

NATIONAL TRANSPORTATION SAFETY BOARD

-----:
   
IN RE: :
   
 :
   
THE AMTRAK ACCIDENT : NTSB Accident No.
   
IN WEST PALM BEACH, FLORIDA: DCA16FR009
   
ON JULY 6, 2016 :
   
 :
   
-----:

INTERVIEW OF: MATT KIRK

Thursday,
   
July 7, 2016

Pompano Beach, Florida

BEFORE

DAVID BUCHER, NTSB
   
SCOTT KENNER, AMTRAK
   
AL YODER, SFRTA
   
RICHARD RUSNAK, FRA

This transcript was produced from audio
   
provided by the National Transportation Safety Board.

P-R-O-C-E-E-D-I-N-G-S

1  
2 MR. BUCHER: This is Dave Bucher, Rail  
3 Action Investigator for the National Transportation  
4 Safety Board. It's July 7th. We're at the RTA  
5 Headquarters, and, where we're located, here.

6 FEMALE: 800 NW 33rd Avenue, I'm sorry,  
7 street, Pompano Beach --

8 MR. BUCHER: Pompano Beach, Florida.

9 FEMALE: -- 33064.

10 MR. BUCHER: And this is the interview of  
11 Mr. Matt Kirk, Amtrak train dispatcher. And it's  
12 relative to NTSB Investigation DCA15FR007. The action  
13 at West Palm Beach, Florida on July 6, 2016.

14 For the purpose of this, the purpose of this  
15 investigation is to increase safety, not assign fault,  
16 blame or liability. NTSB cannot offer a full guarantee  
17 of confidentiality or immunity from legal or  
18 certificate actions, however, a transcript or summary  
19 of this hearing will go into the public docket. The  
20 interviewee can have one representative.

21 You chose not to have anybody. And that is  
22 the interviewee's choice. And I'll start out, Dave  
23 Bucher, B-U-C-H-E-R. And I'd like the questioners to  
24 please for the record say their name and spell it  
25 please.

1 MR. KENNER: Scott Kenner, K-E-N-N-E-R, with  
2 Amtrak, superintendent.

3 MR. YODER: Allen Yoder, Y-O-D-E-R, SFRTA.

4 MR. RUSNAK: Richie Rusnak, R-U-S-N-A-K,  
5 FRA.

6 MR. BUCHER: Okay and Matt, if you could  
7 just state your name and spell it for the  
8 transcriptionist, that would be --

9 MR. KIRK: Matt, last name is Kirk, K-I-R-K,  
10 supervisor of Commuter Operations.

11 MR. BUCHER: Thank you. Okay, Matt, NTSB is  
12 just trying to get the story, as we gather facts for  
13 this investigation. If you could go just give us an  
14 overview of what you remember about yesterday in the  
15 time leading up to the accident.

16 You know, what you heard, saw, what controls you  
17 were, what trains you were running. I'd, just start  
18 before the accident, how your day was going and --

19 MR. KIRK: Okay, well, I came on duty at  
20 6:20 in the morning yesterday. Had 16 hours of rest.  
21 And I was working the dispatcher D1 desk. So I was the  
22 primary dispatcher. And it was a routine morning.  
23 Everything was going as normal.

24 PO98 was just about off the territory. And then  
25 at that time, we got an emergency call from the

1 engineer on Channel 10, at which time he informed us  
2 that they had struck a vehicle.

3 And as soon as we found out they had struck a  
4 vehicle. It was at 25th Street. Immediately went over  
5 to the road channel to notify P621 because they were  
6 the next train departing from Mangonia Park. They were  
7 leaving at 10 o'clock so.

8 We made sure that they were aware that they had  
9 their train stop and they were not going to be  
10 departing. And then, P098 asked me to roll back over  
11 to the road, over the dispatch channel, at which point,  
12 they informed me that they had observed that there was  
13 somebody working on the crossing.

14 And there was a truck there. And the gates did  
15 not activate when they were going through the crossing.  
16 And so, in addition to getting that information, I  
17 began with another assessment just asking them to let  
18 me if there are injuries to the passengers, to the  
19 crew, and also to let us know what the status of the  
20 car is.

21 And I also got the mile post that they were  
22 stopped at, which is standard procedure for emergency.  
23 And then after that, we started notifying other trains,  
24 including the next north bound to Old West Palm Beach,  
25 and then we started our notification calls to everyone

1 else. And that was the initial event.

2 MR. BUCHER: Okay, I'll start off and then  
3 we'll just ask a few questions from the group here.  
4 How many, do you remember how many other trains you  
5 were controlling at the time of the accident?

6 MR. KIRK: Well, we had P098, and then at  
7 the time, there'd probably be around like five or six  
8 trains. At the time there were two freight trains  
9 operating, 0717 and most likely, 0722 was out there as  
10 well. Possible, possibly why 120 might have been on  
11 the Amtrak lead, we're clearing off.

12 But usually about, you know, two north bounds,  
13 maybe three at a time. It's the end of the rush hour,  
14 so there might have still been a couple but, you know,  
15 we get down, you know, once like, 9:00 or 10:00 passes,  
16 the trains start, you know, going hour to hour. So.

17 MR. BUCHER: Okay, so that would have been  
18 like two or three north and two or three south?

19 MR. KIRK: Yes.

20 MR. BUCHER: How about --

21 MR. KIRK: Yes, just a rough estimate.

22 MR. BUCHER: Is it normal procedure -- and  
23 we'll get into a little bit about, a couple of  
24 questions here about requesting time for work on the  
25 crossing and his, the maintainer's relationship with

1 the train dispatcher.

2           Just a couple of questions about that. Is it  
3 normal practice when somebody takes a crossing out of  
4 service to request some kind of permission for  
5 protection, or, I mean is, what is the normal practice  
6 for you when they take a crossing out of service for  
7 any kind of reason?

8           MR. KIRK: Well, if we receive a call from  
9 the maintainer and if they inform us that there's some  
10 kind of malfunction with the crossing, then we would go  
11 ahead and put protection on the crossing, in the form  
12 of a full activation failure, or a false partial  
13 activation.

14           You know, we take that information from the  
15 signal maintainer. They're qualified to tell us, you  
16 know, what is going on with the crossing and if we need  
17 to protect it.

18           There's other circumstances where they will  
19 merely call, they'll give us a heads up and tell us  
20 that, hey, I'm going to be here working at this cross  
21 and at that instance they inform us that, this is in no  
22 way is going to affect the crossing. It's not going to  
23 affect the signals.

24           It's not going to affect the trains. And, you  
25 know, you know, in that case we have to rely on them.

1 You know, if they give us that information. But  
2 absolutely, if they say in any way that the crossing is  
3 going to be impacted, then we have protection on the  
4 crossing. And, you know, full activation, false  
5 partial, whatever protection's needed.

6 MR. BUCHER: Okay. And that could  
7 constitute like giving an order to trains going on  
8 duty, that, you know, so and so, like a daily bulletin  
9 would show something that would be long-term, or, I  
10 know the short-term outages aren't going to be  
11 documented as easily.

12 But if you're going to, if they're going to work  
13 on a crossing like they had planned work on crossing,  
14 that would be on the daily bulletin.

15 MR. KIRK: Yes, so what will happen is like  
16 typically when the maintainer will call to put a  
17 protection on the crossing, full activation or false  
18 partial, we'll go ahead and put the protection and then  
19 that will start issuing EC1 authorities to the trains  
20 so that they can protect the crossing.

21 If it's going to be of a long-term nature, then  
22 it will go ahead and make its way on to the  
23 dispatcher's bulletin. And so that trains can stop  
24 proceeding EC1, so they'll just have it on their orders  
25 from their initial terminal.

1           Now a lot of times, though, it will be short-term  
2 work. And if it's short-term, then we'll issue EC1  
3 until we receive clearance that the crossing is cleared  
4 and we can take off all protection and trains can stop  
5 copying authorities.

6           MR. BUCHER: Okay, thank you. Appreciate  
7 that. I'm going to pass it off to Amtrak.

8           MR. KENNER: Yes, please. Just a couple  
9 clarification.

10          MR. BUCHER: Can you just state your name  
11 for the --

12          MR. KENNER: This is Scott Kenner, with  
13 Amtrak. You're saying it was a normal day, normal  
14 meaning were you issuing any EC1s prior to this  
15 incident?

16          MR. KIRK: Yes, I was issuing some EC1s. As  
17 I recall, we did have a road crossing out in the  
18 morning, so I was issuing a, you know, EC1 to transfer  
19 road crossings. And we're also moving track inspectors  
20 during the day and also may have had signal  
21 maintainers, others calling for EC1 authority. So I  
22 was before the incident issuing EC1 authorities to  
23 trains.

24          MR. KENNER: Okay. And back to like Dave's  
25 question, if you didn't, if it wasn't going to be just



1 short-term outage, you would just put that protection  
2 in pending, that way it doesn't go to the dispatcher  
3 bulletins that everybody would get, is that right?

4 MR. KIRK: Yes, that's a tool we can use.  
5 We can hit a pending box on there, if we know that some  
6 things going to be long-term, we can hit it so it comes  
7 out and then goes straight on the bulletins but it's  
8 something short-term. That, yes, we can issue a  
9 pending.

10 MR. KENNER: Okay. That's all I need.

11 MR. YODER: Al Yoder, SFRTA. Again, for  
12 clarification, a question was asked on application of  
13 protection. When a maintainer calls, are they the ones  
14 that assign the protection?

15 MR. KIRK: Yes, that's correct.

16 MR. YODER: Okay, is this particular band  
17 that you're aware of was that malfunction or testing  
18 and maintenance?

19 MR. KIRK: It was testing and maintenance.

20 MR. YODER: Okay, and were you aware prior  
21 to the event that there was a signal maintainer at 25th  
22 Street, or a signal inspector at 25th Street?

23 MR. KIRK: I found out after the fact. I  
24 was giving an EC1. So that's why I didn't know it  
25 before.

1 MR. YODER: Okay, so you had no information  
2 prior to the accident? Okay. With the maintenance  
3 activities is it -- yes, you already answered that one.  
4 Right?

5 MR. RUSNAK: The, Richard Rusnak, FRA, just  
6 to, for clarification, how is your office set up? You  
7 said you were the primary dispatcher? And then there's  
8 another person in the office?

9 MR. KIRK: Yes.

10 MR. RUSNAK: Can you give the job  
11 description, what the primary does and what the other  
12 person does, responsibilities?

13 MR. KIRK: Yes, so I sit at the, well, that  
14 particular day, yesterday, I sat at the D1 desk. And  
15 so I'm responsible for minding signals for the trains,  
16 for train movement, and also I give out ECIs for such  
17 things as dispatcher messages.

18 So if we have a speed restriction that needs to  
19 be put on. Or if we have a road crossing out, I'm  
20 responsible for giving out those ECIs and those  
21 authorities. And I control the movement of the trains.  
22 The other desk is the D2 desk.

23 And they're responsible for sending out the  
24 issues, such as sending out the bulletins, and any kind  
25 of paperwork related issues, stuff like that.

1 MR. RUSNAK: Okay. So in other words, when  
2 in this case, you didn't have any conversations with  
3 the signal maintainer before hand? You didn't know  
4 that he was out there?

5 MR. KIRK: I didn't know. I was giving out  
6 an EC1. And I didn't know. I didn't have an  
7 opportunity.

8 MR. RUSNAK: Have you, have you, well, of  
9 course you've worked with this signal maintainer in the  
10 past.

11 MR. KIRK: Correct.

12 MR. RUSNAK: Yesterday, well, the day in  
13 question, did you have any phone conversations with him  
14 whatsoever?

15 MR. KIRK: Not yesterday, no.

16 MR. RUSNAK: Not at all. Okay, and in the  
17 past, have you taken any exception to the way he  
18 handles himself out in the field, as far as following  
19 the rules and so on?

20 MR. KIRK: No.

21 MR. RUSNAK: No, okay, thank you.

22 MR. BUCHER: You've got questions? Okay,  
23 Dave Bucher again. I just have a, just quickly, you,  
24 your work week is, was what prior to coming in? Just  
25 for your hours, an idea of your hours of service prior

1 to the day, yesterday?

2 MR. KIRK: Yes, so I have a regular  
3 schedule. So it's my regular shift is to work the  
4 morning shift, Sunday through Thursday.

5 MR. BUCHER: Sunday through Thursday?

6 MR. KIRK: Yes.

7 MR. BUCHER: Okay.

8 MR. KIRK: So, yesterday was my fourth day  
9 of the week.

10 MR. BUCHER: Okay. Okay. And you work 7:00  
11 to 3:00?

12 MR. KIRK: So it's actually, the hours are,  
13 it's, so it's about 6:15, 6:30, because we come in a  
14 little bit early --

15 MR. BUCHER: Sure.

16 MR. KIRK: -- to do the turnover. So we can  
17 say officially 6:30 to 2:30.

18 MR. BUCHER: Okay. Okay. Okay, and the  
19 other position has the same hours?

20 MR. KIRK: Yes, the same hours.

21 MR. BUCHER: Okay, the D1 and D2. Okay.  
22 Okay. I don't have any more questions. Anything else  
23 that anybody else has here? Okay, well this, this  
24 concludes the interview of Mr. Kirk.

25 (End of recording.)

C E R T I F I C A T E

MATTER: Amtrak Accident, July 6, 2016  
West Palm Beach, FL  
Accident No. DCA16FR009  
Interview of Matt Kirk

DATE: 07-07-16

I hereby certify that the attached transcription of page 1 to 13 inclusive are to the best of my professional ability a true, accurate, and complete record of the above referenced proceedings as contained on the provided audio recording; further that I am neither counsel for, nor related to, nor employed by any of the parties to this action in which this proceeding has taken place; and further that I am not financially nor otherwise interested in the outcome of the action.

A solid black rectangular redaction box covering the signature area, with a dashed horizontal line underneath it.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701