

UNITED STATES OF AMERICA

NATIONAL TRANSPORTATION SAFETY BOARD

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Investigation of: *

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COLLISION OF AMTRAK TRAIN #91 AND *

*

A STATIONARY CSX TRANSPORTATION

TRAIN NEAR CAYCE, SOUTH CAROLINA * Accident No.: RRD18MR003

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FEBRUARY 4, 2018

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Interview of: JUSTIN MEKO
Vice President Safety, Compliance
and Training
Amtrak

NTSB Headquarters
Washington, D.C.

Tuesday,
March 26, 2019

APPEARANCES:

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National Transportation Safety Board

RYAN FRIGO, Rail Accident Investigator
Operations and System Safety
National Transportation Safety Board

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I N T E R V I E W

1
2 MR. HIPSKIND: Okay, good afternoon, everybody. My name is
3 Richard Hipskind, and I am the investigator in charge for NTSB for
4 the Cayce, South Carolina accident.

5 We are here today on March 26th, 2019, at NTSB's headquarters
6 in Washington, D.C., to conduct an interview with Mr. Justin Meko,
7 who works for the National Railroad Passenger Corporation, or
8 Amtrak, as their Vice President of Safety Compliance and Training.

9 This interview is in conjunction with NTSB's investigation of
10 a collision of Amtrak Train #91 with CSX local F777 on April 4th,
11 2019 [sic]. The local train was stationary in CSX's silica
12 storage track located near Cayce, South Carolina, and the Amtrak
13 train diverted from the main track into the storage track via a
14 main track switch during a signal suspension. The NTSB accident
15 reference number is RRD-18-MR-003.

16 Before we begin our interview and questions, let's go around
17 the table and introduce ourselves. Please spell your last name
18 and please identify who you are representing and your title. I
19 would remind everybody to speak loudly and clearly enough so we
20 can get an accurate recording. I'll lead off and then pass off to
21 my right.

22 Again, my name is Richard Hipskind. I spell my last name
23 H-I-P-S-K-I-N-D, and I am the investigator in charge for NTSB for
24 this accident.

25 MR. AMMONS: Steve Ammons, A-M-M-O-N-S, Director of Train

1 Handling Rules and Practices, CSX.

2 MR. FRIGO: Ryan Frigo, F-R-I-G-O, NTSB.

3 DR. HOEPF: Michael Hoepf, H-O-E-P-F, System Safety of NTSB.

4 MS. IMPASTATO: Theresa Impastato, Amtrak System Safety.

5 MR. MEKO: Justin Meko, Vice President of Safety Compliance
6 and Training, Amtrak; M-E-K-O.

7 MR. HIPSKIND: Okay, thank you, everybody.

8 Mr. Meko, do we have your permission to record our
9 discussion, our interview, with you today?

10 MR. MEKO: Yes, sir, you do.

11 MR. HIPSKIND: And, Mr. Meko, do you wish to have a
12 representative with you at this interview?

13 MR. MEKO: Yes, sir, I do.

14 MR. LANDMAN: My name is Mark Landman, L-A-N-D-M-A-N, and I'm
15 here on behalf of the witness.

16 MR. HIPSKIND: And, Mr. Meko, do you mind if we proceed in
17 this interview on a first-name basis?

18 MR. MEKO: No, sir, I don't.

19 MR. HIPSKIND: All right. Thank you, Justin. And for total
20 transparency, were you provided a topics list, roadmap, for this
21 interview?

22 MR. MEKO: Yes, sir, I was.

23 MR. HIPSKIND: Did you find that helpful?

24 MR. MEKO: I did, very much so.

25

1 INTERVIEW OF JUSTIN MEKO

2 BY MR. HIPSKIND:

3 Q. All right. Since we have interviewed you once before, in
4 April of 2016 -- or it was '18 --

5 A. '18.

6 Q. -- and because you appeared at our investigative hearing as a
7 witness and provided a bio for that function, how about just give
8 us a kind of synopsis of your duties and responsibilities in your
9 current position, and let us know how long you've been in that
10 position.11 A. I've been in the position since May of 2017. My duties and
12 responsibilities involve system safety, compliance, quality
13 assurance, and training for Amtrak across the nationwide network.14 Q. Thank you, Justin. We were informed that Amtrak put a safety
15 management system policy in effect about April 1st, 2018; is that
16 correct?

17 A. Yes, sir, that is accurate.

18 Q. Okay, and I believe the official title is System Safety
19 Program Plan, SSPP. So, Justin, how about, just tell us about
20 that process and ramping up for that. Were you involved in that?21 A. I was involved. Our system safety senior director led the
22 charge with that, with her team, but there was collaboration
23 throughout. They built upon activities that had been done
24 previously with the SMS, System Safety Program Plan that they had
25 developed for the Canadian operations in 2015, and the continued

1 efforts that they had put forth from that point forward. So the
2 credit to -- most of the credit goes to Theresa Impastato and her
3 team for the development of that plan.

4 Q. Okay. And are you aware that somewhere around November 1st
5 of last year, that that plan was forwarded to FRA?

6 A. Yes, sir, it was forwarded to the FRA, and at the end of
7 November of '18, Theresa, myself, our senior -- our director of
8 safety programs, and our CSO, sat down with the FRA and presented
9 the plan to them. I think it was November 28th time frame. Don't
10 quote me on the date, but --

11 Q. Well -- okay. Well, I am interested -- can you give us some
12 kind of characterization, can you take us into the meeting and
13 kind of give us the CliffsNotes version of what was on their mind,
14 what was on your mind? It's my understanding that when you put
15 the SSPP together -- and you mentioned that it was from a program
16 developed for Canada, I get that. But there were no U.S. Federal
17 Railroad Administration guidelines for what you put together; is
18 that correct?

19 A. That's correct.

20 Q. All right. Could you take us into the meeting and tell us
21 about what happened there?

22 A. In the meeting, we presented the System Safety Program Plan
23 to them, and then what we had done was we had put together a
24 presentation that showed them where we came from, where it started
25 and the thoughts that we put forth, and the path that we took to

1 develop the plan, and the various steps going forward that we
2 would be taking to verify that the plan was being followed.

3 So it was very informal in terms of the -- there was not a
4 lot of Q&A from the FRA. There wasn't a commitment to a response
5 to the plan. And that's -- the meeting lasted, if my memory
6 serves me correctly, about an hour and a half. And the overall
7 objective was to socialize our System Safety Program Plan with
8 them. And we shared that we understood that the rule had been
9 stayed, but we thought, in conjunction with our safety management
10 system and working to exceed regulatory standards, it was in our
11 best interest as an organization to put forth the plan and
12 implement it at Amtrak outside of any regulatory requirement.

13 Q. Now I know this is going to sound like a strange question,
14 but I just want to get it off my list here. There's nothing
15 wrong, there's nothing illegal, about Amtrak putting together a
16 System Safety Program Plan and having it -- and letting the
17 regulator know that you've got it?

18 A. Right.

19 Q. In other words, they didn't object to it; is that correct?

20 A. That's correct.

21 Q. Okay. There's nothing illegal or against the law to have
22 that policy and have it out there?

23 A. Correct.

24 Q. Okay. So as a result of the meeting, did they explain to you
25 why they couldn't formally review -- you're saying -- I know the

1 part 270 is at a stay. Did they give you any insight as to why
2 that was the case?

3 A. No, they did not.

4 Q. Okay. So the SSPP has been in effect for about a year, April
5 1st, I think, is the anniversary date. So please tell us what
6 type of work you and others have undertaken after you implemented
7 the safety management system, the SSPP, back on April 1st. What
8 has changed in your world from, say, when you got here, when you
9 first got here back in 2017? Tell us about the last year, if you
10 can.

11 A. The last year has been inspiring to me to see the efforts put
12 forth by the team that I'm fortunate to work with and around. And
13 the -- starting with the, you know, foundation that Theresa had
14 laid with working towards the establishment of a safety management
15 system at Amtrak, when Mr. Hylander came on board in January of
16 '18, and the organization shifted from under the direction of the
17 chief operating officer to reporting to the chairman, that was a
18 significant shift for the safety department, and it provided us a
19 structure that allowed us to provide the checks and balances that
20 are necessary for a safety organization.

21 So with great duty comes great responsibility. That has been
22 the push from a system safety perspective over the past year --
23 what are our biggest risks, what are the probability of those
24 risks, what are the severity of those risks, and how do we
25 mitigate them? Identifying those risks based on data. Those are

1 just a few of the things from an approach standpoint.

2 And for those of you in the room, you're safety
3 professionals, this will be elementary to you, but the building
4 blocks started with policy, and just putting the policy out there,
5 the eight tenets of that policy, communicating them far and wide
6 across the -- one, getting the executive buy-in. Then, once we
7 had the executive buy-in, we communicated them across the
8 enterprise, and we're continuing to push those fundamental
9 components. And the most important one being that every person is
10 empowered to stop an operation if they see an unsafe act.

11 There's countless examples of communications that -- from Mr.
12 Anderson, and he reinforces that at the top of a majority of those
13 safety communications, as he wanted that to be clearly understood
14 and communicated across the organization.

15 And you asked a broad question, so I'm going to bounce around
16 a little bit. But not only is it important to communicate it --
17 we had a circumstance up in -- outside of New Haven, where a
18 conductor forbid passengers from boarding a train because it was
19 standing-only conditions. And we took some heat for that
20 publicly, and one of the radio stations took exception to it, and
21 Mr. Anderson made sure that that conductor knew that he did the
22 right thing. And then it was communicated in a corporate
23 communication what had occurred. And it's a small example of us
24 looking to share "this is what it looks like in action" with
25 people.

1 Another example of the -- some steps that, once you get the
2 policy, then the risk management, the safety assurance, and the
3 promotion. Another example is we had a stop signal violation. A
4 stop signal violation is a -- poses a tremendous risk in our
5 industry to people and to the communities that they occur in. But
6 we had a stop signal violation and we ended up conducting an
7 investigation of the stop signal violation and, historically, it
8 would've stopped at the employee's behavior. And what the safety
9 management system has done is it's forced us to become a learning
10 organization and to look at the contributing factors. And for
11 those of you who have been around the industry for quite some
12 time, you'll be surprised to learn that, based on that stop signal
13 violation, we ended up moving an overhead mast signal and made it
14 a wayside signal, because we identified that a contributing factor
15 to that violation was the sight distance visibility of the signal.
16 And that would not have happened a year ago.

17 Again, we took that message, what occurred there, and we
18 shared the story far and wide so we can get people to begin to
19 understand what a safety management system is and what it looks
20 like in practice.

21 But what -- the policy, the board drafted a resolution that
22 the three main principles, that Amtrak would implement a safety
23 management system; implement PTC where PTC was not present because
24 of main track exclusion addendums, we would pursue PTC
25 equivalency; and then, finally, the other piece was the -- on our

1 safety side of the house, was to leverage data and technology to
2 enhance safety of operations. So we had the support from the top
3 right away. So then the -- what we've gone about doing is
4 introducing the various components of the safety management
5 system, the risk assurance -- or the risk identification, the
6 safety assurance, and then the safety promotion around different
7 activities.

8 We've done some root cause corrective actions. The first one
9 that we did was on overspeed conditions, and that was a
10 collaborative effort between the various operating departments and
11 personnel. The second one we did was electric traction, and we
12 included labor in that. We're in the midst of a stop signal RCCA,
13 and then we're also doing an RCCA right now on train separations.
14 So those are all ongoing activities that -- the first two, system
15 safety facilitated and drove those. Now we're building up the
16 skill set where we want people to be looking to utilize these
17 activities and we'll support them, but we want the folks that are
18 doing the work to be performing the RCCAs.

19 Formal accident investigation process, something that wasn't
20 around in 2017, that's present today. And that's a -- that
21 process is one in which our group facilitates the accident
22 investigations in collaboration with the field, and looking to
23 identify root cause, and based on the identification of root
24 cause, what are the measures that could be put in place.

25 Communication has been another big element of our safety

1 management system. I talked a little bit about the formal
2 communications that came around from our chairman and from the
3 board. But we've also -- we put out a System Safety Focus weekly
4 to communicate, and it's triggered -- it has the operating
5 departments and then one on ops. But in that System Safety Focus,
6 there is a safety management system corner, and it provides a
7 paragraph, educational piece of safety management system.

8 Amtrak This Week is an internal communication that is put out
9 weekly. We've looked to put articles a couple of times a month in
10 there. Operating practice advisories, we've leveraged those to
11 raise awareness around certain operating conditions. Your
12 operating bulletins, we've used more consistently. And then the
13 -- around these, we've looked at the language in them, and the --
14 trying to get away from the must not/do not and try to get into a
15 coaching and teaching language.

16 And the piece that we're wrapping our arms around -- I don't
17 want to say wrapping our arms around now, because we started back
18 in the spring, but we're pursuing a Just Culture, and that started
19 with Theresa presenting the Just Culture principles to our
20 Executive Safety Council. We piggybacked on that with a gentleman
21 by the name of David Marx, who is a Just Culture advocate in the
22 healthcare industry, previously aviation. He's part of a company
23 called Outcome Engenuity. He then presented to the Executive
24 Safety Council. We followed that up with presentations at our
25 leadership summit, where it's the top -- the 300 at Amtrak.

1 Theresa and Mr. Hylander presented there, and then Jerry Allen,
2 who is a colleague of David Marx, presented at the last Just
3 Culture ceremony -- or not ceremony, summit -- presented Just
4 Culture at the last leadership summit.

5 And then just yesterday, we presented to the Executive Safety
6 Council a proposal to eliminate cardinal rules and replace them
7 with a Just Culture policy. So that is the culmination of the
8 efforts to socialize and familiarize our folks with Just Culture,
9 and now the big piece will be pursuing it.

10 Q. Okay, thank you. So many of the comments that you've just
11 made were characterizations about what you all are doing on Amtrak
12 property with Amtrak personnel; is that correct?

13 A. Yes, sir, that's correct.

14 Q. All right. Well, that's -- you mentioned a lot of things, so
15 let's pivot here and talk just a little bit about the safety
16 department and the trend line over, say, from 2014 to present, so
17 like 5 years. Try to give me some numbers about where you were at
18 then, if you're knowledgeable about that, and where you're at now.
19 So how many people do you have to help you, and others, implement
20 this SSPP?

21 A. My organization is Safety Compliance and Training. In the
22 training side of the house, I have 106. In the system safety, I
23 have 30, and in compliance I have 20.

24 As it relates to the organization, the first big change was
25 in January of '18, when we stepped out from under the umbrella of

1 the chief operating officer and we hired a CSO reporting directly
2 to the president, or to the chairman. And, then, as you move
3 forward in the summer of 2018, we increased our operations
4 supervisor headcount by 10 percent, the road foremen and the
5 trainmasters. And the dialogue there, between Mr. Anderson and
6 Mr. Hylander was, you know, will this enhance safety of operations
7 from an activity standpoint? Mr. Anderson wanted to be sure that
8 the activities that those people were performing would be
9 assisting in the safety of operations. So that was a dialogue
10 that took place that I don't think would've taken place
11 previously.

12 Then in August of 2018, we stood up a QA, Quality Assurance
13 group, that will -- sits in the compliance section of my
14 organization. And those three heads are responsible for going out
15 and performing audits of the processes and procedures in the field
16 across the network.

17 In October, two senior directors were removed, one in the
18 training side of the house and one in the compliance. And the
19 compliance side was replaced with a person who's skill set and
20 background better supports the direction that we're going with the
21 safety management system, and with just the overall leadership and
22 experience as it relates to QA and the other critical components
23 of quality assurance outside of regulatory compliance, separate
24 and apart from regulatory compliance.

25 And then, at the present time, we're looking to establish a

1 standalone voluntary -- a director of voluntary safety reporting
2 programs. We've been carrying that as an additional duty, and the
3 -- with the importance of having a robust voluntary safety
4 reporting program, carrying that as an additional duty isn't
5 sufficient. We needed a dedicated head to that program, and it
6 will be at the director level. So that's a most recent pursuit.

7 We've also done some things where we're reorganizing the
8 group to enhance skill sets, and the -- we've made some
9 transitions with the -- in a couple areas where the minimum
10 qualifications for the role have been changed to ensure that the
11 appropriate skill set is present.

12 I'm confident that, as we align the three groups -- from a
13 headcount standpoint, I'm comfortable. From a positioning
14 standpoint, we still have some work to do there, where the --
15 we're heavy in certain areas. I believe we can make some
16 personnel adjustments that will -- similar to the ones that have
17 occurred, that will better serve us moving forward.

18 Q. So let me recap here.

19 A. Yes, sir.

20 Q. I didn't hear, and maybe you're not aware of the safety
21 department staffing as far back as 2014 before you got here, and
22 that's fair enough. But since you've been here, is the overall
23 number increasing, decreasing, staying the same?

24 A. It decreased in July of '17 on account of the elimination of
25 Safe-2-Safer at Amtrak. Since then, the number has stayed flat.

1 Q. But what is the number?

2 A. Thirty is the number in system safety right now.

3 Q. Okay. And so there's you and Theresa, right?

4 A. That's correct.

5 Q. And then are there 28 other people?

6 A. It's me and Theresa and 28 other -- there's -- in system
7 safety, there's Theresa and 29 other people.

8 Q. And what is their title?

9 A. They have a couple of directors, one in engineering, one in
10 mechanical and two --

11 Q. Departments.

12 A. Two in -- no, supporting those departments.

13 Q. Okay.

14 A. Two supporting transportation, and then the system safety
15 programs role that I had mentioned previously.

16 Q. Okay.

17 A. So five directors.

18 Q. And people who report to them.

19 A. They -- you'll have senior managers, managers, and then lead
20 safety specialist, and safety specialist.

21 Q. Okay. Are they in a liaison role? I mean, we're not
22 describing -- are we describing non-contract positions?

23 A. Non-contract. Non-agreement management positions.

24 Q. Okay. And some of those people, the 28, 29, might they work
25 with people that I characterize as liaisons?

1 A. The only location that we have safety liaisons at the present
2 time is the engineering department. The other departments do not
3 have safety liaisons. So they'll work with the -- they work side
4 by side with the departments that they're supporting.

5 Q. Okay. Can you take us into the rationale, the thinking,
6 about liaisons in track and engineering, but not the other
7 departments?

8 A. The history of that, I'm not well versed enough to speak. I
9 can get back to you on the history of that, because I believe
10 there's an agreement around those liaison positions.

11 Q. Okay.

12 A. In track and engineering.

13 Q. So more a function of collective bargaining or something over
14 the years?

15 A. I believe so. I'd have to verify that.

16 Q. Okay, all right. All right. So, I'm just going to ask you
17 point blank. Is one of the big functions of the implementation of
18 an SSPP to go out, canvass your property, the various departments,
19 and identify risks, and then come up with a plan to mitigate it?

20 A. Yeah, one of the -- yes.

21 Q. It's not everything, but that's one of the things, right?

22 A. One of the big functions is to create an organization where
23 the individuals within that organization know their work better
24 than anybody else, and they identify risks and mitigate them, or
25 if they don't have the ability to mitigate them for a variety of

1 reasons, they escalate it and bring it to somebody else's -- bring
2 it to somebody's attention that it can be mitigated.

3 Q. Okay. But this function I'm talking about, I affectionately
4 call boots on the ground.

5 A. Correct.

6 Q. It takes people walking around, moving around, getting with
7 other people, seeing, observing things, taking notes, and then
8 analyzing, what is it we do next. Have I got some of that right?

9 A. You do.

10 Q. Okay. So is the number that you're dealing with right now,
11 is it enough for the Amtrak property undertaking this SSPP?

12 A. I believe it is.

13 Q. Okay. And do you have any thoughts -- or let's change the
14 discussion. Is there more work to be done if you export some of
15 your risk identification out to host railroads? Who does that
16 work, if that's something that you envision doing?

17 A. I'm trying to understand the exporting the work.

18 Q. Well, let me -- no, you're right, that's not a good word; my
19 bad. Amtrak runs passenger trains on a rail network that involves
20 host railroads.

21 A. Right.

22 Q. Correct? Right?

23 A. Yes, sir.

24 Q. And if you guys have a keen interest in the safety of
25 passengers traveling on your trains, your property or host

1 railroad property, it's kind of all the same.

2 A. That's correct.

3 Q. So I'm thinking that you're doing risk identification and
4 mitigation on your property. Nothing to stop you, right?

5 A. That's correct.

6 Q. Shame on you if you don't. And so what I'm trying to think
7 is, if you think that you guys might engage host railroads to join
8 with you and conduct risk assessments, does that take added
9 personnel? I guess that's the question.

10 A. I'd have to examine that more closely, Dick.

11 Q. Okay. Well, let me just get to a base question. Are you
12 currently, or have you in the last year, had an outreach to any
13 host railroad to conduct risk assessments?

14 A. We have not. We've done other activities with the host
15 railroads, PTC activities. We just did one out west, where we
16 collaborated with the host as it relates to -- we did an audit
17 with the UP of the activities, equipment out west, and that's one
18 example. We've had a lot of communication around different events
19 on the different hosts. We've communicated a lot more around
20 real-time events than we had been previously, but the actual risk
21 management that you speak to, we have not.

22 Q. So --

23 A. Outside of the PTC -- non-PTC risk assessments that we
24 conducted over the past 7, 8 months prior to December 31st.

25 Q. Okay, Justin, I want to simplify this so I am clear. When it

1 comes to Amtrak property --

2 A. Right.

3 Q. -- what you guys have -- your intentions, your goals, your
4 tasks that you're -- that you've outlined in your System Safety
5 Program Plan, you're not facing any challenges, you're able to do
6 that work.

7 A. We're facing challenges.

8 Q. Okay. Well, let's talk -- that's what today's conversation
9 is about, is to talk about successes and challenges, whether
10 they're on your property or host railroads.

11 A. Right.

12 Q. So let's -- what challenges do you foresee or have you
13 experienced on your property?

14 A. There is a -- the -- becoming a learning organization and the
15 compliance philosophy as it relates to certification and those
16 types of activities, that's been a challenge. Because we can
17 handle employees as we'd like to on our property, but how a host
18 railroad wants to handle one of our employees, you know, where we
19 want to approach it from a learning organization and have the
20 candid dialogue and better understand what occurred and why it
21 occurred, the host has the ability to ban an employee from running
22 performance service after certain events. So that's one example
23 of when you look at our -- what we're trying to do, and the
24 approach that we're taking. We're hamstrung there, because we're
25 at the mercy, based on regulation, of the host in terms of how

1 they handle those employees when a violation is observed.

2 Q. Well, let me jump in here. I want to decode some of this,
3 make sure I'm on the same page with you. So maybe a certain
4 infraction or a certain way you might handle a noncompliance
5 situation on your railroad, with the things that you're doing now,
6 you don't have that same latitude or assurance if your employees,
7 let's say as an Amtrak crew operating a train, if they were to do
8 the same thing while on a host railroad.

9 A. That's correct.

10 Q. Okay.

11 A. That is correct.

12 Q. Okay.

13 A. And there's been a lot of strides, and we've had a lot of
14 success stories with -- not success stories, but we've had a lot
15 of dialogue with the hosts; their concerns have been vetted and
16 shared. And similarly, we've been transparent with what we're
17 trying to do, so it's improving. They're -- more rapidly with
18 some than others. But that's one example.

19 The other piece that you get into, as it relates to the --
20 making the systems, we've had success with the PTC, non-PTC
21 mitigations. We've had some areas where we've had pushback that
22 the mitigation recommendation that's been put forth isn't agreed
23 upon. So there's going to be some cultural challenges as we
24 pursue something new for the rail industry.

25 Q. So how about a specific example of a success on a non-PTC

1 railroad?

2 A. Vermont Railway, they identified switch position indicator
3 lights and installed them, and it's actually a technology that
4 interfaces with their dispatch system that they developed in-house
5 and applied. That was one of the more impressive mitigations that
6 we saw early on.

7 Q. So raising the visibility of the switch alignment?

8 A. The switch position both in the field and in the dispatch
9 center.

10 Q. Okay. We'll table that one for right now, but you've peeked
11 my interest. We may want to know a little bit more about that,
12 simply because of the variety of accidents that we have run into
13 in the past. So I don't want to interrupt this interview with a
14 big discussion on that.

15 So getting back to -- I think you understand a little bit
16 more why I used the word exporting.

17 A. Right.

18 Q. Okay? So is there -- there isn't anything to stop you with
19 an outreach to other host railroads to talk about your program,
20 and/or conducting cooperative joint risk assessments, right?

21 A. That's correct.

22 Q. So what's the holdup? I mean, I'm not criticizing you. I'm
23 just -- have you guys talked about it? Is that something that's
24 on the horizon?

25 A. The --

1 MR. LANDMAN: Just for clarification, talked to the host
2 railroads, or talked among Amtrak about it?

3 BY MR. HIPSKIND:

4 Q. No, Amtrak talked internally about conducting some of that
5 with host railroads. Thank you for that clarification.

6 A. We haven't talked about it internally. No excuses around
7 that. We've had enough issues of our own to wrap our arms around,
8 that that's where it focused our attention initially. And as you
9 look at our last 18 to 24 months, I'd say a good portion of it was
10 spent in a reactive mode, and only in the last 6 months have we
11 began to stabilize and start moving proactively. And I think you
12 bring forth, you know, an idea that we should be talking about.

13 Q. Okay. I'm not here to embarrass. Do you know where I got
14 that idea? From your SSPP. It's written in there, and it can
15 become a little bit of a matter of interpretation, whether you
16 mean other railroads or not.

17 A. Right.

18 Q. But when I read host railroads, it seemed to me that what you
19 were saying is, we need to have this ubiquitously. It's got to be
20 everywhere we run. And so, that's why I'm throwing in this
21 concept of exporting and host railroads.

22 A. Got you.

23 Q. We totally get that you're in control of what you do on your
24 railroad, but -- and` your property. But the vast majority of
25 the Amtrak network is off Amtrak property.

1 A. That's correct.

2 Q. I am correct about that, right?

3 A. Absolutely.

4 Q. Okay. All right. So bottom line is you feel like you've got
5 sufficient personnel in the safety department to do the stuff on
6 Amtrak property.

7 A. I do.

8 Q. Okay.

9 A. I believe we need to continue to reorganize the chess pieces
10 somewhat.

11 Q. Okay. But if you were to engage the host railroads in the
12 future, however that shakes out, would you need more personnel?
13 Or just, who would end up doing that work?

14 A. I believe we'd attack it in a similar fashion of what we did
15 with the non-PTC risk assessments, and we'd leverage our liaisons
16 working in conjunction -- when I say liaisons, our safety
17 specialist, lead safety specialists working in conjunction with
18 our field personnel. So what we did in those instances was the
19 road foremen, the trainmasters, the division superintendents, were
20 the subject matter experts for those territories. Our safety
21 specialists were the subject matter experts for the risk
22 assessment process. And they, working in conjunction, the
23 trainmasters and road foremen and the division superintendents,
24 they leveraged their relationships in the field with the host
25 railroads, gathering information, having questions answered, and

1 we married that up with the safety expertise that the safety
2 specialists provided. So I would envision a similar approach
3 where we're leveraging both the safety professionals that are in
4 the field, working in conjunction with the operating department
5 experts.

6 Q. Okay. Well, let's pivot off of the manpower thing and the
7 SSPP and implementing that. For the personnel that you have right
8 now, or that you may bring on if things change, whatever, and some
9 of these liaisons, field personnel, who may get involved with
10 conducting risk assessments on your railroad or a host railroad,
11 doesn't make any difference -- it's all the same kind of work in
12 my eyes -- talk to me, Justin, about training, qualification,
13 enhancing their expertise, wherever they're coming in with
14 whatever they've got, in terms of experience. How should I think
15 about that?

16 A. Now, are you talking about the safety folks or the --

17 Q. Let's talk about the safety folks first, the 30. How do you
18 satisfy yourself that they are adequately trained to do this kind
19 of work? It is a specialized work, right?

20 A. Right.

21 Q. What do they need to have and how do you assure yourself that
22 they are qualified, that they've been adequately trained?

23 A. The big piece that they bring to the table from the hiring
24 process is the safety background. And as it relates to the
25 training, it's the OJT's performed with our folks in the field,

1 making sure they gain a fundamental understanding of rail
2 operations, they are exposed to the different crafts, and then
3 similarly, they shadow the different individuals during the OJT to
4 gain a working knowledge of rail operations. And then they apply
5 their knowledge of systems and safety expertise to that. And
6 oftentimes, it's in that training where they're raising questions
7 and bringing the set of eyes, that you would imagine that it's
8 positive for the operating folks, too, because they look at things
9 through a different lens.

10 Q. Okay. So let's get to the more granular, the how to. I
11 think you are aware -- I want to talk a little bit about freight
12 railroad just a minute.

13 A. Right.

14 Q. And in your previous employment, your railroad hauled
15 hazardous materials.

16 A. That's correct.

17 Q. I mean, most of the Class 1's do. And in compliance with
18 some federal regulation, they have a -- I'm not the expert here,
19 so if I misstep on a term, feel free to correct me. But there's a
20 concept of, well, if we're running a lot of HAZMAT on a certain
21 route, what kind of planning, what kind of risk assessment did we
22 do for that route, to determine is it the best route, is there an
23 alternate route? An alternate route may be a little bit longer,
24 but if the track's better and this thing and that thing, and going
25 down a checklist of, like, it's like 26 items that they consider,

1 okay. You're with me?

2 A. Right.

3 Q. You know what I'm talking about, right?

4 A. Yes, sir.

5 Q. So with that said, let's shift back off of the freight
6 railroad now, and we're back on to Amtrak's property. Justin,
7 what kind of a tool or what kind of a template do you provide for
8 the safety personnel to go out and make risk assessments, much
9 like on the freight railroad when they go down that 26-item
10 checklist when they're doing a hazardous material route
11 assessment? Is it at all similar?

12 A. It's very similar, because it outlines in that risk
13 assessment the various hazards that you need to be paying
14 attention to. It gets into the grade crossings, types of
15 protection in the grade crossings, grades, curvature, switches, a
16 variety of items.

17 Q. Class of track, speed?

18 A. Class of track, speed. It provides a overlay of risks that
19 need to be considered, type of traffic, other -- you know, volume
20 of traffic, type of traffic, all of those things that need to be
21 considered.

22 Q. As well as historical data analysis and all that.

23 A. That's correct.

24 Q. Okay. So does Amtrak have a formalized template as a tool to
25 provide to safety personnel if they're going out with other people

1 in the safety department, or people who are not as well-schooled
2 in some of these safety principles? I mean, what are they
3 equipped with to ensure success?

4 A. They're equipped with a standard risk assessment process. To
5 your point to -- that's what they're equipped with, and that has,
6 you know, different hazards and things to consider. Now what will
7 happen is, they'll look at different, you know -- one of the
8 things we're doing now is, as it relates to conducting risk
9 assessments, is we have some really professional safety personnel,
10 and we're leveraging them to train and coach through the specific
11 assessments so the field personnel understand what's being
12 assessed and understand how to determine the risk. So that's --
13 we're still very much in a coaching phase for some of the
14 assessments.

15 Q. So on Amtrak property, how would you characterize where
16 you're at with risk assessments on the entire Amtrak property?

17 A. I'd characterize us as a work in progress on the entire
18 Amtrak property.

19 Q. Is that -- and don't take this the wrong way -- is that
20 something that you feel like you need to get better at before you
21 get into this whole concept of exporting and all that with host
22 railroads, or could you go out on a host railroad now?

23 A. I don't believe it's something we need to get better at. I
24 think it's something that we need to familiarize people with more.
25 I would put some of our professionals in our safety organization

1 up against anybody as it relates to the risk assessments and the
2 risk management process. It's familiarizing it at lower levels is
3 where I think we have the opportunities.

4 Q. The more experienced helping in training/coaching the less
5 experienced.

6 A. That's correct.

7 Q. Okay. But the goal is, at some point, to be stronger in that
8 category or that expertise, right?

9 A. The goal is that people are performing risk assessments in
10 their day-to-day activities, and it's a lens in which they're
11 looking at their work.

12 Q. All right.

13 A. Or any project or activity that occurs. That's the goal.

14 Q. But -- and just to close out this training thing, and then I
15 want to stop and ask and see what questions you might have. But
16 is -- have you established a formal, if you work in the safety
17 department you have to take periodic training or you have to take
18 training that's specifically geared to safety management systems?

19 A. We have a informal, where a requirement is put forth that
20 they have to participate in professional training annually, the
21 members of the safety department.

22 Q. Take a minute or so, describe that a little bit more, what
23 should I know about that?

24 A. Well, they have to perform a -- participate in a class,
25 attend a class that is offered, could be TSI, participate in a

1 class that enhances their professional growth and development.

2 Q. But we just had a couple of investigators went out there for
3 the same type of training.

4 A. Right.

5 Q. Safety management system.

6 A. Right.

7 Q. Okay. So you avail yourself to that if you identify that
8 that would be beneficial.

9 A. No, we -- and it's a credit to Theresa. She has made that --
10 it's not an Amtrak requirement, but it's a requirement of folks in
11 her organization, that they have to participate in at least one
12 annual professional growth and development class.

13 Q. Continuous training?

14 A. Continuous training, the SMS class, and it could be the --
15 we're looking at -- one of the examples that we're looking at
16 right now is sending one of our folks to bus training, so accident
17 investigation, the TSI class around bus accident investigation.
18 We transport a million people by bus annually. We didn't have any
19 accident investigation people on our staff. So that's an example
20 of when she has the requirement for a class. But it's not just --
21 what we'll look at, what classes or courses are out there and how
22 can we best aid our group to enhance the skill set of them, and
23 similarly diversify the skills that are available within the
24 organization.

25 Q. So it is not a one and done --

1 A. No, sir, it's annually.

2 Q. And there has to be a growth aspect to the safety personnel's
3 development training.

4 A. That's correct.

5 Q. Okay.

6 A. Now I was fortunate to, myself, went over to MITRE for their
7 SMS class.

8 Q. Okay.

9 A. Mr. Hylander made that a to-do for me. So it's across the
10 organization.

11 Q. Fair to say that a lot of this is still somewhat new?

12 A. Yes, sir. Now that training and development, that's not new.
13 That's something that Theresa had identified as a professional
14 opportunity for her people.

15 Q. Okay. And while we were talking to Scot, we talked a little
16 bit about conducting risk assessments, and a lot of it can be --
17 we've talked about the boots on the ground, making observations,
18 identifying risks and all that. For my two cents, that sounds
19 like the fun work.

20 A. Right.

21 Q. But there's a lot of data analysis, too. So do you want to
22 talk a little bit about leading and lagging indicators and how you
23 guys process that?

24 A. The data, we were data rich, analysis poor for a long time.
25 We're working on our analysis capabilities, both from a skill set

1 and a technology standpoint. An example of leveraging data is
2 we're capturing PTC enforcement data daily. We have a weekly,
3 biweekly call, and on that call is Scot Naparstek, Mike DeCataldo,
4 who's the VP of Transportation, Ken Hylander, myself, Kelley Carr,
5 who is our road foreman, PTC, Steven Ruiz, who's our system
6 general road foreman, Tim Tenne, who's our compliance director,
7 senior director, and the BLEET. And what we present there is the
8 enforcement data, what we're observing, and the -- that call, this
9 has been going on, Dick, for about 3 months. And the evolution of
10 that call has been, let me educate the personnel on what's being
11 observed. Then, we need to provide some additional training to
12 personnel to a -- we most recently released an enforcement policy
13 that outlines how enforcement activities will be dealt with, and
14 it starts with a coaching -- it starts with an interview and
15 understanding between the road foreman and the employee involved,
16 then coaching. Second enforcement, you get into simulator time,
17 additional coaching. Third, you're brought to Wilmington and go
18 through a remedial program.

19 So that's one example of where we're trying to capture and
20 utilize data to become -- we've, in the interim, as trends were
21 identified, we'd share those trends and the labor unions were very
22 receptive to, you know, communicating with us, parallel paths,
23 where they'd reach their distribution list. And we'd communicate
24 through our channels, as well, to the same people. But sometimes,
25 coming from a general chairman, the message was read, maybe gets a

1 little bit more attention.

2 But we've had -- it's a cooperative activity that's been very
3 beneficial. And we're looking to expand the use of that data, and
4 we're sharing the data with the host railroads, and, similarly,
5 they're sharing data with us. So that's one example.

6 Q. Okay. I'm going to go back to the two big numbers that you
7 indicated to me about the staffing. One was -- the lower number
8 was 30, safety department. Then you said something about 106, and
9 you can tell me a little bit more about that number if you want
10 and who that involves. But my general question to you is, Justin,
11 describe for me the support that you get. We've talked a little
12 bit about data, a lot of data, so who's helping you crunch all
13 this data?

14 A. The data is crunched by an army of three right now.

15 Q. That's not a big army.

16 A. No.

17 Q. I'm not sure I'd use the word army.

18 A. No, sir.

19 Q. But, I get what you're saying.

20 A. Right. But, no, it's crunched by three folks in our data
21 analytics group. We're working with IT to identify more -- to
22 identify opportunities to capture and scrub that data. Similarly,
23 we're looking at opportunities to work with outside partnerships
24 to perform some data analytics for us. But that's a big
25 opportunity that we have. And within the safety department, we

1 talked about the corporate strategy was -- or the board resolution
2 implemented PTC, and implemented SMS. Our third piece within
3 safety is leverage technology to process data more efficiently.

4 Q. So do you believe that your department has sufficient trained
5 personnel to accomplish the goals of the SSPP?

6 A. I do.

7 Q. Okay. Given everything else we've talked about.

8 A. Given everything else --

9 Q. The support, continuous training, all that, right?

10 A. We need to enhance our technology from a data mining
11 standpoint.

12 Q. Okay. So we've talked about manpower, we've talked about
13 training. Where's the money? Do you have enough in the budget?

14 A. We do have enough. We've been supported. One of the big
15 initiatives we're pursuing is a enhanced simulator program. Our
16 simulator program is outdated, and the --

17 Q. Go ahead.

18 A. Yeah, our simulator program is outdated, but the -- it's one
19 example of, when it comes to the money, we're going to do what's
20 right for Amtrak as it relates to technology, as it relates to
21 bringing us where we need to be from a organization standpoint, so
22 that we're state of the art on our capabilities.

23 Q. Okay. I don't mean to upset the apple cart, and take this
24 for what it's worth. At least one of the trade magazines had an
25 article here recently, like in the last week or 10 days, talking

1 about -- and, granted, this is all politics, nothing settled.

2 A. Understood.

3 Q. But there was some mention of a 13 percent cut overall at
4 Amtrak. Have you heard things of a similar nature?

5 A. I haven't heard a specific cut number.

6 Q. Well, that's the one I read.

7 A. Right.

8 Q. But, good thing or bad thing?

9 A. Depends where the cut's made. (Laughter.)

10 No. What I can tell you is, one of the benefits of being in
11 an organization where my -- Mr. Hylander reports to the CEO, and
12 we're establishing an aviation-style safety management system, is
13 that I have not once heard we don't have the funding for that
14 program or initiative. I have heard tell me what you need because
15 we need to get this done. But I have never heard anything related
16 to we can't support that initiative.

17 Q. Okay. And but we talked earlier about meeting with FRA and
18 part 270. If that never comes about, are you guys going to change
19 your mind, ditch this program, or is it here to stay?

20 A. No, sir, it's here to stay. And the -- I believe we've had
21 some small victories, that we're starting to -- people outside of
22 the safety organization are starting to see the benefits of it.
23 And I share that with operating folks calling asking for help with
24 issues, having trouble with effective job briefings, what should
25 we do. So that interplay and interface has taken part. So the

1 more that we can communicate success stories, the more that people
2 can see that an established and effective SMS system makes their
3 life easier, it's good for business, it's good for people, it's
4 good for our livelihood, the better off we'll be. There's still a
5 learning curve.

6 Q. Okay. And I want to revisit something, forgive me if I'm
7 repeating myself about this. I want to make another point about
8 the guidelines. And one of my takeaways from your description
9 was, you guys had a head start because of the requirement by the
10 Canadian regulatory, right?

11 A. We had a -- yes, we had a head start. The one thing I'd be
12 careful of is that head start was the Canadian requirement with
13 our operation. We didn't have a mechanical operation, we didn't
14 have a maintenance of way operations in Canada. So the scope of
15 that as it applied to us was more administrative, from a
16 procedures and processes standpoint. I believe that what we're
17 doing now is benefiting the Canadian activities more so than the
18 Canadian activities benefited the network initially, if that makes
19 sense.

20 Q. It does. So without guidelines from FRA about part 270, how
21 do you suppose the other railroads are going to fair with all
22 this? I mean, you guys have gone through it.

23 A. It's -- I believe it'll be different for each one because of
24 how they are culturally. Each of the has their individual culture
25 and the organizational structures. So I believe that each one

1 will have their hurdles and challenges, but I don't think -- I
2 think they'll be unique based on where they are as an
3 organization, and the maturity of their safety programs.

4 Q. Would you guess that for U.S. operations the Canadian
5 Pacific, CP, and the Canadian National, CN, because of their
6 experience with Canada, would be like you guys, maybe a step
7 ahead?

8 A. I believe that'd be a fair assessment, a fair guess -- a fair
9 perspective to share, because the terminology in itself, and the
10 process, they'll be more familiar with. So yes, I think that'd be
11 a fair assessment.

12 Q. Okay. And I just want to touch base. So I think part of
13 what I read in your SSPP was some engagement of the crafts. Do
14 you want to talk about that for a minute or so?

15 A. We've been working with the crafts. We had a cadence going
16 pretty consistently, meeting with the operating craft general
17 chairman, the -- we've been reaching out to them, they're working
18 with us on a couple of the RCCAs. They've, similarly, they've
19 worked with us as it relates to the SSPP and itself, as an example
20 of we went around and socialized the -- we've held meetings in
21 advance of the SSPP being finalized with them for their input.
22 And then at the end, we went around to each of the general
23 chairmen and presented that SSPP.

24 The Just Culture training, we've talked with them, with the
25 Just Culture piece, and we're going to be bringing them in to Just

1 Culture training that's going to be conducted with both the
2 supervisors and the management workforce. But they've been
3 involved, some of the work -- we have a voluntary safety reporting
4 program that we stood up with the BMW, separate and apart from
5 C3RS, and we've worked with them on that, and just had a meeting
6 last week with the BMW where we reviewed the close calls that
7 have been submitted. And it was a healthy dialogue, and it was a
8 very interesting dialogue in terms of the candor and transparency
9 that was put forth at the table by both sides. And I think that's
10 a small, but a big example of the in-roads that we're making with
11 the becoming a learning organization.

12 With your history and your knowledge of where we were 18
13 months ago, that's a big win for everybody. Not a win for Amtrak,
14 that's a big win for everybody, because that's the -- the end goal
15 is for labor and management to both understand that safety is good
16 business. It's good for -- and we talked about being selfish
17 about safety.

18 But we've had some interesting dialogues. We had a voluntary
19 safety report that it was about a month of back and forth and
20 conversation in terms of how to address an activity. But it
21 was -- at the end of the day, we kept communicating with each
22 other, and it wasn't an end to the communication. And it finally
23 ended up being resolved, and we set a path forward that will
24 prevent it from recurring in such a manner. But it was great to
25 see that, even though we started worlds apart, we worked together

1 to get to a common ground that, while not everybody -- neither
2 side felt that they won, both sides could stomach, and we felt
3 that we were doing the right thing.

4 Q. Compromise?

5 A. It was a compromise.

6 Q. Okay. And I just want to mention, I'm not sure which one of
7 the programs that you mentioned there, but with the BMW, the --
8 one of those programs were in effect and then went kind of by the
9 wayside, and now it sounds like it's back in effect.

10 A. That's correct.

11 Q. Have I got that right?

12 A. That's correct.

13 Q. Okay. Do you see that as progress?

14 A. Tremendous progress.

15 Q. Okay, all right. In your SSPP, there's a table that appears
16 there, Roles and Responsibilities. I think it's on like page 10.
17 And there's a term used in there about management, and so my
18 question to you -- this is a matter of interpretation -- when it
19 uses the term business partners, is that synonymous with host
20 railroads? Are they a business partner?

21 A. They're a business partner.

22 Q. Okay. Well, reading that would indicate later on that you do
23 expect to do some risk assessment with them.

24 A. Yes, sir.

25 Q. Okay.

1 A. We have to.

2 Q. All right. I think where I'm going to stop off here is, one
3 of the methodologies you used, the acronym is SMART, S-M-A-R-T,
4 Specific, Measurable, Achievable, Relevant and Time Sensitive.
5 How is that working out?

6 A. I believe it's working out well, as we -- and I say that
7 based on the processes that we've put in place to monitor it.
8 We're capturing the data, we're analyzing the data, we're
9 reviewing the data within our -- we have a CSO report monthly.
10 But separate from that, we're looking at it -- we have a lot of
11 different areas where we're looking at what is the -- what's the
12 data telling us, what mitigations are we applying, and are the
13 mitigations effective. So I believe, based on the processes that
14 are in place to monitor and measure, that we're ensuring that
15 timeliness and not allowing things to fester.

16 Q. Fair to say that that methodology is applied across the
17 board?

18 A. It is.

19 MR. HIPSKIND: Okay. All right. Justin, thank you for our
20 opening discussion here. Let's bring in some other people, get
21 some other ideas and questions.

22 MR. LANDMAN: You've done all right. You need a break?

23 MR. MEKO: Yes, sir, thank you.

24 MR. HIPSKIND: Good to go?

25 MR. LANDMAN: You need a break or anything, you're good?

1 MR. HIPSKIND: All right. Ryan, please.

2 BY MR. FRIGO:

3 Q. Thank you. And Justin, thank you for being here. I might
4 ask a few things that are a little follow up.

5 A. Sure.

6 Q. And it might sound the same, but I didn't hear the answer, so
7 I'm just trying to, maybe if I ask it in a different way.

8 A. Got you.

9 Q. Okay. So with the -- so we've established a few things from
10 2017 until now, and I have it -- kind of a little graph I've
11 written down here that activities related to safety management
12 since 2017 seem to be at an all-time high. Would you say that's
13 accurate?

14 A. I wasn't here prior to 2017, but I can tell you, activities
15 from January 2018 to now are at an all-time high.

16 Q. So during your time.

17 A. Right, yeah, absolutely.

18 Q. Okay. And then we briefly touched on the decrease in
19 staffing in '17.

20 A. Right.

21 Q. So and based on our discussions going back several years with
22 Amtrak related to several accidents, what we see is also a
23 decrease in the staff dedicated to managing safety. So how does
24 that line up, if the activities related to safety management are
25 at an increase, and staffing levels are at a decrease? Can you

1 just explain that to me?

2 A. I think if you do a comparison of the skill sets of the
3 personnel that are in the roles now in comparison to the quantity
4 of personnel that were present previously, I think you would see a
5 much more robust skill set being put forth.

6 Q. Now.

7 A. Now.

8 Q. Just, if I can -- you said quantity, but I don't know, did
9 you mean quantity or quality?

10 A. No, the quality of what's present now in comparison to the
11 quantity that you're referencing with the -- with like the Safe-2-
12 Safer program, for instance, the activities and direction and
13 focus are much more pointed than they were previously.

14 Q. Okay. And then again, I'm just trying to understand.

15 A. I understand.

16 Q. You know, I'm not trying to be critical --

17 A. Right.

18 Q. -- of decisions, I'm just trying to understand the process in
19 place to make those decisions. So was a resource allocation,
20 methodology, performed to come up with what an adequate staffing
21 level would look like to carry out the safety management
22 activities at Amtrak?

23 A. I have not performed one, Ryan. If one was performed, I
24 don't have knowledge of one.

25 Q. Okay. So coming up with that optimal number --

1 A. Right.

2 Q. -- are you comparing yourself to peers? Has there been any
3 outreach to any other railroads that have gone through this safety
4 transformation over the past number of years?

5 A. With what we're doing with the SMS, we haven't done outreach
6 to the Class 1's in the United States, different approaches and
7 different safety models. I don't know if we've done outreach in
8 terms of, you know, to Canadian Roads to see.

9 Q. Okay. And the only reason I mention that with the -- and I
10 understand what you're saying about the quality versus quantity.

11 A. Right.

12 Q. You know, Metro-North is a good example that the board looked
13 into several accidents that occurred at Metro-North years ago.
14 And as a result of those accidents, Metro-North's safety
15 department drastically changed. And they went from a small head
16 count to an extremely large head count. And again, quality versus
17 quantity in each organization is different. I'm just wondering,
18 you know, if there was any networking with any of those peers,
19 with other large volume passenger railroads in the U.S. to see
20 where your safety quality/quantity number matches up. It doesn't
21 sound like there was any.

22 A. And there may have been some done. I haven't -- I don't have
23 knowledge -- I do not have knowledge of formal --

24 Q. Since 2017 --

25 A. Right, formal benchmarking of the other roads. I know we

1 know some head counts in safety organizations. But from a
2 benchmarking standpoint, we have not done that formally.

3 Q. Okay. Is that something that is on the horizon as the SMS
4 matures? Is that something that --

5 A. It's something that --

6 Q. Do you know that --

7 A. It's something that makes sense. It wasn't something, you
8 know, forecasted out or planned out, but it's something that makes
9 sense in talking with you here.

10 Q. Okay.

11 A. That I wouldn't, you know, object to by any means.

12 Q. And again, you know, I know some of the questions might
13 sound, you know, as critical of what exists.

14 A. Right.

15 Q. I'm just trying to, again, understand that methodology. I
16 just -- I, unfortunately, have several years of experience talking
17 to the safety department at Amtrak.

18 A. Right.

19 Q. During your tenure and also before. So it's -- I'm just
20 trying to establish kind of the process and, you know, from,
21 essentially from Northfield forward. And I appreciate that, you
22 know, your time begins in 2017. So, you know, if there's anything
23 before then that I ask you, please call that out for me.

24 In 2017, when you joined Amtrak and joined the department,
25 what was your vision and mission for the safety organization?

1 A. We were looking more towards a compliance model that, boots
2 on the ground, the supervisors have the -- are empowered to hold
3 people accountable, the model that I came up with in the freight
4 road.

5 Q. So more of a safety gets driven down to mid-level management,
6 and then driven down further into the field?

7 A. That's correct.

8 Q. Okay. And I think I heard you say, and I wrote it down here,
9 building up the skill set.

10 A. Right.

11 Q. Okay. So and I think that's part of your vision now, as
12 well. How do you -- how are you building up that skill set at
13 Amtrak with those non-safety professionals?

14 A. The first piece is training. And the first training that we
15 provided -- are providing them is just basic communication skills,
16 how to interact with colleagues, how to address safety hazards,
17 how to address infractions and just the -- that's the fundamental
18 step of the communication piece.

19 Something that we're looking at now is how do you train SMS
20 -- how do you introduce people to SMS, how do you introduce people
21 to Just Culture, how do you explain. That's where we're at right
22 now, is how do we best deliver that training. Some of the things
23 that we've done, the service standards were just recently updated
24 so that they incorporate in Just Culture. The new employee
25 training, we've had opportunities to introduce the SMS, so, where

1 we've had the opportunity to introduce SMS early. And Just
2 Culture, and principles that we're driving at now, we've taken
3 advantage of that. Where we're playing catch-up is how do we now,
4 proactively, train the folks that you were mentioning.

5 Q. So, I mean, what would you estimate is the percentage of mid-
6 level management and supervision in the field that's received this
7 type of formalized training?

8 A. Formal training, I'd estimate 15 to 20 percent.

9 Q. Okay. And is there a projection of when you would want to --
10 when you're going to achieve 100 percent? Have you looked at
11 projections moving forward?

12 A. Projections moving forward, they're looking to have the new
13 curriculum completely developed by the end of this year. So
14 that's the curriculum. The training would be separate and apart
15 from that. So the projection on actual delivery, I don't have at
16 this time.

17 Q. Okay. Maybe that's something we could get after the fact.
18 I'll make a note of that. What would I title that training as?

19 A. The Just Culture Training.

20 Q. Okay.

21 A. And there's pieces. The -- exposing people to the SMS
22 principles and the fundamentals, that's going on daily in
23 conference calls, the operating calls, becoming a learning
24 organization when incidents are discussed. Similarly, the Safety
25 Focus that we put out on a weekly basis, there's an SMS corner

1 that we're putting that there. We've been talking about the
2 safety management system since the first leadership summit in
3 February of 2018. So at every leadership summit, the 300, you
4 know, supervisors that attend that have been introduced, different
5 concepts have been introduced, and the training, that's been
6 socialized with them.

7 Q. Okay, so all -- so even though there hasn't been a formalized
8 training program, there has been messaging and communication.

9 A. Communication has been a big component --

10 Q. To the organization.

11 A. -- to the organization.

12 Q. Okay, and -- because this is complicated, this is complex. I
13 -- you know, even in our discussions that we've had, different --
14 the same words take on a different meaning to different
15 individuals based on their knowledge of these concepts. And you
16 know, I -- how are you measuring the effectiveness of that
17 communication that is going out to supervision and what
18 supervision is then telling the craft, to ensure that that the
19 message that you want to get out is actually getting out?

20 A. We're not.

21 Q. Okay. So is that something that maybe -- is that, you know,
22 is that another one that you're --

23 A. How to measure it, I guess, is something we'd have to really
24 evaluate. Because, do you do it based on your results, safety
25 statistics? We'd have to give a lot of thought to how to measure

1 that the communication is what's being received.

2 Q. So when we spoke to Mark Manion after the Chester --

3 A. Right.

4 Q. -- accident, Mr. Manion spoke about an initiative of
5 training, training that supervision about compliance, and kind of
6 what you mentioned about the compliance aspect.

7 A. Right.

8 Q. The initial thoughts that you had coming in. Is that still
9 the approach or --

10 A. No, that training was completed.

11 Q. Okay.

12 A. And that training does not -- is not given anymore.

13 Q. Okay. And this --

14 A. That was the Safety Starts With Me initiative that the --
15 under Wick Moorman.

16 Q. Okay.

17 A. And that was the training that was presented to those
18 supervisors and employees.

19 Q. Okay. And now we're moving to the Just Culture.

20 A. Now we're moving to Just Culture.

21 Q. Just Culture approach.

22 A. And I'd say we're moving towards a safety management system,
23 which isn't an approach, it's, as you know, it's a -- it's not an
24 initiative, it's a way of doing business, and it's managing safety
25 as a business. So that's one of the challenges that we've had

1 with our workforce, is trying to break them that this is an
2 initiative. It's not an initiative. This is the path going
3 forward. Because we had Safe-2-Safer, we had Safety Starts With
4 Me. Safety management system is not an initiative, it's a way of
5 doing business. And that we have skeptics.

6 Q. It's a -- well, and rightfully so.

7 A. Absolutely.

8 Q. I mean, when things are constantly changing, and, you know, I
9 think everybody realizes that safety is their responsibility.
10 But, when the message is constantly changing, that's an
11 unbelievable challenge to add to the list of other challenges that
12 you've, you know, shared with us today already.

13 So when the chief safety officer arrived --

14 A. Right.

15 Q. -- in the organization, how did some of those initial
16 priorities that you set in 2017, how did those change?

17 A. The big focus was, let's wrap our arms around the SMS, and
18 where are we at right now, what do we need to prioritize. So the
19 priority of getting the policy established, getting the resolution
20 done, getting that executive buy-in and the board support, became
21 job one. That this is a Amtrak commitment, it's not a safety
22 department commitment.

23 Q. Okay.

24 A. That became the first course of business.

25 Q. And how has that changed from that initial push to today?

1 Are you still in that initial push, or are we --

2 A. No.

3 Q. Do you think it's maturing, or are things changing?

4 A. The communication -- the support was established. It's
5 reinforced with different messages throughout the year in terms of
6 the messaging. But now, we're focusing on the risk management and
7 the safety assurance processes to support the SMS.

8 Q. Okay. And I just want ask a question about operations,
9 because we got to speak to Scot this morning. From your view, you
10 know, you have the System Safety Organization reporting to you.
11 What is that relationship, from your view, with operations? And
12 what actions are they taking, specifically, to support the
13 development of SMS at Amtrak?

14 A. I'd couch it as a transformative relationship, that it was
15 viewed previously that the safety department was a support
16 organization, and light on check and balance. And one of the
17 pushes that we've put forth is, yes, we are there to support, but
18 our bigger obligation is to be a check and balance. So that's
19 transformed over the last 18 months. And when you have a dramatic
20 shift, you have some resistance to that. And the -- I think we're
21 growing, and there's been times when we've had to remind people
22 that we are check and balance. I don't know if that answers your
23 question.

24 Q. Yeah, no, it's -- well, it's an ongoing -- you know, we
25 talked about this before --

1 A. Right.

2 Q. -- down in Philadelphia. It's an ongoing process, and, you
3 know, just from what we're hearing today, there's a lot going on.

4 A. The opportunity that everybody has to own safety of
5 operations is ongoing. That you have a role, whatever role you're
6 in in the organization, the breadth of your ownership of safety of
7 operations may be different, but everybody has to have the
8 fundamental, in my work area, first I'm going to protect myself,
9 second I'm going to protect those around me. And it's not a
10 safety department job, it's each of our -- it's inherent with each
11 of our responsibilities.

12 Q. And quite frankly, with the head count of 30 people, you need
13 that force multiplier. You need everybody to understand what
14 their role is, and how it ties back together to the overall
15 program.

16 MR. FRIGO: Do we want to save accident-specific questions
17 for the next go-around?

18 MR. HIPSKIND: We can. However you want to handle it.

19 MR. FRIGO: Yeah, why don't we just do that. Okay, so, I
20 will pass it on to Mike.

21 MR. HIPSKIND: Well, hold on. Steve, do you have an add?

22 MR. AMMONS: No.

23 MR. HIPSKIND: Now Mike, it's your turn.

24 DR. HOEPF: Okay, yeah, so, just as Ryan said -- oh, by the
25 way, you doing okay?

1 MR. MEKO: Yes, sir.

2 DR. HOEPF: Do you need a break? We can take --

3 MR. MEKO: I'm good, thank you.

4 (Background conversation.)

5 MR. MEKO: Not yet, no, sir.

6 DR. HOEPF: All right, sounds good.

7 BY DR. HOEPF:

8 Q. Well, I'll just do a couple of quick concluding questions on
9 the general topic and then, I guess, we'll go to, you know, kind
10 of post-accident action in the second round. And I think we
11 really covered the waterfront here, so just a couple of things.

12 I think it's interesting that you sort of, you know, as a
13 company, recognized that initiatives probably have limited value.
14 So would I be correct in my understanding that the Safety Starts
15 With Me initiative is no longer at all in existence, or is there
16 remnants of that still sort of in the messaging, integrated into
17 the SMS?

18 A. What we look to do, because that was such a short initiative,
19 the thought is that we want that message that safety starts with
20 you to be ever present. But, it's a component of the safety
21 management system. So safety does start with you, we believe that
22 wholeheartedly. But the -- that program is sunsetted.

23 Q. Okay, I got you, I got you.

24 A. So we're not tearing down the branding or anything like that.

25 Q. Right, it's still a message, it just --

1 A. It's still a message, it's not --

2 Q. Okay. And then, I kind of want -- something we talked to
3 Scot about was, you know, he was talking about Safe-2-Safer is no
4 longer a program, but he still believes in behavior-based safety.
5 I mean, do you share that view, that behavior-based safety is
6 important, or --

7 A. I have found behavior-based safety to be a challenge in this
8 industry, because of the amount of interface you need between a
9 manager and an employee to shape behaviors. When you get into an
10 engineer, for example, locomotive engineer on a freight railroad
11 may be supervised less than 3 percent of the time. And to shape a
12 behavior, when you're talking about thousands of observations and
13 reinforcements, I find our industry a very challenging environment
14 to apply behavioral-based science.

15 Q. I can understand that. So just kind of in line with that, I
16 mean, what is -- is there branding or messaging that's really kind
17 of core to the SMS that, you know, Amtrak is rolling out, or is
18 there a policy statement that is kind of going along with this?
19 How are you presenting this to the wider organization?

20 A. We have the eight tenets of our policy statement, and we have
21 those posted in different areas. And that's the big message that
22 we've talked about within our team, that people don't need to be
23 safety management system experts. They need to know what their
24 role is within the safety management system. And that's kind of
25 the approach that we've taken, is we want to -- people to

1 understand that their role is to be able to identify risks in
2 their work area and apply the appropriate mitigations.

3 Q. Okay, okay. Well, since you say that, let me just ask the
4 follow-up question of, is there system training being provided to
5 engineers, conductors, trackmen, you know, everybody in the
6 company as part of their onboarding with Amtrak, or is that
7 more --

8 A. With the onboarding, we've tweaked the onboarding. It's the
9 employees that are already in place is where we're looking to
10 provide the additional training.

11 Q. And then so, how is the participation as far as -- you know,
12 I mean, do you have the full support of all the unions that Amtrak
13 works with in terms of implementing the SMS?

14 A. We haven't encountered resistance.

15 Q. Okay.

16 A. There's skepticism, and what was talked about a little bit
17 earlier, the -- but we haven't encountered a resistance.

18 Q. Okay.

19 A. There's -- it's just another safety program, you know. That
20 type of pace. But as we've introduced things to them, as we get
21 them involved in different processes, the RCCA, the System Safety
22 Program Plan, one of the -- when we were presenting the System
23 Safety Program Plan to the mechanical union, the general chairman
24 asked that, can we share that publicly, that it was done in
25 advance of regulation. He said our people need to know that we're

1 doing something beyond regulation. So that was a small, good news
2 story in terms of feedback.

3 Q. Okay. Well, and also in terms of feedback, in terms of how
4 you're doing, do you have any sort of surveys or anything you're
5 doing to assess, you know, safety culture within the organization?

6 A. We're working on a survey.

7 Q. Okay.

8 A. It's going to be a -- we're not doing it isolated to safety.
9 We're going to have safety questions embedded in an Amtrak survey.
10 We look at different things in terms of the voluntary safety
11 reports, the hotline calls that we receive. We brief the CSO
12 monthly on the hotline calls received, the hotline emails
13 received, and then the voluntary safety reports submitted. So we
14 have a couple different measurements that we're looking at to view
15 employee engagement.

16 Q. Okay. And we've already talked quite a bit about the safety
17 department. Just a couple of quick questions. So you report to
18 Mr. Hylander --

19 A. Yes, I do.

20 Q. -- I take it?

21 A. That's correct.

22 Q. Okay. Is he in charge of another group?

23 A. Safety, Health and Environmental.

24 Q. Okay, so he --

25 A. So he has a health -- public health aspect and public health

1 area and environmental group, as well.

2 Q. Okay, I got you. And then, so when you're talking about your
3 compliance group, can you just kind of compare and contrast what
4 that would be to just typical field operational testing? I assume
5 that group of 20 is not the people who are doing --

6 A. Right.

7 Q. -- the efficiency testing.

8 A. No, they're looking at your certifications, your certified
9 roles, making sure certifications are up to date. The testing
10 analysis, you know, the test program, the month-to-month activity
11 and results, the interface with the regulator as it relates to the
12 testing. And then the QA piece is the looking at the field
13 activities and going out and verifying, you know, testing data is
14 telling us one thing, what are we seeing when we send a third
15 party, if you will, objective set of eyes into an area. Do we see
16 the same results?

17 Q. Oh, okay. So is that -- are they kind of fitting into that
18 assurances pillar?

19 A. Yes.

20 Q. Of looking to see that your implemented risk mitigations are
21 effective, then?

22 A. That's correct.

23 Q. Okay, okay. So it's kind of a specialized compliance thing,
24 okay. And then, just so I have a general idea in my head, when
25 you're talking about the system safety group, you know, are you

1 guys all co-located in the same area, or are they distributed
2 around?

3 A. Decentralized model.

4 Q. Okay.

5 A. That's spread out across the country.

6 DR. HOEPF: Okay, okay, I got you. Thanks for that. I'll
7 pass it off to Dick for a second round of --

8 MR. HIPSKIND: Theresa, did you have anything you wanted to
9 ask or clarify or anything, what you've listened to?

10 Ms. IMPASTATO: No questions to add.

11 MR. HIPSKIND: Well, I'm sorry to announce this, but we are
12 going to take a short break.

13 MR. MEKO: Okay.

14 MR. HIPSKIND: All right?

15 (Off the record.)

16 (On the record).

17 MR. FRIGO: And we are back on the record.

18 MR. HIPSKIND: Okay. Welcome back, everybody, from our
19 break.

20 BY MR. HIPSKIND:

21 Q. Justin, let me continue. I've got a few things that I noted
22 in the SSPP, and I want to bring them to your attention and I'm
23 looking for a comment.

24 So on page 14, and I'm going to read the quote, it says, SC&T
25 -- which that stands for Safety compliance and Training --

1 A. That's correct.

2 Q. And that falls under your thing. So the quote reads, "SC&T
3 will partner with operations" -- and by operations they mean
4 track, mechanical, operating department -- "to engage host
5 railroads, states, and other stakeholders on the implementation
6 and mitigations that reduce risks to an acceptable level on routes
7 and operations where PTC has not been implemented." And I get
8 that, because you guys find it unacceptable to operate where
9 there's no PTC, and you're not going to budge on that.

10 My question is, aren't you also concerned about where there
11 is PTC? And we know that it's growing, and we know it's becoming
12 operational through the width and breadth of the nation. It's not
13 there 100 percent, but it's gaining every day, every week, every
14 month. So bearing in mind that you have this commitment where
15 there is not PTC operational, what are your thoughts about risk
16 assessments on host railroads where they do have PTC?

17 A. I think it's important, and I think we're doing some things.
18 There's a lot of sharing going on across the industry as it
19 relates to PTC, and the -- for example, Kelley Carr from my group
20 chairs the GCOR PTC committee for all railroads. And the
21 collaboration and the knowledge sharing there is tremendous, and
22 that was part of one of the things that started the audit process
23 that we conducted out west with the other roads around PTC
24 operations.

25 And so, I believe right now, the focus is there, Dick, on

1 account of PTC being in its infancy stages, and I think the
2 attention is present. As it matures, that's when it's going to be
3 more critical, even more critical, to make sure, you know, risk
4 management processes are being conducted. Trends are being
5 captured as it relates to failures, and shared.

6 So there are means in place, like the GCOR PTC committee, to
7 attack that, and I think they're doing a great job right now
8 sharing their lessons learned, and sharing data with one another.
9 So we're in a good spot as an industry, pursuing the, you know,
10 complete implementation of PTC.

11 Q. Okay. But, I want to make a statement here and see if you
12 agree with me. I get it. PTC, from an operational standpoint,
13 maybe mitigates a lot of stuff, like human error, fatigue, crews
14 maybe not on overspeed, not seeing a signal, all those kinds of
15 things. But would you agree that PTC doesn't mitigate all kinds
16 of risks that may -- that you may experience on a route?

17 A. Absolutely.

18 Q. Okay. So and --

19 A. And it introduces risk, as it relates to train handling and
20 engineer's skill sets. That's one of our communications
21 internally, how do we keep people sharp as it relates to train
22 operations in the event you have to run without PTC.

23 Q. So if a host railroad has PTC, that does not close the door
24 on some communication, cooperation, coordination with some kind of
25 a risk assessment?

1 A. No, absolutely not.

2 Q. Okay. And we're not speaking of tomorrow, but on down the
3 road.

4 A. Right.

5 Q. Okay.

6 A. Even right now, we're seeing trends, we're asking questions.
7 Are you seeing the same thing? Failures are being thoroughly
8 investigated and the transparency and candor, you know, what are
9 you seeing. And there's been a lot of collaboration amongst
10 Amtrak and the hosts with the PTC systems, and they've been
11 helpful as it relates to training, sharing the -- you know, CSX
12 has offered us simulator usage, different activities -- that
13 there's been the collaboration so our folks could see what the
14 enforcements sounded like, looked like, those types of things.

15 Q. Okay. And I forgot to have this discussion with Scot, so
16 I'll have it with you. We throw out the term host railroads quite
17 a bit.

18 A. Right.

19 Q. Because it is a substantial percentage of Amtrak's passenger
20 rail network. You would agree with that, right?

21 A. Yes, sir.

22 Q. And you also have a department within Amtrak that's called
23 the Host Railroad Group, correct?

24 A. That's correct.

25 Q. But, their function, and you correct me if I'm wrong, is one

1 of communication and notification about the contracts that they
2 have with the host railroads. But they're not a safety
3 department, per say; is that correct?

4 A. That's correct.

5 Q. And by virtue of the communications that host railroads have
6 with your host railroad group, the point is that your host
7 railroad group passes that off to the safety professionals, in the
8 safety department, the operating department, or whoever they need
9 to talk to them, correct?

10 A. That's correct.

11 Q. Okay. I think later on -- getting back to the SSPP --
12 there's a Safety Goal Number 5 on page 15, and it's the second
13 bullet that appears there, and I believe I copied this correctly.
14 It says, "SC&T" -- so, Safety Compliance and Training -- "will
15 increase staff to establish a Railroad Operations Quality
16 Assurance Team to oversee TESTS." Now TESTS stands for Total
17 Efficiency Safety Test System, and that's part of driven by 49 CFR
18 217.9.

19 A. Right.

20 Q. So did you talk about this earlier, about that you've
21 established a quality assurance --

22 A. Yes, sir, that was the increase in 3, and then we have added
23 an environmental auditory in that group, and the -- we have the
24 TESTS person who has -- oversees the TESTS program, which is
25 SPARTA, now, with our upgraded system is in that group.

1 Q. Okay, but although we haven't said it, I'm going to jump
2 ahead, and that limited number of people are receiving and
3 crunching data, more so than they're out there making
4 observations.

5 A. The TESTS person is doing a lot of the data crunching. The
6 QA is taking the data that he is sharing with them and going out
7 and doing the formal observations.

8 Q. So how many people are doing the formal observations?

9 A. Three. Now that's separate and apart from your field
10 activities where your supervisors are --

11 Q. And really, we could have dozens, hundreds, of people --

12 A. Performing --

13 Q. -- TESTS.

14 A. -- TESTS.

15 Q. And sending the data in.

16 A. Right.

17 Q. Okay. So same thing that we talked to Scot about. What are
18 the challenges that you face, and I'm going to say it's minimal,
19 and we're talking about making observations and executing the
20 TESTS program on your property, nothing to hold you back, nothing
21 to restrict you. Correct?

22 A. Right.

23 Q. Tell me about when your crews are operating on host
24 railroads. How do you satisfy yourself that their performance,
25 when they're on a host railroad, is the same as if they were on

1 Amtrak property?

2 A. Reviewing the TESTS activity and the -- one of the things
3 that we've done, you know, CSX shares their TESTS activity of our
4 crews. For example, since July, they've had, I want to say
5 they've performed a thousand TESTS on Amtrak crews performance
6 service on CSX territory. Our folks internally, they've performed
7 200 joint TESTS with CSX. So that visibility and communication,
8 making sure that we're paying attention to those activities.

9 The big piece that you get into is the joint TESTS are most
10 effective because it develops relationships, to your point or, you
11 know, to our discussions, earlier, that -- and you get in -- you
12 have your subject matter experts for both groups together. So the
13 joint TESTS is always the most preferred. But you want to make
14 sure that the three-pronged, Amtrak on Amtrak, joint, and CSX on
15 Amtrak, are occurring. So that's --

16 Q. Justin, for some of the numbers that you just cited --

17 A. Right.

18 Q. -- I'm not making a formal request, but would that be a heavy
19 lift, to get us the documentation on that?

20 A. I can get you the documentation on that.

21 Q. And what we're looking for is an aggregate number, or the
22 trend over a certain time period. And the time period that you
23 were talking about is that, say, within a calendar year or --

24 A. That was July. The question was posed at the open hearing.

25 Q. Okay.

1 A. And that's that period.

2 Q. Okay. All right. And then, Task 18 -- this is clear back on
3 page 28 of the SSPP -- Task 18-5, it says, "A signal suspension
4 risk assessment template" -- template -- "has been established and
5 implemented." So if you have done that, you're primarily using
6 that on host railroads, you're applying that template there?

7 A. We're applying that template there, that's correct.

8 Q. Okay. And Scot explained to us that, look, we may elect to
9 operate through the limits of a signal suspension at prepare to
10 stop or restricted speed. But he indicated to us that, look, if
11 we want to do a bus bridge, we're going to do a bus bridge, and if
12 we want to do a detour, we're going to do a detour. And I would
13 submit the last two of those are total elimination of the risk of
14 operating through a signal suspension. Do you agree with that, or
15 is there more that we should know?

16 A. They are total elimination of the risk of operating through a
17 signal suspension. Now we have to be careful, because it could
18 introduce new risk.

19 Q. Of people in buses.

20 A. Right.

21 Q. And you're on the highway.

22 A. And you know, what's the familiarity with the crew, with the
23 detour route, other pieces that could be -- you know, there could
24 be -- that's when you have to analyze the risk in its entirety.

25 Q. Okay. So the complication here is, and remember when we were

1 talking about the hazardous materials and the 26 times --

2 A. Right.

3 Q. -- that, every time you make a choice to mitigate a risk,
4 job's not done.

5 A. That's correct.

6 Q. The choice we made has to be evaluated, too.

7 A. Right.

8 Q. You agree with that.

9 A. Yes, sir.

10 Q. Okay. So if there has been a template for signal
11 suspensions, and that was established, and I think we talked
12 earlier, your indication is, you have a more generalized one, a
13 broader one, for going out on Amtrak property and looking for more
14 than just what's involved in a signal suspension. Correct?

15 A. The signal -- yes. The signal suspension one can, that
16 template can be tweaked for different types of risk assessments.

17 Q. Okay. So you do have train qualified safety department
18 personnel capable of going out and doing risk assessments.

19 A. Yes, sir.

20 Q. Currently just on your property.

21 A The -- they have the knowledge to, when given the
22 information, they can perform a risk assessment on another
23 property, to be clear that -- for example, if you were looking at
24 the Cayce route, they'll ask the questions and they'll gather the
25 data that, you know, intervening switches, are they facing point,

1 what's your coverage. So they have the means to, when given the
2 data, to perform a risk assessment on that data anywhere on our
3 network, not just limited to Amtrak property.

4 Q. Okay. Now the last one, when I got somewhere deep in the
5 SSPP, it talked about, as I took it, a 3-year rollout, 2018 was
6 the first calendar year. And I noted that there were nine goals
7 or tasks. Can you give me some update of that number, the nine
8 that you had listed there? Completed, not completed, or how
9 should I understand those nine?

10 A. I'll have to come back to you on a formal status on each of
11 those nine.

12 Q. Okay, and that's something that you guys monitor and update
13 in your Executive Safety Council on a monthly meeting, or not?

14 A. That's something we talk about in the CSO, the chief safety
15 officer, in the report. And then, similarly, we have a twice a
16 month, Mr. Hylander meets with myself and the three senior
17 directors, and the senior director of system safety and we go over
18 each of those activities.

19 Q. Okay. And the same document listed 14 tasks or goals for
20 this calendar year.

21 A. Right.

22 Q. And then for 2020, they listed 13.

23 A. Correct.

24 Q. Does that sound about right to you?

25 A. That's correct.

1 Q. Okay. It would not make us sad if we could get some kind of
2 feedback from Amtrak about where you're at on some of those
3 things, or just numbers wise. We don't need a page on --

4 A. Each of them.

5 Q. -- what exactly you do. I just want to know if the plan's
6 working.

7 A. Understood.

8 MR. HIPSKIND: Okay. Do you have any questions for me right
9 now?

10 MR. MEKO: No, sir.

11 MR. HIPSKIND: Anything we talked about? Let me pass it off
12 to Ryan, then.

13 BY MR. FRIGO:

14 Q. Justin, I just want to -- we're going to still ask some
15 similar questions, but I'm going to just switch to the DuPont
16 accident for a moment here. So what activities has Amtrak
17 undertaken to prepare for the reopening of the Point Defiance
18 Bypass?

19 A. The first is the establishment of a new qualification
20 protocol for the locomotive engineers, and similarly the
21 conductors. Secondly is monitoring the instillation of PTC on the
22 route, and then the -- conducting a risk assessment of the
23 territory.

24 Q. So a risk assessment of that territory has been completed?

25 A. Yes, it has.

1 Q. What are some of the items that are --

2 A. Now the equipment piece is being evaluated.

3 Q. Okay, so let's just talk about the physical characteristics
4 of the territory. We could leave the equipment discussion out of
5 it. As it relates to the physical characteristics of the
6 territory, what are some of the elements that came up in the risk
7 assessment?

8 A. Crossings.

9 Q. Okay.

10 A. The number of crossings. The curvature, train traffic. The
11 operations in terms of time of day, when are you going to be
12 operating. Those are a few of the characteristics.

13 Q. What about the curve at -- the accident curve?

14 A. The accident curve is a curve that's evaluated there.

15 Q. And what did the evaluation tell you about the curve?

16 A. I'd have to go back and look at it, Ryan.

17 Q. Okay. Do you know if the evaluation looked at the risk
18 involved in that curve if PTC was inoperable?

19 A. The evaluation would look at the overspeed, conditions
20 present with a high speed, a high-speed event there. So in the
21 event that you'd have a high-speed derailment, the exposure
22 created by that curve with a high-speed train movement.

23 Q. Okay.

24 A. Spit it out.

25 Q. Can you recall what any of the mitigations are to prevent

1 that type of event from occurring?

2 A. The signage was one that I can recall. PTC is an obvious
3 one. The simulator usage as it relates to both training and
4 requalification is another that's being used there.

5 Q. Okay. Maybe that's something we can get a copy of, just to
6 have that. Any part defenses, if PTC is inoperable at that curve?

7 A. The -- no.

8 Q. Okay. Were there any proposed changes to operating speeds?

9 A. There were not.

10 Q. Okay, and then, I want to expand that to the -- has Amtrak
11 conducted a similar risk assessment for all the curves listed in
12 the speed limit reduction action plan?

13 A. The Fast-Act Reduction Plan, yes, they have.

14 Q. Okay, so that's another thing I'll add to the list, that
15 you'll obtain a copy of all those risk assessments. And then just
16 going back to the --

17 A. The one on the speed piece, it's a question with DuPont. I'd
18 have to look at it as far as the specifics, if the speed was
19 reduced, so I said no. There may be something there.

20 Q. And let the record reflect that, you know, we'll obtain the
21 documentation and we can correct after that point.

22 So what about the interaction with the host railroad, with
23 Sound Transit? How has that changed from the first pre-revenue
24 phase, prior to the accident, and to this reopening phase?

25 A. We're taking a -- we have taken a point position in terms of

1 how we will operate that service, and the -- those decisions and
2 the discussions have been brought to a central location in
3 Washington, this side of the country, not Washington State, to
4 address what occurred there and the lessons learned and the
5 activities that need to occur prior to resuming service on that
6 route.

7 Q. So is there -- so there's a headquarters' approach?

8 A. There's a headquarters' approach towards reopening that
9 service.

10 Q. Okay. And so, has -- would that be out of the System Safety
11 Group, or --

12 A. That would be the System Safety Group.

13 Q. Okay. And has the System Safety Group been present at
14 meetings in the Seattle area related to the reopening of this --

15 A. The System Safety Group has been present at meetings in
16 Washington.

17 Q. Okay. In Washington State.

18 A. In Washington State, as it relates to reinstating service
19 there.

20 Q. Have any of the concerns that were developed, any of the
21 risks that were developed within the risk assessment, were those
22 presented at all to Sound Transit?

23 A. They have been.

24 Q. Have they -- how was that received?

25 A. They were receptive. With the signage, for example, was

1 posted, and they've circled back that the signage has been posted.
2 The dialogues around the speed, I'd have to get back to you on.

3 Q. Okay. And are there any validation activities planned by
4 Amtrak to --

5 A. Yes, that's the final stage prior to ensuring. System Safety
6 will certify that what we have said we would do in advance of
7 reinstating service, the last check-off, if you will, prior to
8 service being reinstated is System Safety certifying that the
9 steps that we've pledged to take have been taken and verified.

10 Q. The steps at Amtrak.

11 A. That Amtrak has --

12 Q. And what about the activities that the host, Sound Transit,
13 has said that they would undertake? What is Amtrak's role --

14 A. We'll verify -- we're going to take an ownership role of that
15 service as it relates to the steps that the Sound Transit says
16 they'll do. We will verify that those are done prior to resuming
17 service.

18 Q. Okay. And have you developed a protocol or a plan to do
19 that, to do those activities?

20 A. We will leverage our personnel, Jesse Milner in Theresa's
21 group, works out there. He will be the interface in terms of
22 making sure -- we'll work with him as far as devising the plan.
23 The plan will be reviewing what Sound Transit has said they were
24 going to do, we're doing what Amtrak said they were going to do,
25 and verifying that those steps have been taken, either with

1 documentation, site visits, or whatever the requirements are in
2 advance of resuming service.

3 Q. And who at Amtrak will be the ultimate sign-off on what
4 sounds like a certification and verification process?

5 A. Chief Operating Officer.

6 Q. The COO.

7 A. Yes.

8 Q. Okay. I mean, is it a certificate of compliance, or what --
9 help me understand what the formalized document will be that
10 verifies the integrity of what Amtrak has committed to complete
11 and what the host has committed to complete.

12 A. It'll be a Memorandum for Record that these items have been
13 identified as needing to be done for prior to resuming service
14 have been completed and verified.

15 Q. Okay. Do you have a date where you anticipate that to be
16 completed?

17 A. That's something we're doing a standard and not to time as it
18 relates to some of the dynamics around there, so, a date has not
19 been established. But one of the things that we're pushing at is
20 --

21 Q. What is the role of the Northwest, the Pacific Northwest
22 Division, then, in all of these activities that you mentioned?

23 A. They've been involved. They've been leveraged for subject
24 matter expertise as it relates to asking questions. We did have a
25 service run where they performed service with BN from a

1 exploratory manner, and that was not sanctioned, and that was
2 stopped immediately. And future runs of that nature were
3 prohibited. So they've been a -- they've been a liaison as it
4 relates to subject matter expertise.

5 Q. How did headquarters find out about those exploratory runs
6 that they were doing?

7 A. It was brought up on a morning conference call.

8 Q. Okay. Do you know of any of the -- we talked to Scot a
9 little bit about the PTC enforcements?

10 A. Right.

11 Q. Do you know if any of those occurred during any of those
12 exploratory runs?

13 A. A PTC enforcement occurred on that exploratory run.

14 Q. Okay. Do you know if that occurred at the accident curve, at
15 that location?

16 A. I don't know if it was that specific curve, but it was on
17 that run.

18 Q. Okay. Maybe that's something, we can obtain that, the
19 documentation on that?

20 A. Okay.

21 Q. Okay. And then you mentioned before, one of the activities
22 being the qualification and protocols for a T&E. Is that a new
23 standard that is being implemented, or is it specific for the
24 Point Defiance Bypass?

25 A. That's a new standard that's been established based on that

1 -- based on what occurred there.

2 Q. Okay. And is -- would the expectation be that that new
3 standard would be used at other parts of the Amtrak network for --

4 A. Absolutely.

5 Q. -- qualifications?

6 A. Absolutely.

7 Q. Okay, so, maybe that's something else we can --

8 A. And you may have that from previously, I'm not sure.

9 MR. LANDMAN: I'm feeling like it was requested of Mike
10 DeCataldo at the July hearing.

11 MR. MEKO: We'll check.

12 MR. LANDMAN: Yeah, we'll check, definitely.

13 BY MR. FRIGO:

14 Q. Okay. Those are my DuPont questions. With Bowie, can you
15 describe the process that Amtrak requires prior to initiating
16 track work? And I'm really interested in the planning phase. You
17 know, like we've talked -- we've heard site-specific work plans
18 and the responses to the Chester accident, and if you can kind of
19 describe the who, how, when, why, you know, if you could describe
20 that process for me.

21 MR. MEKO: If we can take a quick break before that.

22 MR. FRIGO: Sure, absolutely.

23 (Off the record.)

24 (On the record.)

25 MR. AMMONS: We are back on the record.

1 MR. HIPSKIND: Ryan?

2 BY MR. FRIGO:

3 Q. Okay, this is Ryan Frigo, again, with NTSB. I'll just
4 restate the question. So now we're talking about the Bowie,
5 Maryland accident, and, Justin, I'm -- can you describe the work
6 planning process at Amtrak for -- that's required prior to work
7 occurring out on the right of way, and, more specifically, the
8 site-specific work planning?

9 A. The site-specific work plans are something that was unveiled
10 in the spring of '18 and they're associated with plan
11 infrastructure renewal work, so work that is known in advance to
12 be occurring by our maintenance of way forces. And they're
13 performed by the supervisor that is in charge of that activity.
14 And it covers a wide array, you know, the who, what, when, where,
15 how, scope and scale in terms of size, and the measures, the risks
16 that are present, and how they're being mitigated. But the scope
17 of the site-specific work plan is scalable depending upon the
18 magnitude of the work being performed, whether it be duration in
19 time, duration in distance, or forces and equipment present.

20 Q. Okay, and is the supervisor trained in risk identification
21 and risk mitigation?

22 A. The supervisor is trained on the site -- on how to -- the
23 supervisor is trained on how to create a site-specific work plan.
24 And in conjunction with that training, risk identification is a
25 component of that training. And similarly, as a check and

1 balance, the safety department has a purview of the site-specific
2 work plans when they're being -- when they're submitted prior to
3 approval.

4 Q. Okay, and two points there. Is the training a formalized
5 training at Amtrak for developing the, or completing the site-
6 specific work plan, is that a formalized training course?

7 A. I believe it is. That's something I would have to verify.

8 Q. Okay. And the purview of the safety department, what does
9 that mean? Does safety sign off on --

10 A. They have visibility of it as it's going through the process,
11 and they can adjust it or make recommendations at any time.
12 Safety does not sign off on the site-specific work plans.

13 Q. Do you know if, based on feedback from your senior directors
14 and directors, how -- is that feedback from safety to that SSWP,
15 is that appreciated, is it looked at as a, you know, stay in your
16 lane? How is that input that safety might have on an SSWP, how is
17 that seen by maintenance of way?

18 A. I don't -- I think it would -- it varies dependent on the
19 person. A more experienced person, as you could imagine, might be
20 a little gruff that, I know my job as well as anybody, whereas
21 some of our more -- less experienced supervisors appreciate the
22 feedback. But it runs the gamut. It's not -- there's not one,
23 you know, standardized response. The System Safety Work Plan, we
24 received a lot of feedback from the labor organizations that they
25 appreciate them, because they have the visibility of them. I

1 mentioned safety has purview, so does labor. So what's been
2 shared there is that it provides some visibility to them of the
3 work that's being performed. So that's a -- that's been
4 beneficial.

5 Q. Okay. And who provides the internal oversight over the
6 implementation of that SSWP?

7 A. The internal oversight is our senior -- our director of
8 safety for the engineering department.

9 Q. Okay, so that individual would go out and verify that --

10 A. Audit.

11 Q. Okay.

12 A. There's an audit component of it, so the supervisors in
13 engineering have a responsibility for auditing work being
14 performed. And similarly, we also audit the -- those processes,
15 based on what the systems site-specific work plan states is
16 happening. Our folks will go out and verify what is being -- what
17 was said was going to be done is actually in place.

18 Q. What is the target goal? What percentage of SSWPs that are
19 occurring, what's the target for the audit

20 A. I'll have to get you that answer, Ryan.

21 Q. All right. And then, do you know, is adjacent on-track
22 safety, is that part of an SSWP?

23 A. The -- what is -- yes. What is occurring on the tracks
24 adjacent to.

25 Q. And the, I want to ask about the 60-mile an hour slow-by. So

1 when that rule, or that option, went into effect, was there a risk
2 assessment performed to come up with that number of 60 MPH?

3 A. No. We have a outfit, a third-party consultant, LTK, headed
4 by Dr. David Bing, is overseeing a risk assessment of that. He
5 was chosen because in 2012 he did the initial risk assessment on
6 the high-speed rail on the Northeast Corridor, so his familiarity
7 there. And then he did some updated work in 2015 for us.

8 So the 60 mile per hour was not based on a risk assessment.
9 The 60 mile per hour recommendation from the NTSB to reduce speed,
10 and similarly, we chose 60 miles per hour, and that reduces, in
11 some instances, from 110 to 60 miles per hour, which is the
12 biggest delta that you'll observe with the new condition.

13 Q. Okay, and from your perspective, from the safety role that
14 you're in, how does Amtrak balance on-time performance and roadway
15 worker on-track safety?

16 A. The balancing of the work is not unique to Amtrak. When
17 you're maintaining an infrastructure in an operation that's 24/7,
18 whether it be the highway or the rail infrastructure, it's a
19 delicate balancing act, that you're working closely with safety
20 and operations. And I think the work that we did in the summer of
21 '17 in Penn Station is an example of a collaborative partnership
22 that we did -- we balanced the work to ensure that the
23 infrastructure was brought to a state of good repair to allow the
24 safe and efficient movement of our customers and of our tenant
25 railroads there.

1 But, as it relates to the day-to-day now, it's a -- a lot of
2 it comes to planning, the size of the -- the distance of the
3 outages, and it's something that we've narrowed the scope on
4 those. So a lot of discussion and dialogue with operations where
5 you're balancing both the -- you're not compromising safety, but
6 you're understanding what the operating conditions -- what the
7 operating exposure presents.

8 MR. FRIGO: Justin, thank you.

9 MR. HIPSKIND: Steve, anything?

10 MR. AMMONS: No.

11 MR. HIPSKIND: And Theresa.

12 MS. IMPASTATO: No further questions.

13 MR. HIPSKIND: The floor is yours, Mike.

14 DR. HOEPF: Okay, thanks, Dick.

15 BY DR. HOEPF:

16 Q. Justin, just a couple of quick questions. Just to follow up
17 on Ryan's discussion about the 60 mile an hour slow-by, you
18 indicated that currently LTK is doing an assessment for you what
19 the optimal speed will be. I'm just curious, was there a risk
20 assessment performed by Amtrak for the conditions under which to
21 apply the 60 mile an hour slow-by?

22 A. No, there was not.

23 Q. Okay. Is that part of the LTK analysis?

24 A. That is a component of the LTK analysis.

25 Q. Okay. And do you have an expected due date of a product for

1 when they're going to get that back to you?

2 A. We were looking for initial recommendations in the near term.

3 Q. Okay.

4 A. And the near term being the next several weeks.

5 Q. Okay.

6 A. And the little bit longer term on account of the data that's
7 required for the long-term recommendations.

8 Q. Okay, okay. So would it be a fair characterization for me to
9 sort of look at the 60 mile an hour slow-by as being kind of a
10 stop gap measure?

11 A. Yes, it was absolutely a stop gap measure.

12 Q. Okay, okay. So I won't -- not going to over analyze that.

13 As far as the Bowie accident, also, hot spots as far as watchmen
14 goes, there was some discussion about there was a book that, you
15 know, identified hot spots. Is that something you're familiar
16 with?

17 A. I'm familiar with that, and that's one of the stories in
18 collaborating with labor, that that book, for whatever reason, was
19 not printed as a cost savings measure unbeknownst to certain
20 organizations. And that's a simple fix. That book has been
21 updated and printed and reproduced, but --

22 Q. Got you.

23 A. -- the confusion lied in the presence of the book with
24 people. There was a misunderstanding that the book had stopped
25 being produced, which wasn't the case.

1 Q. Okay, got you. Thanks for clearing that up.

2 A. Communication is a wonderful thing.

3 Q. What are your -- how about your thoughts on watchmen
4 platforms?

5 A. We're evaluating them. We've -- they -- it's twofold in
6 terms of making sure it's in such a manner that it doesn't, in
7 itself, present a hazard to the person standing on the watchman
8 platform, and how it's presented and where it is located, how it's
9 secured. So there's a risk assessment that has to be done around
10 them.

11 But, similarly, the -- I would like mobility with the
12 watchman platforms, because I don't want to be in a situation
13 where people are placing watchmen based on the availability of a
14 platform as opposed to the sight distance that presents the best
15 vantage points.

16 Q. Got you, got you. So you're evaluating it.

17 A. Right.

18 Q. Fair enough. In terms about, and sorry to bounce around,
19 regarding the speed limitations, do you think that there should be
20 a maximum authorized speed when train approach warning is in use
21 in general?

22 A. I'm torn on that on account of the exposure and statistics
23 I've seen around low speed incidents with -- on the railroad. And
24 you look at your Switching Operations Fatality Analysis and the
25 number of incidents that you have at low speeds that are horrific

1 accidents, there's a challenge at low speeds, too, because of the
2 comfort that people get with equipment.

3 Q. Okay. So would you characterize it as not something that's
4 being evaluated, or something that is being evaluated?

5 A. Would I characterize the -- speed is going to be based on a
6 lot of the feedback we get from the risk assessment.

7 Q. So LTK Engineering is taking a look specifically at train
8 approach warning as a factor, as one of the conditions where
9 you'll be applying speed restrictions or not?

10 A. That's correct.

11 Q. Okay, okay, great. Okay, and, last topic, so talking about
12 Cayce, host railroad operations, I wasn't there for your first
13 interview, but I read the transcript and I thought it was really
14 interesting. And, you know, talking to Scot today, it seems like,
15 correct me if I'm wrong, Amtrak has sort of openly acknowledged
16 that they had basically just been following the operating rules of
17 hosts in the past.

18 A. That's correct.

19 Q. Is that -- okay, that's how you look at it. And trying to
20 change that now. And I thought it was a really powerful statement
21 from Scot this morning, recognizing that, hey, if this was our own
22 railroad and there was a signal suspension going on, we would've
23 had to have approached that -- been approaching prepared to stop.
24 Is that your understanding of how Amtrak would've been operating
25 if that was on their own property?

1 A. Facing point switches, they would've had to approach prepared
2 to stop.

3 Q. Right. So essentially, previously you were in a situation
4 where the risk somebody would experience on the Northeast
5 Corridor, for example, would've been less than if they were
6 operating off property, for CSX property? And again, prior --
7 again, in the past.

8 A. Right, right.

9 Q. That's a fair characterization?

10 A. That's fair.

11 Q. Okay. And so now Amtrak is looking to change that, right?

12 A. That's correct.

13 Q. Okay. And I just want to give you -- walk me through, to the
14 best you can, I know this is kind of a work in progress, but, you
15 know, how specifically is Amtrak doing that now? Can you walk me
16 through the process? So let's say you get a message that there's
17 going to be a signal suspension on a host railroad, you know, give
18 me the who, the what, the how.

19 A. CNOC in Wilmington receives any operating reports from the
20 host railroads that -- any operating changes, a signal suspension,
21 track outages, any sort of operating -- they are National
22 Operations Center, and they get the report from CSX, for example,
23 that we're going to have an outage, and they'll give the location,
24 the time, the duration -- time, day, duration, and all your
25 specifics. So based on that information, then that person fields

1 it to the appropriate supervision who's responsible for that
2 territory, and also to our operating department -- operating
3 practices department, and the safety group.

4 And what will occur then is the supervision of that territory
5 will fill out a risk assessment of the outage, for the outage, and
6 that risk assessment will be reviewed by the safety and the
7 operating group. And any medium risk assessment has to be
8 approved then by myself and Mike DeCataldo, who's our Vice
9 President of Transportation. But, there's a dialogue and, it's an
10 automated form, electronic sign-off, and the form has to be filled
11 out, mitigations listed, prior to the work being performed. And
12 then, what will occur, is based on whatever the mitigation is, an
13 operating notice will be sent out to that crew base alerting them
14 of whatever the mitigation may be.

15 The most common mitigation that's been put in place since
16 this process started was being prepared to stop at facing point
17 switches until it can be ascertained that the switch is lined for
18 the intended movement. We have had restricted speed has been one,
19 depending on the duration of the -- the length of the outage, the
20 distance of the outage. And then we've had some where we've
21 suspended service and that's kind of an overview how it occurs.

22 Q. Yeah, I appreciate that. And off record, maybe we'll, you
23 know, we'll talk more, maybe you guys can walk us through an
24 example some other time.

25 A. Absolutely.

1 DR. HOEPF: Thank you, Justin.

2 MR. HIPSKIND: Thank you, Mike.

3 BY MR. HIPSKIND:

4 Q. Justin, I've got to jump around and tie up some loose ends.
5 When Ryan and you were talking about DuPont, and there was a
6 conversation between you guys about a curve analysis, and I think
7 Ryan made a request and you said, oh, yeah. My question is, how
8 much data did we ask you to dig up? Are we talking about what you
9 looked at on every curve on every host railroad? Is that the way
10 you took it?

11 A. I took it as the Point Defiance curve where the accident
12 occurred, and then the Fast Act curves.

13 Q. Okay, and the Fast Act curves, that's not just a couple, it's
14 hundreds if not thousands, am I correct on that?

15 MS. IMPASTATO: Yes.

16 MR. HIPSKIND: Okay. So I'm concerned about the volume of
17 data that we may have asked for. And Ryan, would you be satisfied
18 if we just got, say, an exceptions list?

19 MR. FRIGO: An exceptions list and a sample, I would be
20 satisfied with.

21 MR. HIPSKIND: Okay. I just want to trim back the volume of
22 data. I understand about making requests, but sometimes we need
23 to have a little conversation about that.

24 BY MR. HIPSKIND:

25 Q. And with regard to safety personnel, safety department

1 personnel making risk assessments, Justin, is it true that you
2 conduct them on Amtrak property, but from time to time you may get
3 a request from a new start. So a state calls you up and says,
4 hey, from point A to B we want to start doing something. Your
5 group would get involved with that, correct?

6 A. Yes, sir.

7 Q. All right. And you would conduct that and it would be
8 assessed prior to anybody giving the nod for operations.

9 A. That's correct.

10 Q. Okay.

11 MR. LANDMAN: And if I can, Dick, just to clarify.

12 MR. HIPSKIND: Sure, Mark.

13 MR. LANDMAN: That's since DuPont. That wasn't the case --

14 MR. HIPSKIND: No, no, I --

15 MR. LANDMAN: I just wanted to make sure that was clear.

16 MR. HIPSKIND: It was in my head, but thanks for --

17 BY MR. HIPSKIND:

18 Q. So I want to go back to DuPont for just a second, and you
19 guys talked about signage. And I got the impression something was
20 changed out on the right of way about signage. So changed how,
21 bigger, brighter, or -- I wasn't aware that any signage was
22 missing.

23 A. I will circle back with you on the specifics of how it was
24 changed.

25 Q. Okay.

1 A. And we'll get you a image of what it looks like.

2 Q. Okay. And when you were talking about your business with
3 Sound Transit, it sounded to me like you were describing a
4 corrective action plan; is that correct?

5 A. Yes.

6 Q. I mean, it's just another way to put it. There was a punch
7 list of, you've got to do this, this, this and this.

8 A. This is what we need to do differently.

9 Q. All right. So -- and I said I was going to jump around --
10 so, has Amtrak, with regard to maintenance of way protection,
11 roadway worker protection, has anybody discussed, like on some
12 railroads they use a Form B. So an employee in charge, a
13 supervisor, a foreman has that order out, and in a given area, on
14 a certain date, with time limits and with line segment limits,
15 mile posts, that's all laid out. And basically, that maintenance
16 of way person in the field -- you listening to this, Steve?

17 MR. AMMONS: Um-hum.

18 BY MR. HIPSKIND:

19 Q. My term, he, in effect, becomes a mini dispatcher because any
20 train entering or affecting those limits would have to call out to
21 him and he, in turn, would give them permission to proceed,
22 etcetera, etcetera, etcetera. Has Amtrak ever looked at an option
23 like that?

24 A. I don't know historically if they have, but we haven't
25 discussed it since I've been here.

1 Q. I'm not aware of them using it any time that -- in the last
2 10 or 15 years I've been around. Okay, I've just -- but, you're
3 going to have somebody come in that's going to look at those kinds
4 of things, right, a contractor?

5 A. That's correct.

6 Q. Okay. So I always try to look many years down the road other
7 than just today. And it's my understanding, again, correct me if
8 I'm wrong, the whole idea of a lot of the work that's being done
9 on the Northeast Corridor has an end goal of increasing train
10 speed. Is that not right?

11 A. That's correct.

12 Q. And it could be somewhere in the -- I'm just going to throw
13 out some figures -- up to 125, and I think the long-term goal is
14 to hit maybe somewhere around 160. Am I too far off the mark
15 there?

16 A. No, sir, you're not.

17 Q. And it's not -- and I don't mean to say, every mile, every
18 curve, every route.

19 A. Right.

20 Q. But, in general, we're working on the track, we're doing big
21 things, so that the speed can significantly increase.

22 A. It's twofold. The first is to maintain a state of good
23 repair, that's the ultimate goal of the track work that's being
24 performed. But, to your point, there, you know, as it relates to
25 forward thinking, that is, obviously, as you look at track work

1 and some of the projects, there is a goal of increasing speed on
2 the Northeast Corridor, that's correct.

3 Q. Okay. So you don't have to answer this today, but when we
4 talk about deltas from 110 down to 60, what are we going to be
5 talking about in the future when speeds approach 125 and 160? So
6 I don't need an answer to that, I just -- that's something that
7 I'm thinking about.

8 And in regard to hot spots, I have been following this for
9 some time, and I am pleased that that gap was identified and a
10 book has been printed. But again, I would caution -- I think you
11 might want to revisit -- or I'll ask you in the form of a
12 question. When you train your employees, are you talking to them
13 about how to properly problem solve all the changes that they
14 encounter so that they're making the proper solution to a given
15 location, work, number of tracks, speed of trains, and all that?
16 And when hot spots gets involved with that, that changes things.
17 Would you not agree?

18 A. I agree.

19 Q. Okay. So would your training include how they problem solve
20 those things correctly?

21 A. Not to the point it needs to.

22 MR. HIPSKIND: Okay. I'll leave that as a to-do for you
23 guys. That's all I've got, and I'm sorry to jump around on so
24 many things. But, Ryan, anything? Mike? Theresa?

25 MS. IMPASTATO: No, sir.

1 MR. HIPSKIND: Steve?

2 MR. AMMONS: We're all set.

3 MR. HIPSKIND: Mark, any points of clarification?

4 MR. LANDMAN: We're all set.

5 MR. HIPSKIND: All right. Justin, are you ready to close
6 this thing out?

7 MR. MEKO: I enjoy your folks' company.

8 (Laughter.)

9 MR. HIPSKIND: Wait a minute, wait a minute. I've got some
10 questions to ask you. Is there anything you would like to add or
11 change to any of the discussion we've had today?

12 MR. MEKO: No, just thank you for the professionalism
13 throughout this investigation and the open hearing. The NTSB and
14 CSX, everybody who's been involved has been truly professional. I
15 appreciate it.

16 MR. HIPSKIND: We're all trying to row in the same direction
17 here. Are there any questions we should've asked but did not?

18 MR. MEKO: No, sir.

19 MR. HIPSKIND: Okay. And is there anyone else who we should
20 interview? Scot named everybody that we've got on the list, so
21 I'm good with that, unless there's somebody else that you think we
22 need to interview.

23 MR. MEKO: No, sir.

24 MR. HIPSKIND: So if we talked to you, we talked to Scot,
25 talked to Ken Hylander, and Richard Anderson, we've covered the

1 waterfront?

2 MR. MEKO: I believe so.

3 MR. HIPSKIND: On behalf of NTSB --

4 MR. MEKO: At least on the rail side.

5 MR. HIPSKIND: On behalf of NTSB, I appreciate you coming in
6 and having a conversation with us.

7 MR. MEKO: Absolutely, thank you.

8 (Whereupon, the interview was concluded.)

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CERTIFICATE

This is to certify that the attached proceeding before the

NATIONAL TRANSPORTATION SAFETY BOARD

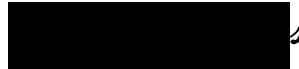
IN THE MATTER OF: COLLISION OF AMTRAK TRAIN #91 AND
A STATIONARY CSX TRANSPORTATION
TRAIN NEAR CAYCE, SOUTH CAROLINA
FEBRUARY 4, 2018
Interview of Justin Meko

ACCIDENT NO.: RRD18MR003

PLACE: Philadelphia, Pennsylvania

DATE: March 26, 2019

was held according to the record, and that this is the original,
complete, true and accurate transcript which has been transcribed
to the best of my skill and ability.



Elizabeth Davis
Transcriber



I, Justin A. Meke, have read the foregoing pages of a copy of my testimony given during a follow-up interview stemming from NTSB's investigation of the collision of Amtrak Train 91 with CSX local train F777 on February 4, 2018, in Cayce, South Carolina and these pages constitute a true and accurate transcription of same with the exception of the following amendments, additions, deletions or corrections:

<u>PAGE NO:</u>	<u>LINE NO:</u>	<u>CHANGE AND REASON FOR CHANGE</u>
<u>14</u>	<u>23</u>	<u>"30" to "33"</u>
<u>17</u>	<u>2</u>	<u>"30" to "33"</u>
<u>17</u>	<u>6</u>	<u>"28" to "32" "29" to "32"</u>
<u>32</u>	<u>7</u>	<u>Needs to read: I was fortunate too, I went to MITRE for their SAS class.</u>
<u>32</u>	<u>12</u>	<u>Remove "Now that"</u>
<u>32</u>	<u>25</u>	<u>"analysis" needs to read "analytical"</u>
<u>36</u>	<u>9</u>	<u>Remove (Laughter)</u>
<u>51</u>	<u>16</u>	<u>Change "light" to "lite"</u>
<u>61</u>	<u>25</u>	<u>"SPARTA" needs to read "SPARTAN"</u>
<u>91</u>	<u>14</u>	<u>"has" changed to "have"</u>

I declare that I have read my statements and that it is true and correct subject to any changes in the form or substance entered here.

Date: 4/12/2019

Witness: [Redacted]

[Redacted] = Justin A Meke