

UNITED STATES OF AMERICA

NATIONAL TRANSPORTATION SAFETY BOARD

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Investigation of: \*

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MTA EMPLOYEE FATALLY STRUCK BY \*

SUBWAY TRAIN IN MANHATTAN, \*

Accident No.: RRD24FR003

NEW YORK ON NOVEMBER 29, 2023 \*

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\* \* \* \* \*

Interview of: KIRK WALKER, Track Inspector  
New York City Transit

Manhattan, New York

Friday,  
June 7, 2024

APPEARANCES:

TODD KRAHOLIK, Track Group Chairman  
National Transportation Safety Board

CYRIL MCLEMORE  
Federal Transit Administration

MELISSA O'CONNELL, Senior Director  
Department of Subway Safety

JONATHAN FAZIO, Senior Director of Safety  
MTA Headquarters

JOE DEGEILH  
New York State DOT

CARLOS ALBERT, Chairman  
Local 100

JONATHAN WILLIAMS, Manager  
Rapid Transit Investigations, System Safety

SHANE RICHARDSON, Operating Group Chairman  
National Transportation Safety Board

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1 MR. DEGEILH: Joe Degeilh, D-e-g-e-i-l-h, New York State DOT.  
2 I am observing today.

3 MR. ALBERT: Carlos Albert, Local -- A-l-b-e-r-t, Local 100  
4 Track Chairman, representing and observing.

5 MR. WALKER: Kirk Walker, W-a-l-k-e-r, Track Inspector.

6 MR. WILLIAMS: Jonathan Williams, W-i-l-l-i-a-m-s. I'm the  
7 manager of Rapid Transit Investigations, System Safety.

8 MR. RICHARDSON: Shane Richardson, R-i-c-h-a-r-d-s-o-n. I'm  
9 the operating practices group chairman for the NTSB.

10 MR. KRAHOLIK: All right, thank you.

11 Mr. Walker, do we have your permission to record our  
12 discussion today?

13 MR. WALKER: Yes.

14 MR. KRAHOLIK: Do you understand the transcription will be  
15 part of a public docket, and as such, we cannot guarantee any  
16 confidentiality?

17 MR. WALKER: Yes.

18 MR. KRAHOLIK: All right. And as we discussed, you have a  
19 representative with you today, it's Mr. Carlos with the Union 100;  
20 is that correct?

21 MR. ALBERT: Yes.

22 MR. WALKER: Yes.

23 MR. KRAHOLIK: All right. Before we start, I'd just like to  
24 remind everybody to speak clearly and announce your name and title  
25 before questioning. Todd Kraholik, K-r-a-h-o-l-i-k, with the

1 NTSB.

2 INTERVIEW OF KIRK WALKER

3 BY MR. KRAHOLIK:

4 Q. Mr. Walker, can you tell us about your day? Can you start  
5 with when you came on duty and tell us kind of what happened the  
6 day of the incident yesterday morning?

7 A. Like, when I was just about to step down on the tracks?

8 Q. When you came on duty, like when you first showed up for  
9 work. You can go from there and just kind of tell us what you  
10 did, what happened, all the way through.

11 A. Well, we come in and we wait for the rule of the day and our  
12 work assignments. For me, that's basically who is he gonna let  
13 flag with me, if he's gonna add additional guys, if he have  
14 something in particular he want me to do I'll look at. And, you  
15 know, that's it. So we wait around for that.

16 Q. And you can on at Utica; is that correct?

17 A. Yeah.

18 Q. And the rule of the day, the work assignment, that's done in  
19 your toolbox safety talk?

20 A. Yes.

21 Q. And who gave that you?

22 A. MT -- MS-2 Holden (ph.).

23 Q. And what was your job that day? What were you expected to do  
24 that day?

25 A. Just to inspect track 1 and 2.

1 Q. So your walk -- doing a walking inspection of 2 when the  
2 incident happened, correct?

3 A. Yeah. We started on 2, yeah.

4 Q. And so you're inspecting on 2. What -- you guys obviously  
5 are gonna go into the clear; is that correct? You guys are going  
6 into the clear, or you're in the clear? Or how did you -- how did  
7 the incident happen, where you -- you're walking and did the  
8 flagger notify you of something?

9 A. Well, we came down and I remember I wanted to take my  
10 picture, and then I, and then I basically heard a whistle. And so  
11 I yelled clear up. So they -- everybody, we all cleared up.

12 Q. Where did you clear up at?

13 A. We cleared up at the -- there's this island that, that's,  
14 that's, like, on 2 and 4, and it's, like, in between two switches  
15 and it's just a little start of the niche, basically, and it  
16 widens out, and it, you know --

17 Q. Okay. And how did you know you were gonna clear there?  
18 Like, what made you clear there? Did you guys discuss you were  
19 gonna clear there?

20 A. Well, that was -- no. That's the closest -- well we had --  
21 we come down, that's where we headed to. We headed to track 2. I  
22 mean, that's where we going. So that's where I clear up  
23 (indiscernible) unless you're gonna clear up on the other side,  
24 which is -- we don't clear up over there, you know what I mean. I  
25 mean, this is where we go clear up, so that's where we headed.

1 And they kind of was like -- they went ahead and they kind of was,  
2 like, waiting for me, 'cause I got to go back to this dead track  
3 to take a picture and then come back, you know what I'm saying.

4 Q. So if I was day one on the job, how would I know where to  
5 clear up?

6 A. Well, they kind of teach us that in school, and that's  
7 something that -- you know, that's something that we know,  
8 something that, something that we're taught.

9 Q. And the -- you have to pick the closest place to clear up?  
10 Is that what you do, you just find the closest place to clear up  
11 and you clear up in there, and that's what they teach you in your  
12 training?

13 A. Yeah. We pick where -- you know, where's appropriate to  
14 clear up and we're taught how to clear up properly, you know. I  
15 mean --

16 Q. So if you're -- and I don't know how far -- you're going from  
17 one station to the next station, I assume; is that what you were  
18 doing that day?

19 A. That's what we gonna do, yeah.

20 Q. Right. So if you're walking and there's a couple miles in  
21 between, how do you, how do you know where to clear every time?  
22 Is it just something they teach you that -- or how do you know  
23 where you're clearing? If you weren't in that niche, how -- if  
24 you were down -- a mile down the track, how would you know where  
25 to clear?



1 A. Well, the way the track is configured, it's -- it's, like --  
2 you know, it's separated, so, you know, and it has these niches  
3 along the walkway, along the route, you know, along the way. So  
4 it's always niches right there, right there available to you. So  
5 you know where to clear up.

6 Q. Okay. And so the flagger whistled to you that day to -- that  
7 there was a train coming?

8 A. Yeah.

9 Q. And --

10 A. He -- yeah, it was a whistle, yes.

11 Q. And do you talk about that in your job brief in, like, you're  
12 gonna -- there's gonna -- I'm gonna whistle to you today? Or  
13 could there be any other way for him to communicate with you to  
14 clear up?

15 A. That's the main way we communicate, by the flagger whistling.  
16 I mean, he could shout or he could waive his light, or -- but, no,  
17 that's the main way he communicates. I mean --

18 Q. The flagger --

19 A. Because of the noise of the train, that is the, that is the  
20 way that we -- that's his, that's his first instinct is to -- if  
21 he sees something or hears something, instinct is to blow the  
22 whistle. We look up, I tell them to clear up. If it's other guys  
23 there, I tell them to clear up. We clear up and then train pass  
24 (indiscernible), you know what I mean.

25 Q. Right. So you get a toolbox safety talk at your

1 headquarters, and that's given to you by your supervisor. And  
2 then when you go out on the track, is there another -- before you  
3 go onto the track, is there another toolbox safety talk?

4 A. Well, kind of, yeah, because, like, (indiscernible) a new guy  
5 and I tell him, I say, hey, we walking on this track, we gonna be  
6 doing this. You know, if they give me, like, an extra guy, I be  
7 like, yo, you got the Jerry, look for (indiscernible) and broken  
8 and clips. You know, keep your head up. Just basic stuff. I  
9 mean, like, you know what I mean -- they, they come out of school  
10 knowing what they got to do. I'm -- you know, I'm looking out for  
11 them, I'm telling them, yo, we're on this track right here, this  
12 is the track we're on tonight. We're not over here, we're not  
13 over here, we're not over here. We're on this track. Then when  
14 we come back, we coming back this way.

15 So I do tell them, you know, what we're doing.

16 Q. Right, right. I gotcha. So you -- it's not a formal second  
17 toolbox safety talk; it's just you stepping up to help your guys  
18 by --

19 A. Yeah. Before we come down, I tell them, yo, this is what we  
20 doing. And then it's some guys that are kind of new. They might  
21 ask a question.

22 Q. Right. How do you know everybody's good to go? Like, how do  
23 you know everybody's ready to work?

24 A. Well, it's in their demeanor. I mean, like, when we get to  
25 the track, it's time to go, you know. You got your PPE, we're

1 ready to go.

2 Q. So when do they sign the toolbox safety talk: on the track  
3 or at the headquarters? Doesn't everybody sign the toolbox --

4 A. No. Well, well, as a MS, you have a sheet that they sign  
5 when they go down -- like, me normally, I'm just with my flagger.  
6 So I don't have that.

7 Q. So you don't always have to sign a toolbox safety talk?

8 A. No. We get a briefing at the quarters, and as a -- and when  
9 you a supervisor and you go onto the tracks, you do have a list of  
10 people that signed a list that's going down with you. But me, as  
11 a track inspector, I don't get that.

12 Q. I gotcha, okay. And that's for you to flag. And I'm  
13 assuming you can only do basic repairs when you're flagging,  
14 right? Like -- or I'm not -- sorry, flagging. Track inspecting.

15 A. (Indiscernible).

16 Q. When you're track inspecting you can only perform basic  
17 repairs, I assume?

18 A. Yeah.

19 Q. Let's say you found a broken rail for whatever reason, you  
20 can't --

21 A. No.

22 Q. Can you fix that when you're inspecting?

23 A. No, sir.

24 Q. So at that point, would they do another -- let's say you  
25 found a broken rail. What would you do at that point then?

1 A. Well, the first thing I would do, I would call our CC (ph.)  
2 and then I would call my supervisor, and then I would call 16th  
3 Street. And -- oh, sorry. (Indiscernible) set up 150 feet and  
4 put the other -- the yellow out. You know, and then, then I come  
5 and make the calls. Right, sorry, sorry.

6 Q. No, you're good.

7 A. I would -- yeah, I would set up 150 feet from the broke  
8 (verbatim) and then put a yellow up, and then I start making some  
9 calls.

10 Q. I gotcha, okay. So if you had to do -- would it be the same  
11 procedure if you had to tighten a bolt? Would you do -- would you  
12 put the extra flaggers up --

13 A. Yeah, yeah, kind of.

14 Q. -- or the extra lights, or no?

15 A. Yeah, kind of, yeah. Especially -- yeah, we do the 150 feet,  
16 and then put -- especially if you have a little bend, you have a  
17 little curve, we put the light out and we go put the other light  
18 out too, you know, and just, you know -- if it's a bad curve, you  
19 kind of, like, you kind of, like, say -- you know, you're probably  
20 gonna radio and actually say when's the next train coming, how far  
21 is it, or something like that. You can do that.

22 Q. Right.

23 A. You know, I was taught that by another guy, you know. Yeah,  
24 that's about it.

25 Q. So if you, if you were walking around a curve and you needed

1 another flag -- would you ever need another flagger? Did you ever  
2 need two flaggers?

3 A. Yeah, I would think -- I mean, yeah, if you have a vicious  
4 curve and it's -- yeah, but --

5 Q. Do you talk about who's gonna be the second one, or just --  
6 if you run into that occurrence, do you say, hey, you're gonna be  
7 the second -- or is that something you talk about at the job  
8 briefing or the toolbox?

9 A. On my walk, I don't have those -- that kind of thing.

10 Q. Okay.

11 A. You know what I'm saying. But I've heard them talking about  
12 it, you know, and they said they'll call on the radio and ask,  
13 ask, you know, when is the next train coming this way, you know  
14 what I mean. That's what I -- but on my walk, it's a lot of  
15 straights. It's not -- it's a little curve, you know, coming  
16 around Lafayette, but it's pretty -- it's not like that.

17 Q. So you have the same territory to inspect. You might not  
18 inspect the same track every day, but you have the same assigned  
19 territory and you don't veer off that territory?

20 A. Yeah.

21 Q. What about the people with you? Could you have all different  
22 people every day?

23 A. No. I -- well, I have my main flagger, that gentleman. He's  
24 been flagging with me from the beginning. And some nights, if  
25 he's not there, he'll get another guy. Or some nights, he'll

- 1 throw me an extra guy.
- 2 Q. The flagger does that?
- 3 A. The supervisor --
- 4 Q. Or it's the supervisor?
- 5 A. The supervisor does that.
- 6 Q. I gotcha, okay. Now, radios, are -- you have a radio?
- 7 A. Yeah.
- 8 Q. How do you -- is that assigned to you, or is that
- 9 something --
- 10 A. Yeah.
- 11 Q. -- you just pick up in the morning? So let's say you had to
- 12 report something to your dispatcher, I'm assuming it's 16th Street
- 13 or whatever you called them -- like, your dispatcher, what -- how
- 14 do you talk to them? Do you talk to them in codes, like 12-9 or
- 15 whatever? Who, who talks (indiscernible) --
- 16 A. No, I'm not proficient like that, but you have guys that know
- 17 how to use it like that. I just go, you know, RCC (ph.) coming,
- 18 Walker Track Inspector, Walker -- straight like that. You know,
- 19 I'm not proficient like that, but I've heard guys call numbers out
- 20 and this and that or whatever. But I just talk as straight as I
- 21 can.
- 22 Q. So if, if somebody called a number over the radio --
- 23 A. Called a what?
- 24 Q. If somebody called a number out, like a 12-9 or whatever --
- 25 A. Well, I know what that is.

1 Q. Right. But let's say there was a different, what would  
2 happen if you didn't know that?

3 A. If you didn't know that. It was, it was in school -- there  
4 was a leaflet given out with instructions about -- when they give  
5 the radio, they do give you a leaflet with codes and stuff like  
6 that, basic codes and stuff like that.

7 Q. Do you have that? Like, is that something that anybody  
8 (indiscernible) --

9 A. I, I --

10 Q. Does a supervisor ever check for that or anything?

11 A. Nobody ever checked me for it, but I know I've gotten it.

12 Q. So if --

13 A. I've looked -- I've read it and I've looked at it.

14 Q. I don't want to talk about hypotheticals. Let's just say  
15 there was a number come over the radio and you didn't hear -- you  
16 didn't know what it meant, could -- would that -- could that  
17 potentially put you in a bad position? Like -- or do they always  
18 say, 12-9, somebody's down on the track? Or do they -- or do they  
19 ever just say number 12-9 or whatever?

20 A. Well, I'm not really heard 12-9, but I know what a 12-9 is.  
21 They do shout out numbers over the phone and when you -- over the  
22 radio, and when you hear it, you do pay close attention. You want  
23 to hear -- you want to know what they talking about. So you start  
24 listening closely and they start shouting out numbers, and you're  
25 like what are they talking about. Then you listen to the location

1 where they're at, and if it's nowhere near you, you know, it's not  
2 your business, you know what I'm saying.

3 Q. Right, right. So are you the only one that has a radio when  
4 you go out?

5 A. Yes.

6 Q. So what happens if you were the one to fall out? Let's say  
7 you fell out. Would the other guys even know how to use the  
8 radio? What if you fell and the radio changed channels; would the  
9 other guys know the radio channel?

10 A. No, they'd be screwed then. They would have to use their  
11 phone.

12 Q. Does everybody carry a phone? Is there an issued phone?

13 A. No, no, sir. I'm issued a phone.

14 Q. You're issued a phone?

15 A. Yeah.

16 Q. Is it password protected? Do you have to have a code to get  
17 in your phone?

18 A. Yeah.

19 Q. So if you fell out, and they didn't have their phone, they  
20 would have to run to find one of the boxes on the side of the  
21 wall? Is that what would happen?

22 A. Yeah. There's emergency phones available, yes.

23 Q. How far are the -- how often are those?

24 A. They're at a blue light by, by a lot of the stations. You  
25 know, they're, they're there.



1 Q. Does everybody know they're there and how to use them?

2 A. You're taught, you're taught how to use them, yes.

3 Q. I gotcha, okay.

4 MR. KRAHOLIK: I don't think I have anything right now.  
5 We'll pass it around to the right.

6 MR. WILLIAMS: Yeah. How you doing? Jonathan Williams,  
7 W-i-l-l-i-a-m-s, System Safety.

8 BY MR. WILLIAMS:

9 Q. All right. So when you got to -- all right. When you  
10 received your orders, your assignment at Utica, how did you get to  
11 Hoyt (indiscernible)?

12 A. We took a -- we jumped on the train.

13 Q. Okay. So all four of y'all got on the train?

14 A. Yes.

15 Q. So when you got to Hoyt, how did you descend to the road bed  
16 (ph.)? Did you descend to the road bed on track 4, track 2? How  
17 did you get down to the road bed?

18 A. On track 4.

19 Q. So can you -- from that point, you -- can you just walk me  
20 through when you got to Hoyt until the time of the incident?

21 A. (Indiscernible) --

22 Q. You made it to the road bed. Tell me what you did next.

23 A. Everything that I did?

24 Q. Well, you and your --

25 A. Everything that we all did?

1 Q. Yeah.

2 A. We get off the train. I remember telling, you know, we're on  
3 2 and we walked to the end of the platform. Barry (ph.) went  
4 down. I came down. I said, Barry, go on -- go ahead on up. He  
5 went off and crossed over, he went over to 2. Guys came down. I  
6 did have to veer back to the, to the dead track to take a picture.  
7 I took the picture. I remember looking around, looking around,  
8 looking around. And the guys was up on 2 waiting for me, and, and  
9 I was just coming up towards them. And as I was coming up towards  
10 them, I see a train. No, no. As I'm coming towards them, I hear  
11 a whistle. So I look up, I see a train. I say, yo, clear up.  
12 And we cleared up and I got to the guys and, you know, I'm  
13 standing there talking to them. And we -- you know, we talking  
14 for a little second, and it's like, what is that train doing, you  
15 know. And then, then we just like what is the train doing.

16 Then all of a sudden, you start hearing something on the  
17 radio. I'm like it was just weird. Like, two minutes, like --  
18 like, I mean, I mean, it was just weird. I mean -- well, I don't  
19 know, you know. It was the weirdest thing. And --

20 UNIDENTIFIED MALE: Want a minute?

21 MR. KRAHOLIK: You need a minute?

22 UNIDENTIFIED MALE: Need a minute?

23 MR. WALKER: Yeah.

24 MR. KRAHOLIK: We're gonna pause the recording.

25 (Off the record.)

1 (On the record.)

2 MR. KRAHOLIK: Yeah, go ahead. Say it again, man.

3 MR. WILLIAMS: Jonathan Williams, W-i-l-l-i-a-m-s.

4 BY MR. WILLIAMS:

5 Q. Okay. So I was asking just, you know, your actions once you  
6 got down to the track. So you stated that you had to take a  
7 picture.

8 A. Um-hum.

9 Q. So because -- is it customary for you to take a picture at  
10 every station along your walk?

11 A. Yeah.

12 Q. Okay. So being that Hoyt (indiscernible) was your starting  
13 point, you were required to take a picture of that station on  
14 track 2?

15 A. Um-hum.

16 Q. Okay. So when you took the picture, you were on track 2. Do  
17 you recall where the rest of your gang was?

18 A. Yeah. The guys was right by the island, in between the two  
19 switches, and Barry was up. Barry was up, you know. And so I  
20 looked up, I saw him -- 'cause I saw him go up, you know what I'm  
21 saying, so I knew he went up. And then the guys stopped short.  
22 The guys -- 'cause they might -- you know, I might tell them I  
23 need the wrench or something, so they didn't go too far, but they  
24 was, they was waiting for me. I know exactly where they was.

25 Q. Okay. When you say you seen the flagger, did -- you seen him

1 on track 2?

2 A. Yeah, he was on track 2.

3 Q. He was on track 2, okay. So that -- just to clarify this  
4 area, this area is a diamond crossover, correct? So you got, you  
5 got four switches --

6 A. Yeah.

7 Q. -- right? So when you say your guys was in between the  
8 switches, which switches were they in between? Were they in  
9 between the, the switches on the north end of the switch, or the  
10 switches on the south end of the switch? If I can --

11 A. They was on -- they was between 6 and 7.

12 Q. Six and 7?

13 A. 'Cause 3 -- 2 and 4.

14 Q. Okay. If I can, I got a schematic here.

15 A. Yeah.

16 Q. Maybe this'll help you a little bit. All right. So this is,  
17 this is Hoyt, right. And you say your guys was in between the two  
18 switches, right. Which switches were they in between? Here and  
19 here --

20 A. I can't hardly see that, bro. I can't hardly see that.  
21 That's very small.

22 Q. Okay. So if you're walking south --

23 A. Yeah.

24 Q. -- is it the first set right here going like this, or is it  
25 the next set of switches that's like this?

1 A. It was the -- well, it's the -- well, it was where 2 track  
2 is. We going to 2 track. We come in, we come in on 4, and we  
3 going to 2 track like this.

4 Q. So you're going like this?

5 A. Yeah.

6 Q. Okay. But --

7 A. We going to 2 track like this, and then 4 track is here, and  
8 there's, there's like an island right here and there's two  
9 switches right here.

10 Q. Okay, gotchu. So they're in between those two switches  
11 (indiscernible) --

12 A. So they're, they're -- so, like I said, it's going like this,  
13 and then it's like this, and it's two switches right here. This  
14 is the clear-up right here. They were right here. They cleared  
15 up right here. They were waiting for me right here. I'm like,  
16 right here.

17 Q. Okay. That's, that's what I'm trying to -- okay.

18 A. Yeah. I'm coming towards them. I hear the whistle, I hear  
19 the whistle. I said clear up. I come and clear up right here.  
20 We're in niches right here along the -- each other. We're right  
21 here with each other.

22 You know, I'm standing there, and I'm like -- you know, we're  
23 just standing there, and then, like, maybe a minute or two  
24 minutes, and then you start hearing something on the radio. And  
25 then it was like, you know, we're hearing something and it said

1 south of Hoyt, and we're like, what the hell are they -- are they,  
2 like -- and then we look and we look, and then we just -- then we  
3 started walk -- when we walked -- started walking up 2, and then  
4 we, we got close and we saw him. He was in the niche. You know  
5 what I'm saying.

6 And then, you know, when -- as -- then we got really close to  
7 him, and then we seen the other guy there with him, because I seen  
8 his vest first. And like, like, he, he was, like, moving around,  
9 like -- and then we got there and I seen the other gentleman,  
10 like, holding him. And so I jumped over the third rail right away  
11 and I grabbed him and I was like, yo, you're all right.

12 Q. So you just stated that they were between the two switches  
13 there and you were on 2 close to the station 'cause you just took  
14 the picture?

15 A. Yeah. Yeah, but when I got the clear up, I was already  
16 walking back towards them already.

17 Q. Okay. So at -- when you heard the whistle --

18 A. I'm on my way back.

19 Q. You're on your way back?

20 A. Yeah, I already took the picture, I uploaded it, I did my  
21 little upload thing and I'm walking back, and I'm walking back to  
22 them. So it didn't take me much -- when I heard the whistle, I  
23 shot a clear up. It didn't take much to get to -- to get there.

24 Q. Okay.

25 A. It didn't take me much. And then, you know, it didn't --

1 'cause that, that is my clear-up spot right there. But, I mean, I  
2 don't have to clear up there. I could drop back into the hole.

3 Q. Yes.

4 A. 'Cause there ain't no train coming down there.

5 Q. Yes.

6 A. You know what I'm saying. But I'm so close, I just go ahead  
7 and just get there.

8 Q. Okay. So when you cleared up in the niche, can you -- do you  
9 recall which direction you were facing? Were you facing track 2?

10 A. Initially, we was facing track 2.

11 Q. Okay.

12 A. You know, we on track 2 and we're looking, you know. 'Cause  
13 we expect a train to come down here. We weren't waiting for the  
14 train to come down here.

15 Q. So you was expecting the train (indiscernible) --

16 A. But I know, but I know, but I know that there's trains -- the  
17 F train is running that night, 'cause it's been running all week,  
18 so -- but I know, so I'm like -- but I'm, like, looking this way.  
19 And then I don't, and then I don't see no train, and then I look  
20 this way and I see the train.

21 And then, you know, I remember standing on top of the switch  
22 and I'm look -- I'm like, what the hell is going on, and then I  
23 went back in the niche. And I'm like -- I must've said something  
24 to the guy, to the guys, and I was like, yo, the train is -- you  
25 know, this train is -- what's going on with the train. And then

1 all of a sudden, you hear the, you hear the chatter on the radio.  
2 I mean, you know, it's just something that happened like that.

3 I mean, sometimes I -- I've been in situations where the  
4 train has stopped because the motorman said something to the  
5 flagger or something, you know, and it's, like, a minute or so, an  
6 exchange of words, whatever, you know. But this time, we was, we  
7 was waiting. It was -- and it was nothing. Then there was just  
8 talking on the radio, and then -- yeah. So --

9 Q. At any time -- so after the, after the incident took place --  
10 or let me back track. So at night time, did -- were you looking  
11 at a -- did you inspect anything in the switch area after you  
12 descended to the road bed? Did you look at any components of a  
13 switch?

14 A. Well, when I'm -- well, I'm always splashing my light  
15 looking. So I'm not gonna say I didn't look at nothing. I'm --  
16 when I'm -- you know, I'm looking, I'm looking at the joints, I'm  
17 looking at the joints, I'm walking, you know, going, you know.  
18 I'm not gonna say I'm (indiscernible) I didn't see -- I didn't  
19 stop and look at nothing, but I'm -- you know, I'm walking, you  
20 know. I'm always like that when I'm on the tracks, you know.

21 Q. Okay. Did you, did you observe, like, a defective frog or  
22 something like that any time you were out there at the switch?

23 A. I looked at the -- I glance at the frogs, but, you know,  
24 because I know my frogs are -- I know my frogs. So I looked at  
25 them, but I just kept going.



1 Q. Okay.

2 A. Nothing was out of place with them. I flashed my light on  
3 them and -- I flashed the light on it and went back this way, and  
4 then when I came back this way, I was already past the frog, so I  
5 didn't have to look at them again.

6 Q. Okay, all right. Did, did Mr. Hamilton know about the trains  
7 running on track 4?

8 A. Yes.

9 Q. He was aware, he was aware of that?

10 A. Yes.

11 Q. And do you guys discuss general orders and service  
12 changes -

13 A. Yes.

14 Q. -- and stuff like that before you get out there?

15 A. Yes. And, you know, we've walked -- we been walking all  
16 week, and we -- the train's been there, you know.

17 Q. When's the last time you walked that area?

18 A. On Tuesday. You know, we walked there, we walked there, the  
19 week -- during the week. But that night, we was on the express  
20 track, so we knew there was trains there. I mean, you knew there  
21 was trains there, he knew there was trains there. So, I mean, I  
22 don't -- I'm not gonna sit here and say he didn't know the trains  
23 there. And, and we know the general orders. We're  
24 (indiscernible). And when I call on lights, they tell me about  
25 the (indiscernible) in the area.

1 Q. So would it be customary for the flagger, if you guys are  
2 walking down 2, for him to blow his whistle for a train on  
3 track 4?

4 A. It -- well, kind of, if you're in a certain part of the curve  
5 and you don't really know really, really which train it's on --  
6 once you hear it, you blow it. Once you hear something, you blow  
7 it. Now, in that particular night, you know, because it's coming  
8 down both, both tracks, you want to actually -- you want to  
9 definitely do that, you know what I'm saying. You definitely do  
10 that, 'cause you don't know -- I mean, it takes you a second, you  
11 know, depending on where you're -- if you're right up on it, you  
12 might not, but you -- you know what I'm saying. You just got --  
13 it comes with experience, I mean, you know what I'm saying. But  
14 he, he knows how to flag there.

15 Q. Okay.

16 MR. WILLIAMS: All right. I think that's all my questions.

17 MR. RICHARDSON: All right. Shane Richardson,  
18 R-i-c-h-a-r-d-s-o-n, NTSB.

19 BY MR. RICHARDSON:

20 Q. How many years have you been with New York City Transit?

21 A. Like six or seven, something like that.

22 Q. All right. And what all positions have you filled? Have you  
23 always been a track inspector?

24 A. No, just tack worker and then track inspector. That's it.

25 Q. So that's, like, a promotion to track -- from track worker to

1 track -- I mean, from track -- is that a progression kind of thing  
2 or is it --

3 A. Yeah.

4 Q. So how long ago do you think you started -- you became a  
5 track inspector?

6 A. Probably a year, two years. Close to two years, something  
7 like that. A year-and-a-half, two years.

8 Q. All right. When you do the toolbox safety, is there minimum  
9 items that are supposed to be covered in that every day? Like, is  
10 there -- like, there's certain things that have to happen in that  
11 meeting, or is it just different every day? Is there certain,  
12 like, checks in the boxes you gotta get through?

13 A. Basically, just tell us what the rule of the day is. You  
14 know, for me, as a track inspector, all I get is really what the  
15 rule of the day is and if he wants me to do something specific.  
16 If he want me to go do something specific, he'll tell me, you  
17 know, go on track 4 and do this, or go on track 3 and do this,  
18 when you get over here look at that for me. Maybe something like  
19 that. But I don't get, like, a traditional toolbox talk like the  
20 MS-1 (ph.) do, you know what I'm saying. Like, the MS-1, he  
21 actually have a checklist that he goes through.

22 Q. Okay. But that doesn't involve you as --

23 A. No, no, no.

24 Q. All right. All right. We've talked -- it's been brought up  
25 a few times around here. When you're talking about taking a

1 picture, what -- explain what that is. What do you mean by taking  
2 a picture?

3 A. We have phones, and we basically take pictures of every  
4 station that we, that we go through.

5 Q. So are you on the track taking this picture --

6 A. Yeah.

7 Q. -- or are you on the station?

8 A. No, we're on the track taking the picture.

9 Q. So in order to take that picture, do you already have to have  
10 your flagman protecting you ahead of that picture?

11 A. Yeah.

12 Q. Or do you take the picture then send him out, like when  
13 you're starting? If you're starting at station A, and you need to  
14 take a picture of station A before you start your walk, what  
15 transpires ahead of that picture?

16 A. I send him out. I send him out, and then go down and take a  
17 picture.

18 Q. So he's your protection --

19 A. Yeah.

20 Q. -- while you're using your phone to take the picture?

21 A. Yeah.

22 Q. Okay, all right. So when there's a train coming and he blows  
23 the whistle, you get in the clear, the train goes by. What -- how  
24 does he signal that you're okay to get back on the track? I guess  
25 what I'm saying is could there be another train behind that train

1 possibly?

2 A. Could be.

3 Q. So how do you know that it's safe to get back on the track  
4 once the train has passed you?

5 A. He'll let me know. He'll either blow --

6 Q. How does he let you know though?

7 A. He'll either blow it again, or he'll, you know, give me a  
8 signal with the light, you know.

9 Q. But could he be blowing it 'cause another train's coming?

10 A. Yeah.

11 Q. I mean, how --

12 A. Yeah.

13 Q. -- do you differentiate, 'cause he's blowing that he's clear  
14 to get back on the track, or he's blowing to let you know that  
15 another train's coming? Like, it's the same signal, so how do you  
16 know which one's which?

17 A. It's basically the same signal. He'll -- you know, he'll say  
18 it's clear. I see him step out, and he'll give me the clear sign.  
19 You know, the --

20 Q. Okay.

21 A. You know --

22 Q. And what is --

23 A. When he said clear -- when, when he blows the whistle and I  
24 clear up, I give the proceed sign, you know what I'm saying. I be  
25 like, okay, we good, and then the train'll come through. And then

1 when the train gets through, we proceed.

2 Q. So you're controlling the train movement past you, or the  
3 flagger?

4 A. Yeah, past me, yeah, especially if we have guys there.

5 Q. Okay.

6 A. I give the proceed signal, yeah.

7 Q. Okay. All right, let me see. One last question for this --  
8 for now. Based on the current flagging rules and procedures, when  
9 you're out there working, do you feel like you are protected,  
10 safe?

11 A. Yeah, I'd say -- I would say yeah.

12 Q. So there's never been a situation where you think, hum, that  
13 rule needs to be a little different to be -- to make me feel more  
14 comfortable or -- like, if there's been, like, a near-miss where  
15 you said, well, they followed the rules, but this still almost  
16 happened?

17 A. I would say no, because I'm -- I've been in my section a long  
18 time. I know the section. You know, you just know the section.  
19 I mean, I don't feel unsafe.

20 Q. Okay.

21 MR. RICHARDSON: All right, that's all I have.

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

23 BY MR. KRAHOLIK:

24 Q. I'm gonna go back to the toolbox talk. So when you say yours  
25 is different than MS-1, MS-1 is what? That's another --

1 A. He's the supervisor.

2 Q. Okay. So he gives a more thorough --

3 A. Yeah.

4 Q. -- toolbox -- he gives you the -- okay, gotcha. Okay. So he  
5 gives you, like, the full one, and when you give yours, you're  
6 just giving abbreviated to make sure everybody kind of understood  
7 what he was saying or if things changed from that one to when  
8 you're actually on the track? Is that kind of what you do?

9 A. Well, the different is that he actually have guys that he's  
10 taking out. Me, I'm -- I don't have guys I'm taking out. So, you  
11 know, once my guy get the rule of the day, he knows what his job  
12 is. His job is to flag (indiscernible). You know, sometimes we  
13 get an extra hand. We don't always get an extra hand. The  
14 supervisor goes out with his gang every night, so he has to inform  
15 those guys, you know, we're doing this, we're doing this, we're  
16 doing this.

17 Q. So you're part of -- so everybody that comes to you, whether  
18 they're going with the supervisor or going with you, you all come  
19 together and do one toolbox safety talk with everybody or --

20 A. We do the main -- we do the thing where we call the lineup.

21 Q. Okay.

22 A. And then we have -- might have multiple supervisors, so the  
23 main supervisor come and say you guys are going with this guy, and  
24 you guys are going with this guy, and Barry you're talking with  
25 Walker, you know what I mean. Once I hear who my guy is, I'm kind

1 of good. I can go.

2 Q. So when you come on duty, you get all your stuff together,  
3 you're tools, everything, and you come in and the supervisor does  
4 the rule of the day and then tells you what you're doing? Or does  
5 he say, Barry, Walker, you guys go, and then he does the rule of  
6 the day, or does he always do the rule of the day first and then  
7 give you your assignment? Or do you never -- or could you not get  
8 the rule of the day through -- with your supervisor?

9 A. Well, I could because we have the rule of the day listed, and  
10 I can -- and he can tell me, yo, you got Barry, I could grab Barry  
11 and we can go to the bulletin board and I say, Barry, this is the  
12 rule of the day, we out of here, we're going. You know, he's busy  
13 doing -- you know, he might be tied up doing something, you know,  
14 taking too long, and I'm ready to go, you know what I'm saying.  
15 Because our superintendent don't like us hanging around too long.  
16 He don't like us hanging around an hour.

17 Q. So I don't want to put words in your mouth, but you don't  
18 really get a thorough toolbox safety talk with a supervisor?  
19 You're not --

20 A. I don't give a, I don't give a toolbox safety talk.

21 Q. So the only -- I haven't done --

22 MR. ALBERT: Can I clarify? No? Okay. No. I'm not trying  
23 to help him. I just want to clarify a rule would be toolbox  
24 safety talk.

25 MR. RICHARDSON: Go ahead.



1 MR. KRAHOLIK: And that's fine.

2 MR. ALBERT: Okay. MS-1s -- the maintenance supervisors --

3 MR. KRAHOLIK: Say your name.

4 MR. ALBERT: Oh, I'm sorry. Carlos Albert, Local 100,  
5 A-l-b-e-r-t. Just to clarify, the toolbox safety talk and rule of  
6 the day is only given by the supervisor, not any maintainers or  
7 track workers. That's it. That's -- so, you know, there's, like,  
8 a little confusion here, and I just want to clear that. There's  
9 actually a policy on it, checklist, so on and so forth. For the  
10 record.

11 MR. KRAHOLIK: All right. Todd Kraholik, NTSB.

12 BY MR. KRAHOLIK:

13 Q. So if, if you get your assignment, you -- would you always  
14 get a toolbox safety talk with a supervisor, or no?

15 A. It's -- I don't understand what you're saying.

16 Q. I'm going to refer to it as a job brief, okay? Like -- I  
17 know you get your job assignment, but does anybody give you a  
18 briefing? If you come on duty and he says, you're gonna go with  
19 him and you walk away, do you ever get a -- truly a briefing from  
20 the guy, like, hey, this is what we have tonight, these are the  
21 trains that are gonna be on there, this -- you know, we've had a  
22 lot of people fall lately, make sure you're watching your footing.  
23 Do you actually get any kind of job briefing from the supervisor?  
24 Or you could just go out to the thing without actually getting a  
25 toolbox safety talk, and then you would do one on the track with

1 whoever you have with you?

2 A. Yeah. We can -- like I said, we can go to the bulletin board  
3 and get the rule of the day.

4 Q. But yourself though; not with a supervisor?

5 A. If he tells, if he tells me, you got Barry, you're good, you  
6 can go, I go, you know what I mean. I get Barry and I, and I go  
7 to the rule of the day, and I say Barry, this the rule of the day.  
8 He say, all right, we doing track 2 and 4 tonight. We go.

9 Q. I gotcha. So when you go -- do you have to give a toolbox  
10 safety talk when you go out on -- to jobs? Do you actually have  
11 to fill one out?

12 A. No.

13 Q. No. So let's say you get out to where you're gonna go.  
14 You're gonna walk Hoyt Station. How do -- how would you know if  
15 one of your guys isn't of sound mind or he doesn't feel good for  
16 the day or -- if you just show up and go to work, how would you  
17 know that that guy's okay today? Maybe his dog died or what --  
18 how would you know he's okay to go to work?

19 A. Make -- maybe -- you know, maybe he -- I don't know. Maybe  
20 he'll -- you can tell by, you know, how he's acting. If he's real  
21 despondent or something, you can say, yo, you good, you good, you  
22 know. Yeah. You know, we usually tell each other, yo, you all  
23 right, you ready, you ready to go, you good. We talk like that to  
24 each other.

25 Q. All right, okay. So you do kind of do some kind of --

1 A. Yeah.

2 Q. But it doesn't have -- you don't have to do that, you're not  
3 required to do that?

4 A. I don't have to do that, no, no. But, you know, we work  
5 together every day, so you kind of get a feeling. We, you know,  
6 come in talking about what we brought to eat, you know, what game  
7 are you watching. So you kind of get a feel of what's going on.  
8 You know, if the guy's running late, you know, he'll call you and  
9 say, yo, I'm running late, this happened, this happened, or  
10 everything is good. It's just -- no, no, no, nothing really,  
11 like, you know what I mean. I never been in a situation where a  
12 guy was sick, a guy was out of it or anything like that. No.

13 Q. So could -- is there an instance when just you and your  
14 flagger go out, just the two of you?

15 A. Yeah, that's where we go out mostly. Mostly, that's how we  
16 go out.

17 Q. So what happens if you have to set out more flags?

18 A. More flaggers? Well, we do --

19 Q. Let's say you got to fix something, then how does, how does  
20 that -- can the flagger go out and set out the extra light by  
21 himself, or do you have to go with him?

22 A. No, I go with him.

23 Q. And are you a qualified flagger?

24 A. Yeah, I'm qualified to set up the lights, yeah. We go the  
25 flagging school for that.

- 1 Q. Right. And you have to be current on that?
- 2 A. Yes.
- 3 Q. And does anybody ever check that?
- 4 A. Well, our supervisors do stay on top of it, because it lasts
- 5 four years, so he has to stay on top of it. And when you go out
- 6 with a gang, the procedure is for the -- for that supervisor to
- 7 check your pass and your flagging card.
- 8 Q. So let's say you and your flagger go out just the two of you.
- 9 Do you carry tools with you? Do you have tools?
- 10 A. Yes.
- 11 Q. Wrenches -- I'm assuming big bolt track wrenches we'll just
- 12 call them.
- 13 A. Yes.
- 14 Q. What else do you carry with you?
- 15 A. A flashlight.
- 16 Q. And that's it? Maybe a wrench and a flashlight?
- 17 A. Yeah.
- 18 Q. Or do you carry more tools than that?
- 19 A. No. Flashlight and a wrench. Sometimes a jerry also.
- 20 Q. How do you, how do you take these pictures you have to take?
- 21 You set all that down --
- 22 A. Yes.
- 23 Q. -- to take a picture?
- 24 A. Yes.
- 25 Q. So you set your light down and your tools and everything to

1 take your picture? Is it -- are -- is the area well-lit or no?

2 A. Yeah, because we taking it in the station most of the time.  
3 Maybe if it's a end of a walk and it's at a switch, you take a  
4 picture of the switch.

5 Q. So it's never dark, you're never in the dark?

6 A. No (indiscernible) in the dark. I mean, the streaming light  
7 that we have is pretty, pretty decent. I mean, sometimes guys  
8 have headlamps and stuff like that. To walk through the, through  
9 the tunnel, it's not, it's not like you walking in the death zone  
10 or something, you know what I mean. It's not dark like that.

11 Q. I gotcha.

12 MR. KRAHOLIK: I don't have any further questions.

13 MR. WILLIAMS: Jonathan Williams, W-i-l-l-i-a-m-s.

14 BY MR. WILLIAMS:

15 Q. You stated when you hear the whistle you give a proceed with  
16 your flashlight? You said you give a proceed with the flashlight?

17 A. After, after we've cleared up?

18 Q. Yes.

19 A. Yeah.

20 Q. Okay. Did you give a proceed to Mr. Hamilton after he --  
21 after you cleared up or --

22 A. When? This night?

23 Q. Yeah.

24 A. No, because the -- because we noticed the train was just  
25 stopped. The train was not moving.

- 1 Q. Okay. So you said he blew the whistle --
- 2 A. Yeah. (Indiscernible) --
- 3 Q. You told the guys the clear up?
- 4 A. We clear up.
- 5 Q. And you cleared up?
- 6 A. Yeah.
- 7 Q. Did you give a proceed?
- 8 A. I don't really remember giving a proceed, but it was just
- 9 weird because it was nothing moving. It was nothing moving, so --
- 10 normal procedure is to give the go-ahead, but we noticed that the
- 11 train was just stuck and the train was not moving, you know what I
- 12 mean. Because, because what happens is when we clear up, and it's
- 13 -- and he's ready to go, you know, he'll, he'll blow his horn and
- 14 there was nothing happening. It was like, but why is this taking
- 15 so long, you know what I mean. So I knew something -- you know,
- 16 you -- something was wrong. But, but, yeah, I would assume that I
- 17 probably -- you know, not really remember right now, but, yeah, he
- 18 was supposed to get the signal, yes.
- 19 Q. You would give the proceed signals to --
- 20 A. Yes, yeah.
- 21 Q. -- Mr. Hamilton?
- 22 A. Yeah.
- 23 Q. Okay. Do you recall if Mr. Hamilton was given the train the
- 24 stop signal, like the to and fro --
- 25 A. No.

- 1 Q. -- with his lamp?
- 2 A. No.
- 3 Q. So how would that usually work? If you're giving him a  
4 proceed, then that would tell him to let the train go, right?
- 5 A. Yes. Well, if we in the middle and he see the train coming  
6 way down, he blow the whistle. I say clear up, we all clear up.  
7 The train, the train will just, you know, go on ahead. The train  
8 is not stopping.
- 9 Q. Okay. So then you wouldn't give him a proceed to --
- 10 A. Well, yeah, we do give a proceed because the train -- once,  
11 once they see the vests and stuff, the blow the horn. The might  
12 be blowing the horn, blowing the horn, and we're just like go  
13 ahead, go ahead, go ahead, and they just go ahead, and then he  
14 just go ahead.
- 15 Q. Okay. So when you give the proceed --
- 16 A. So when you see the train stop --
- 17 Q. I understand.
- 18 A. -- you know there's a problem. It's like, what is -- why is  
19 the train stopped.
- 20 Q. I understand. But when you give the proceed, you're giving  
21 the proceed to your flagger, not to the train, correct?
- 22 A. No, we giving it to the train.
- 23 Q. You're giving it to the train?
- 24 A. Yeah.
- 25 Q. And you don't recall if you did that or --

1 A. 'Cause he was already, he was already -- he's already cleared  
2 up. Once he blow the whistle, he's already cleared up. So, no, I  
3 make sure I'm cleared up, and if there's other guys, I make sure  
4 they're cleared up. Once they're clear up, I just give the  
5 proceed.

6 Q. Okay.

7 MR. WILLIAMS: All right. No further questions.

8 MR. RICHARDSON: I just got one, and I hate to bring this  
9 back up. But let's talk about the toolbox -- oh, Shane  
10 Richardson, NTSB.

11 BY MR. RICHARDSON:

12 Q. The toolbox talk. When you report to work at Utica, is it  
13 required for you -- for the MS-1 to give you a toolbox safety  
14 briefing?

15 A. Yes.

16 Q. So you cannot go to work until he's given you the toolbox  
17 safety briefing?

18 A. Until they give all of us.

19 Q. All of you?

20 A. Yeah.

21 Q. Okay. Now, when an MS-1 gives you this toolbox safety  
22 briefing, can you recall -- I kind of asked this last time, but  
23 it's kind of -- I'm getting -- but I think we misunderstood what  
24 you were, you were doing compared to him. The MS-1, what is the  
25 MS-1 required to cover in his brief to everyone? Is there certain



1 items that -- you said he had a checklist?

2 A. Yeah.

3 Q. Can you recall -- obviously, you probably don't know all of  
4 them, but, like, some of the things that are on that checklist  
5 that he is discussing with the entire group before y'all separate  
6 into your own jobs.

7 A. What he's discussing with his group. Once he, once he says,  
8 you're going with him, and you're going with him, and you're going  
9 with him, then he have a checklist -- a breakdown checklist with  
10 his group.

11 Q. So that's for his gang, not for you, the checklist?

12 A. Yeah, the checklist is for his group. Yes.

13 Q. So when y'all group up together, say there's 20 people in  
14 this room, and he's got a group of 10 people that's going with him  
15 to be his work group, you're a track inspector and your flagger  
16 can peel off and go do your thing, and then he has that checklist  
17 job review with just his group of people?

18 A. Yeah.

19 Q. Is that, is that clear? Is that right?

20 A. Um-hum.

21 Q. So you're not a part of the checklist job briefing at all?

22 A. No, no.

23 Q. You are gone to do your job at that point?

24 A. Um-hum.

25 Q. Okay. That clears it up.

1 MR. RICHARDSON: That's all I have.

2 MR. KRAHOLIK: All right. Todd Kraholik, NTSB,  
3 K-r-a-h-o-l-i-k.

4 BY MR. KRAHOLIK:

5 Q. Do you have anything you would like to add?

6 A. No.

7 Q. Is there anything that you think that could prevent this from  
8 happening in the future?

9 A. Maybe you could have the train slow down a little bit. I  
10 mean, I don't know.

11 Q. All right. Is there anything else, or --

12 A. No.

13 Q. So if we have any follow-up questions, would you mind if we  
14 contacted you?

15 A. No.

16 Q. All right. On behalf of the NTSB, I would like to thank you  
17 for your time. I appreciate it.

18 A. All right.

19 MR. KRAHOLIK: We can go off the record.

20 (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:            MTA EMPLOYEE FATALLY STRUCK BY  
                                      SUBWAY TRAIN IN MANHATTAN,  
                                      NEW YORK ON NOVEMBER 29, 2023  
                                      Interview of Kirk Walker

ACCIDENT NO.:                RRD24FR003

PLACE:                         Manhattan, New York

DATE:                         June 7, 2024

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.

  
Shelby Shover  
Transcriber