

UNITED STATES OF AMERICA

NATIONAL TRANSPORTATION SAFETY BOARD

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Investigation of: *

MIDDLESEX RAILROAD EMPLOYEE *

FATALITY IN GREAT BARRINGTON, *

MASSACHUSETTS ON AUGUST 5, 2023 *

* * * * *

Accident No.: RRD23FR015

Interview of: ROBERTO PLIEGO, Laborer
Middlesex Corporation

Great Barrington, Massachusetts

Saturday,
August 5, 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

DARREN HOHN, Operations Director
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

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I N T E R V I E W

(11:45 a.m.)

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2
3 MR. GORDON: All right, good morning. My name is Joe Gordon,
4 I'm the NTSB track group chairman for this accident. We are here
5 today on August 5th to conduct an interview with Mr. Roberto
6 Pliego, who works for Middlesex -- is that railroad contractor?

7 MR. PLIEGO: It's just Middlesex Corporation.

8 MR. GORDON: Middlesex Corporation. This interview is in
9 conjunction with the NTSB investigation into an employee fatality
10 that occurred on the main track near Great Barrington,
11 Massachusetts. As a result of the accident, as a result of the
12 equipment strike, there was an employee fatality. The NTSB
13 accident reference number is RRD23FR015. The purpose of this
14 investigation is to increase safety, not to assign fault, blame,
15 or liability.

16 Before we begin the interview, we'll go around the table and
17 introduce everyone. I'll ask that we spell our last name for the
18 transcription. Please speak clearly, as we're recording it. So
19 again, I'm Joe Gordon, spelling of the last name G-o-r-d-o-n.

20 MR. KRAHOLIK: Todd Kraholik, K-r-a-h-o-l-i-k, with NTSB.

21 MR. CASACELI: David Casaceli, C-a-s-a-c-e-l-i, with the
22 NTSB.

23 MR. BAILLY: P.J. Bailly, B-a-i-l-l-y, with the Housatonic
24 Railroad.

25 MR. HOHN: Darren Hohn, H-o-h-n, Middlesex Corporation.

1 MR. PLIEGO: Roberto Pliego, P-l-i-e-g-o, Middlesex.

2 MR. SKOLNEKOVICH: Richard Skolnekovich, investigator, NTSB
3 operations. S-k-o-l-n-e-k-o-v-i-c-h.

4 MR. PATANE: John Patane, P-a-t-a-n-e, FRA safety inspector,
5 track.

6 MR. GORDON: All right, thank you. And okay to -- if we call
7 you Roberto during the interview today?

8 (No audible response.)

9 MR. GORDON: Okay, thank you for that. And do we have
10 permission to record the interview?

11 MR. PLIEGO: Yes.

12 MR. GORDON: Thank you. You understand that as a part of the
13 NTSB process, we record, transcribe, you'll have a chance to
14 review the transcription, but eventually the interview transcript
15 will be a part of the public docket?

16 MR. PLIEGO: Yes, understood.

17 INTERVIEW OF ROBERTO PLIEGO

18 BY MR. GORDON:

19 Q. Okay. And so I'd like to get started, just if you could tell
20 us a little bit about your railroad career, you know, if Middlesex
21 was the first railroad job that you had and just kind of walk us
22 through your career there.

23 A. Oh, I've been doing railroad for -- I'm going to 5 years on
24 the railroad. This is my, probably, fifth or sixth company.
25 Well, I've been working with tie gangs, rail gangs, abandonment

1 drops, mostly abandonment drops.

2 Q. Okay. And what kind of positions have you held?

3 A. I had the labor position and foreman position.

4 Q. Okay. All right. And how long have you been working with
5 Middlesex?

6 A. Two months.

7 Q. Two months?

8 A. Um-hum.

9 Q. Okay. All right. So if you could just go to the day of the
10 accident, you know, that morning, kind of from the -- and go back
11 prior to the reporting, you know, to the actual location, like
12 what time you guys -- I don't know if you stay in a hotel.

13 A. Yeah, right here.

14 Q. Yeah. Okay.

15 A. We left here at -- me and Rudy, we ride together to work, so
16 we left here around 4:05, got in the truck, went to the drop site,
17 we got a safety briefing. There were some guys that split up, we
18 always split up in groups, so most of the guys went to -- I think
19 it was a bridge and we went to lagging, which was me, Brady, Joey,
20 and Rudy.

21 So we start, me and Rudy started cleaning the holes of the
22 ties so when Brady starts drilling, he don't break the bit. So as
23 we were doing that, we were also spreading lags. But when Brady
24 started drilling like on his fourth or fifth tie, the motor messed
25 up on the machine, so it wasn't rotating. So he went back to the

1 yard and he called the mechanic to fix it. So while they were
2 doing that -- it was Brady and Joey that went. So while they were
3 doing that, me and Rudy continued to clean up the rocks and
4 spreading lags and we did that for a while until the machine got
5 fixed and -- well, the machine got fixed, they were backing up, we
6 saw when they were backing up from that crossing where they took
7 Rudy to the hospital, we saw them when they were backing up.

8 And then there's another bridge where we stopped putting the
9 lags and as soon as they passed the bridge, he was still going
10 fast and I noticed, I'm like this -- I said to myself, this guy's
11 not stopping, he's going fast, so I stepped out of the way while
12 Rudy was -- he had the leaf blower at the time and I yelled, as
13 soon as I stepped, I yelled hey, Rudy, Rudy, Rudy, but he couldn't
14 hear me and when he turned around, he already had the machine in
15 his face, so pretty much (indiscernible) when he got hit. Yeah.

16 Q. I'm sorry you had to go through that, for sure. So if you go
17 -- go back to like reporting to the equipment that morning, was it
18 tied down in a spur track? Was it out there at the work location?

19 A. It was at the -- well, it was at the siding first, because we
20 took it to where we started drilling --

21 Q. Okay.

22 A. -- but it messed up in the process of drilling, so we took it
23 back to the yard so they could look at it.

24 Q. Okay. So there at the siding and you spoke about a job
25 briefing.

1 A. Yeah.

2 Q. Who gave you that job briefing?

3 A. It was Bill Lewis. I think it was, yeah, Bill Lewis.

4 Q. And who does he work for?

5 A. Housatonic.

6 Q. Okay, okay. Do you remember kind of what was covered in the
7 job briefing?

8 A. Yeah, the Milepost 50 to 59, I think it was -- was it 59?

9 They were mainly talking about the bridge because not only the
10 Housatonic people do the briefing, also the guy from Middlesex,
11 like the safety guy is Dan and who else was it? It was Jay.

12 Q. Okay.

13 A. Jay Men (ph.).

14 Q. About how many people were on that bridge project?

15 A. Yeah, top of my head?

16 Q. Yeah, just we won't -- just to your best of your
17 recollection, was it -- it was a bigger project than you were --

18 A. Yeah, it was a big project, like --

19 Q. Okay.

20 A. It was like 12, 13.

21 Q. Okay.

22 A. Um-hum. I'm not sure.

23 Q. All right, all right. So you said you met and you had the
24 job briefing there at the siding.

25 A. Yeah.

1 Q. And then when you left the siding with the equipment, it was
2 -- how many pieces of equipment left the siding?

3 A. Two, two, two.

4 Q. Okay.

5 A. Yeah.

6 Q. And what were those?

7 A. It was the one that drills the lags and the one that makes
8 the hole to drill.

9 Q. Okay.

10 A. Yeah.

11 Q. Oh, okay, okay.

12 A. Me and Rudy were running the one in the back, the one that
13 puts the lags in, and Brady and Joey were in the other machine,
14 the drill.

15 Q. So when you left out of the yard, would you have been the
16 lead piece of equipment, or the siding?

17 A. Yeah, lead. Yeah.

18 Q. Okay. So then when they went, when they had an issue with
19 the drill, they were in position to go back --

20 A. To go back to the yard, yeah, yeah.

21 Q. Okay. All right, that makes sense.

22 A. Yeah.

23 Q. And about how far would you say it was from the siding out to
24 where you guys were doing your work?

25 A. I'd say probably about a mile.

1 MR. GORDON: Okay.

2 MR. PLIEGO: Yeah.

3 MR. GORDON: All right, that's what I've got for the first
4 round. I'm going to pass it around there. Which way do you guys
5 want me to go? We can -- yeah, you can go, we can go right there
6 to the FRA. And just name and -- for the record.

7 BY MR. PATANE:

8 Q. John Patane, FRA. Just your little separate work group with
9 the four of you, was there any one of you who was in charge of
10 that group or were you all kind of equals?

11 A. I think that Brady, Brady was kind of like in charge because
12 he was always the guy that tells us what to do and -- yeah.

13 Q. Okay. And when the machine, when the drill broke down, who
14 was the one who made the call to run the drill back to the
15 mechanic?

16 A. Brady.

17 Q. Brady?

18 A. Um-hum.

19 Q. Okay. As far as the logger that you were running, I noticed
20 there was a pushcart there.

21 A. Yeah.

22 Q. Were you towing that?

23 A. Yeah, we were towing that with the -- with the machine that
24 Brady was operating, because we had a bag of lags on top of it.

25 Q. So your machine that was lagging wasn't towing it?

1 A. No, no.

2 Q. Okay. So what I understand was, at the scene, the cart was
3 left there --

4 A. Oh, yeah, yeah.

5 Q. -- so you pulled it up there --

6 A. Yeah. Well, no, no, no. When the -- when the logger, I
7 mean, his drill messed up, we disconnected the cart --

8 Q. Okay.

9 A. -- so he could just take the machine.

10 Q. Okay, okay.

11 A. Yeah, because me and Rudy were pushing that cart --

12 Q. Okay.

13 A. -- to get the lags.

14 Q. Okay. Now, once he ran back with the drill to get it
15 repaired, did you put -- did you put the cart back on the rail
16 afterwards?

17 A. It was on the rail the whole time because it had the bag of
18 lags --

19 Q. Okay.

20 A. -- on top of the cart.

21 Q. Okay, okay. So when you pulled it out there, the cart was
22 actually behind the machine --

23 A. Yeah, it was behind the machine.

24 Q. -- and then you took the cart off --

25 A. Yeah.

1 Q. -- you got the machine past it --

2 A. Yeah.

3 Q. -- and then you put the cart back on the rail?

4 A. Yeah, yeah.

5 Q. Okay, okay. When the machine was on its way back, how -- and
6 you said you saw sight of it.

7 A. Yeah, me and Rudy saw it.

8 Q. And you said it was by the bridge?

9 A. It was by the bridge where we --

10 Q. Was that the last time you saw it before it was too -- before
11 it was too late?

12 (Crosstalk)

13 MR. PLIEGO: No, I saw it -- I saw it at the other bridge,
14 that he was -- he kept the same speed.

15 MR. PATANE: Okay.

16 MR. PLIEGO: So that's why I moved out of the way --

17 MR. PATANE: Okay.

18 MR. PLIEGO: -- and I told Rudy, but he had the leaf blower
19 and couldn't hear me.

20 BY MR. PATANE:

21 Q. Okay. Did you establish eye contact or some kind of
22 communication with the people on the machine or how long before --

23 A. No.

24 Q. -- you did establish contact, at all?

25 A. We never.

1 Q. You never saw eyes?

2 A. No.

3 Q. What part of -- did you see like the back of his head or what
4 did you see from the operators and the --

5 A. Oh, I kind of didn't even look at them. I just saw that they
6 were going fast and --

7 Q. Okay, so you didn't see their faces.

8 A. No. So I guess from that bridge where me and Rudy were at,
9 it was like 20 or 30 feet and they were going fast on it, there's
10 no way they're going to stop, there's no way they saw us, so
11 that's when I jumped out and I was telling Rudy to --

12 Q. What made you -- what do you think made them start braking,
13 was it already once the impact happen or was it before the impact?

14 A. It happened when they hit Rudy.

15 Q. That's when they started braking?

16 A. Yeah, because I was in front of the machine already, telling
17 them to stop and they hit the pushcart --

18 Q. Yeah.

19 A. -- they noticed the pushcart, too, and they saw Rudy. When
20 they hit Rudy, they saw him.

21 Q. Okay.

22 A. Joey saw him.

23 Q. So how far away was the pushcart from Rudy at the initial --

24 A. Like 10 feet.

25 Q. Ten feet?

1 A. Yeah.

2 MR. PATANE: Okay.

3 MR. PLIEGO: Yeah.

4 MR. PATANE: That's what I have for now.

5 BY MR. SKOLNEKOVICH:

6 Q. Okay. Hi, Roberto, this is Richard Skolnekovich, NTSB
7 operations, just a couple questions. I'd like to go back a little
8 bit to the -- like when you first, guys first signed out. So you
9 guys did a job brief --

10 A. Yeah.

11 Q. -- and you said you worked between 50-59. Was there any
12 other -- what did they tell you during the job brief, what kind of
13 work you were doing and --

14 A. Well, we were the lagging crew, so that's all we did and they
15 were talking more -- mainly about the bridge, there more people
16 out there and it was a bigger project.

17 Q. Okay. So did they actually simply talk about your work or
18 did they just talk about the bridge and --

19 A. Mainly about the bridge.

20 Q. Okay, mainly about the bridge.

21 A. Yeah.

22 Q. Now, the railroad gave the job brief or --

23 A. It was --

24 Q. -- did Brady give you another job brief?

25 A. No, Brady didn't give us another job briefing, it was just

1 the one in the morning.

2 Q. Just the railroad?

3 A. Yeah, the railroad.

4 Q. How long did that meeting last?

5 A. Twenty minutes, twenty-five.

6 Q. Twenty minutes?

7 A. Yeah.

8 Q. Okay. Were you guys issued any horns or watch boards or
9 anything like that?

10 A. No.

11 Q. Okay. Did they talk anything about, you know, observing the
12 track and --

13 A. Well, they got a -- you know, when they're pulling forward
14 they got to honk twice and when they're backing up they got to
15 honk three times, that's one of their -- like one of their -- one
16 of the things we do.

17 Q. Okay, so you said --

18 A. When they're backing up they got to honk three time, when
19 they're pulling forward they got to honk in the machine twice.

20 Q. Okay. Do you know if the equipment carries bells or
21 whistles?

22 A. It does, yes.

23 Q. Okay. Were the bells operating?

24 A. Yeah, yeah.

25 Q. So the bells were on --

1 A. Yeah.

2 Q. -- during it? Okay. All right. So you started the job
3 brief at the siding.

4 A. Yeah.

5 Q. And then you broke in your crews and --

6 A. Yeah.

7 Q. -- you went out to the job site.

8 A. Um-hum.

9 Q. Do you guys carry radios?

10 A. Brady. Brady has a radio.

11 Q. Brady did?

12 A. Yeah.

13 Q. All right.

14 A. Brady and Rudy.

15 Q. Brady and Rudy?

16 A. Yeah.

17 Q. So there were two different --

18 A. They were -- yes, they were the operators, so --

19 Q. Were they handheld radios?

20 A. Yeah, handheld.

21 Q. Okay, handheld. Did you have any problems with the -- do you
22 know if they had any problems hearing traffic back and forth on
23 the radio?

24 A. No.

25 Q. Okay. All right. Okay. So you and Rudy were on the

1 ground --

2 A. Yeah.

3 Q. -- and the other two would operate the equipment?

4 A. Yeah.

5 Q. Okay. And they had the radios?

6 A. Only Brady.

7 Q. Only Brady.

8 A. The other one, Joey, he was -- he just went to the yard, I
9 think he had to go pick up something from the yard, I don't know.

10 Q. Okay.

11 A. Think it was gas or something.

12 Q. Okay. So how do you guys normally communicate, do you
13 communicate by hand signals, do you physically talk to each other?

14 A. We physically talk to each other.

15 Q. Physically talk?

16 A. Yeah.

17 Q. Okay.

18 A. Yeah.

19 Q. And then, all right, do you know if there's -- do you know --
20 okay, let me back up. So you've been on the railroad, you said 5
21 -- you worked on the railroad 5 years?

22 A. Yeah.

23 Q. Where else did you work?

24 A. I worked in a company named Maintenance-of-Way Equipment.

25 Q. Maintenance-of-Way Equipment.

- 1 A. American Track. Railroad Consultants. Omaha Track.
- 2 Q. Okay.
- 3 A. Yeah, those are it.
- 4 Q. Okay. All right. And I'm assuming you went through some
5 kind of formal training --
- 6 A. Yeah.
- 7 Q. -- with these? Okay. So now when you came over to
8 Housatonic, did you have to do any --
- 9 A. Yes, on --
- 10 Q. -- testing or safety classes?
- 11 A. Yes, yes.
- 12 Q. Can you kind of walk me through the safety classes?
- 13 A. It was the -- it was the OSHA --
- 14 Q. OSHA.
- 15 A. OSHA 10 and --
- 16 Q. You said OSHA 10?
- 17 A. OSHA 10 and the RWP.
- 18 Q. All right. And that was conducted by Housatonic or was it
19 another contractor?
- 20 A. It was Housatonic.
- 21 Q. Housatonic, okay.
- 22 A. Yeah.
- 23 Q. How long were those courses?
- 24 A. Well, the OSHA 10 is 10 hours and I don't remember, though.
- 25 Q. Okay. Can you tell me what kind of things they talked about

1 in the RWP course, just generally?

2 A. Mainly about equipment safety and -- yeah.

3 Q. All right. Did they talk about -- in that RWP course, talk
4 about like track occupancy and track warrants or Form B's or --

5 A. Yeah, yeah.

6 Q. Okay. Do you know what those are?

7 A. Yeah.

8 Q. Okay. Were you able to see the Form B for that day?

9 A. Form B?

10 Q. Yeah.

11 A. Yeah, we actually sign it.

12 Q. You sign it?

13 A. Yeah, we sign it every day. Yeah.

14 Q. Okay, not a job sign-in sheet but an actual Form B?

15 A. Form B.

16 Q. Where it authorizes movement on --

17 A. I'm not sure.

18 Q. Okay. No, no problem. Okay. And you talked about -- so
19 originally, both pieces of equipment were on scene.

20 A. Yeah.

21 Q. They had a problem with the drill.

22 A. Yeah.

23 Q. So one piece of equipment went back to the yard.

24 A. Yeah.

25 Q. Okay. And about how far away is that yard?

1 A. From where we were working at, probably a mile, a little over
2 a mile.

3 Q. Okay.

4 A. Yeah.

5 Q. All right. Now, when they're -- when they're coming back,
6 the operator, what direction is he facing, is he facing towards
7 you and Rudy or is he -- is his back towards you and Rudy?

8 A. Looking straight up.

9 Q. Looking straight up?

10 A. Yeah. Um-hum.

11 Q. Okay. All right. So when you first saw him, could you
12 clearly see the operator?

13 A. I couldn't see his face, I just saw like his head.

14 Q. Okay, you saw his head?

15 A. Yeah.

16 Q. Okay. About how far away do you think he was when you first
17 saw him?

18 A. In that crossing where they picked up Rudy.

19 Q. The crossing?

20 A. Yeah.

21 Q. Okay.

22 A. I saw the lights.

23 Q. Okay. All right. Now, did you guys have cell phones on you?

24 A. Yes.

25 Q. Okay. Were you guys using them?

1 A. No.

2 Q. Okay. After the event occurred, how did you guys notify --
3 who did you notify first?

4 A. Well, Brady called Jay and Joey called the 9-1-1 --

5 Q. Okay.

6 A. -- while I went to that crossing to try to get help, to try
7 to --

8 Q. Okay. Did you walk down to the crossing?

9 A. Yeah, I ran, I ran.

10 Q. Okay, so you ran down to the crossing?

11 A. Yeah.

12 Q. Okay. Now, did you stay down there until emergency
13 services --

14 A. Yes. Yeah, yeah, I met with Bill Lewis down there.

15 Q. Bill Lewis?

16 A. Yeah.

17 Q. Okay. Now, I know at some point they brought the EMS up on
18 that --

19 A. Yeah.

20 Q. -- piece of equipment, so when did that piece of equipment
21 come down? About how long?

22 A. About like 10, 15 minutes after.

23 Q. Ten or fifteen minutes?

24 A. Yes.

25 Q. Okay. All right, did you go back with them when they went

1 back up to the --

2 A. Yeah.

3 MR. SKOLNEKOVICH: Yeah, okay. Okay. That's all the
4 questions I have for now.

5 MR. GORDON: You got anything?

6 MR. HOHN: I just want to know, I mean --

7 MR. GORDON: Just name for the record.

8 MR. HOHN: Yeah, my name is Darren Hohn, HSE Operations
9 Director.

10 BY MR. HOHN:

11 Q. It's tough for me to ask questions just because I'm part of
12 this, but I will ask one question. Can you describe some of the
13 safety topics in briefing, at the briefing and what was discussed
14 by the EIC as well as Middlesex employees?

15 A. Employees. Well, to always work safe, always wear your
16 safety gear and, you know, the machines, when you're running the
17 machines, they always tell us every morning, you know, if you're
18 going to back up, three horns; for forward, two. Yeah.

19 Q. And just going back, so just to clarify one of the other
20 questions, so obviously the bridge was discussed at the -- at the
21 briefing, the operation, just to be clear on my end, the lagging
22 operation was mentioned or was not mentioned?

23 A. It was -- that wasn't mentioned at the meeting, that was
24 after.

25 MR. HOHN: Okay.

1 MR. PLIEGO: Yeah.

2 MR. HOHN: I'm good.

3 MR. GORDON: Okay.

4 MR. HOHN: Yeah.

5 MR. GORDON: Any questions from Housatonic?

6 MR. BAILLY: Yeah, P.J. Bailly, Housatonic Railroad.

7 BY MR. BAILLY:

8 Q. Once again, I'm sorry, Roberto, that you were part of this.
9 So I just want to make it clear, this operation that you were a
10 part of, was it part of the safety briefing? It was my belief
11 Bill Lewis --

12 A. Bill Lewis.

13 Q. -- at that job briefing, that initial job briefing?

14 A. Yeah.

15 Q. And when you took the two machines up, who was operating, was
16 it you or Rudy operating the --

17 A. Brady was operating one and Rudy was operating the one --

18 Q. Rudy was on the other one? Okay

19 A. Yeah.

20 MR. BAILLY: All right. That's all I have for now, thank
21 you. Thank you.

22 MR. PLIEGO: Okay.

23 BY MR. CASACELI:

24 Q. Thanks, Roberto, I think we're getting close, but thank you.
25 David Casaceli, NTSB. Are you a qualified machine operator as

1 well or no?

2 A. No.

3 Q. No, okay. And we talked a little bit about the training and
4 you know we're digging a little bit, but do you remember any
5 training you've had about working safely around machines on the
6 ground? Any details you can share?

7 A. I don't remember.

8 Q. That's all right. That's okay.

9 A. Yeah, I don't remember.

10 Q. And we started off with this a little bit, but this isn't
11 home for you, you're on the road?

12 A. Yeah, I'm on the road.

13 Q. Okay. And where's home, just generally?

14 A. Houston, Texas.

15 Q. In Houston?

16 A. Yeah.

17 Q. And how long have you been --

18 A. Here?

19 Q. Here.

20 A. Two months.

21 Q. Two months, so the whole two months --

22 A. Yeah, yeah.

23 Q. -- you haven't been home?

24 A. Yeah.

25 Q. No, okay. And then we talked a little bit about a job safety

1 sheet or a job briefing sheet that you sign, can you tell me a
2 little bit more about that, what it is that you sign?

3 A. Oh, that's the thing, that's the briefing that they go over
4 every morning, like our -- our safety stuff and we just got to
5 sign.

6 Q. Okay. And then one other one, just to make sure I understand
7 the arrangement right. Looking towards the direction the machine
8 came from, it was you, the cart, and then Rudy and then the
9 machine, is that correct?

10 A. When the machine was coming toward us?

11 Q. Yeah, right before the accident.

12 A. It was -- I was first, I was closer to the machine.

13 Q. Oh, you were closer to the machine.

14 A. Yeah.

15 Q. I had it backwards, okay.

16 A. And then Rudy was next to me, he was like 10 feet away from
17 me and then the cart was like --

18 Q. The cart was farther away from --

19 A. Yeah, the cart was like maybe 10 feet away from Rudy.

20 Q. Okay.

21 A. Yeah.

22 Q. And one thing we're going to want to try to figure out is
23 exactly where the accident happened --

24 A. Yeah.

25 Q. -- and where the machine stopped and, you know, had to get

1 used to help get people in and out. Do you recall how far it took
2 that machine to stop after, you know, past you or in relation to
3 Rudy or the cart or anything like that?

4 A. Well, the whole machine went over Rudy, so it was --

5 Q. Right.

6 A. -- like about 20 feet.

7 Q. Okay, it was about 20 feet past?

8 A. Yeah.

9 Q. Okay, thank you. Did it strike the cart?

10 A. Yeah.

11 MR. CASACELI: All right, thank you.

12 BY MR. KRAHOLIK:

13 Q. Todd Kraholik, K-r-a-h-o-l-i-k, with the NTSB. Sorry for the
14 accident, man, I know it's tough for you. So do you know how long
15 he was gone to get the machine fixed, how long was the machine
16 gone getting fixed, do you know?

17 A. About 20 minutes.

18 Q. And to go back to the direction he was facing, you said he
19 was looking up the track, so he was looking away from you?

20 A. Yeah.

21 Q. So he was backing the machine up?

22 A. Yeah.

23 Q. Okay. So this job that was -- that you were a part of, is
24 that a normal job, have you done that often?

25 A. The lagging, no, it was my first time.

1 Q. Okay. So do you know if they always use the backpack blower
2 or you don't? Do you not have knowledge of that?

3 A. No, it was my first time doing the lagging stuff, yeah.

4 Q. Okay. Who told you how to prep the job, like who said that,
5 to tell you to use the backpack blower and the screwdriver? I
6 guess you were digging --

7 A. I was the one with the screwdriver. For me, it's like I like
8 it in -- I think it's better to use a sledgehammer, I mean, a
9 screwdriver because sometimes you can get it with your fingers, so
10 you got to really use the screwdriver, and the leaf blower, it was
11 Rudy's idea.

12 Q. Rudy's idea?

13 A. Yeah.

14 Q. Okay. Was it his idea like a couple days before or like when
15 the job started?

16 A. Like when the job started pretty much, yeah.

17 Q. So you guys --

18 A. Yeah. Because as they're drilling the holes, it leaves a lot
19 of wooden, like the settings for the wood, so he was just leaf-
20 blowing that out of the ties.

21 Q. I got you. Was there any discussion about the noise from the
22 backpack blower may interfere with anything or there was no --

23 A. No.

24 Q. -- there was no discussion on that?

25 A. No, no discussion.

1 Q. Okay. So you had the job briefing, do you feel it was an
2 adequate job briefing? Would you say it was an adequate job
3 briefing?

4 A. No.

5 Q. No, you said?

6 A. Um-hum.

7 Q. Okay. So let's say you had problems or heartache with the
8 job briefing, could you say something, that I don't understand or
9 for more clarification?

10 A. Oh, yeah, yeah.

11 Q. Like, does that happen regularly that people clarify?

12 A. Yeah.

13 Q. Okay, okay. And you said that they were mainly talking about
14 the bridge work in the job briefing, but they knew you were there,
15 right, they knew you were --

16 A. Yeah.

17 Q. They knew what you were going to be doing and they knew you
18 were --

19 A. Yeah, yeah, yeah.

20 Q. Okay. And then the last question I have, you said it was the
21 striking machine, you, then Rudy, then the cart.

22 A. Yeah.

23 Q. Where was the lagger, was it --

24 A. It was parked like in the beginning, because we don't use
25 that until the end, until we start drilling the holes and spread

1 the materials, so it was parked at the end.

2 Q. Okay. How far back would you say?

3 A. Quarter of a mile.

4 MR. KRAHOLIK: I'm good, thank you.

5 MR. GORDON: Thank you, Roberto. You doing good?

6 MR. PLIEGO: Yes.

7 MR. GORDON: Do you need a break or anything?

8 MR. CASACELI: The water's for you, if you need it.

9 MR. PLIEGO: No.

10 BY MR. GORDON:

11 Q. Yeah, yeah, absolutely. Yeah, so I've just got a few, you
12 know, just clarifying questions, as other people asked some
13 questions, but you know, we're definitely getting close. So Rich
14 talked a little bit about the alarms on the machine.

15 A. Yeah.

16 Q. Is that a backup alarm?

17 A. Yeah, it's a backup alarm.

18 Q. Okay.

19 A. Yeah.

20 Q. And that backup alarm was functioning?

21 A. Yeah.

22 Q. Did you hear it or was it --

23 A. Well, I couldn't hear because of the leaf blower.

24 Q. Because of the leaf blower?

25 A. Yeah, yeah.

1 Q. Okay. So how long were you out there working before the --
2 before the equipment broke down and they needed to go back to the
3 yard? Just about.

4 A. Probably 10 minutes because the first three ties, that's
5 where it messed up. Yeah, yeah, yeah.

6 Q. Okay. So did Brady and Joey know that the leaf blower was
7 going to be deployed, like had that already -- that work already
8 begun when they left?

9 A. No.

10 Q. Okay.

11 A. No, no.

12 Q. All right. Okay. And so any idea, I mean, the leaf blower
13 was there, right?

14 A. Yeah, the leaf blower was there. They know --

15 Q. Right.

16 A. -- that we use it.

17 Q. Right, right. So I mean, it's been -- you know, obviously if
18 it's there, it's been --

19 A. Yeah.

20 Q. It's been used for something in the past, okay.

21 A. Yes. Um-hum.

22 MR. GORDON: I'm just looking to make sure. I think we've
23 got most all of the questions asked there, so I am going to pass
24 it around one more time for clarification, any follow-up questions
25 that anybody may have.

1 BY MR. PATANE:

2 Q. John Patane, FRA. Just a couple of roadway maintenance
3 machine questions. So I think you said you weren't an operator.

4 A. Um-hum.

5 Q. But if you wanted to become an operator, are you familiar
6 with the qualification process?

7 A. Not really.

8 Q. Okay. In the morning, Brady and Rudy were running the RMMs,
9 did you observe them do any kind of inspections on the machines?

10 A. No, I didn't see.

11 Q. Do you ever participate in those inspections or ever observed
12 them being conducted?

13 A. Yes, sometimes.

14 Q. What do they normally check for?

15 A. Oil levels, the fuel, they got to grease them --

16 Q. Um-hum.

17 A. -- and that's -- they got to check the backup alarms and all
18 that. Brakes.

19 Q. Okay.

20 A. Yeah.

21 Q. Okay. When the machine was track traveling back towards you
22 guys and you said you saw it from a distance --

23 A. Yeah.

24 Q. -- you said you saw the lights, was it the beacon light, the
25 headlight, the reverse light or --

1 A. The ones on top, the --

2 Q. The flashing light?

3 A. The flashing lights, yeah.

4 Q. Was there any headlight on?

5 A. That, I didn't pay attention.

6 Q. Okay. So basically what you remember is you saw the flashing
7 beacon light.

8 A. I saw the two -- yeah, yeah. Actually, the beacon and two
9 lights, two white lights.

10 Q. Oh, the two --

11 A. Yeah.

12 Q. What color are they?

13 A. White.

14 Q. Oh, so you saw the two solid white lights, okay. Okay. And
15 are you -- as far as paperwork, do you ever see them fill out
16 paperwork when they inspect the machines?

17 A. Yeah.

18 Q. Is that a requirement from the company or --

19 A. Yes, yes.

20 Q. Okay. And just if you have like a little bit of like a
21 summary of how you -- the safety culture of the company you work
22 for, how you rate it or, you know, if you think it's where it
23 should be or any kind of input on the safety culture at the
24 company.

25 MR. HOHN: Could I just add something right there? I want

1 you to be honest, okay? If there's one thing that you know with
2 our culture, we want to do improvements, so please be honest about
3 that.

4 MR. PLIEGO: Well, I think the safety in this company, it's
5 -- like I've seen -- like I've seen worse in other companies, but
6 it's good, like it's good with safety.

7 BY MR. PATANE:

8 Q. Okay, so if you have any safety concerns --

9 A. Uh-huh.

10 Q. -- do you feel like you could raise it to your supervisor or
11 foreman --

12 A. Yeah.

13 Q. -- and they'll handle it for you?

14 A. Yes, yes.

15 MR. PATANE: Okay.

16 MR. PLIEGO: Um-hum.

17 MR. PATANE: That's good for now.

18 BY MR. SKOLNEKOVICH:

19 Q. Okay, Richard Skolnekovich, operations. Just a couple
20 follow-up questions. The leaf blower, who provided that, did you
21 guys bring that or did Middlesex provide that?

22 A. Middlesex, yeah.

23 Q. Middlesex provided it?

24 A. Yeah.

25 Q. Okay. Was it already out there or --

1 A. Yeah, it was in one of our conexas.

2 Q. Okay. So they didn't give it to you, they just -- you
3 just --

4 A. Yeah.

5 Q. -- you guys saw it there and just starting using it?

6 A. Yeah, yeah, yeah.

7 Q. Okay. Did you check with anybody about using it first or did
8 anybody say anything?

9 A. I'm not sure.

10 Q. Okay. No, that's fine.

11 A. I didn't do it.

12 Q. Did you guys use hearing protection when you were using it?

13 A. No, not me.

14 Q. Okay.

15 A. I don't know about the other guys.

16 Q. What about Rudy?

17 A. I'm not sure, he always had a thing over his head, so I don't
18 know.

19 Q. Like a --

20 A. Like a --

21 Q. Like a hood or --

22 A. Like a hood, yeah.

23 Q. Okay. All right. So on that, on that line, the hood, how
24 big of a hood was it, did it -- was it like a full full-length
25 hood that covered the sides of his face?

- 1 A. Yeah. You could only see like his mouth and eyes --
- 2 Q. Okay.
- 3 A. -- and his nose, pretty much.
- 4 Q. Did he have a hard hat on top of it?
- 5 A. Yes.
- 6 Q. Okay. So a hood with a hard hat?
- 7 A. Yeah.
- 8 Q. Okay. All right. You were talking about the four folks who
- 9 were operating the equipment. Are they all Middlesex employees?
- 10 A. Yes.
- 11 Q. Okay. Do you know if any of them are rules qualified? Like,
- 12 you've been around a railroad a little bit so you know about
- 13 operating rules.
- 14 A. Yeah. I don't think they are.
- 15 Q. Okay. Now let me ask a question, when you first got out to
- 16 -- the equipment was in -- was in the yard, correct?
- 17 A. Was at the yard.
- 18 Q. Okay, all right. So to get from the yard onto the track, did
- 19 you guys have to operate any switches?
- 20 A. Yes, one.
- 21 Q. Just one?
- 22 A. Yeah.
- 23 Q. Okay, was it a hand-thrown?
- 24 A. Yes.
- 25 Q. Hand-thrown switch. Who operated that switch?

1 A. It was Rudy.

2 Q. Rudy?

3 A. Yeah.

4 Q. Okay. Now, did he have to talk to anybody before he did that
5 or did you guys just come out and start working?

6 A. We just came out and started working, yes.

7 Q. Just came out and started working, okay. All right. Back
8 kind of to the radio stuff again, did you ever hear the two -- who
9 did you say had the radios, again?

10 A. Brady and Rudy.

11 Q. Brady and Rudy?

12 A. Yeah.

13 Q. All right. Did you ever hear them talk to a dispatcher or
14 anybody on the radio?

15 A. No.

16 Q. Okay. All right. What about with the -- let me rephrase
17 this, the radio traffic, were they talking to the railroad, were
18 they talking to Middlesex employees on the radio? Who were they
19 talking to?

20 A. To everybody on the railroad.

21 Q. Everybody?

22 A. Yeah.

23 Q. All right. Do you know the channel they were talking on?

24 A. No.

25 Q. Okay.

1 A. No.

2 Q. That's fine. Okay. All right, when you guys did come out of
3 the siding, did Rudy talk to anybody on the radio before they came
4 out or did they check in with anybody?

5 A. No.

6 MR. SKOLNEKOVICH: Okay. Okay, that's all the questions I
7 have.

8 MR. HOHN: Darren Hohn, I'm good.

9 MR. GORDON: Okay.

10 BY MR. BAILLY:

11 Q. P.J. Bailly. Rudy, did he hit a horn at all prior to hitting
12 him?

13 A. No, we didn't hear no horn.

14 MR. BAILLY: That's all I have for now.

15 BY MR. CASACELI:

16 Q. I've got one more follow-up one, Roberto. We were talking
17 about safety culture, did you ever see anybody here at Middlesex
18 or even another railroad come out and do a safety check on you
19 guys or an audit or anything like that?

20 A. Yeah, a lot of times, yeah.

21 Q. Has that happened here since you've been with Middlesex --

22 A. Yeah.

23 Q. -- the last couple months?

24 A. Yeah.

25 Q. Okay. Can you just describe what one of those might look

1 like?

2 A. Like even I, sometimes I don't wear my safety glasses and
3 they're like wear your safety glasses or -- yeah, things like
4 that.

5 Q. Okay, what about on machine operators, anything that --

6 A. Oh, machine operator.

7 Q. Do you remember for safety audits on machine operators?

8 A. No, not on machine operators.

9 Q. Are you familiar or even at a prior contractor, are you
10 familiar with what a stop test would be on a machine operator?
11 Does that mean anything to you?

12 A. No.

13 MR. CASACELI: Okay, good enough. All right, go ahead.

14 BY MR. KRAHOLIK:

15 Q. Yes, Todd Kraholik with the NTSB. To piggyback on Dave's
16 question, who would perform those, would it be the railroad or
17 would it be Middlesex?

18 A. Middlesex.

19 Q. Middlesex, okay. And then one last question about job
20 briefings. So when you guys, when they decided that the machine
21 was broke and they had to leave, was there any other job briefings
22 like how it's going to happen when he comes back or anything like
23 that or he just said hey, my machine's broke and I got to go
24 and --

25 A. Yeah, it was like that.

1 Q. And there was no job briefing when he came back, either?

2 A. No.

3 MR. KRAHOLIK: Okay, that's all I have.

4 BY MR. GORDON:

5 Q. All right, we're getting close. Joe Gordon, NTSB. Rich
6 touched on a couple of the PPE things that I was going to follow
7 up on, but high vis, do you guys wear high-visibility vests?

8 A. Yes.

9 Q. Did everybody in the work group --

10 A. Everybody.

11 Q. -- have them on as far as you recall?

12 A. Everybody. It's a requirement.

13 Q. Okay, okay.

14 A. Hard hats, safety glasses, steel-toe boots.

15 Q. Okay.

16 A. Yeah.

17 Q. All right. You said you were staying here at the hotel, woke
18 up 4:00-ish --

19 A. Yeah.

20 Q. -- and headed out to the job site, did you feel rested?

21 A. Yes.

22 Q. What time do you typically get back to the hotel? What
23 time's a regular work shift over?

24 A. It all depends. Sometimes we have 8-hour shifts, 10-hour
25 shifts, 12, 14, 16, so it all depends.

1 Q. Okay.

2 A. But usually Monday to Thursday, it's either an 8 or a 10 and
3 Friday and Saturday it's 12s and -- 12, yeah.

4 Q. Okay. So this accident happened on Friday, right? So what
5 was your workweek like leading up to it? Best you recall.

6 A. It was a good workweek.

7 Q. So did you work like an 8-hour Monday? And you don't have to
8 be exact, just to the best of your recollection because we'll --
9 you know, we'll ask for some records on timesheets and that kind
10 of thing to get the details.

11 A. I think it was 8 or 10, I don't remember, 8 or 10.

12 Q. Eight or 10 on Monday?

13 A. Yeah, 8 or 10 on Monday and then Tuesday, the same thing and
14 then Wednesday we started going around, so that was a 10-hour day.

15 Q. Okay.

16 A. Thursday, the same thing, 10 hours.

17 Q. Okay.

18 A. And then Friday.

19 Q. And then Friday the accident happened fairly early.

20 A. Right, the accident. Yeah.

21 Q. Okay. But you felt like you were getting good rest --

22 A. Yeah.

23 Q. -- of an afternoon? Okay. Or an evening. And I know you're
24 not an equipment operator, but being around the equipment
25 operators, riding in the machines, those kind of things, what kind

1 of speeds do you typically -- and I know there's probably not a
2 speedometer in the equipment, right?

3 A. Yeah.

4 Q. Just what does it feel like you guys are normally traveling
5 when you're out there?

6 A. Ten, fifteen miles per hour.

7 Q. Okay. Are you familiar with restricted speed? Have you ever
8 heard that term before?

9 A. I think so, yes. Um-hum.

10 Q. What does --

11 A. I think it's 15 and 20 or something.

12 Q. Anything else, any other stipulation on that as far as you
13 can remember from like what you've heard in training or anything?

14 A. No.

15 MR. GORDON: Okay. All right, well, that's what I've got.
16 I'm going to look around the room one more time for -- feel free,
17 yeah.

18 BY MR. PATANE:

19 Q. One more question. John Patane, FRA. From your perspective,
20 where do you see the communication failure that led to the
21 incident or a rules failure or how would you think this incident
22 would've been prevented or prevented from happening again?

23 A. The operators will pay more attention and look back and us,
24 too, working on the ground, we should've moved sooner.

25 MR. PATANE: Yeah.

1 MR. PLIEGO: Yeah, yeah.

2 MR. PATANE: And that's what I have. And I'm sorry, I know
3 he was your friend and coworker, so I'm sorry for your loss.

4 MR. SKOLNEKOVICH: Richard Skolnekovich. I'm really sorry
5 that you had to do this. I really do appreciate your candor and
6 telling us everything about it, and I have nothing further to add.

7 MR. HOHN: This is Darren Hohn, nothing.

8 MR. BAILLY: P.J. Bailly, nothing.

9 MR. CASACELI: Thanks for your time.

10 MR. KRAHOLIK: I'm good.

11 BY MR. GORDON:

12 Q. All right, just a couple more and we're going to let you go.
13 I think you answered this, I might just have not caught it. Who
14 assigned the work, do you remember who said go to that location
15 and do that thing?

16 A. Nick.

17 Q. Nick?

18 A. Nick Rende.

19 Q. And he's with Middlesex, right?

20 A. Middlesex, yeah.

21 Q. Okay. And from the job briefing, do you remember who -- who
22 was the employee in charge of your on-track safety?

23 A. No.

24 Q. Okay. But you do remember that there were limits --

25 A. Yeah.

1 Q. -- that were given to you?

2 A. Yeah, limits.

3 MR. GORDON: Okay.

4 BY MR. CASACELI:

5 Q. David, NTSB. Did you talk to Nick after that job briefing,
6 before you arrived on site?

7 A. Yeah. Usually after we have the job briefing, he will assign
8 us to go do what we're going to do and who's going to go with us
9 and stuff, yeah.

10 Q. Can you tell me a little bit about what that conversation was
11 Friday?

12 A. Oh, it was like just pick up where you all started, pretty
13 much.

14 MR. CASACELI: Okay. Thank you.

15 MR. PLIEGO: Um-hum.

16 MR. GORDON: All right, I'm glancing around one more time.
17 Is it okay for us to -- if we're reviewing everything, okay for us
18 to reach out to you if we have --

19 MR. PLIEGO: Yes.

20 MR. GORDON: -- a follow-up question?

21 MR. PLIEGO: Yeah.

22 MR. GORDON: Really appreciate your time. Very sorry, you
23 know, for what you went through, but you know, definitely thank
24 you for, you know, buying into the process and coming in and
25 speaking with us. With that, we're going to go off the record.

1 MR. CASACELI: One thing. Do you have anything else that we
2 should've asked you that we didn't, something that we need to know
3 that you think is important?

4 MR. PLIEGO: No.

5 MR. CASACELI: Okay.

6 MR. GORDON: All right.

7 (Whereupon, the interview concluded.)
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CERTIFICATE

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

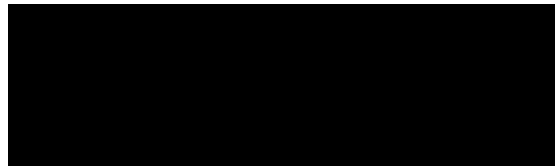
IN THE MATTER OF: MIDDLESEX RAILROAD EMPLOYEE
FATALITY IN GREAT BARRINGTON,
MASSACHUSETTS ON AUGUST 4, 2023
Interview of Roberto Pliego

ACCIDENT NO.: RRD23FR015

PLACE: Great Barrington, Massachusetts

DATE: August 5, 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