

NATIONAL TRANSPORTATION SAFETY BOARD

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 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: JED DODD, DAVE INGERSOLL, AND ROCCO CARBINONA

25th day of August, 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
HUGH CAMPBELL, BRS

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

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

MR. HIPSKIND: Good afternoon everybody. My name is Richard Hipskind and I'm the Track Engineer and Group Chairman for NTSB for this accident.

We are here today on August 25, 2016 at Amtrak's 30th Street Station in Philadelphia, Pennsylvania to conduct an interview with Mr. Jed Dodd, who works for the Brotherhood of Maintenance of Way Employees Division, and Mr. Dave Ingersoll, who works for the Brotherhood of Railroad Signalmen, and Mr. Rocco Carbinona who represents ARSA, the American Railway Supervisor's Association.

This interview is in conjunction with NTSB's investigation of a collision of an Amtrak Train 89 with Maintenance Way equipment and employees on April 3, 2016 at Mile Post 15.7 on Amtrak's PW Line near Chester, Pennsylvania in Delaware County. The NTSB Accident Reference Number is DCA16FR007.

Before we begin our interview and questions, let's go around the table and introduce ourselves. Please spell your last name, and please identify who you are representing and your title.

I would remind everybody to speak loudly and clearly enough so we get an accurate recording. I'll lead off and then pass off to my right.

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1 Again, my name is Richard Hipskind. The
2 spelling of my last name is H-I-P-S-K-I-N-D. I am the
3 Track and Engineering Group Chairman for NTSB for this
4 accident.

5 MR. BEATON: I'm Bob Beaton, B-E-A-T-O-N,
6 with NTSB.

7 MR. HILL: Donald Hill, H-I-L-L, Safety Task
8 Force, BLET.

9 MS. WALKER: Fran Walker, W-A-L-K-E-R, and
10 I'm an FRA Track Safety Inspector.

11 MR. SCHULTE: Christopher Schulte, S-C-H-U-
12 L-T-E, FRA Supervisor, Safety Specialist.

13 MR. CAMPBELL: Hugh Campbell, BRS. Vice-
14 General Chairman. C-A-M-P-B-E-L-L, Observation
15 (inaudible).

16 MR. STEARN: Steve Stearn, S-T-E-A-R-N.
17 Party Spokesman for the Brotherhood of Way Employees.

18 MS. IMPASTATO: Theresa Impastato, I-M-P-A-
19 S-T-A-T-O, Amtrak, Deputy Chief Safety Officer.

20 MR. FRIGO: Ryan Frigo, F-R-I-G-O.
21 Investigator in Charge, NTSB.

22 MR. HIPSKIND: All right, Gentlemen, if you
23 want to go ahead and introduce yourselves to put
24 yourself on the record.

25 ROCCO CARBINONA: ROCCO CARBINONA. C-U-R-B-

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1 I-N-O-N-A. Standing for ARSA Organization.

2 DAVID INGERSOLL: David Ingersoll, I-N-G-E-
3 R-S-O-L-L. General Chairman, Brotherhood of Railroad
4 Signalmen.

5 JED DODD: I'm Jed Dodd, D-O-D-D. I'm the
6 General Chairman of the Brotherhood of Maintenance of
7 Way Employees.

8 MR. HIPSKIND: All right, thank you
9 gentlemen.

10 It would be helpful, but I'm going to ask your
11 permission. Do you mind if we proceed on a first-name
12 basis?

13 CONSENSUS RESPONSE: No.

14 MR. HIPSKIND: Okay, thank you very much.
15 And when I'm asking some of these questions, I'm asking
16 it to all three of you.

17 Gentlemen, do we have your permission to
18 record our discussion, our interview with you today?

19 CONSENSUS RESPONSE: Yes.

20 MR. HIPSKIND: So, all three have answered
21 in the affirmative.

22 And do any of you wish to have a
23 representative with you at this interview?

24 DAVE AND ROCCO: No, and I do not.

25 JED DODD: Jed Dodd. No.

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1 MR. HIPSKIND: Thank you, Jed, for
2 remembering to identify yourself. I know it's going to
3 be a little bit of a curve here, but for the
4 transcriptionist, let's try to remember that.

5 So, I'll ask all three of you this general
6 question, and if you want to let the transcriptionist
7 know who's talking, just give me a synopsis of your
8 background, and taking up to your current position, and
9 what you're doing today. Okay?

10 And we'll start off with you, Jed.

11 JED DODD: (inaudible) Jed Dodd. (inaudible)
12 office. Hired at the Amtrak City of Newark
13 Division (inaudible) in 1977. Worked as a molder
14 helper, track and machine operator, spent most of my
15 time in the (inaudible) gangs and in the unit of the
16 earlier rehabilitation projects.

17 I was active in the local union as President
18 and local chairman, eventually I worked as the general
19 chairman, and was elected general chairman on September
20 1, 1983. I've been the general chairman of the union
21 since 1983, surviving seven successful elections.

22 In 1996 -- 1994, we also represented Conover
23 workers, and following the death and mutilation of
24 three employees in the Harrisburg area that winter, we
25 entered into a wild-cat strike and shut down 17 states

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1 and 1,000 trains, and forced the FRA to adopt the first
2 negotiated rule making, federal worker protection. I
3 represented the Brotherhood on the NWP Committee that
4 negotiated the RWP rules.

5 Subsequent to that, we began to approach
6 Amtrak, and we negotiated the first safety agreements
7 for the railroad industry in 1996 and 1997. And were
8 able to, over a period of eight or 10 years,
9 significantly reduce lost time injuries by 10% of what
10 they were 10 years before and significantly reduce
11 reportable (inaudible) injuries over that period of
12 time.

13 At that time, I served as the Chairman of
14 the Safety Advisory Committee, with the Amtrak
15 counterpart, (inaudible) and put that stuff together.

16 Later on, we did the Amtrak -- began -- you
17 want to go into the broader stuff on safety?

18 MR. HIPSKIND: If you have given me a
19 synopsis of bringing us up to date to your current
20 position, we'll ask each of the other gentlemen to do
21 the same, and then Jed, we'll get into the discussion
22 about why we're here today.

23 JED DODD: I'd like to talk about our
24 changing rules on the Safety Advisory Committee, the
25 changing functions over that 20-year-period of time.

1 MR. HIPSKIND: And we will get to that, and
2 you will have more than ample opportunity to -

3 JED DODD: That's fine.

4 DAVID INGERSOLL: Yes, my name is David
5 Ingersoll. General Chairman, BRS. Hired with Amtrak
6 on August 21, 1989, elected to BRS General Chairman,
7 January 1, 2006. I've been the General Chairman of BRS
8 since 2006.

9 MR. HIPSKIND: Okay, thanks. Do you prefer
10 Dave or David?

11 DAVID INGERSOLL: Dave's fine.

12 MR. HIPSKIND: Okay. A lot of my friends
13 prefer David.

14 ROCCO CARBINONA: ROCCO CARBINONA, hired at
15 Amtrak in 1983, as a signal helper. Qualified as a
16 signal maintainer in 1984, and progressed to the
17 position of foreman in 1985, and 1991 I went into the
18 Amtrak Management. I was a field coordinator on a
19 joint venture, PSCC Project in New York, also an
20 assistant engineer on the division side for testing and
21 maintenance.

22 I left management in 1997, came back out
23 into the field as an inspector foreman, stayed there
24 until and in the position of inspector foreman, until
25 2008, and then took the position of supervisor, CNS.

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1 A year later, I took the position of local
2 chairman, in the ARSA Organization. As local chairman
3 for the local New York region. And as a BRS, I also
4 held the position of local chairman for approximately
5 20 years, (inaudible).

6 MR. HIPSKIND: Okay, thank you Rocco and
7 Dave, and Jed. Thank all of you.

8 I did want to explain, take a couple of
9 seconds here. The reason we have you go through that
10 synopsis is, that we want to make sure that you have a
11 background. I know each of you do, but we just kind of
12 like to have that detail to put on the record.

13 You've worked in the railroad industry. You
14 know about it, and you know about railroad safety and
15 railroad safety issues.

16 So, with that, I know it's going to be a
17 little bit cumbersome, but as we go around the table
18 and people ask you questions, you just kind of figure
19 out amongst you three, announce who is speaking, and
20 you'll have your time to talk about what we want to
21 talk about.

22 So, with that, I'm going to pass over the
23 interview to our Investigator in Charge, Ryan Frigo.

24 Ryan?

25 MR. FRIGO: Thanks, Dick.

1 Gentlemen, thank you all for being here
2 today. I'm looking forward to, you know, hearing your
3 thoughts on the Safety Advisory Committee. I know,
4 Jed, you started going into that in your introduction,
5 and maybe we could just begin with that.

6 If you want to take us through the formation
7 of the Safety Advisory Committee. I believe you
8 mentioned that in your -- that you were part of that
9 process, when it was developed, and if you could walk
10 us through where it is today.

11 JED DODD: Okay, the -- it's 20 years of
12 history.

13 (inaudible) Geez, forget his name.

14 Anyway, a foreman was killed outside
15 (inaudible)

16 The issue at the time for us was that we had
17 members of the union that tried to enforce the safety
18 rules and the RWP rules, but were unable to, because of
19 the fear of discipline and insubordination (inaudible)
20 service was the mantra of the entire management at that
21 time.

22 When (inaudible) was, lived alone, had no
23 dependents and as far as Amtrak was concerned, there
24 was no liability associated with this fatality. There
25 was nobody to pay, and so, he was actually the perfect

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1 person, in which we couldn't approach Amtrak because
2 there wasn't liability as an issue, and attempted to
3 change the relationship.

4 I was sitting in John Cunningham's office,
5 who was the Chief Engineer at the time, and a lot of us
6 got (inaudible) and he was like on (inaudible) track,
7 he shouldn't have been there, and (inaudible) were
8 tied up, and the problem is he had been killed working
9 the same route worked every night since time began, and
10 basically wasn't in a position to enforce the rules.

11 And so, our issue was, how do you enforce
12 the rules under those circumstances, and our issue was
13 that should (inaudible) a no-fault right to refuse in
14 order to enforce the rules until somebody, or other
15 people can come and look at the situation.

16 Cunningham was looking at me, and he was of
17 the opinion that there should be a (inaudible)
18 services, as service procedures, and he says, well,
19 what are you going to do?

20 I said, I don't know what you're going to do
21 John, but if we don't begin to get to the process of
22 no-fault right to refuse before the morning sun comes
23 up, I'm going to start walking the guys out of New York
24 division and right down to Washington, DC, and stop all
25 the trains on this railroad.

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1 And I don't really give a shit if I have
2 your permission or the National Union or not.

3 And he goes, and he's smoking cigarettes,
4 and drinking whiskey, because at the time that was the
5 culture of the railroad. And he goes, okay,
6 (inaudible) begins the right to refuse.

7 And he put his hard hat on in the joint
8 committee, and we put our hard hats on in the joint
9 committee, and basically they drafted a policy that
10 John and I eventually endorsed, along with the
11 signalmen and the ARSA, and created a policy where any
12 employee could insist that the safety RWP rules should
13 be followed, and if they were wrong, nothing would
14 happen to them until a senior manager or a senior labor
15 official came together to investigate the situation.

16 And that agreement employed the groundwork
17 for our mutual cooperation that begin to morph into a
18 broader agreement around safety in general.

19 And we begin to sit down and negotiate with
20 safety in general to come up with Amtrak Safety's and
21 negotiate I think it was 1996 or 1997, where basically
22 we would establish a joint safety committee -- or
23 actually labor safety committees on the property in
24 each division (inaudible) territory, and join and
25 investigate all accidents, give recommendations,

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1 (inaudible) why they shouldn't happen again, and
2 employing full time union members as so-called safety
3 liaisons, that would then go out and enforce the rules,
4 organize the safety committees, and create better job
5 security. (inaudible)

6 And, we noted the number of safety liaisons
7 and what not in the agreement.

8 That agreement actually proved to be wildly
9 successful. The lost time was significantly reduced
10 over a six, eight or 10 year period of time to 10% of
11 what it was and FRA reported injuries were reduced then
12 to the point, where if (inaudible) were classified as a
13 Class I Railroad, well, we were the best in early new
14 railroad in terms of our safety record after 8 or 10
15 years (inaudible) and were beginning to broaden
16 (inaudible) Class I Railroads in terms of our FRA
17 effort and engineering (inaudible).

18 And so, what happened is (inaudible)
19 Woolbrandt took over. Woolbrandt didn't like certain
20 aspects of the safety agreement. He was an old-school
21 guy, (inaudible) in fact this guy was stuck (inaudible)
22 in 1994, and so there was like animosity between myself
23 and the union over some of these issues, but Woolbrandt
24 eventually insisted that the agreement be renegotiated,
25 and basically what he ended up with was joint labor

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1 management chairman of the safety committees.

2 At that time, it was only labor chairman of
3 the safety committees, and there was no managers
4 (inaudible) on the safety committee. And some of the
5 reforms he insisted on were -- made the agreements
6 stronger, because at the time, it was difficult to get
7 some management to cooperate because management wasn't
8 participating in the safety committee process.

9 And so we renegotiated that and continued to
10 have pretty good records with safety.

11 Towards the end of 2008 and Joel Gordon
12 became the President. By the time 2010 and 2011 comes
13 along, he begins to institute the Safe-2-Safer Program.
14 As if there's not even a recognition that we have this
15 safety committee, the safety agreement on Amtrak, that
16 reduces the numbers and reducing lost time, and
17 enforcing good conditions out on the property.

18 His Safe-2-Safer Program and they devote all
19 their energy into the Safe-2-Safer -- in other words,
20 our safety agreement requires cooperation, and if
21 management's not going to cooperate on basically what's
22 wrong, it's not possible to make that agreement work.

23 And management (inaudible) approved
24 beforehand safety agreement, and put all their energy
25 into the Safe-2-Safer operations, which we entered

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1 into and negotiated, because we were of the opinion,
2 that we were better if we came to an agreement around
3 Safe-2-Safer rather than to just allow it to serve
4 like, languish out there on the property.

5 I'm now of the opinion that we made the
6 wrong decision then, because Safe-2-Safer turned out to
7 be like a disaster. And the signal action (inaudible)
8 never entered into the Safe-2-Safer, and I think they
9 probably made the right decision at the time.

10 But at the time, I thought they were better
11 off making the agreement over that issue and what we
12 saw, the minute the Safe-2-Safer was instituted, was
13 this tremendous spike in injuries and FRA reporting in
14 lost time and FRA reported injuries.

15 And they spent \$70 to \$80 Million on this
16 program. And they (inaudible) program where they
17 actually didn't count lost time reported injuries or
18 FRA reported injuries. In fact, the program sold to
19 Amtrak said counting injuries is incorrect.

20 I mean, I'm old school. I mean -- I think
21 like if you're going to have a safety program, there's
22 gotta be some way of measuring the effectiveness of
23 that program. And the effectiveness of the program is
24 there's fewer injuries and fewer severe injuries.

25 And we started to have a real spike in that

1 stuff, around 20 -- I don't remember the exact dates,
2 but around 2013 or so, Bruce Pohlot was the Chief
3 Engineer at the time, and we began to realize that,
4 like the property was out of control, and that we had
5 to do something about it.

6 Bruce Pohlot (inaudible) Safe-2-Safer was
7 ridiculous. And so we decided to revitalize the Safety
8 Advisory Committee (inaudible) and the safety agreement
9 stuff.

10 And we interviewed every liaison and every
11 Safe-2-Safer coordinator with a series of questions,
12 and we sat there for two or three days, interviewing
13 each one of them, to find out what they thought could
14 be done to make the Amtrak properties safer.

15 And we came up with an action list of about
16 10 hours in order to move the Amtrak property in a
17 better direction, and then Amtrak fired Bruce, you
18 know, because for whatever reason, and all that stuff
19 just died on the vine.

20 But we were doing things, for instance, some
21 of the things the old Safety Advisory Committee used to
22 do was these NORAC classes and these accident and
23 prevention classes. And we'd bring all the foremen and
24 the operators and the supervisors into a room, divide
25 them up into tables with five or six guys each, and

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1 give them all the information related to (inaudible)
2 violation or accident, and the statements and
3 everything, and ask them to stand up on a clipboard and
4 ask them a series of questions about the accident.

5 And what we found was, like for the first
6 time supervisors, managers, foremen, and equipment
7 operators, were talking to each other across the table
8 about accidents.

9 And with respect to NORAC, we had a spike in
10 NORAC violations in what particular area, we'd do the
11 NORAC safety congress, and we'd have like no NORAC
12 violations for like three or four months after that.

13 In other words, the attention and the
14 thinking and the give and take across the table was
15 helpful there.

16 And so, what happened is in 2014, after
17 Pohlot was dismissed, they appointed this guy
18 Haverstick to be Chief Engineer of the Railroad, who
19 has like no engineering degree, and he has now being
20 the senior vice president, or whatever, under Boardman,
21 and Haverstick cancels the close call policy, that had
22 been in effect, and functioned very well for us during
23 that period of time.

24 And they cancelled the safety agreements.
25 They cancelled both the safety agreement and the Safe-

1 2-Safer (inaudible). And began to, like just -- and
2 like for two years, we're renegotiating the safety
3 agreement and trying to renegotiate our thinking, and
4 the properties are in complete disarray.

5 I mean, accidents are going up. FRA
6 statistics are going up.

7 We finally renegotiated the safety agreement
8 and we include some aspects of the behavior based
9 (inaudible) Safe-2-Safer program, in the agreement,
10 because it was important to management, and wasn't
11 particularly important to the union.

12 And what we saw, was like last year, the
13 agreement went back in to effect, and the liaison
14 program and the safety committee program, we started to
15 see a reduction in injuries, and reduction in FRA
16 reportable injuries. The structure of the agreement is
17 responsible, in my opinion, for that.

18 The relationship for management and labor on
19 the Safety Advisory Committee, in my opinion, is
20 basically non-existent right now. It's very difficult
21 to function, because we have the close call policy
22 that's been cancelled, and they've instituted this
23 cardinal rule policy, where that any minor violation or
24 any of the earlier warning protection rules or NORAC
25 rules, are resulting in - (inaudible)

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1 And so, what you have is a property that's
2 afraid to report something out on the property, in
3 terms of like a close call, that was something that you
4 used to be able to investigate together and fix. And
5 the other, the rank and file that's afraid they're
6 going to be fired for reporting any infraction, and so
7 the Safety Advisory Committee is trying to function
8 within that framework.

9 And then we have the framework of the
10 training department that is in complete disarray, you
11 can't separate Safety Advisory Committee and Training
12 from itself. I mean that's bull. Training is
13 definitely an aspect of safety. And so, the training
14 department had been marginalized over the last several
15 years, to the point where it was really no longer
16 training anybody.

17 And then you have this situation where half
18 the work force changed hands, and you have half the
19 work force undertake their service, and you have a
20 bunch of foreman out there, that had like four and five
21 years service, and so we you get this recipe for
22 disaster, and you have four people killed in like, a
23 two-year period of time at all the properties.

24 And those situations -- those conditions
25 exist today with the cardinal rules, the lack of the

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1 close call policy, the lack of effective training,
2 inexperienced people on the new job sites; and we're
3 just waiting for another disaster to happen.

4 I would like to have the safety agreements
5 back in place, the liaison programs and safety
6 committees are up and functioning again. That's
7 helpful. But we're just waiting until somebody else to
8 be killed on these properties because of these
9 policies.

10 (inaudible)

11 MR. FRIGO: Dave, can you tell me a little
12 bit more about how the structure -- can you walk me
13 through a typical Safety Advisory Committee meeting?

14 Is there an agenda that's drawn up? Do you
15 --

16 DAVID INGERSOLL: (inaudible) there's talk
17 or minutes that
18 are established. We go by whatever anybody brings up,
19 you know, at the table.

20 MR. FRIGO: Is there a chair of the
21 committee?

22 DAVID INGERSOLL: We joint chair on labor,
23 Jed and I, and Sonny. And then we -- the chair I
24 guess, would be Matt and Andy Keefe.

25 Go ahead.

1 MR. FRIGO: I'm just trying to understand a
2 little bit more about the structure. Who -- so, you
3 mentioned that you would work off of minutes, that
4 would be the previous -- so almost as if you're working
5 off of open-action items?

6 DAVID INGERSOLL: Okay, let's just. 2006 to
7 2000 -- geez. It wasn't until -- we never met -- we
8 didn't meet for years. I can honestly say we didn't
9 meet for five years.

10 JED DODD: BRS didn't join the committee
11 until much later. Part of the engineering --

12 MR. FRIGO: So what about today though? What
13 about the last meeting that was held of the Safety
14 Advisory Committee? Who generated the -- when was the
15 last meeting held?

16 JED DODD: It was supposed to be monthly.

17 DAVID INGERSOLL: We supposed to meet every
18 month, every month --

19 Multiple speakers (inaudible)

20 DAVID INGERSOLL: Yes. It really just
21 started meeting again. When Bruce Pohlott brought us
22 in, and said, look, we gotta do something. You know,
23 we actually --

24 To me, truthfully. I didn't get involved, I
25 didn't sign on to Safe-2-Safer, because I went to Joe

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1 Gorman, and said, Joe, look, we got guys here that are
2 five years in the signal draft. There's no training.
3 The signal training stinks. And I'm not buying into
4 the Safe-2-Safer Program until you actually address the
5 shortage of maintainers, you know.

6 And he says, Dave, I'll be there February in
7 2011. Joe Gorman's retiring and he's never been to the
8 signal school.

9 So I'd never bought into the Safe-2-Safer,
10 didn't go into safety meetings. Because to me, it was
11 a farce.

12 MR. FRIGO: So monthly meetings, though?

13 DAVID INGERSOLL: You're supposed to meet on
14 a monthly basis. The summer time, vacations, everybody
15 says, hey are you available?

16 I think we're scheduled for Monday morning,
17 right? This Monday on the calender?

18 MR. FRIGO: Was there a meeting in July that
19 was held?

20 DAVID INGERSOLL: I wasn't there in July.

21 MR. FRIGO: So Jed, were you at the July
22 meeting?

23 JED DODD: Yeah, there's an agenda, where we
24 go over safety statistics, that's why I know production
25 dropping, they're improving --

1 MR. FRIGO: And that agenda, that gets
2 generated by Matt and --

3 DAVID INGERSOLL: By the committee. By Matt,
4 Andy, Jed and I, and Sonny, we all --

5 MR. FRIGO: Okay. All right. So safety
6 statistics are discussed. What are some of the other
7 items that are -- that always appear on the agenda?

8 DAVID INGERSOLL: That I always bring up?
9 Training.

10 MR. FRIGO: Training, okay.

11 DAVID INGERSOLL: And the dialogue is, as
12 Jed was saying, is the training department is the human
13 capital department, and the safety department is the
14 safety department, and the human capital sets the
15 agenda and the training curriculum.

16 JED DODD: At the last meeting, they brought
17 --they're in the process of transferring training from
18 human capital to the engineering department, which we
19 think is a good thing.

20 And we're also in the process of making
21 everybody in the current training department reapply
22 for their positions. And they had a bunch of job
23 descriptions, and qualifications for the changes in
24 positions, and they asked us to comment on them. And
25 they made it clear that we're allowed to comment, but

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1 that doesn't mean we're going to have, like any say,
2 and over who the new trainers are going to be, or even
3 qualifications for the positions.

4 MR. FRIGO: But you're given the opportunity
5 to comment? Okay.

6 Multiple speakers: (inaudible)

7 JED DODD: We've been having a hard time
8 with the technology, trying to get the investigation of
9 accidents up and off the ground. And we're supposed to
10 get copies of these 405 (inaudible) on a regular basis,
11 so that we can read them, and make recommendations at
12 the next meeting, til we can see if we (inaudible)
13 Amtrak does for accidents (inaudible)

14 And we've been having a really hard time
15 getting at that (inaudible) and we also have been
16 discussing -- we have these safety alerts that we used
17 to do on a regular basis, that actually informed
18 employees about other accidents on the property or
19 other close calls, or in violations. And they were
20 effective in the past when they had information in
21 them. The legal department has taken over the
22 formation of the safety orders (inaudible) and they've
23 become the (inaudible) in terms of the information
24 they're able to give to the employees. And so there's
25 very little to discuss.

1 We've been discussing trying to make --
2 change that -- to make those safety alerts more
3 informative so they can be discussed in the morning
4 meetings and at the job briefings on a daily basis.
5 And at the Safety Committee Meetings. And we're making
6 a little bit of progress on that, but nowhere near what
7 it should be, or (inaudible) response in terms of what
8 we're able to present to the employees to discuss.

9 And we have a concern that some of our
10 safety committees are not a trained meeting
11 (inaudible), and we wanted to do -- at the last safety
12 committee meeting, at the last Safety Advisory
13 Committee meeting, we discussed how we can like, bring
14 the liaisons in, and ask them a series of questions
15 about the progress they're making in organizing safety
16 committees on the job sites.

17 And so we then can find out, if there are
18 safety committees, that they're functioning, if they're
19 not, going on and what kind of help we can provide to
20 try to change that approach.

21 So, but nothing really substantive. I mean,
22 I can't emphasize enough that with no close call policy
23 and a cardinal rule policy, it's very difficult to
24 cooperate with management under those circumstances, to
25 correct the problems out on the job.

1 MR. FRIGO: And let's stick with that theme
2 about the correction of problems on the job site. You
3 mentioned that there were other committees at play.

4 That there were other committees that
5 existed, local committees? Do they report into --
6 would they report information to you and to Dave, which
7 would then bring forward that information to this high-
8 level joint committee?

9 JED DODD: I don't know how -- have you seen
10 a copy of the safety agreement?

11 MR. FRIGO: I have not.

12 JED DODD: Well, I can forward that to you
13 at some point. And when you make your decision about
14 the other documents for the record -- you can discuss
15 that one too.

16 But the safety agreement provides for three
17 levels, and provides for the first level to meet with
18 the division engineer and the liaison, and the safety
19 committee members, the rank and file members.

20 And they're supposed to generate issues, and
21 then the committees that are meeting are actually being
22 pretty effective in terms of fixing some infrastructure
23 stuff, and while Safe-2-Safer, for instance, one of the
24 things that did occur on the Safe-2-Safer, and all of
25 the agreement, was the program obviously wasn't able to

1 reduce injuries. It did or was able to generate
2 repairs in the infrastructure with respect to safety.

3 The safety committees were able to generate
4 problems that railroads that needed to be fixed, and
5 stuff like that. And actually, it was pretty
6 effective.

7 MR. FRIGO: The low hanging fruit.

8 JED DODD: Yes.

9 ROCCO CARBINONA: It got done.

10 MR. FRIGO: Stuff that could be corrected
11 out in the field.

12 JED DODD: And one of the problems that the
13 original agreement had, the original safety agreement
14 had is that all the safety committees had ideas on how
15 to fix things, but the division engineers didn't have
16 the budget to get them fixed.

17 And the Safe-2-Safer -- they poured a lot of
18 money into it, and so those budgets were used up for
19 like infrastructure stuff was able to get fixed, and
20 (inaudible)

21 I'm not a fan of Safe-2-Safer obviously, but
22 there were, I mean, there was some positive things
23 about it.

24 MR. FRIGO: Sounds like an improvement.

25 JED DODD: And the Safety Agreement is

1 supposed to be doing kind of the same thing. And to
2 my knowledge --

3

4 I can't testify personally --

5 Yes, it does come up to us. And the
6 question -- and our view was, if it came up to us, then
7 it's to assume that something broken, that it should be
8 corrected at the local level, but I can't say for
9 certain if it's getting corrected at the local level or
10 not.

11 I think you asked who else you should be
12 interviewing, and I think maybe if you brought in a few
13 of the liaisons that actually chaired the safety
14 committees, you might find that out in terms of what
15 they have to offer.

16 But then there's another local committee
17 that hears issues, and then there's the Safety
18 Advisory Committee that hears issues. And everything's
19 done on consensus. There's no voting for instance.
20 You either agree or you don't, or.

21 And I think one of the problems that we have
22 in our Safety Advisory Committee level is that the
23 management of the people on the committee sometimes
24 don't have the authority to make a decision, and it
25 bogs things down.

1 MR. FRIGO: That's on, at your level?

2 JED DODD: Yes.

3 MR. FRIGO: So that would be Andy Keefe?

4 JED DODD: And Matt Porto. That they report
5 to people that before they can reach a consensus.

6 MR. FRIGO: Do you know, is there a -- some
7 of these items that decisions aren't made or the items
8 where decisions are made, is there a corrective action
9 log? That the committee keeps?

10 JED DODD: No, but there should be.

11 (inaudible)

12 MR. FRIGO: Okay. I'm going to start going
13 around the room, actually. I do have some more
14 questions.

15 Don Hill?

16 DON HILL: Good Morning, Gentlemen. How you
17 guys doing?

18 I just have a couple questions for you guys.
19 And I guess this one is going to be directed to Jed,
20 because you've done quite a bit of talking about the
21 culture prior to Safe-2-Safer Program being initiated.

22 It was kind of hard to hear you on this end,
23 so, would you repeat, what did the program, prior to
24 Safe-2-Safer, being instituted, did it have a name or
25 title?

1 JED DODD: The Amtrak BMW Safety Agreement.
2 It was the first negotiated safety agreement the
3 railroad instituted.

4 DON HILL: And what would you say would be
5 the primary difference between that program, for lack
6 of a better word, and Safe-2-Safer?

7 JED DODD: All right. The Safe-2-Safer was
8 based entirely on behavior based program. It was
9 unclear to me exactly what they did, they reported
10 behaviors in an attempt to correct bad behavior, to
11 correct accidents and injuries on the job.

12 And our program was more of an attempt to
13 get to the root cause of accidents, and correct -- and
14 make corrections in terms of the root causes.

15 DON HILL: And when you use the term
16 behavior --

17 JED DODD: The root cause wasn't necessarily
18 behavior.

19 DON HILL: Okay, but when you say the term
20 behavior, I just want to make sure I've got that clear
21 in my head.

22 Did that come across as more discipline?

23 JED DODD: Safe-2-Safer itself was a non-
24 disciplinary program, and then that's how the program
25 was sold to the employees. That, even though you have

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1 all these guys running around, and like writing down,
2 like your behavior, and then (inaudible), I'm not
3 exactly sure what was entered into. It was entered into
4 this like, software program, that Amtrak bought from
5 this company, in my opinion, just sold them a bill of
6 goods. It was supposed to generate reports and allow
7 people to focus on certain behaviors, (inaudible), but
8 at no point was the Safe-2-Safer to be used as a
9 disciplinary tool.

10 DON HILL: Okay.

11 JED DODD: That all started -- the
12 discipline all started to occur when they terminated
13 the Safe-2-Safer agreements, because I think, like it
14 became obvious to management that the Safe-2-Safer
15 wasn't working, at least in the engineering department.

16 And in terms of by reducing accidents, and
17 in fact, because management was actually only concerned
18 with the liability and not reducing accidents, and no
19 (inaudible) report had come out during that period, in
20 which they started to pay significantly more money in
21 terms of accident claims, than they had before -- prior
22 to Safe-2-Safer being instituted.

23 And so, what was occurring is, Amtrak did
24 about an about-face, terminating the Safe-2-Safer
25 agreement, terminated the safety agreement,

1 simultaneously. And instituted the cardinal rule
2 program, in which you would be terminated for like,
3 infractions of like, (inaudible), one of which is RWP.
4 And so what we have happen is people being terminated
5 for relatively minor violations under the RWP rules,
6 which by the way, for the record, the union thinks all
7 the RWP rules should be followed. We just don't think
8 if you do, like a version of jay walking, you should be
9 terminated for it.

10 DON HILL: And you mentioned that there were
11 10 items to enhance safety earlier, that were proposed
12 by, I believe, Mr. Pohlot, that you guys agreed to?

13 JED DODD: Ten items of ideas that we have
14 rules about. We're bringing new life back into the
15 safety committees, but re-instituting the NORAC
16 congresses, and many -- and the safety congresses, like
17 from -- it was a copy of an education program that we
18 do within the federation that we copy off the
19 (inaudible) -- we don't stand up on the road and teach
20 people about the issues, what we do is give small
21 groups of people the information that they need to,
22 like look at a situation, and come up with their own
23 conclusions.

24 And what we have found, when people are
25 given the facts and the information, they pretty much

1 all come up with the same conclusions, and what we did
2 is we forced managers, supervisors, and rank and file,
3 foremen, and equipment operators, to all sit at the
4 same table and come up with solutions, and report back
5 to the main group about what they thought could be done
6 to fix things. And we found those congresses to be
7 noticeably effective in targeting issues within a
8 specific area, and so we were in the process of putting
9 the effort into re-instituting those congresses up and
10 down the property. And, I actually forget what the
11 other issues were, that we were going to do, but there
12 was a list of about 10 issues.

13 And by the way, it wasn't generated by Bruce
14 Pohlot and Jed Dodd, it was generated by the interviews
15 we did with like 25 safety guys out in the field, that
16 answered our questions and we made a list of like, of
17 their commonalities, and this is the list that we were
18 getting ready to work on before he was fired. Scott
19 Haverstick, was appointed chief engineer, and the reign
20 of terror began.

21 DON HILL: I guess the short, would it just
22 be fair to say that you believe that a collective and
23 in atmosphere where communication was open, is a better
24 environment for enhancing safety?

25 JED DODD: I think it's actually the only

1 environment. I mean, look at them right now, is there
2 is a reduction of loss of life and reported injuries.
3 Since the safety agreement was renegotiated and the
4 liaison's are back functioning, and the safety
5 committees are up and running again, but that -- they --
6 -- it could be so much better.

7 I mean, it's not done in an atmosphere of
8 cooperation and trust. And, for instance, we believe
9 there is many close calls out on the property that are
10 going unreported.

11 In the past, under the close call policy, we
12 were able to report a close call, know that the
13 individuals involved were not going to be disciplined,
14 and we could get labor and management out to the job
15 site and figure out what that close call was caused
16 by, and take corrective action to prevent it from
17 happening again.

18 And, we're actually afraid of what's going
19 on in the property right now. Because, the close calls
20 are not being reported. Because the close calls,
21 cardinal rule violation, and the cardinal rule
22 violation means you're discharged.

23 DON HILL: Thanks. That's all I have for
24 right now.

25 MS. WALKER: Question, now. I guess it's

1 focused to all of you, but training perspective. I've
2 dealt with, sat in on classes, 213 training, that Henry
3 Dew and Dave Keely, and I think that training's good.

4 Other training modes, NORAC, or RWP, maybe
5 is not as good, or maybe it's just adequate.

6 So, my question is, do you feel that
7 training is an issue or is it actually the on the-job-
8 training and mentoring that's causing these injuries or
9 fatalities?

10 The way I see it, it's sort of a mentoring
11 -you grasp a lot of knowledge in all these classes,
12 whether it's a three week or a four week class or a
13 NORAC class, but going out into the field and having
14 these new guys actually apply all of this knowledge, is
15 what I see as a problem.

16 Now, I guess my comment is, do you think
17 it's a training issue or more of a mentoring on-the-job
18 training where it's lacking?

19 Multiple speakers: (inaudible)

20 DON HILL: Well, individually speaking.

21 ROCCO CARBINONA: The training is designed
22 to dictate their program. It's not like, Jed said, a
23 cooperative type-training situation where, they take
24 our input and teach us the right way or the wrong way.
25 The cardinal rules, as well as other rules, they made

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1 it so confusing.

2 This is what I see as a supervisor first,
3 then a union rep. But the rules have changed so much
4 and so frequently by every manager that's come in here
5 that they've changed these titles and positions with,
6 that there's no consistency or continuity in the
7 training.

8 We understand the argument they make. We
9 understand how to protect ourselves out there. But
10 it's too much change and it's too confusing.

11 Sometimes you just gotta keep it simple.
12 And the more simple it is, the easier it is for
13 everybody to understand.

14 I've watched people come into these classes,
15 NORAC classes, physical characteristics classes, and
16 ask questions, and the instructors couldn't answer the
17 questions.

18 Now if they don't understand it, and their
19 confused, there's always that answer, I'll get back to
20 you, and it very rarely happens.

21 So, we're left out there with a bunch of
22 scared people, that know how to work safely, but
23 they're scared of the cardinal rules, that God Forbid,
24 I forgot to cross that "T" or dot that "I" and I get
25 caught, I'm going to be terminated.

1 So they do one of two things. They do
2 nothing, but they go out there and do it as quickly as
3 possible, and sometimes, and I don't want to say that
4 it happens all the time, but unsafely, because they
5 just want to get out of there. Get the job done, and
6 get out of there.

7 DAVID INGERSOLL: I just took NORAC for the
8 first time in 10 years. And the guy giving the class,
9 he gave the information okay. He has three years on
10 the railroad. He's answering -- he doesn't know the
11 answer himself.

12 As Rocco just said, how can this guy TE, he
13 was a block operator for a year, and a dispatcher for
14 two, and he's asking me as a signalman, when do I take
15 that signal away from that train?

16 Well, I'm going to know from control, I
17 never take that signal away from that train.

18 And he says, well, you're wrong. I'm not
19 wrong. But these are the guys teaching the
20 examination.

21 I did an investigation up in New England. The
22 manager of safety didn't know if the gentleman was
23 NORAC C Qualified, A Qualified, C Qualified. How do
24 you not know that in your own investigation, if a man's
25 qualifications are wrong there.

1 They don't know the different -- when you go
2 to NORAC now, you take a NORAC class, it's confusing.
3 Don't put a -- and if you do know, there's NORAC A,B,
4 and C.

5 Signals are C employees. I'm sitting in
6 there with a guy with an A Guide and a B Guide. There
7 giving just the information, and then say, oh you sit
8 here, here's your test, here's yours.

9 It's confusing as anything. We have guys
10 that are failing NORAC that have taken it for 27 years
11 now. Why? There's an issue, there's an issue. You
12 know, did you all of a sudden become dumb? No.

13 It's being presented by a transportation
14 guy, just as you wouldn't be able to -- I know that
15 you've walked track, and that's I know who you are,
16 you've walked track in the area when I was out here.

17 We had guys teaching guys that have no clue
18 what their doing.

19 JED DODD: We have found that the training
20 is sub-standard in that respect. Particularly with
21 respect to this accident in Chester.

22 We have found that some of the trainers were
23 actually the use of shunt straps in an improper way,
24 and I think that has actually been corrected since
25 then.

1 But with respect to the mentoring, I'd like
2 to address that a little bit.

3 Shortly after the accident in Chester, these
4 three unions wrote to Joe Boardman, and made a list of
5 recommendations, and one of them was to correct the
6 situation.

7 And one of those recommendations, was to
8 significantly improve the mentoring program. We believe
9 that -- at the time, there was one supervisor mentor
10 for 256 trackman, and since then, they've increased
11 that by three or four, and I don't know if those three
12 or four new supervisors, are actually operational, but
13 from our point of view, there's the book training and
14 the passing of the regulatory test, but then there's
15 actually practical experience out in the field.

16 And you put a guy with three, four, five
17 years of service, with the book training and passing
18 the regulatory test, out on the job site, every
19 foreman's job site is a little different.

20 And some of them are significantly
21 different. And what we think is that every new foreman
22 should be mentored for a period of several weeks,
23 individually, until they understand the job. And then
24 that whenever a foreman changes assignments, and goes
25 from like a contractor protection job to a surfacing

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1 gang foreman to like a welding foreman, to all these
2 other different types of foreman, that when the
3 assignment is changed, that that foreman also receives
4 mentoring around the new assignment, because there is
5 significantly different duties expected of that foreman
6 from job site to job site.

7 And, then, of course that requires a release
8 of resources that the company is unwilling to do. At
9 one point, they decided to do another mentoring
10 program, in which they hired some retired managers that
11 we didn't like or get along with when they were
12 managers, and brought them down into the field, and
13 said that they're going to be the mentors.

14 And you know, that didn't work out too well.
15 But there's gotta be a way in which -- in the unions
16 opinion, and my opinion, it's criminal to put these
17 guys on three, four, five years service, out on the job
18 site, with like four weeks training or pass a
19 regulatory exam, and expect them to do the job in a
20 safe and productive way.

21 And there needs to be more support for that
22 guy to learn that job and take care of business.

23 DAVID INGERSOLL: I'd just like to go on the
24 record. I don't want to speak on behalf of ARSA, but,
25 just in the signaling department, there's no training

1 for a foreman whatsoever. You take a test, you're a
2 foreman.

3 I mean -- they give you a white hard hat,
4 and now you're a foreman.

5 ARSA, there's no training. I won't speak for
6 ARSA.

7 ROCCO CARBINONA: I will.

8 We have no training other than the Safe-2-
9 Safer Program, that was basically pushed on us, and
10 then never was followed through.

11 The Safe-2-Safer Program, in my opinion, was
12 nothing but a program that drove down safety statistics
13 in the favor of, we're working safer.

14 Nobody believed in the program, but if you
15 spoke against, especially managers, they were deathly
16 afraid to say anything because their superiors would
17 take action against them.

18 This was something they knew they had to do,
19 regardless if they thought it worked or not. And it
20 was quite apparent it didn't work. It was taking away.

21 And that was the only safety training,
22 formal training, and when I say formal, other than RWP,
23 NORAC, AMT-2. Nothing to teach me as a supervisor how
24 to instruct people on working safely, what to look for.
25 That came from experience over 33 years.

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1 MS. WALKER: All right, no other questions.

2 MR. FRIGO: Chris?

3 MR. SCHULTE: Yes, one quick question. The
4 close call reporting, what time span did that exist,
5 and was that -- did that involve all crafts or just
6 certain crafts.

7 JED DODD: It involves all crafts. It
8 started in 2000 and stopped in 2014. It was like a 14-
9 year- period.

10 From our perspective, it was extremely
11 successful. And many of the objections that management
12 has to it, we don't really see rooted in reality.

13 It didn't -- that reality didn't exist in
14 the 14-year-period that it was in effect.

15 And the committee of all crafts -- the
16 engineers sat on that committee, and what was
17 occurring, engineers were reluctant sometimes to report
18 close calls with track gangs, because they didn't want
19 to involve the track gang in discipline.

20 And so what occurred, with the close call
21 policy that was adopted in either late '99 or 2000 --
22 that close calls could be reported, and even be
23 properly investigated and corrected.

24 Of course, that's not happening now, after
25 2014.

1 MR. SCHULTE: Thank you.

2 MR. STEARN: Thank you. To any of you
3 gentlemen, interviewees.

4 My question would be, what do you think is
5 one of the biggest eroders or the biggest impediment,
6 for a Safety Advisory Committee to have the same
7 vitality and productivity as was back in the late 90's?

8 What's caused that program to diminish so
9 much, or what would be the biggest stumbling block to
10 bring it back up to present?

11 JED DODD: I think the general theme to what
12 I've been trying to get across. The reinstatement of
13 the old close call policy, so that people can report
14 these issues without fearing of getting themselves or
15 other people fired.

16 And, re-examination of the cardinal rule
17 policy, so that people aren't afraid to be terminated,
18 for especially minor violations.

19 And because you have this like, tremendous
20 fear in the rank and file above, it's difficult for us
21 to impress management across the table at the Safety
22 Advisory Committee and avoid -- what I think would be
23 actually geared towards reducing injuries and
24 accidents.

25 DAVID INGERSOLL: To get into the safety.

1 A lot of times, even when a 405 is written,
2 we've asked in meeting after meeting, we say, will we
3 get a copy of the 405? It always appears that a third-
4 party has to review that and release it. And to me,
5 it's the law department has to -- before we can put out
6 an alert so Rocco can put it out to his men. We never
7 know the avenue, we never -- gosh, the fatality in
8 Chester? There was a stand down. There were guys out
9 here for a week, before they were even told anything
10 about the fatalities.

11 It shouldn't never have happened. It's kept a
12 secret. Everything's a secret. In my opinion.

13 ROCCO CARBINONA: Safety in general is
14 equated to dollars on Amtrak. If it costs money,
15 we'll see what we can do.

16 Fall protection.

17 I'll just give you a quick example. Fall
18 protection is now a cardinal rule. We've asked for
19 fall protection since 1986, and we've gotten trickles
20 of monies to fall protect signal bridges.

21 And the reason we ask for this is because we
22 had signal employees falling through the decking on
23 bridges. Because they weren't being maintained.

24 There was a period when they put about
25 \$250,000.00 a year into fall protecting bridges, and it

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1 was only on the New York division, because we were the
2 only ones complaining.

3 I can speak because I was a BRS
4 representative at the time. Philadelphia? There was
5 nobody complaining, so they felt, we don't need to fall
6 protect anything in Philadelphia.

7 The tie off lines, tie off bridges, vertical
8 life lines, and the body harnesses that we're required
9 to wear now -- that was non-existent back then. But it
10 took over 20 years.

11 Now it's a cardinal rule because somebody
12 fell, and got killed, basically. And Amtrak had
13 liability there. So now it's a mandatory thing. It's
14 a cardinal rule.

15 I don't think we need to do that when it
16 comes to safety. We all know, whether you're a worker,
17 to a union rep, to a supervisor. We know what safe
18 practices are here. It's the culture and the thinking
19 that's gotta be changed.

20 And until we do that, and get together as a
21 group, which Jed's being try to do with Dave for years,
22 I can't speak for that because I haven't been part of
23 that committee, but until that committee functions as a
24 committee. This is never going to work.

25 We're going to continue to be here and

1 investigate these accidents.

2 DAVID INGERSOLL: Just to touch on fall
3 protection. One of the cardinal rules, is you don't
4 violate Amtrak's fall protection policy. There is no
5 fall protection policy on Amtrak. So what are we
6 governed by?

7 It's just a fact.

8 MS. WALKER: In respect to regulations. I
9 haven't seen a -- I mean I haven't really looked to see
10 if there is a written policy.

11 DAVID INGERSOLL: I need to address it,
12 Dick.

13 MR. HIPSKIND: Okay.

14 DAVID INGERSOLL: It's a co-mingled -- it's
15 an agency issue. OSHA, FRA, and Amtrak's policy. OSHA
16 says you need it, the FRA says it's not a stick, it's
17 not a railroad bridge, therefore, railroad fall
18 protection doesn't mean -- so it means OSHA standards.
19 In our opinion.

20 Amtrak's opinion says you have to follow
21 fall protection. Where's the fall protection? You're
22 going to fire men if -- violating Amtrak's fall
23 protection policy, but don't provide me with fall
24 protection or a policy that I have to follow.

25 It's absurd.

1 MS. WALKER: (? - Speaker not identified)

2 So, thank you.

3 This question would be to the BRS General
4 Chairman. You touched on recent NORAC Training that
5 you went through, and I trust you successfully
6 completed. But my question would be, do you know who
7 those NORAC trainers report up to? How are --

8 DAVID INGERSOLL: I'm -- and this is my
9 understanding and how I thought this was presented to
10 me, is that engineering was going to take --
11 transportation does NORAC training, they control it,
12 I'm almost certain,

13 I'm under the understanding that engineering
14 was taking over all training. In my experience,
15 backhoe, both on the railroad, we had a lot better
16 dialogue in the classroom than you had the crafts,
17 teaching the crafts.

18 You have a guy that has 20 years on the
19 railroad that can lay it out. Now, there's
20 inexperience, Everybody's young now. You know? So the
21 younger guys are applying for these positions. They
22 don't have, you know, they don't have the whiskers
23 like the old guys of this day do.

24 ROCCO CARBINONA: The guys that do "have the
25 whiskers" only have 10 years. So you're looking at

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1 people to mentor people that don't have the experience
2 or knowledge themselves.

3 Years ago, people stayed in the positions
4 longer. People are leaving these positions in fear.
5 You have, and Jed can speak on this himself, in Penn
6 Station New York, track inspector's positions, they had
7 to give them \$5.00 an hour allotment to get people to
8 stay in them, because of the fear that they were being
9 taken out of service for every little infraction. When
10 they reported track conditions that there should have
11 been speed restrictions on, they were pressured into
12 either overlooking it, or changing their reports.

13 And I know this for a fact. I've seen it.
14 And I'm the one that would be the bad guy, and take a
15 switch out of service because somebody else wasn't
16 putting stuff down in their report in fear of the
17 retaliation.

18 And it's gotta stop. That's the bottom
19 line. (inaudible) Right or wrong.

20 MR. HIPSKIND: Jed, do you want to comment
21 on that?

22 JED DODD: No.

23 MS. WALKER: (inaudible)

24 This is the second time in a series of
25 dialogue between interviewees that we have heard about

1 incentives that have been provided in order to attract
2 employees to positions, many times, very safety
3 sensitive positions. I'm wondering, you know, do you
4 guys have thoughts on whether these incentives are
5 doing what is intended, or is it working?

6 DAVID INGERSOLL: I don't have any incentive
7 positions.

8 JED DODD: Well, the tracks record position
9 in Penn Station, New York, was corrected with the
10 incentives. I mean, there was no vacancies there, and
11 all of the positions had been filled, and it's a two
12 year -- it's an agreement where the employee, for an
13 additional hourly rate, agrees to stay in the job for
14 two years.

15 And that's attracted people, and people are
16 there to stay. We've negotiated foreman incentives in
17 general, and we don't -- and according to Amtrak,
18 they're not working to the extent that they would like
19 them to work. I think -- I don't have any evidence
20 myself one way or the other whether or not they're
21 serving the function that they were negotiated to
22 serve.

23 But, what I will say is that, the Amtrak
24 property is a dangerous, high speed property to work
25 on, and that many of the commuter railroads in the same

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1 area, are making significantly more money than the
2 Amtrak worker. I think there's a 14% pay differential
3 between the average commuter rate and the average
4 Amtrak rate. And I think that impacts - they ask me
5 not to speak about the bargaining issues, but the whole
6 issue of incentive to be the foreman, I think they're
7 grossly underpaid in terms of responsibilities that
8 they're asked to have on these high speed properties.

9 MS. WALKER: Nothing further, thank you.

10 Theresa?

11 MS. IMPASTATO: Just a quick question for
12 all three relative to the work loads that our foremen
13 and supervisors's face.

14 Do you feel that the workloads are
15 manageable, and that you're given the tools that you
16 need as a foreman or supervisor, to execute all the
17 tasks within the scope of your responsibility?

18 ROCCO CARBINONA: I'll speak to that. The
19 workload's have increased tremendously over the last,
20 probably eight years I would say, tremendously. We're
21 given less resources and manpower. We're scrutinized
22 about the amount of people we need to do the jobs
23 correctly. And when you take the manpower away, you
24 increase the conditions that create an injury or a
25 hazard of some sort.

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1 And as far as material? You know, materials
2 have been plentiful. It seems like they're giving us
3 more material now than ever.

4 But it is the manpower and the workloads
5 that have increased tremendously. And, just too much
6 on the few that are here. And especially a few that
7 have the knowledge, because the training is inadequate
8 as Dave spoke, and Jed both spoke about the training.
9 It's not adequate enough to keep up with the pace in
10 which we're progressing.

11 DAVID INGERSOLL: It's been 10 years since
12 I've been out. I can't honestly answer that. I don't
13 know the reportable(inaudible) needs these guys have.
14 I mean, it would have to be the guy that's working out
15 in the field for me to answer that.

16 I can't answer that.

17 JED DODD: Again, I think if you're
18 interested in interviewing people with more knowledge,
19 it would be a good place to bring in some senior
20 foreman to do that.

21 But I know when I was back on the railroad,
22 the qualifications for being a foreman were to read and
23 write the official language and have a valid driver's
24 license. And now the qualifications are a list of
25 about 12 things, that would include a 4 to 6 week

1 training program, in order to pass the W-1000 Test.

2 And so like obviously, the qualifications
3 and the responsibilities have changed significantly.
4 And while I think that there is a significant manpower
5 shortage out on most of the job sites, I think the
6 increase in responsibilities is really the key with
7 respect to what the foremen are having to deal with in
8 terms of those issues.

9 The Electric Traction Department used to
10 have a version of -- called a general foreman, and gang
11 foremen, and they are none. And the general foreman
12 would take care of the union work, and manage the
13 administrative duties of the job, and the gang foreman
14 would direct the crew, and they've eliminated both gang
15 foreman and expect -- and eliminated all the general
16 foreman, and they expect the gang foreman to
17 simultaneously handle the administrative duties, and at
18 the same time direct the construction crew, and in my
19 opinion, that's asking (inaudible) to function.

20 DAVID INGERSOLL: I agree with Jed on that.
21 We used to have a signal inspector, and then an
22 assistant inspector. The assistant's are gone. The
23 work force has been, you know, decimated to the point
24 where you just barely have enough to get along, and we
25 can't have that --oh, that guy is sitting there, in

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1 reality he's an apprentice to the foreman, and he's
2 going to step up, and I'm sure that was the mind set of
3 the Pennsylvania Railroad when the collective
4 bargaining agreements were written.

5 They were the stepping stones. Well, those
6 stepping stones are gone. You're either a maintained,
7 and then oh, if you can pass the test, then you're a
8 foreman. There's no training, there's nobody in the
9 middle. They did away with that craft or
10 classification.

11 MS. IMPASTATO: I had one other question
12 with regard to training.

13 Are you able to review the training
14 materials and provide comment on the training
15 materials?

16 DAVID INGERSOLL: The only one that
17 I'm allowed to even have any minimum input is in the
18 signal training school, which we have (inaudible)
19 written.

20 Do we have any input in NORAC or RWP or any
21 other training? That all comes from the union capital,
22 and then they do not talk liaisons. They don't talk
23 (inaudible).

24 ROCCO CARBINONA: As a signal supervisor and
25 ARSA representative, I have no avenue to review any
training material other than what I get when I go to

1 the class myself. We don't get to question -- as Dave
2 said, if you pass the test, you're qualified.

3 As a supervisor, we know the caliber of
4 people, we have no say so on whether or not the
5 employee actually knows what he's doing here, or he's
6 just book smart and got through the test. There's no
7 interaction with us in any of the training at all.

8 JED DODD: I've never been given access to
9 the training materials since I've been (inaudible).

10 MS. IMPASTATO: Thank you.

11 MR. HIPSKIND: Is it back to me now?

12 Unidentified Speaker: It's back to you,
13 sir.

14 MR. HIPSKIND: All right. Dick Hipkind.

15 Gentlemen, you have filled my head with a
16 lot of questions. I don't know if I'm going to be able
17 to get to all of them or not.

18 I want to just draw a couple of
19 generalizations about some of the things I've heard,
20 that in general, things were better kind of the farther
21 back in time we go, but not too far back in time.

22 We go back too far in time, there weren't
23 any of these committees, there wasn't any of this
24 dialogue. But after things got bad, there was
25 some recognition, and some committees and safety

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1 initiatives were formed.

2 And so a second period of time that you all
3 seem to say was better than now.

4 Am I correct in understanding that, that
5 way?

6 JED DODD: Yes. You're correct. I would
7 say the period of like 1996 to 2009 or 2010, there was
8 a much greater willing and cooperation for these
9 issues.

10 MR. HIPSKIND: Okay. Did you want to add
11 something, Dave?

12 DAVID INGERSOLL: I wasn't around as long as
13 Jed. But yes, once the Safe-2-Safer and I refused to,
14 you know, I just decided to leave and address the
15 signal school issue, there was no dialogue with me.
16 You know, I was the outcast. I was the BRS
17 troublemaker, they don't want to listen to that.
18 There was no dialogue until really the three
19 organizations went (inaudible) pushed Pohlot out.

20 Because, he basically came to us and said,
21 look, you know, we have to fix this and we would like
22 to sit down and cooperatively work together. And
23 that's improving. (inaudible) open dialogue to where
24 what we thought mattered.

25 JED DODD: And then they fired us.

1 ROCCO CARBINONA: Other than the collective
2 bargaining, we've been -- the employees haven't always
3 in the safety congress as it was, where when we did get
4 together as a group, the division management, the
5 division safety, the organization and all the employees
6 were in one room, putting their heads together to come
7 up with safe work practices. And learning how to
8 figure it out themselves. That no longer exists.
9 They're just thrown out there and either they know or
10 they're going to be charged with not knowing.

11 And I think the only way to get back on
12 courses is start working together as a group, listen to
13 each other.

14 JED DODD: Back in that period, you
15 understand I represent Conover workers and (inaudible)
16 workers, as well as Southern Workers, and we had struck
17 Conover in '94 and there was like bitter, bitter
18 relations between myself and the engineering
19 department, who was eventually hired over on the
20 Amtrak, but Bruce Willburn and I would stand in front
21 of these safety congresses together. And say the same
22 things about safety to the managers that were present
23 in the room.

24 We'd say the same thing together with Steve
25 Falkinstein. He and I -- I mean we butted heads and

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1 romped on each other all the time, but when it came to
2 these issues, we would stand in front of these
3 congresses, in front of these assemblies of men and
4 managers, and say the same things.

5 In different ways, but what we expected of
6 the men, and what the men could expect of us. And I've
7 never stood, since 2010, with any manager in front of
8 any group of men or managers to talk about safety or
9 many of these issues.

10 And in fact, after the Chester accident, do
11 you know that no member of Amtrak management has ever
12 called me, and informed me about the accident?

13 I mean that would have been unheard of back
14 in the early days in which we were having their
15 cooperation. We honestly heard it on the news. And
16 guys told me about it.

17 But in the past, what would occur is that an
18 Amtrak manager, a senior manager, would call me, and we
19 would get in the truck and we would go to the job site
20 together. Because when something important, that the
21 union and management do together, because it was
22 important for the men to see that, that we were there
23 together, trying to fix this.

24 And that simply doesn't occur anymore.

25 MR. HIPSKIND: Jed, I do want to address

1 your last comment about the Chester accident.

2 And as NTSB, I would just offer, not an
3 excuse, but an explanation. We trigger certain
4 processes and procedures, protocols, and sometimes a
5 lot of individuals understand, well, you're not to talk
6 about the accident investigation, and so maybe some of
7 the lines of communications were shut down, and maybe
8 NTSB has had some influence on that.

9 I'm not taking all of that. I'll just offer
10 that as a little bit of an explanation.

11 You don't have to agree with that --

12 JED DODD: For the record, in the past, when
13 an accident of this nature has occurred, Amtrak
14 management and chief engineers on call would call me
15 and inform me about the accident, and in general, we
16 would go to the job site together.

17 MR. HIPSKIND: Okay. The other general
18 thing that I kind of picked up on is that it seems
19 without giving specific dates and names of people, that
20 some of what you're detailing is, there has not been a
21 sustained commitment, in that sometimes when people
22 change in the higher offices or places where decisions
23 can be made, and on a system wide basis, it seems to me
24 like you're indicating there has been some kind of
25 decline.

1 And the other thing that I consistently here
2 in your answers is, changes in commitment on close
3 calls and changes in implementing cardinal rules. Have
4 I understood all of that fairly correctly?

5 JED DODD: Yes. We spent the last several
6 years with management, basically renegotiating
7 everything.

8 And from our perspective, we're renegotiating a
9 system that worked pretty well for us for many years,
10 and that during that renegotiations period, we get into
11 dealing with a lot of fears that management has across
12 the table, about if we do this, what happens, what
13 happens, what happens?

14 To give you an example. You're a boy scout.
15 You're taking the first aid class. You're not expected
16 to fix it. And that's (inaudible), you know.

17 We're in the process of trying to do that.
18 From our perspective, management was so fearful that we
19 would no longer see them as the bosses, or as managers,
20 or as people in charge. We know they're in charge.
21 For instance, but that doesn't mean we think that
22 they're effective managers or effective leaders.

23 The problem we have right now is, we're like
24 the guy in the English Channel in 1942, that's rolling
25 across the channel, and we're the soldier, and we're

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1 looking over at our Lieutenant, who we know is in
2 charge, but the Lieutenant is crying, bombing over the
3 side of the boat, and we're getting people landing on
4 the beach. And we would like some managers and some
5 leaders that we can work with that would actually lead
6 us through this process rather than demand that we
7 address every fear that we have on every sentence, on
8 every document that we negotiate.

9 DAVID INGERSOLL: The close call policy, and
10 I sat there, they will not release that language where,
11 we know discipline (inaudible), that was the bottom
12 line. They want to be able to fire you if you do that.

13 JED DODD: Three specific instances in the
14 revised close call policy where employees could be
15 disciplined, that we didn't think was necessary to
16 actually agree to in order to get the policy up and
17 running again. We're willing to do that.

18 Once was up for actually deliberate
19 sabotage. That's a no brainer. That's a federal
20 offense, your home land security to sabotage the
21 railroad, so that's not an issue for us.

22 The line to the investigator during -- with
23 close call policies, they've been revoked. We're okay
24 with that, because we want the truth as well in terms
25 of (inaudible) those issues.

1 And the third one was -- anyway, but what
2 bogged down the close call policy discussions, finally,
3 was that they wanted a catch-all phrase, that in the
4 event that the other three can't be disciplined, we
5 can discipline you under any circumstances. And that
6 was unacceptable to us. That's not going to get close
7 calls reported in a way that they should be reported to
8 be investigated.

9 MR. HIPSKIND: Rocco, anything to add?

10 ROCCO CARBINONA: I have nothing further.

11 MR. HIPSKIND: Well, let me make another
12 comment, and see if we get some more dialogue going.

13 So, briefly, how are things right now?

14 We talked about this from a historic
15 perspective. We've put this kind of 14-years of 1996
16 to 2010 as a better, or a more model type era, and
17 we've talked about decline or implementing programs,
18 the cardinal rules, and getting away from the close
19 calls.

20 But, how are things today? Are they on the
21 uptick? Is there hope? Or, how do you guys think
22 about that?

23 ROCCO CARBINONA: We're still declining.
24 It's declining.

25 JED DODD: Actually, no offense, but I

1 disagree with Rocco a little bit.

2 The unions have come up with and is of the
3 opinion that this management is absolutely useless in
4 terms of making a cooperative program together. And
5 what we've done is embarked on an organizing drive to
6 reorganize the property under the auspices of the
7 union, to enforce the rules that we think should be
8 enforced.

9 As for instance, the shunting rules. We
10 think there's a significant increase in shunting, and
11 the use of shunt straps and enforce the rules as a
12 result of the program that we've embarked on. In terms
13 of overall -- but there's just so much that the union
14 can do, and that's where I would agree with Rocco, that
15 in terms of like, if the management and labor were
16 actually willing to join together and enforce the rules
17 out on the property, together, I think we'd have a much
18 more effective operation.

19 What we're afraid of is the inexperience
20 foreman on the job site, the lack of training, the lack
21 of mentoring, the confusion over some of the rules, we
22 think another accident is virtually guaranteed.

23 And so when you ask me, are things better?
24 Things are better since the Chester accident, because
25 we made a decision that while work with this management

1 is impossible, this management is not going to work
2 with us, so we have to adopt our own program, and we've
3 trained over 400 people in two-day training classes, to
4 go out on the property and organize on the job site
5 around these rules. But in terms of like, the general
6 specifics of things, (inaudible) in other words, it's a
7 complex question, is what I'm trying to say.

8 And we're actually in the process of
9 rethinking ourselves, how to make the properties safer
10 now that we have a management that absolutely refuses
11 to cooperate with us on any (inaudible). It would be
12 much easier, of course, if they did.

13 On the other hand, the fact that they won't,
14 we have some stuff we can share with the committee
15 about how -- what we've given to the rank and file out
16 on the property, in terms of getting -- making the job
17 sites safer.

18 MR. HIPSKIND: Thank you. I want to ask you
19 a couple of follow ups to this, and if you want to
20 chime in, let me clear up a couple of things.

21 DAVID INGERSOLL: I agree -- I'm more in the
22 position of Rocco. I mean, the overall -- it's really
23 declined. There's no dialogue, everybody -- it's fear.
24 I mean you talk to the managers, they're afraid. And
25 you can talk to the youngest guy. It's fear.

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1 Right now, they're managed by fear. If
2 they're all afraid to go out on the track, because
3 somehow, one of them cardinal rules had to be in there
4 somewhere, and I'm not willing to go into it.

5 And just to elaborate, when RWP was
6 originated, that was before my time, but that was a
7 joint effort by labor and management, sit down and
8 make a book.

9 Here, at Amtrak, RWP has changed without any
10 input from, to the best of my knowledge, not from
11 anybody in our committee. It was just changed, and
12 revamped, and rewritten, (inaudible) RWP.

13 MR. HIPSKIND: Okay, and I do want to talk a
14 little bit more about that.

15 Jed, your last comment. When I was
16 listening to you, it almost sounds -- and I need to
17 understand, and when you talk about the shunting rules,
18 things like that, should I think of that post-Chester,
19 or was that something you were doing prior to Chester?

20 JED DODD: Definitely post-Chester.

21 MR. HIPSKIND: Well, I wanted to clear that
22 up.

23 Then the other thing is, it almost -- if I'm
24 wording this wrong, you correct me. I want you to
25 correct me.

1 But the impression I got is almost in the
2 absence of somebody doing anything, you guys decided to
3 do something. And it's almost like you're trying to be
4 in a leadership role with your training. Is that fair
5 to say that or?

6 JED DODD: It's fair to say that. We're
7 trying to do that.

8 MR. HIPSKIND: You are trying to do that?

9 JED DODD: Yes.

10 MR. HIPSKIND: Okay, but that comes from
11 your characterization that you think things are broken
12 down. Right?

13 JED DODD: That's correct. Things are
14 broken down.

15 MR. HIPSKIND: Okay. Now here's -- they
16 leave all the tough questions to me. I know that. And
17 I sit here and I listen -

18 (inaudible)

19 MR. HIPSKIND: Okay, all right, and they
20 should. I want you guys to grab the rings of power.

21 And we've talked a lot about how things got
22 off kilter and what not. Tell me, if you have the
23 power to change things, what do you change, how do you
24 do it, and how do you want it to look?

25 Any of you want to start out?

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1 ROCCO CARBINONA: I'll start. First of all,
2 I think the organization should have a voice in the
3 safety of this company and how we operate. And what
4 they say should be listened to and should be agreed
5 upon,
6 amongst everybody, before any change is made.

7 Secondly, the training. The people that are
8 doing the training have to have the experience. They
9 can't just teach out of a book. It doesn't work. If
10 you have a question that person doesn't
11 know, (inaudible) and they're confused, and you're just
12 sticking this rule in front of them, and saying, read
13 it, that's what it means.

14 They're still confused when they leave the
15 classroom. They've read it, they've memorized the
16 question, they've memorized the answer, and they put it
17 on the test.

18 Secondly, the feedback. When something's
19 changed, we never go back and look at how it's working.
20 It's a change and it's got its own book (inaudible).
21 This is what you're to follow from here on out. It
22 seems like we're dictated to more than treated like an
23 asset.

24 There is something like, you do as you're
25 told, or else. The threats have gotta stop. It's fear.

1 This company is driven by fear.

2 And just like Dave and Jed said both, this
3 management, as well as the rank and file, everybody's
4 scared. Nobody wants to say anything in fear of the
5 retaliation or possibly losing their job.

6 MR. HIPSKIND: And Rocco, and some of what
7 you're saying there, do you think, if there is an
8 atmosphere of fear, do you think that's affecting
9 people's judgment in the work environment?

10 ROCCO CARBINONA: Definitely.

11 MR. HIPSKIND: Okay. Dave, any comment,
12 you're running the show now.

13 DAVID INGERSOLL: Yes. There's no
14 collaboration whatsoever, and that goes from
15 (inaudible) International President of (inaudible)
16 calls Joe Boardman to ask him a question. Doesn't even
17 get back to him. What are you thinking or is
18 subordinate treatment the same way.

19 There is no dialogue. It is a -- this
20 railroad is Marshall law, it's ran by Marshall law,
21 it's always been. You shoot and (inaudible) do as I'm
22 told, or else.

23 And that's the mentality.

24 MR. HIPSKIND: Okay, but I'm going to
25 pressure you on your last comment.

1 You're still pointing to what's wrong, and
2 I'm asking you what are you going to do, you're in
3 charge, what are you going to do to make it right? The
4 way you want it?

5 DAVID INGERSOLL: As Rocco just said, put us
6 in a room, and let's fix it. We're ignored.

7 MR. HIPSKIND: You mean like back in the 1996
8 to 2010 era?

9 DAVID INGERSOLL: That was before my time,
10 but --

11 MR. HIPSKIND: I'm going by what you've heard
12 here today.

13 DAVID INGERSOLL: Absolutely. There's no
14 dialogue whatsoever.

15 It's shut up, you don't know what you're
16 talking about. Although I've been here 27 years, and
17 you've been here two. Everyone of us need this, you
18 know, Amtrak to survive. You know, we all make a
19 living off it.

20 Why wouldn't we? You know, even from training to
21 talk about, you know, Nikki Kline, when she was -- you
22 had a helper with 9 months on the railroad, taking
23 tracking and time. To me, it doesn't -- you know.
24 Why? Because that was the need at that time, and
25 that's how we addressed that issue.

1 And then when I would go there, and say you
2 can't put on the ground there. What do you know? I do
3 know. There's no dialogue there, Dick. None.

4 Why? I'd welcome it.

5 MR. HIPSKIND: Okay, so, I don't want to put
6 words in your mouth, but you as a leader, you would put
7 a premium on collaboration and communication?

8 DAVID INGERSOLL: Absolutely.

9 MR. HIPSKIND: And then you would set in
10 place forums or vehicles for that to function at a
11 greater level?

12 DAVID INGERSOLL: Sure. I need to elaborate
13 on that. I do have a say in my signal training
14 program, but as soon as I go to human capital
15 department, they tell me we're going to do whatever we
16 want, final time. (inaudible) That's (inaudible)

17 ROCCO CARBINONA: I'd just like to say,
18 every committee or joint chair thing we've ever held
19 with Amtrak, with the exception of RedLock, when it was
20 real late before they changed it without our changes,
21 the -

22 MR. HIPSKIND: I'm listening.

23 ROCCO CARBINONA: Our opinions don't really
24 matter. We're there for a formality. They listen to
25 us. It gets tabled, as you've seen with SAC Committee,

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1 and how infrequent it's met. Where are the minutes,
2 what has been accomplished? We never go back to look
3 at it. What did we start? Did we finish it? How did
4 we achieve our goals? It doesn't get done. It just
5 stays an open-ended conversation or, the positions, or
6 the people in the positions change, and you don't have
7 the continuity anymore. Or the consistence.

8 I mean -- it looks like Baskins-Robbins to
9 me here. Flavor of the month. We have so many people
10 coming and going, we don't know who is where anymore.
11 It's musical chairs most of the time. There's no
12 consistency in what we do.

13 So it's changing constantly for them. I
14 don't sit on that committee, but I'm sure there's been
15 people in and out of there, I see it from my level,
16 that have different opinions, and whatever I talked
17 about with somebody yesterday, how we were going to
18 achieve something. Well no, that's changed. We're
19 going to do it this way.

20 MR. HIPSKIND: Rocco, do you have an idea
21 to improve what you just identified?

22 ROCCO CARBINONA: Yes. Appoint people and
23 keep them there. When you get success, keep the people
24 doing what they're doing. You don't keep people that
25 your getting nothing from, and tell them to stay there,

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1 and promote them.

2 You keep people that achieve or accomplish,
3 and keep them doing what they're doing.

4 MR. HIPSKIND: Okay, but one problem with
5 that. I agree with what you're saying as a potential
6 solution. But you don't want to abridge people's
7 rights to go work other jobs either? Right?

8 ROCCO CARBINONA: Oh, of course not.

9 MR. HIPSKIND: So there has to be a balance
10 discussed about how you get to what you want to do and
11 --

12 ROCCO CARBINONA: Whether they're promoted
13 or not, they can still be part of the committee -- I
14 mean, you're position can change, but your duties can
15 remain, you can still have that as part of your duties.

16 I mean, I'm just going to say, the vice-
17 president or the president, if I have a group of people
18 that are productive, they're accomplishing tasks, the
19 safety number are well, people are not getting injured
20 and not getting killed, I don't want to change
21 anything, I want to embellish upon it, and just keep it
22 going. Help keep it working.

23 MR. HIPSKIND: Okay, thanks, Rocco. Dave?

24 DAVID INGERSOLL: I just wanted to comment,
25 just on tenure of how many presidents there's been to

1 date. How many presidents have been at Amtrak since
2 I've been here? Probably seven? The assistant Chief
3 Engineer, seven? So they keep constantly, he has his
4 agenda. You know, and you just keep -- it is, it's the
5 flavor of the month, you know, it constantly changes.

6 MR. HIPSKIND: Jed, you're the top guy.
7 Everybody's gotta do what you say, what do you want
8 them to do?

9 JED DODD: It's a complex question, and I
10 don't think it goes beyond (inaudible)
11 because (inaudible) necessarily accident prevention. I
12 think their safety program is a reflection of their
13 general anti-employee, anti-union attitude that they
14 bring to the table. Their top managers (inaudible)
15 for instance, the unions, the collective bargaining,
16 and their programs reflect that.

17 From my point of view, ne of the things that
18 occurred in the last couple of years on the Amtrak
19 property, is Joe Boardman (inaudible) from Wisconsin,
20 and completely decimates the managerial and health
21 benefits, eliminates their pension, and (inaudible)

22 And so, we actually had a situation where
23 the bargaining unit employee benefits were better than
24 Amtrak benefits. And we have a situation in the
25 facility, and the first thing we'll do is restore

1 respect for the middle and upper management in terms of
2 their health benefits and pensions, in terms of that.
3 That's completely demoralizing, the management that we
4 report to which has made it very difficult to fix that.

5 The second thing I would do is eliminate the
6 term human capital, in terms of like what a labor
7 relations department should be. And eliminate the
8 programs of hiring only lawyers to fill the labor
9 relations positions, because the lawyers are there for
10 one thing, to argue and obstruct, rather than find
11 problems and find solutions to problems and fix things.

12 And it's apparent Barry Makovich and his
13 human capital department is that these lawyers -- all
14 the labor relations officers are now lawyers, and
15 they're not there fix things, there not there to
16 correct problems. They're there to make sure that
17 grievances piled up, things don't go unresolved, and
18 that they've created a mechanism in which employee
19 grievances can be addressed, and that the departments
20 can sit down with the labor organizations and fix them.

21 I would then begin to address the gorilla in
22 the room, and that's like 200 foreman out on the job
23 sites with less than five years service, and then I've
24 gotta really spend some serious money in terms of
25 mentoring and training out on the property to try to

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1 merge the inexperience with training with the job site
2 in a way that would reduce the accidents and the
3 problems out on the property.

4 So, I would make a significant investment in
5 the employees in terms of mentoring and training. I
6 would eliminate the human capital department so that
7 labor relations department that was assigned to correct
8 problems rather than obstruct problems. And I would
9 then put some emphasis into the safety grievance and
10 bring back the close call policy, and I would trash the
11 cardinal rule policy.

12 But one of the things we found as union
13 officers, when we did these safety congresses, is that
14 many of the recommendations for accidents and NORAC
15 violations, people thought some discipline should be
16 involved.

17 In other words, rank and file guys got
18 together with middle level managers, and if there was a
19 bonehead mistake out on the property with respect to
20 NORAC, people thought that the bonehead should be
21 disciplined in some way. And they didn't really think
22 they should be fired, because the purpose of discipline
23 is to correct, not punish.

24 And so, we would at some point in the
25 process of correcting safety problems, have in our

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1 arsenal the ability to discipline, and put the idea of
2 correcting problems above punishment.

3 And this is what I say sometimes to
4 employees. Regardless of the union, (inaudible) of
5 that opinion.

6 It's true. We have a duty to you as an
7 individual member of the union to defend you in the
8 collective bargaining unit, and your rights. Even
9 though you've done this bonehead thing out there on the
10 property.

11 But we also have a duty to the rest of the
12 members of the union, that could have been hurt or
13 killed because of the bonehead thing that you did, and
14 so that somewhere along the line, we have to draw a
15 balance between those two duties.

16 And the duty isn't necessarily the term I
17 use (inaudible), but the duties are probably going to
18 put you back in school and to disqualify you for a
19 period of time, and have you go out to the gangs and
20 the job sites, and explain what you did wrong.

21 You know? In the hopes that it doesn't
22 continue. And because, yes, we all like to eat. We
23 all have bills to pay, and families to support, and we
24 should be able to do that. We should be able to go to
25 work, understanding that when we do something stupid,

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1 we're still going to be able to pay our bills.

2 And so, that's the policies of the programs
3 that I'd like to see put into effect. And that would go
4 a long way to correcting the problems on this property.

5 MR. HIPSKIND: All right, gentlemen. With
6 your permission, would you mind if we take a short
7 bible break? And we'll come back and have a little bit
8 more dialogue, and kind of close out our interview.

9 (Whereupon, the above-entitled
10 matter went off the record at
11 (time) and resumed at (time).

12 MR. HIPSKIND: Okay, gentlemen, we're back
13 from our break, and those are all the questions that I
14 have for right now. And I, again, I'm speaking on
15 behalf of NTSB.

16 We greatly appreciate the dialogue we've had
17 thus far. But, our esteemed Dr. Beaton is with us. He
18 has not had a chance to dialogue with you.

19 So, Dr. Beaton.

20 DR. BEATON: Gentlemen, thanks for coming in
21 and spending time with us today. I'm really interested
22 in the stories that you're telling me and want to dig
23 into a little bit more detail, but I know that I have
24 to really kind of respect the time and respect your
25 time, and the committee's time here, so I'm not going

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1 to take a long, a large amount of time.

2 I would also like to preface this by saying,
3 my interest in being here -- I'm interested in
4 understanding what happened in Chester.

5 And I know that you weren't directly
6 involved in Chester, so I'm not going to ask you about
7 Chester per se, but I'd like to have you at least keep
8 in mind the circumstances, the situation, the type of
9 work, the type of gangs, the type of supervision, that
10 you are aware of about Chester, and use that as maybe a
11 frame of reference to answer some of the questions that
12 I have.

13 And I'll just throw out a general question
14 here. One thing I heard, over and over again, from you
15 guys, is that employees are afraid.

16 And I took that to mean both trackmen as
17 well as well as managers, or supervisors, or maybe mid-
18 level managers.

19 Is it a fair statement to say that they're
20 afraid because they're going to lose their job if they
21 get outside of the lines in anyway?

22 I mean, you've talked about the cardinal
23 rules and you talked about some of the Safe-2-Safer
24 programs, behavior based programs, not being very
25 effective, but for grown men and women to be afraid at

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1 work -- that's an odd situation to find yourself in.

2 What's really behind the afraid terminology
3 there?

4 ROCCO CARBINONA: Fear of losing their jobs.
5 They're not afraid for their safety in a sense that
6 they don't know how to protect themselves. They're
7 afraid of making a mistake and getting terminated. And
8 that's what I hear from the people I work with.

9 DR. BEATON: Okay. And, afraid of making a
10 mistake. If I would apply that concept to the
11 circumstances of the Chester accident, would that have
12 come into play? Or how would afraid of making a
13 mistake come into play, given the kind of work that was
14 being done at Chester?

15 ROCCO CARBINONA: I can't answer, not
16 knowing all the details of what really happened.
17 Honestly.

18 DR. BEATON: Okay. No, I appreciate that.
19 Thank you for, you know.

20 Jed?

21 Dave?

22 DAVID INGERSOLL: Can you give me that
23 question one more time?

24 DR. BEATON: Yeah, I mean, you're a grown
25 man, what's going to make you stay up at night and be

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1 afraid at work?

2 DAVID INGERSOLL: The fear of not
3 understanding or having complete confidence in my job
4 would keep me up at night.

5 DR. BEATON: But you get training, don't
6 you?

7 DAVID INGERSOLL: Sure I do. I think we've
8 pounded that home again, fifty times. There is no
9 training, there really is no -- I can go to Signal
10 School, can I talk about the Signal School, and the
11 training program?

12 DR. BEATON: Please.

13 DAVID INGERSOLL: The training program is
14 laid out to be taught in three different modules. When
15 we sat down and negotiated the training agreement,
16 which Amtrak -- I'll give you a little history.

17 When I first hired, after three months you
18 were a signal trainee, and then you were considered
19 into the training program.

20 Then that was changed to 12 months, and then
21 it was changed to two years. The time -- the reason it
22 was changed, was because the carrier could not fulfill
23 their obligation and train people in the negotiated
24 time frame, which still goes on as we speak.

25 The training program, the trainee enters

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1 into the training program, and by written agreement,
2 he's supposed to be out in nine months.

3 We have helpers here for five years. There
4 still not even through the training program. There is
5 no --

6 DR. BEATON: There's no classes being
7 offered?

8 DAVID INGERSOLL: Again, when we're talking
9 about people that apply for these jobs. And this is,
10 and I'll quote the words, "He was the only qualified
11 bidder, so we made him a signal instructor." This man
12 had nine months as a signal maintained, in the field,
13 four years on the railroad, and he is teaching railroad
14 signal.

15 Be careful when you're (inaudible).

16 That's the fear. There is -- you don't know
17 your job, and we promote people that don't. And it's
18 all because we're -- the majority of the work force is
19 young. You can't -- you don't get trained, so yes, and
20 now we come out with these cardinal rules. Oh my God.
21 Yeah. I am afraid, because you will be fired.

22 JED DODD: The fear is essentially an
23 arbitrary manner in which you're afraid you're going to
24 lose your job.

25 And while management will argue that the

1 cardinal rules are designed to make sure it's not
2 arbitrary, and that any minor infraction means
3 termination.

4 The fact is, minor infractions occur all
5 the time, and you're not terminated. But when you're
6 caught, you are terminated. And so, like it becomes
7 arbitrary, capricious in the way that that's applied.
8 And that makes you afraid.

9 Within the bargaining unit, at least you get
10 some sort of due process, under the collective
11 bargaining agreement. If you're a middle-level
12 manager, you get no due process. And I can think of
13 eight or ten people right now that were fired for minor
14 violations of RWP rules, that probably, in my opinion,
15 should not have been fired.

16 That they -- I mean, at one point, one guy
17 was fired because he got out of a truck on a, basically
18 a dead track, where the grass is this high, and didn't
19 get RWP protection. A train hasn't been on that track
20 for 25 years.

21 And that, by the way, doesn't mean that we
22 don't -- and I think the majority of the rank and file,
23 doesn't think that some issues require discipline and
24 termination.

25 If I can digress a little, and give some

1 examples of that.

2 A couple of years ago, we had a foreman and
3 a watchman that were screwing off, and allowed an
4 engine to hit a welder down in the Washington terminal.
5 The welder survived, fortunately. I mean, he's no
6 longer with the railroad as far as I know, but the tape
7 on the engine showed that the foreman and the watchman
8 were screwing off, and allowed that to occur.

9 They were fired. And the union declined to
10 arbitrate it. You know, from our perspective, that was
11 a very serious violation that resulted in a serious
12 accident that should never have occurred.

13 We have two guys that's in contrast in
14 Chicago, that are working on basically a dead track,
15 there's a broken down engine 100 feet up there under
16 blue flag protection, that the other end of the track
17 terminates. There's nothing coming from there. They
18 walk across it, they're doing their job. They walk
19 across the track and plug their power tool in and
20 they're terminated for being on the track without RWP
21 protection.

22 And that's where it becomes arbitrary. And
23 we're going to arbitrate those cases, and probably win,
24 a year and a half or two years from now. And like,
25 that sends terror into every man's thought and family,

1 when you're without that income for a couple of years.

2 And so, the idea is that every decision
3 you're trying to make is micro-managed to the point
4 where you're afraid of slipping up and making the wrong
5 decision, by instinct or mistake, or whatever, and so
6 you second guess everything you're doing, and you
7 become afraid to make decisions.

8 DR. BEATON: It sounds like this afraid
9 attitude is pervasive across craft, so it's not
10 isolated just in one craft.

11 I also heard, that the unions will take on a
12 challenge themselves. I mean, when management or the
13 company isn't providing you with the resource, you're
14 going to stand up a version to help your members. And
15 you talked about a training program that you stood up.

16 Are there other examples of things that
17 you've provided to the workers, that management hasn't
18 provided to you?

19 JED DODD: And what we've done, is we've
20 started on an organizing program because we recognize
21 that we have a lot of new members in the union as well,
22 that no longer understand the history of the union or
23 the history of what we've done.

24 And so we've embarked on an internal
25 organizing program that was going to be geared mainly

1 around advancing the collective bargaining agreement.
2 And on the freight sides, it's still advancing the
3 collective bargaining agreement, but we've turned its
4 focus on the Amtrak side to improving safe working
5 conditions, and enforcing the rules. And what that
6 does is, we've put on Amtrak 400 -- basically new
7 hires, through a training program that teaches people
8 how to basically organize out on the job.

9 And from our point of view, we have three
10 rules on Amtrak that have a certain amount of
11 discretion in terms of how they're applied.

12 One is the shunting rule. One is how many
13 watchmen you put out on a job site, and the third is
14 the piggy-back rule. About whether or not foremen have
15 track out of service, and can put other jobs that come
16 into their service. And that creates a certain source
17 of conflict, in terms of like arguing about how those
18 rules are to be applied, or responsibilities with the
19 foreman, and the local management out on the property.

20 And what we decided to do, is embark on a
21 training program where we produced training materials,
22 and used the guys who had organized around the
23 collective bargaining struggle, to go out on the
24 property and give the most conservative interpretation
25 of each of these rules, that our interpretations are

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1 correct, and actually the interpretations were taken,
2 sometimes, from Amtrak materials.

3 But, we no longer took the discretion out of
4 the application of those rules, so there's no longer,
5 like a confusion, about how they applied, that from the
6 point of view of the union, we apply the most
7 conservative end to that, and we've called upon the
8 foreman to eliminate piggy-backing, to apply shunt
9 straps under all circumstances, and to take the number
10 of watchmen in this RWP book that we've developed, as
11 the minimum number required, as opposed to like a
12 discretion number, in terms of the job sites, if you're
13 protecting with watchmen. And we've gone out on the
14 job sites and organized around those issues ourselves.

15 DAVID INGERSOLL: Fall protection is the
16 issue that I've most recently addressed. People will
17 not climb until you provide us with the proper
18 equipment or the training or a letter. There's
19 nothing. You have to -- we feel that we have to take
20 it upon ourselves, because the cardinal rule says
21 you're going to fire me and the history is, you're are
22 enforcing your cardinal rules. So, don't be -- don't
23 put yourself in that position.

24 ROCCO CARBINONA: As a supervisor and ARSA
25 member, I have to enforce the rules.

1 There's no discretion and I have no
2 authority to do anything other than report and enforce
3 the cardinal rules, for something I may think is a
4 corrective action I could take, and possibly educate an
5 employee a little more. I don't have that discretion.

6 It's just a matter of I have to report it up
7 to a higher up, and I'm sorry whatever's going to
8 happen, is going to happen, there's nothing I can do
9 for you. Otherwise, my job is on the line.
10 So, there's the fear of not even being involved in an
11 infraction, but just knowing of it, you're also held
12 accountable for that same level of termination.

13 DAVID INGERSOLL: I'd like to add on that.
14 When there is discipline, I'm with Jed, you know?

15 Discipline is needed, you know, I'm not
16 going to say that it is not. But every infraction -- I
17 may be wrong -- every infraction is overlooked? Is
18 there a cardinal rule violation in that? Okay. Send
19 it to Washington to get a review on that. Even before
20 they present charges on a local level, they want to
21 know, is there a cardinal rule involved in that, and if
22 it is, make sure you're charged with that.

23 DR. BEATON: Okay. As a result of the
24 Chester accident, are the unions standing up anything
25 special that, based on what you see in Chester?

1 DAVID INGERSOLL: What we did was try to
2 enforce, you know, the safety aspect and the rules.
3 Follow the rules. You know, if it says, as a
4 signalman, I can honestly -- we never hesitated on
5 putting a shunt down. You know, we could open up --
6 we're more, you know, we have a better advantage of
7 protecting ourselves through the signal system than the
8 track operator, but you know if you think you may foul,
9 get a foul, and put a shunt down.

10 It doesn't -- you can always pick it up.
11 You're not get in trouble, you know. Just take the
12 safest course of action, and we try to, you know, push
13 that.

14 DR. BEATON: Will there be any alerts to
15 your members? Judged on Chester?

16 JED DODD: Some of the material we've
17 provided to Mr. Frigo, were letters we've written to
18 the membership and the management about Chester, and
19 we've included those letters to management. We've also
20 sent them to our membership, but since then, we've
21 produced training materials and leaflets, that are
22 specifically as a result of the Chester accident.

23 DR. BEATON: What's the subject of the
24 training that you developed that was a result of
25 Chester?

1 JED DODD: All right. The training is a
2 generic training, that teaches young members of the
3 union that have no idea what a union is, or how to
4 organize, how to organize around issues on the job, and
5 to basically, stick together and promote the idea to
6 the young.

7 That's the generic training. What we've
8 done is we've coupled that with these safety leaflets
9 we've developed, that allowed them -- what we call
10 front line coordinators, to go out into the job sites
11 and then discuss with the other members of the gang,
12 using the leaflet as an education tool, to talk about
13 basically those three issues that I've discussed
14 before, the shunting rules, the watchman rules, and the
15 piggy-backing.

16 DR. BEATON: Are you guys, is your
17 Brotherhood doing anything because of Chester?

18 Unidentified Speaker?: Are we doing --
19 yeah, we're basically doing more in depth inspections
20 on the on track briefings, to ensure that the foreman,
21 and/or maintainers in my case, are protecting
22 themselves properly, with respect to whether have local
23 control or am interlocking, or use of an SSB or not
24 using SSB. What are they using as a form of
25 protection. Proper documentation.

1 DR. BEATON: Okay.

2 JED DODD: The one thing I would say is that
3 the leaflets we've put out have got the three union
4 locals on the bottom of them, and the letters we've
5 sent to the memberships and the management have all
6 been signed by the three unions, jointly.

7 DR. BEATON: Okay. Without asking you for
8 specifics on the Chester, but when you look at the
9 circumstances of Chester, you're probably not seeing a
10 new type of accident. I'm sure with your experience,
11 you've seen run-throughs before, and there's lessons
12 that have been learned and paid for in blood in the
13 past, because of accidents like this.

14 How well do you think Amtrak is going to be
15 able to learn the lessons, and act on the lessons from
16 Chester?

17 Do you have any opinion about that? Or, and
18 I don't want to just restrict it to Chester, but it's
19 the context in which I'm motivated to ask these
20 questions.

21 DAVID INGERSOLL: I don't think they learned
22 anything from Nikki Kline's fatality.

23 So, I don't know what they'll learn from the
24 Chester fatality. In my opinion.

25 You know, they still have helpers out there

1 taking tracking and time. What did they learn? Just
2 state the mission and they do it out there all the
3 time.

4 They didn't learn anything.

5 JED DODD: I personally think this
6 management is so ideologically opposed, to like any
7 type of real cooperation with the unions, that they
8 can't get out of their own way, to like, promote any
9 programs that will actually change things.

10 DR. BEATON: Okay. So you're not optimistic
11 that they'll learn anything?

12 JED DODD: No I'm not. We wrote to Mr.
13 Boardman, the three unions, wrote to Mr. Boardman
14 shortly after the accident, with a list of items that
15 we thought should be corrected. And we've met with
16 senior management a few times, and it appeared at one
17 point, that we were making some headway, and then
18 things just collapsed.

19 I mean a couple of minor issues, relatively
20 minor issues, in the letter we had written, were
21 addressed, and the major ones were not. So.

22 DR. BEATON: Did you include that letter
23 that you'd written to Boardman in the materials?

24 JED DODD: In the materials? Yes I did.

25 DR. BEATON: Okay. Thank you.

1 I think that's all the questions I have for
2 you.

3 MR. HIPSKIND: All right. Let me look
4 around the room and see if there are any -- seeing a
5 lot of head shaking, no.

6 Ryan, anything?

7 MR. FRIGO: I have nothing further.

8 MR. HIPSKIND: All right. Gentlemen. Let
9 me get out my script, and make sure I read these
10 questions correctly.

11 Is there any questions that we should have -
12 - or is there anything that you would like to change or
13 add to the discussion that we had here today?

14 I'll ask each of you. Jed?

15 JED DODD: No, I'm satisfied.

16 MR. HIPSKIND: Dave?

17 DAVID INGERSOLL: No.

18 MR. HIPSKIND: And Rocco:

19 ROCCO CARBINONA: I would just like to say
20 that as an ARSA representative, we are always willing
21 and able to come together to discuss improvement on
22 safety, or anything with the facet of improving our
23 working conditions, for all employees. And we're
24 willing.

25 MR. HIPSKIND: Dave, Jed, do you agree with

1 that?

2 DAVID INGERSOLL: I agree with that.

3 JED DODD: Yes, certainly.

4 DAVID INGERSOLL: I'll go on the record.

5 MR. HIPSKIND: All right. And, are there
6 any questions we should have asked, but did not?

7 No, across the board?

8 Do you have any suggestions for preventing a
9 reoccurrence, and I'll add to that, or to improve
10 safety communication, the safety culture, as you've
11 characterized it here on Amtrak?

12 Jed?

13 JED DODD: I would reinstate the close call
14 policy. I would abandon the cardinal rule policy, and
15 I would eliminate the undue influence of the legal
16 department in the Safety Advisory Committee, and what
17 those of us that have to deal with these issues on a
18 daily basis, get to the work of fixing some of these
19 problems.

20 MR. HIPSKIND: And you are committed to that
21 effort, of improving the Safety Advisory Committee?

22 JED DODD: Absolutely.

23 MR. HIPSKIND: Dave?

24 DAVID INGERSOLL: I agree with Jed. There's
25 not a time that I haven't been for all to just sit down

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1 and try to rectify an issue. As Jed has said, within
2 the last few years, it's either my way or the highway,
3 and we, me speaking for me, I'm always on the outside
4 looking in.

5 MR. HIPSKIND: A positive change or
6 improvement would be welcome by all of you?

7 JED DODD: Oh, absolutely yes.

8 DAVID INGERSOLL: It would make my life
9 easier.

10 MR. HIPSKIND: Rocco, anything to add that
11 question on the --

12 ROCCO CARBINONA: I would just say, a
13 truthful commitment from management to listen to the
14 organizations, would be of benefit to us all.

15 MR. HIPSKIND: Okay. And just a detail.
16 Maybe it got lost. The Safety Advisory Committee --
17 are you meeting on a regular basis?

18 Yes?

19 JED DODD: Yes, except with August, things
20 got a little confused. But we're meeting since the
21 Chester accident regularly except for this last month,
22 and we'll continue to meet I'm sure.

23 MR. HIPSKIND: And how should I think of
24 that schedule? It's every --

25 DAVID INGERSOLL: It's supposed to be the

1 first Monday of the month.

2 MR. HIPSKIND: So monthly?

3 DAVID INGERSOLL: But there was years that
4 we didn't meet. I mean, a long time.

5 JED DODD: Well, what happened is when they
6 instituted the Safe-2-Safer, they started to, like
7 basically on have the Safe-2-Safer meeting, that the
8 Safety Advisory Committee was supposed to be doing
9 other stuff, but we never did other stuff, because we -
10 - they had this thing they called a dashboard, that to
11 this day, I don't know what that God damn dashboard is.

12 But we reviewed it in depth at the Safety
13 Advisory Committee meetings, but signal wasn't involved
14 in the Safe-2-Safer program. So, for several years,
15 they didn't go.

16 MR. HIPSKIND: Okay, last question to each
17 of you.

18 Is there anyone else who we should
19 interview? Rocco?

20 ROCCO CARBINONA: I have no people to give
21 you to interview.

22 MR. HIPSKIND: Okay. Dave?

23 DAVID INGERSOLL: I do. I think the safety
24 liaisons from the signal department would be an asset,
25 just because they are the front line guys that are

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1 seeing the guys on a daily basis.

2 MR. HIPSKIND: Okay, and the benefit of that
3 is they would give us visibility into --

4 DAVID INGERSOLL: They would give you the
5 insight of the actual daily tasks or the obstacles that
6 we are faced with on a daily basis.

7 MR. HIPSKIND: Boots on the ground. Real
8 world.

9 DAVID INGERSOLL: Correct.

10 MR. HIPSKIND: Okay. And Jed?

11 JED DODD: The safety liaisons. I think
12 there is a supervisor mentor that recently retired,
13 Rich Sullivan, that I think would be able to add a lot
14 to this discussion. And I think if you just
15 interviewed, like a random sampling, or perhaps
16 candidates, we could suggest some of the older and
17 younger foreman, and they wouldn't necessarily agree
18 with us, or even with each other, but you'd get a
19 greater idea of, like what's actually going on there.

20 Because it's -- the answers aren't simple.
21 The answers are complex, and it wouldn't surprise me at
22 all if people had different opinions of the shape of
23 the table.

24 MR. HIPSKIND: Okay. I know we engaged in a
25 little bit of added information.

1 Any comments, questions from anybody?

2 MR. HIPSKIND: Okay, Gentlemen. It was our
3 honor to have you here today and we greatly appreciate
4 the open dialogue and the way you conducted yourself.

5 And with that, let's close the interview.

6 (Whereupon the interview went off
7 the record at (time)).

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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. DCA16FR0
Interview of Jeff Dodd, Dave Ingersoll
and Rocco Carbinona

DATE: 08-25-16

I hereby certify that the attached transcription of page 1 to 96 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.



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