

UNITED STATES OF AMERICA

NATIONAL TRANSPORTATION SAFETY BOARD

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Investigation of:

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FATAL PATCO TRAIN ACCIDENT ON
THE BENJAMIN FRANKLIN BRIDGE
NEAR CAMDEN, NEW JERSEY ON
OCTOBER 14, 2022

Accident No.: RRD23FR001

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Interview of: MARK THOMPSON, Foreman
PATCO

Cherry Hill, New Jersey

APPEARANCES:

MATT THOMPSON, Investigator
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National Transportation Safety Board

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I N T E R V I E W

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2 MR. THOMPSON: Okay. My name is Matt Thompson. I'm the
3 investigator in charge for this accident. This interview is being
4 held at the Doubletree Hotel in Cherry Hill, New Jersey to conduct
5 an interview with Mark Thompson, who works for PATCO. This
6 interview is in conjunction with the NTSB's investigation of the
7 PATCO accident in Camden, New Jersey on October 14th, 2022. The
8 NTSB accident reference number is RRD23FR001. The purpose of this
9 investigation is to increase safety, not to assign fault, blame or
10 liability.

11 Before we begin our interview questions, let's go around the
12 table, and we'll also go in Teams here. Please spell your last
13 name, who you're representing and your title. I'd like to remind
14 everybody to speak clearly so we can get an accurate recording.
15 I'll start off and pass to my right. Again, my name is Matt
16 Thompson. The spelling of my last name is T-h-o-m-p-s-o-n. I'm
17 the NTSB investigator in charge of this -- for this accident.

18 MR. PAYAN: My name is Ruben Payan, P-a-y-a-n. I'm an
19 investigator with the NTSB out of headquarters.

20 MR. O'KANE: My name is Bill O'Kane, O-apostrophe-k-a-n-e.
21 I'm an attorney and I'm here for the witness.

22 MR. THOMPSON: Mark Thompson. Last name's spelled T-h-o-m-p-
23 s-o-n, track foreman for PATCO.

24 MS. DIGIRONIMO: Danielle DiGironimo, D-i, capital G-i-r-o-n-
25 i-m-o. I'm an Assistant Area Director for OSHA.

1 MR. THORN: Tom Thorn, T-h-o-r-n, OSHA Compliance Officer.

2 MR. FINNEGAN: Rob Finnegan, F-i-n-n-e-g-a-n. Chief Security
3 and Safety Officer for the Port Authority.

4 MR. EBLING: Joe Ebling, E-b-l-i-n-g, Sergeant for DRPA
5 Police investigating the accident.

6 MR. KROPILAK: Todd Kropilak, K-r-o-p-i-l-a-k, Program
7 Manager, Office of State Safety Oversight.

8 MR. FULLERTON: Dave Fullerton, F-u-l-l-e-r-t-o-n, Safety
9 Director for DRPA and PATCO.

10 MR. THOMPSON: Okay. And, Mr. Shaw, go ahead.

11 MR. SHAW: Yes, my name is William Shaw, S-h-a-w. I'm the
12 Director of Power and Signals.

13 MR. THOMPSON: Mr. Herbert.

14 MR. HERBERT: Good morning, I'm Phil Herbert, H-e-r-b-e-r-t.
15 I'm an Accident Investigator with the FTA.

16 MR. THOMPSON: Mr. Gordon.

17 MR. GORDON: Okay, good morning, Joe Gordon, G-o-r-d-o-n,
18 Accident Investigator, NTSB.

19 MR. THOMPSON: Mr. Lloyd.

20 MR. LLOYD: Yes, good morning, everyone. My name is Troy
21 Lloyd. The spelling of my last name is L-l-o-y-d. I'm a railroad
22 accident investigator with the NTSB.

23 MR. THOMPSON: Mr. Bachmeier.

24 MR. BACHMEIER: Good morning, Michael Bachmeier, NTSB, Ops
25 Group Chairman for this accident. B-a-c-h-m-e-i-e-r.

1 MR. THOMPSON: Okay.

2 INTERVIEW OF MARK THOMPSON

3 BY MR. THOMPSON:

4 Q. If you could go through what your duties are on a typical
5 night, and also if you can kind of give us a little bit of work
6 history.

7 A. Sure.

8 Q. How long you've been with PATCO, jobs you've held there.

9 A. Track foreman at PATCO. Been there four and a half years.
10 It's the only title I've had there, just over four years.
11 Essentially my work duties on a nightly basis are to get my guys
12 their job orders and go out and make sure that they're completing
13 the tasks that they're supposed to complete.

14 Q. Okay.

15 MR. THOMPSON: I forgot to spell my name. Matt Thompson, T-
16 h-o-m-p-s-o-n.

17 BY MR. THOMPSON:

18 Q. So do you also give the contractors job briefings?

19 A. I do, yes.

20 Q. Yes.

21 A. Yes, EIC when it's -- we're on a rotation at night. So EIC
22 when it's my turn, yes, my week -- during my week, it's -- I'm the
23 EIC for contractors, yes.

24 Q. Okay. So if we could --

25 MR. THOMPSON: Joe or Troy, I'm sure either one of you guys

1 -- do you guys want to start off?

2 MR. LLOYD: Okay, do you want me to start off, Joe?

3 MR. GORDON: Yes, that's fine, Troy.

4 MR. LLOYD: Yes.

5 BY MR. LLOYD:

6 Q. Hey, Mark, how you doing? My name is --

7 A. Good.

8 Q. -- Troy Lloyd. The spelling of my last name is L-l-o-y-d,
9 from the NTSB. I'm just going to ask you a couple of questions
10 regarding roles and responsibilities, your tasks as an EIC. So
11 first question is who was the designated employee in charge at the
12 night of the accident?

13 A. That would be myself.

14 Q. So you were the employee in charge. So describe the employee
15 in charge duty. So what are your overall responsibilities of
16 being the EIC? What would one have to do for that night?

17 A. That night, I was responsible for making sure the outage was
18 established.

19 Q. That's it? Is there any other kind of roles and
20 responsibilities that an EIC would be responsible for?

21 A. I mean --

22 (Crosstalk)

23 A. Sure. I give my guys a job briefing at Lindenwold before
24 they leave, and then -- are we -- so I don't know if we're talking
25 about now or if we're talking about the night of the incident,

1 because it's a little bit different now.

2 Q. Yes -- I mean --

3 A. But --

4 Q. -- the roles and responsibilities shouldn't change if the
5 track's out of service and EIC's role would be the same across the
6 board. Correct?

7 A. The practice was different at the time.

8 Q. Yes. So talk to me about what was different? I'm focused on
9 that night of the accident.

10 A. Sure, okay. So basically I would make sure that everybody
11 was in place. I would contact my guys, make sure that everybody
12 was in place to start taking the outage. I would radio Lindenwold
13 -- not Lindenwold, sorry -- center tower dispatch and ask them for
14 permission to start taking our outage. When they relay to me that
15 we're okay to start taking the outage, I contact my maintainers
16 that are on duty and let them know that it's okay to start
17 applying safeties and taking the outage and confirm the third rail
18 is deenergized.

19 Once that takes place, the maintainers will contact me, let
20 me know that safeties are placed and third rail power's
21 deenergized. Then I would contact center tower and let them know
22 all safeties are applied, power's confirmed deenergized and I
23 would ask them for permission to go to work. And then once they
24 gave me permission to go to work, I would contact my flagman on
25 duty and let him know that we had permission to go to work.

1 MR. THOMPSON: Is that it, Troy?

2 MR. LLOYD: Yes, sorry, I was on mute.

3 BY MR. LLOYD:

4 Q. Yes, can you talk to me about the night of the accident where
5 it sounds like you had your guys out, you had your maintainers out
6 that was going to take the tracks out of service and all that
7 stuff. But talk to me where that breakdown was between
8 communications that the track was going to be taken out of
9 service, but the prior -- Mr. Pagan said that they were told to
10 stand by. So talk to me about all that. I want to lead up to
11 where you got -- you were the -- you appointed your people, they
12 went out to do things, they were told to stand by. I want to hear
13 everything that took place that night.

14 A. At that point, I mean, once we're told to stand by by center
15 tower, we stand by until they start to give us permission to start
16 taking our outage. Yes, so, I mean, that's pretty much it.

17 Q. So they went out -- so you had your contractors -- I guess
18 your contractors are in place --

19 A. My flagman was --

20 (Crosstalk)

21 A. -- was there with the contractors.

22 Q. Who was with the contractors?

23 A. My flagman at the time.

24 Q. Okay. So your flagman at the time were there. So they go
25 out, they call to see if they get -- start doing their track

1 removal and they get told to stand by. Correct?

2 A. That's correct.

3 Q. Okay. And what was the reason why? Was it delayed trains or
4 something or --

5 A. I don't recall.

6 Q. Okay. So is -- so what I'm getting to -- so that -- so we're
7 told to stand by at a time that they're told to stand by. Train's
8 still active, third rail power's still energized.

9 A. That's correct.

10 Q. Contractors somehow entered the right of way. Here comes a
11 (indiscernible) train, whatever, and --

12 A. Yes.

13 Q. -- two people get struck. Right?

14 A. That's correct, yes.

15 Q. So what would -- and the contractors are trained on PATCO
16 rules, so they know what it means that third rail power's down,
17 track's out of service. This is a no clearance area, don't go out
18 there until Mark tells me that everything's good and the job
19 safety briefing. What would --

20 A. That should be the case, yes.

21 Q. Yes, so what would prompt a contractor to go out in the right
22 of way without any confirmation from the boss, from you?

23 A. I couldn't tell you that. I can't tell you what was going
24 through their heads at the time. I have no idea.

25 Q. And usually it's -- you're on-site and you're going to be

1 there on-site just saying okay, guys, here's the job safety
2 briefing. Track's out of service between point A and point B,
3 third rail power's deenergized, track 1 and 2's out of service,
4 here's your job safety briefing. (Indiscernible) everybody, the
5 rules say that everybody has to acknowledge that they received it
6 and they understand it, and then they would go to work. You --

7 A. That --

8 (Crosstalk)

9 A. -- that was not the practice at the time, no.

10 Q. So what was --

11 A. We do --

12 Q. -- the practice at the time?

13 A. -- that now.

14 Q. But what was the practice at the time?

15 A. So I would contact my guys to make sure that they were ready
16 to start taking the outage. Once I know that they're ready to
17 start taking the outage, I would contact center tower, ask center
18 tower for permission to start taking our outage. Center tower
19 gives me permission, then I would relay that message to the
20 maintainers and let them know that it's okay to start placing
21 their safeties and confirm the third rail power's deenergized.
22 Once they confirm that with me, then I confirm with center tower
23 that we have permission to go to work at that point. Once center
24 tower gives me permission, then I let my flagman know that he can
25 let the contractor know that they have permission to go to work.

1 That was the practice at the time.

2 BY MR. THOMPSON:

3 Q. If I can interject here -- Matt Thompson, T-h-o-m-p-s-o-n --
4 so would that be the contractor Skanska or would that be the
5 subcontractor JPC Group?

6 A. That would be any contractor.

7 Q. Okay.

8 A. Any contractor that was going to be on the property.

9 Q. Okay. So that particular -- let's say, the night before the
10 October 14th accident, would you have let Skanska know or would --
11 sorry, one of your flagman let Skanska know or JPC Group know?

12 A. He would let -- they should all be in the same area. He
13 would let them all know.

14 Q. Okay.

15 A. Yes, he would let whoever was there know and they should all
16 be in the same area. They shouldn't be anywhere else.

17 Q. Okay. All right.

18 MR. THOMPSON: Sorry, go ahead, Troy.

19 MR. LLOYD: That's not a problem. Thanks, Matt.

20 BY MR. LLOYD:

21 Q. So, yes, there was a past practice to do it this way. Now it
22 sounds like you're on-site doing it. So looking at --

23 A. Correct.

24 Q. -- rule number 10 under the PATCO right of way safety plan,
25 Rule 10-1, it states before entering the right of way, an EIC must

1 lead a documented job safety briefing to review questionable and
2 safety conditions, all that stuff. So what prompted the deviation
3 from the policy that's been effective 2019, but now we're --
4 ongoing everything it's written since 2019. What would -- where
5 did the deviation happen where you didn't do it before, now --
6 we're doing it now, but it's an effective at 1/5 of 2019. What
7 (indiscernible) the job safety briefing policies are and the EIC
8 policies?

9 A. That -- I mean, that's just the practice that I was told when
10 I started as of December 2018. That's what I've been doing since
11 then, that's what I've been -- that's what I was told. That was
12 the practice.

13 Q. Now how many contractors did you have -- how many contractors
14 -- I know you were there the night before (indiscernible) or --
15 same group of people. So I'm just trying to ask you how many
16 contractors you would be -- that single EIC would be in charge of?

17 A. I can't recall the night before, but if we're talking about
18 Skanska, I now know -- anywhere, I guess, maybe from -- maybe 18
19 to 15 contractors --

20 Q. Okay.

21 A. -- personnel.

22 Q. Yes. And they're all working in the same, I guess, location
23 or --

24 A. Same general --

25 Q. -- or scattered over a large distance?

1 A. Typically same general area, yes. If they're going to be in
2 different areas, we would have more flagmen out there.

3 Q. Okay. So it would be something that a single EIC, if you had
4 PATCO people and contractors total, that he would be able to do a
5 pretty good job safety briefing where everybody would go hear him,
6 understand him, sign a form, things of that nature?

7 A. Sure.

8 Q. Okay, cool. So right of way contractors, like I say, they're
9 trained on PATCO rules and everything. Right?

10 A. Should be, yes.

11 Q. They understand -- they would understand track out of
12 service, what your -- what you need to do. Are contractor cards
13 -- I'm sure they get some kind of proof that shows that they did
14 PATCO training. Are they checked nightly from the EIC to show
15 that this particular contractor has been to a PATCO right of way
16 safety class?

17 A. They are now, yes.

18 Q. Okay. So was it -- was those cards checked box -- what I'm
19 thinking is how would you know if a new contractor -- since it's
20 hard to know familiar faces every night and another contractor
21 shows up and they're not trained, don't know the rules, don't know
22 the responsibilities, you know. Is it the EIC's responsibility to
23 make sure that that card is checked nightly for that verification?

24 A. So what was the question?

25 (Crosstalk)

1 Q. So are cards -- are contractor right of way safety cards
2 checked nightly during a job safety briefing to verify that they
3 are trained and certified on PATCO right of way safety procedures?

4 A. Yes, they are now, yes.

5 Q. Okay. Do you know if it's -- and it's a heck of a question
6 here -- but the contractors that were killed that night, did they
7 know -- does PATCO know that if these guys were qualified, if they
8 had cards in their possession? Did they go through PATCO right of
9 way training?

10 A. I personally don't know, no.

11 Q. That's all I have right now, Mr. Thompson.

12 MR. THOMPSON: If you want to pass it off to Mr. Gordon.

13 MR. LLOYD: Thank you, Mark.

14 MR. THOMPSON: Thank you.

15 Mr. Gordon.

16 BY MR. GORDON:

17 Q. Yes, hello, Mark.

18 A. How you doing?

19 Q. Joe Gordon, NTSB. I'm good. G-o-r-d-o-n. So let's talk
20 about the flagmen. What are the qualifications of the flagmen
21 that you have working under you as the EIC?

22 A. They need to be qualified on right of way safety training.

23 Q. Okay. Physical characteristics --

24 A. Yes --

25 (Crosstalk)

- 1 A. -- physical characteristics to the railroad, yes.
- 2 Q. Yes, okay. And the flagmen that was out with the contractors
3 that night, have you worked with them in the past?
- 4 A. Have -- I'm sorry, say that -- have I worked with them in the
5 past?
- 6 Q. Yes, have you worked with that --
- 7 A. Oh, yes, absolutely.
- 8 Q. -- flagman?
- 9 A. Yes.
- 10 Q. Okay. So what -- I'm sure we -- you know, we've had an
11 opportunity to debrief with that flagman -- what was the
12 assessment of his for how the right of way was entered? I mean, I
13 would imagine that had he not received a safety briefing from you
14 -- and I'm assuming a gender there. Was the flagman -- so we'll
15 just generally -- but had the flagman not received a briefing from
16 you --
- 17 A. No, he had, yes.
- 18 Q. -- I'm assuming that there would have protest -- there would
19 have been a protest about the people entering the right of way.
20 What's the flagman's recount of that?
- 21 A. Well, yes, he received the job briefing from me before he
22 left Lindenwold. As far as his account, I haven't really spoken
23 to him about it, to be honest with you.
- 24 Q. Okay. So he received a job briefing from you, this is the
25 plan?

1 A. Correct.

2 Q. But he never received a follow-up job briefing from you
3 letting him know that the protection was in place?

4 A. Yes, no, it wasn't -- it never went into place.

5 Q. Okay.

6 A. The outage was never established.

7 (Crosstalk)

8 Q. -- the piece -- yes, that's probably the piece that we need
9 to better understand. Right?

10 A. Right.

11 Q. There was a plan. The plan didn't get executed because there
12 was some delay.

13 A. Correct.

14 Q. And we feel like that the flagman was probably operating on
15 the assumption that the plan had gone according to plan.

16 A. I wouldn't think so, no.

17 UNIDENTIFIED SPEAKER: I'm confused by that statement or
18 question.

19 BY MR. GORDON:

20 A. No, he wouldn't -- he has the same radio communication that I
21 have, and he knows that he needed to stand by. So, no, he
22 wouldn't think that it was going according to plan.

23 Q. Okay.

24 MR. GORDON: So I guess from my team, have we talked to the
25 flagman?

1 MR. THOMPSON: Yes.

2 MR. PAYAN: Yes.

3 MR. GORDON: Okay. And is there -- is that a follow-up
4 interview that we'll be conducting as well?

5 MR. PAYAN: Not today.

6 MR. THOMPSON: Not today, no, that wasn't scheduled today.

7 MR. GORDON: Okay, all right.

8 BY MR. GORDON:

9 Q. So you have worked with that flagman in the past?

10 A. Absolutely, yes.

11 Q. Have you ever had any concerns with him carrying out the
12 duties of the flagman --

13 A. Not at all.

14 Q. -- as laid out by PATCO rules?

15 A. Not at all.

16 Q. And how about the contractor employees that were struck. Had
17 you worked -- were you familiar with those -- have you worked with
18 those people in the past?

19 A. No, I have not worked with them at all. I've never met them.

20 Q. Contractors in general on PATCO, have you ever -- working as
21 an EIC, working as a flagman, have you ever had a contractor to
22 PATCO enter the right of way where you had to stop them and bring
23 them back? Has that ever -- is that an occurrence? I mean, is
24 this --

25 A. No --

1 Q. -- something rare for someone --

2 A. It's pretty rare, yes, and not me, personally. I've never
3 had that happen before, no.

4 Q. Okay.

5 MR. GORDON: All right, that's what I've got for this round.
6 We'll pass it around to the parties.

7 MR. THOMPSON: Okay. Ruben, do you have anything?

8 MR. PAYAN: Go around --

9 (Crosstalk)

10 MR. THOMPSON: We'll go this way, yes.

11 MR. PAYAN: Yes.

12 MR. THOMPSON: Mr. Fullerton.

13 MR. FULLERTON: Dave Fullerton, I don't have any questions.

14 MR. THOMPSON: Okay. Todd.

15 MR. KROPILAK: Todd Kropilak, K-r-o-p-i-l-a-k.

16 BY MR. KROPILAK:

17 Q. In the initial job safety briefing at Lindenwold, what were
18 the flagman's duties? Like what -- did you discuss that with him,
19 what he would be doing?

20 A. Sure, yes. So his duties are to make sure that the
21 contractors stay within the limits of the outage, make sure that
22 they have all their personal protective equipment. You know,
23 basically just make sure that you keep them safe in the track
24 area. That are his duties. Now as far as my briefing, my
25 briefing to him will state what are the limits of the outage, the

1 power where it's going to be deenergized from to what track,
2 obviously. And the -- kind of a description of the job that
3 they're going to be -- the contractors are going to be performing.

4 Q. When you're talking to the lead maintainers when you're in
5 position or listening to them, are you then aware where the
6 flagman is? Is -- like where the flagman is indicating he is
7 positioned.

8 A. My flagmen? Yes, they -- yes, I know where he's positioned.
9 He should be in Camden storage or in the yard where Skanska has
10 their --

11 Q. Their lay down?

12 A. Yes, trailer.

13 Q. Okay.

14 A. Yes.

15 Q. Okay.

16 MR. KROPILAK: Nothing else.

17 MR. THOMPSON: Okay.

18 Mr. EBLING: Joe Ebling, E-b-l-i-n-g. No questions.

19 MR. FINNEGAN: Rob Finnegan, F-i-n-n-e-g-a-n. No questions.

20 MR. THORN: Tom Thorn, T-h-o-r-n.

21 BY MR. THORN:

22 Q. Can you describe what's changed since the accident and now in
23 your procedures?

24 A. So what's changed is -- yes, so we have -- the EIC must be
25 on-site to give a job briefing, make sure that all the contractors

1 have their qualification cards, give them a briefing of, you know,
2 what's going to take place with the outage, where they can and
3 cannot go. Basically, you know, it powers, deenergize, you know,
4 all that good stuff. We take -- establish our outage now before
5 we allow them to go to the track area. So once the outage is
6 established, then they're allowed to enter.

7 Q. All right. So they don't proceed until --

8 A. Correct.

9 Q. -- it's full out, whatever you're doing?

10 A. All -- you know, in the one area --

11 Q. Okay.

12 A. -- with a visual and make sure that nobody's leaving. And,
13 you know, have them sign a job briefing at the end.

14 Q. Now, before were they allowed to go up -- what were they
15 allowed to do prior to a complete outage or -- were they allowed
16 to stage or -- before your -- any --

17 A. No, they shouldn't be going anywhere near the track until
18 they have permission.

19 Q. Okay. And that includes the roadway, the pavements that
20 the --

21 A. That I don't know --

22 Q. -- lane outage?

23 A. Yes, I don't know about the lane outage. I don't really have
24 any control of lane outage. That's not me. I'm tracking.

25 Q. Thank you.

1 A. Um-hum, okay.

2 MS. DIGIRONIMO: Danielle DiGironimo, D-i-G-i-r-o-n-i-m-o.

3 BY MS. DIGIRONIMO:

4 Q. That night and prior to, how would you and the flagman know
5 if all the contractors are there for that safety briefing or to be
6 released to work?

7 A. I guess you take the word of the contractor, basically.

8 Q. Prior to -- well, now it's changed, but that night and prior
9 to, they didn't have to sign a sheet that these are all the people
10 that are here this night, these are all the people that have been
11 briefed?

12 A. Beforehand we did not know -- we did not have a sign-in sheet
13 for the contractors, no.

14 Q. Okay. Thank you.

15 A. Um-hum.

16 MR. PAYAN: All right. This is Ruben Payan, P-a-y-a-n.

17 BY MR. PAYAN:

18 Q. Just to make sure I understand, you held a job briefing with
19 PATCO people, your power signal maintainer and your flagman at
20 Lindenwold?

21 A. Correct.

22 Q. Typically, before the accident, you would show up on scene
23 and once the outage was established?

24 A. Before the outage -- before the incident, you're saying?

25 Q. Right, right.

1 (Crosstalk)

2 A. -- that I be there before the incident.

3 Q. Okay.

4 A. I would be the point man, basically.

5 Q. Okay. But not necessarily on scene?

6 A. Not necessarily on the scene.

7 Q. Oh, okay. I --

8 (Crosstalk)

9 A. Now, after the fact, yes. The employee in charge needs to be
10 on-site.

11 Q. Okay. So just kind of -- before -- just to make sure I
12 understand -- would there be another job briefing with the
13 contractor? Before the accident?

14 A. No.

15 UNIDENTIFIED SPEAKER: That's fine. I just didn't know
16 whether you were talking about by the contractor, foreman or
17 supervisor to the contractors, employees or by the employee in
18 charge.

19 BY MR. PAYAN:

20 Q. The employee in charge with the contractors --

21 (Crosstalk)

22 A. Myself, no, beforehand, no.

23 Q. So you would just --

24 (Crosstalk)

25 A. The employee in charge would not give the briefing on-site at

1 that point.

2 Q. Who would job brief with the contractors?

3 A. It wasn't really a formal briefing, to be perfectly honest
4 with you. It was more like, you know, the flagman would tell
5 them --

6 Q. Good to go kind --

7 A. If the outage was established, that they were okay to go to
8 work.

9 Q. Okay. So --

10 (Crosstalk)

11 A. He would have them --

12 Q. So the fact that we're the ones that coordinated with the
13 contractor --

14 (Crosstalk)

15 A. Pretty much at that point, yes, exactly, yes. He would let
16 them know if it was safe to go into the track.

17 Q. Okay. That was my question because I thought I had heard
18 that there was a second job briefing on scene, but not
19 necessarily.

20 A. Now there is.

21 Q. Now there is, okay.

22 A. Yes. Before the incident, there wasn't a second job briefing
23 on-site.

24 Q. Okay. So now --

25 (Crosstalk)

1 Q. -- on the night of the accident, how many flagmen did you
2 have?

3 A. Just one.

4 Q. Just one?

5 A. Yes, we had the one flagman, I think back, because who was
6 there? Oh, no, I'm sorry. I think I had two guys there. Okay,
7 it was Garfield (ph.) and it was -- I could be mistaken.

8 Q. So maybe one, maybe two?

9 A. I know that Jay Washington (ph.) was there.

10 Q. Okay.

11 A. For some reason, yes --

12 Q. That's okay.

13 (Crosstalk)

14 A. -- was there as well; I don't remember.

15 Q. I guess my question is you said that the flagman stayed with
16 the contractors --

17 A. Um-hum.

18 Q. -- as long as they were kind of in the same area.

19 A. Yes, as long as they -- he would just make sure they were in
20 the same general location, correct.

21 Q. Would that be within visual range or --

22 A. Typically, yes.

23 Q. If they worked across the span of the bridge, would that
24 still be considered within --

25 A. No --

1 Q. -- proximity?

2 A. -- no, no. Within visual range, yes.

3 Q. Within visual range?

4 A. Yes, they would be told that they would need to be in visual
5 -- or I would let my flagman know they need to be in visual range,
6 yes.

7 Q. And were you told ahead of time how many contractors or how
8 many work crews there were? How did you know how many flagmen to
9 use?

10 A. That's -- whatever they assigned. So how they put out a
11 flagmen copy, the guys pick the overtime basically. I guess there
12 was one slot at the time for a flagman, so that's all they
13 assigned for that.

14 Q. What would --

15 A. I'm not the one that assigned how many flagmen are out there.

16 Q. What happens if you don't have enough flagmen for contractor
17 crews?

18 A. I haven't run across that problem, to be honest with you. I
19 mean, if my flagman -- if there's one flagman he just -- he would
20 let them know to stay in one general location.

21 Q. Okay. So --

22 A. Don't leave the visual.

23 Q. Okay. That's all I have, Matt. Thank you.

24 MR. THOMPSON: All right. So, let's see, we got here Phil.

25 MR. HERBERT: Hi, Phil Herbert, H-e-r-b-e-r-t, from the

1 Federal Transit Administration.

2 BY MR. HERBERT:

3 Q. Thanks for coming in to talk to us.

4 A. No problem.

5 Q. So we talked a little bit about your job safety briefing with
6 the PATCO employees. And at the time, you didn't give a job
7 safety briefing to the contractors, and I'm just -- so you didn't
8 do that? Correct?

9 A. That wasn't the practice at the time --

10 Q. Okay.

11 A. -- that I knew of, yes. It was --

12 Q. So I have my notes in front of me from all the other
13 interviews, and I'll let you know that Skanska and the contractor
14 actually did an ad hoc safety briefing, I guess, under their
15 terms. But -- and that's fine, but, you know, that's something
16 that we'll talk about later, but not necessarily with you. But my
17 question to you was at any time did you send anybody up there to
18 get ready to work?

19 A. No.

20 Q. Were you aware that somebody had given word for them to go
21 up, to get ready to work?

22 A. Nobody had given them word to go up there.

23 Q. Okay. At the time, and not now, did a flagman accompany a
24 work crew up to the work site?

25 A. I wasn't there. I can't -- I don't know, honestly. I wasn't

1 there.

2 Q. Do you know if it was a practice?

3 A. I believe so, I believe so. There was supposed to be -- yes,
4 that's right, I believe there was --

5 (Crosstalk)

6 Q. -- would accompany the work crew up onto the track?

7 A. Yes, it would be the pilot, you know, "slash" flagman, yes.

8 Q. Okay. So if I were to say to you on that night --

9 A. Are you talking about on the rail or are you talking about on
10 the road?

11 Q. Well, up on the -- to the track bend.

12 A. On the rail, you're saying?

13 Q. Right.

14 A. Yes, because I don't know -- was there -- I don't know if
15 there was equipment that night or not.

16 Q. Okay.

17 A. So if there's equipment, yes, our flagman accompanies the
18 equipment to the work location. Correct. But I don't think there
19 was equipment that night, to be honest.

20 Q. If I said to you on that night there were two work zones on
21 the track, different areas on the track, do you recall that?

22 A. No.

23 Q. Okay.

24 A. No, we hadn't established the outage, so --

25 Q. So for practice now, at what point are contractors allowed on

1 the track?

2 A. After they have their briefing and after the track outage is
3 established.

4 Q. Okay. And are they accompanied by a PATCO employee with a
5 radio?

6 A. Yes.

7 Q. Okay. I have nothing further. Thank you for coming in.

8 A. No problem.

9 MR. THOMPSON: All right. Mr. Shaw, do you have anything?

10 MR. SHAW: Yes, just real quick. My name is William Shaw, S-
11 h-a-w.

12 BY MR. SHAW:

13 Q. Mark, the defined limits of the track area, the outage, how
14 did you identify where they were in? Was there a weekly report,
15 monthly report? How do you identify where the track outage is?

16 A. With the weekly write-up.

17 Q. Is the weekly write-up very clear, you can understand it and
18 present it to your employees --

19 A. Absolutely.

20 Q. -- about the outages?

21 A. Yes.

22 Q. Absolutely, correct?

23 A. Yes.

24 Q. So based on that, when you gave the pre-job briefing to the
25 maintainers, they know exactly where to go and --

1 A. Correct.

2 Q. -- ready to post their equipment, test the third rail on
3 their safety devices. Correct?

4 A. That is correct, yes.

5 Q. And at any time when they were sent on location, were they
6 ever authorized by center tower to go into the track to post those
7 safety devices?

8 A. Never.

9 Q. Never.

10 A. Not that night, no.

11 Q. Likewise, contractors, being adjacent to the track,
12 (indiscernible) tracks, etc., are they authorized to be in that
13 area prior to the track being taken out of service?

14 A. Never.

15 Q. All right. No further questions.

16 MR. THOMPSON: Okay. Mr. Bachmeier, do you have anything,
17 sir?

18 MR. BACHMEIER: Yes.

19 BY MR. BACHMEIER:

20 Q. Good morning, Mr. -- Mark.

21 A. How are you?

22 Q. Like on the night in question, on the 14th -- I just want to
23 clear this all up so I can -- I know a couple of guys asked this
24 question already, but -- so -- and I know it's been a while ago --
25 but on the night in question, one flagman, right?

1 A. Correct, from what I recall.

2 Q. Okay. So on the same night, on the 14th, JPC and Skanska
3 holds a pre-briefing at the Camden storage. There is -- is there
4 any representation from PATCO there at the pre-briefing?

5 A. You're talking about the night before?

6 Q. No, the night in question, 14th, they went on duty at 8:30 at
7 Camden storage --

8 A. Okay.

9 Q. -- Skanska and JPC. Was there any PATCO employees at that
10 pre-briefing down below?

11 A. I have no idea. Yes, I don't know. If they held their own
12 briefing, it wasn't to my knowledge.

13 Q. Okay. Okay, so after -- so the one flagman, and we know JPC
14 was working on the bridge on both ends of the bridge. They had
15 one crew on the west end of the bridge, one crew on the east end
16 of the bridge. So one flagman takes care of all that, right? Is
17 that what you're saying? It takes both -- care of both crews?

18 A. No, not typically, no. No, shouldn't be.

19 Q. But that's -- okay, because if they were working on two
20 different work sites that night, they had a crew on the east end
21 and a crew on the west end. My other question is Skanska gets on
22 the track, they talked about -- in their interviews -- they get on
23 the track with their high rails and I think there's a pilot --

24 A. Um-hum.

25 Q. -- associated with that. Flagman and pilot, two different

1 things?

2 A. No.

3 Q. So the flagman could also be used as the pilot --

4 A. So the pilot --

5 (Crosstalk)

6 A. The pilot will pilot --

7 (Crosstalk)

8 A. -- the equipment to the work location and then flag for the
9 contractors.

10 Q. Okay. So on a typical night, when we were interviewing, they
11 talked about how they would be with Skanska and then they'd go
12 back up to JPC. So he'd go between the two work crews, the
13 flagman.

14 A. Not typically, no. You would -- if you have one flagman,
15 they would try to keep him -- in the same general location within
16 isolate.

17 Q. Okay. That's all I got, thank you.

18 MR. THOMPSON: All right. Troy or Joe, either one of you
19 guys have anything more?

20 MR. LLOYD: Yes, I just had some follow-up questions, just to
21 piggyback off of what Mike was saying.

22 BY MR. LLOYD:

23 Q. So, Mark, you're pretty familiar with the PATCO guy that you
24 had working with you, pilot versus flagman. So the pilot, then
25 the flagman, they would be the same persons. Right?

1 MR. THOMPSON: This is Troy Lloyd.

2 MR. PAYAN: Yes. Troy Lloyd, okay.

3 BY MR. LLOYD:

4 A. Yes.

5 Q. Sorry, Mark, it's Troy.

6 A. That's okay, no problem.

7 Q. Okay. So the pilot was also the flagman?

8 A. Yes, typically, yes.

9 Q. So what -- yes, which you can have a different pilot -- you
10 can have a different pilot and a different flagman, which the
11 difference is one is certified as an EIC and training or certified
12 as an EIC, where a flagman doesn't have to be according to the
13 rules.

14 A. No, they wouldn't be certified as an EIC, no.

15 Q. Okay, because I'm looking at --

16 A. They wouldn't be the employee in charge, no.

17 Q. Okay. But they are trained as employee in charge, correct?
18 The pilot?

19 A. No.

20 Q. Okay. Okay, because I'm looking at just, you know, rule
21 number 5, it says track equipment -- PATCO employee safety and
22 operating rule compliance of non-PATCO track equipment operators,
23 and it has some (indiscernible) across the board, it says they're
24 EIC trained, but a flagman is not. Flagman is right of way
25 initial training, then end or right of way recertification as a

1 flag person, but a track equipment pilot has everything, I guess,
2 such as what you would have. Is that correct?

3 A. No.

4 Q. So the policy's wrong?

5 A. I guess. No, the pilot's trained on the characteristics of
6 the line. They're trained on how to get the vehicles to the
7 location safely. They're not trained to be EIC, no.

8 Q. Okay. Because I'm looking at page 8, it says that they're
9 EIC trained. So -- okay, we'll move on --

10 A. No, not that I know of.

11 Q. Going back -- okay, that's fine. So going back to Mr. Shaw's
12 questions and he had some pretty good questions. So just thinking
13 back on what he brought up, contractors are not allowed to enter
14 the right of way unless they get a formal job safety briefing and
15 confirmation of authority that the track's out of service.

16 Correct?

17 A. That's correct.

18 Q. Okay. And so -- what I'm getting at -- so we know that now.
19 How was it the night of the accident, since you said that this is
20 the way we're doing it now, an EIC's going to be on-site,
21 confirming the track's out of service, confirming job safety
22 briefings are being conducted. How is it going to make it
23 forward? Do contractors still know that, hey, I can't do this?
24 EIC doesn't have to be on-site, but we're doing it now. How was
25 it prior to? Because it sounds like there was a difference the

1 way you were doing it yesterday from today.

2 A. Right, slight difference, yes. Like the EIC was the point
3 man. They wouldn't necessarily be on-site, but they would be the
4 point man for the outage.

5 Q. But the contractor still knew that if they didn't get
6 confirmation --

7 A. If they were trained properly, yes, that they should know
8 that they can't enter the track area without permission.

9 Q. Okay. Yes, even though that there was -- sounds like there
10 was some deviation from the PATCO policy that the EIC wasn't on --
11 didn't have to be on-site for the (indiscernible) to being
12 completed or things like that. But now that --

13 A. That didn't mean anything to the contractor. They know not
14 to go -- if they were trained properly, then they know not to go
15 into the track area without permission.

16 Q. Okay. I have no other questions.

17 MR. LLOYD: Mr. Gordon.

18 MR. GORDON: Yes, I've got a few.

19 BY MR. GORDON:

20 Q. So, Matt, just to let you know -- or Mark, sorry --

21 A. That's okay.

22 Q. -- just to let you know, we're looking at the PATCO right of
23 way safety plan with the date of January 5, 2019, so I'm assuming
24 that was the one that was in place at the time of the accident.

25 Right? So per definition, and I don't expect you to know the

1 definitions out of that book right off the top of your head, but
2 would you consider contractors that are going to be working on the
3 right of way to be right of way workers per the definition from
4 the PATCO safety plan?

5 A. Sure, yes, as long as they were trained on the
6 characteristics of the railroad and everything, then, yes, I
7 consider them right of way workers, yes.

8 Q. Okay. And do the flagmen carry a copy of the right of way
9 safety plan on the job site?

10 A. I believe they're supposed to, yes. Everybody's supposed to
11 have their copy of right of way rules.

12 Q. Okay. All right. And this is, I guess, rule number 8 out of
13 the safety plan. It says that roadway workers -- job safety
14 briefing led by the EIC is required to be performed and documented
15 prior to entering the right of way to perform work. So if you're
16 not on scene giving at the time -- you're not on scene giving that
17 safety briefing to those roadway workers prior to them entering
18 the track -- or right of way workers, was that the normal
19 operation at that time? You said things have changed since, but
20 at the time of the accident, it was normal for right of way
21 workers to enter the right of way without a job safety briefing
22 from the EIC?

23 A. No, at the time, yes.

24 Q. Okay. And as an EIC, are you ever responsible for more than
25 one work location? Was that part of the reasoning for the EIC not

1 being at the location? Like, could you be responsible for two
2 separate work locations?

3 A. Yes.

4 Q. Okay. So with the rules change, how are you handling that
5 now? Is that no longer being done, the EIC only has one work
6 location or is it something where you have to --

7 A. Now we have multiple EICs. Basically management doing night
8 shift, yes.

9 Q. Okay. But the night of this accident, there wasn't another
10 work location that you were responsible for? Just this one? As
11 best --

12 A. I believe it was the -- just the one outage, I'm pretty sure,
13 yes.

14 Q. Okay. Switching gears just a little bit, just -- you know,
15 just some of your work as an EIC, are you familiar with the right
16 to challenge? If you get a job safety briefing, somebody's
17 uncomfortable with some aspect of the on-track safety as laid out
18 in the rulebook there, so have you ever -- in your time working as
19 an EIC -- have you ever had an employee challenge the on-track
20 safety being provided?

21 A. Yes.

22 Q. Okay. And you were able to resolve that?

23 A. Sure.

24 Q. And made sure everyone was comfortable before fouling?

25 A. Absolutely.

1 Q. All right, that's all I've got at this time.

2 MR. THOMPSON: Okay. This is Matt Thompson, T-h-o-m-p-s-o-n.
3 So does anybody have anything else you'd like to ask Mr. Thompson?
4 No. Okay. All right, well, our next interviewee's downstairs,
5 but we'll take like five, and so I'll mute for about five minutes,
6 and I'll go rustle up our next interview.

7 MR. PAYAN: All right. Off the record --

8 MR. THOMPSON: All right.

9 MR. PAYAN: -- at 10:12.

10 MR. THOMPSON: Thank you.

11 (Whereupon, at 10:12 a.m., the interview was concluded.)

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CERTIFICATE

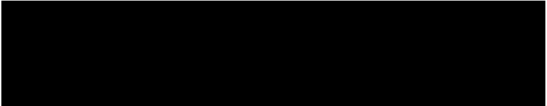
This is to certify that the attached proceeding before the
NATIONAL TRANSPORTATION SAFETY BOARD

IN THE MATTER OF: FATAL PATCO TRAIN ACCIDENT ON THE
BENJAMIN FRANKLIN BRIDGE NEAR
CAMDEN, NEW JERSEY ON OCTOBER 14, 2022
Interview of Mark Thompson

ACCIDENT NO.: RRD23FR001

PLACE: Cherry Hill, New Jersey

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.



Maria Socorro R. Abellar
Transcriber