

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: RAMSES PAGAN, Power and Signals Maintainer
PATCO

Cherry Hill, New Jersey

APPEARANCES:

MATT THOMPSON, Investigator
National Transportation Safety Board

RUBEN PAYAN, Investigator
National Transportation Safety Board

KENNETH BIVENS, Shop Steward
PATCO

DANIELLE DIGIRONIMO, Assistant Area Director
OSHA

TOM THORN, Compliance Officer
OSHA

ROB FINNEGAN, Chief Security and Safety Officer
DRPA

JOE EBLING, Sergeant
DRPA Police

TODD KROPILAK, Program Manager
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DAVE FULLERTON, Safety Director
DRPA and PATCO

WILLIAM SHAW, Director of Power and Signals
PATCO

JOE GORDON, Accident Investigator
National Transportation Safety Board

TROY LLOYD, Investigator
National Transportation Safety Board

PHIL HERBERT, Accident Investigator
Federal Transit Administration

MICHAEL BACHMEIER, Operations Group Chairman
National Transportation Safety Board

I N D E X

<u>ITEM</u>	<u>PAGE</u>
Interview of Ramses Pagan:	
By Mr. Payan	7
By Mr. Thompson	7
By Mr. Lloyd	8
By Mr. Gordon	11
By Mr. Lloyd	13
By Mr. Fullerton	15
By Mr. Finnegan	16
By Mr. Thorn	16
By Mr. Payan	17
By Mr. Herbert	23
By Mr. Shaw	24
By Mr. Gordon	25
By Mr. Lloyd	26

I N T E R V I E W

1
2 MR. THOMPSON: All right, we're all set. Okay. My name is
3 Matt Thompson. I'm the NTSB investigator in charge for this
4 accident. This interview is being held at the Doubletree Hotel in
5 Cherry Hill, New Jersey to conduct the interview with --

6 How do you pronounce your last name?

7 MR. PAGAN: Pagan.

8 MR. THOMPSON: Pagan -- Ramses Pagan, who works for PATCO.
9 This interview is in conjunction with the NTSB's investigation of
10 the PATCO accident in Camden, New Jersey on October 14th, 2022.
11 The NTSB accident number is RRD23FR001. The purpose of this
12 investigation is to increase safety, not to assign fault, blame or
13 liability.

14 Before we begin our interview questions, we'll go around the
15 table, introduce ourselves. Please spell your last name and who
16 you're representing and your title. We'd like to remind everybody
17 to speak clearly so we can get an accurate recording. I'll start
18 off and pass off to my right. Again, my name is Matt Thompson.
19 I'm the investigator in charge with the NTSB. The spelling of my
20 last name is T-h-o-m-p-s-o-n. And go ahead.

21 MR. PAYAN: My name is Ruben Payan. I'm also an investigator
22 with the NTSB out of Washington. And your representative, please?

23 MR. BIVENS: My name is Kenneth Bivens. Signal maintainer
24 and I'm also shop steward.

25 MR. THOMPSON: Can you spell your last name?

1 MR. BIVENS: I'm sorry, last name is B as in Boy, I, V as in
2 Victor, I, N as in Nancy, S as in Sam.

3 MR. PAGAN: Ramses Pagan, power and signals maintainer. Last
4 name P-a-g-a-n.

5 MS. DIGIRONIMO: Danielle DiGironimo, Assistant Area Director
6 with OSHA, D-i, capital G-i-r-o-n-i-m-o.

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

8 MR. FINNEGAN: Rob Finnegan, F-i-n-n-e-g-a-n. I am the Chief
9 Security and Safety Officer for the Port Authority and PATCO.

10 MR. EBLING: Joe Ebling, E-b-l-i-n-g, Sergeant for the police
11 department investigating the accident.

12 MR. KROPILAK: Todd Kropilak, K-r-o-p-i-l-a-k, Program
13 Manager, NJDOT State Safety Oversight.

14 MR. FULLERTON: David Fullerton, F-u-l-l-e-r-t-o-n, Safety
15 Director for DRPA and PATCO.

16 MR. THOMPSON: Okay. And now we'll go through on Teams here.
17 Mr. Shaw.

18 MR. SHAW: Yes, my name is William Shaw, S-h-a-w. I'm the
19 Director of Line Power -- excuse me -- Power and Signals at PATCO.

20 MR. THOMPSON: Joe.

21 MR. GORDON: Yes, Joe Gordon, G-o-r-d-o-n, Accident
22 Investigator for NTSB.

23 MR. THOMPSON: Troy.

24 MR. LLOYD: Good morning, everybody. My name is Troy Lloyd.
25 The spelling of my last name is L-l-o-y-d. I'm an Accident

1 Investigator for the NTSB.

2 MR. THOMPSON: Mr. Herbert. You're muted.

3 MR. HERBERT: Sorry. My name is Phil Herbert. I'm an
4 Accident Investigator with the Federal Transit Administration.
5 The spelling of my last name is H-e-r-b-e-r-t.

6 MR. THOMPSON: Mike.

7 MR. BACHMEIER: Michael Bachmeier, NTSB, Operations Group
8 Chairman. B-a-c-h-m-e-i-e-r.

9 MR. THOMPSON: Okay. Troy or Joe, did you want to start off?

10 MR. GORDON: Hey, Matt, Troy's going to take the first round.

11 MR. THOMPSON: Okay.

12 MR. LLOYD: And, Mike, do you want to go ahead and just start
13 us off, get a basic understanding of the individual's job
14 responsibility, what he does on a regular basis, what his duties
15 were that night and all that stuff. And we'll follow your suit
16 from there.

17 MR. THOMPSON: Who were you talking to, Troy?

18 MR. LLOYD: What's that again?

19 MR. THOMPSON: Who were you talking to?

20 MR. LLOYD: I was talking to you.

21 MR. THOMPSON: Oh, you said --

22 MR. LLOYD: If you just want to do the opening interview
23 about explaining the guy's roles --

24 MR. THOMPSON: Yes.

25 MR. LLOYD: -- and duties, what he does on a regular basis,

1 what he was responsible for that night, things of that nature.
2 That would open the gate up for the follow-up questions.

3 MR. THOMPSON: Okay. Yes, so just like Troy was asking what
4 you're responsible for and what your duties were that night, and
5 if you could just go through it.

6 INTERVIEW OF RAMSES PAGAN

7 BY MR. PAYAN:

8 Q. Okay, tell us just a little bit history of how long you've
9 been with PATCO, and when you started, and what you do now? Your
10 job description.

11 MR. LLOYD: Yes, thank you.

12 BY MR. PAYAN:

13 A. Power and signals maintainer. I've been with PATCO four
14 years. Job description?

15 Q. Um-hum.

16 A. Switch inspection, power clearance and outage -- taking out
17 outages for contractors.

18 Q. And your territory's the whole railroad or part of it or --

19 A. From Lindenwold to 16th and Locust (ph.).

20 Q. Okay.

21 BY MR. THOMPSON:

22 Q. Okay. And what were you assigned that night of the 14th?

23 A. That night was an outage from Hall to Market on 2.

24 Q. Okay.

25 MR. THOMPSON: And, Troy, anything?

1 MR. LLOYD: Yes, I just want to start off, what's the
2 spelling of the interviewee's last name?

3 MR. THOMPSON: P-a-g-a-n.

4 MR. LLOYD: Okay, pronounced Pagan, right?

5 MR. PAGAN: Pagan.

6 MR. THOMPSON: Pagan.

7 MR. LLOYD: Okay, Pagan, okay.

8 BY MR. LLOYD:

9 Q. All right, Mr. Pagan, my name is Troy Lloyd from the NTSB.
10 The spelling of my last name again is L-l-o-y-d. I just want to
11 start out, thanks for coming this morning. I think this was my
12 idea to do a couple of the re-interviews. They brought me into
13 the process several weeks ago just to assist with the
14 (indiscernible) of the accident in question. But -- so that night
15 -- we'll just go -- you're a maintainer from Atkins (ph.). That
16 means you're certified. You're like a (indiscernible). You're
17 certified to working with switches, all that kind of stuff.
18 Correct?

19 A. That is correct.

20 Q. Okay. So does that also make a maintainer a qualified
21 railway worker protection in charge or an EIC with PATCO?

22 A. The foreman on duty would be the EIC.

23 Q. Okay. So the night of the accident, what was your roles and
24 responsibilities?

25 A. The night in question was -- I was to initiate the taking out

1 of the track from Hall to Market on 2.

2 Q. So does that mean you're the employee in charge for that
3 night?

4 A. Employee in charge would be the foreman on duty.

5 Q. So who was the employee in charge of the night? Who would do
6 -- who would be responsible for taking the track out of service,
7 going to job safety briefings, making sure the contractors are
8 working safe. Who is in charge of that?

9 A. Mark Thompson was the foreman that night.

10 Q. So who was responsible for taking the track out of service?
11 I'm trying to get who was the EIC? PATCO's rules states that you
12 guys have an EIC, an employee in charge. An employee in charge is
13 responsible for any and all responsibilities from railway worker
14 protection, such as job safety briefings, making sure the track's
15 out of service, making sure that the rail power's down. Who would
16 have been the individual responsible for that?

17 A. I would say the foreman on duty.

18 Q. The foreman on duty. Who was that?

19 A. Mark Thompson.

20 Q. So Mark Thompson was the EIC that day. For that night, he
21 would have been responsible for taking the track out of service,
22 going to contractor job safety debriefings, documenting all that
23 stuff. Correct?

24 A. Correct.

25 Q. So Mark Thompson.

1 MR. THOMPSON: Yes, he's up next, Troy.

2 BY MR. LLOYD:

3 Q. And he would have been the EIC for PATCO for that night's
4 work? That's what you're saying, right?

5 A. That's correct.

6 Q. And what would have been your responsibilities for that
7 night?

8 A. Coordinate my location with center and place safeties, verify
9 third rail deenergized.

10 Q. Explain that to me again. So how -- explain that process,
11 because I'm just -- you know, I'm trying to get familiar with
12 PATCO's process, and when reading the roles and responsibilities
13 of -- explain the roles that you would have carried out that
14 night. Talk about thermal power, deenergize and all that stuff.
15 So talk me through that process.

16 A. I would call center tower, say we're in location to start the
17 outage. They would inform us that the power is deenergized. We
18 would test, verify, we'd let center know that it was deenergized.
19 Center would then allow us to place our safeties. I would then
20 place my safeties in that location. Center would let me know that
21 they see the safeties on their board, and then I would relay that
22 information and then she would allow the contractors to go to work
23 -- the dispatcher.

24 Q. Okay. So then correct me if I'm wrong. I got some PATCO
25 people on the floor here, but you just explained to me would be

1 that example of an EIC, an employee in charge, at PATCO was fully
2 qualified to establish protections for workers. That sounds like
3 that's what you did for that night. Correct?

4 A. Well, the EIC is not going to place the safeties and verify
5 outage. He would use his employees to do that, so then you would
6 relay that to the EIC, right?

7 Q. I'll be asking the questions, is what I'm trying to get to
8 the rules here, you know. It says a PATCO employee qualified to
9 establish protection for right of way workers. So it sounds like
10 if I'm verifying the thermal power's deenergized, if I'm making
11 sure the signals are in stop locations, that track's out of
12 service between point A and point B, would that be the EIC's
13 responsibility. That's what I'm trying to get.

14 A. I guess the best way I can say it is the EIC would get the
15 information from the workers in the field that these things were
16 done.

17 Q. Okay. Let me see here.

18 MR. LLOYD: Joe, do you got anything to ask of this --
19 breezing through the roles right now.

20 BY MR. GORDON:

21 Q. Yes, I'm -- so, thank you, Mr. Pagan. Yes, Troy, I think
22 just to kind of put it into context of something that we might be
23 a little bit more familiar with, on system in the nation's
24 capital, right. We got people that place down what's on and
25 verify that the track power's taken down, but they're doing that

1 as a supplement to the EIC, right. So I think, you know, most
2 importantly for me to understand is probably, is Mr. Thompson on
3 beam before anybody goes to work or are you reporting back to
4 Mr. Thompson that the track has been protected and people are able
5 to go to work? How does that work?

6 A. I'm sorry, can you repeat that?

7 Q. Yes, so Mr. Thompson is the EIC. Do you -- you're doing this
8 work in the field. Is -- being in a remote location, is he ever
9 on scene prior to the roadway workers -- the railway workers going
10 to work?

11 A. Right, he's on scene.

12 Q. Okay, all right. So your job is basically to verify to the
13 EIC that this track outage has been protected. You checked the
14 third rail, you made sure power's down. He's good to then view
15 this track as out of service. He can then start the process with
16 the workers, being a contractor worker for a PATCO work crew.
17 Correct?

18 A. Correct, he's using us to verify that all the things have
19 been completed, the third rail's deenergized, safeties are posted.
20 And then once everything has been done by the employees in the
21 field then, you know, then he could take the track out -- or he
22 could let the contractors know.

23 (Crosstalk).

24 Q. Right and then he's giving the job briefing. So the work
25 that you've done to prepare the right of way for their entry is

1 something that he would relay to them in the job briefing before
2 they foul the track?

3 A. To us. He gives us our job briefing.

4 Q. Okay. All right. So the night of the -- or the day of the
5 accident, the -- did you see the contractor -- the bridge
6 contractor employee, prior to them entering the right of way?

7 A. I did not.

8 Q. Okay. Have you worked around that group before that
9 contractor -- have you been a part of this process before where
10 you're working with DID (ph.) to, you know, the track protection's
11 in place before they go to work?

12 A. I have.

13 Q. Okay. From your experience working around them, have you
14 ever seen them enter the right of way prior to receiving that
15 safety briefing from DID?

16 A. I have not.

17 MR. GORDON: All right, Troy, that's what I've got for right
18 now.

19 MR. THOMPSON: Okay.

20 BY MR. LLOYD:

21 Q. Yes, I just want to get back. This is Troy Lloyd, L-l-o-y-d,
22 from the NTSB again. So just a little confused on the job safety
23 briefings. So you said you would go out there and you would
24 verify everything, verify third rail power's down. You would
25 relay that information to the EIC, who would then do a job safety

1 briefing for you guys, correct, from PATCO employees --

2 A. Job --

3 (Crosstalk)

4 Q. -- track out of service. Correct?

5 A. Job safety briefing is done prior to going out on the field.

6 Q. Okay. So who -- is there any type of job safety briefing
7 that's done after the track has been removed from service, third
8 rail power's down, to let the contractors know that you can do
9 this, you can do that, you can't walk here, track's out of service
10 between point A and point B, such as an exclusive track
11 (indiscernible) where I think you guys call in track removed from
12 service rules. So who would discuss that job safety briefing?

13 A. With the contractors?

14 Q. Yes.

15 A. EIC.

16 Q. So the EIC. So he would give you all a separate briefing and
17 then he would get the -- the EIC would get the contractors all
18 together and then that briefing would be done by this Mark -- what
19 was his name?

20 MR. THOMPSON: Thompson.

21 BY MR. LLOYD:

22 Q. Mark Thompson, correct? He was the EIC that night and he was
23 the one that conducted the job safety briefings with the
24 contractors. Correct?

25 A. As far as I know, correct.

1 Q. Okay.

2 MR. LLOYD: Anything else, Joe, that you have?

3 MR. GORDON: Sorry about that, Troy. Can I just pass it
4 around for the parties, to see if anybody has any questions?

5 MR. LLOYD: Yes --

6 MR. THOMPSON: Okay.

7 MR. LLOYD: -- yes.

8 MR. PAYAN: Go around --

9 MR. THOMPSON: Yes, we'll go around the table. Dave.

10 BY MR. FULLERTON:

11 Q. So I think some of the confusion --

12 MR. PAYAN: State --

13 MR. THOMPSON: Spell your --

14 MR. FULLERTON: Dave Fullerton, F-u-l-l-e-r-t-o-n.

15 BY MR. FULLERTON:

16 Q. So, Ram, your own -- the night of the accident, how far did
17 you get in what you need to do to take the track out of service?

18 A. Nowhere.

19 Q. And on other nights and -- so what -- so you talked about
20 safeties. Can you explain what you mean by safeties?

21 A. There's a (indiscernible) in the flag that goes on the
22 wayside signal on either end of the outage. So, you know, a piece
23 of wire with two clamps that tie onto the running rail, and then a
24 red flag.

25 Q. And how do you know where to put those?

1 A. You're taught, experience.

2 Q. Okay.

3 MR. FULLERTON: That's all I have.

4 MR. THOMPSON: Okay. Do you have anything, Todd?

5 MR. KROPILAK: Todd Kropilak, K-r-o-p-i-l-a-k. Nothing.

6 MR. THOMPSON: Okay.

7 MR. EBLING: Joe Ebling, E-b-l-i-n-g. Nothing.

8 MR. FINNEGAN: Rob Finnegan, F-i-n-n-e-g-a-n.

9 BY MR. FINNEGAN:

10 Q. Ram, so just for clarification purposes since it seemed to be
11 not interpreting well, I just want to make sure they understand.
12 So prior to you going out on the field, you're briefed by the EIC.
13 Then once all the steps have been taken in place to take out the
14 track, and all the safety measures and protocols are in place,
15 then EIC would in turn brief with the contractors.

16 A. (No audible response).

17 Q. Thank you.

18 MR. FINNEGAN: Nothing further.

19 MR. THOMPSON: Yes, if you can give audible responses.

20 MR. PAGAN: I'm sorry, that's correct.

21 MR. THOMPSON: Thank you.

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

23 BY MR. THORN:

24 Q. Have you interacted with these gentlemen on the track before?
25 Have you had any issues with them?

1 A. The contractors?

2 Q. Yes.

3 A. I've interacted, no issues.

4 Q. No issues, okay.

5 MR. THORN: That's all.

6 MS. DIGIRONIMO: Danielle DiGironimo, D-i-g-i-r-o-n-i-m-o.

7 BY MS. DIGIRONIMO:

8 Q. How long does that process take for you to set the safeties
9 before the job briefings are given to the contractors?

10 A. It depends on the dispatcher being able to deenergize.

11 Q. Okay.

12 A. So in certain situations, there has to be certain measures
13 that must be taken in order to deenergize the third rail.

14 Q. Okay. On average, would it be a half hour, an hour?

15 A. Less than a half hour on average.

16 Q. Less than a half hour, okay. Thank you.

17 MS. DIGIRONIMO: I have nothing further.

18 MR. THOMPSON: Okay. Do you have anything, Ruben?

19 BY MR. PAYAN:

20 Q. Yes, just to kind of piggyback on -- this is Ruben Payan, P-
21 a-y-a-n, NTSB -- piggyback on what Mr. Finnegan was asking. So
22 when you were going to start your shift for this overtime, or this
23 outage, you had a job briefing with just PATCO people?

24 A. That is correct.

25 Q. Right. Who ran that meeting?

- 1 A. Mark Thompson.
- 2 Q. And do you recall what was discussed at the job briefing?
- 3 A. Top of my head, it's going to be, you know, safeties here,
4 you know, you and Chris go here, Turken (ph.), Gabe (ph.) you go
5 here, and --
- 6 Q. Okay.
- 7 A. -- you know, I was told to call center, you know --
- 8 Q. Okay.
- 9 A. -- to let her know where I'm at or let the dispatcher know
10 where I'm at.
- 11 Q. Okay. And this was done at PATCO facilities?
- 12 A. Correct.
- 13 Q. Not at the bridge?
- 14 A. Lindenwold.
- 15 Q. Okay. And then you departed there and you went to the Camden
16 site or the --
- 17 A. Camden storage.
- 18 Q. -- the Camden storage for the -- for your outage. And then
19 earlier you said you were communicating with central about the
20 outage. Can you expand on that? When did you start talking to
21 them?
- 22 A. You're going to call on your cell phone, where you're at.
- 23 Q. So when you showed up, you called it in and told them you
24 were there?
- 25 A. (No audible response).

- 1 Q. Okay. And then what happened then?
- 2 A. I was told to stand by.
- 3 Q. Stand by, okay. So you asked them if you could take it out,
4 out of service.
- 5 A. Negative.
- 6 Q. Not yet?
- 7 A. Negative.
- 8 Q. So why did they tell you to stand by?
- 9 A. I don't know. You have to ask the dispatcher.
- 10 Q. Okay.
- 11 A. 5348 to center, she said stand by. That was it.
- 12 Q. Okay.
- 13 A. End of conversation.
- 14 Q. Okay. So during a normal outage, you say you're talking to
15 central. When do you talk to the EIC about this outage or that
16 you're already ready to go?
- 17 A. During the job, during the JSY (ph.).
- 18 Q. But when? I mean, after you talk to central and take it out
19 of service, before?
- 20 A. JSY's done before you go to the field.
- 21 Q. The what?
- 22 A. JSY, job safety briefing. That's what you asked, right? Job
23 safety briefing?
- 24 Q. No, no. After the job safety briefing, you go out to the
25 field to your location.

- 1 A. Um-hum.
- 2 Q. And then you mentioned that you call central.
- 3 A. Um-hum.
- 4 Q. And then you coordinate with them for the outage. And then
5 once all your safeties are up, you remove power, your signals are
6 knocked down and everything. How do you communicate that to the
7 EIC or do you communicate that to the EIC?
- 8 A. Phone.
- 9 Q. You phone him? And then how does that happen? You confirm
10 it with central or you just tell the EIC or -- what's the process?
11 I guess that's what I'm asking.
- 12 A. After the track is out?
- 13 Q. After you show up on scene and you call central, and then
14 central gives you permission.
- 15 A. Permission to take the track out?
- 16 Q. Right.
- 17 A. Then I would take the track out.
- 18 (Crosstalk)
- 19 Q. And what exactly does that entail?
- 20 A. Verifying the third rail's deenergized.
- 21 Q. Okay.
- 22 A. Placing a shunt and a flag at the wayside signal.
- 23 Q. Okay. And then do you verify that anywhere afterwards?
- 24 A. I ask center if she sees my shunt.
- 25 Q. Okay. And then what happens?

- 1 A. And then I report that the safeties have been posted.
- 2 Q. To who?
- 3 A. To center tower.
- 4 Q. To -- okay. And then what happens?
- 5 A. And then once the other safeties are posted by the other team
- 6 that's at the other location, then they would let the EIC know
- 7 that the safeties have been posted.
- 8 Q. So walk me through that. How do you know that the other site
- 9 has already been -- the safeties are up?
- 10 A. Because you can hear them saying it over the radio.
- 11 Q. To who?
- 12 A. To center tower.
- 13 Q. Okay. But you use your cell phone, though.
- 14 A. Negative, I use the radio.
- 15 Q. The radio for that, okay. When do you use the cell phone?
- 16 A. When I'm clear of the track area and I'm letting the EIC know
- 17 that all safeties are posted.
- 18 Q. Okay. So your communication with the EIC is on cell phone?
- 19 A. After the track is out --
- 20 Q. Right.
- 21 A. -- or you can use the radio.
- 22 Q. Okay. I'm just trying to get a picture here.
- 23 A. To use your phone, you need to be clear of the track.
- 24 Q. Okay. Is that a PATCO rule or just --
- 25 A. I don't know.

- 1 Q. Just --
- 2 A. Probably it's a smart thing to do.
- 3 Q. Right, I agree. Okay, so you report that you're clear, the
4 other side reports that they're clear. And then who lets the EIC
5 know?
- 6 A. Either team can let the EIC know.
- 7 Q. Okay. Or does he -- is he listening on the same channel
8 when --
- 9 A. He is listening also, yes.
- 10 Q. -- so he might know when both of you call it in?
- 11 A. Um-hum.
- 12 Q. Okay. And then after that, as far as you're concerned, do
13 you see a job -- do you attend a job briefing with the EIC and the
14 contractors?
- 15 A. I do not.
- 16 Q. Do you interact with the contractors at all once your
17 safeties are up?
- 18 A. It depends.
- 19 Q. It depends. Like --
- 20 A. If they need me to go up and verify that the third rail's
21 deenergized --
- 22 Q. Oh, okay.
- 23 A. -- then I'll go up.
- 24 Q. The contractors ask you that?
- 25 A. Sometimes they want to see it.

1 Q. Okay. Yes, it makes sense. Do you ever get assigned to work
2 with a contractor crew?

3 A. Only if I come in as a flagman.

4 Q. Oh, that's a different job, okay.

5 A. Correct.

6 Q. And on this night, you weren't a flagman?

7 A. I was not.

8 Q. Okay. Okay, that makes more sense now, thank you.

9 MR. PAYAN: That's all I have.

10 MR. THOMPSON: Okay. Let's go with -- can you -- Phil, do
11 you want to go? Do you have anything?

12 MR. HERBERT: Sure, yes.

13 MR. THOMPSON: Spell your last name, please.

14 MR. HERBERT: Phil Herbert, H-e-r-b-e-r-t, with the Federal
15 Transit Administration.

16 BY MR. HERBERT:

17 Q. Thanks for coming in to talk with us again. So you were on
18 the New Jersey side of the work zone? Correct?

19 A. Correct.

20 Q. And another guy who was -- I recall talking and hearing it.
21 So I'm going to ask you, could you see the work zone from where
22 you were standing?

23 A. I can see the east end of the work zone.

24 Q. I'm sorry?

25 A. The east end of the work zone.

1 Q. Which is -- is that where the collision occurred? I mean --

2 A. Oh, no, I could not see that.

3 (Crosstalk)

4 A. I could not see that.

5 Q. You couldn't see that.

6 A. No.

7 Q. Could the guy on the opposite side of the bridge see that?

8 A. Negative.

9 Q. No way, okay. So interaction-wise, with the EIC, do you know
10 where the EIC was when those workers entered the track?

11 A. No, I do not.

12 Q. Okay. Did -- who actually gave the contractor the briefing?

13 Was it the EIC or was it the foreman for the contractor?

14 A. Well, that night nobody did because it was never went out.

15 Q. I'm sorry?

16 A. That night, nobody talked to the contractors because the
17 track never went out.

18 Q. Okay. All right. I have nothing further, thanks.

19 MR. THOMPSON: All right.

20 MR. PAYAN: Mr. Shaw.

21 MR. THOMPSON: Yes, Mr. Shaw, do you have anything?

22 BY MR. SHAW:

23 Q. The only thing I have to ask is, Mr. Pagan, you were in place
24 to put up the east end safeties for track outage.

25 MR. THOMPSON: Can you spell your last name, please.

1 MR. SHAW: My name is William Shaw, S-h-a-w.

2 MR. THOMPSON: Thank you.

3 BY MR. SHAW:

4 Q. The only question that I have is that the track outage was
5 never established. Is that correct?

6 A. That is correct.

7 Q. Were you ever given permission to enter the track to post
8 your safeties?

9 A. Negative.

10 Q. Negative. That's all I have to ask.

11 MR. THOMPSON: All right. And let's see, Mike, do you have
12 anything?

13 MR. BACHMEIER: Bachmeier, B-a-c-h-m-e-i-e-r. No questions.

14 MR. THOMPSON: Okay. And how about Joe or Troy, do you guys
15 have anything else?

16 MR. GORDON: Yes, I'll go first. Joe Gordon, G-o-r-d-o-n.

17 BY MR. GORDON:

18 Q. I just have a follow-up, just a general -- getting a general
19 idea of -- you've worked with Mr. Thompson as an EIC in the past.
20 Is that correct?

21 A. Have I worked for Mark Thompson? Yes.

22 Q. Okay. And his job safety briefing -- I think you described
23 one to Ruben -- but basically can you talk a little bit about any
24 concerns with the job, safety briefings that you've received from
25 Mr. Thompson in the past?

1 A. No, no concerns. They're pretty thorough.

2 Q. Okay. And just wanted to ask a question. If you're getting
3 a job safety briefing prior to going out to the right of way and
4 something isn't -- something doesn't sound right as far as proper
5 protection being put in place, do -- is there anything within your
6 rules that would allow you to raise the concern, ask a question?
7 Are you familiar with anything there?

8 A. Yes, we can -- if you feel unsafe, you can stop work.

9 Q. Okay. Have you ever had to do that in the past with the job
10 safety briefing while you've been with PATCO?

11 A. Not in the years I've been with PATCO. I have not.

12 Q. All right, thank you.

13 MR. GORDON: That's all I've got, Troy.

14 BY MR. LLOYD:

15 Q. Yes, so Mr. Shaw asked some -- this is again Troy Lloyd from
16 the NTSB, L-l-o-y-d. Mr. Shaw asked some good questions there,
17 and as a matter of fact those are the same ones I was going to
18 ask, so thank you for that. But just a couple of questions. The
19 accident where it happened was -- is that considered a hotspot
20 area?

21 A. Where the accident actually happened?

22 Q. Yes.

23 A. Yes, that's a -- the red zone. There's a no clearance zone
24 there.

25 Q. Okay. So that would be considered per PATCO rules and the

1 hotspot, I'm assuming?

2 A. Yes, it's got a -- it's got the red paint, which means no
3 clearance.

4 Q. Okay, understood. So contractors, besides PATCO, might come
5 on PATCO property to perform work regularly. They are trained and
6 qualified on PATCO right of way rules as well. Correct?

7 A. As far I know. You can ask the safety director that.

8 Q. Okay. Would that --

9 MR. LLOYD: Could anybody answer that question if contractors
10 that's performing work on PATCO right of way property, if they're
11 trained on right on way safety rules?

12 MR. FULLERTON: Dave Fullerton, F-u-l-l-e-r-t-o-n. I'll
13 answer that. Yes, they are. Every contractor that comes to PATCO
14 to work attends a safety briefing that covers the -- just general
15 rules for safety on the right of way. There's an explanation of
16 the different types of protection. We show them a video produced
17 by the FTA that further explains those rules and other policies,
18 you know, safety policies and other policies of the PATCO and DRPA
19 as well. So, yes, every contractor, before they come to work,
20 they get that training.

21 MR. LLOYD: Okay. So would contractors be allowed to work,
22 let's say, under a train approach warning or traffic protection or
23 individual protection, or are they just exclusively allowed to
24 work under track out of service where they have, you know, the
25 entrances blocked on both ends of the track?

1 MR. FULLERTON: We do not allow lone workers at all. And it
2 would be highly unusual if we let contractors work under traffic
3 protection. We used to use stop and proceeds. We ended that a
4 long time ago. We always start with, you know, assuming we're
5 going to take the track out. That's -- normally we're able to do
6 that if we're using sometimes for small times, you know, small
7 instances where say we have to do a lift and a crane has to swing
8 across an in-service track, we'll use foul time for that. But
9 normally, we're always looking to take the track out of service.

10 MR. LLOYD: Okay, thank you for that. So the track wasn't
11 out of service. They didn't have a briefing, they did
12 (indiscernible) I'm sure, PATCO right of way -- and just looking
13 at the little bit of pictures and stuff -- I'm sure there's a
14 right of way gate that gets you in and out of the property. It's
15 an exclusive right of way, I'm assuming. Correct?

16 MR. FULLERTON: On the bridge at the location, there normally
17 isn't a -- there isn't a fence, per se, there. There's railings,
18 there's the bridge structure. In that specific location, it was
19 originally designed years ago as a trolley station. So there's
20 areas full of pedestrians to walk, there's stairways that go down
21 into a concourse within the bridge structure. And -- but for this
22 project, because there was work that was going to go on on that
23 trolley station section, there was fencing and plywood and other
24 guards put up, specifically to prevent anyone who might be working
25 at that area to just walk onto the tracks.

1 MR. LLOYD: Okay. And the reason why we ask is it's -- so if
2 a contractor doesn't get a job safety briefing, doesn't get
3 authority that the track's out of service, what prevents them from
4 just walking on the track? Is it locked gates, is it this, is it
5 that, I mean, or can I just walk up there and just walk on one, or
6 is there some kind of protection that protects me from just
7 walking out on active tracks?

8 MR. FULLERTON: It's adjacent to a highway, so -- at that
9 location. So to walk onto the tracks, you'd have to, you know,
10 unless the lane was out, you would have to walk up onto the
11 highway, step over the Jersey barrier to get into the track area
12 there. So there's not normally a fence there, but it's not a
13 place where pedestrians are going to be.

14 MR. LLOYD: That's all I have. Do you have anything else?

15 MR. GORDON: Sorry, trying to get off of mute there. Nothing
16 from me.

17 MR. THOMPSON: Okay. Does anybody have anything else? No.
18 Okay. Okay, we'll all unmute when the next one starts, so give us
19 a few minutes here.

20 MR. PAYAN: Oh my bad, I'll get that for you.

21 MR. THOMPSON: Thank you, I appreciate your time, sir.

22 MR. PAYAN: Thank you very much.

23 MR. THOMPSON: And I will --

24 (Whereupon, the interview was concluded.)

25

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 Ramses Pagan

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