

UNITED STATES OF AMERICA
NATIONAL TRANSPORTATION SAFETY BOARD
OFFICE OF ADMINISTRATIVE LAW JUDGES

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Investigation of:

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TRAIN COLLISION
CHATSWORTH, CALIFORNIA

* Docket No.: DCA-08-MR-009

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Interview of: TED FRITZ

Portland Hills, California

Thursday,
September 18, 2008

The above-captioned matter convened, pursuant to notice.

BEFORE: JIM REMINES

APPEARANCES:

JIM REMINES, Investigator
National Transportation Safety Board
Washington, D.C.
(202) 314-6439

SCOTT PALMER

JAY ELLIS
California Public Utilities Commission

BILL DESKIN
Federal Railroad Administration

JOHN ENGLAND
United Transportation Union

TED TURPIN
National Transportation Safety Board

TOM ROBERTS
Metrolink

ROD BAILEY
Metrolink

TED FRITZ, Transportation Manager
Connex Railroad

I N D E X

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1 Q. State your title.

2 A. Transportation manager.

3 Q. Ted, thank you for coming in today. We'd like to ask
4 you some questions about this accident. What relationship are you
5 to these gentlemen on the Metrolink train?

6 A. I'm a supervisor with Connex. We provide T&E crews to
7 Metrolink.

8 Q. And by the term "providing" the T&E crews to Metrolink,
9 exactly what does "provide" mean?

10 A. We are a contractor to Metrolink and we provide them
11 personnel to operate their trains.

12 Q. Do you hire them?

13 A. Yes.

14 Q. Train them?

15 A. Yes.

16 Q. Discipline them?

17 A. Yes.

18 Q. We'd like to ask you some questions. Do you have a
19 formal efficiency test program in the FRA?

20 A. Yes, we do.

21 Q. Does FRA -- has FRA given you any defect for it?

22 A. Not that I'm aware of.

23 Q. On the day in question there has arisen questions
24 concerning the use of cell phones on Metrolink trains and I'd like
25 to ask you a few questions about your policies and procedures,

1 procedures in relationship to that usage. And I'd like to start
2 off with does Metrolink have a formal rule or (indiscernible) for
3 the use of cell phone or other electronic devices?

4 A. Yes.

5 Q. Would those devices include text messages?

6 A. I believe the rule is written as electronic devices, so,
7 yes, it would.

8 Q. And are you aware that there's some question on the
9 usage of text messages during the day of the accident by the
10 accident crew?

11 A. Yes.

12 Q. Were they in violation of your policy?

13 A. Yes.

14 Q. And how would they have been in relation -- deviation to
15 your compliance?

16 A. Would you repeat that, please?

17 Q. What I'm asking you is, is -- was -- in how they were
18 being used, at the throttle or in a locomotive cab, is that a
19 violation of your policy or rules?

20 A. Well, there's a instruction in the Metrolink timetable
21 that the use of electronic personal -- personal electronic device
22 is prohibited on a moving train. And Connex has a
23 superintendent's notice that states that the locomotive engineer
24 must not be -- or must not have an electronic, personal electronic
25 device in the control compartment that's turned on. It has to be

1 off, and if it is in the control compartment, it has to be in
2 their, in their bag or their work (indiscernible).

3 Q. And do you discipline employees for violations of that
4 policy?

5 A. Yes, we have.

6 Q. You spoke earlier about the enforcement capabilities
7 about the usage of a lone engineer in a locomotive compartment.
8 Can you tell us what, what problems there are that arise that
9 would make enforcement of that policy prohibitive?

10 A. Well, it's extremely difficult to enforce due to the
11 fact that -- like in the case of an engineer on a locomotive
12 using, say, a PDA or a BlackBerry text messaging, they could have
13 it on the control stand, and it would not be visible from outside
14 the locomotive.

15 In order to gain access to the locomotive, in most cases
16 the engineer would see you coming and would be able to hide the
17 device or put the device away. As far as cell phones, you can
18 call them, but nowadays most of the cell phones have a way of
19 telling them who's calling, so, of course, they're not going to
20 answer it.

21 If you were to tell the engineer, hey, I called your
22 cell phone and it rang, he could always claim that it wasn't in
23 his possession at the time and he had no idea that it rang. So
24 it's really difficult to monitor electronic devices like that.

25 Q. Have -- do you have other managers that help you enforce

1 that provision?

2 A. Well, all of the managers are required to conduct tests,
3 they're all on the lookout for violations of, of the various
4 policies and that is one of them.

5 Q. In a cab control car is it easier or harder to enforce
6 that policy?

7 A. Cab control car is a little easier because if you can
8 get on a train without being seen, you can walk up and, in a lot
9 of cases, surprise them. They're required by law to keep the door
10 closed in the cab control car, and if they have the curtain
11 pulled, you can't see in, but you'd be able to hear in some cases
12 a phone ringing or conversation going on that wasn't supposed to
13 be.

14 Q. As for the train, the train not moving, what is your
15 policy at that point?

16 A. If they're at a layover point, layover facility or in
17 between runs and, say, like out on the platform or station or
18 whatever, we allow them to use personal electronic devices.

19 MR. REMINES: I have no further questions. I'd like to
20 pass to my left.

21 MR. PALMER: No questions.

22 MR. REMINES: Okay.

23 MR. ELLIS: No questions.

24 MR. DESKIN: I have no questions.

25 MR. ENGLAND: No questions.

1 MR. TURPIN: Yeah, Ted Turpin.

2 BY MR. TURPIN:

3 Q. Just on the efficiency testing and operation, do you
4 have set tests you actually are assigned to observe for or is it
5 basically all the rules available in the rule book
6 (indiscernible)?

7 A. We look at, we look at all the rules, although there are
8 certain, what we consider, critical rules that maybe get a little
9 bit more attention than the other rules.

10 Q. Is the use of electronic equipment one of those critical
11 rules or (indiscernible)?

12 A. I would say it's -- yeah, it's a critical rule.

13 Q. If you, if you found an employee that was using an
14 electronic device, would you, would you enter it in the efficiency
15 test failure as a failure of the general code, or would you enter
16 it as a failure under the superintendent's notice of conduct?

17 A. The test system doesn't recognize superintendent's
18 notices, so it would have to be entered under general code.

19 MR. ROBERTS: No questions.

20 MR. BAILEY: No questions.

21 MR. REMINES: This will conclude the interview, and
22 thank you for your cooperation.

23 (Whereupon, the interview in the above-entitled matter
24 was concluded.)

25

CERTIFICATE

This is to certify that the attached proceeding before the

NATIONAL TRANSPORTATION SAFETY BOARD

IN THE MATTER OF: TRAIN COLLISION
 CHATSWORTH, CALIFORNIA
 Interview of Ted Fritz

DOCKET NUMBER: DCA-08-MR-009

PLACE: Portland Hills, California

DATE: September 18, 2008

was held according to the record, and that this is the original,
complete, true and accurate transcript which has been compared to
the recording accomplished at the hearing.

Kay Maurer
Transcriber