

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

\* \* \* \* \*  
In the matter of: \*  
\*  
METROLINK TRAIN NO. 111 \*  
COLLISION WITH UNION PACIFIC \*  
RAILROAD LEESDALE LOCAL, \* Docket No.: DCA-08-MR-009  
September 12, 2008, \*  
Los Angeles, California \*  
\* \* \* \* \*

Interview of: CHRIS LEO

National Transportation Safety Board  
1515 West 190th Street, Suite 555  
Gardena, California

Wednesday,  
January 21, 2009

The above-entitled matter came on for interview  
pursuant to notice, at 10:52 a.m.

BEFORE: C. WAYNE WORKMAN

## APPEARANCES:

C. WAYNE WORKMAN, Investigator in Charge  
National Transportation Safety Board

JIM REMINES, Operations Group Chairman  
National Transportation Safety Board

JAY J. ELLIS, Operating Practices Inspector,  
Public Utilities Commission

TED FRITZ, Transportation Manager,  
Metrolink Commuter Operation

JOHN R. ENGLAND, General Chairman BNSF -  
LAJ United Transportation Union

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1 Q. What's your current position with them now? What job do  
2 you now hold, and what do you?

3 A. I'm a conductor on the job Silver CLCS II. It's a run  
4 on the Antelope Valley line.

5 Q. Okay. And were you on duty the day of the accident at  
6 the Chatsworth accident the 12th of September?

7 A. Yes.

8 Q. I'd like to ask you to tell us about your day that day  
9 and if you have any information regarding this accident?

10 A. Um -- that day, it was a regular day for me. When I --  
11 I was on my break at the time of the accident -- well, prior to  
12 that on my break. I was in the town of Burbank, and I got a call  
13 from Bob Hildebrand, and he said, you know, he said that he had --  
14 well, he called me.

15 He had some concerns about Rob Sanchez and the fact that  
16 he had been using his cell phone a lot, texting a lot, and that he  
17 had -- his primary concern was that he had brought this to the  
18 attention to Rick Dahl, and he didn't feel that Rick was following  
19 up on it and he wanted to know what I thought, you know, what he  
20 should do or if he should pursue it or just looking for advice  
21 really.

22 Q. Okay. How did he contact you?

23 A. He called me on my work cell phone.

24 Q. On your work cell phone? Do you know if he was on a  
25 cell phone?

1 A. I believe he was on his work cell phone.

2 Q. What time was that? Do you remember exactly?

3 A. It was about 2:25 in the afternoon.

4 Q. 2:25. Was he already on duty then?

5 A. Um -- I think he comes on duty about 2:40. I think it  
6 was just prior to him coming on duty from his rest.

7 Q. Right. And how long did that conversation take place?

8 A. I think it was about ten minutes.

9 Q. Okay. Was he talking about prior conditions? Could you  
10 tell from the conversation just when this was taking place that he  
11 was talking about or?

12 A. What?

13 Q. Whether it was that day or previous to that day or what  
14 prompted him? Did he give you any indication why he called you  
15 then and not?

16 A. I had the impression that he had spoken to Rick earlier  
17 in the week.

18 Q. Okay.

19 A. And that it was the end of the week now, and he hadn't  
20 gotten any feedback.

21 Q. Okay.

22 A. That's why he was calling me then.

23 Q. And what did you advice him to do?

24 A. Well, I -- I told him, you know, that just because Rick  
25 hadn't gotten back to him didn't mean that he hadn't talked to Rob,

1 that, you know, Rick might not be getting back to Bob at all, that,  
2 you know, he was concerned about it. I told him that if I was him,  
3 I would, you know -- Monday morning I would approach Rick again  
4 and ask him, you know, if he had talked to Rob and what they had,  
5 if they had come to a remedy for the problem and that, if he  
6 wasn't satisfied, that he could go up the food chain.

7 Q. So you think he was talking to Sanchez about this and  
8 wasn't getting any satisfaction from him as far as the conductor's  
9 oversight of the engineer. Is that what I'm hearing here?

10 A. Right.

11 Q. And then he had taken it to the management that week --  
12 earlier in --

13 A. That was the impression I had earlier in the week.

14 Q. Was he -- how was his voice tone? Was he alarmed?  
15 Irritated? Concerned?

16 A. I'd say irritated and concerned.

17 Q. Yes.

18 A. Concerned about the -- Rob not being focused on the job  
19 and irritated that he didn't think that anything was, you know,  
20 being done.

21 Q. Did he cite any specific instances that --

22 A. He didn't give me a specific time, but he said -- the  
23 example that he gave was that, you know, he walked up to the cab  
24 when he was walking from the cab car and that he -- that he had  
25 walked up there to talk to Rob or just to go up there and he'd see

1 Rob, you know, with his head down texting and that that concerned  
2 him.

3 Q. And he would have cautioned Sanchez at that point?

4 A. Um-hum.

5 Q. How was your impression of Sanchez? Did you have any  
6 knowledge other than your conversation?

7 A. I've never -- I never worked with Rob -- you know, I've  
8 talked to him at the, you know, at the Taylor yard, and we took  
9 over their equipment everyday when they went up to 111 and they  
10 went back up to LA, you know.

11 We took up their equipment, but, you know, I've talked  
12 to him, but I've never worked with him. He seemed like a nice guy,  
13 but I don't know what his work habits were like or anything like  
14 that.

15 Q. Did you have any other conversations with the other  
16 employees or with the managers out there on the railroad about  
17 texting that Hildebrand described to you?

18 A. About Rob, specifically?

19 Q. Right.

20 A. No.

21 Q. And what was your impression of the management's policy  
22 toward cell phones out there? Were they strict? Would they  
23 caution you if they saw noncompliance? Was the rule vague?

24 A. The rule wasn't vague. I mean, it was -- the rule was  
25 specific that, you were not to have your cell phone on your person



1 while on duty. It was supposed to be turned off and in your grip.

2 Q. All right.

3 A. But it wasn't enforced.

4 Q. You don't believe it was enforced? Was it enforced at  
5 all?

6 A. There were conductors walking around with, you know,  
7 two cell phones on their belts. Obviously, you know, one was the  
8 work phone, but the other one -- I noticed it, and I'm sure the  
9 managers had to have noticed too. Nothing was ever mentioned.

10 Q. You mentioned "conductors." Was the rule equally as --  
11 specific for conductors, because I keep hearing that the controls  
12 of -- while operating was the conductor under a less stringent --

13 A. No.

14 Q. -- mandate?

15 A. No.

16 Q. You felt that, when you were a conductor back in the  
17 train, you could not possess a cell phone?

18 A. A personal cell phone, right.

19 Q. And you don't remember any managers cautioning you or  
20 telling you that you could not be in possession?

21 A. No.

22 Q. Okay. Did you -- with the engineers -- did you see it  
23 any more common? How about your engineer? Is he very compliant  
24 with the regulation?

25 A. Yes.

1           MR. REMINES:    Up to Mr. Workman, now.  Let him see if  
2 he's got anything.

3           MR. WORKMAN:    I think -- first of all, we appreciate  
4 you coming in today very much, and in addition to that, let me  
5 explain the NTSB party policy as the government has it.

6           Mr. Remines is the chairman of the operations group, and  
7 within his group, he's got what's called party members -- party  
8 representatives; and anytime -- the board has a very open policy,  
9 so anytime that -- that we are involved in issues or we're engaged  
10 in activities, party members -- all of them have an opportunity to,  
11 you know, to be represented.

12           And in this case, that's why you have UTU -- the Company,  
13 and California Public Utility.  They have that right within our  
14 organization.  So just wanted to lay that out.  This is not  
15 something new with you.  This is with -- with no matter who or  
16 where the board goes, and it also doesn't matter what discipline,  
17 whether it's highway or airline or marine.  It's a board policy.

18           I just want to -- just to say that to you out loud and  
19 make sure that you understood what the board policy is.

20           BY MR. WORKMAN:

21           Q.    So Mr. Hildebrand contacted you the day of the accident?

22           A.    Um-hum.

23           Q.    Had he discussed this with you prior to the accident?

24           Had you had conversations with him about -- about Mr. Sanchez's  
25 texting or cell phone use?

1 A. No.

2 Q. Do you know if he spoke with -- with -- any other  
3 employees?

4 A. No, I don't.

5 Q. You don't. Okay. And you had never worked with  
6 Mr. Sanchez?

7 A. No.

8 Q. Do you have any knowledge of any other conductors that  
9 may have worked with Mr. Sanchez that had concerns?

10 A. No.

11 Q. How about any -- any employees in general that may have  
12 worked or have knowledge of Mr. Sanchez other than Mr. Hildebrand?

13 A. You mean as far as his texting?

14 Q. Yes.

15 A. No.

16 Q. Okay. All right.

17 MR. WORKMAN: I'm -- Jim?

18 MR. REMINES: Anybody else want to ask him anything?  
19 Ted?

20 BY MR. REMINES:

21 Q. Couple of more questions. Are you familiar with the  
22 doing of operational test on the Metrolink? I mean as far as --

23 A. Efficiency testing?

24 Q. Yes.

25 A. Um-hum.

1 Q. Is it -- did you feel that you could be checked at any  
2 time at any place?

3 A. Um-hum.

4 Q. Did you feel that you could know what your engineer is  
5 doing on the head-in when you're in a coach as far as using his  
6 cell phone?

7 A. What was that?

8 Q. What I'm saying is, if your engineer was texting being  
9 in the cab or locomotive, is it possible for you as a conductor to  
10 find that out?

11 A. No. Not -- well, not unless he was texting me.

12 Q. Right. So what I'm saying is, there's no way for you to  
13 physically enter into the locomotive cab in the pull mode?

14 A. Well, there is. You could go between the first car and  
15 the locomotive and go up there, but --

16 Q. Right.

17 A. -- but I don't know anybody that does that or why they  
18 would, you know --

19 Q. All right. Okay. So, basically, when the train is in  
20 operation in the pull mode, it's difficult for you, other than  
21 calling out signals between each other, to know what's going on up  
22 there?

23 A. Right.

24 Q. Well, is it common for engineers and conductors to call  
25 out signals between each other?

1 A. Yes.

2 Q. If you miss a signal from the engineer or from -- as far  
3 as a call out, what would be your actions? In other words, if you  
4 didn't get an approach or clear signal, what would you --

5 A. You mean by -- if I knew by the signals and the engineer  
6 didn't call out --

7 Q. Right.

8 A. I would call and ask him.

9 Q. Right.

10 A. The policy is that you have to call out anything other  
11 than -- the engineers have to call out all signals and the  
12 conductors have to respond to anything other than the clear.

13 Q. Okay.

14 A. I respond to everything --

15 Q. Okay.

16 A. -- just because I feel that, if I start not paying  
17 attention or not responding, then I lose focus.

18 Q. Right.

19 A. And my conductor -- my engineer prefers that I respond  
20 to everything. So if he doesn't call something out or if I don't  
21 respond, we contact each other and see what's going on for every  
22 signal.

23 Q. Okay. If you didn't get one, then you would call him?

24 A. Um-hum.

25 Q. So it would be unusual for you to ignore the engineer

1 not calling in signals?

2 A. For me, personally?

3 Q. If you weren't able to contact the engineer?

4 A. Yes.

5 Q. Okay. Have you worked that station at Chatsworth?

6 A. It's been a while, but I have.

7 Q. From the conductor's position or on the outbound, are  
8 you able to see the signal over there at Topanga?

9 A. I believe so.

10 Q. From the position of conductor, where would you normally  
11 stand if you were a conductor on that train?

12 A. More than likely, you'd be outside the cab car, but by  
13 the handicapped ramp. You could be in any of the cars, but that's  
14 normally where the conductor would be.

15 Q. And you would communicate with the engineer how, if you  
16 were conductor on that train there when you leave?

17 A. When you leave the station?

18 Q. Yeah.

19 A. Yeah. You would highball the train, and if you could  
20 see which way, but if you can't see, you go out where the signal  
21 is.

22 Q. Right. Would you expect the engineer leaving Chatsworth  
23 to call the signal to you after the stop for the next signal,  
24 Topanga?

25 A. Well, yeah.

1 Q. Okay.

2 A. I mean, I would -- I would call it first. When I  
3 highballed him, he would, you know, respond to that.

4 Q. Explain the term "highball." What does it mean?  
5 Because I heard that from the conductor, and the term "highball"  
6 is -- is slang?

7 A. It's "Let's go."

8 Q. "Let's go?"

9 A. He'd be, like, "Metrolink 111, let's highball Chatsworth.  
10 You've got a clear signal at Topanga."

11 Q. Okay. We say, "Let's highball Chatsworth." That has no  
12 connotations toward the signal --

13 A. Right.

14 Q. -- if you didn't say clear signal at Topanga?

15 A. Right.

16 Q. Because highball, highball doesn't have anything to do  
17 with the clear signal.

18 A. Right. It doesn't have anything to do with the signal.  
19 It just means leave the station.

20 Q. Okay.

21 A. And what we're required to do is -- is when we highball  
22 a train, we're required to call out the signal we came in on --

23 Q. Right.

24 A. -- or if we can see the signal ahead of us, call that  
25 out.

1 Q. You're to remind the engineer of his last signal and --  
2 okay. So that's -- is that a rule or is that just custom?

3 A. No. It's a rule. It's a Connex rule. Yeah.

4 Q. Okay.

5 BY MR. WORKMAN:

6 Q. One thing. Based on, you know, our discussions today,  
7 have you ever had any discussion like this with anyone other than  
8 NTSB or the people you work for -- talking about -- about  
9 Mr. Hildebrand's discussions with you? Have you discussed that  
10 with anyone else?

11 A. I've discussed it with a few other employees and with  
12 the Connex attorneys.

13 Q. Um-hum.

14 A. But no one other than that.

15 Q. Okay.

16 A. (Nod of the head.)

17 Q. Would you have discussed this with any third parties  
18 outside the railroad industry or the Connex attorneys?

19 A. My wife.

20 Q. Your wife? Okay.

21 A. I mean no press or anything like that if that's what you  
22 mean.

23 Q. Okay. You -- you say you discussed it with other  
24 employees. Did they have anything to offer to you that day or  
25 experienced a similar situation?



1           I mean, you said that Hildebrand called you and now you  
2 discussed it with other employees. How did they come back? Did  
3 they just listen? Or did they have anything to offer back to you  
4 about their experience with texting?

5           A. Well, when the crash first happened, you know, at that  
6 time, I was asleep, and my engineer called me and he said, you  
7 know, "Turn on the TV" and, you know, we were looking at it, and  
8 we were trying to figure out, you know which train it was, and  
9 then we saw the numbers on the top of the cars, and we knew.  
10 Right then we knew that it was them.

11          Q. Yeah.

12          A. And I said, "Well, that's Bob and Rob" and I said, "You  
13 know, this is ironic because Rob and I" -- Bob had just called me  
14 earlier. And I told him about that and he -- and he was surprised  
15 to hear that Rob had -- had been doing that because he, you know,  
16 I know that my engineer just from talking to Rob and everything,  
17 you know, was very surprised that he would be doing something like  
18 that.

19          Q. Okay. Is there anything in your mind that you would  
20 like to offer that we haven't asked you possibly to prevent  
21 another accident like this or something we should be looking at,  
22 investigating or analyzing that might help us prevent this from  
23 happening again?

24          A. I mean, just for this, I mean, it's just -- I can't  
25 believe people are still doing it and stuff. It's bad enough. I

1 mean, I don't know how short of having, you know, someone up there  
2 with them every minute, I don't know how you stop it.

3 Q. You say -- by "doing it" you mean using the cell or  
4 electronic devices on the train?

5 A. Um-hum.

6 Q. You see it now?

7 A. I don't -- I haven't seen it personally, but, I mean,  
8 people have been taken out of service since the incident has  
9 happened and so --

10 Q. Okay. "Taken out of service" would mean that it's being  
11 enforced then?

12 A. Yeah. Um-hum. Oh, yeah. I would -- I would say it's  
13 definitely being enforced now.

14 MR. REMINES: Anyone have anything else? Anything  
15 you'd like to have on the record while we're here?

16 Mr. Leo, this will close our interview. Appreciate your  
17 time and candid conversation with us and like to say you've been a  
18 big help.

19 MR. WORKMAN: Yes, you have. We do appreciate your  
20 time. Thank you.

21 MR. LEO: Thank you.

22 (Whereupon, the interview in the above-entitled  
23 interview was closed.)

24

25

CERTIFICATE

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

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DATE:                      January 21, 2009

was held in accordance with the record, and that this is the  
original, true and accurate transcript which has been compared  
to the recording accomplished at the interviews.

\_\_\_\_\_  
Willie Anderson, Jr.  
Court Reporter