

UNITED STATES OF AMERICA

NATIONAL TRANSPORTATION SAFETY BOARD

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Investigation of:

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MULTIPLE FATALITIES TO PATCO

CONTRACTORS ON BENJAMIN FRANKLIN

BRIDGE NEAR CAMDEN, NEW JERSEY

ON OCTOBER 14, 2022

Accident No.: RRD23FR001

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Interview of: JAY WASHINGTON, Flagman  
PATCO

DoubleTree Inn  
Philadelphia, Pennsylvania

Monday,  
October 17, 2022

APPEARANCES:

MICHAEL BACHMEIER, Operations Group Chairman  
National Transportation Safety Board

RUBIN PAYAN, Signal and Train Control Group Chairman  
National Transportation Safety Board

PHILIP HERBERT, Accident Investigator  
Federal Transit Administration (FTA)

ROBERT FINNEGAN, Chief Security and Safety Officer  
Delaware River Port Authority (DRPA)

JOSEPH EBLING, Sergeant  
DRPA Police Department

TODD KROPILAK, Program Manager  
State Safety Oversight  
New Jersey Department of Transportation (NJDOT)

GENE STEWART, Compliance Safety and Health Officer  
Occupational Safety & Health Administration (OSHA)

DAVID TORRES, Union Representative  
International Brotherhood of Teamsters, Local 676  
(On behalf of Mr. Washington)

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I N T E R V I E W

(12:00 p.m.)

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2  
3 MR. BACHMEIER: Good morning. My name is Mike Bachmeier, and  
4 I am the NTSB operations group chairman for this accident. We are  
5 here today, on October 17th at 12 noon in the DoubleTree hotel, to  
6 conduct an interview with Jay Washington, who works for PATCO.  
7 This interview is in conjunction with NTSB's investigation of the  
8 accident near Camden, New Jersey. The NTSB accident reference  
9 number is RRD23FR001. The purpose of the investigation is to  
10 increase safety, not to assign fault, blame, or liability.

11 Before we begin our interview and questions, let's go around  
12 the table and introduce ourselves. Please spell your last name,  
13 who you are a representative, and your title. I'd like to remind  
14 everyone to speak clearly so we can get an accurate recording.  
15 I'll start off and then pass it off to my right.

16 Again, my name is Mike Bachmeier. The spelling of my last  
17 name is B-a-c-h-m-e-i-e-r, and I am the NTSB operations group  
18 chairman for this accident.

19 MR. HERBERT: I'm Phil Herbert, H-e-r-b-e-r-t. I'm with the  
20 Federal Transit Administration. I'm an accident investigator.

21 MR. FINNEGAN: I am Robert Finnegan, F-i-n-n-e-g-a-n, and I  
22 am the chief security and safety officer for the Port Authority.

23 SGT. EBLING: Joseph Ebling, E-b-l-i-n-g. I'm a sergeant  
24 with the DRPA Police, Badge 101.

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

1 manager, NJDOT, State Safety Oversight.

2 MR. STEWART: Gene Stewart, S-t-e-w-a-r-t. I'm with the  
3 United States Department of Labor, OSHA. I'm a compliance safety  
4 and health officer.

5 MR. PAYAN: I'm Rubin Payan, P-a-y-a-n. I'm with the NTSB.  
6 I'm a signal and train control investigator.

7 MR. BACHMEIER: David?

8 MR. TORRES: David Torres, PATCO. I'm a union representative  
9 for Local Teamsters 676.

10 MR. BACHMEIER: Spelling of the last name?

11 MR. TORRES: Torres, T-o-double r-e-s.

12 MR. BACHMEIER: Thank you.

13 MR. WASHINGTON: I'm Jay Washington. Washington is  
14 W-a-s-h-i-n-g-t-o-n. I work for PATCO. I'm in the track  
15 department.

16 MR. BACHMEIER: Okay. Thank you.

17 Jay, do we have your permission to record our discussion with  
18 you today?

19 MR. WASHINGTON: Yes, you do.

20 MR. BACHMEIER: Do you understand the transcripts will be  
21 part of the public docket; as such, we cannot guarantee any  
22 confidentiality?

23 MR. WASHINGTON: Yes, I do.

24 MR. BACHMEIER: As we discussed, you have a representative  
25 with you today, Mr. Torres; is that correct?

1 MR. WASHINGTON: Yes, I do.

2 MR. BACHMEIER: Okay. I'd like to ask everyone to clearly  
3 announce your name and title before questioning.

4 Okay, let's proceed.

5 INTERVIEW OF JAY WASHINGTON

6 BY MR. BACHMEIER:

7 Q. Jay, could you give us a synopsis of your work experience  
8 taking us up to your present job, and how long you've been in your  
9 current position?

10 A. I started off at Amtrak, I think back in '98, in the track  
11 department. I came to PATCO, if I'm not mistaken, in 2002. I  
12 worked PATCO and New Jersey -- I'm sorry -- and Amtrak  
13 simultaneously. I think it was PATCO during the day and Amtrak at  
14 night for maybe a year, and then I just fully came over here and  
15 committed. So that's how that came about.

16 Q. So how long you been just with PATCO?

17 A. November will be 20 years.

18 Q. Twenty years. Okay. And on the track side are you a foreman  
19 or are you just -- are you a laborer or --

20 A. I'm a laborer.

21 Q. Laborer. Okay. On the night of incident you were assigned  
22 the flagman, on October 14th?

23 A. Yes, I was.

24 Q. Okay. How many years are -- are you assigned a flag person a  
25 lot?

1 A. The job title's assigned to you unless you choose to work  
2 overtime, and then, you know, you look on a list, you see what you  
3 want, and then you apply for it. And if you have the length of  
4 hours, then the job is assigned to you, you know.

5 Q. Yeah.

6 A. That's how I got the job.

7 Q. Okay. So what is your assignment? Is it Monday through  
8 Friday, 8 to 4, or --

9 A. I work overnight. So mine's is from Sunday to Thursday. My  
10 off days are Friday and Saturday.

11 Q. Okay. And is your nights, is that from --

12 A. Nights is from 10 o'clock at night until 6:30 in the morning.

13 Q. Okay. So as a flagman, have you -- how many times have you  
14 worked the flagman position with contractors on the bridge?

15 A. Often. For over 15 years.

16 Q. Okay. So can you kind of take me through what your -- as a  
17 flagman, what your roles and responsibilities are from the  
18 beginning of the shift until someone tells you that you can have  
19 the track until contractors are done and what you do after they're  
20 done. Take me through the whole process, if you could.

21 A. Okay. As a flagman, first thing we have is, before we even  
22 go out there, we sit there and we talk about what we're going to  
23 do, how we're going to go about it, who's taking out the track,  
24 who you're working with, where they need you at to take, you know,  
25 for them -- with the maintainers. The maintainers are the one

1 taking out the track. Basically I'm there to talk to and find out  
2 who I'll be working with as the contractors and whatever they  
3 need. Like they may need a flagman down on the west end of the  
4 bridge, wherever their work location is, on the east part of the  
5 bridge, but we converse on what's going to go on.

6 Then once you realize -- once we have that established, then,  
7 you know, the maintainers go do their thing and we sit tight until  
8 the track is out. Once the track is out, then, you know, the  
9 maintainers let us know that it's out. We go on the bridge or  
10 wherever they need to go to work at. They confirm that we can go  
11 to work. They talk to Center Tower. Center Tower confirms back  
12 saying that everything they needed to do is done, and they go to  
13 work. We're there to make sure that they're not damaging PATCO  
14 property or -- and they're working in a safe manner.

15 Q. Okay. So do you meet them on the bridge or is there a  
16 central location that you meet the contractors when you're -- I'm  
17 just talking about the bridge right now. Like if they're working  
18 on the bridge, do you meet Skanska or one of their subcontractors  
19 at a designated spot or is there a different spot you meet these  
20 guys, and how do you --

21 A. Well, my job -- you asking about that night?

22 Q. Yep.

23 A. That job there, I was there initially as a pilot. So my job  
24 as a pilot is to take out the work equipment. So I'll meet them  
25 at 4th Street garage, whoever my operator is. Normally one of

1 their foreman is there or he'll be soon to be there. And we hold  
2 tight while they're loading their equipment onto their -- until  
3 the equipment they're loading or whatever they need onto the  
4 trucks. We're going to sit there and wait till the maintainers go  
5 and take the track out, which they're of course in coordinance  
6 with Center Tower. They're going to do their thing. That's  
7 between them.

8 Q. Yep.

9 A. When they're done, they'll let me know, hey, we're done, you  
10 know, you ready to go out? I talk to the foreman or the operator.  
11 They'll say yes. Then I hop in the truck and we'll pull behind  
12 the signal, which is 26 -- it'll be 26RB or 26RBC, whatever track  
13 you're on.

14 Q. Yep.

15 A. And then Center will let us know when it's -- when we can  
16 clear to go out. So we'll go out, we'll switch onto the main  
17 line, and then since they're on track 2, we'll wait till Center  
18 talks to the maintainers, because they (indiscernible) the  
19 switches so we can proceed up the bridge.

20 Once we get up to the bridge, we get to whatever area they're  
21 going to work at. By then, normally one of their foremen will be  
22 hanging, you know, on a catwalk. You know, they'll flag us down;  
23 we'll stop there. Then I listen to the radio. Of course, I've  
24 cleared the signals.

25 Q. Yep.

1 A. I sit there and I wait for the -- one of the, you know,  
2 maintainers to call me up and let them know that the track is out,  
3 power's off, and then he'll call Center at the same time. They'll  
4 confirm all that. And then he'll ask Center if we have permission  
5 to go to work. Center will tell him, yes, we have permission to  
6 go to work. And I'll let you know, the foreman, you guys can go  
7 to work.

8 Q. Okay. And when they're done for the night, when the  
9 contractors are done, how does that take place?

10 A. There again, their foreman will let me know that they're  
11 finished for the night. I ask, are all your men and materials  
12 clear up? They'll say, yeah. I'll go outside. I'll do a walk  
13 around the the truck or the area they were working in, make sure  
14 nothing's in the track area. Once I see that, normally they hop  
15 in their trucks and they're pulling down out-of-service lane. I  
16 look and make sure nobody's around. I hop in the truck and then  
17 we're headed towards the signal so we can get back in, which we  
18 can't do until Center talks to the maintainers so they can have  
19 the tracks, you know, set up for us so we can come in. We'll go  
20 down to 26L. Then we'll wait to get put back into Camden storage.  
21 There again, you got to wait till Center do their thing with the  
22 maintainers to switch the tracks back.

23 Once they give me the go-ahead, I'll go back into Camden  
24 storage, whether it's on south track or the north track. And then  
25 I clear myself by letting Center know that we're back here safely.

1 By that time, I ask if you want the equipment on the rail or off  
2 the rail because, there again, up to their discretion what they  
3 want to do.

4 Q. Yep.

5 A. Once we, you know, determine what they're going to do there,  
6 I'll call Center up and tell them that all men and material are  
7 clear from the track area.

8 Q. Okay. So if I get this right, to get on the track, you're  
9 going to wait for the call from --

10 A. Center Tower.

11 Q. -- Center Tower, after Center Tower hears from the two --

12 A. Maintainers.

13 Q. -- maintainers.

14 A. Whoever's involved in making sure (indiscernible).

15 Q. Yeah. And then you get it.

16 A. Yeah.

17 Q. And then you talk to the contractors?

18 A. Yep.

19 Q. Okay. And then it's just kind of the reverse on the end?

20 A. Yes.

21 Q. Yep. Okay.

22 MR. BACHMEIER: Phil?

23 BY MR. HERBERT:

24 Q. Phil Herbert, FTA. Jay, thanks for coming in today, first.

25 A. Not a -- no problem.

1 Q. So from your description, it sounds like you're kind of  
2 working double duty that night, because you said you were a pilot  
3 but you're also the flagman? Is there --

4 A. Well --

5 Q. Or what's the crossover there?

6 A. Actually, because -- how can I explain? Yeah, I'm a pilot,  
7 but in the same token I'm still responsible for you as the  
8 operator.

9 Q. Okay.

10 A. And I'm -- whoever's wearing equipment, I'm responsible for.  
11 So yes, you're flagging for your -- for the guys you're with.  
12 Yes, you are.

13 Q. Okay. So being a pilot --

14 A. I'm sorry. So it's not double duty. It's --

15 Q. Okay. So being a pilot, were you -- you're talking about  
16 taking equipment up. Are you on a hi-rail or a --

17 A. Hi-rail.

18 Q. Okay. So you're on the right-of-way or on the track going  
19 to the work zone to drop off equipment for the contractors,  
20 whatever they need?

21 A. Yes.

22 Q. If they needed a welder or something --

23 A. It can be the men, because it might be some guys with us, or,  
24 like I say, any equipment. But yes, we're transporting equipment  
25 up there.

1 Q. Okay. And on the night of the incident, did you take men and  
2 equipment up to the worksite?

3 A. Didn't get a chance to.

4 Q. Okay. So it never --

5 A. No.

6 Q. Right.

7 A. No.

8 Q. Okay. In your experience, have you ever -- let me step back  
9 here. As a flagman, are you responsible to see contractors and  
10 make sure that they have proper PPE, that they have flashlights,  
11 that they have safety vests?

12 A. Yes. When they report to wherever we're meeting at, yes,  
13 you'll see that they have their flashlight and their vest on.  
14 Because no one's allowed in the track area without any -- without  
15 the vest on or any of that now.

16 Q. Okay. So on the night in question or the night of the  
17 incident, you didn't observe --

18 A. I didn't see anybody.

19 Q. -- anybody who did not have --

20 A. I didn't see any contractors. In other words, before I  
21 can -- before anything is set off, we get a call from Center Tower  
22 saying, hey, there's a possible strike on the bridge; I need  
23 somebody up there immediately. So before we can get our thing  
24 together, we're gone. You know, because they said we need eyes up  
25 there. So once they -- they didn't care was it the maintainers,

1 me, any PATCO employee, we need you there. That takes precedence  
2 over anything else.

3 Q. Okay. So you never got a chance to see any of these  
4 contractors before this all occurred?

5 A. No.

6 Q. Okay. Have you ever had an occasion where a contracted  
7 employee showed up and didn't have PPE and you had to deny him  
8 access, or her?

9 A. No.

10 Q. That's never happened?

11 A. No.

12 Q. Okay.

13 MR. HERBERT: I'm good. Thanks.

14 MR. BACHMEIER: Robert?

15 MR. FINNEGAN: I have nothing at this time. Thanks.

16 MR. BACHMEIER: Joe?

17 BY SGT. EBLING:

18 Q. Joe Ebling, sergeant, DRPA Police. Who were you with at the  
19 time of the accident?

20 A. Me -- what?

21 Q. Were you with anyone?

22 A. No, by myself.

23 Q. You were by yourself?

24 A. Yes.

25 Q. I know this question was asked already. You said you never

1 had to tell anybody they weren't allowed access without their PPE.  
2 Did you ever see anybody out there that did not -- that was in the  
3 track area when they were not supposed to be --

4 A. No.

5 Q. -- and had to tell them to leave?

6 A. No.

7 Q. So did you meet with -- you said the contractors usually wait  
8 down at the lock down there. What's it called? A layover or --

9 A. Are you talking about Camden storage?

10 Q. Camden storage. The contractors usually meet there, correct?

11 A. I'm a pilot, so my guys are down there, yes, because they're  
12 the ones operating our -- need to be on -- whoever need to be with  
13 their piece is there when I get there, because you need to be with  
14 that piece because that's how you're going up. You're going up on  
15 that piece, so you're with the piece.

16 Q. So with JPC, they have their own trucks and everything?

17 A. Yes, they do.

18 Q. Their procedure is to -- they all meet together, and then how  
19 do they go up on the bridge? Are they supposed to go up there  
20 without you, or does it matter? Are you supposed to take them up?

21 A. Again, I'm a pilot. Whoever's with my piece, you belong with  
22 me. Now, if you have something else you're doing at that time,  
23 then, you know -- what I'm getting at is, I'm a pilot so that's  
24 what I'm doing.

25 Q. So were any of these people working that night with JPC your

1 responsibility?

2 A. Yes, everybody's with us. Yes.

3 Q. They left, and so they went up there without you?

4 A. Yeah, they went up there without me.

5 Q. And you had no knowledge of them going up there?

6 A. No.

7 Q. Do you know who would've told them to go up there?

8 A. No.

9 Q. Did you ever hear any supervisor say, just go up, don't worry  
10 about it?

11 A. No.

12 Q. When I say supervisors I mean either PATCO or JPC or Skanska  
13 or anybody.

14 A. No.

15 Q. For that past week -- so last Monday to the time of the  
16 incident, have you worked out there prior to Friday night?

17 A. Yes, I have.

18 Q. How many nights would you say?

19 A. It's either -- three of us is out there. I actually got a  
20 fourth one now. It's either me or three other guys from PATCO  
21 from track. We'll rotate. Like you'll have it this week, he  
22 might have it the following week. I just happened to have it that  
23 night.

24 Q. It was that week?

25 A. Yes.

1 Q. That night or that that week?

2 A. That -- well, you have the week shift, which I don't do. I  
3 do the weekend. So I'll do the Friday or the Saturday.

4 Q. Okay. How many times -- well, how many times would you say  
5 were up there before the incident?

6 A. That day?

7 Q. No, for that week.

8 A. Not at all that week.

9 Q. So that was your first time up?

10 A. Yes, that week. Yes.

11 Q. Okay. Any idea as to why those guys would have taken those  
12 trucks up there without -- and I want to make sure I get this  
13 right. They're not supposed to go up there unless you drive them  
14 up there? They can follow you up. Is that correct?

15 A. I'm not sure about -- I don't know.

16 Q. Are they allowed to go up there by themselves?

17 A. I don't know about that. I don't -- nobody -- I'm the pilot.  
18 I don't know about all that. You asking too many things I don't  
19 know.

20 SGT. EBLING: I think that's it.

21 MR. WASHINGTON: Okay.

22 SGT. EBLING: Okay. Thanks.

23 MR. WASHINGTON: All right.

24 MR. BACHMEIER: Todd?

25 BY MR. KROPILAK:

1 Q. Todd Kropilak, NJDOT. Initially you said you were a pilot  
2 but then also were going to act as the flag person.

3 A. Yes.

4 Q. Was there an employee in charge?

5 A. Whenever we're there, whoever's assigned to them people, you  
6 become in charge. You're in charge of your men, your equipment in  
7 that area. Any problems, you handle it. If it's somebody not  
8 doing something they're supposed to do, you can call the police  
9 and have them removed if they're not paying attention to your  
10 instructions. Or you can call your foreman up at that time and  
11 they can come out and do what they need to do. But you're in  
12 charge of everything, meaning your equipment and who's connected  
13 to your equipment, you're in charge of that.

14 Q. Okay. For that night, when would a job safety briefing be  
15 performed?

16 A. Beginning of the night we go out.

17 Q. Okay. Would that be when you were -- you said you were  
18 holding for permission to get onto the --

19 A. The normal, the norm is you -- I go to Camden storage to get  
20 on my piece. I'll meet my operator there and whoever's going with  
21 us up on that truck on the hi-railer. Before any of that was  
22 established, we're getting a call that something's happened on the  
23 bridge, we need eyes up there, who's there? I'm here, he's here.  
24 They said, well, we need you up there now. So we go.

25 Q. If you did do a job safety briefing, if you had the time and

1 were able to do it, is it written or is it just verbal?

2 A. For us it's verbal. We explain everything that's going on  
3 or -- just communication, what do you need for me to -- how can I  
4 help you? And you'll explain to me, well, I need to work here at  
5 the summit, I need to work here at the anchorage, this is what  
6 we're doing, da-da-da, dee-dee-dee. And I'll go, okay, well, as  
7 soon as we get, you know, clearance to get out there, you know,  
8 I'll let you know. And then we'll take it from there, go up  
9 there, and let us know how can we get their job done anyway  
10 possible to be safe. But we talk about everything right there.  
11 So, but that didn't get a chance to happen because they had --

12 Q. Okay.

13 A. That had happened.

14 MR. KROPILAK: Nothing else.

15 MR. BACHMEIER: Thanks, Todd.

16 Gene?

17 BY MR. STEWART:

18 Q. Gene Stewart, OSHA. So when you're working on these shifts,  
19 who is normally your point of contact with the subcontractors or  
20 the contractors?

21 A. When you get there, normally their foreman is there. It's  
22 either the foreman or the operator who's going to be operating the  
23 hi-railer. So they become my communication.

24 Q. And do you normally speak with one individual or is it a few  
25 guys from that company?

1 A. I normally speak to -- like, there again, the foreman or the  
2 operator, and anybody who's around, like say, whatever, anybody  
3 else who works for them, they give the direction. So basically,  
4 you're a contractor, if we having this conversation, if he's here,  
5 he's going to hear the conversation. And the operator, I'm going  
6 to talk with him. Now, if he working with you, normally you're  
7 going to relay all that to him because that's your man, right?  
8 You're his boss. I'm not his boss; you're his boss. We had that  
9 conversation.

10 Q. Okay.

11 A. If he's here. But I'm just saying, but if we're all around,  
12 he's going to hear it. But if he's somewhere else, I probably  
13 won't even know he had it; you know.

14 Q. Okay. So you're normally dealing with the foreman that's on  
15 site?

16 A. Yes.

17 Q. Okay. And just for clarification purposes, did you speak  
18 with anybody from any contractors that night prior to the  
19 incident?

20 A. No. No.

21 Q. When you do have the talks with the foremen, do you speak  
22 with them about what your expectations are about, you know,  
23 they'll leave the laydown area prior to me saying that it's okay?  
24 Have you ever had those discussions?

25 A. You have those -- you mean that night or do you mean period?

1 Q. Just in general.

2 A. In general, when I speak to you, if you're the foreman, we  
3 already have a game plan, we're talking about how we're going to  
4 handle it, and basically we already know, and we say it  
5 repeatedly, that we'll let you know when the track is out. So  
6 let's just say you all don't know. When we say track is out,  
7 meaning when the power's off and we have the track outage out so  
8 you can't run the train in on us. And then there's no way you can  
9 know that without talking to me, so -- and until you have that --  
10 and they tell you in the PATCO classes that they have to take, you  
11 go nowhere without your flagman, you do nothing without your  
12 flagman, meaning that we control that area. So you can't do  
13 nothing unless I tell you to, which I didn't say anything because  
14 I didn't see.

15 Q. And just out of curiosity again. So had you observed them in  
16 the standdown area or laydown area prior to you starting your  
17 shift?

18 A. When? That day when I got there, before I can even get out  
19 the truck, the radio's blazing about there's a possible hit or  
20 situation up there in New Jersey anchorage, we need somebody there  
21 now. Who's on the job?

22 Q. Have you ever come across a situation like that before?

23 A. With someone --

24 Q. Where you've gotten a call saying, hey, something went on and  
25 you had -- you're just getting ready to get started?

1 A. When? In my PATCO history?

2 Q. Um-hum.

3 A. You can be called at any time. It's a railroad. Anything  
4 happen on a railroad. It's the nature of the beast. Anything can  
5 happen. It could be an animal got hit; you all go out there and  
6 get it. Kids might have crossed -- came over the gate; somebody  
7 high decided to fall on the tracks because they was -- it's  
8 railroad. You're dealing with the public, so you're going to get  
9 a call anytime.

10 Q. All right. So that being said, what's your first steps when  
11 you get that call? Do you reach out after you've gotten a call  
12 from Central to talk with the foreman or whoever's going to be  
13 assigned to that, that you know you're going to be going up there  
14 with? Do you call them and let them know, say, hey, we got an  
15 interruption, we're stopping for now?

16 A. If there's a interruption at any time and they can't go out,  
17 either way, you have to wait for me. You cannot go out there  
18 without my say-so, and I can't let you out there without Center  
19 say-so. We all work for a railroad. We refer to them as God. If  
20 God don't give us permission, you don't do nothing.

21 Q. Okay. And how -- by what means or method do you communicate  
22 with the contractors? Do you use a radio, phone call, or --

23 A. We do have phone numbers for contractors. Because while  
24 we're conversing, you know, like, say, before a job start, you  
25 introduce who you are and just -- we go, hey, what's -- you know,

1 you swap phone numbers and then you all talk via -- you know,  
2 because we don't have a radio, but we'll talk verbal through the  
3 phone. But either way, it's still some type or point of contact,  
4 you know. So you just don't act on your own. And if you have any  
5 questions, you don't act on your own.

6 Q. So they shouldn't be doing anything without your prior  
7 authorization?

8 A. Exact. Me or one of the maintainers. If a maintainer or I  
9 don't say anything to you, anybody with a PATCO or no insignia on,  
10 no. That's not your railroad.

11 Q. And did you have any text message communications or phone  
12 calls with anybody from the contractors on that day?

13 A. No.

14 Q. Okay.

15 MR. STEWART: No more questions.

16 BY MR. PAYAN:

17 Q. All right. This is Rubin from NTSB.

18 A. How you doing?

19 Q. This is helping out a lot, so thank you.

20 So you report to Lindenwold?

21 A. Yes, to (indiscernible).

22 Q. Okay. And then so that night, on Friday, when you left to go  
23 work, you knew your assignment was going to be flagman?

24 A. Yes.

25 Q. Did you know who --

1 A. Operator/flagman.

2 Q. Operator/flagman. Did you know who you were going to flag  
3 for?

4 A. Yes.

5 Q. And how many people?

6 A. You don't know until you get -- how many people may be there.  
7 You don't -- no, you just -- in my mind, I just know it's the  
8 truck and an operator. You know, anybody added, you don't know  
9 until you get there.

10 Q. Who determines how many flag people or flagmen are needed?

11 A. That's between management and the contractor.

12 Q. Okay. And once you get there, workload-wise, what would you  
13 consider too many people for you to flag for?

14 A. There again, I'm an operator for my piece. And as long as  
15 you're with my piece, it can be three people to five people. As  
16 long as you're in my visual view and you came up with my piece,  
17 I'm fine. Like I can see everybody in this room right now fine.  
18 So it's not a problem.

19 Q. So that's exactly where I was headed. So you as a flag  
20 person, are they required to stay within your sight?

21 A. If you're with me, you're supposed to work with me.

22 Q. Okay.

23 A. You don't get to wander where you want to go. And if you do,  
24 you need to let me know; and if you don't, I'll let you know to  
25 come on back.

1 Q. Gotcha. Okay. So there's no possibility where you're  
2 flagging and there's crews on different sections of the outage,  
3 they're all going to be there within visibility of you?

4 A. Yeah, your group supposed to be with you at all times. If --  
5 excuse me. If you're another flagman and that's your group,  
6 you're responsible for that group. Now if I happen to see  
7 something, I might go, whatever, hey, man, something going on with  
8 your guy. But my guys are my responsibility. So if we all up on  
9 the bridge and we're with my piece, everybody here is -- I'm  
10 responsible for everybody. And, I mean, he may be the supervisor,  
11 the manager, I don't care, I'm going to talk to them to get you  
12 all in line, but he's -- no, if you got a problem, I'm going to  
13 talk to him. If he ain't here, I'm calling for him. And he's  
14 going to walk you off, that's (indiscernible).

15 Q. I see. That sounds good. So you were headed towards -- or  
16 you went to Camden storage, and who was going to be your contact?  
17 Like which -- did you know which foreman you were going to talk  
18 to?

19 A. At that time? No, sometimes the foremen change up, your  
20 operator change up, so you don't really know who's who till you  
21 get there unless they gave you a common courtesy call, go, hey,  
22 I'm not coming in tonight, Dave's going to be foreman tonight.  
23 But you really don't know till you go there. And before I can get  
24 a contact or a point of contact with anybody, the radio's going  
25 crazy.

1 Q. Oh, okay. But normally you would've met up with the foreman?

2 A. Um-hum.

3 Q. And then they would've picked up the contractors for you? Or  
4 he would have -- you would have?

5 A. I would have met up with the foreman and the operator at  
6 Camden storage. And then, yeah, we'll talk about where he needs  
7 to work at, what is he trying to do, and the main thing is when we  
8 getting out of here so we can go to work. And I'll let him know,  
9 well, as soon as they finish what they have to do, I'll let you  
10 know.

11 Q. So you're holding there at Camden storage until --

12 A. Holding there at Camden storage.

13 Q. -- until you hear the outage is in place?

14 A. Exactly. Until we have confirmation. I'm right there at  
15 Camden storage.

16 MR. PAYAN: Okay. All right. That helps a lot. Thank you.

17 That's all I have, Mike.

18 MR. BACHMEIER: Okay.

19 BY MR. BACHMEIER:

20 Q. So I want to go back and piggy off of Todd. So when he was  
21 asking about employee in charge, you were the flagman, you were  
22 considered the employee in charge of that work that night? So  
23 you --

24 A. I'm in charge of my group that night. The maintainers, you  
25 know, like I said, they do their thing.

- 1 Q. Yep.
- 2 A. And whatever I need, if they can help assist me, they do.
- 3 Q. Yep.
- 4 A. But for my piece --
- 5 Q. Yep, that was you?
- 6 A. Yeah. That's right. My piece never made it out.
- 7 Q. Okay. Yep.
- 8 MR. BACHMEIER: Phil?
- 9 MR. HERBERT: Yeah, real quick.
- 10 BY MR. HERBERT:
- 11 Q. So -- and Rubin touched on it and I just want to -- so you  
12 had or you would've had your group at, let's just say, Camden  
13 anchorage.
- 14 A. Um-hum.
- 15 Q. If there was a group at, say, Philadelphia anchorage or  
16 Market, whatever that is over there -- I don't know.
- 17 A. I gotcha.
- 18 Q. But there was a work group over there. They would have their  
19 own flagman? You wouldn't be working both ends of the bridge?
- 20 A. No. You have -- I work with my group. If this -- no one  
21 should be down there without, you know --
- 22 Q. Right. But what I'm saying is, if there were,  
23 hypothetically --
- 24 A. They need to get off.
- 25 Q. Well, but would they be required then to have another

1 flagman?

2 A. Yeah, because we can't see down there. No one should be on a  
3 track without a flagman.

4 Q. Okay.

5 A. You know, no group.

6 Q. So if you had two separate work groups --

7 A. Yeah --

8 Q. -- those two separate work groups would have another flagman?

9 A. Yes.

10 Q. And then you would have your maintainers at either end to  
11 ensure the closure of the work zone safety?

12 A. Yes.

13 Q. Okay. Good. Thank you.

14 A. Okay.

15 MR. BACHMEIER: Robert?

16 MR. FINNEGAN: Nothing for me. Thank you.

17 MR. BACHMEIER: Joe?

18 BY SGT. EBLING:

19 Q. Joe Ebling with -- sergeant with the police department. Did  
20 you know where you were supposed to be the flagman at?

21 A. Not at that time. There again, there was no point of  
22 communication for anything -- for any conversation to happen. I  
23 was called to the bridge. For that day, I don't know where we was  
24 going to work at.

25 Q. All right. And just to clarify, when you got there, how long

1 after you got there did that radio call come out that there was an  
2 incident?

3 A. Two minutes, 3 minutes.

4 Q. Okay. Do you know any reason why that group of -- do you  
5 remember how many you were supposed to be in charge of, of the  
6 contractors?

7 A. I don't. We never had a chance to converse.

8 Q. So if there were five, if there were five people there, do  
9 you know of any reason why they would have one group here and  
10 then, you know, 500 yards up they have another group? Because  
11 you're saying they would need two flagmen, right?

12 A. Yeah.

13 Q. Do you know of any reason why that would happen that way,  
14 with just one flagman?

15 A. I don't know what's going on. I just know that I'm with my  
16 group. That's all I know. I'm not sure -- I get an idea what  
17 you're trying to say, but I'm not really --

18 Q. You don't why the contractor would do that?

19 A. No. I don't know. I can't answer them questions.

20 SGT. EBLING: Okay. Nothing else.

21 MR. BACHMEIER: Todd?

22 BY MR. KROPILAK:

23 Q. Todd Kropilak, NJDOT. Just again, being at the Camden  
24 anchorage, so you're waiting. And how normally would you be  
25 contacted by the foreman? So I guess foreman for JPC?

1 A. Normally the foreman doesn't ride up (indiscernible) does.  
2 He'll just -- once, you know, we're on our way, then he'll hop in  
3 his truck and come around. And by the time we get there, we're  
4 meeting simultaneously on the bridge.

5 MR. KROPILAK: Okay. No other questions.

6 MR. WASHINGTON: Because that's how you know where you're  
7 going to work at, because you'll see where he's at. The operator  
8 will stop where the foreman's at. And then that's when you know  
9 that's the area of point that they're going to work. I mean, he  
10 told you that, where he stops at, that's where he want to work at;  
11 that's it.

12 MR. KROPILAK: Okay.

13 MR. BACHMEIER: Gene?

14 BY MR. STEWART:

15 Q. Have you -- Gene Stewart, OSHA. Have you ever participated  
16 in any kind of like joint training with the contractors, by any  
17 chance?

18 A. No.

19 Q. Such as like toolbox talks or just going over what the  
20 require PPE, anything like that?

21 A. Oh, that happens every now and again. They'll have somebody  
22 come from -- they may have a safety guy there and we just happen  
23 to be there and we're listening to what they're telling their guys  
24 there, you know, what they need or what they expect out of them or  
25 whatever.

1 Q. And then how often would you say that might happen?

2 A. Depending on the contractor. Some of them, they go through  
3 it every night; some may go once every other week or month. It  
4 depends on how the contractor is. I guess that's the contract. I  
5 can't answer for them.

6 Q. And to the best of your recollection do you recall when the  
7 last time that type of training occurred?

8 A. With them? No, I can't.

9 Q. Okay. And just the process that when you're getting ready to  
10 go and you've spoken with the foreman and you're getting the crews  
11 together and you're observing how many people are going to go up,  
12 is this ever documented? Do you ever go through and say, okay,  
13 you know, 15 people assigned to you, so like, you know, we're  
14 heading up to this location?

15 A. Us personally? No, we do not.

16 Q. Okay. Have you ever observed the contractors documenting any  
17 of this?

18 A. Some contractors, yes, they have a safety guy out there and  
19 he'll run around getting people's signatures and names, so -- he  
20 says if something happens to you, we know who you are because  
21 you're on this paper. So they know who you are and if, you know,  
22 you have a claim, your name on the paper, you have a claim. So  
23 some contractors do, do that.

24 Q. And have you ever observed anybody from JPC or Skanska  
25 document such?

1 A. No.

2 Q. No? Okay.

3 MR. STEWART: Thank you. No further questions.

4 MR. PAYAN: I don't have any more questions. This is Rubin.

5 MR. BACHMEIER: Okay.

6 BY MR. BACHMEIER:

7 Q. Jay, do you have anything you'd like to add to this  
8 interview?

9 A. Not at this time, no.

10 Q. Is there anything you think could have prevented this  
11 accident?

12 A. Patience. If they would've just -- I guess patient and  
13 stayed in contact with us, no, it wouldn't have happened. So if  
14 they just did what they supposed to, it wouldn't have happened.

15 Q. Yeah. Okay. If we have any follow-up questions, would you  
16 mind if we contacted you?

17 A. No. I'm fine with that.

18 Q. Thank you.

19 MR. BACHMEIER: On behalf of the NTSB and all of us here,  
20 thank you for your time and cooperation coming over here to  
21 interview.

22 MR. WASHINGTON: Okay.

23 (Whereupon, the interview was concluded.)

24

25

CERTIFICATE

This is to certify that the attached proceeding before the

NATIONAL TRANSPORTATION SAFETY BOARD


IN THE MATTER OF:           MULTIPLE FATALITIES TO PATCO  
                                  CONTRACTORS ON BENJAMIN FRANKLIN BRIDGE  
                                  IN CAMDEN, NEW JERSEY  
                                  ON OCTOBER 14, 2022  
                                  Interview of Jay Washington

ACCIDENT NO.:               RRD23FR001

PLACE:                       Philadelphia, Pennsylvania

DATE:                         October 17, 2022

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.

  
\_\_\_\_\_  
Kay Maurer  
Transcriber