- 24 Middlesex?
- 25 A. No, no, no, they're all on the sheet.

1 Q. Yes.

2 A. Everybody's names on there. The first one on that sheet
3 would be supervisor E.T. Boardman, the Housatonic man, and then
4 the last two are the two that came later with Middlesex. One
5 would be the engineer; and I think the last one is Jimmy. I'm not
6 sure what Jimmy's actual title is, but they're both -- because
7 they came -- one about 7:00, one 8:30 maybe.

8 Q. Okay.

9 A. But all the rest were in that morning -- that 4:30 briefing.

10 Q. Okay. Now do they brief you on -- I know you give them a
11 brief, but do they brief you on the type of work that Middlesex is
12 going to be doing?

13 A. It depends what's going on.

14 Q. Okay.

15 A. There was a big briefing because they were working by the
16 bridge, and again prepared to do the bridge so there was a big
17 briefing on fall protection and everything else, for what may be
18 needed this, you know, Friday, and what's going to be needed that
19 following week that Dan did.

20 Q. Okay. So you talked calmly about the bridge work during
21 that --

22 A. The fall protection.

23 Q. Fall protection.

24 A. That was their part of the brief.

25 Q. Okay.

1 A. Mine was different.

2 Q. Okay. Can you give me just kind of a quick rundown of what
3 your brief would have entailed?

4 A. This briefing would entail to make sure they hit the horns on
5 the equipment when they're moving, when they start a move, when
6 they reverse or go forward, to make sure they hit the horns,
7 because something I saw the previous day, so I brought it up to
8 them. I just said hey, remember every time you move you got to
9 hit the horn. So they have it because there was times when I've
10 seen the machine move and nobody was doing it, so we'll bring it
11 back up again.

12 Overhead wires are hot, because we got a spot where they put
13 OTM, you know, that I don't want to take a chance that somebody
14 hits it with a boom. So any other wires, they're hot, you know,
15 so we bring all that into the picture. If you need to use the
16 phone, step off of the track, be in the clear and be clear of
17 anything that can swing on any machine. So you're not in the foul
18 and then watch out for yourself, walk in and anybody, you know,
19 watch for your fellow employee out there. And I try to tell them
20 be careful of walking in the bush and the grass because of ticks.
21 They're having a bad tick time out there, so I don't see -- we get
22 Lyme disease either, so you bring all that into the whole thing.

23 Q. Okay. And you kind of said something -- you saw something
24 the day before. Can you elaborate?

25 A. They were down at the crossing spiking with the machine.

1 Right there, the machine moved and there was no toot of the horn.

2 So I brought it all up afterward.

3 Q. Do you know if the alarm, the bells or anything was going on,
4 you know, the beat that it makes?

5 A. You mean the automatic beep?

6 Q. Yes.

7 A. There was no noise at all that I knew of.

8 Q. Okay.

9 A. That's why we brought it up.

10 Q. Okay.

11 A. E.T. Boardman -- Supervisor E.T. Boardman was with me, and we
12 both discussed it. I said I'll bring it up at the meeting
13 tomorrow because they were clearing up to go back in the clear.

14 Q. Let me ask you this. Were they an intentionally moving or it
15 was an unintentional movement?

16 A. No, intentional.

17 Q. Intentional movement.

18 A. Yes.

19 Q. Okay.

20 A. They were spiking.

21 Q. Okay. Were there employees on the ground?

22 A. Yes.

23 Q. Okay. Both sides of the track or --

24 A. Yes.

25 Q. Okay, all right. And then during the day that the accident

1 occurred, what was your location? Were you at the bridge?

2 A. I was at the bridge.

3 Q. Okay. Were you there the whole day?

4 A. No, I was there to about 10:00 when I got notified something
5 was happening.

6 Q. Okay. And what was your shift that day? What time did you
7 come on and --

8 A. I came on at about 4:00 on duty. I came in 4:30 up here in
9 the lanes.

10 Q. Okay. Okay, that's all I have for now. Thank you.

11 A. Okay.

12 BY MR. WERDIG:

13 Q. Joshua Werdig. I have a couple of questions. Just on the
14 day of the incident when you first showed up --

15 A. At the incident or at work?

16 Q. At work, you know, before the job briefing?

17 A. Um-hum.

18 Q. Who did you first encounter when you got on site?

19 A. I pulled up, I parked. I'm usually there 15 to 20 minutes
20 early. Ethan Boardman parked next to me. Mark, with you guys --
21 I'm not sure of Mark's last name, he's with the dirt crew -- he
22 come by because he usually brings me a radio. He's the first one
23 to bring one out to me. If not, I go get one, but he came over.
24 And then I wait for them to start huddling up, then I work my way
25 over when they all get huddled up instead of waiting for

1 stragglers coming in.

2 Q. Okay.

3 A. And they give me the okay to get the brief and when they
4 count -- make a head count that everybody's there.

5 Q. Right. Did you -- I forget what the gentleman's name was,
6 Mike you said that would have given the radio to you?

7 A. No, Mark did.

8 Q. Mark, okay. So Mark -- did Mark give you the radio that day?

9 A. I'm pretty sure he did.

10 Q. Okay. And leading up to the briefing, you know, did you have
11 occasion to talk to any foremen or superintendents before the
12 briefing from Middlesex?

13 A. Just good morning, guys.

14 Q. Okay.

15 A. We're all usually very cordial. Good morning, how you doing.

16 Q. And who from Middlesex gave the job briefing?

17 A. Dan (ph.) did.

18 Q. Okay. Was there any superintendent or foremen there as well
19 to give the briefing?

20 A. Nick was there -- you have to go on the sheet. I'm pretty
21 sure Jay (ph.) was there, but you have to look on the sheet, count
22 the names, see who was there.

23 Q. When you say Jay, is that Jason Menard?

24 A. Yes.

25 Q. Okay. Did you have occasion to talk to Jason Menard before

1 the job briefing occurred?

2 A. No. Waited until everybody huddled up and we had our job
3 briefing.

4 Q. And was it -- did Jason Menard or Nick provide any job
5 briefing themselves that day or was it just Dan (indiscernible)?

6 A. Jason, I think did a little bit. Dan did the big thing with
7 the safety.

8 Q. Okay. Do you recall them talking with the lagging operation?

9 A. There was nothing mentioned about any lagging.

10 Q. Okay. And when was the last time that you were aware that
11 lagging operations were done by Middlesex prior to the day of --

12 A. It should have been the day before when they changed the rail
13 out south of Egermont Road (ph.).

14 Q. So you were aware that Middlesex was doing lagging before
15 that day?

16 A. Where they were working at --

17 Q. Okay.

18 A. -- which to me would have been down at that bridge.

19 Q. Okay. Have you ever been up to observe any of the lagging
20 operations performed by Middlesex?

21 A. I was there at Egermont Road when they were doing some of
22 that.

23 Q. Okay. And was that the day before, you said?

24 A. They were spiking that day. They were popping clips in. I
25 can't tell you much more than that.

1 Q. Okay. And you had mentioned a little bit earlier about just
2 equipment and relative to what kind of equipment. Would you --
3 would -- typically would you require Middlesex to tell you exactly
4 what kind of equipment they were using and transporting any given
5 day?

6 A. When people are hopping on and off the tracks, they usually
7 tell me who they are and what machine they're on and what truck
8 they're operating.

9 Q. Okay. And the day of, did that occur?

10 A. The white boom truck told me, and you'd have to pull your
11 tapes to see if -- I don't recall if the grapple truck was on the
12 trucks -- or on the tracks or parallel to the tracks.

13 Q. Okay. Would you have records of --

14 A. No --

15 Q. -- what phone calls -- okay.

16 A. -- no, it's on your recorded line.

17 Q. Okay, great. Thank you. That's all I have right now.

18 BY MR. BAILEY:

19 Q. P.J. Bailey, Housatonic. I think there's a -- I just wanted
20 to maybe clarify something. The job briefing versus a safety
21 briefing. The job briefing that you give includes the walk,
22 tasks, I mean, what does that include?

23 A. My job briefing --

24 Q. What does that include as a job briefing versus --

25 A. It includes the track -- what track I have out, the limits of

1 my protection. All right. You know, watch out for certain safety
2 issues, what's going on, and if there's any kind of emergency, I
3 always say call 9-1-1 first, call your supervisor, but let me know
4 what's going on, so if somebody calls me I know what's going on.

5 Q. The day you -- on Friday, the incident, in the job briefing
6 -- you performed your job briefing. Everybody that was Middlesex
7 was part of that job briefing saying that. So during that job
8 briefing, there was no mention of lagging?

9 A. There was no mention of lagging of any kind, because then I
10 would have -- had an idea.

11 Q. The safety briefing that was -- I think -- I believe that was
12 done by Danny -- said there was a safety-related incident, not
13 job-related task.

14 A. No, not job-related. It was safety stuff that could be going
15 on and will be going on the following week.

16 Q. The reason a Form B was out in Eric's (ph.) name?

17 A. Oh, the reason -- because he took it the night before,
18 because Friday I'd be working it and there's a good chance I'll be
19 there longer than our dispatcher's on duty. So there's no way for
20 me to cancel it and he's going to be control of it, his own D come
21 Saturday when he's working with them as the RWIC for them.

22 Q. All right. And typically if there was two groups out there,
23 would you travel between the two groups?

24 A. I'll travel between all the groups, so yes.

25 Q. That's all I got for now.

1 BY MR. CASACELI:

2 Q. David Casaceli, NTSB. I think I only have one small one,
3 Bill. For that signs form -- when that form is signed you
4 mentioned you give your briefing and then, you know, Middlesex
5 foremen are added on. Is that signed after your briefing or after
6 everybody speaks?

7 A. It's signed after my briefing. Sometimes after everybody's
8 done, because I'm there listening to their briefings, too. So I'm
9 there for the whole thing. So when they're done, that's when I
10 hand the book out and it just travels.

11 Q. So on Friday, that was after the Middlesex (indiscernible)
12 had talked to the foremen --

13 A. Yes.

14 Q. -- and passed around?

15 A. Yes.

16 Q. When did you first learn that there was a lagging crew or
17 some crew north of where --

18 A. I didn't know there was anybody out there and didn't find out
19 after we realized who was hurt and where it happened at.

20 Q. So who notified you of that? Do you remember --

21 A. Of the incident or --

22 Q. Well, the first time you learned that there was --

23 A. The first time --

24 Q. -- somebody up north -- or let's go with the incident, yes.

25 A. The first time we were all down at the bridge and it could

1 have been Ethan, or it could have been somebody else with
2 Middlesex, because everybody else was Middlesex there at the time
3 except for me and Ethan. And it was somebody got run over by
4 Lyoning's Crossing (ph.). So first thing that popped to my head
5 was the grapple truck, because he doesn't need my permission
6 because he had OTM from the day before. So we could have been
7 parked on the side of the pile, not on the rail, emptying his
8 truck and we're all facing south. So when I do my U-e, there's
9 the grapple truck on the side of the road.

10 So I tried to call our supervisor, Bailey Kent (ph.).
11 Phone's busy. Nick with Middlesex calls me and says can we get 5-
12 9 to 6-0 out of service. So I take 5-9 to 6-0, still not really
13 knowing what's going on, but you get ideas.

14 Q. Um-hum.

15 A. And I call Supervisor Bill, he picks up, realizes that he was
16 talking to Ethan Boardman at the time. He asked me who was it and
17 what's going on. I said I have no clue. And he goes what do you
18 mean? I have no idea; it should be nobody up there. So I'm
19 thinking a pedestrian or something else, not any railroad, you
20 know, Middlesex employees.

21 Q. So you said you got ideas. So when he asked for 5-9 to 60,
22 what were you thinking?

23 A. Something happened up there, but still there's a lot of
24 hikers come walking by because you got the Green River down there
25 and they like to go in the water down there. So I still have no

1 clue what it is. I didn't know for sure until I got up to
2 Lyoning's Crossing (ph.). Now remember you got police, firemen
3 racing up the road, coming back, one of their employees -- I can't
4 tell you his name -- was at the road when I pulled in. He gave me
5 a sort of rundown, a sort of what happened, still not knowing
6 where it happened, but something going on. Now you start putting
7 the pieces together.

8 Q. You knew who that was --

9 A. Yes.

10 Q. I think that's all I have for now. I probably have some when
11 we come back around. Thanks, Bill.

12 A. Yes, no problem.

13 BY MR. KRAHOLIK:

14 Q. Jack Kraholik with the NTSB. So are you the RWIC?

15 A. Yes.

16 Q. And what are -- from your understanding, what are the duties
17 and responsibilities of an RWIC?

18 A. Well, my duties as RWIC is to actually protect the interest
19 of the railroad, the Housatonic Railroad, and to make sure these
20 people work within our rules and the RWIC rules that they're going
21 by, and everybody's being safe and watching out for everybody that
22 something like this does not happen.

23 Q. And you said you were at the bridge. Are you physically at
24 the bridge or like in your car, like, off to the side or --

25 A. I was parked in my car alongside the road, just south of the

1 bridge above me.

2 Q. Okay. And is there ever days where you leave, like if the
3 job's going on there, do you ever leave and go somewhere else
4 and --

5 A. Usually I go check where if somebody else might be working in
6 that group. I'll go -- I'll just show up at certain spots they're
7 working at. I don't tell them I'm coming. I just drive up and
8 see what's going on, make sure everybody's out there, everything's
9 looking, you know, good. Ask them how they're doing, you know,
10 just touch base with them so they know I'm there. And then I
11 might go check the next one. I'm driving back and forth all the
12 time.

13 Q. But you don't ever leave and go to, like, Burger King or --

14 A. No --

15 Q. -- go do --

16 A. -- no. I got a cooler in the front seat of my truck. You
17 could go see it now.

18 Q. Okay.

19 A. Everything's in there and they got toilets sitting at the
20 yard. If I have to go use the bathroom, I'm using their little
21 shit boxes.

22 Q. I got you. So how do you know what work is going to be done
23 for the day? You said that you didn't talk to anybody in the
24 morning before the briefing. So how do you know what work is to
25 happen that day?

- 1 A. Because they were talking about it previously, the day prior.
- 2 Q. So they -- before they talk about the work for the next day?
- 3 A. Well, they were mentioning how they were going to be down,
4 because it's -- we call it a shutdown. Friday shutdown. We have
5 no northbound train traffic, so that gives them a longer span to
6 go what they can do and finish, hopefully, up on Saturday. So
7 this is what they said they were doing. Mark with Middlesex is
8 real good to say, hey, we're going to be down there, we're going
9 to be, you know, pulling ties because he does the dirt work. So
10 he's telling me I'll be down there, probably have to dump some
11 stone and stuff. He's real good at keeping me in touch with
12 what's going on with what he's -- his part of it. So that tells
13 me where they're going.
- 14 Q. So if they get (indiscernible) the night before, how would
15 you know what's going to happen?
- 16 A. I'd have to ask him that morning.
- 17 Q. So is that a normal occasion to ask --
- 18 A. I had to ask Friday and ask this time and previous time
19 before that. You know, sometimes I know they're finishing up a
20 place they were at before. So, you know, they were doing the rail
21 down at Egremont, so I knew where they were going because they had
22 to do the other rail. It was brought up that day we'll do the
23 other rail the following day. So I know.
- 24 Q. I got you. And so you have a job briefing form that's signed
25 by -- I'm just going to use the number 10, 15 people on the job

1 briefing form. And you had limits from 50 to 59. How do you know
2 if somebody gets out of those limits, or how do you know if
3 somebody's working somewhere different? How would you know?

4 A. If they don't tell me, you got to hope I catch them.

5 Q. So do you ever check the job briefing form to see how many
6 people are signed on and check how many people at the work site?

7 A. At the morning briefing.

8 Q. But throughout the day, if --

9 A. No, I don't keep counting heads all day. I got other things
10 to do. I'm watching what they're doing --

11 Q. Okay.

12 A. -- to worry about head counts.

13 Q. Are you a qualified RWIT training to --

14 A. Yes --

15 Q. -- road worker training?

16 A. -- oh, yes.

17 Q. And you are -- you said you look after the interest of the
18 railroad.

19 A. My main interest is who I work for.

20 Q. So they're doing track work. Are you a qualified track
21 inspector?

22 A. That's not my job.

23 Q. So who does that? Who would follow behind them to make sure
24 their --

25 A. At this present time, the Supervisor Boardman, E.T. Boardman,

1 Ethan.

2 Q. Okay. So potentially if you're missing five people on that
3 list, you wouldn't know it and they could be working somewhere in
4 your limits, and you'd have no idea.

5 A. You'd have to go see the site. There's people all over the
6 place. If I count a second later, that guy would be over here.
7 I'll never get a straight count because they're always moving.

8 Q. Got you, got you. So you said you unlocked the switch in the
9 morning?

10 A. Yes.

11 Q. And why did you unlock that switch in the morning?

12 A. So they can take the machines out to start heading south to
13 do their work. The machines -- most of the machines, the track
14 machines, are parked on the siding. Their trucks are parked
15 alongside in the yard up there, so they can hop on at the
16 crossings with their trucks, but the machines need to come of out
17 the siding for what they're doing.

18 Q. Okay. You said there was a recorded line. Is -- what
19 recorded line were you talking about?

20 A. Their phone system, I was told by Jason Menard, is a recorded
21 phone system. To verify, you need to talk to them. I'm only
22 going by what he says.

23 Q. I was just trying to --

24 A. No, no, I'm just saying, I'm using their radio stuff that --
25 I know ours are, but they don't have access to our radios. They

1 have their own.

2 Q. I got you. That's it for me now.

3 MR. GORDON: All right, Bill. You doing good? You're ready
4 to press on through and --

5 MR. LEWIS: Sure.

6 MR. GORDON: -- be done. All right.

7 BY MR. GORDON:

8 Q. So you mentioned that -- Joe Gordon, NTSB -- you mentioned
9 that there are times where you've got to travel from one location
10 to the other, you know, kind of spot checking. So there are times
11 where you are aware that you have different work --

12 A. Yes.

13 Q. -- work groups?

14 (Crosstalk)

15 A. They notify me because that's how I know where to go look.

16 Q. Right, okay. And then that morning when they were getting
17 equipment out, when you -- were you present at the switch at any
18 point that morning, like --

19 A. When I unlocked it?

20 Q. When you unlocked it, but then after that --

21 A. I was parked where I usually park, which is ten cars away --
22 ten railroad cars away on the side where I park. And they were
23 putting machines on the main. I've never seen nothing go north of
24 that spot, you know. Just like you said, they're jostling
25 equipment, they're lining it up so they're able to do what they're

1 doing at the bridge.

2 Q. Okay, okay. But to your knowledge, like, you never saw them
3 move the drill and lagger out of that siding in what would have
4 been, like, a work configuration?

5 A. I can't answer that question. However they were lining their
6 equipment up, I ain't paying attention. What's -- I don't know
7 what they need for what they're doing. That's their job.

8 Q. Okay, all right. I got you. So there wasn't, like, a point
9 where that work's done, all the equipment that they needed was out
10 on the main track. Were they still moving equipment when you left
11 to go to the bridge or do you know?

12 A. They were starting to head south, some of them.

13 Q. Okay.

14 A. So I left between 6:30 and 7:00, after Jack, who's the
15 engineer --

16 Q. Um-hum.

17 A. -- from Middlesex, after he signed the sheet -- because I had
18 him sign right there. I waited for him, because usually there's
19 two of them. There was only one that day and I know they come in
20 later. So when he got there we went to the job briefing. I took
21 care of him then I headed south to where the bridge was.

22 Q. Okay. So around -- a little after 7:30 you head to the
23 bridge location.

24 A. Somewhere in there; I can't tell you.

25 Q. Okay. But just -- I know we've touched on this, but just to

1 be sure it's clear -- you didn't realize that the spiker -- or the
2 logger and the drill were going to be working independent of the
3 bridge crew?

4 A. No, because I would have been up there spot checking them,
5 too.

6 Q. Okay.

7 A. I had no clue.

8 Q. All right. That's all I have right now.

9 BY MR. PATANE:

10 Q. John Patane, FRA. I'm trying to get a little familiar or
11 more familiar with these types of railroads, the kind of protocols
12 and operations when it comes to allowing contractors to track
13 travel in areas that maybe they haven't traversed yet. So I'll
14 make up this scenario. I'm not familiar with your operation at
15 all, what's north of 59. But say you have the track from 59 to 70
16 out and they're working on a bridge at 68. Nobody from Middlesex
17 has ever been to 68 before and they wanted to meet you there.
18 Would they be authorized to track travel to 68 and meet you there
19 at 68? Say --

20 (Crosstalk)

21 A. You're throwing something up there, I'm not going to answer
22 it, because it all depends. If there's no crossings, no switches,
23 no nothing, you know, it's just a straight track --

24 Q. Um-hum.

25 A. -- I can see them.

1 UNIDENTIFIED SPEAKER: You know, you can't just throw a
2 question like that out there.

3 Q. What about from where they are? Were you there the first
4 time they traveled from lane down to 5173?

5 A. First time they traveled on Friday or --
6 (Crosstalk)

7 Q. -- when they first entered your property.

8 A. They've been there before --

9 Q. Okay.

10 A. -- many times.

11 Q. I'm just trying to figure out what process they go through to
12 become familiarized with your railroad before their --

13 (Crosstalk)

14 A. As in characteristics --

15 Q. Correct, correct.

16 A. They have a map on their wall, it shows every crossing and
17 everything else. I've had one of their excavator guys come up and
18 ask me to go through it, so he knew the names of every crossing.
19 And I wrote it all down for him and he had some ideas, but he
20 wanted to know. So when he was calling me, he can tell me exactly
21 where he's at.

22 Q. Um-hum.

23 A. And he put that sheet of paper in his pocket so --

24 Q. Um-hum.

25 A. -- they'd come up and ask.

1 Q. Um-hum. Is there a -- so there's no list or anybody -- of
2 people that you deem qualified in the contractor --

3 A. That's beyond my job.

4 Q. Okay.

5 A. Saying who's --

6 Q. So when they're track traveling -- let's say there are no
7 crossings, but there's bridges and stuff like that, you'll just
8 say okay, just as long as you don't go past a certain bridge,
9 you're fine to track travel.

10 A. I make sure they know where they can and can't go.

11 Q. Okay.

12 A. We go through that and if they want to go beyond that, they
13 have to talk to me.

14 Q. Okay.

15 A. So --

16 Q. All right.

17 A. -- you know, I got to make sure I own the track. If I don't
18 own it, I have to go do it and before they do it and we'll, you
19 know -- we'll talk then. We'll have another job briefing on
20 what's going on.

21 Q. All right. As far as observations, I'm kind of curious to
22 know what kind of safety checks you perform out there like in the
23 field. Do -- if any. Do you check the -- any kind of roadway
24 maintenance machines inspections? Do you check to see what
25 they're doing as far as --

1 A. I'm not qualified on their maintenance of their equipment.
2 That's their job.

3 Q. What about, like, operating roles? Do you monitor their
4 operating roles as far as safe operating procedures of RMM's?

5 A. What I see -- and like I told you -- I saw them not hitting
6 the horn, moving equipment, we brought it up the next day as a
7 reminder, you know.

8 Q. Okay. What about, like, track traveling and equipment
9 spacing between --

10 (Crosstalk)

11 A. I've seen them keep their space when I was -- I'm not the
12 only RWIC that's been out there. So you --

13 Q. Okay.

14 A. -- need to talk to other people that was with them at the
15 time. But what I seen, they were keeping their spaces.

16 Q. Okay.

17 A. So.

18 Q. Okay. So have you ever taken exception to -- I know you said
19 you with the horn.

20 A. Um-hum.

21 Q. But let's say something a little bit more higher level of
22 issue. Do you have a procedure to report defects if you do --

23 A. Yes.

24 Q. -- find one?

25 A. Yes. I'll report it to whoever is out there at the time, one

1 of my supervisors if they're not there. Yes, I'll let them know.

2 Q. Do you have authority to, like, write them up or is that
3 something --

4 A. That goes to my supervisor.

5 Q. Okay. So you just basically verbally inform what you
6 observe?

7 A. If I see something and it's right there, I'll talk to them,
8 so they know what's going on. If it's anything else, if I have a
9 supervisor who's out there, like, inspecting track or anything,
10 I'll let them know.

11 Q. Um-hum.

12 A. If it's nobody, I'll call usually P.J. Bailey.

13 Q. Um-hum.

14 A. I'll let him know, you know.

15 Q. Okay.

16 A. So he can go talk to him or bring up whatever needs to be
17 brought up.

18 Q. All right. Thanks, that's all I have for now, thank you.

19 BY MR. SKOLNAKOVICH:

20 Q. Okay, Rich Skolnakovich, NTSB. Just a couple of follow-up --

21 A. Yes.

22 Q. -- questions. The siding itself where Middlesex keeps their
23 equipment, is there any Housatonic equipment in there or is --

24 A. No --

25 Q. -- it's just all Middlesex?

1 A. -- it's all Middlesex.

2 Q. Okay. So you open it up, you said they were doing some
3 jostling around. Were they kind of switching it off the main
4 track and into the --

5 A. That's the only way to do it There's only one switch.

6 Q. Okay, all right. And so when you were first there after the
7 job brief, you saw them starting to switch out for stuff going
8 south but then you left to go to your normal spot?

9 A. Well, I went to this spot where everybody was heading to when
10 I thought everybody was going south.

11 Q. Okay.

12 A. So I'll be part sometimes at certain crossings watch them go
13 through.

14 Q. All right. So you saw them getting all their equipment and
15 going and you started focusing on stuff, the work going on in the
16 south?

17 A. Yes, once I knew one of the engineers showed up.

18 Q. Okay.

19 A. Because I know they come later. I wanted to wait for him
20 instead of having to drive all the way back to get another job
21 brief. I could take care of it now. Then we'd go down there,
22 because that's the only work I thought what was happening, so I
23 figured I'd be there.

24 Q. Okay. Let me clarify something. So you're talking about a
25 locomotive engineer or you're talking about --

- 1 A. Well, a locomotive engineer.
- 2 (Crosstalk)
- 3 A. I was a locomotive engineer.
- 4 Q. Yes, I know. When you said when you were talking -- when you
5 saw the engineer?
- 6 A. No, they're Middlesex's engineer. He's not a locomotive
7 engineer.
- 8 Q. Okay, that's what I wanted to clarify.
- 9 A. Okay, yes.
- 10 Q. So is he like a --
- 11 A. No, he's not -- no.
- 12 (Crosstalk)
- 13 Q. -- construction-type engineer or --
- 14 A. That's what I would think. I was told he was an engineer.
- 15 Q. Okay, got you, okay. Yes, I just wanted to clarify that.
- 16 A. Oh, okay.
- 17 Q. Find out what equipment was out there. Okay. And then -- so
18 during the job brief that morning, what work did Middlesex tell
19 you they were doing? Did they tell you what work they were doing
20 at all or did you just brief --
- 21 (Crosstalk)
- 22 A. Mark told me what he'd be doing down there, and from the
23 previous day they were talking about it.
- 24 Q. Okay.
- 25 A. So I knew everybody was going down there.

1 Q. What did Mark say he was going to be doing?

2 A. Well, he's the dirt guy, so he says once he gets the ties
3 out, we'll go in there, probably have to bring some trucks --
4 truckloads of stone down, so we'll have to figure out what
5 crossings he's going to hop on, if he's got to come north or south
6 and stuff like that.

7 Q. Okay, okay. The last thing I got. With the job brief form
8 here, so you got a lot of check marks. And line 13, 14 talks
9 about qualification. Just -- is this form when you're -- like
10 line 13 and line 14 here says -- for instance, line 14, if
11 operating equipment or machines or the operator's qualified. Does
12 this job form extend out to the contractors themselves or is this
13 just for Housatonic employees?

14 A. No, this is for them. If they're not qualified, that's
15 checked. They should not sign the sheet. It should be brought up
16 to me.

17 Q. Okay. And is that something you discuss during the job
18 brief?

19 A. About --

20 Q. Well, how do you find -- how do you determine if everybody's
21 qualified or not?

22 A. Well, earlier. They've been here for a while.

23 Q. Okay.

24 A. So earlier, they were showing me all their cards and who was
25 what and --

1 Q. Yes.

2 A. -- you know. So I can't tell you -- if they've got somebody
3 qualified after that, I don't know.

4 Q. Okay. Now all the employees that are normally working that
5 day, are they all going to be in this job brief? So to include,
6 like, the laborers and stuff like that, or is --

7 A. What do you mean?

8 Q. Okay. So you're having a job brief beginning that day.
9 Right? How many folks from Middlesex are in this job brief?

10 A. This briefing here had -- for the first briefing --

11 Q. First briefing.

12 A. 24.

13 Q. Okay. So to the best of your knowledge, that should be
14 everybody that's out working on your --

15 A. Yes.

16 (Crosstalk)

17 A. And I didn't start this job briefing till they told me
18 everybody was there.

19 Q. Okay.

20 A. I got the okay. They -- usually Jason will say everybody's
21 here, start -- go ahead and start.

22 Q. So you get accountability from Middlesex and that would be
23 Jason?

24 A. Yes.

25 Q. He tells you they got -- okay.

- 1 A. Yes. He goes -- he does the headcount. He knows. I don't
2 know who they got. He knows who's going to be there.
- 3 Q. Okay. Now do you rely on Jason to tell you who's qualified
4 or do you talk to the employees individually?
- 5 A. Oh, that's up to them.
- 6 Q. Okay.
- 7 A. Yes.
- 8 Q. All right. So you're -- if somebody's not qualified, you're
9 expecting Middlesex to tell you that.
- 10 A. That's -- yes.
- 11 Q. Okay. All right. Did anybody --
- 12 A. They shouldn't be on the equipment if they're not qualified.
- 13 Q. Got you. Is there anything that's discussed ahead of time or
14 during the job briefs as far as operating equipment?
- 15 A. Of who's qualified and not qualified?
- 16 Q. Yes.
- 17 A. No.
- 18 Q. Okay. No, that's fine.
- 19 A. No, just --
- 20 Q. No, you just relied on Middlesex and say --
- 21 A. Yes.
- 22 Q. -- your expectation is if they're operating equipment,
23 they're qualified.
- 24 A. Right.
- 25 Q. And if not, then they're not operating equipment.

1 A. Right.

2 Q. Okay.

3 A. I have no idea if they sent them to school to train them. I
4 don't know if they got qualified when I wasn't there. But usually
5 if somebody is different, somebody usually will say something, but
6 this is all from -- I've been since -- with them since May.

7 Q. Okay.

8 A. So while they're starting to come in, they're showing me, you
9 know, the cards, the RWIC, and then, you know, whatever other
10 cards, you know, for crane operator and all that, they -- you
11 know, for them.

12 Q. I got you. Okay. So now out of that 24 folks, how many
13 Housatonic employees were --

14 A. No --

15 (Crosstalk)

16 A. -- 24 was not the count. Right there is the other Housatonic
17 employee, which is Ethan --

18 Q. Okay.

19 A. -- Boardman. I didn't count him when I gave you that number.

20 Q. Got you.

21 A. These --

22 Q. So there's --

23 A. -- two came later.

24 Q. Okay, got you. So there's two Housatonic and there's 24
25 Middlesex?

1 A. Yes, I don't --

2 (Crosstalk)

3 A. -- sign this. I sign up here.

4 Q. I got you. Okay, all right. How long do you think that job
5 briefing lasts on average?

6 A. 15 minutes.

7 Q. Okay. All right. That's all I have, thank you.

8 A. Okay.

9 BY MR. WERNIG:

10 Q. Joshua Wernig, Middlesex. A couple of clarification
11 questions. First of all, we've been pointing to a particular
12 document. Could you just identify this document for me just so
13 it's clear what --

14 A. It's a job briefing document we do every day. There's a new
15 one -- I write a new one up every day with who I'm working with.
16 So this is the day, the 4th.

17 Q. Okay. So this is the day of the incident?

18 A. Yes.

19 Q. Right here, okay. And just for -- to clarify, I believe you
20 said that during the job briefing -- or you understood where
21 Middlesex would be working from Mark, the dirt guy.

22 A. Right.

23 Q. And from what they were doing the night before.

24 A. And -- yes.

25 Q. Okay. And did they discuss that in the job briefing?

1 A. Discuss what?

2 Q. Did Jason Menard, when he was giving the job briefing, tell
3 you what they're going to be doing? Where they're working?

4 A. Well, they were talking because Dan was talking about fall
5 protection, and Jason brought up some more stuff on fall
6 protection. So that would be the bridge that they were doing.

7 Q. But he didn't specifically say I'm going to be doing the
8 bridge work today?

9 A. No, no, there's --

10 Q. Okay.

11 A. -- never I'm doing this today.

12 Q. Yes. You got the information from Mark, the dirt guy and
13 from what they were doing the night before.

14 A. Right.

15 Q. Okay. Good, that's all I have for now.

16 BY MR. BAILEY:

17 Q. I just wanted to clarify. This is P.J. Bailey, Housatonic.
18 He was told what he was going to do the night before. Was that
19 true or not?

20 A. True, that's how I knew what's --

21 (Crosstalk)

22 A. -- going on.

23 Q. -- from what they were doing the night before.

24 A. No, from what --

25 (Crosstalk)

1 A. -- I was told.

2 Q. -- told to do the next day. The job briefing form, I think
3 we -- there's a little bit -- I'm not sure -- do you understand
4 that you conduct the job briefing.

5 A. Yes.

6 Q. Not -- and not a Middlesex employee. You conduct the job
7 briefing.

8 A. Yes.

9 Q. What was done between Middlesex is a safety -- it was some
10 sort of safety briefing or something?

11 A. It was safety but, you know, they would have their job
12 briefing. I'm there while they do their briefing in the morning.

13 Q. Whatever was -- you know, what's -- what you read --
14 whatever's on that form, you're reading during your job briefing?

15 A. Yes.

16 Q. All right. That's all I had.

17 BY MR. CASACELI:

18 Q. David Casaceli, NTSB. How long has the limits of the work
19 that Middlesex has been working on -- the Form B that you get that
20 have been -- you or -- get between mile 50 and 59. Is that like a
21 standard --

22 A. Are you talking for just this D or you're talking while
23 they've been here?

24 Q. For -- let's say for the last couple of weeks.

25 A. It's been 5-0 to 5-9.

1 Q. Okay. What machines was Middlesex switching out to head
2 south of the --

3 A. I can't answer that question. I'm not qualified -- you know,
4 I know some of the machines, but they're up there going back and
5 forth --

6 (Crosstalk)

7 Q. Not on every machine they move, but which -- do you know
8 which ones they were trying to get out to go --

9 A. I have no --

10 (Crosstalk)

11 Q. -- bridge, okay. I'm good, thank you.

12 A. Yes.

13 BY MR. KRAHOLIK:

14 Q. Todd Kraholik with NTSB. So they -- the employees that are
15 working in your limits signed a job briefing form and that's you
16 knowing that they understand the job briefing because they signed
17 the sheet.

18 A. Yes.

19 Q. Okay. When they first got to this railroad here, day 1,
20 first starting the project --

21 A. They come in different groups. They didn't all start at the
22 same time. There was only three or four people in the very
23 beginning. And then they brought people and people have left.

24 Q. Okay. So they signed that job briefing that they understand
25 it, and from your understanding, they won't sign it if they don't

1 understand every bullet point on that list there?

2 A. I've had one person from Middlesex that did not sign my sheet
3 because of that, and he went and asked me questions. And I can't
4 tell you who it was, probably a month or so plus ago. And he told
5 me that -- I says everybody signed, he says I didn't sign it and
6 we went over it, then he signed. He had questions.

7 Q. That was going to be my -- these guys come from different
8 railroads. They come on this one. Does anybody go over that job
9 briefing form to explain what the job briefing form is, what all
10 these bullet points mean and so they --

11 A. It's in their hands, they can read.

12 Q. So nobody at the railroad goes over it with him?

13 A. Every -- it's -- I go through most of the stuff there. Now I
14 think they're responsible. They're signing it and you have to
15 know what you're signing. So -- and it's their hands. I don't
16 rush nobody. They can keep it as long as they want. When they
17 sign it, they hand it to the next man.

18 Q. Do you feel the job briefings are adequate?

19 A. Mine are.

20 Q. Clarify. What do you mean yours are? Are others not
21 adequate?

22 A. You'll have to talk to other people that were RWIC when I
23 wasn't there, but it was brought up afterward to me when I was
24 there talking about job briefings. So we make sure we went
25 through it again when I was there. You got to remember I'm not

1 the only one working there, so you have to ask all of them if
2 you're going to go back this far, everybody that's ever RWIC'd for
3 them.

4 Q. So were told in other interviews that the job briefing
5 process changed a couple of weeks ago as far as who gives job
6 briefing, who talks at it --

7 A. I have no clue --

8 (Crosstalk)

9 A. -- who you're talking about. I don't know who you're talking
10 about there.

11 Q. Was there a change on who was talking at the briefing? At
12 the job briefing? Was there any change in the job brief?

13 A. You got to be more specific. I'm not sure where you're
14 trying to go.

15 Q. We were told the job briefing process changed a couple of
16 weeks ago, and I'm asking -- so you don't know the job briefing
17 process changed at all?

18 A. You're not giving me enough information to answer that
19 question.

20 BY MR. SKOLNAKOVICH:

21 Q. Let me see if I can help a little bit. I know it's tough
22 and --

23 A. Well, it's just to me it's too vague to answer, because
24 you're saying do I know. I mean, I have my job briefing.

25 BY MR. BAILEY:

1 Q. Has that changed?

2 A. It's still -- like -- I go through everything that's on there
3 and we go through and bring up other stuff that I've seen from
4 something higher or somebody told me, I'll bring other stuff in.
5 So I can't really answer your question.

6 BY MR. CASACELI:

7 Q. David Casaceli, NTSB. The Middlesex folks that speak after
8 you talk?

9 A. Yes.

10 Q. Are the -- that's the part that we're talking about, that
11 there was a change in who from Middlesex was giving their safety
12 portion of the briefing in the last week or two that had changed.
13 It used to be one class of employee, and now it's somebody else.
14 Does that ring a bell at all or no?

15 A. Different people have talked with Middlesex at briefings.
16 Usually -- well, when Dan's there, he has done it. He's not been
17 there all the time. So it was -- was it Darren (ph.) that was the
18 other man, I think, it was. He's done their safety -- their
19 briefings here. Jason usually always says something going on.
20 Very rarely does Nick say a thing. So, you know, if that's what
21 you're trying to get at. I'm not sure, but you mean what they're
22 saying and what their part of it.

23 BY MR. KRAHOLIK:

24 Q. We heard that the railroad made other people from Middlesex
25 show up to be part of the -- giving their portion of the safety

1 job briefing. And that changed --

2 A. Oh, because some people were saying that their briefings were
3 not adequate. So to make sure everybody was there, if that's what
4 you're getting to. I mean, when people come in later, I give them
5 a briefing afterward. So if they weren't here for the first one
6 and they come in later, there are sometimes I'm giving out four,
7 five, six briefings in the day just for people coming in. Plus
8 any change that may be going on, you know, there's another job
9 briefing going out,

10 Q. Okay. So you're the RWIC of the job and the job briefing
11 goes on. You give the on track portion of it. You're saying --

12 A. Yes.

13 Q. -- what the limits are?

14 A. Yes.

15 Q. And then Middlesex would come in and talk about safety, what
16 job tasks are going to be performed, and it used to be done by a
17 foreman. It has since changed to a supervisor.

18 A. All right. I don't know who actually is considered a
19 foreman, who's considered a supervisor. To me --

20 Q. Okay, okay.

21 A. -- to me, Jason's considered a foreman, supervisor. So is
22 Nick.

23 Q. Okay.

24 A. All right. So these people are, to me, supervisors because
25 they're running their people. Now I understand, you know, because

1 they -- different helmets and stuff with the people coming in. To
2 me, you guys are right. Not that they didn't have experience,
3 they're new with Middlesex. That was just explained to me
4 recently because I was wondering about that. I thought they were
5 brand-new, but no. Some people come with prior experience.
6 They're just new with that company.

7 Q. So it wasn't -- from you saying that the people giving the
8 job brief weren't qualified. It wasn't that. It was just that
9 somebody made a determination at the railroad that you don't know
10 anything about. Just different people spoke at a job briefing.
11 Is that --

12 BY MR. SKOLNAKOVICH:

13 Q. Is it fair to say that you're not aware of really a formal
14 change in the job briefing --

15 A. I know there was --

16 (Crosstalk)

17 A. I knew there was a formal change when I wasn't working one
18 day, because people were found on the track without permission.
19 And that was brought up to me when I was out there doing it. It
20 didn't happen. I was on vacation when that happened. So when I
21 got back, I was brought right up and told what happened and to
22 make sure, and to bring it up in the briefing.

23 MR. KRAHOLIK: All right, I'm done.

24 MR. LEWIS: Does that -- I hope that answers it, but that's
25 it.

1 (Crosstalk)

2 MR. LEWIS: Yes.

3 BY MR. GORDON:

4 Q. All right. So we're almost done, we're getting close. So
5 jumping off of something that John -- the kind of questions that
6 John was asking about getting to the job locations, you know,
7 training equipment, those kind of things. Is there ever a time
8 where you would have to have, like, the -- there would be a pilot?
9 Are you familiar with, like, the term pilot --

10 A. A pilot?

11 Q. Yes, like a qualified --

12 A. Okay. I'm --

13 Q. Yes, qualified mechanical -- or qualified Housatonic employee
14 in the cab of a Middlesex piece of equipment to get them out to
15 the location. Is there -- would there ever be an -- or would
16 there ever be a situation where that would be needed? Or in your
17 experience, have you ever had to do that?

18 A. In my experience, a pilot runs the job.

19 Q. Okay.

20 A. And being an ex-engineer --

21 Q. Right.

22 A. -- locomotive engineer, a pilot runs the job. If I need a
23 pilot, because I'm not qualified, I call for a pilot. I step out
24 of the way, he runs the job. I don't run the job; he runs the
25 job.

1 Q. Okay.

2 A. So he's taken over. Nobody's ever asked for a pilot.

3 Q. Okay. On the job briefing form, the one that we're -- that
4 we've been referring to throughout, the level of detail on line 4,
5 what we're -- what we are doing -- track work, is there ever more
6 detail than that provided on the job briefing form? So would
7 there ever be a situation where you would call out bridge work
8 versus --

9 A. Yes --

10 Q. -- track work?

11 A. -- oh, yes. Oh, yes. Yes.

12 Q. Okay.

13 A. And I put both of them in there sometimes if they're doing
14 two different things, depends how many crews are working in
15 different areas.

16 Q. Okay. So on the day of the accident, is there a reason that
17 track work's referenced in --

18 A. Because they're doing the approaches to the bridge, not on
19 the bridge.

20 Q. Oh, okay, they weren't actually working on the structure.
21 They were working on the approach.

22 A. Right, but they have fall protection because they'll be on
23 the bridge working off the bridge.

24 Q. Working at the abutment.

25 A. Right.

1 Q. I understand. All right, that's helpful. All right. I
2 think that's what I've got.

3 MR. GORDON: I'm going to look around. Make sure nobody has
4 any --

5 MR. PATANE: Just one last thing.

6 BY MR. PATANE:

7 Q. John Patane, FRA. Do you know if there's somewhere in your
8 rules books that explains how to fill out that form that's got,
9 like, a formal explanation of line by line how to fill the form
10 out, or what's required for each line item? I don't know if it's
11 outlined somewhere -- is there somewhere in your rules that
12 actually says that you have to fill out that form, or is that just
13 a form that's kind of made up that you're just -- informal?

14 A. This is the form I was given.

15 Q. Okay.

16 A. And this form they went over it with me --

17 Q. Okay.

18 A. -- of what gets filled out and how it gets filled out.

19 Q. What I'm asking is do you know if anywhere in your rule book
20 it references that form and there's instructions on how to fill it
21 out?

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

23 Q. Okay.

24 A. -- if you want it you can go look at my book.

25 Q. Okay, yes. Sure, I'll take a look at it. That's it.

1 MR. SKOLNAKOVICH: Richard Skolnakovich, no further
2 questions.

3 BY MR. WERNIG:

4 Q. Joshua Wernig, Middlesex. I have just a couple. When you
5 said that someone had said that the briefings were inadequate,
6 that wasn't you, was it?

7 A. No, I was on vacation when they filed the track without
8 permission that brought this whole thing up.

9 Q. So did -- do you know who said the briefings were inadequate?

10 A. I was only told by whoever told me, and I can't tell you
11 because we're talking end of May when I got back from vacation.

12 Q. Okay.

13 A. I can't answer your question.

14 Q. Yes, that's fine. And you had mentioned that Jason hadn't
15 mentioned what specific the work was going to be done during the
16 briefing?

17 A. He might have, but he never said nothing about lagging or
18 drilling, because I would have been up there spot checking.

19 Q. But you don't remember --

20 A. I know he didn't say lagging or drilling.

21 Q. Okay.

22 A. Because I would have known somebody was up there.

23 Q. But you don't remember him saying anything about the bridge
24 work either?

25 A. I can't tell you. I don't know.

1 Q. Okay.

2 A. You're talking about a few days ago.

3 Q. That's fine. Did you ask Jason what they were going to be
4 doing?

5 A. No, Jason told me that they had to jostle equipment and they
6 were getting out there to start doing their stuff, so.

7 Q. Would it be typical that you would -- if you weren't -- if
8 that information wasn't shared with you, would you ask that
9 question or what -- where they would be and what they would be
10 doing?

11 A. If there's --

12 (Crosstalk)

13 A. If I don't know what's going on, I'm asking.

14 Q. Okay.

15 A. I've gone up to Nick and asked; I've gone to Jason, so I know
16 where people are, so I know where to go.

17 Q. Why didn't you ask on that particular day?

18 A. Because everybody was going to the bridge.

19 Q. But Jason didn't say that that was --

20 A. Mark, he's a supervisor and he was lining the equipment.

21 Jason was out there to line the equipment up to go south.

22 Q. Okay, so you --

23 A. I've never seen nothing go north beyond Lime Kiln Road. From
24 the switch to Lime Kiln is where I saw equipment parked while they
25 were, you know, jostling equipment back and forth.

1 Q. Okay.

2 A. Nothing ever went beyond that while I was there.

3 Q. Got you. That's all I have.

4 MR. CASACELI: David Casaceli, NTSB. Thank you, Bill.

5 MR. LEWIS: All right. Are we done, can I go or --

6 MR. KRAHOLIK: I've got one more.

7 MR. LEWIS: Oh, okay.

8 BY MR. KRAHOLIK:

9 Q. Todd Kraholik, NTSB. Does every box on that sheet need to be
10 checked?

11 A. Well, no, because this one here I did not fill out the fall
12 protection. We talked about it, but I didn't mark this box for
13 fall protection, because I didn't know if they were going to be on
14 the bridge because they were doing the approaches. When I was
15 there, if I would have saw it, then that would have been something
16 brought up that, okay, they're on the bridge working. That's why
17 it says track work --

18 Q. So if you --

19 A. -- not bridge work.

20 Q. -- didn't know what they were going to be doing, should we
21 have clarified the work?

22 A. I knew what they were doing, the approaches to the bridge. I
23 knew that. I was told that the previous day and I was told by --
24 that morning by Mark of what he was going to be doing and saying
25 he might have to get some equipment out there, side dumps or, you

1 know, the dump ballast -- or I don't know what they call their
2 little tow behind that dumps the ballast, the two cars bolted
3 together there at the side dump.

4 Q. I got you.

5 MR. KRAHOLIK: I'm done, I'm good.

6 BY MR. GORDON:

7 Q. All right. I'm going to finish up just by asking you -- and
8 you shared a lot of information with us -- Joe Gordon, NTSB. Just
9 from what you know of this situation, you know, some of the things
10 that have gone on in the past, is there anything that you think
11 that we should be focusing on in the investigation that's kind of
12 a safety issue, safety improvement that --

13 A. Their safety, their training of their employees.

14 Q. And you're speaking of Middlesex?

15 A. Middlesex. I walked the operator of that vehicle up the
16 tracks by myself. Now I understand there was an emergency. The
17 man needed medical attention. They fucking blew off the guy that
18 was running the machine. I walked and I talked to him because
19 that man was not in good shape. You could see it in his eyes and
20 I asked twice to Dan and once to Jimmy, get somebody here to talk
21 to him. And I told him somebody's going -- supposedly from what I
22 was told somebody was on the way. They're going to come here,
23 talk to that person. This man was distraught and he was left out
24 there hung to dry in my own opinion. I'm not a medical person,
25 but I've been through this before. The look in his eyes was not

1 good, so.

2 Q. I understand and I know it was a very, very tough situation
3 for everybody and --

4 A. Yes.

5 Q. -- you know, we appreciate what you did for the response, and
6 everything like that.

7 MR. GORDON: So, yes, with that, we will go off the record.

8 (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: MIDDLESEX RAILROAD EMPLOYEE
FATALITY IN GREAT BARRINGTON,
MASSACHUSETTS ON AUGUST 8, 2023
Interview of Bill Lewis

ACCIDENT NO.: RRD23FR015

PLACE: Great Barrington, Massachusetts

DATE: August 6, 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.



Maria Socorro R. Abellar
Transcriber

National Transportation Safety Board

Office of Railroad, Pipeline and Hazardous Materials

Washington, DC 20594



INTERVIEW TRANSCRIPT ERRATA SHEET

I, Bill Lewis, have read the transcript of my interview that was held on 8/6/23. This transcript constitutes a true and accurate transcription of same except for the following amendments, additions, deletions, or corrections:

PAGE NUM.	LINE NUM.	CHANGE AND REASON FOR CHANGE
7	11	Should be "D" not "B"
7	12	Form "D"
7	13	"D" not "B"
10	23	So I "opened" the switch
13	15	"Filmore" I Don't know that was.
14	6	Form "D" not "B"
14	14	" " " "
14	16	" " " "
15	3	"In His" out of service
15	8	Form "D" not "B"
15	24	104 "Key" not "D"
17	21	And I Don't "Give" the track back

I declare that I have read my statements and that it is true and correct subject to any changes in the form or substance entered here.

Date: 2/4/24

Signature: 

National Transportation Safety Board

Office of Railroad, Pipeline and Hazardous Materials

Washington, DC 20594



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PAGE NUM.	LINE NUM.	CHANGE AND REASON FOR CHANGE
26	16	Form "D" not "B"
28	4	"Lynings" crossing not "Lynning"
28	10	"Kent" - Take out "Kent"
28	15	Supervisor "Bailly" not "Bill"
29	2	"Lynings" not "Lynning"
49	19	Form "D" not "B"

I declare that I have read my statements and that it is true and correct subject to any changes in the form or substance entered here.

Date: 2/4/24

Signature: 