

NATIONAL TRANSPORTATION SAFETY BOARD

-----:

IN RE: :

:

THE ACCIDENT INVOLVING : NTSB Accident No.

AMTRAK TRAIN #89 AND MOW : DCA16FR007

EQUIPMENT AND EMPLOYEES :

NEAR CHESTER, PENNSYLVANIA :

ON APRIL 3, 2016 :

:

-----:

INTERVIEW OF: DAN KARCZESKI

Wednesday,

August 24, 2016

30th Street Station

2955 Market Street

Philadelphia, Pennsylvania

BEFORE

RICHARD HIPSKIND, NTSB

DONALD HILL, BLET

THERESA IMPASTATO, AMTRAK

STEVE STEARN, BMW

BOB BEATON, NTSB

FRAN WALKER, FRA

RYAN FRIGO, NTSB

CHRISTOPHER SCHULTE, FRA

APPEARANCES:

On Behalf of the Interviewee:

MARK LANDMAN

This transcript was produced from audio provided

by the National Transportation Safety Board.

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

2 (Time not given)

3 INVESTIGATOR HIPSKIND: Okay. Good morning,
4 everybody. My name is Richard Hipskind and I am the
5 Tracking and Engineering Group chairman for NTSB for
6 this accident.

7 We are here today on August 24, 2016, at
8 Amtrak's 30th Street Station in Philadelphia,
9 Pennsylvania to conduct an interview with Mr. Dan and,
10 Dan, I'll have you pronounce your last name.

11 MR. KARCZESKI: Karczeski.

12 INVESTIGATOR HIPSKIND: Karczeski, Mr. Dan
13 Karczeski who works for the National Railroad Passenger
14 Corporation or Amtrak. This interview is in
15 conjunction with NTSB's investigation of a collision of
16 Amtrak Train 89 with maintenance-of-way equipment and
17 employees on April 3, 2016, at Mile Post 15.7 on
18 Amtrak's PW line near Chester, Pennsylvania in Delaware
19 County.

20 The NTSB Accident Reference Number is
21 DCA16FR007. Before we begin our interview and
22 questions let's go around the table and introduce
23 ourselves. Please spell your last name and please
24 identify who you are representing and your title.

25 I would remind everybody to speak clearly so

1 we can get an accurate recording. I'll lead off and
2 then pass off to my right. Again, my name is Richard
3 Hipskind. The spelling of my last name is H-I-P-S-K-I-
4 N-D. I am the Track and Engineering Group chairman for
5 NTSB on this accident.

6 MR. HILL: Good morning. My name is Donald
7 Hill. I am with the Safety Task Force for the BLET.
8 My last name is spelled H-I-L-L.

9 MS. IMPASTATO: Theresa Impastato, last name
10 is spelled I-M-P-A-S-T-A-T-O. I'm with Amtrak.

11 MR. WALKER: Fran Walker, W-A-L-K-E-R. I'm
12 an FRA Railroad Safety Inspector on track.

13 MR. SCHULTE: Christopher Schulte, last name
14 is spelled S-C-H-U-L-T-E. I'm a supervisory safety
15 specialist, Federal Railroad Administration
16 Philadelphia area.

17 MR. STEARN: My name is Steve Stearn. I'm
18 the party spokesman for the Brotherhood of Maintenance
19 of Way Employees. My last name spelling is S-T-E-A-R-
20 N.

21 INVESTIGATOR BEATON: Bob Beaton. I'm with
22 NTSB. Last name is spelled B-E-A-T-O-N.

23 INVESTIGATOR FRIGO: Ryan Frigo, F-R-I-G-O.
24 I'm the IIC with NTSB for this investigation.

25 INVESTIGATOR HIPSKIND: Dan, would you put

1 yourself on the record please?

2 MR. KARCZESKI: My name is Dan Karczeski and
3 it's spelled K-A-R-C-Z-E-S-K-I. I'm with Amtrak.

4 INVESTIGATOR HIPSKIND: All right. And just
5 some housekeeping here, Mr. Karczeski, do you mind if
6 we proceed on a first name basis?

7 MR. KARCZESKI: That's fine.

8 INVESTIGATOR HIPSKIND: Thank you, Dan. So
9 here's your first couple of questions. Do we have your
10 permission to record our discussion, our interview with
11 you today?

12 MR. KARCZESKI: Yes.

13 INVESTIGATOR HIPSKIND: And, Dan, do you
14 wish to have a representative with you at this
15 interview?

16 MR. KARCZESKI: I do.

17 INVESTIGATOR HIPSKIND: And would the
18 representative please introduce yourself?

19 MR. LANDMAN: Yes. Mark Landman. That's L-
20 A-N-D-M-A-N. I'm here representing Mr. Karczeski.

21 INVESTIGATOR HIPSKIND: Okay, let's proceed.
22 Dan, if you kind of give us a synopsis of your work
23 experience and take us up to your present job and let
24 us know how long you've been in that position.

25 MR. KARCZESKI: I started as a laborer in

1 the Track Department in 1977. Then became the
2 equipment operator then the foreman and then a manager
3 and have held varying management positions in the Track
4 Department or high speed rail in production.

5 Up until 1993, I was in the production side
6 starting in the Division of (inaudible) Production. In
7 '93 to '95 I came to the Mid-Atlantic Division as an
8 engineer tracking structures. From '95 to '98 I was
9 the system engineer of track. Worked for the system
10 basically went out and troubleshoot different locations
11 where they had problems, helped out the local guys.

12 And then from '98 to 2012, well, no,
13 actually '98 to 2004, I was the assistant division
14 engineer of track in Philadelphia. Then from 2004 to
15 2012, I was the deputy division engineer. From 2012 to
16 2014, I was the superintendent of production, did all
17 the construction production.

18 And then in 2014, division engineer. And
19 then just recently promoted to director of engineering.

20 INVESTIGATOR HIPSKIND: Okay, is it, Dan, is
21 it fair to say most of that work, most of the positions
22 that you've held has it been predominantly on the
23 northeast corridor?

24 MR. KARCZESKI: Yes.

25 INVESTIGATOR HIPSKIND: Okay. But you do

1 have familiarity with other parts of the Amtrak system?

2 MR. KARCZESKI: Yes.

3 INVESTIGATOR HIPSKIND: Okay, thanks. I
4 think the first thing I want to have a conversation
5 with you about is just tell us a little bit about
6 safety and how it's communicated and in your present
7 role just kind of take us through some of the successes
8 and some of the challenges that you see with just that
9 aspect of safety.

10 MR. KARCZESKI: Well in the present role I'm
11 just getting started with so I have to back up one
12 position.

13 INVESTIGATOR HIPSKIND: Okay, that's fine.

14 MR. KARCZESKI: We, I guess we had kind of
15 transferred from one type of safety, call it one
16 program to another. We were in a transition. We had
17 the Safe-2 Safer Program.

18 So then we transferred to the, I guess,
19 safety liaisons. We have, had a morning call and we
20 still do that where we have all the supervisors and
21 managers participate.

22 And we have them go through, each day we
23 have a different discipline that does the safety like
24 maybe track one day, B&B the next, C&S or facilities
25 and PMs. And they report out on what they've seen in

1 the field, what they've corrected and then the issues
2 they have particularly address those, you know,
3 basically call.

4 We also, I guess, receive different safety
5 alerts, that type of stuff. The safety liaisons have
6 been working out well with us. We've been using them
7 to address safety issues, safety concerns.

8 We get things, of course, from our system,
9 we get safety alerts, like I said. We had a safety
10 engineer who has just recently moved into another
11 position. So he would be very visible in the field
12 looking at different things also. So I don't know if
13 I've answered your question but --

14 INVESTIGATOR HIPSKIND: Well, no, it's just,
15 yes, it's a dialogue. And I learn things when I
16 listen. So some of what I heard in your answer is that
17 there's an expectation of involvement by all
18 departments. Is it fair to say that?

19 MR. KARCZESKI: Yes, there is.

20 INVESTIGATOR HIPSKIND: Okay. And although
21 you kind of monitor and you talk about things give us a
22 little bit more visibility into how this translates in
23 the real world boots on the ground and that aspect of
24 it.

25 MR. KARCZESKI: Boots on the ground when I

1 talked about corrective action that's the managers and
2 the supervisors getting out and observing their people,
3 making corrections as needed and, you know, writing
4 things. That's what it's all about.

5 INVESTIGATOR HIPSKIND: Okay. And writing
6 things, is there an efficiency testing aspect of that?

7 MR. KARCZESKI: 1872s, we do those, yes.

8 INVESTIGATOR HIPSKIND: Okay, and but tell
9 us a little bit more how is that tracked? Is there a
10 database created or how should we understand that
11 process?

12 MR. KARCZESKI: Yes, it's tracked. It's
13 tracked. We have reports that are given to us by
14 people that track it. You know, this person hasn't
15 been observed this year and that kind of stuff. This
16 person hasn't done his allotment for the month.

17 INVESTIGATOR HIPSKIND: Okay, so when we
18 talk about boots on the ground and people observing
19 people and stuff like that let's talk about the work.
20 I would take, tell me about how you schedule the work
21 or how the work is planned and then we'll talk a little
22 bit more about that. But how is it, how do people
23 decide who is going to work where and what jobs are
24 going to out there?

25 MR. KARCZESKI: Basically how it's done is

1 on a daily basis we put together track usage and we
2 approach transportation with that track usage and they
3 either bless it or not. And then that's how we do the
4 work.

5 INVESTIGATOR HIPSKIND: Who is the, they,
6 bless the work?

7 MR. KARCZESKI: It would be somebody on the
8 transportation side. It could be the manager of train
9 operations. It could be their boss. It could be one
10 of the chief dispatchers that would bless the outages.

11 INVESTIGATOR HIPSKIND: There has to be a
12 constant coordination between the flow of traffic and
13 the achievement of accomplishing a specific task?

14 MR. KARCZESKI: Correct.

15 INVESTIGATOR HIPSKIND: Okay. When, but
16 when all this is coordinated with transportation and
17 you tell them hey, at Mile Post 10 I've got to go there
18 and I've got to go work on this track and this and that
19 is, are there other degrees of your involvement or
20 others in engineering in planning that work other than
21 just the transportation coordination?

22 MR. KARCZESKI: Well I mean if I see
23 statistics or I see something is out of place or
24 something needs to be worked I will get involved a
25 little bit with that normally to push them into doing

1 that type of work, making it a priority.

2 INVESTIGATOR HIPSKIND: Okay. And is there
3 an acronym or a phrase like a site-specific work plan?

4 MR. KARCZESKI: We do have those, yes.

5 INVESTIGATOR HIPSKIND: Okay. Tell me, give
6 me an example of when you might use that and when you
7 wouldn't have to do that just so I have a better
8 understanding of that.

9 MR. KARCZESKI: We like to use them for
10 extended outages. On a nightly basis, no, we wouldn't
11 do that. Something we do every day or overnight we
12 wouldn't do that. But extended outages we like to do
13 that.

14 An example would be we're replacing the
15 bridge deck, the bridge timbers (phonetic). That would
16 be a good example where there was two different
17 departments involved, B&B and the Track Department.

18 When are you going to take the rails off?
19 When are you going to put bridge ties down and put the
20 rail back on?

21 INVESTIGATOR HIPSKIND: Several days in
22 direction?

23 MR. KARCZESKI: Yes, we like to do that.

24 INVESTIGATOR HIPSKIND: Okay. When and
25 let's get down a little bit more to, and if you want to

1 use that example of like redecking a bridge or
2 something like that, that's fine.

3 But let's talk now are there elements within
4 a site-specific work plan that talks about, that
5 incorporates elements of safety, roadway work or
6 protection, the operating rules and kind of take us
7 through that if you can.

8 MR. KARCZESKI: Yes. It basically points
9 out all the hazards for the job, the type of rules,
10 well not rules to follow but the type of rules that
11 would be involved in the work, the outage if there's
12 any issues where we can take somebody for help, like
13 emergency help, that type of stuff.

14 Basically explains the job, how the job is
15 being done, who is responsible for what. And that's
16 kind of the shell of it. We have a shell that we
17 pretty much fill in to address all the issues, the
18 hazards.

19 INVESTIGATOR HIPSKIND: Okay. My guess is
20 that besides using tools, working around others and
21 machinery and stuff like that the top risk factor out
22 there is the operation of the trains. Is that correct?

23 MR. KARCZESKI: I would say so, yes.

24 INVESTIGATOR HIPSKIND: Okay. So take us
25 through what are the tools if a gang or a supervisor or

1 somebody is out there, what are the tools, what are the
2 options they have to ensure their protection at an
3 extended work site?

4 MR. KARCZESKI: Well track out of service,
5 shunting, barricades. I don't know what else you're
6 looking for here.

7 INVESTIGATOR HIPSKIND: Okay. But the lead
8 in to the on the ground work each day by a supervisor
9 or a foreman is some form of job briefing?

10 MR. KARCZESKI: Yes.

11 INVESTIGATOR HIPSKIND: And kind of take us
12 through that if you would?

13 MR. KARCZESKI: That's just basically
14 setting yourself up for what you're doing today.
15 Getting everybody on the same page.

16 INVESTIGATOR HIPSKIND: Are there challenges
17 to conducting a job briefing?

18 MR. KARCZESKI: I don't think there would be
19 a challenge.

20 INVESTIGATOR HIPSKIND: Okay. I think, and
21 I want to draw you into some of the things that we know
22 in the investigation. One of the challenges that we
23 were made aware of and I'd like your comment on is that
24 different departments report, have different starting
25 times.

1 It's not like everybody starts at 7 o'clock
2 and they're all gathered. Sometimes there can be a
3 delay. Have you encountered that? Is that something,
4 and how do you overcome that?

5 MR. KARCZESKI: Have everybody start at the
6 same time.

7 INVESTIGATOR HIPSKIND: Okay, but that's not
8 the way it is now, right?

9 MR. KARCZESKI: In most cases if you're
10 doing the job, I mean, unless you have things that
11 they can't do when they come on later then you need to
12 have another job briefing.

13 INVESTIGATOR HIPSKIND: Another job
14 briefing?

15 MR. KARCZESKI: Sure.

16 INVESTIGATOR HIPSKIND: Okay. All right.
17 But other gangs coming in should not delay what the
18 initial job --

19 MR. KARCZESKI: Well they're not being done
20 intentionally because they're not, you're not ready for
21 them yet. And a perfect example would be the bridge
22 job. I had to take the rail and the blades off first
23 so I don't need B&B there yet.

24 INVESTIGATOR HIPSKIND: Okay. That's a good
25 point. Let me draw in some of the other party members

1 here and let's see what is on their mind, okay. Don.

2 MR. HILL: I'm going to pass right now.

3 INVESTIGATOR HIPSKIND: Theresa, anything at
4 this time.

5 MS. IMPASTATO: (No audible response).

6 INVESTIGATOR HIPSKIND: Fran.

7 MR. WALKER: I've got a question. Fran
8 Walker. Dan, in the 1872 program in your position as
9 the deputy division manager were you required to do an
10 efficiency test?

11 MR. KARCZESKI: I was not.

12 MR. WALKER: All right. How about since the
13 accident? Has the policy changed? Are you required to
14 do any now?

15 MR. KARCZESKI: No.

16 MR. WALKER: Okay. The site-specific work
17 plans question, who actually conducts it and is it
18 documented and are there records kept of it?

19 MR. KARCZESKI: It's passed on to all the
20 players. Usually they, like I said, they use a shell.
21 They have a shell that they use they fill out and then
22 pass it on to everybody that's involved.

23 As far as keeping that document nothing is
24 required on paper to keep those documents that I know
25 of.

1 MR. WALKER: Okay. That's all I have for
2 now.

3 INVESTIGATOR HIPSKIND: Thank you, Fran.

4 MR. SCHULTE: I have nothing.

5 INVESTIGATOR HIPSKIND: Steve?

6 MR. STEARN: Yes. Excuse me, Steve Stearn
7 with the Maintenance of Way. Good morning, Dan.

8 MR. KARCZESKI: Good morning, Steve.

9 MR. STEARN: On the, I mean I have some
10 questions regarding the 1872s. Amtrak assigns numbers
11 to its many forms and documents. Is there a title to
12 1872? Is there some other language we use to identify
13 that form or that process?

14 MR. KARCZESKI: Efficiency test.

15 MR. STEARN: Efficiency test. And then my
16 question would be what is the product of those 1872s?
17 I mean --

18 MR. KARCZESKI: It's an observation and a
19 correction, basically that's what it is.

20 MR. STEARN: And that data is recorded?

21 MR. KARCZESKI: It is.

22 MR. STEARN: And so then I guess what I'm
23 looking at or we're trying to understand is how does
24 the corporation use the data, the 1872s and the data
25 that's collected, how does the corporation use that to

1 make the railroad a safer environment?

2 MR. KARCZESKI: Ideally you want to use it
3 to identify issues you have and correct them.

4 MR. STEARN: And have you seen that as being
5 productive since the inception of the 1872 program?

6 MR. KARCZESKI: I don't know what you mean
7 by productive.

8 MR. STEARN: Has it done anything to reduce
9 injuries or made it a safer work environment?

10 MR. KARCZESKI: I can't answer that
11 question. I don't know.

12 MR. STEARN: Sure. And I realize that you
13 worked on the tracks in the engineering department so
14 many years ago and have for so very long been involved
15 with the management side of the engineering. Were you
16 familiar with Amtrak's close call reporting policy
17 going back a few years?

18 MR. KARCZESKI: Yes.

19 MR. STEARN: And did you think that was
20 beneficial or --

21 MR. KARCZESKI: I think it brought out
22 things that we needed to be looking at and it was
23 punitive which helped. So it was easier to, I guess,
24 bring that out into the open when it was not punitive.

25 MR. STEARN: So you think that was a, that

1 close call reporting program was beneficial?

2 MR. KARCZESKI: I believe it was.

3 MR. STEARN: Okay. Nothing else, Dick.

4 Thank you.

5 INVESTIGATOR HIPSKIND: Thank you, Steve.

6 Dr. Beaton.

7 INVESTIGATOR BEATON: Good morning.

8 MR. KARCZESKI: Good morning.

9 INVESTIGATOR BEATON: Please call me Bob.

10 Can I or, Dan, I want to go back to the time of the
11 accident and understand what your position was and what
12 you were doing. I mean I appreciate that you came into
13 Amtrak in 1977. You must have just gotten out of
14 school.

15 MR. KARCZESKI: No, I was actually in
16 college. I played basketball a couple of years.

17 INVESTIGATOR BEATON: So and you got out of
18 college. You came to Amtrak and you've worked with
19 Amtrak the whole time. At the time of the accident you
20 were in what position?

21 MR. KARCZESKI: Division engineer.

22 INVESTIGATOR BEATON: Division engineer.

23 MR. KARCZESKI: Yes, sir.

24 INVESTIGATOR BEATON: So what does a
25 division engineer on a day to day basis do as it might

1 relate to this accident or at least the crews and the
2 work that was being done? What role did you actually
3 have?

4 MR. KARCZESKI: I don't have, I'm not
5 directly out there with the work. But I'm overseeing,
6 I guess, from a distance.

7 INVESTIGATOR BEATON: Okay. So overseeing
8 from a distance. What does that mean? Are you getting
9 reports from the crew? Are you reporting up to --

10 MR. KARCZESKI: I get production reports,
11 yes.

12 INVESTIGATOR BEATON: So when do you get
13 those reports? In the morning, in the afternoon?

14 MR. KARCZESKI: Usually in the morning,
15 first thing in the morning.

16 INVESTIGATOR BEATON: And this accident
17 occurred at what time?

18 MR. KARCZESKI: It was on a Sunday morning.

19 INVESTIGATOR BEATON: Had you gotten your
20 report from the crew yet?

21 MR. KARCZESKI: I wouldn't have gotten the
22 report until Monday morning.

23 INVESTIGATOR BEATON: Okay. So the reports
24 come in from the field to the supervision, to the
25 supervisor but not on weekends?

1 MR. KARCZESKI: Pretty much not weekends.

2 INVESTIGATOR BEATON: The crews are working
3 on the weekends but somehow there's a gap there. Can
4 you explain that? I mean why is there a gap if we're
5 working crews on the weekends why isn't supervision
6 there?

7 MR. KARCZESKI: Well in this case the job
8 wasn't done. You usually report on production when
9 it's done.

10 INVESTIGATOR BEATON: Okay. And again, I'm
11 just trying to understand. So if I sound like I'm
12 pushing you on things it's only because I'm curious.
13 But you're the division engineer.

14 You're supervising from a distance. Are you
15 taking weekends off?

16 MR. KARCZESKI: No, 24/7 job.

17 INVESTIGATOR BEATON: But you're not getting
18 a report from the crew until Monday morning?

19 MR. KARCZESKI: Well if I need a report I
20 can make a phone call.

21 INVESTIGATOR BEATON: Okay. And that
22 report, what would it consist of?

23 MR. KARCZESKI: Basically production, what
24 was done.

25 INVESTIGATOR BEATON: Okay. Would it any

1 way relate to the number of people that, how many crew
2 members you had the ground?

3 MR. KARCZESKI: Typically it does not.

4 INVESTIGATOR BEATON: Okay. Would you have
5 any insight into who was working the job in terms of
6 their qualifications or skills?

7 MR. KARCZESKI: What shifts, no. I wouldn't
8 have that.

9 INVESTIGATOR BEATON: As a supervisor you
10 don't have visibility to the expertise of the crews?

11 MR. KARCZESKI: We rely on the local
12 supervision to do that.

13 INVESTIGATOR BEATON: Okay. So you have
14 supervisors --

15 MR. KARCZESKI: Yes.

16 INVESTIGATOR BEATON: -- that are boots on
17 the ground supervisors?

18 MR. KARCZESKI: Yes.

19 INVESTIGATOR BEATON: Okay. And do they
20 report to you directly?

21 MR. KARCZESKI: No.

22 INVESTIGATOR BEATON: How do you communicate
23 with those supervisors?

24 MR. KARCZESKI: I go through their boss if
25 need be.

1 INVESTIGATOR BEATON: There's a mid level --

2 MR. KARCZESKI: System division engineer of
3 track or the deputy division engineer of track I would
4 go through. Just pass it down through the chain of
5 command.

6 INVESTIGATOR BEATON: Okay. As a division
7 engineer you've got a couple layers of management in
8 between you and let's say a backhoe operator?

9 MR. KARCZESKI: Yes.

10 INVESTIGATOR BEATON: How many layers of
11 management are there?

12 MR. KARCZESKI: Deputy, AD, supervisor,
13 foreman and then the backhoe operators.

14 INVESTIGATOR BEATON: I heard four. Okay.
15 As a supervisor how far down does your direct reach go
16 into those layers of supervision?

17 MR. KARCZESKI: Usually to deputy or if
18 needed the AD. And if I'm desperate I'll go to the
19 supervisor.

20 INVESTIGATOR BEATON: If the backhoe
21 operator had a problem how does he reach you?

22 MR. KARCZESKI: He goes through his foreman.
23 His foreman goes through his supervisor, typically that
24 way.

25 INVESTIGATOR BEATON: Up the chain of

1 command.

2 MR. KARCZESKI: Or I mean if it's really
3 severe sometimes I may even get a phone call.

4 INVESTIGATOR BEATON: Have you ever gotten a
5 phone call from this crew?

6 MR. KARCZESKI: No.

7 INVESTIGATOR BEATON: Do you have any reason
8 to believe that this crew may not have been prepared or
9 may not have understood the job?

10 MR. KARCZESKI: No.

11 INVESTIGATOR BEATON: Now I asked you that
12 question deliberately. Is it that you don't have an
13 understanding, you don't have any visibility to
14 understand or you really understand that they had no
15 problems?

16 MR. KARCZESKI: Well they had a supervisor
17 with over 30 years in experience. I have personally
18 worked with the supervisor coming up through the ranks
19 and I had no reason to doubt his efficiency.

20 INVESTIGATOR BEATON: Yes, okay. And no
21 reason to doubt. Had you ever asked? Had you ever
22 tried to find out?

23 MR. KARCZESKI: Well sure in my past I have,
24 sure.

25 INVESTIGATOR BEATON: I mean for this crew

1 at the day of the accident?

2 MR. KARCZESKI: No, I didn't drill that far
3 down.

4 INVESTIGATOR BEATON: Okay. So far I'm kind
5 of talking to you about your reach down the chain of
6 command. Let me understand a little bit at the time of
7 the accident you're reporting up the chain of command.
8 Who would you report to?

9 MR. KARCZESKI: The deputy chief engineer of
10 maintenance at that time.

11 INVESTIGATOR BEATON: So you're the, excuse
12 me if I get confused on the titles.

13 MR. KARCZESKI: Understood.

14 INVESTIGATOR BEATON: Please correct me.
15 But you're the division engineer.

16 MR. KARCZESKI: Right.

17 INVESTIGATOR BEATON: Okay, and you're
18 reporting to the deputy chief engineer?

19 MR. KARCZESKI: Correct.

20 INVESTIGATOR BEATON: And that individual
21 close by? Is he in daily contact or is that individual
22 located down in Wilmington or --

23 MR. KARCZESKI: He's not too far office
24 wise. Just down the hallway.

25 INVESTIGATOR BEATON: Down the hallway,

1 okay. So you probably have daily contact?

2 MR. KARCZESKI: Yes.

3 INVESTIGATOR BEATON: What do you talk
4 about?

5 MR. KARCZESKI: Talk about work things that
6 need to be done, priorities.

7 INVESTIGATOR BEATON: Does the deputy chief
8 ever ask you about safety issues?

9 MR. KARCZESKI: Sure.

10 INVESTIGATOR BEATON: Can you give an
11 example?

12 MR. KARCZESKI: A lot of times it's a lot of
13 personnel problems that we're having. You know,
14 somebody made a complaint or somebody had an EEO
15 complaint, that type of thing.

16 Safety we pretty much go over, look at the
17 stats and review the injuries, view our issues and then
18 follow up on those as needed.

19 INVESTIGATOR BEATON: When you were in
20 college you were an engineer?

21 MR. KARCZESKI: No.

22 INVESTIGATOR BEATON: Did you ever have a
23 safety course?

24 MR. KARCZESKI: In college? The only course
25 I can remember is a course on death and dying.

1 INVESTIGATOR BEATON: Elisabeth Kubler-Ross,
2 I believe.

3 MR. KARCZESKI: It may have been her, yes.

4 INVESTIGATOR BEATON: Okay. She's the
5 famous author of Death and Dying.

6 MR. KARCZESKI: Yes, it was a pretty good
7 course.

8 INVESTIGATOR BEATON: Well we had some death
9 and dying here.

10 MR. KARCZESKI: Yes, we did.

11 INVESTIGATOR BEATON: So your deputy chief
12 you could probably talk about EEO issues. If you're
13 going to talk about personnel issues have you ever
14 talked about skill levels or competency?

15 MR. KARCZESKI: Sure.

16 INVESTIGATOR BEATON: As it relates to this
17 crew?

18 MR. KARCZESKI: No, not that far down.

19 INVESTIGATOR BEATON: Okay. Did you ever
20 talk to your deputy chief about the crews involved in
21 this accident at all?

22 MR. KARCZESKI: No.

23 INVESTIGATOR BEATON: Because you had no
24 reason to?

25 MR. KARCZESKI: No reason to.

1 INVESTIGATOR BEATON: Who does your deputy
2 chief report to?

3 MR. KARCZESKI: Chief engineer.

4 INVESTIGATOR BEATON: The chief engineer.

5 And that's somebody else also in the same hallway or --

6 MR. KARCZESKI: Up a floor across the hall.

7 INVESTIGATOR BEATON: Up a floor. High rent
8 district, okay.

9 MR. KARCZESKI: Yes.

10 INVESTIGATOR BEATON: Do you ever talk to
11 the chief engineer directly?

12 MR. KARCZESKI: I have.

13 INVESTIGATOR BEATON: Do you ever talk to
14 him, is it a he or --

15 MR. KARCZESKI: It's a he.

16 INVESTIGATOR BEATON: Do you ever talk to
17 him about this accident?

18 MR. KARCZESKI: No.

19 INVESTIGATOR BEATON: How come?

20 MR. KARCZESKI: I had no reason to.

21 INVESTIGATOR BEATON: You had some dead
22 people on the track.

23 MR. KARCZESKI: I talked to my boss about
24 it.

25 INVESTIGATOR BEATON: You never talked to

1 your boss' boss?

2 MR. KARCZESKI: Well that's, I would think
3 that would be his responsibility to talk to his boss.

4 INVESTIGATOR BEATON: What kind of
5 communication is going up the chain of command here?
6 Would you be out of line to talk to your boss's boss?

7 MR. KARCZESKI: Not if I talked with him
8 first and let him know I wanted to talk to him.

9 INVESTIGATOR BEATON: On a situation that's
10 catastrophic like this can you think of any reason to
11 talk to your boss's boss?

12 MR. KARCZESKI: He came out to the field as
13 I did. I was there.

14 INVESTIGATOR BEATON: But you didn't talk to
15 him?

16 MR. KARCZESKI: Well I talked to him at the
17 scene.

18 INVESTIGATOR BEATON: At the scene?

19 MR. KARCZESKI: Sure.

20 INVESTIGATOR BEATON: Okay. Was there a
21 sense that your boss's boss recognized some problems at
22 the scene?

23 MR. KARCZESKI: Sure.

24 INVESTIGATOR BEATON: Did you guys discuss
25 that?

1 MR. KARCZESKI: We talked about it.

2 INVESTIGATOR BEATON: Do you want to share,
3 can you share any of that with us?

4 MR. KARCZESKI: Well the fact that the
5 foreman gave the track back or the foul back without
6 telling the foreman it came on. There was no
7 supplemental shunting device being used with the
8 equipment on the track. They were two of the biggest
9 things.

10 INVESTIGATOR BEATON: So no shunts and what
11 was the first one that you indicated?

12 MR. KARCZESKI: The foul (phonetic) was
13 given back early.

14 INVESTIGATOR BEATON: Okay. From the
15 nighttime supervisor, foreman?

16 MR. KARCZESKI: Yes, without telling the
17 daytime foreman.

18 INVESTIGATOR BEATON: And you knew that
19 because of, how did you identify those two apparent
20 failures in safety?

21 MR. KARCZESKI: Well I got, the manager that
22 works for me was there also. So he kind of told me
23 what was going on there with those.

24 INVESTIGATOR BEATON: Okay. So your direct
25 report talked to you?

1 MR. KARCZESKI: Yes.

2 INVESTIGATOR BEATON: Okay. And I'm going
3 to assume that he recognized those two safety
4 shortcomings --

5 MR. KARCZESKI: Yes.

6 INVESTIGATOR BEATON: -- based on things he
7 observed at the scene?

8 MR. KARCZESKI: Things that he observed,
9 people he talked to.

10 INVESTIGATOR BEATON: Okay. And your deputy
11 chief, your direct manager was also at the scene?

12 MR. KARCZESKI: He eventually got there.

13 INVESTIGATOR BEATON: Eventually got there.

14 MR. KARCZESKI: Yes, he had to come quite a
15 ways.

16 INVESTIGATOR BEATON: But your boss's boss
17 was there at the scene with you?

18 MR. KARCZESKI: Yes.

19 INVESTIGATOR BEATON: And did you guys
20 discuss these two safety shortcomings?

21 MR. KARCZESKI: I can't remember if we did
22 or not. It was pretty obvious at the scene just
23 looking around.

24 INVESTIGATOR BEATON: Was there any
25 discussion at all about fixing those two shortcomings

1 between you and your boss's boss?

2 MR. KARCZESKI: Now or since then?

3 INVESTIGATOR BEATON: No, at the scene?

4 MR. KARCZESKI: At the scene itself, I don't
5 recollect that.

6 INVESTIGATOR BEATON: So you have an
7 accident. You recognize a problem but you and your
8 boss's boss aren't discussing any fixes?

9 MR. KARCZESKI: Not at that point. We were
10 worried about cleaning up, getting help, all those type
11 of things right then and there. That's something that
12 you do afterwards.

13 INVESTIGATOR BEATON: But you're the
14 supervisor from afar, right. So you're looking at the
15 big picture. And why are you worried about cleaning up
16 the debris field?

17 MR. KARCZESKI: We were worried about
18 getting the bodies off the track.

19 INVESTIGATOR BEATON: But that's not your
20 job, right?

21 MR. KARCZESKI: No, it's not.

22 INVESTIGATOR BEATON: You're not in
23 protective clothing?

24 MR. KARCZESKI: No, I'm not.

25 INVESTIGATOR BEATON: You're not going to go

1 out there and pick up body parts, are you?

2 MR. KARCZESKI: No.

3 INVESTIGATOR BEATON: What are you supposed
4 to do as a supervisor?

5 MR. KARCZESKI: I'm looking at the,
6 basically the whole situation.

7 INVESTIGATOR BEATON: And your boss's boss,
8 what does he do as a supervisor?

9 MR. KARCZESKI: He's doing the same thing.

10 INVESTIGATOR BEATON: But you're not talking
11 about fixing the shortcomings?

12 MR. KARCZESKI: Not at that point.

13 INVESTIGATOR BEATON: At what point did you
14 talk about those?

15 MR. KARCZESKI: It was after the accident.
16 You're looking at our debriefing.

17 INVESTIGATOR BEATON: Right away that same
18 day?

19 MR. KARCZESKI: Well I don't know if it's
20 the same day. But it's short, you're still
21 investigating. You're still looking at videotapes.
22 You're still listening to them. You're still gathering
23 information. You're trying to get what you can get.

24 INVESTIGATOR BEATON: It sounded like you
25 came to a pretty quick conclusion as to what the safety

1 shortcomings were based on the input from your direct
2 report. How long does it take to fix the problems?

3 MR. KARCZESKI: I don't know.

4 INVESTIGATOR BEATON: Are the problems fixed
5 now?

6 MR. KARCZESKI: If you follow the rules
7 they're fixed.

8 INVESTIGATOR BEATON: Can you write a rule
9 to fix all the problems in railroads?

10 MR. KARCZESKI: No.

11 INVESTIGATOR BEATON: With people?

12 MR. KARCZESKI: No.

13 INVESTIGATOR BEATON: Is that a safety
14 principle at Amtrak just write another rule?

15 MR. KARCZESKI: No, not necessarily, no.

16 INVESTIGATOR BEATON: Is following the rule
17 a safety principle at Amtrak?

18 MR. KARCZESKI: It needs to be.

19 INVESTIGATOR BEATON: My question was is it?

20 MR. KARCZESKI: Repeat your question.

21 INVESTIGATOR BEATON: Okay. Is following
22 the rule a safety principle at Amtrak?

23 MR. KARCZESKI: Yes.

24 INVESTIGATOR BEATON: And do people follow
25 the rule or the rules I should say?

1 MR. KARCZESKI: Do all people follow all
2 rules?

3 INVESTIGATOR BEATON: All the time?

4 MR. KARCZESKI: No.

5 INVESTIGATOR BEATON: If people don't follow
6 all the rules all the time and your employees have
7 competency to be good employees is rule writing an
8 effective safety intervention?

9 MR. KARCZESKI: If you put it in that
10 context, no.

11 INVESTIGATOR BEATON: What do we need to do
12 to have an effective safety culture at Amtrak aside
13 from writing more rules and demanding that people
14 follow the rules?

15 MR. KARCZESKI: We need to have everybody's
16 buy in. Everybody be watching out for everybody else.

17 INVESTIGATOR BEATON: As a supervisor do you
18 have an opportunity to influence everybody's buy in and
19 --

20 MR. KARCZESKI: I try.

21 INVESTIGATOR BEATON: -- have everybody
22 watching out for one another?

23 MR. KARCZESKI: We try to do that.

24 INVESTIGATOR BEATON: Sometimes watching out
25 for one another, in my world we talk about that as peer

1 to peer.

2 MR. KARCZESKI: Right.

3 INVESTIGATOR BEATON: Do you use that phrase
4 at Amtrak?

5 MR. KARCZESKI: Yes, be your brother's
6 keeper.

7 INVESTIGATOR BEATON: Yes.

8 MR. KARCZESKI: I use that a lot.

9 INVESTIGATOR BEATON: Do you have an
10 influence on the level of peer to peer support or your
11 brother's keeper, brother and sister's keeper to be in
12 PC these days, but do you have an influence on that?

13 MR. KARCZESKI: I'd like to think I do from
14 afar.

15 INVESTIGATOR BEATON: Yes, from afar. As a
16 supervisor do you think that's, falls within your scope
17 of responsibilities?

18 MR. KARCZESKI: At least with my direct
19 reports it does.

20 INVESTIGATOR BEATON: Okay. And I guess
21 that's going down the chain of command.

22 MR. KARCZESKI: Yes.

23 INVESTIGATOR BEATON: Your direct reports in
24 turn would inherit that responsibility.

25 MR. KARCZESKI: Yes, right.

1 INVESTIGATOR BEATON: And influence and four
2 levels down to the backhoe operator.

3 MR. KARCZESKI: Correct.

4 INVESTIGATOR BEATON: Have you ever heard
5 the phrase managing your managers?

6 MR. KARCZESKI: I've probably run across it
7 in my path some place.

8 INVESTIGATOR BEATON: It kind of reflects
9 the attitude that the hierarchy goes both ways. So do
10 you think you can influence your deputy chief?

11 MR. KARCZESKI: I may be able to with
12 certain things, sure.

13 INVESTIGATOR BEATON: Have you ever been
14 your brother's keeper for your boss?

15 MR. KARCZESKI: I'm trying to think of an
16 example. I can't think of an example.

17 INVESTIGATOR BEATON: I know I'm asking some
18 pretty broad questions. But I'm really trying to focus
19 on the circumstances surrounding this accident. So in
20 the context of this accident, excuse me for that, maybe
21 you haven't had a need to be your brother's keeper with
22 your deputy chief or with the chief engineer.

23 I don't want to put words in your mouth.
24 But is there any concerns that you may have shared with
25 the deputy chief or the chief engineer about the work

1 that was being done or particularly the safety aspects
2 of the work that were done?

3 MR. KARCZESKI: Just the things that we
4 recognized that were not being done.

5 INVESTIGATOR BEATON: Can you tell me a
6 little bit more about that?

7 MR. KARCZESKI: The use of supplemental
8 shunting devices were not being used.

9 INVESTIGATOR BEATON: Is that something that
10 you recognized before or after the accident?

11 MR. KARCZESKI: That was after the accident.

12 INVESTIGATOR BEATON: So after the accident,
13 how long after the accident did you recognize the
14 supplemental shunting devices weren't being used?

15 MR. KARCZESKI: Probably a couple house.

16 INVESTIGATOR BEATON: A couple hours.

17 MR. KARCZESKI: When my direct report told
18 me, yes.

19 INVESTIGATOR BEATON: So you were probably
20 still at the scene?

21 MR. KARCZESKI: Well, yes, I was there all
22 day.

23 INVESTIGATOR BEATON: And what did you do
24 with that knowledge that they weren't using shunting
25 devices?

1 MR. KARCZESKI: Well you just put, basically
2 put it in your back pocket. Store it, you know, in
3 your memory bank and use it with, as part of your
4 investigation.

5 INVESTIGATOR BEATON: Did you tell your
6 deputy chief, your direct, the person that you report
7 to?

8 MR. KARCZESKI: I don't know if it was me or
9 somebody else that told him.

10 INVESTIGATOR BEATON: Somebody did?

11 MR. KARCZESKI: Yes.

12 INVESTIGATOR BEATON: But the knowledge got
13 up to the higher levels of management?

14 MR. KARCZESKI: Yes.

15 INVESTIGATOR BEATON: And what did they do
16 with that knowledge?

17 MR. KARCZESKI: I can't answer for them.

18 INVESTIGATOR BEATON: Did you experience any
19 change in directives or initiatives or the guidance
20 coming from upper management as it relates to the use
21 of supplemental shunting devices?

22 MR. KARCZESKI: Yes, it's, we had a safety
23 stand down with all people involved. We also did an
24 inventory of supplemental shunting devices throughout
25 the division. The FRA provided us paperwork to cover

1 in our safety stand down.

2 We talked about incidents that had happened
3 other places had they had supplemental shunting devices
4 they wouldn't have had trains routed in to out of
5 service tracks, that kind of stuff. So we talked about
6 all of those things and the suggestion was made that
7 when you're out there and you're working on the track
8 even if you don't have the equipment use a supplemental
9 shunting device to protect yourself as a back up.

10 INVESTIGATOR BEATON: Who made that
11 suggestion?

12 MR. KARCZESKI: I would say it probably came
13 from the chief or the deputy chief, my boss.

14 INVESTIGATOR BEATON: Your boss or your
15 boss's boss?

16 MR. KARCZESKI: Right.

17 INVESTIGATOR BEATON: And your boss or your
18 boss's boss got that information from where? Did they
19 just --

20 MR. KARCZESKI: I'm not sure where they
21 would have gotten that. But it just makes sense.

22 INVESTIGATOR BEATON: They didn't get it
23 from you though?

24 MR. KARCZESKI: No. It just makes sense.

25 INVESTIGATOR BEATON: So, but you were aware

1 that people weren't using supplemental shunting
2 devices, right?

3 MR. KARCZESKI: In this case, yes.

4 INVESTIGATOR BEATON: At the time of the
5 accident and you're aware of be your brother's keeper
6 but you're not telling your boss or your boss's boss
7 about this problem and solution. Can you comment on
8 that? Can you tell me --

9 MR. KARCZESKI: What's the question?

10 INVESTIGATOR BEATON: Well I'm wondering why
11 there's not the communication up the chain of command
12 from you to your boss or your boss's boss about a
13 safety solution that you were made aware of within
14 hours after the accident?

15 MR. KARCZESKI: Well the solution was
16 obvious.

17 INVESTIGATOR BEATON: To who?

18 MR. KARCZESKI: To me.

19 INVESTIGATOR BEATON: To you?

20 MR. KARCZESKI: Yes.

21 INVESTIGATOR BEATON: So again, I'm
22 wondering why you're not communicating that solution up
23 the management chain.

24 MR. KARCZESKI: At some point I probably
25 did. But like I said, it was obvious to me, probably

1 obvious to them too.

2 INVESTIGATOR BEATON: Is that speculation or
3 do you have a reason to believe, are they railroad
4 people?

5 MR. KARCZESKI: They're railroad people.

6 INVESTIGATOR BEATON: Same lineage as you?

7 MR. KARCZESKI: Close.

8 INVESTIGATOR BEATON: Are they track people?

9 MR. KARCZESKI: One guy started, the deputy
10 chief started as B&B. But he was track.

11 INVESTIGATOR BEATON: Okay. Not a
12 mechanical guy?

13 MR. KARCZESKI: No. Not one of those guys.

14 INVESTIGATOR BEATON: Not one of those guys.
15 He was a real railroad guy?

16 MR. KARCZESKI: Yes.

17 INVESTIGATOR BEATON: Again, Dan, I'm just
18 trying to --

19 MR. KARCZESKI: I know. I understand, Bob.

20 INVESTIGATOR BEATON: I'm trying to
21 understand what's going on here. So it's obvious to
22 you, probably obvious to your boss or your boss's boss
23 because they're familiar enough with track structures
24 to see, to recognize the problem.

25 But there's no explicit communication that

1 you can recall about the use of shunting devices?

2 MR. KARCZESKI: Other than what's in the
3 rule books.

4 INVESTIGATOR BEATON: No, I meant at the
5 time of the accident from you to your boss?

6 MR. KARCZESKI: I can't remember.

7 INVESTIGATOR BEATON: You can't remember.

8 MR. KARCZESKI: Yes.

9 INVESTIGATOR BEATON: That's fair. That's
10 fair. But at some point after the accident you get
11 some guidance from upper management to --

12 MR. KARCZESKI: Yes.

13 INVESTIGATOR BEATON: -- hey, the use of
14 these supplemental shunts is a pretty good idea?

15 MR. KARCZESKI: Yes.

16 INVESTIGATOR BEATON: Okay. And what did
17 you do with that information?

18 MR. KARCZESKI: Passed it on to everybody.

19 INVESTIGATOR BEATON: How do you pass it on?
20 Can you tell me that?

21 MR. KARCZESKI: Well we give it to the
22 managers and the managers give it to the supervisors
23 and the managers actually attend the stand downs and we
24 get, you know, written notice who attended.

25 INVESTIGATOR BEATON: So I'm a manager and

1 I'm reporting you. Give me just a mock up. How do you
2 hand me down this information?

3 MR. KARCZESKI: I'll send it to you.

4 INVESTIGATOR BEATON: As an email?

5 MR. KARCZESKI: It could be an email.

6 INVESTIGATOR BEATON: In this particular
7 case how did you send the information?

8 MR. KARCZESKI: I wasn't the one that sent
9 it this time. I was on vacation at the time.

10 INVESTIGATOR BEATON: Okay. So who sent it?

11 MR. KARCZESKI: Wayne Stafford who was
12 taking my place at the time would have been the one
13 that sent it.

14 INVESTIGATOR BEATON: He was your acting or
15 is he a deputy for you?

16 MR. KARCZESKI: He was a deputy, yes.

17 INVESTIGATOR BEATON: Okay. So how did he
18 deliver, again, pretend I'm a manager, how is Wayne
19 deliver the message to me?

20 MR. KARCZESKI: Well it would have been sent
21 to me by email. So I would have sent it to the
22 managers with instructions on how to do the stand down.

23 INVESTIGATOR BEATON: It would be an
24 electronic communication?

25 MR. KARCZESKI: Pretty much the electronic

1 for most cases or we had written copies maybe too.

2 INVESTIGATOR BEATON: And so you're going to
3 email communicate with me and now I'm the manager and
4 what am I going to do with it? I'm going to email to
5 the supervisor?

6 MR. KARCZESKI: Yes, bring him into the loop
7 also, sure.

8 INVESTIGATOR BEATON: Bring him into the
9 loop by sending him an email?

10 MR. KARCZESKI: Yes.

11 INVESTIGATOR BEATON: And the supervisor is
12 now going to communicate that to the backhoe operator
13 or other roadway workers. How is he going to do that?

14 MR. KARCZESKI: Well he's going to let us
15 know when he's going to have his stand down and let the
16 manager know so the manager can attend. Then everybody
17 pretty much meets and talks about the follow up.

18 INVESTIGATOR BEATON: The things to fix?

19 MR. KARCZESKI: Yes.

20 INVESTIGATOR BEATON: No email?

21 MR. KARCZESKI: No email.

22 INVESTIGATOR BEATON: So there's some face
23 time as the kids call it today?

24 MR. KARCZESKI: Yes.

25 INVESTIGATOR BEATON: All right. In 1977 we

1 didn't have the face time, did we?

2 MR. KARCZESKI: No. Didn't even have
3 telephones, cell phones.

4 INVESTIGATOR BEATON: I think I remember
5 having a bag phone somewhere in that range, maybe it
6 was the 80s.

7 MR. KARCZESKI: It's too big.

8 INVESTIGATOR BEATON: Yes, too big. All
9 right. So from two levels above you down to you and
10 four levels below there's this email directive that
11 comes down and finally gets to the supervisors.

12 And then they're going to talk to the crews
13 face to face and the managers are going to engage with
14 them personally?

15 MR. KARCZESKI: Yes.

16 INVESTIGATOR BEATON: He's going to
17 physically be there. And then at that point in time,
18 I'm about done, so don't think I'm going to run on and
19 on --

20 MR. KARCZESKI: Jesus.

21 INVESTIGATOR BEATON: I've just got an hour
22 more to go for the first round.

23 MR. KARCZESKI: I'm done at 10:30 though.

24 INVESTIGATOR BEATON: What if the backhoe
25 operator says what the hell does this mean?

1 MR. KARCZESKI: We try to --

2 INVESTIGATOR BEATON: Use the supplemental
3 shunts. I'm not carrying a whole bunch of wires with
4 me every time I go to fix a problem. I know when the
5 trains are running.

6 I'm not going to do it or I've got a problem
7 doing this. I don't have, maybe I haven't been issued
8 my, enough shunts. I've got no place to carry them.
9 What's going to happen with that message?

10 MR. KARCZESKI: I hope there's dialogue
11 with, between him and the supervisor.

12 INVESTIGATOR BEATON: Okay. Is that going
13 to get resolved at that face time meeting?

14 MR. KARCZESKI: I would think so, I would
15 hope so.

16 INVESTIGATOR BEATON: Okay. And the
17 solution, is it going to be an authoritarian solution
18 like shut up --

19 MR. KARCZESKI: It could be.

20 INVESTIGATOR BEATON: -- and sit down and
21 we'll issue you your shunts and we'll put them in your
22 lunch box if we need to or wherever but you're going to
23 use them. You're going to carry them.

24 MR. KARCZESKI: I would hope not in the
25 beginning. I would hope it would be some type of

1 conversation about that and why we do what we do.

2 INVESTIGATOR BEATON: Did that happen at the
3 stand down?

4 MR. KARCZESKI: Not that I'm aware of.

5 INVESTIGATOR BEATON: There was no pushback?

6 MR. KARCZESKI: Not with --

7 INVESTIGATOR BEATON: No feedback?

8 MR. KARCZESKI: Not with something that's
9 there to help you out.

10 INVESTIGATOR BEATON: Anybody say hey,
11 that's a great idea we should have done it before?

12 MR. KARCZESKI: We did have one guy think
13 that we should put a light on it.

14 INVESTIGATOR BEATON: A light on the shunt?

15 MR. KARCZESKI: On the shunt so we can tell
16 when it's actually working. And he did come up with a
17 design, yes.

18 INVESTIGATOR BEATON: That's clever. What
19 are you going to do with that?

20 MR. KARCZESKI: I don't know.

21 INVESTIGATOR BEATON: So let's just stay
22 with that feedback. The employee gives you a good
23 idea. Maybe let's not talk about cost benefit but it's
24 a good idea.

25 Does that get communicated back up the chain

1 of command? I mean obviously it got to you.

2 MR. KARCZESKI: It did in this case, yes.

3 INVESTIGATOR BEATON: Okay. Was that by
4 email or face to face?

5 MR. KARCZESKI: It could be, it was both
6 actually. Both or the employee came and showed us.

7 INVESTIGATOR BEATON: Did it go up to your
8 deputy chief?

9 MR. KARCZESKI: Yes.

10 INVESTIGATOR BEATON: And the chief?

11 MR. KARCZESKI: I'm not sure about the
12 chief.

13 INVESTIGATOR BEATON: And by the way, who is
14 above the chief?

15 MR. KARCZESKI: I would guess it would be,
16 it's Mr. Stadtler.

17 MR. LANDMAN: He doesn't want you to guess,
18 but if you know.

19 MR. KARCZESKI: Yes, it's Mr. Stadtler he
20 reports to. But I'm not sure, I can't remember what
21 his position is.

22 INVESTIGATOR BEATON: Okay. And who is
23 above Mr. Stadtler?

24 MR. KARCZESKI: Mr. Boardman.

25 INVESTIGATOR BEATON: Anybody above Mr.

1 Boardman?

2 MR. KARCZESKI: I'm not sure how that works.

3 INVESTIGATOR BEATON: Have you ever talked
4 to Joe?

5 MR. KARCZESKI: I have talked to him.

6 INVESTIGATOR BEATON: About safety issues?

7 MR. KARCZESKI: Yes, it probably was a
8 safety issue in Baltimore he came out. It was Sunday.
9 We walked into the tunnel where we had some of the slab
10 track was out of whack causing some crossover issues.

11 INVESTIGATOR BEATON: You ever talk to him
12 about this accident?

13 MR. KARCZESKI: No, I have not.

14 INVESTIGATOR BEATON: Probably haven't had
15 the opportunity or need to talk to him?

16 MR. KARCZESKI: I guess not.

17 INVESTIGATOR BEATON: Mr. Stadtler, you ever
18 talk to Mr. Stadtler about this accident?

19 MR. KARCZESKI: No.

20 INVESTIGATOR BEATON: Okay. I appreciate
21 the warm up.

22 MR. KARCZESKI: Just a warm up.

23 INVESTIGATOR BEATON: Thanks.

24 INVESTIGATOR HIPSKIND: Thank you, Dr. Bob.
25 Ryan.

1 INVESTIGATOR FRIGO: Wow, I mean that is the
2 warm up. Dan, thank you for --

3 INVESTIGATOR HIPSKIND: Are you okay?

4 MR. KARCZESKI: I'm okay.

5 INVESTIGATOR FRIGO: You need to take a
6 break or anything?

7 MR. KARCZESKI: No, I'm good. Let's go.

8 INVESTIGATOR FRIGO: Dan, thanks for being
9 here this morning and talking with us and answering
10 some of our questions we have here. I just want to
11 clarify a few items before I move on in my series of
12 questions.

13 You mentioned an inventory that was
14 conducted of all the supplemental shunt devices.

15 MR. KARCZESKI: Yes.

16 INVESTIGATOR FRIGO: Do you recall what the
17 number was on the initial inventory? So I'll call that
18 at the time of the accident.

19 MR. KARCZESKI: The number itself, no, I
20 don't.

21 INVESTIGATOR FRIGO: Do you know, could you
22 give it in terms of maybe a percentage of crews that
23 had the devices? Can you quantify it in a way?

24 MR. KARCZESKI: Well the device was
25 available to all the crews.

1 INVESTIGATOR FRIGO: Okay.

2 MR. KARCZESKI: We either had them in
3 vehicles and machines, that kind of stuff. We were
4 taking an inventory and what we did was outfit the
5 vehicles and the equipment with them to make sure that
6 everything had them in.

7 INVESTIGATOR FRIGO: So that was the action
8 from the inventory?

9 MR. KARCZESKI: Yes.

10 INVESTIGATOR FRIGO: Do you know --

11 MR. KARCZESKI: I can't remember the number.

12 INVESTIGATOR FRIGO: Okay. So maybe that's
13 an action item that maybe we could take out of this
14 interview is to and I'm sure someone wrote it down how
15 many on the initial inventory and then what was either
16 purchased or supplied from storerooms, however after?

17 MR. KARCZESKI: I think that information is
18 available because we had a report out on it. I'm not
19 sure who the keeper of the data is.

20 INVESTIGATOR FRIGO: Okay. So maybe we can
21 take that as an action item that we can discuss with
22 the Amtrak party spokesperson after this interview. So
23 you've been at Amtrak a while.

24 And I think, you know, some of the questions
25 that I want to ask here are really going to, you know,

1 I need you to think back in your long career and
2 impressive career of moving through the ranks and, you
3 know, increasing your workload and your expertise and
4 managing people. I'm really interested in hearing more
5 about, you know, you mentioned the morning call.

6 And I'm assuming that you're, are you
7 talking about the engineering morning call?

8 MR. KARCZESKI: No, we have one in the
9 division itself.

10 INVESTIGATOR FRIGO: Okay. And who is
11 represented on the division morning call?

12 MR. KARCZESKI: All the managers and the
13 supervisors.

14 INVESTIGATOR FRIGO: For just engineering or
15 does it also include transportation, mechanical?

16 MR. KARCZESKI: No, it's just engineering.

17 INVESTIGATOR FRIGO: It's just engineering?

18 MR. KARCZESKI: Yes.

19 INVESTIGATOR FRIGO: Okay. And you did
20 mention that safety is a discussion point on the
21 morning call?

22 MR. KARCZESKI: It's actually the theme of
23 the call.

24 INVESTIGATOR FRIGO: It is the theme of the
25 call?

1 MR. KARCZESKI: Yes.

2 INVESTIGATOR FRIGO: Could you, you know, I
3 assume you sat in on the call this morning?

4 MR. KARCZESKI: I did this morning. But I'm
5 in another position. But I did listen to our call this
6 morning.

7 INVESTIGATOR FRIGO: Can you maybe just walk
8 me through what was discussed from that safety focus
9 this morning on the call?

10 MR. KARCZESKI: Well there is a safety focus
11 that's given every week that we take and the gangs talk
12 about it in their job briefings. This morning it was
13 the C&S discipline that was reporting out.

14 And each C&S supervisor or manager reports
15 out on the morning call observations he's made,
16 corrections he's made. There were some data issues
17 this morning that were talked about for security.

18 There's usually people who, we like to see
19 people when they're backing up in a vehicle have
20 somebody get out and direct them back. So we always
21 have observations for that. There was a gate talked
22 about in the Mid-Atlantic Division down in Ottington
23 (phonetic) that was left open.

24 That was a security issue because we were
25 having theft. So it was an acknowledgment to everybody

1 on the call about that. Some other signage that needed
2 to be done. I heard most of the call. But, like I
3 said, I'm just talking about this mornings phone call.

4 INVESTIGATOR FRIGO: No, and that's great
5 and I think you bring up a great example especially
6 with the backing of vehicles.

7 MR. KARCZESKI: Yes.

8 INVESTIGATOR FRIGO: And again, just if you
9 don't recall or if you're not the right person, you
10 know, that's okay to answer these questions. I'm just,
11 I'm trying to learn more how the topics are developed
12 for this. You said there was a focus of the week.

13 MR. KARCZESKI: Yes, we have a focus. But
14 how it's developed is from the boots on the ground, if
15 you want to say observations from the previous week.
16 What did you see? What did you collect? What did you
17 make better out there?

18 And that's what they talk about when they
19 report out.

20 INVESTIGATOR FRIGO: And is there a program
21 or is there a rule calendar or what is it that drives
22 the observations?

23 MR. KARCZESKI: Just to get out and observe
24 and see what your people are doing, be out in the
25 field, be closer to the work and see how your people

1 are performing and if they're performing safely.

2 That's what the drive is.

3 INVESTIGATOR FRIGO: Is it mainly focused on
4 finding bad behavior or is there a promotional aspect
5 to it as well?

6 MR. KARCZESKI: I like to hear all
7 behaviors. I like good and bad when I was doing that.

8 INVESTIGATOR FRIGO: Okay.

9 MR. KARCZESKI: Like, you know, give people
10 praise where praise is due.

11 INVESTIGATOR FRIGO: So maybe it's, you
12 know, it's an observation of someone, you know, a
13 partner getting out of the vehicle to help the driver
14 back up. But, you know, maybe the driver doesn't have
15 his seat belt on or something at the time?

16 MR. KARCZESKI: It could be a seat belt,
17 exactly.

18 INVESTIGATOR FRIGO: Are injuries discussed
19 during this call as well?

20 MR. KARCZESKI: We do.

21 INVESTIGATOR FRIGO: And is that just from
22 the, in your example from this morning with the C&S
23 Department, would it just be the injuries that occurred
24 in the past 24 hours from C&S or is it from --

25 MR. KARCZESKI: It could be any discipline.

1 Any discipline that's on the call we'll talk about that
2 injury the following morning.

3 INVESTIGATOR FRIGO: Okay. And how much
4 detail goes into that discussion?

5 MR. KARCZESKI: Enough detail people
6 understand how it happened, how the injury occurred.
7 We don't necessarily, you know, talk about what
8 happened at the hospital that kind of stuff.

9 INVESTIGATOR FRIGO: But it's more of the
10 occurrence of injury --

11 MR. KARCZESKI: How it happens. And not
12 just ours. We do other people's also, other divisions
13 if needed.

14 INVESTIGATOR FRIGO: You do?

15 MR. KARCZESKI: Yes.

16 INVESTIGATOR FRIGO: Okay. And are
17 corrective actions also discussed?

18 MR. KARCZESKI: Yes.

19 INVESTIGATOR FRIGO: Okay. And again, going
20 back to the call and is there ever a point in this call
21 that is safety focused where maybe on a weekly basis,
22 end of the week or monthly or quarterly where you talk
23 injury statistics cumulatively, not necessarily the 24
24 hour roundup? But something more cumulatively.

25 MR. KARCZESKI: Yes.

1 INVESTIGATOR FRIGO: Can you tell me more
2 about that?

3 MR. KARCZESKI: Well maybe two or three
4 times a week. I keep the stats and I'll announce the
5 stats. How many injuries we had, how many were FRA
6 reportable, how many were lost time, how were many were
7 serious in nature, SIF.

8 Talk about vehicle (inaudible) where we are
9 with that statistic, operating rule violations where we
10 are with those statistics and we cover those. Not
11 every day. But at least once or twice a week.

12 INVESTIGATOR FRIGO: Okay. And that comes
13 out of your shop?

14 MR. KARCZESKI: That would come from me,
15 yes.

16 INVESTIGATOR FRIGO: That comes from you.
17 Do you just do the reporting on the call or do you do
18 any trending or analysis with that information as well?

19 MR. KARCZESKI: Sometimes we do analysis.
20 We do trending. You know, it seems like, what I would
21 do also is keep notes from other calls and then I would
22 look at all the notes and I would see what was
23 prevalent, what was happening a lot and try to address
24 those things.

25 INVESTIGATOR FRIGO: Can you tell me about

1 some of the things that you might do when you do see
2 something that's prevalent, how you might go about
3 addressing it whether it's, I know you mentioned stand
4 downs. I believe you also mentioned maybe a safety
5 advisory or safety alert. If you can kind of walk me
6 through that process.

7 MR. KARCZESKI: Most of the time it's just
8 covered on our call itself, you know, things that were
9 trending, things we would talk about that were trending
10 on the call.

11 INVESTIGATOR FRIGO: Is there anything that
12 would be discussed on the call that would percolate to
13 a higher level of action such as reaching out to a
14 different Amtrak department, maybe holding a stand down
15 just on the division or again producing an advisory or
16 an alert?

17 MR. KARCZESKI: Yes. Yes, there would be.
18 We would reach out but we wouldn't necessarily, you
19 know, write an alert or an advisory. We would reach
20 out to that department.

21 For instance, we have radio, bad radio
22 reception. So we would call the white room and let
23 them know we had bad radio reception and give them the
24 location so they could either put more antennas or
25 improve the reception in those areas.

1 So we would cover something like that on the
2 call. If you have a problem call this number.

3 INVESTIGATOR FRIGO: Okay. So it's mainly,
4 you know, and correct me if I don't have the right
5 understanding here, but it sounds to me like it's a
6 recap on injuries. It's a recap on any observations
7 that were conducted and then any other safety-relevant
8 issues this is the forum to bring those forward.

9 MR. KARCZESKI: Yes, it's the forum. And
10 it's also to bring corrections to the table. I mean
11 it's, I can go out and observe and say that's wrong,
12 that's wrong, that's wrong. But I want those people to
13 bring also how they're going to correct it also to the
14 table.

15 INVESTIGATOR FRIGO: Yes, such as I, you
16 know, this cord has been in this area and we noticed it
17 or someone reported it and this is how we fixed it?

18 MR. KARCZESKI: Yes, a broken manhole cover,
19 you know. What did you do? Did you protect it? You
20 know, did you fix it? What did you do to eliminate
21 that hazard or risk?

22 INVESTIGATOR FRIGO: Do you track any of
23 those hazards and the elimination?

24 MR. KARCZESKI: Just in my notes and we talk
25 about them on the call too. The next week the person

1 comes on and says this is what we did. This is how we
2 fixed that problem.

3 INVESTIGATOR FRIGO: Okay. There's no
4 database or such as the manhole cover or --

5 MR. KARCZESKI: No, not on this call.

6 INVESTIGATOR FRIGO: Not from this call?

7 MR. KARCZESKI: No.

8 INVESTIGATOR FRIGO: Okay. And still
9 focusing again on the call you mentioned before SIFs.
10 I'm assuming that's serious injuries and fatalities?

11 MR. KARCZESKI: Correct.

12 INVESTIGATOR FRIGO: So if there is a SIF
13 event that occurs within your division that would lead
14 to discussion on the call, you know, to me that would
15 be something that would require more focus and more
16 attention than what's usually discussed.

17 So is there anything special that happens on
18 this call if there is a SIF event that has occurred?

19 MR. KARCZESKI: I don't, well we still talk
20 about the incident and the hazard that the person was
21 exposed to but we really don't get into much more
22 detail than that.

23 INVESTIGATOR FRIGO: Okay. And do you know
24 if the, and again, please correct me if I'm wrong. But
25 I'm assuming it's only managers on the call?

1 MR. KARCZESKI: And supervisors also,
2 juniors and safety liaisons.

3 INVESTIGATOR FRIGO: And safety liaisons.
4 So how would, how is it that a boots on the ground
5 employee would come to find out information that's
6 discussed during that morning call?

7 MR. KARCZESKI: It would be from his
8 supervisor or his safety liaison if you're talking like
9 a backhoe operator. Is that what you're saying?

10 INVESTIGATOR FRIGO: Yes, we can use that
11 example.

12 MR. KARCZESKI: Okay. It would be from the
13 supervisor or the safety liaison for that discipline.

14 INVESTIGATOR FRIGO: And is there something
15 in writing that would, that says that supervisor or
16 safety liaison shall give this information to --

17 MR. KARCZESKI: I don't know of anything in
18 writing. It's just expected.

19 INVESTIGATOR FRIGO: Okay. And is there any
20 techniques that the level above the supervisor, the
21 manager would have to measure the effectiveness of the
22 supervisor in giving that information out to employees?

23 MR. KARCZESKI: Not that I'm aware of.
24 There's no what you call it, performance review that I
25 know of that the managers do with the supervisors.

1 INVESTIGATOR FRIGO: Do you know if there's
2 any opportunity on a safety job briefing for any of
3 those issues during that morning call to be brought up
4 and discussed?

5 MR. KARCZESKI: I'm not quite sure I
6 understand the question.

7 INVESTIGATOR FRIGO: Well let's use the
8 example of, let's use the SIF example.

9 MR. KARCZESKI: Okay.

10 INVESTIGATOR FRIGO: Because, you know,
11 because to me and, you know, that's very extreme.
12 It's an extreme occurrence. And, you know, I'm sure
13 it's talked about by everybody through the grape vine
14 because that's how things usually work.

15 But I'm wondering if there is any mechanism
16 that once it's discussed on this call because that
17 seems to be the forum on the decision on the division
18 where safety discussions and decisions could possibly
19 be made, if that discussion which then the supervisor
20 participates in and then when the supervisor goes into
21 the field to supervise work and I don't want to use the
22 wrong words but almost coordinate the safety or, you
23 know, everybody should be looking out for everyone
24 else.

25 So to me that discussion about the SIF

1 that's on that call, it would be a great opportunity
2 for that supervisor to bring up to the work crew,
3 whether it's in a safety job briefing or some other
4 forum and does anything like that exist that you're
5 aware of?

6 MR. KARCZESKI: Not in writing that I know
7 of. But that's something that we would expect them to
8 do in their briefings, talk about those things.

9 INVESTIGATOR FRIGO: Okay, great. Thank you
10 for helping me understand that. Having been part of
11 many morning calls I always find it interesting to see
12 how it all kind of flows together.

13 It's always a challenge to ensure that the
14 information that's brought up in that call flows
15 downward.

16 MR. KARCZESKI: Yes.

17 INVESTIGATOR FRIGO: Always a challenge. I
18 want to kind of stick with some of those themes we were
19 just discussing about data and information. It was
20 brought up before about the close call reporting
21 system.

22 And you mentioned that you thought it
23 brought out good information, information that you
24 could act on.

25 MR. KARCZESKI: Yes.

1 INVESTIGATOR FRIGO: Okay. Can you just
2 walk me through what you would do with that
3 information, maybe some of the, how you would make
4 decisions based on what you would learn from that
5 program?

6 MR. KARCZESKI: Each incident was different
7 of course. You would have to look at what you had and
8 you address it with the folks that had an issue,
9 basically.

10 If it's a matter of somebody needing more
11 training then you provide that. You just, I'm talking
12 generally. You're looking at it and I thought it was
13 good because it brought it out into the open. You knew
14 you had issues some place and you could correct it
15 before something serious happened.

16 INVESTIGATOR FRIGO: Do you know, can you
17 recall if any of those instances that occurred within
18 your division or group that you had the power to act on
19 if there was ever a safety alert, a safety advisory, a
20 stand down that occurred because of what was learned
21 through that close call reporting?

22 MR. KARCZESKI: It may be that you didn't
23 have enough watchmen out because they didn't get clear
24 in time. Could have been a track inspector on the
25 track that wandered too close to the adjacent track.

1 Those are a couple that come to mind right now.

2 But usually the close calls are usually with
3 trains.

4 INVESTIGATOR FRIGO: And again, is that, the
5 information that you would receive is that something
6 that you would track or even keep a record of to, I
7 guess pair up with the other safety-related data that
8 was coming into your office?

9 MR. KARCZESKI: I don't remember keeping, I
10 would address the issue. But I don't remember keeping
11 paperwork.

12 INVESTIGATOR FRIGO: Okay. And can you
13 recall if any other Amtrak offices or divisions ever
14 coordinated any of that record keeping or --

15 MR. KARCZESKI: I'm not sure. They may
16 have. I'm not sure.

17 INVESTIGATOR FRIGO: That's okay. Can you
18 recall ever seeing any safety alerts or any safety
19 advisories or a safety stand down related to any of
20 those --

21 MR. KARCZESKI: Yes.

22 INVESTIGATOR FRIGO: -- occurrences? You
23 can. And do you recall who the coordinating department
24 would be that would issue that information?

25 MR. KARCZESKI: I believe it came out of the

1 safety department.

2 INVESTIGATOR FRIGO: Out of the safety
3 department?

4 MR. KARCZESKI: Yes.

5 INVESTIGATOR FRIGO: Okay. All right. I
6 just want to switch gears here just a little bit. Are
7 you still doing okay?

8 MR. KARCZESKI: Great.

9 INVESTIGATOR FRIGO: You mentioned the
10 position of safety engineer and that it's a recently
11 vacated position?

12 MR. KARCZESKI: Yes.

13 INVESTIGATOR FRIGO: If you could just
14 explain a little bit more about the role that position
15 held?

16 MR. KARCZESKI: The position was in charge
17 of all the safety liaisons and pretty much directed
18 them to areas where we needed help or areas where we
19 needed to address where we saw some shortcomings as
20 well as the safety engineer who did the same thing. He
21 would concentrate on those areas.

22 INVESTIGATOR FRIGO: Can you give me an
23 example of how those efforts would play out between
24 the, I guess, the safety engineer hearing the issues
25 from leadership and then working with the safety

1 liaisons to --

2 MR. KARCZESKI: Well he would be part of the
3 audience on the call and he would report out on the
4 things he was doing also and the things he was
5 watching, the things he was addressing.

6 INVESTIGATOR FRIGO: Okay. And the safety
7 liaisons, are those engineering employees or --

8 MR. KARCZESKI: They are engineering
9 employees from each craft whether it be BRS, whether it
10 be BMW.

11 INVESTIGATOR FRIGO: And do those
12 individuals, do they sit on any advisory committee or -
13 -

14 MR. KARCZESKI: They do have meetings with
15 their local groups, yes.

16 INVESTIGATOR FRIGO: Okay. Is there any
17 meetings that you're aware of that the, that management
18 and labor jointly participate in as it relates to
19 safety?

20 MR. KARCZESKI: There is.

21 INVESTIGATOR FRIGO: And is that the Safety
22 Advisory Committee? I don't want to --

23 MR. KARCZESKI: We don't call it that, at
24 least not here. We just have a local meeting with the
25 safety liaison and the safety officer would have a

1 meeting and they invite some of the local people in the
2 craft to participate in the meeting.

3 INVESTIGATOR FRIGO: Okay. And is that
4 another forum where issues --

5 MR. KARCZESKI: Yes.

6 INVESTIGATOR FRIGO: -- are discussed and
7 brought up?

8 MR. KARCZESKI: Yes.

9 INVESTIGATOR FRIGO: And do you attend the
10 local meetings?

11 MR. KARCZESKI: If I can, I do. If I can, I
12 do.

13 INVESTIGATOR FRIGO: Okay. And can you give
14 me some examples of some of the issues that do get
15 brought up at that meeting?

16 MR. KARCZESKI: I mean it could be
17 equipment-related, needing something for the equipment.
18 It could be having something to do with signage. Maybe
19 broken steps at CIH house that need to be fixed. Those
20 type of things are brought up and general, you know,
21 rules.

22 INVESTIGATOR FRIGO: So it's, is it more of
23 the items that cannot be corrected immediately in the
24 field?

25 MR. KARCZESKI: Some of it is. Some of it

1 is to when they need help from another group. I mean
2 if you're having a, you know, C&S is having their
3 meeting and they have some broken steps at a CIH some
4 place then we're getting the structures people to come
5 in and help them out with that.

6 INVESTIGATOR FRIGO: Okay. Thank you for
7 that. Okay. Now is where I kind of need you to, you
8 know, recall your lengthy experience and moving through
9 these different roles here.

10 I want to go back to the site-specific work
11 plans.

12 MR. KARCZESKI: Okay.

13 INVESTIGATOR FRIGO: Do you recall when that
14 started?

15 MR. KARCZESKI: No, I don't. I know that
16 when we first came on the railroad or at least when I
17 came on the railroad there was none. I'm going to
18 guess some time in the late 90s maybe. That's my
19 guess.

20 INVESTIGATOR FRIGO: Okay. And, you know,
21 and that's okay. I mean even, do you remember what
22 position you might have been in at the or maybe here's
23 a different way to ask the question.

24 Were you in a position that required you to
25 work with a site-specific work plan?

1 MR. KARCZESKI: They were used mainly in the
2 beginning, I believe, on the larger production jobs.
3 Not necessarily the maintenance side of things.

4 INVESTIGATOR FRIGO: And that's where you
5 spent most of your time?

6 MR. KARCZESKI: I spent, yes, some time with
7 the production gangs. About half my career, I guess.

8 INVESTIGATOR FRIGO: Okay. Who owns the,
9 when an SSWP is created who owns that document? Is it
10 the one that creates it or --

11 MR. KARCZESKI: Typically, yes.

12 INVESTIGATOR FRIGO: Okay. And how does
13 that, if it's, we can use your example of the deck
14 replacement. You know, in that example who would own
15 that SSWP?

16 MR. KARCZESKI: Usually it's the B&B or the
17 structures person that does that because his job is
18 driving it.

19 INVESTIGATOR FRIGO: Okay.

20 MR. KARCZESKI: The bad, what is driving the
21 work.

22 INVESTIGATOR FRIGO: And is there a meeting
23 to, a coordination meeting to develop the document or
24 is it --

25 MR. KARCZESKI: It can be or he develops it

1 and then he asks for comments. There might be one site
2 visit where they take people from each discipline out
3 and they help comment on it and then develop it from
4 that.

5 Not in all cases. But it does happen that
6 way.

7 INVESTIGATOR FRIGO: Okay. And who is the
8 ultimate sign off? Is there an sign off on the
9 document, an approval process?

10 MR. KARCZESKI: Just with the, pretty much
11 with the parties involved there is a sign off.

12 INVESTIGATOR FRIGO: So would it be the
13 project engineer or --

14 MR. KARCZESKI: No, typically it doesn't
15 get, it's usually the local folks.

16 INVESTIGATOR FRIGO: The local folks, okay.

17 MR. KARCZESKI: Unless it's on the
18 production side and then the people involved in the
19 process that's responsible and then there's the chain
20 of command if there's issues.

21 INVESTIGATOR FRIGO: Okay. And as far as,
22 you know, again I'm just trying to understand it. We
23 have multiple projects. We have many ongoing needs and
24 there is plenty of work to do.

25 So projects are planned out. Projects,

1 there's priority lists that are created. From that
2 process there's coordination with transportation for
3 track access. And prior to that, when is it in the
4 work development process that an SSWP would be created?

5 MR. KARCZESKI: Before the job is, you know,
6 done. I mean you schedule it first.

7 INVESTIGATOR FRIGO: You schedule it first?

8 MR. KARCZESKI: Yes.

9 INVESTIGATOR FRIGO: Okay. And do you know
10 if there's any, you know, again we've mentioned larger
11 jobs. Is that just, do you recall any smaller jobs
12 that have used SSWPs or can you recall the smallest
13 job?

14 MR. KARCZESKI: I would say probably the
15 smallest one would be like a bridge deck. Yes, that's
16 not that big of a job.

17 INVESTIGATOR FRIGO: A single track or the
18 entire, going all the way across?

19 MR. KARCZESKI: No, that's just one single
20 track.

21 INVESTIGATOR FRIGO: Okay, all right. Thank
22 you. And that is all I have. Thank you.

23 MR. LANDMAN: Why don't we, how much more
24 time you think generally? I'm thinking we should maybe
25 take a little break. We've been going for an hour and

1 a half.

2 MALE PARTICIPANT: It's your call, Dan.

3 MR. KARCZESKI: I mean I'm okay.

4 INVESTIGATOR HIPSKIND: You're okay. All
5 right. Trust me, Ryan's got more questions. But we're
6 in the phase where we're going to do some follow ups
7 based on everybody's going the first round. So it
8 usually goes a little bit quicker, okay.

9 MR. KARCZESKI: Okay.

10 INVESTIGATOR HIPSKIND: I just want to tie
11 up a couple of loose ends for me. This activity out
12 there involved in the accident, the ballast cleaning --

13 MR. KARCZESKI: Yes.

14 INVESTIGATOR HIPSKIND: -- in your opinion
15 did that require a site-specific work plan?

16 MR. KARCZESKI: Typically on a nightly basis
17 I would say, no. But when I've got an extended outage
18 like this I would say we need one.

19 INVESTIGATOR HIPSKIND: Yes, and it
20 wouldn't, and I take from your answer it wouldn't make
21 any difference whether it was ballast cleaning or
22 whatever it was.

23 MR. KARCZESKI: Whatever it was.

24 INVESTIGATOR HIPSKIND: It's the extended
25 period of it, right?

1 MR. KARCZESKI: Yes, it's the transfer of
2 activities to another crew.

3 INVESTIGATOR HIPSKIND: Take me a little bit
4 deeper. We've used this term --

5 MR. KARCZESKI: This is my opinion. This is
6 not in writing --

7 INVESTIGATOR HIPSKIND: I get that.

8 MR. KARCZESKI: -- anywhere.

9 INVESTIGATOR HIPSKIND: Take me a little bit
10 deeper into what is the site-specific work plan
11 supposed to cover? I get it it's supposed to talk
12 about the activity, the goal, the location. But what
13 are some other elements of it?

14 MR. KARCZESKI: Hazards.

15 INVESTIGATOR HIPSKIND: Hazards.

16 MR. KARCZESKI: Workplace hazards.

17 INVESTIGATOR HIPSKIND: Workplace hazards.
18 So that probably is going to include how I'm going to
19 ensure my safety, the safety of the equipment, the
20 safety of the workers and all that?

21 MR. KARCZESKI: Yes.

22 INVESTIGATOR HIPSKIND: And coordination
23 aspects with transportation?

24 MR. KARCZESKI: Yes.

25 INVESTIGATOR HIPSKIND: How are we going to

1 do the work and move the trains?

2 MR. KARCZESKI: Correct.

3 INVESTIGATOR HIPSKIND: All right. Anything
4 else you want to tell me about that?

5 MR. KARCZESKI: That's about it. I mean
6 fall protection, all those things enter into whether we
7 need wires out.

8 INVESTIGATOR HIPSKIND: Just give me a
9 general feel for this. Do you think that you were
10 doing enough of the site-specific work plans for the
11 general activity prior to this accident?

12 MR. KARCZESKI: I typically didn't see them.

13 INVESTIGATOR HIPSKIND: You typically didn't
14 see them?

15 MR. KARCZESKI: No.

16 INVESTIGATOR HIPSKIND: Work that's done
17 below you?

18 MR. KARCZESKI: Yes.

19 INVESTIGATOR HIPSKIND: Okay. Are you more
20 involved with that now or is it still those things are
21 being developed and talked about below you?

22 MR. KARCZESKI: They're still being
23 developed and used.

24 INVESTIGATOR HIPSKIND: Okay. Do you have a
25 sense for whether you're doing more of that now versus

1 prior?

2 MR. KARCZESKI: I don't have a sense.

3 INVESTIGATOR HIPSKIND: Okay. And there's
4 other people we're going to interview and we can figure
5 that out. Dan, you don't have to have all the answers
6 to everything.

7 MR. KARCZESKI: I'm going first. That's the
8 problem.

9 INVESTIGATOR HIPSKIND: I know I get it.
10 I've done so many of these interviews. I know exactly
11 where you're at. So I want to talk about and see do
12 you feel comfortable if I ask you to play the role of
13 the foreman on this particular job and to take me
14 through how --

15 MR. KARCZESKI: It's been a while but I'll
16 try.

17 INVESTIGATOR HIPSKIND: Well I know. Well
18 this is a test for you.

19 MR. KARCZESKI: Okay.

20 INVESTIGATOR HIPSKIND: Take me through how
21 you would have done the work. So you've come on to the
22 job and take me through the protection and the
23 communication with the employees and then we'll see
24 what we jump on from there.

25 MR. KARCZESKI: You mean I'm coming on fresh

1 to the job?

2 INVESTIGATOR HIPSKIND: Yes. And you're in
3 the role of the foreman and per your rules and your
4 discussion tell me how you would do it?

5 MR. KARCZESKI: Well first thing get
6 everybody together off the railroad. Get everything
7 clear of the railroad. Have a discussion about what we
8 doing and how we're doing it.

9 INVESTIGATOR HIPSKIND: Job briefing?

10 MR. KARCZESKI: Protection. Then before we
11 go on the railroad put watchmen out and then, you know,
12 make the track safe whether it be changing the order
13 with the dispatcher, getting the track out of service
14 in my name, putting supplemental shunting devices down
15 if we intend on fouling.

16 And when we do foul putting them down.
17 Obviously we want to try to get foul on all the tracks
18 but we're not going to be able to do that because they
19 want to run the trains too. So it's basically how are
20 we going to protect ourselves.

21 And transfer the foul time with the form to
22 face to face.

23 INVESTIGATOR HIPSKIND: Okay. And most of
24 the maintenance activity, most of it, the vast majority
25 of it occurs at night out on the Amtrak corridor,

1 right?

2 MR. KARCZESKI: Yes, that's our working
3 time.

4 INVESTIGATOR HIPSKIND: And if you have two
5 track out of service and all that paperwork has been
6 coordinated with transportation and you need to put,
7 just because of the specifics of the reach of the
8 equipment you need to have one track. You need to have
9 foul time on it.

10 And two tracks out of service. And three
11 track you've got equipment. And again, because of the
12 reach of the equipment you need to have four track
13 protected, you would put foul times on what tracks?

14 MR. KARCZESKI: Get a foul on all three
15 tracks.

16 INVESTIGATOR HIPSKIND: One, three --

17 MR. KARCZESKI: One, three and four, yes.

18 INVESTIGATOR HIPSKIND: Okay. And so if you
19 do the fouls you are going to talk with who?

20 MR. KARCZESKI: The train dispatcher.

21 INVESTIGATOR HIPSKIND: Okay. And in that
22 process have you already put your shunts down or --

23 MR. KARCZESKI: No. I have not.

24 INVESTIGATOR HIPSKIND: You have not?

25 MR. KARCZESKI: I have not yet. I'm going

1 to tell him my intentions.

2 INVESTIGATOR HIPSKIND: Okay. So let's,
3 we're at the phase now you're the foreman. You've job
4 briefed with the men. You talked about the protection
5 and now you're in the physical or I mean you're in
6 communication with the dispatcher. Take me through the
7 next couple steps.

8 MR. KARCZESKI: I'm going to put my shunts
9 down and see if he recognizes the light on his board.

10 INVESTIGATOR HIPSKIND: And we do that for
11 what reason?

12 MR. KARCZESKI: To make sure it's working
13 properly.

14 INVESTIGATOR HIPSKIND: But that's a check
15 on how you're applying the protection?

16 MR. KARCZESKI: Correct.

17 INVESTIGATOR HIPSKIND: So you not only have
18 the fouls with him, the purpose of the shunts is to, is
19 there what, like a safeguard or --

20 MR. KARCZESKI: It puts a TOL up on his
21 track.

22 INVESTIGATOR HIPSKIND: And TOL stands for?

23 MR. KARCZESKI: Track occupied light.

24 INVESTIGATOR HIPSKIND: That's a reminder
25 for him, right?

1 MR. KARCZESKI: Correct.

2 INVESTIGATOR HIPSKIND: It does nothing for
3 you, right?

4 MR. KARCZESKI: It does.

5 INVESTIGATOR HIPSKIND: What does it do?

6 MR. KARCZESKI: It protects me because even
7 if he runs a train down it's not going to be coming
8 very fast.

9 INVESTIGATOR HIPSKIND: Because?

10 MR. KARCZESKI: TOL.

11 INVESTIGATOR HIPSKIND: Okay.

12 MR. KARCZESKI: And the signal, disrupted
13 the signal system.

14 INVESTIGATOR HIPSKIND: If a train comes
15 into your area what that shunt did was put a track, it
16 dropped the signal to a red?

17 MR. KARCZESKI: Correct, correct.

18 INVESTIGATOR HIPSKIND: It's the same as if
19 there is equipment, a train on ahead of that train
20 entering your area?

21 MR. KARCZESKI: Correct.

22 INVESTIGATOR HIPSKIND: And that causes that
23 train to what?

24 MR. KARCZESKI: Restrict its speed.

25 INVESTIGATOR HIPSKIND: Or call the

1 dispatcher, right?

2 MR. KARCZESKI: Or call the dispatcher.

3 INVESTIGATOR HIPSKIND: All right.

4 Mitigating the risk of train movement in and around
5 your work area, that's the overarching thing, right?

6 MR. KARCZESKI: Yes.

7 INVESTIGATOR HIPSKIND: Okay. All right.

8 But it's not a perfect world.

9 MR. KARCZESKI: No.

10 INVESTIGATOR HIPSKIND: And although you and
11 I have talked about what you would do sometimes people
12 might not want to put a shunt down for whatever reason.
13 They either don't understand the rule or are just I'm
14 not going to do it today or whatever.

15 When the shunt is not placed let's talk
16 about that for a minute, are we into like a single
17 point failure now? It's just me and the dispatcher and
18 we've set up a foul time. But we don't have all that
19 protection that shunting device.

20 MR. KARCZESKI: We don't have secondary
21 protection.

22 INVESTIGATOR HIPSKIND: And we don't have
23 that communication about applying the shunt between the
24 foreman and the dispatcher. And we don't have the
25 extra protection of the signal going red and trains

1 can't get in there and they have to talk the
2 dispatcher. We've lost a lot?

3 MR. KARCZESKI: We have.

4 INVESTIGATOR HIPSKIND: Okay. All right.
5 You guys are sensitive to that, right?

6 MR. KARCZESKI: Very sensitive.

7 INVESTIGATOR HIPSKIND: Okay. So the main
8 way that you have to determine how well rules are
9 complied with are safety liaisons, supervisors,
10 foremen, managers if they happen to be in and around
11 work making those assessments?

12 MR. KARCZESKI: And training, of course.

13 INVESTIGATOR HIPSKIND: And training?

14 MR. KARCZESKI: Yes.

15 INVESTIGATOR HIPSKIND: Okay. Let me
16 suggest to you and I want, I'm going to ask this in the
17 form of a question. But there's almost an inherent
18 suggestion in there, okay.

19 Over the course, the run up to this incident
20 and even in the aftermath, does anybody in engineering
21 at your level or people that you talk to like on these
22 daily or weekly safety conferences, have they ever
23 brought up that transportation officers or dispatchers
24 bring to somebody's attention hey, Foreman Smith is out
25 there at A,B,C junction and he was out there the other

1 day.

2 He was doing some work and the dispatcher
3 says we never had a dialog about shunts. Do you ever
4 get any kind of a --

5 MR. KARCZESKI: I do get feedback from them,
6 yes.

7 INVESTIGATOR HIPSKIND: -- feedback like
8 that?

9 MR. KARCZESKI: I do get feedback from
10 transportation when there's issue. There might be
11 speed signs.

12 INVESTIGATOR HIPSKIND: Well I want to talk
13 about shunts.

14 MR. KARCZESKI: Shunts.

15 INVESTIGATOR HIPSKIND: I get about speed
16 signs missing or knocked down or --

17 MR. KARCZESKI: Whistle boards.

18 INVESTIGATOR HIPSKIND: Been there done
19 that. But let's stay with shunting devices because --

20 MR. KARCZESKI: No, I haven't been contacted
21 on shunting devices.

22 INVESTIGATOR HIPSKIND: You have been?

23 MR. KARCZESKI: I have not.

24 INVESTIGATOR HIPSKIND: You have not?

25 MR. KARCZESKI: That's correct.

1 INVESTIGATOR HIPSKIND: Should dispatchers
2 know when they get a foul time? I mean do we think
3 that they have the visibility to make that observation
4 or communication to you or anybody else that Foreman
5 Smith is out there probably should have talked to me
6 about putting a shunt down but didn't?

7 MR. KARCZESKI: Well I don't know. That's
8 based on I guess the conversation with the foreman he
9 had, what he has out there and what he's using.

10 INVESTIGATOR HIPSKIND: That really, the
11 communication between a foreman to get permission to go
12 to do some work on the track that's a serious thing,
13 isn't it?

14 MR. KARCZESKI: Sure.

15 INVESTIGATOR HIPSKIND: I mean because of
16 the risk in the train operation and all that. Should
17 there be a check from the dispatcher's end when that
18 foul time request communication is initiated from the
19 field to the dispatcher, should there be some
20 discussion about hey, what are you doing?

21 Do you need a shunt or is that just assumed
22 that the dispatcher is not going to engage in that
23 dialog because it's the foreman's responsibility?

24 MR. KARCZESKI: I'm going to say that I
25 think it should be discussed.

1 INVESTIGATOR HIPSKIND: Just your opinion.

2 MR. KARCZESKI: That's my opinion. I think
3 it's a great idea to discuss that with the foreman.

4 INVESTIGATOR HIPSKIND: A further check?

5 MR. KARCZESKI: Exactly, a secondary check,
6 yes.

7 INVESTIGATOR HIPSKIND: Okay.

8 MR. KARCZESKI: Do we always do it, no.

9 INVESTIGATOR HIPSKIND: No. And I'm going
10 to say it this way. I don't think that's in the
11 current process.

12 MR. KARCZESKI: No, it isn't.

13 INVESTIGATOR HIPSKIND: There's no
14 expectation.

15 MR. KARCZESKI: Right.

16 INVESTIGATOR HIPSKIND: Okay. Trust me, I
17 greatly appreciate the dialog we just had. I'm going
18 to answer for you, at least you correct me if I'm
19 wrong. You don't probably have a lot of interaction
20 with the Executive Safety Committee?

21 MR. KARCZESKI: No, I don't.

22 INVESTIGATOR HIPSKIND: You might provide
23 input that goes up through the chain of command. But
24 to attend the meeting or sit there's that's --

25 MR. KARCZESKI: I don't attend the meetings,

1 no.

2 INVESTIGATOR HIPSKIND: That's not, okay,
3 you're off the hook there, okay.

4 MR. KARCZESKI: Thanks. Next question.

5 INVESTIGATOR HIPSKIND: Give me a general
6 comment on your interaction or your visibility into FRA
7 presence on the property prior to or afterwards in
8 regards to this accident. I mean do you know when
9 they're out there? Do you get reports or how do you
10 think about that?

11 MR. KARCZESKI: FRA doesn't come to me to
12 tell me they're coming out. But usually the managers
13 that they're coming to see do tell me they're coming
14 out.

15 INVESTIGATOR HIPSKIND: Okay. And so you
16 know what's going on?

17 MR. KARCZESKI: Yes.

18 INVESTIGATOR HIPSKIND: How would you
19 characterize the level of activity prior to the
20 incident and after the accident?

21 MR. KARCZESKI: As far as FRA presence?

22 INVESTIGATOR HIPSKIND: Yes.

23 MR. KARCZESKI: Much increased.

24 INVESTIGATOR HIPSKIND: On the engineering
25 side?

1 MR. KARCZESKI: Much increased.

2 INVESTIGATOR HIPSKIND: Afterwards?

3 MR. KARCZESKI: Yes.

4 INVESTIGATOR HIPSKIND: Okay.

5 MR. KARCZESKI: I mean they were here before
6 also. But it was audit, safety audits and safety
7 checks.

8 INVESTIGATOR HIPSKIND: More so afterwards?

9 MR. KARCZESKI: Yes, there was a lot of
10 that, yes.

11 INVESTIGATOR HIPSKIND: All right. Dan,
12 you're doing great. That's all I've got. Let's see if
13 anybody else has got some follow up, okay.

14 MR. KARCZESKI: Okay.

15 INVESTIGATOR HIPSKIND: Don.

16 MR. HILL: Yes. Don Hill. Good morning,
17 Dan.

18 MR. KARCZESKI: Good morning, Don.

19 MR. HILL: You've been doing a great job and
20 once again thank you for your participation. I just
21 have a few questions. I just wanted to try to be, get
22 cleared up if you don't mind.

23 MR. KARCZESKI: Sure.

24 MR. HILL: This scheduled work for this
25 event that had with this accident, what was the amount

1 of work to be scheduled to be performed?

2 MR. KARCZESKI: It was an area there where
3 we were constantly getting a ride quality exception on
4 our equipment we had ride quality monitoring equipment
5 which is basically a gyroscope that if it hits a
6 certain G it goes off either for a lateral or vertical
7 hit.

8 We were getting a lot of exceptions there
9 and the deputy chief of track challenged the manager to
10 get one location and get it fixed and, you know, get it
11 off the report. So that's what this manager was
12 attempting to do. The idea was he had the back train
13 out there working in concert with the backhoe helping
14 it out to back out this location. Then they were going
15 to put fresh ballast, stamp it and stabilize it.

16 MR. HILL: Well what was the area that was
17 scheduled to be done?

18 MR. KARCZESKI: It was about 100 feet, I
19 guess, right there north of Booth Street on 2 Track.

20 MR. HILL: And prior to the accident you
21 said you didn't receive any reports and you would not
22 have received any reports until Monday?

23 MR. KARCZESKI: Well I get the ride quality
24 reports.

25 MR. HILL: All right. Was it on schedule,

1 to your knowledge?

2 MR. KARCZESKI: The job itself?

3 MR. HILL: Yes.

4 MR. KARCZESKI: Didn't know at the time.

5 But found out later it was on schedule.

6 MR. HILL: And what would happen if a job
7 was not on schedule? What type of pressure maybe
8 placed?

9 MR. KARCZESKI: Usually you get knowledge
10 through either the manager. He'll call me and tell me
11 we're having issues and then we try to reach out to
12 others for help if need be or at least the foreman,
13 whoever is out on the site should be telling, talking
14 to transportation if he's running late, the train
15 dispatcher typically.

16 MR. HILL: Okay. Just, thanks. I just want
17 to change directions just a little bit. Earlier you
18 had made a comment that one of the foremen did not
19 inform the other foreman that he released his fouls.

20 MR. KARCZESKI: Yes.

21 MR. HILL: How did you become aware of that?

22 MR. KARCZESKI: Through basically the
23 manager at the site who I guess had talked to that
24 foreman and later through radio communications with the
25 dispatcher I could hear, you know, that.

1 MR. HILL: You said that foreman could you
2 be more specific?

3 MR. KARCZESKI: Are you looking for a name?

4 MR. HILL: No, you could say day foreman,
5 night foreman.

6 MR. KARCZESKI: It was the night foreman.

7 MR. HILL: So he spoke to the night foreman?

8 MR. KARCZESKI: The day foreman, I don't
9 know that the day foreman ever talked with the night
10 foreman.

11 MR. HILL: No, you said a manager had spoken
12 to a night foreman, one of the foreman.

13 MR. KARCZESKI: He had talked to them by
14 phone.

15 MR. HILL: Okay. So the manager talked to
16 the night foreman and developed the information that
17 he, the night foreman, did not communicate to the day
18 foreman is what you're saying?

19 MR. KARCZESKI: Yes, he wasn't there. The
20 night foreman wasn't there.

21 MR. HILL: Okay. With regards to efficiency
22 testing, just correct me if I'm wrong because a lot of
23 this was going pretty quickly. I think you stated that
24 you don't keep, there's no requirement to perform
25 efficiency testing.

1 MR. KARCZESKI: Personally, yes, I don't do
2 that.

3 MR. HILL: No, there's no requirement to
4 perform it?

5 MR. KARCZESKI: There is a requirement to
6 perform it.

7 MR. HILL: Okay, what is that requirement?

8 MR. KARCZESKI: Well we are observing all
9 those people that are NORAQ (phonetic) qualified over
10 the course of the year. They need to be looked at. We
11 typically do, I think it's 12.

12 Each manager or supervisor is required to do
13 at least 12 observations and document them in the
14 system. And we also are required to, anybody that's
15 had an operating rule violation observe them doing the
16 task that they basically got in trouble doing.

17 MR. HILL: To make sure they did it
18 correctly?

19 MR. KARCZESKI: To make sure they're doing
20 it correctly, yes.

21 MR. HILL: And there's a, is there a
22 database that is developed for the efficiency testing?

23 MR. KARCZESKI: Yes, there is. I don't keep
24 that database though.

25 MR. HILL: And you mentioned something about

1 a transition in process for different safety protocols.
2 How is this transition working?

3 MR. KARCZESKI: I'm not quite sure I
4 understand the question.

5 MR. HILL: I believe when you provided
6 testimony earlier you mentioned that you were going
7 from one safety to --

8 MR. KARCZESKI: Safe-2-Safer, yes. We were
9 doing Safe-2-Safer and we had some issues with that.
10 So we transitioned into another safety program,
11 behavior- based basically.

12 MR. HILL: Behavior-based?

13 MR. KARCZESKI: Yes. And we have safety
14 liaisons that we brought on board. We came to an
15 agreement with the BMW and we bought that system.
16 That system is currently in place.

17 MR. HILL: All right. And now my question
18 is how is that transition working?

19 MR. KARCZESKI: The transition was done last
20 year, yes.

21 MR. HILL: So it's complete?

22 MR. KARCZESKI: Yes.

23 MR. HILL: On part of your morning calls are
24 your bosses that are above you, are they part of this
25 morning call?

1 MR. KARCZESKI: Sometimes they listen in.
2 Sometimes they will listen in. Not everyday because
3 there's my boss has several other divisions he's in
4 charge of. So he may listen to their calls.

5 MR. HILL: The last question I have for
6 right now these shunts, you stated that they are made
7 available. Are they assigned?

8 MR. KARCZESKI: No.

9 MR. HILL: Thank you.

10 INVESTIGATOR HIPSKIND: Thanks, Don.
11 Theresa.

12 MS. IMPASTATO: I only have a couple of
13 questions. Using the Mid-Atlantic Division as the
14 example, what is the quantity of work on the division
15 that's accomplished on a daily basis?

16 MR. KARCZESKI: Well we have three or four
17 different servicing gangs out there. They're doing
18 things at night. We have maintenance gangs that are
19 putting rail in, changing frogs, switch point stock
20 rails.

21 On a given night you've probably got at
22 least eight to ten different jobs that are going on.

23 MS. IMPASTATO: How common in terms of
24 frequency is the type of work that was being done in
25 the area of the incident?

1 MR. KARCZESKI: That's very common. We do
2 that a lot. We dress mud spots with the back trains.

3 MS. IMPASTATO: My last question, was
4 anything about this work abnormal?

5 MR. KARCZESKI: No, it's something that we
6 do on a nightly basis sometimes.

7 MS. IMPASTATO: Thank you.

8 INVESTIGATOR HIPSKIND: Thanks, Theresa.
9 Fran.

10 MR. WALKER: Yes, Fran Walker. A few
11 questions. According to the SSDs, do you think there
12 was confusion when and where to use SSDs prior to the
13 accident?

14 MR. KARCZESKI: I do.

15 MR. WALKER: And what do you attribute that
16 confusion to?

17 MR. KARCZESKI: Had to do with how we were
18 trained.

19 MR. WALKER: Do you think the fact that the
20 SSD rule was not in the yard manual also contributed to
21 it?

22 MR. KARCZESKI: Yes, yes, I do.

23 MR. WALKER: After the accident, do you feel
24 everybody clearly understands the use of the SSD rule?

25 MR. KARCZESKI: Yes.

1 MR. WALKER: All right. Was there any
2 instruction after the accident to document SSD rules
3 using the efficiency testing program?

4 MR. KARCZESKI: I'm trying to remember,
5 Fran. I don't remember, Fran. I seem to remember it
6 but I don't want to --

7 MR. WALKER: Do you know if there's a
8 specific rule now in the 1872 program to document SSDs?

9 MR. KARCZESKI: A specific rule, no, I
10 don't.

11 MR. WALKER: Question, when these safety
12 specialists used to go out, you know, Robert Snow
13 (phonetic) was a name, these guys weren't qualified in
14 1872s. But I guess they created a report they found
15 something wrong.

16 Was the division given any feedback on a
17 regular basis of what these guys found wrong in order
18 for these guys to make, recommend?

19 MR. KARCZESKI: They would let us know.

20 MR. WALKER: Was it a written report or just
21 a phone call?

22 MR. KARCZESKI: No, just a phone call
23 usually or an email.

24 MR. WALKER: All right. I have no other
25 questions.

1 INVESTIGATOR HIPSKIND: Thanks, Fran. Steve
2 or Chris.

3 MR. SCHULTE: I'm fine, thank you.

4 INVESTIGATOR HIPSKIND: Sorry to jump over
5 you. Steve.

6 MR. STEARN: Thank you. So real quick, Dan,
7 there was a lot of earlier discussion and dialogue
8 about a chain of command and who you talk to or who
9 they talk to and so on and so on.

10 And we all know that for 40 years you've
11 been here and started at the bottom and gained a lot of
12 experience and exposure in a lot of circumstances
13 coming up. So my question then would be your next guy
14 in that chain, your deputy chief, is it our general
15 understanding that he has much the same experience and
16 exposure?

17 MR. KARCZESKI: For the most part, yes.

18 MR. STEARN: On this property, specific to
19 Amtrak?

20 MR. KARCZESKI: Yes.

21 MR. STEARN: Could the same be said for the
22 chief engineer?

23 MR. KARCZESKI: Not really. He's fairly
24 new. He just came --

25 MR. STEARN: Shortly before the accident?

1 MR. KARCZESKI: -- two or three, well it was
2 about three days before 188 hit the deck.

3 MR. STEARN: And as that relates to this
4 corporation going forward and making safety
5 advancements, do you see that as an impediment that his
6 absence of years of experience on this property, is
7 that like, would you care to comment?

8 MR. KARCZESKI: I wouldn't care to comment
9 on that, Steve. I want to keep employed.

10 MR. STEARN: But going back 40 years when
11 you came on the property as an entry level employee
12 what type of safety training were you given then? Do
13 you recall?

14 MR. KARCZESKI: Put a flag in your hand and
15 told you what to do.

16 MR. STEARN: So it was pretty much non
17 existent.

18 MR. KARCZESKI: You watched others. You
19 watched others and learned how to do things.

20 MR. STEARN: So then it was sort of a
21 mentoring --

22 MR. KARCZESKI: Yes.

23 MR. STEARN: -- environment going on to
24 where you watched others?

25 MR. KARCZESKI: And you got your safety rule

1 book.

2 MR. STEARN: And so today do you see a lot
3 of difference in how it was 40 years ago or 30 or 20
4 and today?

5 MR. KARCZESKI: Much more involved, much
6 more training. It's not the old look over your
7 shoulder every two seconds for yourself. We have the
8 RWP in place and everything else.

9 In fact, I was in the committee that
10 developed the right to refuse. I was on that
11 committee.

12 MR. STEARN: And the mentoring, do you still
13 see that today?

14 MR. KARCZESKI: I'd like to see more of it
15 because of the changing of the guards. I think the
16 newer generation that's coming out is the smartphone
17 generation I'll say. It needs a little bit more
18 attention.

19 MR. STEARN: So that 40 years ago, 30 years
20 ago there was quite a number of veteran employees who
21 were capable mentors but today in the turnover we don't
22 have as many veterans left to be mentors. Is that what
23 I'm hearing?

24 MR. KARCZESKI: I would say that's a correct
25 statement.

1 MR. STEARN: And have, does the corporation
2 to your knowledge had discussion, thoughts, planning on
3 how to overcome that?

4 MR. KARCZESKI: Well personally on the
5 division because we had so many issues, not issues, I
6 would say because the experience level was not there I
7 did go to one of my managers, Bob Williams and had him
8 develop a foreman mentoring program.

9 And that's what he does. He goes takes a
10 day with the foreman and they go over the RWP. They go
11 over the accident rule violations. They go over NORAQ.
12 The second day he takes them and puts them on the
13 simulator which is good for the smartphone people
14 because they've got a little screen they can play with.

15 And they pilot somebody down the railroad.
16 So that's really helped. I've gotten a lot of good
17 feedback. He's put over 65 employees through that
18 class. He keeps them small and everybody has been
19 very, I guess, positive about it. All the feedback has
20 been positive. So we're looking to advance that
21 forward also.

22 MR. STEARN: So that, you know, the
23 corporation will hire an individual off the street and
24 in two years they can become a foreman. And so in
25 these more sensitive work environments do you think

1 that two years is a realistic expectation given the
2 absence of maybe the mentoring that you talked about or
3 the shortcomings in the training?

4 MR. KARCZESKI: No, I don't think it's
5 enough time really to learn the whole job. I mean if I
6 was a foreman on a machine that I did the same thing
7 every day like a TLM, you know, that would be easy or
8 clipping, something like that productive wise where
9 you're just an assembly line you pick that up very
10 quickly.

11 But the rest of it, the inspections and
12 everything else I think you need a little bit more
13 time.

14 MR. STEARN: And just a change of course
15 just a little bit on the SSDs. Do you think that now
16 after the incident that the engineering department
17 employees from the entry level and continuing up
18 through your chain of command understand that, yes,
19 there are conditions where SSDs are required, but there
20 are also conditions out there where SSDs are not
21 required but may be used?

22 MR. KARCZESKI: That's correct. I think
23 they understand that.

24 MR. STEARN: Okay. And thank you for your
25 time.

1 MR. KARCZESKI: Sure, Steve.

2 INVESTIGATOR HIPSKIND: Thank you, Steve.
3 Dr. Beaton, please.

4 INVESTIGATOR BEATON: Just a couple of
5 things I want to follow up on.

6 MR. KARCZESKI: I'm writing that down a
7 couple things.

8 INVESTIGATOR BEATON: At least for the
9 morning session.

10 MR. LANDMAN: Because he's been going two
11 hours. I think it would make sense to make a five
12 minute --

13 MR. KARCZESKI: Well if it's only going to
14 be another five minutes.

15 MALE PARTICIPANT: I think it will be
16 longer.

17 INVESTIGATOR HIPSKIND: I think it will be
18 longer than five minutes.

19 MR. LANDMAN: Yes, that's what I think.
20 Let's take a break.

21 INVESTIGATOR HIPSKIND: Okay, sure.

22 (Whereupon, the above-entitled matter went
23 off the record briefly.)

24 (End of Part 1)

25 (Start of Part 2)

1 INVESTIGATOR BEATON: So thanks for hanging
2 in here with me. I've got a couple things I want to
3 just follow up on. You mentioned that you, Amtrak has
4 shifted gears in their safety programs from Safe-2-
5 Safer to a behavior-based safety program and safety
6 liaisons.

7 Is that what was in effect at the time of
8 the accident?

9 MR. KARCZESKI: It was.

10 INVESTIGATOR BEATON: Okay. And when we say
11 safety based behavior program and safety liaisons, what
12 does that mean? Can you give me a description as, in
13 terms of what it means to the crew involved in this
14 accident?

15 MR. KARCZESKI: To that particular crew?

16 INVESTIGATOR BEATON: Or crews like that,
17 yes.

18 MR. KARCZESKI: It's, I guess we've got
19 somebody, like you said, with the boots on the ground
20 that's right there with the crews. Could be working
21 with the crew that night.

22 It's a peer to peer that helps rather than
23 having a supervisor, you know, give the same
24 information although the supervisor could. That's the
25 advantage I see of it.

1 INVESTIGATOR BEATON: And so when the crew
2 that was involved in this accident on the ground, who
3 was the safety liaison? Was that one of the workers or
4 one of the foremen or --

5 MR. KARCZESKI: There wasn't one in this
6 crew.

7 INVESTIGATOR BEATON: Is there any reason
8 why there wasn't one?

9 MR. KARCZESKI: We just don't put them in
10 every crew. They have a wide range to cover. In the
11 track side we only have two liaisons on Mid-Atlantic.

12 INVESTIGATOR BEATON: Okay. And you
13 typically, only two in the Mid-Atlantic?

14 MR. KARCZESKI: Yes, that's just the
15 liaisons.

16 INVESTIGATOR BEATON: Okay.

17 MR. KARCZESKI: On the track side. Yes, we
18 have one with B&B. We have two with C&S and we have
19 one with ET.

20 INVESTIGATOR BEATON: So Theresa was asking
21 you the extent of work that's done and you kind of
22 indicated that probably on a typical night you've got
23 about eight jobs?

24 MR. KARCZESKI: Larger jobs, you know.

25 INVESTIGATOR BEATON: Larger jobs. And I'm

1 not going to hold you to that number. But in those
2 eight jobs or across those eight jobs you might only
3 have a safety liaison in one, maybe best case two of
4 those crews --

5 MR. KARCZESKI: Yes.

6 INVESTIGATOR BEATON: -- on any given night?

7 MR. KARCZESKI: Yes, that's best case.

8 INVESTIGATOR BEATON: Okay, is there any
9 sort of back up or alternative safety representation
10 for these crews that don't have a safety liaison with
11 them?

12 MR. KARCZESKI: Well there's supervision of
13 the foreman.

14 INVESTIGATOR BEATON: The foreman, okay, and
15 maybe a supervisor out there. In the case of this
16 accident on the night or the morning of the accident we
17 had the crew. We had the foreman and we had a
18 supervisor. What was the role of the supervisor?

19 MR. KARCZESKI: The day supervisor?

20 INVESTIGATOR BEATON: The day supervisor and
21 night supervisor?

22 MR. KARCZESKI: He was coming out to
23 supervise the job with the day shift.

24 INVESTIGATOR BEATON: Would he have been the
25 safety liaison, could he have been?

1 MR. KARCZESKI: He could have, not, I mean
2 he could have addressed safety issues. We wouldn't
3 have called him the safety liaison. But he could
4 address safety issues.

5 INVESTIGATOR BEATON: Are there some certs
6 and qualifications to be a safety liaison or do you
7 just have to go to a class and be deemed, given your
8 Dick Tracy watch to be that safety liaison?

9 MR. KARCZESKI: Well they did have some
10 training before. I can't remember how much it was. I
11 think it was a week they had in Wilmington all the
12 liaisons attended and they went through training. I
13 was only there for like an hour or two of the training.

14 INVESTIGATOR BEATON: Is there any special
15 incentive or requirement to be a safety liaison?

16 MR. KARCZESKI: The incentive would be
17 you're getting paid at the highest rate for your class.

18 INVESTIGATOR BEATON: Okay, but on the
19 morning of this accident the supervisor that was there
20 had not taken the incentive and gone through the safety
21 class?

22 MR. KARCZESKI: No, he had not gone through
23 the safety class.

24 INVESTIGATOR BEATON: Okay. And the foreman
25 would not have gone through it either?

1 MR. KARCZESKI: The foreman would not have
2 either.

3 INVESTIGATOR BEATON: Okay.

4 MR. KARCZESKI: Other than their regular
5 training.

6 INVESTIGATOR BEATON: Okay. From the point
7 of view of your behavior-based safety program, not
8 having a safety liaison at a work site, is that an
9 indication or a red flag or is there anything addressed
10 in your behavior-based safety program about not having
11 a safety liaison present?

12 MR. KARCZESKI: No, not that I'm aware of.

13 INVESTIGATOR BEATON: Okay. Do you find
14 that having a safety liaison makes a difference?

15 MR. KARCZESKI: I think it does.

16 INVESTIGATOR BEATON: The crews behave
17 differently?

18 MR. KARCZESKI: I believe it does, yes.

19 INVESTIGATOR BEATON: Okay. Can you give me
20 an example of how the crews may behave differently with
21 the safety liaison?

22 MR. KARCZESKI: Well it's somebody that's on
23 the same level as you that I could, you could reach out
24 to if you had any concerns. You may voice them to the
25 safety liaison before he voiced them to the supervisor.

1 INVESTIGATOR BEATON: And that makes sense
2 to me.

3 MR. KARCZESKI: Yes.

4 INVESTIGATOR BEATON: Okay. I can
5 understand that intuitively. But do you know that
6 really happens?

7 MR. KARCZESKI: We have some feedback --

8 INVESTIGATOR BEATON: Do you have some data?

9 MR. KARCZESKI: I do get feedback from some
10 of the safety liaisons and it sounds like that is
11 happening.

12 INVESTIGATOR BEATON: Okay. Do you ever
13 check with the workers to see how they like talking to
14 the safety liaisons?

15 MR. KARCZESKI: I have in the past, but I
16 haven't recently.

17 INVESTIGATOR BEATON: Okay.

18 MR. KARCZESKI: I like to get a feel for how
19 they're doing too, yes.

20 INVESTIGATOR BEATON: Yes. In this accident
21 I think Theresa asked you if there was anything
22 unusual. Cleaning ballasts is pretty routine
23 maintenance isn't it?

24 MR. KARCZESKI: Well we're just actually
25 vacuuming it.

1 INVESTIGATOR BEATON: Or vacuuming it.

2 MR. KARCZESKI: We're just removing the
3 ballasts.

4 INVESTIGATOR BEATON: Okay. That's not a
5 great stretch of innovation --

6 MR. KARCZESKI: No.

7 INVESTIGATOR BEATON: -- or unusual workload
8 for railroad track crews to do?

9 MR. KARCZESKI: No, it wouldn't be.

10 INVESTIGATOR BEATON: No, okay. Given that
11 this was kind of a routine job, given that there wasn't
12 any safety liaison present what was that supervisor
13 really there for? I mean this was kind of a routine
14 job, didn't rise to the occasion of needing to have,
15 you know, anybody making a request for a safety liaison
16 to be present because there were unusual hazards.

17 Didn't have a site-specific work plan. What
18 was the supervisor doing?

19 MR. KARCZESKI: Supposed to be there
20 supervising the job really, the people, the men and
21 everything about the job.

22 INVESTIGATOR BEATON: Okay. And is it your
23 opinion or Amtrak's opinion that supervisor was doing a
24 good job?

25 MR. KARCZESKI: I have known him for a lot

1 of years and I thought he did a good job.

2 INVESTIGATOR BEATON: Is use of SSDs a novel
3 solution to or a novel safeguard technique?

4 MR. KARCZESKI: I'm not sure when it was
5 introduced to the industry.

6 INVESTIGATOR BEATON: Would somebody
7 familiar with railroading understand what supplemental
8 shunting devices are?

9 MR. KARCZESKI: I would.

10 INVESTIGATOR BEATON: Yes. Would somebody
11 that had been around 40 years and maybe somebody that
12 just came in two years ago and got proper training
13 would understand what a shunt is?

14 MR. KARCZESKI: Yes, I would say at this
15 point they do.

16 INVESTIGATOR BEATON: And this crew was not
17 using the shunts, were they?

18 MR. KARCZESKI: No.

19 INVESTIGATOR BEATON: And the supervisor was
20 doing a good job. Was the supervisor aware that they
21 weren't using shunts?

22 MR. KARCZESKI: I don't know that he was
23 aware.

24 INVESTIGATOR BEATON: Should he have been?

25 MR. KARCZESKI: That should have been what

1 he was looking at. That should have been why he was
2 there.

3 INVESTIGATOR BEATON: Yes, and so the
4 supervisor made no indication that they needed to stop
5 work and put down shunts. So how do we get to the
6 point where the supervisor was doing a good job?

7 MR. KARCZESKI: I'm just going by history.

8 INVESTIGATOR BEATON: I'm talking about on
9 this job.

10 MR. KARCZESKI: On this job I can't say he
11 was doing a good job.

12 INVESTIGATOR BEATON: Okay. So in your
13 opinion, he probably wasn't doing --

14 MR. KARCZESKI: He was not, he was not.

15 INVESTIGATOR BEATON: -- his job?

16 MR. KARCZESKI: He was not doing his job.
17 He was doing somebody else's job.

18 INVESTIGATOR BEATON: Earlier in your other
19 conversation you were talking about, you used the
20 phrase early release of fouls. You use that phrase as
21 kind of an indication of what?

22 MR. KARCZESKI: Early release of fouls?

23 INVESTIGATOR BEATON: Early release of
24 fouls. I think we were talking about the night time
25 foreman and he early released his fouls.

1 MR. KARCZESKI: Well he didn't coordinate
2 with the other foreman. Gave the foul time up and
3 there was a piece of equipment on the track.

4 INVESTIGATOR BEATON: And we know that based
5 on real observations and data from the scene?

6 MR. KARCZESKI: Well and per the
7 transmissions over the radio.

8 INVESTIGATOR BEATON: Okay. And we identify
9 early release of fouls as what? Is that the cause of
10 this accident?

11 MR. KARCZESKI: I think there's contributing
12 factors. We wouldn't be sitting here today had that
13 guy not released the foul without getting --

14 INVESTIGATOR BEATON: I'm not trying to
15 paint you in a corner. I'm just trying to understand
16 why are we worried about early release of fouls? I
17 mean to what extent does that implicate or highlight
18 anything about this accident?

19 MR. KARCZESKI: Well there was no
20 communication between the two foremen. That was the
21 issue. One didn't know that the foul time was given
22 up.

23 INVESTIGATOR BEATON: And we know that
24 because you've listened to calls to the dispatcher
25 where he released his foul?

1 MR. KARCZESKI: Yes.

2 INVESTIGATOR BEATON: And how do you know he
3 didn't coordinate with the day time foreman?

4 MR. KARCZESKI: Because the day time foreman
5 said he didn't.

6 INVESTIGATOR BEATON: Is it a he said, she
7 said kind of situation?

8 MR. KARCZESKI: It could be.

9 INVESTIGATOR BEATON: I mean do we have any
10 real data that proves it in an absolute, God and
11 country sort of sense?

12 MR. KARCZESKI: No, after you guys took over
13 the investigation it's all yours now.

14 INVESTIGATOR BEATON: Okay. But I'm asking
15 from the point of view of Amtrak's own investigation.
16 I mean somebody has investigated this to the point of
17 saying that well, early release of fouls was a factor.

18 MR. LANDMAN: I am just going to put an
19 objection on the record because I think it was clear
20 from the first day that the NTSB was conducting the
21 investigation and I know that the operating department
22 was instructed not to do anything with regard to the
23 investigation. So I think the suggestion that there
24 was a separate, independent investigation by Amtrak --

25 INVESTIGATOR BEATON: Fair enough.

1 MR. LANDMAN: -- is not exactly correct.

2 INVESTIGATOR BEATON: Okay. And I respect
3 that and I didn't want to create an impression that I
4 thought there was a parallel, a covert investigation.
5 I'm just familiar enough with Amtrak that I know you
6 guys have looked at this situation.

7 Somebody is scratching their head going what
8 happened here, okay. And whether that's formal or
9 informal. But --

10 MR. KARCZESKI: It's just inbred in us to
11 look for root causes and correct them.

12 INVESTIGATOR BEATON: Thank you, yes. I
13 mean you're trying to understand what happened on your
14 railroads, right.

15 MR. KARCZESKI: Exactly.

16 INVESTIGATOR BEATON: I would expect that.
17 I wouldn't expect anything less. And so somehow we got
18 led, you got led to and maybe NTSB got led to, into
19 this issue of early release of foulds.

20 And maybe we have hard evidence to prove
21 that was really a contributing factor and maybe we
22 don't in terms of telephone calls and interview
23 commentary, he said this, I said that, that sort of
24 thing or maybe we don't. So we suspect that was a
25 root, we use the phrase root cause here.

1 But somehow we've come back to the use of
2 supplemental shunts as a solution. Can you connect the
3 dots for me between early release of fouls and
4 supplemental, use of supplemental shunts as a solution
5 to the root cause that is early release of fouls?

6 MR. KARCZESKI: The supplemental shunt is
7 just what it says it is. It's just a supplemental
8 device that's used.

9 INVESTIGATOR BEATON: Yes, is it a solution?
10 Is it going to help future foremen not release their
11 fouls early?

12 MR. KARCZESKI: Yes, sure, it would because
13 the guy is going to see a light on the track and he's
14 not going to use it.

15 INVESTIGATOR BEATON: So the dispatcher is
16 going to see the light on the track unless we go with
17 your employees suggestion and put a light on the shunt,
18 okay. But the dispatcher is going to say well there's
19 a shunt, there's equipment on the track.

20 I can't, you know, I can't release the foul
21 or something along those.

22 MR. KARCZESKI: Yes, something that's
23 causing a light.

24 INVESTIGATOR BEATON: But if the foreman
25 released his fouls too early and didn't coordinate.

1 And let's just take that behavior as kind of a cause,
2 root cause, approximate cause. Sometimes these safety
3 people talk about labels.

4 But if that was at the core of this
5 accident, okay, usually a well known safeguard to
6 notify, to keep the dispatcher alert that there's
7 equipment on the track doesn't solve or does it solve
8 the problem of my employees releasing their fouls too
9 early?

10 MR. KARCZESKI: It doesn't solve that
11 problem.

12 INVESTIGATOR BEATON: Okay. So has Amtrak
13 done anything to solve the problem that was at least
14 implicated in the cause of this accident, that is the
15 early release of fouls other than requiring the use of
16 shunts?

17 MR. KARCZESKI: Well we are mentoring.
18 We're mentoring the foremen.

19 INVESTIGATOR BEATON: And are we mentoring
20 them on early release of fouls?

21 MR. KARCZESKI: We're actually mentoring
22 them on how to place shunting devices, how to call for
23 foul time, how to talk to the dispatcher, how they get
24 permission to do it and then make sure that the shunts
25 are working.

1 INVESTIGATOR BEATON: Why do you think the
2 night time foreman released his fouls early?

3 MR. KARCZESKI: I don't think he understood
4 what he was doing. He gave back the track, they
5 switched track to the new foreman and I thought he, I
6 think he thought that he could switch the foul that way
7 too through the dispatcher. That's what I'm thinking
8 happened.

9 INVESTIGATOR BEATON: Okay.

10 MR. KARCZESKI: That's my opinion.

11 INVESTIGATOR BEATON: And he would have
12 thought that by his own invention or was he trained
13 that way, was he mentored that way? Does Amtrak have a
14 handle on that?

15 MR. KARCZESKI: I can't answer that one. I
16 know he was freshly out of foreman school. He hadn't
17 been out long.

18 INVESTIGATOR BEATON: Anybody look at the
19 curriculum in foreman school and inquire with the
20 training director there as to how they're releasing
21 foremen with misunderstandings?

22 MR. KARCZESKI: You might want to ask the
23 training person that later.

24 INVESTIGATOR BEATON: And I probably will,
25 yes. Just want to hear it from an engineer standpoint.

1 MR. KARCZESKI: Understood.

2 INVESTIGATOR BEATON: When we have, and this
3 is my final area and I'll be very quick about it. When
4 we have an accident like Chester we're talking about
5 today, is it your opinion that from your level at
6 Amtrak that there's some efficiency in lessons learned
7 and corrections at Amtrak or is this just another
8 accident on Amtrak that we're going to keep doing
9 things the same way because we've got comfortable with
10 doing things the way we're running the railroad?

11 MR. KARCZESKI: Absolutely not.

12 INVESTIGATOR BEATON: Okay. Can you tell me
13 what the big lesson learned is that's being acted upon
14 by Amtrak?

15 MR. KARCZESKI: Use your protection.

16 INVESTIGATOR BEATON: Use your protection.

17 MR. KARCZESKI: Protect yourself, use your
18 protection.

19 INVESTIGATOR BEATON: And does that mean
20 shunts?

21 MR. KARCZESKI: It could mean shunts. It
22 could mean everything, whatever protection is needed.

23 INVESTIGATOR BEATON: Okay.

24 MR. KARCZESKI: And it's brought a
25 heightened awareness to everybody on the property when

1 something like this happens. It's --

2 INVESTIGATOR BEATON: Is it changing
3 behavior?

4 MR. KARCZESKI: I think it's helping. I
5 think it's helping. Some people resist change. But I
6 think it's helping. We've driven the point home.

7 INVESTIGATOR BEATON: Again, thanks.

8 MR. KARCZESKI: You're welcome, Bob.

9 INVESTIGATOR HIPSKIND: Thank you, Dr. Bob.
10 Ryan.

11 INVESTIGATOR FRIGO: I am fresh out.

12 INVESTIGATOR HIPSKIND: Okay. I think at
13 this juncture unless anybody has a burning question,
14 Chris, do you want to? Identify yourself please.

15 MR. SCHULTE: Sure. Chris Shulte, FRA. May
16 not be appropriate for an engineering question, more of
17 an operating question. The supplemental shunting
18 device is used for cases where equipment is
19 specifically found on the track.

20 So that is your supplemental device in
21 addition to your operating rules and practices to
22 provide on track safety. For cases where the shunt is
23 not used and doesn't have to be used what is the
24 procedure to double up on preventing a single point of
25 failure when not using the shunt, if any?

1 MR. KARCZESKI: We're encouraging, I'm
2 sorry, we encourage anybody that's on the track to use
3 the shunts. And there's a note in NORAQ that actually
4 says that. It's 140 S1 or S2.

5 MR. SCHULTE: Thank you.

6 MR. KARCZESKI: You're welcome.

7 INVESTIGATOR HIPSKIND: Thanks, Chris, on
8 that. Mark, we need to give you a few minutes. And I
9 appreciate your point of objection and I especially
10 like that you didn't strenuously object. And, but I
11 want to give you some time for some clarification and
12 then we'll kind of go ahead and close out.

13 MR. LANDMAN: Okay. Actually just a couple
14 items. Dan, I think you were asked whether the only
15 back up to foul time would be supplemental shunting or
16 you may have said that. What role would the watchman
17 play?

18 MR. KARCZESKI: Well of course he's there to
19 protect the men also to warn of approaching trains and
20 having the tracks cleared.

21 MR. LANDMAN: And were watchman, was there a
22 watchman used?

23 MR. KARCZESKI: There was a watchman there.

24 MR. LANDMAN: Okay. And the only other
25 question I have is you were just answering in response

1 to Dr. Bob's question about the early release of foul
2 time. Was that an issue that was discussed during the
3 safety stand down?

4 MR. KARCZESKI: I'm sure it was not.

5 MR. LANDMAN: Okay, it was not?

6 MR. KARCZESKI: Wait a minute, wait a
7 minute. You're talking about after the fact.

8 MR. LANDMAN: My question was after.

9 MR. KARCZESKI: Okay. I thought you meant
10 the job briefing, I'm sorry.

11 MR. LANDMAN: No, you testified that
12 afterward that Amtrak had a safety stand down.

13 MR. KARCZESKI: Yes.

14 MR. LANDMAN: Supplemental shunting devices
15 were discussed. Was also the issue of early release of
16 foul time?

17 MR. KARCZESKI: We would have talked about
18 foul time also.

19 MR. LANDMAN: I have nothing further. Thank
20 you.

21 INVESTIGATOR HIPSKIND: Thank you, Mark,
22 especially for the clarification. You know, we all
23 think certain things. And the point about the watchman
24 lookout did get dropped out of this discussion. So
25 thank you for adding that.

1 Okay. Dan, with your permission I'll take
2 you through the close out questions.

3 MR. KARCZESKI: Sure.

4 INVESTIGATOR HIPSKIND: All right. Is there
5 anything you would like to add or change to our
6 discussion here this morning?

7 MR. KARCZESKI: No, I feel like I've been
8 cooked.

9 INVESTIGATOR HIPSKIND: All right.

10 MR. LANDMAN: Let the record note he said
11 that with a smile.

12 INVESTIGATOR HIPSKIND: He did and the
13 record does not capture facial expressions. So thank
14 you. Are there any question we should have asked but
15 did not? And I appreciate Mark's clarification.

16 MR. KARCZESKI: None that I can think of,
17 Dick.

18 INVESTIGATOR HIPSKIND: All right. And do
19 you have any suggestions? I know that you've offered
20 some but do you have any other suggestions for
21 preventing a reoccurrence?

22 MR. KARCZESKI: Other than following the
23 rules that are in place, that's it.

24 INVESTIGATOR HIPSKIND: All right. And is
25 there anyone else who we should interview? And I think

1 you acknowledged that we're going to talk to somebody
2 in training. But anybody else?

3 MR. KARCZESKI: If you're looking for more
4 information about 1872s I'd say probably Bob Coleman
5 would be a good person to talk to. He's a contractor
6 for us that keeps track of 1872s.

7 INVESTIGATOR HIPSKIND: With databases and
8 efficiency tests?

9 MR. KARCZESKI: With databases, yes, he
10 does.

11 INVESTIGATOR HIPSKIND: Okay. I think we've
12 got some questions and we might be able solve that some
13 other way. Okay. So we will send you a hard copy.

14 You have some paperwork that we've given you
15 and you probably look for that maybe, not sooner than
16 three weeks. Probably more like four weeks before you
17 get it.

18 MR. KARCZESKI: Sure.

19 INVESTIGATOR HIPSKIND: Anything else that
20 you would like to add?

21 MR. KARCZESKI: No, thank you. That's it.

22 INVESTIGATOR HIPSKIND: On behalf of
23 everybody here I want to extend our appreciation for
24 your time and your input and giving us some visibility
25 in a lot of things from your perspective about safety

1 and engineering department.

2 MR. KARCZESKI: Okay.

3 INVESTIGATOR HIPSKIND: So thank you very
4 much.

5 MR. KARCZESKI: All right. Thanks.

6 (Whereupon, the above-entitled matter went
7 off the record.)

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

C E R T I F I C A T E

MATTER: Accident Involving Amtrak Train
89 and MOW Equipment, April 3, 2016
Accident No. DCA16FR007
Interview of Dan Karczeski

DATE: 08-24-16

I hereby certify that the attached transcription of page 1 to 123 inclusive are to the best of my professional ability a true, accurate, and complete record of the above referenced proceedings as contained on the provided audio recording; further that I am neither counsel for, nor related to, nor employed by any of the parties to this action in which this proceeding has taken place; and further that I am not financially nor otherwise interested in the outcome of the action.



NEAL R. GROSS

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