

UNITED STATES OF AMERICA

NATIONAL TRANSPORTATION SAFETY BOARD

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Investigation of:

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ACCIDENT INVOLVING AMTRAK TRAIN

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#89 AND MOW EQUIPMENT AND

\*

EMPLOYEES NEAR CHESTER,

\*

Accident No.: DCA16FR007

PENNSYLVANIA ON APRIL 3, 2016

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Interview of: MICHAEL LOGUE

Amtrak  
Washington Union Station  
Washington, D.C.

Thursday  
September 29, 2016

## APPEARANCES:

RICHARD HIPSKIND, Chairman, Track and Engineering Group  
National Transportation Safety Board

RYAN FRIGO, Investigator-in-Charge  
Chairman, Operations Group  
National Transportation Safety Board

BOB BEATON, Ph.D., Division Chief  
Human Performance and Survival Factors Division  
National Transportation Safety Board

ANN GARCIA, Accident Investigator  
National Transportation Safety Board

FRAN WALKER, Track Safety Inspector  
Federal Railroad Administration

LOU TOMASSONE, IIC  
Federal Railroad Administration

DONALD HILL, Safety Task Force  
Brotherhood of Locomotive Engineers and Trainmen (BLET)

WILLIAM BATES, Co-Director, National Transportation  
Safety Team  
SMART Transportation Division

THERESA IMPASTATO, Deputy Chief Safety Officer  
Amtrak

JOHN BONVENTRE, Esq.  
Landman, Corsi, Ballaine & Ford, PC  
(On behalf of Mr. Logue)

CHRISTOPHER SCHULTE, Supervisory Safety Specialist  
Federal Railroad Administration  
(Observer)

MICHAEL HOEPF  
FORREST HOLDCROFT  
National Transportation Safety Board  
(Observer)

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I N T E R V I E W

1  
2 MR. HIPSKIND: My name is Richard Hipskind and I am the Track  
3 and Engineering Group chairman for NTSB for this accident. We are  
4 here today on September 29, 2016, at Amtrak's Washington Union  
5 Station in Washington, D.C. to conduct an interview with  
6 Mr. Michael Logue, who is a vice president and chief safety  
7 officer and works for the National Railroad Passenger Corporation,  
8 or Amtrak.

9 This interview is in conjunction with NTSB's investigation of  
10 a collision of Amtrak Train 89 with maintenance-of-way equipment  
11 and employees on April 3rd, 2016, at milepost 15.7 on Amtrak's PW  
12 line near Chester, Pennsylvania in Delaware County. The NTSB  
13 reference -- accident reference number is DCA16FR007.

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

20 Again, my name is Richard Hipskind. The spelling of my last  
21 name is H-i-p-s-k-i-n-d. I am the Track and Engineering Group  
22 chairman for the NTSB on this accident.

23 DR. BEATON: I'm Bob Beaton, B-e-a-t-o-n, with NTSB.

24 MR. HOEPF: I am Michael Hoepf, H-o-e-p-f. I'm an  
25 investigator with the NTSB observing today.

1 MS. GARCIA: Ann Garcia, G-a-r-c-i-a, with the NTSB.

2 MR. WALKER: Fran Walker, W-a-l-k-e-r. I'm an FRA track  
3 safety inspector.

4 MR. TOMASSONE: Lou Tomassone, T-o-m-a-s-s-o-n-e. I'm the  
5 IIC for the FRA.

6 MR. HOLDCROFT: Forrest Holdcroft, H-o-l-d-c-r-o-f-t. I'm  
7 with the NTSB and I'm just observing today.

8 MR. SCHULTE: Christopher Schulte, S-c-h-u-l-t-e, supervisory  
9 safety specialist, Federal Railroad Administration.

10 MR. BATES: William Bates, B-a-t-e-s, SMART Transportation  
11 Division, National Safety Transportation Team.

12 MR. HILL: Donald Hill, H-i-l-l, BLET Safety Task Force.

13 MS. IMPASTATO: Theresa Impastato, I-m-p-a-s-t-a-t-o, Amtrak.

14 MR. HIPSKIND: And, Mr. Logue, would you place yourself on  
15 the record?

16 MR. LOGUE: Yes. Michael Logue, L-o-g-u-e. I am vice  
17 president and chief safety officer for Amtrak.

18 MR. HIPSKIND: Mr. Logue, do you mind if we proceed on a  
19 first name basis?

20 MR. LOGUE: I do not.

21 MR. HIPSKIND: Okay. Michael, could we -- oh, excuse me. My  
22 esteemed IIC has caught me once again.

23 Ryan, please place yourself on the record.

24 MR. FRIGO: Not just the IIC, but also the Operations Group  
25 chair, Ryan Frigo, F-r-i-g-o, NTSB.

1 MR. HIPSKIND: All right. Thank you for that, Ryan.

2 So, Michael, do we have your permission to record our  
3 interview conversation with you today?

4 MR. LOGUE: You do.

5 MR. HIPSKIND: And do you wish to have a representative with  
6 you here today?

7 MR. LOGUE: I do.

8 MR. HIPSKIND: John?

9 MR. BONVENTRE: My name is John Bonventre, from Landman,  
10 Corsi, Ballaine & Ford, here for Mr. Logue.

11 INTERVIEW OF MICHAEL LOGUE

12 BY MR. HIPSKIND:

13 Q. Okay. Michael, first couple of things that we'd like to  
14 cover is, if you want to, sitting down, standing up, walking  
15 around, why don't you take us through your work history and take  
16 us up to your present job and then, if you want to continue, talk  
17 to us about your duties and responsibilities in your current  
18 position, please.

19 A. Okay. I started my railroad career in January of 1977 with  
20 the Consolidated Rail Corporation as a yard clerk, actually at  
21 Frankford Junction. From there, I went into train and engine  
22 service in 1979 and went to what we affectionately refer to as  
23 Choo-Choo Charlie School down in Wilmington and became a qualified  
24 locomotive engineer in 1980. And for the next year or so, pretty  
25 much qualified on the physical characteristics in the Philadelphia

1 Division, what was known in the Philadelphia Division at the time  
2 for Conrail, as well as all of the SEPTA commuter trains. And  
3 then I qualified as a fireman from Washington to New York on  
4 Amtrak trains.

5       Shortly thereafter, I was caught up in the recession in the  
6 early '80s. Conrail had hired an awful lot of engineers with the  
7 expectation that engineers at the top of the roster were going to  
8 go by the wayside. They never did, so consequently, those that  
9 they hired were furloughed. Many of my colleagues went over to  
10 operate trains for SEPTA. I took a different path. I started as  
11 an inspector trainee and -- actually, I started as clerk for the  
12 Department of Transportation, Federal Railroad Administration, a  
13 GS-4 clerk. About 5 months after that, I was -- entered into the  
14 safety inspector trainee program, again, 1983, and I spent 4 years  
15 as a safety inspector trainee in the Philadelphia area.

16       From there, in 1987, I transferred into headquarters,  
17 Washington, D.C., and spent about a year there as a GS-12  
18 specialist. And shortly thereafter, there was a change in  
19 administrations. I think it was Bush I. And at the time the  
20 deputy administrator was looking for someone who had some railroad  
21 experience to be his chief of -- or special assistant. So I  
22 interviewed for that job and he asked me if I wanted the job. And  
23 went home and talked to my wife, and I took the job and I worked  
24 for him as his special assistant until the end of the Bush  
25 administration. It was Bush I.

1           And then from there, with the change of administration,  
2 President Clinton coming on, I stayed in the front office as a  
3 special assistant until the administrator came on, and went from  
4 the deputy administrator special assistant to the administrator  
5 special assistant. And I worked for Administrator Merle Forest  
6 (ph.) for about 6½ years.

7           So toward the end of her tenure, there was a position that  
8 became open in the Office of Safety, so I was sent back down  
9 there, and I was in an acting capacity. I believe it was the  
10 deputy associate administrator for safety. I applied for the job  
11 and was subsequently awarded the job -- I don't know what time  
12 frame -- about a year or so later. And I did that job for about  
13 11 to 12 years. In that position I was responsible for field  
14 operation in the eight regional offices and the eight regional  
15 administrators reported to me.

16           From there, we had, I guess, another change in administration  
17 and at the time -- this was just recently, under President Obama,  
18 the agency put on a new position, an executive director. And so  
19 when the administrator found out -- Administrator Szabo found out  
20 that I had experience in the front office, when they couldn't get  
21 anybody, he called me up and he said, I'd like you to take this  
22 position. And I don't make it a habit of saying no to the  
23 administrator, so I said, gladly, sir. So I did that position for  
24 about, oh, 11 months and competed for the position but was not  
25 awarded the position. They awarded it to an outside candidate,



1 and at the end, you know, she should have been awarded the  
2 position, and so that worked out well.

3       So the administrator kind of liked me being around. He said,  
4 well, I don't know what I'm going to do with you now. And I said,  
5 well, you got the associate administrator for administration  
6 position open; why don't you send me over there? He said, that's  
7 a good idea. So from there, I went over there and then I was  
8 responsible for -- in an acting capacity, I was responsible for  
9 IT, human resources, and procurement. Didn't hardly know a damn  
10 thing about any of the three of them, but nonetheless, I was  
11 overseeing them.

12       So from there, I was awarded the position and I did that  
13 position for about, oh, a year and a half, 2 years, when the  
14 administrator called me back in the office. He said, look, you  
15 know, the associate administrator for safety, that position is  
16 becoming vacated; I'd like you to get down there and run safety,  
17 and oh, by the way, I want you to continue your regular job. I  
18 said, yes, sir. So I was in an acting capacity as the associate  
19 administrator for safety for about, oh, I'm going to say, 6  
20 months, as well as the associate administrator for administration.

21       And around early in 2013, you know, I was told there was a  
22 position available at Amtrak. They had just put on a new chief  
23 safety officer position. So at the time I was eligible to retire.  
24 I had 30 years in federal government in 2013. So I went home and  
25 talked to my wife about possibly retiring and making a move. You

1 know, I was the best qualified candidate. So I put my application  
2 in, went down to legal, recused myself from anything that had to  
3 do with Amtrak, and went through a series of interviews and was  
4 eventually offered the position. And I accepted the position and  
5 I retired from federal service in July of 2013 and I took this job  
6 July of 2013. And I have been here for 3 years and a little less  
7 than 3 months.

8 Initially I was the chief safety officer. They made some  
9 title adjustments and I was also added to my title vice president  
10 and chief safety officer.

11 From there, Mr. Stadtler suggested that I take a tour around  
12 the system and see what's out there. When I got here, there was  
13 probably about 22, 23 people in what they call the Safety  
14 Department. And so from there, I got on a train in September and  
15 went from Chicago to Seattle to Oakland to L.A. to New Orleans and  
16 back, and just sort of talking to people, you know, what's out  
17 there, talking about safety and things like that.

18 So when I came back, I gave my report to Mr. Stadtler. It  
19 was just a verbal report, suggesting to him that, you know, there  
20 were pockets of safety all over the place and that we probably  
21 ought to think about aligning ourselves similar to how the  
22 business lines are, mechanical engineering. And he said, you  
23 know, fine, give me a plan.

24 So I believe I provided him with a plan. I had my first team  
25 meeting probably December of that year, and I had given them some

1 thoughts as to the direction that we were going to begin taking  
2 the department, if you will, and asked them to come up with some  
3 ideas, because I wasn't going to do this in a vacuum. I needed  
4 their input. And so, you know, as luck would have it, we were  
5 pretty much all on the same sheet, and this wasn't choreographed  
6 or anything, but they had ideas of, you know, business lines here,  
7 Northeast Corridor, long distance, et cetera.

8 And so from there, I believe I provided a plan to  
9 Mr. Stadtler the end of January 2014. And, you know, one of the  
10 first things I needed, we didn't have anybody that was overseeing  
11 our funding, so I did actually bring on a fund administrator. I  
12 believe she was my first hire. And then I started to put some  
13 positions out there. One was an operation lifesaver and another  
14 one was a deputy chief safety officer. And Theresa was probably  
15 the second hire, and I believe she was on board in May of 2014.

16 And so from then, she and I have been a partnership to begin  
17 to grow what is now known as the System Safety Department, and  
18 we've been doing that consistently for, you know, the 2½, 3 years  
19 at this point.

20 So in my current capacity, I oversee safety for the company  
21 as a whole, both the employees and the passengers. Theresa is a  
22 direct report to me. Theresa, at this point she oversees field  
23 operations. I would consider her position to be analogous to what  
24 I had over at the FRA. And, you know, I report directly to  
25 Mr. Stadtler and get involved in policies and things like that, as

1 well as working to continue to grow the department. So that's,  
2 you know, about the last 37 years of my life.

3 Q. Thank you.

4 A. You're welcome.

5 Q. You know that we're here to talk about the broader, more  
6 global view of Amtrak and the Safety Department, as well as the  
7 other departments. And one of the things we wanted -- or a couple  
8 of things that we want to talk about today with you, Michael, is  
9 how things look at your level of -- your involvement with the  
10 Senior Executive Safety Council and things of that nature.

11 But before we get to that, because of your background with  
12 FRA and our need to understand a little bit more detail about  
13 things that happen post-accident -- we know that Amtrak had shut  
14 down. We know that FRA and Amtrak work together and were  
15 responsive to, you know, what's going on out here and let's do  
16 some joint projects. So my series of questions is going to focus  
17 on that period of time.

18 A. Um-hum.

19 Q. So let me begin with, as we've seen in some previous  
20 incidents, on scene, Amtrak indicated to NTSB personnel that they,  
21 Amtrak, had engaged in a safety stand-down. And we kind of heard  
22 it both ways, but my question right now is whether or not that  
23 safety stand-down was directed to be conducted to Amtrak by FRA or  
24 whether that safety stand-down was initiated by Amtrak without any  
25 FRA involvement. How should I understand that?

1 A. So my recollection, obviously after the incident we got  
2 together probably the following day and we talked about a stand-  
3 down, you know, here at Amtrak ourselves. So we started to put  
4 that in motion, if you will, what really should go into the stand-  
5 down. We need to start covering, you know, 214, roadway worker  
6 protection, on-track safety briefings, communications on the  
7 ground, dispatchers, things like that.

8 And so as we were evolving probably over the next 24, 48, 72  
9 hours, you know, obviously FRA is engaged, NTSB is engaged. Then  
10 later on in the week, I did receive a letter from FRA, and I  
11 believe it was sent to me from Pat Warren, who had my position at  
12 the time over there, but it was signed by Bob Lauby, and  
13 essentially they were directing us -- I think that was the  
14 terminology used -- directing us to conduct a safety stand-down.

15 Well, we had already put much of that motion and, you know,  
16 were almost ready to go to print, if you will. And so after  
17 looking at what their suggestions were, they were pretty much in  
18 line with us. I think about the only thing that we may have added  
19 that we weren't focused on was some information from the Thames  
20 Group, some literature that they thought would be beneficial, so I  
21 believe at that point we added in there. And I sent a note back  
22 to Mr. Warren almost within 24 hours, because we were that far  
23 along.

24 And so we suggested that, you know, Pat, here's our safety  
25 stand-down; we're going to effect it immediately. Then I think it

1 may have started even on a Friday night. The accident happened on  
2 Sunday and I believe we put it into effect Friday night and  
3 Saturday morning. And we did that for the next 2 weeks. We did  
4 that with the expectation that we were going to get close to, you  
5 know, 100 percent of the population that would -- the engineers,  
6 primarily the engineering and the dispatch type folks. And  
7 accounting for days off and sickness and things like that, that's  
8 why we extended it out. And I'm pretty sure we probably got 99.9  
9 percent of the population that was out there.

10 So when you ask the question, you know, it was a parallel  
11 path, you know, we started down there. We called up, you know,  
12 with them at the end and, you know, we put this out there and we  
13 were able to convey it in an appropriate amount of time.

14 Q. So well-discussed, a lot of communication, and mutually  
15 agreed upon, and then implemented and executed?

16 A. Exactly. They took no exceptions to the plan that we  
17 submitted.

18 Q. Okay. So what changes has Amtrak made with regard to FRA  
19 changes in Part 219, whereby FRA has brought maintenance-of-way  
20 employees under drug and alcohol testing?

21 A. There -- and I don't know this, you know, verbatim. Okay?  
22 But the rule, I guess, went into effect in -- or it was published  
23 in 2016, will go into effect, I think, April of 2017, where the  
24 maintenance-of-way folks are going to be required to come under  
25 the testing. Amtrak is in the process of positioning themselves,

1 identifying positions out there, particularly with contractors  
2 involved, you know, who are going to be out there. I believe they  
3 are also endeavoring to have conversations with labor leadership  
4 to see if they can effect, you know, the random testing prior to  
5 the effective date of the regulation. I don't believe those  
6 conversations have taken place yet, but nonetheless, there are  
7 talks to go that way.

8 Q. Okay. Now we've talked about the safety stand-down and I get  
9 that, but I suspect that there were other FRA post-accident  
10 actions. Would you care to characterize some of that, your  
11 knowledge of it?

12 A. Sure. I mean, it's not uncommon for FRA obviously -- you  
13 know, to have an incident of this nature and not, you know, put  
14 boots on the ground, if you will. So obviously there was enhanced  
15 presence by FRA, particularly along the corridor there. And, you  
16 know, and I always -- obviously, you know, being with FRA for 30  
17 years, I try to convey here that FRA, they're not the enemy;  
18 they're your friends, that they can be helpful. They're another  
19 set of eyes.

20 And so, you know, out there I -- and my recollection is that,  
21 you know, I believe it was FRA who uncovered the so-called  
22 shunting issue, in that they were out there, they were looking at  
23 something and they said, well, there's no shunts or -- and so they  
24 went back and we had some discussions there and then we took a  
25 look at it and we found out that some of the training that we were

1 conducting needed to be corrected. And so we have since -- we  
2 made that change almost immediately and we have since trained to  
3 that. So, you know, FRA was helpful in that regard.

4 Also, you know, given some of the activities that were going  
5 on out there, I actually thought it would be beneficial for FRA if  
6 they could have a better presence on the property and if we could  
7 do something together. And so we had some discussions, you know,  
8 with Pat Warren, with Bob Lauby, and we were able to put together  
9 -- they gave it some name. I think it's ARJET and don't ask me  
10 what it -- I think it's Amtrak -- ARJET.

11 Yeah, what's it stand for?

12 UNIDENTIFIED SPEAKER: Amtrak Roadway Joint Efficiency Test,  
13 I think.

14 MR. LOGUE: Thank you. Okay. I just know it's ARJET.

15 So, and -- so I think that started probably in early July.  
16 And so since then, we've been partnering with FRA and engineering,  
17 their leadership, as well as system safety leadership, Matt Porto  
18 and his team members, lead safety specialists. And they go out  
19 there and they'll just, you know, randomly go out to jobsites to  
20 see what's going on.

21 And we have a standing conference call every other Friday to  
22 assess what went on the previous 2 weeks. Matt puts together his  
23 notes. Matt starts it off and then we go around the table, and  
24 usually it's Mr. Kannenberg for Region 2, and it was Michelle for  
25 Region 1, but I believe she is off on maternity leave and I missed



1 the last call because I was out, so I'm not sure who's  
2 representing Region 1.

3 UNIDENTIFIED SPEAKER: Mike Cefalini (ph.).

4 MR. LOGUE: Okay. So they are on -- they're on the calendar  
5 through at least the end of August. There is some discussion,  
6 I've been told, that we may continue this throughout and also  
7 expand it out into the Chicago area, particularly along the  
8 Michigan line. All indications are that this is working  
9 exceedingly well. FRA seems to be pleased. I'm pleased.  
10 Mr. Stadtler seems to be pleased.

11 When we do -- or when they do find exceptions out there,  
12 they're able to be dealt with almost immediately. They have what  
13 is called, I guess, the safe haven or safe harbor. And so, you  
14 know, obviously unless it's absolutely an egregious violation, FRA  
15 will usually work with us and take it as a defect. But obviously  
16 at the end of the day they reserve the right to take a violation  
17 depending upon the level of it. So, you know, we've been doing  
18 that with them and, you know, we continue to have conversations  
19 with headquarters. And, again, that's worked exceedingly well.

20 I think one of the other things that we've been doing, you  
21 know, with FRA has to do with 217, the efficiency tests. They  
22 took some exceptions to the way we were conducting efficiency  
23 tests. So I had a conversation with Region 1 and Ms. Lee, and  
24 Region 7, Mr. Jordon. We also had Mr. Taylor and his team come  
25 over and they sat with Terry Spratt and company just to find out,

1 you know, where we were not being compliant. So we put together a  
2 corrective action plan to address the 217 deficiencies and we  
3 presented the plan. They accepted the plan. We implemented the  
4 plan and the plan is working as we speak.

5 One of the things we told them is that we would redo how we  
6 input some of the data. We had to go to IT and work with them.  
7 We said we would retrain all the managers who are capable of  
8 conducting the tests. And so, you know, we've been working along  
9 those lines.

10 Mr. Nichols, he's even bringing on board an analyst  
11 specifically to conduct analytics on the TEST system, which I  
12 think it stands for Testing, Safety, Efficiency -- something to  
13 that line. Sorry I don't know the names of all these acronyms; I  
14 just know that they're there.

15 And so, we're going to have a -- Mr. Nichols is going to have  
16 an analyst -- Mr. Nichols is chief transportation officer, I think  
17 you guys know -- that will be able start to conduct analytics on,  
18 you know, what tests are being conducted, who's conducting them,  
19 what time of day, so we can really begin to start to, you know, do  
20 deep dives into that area there.

21 He also -- I guess, there, with regard to the corrective  
22 action plan, we suggested to them that -- headquarters said that,  
23 Amtrak, you have a great plan; the problem is you just don't  
24 implement it real well. And so I committed to them that we would  
25 do a better job of implementing the plan. So Dave and his team,

1 they're now going out there almost on quarterly basis to take a  
2 look at, you know, what tests are going out there, having  
3 discussions with the managers, you know, more of -- more oversight  
4 on our part, I think.

5       You know, when you talk to Mr. Nichols, he said, you know,  
6 this is just stuff that we got to kind of do every 3 years  
7 because, you know, if you lose sight of the bouncing ball, you  
8 know, and so this is something that we committed to do. I think  
9 we mentioned to them that every 6 months we'll sit down with FRA,  
10 we'll go through the tests and we'll also take a look at -- I know  
11 the operating rule's on an annual cycle, just to see how that's  
12 going. And I think we're probably due to make an appointment with  
13 FRA probably within the next month or two for our first sit-down.

14       So there are some of the things, you know, at least, you  
15 know, we've done with FRA.

16       BY MR. HIPSKIND:

17 Q.   Let me, let me go back out. I want to just stitch up a  
18 couple of small holes. On the initial post-accident actions, FRA  
19 informed us that they thought that some of their post-accident  
20 actions had caused you to revisit RWP and your training. And can  
21 you comment on some of the most significant changes that you're  
22 aware of that you made?

23 A.   I think one of the most significant ones was the fact that  
24 we weren't training to what really was in the book, so -- and it  
25 had to do with the, I guess, the shunt thing. So we have since

1 corrected that. We have also gone out and making sure that  
2 they're conducting, you know, the proper job briefings. We now  
3 have another form that's out there -- I think it's going to be  
4 called an "O" form -- we started recently, about 2 weeks ago.  
5 That's going to be more or less a written hand-off between --  
6 among the foremans and the train dispatchers. So, you know, all  
7 that stuff is progressing, I think.

8       Some of the other items that were out there -- and I know I'm  
9 going to get this right. I can only tell you what the acronym is.  
10 It's called EEPS. I think it's Employee Enhanced Protection  
11 System. That is a device where you've got to put some electronic  
12 code in there, and I think, you know, that's working its way  
13 through the procurement system and with the expectation that we  
14 should have this within the next 12 months, 12 to 13 months or so.  
15 So --

16 Q. Okay. Let's, let's tie a couple things together.  
17 Everybody's been talking about shunts, and we mentioned something  
18 about your joint venture with Amtrak on efficiency testing.

19 A. Um-hum.

20 Q. And in previous interviews one of the things we've learned  
21 was that the -- and I want to speak some time ago. I don't know  
22 if recently it's been changed, and that's the purpose of the  
23 question. In revisiting the shunting process and incorporating  
24 your enhanced efficiency testing, did Amtrak create a code for  
25 testing maintenance-of-way employees on applying SSP?

1 A. I don't know the exact answer to that. My sense is that  
2 probably yes, but I don't know that for a fact.

3 Q. Okay. Let's handle it this way, Michael. If that has  
4 occurred, could you provide us some documentation that will tell  
5 us what that code is --

6 A. Absolutely.

7 Q. -- and when that change was made?

8 A. Sure.

9 Q. That would be helpful.

10 A. I mean, my sense is that if we're suggesting that they do  
11 this, they have to code it someplace, so they'd have to create a  
12 code.

13 Q. Right. And all I'm suggesting is that -- we've had some  
14 previous interviews where, if there -- prior accident there was  
15 not a code to test for that procedure.

16 A. Okay.

17 Q. Okay. All right. The other thing I'd like for you to talk a  
18 little bit about is, this accident, what has it changed in your  
19 world, in the Safety Department?

20 A. I guess it's changed a lot of things. You know, safety was  
21 always involved in, you know, the day-to-day operations, but I  
22 think at this point it has given a greater emphasis on safety, on  
23 job briefings, communication, even to the degree to, are there  
24 enough safety resources out there?

25 And so, you know, we've talked about some of the things that,

1 you know, we've done with FRA, more inclusive of those guys. We  
2 now regularly put out weekly missives on safety and engineering,  
3 mechanical. And, you know, we're -- when we bring people on board  
4 in the Safety Department, we're bringing them on board -- now most  
5 of our hires are external, and we're bringing them on board with a  
6 sense of, you know, safety professionals. You know, we're going  
7 into heavy industries as opposed to just railroading in general,  
8 those that have safety professional licenses.

9 So, you know, I think a lot is changing in the System Safety  
10 Department in that there is a more concerted effort to continue to  
11 communicate, to make sure that the System Safety Department is  
12 involved with any incident out there. We're now part of all  
13 investigations that need to take place out there if there is an  
14 injury. So --

15 Q. Okay. And I just -- I want to go back, because I get your  
16 historical about, you know, the Safety Department under your  
17 leadership incredibly is, right, about 3 years old?

18 A. Um-hum.

19 Q. I'm not too far off on that, am I?

20 A. No.

21 Q. Okay. But I want to be clear, there was -- there's always  
22 been a Safety Department at Amtrak?

23 A. Yes.

24 Q. Or how as -- how should I understand the difference prior to  
25 when you got here and now, and I kind of know how it is after you

1 got here.

2 A. Right. So it's my understanding that safety was a part of  
3 EHS, Environmental, Health, and Safety. And then when  
4 Mr. Stadtler and others were reorganizing operations, he saw fit  
5 that that needed to be pulled out of there, because I believe that  
6 was going over to law, at least Environmental and Health, and it  
7 needed to be a standalone.

8 Q. Okay.

9 A. And that took place in 2013, I think. The whole  
10 reorganization started in October of 2012 and was to be completed  
11 by September 30 of 2013. And so this position was newly formed  
12 during that operations reorganization. And so it was pulled out  
13 and it was no longer part of Environmental and Health. It was a  
14 standalone department that reported directly to Mr. Stadtler.

15 Q. Okay.

16 MR. HIPSKIND: And, Ryan, just as a heads up, my last  
17 question, and this is kind of a segue into your area.

18 BY MR. HIPSKIND:

19 Q. So, Michael, the FRA had indicated to NTSB that during the  
20 post-accident initiatives, that their inspectors handed out  
21 numerous, quote/unquote, "RWP Life-Tips" and that those handouts  
22 spoke to the importance of conducting a hazard analysis during the  
23 on-track safety briefings. So would you comment on the efficacy  
24 of those efforts, either by FRA or Amtrak? And has Amtrak elected  
25 to support that initiative?

1 A. Did you say "RWP Life-Tips"?

2 Q. Yeah. The -- I took it that the quotes meant it was the  
3 title of a handout, "RWP Life," hyphen, "Tips."

4 A. Richard, that's really the first time I'm hearing that. I am  
5 not aware of that.

6 Q. Let's go off the record here for a second.

7 (Off the record.)

8 (On the record.)

9 BY MR. HIPSKIND:

10 Q. Okay, well, could this be something that occurred maybe --  
11 not in connection with this accident and occurred at a previous  
12 point in time, a year or so ago?

13 A. It's certainly plausible.

14 Q. Okay. All right.

15 MR. HIPSKIND: That, Mike, that's all -- Michael, that's all  
16 I have for right now.

17 Ryan.

18 BY MR. FRIGO:

19 Q. Hi, Michael.

20 A. Hello, Ryan.

21 Q. I appreciate a lot of, you know, your answers to Dick's  
22 questions. Now I'm wondering if you might just take a step back,  
23 and if you could, you know, walk me through a typical day in the  
24 life of the chief safety officer at Amtrak.

25 MR. HIPSKIND: Feel free to stand up and walk around.



1 MR. LOGUE: Yeah. So, I mean, I usually get in -- come in on  
2 VRE. I mean, if you want the typical day. I usually get in here,  
3 you know, 6:45 to 7:30, depending upon what train I get. Usually  
4 as I am taking the train, I am texting with Theresa. Theresa is  
5 an early riser. She likes to run. So I know she's up and I'm not  
6 bothering her. So we, you know, we text back and forth sort of,  
7 you know, what -- some of the issues that we're working on. They  
8 could be, you know, where are we with onboarding this person or  
9 where are we with this piece of work or where are we with this  
10 accident investigation.

11 So then I get in here, and basically usually you have to do  
12 the administrative stuff. I've got to approve travel vouchers and  
13 things like that, and I try to get that done. And then we do an  
14 8:00 operations call. Mr. Stadtler has it Monday through Friday.  
15 And so we do round-robin starting with the business line, CMO, CH  
16 engineer, and then the remaining people on the phone. Essentially  
17 that is, you know, some of the things that we're working on and  
18 what our day is going to be like, so everybody has a general idea.  
19 And then if one has to get a hold of another one, we usually say,  
20 hey, I need to talk to you at some point. Okay.

21 And that really just depends on what's on the schedule. If  
22 it's this past Monday, I have -- DJ has the staff meeting every  
23 Monday, standing staff meeting from 10 till noon. And then on the  
24 first -- or last Monday of every month we have an Executive Safety  
25 Council meeting. And so that takes up anywhere from 2½ to 3

1 hours; it's on the books between 1 and 4. And then if there's  
2 anything to do afterwards, any meetings or anything, then I'll  
3 stay for that. If not, I'm usually out of here around 5, 5:30.  
4 And as I'm going home on the train, I'm usually texting with  
5 Theresa again, going through what transpired during the course of  
6 the day.

7 On any other given day, there are a variety of other  
8 meetings. I attend a lot of meetings. I'm part of what was then  
9 known as the company operating team that's made up of mostly  
10 DJ's direct reports and some of the executive leaders, the  
11 executive vice presidents, where we just discuss things that are  
12 going on in the company. We have budget meetings. So it's  
13 probably not unlike some of the days that I spent over at FRA,  
14 depending upon what level. You just spend a lot of times in  
15 meetings.

16 And oftentimes -- not often, but I make it a point, Ryan, to  
17 get out in the field. They have since changed, moved my office.  
18 I am no longer in this building. I'm actually over at the REA  
19 Building, which I really like. I have a great office that just  
20 opens up to the world; the world being the railroad yard out  
21 there. So I'm constantly watching. I didn't realize how busy the  
22 yard was with all the moves. So I'm out there. I walk around,  
23 talk to employees. I take trips. I'll schedule myself at least  
24 once a year on a system-wide trip that usually goes from here to  
25 Chicago to Seattle to Portland to Oakland to L.A. to New Orleans

1 and back. I get off the train. I go into the yards. I meet with  
2 employees. I attend job briefings, talk to them about safety  
3 issues, just to get a sense of what's going on out there.

4 I think it's important for people at my level and above to be  
5 out and about the railroad, and that trip usually takes 17 to 18  
6 days because I'm usually -- I spend three nights on a train,  
7 that's the longest, to go to Chicago is one night and then go to  
8 Seattle is two more nights. Then I usually am off the train for a  
9 day, day and a half, depending upon when the next train is coming  
10 through, and I follow that all the way through, and that's why it  
11 takes almost 17, 18 days to do.

12 So, you know, I -- my day is, for the most, part my day,  
13 unless, you know, I get meetings on there from Mr. Stadler.  
14 Oftentimes I have -- not only do, you know, I text with Theresa,  
15 we have conversations during the course of the day. We're in the  
16 process of onboarding people, so I like to talk about where we  
17 are, the types of candidates that we're getting to apply for the  
18 positions.

19 We had two staff meetings during the course of the month on  
20 the second Wednesday of every month. We have what is called the  
21 Systems Safety Staff Leadership Meeting. It's comprised of pretty  
22 much all of Theresa's direct reports, the leaders. There's about  
23 12 or 13. And what we do is we just sort of talk about what's  
24 going on, not only in my world, but what's going on in their world  
25 as well. I usually like to try to give them briefings that I get

1 from Mr. Stadler, you know, where we are with the financing the  
2 funding. Most recently a lot of discussion had to do with  
3 Mr. Moorman coming onboard and all. And then we just kind of go  
4 through what they are working on.

5 Then 2 weeks after that -- we just had it yesterday -- we  
6 have the all-hands systems safety staff meeting. That usually  
7 consists of about 45 people dialing in to the meeting. Each of  
8 the directors of safety, each of the leadership provides  
9 PowerPoint presentations, and they go through what they're working  
10 on.

11 So, Ryan, no day is generally the same, but that's usually  
12 what my day or days consist of.

13 BY MR. FRIGO:

14 Q. Michael, thank you for that. The one thing I did not hear  
15 you mention was how do you interact with the other business line  
16 managers that are at your level?

17 A. Well, every Monday --

18 Q. How can I better understand that?

19 A. Well, every Monday we have DJ's direct reports meetings. So,  
20 obviously, the general managers, the CMO, the CE are there. So we  
21 have discussions with them. Oftentimes if I need something, I can  
22 -- I'll call them. I like the directors of safety to interact  
23 with them. So our directors of safety interact with the deputy  
24 GMs, with the general managers.

25 Theresa and I have a standing meeting with the chief engineer

1 every Monday for 30 minutes after DJ's meeting. We have a  
2 discussion as to what's going on in both of our worlds. With  
3 regard to the chief mechanical officer, I am routinely invited to  
4 his meetings. Matter of fact, I just got an invite to his big  
5 meeting October 19th, where he likes for the leadership to go out  
6 and give presentations to what's going on. So there's interaction  
7 on an as-needed basis. But I talk to Mike DeCataldo, Mark Murphy,  
8 Jay Commer, Dave Nichols, several times a week. And if there's  
9 nothing to discuss, then, obviously, we don't have anything. But  
10 Mr. Nichols and I, we probably have more discussions between the  
11 two of us than with probably any of the others.

12 Q. And I know the timing of your answer to this next question, I  
13 guess timing is awkward with Mr. Boardman leaving and whatnot, but  
14 what about your interaction with that position, with the  
15 president?

16 A. I've interacted with Mr. Boardman quite frequently in the 3  
17 years that I've been here. I can't say that I've seen him or been  
18 in meetings for -- every month. What generally the way it works  
19 is we provide a safety presentation to DJ, and DJ reports that out  
20 generally to the board. Now also with the board, and we've been  
21 doing this for 3 years plus, I sit on what is called the Safety  
22 and Security Board Committee, and that's comprised of three board  
23 members, and we meet each month.

24 Now normally they'll meet when the board obviously is in  
25 town. The board was in town this week. Normally we meet on the

1 Monday before the board meeting on Tuesday, but for some reason  
2 they changed it up, and they wanted to have the meeting this past  
3 Friday. So, you know, I usually attend in person. It's usually  
4 in this room, Ryan, that we're sitting in, but I wasn't available,  
5 so I dialed in.

6 And we provide a PowerPoint with the metrics on there.  
7 Usually we talk about the FRA reportables, the passenger injuries.  
8 We talk about our SIF injuries, what our goals are. We talk about  
9 some of the safety initiatives that are going on here, and at  
10 Amtrak, particularly here Washington Union Station, Chicago Union  
11 Station, up in New York and Philadelphia.

12 We started an initiative probably about a year and a half ago  
13 to try to reduce injuries at the stations; particularly, on  
14 escalator. And I am happy to say, pleased to say that we've come  
15 a long way. Chicago, their escalator injuries are down 50  
16 percent. The injuries downstairs are down, I think, almost 35  
17 percent. And I really appreciate the work that, you know, Mike  
18 DeCataldo, the general manager, as well as Mark Murphy, the  
19 general manager for long distance, working with us with our  
20 passenger safety specialists to keep these initiatives rolling.

21 What we've done, and it was as simple as you put a person at  
22 the bottom of the escalator. You watch people go down. You put a  
23 person at the top of the escalator. You tell them put their bag  
24 behind you, don't put it in front of you. We've cut the injuries  
25 by, on average, almost 45 to 50 percent, and it's worked real

1 well. And we continue to do that as we speak.

2 So there is interaction there, Ryan. I can't say every day,  
3 but I certainly do see them every week at Mr. Stadtler's staff  
4 meeting, and we have a dialogue. But I probably interact with  
5 Mr. Nichols more than anybody. That help?

6 Q. Well, thanks for helping me understand that. One of the  
7 things we heard from Theresa was that there's an effort within  
8 your system safety group, and it sounded like it was part of a  
9 larger effort to not only train but increase the understanding  
10 amongst Amtrak employees about the theories around hazard  
11 identification and hazard management. Is that something you can  
12 speak to?

13 A. Yeah. I mean, we're -- again, we're trying to bring on  
14 people that had backgrounds in this. So some of the hires that  
15 Theresa has had, they've been really good hires. We've got a good  
16 director of safety for mechanical. We've got a good director of  
17 safety -- all of our directors of safety are good. But the ones  
18 that we're bringing on that we hired externally, they come with  
19 different skill sets that have backgrounds in hazard analysis,  
20 hazard management, even some of the lead safety specialists that  
21 we're bringing on.

22 So they're able to go in and take a look and assess the  
23 situation, and develop a corrective action plan or a risk  
24 mitigation plan to address some of the situations there. So  
25 they'll hold meetings out in the yards. Wilmington, Beach Grove,

1 Sunnyside Yard, you know, to walk the employees through that.

2 So I'm really pleased at the people that we're bringing on  
3 board and the skill sets that they have, because I think at the  
4 end of the day that's really going to take Amtrak to the next  
5 level.

6 Q. While we're on that topic with Part 270, does that help you  
7 prepare for Part 270?

8 A. It will. I mean, basically, as you well know, we've got two  
9 regulations out here that are upon us; one being 243, the other  
10 being 270. As you know, 243 is due in January of 2018; 270 is due  
11 February of 2018. I believe both of those regulations combined  
12 will take the railroad industry into the next level.

13 So we've got people working on 243. We've got -- System  
14 Safety has taken the lead on 243. System Safety will take the  
15 lead on 270. And as we begin to develop and write the plan, the  
16 more important part of that is implementing. And, as you know,  
17 there's a 3-year period to implement that. So what we're doing  
18 now is onboarding people with the expectation that they're going  
19 to be working on all these components of 270, of which I believe  
20 there's 23 of them with hazard analysis and hazard management  
21 being part of that.

22 Q. So, Michael, should I understand it as the philosophy on  
23 safety at Amtrak will change with 270 or have you already laid the  
24 foundation? How can I best understand that, that philosophy?

25 A. I mean, I think the -- I think with regard to 270, there is



1 going to be a shift in how Amtrak approaches safety. I continue  
2 to tell people at this point, with the onset of 270, if you have  
3 safety in your sentence, if you have safety in your vernacular,  
4 you're going to have to have discussions and communication and  
5 collaborate with the System Safety Department. I can't sit here  
6 and tell you, Ryan, that that has happened 100 percent in the  
7 past, but I believe as we go forward we will get there. And I  
8 think at the end of the day, Amtrak is going to be a better  
9 railroad for it.

10 MR. FRIGO: Michael, thank you. I do have some further  
11 questions, but I'll pass it along to my colleagues at this point.

12 MR. HIPSKIND: Thanks, Ryan.

13 Fran.

14 MR. WALKER: Yes. Fran Walker.

15 BY MR. WALKER:

16 Q. Have you attended any formal RWP training from either FRA or  
17 Amtrak?

18 A. I took the contractor RWP class here at Amtrak.

19 Q. All right.

20 A. I've never sat in on a class, if that's what you're asking  
21 for.

22 Q. All right. Of all the people you have within your Safety  
23 Department, and I guess even within Amtrak's Train Department,  
24 have any of these people, prior to the accident, brought to your  
25 attention that the removal of the SSD rule from the RWP manual

1 might constitute a violation of FRA regulations?

2 A. Was never brought to my attention.

3 Q. Okay. One last question. Regarding the Cardinal Rules, was  
4 that prompted from under your direction as a result of some  
5 accidents or incidents or something?

6 A. No. It wasn't prompted as a result of an accident or an  
7 incident, and it wasn't prompted as a result of myself. It was  
8 prompted as part of the Executive Safety Council or the Executive  
9 Safety Committee in just general discussions on talking about  
10 operating rule violations and things like that. And so it was a  
11 matter of trying to hold people accountable, and it was a matter  
12 of making sure that there was consistency across the enterprise.

13 And for an example, if you get by a stop signal in New York  
14 Penn Station you may have gotten 5 days. If you get by a stop  
15 signal out in L.A. you may get 30 days. And so the unions were  
16 complaining about there was inconsistencies with some of the  
17 discipline. So this was just a matter of codifying the rules that  
18 were already there. None of these rules, the 10 Cardinal Rules,  
19 there's not a one that's new to any railroader that's been around  
20 here. And it was just a matter of codifying them and making  
21 people aware that these are rules that can impact your life.

22 There's no simple way, no other way of putting that there.  
23 So it was a matter of codifying them, and then making sure that we  
24 communicated that to the employees, to all employees, not just  
25 those that are in operations, but to employees across the system.

1 And you'll often see people walking around with their Cardinal  
2 Rules that are in their thing, and you can't read them because the  
3 damn thing is so small, but nonetheless, they got them.

4 And so we put out a communication plan, and I personally had  
5 discussions with some of the labor leaders to convey to them the  
6 intent of the Cardinal Rules. The intent of the Cardinal Rules is  
7 not to discipline people or put people on the street. The intent  
8 of the Cardinal Rules is to change people's behavior and get them  
9 to work more safely. That's really all it's about.

10 And so this isn't anything that was borne out of an accident,  
11 an incident. It was just a matter of doing what is right. And so  
12 to this day, when we have an alleged Cardinal Rule and it works  
13 its way through the process, in order to maintain consistency for  
14 each and every one of these, Mr. Nichols and I, we are on the  
15 Committee, and then whoever is the leadership, whoever had that  
16 person in the Cardinal Rule, we have a discussion. And our role,  
17 Dave and I's role is to determine if there's any extenuating or  
18 mitigating circumstances. I'm not judge, jury or executioner. I  
19 just want to make sure that each and every employee is getting the  
20 same deal as the next one. And so we have these discussions. And  
21 I can't say they last any great deal. They're probably 10 or 15  
22 minutes. But nonetheless, we have them, and at the end of the  
23 day, if Dave and I don't find that there's any extenuating or  
24 mitigating circumstances -- I even read the transcripts, and they  
25 run anywhere from 35 to 135 pages. I don't read them word-for-

1 word but I know what to look for at this point. And in the  
2 absence of any extenuating or mitigating circumstance, then it  
3 continues on in the process, and the employee is generally  
4 terminated.

5 MR. WALKER: All right, thank you. I have no further  
6 questions.

7 MR. LOGUE: You're welcome.

8 MR. HIPSKIND: Lou.

9 MR. TOMASSONE: Lou Tomassone.

10 BY MR. TOMASSONE:

11 Q. Just one question. All the employees that you have under  
12 your umbrella here are coming -- well, not all, but some of them  
13 are coming from different entities outside of the railroad. What  
14 type of training are they getting to acclimate them to railroad  
15 safety rules and federal regulations for the railroad?

16 A. We've been sending them -- Theresa has been sending them --  
17 we've got the TSI classes out there that we're sending them to. I  
18 make sure that they are at least aware of Code of Federal  
19 Regulations. I have them work with the directors of safety and  
20 the FRA folks on the ground, particularly those that are just  
21 coming out of the -- they're not part of railroad industry, to  
22 learn what particular rules and regulations are applicable to  
23 where they are going to be working.

24 For instance, we have got guys in the mechanical shop. I  
25 want to make sure that they're aware of the regulations that

1 pertain to them. The engineering guys, they've been around for  
2 quite some time, so they're pretty much all familiar with that.  
3 And we also, we just recently brought somebody on board, and we  
4 had him shadow another lead safety specialist for I think 2 or 3  
5 months. So that's how they get indoctrinated with rules and  
6 regulations. They also attend rules classes -- depending upon  
7 where they are, they'll attend rules classes. So that's how they  
8 get familiar with it.

9 MR. TOMASSONE: Okay. Thanks. That's all I got.

10 MR. HIPSKIND: Thanks.

11 Willy.

12 BY MR. BATES:

13 Q. Yeah. The only question I have is one -- in your office, how  
14 does your office interface with Safe-2-Safer training and also  
15 the status of Safe-2-Safer.

16 A. Safe-2-Safer is under me, okay. So when I first got here,  
17 Safe-2-Safer was here, and safety was over here, and never the two  
18 shall meet. And so after my first trip around, it didn't take a  
19 rocket scientist to determine, well, we eventually have to merge  
20 these. And so I have since merged the whole concept of Safe-2-  
21 Safer.

22 I like to say Amtrak takes a behavior-based approach to  
23 safety, and part of that is Safe-2-Safer and the peer-to-peer  
24 observations and things like that. You know, observing people,  
25 watching -- making sure they're working safely, looking at their

1 behaviors and all. So it is part of it. It's more of a holistic  
2 approach. It's no longer a standalone.

3 I've been accused of killing the program. I've not killed  
4 the program. I just basically merged it under one roof. And  
5 that's the way it was set up, and I can't answer the question as  
6 to why. It was way before my time. But I have since merged it,  
7 and we to this day we continue to teach safe align courses out  
8 there, which is part of Safe-2-Safer, but it is merged. I am not  
9 telling people they can't use the vernacular Safe-2-Safer. I am  
10 not telling people that they need to remove Safe-2-Safer from all  
11 the monuments and obelisks that are out there, but -- it's there.  
12 But it's merged, and it's under one roof, and we take a more  
13 holistic approach to it.

14 MR. BATES: Thank you.

15 MR. HIPSKIND: Thanks.

16 Don.

17 BY MR. HILL:

18 Q. Yes, hi.

19 A. Hello.

20 Q. Could you explain what a behavior-based approach would mean  
21 when you refer to Safe-2-Safer?

22 A. Sure. It's a process where you're taking a look at  
23 everything that's out there. So you're looking at behaviors.  
24 You're looking at how people conduct themselves. You're looking  
25 at rules compliance. You're looking at what technologies are out

1 there, what type of communication are out there, and all this  
2 comes in together to make sure that a person, at the end of the  
3 day, he or she gets home the same way they come on to the  
4 property. So again, Amtrak takes a more behavior-based approach  
5 to safety. So we look at the big picture.

6 Q. What are the Cardinal Rules?

7 A. What are they?

8 Q. Yes.

9 A. They're a list of 10 rules that have to do with signals, have  
10 to do with roadway worker protection, have to do with  
11 lockout/tagout, cheating on the exams, if you tamper with a safety  
12 device, things of that nature. Do you want all 10?

13 Q. I think you named about six of them, so --

14 A. Well, I'll give you them. I've got my little wallet  
15 thing -- for that.

16 MR. HIPSKIND: Do you have a magnifying glass?

17 MR. LOGUE: I think I got it around here somewhere. They are  
18 really small. I mean, but at the end of the day -- here they are.  
19 I mean, they're that small.

20 Any unauthorized tampering with or disabling an approved  
21 safety device.

22 Any serious failure to comply with applicable lockout/tagout  
23 procedures and AMT-2 Electrical Operation System procedures.

24 Any serious failure to comply with confined space entry  
25 requirements for all permit-required confined spaces.

1 Any unauthorized use of an electronic device when operating  
2 or riding moving equipment, directing the equipment movement,  
3 assisting in preparing equipment for movement and performing  
4 service on the ground, in yards, or a main track.

5 Falsification of inspection or maintenance documents.

6 Cheating on required exams

7 Working on, under, between rolling equipment without proper  
8 blue signal protection procedures.

9 Failure to comply with shoving and backing movements  
10 procedures.

11 Failure to comply with approved fall protection equipment  
12 procedures where required.

13 And, lastly, failure to comply with applicable roadway worker  
14 protection procedures.

15 BY MR. HILL:

16 Q. The only other question I just have is a follow-up to that.  
17 Is it -- what is the consequence for not complying with any of  
18 those roles?

19 A. It varies. As I was saying earlier, if an employee is  
20 observed violating a Cardinal Rule, he or she is generally pulled  
21 out of service immediately. And then there's a trial that's held.  
22 And then depending upon what's done at the trial, it usually goes  
23 to Mr. Nichols and myself and the leader of the employee who was  
24 on trial, and one of two things is possible. At that point  
25 they're generally found to have been guilty, and so we determine



1 if there was any extenuating or mitigating circumstances. If not,  
2 the employee is terminated. And if there are, then what we  
3 suggest is it just be remanded to what we call the Progressive  
4 Discipline Policy. And, again, that's a matter of consistency.  
5 We rewrote the Progressive Discipline Policy.

6 So just say, for instance, this is your first offense and  
7 we've found to have a mitigating circumstance, we'd remand it  
8 over. You wouldn't be terminated. Generally by the time it gets  
9 to us, you've already served whatever the policy suggest you  
10 serve. So you're generally put back to work, you know,  
11 appropriately.

12 Depending upon if it's your second or third -- there was an  
13 employee terminated not too long ago, not by virtue of violating a  
14 Cardinal Rule. It was found to have been a mitigating  
15 circumstance, but he was terminated because this was his third  
16 rodeo, and the Progressive Discipline Policy suggests if you're  
17 here three times, you're gone.

18 So to date we have had -- I think there was -- there's been  
19 26 Cardinal Rule violations since March 15th, and we have  
20 terminated I think 14 employees, and remanded to the Progressive  
21 Discipline Policy 12 employees. And the three biggest offenders  
22 are roadway worker, blue signal and electronic devices.

23 MR. HILL: Thank you.

24 MR. LOGUE: You're welcome.

25 MR. HIPSKIND: Theresa.

1 MS. IMPASTATO: Theresa Impastato.

2 BY MS. IMPASTATO:

3 Q. Can you describe if Amtrak has any other peer-to-peer  
4 programs aside from Safe-2-Safer?

5 A. They have, I guess, what, Operation Red Block. We have that  
6 out there. I think everybody is familiar with Operation Red  
7 Block. That was just recently moved under Human Capital in the  
8 Employee Assistance Program. We have the Employee Assistance  
9 Program out there. All that is under now the Wellness Program.

10 MS. IMPASTATO: No other questions.

11 MR. HIPSKIND: Thank you, Theresa.

12 BY DR. BEATON:

13 Q. Good afternoon, Mike.

14 A. Good afternoon.

15 Q. Again, I'm Bob Beaton with NTSB. My interests here today are  
16 really kind of twofold, right. I want to talk about the events at  
17 Chester, I want to learn from you a little bit in terms of what  
18 you perceive happened or understand happened, and then I also want  
19 to talk about your System Safety Program. So let me -- pick one  
20 or the other. I'll start out unless you tell me differently, with  
21 Chester. And you are familiar with Chester, I take it?

22 A. I am.

23 Q. Okay. Were you able to go to the scene?

24 A. I was. I was there by 10:45.

25 Q. Okay. So you have an up front and close understanding of

1 what was on the ground that morning. Can you give me kind of a  
2 flyover of your impression from the chief safety officer's point  
3 of view of what went wrong that day?

4 A. Well, obviously, there was a piece of equipment fouling the  
5 track, and a train went down the track and struck the piece of  
6 equipment. So one would ask, well, how did that happen? And,  
7 obviously, initially we didn't know how it happened, but  
8 nonetheless it happened. And as you go into the investigation you  
9 come to learn that there was probably lack of communication and  
10 hand-offs and things of that nature that probably led up to that.

11 Q. Okay. And I'm not asking for you to give me a hard --

12 A. Understood.

13 Q. -- and fast conclusion. I really just want to try to get  
14 your insights into this accident. So I'm also a safety person.  
15 So when I look at these situations, I look probably through the  
16 lens that you look at and your staff looks at, and I see a number  
17 of moving pieces that were involved on the ground that morning in  
18 this accident. I mean, we had a couple foremen. We had a  
19 supervisor, backhoe operator, helper, flagman, dispatcher. Can  
20 you look at that crew of people and tell me who was really on top  
21 of their job and had their head in the game and was doing things  
22 right?

23 A. I would say that the fact that the accident happened probably  
24 nobody was on the top of their game.

25 Q. Okay. And that's fair. What I'd like to do is just kind of

1 break it down and walk through each of those little gaggles or  
2 groups of people just so that I understand what Amtrak is learning  
3 from Chester. Because this is an accident that, to use one of  
4 your statements, a lot's changed since Chester. So I kind of want  
5 to pick your brain a little bit. I mean, I think we know some of  
6 the communication failures with the two foremen. So that's  
7 probably been hashed over a lot, unless you have some special  
8 insights that you --

9 A. No.

10 Q. -- want to add to that. What do you think about the flagman?

11 A. Again, he didn't have his head in the game and he just  
12 really, in my judgment, obviously wasn't doing what he was trained  
13 to do.

14 Q. Okay. Is there anything that you saw that the flagman wasn't  
15 doing that kind of leads you to or points you in the direction of  
16 making some changes at Amtrak in the future?

17 A. Well, I think you take a look at that and you have to take a  
18 look at how we're training our people. Are we training them the  
19 way they need to be trained? Are they able to absorb and  
20 assimilate what we're giving them? Are we training them to the  
21 things that they should be trained? And I think they are the  
22 things that we are looking into and will continue to look into for  
23 the foreseeable future.

24 Q. Okay.

25 A. We, in my judgment, need to do a better job of how we train

1 our people and how they retain the information.

2 Q. So it's fair to say that Amtrak's going to look into  
3 enhancements or refinements to railway worker training going  
4 forward?

5 A. Yes. I think that's fair to say, sir.

6 Q. Let's talk about the backhoe operator. Now I guess that  
7 backhoe operator wasn't operating in a vacuum. He was there with  
8 his supervisor and helper. Is there anything about that group of  
9 people that you want me to know about?

10 A. That group of people?

11 Q. Yeah. Or the individuals.

12 A. I mean, I don't know much beyond what I was there and what I  
13 picked up. She doesn't tell me anything because she's under a gag  
14 order. So, you know --

15 Q. And she doesn't tell you even though you're texting morning  
16 and night?

17 A. Well, we're not texting stuff like that. I mean -- and I  
18 know she's professional enough that I'm not even going to ask her.  
19 So I mean, obviously they were there. They worked, I think,  
20 pretty much all night and were still going to work -- I would  
21 suggest they were going to work another couple of hours. And  
22 that's really the extent of it. I mean, I don't believe -- he  
23 just happened to be at the wrong place at the wrong time. He  
24 didn't cause the accident. He was just doing his job.

25 Q. I'm like you, I've been around roadway workers before and

1 understand kind of what happens at a shift change. I mean, does  
2 it strike you unusual that you had crew that was working through  
3 the shift change in the foul of the track?

4 A. Does it strike me as strange?

5 Q. Yeah.

6 A. Absolutely.

7 Q. And have you dug into that or do you plan to dig into that in  
8 any way, shape or form?

9 A. I mean, it's all part of the investigation. We're looking  
10 into the whys and how we can prevent this from happening in the  
11 future. I think one of the things, immediate things that we're  
12 doing at this point is we're going to have the new form. We're  
13 looking at that EEPS there. We've had the communications, you  
14 know, with the employees to stand down.

15 One of the things I didn't mention is we're staffing up a new  
16 Quality Assurance Team. We're going to have a handful of people  
17 go out there to just conduct random -- similar to what FRA the  
18 ARJET is doing, but we're going to have a team of people to do  
19 that.

20 Q. Okay.

21 A. And if they do their job well, if they do it right, they're  
22 probably going to be the most reviled people here at Amtrak.

23 Q. Okay. When I think about the dispatcher and the role that  
24 the dispatcher played in this accident, one thing that stands out  
25 to me is that we were routing the train through a construction

1 zone. Do construction zones present any unique challenges from  
2 your point of view as chief safety officer?

3 A. Not if you follow the rules. You follow the rules, you  
4 follow the procedures out there. The rules -- there are rules in  
5 place that allow the safe passage of trains. It's when you don't  
6 follow the rules that you get yourself in trouble. Obviously  
7 Amtrak is a high speed railroad, if you will. They do a lot of  
8 their work at nighttime. But nonetheless, if you follow the rules  
9 and procedures, I don't see it as much of an issue.

10 Q. So, again, I'm not looking to point any blame.

11 A. Understood.

12 Q. And so are people capable of making mistakes? It's not a  
13 rhetorical question. I just want to get your opinion. Have you  
14 made a mistake?

15 A. Have I ever made a mistake?

16 Q. Yeah. A professional mistake?

17 A. Yeah. Probably coming over here. Should have stayed at FRA.  
18 I mean, I'd be on that side of the table, you know. Of course  
19 I've made mistakes.

20 Q. Yeah.

21 A. I mean and --

22 Q. And I have too.

23 A. Yeah.

24 Q. Talk to my wife about it.

25 A. People are human and they have distractions sometimes. They

1 have issues at home; sometimes they bring it into work. I mean,  
2 you just see that throughout the industry.

3 Q. So when we have a reliance on a statement like "if they just  
4 follow the rules," from a safety point of view, what are we  
5 suggesting here? I mean, can we -- do we really want to hang our  
6 professional hats on this rather overused statement "they just  
7 need to follow the rules," or?

8 A. No, I wouldn't say I'm hanging my hat on it, because there's  
9 a lot of things that go involved -- that are involved in that.  
10 Obviously, we want to make sure people are trained and trained  
11 properly. And so as we're training you, again, we're training you  
12 on the rules and procedures. So if you're absorbing what we're  
13 training you on, that all is part and parcel of following the  
14 rules. I mean, are you the right person for this particular job?  
15 I mean, do we want a 400-pound person climbing a catenary pole? I  
16 don't think so. But nonetheless they're the things that I think  
17 are all part and parcel of when I say if one follows the rules  
18 then it should be a safe operation.

19 But there's a lot of things that come before that, that go  
20 into following the rules. So I'm not going to sit here, Bob, and  
21 hang my hat, well, hell, if they follow the rules, you know.  
22 There's a lot of things that go into that before it gets to "you  
23 just got to follow the rules."

24 Q. As safety professionals usually we design or build in -- we  
25 think about what the risks are, and if we can't eliminate them, we



1 put in some safeguards and fail-safes. And actually in my career,  
2 I used to count on people making mistakes. I mean, it was my  
3 design philosophy, my customers using my products are going to  
4 make mistakes.

5 So in this case, in Chester with regard to that dispatcher  
6 running that train through there, I mean, should that or could  
7 that dispatcher have anticipated that there may be something left  
8 fouling or there may be some reason to take a precautionary or  
9 slow approach through that construction zone?

10 A. I can't speculate on that. I mean, it's my understanding,  
11 again my limited knowledge, that the dispatcher was told that the  
12 track was clear. And so when you tell a dispatcher that the track  
13 is clear, then in my judgment, not being a dispatcher, but if you  
14 suggest that the track is clear, well, hell, I can run a train up  
15 there and there should be no reason for me to be cautious or  
16 suspect; the track is clear.

17 Q. Okay. And please forgive me. I'm not trying to --

18 A. I understand.

19 Q. -- hassle you or anything.

20 A. I'm not taking it personally.

21 Q. I'm just, you know, talking to a safety professional, you  
22 know, we're told that the track is clear but we know that we're  
23 told by a human, and people are people. And so we know that we  
24 can take it with a certain degree of confidence, but not an  
25 absolute degree of confidence.

1 A. I mean, if that's what you're suggesting, I would submit to  
2 you that if a dispatcher had to think that way each and every  
3 time, we probably wouldn't get a train over the railroad.

4 Q. Is that speculation or do we have some real basis --

5 A. No. I'm suggesting you may be speculating on the other  
6 thing. I'm suggesting --

7 Q. Okay. I'll admit to speculating.

8 A. Yeah. So I'm suggesting that if a dispatcher has in the back  
9 of his or her mind that he or she needs to be suspect, hell, we  
10 wouldn't get a train over this railroad.

11 Q. Is that something inherent in the -- due to the nature of the  
12 system or is that by design, that is the way the current system is  
13 designed? Or, I mean, are you suggesting that we'll never be able  
14 to provide dispatchers with an absolute degree of assurance that a  
15 track has been cleared up?

16 MR. HIPSKIND: Time out. Let's go off the record.

17 (Off the record.)

18 (On the record.)

19 DR. BEATON: Okay. We're back on the record.

20 BY DR. BEATON:

21 Q. As a result of Chester and the lessons that were learned, and  
22 with the idea that a lot of things have changed and may change in  
23 the future, is there any expectation that the procedures and the  
24 processes and resources that the dispatchers use to send -- to  
25 move trains through construction zones might be enhanced or

1 improved in the future?

2 A. I would certainly say there's opportunities that they may be  
3 enhanced in the future. Sure.

4 Q. Okay. But they're not designed now or planned now?

5 A. They could be that I'm certainly not aware of. I mean,  
6 obviously, I don't know everything that's going on out there, and,  
7 obviously, that's why she and I text 42 times a day. But again, I  
8 mentioned that we're working on the form, the new electronic thing  
9 that you do, the hand-off there. So that takes a little bit away  
10 of the human element as well.

11 Q. Okay. Well, yeah, and I certainly applaud you for the Form  
12 O, the EEPS system that does sort of address the communications  
13 issues with the form and the dispatcher. And there's a couple of  
14 other pieces that are still moving around as a result of Chester  
15 that may warrant some attention downstream. So I thank you for  
16 the education on that.

17 A. You're welcome.

18 Q. And maybe we've kind of gone through the first area of my  
19 interest, the Chester specifics. So let me finally turn to your  
20 System Safety Program. Would you characterize the current state  
21 of your program as evolving?

22 A. Yes.

23 Q. Okay. It's been characterized that way for me, and  
24 understanding your commentary today that you've been in place a  
25 couple, 3 years, I certainly see where that term is appropriate.

1           As you evolve, what's it going to look like 5 years from now?  
2 Do you have a vision for, and I hope I'm not getting -- asking you  
3 to speculate, but --

4 A.    No.

5 Q.    -- do you have a plan?

6 A.    We do.

7 Q.    Do you have a buildout plan?

8 A.    Yeah.  So when Theresa came on board we developed a 5-year  
9 plan, if you will --

10 Q.    Okay.

11 A.    -- to take us through '14, '15, '16, '17 and '18.  So here we  
12 are.  We're in '16.  And I figure we're about halfway through  
13 there.  And so this is bringing on board the requisite skill sets  
14 that will benefit Amtrak in the long run.  So we have stood up a  
15 System Safety Training Department.  We have stood up an Analytics  
16 Department.  None of this existed before she and I got here.  We  
17 have expanded boots on the ground.  We have our directors of  
18 safety, they're aligned with the business lines:  Northeast  
19 Corridor, state supported, long distance, with the departments  
20 mechanical and engineering.

21           So as we continue to move along, I think we have a good  
22 foundation in place.  And so with the onset of particularly 270,  
23 the 49 C.F.R. 270, I can see us probably making some additional  
24 tweaks and changes to make sure that those out there are aligning  
25 themselves with how we have to implement this.

1 I continue to -- in our plan we ask for resources and we  
2 continue to get resources. I get a lot of support from  
3 Mr. Stadtler, Mr. Naparstek, from the GMs, Mr. Boardman, the board  
4 itself. But you just can't bring on 50 people at one time. We  
5 take a measured approach to this, no different than what -- you  
6 know, how we used to staff up at FRA.

7 So my goal is to, when I leave, is to have built a System  
8 Safety Department that Amtrak can be proud of and that the  
9 employees can be proud that they have a System Safety Department  
10 that is there for them.

11 Q. Do you have a safety communications plan as an actual  
12 document of how you --

13 A. We have a draft document.

14 Q. You do?

15 A. We do.

16 Q. And has that been circulated around or is it still draft, as  
17 in on your computer being developed?

18 A. It's in draft, and it's only been circulated around to the  
19 two of us.

20 Q. Okay.

21 A. And so this is something that she and I continue to talk  
22 about that we need to refine. Once it gets to the next level,  
23 then what I'd like to do is socialize it -- that seems to be the  
24 term of art nowadays -- to the directors of safety and others in  
25 the corporation and get their input into it. And then eventually

1 get it out there for dissemination.

2 Q. So it's probably premature for me to ask you how it works  
3 and --

4 A. Yes, it is.

5 Q. -- describe it?

6 A. Yeah.

7 Q. When you or your staff or your office communicates with the  
8 workforce on things like -- take the Cardinal Rules, how do you  
9 know that your message is being received and understood the way  
10 that you intended it?

11 A. Well, I mean, we rely on communication. We developed a  
12 communication plan specific to the Cardinal Rules. And when we  
13 have our meetings with Mr. Stadtler and the GMs and all, we have  
14 discussions and we make sure that that stuff cascades itself down.  
15 That's why sometimes it takes us 2 weeks to get it all the way  
16 down.

17 And then the directors of safety, the lead safety specialists  
18 they're the eyes and ears out there. They also continue to go out  
19 and have discussions. They attend job briefings. They attend  
20 safety committee meetings. And so all these things are discussed  
21 at that level. Hell, even when I go -- when I ran around the  
22 system last time in end of April and May, I was out in L.A. and  
23 there was a room full of -- they were changing shifts, and I got  
24 an opportunity to talk to 50 people or so, and the hot topic at  
25 the time was the Cardinal Rules.

1           And so they really wanted to talk about when they could use  
2 their cell phone. What if I have an emergency at home? Well, you  
3 know, you just go and tell your supervisor that you may have to  
4 walk away every 15, 20 minutes. He might have a wife that's  
5 expecting or -- so, I mean, they're the things that they were sort  
6 of concerned about.

7           So you just have a dialogue with them, and you continue to  
8 reinforce it. It can't be one and done. You have to continue to  
9 reinforce these things to continually get the message out.

10 Q.    So I had the opportunity to talk with several of the labor  
11 representatives, general chairs, different unions, and the message  
12 I was hearing back is alarming to me in the sense that they were  
13 -- in context of this NTSB investigation, they were telling me  
14 that Amtrak employees are afraid, afraid because they don't want  
15 to violate a Cardinal Rule, that they can't get their head in the  
16 game, that they -- you know, the image, the verbal imagery that  
17 was created was that these are grown men shaking in their boots.

18           Now I understand overemphasis on some things and people that  
19 have perhaps political or vested interest that they want to  
20 deliver that message to NTSB, but it sounds alarming. I mean,  
21 does that -- have you heard that message before when you were out  
22 on the road?

23 A.    Sure. And I -- but I've heard the other side of it as well.  
24 I mean, so when the Cardinal Rules came out, there were messages  
25 being sent to leadership, what took you so long? We're really

1 glad these are out here. The flip side of it is, I'm so  
2 distracted because I'm afraid I'm going to do something wrong and  
3 I'm going to get fired.

4 Q. Yeah.

5 A. You have to understand, these are not new.

6 Q. I do understand that.

7 A. Yeah. And they understand that. It's just that now we're --  
8 we've codified them. We put them on one page. Say, guys, you  
9 know, you can lose your life over this. And I would prefer that  
10 they be terminated or spend 30 days in the street than the rest of  
11 their lives in a box on the ground. I'll take the termination.

12 So for them to sit there and say I'm distracted and all, it's  
13 no different than anything else. I mean, people have problems at  
14 home, they bring that onto the railroad. They're distracted  
15 there. These aren't a distraction. It's an excuse as far as I'm  
16 concerned.

17 These rules are no different. They've been here as long as  
18 the railroad's been around, and they're basically out there just  
19 to ask people to change their behavior so they can go home at the  
20 end of the day the way they walked on the property. It is not to  
21 terminate employees. Amtrak spends an awful lot of money, invests  
22 an awful lot in its employees. And so why do you want to throw  
23 away \$100,000 investment? That's not the -- it's not designed to  
24 do that.

25 Q. Let me change to one more topic here. With regard -- well,



1 actually, I have two questions that are related under the same  
2 topic. You indicated that Safe-2-Safer is under your purview and  
3 that you've merged it.

4 A. Uh-huh.

5 Q. What did you merge it with? What is it merged --

6 A. I just put it under the Safety Department as a whole. So  
7 when I got here, there was me, there was Safety, and there was  
8 Safe-2-Safer. And --

9 Q. Oh.

10 A. -- nothing in between.

11 Q. Okay.

12 A. So now basically with how we've developed the department,  
13 here's me, here's Theresa, and here's all her directors. So we've  
14 taken this and we merged it here. We put it under here. We put  
15 it under here. We put it under there.

16 Q. Okay.

17 A. So it's no longer out there as a standalone.

18 Q. It's my understanding that Safe-2-Safer is a negotiable item  
19 in some of the labor agreements, that some unions can sign up to  
20 it and some don't want to or don't.

21 A. I don't know about if it's negotiable or not, but there's no  
22 big secret that I think it's Maintenance of Way and maybe BRS,  
23 they're not -- they don't want -- they didn't want to be part of  
24 it, and I don't understand why. That was long before I got here.

25 Q. Okay. Has there been any recent attempts to, I'll use this

1 phrase, remarket it to them or re-represent it to them so that  
2 they perhaps --

3 A. Sure. I mean there's a Safety Advisory Committee that the  
4 chief engineer sits on, the deputy chief engineer, the director of  
5 safety engineering, and i believe this advisory committee meets  
6 once a month and they go through a litany of things. And we're  
7 always talking about, you know, trying to get them engaged. And  
8 their suggestion is they don't want to be part of it. They're not  
9 prohibited, obviously. I mean, why wouldn't you want to do -- you  
10 know, act on behalf of your colleague --

11 Q. Right.

12 A. -- to make sure he or she is working safely? So we're always  
13 trying to get them engaged.

14 Now one of the things that we did have some success on, we  
15 had a -- we have 25 safety liaisons out there. And so we have  
16 since trained them, and they go out -- and I can't say that they  
17 do the Safe-2-Safer stuff, if you will, but they're certainly  
18 engaged in observations, things like that, and they're part of  
19 engineering. But they're called safety liaisons. So I take that  
20 as a good thing. It's not devoid out there. It's not that  
21 there's nothing out there. So it's there to some degree.

22 Q. Is it your understanding that at Chester the workers that  
23 were out there were members of those unions that didn't want to  
24 participate in Safe-2-Safer as well, but they want to have a  
25 safety liaison, but there was not one present?

1 A. I can't answer that. I would assume that they were part of  
2 at least one of the unions, Maintenance of Way. Yeah.

3 Q. Okay.

4 A. I can't answer the question about the safety liaison.

5 Q. One last question here. When the safety liaison shows up at  
6 a worksite to review his or her brothers in that craft, and I  
7 assume that safety liaisons don't cut across crafts and they stick  
8 to their own --

9 A. They're in engineering.

10 Q. In engineering.

11 A. Uh-huh.

12 Q. Okay. When an observation is made of one of the workers  
13 violating -- I don't want to say breaking a Cardinal Rule, but  
14 doing something in perhaps an inappropriate way, what does that  
15 safety liaison do? What's the range of things that that safety  
16 liaison can do?

17 A. Well, first, one would hope that if they're observing someone  
18 working unsafely, that they walk up to them and stop what they're  
19 doing immediately.

20 Q. Okay.

21 A. And then let's have a discussion, okay, let's walk this  
22 through, and this is why I seem to think that you're working  
23 unsafely. And hopefully if that's the case, then the person  
24 realizes it and they change their behavior, and then they go from  
25 there.

1 Q. Do they have to cite them or issue them a warning or a  
2 violation?

3 A. No. They don't do -- with regard -- Amtrak's a funny place.  
4 So with regard to observations and things like that, in order for  
5 us to get some of these employees engaged, we ask them to just  
6 have the conversation and make sure they stop. And so as to make  
7 sure that they do that and they're engaged on a daily basis, we  
8 don't -- they use the term snitch. And so they're of the opinion  
9 that if they take this higher up, then that's a form of snitching.  
10 And at this point I'm more than happy for them just to stop the  
11 employee, have the discussion, and then --

12 Q. What happens in the field stays in the field.

13 A. Yeah, more or less. And then just moves on. Because I think  
14 that's pretty powerful when two people are just having a  
15 discussion. One is a safety liaison. For the most part he was  
16 doing that job a month ago, maybe. And so now he's over here  
17 looking at you, and if I go up to you, Bob, and say I really think  
18 we need to have a discussion, let's stop what you're doing, and  
19 that will have more of an impact than having to take that up to  
20 the next level.

21 Q. Okay. Do you anticipate involving any sort of tracking or  
22 auditing system for those encounters of the field kind? While the  
23 conversation and the action remains in the field, are you going to  
24 track that and --

25 A. I believe the safety liaisons -- and I could be wrong

1 because, you know, they -- we've developed a tracking form, okay,  
2 and I think we've given them all iPads. And so now we've got this  
3 electronic thing. So when they go out there and they conduct  
4 their --

5 Q. Okay.

6 A. -- inspections or observations or whatever, we expect them to  
7 input this data. And then at that point we'll begin to start to  
8 analyze what are the things that we're seeing out there.

9 Q. Okay. So at some point in the future.

10 A. Yeah. I don't think we've got enough data into the system  
11 yet to --

12 Q. Okay.

13 A. -- warrant any measurable reaction at this point. I think we  
14 just kind of started that.

15 Q. Okay.

16 A. But which is a good thing though.

17 Q. Yeah. I understand you deal with it locally if you can, but  
18 if you can somehow build up a tabulation of what you're seeing,  
19 that helps you to prepare for the next step.

20 A. Yeah, and that's our eventual goal.

21 Q. Yeah, and --

22 A. I just don't -- there's just not enough data into the system  
23 yet.

24 Q. All right, understood. I believe I have covered everything.  
25 I really have been impressed with what I've learned from your

1 System Safety Program. Several interviews in the past have sort  
2 of pointed out a number of activities that you're doing, and I  
3 really do applaud you for that. That's some proactive and  
4 progressive thinking. And one of the -- I do have just one other  
5 question, which is this is leading to --

6 A. I'll say thank you first, so --

7 Q. Well, you may want to hold up. I'm not going to be nasty.  
8 I'm not going to be nasty.

9 Q. But I kind of wanted to get your read on this last point,  
10 which in the past -- well, let me not paint the history, but where  
11 I'm going with this is individual responsibility. And one of the  
12 initiatives that I think is on your radar for future development  
13 is critical self-assessment. Can you tell me where you hope to go  
14 with that?

15 A. Well, I mean we used to have, I guess, a group that would go  
16 out there and went to the facilities and find stuff and say this  
17 is wrong, we're going to come back in 3 months and, you know, it  
18 better be fixed. So at this point, I think the goal is to conduct  
19 critical self-assessments and find out where there are  
20 opportunities to make improvements. And where there are  
21 opportunities, let's work with them to make sure they get to the  
22 point where they should be. It's not that we're going to walk in  
23 and abandon them. We're going to work with them, and we're going  
24 to provide the resources to them. And if they don't have the  
25 resources there, then perhaps we bring it to the Executive Safety

1 Council, and we have discussions there, and Amtrak, this is what  
2 we need to do in order for us to get there. So it's in its  
3 infancy, if you will, but this is all part and parcel of, I guess,  
4 preparing ourselves for 270, when it eventually gets here.

5 Q. I will say, and you mentioned that when you leave you want to  
6 leave Amtrak with a system safety organization that they're proud  
7 of. And I will suggest to you if your attorney will let me  
8 speculate, on my side of the fence for a moment.

9 MR. BONVENTRE: Speculate all you want.

10 DR. BEATON: That if you can pull that critical self-  
11 assessment off, you would truly be changing safety culture in the  
12 railroad industry. I mean, you'll be a leader if you can do that.  
13 So I wish you luck, and I'm anxious to see you succeed in that.

14 MR. LOGUE: Thank you.

15 DR. BEATON: Thanks for the conversation.

16 MR. LOGUE: You're welcome.

17 DR. BEATON: I'm done pestering you.

18 MR. LOGUE: No pester.

19 MR. HIPSKIND: Michael, you okay to go for the second round?  
20 You need a break or anything?

21 MR. LOGUE: No.

22 MR. HIPSKIND: Okay.

23 BY MR. HIPSKIND:

24 Q. I want to follow-on with some things that Bob brought up, and  
25 I want to try to understand it in a little bit different light.

1 We've talked at many interviews about the role of the safety  
2 liaison, and I want to name off some titles of some positions, and  
3 then I'll pose a question to you. So, yeah, we've got safety  
4 liaisons and we've got employees and we've got foremen and  
5 assistant foremen, and we have supervisors and assistant  
6 supervisors, and we've got watchmen, and we've got machine  
7 operators. We've got a lot of different titles, but in any of  
8 those titles that I -- or positions that I named, do any of them  
9 have a safety liaison type function?

10 A. I mean, I would say every employee has a responsibility to  
11 ensure not only his or her safety, but any of the employees that  
12 they're charged with overseeing. So depending upon what one's lot  
13 in life is, if you're superintendent or foreman or things like  
14 that, it starts with convening your group and conducting a sound  
15 job briefing that covers what you're going to do for the day, and  
16 what are the things that are going to impact from a safety  
17 perspective, what are some of the safety rules that we need to be  
18 mindful of, perhaps what are some of the federal regulations that  
19 we're going to be working around, and covering all that. So the  
20 fact that they may not have safety in their title, the fact that  
21 they're in that position, to me means that this is what they do,  
22 and it's all part and parcel of their job.

23 Q. Okay. Well, let me tell you where I'm coming from. In one  
24 of our previous interviews, it's been pointed out to me, to all of  
25 the investigative team, that there is a finite number of safety



1 liaisons.

2 A. I believe it's 25.

3 Q. And, 25, and it's a big railroad. And it was pointed out  
4 there may be 100 different work gangs out there on any one day,  
5 and so you just do the math. And so where I was going with this  
6 is everybody knows the safety liaisons, you can't be in two places  
7 at once. You're going to be there on a job, everybody's going to  
8 know they're there. They may change their behavior then or  
9 temporarily.

10 So what are your big challenges? Is one of them engagement  
11 that a foreman take on that role of a safety liaison? I mean, I  
12 can recall the days when I was a foreman. We didn't even have the  
13 concept of a safety liaison. But, by golly, if somebody started  
14 doing something wrong, I just knew it was my inherent  
15 responsibility to go over and show that employee how to do it, not  
16 only the right way, the safe way, the productive way, so that he  
17 didn't cause harm to himself and to others.

18 So with that said, what are your thoughts about when there  
19 isn't a safety liaison there?

20 A. So just suggesting what you just said, I mean, I don't  
21 believe that concept has changed to this day. I mean, so if an  
22 employee is a foreman or whatever position they're having out  
23 there, it's their responsibility to make sure that they're working  
24 safely as well as all the employees under their charge, whether  
25 there's a safety liaison there or not. A safety liaison, I mean,

1 basically they're just going to go up and have discussions, you  
2 know, have some observations, discuss what's going on and all.

3 Sure, there's only 25 of them. And we tried to get them that  
4 there's a safety liaison or safety liaisons out there on the  
5 property 24/7. There could be five at nighttime and seven during  
6 the day. And so we try to rotate their schedules that they're at  
7 least out there, and they hit the locations that they need to hit,  
8 but, again, there's a limited number of resources. It's finite.

9 And so this is all part and parcel of how we train our folks,  
10 and this should be, is all part of how they're trained, that they  
11 just need to make sure that those things that can possibly harm  
12 people, they're covered in job briefings and making sure that  
13 they're doing what they should be doing. But there's no question  
14 that 25 isn't going to cover the waterfront.

15 Q. Okay. So we've talked about it. We've done the math. We  
16 know that safety liaisons is not a bad concept, but it's limited.  
17 We're aware of that. So is the optimum goal, I mean, to -- if  
18 you've fully implemented Safe-2-Safety -- Safe-2-Safer, rather,  
19 then in effect everybody becomes a safety liaison?

20 A. I wouldn't disagree with that.

21 Q. Okay. So tell me what is your biggest -- if we can sit here  
22 and talk about it and think about it, and know that that gets us  
23 to a much, much safer work environment in a very hazardous  
24 industry with risk abound at every turn, and you really have to  
25 stay focused and in the game, what's the big challenge to get

1 there, to get to the thing that you and I just talked about?

2 A. What's the challenge to get there?

3 Q. As you see it.

4 A. I'm thinking.

5 Q. I know you need -- we all need time answering that.

6 A. I think it's a matter of the employees coming on board and  
7 working and realizing that they have a job to do, and they've been  
8 trained to do it, and they need to work consistent with their  
9 training. And again sometimes people bring distractions in with  
10 them. Sometimes there are distractions on the jobsite and, you  
11 know, they lose focus, even if it's just for a few seconds. And a  
12 few seconds, as we all know, can be damaging around here. So I  
13 think it's a constant emphasis on communicating to the employees  
14 to stay focused. And if you're not sure, then step back and take  
15 a timeout. And that's just something that we continually have to  
16 reinforce on a daily basis, and it has to come from the top down.

17 MR. HIPSKIND: Okay, all right. Thanks, Michael. I may have  
18 another questions, but let's re-engage Ryan.

19 Ryan, you still there?

20 MR. FRIGO: I am still here.

21 MR. HIPSKIND: You're up.

22 MR. FRIGO: The problem with letting Dr. Bob speak after me  
23 takes all my stuff.

24 DR. BEATON: Just trying to make your life more enjoyable,  
25 Ryan.

1 MR. FRIGO: You do, absolutely.

2 BY MR. FRIGO:

3 Q. I just want to go back to the whole discussion around the  
4 work zone and the safe operation of equipment. And I understand  
5 what you're saying with rule compliance and the expectation of the  
6 dispatcher. But with Amtrak moving towards higher and higher and  
7 higher speeds, when does that approach change? And what I mean by  
8 that is, when is it looked at where under no circumstances can  
9 work and equipment mix?

10 A. At no circumstance can it exist?

11 Q. Well, and I'm looking more at the European model of high-  
12 speed rail and the Asian model of high-speed rail, and that theory  
13 of the need to do maintenance during service is greatly reduced on  
14 those systems. But there's no intermixing, and I'm just wondering  
15 when that philosophy might need to shift or might need to change  
16 as Amtrak aims to increase its speeds even higher and higher.  
17 Because again the propensity for error -- well, the severity of an  
18 error becomes greater and greater at a higher speed. And I'm just  
19 curious about your thoughts on that.

20 A. Well, I guess, Ryan, I mean, at some point this is probably  
21 something that Amtrak is going to have to tackle as a corporation.  
22 This isn't anything that I'm going to convey to you today. Amtrak  
23 is going in this direction. But as we move toward higher speed  
24 trains, it could be that as part of the whole system safety plan,  
25 and when we conduct our hazard analysis and risks, things of that

1 nature, that we start to take a look at this. And people a hell  
2 of a lot smarter than me start to do the mathematics on this. And  
3 at some point if it dictates that Amtrak is at a point where they  
4 need to act similar to some of the places that are countries that  
5 you just mentioned, well, then a decision will have to be made.

6 Q. But as the chief safety officer, and as the guiding  
7 individual behind safety, wouldn't that fall to you to make some  
8 of those calls or start recognizing that you guys are starting to  
9 change where you are on the hazard spectrum?

10 A. Certainly. I mean, I can initiate the conversations.  
11 There's no doubt about that. And based on this conversation I'm  
12 having with you, we do. But obviously there's going to be a lot  
13 that goes into that, that others are going to have to be part of.  
14 I can certainly initiate we need to start to think about the fact  
15 that we're going to get these new train sets, and obviously  
16 they're going to be at a higher speed, and at what point do we  
17 want to consider not running trains when we have work zones out  
18 there. That certainly can happen. But like I said, there's, you  
19 know, there's the science behind it, and I'm certainly not  
20 qualified for that.

21 Q. I understand it's not a back of the envelope type decision,  
22 but, Michael, I appreciate your honesty, and I don't have any  
23 further questions. Thank you.

24 A. You're welcome.

25 MR. HIPSKIND: All right. Thanks, Ryan.

1 We'll go around. Fran, anything?

2 MR. WALKER: No further questions.

3 MR. HIPSKIND: And Lou?

4 MR. TOMASSONE: No questions.

5 MR. HIPSKIND: Willie?

6 MR. BATES: No questions.

7 MR. HIPSKIND: Don.

8 MR. HILL: Yes. My bad?

9 MR. LOGUE: Do I need to take my wallet out again or?

10 MR. HILL: No. Well, unless you're going to treat for  
11 dinner?

12 MR. HIPSKIND: Let me just interject a comment. NTSB finds a  
13 great strength in the party system because we invite a lot of  
14 different people in to provide perspective from the different  
15 types of jobs that they perform in the railroad industry. So,  
16 Don, go ahead.

17 BY MR. HILL:

18 Q. Yes, Michael, I want to talk to you, quote/unquote, "as an  
19 engineer to an engineer." Because you stated that you're  
20 qualified as an engineer on the same territory I qualified on.

21 A. Are you qualified on GG1s?

22 Q. Well, not the equipment, the territory. GG1s is not -- is a  
23 dinosaur.

24 A. I was qualified on a GG1. I ran a GG1, ran an E44.

25 Q. All right. Well, I've got the new equipment.

1 Well, my question to you is from an engineer's perspective in  
2 running the train through a work zone, speaking effectively and  
3 practically, wouldn't it be true that the only effective speed to  
4 prevent a crash would be operating the train at restricted speed  
5 through a work zone?

6 A. Can you repeat the question for me, please?

7 Q. As stated, wouldn't it be true -- I'll try to rephrase it a  
8 little clearer.

9 A. You don't have to rephrase it. Just repeat it. I'm trying  
10 to --

11 Q. Okay. Wouldn't it be true that -- if we were to really slow  
12 the trains down, that the absolute really true effective speed  
13 would be to slow it down to restricted speed, if the goal was to  
14 prevent a train hitting -- putting the onus on the engineer to  
15 keep from hitting equipment that may be fouling, would be to  
16 reduce the speed, to restrict the speed?

17 A. Well, I mean, based on the definition of restricted speed,  
18 the onus is on the engineer not to hit the thing that's in front  
19 of him.

20 Q. And he reduced -- if we made that a requirement, for all  
21 practical purposes, wouldn't that be impractical?

22 A. Wouldn't it be impractical? Yeah. I would say that would  
23 probably be impractical.

24 MR. HILL: Thank you. That's all.

25 MR. HIPSKIND: Thanks, Don.

1 Theresa.

2 BY MS. IMPASTATO:

3 Q. Michael, could you describe some of the actions that Amtrak  
4 has taken or the System Safety Department specifically has taken  
5 to evaluate technology? Is Safety looking at new and emerging  
6 technology?

7 A. In the System Safety Department, yeah, we've got -- yes. We  
8 have the newer technologies that are out there. We've got the  
9 EEPS system that's out there. Probably some of the stuff that  
10 your directors of safety are involved in looking at the new  
11 technology that's emerging out there. I can't give anything  
12 specific off the top of my head, so --

13 MS. IMPASTATO: No other questions.

14 MR. HIPSKIND: Thank you, Theresa.

15 BY DR. BEATON:

16 Q. I just want to close up a few gaps in my understanding. Back  
17 to the Cardinal Rules. On a typical jobsite if a supervisor  
18 observes a worker breaking a Cardinal Rule, they're at least  
19 obligated to write them up or report them or do they fire them on  
20 the spot?

21 A. Oh, no, no, no, no. So if an employee is observed violating  
22 a Cardinal Rule, it's -- the supervisor generally takes the  
23 employee out of service.

24 Q. Okay.

25 A. And at that point it goes through the due process, if you



1 will.

2 Q. Okay.

3 A. And at some point during the discipline hearing if the  
4 charges are proven, that's when it gets to my level. If the  
5 charges are not proven, then the employee just goes back.

6 Q. Understood. Do the safety liaisons follow that same path?  
7 That is, if they see somebody breaking a Cardinal Rule would they  
8 be authorized to take them out of service?

9 A. No, they're not authorized to take them out of service.  
10 Again, if they're observing someone violating a Cardinal Rule, we  
11 expect them to go to the employee and say, hey, look, I believe  
12 you're working in an unsafe manner; let's have a discussion here  
13 so we can talk this through, and then go on from there. But  
14 they're not authorized to take them out of service.

15 Q. All right. But the supervisor is. So I guess we have a  
16 situation where if we have a supervisor and a safety liaison at a  
17 jobsite, depends on who catches you breaking a Cardinal Rule as to  
18 the level of repercussion?

19 A. Yeah, I would think that's safe to say.

20 Q. Okay. Has that disconnect between -- depending upon who I'm  
21 caught by, has that created any real problems or is that just  
22 speculation on my part? I've got to make him smile.

23 A. Real problems? No. I mean, I don't expect employees to turn  
24 around and turn each other in, okay. What I do expect is  
25 employees to change their behavior. And so --

1 Q. Okay.

2 A. -- the Cardinal Rules were never designed for people to start  
3 turning people in and all.

4 Q. Okay.

5 A. I can tell you though we've gotten an awful lot of "I saw so  
6 and so with a phone." Well, what was he doing? Well, he's  
7 walking down the station platform. Okay. So people at least are  
8 -- they're cognizant of them, and they're paying attention to  
9 them.

10 Q. Okay. I'm going to get out in front of Mr. Hipskind here.  
11 Is there anything that I missed talking to you as a safety person?

12 A. No. I mean, I think you covered the evolution of the System  
13 Safety Department since I've been here and all, and I can't think  
14 of anything.

15 DR. BEATON: Okay. All right, thank you for your time.

16 MR. HIPSKIND: Anybody else? Anything? Hearing none.

17 MR. LOGUE: I would like to at least -- and maybe this isn't  
18 where you were going, Theresa, but one of the things that I guess  
19 -- I don't know if it's new technology, but has to do with the  
20 drive cams and all. We've implemented or installed, I should say,  
21 drive cams, inward/outward facing in the mid-Atlantic engineering  
22 fleet. And we did that when we first started to take a look at  
23 what we classify as our SIF injuries, our serious injury/  
24 fatalities.

25 We had the gate -- I think we had 15 gates. And one of the

1 gates that was getting hit the most was Gate 2, and that had to do  
2 with automobile incidents/accidents. And so I just happened to be  
3 on a train one day with DJ Mitchell, whom I just saw for the first  
4 time since I had the initial discussion with him. We were talking  
5 about the SIF injuries and the gates that we have and the  
6 struggles that we're having with the fleet. And he said, well,  
7 you know, BNSF just started to install the inward/outward facing  
8 cameras. I thought, oh, that's a novel idea.

9 So in conversations with Mr. Stadtler and others we put that  
10 out there as a safety initiative to the board, and the board  
11 approved it. And so we literally are just finishing up Phase 1,  
12 and Phase 1 was we took the mid-Atlantic engineering fleet, not  
13 because we liked the mid-Atlantic engineering fleet, but because  
14 they had the most incidents. Amtrak keeps meticulous records of  
15 the automobile accidents, and whether it's our fault or someone  
16 else's fault, they keep meticulous records. So, obviously, we  
17 have employees that are injured, you know, and have to go to the  
18 hospital, claims, you know, so forth and so on. So one of the  
19 things that we've done is install almost 450 cameras in the  
20 vehicles out there, and we have set triggering events.

21 So if you have a triggering event, we have a third-party  
22 contractor that takes a look at that, and they are trained to say,  
23 well, okay, this was probably hit because they hit a pothole or  
24 they were going too fast. So that gets kicked over to the  
25 engineering leadership. And then they take a look at it and they

1 have a discussion with the employee. And it could be as simple  
2 as, hey, look -- a coaching opportunity or something a little bit  
3 more serious where they may have taken some tape off and put tape  
4 over the camera, and that's tampering with a safety device, and  
5 that's considered a violation of a Cardinal Rule.

6 So our expectations are, assuming we get the funding for  
7 FY '17 to go to Phase 2, and that will outfit the rest of the  
8 fleet on the Northeast Corridor. I think it's an additional 1200  
9 vehicles, with the expectation of probably having all the vehicles  
10 that Amtrak owns or leases to have a drive cam installed, with the  
11 exception of the Police Department because they'd be triggering  
12 them every other day.

13 And what we've also done is we have trained -- we brought  
14 another contractor in as part and parcel of this, of Smith Driver  
15 Training. We've sent 800 people to an 8-hour class on sort of  
16 defensive driving. We got a lot of good feedback from that. And  
17 the feedback on the drive cams is -- obviously, the unions were  
18 dead set against this. As a matter of fact, they've sued us. But  
19 we proceeded, and we have the cameras all installed. But feedback  
20 is it's not as bad as we thought.

21 And so again, it's one of those things, if you drive the way  
22 you're supposed to drive, the camera will never go off. Again,  
23 it's following the rules. I mean, we're training you, and at the  
24 end of the day, follow the rules, nothing's going to happen. If  
25 you drive the way you're supposed to drive that light -- you'll

1 never see that camera go off. So that was one of the emerging  
2 technologies that we are looking at that we are being proactive  
3 on. And I really anticipate that we'll see a reduction in our  
4 automobile incidents as well as injuries to those employees  
5 involved in them.

6 MR. HIPSKIND: Okay. Ryan, because I can't see your body  
7 language, did you have anything else you wanted to add?

8 MR. FRIGO: No. I'm okay. Thank you. Thank you for asking.

9 MR. HIPSKIND: All right.

10 BY MR. HIPSKIND:

11 Q. Let me ask you four simple questions, and I think we can wrap  
12 up. Is there anything that you would like to add or change to our  
13 discussion or conversation with you today?

14 A. No. I mean, other than what I just added to Theresa's  
15 question to me. I guess I was thinking more scientific stuff that  
16 she likes to dabble in, so -- and then it just dawned on me that  
17 what we were doing.

18 Q. Okay. And are there any questions we should have asked but  
19 we did not?

20 A. No other than maybe, how do you like your job?

21 Q. How do you like your job?

22 A. It's an interesting job. I like it. I can say it's probably  
23 a little bit more stressful than from where I came over at FRA,  
24 obviously, because we've got a hell of a lot more employees here,  
25 and, obviously, we're carrying -- you know, we carry the

1 passengers. But it's an opportunity for me and her to take  
2 something that almost didn't exist before and build it up. So  
3 it's a fun job. It has its moments, but so does everything else.

4 Q. Yeah, and on that point, Michael, I do want to say I think  
5 you've really advanced our understanding on the history of the  
6 Safety Department. I think you've filled in a lot of holes.

7 A. Okay.

8 Q. Okay. So do you have any suggestions for preventing a  
9 reoccurrence, other than what we've talked about earlier in the  
10 conversation?

11 A. Well, I mean, I think -- no. I mean, the things that we're  
12 working on at the moment I think will go a long way in preventing  
13 this from happening again. I think as we move into the era of 243  
14 with the training and how we're going to start to train our  
15 people, I really think those two regulations are really going to  
16 make a difference in the railroad industry in the years to come.  
17 I really do.

18 Q. Is it fair to say too that you picked up on our emphasis of  
19 identifying and eliminating single point failures?

20 A. Um-hum.

21 Q. All right. Is there anyone else who we should interview?

22 A. No. I think you've covered the waterfront. I mean, you've  
23 been interviewing, I guess, for about the last 6 or 7 weeks, and  
24 you've covered Mr. Stadtler, Rodrigo, the chief engineer, you're  
25 going to be with Mr. Harper. I can't think of anyone else at this

1 point.

2 MR. HIPSKIND: We have attempted to hit an awful lot of rungs  
3 on the ladder, so -- all right. If there are -- if there's  
4 nothing else, we'll go -- we'll complete the interview. Thank you  
5 very much, Michael.

6 MR. LOGUE: You're more than welcome.

7 (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: ACCIDENT INVOLVING AMTRAK TRAIN  
#89 AND MOW EQUIPMENT AND  
EMPLOYEES NEAR CHESTER,  
PENNSYLVANIA ON APRIL 3, 2016  
Interview of Michael Logue

DOCKET NUMBER: DCA16FR007

PLACE: Washington, D.C.

DATE: September 29, 2016

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.

---

Katherine Motley  
Transcriber