



NATIONAL TRANSPORTATION SAFETY BOARD  
**Investigative Hearing**

Washington Metropolitan Area Transit Authority Metrorail train 302 that encountered heavy smoke in the tunnel between the L'Enfant Plaza Station and the Potomac River Bridge on January 12, 2015

<b>GROUP</b>	
<b>EXHIBIT</b>	

Agency / Organization

Title

UNITED STATES OF AMERICA

NATIONAL TRANSPORTATION SAFETY BOARD

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Investigation of:

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WMATA INCIDENT AT L'ENFANT PLAZA  
STATION, WASHINGTON, D.C.  
JANUARY 12, 2015

Docket No.: DCA-15-FR-004

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Interview of: NIYA BANKS

WMATA Headquarters  
Jackson Graham Building  
Washington, D.C.

Monday,  
April 13, 2015

The above-captioned matter convened, pursuant to notice.

BEFORE: MICHAEL FLANIGON  
Railroad Accident Investigator

The interviewee was afforded an opportunity to review this transcript for accuracy. No corrections were received.

## APPEARANCES:

MICHAEL FLANIGON, Railroad Accident Investigator  
National Transportation Safety Board

ROBERT "JOE" GORDON, Investigator-in-Charge  
National Transportation Safety Board

RICK NARVELL, Human Performance Investigator  
National Transportation Safety Board

LOREN GROFF, Ph.D., Transportation Safety Analyst  
National Transportation Safety Board

JAMES MADARAS, Safety Officer  
Amalgamated Transit Union (ATU), Local 689

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I N T E R V I E W

1  
2 MR. FLANIGON: Okay, my name is Mike Flanigon, F-l-a-n-  
3 i-g-o-n, and this is April 13th, 2015. We're interviewing  
4 Ms. Niya Banks, N-i-y-a, B-a-n-k-s. She is a train operator with  
5 WMATA. And the purpose of the interview is to develop some  
6 background information for our panel at the upcoming investigative  
7 hearing into the January 12th smoke and arcing incident on WMATA.

8 And we'll go around the room and let the other folks in  
9 the room identify themselves and spell their name.

10 MR. NARVELL: Hi. I'm Rick Narvell, N, like in Nancy,  
11 a-r-v, like in Victor, e-l-l, and I'm with NTSB.

12 DR. GROFF: Loren Groff, L-o-r-e-n, G-r-o-f-f, NTSB.

13 MR. MADARAS: James Madaras, M-a-d-a-r-a-s. I'm the  
14 safety officer with Local 689.

15 MR. GORDON: Joe Gordon, G-o-r-d-o-n, NTSB.

16 MR. FLANIGON: And, Ms. Banks, I want to confirm that  
17 you understand we'll record the interview and provide you a  
18 transcript?

19 MS. BANKS: Yes.

20 MR. FLANIGON: Okay, great.

INTERVIEW OF NIYA BANKS

22 BY MR. FLANIGON:

23 Q. How long have you worked for WMATA and how long have you  
24 been a train operator?

25 A. I have worked for WMATA for 8 years and I've been a

1 train operator roughly for 6 years.

2 Q. Okay. And before you were a train operator, what did  
3 you do for WMATA?

4 A. I was a bus operator.

5 Q. Bus operator. Okay, good. So, in the 6 years you've  
6 been a train operator, what kind of changes have you seen in terms  
7 of either new or different safety initiatives, better safety  
8 initiatives, worse safety initiatives? Just what kind of changes  
9 have you seen with regard to safety over that period of time?

10 A. I haven't really seen -- well, from the time I first  
11 became a train operator, there was a lack of a sense of safety.  
12 And I was actually in on-the-job training when the June 22nd, 2009  
13 incident happened. And again, like I said, from the time that I  
14 stepped foot on the property operating with an LPI, there was  
15 never, you know, a standard as far as safety is concerned. I'm  
16 kind of nervous, but that's the truth.

17 Q. Sure. Take your time.

18 A. You know, it's always hurry up and do, hurry up and go,  
19 hurry up and get on the train, we don't have time for that. You  
20 know, what are you doing walking around for; we need a train off  
21 the platform. You know, it's always been that way and, as far as  
22 I'm concerned, it's gotten worse since then and it was supposed to  
23 have gotten better.

24 And nobody -- like, so many rule changes have come into  
25 effect that nobody really knows what they're doing on an everyday

1 basis. Nobody knows exactly what it is that they're supposed to  
2 do because there's, like I said, there have been so many rule  
3 changes, but we have not had any training as far as  
4 re-implementation of exactly what is expected of us every day. We  
5 don't have a clue. So most of us just do as we have been doing,  
6 and then if you get a write-up, then you just file a grievance.

7 Q. You mentioned three initials, LPI, Lima-Papa-India.

8 A. Yes.

9 Q. What is that?

10 A. Line platform instructor.

11 Q. Line platform --

12 A. Which will be a certified train operator who trains the  
13 student train operator in their, you know, everyday duties and  
14 tasks and stuff.

15 Q. Okay, great. And how would you characterize your  
16 working relationship with your peer employees, other train  
17 operators?

18 A. I have a good relationship with most of my employees --  
19 I mean, most of my fellow employees. I would even say that most  
20 of them -- I would go so far as to say that most of them look up  
21 to me as the standard in this company. I would even go so far as  
22 to say that.

23 Q. And how about the working relationship with your  
24 managers, supervisors?

25 A. At times it can be hostile because I'm not a conformist,

1 so to speak. I am a thinker. I question everything. You know, I  
2 report, you know, stuff that I see that could present a problem  
3 and they don't like people like me. They think I talk too much.  
4 If I fill out an application for a promotion, I might as well  
5 throw it in the trash because it's not going to happen. They just  
6 want people to -- we said do this, so just go ahead and do it.

7 Q. Do you feel free to raise safety issues with your  
8 manager?

9 A. Oh, I do. I do personally --

10 Q. Yeah.

11 A. -- but that's not the norm amongst my co-workers. I do  
12 because I'm not afraid because if they fire me, I know I'm going  
13 to get my job back. But there are other people, you know, who  
14 they fear making safety reports. As a matter of fact, I would say  
15 about 98 percent of the people that work there fear making safety  
16 reports. As a matter of fact, a lot of them come to me and ask me  
17 to tell so and so and so and so about this particular issue.

18 Q. And that's just on a more or less informal basis that  
19 they do that as opposed -- you're not --

20 A. Right.

21 Q. -- holding any like a union position or --

22 A. No, I don't hold any title or anything like that.

23 Q. -- safety committee chair or anything that?

24 A. They just know that I'm -- right.

25 Q. Okay. Are you aware of any near miss or close call type



1 reporting system at WMATA?

2 A. I'm aware of the one that has been established between  
3 the union and the federal government, yes.

4 Q. And what do you know about that or what do you hear  
5 about that or --

6 A. Well, I know at work, we got -- they gave us the  
7 pamphlet and we were supposed to get, like, a 1-hour training  
8 session on how to use it, but for the most part, they just gave us  
9 the pamphlet and told us to sign off on the paper that we received  
10 it. Other than that, the only other thing that I've heard about  
11 it in further detail would be through Mr. Madaras or someone else  
12 down at the union hall.

13 Q. And how about a safety hotline, do you know anything  
14 about that?

15 A. No.

16 Q. Okay. Would you feel -- you personally, would you feel  
17 free to raise an issue if you saw your peer employee, another  
18 train operator, or even one of your supervisors taking unsafe  
19 actions?

20 A. Me personally, and again, that's personally, no, and I  
21 have before. I have -- you know, there was a situation where a  
22 supervisor had overran a station when they had -- they were  
23 bringing me my train from a terminal and they opened the doors off  
24 the platform without even putting their head out the window and I  
25 reported it immediately. Well, there are a lot of operators,

1 again, about 98 percent, that will not do that for the fear of  
2 retaliation.

3 Q. Okay. So do you think this is a safe place to work?

4 A. As long as I'm on the property, yes.

5 Q. Okay, good. Have your supervisors or managers ever sort  
6 of observed your work performance --

7 A. Yes, they have.

8 Q. -- and given you feedback?

9 A. Yes, they have.

10 Q. And was that --

11 A. It's always excellent, always.

12 Q. Okay, good. How often would you say you see a  
13 supervisor when you're out operating?

14 A. We see supervisors every day. Most of them won't get on  
15 my train, though, because of how I am, so -- they avoid me like  
16 the plague, so -- but you may say them walking around and what  
17 have you.

18 Q. Okay. And how then would you describe the  
19 organizational culture here with regard to safety? Does safety  
20 trump productivity or the other way around?

21 A. It's the other way around, for sure.

22 Q. Okay. Talking about a training just a little bit, have  
23 you received any training in the incident command system, which is  
24 how emergencies are managed by different entities?

25 A. No.

1 Q. Okay. And are you familiar with the Tri-state Oversight  
2 Committee?

3 A. Vaguely.

4 Q. And have you ever seen them on the property, any of  
5 their personnel?

6 A. No.

7 Q. No?

8 A. If I have, I probably wouldn't know who they were.

9 Q. Okay. And how about -- how would you describe the  
10 functionality of the WMATA radio system?

11 A. Well, I will put it to you -- the train radios, the  
12 digital train radios are okay. You do have bad spots here or  
13 there. You know what I mean? But for the most part -- I mean,  
14 but that's with any radio, because we had the same problem with  
15 the analog. You may have a bad spot here or a bad spot there, you  
16 know. You can kind of work around that. But the new handheld  
17 radios that they have given us are basically not even worth taking  
18 out of the division.

19 Q. And why is that?

20 A. Well, the running joke on the property was these radios  
21 were going to get somebody killed. Unfortunately, we thought that  
22 it may have been one of our co-workers and -- you know, we all  
23 laugh about it and everything, but it's a very serious situation.  
24 I had no idea that it was going to be as severe as what happened  
25 in January. I didn't know. I'm sorry. My cousin rides the

1 Yellow Line.

2 Q. Yeah.

3 A. She just had a baby. I'm sorry.

4 Q. That's all right. Take a break if you want.

5 MR. NARVELL: Do you want to take a break or --

6 MS. BANKS: No, I'm okay. Thank you.

7 BY MR. FLANIGON:

8 Q. So, can you be a little more specific about what it is  
9 about the pack sets or handsets that is --

10 A. Well, they just flat out don't work. I mean, they may  
11 start off working, you know -- like, if you -- again, the 5000  
12 series cars have not been retrofitted with the new digital  
13 equipment. So if you have the handheld radio, you may start off,  
14 you know, with a working radio, and then as you go down the line,  
15 you know, it'll have the appearance of being on, but you can't  
16 hear anything, and then if you try to transmit, you'll get a loud  
17 beeping noise. And then, like, on several occasions, I have had  
18 to turn the radio off and back on, you know, several times to  
19 reestablish communication, take the back -- the battery off of the  
20 back of it several times just to get communication, you know, back  
21 with the control center. And it's like, I mean, what do you do?  
22 You know what I'm saying? You can't just sit at the station, you  
23 know.

24 Q. Yeah.

25 A. If you have speed commands, just continue on. If they

1 want to get in contact with you, they'll find some kind of way.

2 Q. Yeah. Okay. As a train operator, do you feel you have  
3 authority to slow or stop train movement if you think it's unsafe  
4 to continue?

5 A. No.

6 Q. You do not have that authority?

7 A. I don't feel that I do.

8 Q. No?

9 A. But, again, personally, if it's not safe for me to move  
10 my train, I will not move my train, but that is a personal choice.

11 Q. Okay. And are there negative consequences if you  
12 exercise that or --

13 A. Yes.

14 Q. -- delay a train? What are they?

15 A. I have been removed from service before for, you know,  
16 stuff like that. I mean, I have been criticized, chewed out over  
17 the radio, you know, threatened to be removed from service if I  
18 didn't do X, Y, or Z. You know what I mean?

19 Q. Um-hum.

20 A. And you do understand you could be terminated for  
21 insubordination if you don't do, you know, basically what we tell  
22 you, that kind of thing. And, you know, again, I'm the operator.  
23 Fire me now, but you'll have to rehire me and give me all my money  
24 back, so it's not a problem. But --

25 Q. And what was it that you weren't doing or that -- I

1 mean, can you be more specific?

2 A. Well, there was an incident with myself and the control  
3 center where I had a door stuck open on my train and I asked for  
4 permission to, you know, secure the cab and go back and check for,  
5 you know, to see if there was a door stuck open, to put it, you  
6 know, plainly. And he told me no, that I had to wait for railcar  
7 maintenance. Fine.

8 So, I sat and I made the announcements to my customers.  
9 The nearest car maintenance person was maybe about four or five  
10 stations away and I guess it was taking longer than, you know,  
11 they had anticipated, so they asked me to break the door interlock  
12 bypass seal or the operator circuit breaker panel. But we have  
13 rules in place for every one of those seal switches. So I asked  
14 if I could offload the train and verify that all of my doors are  
15 physically closed, and they told me no. So I told them I will  
16 stand by for a supervisor. And they repeatedly continued to ask  
17 me to break the door interlock bypass, and I continued to say I'm  
18 waiting for a supervisor. And they threatened to remove me from  
19 service for not doing as instructed even though all I was doing  
20 was following the rule.

21 If you want me to stay in my cab, that's your right, but  
22 you cannot have me break one of those seals, you know what I mean,  
23 and move the train while I have customers on here and there's a  
24 possibility that there could be a door stuck open. So that's just  
25 one example.

1 Q. Okay. Have you ever participated in a training scenario  
2 -- training now -- involving emergency situations like smoke,  
3 fire, or other sorts of things that could happen, evacuations and  
4 that sort of thing?

5 A. I have been trained to put out a fire with a fire  
6 extinguisher, but other than that, no.

7 Q. Okay. And --

8 A. And that was 6 years ago.

9 Q. Six years ago?

10 A. Um-hum.

11 Q. Okay, on fire -- and how about any training on how OCC  
12 works and what their protocols are?

13 A. No.

14 Q. Okay. Do you have the authority as a train operator to  
15 shut off train ventilation on your own initiative?

16 A. Technically, no.

17 Q. Okay.

18 A. But, I mean, I've, you know, operated on the Red Line  
19 and if you ride the Red Line, you know that there is smoke in the  
20 system all the time on the Red Line, especially between Friendship  
21 Heights and Medical Center. And if I see or observe smoke, I will  
22 cut the ventilation system off without being told to do so because  
23 that's the safest course of action, and then I would report to the  
24 control center.

25 Q. Okay.

1           A.    That's what I would do, but, again --

2           Q.    Okay, okay.  So can you walk through how you would go  
3 about doing that?  How would you shut off the ventilation in the  
4 train?

5           A.    You go to the auxiliary control panel and there's a  
6 switch and you have a round key.  You take your round key and you  
7 turn that switch off.  You have to hold it for about 5 or 6  
8 seconds.  Then once you hear the EV fan stopped blowing, then you  
9 -- well, you have to key the train down first.  That's the first  
10 thing.  Then you go to the aux panel, key it off.  Once you hear  
11 the ventilation system stop blowing, then you trip your EV circuit  
12 breaker in your lead cab and continue on.

13          Q.    Okay.  Okay.  And I'm guessing that probably every WMATA  
14 train operator has gone through a mental exercise, is thinking  
15 what they would have done if they ran into heavy smoke in a subway  
16 like occurred on the 12th.  So what do you see as the steps that  
17 you would need to take?

18          A.    Well, I myself -- and I may be telling on myself, but at  
19 this point, I really don't care because I have -- we have nothing  
20 else to lose.  I have been in that situation before and I'm just  
21 so sorry that somebody had to actually die from that.

22                    But there was a situation where there was smoke in  
23 between Friendship Heights and Bethesda and it was supposed to  
24 have been on track 2.  So, naturally, when I come into Bethesda  
25 station, there is smoke in the station, but it wasn't -- you know,



1 it was very faint; it wasn't heavy. And I closed the doors and  
2 continued on because I was on track 1; the incident was on track  
3 2.

4 S, as I got maybe about a third of the way through, it  
5 was smoke so thick in the tunnel I couldn't even see my hand in  
6 front of my face. But it was like instinctual, I just went on  
7 ahead and turned the EV off and I continued on. I just continued  
8 on, because as long as I have speed commands and the train has  
9 power, I can get to the station and, you know, if necessary, I can  
10 offload the customers there, because at Friendship Heights, there  
11 was no smoke.

12 So, I gave the control center a landline and I just told  
13 them, you know, I'm not going to, you know, tell on myself or  
14 anybody else, but please don't send anymore trains through open  
15 track 1. And I just, you know, I left it at that. And they did;  
16 they abided by what I said. They held the next train at Grosvenor  
17 before it got into the affected area. I mean, it's just, you  
18 know, like a common sense kind of second nature kind of thing just  
19 kicked in.

20 Q. Right.

21 A. Because it's like I can't sit here with smoke and it's  
22 -- you know, I have all these people on my train. I don't know.  
23 I just -- you have to have common sense. If you don't, you're  
24 going to get somebody killed. That's just the way it is.

25 Q. Okay. How would you go about gaining access to a train

1 from the outside if you had to approach a train and get on it in  
2 an emergency for some reason?

3 A. You'd either have to use the bulkhead door, which is the  
4 door on the front of the train, or you'd have to use one of the  
5 crew doors, 2, 6, or 8, to -- I'm sorry -- 2, 9, or 8 -- 2, 8, and  
6 9 are the crew doors -- to board the train.

7 Q. And do you know how the fire departments are trained to  
8 get on the train or --

9 A. No.

10 Q. No? So in a situation like that L'Enfant Plaza  
11 incident, who is the on-scene commander? Who's in charge really?  
12 What's that --

13 A. I believe whoever the WMATA personnel is first on the  
14 scene is the on-scene commander until Transit Police arrive, and  
15 then they become the on-scene commander.

16 Q. So that could be you, as --

17 A. Yeah, it could be me. Absolutely.

18 Q. It could be you. Okay. I think that's all I have.

19 BY MR. NARVELL:

20 Q. This is Rick Narvell from the NTSB. I want to thank you  
21 for your testimony here, you know, a lot of questions. I just had  
22 a few here. One was when was this incident on the Red Line that  
23 you kept on going through Friendship -- or to Friendship Heights?

24 A. I can't remember the exact date, but it was fairly  
25 recent.

- 1 Q. Was it this year?
- 2 A. No, it wasn't this year. It had to -- maybe 2013.
- 3 Q. Oh, okay, a couple of years --
- 4 A. Yeah.
- 5 Q. -- a year and a half, 2 years ago?
- 6 A. Yeah, something like that. Yeah.
- 7 Q. Okay, just to clarify there.
- 8 A. Yeah. I was working out Brentwood then.
- 9 Q. Okay.
- 10 A. Yeah.
- 11 Q. Have you participated or are attending any safety  
12 committee meetings?
- 13 A. No. We usually don't know when they are. They --
- 14 Q. Have you ever attended one --
- 15 A. No.
- 16 Q. -- since you've been employed by WMATA?
- 17 A. Yeah, when I was on the bus side. They would have them  
18 in the operator's lounge, not on the rail.
- 19 Q. Do you know on the -- if you know, on the bus side, do  
20 they still have them on the bus side?
- 21 A. I believe so, yeah. They have them monthly.
- 22 Q. Monthly?
- 23 A. Um-hum.
- 24 Q. But, over here, since you've been here roughly 6 years,  
25 no?

1           A.    Well, I won't say they haven't had them; I just haven't  
2 heard about it.

3           Q.    Oh, you haven't heard about it?

4           A.    Yeah.

5           Q.    Okay. All right. You've been a train operator for, you  
6 say, about 6 years. In your 6 years as a train operator, have you  
7 seen a lot of new train operators come into the system?

8           A.    Yes.

9           Q.    Do you -- from what you've seen, are they qualified and  
10 properly trained?

11          A.    No.

12          Q.    Well, why do you say that?

13          A.    Well, I would say some are and some aren't and, again,  
14 it just depends on who they have been trained by. Because we have  
15 a lot of people in the training department who have been hired  
16 from what we call off the street or from the outside, from --

17          Q.    Right.

18          A.    -- meaning not within.

19          Q.    Did something else prior to coming to WMATA?

20          A.    Exactly. And because they have a college degree,  
21 quote/unquote, then they're supposed to be better qualified or  
22 better capable to teach, you know, us how to operate a train  
23 safely, and I just don't believe that and I -- just simply because  
24 there are some things that only experience can teach you and  
25 that's just the way it is. You know what I mean?

1 Q. Um-hum.

2 A. And, like, there are people that come through here --  
3 like, it used to -- when I came through, you had two attempts to  
4 certify. If you couldn't certify in those two attempts, then you  
5 went back to your last position and that was the end of it. You  
6 know what I mean? And they had -- and you could try again, you  
7 know, the next time or whatever. But, now they have, like,  
8 adopted, like, a no-child-left-behind type of program where you  
9 could certify basically as a many times as you want to, but you'll  
10 have to do it on your own time.

11 S, you actually have people out here operating trains  
12 who have went four and five times to certify, which means that  
13 they're not qualified. Because, again, if you're not the type of  
14 person that can pick it up right away, you can't think for  
15 yourself, you can't walk and chew gum at the same time, you cannot  
16 be a train operator. It's impossible. You're going to have an  
17 incident, you're going to damage equipment, and you might end up  
18 fired. So I think that they're more concerned -- like it was a  
19 quality training program at one time and I think they're more  
20 concerned with quantity as opposed to quality at this particular  
21 point in time.

22 Q. So basic train operator is, what, 13 weeks, something  
23 like that? Does that sound --

24 A. No, no, no, it's about 4 -- it's anywhere from 4 to 5  
25 months. I know when I came through, I was in for 4 months.

1 Q. Four months?

2 A. Yes.

3 Q. And you have to recert every 2 years, correct?

4 A. Yes.

5 Q. Okay. And what does that involve?

6 A. Basically, we're just recertifying on train parts, how  
7 to troubleshoot a train if it's not moving and how to overcome the  
8 problem, how to recover a train if it becomes disabled and, you  
9 know, you're the train behind it and you have to get it off the  
10 line, that kind of thing. Main line, you may go about two or  
11 three stations. They just want to see you make a eight-car stop  
12 and put your head out the window. Can you block or clamp a  
13 switch, and that's pretty much it.

14 Q. Okay. Right now -- the last one here. Mike had asked  
15 you about the Tri-state Oversight Committee, or the TOC. Have you  
16 ever seen any FTA, or Federal Transit Administration, folks out  
17 here?

18 A. No.

19 Q. You have not. Okay. Thank you. That's all I have for  
20 you now.

21 BY DR. GROFF:

22 Q. Back up maybe just a little bit, more discussion on just  
23 reporting safety issues. You mentioned that you -- you're willing  
24 to report things sometimes when others aren't.

25 A. Um-hum.

1 Q. Could you just talk about if the system was sort of  
2 working the way it's supposed to, how would that normally  
3 happened? If somebody had a safety issue, who would they report  
4 it to and how that moved through the system to get resolved?

5 A. Well, it's a chain of -- well, we are to report all  
6 abnormalities and what have you to the control center. And from  
7 that point, I don't know what their responsibility is once we  
8 report it to them, and we report it them verbally over the radio.  
9 So if I say I got, you know, an arcing insulator at chain marker  
10 D1, 121+00, you know what I mean. Or, it could be like something  
11 -- like a signal that keeps dropping out here. You know what I  
12 mean, DO208 signal keeps dropping out. And I don't know what they  
13 do with that information after they get it, that's the thing.

14 Q. Yeah.

15 A. And then if it's not fixed, then the next step, would be  
16 my division superintendent, and then it goes up to the next  
17 person, who I believe is England. And then from England to  
18 Ballard, and then from Ballard to Troup, and then from Troup the  
19 general manager.

20 Q. So, it just keeps moving on up to the designated --

21 A. Yeah, basically.

22 Q. Okay. But you --

23 A. But you have to be the one to do it.

24 Q. Right.

25 A. Like, you have to CC these people on your email.

1 Q. Okay. So, you can follow it to make sure that it's --

2 A. Exactly.

3 Q. Okay.

4 A. Yeah.

5 Q. So, how about if -- I assume that reporting it to the  
6 OCC is if you're in operation. What if you saw something, I don't  
7 know, about your surroundings or what it might be, while you're  
8 not operating a train? Maybe you're on duty, but you're not  
9 actually in the train and see you something in the station or --  
10 who would you report that to?

11 A. I would landline the control center.

12 Q. Okay, so you still send it to the control center?

13 A. Right.

14 Q. Okay. You mentioned that some people come to you and  
15 make some of those reports. What kind of feedback do you  
16 generally get when you make a report? Do you hear back on how it  
17 is --

18 A. Well, I can say that --

19 Q. -- or is that up to you?

20 A. -- Mr. Beatty at West Falls Church, you know, if I make  
21 a safety report, he's all over it. Like he, you know, he'll send  
22 somebody out or what have you and, you know, investigate if it is  
23 or isn't a safe condition or whatever. And I do everything in  
24 writing, so he knows that he's going to be held accountable  
25 because, you know what I mean, I don't have a problem with picking



1 up a phone.

2 Q. Okay.

3 A. I don't. So he's on top of it.

4 Q. And you usually get feedback then whatever the  
5 resolution --

6 A. Yes.

7 Q. -- whatever happened?

8 A. Um-hum.

9 Q. All right. And we also talked a little bit about that  
10 close call reporting system. How do others -- you and then others  
11 that you've talked to feel about that system? Are they as  
12 concerned about that as they are just making regular safety  
13 reports?

14 A. Yes.

15 Q. And why is that?

16 A. Because they feel like they could be identified if, you  
17 know, if whatever happens, and then they would be retaliated  
18 against.

19 Q. Um-hum. Have there been any examples of that or is it  
20 just the built up that --

21 A. Well, they don't make the reports because they're afraid  
22 of the retaliation.

23 Q. Okay. We've heard a little bit about this new  
24 disciplinary matrix. Is that -- can you tell me a little bit  
25 about that, how that's explained to employees?

1           A.    Well, basically, it's, you know, if you mess up, we're  
2 going to fire you. I mean, that's just -- it is what it is. And  
3 instead of just going through the process of, like, retraining  
4 everybody to make sure that everybody's on the same page, that  
5 everybody knows what they're supposed to be doing, they would just  
6 rather, you know, come up with new ways to fire you. That's just  
7 the way it is.

8           Q.    So, is it -- how is it explained? Is it explained as,  
9 like, we need to be getting tougher with employees?

10          A.    Basically.

11          Q.    Is that how it's explained?

12          A.    Um-hum.

13          Q.    Okay. All right. I think that's all I have.

14                   BY MR. MADARAS:

15          Q.    Thank you. James Madaras, Local 689. When you report  
16 something to ROCC and you're on main line, how do you hear back  
17 from ROCC that they addressed your concern?

18          A.    I don't.

19          Q.    So the only way you can follow up with that is you have  
20 to bring it to Beatty at the division --

21          A.    Um-hum.

22          Q.    -- and then you get some type of answer that way?

23          A.    Right.

24          Q.    Have you ever had incidences where you've reported  
25 something and that ROCC didn't get back to you and that same

1 condition continues to exist?

2 A. Oh, yes. Oh, well, it continue to exist today. But the  
3 safety meeting that we had last month at the Presbyterian church  
4 where I spoke of the interlocking at Tacoma where numerous  
5 operators had reported how bad a condition the interlocking was,  
6 and nothing got done about it for months, months. And it was like  
7 literally -- like, most of us, like I said, you know, the seasoned  
8 operators, you know, we'll just go over doing 15 or 35 miles an  
9 hour, but every now and again, you had somebody that came over  
10 from a different line and they're doing the, you know, the full  
11 speed going over there, and then their train end up dumping or,  
12 you know -- or if they lose their brakes off and got to -- you  
13 know, train got to be recovered, anything. You understand?

14 Q. Um-hum.

15 A. And that went on for months. It went on until actually  
16 a track inspector -- it was raining outside and he got on the  
17 trailing end of that train, and when the train went up -- you  
18 understand -- then that's when he called the control center and  
19 told the control center that he needs a speed restriction in that  
20 area, and then maybe about 2 weeks later, they had a shutdown to  
21 replace the interlocking. But that went on for nearly a year, and  
22 we have reported it over and over and over and over and over and  
23 over and over again and nothing got done about it, nothing.

24 Q. I'm thinking here, so you have to give me a moment,  
25 please.

1           A.    Oh, no, you're fine.

2           Q.    Are you ever aware of conditions that exist on trains  
3 that go out on the main line when they shouldn't, like there being  
4 some type of deficiency on the train and they put it out just to  
5 make revenue?  Are you aware of any of those situations?

6           A.    Well, I'm not a mechanic, okay, but I will say that  
7 there was a time where I was instructed to remove a train from the  
8 shop, okay, and the mechanic said that the train -- he had not  
9 finished doing whatever he was supposed to have done.  I don't  
10 know what was wrong with the train because that's above my pay  
11 grade, you understand, but he had not finished his work and the --  
12 there came -- and I brought the train out anyway, and they told me  
13 to, you know, just put the cars revenue service.

14                  So, again, I don't know what was wrong with that train.  
15 It could have been an HVAC problem, you know, it could have been  
16 -- it may not have been anything serious, but, you know -- and  
17 then a lot of times, you may bring a train out of the -- like, the  
18 other day, I had a train just came out the yard and I go maybe  
19 one, two stations, the train is sluggish, flashing -- I picked up  
20 a flashing motor overload, and I called it into the control  
21 center.  Three cars on an eight-car train, three cars, no current.  
22 Came out the yard like that.  So, obviously, you understand what I  
23 mean, they did not fix whatever was going on with that train.

24           Q.    Well, did you --

25           A.    Or maybe they thought they did.  That's what I'm saying;

1 I really don't know because it's above my pay grade.

2 Q. Okay. I want to go back to the Local Safety Committee  
3 meetings. You said that -- can you help me understand what you  
4 know about that because I'm --

5 A. Nothing. Like I say, I've never -- I've never even  
6 heard -- you know what I mean? Like, I know that they say, you  
7 know, we have union meetings, that they have safety meetings  
8 periodically on the rail with whoever, but I have never seen  
9 anything posted, advertised.

10 Q. So is there anything that you're aware of within the  
11 division that work in, or the divisions you have worked in, that  
12 encourages you to report unsafe conditions?

13 A. Is there anything that encourages me?

14 Q. Yeah. If you're not participating in a regular safety  
15 meeting or a monthly safety meeting, I mean, other than you taking  
16 it upon yourself to go to your manager or to report it to ROCC,  
17 you know, you're doing that on your own.

18 A. Right.

19 Q. Where is it that the employees collectively are  
20 encouraged to report?

21 A. Oh, it's -- there's no encouragement. If anything, like  
22 I said, it's like kind of like unspoken that it's discouraged.  
23 And I say that because, like I said, if you're a person who wants  
24 to move up -- because the reason why most of us applied for this  
25 job, you know, when we read through the rules, you know, the whole

1 little spiel, welcome to Metro and great place to work, fast-paced  
2 environment with opportunity for growth. That's why a lot of  
3 money to be made in transportation is in management and overtime;  
4 that's just the way it is. So, people want to move up.

5 But, if -- again, if you keep running your mouth about  
6 this is going on, that's going on, whatever, whatever, whatever,  
7 when they see your application, they're going to throw it in the  
8 trash. So that's how they discourage you from making safety  
9 reports. Or if you make a mistake, because we are humans, you  
10 know what I mean, and you were the type of person, like I am, and  
11 you just make a mistake, as opposed to them just suspending you,  
12 you're out the door and let the union get your job back. And  
13 managers have told me this -- that before. So --

14 Q. Okay, that's all the questions I have. Thanks.

15 BY MR. GORDON:

16 Q. Joe Gordon with the NTSB. Earlier you mentioned the  
17 close call reporting system. I think Mike asked your familiarity  
18 with that system and you said that they -- were you were given a  
19 pamphlet and basically told to sign off on it.

20 A. Um-hum.

21 Q. Any other training that you received like that where  
22 they say, you know, basically, read this and sign it --

23 A. Um-hum.

24 Q. -- that you've read it? Okay, thank you for that.

25 And the radio issues, I know, we've heard of issues

1 across the system with radios. How often would you say that you  
2 report a dead spot with the radios or --

3 A. Every day.

4 Q. And that goes on with not just you, but operators all  
5 throughout the system?

6 A. Operators -- um-hum.

7 Q. Okay.

8 A. If you all monitor radio, you can hear sometimes the  
9 operators, seriously, giving the radio check: "I'm on the 5000.  
10 I can't hear anything, and -- but, you know, if you can hear me,  
11 I'm just letting you know that I'm on the 5000 and I have a  
12 handheld." And that's just the, you know, that's just the way it  
13 is.

14 Q. Okay.

15 A. But go ahead. I'm sorry.

16 Q. Oh, no. Thank you.

17 The condition of the tunnels, you know, with so much of  
18 the system being underground, have you seen any change in, I  
19 guess, maintenance practices in the tunnels over your time of  
20 operating, anything different with the way they're doing any of  
21 the maintenance in the tunnels, maybe cleaning the tunnels or  
22 anything like that?

23 A. (No audible response.)

24 Q. Pretty much stayed the same? Okay.

25 MR. FLANIGON: I'm sorry. Just yes, just for the

1 transcriber. Yes --

2 MS. BANKS: Oh, yes. Yes.

3 BY MR. GORDON:

4 Q. Thank you. And --

5 A. Well -- I'm sorry. The question was have I seen any  
6 changes or any improvements?

7 Q. Improvements, any changes, right.

8 A. The answer is no.

9 Q. Okay.

10 A. Okay, just to specify.

11 Q. Okay. And I think you touched on this a little bit with  
12 Jim, but a pre-trip inspection, so you go to a yard to pick up a  
13 train set, go out into revenue service. Is there an inspection  
14 that you do prior to --

15 A. Yes.

16 Q. -- taking that train?

17 A. Um-hum.

18 Q. Have you ever found any deficiencies with the train sets  
19 and reported those?

20 A. Yes.

21 Q. And what's typically the response that you get to --

22 A. Well, the response that I would get, again, me being me  
23 that people know who I am -- or how I am, I will -- I get another  
24 train. Some operators don't. That's the way it is.

25 Q. Okay. So sometimes they're told to take those out?



1           A.    Um-hum.  Call central.

2           Q.    Okay, I have nothing further right now.

3           MR. GORDON:  Mike?

4           MR. FLANIGON:  Nothing for me.

5           BY MR. NARVELL:

6           Q.    Yeah, this is Rick Narvell.  I do have one final kind of  
7 a wrap-up.  We've heard a lot of concerns that you expressed today  
8 on various fronts, if you will.  From your perspective, what needs  
9 to be done to fix some of these concerns, if not all of them?

10          A.    Well, our entire workforce needs to be retrained and --  
11 you know, we need to be retrained.  And again, like I said, with  
12 the smoke incidents and things like that, I mean, I see them out  
13 there training the firefighters and everything like that.  But  
14 we're right there on the scene, you understand, so why not train  
15 us how to, you know what I'm saying, get these people off the  
16 train so that these type of things don't continue to happen?  
17 Because if you're just sitting there waiting and waiting and  
18 waiting for the fire department, then somebody's going to die  
19 again.  I mean, that's just the way it is.  We have to have this  
20 know-how and we have to have it engrained in us to a point that  
21 when and if another incident like this occurs, we can safely get  
22 those people off of that train, out of that station and save a  
23 life.  That's -- you know, because we are the first responders in  
24 a situation like that.

25          Q.    Like what happened at L'Enfant?

1 A. Exactly.

2 Q. Okay, thank you. That's all I have.

3 DR. GROFF: I don't have any more questions.

4 BY MR. MADARAS:

5 Q. Yeah, one final that just came to me. The Red Line  
6 incident that you mentioned where you took the safest course that  
7 you thought and shut down the EVs and continued on through the  
8 smoke, have -- so, when the smoke is reported, and you said that  
9 it was reported as being on the opposite track.

10 A. Right.

11 Q. A lot of these tunnels are joined together and sometimes  
12 there's no way of knowing where the actual smoke is coming from.

13 A. Right.

14 Q. So there's not really a procedure in place or, you know,  
15 is there a procedure in place now that you -- has anything changed  
16 since January 12th as far as with smoke? If there's a report of  
17 it ahead of your train, is there anything that's done differently  
18 now?

19 A. Well, the only thing, they changed the procedure to  
20 allow the operators to be able to turn off the EV themselves --

21 Q. Okay.

22 A. -- but, again, that's just more paperwork and no  
23 training.

24 Q. Have you ever been asked to do a track inspection with  
25 the train to try to determine -- you know, like they say, we've

1 got a report of smoke.

2 A. Um-hum.

3 Q. Can you do a track inspection through this area, chain  
4 marker to chain marker, while the train was in revenue service?  
5 Is that ever something that they do?

6 A. No. Well, since L'Enfant Plaza, no.

7 Q. Okay.

8 A. If there's a report of smoke, the train is offloaded  
9 immediately since that happened. So --

10 Q. Okay, thank you. I have nothing further.

11 A. Okay.

12 MR. FLANIGON: Okay. Well, I want to say thank you.

13 We'll turn this off.

14 (Whereupon, the interview was concluded.)

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CERTIFICATE

This is to certify that the attached proceeding before the

NATIONAL TRANSPORTATION SAFETY BOARD

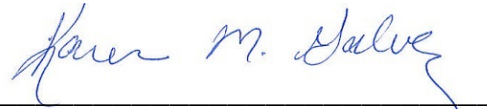
IN THE MATTER OF:            WMATA INCIDENT AT L'ENFANT PLAZA  
   STATION, WASHINGTON, D.C.  
   JANUARY 12, 2015  
   Interview of Niya Banks

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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.



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Karen M. Galvez  
Transcriber