UNITED STATES OF AMERICA

NATIONAL TRANSPORTATION SAFETY BOARD

Investigation of:	*	
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ACCIDENT INVOLVING AMTRAK TRAIN #89 AND MOW EQUIPMENT AND EMPLOYEES, NEAR CHESTER, PENNSYLVANIA ON APRIL 3, 2016	*	Docket No.: DCA16FR007

Interview of: RODRIGO BITAR

Amtrak
Washington Union Station
Washington, D.C.

Thursday,
September 29, 2016

APPEARANCES:

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National Transportation Safety Board

RYAN FRIGO, Investigator-in-Charge
Chairman, Operations Group
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National Transportation Safety Board
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I N D E X

I N T E R V I E W

MR. HIPSKIND: Good afternoon everybody. My name is Richard Hipskind, and I am the Track and Engineering Group Chairman for NTSB for this accident. We are here today on September 29, 2016, at Amtrak's Washington Union Station in Washington, DC, to conduct an interview with Mr. Rodrigo Bitar, who is the Senior Vice President and Chief Engineer and works for the National Railroad Passenger Corporation or Amtrak.

This interview is in conjunction with NTSB's investigation of a collision of Amtrak Train 89 with Maintenance-of-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 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 can get an accurate recording. I'll lead off, and then pass off to my right.

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

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

MR. HOEPF: I am Michael Hoepf, H-o-e-p-f. Investigator at the NTSB, observing today.

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

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

MR. TOMASSONE: Lou Tomassone, T-o-m-a-s-s-o-n-e, FRA track inspector and Investigator-in-Charge for the FRA.

MR. HOLDCROFT: Forest Holdcroft with the NTSB. H-o-l-d-c-r-o-f-t. And I'm just observing.

MR. SCHULTE: Christopher Schulte, Supervisory Safety Specialist, Federal Railroad Administration, observer only.

MR. BATES: William Bates, SMART Transportation Division, National Transportation Safety Team.

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

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

MR. HIPSKIND: And, Mr. Bitar, would you put yourself on the record?

MR. BITAR: Sure. Rodrigo Bitar. Last name B-i-t-a-r. Amtrak, Chief Engineer.

MR. HIPSKIND: Mr. Bitar, with your permission, do you mind if we proceed on a first name basis?

MR. BITAR: No problem, absolutely.

MR. HIPSKIND: Okay. Thank you very much. And do you have your permission to record our discussion, our interview with you today?

MR. BITAR: Yes, you do.

MR. HIPSKIND: And do you wish to have a representative with

you at this interview?

MR. BITAR: Yes, I do.

MR. HIPSKIND: John.

MR. BONVENTRE: John Bonventre, Landman, Corsi, Ballaine and Ford; and I'm here representing Mr. Bitar.

MR. HIPSKIND: All right.

INTERVIEW OF RODRIGO BITAR

BY MR. HIPSKIND:

Q. Rodrigo, would you spend some time and kind of give us a synopsis of your work experience and take us up to your present job? And if you want to continue speaking, tell us about your current duties and responsibilities in that position.

A. Sure. I started my professional career with the automotive industry working for Division of General Motors, Delphi. And in that tenure I work in the Quality Department, in the Engineering Department, in Supplier Development Department, in manufacturing areas for the most part. In 2001, is when I started my career in this industry in the transportation industry working as a consultant for Washington Metro on rolling stock procurement. And where I have different assignments again quality engineering. And in 2008, I was directly hired by the Agency as Director of Quality, transitioning into the General Superintendent for the Berko (ph.) Transportation over there. And a couple years later promoted as an Assistant General Superintendent for all infrastructure, including track, signal, power, extensions in

rolling stock for Washington, Metro.

In 2015, I transition to Amtrak to a position that I currently occupy as Senior Vice President and Chief Engineer. And my responsibilities here are to oversee the three main aspects in engineering, which are regular maintenance of the infrastructure, including track, power supply, communications and signals and buildings and facilities. That's one aspect. The other one is to coordinate the engineering groups and the deputy chief that oversee those specific technical areas. And the third one is the capital improvements and project delivery. So those are the three main areas that we have.

Q. Rodrigo, is there anything in the concept of engineering at Amtrak that you are not involved in?

A. Rolling stock is not related to my purview.

Q. Okay.

A. So only infrastructure.

Q. You have a colleague who takes care of the mechanical portion --

A. That's correct.

Q. -- portion of the railroad?

A. That is correct.

Q. Okay, all right. One of the things that we've been exploring or trying to gain a greater understanding of, especially at your level, and we just talked to Mr. Stadtler with his descriptions about Senior Executive Safety Council and things of that nature.

So can you take some time and tell us about your involvement at your level with all things safety?

A. Um-hum.

Q. And kind of give us a perspective of that.

A. Sure. First, I am a member of the Executive Safety Council. I participate on regular meetings to discuss items of -- or issues of interest for the unions and management and how we can continue to improve on safety. But more specifically on the engineering side, I oversee the safety activities regarding the personnel under my group. Most recently we participated with the Safety Department in developing a new Safety Agreement for the Engineering Group. We created 24 positions over there, safety liaison positions, to try to facilitate this exercise, and the objective is actually to have local safety committees where everybody can bring their concerns to the front burner, discuss it at that level. Now needless to say, some initiatives might require extensive funding, so that is completely out of their reach or the financial capacity at a local level, and those issues can be escalated to what we call a Tier 2 Safety Committee where the division engineer gets involved. He might have access to more funding. And see what can be done.

Then we have a group, which is three, which is the Safety Council for engineering, and we meet regularly with the unions. Primarily BMWE, ARSA and others. And we discuss topics exclusive or not exclusive but primarily of interest for the engineering

community.
Q. Okay. And these meetings you have with the local unions, this occurs on a monthly, quarterly?
A. Monthly basis.
Q. Monthly.
A. I do not chair it because I, sometimes I'm traveling or stuff like that. I'm just a member of that. And my Deputy for Maintenance, Andy Gibb (ph.) that I'm sure you guys already interview, he is the one that runs those meetings.
Q. Okay. So that's a delegation on your part.
A. Yeah. But because of my schedule gets conflicts and stuff like that. But I participate the time that I'm in town.
Q. Okay. And regarding the Chester accident, I guess I want to just cut to the chase. I'm that you guys sat down and made some assessments. Can you talk about any of the initiatives that you guys have implemented, discussed or have on the drawing board to implement regarding any changes post-Chester?
A. Um-hum, sure. The first thing was everybody knows that the first concern is the fact that no SSD's were used at that point in time. So one action that was immediately taken was to revise the RWP Manual where we incorporated that. Even though it was never removed from the NORAC, it was not clearly evident on the RWP. So we put it back over there. That's number one. We went through the exercise of inventory. The amount of SSD's because there was confusion of claims or whatever that there were not enough SSD's

available, which my -- personally can say that I verified is not true because right there at the incident site I say I want the SSD's, and within minutes hundreds were produced. They were there. Nevertheless, we went through the exercise of inventory those things, verify that the units, the vehicles that we have, have the SSD's. Typically in the pickup trucks they're right behind the driver's seat or under. So that we did that just to validate that we have the tools. We had a safety stand-down when we retrain everybody about the SSD's, how to use them, why we need to use them, et cetera, et cetera.

We, let me see, those were the immediate ones that we went through. One thing that we're currently working on is the system called EEPS, or E-E-P-S, which is currently being used by Metro North in one way, and SEPTA is also using it. And what this system does or will do for us is to provide a unique code back to the roadway worker in charge. Once they request a foul, the system generates code, sends the code just to that employee to his device, and to turn over the foul time he must or she must provide that code. Otherwise, the system won't respond.

We're in the process of procuring that. We have allocated funding for that. Our territory and our systems are not quite identical to SEPTA, so it's not a direct implementation. So we're looking at what changes we need to try to make to that system to bring it over. And once we determine what needs to be done, we are going to start working Herring (ph.), which is the company

that support us with the communication signal systems. So that is in the works.

Am I missing anything? Oh, the foreman, the -- one more thing. The foreman transfer sheet, the transfer process is being recently developed to ensure that especially on extended outages when he's going to -- two or more shifts are going to be part of shutdown, there's a handshake over there, and there's a record of it.

Q. So let me just add some clarity of what I think you just told me. So in addition to the SSD's, the Supplemental Shunting Devices, and those procedures, one of the things that we're aware of in this accident is an incoming foreman and an outgoing foreman and whether they could transfer or not. Is what you just said that you are recognizing that, and you're developing a way that that transfer is more coherent --

A. Uh-huh.

Q. -- and procedural?

A. Yes.

Q. Yes?

A. Yes.

Q. Okay, all right, that's great. And, Rodrigo, let me back up. You used an acronym, EEPS.

A. Electronic Employee Protection System.

Q. All right. Thank you very much for that. Okay. So and thank you for bringing up the thing about the outages. One of the

things that we've consistently asked some of the interviewees is this whole thing about site-specific work plans. And is that being looked at too? Because we've had a couple of maybe conflicting answers about whether that particular activity that they were doing with the vac train, whether that was something that should have had one or didn't need to have one. Do you have any thoughts on that?

A. Yeah. The site-specific plans we developed those for not routine maintenance. Let me put it like that. If we're going to replace a bridge deck, well, which one? Is it a steel? Is it concrete? Is it ballast? Is it timbers? What is it? The locations vary tremendously between one underpass and the next one. So those might need a safety-specific work plan. Vacuuming, undercutting, tie replacement, rail replacement, surfacing, routine maintenance aspects in my opinion that's the purpose of the safety briefing, which is telling the employees the location, exact, the scope of work that is going to happen that night, what kind of protection they're using, et cetera, et cetera. So in essence the safety briefing is to provide that information to the employees because is a routine basis.

Q. Okay. But a longer term outage of spanning more than a couple days, 55 hours, still routine?

A. It's routine in my perspective, from my perspective. It's not about the length of time. It's about the activity itself. It could have been a 55-hour outage because it's a long territory

between interlockings that are too far apart, but the activity itself is the stuff that they do day in, day out, night in, night out.

Q. Okay. Safe to say that the site specific work plans are geared more -- the expectation is that they're geared more toward larger production gang, program maintenance, a lot more machinery, a lot more employees.

A. Not to (indiscernible) on this thing, but not quite. Is more, again, is more about the activity. If it's an activity that we don't usually routinely do like building a bridge or a new culvert or something that is not done on regular basis, that's where we see the need to have the specific plan because people are not that familiar with that particular activity. But our guys are trained to do tie replacement, for example. Are they going to do it for eight hours or are we going to have a campaign that is going to last 72 hours with 12-hour shifts? The activities are the same. Is the same equipment. It's just we're going to do more because we have a window. So is more related to the type of work that we're going to do.

Q. Okay. And is -- let's go back to your comment about the job briefing and that whole process and the form that they fill out. I think I -- don't hold me to this number, but I think I counted up there's like almost over 100 items if you combine all the things that are covered on the front part of the job briefing sheet and the back side, almost 100 items. Is that the main thing

that is providing the risk assessment for the work? And I'm talking about work that's on a routine basis. Your thoughts on that.

A. Can you define the risk assessment part of the question?

Q. Well, how the employees are going to be protected, what might be the safety hazards in and around the workplace. I think a lot of that, if I'm remembering correctly, it's kind of detailed and check-boxed on that form.

A. Yes.

Q. So your thoughts about is that the purpose of that or?

A. It is part, is part of the purpose of that. We're providing them with the information, what they need to be careful, what is safety concern or consideration for the work, open spaces, if we're going to be climbing poles, be careful, wear your fall protection equipment, stuff like that. Just to remind them of what conditions they are going to be working under. But also we describe what they're supposed to do during that assignment. Today we're going to be replacing 1,000 ties or we're going to be spiking rail or we're going to be -- so and they go in detail from what mile post to what mile post, stuff like that.

Q. And I'm sure that in your course of your career and your present job from time-to-time you have attended one of these job briefings with many employees or maybe even just a handful of employees, right?

A. Uh-huh.

Q. Tell me what is your expectation when a foreman or a supervisor conducts one of these job briefings. What do you look for when you're assessing the quality and content of those job briefings?

A. When I go over there, I make a point that they should not rush through this thing because they go blah, blah, blah, check, check, check, no, no, no. You need to slow down. You need to clear say and state and read every single one of those, make sure that the people are paying attention, and they're not just there playing with the cell phones, whatever. Because we have those instances. And they need, the employee in charge needs to feel that they have enough authority to say, hey, please, pay attention. This is important. Bring them over there.

So those are the kind of things that I check for. That the message is communicated properly; that they are taking the necessary time; and it's not an exercise that they would need to go through because we say you have to do it. It's important that they understand that. We, I think we have made significant progress from that regard reaching out to the foremen and the supervisors and people in charge of the safety briefings. Each region has their challenges, each crew has their challenges, stuff like that, so.

Q. Well, is -- look, work on Amtrak, especially where you have the catenary system, and you have to have signal maintainers, is one of the challenges that your regular line maintenance may show

up at a particular job at a particular time, but they need to have support of the people in the catenary --
A. Sure.
Q. -- the electrification power as well as the signal group. But one of the things that was curious to me was those three different departments can have three different reporting times. Were you aware of that?
A. Yes. It depends of the need of the support that is needed there. If we're going to be shutting down 55-hour outage, we're going to be removing power from the catenary, that can be done an hour -- if there's no traffic, obviously, if there's no trains coming, it can be done in an hour before the actual working crew reports to the location. That might be one of the reasons why they have different reporting times.
Q. Okay. Well, so when a foreman does a job briefing, do we want everybody that's going to be working that job and supporting that job, do we want them all there on the same page during that job briefing?
A. If they are going to be there working together on the site and the support is the track requires the ET Department to brace wires right there when they're working, yeah. But if -- absolutely because they are unit now. But if the support is executed someplace else like in a substation, and they're just there supporting because they're going to take power off, then I don't see why they need to be part of the safety briefing if all

they're going to do is shut down power three miles down the road.
Q. Okay. Well, going back -- I want to stay on this job briefing.
A. Sure.
Q. It seems to be important to me, but for the job briefings that you've attended over your career, when do -- when is it appropriate, if I'm an employee and I'm listening to your job briefing, when do I sign off and say I've been at Rodrigo's job briefing? Do I do that after you've completed the job briefing? I mean when do you want me to acknowledge I've been at your job briefing?
A. Immediately after I said does anybody has any questions?
Q. And this is after you've gone over --
A. Over the entire list.
Q. And that can be almost sometimes 100 items, front page, back page, my on-track safety and my job briefing combined.
A. Uh-huh.
MR. HIPSKIND: Okay. All right, that's all the questions I have for right now.
MR. BITAR: Okay.
MR. HIPSKIND: I'm just here to get you warmed up, all right.
Fran.
MR. WALKER: I don't have any questions at this time.
MR. HIPSKIND: And Lou.
BY MR. TOMASSONE:

Q. I just have one question. Lou Tomassone. You mentioned that Amtrak has made progress in conducting safety briefings. Is that post-accident, the progress?
A. I'm going to -- no. I think we started working on the safety aspect well before the accident. The new system safety approach and agreement it was signed months before the accident. We have been making significant progress. Now you know what, rephrase that. We have been making progress because it is never significant as long as we continue to have injuries of any kind. But we started working on improving the relationship with the unions. We started working with them to see what system is working, what system is not working. That's how we arrived to the liaison positions to facilitate this stuff. We continue the outreach to the membership out there. So it was the process started before. Obviously, the incident created an environment where stuff needed to be accelerated. We needed to shut down and stand down. We needed to take a slightly different approach, and retrain everybody.
Q. And your -- have you attended any safety briefings after --
A. Yes.
Q. -- April 3rd?
A. Yes.
Q. Have you seen any significant difference in the job briefings prior to and after the accident?

A. For the most part, yes. Again, it's humans are humans, and sometimes they look at their telephone because it happens to vibrate right when they're in the middle of the safety briefing, and some people still react to pay attention to the phone. But I could not [sic] say that for the most part people are more conscious of what a safety briefing is and how important it is. Our people in charge, we retrain all of them. We have conversations with them. These particular event touch everybody over there. So everybody is taking this I think a little bit more serious than in the past.

MR. TOMASSONE: That's all I have.

MR. HIPSKIND: Willie

BY MR. BATES:

Q. Just one question. What method do you all use for compliance? Do you have a way you keep track of data that you use that they are compliant to the new safety rules? Or what method did you use before the accident that you're using now?

A. Well, that was one of the conversations that we had with the unions. That was precisely monitoring and of course looking at this thing. And that's where the 24 recent positions came to be. That is one of their roles, to go and visit the worksites and make sure that they're using the proper protection, that their safety briefings have been completed in a timely manner, and that they are a good quality, stuff like that. So that actually started in January. Because we recruit everybody, train everybody for a week

in late November, maybe December. I don't remember the exact timeframe. But we pull the trigger on this and enacted it in January. We started to create -- we have information now of -- and I cannot stress this enough, is not that we're tracking the liaisons, but we're tracking the area that the liaison is in charge, and we're tracking how many assessments they're doing, and we're looking at what kind of discrepancies, efficiencies, issues they might have. Because one area might be more challenging than other area. A crew in Chicago might be only 20 people while a crew in mid-Atlantic is 100. So the guy in mid-Atlantic might need a little bit extra help. That's the purpose of monitoring this thing and providing with enough resources to be successful, right. So that's one tool that we're using.

We, obviously, conduct the 1872s which touch a little bit on several of these aspects of the safety briefings and how we're conducting business out there. We're also monitoring and tracking that for compliance. Not only the amount, but also what are we seeing coming back from those reports? What rules are we having problems with so we can maybe the next month focus on those, started those that are showing some kind of issue or concern. Those will be the two primary mechanisms. Again, the safety liaison database is relatively new. I don't remember the exact date, but now we have the tablets, we have a web page and everything else for us to document and control that information.

MR. BATES: Thank you.

MR. BITAR: Sure.

MR. HIPSKIND: Thanks, Willie.

Don.

MR. HILL: Yes.

BY MR. HILL:

Q. Good afternoon.

A. Good afternoon.

Q. You mentioned that you did an inventory on all your SSD's, and I wasn't sure. When you did your inventory work was the inventory revealed that the SSD's, did you have a sufficient number of them?

A. Yes. Yes.

Q. And prior to this accident, did you -- was it ever found that SSD's be placed upon each truck?

A. Yeah. We have 2,200 and change vehicles out there. So we don't check every single one of them. It's the employees responsibility to have the equipment. It's like having their PPE on. And we have enough in storage as well in case that they misplace, damage, lost their devices. So they can go and request a replacement without any problem. So we don't do this on regular basis of going and inspect the cars or vehicles or equipment. We did it just because there was a concern that there were not enough SSD's available in this particular accident.

Q. And prior to the accident, was -- does the carrier have in place a program or a process to ensure that a foreman for example

in this case was compliant with the requirement to ensure that the SSD's are in the trucks?

A. Not to my recollection. There might be something there, but not to my -- not that specific. They are required by their safety briefing to determine if an SSD needs to be used or not. And if they deem that the SSD needed to be used, they need to make sure that they have it before they go.

Q. I understand.

A. Right.

MR. HILL: Okay. Thank you. That's all I have. Thanks.

MR. HIPSKIND: Theresa.

MS. IMPASTATO: No questions at this time.

MR. HIPSKIND: Dr. Bob.

BY DR. BEATON:

Q. Good afternoon. I'm Bob.

A. Afternoon, Bob.

Q. And please feel free to call me Bob. These guys call me all kinds of names. Some of them call me worse ones.

UNIDENTIFIED SPEAKER: Affectionately.

MR. BITAR: I know the feeling. I'm with you.

BY DR. BEATON:

Q. So Rodrigo, let me try to get a better understanding of who you are and your scope of responsibilities, and I've got some questions. So you report to whom?

A. Oh, DJ Stadtler.

Q. Okay. And how many people report to you?
A. Between consultants, contractors and direct staff, close to 5,000.
Q. Okay. But obviously you're not -- those aren't direct reports to you.
A. No.
Q. How many direct reports to you?
A. Eleven.
Q. Eleven. Okay. And can you give me a quick glimpse of the titles of your direct reports?
A. Absolutely. We have four technical deputy chiefs, ET, B&B, CNS and track. So those are direct reports. Then on the program management side, I have three direct reports; the PMO office and two delivery, project delivery deputies. Those are direct reports to me as well. Obviously, the administrative assistant is a direct report to me. And then I have Bill Bates. Not this Bill Bates. Other Bill Bates that he takes care of my rolling stock. Not rolling stock, but the maintenance-of-way equipment and the Wilmington shop. And I have a finance guy that is the business development and --
Q. Okay.
A. -- operation. Oh, and was forgetting probably the most important one, which is the Deputy for Maintenance.
Q. Okay.
A. And under him I just going to elaborate a little bit more.

Under him we have the six now soon to be seven division engineers.
Q. Okay. Within your organization, do you have any positions that have safety in the title?
A. Directly? No. I do have a safety -- no, I don't want to call him liaison. A safety rep reports directly under the safety organization but is assigned to me.
Q. Okay. In the scope of your usual activities, do you -- I know you sit on the Safety Council, but as Chief Engineer, do you influence safety policy or practices directly?
A. God yes. I want to believe I do.
Q. Can you give me an example of how you do that?
A. Well, the system safety agreement for example. We recognize that the prior setup as not working. We started working in collaboration with safety. Sat down with the unions, and pretty much came up with something that was more feasible to do, and that will address the concerns at the time. And more importantly, that the people bought into. So that was completely driven by us.
Q. Okay. Thank you for that. In the context of your background, and I appreciate the detail, you started out in 2001 at Delphi as a quality engineer, I assume.
A. No. 2001, I started in the transit industry as consultant for WMATA, for Washington Metro. I started in 1996. Sorry, 1994, with General Motors.
Q. So in '94 you're at General Motors as a quality control engineer?

A. Yep. I was 26 years old, yeah.
Q. Industrial --
A. Background.
Q. -- background, industrial systems engineer.
A. No. It's industrial engineering.
Q. Industrial engineering. I'm an industrial engineer as well. That's why -- I think that's probably why I picked up on that. So from an IE, industrial engineering perspective, you do quality control at Delphi. And was that statistical sampling of products, looking for defects --
A. Sometimes.
Q. -- process limits that you want to make sure you --
A. Uh-huh.
Q. -- don't exceed and that sort of thing?
A. Uh-huh.
Q. Do you apply -- as Chief Engineer at Amtrak, now do you apply any of those concepts to your current job, particularly as it relates to influencing safety?
A. Not quite. Not quite. We do -- not to the extent of an industrial engineer. We do take measurements, regular measurements of the catenary where it's stuff like that. And we do some kind of analysis about the materials, if they're performing, not performing, rail, but not to the extent that you will see in the Manufacturing Department --
Q. Okay.

A. -- where the activity repeats itself so many times that it's easy to collect data.

Q. Yeah.

A. Over here it's a little bit different because for example rail. Well, is that particular piece of rail subject to freight traffic or not? Is it on a curve or not? Is it in a -- Maryland region we have a lot of clay in the sub. Or is it in New England where we have a lot of rock? So too many differences in variations inherent to it to try to sort of combine that. We do record information. We do keep track of the information and the limits and everything to keep an eye on it for let's say to repair it. But not in the sense that probably you and I are thinking.

DR. BEATON: Okay. Well, thank you for that.

MR. HIPSKIND: Rodrigo, this is Dick Hipskind. Some of your responses have been -- and I just want to get on the record that's an affirmative response that you're making, correct?

MR. BITAR: Yes.

MR. HIPSKIND: Okay. Yes, all right, thank you. All right, sorry about that. I'm just trying to help out the transcriptionist, okay.

MR. BITAR: Thank you.

BY DR. BEATON

Q. So you've had an opportunity to become very familiar with the events of Chester. You know that's why we're here in the -- did I understand you to say that you were at the scene of the accident?

A. I was. Just for clarification, I was not a member of the investigative team. So I did not have access to a bunch of information that the team had.
Q. Okay. But you arrived on the scene --
A. Yes.
Q. -- shortly after the accident.
A. Uh-huh, yes.
Q. And I think I understood you to say that you inquired about the availability of SSD's and --
A. Yes.
Q. -- they were produced for you at the scene?
A. At the scene, yes.
Q. Okay. So my interest is, you know, what are the events that allowed catastrophe at Chester to happen? Okay. And so when I look at this through the lens of safety engineering, I'm interested in what sort of processes failed, what worked. And I'm sure as Chief Engineer, you've looked at those same sort of considerations. Maybe with different labels. But you're wondering, you know, what happened, what to do. Could you give me your understanding of what led up to the events of Chester? What broke? What seemed to work okay?
A. I think the fact that the handshake did not happen officially had a tremendous role in this event. The employees in charge they should have followed the process in this -- well, in every sense, but in this particular sense. The instructions clearly say that

you need to clear before you return your foul. You need to get your foul before you deploy your people. None of those two things happened. One gave out the clear or return the foul. Equipment is still there. The dispatcher they couldn't see anything because the SSD was not even applied. So and they knew it was not applied because I looked at the briefing and it clearly says SSD's no. I cannot understand, and I never got a straight answer. I tried to inquire gently. I couldn't understand why nobody challenge. There's signatures all over that piece of paper, and nobody, nobody asked about the SSD's. It's -- I haven't been able to get a straight answer. So if you ask me what happened, I don't know why nobody did it. Especially when I receive good faith challenges for spray of chemical for wheat control where people refused to go and work because they are not sure that it's safe because they sprayed the weeds. And nobody challenged the use of SSD's or lack of? That is a single thing that could have changed the course of everything.

Q. Yeah.

A. I just don't understand, and I don't know why.

Q. Okay. You had a very articulate phrase a moment ago. You said humans are humans.

A. I have two daughters, and they're different, so.

Q. I understand that as well. When it comes to planning construction work on railroad knowing that humans are humans, they're not infallible, that people will make judgments.

Sometimes they're hopefully more right than wrong, but there's a non-trivial probability that they'll be wrong. So we put in fail-safes into our system.

A. Um-hum. Yes.

Q. When you look at the events of Chester, and maybe you can't answer all the questions to your own satisfaction as to what happened, but going forward, how do we change things in the future? What would -- what have you changed or what are you thinking of changing. And to the extent that your authority affects how that kind of work is done. What's going to change in the future as a result of Chester?

A. Well, I think the most important thing will be to bring this EEPS system to life because that way the system cannot accidentally or unwillingly be returned -- no, not the system, but the foul can get returned to service allowing this to happen. If we had had the system locked down, no trains would have been routed through that track. I think that forcing the workforce through this technology to follow the protocol because otherwise it's just simply not going to work. The system is not going to allow it. I think those are the kind of things that we need to look for starting with this one. I heard, and I don't know too many details about this one. I hear that we are, actually Amtrak, somebody in Amtrak is working on a new shunt device that might allow us to do better job over there, and verify the implementation, verify that it is working, that it is -- properly,

all of those things. So, again, I think the most important thing at this point in time obviously is to continue with training. Training aside, technology needs to help us out a little bit more.
Q. I know as an IE you've been educated and practiced in the art of systems thinking. When I look at Chester from a lens of a systems engineer perspective, there were more than just the foremen present and participating in the events of that accident: backhoe operators, supervisor, flagmen, dispatcher. When you look outside of the solution that EEPS provides to you in terms of ensuring or safeguarding the decisions of the foremen in terms of requesting and releasing the fouls, where else do we look in the system, in the complex of people and activities and decisions that were being made that day, for potential future improvements?
A. I'm probably going to change that from future improvements to try to be consistent in the application of what we have. One thing that was not -- and, again, I don't understand why. Because I don't understand why nobody challenged the use of the SSD.
Q. Okay.
A. That is a venue that every employee has. It has been reminded to everybody, this is a venue. If you have a good faith challenge, it's available to you. I hear the bunch of stories about concerns and intimidations and all of that stuff, but I really wouldn't care if it was me if I feel safe and I have the right to challenge, I would have challenged.
Q. Okay.

A. It's my life, right.
Q. Right.
A. I think that's something that we need to be very, very clear and keep educating people. That was actually part of the safety stand-down reminding them this is available to you. It's right there, black and white. We have a lot of rules. We have a lot of procedures. Where we fail is in compliance with. And then we try to put another procedure on top, and now we're going to have two procedures that won't be followed instead of enforcing the first one that would have prevented the whole thing. I think that's what we need to focus on to try to drive it to the employees. The industry is going, as you guys know, is going through transition between seasoned railroaders and new generation coming onboard. Everybody is experiencing that. So education is critical.
Q. Okay. When I look at the participants in Chester, the role that was played by the supervisor, who unfortunately was killed in this accident, was there any takeaway from the Engineering Department's perspective as to what could be done differently in the future about the supervisor?
A. No.
Q. Okay. How about the flagmen that were involved?
A. We retrain everybody. That's pretty much the only approach that we took. The flagman I don't recall. The flagman was there wasn't it?
Q. If you don't recall --

A. I don't recall. I really don't recall that.
Q. I'm asking --
A. I don't.
Q. -- if -- I'm not asking you to speculate.
A. Yeah, no, no, no. I was just trying to --
(Simultaneous comments.)
Q. But, yeah, I was just wondering if you had thought about that. What about the dispatcher? Well, before I go there, are you familiar with Amtrak's Close Call Reporting System?
A. Uh-huh.
Q. And have you looked at the close call results?
A. What results?
Q. Well, the findings or -- people have used the Close Call Reporting System have they not?
A. Oh, yeah.
Q. And so there's some results that have been identified.
A. Yeah. And some actions have been taken as a result of them when it is warranted. I --
Q. Well, I'm going to ask you specifically what I'm thinking about here. I don't want to make you guess. Are there -- have there ever been any close call reports that have come back to you as Chief Engineer about work crews having close encounters with a train that's driving through a construction zone?
A. Since I've been here, there was one, and it was not a construction site.

Q. Okay. So when -- since you are involved in the roadway maintenance, coordination of groups, capital improvement programs, at some point your -- probably your staff have people that plan out these jobs and --
A. Uh-huh.
Q. -- to what extent in your planning of the jobs do you worry about the traffic in that territory that you're going to be working on?
A. Well, it depends the work that we're going to be doing and how we're going to interfere with the traffic. Traffic itself is not -- from the safety standpoint, traffic itself is not a concern. That's why we have the watchmen, the flagmen, everybody to warn everybody please clear. We know more or less a window when the trains are coming and going. So we try to plan the work around that.
Q. Flagmen apparently didn't stop the train in Chester that morning.
A. The flagman can signal the train to stop if he sees it on time, and it's, you know, time to brake.
Q. I'm just saying, if you're relying on the flagmen, you know, keeping your crew safe and determining your work planning, and we have some evidence here from Chester that I mean they had a flagman or two. Train still came through.
A. Yes. But I don't think it's the role of the flagman to do that. The train should have been there because they should have

been shunt indicating occupancy of the track, and the train should have never been routed through there. The role of the flagman is to alert people, here comes a train because the train is not going to stop, clear. That's what I think.
Q. You made the comment the train should never have been routed through there. Who routed the train through there?
A. Well, the dispatchers do, but based on the availability of a track, and the track in their system looked, as far as I know, looked clear, clear to go.
Q. Do you have direct oversight to the dispatcher operations or is that out of your --
A. That is out of my, that is out of my --
Q. From an engineering point of view because you have to plan to work on the wayside though, you probably have some --
A. Oh, I work with them.
Q. -- interest.
A. Yeah, sure. I work with them. We provided schedules, et cetera, coordinate the outages, maybe cancel a train or two. Never a popular position but sometimes needed.
Q. From your point of view as Chief Engineer, when you set up a construction zone on the road, do you -- if this was a perfect world, would you like your construction zone to be treated differently by the dispatchers than an open piece of track?
A. I think to extent it is. They don't take the -- when the Acela goes by a work segment because they know where the worksites

are, that's part of the coordination, the Acela is not going 130 miles an hour.

Q. It slows down.

A. It slows down. I mean it doesn't slow it down to five miles an hour by no means but it does slow down. So it is treated differently.

Q. Routine the Acela is -- gets slower to pass your work zone?

A. I think all of them do, not only the Acela.

Q. All of them?

A. Yeah. I think all of them do. They don't go full force.

Q. All right.

A. To my knowledge.

Q. I'm just -- I appreciate that. I mean from an engineering point of view in your planning you want to -- you have an expectation that the train would have been slowed down going through a work zone.

A. I will imagine that is not full speed ahead.

Q. Yeah. If it's not at track speed, it's slowed down. I'm not trying to, you know, ask you a tricky question. I just want to --

A. No. I'm not really familiar with the speeds that they choose. I can tell you as a daily rider of the train every time that we go through equipment and stuff like that, I feel the train slowing down. I don't know how much.

Q. When you read the investigation, the Amtrak investigation of

the Chester accident, did you read how fast that train was routed through that construction zone?
A. I did not read the investigation. I wasn't part of the --
Q. I know you weren't part of it, but I'm sure you had a briefing or somebody's told you that there's a report available on --
A. I didn't kept -- intentionally because I didn't want to play a role over there.
Q. Have you kept yourself out of the investigation or were you about to say you've been kept out of the investigation?
A. No, no. I kept myself. My deputy was the official rep from engineering and (indiscernible) participated in all the stuff.
Q. I'm curious about that. Educate me, if you would on why the Chief Engineer would keep himself out of an accident investigation?
A. Because in this particular case I have too many problems all over the place. So I didn't want to slow down the process of meetings or stuff like that, and I needed to put somebody that can be more available. They were limited among the people participating in that group so I didn't want to be the one that needed -- they needed to accommodate everything for me.
Q. Okay. So you're managing your workload.
A. Yeah.
Q. I mean it's not -- you're not telling me that your office

isn't concerned about you?
A. Oh, no, no. God no. I didn't -- I hope I didn't say that.
Q. Okay. No. I'm just -- sometimes in the conversation, you know, what I hear may not be exactly what you meant. So I just wanted to follow-up on that. But you do know enough about the details, and if I said that the train was routed through Chester at track speed, you'd probably agree with that, wouldn't you?
A. I cannot --
Q. Or you just don't know.
A. I don't know.
Q. On the presumption --
A. Was it going 125 miles an hour?
Q. On the presumption it was routed through there at 100 miles an hour, okay.
A. This train travels 125 miles an hour.
Q. So at 100 miles an hour, would you have been comfortable with that as just following the slow order?
A. If that was a slow order, yeah.
Q. But if there wasn't a slow order though.
A. It was a natural reduction of speed. See, here's the thing with our worksites. The train is going to follow the track. If the track is clear, the train is going nowhere. Is going to --
Q. Hard to swerve them through an area.
A. It's hard to change lanes. It's hard to do this. So the

speed to us from my perspective as long as we're clear we're dealing with processes, we have times we need to be clear within 15 seconds, et cetera, et cetera. And that is to allow enough space between the workers' equipment and the train. And the train is going to follow that line. So from my perspective, is not so much the speed. It's about following the directions of the policies and clear in a timely manner. That is the concern.

Q. And in this case clear is reliance upon a foreman calling the dispatcher saying I'm clear or I'm releasing my fouls?

A. Yes.

Q. Okay. And your articulate phrase a few moments ago, humans are humans, and our shared engineering training says clears are fail-safes puts us in a position in Chester that you routed the train at 100 miles an hour through a construction zone based on the word of a human, the foreman, who said my fouls are clear, and we had no fail-safe.

A. That's pretty much correct.

Q. Going forward at Amtrak, do you anticipate any changes to the control process, the control of train movements that might fill in that single point failure?

A. No. I think the compliance actions that have been taken will help us enforce the secondary devices to protect us --

Q. Okay.

A. -- over there. Again, I think the technology is what needs to help us over here.

Q. So the shunting devices will be the fail-safe going forward.
A. And the EEPS system.
Q. And the EEPS. Okay, all right. Thank you for that clarification and education. I appreciate that. Rodrigo, I certainly appreciate your -- the time that you've spent with me in candid answers.
A. My pleasure.
Q. I really do appreciate that. I'm done for the time being.
BY MR. HIPSKIND:
Q. Okay. You still good to go?
A. Yes, sir.
Q. All right, the second round generally goes a little bit quicker. I just want to add a little clarity to -- and I think maybe you guys finally got there, but when a foreman gives up his foul, and he has that conversation with the dispatcher, and the dispatcher says, are you in the clear, then the thought at the dispatcher end may very well be men and equipment in the clear whether that is stated or not. Would you agree with that or --
A. I would.
Q. Okay. And unless somebody places a speed restriction, a slow order or some kind of a set of instructions, the dispatcher assumes its authorized speed, track speed.
A. That is correct.
Q. And the dispatcher never communicates to the locomotive engineers on the train about how to operate their train unless

there is some speed restriction at a specific location.
A. Correct.
Q. Correct?
A. Correct.
Q. Okay. So I mean I know we're spending quite a bit of time, and trust me, it is about a single point failure. So let me follow-on with the discussion between you and Bob. And here's what I'm -- in the changes that you guys are proposing, the EE --
A. PS.
Q. -- PS, and the upgraded shunting device, my first question is will the shunting device activate a track occupancy light at the dispatcher's console?
A. Yes. It should.
Q. And that is part of the process as it was before.
A. Correct.
Q. Okay. The difference in the upgraded SSD is it will have a visual indication as part of letting the track group or track members know that it is attached properly and working properly.
A. That is correct.
Q. That's part of that visual indication. Okay.
A. That is correct.
Q. But in all of this, Rodrigo, will the dialog between in the conversation between the foreman or supervisor, the person who is getting the foul time getting it or releasing it with the

dispatcher, will any of that dialog change? Will one perform a check on the other about a verification of men and equipment in the clear?

A. I am not familiar with the directions provided to the dispatcher side. So I'm not going to speak --

Q. Okay.

A. -- from that side.

Q. That's fair enough.

A. From out side, the instruction is very clear. You cannot return your foul or you should return your foul after all maintenance equipment have cleared the right-of-way.

Q. Okay.

A. So there's no misunderstanding of a foreman or employee in charge about making a call and saying, no, I'm clear. Meaning only my people move out.

Q. Okay.

A. Because they've been trained. They've been certified. They're supposed to know what they're doing. And that's it.

Q. Okay. But if the dispatcher and the foreman did engage in that conversation foreman did engage in that conversation, you wouldn't have a problem with that, would you?

A. No.

Q. If the dispatcher wants to ask the foreman when they're going through this release exercise are the men and equipment in the clear, you don't see a down side to that?

A. No.
Q. Okay. That's fine.
A. No, sir.
Q. And I just want to revisit. You used the term handshake. I think it was geared toward -- and I want you to clarify for me. Was it geared toward -- and I want you to clarify for me. Was it geared toward the SSD process and the communication between the foreman and the dispatcher or when you used the term handshake are we talking about between foreman and foreman handing off foul times?
A. Foreman and foreman.
Q. Okay. And you --
A. They still need to follow the processes. They still need to communicate to the dispatcher. Because remember the foul is given to a person, and that's --
Q. Okay.
A. -- and that person is to surrender that. But what we're trying to do with this handshake as I call it is you have both individuals together making the phone calls together. I'm here giving back my foul. I'm here requesting a foul. These are the conditions over here on the track bed, et cetera, et cetera.
Q. Well, maybe not a phone call but --
A. Communication.
Q. Okay.
A. Sorry. My bad.

Q. Okay. All right. Well, help me out. This sounds like something that you guys have discussed at length, and it sounds like something that you're trying to make as an improvement.
A. Uh-huh, yes.
Q. So you don't revisit some of the things we saw in Chester. And so one of the challenges of when I was on scene was they said, well, the NORAC rules won't allow us to do this, you know. It's not part of the -- at that time it was not part of the written procedure. Should I understand now that the wording is being addressed and being changed so that it can allow two foremen to make this transfer?
A. I don't know the answer to that.
Q. Okay.
A. I guess, no. We cannot change NORAC.
Q. Well, here's what I was trying to point to, Rodrigo. I'm not trying to trip you up here or anything. If you don't know, you don't know, that's fine. But I saw that as a significant stumbling block because I know when changing NORAC wording can be complicated because of the number of railroads, et cetera, the committee process and all that. Okay. But it does sound to me like where it pertains to Amtrak property, you correct me if I'm wrong, if you all want to make the change and allow that process, that handshake between foreman and foreman keeping the fouls in place and talking it out with the dispatcher you will be able to do that.

Q. I think that's one approach, yeah, in theory, but I don't think is the intent. I think the intent of the handshake is actually to give up the foul and request a new one. Just do that --

Q. Together.

A. -- together.

Q. Okay.

A. Because a new code will be -- well, when the EEPS come to be, the idea is that the new code will be sent to the new employee in charge. The other one is already home.

Q. Well, I want to use a word, and you tell me whether it's the right word.

A. Sure.

Q. Seamless. In other words, the transfer is almost instantaneously.

A. Almost -- I like that one better. Almost instantaneous. Because seamless implies that there's absolutely no moment of time where there's no --

Q. All right, point taken. Point taken. Another point I want to -- I'm going to jump around a little bit. The safety liaison, I just want to be sure that when we talk about the 24, the 25 people, when I think about that, I should think about it as this is a one-year-old program. Is it older than that?

A. No. We actually implemented it in January. So it's younger than that.

Q. Okay. So you're still assessing the effectiveness of it?
A. Uh-huh.
Q. Okay.
A. Yes. Yes.
Q. Okay. The other thing when we were talking with Mr. Stadtler, the safety statistics, they are present and discussed at your Executive Safety Council, correct?
A. And that's correct.
Q. And is there a forward thinking seasonal aspect or focus to what safety liaisons will be doing in the coming months based on previous data and input?
A. That will be the general idea. Again, the system is too young to take (indiscernible) yet. We're still collecting data. We still are analyzing and see what kind of information we're getting back, stuff like that. But, yeah, that will be the idea to try to focus and target this. Production season is from April through September. So we have a lot of people working. We may need to focus on something that's specific over there. The off production season maybe the weather is a tremendous factor for us. So the liaison need to probably look at different things over there. So, yeah, that is the desired state that we're trying to achieve. I don't think we are there today, but I think what we're putting in place is going to get us there.
Q. Okay. You've been around the railroad for quite awhile. You've been in your position for quite awhile. Are you ready for

the tough question now?
A. Do I want to quit? Oh, I thought that was the tough question.
Q. What I wanted to ask you about, Rodrigo, is a more historical or trend perspective.
A. Yes, sir.
Q. Sometimes those can be difficult. So in your time in your position have -- characterize for me or help me to understand what has been the evolution of the Safety Department's involvement in all things engineering?
A. There has been transition. I've been with the company -- I don't know if you consider 16 months a long time, but that's how long I have been with this company, and in these 16 months, there has been a transition. Safety is definitely very involved, almost since the moment I came onboard. They have been very helpful. As I said, I have a safety representative assigned to engineering that is overseeing the liaisons and everything else. So we're working very close together. The dashboard was developed. Training has been developed. Safety is helping us with foul protection. There has been significant improvements, and it just keeps growing.
Q. Okay. How would you describe engineering's interaction with other departments other than safety, like training for example?
A. We have a training concern. Training can always be better. We have an influx of young people that require to be trained as

well that is magnifying this. I don't think the training was catching up with all this influx of new people, and there's a couple initiatives in progress right now to revamp the training from the way that it is organized from the funding that was assigned to them. Were they working with us? Sure. They have been working with us to the extent of their capacity. I think the company recognizes as a whole, not only for engineering, but as a whole that training needed to be stepped up a little bit. There's never enough training.

Q. Let me ask it a different way.

A. Okay.

Q. Do you have flexibility, and is your voice heard as input into training?

A. Yes.

Q. Give me --

A. That's why --

Q. Give me an example then, please.

A. One of the very first meetings that we had was with the Training Department.

Q. And are you speaking post-accident or?

A. No. Actually was prior to the accident.

Q. Okay.

A. Prior to the accident. And we recognize the shortcomings of the package that we were delivering to the people, to the employees. At that point in time we agree on that meeting that

safety will be reviewing some of this information to make sure the safety aspect of it is addressed. So that came at the meeting that we had. There has been concerns about the training given to the CNS personnel. We sat down with the unions, saw what the concerns were. Sat down with the Human Capital Group, Training Group, and changes were made to the way that we train, to the way that we test. And, actually, we're taking a more active role in the training delivery. We now -- engineering now is responsible to run the Lancaster shop and the (indiscernible) shop when it comes to CMS training. For the most part, we are delivering the ET training that is required for our employees. So progressing.

Q. Okay. Early on in our conversation you laid out some changes, some initiatives procedural like with the SSD's and whatnot. How quickly, how nimble have you been able to be with getting that message out, getting that training out? Or should I think of it as, well, that will get rolled into the next time people go through training?

A. Oh, absolutely not. That was part of the safety standard. The safety standard wasn't a five-minute speech about we had an accident, we need to be careful. No. It took awhile. It was a complete package, and SSD's was one of them. And we've retrained people about why they need to use it, how it is to be used. Whoever didn't understand, it was explained to them. It was quite extensive. We practically shut down the operation just to do that.

Q. Okay, then, okay, I understand that. And I understand the when, where, how and all that. But on the transfer with the foremen, I don't -- tell me, you guys hadn't solidified how you wanted that to read as a rule or a process or a procedure at the time of the stand down.
A. Correct.
Q. You've addressed that after the stand-down.
A. Correct.
Q. Same question applied to that, not the SSD's. Is that something that you're taking on as current training or is that something you're going to address in future training? How should I understand that aspect of it?
A. Both those current training and future training, both of those. But the immediate implementation will follow the same protocol. We are going to have a safety stand-down because that is a rule to be implemented now --
Q. Oh, okay.
A. -- now. So everybody that is a current employee will be pulled back and say this is the way that we operate from this moment on. Starting at noon to -- sorry.
Q. Yeah.
A. -- at midnight tonight this is in effect.
Q. Okay. So do you want to suggest a projected date for when you might do that changeover on the handshake between the foremen and the dispatcher? It is ongoing, right?

A. It is ongoing. The foremen currently develop -- hesitant to give you a date because I need to look at the actual procedure and documents that were going to be used to train people. So I don't know.

MR. HIPSKIND: Okay. So Theresa, I would -- a to-do would be as you progress toward that can you give us adequate documentation of that?

MS. IMPASTATO: Of course.

MR. HIPSKIND: And let's just call that the rollout, all right.

Rodrigo, that's all I've got.

MR. BITAR: Yes, sr.

MR. HIPSKIND: Let me check and see. Fran, anything?

Lou, go ahead.

BY MR. TOMASSONE:

Q. I just have one point of clarification for the EEPS system.

A. Yes, sir.

Q. I have some limited experience with the EEPS system. So maybe you can correct me if I'm wrong. But it's not a fail-safe system. It will just be an addition step to the foul process. And what I mean by that is if you were to put EEPS into effect for the Amtrak 89 accident, the Amtrak 89 accident still would have occurred. It just would have been an additional step for him clearing the foul.

A. I going to disagree. Because if the system has a foul in the

computer is going to mark it in the system. The track will have a block without the release of that. Now, if the employee provided that code, then yes.

Q. And that's what I was getting at.

A. Yes.

Q. You can still give a foul back with equipment -- on the tracks?

A. Yes.

Q. Okay. That's all I have.

MR. HIPSKIND: (indiscernible) and Don?

MR. HILL: No questions.

MR. HIPSKIND: Theresa.

MS. IMPASTATO: Nothing further.

BY DR. BEATON:

Q. Just a couple quick questions. You said you have a safety representative in your division to the Safety Division.

A. Uh-huh.

Q. Is that an employee of yours or is that an employee of the Safety Division?

A. No. They take direction from the safety organization that is assigned to support --

Q. Assigned, okay.

A. -- so he looks into my injury rate. He looks into my, unfortunately FRA's reports. He looks into my statistics. He participates in my staff meetings. He is a member of my staff

meetings. I considered him a member of my staff, although I understand that he's --

Q. He belongs to somebody --

A. -- belongs to the safety organization.

Q. So the reason I'm asking, I don't want this to be awkward. I'm asking in good faith here. Is one enough? Could you use 10 or 20 or do you want just a part-time person?

A. Oh, no. I want like 50 of them, but that's not --

Q. Okay.

A. Let me just point of clarification. He is my main contact. He is in charge of helping me. But that doesn't mean that he's the only resource that can be available to us.

Q. Okay, all right.

A. I just want to make that clear.

Q. So he's not necessarily limiting you in terms of what you can get done with the Safety Department. He just makes it happen.

A. Exactly.

Q. I've got it.

A. He has -- he can reach out to -- the safety organization. He can reach out to some people that he has. The 24, 25 liaison report directly under him. Even though I'm paying for it, they report to him. I didn't wanted them to report to me because I think they need to consider themselves independent and with enough authority to execute the assignment that has been given to them. And reporting to me sort of kind of --

Q. Okay.
A. -- wouldn't make sense, right.
Q. I get the impression that you're a strong advocate of the Safety Department.
A. Oh, I can blow my own horn? Yeah.
Q. Yeah. Okay.
A. Yeah.
Q. Good. I mean you talked about when you first came on you were ordering training through the Safety Office to --
A. Yes.
Q. -- get them to -- I mean that sounds like you're a strong advocate. So it's been described to me in previous interviews, it's really the state or the health of safety at Amtrak is -- and forgive me if the word is hard to understand, but evolving, which to me means that it's growing, and it may be evolving close to a saturation point or just getting out of the gate. I don't know where it stands. But if we stay with that evolving description, where would you put the state of safety of Amtrak at on a evolving timeline?
A. Okay. And I need to bring this up. By now you realize that I'm not American by birth, right? So --
Q. There weren't any presumptions. I hadn't really --
A. -- my upbringing is a little bit different. So with that in mind, I think we're still evolving because while we all strive to achieve the highest level of safety, there's still a lot of

complacency about somebody else has to protect me. I was brought up professionally and personally with the single fact that nobody has to see over my safety more than me. Safety starts with me, and I need to protect me and the people that depend on me. From that perspective, we still have a little bit of work to do. We still need people to understand that they should have protected themselves and should have used the good faith challenge if they thought they were in a situation of risk, in an unsafe scenario by not using SSD's. I'm pretty sure I'm preaching to the choir. All you guys know my rules better probably than me and NORAC rules, and it clearly says that if you're going to use equipment, you need to use shunts for more than five minutes. And, again, I don't understand how it was okay for so many people. I really don't.

Q. So that sounds to me like an opportunity for a future project through engineering with safety to kind of address that challenge, try to understand it.

A. That is a good point, Bob, because that is exactly the premise of the safety liaisons. The safety liaisons by design are union members. Because that way they can own it. They can talk the same language, if you will, with the membership. We need everybody. And I have been very, very vocal about this when I go and meet with people up there, this is an everybody's endeavor, not just one person. I'm not going to improve safety. All of us need to improve safety.

Q. Okay.
A. And I have been very, very vocal about that one, and that is the intent of the safety liaisons.
Q. Okay. Again, thank you. I enjoyed talking with you.
A. Oh, pleasure.
UNIDENTIFIED SPEAKER: That's all the questions that I have.
MR. HIPSKIND: Any additional comments, questions?
Rodrigo or John --
MR. BONVENTRE: No questions.
MR. HIPSKIND: -- any points of clarification?
MR. BONVENTRE: No.
MR. HIPSKIND: All right, thank you.
BY MR. HIPSKIND:
Q. Let me ask you the closing questions.
A. Yes, sir.
Q. Is there anything you would like to add or change to our conversation here today?
A. No, not at this time.
Q. Okay. And are there any questions we should have asked but did not?
A. I think you were pretty thorough.
Q. Okay. We hear that a lot. Do you have any suggestions for preventing a reoccurrence? I know we've talked about some of the initiatives, but anything in addition to that?
A. Not at this time. I think we're working on the right

elements and, obviously, if we see them not achieving the goals that we want, we're going to go back to the drawing board and figure something out, but not at this time.

Q. For the things that you're thinking about, let me just digress here, are they achievable?

A. Yes.

Q. Can you work them through the system?

A. Yes.

Q. Okay. Good. Is there anyone else who we should interview?

A. I checked the list of everybody that you guys have talked to. I cannot think of anybody else.

MR. HIPSKIND: All right, thank you very much. And on behalf of the whole group here, I want to again thank you for your time and candor, and thank you for helping us with the investigation.

MR. BITAR: Thank you guys.

MR. HIPSKIND: Appreciate it.

(Whereupon, the interview was concluded.)

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 Rodrigo Bitar
DOCKET NUMBER:	DCA16FR007
PLACE:	Washington, D.C.
DATE:	September 29, 2016

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

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Katherine Motley
Transcriber