

UNITED STATES OF AMERICA

NATIONAL TRANSPORTATION SAFETY BOARD

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Investigation of:

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

Accident No.: RRD22LR003

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Interview of: MICHAEL SZOSTEK, Track Laborer  
Norfolk Southern

Selinsgrove, Pennsylvania

Thursday,  
December 9, 2021

APPEARANCES:

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

TROY LLOYD, Accident Investigator  
National Transportation Safety Board

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

JON TODD KRAHOLIK, Investigator, Railroad Safety  
Federal Railroad Administration

SHANE STIFFLER, Track Safety Specialist  
Federal Railroad Administrator

JOHN MICK  
National Salvage

JOSEPH YOUNG, Manager Program Maintenance  
Norfolk Southern (North)

SHELDON SWAIN, Vice Chairman  
Alliance System Federation BMWED

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I N T E R V I E W

1  
2 DR. HOEPF: We are on the record. All right. My name is  
3 Mike HOEPF. Today is December 9, 2021. We are in Sibing Grove  
4 interviewing the track laborer in connection with an accident that  
5 occurred in Dauphin County in December 8, 2021. The NTSB accident  
6 number is RRD22LR003. The purpose of the investigation is to  
7 increase safety, not to assign fault, blame or liability. NTSB  
8 cannot offer any guarantee of confidentiality or immunity from  
9 legal or certificate actions. A transcript or summary of the  
10 interview will go in the public docket. The interviewee can have  
11 one representative of the interviewee's choice.

12 Mike, do you understand this interview is being recorded?

13 MR. SZOSTEK: Yes.

14 DR. HOEPF: Okay, great. And can you just please state your  
15 name and spell it and then I'll go around the room and everyone  
16 else do the same.

17 MR. SZOSTEK: My name is Michael Szostek. Do you want me to  
18 spell the first name?

19 DR. HOEPF: No, you don't have to spell Michael.

20 MR. SZOSTEK: Okay.

21 DR. HOEPF: Just your last name.

22 MR. SZOSTEK: Szostek, S-z-o-s-t-e-k.

23 DR. HOEPF: Okay. Great. Thank you. And, again, I'm  
24 Mike Hoepf. That's H-o-e-p-f, and I'm with the NTSB.

25 MR.LLOYD: Troy Lloyd. Spelling of my last name is

1 L-l-o-y-d. I'm a Track Group Chairman with the National  
2 Transportation Safety Board.

3 MR. MORRISON: Roy Morrison, last name M-o-r-r-i-s-o-n,  
4 Director of Safety for the Brotherhood of Maintenance  
5 (indiscernible).

6 MR. KRAHOLIK: Todd Kraholik, K-r-a-h-o-l-i-k, Travel  
7 Railroad Administration.

8 MR. STIFFLER: Shane Stiffler, spelling of last name  
9 S-t-i-f as in Frank, f as in Frank, l-e-r, Federal Railroad  
10 Administration.

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

12 MR. YOUNG: Joe Young, Y-o-u-n-g, Norfolk Southern Manager of  
13 Program Maintenance Norfolk.

14 MR. SWAIN: Sheldon Swain, S-w-a-i-n, Vice Chairman, Alliance  
15 System Federation BMWED.

16 DR. HOEPF: Great.

17 INTERVIEW OF MICHAEL SZOSTEK

18 BY DR. HOEPF:

19 Q. And so, Mike, can we just start off with can you just tell us  
20 a little bit about your railroad career?

21 A. Started in August 23, two weeks down a McDonough for the  
22 training class, and shortly after that I started working on R12 as  
23 a track laborer. That's about it.

24 Q. Okay. Can you just tell us like a little bit about what you  
25 typically do as a track laborer?

1 A. Typically in a day we'll start the day out as soon as we get  
2 there with the job briefing. We'll go over safety incidents  
3 typically first, you know, what's going -- like news that's going  
4 on around the Norfolk southern, then we will go over the job  
5 itself, what we're going to be doing that day, like mile post to  
6 mile post, even they'll go over like if there's switches or  
7 crossings we're going to be working through or they'll go over  
8 potential hazards, and then after that we will go -- Robby will  
9 ask like a group of guys, it's pretty much random every day, to  
10 give some hazards, you know, just like random hazards we think of  
11 and see every day just to go over and, you know, that -- after  
12 that we'll get the tools ready. Typically that's, you know, one  
13 of the laborer jobs, we'll get like the saw field up, and the  
14 blades changed, the tools out, and we'll fill the machines with  
15 fuel and if we get track right away, we'll go out to where the job  
16 is and we'll start working. As a track laborer I go up to the  
17 front of the gang and I start lining the plates to the center of  
18 the track gauge and once we're done that, I'll fall back. We'll  
19 wait for the machines to clear the cribberager (ph.) to do its job  
20 and the glue buggy in front of that, and the spike pullers in  
21 front of that, and once that's -- the cribberager is done, we'll  
22 go and put the plates back on the ties, we'll thread the rail and  
23 after the rail's thread in we'll go back and either fill in for  
24 the spiker operators to feed spikes or we'll go back and do  
25 quality which is picking up scrape metal or fixing any bent

1 spikes.

2 Q. Um-hum. Um-hum.

3 A. And after that, you know, the job's pretty much done and we  
4 head back.

5 Q. Got you. Got you.

6 A. And lock down.

7 Q. That's great. That's really helpful. That's a great  
8 description. Yeah, so you had a lot of good experience there.  
9 So, yeah, can you, you know, basically we talked about the day,  
10 we're basically just interviewing these kind of witnesses, so can  
11 you kind of just walk us through your day, just kind of starting  
12 off from, you know, you guys get in the van I guess in the  
13 morning?

14 A. Oh, yeah, you want me to start back that far.

15 Q. Yeah, yeah, you know, just kind of give us, you know,  
16 anything you can think of. You never know what might be helpful.

17 A. Starting off in the morning we'll, we have a set time to meet  
18 at the vans. We'll get in. Once everybody's seated we'll go. We  
19 typically stop at a store in the morning to get breakfast or lunch  
20 for later in the day, and then we head right to the job.

21 Q. Then I think you said you have a job briefing when you get  
22 there usually?

23 A. Yes.

24 Q. Do you remember the job briefing on the -- yesterday, the day  
25 of the accident? Do you remember what you talked about?

1 A. For the most part. I don't remember the exact mile post that  
2 the job was on, but we started out, there was -- I don't remember  
3 -- I don't know exactly what was said. I know the one safety tip  
4 that was given from one of the guys was to watch the 25 foot rule,  
5 make sure you're in sight so when the machines, which I thought  
6 that was crazy that we literally just talked about it.

7 Q. Oh, at the scene. So you did specifically recall discussing  
8 that safety rule --

9 A. Yes.

10 Q. -- at the standoff distance. Interesting. What do you think  
11 about that rule? Do you think that's a good enough distance, big  
12 enough standoff distance?

13 A. For the most part. If you, you know, just to make sure  
14 you're actually 25 feet away from it.

15 Q. Um-hum.

16 A. Yeah.

17 Q. Is that -- so when you go around machines, is that -- do you  
18 do about 25 feet or do you try to do a little bit more than that?

19 A. I try to, to my best ability when the machines are moving, I  
20 try to do the 25 foot rule, yes.

21 Q. Um-hum. Um-hum. So, anyway, so, yeah, how -- so what  
22 happened for the day after the job briefing?

23 A. Well, after the job briefing a few of us including me, we got  
24 in the vans because we were supposed to -- the tie up location, we  
25 got in the vans to follow the crew, and we got picked up on a



1 siding -- not -- well, not on the siding, on a right away right  
2 before the equipment got to it, to where we were working that day.

3 Q. Um-hum. Um-hum.

4 A. And then after that we got in. I got in the spiker with Ben  
5 and we went down to the job. As soon as we got to the job, I got  
6 out at the beginning of the job and started lining plates.

7 Q. Um-hum.

8 A. After I was done lining the plates, I fell back to the  
9 beginning of the job again and waited for the glue buggy, the  
10 spike pullers, the glue buggy and the cribberager to get done, and  
11 after the cribberager started and got the distance, a good  
12 distance away, I started -- I cut the -- the old rail was already  
13 cut, and I cut the torch cut end of the new rail off so they could  
14 be, you know, have a clean edge to weld.

15 Q. Um-hum.

16 A. After that, I went and started turning the plates back onto  
17 the tie for the rail to be threaded in. I got about three-  
18 quarters of the way to the end when I was told to go back and feed  
19 for spiker to get the spiker process rolling.

20 Q. Um-hum. Um-hum. If you -- sorry to interrupt you, who tells  
21 you to go back and, you know?

22 A. That day it was Jordan.

23 Q. Okay.

24 UNIDENTIFIED SPEAKER: Kissler (ph.).

25 MR. SZOSTEK: Yeah.

1 UNIDENTIFIED SPEAKER: Keesel (ph.).

2 MR. SZOSTEK: Yeah.

3 BY DR. HOEPF:

4 Q. Oh, thanks, not --

5 A. Not Jordan Short --

6 Q. Yeah.

7 A. -- the other Jordan.

8 Q. Okay. I got it.

9 A. I'm bad with names. I guess that was his last name.

10 Q. So different people could ask for you for help.

11 A. Yeah, like sometimes Robby will tell me to go back and  
12 sometimes Jordan will go back --

13 Q. Okay.

14 A. -- telling me to go back, but primarily those two.

15 Q. Got you. So, sorry, so anyway I cut you off. So -- okay, so  
16 Jordan asked you to go and help feed.

17 A. Yup, so I went back to the feeder for Jordan Short, already  
18 went back and got in with him, so I went back to Ben's spiker and  
19 got in and started feeding spikes.

20 BY MR. STIFFLER:

21 Q. I'm sorry real quick, were you -- this is Stiffler, were you  
22 past Ben's machine when you were told to walk back or were you  
23 ahead of Ben's machine when you were told to go back?

24 A. We were ahead of Ben's machine when we were told to go back.

25 Q. Okay. You were south of the --

1 A. Yes, I was south.

2 Q. Right.

3 A. Because we were working south, and I walked back to the  
4 North --

5 Q. To his machine --

6 A. -- to his machine --

7 Q. -- to get in --

8 A. -- which was working south.

9 Q. Okay.

10 MR. STIFFLER: Continue. I'm sorry about that.

11 MR. SZOSTEK: You're all right. Got in to feed spikes. From  
12 when I was -- pretty much when I'm in feeding spikes, you know,  
13 I'm focused on the task.

14 BY DR. HOEPF:

15 Q. Yeah, so what's that like? What do you -- I mean, is it  
16 basically just --

17 A. Yes, it's picking up the spike out of the bin right in front  
18 of you and loading the slides to the top.

19 Q. Um-hum. Um-hum.

20 A. That's -- and that's about it.

21 Q. Yeah.

22 A. You just sit there and do it the whole time. Chair's on a  
23 swivel so it's a little easier, and you just kind of -- you just  
24 kind of, you know, work until you're finished.

25 Q. Um-hum. Yes, so is it like you fill it up all the way, and

1 then you're done, and then you can go do something else for a  
2 while or --

3 A. No, no.

4 Q. -- is it like it's just kind of an ongoing --

5 A. It's ongoing constant.

6 Q. Um-hum. Um-hum. Is it a taxing job? Is it a hard job? I  
7 mean --

8 A. I mean, it's not -- it's easy.

9 Q. Um-hum.

10 A. It's not the most fun job.

11 Q. I guess so -- I guess kind of what I'm driving at is, you  
12 know, are you kind of taking a break and, you know, kind of  
13 looking around at things or --

14 A. If you --

15 Q. -- I mean, are you kind of just looking here and not really,  
16 you know, kind of --

17 A. I --

18 Q. -- get used to the outer world while you're --

19 A. So I do feed the spikes fast enough to where I can watch what  
20 Ben's doing with the spiker heads --

21 Q. Um-hum.

22 A. -- because, you know, I like to learn and pay -- I don't just  
23 sit there and look around. I look at the -- I look down at the  
24 spikes being fed --

25 Q. Okay.

1 A. -- or being hammered in, and I like to see what he's doing.  
2 Every once in a while I'll ask questions, but I've been working  
3 enough where I don't have any more questions. I haven't had  
4 questions in a while, so --

5 Q. Um-hum. Um-hum. Yeah, well, that makes sense. That makes  
6 sense.

7 A. Yeah.

8 Q. Yeah, you can start as a laborer.

9 A. So that's what I do on my breaks, I'll watch, you know, I'll  
10 pay attention to what he's doing.

11 Q. Um-hum. Um-hum. Got you. You can probably imagine where  
12 I'm going with this, but, you know, obviously --

13 A. Absolutely.

14 Q. -- you know, a witness and so I mean can you tell us about  
15 it? Did you see anything, you know, pertinent to the accident?  
16 Did you see the accident happen? Did you see --

17 A. I --

18 Q. -- walking around? Can you kind of walk us through some of  
19 that?

20 A. I did see Kolton one time, and it was him walking north  
21 towards the rear, like going towards the back of the job which I  
22 thought he was just going back to meet his crew member to finish  
23 the job, and that was the last time I saw him.

24 UNIDENTIFIED SPEAKER: What were you doing at that time?

25 What was the gang doing at that time that you seen him?

1 MR. SZOSTEK: We were -- Ben was spiking to the south, so Ben  
2 was spiking forward to the south, and I was feeding for Ben while  
3 he was spiking. I just happened to see him pass.

4 UNIDENTIFIED SPEAKER: How long before the accident?

5 MR. SZOSTEK: Maybe five minutes.

6 UNIDENTIFIED SPEAKER: Which side did you see him pass on?

7 MR. SZOSTEK: On the side that Ben was sitting on, so looking  
8 south he was on the left side of the machine.

9 UNIDENTIFIED SPEAKER: In between the two tracks.

10 MR. SZOSTEK: Yes, in between the two tracks, yes.

11 BY DR. HOEPF:

12 Q. So you're sitting in the middle seat?

13 A. Correct.

14 Q. So you're facing north.

15 A. Correct, I was --

16 Q. So you see him walking on the right side of you between --

17 A. Correct.

18 Q. -- the tracks.

19 A. Correct.

20 Q. Okay. And, I'm sorry, this is just -- did you -- am I  
21 getting the name wrong? Did you say Kolton?

22 A. Yes, his first name is I believe --

23 Q. Oh, he just goes by --

24 A. That's Kolton.

25 Q. He -- okay, he goes by -- I guess he goes by Helbert then?

1 UNIDENTIFIED SPEAKER: Kolton. His last name's Helbert.

2 BY DR. HOEPF:

3 Q. Okay. But -- okay, I guess I just -- some of the people were  
4 calling him by his last name. Got you. You're just calling him  
5 -- that makes sense.

6 A. I'm sorry, I --

7 Q. No, no.

8 A. -- was pronouncing his last name wrong for a while, so I just  
9 call him Kolton.

10 Q. Me, too. Okay. So that's helpful. So when you saw Kolton,  
11 did you happen to notice what he was wearing? Did he have a vest?

12 A. He did not. He was wearing I believe like black winter pants  
13 to keep him warm and a black hoodie. I think it might have like  
14 the slightest bit of green, like tiger stripes on it, but --

15 Q. Got you.

16 A. -- it's primarily black.

17 UNIDENTIFIED SPEAKER: So no reflective apparel --

18 MR. SZOSTEK: So I would not call it --

19 UNIDENTIFIED SPEAKER: -- so you could see --

20 MR. SZOSTEK: I would not call it reflective, no.

21 BY DR. HOEPF:

22 Q. Okay. Did you see if he was carrying anything?

23 A. He typically has like a utility belt on with a holder for  
24 spray paint --

25 Q. Um-hum.

1 A. -- and maybe other tools. I don't -- I just take notice to  
2 the spray paint. He had like four different colors.

3 Q. Um-hum. Okay. Yeah, okay. I got you. I got you. So you  
4 see him walk by on your right, and then did you know where --  
5 notice where he went from there?

6 A. I only really have a view of like directly straight out to my  
7 right and left.

8 Q. Okay. Because those doors have like the tall windows --

9 A. Yes.

10 Q. -- on the side so you can see out, and then it's kind of  
11 obstructed --

12 A. Yes.

13 Q. -- in quarter back because of the --

14 A. Yes.

15 Q. Well, just the way the equipment is designed, but, yeah.

16 A. Um-hum.

17 Q. Okay. Okay. So about five minutes before the accident you  
18 saw him walking by on your right and then it was just kind of a  
19 quick -- I mean, did you see him? Did you see where he went from  
20 there or anything?

21 A. No, I just saw him pass.

22 Q. Okay. Okay.

23 A. Which typically if the spikers are full, a lot of people in  
24 the front when they're done working, they'll go back and do  
25 quality, like I said, and pick up scrap metal or fix fence spikes,



1 so I'm used to -- sorry, I'm used to watching people walk past, so  
2 I didn't think of anything. I didn't think of anything or think  
3 anything of it, so --

4 Q. Okay.

5 MR. STIFFLER: When you were -- Stiffler -- when you were  
6 walking -- you were walking quite a little bit before you got into  
7 the machine, did you see him at all anywhere walking before --

8 MR. SZOSTEK: I do not remember.

9 MR. STIFFLER: Okay. Did you see him in the job briefing?

10 MR. SZOSTEK: Yes. Yes, because he actually -- he was  
11 actually -- he was asked to give -- like he gave an inspirational  
12 quote. I don't remember what he said, but I just know he likes --  
13 he used to tell, you know, tell us an inspirational quote or quote  
14 a Bible verse and work it into how he -- he was a good man.

15 MR. STIFFLER: Sorry.

16 BY DR. HOEPF:

17 Q. Yeah, we're all, I mean, obviously sorry for your loss. I  
18 know this isn't easy, you know.

19 A. I know.

20 Q. We appreciate it. You know, we're just -- I guess we're just  
21 trying to kind of get, you know, a handle on what, you know, what  
22 he was up to, you know, to do there, so it sounds like you're not,  
23 you know, really surprised at all that you saw him walking by.

24 A. No, I was not surprised at all. A lot of people walk by the  
25 machine to head towards the back, the rear.

1 Q. Right. I mean, so there would have been no reason for you to  
2 even comment on it or think a second thing about it.

3 A. Correct.

4 Q. Okay. And then so, I mean, okay, you kind of touched on  
5 this, but what is your kind of best guess as to what he was doing?  
6 I mean, I think you were just kind of talking about he was doing  
7 -- I didn't quite follow what you were saying, when the spikers  
8 are caught up, they'll go do something or other. Or I -- just --  
9 yeah, what did it seem like he was doing, you know, in that  
10 location?

11 A. When like while he was walking, like while he was walking  
12 past the door?

13 Q. Yeah.

14 A. I just -- it seemed like he was walking to the rear to go  
15 down to where his coworker was to start working on cutting the  
16 rail.

17 Q. Okay. So that wouldn't have been behind the spiker. That  
18 would have been at the rear of the whole sequence.

19 A. Correct.

20 Q. Okay. So you -- I mean, again, and I don't want you to - I  
21 understand, like you probably -- I understand like at the time you  
22 probably didn't think a second thing of it, but, you know --

23 A. Correct.

24 Q. -- but just sitting here today trying to kind of piece it  
25 together, I mean, probably you would have assumed that he was

- 1 going -- he was just walking by and he was going to keep  
2 walking --
- 3 A. Correct.
- 4 Q. -- to the back.
- 5 A. Correct, to start cutting the rail with his coworker.
- 6 Q. Okay. So you --
- 7 A. At the very end, like the very last machine is their truck --
- 8 Q. Um-hum.
- 9 A. -- with the scrap metal part attached to the back.
- 10 Q. Right. So when he walked by, you weren't thinking that he  
11 was going to go behind --
- 12 A. Absolutely not, no.
- 13 Q. -- the spiker for anything. Okay. Okay. So when Ben starts  
14 backing up, did -- what are the -- are there any safety procedures  
15 for like you're supposed to follow for when you're backing, you  
16 know, putting it in reverse, making a reverse movement?
- 17 A. Yes.
- 18 Q. Can you walk through what those are?
- 19 A. Before you start moving, you beep your horn three times.
- 20 Q. Um-hum.
- 21 A. And the -- and then the backup alarm is supposed to sound.
- 22 Q. Um-hum. Um-hum. Do you recall if he -- do you happen to  
23 remember if he did beep the horn?
- 24 A. Yes, he did.
- 25 Q. Okay. And it worked?

1 A. Yes.

2 Q. Okay. How about the backup alarm? Was that functioning  
3 properly to your recollection?

4 A. To my recollection it did, yes.

5 Q. Okay. Okay. That's all the questions I've got for you for  
6 right now, Mike.

7 DR. HOEPF: I'm going to pass it off to Troy, everybody else.

8 BY MR. LLOYD:

9 Q. It's Troy Lloyd from the National Transportation Safety  
10 Board. While you was sitting there, you started August 23 of '21,  
11 this year, right?

12 A. Correct, down in McDonough for the two weeks of class.

13 Q. So you did your two weeks of class. What takes place in the  
14 two weeks?

15 A. Start -- we start off going over the safety rule books. We  
16 watch -- there's a lot of safety videos we watched, and we did a  
17 few hands on tasks which included, you know, working with the  
18 safety harnesses and stuff on bridges, and we moved onto like  
19 dropping spikes, learning about switches. We got tested three  
20 times. We had tests, and you had to pass the last test in order  
21 to get the job pretty much, so --

22 Q. What kind of test was that?

23 A. That was the, oh, geez, I don't remember the name of the  
24 test. It was the operators test. That's all I can remember.  
25 Operators test covers like knowing your limits, safety rules.

1 Q. It's all operating rules test.

2 A. Yeah, operating rules test.

3 Q. So you mentioned and the safety rule discussed today was the  
4 25 foot rule?

5 A. Correct.

6 Q. And 25 foot safety bubble that's around all four sides of the  
7 equipment, right?

8 A. Correct.

9 Q. What does that mean to you? What does that mean? Explain  
10 that rule to me.

11 A. 25 feet, if you're within that 25 foot line, there's a good  
12 possibility of you being in a blind spot depending on where you  
13 are within that 25 foot line.

14 Q. So if I'm 26 feet away from a piece of equipment, I'm sort of  
15 I guess good within the rules?

16 A. Within the rules, yes.

17 Q. Okay. So to insure safety for the 25 foot buffer zone, just  
18 not for the person on the ground and I guess would an operator be  
19 tasked or should an operator be tasked with anything to making  
20 sure that nobody's within that 25, 35, 45 foot buffer zone? And  
21 I'm asking because I don't know if it's in the rules, that's why  
22 I'm asking.

23 A. That I don't know.

24 UNIDENTIFIED SPEAKER: Are you -- can you re-ask that  
25 question because it was kind of like 25, 35, 45.

1 MR. STIFFLER: Yes. So if I'm within 25 feet, if I'm within  
2 30 feet, I'm good with the rule, right?

3 UNIDENTIFIED SPEAKER: 26 to?

4 MR. STIFFLER: 26 to whatever. So what is an operator's  
5 responsibility? So I'm good in this buffer zone. I'm in a safe  
6 zone because all the responsibility on the safe -- all the  
7 responsibility on the person on the ground. He's got that safety  
8 zone that's within that rule. Does the operator have any  
9 particular duties, procedures that he does to make sure that  
10 someone is --

11 UNIDENTIFIED SPEAKER: We can get that information upon  
12 request.

13 UNIDENTIFIED SPEAKER: You can enter that 25 foot rule if you  
14 ask permission of that person next to you because that's the way  
15 it is, Joe.

16 MR YOUNG: Yeah, I mean, it's spelled out in the rules.  
17 That's something that we would want that -- we'd make that formal  
18 request and get that information to this party.

19 UNIDENTIFIED SPEAKER: If you have to enter somebody's 25  
20 foot --

21 UNIDENTIFIED SPEAKER: There's a lot of rules regarding 25  
22 foot. That's why, you know, depending on adjacent track  
23 protection, depending on a safe following distance, depending on  
24 going into somebody work zone, so that's why I say like there's a  
25 lot of different rules that kind of play into that 25 foot rule

1 that have a different circumstance if I might say like so you may  
2 have a different circumstance where the 25 foot rule comes into  
3 play even more. For instance, adjacent track protection, so  
4 that's, you know, if you want to make the request for the rules,  
5 then we can make that request and get all those to you.

6 BY MR. LLOYD:

7 Q. When Ben got to the last tie that he spiked, then he went and  
8 backed up, right. Did you see anything? I mean, was there a  
9 spotter put out? Did you notice that -- I mean, Ben's facing this  
10 way. Does he have to get up out of the chair and look behind him?  
11 Does he look around to see if, you know, anybody may be within  
12 that 25 foot buffer?

13 A. Yes, he was looking in his mirrors.

14 Q. Okay.

15 A. A good way to tell you he was looking in his mirrors is  
16 because that's how he knew that he needed to back up to help the  
17 last spiker.

18 Q. So he could see Jordan's --

19 A. Correct.

20 Q. -- spiker behind him.

21 A. Correct.

22 Q. All right.

23 MR. LLOYD: That's all I have.

24 BY UNIDENTIFIED SPEAKER:

25 Q. Mike, thanks for coming to be with us tonight. I don't

1 really have much. Is it in your short experience, is it common  
2 for you to jump in and work with Ben? Because Ben had taken you  
3 out that morning to the job site, right, and then you came back  
4 later to feed for him. Is that your normal kind of routine?

5 A. Yes. For the most part every once in a while I will go back  
6 to the very end especially when we had more laborers, you know, we  
7 would try to take turns. So lately I have been getting in with  
8 both Jordan and Ben to help out feeding spikes.

9 Q. And you said the day was a pretty normal day. I think there  
10 was nothing that would --

11 A. Yeah.

12 Q. Ben was in a good mood, you were in a good mood, everything  
13 was cool then.

14 A. Yes. Yeah, everything was going on plan.

15 UNIDENTIFIED SPEAKER: That's all I have.

16 UNIDENTIFIED SPEAKER: When you got to the machine to get in,  
17 how long were you in the machine? I guess what I'm asking is I  
18 kind of cut you off and stopped the whole process of Ben backing  
19 up to over the radio. When you got told to go to the machine, how  
20 long until you climbed in the machine and start feeding spikes  
21 until the accident happened?

22 MR. SZOSTEK: To my best recollection it was about 30  
23 minutes. I'm judging that by the size of the job and we were  
24 going at normal speed, so about 30 minutes.

25 UNIDENTIFIED SPEAKER: So just tell us from your side again,



1 you're sitting there feeding the spikes. Start from you're  
2 sitting there feeding spikes, you see him go by, just tell me that  
3 again until you're out of the machine helping.

4 MR. SZOSTEK: All right. Sitting there feeding spikes, I see  
5 Kolton walk by. I'm going to say maybe 5 to 10 minutes went by  
6 before we started the reverse move, and pretty much as soon as we  
7 started reversing from the distance, I guess from behind the  
8 machine to where we saw Kolton laying underneath the machine, this  
9 is as far as we got backwards traveling in reverse.

10 BY UNIDENTIFIED SPEAKER:

11 Q. Jumping on his question, from the time that you seen Kolton  
12 go by --

13 A. Yeah, sorry.

14 Q. Go ahead, I'm sorry.

15 A. I was thinking, I'm sorry. As soon as we saw Kolton we hit  
16 the emergency stop, then called over the radio emergency,  
17 emergency, emergency, and we got out to assess the situation.  
18 That probably from that time I saw Kolton to the time we got out  
19 maybe 10 minutes.

20 Q. Okay. Do you think that he -- how far do you think he should  
21 have been able to get back without stopping to work or do you  
22 think he stopped and looked somewhere in that 10 minute of time?

23 A. You're talking --

24 Q. From when he passed you --

25 A. Okay.

1 Q. -- walking towards the road on the side of you when he passed  
2 you, okay, how far should he have been able to walk if he did not  
3 stop to work?

4 A. Maybe 100 feet.

5 Q. In 10 minutes?

6 A. Yeah.

7 Q. That's an estimate. I understand.

8 A. I know. It's an estimate.

9 BY UNIDENTIFIED SPEAKER:

10 Q. It's hard. So real quick, did you hear anything on the radio  
11 before?

12 A. It was -- I heard something. I couldn't really make it out.  
13 I heard the word stop and then the incident -- then we saw Kolton  
14 underneath the machine.

15 Q. Very --

16 A. Yeah, it happened that fast.

17 Q. But you do recall hearing stop.

18 A. From what I could make out. I had my earplugs in and the  
19 machine's loud.

20 Q. I understand. I understand. I appreciate it. I want to go  
21 back for a second real quick because you rode with Ben, pulling  
22 out of the hole?

23 A. Not pulling out of the hole. We drove the vans down to a  
24 right away alongside the track at a crossing and we hopped in at  
25 the crossing.

1 Q. But you backed up from there clear -- you were in the -- were  
2 you in the car with -- in the machine with him when he backed up  
3 clear back to the beginning of the work?

4 A. Correct. From that crossing at the van.

5 Q. When you were backing up, so Ben came to a stop, you get in  
6 the machine, are you familiar with the change of direction alarm?

7 A. Not really.

8 Q. Okay. Do you recall him maneuvering the change of direction  
9 alarm or anything?

10 A. No.

11 Q. Or the lights I guess you'd say. He changes the lights. I  
12 apologize. Are you familiar with how the lights work with the  
13 alarm?

14 A. Yes, and when we first got in he continued travelling in the  
15 same direction so I don't believe he changed anything. I just got  
16 in and sat down.

17 Q. So but you were backing up right, to get to the beginning of  
18 the work site.

19 A. Yes.

20 Q. So you were making a reverse move. Did you hear a backup  
21 alarm?

22 A. I don't recall.

23 Q. Okay. But whenever you're sitting in the seat loading the  
24 spiker and he goes and makes a move, do you recall hearing a  
25 backup alarm?

1 A. When I'm sitting in the spiker from what I can make out, yes,  
2 when he does back up.

3 Q. So --

4 A. Because he's primarily driving forward while he's spiking.

5 Q. Okay. What kind of rorey (ph.) worker training have you  
6 received?

7 A. Could you go into more detail with that question?

8 Q. So you working for a railroad.

9 A. Okay.

10 Q. You are deemed a rorey worker.

11 A. Um-hum.

12 Q. What kind of training did you receive coming on board  
13 pertaining to railway worker protection, railway worker rules?

14 A. The, like down at the class or on the gang?

15 Q. Wherever. I mean --

16 A. Well, down at McDonough in class we received a decent amount  
17 of -- I think one of the first things we talked about was the like  
18 rules, like the 25 foot rule and I mean it was two weeks of class.  
19 We learned about some of the -- about safety, safety rules and we  
20 got tested with, you know, with the cardinal rules and the general  
21 safety rules, and then on the gang we learned a little bit more in  
22 depth to those rules, you know, from first person experience.

23 Q. Okay.

24 A. That's -- but that's the best way I can answer that question.

25 Q. Do you feel the training you received was adequate for you to

1 work safely out on the track?

2 A. Yes. I feel like most people follow a lot of the safety  
3 rules to, at least on our gang.

4 Q. Thank you.

5 UNIDENTIFIED SPEAKER: No questions.

6 BY MR. YOUNG:

7 Q. This is Young from NS. Michael, appreciate your cooperation  
8 and, you know, obviously sad that you had to go through something  
9 like this. Thoughts and prayers are with everybody involved. I  
10 just have one question. If you had to orient yourself in the  
11 feeder seat and with your back to the back rest on the seat, if  
12 you think about a compass, you know, as far as degree of angle,  
13 45, 90, you pointing straight to your right shoulder, do you sit  
14 like square in that back in the seat? How do you orient your body  
15 in that seat?

16 A. For the most part I am sitting facing the rear of the  
17 machine. When I'm feeding spikes I'll turn it. It'll be unlocked  
18 so I can swivel, so I'll swivel back from -- you said 90 degrees  
19 facing directly.

20 Q. It would be zero degrees --

21 A. Okay. So from zero degrees --

22 Q. -- off the back, 90 degrees out the --

23 A. -- I'd say zero to maybe 15 degrees.

24 Q. So slight rotation towards the operator --

25 A. Just a slight rotation.

1 Q. -- seat.

2 A. Correct.

3 Q. Okay. Thank you.

4 MR. YOUNG: That's all the questions I have.

5 DR. HOEPF: Okay. Thanks, Joe. Mike, we're almost done.

6 Are you doing all right? Do you need a break or anything?

7 MR. SZOSTEK: Yeah, I might need a water after this.

8 DR. HOEPF: We can take a break or like I said, I only have a  
9 couple more questions. I don't know if you guys have a lot more.

10 It's up to you if you want to --

11 MR. SZOSTEK: I'm good to keep going.

12 DR. HOEPF: We'll just finish it up then.

13 BY DR. HOEPF:

14 Q. First I just want to say to touch on the topic of working  
15 with Ben. Do you have a lot of experience working with Ben? How  
16 was your working relationship?

17 A. Ben's a really good teacher. I feel like he's a really good  
18 machine operator.

19 Q. Okay.

20 A. I've learned a lot from Ben. He's -- I felt like he was one  
21 of my -- I say felt like because I'm leaving the gang today.

22 Q. Oh, okay.

23 A. I felt like he was a mentor --

24 Q. Um-hum.

25 A. -- a good person to ask questions.

1 Q. I got you. So would you say he's a -- seems to be a safe  
2 railroader in your --

3 A. Yes.

4 Q. -- perspective?

5 A. Yes, absolutely.

6 Q. Okay. Okay. And the only other thing I had that I want to  
7 talk about was the -- and we hit on this a little bit, the  
8 visibility, you know, looking out again. You know, you can see  
9 out the side doors but then, you know, so I was up in the cab  
10 today and it seems like when you're sitting in that seat, you  
11 know, you're facing the rear of the machine. In this case you  
12 would have been looking north, but like it doesn't really look  
13 like you can see much, you know, in that --

14 A. You cannot.

15 Q. -- position.

16 A. Especially when the spikes -- I mean, the spikes shouldn't  
17 crest ever, but sometimes they pile them on a little bit too much.  
18 I mean, but that's only like maybe an inch or two above the rear  
19 hopper.

20 Q. Um-hum.

21 A. The main issue is there's not really a big window right in  
22 front of me when I'm sitting on the rear of the machine --

23 Q. Um-hum. Um-hum.

24 A. -- so, no, there is not a lot of visibility.

25 Q. I mean, yeah, I mean, if somebody was standing there, you

1 know, on the back end of the machine, I mean, you wouldn't be able  
2 to see them, would you?

3 A. Especially not when I'm focused on feeding spikes.

4 Q. Yeah. How about looking out the front? Is it better looking  
5 out the front or is it pretty much just is -- it's limited?

6 A. Better if you're sitting in the opposition direction.

7 Q. Right, well, you weren't --

8 A. Okay.

9 Q. I mean, yeah, you're looking back, but I'm just saying for  
10 the operator, but --

11 A. Yeah.

12 Q. -- I mean, you've been in the cab before and --

13 A. Correct.

14 Q. -- it's -- I mean, is it better if you're standing up to see,  
15 you know, kind of down, you know, on the track, what's in front of  
16 the -- or behind you, either way?

17 A. Correct, but you're supposed to be seated when you operate.

18 Q. Okay. So you're seated when you're operating.

19 A. Yeah.

20 Q. Both you and Ben would be. Okay. And this is tough. I  
21 can't estimate distance at all myself, but as a railroader maybe  
22 you can. I mean, how far do you think something would have to be  
23 away before you'd be able to pick it up or do you think you can  
24 see anything, I mean, when you're sitting -- when you're seated  
25 there looking out the rear window? I mean, if somebody was



1 standing there, you know. If somebody was standing right there,  
2 right behind, right up on the bumper, you wouldn't be able to see  
3 him.

4 A. Correct.

5 Q. But how far down would they have to be before you would be  
6 able to see them, or can you see them at all, I mean, even if they  
7 were 100 feet down away from you would you be able to see them  
8 from your position?

9 A. I'd have to say 100 feet, yes.

10 Q. You think you could?

11 A. Yes.

12 Q. Is that probably the closest you'd be able to see somebody?  
13 I mean, again from the seated, you know --

14 A. From --

15 Q. -- the view?

16 A. From the operator's seat?

17 Q. No, from your seat.

18 A. Okay. From my seat I could probably see -- now this is a  
19 rough estimate, I'd have to say around 25 feet because judging by  
20 how close we park the machines when we park them or when we're  
21 working and they move up to stop and park while, you know, at the  
22 job we try to keep that distance. Judging by that -- what I can  
23 see on the machine, I could see past the 25 foot mark.

24 Q. Oh, okay. So, I mean, does that make sense to you in terms  
25 of like the 25 foot rule --

1 A. Now --

2 Q. -- that kind of being, you know, linked to that's kind of  
3 where the visibility line generally is?

4 A. Yeah, for -- and that's for a standing person.

5 Q. Um-hum. Um-hum. Okay. Thanks. And I understand that's  
6 just from your perspective.

7 A. Yeah.

8 Q. You know, I'm not --

9 A. That's from my perspective.

10 Q. -- you know --

11 A. I'm not measuring anything.

12 Q. Yeah. We'll do some measurements I think tomorrow, so --

13 DR. HOEPF: -- actually let me go around the room again. Do  
14 we need to go around the room again?

15 MR. LLOYD: I've just got --

16 DR. HOEPF: Go ahead, Troy.

17 MR. LLOYD: -- one thing.

18 BY MR. LLOYD:

19 Q. You're new, a lot of safety rules are fresh in your head. I  
20 remember that day and everybody thought I was a, excuse my  
21 language, a pain in the ass. You can't do this, can't do that,  
22 you've got to do this, you've got to do it that way, rule books,  
23 you know what I'm saying, so with you being fairly new to the  
24 trade, and it's a heck of a thing to witness --

25 A. It is.

1 Q. -- with a few weeks under your belt. What would Mike do if  
2 he could change the way that business was done that day, do you  
3 have any, hey, I think this wouldn't have happened if we would put  
4 this in place? You can't go between equipment unless you call in  
5 the radio and go, hey, I'm behind you, but what would come to your  
6 mind being new and just fresh out of class, what would you see  
7 that would be done differently so this kind of stuff doesn't --  
8 listen, I'm not talking here, I'm talking from the east coast to  
9 the west coast.

10 A. I mean, it's kind of a hard question because work sometimes  
11 needs to be done on the track in between pieces of equipment. I  
12 think just -- I think better communication, people on the ground  
13 with the operators that's --

14 Q. So how could that take place? How could -- how can that take  
15 place? I'm going to go up in between some working equipment and I  
16 want to go between them, so we're saying communication. I think  
17 you're going down the right road. How would I complete that  
18 communication with that --

19 A. Either give everybody a radio or like they did at the coal  
20 mine I used to work at, we had our own cellphones with push to  
21 talk.

22 Q. Like the old Nextel kind of --

23 A. Yes. I mean, that worked out great. Give you an example, my  
24 buddy, he's a foreman at the mine on night shift. He was driving.  
25 The only way he could get to a situation we were having was to

1 drive up the blind side of the hall trex while they were parked.  
2 He called every single one of those truck drivers and told them he  
3 was over there passing them before he did it. In an instance like  
4 that, if say a truck driver had to use the bathroom and had -- and  
5 they had made a random reverse move while he was passing them, he  
6 could be crushed. That's with my work experience that's how I  
7 could answer that question.

8 Q. Proper communication.

9 A. Yeah.

10 Q. Relaying that information I'm going to be between you guys or  
11 I'm going to be behind you or radio that way, that operator would  
12 know somebody was back there. Okay.

13 A. That's the best way I can answer that.

14 Q. Understood fully.

15 A. That's the best thing I could think of.

16 DR. HOEPF: Well, thank you, Mike. We really appreciate it,  
17 and we will go off the record.

18 (Whereupon, the interview was concluded.)  
19  
20  
21  
22  
23  
24  
25

CERTIFICATE

This is to certify that the attached proceeding before the

NATIONAL TRANSPORTATION SAFETY BOARD


IN THE MATTER OF: NATIONAL SALVAGE & SERVICE  
EMPLOYEE FATALITY IN DAUPHIN,  
PENNSYLVANIA ON DECEMBER 8, 2021  
Interview of Michael Szostek

ACCIDENT NO.: RRD22LR003

PLACE: Selinsgrove, Pennsylvania

DATE: December 9, 2021

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

  
\_\_\_\_\_  
Lois D. Rush  
Transcriber