

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: JOEY DEPREY, 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

I N D E X

<u>ITEM</u>	<u>PAGE</u>
Interview of Joey Deprey:	
By Mr. Gordon	5
By Mr. Patane	7
By Mr. Skolnekovich	11
By Mr. Hohn	17
By Mr. Bailly	17
By Mr. Kraholik	18
By Mr. Gordon	19
By Mr. Patane	26
By Mr. Skolnekovich	29
By Mr. Bailly	36
By Mr. Casaceli	38
By Mr. Kraholik	39
By Mr. Gordon	40
By Mr. Patane	41
By Mr. Casaceli	43

I N T E R V I E W

(11:45 a.m.)

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2
3 MR. GORDON: All right, good afternoon. My name is Joe
4 Gordon, I'm the NTSB track group chairman for this accident. We
5 are here today on August 5th at Great Barrington to conduct an
6 interview with Joey Deprey, who works for the Middlesex Corp. The
7 interview is in conjunction with the NTS -- or with the
8 investigation into the employee fatality that occurred near Great
9 Barrington. The NTSB accident reference number is RRD23FR015.
10 The purpose of the investigation is to increase safety, not to
11 assign fault, blame, or liability.

12 Before we begin the interview and questions, we'll go around
13 the table and introduce ourselves and I'll ask that everybody
14 spells their last name for the record and the transcription.
15 Again, my name is Joe Gordon, spelling of the last name is
16 G-o-r-d-o-n.

17 MR. PATANE: John Patane, P-a-t-a-n-e, FRA safety inspector,
18 track discipline.

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

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

22 MR. BAILLY: P.J. Bailly, Housatonic Railroad. It's
23 B-a-i-l-l-y.

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

1 MR. KRAHOLIK: Todd Kraholik, K-r-a-h-o-l-i-k, NTSB
2 investigator.

3 MR. GORDON: All right. Okay, Joey, we talked a little bit
4 before, are you okay with us recording the interview?

5 MR. DEPREY: Yeah.

6 MR. GORDON: You understand you'll get a copy of the
7 transcription to review just for accuracy and eventually, the
8 transcript will become a part of the public docket?

9 MR. DEPREY: Yes.

10 MR. GORDON: Okay. And we talked about representative, you
11 didn't need a representative with you today?

12 MR. DEPREY: No.

13 INTERVIEW OF JOEY DEPREY

14 BY MR. GORDON:

15 Q. Okay, so I'll start off just to kind of -- if you could tell
16 us a little bit about your railroad career, kind of when you
17 started working for the railroad and the jobs that you've had
18 since you got there.

19 A. I started 61 days ago, exactly. Yesterday was the 60th.
20 I've worked on replacing CWR and on this specific job, we were --
21 we were drilling and adding lags to the plates that we had already
22 put CWR in. Other than that, I've done a little bit of core
23 drilling on a bridge, a few bridges. That's about it because it's
24 just those three, it's been 60 days now.

25 Q. Okay. All right, can you tell us a little bit about the

1 training, any training that you've had since you took the
2 position?

3 A. Yes. So there was -- there was OSHA 10, there was a safety
4 training on the first day of work and that was in the office, that
5 was through Dan DeRoehn. Other than that, I don't recall, like,
6 training but there might've been. But every day we have a
7 briefing and they tell us how to be -- watch out for our
8 surroundings and what rail and watch out for footing, this and
9 that.

10 Q. Okay. All right. And so those, those different jobs that
11 you've done, what's been your primary job, I mean, like of the
12 little bit of time that you've spent out there, what's been the
13 biggest thing that you've done?

14 A. CWR, continuous welded rail.

15 Q. Okay.

16 A. Just taking out old rail and putting in the new, the new
17 track.

18 Q. Okay. All right. And do you live close enough that you
19 commute to the work location?

20 A. Yeah, I commute an hour and 20 minutes --

21 Q. Okay.

22 A. -- each way.

23 MR. GORDON: All right. I'm going to pass it around there
24 and see if anyone else has any questions, and then we'll kind of
25 get to the day of the accident --

1 MR. DEPREY: Right.

2 MR. GORDON: -- to hear about that.

3 BY MR. PATANE:

4 Q. John Patane, FRA. And what was your job title?

5 A. Laborer.

6 Q. Laborer. Did you have any qualifications on any other
7 equipment? Operating equipment.

8 A. I had our road worker protection and road maintenance
9 machines.

10 Q. Are you qualified on any specific tools or power tools or
11 power equipment?

12 A. No specific certifications.

13 Q. Okay, okay. Safe work procedures, like working around
14 roadway maintenance machines, are you familiar with like the
15 spacing required between a machine and men on the ground?

16 A. Yes.

17 Q. What was that, what would that measurement be?

18 A. Fifteen feet from -- to be clear of the machine. And then if
19 it has a swivel or if it has an extension, 20 feet and you're 15
20 feet away from that.

21 Q. Okay. And now was that part of your RWP training or was that
22 your first day safety training that you learned that information?

23 A. I think both.

24 Q. Okay, okay. As far as your role as somebody, a passenger in
25 a roadway maintenance machine, what do you see your role, besides

1 being a rider -- is there any other tasks that you should be --
2 you should be doing at that time when you're on the machine?

3 A. It's a safe idea to watch your surroundings no matter where
4 you are in the vehicle. Machine.

5 Q. Is that more of a formal rule or like informal, would you
6 say?

7 A. I would say, as a passenger, informal.

8 Q. Informal.

9 A. It's not --

10 Q. Observing the surroundings and where you're going?

11 A. Yes.

12 Q. So let's say the machine, as you're going forward with that
13 machine that you're in, the drill, which has the obstruction of
14 like the engine ahead of you --

15 A. Um-hum.

16 Q. -- would the operator be looking to you to clear you around
17 curves or anything like that or --

18 A. They would not.

19 Q. Okay, so --

20 A. And they haven't in the past, they take care of that
21 themselves.

22 Q. Okay, okay.

23 A. In my experience.

24 Q. And like when you're making a reverse move, is that something
25 you do, like looking in the mirrors, checking to see your path of

1 travel or is that not necessarily your role?

2 A. That's all on the operator of the machine, that's how I'm --
3 that's how they've been in the past, for me.

4 Q. Okay.

5 A. In my experience.

6 Q. Okay. Did you observe any kind of inspection, pre-inspection
7 in the morning, of any of the operators walking around equipment,
8 checking for any kind of defective components like lights or
9 anything during their walk-around?

10 A. I did not observe that as I was -- I was gathering things
11 from the conex and I was gathering stuff from the top of the white
12 truck, so I was all around, I didn't -- I wasn't near the machines
13 when they were being --

14 Q. Okay.

15 A. -- observed in the morning.

16 Q. And who's the one who gave you your role for the day, told
17 you what you were going to be doing?

18 A. Nick.

19 Q. Nick?

20 A. Yeah.

21 Q. And he kind of paired you with the other three guys --

22 A. Yeah.

23 Q. -- to work with them?

24 A. Yeah.

25 Q. Okay. That was something discussed during the morning safety

1 briefing?

2 A. Yeah.

3 Q. Was that discussed during the briefing with -- when you had
4 the big group of everybody or was that like a separate briefing
5 with just Nick and you four guys?

6 A. That was during the big meeting.

7 Q. Okay.

8 A. It was right at the end. I remember we all kind of gathered
9 in --

10 Q. Uh-huh.

11 A. -- and he goes there's going to be two crews, there's the lot
12 of you on the bridge and then there's going to be the lagging
13 crew, which is what we go by and we know our -- we know what we're
14 supposed to do as the lagging crew because we've done it for the
15 last few weeks.

16 Q. Okay. And then who would you -- so who would give you
17 permission to occupy the track or is that something that you would
18 -- is that something you would obtain or know from -- who would
19 give you permission to obtain -- to be on track, to follow tracks,
20 is it like somebody who would be directly in charge of track
21 authority or --

22 A. Can you clarify that?

23 Q. What I'm looking at is who gives you permission to occupy
24 tracks, is there like somebody above you?

25 A. To be on it --

1 Q. Yeah.

2 A. -- while in a machine or on foot?

3 Q. Just on foot in general, in any situation, is there somebody
4 that you would talk to before you'd follow track while you were on
5 this project?

6 A. We have the EIC there in the mornings that tells us that we
7 are good to go on track and --

8 Q. And who would that be?

9 A. It was Bill.

10 Q. Bill?

11 A. Bill Lewis, I believe, that day, yeah. Bill Lewis.

12 Q. Okay, okay. Do you know if you received any permission from
13 him that day or had any kind of direct contact with him about your
14 tasks for that day?

15 A. He didn't tell us my tasks. That's the foreman's job.

16 Q. Okay, okay. So Nick would've talked to him?

17 A. About?

18 Q. What your role was that day and where you would be.

19 A. Yeah, that would've been discussed through --

20 Q. Okay.

21 A. -- the two of them.

22 MR. PATANE: Okay, okay. All right, that's all I have for
23 right now.

24 BY MR. SKOLNEKOVICH:

25 Q. Okay. Richard Skolnekovich. I'd like to go back to just a

1 little bit of your training. So you had the OSHA 10, how long was
2 that?

3 A. How long was it in terms of how long it's taking me or --

4 Q. Was it hours or days?

5 A. Oh, so it's 10 hours of completion, it makes you at least
6 take 10 hours. It could take more. You're allowed 7 hours at a
7 -- in a day, so at minimum, 2 days. It took me, I'd say, four
8 sittings between 3 days, there was a gap in between, so four
9 sittings over --

10 Q. Was this all online training?

11 A. Yeah.

12 Q. Okay, online training.

13 A. Yeah.

14 Q. And who offers it, is it Middlesex training or is this
15 Housatonic or is it the railroad training? Who provided the
16 training?

17 A. Oh, like who informed me that I needed to complete it or
18 who --

19 Q. Yeah, who --

20 A. -- allowed like --

21 Q. Yeah, who told you to complete it?

22 A. Middlesex.

23 Q. Middlesex.

24 A. I believe.

25 Q. And then you went to RWP training?

1 A. Yeah. That was --

2 Q. Okay.

3 A. -- done here.

4 Q. Was that online or was that an actual class?

5 A. That was another online.

6 Q. Online.

7 A. That involves the maintenance machine.

8 Q. Okay.

9 A. Both online.

10 Q. And who told you you got to do that, was that Middlesex or --

11 A. Middlesex.

12 Q. Okay. All right, can you tell me a little bit about that

13 training?

14 A. What about it, exactly?

15 Q. What do they discuss, what did you get tested on.

16 A. Safety was the most -- you know, foremost discussed. Are you

17 asking specifics like --

18 Q. Yeah, like what kind of safety.

19 A. So that's where I learned about the distance.

20 Q. Okay.

21 A. I learned -- like, it was talking about, during the machine

22 one, that was safely operating the machines and how to safely

23 operate it and being aware of everything on the track and --

24 Q. Okay, did it discuss anything like any particular type of

25 rules or policies or --

1 A. To my memory, I don't -- I couldn't tell you at this point.

2 Q. Okay. Was it just focused on like PPE?

3 A. It had discussed -- yes, PPE was definitely discussed.

4 Q. Okay. All right. Now once you completed that, did you have
5 to do any kind of on-the-job training with anybody?

6 A. Yeah, that was -- that was with Dan in the trailer -- sorry,
7 in the office. He gathered everyone that hadn't completed that
8 training and he went over, I believe it was like a PowerPoint --

9 Q. Okay.

10 A. -- and he discussed it verbally and had us looking at the
11 computer screen which had the visuals.

12 Q. Okay, so was the PowerPoint, you know, kind of the same as
13 the class?

14 A. It was more focused on the specific job that we were doing.

15 Q. Like what?

16 A. It was just like what we would be doing with CWR.

17 Q. Okay.

18 A. And -- yeah.

19 Q. What do you specifically do with CWR?

20 A. Can you clarify that?

21 Q. Okay, do you weld, do you lay it, what do you do?

22 A. So it's already laid. I'm not the welder, what I do is I
23 make sure that the plates are in the gauge, then I go through and
24 I follow the de-spiker, the spike puller.

25 Q. Yeah.

1 A. And, you know, you could do various tasks within each
2 specific day. I've done a fair amount of them, so it's included
3 picking up the spikes as they were pulled from the machine, that's
4 including removing the old plates, as well as SpikeFast, drilling
5 out the SpikeFast holes, the -- I mean, do I need to keep going,
6 like, with --

7 Q. No, you're doing great.

8 A. Sure.

9 Q. As much information you can give us.

10 A. Okay. That's included following the spiker and -- the
11 gauger, I should say, and making sure the measurement was correct.
12 It's included E-clipping and making sure those E-clips are in.
13 Let's see, what else? I'm definitely forgetting one or two --

14 Q. No, no, you're --

15 A. -- small tasks, but you know --

16 Q. You're doing great. I'm just trying to get an idea --

17 A. Yeah.

18 Q. -- of just the kind of training you go through. That's why
19 I'm asking you questions.

20 A. Sure. Sure.

21 Q. When you're out there doing it, is there any kind of like
22 probation time where somebody's working with you while you're
23 doing these tasks?

24 A. There was no probation time.

25 Q. Okay. So you get the -- you get the online class, you get

1 the PowerPoint. Is there any kind of like field work where they
2 walk you through how to do those various different things?

3 A. Hold on, let me just -- let me think about that specific
4 first day there and just see what's done. I mean, we were -- I
5 had everyone that had been doing the tasks before. Actually, for
6 my first week of -- for my first week or two of work, we hadn't
7 done CWR, that was a few weeks into my time here at Middlesex, so
8 a lot of the people that were completing CWR was a -- it was a
9 Friday and we were all being walked through it because most of us
10 hadn't completed it.

11 So there was, I believe, quite a bit of walking you through
12 how to do it and what tasks need to be done. Nick, Jay, these
13 guys that have been doing it before, all the -- there was some
14 Texas guys that had done it before, they would all help me out and
15 make sure I was doing the job correctly.

16 Q. Now, let me ask you this, do you kind of rotate with the
17 different people you work with or do you kind of work with the
18 same crew every day?

19 A. It's a rotation, like person to person, it's not always the
20 same guy, the same task, it's you -- you can jump around in the
21 specific tasks that need to be done in the day.

22 Q. Okay. Now, the crew that you were working with the day of
23 the incident, how long had you been working with them?

24 A. In that specific day?

25 Q. Well, those particular individuals, how often had you -- not

1 particularly that day, but just from that time, was it the first
2 time you worked with them, had you worked with them 10 times, how
3 many times did you work with that --

4 A. So I had worked with them since my first day.

5 Q. Okay.

6 A. So you could say about 60 days. The first week, I hadn't
7 actually been working with them, that was more of a smaller crew
8 on a bridge. But ever since CWR started, I was working with them
9 consistently.

10 MR. SKOLNEKOVICH: Okay. Okay, that's all I have.

11 BY MR. HOHN:

12 Q. Darren Hohn, Middlesex, just to go on to that question, so
13 the crew that you were working with lagging, that was the first
14 day you were doing that or just with CWR you were working with
15 them mostly?

16 A. I had been lagging with them for just over a week.

17 Q. Okay. With the same three other individuals?

18 A. Them, as well as Anthony Starkey (ph.) and Nathan Grammont
19 (ph.). It was the -- the six of us would be the six guys who do
20 it, but obviously there's days where people are out and Anthony
21 and Nathan were both out that day, so it was the four of us,
22 Roberto, Rudy, me, and Brady.

23 MR. HOHN: Okay. No questions.

24 BY MR. BAILLY:

25 Q. I got a question. Do you know anything about restricted

1 speed?

2 A. No, I do not. I believe that now that CWR is in, it's 25,
3 but before that I believe it to be 10. But I was not the operator
4 of the machine, so I'm not sure.

5 Q. But you take the -- you've taken the RWP machine, machine
6 course, so it was all right?

7 A. Yeah.

8 MR. BAILLY: All right, that's it for now.

9 MR. CASACELI: I'm okay.

10 BY MR. KRAHOLIK:

11 Q. Todd Kraholik with the NTSB. So I just wanted to clarify,
12 all of your classes were online, you didn't have any inspector-led
13 classes, is that right?

14 A. Apart from the first day on site with Dan.

15 Q. Okay. In your 61 days, I guess 60 days working out there,
16 have you -- has anybody done a rules check on you to make sure you
17 understand what you've just been taught, as far as either a test
18 on the track or asking you questions or anything like that or --

19 A. When you say tests, what kind of tests, just testing my
20 knowledge verbally or --

21 Q. It could be verbally, it could be setting something on the
22 track to make sure the operator you're with doesn't hit it, it
23 could be watching you work to make sure you're doing work -- safe
24 work habits, have you seen any of that?

25 A. Absolutely, yeah. Our foreman, he constantly is just

1 observing and making sure stuff is done adequately and safely.

2 Q. Do you know if you have like a work history that gets
3 documented?

4 A. A work history?

5 Q. Yeah, like an O test in history, do you have anything like
6 that, like a test in history where they put in there like you
7 passed or failed it? Do you know anything about that?

8 A. To my knowledge, no. I'm not sure.

9 MR. KRAHOLIK: Okay. That's all I got right now.

10 MR. DEPREY: I do know that there's always a safety -- a
11 safety person on site that is typically jumping around or if we're
12 all convened in the same area, CWR for example, typically it would
13 be Dan, then Nate, then Darren. There's a safety guy on site
14 that'll -- that'll be watching us to make sure stuff is done
15 safely.

16 MR. KRAHOLIK: Okay.

17 BY MR. GORDON:

18 Q. So you've been -- Joe Gordon, NTSB. So you have been working
19 with that same group and a couple more on that lagging project for
20 a little over a week. What was your primary role with that group,
21 either with just the four when they were there or all six? Did
22 you have the same responsibilities or was it just kind of as
23 needed?

24 A. It's more of an as-needed basis, but typically I would be the
25 person setting the lags with the 3-pound hammer --

1 Q. Okay.

2 A. -- and I'd make sure that they are in the hole there that was
3 just drilled and they're standing upright and then the -- it would
4 typically be Rudy and Roberto behind me and whoever else was there
5 that day, it's been Nathan previously, and they would follow
6 behind us and they would have the walk-behind drills to set the --
7 put the lags in all the way.

8 Q. Okay.

9 A. So typically, that is what my role was.

10 Q. Okay. All right, so are they -- are they always setting
11 those lags? There's a lagging machine, too, correct?

12 A. That was previously implemented.

13 Q. Oh, okay.

14 A. Yeah, that was three -- that was this week, I know that,
15 maybe Wednesday, Thursday, one of those two days. I couldn't
16 recall the exact day, but within the past --

17 Q. Okay. So before the lagging machine came out, they were
18 running the lags down the rest of the way with the -- like the
19 battery-operated --

20 A. No, with the gas-powered, walk-behind, yellow-handled machine
21 that is on the track.

22 Q. Oh, okay.

23 A. Yeah.

24 Q. Okay, I got you.

25 A. Yeah, yeah.

1 Q. Okay. So have you ever -- the tasks that we understand that
2 Rudy and Roberto were doing that day was kind of cleaning of the
3 plates, getting the ballast off the plates, out of the lag holes.

4 A. Correct.

5 Q. Have you ever had to do any of that work?

6 A. Yes.

7 Q. Okay.

8 A. I'd done it that day, actually, earlier in the day. They
9 were just proceeding with that process and starting where we
10 finished off previously.

11 Q. Okay. When you were doing that work, were you doing the
12 screwdriver work or the --

13 A. Yes, the screwdriver.

14 Q. Okay.

15 A. Roberto had the leaf blower --

16 Q. Okay, all right.

17 A. -- that day.

18 Q. Okay. When you were working with them, Roberto had the leaf
19 blower?

20 A. When I was working, yeah.

21 Q. Okay.

22 A. I had the screwdriver and Roberto was in front of me with the
23 leaf blower.

24 Q. And what was Rudy doing when you were there?

25 A. He was following behind all -- both machines and he was

1 spreading lags.

2 Q. Oh, okay.

3 A. Matter of fact, in between the two machines.

4 Q. Okay. All right. So you're doing great, you know,
5 definitely a good level of detail that you're giving us, but if
6 you could just go back to that day, you know, and just when you
7 met at the machines, talk us through any, you know, job briefing,
8 any safety briefings that were done, anything like that, just kind
9 of from the time that you arrived at the work location and just
10 your recollection of all the way up until the time of the
11 accident.

12 A. You're asking what safety briefings were done that day?

13 Q. Yeah, just from the time you reported to work that day, just
14 what you remember about, you know, that day at work.

15 A. So that day, of course, the primary focus was on the bridge,
16 so there was at least 10, 5 to 10 minutes where Jay was discussing
17 the hazards of the bridge, what needs to happen with the bridge
18 and how to best be safe when working on the bridge.

19 And we've already been talked to about the lagging and
20 maintaining a safe distance from the machines and so that day,
21 there was just -- we were just told what needs to happen, so we
22 went out and we got our equipment ready and everything was
23 gathered and then we headed out to the site and we got to work.
24 So that day, I didn't -- I don't recall specific safety being told
25 to us in terms of lagging, but there was quite a bit done in other

1 regards.

2 Q. All right. So you get out there on site, do you remember
3 just about what time you would've got out there and started
4 working, as you best you can recall?

5 A. To where we --

6 Q. Yeah.

7 A. The incident occurred that day --

8 Q. Yeah.

9 A. -- north of Milepost 59 or so? So that, the exact time that
10 Rudy had gotten --

11 Q. Well -- or the first time when you went out that morning,
12 like before everything happened with moving back to the yard
13 and --

14 A. Sure.

15 Q. Yeah.

16 A. So we got there roughly 8:00 to 9:00 a.m.

17 Q. Okay.

18 A. There was a whole lot of switching machines around and, you
19 know, putting the order and changing it out and then after that
20 was completed, we had to wait for Bruce to come, the mechanic, and
21 what he was doing was fixing the quad drill, the one that actually
22 screws the lags down, he was fixing that and making sure the power
23 was adjusted and the measurements were lined up. So it was about
24 8:00 or 9:00 a.m. when we got there.

25 Q. Okay.

1 A. I'd say closer to 9:00.

2 Q. Okay. And then just kind of walk us through, you know, we
3 understand that there was a problem with the drill and you made a
4 ride back to the yard with -- with Brady. So just, you know, if
5 you could just kind of walk us through all the way through what
6 happened from -- you know, from the time that the work finished
7 all the way back through moving back to the yard to get the
8 machine fixed.

9 A. So yes, so at the point where we were -- we were ready, like,
10 and the rocks were cleared and everything, Brady had tried to
11 drill and he got through about 10, roughly. It could've been,
12 give or take, five, but he got through a few, maybe 10, and the
13 drill, the motor, the motor stopped working.

14 And I was -- and I was clearing rocks and so I was just told,
15 by word of mouth, and I didn't witness it myself, that the drill
16 had drilled and then stopped, so -- yeah, so I was clearing rocks
17 and then at one point I was told that the drill was not working.
18 So Rudy and Roberto stayed behind and then me and Brady were
19 traveling to the site so Bruce could fix the drill and swap out
20 the motor.

21 Q. Okay. All right, so the work gets done there at the yard and
22 then walk us through up until the accident, if you would.

23 A. Yeah. So we are traveling, Brady and I are traveling to, you
24 know, where we were, 59, Milepost 59, and I mean, we were just --
25 the work was done and it was fixed, so we were just traveling back

1 and other than that, nothing happened from leaving the site to the
2 accident, everything was as normal. And are you asking me to get
3 into like when it occurred now?

4 Q. Yeah, like what was your first knowledge of, you know,
5 something wasn't right.

6 A. So I remember I was sitting straight and I had my head maybe
7 looking forward, kind of left. I saw Roberto off to the side of
8 me, so I quickly snapped my head back and I saw Rudy inside of the
9 gauge, he was probably 15 feet behind Roberto and then I look at
10 Brady and he's like -- I yelled to him and I say -- I remember
11 saying, as loud as I could three times, stop, stop, stop.

12 And he quickly got right on the brakes as soon as -- as soon
13 as he was aware that something was going on and by that point, by
14 the time it stopped, Rudy was in front of the machine on the
15 ground. Yeah. Are you looking for -- like I'm just -- I'm trying
16 to --

17 Q. No, no, that's -- you know, I know that's hard --

18 A. Obviously, there's more.

19 Q. -- to relive, but you know, that helps us to understand. So
20 you see Roberto off to the left, clear of the track --

21 A. Yeah.

22 Q. -- and then you glanced over your shoulder and saw Rudy still
23 in the track, okay. And you said about 15 feet behind the
24 machine, to the best you can recall?

25 A. I believe that to be the spacing between the two, Roberto and

1 Rudy, yeah.

2 Q. Okay.

3 A. Roberto being the leading guy in that situation.

4 MR. GORDON: Okay. All right, that's -- that's what I've got
5 for right now. I'll look to the -- look around the room there.

6 BY MR. PATANE:

7 Q. John Patane, FRA. Of your separate work group, of the four
8 of you, was there anybody that you guys needed who was in charge
9 of just the four of you guys, between -- you had Rudy, Roberto,
10 Brady, and yourself. Who -- would you say somebody was in charge
11 of that group or were you all equals?

12 A. So on paper, equals, Brady being the one that is most
13 knowledgeable --

14 Q. Um-hum.

15 A. -- of that task. Rudy and himself, Rudy and Brady, were --
16 they were -- they were the operators of the two machines --

17 Q. Um-hum.

18 A. -- and I mean, Rudy operated it for a few days at that point,
19 but that's beside the point. I mean, yeah, on paper, equals,
20 but --

21 Q. So who is making the -- who is contacting Nick to get your --
22 or who was giving you guys orders? Where were you getting
23 instruction from, like you have to go -- the machine had a
24 mechanical failure, who gave the -- authorized the move to return
25 back south to get the machine fixed?

1 A. So I was away from the machine. I don't recall if it was
2 brought to me or if I had traveled backwards, but at one point I
3 got in the machine because I was told that it's not working and I
4 had to use the restroom, so I go --

5 Q. Okay.

6 A. -- may I come with you to the site because at that point
7 there was very little work that we could do without the machine to
8 drill.

9 Q. Okay.

10 A. So I offered to -- or I guess I wanted to go to the bathroom,
11 so I asked to go to the site.

12 Q. Okay.

13 A. No authorization, to my knowledge. Brady may have contacted
14 Nick.

15 Q. Okay.

16 A. He would've been the one to --

17 Q. So you asked Brady?

18 A. I didn't, I didn't -- what do you mean asked Brady?

19 Q. That you wanted to return back to the site to use the
20 bathroom, so you --

21 A. Yeah, I said to him, I said, you know, can I just come with
22 you, I got to --

23 Q. Oh, okay.

24 A. If you're going, I want to come because I got to -- there's
25 no bathrooms out here.

1 Q. But otherwise you would assume that he would've went on his
2 own?

3 A. Yeah, he would have if no one -- he didn't ask someone to
4 come with.

5 Q. Okay.

6 A. That's --

7 Q. Yeah, yeah, I was just trying to understand why you took the
8 ride.

9 A. Yeah.

10 Q. So okay, that makes sense.

11 A. Yeah.

12 Q. Let's see. If it's too much for you to answer, just -- you
13 don't have to answer it, but out of curiosity, at the moment of
14 impact, when the accident happened, do you have an idea if Rudy
15 got -- how long it was before he hit the ground? Did he go on the
16 ground sooner or was he on the machine and then dropped to the
17 ground?

18 A. He got hit roughly waist high. Yeah, waist high, so he went
19 directly to the ground.

20 Q. Okay.

21 A. He wasn't traveling in the air for --

22 Q. Okay.

23 A. -- any distance, to my knowledge.

24 MR. PATANE: Okay. That's what I have for now and I'm just
25 sorry that you had to see that.

1 MR. SKOLNEKOVICH: You doing okay?

2 MR. DEPREY: Yeah.

3 MR. SKOLNEKOVICH: All right.

4 MR. DEPREY: Yeah.

5 MR. SKOLNEKOVICH: At any point in time, if you need to take
6 a break, just let us know and we can pause --

7 MR. DEPREY: I appreciate it.

8 MR. SKOLNEKOVICH: -- the interview, okay.

9 MR. DEPREY: Is there water anywhere that --

10 MR. SKOLNEKOVICH: Certainly.

11 MR. DEPREY: I appreciate it, thank you.

12 MR. SKOLNEKOVICH: Do you want to take a break or are you
13 okay to continue?

14 MR. DEPREY: I'm okay. It's --

15 MR. SKOLNEKOVICH: Okay.

16 MR. DEPREY: You know, it's not leaving my head anyway, so --

17 MR. SKOLNEKOVICH: Got you, okay.

18 MR. DEPREY: Best to use this knowledge for you guys.

19 BY MR. SKOLNEKOVICH:

20 Q. So we'll go back to -- back when you guys were at the yard.

21 A. Yeah.

22 Q. So when you -- when you guys came back out, did Brady get on
23 the radio at all to notify anybody that he was coming back out?

24 A. From the site to the --

25 Q. Yeah, from the yard --

1 A. -- point of the contact?

2 Q. -- where the mechanic was at.

3 A. No, I don't believe there to be any, any radio air.

4 Q. Okay. Did you see him use the radio at all from that point
5 in time up until the strike?

6 A. From when we were ready to leave the site?

7 Q. Yeah.

8 A. I hadn't witnessed.

9 Q. Okay.

10 A. I wasn't watching.

11 Q. Okay.

12 A. I was looking pretty much forward the entire time.

13 Q. I got you. Could you hear radio traffic on the radio?

14 A. I had my earplugs in and I was just -- I was -- you know, it
15 was a loud machine traveling with the friction, it was pretty
16 loud, so I didn't hear anything, if there was any.

17 Q. Okay.

18 A. I'm not saying there wasn't.

19 Q. Was Brady wearing hearing protection?

20 A. He was not.

21 Q. Okay. All right. Can you just -- based on what you can
22 remember and your best characterization, can you tell me just what
23 Brady was doing when he was operating, was he, you know, looking
24 in all directions, was he looking in one direction, did he have
25 any issues with the equipment, those kind of things.

1 A. Again, I don't -- I wasn't really watching him, I was just
2 sitting there and it was a chilly morning, so I was -- I had my
3 sweatshirt and I was -- I was just sitting, trying to focus on
4 getting to the task, so --

5 Q. Okay.

6 A. -- I wasn't watching him, to answer the question.

7 Q. Did you see him use his cell phone at all?

8 A. No, I don't believe so. Again, it could have happened and I
9 wouldn't have known, so --

10 Q. You weren't watching him?

11 A. No, not him.

12 Q. Okay. Did you have your cell phone on?

13 A. In my pocket I had it.

14 Q. Was it on?

15 A. Yeah, like if I were to get a call or something, I would've
16 felt that.

17 Q. Okay. All right. Now, you said when you looked over your
18 shoulder, you turned to him and said stop, stop, stop. Did you
19 hear anybody else saying anything, did Roberto --

20 A. Yeah, Roberto was -- that's what grabbed my attention as
21 well, is seeing him. I heard Roberto yelling, you know, something
22 to signal Brady to stop. It could've been stop and then hey,
23 something to that nature.

24 Q. Okay. Did you just have trouble hearing or you just don't
25 remember what he said?

1 A. As soon as I saw him jump out of the way, I immediately just
2 -- without thinking just said to stop and I looked to Rudy, so I
3 wasn't focusing on what he was saying.

4 Q. Okay.

5 A. Again, I had my hearing protection in and it was loud, so I
6 don't think -- I don't know if I would've been able to hear him, I
7 don't know, this, that, you know.

8 Q. Okay.

9 A. It could've been any number of those three reasons there.

10 Q. Rudy, was he facing the equipment or was his -- tell me how
11 he was facing the equipment.

12 A. Well, he was going off, if you're looking north, he was -- he
13 was looking to the west side of the rail to evade the machine, so
14 he was facing -- it's hard to describe. So he was facing west,
15 leaving, and the machine came and hit his left side.

16 Q. Okay. All right, was he -- did he have a hood or anything
17 on?

18 A. He had a -- one of those head scarves as well as his hard
19 hat.

20 Q. Okay. And this is kind of -- you know, kind of a rough
21 question, but do you believe he saw you before -- at any point in
22 time did he see you as you guys approached him? Did you see that?

23 A. Oh, before it had hit him?

24 Q. Yeah.

25 A. If he saw it -- well, yes, as soon as -- like maybe like a

1 second or two before it hit.

2 Q. Okay.

3 A. Other than that, he had his leaf blower. Roberto told me
4 that he tried to get his attention, but he had the leaf blower so
5 he couldn't, I'm sure he was looking down the majority of the
6 time.

7 Q. Okay. Now, let's go back to Brady for a second. Was he
8 wearing any head coverings? Like a hood or --

9 A. Oh, you know, I remember him saying he had a hood, yeah, he
10 had a hood on because I made a comment that there was mosquitoes
11 and he was like yeah, I'm wearing a hood today because the other
12 day I was getting bit a lot, so --

13 Q. Okay.

14 A. Yeah.

15 Q. Was it just a regular hoodie or was it a full --

16 A. Just a hoodie.

17 Q. Okay, just a hoodie.

18 A. A sweatshirt type.

19 Q. All right. Did he wear it up underneath his hard hat?

20 A. Yeah.

21 Q. Okay. Did it kind of cover the sides of his face?

22 A. Yeah, yeah.

23 Q. Okay. Now, when he was operating, can you tell me, you know,
24 was he -- was he looking straight ahead, was he looking back? How
25 was he looking down the track?

1 A. Yeah, I wasn't focused on his -- where he was -- where his
2 attention was.

3 Q. Okay.

4 A. I did witness him looking in the mirror, I've seen him -- you
5 know, we crossed, I believe, two crossings, two crossings to get
6 to that site, so at those times, I mean, I've seen -- I would see
7 him looking, making sure we were safe, putting the horn on both
8 situations, so --

9 Q. Okay, did he tend to look over his left shoulder or his right
10 shoulder or both?

11 A. Would've been both.

12 Q. Both. And you watched him do that?

13 A. I did, yes.

14 Q. Okay. Now, did you have a hood on?

15 A. At that moment, I couldn't tell you whether I had it on or
16 off. I had it on for the majority of the day, I believe, so I
17 mean, my guess is yes, but again, it's a guess.

18 Q. So you were wearing a hood that day but not necessarily
19 during that movement?

20 A. Potentially. I mean, yeah, at that moment, I couldn't tell
21 you whether I was or was not.

22 Q. Okay.

23 A. I believe I was, actually, because I was traveling backwards
24 and I was chilly, so yeah, it would've been nice to have a hood,
25 so I believe I did.

1 Q. All right. Do you have any idea about just how fast you guys
2 were traveling?

3 A. My guess is 15.

4 Q. Okay, 15 miles per hour.

5 A. Yeah. Because he was -- you can feel, on the machine, when
6 it was -- the gas is being engaged and at no point was it just on
7 for more than a few seconds, so --

8 Q. Okay.

9 A. -- it was just feathered.

10 Q. Now, when Brady put on the brakes, did the equipment seem to
11 stop right away or did it take a minute for the equipment to stop?

12 A. I would guess that he hit the brakes right around the point
13 when Rudy was hit. So at that point, Rudy was able to fully go
14 under the machine, so it took -- what was that, 20 feet, 25
15 feet --

16 Q. Okay.

17 A. -- before it full stopped. It could've been more feet than
18 that, but you know, it's my guess.

19 Q. No, I understand.

20 A. Yeah.

21 Q. Do you think the brakes were effective or do you think --

22 A. Yeah.

23 Q. Okay.

24 A. Yeah, they were effective.

25 Q. Okay.

1 A. They are very effective, matter of fact.

2 MR. SKOLNEKOVICH: Okay. All right. Okay, that's all I
3 have. Thank you.

4 MR. DEPREY: Yeah.

5 MR. HOHN: Darren Hohn, Middlesex, no, no questions.

6 BY MR. BAILLY:

7 Q. Start off, when you had the job briefing first thing in the
8 morning, you stated a couple times that Jason and Nick had
9 determined where you were going to go. At any point, do you know
10 if Bill Lewis knew that you guys were going to go north and do
11 that during the job briefing, was it discussed?

12 A. I would be guessing whether or not I knew like what they had
13 discussed because that would've been outwardly in the circle. I
14 don't remember hearing anything about him telling, or either of
15 them telling Bill where we were. So that could've been discussed
16 privately.

17 Q. During the job briefing, do you know how you're supposed to
18 know what the task is and sign, to sign acknowledging it?

19 A. Say that again.

20 Q. In the job briefing form, you're signing to acknowledge that
21 you knew what the tasks at hand were, right?

22 A. Me?

23 Q. Yeah.

24 A. Yeah, no, that was --

25 Q. When you sign it, right?

1 A. Yeah. Yeah.

2 Q. After you guys got up there and the drill broke, was there
3 any job briefing performed recently before you -- saying what your
4 -- or change or anything?

5 A. You're asking if we were briefing each other on --

6 Q. Yeah.

7 A. Yeah.

8 Q. Amongst the four of you, would you have --

9 A. Amongst the four of us, it had been discussed from Brady to
10 the three of us, that the machine, the drill was not working
11 anymore and that he needed to go get it fixed, that was -- if
12 that's what you're asking.

13 Q. Was there any job brief on what Rudy and Roberto were going
14 to do while you guys were gone?

15 A. That was not discussed, what their plan was.

16 Q. And you don't know which way Brady was facing when you were
17 operating back from the -- yard?

18 A. I wasn't looking at Brady, no.

19 Q. And you were facing which direction?

20 A. Forward, south.

21 Q. South?

22 A. Yeah.

23 Q. Your cell phone was off or on?

24 A. Are you asking if it was in my pocket, my hand --

25 Q. Where was it?

1 A. It was in my pocket at the time.

2 Q. All right. At what point -- did you ever see Roberto or Rudy
3 when you were traveling back at all, before -- you know, how far
4 out did you see them before the incident?

5 A. I saw Roberto jump out of the way and that was it.

6 Q. Roughly 50 feet, 10 feet?

7 A. I saw him when he was on the side of the machine.

8 Q. So he was already basically going by Roberto already?

9 A. Yeah.

10 Q. Do you know if the horn was blown on the machine at all
11 coming back?

12 A. Yeah. There were two crossings that the horn was blown.

13 Q. How about approaching them at all?

14 A. Approaching the two guys?

15 Q. Rudy, yeah.

16 A. No horn was engaged, to my knowledge.

17 MR. BAILLY: All right. All right. That's it for right now.

18 BY MR. CASACELI:

19 Q. Just one quick one for clarification. When that -- David
20 Casaceli, NTSB. When that driller broke down, where were you,
21 where was the equipment? Was it right where -- so I guess I'm
22 going to answer -- I know the answer to this one, my question is
23 the second one, so you guys were aware Brady had drilled 10 holes
24 and stopped when you left and I assume Rudy and Roberto were there
25 at that time. When you came back, were they in the same location

1 or --

2 A. They were -- my guess is that was about 200 feet in front,
3 maybe even closer, because they were moving their way south from
4 north. Actually, Roberto and I had cleaned the plates already for
5 about a 200-foot stretch.

6 Q. Oh, okay.

7 A. Maybe 250. And that was starting at the beginning, 59. We
8 worked our way south for 200, 250, 300 feet, however much it was,
9 and they had -- they had the machines behind us at that time and
10 then -- yeah, so we -- when we left, me and Brady, and Roberto and
11 Rudy stayed behind, Roberto and Rudy continued --

12 Q. From where you left.

13 A. -- from where we left off. So I have no idea how long they
14 were working before --

15 Q. Sure.

16 A. -- before we got back.

17 Q. But you had already had been a few hundred feet in front of
18 that machine, so your expectation coming back would be they'd be
19 there or farther south, closer to the crossing.

20 A. I know for a fact they were at least 400 feet from the start
21 of that day.

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

23 BY MR. KRAHOLIK:

24 Q. Todd Kraholik, NTSB. I just got -- I want to kind of clarify
25 a question he asked you. I want to make sure you answered it

1 correctly or not clearly, but you understood what you were saying,
2 how do you acknowledge understanding of a job briefing? Like, how
3 would you know, how does everybody know that you understand what's
4 being said in the job briefing?

5 A. You sign the paper.

6 Q. Okay, so if you sign it, then you're totally understanding
7 what the job briefing was -- entailed that day?

8 A. Yeah.

9 Q. Okay. And if you didn't understand, would you still sign the
10 paper or would you ask for more clarification?

11 A. If I didn't understand, I would -- I would ask.

12 MR. KRAHOLIK: Okay. All right, that's all I have.

13 MR. DEPREY: That briefing was mostly -- primarily discussed
14 bridge work. I didn't -- I don't recall any briefing on the lags.
15 Yeah.

16 BY MR. GORDON:

17 Q. We're getting close to finished up. So Joe Gordon, NTSB,
18 I've just got a few, you know, that just have come to me as other
19 people have been asking some questions. So we did discuss the
20 horn a little bit. The backup alarm, as you guys were coming back
21 to where the work was, was the backup alarm sounding continuously,
22 do you remember hearing it?

23 A. Yeah, yeah.

24 Q. It was?

25 A. Yeah.

1 Q. All right. Do you know, from working around Rudy, when he
2 would run the leaf blower, if he had that task, would he use
3 hearing protection most of the time when he was doing it or did
4 you ever notice?

5 A. No, he would never use it, to my knowledge.

6 Q. And personal protective equipment that you guys wear, let's
7 talk about the day of the accident, what was -- what was everyone
8 wearing as far as, you know, just kind of head to toe, what's your
9 PPE?

10 A. Hard hat, glasses, vest, gloves, pants, boots.

11 Q. Okay. And you said that you would characterize the brakes as
12 very effective, was that kind of because you felt the kind of
13 rapid deceleration when he applied the brakes? Like, did you kind
14 of feel it sink you back into the seat?

15 A. At that point, I wasn't paying attention to that, I was
16 focused on just about everything else than -- just in shock, I
17 would say --

18 Q. Yeah.

19 A. -- about the situation. I didn't feel the brakes in that
20 moment, but I -- from previously, I've felt them.

21 MR. GORDON: Okay, all right. Thank you, Joey, that's what
22 I've got right now. I'm going to look around the room and see if
23 anybody's got any follow-ups that they need to ask.

24 BY MR. PATANE:

25 Q. Just two things. John Patane, FRA. How would you say the

1 noise level on that leaf blower is? Would you be able to hear the
2 backup alarm of an RMM coming behind you, if you were operating
3 that leaf blower or would you think it would drown out the noise?

4 A. Entirely?

5 Q. Yeah, I mean, would you -- would your peripherals be able to
6 pick up the noise of the RMM coming at you, the rail noise or
7 whatever, while you're operating that machine?

8 A. I couldn't tell you.

9 Q. So-so, yeah.

10 A. I haven't been in that situation, so --

11 Q. Okay. But is it --

12 A. -- I believe it to be decently, decently loud, so it must be
13 pretty tricky to hear, is my guess. I've used the leaf blower,
14 it's not a quiet machine.

15 Q. Yeah. And just one last thing, what would you do to prevent
16 something like this from happening again? Do you have -- what
17 would you change in this situation?

18 A. I would stress that keeping your head on a swivel, making
19 sure you're aware of both directions, and if you are on a machine
20 and you're operating it, I would stress consistently and
21 constantly just looking around. Other than that, I'm not sure
22 what else you could do from there.

23 MR. PATANE: Thank you.

24 MR. DEPREY: Yeah.

25 MR. SKOLNEKOVICH: Richard Skolnekovich, I have no further

1 questions.

2 MR. HOHN: Darren Hohn, Middlesex, no other questions.

3 MR. BAILLY: P.J. Bailly, Housatonic, no questions.

4 BY MR. CASACELI:

5 Q. David Casaceli, NTSB. We went through your railroad work
6 experience here, short, 61 days. Do you have prior work
7 experience in heavy equipment type of operation or anything like
8 that?

9 A. No.

10 MR. CASACELI: No, okay. Thank you.

11 MR. GORDON: All right, Joey, we're going to end the
12 interview there. We can go off the record.

13 (Whereupon, the interview concluded.)

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CERTIFICATE

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

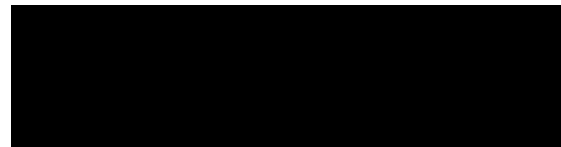
IN THE MATTER OF: MIDDLESEX RAILROAD EMPLOYEE
FATALITY IN GREAT BARRINGTON,
MASSACHUSETTS ON AUGUST 4, 2023
Interview of Joey Deprey

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