



I, Scot Naparstek, have read the foregoing pages of a copy of my testimony given during a follow-up interview stemming from NTSB's investigation of the collision of Amtrak Train 91 with CSX local train F777 on February 4, 2018, in Cayce, South Carolina and these pages constitute a true and accurate transcription of same with the exception of the following amendments, additions, deletions or corrections:

<u>PAGE NO:</u>	<u>LINE NO:</u>	<u>CHANGE AND REASON FOR CHANGE</u>
<u> 5 </u>	<u> 23 </u>	___"Scot" instead of "Scott". Misspelled
<u> 6 </u>	<u> 7 </u>	___"Operations" instead of "Operation". Misspelled
<u> 7 </u>	<u> 8 </u>	___"publishing" instead of "publishment". Wrong word
<u> 7 </u>	<u> 9 </u>	___"may be" instead of "maybe" (two places). Wrong word
<u> 9 </u>	<u> 25 </u>	___"punishment" instead of "punitive". Wrong word
<u> 10 </u>	<u> 5 </u>	___"on" instead of "in". Wrong word
<u> 14 </u>	<u> 23 </u>	___"." instead of "?". Wrong punctuation
<u> 14 </u>	<u> 24 </u>	___"." instead of "?". Wrong punctuation
<u> 15 </u>	<u> 8 </u>	___"rule" instead of "world". Wrong word
<u> 15 </u>	<u> 25 </u>	___"transforming" instead of "transferring". Wrong word
<u> 16 </u>	<u> 19 </u>	"have" instead of "do" (at first do ...have to have, but I...)
<u> 17 </u>	<u> 1 </u>	___ add "for new service" after "request". (missing words).
<u> 17 </u>	<u> 17 </u>	___"on" instead of "in". Wrong word
<u> 19 </u>	<u> 5 </u>	___"cannot" instead of "can". Wrong word
<u> 20 </u>	<u> 1 </u>	___ Add "accident" after "Dupont". Missing word

<u>20</u>	<u>23</u>	__.” instead of “?”. Wrong punctuation
<u>22</u>	<u>7</u>	__”begin” instead of “being”. Wrong word
<u>22</u>	<u>19</u>	__.” instead of “?”. Wrong punctuation
<u>23</u>	<u>8</u>	__”legitimize” instead of “legacy”. Wrong word
<u>24</u>	<u>6</u>	__ Add “experience” after “local”. Missing word
<u>25</u>	<u>8</u>	__”MARK” instead of “MRK”. Wrong word
<u>25</u>	<u>21</u>	__”actually” instead of “actual”. Wrong word
<u>27</u>	<u>15</u>	__.” Instead of “?”. Wrong punctuation
<u>28</u>	<u>7</u>	__”Transportation” instead of “operations”. Wrong word
<u>28</u>	<u>13</u>	__.” Instead of “?”. Wrong punctuation
<u>30</u>	<u>20</u>	__ Add “correct” after “absolutely”. Missing word
<u>31</u>	<u>11</u>	__.” Instead of “?”. Wrong punctuation
<u>31</u>	<u>16</u>	__”indication” instead of “indicating”. Wrong word
<u>33</u>	<u>4</u>	__”ATIC” instead of “ADA”. Wrong word
<u>33</u>	<u>14</u>	”the Boston Consulting Group” instead of “a Boston consulting group”. Wrong name
<u>33</u>	<u>22</u>	__”G&A” instead of “GNA”. Wrong word
<u>34</u>	<u>14</u>	__”Corridor” instead of “quarter”. Wrong word
<u>35</u>	<u>14</u>	__”Council” instead of “Council,”. remove comma
<u>36</u>	<u>18</u>	__”corridor” instead of “quarter” in 2 places. Wrong word
<u>37</u>	<u>2</u>	__ Remove “, A,”. extra word and commas
<u>38</u>	<u>3</u>	__”last new” instead of “next due a”. Wrong phrase
<u>41</u>	<u>15</u>	__”things” instead of “things,”. Remove comma
<u>41</u>	<u>20</u>	__.” Instead of ?. Wrong punctuation

___ 42 ___	___ 15 ___	___ "old" instead of "old,". Remove comma
___ 44 ___	___ 9 ___	___ "I'm" instead of "I". Wrong word
___ 45 ___	___ 22 ___	___ "assessment," instead of "assessment". Add comma
___ 47 ___	___ 3 ___	___ Add "on" after "going". Missing word
___ 48 ___	___ 4 ___	___ " <u>Amtrak this Week</u> " instead of "Amtrak this week". Underline to show it is a publication
___ 49 ___	___ 5 ___	___ "worked" instead of "work". Wrong word
___ 49 ___	___ 9 ___	___ "then" instead of "they're". Wrong word
___ 49 ___	___ 25 ___	___ "corridor" instead of "quarter". Wrong word
___ 50 ___	___ 14 ___	___ "coming" instead of "come". Wrong word
___ 50 ___	___ 15 ___	___ "coming" instead of "come". Wrong word
___ 50 ___	___ 16 ___	___ "personal" instead of "person". Wrong word
___ 51 ___	___ 11 ___	___ Add "me" after "recognize". Missing word
___ 51 ___	___ 22 ___	___ "what" instead of "where". Wrong word
___ 51 ___	___ 25 ___	___ "we" instead of "they". Wrong word
___ 52 ___	___ 14 ___	___ Add "CSI" after "gotten". Missing word
___ 52 ___	___ 15 ___	___ "CSI" instead of "CS". Wrong word
___ 52 ___	___ 17 ___	___ "on" instead of "one". Wrong word
___ 53 ___	___ 1 ___	___ "and a" instead of "in". Wrong word
___ 53 ___	___ 15 ___	___ "." Instead of "?". Wrong punctuation
___ 54 ___	___ 20 ___	___ "plan" instead of "team". Wrong word
___ 55 ___	___ 1 ___	___ "miles" instead of "bios". Wrong word
___ 55 ___	___ 6 ___	___ "." Instead of "?". Wrong punctuation

___ 55 ___	___ 11 ___	___ Remove “and”. Extra word
___ 55 ___	___ 24 ___	___.” Instead of “?”. Wrong punctuation
___ 59 ___	___ 20 ___	___ Remove “an”. Extra word
___ 60 ___	___ 4 ___	___ Remove comma after “above”. Extra punctuation
___ 60 ___	___ 5 ___	___”might” instead of “mean”. Wrong word
___ 60 ___	___ 9 ___	___ Delete “where”. Extra word
___ 64 ___	___ 1 ___	___”I’ve” instead of “I”. Wrong word
___ 67 ___	___ 2 ___	___”recorded” instead of “record” Wrong word
___ 68 ___	___ 15 ___	___ Remove “, A,”. Extra punctuation and word
___ 69 ___	___ 20 ___	___ Remove “an”. Extra word
___ 71 ___	___ 15 ___	___”laying” instead of “line”. Wrong word
___ 76 ___	___ 20 ___	___”behave” instead of “behaved”. Wrong word
___ 78 ___	___ 19 ___	___ Add “liaison” after “safety”. Missing word
___ 78 ___	___ 23 ___	___”with” instead of “in”. Wrong word
___ 80 ___	___ 19 ___	___”then” instead of “that”. Wrong word
___ 80 ___	___ 21 ___	___”have to have” instead of “had to take”. Work phrase
___ 81 ___	___ 9 ___	___”common” instead of “a”. Wrong word
___ 82 ___	___ 19 ___	___”prepared” instead of “proceeding”. Wrong word
___ 82 ___	___ 21 ___	___.” Instead of “?”. Wrong punctuation
___ 82 ___	___ 23 ___	___”prepared” instead of “proceeding”. Wrong word
___ 82 ___	___ 25 ___	___”say” instead of “stay”. Wrong word
___ 83 ___	___ 18 ___	Ad comma after phrase “by the way,”. Missing punctuation
___ 86 ___	___ 23 ___	___”the” instead of “my”. Wrong word

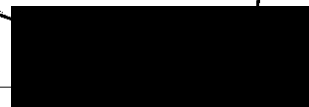
__ 88 __	__ 10 __	__ "SOMC" instead of "SAMC". Wrong word
__ 89 __	__ 14 __	__ Remove "and". Extra word
__ 91 __	__ 6 __	__ "it" instead of "is". Wrong word
__ 92 __	__ 1 __	__ "for" instead of "from". Wrong word
__ 93 __	__ 5 __	__ "Pielli" instead of "Pioli". Wrong spelling of name
__ 95 __	__ 4 __	__ "am empowered" instead of "empower". Wrong word
__ 95 __	__ 8 __	__ "they" instead of "them". Wrong word
__ 97 __	__ 2 __	__ "foul" instead of "follow". Wrong word
__ 97 __	__ 14 __	__ "Pielli" instead of "Pioli". Wrong spelling of name
__ 97 __	__ 14 __	__ remove "who". Extra word
__ 98 __	__ 4 __	__ "additional" instead of "addition". Wrong word
__ 98 __	__ 12 __	__ "the" instead of "then". Wrong word
__ 98 __	__ 21 __	__ "a" instead of "as". Wrong word
__ 99 __	__ 15 __	__ "ACSES" instead of "Access". Wrong word
__ 99 __	__ 20 __	__ "ACSES" instead of "Access". Wrong word
__ 101 __	__ 3 __	__ Add "it" after "felt". Missing word
__ 101 __	__ 5 __	__ 'gave" instead of "did". Wrong word
__ 101 __	__ 8 __	__ Remove "for things". Extra words
__ 104 __	__ 1 __	__ "who" instead of "how". Wrong word
__ 105 __	__ 7 __	__ Remove "but". Extra word
__ 105 __	__ 8 __	__ "." Instead of "?". Wrong punctuation
__ 105 __	__ 8 __	__ "on" instead of "in". Wrong word
__ 105 __	__ 12 __	__ "alert" instead of "alerted". Wrong word

- __105__ __15__ __"Oakridge" instead of "Eugene". Wrong town name
- __105__ __20__ __Remove "it". Extra word
- __105__ __22__ __"by" instead of "in". Wrong word
- __106__ __9__ __"they've" instead of "they" in two places. Wrong word
- __106__ __18__ __"she" instead of "he". Wrong word
- __107__ __5__ __"corridor" instead of "quarter". Wrong word
- __108__ __13__ __"is" instead of "if". Wrong word
- __108__ __13__ __"prequalifying" instead of "prequalified". Wrong word
- __110__ __5__ __"root" instead of "trying". Wrong word
- __111__ __3__ __Remove "not". Extra word
- __111__ __18__ __"MARK" instead of "MRK". Wrong word
- __111__ __18__ __"as" instead of "is". Wrong word

I declare that I have read my statements and that it is true and correct subject to any changes in the form or substance entered here.

Date: April 22, 2019

Witness:





UNITED STATES OF AMERICA

NATIONAL TRANSPORTATION SAFETY BOARD

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Investigation of: *

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COLLISION OF AMTRAK TRAIN #91 AND *

*

A STATIONARY CSX TRANSPORTATION

TRAIN NEAR CAYCE, SOUTH CAROLINA * Accident No.: RRD18MR003

*

FEBRUARY 4, 2018

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Interview of: SCOT NAPARSTEK
Chief Operating Officer
Amtrak

NTSB Headquarters
Washington, D.C.

Tuesday,
March 26, 2019

APPEARANCES:

RICHARD HIPSKIND, Investigator in Charge
National Transportation Safety Board

RYAN FRIGO, Rail Accident Investigator
Operations and System Safety
National Transportation Safety Board

MICHAEL HOEPF, Ph.D., Accident Investigator
System Safety
National Transportation Safety Board

STEVE AMMONS, Director of Train Handling Rules and
Practices
CSX Transportation

THERESA IMPASTATO, Senior Director, System Safety
Amtrak

MARK LANDMAN, Esq.
(Counsel on behalf of Mr. Naparstek)

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I N T E R V I E W

1
2 MR. HIPSKIND: All right, good morning, everybody. My name
3 is Richard Hipskind, and I am the investigator in charge for NTSB
4 for the Cayce, South Carolina accident.

5 We are here today on March 26, 2019, at NTSB's headquarters
6 in Washington, D.C., to conduct an interview with Mr. Scot
7 Naparstek --

8 MR. NAPARSTEK: Very good.

9 MR. HIPSKIND: -- who is Amtrak's Chief Operating Officer, or
10 COO. This interview is in conjunction with NTSB's investigation
11 of a collision of Amtrak Train 91 with CSX Local F777 on April
12 4th, 2019 [sic]. The local was stationary in CSX's silica storage
13 track located in Cayce, South Carolina, and the Amtrak train
14 diverted from the main track into the storage track via a main
15 track switch during a signal suspension. The NTSB accident
16 reference number is RRD-18-MR-003.

17 Before we begin our interview and questions, let's go around
18 the table and introduce ourselves. Please spell your last name
19 and please identify who you are representing and your title. I
20 would remind everybody to speak loudly and clearly enough so we
21 can get an accurate recording. I'll lead off and then pass off to
22 my right.

23 Again, my name is Richard Hipskind. The spelling of my last
24 name is H-I-P-S-K-I-N-D. And I am the investigator in charge for
25 NTSB on this accident.

1 MR. AMMONS: Steve Ammons, A-M-M-O-N-S, CSX Transportation,
2 Director of Train Handling Rules and Practices.

3 MR. FRIGO: Ryan Frigo, F-R-I-G-O, NTSB.

4 DR. HOEPF: Michael Hoepf, H-O-E-P-F, System Safety NTSB.

5 MS. IMPASTATO: Theresa Impastato, I-M-P-A-S-T-A-T-O, Amtrak,
6 System Safety

7 MR. NAPARSTEK: Scot Naparstek, Amtrak, Chief Operating
8 Officer, N-A-P-A-R-S-T-E-K.

9 MR. LANDMAN: Mark Landman -- sorry.

10 MR. HIPSKIND: Mr. Naparstek, do you -- before we begin, do
11 we have your permission to record our discussion, our interview,
12 with you today?

13 MR. NAPARSTEK: Yes, you do.

14 MR. HIPSKIND: And, Mr. Naparstek, do you wish to have a
15 representative with you at this interview?

16 MR. NAPARSTEK: Yes, I do.

17 MR. LANDMAN: And I am Mark Landman, L-A-N-D-M-A-N, and I'm
18 here on behalf of the witness.

19 MR. HIPSKIND: Okay. And Mr. Naparstek, do you mind if we
20 proceed in this interview on a first-name basis?

21 MR. NAPARSTEK: No problem.

22 MR. HIPSKIND: Okay. Thank you for that.

23 INTERVIEW OF SCOTT NAPARSTEK

24 BY MR. HIPSKIND:

25 Q. I know that you participated and provided us a bio -- you

1 participated in the investigative hearing that we held last July,
2 and I know you provided a bio for that and I think you probably
3 have been interviewed before. So in terms of your duties and
4 responsibilities, can you just kind of give us a treetop view of
5 that?

6 A. The real short version, I am the chief operating officer.
7 I'm responsible for operation at Amtrak, essentially the
8 transportation, mechanical and engineering groups report through
9 me, roughly 16,500 or so total employees, which includes a mix of
10 our agreement workforce and non-agreement workforce.

11 In essence, I'm responsible for movement of trains, the safe
12 movement of trains, the customer service and the on-time
13 performance, as well as the infrastructure that Amtrak controls
14 and then rolling stock.

15 Q. Thank you for that. And fair to say, Scot, you are involved
16 in safety?

17 A. Yes, I am.

18 Q. On the track?

19 A. Yes, I am. Absolutely.

20 Q. Okay. We've been informed that Amtrak put a safety
21 management system policy into effect about April 1st, 2018; is
22 that correct?

23 A. That is correct.

24 Q. And I believe I said safety management system. The title of
25 the policy I think they put out was a System Safety Program Plan.

1 MR. HIPSKIND: Did I get that correct, Theresa?

2 MS. IMPASTATO: Yes.

3 MR. HIPSKIND: Okay.

4 BY MR. HIPSKIND:

5 Q. So about that policy, tell me about, were you involved with
6 the development of that policy?

7 A. I was certainly involved with giving input, as well as having
8 a chance to read it before publishment, give insight and my views
9 and any type of adjustment I thought maybe, maybe necessary.

10 I think it was a very collaborative work between the
11 Executive Leadership Team, of which I am a member, which is really
12 Richard Anderson, who's my boss, CEO, his staff, Ken Hylander,
13 who's the chief safety officer, who is really, I think the author
14 of the policy.

15 He worked with the rest of the Executive Leadership Team and
16 we all had the ability to have input and frankly, discussion prior
17 to finalizing the policy. Everybody on the ELT signed the policy
18 and it was actually communicated to the organization from the
19 Executive Leadership Team.

20 Q. Did you get the impression that Mr. Anderson in taking the
21 lead on implementing that type of policy at Amtrak, may have been
22 a result of his experience at Delta Airlines?

23 A. Yes. I would say, not just Delta, but his experiences in
24 general, both Mr. Anderson's, Mr. Hylander's and I think other
25 folks as well who have been -- we have a mix when you look at the

1 executive team of folks who've been at Amtrak for quite a while
2 and folks who've come from either the airline industry or other
3 industries.

4 So I think certainly Mr. Anderson and Mr. Hylander were
5 drivers, but also other folks who have seen other, similar type
6 programs.

7 Q. Well just in general, what are your thoughts about this new
8 effort? It's almost been in effective about a year, maybe not
9 quite a year.

10 A. Holistically, I think it's the right direction to go.
11 Clearly organizationally we needed to, after the various accidents
12 that we've had, it was, I think, important organizationally to
13 take a breath and to say, we need to do things differently and we
14 need to go down a different path, and frankly, we need to change
15 the culture.

16 There's been a series of events. You could go back at any
17 point in time and look at them. And we needed to rethink how we
18 were going about making decisions and how we were going about
19 considering elements.

20 When you look at a SMS process that is heavily based on risk
21 management, hazard identification and then mitigation, it makes
22 perfect sense especially when you look at an Amtrak, which also
23 has a risk management philosophy in terms of how you go about
24 deciding and making decisions on the business.

25 So when we look at, when you look at Cayce for instance, to

1 put in place a process that would cause us to not just do things
2 by rote but to actually question, is this the right way to go? Is
3 this the right way to consider things? Should we be doing
4 something different in terms of how we operate or how we mitigate
5 risk? I think it was, it was absolutely the right direction to
6 go.

7 Inherent in the policy that was put in place is six elements
8 that are really crucial. And I think all six play an important
9 role of where we were, versus where we are today and frankly where
10 I think we continually need to strive for.

11 So the first one being, really setting a declarative
12 statement that we will be the safest railroad, passenger railroad
13 in America, really setting out what's our mission when it comes to
14 safety.

15 We've always said -- I've been at Amtrak for about 7 years
16 and it's always been the message that safety is the most important
17 item. But really in my mind, this formulated a clear objective
18 that every employee can rally around, how do you be the safest
19 passenger railroad in North America.

20 The second element was making it very clear and through
21 various messages and reinforcements, how do you say to employees,
22 if you don't think what you're about to do is safe, stop. If you
23 don't think what your coworker or what any other stakeholder's
24 about to do is safe, stop them. And you're empowered to do so
25 without any potential for punitive.

1 And I can give you an example, and we clearly have sent that
2 message separately. And one of the examples I found that I really
3 agreed with, supported, and I think Richard Anderson, Ken Hylander
4 also were part of, we had a case where we had a conductor, we were
5 running trains in ConnDOT, and it was during a holiday period.
6 And the trains filled, and people were in the vestibules. And we
7 actually had a conductor who asked people to leave the train and
8 say there's a train right behind and I don't feel that it's safe
9 to operate this train. And actually the way we found out about it
10 was that the radio media in Connecticut were actually critical of
11 our conductor for this.

12 And rather than actually send out a punitive message, and the
13 message back from the executive team to the organization, the
14 conductor describing it and saying this was the exact right thing
15 to do because it was the right safety decision. Maybe not the
16 right or the best, you know, for the radio media, or whoever from
17 a -- but we put safety ahead of even customer service at that
18 point, saying, it wasn't safe and the conductor who's in charge of
19 that train didn't feel so, we have to support their decision, and
20 frankly, always be thinking about what's safe first. So there's
21 example in my mind of the second point.

22 Third point, clearly for us to be the leading passenger
23 railroad from safety, we have to go beyond federal regulation. So
24 our goal isn't just to meet federal regulation, but where it's
25 important to, how do we exceed it.

1 Fourth point, how do we use risk mitigation and hazard
2 identification and the acquiring of the data behind it to actually
3 make better decisions? And that does, and there are times even at
4 the Executive Leadership Team as we talk about that and frankly,
5 we get into pretty robust debates now, things that I think a year
6 or 2 years ago we wouldn't have debated as much. So that's seeing
7 that in practice.

8 The fifth, I think guiding part of the principle -- and the
9 sixth gets into the idea of not tolerating reckless behaviors.
10 Now, I have to think for a minute why the fifth one's leaving me.
11 But the fifth point using the hazard data. Oh, I'm sorry. A
12 learning organization. I should know this.

13 But really, if we're going to create a learning organization,
14 we also have to ask people to self-report. And to do that we have
15 to be clear that if somebody is self-reporting, they shouldn't be
16 worried about punitive. They shouldn't be worried about, if I, if
17 I come forward with an issue, I'm going to be in trouble, or my
18 coworker will be in trouble.

19 So it's creating the environment where you can self-report,
20 which supports C3RS and frankly, where we have now -- yeah,
21 there's been years of working with the engineering unions and we
22 finally have a self-reporting system in place that I think both
23 the union and ourselves are comfortable with. And I think that's
24 a result also of the SMS process and frankly some of the history
25 that has led us, some of the unfortunate history that has now led

1 us to the fact that we had, we had to finalize that.

2 And the sixth part, and there was always an issue with
3 accountability and what about the person who just willfully or
4 recklessly ignores safety behavior and we can't tolerate that.

5 And we have to be clear with the organization, I think for
6 importance of being honest with employees that reckless disregard
7 or reckless behaviors won't be tolerated. They will be dealt
8 with. And that is by far the smallest piece of the behaviors you
9 see around safety.

10 So in my mind, when you look at those six principles and you
11 look at the safety policy that leads and is part of the SSPP,
12 clearly if using those as guides, I think will help us in making
13 better decisions around operational decisions and better decisions
14 around safety.

15 Q. So you've been railroading for about how many years now?

16 A. About 7. I actually, my background was more in the
17 automotive and the power distribution world than the railroad
18 world.

19 Q. But in listening to you, even with 7 years, all those years
20 at Amtrak, correct?

21 A. Um-hum.

22 Q. Is this, is this task, this SSPP and all that you just
23 described, is this somewhat of a C change? Is this, are you
24 taking safety to the next level? I mean how do you look at that?

25 A. I mean I think it is taking safety to a different level, a

1 better level. I think it's always been the intent of the
2 organization, whether it was back through the days, behavioral-
3 based safety and Safe-2-Safer to go there.

4 But I think, fundamentally I'm an engineer at heart and when
5 I see a process that utilizes risk management, hazard
6 identification, continuous improvement, coupled with concepts
7 around, how do you, how do you establish a learning organization,
8 which is part of the Just Culture principles, I firmly believe
9 it's the right way to go.

10 Some of my background on my automotive days was team-based
11 work systems and how do you get people involved and how do you
12 create the atmosphere where people really want to go there? And I
13 think people, and I said this at the hearing, and I'll repeat it
14 again here, you can't be a good organization without a good safety
15 culture.

16 They're paramount because an employee can't trust you
17 organizationally as their employer, as their holder of their day
18 to day kind of safety if you're not, if they don't feel that you
19 can be trustworthy there. And I do think this system, this
20 process raises the bar for the organization and frankly, the
21 employees feel it and see it.

22 Q. Well you've kind of led me to the next questions I wanted to
23 ask, which is, so a year into this, Scot, where do you think
24 you're at -- just your opinion -- where do you think you're at
25 with the employees, the crafts in supporting this roll out?

1 A. I think there is -- and I think it's a little bit different
2 for each of the bargaining units, to be very frank. And some of
3 that has to do with where they're starting from.

4 There are some bargaining units that, I think we are less
5 confrontational with, if I use that, than others. So I think it
6 depends. But I think in general, I think there is, there's
7 positive skepticism, if I say that.

8 In the sense, the concern I think the bargaining units have
9 is not making this the flavor of the month, so to speak. And I
10 can go back to some of the prior attempts around Safe-2-Safer
11 where again, I think, I believe behavioral-based safety should
12 always be part of the umbrella because it's all about behaviors
13 and it's all about reinforcing good behaviors, good safe behaviors
14 and it's all about recognizing when you don't have a good behavior
15 and then taking the appropriate action.

16 Now the question is, what's the appropriate action? In a
17 good learning organization, it should only be the barest minimum
18 where the appropriate action is punitive. And what I mean by that
19 is certainly you're back into the definition of what's a reckless
20 or willfulness behavior, but for the most part, if people are
21 trying and they're making mistakes, how do you help them learn?

22 And I think the unions believe in that approach, but what
23 they're skeptic about is let's see if we can maintain it? Let's
24 see if they really mean it? And then, their worry is, so somebody
25 like Ken Hylander or somebody like Scot Naparstek, or somebody

1 like Richard Anderson gets in front of them and says it, that
2 means one thing.

3 But what about John Smith or Joan Smith the supervisor, how
4 are we going to reinforce it at that level? And how do we make
5 sure the message is getting across?

6 Now the more we communicate it, the more we send out that
7 information, and frankly, the more on a day to day basis -- so
8 when an operating world violation occurs, the more we talk about,
9 let's get into whether we've got to punish somebody or not, when
10 frankly, we have these discussions. Let's not worry about the FRA
11 or anything like that.

12 If this is a case where somebody was ignorant of something or
13 this is a case where they made a mistake, how do we coach them,
14 how do we counsel, and in a lot of cases we're talking about, how
15 do we use them to help get a message across to the rest of
16 employees of what you can learn from this?

17 I mean a lot of our discussions -- so I have a call every
18 morning at 8 o'clock, across, with my operations team where we go
19 around, and we always begin that call with safety events, so any
20 rule violation, any safety issue that comes up. And our
21 discussions are about when those happen now, how do we use it as a
22 coaching and learning moment?

23 Where I think 2 years ago, that wouldn't have been the
24 essence of the discussion. So that's some of how we're
25 transferring.

1 But I think the unions are waiting to see cautiously will we
2 continue the trend? At the same time, where we have a couple of
3 incidents that approach reckless behaviors, how do we address this
4 with the union and how do we get them involved?

5 Our goal at this point is to try as much as possible for the
6 union and us to agree. This isn't the normal situation. I think
7 the normal is coaching moments, and once in a while the abnormal
8 occurs, then how do we, how do we help between the two parties
9 understand this may be a little bit more serious and then what is
10 really the right action to take?

11 I mean ultimately, I feel very strongly as a manager, as a
12 senior executive, I've got to do what's safe for my employees, for
13 my customers, but I also have to be open to what does the union,
14 who's representing an employee really believe? And I mean the
15 less confrontation I can have doing it, the better for the
16 organization.

17 At the same time, I can't, I can't alleviate totally my
18 responsibility to the organization, either. So it's a balance we
19 have to do, but I think we can be more open to how we do the
20 balance.

21 Q. Okay. And thank you for that. But Scot, what are -- since
22 the roll out back in April of last year, can you cite some things
23 that you and others who work in your department in just moving
24 trains, operations that you're doing differently than you did for
25 the previous 6 or 7 years?

1 A. Well let's take the request. You know, I think we covered
2 this a little bit at the hearing, but I'll reiterate it as an
3 example because I think it's a good example and it goes right
4 through my vice president of transportation down to
5 superintendents.

6 Folks are not used to Amtrak saying no when a state says,
7 we'd like to run additional service. In fact, our history has
8 been, we figure out how to do it. Sometimes we didn't always I
9 think accurately gauge risk. There was always tremendous
10 pressure, both through various means to do it.

11 Here's a case where what we did differently was follow a true
12 risk mitigation process where we had a process to follow with
13 guidance from the system safety department on how we go analyze.

14 We wanted certain information from the host railroad, which
15 happened to be up in the Maine area. And we said, before we
16 actually conclude we feel comfortable running this, running
17 additional service in the Downeaster, we want to know certain
18 things about track, we want to know certain things about geometry,
19 how signals do or don't work, and they couldn't provide us the
20 information. So we made the decision that we didn't feel
21 comfortable it was safe.

22 I have to be honest, I think that was a learning moment for
23 the organization because that isn't, that wasn't Amtrak's typical
24 response especially to a state customer. Typically we said, let's
25 go figure out how to do it. In this case, we said, in the absence

1 of information we can't be comfortable, we're not going to do it.

2 And I think it was really a clear signal to the organization,
3 we're going to do business different.

4 Other examples, private cars. There's been a lot of
5 controversy around Amtrak and private cars and charter trains.
6 We made some decisions where we didn't say we -- Amtrak has
7 honestly tried to be clear. We're not saying we don't want to run
8 private cars or charters. We just want to run what makes sense to
9 be safe and to be efficient.

10 And what we said, is first of all, we don't run on -- if we
11 don't, if we're being asked to run a charter over territory that
12 we are not, we normally don't run, it makes in our mind, that's
13 exceeding our level of safety that we want to take on.

14 So one of the things we said is for us to entertain charters,
15 it has to, the route that we would run has to be over territory
16 that we have people qualified for. So if you're going to ask us
17 to run a charter train, and, you know, one of the ones that we,
18 that became controversial for us was a train, the Christmas trains
19 through the states of New York, et cetera. Those run over routes
20 that we don't typically run over, and we decline.

21 But what really didn't make the attention of folks, is when
22 we declined, we said, we won't run, but if you're willing to work
23 with us to come up with routes that would run on territory we
24 normally run on, we'd be happy run them. And frankly, they wanted
25 to run the routes they wanted to run.

1 So that's another example where we have changed the business
2 to be safer and we've used, I think the risk mitigation, kind of
3 the logic of the really looking at, what's the, what's the
4 potential severity and what's the likelihood? And where we've
5 raised those above a level, we're comfortable and we can find good
6 mitigation, we've either said, no, or said, we've got to do it a
7 little bit differently and reintroduced the idea of mitigation.

8 Q. Okay. Scot, I know one of the, kind of the key comparative
9 questions that's on our mind, is some of the subject matter you've
10 already just covered in your last response, which is one of, is
11 Amtrak in the last year more dialogued about mitigating risk?

12 And my thought is, well it's pretty hard to mitigate a risk
13 that you haven't identified. So talking around our group, I think
14 we would pose this question to you. Could you talk a little bit
15 about examples of where Amtrak has looked -- if you have -- looked
16 internally on your property?

17 Now that was an excellent example about Maine. But one of
18 our thoughts is, after you talk about what you're doing at Amtrak,
19 we would like to know just a little bit better if you could
20 characterize your outreach with the host railroads?

21 And on that point, and I apologize for throwing so much at
22 you, but it sounded to me like you almost have a template that you
23 apply when you're considering new operations and things of that
24 nature on risk assessment. So could you talk about that for a
25 little bit?

1 A. Yeah. So subsequent to the Dupont, we developed a, where
2 Dupont frankly, we, I was not -- local decisions were made in
3 which the corporate centers, either safety, training were not part
4 of, were not aware of.

5 And after that we put in place a much more rigorous process
6 that said, if we're going to introduce new service, here is the
7 process it has to go through, here's the level, here's the people
8 who have to be involved at a minimum. Here's a minimum level of
9 standard.

10 You can't, you can't go below the minimum. You can only go
11 above it. You have to go through a process, which involves the
12 local experts but also involves folks out of our compliance group,
13 out of our training group, frankly, out of, out of my operations
14 group to say, kind of act as guides using the understanding and
15 really looking at the territory, the characteristics and saying,
16 what really makes sense?

17 I mean I can use an example of how we implemented the
18 services in Roanoke as a counter to what I eventually found when
19 we analyzed what went on in Washington state where much different
20 requirements around training. But we really set, here are our
21 minimum criteria that has to be done.

22 We also introduced as part of the template what can be done
23 around using simulators? Not to replace hands on training, but to
24 really build more muscle memory and frankly, give people an
25 opportunity to train on unusual circumstances that are not always

1 easy to generate on the railroad.

2 So really looking at -- and I think there's still a world of
3 opportunity in the future for investing and getting more simulator
4 training, but really looking though as to, here's a baseline that
5 must be established. And before we implement any new service, it
6 must be signed off by the right people as part of the process as a
7 risk mitigation process that determines what really is the level
8 of risk

9 So whether it's new service or frankly, whether it's signal
10 suspension, you'll also go through some measuring and eventually
11 looking at, if you've got what would eventually fall out as a red
12 or a yellow, what can you do to mitigate it to get it closer to
13 what we would consider a green?

14 Anything that eventually goes to a risk mitigation process
15 that remains in the red, before we would run service, the CEO, the
16 CSO, and the COO have to sign off on it. My vice president of
17 transportation, non-PTC, where we are -- where, as of the deadline
18 of January 1st, where we were not going to be able to run PTC,
19 either because of MTEA or because we had an extension, we went
20 through risk assessments.

21 And each one of those risk assessments was reviewed with
22 folks from a local area in operations. Also reviewed up the chain
23 within operations and also the system safety, the compliance teams
24 were part of them. And we came up with mitigations that are
25 operational, as well as above that, that we felt was what were

1 beneficial to run the route safer. And then certainly some of
2 them, as we bring PTC to bear, PTC becomes the mitigation.

3 An example of the process is we looked at where Amtrak itself
4 has two MTEAs, Post Road in New York and around New Orleans
5 terminal. And as we looked at those processes, we said the safest
6 way to run in the future is PTC itself, why we did mitigations to
7 being with. We're actually actually beginning the design and
8 implementation work to put PTC in both of those areas.

9 So we will remove the MTEAs and run PTC. It's a little ways
10 away because of the integration and et cetera, but we've already
11 begun. We've already provided the funding to make sure that
12 happens.

13 Now in terms of host railroads, you know, what we do -- so we
14 actually also besides new service, we developed a signal
15 suspension process. So when a host railroad tells us that their
16 signals are suspended, there's a collaborative effort between the
17 operations department, the host railroad department may be
18 involved and the system safety department to really look at what's
19 happening? Why? How long?

20 You know, what -- and again, looking at the characteristics
21 and what are the alternatives? We don't just say, so when you
22 look at Cayce, where frankly, we followed the rule of the host, we
23 said, you know, we're going to run under CSX's operating rules.

24 What we learned from the accident is, let's ask more in-depth
25 questions to say, are there other alternatives for us? Should we

1 just not run? Could we bus bridge? Could we run proceeding to
2 stop? Is there an alternative route, though it may take a little
3 bit longer and maybe we have to bus to a few stations? But are
4 there different ways to accomplish it that we think would be
5 safer? So those all become part of the process in terms of the
6 assessment.

7 The idea of having a process is to force us to make sure, and
8 legacy, that we're asking the right questions. To just not, to
9 really failsafe. Again, human error, when you look at trying to
10 develop an SMS system and you say, let's have a Just Culture
11 behind it, you have to accept that human error becomes part of
12 that process.

13 So it's inherent to mitigate against human error. One of the
14 ways to, I think, I feel very strongly to mitigate against human
15 error is set up good robust processes that forces people to
16 consider alternatives.

17 Q. So in all this, whether it's on your property, new service,
18 host railroads with existing agreements, I'm curious to hear your
19 thoughts about this, to identify risk does that mean boots on the
20 ground?

21 A. It means a combination. Boots on the ground I absolutely
22 believe it's important to it because having an understanding and a
23 knowledge of, you know, what you see day in and day out, but it
24 also in my mind is a combination.

25 It can't just be boots on the ground. It also has to be,

1 have you got the right process? It also has to be folks who
2 understand the process, working with the boots on the ground to
3 say have you thought about this? Have you considered that? What
4 about other things that you can see?

5 In other words, I really think the strongest team is a
6 diverse team, which includes people who have local and understand
7 it, but also people who I think have a better understanding of
8 system safety, have a better understanding of risk mitigation and
9 risk management that some of the local folks on the ground may not
10 think about all the time, who are, who are worried about, how do I
11 get a train from A to B, and even may be worried about the
12 customer, per se, right. But they're livelihood is a little bit
13 different. So you have to -- I think it's really the combination
14 of the people.

15 Q. And in all of that, is there an element of analyzing data,
16 historical data?

17 A. Absolutely.

18 Q. Those are, that's part and parcel of --

19 A. It's part and parcel of the risk mitigation and really
20 identifying, from a risk management and a hazard identification, I
21 think looking at historical data to find trends, to find what it
22 can tell you. Is there seasonality involved here? Is there a
23 couple mile that we don't always see? Let me give you an example
24 of I think system safety really drove.

25 So you talk about not having boots on the ground where

1 somebody else can look at. We had recently outside of Baltimore a
2 stop signal violation. Now our number one major operating rule
3 violation cause is stop signal violations.

4 So we actually have a root cause corrective action process
5 that's being run by folks in operation and being guided by the
6 system safety department going through, really trying to take a
7 very critical deep dive.

8 But in the meantime, we had an engineer on MRK service run a
9 stop signal. And, okay, we deal with these all the time, but as
10 other folks in terms of system safety looked at it, they said,
11 wait a minute, this same signal was running, was over run a year
12 ago.

13 So they actually called the operations people into the room
14 and said, let's have a discussion, what's really happened. They
15 talked to the engineer and what they found is, the line of sight
16 to the signal, especially at certain times with the sun wasn't
17 very good. So the question was raised, could we move the signal?

18 Now I've got to be honest, the operations people who deal
19 with the incident, would have moved right on and wouldn't have
20 connected multiple events. But by looking at history and looking
21 at data, we were able to actual see that there might be a trend
22 here that we need to deal with. Let's deal with it before we have
23 another. And eventually that signal got moved. It actually got
24 lowered and put on a, put on a stand. And it's better for the
25 engineer to see now.

1 So that's an example where the boots on the ground working
2 with other, the system safety folks were able to, I think, to put
3 a better correction in place. So that's a living example as to
4 how you can make, how you can kind of make the system work to your
5 advantage.

6 The more we do of those things and the more people see us do
7 things differently, and I think the stronger the organization
8 becomes from it, they see us doing things differently. And I
9 think again, if you're the BLE and you see that, you feel more
10 comfortable that we're really willing to put our money where our
11 mouth is.

12 Q. So you have to be curious, you have to communicate, and half
13 of communication is listening. And you think that helped address
14 that particular problem, that example that you brought up?

15 A. Every one of those was part of it.

16 Q. Okay.

17 A. And I think some tenacity and some passion and some
18 willingness to do things differently.

19 Q. Okay. I want to switch gears and I was asking you earlier
20 about some of the things that you may be doing differently. Do
21 you have your finger in the pie when it comes to rules compliance
22 testing or efficiency testing? Do you get that? Does that bubble
23 up to you?

24 A. You know, the problems bubble up to me.

25 Q. The problems bubble up. Okay.

1 A. Typically if it reaches my level there's, it means there's a
2 bit of concern.

3 Now I see data. So as part of, I co-chair the Executive
4 Safety Committee with Ken Hylander. So certainly I also see data
5 that's systemic around trending, so if we're seeing trends.

6 So where Ken will clearly point out to me and I think folks
7 from system safety will point out to everybody in operations, if
8 we're trending, in other words, if we're seeing rule violations in
9 this area, but all the 1872 data seems to be pointing in another
10 area, I think the system safety has done a very good job over the,
11 you know, my time of pointing out, maybe we need to strengthen how
12 we're doing compliance and rule checks in the areas that are more
13 likely to be issues, as well as how do we get more coaching
14 involved? How do we, how do we send communication to our front-
15 line supervision, that, that's an area to focus on?

16 Q. Do you consider those like leading indicators?

17 A. Absolutely. Another example I'll give you and I think again,
18 giving system safety a lot of credit because this is, I think as
19 we've developed the SMS process, using data is key to the process.

20 So as we've looked at PTC, and now we are, as we, as we put
21 in service, our own on host territory, where we have IETMS,
22 there's a lot of data coming out of that around enforcements and
23 what's happening there.

24 So we saw, when we implemented PTC and IETMS first, we did it
25 on the West Coast, so really with BN and UP. And we started

1 seeing data which said, we were seeing enforcements. We knew all
2 along that culturally the implementation of PTC off-quarter,
3 because we've been running PTC pretty much on-quarter for quite a
4 while. But off-quarter, our engineers were going to go through a
5 learning curve.

6 So we actually formed a committee that included system
7 safety, operations -- so myself, vice president of operations, the
8 PTC implementation manager, people from the compliance team,
9 people from the training team, and members of the BLE. So
10 actually the general chairman and one of the local reps out west
11 that talk about, how do we utilize this data and how do we take
12 it, not from a punitive standpoint, for the educational one so
13 that we can hopefully shorten the learning curve?

14 So we've been using enforcement data and we meet biweekly,
15 and we talk with the union there as to how do we do that. Now we
16 also ran into, frankly, some interesting -- because as the
17 enforcements were happening, you have a host railroad in BN and UP
18 who are very concerned, why are we seeing enforcements? And what
19 we've been monitoring is the number of enforcements.

20 Now the thing is, we've been monitoring it and then we dug
21 into the data. So we were concerned number of enforcements, but
22 which ones of the enforcements also had absolutely zero reaction.
23 In other words, there's a warning that goes on with IETMS and if
24 the engineer wasn't reacting at all, why not?

25 So one of the things we also built in the process then was

1 communication that went into an assistant superintendent that
2 would talk to the road foreman or the train masters involved, so
3 they would actually go have a conversation with any enforcement
4 with the engineer.

5 We made it clear to the BLE and engineers, we weren't going
6 to do this to punish. We're going to do this to educate and
7 learn, or maybe learn and then educate, but so that we could
8 actually shorten the learning curve. The whole goal was how do we
9 shorten the learning curve because we were changing how people
10 operated trains.

11 They were used to running trains a little bit differently and
12 we really wanted to shorten that period, or we would continue --
13 and what we've seen over time is as our PTC miles went up, we saw
14 for a period of time, kind of the learning curve, and you're still
15 seeing the enforcements go up, kind of linear with the number of
16 PTC miles.

17 Then all of a sudden, you see the enforcements, while PTC
18 miles kind of grew then leveled, but you see the number of
19 enforcements come down and I think the last two reports now have
20 shown zero enforcements with zero reaction from the engineers,
21 which is ultimately what we really want to see because they're
22 reacting. They're getting used to the system and they're doing
23 the things they should.

24 Now what we also want to see, continue to see the
25 enforcements. Now in some cases the enforcements were, frankly,

1 hardware or software issues, too. They weren't always engineer
2 issues. But had we not gone and had the conversations, I think we
3 wouldn't have known that.

4 Q. I think I know what you're talking about but let's just talk
5 a little bit about to bring some others along. When we're talking
6 about enforcement, we're talking about the overlayer of the PTC
7 system ensuring that the train is at the proper speed for a curve
8 or for whatever territory that they're traversing?

9 A. Temporary speed restriction, permanent speed restrictions.
10 So basically what enforcement is, the engineer didn't respond in
11 time or in time for the system, and the system went ahead and
12 stopped the train.

13 Q. Okay. And let me, let me make a statement and see if you
14 agree. We've talked about data and data analysis to help us
15 understand where risk might occur. And when you see a spike in a
16 number of enforcements, that tells you, you need to get some
17 people out and see if there's an issue that you can mitigate.

18 A. Right.

19 Q. Correct?

20 A. That's absolutely.

21 Q. And so let's be clear, when we're talking about collecting
22 data, we're talking about a massive amount of data because -- and
23 you correct me if I'm wrong -- it's every train, every day, every
24 where is feeding you data on how did that train and how did that
25 crew perform?

1 A. That's right.

2 Q. So a lot to look at?

3 A. A lot to look at. Part of the process is to kind of sort out
4 the trivial many from the critical few, so what are the few
5 indicators that give you the most information. So when you look
6 at the number of enforcements, that's a critical indicator. So
7 trying to sort down to that.

8 So you may get a lot of data and eventually part of our
9 responsibility is to try to always refine to how do you bring it
10 into a meaningful kind of, how do you really find the true leading
11 indicators?

12 Q. So and I want to be clear that just because there was an
13 enforcement, that didn't mean anything bad happened?

14 A. That's right.

15 Q. It's just you're taking a look at that?

16 A. It's an indicating there may have been something that we need
17 to know and especially as a quantity of enforcement. So what we
18 may find out is there's a problem with the system, right, which
19 means we need to get it fixed because PTC isn't working the way we
20 think it should. Or we may find out that an engineer hasn't been
21 trained correctly or needs additional training.

22 So all those things are part, so now the real goal is we have
23 an indicator of an issue, now how do you go through and do an
24 evaluation to gain more additional information or facts so that
25 you can put the right mitigation in place? And the right

1 mitigation may be coaching. The right mitigation may be a
2 software upgrade. The right mitigation may be many things.

3 Q. So one aspect of the new SSPP is constant improvement, or
4 continuous improvement, I should say?

5 A. Yes, sir. Absolutely.

6 Q. I want to talk -- and I appreciate your comments on
7 efficiency testing. Let me, there's one question I want, I want
8 to get an answer to.

9 You've talked about identifying risk and mitigating them, and
10 sometimes it's analyzing data. Sometimes it's boots on the ground
11 and if you could, Scot, characterize who does all this work? It
12 sounds like it's a lot of work. So one of the things that we've
13 been kicking back and forth is, do you have enough people? Who's
14 helping you get this program implemented to its fullest?

15 A. I think for me being on the operating side, I think the
16 biggest help I get is from the system safety group. You know,
17 when I look at the safety, compliance and training team, certainly
18 they're a big part.

19 Now I think where they get assistance is through our IT and
20 technology group. I think what's critical again is if you go back
21 to, you go back to a Richard Anderson and a Wick Moorman, in my
22 time as COO, clearly the message has been, if it's to do with
23 safety, it's a number one priority.

24 So if we're looking for, how do we, what we need to -- if
25 we're going to look at our technology group or IT group and say,

1 what's the most important? Those things that are safety related
2 go to the top of the list.

3 So as we manage -- and I'm actually part of a team called the
4 ADA team, which is really a committee that meets on a monthly
5 basis with technology to look at their portfolio of activity. And
6 clearly, if we say its safety related -- so if Ken and team say,
7 we need to do something on a program, or we need to work with a
8 host with how we draw information out of IETMS and we need IT
9 support, that goes to the top of the list. So those are all
10 areas.

11 I think there's always a constant evaluation. As part of my
12 responsibility, it's a constant evaluation of what resources do
13 you need. And I'll give an example. We went through a study with
14 a Boston consulting group where they came in and they said, all
15 right, based on best practices, how many folks do you need at the
16 non-agreement level?

17 And we took a look and they made recommendations from that,
18 you know, each of the areas. So I have engineering and
19 mechanical. And this wasn't just for operations. This was across
20 the entire spectrum of Amtrak, you know, as a way to really
21 evaluate both what I would call the direct non-agreement labor, as
22 well as the GNA. And to say, what do you think is the right,
23 where are the right levels?

24 When we look at and it was done, and we had a recommendation
25 around road foreman and train masters specifically and then we had

1 conversations amongst Richard, myself and Ken. We felt that based
2 on the maturity of the organization, for instance, what we needed
3 to do around efficiency testing, though we had a recommendation to
4 go lower, we actually raised the number because we wanted to make
5 sure that as we were going to implement an SMS process, we wanted
6 to make sure we had, we had, we had enough presence and boots on
7 the ground to manage and to supervise and be part of the
8 transformation process. Because in the end, to the employee,
9 who's the most important person they deal with? It's always going
10 to be their manager and supervisor.

11 And we wanted to make sure there was enough presence. We
12 wanted to make sure that if you're an engineer in Montana, or
13 you're an engineer in New Mexico running, or in Florida, that this
14 was not just going to be a quarter-driven process. But this will
15 be across the country and that we had the presence. Because you
16 could see, the great thing about having all this data and
17 information is you have it, but if you don't really do anything
18 with it, it's useless, and frankly, it's more aggravating than
19 anything else, so we wanted to make sure those levels were there.

20 I think we continue and need to do the same across system
21 safety. We have to make sure -- now I'm a big supporter on having
22 both the backroom coverage to help analyze data and look, and I'm
23 also a big supporter that Theresa needs boots on the ground as
24 well, because I need sets of fresh eyes out there to sometimes
25 remind my folks, the men and women who are supervising people,

1 that there's a different way to look at things. That also gets
2 into how we set up safety committees. I think it's very
3 important.

4 When I look at the next, where I think the next area for us
5 to really push the SMS process, we're beginning to formulate
6 SSWG's, System Safety Work Groups, which my engineering lead, my
7 mechanical lead, my transportation lead will run, with guidance
8 from system safety, then those need to be pushing down right to
9 the regional safety councils to how do we really get them to be
10 part of and utilizing the risk mitigation processes because
11 they're going to uncover things that we'll never think about. We
12 really need to free them up to really make a change.

13 And I think that's the next area from an Executive Safety
14 Council, what we need to push. That's a, that's a good area to
15 really start. I think we've built a lot of good building blocks.
16 Now let's take advantage of it.

17 Q. Okay. When it comes to operational testing, efficiency
18 testing, I'm going to assume that Amtrak had some guidelines in
19 place prior to the Dupont, Cayce accidents. How -- has that
20 changed any, the guidelines, or how you look at that now?

21 A. I think we've reinforced certain areas. I probably would
22 suggest it would be better to talk to Justin, who's going to
23 follow me up with the specifics around that.

24 Q. No, that's fine. But let me ask this question and if you
25 want to pass it off to Justin, that's fine. Besides efficiency

1 testing on your property, which, you guys have pretty good control
2 of that. You can put the people out and make observations
3 wherever you want, whenever you want. Correct?

4 A. Um-hum.

5 Q. Let's think about when Amtrak crews are on host railroads,
6 well that's like over 90 percent of where Amtrak runs, it's on
7 somebody else's railroad. What about, what about rules compliance
8 observations there, when Amtrak crews are on another host
9 railroad's property? Do you have any thoughts about that?

10 A. Well we still need to do efficiency testing, we still need to
11 be compliant with our, with our processes and our roles and we
12 need to make sure that's happening.

13 I mean that's why, when you really look at my front-line
14 leadership, and I may be a little bit off on numbers, because I
15 don't want you to take this to the nearest decimal.

16 Q. I know. Understood. Understood.

17 A. But roughly 70 percent of my frontline supervision is off-
18 quarter. It's not on-quarter to handle the size of territory that
19 we have. So --

20 Q. But you would agree, it does take some level of
21 communication, coordination, cooperation with your people who are
22 off corridor to work with host railroads to ensure that Amtrak
23 crews, et cetera are observing rules compliance there?

24 A. Absolutely.

25 Q. On host railroads?

1 A. Yeah. I mean the host, the host do not want us to be non-
2 compliant. It serves them no good, A, from a branding perspective
3 for the railroad industry, but also if we run into an issue and we
4 cause a problem, they can't move freight either.

5 So I don't think it does any of the parties any good for us
6 not to be either compliant or frankly, to feel very comfortable
7 we're as safe as we can be.

8 Q. Okay. I am coming to the close of things that are on,
9 initially on my mind. Some of what we've talked about, again,
10 it's getting out and identifying risk and then mitigating it.

11 And after the Dupont accident, do you have any recollection -
12 - that was an accident where an overspeed in a curve and there
13 might have been some concerns about the recognition of the
14 permanent speed restriction, all that kind of stuff. Did that
15 trigger curiosity on Amtrak's part to say, I wonder if we've got
16 other curves on other railroads in our network where we run, and
17 can you speak to that? Was there any outreach with Amtrak and
18 other railroads, maybe to make some of those assessments? Just,
19 and I'm talking the example we're using is specifically about
20 curves and the speed posted for other curves?

21 A. What I can specifically recall is we went back and we said,
22 over the system, where do we, where do we have any curve, tunnel,
23 bridge that had greater than a 20 mile per hour reduction, in
24 which we should be making sure there's communication occurring
25 between the conductor and the engineer and we went back to make

1 sure.

2 We also went back and frankly, and looked at Roanoke, which
3 was the next due a service to say, was there anything there. And
4 I know the answer was, we didn't find anything there. But we went
5 back through the system to at least look for where did we have
6 curves that should be requiring that and were, they, were they
7 identified? Where there was curves -- it wasn't just curves. It
8 was also bridges, tunnels, I think overpasses.

9 Q. And I'm going to guess that, that kind of a curiosity and
10 investigation into that, that didn't necessarily mean that there
11 had to be boots on the ground on the entire system. Some of this
12 was just data driven, tracked changed, time tables, those kinds of
13 things, right?

14 A. Yes.

15 Q. So that allowed you to do that fairly quickly?

16 A. Yes.

17 MR. HIPSKIND: Okay. Scot, thanks for the conversation.
18 That's all I've got for right now. Ryan, are you ready to pick it
19 up?

20 MR. FRIGO: Yeah, great.

21 BY MR. FRIGO:

22 Q. Scot, thanks for, thanks for being with us this morning. So
23 one of the -- you know, I've unfortunately been involved with
24 several Amtrak accidents over the past, going on 5 years now. And
25 so I've got this chronology in my head about staffing levels

1 within system safety and now they fluctuate over time. And also,
2 you know, I read in April about an introduction of an SMS, but I
3 also know that there has already been an SMS in place to meet
4 Canadian regulations.

5 So I'm hoping that you might be able to clarify some of those
6 elements for me. And maybe we could start with the, with the SMS
7 area. So it's my understanding that Amtrak has to have a safety
8 management system in place in order to operate within Canada. Are
9 you aware of that?

10 A. I am aware that Transport Canada has requirements. I
11 couldn't say that I am the detailed expert on what those
12 requirements are.

13 Q. Okay. Do you know how long that program's been in place or
14 those requirements have been in place?

15 A. I think as long as I've been in place, if not longer.

16 Q. Okay. And maybe those are some questions for Ken.

17 A. And/or Justin.

18 Q. Or Justin maybe.

19 A. And they think they may be more for Justin.

20 Q. Yeah. I didn't know what the operating side and, you know,
21 have in -- you know, all that under your umbrella.

22 A. I'm sorry?

23 Q. With the operating window, you know, with the responsibility
24 for transportation and M of E, and whatnot. So okay, so we'll
25 save that one for later.

1 But, so in post Northfield -- Northfield was a derailment in
2 Vermont, a rock slide derailment, we talked to several Amtrak
3 officials about staffing levels in the safety department related
4 to that accident, and what we saw was a picture of a, of a safety
5 department that was growing, maturing along the lines of preparing
6 for the eventual Part 270 and also a push for a further
7 development of a safety management at Amtrak.

8 And then with the Chester accident, we followed up on some of
9 those same questions and we got a point of a view of a stagnant
10 safety department where there still were existing positions that
11 were unfilled, unmet. And, you know, and then we can move forward
12 into Dupont and post-Dupont, we had some of those same
13 conversations, but we actually saw a decrease in the level of
14 staffing in the safety department. And then with the discussions,
15 we've had at Cayce, it appeared that way as well.

16 And so I'm just wondering, what I, what I heard from some of
17 your answers to Dick's questions, was that SMS needs bodies in
18 order to truly implement and to get the information. So from your
19 prospective as the chief operating officer, how do those two lines
20 up with a decrease in expertise within the system safety group,
21 versus the increasing need for information gatherers within the
22 organization? How does that --

23 A. I can't necessarily address the specific numbers. You know,
24 I think Ken and Justin could do but I would, I'm going to give you
25 my caution as I have the conversation, too. And certainly between

1 Justin, Theresa, Ken, number of bodies and expertise are two very,
2 two distinct things, right? I'd much rather have some people who
3 have the expertise and the passion, who are really good, then
4 three who are mediocre, not very passionate.

5 So I think you have to, you have to be, you have to be open
6 to, you need the right number, but you also need the right skills.
7 And those are not the same discussion. So I just, because I hear
8 the word "expertise,", I wouldn't, I wouldn't put quantity and
9 expertise together. That would be just me as the, having this
10 conversation. I want, I want the right number of right skilled
11 people.

12 I think very adamantly, we need to staff the operation and
13 the safety department for success, starting with safety. So I
14 want to make, I would want to make sure that's happening.

15 And it's a combination of those things, too because you need
16 to have the combination of the boots on the ground with the right,
17 with the right folks. Now truly, I would also pivot for the
18 opinion of Ken, the opinion of Theresa and Justin as to what do
19 they really need. And then under Justin, you also have the
20 compliance and the training groups of what's required there?

21 The answer isn't always the right, the quantity but also the
22 quality.

23 Q. So as of, as of today, the chief safety officer role, is that
24 reporting directly up to the CEO or is that reporting through the
25 operations?

1 A. No. It reports right to the CEO.

2 Q. Are there any other divisions within the system safety group
3 that report through operations, through your group or is it all
4 directly through Ken?

5 A. When you say, the system safety group?

6 Q. Ken's line within the organization.

7 A. Ken has the direct line with Safety. I mean it's impossible
8 in my mind not to say that operations isn't going to be integral
9 to the success of any safety program, because we're the executers.

10 In the end, whatever anybody really wants to get done, we
11 have to execute. So we need to have a very strong relationship
12 with system safety, with compliance and with training. I mean all
13 that is, that is key.

14 Now, there were reasons to have the chief safety officer
15 report directly to the CEO. Some of it is the old, fox in the hen
16 house. Right? There's some importance I think in segregating and
17 being able to feel freer to question, whether it's headcount
18 quantities, or frankly, if it's role interpretation, things of
19 that nature.

20 Also I think organizationally, you know, it gave an
21 opportunity for the CEO to directly weigh in and I think make some
22 very strong statements to the organization that helps support the
23 safety effort for all of us. So, you know, that is a change that
24 I think was good for the organization.

25 Q. And I agree with you. And I think those points that you

1 raise about the fox watching the hen house and the need for the
2 independence of that organization are extremely important.

3 And, you know, we, it was right around, I want to say, it
4 might have been right around the Chester board meeting, I think
5 that's when there was a departure of the chief safety officer at
6 the time.

7 A. Actually it was right after Dupont.

8 Q. Right after?

9 A. Right after the Dupont accident is when the decision was made
10 to establish the chief safety officer position. Up until then
11 there was a vice president of safety, compliance and training
12 reporting to me.

13 Q. Reporting? Okay. So that, so that position prior to then
14 didn't have a direct report to the CEO?

15 A. That's right.

16 Q. And what about prior to 2016?

17 A. Now you're really taxing my -- I don't mean that, I don't
18 mean that bad.

19 Q. I just, I just remember that there was --

20 A. Prior to 2016 there was, it was, it was a chief safety
21 officer title reporting to the COO, reporting to --

22 Q. Reporting to the COO?

23 A. Yeah.

24 Q. Okay.

25 A. Theresa probably has the best history here, but I was

1 actually reporting to the COO as well at that time, as the senior
2 VP of operations. And the CSO was a peer of mine.

3 Q. Okay. Thanks for that clarification. It's just, you know,
4 again, it's, you know, those are just some of the questions that -
5 -

6 A. Yeah. Because I'm trying to remember, the CSO position was
7 established 2014.

8 MS. IMPASTATO: '13.

9 MR. NAPARSTEK: '13. I'm sorry. I probably not supposed,
10 but 2013.

11 MR. LANDMAN: And just, they have the organization charts
12 right here. So that matters.

13 MR. FRIGO: It's more of the timeline.

14 MR. LANDMAN: Sure. Got you.

15 MR. FRIGO: I'm just trying to understand that time.

16 MR. LANDMAN: Yeah. I was just trying to help, but you know.

17 MR. FRIGO: Thanks, Mark. Thank you.

18 MR. LANDMAN: No, no problem.

19 MR. FRIGO: Because it is. It's, you know, I read things
20 that are bolstering SMS and I --

21 MR. LANDMAN: Sure. So --

22 MR. FRIGO: -- hear --

23 MR. NAPARSTEK: But of the change that was made, so after
24 Dupont was when Richard made the decision that we're going to
25 create a CSO reporting right to the CEO. It's not a decision I

1 disagree with. And I think it was the right move to make
2 organizationally. I also think it sent the right message and
3 frankly, I think bringing in a gentleman of the, and I'm going to
4 say pedigree, but I don't mean that just because of credentials,
5 but I think with the background to really drive, I think some
6 specific programs, that some of the changes that we've now seen
7 has been extremely useful for us.

8 BY MR. FRIGO:

9 Q. And the, just sticking with, I just, you know, you said a lot
10 of great things in answering Dick's questions. I just wanted to
11 follow up on few of those elements. So how do you view the role
12 of system safety, of the system safety group within the Amtrak
13 organization?

14 A. I view the role to really be the technical expert. I have an
15 engineering department, I have a mechanical. They are technical
16 experts on infrastructure and on rolling stock.

17 I believe system safety is the technical expert on safety.
18 They need to play that centralizing, that oversight, that real
19 guide, strong collaborator and guider, and they need to work very
20 strongly with the operation department. And not just operations,
21 across all of Amtrak, but when the day is done, the highest risk,
22 if we look at our risk assessment is within operations because,
23 you know, in the end we're running trains, we're carrying
24 passengers, we deal with the infrastructure. When you look at
25 every of the major incidents, it's operations.

1 So I think they need to be a partner at the table with us.
2 There needs to be, as we talked a little bit about some
3 separation, well clearly when it comes to, when it comes to how we
4 advance the safety culture, we have to have meaningful dialogue
5 and eventually we have to have consensus and understanding.

6 We can't go rogue in operations, and I can't expect system
7 safety to create something that we can't deliver. So we really
8 have to work hand in hand.

9 I think there's ample -- so again, some of the improvements
10 that I think have been made. The Executive Safety Council has
11 improved over the years, and frankly, we just had a meeting
12 yesterday that I thought was a really good meeting. We talked
13 about how we move forward with the system safety working groups,
14 how we get the regional councils back engaged. We talked high
15 level and then dig into data where Ken and Theresa and team come
16 forward with a lot of good trend data for us to analyze.

17 One of the improvements that we talked about, what could we
18 do a little bit better? One of the things we talked about is at
19 each Executive Safety Council, let's pick an area that we really
20 dig into to understand what that area is doing on an execution
21 basis so that we can all look at, is it the right things, do we
22 agree? And if not, how do we make adjustments? So I think those
23 are all parts of it.

24 Justin attends on a regular basis my staff meetings, so he
25 has one on one's not just with myself at the meetings, but also,

1 he gets to deal with the chief engineer, the chief mechanical
2 officer, the vice president of transportation to make sure there's
3 communication going.

4 And frankly, it's the opportunity for Justin then to say,
5 hey, we're seeing trend data in the 1872s that says, we've got
6 these issues starting to bubble up. Let's do something about it
7 now.

8 Justin and/or Theresa are on every 8 o'clock call. And I,
9 and I, and I try to refer to them as if they're still part of the
10 team for purposes of execution. Not because I want, I want to
11 break the chain of command, but because it is so important on a
12 day in and day out basis in my mind on the railroad that we have
13 timely communication.

14 So when we go through the safety, the last, the last person I
15 ask is always, whoever's representing safety and compliance and
16 training, what would you like to add? What have we missed? And,
17 you know, we have a lot of discussions then about how do we coach
18 people? How do we go back and make sure we're learning from this
19 event?

20 Q. So then I'm glad you mentioned the coaching example. What
21 about some examples of how this communicating and learning is
22 occurring with middle management and even upper management as it
23 relates to safety?

24 A. So it, you know, it starts with -- I mean there's been a lot
25 of communication, I think increased, both increased and more

1 focused communication from the Executive Leadership Team down
2 through the organization.

3 So how we deliver the safety policy that supports the SSPP
4 was clear communication through Amtrak this week really with a
5 message from Richard about how critical it is and why it's
6 important and some reminders about what happens when we don't
7 follow these things. So I think we've gotten better in terms of
8 that.

9 Then there's clear expectations that there's movement down in
10 the organization from me to my staff, to their staff. And how I
11 can test that is I have monthly operations performance reviews,
12 where my staff and frankly, some of their direct reports on a
13 rotating basis, come in to present what's happening in their
14 organization and I have a chance, everyone of their presentations
15 is expected to start with what's happening in safety. Where are
16 you?

17 And one of the, one of my, one of the goals from my
18 organization in operations is the collaboration with system safety
19 on the implementation of the SMS as well as implementation of PTC.
20 So they are expected to respond on what's happening there.

21 So as we talk about the various events, it gives me a chance
22 then to drill, not just at my vice presidents, but at the AVP
23 level, so what kind of communication and what's happening at the
24 middle management level.

25 Then frankly as I go out on the network, as they go out on

1 the network, as system safety who, there's directors of Safety who
2 partner with my leaders as they go out in the network, what are
3 you hearing and what are you seeing?

4 Clearly the biggest challenge -- I don't care if the
5 organization is ABB where I work, or Cummins where I worked before
6 or Amtrak, and I'm guessing at CSX, how do you know -- I think
7 most leaders want to do the right things -- but how do you know
8 your message is really getting to the frontline supervisor and
9 they're the frontline employee. And some of that is we have to
10 pay attention to what the bargaining units are saying and some of
11 that is going out and talking to folks.

12 Now the other thing we're working on and this gets into Just
13 Culture. In my mind the vision for Just Culture is ideal. It's
14 perfect. It's what we should have tried. But the truth is, we
15 should eventually get to a point where culture and Just Culture
16 are synonymous, right? It needs to just become part of the
17 fabric, not just for safety, but for everything, whether it's how
18 we deal with ethical concerns, how we deal with safety concerns,
19 how we deal with financial concerns. How do you make sure you
20 have a learning organization across the organization?

21 So some of it is testing, as you go out, you talk to people
22 about the general culture. As you do cultural surveys. Right now
23 we're actually doing -- so we have quarterly leadership summits
24 where the, where the top 200, 300 leaders all come together
25 typically it's somewhere around the quarter. And we've been doing

1 this now for about a year and a half. So we've had about four or
2 five.

3 We just had one 3 weeks ago and it was all about culture. It
4 was all about what culture do we want at Amtrak? Well to get into
5 that discussion, we have to talk about what are the values because
6 culture starts with understanding what your values are. Values
7 have, the only way you're going to produce values is then
8 understand the behaviors that drive values and then culture
9 becomes an aggregate of all those behaviors.

10 So starting back kind of from middle senior management on up
11 on what's really important there. Now there's focus groups that
12 are going to include the agreement and the supervisory going on
13 right now to reestablish our values. I mean me personally, when I
14 look at our values come out of standards of excellence, which is a
15 document, come out of the blue print.

16 I have a person bias in this and it's just my bias, but I'm
17 comfortable organizationally. My bias will, I'll have a chance to
18 have a say, but I want all of the employees to have a say as well,
19 that our value statements today are too wordy. To the average
20 agreement employee, when it, you have to read two sentences for a
21 value statement, probably not going to have the right meaning, but
22 if you clearly can say one of our values is safety. I think our
23 actions will define what that means, and it will mean something to
24 somebody. But when you have a two-sentence safety value, I think,
25 I think the average agreement person turns it off.

1 So I'm really happy we're going through doing this because I
2 think it will give us a chance to really reacquaint our
3 organization with the right values, the right behaviors that will
4 drive the right culture. That right culture has to fit hand in
5 glove with what we consider a Just Culture.

6 Q. It's a lot there. It's a lot there. And have you interacted
7 at all with any line employees to solicit feedback on --

8 A. Occasionally.

9 Q. So what's your take on --

10 A. So when I ride a train for instance -- I'll give you an
11 example. I get on certain trains they recognize, and I get to
12 have discussions with certain people, and I get to hear some of
13 what they feel. And a lot of times they want to tell me about
14 their buddy who's done this or something that's going on or they
15 have a question about why are you guys doing this and et cetera?
16 And times when I just appear at a station, I get a chance to talk
17 to people.

18 Q. And what would you say? Have you had any conversations
19 specifically about their thoughts on this direction Amtrak is
20 moving in as it relates to safety?

21 A. I mean, I've had chances to talk to them about safety and
22 where they believe. I think in general people agree with the
23 direction. They agree with the messages. I think, it's what I
24 told Dick, it's, I think it's optimistic skepticism. They want to
25 see if they sustain it. They've heard the same around Safe-2-

1 Safer. And the truth is, as you go out and talk to employees,
2 there are pockets of employees who will tell you Safe-2-Safer was
3 the greatest thing and there are pockets that will tell you it was
4 the worst thing. So it's deciphering through and it's trying to
5 say, here's the message.

6 But it's not about eroding any of that because it's all
7 about, it still is about behaviors. Right? And that's why
8 behaviors are critical. Values become critical because they
9 should guide your behaviors. But behaviors become culture. And
10 it is about, and that's where I have a chance when I talk to them,
11 about how do we have the right safe behaviors? How do we, how do
12 we identify and define them? Now some of them are reinforcing.

13 So this is letting the cat out of the bag. When we, we've
14 gotten, we've hit really high scores. Right now our numbers are
15 trending very positively. Our OTP, customer OTP is up. Our CS --
16 Q. On time performance?

17 A. On time performance. I'm sorry. So our, we measure one-time
18 performance right now using a metric called Customer OTP, which is
19 really all stations OTP, on-time performance, weighted by number
20 of off-boards at that station. We also measure customer
21 satisfaction indexes through surveys, and we have our metrics on
22 safety. All of those numbers are trending positively.

23 So one of the things we're working on in operations is how do
24 we go say thank you to our employees. And we're going to come out
25 with a letter from the operations team that we're just finalizing

1 in kind of a PIN, centered around some of the scores we're seeing
2 because we want to reinforce that our behaviors right now are
3 positive. Let's keep it going.

4 So to me those are some of the things, and those are some of
5 the things the employees ask for. How do we know we're doing the
6 right things? And I think it gets back to trying to break down
7 the barrier. Certainly employees, there's several things that go
8 on.

9 I will have employees who will tell me about how Mark here is
10 a poor performer and why aren't I dealing with him. And I, and I,
11 and a good employee looks at it as a sign of disrespect when you
12 don't deal with that. So you've got to deal with it, but it may
13 not be, go fire him. And I will explain to employees, if I have a
14 conversation with Mark, I don't tell it to the public. Would you
15 want me to do the same for you? So it gives you a chance to talk?

16 But in general it does give me a chance to reinforce, we're
17 doing well right now on safety. Let's talk about why. What are
18 the things we're doing well that we need to reinforce? What
19 messages are you getting? If I hear from employees, they're not
20 getting the message, then that gives me a chance to ask why not.

21 Now I'll give you another example of that. I hold a
22 quarterly all-hands call for ARASA supervision on up in operations
23 where people get on the phone and they can listen in and I'm sure
24 I have a lot of lurkers so to speak. But it gives me a chance to
25 deliver certain messages.

1 And my messages always start with safety and why we need to
2 do it. So after that call, the last time I made some calls to
3 people to say, did you understand the message? And part of, I
4 gave them the responsibility that I wanted every frontline
5 supervisor to go have a conversation with their employees over the
6 next week to discuss certain things that I thought was important
7 for them to get out.

8 So what I found is in a couple of them, when I called them,
9 they didn't know what I was talking about. And what I found out
10 is, they didn't get the invite. As simple as that. So I had to
11 go fix the invitation list for this time around. So some of it is
12 you've got to just pick your time to kind of doing your own pocket
13 audits.

14 Q. So and when you talk about safety metrics, what are those?
15 What do those mean to you, safety metrics as the COO? What are
16 you --

17 A. Well what they mean to me is they give me a guide as to are
18 we, what is happening. Now, there's a list of safety metrics.
19 When you look at, we have six pillars of which our annual
20 operating team is founded under. The first of the six pillars is
21 operations and safety, and probably safety and operations. And in
22 that pillar defines the major, what I consider the major safety
23 metrics. There's underlying metrics and leading indicators.

24 But really, it starts with the customer, a customer index,
25 which says, here's how many incidents per 100 million passenger

1 bios, that we're trying to achieve, which represents roughly a 10
2 percent improvement over, year over year.

3 So you go from there, to you have the FRA reportable rate.
4 You have what we call the SIF, or the SIF or either the serious or
5 significant injury fatality index, which says, was this incident
6 likely to have caused a major incident or not?

7 And then we have the Tier I and Tier II safety index. Tier I
8 is really, at a high level I define it as, is it something that
9 would cause concern from a customer, which is really our Tier I.
10 Our Tier II is really a measure, it's kind of a measure of the
11 major operating and rule violations and looking at them.

12 And then the final metrics that really is kind of the high
13 levels has to do with grade crossing and trespasser strikes. Can
14 we start driving those down? Which, frankly has at times been one
15 of those that people have said, what do you do about them? Well
16 we're really, we wanted to really put a metric in place.

17 I am a believer you are what you measure. So by having
18 metrics and holding people accountable, you'll, you force people
19 to take action. So they're really to drive the right behaviors
20 towards how do we make improvements here? It's not to drive that
21 we don't want people to report. That's what we have to watch out
22 for, right? But how do you make sure what our behaviors and the
23 actions we take are really trying to drive these in positive
24 trends?

25 So I look at the trends. I don't look as much at the number

1 in any given month, as I look for what's the trend, and then is
2 there seasonality that I need to look at. And then I talk to my
3 team about it. And I'm proud of the fact that I think right now,
4 I've got, I've made major changes on my team, and I've been COO
5 for 2 years, and my team has changed dramatically in those 2
6 years.

7 I also, I'm very proud of the fact that I think I've got
8 folks who are very focused on safety. And when I, I talk about
9 three key pillars in operations all the time. It's safety,
10 customer satisfaction and productivity.

11 And I use productivity for financials because I don't want
12 people to think it's only about cutting. It's about, it's about
13 getting more for the same and it's about getting more for more,
14 you know, if you can do that. And I really look at then how are
15 we partnering. So I look at Safety as a key partner. I look at
16 Marketing as a key partner, et cetera. So it's all about driving
17 the right things there.

18 Q. So with the, with that data, just sticking with the data, do
19 you capture any metrics on -- and I don't want to get confused
20 with reportable injuries and that information, but do you track
21 the input that you're receiving from employees, whether it's an
22 observation, a safety concern, a suggestion, but related to
23 safety? Is it, is that captured because that's a way you can
24 measure if the message of your SSPP is truly getting down to the
25 boots on the ground?

1 So is that something that makes it in? I know you mentioned
2 six. I didn't hear that in the six but is that part of, you know,
3 a performance metric that would --

4 A. There's not a, there's not a metric per se that says, all
5 right, what kind of, what are we hearing boots on the ground on
6 up? But one of the things that will always be asked as part of
7 the performance reviews I do on a monthly basis, is what are we
8 hearing? What are the trends? Both, you know, you'll ask it
9 around safety, you'll ask it around customer satisfaction. And
10 we'll ask it around the organization in general.

11 So some of that now, there are folks who do it at a lower
12 level. So when I look at my direct reports, I expect them to have
13 a pulse on -- so I have monthly meetings, one on ones with all my
14 direct reports and that'll be a conversation I'll have as part of
15 that meeting, what's happening culturally within your
16 organization, which starts with safety? So I want to understand
17 what trends are you hearing, what are you seeing?

18 I would expect that between, not just my direct reports, but
19 their reports as you drive down and then as you look at, we've
20 got, we've got directors of safety and we have system safety
21 specialists who are out in the field. What are they hearing?

22 One of the reasons I think the next move for the ESC is
23 really to get kind of, to start driving the system safety working
24 groups into the regional safety councils. That's what they need
25 to understand as well.

1 Q. Okay. Great. And I just want to switch quickly over to the
2 Dupont incident. You know, you mentioned before, you mentioned
3 about Dupont that the, you know, the locals didn't work with or
4 didn't talk to headquarters. And, you know, what, can you, what
5 is that interaction that should have occurred between the Pacific
6 Northwest Division and headquarters, as it related to opening up
7 that service?

8 A. Yeah, the, I mean the interaction there really should have
9 occurred in my mind, should start within the areas of compliance.
10 It means system safety, compliance, training with the local
11 operations people funneling up through the non-local operations as
12 well as to, let's really look at, what's, let's really look at the
13 plan that's now been put in place on how you really do a true
14 analysis.

15 So you identify what's the territory, what are the risks on
16 that territory, what's the right way to run, and what do we need
17 to do to make sure that we're 100 percent certain that our people
18 are ready to run that route? And then that way, if there are
19 barriers that come up, there are barriers in terms of track time,
20 there are barriers in terms of run time, whether we can get night
21 versus day, then it gets raised and bubbled up to the right people
22 to address.

23 Q. So is that something that's now being coordinated between
24 operations, go-between transportation and system safety?

25 A. Um-hum.

1 Q. It is? Okay.

2 A. System safety and I think compliance. When I look at system
3 safety, you've got, you know, underneath Justin, you have, you
4 have three lines. You have system safety, you have compliance and
5 you have training. So I think its system safety, compliance and
6 then based on what they need with the local and the operational
7 folks, what training needs to do to help. But what we really have
8 is, we actually, what we put in place is a requirement that you
9 will follow a process and here's the minimal of the process and
10 you don't walk away from that process.

11 Q. And the process was developed post-Dupont?

12 A. Yes.

13 Q. Okay. And just to touch on the enforcements that you briefly
14 mentioned, do you know, was there, has there been any look at the
15 enforcements that are coming in and the speed limit action plan
16 and how that might --

17 A. I'd probably --

18 Q. -- line up?

19 A. To truthfully, I'd pivot to Ken and Justin to see if they've
20 looked. I haven't looked at that. It's an interesting, now that
21 you bring it up.

22 But we've certainly looked at, when we look at the
23 enforcements, so this is kind of what we looked at too is are we
24 seeing something that you're 5 miles above the posted speed limit
25 or are you 35. And clearly, we're more worried about one versus

1 the other. And both are issues in our mind that need to be, that
2 need to be either coached or counseled or whatever.

3 But if we're seeing where somebody's running at a high speed
4 above, that's, got a higher sense of urgency, if that makes -- I
5 mean not be saying this right. But we are looking at that. What
6 we've seen is, in the beginning we saw a few of those. Those have
7 gone away.

8 We're not seeing where you're greatly above the speed limit.
9 We're seeing a lot of slow reaction right now, where we're seeing
10 people react but you're reacting within, I think a limit that
11 frankly is really coaching now that, why do you let yourself get
12 to that point?

13 The other thing we're learning, and I think our engineers are
14 learning, as IETMS operates, as you start to brake, the time
15 factor decreases quickly and that's been a learning curve for our
16 folks.

17 So to answer your question, we haven't necessarily gone back
18 to the speed tables, but we are looking at what's the, what's the,
19 what's the speed problem.

20 Q. Okay. And do you know, I know that, you know, I know that
21 there's been some testing that has been occurring out on that
22 Point Defiance Bypass. Do you know if any enforcements have
23 occurred during the testing of equipment out there?

24 A. I think there was one, but I think it was almost intentional,
25 if I remember. But I think Justin or Ken will be able to answer

1 that better, but I'm pretty sure there was one.

2 Q. Okay. And I'll ask --

3 A. Because I know we --

4 Q. -- because I'm going to ask them the question --

5 A. We talked about it in the committee.

6 Q. Okay. I'm going to ask them the question and then they're
7 probably going to ask you for the data. So --

8 A. Well actually, they've got --

9 Q. -- I'm going to want to see what they have.

10 A. I think they have, they have the data.

11 MR. FRIGO: Okay. Great. Thank you.

12 MR. NAPARSTEK: Yeah.

13 MR. HIPSKIND: Steve, let's go to you next.

14 MR. AMMONS: Yeah, I don't have any questions.

15 MR. HIPSKIND: All right. Now hold on Mike.

16 Theresa, do you have anything you want to add?

17 MS. IMPASTATO: I have no questions.

18 MR. HIPSKIND: Okay, Michael, bring it on home. What did we
19 miss?

20 MR. LANDMAN: Did you want to stretch your legs a bit?

21 MR. NAPARSTEK: No. I'm good.

22 MR. LANDMAN: I just asked if he may need a break. We've
23 going for a while.

24 DR. HOEPF: I was just going to ask the same thing. Would
25 you like if we could continue after your break?

1 MR. NAPARSTEK: I'm fine. If you guys want a break, we can
2 take one.

3 MR. HIPSKIND: He's on a roll. So what's on your mind, what
4 did we miss? And then we'll think about maybe taking a short
5 break and doing a quick second round. Okay?

6 DR. HOEPF: Sounds good to me.

7 MR. HIPSKIND: You have the floor.

8 DR. HOEPF: Sounds good. Thank you. Thank you, Dick.

9 Thank you, Scot, for your time. We really appreciate it
10 today.

11 BY DR. HOEPF:

12 Q. Just a couple of, pepper of questions about the safety
13 structure, just to follow up on a couple of Ryan's questions,
14 while we're talking about it. How many people are in the system
15 safety group?

16 A. I would have to go look at the org chart or frankly talk to
17 Ken and Theresa or Justin.

18 Q. Okay. Okay. And what type of training do people receive in
19 the system safety department?

20 A. Again, I'd pivot to those folks. I mean we certainly have
21 requirements on, you know, what degrees, what level experience,
22 things of that nature. But I'm assuming, it'd be a mistake
23 because I'd say I'm assuming, but certainly learning FRA
24 regulations, and learning something about the railroad, getting
25 involved with various, depending on what area they're hoping to

1 cover, but there are people more qualified than me to answer that.

2 MR. LANDMAN: Mike, what I was going to say, just, I think
3 this afternoon's witness, Justin will be able to answer those
4 questions a little bit better than Scot.

5 MR. NAPARSTEK: Yeah.

6 DR. HOEPF: Sounds good. Sounds good.

7 BY DR. HOEPF:

8 Q. How about yourself, what safety training have you received?

9 A. I would say --

10 Q. Let's stick to system safety training.

11 A. Are you looking for specifics, like have I done the RWP
12 training and that type of thing?

13 Q. Let's just stick to system safety training. Not so much the,
14 you know, PPE, you know, regulation kind of thing, but more so
15 what training have you received in, you know, risk management and
16 that sort of thing?

17 A. I've been fortunate in my career that I've received training
18 on how to manage risk. I mean if you look at the risk management
19 process in general, I've received extensive training. I was an
20 engineer at Cummins, and I've been involved with continuous
21 improvement. I've been through, I'm actually a theory of
22 constraint studied person and all that.

23 So I've been through training in terms of, are you familiar
24 with the failure modes and effect analysis and FMEA process, which
25 is really, which is really a process put in by Ford and NASA, and

1 that's a process I've been trained on and I used, I've used in my
2 career extensively, which is really a risk management process. So
3 I mean I've had some training in those areas.

4 Q. Okay. Okay. Great. I just wanted to talk a little bit
5 about just a couple of things you touched on, just give you a
6 chance to kind of elaborate. You said there's a, you co-chaired
7 with Mr. Hylander, the Executive Safety Committee. Did I hear you
8 correct on that?

9 A. Um-hum.

10 Q. Can you describe what, how often you meet?

11 A. We meet monthly. So the, I've got to think about it, but I
12 think it's the last Monday of every month we meet. It's a pretty,
13 I think it's a pretty robust group that meets. There's a, there
14 are items that are standing agenda items and then there is other
15 additional business that's put on.

16 So it's frankly a group that, if you look at the SSPP, the
17 group is really defined as ultimately, it's the, I would say it's
18 the arm that represents the Executive Leadership Team in terms of
19 overall, the health and the direction of the safety program.

20 I will give Ken a lot of credit. He does more than his fair
21 share to help, to help cover that group. I probably am the -- in
22 the sense, I think Ken really takes a lot of the agenda activity
23 on and things of that nature with his team.

24 Q. Got you. And who else participates in there?

25 A. So, you have myself and Ken as the co-chairs. Then you have

1 really within my group, my vice presidents all attend. So you
2 have a vice president of transportation, a vice president of
3 engineering, vice president of mechanical. And then you have
4 representation from Theresa as a senior director attends, Justin
5 Meko is the vice president of safety, compliance and training, and
6 then the folks who report, which includes Theresa, the folks who
7 report to Justin attend.

8 So you've got the person over training, the person over
9 compliance would also attend. There are other folks within
10 Theresa's organization that help put up, that put together the
11 data, who also report on the, what RCCA, Root Cause Corrective
12 Actions where we report out on that for Ken. And then you have
13 kind of either leads or designated leads from other parts of the
14 business.

15 So our chief, our chief counsel usually attends. Our chief
16 commercial officer and actually are now the, kind of the leader of
17 the ELT, kind of in between Richard and Steven Gardner will
18 attend. Our chief administrative officer would attend. So you
19 end up with a pretty robust group and frankly, you've got the
20 leadership of the company there.

21 Q. So is this, is this at a physical location?

22 A. Typically it's held right now in Washington. So it's in the
23 boardroom at Washington, D.C. It's where we've now held it, I'm
24 going to say for about 5 months.

25 Q. Yeah. Okay. Okay. Thank you. Are there other safety

1 committees?

2 A. Sure. As I mentioned, there's what we call the system safety
3 working groups, which are really our more functional focus.
4 That's part of engineering, mechanical and transportation, right
5 now are the three that are really main, I'd say, in terms of not
6 just -- they're developed, but really focusing on how do we
7 advance them? And then there are regional safety groups that are
8 regionally based that are out, that are more the grassroots
9 groups.

10 Q. Can you verify what you mean by grassroots groups?

11 A. Those are really more at the operating level, kind of the
12 combination of kind of the superintendents, the assistant
13 superintendents, frontline manager and employees.

14 Q. And you know, you talked about data a lot and a lot on boots
15 on the ground, and did you say that you have, there's system
16 safety people that are out there collecting data or, I mean is
17 there --

18 A. When you say collecting --

19 Q. Is there like a, you know, just, I mean just to get an idea
20 is there a formal data collection process or is it aggregational
21 from different sources?

22 A. It depends on the data. I mean if you're looking at the
23 number of incidents and a reportable, that's a formal process.

24 There's a process you follow if an employee comes to a
25 supervisor and says, I hurt myself. I mean there's a very formal

1 process in terms of how that gets -- there's a number that they
2 call into then and its record. And that is, that is frankly,
3 every day I get a report. I think the whole organization gets a
4 report. It doesn't say the employees name but gives information
5 on any incident that's reported. It doesn't necessarily mean it's
6 reportable yet, but says here are the, here's the incidents.

7 And frankly, I use that report as part of the 8 o'clock call
8 to make sure we're not missing anything. I mean again, if there's
9 a rule violation, very formal processes. So I mean there are
10 certainly formal processes in place to record data.

11 Q. Okay. Okay. I got you. Can we, let's, let's talk about
12 post-accident actions that Amtrak has taken? So as a result of
13 the Chester investigation, the NTSB made some different
14 recommendations. I'm wondering if you can comment on
15 recommendation R1723, which I don't expect you to remember that
16 off the top your head. So let me just read that to you and invite
17 your comment.

18 "Conduct a risk assessment for all engineering projects and
19 use the results to issue significant speed restrictions for trains
20 passing any engineering project that involves safety risk for
21 workers, equipment or the traveling public, such as balance
22 vacuuming as part of a risk mitigation policy."

23 Can you comment on any post-accident action that Amtrak has
24 taken for that?

25 A. Like we lowered, we basically put a speed restriction in

1 place that on any engineering work zone where they're doing on
2 track work and they're adjacent to a track it would be running,
3 they would lower it to 60 miles per hour. So in the past they
4 either ran at track speed or if it was the undercutter, you ran at
5 80 miles per hour. So we lowered it to 60.

6 We also sent, we also brought in an consultant who was, who
7 we asked, basically chartered a consultant being led by the system
8 safety department to do further analysis and make a recommendation
9 to us and we're waiting for those results.

10 So our immediate, and I say, immediate, in June of last year,
11 we put the 60 mile per hour speed limit in place, or speed
12 restriction in place. And that has been in place since. And it's
13 one of the things, so on the 8 o'clock call, engineering reports
14 on how many miles of track where they have what we call slow-by,
15 so I understand what length of track and to make sure, A, it's in
16 place, and then frankly, how does, to see how we're managing it.

17 Q. So okay, so thank you for that. So just to clarify a couple
18 of things. You said the 60 mile an hour slow-by was issued in
19 June of 2019 --

20 A. '18.

21 Q. 2018. Okay.

22 A. I'm sorry.

23 Q. Thank you. So that was after the incident in Bowie, yeah.
24 Can you clarify why that was not implemented prior to the incident
25 in Bowie?

1 A. I can't say that I had much discussion prior to Bowie. So I,
2 there would be others that would have to clarify.

3 Q. Okay. So the implementation of a speed restriction was not
4 discussed prior to the Bowie incident?

5 A. I can't say it wasn't discussed. It wasn't discussed with
6 me.

7 Q. It wasn't discussed with you. Okay. You hired a consultant.
8 Can you clarify who that is?

9 A. LTK.

10 Q. And LTK? Did that -- I'm sorry.

11 MR. HIPSKIND: You all will have to speak up a little bit.

12 MR. NAPARSTEK: LTK.

13 DR. HOEPF: I'm sorry, is that an acronym for who?

14 MR. LANDMAN: It's I think their corporate name.

15 DR. HOEPF: LT? LTK?

16 MR. LANDMAN: I don't know if it -- he can answer it.

17 MS. IMPASTATO: It's an engineering firm.

18 MR. NAPARSTEK: I can't answer it.

19 DR. HOEPF: LTK engineering firm.

20 MR. NAPARSTEK: LTK is a consulting house for an engineering.

21 DR. HOEPF: Okay. It's an engineering.

22 BY DR. HOEPF:

23 Q. Do you know when they were hired?

24 A. It was right around the June timeframe. Truthfully, Justin
25 would have the, probably the specifics around timing, Justin or

1 Ken. But at the time we made the decision to go to 60, it was
2 understood we were bringing them in to do the analysis as well.

3 Q. So would it be accurate to look at the 60 mile an hour
4 measure as sort of a stopgap measure until full analysis is
5 completed on the issue or how should I view that?

6 A. I think it's accurate to say that the 60 mile per hour will
7 be discussed around what data LTK brings to us and what we
8 understand to be, you know, again what is it? We're identifying
9 the problem and what's the proper mitigation for what the problem
10 is.

11 Q. So LTK is collecting data?

12 A. They're, and I mean again, Justin can give you more specifics
13 I think on what they're specifically doing, but my understanding
14 is they are looking at, they are looking at the work zones.
15 They're looking at the speeds. They're looking at what, so they
16 can come back with recommendations to us on what is the proper way
17 to proceed here.

18 Q. Okay. So I'm just trying to get an idea of what is the
19 analytical reasoning behind the 60 mile an hour. How did you
20 arrive at that number?

21 A. Truthfully it was felt that, you know, we were running at 80
22 on under cutter, we were above that elsewhere. We felt, let's do
23 something to make a change. Let's also send a message to do
24 things a little bit differently. I can't say that I can point
25 myself to scientific data that said, 60 made more sense than other

1 numbers.

2 Q. Okay. So 60 just seemed about right?

3 A. Yeah, I mean Ken may have a, may have a stronger opinion on
4 the 60, but it was felt to be a, you know, how do we make a
5 significant enough change to get people's attention, as well as to
6 make a difference.

7 Q. Okay. Can you clarify under what conditions would the 60
8 mile an hour slow-by apply?

9 A. Any time that we have production work or other work going on
10 on-track with production equipment, et cetera, then it applies.

11 Q. Okay. So let's say two guys go out there in a truck to take
12 a look at some track. Is that, is that going to apply?

13 A. I really would want to talk to my engineering folks as to how
14 they're applying it for that specific circumstance. I know any
15 time we put production equipment, under cutters, track line
16 equipment, things of that nature, we're applying it. I'm not sure
17 about inspections and, you know, things of that nature.

18 Q. So you're not sure under which conditions it applies?

19 A. And specifics, yeah. I would, I would, I would look, I would
20 talk to my chief engineer and other folks in engineering.

21 Q. Okay. So do you think personally that 60 miles an hour is
22 slow enough to go by a work zone?

23 A. Do I personally think it?

24 Q. Yeah.

25 A. Yeah.

1 Q. What makes you say that?

2 A. I mean, if you have the proper mitigations, the proper
3 protections, you should be fine.

4 Q. So is there a rationale between why it applies to some
5 situations than other situations in terms of construction zones,
6 in terms of --

7 A. I'm not sure it does, and I would, I'd have to check on what
8 exactly they're doing during inspections, et cetera. But clearly,
9 when you're out there laying equipment and you look at the Bowie
10 accident which was track work going on, we have clearly applied it
11 in that situation. And I mean, you know, you get into -- and I'm
12 not going to claim it, but you get into what type of watch, where
13 have you placed watchmen, what's the line of sight and things of
14 that nature.

15 Q. Okay. So would it be a fair characterization to say that
16 Amtrak is still analyzing the issue to see under what situations
17 the slow-by should apply and still considering the speed limit or
18 would you characterize that as a decision that has been made?

19 A. Well I think right now we're running at 60. I think we're
20 waiting for information from LTK to see, should we make changes to
21 that based on the data that they provide us and the information
22 that we provide, they provide us. In terms of the, you know, what
23 situations it applies, that's just something I'd want to, I'd want
24 to go ask the people who are really applying it to make sure I
25 understand it. I don't want to guess at it.

1 MR. LANDMAN: So this is -- Mike, just I'm feeling like we've
2 gone a little afield from the Cayce or 501. This seems like it's
3 an RWP issue. I just want to raise that with everyone.

4 MR. HIPSKIND: Thank you for that Mark. This is Dick
5 Hipskind. Mike, I'm not sure Scot is as well versed as our next
6 interviewee this afternoon. I share your same concerns and where
7 you're going but there's going to be elements of what they're
8 training on to a broader number of people that are out there
9 working on line of road. And I'm fairly certain Justin's going to
10 have a greater dialogue, a better width of knowledge about this.

11 DR. HOEPF: Okay.

12 MR. HIPSKIND: I'm hoping.

13 DR. HOEPF: Well, that's -- you know, that's fine. I mean I
14 was anticipating getting some more details in terms of the
15 analysis of the issue. I was more so asking the question --

16 MR. FRIGO: Let's take, let's take a break.

17 DR. HOEPF: Sure. Sure.

18 MR. FRIGO: Yeah, let me get the recorder.

19 (Off the record)

20 (On the record)

21 MR. HIPSKIND: We're back on the record and Mike, go ahead
22 with your next question.

23 BY DR. HOEPF:

24 Q. Okay. And just to, just to follow up with that, so how is
25 the 60 mile an hour slow-by policy being communicated and

1 instructed to the department? You know, who came up with it? Who
2 formalized the policy and how is that communicated to Amtrak?

3 A. So the policy was formalized, the discussions included the
4 chief engineer, people who report to the chief engineer, vice
5 president, the chief safety officer, the vice president of safety
6 compliance and training. So there were all discussions on what we
7 felt was best.

8 Once it was decided on the 60, it was really a joint effort
9 between the compliance teams and the engineering people who were
10 managing engineering to use, to use the procedures we use in terms
11 of issuing bulletins, et cetera to communicate the policy and to
12 make sure it was being complied with.

13 Q. Okay. I got you.

14 A. And truthfully, Justin could probably do a better job of
15 answering the specifics of that.

16 Q. Okay. It sounds good and we'll, then we'll talk to, we'll
17 talk to Justin. Okay. So we're talking about post-accident
18 actions since Chester and I just wanted a couple, follow up on a
19 couple of things. You talked a bit about Just Culture and some of
20 the things you're trying to do at Amtrak to, you know, improve the
21 culture. And I'm just wondering, you also mentioned that, I
22 believe, and correct me if I'm wrong, you said that you believed
23 in behavior-based safety still?

24 A. Um-hum.

25 Q. So I just want to know if we could talk briefly about, you

1 know, some of those just macro level policies that were in time
2 and in place of the Chester accident and see if those are still in
3 place, or if there's been a replacement program for them.

4 So at the time of the Chester accident, Amtrak had
5 implemented the Cardinal Rules. Are those still in place?

6 A. They're, they're in place, though we've changed the process
7 some in the last, I'd say, 6 months in the sense, we have
8 terminated nobody in the last, I'm going to say four to -- I've
9 got to be careful about what timing -- but over the last several,
10 we've not really been enforcing the terminations. We've been
11 looking at them.

12 We've certainly had a lot more discussions on what's really
13 gone on here and what is the right way to mitigate. And we've
14 really taken a very strong stance on, does this really fit within
15 the reckless behavior of Just Culture or not? And if we do, then
16 what is the appropriate action without it being termination. We
17 are having an ongoing discussion on where do we go and how do we
18 pivot the Cardinal Rules?

19 I think Cardinal Rules, per se will go away and it will be
20 replaced with how do we really define what reckless and willful
21 misconduct is? And then what happens under those circumstances?
22 And frankly, I think we're going to head more towards a case by
23 case basis. That's an opinion, but I think based on conversation.

24 Q. Okay.

25 A. But there's actually been a group that's been tasked with

1 looking at that. They're going to go through training with Safety
2 Ingenuity, which is a, which is a consultant on Just Culture that
3 Ken Hylander's familiar with to help that group really work on
4 what is the recommendation to the leadership team.

5 Q. Okay. How about Safe-2-Safer? Is Safe-2-Safer an active
6 program?

7 A. No.

8 Q. Okay.

9 A. No, Safe-2-Safer really ended when Wick Moorman came on board
10 as CEO.

11 Q. Okay. I got you. Is there another program, a behavior-based
12 safety program that --

13 A. No, we have the safety. I mean, I don't want to make it a
14 program per se, but within -- you know, understand when you with
15 Just Culture and you deal with human beings, you're always dealing
16 with behaviors.

17 So the reason I believe that you have to have a behavioral
18 approach, you have to have a behavioral approach to management and
19 any time you're dealing with human beings, you're dealing with how
20 they behaved. And there's -- so your idea of values, when you
21 look at value statements is really to guide behaviors and to guide
22 proper behaviors and right behaviors to really determine the
23 culture you want.

24 So that's really, when I start talking about behavioral-based
25 safety, or behaviors in general, it's always saying, how do we

1 define what is the right, the right behaviors to make sure that we
2 have good safety and to make sure you have good ethics, and to
3 make sure you have good continuous improvement, good customer
4 satisfaction. It's reinforcing behaviors that fit in line with
5 those.

6 Q. Okay. I got you. So you still believe in behavior-based
7 safety but -- the Safe-2-Safer program is no longer there. Is --

8 A. Yes.

9 Q. But, I mean, how should I characterize Amtrak's promotion of
10 behavior-based safety? Is that under -- what are --

11 A. I think it's one of the --

12 Q. -- the umbrellas that --

13 A. It's under the wider umbrella of the, I think of the safety
14 policy, the system safety program and the SMS. It's ensuring that
15 we have good behaviors.

16 So even understanding Just Culture, there's behaviors that
17 result in human error, so how do you deal with human error and how
18 do you create a learning organization. So I think the way, the
19 way for instance Ken would say, is when you have human error, you
20 should educate the general population. When you have, when you
21 have behaviors that end up an issue that are, that are short of
22 reckless and beyond human error, then you coach the individual.
23 And then when you have reckless behaviors, which is by far the
24 lowest percentage, you deal with more head on.

25 Q. Okay. How about the Safety Liaison Program? Is that

1 something that still exists in Amtrak today, or is that --

2 A. This is the Safe-2-Safer safety liaisons?

3 Q. My understanding was that the Safety Liaison Program was a
4 separate program. And again, this was in place at the time of the
5 --

6 A. The Chester?

7 Q. -- Chester investigation. So it may be --

8 A. Oh this is -- I'm sorry. I was thinking of something
9 different. You're thinking of the safety liaison's in
10 engineering. Yes, that is still in place. It has been
11 revitalized.

12 There have been discussions and I'm trying to remember if
13 this, I think, if this occurred before of after Chester with BMW. I
14 would have to go back and look but there were certainly
15 discussions around how do we, how do we relook at it. How do we -
16 - so there were discussions of the BMW to make sure that the
17 program was productive in the sense that both, that we were, we in
18 terms of the organization were getting out what we need from a
19 safety, versus the investment because there's been times when
20 we've questioned having the right people in those roles who do the
21 right things, behave the right ways and really set the right
22 example.

23 There were discussions in the BMW, and we came to, I think a
24 better place in terms of the understanding and really put in place
25 then a structure that's really being led, there's a deputy chief

1 engineer of maintenance that really is helping to lead that with
2 the, with the guidance of system safety. So yes, that program is
3 still in effect.

4 Q. Okay. And again, I don't go (indiscernible) --

5 A. I apologize, that was confusing.

6 Q. No, that's --

7 A. I'm trying to remember what we called the Safe-2-Safer reps.
8 Those went away.

9 Q. Okay. Okay. I got you. And again, for my next question,
10 don't, if you're not, if you're not familiar just say --

11 A. I will let you --

12 Q. -- to talk to, you know, the safety department is fine. Do
13 you have any visibility in terms of, or knowledge of the
14 effectiveness of the safety liaison program? I mean is that
15 something that bubbles up to your level or is that --

16 A. It bubbles up to my level in that, I mean, certainly I've
17 asked the question. And I'm, so I would say, this is what bubbles
18 up. Since the feeling amongst the people who work for me, so I
19 look at my chief engineer and then his direct reports.

20 The program is beneficial. It takes a little bit of effort
21 at times, but it does work especially if you have the right people
22 in place and that we have to be able to manage who are the, who
23 are the liaisons and there has to be some accountability for the
24 liaisons to produce, to produce work. And that, that the
25 discussions that we ended up having with the BMW were fruitful

1 and that we came to a better place.

2 Q. Yeah. Well that's, I think you've answered my next
3 questions, which was going to be, you know, do you have full
4 participation from your unions in all of your safety programs, or
5 at least that program. You can comment on --

6 A. That program. I think the other one that, since if we're
7 going back to since Chester or even since Bowie, we have put in a
8 voluntary, we've come to an agreement with the BMW on a voluntary
9 safety reporting program.

10 I still think like every program, especially one that is new,
11 it needs, it needs learning and refinement, but it's a step in the
12 right direction.

13 Again, it's similar to the answer I gave earlier. I mean, I
14 could answer where we are in terms of whether it's safety, whether
15 it's customer satisfaction, other things about each union. It
16 would be union by union, would be a little bit different. And
17 certainly on the engineering front, the challenges at times with
18 coming to, coming to an understanding with the, with the
19 engineering unions probably a little harder than some of my other
20 unions.

21 But we always had to take the understanding that we in
22 management have that responsibility and we've got to make it work
23 for the sake of the business, especially if we regard employees as
24 our most vital asset, that we've got to take the time and do it.

25 Q. Okay. I appreciate that. So it sounds like the new close

1 call reporting system, is relatively new then in terms of it's
2 current, in its current form?

3 A. So you have the C3RS system, which we have 13 unions, 9,000
4 employees roughly in. The voluntary safety reporting similar but
5 not the same. In fact, I think you'd find the BMW would never
6 want to refer to it as C3RS. I mean once some of the biggest
7 things is it doesn't necessarily go through NASA, I don't believe
8 and other things like that.

9 We really tried to get to where we could have a voluntary
10 safety reporting. We couldn't. We weren't going to get, in my
11 mind, the BMW to agree to that system. So it made, it made sense
12 for the essence of moving this forward to come up with something
13 that both sides could live with.

14 Q. I got you. I got you. Do you know about the details of that
15 system? Is it anonymous? Is it -- okay?

16 A. Yeah. It can be anonymous, and it doesn't have to be, but it
17 can be. In many cases we do know but --

18 Q. Okay. Great.

19 A. Again, I think Justin will have a lot more details on it. He
20 was certainly part of it.

21 Q. Yeah. We'll follow up with Justin on some of those
22 questions. Yeah. Let's pivot, let's pivot to Cayce and, you
23 know, the host railroad operations. I know it's been the core
24 thing we want to talk about.

25 So what is Amtrak's approach managing safety on host

1 railroads? And that's sort of a broad question. Maybe you can
2 compare and contrast that to pre and post-Cayce, if (Simultaneous
3 speaking).

4 A. Well I think the easiest way to say it, and I guess I would
5 say it this way is prior to Cayce we got notification of a signal
6 suspension and frankly we ran that day the way we'd run before,
7 which is under the host railroad rules.

8 I think post-Cayce, and this is another area we said, signal
9 suspensions and learning lessons from Cayce are too important.
10 Therefore we will go through a risk mitigation process. Some of
11 it depends on the time we are given, but we are not going to just
12 run based on host railroad rules. We're, and ultimately, we are
13 responsible for our customers and our crews.

14 So if we believe there is a better way to run then just
15 following the operating rules of the host, then that's the way we
16 have to run. So if we go back and look at Cayce and say, under
17 that situation, we should have done analysis on were there
18 alternatives. Should we have bus bridged? Should we just not
19 run? Should we run proceeding to stop? And those are all things
20 now that are part of the process and we will look at what's going
21 on, what's happening and what is the right way to run?

22 So one of the questions that immediately came up on Cayce is
23 within the corridor, we run on signal suspension proceeding to
24 stop. Why would we do it any differently there? So I think it's
25 caused us to take a step back and stay, we have to operate

1 differently, understanding we're responsible for our passengers
2 and for our crews, therefore, we should be comfortable that this
3 is the right way.

4 Frankly, we've gotten, and as we've implemented that process,
5 I am not aware of a host railroad questioning our decisions there.

6 Q. Let me just back up. I think that's actually a really
7 powerful example, you know, you just, you just mentioned before
8 that, you know, it sounds like you've realized that in the past
9 essentially you were just following the host railroad operating
10 rules without questioning them. But now you've seen --

11 A. Years of --

12 Q. -- hey, on our own property, if there was a signal
13 suspension, we would approach that prepared to stop.

14 A. Yes.

15 Q. And why aren't we applying that when we go off property? Am
16 I, am I (Simultaneous speaking) --

17 A. That exact, that exact line of questioning occurred within a
18 couple of days, if not the same day by the way of the accident.

19 Q. Yeah. Yeah. That's a big change in thinking. I mean that's
20 a big, you know --

21 A. Agreed. But here's where I'm going to put the credit and we
22 can get into PTC, non-PTC and all that. But really, this is an
23 SMS process. What could have prevented Cayce no doubt is us
24 applying SMS.

25 PTC is a mitigation under, it's really a risk mitigation, a

1 good one. A powerful one. And to be clear, I'm the executive
2 sponsor for PTC within Amtrak. So I pay a lot of attention and it
3 is good. It is the right thing to do.

4 But the silver bullet is more of the SMS process and
5 utilizing PTC appropriately and other technology and other
6 mitigations appropriately. And the question should always be, if
7 you don't have PTC, what's the right mitigation. Or do you need a
8 mitigation? If you don't need a mitigation, fine. But if you
9 need a mitigation, what's the right mitigation?

10 And back to the Downeaster example, if you can't get the
11 right mitigation, then should you be running? I think we have to
12 force ourselves to ask that question.

13 Q. Yeah, that's another, I'm glad you brought that up and I
14 think that's real interesting that, you know, you can maybe then
15 give you an opportunity to speak to the challenges that Amtrak
16 faces as, that you seek to provide service as you go off property.
17 I mean how, what challenges do you face?

18 A. Well I mean certainly, when you're off your own property,
19 there's, you know, on property you get to make more decisions or
20 have more authority, et cetera. But from a safety perspective,
21 I've not found -- we have our differences with host railroads. No
22 doubt about it. They're public and you can see some of them in
23 the Wall Street Journal this week and all that. But they're not
24 around safety typically.

25 And we shouldn't allow them to be around safety. They

1 shouldn't be, I mean, so I look at the host railroads in putting
2 PTC in. The host railroads and us have worked very well together.
3 My challenges on putting PTC in haven't been frankly with my host.
4 They've been more with some of my tenants and getting them to move
5 quicker for us, and frankly for the corridor. But the hosts have
6 worked with us well.

7 And, you know, there has to be a fine line that we
8 understand. When it comes to operating safely, we can't let
9 disagreements on the customer satisfaction side get in the way of
10 being safe. And we can't at Amtrak allow host decisions to make
11 our, put our passengers and crews at risk. That's the mentality
12 we have to maintain.

13 Q. Absolutely. Absolutely. So just, and this is my, this is
14 coming to the end of my questions. Just, let's talk about, to the
15 extent that you can, you know, from your position, talk about how
16 Amtrak is now managing risk off property.

17 Correct me if I'm wrong, but it sounds like you're telling me
18 --

19 A. It's the same process.

20 Q. -- you're trying to maintain safety to a same level as you
21 would have on your own property?

22 A. You have to.

23 Q. Right.

24 A. It's the same process, right? If you look at the SMS process
25 and the idea of the six principles I described earlier, or

1 frankly, if you look at SMS and the four basic principles, really
2 what I described earlier on the six are really the outcomes you
3 want, right, safest passenger railroad in America, et cetera.

4 But you have, you know, the idea of having a safety policy,
5 having, using risk mitigation, hazard identification to form the
6 right mitigations, having safety assurance, which is really
7 quality assurance for safety and safety promotion, which really
8 gets into Just Culture, et cetera.

9 If you really want those four principles to be your guide
10 around how you establish a safety program, which I really think
11 are the four, when you look at the safety roadmap that system
12 safety has put out and the safety, compliance and training team,
13 those are the, those are the cornerstones. Right? They should
14 apply equally everywhere.

15 Now, sure there's additional challenges off corridor versus
16 on corridor, but I think the real lesson that has to be learned in
17 Dupont, in Cayce, is you can't allow, you can't allow those to
18 become excuses on not doing the right thing. You can't be
19 complacent on those.

20 We have to make sure we -- it shouldn't be any less safe for
21 a customer who's running on our train in California then it is in
22 New York City. Absolutely wrong way to operate. And that's,
23 that's one of my big parts of my role is to make sure across the
24 operations team, they all understand that, they all know it. I
25 want safety everywhere.

1 Safety is first everywhere and then everything we're talking
2 about is really about having that right culture to make sure
3 that's happening.

4 DR. HOEPF: I'm almost done here. Dick's giving me that --

5 MR. HIPSKIND: No, take your time. Like a good job's not
6 done until it's all done.

7 DR. HOEPF: Okay.

8 DR. HOEPF: And I'm just wondering, I mean, it sounds like
9 you said that you've successfully completed some risk management
10 efforts in the past. I mean is that something you can provide to
11 the NTSB, an example of some situations where -- Theresa, go
12 ahead.

13 MS. IMPASTATO: Can we --

14 MR. FRIGO: Go off the record? Sure.

15 (Off the record)

16 (On the record)

17 MR. FRIGO: And we are back on the record.

18 MR. HIPSKIND: All right. Michael, that's -- you're tossing
19 it over to me?

20 DR. HOEPF: Do you want to finish up with the --

21 MR. HIPSKIND: Yes. I will. I'll do that.

22 BY MR. HIPSKIND:

23 Q. So a couple, Scot, a couple of things I want to revisit. One
24 has to do with meetings. I know you go to a lot of internal
25 meetings. You described that. Your SSPP lays out that the ESC,

1 Executive Safety Council meets on a monthly basis and all that
2 kind of stuff.

3 But do you have an occasion to be with your counterparts off
4 property at other places and does that, maybe they deal with
5 different topics when you go to those kinds of meetings? Maybe
6 they want to talk more freight stuff, more equipment type stuff.
7 But does that present an opportunity for you to talk to some of
8 your other counterparts about Amtrak's perspective on safety and
9 SMS? Can you talk to, can you address that a little bit?

10 A. So a couple of examples. I am part of what's called SAMC,
11 which is the Safety and operations -- I should probably know this,
12 but what's the MC, but it's really the safety and operating arm of
13 AAR.

14 So I'm part of that group. My counterparts are all part of
15 it. They have a whole host of topics, includes safety on the
16 railroads. They're generally I think broader discussions. But
17 certainly when you're there, and those may be in Washington, those
18 could be in Chicago, times they've been in Pueblo, Colorado where
19 TTCI is, any specific issue.

20 So for instance PTC. There was no way to be successful if
21 you're Amtrak on putting PTC in for our customers without working
22 very closely with our host railroads, the freights. So it gave us
23 opportunity to have discussions, one on one to kind of, there's
24 always downtime at those meetings where you, I can talk to my
25 counterparts.

1 So that's one stage. The other thing is, on a regular basis
2 the host railroad group reports through operations and through
3 myself. So I have regular meetings with the, with the host
4 railroads, COO to COO to talk about what's happening
5 operationally, and that certainly gives me opportunity to talk
6 about any specifics to do with safety in terms of SMS.

7 In fact, when I met with CP -- so I met with CP post-Cayce
8 and post-501 for a meeting like that and I brought up to CP that
9 we were moving forward on an SMS system and what that would
10 encompass. And I actually found out that through Transport
11 Canada, they were already working on an SSPP, or had one in place.

12 They were extremely -- it was actually a really good
13 discussion because they were extremely supportive of the safety
14 and management system process, what I think would be the
15 equivalent to 270. And they gave me live examples. And the COO
16 of CP gave me live examples of things I should look for and things
17 I should consider in terms of how to really move the organization
18 forward in terms of how it thought, in terms of being able to
19 handle discussions and best to handle discussions on risk
20 management.

21 So those are our, you know, that's an example of where, you
22 know, those types of discussions would go on.

23 Q. Well don't you suspect that the same, in your description
24 about CP would hold for Canadian National as well?

25 A. Yes.

1 Q. All so, let me ask this. Do you foresee in the future a more
2 aggressive cooperative outreach to host railroads, regardless of
3 whether they've got an SMS program up and running? And by that, I
4 mean, I don't know that we can count on Part 270 getting traction
5 and being implemented.

6 A. Here's what I believe. I believe Amtrak will be aggressive
7 on moving forward with the SMS program and that will include
8 whether it's we're the host or whether somebody else is a host. I
9 believe that we're not going to ask the host per se for permission
10 in terms of what we need to do to ensure the safety of our
11 customers and our passengers, and frankly to operate our equipment
12 correctly in terms of safety.

13 I actually don't believe the hosts are going to have any
14 issue with this. And if things bubble up to me -- I think that
15 this is happening today. I think we have to separate -- there are
16 issues between Amtrak and the host but they're not in safety and
17 they should never be in safety. I think they're in customer
18 satisfaction, they're in on-time performance, they're on things of
19 that nature.

20 But I think when it comes to operating safe railroads, we do
21 a good job of working with the host. The hosts do a good job of
22 working with us. I expect that to happen throughout my
23 organization at an operational level. I do touch base with my
24 VPs, my AVPs and my superintendent, to know how relationships are
25 working there.

1 One of things I test, and I do this not just with the
2 freights, I do with other commuters -- Long Island Railroad, New
3 Jersey Transit, MARC, VRE, Metro, I do this with Metrolink. I
4 want to make sure that whatever may be bubbling up to somebody
5 like me and whether you call it quasi-political in nature, whether
6 you call it showmanship, there are things that come to my
7 attention at my level that I think should never get in the way of
8 operating a safe and efficient railroad.

9 And I always test to make sure, no matter what's going on --
10 if you look at this summer, we're taking JO interlocking out. And
11 Long Island Railroad pushed back a little bit on that because it
12 will hurt their service. And we got that. We communicated with
13 them for a while.

14 I tested after discussions I had with their executive
15 director, are we seeing issues though at the operational level?
16 And the answer was absolutely not. We're running, we're working
17 well operationally. That's what I want to make sure. And then if
18 there are issues, if something doesn't get taken care of, I think
19 deeper in the organization, then that's when it should bubble up
20 to me and I make a call.

21 I'll give this as an example with CSX. There's a train that
22 parks, that was parking nightly in the Bronx. And what we were
23 seeing is this had liquor on it, and it was being raided by
24 locals. And we went through, and we've seen this now for quite
25 some time.

1 The issue from us from a safety perspective is people are
2 trespassing across track we use to get to this train. And we had
3 a lot of near misses. And we were not, in our mind, getting a
4 good response from the operating level of CSX. It bubbled up to
5 me through my chief of police and I made a call to CSX, the COO.
6 Within 24 hours it was changed.

7 And for the last 3 weeks, we've seen, we've seen a very
8 different situation. The train is now parked elsewhere and is
9 actually being unloaded before it gets parked, so the liquor is
10 gone. And I've got a follow up email this week from the COO and
11 his representatives asking if we were satisfied.

12 Q. Risk identified, communicated, cooperation, mitigated?

13 A. Yes. That's right. And follow up.

14 Q. Okay.

15 A. I think that's a key too, because any time you mitigate, you
16 want to go back and actually ask yourself, did it really work.
17 And hopefully it worked, but if it didn't the only way to know
18 sometimes -- unfortunately, people sometimes assume your
19 mitigation is always going to work, and I think it's always key in
20 these processes to ask the question, did it.

21 Q. Okay. Now not to pick at a scab and make a sore subject out
22 of this. I want to revisit our earlier discussion about train
23 strikes, Bowie and it naturally flows from Chester and on my mind
24 are these different elements of this complicated subject matter
25 that I'm sure everyone would say, we want to protect our

1 personnel, maintenance away or signal people or communications
2 people, whoever happens to be out on a right of way.

3 And a lot of times there's, there is planned activity and
4 it's my understanding that some of the exposure we had to Amtrak's
5 process, we learned from John Pioli and his thoughts and his
6 philosophy about site specific work plans, SSWP. And who is
7 carrying on that activity now?

8 And has any of that process, procedure changed with the
9 implementation of SMS? But it's even more complicated because --
10 and we talked about this a little bit earlier in our interview,
11 that going from A to B, and for this example, let's just talk
12 about New York to Washington, D.C., the corridor. Trains have a
13 schedule and without changing the schedule, for example, without
14 adding time when it's maintenance (Simultaneous speaking) --

15 A. Yeah. I don't mean to cut you off.

16 Q. Sure, go ahead.

17 A. If you understand, we have changed the schedules at times
18 now. That is a change we've introduced.

19 Q. Thank you for interrupting me. But let me continue. When we
20 did a follow up with Bowie, one of the things that we became aware
21 of was messaging and penetration. So the selection of a 60 mile
22 an hour slower by a gang, could that be established by an employee
23 in charge, EIC? Could it be established by a supervisor? And did
24 they necessarily have to go out of bounds to the program way of
25 letting the operations people, letting the dispatchers know, hey,

1 this gang's going to be out here between A and B, day and night,
2 24 hours, or for however many days duration?

3 And it seemed like those, there was an acceptance of that.
4 And back in Pioli's time, it was 80 mile an hour past track laying
5 machines and under cutting. And now after Bowie, we understand
6 that some of this has been dropped to 60 mile an hour. And Mike
7 had his questions about is it the right number. And you've
8 indicated to us, it is being analyzed. A contract, you've invited
9 a contractor in to give you options and all that.

10 My question is one empowerment. Okay? In the non-typical,
11 we want to know about what you're doing, we're talking more about
12 emergency type things, or something comes up and the same risk is
13 there. Somebody has to drive a truck, go out to a location on the
14 railroad, get out of the truck and get up around the track. And
15 are they empowered to contact the dispatcher?

16 Dispatchers work for you or people that are direct reports of
17 yours. And is this maintenance away, your signal or whoever, are
18 they empowered to say, hey, we've got this repair or that repair,
19 and I need a less than 60 mile an hour slow-by for all trains
20 passing my location? And for the sake of this discussion, let's
21 just keep it to adjacent track.

22 So they're on Track 1 and they want a slow-by on Track 2 or
23 whatever, but they want it less than 60 miles an hour. So I know
24 that's been a longwinded explanation, but you get where I'm going
25 with this. It's one of empowerment. But that's, that's the guy

1 in the field.

2 A. The way I would answer that though, it's an interesting
3 question because in reality, I've never heard it be asked in the
4 field. But I would answer, yes, because I empower to say, you can
5 stop the operation if you don't think it's safe.

6 So it would seem that if you really believe it to be safe,
7 you need it slower, you should make the call. Now if there's any
8 debate that ensues between the dispatcher and them and says it's
9 60, then I think the work shouldn't be performed until we get it
10 clarified. But the fact is, it's a hypothetical only in my mind
11 because I've not heard this specific question.

12 What we have really preached to folks as part of launching
13 SMS is you have the authority, the responsibility to stop anything
14 you don't think is safe. And if you're going to say that to
15 folks, if they really don't believe their safe at 60, they
16 shouldn't go out there and there will be no punishment for that.
17 And then we've got to have the conversation.

18 I'd rather they not do it. I mean the message is clearly
19 being delivered and I'd have to go back to some of the questions
20 about how do you know? And it would have to be, we'd really have
21 to penetrate and dig into this, but the message is being
22 delivered, stop the operation if you don't feel safe. And in this
23 case, if somebody gets told, go out and do something and they
24 don't feel it's safe, they shouldn't do it until they feel it's
25 been made safe.

1 Q. Okay. I accept that. Some of the, some of the challenges
2 that some of the maintenance way gangs I think may be over the
3 past several years have encountered is that it necessarily follows
4 that the higher the speed of the slow-bys, operations of train on
5 adjacent tracks or if you're in a middle track becomes doubly
6 because you've got two adjacent tracks, is that to comply with
7 Amtrak training, sight distances and increased speeds, you might
8 have to have more watchmen look out, et cetera, et cetera,
9 depending on the type of protection you're using. Okay?

10 And I'm sure your contractor that's going to come in is going
11 to educate you on all of that. But I just, I just wanted to have
12 a small conversation about the complexity of, you know -- here,
13 let me ask you this. Are dispatchers empowered to say no? So a
14 maintenance away guy calls up and says, hey, I've got to have a
15 slower than 60 in a hot location. Okay? And the dispatcher goes,
16 oh, I'm not going to get criticized for letting those guys work,
17 et cetera, et cetera.

18 So can a dispatcher say, sorry, Foreman Jones, I can't give
19 you that?

20 A. The dispatcher can decline the request, can't force the
21 person to do the work. It's really up to the person to then say,
22 I'm doing the work. The dispatcher doesn't have to relinquish the
23 track, et cetera because it's also the opposite provision.

24 I don't want the dispatcher to give the track when they don't
25 think it's safe. So there are times when the dispatcher's

1 absolutely instructed, if you don't believe it's safe, you have a
2 train coming, you don't, you don't give the follow time, et
3 cetera. So the dispatcher has the right to say, no.

4 But what we've got to make sure is people understand, if the
5 dispatcher says no to that request, frankly, what, how that should
6 be pivoted in my mind is a discussion back to the roadway worker
7 in charge and then up to supervision. And frankly, the person
8 shouldn't do the work until we resolve it because fundamentally if
9 an individual -- and now I really believe strongly, we have to
10 empower people to say, no, whether it's, if I don't feel safe and
11 I don't feel comfortable, whatever the reason, I don't do it.

12 And that's the safest approach for this because then it
13 allows us before any of that work goes on. Now I get, and as you
14 bring up the name John Pioli and all that, who I know John. But
15 this is part of the cultural change that SMS needs to drive. To
16 be, to feel empowered to say, no, I don't feel safe without
17 consequence and that's what we have to drive through the
18 organization for this to really work.

19 And then if we really have a discussion to be had where our
20 employees are saying, I don't feel safe at 60, we've got to have
21 that discussion and why, and maybe there's a better solution. To
22 my knowledge, I am not aware of a situation where an employee has
23 said, I'm not comfortable being at 60.

24 Certainly we've had situations where we've had individuals
25 say to us, should we have more watchmen? Should we have more of

1 this? You know, and I think again, that's a conversation that
2 should go between a roadway worker in charge up to supervision.
3 But if employees feel very adamantly to be safe in this area, we
4 need additional watchmen, we should have addition watchmen.

5 Q. Okay. And there are in many cases that I've run into over 40
6 some years, there are multiple solutions, all of them safe. But
7 somebody has to engage, and problem solve to ensure that safety.
8 Would you agree with that?

9 A. I absolutely agree. And the other thing that we should never
10 stop doing in this, so we've looked for, is there a way to use
11 technology better? And frankly we're struggling. I can't say we
12 have found -- so after Bowie, one of our, one of then things that
13 both engineering and system safety have worked on collaboratively,
14 is there technology out there that would afford additional
15 protection, that would honor additional mitigation. And we've yet
16 to find anything that we're comfortable with but we don't intend
17 to stop looking.

18 We've talked with other railroads, we've talked to, we're
19 talking about looking overseas to see what else is out there. So
20 I think always when these situations arise, somebody has to be
21 part of and lead as problem solving process. There, it is complex
22 and there's also, unfortunately when we look at the number of
23 watchmen, it's too easy to jump to conclusions about what each
24 party wants in it. So we have to have somebody involved again,
25 that fresh set of eyes.

- 1 That's why I think somebody like LTK in this situation is so
2 important. Somebody who is not going to be beholding to either
3 the cost side or the employment side so to speak. Somebody who
4 really can be independent and say, this is what the data really
5 leads us to and this is what we really think you should consider.
- 6 Q. Okay. Thank you. Do you know, Scot, does your version of
7 PTC on your property allow you to create a hard target for a work
8 zone or a work gang that comes out there and says, I'm at Mile
9 Post 10 and I'm going to be working from Mile Post 10 to Mile Post
10 11, so that --
- 11 A. Certainly and we can create a temporary speed restriction.
- 12 Q. Okay.
- 13 A. You know, that would, that would, that would be enforceable.
- 14 Q. Through the PTC?
- 15 A. Yeah, through Access, yeah.
- 16 Q. To mitigate any human error?
- 17 A. Yes.
- 18 Q. Okay. That's the answer I was looking for.
- 19 A. Yeah. I mean because we always have the ability within
20 Access to create, here's a TSR for this, for this zone. So we
21 should have that in place. So yes.
- 22 MR. HIPSKIND: Thank you. Ryan?
- 23 MR. FRIGO: I'm good.
- 24 MR. HIPSKIND: Michael?
- 25 DR. HOEPF: I do have just a couple of quick clarifying

1 questions if we've got time.

2 MR. HIPSKIND: We're going to make time, Mike.

3 DR. HOEPF: Okay.

4 BY DR. HOEPF:

5 Q. I just, I just, just a little bit better of an example, if
6 you can just walk me through a couple of these, you know, how this
7 process works just so I, you know, understand at Amtrak.

8 So we're just talking about the speed restrictions. So I'm
9 just wondering how does that apply? Is that, is that a default
10 where there's somewhere that is automatically applied? Or --

11 A. Are we, are we talking about the work zones?

12 Q. Work zones, yes.

13 A. I mean as a default, if you're going to have a work zone and
14 again, I can clarify, you know, what really is now being defined.
15 But if you're doing production work with a equipment like TLM, any
16 equipment like that, and you're creating a production work zone,
17 then it is default to it will be 60 miles per hour on adjacent
18 track. And that is the expectation.

19 And then it is up to, between the roadway worker in charge up
20 to the supervision to absolutely ensure that's in place and being
21 followed.

22 Q. Okay. Okay. So in terms of, so the roadway worker has to
23 call that in and tell the dispatcher that I'm working and tell the
24 dispatcher to slow the trains down?

25 A. Truthfully, I'd want to follow up with, you know, the

1 engineering folks on how they make sure of that. The one thing I
2 require right now because as soon as we put this in place June --
3 Dick hit it right on the, on the number. We felt on the customer
4 OTP. We didn't, we didn't let off on it.

5 The challenge I did back to engineering wasn't that I'm going
6 to let you out of the 60. I want you to manage work zones better.
7 And there was also another reason in my mind. This is about how
8 you manage for things well. Right? So I believe this is a
9 continuous improvement example because I also believe part of the
10 reason to go from 80 to 60, or 110 to 60, depending on what type
11 of equipment, is it sent a message that something was different.
12 So as a reminder, everybody every day, something's different
13 there.

14 But the other thing is, I mean just from a general
15 cleanliness of the work zone, shrinking it and managing it. The
16 other thing we did, so there's a couple of other things we did in
17 terms of mitigations. We also looked at, why do you have to do
18 everything during the day? We have less trains at night. We have
19 plenty of capability of lighting.

20 So we actually reintroduced -- now that wasn't as popular
21 with our workers, to be honest, but it was safer. We have less
22 trains going by at night, the potential is less at night, why
23 don't we do more at night? So we did that.

24 The other thing to what we talked about earlier, we did
25 introduce, if we know we're going to be working somewhere in this

1 range for the next 3 months, and we know we're going to be having
2 a 3 to 4-mile work zone and it's a few more minutes, does it make
3 sense to adjust the schedule? Why don't we do that? So at Amtrak
4 for years, we weren't adjusting schedules.

5 So even when we went back to 2 years ago when we did, when we
6 did the work in A interlocking, and we knew we were slowing things
7 down, we didn't adjust the schedules. We just took hits on our
8 OTP. And people questioned me, why are you always running at 70
9 percent? All the commuters run at 90? Well that's why.

10 So again, this is something that Wick, and Richard brought to
11 the table. In essence, we're fooling our customers. They're
12 getting on a train and it's going to take longer, and we know
13 that, adjust the schedule. Now then we have -- the reason people
14 avoid it is you have to go work with every commuter now, because
15 when we adjust our schedule, they've got to adjust theirs. That's
16 a lot of work.

17 But frankly, from a customer service perspective, we made the
18 changes, so some of what we did, if we know we're going to be in
19 an area with a work zone for a while, rather than get into the
20 pressure of, we said, let's adjust the schedule.

21 Q. Yeah. It makes sense to me, why not just, if you're going to
22 start changing the policy to slow trains down, why not just adjust
23 the schedules to manage expectations?

24 A. For a couple of minutes. I've got make up time and I can
25 handle it and should be able to handle it. But if we know for a

1 while, then it makes sense. And we know, but the other thing is
2 really, we are managing the size of a work zone. And frankly it's
3 helped I think our efficiencies.

4 Q. Yeah.

5 A. Yeah. Then it gets into the discussion around number of
6 watchmen. All that shrinks now. You don't have to have as much
7 of it. Right? Your line of sights are better. You have less to
8 worry about curves. All those things are better off with a
9 shorter work zone.

10 Q. I think that's interesting you bring that up then, because --
11 I'm sorry, I have to ask you another question about that. Yeah,
12 the whole idea of train approach warning, I mean it seems like
13 that is inconsistent with high train speeds to me. I mean what is
14 your opinion on that?

15 A. I'd have to think about it a little bit. I mean it's a
16 reality of the situation.

17 Q. Um-hum. Okay. That's okay. I don't want to put you on the
18 spot. Okay. Just quickly to pivot to a different process.
19 Talking about operations on host railroads. I know you're trying
20 to manage risk. Let's just say that you become aware there's a
21 signal suspension on a host railroad. Can you just walk me
22 through, does that trigger a set of processes? What does that
23 look like?

24 A. Yeah. And so typically --

25 Q. Who essentially --

1 A. -- a host railroad would inform our host railroad group, how
2 then informs several departments within Amtrak, including the
3 local transportation folks, who would also inform typically our
4 operating center, CNOC, who then also would inform Safety, the
5 system safety and compliance groups. That now triggers the risk
6 and mitigation process.

7 There's a specific process around signal suspensions and that
8 triggers a collaborative work and it's going to be led by
9 operations and transportation, with guidance to say, here's what
10 you now have to go look at and examine and come to a conclusion on
11 what are the recommended -- so basically coming from that risk
12 mitigation team, what are the recommended mitigations depending on
13 the circumstances, depending on the characteristics of the
14 territory, what's happening, what do you recommend?

15 And it can be anything from don't run, to we're going to bus
16 bridge, to let's proceed with a prepared to stop. It could be, it
17 could be a host of things and we'll look at it. I mean it all
18 depends. Are we talking about one day, a month, what are we
19 really looking at here? But under no circumstances will we, will
20 we not do some type of mitigation.

21 Q. Okay. And then, does that contrast with sort of an ongoing,
22 let's say, you're concerned about something like north road rock
23 slides on a track or something like that, is there sort of an
24 ongoing gap analysis where you're trying to identify the
25 weaknesses in the system that aren't necessarily associated with

1 any acute event?

2 A. I think on any given moment of time, we ought to be
3 evaluating what are the proper mitigations, how do we feel
4 comfortable to run? If I ever draw to a conclusion and I'll go
5 back and pivot to the same conversation, if I or any other
6 employee says, it's not safe, we shouldn't run.

7 So but now when you look at what is the potential for a rock
8 slide? The potential is always there and a whole host of spots in
9 our railroad in the sense of weather patterns. I mean out west
10 where we get heavy rains and mudslides, things like that, so
11 you've got to look at the conditions. What really has to, we have
12 to be alerted for is when we see conditions that are conducive to
13 this, what we need to do now to start mitigating.

14 I mean we just had a situation that we need to learn from out
15 in Eugene, Oregon, where we got a train that, and actually I was
16 part of looking at that situation. And it's one where I say, I'll
17 stand by the decisions I made and others around me made that we
18 had a heavy rain and -- or I'm sorry. We had heavy snow in an
19 area, but the issue wasn't the snow. We were, snow was forecasted
20 and it there was actually a discussion with UP as the host of,
21 should we run, should we run the service or not. And based on the
22 weather conditions, it was felt in both sides, Amtrak and UP felt
23 very comfortable that we've dealt with far worse than that, it
24 won't be a problem.

25 What had not been part of the prediction was the winds that

1 came. They were not predicting heavy winds with the snow. And we
2 got heavy winds and then we got thousands of trees down. And our
3 train happened to hit a tree and it sat there. Now you had cold
4 temperatures, but you had HEP. So and frankly, the neighboring
5 communities all lost power.

6 So we had a situation where UP couldn't get to the train. We
7 had passengers sitting there and the discussion was, what do we
8 do? And the decision was made, based on all the circumstance,
9 they got food, they got water, we have HEP, we have restrooms that
10 are working. Everything is probably better on the train than
11 anything we can do in the area. Shelter in place. And let's see.
12 Now as mitigation, we also -- and these are things that don't make
13 it to the press.

14 We also contacted the state of Oregon and said, here's the
15 situation, if this runs past this time, we may need your help. We
16 may need, because we were a little surprised, the governor hadn't
17 declared a state of emergency. We were somewhat expecting that.
18 But he hesitated to do that for whatever reason. We were
19 surprised because normally they do because that's how they get
20 federal funding. But they hadn't.

21 Though we did contact the state and we got an agreement with
22 the state, if we went past a certain time, then they would bring
23 in rescue folks to help get, either help get people off the train,
24 or frankly get provisions to the train. So and there's a sequence
25 of events, day of occurrence that you deal with.

1 Now we should learn a lesson from that, right, to say, now as
2 we go through and we examine whether to run or not run the
3 service, what's the potential for wind. We've taken a much
4 stronger -- so again, in light of the SMS processes, we've taken a
5 much stronger stance on the quarter where we dispatch, where we're
6 shutting service down on bad weather days than running because we
7 think it's a safer and frankly a more reasonable approach than the
8 old railroad mentality of just run in everything.

9 I mean we actually are getting away from that mentality and
10 we're finding our customers appreciate it because we were
11 transporting 12 people from Washington to New York, to get to a
12 New York that's closed down anyway.

13 Q. Yeah. Exactly.

14 A. And our equipment took a beating and our crews took beatings.
15 And we've actually taken a firmer stance of, we're not going to do
16 that. It's not the safe way. It's not the efficient way. And
17 what we'll do is, prepare to run really well as soon as we can,
18 and that's a, that's a different mentality that we've brought in
19 the last 12 months.

20 DR. HOEPF: Yeah. I think it makes sense sometimes, you just
21 don't run the service. Thank you so much, Scot.

22 MR. NAPARSTEK: Thank you.

23 DR. HOEPF: I appreciate it.

24 MR. HIPSKIND: Okay. I'll poll the group. Any additional
25 questions, and I just have a couple to go through.

1 MR. FRIGO: I just have one on the, on the Executive Safety
2 Committee, that's a quarterly meeting?

3 MR. NAPARSTEK: No, that's a monthly meeting.

4 MR. FRIGO: It's a monthly meeting. Okay. I think we're
5 going to, is it better to just request documents now that, or
6 should I send an email?

7 MR. LANDMAN: I think send an email.

8 MR. NAPARSTEK: In an email.

9 MR. FRIGO: Okay. So I'll just, but I'll just -- so I've
10 just taken a list here, and the PTC enforcement on the Point
11 Defiance Bypass, the scope of work for LTK for the slow-bys.

12 MR. NAPARSTEK: Yeah. So the only enforcements we would see
13 if, by the way, is just anything we've done prequalified, the test
14 trains.

15 MR. FRIGO: Okay.

16 MR. NAPARSTEK: I mean that's the only time we would --
17 because that's the only way we're running on there right now.

18 MR. FRIGO: Yeah, that --

19 MR. NAPARSTEK: And we've really limited running to a few
20 prequalifying, just to give people a little bit of exposure. And
21 we're very sensitive to the community, that we need to have
22 discussions with the community because we know it's a big deal for
23 them.

24 MR. FRIGO: Yeah. No, absolutely. Appreciate that. And,
25 you know, why not meeting minutes for the Executive Safety

1 Committee for --

2 MR. NAPARSTEK: I mean Justin would be the right person to
3 ask for that as well.

4 MR. FRIGO: All right. I know Mark's jotting it down, so
5 it'll be the 2017, 2018 and then up until today.

6 MR. HIPSKIND: But you'll follow up with them?

7 MR. FRIGO: I will follow up.

8 MR. LANDMAN: Yeah, meeting minutes for the executive.

9 MR. FRIGO: You know, I just think that --

10 MR. LANDMAN: No, that's okay.

11 MR. FRIGO: -- Mark's writing, so just get it in there.

12 MR. HIPSKIND: That it?

13 MR. FRIGO: That's it.

14 MR. HIPSKIND: All right, Scot, let's wind her down.

15 BY MR. HIPSKIND:

16 Q. So a lot of what we've talked about is what you initiated
17 back in 2018 and where you're at now and so I'll just ask you a
18 general question about, how much penetration do you think you're
19 getting on the concept, on the terminology? I mean is this, if we
20 went out and talked to train masters or road foremen of engines,
21 or even train crews, engineers and conductors, are they going to
22 know what we're talking about here today?

23 A. I think it will be a bit hit or miss. And what I mean by
24 that, I think certain concepts have sunk in better than others. I
25 think in general the idea of a safety management or the safety

1 policy and a safety program, I think they generally know there is
2 one. If you said, SMS, I think it'd be hit or miss on who could
3 tell you that's a safety management system.

4 Actually, the Just Culture has taken more, has taken a deeper
5 trying for people, or trying to understand it because that's more,
6 that's more personal right away. What does that mean for me? And
7 how is this different than what I'm used to? How will I be
8 managed differently? If I get myself in trouble what does this
9 mean? And so I think the concept of Just Culture has gotten a
10 little bit more of a kind of traction.

11 So I think, I think, you know, I think, because I think
12 that's the chore in front of us. As we move from infancy to
13 childhood to teenage adolescents to maturity, we're not at
14 maturity. And if you look at the roadmap that has been put out,
15 that I think really Ken is driving, and I think appropriately so.

16 If you asked me, we're still, we're somewhere in between the
17 reactive phase, kind of the infancy of reactive to moving into the
18 childhood of reactivity and trying to move along that path. And
19 you can see where we're putting in place the elements that will
20 support the build, that are the building blocks but we're not
21 anywhere near where we're at the mature phase. But from a
22 continuous improvement, I also think every day you have to do a
23 little bit more.

24 And the organization, even 10 years from now is always, every
25 organization is always waiting for that one sign, that one manager

1 who will show that they're really not bought in. And what we want
2 to do is make it -- you get a little bit closer to arrival when
3 they become, when they do not buy in, the organization responds to
4 that versus the other way around. So those are all signs we have
5 to be looking for.

6 Q. Are you positive about the future?

7 A. I'm very positive about the future.

8 Q. Are you committed to engaging other host railroads?

9 A. I'm committed to making sure my employees, my passengers and
10 anybody, any of our stakeholders are as safe as possible, which
11 will include host railroads and working with them. If that's -- I
12 need to work with host railroads to be successful. So I've got to
13 figure out how to do that.

14 And I actually believe and I'm going to go back and pivot
15 again, this is not a safety issue. I think between host and
16 tenants of mine, and I'm using the PTC definition of host and
17 tenant, so where I am a host, where I control the railroad or own
18 it, I have NJT, MRK, NS, CSX is a tenant of ours, I don't think
19 there's any, I don't think for the most part, and I have to
20 continue to test for it, that when it comes to safety, I think our
21 relationships are strong.

22 I put aside some of the other differences, and there are
23 because you've got to be safe first and foremost. But I'm
24 committed to make sure we continue to grow those relationships for
25 that purpose. I'm committed to make sure the risk mitigation

1 process -- frankly, again, I'm an engineer and I, and I live by --
2 I once got accused by a manager at a different company that I must
3 run FMEAs in my head all the time.

4 I'm always asking what can go wrong and how do you mitigate?
5 I mean it's my nature. It's who I am. And I have to be -- that's
6 how I think we should run our business. Always be prepared for
7 what can go wrong. Mitigate against it and things will be better.
8 I can't say fine. It's always about making things better.

9 Q. Okay. I think you're ready. I'm going to ask the closing
10 questions. Is there anything that you would like to add or change
11 to any of the discussion that we've had today?

12 A. No, not off, not off the top of my head right now.

13 MR. HIPSKIND: Okay. And I almost forgot, Mark, is there
14 anything that you want to add in terms of clarification?

15 MR. LANDMAN: No.

16 MR. HIPSKIND: Okay. I'll continue then.

17 BY MR. HIPSKIND:

18 Q. Are there any questions we should have asked but did not?

19 A. No, I can't think of any.

20 Q. Okay. And do you have any suggestions for preventing a
21 recurrence like Cayce? I know you took an operational, you took
22 an operational solution and now trains, I think you said, prepared
23 to stop. I call it restricted speed.

24 A. Yeah.

25 Q. And that has been applied universally on all host

1 railroads as well as your railroad?

2 A. I can't, I wouldn't answer the question that way. What I
3 would say is what we are doing is applying the SMS, the risk
4 assessment process and saying, what is the right way? So
5 prepared, being prepared to stop, restricted speed, we absolutely
6 would, if we decide to run in any signal suspension, we're going
7 to run restricted speed.

8 Prepared to stop is actually a further definition of
9 restricted speed that says, before you cross that switch, you need
10 to be prepared to stop if it's not aligned. So you're going to
11 run at a lower speed.

12 Q. Yeah, at whatever speed --

13 A. Right. You know that.

14 Q. Yeah.

15 A. The reason I'm not answering just yes, is because we may
16 decide that, you know what, we're just going to bus bridge it.
17 That the real safe way to do this one is bus bridge. We may
18 decide not to run. We may decide that there's actually an
19 alternative route. It may take a little bit longer but we're
20 going to go the alternative route. So that, in my mind what we
21 are committed to is, every time a signal suspension happens, we're
22 going to run the risk mitigation process.

23 Q. And those last two examples, bus bridge and detours, that's
24 total elimination of the hazard.

25 A. That's right.

1 Q. Okay.

2 A. That's, if there is a good alternative route, then why
3 wouldn't we take it? And especially if, you know, that's also a
4 discussion with host to say, what's the congestion and all that.
5 But we have to look at all the factors and say, what's the best
6 decision?

7 If we don't believe it's safe to run the route with signal
8 suspension, then we won't run it. The only question will be what
9 are our alternatives then?

10 Q. Okay. Final question. Is there anyone else who we should
11 interview? I believe you have named a couple of names we talked
12 about?

13 A. Frankly, you've got them scheduled.

14 MR. HIPSKIND: Yeah. And they're scheduled. So if there's
15 nothing else, thank you very much --

16 MR. NAPARSTEK: Thank you.

17 MR. HIPSKIND: -- for being here. I hope that the roadmap
18 and hope the way we conducted this meeting was agreeable.

19 MR. NAPARSTEK: I have no issues. Ultimately, it is my
20 responsibility to make sure my employees and my customers, and
21 frankly, I don't, I don't overlook any of the stakeholders. I do
22 not want somebody from CSX to ever get hit by one of our trains
23 regardless of the situation again.

24 So ultimately that is the most important responsibility I
25 have. So anything we can do to help, anything you guys can do to

1 help me get there, I'm all for it.

2 MR. HIPSKIND: Thank you very much, Scot. All right.

3 (Whereupon, the interview was concluded.)

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CERTIFICATE

This is to certify that the attached proceeding before the

NATIONAL TRANSPORTATION SAFETY BOARD


IN THE MATTER OF: COLLISION OF AMTRAK TRAIN #91 AND
A STATIONARY CSX TRANSPORTATION
TRAIN NEAR CAYCE, SOUTH CAROLINA
FEBRUARY 4, 2018
Interview of Scot Naparstek

ACCIDENT NO.: RRD18MR003

PLACE: Washington, D.C.

DATE: March 26, 2019

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.


Romona Phillips
Transcriber