

UNITED STATES OF AMERICA

NATIONAL TRANSPORTATION SAFETY BOARD

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Investigation of:

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NATIONAL SALVAGE & SERVICES  
EMPLOYEE FATALITY IN DAUPHIN,  
PENNSYLVANIA, ON DECEMBER 8, 2021

Accident No.: RRD22LR003

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Interview of: BEN CARTE, Spiker 1 Operator  
Norfolk Southern

Selinsgrove, Pennsylvania

Thursday,  
December 9, 2021

APPEARANCES:

MICHAEL HOEPF, Ph.D., Human Performance Investigator  
National Transportation Safety Board

TROY LLOYD, Accident Investigator  
National Transportation Safety Board

TODD KRAHOLIK, Railroad Safety Investigator  
Federal Railroad Administration

SHANE STIFFLER, Track Safety Specialist  
Federal Railroad Administrator

JOSEPH YOUNG, Manager Program Maintenance  
Norfolk Southern (North)

ROY MORRISON, Director of Safety  
Brotherhood of Maintenance of Way Employees

DAVID OSTRUM, Vice Chairman  
Brotherhood of Maintenance of Way Employees

JOHN MICK, Safety Manager  
National Salvage and Services

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I N T E R V I E W

1  
2 DR. HOEPF: My name is Mike Hoepf. Today is December 9th,  
3 2021. We are at Selinsgrove interviewing the operator in  
4 connection with an accident that occurred in Dauphin County on  
5 December 8, 2021. The NTSB accident number RRD22LR003.

6 The purpose of the investigation is to increase safety, not  
7 to assign fault, blame, or liability. NTSB cannot offer any  
8 guarantee of confidentiality or immunity from legal or certificate  
9 action. A transcript of the -- or a summary of the interview will  
10 go in the public docket. The interviewee can have one  
11 representative of the interviewee's choice.

12 Ben, do you understand the interview is being recorded?

13 MR. CARTE: Yes.

14 DR. HOEPF: Okay. And if I could ask you to please state  
15 your name and spell it, and I'll ask everyone else in the room to  
16 do the same.

17 MR. CARTE: Ben Christopher Carte, B-e-n; middle name  
18 Christopher, C-h-r-i-s-t-o-p-h-e-r; last name Carte, C-a-r-t-e.

19 DR. HOEPF: Okay. Thank you.

20 And, again, my name is Mike Hoepf. That's H-o-e-p-f. I'm  
21 human performance, system safety, with the NTSB.

22 And Troy, go ahead.

23 MR. LLOYD: Yeah, my name is Troy Lloyd. Spelling of my last  
24 name is L-l-o-y-d. I'm the track group chairman for the National  
25 Transportation Safety Board.

1 MR. MORRISON: Roy Morrison, last name M-o-r-r-i-s-o-n,  
2 director of safety for the Brotherhood of Maintenance of Way.

3 MR. KRAHOLIK: Todd Kraholik, K-r-a-h-o-l-i-k, with the  
4 Federal Railroad Administration.

5 MR. STIFFLER: Shane Stiffler, Federal Railroad  
6 Administration. Spelling of the last name, Stiffler, S-t-i-f, as  
7 in Frank, f as in Frank, l-e-r.

8 MR. MICK: John Mick, M-i-c-k, National Salvage.

9 MR. YOUNG: Joe Young, Y-o-u-n-g, Norfolk Southern, manager  
10 of program maintenance-north.

11 MR. OSTRUM: David Ostrum, O-s-t-r-u-m, vice chairman, BMW.

12 DR. HOEPF: Okay. Great. Thank you.

13 All right. Ben, do you mind if we call you Ben?

14 MR. CARTE: Yeah, go ahead.

15 DR. HOEPF: Okay. Great.

16 INTERVIEW OF BEN CARTE

17 BY DR. HOEPF:

18 Q. Can you just start off by just giving us kind of an overview  
19 of your railroad -- just briefly -- railroad career and your  
20 current position?

21 A. I've been out here a little over 9 years. I'm a spiker  
22 operator on R12.

23 Q. Okay. So did you have any experience before spiker operator?

24 A. Yes.

25 Q. What did you do then?

1 A. As a spike operator?

2 Q. Before you were a spike operator.

3 A. Well, before the railroad altogether?

4 Q. Oh, that was your first job on the railroad is --

5 A. Oh, no. I was -- on R3A, I was cribber-adzer operator.

6 Q. Okay.

7 A. And trackman and tanker machine operator.

8 Q. Okay. What year do you think you started working on the  
9 railroad?

10 A. October 2nd, 2012.

11 Q. Okay. Great. Thanks.

12 All right. Well, let me just ask you to just -- we'll jump  
13 right into the, you know, what happened yesterday. Can you kind  
14 of walk us through it?

15 A. Well, like I told the FRA guy yesterday in the interview, I  
16 was spiking forward, which would be heading south. And I looked  
17 in my rearview mirror to see how far the spiker was behind me. He  
18 was a little ways back. So I sound my horn. I did my outside  
19 pattern for the heel spikes, tail spikes. Sound my horn, backed  
20 up, didn't see anybody behind me, and it felt like I ran over a  
21 weld. That's when I looked down in the -- where the rail is.  
22 That's when I seen him. I got on the radio, yelled emergency  
23 three times. They asked what happened. I said I got Helbert  
24 under the machine, shut everything down. The gang shut down.  
25 That's it.

1 Q. Okay. Great. Thanks. That's very helpful.

2 All right. So if I can ask you to kind of back up a little  
3 bit. What time did you go on duty in the morning?

4 A. Oh, 6:30.

5 Q. 6:30? Okay. So where do you report to at 6:30?

6 A. In the vans.

7 Q. Oh, okay.

8 A. Right here at the hotel.

9 Q. Oh, okay. So you were staying at the hotel we're at right  
10 here?

11 A. Yeah.

12 Q. Oh, okay. Okay. I gotcha. I gotcha. So how far of a drive  
13 is that to the worksite for that?

14 A. Thirty, 40 minutes. Well, you guys drove it.

15 Q. Yeah. Yeah. Okay. So -- right. That general area, 30, 40  
16 minutes. Okay. And so what time -- do you have a job briefing in  
17 the morning?

18 A. Yes, we do.

19 Q. Do you recall about what time the job briefing happened?

20 A. 7:30ish, maybe.

21 Q. 7:30. Okay. That's okay. It doesn't have to be, you know,  
22 exact, just to the best of your recollection. So do you recall  
23 what was talked about during the job briefing?

24 A. Well, Supervisor Robinson reads off what he has to -- what he  
25 does in the morning, incidents from yesterday, things that are

1 sent down from up above. Foreman Keishel (ph.), he laid out the  
2 job. He said, this is how long it is, what the curvature is. And  
3 Supervisor Robinson, you know, picked a handful of guys, saying  
4 safety hazards for today. And, you know, he -- just four people  
5 at random. I don't know who he picked. And then we stretched  
6 out, and we already had track, and we went to our machines and  
7 fired them up.

8 Q. Okay. And so about how many machines are out there, do you  
9 think?

10 A. Two spikers, two speed swings, the adzer, glue buggy, the  
11 Badger, welding truck, heater, three spikers, two anchor machines,  
12 the p-cam, and scrappy. That's, what, 18, 19 pieces of equipment,  
13 plus the truck.

14 Q. Gotcha. Gotcha. And so you're a spiker operator, so where  
15 are you in the sequence?

16 A. I am spiker 1. I'm right behind the gauger spiker.

17 Q. Oh, right behind the gauger spiker. Okay. So you're spiker  
18 1, and then --

19 A. It goes gauger, spiker 1, spiker 2.

20 Q. Spiker 2. Okay. So you're between gauger spiker and spiker  
21 2. Okay.

22 A. Yeah, I'm --

23 Q. All right. I gotcha. And then, so did you have somebody in  
24 the cab with you throughout the day, like a feeder?

25 A. He came about, you know, 15 minutes after we started.



- 1 Q. Okay. What's his name?
- 2 A. Mike.
- 3 Q. Okay. And do you know his last name?
- 4 A. Sasteck (ph.) or -- the kid out there.
- 5 Q. Yeah, yeah. I know. I'm just, you know -- so do you know
- 6 Mike? Have you met him before, worked with him before?
- 7 A. No. He just got hired on a little bit ago.
- 8 Q. Okay. So how was your day going? I mean, was it a normal
- 9 day? Was there anything out of the ordinary?
- 10 A. The day turned out pretty shitty.
- 11 Q. Yeah.
- 12 A. To be fair.
- 13 Q. Yeah, certainly. Certainly.
- 14 A. Leading up to it was a normal day.
- 15 Q. Leading up to it was normal? Okay.
- 16 A. Yeah.
- 17 Q. So you didn't have any concerns or anything?
- 18 A. No.
- 19 Q. I mean, there was nothing bugging you up to that point or --
- 20 A. No.
- 21 Q. Yeah.
- 22 A. Normal day.
- 23 Q. Was weather good, bad?
- 24 A. Yeah.
- 25 Q. How was the visibility and things like that?

1 A. It was fine.

2 Q. Okay. How about the machine?

3 A. It was running smooth.

4 Q. Okay. Okay. So let me -- can you talk a little bit about  
5 how you operate the spiker? You know, what are the control inputs  
6 like? You know, so what are like the -- you know, what are the  
7 levers you use and the pedals you use? I mean, is it like driving  
8 a truck? Is it -- you know, are there other --

9 A. No. You got -- well, after you fire it up, you got two  
10 joysticks and -- you got forward and reverse and a brake.

11 Q. Okay.

12 A. When you're spiking, you have to hold the brake down before  
13 the guns, and you tab them in, and now go down to spot. And then  
14 you pull the trigger back and that'll spike them down.

15 And I'm looking down while I'm spiking because, well, if you  
16 don't hit the hole, you don't drive the spike. And, you know,  
17 keep popping my head up, don't want to hit the machine in front of  
18 me. And I keep doing that. And when I get close to the machine  
19 in front of me, I'll look to see how far so I can go back and help  
20 him. You got to keep the heat on the rail so you can snap the  
21 anchors and keep that rail growing. The rail cools, the rail  
22 shrinks.

23 Q. Gotcha. Gotcha. So just help me to understand, you know,  
24 getting closer to kind of when this accident happened. So you  
25 were -- what was going through your mind? You know, you were

1 going to reverse, so you were going back to work on something?

2 A. I was going in reverse to help spiker 2 out to keep him  
3 caught up.

4 Q. Okay.

5 A. It's something I do regularly.

6 Q. Okay.

7 A. Because I get the -- I spike three ties, I skip one because  
8 the gauger already did it. After a period of time, you get ahead  
9 of him because he has to stop at every tie.

10 Q. Oh, okay. Okay.

11 A. It's just not I just (makes sound) spike automatically  
12 just --

13 MR. LLOYD: You were the gauge spiker, is that what you was?  
14 Was he the gauge spiker?

15 MR. CARTE: No. I'm the spiker 1.

16 MR. YOUNG: How were you referred to? Spiker 1, spiker 2,  
17 spiker 3?

18 MR. LLOYD: He's first spiker out.

19 MR. YOUNG: No, he's the second spiker in line.

20 MR. LLOYD: Second in line -- okay.

21 MR. CARTE: Gauger, spiker 1, spiker 2.

22 MR. LLOYD: Yeah. Gotcha.

23 BY DR. HOEPF:

24 Q. Gotcha. So the gauge spiker --

25 A. Does one every four.

- 1 Q. -- was doing one every four, but that was a slower process so  
2 you --
- 3 A. No, he's faster.
- 4 Q. Oh, he's faster?
- 5 A. Because he skips three ties in a row.
- 6 Q. Oh, okay.
- 7 A. Does one, skips three, does one. I do three, skip one, do  
8 three. Spiker 2 has to stop at every tie to put in the heel  
9 spikes, heel spikes.
- 10 Q. Oh, okay. Okay. So -- thanks for the clarification. So I  
11 guess I was thinking that the gauge spiker was kind of slowing you  
12 down so you were just going back to help. But I think what you're  
13 actually saying, the gauge spiker was ahead of you, that wasn't an  
14 issue, but spiker 2 was kind of lagging behind so you were  
15 actually backing up to help him, more so, than --
- 16 A. Yes.
- 17 Q. Okay. All right. I gotcha. I gotcha.
- 18 A. Just to keep, you know, keep the gang moving and, you know,  
19 to be honest, get the job done, put them in the hole.
- 20 Q. Yeah, yeah. So, I mean -- and I know this is really tough,  
21 but, I mean, can you just kind of walk me through. So, you know,  
22 what -- when you put it in reverse, does the machine beep, you  
23 know, like a (makes sounds).
- 24 A. It has a backup alarm.
- 25 Q. Okay.

- 1 A. And you sound your horn three times because you're backing  
2 up.
- 3 Q. Okay. Was the backup alarm working?
- 4 A. Yeah.
- 5 Q. Okay.
- 6 A. And I hit the horn three times.
- 7 Q. Okay.
- 8 A. And, you know, looking in my rearview mirror, didn't see  
9 anything.
- 10 Q. Okay.
- 11 A. I seen -- well, I seen the spiker behind me.
- 12 Q. Okay. Okay. So you saw the spiker behind you. You saw  
13 spiker 2 back there. How far do you think spiker 2 was behind  
14 you?
- 15 A. I don't know. I don't know.
- 16 Q. Okay. That's okay. I mean, I'm just, you know --
- 17 A. He wasn't 10 feet away or anything like that, no. I don't  
18 measure it off.
- 19 Q. Right. No, I understand. It's difficult for me to judge  
20 distances. I probably wouldn't be able to come up with something  
21 either. I mean, but he was far enough back that you were -- I  
22 mean, you wouldn't have been reversing if he would have been close  
23 by because he would have been caught up, right?
- 24 A. Yeah.
- 25 Q. So -- okay. So you didn't see -- is there -- you know, tell

1 me about kind of the work process for the day, you know, up to  
2 that point. Can you talk about what National Salvage is doing  
3 there? I mean, their employees, like what is their kind of role  
4 in this?

5 A. Oh, they pick up -- they cut the scrap rail, the old rail,  
6 and pick up the old plates and spikes.

7 Q. Okay.

8 A. Yeah, that --

9 Q. So they're basically just picking up the spikes, the old --  
10 the scrap?

11 A. Yeah, well, you know, we just call them scrappy.

12 Q. Yeah.

13 A. You know, cut the old rail up into how many feet it is. I  
14 don't know. Load that up on their cart and pick up the plates and  
15 spikes. And there's anchors in there.

16 Q. So did you see those guys like earlier in the day running  
17 around? I mean, were they behind -- you know, did you see them  
18 behind you earlier in the day or in front of you earlier in the  
19 day or, I mean --

20 A. At the job briefing.

21 Q. So you saw them -- so you knew they were there because you  
22 saw them at the job briefing?

23 A. Yeah, they were there. Or they're there every morning for  
24 the job briefings.

25 Q. Right. Okay. But did you see them -- were they around you,

1 you know --

2 A. I didn't see them, no.

3 Q. Okay. So you hadn't seen any National Salvage employees  
4 since the job briefing. I'm just clarifying. I guess I was  
5 thinking that maybe they were following you, you know, kind of  
6 like in that sequence, but it doesn't sound like that's case. I  
7 mean, it sounds like -- what does it seem like they're normally  
8 doing? I mean, do they seem -- they're kind of just going to and  
9 fro or are they kind of -- do they usually kind of follow in the  
10 sequence, you know?

11 A. They're -- well, beside -- the last piece of our equipment is  
12 the p-cam, the clip machine. They're behind them.

13 Q. Okay. Okay.

14 A. So I guess you could say they are the last piece of  
15 equipment.

16 Q. Uh-huh. So, and again -- I don't know how to put this, but,  
17 I mean, so -- I know this is tough, but obviously you weren't  
18 expecting somebody to be behind you.

19 A. No.

20 Q. I don't want you to speculate, but do you have any idea what  
21 he was doing back there?

22 A. No. I have no idea.

23 Q. Okay.

24 DR. HOEPF: Okay. I'm going to pass it off to Troy for a  
25 couple questions. And if you need a break at any point, just let

1 us know.

2 So go ahead, Troy.

3 MR. LLOYD: All right. This is Troy from the NTSB.

4 BY MR. LLOYD:

5 Q. So, Ben, talk to me about your duties. Talk -- when you get  
6 up in the morning from the hotel, talk to me through that day.  
7 You get up, you come down here, you go to the jobsite. Tell me  
8 that whole particular day up to the point that the accident  
9 occurred.

10 A. Well, I get up, make my coffee. Well, I check the weather  
11 for Sunbury. That's the general area. You know, do I need my  
12 bibs, do I need my long underwear, what do I -- and, you know,  
13 watch a little TV. Come downstairs, have breakfast with some of  
14 the guys. I go get the van, park it out front, wait for them to  
15 come on out. And we go -- make a store stop, be it Sheetz or  
16 Rutter's, where -- we stopped at Rutter's that morning. And went  
17 straight down to South Ferry, that parking lot, and that's where  
18 we had our job briefing.

19 From there, we went to -- fired up our machines. And we had  
20 to wait for one train to go by us, so they shortened our limits  
21 between North Ferry and South Ferry. That train went by, at what  
22 time I don't know; I didn't write it down. And the train went by,  
23 we started work. Once that train's there, you don't do jack. And  
24 the train went by, they got track authority for the siding because  
25 we were on the main, and we proceeded to go to work.



1 Spikers -- or spike pullers did their thing. Then you got  
2 the anchor knocker, the speed swing, speed swing 1. Then the  
3 magnet came through picking all the spikes, anchors, and plates,  
4 set them off to the side. Then you got the glue buggy. He comes  
5 through, fills the holes. The adzer comes by, cribs out in  
6 between the ties, cuts the top of the rail. Then you got the  
7 Badger, the multi -- the big multi-crane, swings the rail over.  
8 Welder comes weld it. Then the heater will start heating the  
9 rail. Then the gauger, then myself, spiker 2, the two anchor  
10 machines, and the p-cam; then National Salvage, scrappy. That's  
11 how the gang works.

12 Q. So let's go back to once you get your equipment. Talk to me  
13 what's -- what does Ben do, what's Ben's normal routine. So when  
14 he gets there, he's ready to go to work. Talk me through that  
15 process, when you get on that machine, walkarounds, inspections.

16 A. I do my walkaround --

17 Q. Let's hit on that, hit on it hard.

18 A. I unlock one of the doors to the cab, throw my lunch in, my  
19 backpack; unlock my fire extinguisher, unlock the battery box,  
20 turn the master switch on. Walk around the other side, unlock  
21 that, unlock the toolbox in the back. Hit the power -- start it  
22 up. I let it run for a couple minutes, then I'll hit the power  
23 switch. Then I hit the pump switch, the hydraulic pump switch.  
24 Wait for the screens to come up. I pull my circuit breaker, the  
25 yellow knob you'll see in the cab. That brings the guns up in the

1 order. The touch screens come on, and you're ready to go. And I  
2 just let it sit there and warm up.

3 Q. Okay. Any type of safety inspection such as standing brake  
4 test, rolling brake test --

5 A. There is no --

6 Q. -- is everything functioning as intended or mechanically  
7 designed type of --

8 A. They have -- they don't have a brake release.

9 Q. Okay.

10 A. It's that -- I think they call it centric brake, hydraulic  
11 brake. Once you let off the forward or reverse pedal, it  
12 automatically starts slowing down. There is no --

13 UNIDENTIFIED SPEAKER: Hydrostatic --

14 MR. CARTE: There's none of that airbrake release, none of  
15 that.

16 BY MR. LLOYD:

17 Q. And is there any kind of like a standing brake test you can  
18 do to see if it pulls through that's (indiscernible) on this  
19 machine or anything like that or --

20 A. You can turn your pump off and try -- if you hit the pedal,  
21 it won't move, the guns won't work, nothing.

22 Q. Okay. So what other items would you look at such as --

23 A. I got my beacon I look at.

24 Q. Okay.

25 A. My lights --

- 1 Q. Keep talking.
- 2 A. -- forward and reverse lights. My work light, I just shine  
3 it on the work -- on the guns itself.
- 4 Q. Okay. For a normal operator, this is mostly -- I mean, you  
5 travel with this gang, this is your home gang, right? This is  
6 what you're assigned to, bidden on, whatever?
- 7 A. Yeah.
- 8 Q. So this is -- you're bidden to that particular spiker  
9 machine, that's yours?
- 10 A. Yes.
- 11 Q. So that's -- when that thing travels, you're with it, right?
- 12 A. Yes.
- 13 Q. So you're pretty familiar with the operations in and out.  
14 So -- how many years you been operating it? This particular  
15 machine here.
- 16 A. About 2, 3 months. I've been on the gang for about 4, maybe  
17 5.
- 18 Q. Okay. So this particular machine, you've been operating it 2  
19 or 3 months?
- 20 A. I would say, yeah.
- 21 Q. Okay. Feel pretty comfortable with it?
- 22 A. Yes.
- 23 Q. Okay. What kind of certifications do you go through to  
24 become a certified, qualified Nordco spiker operator?
- 25 A. Somebody new, they got 30 days to qualify on it. And --

1 Q. Talk to me about the qualification process. So how would Ben  
2 go through getting the blessing to be a spiker operator?

3 A. Well, if you can start it, that's part one. If you can tram  
4 it, that's part two. If you can operate it efficiently and the  
5 supervisor takes notice -- I don't know what he does on his end.  
6 I don't know how it's awarded up -- down in Atlanta or --

7 Q. Yeah. So this is a bid job --

8 A. Yes.

9 Q. -- for you? It could be a -- you bid it and then you -- and  
10 you get trained on this thing?

11 A. Well, I ran the old Top Guns, too.

12 Q. Okay. So does that automatically -- so if you ran the old  
13 Top Gun, does that automatically --

14 A. Cross over to this one?

15 Q. -- qualify one to transition over to another type and style  
16 spiker?

17 A. I don't know.

18 Q. That's what I'm asking. I don't know. That's the  
19 questions --

20 A. I don't know.

21 Q. Okay.

22 MR. LLOYD: It does?

23 MR. YOUNG: Yeah. If he -- if Ben had a previous  
24 qualification on a Top Gun nipper/spiker, it does -- he is able to  
25 bid and be awarded the spiker, the Nordco spiker.

1 MR. LLOYD: Gotcha.

2 MR. YOUNG: It's a similar machine.

3 MR. LLOYD: Okay.

4 MR. YOUNG: It works differently, but it's --

5 BY MR. LLOYD:

6 Q. So you said sort of -- (indiscernible) so you said you guys  
7 were in the siding or whatever, getting ready to go work, and you  
8 said a train came through on the siding track or something?

9 A. Yeah.

10 Q. Just one -- it was one train that whole days? You guys went  
11 out on the main line when that went through?

12 A. We worked on the main.

13 Q. You were already on the main when that train came through?

14 A. Yes.

15 Q. Okay. So were you guys working in the process, then were  
16 told to stop, let this train go by? And then --

17 A. I was not. I was not working at all.

18 Q. Okay. So where were you at when the -- where was your  
19 equipment positioned when the one train came through the siding  
20 track?

21 A. It was on the main.

22 Q. Well, okay, okay. So you guys are still in the siding?

23 A. No. We were never on the siding.

24 Q. The one train that came through, right --

25 A. Right.

1 MR. STIFFLER: There's a little confusion. Let me -- can  
2 I -- do you mind, real quick? Shane Stiffler speaking.

3 When you were tied up before you went out, right, you made a  
4 statement there was a train went by; is that correct?

5 MR. CARTE: Right. We were already on the main when it --

6 MR. STIFFLER: Okay. So you guys got in your equipment, he  
7 got track time, and you were able to pull out and you were on the  
8 main?

9 MR. CARTE: Yes.

10 BY MR. LLOYD:

11 Q. That's what I'm saying. You guys are on the main setting  
12 when he's --

13 A. Yeah. Then the train went down the siding.

14 Q. Right. So you guys were already in position --

15 A. Yes.

16 Q. -- on the main, this train comes through. Now, were you guys  
17 working before the train came or you're not allowed to do anything  
18 till this train clears, then he gets the track and time or the  
19 permit authority, whatever, then you go to work? Is that how that  
20 was --

21 A. Yes.

22 Q. -- before this train? So nothing was taking place prior --

23 A. I was not working one bit.

24 Q. You guys were just in place getting ready to work, let this  
25 train get clear, and then go --

1 A. Yes.

2 Q. Okay. I gotcha. I gotcha.

3 UNIDENTIFIED SPEAKER: Can I clarify that? Just because his  
4 position is spiker 1, there's a lot of work that is involved  
5 before spiker 1 does any work. The rail has to be pulled, taken  
6 out, put back in, then spiker 1 comes through. There's a lot of  
7 work that gets done. So just because Ben wasn't working, there's  
8 a lot of work that could be --

9 MR. YOUNG: Ben could have been working. Ben --

10 MR. LLOYD: Yeah, my question is, train come through, I mean,  
11 can that gang be working, then they call and go, hey, a train  
12 has -- a train's coming through the siding, everybody stops? Then  
13 once this train gets in the clear, then everybody resumes work  
14 again?

15 MR. YOUNG: That was -- the siding -- this is Young, NS. The  
16 siding protection was for adjacent track protection. The gang was  
17 occupying the main line working, so when the gang was told the  
18 train was coming, they stopped all work --

19 MR. LLOYD: Right.

20 MR. YOUNG: -- and cleared everybody out, let the train go  
21 by, gave up their adjacent track protection on the siding.

22 MR. LLOYD: Right. That's what I'm getting at. You guys are  
23 in place --

24 MR. YOUNG: And then, and then once the train got by, they  
25 received another track authority on the siding --

1 MR. LLOYD: Right.

2 MR. YOUNG: -- as far as a form of adjacent track protection,  
3 and went back to work.

4 MR. LLOYD: Right. And that's what I was saying. So he  
5 was -- went out on the main line, work; train comes through, you  
6 stop work; train clears, you resume work again.

7 MR. YOUNG: Once you get your protection.

8 BY MR. LLOYD:

9 Q. Right?

10 A. Yes.

11 Q. Okay. Talk to me about your job safety briefing,  
12 particularly your on-track job safety briefing. Who provided that  
13 to you?

14 A. You mean in the morning meeting?

15 Q. Yeah. When you guys meet at the jobsite and you talk --

16 A. That'll be Supervisor Robinson.

17 Q. Okay.

18 A. And Foreman Jordan lays out the job, tells us what the curve  
19 is and how long.

20 Q. Okay. So what gets talked about that -- within the on-track  
21 safety process of the briefing? What gets discussed with the  
22 people?

23 A. Well, you pick random people, and they'll say, what hazards  
24 are you looking out for today? Some people might say, you know,  
25 three points of contact, line of fire, walking hazards, tripping



1 hazards, of that general nature.

2 Q. All right. Do equipment operators get involved of their  
3 safety aspects of what's the general safety bubble around my  
4 machine? Around my spiker, I want this; don't come within so many  
5 feet of this.

6 A. Twenty-five feet, except for the cribber-adzer.

7 Q. Yeah. Yeah. Do you guys, do they get to -- each individual  
8 people, like, to talk about -- hey, talk to me about the safety  
9 aspect of your machine, what do you want? Within the job safety  
10 briefing, does the operators talk as well? Get involved, you  
11 know what I'm saying?

12 A. If they're called upon, but, you know, just general knowledge  
13 that -- there's even great big bumper stickers on them say obey  
14 the 25-foot rule.

15 Q. Right. So how many people's in this gang?

16 A. Twenty-three; 23, I think.

17 Q. Twenty-three?

18 A. Twenty something.

19 Q. That's what it is, 23 people?

20 MR. YOUNG: Twenty-three people budgeted on the man count,  
21 not including the National Salvage scrapppers.

22 MR. LLOYD: Right.

23 MR. YOUNG: And/or the mechanics. So total people budgeted  
24 would be 23 with the rail gang, 2 additional National Salvage, 2  
25 additional mechanics, would be 25 -- 27, plus Supervisor Robinson.

1 MR. LLOYD: Gotcha.

2 MR. YOUNG: I think we had --

3 MR. LLOYD: So you're talking about --

4 MR. YOUNG: We had one on vacation and we had one vacancy, so  
5 minus two --

6 MR. LLOYD: Right.

7 MR. YOUNG: -- would have been the total people.

8 BY MR. LLOYD:

9 Q. So roughly, give or take, 30 peoples standing in a group,  
10 they're having a job safety briefing, guys talking about safety,  
11 on-track safety, like you said, line of fire, three points of  
12 contact, all that stuff, equipment spacing. How does one do an  
13 efficient job safety briefing with 30 people, and how does that  
14 person get that understanding, that, Ben, do you understand what I  
15 just told you? You know what I'm saying, it's --

16 A. Well, when they say three points of contact, three points of  
17 contact getting on and off your machine. Line of fire, don't be  
18 in front of the saw or behind the saw. Watch out for pinch  
19 points. If we're putting bars on, putting anchors on, watch your  
20 hands. Pardon the French, don't stick your fingers where you  
21 wouldn't stick your penis. All right?

22 You have to explain -- I can just go up there and say, yeah,  
23 watch out of the adzer. Okay. Joe Shmo just got hired; well,  
24 what the hell's an adzer? It's a big son of -- it's the big  
25 orange machine, don't worry about it. No. That machine will kill

1 you. It's got -- you stay 150 feet away from it. Don't work up  
2 to it, just stay 150 feet away from it. It throws rocks, it  
3 throws dirt, it throws stones, it throws spikes. That's -- you  
4 know, stay -- you know, that's -- stay away from it.

5 Q. Are job safety briefings, are they verbal only or is this is  
6 a check the box kind of thing where I'm sort of going down and I'm  
7 hitting each element that I want to talk about -- working limits,  
8 somebody using ETO, whatever type of protection I'm using,  
9 adjacent track protection, equipment safety. Is there a form that  
10 the foreman completes that is generated through the group that is  
11 maybe signed by each individual showing that they've gotten the  
12 basic understanding of all the safety aspects what was discussed  
13 that day?

14 A. I've never seen anything like that.

15 Q. Okay. So there's no -- so it's just a verbal -- okay. Okay.  
16 Talk to me about the procedures on the equipment. So I know  
17 moving forward you got the vision in front of you. So when you  
18 back up, is there -- does NS or RWP specify what procedures you  
19 have to do make -- you know, before you back up? Is there  
20 anything that should --

21 A. Well, you make sure the route is clear.

22 Q. -- be done?

23 A. Sound your horn three times and you got your backup alarm.  
24 If we don't have a back alarm, this guy at FRA will fine the gang.

25 Q. So with you sitting forward in this spiker, you're on the

1 left, what's the visibility? Is there mirrors where you can see  
2 the outside gauge plus maybe inside the gauge behind you? How  
3 much can you see from your aspect setting in an operator's seat?

4 A. Well, sitting in the seat, we got the mirrors on both sides.

5 Q. Yep.

6 A. It's like a mirror on a semi, on a semi. You can see the  
7 rail I'm working on, the machine behind me, and the other rail.

8 Q. Okay.

9 A. Then you look out the front, well, great big windows, engine,  
10 all of that right there.

11 Q. Right. Right. And your spiker's -- it's you and another  
12 spike feeder that's in your machine. So it's you and a person  
13 setting in the right seat, correct?

14 A. He's in the middle seat.

15 Q. Okay. Now what's the interaction between you guys? What's  
16 the working procedures between you guys? What's he do versus what  
17 you do?

18 A. He just puts the spikes out -- pulls spikes out of the bin  
19 and puts them in the chutes, in the slots going down. That's the  
20 working relationship.

21 MR. LLOYD: I'm good.

22 Roy?

23 MR. MORRISON: Roy Morrison. I just got a couple questions.

24 BY MR. MORRISON:

25 Q. You talked about you were on this machine for 2 to 3 months,

1 but what's your total experience on the spiker?

2 A. Three to 5 years, combined throughout the gangs and  
3 everything.

4 Q. Various models then?

5 A. Well, this is the new model. I ran the Top Guns previously,  
6 mostly.

7 Q. Okay. So you're a fairly proficient spiker operator. You  
8 know, you're the number 1 machine in this consist. So what --  
9 when you come to work and you're checking out your equipment and  
10 you're doing the walkaround, and you were talking about you -- is  
11 there a formal process to document this every day or --

12 A. No. If I see a leak, you know, or something out of the  
13 ordinary, call a mechanic.

14 Q. I come from a different railroad, so that's why I was asking  
15 what your -- I come from UP and so I'm a little unfamiliar with  
16 NS's --

17 A. Oh, okay.

18 Q. -- processes, so that's why I had to ask.

19 So, in your experience, you know, if you do find something in  
20 your day-to-day -- daily inspection, do you -- how do you then --  
21 at that point do you document it and there's a trail, or do you --  
22 is it just a verbal --

23 A. I call the mechanic, say, hey, this or -- this thing here is  
24 hanging here or it broke or -- then they come over and fix it.

25 Q. Okay.

1 MR. STIFFLER: Well, (indiscernible) back with like --

2 MR. MORRISON: Go ahead.

3 MR. STIFFLER: Shane Stiffler, FRA.

4 BY MR. STIFFLER:

5 Q. In the last 6 months, do you recall ever -- or the last 3  
6 months that you've operated that machine, do you recall ever  
7 reporting anything for that machine?

8 A. I broke a bolt holding the anvil. There's a bolt about that  
9 long, which they took the bracket off -- it broke off inside the  
10 bracket. Pulled -- finger-tightened, you know, just pull it right  
11 out with their fingers, bolted a new one on.

12 And the other thing would be spiker 2 said I had a reverse  
13 light out. And I told the mechanic I had a reverse light out when  
14 we're -- you know, sitting up forward and reverse lights. Next  
15 day it was replaced.

16 Q. How long ago would you estimate that to be?

17 A. You mean time to repair it?

18 Q. No, within the last month? Was that in the beginning when  
19 you started operating it?

20 A. I'd say 2 months ago.

21 MR. STIFFLER: Sorry, Roy. I'm done.

22 MR. MORRISON: Roy Morrison. I'm back.

23 BY MR. MORRISON:

24 Q. So since that light, you haven't really experienced any  
25 issues or problems with the --

1 A. Uh-uh.

2 Q. -- with the spiker? It's been running good?

3 A. Yeah.

4 MR. MORRISON: That's all I had. Thank you.

5 MR. STIFFLER: Just a few more. I greatly appreciate your  
6 time. I'm sorry for what you had to go through.

7 BY MR. STIFFLER:

8 Q. Did you receive any kind of training this year? If you did,  
9 do you recall any kind of training you received, like formal  
10 training, classroom training?

11 A. We do it -- what do you mean formal?

12 Q. Like class -- any kind of classroom training.

13 A. No. We do it online. I forget the --

14 UNIDENTIFIED SPEAKER: Success Factors?

15 MR. CARTE: Yeah. I got it on my tablet.

16 BY MR. STIFFLER:

17 Q. Do you know about, roundabout when you did that this year?

18 A. March, maybe. February, March.

19 Q. The spring?

20 A. Yeah.

21 Q. Okay. Have you ever been -- has anyone ever kind of tested  
22 you on your machine? Any kind of banner test, anyone stop test  
23 you in the machine or anything like that at any time?

24 A. You mean to see if I know how to operate it or --

25 Q. To see if you would stop within a half range of vision or --

1 A. No. I think they got rid of the flag test.

2 Q. I just want to go back to something. Seeing the individual,  
3 Helbert -- is that what you guys call him, Helbert?

4 A. Yeah.

5 Q. In your typical day -- it seems like he's worked at this gang  
6 for a period of time; is that correct?

7 UNIDENTIFIED SPEAKER: He's been with this gang since -- it  
8 would start on January 7th, on and off. He might go to a  
9 different gang to fill in or something if somebody's short-handed.

10 BY MR. STIFFLER:

11 Q. In your day-to-day have you ever seen him out along your  
12 machines, walking along the machines in the 6-foot? Do you ever  
13 recall ever see him -- not just yesterday, but anytime?

14 A. The only time I really see him is when I work off the end of  
15 the job, when I'm done for the day and I pull out my machine, I'll  
16 see him back there cutting rail with a torch.

17 Q. So you're typically operating --

18 A. I don't see him hardly at all.

19 Q. -- you typically do not see him at all?

20 A. No. No, he, you know --

21 MR. LLOYD: And that's hardly ever you -- you'll never really  
22 be near these peoples.

23 Is that what you were saying, Shane?

24 MR. STIFFLER: Yeah, I was just trying to get an idea --

25 MR. CARTE: Yeah, he goes out there and marks the rail, but I



1 don't see him walk up. I don't see him walk back. I -- when I  
2 get done, I see him back there cutting the rail and his partner  
3 picking up the rail and picking up the scrap and all that.

4 BY MR. STIFFLER:

5 Q. Do you ever hear him ever talking on the radio or anything?

6 A. Yeah.

7 Q. You do hear him talking on the radio?

8 A. Yeah.

9 Q. Idea of what he normally would say or --

10 A. Say, we're doing -- I don't know. Say, the job's 1150 feet.

11 "Supervisor Robinson, I rolled off 163 feet."

12 Q. Okay.

13 A. Okay. Or they'll say, hey -- Jordan will call him up and  
14 say, hey, RWIC -- Nestle Pure Life wants to save 200 feet of rail.

15 "Okay."

16 Q. Okay. But you never heard him like say, hey, I'm coming in  
17 between machines or alert a machine operator that he's going to be  
18 around or --

19 A. I didn't hear him say anything like that to me, no. He  
20 might -- well, everybody has to say it to the adzer. Everybody.

21 Q. Say what?

22 A. Hey, I'm coming behind you or there's somebody walking behind  
23 you; there's a car coming in front of you; there's a car coming  
24 behind you. I hear people say, hey, you know, I'm coming by -- I  
25 forget his name up there in the speed swing 1, knocks the anchors,

1 because, you know, they can pop off and knock you out.

2 Q. Um-hum.

3 A. And, hey, you know, Nick, I'm coming by the magnet. Because  
4 you can snag a magnet and spike just (makes noise). They'll  
5 fly -- well, they'll fly 30, 40 feet. And, you know, hey, brushy,  
6 I'm coming, you know, by you. The big machine's swinging a lot of  
7 rail. But as far as me, no, I --

8 Q. Okay. Right before you made the reverse move, you said you  
9 sound your horn. Did you have to function any other -- maneuver  
10 any other buttons on the machine whenever you go to make a reverse  
11 move? Can you kind of describe what you do?

12 A. Well, when I'm doing a four spike, like what we were doing,  
13 I'll set my guns to do the outside spikes, the EO rail spike -- or  
14 EO tail. Sound my alarm, I'll look in my mirror -- nobody back  
15 there.

16 Q. Sound your alarm, you mean the horn?

17 A. Yeah. Yeah.

18 Q. Okay.

19 A. Hit it three times and I back up.

20 Q. Okay. And you don't have to maneuver any other buttons or  
21 nothing else in the cab?

22 A. I just hit the reverse power.

23 Q. Okay.

24 MR. STIFFLER: I think that's all I got for right now.

25 MR. MICK: It's a tough day. I hope everything's okay.

1 MR. CARTE: No, it ain't.

2 MR. MICK: Well, I understand. John Mick, National Salvage.

3 BY MR. MICK:

4 Q. I just have one question. While you was working on the main  
5 line --

6 A. Yes, sir.

7 Q. -- was there a train that went by that you all had stop for?

8 A. Yes, sir.

9 Q. Okay. And where approximately -- where was your location at  
10 when this train went by? Was you just getting started, were you  
11 started, or was you up in that -- up in the track spiking a little  
12 bit?

13 A. No. I wasn't spiking at all.

14 Q. You weren't spiking at all. But the whole time that you  
15 spiked, no other trains come by?

16 A. No. We had that adjacent track protection.

17 Q. Okay. But no trains went by while you were actually spiking?

18 A. No, sir.

19 MR. MICK: Okay. That's all I have.

20 MR. YOUNG: This is Young with NS. And I don't have any  
21 questions, I just -- Ben, I appreciate the cooperation. I  
22 understand -- thoughts and prayers and everything you went  
23 through. I do appreciate your cooperation through this whole  
24 thing.

25 DR. HOEPF: Okay. Ben, you doing okay? Do you need a short

1 break or anything?

2 MR. CARTE: No. Let's keep rolling.

3 DR. HOEPF: Okay. All right. Sounds good. We'll just go  
4 into the second round of questions, then we'll be done. So --

5 BY DR. HOEPF:

6 Q. So I apologize, kind of just bouncing around picking up a  
7 couple pieces here. And again, I apologize if this redundant.

8 So you said Mike was feeding for you. Was he in the cab at  
9 the time of the accident?

10 A. Yes.

11 Q. Okay. Okay. I gotcha. And had he been in the cab for a  
12 while at that point?

13 A. About 10, 15 minutes.

14 Q. Ten, 15 minutes. Okay.

15 A. I would -- I don't look at my watch. I don't --

16 Q. Okay.

17 A. You know, I don't know what time he got in there.

18 Q. Right. Right. That's okay. That's okay. That's no  
19 problem.

20 And when you're -- I know this is probably sort of random  
21 question, sorry, but -- so you reversed -- do you do any like work  
22 when you're reversing or do you -- would you reverse and then move  
23 forward and then --

24 A. I would reverse, then work forward.

25 Q. Okay. Okay. So you would never work going in reverse?

- 1 A. (No audible response.)
- 2 Q. Okay. Okay. So when you're reversing, are you just looking  
3 in your rearview mirror the entire time basically?
- 4 A. Yes.
- 5 Q. Okay. Okay. The 25 feet, is that for people and machines?
- 6 A. Um-hum.
- 7 Q. Okay. So it's people stay 25 feet away, machines stay 25 --  
8 I mean, would you -- is there like an ideal distance between you  
9 and, let's say, the gauge spiker in front of you? Would you be 25  
10 feet behind or would you typically -- would you maybe prefer to be  
11 further behind than that? I mean, what's kind of a normal  
12 operating distance for you there?
- 13 A. Twenty-five feet is -- I -- you have to use your best  
14 judgment. There's no range finder on the front or the back of the  
15 machines. There's nothing like that. You know, use your best  
16 guess if you're -- but you don't hit them at all.
- 17 Q. Right. Right.
- 18 A. You don't nudge them.
- 19 Q. Um-hum. So when you're -- when you got people who are  
20 working on the ground, I mean, whose responsibility is it to  
21 maintain that machine, let's say -- okay, let's say, I mean, you  
22 know, you're in reverse. Obviously you're looking in your  
23 rearview before you go in reverse. But if somebody's behind you,  
24 is it their responsibility to get out of the way?
- 25 A. Well, if you hear the, you know, the three beeps of the horn,

1 that means I'm backing up. Then you got the backup alarm. You  
2 hear it -- you may not know it, but you hear it every day of your  
3 life. Garbage truck, dump truck, fire trucks, police, you hear  
4 that backup alarm. You will hear it.

5 Q. Gotcha. So you would expect somebody behind you to hear that  
6 and get out of the way?

7 A. Yes.

8 Q. Okay. Okay. Do you happen to know if that was covered in  
9 the job briefing? I mean, and it sounds like you covered a lot of  
10 topics, but do you happen to know if they covered that standoff  
11 distance?

12 A. I don't know.

13 Q. Okay. That's all right. That's all right.

14 Are there any other operating procedures that were applicable  
15 to the situation? I mean, any other rules that you're following  
16 as you're doing your operations as a spiker? I mean, speed  
17 limits, I don't know, any other safety rules?

18 A. Well, when you're tramming, the machine's got a max speed of  
19 24 miles an hour. It's posted on the touch screen, 24 miles an  
20 hour. As far as a working speed, I've never looked. My head is  
21 down and I'm moving 18 to 24 inches and I'm stopping to spike,  
22 then I move again.

23 And as far as emergency procedures, you got to know where  
24 your E stop is and if it works. It's no big deal. If you hit it  
25 while you're in the hole, nobody's going to say anything to you.

1 If it doesn't work, hey, mechanic, my E stop's not working; okay,  
2 we'll fix it right now. And as far as more emergency procedures,  
3 once you say emergency three times on the radio, everything stops.  
4 Everything. It doesn't matter what you're doing, it stops.

5 And that's what happened. I yelled emergency three times. I  
6 shut down the gang. I shut down Norfolk Southern, right then and  
7 there.

8 Q. Gotcha. Gotcha. All right. Thank you for that. I  
9 appreciate it.

10 All right. So I'm going to move on to just kind of what I  
11 was talking about before with some of just the standard human  
12 performance questions again. These are not gotcha questions,  
13 they're just -- were you talking on your cell phone at the time of  
14 the accident?

15 A. That is my cell phone. I'll let you turn it on. You can  
16 wait a couple minutes for it to power up.

17 Q. So, no?

18 A. No.

19 Q. Okay. Were you drinking or under the influence of any drugs  
20 or alcohol?

21 A. No.

22 Q. Okay.

23 A. Not even a -- no.

24 Q. Okay.

25 A. Because here you get random piss test. I'm not going to

1 take -- I'm not going to smoke a joint and lose my financial  
2 security for my family over a joint.

3 Q. Yeah.

4 A. You've done lost your freakin' mind.

5 Q. Yeah. That would be pretty stupid, yeah.

6 A. Yeah.

7 Q. How were you feeling that day? Were you feeling fatigued?

8 A. No.

9 Q. Were you feeling well rested?

10 A. I felt fine.

11 Q. Okay. Can you -- you know, the 72-hour history we kind of  
12 talked about, can you kind of walk me through, you know, just to  
13 the best of your recollection. I understand obviously, you know,  
14 you're not going to remember all the details, but can you just  
15 kind of walk me through, you know, your previous kind of couple  
16 days, you know, working or not and how your sleep was? So I think  
17 you said you stayed at the hotel here.

18 A. I did.

19 Q. Okay. Do you know about what time you got up in the morning?

20 A. I get up around 3ish.

21 Q. Okay.

22 A. You know, I bring my own (indiscernible). If you don't  
23 believe me, look in the back seat of my truck, little red one.

24 Q. Okay.

25 A. I have my coffee, watch TV. I check the weather for Sunbury



1 every morning, and then I come down for breakfast. I get dressed  
2 and, you know, brush my teeth and stuff, yeah.

3 Q. Sure. Yeah, the usual stuff. I gotcha.

4 So what time do you usually go to bed?

5 A. About 8 or 9.

6 Q. Eight or 9. Okay. So how about the 7th, were you working on  
7 the 7th, so the day before?

8 A. Yeah.

9 Q. Okay. Was it the same schedule basically?

10 A. Yeah.

11 Q. Okay. So on the 7th, was it, you know, going to the van  
12 about 6:30?

13 A. Yes.

14 Q. Okay. And the same time getting up --

15 A. Yes.

16 Q. -- usually around 3? Okay. How about, what time do you get  
17 off work usually? What time did you -- let's see, on the 7th,  
18 what time do you think you got back to the hotel?

19 A. Four maybe.

20 Q. Okay.

21 A. I don't have my TA book to see how long we had track till. I  
22 don't have that with me.

23 Q. That's okay. You don't have to have the specifics. I'm just  
24 wondering. You know, I'm more so -- it sounds like you had a  
25 pretty standard schedule. You know, a lot of times we look at

1 fatigue more so with people who have -- you know, work the extra  
2 board and things like that.

3 A. I'm fatigued now, I can tell you that.

4 Q. Yeah.

5 A. Yeah, I got to make the phone call, hey, hon, do you want me  
6 to come home tonight? And she says no, that'll be it, I'll spend  
7 the night. Or I'll say, hon, I'm wore out, I will be there in the  
8 morning.

9 Q. Um-hum.

10 A. I want to come home, but I'm not dying to come home. And if  
11 you can't make that distinction, I don't know even know what the  
12 fuck we're sitting in this room for.

13 Q. Um-hum. Gotcha. So you have that flexibility typically  
14 where you can stay in the hotel if you need to or --

15 A. Yes. We have the rooms for -- well, definitely Sunday  
16 through Thursday.

17 Q. Okay. Sunday through Thursday, okay.

18 A. Yes, five nights.

19 Q. Okay. I gotcha.

20 A. And everybody has their own right if they want to leave  
21 Thursday after work, they can. Or some people choose to shower  
22 up, wind down, and sleep the day off, then leave in the morning.  
23 That is their call.

24 Q. Gotcha. Gotcha. Okay. And so this week was just like any  
25 other week, so you've been just at the hotel the whole week

1 basically following that normal sleep/wake pattern?

2 A. Yes.

3 Q. Okay. All right. Sounds good. And I know this is a bit of  
4 personal question, but, I mean, is your health okay otherwise?  
5 And I ask mainly in terms of do you have any sleep apnea or any --

6 A. No.

7 Q. -- sleeping conditions that affect your general alertness?

8 A. No. I'm -- well, I'm a little overweight, but -- like half  
9 of us in here are.

10 Q. Oh, sure. Yeah, that's most of America. I just primarily  
11 meant in terms of, you know, any issues with sleep quality and  
12 that kind of thing. So --

13 A. No.

14 DR. HOEPF: Okay. Great. Then that's all my questions --  
15 probably just about all my questions. I might have a couple  
16 concluding questions, but I'll pass it on to Troy.

17 BY MR. LLOYD:

18 Q. Ben, doing the inspections, what disqualifies a piece of  
19 equipment where it just has to stay pinned down?

20 A. Well, a broken window is definitely one. A seat that's  
21 ripped up, missing, that's because of operator comfort. A third  
22 is if you notice a major -- a leak, be a hydraulic or oil or  
23 antifreeze. If you're -- if you just notice something that's out  
24 of the ordinary, you tell the mechanic right then and there.  
25 There's no, oh, it broke down when I got out here. No, it didn't.

1 You tell right away. If you got to sit in the hole for a couple  
2 extra hours to get your machine right, that's what you do.

3 Q. Is safety appliances that are not working as intended, would  
4 that disqualify a machine such as, let's say --

5 A. Yeah, if your E --

6 Q. -- reverse lights, forward lights --

7 A. Yeah. Well, your --

8 Q. -- forward, backup, direction alarms, things of that nature?

9 A. Yeah.

10 Q. So that would pin a machine down, too?

11 A. Yeah, the FRA guy could tell you that right off the top of  
12 his head. Yeah, safety is -- if like, just like that E stop ain't  
13 working, he'd tell you, it ain't going nowhere. And it's nothing  
14 to fire up your machine, hit the kill switch. There's three of  
15 them in that machine. I can hit it or the guy feeding the spikes  
16 can hit the one right in the middle center panel. If he sees  
17 something I don't, he can hit it.

18 Do I check mine? Yes. Did it work? Definitely.

19 Q. Talk to me about how National Salvage performs work. What's  
20 their normal routine on how they work in relationship with the  
21 gang, how they move forward? Are they -- you guys are moving  
22 forward, they're extremely in the back, they're doing their stuff?  
23 So talk to me, what's their normal routine on their flow action,  
24 their work flow action? How does National Travel [sic] work in  
25 accordance with NS machines?

1 A. Well, they get along great personal wise. How they work in  
2 the back, I just see when I work off the end of the job, what I  
3 see. One guy's torching the rail and the other guy's picking up  
4 the scrap. Other than that, I don't know what -- once they're  
5 full, they unload and -- other than that, I don't know.

6 Q. So you're usually out front aways and they're doing their  
7 business behind you?

8 A. Yes.

9 Q. So it's very seldom that -- and I think you had said, it's  
10 very seldom you'll see these guys unless they're doing some --  
11 they're cutting a rail, torch cutting a rail or something of that  
12 nature. So they're usually doing all their stuff -- as you're  
13 working forward, as you was working south, they're to the north of  
14 you, behind you, and they're coming forward in the same direction  
15 you're going, right?

16 A. Yeah. We're all working the same direction.

17 Q. Working in the same direction, but they're in the rear?

18 A. Yeah.

19 Q. Okay. And how far are they away from where you would usually  
20 be positioned?

21 A. Well, there's spiker 2, both anchor machines and a p-cam.  
22 Well, there's four machine lengths. I have no idea how far he is  
23 behind the last piece of machinery. I don't know.

24 Q. Right. So let me word this right. So is it -- was it a  
25 unique situation to have someone from National Salvage working

1 between the rear end of your spiker and the front of another  
2 spiker, or is that normal? Or is it usually they're behind you  
3 and you -- they're never -- you never see them in that situation?

4 A. I never seen them in that --

5 Q. So that was a -- that wasn't something that happens all the  
6 time where this guy would be positioned between two pieces of  
7 working equipment?

8 A. That's correct. I --

9 Q. Okay.

10 A. I never -- I would never see him there.

11 Q. Right. Okay. And if he is there, is it discussed in the job  
12 safety briefing what they are to do to let you know or anybody  
13 else that, hey, I'm behind you or -- is that talked about in the  
14 briefing amongst the group?

15 A. Yes, they're -- no, if you can't see the operator, the  
16 operator can't see you. I look and nobody behind me. I can't see  
17 him. And if I can't see him, well, he can't see me.

18 Q. I gotcha.

19 A. And you can go in the machine, there's another sticker --  
20 operator can't see you, you can't see the operator.

21 Q. So talk to me about the horn.

22 A. It sounds like a Prius.

23 Q. So, and that's -- yeah, so let me get to that. So we've all  
24 been out there, curve patch gangs, everything's throttled up as  
25 high as it can go. You've got your screaming diesels and all that

1 stuff. And now you're telling me I'm going to back up, I'm going  
2 to go toot-toot-toot. I'm standing behind you -- describe that  
3 Prius horn to me.

4 A. It's not in front -- by the engine at all. It's right above  
5 my head on the roof. So you definitely can hear. It's up high.  
6 It's audible. You can hear it.

7 Q. So me standing behind your equipment, I got a spiker in work  
8 mode in front of me, I got a spiker in work mode in front [sic] of  
9 me, so I'm in between these two pieces of working equipment.  
10 We're throttled up. We got the diesels screaming. We're in work  
11 mode. And you hit that horn, a guy standing 25, 30, whatever,  
12 would he hear the Prius horn?

13 A. Yes.

14 Q. Okay.

15 A. It's not the old air horns. It's -- they're just electric  
16 horns. It ain't the ones like we had in the old days.

17 Q. Shane was -- Shane brought up behind the operator's seat  
18 there's a control panel, it's got some toggle switches, some  
19 knobs.

20 A. It's, yeah, right aside my head, yes.

21 Q. Yeah, so what is that? What does it do, and what is your  
22 interaction between that control panel?

23 A. Well, when I'm sitting right here, I have the emergency stop  
24 and my horn. And then the big control panel, I have my lights, my  
25 pumps, my -- another emergency stop; my breaker switch, the big

1 yellow know that turns on the touch screens and all that. I have  
2 the little instrument panel that shows temperature and oil  
3 pressure, of that nature. And I got my turn switch there. And  
4 there's also, on the left side, to drop the gauger buggy, extend  
5 the wheels. I don't use them because I'm not gauging. But  
6 there's also the dust collector, spike ram, and the vibrator to  
7 get the chutes down.

8 Q. Any backup cameras on any of the equipment? With yours -- on  
9 yours, is there any backup cameras on your equipment?

10 A. No. The only one I really know of is the cribber-adzer has a  
11 backup camera.

12 Q. Okay. So no backup cameras on yours?

13 A. No.

14 Q. So, again, back -- so, your backup, is there anything  
15 particular you have to do to keep that half a range of vision? Is  
16 it -- do you ever have to do a -- to backup, do you ever have to  
17 do a walkaround or put out a spotter, they walk around, see what's  
18 behind me? I don't know, that's why I'm asking. I don't know  
19 what NS procedures are.

20 A. I have never done that, no. I have never got out of my  
21 machine and walked around. I've done it in a vehicle, but never  
22 jumped out of my machine to walk around to see if anybody's behind  
23 me, no.

24 MR. LLOYD: I'm good. Thank you, Ben.

25 MR. MORRISON: Roy Morrison, BMW.



1 BY MR. MORRISON:

2 Q. To the best of your knowledge, did the horn that you referred  
3 to as the Prius horn, did that come from the factory that way  
4 or --

5 A. Yes. The best of my knowledge, yes.

6 Q. And when you talked about the horn in the old days, the old  
7 air horns, would you say the old air horns were louder than your  
8 Prius horn?

9 A. Yeah. I would -- yeah, definitely. Well, because, you know,  
10 you got over 100 psi of air pressure going through there. So,  
11 yeah, I would definitely say they were louder.

12 Q. Something I picked up on, and I'd just like you to describe.  
13 A lot of times -- when you were speaking you were talking about  
14 the area around your adzer-cribber being like gospel, where  
15 everybody knows. Can you describe to me how that culture was  
16 imparted around you? Is it something that --

17 A. I used to run a cribber-adzer.

18 Q. Okay.

19 A. And I have actually seen -- when I got done with a job, the  
20 skirt around the cutting head, there was a spike go through sheets  
21 of rubber like about that thick.

22 Q. So is that something that's covered in your work crew, in  
23 your gang, to where the rest of the gang would have the same --

24 A. Everybody knows stay 150 feet away. And there is actually a  
25 man on this gang who was standing next to the guy that got his

1 testicle cut off with an elevation tag because of the cribber-  
2 adzer.

3 Q. All right. I don't have any more questions.

4 A. You don't mess with that machine at all.

5 Q. So -- well, I guess I do have a few more questions. Sorry.

6 So if anybody was to want to walk by that cribber-adzer, and  
7 you got your rail there on the high side, is -- what would be the  
8 protocol to get to the other side of that machine?

9 A. Well, if he has a radio, he'll contact them, say, hey, I'm  
10 coming by you. The guy will shut -- will idle down, turn off the  
11 cutting head and the broom hoses. Once he's past the 150-foot  
12 mark, he can continue working. If he doesn't have a radio,  
13 stand -- well, where the gauger is, so when he -- the operator,  
14 you got to keep looking up, see -- you know, there's other  
15 equipment in front of you. If he sees a guy waving his hand,  
16 idles down, turns everything off, the person can go around. You  
17 keep your eye on him till he's back, you go back to work.

18 Q. And that's 150 feet each side of the adzer?

19 A. Yes.

20 Q. Okay.

21 A. Because that thing throw out rocks, everything --

22 Q. Spikes, elevation tags.

23 A. Buried treasure. Because you're not going to see spikes  
24 buried 2 inches underneath in the ballast. Those broom hoses will  
25 catch it and it will throw it out. And it does have rubbers in

1 the front of it, but you never know.

2 MR. MORRISON: That's all I had. Thank you very much.

3 MR. STIFFLER: Shane Stiffler, FRA.

4 BY MR. STIFFLER:

5 Q. Were you wearing ear protection?

6 A. Yes. And eye protection.

7 Q. Was it the ones that you like squeeze in or --

8 A. Yeah, they're the little foamy ones.

9 Q. Okay. You guys pulled out -- you backed up the whole length  
10 to the beginning of the work group, the working location. So the  
11 rail you were starting on, you actually backed up past the  
12 beginning of the rail, correct?

13 A. Yes. I went completely past the start of the job, yes.

14 Q. So at any time when you were clear back to the past, did you  
15 see the National Salvage guy back there?

16 A. No.

17 Q. Okay. I just have to ask this. Did you communicate by radio  
18 at any time that, hey, I'm coming back?

19 A. No.

20 Q. Okay. There is one toggle that you hadn't talked about --  
21 you may have. I'm sorry. The change of directional one, there's  
22 a toggle next to you. Are you familiar with that?

23 A. Yes. That's for my lights to be forward, off, and reverse.

24 Q. For the lights or for the alarm?

25 A. Oh. I thought you were talking about the lights.

1 Q. No, the change of directional alarm.

2 A. No, I didn't talk about that.

3 Q. Do you know -- like are you familiar with that toggle at all?

4 A. Yes.

5 Q. Is it -- how does it operate?

6 A. If you want to go in reverse, hit it. Like 9 times -- 10  
7 times out of 10, once your forward lights are on and you back up,  
8 that alarm will go off. And if you're going in reverse and have  
9 to pull forward, that alarm will go off until you switch your  
10 lights to the forward direction. And if you have the lights off  
11 and try to move, that alarm will go off in reverse or forward.

12 Q. So there's three positions on that toggle switch, right?

13 There's a forward --

14 A. An off.

15 Q. -- a forward working, a rear working, and then a center. Is  
16 that what you called it?

17 UNIDENTIFIED SPEAKER: Yeah. So off would be -- the off --

18 MR. CARTE: Right.

19 UNIDENTIFIED SPEAKER: And forward is up, center would be  
20 where he mentioned where it would go either direction.

21 MR. CARTE: Yeah.

22 UNIDENTIFIED SPEAKER: And then -- the question is, do you  
23 control your change of directional alarm anywhere else other than  
24 that switch?

25 MR. CARTE: No.

1 BY MR. STIFFLER:

2 Q. Do you have to mess with that at all during the day at all?

3 A. When I'm traveling in reverse, I have my lights in reverse.

4 And when I'm working forward, I have my lights forward.

5 MR. STIFFLER: Okay. I'm kind of confused. He's talking  
6 about lights. And I'm not familiar with it, so I apologize.

7 BY MR. STIFFLER:

8 Q. So is there a button for lights and for the --

9 A. Just the lights.

10 Q. Just the lights?

11 A. Yes. The lights, I believe, dictate -- if you go in reverse,  
12 the alarm will sound.

13 Q. So if the toggle's pressed up and it's forward --

14 A. Yes.

15 Q. -- the forward lights are on.

16 A. Right.

17 Q. When you go to make a reverse move, the backup alarm should  
18 work?

19 A. Yes.

20 Q. Okay.

21 A. If -- and vice-a-versa. If I'm backing up and I have to move  
22 forward a little bit, for whatever reason, that alarm will sound  
23 also till I reverse the lights to forward.

24 Q. Okay.

25 DR. HOEPF: Wait. So can I just jump in here?

1 BY DR. HOEPF:

2 Q. So just -- so it's based on which direction the lights are  
3 going?

4 A. Yes.

5 Q. So if lights are this way and you're going this way, it won't  
6 be --

7 A. If my lights are forward and I'm traveling forward, there's  
8 no alarm. There's no -- that's what -- a backup alarm.

9 Q. Um-hum. If you're going reverse and your light's in reverse,  
10 there's no alarm?

11 A. There's no alarm.

12 Q. Right.

13 A. If I go forward, if my light's in reverse, the alarm will  
14 sound.

15 BY MR. STIFFLER:

16 Q. When do you ever put it in reverse?

17 A. Like when we're backing out of the hole or backing down  
18 the -- like backing down the main. Like you said, I backed all  
19 the way from the end of the job clear past the start of the job.

20 Q. But the move you made, that toggle switch stayed forward  
21 because you guys were working forward?

22 A. Yes.

23 MR. STIFFLER: Okay. I'm clear.

24 MR. MICK: I have nothing.

25 MR. YOUNG: I don't have any questions either.

1 DR. HOEPF: Okay. Ben, almost done. We appreciate it.

2 BY DR. HOEPF:

3 Q. So, okay, I forgot to ask you about this. How's your vision?

4 A. 20/20.

5 Q. Okay. Sounds good.

6 A. I'm getting older, and you can see, I've got reading glasses  
7 and I can't live without them.

8 Q. Yeah. I've got contacts. I don't see very good, but --

9 UNIDENTIFIED SPEAKER: Can't live without them.

10 DR. HOEPF: But you --

11 UNIDENTIFIED SPEAKER: What color are they?

12 MR. CARTE: Hmm?

13 UNIDENTIFIED SPEAKER: What color are they?

14 MR. CARTE: Everybody's got those. Put them down there in  
15 the restaurant, see who snags them. Put these down in a  
16 restaurant and see who walks away with them.

17 BY DR. HOEPF:

18 Q. Okay. So you see okay. All right.

19 The National Salvage guy, you said he was marking rail. So  
20 that's a task that they do sometimes where they mark rail. Was  
21 that just having to do with -- can you elaborate on that at all?

22 A. They mark the rail where to cut it. They got little wheels,  
23 you know, wheel off so many feet. How many feet, I don't know.  
24 Then they take a paint can and (makes sound).

25 Q. Gotcha.

1 A. That's where to cut it.

2 Q. Okay. Okay.

3 A. And they did all the way through the entire job.

4 Q. Yeah. I guess I'm just trying to get, you know, I'm just --  
5 it seems like maybe he had been --

6 DR. HOEPF: And Troy, jump in here if you need to.

7 BY DR. HOEPF:

8 Q. But it seems like Helbert may have been marking up closer to  
9 you. And I'm just wondering, I mean, is that -- that sounds like  
10 that was very atypical, that he wouldn't be up behind spiker 1,  
11 you know, marking. It seems like he would only -- it sounds like  
12 the marking stuff would -- it's all at the end of the line. So  
13 I'm just trying to figure out what --

14 A. I don't know what he was doing. I don't.

15 Q. Okay. And that's fair. I mean, I don't want you to  
16 speculate or anything. I'm just saying that it's --

17 A. I don't know.

18 Q. Yeah, it's just -- it's kind of -- again, I'm not saying --  
19 implying any wrongdoing or anything. I'm just -- you know, I  
20 guess we came in here, I was expecting to hear that, oh, yeah, he  
21 was back there doing X, Y, and Z. And, you know, you were saying,  
22 you know, I had no idea -- it sounds like you weren't expecting  
23 anybody to be back there at all.

24 A. No. There's --

25 Q. So --



1 A. No.

2 Q. Yeah.

3 A. I told this five times. I have no idea why he was back  
4 there.

5 Q. Yeah. Okay.

6 A. I don't know.

7 Q. Okay. No, that's very helpful.

8 So let me just -- one other random question here. Was this  
9 the first time you had gone in reverse for the day or had you kind  
10 of been going forward and backward a couple times?

11 A. I helped him out as much as I can.

12 Q. Okay.

13 A. Just to keep the gang moving, and once you're done for the  
14 day, everybody gets to come back here. And like I said, you got  
15 to keep that heat on the rail.

16 Q. Um-hum. Gotcha. So, I mean, so you made -- I'm just  
17 clarifying. You made numerous reverse movements throughout the  
18 day? That's a pretty normal process for you?

19 A. Yeah.

20 Q. Yeah. Okay.

21 A. How many I made that day, I don't know.

22 Q. Yeah, that's okay.

23 A. I honest to God, I don't know.

24 Q. It's okay. I just meant it's not -- you know, you had maybe  
25 done that a dozen times or something, but it wasn't the first time

1 that happened, so --

2 A. No, it ain't.

3 Q. Okay. And then I just -- is there anything that -- I mean,  
4 did we miss any questions? Should we have asked anything that we  
5 didn't? I mean, is there anything you think is pertinent that we  
6 didn't talk about?

7 A. Was it a tragedy? Most definitely. I can't, I can't sit  
8 here and lie about it. I'm running on caffeine, nicotine, and  
9 sugar right now. If there is a silver lining to all of this, I  
10 would say -- I can't -- the response that the gang gives in  
11 getting back there to help is amazing. People from the front,  
12 from the back, came up to help.

13 I'm actually speaking of -- I know I can't change it, what  
14 happened, or -- but the, like the EMTs and stuff -- I know we work  
15 in remote locations. That's a given. And the job we do here is  
16 shitty, it's dirty, it's sweaty, it's cold, it's rainy, it's  
17 nasty, but -- and it seemed like eternity before any of those guys  
18 were on the scene. The guys on the gang, it seemed like eternity  
19 for me because I'm -- to be honest, I was in shock. But they were  
20 there. The gang was there. The professionals, it seemed eternity  
21 before they showed up.

22 I don't know -- I know we can't have EMT on the sides and  
23 everything or anything like that. That's not going to happen.  
24 But a plan in -- I don't know if the higher chain of command or  
25 the foreman or a designated person on our gang could go to the

1 local EMTs and say, hey, we're going to be working here, what is  
2 your fastest route to get there? We're going to do everything we  
3 can to do what -- you know, we're not EMTs. You know, we're  
4 railroaders. You know, most of us have high school educations;  
5 some have colleges. But when the professionals show up and it  
6 seems like eternity -- you know, when we used to have camp cars,  
7 there would be directions to the local hospital, phone numbers.  
8 And these guys are local around here, they probably lived here  
9 their whole life. But the right-of-ways -- I hope this never  
10 happens to anybody ever again on any railroad, ever.

11 UNIDENTIFIED SPEAKER: Neither do we.

12 MR. CARTE: Is going to happen? It could. It very well  
13 could. But it seems like eternity before they showed up. If  
14 there's -- you could just talk, say, hey, we're going to be  
15 working between milepost 1 and milepost 3, right here in  
16 Selinsgrove; do you guys know how to get down in there fast? Have  
17 everybody like, oh, I don't know where that is. You know, I cross  
18 the tracks going home every night, but I don't know -- I'm just  
19 saying if --

20 DR. HOEPF: Um-hum. Yeah, I --

21 MR. CARTE: I don't know if they would have got there 15  
22 minutes earlier would've helped. It could have. Could we have  
23 ran a little faster? Yeah. But it -- you know, I don't want this  
24 to happen to anybody.

25 BY MR. LLOYD:

1 Q. And everything you're saying is a good point. You're on  
2 record and we listen to all this stuff, you know, for reports and  
3 recommendations.

4 Well, let's go back prior to the EMTs. If Ben could change  
5 the way that NS does business, at that morning job, safety  
6 briefing, whatever, if Ben could set and say, listen, I got one  
7 suggestion or a recommendation, what would be Ben's recommendation  
8 to prevent this type of --

9 A. My recommendation is -- I didn't think about it then. I  
10 didn't think -- I didn't wake up that morning saying --

11 Q. Right.

12 A. -- hey, I'm going to take a man's life today.

13 Q. Right.

14 A. I -- that was the furthest thing from my mind.

15 Q. Exactly.

16 A. But I'm just saying, if there is a silver lining -- that's  
17 all I'm saying, if there is. Do these guys know how to get to  
18 where we are? I don't know if they do. But it seemed like  
19 eternity. I don't know what time they arrived, what time 911 was  
20 called. I didn't call them. I didn't -- looking at my watch,  
21 that was probably the very last thing on my mind.

22 DR. HOEPF: Yeah. Well, we appreciate, I mean, you know, the  
23 suggestion. Emergency response plan, yeah, that's definitely --  
24 Sheryl is survival factors and she'll be taking a close look at  
25 that, so -- you know, we appreciate it.

1 Does anybody else have any questions or anything?

2 Troy, did you have anything else you wanted to -- okay.

3 Well, Ben, thank you so much. We'll go ahead and go off the  
4 record and --

5 (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: NATIONAL SALVAGE & SERVICE  
EMPLOYEE FATALITY IN DAUPHIN,  
PENNSYLVANIA ON DECEMBER 8, 2021  
Interview of Ben Carte

ACCIDENT NO.: RRD22LR003

PLACE: Selinsgrove, Pennsylvania

DATE: December 9, 2021

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.

  
\_\_\_\_\_  
Kay Maurer  
Transcriber