

UNITED STATES OF AMERICA

NATIONAL TRANSPORTATION SAFETY BOARD

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Investigation of:

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NEW JERSEY TRANSIT TRAIN #1614  
ACCIDENT AT HOBOKEN TERMINAL  
AT HOBOKEN, NEW JERSEY  
ON SEPTEMBER 29, 2016

Accident No.: DCA16MR011

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Interview of: JAMES LUKE

Thursday,  
February 16, 2017

## APPEARANCES:

CY GURA, Safety Engineer  
National Transportation Safety Board

JOE GORDON, Rail Accident Investigator  
National Transportation Safety Board

PETER LAPRE, Railroad Safety Specialist  
Federal Railroad Administration (FRA)

GARDNER TABON, Chief, Office of System Safety  
New Jersey Transit  
(Representative on behalf of Mr. Luke)

BETSY STERN, Manager of Safety Compliance  
Office of System Safety  
New Jersey Transit  
(Representative on behalf of Mr. Luke)

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I N T E R V I E W

(1:15 p.m.)

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2  
3 MR. GURA: My name is Cy, C-y, Gura, G-u-r-a. And this  
4 interview is being conducted on February 16th, 2017 at  
5 approximately 1:15 p.m. with Mr. James Luke, Betsy Stern and  
6 Gardner Tabon in regard with the accident that occurred on  
7 September 29th, 2016, at 8:38 a.m. EDT, at the Hoboken Terminal in  
8 Hoboken, New Jersey.

9 The purpose of the investigation is to increase safety, not  
10 to assign fault, blame or liability. The NTSB cannot offer any  
11 guarantee of confidentiality or immunity from legal or certificate  
12 actions. A transcript or a summary of the interview will go into  
13 the public docket.

14 The interviewee can have one representative of his choice.

15 Mr. Luke, do you have a representative here with you?

16 MR. LUKE: Yes, Gardner Tabon and Betsy Stern.

17 MR. GURA: Okay. My name, again, is Cy, C-Y, Gura, G-u-r-a.  
18 I'll be conducting the interview.

19 MR. GORDON: Joe Gordon, NTSB, Accident Investigator.  
20 G-o-o-r-d-o-n.

21 MR. LAPRE: Peter Lapre, with the Federal Railroad  
22 Administration. P-e-t-e-r, L-a-p-r-e.

23 MR. TABON: Gardner Tabon, G-a-r-d-n-e-r, T-a-b-o-n, New  
24 Jersey Transit, Chief, Office of System Safety.

25 MR. LUKE: James Luke, J-a-m-e-s, L-u-k-e, Director of Rail

1 Safety, Office of System Safety, New Jersey Transit.

2 MS. STERN: Betsy Stern, B-e-t-s-y, S-t-e-r-n. I'm the  
3 Manager of Safety Compliance, Office of System Safety, New Jersey  
4 Transit.

5 INTERVIEW OF JAMES LUKE

6 BY MR. GURA:

7 Q. Okay, James, I have a few questions for you. For system  
8 safety, you have a System Safety Program Plan; is that correct?

9 A. That's correct.

10 Q. And how is that System Safety Program Plan developed?

11 A. The current System Safety Program was developed based on the  
12 APTA guidelines on the commuter rail System Safety Program Plan.  
13 That's one document we can refer, and our program was developed on  
14 APTA one.

15 Q. Okay. And the elements, how many elements did you use to  
16 develop your System Safety Program Plan?

17 A. We used the -- all elements, elements in the APTA plan, APTA  
18 guideline. I believe it is 21 elements, if I am correct.

19 MS. STERN: It's 23.

20 MR. LUKE: Yeah, 23 elements.

21 BY MR. GURA:

22 Q. Twenty-three elements?

23 A. Yes.

24 Q. Okay. Now in the 23 elements, are there any specific  
25 elements that talk about terminals?

1 A. We have a section for our customer safety. So it's basically  
2 talking about platform, safety on the platforms and different  
3 other initiatives we needed for the customer safety.

4 Q. And is there anything in the System Safety Program Plan that  
5 talks about if there is a failure of the train engineer coming  
6 into a terminal to stop? Is there anything in there that  
7 addresses that as a redundant safety preventative accident so you  
8 don't have a single point failure? Let's say the engineer becomes  
9 incapacitated and he comes into the station at an unrestricted  
10 speed. Is there anything there that addresses that?

11 A. It's not specifically addressed in any sections in our System  
12 Safety Program Plan, per se, that was you are asking.

13 MR. LUKE: Betsy, correct me if I am wrong. I don't  
14 recollect anything in the safety --

15 MS. STERN: No.

16 MR. TABON: No, it doesn't speak specifically to that --

17 MR. LUKE: Right.

18 MR. TABON: -- in the SSPP. That's where our rules come into  
19 play.

20 MR. GURA: Okay. So, Mr. Tabon, when you're clarifying it,  
21 please say, you know --

22 MS. STERN: Oh, say who you are.

23 MR. GURA: Yeah.

24 MR. TABON: Gardner Tabon was just speaking. I do apologize.

25 MR. GURA: No problem. And at the same token, Mr. Tabon,

1 then, you said in the operating rules it talks about that. What  
2 in the operating rules addressed that then?

3 MR. TABON: I'm not an expert with regard to our operating  
4 rules, but I know that it refers -- this is Gardner Tabon. I know  
5 that our operating rules do refer to -- or special instructions  
6 that are directly correlated with the rules do speak to operating  
7 a train properly. But the SSPP is more of a guide, more of an  
8 umbrella, to instruct an organization to have certain rules in  
9 place that will address nearly, if not all, types of operations  
10 that it will encounter.

11 MR. GURA: So part of the SSP operations would be part of the  
12 SSP. And then the elements in the operating rules and what have  
13 you, those are like standalone under the SSP umbrella?

14 MR. TABON: I don't -- this is Gardner again. I don't know  
15 if I would term it that way.

16 MR. GURA: Well, term it the way you think it's appropriate  
17 then, please.

18 MR. TABON: The SSPP provides a guideline to rail operations  
19 for consideration of certain safety-oriented related activities.  
20 Its rulebook and special instructions that accompany it or  
21 complement it, there is where you would find the specific rules  
22 that speak to many, if not all, operating environments.

23 MR. GURA: Okay.

24 MR. LUKE: Can I add something to that? Can I add something  
25 to that?

1 MR. GURA: Yes. Please identify --

2 MR. LUKE: Because our railroad, for our operations are  
3 dictated by NORAC rules.

4 MR. GURA: Okay.

5 MR. LUKE: And in addition to that, we have what's called  
6 Special Instructions, whatever (indiscernible) in these NORAC  
7 rules, if you have a stricter requirement, that goes in the  
8 Special Instructions. In addition to that, we have, the Rules  
9 Department generate, it's called a bulletin orders. You might be  
10 familiar with that, bulletin orders, and --

11 MR. GURA: How do you spell that, please?

12 MR. TABON: Bulletin. Bulletin orders.

13 MR. LUKE: Bulletin orders.

14 MR. GURA: Oh, bulletin orders.

15 MR. LUKE: Bulletin orders.

16 MR. GURA: Okay.

17 MR. LUKE: And also restricted bulletin orders. Different  
18 documents generated by Rules Department in addition to other  
19 requirements, NORAC or Special Instructions. So this is all guide  
20 by the operations, rules and regulations, the operation of the  
21 trains.

22 BY MR. GURA:

23 Q. Okay. So then with the operating rules, there is special  
24 instructions how the engineer is supposed to come into the train  
25 stations, and not only the one at Hoboken, the other stations that



1 you have on your property.

2 A. It's specified they have to do any kind of restricted speed,  
3 it should be in the special instruction book.

4 Q. Okay.

5 A. So engineers are supposed to understand that and follow that  
6 rules. Okay.

7 Q. And --

8 MR. TABON: So, so it is --

9 MR. GURA: Go ahead.

10 MR. TABON: I'm sorry to interrupt, but -- this is Gardner  
11 Tabon again. I would respectfully ask that if there are rule-  
12 specific questions that we have someone from Rules or Operations  
13 here, as we are not experts in that area. It's not to pull away  
14 from the questioning, but I want to make sure that you're getting  
15 the very best information and the most accurate information  
16 possible, again, as we are not experts in the Book of Rules. We  
17 are familiar with some of the rules. We apply rules when there  
18 are accident investigations. We do our research, but we are not  
19 experts in that area, whereas there are people in the Rail entity  
20 that are, that could offer pinpoint information that you're  
21 looking for, along those lines.

22 MR. GURA: Okay.

23 MR. TABON: We're certainly here to support you.

24 MR. GURA: Yeah. Well --

25 MR. LUKE: I just want to clarify one thing. In our System

1 Safety Program Plan, it doesn't say everything about the rules  
2 which follow, but it refers to the -- what are the rules and  
3 regulations you have to follow as far as operations. It's a kind  
4 of high-level document.

5 BY MR. GURA:

6 Q. Okay. Well in that high-level document --

7 A. Right.

8 Q. -- is there anything that addresses if someone does not  
9 follow the rules?

10 MS. STERN: This is Betsy, Betsy Stern. That's not in the  
11 SSPP. I believe that's more a labor-relations issue.

12 MR. GURA: A labor-relations issue? Okay.

13 MS. STERN: Discipline type.

14 MR. GURA: Discipline.

15 BY MR. GURA:

16 Q. Is there anything in the SSPP that addresses, I'm going to  
17 call it, a redundancy, if anything happens in regard to a non-  
18 compliance of a rule?

19 And the rule that I'm going to refer to, let's say, is  
20 if the engineer fails to operate the train at restricted speed,  
21 okay, he's coming into the terminal and he strikes the bumping  
22 post. Is there anything in the SSPP that identifies that hazard  
23 that could be mitigated somehow?

24 MR. TABON: This is Gardner Tabon. I'm going to just  
25 interject right there. No, it does not. It's not, it's not

1 designed to do that.

2 MR. GURA: Okay.

3 MR. TABON: It is just purely not designed to address those  
4 items. That's where, again, either Rule Book or Special  
5 Instructions or bulletins that support those rules come in, but  
6 not the SSP. It's not -- it's definitely, like James indicated  
7 earlier, it's more of a high-level document that would encourage  
8 the placement of rules that were more specific, as you mentioned.

9 BY MR. GURA:

10 Q. Okay. Along in that same line, there were a few incidents  
11 that had happened in the past at different stations. There was an  
12 incident at Hoboken Track 2 on June 2nd, 2015; Penn Station May  
13 14th, 2014; at Penn Station July 8th, 2007; at Hoboken Track 8 on  
14 January 4th, 2010; Princeton Station June 8th, 2011; and Princeton  
15 Station May 31st, 2015; and then at Hoboken, which is the day of  
16 the accident on Track 5, on September 29th, 2016.

17 Prior to the Hoboken Station, you had previous incidents  
18 where the bumping post was collided with by a train. Would that  
19 be identified as a hazard in the System Safety Program Plan?

20 MR. TABON: This is Gardner Tabon. That is not identified as  
21 a specific hazard but that would fall under that category. See  
22 what I'm saying? It's not identified as a bumping post collision  
23 with hazard. But certainly a collision with anything, any fixed  
24 object or not fixed object, would be considered a hazard. So --

25 MR. GURA: Okay. How would that be identified as a risk so

1 it could be avoided in the future?

2 MR. TABON: How would it be --

3 MR. GURA: Yeah, the collisions with the bumping post  
4 previous to this accident, okay.

5 MR. TABON: Right.

6 MR. GURA: Those occurred.

7 MR. TABON: Right.

8 MR. GURA: And then, with those occurrences, were they  
9 evaluated and something put in place to prevent them from  
10 happening again?

11 MR. TABON: So if you would allow us to review our records,  
12 we'd appreciate that.

13 MR. GURA: Yes.

14 MR. TABON: So that way we can give you correct answers.

15 MR. GURA: Okay.

16 MR. TABON: And we'll get back to you for sure.

17 MR. GURA: Yeah, and I would need a copy of those records;  
18 what transpired; what, if any, discipline --

19 MR. TABON: Okay.

20 MR. GURA: -- was given.

21 MR. TABON: Um-hum.

22 MR. GURA: How it was reported to the FRA, and what the FRA  
23 -- if it was reported to the FRA and if the FRA wrote a violation  
24 or a defect because of it.

25 MR. LUKE: The --

1 MR. GURA: And could you -- go ahead.

2 MR. LUKE: We gave the information, I think, previously on  
3 the bumping block incidents and the disciplinary action taken on  
4 the employee.

5 MR. TABON: We'll look and --

6 MR. LUKE: Yeah.

7 MR. TABON: This is Gardner. We'll look and send it again --

8 MR. LUKE: Okay.

9 MR. TABON: -- if needed.

10 MR. GURA: Okay.

11 MR. LUKE: All right. I just thought it was --

12 BY MR. GURA:

13 Q. And there was disciplinary action?

14 A. Yeah.

15 Q. Okay. And were these accidents reported then to the FRA?

16 A. Whatever required by the FRA reporting regulations 225, Part  
17 225. We reported that to FRA.

18 MR. TABON: Right.

19 MR. GURA: Okay.

20 MR. LUKE: I am not sure which one is supported. It's all  
21 based on the category specified by the FRA reporting regulations.

22 MR. TABON: So I would say let us get back to you to verify  
23 which were, and we'll get back to you with that information.

24 MR. GURA: Okay. And then at the same token --

25 MR. TABON: This is Gardner Tabon.

1 MR. GURA: Yes.

2 MR. TABON: I'm sorry.

3 MR. GURA: And then at the same token, then, as you're making  
4 your list, if there was any prescriptive actions taken to prevent  
5 it from happening again, basically.

6 MR. LUKE: Okay.

7 BY MR. GURA:

8 Q. With the incident that occurred on Track 5 on September 29th,  
9 2016, what action did you put into place to prevent the accident  
10 from occurring after that accident?

11 MR. TABON: We'll have to -- once again, this is Gardner  
12 Tabon -- get back to you with the information. I just want to  
13 ensure that what we give you is accurate.

14 MR. GURA: Okay.

15 MR. TABON: So, sorry, we don't have it off the top of our  
16 heads, but certainly want to give you accurate information.

17 MR. GURA: Okay. And then, along with that, for the Hoboken  
18 Station whatever actions that you prescribed, did it have an  
19 effect at other station stops where there's stub-end tracks?

20 MR. TABON: That I can answer. I do know that rail  
21 operations and also my department took a number of actions. And  
22 we'll send you -- be glad to email you those, every single action  
23 that has been taken, including bulletin orders that support those  
24 actions. As a matter of fact, FRA was recently sent -- not this  
25 guy, but FRA was recently sent our actions; Mr. Ed Flynn was sent

1 the information. So we'll be glad to provide that to you as well.

2 MR. GURA: Okay.

3 BY MR. GURA:

4 Q. Before this accident occurred, the FRA was on the New Jersey  
5 Transit property doing a, I'm going to call it a Deep Dive audit.

6 A. Deep Dive was done in the Metro North, actually.

7 Q. Nothing on New Jersey transit?

8 MR. TABON: There was -- the only -- excuse me. This is  
9 Gardner Tabon interjecting. The only Deep Dive that I'm aware of  
10 -- and please correct me, Pete. The only Deep Dive I'm aware of  
11 took place at Metro North.

12 Obviously, FRA, they've had their inspections. They have had  
13 other reviews. But to my knowledge, in the 2-plus years I've been  
14 here, there have not been any Deep Dives here to my knowledge.

15 MR. GURA: Okay.

16 BY MR. GURA:

17 Q. On the APTA -- you're part of the APTA system; is that  
18 correct, James?

19 A. Say that again? I'm sorry.

20 Q. You're part of the APTA system?

21 A. Yes. We --

22 Q. Did APTA do an audit?

23 A. Correct.

24 Q. When did they do the audit?

25 A. They do the audit every 3 years.

1 Q. Okay.

2 A. Triennial audit, they call, APTA triennial audit. The last  
3 one, I believe, was 2012.

4 MR. TABON: So let us -- again, I don't want to give you --

5 MR. LUKE: Right, right.

6 MR. TABON: -- what we believe. Let us verify that.

7 MR. GURA: Okay.

8 MR. TABON: This is Gardner Tabon. Let us verify that and  
9 we'll give you an accurate date.

10 MR. GURA: Okay.

11 BY MR. GURA:

12 Q. If the date is correct, 2012 --

13 A. Yes.

14 Q. -- and it's a triennial audit, that would be 2015, and the  
15 accident occurred in 2016. If they don't do the audit every  
16 triennial, what does that mean to you? Is there a problem with  
17 that? Or is that on their own initiative or do you request it?  
18 Tell me a little bit about what precipitates the audit.

19 A. As I said, it's a triennial audit. And last time when they  
20 requested for the audit, we were also doing an external audit at  
21 that time, a detailed external audit, conducted by a consulting  
22 company. So that was a really thorough audit. And at that time  
23 we were involved with that audit, so we said APTA to hold on to  
24 their audit because we are having audit inside already. So that's  
25 what -- the last audit, we said, you know, just hold on to that.



1 Q. Okay.

2 A. Yeah.

3 Q. In the consulting company's audit --

4 A. Yeah.

5 Q. -- okay, did they identify any risk or hazard to passengers  
6 that are walking back forth behind the stub-end tracks. You know,  
7 did they identify any problems during their audit with the  
8 terminals and the way the structure is set up, where the trains  
9 coming into stub-end track and them walking behind the stub-end  
10 tracks?

11 A. To my best recollection, I don't think any kind of  
12 recommendations came from that external audit, the same audit that  
13 you are talking about.

14 Q. Right. And then the previous -- I'm going to say the  
15 previous 2012 audit by APTA, if it was in 2012, had anything been  
16 identified by APTA on the same subject matter?

17 A. I have to get back to you on that.

18 Q. Okay. If you could please send me, you know, anything that  
19 identifies any hazards behind the bumping posts with passengers,  
20 you know, walking behind the bumping posts. And the same thing  
21 with the consultants that, you know, did their audit, please  
22 review that and send a copy of any reviews that you had.

23 A. Right. Okay.

24 MR. TABON: Quick question.

25 MR. GURA: Yes.

1 MR. TABON: This is Gardner Tabon again. A question. I'm  
2 not familiar with APTA conducting those types of audits where they  
3 audit the property's physical characteristics. I'm just not aware  
4 of it, so that's why this question strikes me a bit odd. I'm just  
5 not aware. Have you known APTA to conduct those sorts of audits?  
6 Typically, it's on the document itself and those types of things.  
7 But I'm just curious. I'm not --

8 MR. GURA: Well, you know, I'm asking if the audit basically  
9 looked at the physical characteristics of your property.

10 MR. TABON: Okay. Okay.

11 MR. GURA: If it didn't look at the physical characteristics  
12 of your property, if it was just a paper audit, you know, that's  
13 what it was.

14 MR. TABON: Yeah. I -- right.

15 MR. GURA: You know, I don't know.

16 MR. TABON: Sure, sure.

17 MR. GURA: I'm asking you.

18 MR. TABON: Sure, sure. Sure, sure.

19 MR. LUKE: Just from my experience on APTA audit, I was  
20 involved in a couple of audits, and in addition to the paper audit  
21 they also randomly look -- go to certain properties and look at  
22 certain things. But my knowledge, I don't think they look at the  
23 hazard behind the bumping blocks issue, to my knowledge.

24 MR. TABON: Yeah, let's verify --

25 MR. LUKE: Yeah.

1 MR. TABON: This is Gardner Tabon again. Let us verify that.  
2 And we'll certainly provide that with the other information we owe  
3 you.

4 MR. GURA: Okay.

5 MR. TABON: Be glad to.

6 MR. GURA: Okay.

7 BY MR. GURA:

8 Q. When you do your own internal audit, okay, who's comprised of  
9 your own internal audit when you audit your own property?

10 MS. STERN: What was that question?

11 BY MR. GURA:

12 Q. When you conduct your own internal audit, instead of APTA or  
13 anybody else, I'm going to say, do you audit your own property  
14 yourselves with certain groups?

15 A. Yes. We have a field group where the safety officers conduct  
16 audits and inspections of the facilities. That's an ongoing  
17 process.

18 Q. Okay.

19 A. And we look at various aspects of the system.

20 Q. Okay. In the terminals, okay, what are some of the things  
21 that you look at? You know, is it more like the walkways, a gap,  
22 fire extinguishers, stuff of that nature? Or is it -- has anyone  
23 ever looked at passengers walking behind bumping post areas, the  
24 flow of passengers, possible single-point failures where, you  
25 know, what happens if the train doesn't stop and it hits the

1 bumping post? Has that -- does that include in your own  
2 individual audits?

3 A. Yeah, our staff do the station inspections. But to my  
4 knowledge, this issue never came to our attention. And I don't  
5 think we have any -- took any actions because this is -- several  
6 stations has the same, you know, issues.

7 MR. GURA: Okay. I don't have any further questions. I'm  
8 going to pass it over to the FRA.

9 MR. LAPRE: Thank you. This is Peter Lapre with the FRA.

10 BY MR. LAPRE:

11 Q. James, just a couple of questions, and this is perhaps trying  
12 to clarify in what you said previously.

13 So with regard to your System Safety Program Plan which is  
14 being developed currently, you have hazard categories and that's  
15 the springboard for the program. Correct?

16 A. In the System Safety Program Plan, as I said, it's a high-  
17 level document. And it basically directs, tells what we do to  
18 make your system safer. For example, we do safety inspections at  
19 the facility stations. And that was ordered to the three  
20 elements, how we are doing that business.

21 So it's signal training, the development of programs. And it  
22 doesn't specifically say what hazard we are looking into, but we  
23 have a section it's called hazard analysis or hazard management  
24 where we have a prescribed form which we'll use if in case you  
25 need to use that -- you know, evaluate the hazard.

1 Q. Right. So the first step is identifying what could be a  
2 hazard.

3 A. Correct.

4 Q. And that's where I was getting at with categories. So a  
5 collision or a derailment, these are categories that you would  
6 perhaps conduct a hazard analysis?

7 A. As far as the -- you know, you are talking about switches and  
8 other things --

9 Q. The potential for, the potential for a collision.

10 A. Right.

11 Q. And this is what we're talking about here, the potential for  
12 a collision to occur between a train entering a stub-end track and  
13 the bumping block. This could perhaps fall under a collision  
14 category?

15 A. As I said, you know, in this particular collision with the  
16 bumper block, it has -- it was not an issue like a major issue  
17 here before. So that was not in our radar. So we do -- other  
18 inspections we do. We have specified forms for doing inspections.  
19 Wherever the staff goes, they go through the checklist. For each  
20 items we have. On station inspections we have a prescribed  
21 checklist. We have a checklist for the yard inspections. We have  
22 a checklist for the shop inspections.

23 So specifically, you are back talking about this collision  
24 between bumper blocks. As I said, it was not a major issue  
25 identified with the company, so --

1 Q. I understand that.

2 A. Right.

3 Q. Okay. So you have a checklist that you audit against --

4 A. Right.

5 Q. -- when you do out to do your routine inspections in your  
6 facilities and your terminals.

7 A. Right.

8 Q. An SSPP is, you know, to identify hazards. So what is the  
9 mechanism to identify the hazard and get that thing onto the  
10 checklist? Is there such a thing? Is there a group that is  
11 seeking to identify the hazards?

12 A. So what is basically you see that the checklist was developed  
13 on the non-hazards as well as from our experience. That's why the  
14 checklist was developed.

15 Q. Yes.

16 A. So this particular item was not on the checklist because it  
17 was not identified as hazard as the other issues.

18 Q. Right.

19 A. For example, platform gap issues, that's like ongoing daily  
20 issues. So that's something like we look into in our daily  
21 inspections. So this particular issue about the collision with  
22 the bumpers, as I said --

23 Q. It was not there.

24 A. -- it was not a major issue experience-wide by the committee  
25 before. And we look -- we depended upon the rules for the

1 operations department to address that issue. For example, speed  
2 restriction, that kind of thing, they look at. You know, that's  
3 being left for the operations.

4 Q. So you -- you're relying on the rules as a mitigation for the  
5 risk, such as this collision that we're talking about.

6 A. Correct.

7 MR. TABON: If I could, this is Gardner Tabon. We also rely  
8 on technology. So there's on-train technology and there's field  
9 technology that we rely on, trackway technology, that acts as an  
10 interface to the locomotives and to the lead cars, which will  
11 under the right circumstances slow and/or stop the trains. And it  
12 also depends on the territory upon which the train is being  
13 operated.

14 So we -- there is a combination of reliances, if you will,  
15 that we have that's not uncommon throughout the railroad industry.  
16 So we rely on, obviously, the engineer. We rely on the onboard  
17 technology. We rely on trackway technology, which includes signal  
18 and other circuitry that will speak to, if you will, or communicate  
19 to the trains, to onboard equipment to slow and/or stop trains.  
20 So we -- depending again, upon where the trains are being  
21 operated, we also rely on that and not just the human being. So  
22 it supplements human performance.

23 MR. LAPRE: Okay. So this is Peter Lapre. So what I'm  
24 hearing is that there are situations where collisions are trying  
25 to be avoided through the use of technological devices --

1 MR. TABON: Right, right.

2 MR. LAPRE: -- incorporated into your signal system and such.  
3 Is it a true statement that in your terminals now, you don't  
4 have that technology available to stop the train?

5 MR. TABON: I will say it is not a true statement. And I  
6 can't speak to every terminal because every terminal has its own  
7 physical characteristics. So I would ask that that question be  
8 provided to RAC. I would hate to misspeak in this.

9 MR. LAPRE: Could you tell me how many terminals you have  
10 that have stub-end tracks?

11 MR. TABON: Exact number -- this is Gardner Tabon. We have  
12 several of our own and operate Amtrak territory, which is New York  
13 Penn Station, is at least one. Please allow us to get back to you  
14 with the exact number.

15 MR. LAPRE: And location, please.

16 MR. TABON: And locations, yeah. That's -- we'll do that for  
17 you.

18 MR. LAPRE: Thank you.

19 That's it for me, Cy.

20 MR. GORDON: Joe Gordon, NTSB. I've got a few questions and  
21 probably some things to clarify as well.

22 BY MR. GORDON:

23 Q. Not to oversimplify System Safety Program Plans, but it is a  
24 hazardous -- or hazard recognition risk management plan. When you  
25 talk about going and doing, conducting an audit, and you know the



1 known hazards such as the wide gap. But would you say that the  
2 System Safety Program Plan provides an element like a living  
3 document as you're out there? You know, your team's not going out  
4 there only to identify known hazards, and more of a -- if we go  
5 into a terminal on an audit basically asking "What if?" You know,  
6 what does happen if --

7 A. Right.

8 Q. -- the operating rules don't capture this failure?

9 MR. TABON: This is Gardner Tabon. Let me just interject  
10 there. Certainly our team -- teams, because we also work together  
11 with other departments to resolve and to identify hazards. So,  
12 yes, the opportunities are taken beyond the checklist. I can  
13 honestly say that.

14 The checklists used are comprehensive. The System Safety  
15 Program Plan provides a great guidance to those that are out and  
16 about and conducting daily inspections. But certainly, I can  
17 honestly say that we look beyond -- we look at our checklists, we  
18 look beyond them, and the checklist grows based on new items that  
19 we see in the field. And so the -- while a hazard analysis, when  
20 we look at the total risk in a RAC, that is one tool that can be  
21 used to weigh a particular hazard. Some you don't need to do that  
22 with. You can identify a hazard and see that immediately it needs  
23 to be addressed and/or, if not mitigated, reduced greatly.

24 So, yes, there are teams of us, whether the Office of System  
25 Safety acts alone or in partnership with the various departments

1 within Rail, we do act on items that we may not have as a part of  
2 our immediate checklist.

3 MR. GORDON: Okay, thank you for that.

4 BY MR. GORDON:

5 Q. You mentioned before, James, that the -- prior to the Hoboken  
6 accident, the overrun of a stub-end track bumping post wasn't on  
7 the radar. Safe to say it's on the radar now.

8 Is that something you can walk us through, how the System  
9 Safety Program Plan has been, I guess, put into motion or used to  
10 identify that known risk that came about as a result of the  
11 Hoboken accident?

12 MR. TABON: So this is Gardner Tabon again. Let me just  
13 interject. FRA, shortly after the Hoboken, the very unfortunate  
14 accident in Hoboken, provided a safety advisory.

15 Prior to that, we'd had discussions with FRA and others from  
16 NTSB on how we can make short-term immediate improvements, which  
17 included, but were not limited to, placing a qualified or  
18 certified individual along with the engineer while approaching a  
19 stub-end track or terminal which had a track that was ending,  
20 immediately. That was done almost immediately. There were other  
21 actions taken between that time and the time that FRA provided the  
22 industry with SA 17?

23 UNIDENTIFIED SPEAKER: No, don't ask me about that.

24 MR. TABON: Sorry. But there was a safety advisory that was  
25 provided to the industry which provided recommendations. It was

1 not regulation. It was recommendation. And many of which New  
2 Jersey Transit, thanks again to our partners over at Rail, had  
3 already instituted or were in process to, such as researching  
4 improved technology, technology that could perhaps prevent or  
5 supplement human performance. If the human were to fail, do we  
6 have something that would supplement that?

7 So these types of things that you will find the spirit of  
8 this System Safety Program Plan were taken with that in mind. So  
9 the SSPP is ingrained in the minds of our vice president, general  
10 manager, myself and other leaders in the organization and staff.

11 So without calling out the SSPP, we're able to, because it's  
12 been a part of our lives for so long, to just almost naturally, if  
13 you will, to begin to identify the hazards and to begin to take  
14 appropriate actions. So I hope that somewhat spoke to your  
15 question.

16 MR. LUKE: Just to add something to what Gardner said.  
17 Immediately after the Hoboken accident, we reduced the speed from  
18 10 miles per hour to 5 miles per hour.

19 MR. TABON: Right.

20 MR. GORDON: Okay.

21 MR. LUKE: That was an immediate, you know, action.

22 MR. GORDON: Okay. Thank you for that.

23 And, Mr. Tabon, you mentioned the technology, and I know that  
24 Peter had mentioned that before as well. The technology -- and I  
25 don't know that anyone in the room will be able to speak to this,

1 but we'll ask about the cab signal. We know that that's, you  
2 know, one of the things that is in place on the train sets that  
3 are out there running that can help to control that speed if the  
4 engineer's not actively engaged in doing that.

5 So can anyone speak to cab signaling? Is there a speed at  
6 which the cab signal drops out as the trains are coming into the  
7 terminal?

8 MR. TABON: So this is Gardner Tabon interjecting. So what I  
9 would say to that, while I am familiar, while staff may be  
10 familiar, for a much more accurate answer, please refer to our  
11 Rail individuals. They can give you very accurate information  
12 regarding that.

13 And, again, I think it depends on the terminal. I think it  
14 does because there may be different rules going in regarding speed  
15 control, but I am not certain about that.

16 MR. GORDON: Okay. Okay. So I'm probably down to two more  
17 clarifications.

18 Cy had mentioned a Deep Dive. And I know, you know,  
19 Operation Deep Dive was a specific focused audit on Metro North in  
20 2013. I was a part of that audit. But our understanding was that  
21 there was a focused, a more -- I don't know that you wouldn't call  
22 it maybe even making it to the operation level, but there was a  
23 more focused audit that was conducted prior to the Hoboken  
24 accident by FRA that was being completed about the same time that  
25 the accident occurred.

1           So, you know, we can get more information from FRA on that.  
2 But I just wanted to clarify that, you know, we understand the  
3 deep dive wasn't --

4           MR. TABON: Right.

5           MR. GORDON: -- your property wasn't part of the deep dive  
6 audit.

7           MR. TABON: Right. This is Gardner Tabon. I wasn't trying  
8 to split hairs, but I know how important words are and terms are.  
9 And while, certainly, FRA was on the property, they, FRA, have not  
10 termed it the same way. So, please, have a conversation with  
11 them, and I'm sure they'll be glad to share.

12          MR. GORDON: Right.

13          MR. TABON: Yeah.

14          MR. GORDON: Yeah, sometimes it can be a focused audit -- I  
15 mean, just a focused inspection where more inspectors are pulled  
16 in from --

17          MR. TABON: Exactly.

18          MR. GORDON: -- different areas.

19          MR. TABON: They used to call it -- in the '80s anyway, they  
20 used to call it something super blitz or -- there were different  
21 terms back then.

22          MR. GORDON: Yeah, yeah.

23          MR. TABON: Pete told me that. You need to take it up --

24          MR. GORDON: Okay. Thank you for that.

25           And I think the last one that I have, and this is probably

1 just and add-on to something that Pete has already requested.

2 The Stub-end tracks, if we could differentiate, you know,  
3 give a list of all the terminals that have a stub-end track and  
4 then, on top of that, the stub-end tracks that have passed your  
5 concourse or walkway beyond the end of the track.

6 So there's probably going to be two sets of numbers. But if  
7 we could identify where passengers are -- you know, not that an  
8 area is completely restricted from anyone trespassing and making  
9 their way back there, but if it's used as a typical --

10 MR. TABON: Right.

11 MR. GORDON: -- pathway for the passengers, if we could have  
12 the --

13 MR. TABON: If it's an authorized walkway.

14 MR. GORDON: Exactly.

15 MR. TABON: Okay.

16 MR. GORDON: Yeah. And with that, I have no further  
17 questions. I'll turn it back over to Mr. Gura.

18 MR. GURA: I do have a couple more.

19 BY MR. GURA:

20 Q. When you have your checklists that you're talking about, when  
21 you do internal audits, okay, are the checklists terminal  
22 specific? Does each terminal have its own checklist or is it a  
23 checklist -- when you go into a terminal, you basically go through  
24 the things that are applicable, and then the ones that are not  
25 applicable you just put a "not applicable" or, you know, don't --

1 explain that to me.

2 Q. Okay. Well, what we -- the inspections we do for we call the  
3 station inspections. So we have a general checklist. We think,  
4 based on our experience, these are the hazard you can find or you  
5 may or may not find in the station. And that's just a guide for  
6 the people who do the inspections. Sometimes, as Gardner said,  
7 sometimes they check -- they look beyond that checklist. But this  
8 is the minimum that they look at in a station.

9 Each station is different. Some of them are high-level  
10 platforms; some of them are low-level platforms. So every  
11 situation is different. So this is basically a guide.

12 To answer your questions, for each individual terminal, we  
13 don't have a specific checklist for individual terminals.

14 Q. Okay. And you mentioned that -- or Mr. Tabon mentioned that  
15 it is a living document and the checklist could change.

16 A. Yes.

17 Q. In that regard, how often do you do a terminal inspection?  
18 Is it quarterly, yearly?

19 A. Last year we did annual inspections in all stations. And  
20 since our staff level is increased, this year we are planning to  
21 do at least once in a quarter, each station.

22 Q. But up till last year it was annual?

23 A. Annually.

24 Q. Okay. What I would like you to give me would be the annual  
25 checklist for Hoboken Station for the past 5 years. So that would

1 be basically five reports; is that correct?

2 MR. TABON: So -- this is Gardner Tabon again. Our  
3 department was created October 20th, 2014. So we are a new  
4 department. I'm not sure of what inspections may have been -- may  
5 have taken place prior to then. We instituted new inspections  
6 from October 14th -- October 20th moving forward.

7 James, can you help me? Were we actually conducting station  
8 inspections prior to -- and let me just explain. I'm sorry to  
9 jump all over the place. Prior to the Office of System Safety  
10 being put into place here at New Jersey Transit, the safety  
11 departments were a part of their -- the operating departments.  
12 And so I am not sure, beyond that point, what their actual duties  
13 were. But I know we began to keep records from October forward or  
14 somewhere shortly after forward.

15 MR. GURA: Okay. Then when you had an APTA audit, let's say,  
16 in 2012, where did the APTA audit go to then if there was no  
17 System Safety?

18 MR. TABON: So there was no System Safety but there was still  
19 a Rail Safety Department that was a part of the Rail company  
20 itself. So we are not a part of Rail. We are an independent,  
21 autonomous department that reports directly to the executive  
22 director. Prior to October 2014, the Rail Safety Department  
23 belonged to Rail. So we are now a department that is comprised of  
24 bus, light rail, commuter rail and corporate safety.

25 MR. GURA: Okay. So then, if that's the case, you have a



1 System Safety from 2014. So it would be like 2014 and -- or 2015  
2 and 2016? Or 2014, 2015 and 2016 for terminal audits?

3 MR. TABON: So, James, what do you have?

4 MR. GURA: And then, if -- and then whatever you have for  
5 terminal audits under annual inspections, please go back to the  
6 Rail Safety then and see if they have anything for terminal  
7 audits.

8 MR. LUKE: So you're looking at the Hoboken Terminal audits,  
9 correct?

10 MR. GURA: Only Hoboken Terminal.

11 MR. TABON: Okay. Okay, be glad to do that for you.

12 MR. GURA: To see if it was an annual inspection, if it was  
13 conducted, and to see if there had been any changes to the  
14 checklist. That's basically what I'm looking for, to see if  
15 anybody made any changes.

16 MR. TABON: Correct.

17 MR. GURA: Or is it just, here's the checklist.

18 MR. TABON: Okay.

19 MR. GURA: And, Mr. Tabon, I understand that other  
20 technologies are being --

21 MR. TABON: Researched.

22 MR. GURA: -- researched right now. When that is completed,  
23 please send us a notification on what has been determined.

24 MR. TABON: Absolutely. Absolutely. Be glad to, as a matter  
25 of fact.

1 MR. GURA: Okay.

2 BY MR. GURA:

3 Q. Now, James, going to the bumping posts themselves, has there  
4 been any consideration on changing the type of bumping posts that  
5 are utilized, or are you going to continue utilizing the bumping  
6 blocks that are in place?

7 MS. STERN: This is Betsy Stern. There are different types.  
8 I can't answer to what's where.

9 MR. GURA: Yes. If I recall, there is one track that has a  
10 actual bumping post that has resistant shoes to it. The other  
11 ones are concrete blocks that are at the end of the track at  
12 Hoboken Terminal. And I don't know what's at the other stations,  
13 if they are, you know, energy-absorbing bumping posts, just plain  
14 old bumping posts, or concrete blocks.

15 BY MR. GURA:

16 Q. Do you have any knowledge of that?

17 A. Well, I had a discussion with our engineering department  
18 about bumping blocks and the type of bumping blocks. Only place a  
19 different kind of bumping block's used in the Atlantic City  
20 Terminal where they're called a friction bumping block. I don't  
21 know how that works, but that bumping blocks came with the  
22 original construction of that terminal.

23 Q. At Hoboken?

24 A. No. Atlantic City Terminal.

25 Q. Oh, Atlantic City Terminal. Okay.

1 A. That's also similar to the Hoboken Terminal where there are,  
2 you know, where there is a platform behind the walkway and the  
3 bumping blocks.

4 Q. Okay.

5 A. So other than that, any new system used, I'm not aware of.

6 Q. Okay. There's no study on changing the bumping post  
7 structures?

8 A. Not to my knowledge.

9 Q. Okay.

10 MR. TABON: This is Gardner Tabon. But there very well could  
11 be. Our executive director, who is fairly new in his position,  
12 has made safety New Jersey Transit's, certainly, number one goal.  
13 And that includes researching and providing improved product where  
14 we can. So I wouldn't be surprised if another department were  
15 doing the research and we were not aware. So our capital group  
16 could be conducting research on improving bumping posts but we  
17 wouldn't necessarily be aware right now. So they could be doing  
18 it. We just don't know.

19 MR. GURA: Would it be part of System Safety -- if someone  
20 was looking at an improvement or an enhancement in safety to  
21 incorporate System Safety --

22 MR. TABON: Right.

23 MR. GURA: -- so that they could weigh in also on whether  
24 it's one of their hazards that they identified or not identified?  
25 I mean, you know, I could see a disconnect here if I'm listening

1 to you correctly.

2 MR. TABON: So this is Gardner Tabon again. Did not mean to  
3 paint that picture. So preliminary research can be done, perhaps  
4 gathering of certain manufacturers and products that a particular  
5 group wants to bring to the table once they do assemble all of the  
6 key stakeholders. So that's -- that was my intention behind that  
7 remark, not that OSS gets left out of the loop.

8 As a matter of fact, we're brought in quite often on very  
9 many, if not all, safety-related items. And so it's not unusual  
10 for us to get a call and/or a meeting request requesting our  
11 assistance with a particular project that's safety-related. So I  
12 didn't mean to paint that picture.

13 MR. GURA: Okay. I have no further questions.

14 MR. LAPRE: This is Peter Lapre.

15 BY MR. LAPRE:

16 Q. I have a question regarding your System Safety Program Plan.

17 A. Sure.

18 Q. And that is the hazard analysis procedure.

19 A. Yes.

20 Q. Step 1, if you'll allow me to read this to you, says,

21 "Identify a real or potential condition that exists and which may  
22 cause injury, death or damage lost property or equipment."

23 Can you tell me a little bit about the process that you plan  
24 to utilize in the interest of continuous improvement to identify  
25 hazards that would subsequently be -- develop some mitigations to

1 eliminate or reduce the potential to cause such harm?

2 MR. TABON: So this is Gardner Tabon. I just wanted to  
3 interject. So thank you for that question. Great question. Very  
4 happy to say that we have many safety committees and labor-  
5 management joint effort.

6 And as a part of their duties, they will use as a tool to  
7 either eliminate or reduce a hazard under MIL Standard 882E our  
8 matrix, which looks at severity, probability and then the risk  
9 assessments, the RAC, as it were, to eliminate a hazard. And also  
10 there are some other tools along the way.

11 But, yes, we are utilizing that aspect of it. And I'm glad  
12 that it's a part of a joint effort between labor and management.  
13 When I say labor and management, the UTU, BLE. They're also a  
14 part of the team that utilizes this tool to, again, eliminate or  
15 reduce hazards.

16 MR. LAPRE: Thank you. That's it for me.

17 MR. GORDON: Joe Gordon, NTSB.

18 BY MR. GORDON:

19 Q. I know that we talked before about the previous strikes, the  
20 previous times that the bumping posts had been hit. I think you  
21 guys are going to get us some more information, clarification on  
22 some of those.

23 I have worked at the Track Technical Working Group chairman  
24 on the Hoboken accident. And, you know, it was apparent early on  
25 that just about every bumping post in that terminal had been hit

1 at some point in time, and, you know, also realizing that that  
2 terminal's been there for a very long time.

3 Is there -- you know, I don't want to label it as an  
4 acceptable number of collisions, but as it relates to the System  
5 Safety Program Plan, how many times would you see a repeat  
6 accident/collision before that would be something that would get  
7 identified as a risk that required mitigation? Is there like a  
8 matrix? I mean, is there some type of trigger that would get that  
9 moved from, you know, we're seeing these incidents and, you know,  
10 now this is moving up to a level that we want --

11 MR. TABON: So this is Gardner Tabon. I'd just like to say  
12 this regarding that, something very positive that I've seen. So  
13 what we've done, and since I've been here only a short time --  
14 joined New Jersey Transit October 2014 -- but we have identified  
15 hazards through data and have taken immediate action on items we  
16 considered were trending.

17 We've analyzed the data. We've gone out and looked in the  
18 areas where we thought there were issues. As an example, when we  
19 saw there were issues in one of yards, we actually had stand-downs  
20 around the clock for each shift to ensure that. Based on the data  
21 we had and the identified -- the hazards that we identified, we  
22 took appropriate actions including, but not limited to, speaking  
23 directly to the employees that were involved and/or impacted by  
24 the incidents that were occurring.

25 So, yes, we do follow through.

1 MR. GORDON: Okay. I appreciate that. And that trending,  
2 that data trending, I mean, you know that that's going to drive a  
3 lot of what you do --

4 MR. TABON: Right.

5 MR. GORDON: -- is looking at the accidents and trying to  
6 stay ahead of this.

7 MR. TABON: Right, that drives our resources. It drives our,  
8 it drives our motions throughout the -- and obviously we are -- we  
9 have limited resources like every -- well, I won't say every, but  
10 like many agencies, we have limited resources. So we try -- we  
11 certainly are not ignoring any issues. But we certainly have to  
12 address those that rise to the top, if you will. And I think we  
13 do so effectively.

14 We take a very strong stance regarding hazards. Again,  
15 whether we do it as a single department or if we do it jointly  
16 with Rail and their different departments. So we take our  
17 analysis seriously. We take the data that we create seriously.  
18 And then we take action.

19 MR. GORDON: Thank you for that.

20 I guess the last for me, going back to the technology -- and  
21 I understand that we don't have anyone in the room that we can  
22 actually speak with about the cab signaling, and we'll follow up  
23 at a later point on that. But maybe just a suggestion or  
24 something for you to maybe carry back to the track group or  
25 whoever can help with the cab signaling. We've heard of this

1 concept or seen this on other properties, these transponders  
2 that's used in the freight railroad to control, remote control  
3 locomotives. And with the cab signaling already in place, this  
4 may be something -- you know, we talked before about the bumping  
5 post, and I know that the bumping post got a lot of attention  
6 because it was severely displaced.

7 MR. TABON: Right.

8 MR. GORDON: But ultimately, if we can get the location where  
9 we're not, I guess, going beyond the end of the track and striking  
10 the bumping post, that's where we would like to get.

11 So if you could follow up with the track department and see  
12 if they have any ideas on the cab signaling and integrating and,  
13 you know, possibly even see if there's a point where at some  
14 locations the 5 mph -- that the cab signaling, as opposed to  
15 dropping out at a higher speed, can maybe come down to a lower  
16 speed to control what that impact would be.

17 But if you get information on that, that would be something  
18 that we would like to be provided as well.

19 MR. TABON: I'll be glad to pass that along.

20 MR. GORDON: Thank you for that.

21 MR. GURA: Mr. Tabon, you -- I think you said Military  
22 Standard 882E?

23 MR. TABON: Yes.

24 MR. GURA: What is that?

25 MR. TABON: Okay, Military Standard 882E is a safety standard



1 that's used throughout the United States and parts of the world  
2 that -- that's where your hazard -- let me --

3 MS. STERN: It's in Section 3.

4 MR. TABON: That's where --

5 MR. LUKE: I think page 14.

6 MR. TABON: Section 4?

7 MS. STERN: Section 4, yeah.

8 MR. LUKE: Three -- 4 or --

9 MR. TABON: I thought it was in the back, no? That's where  
10 your hazard matrix actually was born from. The hazard matrix is a  
11 tool that's used to identify and classify hazards. And that's --  
12 MIL Standard 882E is used throughout industries as a baseline, a  
13 recommendation, if you will, a standard to -- for all industries.

14 So it doesn't matter if you're a railroad industry or if  
15 you're an air carrier or if you're in whatever, and it's used very  
16 widely.

17 MR. GURA: And that is part of your System Safety Program  
18 Plan?

19 MR. TABON: Yeah. Yeah, just showed it to you. Right.

20 MR. GURA: I have nothing further.

21 MR. LAPRE: I have to be a pest and ask you one more  
22 question. This is Peter Lapre.

23 You mentioned that you use data to identify risk.

24 MR. TABON: Um-hum.

25 MR. LAPRE: Is there any other mechanism that you use to

1 identify risk?

2 MR. TABON: Sure. This is Gardner Tabon. We use our  
3 employees. Our employees are in the field conducting field  
4 inspections. We also use our camera systems. We have very  
5 amazing camera system which doesn't allow us into each crack and  
6 crevice of our operations, but we use it live and we use it to  
7 review incidents. So that's another tool that's used to help us  
8 to identify risk and to act on it.

9 MR. LUKE: And in addition to that, as Gardner said  
10 previously, the safety committees. We have about 6 committees and  
11 14 safety meetings. So that's where -- the forum where the  
12 decisions are brought up. And, generally, the OSS, the safety  
13 people, you know, we follow up on their issues and make sure that  
14 -- make sure we can resolve, you know, try to resolve.

15 MR. LAPRE: Okay. Thank you.

16 MR. GURA: I'm going to venture into one last point, and it  
17 goes to the FRA's new regulation. And that goes from, I guess, a  
18 migration from the APTA standard --

19 MR. TABON: Right.

20 MR. GURA: -- to a Federal Railroad Administration  
21 requirement.

22 MR. TABON: Yes, yes.

23 MR. GURA: How is that being implemented? Is that going to  
24 mirror the System Safety Program Plan with the APTA standards and  
25 more or less incorporate that into the federal requirements, or is

1 there going to be other additional things added to it?

2 MR. TABON: So great question. This is Gardner Tabon. As I  
3 indicated before, this is -- Betsy Stern, our manager of safety  
4 compliance, is leading this effort. It's a parallel effort,  
5 meaning our current System Safety Program Plan, which is not  
6 required by FRA but a recommendation by APTA and FRA to use,  
7 that's been implemented. So we're updating that.

8 So the other side of that track, of you will, or the other  
9 rail in that track is the new Rule 270. And that's the regulation  
10 and the requirement to have nearly all the elements of APTA's  
11 SSPP.

12 And so, maybe to answer your question, what we've done thus  
13 far is we've had -- FRA's been kind enough to come in and provide  
14 a regional overview. Regional overview meaning we've invited our  
15 partners from across the river, from Massachusetts and Virginia,  
16 to join us here while we had a meeting that lasted several hours,  
17 FRA gave an overview of the new program. They were also kind  
18 enough to come back and to provide our unions, our union  
19 leadership, with an overview of what is to be expected.

20 We are going to have -- this is where we currently are now --  
21 on March 28th?

22 MS. STERN: Yes.

23 MR. TABON: Thank you. March 28th, we will be having the  
24 required meeting, the consultation with union leadership to circle  
25 back, if you will, and see if they have an additional questions,

1 concerns, and to somewhat lay out a roadmap as to what we're going  
2 to do to follow the requirement, remind them of certain milestones  
3 that we have to reach in a timely manner.

4 And we will begin to -- as FRA has indicated, much of this  
5 you're already doing. We will be made even more accountable.  
6 There's what FRA will be doing to, in the future, to audit us  
7 based on our own SSP, as they've referred it to.

8 And also it will -- we will be allowed to -- it will not be  
9 as prescriptive as, perhaps, other requirements from other  
10 government entities for transit operations. So they've, within  
11 the elements provided that we must include, they've allowed us to  
12 customize it to our own property and culture. But we must  
13 obviously meet the goals.

14 So that's where we currently are. We're in development mode,  
15 and we are meeting our milestones.

16 MS. STERN: Could I just add one more thing? Betsy Stern.

17 While the regulation is in place, FRA is putting together  
18 guidelines. So none of the railroads have yet gotten the  
19 guidelines that they would like to see. So they've given the  
20 regulation but not how, the how-tos that they want us to do.

21 MR. GURA: Okay. One other question along with that, with  
22 the new FRA regulation, and I guess they call it hazard analysis.  
23 Is that correct?

24 MR. TABON: That's a part of it.

25 MR. GURA: Is it --

1 MR. TABON: That's a part of it.

2 MR. GURA: And a risk assessment, stuff of that nature.

3 MR. TABON: Right.

4 MR. GURA: With the Hoboken, I'm going to call it  
5 catastrophic accident --

6 MR. TABON: Right.

7 MR. GURA: -- okay? Would that include terminals, to look at  
8 them as additional risk to passengers with the potential of a  
9 problem and how it's going to be addressed?

10 MR. TABON: So this is Gardner Tabon. Terminals would be  
11 included as well as the -- it's the entire system. It's a system  
12 approach. So terminals, yes, they are included. It's a System  
13 Safety Program. So we have to look at the entire system, and yes,  
14 terminals are included.

15 MR. GURA: Would they be included as a checklist again or is  
16 it more of a living document where there's really no checklists,  
17 and this is what you're going to do and this is how you're going  
18 to do it?

19 MR. TABON: Still under development, but what I see is  
20 certainly terminals being a part of the process. I don't believe  
21 -- and Betsy can correct me if I'm wrong, but terminals are not  
22 going to be any more special than yards. They are a part --  
23 terminals are part of a system. It's a System Safety Program.  
24 And so we're looking at the entire system. Terminals is part of  
25 the system and so we're going to look at that, certainly. That

1 would be a part of the evaluations that take place in the system.

2 MR. GURA: Okay. And --

3 MS. STERN: If I could add one, one thing? I think you --  
4 this is Betsy Stern. You might be talking about two different  
5 things. From an Office of System Safety standpoint, it's not  
6 going to be different. As an operating, that's a whole different  
7 thing. As operating rules, special instructions, that's not us.

8 MR. GURA: Okay. I guess that answers my next question or it  
9 may not. When the FRA comes to see the System Safety Program,  
10 okay, are there expectations of a certain record to be kept and --  
11 of that nature?

12 MR. TABON: Yes. This is Gardner Tabon. Yes. We -- they  
13 will be -- it's my understanding. Please correct me, Mr. Lapre,  
14 but it's my understanding that whatever it is we say we are doing  
15 or plan to do, that is what they will audit to, is my  
16 understanding. I shouldn't try to speak for FRA. I do apologize.  
17 I just did. I do apologize for doing that, but that is my  
18 understanding.

19 MR. GURA: Okay. So the program is going to be audited as  
20 compared to what they see in the field, but that's the only  
21 record? There's no additional records that's going to be  
22 required?

23 MR. TABON: I don't know. I don't -- you would -- I think  
24 we'd be better served asking FRA.

25 MR. GURA: Okay. And you don't have that information yet

1 from the FRA. Is that correct, Betsy?

2 MS. STERN: Um-hum.

3 MR. GURA: Okay. So you really don't know if just the  
4 program plan -- or, not the program plan -- it's the System Safety  
5 Program, if that is the only record they're going to enforce or  
6 there's going to be additional records that support that plan that  
7 need to be kept --

8 MS. STERN: I don't know.

9 MR. GURA: -- to be reviewed?

10 MS. STERN: I don't know.

11 MR. GURA: You don't know that yet? Okay. That's all I  
12 have. I think we're done.

13 (Whereupon, the interview was concluded.)

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CERTIFICATE

This is to certify that the attached proceeding before the

NATIONAL TRANSPORTATION SAFETY BOARD

IN THE MATTER OF:           NEW JERSEY TRANSIT TRAIN #1614  
                                  ACCIDENT AT HOBOKEN TERMINAL  
                                  AT HOBOKEN, NEW JERSEY  
                                  ON SEPTEMBER 29, 2016  
                                  Interview of James Luke

ACCIDENT NUMBER:           DCA17MR011

PLACE:

DATE:                         February 16, 2017

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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Kimberlee Kondrat  
Transcriber