

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

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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: RICHARD DAHL

National Transportation Safety Board
Courtroom
1515 West 190th Street
Gardenia, California

Thursday,
September 25, 2008

The above-entitled matter came on for interview,
pursuant to notice, at 9:00 a.m.

BEFORE: TED TURPIN

APPEARANCES:

TED T. TURPIN
National Transportation Safety Board

DAVE WATSON, Senior Investigator
National Transportation Safety Board

STEPHEN T. DAWSON, Safety Coordinator
United Transportation Union

JAY J. ELLIS, Operating Practices Inspector
State of California
Public Utilities Commission
Rail Operations Safety Branch

W.R. (BILL) DESKIN, Operating Practices Inspector
Federal Railroad Administration

TED FRITZ, Transportation Manager
Connex/Metrolink

I N D E X

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P R O C E E D I N G S

(9:00 a.m.)

1
2
3 MR. TURPIN: We're conducting interviews in
4 connection with the Metrolink Train No. 111 collision with the
5 Union Pacific Railroad Leesdale Local, September 12th, 2008
6 near Chatsworth, California.

7 First off, my name is Ted Turpin of the NTSB,
8 T-u-r-p-i-n. We'll go around the table please. Let's start
9 with my left. Introduce yourself and spell you name.

10 MR. DESKIN: My name is William Deskin, D-e-s-k-i-n.
11 I'm an operating practices inspector for the Federal Railroad
12 Administration.

13 MR. ELLIS: Jay Ellis, E-l-l-i-s, operating practices
14 inspector for the California Public Utilities Commission.

15 MR. DAWSON: Stephen Dawson, D-a-w-s-o-n, United
16 Transportation Union, transportation safety team.

17 MR. WATSON: David Watson, W-a-t-s-o-n, and I'm
18 senior investigator with the National Transportation Safety
19 Board.

20 MR. DAHL: And I'm Richard Dahl, D-a-h-l. I'm a
21 transportation manager for Veolia Transportation, contracted to
22 Metrolink.

23 INTERVIEW OF RICHARD DAHL

24 BY MR. TURPIN:

25 Q. Okay. And our interviewee is Richard Dahl. And if

1 you would -- I know you just said it, would you please state
2 your employer and your title?

3 A. Veolia Transportation is the employer. My title is
4 transportation manager.

5 Q. Okay. What are your general -- your general job
6 description and responsibilities?

7 A. The day-to-day operation of the Moorpark/Montalvo
8 crew bases in charge of the Ventura County Line, the Ventura
9 Subdivision between Los Angeles and CP Los Posas. And the
10 Union Pacific, I oversee operations on that, Metrolink
11 operations between CP Los Posas up to the Montalvo Subdivision.

12 Q. Okay. And did you supervise the Metrolink crew that
13 was in the Chatsworth accident?

14 A. Yes, I did.

15 Q. Both the conductor and engineer?

16 A. Yes.

17 Q. Okay. Did you personally know the engineer?

18 A. Yes.

19 Q. And when was the last time you interfaced with the
20 engineer?

21 A. I saw both the engineer and the conductor the morning
22 of the 12th when they came on duty at 5:54. I listened and
23 interfaced with them both that morning during their job
24 briefing. We discussed their track warrants, bulletins, what
25 they had in effect; actually entered a couple of efficiency

1 tests on both of them that morning. And they departed Montalvo
2 at 6:44. That's the last I saw of them that morning.

3 Q. Do you recall the specific efficiency testings that
4 you entered?

5 A. Yeah, I entered two tests. I entered a job briefing
6 safety test underneath our Safety Instruction Rule 5000. I
7 also entered a observation of Drug and Alcohol 1.8 test.

8 Q. And when you say you entered them as observations,
9 meaning that there was -- there was no indication or evidence
10 of the alcohol?

11 A. Correct. And I -- yes, that's correct. I try to
12 interface with them so I can make a judgment call. I try to do
13 that with each of the crews periodically, monthly, every other
14 month, something like that as I'm --

15 Q. Okay.

16 A. -- watching them.

17 Q. Prior to that, do you recall the last time you
18 observed either the engineer or conductor?

19 A. Yes. I saw them the morning before on the 11th. I
20 interfaced with the conductor, actually had a short counseling
21 session over a delay of Train 119 in Moorpark in the previous
22 week. I did see both of them that morning. Actually, I saw
23 them several times that week, both at -- on duty times at
24 Montalvo and at Central Maintenance Facility at Taylor Yard.

25 Q. Okay. The on duty times at Montalvo, when -- what

1 time of day would that have been?

2 A. 5:54 a.m.

3 Q. And prior to the 12th, when was the last time you --
4 you had an efficiency testing documentation on the engineer?

5 A. I don't recall. I'd have to look in the testing --
6 it would be logged in the testing program.

7 Q. Okay. Had you -- had you ever taken a failure on
8 this engineer?

9 A. Yes, I've taken -- over the years, I've taken a few
10 failures. We had a -- I think the last failure I took on him
11 was we did a joint test with Union Pacific in Oxnard,
12 California where we set up a restricted speed scenario and we
13 were doing specific testing on the whistle roll, that they
14 whistle in the correct amount of time prior to the crossing if
15 their speed is less than 40 mph. And he actually began at the
16 whistle board and he was running at restricted speed.

17 Q. How does that relay into a failure?

18 A. Well, he was supposed to wait because he started at
19 the whistle board and he was going less than 40 mph. So
20 they're supposed to time it fifteen to twenty seconds prior to
21 entering the intersection so, in fact, he started at the board,
22 and it was a just a verbal reminder of the new rule that's in
23 effect and it -- you know, this -- we're trying to be in
24 compliance with it and it's a judgment call. And so, it was
25 just a joint with the Union Pacific, and this was their desire

1 to test that day.

2 Q. Okay. How about with the conductor? Any failures or
3 efficiency testing with the conductor?

4 A. Unless he was part of the crew, I don't remember any
5 failures specific to the conductor. He was fairly
6 conscientious on his position. Again, I'd have to look in the
7 testing program.

8 Q. Okay. Can you give kind of a general brief -- a
9 brief description of the efficiency testing program that's
10 actually in place?

11 A. Basically observation testing, we do testing as far
12 as signal compliance, barricades, setup testing, restricted
13 speed. Our testing program is -- we have -- we enter tests on
14 the General Code of Operating Rules, Timetables, Special
15 Instructions, the Metrolink Supplemental Instructions, Air
16 Brake and Train Handling Rules, and Safety Instruction Rules.
17 And we basically -- all of the rules from all of our books are
18 in the testing system. And based on the testing scenario for
19 that day, we will enter those tests.

20 We may have a goal in mind where we're testing a
21 specific test or we may have an overview of just observations
22 and we're looking at different tests at different times of the
23 day.

24 Q. Okay. So, any rule in any one of those documents can
25 be entered as an efficiency test?

1 A. Yes.

2 Q. Whether observed as a pass or observed as a failure?

3 A. Correct, yes.

4 Q. Okay.

5 A. The -- the pass is complied in our efficiency test.

6 And then you have Levels I, II, and III, I being a verbal, II

7 being a written, III being -- usually at that point, it's a --

8 it's a failure that requires a charge letter.

9 Q. Did he ever -- are you ever given specific rules that
10 need to be tested for each month or, you know, for a given
11 period of time?

12 A. We do -- every once in a while, we'll come up with an
13 industry or a Metrolink standard that all the managers will go
14 out and test a certain -- certain goal of performance. We
15 do -- twice a year, we do a blitz testing at LA Union Station
16 or we do rule book inspections, safety rules, proper
17 flashlights, that they have their track warrants, General Code
18 Bulletins, whatever rate they have to be operating on that day.

19 And we do a blanket test with all managers. We call
20 it a platform blitz. We do -- each one of the managers go out
21 joint testing with foreign railroads that we operate on and we
22 do that monthly, and that's based on what the foreign railroads
23 wish to test on, and we're just basically participants in their
24 testing for the day.

25 Sometimes they have a target of tests they want to go

1 for. Sometimes it's the discussion of the team of what
2 everybody in a team thinks would be appropriate for the day.

3 Q. Okay. How -- how often is the joint?

4 A. Monthly.

5 Q. Monthly? And I know on your system you have
6 Metrolink track and then you have UP track, for example, up the
7 coast.

8 A. Correct.

9 Q. When you're out joint testing, do you float back and
10 forth in the -- in the different properties?

11 A. It's usually underneath the Metrolink Instructions.
12 We're supposed to test Metrolink trains on foreign tracks. So
13 most of our tests in a year, if we do twelve joint tests a
14 year, I would say ten of them are on Union Pacific territory on
15 the coast. Two or three, which we've done, we've done at
16 Burbank Junction, we've done just north of Northridge with the
17 UP, but usually, I would say ninety percent of the time it's on
18 the Union Pacific Railroad.

19 Q. Okay. Are you testing both the freight and the
20 passenger trains that operate?

21 A. Every train that comes through, freight, Metrolink,
22 and tracks.

23 Q. Do you have Amtrak supervisors with you as well on
24 the joint?

25 A. Occasionally, yes. They're invited to attend all of

1 them, all of the joint tests.

2 Q. Okay. Who records the tests?

3 A. We all do.

4 Q. Okay.

5 A. We all enter our tests. We divide up into groups.
6 Each group has a specific goal or specific observation where
7 we'll send a couple of people. If we're going to do a banner
8 test, we'll send a couple of people to the signal to watch the
9 stop, listen to the conversation between the engineer and the
10 dispatcher, make sure that everything copied and read back
11 correctly.

12 Another group will set a banner test up on a
13 restricted speed. They'll go over there and after the test is
14 done have a debriefing and discuss the test that we took. We
15 all make our own notes.

16 I know that the Union Pacific told me they enter the
17 tests differently than we do. They have like a group test for
18 this type of thing. We have -- we enter ours individually
19 where we'll do -- a banner test would consist of a stop test,
20 proper radio communications, flagging, restricted speed, and
21 the stop at the banner would be our test. And the Union
22 Pacific as a bunch does that maybe one test.

23 Q. Okay. If it's a Metrolink employee, then you enter
24 it into your database?

25 A. Yes.

1 Q. Okay. And the UP won't enter anything --

2 A. Well, they'll enter it also. I'll give the UP the
3 names of our crews. We'll discuss it with -- with Amtrak.
4 Amtrak will take the names of our crews. They will give me the
5 names of their crews and I will enter the testing into our
6 database on foreign railroad crews.

7 Q. Okay. Well, one of the -- let's get to one of the
8 specifics. Have you -- have you taken an efficiency test on
9 the use of cell phones?

10 A. Yes.

11 Q. When was the last time you --

12 A. The -- the last time -- the only time that I -- that
13 I enter a cell phone test is if I take exception or a failure
14 to it. Every time we get on a train, it's one of our
15 observations that we do. We will look for a cell phone. I've
16 had occasion where I've seen a cell phone on a bag or on a grip
17 and then we will have a conversation with the engineer and this
18 is -- always the engineer will -- I'll ask to see the phone,
19 make sure it's turned off. I haven't had an opportunity or not
20 in several years, a couple of years that actually one has been
21 on. They have it off, but I tell them it has to be stored
22 away.

23 I don't take a failure on that because I -- you know,
24 they didn't have it on their bodies and it wasn't turned on.
25 The last time we -- that the -- I actually took a failure was

1 when we first the policy in effect two years ago, August-
2 September of '06. And we went out and a group of us went out,
3 and our purpose was to look for cell phone use, find what was
4 going on, and if we had any exceptions, report them.

5 Q. Okay. I started a little too far along. Let's back
6 up and get the policy. What is the actual cell phone policy?

7 A. I don't have it with me, so I'll give you kind of a
8 summary of it.

9 Q. That's fine.

10 A. Engineers cannot have a cell phone or electronic
11 device on and on their person or in their -- when they're in
12 the controlling compartment of an operating cab. And we define
13 an operating cab the control compartment of a cab car or on the
14 cab of a locomotive.

15 There are some exceptions. When the train is stopped
16 and you're troubleshooting a train that is -- that is, you
17 know, broken down, then the engineer can be on the phone to
18 talk to mechanical forces or the conductor or the MLC as a
19 second form of communication to troubleshoot the mechanical
20 problem. And then after that is over, they have to turn that
21 off and get rid of their phone.

22 Q. Okay. Where does that policy come from? What's the
23 source document for that?

24 A. We have a cell phone policy that's out and posted.
25 We also -- in our operation notices that come out and we -- as

1 we enter new operation notices, our cell phone policy is
2 included in operational notices. And the last notice -- every
3 time a new notice comes out, we include it into our group
4 notice. And the last time that that was reissued was in July,
5 and I believe the notice number was 17.08.

6 Q. Okay. And it's issued under what? Is it part of the
7 General Code rule system or is it part of a Connex system or --

8 A. It's a Connex Operational Notice.

9 Q. Okay. Is there a formal authority or signature on it
10 or --

11 A. Yes, yes. It's authored -- it's issued by Gregg
12 Konstanzer who's the AGM of Metrolink of Veolia Transportation.

13 Q. Okay. So as an employee, when I read these notices,
14 do I reference -- I don't -- I can't really reference that to a
15 General Code Rule, I just simply read these as Connex notices
16 and policies for my activities?

17 A. Yes.

18 Q. Okay.

19 A. Now, there is a General Code Rule -- you just want to
20 talk about --

21 Q. What's the General Code of Rules number?

22 A. Well, I'd have to bring it out, but it's -- I believe
23 it's 1.10. I haven't reviewed it a little while, but it's
24 about electronic devices, and I'd have to read it to quote it.

25 Q. Okay. If you found someone out there that was using

1 their phone or had it on or on their person, in the efficiency
2 test system, how would you enter it?

3 A. It depends on if it was a first time that it was
4 noticed. It depends on if they were using it while they were
5 operating. It depends on if I just saw it when I walk up on a
6 train. More than likely, if -- it would be entered as a number
7 one, which would be a verbal warning. The person would get a
8 verbal reprimand. They would be told that they're against the
9 policy, and then for documentation, we would enter it into the
10 test system.

11 If somebody was using it while operating, which I
12 haven't -- since we put the policy in effect, I haven't caught
13 anybody or found anybody using it. But that would be a little
14 more aggressive and probably would need the advice of Gregg
15 Konstanzer as far as the level of discipline required.

16 Q. Did -- back to some of the detail, would you enter it
17 as a notice, employee's notice, or would you enter it under a
18 General Code Rule violation?

19 A. I would enter that as a General Code Rule violation.
20 I'd enter that as a General Code Rule violation or underneath
21 1.3.3 Notices. I -- now, looking at all this -- all this stuff
22 that's kind of transpired, I would enter it underneath a
23 General Code Rule violation. But in the past, I don't think I
24 entered it that way. I think I entered it as a 1.3.3. I've
25 only really taken one or two failures in -- since we put the

1 cell phone policy in place.

2 Q. Okay. I guess it's a general statement of what is
3 the way to the -- of the notices. If it's not part of the rule
4 system. It's part of a Connex policy. What is the way to
5 those instructions if it is the -- it -- you cascade it somehow
6 out of the General Code for the operating employees. And I
7 think you said that, I don't want to put words in your mouth.

8 A. Well, it's as -- the weight of the notices is equal
9 as General Code and Timetable Notices. That is how they're
10 issued. They are part of the rules that the engineers and
11 conductors are required to follow. They are given the rules,
12 they are handed the notices, they are posted on the wall. The
13 weight would be as -- the same as any other one of the rules
14 that they're required to follow.

15 Q. Okay. You've made reference to this already, but I
16 need to ask specifically, have you ever seen this particular
17 engineer, Mr. Sanchez, use a cell phone?

18 A. Yes.

19 Q. And was it while he was in the cab or operating?

20 A. Let me clarify. I haven't seen him use the cell
21 phone. When we first put the cell phone policy in place, and
22 this was in September of '06, there was a team of us,
23 managers -- Veolia managers, that went out and did specific
24 testing for looking for cell phones. We were testing in the
25 Burbank and Glendale area. One of us would get on a train and

1 ride it. We would look for phones, we would hit -- stop
2 trains, we would board trains.

3 This engineer, Rob Sanchez -- as I walked up to the
4 cab as he was cab -- car forward and he was operating and I was
5 discussing -- just small talk about the railroad or what was
6 going on, his cell phone rang. It was in his grip, it was over
7 on the side, it was on the seat next to where the firemen would
8 sit. And he looked at me and it was ringing, and we had a long
9 discussion about that we have a policy in place. It must be
10 turned off. It must not be in your possession. Your phone is
11 on, I heard it, I'm going to take exception to it, enter it as
12 a failure in our test system.

13 Q. What was the date on that?

14 A. September of 2006. Maybe -- maybe October. It was
15 in the beginning of when we put the cell phone policy in place.

16 Q. Have you verified whether that record is entered into
17 his --

18 A. Yes.

19 Q. -- personnel file? Okay. You say that was -- that
20 was a joint testing. You had UP with you then?

21 A. No, I had Connex managers with me.

22 Q. Oh, okay.

23 A. I had four Connex managers with me that afternoon.

24 Q. Okay. How about the conductor? Any inappropriate
25 use of cell phone by the conductor?

1 A. The conductor -- the only thing that I know as far as
2 inappropriate use, Metrolink issues these cell phones to the
3 conductors, and they are not allowed to make personal phone
4 calls on the cell phone. And the conductor has in the past --
5 in the past, I would say, year -- not -- a year ago
6 approximately, he had to have a counseling session because he
7 was making personal cell phone calls, which he stopped, as far
8 as I know. I don't get the records. I just get the notice
9 that he was making personal cell phone calls.

10 The conductors are required to sign documents that
11 say that this is for company use only and not to be used for
12 personal use.

13 Q. Was the concern that he potentially was using while
14 he's on duty or just simply inappropriate use of the phone?

15 A. He was using -- he dialed personal numbers with the
16 phone.

17 Q. That was the focus?

18 A. That was the focus.

19 Q. Okay. All right. I'm going to change gears again.
20 This particular train, and we've collected this information,
21 passed a flashing yellow, then a yellow signal, then stopped at
22 the Chatsworth Station, okay? What rule would you apply when
23 you're trying to depart from Chatsworth Station?

24 A. We have a rule that requires the engineer and the
25 conductor to communicate the last signal that they were

1 operating on or the signal that may be visible from the
2 platform. And then the conductor will instruct the engineer to
3 depart. They'll usually say highball, 111, you came in on a
4 flashing yellow or whatever the signal may be.

5 The engineer would then check for door lights to make
6 sure that when he releases the brakes, that he can get a load
7 and then he'd release the brakes and start to throttle,
8 throttle, throttle out.

9 Q. Okay. If the conductor had called you, said we came
10 in here on a yellow, how would you expect this engineer to have
11 left Chatsworth?

12 A. To depart not exceeding 40 mph and be prepared to
13 stop at the next signal.

14 Q. Okay. We just had a new person enter the room. And
15 if you'll have a nice seat here and state your name.

16 MR. FRITZ: Ted Fritz, Connex/Metrolink. F-r-i-t-z.

17 MR. TURPIN: Thank you, Ted.

18 BY MR. TURPIN:

19 Q. All right, the train stopped at the station, the
20 conductor had called a yellow, the stop was made. The engineer
21 started to proceed. You said that you expect him not to exceed
22 40. What would change that?

23 A. If he had a -- if he could see a signal more
24 favorable than the approach signal he was on.

25 Q. And then he would be allowed to do what?

1 A. He'd be able to speed up to track speed, and then he
2 would have to be prepared to slow down for the curve at CP
3 Topanga -- just after CP Topanga, and then he'd be required to
4 go track speed until his speed could increase.

5 Q. Okay. So, basically you're saying the next signal
6 being visible with a more favorable indication would cancel the
7 yellow requirement?

8 A. Yes.

9 Q. Okay. How does the rule, delayed in block, play into
10 this scheme as well?

11 A. They're required to not exceed 40 mph when they're
12 delayed in block and can't see the next signal. The signal at
13 Topanga should be seen clearly prior to reaching the 40 mph
14 requirement.

15 Q. Okay. So let me try to recap that. You have the
16 train operating on a yellow that would require 40. You have a
17 train delayed in the block that would require it to be 40. But
18 both those requirements would be negated if the engineer could
19 see a more favorable indication on the signal?

20 A. Yes.

21 Q. Is the engineer required to announce the wayside
22 signals?

23 A. Yes. Yes, he is.

24 Q. All wayside signals?

25 A. All signals and their location must be broadcast by

1 the engineer.

2 Q. Okay. What's the conductor's responsibility?

3 A. The conductor must respond to the engineer anything
4 more restrictive than a green or a clear signal.

5 Q. Okay. What's the conductor's responsibility if the
6 engineer fails to call the signal out?

7 A. The conductor needs to get a clarification from the
8 engineer of what the signal they were operating on. And if it
9 came down that he didn't communicate it to him, he would
10 actually need to stop the train and discuss it with the
11 engineer.

12 Q. All right. So, conductors working the train,
13 verifying tickets, verifying, you know, passage on the train,
14 and walking through, talking with customers, how attuned do you
15 think they are to not hearing a green?

16 A. They should be listening for, you know, the signals.
17 They're territory qualified. They should know approximately by
18 their location where the signal is and when it should be called
19 out. Conductors -- I mean, they're required and if -- I'm not
20 saying it can't be missed, and the engineer and the conductor
21 need to -- if it's a green, the engineers are required to get a
22 response back from the conductors so there will be -- no
23 communication, the engineer wouldn't know if the conductor
24 actually heard it or not.

25 But anything more restrictive than a green, if the

1 engineer didn't get a response back from the conductor, the
2 engineer is required to communicate with the conductor and
3 reestablish communication and communicate the signal that
4 they're on.

5 Q. Okay. That would be if he didn't get a response to
6 something other than the green?

7 A. Correct.

8 Q. A yellow, flashing yellow?

9 A. Correct.

10 Q. I guess what I'm trying to understand is if the
11 conductor's working the train and the train's operating at
12 track speed, he has no other cues that they're actually -- the
13 signals are doing anything other than green.

14 A. If he doesn't hear from the engineer, that's correct.

15 Q. Okay.

16 A. Unless you're going cab car forward where the
17 conductor may -- has the opportunity in his assignment to walk
18 up to the front of the cab car where he can actually view the
19 right of way and actually see the signals himself.

20 Q. When was the last time you had a conductor call the
21 engineer and say, hey, what was that last signal?

22 A. I don't recall.

23 Q. Have you -- have you ever heard that?

24 A. Yes. I've heard it from standing next to the
25 engineer in a cab car locomotive. I've heard it from watching

1 the conductor in their performance communicate back and forth.

2 I couldn't give a reference date and time and person.

3 Q. So those kind of communications you have observed,
4 though?

5 A. Yes.

6 Q. Verification of signals?

7 A. Yes.

8 Q. And double-check? Specifically, on the day -- on the
9 day of the accident, do you take any exception that the train
10 dispatcher didn't hold the local over at CP Davis?

11 A. I take no exception to that. The dispatcher's going
12 to make decisions on meets and where trains are going to run.
13 No, I don't take any exception to it.

14 MR. TURPIN: Okay. I'm ready to basically pass
15 around the table if anybody has any questions. We'll start
16 with Ted to my left.

17 MR. FRITZ: No questions.

18 MR. TURPIN: Okay. Bill? State your name and --

19 BY MR. DESKIN:

20 Q. Bill Deskin. Rick, do the -- do the conductors have
21 ear buds or earpieces that they can wear to maintain hearing of
22 the radio?

23 A. They have -- conductors have a choice of either
24 carrying -- they have their pack set radio that they carry with
25 them. They also have a remote mike and earpiece that they have

1 the option of wearing. Some of them wear it on their shirt,
2 tie. Some of them wear it over their shoulder and clip it to
3 their collar. Some carry it a little lower on their belt. It
4 all depends on their preference.

5 Q. And right offhand, do you happen to know what the
6 wattage is on their radios?

7 A. No, I don't.

8 Q. I mean, is it -- is it fairly weak compared to a
9 regular pack set radio?

10 A. I wouldn't know the difference. I do know it's not
11 as strong as a locomotive or cab car radio.

12 Q. How would you go about testing, as a testing officer
13 out with the UP or whoever else, Amtrak, if they showed up, for
14 the signals being called by the engineer responded to by the
15 conductor?

16 A. Usually what we'll do is set up a scenario of
17 signals, which would probably be relayed in a stop indication
18 at some point. And then we would, as a team, be in different
19 locations along the railroad to listen that the signals are
20 called, and depending as what railroad you're on, the response
21 of the engineer on the next signal, which would be a reduction
22 of speed and verified by radar and the final team at this final
23 location that they would stop.

24 Q. Okay. Now, would you take exception to a conductor
25 that was in the cab car with the engineer that was using the

1 cell phone at that point in time?

2 A. No, that -- I wouldn't take an exception or a failure
3 on that. The conductor -- there's no requirement for them to
4 have their phone off, especially if they're conducting company
5 business. If they're in the cab, the portion that is isolated
6 and restricted is the controlling compartment of the cab car.
7 I think it would be good advice and recommended to the
8 conductor to walk away. And I have seen phones ring and I have
9 seen conductors walk away.

10 Q. Let me pose a scenario for you that the conductor is
11 trying to get track and time or joint track and time from the
12 dispatcher and they're on the telephone to do it in the cab
13 car. And I experienced this a couple of months ago. And he
14 turns around and tells the hoghead, okay, this is what we've
15 got. Wouldn't that be better served by using the radio where
16 everybody knows that conductor said -- or what the dispatcher
17 said in case the conductor got it wrong?

18 A. Well, I can't tell you why they didn't use a radio.
19 I have witnessed that myself when there was a lot of radio
20 traffic going on and the conductor -- he elected to use a cell
21 phone. He did it in mine and the engineer's presence, and we
22 all listened to the conductor's portion of it. That's all we
23 could hear and we got our authority, and I took no exception to
24 that.

25 Q. Okay. Do you know if Mr. Sanchez and the -- in the

1 past weeks has had any kind of trauma, any incidents that
2 resulted in personal trauma or physical or mental problems?

3 A. Nothing I'm aware of. This is on his personal side?

4 Q. No, this is at work. This is like hitting a car or a
5 trespasser --

6 A. Oh, he had -- yeah, he did -- he did hit a trespasser
7 in the North Ridge area -- Van Nuys area. They're right next
8 to each other, where he had some -- was fairly shaken up by it
9 and ended up taking a few days off underneath our care program.
10 I don't know who or what was discussed. That's on a
11 confidential level.

12 He came back probably a week after the incident and
13 returned to work.

14 Q. Okay. And your care program, is this with a mental
15 health professional or a peer group or --

16 A. It's handled through Horace Whitfield with the EAP
17 Department. It's set up through him. I don't know who they
18 contact -- who they contract with and -- you know, any of
19 the -- if it's on -- it's not a peer. It's a professional, but
20 what level of profession -- profession, I don't know.

21 MR. DESKIN: I think that's all I've got for right
22 now.

23 MR. ELLIS: Jay Ellis. I just have a couple of
24 questions about your testing program.

25 BY MR. ELLIS:

1 Q. How many tests are you required to input per month?

2 A. We're required to test a minimum of fifty tests per
3 month.

4 Q. Okay. And then how many of those have to be like
5 signal tests or stop tests or things like -- in that nature
6 that are more --

7 A. I'd have to review the testing guidelines.

8 Q. Or are those like quarterly tests?

9 A. Well, there's quarterly tests that have to be done on
10 engineers, which are stop tests, signal tests, annual tests, a
11 303C test, which is an unobserved stop test; quarterly event
12 recorder downloads and reviews; delayed in block quarterly;
13 check ride twice a year -- minimum of twice a year. As far as
14 monthly, we're required to do fatigue tests, not on -- not per
15 engineer but, you know, an overall group.

16 Q. Okay.

17 A. I'd have to look at the actual guidelines for the
18 testing procedures if you're looking for a monthly requirement.

19 Q. And then on your engineer testing, is that done by a
20 designated supervisor of locomotive engineers or all managers,
21 the DSLEs?

22 A. No, the testing doesn't require the DSLE.

23 Q. Okay.

24 A. The annual evaluation does require -- require a check
25 ride by the DSLE.

1 MR. ELLIS: Okay. Okay. That's all I have. Thank
2 you.

3 MR. DAWSON: Excuse me. Stephen Dawson with the UTU.

4 BY MR. DAWSON:

5 Q. My question is -- well, questions, I may have a
6 couple here. You say that Mr. Sanchez -- you observed him in
7 September of 2006, his cell phone rang in his grip?

8 A. That's correct.

9 Q. And -- and that's noted on his personal record?

10 A. That's noted in the efficiency test system.

11 Q. Okay. Is there a follow-up program? Does
12 Connex/Metrolink -- do you have a follow-up testing program
13 when an employee fails an ops test?

14 A. Any ops test that's failed is required a follow-up
15 compliance test.

16 Q. And do you know if there was a follow-up compliance
17 test on Mr. Sanchez?

18 A. Yes. Yes, there was.

19 Q. Do you know when that was?

20 A. Approximately 30 days later is the rule of thumb that
21 we do. Cell phone tests are done on an observation -- anytime
22 anyone of us enter a locomotive or a cab car.

23 MR. DAWSON: That's all I have.

24 MR. WATSON: Dave Watson. I'd like to do some
25 general things and not specifically about the accident, but in

1 general.

2 BY MR. WATSON:

3 Q. The, the cell phone policy and how it was applied,
4 can you give me a characterization of how many cell phone
5 failures you would've taken in the last month or the last year?

6 A. I've taken no failures in -- since the cell phone
7 policy into effect in 2006.

8 Q. And your colleagues, your peers, the other operating
9 officers, when you had discussions with them, do you know if
10 they have had failures in that area?

11 A. I'm not aware of any.

12 Q. Okay. Generally, do you supervise just the operating
13 employees, or do you have other groups of people that you
14 supervise as well, admin people or whoever?

15 A. No, the operating employees are the only ones us
16 managers supervise. There are a few, very few, a handful of
17 clerks, and they're supervised by their manager.

18 Q. Okay. And how many employees -- how many operating
19 employees are there that you supervise?

20 A. I supervise fifteen directly and approximately 140
21 indirectly.

22 Q. Okay. And that's the entire operating fleet of the
23 Metrolink system?

24 A. Yes.

25 Q. Okay. And how many managers are there that

1 participate in that -- in that supervision?

2 A. I believe there's eleven field managers, three upper
3 level managers. And I believe they all participate in the
4 observation of the employees.

5 Q. All right. And how long have you worked as a
6 manager?

7 A. Since 1989.

8 Q. And that's a seasoned person. And has that changed
9 significantly over time, the ratio of employees to managers?

10 A. Well, in 1989, I worked for passenger services at
11 Amtrak where I worked in the -- as a manager in the commissary,
12 in the food and preparation. And after that, I worked as a
13 manager in the Safety Department where I had no employees to
14 supervise.

15 After I was safety manager for several years, I
16 became a transportation -- no, trainmaster working out of San
17 Bernardino where then I was -- I shared responsibility with
18 three other managers for that direct San Bernardino operation
19 and the rest of the overall operation.

20 And now I'm the transportation manager working out of
21 Ventura. So, throughout the years, yes, it's changed based on
22 the position that I held.

23 Q. And that -- yeah, that's a good insight because
24 that's the basis of my concern. Are there enough resources --
25 and I know your boss is sitting here, so -- but are there

1 enough resources in time and equipment and whatever you need to
2 do your job effectively? Or are you pretty well pushed to get
3 everything done?

4 A. No, I think there's enough resources. In fact,
5 usually employees on any given day should see three to four
6 managers throughout his day. They should see the manager at
7 the crew base they go on duty. They have a manager at the LA
8 Union Platform. They have a manager at Central Maintenance
9 Facility, Taylor Yard. They have another manager back in the
10 platform in the afternoon. And we do communicate with each
11 other and ask each other for assistance on issues that they
12 need, that we may need help with.

13 Q. Guys come up and ask you for stuff, you know, if
14 there's a particular problem somewhere? During the winter,
15 they've got to pump a joint or whatever, is that a routine type
16 of situation that they're being in a two-way interface with the
17 crews?

18 A. Yeah, a lot of the crews will talk to whatever
19 manager is present to assist them with the operation, the
20 current operation. If it's an administrative issue, we may
21 refer them back to their crew base manager if they need some
22 kind of paperwork or something else.

23 But the crews are very good about -- they're actually
24 probably too good about grabbing the first manager they see.

25 Q. And I saw -- you know, I did mechanical out there and

1 I saw that door program, that troubleshooting book, you know,
2 that's in each of the -- so they get something like that, they
3 get a door that won't close, or whatever, you know, they've got
4 some problem with the equipment, you know. And they would feel
5 comfortable, you believe, to come up and express that concern
6 to you, whatever is going wrong?

7 A. If they're having a troubleshooting problem with the
8 equipment at that time, they actually interface directly with
9 mechanical.

10 Q. Um-hum.

11 A. I may or may not be involved in the exact
12 troubleshooting situation that was going on at that time. I
13 would probably be notified of it later. Pages would go out so
14 I would know that something was going on, we knew it was going
15 again if they got it fixed or we had to terminate trains or
16 make other arrangements.

17 If they have an issue with equipment, they're -- of
18 course, they're required to write it up. The Metrolink
19 agencies, Southern California Regional Rail Authority has a
20 troubleshooting hotline for mechanical concerns by the
21 operating crew if they don't feel that they're being met. And
22 yes, that's -- at sometimes, I'm involved from concerns from
23 the crews.

24 Q. Yeah, and that's what I thought. Has -- it has all
25 these new titles. Are you the trainmaster? Is that what you

1 are?

2 A. Yeah, yeah.

3 Q. I understand that. So the crews --

4 A. Trainmasters don't make quite as much pay as a
5 transportation manager.

6 Q. That's a good thing.

7 A. But I'm a trainmaster by trade.

8 Q. Yeah, okay. So you're still come up with no gripe.
9 If something's going wrong, they've got a bad spot, they've got
10 whatever's happening, they've got a school bus running the
11 gates, you know, or whatever you -- whatever they've got that
12 they routinely will see. They feel comfortable to come up and
13 talk to you?

14 A. I believe so.

15 Q. Yeah, okay. Good to go. Some places do not. It's
16 just a whole different world. So, you do have enough folks to
17 do what it is that needs doing out there.

18 This crew specifically, back to the accident now, the
19 conductor and engineer, other than the times that you, you
20 know, discussed about here, have you had discussions with them
21 about anything you can remember?

22 A. Yes. The engineer -- I had a -- I performed a
23 counseling session on the engineer, I believe it was the
24 afternoon of the 10th where I took exception to an unnecessary
25 delay of Train 119 the prior week in Moorpark. And a

1 counseling session was done at CMF Taylor Yard with another
2 transportation manager, Lewis Pescevic, where we brought him
3 and discussed the issues of this delay. And he actually signed
4 a counseling letter.

5 Q. And that was under the disciplinary program,
6 progressive discipline?

7 A. Yes.

8 Q. Okay. Is that the first step?

9 A. It depends on the severity of it. The decision is
10 made by Gregg Konstanzer as the level that it is required
11 based, you know, what he and Mr. McDonald, or whoever, agree
12 upon. And then they're given the instructions to the field
13 managers that carry out the counseling or whatever is required.

14 Q. Do you remember the -- you don't have to give
15 specifics, but the general nature of the delay and what your
16 concern was?

17 A. Yes, I do.

18 Q. And what was that?

19 A. Train 119 departed LA, and as it was going west on
20 the Ventura Sub, it met Amtrak #14 at Strathern. And Amtrak
21 gave them a roll-by, asked them to check their markers. The
22 train arrived at Moorpark, and the engineer and conductor
23 didn't communicate that the markers were on or off.

24 And the engineer got off the locomotive and walked
25 back, looked at the markers himself, walked up, departed, which

1 caused a four-minute delay, and the delay was recorded on a
2 delay report. And the agency, Southern California Regional
3 Rail Authority, took exception to the delay and wanted it
4 investigated.

5 Q. And the delay was to Amtrak or to Metrolink?

6 A. To Metrolink. That four minutes at Moorpark to check
7 the markers --

8 Q. Okay.

9 A. -- where the engineer walked back. And the
10 counseling letter was -- and the counseling letter was for both
11 of them. They were done on different days because the
12 conductor was off for a couple of days due to a medical issue.
13 But the letter was the same, that they are required to
14 communicate, that it was not, it was an unnecessary delay.

15 Q. And the conductor and the engineer were the two that
16 were involved in the Chatsworth accident?

17 A. Yes.

18 Q. So they pretty well stay paired up, you know, for --

19 A. Yes.

20 Q. Yeah.

21 A. Yeah, they've been on the jobs -- I believe they've
22 been on the job since October of '07. I'd have to check the
23 records. That was the last -- Sadie Hawkins changed for
24 everybody. And yeah, so that was the same crew, and they
25 pretty well stayed together unless one is off and an extra

1 board position is filled in from another location or my
2 location.

3 Q. And again, you're the guy with eyes out in the
4 territory with this group of people. Is that typical of
5 counseling sessions you might give of anyone in your workgroup?

6 A. Yes.

7 Q. And had you given that same type of counseling to
8 other engineers and conductors?

9 A. That type of counseling, yes. Not for the exact same
10 reason, for different reasons. Counseling will consist of
11 reviewing what happened, reviewing the road rules that I took
12 exception to, a written counseling letter that will summarize
13 the exception taken, and resources they may need to look at and
14 discuss if they have questions.

15 Q. All right. And to continue on, anything other than
16 you had discussions or remarkable interface with either of
17 these two crew members?

18 A. Not that I remember.

19 Q. And have they been there as long as you have, this
20 entire time? You all worked together for several years?

21 A. No, they've been -- they will jump around to
22 different crew bases based on their seniority and their family,
23 personal life if they find another schedule that suits their
24 personal life better.

25 Most of them are financially based. They're looking

1 for the most amount of money they can make and seniority is the
2 dictator of where they go.

3 Q. And it's difficult to do characterizations,
4 especially with the Union sitting here, but are they either
5 folks that you would have concerns about that you think might
6 need some extra attention?

7 A. No. The engineer -- I think the engineer, up until
8 this day, which I don't know what happened and we're waiting
9 for what happened -- up until this day was a competent
10 engineer. He used -- it was a very convenient schedule for us
11 to use for training some of our reentry to service engineers
12 because of the schedule. And I felt comfortable putting people
13 with him.

14 Q. Stop there. He was a trainer?

15 A. No, he wasn't a trainer. He was one of the -- of the
16 trains that we used for existing engineers to see the
17 territory. So, he wasn't a trainer --

18 Q. Yeah.

19 A. -- he was just one of the ones that we would've -- we
20 have a list based on schedules that's desirable to use for
21 trainers. And I don't like to call them students because
22 they're not students. They're existing engineers learning the
23 territory. Because of the schedule, it was very convenient
24 because the other trains that it could meet and the way that we
25 could send out the new employees.

1 Q. To follow back up on what Ted was talking about, how
2 many foreign railroads operate over the Metrolink portion of
3 the track?

4 A. Well, we have the Metrolink portion of the track, we
5 have the Union Pacific, Burlington Northern, and Amtrak. And I
6 don't know about the Coast or if they operate on Metrolink
7 track or not. That would be a decision for Mr. Fritz.

8 Q. Okay. And the converse of that, there's Metrolink
9 that operates on other portions of someone else's track, huh?

10 A. Correct, yes.

11 Q. Yeah, and how many other folk do they operate on?

12 A. The Union Pacific, the Burlington Northern territory,
13 and Coaster territory.

14 Q. Okay. And during the joint testing that you talked
15 about, and they'll be mix and matches of all those people at
16 one time or another?

17 A. Yes. What has happened when we set up a joint test
18 is one of us -- one of the testing team would either be the
19 Union Pacific. My counterpart is Mario Aquilar of the UP. We
20 will communicate and discuss a date and then we will -- either
21 both of us or one of us will invite other members, Amtrak,
22 other Metrolink managers, other Union Pacific managers, and
23 then we would all show up at a predetermined place and time.

24 Q. Okay. I don't know how it goes now. I've been off
25 the railroad for so long, but other places that I've been

1 involved with, if something occurs that an engineer from a
2 foreign railroad does something, blows a signal, you know, or
3 something on your territory when you observe it and they'll bar
4 that engineer. You can't take disciplinary action because they
5 don't work for you, but you can bar him from coming on your
6 territory. Is that still the way you do things?

7 A. That is a Southern California Regional Rail decision.
8 That's not a Veolia decision.

9 Q. And -- okay. Now, I guess the other question is --
10 it may not be -- if there are engineers that are barred or for
11 some reason can't operate on Connex Railroad, or Metrolink --
12 are there?

13 A. I'm not -- I don't know. I don't have the list and
14 that's handled through, again, the agency.

15 Q. Okay. And the converse is also true, if there's an
16 engineer that you supervise that had been on the UP or
17 Burlington Northern or something and it had a difficulty at one
18 time or another and he was barred from operating over that
19 section of the railroad, would you be -- their railroad, would
20 you be notified of that?

21 A. If the employee worked for me directly, yes.

22 Q. Okay. And that's -- well, that's all of the -- all
23 of the operating crews?

24 A. Well, if they worked in my crew base, which is the
25 Moorpark/Montalvo crew base. And the Union Pacific, where we

1 operate on, took exception and decided that they weren't
2 allowed to operate on, then I would be aware of it because that
3 person would not be able to work out of my crew base and they
4 would have to leave and go to another crew base.

5 Q. All right. And are there instances like that that
6 you're aware of either way where you have prevented somebody
7 under your supervision from operating under your territory or
8 vice versa?

9 A. Again, that would have to be an agent -- that level
10 of notification and stuff would be at the agency level.

11 Q. Okay. All right.

12 A. I mean, I do know that there has been engineers in
13 the past. Harvey Wong, I believe, was banned from the BNSF.
14 He's probably the only one that I can tell you that I've heard
15 about. No written notification, nothing came through to me, or
16 nothing. I have just heard that.

17 Q. And that's kind of what we're interested in here.
18 It's not a formal -- we're just trying to figure it out.

19 A. Okay.

20 Q. The other thing, you talked -- when -- about the
21 testing about a fatigue test, and I'm not familiar with that.
22 What do you do in a fatigue test?

23 A. A fatigue test actually has changed a few months ago.
24 A fatigue test used to be we would test an engineer towards the
25 end of their shift, towards the end of the week, and we would

1 test them. We had two different types of tests we would enter
2 them on. We would be in a position to observe, radar, and
3 document a delayed in block.

4 Or a -- we would enter under 303C stop test,
5 unobserved stop test, where we set the scenario or witness the
6 actions of the engineer throughout the later part of the day.
7 And we would enter it in the test system under 201C or a 303C
8 and fatigue in the comment section. That's how we'd enter it.

9 In recent months, the fatigue's requirements has
10 changed and they came out that they're now -- have determined
11 that between the fifth and the -- I'd have to look at the --
12 like the fifth and seventh hour of the day that that is a
13 fatigue -- notified as a fatigue portion. So those same tests,
14 the same comments would just be done in a different time of the
15 day.

16 Q. That's unique and our -- our folks would be
17 interested in that.

18 And so you don't like look at them to see if they're
19 droopy-eyed or something like that, or what have you? You
20 just -- it's according to the time of day when an observation
21 is made is what triggers the fatigue portion of it?

22 A. Yeah, performance operation, correct.

23 Q. And it's a regular test that you would do any other
24 time?

25 A. Yes.

1 Q. Banner test, or whatever it is?

2 A. Yes.

3 Q. Yeah, okay. And then go back over slowly because I'm
4 mechanical and it takes me awhile to get things. That delayed
5 in block, I didn't understand. And I know -- and one thing you
6 may want to look at is our Silver Springs, Maryland, accident.
7 And it was a big old horrific crash where a delayed in the
8 block was really critical. A bunch of people got killed.
9 So -- and so we'll look at delayed in block before it's all
10 said and done from about fourteen different directions.

11 And anyway, so this guy comes in, what we understand,
12 flashing yellow, to a yellow, to the station. So he's coming
13 at advanced approach, approach, and stops at the station. And
14 then he can look and from his familiarization with the
15 territory, he kind of knows where to look and can see the
16 signal from the locomotive cab.

17 Before we go on what he can see, tell me what the
18 conductor's supposed to do in a normal, any day stop, any
19 station stop. What does the conductor do?

20 A. Well, the conductor will come into the station, stop,
21 will announce over the PA to the passengers that they are
22 preparing to arrive at a certain station. They would tell them
23 to watch handholds. There's a -- there's actually a pre-
24 scripted announcement that they make.

25 Once they come to the station and stop, the conductor

1 will ensure that the train is properly spotted on the P&A ramp,
2 open the doors, make the announcement that the station stop is,
3 you know, whatever station. They view the platform, they wait
4 until the passengers have exited the train. They make their
5 last call announcement on the PA that this is the last call.
6 They wait ten seconds. They close the doors. They leave their
7 crew door open and observe the platform to make sure nobody's
8 stuck in a door or you know, trying to get in the train or
9 anything.

10 And then at that point, they will instruct the
11 engineer to depart. And the conductor will tell them either
12 the last signal that they came in or the signal that they can
13 see from the platform.

14 Q. How is that instruction conveyed, radio, hand signal,
15 highball, some kind of an intercom -- how do they tell it to
16 the --

17 A. Well, it used to be that we would allow them to --
18 you know, to wave off the engineer before we put the
19 instructions in place about informing them of the next signal
20 or the signal they came in on. Once that requirement came, the
21 requirement became a communication over the radio.

22 Q. Over the radio?

23 A. Over the radio, or if by some chance they're at the
24 cab car and the conductor is standing on the P&A ramp and the
25 engineer has his window open and looking back, he could

1 communicate it verbally to the engineer.

2 Q. So -- but in this situation where the engineer was in
3 the locomotive unit at the front portion of the ramp -- and I
4 understand the conductor was in the cab car on the back part,
5 then what you would anticipate was that he would make a radio
6 announcement to that engineer that he was good to go?

7 A. Yeah, I would expect the radio transmission to
8 depart.

9 Q. Okay. And is there any requirement that that
10 conductor look for a signal while he is on the station
11 platform?

12 A. Yes. The conductor needs to -- if the signal can
13 be -- can be seen from the platform, the conductor needs to
14 relay the information of that signal that they are now being
15 governed by over the radio, or verbally if he can talk to
16 him -- to the engineer.

17 Q. Okay. And that's -- and we'll go into specifics of
18 what we know from the guys -- you know, from the conductor,
19 with him, I think this afternoon. But then after this
20 information -- let me stop myself there.

21 The -- have you been at that platform in Chatsworth?

22 A. Yes.

23 Q. Can you see the signal when you -- when you look from
24 the platform where that conductor would've been?

25 A. It depends on the time of day. It depends on if

1 there's haze. There are a few trees along the platform on the
2 main track. I don't recall if I've seen the signal at that
3 platform. I do -- I do know that from the locomotive cab and
4 the times that I've been on it, I can see the signal from the
5 locomotive cab.

6 Q. But from the conductor, if he sees it, he calls it.
7 If he don't see it, you know, then he just goes ahead and makes
8 sure the doors closed, no runners or jumpers, and gives the
9 proceed?

10 A. Yes.

11 Q. And it's on the engineer to see whatever -- and now
12 we're going to get to the part that I don't understand. He
13 came in on a yellow. He's in a yellow block, right?

14 A. Okay, I don't -- you know --

15 Q. Say that was the case, say --

16 A. Yeah, because I don't know what he came in --

17 Q. But we'll say theoretically --

18 A. Okay.

19 Q. -- you know, for this discussion.

20 A. Okay. So he would've had a flashing yellow at CP
21 Burns and then a yellow at the last and the intermediate, okay.

22 Q. And then a station stop.

23 A. All right.

24 Q. When he -- if there had been a green, a clear, and he
25 could've seen that clear, then -- then there should've been a

1 discussion back and forth between the two of them on the
2 radio --

3 A. Yes.

4 Q. -- about what that signal indication was.

5 A. Well, there would've been a -- if there was -- if it
6 was a green, the engineer would call out a green to the
7 conductor at -- he would say, you know, 111 green at CP
8 Topanga. There would be no requirement from the conductor to
9 call --

10 Q. Okay.

11 A. -- back a green. So there would be a one-way
12 discussion.

13 Q. All right. So then he can take that -- so then he
14 proceeds -- the train proceeds and it can go at track speed?

15 A. Yes.

16 Q. 70 in that location?

17 A. Yes.

18 Q. All right. Until he gets time, he needs to finch
19 them down for that curve up there, that -- you know, because
20 it's --

21 A. Yes.

22 Q. -- regardless of that signal indication.

23 A. Yes.

24 Q. Okay.

25 A. I don't believe you can get up to 70 in that short of

1 a block, but --

2 Q. You get up to 55?

3 A. Yeah.

4 Q. That's what he actually -- you know, he got up to 55.

5 A. Okay, that's -- that's pretty typical.

6 Q. Yeah. But he can take that signal before he gets to
7 it? Typically, my experience in the railroad, you don't get
8 the signal, you can't -- the signal doesn't apply until you get
9 to the signal.

10 A. Well, if you're on a yellow, you can take that signal
11 if it's green.

12 Q. Okay, you can take it if you can see it? Okay.

13 A. If you're on a restricted signal, you can't take it
14 until your leading wheels get to it. He wasn't on a restricted
15 signal.

16 Q. Yeah, he was coming in on an approach. All right,
17 now, CAD signals. You get CAD signals on any part of your
18 territory?

19 A. No.

20 Q. Okay. Crew members. These are all -- these are all,
21 you know, questions that are coming around, you know. There is
22 the big stuff that's in the news and the big stuff that's in
23 Washington. You work territories where they've had two crew
24 members in the cab?

25 A. Yes.

1 Q. All right. Can you characterize that as to
2 effectiveness or -- in your experience, don't have to be --
3 just what you know, what you feel.

4 A. My experience, it's always better to have four sets
5 of eyes -- I mean, you know, two sets, four eyes. It is better
6 than having a single person.

7 I've never seen the two of them distract each other
8 but I think that could be a possibility. My opinion is, of
9 course, more bodies, the better.

10 Q. And that's what we're looking for here, your opinion.
11 And congratulations with your boss sitting there.

12 UNIDENTIFIED: I'm not his boss.

13 MR. TURPIN: You're not his boss? Well, that's a
14 good thing.

15 BY MR. WATSON:

16 Q. Your boss will read this.

17 A. I wouldn't care if he was anyway. I wouldn't change
18 anything.

19 MR. WATSON: All right. That's all the questions I
20 have.

21 MR. TURPIN: Thank you. I just have a couple --
22 couple of follow-ups. The -- and they get down into detail
23 stuff because that's what I do a lot of times.

24 BY MR. TURPIN:

25 Q. But the conductor looking for the next signal, was

1 that prefaced by only under a delayed in block situation, or do
2 you -- do you want them to do that at all station stops?

3 A. At all station stops. If they can see the next
4 signal, then they're required to communicate that to the
5 engineer. The territory that I supervise that I'm out most of
6 the time, there are places you know you can see the signals and
7 there's places that you may or may not see the signals due to
8 the conditions of the environment that day.

9 Q. Okay. The counseling on September 10th about the
10 train delay, did -- did you find that odd that the engineer
11 walked back to look for the markers? Did you take exception to
12 that?

13 A. Yeah, I took exception to it. And I didn't want my
14 counseling lesson -- my counseling session transpired as -- not
15 only did we take a form of delay, which was documented on a
16 delay report and that the agency -- Metrolink Agency took
17 exception to it. There was no reason for that -- for him to
18 get off the locomotive when all he had to do was communicate
19 with -- to the conductor over the radio, which would've taken
20 just a few seconds, of the condition of the markers and then
21 they could've departed without a delay.

22 Q. You answered the fatigue test, but on the other side
23 of that, do you ever have -- you ever have the crews come to
24 you and say, man, this schedule is grueling, I'm -- this -- I'm
25 tired?

1 A. I don't know if they come to me and said that they're
2 tired. I do know that they have come and said that this --
3 this crew couplet that I'm on works more trains than this other
4 crew couplet, and you know, I do X-amount of trains and this
5 crew couplet does that. Don't you think I'm doing more work?
6 And my response is, you know, the crew couplets are set for the
7 crews to bid on, and if they were unhappy with the job that
8 they are on, they can exercise their seniority and go to a
9 place that they would be more comfortable with.

10 But I don't think I've ever had them come to me and
11 say, hey, you know, I'm beat, I'm tired. If they are tired,
12 they would -- you know, I would assume that they would just
13 mark off and they wouldn't come to work.

14 Q. Well, I know you have other jobs that do it too, but
15 this particular one has that interim rest, you know? And quite
16 a few of your jobs do. Do the crews -- on the Sadie Hawkins,
17 does it appear that they try to get away from those interim
18 rest type jobs? Or --

19 A. No, I don't -- that's not what I -- what I've kind of
20 witnessed. The crews that would -- the people that want the
21 money, and there's the people that like the big money, and the
22 longer the rest or underneath the contract with unions, the
23 agreement, after four hours and fifteen minutes, they go back
24 on full pay.

25 So, for four hours and fifteen minutes, they get half

1 pay. So the rest that they get, they're going to -- you know,
2 it's going to contribute to their full day's salary. So the
3 more rest or the more -- longer of the day, the more money
4 they're going to make.

5 And we have crews that like the big money, you know,
6 will bid on it and will go for the big money. And we have some
7 senior crews that like the shorter days and believes that they
8 like their time off instead of being at work. And it's all
9 personal preference.

10 Q. Okay. You mentioned you have direct reports of
11 fifteen employees?

12 A. Yes.

13 Q. Just curious, with an engineer/conductor pairing, how
14 did you get an odd number of employees?

15 A. I have one more conductor on my extra board than
16 engineer.

17 Q. Okay. That makes sense.

18 What -- from the observations you've had in the past
19 with this particular engineer that was in the accident, his
20 signal calling, you've observed or seen his signal calling?
21 Has he always called the signal, always --

22 A. He's --

23 Q. -- really good about it or --

24 A. He's one of my -- one of the better ones about always
25 calling the signals. It's very rare that I would take

1 exception to him. Sometimes his overs and outs aren't as
2 prevalent as they should be and -- or as loud. But as far as
3 calling the signals, that wasn't an issue I really had with
4 this individual.

5 Q. Okay. What about the conductor as far as response
6 to --

7 A. The conductor's very diligent. He's -- he takes his
8 job very seriously. I don't think there's too much more things
9 more important in his life than his work.

10 Q. Earlier we talked about a conductor taking a track
11 warrant by cell phone as an option rather than the radio. Is
12 there a specific guideline as to when they can use that cell
13 phone as a backup?

14 A. The way -- the reason the rules is as a -- as a
15 secondary form of communication. So obviously, the primary
16 form of communication on that would be the radio. And the only
17 other time that I -- that I witnessed it, as I told you, was
18 there was a lot of radio traffic that afternoon and --

19 Q. And that would obviously be acceptable to make -- to
20 use the cell phone as the secondary then?

21 A. Yes.

22 MR. TURPIN: Okay. Okay.

23 BY MR. WATSON:

24 Q. Is there something -- we've all had our time or two
25 around. How about you? Is there something that you'd like to

1 share with us that might help us piece this together?

2 A. No. I'm looking for answers for this situation
3 probably as much as you guys are. I don't quite understand it.
4 I wish I knew. I'm kind of anticipating, you know, your
5 findings and what you guys -- because you're going to be able
6 to get into it a lot deeper than I am.

7 Q. How about your crews? How are your crews holding up?

8 A. Some are better than others. We've -- we brought
9 in -- the week afterwards, we brought in counselors. We
10 stationed them at Taylor Yard. We brought them in and they had
11 free access to them to talk to them during their -- whatever
12 time they needed. Their off time, they could elect and sit and
13 talk to them. They can talk to them on their own. They can
14 get business cards. Some are doing okay, some are struggling
15 and putting their best foot forward, and some, you know, that
16 were closer to the crews are taking it a little harder.

17 Q. How are you doing?

18 A. One step a day, one time a day, hanging in there.

19 Q. Yeah.

20 A. Yeah.

21 Q. Well, that's good to go. If you think of something,
22 you know, that could help or that you get concerns of, don't
23 hesitate to call.

24 A. Okay.

25 Q. Yeah.

1 MR. TURPIN: One more time, anybody else have
2 anything?

3 (No response.)

4 MR. TURPIN: I think we're done. Thank you very
5 much.

6 MR. WATSON: Yeah, thank you.

7 (Whereupon, the interview in the above-entitled
8 matter 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: METROLINK TRAIN NO. 111
 COLLISION WITH UNION PACIFIC
 RAILROAD LEESDALE LOCAL,
 September 12, 2008,
 Los Angeles, California
 Interview of Richard Dahl

DOCKET NUMBER: DCA-08-MR-009

PLACE: Gardena, California

DATE: September 25, 2008

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.

John Sullivan
Court Reporter