

UNITED STATES OF AMERICA

NATIONAL TRANSPORTATION SAFETY BOARD

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Investigation of: \*

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MIDDLESEX RAILROAD EMPLOYEE \*

FATALITY IN GREAT BARRINGTON, \*

Accident No.: RRD23FR015

MASSACHUSETTS ON AUGUST 8, 2023 \*

\*

\* \* \* \* \*

Interview of: JASON MENARD, Quality Control Manager  
Middlesex Corporation

Great Barrington, Massachusetts

Friday,  
August 6, 2023

APPEARANCES:

JOE GORDON, Track Group Chairman  
National Transportation Safety Board

JOHN PATANE, Safety Inspector, Track Discipline  
Federal Railroad Administration

RICHARD SKOLNAKOVICH, Investigator  
National Transportation Safety Board

JOSHUA WERNIG  
Middlesex Corporation

P.J. BAILEY, Train Master  
Housatonic Railroad

DAVID CASACELI, Railroad Investigator  
National Transportation Safety Board

TODD KRAHOLIK, Rail Investigator  
National Transportation Safety Board

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I N T E R V I E W

(3:20 p.m.)

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

11 Before we begin, we'll go around the table. Everybody that's  
12 going to be participating in the interview will introduce  
13 themselves and spell their last name. Again, my name is Joe  
14 Gordon. The 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 with the Track Discipline.

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

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

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

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

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

1 Investigator.

2 MR. MENARD: Jason Menard, M-e-n-a-r-d, Middlesex  
3 Corporation.

4 MR. GORDON: All right. Thank you, Jason. We talked a  
5 little bit before, but you understand that we're going to record  
6 the conversation today?

7 MR. MENARD: Yes.

8 MR. GORDON: Okay. And we talked about a representative.  
9 You didn't wish to have a representative here with you today?

10 MR. MENARD: No, thank you.

11 MR. GORDON: Thank you.

12 INTERVIEW OF JASON MENARD

13 BY MR. GORDON:

14 Q. Okay. If you could just start out by walking us through,  
15 like, your railroad career? When you started railroading?

16 A. So I've worked -- a part of and around railroading since --  
17 it's been a while. I was a contractor with Chimbrel Corporation  
18 (ph.). We did a lot of railroad bridges; we did a lot of work  
19 with Amtrak down in Connecticut for Niantic River crossings. CSX  
20 -- we did all the bridge work for CSX on and off track with them.  
21 Basically got into all of the practices with it. A little bit of  
22 work with Middlesex up at Albany, a rail project up there.

23 And then I kind of got into it full blast about -- was it  
24 about six years ago, seven years ago with Middlesex with an on-  
25 call contract for the MBTA. Started getting fully involved in all

1 of the rail procedures and stuff like that, rail installation and  
2 I -- from there we ended up in Northampton working for Pan Am  
3 Railways. We did a small two-mile siding. And then from there we  
4 moved over to where we are today at Housatonic Railroad.

5 Q. Okay. And what is -- what's your job title been since you've  
6 been with Middlesex?

7 A. So Middlesex I started out as a foreman. Worked my way up  
8 the ranks to a superintendent. And now as of two weeks ago, I'm  
9 in charge of quality control for this project.

10 Q. Okay, all right. Can you talk to us a little bit about some  
11 of the trainings that you've had, you know, in railroad, whatever  
12 they may be, roadway worker --

13 A. Yes --

14 (Crosstalk)

15 A. -- so I've been through the RWP training for several  
16 different companies, whether it be for CSX, Pan Am, Keolis,  
17 Amtrak, MBTA. As far as CWR training, installation of CWR,  
18 distressing CWR, both through the MBTA through Pan Am Railways and  
19 through Housatonic Railways. As far as physical training, that's  
20 (indiscernible).

21 Q. All right. So in the position that you're in now, can you  
22 kind of talk to us about the responsibilities?

23 A. So right now my responsibilities are to make sure, one, we're  
24 obviously installing everything per spec and making sure we're  
25 putting together a good, obviously quality product that's put

1 together the correct way. Ensure at the end of each shift that  
2 everything's been inspected, whether it be visually walked through  
3 with myself and my track foreman, just to make sure that, like I  
4 said, everything is train safe for the night as long, as well as  
5 with a representative from Housatonic. If there's any  
6 imperfections that one of us do pick up, we make sure everything's  
7 adjusted, everything's fixed and everything's good to go for that  
8 night.

9 A. Okay. All right. And on the -- so on the day of the  
10 accident, can you kind of talk to us about when you reported,  
11 where you reported, who you talked to?

12 Q. So on the morning of the accident, we reported to the 49 Lime  
13 Kiln in Sheffield, Massachusetts. That is known by Housatonic as  
14 lane siding. Yes, so we reported to the lane siding. We started  
15 4:30 a.m. with our Housatonic briefing, which then led into our  
16 safety briefing on what we're going into, which then broke into  
17 our crew briefing as to where they're going, what they're doing,  
18 responsibilities for the day, and kind of who's going where. And  
19 then, yes, we went to work.

20 Q. Okay. And who's present at that briefing?

21 A. So at that particular briefing, Dan Deroehm was there for  
22 Middlesex for safety. Because we had a new task that started that  
23 weekend, we went over to JHA. There was a very extensive safety  
24 briefing that morning. Basically because we're working over -- it  
25 was a much different circumstance that any of the other ones with

1 the water and everything like that, so discussed about how we  
2 brought out -- we have our safety boat for boat rescues. And we  
3 went over to JHA as far as changing the ties and timbers on the  
4 bridge, the approaches, you know, what our plan was for that  
5 particular weekend and what our plan was for the following weekend  
6 to do the full wrap-up on that bridge.

7 I -- over the past, say, couple of months, it was brought up  
8 that our morning briefings could be a little bit better. So I  
9 kind of took the reins on that one and started making sure that  
10 our morning briefings were a little bit longer on the safety  
11 hazards of the day. So we would go over, every day, religiously,  
12 you know, what the hazards are going to be for that day, the  
13 hazards are for that operation and, you know, moving track  
14 equipment, staying away from track equipment, equipment stopping  
15 before entering work zones, and everybody tells me, you know,  
16 you'll just be kind of beating that dead horse. Make sure  
17 everybody hears it every day.

18 So we kind of went through that in-depth. Like I said, this  
19 was a longer safety briefing than most just because of the change  
20 in the work with the bridge work and stuff like that. We want to  
21 make sure that everybody kind of was aware of the new hazards that  
22 were going to be potential for that weekend.

23 Q. Okay. And when you referenced JHA, is that --

24 A. It's our job hazard analysis sheet. So that is written  
25 between myself, Dan Deroehm, our full safety department. We all



1 have a say in that. Basically, just if somebody is missing  
2 something or not seeing something, it's kind of the more eyes that  
3 see it the better it can be.

4 Q. Okay. All right. So if you can talk about the -- like, in  
5 detail on the job briefing that morning. Aside from the safety  
6 part, kind of the logistics and where people -- like, what  
7 discussion was held about who was going to be working where, you  
8 know, what projects were going to be going if there were multiple  
9 projects. Just kind of walk us through that.

10 A. So we talked about how the bridge crew was going to be  
11 leaving. They were heading down. All of their equipment was  
12 either already in location or it was going to -- being put on in a  
13 southern location, whether it be in a grade crossing, or I think  
14 we have some -- and it's parked off the side of the right of way.  
15 So we kind of went over with that crew, we went over the lagging  
16 crew, who was going where, what they were doing. At that point  
17 Bill had unlocked the switch for us, so we did a little bit of  
18 shuffling of equipment at the switch. And then from that point on  
19 I ended up leaving going to the Housatonic bridge.

20 Q. Um-hum.

21 A. And then the two workers were already working. So like I  
22 said, the work crew on the south that was already on the bridge.  
23 They were down there working, and the lagging crew was getting up  
24 and they needed so that they can move -- proceed to the north.

25 Q. Okay. So from point of entry -- and this will help me out a

1 little bit -- from where they were entering the main track, the  
2 bridge work was south --

3 A. The bridge -- yes, south over the Housatonic on 7A. I can't  
4 think of the mile post right now.

5 Q. But the -- and the lagging work was north of the --

6 A. Correct. So we -- our lagging crew is kind of skipped around  
7 from the lane switch to the north. So, you know, when we first  
8 started doing it we did from lane switch to Lime Kiln Road. And  
9 then the work's moved from Lime Kiln Road to Lyoning's Road. And  
10 this particular was continued to the northernmost limits south of  
11 49 -- 49, 59, I can't even think right now. And it was to move  
12 south installing lags drilling, so there would have been two  
13 pieces of equipment installing lags from the north working south  
14 back towards the switch.

15 Q. Okay. And who was the roadway worker in charge on the  
16 project?

17 A. My EIC? Are you talking about my Housatonic representative?  
18 (Crosstalk)

19 A. -- or you're talking about who is in charge of that group?

20 Q. Both of them --

21 A. So that morning my briefing was with Bill Lewis. My roadway  
22 worker in charge of that work group, Brady Holt has been taking  
23 care of that. Nick is obviously the foreman on both locations  
24 with both crews. Brady kind of reports to -- and sometimes it's  
25 Brady and Anthony usually. That particular day Anthony wasn't

1 there so it was just Brady communicating back and forth. I  
2 received a call from them earlier in the morning saying -- asking  
3 for the mechanic's number because there was something wrong. The  
4 drill head itself -- the drilling part was -- I'm not 100 percent  
5 sure. He just said there was some problems with it.

6 Q. Okay.

7 A. So I know he was in contact with the mechanic to get that  
8 fixed.

9 Q. Okay. So when he had that conversation with you about the  
10 problem with the machine, did he relate to you that he was going  
11 to contact the mechanic and move back to the yard or --

12 A. Just because I don't want to say it wrong, I'm just going to  
13 read the text message I received from him in the morning. Just --

14 Q. Okay.

15 A. But I'm almost positive he just asked me for his number. The  
16 drill wasn't working. Where is Brady's -- 9:11 in the morning it  
17 was just a message, can you send me Bruce number please. Bruce is  
18 our mechanic.

19 Q. Okay.

20 A. So 9:11 he was having issues with the drill head.

21 Q. Okay. So that in the job briefing when you talked about the  
22 bridge crew and the lagging crew, was the -- Bill Lewis was he  
23 present for that --

24 A. I --

25 Q. -- discussion?

1 A. -- do not -- I can't say if I did see him, or I didn't see  
2 him.

3 Q. Okay.

4 A. So we had our briefing, and then like I said, we do our  
5 stretches for our company, and we broke with them. I thought he  
6 was next to me, but I can't say yes or no to that.

7 Q. All right.

8 MR. GORDON: That's what I've got for right now. I'm going  
9 to pass it around to our party members.

10 BY MR. PATANE:

11 Q. John Patane, FRA. So who typically assigns crews, work  
12 groups to -- where they're going to be working?

13 A. Who tells the crew where to go?

14 Q. Yes.

15 A. My foreman, Nick Rende.

16 Q. Okay. So if there's going to be two separate work groups,  
17 would you designate somebody in charge of each group, or would  
18 that be Nick doing all that?

19 A. That would be my foreman, Briggs (ph.), (indiscernible) his  
20 guys kind of where they're going, who's going where.

21 Q. Okay, okay, so you don't have --

22 A. This has been an ongoing -- we've been working in the south  
23 and working in the north for, gosh, I don't even know when we  
24 started that. It's been a while. We've been working in two  
25 separate locations.

1 Q. Okay. So is there -- you said you had Brady. What did you  
2 consider his title of the workgroup that day of the incident?

3 A. Just a crew leader.

4 Q. You consider him a crew leader?

5 A. Yes.

6 Q. Okay. And did you have another crew leader on the bridge  
7 project?

8 A. I had my crew foreman that was there. Nick Rende was in --

9 Q. So --

10 A. -- charge of that. I actually had two foremen on site. I  
11 had a civil foreman, Mark Sciati (ph.) that was in charge of all  
12 of the excavations and digging, and then I had Nick Rende, who's  
13 my foreman in charge of all rails.

14 Q. So would you consider Nick and Brady kind of equals --  
15 leaders of their each --

16 A. No, so one is a foreman and the other one was just a crew  
17 leader.

18 Q. He's just a crew leader.

19 A. Correct.

20 Q. Okay. Is there any -- something in your rule book that  
21 outlines what a crew leader's job is for that particular job task?

22 A. No, he's just the one that's in charge of what's going on.

23 Q. Okay. So there's no formal process or form that he has to  
24 fill out as being the leader of his work group?

25 A. No.

1 Q. Okay. Is there anything that he's required to discuss with  
2 his work group?

3 A. He's in charge of all of the guys that run equipment. So  
4 he's in charge of calling on, calling off.

5 Q. Okay.

6 A. Calling myself, calling Nick if he has an issue. I think he  
7 tried calling Nick.

8 Q. What I'm getting at is there any formal procedure, like, in  
9 your rule book for that kind of situation?

10 A. No.

11 Q. Okay. Okay. So are -- do you get involved with training and  
12 qualifications?

13 A. As far as training, no.

14 Q. Okay. Who does the roadway maintenance machine  
15 qualification? Who gives the actual qualifications and if  
16 they're --

17 A. That --

18 (Crosstalk)

19 A. -- that would be a question for our safety department.

20 Q. Safety department. Do you get involved with inspections of  
21 RMM's? Do you --

22 A. The only time I inspect a piece of equipment is if I have to  
23 move it myself.

24 Q. Okay, okay. Do you do any kind of operational monitoring,  
25 like a fail or pass system kind of checking to make sure that all

1 the operators are using safe procedures --

2 A. So we --

3 Q. -- operating procedures?

4 A. So we have a thing within our company. It's called the stop  
5 card program. And what that is is that's an observation that we  
6 just watch. So part of our managers, we kind of watch -- we stand  
7 back, you do stop cards. So periodically, we'll just stop and  
8 watch a work group --

9 Q. Okay.

10 A. -- go up to them and present the goods, the bads, what  
11 they're doing right, what they could do to maybe help something be  
12 safer.

13 Q. Okay.

14 A. But as far as actual qualifications or writing them up for  
15 good or bad, no, then I'm not responsible.

16 Q. Have you guys done one of those stop card?

17 A. Yes.

18 Q. Stop card is what you call it?

19 A. Yes, correct, it's --

20 Q. Have you done one of those on this work group recently?

21 A. We do them daily. It's an employee assessment, so do you --  
22 I'm just trying to think of something better to describe exactly  
23 its technical meaning, but --

24 Q. Okay. That's all right. So you're familiar with safe  
25 operation procedures like RMM spacing and --

1 A. Yes.

2 Q. -- distance between --

3 A. Traveling equipment --

4 Q. -- doing ground -- so you're checking for effectiveness on  
5 the --

6 A. I'm checking to see that the crew is working safely, the way  
7 they're either operating a particular piece of equipment when I  
8 walk on to the area.

9 Q. Okay.

10 A. So, yes, if they are traveling and someone's too close, yes,  
11 that's where you speak up.

12 Q. Do you get involved with physical characteristics of the  
13 railroad? So when your company first accessed the railroad for  
14 the first time or is entering a new piece of territory, is there  
15 somebody from your company that goes with Housatonic Railroad and  
16 learns the territory before everybody else starts track traveling  
17 over it? It's kind of like --

18 A. Like I showed up on day 1 and I did -- we did a drive through  
19 with the Housatonic Railroad to locate all of the work that was  
20 going to be done.

21 Q. So you --

22 (Crosstalk)

23 A. -- in the beginning --

24 Q. Like a rubber tie vehicle from crossing to crossing?

25 A. No, it was a high rail vehicle.



1 Q. Oh, so you did a high rail trip?

2 A. Yes.

3 Q. And now are you -- after you did that with the  
4 (indiscernible), do you -- is it your job to inform other -- all  
5 the other employees of Middlesex of the physical characteristics  
6 of --

7 A. No, I describe that to my foreman.

8 Q. Oh, so you --

9 (Crosstalk)

10 A. My foreman was actually present with me during our high  
11 rail --

12 Q. Okay.

13 A. I would call it investigation, try and find out where  
14 everything was, and the scope of the work.

15 Q. Okay. And then is it -- who determines who is qualified to  
16 track travel on their own as far as roadway maintenance machine  
17 operators. Is there some kind of qualification process that  
18 outlines individual operators, a piece of equipment that know the  
19 railroad well enough that they can travel it by themselves?

20 A. Again, that would, I think, have to part of our safety  
21 department because I don't certify anybody to operate equipment.

22 Q. Okay, okay. And do you do track safety standards, like pre  
23 and post inspections with the Housatonic Railroad like after  
24 you've done work and you put it back in service. Do you guys do a  
25 joint --

1 A. We do a full walk through before we release anything for  
2 service, yes.

3 Q. And you do -- it's joint between you and the railroad  
4 usually?

5 A. We generally walk it together, yes.

6 Q. Okay.

7 A. Just to make sure that someone's -- we're both catching  
8 anything that could be a potential.

9 Q. Okay.

10 A. And then if there -- if we do find something, whether it be a  
11 missing E clip or something like that, then Middlesex takes care  
12 of fixing it before service.

13 Q. Okay.

14 MR. PATANE: That's all I have for right now, thanks.

15 BY MR. SKOLNAKOVICH:

16 Q. Rich Skolnakovich, NTSB. You talked about multiple projects  
17 for the railroad. So -- but we didn't get an overall, like, how  
18 many years have you worked railroad type --

19 A. Doing track installation?

20 Q. Yes.

21 A. Six years.

22 Q. Six years.

23 A. I would say six years --

24 Q. Okay.

25 A. -- seven years.

1 Q. And you said you went through a bunch of different -- trained  
2 with CSX, with --

3 A. Yes.

4 Q. -- Amtrak. Was it -- were they hands-on type of courses?  
5 Were they online courses?

6 A. So they were both. Back when I first started with it,  
7 everything was classroom. And then obviously since Covid started  
8 taking things over, it went more towards the digitized system.

9 Q. Okay. Let me ask you. Your title is superintendent. Can  
10 you describe the title a little bit more. Are you, like, a  
11 superintendent overseeing production or --

12 A. So, yes, I -- two weeks ago, yes, I was a superintendent as  
13 far as the job site. So job site superintendent, and like I said,  
14 two weeks ago I was changed to a QC manager to make sure quality  
15 was being done.

16 Q. Okay. And that QC manager, what is the focus on that --

17 A. So I have two field engineers that report underneath me and  
18 basically every time we go out there. So we're -- let's just  
19 start in the north -- so we're lagging, so basically the QC specs  
20 is one. Make sure the lags are being installed in the proper  
21 location, making sure they're secured right, making sure they're  
22 installed right, making sure they're not just destroying them.  
23 When we get to the bridges, it's going to be between myself and my  
24 foreman, making sure one, the alignment of the track is installed  
25 properly, making sure the proper joint bars are used, whether they

1 be comp joints, whether they be straight bars, making sure the  
2 proper bolts are installed, making sure the track is safe for the  
3 train.

4 Q. Okay. So it's all focused on the --

5 A. The installation of tracks.

6 Q. Installation of track, okay. Thank you. That's kind of  
7 where I was going with that. Now as far as -- you talked about,  
8 like, the stop card and stuff. Now is that kind of a primary task  
9 or is that just an incidental task --

10 A. That's a company task that we do. It -- what it does is it  
11 actually -- you go out and see something that you think is either  
12 good or bad. The stop card is something that makes us be a safer  
13 company. So if you see somebody that's working in a ditch and  
14 their back is to a piece of equipment, that's a good stop card.  
15 You pull somebody out of the hole, you say, hey, listen, man. Why  
16 don't you turn yourself around, the equipment's in front of you  
17 and we move on from there. It's not a write-up, it's not a  
18 punishment. It's basically just something in-house that we keep  
19 that allows us to make ourselves a better and safer company.

20 Q. Okay. Do you guys keep track of --

21 A. Yes.

22 Q. -- how often you do it?

23 A. Every single one is done -- it's all logged into an online  
24 system. The managers get to see who's doing them, who's not doing  
25 them. It's kind of on a -- I don't know what you'd say, a

1 randomized system -- you know. Guys do them as they go throughout  
2 the day. We see both equally good and bad stop cards. When I say  
3 bad stop card, it's somebody saw something that could be a hazard.

4 Q. Yes.

5 A. So you stop it instantly, we talk about it, we send it into  
6 the company. That gets distributed through our entire company,  
7 which helps us be safer because you're learning from other  
8 people's observations.

9 Q. Understood. Let me ask you. With that stop card, is there  
10 any requirement for how many you have to do per day, per week, per  
11 month?

12 A. There's no requirement. It's randomized. We have --  
13 managers are required to do at least one a week. I try to do at  
14 least two or three a week. But as far as the crew members, it's  
15 just -- it's randomized. If they see something, they say  
16 something type of deal.

17 Q. Okay. So along with this, is there any requirement to do,  
18 like, you know, face to face type stuff with every employee or is  
19 it just totally random and --

20 A. Totally random. There's no names involved in any of them.

21 Q. Okay.

22 A. As managers we get those in and if it's something that we do  
23 see is -- is something that could be catastrophic, then it's a  
24 whole different ballgame. So then you would stop and actually  
25 have a conversation with all parties involved and just get to that

1 before it becomes an issue.

2 Q. Okay. Now are foremen allowed to do that as well?

3 A. Foremen are allowed to do that. Anybody at the company is  
4 allowed. We have something that we believe in the stop work  
5 responsibility. Anybody in the company at any time, no matter  
6 what position you are, can stop all work. We regroup, go over  
7 what's going on, and we go back to work (indiscernible).

8 Q. And what about documents? So like you talked about, like,  
9 each manager has to do one per week.

10 A. Correct.

11 Q. And the foreman?

12 A. The foreman does them.

13 Q. But does he put it in some kind of system, or he just does it  
14 and he tells you?

15 A. All digital?

16 UNIDENTIFIED SPEAKER: I can't answer questions.

17 MR. MENARD: Oh, I'm sorry.

18 BY MR. SKOLNAKOVICH:

19 Q. So it's -- it goes -- there's two different types. You can  
20 have a paper card, or you have an online card. We have an online  
21 app. They go into the app, they get stored, and each job is  
22 notified. So I receive emails when people do stop cards. This  
23 way I can review them, see if there's anything on there that needs  
24 to be addressed immediately or was it fixed in the field.

25 Q. Okay. And foremen can do that as well. And so they can --

1 A. Foremen won't see it. I will see it, any of the managers in  
2 the office will see it, and then we kind of go to our foremen and  
3 say, hey, listen, I saw a stop card on this. Can we have a huddle  
4 on that? And we'll have that huddle the next morning.

5 Q. Okay. So let me rephrase it then. So if a foreman saw  
6 something, could he put something in the system --

7 A. 100 percent.

8 Q. Okay.

9 A. Yes.

10 Q. So he could put it in the system --

11 A. Yes.

12 Q. -- he just can't see the overall --

13 A. Correct.

14 Q. All right. Now I'd like to switch over to -- a little bit of  
15 the training. So the -- I know you're not too much into the  
16 training or the safety department. Actually, for the training  
17 portion of it, based on your knowledge with the equipment  
18 operation stuff, can you just give me a general rundown of how  
19 they're trained to operate equipment.

20 A. What do you mean?

21 Q. So like --

22 A. Like how do we train our guys?

23 Q. Yes.

24 A. So most of our guys that have come up, we've hired a few guys  
25 from the south that came with railroad training. So they kind of

1 operated equipment. We made sure they actually knew what they  
2 were doing, and you can tell really fast if somebody doesn't know  
3 what they're doing on a piece of equipment.

4 Q. So are they assessed first and then -- or do you hire folks  
5 and then just start training them?

6 A. Well, when they come up to work, if they say can operate a  
7 spiker, we'll put them in a spiker with somebody that knows how  
8 to. If they don't know how to operate it, you'll know pretty much  
9 instantly.

10 Q. So you evaluate them right then and then make a  
11 determination?

12 A. Yes.

13 Q. All right. With the qualification of the equipment, is that  
14 something that you're just relying on your foreman to tell you  
15 whether or not they're qualified to operate or --

16 A. I don't get told from my foreman whether he's good or not.  
17 Again, I believe that's in with our safety. We have -- and  
18 whatever the proficiency cards or whatever they are.

19 Q. Okay.

20 A. So again that's --

21 Q. All right. So the foreman would talk to you mainly just  
22 about production stuff?

23 A. He would talk to me about whether or not somebody could  
24 actually do the job or not. So if he says, hey, listen, this guy  
25 can't operate this piece of equipment. Then -- okay, then that's



1 why he slung that sledgehammer, I understand.

2 Q. Okay. Just one more question then I'll --

3 A. Yes.

4 Q. So with all the time you've been working on the railroad,  
5 have you been qualified on any type of railroad operating rules?

6 A. Have I been -- I don't understand --

7 Q. On any railroad operating rules, like have you ever heard of  
8 the term NORAC or --

9 A. Yes.

10 Q. -- GCOR. Have you been qualified on any of them --

11 A. No.

12 Q. Okay. That's all the questions I have, thank you.

13 MR. WERNIG: Josh Wernig from Middlesex. I have no questions  
14 at this time.

15 BY MR. BAILEY:

16 Q. P.J. Bailey, Housatonic. How you doing, Jason?

17 A. Okay.

18 Q. I'll start off do you know the restricted speed by chance?

19 A. For --

20 Q. Do you know what the restricted speed is?

21 A. For operating high rail equipment?

22 Q. Yes.

23 A. The restricted speed is 15 miles an hour.

24 Q. All right. Does that go with any kind of stipulation? Is  
25 there anything added to that?

1 A. No, none that I know of.

2 Q. Do you think, in your opinion, that Brady's qualified as a  
3 leader of a work crew?

4 A. Yes, he can lead a work crew. Is he the best candidate for  
5 the job? Maybe not, but he is a good leader. He does respond,  
6 he's good with his radio, he's good with what he does,  
7 documentations.

8 Q. Are you aware of Middlesex -- that the State requires  
9 Middlesex to have certain qualified personnel on the site at all  
10 times, as in like quality control --

11 A. Yes.

12 Q. -- safety?

13 A. Yes.

14 Q. Do you think that's been followed all the time?

15 A. Yes. There were occasions where I was running both roles,  
16 yes, but we have since put a halt to that, that's why I'm strictly  
17 just a QC manager now.

18 Q. Do you think, in your professional opinion, that Middlesex  
19 was prepared for this project?

20 A. So our problem was that hiring guys and losing guys. So I'm  
21 trying to think of how to answer that. Obviously, every job I go  
22 to or not prepared for. I don't mean that in a negative way. I'm  
23 just -- I really don't even know how to answer that question, to  
24 be honest.

25 Q. That's fine.

1 A. Like I said --

2 Q. That's all right, yes.

3 A. Yes.

4 Q. You take RWP's to other railroads including --

5 A. Yes.

6 Q. -- those ties?

7 A. Yes, sir.

8 Q. Do you find RWP program adequate or equal to others?

9 A. Yes, I would say they're equal to others. They're generally  
10 all about the same. They go over basically all the same  
11 similarities. They are very similar to the other ones, yes.

12 Q. That's all I got. Thanks, Jason.

13 A. Yes.

14 BY MR. CASACELI:

15 Q. Jason, David Casaceli, NTSB. A couple of things -- sorry,  
16 that one's been answered. You've been through both online -- or  
17 I'll say computer-based -- or classroom training --

18 A. Yes.

19 Q. -- for different things in your railroad career. Is one more  
20 effective than another?

21 A. Depends on how you learn.

22 Q. Okay.

23 A. So everybody learns in a different way. I have -- I'll just  
24 use my kids for example. I have one kid that doesn't learn by in-  
25 person at all. He has to read it himself. And my other child has

1 to be in-person, drilled into his head. So everybody learns in a  
2 different way. I thought both methods work fine.

3 Q. Okay. On the -- comparing the Housatonic to other properties  
4 you've been on, how would you, you know, rank their safety culture  
5 at the railroad with folks who worked that year? Good, better,  
6 about the same?

7 A. About the same. Safety culture within the railroad is a very  
8 strong thing. Just from all of the projects I've been on. But,  
9 yes, just like I said, it's average right with what I've dealt  
10 with between Amtrak. You know, obviously, there's a lot when you  
11 get into the electrified systems and stuff like that. Yes, their  
12 safety is a lot higher and it's a lot stricter, but as far as  
13 every other railroad, as far as Amtrak, non-electrified Amtrak and  
14 CSX and Pan Am and stuff like that, yes, I think it's fair.

15 Q. Do you have work experience either, you know, heavy  
16 construction or high risk before you worked on railroading and  
17 other line work?

18 A. Yes.

19 Q. Can you just give me a real quick --

20 A. Basically everything, from demo -- basically heavy highways.  
21 So when you look at a bridge structure or any kind of a roadway,  
22 basically from beginning to end, excavation, pile driving, setting  
23 steel, form work, rebar, concrete, heavy highway, traffic setups.  
24 I mean, I've been involved in pretty much every aspect of it.

25 Q. How would you compare the safety culture on railroads to

1 those other industries?

2 A. Depends on where you are. Obviously, like I said, the  
3 electrified, the safety culture on the electrified's a whole lot  
4 more strict. There's a lot more safety features, but I mean as  
5 far as out with your highway jobs and your Mass DOT projects, very  
6 similar.

7 Q. Okay, thank you.

8 BY MR. KRAHOLIK:

9 Q. Todd Kraholik with the NTSB. When you are going to a new job  
10 or you're setting up a new job as far as your -- how does the  
11 railroad know what work needs to be performed?

12 A. Are we talking day to day or I just showed up at a new job?

13 Q. Yes, day to day.

14 A. That is in our briefings in the morning. As far as what our  
15 tasks are going to be for the day, no --

16 Q. Yes.

17 A. Okay, so yes, that would be at our briefings in the morning.

18 Q. And then on the day of -- well, we don't know --

19 (Crosstalk)

20 A. So there's also scheduling behind the scenes. So I have  
21 scheduling that goes on. I speak directly with representatives  
22 from Housatonic, kind of planning our weekends out, where we're  
23 going to be. Mass DOT also gets updated schedules, mile markers,  
24 where we're going to be. So they have weekly five-week lookaheads  
25 that they receive that tell us where we're going to be working,

1 what we're going to be doing that day.

2 Q. And you send that personally?

3 A. That is sent out through the group that works out of the  
4 Sheffield office. So we collaborate and work on it. The person  
5 who actually pushes send is another gentleman that works for us,  
6 but --

7 Q. Do you know his name?

8 A. Yes, it's either James Cessito, Jr. (ph.) or Owen McCaffrey  
9 (ph.). They send out our weekly projected five-week lookahead.  
10 So every week our five-week lookahead changes. This way Mass DOT,  
11 AE Comm (ph.), all parties involved know what's going on and where  
12 we're working.

13 Q. Do you know who they send it to at the railroad specifically?  
14 I'm not worried about the other ones, but the railroad. Do you  
15 know who they send it to specifically?

16 A. If you want I can pull up an email list to see who exactly  
17 gets it, if that's what you want.

18 Q. That would be great.

19 A. I mean, I can --

20 Q. Yes.

21 A. If I can find the actual five-week one. This is easier on a  
22 computer.

23 MR. GORDON: Perhaps you -- and we can follow-up on that.

24 UNIDENTIFIED SPEAKER: Yes, we got something we can easily  
25 get to.

1 (Crosstalk)

2 BY MR. KRAHOLIK:

3 Q. And then in addition to that, you said that you do  
4 communicate with whom at the railroad?

5 A. So as far as my flagging support and stuff like that, that is  
6 handled through Eric Boardman. If there's track-related  
7 questions, concerns, where we're going, materials that we would  
8 need, that would be through either Ethan Boardman or Matt  
9 Boardman. And then any other questions would be, like, railroad  
10 questions would be like if the State owns the property, we would  
11 go through Mass DOT, you know, for borrowing their 80-foot rails.  
12 That would be, obviously, it's railroad, but it goes through Mass  
13 DOT, because Mass DOT owns it. So depending on who or what we  
14 have to need or what we're getting or what the reason for  
15 communication is, it kind of goes all over the board.

16 Q. All right. Let's go down a little bit further. So the RWIC  
17 on --

18 A. Yes --

19 Q. -- like the day --

20 A. -- yes.

21 Q. -- of the accident, did you communicate with him on we're  
22 going to do the bridge and we're going to do the lagging or --

23 A. So this is where I keep playing it back over and over in my  
24 head and I can't remember at what point I discussed it, was with  
25 the safety topics that I discussed in the morning or right after

1 that with the foremen's meeting with everybody else as far as  
2 where they're going and what they're doing. I played that over in  
3 my head a thousand times trying to figure it out, and I cannot  
4 remember if -- which part of the daily briefing in the morning I  
5 discussed that.

6 Q. And the RWIC's not in all parts of that briefing in the  
7 morning?

8 A. They're standing right there next to us.

9 Q. But if he were to leave you would not --

10 A. If he left and I didn't see him, no.

11 Q. You would -- okay, I got you. So on that particular day you  
12 were working on a bridge. Did you need fall protection?

13 A. Yes.

14 Q. You did need fall protection that day?

15 A. Yes. So we have fall protection set up. So we have two  
16 different ways. We installed a -- technical name I'm not sure.  
17 We call it a rat line (ph.) system. It goes end-to-end on the  
18 bridge. We kind of went over in depth with anybody that needs  
19 fall protection training that those systems are designed for two  
20 people, no more than two people on a rat line at a time. We also  
21 have rail slides that correct -- connect directly to the rail --  
22 excuse me -- with fall blocks that would allow people to walk up  
23 and down the rail.

24 So that particular day, we were moving the line side rail  
25 first. So the rail slides were connected to the low side rail and



1 they were also attached to the rat line, so that they could work,  
2 if they had to step outside the gauge for any reason.

3 Q. And would you communicate the need for fall protection to the  
4 RWIC?

5 A. That's part of our briefing, yes, is the tie-off briefing.  
6 So during my briefing we talked about tie-off, we talked about  
7 where we have to tie-off, how the rat line's possibly next weekend  
8 will have to be changed to the other side of the bridge just to  
9 kind of give awareness. So that, hey guys, this week your rat  
10 line is on the east -- west side; next week it might be on the  
11 east side. Just pay attention to the bridge.

12 Q. All right. And when you get the job briefing form from Bill  
13 or whoever it is, do -- you just -- do you sign it, acknowledging  
14 you understand the job briefing?

15 A. Yes.

16 Q. And if there's anything on that form you didn't understand or  
17 acknowledge, you would question or how would you go about that?

18 A. So, obviously, if things change throughout the day, I treat  
19 that as a live document, like, say we were going to a bridge and  
20 we didn't realize in the morning meeting that there was fall  
21 protection issues. Again, I'm just using this as an example. I  
22 would then talk to the IC, hey, can you do me a favor, can you add  
23 fall protection to your briefing and send a fall protection to it,  
24 add it to the briefing, and then we'd continue.

25 MR. KRAHOLIK: Yes, I'm good for now.

1 MR. GORDON: All right. Doing good? All right.

2 BY MR. GORDON:

3 Q. Joe Gordon, NTSB. So is it -- in your experience, two  
4 locations, having two, you know, having separate work going on at  
5 two locations, is that common?

6 A. That's then -- yes, so we've had some situations where we're  
7 in three work groups where we're working -- we could be working,  
8 let's just call it in the north lagging. We could be working at a  
9 culver pipe doing backfill, and then we could be working on rail  
10 somewhere else.

11 Q. Okay. And is it normal to -- say you've only got one roadway  
12 worker in charge, right.

13 A. I have one railroad foreman, I have one civil foreman.

14 Q. Well, from a Housatonic -- from the person that's actually  
15 providing the track protection.

16 A. Oh, so my ESC. I thought --

17 Q. Yes.

18 A. -- you said roadway worker, sorry.

19 Q. Yes, roadway worker in charge -- EIC.

20 A. So -- oh, okay.

21 Q. Yes --

22 (Crosstalk)

23 Q. So there's only one?

24 A. Yes, so there would. So we have -- so at Middlesex we  
25 actually have two-way cellular radios. Everybody on property has

1 that radio including one is issued to Housatonic reps. If we're  
2 doing, say, a CWR installation, the track foreman that is also  
3 working with us from Housatonic, they would have a radio also just  
4 so everybody knows what piece of equipment's moving, where we're  
5 going, what's going on.

6 So if somebody's, say, in the north getting on track to come  
7 to our location, they'll call on -- with the EIC, they'll call on  
8 everybody here as to what's going on. He puts his machine or  
9 truck or car on, proceeds to the job site.

10 Q. Okay. So is there a requirement that they announce  
11 occupancy, either at a grade crossing or a switch?

12 A. So we require our guys to call on -- call on, call off, what  
13 siding they're getting on, what they're getting on a piece of  
14 equipment. You know, like for instance, my grapple truck is --  
15 you guys go on the road, grapple trucks are everywhere. It's the  
16 most used piece of equipment. So he's constantly calling on --  
17 like I said I'm getting off this grade crossing. Whenever he's  
18 getting back on, hey, I'm getting on this grade crossing so  
19 everybody kind of hears, including Housatonic Railroad, you know  
20 where we are at all times.

21 Q. Okay, all right. So with working in multiple locations and  
22 one RWIC from the railroad, is it common to see that RWIC at some  
23 point during the day at the multiple sites? They can't be two  
24 places at once?

25 A. Correct, correct. And, no, we do run into each other at

1 different locations. So if at any point during the day I'm  
2 checking on the lagging crew, I can see an IC up there or he's  
3 with the bridge crew. But he generally bounces around and I see  
4 him throughout the day.

5 Q. Okay. And we know that this accident happened toward the,  
6 you know, in the morning. Would there have been -- at some point  
7 would it have been a plan to visit that work group, visit that  
8 lagging group?

9 A. For myself?

10 Q. Yourself or --

11 A. Yes, so --

12 Q. -- someone --

13 A. So I try to touch base with all of the crews. So at that  
14 particular time when that incident happened, we were actually  
15 removing -- we dragged the rail out -- we were removing the rail  
16 at the line side rail on the bridge, removing the cut spikes. So  
17 once I got all -- helped out with the equipment, just getting  
18 everything back in the line -- we have one siding so our  
19 equipment's kind of mismatched. So just to help the crew out in  
20 the morning, I jumped in and we got everything organized, got it  
21 switched in. Once they had all their equipment in the front, then  
22 I proceeded to the bridge. But that's kind of like where I go all  
23 day. It's kind of bounced back and forth between every work  
24 group. So if we're working on a culvert, I'm with my culvert  
25 crew, I'm with my lagging crew and I'm with the bridge crew.

1 Q. Okay. All right. Thank you, that helps clarify that. And  
2 last question I've got for right now is fall protection. Was --  
3 did you guys know that morning when you left that fall protection  
4 was going to be needed? I know there was some discussion --

5 A. Yes.

6 Q. -- about like working on the approaches.

7 A. Yes, but you're still on the bridge, so anytime you're on the  
8 bridge and outside of gauge, that's something that we preach  
9 heavily here is fall protection, so it's a tie-off.

10 Q. Okay. All right. Thank you. I'll pass it to my right  
11 there.

12 BY MR. PATANE:

13 Q. John Patane, FRA. Was there any separate job briefing  
14 conducted with just foreman supervision, either pre or post to the  
15 primary briefing with all the guys in labor?

16 A. So our briefing rolls from a track briefing with our EIC,  
17 that then is also our briefing -- our safety briefing as we go.  
18 And then that briefing just continues on into the foreman  
19 briefing, where everybody's going, where they're going, who's  
20 responsible, you're going here, you're going here. That's kind of  
21 distributed and then we leave from there in one shot.

22 Q. So is like a --

23 A. It's all in the same area. Nobody leaves, everybody just  
24 stays in the same --

25 Q. So it's not -- there's no separate huddle?

1 A. No, it's not hey, we're doing huddle number 3. It's all just  
2 the same large huddle that rolls in.

3 Q. Do you think there would be any value to something like that?  
4 That's okay. I was just kind of curious and all what in your  
5 opinion -- what do you think would help if there was any  
6 communication -- miscommunications between work groups, where  
7 they're going, track limits, if there's anything that you see in  
8 your value to help clean up any kind of miscommunications of where  
9 the work groups are working, and communication between your  
10 company and Housatonic Railroad roadway worker in charge.

11 A. I'm trying to think of how to make it better than it is. As  
12 far as getting everybody out there. I mean, like I said, with the  
13 schedules getting sent out to --

14 Q. Um-hum.

15 A. -- everybody knowing where we're going and what we're doing,  
16 and like I said the briefings. Oh, I mean, I don't know how we'd  
17 make it better.

18 Q. Okay.

19 A. I mean, it's kind of nice to know what's going on on track so  
20 our briefings are done as a group, so that if group 1 and group 2  
21 don't know what's going on and a piece of equipment in group 2  
22 could be traveling towards group 1, I would rather my whole job  
23 site know what's going on.

24 Q. Um-hum.

25 A. So that's why the briefing is with everyone.

1 Q. Um-hum. One more thing. I'm not sure if you hit on this the  
2 last one -- I kind of caught the tail end of it. When you were  
3 doing -- or when you got to the job site initially in the morning,  
4 were you sure you were going to need fall protection or was this  
5 something you determined when you got to the site, depending on  
6 where you're working?

7 A. No, that fall protection was set up three weeks ago.

8 Q. But during your morning briefing, did you determine that you  
9 were going to be in the vicinity of the bridge where your -- it  
10 was going to be required or you weren't sure until you got there?

11 A. It's required if you step out of gauge and everybody was  
12 brought up on that point. That stepping -- walking down center of  
13 gauge, you do not need fall protection. As soon as you're going  
14 to break gauge, if you have to get outside to do cub spikes --

15 Q. Okay.

16 A. -- or pole, that was discussed that you have to be tied-off  
17 of either a rail slide or tied-off to the horizontal lifelines --

18 Q. Okay.

19 A. -- that were previously installed. The lifelines have been  
20 on the bridge for I think a month now.

21 Q. I was previously under the impression that your task was to  
22 work on the approaches.

23 A. Correct.

24 Q. So --

25 A. But you still --

1 Q. -- I wasn't sure why you would need to be --

2 A. Because you still have to get on the bridge to get the rail  
3 off to work on the approach.

4 Q. Okay. So that was during your -- you knew from the very  
5 beginning of the day --

6 A. Yes.

7 Q. -- you're going to have people that are --

8 A. Yes.

9 Q. -- were going to have use fall protection.

10 A. Yes.

11 Q. Okay, roger. And just getting back to your end of the day  
12 quality control, track safety standards inspection.

13 A. Yes.

14 Q. Who is it that you normally walk with to do those?

15 A. So if I'm doing rail, it would be with whoever my track  
16 foreman is for the day. Generally it's Ethan.

17 Q. Okay.

18 A. Ethan Boardman. We -- like I said, we walk it, two sets of  
19 eyes looking at the same thing just to make sure that we're not  
20 missing anything.

21 Q. Um-hum.

22 A. And then I now have two gentlemen that work for us. I have  
23 two engineers that actually report to the project. They're also  
24 out checking simple things right now with gauge and making sure  
25 all the bolts are in joint bars, stuff like that, making sure E



1 clips are installed properly.

2 Q. Um-hum.

3 A. So there's two other guys that are on property that are  
4 working with me.

5 Q. All right, thanks. That's good for now.

6 BY MR. SKOLNAKOVICH:

7 Q. Rich Skolnakovich, NTSB. Just a couple of follow-up  
8 questions. So you talked about your crews have to get permission  
9 to basically come on and off the rail --

10 A. Yes.

11 Q. -- at switches. How do they normally get that permission?  
12 Are they going through the foreman or are they contacting the  
13 employee in charge?

14 A. They're contacting the employee in charge through the radio.  
15 Just basically -- so if the foreman tells the grapple truck, hey  
16 David, I need you to go up to Ranopole (ph.) and get on at  
17 Ranopole, the grapple truck will call on that he's getting off  
18 track. Then he gets to Ranopole he will call on, come over the  
19 radio simply just -- whoever the EIC is in charge that day. This  
20 is David, I'm at the Ranopole grade crossing getting on with the  
21 grapple truck. Then confirm back. If they don't confirm back,  
22 he'll come over the radio again before he gets on.

23 Q. Okay. The siding that all the equipment was changed at --

24 A. Correct, line -- our lane.

25 Q. Lane.

1 A. Yes.

2 Q. Is that someplace that they got to get permission to come on  
3 and off?

4 A. Yes, call on before they leave a grade crossing -- or before  
5 they leave the siding, yes.

6 Q. Okay. Now as far as that pulse right there, is that just  
7 something in writing or is that just something that's verbally  
8 told?

9 A. That's verbally told. Everybody knows -- that's the other  
10 thing I beat in at these meetings every morning is, you know, I  
11 let them know when they're doing a great job and I let them know  
12 when they're doing a terrible job. Generally, you know,  
13 Housatonic brought up some concerns to us. We actually went out,  
14 purchased more radios, brought more radios and brought -- gave  
15 them radios. So this way there was no lapse in communication, you  
16 know, you don't have to worry about whether the guy has a  
17 cellphone or not. Everything's with two-way radios, got rid of  
18 the cellphones 100 percent.

19 Q. Okay. All right. The -- let's see here. Back to the jobs.  
20 And I know you mentioned earlier about, you know, the workloads  
21 being based on who you have. Do you feel right now that these  
22 particular crews, the -- like the joint and lag crew and the  
23 bridge crew -- do you have enough people out there to do the work  
24 or are you shorthanded?

25 Q. No, we're -- so when we do the bridges and stuff like that,

1 we don't have enough to sustain CWR installation in the other work  
2 groups. So generally what we do is that lagging crew runs  
3 whenever we're not installing CWR. So this week we did CWR on  
4 Wednesday and Thursday, so there was no other operation other than  
5 CWR that ran Wednesday and Thursday. Then Friday we have the  
6 availability to have that large work group. We don't need that  
7 large group to do a bridge. So then we were working on the bridge  
8 and we're working on lagging.

9 Q. Okay. So at times you have enough; other times you're a  
10 little short?

11 A. Correct. So if I don't have the manpower, we stick to just  
12 the CWR crew. If I have the manpower, we'll do CWR and lagging.  
13 Unfortunately, we don't have that size of the man crew, so we  
14 stick to what we have. So we have enough men to do CWR safely, we  
15 do that. When we're doing the bridges, we have an extra amount of  
16 crew so we have an outage so we take advantage of that. We bring  
17 in all the guys and we put them in two different work groups.  
18 This is kind of in the norm for every weekend.

19 Q. Okay. Now is this just to maintain schedule or you're  
20 getting any kind of production pressure to go a little bit faster?

21 A. No, this is just basically to get it done. So --

22 Q. Yes.

23 A. -- rather than have guys -- we have a lot of guys that stay  
24 in a hotel. So rather than have guys sit in a hotel on Saturdays  
25 and Sundays, we utilize the track time and the tracks basically

1 that we have. And we bring two crews in and we work in two spots.

2 Q. Okay, that's great. That's all the questions I have, thank  
3 you.

4 MR. WERNIG: Joshua Wernig from Middlesex. No questions at  
5 this time.

6 BY MR. BAILEY:

7 Q. P.J. Bailey, Housatonic. Just one question. Were you aware  
8 or are you aware of a safety stand down that occurred in the end  
9 of May?

10 A. Yes.

11 Q. That's all.

12 BY MR. CASACELI:

13 Q. David Casaceli, NTSB. Apparently I'm a late bloomer, so I'm  
14 going to have a few of them here for you.

15 A. All good.

16 Q. All right. So throughout the day, what would require  
17 somebody working out there to contact the RWIC? I know you gave  
18 me one example about fall protection and on the job briefing.  
19 What other --

20 A. To contact?

21 Q. Yes, what are -- the EIC, when would somebody contact the EIC  
22 or be required to contact the EIC?

23 A. So if they're getting on or off track, if you're new to the  
24 group for the day, like, sometimes we will stagger our work crews.  
25 So if we stagger our work crews, we would have that work crew when

1 they come in, whether it be one guy or four guys, they would  
2 contact the EIC before they step on property, find out where his  
3 location is. They would have a huddle. If for some reason the  
4 scope of work changes for the day, you would contact the EIC.  
5 Perfect example, I had to go to the Connecticut yard to go  
6 retrieve a piece of equipment last week. Called up, got  
7 permission to go down in that work group. We were all set. So,  
8 like I said, anytime something changes, we try to keep our  
9 communications as good as possible.

10 Q. Great. Would you say that EIC's are generally engaged in the  
11 work throughout the day? I mean, not doing the work physically,  
12 but engaged with what's going on?

13 A. Yes.

14 Q. Okay. With Richard there, you talked a little bit about how  
15 sometimes you have all the crew in one spot and sometimes  
16 they're --

17 A. Yes.

18 Q. -- in different spots. Do you recall ever work doing bridge  
19 work and not having a second crew somewhere else?

20 A. Yes. So the first bridge that we did, that was all in one  
21 location. That was Sheffield Pottery Bridge, Sheffield Pottery  
22 grade crossing. So it was two crews working within a 300-foot  
23 zone all together. We kind of took the bridge out, did what we  
24 had to do and then proceeded over to the grade crossing. That is  
25 in, like I said, within a few hundred feet.

1 Q. Ballpark, when was that?

2 A. Within a month -- I'm trying to think of what weekend -- it  
3 was probably about a month and a half ago maybe.

4 Q. That's probably close enough.

5 A. Okay.

6 Q. And how many days have you done bridgework since then, again  
7 a rough estimate?

8 A. Our bridge work is only done on the weekends.

9 Q. Only done on the weekends. Every weekend?

10 A. Depends on where we're at. So it skips weekends. So like we  
11 -- our first weekend outage was a grade crossing up at Lyonings.  
12 We had a switch removal and reinstallation was one weekend, so  
13 anytime we have something major that's going to take, obviously,  
14 that can't be done in a work window during the week, then that would  
15 be considered an outage for us and we work on the weekends.

16 Q. Thanks a lot, thank you. I'm just kind of trying to put some  
17 bows on some things. Now you guys talked about jostling equipment  
18 in the morning --

19 A. Yes.

20 Q. -- get the machines out. I know the lagging -- for the need  
21 to get out --

22 A. Yes.

23 Q. -- to go north, was there any equipment that came out of  
24 there that came out of there to go south through a bridge?

25 A. No, so what we did was -- so that particular day, the CWR

1 equipment was in the front on the lane siding. So that equipment  
2 was moved out of the switch and then put back into the switch.

3 Q. Okay.

4 A. So the lead pieces of equipment were set up was the --  
5 obviously the temper of the regulator and the ballast cars just  
6 for the upcoming work that would have been taking place on  
7 Saturday.

8 Q. But nothing came out of there and went south --

9 A. No.

10 Q. -- to the bridge?

11 A. No.

12 Q. Okay. Back to the job briefing and the job briefing form.  
13 Generally speaking when is that -- and we talked about that we  
14 kind of have these phases of job briefing, if you will, starting  
15 with the Housatonic --

16 A. Yes.

17 Q. When is that job briefing signed by the all the attendees?

18 A. That is signed after all of our limits have been discussed  
19 and where we're going, and what the work is of that job briefing  
20 then it's passed around. Everybody on property signs it before  
21 they leave. And then that job briefing will be given to any  
22 employees that start, say, like I said based -- say they have a  
23 6:00 start and we have 4:00 start. That 6:00 start will then go  
24 to the EIC. He'll receive the same briefing that we get in the  
25 morning and then he will sign off.

1 Q. Is that before or after, like, Dan or somebody gives the  
2 Middlesex safety portion of it?

3 A. So we sign while we're going through the Middlesex safety  
4 portions. So we discuss all of the railroad. It gets passed  
5 around. We're signing that as we we're getting our briefing --

6 Q. Perfect.

7 A. -- and our safety talks.

8 Q. I'm good, thanks.

9 BY MR. KRAHOLIK:

10 Q. Todd Kraholik, NTSB. So have you ever had a location where  
11 you had two RWIC's or employee in charge, as however you want to  
12 refer to them.

13 A. Are you saying at any other railroad or Housatonic?

14 Q. Well, we'll go with any railroad.

15 A. Okay. Generally speaking, yes, we have -- you have to have  
16 an EIC in every work group. That was the case at MBTA, that was  
17 the case at Amtrak. Pan Am was very similar to what we have here.  
18 Pan Am was one the EIC was allowed to be on charge, but that was  
19 also with watchmen lookout, where we had watchmen that were  
20 working with the different work groups on where we were. That was  
21 a controlled sighting with a live track on the side. We would get  
22 follow time throughout the morning, so it was a whole different --  
23 this being a complete outage end to end and we own the track for  
24 the day. It's just the one. So, like I said, Pan Am, we would go  
25 into that same working zone after the trains pass and we got a



1 Form D.

2 So before that we worked on watchmen. Yes, we would have --  
3 there'd be a watchman with every work group, radios, airhorn,  
4 stuff like that. This because we have track out through the whole  
5 thing, this is something a little bit different, like I said.

6 Q. So it wouldn't be -- just clarifying what you said -- it  
7 wouldn't be the railroad per se for the work that dictates how  
8 many are going to (indiscernible)?

9 A. Correct. And it's up to each railroad as far as what they  
10 require. Some of them require -- like I know the Keolis line,  
11 that's required every single work group has an EIC. So there's  
12 one with each work group or they're responsible for two work  
13 groups that are working close enough together.

14 Q. So on this railroad, you've never had multiple --

15 A. EIC's for the day? No, we just have one -- like I said, when  
16 we get our track limits for the day.

17 Q. How far -- just in general -- how far have you seen -- on  
18 this particular railroad -- how far have you seen the work limits?  
19 I know we had 50 to 59 in a day. Have you seen any --

20 A. So 50 to 59 is generally -- we've requested a few times. I  
21 know we had to go retrieve some rail up past 60, so like if we  
22 need to exit -- go past the limits, we've sometimes got limits to  
23 48, 49 -- I can't think of the numbers right now. My head's all  
24 messed up. But like we -- if we have to enter the switch down at  
25 the Connecticut yard that is past our southernmost limits, so

1 we'll request for limits a little bit further to the south, or if  
2 we have to calibrate our temper at one time so we asked for limits  
3 to be pushed up. So it kind of dictates on how the work -- our  
4 work zone is just between those two limits.

5 Q. Got you. Good.

6 MR. GORDON: All right. We're getting close, I promise.

7 BY MR. GORDON:

8 Q. Joe Gordon, NTSB. Just -- this is a clarification piece, I  
9 think, more than anything else. We've talked about EIC, RWIC,  
10 kind of interchangeable. So when you're talking about employees  
11 using the radios, notifying when they're occupying, when they're,  
12 you know, off track, on track, are they notifying the Housatonic  
13 part of EIC? I know they're announcing it --

14 A. Yes.

15 Q. -- over the radio.

16 A. Yes.

17 Q. Okay.

18 A. So they'll -- just perfect example on that particular day,  
19 Bill Lewis was our EIC. All radio communication for getting on,  
20 getting off track would have gone through Bill Lewis. So it would  
21 be Bill Lewis, this is David Patip (ph.) getting on at Ranopole.

22 Q. Okay. So when the lagging equipment -- the drill and the  
23 lagger came out and went north, would they have had to --

24 A. They --

25 (Crosstalk)

1 A. They should have, yes.

2 Q. Okay. And that's not just announced occupancy. That's a  
3 two-way -- that's a I'm entering the track at this location --

4 A. Correct.

5 Q. And they're supposed to get a response back from the RWIC --

6 A. Correct.

7 Q. -- acknowledging that?

8 A. Yes.

9 Q. Okay.

10 A. Just simple communication back and forth, this way we know  
11 where they are within the limits.

12 Q. Okay. And then a little follow-up on that. We know the  
13 situation that day -- the issue with the machine, they had to make  
14 a move back to the yard.

15 A. Yes.

16 Q. Would there have been a requirement to say RWIC, you know,  
17 for Brady to reach out to Bill --

18 A. So I don't think so. And the only reason why I say he's not  
19 going into the siding, he's not pulling off the track. He's just  
20 traveling main line. We're getting equipment work done, he's  
21 going back up. He's not getting on grade crossings, getting off  
22 grade crossings. Like I said, if the machine was shut down for  
23 the day, then he would have called in, yes, I'm getting off the  
24 track, I'm going into the siding, I'm parking. But it was just  
25 simple track travel.

1 Q. He was just getting back to the mechanic --

2 (Crosstalk)

3 A. That was all it was.

4 Q. Okay.

5 A. He drove to the south, went to the mechanic and then  
6 reentered the work group and went to work.

7 Q. Okay. But in that morning when he came out and entered the  
8 track --

9 A. There should have been --

10 (Crosstalk)

11 A. -- a call on, yes. Was there a call on, I can't verify that  
12 one.

13 Q. Right.

14 A. Because once I was done moving helping them with equipment,  
15 my radio went in my cupholder of my track.

16 Q. Okay, all right. That's great. That'll help us  
17 tremendously. That's all I've got.

18 MR. GORDON: Looking around one more time.

19 BY MR. PATANE:

20 Q. Just one more to piggyback off what you said. John Patane,  
21 FRA. How involved do you think the Housatonic railroad -- roadway  
22 worker in charge -- is -- how involved is he of just general  
23 movements throughout the day, tramming, switching out lanes,  
24 compared to what you see on other railroads? Is it about the same  
25 kind of -- of railroads of similar nature and similar

1 characteristics.

2 A. Yes, I'd say it's right around -- like I said, I would  
3 compare it to working on CSX or Pan Am. Again, a lot of stuff  
4 that we deal with electrified --

5 Q. Yes.

6 A. -- is totally different. It's --

7 Q. Yes, but, I mean, you would --

8 A. Typical freight railroads, yes.

9 Q. There's a similar involvement, you would say?

10 A. Yes.

11 MR. GORDON: All right. I'm just looking around the room one  
12 more time. It looks like we're done. We'll go off the record.

13 (Whereupon, the interview was concluded.)

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CERTIFICATE

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

IN THE MATTER OF: MIDDLESEX RAILROAD EMPLOYEE  
FATALITY IN GREAT BARRINGTON,  
MASSACHUSETTS ON AUGUST 8, 2023  
Interview of Jason Menard

ACCIDENT NO.: RRD23FR015

PLACE: Great Barrington, Massachusetts

DATE: August 6, 2023

was held according to the record, and that this is the original,  
complete, true and accurate transcript which has been transcribed  
to the best of my skill and ability.



\_\_\_\_\_  
Maria Socorro R. Abellar  
Transcriber