

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: DANIEL DEROEHM, Site Safety Manager
Middlesex Corporation

Great Barrington, Massachusetts

Monday,
August 7, 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

P.J. BAILLY, Train Master
Housatonic Railroad

DAVID CASACELI, Railroad Investigator
National Transportation Safety Board

DAVID WRIGHT, Director
Middlesex Corporation

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I N T E R V I E W

(09:02 a.m.)

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2
3 MR. GORDON: All right. Good morning. My name is Joe
4 Gordon. I'm the NTSB track group chairman for this accident. We
5 are here today on August 7th in Great Barrington to conduct an
6 interview with Daniel Deroehm who works for the Middlesex Corp.
7 This interview is in conjunction with the, with the investigation
8 into the employee fatality that occurred on August 4th 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. Before we begin the interview,
12 we'll go around the table and introduce everyone. Please spell
13 your last name for the record. Again, my name is Joe Gordon.
14 Spelling of the last name is G-o-r-d-o-n.

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

17 MR. WRIGHT: David Wright, W-r-i-g-h-t. The HAC corporate
18 director for the Middlesex Corp.

19 MR. DEROEHM: Daniel Deroehm, D-e-r-o-e-h-m, with Middlesex.

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

22 MR. BAILLY: P.J. Bailly, B-a-i-l-l-y, Housatonic Rail.

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

25 MR. GORDON: All right. Thanks everyone.

1 INTERVIEW OF DANIEL DEROEHM

2 BY MR. GORDON:

3 Q. Dan, do we have your permission to record the discussion
4 today?

5 A. Yes.

6 Q. And we talked about you can have a representative. Didn't
7 choose to have one. Correct?

8 A. That's correct.

9 Q. All right. And this, the interview will be recorded,
10 transcribed and you'll have an opportunity to review it. But it
11 will eventually become a part of the public docket. Do you
12 understand?

13 A. I understand.

14 Q. All right. Thank you. So, you know, you've been in on some
15 of these interviews with us. So, you kind of understand the, the
16 way that we're going and appreciate your help with the
17 investigation up to this point.

18 A. Of course.

19 Q. But if you could, just kind of start with your railroad
20 career, just when you started railroading and walk us through kind
21 of the progression to where you are now.22 A. Sure. So, I've been with Middlesex for approximately seven
23 years. And through the duration of that seven year period, I have
24 been on and off railroad property through different projects. The
25 two main railroad projects I have been on are this one in

1 Sheffield, Massachusetts and an Amtrak railroad project in
2 Clinton, Connecticut.

3 Q. Okay. And roles and responsibilities in that seven years?

4 A. Site safety manager the entire time.

5 Q. Okay. All right. Can you give us a little bit of
6 information on what the site safety manager for Middlesex, what
7 the expectations are?

8 A. So, site safety managers do a, they perform a lot of
9 different functions, including training employees in various
10 topics, performing site inspections for different projects,
11 working with operations to create JHAs or job hazard analyses, as
12 well as helping plan the upcoming work in regards to what
13 personnel protective equipment or what training or what
14 documentation may be needed for future work. In addition to that,
15 a general site safety manager's role will also include helping to
16 create communicator topics, as well as any general project
17 documents, recording of project documents that may be related to
18 safety on projects.

19 Q. Okay. As an element of that training, do you do any of the
20 training of the equipment operators?

21 A. The HAC department does not perform proficiency training on
22 the operators. That's conducted by the operation side of the
23 company.

24 Q. Okay.

25 A. We however evaluate operators and recommend corrective

1 actions or improvements to operations.

2 Q. Okay. And how about the job hazard analysis? Is there a
3 specific one for equipment operation or is it, does it more look
4 at the job that's going on globally?

5 A. Job hazard analyses are more specific to a task that is being
6 completed and it will breakdown that task into specific elements,
7 along with the hazards that are related to those elements and the
8 corrective actions that will be put in place to prevent those
9 hazards from creating injury, property damage or death.

10 Q. Okay. So, during this investigation, we've heard of kind of
11 two different work locations. And so, would there have been a JAH
12 for each one of those locations for the bridge and the CWR work
13 that was --

14 A. No. The JAHs are more specific to high intensity tasks that
15 involve more than just general work.

16 MR. GORDON: Okay. All right. That's what I've got for the
17 first round. I'll pass it to my right.

18 MR. PATANE: John Patane, FRA.

19 BY MR. PATANE:

20 Q. Typically, at work sites, do you hold a separate job briefing
21 with management officials, foreman prior to the big pull (ph.)
22 with all laborers or is it all generally done in one setting?

23 A. Are you referring to job briefings in the way the railroad
24 conducts them or --

25 Q. Well, just more like planning. Days going to go. Crew

1 assignment, who's going to be working where?

2 A. Okay. So, the Middlesex Corporation has a daily huddle and
3 the daily huddle, which is conducted by the foreman, goes over the
4 work tasks for the day, the team members that are involved in that
5 task and any hazards that may be associated with those tasks.

6 Q. Do you get involved with crew assignment?

7 A. No.

8 Q. Okay. You said before that you don't get involved with RMM
9 (ph.) qualifications. You said operations side of the company
10 does that.

11 A. Yes.

12 Q. Who would be the person who would generally be the qualifier
13 for RMMs?

14 A. I don't know who would specifically qualify the operators
15 themselves. However, Kyle Cummings (ph.) can get you that
16 information.

17 Q. Okay. Have you ever observed an operator being qualified?

18 A. No.

19 Q. Are you, do you have an idea of how long that qualification
20 process normally takes?

21 A. I do not.

22 Q. Do you get involved with physical characteristics and the
23 operators knowing the territory?

24 A. Not the operators themselves. However, when I first got on
25 site, I took the opportunity to learn the territory that we were

1 working in.

2 Q. How does that happen?

3 A. So, initially, I was driving my vehicle to the different
4 grade crossings and the different locations that I was capable of
5 seeing from the road. And then when we had a high rail vehicle, I
6 took a few trips out on that high rail vehicle to --

7 Q. Okay.

8 A. -- both ends of the, both ends of the limits and all of the
9 different work locations in between those limits.

10 Q. Okay. And does your role involve disciplinary as well?

11 A. It can. Yes.

12 Q. Okay. So, you have a way to record what we were talking
13 about yesterday. There was that card system. Do you have access
14 to that as well?

15 A. The stop card program?

16 Q. Yes.

17 A. Yes.

18 Q. Okay. Are you somebody typically who does that in the field?
19 Do you evaluate employees and enter it into the system?

20 A. So, I do not enter stop cards because the HAC department
21 fills out a site inspection report.

22 Q. Okay.

23 A. We can do stop cards. Anybody in the company from our
24 interns all the way to the owner is capable of putting in stop
25 cards --

1 Q. Okay.

2 A. -- on any project in any location at any time.

3 Q. Okay.

4 A. But typically, I fill out a safety inspection report instead

5 --

6 Q. Okay.

7 A. -- of a stop card.

8 MR. PATANE: Okay, okay. Let's what I've got for right now.

9 Thanks.

10 MR. WRIGHT: David Wright. I have no questions at this time.

11 MR. SKOLNEKOVICH: Hey. Good morning. Rich Skolnekovich,

12 NTSB. I'd like to go back a little bit to just your own

13 qualifications coming to Middlesex. You said you've worked with

14 Amtrak and on Amtrak projects and then Housatonic projects.

15 BY MR. SKOLNEKOVICH:

16 Q. Do you have any railroad qualifications, as far as like rules

17 or, you know, operating rules or anything like that in your

18 current job? Like have you taken any operating role (ph.) tests

19 or exams?

20 A. Besides the RWPs and the RMMs and the CWRs, no.

21 Q. Okay. So, talk to me a little about that. So, the RWP

22 training, what kind of training did you receive?

23 A. So, I've received RWPs training from Housatonic, Amtrak,

24 Metro North, the MBTA. That is all of them.

25 Q. Okay. Was that in class or online?

1 A. Some of them are in class, some of them are online. It
2 depends on what the railroad dictates.

3 Q. Okay. All right. You talked about going out and doing site
4 inspections. So, when you, can you give me kind of an idea of
5 like when you go out and do a site inspection, what are you
6 actually inspecting?

7 A. Everything. I look for everything and anything that has,
8 that has the potential to injure a team member or create property
9 damage. There's no, like I don't go out and focus on one thing
10 for the day. I'm looking at a broader picture to stop everything
11 that I can.

12 Q. Okay. Let me rephrase it. So, in a course of a given day,
13 are you going out to look at production? Are you looking at
14 safety, PPE? What kind of things? Kind of walk me through what
15 you do at a particular job site.

16 A. Yes. Sure. So, I am not production related. I don't care
17 whether or not things get done production-wise. That's not my
18 role. When I'm on a job site, I'm looking at things like PPE,
19 fall protection, different distances for staying away from
20 equipment. It could be confined spaces, excavations and trenches.
21 There's steel erection. There's a whole slew of whatever is
22 taking place on site. I'll be, I'll be looking at things safety-
23 wise.

24 Q. Okay. And so, with the site inspections, about how many do
25 you do per day?

1 A. That depends on the project and how much work is taking
2 place. But it could be anywhere from two to 20. Normally, I'd
3 say on average probably five or six a day.

4 Q. Five or six. That's job sites, not people. Right?

5 A. That is job sites and not people.

6 Q. Okay. So, within those job sites, let's say on average, five
7 to six. How many, how many people are you probably actually
8 observing at a given job site on average?

9 A. The entire crew and any subcontractors or inspectors or
10 anybody else that may be on site as well.

11 Q. But can you give me an amount just on average of how many
12 people that would be? Just on average.

13 A. Thirty, maybe 40.

14 Q. Okay.

15 A. Every project is different.

16 Q. Got you. All right. So, you talked about doing evaluations
17 of the job sites. So, what's your method of evaluation? So,
18 you've got, you're looking for safety. Right. You know, what are
19 the standards for every different job site? Is it, are they
20 different? Are they the same?

21 A. So, Middlesex has a corporate safety policy which applies to
22 all of our projects and that is generally what I'm, what I'm
23 looking at when I go on a project because most of the rules and
24 requirements that we have in place are stricter than governing
25 agencies.

1 Q. Okay. Is there a name for that, that manual? Is it a
2 manual?

3 A. It's called the corporate safety policy.

4 Q. Corporate safety policy.

5 A. Yes.

6 Q. Okay. I want to ask you a couple questions about the JHAs.
7 So, the job hazard analysis, can you kind of give me an idea of
8 the format? Is it, is it just a narrative? Is it a task
9 condition standard? Is it --

10 A. It's a word document that's converted to a PDF when we go to
11 read it in the morning. But it's usually a three columned system
12 with the tasks on the lefthand side, the hazards in the middle and
13 the corrective actions on the righthand side.

14 Q. Okay. Now, do you know if all the employees that work for
15 Middlesex have access to those JHAs?

16 A. Yes.

17 Q. Is it something they're issued or is it something they get
18 online?

19 A. We, they can get them online whenever they would like to.

20 Q. Okay.

21 A. There's no restriction to them.

22 Q. Okay. So, they're, is there any kind of check? So, when you
23 go out to do the site evaluations, how do you check that they've
24 read or understand any JHAs?

25 A. Any JHA that's produced is read before the, the task is

1 performed for that operation. In regards to the bridge work which
2 we were doing this past weekend, which is the most recent relative
3 kind of thing, I read the JHA Friday morning or that morning
4 actually.

5 Q. Do you recall what you discussed, what JHA and what you
6 discussed?

7 A. The JHA was the, I don't remember the name of it off the top
8 of my head. But it was a specific JHA to the work that was taking
9 place on that bridge because that bridge is, it has a different,
10 it was different than all of other bridges that we had performed
11 thus far. So, we wanted to create a specific one for that bridge
12 because of the additional fall protection requirements that we
13 were putting in place there.

14 Q. So, let me ask you this. So, were you collecting information
15 to update a JHA or were you discussing the content of the JHA?

16 A. We were discussing the content of the JHA with the entire
17 crew.

18 Q. Okay. Do you, can you recall just, I know you don't remember
19 the name. Can you recall the content of it? Like what was --

20 A. It included fall protection, equipment, distances away from
21 equipment, replacing timbers which was going to take place the
22 following week. I think that was the majority of the JHA.

23 Q. Okay. Were there any discussions about equipment operation
24 or --

25 A. Yes.

1 Q. Okay. What was discussed?

2 A. It would be how far team members needed to stay away from
3 equipment that was in operation.

4 Q. Okay. So, mainly just distances that you had to remain away
5 from equipment while you're working on the track?

6 A. Yes.

7 Q. Okay, okay. Let me ask you this. So, kind of step back a
8 little bit more. For the safety of your job, how much interaction
9 do you have with the safety portion of the railroad that you're
10 working with, whether it's Amtrak, Housatonic? Do you work
11 directly with their safety department?

12 A. Not usually. Unless the, unless the railroad sends their
13 safety department out to do an inspection, we don't normally have
14 constant contact with them.

15 Q. Okay. Have you had a railroad send a safety team out to any
16 of your job sites?

17 A. Not while I have been on site. No.

18 Q. Okay. And that's whether Amtrak or Housatonic?

19 A. Yes.

20 Q. Okay. All right. And when you first take over a project for
21 one of the railroads, do you get anything from the railroad as far
22 as safety requirements or rules or any of their requirements for
23 contractors being on, being on the railroad?

24 A. We do. Yes. I don't know what specifically we're given but
25 the majority of the information that's portrayed to the team

1 members working on site is through the RWP training.

2 Q. Okay. All right. So, you get the normal RWP training that's
3 done in house through your company.

4 A. No. Our company does not do a specific RWP --

5 Q. It's the online one.

6 A. -- training for their team members. The railroads conduct
7 the RWP training, whether they're in person or online.

8 Q. Okay. All right. So, when the, when you do start working on
9 the railroad, how are you, how do you know about any railroad
10 specific requirements as far as like with safety or with
11 particular railroad operating rules or anything like that?

12 A. They would have to tell us.

13 Q. Okay. Is that something that ask them to provide you or --

14 A. If I have questions on a safety specific topic for the
15 railroad, I will ask questions. But generally, safety rules are
16 safety rules. They don't change much from location to location.

17 Q. Okay. Have you had to do that in the past, ask for specific
18 --

19 A. Yes.

20 Q. -- instructions? Can you give me an example?

21 A. One example would be an Amtrak project. We had multiple
22 crews working in different locations and limited flaggers on site
23 and that was out of the normal for Amtrak. So, I asked if there
24 was a specific requirement to how many flaggers they provided us.
25 And they provided me with that answer in which we determined there

1 was a deficiency there and went back to Amtrak to correct the
2 deficiency.

3 Q. Okay. And when you work on, when your company works for
4 these railroads, are you always assigned to, you know, railway
5 workers and a flagger or are there times where you, you get an
6 assignment? You just work that, that type of assignment without
7 any railroad presence, railroad personnel presence?

8 A. I have never been on a site or location where we're allowed
9 to work on the railroad without the railroad's presence.

10 MR. SKOLNEKOVICH: Okay, okay. That's all I have. Thank
11 you.

12 MR. BAILLY: P.J. Bailly, Housatonic Rail. Good morning,
13 Dan.

14 MR. DEROEHM: Morning.

15 BY MR. BAILLY:

16 Q. Two things. Do you have any Housatonic RMM training?

17 A. I do.

18 Q. All right. Do you, you stated that you evaluated operators.
19 How do you normally evaluate an operator?

20 A. I would watch what they're doing. And if something doesn't
21 seem right to my understanding of the machine or the operation, I
22 would stop them and ask a question about it. And they would
23 explain either why they were doing it that way or I would explain
24 why it should be done a different way.

25 Q. All right. Are you qualified on any of the machines

1 (indiscernible)?

2 A. No.

3 Q. Have you ever taken disciplinary action on anyone that was on
4 a project?

5 A. Not to my recollection.

6 Q. You stated that you typically evaluate five to six sites a
7 day. Typically, how many sites on a Housatonic project are there?

8 A. I never said I inspected five to six sites a day.

9 Q. Okay. I must have misunderstood you when you said that. I'm
10 sorry.

11 A. That's okay.

12 Q. Were you aware Friday morning, August 4th of the second work
13 crew?

14 A. Yes.

15 Q. At what point were you aware of the second work crew?

16 A. At the morning briefing and through the three week or the
17 five week schedule that was produced the week prior.

18 Q. So, that schedule that you put out five weeks prior, is that
19 followed to the T?

20 A. It's not put out five weeks prior. It's put out every single
21 week and it is a five week look ahead schedule. It is not
22 followed to the T. It is a living document so it is capable of
23 being changed. But we do have, we try and give everybody as much
24 notice as possible to the work that's being performed.

25 Q. Okay. Do you know if that week was followed daily?

1 A. That week there was a change that took place last minute on
2 the bridge work specifically because we did not feel we were
3 capable of performing all of the bridge work within one weekend.
4 So, we broke the bridge work up into two weekends. We were going
5 to do the approaches this weekend and the bridge, the bridge
6 timber work specifically next weekend. But that, to my knowledge,
7 is the only change that was made.

8 Q. Okay. You said that you don't recall any time that a safety
9 team or anybody from the railroad came out to (indiscernible). Do
10 you recall any time that myself has shown up at a job briefing to
11 add to any safety related issue?

12 A. Yes.

13 MR. BAILLY: All right. That's I've got right now. Thanks,
14 Dan. Appreciate it.

15 MR. CASACELI: Hi, Dan. David, NTSB. A couple just
16 clarifying questions.

17 BY MR. CASACELI:

18 Q. First off, you mentioned a communicator topic. Can you
19 explain what that is?

20 A. A communicator is very similar to a toolbox talk. Toolbox
21 talks are a general morning kind of informational session thing.
22 Middlesex has taken that in a little bit of a different direction
23 and the HAC department as well, or with input from operations, has
24 created communicator topics that go out each week. And they are
25 read by the sites in Monday morning typically or whatever the

1 first shift of the week may be.

2 Q. Okay. You talked about these job hazard analyses, the JHAs,
3 and then you made a comment about them mostly for high intensity
4 tasks or something along that line. Can you talk a little bit
5 about what would, what tasks would spur the creation of a JHA and
6 maybe some examples of some that would and some that wouldn't?

7 A. So, fall protection will almost always spur a JHA, so will
8 confined space, excavation, trenching, maintenance of traffic work
9 which is on highway type of things. Steel erection will usually
10 perform, or there will be a JHA for steel erection as well. Some
11 general tasks that may not be JHA or that may not have a JHA for
12 them would be, you know, like setting up sites or, you know, like
13 general, you know, shovel type work that may be taking place.
14 It's, you know, kind of team members, you know, on the ground
15 doing minor work will not prompt a JHA.

16 Q. Okay. And you said those JHAs, if those tasks are being
17 performed that day, would be read that morning.

18 A. They will be read that morning. They will not be read every
19 single morning. But as, if the operation continues for an
20 extended period of time, they will be read more than once.

21 Q. Okay.

22 A. In this case, the bridge work was supposed to take place this
23 weekend and next weekend and the JHA was read this Friday and that
24 would have been the extent of it.

25 Q. Are there any similar hazard or risk discussions for the

1 minor work that does not have a JHA?

2 A. Yes. And those are completed in the daily huddles that the
3 foreman do.

4 Q. So, switching a little bit to your, your duties as site
5 safety manager that we've kind of gotten into. Do you view that
6 role as more risk and hazard based or rules/compliance based or --

7 A. I think it's a combination of, you know, a lot of things.
8 There is a lot of hazard assessment that takes place as a site
9 safe manager but that's usually in conjunction with the
10 operational personnel that are on site. A lot more of the, the
11 rules are more specific to the HAC side of things where operation
12 doesn't start diving into, you know, the CFRs and all of that kind
13 of thing.

14 Q. Do you have or have you been provided with a copy of
15 Housatonic's rules? And if so, which rules?

16 A. Not to my knowledge. They may be located somewhere within
17 our system but I do not remember if I've ever been provided with
18 them.

19 Q. Have you ever had the, have you ever sought out some of those
20 rules for review for one reason or another?

21 A. Not to my knowledge.

22 MR. CASACELI: I think I'm good at this time.

23 MR. GORDON: Thank you, Dan. Joe Gordon, NTSB.

24 BY MR. GORDON:

25 Q. So, if we can kind of go back to the day of the accident and,

1 you know, just where, when you showed up, who was there and just
2 kind of walk us through the job briefing, you know, as best, best
3 you can recall, kind of how the communication went that morning.
4 A. Sure. So, I got there about 3:45, maybe 4:00. I wanted to
5 prepare myself for the JHA that was going to be read that morning.
6 Once the rest of the work group got there, we held the job
7 briefing from Housatonic at 4:30 at which point we moved into,
8 after the job briefing, we moved into the JHA which was read by
9 myself. And then Jason Menard started talking about the work
10 activities for the day and some of the, he wanted to, he wanted to
11 retouch on some of the hazards of the JHA that we had already
12 touched on with his own input because Jason has some very good
13 real life experience when it comes to fall protection. After the,
14 after the morning briefing and the daily huddle was completed, the
15 work groups broke into their separate activities and started to
16 move in their separate directions. I went to the office to set up
17 my computer, went down to the bridge to meet the crew that was
18 down there. Started working with them on the fall protection
19 system, ensuring they fully understood how it operated. I mean,
20 we can talk about it in the JHA all we want but until you go out
21 and see it, it's, you know, hard to imagine that kind of a system.
22 So, we started working on that. They started taking out all of
23 the spikes and the plates and they were preparing to take the rail
24 out when Jason Menard got a phone call. At which point he asked
25 myself to head north to Linings (ph.) crossing with him for a team

1 member that had been struck by a piece of equipment.

2 Q. Okay. So, going back to the job briefing and the piece that
3 Jason covered. Do you remember like when he started talking about
4 the tasks for the day, do you remember what was discussed like in
5 the best detail you can give on that?

6 A. Not specifically like word for word. But I do remember a
7 discussion of, I remember a lengthy discussion of the bridge work
8 that was taking place, as well as a discussion of the drilling and
9 lagging (ph.) operation that was taking place.

10 Q. Okay. And I know, you know, we've had some discussion about
11 who was present and where they were at the time of that briefing.
12 Do you know who the RWIC was for the day?

13 A. It was Bill Lewis for the day.

14 Q. Okay. And do you remember seeing Bill there while that
15 discussion was being held from Jason?

16 A. I do not recall if he was there or if he had left before the
17 briefing was over to open the switch.

18 Q. Okay. All right. So, yesterday in some of the interviews,
19 we heard about announcing occupancy. Is that something that you
20 kind of monitor for as far as if a truck is going to sit on at a
21 crossing or a piece of equipment is going to come out of the
22 siding?

23 A. So, when you say announcing occupancy, you mean when a team
24 member or equipment is getting on or off track?

25 Q. Right.

- 1 A. Is that correct?
- 2 Q. Yes.
- 3 A. Okay.
- 4 Q. Exactly.
- 5 A. I do have a radio on me.
- 6 Q. Okay.
- 7 A. I, you know, listen for when people are getting on and off
8 track. I do not just sit there and monitor it.
- 9 Q. Right. But you do hear it.
- 10 A. Yes.
- 11 Q. And so, can you describe like when you hear that what's,
12 what's the normal communication? Is it normally just a, just tell
13 us kind of how that goes.
- 14 A. So, normally, the communication would be via our radio
15 system. The team members would radio to the Housatonic RWIC and
16 let them know where they were getting on or off track. The
17 majority of the time, Housatonic would respond to that radio
18 transmission. If they didn't, then a phone call would be made to
19 them to an attempt to verify their hearing of it.
- 20 Q. Okay. Are you aware in your role as site, you know, in site
21 safety, are you aware of any time that there's been either
22 equipment, you know, high rail vehicle or RMM that's gone out onto
23 the track without that procedure being followed?
- 24 A. Yes.
- 25 Q. Does it happen, like tell us about those, where you've

1 identified that.

2 A. So, there was one main instance in which that happened which
3 a speed swing, along with two ground workers, entered the right of
4 way near the yard location to perform work. I'm not entirely sure
5 as to what. But they did not inform the RWIC that they were
6 getting on or off track. I believe the assumption was because
7 they were given limits from 50 to 59 that they were capable of
8 working within 50 to 59. After that incident took place, we
9 purchased additional radios and reiterated to all of our team
10 members the need to contact the RWIC any time a piece of equipment
11 or personnel were getting on or off track.

12 Q. Okay. So, we know from the interviews that on the day of the
13 accident, the lagger equipment, that being the drill and the
14 lagger, those two pieces of equipment were being operated by Brady
15 and Rudy.

16 A. Yes.

17 Q. Did you hear that communication?

18 A. I do not recall hearing it.

19 Q. Okay. We talked a little bit about the qualification of the
20 operators and I could have missed this. Is that something that
21 you check? So, like if there's an operator on a piece of
22 equipment, do they carry something that says they're qualified to
23 operate that piece of equipment? Is there a list of qualified
24 operators?

25 A. I do not believe they carry --

1 Q. Okay.

2 A. -- information on them that says what equipment they're
3 allowed to operate. I do not know about a list. That's an
4 operational side of things.

5 Q. Okay. But so, on the, your job in site safety is not, one of
6 that functions is not to check to make sure that that person is
7 qualified to operate the machine?

8 A. I can check to verify that an employee is capable of
9 operating a piece of machinery but it would take a phone call to
10 operations for verification.

11 Q. Okay. All right. But I mean, is that a normal task? Is
12 that --

13 A. Not usually.

14 Q. Okay. In the discussion, we've also heard that Brady was
15 kind of the lead person for that group. In your interaction with
16 him in that role, do you feel like he was qualified to lead that
17 work?

18 A. I do not know when Brady was made a crew leader, per se, for
19 that role and I can't vouch for whether or not he was or was not.

20 MR. GORDON: All right. That's what I've got for right now.

21 MR. PATANE: John Patane, FRA.

22 BY MR. PATANE:

23 Q. Do you know what an on track safety manual is?

24 A. I've heard of them before. Yes.

25 Q. Do you have copies of them at the work site?

- 1 A. I do not know the answer to that question.
- 2 Q. Okay. So --
- 3 A. From like the railroad?
- 4 Q. Yes, yes. So, you could reference it if you ever had a
5 question about, you know, on track safety, good faith challenge
6 and just --
- 7 A. I --
- 8 Q. -- a way for people to have access to it.
- 9 A. Do you know if that is something that is given to us by the
10 railroad or something we need to provide ourselves
- 11 Q. It's a, yes.
- 12 A. Okay.
- 13 Q. Usually a railroad copy would be available but --
- 14 A. I do not recall ever seeing an on track safety manual.
- 15 Q. Okay, okay. I'd like to learn a little bit about the
16 communication between your company and Housatonic. When you're
17 starting a job, how much of the work is being communicated to the
18 railway worker in charge?
- 19 A. Should be all of it.
- 20 Q. So, is the railway worker in charge, do you have
21 communication with him throughout the day?
- 22 A. I can if I would like to. Yes.
- 23 Q. Do you often do that or to --
- 24 A. I check in with the railway worker in charge periodically but
25 it's not --

1 Q. Okay.

2 A. -- a constant, all day thing.

3 Q. Okay. When you come upon a worker, do you question if they
4 know what their authority is during your safety audits?

5 A. So, I have questioned what their limits are and the
6 dispatcher and all of those sorts of things. And because of an
7 early FRA inspection, we created a daily FRA book I guess you
8 could call it where the team members would write down all of the
9 information that the RWIC provided. And they are more than
10 welcome to pull that book out to reference any, any answer I may
11 be asking them.

12 Q. So, before, you mentioned you have a checklist of items or a
13 schedule, a weekly schedule that shows the five week outlet.

14 A. Yes.

15 Q. Does that information get shared with the railway worker in
16 charge?

17 A. I do not know the answer to that question. I believe that's
18 going to depend on who the railway worker in charge is. That five
19 week schedule is announced, shared and explained during a mass DoT
20 progress meeting and there are people from the Housatonic railroad
21 present at that meeting. Whether or not they share it with their
22 RWICs, I do not know.

23 Q. Okay. So, is part of your job ensuring that communication
24 between all parties is facilitated between everybody?

25 A. I do not facilitate information between all parties.

1 Q. Who would be, is there like somebody who, who was like a lead
2 coordinator to communicate between the railroad and you guys?

3 A. I believe that's going to be either Mass DoT or AE com (ph.)
4 who I believe is hired by Mass DoT. They're the coordinating body
5 between everybody.

6 Q. Well, I'm talking about more of like the day to day. In the
7 morning, who is going to be where?

8 A. The day to day for Middlesex and Housatonic was normally the
9 foreman when they had their daily huddle. They would, you know,
10 when the RWICs were present at that, they would get knowledge of
11 who is going where and doing what. Up until a recent change, that
12 because of my leave for a new child I was not aware of, that
13 change somehow went to the quality control manager dictating
14 everything in the morning. But I do not know the circumstances
15 behind that.

16 Q. Okay, okay. So, so, basically, you have your weekly outlook.
17 You have, you have access to that information.

18 A. Yes.

19 Q. And then the foreman is going to discuss or who's going to
20 bring the foreman up to speed on what they're looking to do with
21 the railway worker in charge?

22 A. The project engineers and the superintendents, as well as
23 most likely other high level management personnel from operations
24 will inform the, the foreman of what they're doing for the day,
25 week or month, depending on different scenarios.

1 MR. PATANE: All right. I think that's what I have for right
2 now. Thanks.

3 MR. WRIGHT: David Wright with Middlesex.

4 BY MR. WRIGHT:

5 Q. Dan, can you explain the role of site safety manager in
6 relation to operations?

7 A. So, a site safety manager, in, in the role of my position in
8 relation to operations is ensuring operations has all of the
9 necessary personal protective equipment, training and information
10 they need to be able to perform a task as safely as possible.

11 Q. Do you direct any work?

12 A. No.

13 Q. In regards to the daily huddles you mentioned earlier, who
14 performs the daily huddles?

15 A. The daily huddle is performed by the foreman.

16 Q. Do you have input on the daily huddle?

17 A. Yes.

18 Q. How so?

19 A. The daily huddles are monitored by operations and HAC for any
20 sort of deficiencies that may be noted. At which point, if the
21 HAC department notices deficiencies in a daily huddle, we will
22 bring it up to the foreman to make improvements to that daily
23 huddle.

24 Q. Okay. You mentioned earlier that or the question was asked
25 earlier about your operator evaluations. How do you, do you

1 actually perform an evaluation of operators?

2 A. I do not perform evaluations of operators.

3 Q. Who does?

4 A. Operations will. I --

5 Q. And if you, I'm sorry.

6 A. I do not know specifically who from operations.

7 Q. If you had a question regarding an operator's qualifications,
8 who would you call?

9 A. Most likely I would call the superintendent and if they did
10 not know, then I would call the operations manager.

11 MR. WRIGHT: Okay. I don't have any other questions. Thank
12 you.

13 MR. SKOLNEKOVICH: Richard Skolnekovich, NTSB. I'd like to
14 go back on a couple questions.

15 BY MR. SKOLNEKOVICH:

16 Q. You talked about the stop cards before. Have you put any
17 stop cards in?

18 A. I have.

19 Q. Okay. Do you have the ability to review --

20 A. Yes.

21 Q. -- stop cards? Okay. With, so, basically, the stop cards is
22 kind of where you're keeping track of what they're doing right and
23 what they're doing wrong. Correct?

24 A. Not necessarily. The stop cards are a way for all team
25 members in the company to give the company more information about

1 what may be going right or wrong or any suggestions they may have
2 to improve a process that we have in place.

3 Q. Okay. So, what you're talking about improving a process, can
4 you get more specific? Is it safety oriented? Is it production
5 oriented? Is it both?

6 A. It could be both.

7 Q. Okay.

8 A. Yes. There's no limit.

9 Q. Okay. Is there any kind of, along with those stop cards,
10 any, that you're aware of, any kind of safety analysis within the
11 company? So, when you do have events, that you document with a
12 stop card. Is there any kind of metric to show you, you know,
13 what, you know, what employees might be doing wrong at a given
14 location or particular task?

15 A. Yes. There are.

16 Q. Okay. How are those kind of broken down? Is it --

17 A. They're broken down through an online program. I don't know
18 the details of how the online works. But we get visuals of the
19 good things, the bad things, how many are coming in, when they're
20 coming in, all that sort of thing.

21 Q. Can you give me kind of an idea of the categories of that
22 analysis? Like what kind of categories are in the analysis?

23 A. There are, I believe there are 24 questions on the JHA. All
24 of them are different categories. But it could be fall
25 protection, personal protective equipment, confined space. Even

1 down to the point where one of the questions asks if the site
2 safety manager is visible on site.

3 Q. Okay.

4 A. So, it covers a wide variety of information.

5 Q. So, let me back up for a second. So, are the stop cards and
6 the JHAs tied together?

7 A. No.

8 Q. Okay. So, when you're analyzing, you know, what employees
9 are doing right and what they're doing wrong, what do you mean
10 analyzing? Is it from the stop cards? Is it from the JHAs?

11 A. It's from a wide variety of things but it can be from the
12 stop cards. It can be from the JHAs. It can be from, you know,
13 the daily huddles. It could be from my general site inspection
14 report. It's, the site safety managers lump all of that
15 information to improve the sites.

16 Q. Okay. So, you're getting multiple different forms of, of
17 input of what's going on with the --

18 A. Yes.

19 Q. -- with the crews. And then is there is a system to kind of
20 sort and analyze that or are you just looking at it and trying to
21 determine what's most critical, what's not most critical?

22 A. There is no system in place that combines all of that
23 information.

24 Q. Okay.

25 A. But it is located all within the same system, I guess.

1 Q. So, you have access to it but you, if you're going to analyze
2 any of the information, you need to kind of put that together
3 yourself?

4 A. Yes.

5 Q. Okay. Is it, is it like a narrative form or is in tables
6 with percentages and numbers?

7 A. Some of it is narrative. Some of it is tables with
8 percentages and numbers.

9 Q. Okay.

10 A. And I believe we can also sort through a lot of that
11 information and turn it into whatever we want as well.

12 Q. Okay. Now, in your position, are you ever tasked to do that,
13 like look at a particular work site and use that information to
14 analyze?

15 A. Yes.

16 Q. Okay. What kind of, well, let me rephrase that. Did you do
17 that for this particular project?

18 A. I have.

19 Q. Okay. What kind of things did you identify?

20 A. We've identified personal protective issues with both team
21 members, subcontractors and clients on site. We've identified
22 issues with machinery, housekeeping issues. There's a whole slew
23 of, you know, different items that have been portrayed to me over
24 the course of the eight months we've been on site.

25 Q. Okay. So, when you're reviewing that stuff, is it, is your

1 review of that predictive or is it more, you know, reactive?

2 A. The majority of that information is reactive but we use it to
3 create predictions in the future.

4 Q. Okay. Now, do you do that with like, like with a committee
5 or is just your responsibility to do it and --

6 A. The site safety managers all have a weekly meeting where we
7 talk about a lot of that information.

8 Q. Okay. All right. So, now, I'd like to go beyond that. So,
9 do you ever interact with the state safety folks from MDoT,
10 Massachusetts DoT?

11 A. I have, I have not from Mass DoT but I have from Connecticut
12 DoT in the past.

13 Q. Okay. So, is that when you were working with Amtrak?

14 A. Yes.

15 Q. Okay.

16 A. Not Amtrak specifically. It was a bridge project in Niantic
17 --

18 Q. Okay.

19 A. -- that they were on site for.

20 Q. Okay. So, out here, you haven't had any contact with Mass
21 DoT.

22 A. Not to my knowledge. No.

23 Q. Okay. All right. Are you familiar with any of Mass DoT's
24 safety programs involving railroad type work? I know you haven't
25 talked to the state. But are you familiar with any of their

1 documents or their requirements for operating on their land or
2 their tracks?

3 A. I am, I have not familiarized myself with that.

4 Q. Okay. Now, I'd like to go back to your company again. So,
5 does Middlesex have like an emergency response plan?

6 A. We do.

7 Q. Okay. Is it general or is site specific?

8 A. It is general.

9 Q. It's general. Can you tell me what some of those, just give
10 me kind of an overview of what's in that emergency response.

11 A. It's called a crisis response plan on our end. But it
12 dictates who to contact and what to do in the event that a crisis
13 may take place.

14 Q. Okay. Is it more like organizational contact or is it --

15 A. Well, it includes more personnel than just Middlesex. I
16 mean, it talks about calling 9-1-1 and all of those things as
17 well. But it's produced by the company.

18 Q. Okay. All right. Now, have you had any interaction with
19 Housatonic Rail as far as their emergency response plans?

20 A. I do not know what Housatonic's emergency response plan is.

21 Q. Okay. And then last question. Have you had any interaction
22 with, prior to the event, with any of the local or state first
23 responders in the area that you're working in?

24 A. No.

25 MR. SKOLNEKOVICH: Okay. That's all I have. Thank you.

1 MR. BAILLY: P.J. Bailly, Housatonic Railroad.

2 BY MR. BAILLY:

3 Q. Did you sign a job briefing on 8/4 of this year during that
4 Friday morning?

5 A. I did.

6 Q. You stated that you weren't sure if Bill Lewis was present
7 when you and Jason discussed the lagging equipment.

8 A. That's correct.

9 Q. Was, if Bill wasn't present, don't you think, should you
10 think that he should have been present for any of that safety
11 related or operational --

12 A. Yes. If he was not present, I believe he should have waited
13 until all of the information had been portrayed to the crews
14 before he left.

15 Q. As the site safety guy, should you think you should have
16 addressed that and not acknowledged the briefing?

17 A. So, I had signed the job briefing before he had left. The
18 job briefing was signed by all the personnel before we had
19 completed the, or Middlesex's daily huddle portion of that morning
20 briefing.

21 Q. As a site safety guy, do you understand all of the job
22 briefing requirements?

23 A. I don't, are you talking like how the form is --

24 Q. As in --

25 A. -- filled out or --

1 Q. No. As if tasks changed, should, should there be, if the
2 tasks changed after the job briefing was signed, should that have
3 been relayed to the RWIC?

4 A. If any task is changed after the briefing was signed, a new
5 daily huddle should have been conducted by Middlesex and
6 Housatonic Railroad should have been included in that.

7 Q. Was that done that day?

8 A. I don't believe there was any task that was changed.

9 Q. All right. As the site safety employee, do you think you
10 should have the Housatonic rules for safety emergency plans?

11 A. I believe the Middlesex Corporation should have them. That
12 would make sense.

13 Q. As the safety guy, you don't think you should have the safety
14 manuals?

15 A. Me, specifically? No. But I believe the project should have
16 them and I'm on the project which would give me access to them.

17 Q. Okay. The JHAs for Middlesex, are any of them railway
18 specific JHAs?

19 A. Every JHA that's on this project, if it pertains to railroad
20 operations is railroad specific.

21 Q. Is there any specific ones for machine operations or anything
22 like that?

23 A. I do not recall off the top of my head.

24 Q. All right. Are you in the weekly meetings with Mass DoT, AE
25 Com, Housatonic Railroad and Middlesex?

1 A. Yes.

2 Q. Do you feel in your professional opinion that Middlesex was
3 prepared for this Sheffield project?

4 A. So, in my opinion, I feel like that question is attempting to
5 find fault which is not the --

6 Q. All right. That's fine.

7 A. -- purpose of this operation. However, I will say that the
8 Middlesex Corporation has the backing, the resources, the
9 knowledge, the skillset and the team members to take on any
10 project that we feel the company is capable of completing.

11 MR. BAILLY: Okay. That's fine. Thank you. That's all I've
12 got. Thanks.

13 MR. CASACELI: Thanks. David Casaceli, NTSB. I want to talk
14 a little bit more on the job briefing side.

15 BY MR. CASACELI:

16 Q. What is your understanding of the purpose and requirements of
17 the job briefing you received from the Housatonic flagger or RWIC?

18 A. My understanding of the job briefing is the job briefing
19 should cover, the job briefing should include what work is taking
20 place for the day, what limits we have, the dispatcher, the time
21 effective and any, I believe, any specific work that involves a
22 specific task. Like I know one of the, the specific questions on
23 that briefing is about fall protection but I don't remember all of
24 them specifically.

25 Q. Are the safety elements of working around or with on track,

1 on track machinery part of that?

2 A. It usually is. From a Middlesex standpoint, we mention that
3 in the morning. But I do not recall if it is specific to that
4 Housatonic briefing.

5 Q. Do you recall that morning any discussions on rules or
6 limitations regarding on track machines, whether working around
7 them or traveling?

8 A. Yes. Jason mentioned that all personnel, when on track
9 machinery was in the area, needed to be four feet off the track
10 and all personnel needed to stay 15 feet away from any machine
11 that was in operation.

12 Q. Do you ever recall that morning or another one that type of
13 information being portrayed from your railroad railway worker in
14 charge?

15 A. I do not believe that came from the railway worker in charge.

16 Q. Do you ever recall a railroad employee on this project
17 discussing safe traveling speeds or machine spacings while on
18 track?

19 A. To my knowledge, the majority of that information comes from
20 Middlesex and not from the Housatonic Railroad.

21 Q. I know I'm putting you on the spot. But can you recall a
22 specific incident where a safe traveling speed have been discussed
23 by a railroad employee

24 A. No. I cannot.

25 Q. That's fine. Although you can't recall a specific incident,

1 you believe that may have happened?

2 A. I believe it happened at one point. There have been
3 instances where the Housatonic RWIC has talked about specific
4 issues in the morning that they saw from the day before. But I
5 don't recall that specific question.

6 Q. Would, during the Housatonic RWIC's job briefing in the
7 morning, would it be a normal part of that briefing for the
8 railroad employee to discuss safely working around on track
9 machines and traveling speeds or traveling spacings?

10 A. Not normally.

11 Q. And normally, those types of things would be discussed in
12 there by somebody though?

13 A. They would be discussed by a Middlesex manager, we'll call
14 them.

15 Q. Do you, do you feel the, I'll call it the Middlesex portion
16 of the morning briefing because I know it kind of spans a few
17 different topics.

18 A. Yes.

19 Q. And we've heard some names of daily huddles. Is that all
20 part of the same briefing? Are they separate briefings? Is it
21 kind of --

22 A. On this project, they've been just one big briefing that kind
23 of rolls from one person to the next to cover all of the necessary
24 material for the day.

25 Q. Okay. What is the, what is your knowledge of safe traveling

1 speeds for machines on the Housatonic Railroad?

2 A. I believe the safe traveling speed for RMMs is 15 miles an
3 hour on the railroad. However, there are some restricted speed
4 portions of the track. I'm not, I do not recall specifically
5 where those are.

6 Q. You mentioned restricted speed. Can you explain what that
7 means to me?

8 A. To me, restricted speed means in the area of track that is
9 not capable of handling a high rail vehicle or train at its normal
10 operating speed.

11 Q. So, how fast would you travel in that area then?

12 A. I --

13 Q. Would an operator travel?

14 A. I believe the restricted speeds are either five or ten miles
15 an hour.

16 Q. On site, we talked a little bit about a roadway worker
17 protection manual or on track safety manual. I had some questions
18 about that. If you had a need to reference one of those, how
19 would you go about that?

20 A. I would reach out to the project manager on site and request
21 that he get that information from Housatonic.

22 Q. August 4th, was there any, I know you're a safety guy and not
23 an operations guy but you were present at the briefing. Do you
24 recall if there was a need to move any equipment south from the
25 briefing location out of the switch to the bridge for the bridge

1 work?

2 A. I do not believe so but I do know a speed swing was on track
3 at some point traveling south. I do not know if they started at
4 the yard or if that machinery was staged somewhere further south
5 and got on track.

6 Q. In regards to that speed swing, is that a rail bound piece of
7 equipment or can it come on and off the rail?

8 A. It can come on and off the rail.

9 MR. CASACELI: Thank you.

10 MR. GORDON: We're almost done.

11 BY MR. GORDON:

12 Q. You doing good?

13 A. I'm good.

14 Q. You need a break or anything?

15 A. You guys ask as many questions as you would like.

16 Q. All right. Thank you. So, we talked a little bit the
17 qualifications of employees. All the guys that work on or about
18 the track are roadway worker qualified?

19 A. Yes.

20 Q. You're roadway worker qualified.

21 A. Yes.

22 Q. Correct? Okay. So, if during the job briefing, at the end
23 of the job briefing, there are unanswered questions, what do you
24 do to resolve that? Like what's the formal mechanism if, if
25 needed?

1 A. So, I've had instances in the past where the job briefing has
2 gone around to be signed and I've received it and had questions on
3 the job briefing. At which point, I would refuse to sign it and
4 ask the RWIC for clarification. If it was just a misunderstanding
5 on my part, then that's all it was. If it was actually a
6 deficiency in the job briefing, then we would re-talk about it
7 with the entire group.

8 Q. Okay. And so, along that kind of line, are you familiar with
9 a good faith challenge? Have you --

10 A. Yes.

11 Q. Okay. Kind of talk to us about how that would be initiated.
12 And if, while you've been on this project, has there ever been,
13 has anybody actually had to take it to like a good faith challenge
14 or has it been resolved?

15 A. So, my understanding of a good faith challenge is if a team
16 member finds an unsafe situation on site that involves the
17 railroad, they are capable of bringing all work to a stop to
18 challenge the safety of the specific instance in which we're
19 talking about. I do not recall a time in which a deficiency on
20 site has gone to a good safe (sic) challenge.

21 MR. GORDON: All right. That's all I've got. I'm going to
22 look around.

23 MR. SKOLNEKOVICH: I've just got a couple follow on.

24 MR. GORDON: All right.

25 MR. SKOLNEKOVICH: Richard Skolnekovich, NTSB.

1 BY MR. SKOLNEKOVICH:

2 Q. Kind of go back to the job, job briefs again. So, Housatonic
3 does or the employee in charge does his brief. Then you kind of
4 roll into the Middlesex brief. Okay.

5 A. We call it a daily huddle but yes.

6 Q. The daily huddle. Okay. Are there separate forms, so, like
7 the employee in charge has a sign in form --

8 A. Yes.

9 Q. -- that everybody's required to sign. Right. Does Middlesex
10 have their own form --

11 A. Yes.

12 Q. -- for the next huddle? Okay. Is everybody required to sign
13 that?

14 A. No.

15 Q. Okay.

16 A. We do it via an app and there is not a sign feature on that.
17 However, we have what we dubbed a people picker.

18 Q. Yes.

19 A. So, the foreman can select all of the crew members that are
20 working on his crew for the day. And then there is a photo
21 section where the foreman is capable of taking a photo of either
22 the sign in sheet or the crew members themselves for the day.

23 Q. Okay. So, they may or may not have a paper form but they do
24 have the ability to keep track of the people that were in that --

25 A. Yes.

1 Q. -- that daily huddle. Okay. How do they get, who checks to
2 make sure that everybody that, that is on that job site actually
3 was in that huddle?

4 A. That check is normally done by operations.

5 Q. Okay. You mentioned operations a lot. Can you tell me like
6 who in operations? Is it broke down? Is it one person? Is it
7 multiple people?

8 A. I, I don't know who specifically in operations would check
9 that kind of information but I believe Kyle Cummings, who is the
10 operations manager for Massachusetts, would know --

11 Q. Okay.

12 A. -- who that person would be.

13 Q. So, let me ask you this. So, when the foreman is at, he's
14 got X amount of people. He may or may not have a paper job list.
15 How does he keep track of who's actually on the job site
16 throughout the day?

17 A. Like who may be coming and going?

18 Q. Yes. Well, just accountability of the people. So, how does,
19 so, when you have the daily huddle, those are all the folks that
20 are in that brief. How do you keep track of the folks coming in
21 and out of the job site or that may leave or come back or --

22 A. So, with the exception of project engineers or any other
23 management personnel, there should not be random team members just
24 coming in and out throughout the day. If a team member does need
25 to come in late or leave early, they've contacted their foreman

1 ahead of time about that. And then they will be in contact with
2 their foreman either when they get on site or when they're about
3 to leave.

4 Q. Okay. Now, did it get added to the job huddle check or the
5 sign in sheet?

6 A. If they are leaving early, they are already on the daily
7 huddle. However, if they're coming late, the foremen have been
8 instructed to perform a separate daily huddle with them.

9 Q. Okay. Now, how do you verify that, that everybody that is on
10 the daily huddle sheet was actually present at that huddle? Is it
11 all, is the foreman plugging that in on his phone? Are they
12 signing in? Are they going in on their phones?

13 A. So, to verify who was at the daily huddle, it would be via
14 the people picker I talked about earlier or the photo of the sign
15 in sheet or the crew themselves. That's how they would verify.

16 Q. Who does the people picker? Is that the foreman?

17 A. The foreman --

18 Q. Okay. The foreman.

19 A. -- while they're filling out the daily huddle. They will
20 then select who was on site for that daily huddle.

21 Q. Okay. All right. So, the next question I've got is with
22 the, with the Middlesex employees, are they allowed to operate any
23 of the switches to move the tracks around?

24 A. My understanding is that Housatonic has given us permission
25 to move the switch after it has been unlocked.

1 Q. Okay. So, what's --

2 A. We are not allowed to unlock it.

3 Q. So, once, okay. So, as long as it's not locked, you can
4 operate it?

5 A. Yes. And if it is locked, no one is allowed to touch it and
6 the RWIC is supposed to be called to unlock it.

7 Q. Okay. Do you know of any, any procedures on how the
8 employees were trained on how to operate that switch?

9 A. I do not know that information.

10 Q. Do you have any JHAs on switch operation?

11 A. No.

12 Q. Okay, okay. That's all I have. Thank you.

13 A. Of course.

14 MR. BAILLY: P.J. BAILLY, Housatonic. Nothing else. Thanks.

15 MR. CASACELI: David Casaceli, NTSB.

16 BY MR. CASACELI:

17 Q. So, we talked a lot about your responsibilities as the
18 Middlesex site safety manager. How do you see where your roles
19 and responsibilities overlap or are separate from the railroad
20 properties you're working on? And can you give me a little bit of
21 an explanation of how you see the railroad's role in safety on
22 some of these projects?

23 A. My, my role in safety versus a railroad's role in safety. I
24 would feel my role in safety would be more specific to the team
25 members and the tasks that are taking place. However, if a, well,

1 I should say I feel like the railroad's role in safety is more
2 geared towards the safety of the track and the potential trains
3 that may be traveling on it. However, if the railroad sees a
4 safety deficiency with our team members, they are more than
5 encouraged to come talk to myself, the foreman or the
6 superintendent about that. And I would hope the same is
7 reverberated if we see an issue, a safety deficiency with the
8 track.

9 Q. Do you feel the railroad has a responsibility to perform
10 safety audits of your employees when you're on their site?

11 A. I would think they should but I don't know if they're
12 required to or if they have a document they fill out when they do.

13 Q. So, you're not aware of any requirement or rule or something
14 --

15 A. No.

16 Q. -- that would require the railroad to audit Middlesex
17 employees.

18 A. No. I'm not.

19 MR. CASACELI: Okay. Thank you.

20 MR. GORDON: Joe Gordon, I don't have anything else. Looking
21 around one more time. All right. We're going to go off the
22 record.

23 (Whereupon, the interview was concluded.)

24

25

CERTIFICATE

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

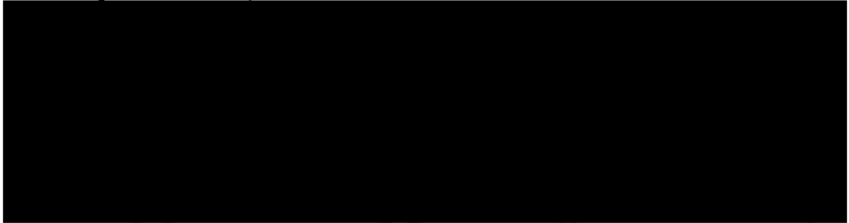
IN THE MATTER OF: MIDDLESEX RAILROAD EMPLOYEE
FATALITY IN GREAT BARRINGTON,
MASSACHUSETTS ON AUGUST 4, 2023
Interview of Daniel Deroehm

ACCIDENT NO.: RRD23FR015

PLACE: Great Barrington, Massachusetts

DATE: August 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.



Brenda Field
Transcriber