

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

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In the matter of: *
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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: ROBERT HILDEBRAND

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.

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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I N T E R V I E W

MR. REMINES: I'm Jim Remines. I'm Operations Group Chairman, and today's date is the 21st of -- of January 2009, and we're here regarding the Chatsworth accident.

And, Bob, I've interviewed you once, and, I know, you interviewed with Ted and a couple here before.

INTERVIEW OF ROBERT HILDEBRAND

BY MR. REMINES:

Q. So what I'd like to do is ask you how you're feeling? How are you recovering from your injuries from the accident? And are you back to work?

A. Yes, sir. I returned to work on November 17th.

Q. You did? Any long-term condition here that you need to be worried about as a result of those injuries?

A. No.

Q. Great. Recently, we were contacted by Chris Leo. You know him, a fellow conductor. And during the time that we've interviewed you, first and second time, you've mentioned that you had cautioned Mr. Sanchez or you talked to a Rick Dahl?

A. Yes.

Q. About -- about use of the cell phone, and I believe from your interview, if we're right, he wasn't operating the train at the time, but he had it in his possession in the control compartment?

A. That's correct.

1 Q. In the cab car. And was that the only time you have
2 observed him in violation of -- of your operating rules?

3 A. Yes.

4 Q. Chris said that, before the accident happened,
5 somewhere's [sic] around 2:00 and 2:30 p.m. the day of the
6 accident, you had called him and said you were concerned about
7 Mr. Sanchez's use of the electronic cell phone he was carrying?

8 A. I called mainly to talk with Chris about the upcoming
9 bid sheets, which are every six months.

10 Q. Right.

11 A. And as I recall, conversation morphed into -- I brought
12 that up, yes.

13 Q. And what prompted that? Could you be more specific in
14 why you were concerned at that point that day?

15 A. I think -- I've known Chris for almost 13 years since we
16 both became AC's; and we would talk about a variety of subjects.

17 Q. Right.

18 A. And I think that was just one item that we talked about
19 that day, as far as -- I don't think -- as I recall, there wasn't
20 a specific reason that -- that it, you know, just popped into my
21 head.

22 Q. Okay. You mean that you'd seen him using it earlier
23 that day or previously? I know when you discussed that with Dahl
24 -- how long ago earlier was that from the standpoint from the day
25 of the accident? Was that the week before? Was that same week, a

1 month earlier? Do you remember about when?

2 A. As I recall, I believe it was the Wednesday before.

3 Q. That -- Wednesday, the day -- you were off that day
4 weren't you? Let's see. You were off on Tuesdays and Wednesday
5 of that week?

6 A. I think I was off Monday -- Monday and Tuesdays --

7 Q. Monday and Tuesday?

8 A. -- and worked Wednesday, Thursday --

9 Q. All right.

10 A. -- and Friday.

11 Q. Because I was trying to get it straight -- I know, you'd
12 been off two days that week?

13 A. Mondays and Tuesdays.

14 Q. Okay. And had that happened the same day? Is that
15 Wednesday when you caught him in the control compartment or is
16 that something that occurred the week before?

17 A. That was -- the time in the control compartment was
18 actually at Moorpark Station when we were stopped at its station.

19 Q. Okay. And when was that?

20 A. That was maybe a week or so before.

21 Q. Okay. And you had -- now, how quickly did you contact
22 Dahl the supervisor about that?

23 A. I talked to -- I talked to Rick about it the Wednesday
24 before the accident, which would have been the 10th.

25 Q. Okay.

1 A. And then that was in the morning right after our job
2 briefing --

3 Q. Right.

4 A. -- when we go on duty, and, then, according to Rick, he
5 had gone out to the train to talk to Rob Sanchez about it.

6 Q. Okay. Did you get any feedback from him on whether he
7 had talked to him or not?

8 A. Not at that time, no.

9 Q. I know during the interview you mentioned that you
10 didn't know whether Rob harbored any resentment for you reporting
11 to the supervisor?

12 A. It was never expressed to me.

13 Q. Never expressed. Did you put anything in writing on
14 that violation that you saw, or was it just a conversation with
15 Mr. Dahl?

16 A. Conversation with Rick.

17 Q. Conversation? All right. And there was no other time
18 that you had seen him use the cell phone in violation of the
19 company policy?

20 A. No.

21 Q. Did Sanchez ever mention back to you that Dahl had
22 talked to him?

23 A. No.

24 Q. But there was nothing that morning that would have
25 prompted you to remark to the conductor other than the fact that

1 you saw it on that Wednesday; and now it was a concern that the
2 company wasn't dealing with it? Or -- I'm trying to paraphrase --

3 A. Right.

4 Q. -- what Leo said.

5 A. I think -- um -- as -- perhaps as rails sometimes do, I
6 think maybe it was just another topic that we covered during the
7 course of the conversation.

8 Q. Oh, okay. Did Chris say he had any problems himself
9 that was similar to you? Were you commiserating or something like
10 that?

11 A. No. I don't recall that, no.

12 Q. Was he aware of Sanchez's use of cell phones from a
13 third source?

14 A. I don't think so.

15 Q. Okay. What was his advice to you?

16 A. Um -- his advice, as I recall in the conversation, I do
17 not remember his advice to me as far as --

18 Q. Um-hum.

19 A. -- he is indicating it because I had already talked to
20 Rick a couple of days before that.

21 Q. Okay. I asked what I need to ask. What about you,
22 Mr. Workman?

23 BY MR. WORKMAN:

24 Q. Have you discussed or had you discussed the -- your
25 concerns about Mr. Sanchez's cell phone use with anyone else other

1 than Mr. Leo?

2 A. No. I don't think so. I don't recall talking
3 about it to anyone except to Rick, my supervisor.

4 Q. Okay. So you -- so the only people that -- that you had
5 -- you had brought this up with was to Rick, your supervisor and
6 on the day of the accident in the conversation with Mr. Leo?

7 A. That's correct.

8 Q. Okay. Um -- and -- the time that -- that -- that you
9 saw Mr. Sanchez texting or had his head down or the activity that
10 had brought your concern -- that was only a single incident?

11 A. Yes. That was at the Moorpark Station when we were
12 heading into Los Angeles one morning.

13 Q. And from -- from your location, you know, as a conductor
14 in the cars, do you have the ability to -- while the train is
15 running -- to -- to go up to the locomotive?

16 A. No, not the locomotive. Cab car, yes. Locomotive, no.

17 Q. What -- what would that entail? Going up to the
18 locomotive?

19 A. You'd have to climb off the train and walk to the front
20 of the locomotive and climb up the hand rails --

21 Q. Okay.

22 A. -- to get into the locomotive.

23 Q. Okay. So you physically would have to get off the train
24 to go up and see the -- to see the engineer?

25 A. Yes.

1 Q. Okay.

2 A. For the locomotive.

3 Q. And had you heard of any other complaints from your
4 coworkers or anyone about cell phone use?

5 A. No, not that I recall. In our job, we, you know, pretty
6 much come to work and work -- the two of us -- during our shift,
7 and -- and that's it.

8 Q. Do you know of any other conductors that may have had a
9 problem with -- with anyone using the cell phones?

10 A. No.

11 Q. And -- and you -- had you -- you probably already
12 mentioned -- this may be redundant, but I'll ask it anyway. Prior
13 to the -- the accident or the day of the incident, you had only
14 seen one opportunity where you had concern, and that, you know of,
15 no one other problems no one that had brought up any issues with
16 cell phones with Mr. Sanchez at all?

17 A. No.

18 Q. Okay. Had you ever had any efficiency test or
19 operational test performed on you or Mr. Sanchez?

20 A. You have the audits and proficiency test --

21 Q. Um-hum.

22 A. -- with the train master.

23 Q. Yeah.

24 A. Riding, monitoring, radio procedures, opening closing
25 doors, and announcing.

1 Q. Have you ever had an operational test done on you or
2 Mr. Sanchez that you're aware of on cell phones?

3 A. No.

4 Q. Or the cell phone policy?

5 A. No.

6 MR. WORKMAN: Okay. Jim, I'm fine.

7 MR. REMINES: Anybody have anything else you want to
8 ask or get on the record?

9 MR. FRITZ: I guess I'm a little confused.

10 BY MR. FRITZ:

11 Q. You originally, in one of your statements, said that
12 when you saw Mr. Sanchez on the cell phone, it was sometime back,
13 and, now, today you're saying it was two days before the accident?

14 A. No. I talked to talk Rick two days before the accident
15 on Wednesday. I had seen Mr. Sanchez at Moorpark, which was
16 before that.

17 Q. Do you remember a conversation that Rick had with you
18 about whether he talked to Sanchez?

19 A. Yes.

20 MR. FRITZ: Okay. That's all I have.

21 MR. ENGLAND: I don't have anything.

22 BY MR. REMINES:

23 Q. A couple questions back on your interview -- you said
24 when you were -- this is a little redundant, but when you left
25 Chatsworth that day you said "highball." How would you have said

1 that? Did you -- was there a signal indication in there, or was
2 it just highball 111, or how did you say that that day? Do you
3 remember?

4 A. As I recall, I said Metrolink 111 highball on a green.

5 Q. Okay. You said "on a green," so that meant that you had
6 -- but he had not said anything to you. You were just relating
7 your own visual observation of the signal at that point?

8 A. That's correct.

9 Q. Okay. We -- we know about it during the rule compliance
10 part, but I'm going to ask you about Mr. Sanchez. When you were
11 not behind the locomotive, when he was not at the job, was he a
12 frequent user of the cell phone then?

13 A. By the very nature of our jobs and the fact when we come
14 in the morning -- um -- Rob would tend to -- because he lived in
15 La Crescenta -- he would tend to leave pretty much as soon as we
16 got into CMF --

17 Q. Um-hum.

18 A. -- and he would come back at the 2:20 sign-up time.

19 Q. Right.

20 A. Um -- so I didn't observe him very much, if at all,
21 using the cell phone unless he was either in his own car or in his
22 own house.

23 Q. Okay. So when he was not behind the throttle and not in
24 violation of the rules, you had -- had you seen him doing it or?

25 A. Not that I recall. Again, we pretty much, you know,

1 came to work. Ran the train, and then went on our break.

2 Q. Right.

3 A. He would go home and be gone.

4 Q. But because -- I tell you what, Chris Leo testimony was
5 that you sounded alarmed that day when you called him that day
6 about Sanchez using the cell phone, but I don't hear but one
7 instance here. Is that the only instance that you would have seen
8 him?

9 A. I know that he was very much focused on starting a new
10 local for the BLE.

11 Q. Okay.

12 A. And I know that his focus was he was very much involved
13 in that.

14 Q. Okay.

15 A. And I know that he was kind of concentrating his
16 interest, I should say, on his off time.

17 Q. Okay.

18 A. Working on starting a new chapter of the BLE at CMF.

19 Q. Okay. Would that have meant he was getting a lot of
20 traffic on his cell phone, text messages, or whatever during the
21 duty hours but not necessarily behind the throttle? That's what
22 I'm saying.

23 A. It could.

24 Q. Yeah. Because there were instances -- and why I'm
25 asking that is there were instances that he wasn't behind the

1 throttle, then he wouldn't have been in violation; but if you saw
2 it going on a lot that -- I'm trying to focus on your concern that
3 day and why it would be concern enough to speak to another
4 employee after you talked to a supervisor? And that's why I'm
5 asking.

6 A. Part of the problem is, when I'm in the body of the
7 train, if he's running from the cab car --

8 Q. Yes.

9 A. -- the shade is pulled; so even if I walked up to the
10 cab car, I could -- unless the window was up and he was physically
11 running the train and doing this --

12 Q. Right.

13 A. -- I wouldn't be able to see him.

14 Q. But you may have suspected it was the reason for your
15 concerns?

16 A. Now, I was just trying to think about why that
17 particular day, that particular Friday I -- I -- had it in my mind.

18 Q. Okay, because that's where I'm going with this.

19 A. Um-hum.

20 Q. There could have been a lot of peripheral information
21 coming at you that might have prompted your concern as a conductor.
22 That's why I'm asking.

23 MR. REMINES: Questions, guys? Anything else?

24 MR. WORKMAN: I guess I just need to clear one thing
25 up.

1 BY MR. WORKMAN:

2 Q. Is that -- you observed Mr. Sanchez the week before?

3 A. Yes.

4 Q. So you had spoken with Mr. Sanchez the week before.

5 Confronted him about "You're using your cell phone and texting,
6 and you shouldn't be doing that"?

7 A. Yes.

8 Q. Okay. And then that was Wednesday the previous week or
9 so?

10 A. Yes.

11 Q. And then seven days past and then you spoke with
12 Mr. Dahl?

13 A. Yes.

14 Q. Which would be Wednesday of the day of the accident?

15 A. (Nod of the head.)

16 Q. And then -- after you spoke with Mr. Dahl he then spoke
17 with Mr. Sanchez, and he came back to you and told you he had
18 spoke with Sanchez or no?

19 A. No. No. I walked out to the train that morning, and I
20 did not know at the time, but Rick had already walked -- I went
21 east and Rick went west.

22 Q. Okay. On that Wednesday morning?

23 A. (Nod of the head.)

24 Q. And -- I'm still not clear. Did -- Mr. Dahl did speak
25 with Mr. Sanchez about his cell phone use?

1 A. Yes. He did speak to him, but I did not know that until
2 about three or four days after the incident.

3 Q. After the incident.

4 A. Rick came to the hospital to return my grip and my
5 backpack, and that's when he told me that. He said, "I had talked
6 to him."

7 Q. He had talked to him? Okay. So that would have been on
8 -- you notified him on Wednesday, and he spoke with Sanchez on
9 Wednesday.

10 A. (Nod of the head.)

11 Q. That's -- I just wanted to make sure I got that clear.

12 BY MR. REMINES:

13 Q. Mr. Dahl brought up a situation that he had cautioned --
14 Sanchez had been cautioned by him or counseled by him about delay
15 of the train one day -- about checking markers?

16 A. Yes, sir.

17 Q. What prompted that? Because it seemed to me like -- I
18 mean, from reading what he was -- just how you described it, was
19 there -- was there a conflict between you and Sanchez at the time
20 where he would walk back to check the markers?

21 A. What happened was when we come in the evening we jump
22 from Track 4 to Track 5, and then we take a set of equipment
23 that's already there.

24 Q. Right.

25 A. And for whatever reason whether it was a breaker or I

1 think it might have been the breaker. As we passed AMTRAK Number
2 11, they said check your markers; so I went back, flipped down the
3 breaker, flipped it back up.

4 Q. Okay.

5 A. And when we stopped at Moorpark, Rob climbed off the
6 locomotive and walked back. I told him I already checked the
7 markers, and he walked back, looked at the markers, and walked
8 back up and got back on the locomotive; so we took about a four-
9 minute hit.

10 Q. Right.

11 A. And popped up a red flag with SCRA [sic].

12 Q. Right. And it came to us, you know, it came to me
13 within the course of these interviews that there is something that
14 was going wrong between you and Sanchez that he would just take
15 the time to delay the train to risk something to come back to
16 check the markers that you were there?

17 A. And I had already -- I had already told him on the radio
18 that I had already gone back to turn them on. I don't know why he
19 came back to see for himself except to see for himself, that the
20 markers were on. Because I think he -- Rob was very good at rules.

21 Q. Yeah.

22 A. He was very knowledgeable about the GCOR and other
23 special instructions, and so I think he wanted to check to make
24 sure that the markers were on so we were not in violation of not
25 having a rear marker.

1 Q. And you're sure that you had done what was necessary,
2 was not enough for his --

3 A. That's correct.

4 Q. -- satisfaction? Just a peculiar thing that took place
5 because he would risk confrontation with management on delay of
6 the train and do something you'd already assured him was done?

7 A. Yes, sir.

8 BY MR. WORKMAN:

9 Q. And just for the record, you mentioned GCOR. For the
10 record, what is GCOR?

11 A. Oh, General Code of Operating Rules.

12 Q. And the General Code of Operating Rules is used by?

13 A. Many, many railroads in the United States.

14 BY MR. REMINES:

15 Q. Since this accident, have you come under -- since this
16 accident have you come into any other information that might be
17 useful in this investigation from the standpoint of what happened
18 that day?

19 A. Not really. Any information as far as the accident, no.

20 Q. No. Has any more information come to you from any other
21 sources that might have been in support of your concerns over his
22 use of the cell phone? Did anybody else -- why I'm asking that --
23 why I'm asking that is did other people say we had a problem too
24 and they didn't do anything about it?

25 A. No.

1 Q. Do you know of any other employees who might have
2 anything to offer from the standpoint of knowledge?

3 A. No, because we're kind of like a two-man team.

4 Q. Yes.

5 A. Um -- come to work. Run the trains, go to break, come
6 back, run the trains, go home.

7 Q. Anybody else have any other questions that they want to
8 ask?

9 MR. ENGLAND: Just one.

10 MR. REMINES: Okay.

11 BY MR. ENGLAND:

12 Q. When -- when you informed Sanchez that you had turned
13 the markers on and checked the markers, was he already off the
14 engine or was this before he got off the locomotive?

15 A. I already told him over the radio.

16 Q. So he was still on the locomotive when you told him
17 that?

18 A. Yes. We were still at Moorpark.

19 MR. ENGLAND: Okay. That's all I have.

20 BY MR. REMINES:

21 Q. Anything else to offer us? Anything you want to ask
22 before we close this interview?

23 A. (No audible response.)

24 MR. REMINES: Appreciate your taking the time to come
25 back out here. It's always good news to see that you're

1 recovering satisfactorily and appreciate all your help in all
2 these interviews, and thank you very much.

3 MR. HILDEBRAND: Thank you.

4 MR. REMINES: This is the close of our interview.
5 Thank you.

6 (Whereupon, the above-entitled interview was closed.)

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CERTIFICATE

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

IN THE MATTER OF: METROLINK TRAIN NO. 111
COLLISION WITH UNION PACIFIC
RAILROAD LEESDALE LOCAL,
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Los Angeles, California
Interview of Robert Hildebrand

DOCKET NUMBER: DCA-08-MR-009

PLACE: Gardena, California

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