

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 4, 2023 *

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Interview of: ERIC BOARDMAN, Superintendent of Operations
Housatonic Railroad Company

via Microsoft Teams

Thursday,
September 7, 2023

APPEARANCES:

DAVID CASACELI, Track Investigator
National Transportation Safety Board

RICHARD SKOLNEKOVICH, Operations Investigator
National Transportation Safety Board

TROY LLOYD, Railroad Accident Investigator
National Transportation Safety Board

OWEN SMITH, Railroad Safety Inspector
Federal Railroad Administration

JOSHUA WERNIG, Senior Vice President/Chief Legal
Officer
Middlesex Corporation

P.J. BAILLY, Trainmaster
Housatonic Railroad

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I N T E R V I E W

(1:35 p.m.)

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2
3 MR. CASACELI: All right, my name is David Casaceli and I am
4 an NTSB track investigator for this accident. We're here today on
5 Thursday, September 7th at 1:35 p.m. East to conduct a virtual
6 Teams interview with Mr. Eric Boardman, who works for the
7 Housatonic railway company. This interview is in conjunction with
8 NTSB's investigation of the fatality that occurred near Great
9 Barrington, Massachusetts on August 4th. The NTSB reference
10 number for this accident is RRD23FR015. The purpose of this
11 investigation is to increase safety and not to assign fault,
12 blame, or liability.

13 Before we begin our interview and questions, we'll go around
14 and introduce ourselves. Please spell your last name, note who
15 you're representing and your title. And I'd like to remind
16 everyone to speak clearly for an accurate recording and
17 transcription. I'll start off. My name is David Casaceli, last
18 name, C-a-s-a-c-e-l-i, and I am an NTSB track investigator for
19 this accident.

20 And I'll pass it to Mr. Owen Smith.

21 MR. SMITH: Yes, Owen Smith, S-m-i-t-h, Federal Railroad
22 Administration, and I am a railroad safety inspector.

23 MR. SKOLNEKOVICH: Richard Skolnekovich, NTSB, investigator
24 for the NTSB, and the last name is S-k-o-l-n-e-k-o-v-i-c-h.

25 MR. WERNIG: Joshua Wernig from the Middlesex Corporation.

1 My last name is W-e-r-n-i-g. I'm the senior vice president and
2 chief legal officer, I am not here in my legal capacity today.

3 MR. BAILLY: P.J. Bailly, B-a-i-l-l-y, Housatonic Railroad
4 Company.

5 MR. BOARDMAN: Eric Boardman, Superintendent of Operations,
6 Housatonic Railroad. B-o-a-r-d-m-a-n.

7 MR. CASACELI: And Troy.

8 MR. LLOYD: Yeah, good afternoon. My name is Troy Lloyd with
9 the National Transportation Safety Board. Spelling of my last
10 name is L-l-o-y-d.

11 MR. CASACELI: Thank you, everyone.

12 Eric, are you aware that this discussion is going to be
13 recorded and we have your permission to do so?

14 MR. BOARDMAN: Yes, I am aware.

15 MR. CASACELI: And you understand the transcription of this
16 interview will become part of the public docket and as such, we
17 cannot guarantee any confidentiality?

18 MR. BOARDMAN: Yes, I understand.

19 MR. CASACELI: And you have chosen to not have a
20 representative with you today, is that correct?

21 MR. BOARDMAN: That's correct.

22 MR. CASACELI: Okay. Well, once again we'll go around the
23 room. Please clearly announce your name and organization before
24 each line of questioning.

25 INTERVIEW OF ERIC BOARDMAN

1 BY MR. CASACELI:

2 Q. And to kick us off, Eric, if you could please give us a
3 synopsis of your work experience, taking us up to your present job
4 and let us know how long you've been in that position and all your
5 railroad experience and whatnot, we appreciate that.

6 A. I hired out in 1992 as a track laborer, I was 21 years old.
7 Six months on the track, then I went over to train as -- in the
8 train service for the full year of 1993 before I became a
9 qualified conductor at the end of 1993. I was a conductor until
10 1996 and then I got qualified as a locomotive engineer; 1996 to
11 2006, I was a locomotive engineer and conductor; 2006, I became
12 trainmaster; 2015, I went from trainmaster to superintendent in
13 2015 to present, a superintendent.

14 Q. And that's all at the Housatonic, is that correct?

15 A. There was a short stint at the Mass Central Railroad, 2015,
16 for the month of April.

17 Q. Okay, that's a short stint, for sure. So if you can -- I'll
18 just skip to here, I guess. What is your understanding of the
19 responsibilities of each of the three parties regarding worksite
20 safety and compliance with federal regulations? And this is
21 obviously in regard to the Middlesex project here, between 50
22 and 59.

23 A. Well, my understanding is, you know, as far as a roadway
24 worker in charge would, so to speak, offer up track -- track
25 limits for the contractor. The RWIC would have a knowledge of

1 physical characteristics, operating rules. The contractor, I
2 would say is, you know, in control of their own -- their own
3 people, they're doing the work and doing it safely, and the third
4 party is who, again?

5 Q. The state, the state.

6 A. The state would, I guess, be the overseer of the project.

7 Q. Okay. And I skipped a very important question when I said I
8 was going to skip ahead, and so as the superintendent of
9 operations, can you outline kind of your duties and
10 responsibilities in that role?

11 A. Sure. Day-to-day operations of the railroad, you know, with
12 trains, train crews, scheduling, work to be done, how it's to be
13 done, scheduling flag protection for the different projects, and
14 inspections and bridge inspections and so forth over the entire
15 railroad. On a short line you wear many hats, so it's --

16 Q. Sure.

17 A. -- many different things, you know, I don't know how
18 extensive you want me to start listing all the things that I do.

19 Q. That's probably okay for now, I'm sure we'll dig out more
20 specifics as we go and I guess I'll start doing that now. So what
21 are your responsibilities related to various FRA regulations? So
22 what hats do you wear, you know, relevant to whether it's 217 ops
23 testing or roadway worker protection programs, things like that.

24 A. Right, yeah, 217 observational testing, I'm involved with
25 that and then, you know, the RW, RWP, you know, I'm aware that --

1 you know, who needs it to -- who doesn't need it and, you know,
2 how it's to -- how it's to play a role in, you know, what's being
3 done out there.

4 Q. At the Housatonic, who goes about, you know, let's say,
5 creating operational testing plans, writing a roadway worker
6 protection manual or deciding it needs updates; a 243 program;
7 training submissions or picking, choosing a model program, whose
8 responsibility are those types of things?

9 A. P.J. Bailly, he may talk with me some on it, but P.J. is 90
10 percent involved with those decisions.

11 Q. Okay. So they're mostly P.J.'s decisions and you're there as
12 his -- he reports to you, is that correct?

13 A. Correct, yeah. And he'll bounce things off of me, but you
14 know, that's kind of how it goes.

15 Q. Okay, I understand. Regarding this project, what services
16 was -- or is the Housatonic required to provide for the Middlesex
17 work?

18 A. Just track limits, basically. We really have no part of any
19 of the rest of it, you know, as far as how things are done and
20 who's doing them or any of that, that's nothing to do with the
21 Housatonic.

22 Q. Okay. Do you know how Housatonic monitors the effectiveness
23 and compliance with this RWP program or is that a better question
24 for P.J.?

25 A. It's a better question for P.J.

1 Q. All right. Then I'll just kind of hold that off for now.
2 Are you aware of what the duties of a roadway worker in charge
3 entail?

4 A. Yes, to provide track protection, to provide physical
5 characteristics, knowledge of the railroad that the individuals
6 are to be working on and, you know, the knowledge of the rules,
7 operating rules.

8 Q. Okay. With regard to the Middlesex project, were you aware
9 of previous safety complaints or issues brought to the table by
10 Housatonic or others related to this project?

11 A. Were there or am I aware of?

12 Q. Yeah, I guess which ones are you aware of and if you've just
13 become aware of them, I guess you can explain that, as well.

14 A. No, I've been aware pretty much right from the start, to
15 hitting the power lines up at the -- one of the first projects
16 that they did at the north end of the limits, to being out without
17 authority at the end of May, to, you know, several other small
18 safety things that, you know, you see out there, you know, kind of
19 the way jobs are performed and then obviously, this last one.

20 Q. Okay. Yeah, the fatality.

21 A. Sure, absolutely.

22 Q. The fatality aside, prior to August 4th, you know -- I guess
23 let me ask you this, what experience do you have with other
24 contractors working on projects of similar scope on the Housatonic
25 property?

1 A. Wasn't involved with the Phase 2, I believe Railworks was
2 here a year, a year and a half ago, and 3 years ago doing a tie
3 project, exclusively worked with them through both of those
4 projects.

5 Q. That was RailWorks, as well?

6 A. Correct.

7 Q. Okay. So in comparison to RailWorks, anyway, these safety
8 issues that came across your desk with Middlesex, or even maybe
9 operational issues, how do they compare? Was there any -- you
10 know, were you frustrated daily on safety issues around this job
11 or were they about the same, Middlesex was great to work with, how
12 would you kind of categorize that?

13 A. I wouldn't say I was frustrated with safety issues, I was
14 more frustrated with practices, you know, going -- you know,
15 always taking the long way to do things, never listened to what we
16 had to say to offer up anything that would help them, but it was
17 more frustration than anything. Safety issues between the two,
18 yeah, there was definitely more with Middlesex than there was with
19 RailWorks.

20 Q. And I know that's only a one-on-one comparison, it's not like
21 you got 40 contractors on property, so --

22 A. That's correct.

23 Q. Yeah, we'll take that for what it's worth for now. Are you
24 aware of multiple roadway workers in charge ever being provided
25 this project or the one with RailWorks and we had two separate

1 work groups or is that something you wouldn't be aware of?

2 A. Yeah, we were aware of, I'm aware of RailWorks, we had
3 sometimes three, we'd have an RWIC and two flaggers under that
4 RWIC.

5 Q. Um-hum.

6 A. With this -- with this, Middlesex, no, just one. One RWIC.

7 Q. So why did we have three at certain times with RailWorks and
8 only one with Middlesex, was it the nature of the work or did
9 somebody request additional? Kind of how does that -- how is that
10 decision --

11 A. Yeah, it was the nature of the work, they would -- for
12 instance, they'd have a group out doing gauging at a different
13 location. The first project was over a total of 36 miles.

14 Q. Oh, a bigger project, yeah.

15 A. So they had -- it was -- excuse me, a tie job, so they went
16 out in a group out doing gauging, they had -- and just the scope,
17 there's so many machines that they had out there with RailWorks
18 that there was just no way to keep track of them all, you know.
19 So that was the --

20 Q. Yeah.

21 A. That was the -- that was the need for that.

22 Q. And then just for clarity, when you say no way to keep track
23 of them all, you mean for a single person, is that correct?

24 A. Correct. Yeah, that's correct, for a single, yes.

25 Q. I didn't want you on record saying you couldn't keep track of

1 your contractors.

2 A. Oh, yeah. No, yeah, I'm sorry. Thank you.

3 Q. Yeah, good deal. So if multiple roadway worker in charges
4 were necessary for a project, do you have the staffing to support
5 that?

6 A. Yes, if we needed to, otherwise we would not -- you know,
7 they would just not be able to do the work.

8 MR. CASACELI: Okay, good deal. I'm going to conclude for
9 now, Eric, and let the rest of the parties in the room take their
10 turn.

11 So Owen, go ahead, sir.

12 BY MR. SMITH:

13 Q. Yes, Owen Smith, FRA. Eric, you talked about another
14 contractor doing a larger project. Did that contractor also do
15 rail replacement work?

16 A. They did.

17 Q. Staffing-wise, how many employees did the other contractor
18 have doing the work compared to this one?

19 A. Three times as many.

20 Q. Okay.

21 A. I would say 40 to 45 people.

22 Q. Do you think that would correlate to the reason, too, why you
23 had more qualified, you know, employees to supervise them than
24 this contractor?

25 A. Yeah, that would -- that had something to do with it, yeah,

1 correct. Plus the amount of territory that they were, you know --

2 Q. Covering.

3 A. Correct, the amount of territory they were covering.

4 Q. Okay. So I'm going to kind of do some questioning similar to
5 earlier today. How familiar are you with the 217 testing plan at
6 Housatonic?

7 A. I'd say very familiar. And I think 217's out since 2010.

8 Q. Okay. Does the plan require testing of contractors that are
9 subject to the operating rules?

10 A. That's correct.

11 Q. Has Housatonic, do you know offhand, maybe an order of
12 magnitude, how many were conducted on such contractors employed by
13 Middlesex?

14 A. I did not conduct any myself, but I do know P.J. did, I do
15 not know how many he conducted.

16 Q. Okay. And we can ask him in the next session, thanks.

17 A. Sure.

18 Q. In regards to the 243 regulations, how familiar are you with
19 those?

20 A. I'm not too familiar with the 243. P.J. was really the one
21 to really spearhead that.

22 Q. Okay. So P.J. is the designated, you know, official that
23 manages that program for you?

24 A. Correct.

25 Q. How does Housatonic verify that contractors working on your

1 property completed their required training and are qualified?

2 A. We have a -- through RailPros, P.J. gets a list of people
3 that have completed, and I believe he even gets a list of people
4 that haven't completed it or that have started it and not
5 completed it. So yeah, he would get a list from RailPros.

6 Q. And would you deem them qualified just based off of that list
7 or are there other factors that are considered?

8 A. You know, we don't -- you know, we don't qualify, it would
9 be, you know, RailPros that would qualify, you know. So to speak,
10 they would pass the test through them, so --

11 Q. All right. Contractors that operate RMMs, what kind of
12 documentation do you need to see to determine if they're qualified
13 to operate them on your property?

14 A. I need to see the card from RailPros, that they took the
15 course.

16 Q. Okay. Anything else in addition to that or just the RailPros
17 card?

18 A. Nothing that I need to see, no.

19 Q. Okay. You know, I, myself, and a colleague, we reviewed the
20 training that RailPros provides. There is a statement that the
21 proper authority determines the qualifications of an RMM operator
22 in your on-track safety manual. Do you know who that proper
23 authority is?

24 A. I do not.

25 Q. How do you -- well, I'll save that for P.J. because that's

1 more 243 specific. Are you aware if Housatonic has a periodic
2 oversight program required under 243?

3 A. I am aware of that, yeah.

4 Q. Have you submitted the results or records of that periodic
5 oversight program up in Kiteworks?

6 A. I believe P.J. did. I'd have to -- I'd have to ask him.

7 MR. SMITH: Yeah. Yeah, that's probably better for him,
8 okay. I think that's it, thank you.

9 MR. BOARDMAN: Okay.

10 BY MR. SKOLNEKOVICH:

11 Q. Hey, good afternoon, Eric. This is Richard Skolnekovich from
12 the NTSB, how are you doing this afternoon?

13 A. Good. How are you?

14 Q. Good, good, good, Eric. I kind of want to go back to the
15 original contract with MassDOT now. So when the contract, when
16 the state -- actually, let me back up here. What's the structure
17 between the state, Middlesex, and Housatonic? Can you kind of
18 give me an overview of, you know, who reports to who?

19 A. It's between the state and Middlesex. The Housatonic
20 Railroad's just to provide track protection, nothing to do with
21 us. Contract, all of that is nothing to do with the Housatonic.

22 Q. Okay. Now, do you see the contract before it goes out for
23 bid or do you get to see the pre-bid specifications?

24 A. We do not.

25 Q. Okay. For the pre-bid walk-through, are you part of that?

1 A. That's correct.

2 Q. Okay. So were you actually -- were you there during the
3 pre-bid walk-through when the different vendors came to bid on
4 that project?

5 A. I can't remember, Richard, if I was there or not for that, to
6 be honest with you.

7 Q. Okay. Have you ever done it before?

8 A. I have, with the last tie job with RailWorks, and I remember
9 being there for the rail job that was awarded prior to this one.

10 Q. Well, during times when you're -- when you're doing some of
11 the pre-bid stuff with MassDOT, do they -- does the state ever ask
12 you for specifications besides production so, you know,
13 requirements for training or safety or rules or anything like
14 that?

15 A. No, they're just aware of the RWP that needs to be -- you
16 know, the contractor that's awarded needs the RWP and RMM
17 training. I know that they are aware of that.

18 Q. Does MassDOT solicit you at all for the contractor they do
19 select?

20 A. They do not.

21 Q. Okay. Now, once a contract is awarded and a contractor has
22 been assigned to a project that falls on your property, do you get
23 a copy of the contract then?

24 A. No, we do not.

25 Q. So have you ever seen the contract between MassDOT and

1 Middlesex?

2 A. I have not, no.

3 Q. All right. So then let me ask you this. So when the
4 contractor gets awarded the contract, how do you get notified of
5 what vendor is going to be working on your property?

6 A. I think MassDOT would send out -- or the engineer, I'm not
7 sure, it could be HDR that sends out the -- like an e-mail stating
8 who was awarded.

9 Q. Okay. All right. Now, is there any requirement for you to
10 reach out to them or for them to reach out to you to start
11 coordinating work on your property?

12 A. They would reach out, we would start with meetings, Teams
13 meetings, prior to any work and we did have a sit-down meeting
14 coming up on a year ago with some people from Middlesex.

15 Q. Yeah, I know it's been a while, but can you kind of
16 characterize that meeting?

17 A. It was just to talk about, you know, the scope of the work, I
18 believe, you know. We, you know, said that, you know, RWP would
19 need to be, you know, taken and RMM training, you know, needed to
20 be done through RailPros. Things like that was our side of it.
21 There was many other officials there that -- I can't say word for
22 word what they talked about.

23 Q. Okay. Do you know if the -- does the state give you any
24 requirements as far as training or observation of vendors that are
25 operating on your property?

1 A. They do not.

2 Q. So they basically just tell you hey, we've awarded this
3 contract to this vendor and you guys need to coordinate it, is
4 that kind of how it goes?

5 A. That's correct.

6 Q. Good. Now let me ask you this. So you talked in the past
7 about, you know, Middlesex, you had some safety issues with
8 Middlesex and you talked about power lines and entering on track
9 without authority. What actions did you guys, did Housatonic
10 take, you know, when you identified the safety concerns?

11 A. The first one with the power lines, the safety officer was
12 right there and we went right over and addressed it with them.
13 The second one, where they were out without authority, was a
14 safety stand-down and they were removed from the property at that
15 time until retraining with the RWP.

16 Q. Okay, who conducted that retraining?

17 A. I believe P.J. set most of it up.

18 Q. Do you know if it was like in person or if it was just
19 redoing an online course?

20 A. That was an in-person class, RailPros came up from, I
21 believe, Florida and did a class at the Holiday Inn in Great
22 Barrington, in-person class.

23 Q. Okay. Did you notify the state of the safety concerns?

24 A. I don't believe that we did directly, I believe it was
25 through AECOM --

1 Q. Through AECOM.

2 A. -- they notified them.

3 Q. When the vendor shows up, so I'm assuming that you're relying
4 on, like you say, P.J. and your other road employees to check the
5 certifications, how do you check the certifications, are you just
6 looking for, you know, cards and certificates?

7 A. That's correct. Yeah, at the initial, you know, job
8 briefing, each individual RWIC would, you know, go person to
9 person and see the -- the card.

10 Q. Okay. Is there any requirement for Middlesex to submit that
11 documentation to you ahead of time before they show up on the
12 worksite?

13 A. No, we've never required it, we just, you know, want to see
14 it before we, you know, let them out on the right-of-way for the
15 first time.

16 Q. Okay. Now, I know Middlesex has their own foremen. Is there
17 -- you know, I'm assuming they get checked, too. Is there any
18 additional checks for their foremen --

19 (Crosstalk)

20 MR. BOARDMAN: No, they're not.

21 BY MR. SKOLNEKOVICH:

22 Q. Okay. So just across the board, what kind of certification
23 are they looking for, just the RWP and what else?

24 A. RMM for roadway maintenance machines and then I know there's
25 a CWR one, but I don't -- we don't ask for that. Or at least I

1 haven't asked for it.

2 Q. Okay. Now, you talked about Florida. Did the Middlesex
3 employees fall under, I guess, the operational testing for
4 Housatonic or the -- you know, with the site safety supervisors
5 that Middlesex provides, do -- are they notified of any, you know,
6 noncompliances that your railroad employees find?

7 A. We have in the past, yes.

8 Q. Okay. Do you guys keep documentation of that or is that
9 just, you know, a face-to-face conversation?

10 A. It's usually a face-to-face conversation, we'll just say hey,
11 we just -- you know, we saw such and such, you know, you need to
12 address that and, you know, take care of it.

13 Q. Okay. Now, does Housatonic, with your employees, do they
14 have the ability to remove, you know, contractors from worksites
15 if they see something unsafe?

16 A. Yes, and we have.

17 Q. Okay. Well, minus the -- let's see, the power lines and the
18 on-track authority, have you had to remove any other Middlesex
19 employees for anything?

20 A. No.

21 Q. All right. Now, I know -- you might not know this, but have
22 you had any FRA site inspections where they approached you about
23 contractors, you know, not following railroad rules or any kind of
24 noncompliance?

25 A. There was one I remember where they made mention of sounding

1 the horn going by roadway workers.

2 Q. All right. Did they request the railroad to do anything or
3 did they just -- or did you address it with them at the time?

4 A. They addressed it with them at the time.

5 Q. All right. To your knowledge, have you seen any state safety
6 inspectors, whether it's railroad or OSHA or anything else, on
7 your property? With Middlesex.

8 A. I believe Scott Conti had been out once or twice. Other than
9 that, I've never seen OSHA there.

10 MR. SKOLNEKOVICH: Okay. Okay, Eric, that's all I have for
11 now, thank you very much.

12 MR. BOARDMAN: Thank you.

13 MR. WERNIG: Eric, this is Josh Wernig. Hello, how are you
14 doing?

15 MR. BOARDMAN: Good. How are you?

16 MR. WERNIG: Good. I'm with the Middlesex Corporation, as
17 you know. I don't have any questions for you at this time.

18 MR. BOARDMAN: Okay, thank you.

19 MR. CASACELI: P.J., do you have anything for Mr. Boardman?

20 MR. BAILLY: No, thank you. P.J. Bailly, Housatonic. No,
21 I'll pass. Thank you.

22 MR. CASACELI: All right, Troy?

23 MR. LLOYD: Yeah, I just got a few.

24 BY MR. LLOYD:

25 Q. Hey, Eric, how you doing, brother?

1 A. Good. How are you?

2 Q. Good. Been a long time, no see, man.

3 A. Yeah, it's been a little bit. Yes.

4 Q. Oh, yeah. How's Matt doing?

5 A. He's doing okay, you know, always you got to be with him.

6 Q. Oh, yeah. Oh, I agree. So hey, this is Troy from the NTSB.
7 The spelling of my last name is L-l-o-y-d. Eric, I just got a
8 couple questions for you. So what is Housatonic Railroad's
9 responsibility when a contractor comes in and performs work on a
10 railroad that you have the full operations over?

11 A. Our responsibility would be to provide on-track safety or
12 on-track protection. Maybe not so much on-track safety, but --
13 and then depending on what work they're doing, we'll have another
14 individual that would inspect the track before it was able to be
15 returned in to service depending on, you know, like I said, the
16 track work that was to be done.

17 Q. Right. Do you guys have the full responsibility over the
18 safety of the contractors that actually work when they're on
19 property?

20 A. We don't, we do not have the full control of the safety. No.

21 Q. Okay. Even though you guys have the full operations of the
22 track, you don't have the full operation of the safety, overseeing
23 the contractors?

24 A. No. I mean, if we saw something unsafe, yes, we'd bring it
25 up, you know, like --

1 Q. Okay.

2 A. -- we spoke about earlier, but you know, they're in charge of
3 their own safety.

4 Q. Right. So what training did -- and it might have been asked,
5 what training did -- did you guys provide to Middlesex so they
6 knew the book of rules, a little bit of knowledge they had to have
7 with NORAC, equipment operations, physical characteristics, how
8 far did you guys get into making sure that they were -- that they
9 were trained to operate on your guys' railroad?

10 A. The rules that they would have had to have been trained on
11 was in the on-track safety manual through RailPros.

12 Q. Okay. So RailPros has your all's manual, the HRCC (sic)
13 manual and RailPros provides the training to Middlesex, correct?

14 A. Correct.

15 Q. Okay. Does RailPros do -- do you guys do your own training
16 or does RailPros train you guys, as well?

17 A. We do our own training for our own employees --

18 Q. Okay.

19 A. -- in house. Other than that, everything else is done
20 through RailPros.

21 Q. Yeah. Have you seen, have you been able to either go through
22 or even see any bits and pieces of what RailPros provides to give
23 Middlesex the training with your all's guys' rules and operations
24 and stuff?

25 A. I have not seen any of RailPros', no.

1 Q. Okay. So -- okay. So we don't know if they're actually
2 providing the right training or not, according to the HRCC manual.

3 None of your guys have sat through anything like that or --

4 A. I, myself, Lloyd, don't.

5 Q. Yeah.

6 A. P.J., I'm sure he does, because he's right up on that. So --

7 Q. Okay.

8 A. -- me, personally, I don't.

9 MR. LLOYD: Okay. All right, I don't have anything else.

10 Thanks, Eric.

11 MR. BOARDMAN: Yeah.

12 MR. CASACELI: All right, David Casaceli, NTSB. I don't have
13 any further questions, but I'd like to go around the room one more
14 time, so Owen, go ahead.

15 MR. SMITH: Yes, thank you. Owen Smith, FRA.

16 BY MR. SMITH:

17 Q. Eric, who is responsible for reporting requirements under
18 Part 225 at Housatonic?

19 A. Well, either P.J. or myself.

20 Q. Okay. Recalling the discussion we had in the field last
21 month, has Housatonic submitted any type of report that would be
22 described in Part 225 to FRA from this accident on August 4th?

23 A. I don't believe that we have. I was under the impression
24 that we were not to, from one of your colleagues.

25 Q. Okay.

1 A. And I think you and I had that conversation.

2 MR. SMITH: Yes. And that's all, thank you.

3 MR. SKOLNEKOVICH: Hey, Richard Skolnekovich, NTSB, I have no
4 further questions.

5 MR. WERNIG: Josh Wernig from Middlesex Corporation, no
6 questions.

7 MR. BAILLY: P.J. Bailly, B-a-i-l-l-y, Housatonic. No
8 questions.

9 MR. LLOYD: This is Troy, I don't have any questions.

10 MR. CASACELI: Great. David Casaceli, NTSB. Unless I hear
11 otherwise, we're going to go off the record in a minute, but Eric,
12 thank you for your time. Like I've said to the others, but it
13 bears repeating, you know, the hope here is to increase safety and
14 not just on your property but, you know, throughout the country as
15 a result of this and, you know, we thank you guys and your team
16 for being a part of it. So if we have some follow-up questions,
17 do you mind if we reach out?

18 MR. BOARDMAN: Yeah, not at all.

19 BY MR. CASACELI:

20 Q. Okay. I guess I have do have one final close-out question.
21 Eric, you know, you're been through this process with us so far
22 and, you know, unfortunately you had another fatality on the
23 property a few years back. Where do you think we can be looking
24 on a path forward to increase safety in these, you know,
25 maintenance operations, whether directly related to this incident

1 or the one in the past? What do you see for us, anything?

2 A. Training. I just don't think that the people are trained
3 that are out there doing this work and I think the bottom line is
4 that the work -- it's more important to get the work done than to
5 have the people properly trained.

6 Q. And what would that -- expound a little bit more, if you can,
7 you know, training on what, if you will, or what experience, you
8 know, is needed? If you could just dive in a little bit deeper
9 for me, I'm curious.

10 A. I think contractors need to be trained on the operating rules
11 just like regular railroad employees, physical characteristics,
12 they need to know where they are, they need to know the rules and
13 they need to have an understanding of the rules and how they --
14 how they impact the job that they're to do or about to do, you
15 know, or doing at the time. It just -- you know, as we know, a
16 split second can change a life and we've seen it.

17 MR. CASACELI: Okay, thank you, Eric. Anybody have any --
18 anything further for the record?

19 (No response.)

20 MR. CASACELI: Okay, that will conclude this interview at
21 2:13 p.m. east. Give me a minute to stop the recording.

22 (Whereupon, at 2:13 p.m., the interview concluded.)
23
24
25

CERTIFICATE

This is to certify that the attached proceeding before the

NATIONAL TRANSPORTATION SAFETY BOARD

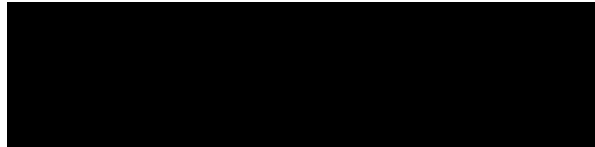
IN THE MATTER OF: MIDDLESEX RAILROAD EMPLOYEE
FATALITY IN GREAT BARRINGTON,
MASSACHUSETTS ON AUGUST 4, 2023
Interview of Eric Boardman

ACCIDENT NO.: RRD23FR015

PLACE: via Microsoft Teams

DATE: September 7, 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.



David A. Martini
Transcriber