

UNITED STATES OF AMERICA

NATIONAL TRANSPORTATION SAFETY BOARD

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Investigation of:

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ACCIDENT INVOLVING AMTRAK TRAIN

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#89 AND MOW EQUIPMENT AND

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EMPLOYEES NEAR CHESTER,

*

Accident No.: DCA16FR007

PENNSYLVANIA ON APRIL 3, 2016

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Interview of: WICK MOORMAN

Amtrak
Keswick, Virginia

Thursday
November 3, 2016

APPEARANCES:

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

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

BOB BEATON, Ph.D., Division Chief
Human Performance and Survival Factors Division
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ANN GARCIA, Accident Investigator
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DONALD HILL, Safety Task Force
Brotherhood of Locomotive Engineers and Trainmen (BLET)

WILLIAM BATES, Co-Director, National Transportation
Safety Team
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THERESA IMPASTATO, Deputy Chief Safety Officer
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STEVE STEARN
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DAVID KANNENBERG, Deputy Regional Administrator
Region 2
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Landman, Corsi, Ballaine & Ford, PC
(On behalf of Mr. Logue)

MICHAEL HOEPF
FORREST HOLDCROFT
National Transportation Safety Board
(Observer)

I N D E X

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I N T E R V I E W

1
2 MR. FRIGO: Good morning everybody. My name is Ryan Frigo
3 and I'm the NTSB Investigator in Charge and Operations Group chair
4 for this accident. We are here today on November 3rd in Keswick,
5 Virginia to conduct an interview with Mr. Wick Moorman who works
6 for the National Railroad Passenger Incorporation, or Amtrak.

7 This interview is in conjunction with NTSB's investigation of
8 a collision of Amtrak Train 89 with workers and equipment on April
9 3rd, 2016 near Chester, Pennsylvania on the Northeast Corridor.

10 The NTSB accident reference number is DCA16FR007.

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

16 Again, my name is Ryan Frigo. The spelling of my last name
17 is F-R-I-G-O. I am the NTSB Investigator in Charge and Operations
18 Group chair for this accident.

19 DR. BEATON: I'm Bob Beaton, B-E-A-T-O-N, NTSB. I'm Chief of
20 the Human Performance and Survival Factors Division.

21 MS. IMPASTATO: Theresa Impastato, the spelling of my last
22 name is I-M-P-A-S-T-A-T-O, Amtrak Deputy Chief Safety Officer.

23 MR. BATES: William Bates, B-A-T-E-S, SMART National
24 Transportation Safety Team.

25 MR. STEARN: Steve Stearn, S-T-E-A-R-N, I'm with the

1 Brotherhood of Maintenance and Way Employees.

2 MR. HOEPF: I'm Mike Hoepf, I'm -- oh, sorry, H-O-E-P-F, I'm
3 an investigator with the NTSB Post (inaudible).

4 MS. GARCIA: Ann Garcia, G-A-R-C-I-A, with the NTSB Human
5 Performance Investigator.

6 MR. TOMASSONE: Lou Tomassone, T-O-M-A-S-S-O-N-E, FRA Safety
7 Inspector.

8 MR. KANNENBERG: David Kannenberg, K-A-N-N-E-N-B-E-R-G,
9 Deputy Regional Administrator, Region 2, FRA.

10 MR. HIPSKIND: Good morning, everybody. My name is Dick
11 Hipskind, and you spell my last name H-I-P-S-K-I-N-D and I'm the
12 Track and Engineering Group Chairman for NTSB on this accident.
13 And can we introduce Don?

14 MR. FRIGO: Don, go ahead.

15 MR. HILL: Don Hill, H-I-L-L, BLET Safety Taskforce.

16 MR. MOORMAN: I'm Wick Moorman, M-O-O-R-M-A-N and I'm
17 President and Chief Executive Officer of Amtrak.

18 MR. FRIGO: Thank you Mr. Moorman. Do we have your
19 permission to record our discussion, our interview with you today?

20 MR. MOORMAN: You do.

21 MR. FRIGO: Thank you. And do you wish to have a
22 representative with you at this interview?

23 MR. MOORMAN: I do.

24 MR. BONVENTRE: John Bonventre, B-O-N-V-E-N-T-R-E, I'm with
25 Landman Coris Ballaine & Ford, representing Mr. Moorman.

1 INTERVIEW OF WICK MOORMAN

2 BY MR. FRIGO:

3 Q. Thank you, sir. And Mr. Moorman, before we get into talking
4 a little bit about why we're here today, I'm wondering if you
5 could give us a synopsis of your work experience and take us up to
6 your current role at Amtrak?

7 A. Well let me give you the Cliffs notes version of a long and
8 checkered past. I actually started to work for the Southern
9 Railway, one of the Norfolk Southern predecessors, in 1970 as an
10 engineering coop student when I went off to Georgia Tech. So I
11 worked for actually a total of two years while as a coop student
12 while I was getting my degree at Tech.

13 I graduated in 1975 and went into the Southern Railway's
14 Management training program. The management training program at
15 Southern at that time was really focused on putting everyone
16 through the engineering department. And then your career could go
17 in a number of different ways. So I was a management trainee then
18 I was a track supervisor in two locations. Albany, Georgia, as
19 they called it and Greensboro, North Carolina. Then an Assistant
20 Division Engineer in Greenville, South Carolina and then Division
21 Engineer in three locations. And the last of which was back to
22 Greensboro, North Carolina.

23 I had, in 1987, what I've always described as an early
24 midlife crisis. And I always point at that my wife at the time
25 said that was fine, but remember that I only got one. So I went

1 back to business school. I actually left NS, it was -- by that
2 time it was NS, and went back to business school and was fortunate
3 enough when I graduated to be hired back by the company -- by
4 Norfolk Southern. And went into an operations staff role in
5 Atlanta.

6 Was in Atlanta about three years and the -- by that time I
7 was Assistant Vice President of a big group called Stations and
8 Terminals and Transportation Planning. And out of the blue, and
9 it's -- I won't bore you with the story, but probably the single
10 biggest surprise I ever had, I learned that I had been elected
11 Vice President of Personnel and Labor Relations. I knew there was
12 such a job. I didn't know it was vacant. I really didn't know
13 who had been in it before. And they said come on up to Norfolk,
14 which I did.

15 I did that for about a year and a half. And then as a result
16 of some things that we did in our group, there was a -- there was
17 an early retirement, a buyout program and the Vice President of
18 Information Technology left and they decided that either I'd done
19 such a good job or a bad job at where I was that I should go do
20 IT. So I went and did IT for seven years. Not knowing any more
21 than control, alt, delete for most of the time. But that was a
22 very solid experience for me. We did Y2K and we did the CONRAIL
23 transaction, both of which were great challenges from the
24 technology standpoint.

25 I then was put in charge of a little telecom subsidiary that

1 we set up, internal subsidiary, to put fiber on the right of way;
2 which a lot of carriers did and still do. That was great for a
3 year when telecom was really moving ahead and then when the bubble
4 burst it was really horrible for a couple of years. But I somehow
5 survived that. And added strategic planning to my
6 responsibilities when a fellow named Jim McClellan (phonetic)
7 retired.

8 And then in 2004 became president of Norfolk Southern and
9 became CEO in 2005. Stepped down from the role of CEO in the
10 middle of 2015 and retired from the board of directors at the end
11 of 2015. And was very happily retired, and now somewhat to my
12 surprise and my wife's chagrin, I am at least for a while,
13 President and CEO of Amtrak. It's a crazy story, I know. I know.

14 Q. And you managed to tell it in about five minutes.

15 A. Listen, I didn't give you the hour version. There are a lot
16 of twists and turns along the way, but so that's who I am.

17 Q. Well I, you know, I thank you, I just want to thank you for
18 sharing that with us and, you know, I think that your experience
19 and your wealth and knowledge that you've gained over the years,
20 I'm just very interested to hear how that comes out in our
21 questions today and your responses. So if we could start out and
22 we'll shift to Amtrak now.

23 A. Okay.

24 Q. And I just want to ask you this very kind of broad question;
25 but what is your view of the current state of safety at Amtrak?

1 A. I think that -- let me preface everything that I'm going to
2 say today with the obvious fact that I'm operating at a very high
3 level. I have not had the chance to kind of drill down into a lot
4 of things but I'll describe something that we're doing to help
5 with that.

6 I think that the company has progressed in terms of safety.
7 I think there are some initiatives and some projects that are
8 currently underway that are going to strengthen the safety
9 process. But I think there's still some way to go before we
10 really build what I would describe as a highly effective safety
11 culture. And kind of reach best in class safety performance. And
12 I would describe best in class in this instance as looking like
13 the Class 1's.

14 So I'm not -- I'm not discouraged by what I see at Amtrak in
15 terms of safety, but I think there's just work to be done. And as
16 all of you know, I'm sure you don't ever turn safety on a dime.
17 You don't turn your culture around safety or anything else
18 quickly. It's a long-term process and it requires good programs,
19 it requires perseverance to make that happen. But it's happened
20 in a lot of other industries and a lot of other companies. It
21 happened at Norfolk Southern a long time ago. And it can happen
22 here.

23 And I will say in terms of kind of promoting the safety
24 culture and thinking about what are the programs and what are the
25 additional initiatives that we need to take. One of the people

1 who I've asked to come in on a consulting basis and help me do a
2 deep dive more quickly is a gentleman named Mark Manion who just
3 retired as chief operating officer at Norfolk Southern. And Mark,
4 for many years was absolutely instrumental in, and passionate
5 about safety at Norfolk Southern. And he is taking a very hard
6 look at programs and talking to a lot of people in order for us to
7 formulate where we go next.

8 Q. That's good to hear that you're taking a proactive stance in
9 your -- you know, in the beginning of your tenure. You mentioned
10 some programs that you've, I guess, have been briefed on or have
11 had the chance to talk to staff about. Can you tell us more about
12 how you plan on influencing, you know, not only injecting your
13 values onto those programs, but how do you get that message
14 throughout the organization? What are your plans on that?

15 A. Well that's a great question. I think that one of the things
16 that you have to evaluate very quickly and we will, is the state
17 of our training. What kind of training are we giving everyone
18 around the -- all of the factors around safety, all of the factors
19 around rule compliance, which is one of the bedrocks of a strong
20 safety program? We have to -- so we have to evaluate that part of
21 the process. There is training, I know. Can it be made more
22 effective and at whom do we -- who are the people we make sure
23 that are trained first.

24 And let me also say that as we talk about training, you know,
25 it's training not only in terms of, you know, safety awareness,

1 this idea of situational awareness which is so important; it's the
2 idea of working safety to the rules and all of those things. But
3 it's also inculcating people with the message that everyone's
4 responsible for their own safety and the safety of everyone around
5 them. And that goes for the folks who are working on the trains,
6 or working on the track or working in the office, wherever it is.
7 And beyond that, we're responsible for the safety of our
8 passengers and we're responsible for the communities that we
9 serve. Right. So you've got to build that level of awareness.

10 Then you have to have the appropriate training at the
11 managerial, supervisory level to make sure that they're
12 appropriately trained in two things. One is when they see
13 problems or they see issues, they deal with them. And if they
14 have continuing problems, they deal with them appropriately. But
15 the second piece of this which really Mark at NS was
16 a -- implemented and was a strong believer in, is constant
17 positive reinforcement of all of the good things that are going
18 on. Not just walking out and looking for what's wrong, looking at
19 everything. And when you see employees -- and we have a lot of
20 great employees at Amtrak. That the reason the place runs, right,
21 is great employees. When we see them doing the right things,
22 which the vast majority of them are doing, positively reinforce
23 that.

24 So I think that's kind of a big step forward, is training
25 around all of these issues. And when you look at -- when you look

1 at safety and you look at safety leaders in any industry, safety
2 has to be top down and bottom up. I have to -- in everything that
3 I do set the tone. As does D.J. Stadtler and everyone else out
4 there that we're focused on safety and on everyone in the work
5 force having the appropriate attitude and awareness about safety.
6 It has to then come from the bottom with training and talking to
7 people.

8 And one of the things that I don't know about yet at Amtrak
9 is where not only safety, but so many things die in large
10 corporations, is kind of in the middle. It's getting those kind
11 of first and second level supervisors and managers in the same
12 place. So that they're believers and promoters of the safety
13 culture and safety awareness. And they're making sure that
14 everyone that they work with has that same level of awareness and
15 that same level of looking out for each other, complying with the
16 rules, et cetera, et cetera, et cetera. So it's that overall
17 program that's absolutely important and that's where we're trying
18 to go and to figure out very quickly what else can we do to
19 supplement wherever it's required in that stack.

20 Q. I heard you mention that your description touches on a few
21 themes that I know my colleague, Mike is going to talk about when
22 it's his turn to question about learning from mistakes and the
23 positive reinforcement and, I know Mike's going to want to chat
24 about that. And also, you mentioned this middle level and I think
25 that's a good transition for me to ask you about the current

1 Office of System Safety at Amtrak and what we've learned thus far
2 in some of our discussions. And we've learned that the Office of
3 System -- although safety has been ingrained in the culture of
4 railroading at Amtrak for a long time, what's new is this Office
5 of System Safety. And it's something that 2014, I believe is the
6 correct year and -- so I'll call it young and evolving.

7 And we've also learned that throughout discussions with the
8 Chief Safety Officer and the Deputy Safety Officer that the
9 staffing levels are limited within that office and according to
10 their own assessments that have been done and I just have to ask
11 you with all these plans and this enormous lift that safety is;
12 that's a challenge that needs to be overcome and how do you see
13 overcoming that challenge of that limited work force and that
14 young and evolving safety group?

15 A. That's a great question and it's one quite frankly I've met
16 with Michael and Theresa and we've had some conversation already.
17 I know they've had more conversation with Mark. And I think we
18 have to think through the staffing levels and exactly what the
19 roles of that office ultimately are. At Norfolk Southern we had a
20 Safety and Environment department. But it was purely -- it was a
21 support group. It was a support group for programs, you know, it
22 was creating programs and things like that. And it was also the
23 group which, you know, made sure from a kind of an oversight and
24 record keeping standpoint that we were complying with FRA
25 guidelines and doing everything else.

1 But I don't know about the staffing levels yet, but what I
2 would tell you is this, that if Amtrak is going to become the
3 company that we all want it to become and I think it can become,
4 the ownership of safety is in the field. I mean, you can have
5 lots of support around it and you need support around it to some
6 extent, but the Office of System Safety isn't going to drive the
7 safety program at Amtrak. What's going to drive the safety
8 program at Amtrak are the people who are out doing the work. The
9 management and supervision and the folks who are out on the ground
10 delivering service to our customers, maintaining our
11 infrastructure and our assets and I've seen it before.

12 In fact I've -- in our company years ago that we had kind of
13 adjunct safety people in various operating organizations. And we
14 came to the conclusion and it wasn't just our conclusion, it was
15 the conclusion of some very bright people that we had come and
16 look, that you know, that's well and good, but what can happen is,
17 you'll say you don't want to go to Amtrak or any organization and
18 say, who's responsible for safety out here and have them say the
19 Office of System Safety. What you want them to say is, I'm
20 responsible for safety.

21 So it's kind of -- let me say this parenthetically, I am
22 really good at giving long answers to really simple questions.
23 And if you just say I want yes, no, maybe or I don't know, I
24 can -- so that was kind of an I don't know, but here's a
25 philosophical underpinning. Is that fair enough?

1 Q. And that's okay. Because --

2 UNIDENTIFIED SPEAKER: That's welcome, thank you.

3 MR. FRIGO: -- it's honest and again, we're all mindful and
4 the reader of the transcript needs to be mindful that you're new
5 in this role. You're new to the organization and in all fairness,
6 it's a large organization and you haven't really had a chance to
7 get your arms around it. It' just I just wanted to put that out
8 there because it's been a reoccurring theme in some of our --

9 MR. MOORMAN: Okay.

10 MR. FRIGO: -- discussions and --

11 MR. MOORMAN: I've heard this, I just don't know enough to
12 know really. But my philosophy is, ultimately it's the folks who
13 are doing the work out there every day that have to be responsible
14 and own safety.

15 BY MR. FRIGO:

16 Q. And that ties to your earlier comments about training as
17 well. And, I want to talk a little bit about Amtrak's plans and,
18 again, its evolving plans on its Safety Management System. And
19 what I mean by that is not the computer program or it's not the
20 product off the shelf, but the system that will allow for safety
21 management to flourish within the organization. So the policies
22 from the top level, the programs and the plans that implement
23 those polices. The assurance practices that assure that those
24 programs are being run effectively and that all important final
25 cornerstone which is the promotional aspect of how do we promote

1 all of the above to our employees across the country?

2 So specifically as it ties to Safety Management Systems and
3 again, I'm mindful of the fact you might have only had a high
4 level discussion about it, but I'm hoping you can talk about that
5 last pillar, promotion. And how do you see accomplishing that
6 difficult task of not only promoting safety, the programs of
7 safety, but delivering your message and your view on safety to
8 each and every employee?

9 A. You know, that's -- I was going to say I don't know because
10 there's a lot I don't know. But I will tell you I think that's a
11 great question. And it's a very difficult -- that's a difficult
12 thing to do. Because Amtrak has 20,000 employees and it's
13 hard -- Norfolk Southern had 30 and I had a goal at one time to
14 shake every employee's hand. I estimated I got to about 15,000,
15 so it's hard to reach everyone. But you have to do that and I'll
16 go back to this whole idea of this somewhat hackney phrase in a
17 way of tongue at the top. And the best way for me to reach
18 everyone is that everyone I talk to, for example, I rode the
19 Corridor yesterday, I talked to the DEs, I talked to a lot of
20 folks. The first thing I talked about was safety. What's going
21 on with safety?

22 To make it clear to everyone that it's my first concern. And
23 to reinforce to everyone in a management position and I have -- I
24 gave this message to a large group the other day that it's then
25 incumbent upon them to set the appropriate tone. And if they're

1 not doing the right things all the time, then it will fail because
2 people inevitably watch what folks do, particularly folks that are
3 in leadership roles. If you see somebody -- and I'll give an
4 example -- if you see somebody in a leadership role and you talk
5 about safety and you see this person go up and down the stairs and
6 they never put their hand on the handrail, there's a message
7 there. There's an awareness message. It's the little things a
8 lot of times that matter. And if that person then sees someone
9 else who does the same thing and doesn't say, you don't go over
10 and say, you didn't put your hand on the handrail, I'm going to
11 write you up, you say, you need to -- our rule is keep a hand on
12 the handrail. And we say it because people fall and get hurt.

13 And reemphasizing this message that we're not just saying
14 these things to be saying them. You know, we're not saying these
15 things because we want to win some award. We say them because at
16 the end of the day, and I've said this for many, many years -- the
17 fundamental first priority of everyone in our company should be
18 that everyone goes home safely at the end of their work assignment
19 and everyone they work with goes home safely. And there's no
20 higher obligation that any of us have. So, trying to be seen as
21 saying that, doing that, giving that message constantly, that's
22 the best way I can do it. And I can't talk to everybody at the
23 company. I wish I could.

24 Q. Well, if you reach 15,000 you'll be at a higher percentage.

25 A. That's so. That took ten years and I could spend ten years

1 trying to do that at Amtrak. But I wouldn't be married.

2 Q. Let's stick with that theme of time at Amtrak.

3 A. Okay.

4 Q. And we -- I guess the appointment can be viewed as short term
5 for now, and I want to tie that into messaging. How, as an
6 employee in the field, in hearing whether it's a new direction or
7 the tone that you're trying to set but also knowing --

8 A. How does it endure?

9 Q. Correct. What are your thoughts on that?

10 A. Well I think that's another great question. I'm not -- and I
11 tell everyone this, it's not a secret -- I'm old. And I've had a
12 hard life. I'm not the long term leader -- next leader of Amtrak.
13 A large part of my job is to find -- be part of finding the next
14 long term leader. And the one thing that I can assure all of you
15 and I assure everyone at Amtrak is that the next long term leader
16 will see the world that I do. And the same way that the board
17 does, of safety.

18 The other important message here is when I -- they -- when I
19 started talking to the chairman of the board and the vice chairman
20 of the board about doing this, the first thing they wanted to talk
21 about was we need a change in safety. And I said that's what we
22 want. So there's a commitment across the top that we're going to
23 continue this focus. And what we can do, what I can do with the
24 help of my colleagues is ensure that we have put the process and
25 programs in place that we know work in our industry.

1 Q. Well, Mr. Moorman, I want to thank you for your honesty in
2 that series of questions and I do have some follow-up and some
3 other off topics that I'd like to get to when we go around, but at
4 this time I'll turn it over to my distinguished colleague to my
5 right.

6 DR. BEATON: Good morning, Mr. Moorman.

7 MR. MOORMAN: Good morning.

8 DR. BEATON: Again, I'm Bob Beaton from NTSB and I appreciate
9 your gracious hospitality here. This is a delight to come over
10 here but in the interest of full disclosure, I came over from
11 Blacksburg.

12 MR. MOORMAN: Oh my gosh. I really -- no, that's fine. I
13 have no love for UVA or Virginia.

14 DR. BEATON: Oh, okay.

15 MR. MOORMAN: I went to Georgia Tech.

16 DR. BEATON: My failsafe in telling you that is I did spend a
17 couple years on faculty at UVA but I'm a born and bred hokie,
18 so --

19 MR. MOORMAN: Oh, okay. Well, listen, it's fine with me, but
20 I wouldn't say it too loud when I leave this place.

21 DR. BEATON: I know. I know. I came in --

22 MR. MOORMAN: You slipped in.

23 DR. BEATON: Right. Yeah. And for those of you that aren't
24 following that conversation, one of the great in-state rivalries
25 here in Virginia are between the football teams at UVA and

1 Virginia Tech. And I guess baseball and basketball and --

2 MR. MOORMAN: Every --

3 MR. BEATON: -- everything.

4 MR. MOORMAN: -- everything.

5 BY MR. BEATON:

6 Q. Well, Mr. Moorman I'm here to try to learn from you today.
7 And I've got about three areas that I'd like to learn from. I'd
8 like to respect the fact that Chester Pennsylvania didn't happen
9 on your watch. So I'm not going to try to nail your feet to the
10 floor on details of Chester. But to the extent that I'm sure
11 you've been briefed and familiar with it. To the extent that
12 going back to the 70s and 80s and your time as a railroad worker,
13 a lot of the questions that I'd like to learn from you today
14 probably draw on your railroad experience. And to the extent that
15 you can provide me an answer that may help me understand where
16 you're going at Amtrak, that's my motivation, okay. So there's no
17 secrets here in terms of what I'm trying to understand.

18 When we look at railroad operations, particular roadway
19 worker operations such as happened at Chester. Again, I'm not
20 worried about the details, but what I'd like to get your opinion
21 on is the level of safety that's reflected in the behaviors. And
22 I'll key off of one of the comments that you made that you're
23 interested in people not just holding folks accountable to the
24 rules but observing when they do something good or when they do
25 something unsafe. Okay.

1 So if I try to make this concrete here, if you have a job as
2 a flagman and as a flagman you position yourself in a location at
3 a job site where you're not effective in warning the ground
4 crew -- the rest of the crew that you're trying to protect, is
5 that safe or unsafe or what would you say about that? What's the
6 level of duty or responsibility for a flagman that puts himself in
7 an ineffective position?

8 A. Well, the level of -- a flagman's responsibility is to put
9 themself in a position where they are effective. So to the extent
10 if something like that happens and as you know, every situation
11 has its own set of nuances.

12 Q. Right.

13 A. But if you want a broad comment about that, if that flagman
14 has been properly trained and instructed on what his
15 responsibilities are and then he does not -- and this would go for
16 flagmen or anyone else -- and then does not carry them out
17 appropriately, then that person is in the wrong. That person has
18 not done their job and that's an important job, as so many are,
19 because the consequences can be extremely serious.

20 Q. Okay.

21 A. Is that safe or unsafe. That's clearly, if they've not done
22 it effectively, that's created an unsafe condition.

23 Q. That would be an unsafe -- okay.

24 A. Yeah.

25 Q. All right. Thank you. And what -- I would just like to

1 continue this for a couple examples here. If we had a roadway
2 worker crew supervisor -- the role of a supervisor -- if we found
3 that that supervisor was actually engaging in the manual labor at
4 the job site, would that -- what would your railroad expertise
5 tell us about a supervisor who is working?

6 A. You know, I think, again, that's a nuanced -- that depends on
7 the situation. Once that supervisor has ensured that his
8 workforce is properly protected, once that supervisor is
9 comfortable that all of his workers are behaving in a safe manner,
10 acting in a safe manner, have situational awareness of the work
11 that's going on, and the potential risks there may be contractual
12 issues with it.

13 Q. Okay.

14 A. But I would not -- I can't say that's inherently unsafe.

15 Q. Okay. All right. Thank you. And what about a watchman that
16 is supposed to be watching a work crew but they position
17 themselves in a location where they're not -- they can't see all
18 lines of approach, let's say for a train passing through that
19 construction zone?

20 UNIDENTIFIED SPEAKER: I'm sorry. I thought we just talked
21 to -- I don't mean to interrupt, but flagman, watchman --

22 MR. BEATON: I'm trying to make -- I want to make sure
23 that --

24 UNIDENTIFIED SPEAKER: Okay. I apologize.

25 MR. BEATON: Because some people will draw a distinction

1 between the duties of a --

2 UNIDENTIFIED SPEAKER: Yeah, I'm not sure that I
3 understand --

4 MR. FRIGO: They're very distinct and --

5 BY MR. BEATON:

6 Q. So that's what I -- yeah, in my mind my original question was
7 really centered on the role of somebody that's watching out for
8 the crew. Whether we call them a watchman or a flagman, but I
9 just wanted to make sure that there wasn't something I was missing
10 there in the role of a watchman.

11 A. No, well I would go back to -- and I'm not quite -- I'm not
12 quite sure I know exactly what the point is that you're trying to
13 elucidate. But I'll go back to this fundamental thesis about any
14 situation and that is that any employee, if they are -- if they
15 have taken all of the appropriate steps in which they have been
16 trained to carry out their responsibilities safely and to ensure
17 all of the people around them to the best of their ability that
18 they can ensure it and if someone is on a machine here, may not be
19 able to look around the curve and see that someone else on a
20 machine is (inaudible) safely -- but to the extent that they can
21 and they've advised people when they see something that's
22 inappropriate that's being done --

23 Q. Okay.

24 A. -- then they're behaving safely. And if they're not doing
25 that, they're not.

1 Q. Okay. in your experience seeing work crews, railway workers
2 in particular, work on long construction projects more than a few
3 hour projects, but multi hour projects, where there are changes in
4 shift, are there risks associated with some workers working
5 through the shift change as a supervisory shift change while other
6 workers are handling the hand off procedures?

7 A. Not -- no, not if the hand off procedures are executed
8 according to the rules and appropriately. In other words, if you
9 have a gang strung out for a long way and for whatever reason, the
10 supervisor in charge who has the protection, has to leave the site
11 and that protection's in that person's name, if it's appropriately
12 handled with a dispatcher and the protection is immediately
13 transferred, all of the protection that's required --

14 Q. Okay.

15 A. -- then that's been done safely and appropriately and at the
16 next job briefing, whenever that may be, the new supervisor
17 informs all of the people I have the following form, I have the
18 following limits, I have the following types of protection. But
19 you would not -- you certainly don't need to stop the gang in
20 order to execute that safely.

21 Q. Okay.

22 A. It comes back to -- this kind of all goes back to the idea
23 that you -- if these procedures and these rules are followed in
24 the way that they are written and clearly supposed to be followed,
25 that work is going to be done safely. It's when people take a

1 shortcut, it's when people say, gee, I know, that's what the rule
2 says, but I really don't need to do that because I know this is
3 safe, that's what you get in trouble -- when you get in trouble.
4 And you may not get in trouble for a 100 times. And the 101st
5 there's a serious accident. But that goes back to this whole idea
6 that what you want to do is that if it happens the first
7 time -- you want to do everything you can to make sure it never
8 happens -- and if it does happen the first time, you deal with it
9 appropriately. And dealing with it appropriately doesn't mean you
10 say you're out of here. It may just be counseling. But that's
11 the thesis of a good safety process.

12 Q. Okay. Thank you. One more example I'd like to learn from
13 you on, and that is with a dispatcher. If we have a construction
14 zone and we have a rule that says when you're clear of the track
15 you let the dispatcher know. Is it appropriate for the dispatcher
16 to run a train through a construction zone at track speed?

17 A. I don't know why it wouldn't be. At the end of the day,
18 dispatchers rely on people complying with the rules. And
19 if -- and complying -- and I don't -- I don't want to make this
20 sound like it's just all about the rules. There's an old saying
21 and I don't know if it's appropriate anymore, but some of you who
22 look like you might have been around the railroad for a while,
23 there's an old saying I learned a long time ago. The rule book is
24 written in blood. Everything that's in there, you go back and
25 there is an antecedent, something that's happened where an

1 accident happened, someone got hurt, something like that.

2 But dispatchers have to rely on people complying with the
3 rules. And if they comply with the rules accordingly, you run the
4 trains. That's the world I grew up in. When I gave the track up
5 when I was a track supervisor or a division engineer, they turned
6 the trains loose. And I followed all the proper procedures. And
7 I think what -- if you will allow me to digress just a little
8 bit -- because I don't know enough about the Train 89 incident to
9 be an expert on it. But the additional factor here in terms of
10 the dispatcher is, there was a -- there was a requirement that you
11 put a shunt down. That you put an SSD down. And if the
12 supervisor or the foreman in this case, gives up the track and
13 there's no track light, what should a dispatcher do? I mean
14 that's -- I don't see any reason why in the world the dispatcher
15 doesn't then run the trains. And in fact the operation of the
16 railroad is predicated on them being able to do that.

17 Q. Okay. Thank you for that. Just let me step away from some
18 of these detail levels and give you a chance to share with me a
19 little bit of your philosophy on railroading. Can we --

20 A. I've got a long one so --

21 Q. Well unfortunately I'm going to be limited in time so I'll
22 ask for the short version. In the railroad can we, given the
23 complexity, particularly in the context of maintenance and way
24 workers can we write enough rules to ensure that a roadway workers
25 are going to be protected for every foreseeable circumstance a

1 maintenance and way worker will come into contact with?

2 A. My short answer to that is yes, I believe so.

3 Q. Okay.

4 A. And the reason I say that is that I don't recall an accident
5 involving a roadway worker in a long time where if that person had
6 been complying with the rules and looking out for all of the
7 safety issues that they should have been aware of, that there
8 would have --

9 Q. Okay.

10 A. -- it wouldn't have prevented the accident. Look, in Train
11 89 from everything I understand, if there had been strict rule
12 compliance, we wouldn't be sitting here today.

13 Q. Okay. I just have four more questions for you because I'm
14 getting the high sign that my time is running short.

15 A. Okay. Yes, no, maybe, I'm not sure. Does that cover it or
16 in some order --

17 Q. I got to figure out the order first. They may be the right
18 answers --

19 A. They may be the right answers but we got to work --

20 Q. -- I just got to figure out what the --

21 A. -- them into the questions, I got it.

22 Q. -- what the questions are. The current System and Safety
23 Program at Amtrak I think has very innovative program in place and
24 it involves Safety Advocates. Are there an adequate number or do
25 you -- what do you think about the staffing level for the Safety

1 Advocates program and particularly on (inaudible)?

2 A. Let me say this, I know the program exists. I don't really
3 have any idea --

4 Q. Okay.

5 A. -- about staffing. I will go back to the idea though that at
6 the end of the day if you have the appropriate safety culture,
7 true safety culture and true processes in place everyone becomes a
8 safety advocate.

9 Q. Okay. That was the first of four. The second of four is can
10 we rely on people to be error free? That is to follow the rule to
11 the letter all the time?

12 A. People are people obviously. But at the end of the day when
13 it comes to rule compliance and in particular the important rules,
14 the rules that keep people safe, I think appropriately trained and
15 aware people, yes.

16 Q. Okay. Thank you. The third of four, this is more looking
17 forward, from your perspective --

18 A. I'll give you an example.

19 Q. Okay. Please.

20 A. Without a lot of training even, if there were a rattlesnake
21 up on that desk, and I say, Mr. Beaton, that looks like an
22 attractive serpent, why don't you pick that thing up, you would
23 say to yourself --

24 Q. No way.

25 A. -- ain't no way. When it comes to working on the railroad

1 and thinking about keeping people safe and keeping yourself safe,
2 people -- I have a great reliance on the fact that people -- if
3 they understand the issues in these locations say, no way.

4 Q. They own it. Okay. Thank you. Thank you, I appreciate that
5 example. I'm going to remember that one.

6 A. I hate snakes, that's why I picked that.

7 Q. Well, that's compelling to me too for the same reason.

8 Looking through your eyes at the future at Amtrak and trying to
9 get you to educate me a little bit on the way ahead that you're
10 going to embark on, let me ask you a question. And I'll just put
11 it in the context of coming from your background, what is the
12 safety difference between running unit trains of coal and let me
13 use the analogy, unit trains of people?

14 A. That's a really interesting and good question. As I like to
15 say coal and containers don't complain a lot. And so it certainly
16 creates customer service issues for us. It is also -- and this is
17 a very fair point about Amtrak -- it also creates a work
18 environment for a certain number of people that's more difficult
19 than a freight railroad in terms of you have people moving up and
20 down a moving train. And you have to build the awareness and make
21 sure that they're always aware of their surroundings. Which I
22 believe by and large, they're very aware.

23 But on the other hand, there is a lot of exposure for
24 employees in the Class 1's that Amtrak employees don't have. For
25 example, train crew, conductors. And Amtrak conductor and

1 assistant conductor have a very different set of rules and
2 responsibilities than in a Class 1 where they're out switching
3 cars in the middle of the night and doing all kinds of things like
4 that. So there are differences. And you have to understand those
5 differences and train people accordingly.

6 Q. My last question, unless I'm given a second opportunity,
7 which I doubt. So I'll make this one count. Should safety or any
8 program that's a safety program in a company be a management labor
9 negotiated item?

10 A. That's not been my experience. And the reason I say that is
11 it doesn't matter, management, labor, all of the employees, the
12 first fundamental obligation of everyone is to ensure that we have
13 a safe workplace. I don't think -- I've seen this happen. I've
14 not ever really thought that it was the right way to go, I think
15 we just ought to all always be in lock step on what does it take
16 to make this a safe environment. Okay. All right. Mr. Moorman,
17 thank you.

18 A. Oh, sure.

19 Q. I enjoyed the education.

20 A. I'm not sure how great a teacher I am, but thank you.

21 MR. KANNENBERG: Do you want me to introduce myself?

22 MR. FRIGO: Sure.

23 MR. KANNENBERG: David Kannenberg again, K-A-N-N-E-N-B-E-R-G,
24 Deputy Regional Administrator, Region 2. Thank you for inviting
25 us down here. It is beautiful. I'm enjoying my time down here.

1 I used to live on Smith Mountain Lake.

2 MR. MOORMAN: Oh, you did?

3 MR. KANNENBERG: Just (inaudible). I did.

4 MR. MOORMAN: You know, I've never been.

5 MR. KANNENBERG: It's beautiful.

6 MR. MOORMAN: But people just love it. There are a lot of
7 hokies over there. So I kind of just --

8 MR. KANNENBERG: Well, first I do want to share a message I
9 got. FRA leadership is eager to work with you cooperatively just
10 in your new role --

11 MR. MOORMAN: Nice.

12 MR. KANNENBERG: -- as they did with your old role at NS.

13 MR. MOORMAN: Yes. And I do appreciate that. And as you know the
14 administrator is on the Amtrak board and she is -- and you can
15 tell her this and it's not sucking up -- she's a terrific board
16 member.

17 MR. KANNENBERG: She's a terrific boss.

18 MR. MOORMAN: Yeah. So I appreciate the words. And obviously
19 Amtrak and FRA have kind of a special relationship and one that I
20 think is by and large very positive.

21 MR. KANNENBERG: I'll make that note. I will pass that along
22 to her. She won't mind hearing that. I don't have any questions
23 for you and quite honestly I do want to say a few things though.

24 MR. MOORMAN: Sure.

25 MR. KANNENBERG: Since the accident and other -- Amtrak 89

1 and some other instances, there's been a lot of work and a lot of
2 opportunity at Amtrak over the last couple of years and we've had
3 a lot of initiative. We've worked with Michael Logue and Theresa
4 and Matt Porto.

5 MR. MOORMAN: Right.

6 MR. KANNENBERG: We've got a joint efficiency testing program
7 going on right now called ARJET. I don't know if you've heard
8 about that or not. But we're providing safe harbor and we're
9 going on - our inspectors, Lou being one of them --

10 MR. MOORMAN: Okay.

11 MR. KANNENBERG: -- and others like him are going out with
12 the safety department people along with engineering department to
13 do audits. And I think we're getting fantastic results.

14 MR. MOORMAN: Good, good. I knew that process was underway.
15 That's really good to hear, yes.

16 MR. KANNENBERG: Thank you. And just talking with Mr. Logue,
17 he thinks we might want to move it out to Michigan next. But
18 we'll see how that goes.

19 MR. MOORMAN: Okay.

20 MR. KANNENBERG: We did move it to the end of the year.

21 MR. MOORMAN: Okay.

22 MR. KANNENBERG: We met with Human Capital, Engineering
23 Safety Rules and I don't know if you had -- were behind it, but
24 they did consolidate training to one tent now which is
25 engineering.

1 MR. MOORMAN: Yeah, I was not behind that but I would have
2 been if it had not happened. We are taking a hard look at all of
3 that. We are taking a very hard look at all of our training to
4 make sure we're effective and in the right places. So, yeah, I
5 think that was a step in the right direction.

6 MR. KANNENBERG: Yeah. Thank you. I agree it was needed.
7 But we have worked very well clarifying rules, especially with the
8 shunts that you spoke about, that was quite a deal there. I'm a
9 little bit scattered here with my notes. I was going to say, you
10 say safety is in the field; that is exactly what we're going after
11 with ARJET. The second, third line supervisors. So I think we
12 are making a little bit of difference there.

13 MR. FRIGO: Just for the transcriptionist, can you please
14 tell us what the acronym is?

15 MR. KANNENBERG: ARJET, putting me on the spot. It's
16 Amtrak --

17 UNIDENTIFIED SPEAKER: It's Amtrak --

18 MR. KANNENBERG: Oh, go ahead.

19 UNIDENTIFIED SPEAKER: -- Amtrak Roadway Joint Efficiency
20 Testing.

21 MR. FRIGO: Thank you.

22 MR. KANNENBERG: I would have come up with it eventually.

23 MR. MOORMAN: Yeah.

24 MR. KANNENBERG: Again, just looking forward to continuing to
25 work cooperatively to increase safety. Also on the FAMES

1 (phonetic) team with Matt Porto. I understand he went to
2 engineering now but it's just -- we've had pretty good experience
3 here moving forward here the last year.

4 MR. MOORMAN: I know Mark has had a meeting with some of the
5 FRA folks. Have you had a chance to talk --

6 MR. KANNENBERG: I was not.

7 MR. MOORMAN: -- with him? At some point you might want to,
8 talk about what he's seeing and what kind of plans he might be
9 forming later.

10 MR. KANNENBERG: Will do.

11 MR. MOORMAN: Okay.

12 MR. FRIGO: Okay. Thank you. Don, are you on the phone?

13 MR. HILL: Yes, I am.

14 MR. FRIGO: Okay. Go ahead, Don, if you have any questions.

15 MR. HILL: Yes, (inaudible) with the BLET Safety Task force.
16 I've --

17 MR. MOORMAN: Good morning.

18 MR. HILL: -- got a few questions.

19 BY MR. HILL:

20 Q. It's been a bit difficult for me to hear everything clearly.
21 I'm doing my best to follow along. So if you've already answered
22 what I'm about to ask, please forgive me in advance. One of the
23 questions I wanted to ask is essentially, what is your vision or
24 plan to (inaudible) these safety programs, Safe to Safer? And
25 also the close call reporting that one or two of the unions have

1 an issue with. How do you plan to address some of these issues
2 that the unions have with regards to some of the safety programs?

3 A. Well, I think, I don't -- let me say this, I know Safe to
4 Safer has been around awhile and that's something that I'm not
5 completely up to speed on. I know Mark is getting more up to
6 speed on and it's something that we'll get into fairly soon to
7 make sure that it's the right program at the right place and that
8 it's driving the kinds of behaviors that we want.

9 The close call reporting; I have had some conversations about
10 that. I know that we do have in place a close call reporting
11 which allows for folks to call in anonymously and report close
12 calls and that gives us a place to -- a mechanism for folks to
13 report issues and for us to look into them and deal with them
14 appropriately.

15 Are we okay?

16 MR. HIPSKIND: I am okay.

17 MR. MOORMAN: All right. Good. The close call reporting
18 that I understand was in place before, I have had some
19 conversations about already and the concerns that have been raised
20 to me are that in fact it was at least at times, used as a
21 mechanism for folks to avoid the consequences, I would say, of not
22 complying with a particular rule. And we'll continue to look at
23 that.

24 But clearly if that's one of the outcomes of the program
25 that's not appropriate. And I know that we have offered everyone

1 the opportunity to participate in the program that we do have.
2 And quite frankly, it seems to me that in terms of close call
3 reporting, obviously we want to have it, but if there's a
4 mechanism and you can make a call and it's anonymous and there are
5 no consequences to you as someone who is reporting the incident,
6 then that seems to be a good mechanism to me.

7 MR. HILL: (Inaudible)

8 MR. MOORMAN: Can you hear me? Hello?

9 MR. HILL: Yeah, yeah. You're fading in and out. Can you
10 hear me?

11 MR. MOORMAN: Yes, now, I think.

12 BY MR. HILL:

13 Q. Okay. You faded in and out a couple of times but I got the
14 gist of what you stated with regard to that question. The only
15 other question I prefer to ask you right now is how do you plan to
16 address some of the, I would say, bad relationships that became
17 quite evident with some of the maintenance and way and roadway
18 workers union seem to exhibit during this investigation?

19 A. You know, I'm just going to say I don't know. I really
20 haven't read the transcripts of any of the investigations. If
21 there are relationship issues that need to be addressed, we'll
22 certainly try to sort that out. But right now I just don't have
23 an answer to your question.

24 Q. Okay. I appreciate your honesty.

25 A. Okay.

1 Q. That's all I'm going to ask for right now. Thank you. Thank
2 you, Mr. Moorman.

3 A. Okay. And thank you, sir.

4 MR. FRIGO: Okay. And I want to just remind everybody in the
5 room that Mr. Moorman wasn't in his current role at the time of
6 the accident and I believe you've only been in your role for a --

7 MR. MOORMAN: A day. No, I'm kidding. I'm kidding. I'm
8 kidding. I officially started September 1st, but I really started
9 to get into it in a big way at the beginning of October.

10 MR. FRIGO: Okay. Yeah.

11 MR. MOORMAN: So we'll -- just keep that in mind with your
12 questions.

13 Theresa?

14 MS. IMPASTATO: I have no questions.

15 MR. FRIGO: Willy?

16 MR. BATES: William Bates, B-A-T-E-S. SMART (inaudible).
17 Mr. Moorman, we appreciate your testimony and SMART is willing to
18 work with you on every instance. You're speaking words we like to
19 hear.

20 MR. MOORMAN: Thank you.

21 MR. BATES: And we will work with you. I have no questions
22 for you.

23 MR. MOORMAN: Thank you very much. And you know, let me say,
24 not only thank you, but there are -- the nature of the beast is
25 that there are always going to be conversations that go on between

1 what I call management and labor, right. But we're all highly
2 dependent on the same beast. Be it Amtrak or Norfolk Southern or
3 whomever. And I think by and large at NS we maintained very
4 positive relationships. I know we did with SMART, UTU, and with a
5 lot -- I think almost all of the organizations. And it is
6 certainly my intention at Amtrak to maintain positive working
7 relationships. Because the folks that you represent are employees
8 of the company that I run. And we both should have their welfare
9 in mind if we're paying attention to business on both sides and
10 that's the way I believe and the way I feel. So I appreciate what
11 you're saying.

12 MR. BATES: Thank you.

13 MR. FRIGO: Mr. Stearn.

14 BY MR. STEARN:

15 Q. Hi. Steve Stearn, Maintenance and Way Union. Mr. Moorman,
16 thanks again for coming. You talked about the top down, bottom up
17 and that leaves the middle. And do you think -- my question would
18 be, is that middle ground, is that like the biggest obstacle? It
19 seems like from the top down it would be an easier chore to get
20 your direct reports in, you know --

21 A. You know, I don't know that that's -- it's my experience that
22 that's where a lot of initiatives end up failing, if you will.
23 But I'll go back to kind of my admittedly somewhat odd example on
24 people across the board doing what it takes to stay safe. I
25 firmly believe that the people who are out working on the railroad

1 today, the folks that you represent and Mr. Bates' represents and
2 Mr. Hill represent have absolutely no desire in any way, shape or
3 form to get hurt on the job. Right? None. Okay.

4 So I don't believe -- I don't believe that the fundamental
5 mindset going in is flawed in terms of well, I really don't care
6 what happens to me. Of course they care. And they really care
7 about what happens to the folks next to them. And I think getting
8 that message across and getting the message across to folks that
9 these are the things that we know through many years of experience
10 you have to do in order not to get hurt. And in order for the
11 people not to get hurt around you, is a particularly hard sell.

12 I do always think that there are folks out there -- and this
13 is -- I'm not talking about -- I'm talking about the railroad.
14 You get these old timers out there and I speak, quite frankly as
15 an old timer, who say, well, we didn't used to do that and we were
16 always safe. I know what keeps you safe. I know how to be safe.
17 And this we really don't -- don't worry about that. And maybe an
18 example in this particular instance was a shunt. All right.

19 And we have to make sure that the folks who are coming in,
20 and as you know, we've had a lot to of new folks coming into the
21 company in the last five years and we're going to have a lot more.
22 We're in the midst of a big demographic turnover. And these folks
23 are different and we need to make sure that they understand that
24 yes, you may not think you need to do it, but I've been trained to
25 do it this way and I've seen -- I've heard about what can happen.

1 And I'm going to do it this way.

2 Where things die in the middle is around this idea that we
3 were talking about earlier. That for whatever reason, people
4 particularly -- and this is not the majority of the people. It's
5 a very small minority of the people. People will, for whatever
6 reason, not do what they need to do. They won't follow the
7 appropriate rules or procedures or whatever it is. And the role
8 of the folks in the middle is to make sure to be constantly aware
9 of that and correcting that. And if you run across the person and
10 we all know you run across people every once in a while who just
11 don't want to do it that way. That they're not out there
12 endangering other people. And that's what I talk about the role
13 in the middle. And we put people -- those people don't have easy
14 jobs. They don't have easy jobs at all. And we need to reinforce
15 them and give them the appropriate training so that they can do
16 their jobs effectively and they're primary effective job is make
17 sure the work gets done safely.

18 Q. Thank you, Mr. Moorman. Nothing further from me. Thank you.

19 A. Okay. Thanks.

20 MR. HIPSKIND: This is Dick Hipskind. One of my duties here
21 today, and thank you for the concern about whether I was okay or
22 not -- was to keep the interview moving.

23 MR. MOORMAN: No, I knew that.

24 MR. HIPSKIND: I'm kind of the time keeper. And people have
25 traveled a long way so I wanted them -- to be sure we had some

1 time for everybody --

2 MR. MOORMAN: Sure. Sure.

3 MR. HIPSKIND: -- to talk with you. I want to switch the
4 tone of our conversation here for a minute. Do you have hobbies?

5 MR. MOORMAN: Oh, yeah. Yeah.

6 BY MR. HIPSKIND:

7 Q. Could you share with us? What's of interest of you when
8 you're not doing the thing you're doing today and railroading?

9 A. Oh, I have a lot of stuff going on in my life, as my wife
10 constantly points out. One of the reasons we're sitting here is I
11 love to play golf and I've been playing very little since I
12 retired to my dismay. I read a lot. I work out, I ride a bike.
13 I have a little vineyard I planted. Just a hobby vineyard.

14 Q. Let me guess, bees?

15 A. I had a hive in Virginia Beach and I haven't started up here
16 yet.

17 Q. Okay.

18 A. Yeah. You know, I have more to do than I have time for even
19 without working.

20 Q. So in your various hobbies, have they helped inform you in
21 your leadership role that you've had for so many years? What are
22 some of the takeaways? What are some of the lessons in life that
23 we could learn from some of the things that you've done?

24 A. There is some truth to the fact that you really get to know
25 people when you play golf with them.

1 Q. Okay.

2 A. Yeah. The good, the bad, and every once in a while the ugly.
3 And I'm not talking about their swings. Yeah. You know, I think
4 yes, to some extent and that would be an example. But, you know,
5 I've been informed all my life by the people that I've been
6 around. And I've had the great good fortune to be around a lot of
7 great people. In my outside activities and at work. And I am
8 very far, very, very far from being a perfect person. But I've
9 seen the behaviors of really good people and those behaviors are
10 in terms of treating people fairly, being just -- trying to be
11 supportive of people, and helping other people achieve their
12 goals.

13 And those -- when I look at my career and what I've tried to
14 do, I always tell people, look, I have one good idea here. In
15 2016 I tapped out in May. But I'm surrounded by people with good
16 ideas. So one of the messages is listen to people. And when I
17 say listen to people, I'm not talking about listening to the folks
18 that work directly for me. I'm not sure their idea of a quotient
19 is a whole lot better. But I know this; I know the folks that are
20 out putting a switch in in the corridor, I know the folks that are
21 out switching cars or ACs on a passenger train, if you ask them,
22 they have a lot of ideas.

23 And one of the things that I think has been a little bit of a
24 problem at Amtrak in the past is we haven't listened to people.
25 And we haven't been receptive to folk's ideas. Because the other

1 thing I believe, and I'm getting a long way from your question,
2 but this is my philosophy, is that if you go out and you have a
3 question -- you have a discussion with anybody who works for a
4 company. And let's talk about Amtrak. And you say, look, let me
5 tell you how this thing works. Here is the good, here is the bad,
6 here's how the money works, here are where the problems are, here
7 are where the successes are. Now what would you do? By and
8 large, they get it. They understand. They understand this is a
9 business. Which right now we run at a deficit every year. I'm
10 not sure we ever -- that we won't. But that's not a good thing.
11 And so how do we make it better?

12 But it's -- hobbies teach you patience to some extent.
13 Hobbies teach you -- they are really good, along with children, of
14 just constantly reminding you that you don't know half as much as
15 you think you do. Spouses are great. Because mine, every time I
16 come in and start to say something, she looks at me and she says,
17 don't you talk like a CEO to me. Those are the kinds of
18 learnings. I guess, long winded answer, but that's kind of the
19 way I try to think about what I do.

20 I'm just one guy at Amtrak. I happen to have the good
21 fortune to have this job. And by the way, I'll tell you a
22 parenthetical. One of the best things about being a CEO, there's
23 no -- and I used to say this -- there's nobody at Amtrak that I
24 can walk up to and say, whatcha doing, that has the right to turn
25 around and say to me, it's none of your damn business. I have

1 what I call an unlimited license to meddle. So I'm sorry. That's
2 a long answer. So patience, tolerance, the understanding that
3 everybody has strengths and you need to pay attention to what
4 they're strengths are.

5 Q. Well, I think what I'm going to take away from your
6 long-winded answer --

7 A. I'm sorry.

8 Q. -- that really wasn't that long-winded, was that listening
9 can be an initial form of engagement.

10 A. Oh, yeah.

11 Q. And I think when we were talking to Mr. Logue we kind of
12 pressed him with a bit of a difficult question about engagement.
13 So if you getting the message out, the promotional pillar of SMS,
14 and trying to get everybody to know and understand and perform in
15 the safest manner possible; of rules, compliance, all those
16 things, training, all that kind of stuff. Do you foresee
17 additional funding is required to get that done or is your
18 approach more organic in nature?

19 A. I don't know about the funding. And the reason I say that is
20 don't have a really clear grasp yet, although I will and we're
21 working on it, on how we spend our money today. Amtrak spends a
22 lot of money on training. Is it the right training delivered to
23 the right people at the right time? I don't know. But we will
24 figure that out. We will understand that. But at the end of the
25 day safety -- you have to have training, you have to have process,

1 you have to have perseverance on this, but a great safety program
2 and I have been fortunate enough to be involved with the one at
3 Norfolk Southern and I'm also tangentially involved with another
4 truly great one at a company that I'm on the board of, is organic
5 at the end of the day. It's everybody.

6 I cannot tell you -- we have a big safety meeting. I have
7 two we's now -- forgive me. The old we, has a big safety meeting
8 every year in Atlanta. Seven or eight hundred employees. And
9 these are folks -- this is -- and we have competitions about
10 safety. At the end of the day you win a coin or you win something
11 of nominal value but people are proud of their safety process.
12 And I'm not talking about the supervision. All the folks that
13 have come by and large are (inaudible) people. And I meet them
14 and their enthusiasm for safety is so real and so tangible;
15 they're the cheerleaders. We don't have to -- you don't need
16 other people if the folks out in the field have that ethic and
17 have that safety ethic. And that's hard. As I said at the
18 beginning, that's hard. But that's where we have to go to be
19 world class. And we need to be world class and we can be world
20 class.

21 Let me say one thing about promotion that I have done, just
22 to your point about how do I get the word out. This is an idea
23 that we came up with years ago at Norfolk Southern, which I then
24 have shamelessly imported to Amtrak. We've got something now just
25 out on the website called Ask Wick. And anybody in the company

1 can send me a question of any kind, or a comment or a suggestion.
2 And I read them all. And if they are appropriate for a general
3 answer, we'll post the question and answer. And if it's a -- I
4 ended up at NS, to some extent being the ombudsman in terms of
5 I've got this specific problem, can you help. And it was really
6 interesting because there were any number of times that I could.
7 And occasionally we change a policy because of something.

8 So we're going to do that which gives people voice and me a
9 chance to talk about the values that I think are important. And
10 I'll kind of end up with this story about it. Because it directly
11 relates to what we're talking about today. I got a very simple
12 Ask Wick from a past -- I still remember this guy's name and I
13 don't remember yesterday -- from a guy named Robert
14 Gardner -- Bobby Gardner who was a foreman -- no, he was
15 yardmaster in Ashville, North Carolina. And he said have we ever
16 thought about behavioral science at Norfolk Southern to take our
17 safety process to the next step. And we'd never really used those
18 concepts.

19 And I sent this little thing to Mark Manion who's the hero of
20 this story. And this is -- and he says we haven't, but he had a
21 little exposure in one other place to the concepts. And we ended
22 up bringing in a consultant -- a very good consultant. We ended
23 up doing focus groups all over and they came back with a book this
24 thick of comments from employees; from focus groups and individual
25 employees. We went to the shops. We went to some of the

1 assistant gangs, we went everywhere, everywhere.

2 And Norfolk Southern had won the Harriman Gold Medal for
3 employee safety 25 years in a row, 24, 25, I lose track. So we
4 were the best. We were far and away the best. And kind of one of
5 the messages that -- really one of the strong messages that came
6 back was we love our jobs. We're railroaders. And those of you
7 who have been with the railroad, you guys understand this. At a
8 certain point, you're a railroader. And they basically then said,
9 we think you're doing a lousy job of managing the company. In the
10 sense that we were too focused on finding fault rather than a more
11 balance approach.

12 This is a long story, but maybe it will close it off. And
13 one of the things that became apparent was that no one in the
14 company viewed winning the Harriman Gold Medal as a positive. And
15 in fact lots of folks thought it was a real negative. Because
16 there was this pressure -- and I used to get emails, well you get
17 a bigger bonus if we win the Harriman Gold. No, I don't. But
18 there was this perception that it was all about senior management
19 driving the number down to win the Harriman Gold. And it's kind
20 of like Lou Gehrig when you're on a streak, you don't want it to
21 end. And there was some element of that. But we had consistently
22 also, every year had issues with people not reporting.

23 So, and Mark and I had had conversations about this and the
24 negative aspects of it before. And so essentially I picked up the
25 phone and got on the phone with my peers and the double AR, first

1 the double AR, and said, we're out of the Harriman race. We don't
2 want to do that anymore. We don't think that's positive. And the
3 suggestion was made, well, it gets easier if everybody says we're
4 out. And I called my peers at the time and the three other U.S.
5 CEO's and I said we don't think this is helping us any longer as
6 an industry. And we think we want to do away with it, what do you
7 think? And two of them said, we agree, right there. And the
8 third said, let me have one conversation, I'll get back to you.
9 And he called an hour later and said we're in. And that was why
10 the Harriman Contest changed, went away.

11 And so what we found was, we got better reporting, more
12 accurate reporting. We still held people accountable, people
13 still know what their safety record is. We still had exhaustive
14 conversations about every injury as to whether or not it could
15 be -- the conditions could be changed in such way that we wouldn't
16 have that. But it all came from this one one-sentence question.
17 And the punchline was that we had a program and we will start
18 having this at Amtrak soon, (inaudible), where when we ask -- when
19 we go to a UTU employee or a BMW employee and say would you be
20 interested in taking on a supervisor role or a management role,
21 Norfolk Southern had a policy and Southern Railroad before it, was
22 they'd say yes, and we'd say congratulations, you're assistant
23 train master of such and such place next Monday.

24 Now they go through a six month training process. Classroom
25 and on the ground. And that process was already in place. And

1 I'd go speak to these management training groups and low and
2 behold, a year and a half later, and we trained everybody in the
3 company on positive reinforcement, everybody. And we'd have these
4 big guys, you'll appreciate this Steve, these big maintenance and
5 way guys with Harley t-shirts and all this stuff in class learning
6 how to say, you did a really good job, to one of their fellow
7 employees. But it was good. It was really positive. And a year
8 and a half later I'm talking at one of these classes and this guy,
9 Bobby Gardner comes up and he says, the change you made is so good
10 I want to go into management. Isn't that cool? If we can do
11 those kinds of things at Amtrak -- and they take a long
12 time -- that's where we need to go. End of soliloquy.

13 Q. Well, thank you for sharing. Thank you for being open and
14 mostly just thank you for being yourself today with us.

15 A. That's who I am. You haven't seen my tough side. What do
16 you mean? Okay.

17 MR. HIPSKIND: Ryan, I'll hand it back to you if you guys
18 want to close it out or --

19 MR. FRIGO: Well, I actually -- I want to give Dr. Bob the
20 opportunity to ask two more questions and then we'll see if I have
21 time to even ask my one follow-up.

22 BY DR. BOB BEATON:

23 Q. I had to finesse my opportunity here. I told Ryan initially
24 one, but I last minute changed it to two.

25 A. I'll be very brief in my answers.

1 Q. You mentioned Mark Manion your former Executive VP and Chief
2 Operations Officer and it looks, and I just did some quick
3 internet research because I don't Mark, but it looks like you two
4 have similar histories. You came maybe five years apart as
5 interns there at NS and have grown up together. Can you give me
6 some insight into -- and this is the first part of my first
7 question --

8 A. No.

9 Q. -- what's the difference -- can you give me some insight in
10 what are the differences between you and Mark in terms of your
11 capabilities or competencies or interests when it comes to
12 railroad safety? I mean, obviously you work well together. So
13 I'm asking is what are his strengths compared to your strengths?

14 A. Well his strengths are that I left the operating division a
15 long time ago, and he grew up through the transportation
16 organization. And obviously concluded his career as Chief
17 Operating Officer, so in terms of what I describe as the nuts and
18 bolts, implementation and management of the Norfolk Southern
19 Safety Process, he was far more immersed in it, and far more, in
20 some ways, of a driver of it than I was. He was the lead person
21 to bring in -- when we bring in DuPont for example, in bringing in
22 the concepts of behavioral safety and in thinking through the day
23 to day practical issues of managing not only the field safety
24 effort but the staff safety effort as well.

25 Q. Okay.

1 A. Yeah.

2 Q. Thank you. The second part of this first question is how do
3 I know that Mark has completed his first task? What's the
4 milepost that I need to look for from NTSB to Amtrak to know that
5 Mark has completed his first task?

6 A. That's a great question and he's not close to completion yet.
7 I think you will start to see reorganization of our training
8 efforts and maybe some internal reorganization within the company
9 as well.

10 Q. All right. Thank you. One other and truly the last one. We
11 talked a little bit about you coming from the freight industry and
12 then a passenger industry and we talked a little bit about the
13 need for safety promotion. Would you look at passenger rail
14 service from a safety promotion point of view as having some
15 unique opportunities such as promoting improved occupant
16 protection? For example when we have a derailment and overturn on
17 a passenger train we have windows that fall out and we have people
18 that fall out, are seatbelts a way for Amtrak to promote safety
19 with the passengers, not just the workers?

20 A. I don't know that I've thought enough about that to have an
21 opinion. I just really, I don't have an answer for that.

22 Q. Okay.

23 A. I think that's kind of an interesting question. But I
24 don't --

25 Q. I'm happy to follow-up if you want to talk about it later.

1 But thank you.

2 A. Yeah, no -- I think that's an interesting question.

3 UNIDENTIFIED SPEAKER: I do want to talk about that later.

4 MR. HIPSKIND: I truly am done, Ryan. Thank you.

5 BY MR. FRIGO:

6 Q. Wow, I didn't think I was going to get this last one in.

7 Before we close out, you're at Amtrak at an interesting time. And
8 Amtrak is working through the procurement of its new high speed
9 train sets and it's in discussions with FRA on Tier 3 operations
10 and it's -- for me, it's not being an old timer, it's me seeing
11 the evolution of Amtrak through my life. Where I remember the
12 long journeys from Chicago to Milwaukee growing up and then moving
13 out east I remember the long journeys between New York and
14 Washington and they're just getting shorter and shorter and
15 shorter and shorter.

16 And with the future approaching and again, just with the
17 context of what's publicly known about this accident, and also
18 what's known about global high speed rail systems and operations,
19 I'm just curious if you could just share with me briefly what your
20 thoughts are on balancing the ever increasing needs of
21 infrastructure renewal on the Northeast Corridor with running at a
22 faster and higher rate of speed?

23 A. That's an interesting question. And I obviously -- I rode
24 the Corridor yesterday with obviously a different set of eyes than
25 I've been looking at it before. It is going to be a balance and a

1 difficult balance to make sure that we're maintaining the railroad
2 in such a way that we can continue to run faster and faster trains
3 with what are obviously are going to be more and more
4 difficult -- what is obviously going to be more and more
5 difficulty in getting adequate time to get out there and do that.
6 So, really some of the conversations we had yesterday were, okay,
7 how do we feel about -- are there ways that we could enhance the
8 productivity of the big gains and the big machines in terms of
9 maybe an additional machine somewhere or something so that we
10 ensure that when we get the occupancy we are ready to go to get
11 just as much production as we possibly can. We can look to the
12 Europeans and now look to Asia as well in terms of trying to
13 understand what their practices are, but it's an out and out
14 balance. And it's going to require us to be really good at what
15 we do. And that's part of the goal.

16 Q. And being that we're right on target here, my only follow-up
17 to that is more maintenance means more exposure for men and
18 equipment. And you mentioned Europe and you mentioned Asia, I'm
19 aware of operating rules and procedures that are in place that
20 prohibit the operation of revenue trains when workers and
21 equipment are on a high speed guideway. And in abnormal and
22 emergency situations, they do have rules and procedures that allow
23 for operations but at extremely restricted speeds.

24 A. Let me comment on that. I do not believe that we cannot
25 operate the Corridor safely in its current configuration with the

1 current rules that we have in place. I am absolutely convinced
2 that that's doable. It happens pretty much every day. We've had
3 this one significant accident and there have been others, but
4 again, that's an environment that we know that we can improve in
5 terms of safety cultures, rule compliance, everything else. I
6 think that we have adequate rules and protections to make sure
7 that that could happen.

8 And the other thing that I would say about European and Asian
9 environments as you know, they really don't look like the
10 Corridor. The Corridor is a mixture of stuff out there that is
11 literally unique in the world in terms of the mixture of freight
12 with some passenger. In terms of just the number of commuter
13 trains from one end to the other. Amtrak runs 10 percent of the
14 trains that operate on the Corridor. So it's an environment
15 that's going to be challenging, it's a unique environment, but I
16 am confident that we can continue to operate safely, continue to
17 maintain the railroad at a high level and do what we're supposed
18 to do up there, which is grow business, grow revenues and provide
19 this really absolutely essential service for the country in that
20 Corridor.

21 MR. FRIGO: Well, thank you.

22 MR. MOORMAN: Absolutely.

23 MR. FRIGO: On behalf of the investigative team, I just want
24 to thank you for taking the time to speak with us today and I wish
25 you the best of luck in your position.

1 MR. MOORMAN: Thank you.

2 MR. FRIGO: And with that, if there's any closing remarks --

3 MR. MOORMAN: I know this was a drive, I appreciate you all
4 coming down. And I appreciate your best wishes and I will accept
5 all the luck I can get.

6 MR. FRIGO: And with that, we'll go off the record. Thank
7 you, sir.

8 MR. MOORMAN: Thanks.

9 UNIDENTIFIED SPEAKER: We're off the record.

10

11

CERTIFICATE

This is to certify that the attached proceeding before the
NATIONAL TRANSPORTATION SAFETY BOARD

IN THE MATTER OF: ACCIDENT INVOLVING AMTRAK TRAIN
#89 AND MOW EQUIPMENT AND
EMPLOYEES NEAR CHESTER,
PENNSYLVANIA ON APRIL 3, 2016
Interview of Wick Moorman

DOCKET NUMBER: DCA16FR007

PLACE: Keswick, Virginia

DATE: November 3, 2016

was held according to the record, and that this is the original,
complete, true and accurate transcript which has been transcribed
to the best of my skill and ability.

Tracy Meyer
Transcriber