

UNITED STATES OF AMERICA

NATIONAL TRANSPORTATION SAFETY BOARD

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Investigation of: *

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AMTRAK WORKER FATALITY *

BOWIE, MARYLAND * Accident No.: RRD18FR006

APRIL 24, 2018 *

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Interview of: ANDREW WALTER

Bowie, Maryland

Wednesday,
April 25, 2018

APPEARANCES:

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National Transportation Safety Board

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TYRONE NELSON, Vice Chairman
BMWED

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I N T E R V I E W

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2 MR. PAYAN: My name is Ruben Payan, P-A-Y-A-N. I'm the
3 investigator in charge from the national Transportation Safety
4 Board and I've been assigned this accident.

5 Today is April 25, 2018, and we are in Bowie, Maryland, and
6 we're going to be interviewing a welder in connection with the
7 accident that occurred at milepost 119.2 on April 24, 2018. The
8 NTSB accident number is RRD18FR006.

9 The interview is being recorded. We're going to have it
10 transcribed and you will be provided a copy of it for correction.
11 And once you return it to us with any corrections or comments
12 we'll place it in our docket.

13 I'm going to go around the room and have everybody introduce
14 themselves.

15 MR. FIELDS: Carl Fields, F-I-E-L-D-S, Brotherhood of
16 Locomotive Engineers and Trainmen.

17 MR. STEARN: Steve Stearn, S-T-E-A-R-N, Brotherhood of
18 Maintenance of Way Employees, and I'll be the party spokesman for
19 that organization.

20 MR. PAYAN: Amtrak?

21 MS. LEESE: Kristin Leese, I'm the Director of Safety for
22 Engineering at Amtrak, last name L-E-E-S-E.

23 MR. PAYAN: FRA?

24 MR. TOMASSONE: Lou Tomassone, T-O-M-A-S-S-O-N-E, Deputy
25 Regional Administrator for Region 2, FRA.

1 DR. HOEPF: Mike Hoepf, H-O-E-P-F, at NTSB.

2 MR. PAYAN: Okay. And Mr. Ross, the representative that's
3 with you can he -- please introduce yourself again?

4 MR. NELSON: Tyrone Nelson, N-E-L-S-O-N, Vice Chairman,
5 BMWED.

6 MR. PAYAN: All right. Thank you.

7 MR. WALTER: My name is --

8 MR. PAYAN: Oh, go ahead.

9 MR. WALTER: -- Walter.

10 MR. PAYAN: Walter.

11 MR. WALTER: It's not Ross.

12 MR. NELSON: Yeah.

13 MR. PAYAN: Oh.

14 MR. WALTER: It's Andrew Walter.

15 MR. PAYAN: Andrew Walter. I'm sorry. Somebody told me
16 Ross. I apologize for that. Andrew Walter.

17 MR. WALTER: Yes.

18 MR. PAYAN: Sorry about that.

19 MR. WALTER: No worries.

20 INTERVIEW OF ANDREW WALTER

21 BY MR. PAYAN:

22 Q. All right. So Mr. Walter, we're trying to get information on
23 the incident that happened yesterday at -- near Bowie Train
24 Station. You were there, so you, you can help us hopefully with
25 filling in some of the details that we need to hopefully find what

1 happened and make some changes so this, this can be avoided from
2 happening again.

3 So if you could kind of walk us through your day from the
4 time you got up to the time you went on duty and take us up to the
5 accident of what you did. And if you can assert some times that
6 will kind of help us build a timeline.

7 A. Okay. I mean, I woke up at quarter after 5:00, made my lunch
8 in the hotel, was out in the lobby eating some breakfast. Around,
9 I don't know, 6:05 or something we headed out to the jobsite.
10 Stopped at Wawa for some coffee and then proceeded to the jobsite.
11 Once we were at the jobsite everybody got together and we had our
12 on-track briefing and our job briefing. Of course, the job
13 briefing was first and then we had our on-track briefing.

14 The foreman, Chris, said that he was giving the job briefing
15 and he said that he, you know, went over everything and he said --
16 he actually said if you're watching make sure you're not fouling
17 the track. He made a -- the safety rule was -- I can't remember
18 the number, but it was something pertaining to, I believe, the
19 gang watchman. Then we walked out onto the right-of-way. I don't
20 know, a decent walk. I don't know how far it was.

21 Once we got out to the welding truck we stood there until all
22 the watchmen were in place. Of course, we had -- it's three track
23 territory. I believe it's 110 through there. I don't have my PCs
24 in there. One track normal direction of traffic is northbound.
25 Three track normal direction of traffic is southbound. We were

1 working on two track, which was out of service. Once all the
2 watchmen were placed we got out to the weld truck. At that point
3 we were -- we made our first saw cut on the west rail two track.
4 Once we made our saw cut, I mean, you know, it went quick. It was
5 -- it went easy because the rail wasn't warm yet.

6 We were about to thread the rail out, which meant that we
7 needed to move the rail heater and the weld truck. We had to back
8 them up south so that way that the speed swing could get in to
9 thread the rail out to replace it, all the pads and everything
10 like that. At that point I was standing behind the weld truck in
11 two track out of service.

12 MR. PAYAN: Take your time. You need a break?

13 MR. WALTER: No, sir. Luke was on the field side of one
14 track to my left approximately maybe 40 feet away from me. My
15 foreman, Evan Treut cleared the tracks and field side three track,
16 I believe, to talk to another foreman, which I believe was -- I
17 believe it was Cory. I'm not exactly sure. At that point because
18 I was standing by, I think I just loaded a saw up on the back of a
19 truck.

20 At that point we heard the watchman's horns, of course the
21 train horns, and all the equipment operators, you know, beeped
22 their horns. That's our standard practice. That way everybody
23 knows that there's an -- there's an incoming train. It was a
24 southbound train on three track. As it was going by there was
25 another track coming northbound on one track. Of course,

1 everybody's blowing their horns and everything. I observed the
2 train go by on my right southbound on three track. I was actually
3 blowing my nose at that point as I was observing the train. At
4 that point the northbound train was coming towards me so I shifted
5 to observe the northbound train on one track.

6 At that point I looked to my left, and I looked right at Luke
7 and I saw the train hit him. I heard his -- I heard his body hit
8 the train and I heard a watchman banner hit the train, and I saw
9 Luke fly through the air somewhere around a cat pole and a half
10 length, maybe, maybe two. I think it was like a -- I think it was
11 one and a half cat poles.

12 Q. Um-hum.

13 A. The train went by and I started running down two track
14 towards my foreman that was on the field side of three. By that
15 point the train had gone by, and I started yelling to Evan, "Luke
16 got hit. Luke got hit." By that time banners were down. Evan
17 made sure that it was clear for him. He ran towards me and
18 proceeded to run over one track down the, down the embankment.
19 His banner was laying there. In the access road his beanie that
20 he always wore was laying there. Down in the woods his hardhat
21 was laying there, but there was no Luke. So we proceeded north to
22 try and find him. And we started finding pieces and then we found
23 a shoe in the access road. His belt was in pieces, his safety
24 glasses. There was pieces of Luke. And then I saw his intestines
25 in the brush, and a little bit further on Evan was in front of me,

1 I think we saw him at the same time down in the woods, what was
2 left of him, which was most of his torso.

3 Q. Do you recall what the weather was like? Was visibility a
4 problem, any fog in the area?

5 A. No. I mean, it was --

6 Q. No?

7 A. -- it was overcast.

8 Q. Um-hum.

9 A. I don't think it was.

10 Q. Was it cold? Was it warm? Do you recall?

11 A. During the job briefing I had my hoodie on. However, once we
12 started working I took that off and I was just in my long-sleeved
13 shirt --

14 Q. Okay, so --

15 A. -- and I was comfortable.

16 Q. So it was a good, pretty nice day then --

17 A. Yes, it was.

18 Q. -- weather-wise.

19 A. It wasn't bad.

20 Q. About how many days were you at that location? Do you
21 recall?

22 A. I had just come back from foreman training so that was my
23 second day at that location. I'd just come back -- I just got
24 done Thursday and came back Monday to the gang.

25 Q. Okay. And you're part of the welding gang?

1 A. Yes, sir.

2 Q. Okay. And you have your -- usually from what your -- Chris
3 was telling us earlier, you have your own lookout assigned to you
4 usually?

5 A. Usually we have a, somebody that stands there with us because
6 we do a lot of grinding and we're doing a lot of, you know, do the
7 thermite welding and everything like that.

8 Q. Okay. Now, your gang in relation the other rail gang, do you
9 work ahead of them, in the middle or do you float around different
10 locations?

11 A. It depends. I mean, obviously we work where our truck is.
12 Right now, our truck is kind of in the -- it's kind of in the
13 middle of the line, the lineup.

14 Q. Okay. And that -- you're pretty much set for a while there
15 with everything being on a high railing, right?

16 A. Yes. Yeah, we're on high rail. We -- now, we'll move, you
17 know, like, when they have to thread the rail, you know, we were
18 about to move back to the speed swing as you come back so that
19 they can, you know, thread the rail out. You know what I mean?

20 Q. Um-hum.

21 A. And at that point we probably would have went back to joints
22 that we had welded in the past and hadn't completely ground yet.

23 Q. Oh, okay. I see. And you said you had just come back from
24 foreman school. Had, had you been part of this gang before
25 foreman school?

1 A. Yes, sir.

2 MR. PAYAN: Oh, okay. I'm going to go around the room and
3 see if anybody else has some questions. Are you doing okay or you
4 need a break?

5 MR. WALTER: No, sir, I'm fine.

6 MR. PAYAN: Okay. FRA?

7 BY MR. TOMASSONE:

8 Q. Okay, Lou Tomassone here, appreciate you coming in today. I
9 know it's not easy for you. I'll be as brief as I can. You said
10 you were behind the welding truck and would that be north or
11 south?

12 A. It would be on the south side of the welding truck.

13 Q. It was south side of the welding truck.

14 A. Yes, sir.

15 Q. And I could tell by the way you were describing the
16 (indiscernible) was safety you were in two track.

17 A. Yes, sir.

18 Q. Correct? Okay, I just wanted to double-check that.

19 A. I was in the out of service.

20 Q. Correct, correct. And last question, did you happen to
21 notice Luke in front of you, the watchman, about where he was
22 standing on the tracks or prior to the accident? Not
23 specifically?

24 A. Not specifically, sir. I know that he was on the field side.

25 Q. Okay.

1 A. That's all.

2 MR. TOMASSONE: That's all I got.

3 MR. PAYAN: Okay. Amtrak?

4 MS. LEESE: Yeah, I have nothing right now.

5 MR. PAYAN: Okay. BMWED?

6 BY MR. STEARN:

7 Q. Thank you. Steve Stearn, Maintenance Way Department. You
8 just got out of foreman school?

9 A. Yes, sir.

10 Q. How'd that go? Did you pass?

11 A. Yes, sir.

12 Q. You good?

13 A. Yes, sir.

14 Q. And so you look to be a foreman at some point?

15 A. Yes, sir. I'm putting my bid in this week.

16 Q. How long did -- what was that foreman school all about? How
17 long did it last?

18 A. The foreman school itself, I was there for four weeks. The
19 first week was primarily math and then the three weeks after that
20 were we were primarily in the MW-1000 manual learning safety and
21 also, like, (indiscernible) and countermeasures and stuff like
22 that.

23 Q. The math part that had to do with temperature corrections for
24 adjusting rail?

1 A. Partially, sir. They -- the way they did it is they started
2 off with, like, basic math. I guess they gauge where everybody
3 was and then it progressed up through to the growth of rail and to
4 figure out your curvature and everything like that.

5 Q. Earlier you said you didn't have PCs in that territory --

6 A. Yes, sir.

7 Q. -- where Tuesday PCs is physical characteristics?

8 A. Yes, sir.

9 Q. So you weren't officially familiar with the area?

10 A. Yes, sir. That's the first time I had worked in that
11 section.

12 Q. So before you had went to foreman school you guys weren't
13 working in that area?

14 A. No, sir.

15 Q. It was all new to you.

16 A. Yes, sir.

17 Q. And Luke, you think new to him as well?

18 A. Luke hasn't had a lot of time out here, sir. I know that --
19 good friend of mine knew him very well and he was in the TLM up
20 north, so I cannot tell you for sure how long he's been working in
21 the area. He wasn't in that area when I was in the gang as far as
22 that, I can't tell you any more how long he was in the area.

23 Q. In your, in your foreman school, in your official training to
24 be a foreman was placing watchmen discussed in that, in that
25 raining?

1 A. Yes, sir.

2 Q. It was?

3 A. Yes, sir.

4 Q. And you've had that training as well in RWP?

5 A. Yes, sir. And then you go through -- you also have to go
6 through watchman training.

7 Q. Have you been through watchman training?

8 A. Yes, sir.

9 Q. What's that like?

10 A. In order to watch for Amtrak, you have to go through a
11 special training. They usually do it attached with RWP. It's a
12 separate test that you have to pass and it's, you know,
13 essentially knowing how to safely watch and, you know, look out
14 for your brothers. What it is, they go over the safety aspects of
15 watching, sir.

16 Q. Andrew, you don't have to call me sir. So we talk about cat
17 poles. A cat pole is a catenary pole and that's used to suspend
18 the overhead electrification system, and so when we talk, track
19 department guys, we talk cat poles, we're talking distance.

20 A. Yes, sir. They're not exactly -- they're not all exactly the
21 same distance, but it's close.

22 Q. And that closeness, that approximate distances is, like, 275
23 feet?

24 A. I believe so. I'm going to say it's -- I think it's 275 on
25 average.

1 Q. Whistle test, when I say whistle test do you know what that
2 means?

3 A. Yes, sir.

4 Q. Can you, like, describe to me what a whistle test is and
5 maybe a practical application of a whistle test?

6 A. So when the -- once the watchmen are placed they are supposed
7 to do a whistle test, which they're supposed to do a whistle test
8 while the machinery is running so that way they can make sure that
9 they hear and can visibly see the other watchmen and everybody in
10 the gang can visibly see and hear all the watchmen.

11 Q. So with or without equipment running there, there would be a
12 difference there in this whistle test and the success or failure
13 of such a test?

14 A. Yes, sir.

15 Q. With equipment running, with grinders running, whistle tests
16 distances could change and if those conditions existed then what
17 would we need to do about the watchmen placement?

18 A. At that point you would shorten up the distance in between
19 watchmen and you would have to add more watchmen.

20 Q. And so real quick and just to be clear, again, Luke was
21 specifically assigned to the rail portion of this undercutting
22 operations. He would kind of like float and stay close to welders
23 while they're running grinders and loud equipment and such.

24 A. At this -- at that point, yes, sir. He was, he was right
25 there with us because, I mean, with the grinding and everything,

1 like, when I'm grinding I'll have a tap man, you know, and then, I
2 mean, he was right there at the joint we were working. You know
3 what I mean?

4 Q. I do. And that tap man, just so that we're clear, laymen
5 will hear and read these interviews and not know what we're
6 talking about, but a tap man would be different than a watchman, a
7 gang watchman or an advance watchmen. A tap man, and correct me
8 if I'm wrong, would be a guy like right there in arm's length of
9 you --

10 A. Yes.

11 Q. -- who can warn you of any approaching danger?

12 A. Yes. Normally it's another welder because we -- we'll switch
13 back and forth grinding, you know what I mean?

14 Q. It's -- go ahead.

15 A. So like, I'll grind one weld while he's standing right at my
16 shoulder and then when the banners go up and the horns go off he
17 taps my shoulder so I know that I need to stop to observe the
18 train. And need to make sure I'm in the clear, of course.

19 Q. Of course we're wearing some kind of a hearing protection?

20 A. Yes, sir. We have earplugs.

21 Q. And so that would, like, make it more difficult to hear a
22 gang watchman even if he was only 40 feet away and especially
23 advance gang watchmen who could be cat poles away?

24 A. Yes, sir. But he's visually watching. You know, he's
25 watching the watchman and he's also watching for trains himself.

1 Q. So his awareness is more video -- visual than, than audio,
2 sound?

3 A. I mean, yeah, I would say so, I guess because, I mean, he's
4 looking at the watchman, you know, and he'll be looking up and
5 down the tracks.

6 Q. Okay.

7 MR. PAYAN: All right. Thank you. Mr. Fields?

8 BY MR. FIELDS:

9 Q. Just a couple quickly, did you talk with Luke prior at all on
10 the day of the incident?

11 A. Say that again.

12 Q. Did you talk with Luke at all on the day of the incident?

13 A. No, sir.

14 Q. How did you know there was a train approaching north on
15 number one?

16 A. Normally it's a lot -- the equipment operators and the
17 watchmen blow their horn a lot more. It's a noticeable difference
18 in the amount of times that they're blowing their horns. Does
19 that make any sense? I don't know how to describe that. I mean,
20 you know, if the first train's coming everybody's blowing their
21 horn, you know, and then if there's a second train coming they
22 like amp it up. I don't know how to describe it.

23 Q. Well, that makes sense. Could have -- do you recall hearing
24 the north bound's locomotive engine whistle blowing?

1 A. I honestly cannot answer that, sir. I, I heard the train
2 horn going. I don't know if it was the southbound or the
3 northbound.

4 Q. Okay. All right. Thank you. That's all I have. Thank you.

5 MR. PAYAN: All right, thank you. Mr. Hoepf?

6 BY DR. HOEPF:

7 Q. Doing all right?

8 A. Yep.

9 Q. Okay, thanks. All right. I realize that we're kind of at
10 risk of overdoing the topic, but while we're talking about, you
11 know, the audio, you know, the -- I think it's kind of an
12 interesting point in this situation because you said you were
13 wearing hearing protectors, hearing protection. So was that just
14 the earbuds?

15 A. Yes, sir, the insert earplugs.

16 Q. Okay. What, I mean, what's that like? You know, if you had
17 those in right now would you be able to hear me talking?

18 A. I could if there wasn't other noise in here. I mean, I could
19 hear you talking --

20 Q. Yeah.

21 A. -- if you weren't speaking softly.

22 Q. Um-hum.

23 A. Now, that being said, I don't have the sharpest of hearing so
24 if, if there's other noise going on it's if you and I were
25 standing this close and I was grinding and you were talking to me

1 I wouldn't be able to hear you. However, if you were right next
2 to me, you know, yelling in my ear, yes, then I could hear you.

3 Q. Okay. Okay. Does the hearing protection, you know, make it
4 any more difficult to locate where sound is coming from or is it
5 just a more volume thing?

6 A. There again I can't honestly answer that for you because my
7 hearing is not the best to begin with, so I can't -- when I don't
8 have hearing protection in sometimes I have a hard time hearing
9 exactly pinpointing where something is.

10 Q. Okay. I got you. So, you know, there sounds like there's a
11 noisy operating environment when you're working. You know, you've
12 got a MARC train, you've got an Amtrak train, you've got a lot of
13 equipment. Could you sort of -- and I know this is very
14 subjective things and not (indiscernible) for a test here, but
15 just can you just sort of subjectively rank order those for me in
16 terms of what is the loudest to, you know, what is the quietest?

17 A. I would say when I'm actively grinding the grinder is the
18 loudest.

19 Q. Okay.

20 A. And then, I mean, it depends on how close I am to the
21 machinery. I would say that the -- I mean, the train horns are
22 pretty loud --

23 Q. Um-hum.

24 A. -- you know? I mean, I'm not going to say 100 percent every
25 time, you know, but I would say most of the time you can hear

1 those, those horns. Now, that also has to do with, you know,
2 distance.

3 Q. Um-hum.

4 A. You know what I mean? Especially if you're grinding, I mean,
5 it's a loud piece of equipment.

6 Q. Um-hum. Yeah, and then the watchmen's, you know, their, you
7 know, their airhorn, you know, how loud is that? Is that louder
8 than a train horn? Is that quieter than a train horn?

9 A. No, it's -- I mean, I would say it's quieter than a train
10 horn. You know, if you have a train right beside you blowing
11 their horn and you have a watchman right beside you blowing his
12 horn the train horn is definitely louder. I will say that the
13 watchman horn is a distinct sound. I guess, you know, you kind
14 of, I guess, listen for that sound. Does that make any sense?

15 Q. Yeah. Yeah, I can understand that. So if you're, you know,
16 if you're grinding at, I mean, with the machine, is that, you
17 know, how are you getting your warning then? I mean, can you, can
18 you hear the watchman, watchman blow his airhorn over that? Or
19 are you relying on the guy next to you to kind of watch out and
20 tap you on the shoulder and say, hey, you know, look out?

21 A. I mean, I pretty much trust the tap man. I mean, there
22 again, it depends on how much noise is around besides that
23 grinder. You know, it depends on how close the watchman is to me.
24 Normally, you know, you know, because I'm looking down at what I'm

1 doing. Now, I'll look up periodically, you know what I mean? But
2 I primarily rely on my tap man.

3 Q. Okay. Okay. And then just, I mean, just walk me through.
4 So if you're using a grinder are you, are you in a place of
5 safety,? I mean, would your arm or anything be sticking out? I
6 mean, where, you know --

7 A. Depends on what side of the rail I'm grinding. If I'm
8 grinding the gauge side then yes, I'd be within the, you know,
9 number two track, which is out of service. If I'm grinding the
10 field side then I would be in the six-foot between one and two or
11 three and two.

12 Q. Um-hum. So you, so you could be actively doing your work and
13 be at risk of being hit by a train?

14 A. Yeah, I mean --

15 Q. Yeah.

16 A. -- there's a lot of work that we do that, I mean, you could
17 get hit by a train, I guess. You know what I mean?

18 Q. Right, right. I'm just, you know, and, you know, as Ruben
19 said, we're not trying to trip you up here. I was just -- I'm
20 trying to get an idea of it. It sounds like the audible warning's
21 a pretty key piece to this and it sounds like you've got hearing
22 protection and there's a lot of different sources of noise. And
23 so, you know, you're trying to work on something using, you know,
24 a loud piece of machinery. You know, are there other types of,
25 you know, other -- what other safety measures are going on? You

1 know what I mean? What are -- what other measures are being taken
2 to making sure that you're okay, you know? And then are you
3 talking about somebody kind of watching out for you like a tap
4 man?

5 So you've got a watchman, and correct me if I'm wrong on
6 this, but, you know, you've got a watchman who's watching and
7 blowing his airhorn, but then you're also sort of relying on your
8 buddy standing right next to you to physically tap you on the
9 shoulder in case you don't hear that warning. I mean, is that a
10 fair characterization?

11 A. Yeah. Yes, sir. Yes.

12 Q. Okay. Is there anything, I mean, are there any other safety
13 devices? Do you have, like, something that vibrates or is there,
14 is there a flashing light or something or?

15 A. I mean, no.

16 Q. Okay.

17 A. The only other safety would be, you know, like, if they're
18 threading rail out the front of me and I'm grinding behind, you
19 know, the foreman would have foul on whichever track. You know
20 what I'm saying --

21 Q. Um-hum.

22 A. -- depending on if there's potential to foul and everything
23 like that. You know what I mean? Other than that, I mean, it's,
24 you know, your watchman is -- your watchman is your first line of
25 defense and your tap man is, like, your second, you know?

1 Q. Yeah. Yeah, okay. And so, I mean, you feel comfortable
2 working in that environment?

3 A. I mean, yeah. I mean, if I didn't trust the guy to be my tap
4 man I wouldn't, you know, I wouldn't do it.

5 Q. Um-hum.

6 A. But, I mean, I trust my guys in my gang, you know?

7 Q. Right. And this -- I think I'm -- and I'm sorry if I'm
8 asking, you know, I'm not trying to be redundant here, but this
9 tap man, I mean, is that an official role? Is that, you know, or
10 is that sort an unofficial role?

11 A. It actually says in our safety rules, in our RWP manual, I
12 don't know exactly the rule for what it says word for word, but it
13 does say about a tap man when you're working with loud equipment.
14 So --

15 Q. Got you.

16 A. -- we don't necessarily assign someone to do it, you know?
17 We just whenever we're doing something, you know, somebody's like,
18 hey, man, I'll be your tap man. You know, or hey, we'll switch
19 off grinding. You know, he's obviously your tap man. You know
20 what I mean?

21 Q. Right.

22 A. So I mean, I guess there's not a job-specific tap man. Does
23 that make any sense?

24 Q. No, I mean, yeah. (Indiscernible) it does and I'm just
25 wondering if I go, if I go pick up a (indiscernible) am I going to

1 walk up and find a tap man and then your responsibilities are, you
2 know, X, Y and Z. And it sounds like the answer is no and this is
3 more of a, you know, this is more of just unofficial process.

4 A. I can't tell you 100 percent, like I said, what the -- what
5 it says in the RWP manual. However, I know that it does, you
6 know, talk about having a tap man.

7 Q. Um-hum.

8 A. A lot of foremen, you know, say, hey, if you're running
9 equipment you need a tap man. You know what I mean?

10 Q. Um-hum.

11 A. I know that Evan has mentioned it, you know, a few times.

12 Yep. Yeah, take him as your tap man. You know what I mean?

13 Monday they did assign me and the other guy that was grinding a
14 tap man and he stood there all day long, you know, with us --

15 Q. Um-hum.

16 A. -- just making sure that we knew when there was a train
17 coming, you know?

18 Q. Okay. But it's not like that kind of job where you can
19 (indiscernible) or anything?

20 A. It doesn't on the job briefing it doesn't specifically say
21 about a tap man. It's not like, you know, you know, on there it
22 says about, for example, it asks everyone's qualification cards
23 are up to date. You know what I'm saying? And then, you know,
24 you have to make sure their qualifications are -- all their
25 qualifications are -- all their qualifications are up to date. It

1 doesn't specifically say on there, you know, if you're, if you're
2 working with a lot of equipment, you know, make sure you have a
3 tap man. You know what I'm saying? I mean, that would be like
4 writing out every rule in the RWP manual, you know, on to the on
5 job, you know, onto the job briefing. You know what I'm saying?

6 Q. Yeah. Oh, yeah, I mean, I get it. And I understand, too,
7 that, you know, it just, you know, if you specify and read every
8 rule before you started every job --

9 A. Right.

10 Q. -- and that's not, you know, the way that people are going to
11 operate. I mean, you know, I get that. I'm just, I'm just trying
12 to, you know, sort of from a grinder's perspective, you know, the
13 audible warning's clearly a key thing, then you've sort of got
14 this tactile, you know, guy potentially poking you. And I'm just
15 kind of making sure we're covering the ground in terms of the
16 protection you're using. So that's very helpful, so I appreciate
17 that.

18 And then the next thing I just wanted to talk a little bit
19 about was, you know, as you're going about your work, you know,
20 you're working on track two, are you going -- are you crossing
21 track one or three, I believe?

22 A. I don't typically have to.

23 Q. Okay.

24 A. You know what I'm saying? I primarily work on, you know, two
25 track behind the weld truck. Now, that being said, of course, you

1 know, our toolboxes and everything are on the side of the truck,
2 so, you know, you look both ways because even though, you know,
3 like one truck has a normal direction of traffic, you know, any
4 track, any time any direction. You know what I'm saying?

5 Q. Um-hum.

6 A. So you, before you step out you always look, you know?
7 You're looking at the watchman and then, you know, you look
8 yourself and then you walk out and pull whatever out you need
9 while you're, you know, looking. And then, you know, usually
10 there's somebody there helping you, you know what I mean? And
11 they'll, you know, you know, are also looking and then walk back
12 behind the truck --

13 Q. Okay.

14 A. -- do what you need to do.

15 Q. Of course, you're making sure your bins and everything are
16 closed so that way they don't get, you know, hit or whatever,
17 caught. So --

18 Q. Okay, so and I'm just, you know, kind of trying to map out,
19 so your watchmen, they're all, you know, field side. They're, you
20 know, they're on the east side of track one. You know, are they
21 crossing the tracks for any reason?

22 A. No. The only time that they would cross the track is if
23 another watchman came out and relieved them and they were crossing
24 back into two track now as a normal worker, not -- no longer as a
25 watchman.

1 Q. Um-hum.

2 A. Does that make any sense?

3 Q. Um-hum.

4 A. Because, you know, you can't leave a man out there for eight
5 hours a day.

6 Q. Oh, yeah. Yeah, right, right.

7 A. So the reason they were all on one track side is because
8 there's a (indiscernible) up there, you know?

9 Q. I'm just -- yeah, so I'm just trying to get an idea of, you
10 know, generally speaking so, you know, not, you know, taking a
11 break or, you know, hitting the head or something, just doing
12 their job. You know, you wouldn't expect them to be crossing that
13 track. You'd expect them just to be posted on the side there and
14 - is that right?

15 A. Yes.

16 Q. Okay.

17 A. Yeah.

18 Q. And then about how far would you expect that they would be
19 away from the track? Or would you expect they'd be, you know,
20 right on it?

21 A. I mean, so, you know, it states in RWP, you know, that you're
22 not supposed to, you know, foul a track as a watchman. Well, it
23 actually states in there that you're not supposed to foul a track
24 unless absolutely necessary for -- to complete your job or
25 something like that, not word for word, but so that being said,

1 the watchman they normally don't foul the track. I mean, there
2 are certain instances where, like, if you have a track inspector,
3 okay, and he needs to cross, you know, a big yard, okay, and he
4 has a watchman with him, you know, the watchman's looking at all
5 times, but he might have to cross over in order for them to, you
6 know, if the yard splits or whatever he might have to cross over
7 in order to go all through. You know what I'm saying? So he's,
8 you know, there are instances where a watchman will foul a track.
9 However, every time that I have been with the track inspector or
10 whatever, the foreman has written on the job or on the on-track
11 safety briefing, you know, this is the only reason that he would
12 cross a track or whatever. Does this make any sense?

13 Q. Um-hum. Yeah, yeah, I'm just -- that does, it does make
14 sense and I'm, you know, I'm, again, not trying to (indiscernible)
15 at you. You probably see where I'm going with this. I'm trying
16 to get an idea of, you know, you know, and it's tough to talk
17 about, but, you know, why would Luke have been in the gauge of
18 track one or near that track? I mean, is he, you know, throughout
19 the day did, you know, was he walking over and talking to you? Or
20 let's see, you said you didn't personally talk to him, you know,
21 but was he maybe walking back and forth interacting with people?

22 A. No, sir.

23 Q. Or maybe would he be trying to get somebody's attention he
24 would need to kind of come closer to that track or, you know?

1 A. No, sir, because the watchman they are not allowed, you know,
2 when they are watching their only job is to watch. They're not,
3 they're not allowed to talk to anybody or, you know. I don't
4 know, throw rocks at birds or you know what I'm saying? Like,
5 they're only watching. So he, you know, wasn't crossing the
6 tracks to talk to anybody. Nobody was standing on the tracks
7 talking to him, right, or anything like that.

8 Q. Yeah. Yeah, okay. Okay. Okay. I'm going to pass it back
9 off to Ruben.

10 MR. PAYAN: Okay. Are you doing okay? do you need a break
11 or -- I think --

12 MR. WALTER: No, sir. I'm fine.

13 MR. PAYAN: I think we're almost done.

14 BY MR. PAYAN:

15 Q. Kind of like just to continue where Mike was going, from your
16 understanding when you have a -- when you're on the welding crew
17 or a welding gang and you have a lookout assigned to you, when he
18 blows his airhorn and raises his paddle does he expect an
19 acknowledgement from you? Or is it required or is there just
20 courtesy?

21 A. No, sir, because you're not, you're not supposed to distract
22 the watchman.

23 Q. Um-hum.

24 A. So, like, you know, and there can be 120 guys out there, you
25 know what I mean? So there wouldn't be time for, you know, him

1 to, I don't know, look at every person do a head shake or you know
2 what I mean?

3 Q. Okay.

4 A. When the -- as soon as you hear the horn you get in the
5 clear, you know what I mean? I mean, you just don't even look --

6 Q. Okay.

7 A. -- what track it's coming on. You just you get in the clear.
8 And then at that point then normally you would figure out which
9 way it's coming, obviously not by putting your head out, but --

10 Q. Sure.

11 A. -- figure out which way it's coming because you're supposed
12 to observe the train as it goes by you.

13 Q. Okay, all right. Well, thank you. That's all I had. FRA?

14 BY MR. TOMASSONE:

15 Q. I just had two quick follow-up questions for you. During the
16 job briefing did it appear everyone was very attentive to the
17 railway worker in charge of that?

18 A. Say that again. I'm sorry.

19 Q. During the job briefing did it appear that everybody was
20 attentive to the railway worker in charge that was giving the job
21 briefing?

22 A. Yes, sir. We were all sitting around him in a circle. I
23 mean, he's very -- it's, like I said, I don't have the best
24 hearing and, I mean, whenever Chris gives the job briefing and an
25 on-track briefing, I mean, he's very audible. You know what I'm

1 saying? And he is, you know, turning around to everybody. You
2 know what I mean? So --

3 Q. Okay. And then one other question. You said that you heard
4 the three separate horns, one from some of the railway maintenance
5 machines, from the train and from the watchman, how were you first
6 alerted either -- how were you first alerted to the first oncoming
7 train? Was it the tap man or did you hear it?

8 A. When the -- at the time when the train, when I was standing
9 there I wasn't grinding so I didn't have, you know, a tap man.
10 You know what I'm saying?

11 Q. Yep.

12 A. I don't -- I can't say. I usually work with one guy. You
13 know what I'm saying, the same guy, you know, because we don't
14 mind grinding and whatnot. You know what I mean? I don't exactly
15 know at that point where he was. I believe he was in the cab of
16 the truck looking to see, getting a count or whatever of our weld
17 kits. Does that make any sense?

18 Q. Sure.

19 A. To tell the foreman, you know what I mean?

20 Q. Right. The only thing I was really trying to get at there
21 was how were you first alerted to the first oncoming train. The
22 very first time you went from doing your job to I hear a train
23 coming, time to clear out?

24 A. I would honestly have to give you -- say a mixture of the
25 watchman horns and the equipment horns.

1 Q. Okay. That's all I had.

2 A. I don't know exactly which one was first.

3 Q. That's fine.

4 MR. PAYAN: Okay, thank you. Amtrak?

5 BY MS. LEESE:

6 Q. Yeah, I just had two follow-up actually on that line of
7 questions. It sounded like you're saying oftentimes if there's
8 two trains coming that the sound is amplified so they'll, you
9 know, do the horn extra. So would you say you were comfortable in
10 having really not seen those trains that you kind of knew there
11 was likely two trains?

12 A. Excuse me. So in that territory it's normal for two trains
13 to pass us at the same time, you know? So it didn't surprise me
14 at all, you know what I mean? I wasn't like, oh, there's another
15 one. You know what I mean?

16 Q. Um-hum.

17 A. I just, you know, I recognize that there, to me, it sounded
18 like there was more horns blowing so, I mean, I figured there was
19 another train coming, but it wouldn't have mattered. If I
20 wouldn't have picked up on that because I was in the clear. You
21 know, whenever -- like I said before, whenever you hear that horn
22 go off, you know, you automatically just get in the clear. You
23 don't even know what direction the train is coming from.

24 Q. Okay.

25 A. Does that make any sense?

1 Q. Yep.

2 A. Sometimes you can pick that up if you hear the horns coming
3 this way, you know what I mean, or this way, but, you know, you
4 just always get in the clear.

5 Q. Okay. So typically if you -- so you're in the clear. You're
6 in two for your job assignment. And you hear the horns and you
7 see a train go by, I mean, just out of your peripheral. What
8 would be you -- what would you be looking for before you would
9 step out of that safe zone? Like, what would your indication be?

10 A. So I would not step out of two track until I saw the watchman
11 lower his banner. You understand hat I'm saying? There's a --
12 he'll hold it out in front of him and then he'll lower it down to
13 his side.

14 Q. Okay.

15 A. And at that point once he lowers it to his side, then I know
16 I'm good to go back to work. At that point I would still look --

17 Q. Yeah.

18 A. -- myself, you know, before I stepped out into live track.

19 Q. Um-hum. And just one more, you mentioned earlier that when
20 Chris did his briefing yesterday he discussed the gang watchman
21 and making sure you're clearing up and staying out of the foul.
22 Is that something that you would say you guys talk about
23 frequently? It's -- I know it's in our RWP but is it something
24 that everybody is aware of? It's not --

25 A. Yeah, it's --

1 Q. -- it's (indiscernible) common?

2 A. Yes. And I mean, Chris is very good about it. Evan's very
3 good about it, you know what I'm saying? I mean, they, they say
4 it often, you know, hey, if you're watching make sure you don't
5 foul the tracks. You know what I'm saying? So I mean, yeah, I
6 mean, it's in our RWP but it's something that, you know, I mean
7 there's rule in our RWP that says about not smashing your fingers
8 in a desk drawer. You know what I'm saying? So we don't go over
9 that, you know what I mean? But something that pertains to us
10 that much we normally go over.

11 Q. Okay, thank you.

12 A. Yep.

13 MS. LEESE: And that's all we have.

14 MR. PAYAN: Very good. Mr. Stearn?

15 BY MR. STEARN:

16 Q. Thank you. Andrew, where are you from?

17 A. The northern tip of Lancaster County.

18 Q. Okay. So you stay in the hotel or you drive back and forth
19 every day?

20 A. No, sir, I stay in the hotel.

21 Q. It's too far to drive?

22 A. Yes, sir.

23 Q. Sure. You guys are all 410s, right?

24 A. Yes, sir.

25 Q. Monday to Thursday?

1 A. Yes.

2 Q. 6:00 to 4:30 and then maybe some overtime?

3 A. Yes, sir.

4 Q. Work some weekends maybe --

5 A. Um-hum.

6 Q. -- a little bit? Hot spots. You're familiar with hot spots,
7 what they are?

8 A. Yes, sir.

9 Q. Help me. What are they?

10 A. Hot spots I think are defined, again, not word for word, but
11 essentially like interlockings, curves, I want to say -- I want to
12 say stations. I don't know if that's right. But it depends on
13 essentially your terrain and it actually says in your NORAC all
14 the hot spots for that area. Does that make any sense?

15 Q. They're listed in NORAC?

16 A. Yes, sir.

17 Q. 119 Bowie, was that a hot spot?

18 A. Yes, because it's a curve.

19 Q. You're aware of that because it's a curve or other reasons?

20 A. It's, well, it's stated on the on-track briefing if it's a
21 hot spot or not.

22 Q. Okay.

23 MR. PAYAN: All right, thank you. Mr. Fields?

24 MR. FIELDS: No, I have nothing. Thank you.

25 MR. PAYAN: Okay. Mr. Hoepf?

1 BY DR. HOEPF:

2 Q. Okay. Still doing all right?

3 A. Um-hum.

4 Q. Okay. Yeah, so I mean I guess -- I know, again, this is
5 tough particularly talking about, you know, the events close to
6 the accident, but again, I'm just wondering if you can, you know,
7 maybe share if there's any details that we didn't get the first
8 pass? I know I'm sounding like I'm fixated here, but, you know,
9 I'm struggling to find a reason why a watchman would be, you know,
10 on the track providing warning. And I know that, you know, it
11 sounded like maybe you had just kind of looked up and saw the
12 impact so it doesn't sound like you were really watching that
13 process unfold. But were there any additional details that maybe
14 you could remember in terms of, you know, you said you blew your
15 nose and then, you know, you just kind of looked up and he was
16 standing there. Did you maybe see Luke walking from the east or
17 was he just standing flat-footed? Or did you not really get any
18 of those details?

19 A. I can't honestly tell you, you know? I mean, my memory of
20 him is standing on the field side of one track. I can't tell you
21 exactly where his feet were, were placed. You know what I mean?
22 I wasn't, I wasn't looking at his feet, you know?

23 Q. Right, right. And I mean, you know, I take it you did see
24 him just standing on the track, in the gauge of track one earlier
25 in the day?

1 A. No, sir.

2 Q. Okay. I mean, that probably wouldn't be your focus point
3 anyway. You're (indiscernible). You know, I wouldn't expect you
4 to be taking notes on where he's at, but, you know, you didn't
5 notice anything out of the ordinary or take any exception to the
6 watchman?

7 A. I mean, not really, you know? I mean, I wasn't looking to
8 see where he was standing at, you know what I mean? I would look
9 up and, you know, see that he's standing there. I knew he wasn't
10 in the gauge.

11 Q. Um-hum.

12 A. And then I would look back down to what I was doing, you
13 know, what I mean?

14 Q. Um-hum, okay. And so yeah, I think we just have some, you
15 know, concluding questions. I've just got a couple and Ruben's
16 just got a couple. Is there anything else you want to add or any
17 suggestions for improving safety? You know, all -- really all
18 we're doing here is just trying to, you know, make sure this
19 doesn't happen again and so I mean, is there anything that you saw
20 that could have been done differently or maybe some additional
21 safety measures, you know, slowing down trains, you know, slowing
22 down trains as they go by? I mean, some of those are auditory,
23 or, you know, not auditory warning device. I mean, just anything
24 in your mind you thought as you go about your day-to-day job would
25 be helpful.

1 A. I mean, I mean not really. Amtrak is in the business of
2 moving passengers safely for the passengers and the workers for
3 Amtrak. I mean, it would be kind of hard, I would think, I mean,
4 I don't know, but I would think it would be kind of hard to, you
5 know, put -- make them go slow, you know, at every little spot.
6 You know what I'm saying? I don't -- I mean, I don't know. I
7 felt comfortable. I mean, I would, I would work like that again,
8 you know what I mean? I felt comfortable with the protection that
9 the foreman had given, you know? I don't know. I guess I'm kind
10 of used to the trains going by me, you know what I mean. I know
11 that I'm in the clear, you know.

12 I mean, I don't know if I'd, you know, like to stand on the
13 railing of a bridge when a train went by. You know what I'm
14 saying, but I mean, where I'm standing, you know, I'm in the
15 clear. You know what I mean? The train's going by me quickly
16 but, you know, I don't know. I'm comfortable with the production
17 that's provided.

18 Q. Um-hum. Does the train ever go -- I mean, does that ever,
19 you know, blow your equipment around or anything like that when
20 the train's going by that fast? I mean, does that ever, you know,
21 close or open doors or hatches or, you know, anything like that?

22 A. So we're good about -- we always, like, close our, like,
23 toolboxes and stuff. As far as the equipment goes, the wind's not
24 going to move the equipment. You know what I'm saying?

25 Q. For, for like pieces of paper, any things like that?

1 A. I mean, it'll blow trash around.

2 Q. Yeah.

3 A. You know what I'm saying? Like if there's a bag of it, you
4 know, that we had clips in and it's empty it would, it would blow
5 that around. But, I mean, usually we're pretty good about, you
6 know, I don't know, setting a, you know, sledgehammer on it or
7 something so that it won't blow, you know? If we take a
8 sweatshirt off, you know, we put, like, stuff it in the truck, you
9 know, the back of the truck or whatever. So, I mean, there's not
10 normally trash or anything blowing around. Sometimes you'll have
11 to hold on to your hardhat a little bit, but, you know?

12 Q. Okay. Well, you know, we're going to give you the contact
13 information if you, you know, think of anything. You know, we
14 don't want to put you on the spot here, so yeah. Ruben's just got
15 a couple of closing statements (indiscernible)? And that's it.

16 BY MR. PAYAN:

17 Q. Yes. Before I do that, on the -- from the time you went on
18 duty on track, when you were actually accessing the track, about
19 how often were trains going by?

20 A. I mean, it's they go by pretty frequently.

21 Q. Was it?

22 A. Yeah.

23 Q. I mean if you have to estimate what was it? What kind of
24 window of working time did you get each time between trains?

1 A. I can't honestly tell you that. If I had the -- if I had to
2 absolutely guess during rush hour maybe 15, 30 minutes at a time,
3 you know? Of course when it's not rush hour it wouldn't be as
4 often.

5 Q. Sure.

6 A. But I can't honestly tell you.

7 Q. Okay. No, fair enough. Thank you. I just need one last
8 chance. Anybody have any other questions they need? I just need
9 some boilerplate information to make sure I get all your
10 information right. For the record, can you give -- state your
11 full name and spell your last name for me?

12 A. My full name is Andrew Christopher Walter. Walter is spelled
13 W-A-L-T-E-R.

14 Q. Okay. And your current employer is?

15 A. Amtrak.

16 Q. Amtrak. And what's your current title?

17 A. Butane thermite welder.

18 Q. Okay. And can you kind of just briefly walk us through your
19 history, when you got hired on and the different positions you've
20 held up to your current one?

21 A. So I got hired on in July 28, 2014, yeah, 2014. Of course, I
22 hired in as a trackman, hired into the track department. After my
23 90 days were up I went to a tie gang for a month and then I went
24 to -- up to Harrisburg and I was a -- I originally hired in the --
25 I originally went to the gang as a welder helper and then I became

1 a equipment operator and I stayed there for two years until the
2 project was over. And then I went to Philadelphia track
3 department division and I was a frog welder there.

4 At that point, I wanted to get another welding date so I went
5 to the butane thermite down in the undercutter. And I've been
6 with them, well, I was in Philly for, I don't know, maybe eight or
7 nine months, something like that. And then I went to the
8 undercutter and I was with the undercutter. And then I went to
9 foreman school, and I just got back from foreman school and I went
10 back to the undercutter and now I have to put a bid in for a
11 foreman position.

12 Q. So --

13 A. That's just opened up Monday.

14 Q. Okay, very good. And for your current position, what
15 railroad certifications are you required to have and, and are you
16 up-to-date on them?

17 A. I am up-to-date on them. I have to have RWP, AMT-2. I have
18 NORAC but I don't think that's a requirement for my position. I'm
19 pretty sure it's not. I have -- I'm qualified on the saw, nutter,
20 grinder, oxyacetylene torch, butane thermite welding, Matweld
21 unit. I think that's all I need for the position I'm holding.

22 Q. Okay. You don't require physical characteristics?

23 A. Negative.

24 Q. And book of rules, were you tested on that, operating rules?

25 A. Oh, like the NORAC?

1 Q. Or NORAC, yeah.

2 A. I have NORAC. I don't think I'm required to --

3 Q. Okay.

4 A. -- have NORAC. I'm like 98 percent positive I don't need
5 that for thermite welding.

6 MR. PAYAN: Very good. Well, all right, that's all I have.
7 That's what I needed. We're gong to -- when we go off the record
8 I'm going to ask for some contact information so I can mail you
9 the transcript once we send this out to get transcribed. And I'm
10 going to give you my business card. When you think of more
11 information that could help us I hope you reach out to us.

12 I thank you for coming in. And I know this was hard, but I,
13 I appreciate it. And this will help us, and like I said, if you,
14 if you need to reach out and tell us anything you think is
15 important, don't hesitate. All right? It is 12:06 and we're off
16 the record.

17 (Whereupon, at 12:06 p.m., 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: AMTRAK WORKER FATALITY
 BOWIE, MARYLAND
 APRIL 24, 2018
 Interview of Andrew Walter

ACCIDENT NO.: PLD18FR002

PLACE: Bowie, Maryland

DATE: April 25, 2018

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.

A solid black rectangular redaction box covering the signature of the transcriber.

Teresa Holevas
Transcriber