

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: JAMES ROBINSON, Gang Supervisor
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

JON TODD KRAHOLIK, Investigator, Railroad Safety
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

JOHN MICK
National Salvage

CRAIG STAUDENMAIER, Attorney
(On behalf of Mr. Robinson)

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I N T E R V I E W

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

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

13 James, do you understand that the interview is being
14 recorded?

15 MR. ROBINSON: Yes.

16 DR. HOEPF: Okay. Great. And I'll ask you to say your name
17 and spell it, and then I'll have everyone else in the room do the
18 same.

19 MR. ROBINSON: It's James Robinson, J-a-m-e-s, R-o-b-i-n-s-o-
20 n.

21 DR. HOEPF: Okay. Thank you for that.

22 And I'm Mike Hoepf. That's H-o-e-p-f, and I'm with the NTSB.

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

1 MR. MORRISON: Roy Morrison, last name M-o-r-r-i-s-o-n,
2 director of safety, 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. Last name spelling, S-t-i-f,
6 as in Frank, f as in Frank, l-e-r. Federal Railroad
7 Administration, District 2, track specialist.

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. STAUDENMAIER: Craig Staudenmaier. I'm outside counsel
12 and counsel for Mr. Robinson in this hearing. It's S-t-a-u-d-e-n-
13 m-a-i-e-r.

14 DR. HOEPF: Okay. All right. Thanks, everyone, for that.

15 MR. LLOYD: You're representing Mr. --

16 MR. STAUDENMAIER: Yes.

17 MR. LLOYD: -- Robinson, correct?

18 MR. STAUDENMAIER: As an employee of the company.

19 INTERVIEW OF JAMES ROBINSON

20 BY DR. HOEPF:

21 Q. All right. And, James, if you want to just start, tell us
22 about your railroad career?

23 A. Like from the day I was hired?

24 Q. Yeah, but not like in a lot of detail.

25 A. I started out Canadian Pacific. Norfolk Southern bought the

1 D&H. I elected to come over here as a laborer for Norfolk
2 Southern. Became a -- got some operator rights, became a foreman.
3 Then I've been a supervisor for about 2½ years.

4 Q. Okay. Great. And can you tell us a little bit about your
5 roles as a supervisor? Just job duties and, you know, what do you
6 do on a day-to-day basis.

7 A. A day-to-day basis is, you know, make sure we install quality
8 rail, you know, safely. You know, a typical day starts off for
9 me, you know, I go kind of get my schedule out, you know, pick the
10 job that we're going to do, discuss it with the foreman, you know,
11 meet the guys out at the jobsite, you know, go about our day.

12 Q. All right. And, yeah, so the job briefing, what's your role
13 in that typically?

14 A. I usually start the -- like the role or the role that day?

15 Q. Well, I guess we can do generally and then maybe you can talk
16 about the specifics of, you know, yesterday.

17 A. Generally, you know, I start off, you know, talk to the guys
18 a little bit just kind of, you know, kind of, hey, how you doing?
19 You know, like --

20 Q. Um-hum.

21 A. And then I, you know, I cover any emails that I have, like a
22 Monday morning briefing or the focus of the week or if, you know,
23 there was any prior incidents that we could cover that day. And
24 we talk about the job that was performed the day before, you know,
25 any takeaways, anything we seen as positive or negative. Usually

1 turn it over to the foreman. He then discusses the job. He talks
2 about, you know, what crossing are in it, you know, curvature of
3 the rail, how many jobs -- it's, you know, five spikes out,
4 anchor, things of that nature. Usually turns the floor back to me
5 or we touch base with the mechanics, National Salvage, the RWIC.
6 The floor usually comes back to me at that time. I -- I lost my
7 train of thought here. But we go around, anything that we missed,
8 you know. Then we talk about -- I usually get anywhere from five
9 to eight guys to, you know, identify hazard and how we're going to
10 safeguard ourselves against it. And then, you know, to close out,
11 you know, does anybody got anything last minute, and then --
12 that's the job brief.

13 Q. All right. Sounds good. Sounds good. I guess before we get
14 to kind of like, you know, the specifics of the day of so much,
15 what -- I guess, like what are the other safety, you know,
16 responsibilities as a supervisor?

17 A. Well, I mean, I -- you know, like vehicles, I got to keep
18 track of. You know, we got the guys, you know, in the gang, make
19 sure they have the proper PPE, you know, track protection, making
20 sure nobody has any machine issues, things of that nature.

21 Q. Gotcha. Gotcha. So help me out with something, too. I just
22 wanted to ask -- and, you know, just kind of tell us from like
23 from your perspective and, you know, we can go and talk to other
24 people as need be. How does it work with National Salvage, you
25 know, in terms of like having a contractor involved with the

1 project? Like how is, you know --

2 A. How are the guys on my gang viewed?

3 Q. Well, I just mean like how do -- like are you responsible for
4 managing their safety? You know, do they have their own
5 supervisor who's kind of like overseeing them? Like how does that
6 work?

7 A. You know, they definitely belong on this gang. I mean, I am
8 responsible for their safety and keep them safe. I mean, they're
9 on a -- on the gang, I believe. But they do have a direct
10 supervisor that they contact. Like I don't -- you know, there's
11 things they do on Fridays and stuff that I'm not responsible
12 for --

13 Q. Gotcha.

14 A. -- you know, like as far as that goes. Like, but when we do
15 have a track authority, you know, I feel they -- you know, they're
16 part of the gang and, you know, they have the track authorities.
17 They know the hazards. We know where they're at --

18 Q. Right.

19 A. -- you know, during the gang. Yeah. But, I mean, they don't
20 have a supervisor out there with them.

21 Q. Okay. Yeah. Yeah, I was just trying to kind of understand
22 how that works.

23 So, yeah, can you give me kind of an overview? So, you know,
24 yesterday, what was the -- I mean, you know, how many people were
25 at the job brief then, all in all? And what was the kind of

1 breakdown of that?

2 A. We had the RWIC there, two contractors from National Salvage,
3 I had one vacancy, two repairmen, and -- I got to do the math.
4 I'm -- you guys are throwing a lot questions at me.

5 UNIDENTIFIED SPEAKER: Take your time. Take your time.

6 MR. ROBINSON: I had 22 of R12 guys present.

7 BY DR. HOEPF:

8 Q. Okay.

9 A. So -- yeah. And also Supervisor Hurley of maintenance
10 equipment was there as well.

11 Q. Oh, okay. Okay. So you've got a supervisor for maintenance-
12 of-way equipment and then you're a supervisor for -- like how does
13 that work?

14 A. I'm in charge of rail. He's -- I don't know his specific job
15 title.

16 Q. That's okay.

17 A. I mean, I don't know what he's in charge of.

18 Q. Yeah.

19 A. I know he's in charge of machines and the two repairmen.
20 He's kind of like a direct -- like I'm kind of -- he's like the
21 direct line supervisor, I guess. If they have any problems with
22 me, they go to him.

23 Q. Um-hum. Gotcha. Gotcha. So how about -- and again, you
24 have to just -- you know, I'm kind of just understanding your
25 processes, but I'm not really a railroad background. So, you

1 know, you're a supervisor. There's a RWIC, which is a railway
2 worker in charge?

3 A. That's correct.

4 Q. Okay. And so what's the -- like do you report to the RWIC or
5 does he report to you, or how does that work?

6 A. Usually I brief with the track supervisor the day before on
7 kind of what the plan is for the following day. And, you know,
8 that way he -- and I've already talked to the RWIC, so that way
9 we're both kind of on board if we need spikes, joint bars, things
10 of that nature, what job we're going to do the following day. And
11 then, you know, he meets us at the job brief in the morning, you
12 know, meets us at the location, the RWIC does.

13 Q. Okay.

14 A. So he partakes in the job brief.

15 Q. Okay. And is he -- does he remain there all -- for the rest
16 of the day and everything?

17 A. That's correct.

18 Q. Okay. Okay. And so, again, you have to -- I'm not a
19 railroader, so just kind of, you know, bear with me here. But, I
20 mean, is -- you know, is he in charge? I mean, at the end of the
21 day, is he ultimately in charge or are you ultimately in charge?

22 A. I'm ultimately in charge.

23 Q. Okay.

24 A. Yeah.

25 Q. Okay. So what's the -- I guess, just help me understand the

1 breakdown of responsibilities then. So, I mean, why do you need
2 an RWIC and a supervisor? What is he doing versus, you know, what
3 are you doing?

4 A. Okay. The RWIC would travel -- like this is a traveling
5 gang. So if I'm in Binghamton and I get sent to Harrisburg,
6 obviously I don't know what the hell's going on in Harrisburg.
7 You know, he is there so he can -- he's kind of like a guide, like
8 a hunting guide. You know, if you were to go somewhere hunting in
9 a strange set of woods, you know -- like I guess that's the
10 easiest way I can explain it. Like he knows --

11 Q. No, that's really --

12 A. -- things about that territory that I don't.

13 Q. -- that's really helpful. No, that actually -- I haven't
14 heard it explained that way. So you travel with the gang. It's
15 kind of like you're, you know, group.

16 A. That's correct.

17 Q. And then the RWIC is a local guy who has expertise in the
18 local territory.

19 A. Yes.

20 MR. YOUNG: If you don't mind me to interrupt?

21 DR. HOEPF: Go ahead. Yeah.

22 MR. YOUNG: The reporting structure is the RWIC reports to
23 the track supervisor, who oversees a local jurisdiction. He only
24 responds -- you know, is in control of that maintenance -- that
25 track. Then James travels across the system with the R12 rail

1 gang. And he may work on 20, you know, 30, 40 different track
2 supervisors. So that RWIC is responsible for providing that
3 protection when the gang gets there. It gives them a local
4 contact and --

5 DR. HOEPF: Gotcha. Gotcha. That's helpful. Thanks.

6 BY DR. HOEPF:

7 Q. Okay. So do you want to -- maybe if you can just talk about,
8 yeah, the specifics of the day. Do you remember specific topics
9 that were covered in the job briefing, anything particular?

10 A. Yeah. We started the day off, we got into sort of two prior
11 incidents that we had, one involving dragging rail; the other was
12 I believe a broken -- a guy slipped in the ballast, something of
13 that nature, broke his wrist. So we kind of -- our meeting was
14 going to be focused off communication and dragging rail, so we,
15 you know, made sure to cover that. Like, hey, what's our
16 procedure when we drag rail? You know, we beep the horn three
17 times, you know, Nick makes -- Josh Compton's (ph.) clear.
18 Usually me or the foreman are with the trackmen. We make sure
19 they're clear before we make any rail adjustments. That was kind
20 of our focus of that day.

21 As far as the hazards, I think we had getting on and off
22 equipment, communication, because that fell in line with a topic
23 we covered earlier that morning, and I think frosty rail was one.
24 It was cold that morning. And, you know, there was one about, you
25 know, to make sure the operators could see you or you could see

1 them. And typically this year we haven't worked a lot with
2 adjacent track protection. Like we've worked a lot of single
3 mains and we were going to hold a siding that day for adjacent
4 track protection. So, you know, it was brung up, hey, you know,
5 RWIC Keishel is going to clear the gang. You know, he's going to
6 start the pores, going back. Once we're clear, we're not allowed
7 to foul over there. And when we do have the track, you know, if
8 you don't need to be over there, don't be over there, you know.
9 And, you know, that's the topics I remember from the job briefing.

10 Q. Yeah. Sounds good. Sounds good. Yeah, so can you just walk
11 me through, walk me through your day from the job -- you know,
12 how'd it go after the job briefing.

13 A. We obtained, I believe, three track authorities. We had one
14 Stoney to North Ferry, North Ferry to South Miller, and then the
15 siding between the Ferrys, using Stoney for head room because we
16 had to back up to the job at the 295. We were able to get back to
17 the 295, we boxed one Stoney to North Ferry, and just got the main
18 in between the Ferrys. Had to clear for a southbound. Gave up
19 South Miller to North Ferry, so then we just held in between the
20 Ferrys. A few minutes went by, hey, train's getting close, need
21 you guys to clear. The foreman cleared the gang. He radioed the
22 RWIC. He said, yep, understand, we cleared the siding.
23 Southbound went by. We obtained another track authority for South
24 Ferry to North Ferry on the siding, and one from North Ferry to
25 South Miller so our scrap truck could unload within them limits.

1 Started laying rail. Everything was going good. I mean, you
2 know, we're just working along and then -- can I take a break?

3 DR. HOEPF: Yeah, no problem. Yeah, we'll take a break.

4 (Off the record.)

5 (On the record.)

6 DR. HOEPF: We are back on the record.

7 BY DR. HOEPF:

8 Q. So, yeah, James, we appreciate you coming to talk to us about
9 it. Obviously this is incredibly difficult. But just to the best
10 of your recollection.

11 A. Yeah, nothing really unusual going off -- or going on. I had
12 plenty of track time. I was working behind the welding truck.
13 Speedy was lining plates. Kind of how we threaded the rail into
14 the gauge, we pinched a lot of plates. So the track wipers
15 couldn't get all the plates on, so while Speedy lining -- you
16 know, I was picking up the plates that they missed and sliding
17 them under the rail because we had -- so got up there, we got
18 behind the Badger. I went up there to help Foreman Keishel mark
19 the end. We were getting ready to put a trani (ph.) rail in. I
20 don't how long we were up there.

21 Got it marked, made the the white paint mark where we're
22 going to cut the rail. We were bent over doing something, and I
23 can't quite remember what we were doing. We heard "stop, stop,
24 stop," but it was real faint. So kind of looked at each other and
25 like, like what the hell was that? And then we heard, "emergency,

1 emergency, emergency." And we could tell it was Ben, so we got up
2 and somebody said, what's going on back there, Ben? And he said,
3 I have a human under my machine. So, you know, we were running
4 back there. I was thinking, you know, what the hell's a
5 pedestrian doing up here? And we got back there, got under the
6 spiker, seen it was Helbert.

7 I called Hardidashi Charcola (ph.) to get 911, get them a PIN
8 in. I then called Nick Keishel, had him double down to get 911
9 rolling as well, because I knew he was -- you know, maybe there
10 was a better PIN. Got ahold of repairman Rumbach (ph.), had him
11 clear the right-of-way of any vehicles we had and get to the
12 entrance. And called Charcola back to make sure that, you know,
13 nothing freaky happened, that nobody was on the -- sit on the
14 siding or something while this was going on. I was able to get
15 the Badger on, get him reversing back towards the spiker. We
16 tried to get it up with the turntable, but we're in the curve and
17 it wasn't working. So got the Badger, and got it picked up. By
18 then a paramedic had showed up and we asked him if we could get
19 Helbert. And he said, yeah. And Ben said, make sure somebody
20 holds his neck. And we drug him out. He was already turning
21 blue. It was kind of -- more and more people started showing up.
22 And, you know, my day was in and out of answering questions after
23 that.

24 DR. HOEPF: That's really helpful. We appreciate it. I know
25 it's not easy. James, that's all my questions for the moment.

1 We'll pass it around to Troy, who's the track and engineering --

2 BY MR. LLOYD:

3 Q. So James, we were jumping around back earlier before the
4 break, and I'll try to simplify here.

5 A. Yeah.

6 Q. RWIC role versus your role. I know what it is.

7 A. Okay.

8 Q. So you tell me --

9 A. Yup.

10 Q. -- what's the difference between the RWIC's role versus you
11 being the supervisor of R12?

12 A. The RWIC role?

13 Q. Yeah.

14 A. He gets us our track authorities. You know, like Joe
15 elaborated on, you know, he knows the area 10 times better than we
16 do. You know, he's a great reminder like, hey, don't forget you
17 guys got a crossing up there or, hey, that's a busy crossing back
18 there. Because, I mean, the track chart doesn't tell you the
19 crossing's busy, you know. Or, hey, I got the maintainers going
20 back there to jumper that crossing up for you guys. Things like
21 that, it's a big help. You know, that's why I called him. I
22 figured, you know, he knows this area, you know, he can direct an
23 ambulance right to us. You know, where if I called, you know, I
24 would've screwed it up, you know, possibly.

25 Q. So he gets this way being Book of Rules qualified and

1 physical characteristics?

2 A. That's right.

3 Q. Okay. So that's -- so your role is a supervisor.

4 A. Yep.

5 Q. So RWIC's usually a BMW employee, a foreman, correct?

6 A. Yes.

7 Q. Okay. Now let's talk about -- I know what he does. He's
8 worried about the on-track safety, the working limits, what they
9 can do, what they can't do between the limits, all that stuff. So
10 where does James jump in?

11 A. I pretty much keep the gang moving. You know, the foreman
12 does a lot, you know. We kind of work together, you know, marking
13 the start plates, you know, quality control, giving people
14 different tasks throughout the day, you know, make sure the job's
15 in there right, make sure the gauge is right, you know, make sure
16 proper spiking pattern, just trying to be a, I guess, a good
17 leader out there for the guys, you know, answer any questions they
18 have, because -- you know, you cover all this stuff, but still
19 like, hey, didn't you say there was a crossing up here at the 295
20 that, you know, was jumpered up or something, you know, as an
21 example. Yeah, yeah, yup. You know, we both carry track charts
22 and whatnot on us. And, of course, you know, I had the phone of
23 the gang and -- you know, I guess you're a leader you want your
24 men to follow, I guess would be an example.

25 Q. So curve patch gang, right? You're a curve patch gang,

1 you're cutting out rail that's on the high side that's getting the
2 shit chewed out of it, right?

3 A. That's correct.

4 Q. Okay. Doesn't matter if you're here or wherever, it's pretty
5 much a routine how you do it, right?

6 A. Yes.

7 Q. It's really nothing changes besides the physical
8 characteristics and what other -- maybe additional adjacent track
9 protection, but it's usually --

10 A. Yeah.

11 Q. -- same equipment, same routine. National does their same
12 stuff, the same lineup, never -- doesn't really -- it's usually a
13 routine job, the curve patch route, right?

14 A. That's right.

15 Q. That's what you're talking?

16 A. That's right. If the lineup does change, it's discussed in
17 the job briefing.

18 Q. Right.

19 A. Like, you know, Nick, you're going to run the puller today --

20 Q. Gotcha.

21 A. -- and Stroud's (ph.) going to go on the swing.

22 Q. Okay. So leading up, you get there, you -- RWIC does his on-
23 track briefing, you do your -- you do a briefing with the guys,
24 how you want stuff, where -- I guess, where they're going to start
25 and where they're going to end; is that your responsibility?

1 A. Yeah. You know, like, hey, they said that, you know, they
2 laid new anchors too far back or, you know, we can't get into
3 where we're tied with a material truck, we're going to load
4 spikes, you know, at this crossing, things of that nature.

5 Q. Okay. So was everything going normal that day? I mean,
6 it's, like we said, you know, changing curve patch rail is
7 changing curve patch rail, you know, whether it's standard plates
8 or standard tie plates.

9 A. Yeah. Everything was just perfectly normal.

10 Q. So everything was running as normal?

11 A. That's correct.

12 Q. Up to the point you hear, "emergency, emergency, emergency"?

13 A. That's correct.

14 Q. It was a normal day?

15 A. Normal day.

16 Q. Yeah. So is it normal for National Salvage to have --
17 explain to me how they would work with the equipment? Usually
18 they're completely in the back and then they're working along with
19 the gang. They're way back here and the gang's moving this way,
20 right?

21 A. No, not -- normally, Helbert usually is out front with the
22 pullers or ahead of them marking the rail. He understands not to
23 go -- like we call it the kill zone, but the swings, the adzer,
24 the cribber. Like, we're like, hey, you're not allowed in there
25 at all, you know. And so he stays up with the pullers, marks the

1 whole job out. He's usually at the job before, you know, the
2 machines are because he takes his pickup there. And then, you
3 know, he -- once he's done, he falls back to help Wes. He starts
4 torching the rail for Wes.

5 Q. Okay. So he's -- is he marking the rail, you know, just to
6 get my (indiscernible) straight, is he marking the rail before
7 it's threaded or after it's threaded to the 6 foot?

8 A. Before. Before. He marks it before because, like we said,
9 we got to stay up with the pullers.

10 Q. Okay.

11 A. Like, because the swings are behind the pullers.

12 Q. So he's out in front of the lead piece and he's marking stuff
13 out, and the first piece would be the spike pullers and --

14 A. Correct.

15 Q. -- all of that stuff? Okay. When he marks stuff, and once
16 it gets threaded out, right --

17 A. Yeah.

18 Q. So you got your rail now, you're setting in the 6 foot, would
19 National -- National Travel -- would National Salvage have to do
20 any type of documentation, you know, we want this piece of rail,
21 we want this piece of rail, it's 132 REVD (indiscernible)?

22 A. That particular day, I believe RWIC Charcola did brief with
23 Supervisor Grimmer (ph.) about keeping some rail.

24 Q. So what would -- I'm just -- so what would make this
25 gentleman, after it's all marked out, rail's already to the --

1 rails already in the 6-foot between main 1 and the siding, right?

2 A. Yeah.

3 Q. What would make that gentleman go up within the working
4 limits of the track and do work? What would -- what could be done
5 or what could possibly he be doing? You know what I'm saying? So
6 it's -- he's got this rail marked out ahead of him.

7 A. Yeah.

8 Q. So what would -- and he's -- let's say he's walking back.
9 What would make Kolton go up into the track between two pieces of
10 equipment? Is it -- does he get documentation of something,
11 photograph any -- that's what I'm asking.

12 A. Not that I know of. I mean, I had no idea.

13 Q. Right. Is that normal or is that definitely out of the --

14 A. That's out of character. I mean, I heard him call the adzer
15 on the radio. I remember him calling the adzer, saying, hey,
16 Jimmy, can I get by you? That's our adzer operator. And, you
17 know, come on by, Helbert. And I remember, as I was putting
18 plates under the rail helping the welder there, I remember him
19 walking by, you know.

20 Q. Right.

21 A. But why he would've been there, I --

22 Q. Right. Yeah, I didn't know if he takes notes about what
23 sections they're keeping, way -- the section of rail, you know, is
24 it already -- is it controlled or is it vacuum treated, you know.

25 A. Not to my knowledge.

1 Q. Okay. Yeah, I didn't know if he would have to -- if he would
2 be in there maybe copying some notes down.

3 A. Not to my knowledge.

4 Q. You know, it could have been a spot maybe he couldn't get to
5 maybe because some work was taking place in that area and he said,
6 now I can get to it. I don't know. I'm -- yeah.

7 A. Even if he was doing something like that, I believe he
8 would've let them know. He was that safe.

9 Q. Yeah. And for the record, for the reader, the Badger is the
10 crane that's threading rail in and out?

11 MR. YOUNG: That's correct. It's a multi-crane.

12 MR. LLOYD: Yeah, it's a multi-crane. They're going to ask.

13 MR. YOUNG: It threads the rail in.

14 MR. LLOYD: Pettibones thread it out, Badger threads it in?

15 MR. YOUNG: Yeah. So the Pettibones, if they -- they can
16 possibly thread the new rail into the track just depending on the
17 rail and how it would have gave out.

18 MR. LLOYD: Yeah, much heavier versus --

19 MR. YOUNG: Yeah, like for a simple -- the Badger threads the
20 rail for the center -- the new rail from the center of the track
21 into the plates, you know, where the existing rail was. That's
22 where he comes into play.

23 MR. LLOYD: Gotcha. And it's called a Badger why?

24 MR. YOUNG: It's the type of machine. So there's several
25 different machines that we use. That specific one's a Badger.

1 MR. LLOYD: So that's not an NS thing, we call this thing the
2 Badger because it's a bad-ass. It's --

3 MR. YOUNG: That's the manufacturer.

4 MR. LLOYD: It's the manufacturer. Okay. So when someone
5 reads Badger, I want them to know that's the crane that threads
6 the rail from the center of gauge into the double shoulder tie
7 plates, right?

8 MR. YOUNG: That's correct.

9 MR. LLOYD: Gotcha.
10 Roy?

11 MR. MORRISON: You know, I don't have anything other than to
12 say you guys did a great job responding to that tragedy.

13 BY MR. STIFFLER:

14 Q. Your time and your men's time is very valuable. We
15 appreciate it. Couldn't imagine -- I know it's not easy. I just
16 got a few things.

17 In the morning, does he ride in the van?

18 A. Helbert?

19 Q. Yes.

20 A. No. He has a Dodge Ram -- I'm not sure. It's a quad cab,
21 crew cab pickup that they drive to -- they put fuel in it for
22 their big on-track truck. So it has a fuel cell in the back.

23 Q. Did you see him at the job briefing?

24 A. Yes.

25 Q. You were describing what you were doing when you heard "stop,

1 stop, stop." Could you tell me again right where you were?

2 A. Yeah. We were marking the end of the job.

3 Q. So you were ahead of the gang?

4 A. Yeah. I was in front of the Badger at the end of the job.
5 Typically, you know, you have to run a tape measure, so it takes
6 two people unless you run a tape buddy. But -- so it took two
7 jobs. We're measuring it out, figuring out our heat adjustment
8 that we needed, and --

9 BY UNIDENTIFIED SPEAKER:

10 Q. Just for the record, so what we're describing, you got a
11 curve, it's the high side.

12 A. Yep.

13 Q. The machines are backed up. We haven't begun work yet,
14 correct?

15 A. Yeah, we're working. We're laying rail.

16 Q. Oh, you're laying rail?

17 A. That's correct.

18 Q. And you're calling the end of the work the end of the stick
19 that you're laying?

20 A. That's correct.

21 Q. Okay.

22 UNIDENTIFIED SPEAKER: That's where you do your adjustments?

23 MR. ROBINSON: Yep.

24 MR. YOUNG: Where you install that transition rail or --

25 MR. ROBINSON: Yeah, a tran rail, a transition rail.

1 UNIDENTIFIED SPEAKER: Okay.

2 MR. ROBINSON: Yep.

3 BY MR. STIFFLER:

4 Q. So you were ahead -- you're at the beginning of the gang when
5 you heard "stop, stop, stop"?

6 A. The Badger is at the halfway point of the gang.

7 Q. Okay.

8 A. Because the front half of the gang's already ran off the
9 rail. Their work's already done for the day.

10 Q. I gotcha. Okay. How long after you heard "stop, stop, stop"
11 till you heard "emergency, emergency, emergency"?

12 A. A second, 2 seconds. It was quick. It was long enough for
13 us to say, what the hell? And then "emergency, emergency,
14 emergency," and we immediately got up and started running.
15 Somebody said, what's going on back there? And he said, I got a
16 human under my machine.

17 Q. I understand. Just one last one. When you were walking and
18 you were out there with the gang, at any time did you see -- what
19 time or at what point did you see him walk by you?

20 A. When I was helping -- I was behind or -- between the Badger
21 and the welding truck helping him with the plates. The welder was
22 lining the rail where we had missed the plates threading the rail
23 in. And like I said, when we threaded the new rail into the gauge
24 before we started tearing it out, we had laid it on a lot of
25 plates because we didn't have them set over in time. And I was

1 sliding those plates under the rail so the spikers behind could
2 nail it down.

3 Q. And where was he walking and what direction?

4 A. He would have been walking north in the adjacent track.

5 Q. So he was in the siding --

6 A. That's correct.

7 Q. -- walking when you seen him?

8 A. Yes.

9 Q. So how many machines -- I'm sorry, I'm not familiar with the
10 gang (indiscernible). How many machines -- the location you
11 were --

12 A. Yep.

13 Q. -- when you seen him walk by, how many machines were there
14 between where you were at and where Ben -- and how many machines
15 to Ben?

16 A. Okay. So I'd have been between the -- so you'd have the
17 welding truck, the heater, the gauger, and then Ben. So four
18 machines.

19 Q. Four machines. Okay. Okay.

20 MR. MICK: Nothing for me.

21 MR. YOUNG: I don't have any questions.

22 DR. HOEPF: All right. James, still doing all right? Need a
23 break or anything?

24 MR. ROBINSON: No, I'm good.

25 DR. HOEPF: Okay. I don't think we're going to have a lot of

1 questions. You already talked to -- in the second round here.

2 BY DR. HOEPF:

3 Q. You were talking about this with Troy, and sorry to beat this
4 to death here, but the -- so I think you were saying -- we're kind
5 of trying to place, you know, where Helbert usually operates. And
6 I think I understood you were telling Troy that it's pretty common
7 for him to be out in front somewhere?

8 A. That's correct.

9 Q. And then he completes what he's doing --

10 A. Yep.

11 Q. -- and then he makes his way to the back --

12 A. Yeah, he makes his --

13 Q. -- to assist with --

14 A. Right. Once he gets back there, begins torching the rail for
15 Wes.

16 Q. Okay. Okay. I gotcha. And then -- there's another thing
17 Troy was doing, he was kind of clarifying what some of the
18 different pieces of machine are. We keep hearing about the -- and
19 I'm going to mess this up -- adzer.

20 A. The cribber-adzer?

21 Q. Yeah.

22 A. Yeah, that's in the front of the Badger.

23 Q. Okay. Okay. Did we talk about what exactly that does? I
24 know I've heard it's kind of like a dangerous piece of machine,
25 but --

1 A. Yeah. It's an extremely dangerous piece of machine. It kind
2 of shaves the ties as well as cribs out the ballast between the
3 ties so we're able to lay the plates flat and snap our anchors on.

4 Q. Oh, okay. Okay. I gotcha. Yeah, and then I think you were
5 saying at some point you actually heard some radio just traffic of
6 Helbert was calling the adzer operator to say, hey, I'm coming by.
7 Do you happen to -- any idea what time that was?

8 A. I don't.

9 Q. Okay. Okay. So but that wasn't close to the accident
10 sequence necessarily? Like it wasn't -- I was just wondering was
11 that like in the time that he happened to be kind of making his
12 way back?

13 A. I don't -- I don't know.

14 Q. Yeah, that's okay.

15 A. Yeah, I don't.

16 Q. That's all right. I don't want you to speculate or anything
17 like that. And then, so just kind of your take on, you know,
18 Helbert as a worker. Would you say that -- I mean, is he somebody
19 you've had a lot of problems with like with rule adherence or
20 would you say he's more on the side of like a safer worker? Just
21 kind of your experience from a supervisor.

22 A. I would have said Helbert was an extremely safe, very
23 detailed, very meticulous on the way he did things. Like, you
24 know, like type of guy if he made a mistake, you know, he'd beat
25 himself up over it, you know, because -- always contributed in the

1 job briefings. You know, all the guys can attest to that. As far
2 as, you know, hey, we get a track authority, myself and the
3 foreman reads it off, before we even ask to get a readback, you
4 know, you hear him, you know, fire up with it, you know. And, you
5 know, being -- he rides the rear piece a lot of times with Wes.
6 You know, it's absolutely critical that they have that, you know,
7 that they know, you know. But he'd have been the last person I
8 would have thought.

9 Q. Yeah. I mean, it sounds -- from what everybody said about
10 him, he sounds like a really stand-up guy, which I guess just kind
11 of makes this all the more shocking, you know. So, I mean --

12 A. It's unbelievable.

13 Q. I mean, really, the only -- you know, I don't want you to
14 speculate or anything, but I mean, if you have any insight in
15 terms of just, you know, something you think we should be looking
16 at or if you have any suggestions for, you know, safety
17 improvements? I mean, is there something that could be done to
18 prevent another tragedy like this, you know?

19 A. I -- not now, I don't. Maybe later on something --

20 Q. You can always follow up with us.

21 A. -- something will come to me.

22 Q. Yeah. If you have a thought --

23 A. As of now, no.

24 BY MR. LLOYD:

25 Q. James, thinking in terms of the next job, you know. So

1 where's probably next your next location that you're working?

2 A. That day?

3 Q. Well, no, when you get done this one, where do you go to
4 then?

5 A. We -- I'd have to brief with Grimmer on our next job. I know
6 our plan is to tie up at South Miller's at the 283 milepost, but
7 there's some issues we got. The remaining jobs have crossings in
8 them and there's kind of a discrepancy if we're going to be able
9 to get blacktop or if they're going to have to use the cold patch.
10 So that's -- it's kind of a day-by-day basis, following up with
11 the track supervisor exactly what job we're doing. Because
12 we're -- we kind of got to hop around to make that happen.

13 Q. Yeah, so if we could change business -- think about what
14 happened today, if we could do something, put something in place,
15 a rule, a procedure, something, what would you do?

16 A. You know, and I spend a lot of time (indiscernible) close to
17 me, bouncing a lot of ideas. You know, he kind of calls it a
18 playbook of sorts. So, you know, let's say I'm going to your
19 territory. I call you a week ahead of time. You give me 25
20 pages, hey, this job here, 226.5 has a crossing in it. You know,
21 it has a crossing in it, this is where the spikes are laid, this
22 is your nearest road access, things of that nature. You know,
23 hey, this crossing here, this is just a farm crossing, this one
24 here's extremely busy, you know, get the maintainers there to get
25 the gates down, have the repairmen there. Just a little more

1 information, I don't think would hurt anybody.

2 BY DR. HOEPF:

3 Q. Let me ask you. So what do you think about -- you know, on
4 every car these days, you've got backup cameras. I mean, is --
5 could you put something on a piece of machine like this? I mean,
6 maybe not retrofit, but on new ones?

7 A. We do have machines with backup cameras on them.

8 Q. Are these forward cameras? I mean, you know, I don't know,
9 but -- do you think -- I don't know if that's -- is that feasible?

10 A. I don't know.

11 Q. Yeah. I mean, if you don't know. I'm just --

12 A. I don't have an opinion on that.

13 Q. Okay. That's okay.

14 DR. HOEPF: Troy?

15 MR. LLOYD: No. I'm good.

16 UNIDENTIFIED SPEAKER: I got one. I just want to make sure.
17 He's marking the rail before you thread it out of the rail and
18 doing the 6-foot, he's taking and spray mark in the track?

19 MR. ROBINSON: That's correct.

20 UNIDENTIFIED SPEAKER: Okay.

21 BY UNIDENTIFIED SPEAKER:

22 Q. I got one last question. When you see him walking in the
23 siding, is he carrying anything?

24 A. I didn't, didn't notice.

25 Q. That's okay.

1 A. Yeah. I was kind of -- you know, work I was performing.

2 Q. That's okay. Appreciate it.

3 BY DR. HOEPF:

4 Q. Oh, do you know if he was wearing a vest? Do you recall if
5 he was wearing a safety vest?

6 A. He always wears safety equipment, yeah. I'd say he was.

7 Q. Okay.

8 A. I know he had yellow on, safety yellow on.

9 Q. Okay.

10 A. You know, that -- I don't know if it was a jacket or a vest,
11 per se, but he did have safety yellow on.

12 Q. Okay.

13 DR. HOEPF: Sorry. Did you have a question?

14 UNIDENTIFIED SPEAKER: Thank you for your time, buddy. Thank
15 you.

16 MR. LLOYD: Nope. I'm good.

17 UNIDENTIFIED SPEAKER: So we're done? All right. Thank you.

18 (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 James Robinson

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