

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
FEBRUARY 4, 2018

* Accident No.: RRD18MR003

* * * * *

Interview of: JUSTIN MEKO

Vice President Safety, Compliance and Training
Amtrak

Amtrak's 30 Street Station
Philadelphia, Pennsylvania

Monday,
April 9, 2018



I, Justin A. Meko, have read the foregoing pages of a copy of my testimony given during a follow-up interview stemming from NTSB's investigation of the head-on collision of Amtrak Train 91 with a CSX local train resulting in a derailment with injuries on April 4, 2018, in Cayce, SC 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>6</u>	<u>9</u>	<u>Strike "4 years,"</u>
<u>13</u>	<u>17</u>	<u>Strike "know"</u>
<u>15</u>	<u>24</u>	<u>Strike "but we've" change "had" to "have"</u>
<u>16</u>	<u>12</u>	<u>change "quarterly" to "daily"</u>
<u>19</u>	<u>11</u>	<u>change "supervisors" to "supervisor"</u>
<u>32</u>	<u>6</u>	<u>change "in 50 years" to "over 150 plus years"</u>
<u>32</u>	<u>10</u>	<u>change "buyers" to "leaders"</u>
<u>33</u>	<u>16</u>	<u>change "twenty-one" to "thirty-two"</u>
<u>34</u>	<u>17</u>	<u>change "twenty-one" to "thirty-two"</u>
<u>36</u>	<u>12</u>	<u>change "Wollinkowski" to "Wojciechowski"</u>
<u>40</u>	<u>9</u>	<u>change "trustable" to "trust but"</u>
<u>41</u>	<u>19</u>	<u>change "boys" to "employees"</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: 5/3/2018

Witness: [REDACTED]



I, Justin A. Meko, have read the foregoing pages of a copy of my testimony given during a follow-up interview stemming from NTSB's investigation of the head-on collision of Amtrak Train 91 with a CSX local train resulting in a derailment with injuries on April 4, 2018, in Cayce, SC 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>56</u>	<u>20</u>	<u>change "one of the spheres" to "tip of the spear"</u>
<u>56</u>	<u>25</u>	<u>change "Wollin Kowski" to "Wojciechowski"</u>
<u>58</u>	<u>9</u>	<u>change "two safety officers" to "a chief safety officer"</u>
<u>58</u>	<u>9</u>	<u>change "COO" to "CEO"</u>
<u>61</u>	<u>17</u>	<u>change "chairman" to "chairmen"</u>
<u>65</u>	<u>5</u>	<u>change "yeah" to "yes"</u>
<u>67</u>	<u>13</u>	<u>change "yeah" to "yes"</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: 5/3/2018

Witness: [REDACTED]

APPEARANCES:

RICHARD HIPSKIND, Investigator in Charge
National Transportation Safety Board

RYAN FRIGO, Operations and Safety
National Transportation Safety Board

DAVE BUCHER, Chief, Railroad Division
National Transportation Safety Board

STEVE AMMONS, Director of Train Handling Rules and
Practices
CSX Transportation

MARK PATTERSON, Executive Officer for Safety Operations
Federal Railroad Administration

DAVE KANNENBERG, Regional Administrator, Region 2
Federal Railroad Administration

THERESA IMPASTATO, Senior Director, System Safety
Amtrak

MATT CAMPBELL
SMART Transportation Division, National Safety Team

MARK LANDMAN, Esq.
(Counsel on behalf of Mr. Meko)

<u>ITEM</u>	<u>I N D E X</u>	<u>PAGE</u>
Interview of Justin Meko:		
By Mr. Hipskind		6
By Mr. Bucher		7
By Mr. Kannenberg		13
By Mr. Patterson		17
By Mr. Campbell		18
By Mr. Frigo		20
By Mr. Hipskind		38
By Mr. Bucher		44
By Mr. Patterson		47
By Mr. Campbell		49
By Mr. Ammons		50
By Mr. Frigo		52
By Mr. Hipskind		66
By Mr. Frigo		71
By Mr. Hipskind		72

I N T E R V I E W

1
2 MR. HIPSKIND: Good morning, everybody. My name is Richard
3 Hipskind, and I'm the investigator in charge for NTSB for the
4 Cayce, South Carolina accident investigation. We are here today
5 on April 9, 2018 at Amtrak's 30th Street Station in Philadelphia,
6 Pennsylvania, to conduct an interview with Mr. Justin Meko, who
7 works for the National Railroad Passenger Corporation, for Amtrak.

8 This interview is in conjunction with NTSB's investigation of
9 a head-on collision and derailment with injuries on February 4,
10 2018 at Cayce, South Carolina, on CSX's Columbia Subdivision near
11 milepost 667.1 in Lexington County. The NTSB accident reference
12 number is RRD18MR003.

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

19 Again, my name is Richard Hipskind. The spelling of my last
20 name is H-I-P-S-K-I-N-D. I am the investigator in charge for NTSB
21 for this accident.

22 MR. BUCHER: Dave Bucher, Chief of the Rail Division, NTSB,
23 B-U-C-H-E-R.

24 MR. CAMPBELL: Matt Campbell, C-A-M-P-B-E-L-L, SMART
25 Transportation Division, a member of the National Safety Team.

1 MR. AMMONS: Steve Ammons, A-M-M-O-N-S, CSX, director of
2 train handling rules and practices.

3 MR. PATTERSON: Mark Patterson, P-A-T-T-E-R-S-O-N, Federal
4 Railroad Administration, Executive Officer for Safety Operations.

5 MR. KANNENBERG: Dave Kannenberg, K-A-N-N-E-N-B-E-R-G,
6 Regional Administrator, FRA Region 2.

7 MS. IMPASTATO: Theresa Impastato, I-M-P-A-S-T-A-T-O, Senior
8 Director, System Safety with Amtrak.

9 MR. FRIGO: Ryan Frigo, F-R-I-G-O, NTSB, Operations and
10 System Safety.

11 MR. HIPSKIND: And Justin, would you put yourself on the
12 record?

13 MR. MEKO: Justin Meko, M-E-K-O, Vice President, Safety,
14 Compliance and Training with Amtrak.

15 MR. HIPSKIND: Okay. And Mr. Meko, do we have your
16 permission to record our discussion, our interview with you today?

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

18 MR. HIPSKIND: And do you wish to have a representative with
19 you at this interview?

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

21 MR. HIPSKIND: And Mark, would you please put yourself on the
22 record?

23 MR. LANDMAN: Yes. For the witness, Mark Landman,
24 L-A-N-D-M-A-N.

25 MR. HIPSKIND: And, Mr. Meko, do you mind if we proceed on a

1 first name basis?

2 MR. MEKO: Yes, sir. That's fine.

3 INTERVIEW OF JUSTIN MEKO

4 BY MR. HIPSKIND:

5 Q. Okay. Justin, how about, give us kind of a synopsis of your
6 work experience and take us up to your present job and let us know
7 how long you've been in that current position?

8 A. Yes, sir. After graduating from the University of Notre
9 Dame, I served 4 years, 4½ years as an army transportation officer
10 in three different capacities. I was a platoon leader, company
11 executive officer, and a battalion adjutant. I ended my military
12 service with an honorable discharge at the conclusion of my
13 commitment. And I subsequently joined the Norfolk Southern
14 Corporation, and I served for approximately 15 years with Norfolk
15 Southern in a variety of capacities. I started there as a
16 management trainee, and my most recent role with Norfolk Southern
17 was a division superintendent on their Illinois Division. And in
18 May 2017, I joined Amtrak as vice president of safety, compliance
19 and training.

20 Q. Okay. And Justin, how about, tell us a little bit about your
21 duties and responsibilities in your current position with Amtrak?

22 A. Currently, I'm responsible for safety, compliance and
23 training at Amtrak. Three-legged stool: The safety side of the
24 house looks for opportunities to engineer safety into the work
25 practices, engineer out exposures; the compliance piece deals with

1 a lot of regulatory requirements and certification requirements;
2 and the training piece is the component that deals with the
3 onboarding and the recurrent training of Amtrak employees in the
4 mechanical, engineering and transportation groups.

5 Q. Okay. Thank you. I'm going to pass this off here to Dave in
6 just a minute, but I do want to let you know, Justin, that part of
7 the information, the understanding of your job and the operational
8 efficiency testing, the risk management, we're going to have a
9 dialogue kind of about -- as a follow-on to Cayce, and to just
10 broaden our understanding of how Amtrak and CSX get along or how
11 we go about that interaction. But in answering your questions
12 today, if you want to elaborate and include a general overview of
13 Amtrak as it applies to the railroads, would you please do that,
14 okay?

15 A. Yes, sir.

16 MR. HIPSKIND: And Mr. Bucher?

17 BY MR. BUCHER:

18 Q. Good morning, Justin. Dave Bucher, B-U-C-H-E-R. I think
19 I'll start with an overview since we're -- the first part of this
20 interview is going to be concerned specifically with the training
21 of train crews and qualifications. And I understand that Amtrak
22 has crews that go all over the country and the majority of their
23 crews are probably concentrated on the Northeast Corridor.

24 So could you give me an overview of the training process that
25 the train crew goes through and the maybe separate how you train a

1 corridor crew as opposed to an off-corridor crew?

2 A. The training process is streamlined as it relates to the
3 engineers and assistant conductors. They are all trained at our
4 Wilmington training facility. So anybody hiring on with Amtrak
5 receives their initial training there at Wilmington, Delaware at
6 our training facility. And those instructors there are stationary
7 at Wilmington. We don't rotate instructors in and out of our
8 training center. They're full-time employees. They conduct the
9 engineering training and also the assistant conductor training.

10 And while they're at the training center -- I like to equate
11 it to almost a DMV-type of approach, where back when I received my
12 driver's license, I went through the training with the -- or I was
13 given just general understanding of the rules of the road, and
14 that's what we look to do there; we provide them with the
15 operational practices and backgrounds at Amtrak. And once we
16 complete the training there, we send them out for OJT, where they
17 get to shadow more experienced employees and get to learn the
18 nuances of a particular territory and the nuances of their job in
19 that location.

20 So that's the -- the training is, it's a combination of field
21 training; it's a combination of lecture; we use some simulator
22 training as well. So it's not just stand and deliver lectures,
23 and that component of it seemed to work well. The field training,
24 once they get out and do the OJT, they're shadowing folks and
25 learning nuances of the job prior to being fully marked up.

1 And once they are fully marked up, then we do what's called
2 recurrent training. Regulatory-wise, it's required every 3 years.
3 We do the recurrent training annually, and that's a -- it'll vary
4 depending on the work location from 2 days to up to 4 days on
5 recurrent training. Albany, New York is an example of one of the
6 locations where we do 4 days of training, because the folks there
7 work under five different operating rulebooks, so that's one of
8 the components there.

9 The Northeast Corridor, as you mentioned previously, is
10 unique to Amtrak so we own that training. Similarly we own --
11 when we go off corridor, we own the training and recurrent
12 training, when we interface with the different railroads that we
13 operate on in terms of ensuring that the physical characteristics
14 tests, for example, any qualifications, knowledge, understanding
15 of operating practices are completed in an effective way. So we
16 interact with the foreign roads -- using the term foreign roads,
17 the host railroads, annually in the development of those tests and
18 the physical characteristics.

19 And similarly, outside of the testing, the interaction occurs
20 when any sort of operating changes occur to either a bulletin
21 instruction or an operating rule. That's shared with us real time
22 and we're able to convey that.

23 Q. Okay. To delve a little bit more into specific training for
24 the host railroads, is there -- are there additional like meetings
25 between the host railroad and Amtrak on any kind of a regular

1 basis to monitor the training for these crews that you all don't
2 see very often other than the local supervisors, the local Amtrak
3 supervisors?

4 A. The interaction is often local as it relates to the
5 monitoring of the crews and the dialogue with the host railroads.
6 So there's oftentimes, for example, the joint testing will be
7 conducted with the local supervision. And more often than not,
8 you know, that's driven at the local level. There's requirements
9 that crews are tested on the different operating practices.

10 For example, when I was an assistant trainmaster for Norfolk
11 Southern, Manassas, Amtrak was running the VRE service at that
12 time, and we had a requirement that we had to conduct one
13 roundtrip with the VRE crew and then we had to do joint testing
14 monthly with a representative of Amtrak on the VRE crews.

15 But similarly, the dialogue is -- dialogue occurs locally
16 whether it be -- sometimes it'll be instances where the two
17 representatives of the different roads won't be able to connect,
18 but that doesn't prevent them from doing testing. There's not an
19 off-limits type approach in the industry as it relates to testing
20 the crews. There's an expectation that if you're running on a
21 foreign road, you're held to their operating practices. And
22 similarly, the supervision of that road has the -- not only an
23 obligation and a duty, but the responsibility to observe those
24 crews.

25 And the communication back and forth is pretty consistent.

1 It does vary, you know, I would say more by individuals than I
2 would by carriers, because the carriers set pretty solid
3 expectations. Sometimes you have short-comings, but I've found
4 that those have been more based on the individual's assumption of
5 the duties and responsibilities, as opposed to the carriers not
6 clearly outlining those.

7 Q. Okay, that kind -- Dave Bucher, again. That sort of leads
8 into my next question about efficiency testing. I think that's
9 where you were going with some of those comments. I guess what
10 we're looking for, and I'm sure it varies by host railroad, is how
11 is a joint Amtrak-host railroad team that does efficiency testing
12 on the Amtrak crew -- I mean, that's all local, organized on the
13 local level?

14 A. The expectation we have is that our folks conduct testing
15 that is representative of the train traffic across their
16 territories. For example, if 20 -- or 30 percent of the traffic
17 is foreign railroad traffic, 30 percent of your testing should be
18 conducted on foreign railroads.

19 When it comes to off-corridor, the expectation is that you're
20 conducting the joint testing with the foreign railroad. But
21 similarly, there'll be occasions when you notify them that you're
22 conducting testing and you don't need to do it in a joint manner.
23 So that's a -- the need for the testing to be joint is not
24 necessarily a requirement. The need for the testing to occur is a
25 requirement, and the testing obligations are consistent for

1 Amtrak, whether it's on corridor or off corridor for the
2 supervisors.

3 And similarly, you know, my experience on the host railroad
4 was similar in that I had requirements for foreign crews. Part of
5 those requirements were joint testing; part of the requirements
6 were just, outside of joint testing, just the obligation that was
7 -- making sure that I covered the percentage of Amtrak trains that
8 ran in my area of responsibility. So it's both, individual but
9 it's outlined from a requirements standpoint in the different
10 operating practices, manuals that the different roads have.

11 Q. Okay. Clarify for a minute the expectation between a
12 corridor crew and off-corridor crew to be efficiency tested?

13 A. The expectation is to fulfill the requirements of our
14 program, which requires them to be tested every 6 months on a
15 variety of rules, for example, stop signal, restricted speed,
16 approach, and that's regardless whether you're on corridor or off
17 corridor, those same rules apply.

18 So that the requirements of the testing don't change
19 depending on whether or not you're on corridor or off corridor for
20 the individual crewmembers. And that's related to exception
21 reports and the annual monitoring and the -- not only the annual
22 monitoring but documentation of that annual monitoring. There
23 isn't a different testing requirement for an engineer on corridor
24 than there is for the one off corridor.

25 MR. BUCHER: Okay. I'm going to pass it off to my right

1 here.

2 MR. HIPSKIND: Dave Kannenberg. That's FRA.

3 MR. KANNENBERG: All right. Dave Kannenberg, FRA.

4 BY MR. KANNENBERG:

5 Q. Just a couple things I was following up on. The physical
6 characteristics on the Northeast Corridor, I'm very familiar with
7 how you guys do that, you know, with the videos, and it's
8 extensive. How do you do that, how do you accomplish that same
9 level of physical characteristics on host roads?

10 A. Well, we recently made a change to the physical
11 characteristics process, and that's occurred here this first
12 quarter of 2018. And what we've done is streamlined the physical
13 characteristics and the qualification process, where the physical
14 characteristic tests are submitted by the road foreman on our, on
15 those off-corridor, and those have to be vetted by our compliance
16 group. And it's no less than 20 questions, and they're required
17 to know cover and focus on a lot of the locations where speed
18 reductions are occurring and any other nuances of the territory
19 that are identified to be of a particular importance.

20 But prior to this recent change, it was done locally by the
21 road foreman and division staff coming up with the physical
22 characteristics test. But the change that we made here was
23 streamlining it, where we had a baseline for the number of
24 questions and provide some more guidance on what those questions
25 have to focus on and around.

1 Q. Okay. And I think that's probably in line with your
2 experience over on Norfolk Southern. Well, I shouldn't say that.
3 Is that, be more in line with the way Norfolk Southern does it
4 with their crews, is the way you're doing it on the off-corridor
5 crews now?

6 A It's a combination of things. That is one of them, some of
7 the lessons we've learned here recently from the way we've been
8 handling our business, is one of the opportunities that apply.

9 Q. Okay.

10 A. But the streamlining of, the streamlining of the testing is
11 something I did bring forward from Norfolk Southern.

12 Q. Okay. And I guess my point of that was, it's not out of the
13 ordinary?

14 A. Right. That's correct.

15 Q. Okay. I'm going to bounce around just a little bit. I made
16 a few notes. I know that I didn't have you prepare for this or
17 anything, but just off the top of the head maybe you could answer.
18 Ballpark, how many tests per year do you get from foreign roads?
19 And if you could, if you could break it down to CSX, because
20 you've looked at that recently, or even generally across the
21 country, that'd be great.

22 A. Can I get back to you on that data?

23 Q. Sure. And my follow-up to that, if you had any kind of an
24 answer -- how about this? Do you think it's in line with the
25 efficiency testing that they get on corridor or a little more, a

1 little less, a lot more, a lot less?

2 A. I believe that on -- initially we speculated, without looking
3 at the data; we'll get you the specific numbers, but I believe
4 that your testing off corridor would be higher because the
5 requirements off corridor -- the requirements of your host
6 railroad are for the most part higher in terms of quantity.

7 Q. Very good. And then the follow-up to that question of course
8 is what the failure rate is and if that's about the same as what
9 you have -- you know, I say on corridor, but it really doesn't
10 necessarily have to be on corridor -- within Amtrak and outside of
11 Amtrak instead of on corridor and off corridor?

12 A That would remain -- stays pretty consistent at the 2.5 and
13 below level, 2.5 percent and below level, and that's pretty
14 consistent across the network.

15 Q. And I just want to clarify something that I think I just
16 heard and then I'll be done. You said training every 3 years and
17 that would cover all the operating rules for the host railroads
18 that they're on and all that sort of thing, how they would take a
19 track and time versus running on signals?

20 A. The requirement's 3 years. We do it annually.

21 Q. Oh, so you do it annually? Okay.

22 A. We do it annually, yeah.

23 Q. Thank you.

24 A. The requirement's 3 years, but we've -- we had a recurrent
25 training class for training (indiscernible).

1 Q. And I guess the last follow-up question and then I'm really
2 done. What's your sense for how often these crews have to take
3 down track authority instead of running on signals? Is it daily,
4 monthly, weekly? Just a, just a sense of that? Again, I know you
5 didn't prepare for that.

6 A. With our network and with the running on, as a -- we have
7 that occurring daily somewhere on the system. As it relates to a
8 particular crew, it would be -- it would vary depending on the
9 track work for the most part occurring in different places. Where
10 you did outside of (indiscernible) on dark territories where
11 they'd be dealing with it daily. For the most part, I'd say
12 almost quarterly where you'd have some sort of situation that
13 would require taking down a mandatory directive or, you know, dark
14 territory type track warning.

15 Q. So do you think that'd be pretty, they would be fairly
16 familiar with that process even if it doesn't -- you know, even
17 though they're trained yearly, they do it throughout the year, so
18 it wouldn't be uncommon for them, I guess?

19 A. It's not uncommon. But from a proficiency standpoint, it
20 varies greatly --

21 Q. Sure.

22 A. -- depending on the experience that you have doing it,
23 because it is a -- something that's stressed annually in the rules
24 classes. It's something that's shared, you know, when incidents
25 occur. So I can tell you that it raises people's attention and

1 there is an anxiety if you're not doing it outside of a rules
2 class when it first occurs. There's definitely, you know, an
3 attention to detail because of the professional (indiscernible)
4 that they'll -- they understand the seriousness of the track
5 authority and making sure that everything's copied from everyone.

6 MR. KANNENBERG: That's it for me. Thank you.

7 MR. MEKO: Yes, sir. Thank you.

8 MR. HIPSKIND: Thank you, Dave.

9 And Mark, do you want -- do you have a couple of questions?

10 MR. PATTERSON: Yeah. Mark Patterson, Federal Railroad
11 Administration.

12 BY MR. PATTERSON:

13 Q. I just have one question, Justin. You said that the, you
14 know, at the local levels is where you coordinate with host
15 railroad the joint testing, physical characteristics and things
16 like that. Are the people that do that designated by position in
17 writing as part of a safety plan or something like that, and is it
18 the same across the network?

19 A. It's by position, the road foreman and the trainmasters. And
20 that's spelled out in our efficiency testing program.

21 MR. PATTERSON: Okay. Thank you.

22 MR. HIPSKIND: Anything else, Mark?

23 MR. PATTERSON: No.

24 MR. MEKO: That's the coordination, Mark. The responsibility
25 lies with the -- at the division level for making sure that that

1 happens, and then in my shop for confirming anywhere it may have
2 happened or did not happen.

3 MR. PATTERSON: Thank you. That's all.

4 MR. HIPSKIND: Matt?

5 MR. CAMPBELL: Yes, Matt Campbell, SMART Transportation
6 Division.

7 BY MR. CAMPBELL:

8 Q. Are there any specific testing requirements or is there a
9 specific protocol for testing for operation during, you know,
10 operational changes, such as like signal suspension?

11 A. There's not specific requirements for those situations, Matt,
12 no.

13 Q. There's not? Okay.

14 A. Not from a testing standpoint. From a communications
15 standpoint, bulletined instructions outline the -- where the
16 signal suspension would occur. It's covered in the bulletin, but
17 from a testing standpoint, not necessarily. No, sir.

18 Q. Not a specific protocol like there is one for proper lining a
19 switch or --

20 A. Right.

21 Q. Okay. On foreign line railroads or such as in this incident,
22 operating on CSX territory, I think you said earlier that
23 sometimes it's a joint effort to test and sometimes it's solely on
24 Amtrak. Who would do that testing, a road foreman or --

25 A. You'd have three combinations. You'd have the Amtrak

1 supervisor who's qualified on the territory out performing a test
2 on an Amtrak crew. You can have a CSX supervisor who's qualified
3 on that territory testing the CSX -- or testing the Amtrak crew.
4 And similarly, you could have a combination of the two of them, an
5 Amtrak supervisor/a CSX supervisor, performing the testing.

6 Q. If CSX manager or trainmaster, road foreman, whoever's going
7 to do the testing on their territory, do they -- must they contact
8 Amtrak management first or is it, this is my territory, this is my
9 subdivision, I can test Amtrak at will? And do they have any
10 responsibility to report results to you?

11 A. They must not contact an Amtrak supervisors first. They have
12 the ability, autonomy to test our crews, by regulation. When
13 we're running on a foreign road, we not only are governed by their
14 operating practices, we report to their supervision, if you will.

15 When anomalies occur, they do have a responsibility to share
16 those exceptions with us, so that does happen if an exception's
17 taken. If no exception's taken, there's not necessarily a
18 responsibility to share that, but as a practice we traditionally
19 have a relationship, some communication where the trainmaster
20 would call the trainmaster for Amtrak and share, I tested a crew;
21 this is what I observed, no exceptions taken. But from a
22 requirements standpoint, it's not necessary.

23 MR. CAMPBELL: Okay. That's all I have for this.

24 MR. HIPSKIND: Thank you, Matt.

25 Steve?

1 MR. AMMONS: I don't have anything at this time.

2 MR. HIPSKIND: Theresa, I'm over to you now.

3 MS. IMPASTATO: Theresa Impastato. No questions.

4 MR. HIPSKIND: Ryan, will you pick it up?

5 BY MR. FRIGO:

6 Q. Ryan Frigo, NTSB. Good morning, Justin.

7 A. Good morning, Ryan.

8 Q. Good morning. Thank you for being with us here this morning.
9 I'm going to ask a few questions as it relates to what we've been
10 discussing with efficiency testing and then I'm going to probably
11 get into a little bit more on, you know, typical day-to-day stuff
12 that you do.

13 So, you know, thank you for your explanation thus far. I
14 heard you mention that requirements for testing, whether it's on
15 corridor or off corridor. Are those internal requirements or are
16 those driven by federal regulation? How can I better think of
17 what those requirements are?

18 A. Both.

19 Q. Okay.

20 A. Federal regulation requires us to have a testing program that
21 is outlined and we have to, not only present that testing program
22 to the Federal Railroad Administration, but then we also have to
23 show our -- you know, at any time, we could be audited and we have
24 to show our compliance with the policy that we put forth that is
25 approved.

1 So Federal Railroad Administration requires that you have a
2 program and make observations on the competency of your train
3 crews, and then we have an internal program that's outlined based
4 on that requirement that dictates how we do what we do.

5 Q. Is that an annual process as far as updating the program or
6 how can I think of that?

7 A. It's not an annual process. It's an annual -- it's semi-
8 annually, we have to share the results with the FRA formally, but
9 the observations of -- the auditing occurs throughout the year.
10 The program, you have to submit it anytime significant changes are
11 made, you have to submit it for approval or, you know, they have
12 to bless off on it.

13 Q. So okay, and as far as measuring the effectiveness of the
14 program, how is that done?

15 A. Internally, the way to look at the effectiveness of a program
16 is two-fold. One is to, ideally you want to see where your
17 efficiency testing, your proactive observations are consistent
18 with your incidents and accidents, for example. You don't want to
19 have an area where you have a high number of accidents or
20 incidents, and you have very little proactive observations or
21 exceptions taking place.

22 So at the end of the day, you want your efficiency testing to
23 be shaping behaviors in reducing accidents, so you monitor it from
24 both a quantity and a quality standpoint. And we do that in a
25 variety of different ways. We have, for example, operational

1 testing validation teams that will go out and review what the
2 local folks, the work that they've done. And we'll go out to see
3 if the testing results that are submitted quarterly by them mirror
4 what that testing team observes when they go out and conduct an
5 audit, and then we'll (indiscernible).

6 Q. So is it -- I heard you mention kind of a response to
7 accidents and incidents. So to me that means it's a response to a
8 lag indicator. Is there any responses to leading indicators? Is
9 that the maturity of this program at Amtrak right now?

10 A. Maturity of the program is getting to the point where you're
11 looking at leading indicators. For example, a run-through switch,
12 you want to get to the point where your observations on the run-
13 through switch is a -- that is a leading indicator that an
14 accident is going to happen, because the only thing prevented you
15 from derailing is a failure of reverse move.

16 So if you have locations, for example, we have a high number
17 of run-through switches, you want to go out from a testing
18 standpoint, observe the operational handling of those switches,
19 and to see, for example, is there a particular step being missed
20 in the process that's not being applied? Is there a complexity
21 around the operation of that switch that needs clarification?

22 So as you -- you want to analyze the testing to see if
23 there's trends and to see if those trends point you to, you know,
24 is it an operational issue; is it an educational issue that can be
25 applied in training? And to get it to -- to get in front of the

1 accident before it happens.

2 Q. Okay. So, and again, you've got to forgive me here. But
3 just to get a better clarity, so it would be event occurs, analyze
4 event, and then respond with testing? Is that -- am I hearing
5 that right?

6 A. Testing's been consistent.

7 Q. Okay.

8 A. You may -- event occurs, you may target a lagging indicator
9 focus on testing in a particular area, but the testing is
10 consistent throughout the year.

11 The focus of the testing may be driven a little more one
12 direction or another by a lagging indicator or post-accident or
13 incident, if you will. But similarly, there may be some
14 proactively observed trends that you leverage to get in front of
15 folks with education, with training, with coaching prior to an
16 incident occurring.

17 Q. I'm glad you mentioned that. So are there programs that look
18 at the proactive side? Is there -- is that data driven? How does
19 that occur?

20 A. You're looking at, you're analyzing the proactive side. We
21 do it at the division level, and then we also do it in my
22 compliance group, where they're looking at the trends of the
23 testing to make sure that it, one, they're meeting the
24 requirements, but two, are they identifying any trends or
25 shortcomings.

1 Q. Okay. And I've investigated accidents at Amtrak in the past
2 where some of the causal factors were related to elements that are
3 not part of the testing program. So to me that's a -- at the
4 time, that's a hole in the process.

5 A. Right.

6 Q. And when you say proactive, to me that means looking at not
7 just what's spelled out as a testing requirement but also what's
8 the unknown variable that might not be on that list. So how are
9 you, how is Amtrak getting at that unknown quantity that's
10 existing on the railroad on a daily basis?

11 A. In what we're doing right now, and that's the establishment
12 of the SMS system. That's the next layer of safety for Amtrak
13 outside of the testing, where you're doing the three-dimensional
14 dive into, you know, what's the data, what's the data tell us and
15 what do we do with it? And that's, we're in the middle of that
16 right now.

17 Q. All right. We'll get to that. I don't want to jump ahead
18 because I really want to get your perspective on SMS at Amtrak.

19 So again, on the efficiency part, just a little bit more
20 follow-up. I think I said I only had one question, but it usually
21 leads into 10. With your testing program, and let's just talk
22 about on corridor, so Amtrak hosted and operated. Are the foreign
23 railroads that come onto Amtrak territory, are they a signatory to
24 that program? Is there a section in there for joint efficiency on
25 corridor?

1 A. They're required. When you're running on a foreign road,
2 you're bound to their testing requirements, you're bound to their
3 operating practices, and you're bound to their supervision of that
4 railroad.

5 Q. Is that through an agreement or is that through a CFR --

6 A. Regulatory.

7 Q. That is regulatory? Okay. But are they part of the
8 development of the program that they would be subjected to?

9 A. They're part of the development of -- like NORAC, which is
10 the governing rules. They're part of the NORAC committee, so they
11 are part of the development of those operating rules that they're
12 signatory to.

13 Q. Okay. And then as far as what's -- let's flip the side of
14 it. Let's talk about Amtrak on a host. What role does Amtrak
15 have in that host's 217 program?

16 A. None.

17 Q. And, you know, you have a unique perspective because you were
18 on the host side for 15 years, I think you said, and especially
19 had some experience in Virginia with VRE and whatnot. So, I mean,
20 are the needs the same between a freight operation and a passenger
21 operation from this 217 perspective? I mean, is there anything
22 unique that a passenger operation would benefit from on a host's
23 217 program?

24 A. Clarify your question a little bit if you don't mind?

25 Q. I think we've established that, whether it's Amtrak or a

1 host, that the program development is done in-house.

2 A. Right.

3 Q. And not without -- you know, not with consultation with the
4 tenants or whoever's going to come onto that road as an operator.

5 A. Right.

6 Q. So I'm trying to get at is that efficiency? I mean, in your
7 opinion? Again, you've been on both sides here. You know, I know
8 what this known quantity is, but I'm trying to look at this
9 unknown and the uniqueness that comes from -- you know, each
10 railroad has its own personality and its own operating culture,
11 essentially, and the uniqueness that comes with that.

12 So, you know, again, and it's -- I'm not trying to catch you
13 up. I'm really looking for your thoughts on this. Is that an
14 area where there could be a benefit for having -- you know, is
15 there a benefit to Amtrak working with some of the hosts in
16 developing that program, so that when joint testing does occur
17 it's not just what the host lays out, it's something that Amtrak
18 has collaborated with, with that host?

19 A. I think there is a benefit in terms of the collaboration, a
20 focus, if you will, collaborating in the sense that, you know,
21 what are the key exposures that concern you, Amtrak and, you know,
22 signal compliance, speed, those types of key exposures.

23 Collaborating on focus areas, I think is an opportunity. The
24 development of the, you know, the 217 requirements, I don't
25 necessarily think there's necessarily -- the exposures are pretty

1 consistent, whether you're an off corridor or on corridor and the
2 host has the same concerns as Amtrak does related to, you know,
3 your high exposure opportunities, diamonds and, you know, signal
4 compliance, approach, restricted speed. Those are the same things
5 that keep a host trainmaster up at night, are the same ones that,
6 you know, are keeping the Amtrak trainmaster up at night.

7 From a focus testing, I think there's an opportunity there
8 from a dialogue around, you know, proficiency for testing. I
9 think there's a dialogue there. You know, planned testing, taking
10 into account the factors, the exposures that can occur.

11 I think anytime you can collaborate into your -- circling
12 back, you know, analyzing your testing, you know, where is it most
13 effective off corridor? Is there something the host, that
14 particular host is doing well that can be applied? That's where I
15 think the collaboration, communication and the execution of the
16 program would benefit us. So to answer your question, I do think
17 there's opportunities for collaboration.

18 Q. That's great. You know, to me it's-- the risk associated
19 with the outcome of event with a passenger railroad to me is one
20 of the highest degree. And it's good to hear that, you know, that
21 that's something that, you know, it could definitely benefit from,
22 from that mutual discussion.

23 So let's just go back to -- so May 2017, you started with
24 Amtrak?

25 A. Right.

1 Q. And it's just a VP of Safety, Compliance and Training?

2 A. That's correct.

3 Q. Okay. So I'll try and stay within those bounds there. So
4 what's a typical day for a VP of Safety, Compliance and Training
5 at Amtrak?

6 A. Since May 2017, there hasn't been a typical day,
7 unfortunately. And that's what the goal is, to get to a typical
8 day. But you have three like schools: safety, compliance and
9 training.

10 I initially, when I first started I was reporting to the COO,
11 so it was participating in a lot of his activities. We have an
12 operations call each morning. We have a mechanical department
13 call each morning, an engineering department call. I was
14 participating in those. And the, making sure that the -- you
15 know, any input the department could have in the day-to-day piece
16 was taking place. But simultaneously, you also have different
17 projects, different focuses that are occurring, you know, weekly,
18 monthly, throughout each of those groups. And then in January,
19 Mr. Hylander came aboard. Ken Hylander, that's our chief safety
20 officer, reporting directly to Mr. Anderson. So that changed.

21 We're still doing some interface with the day-to-day
22 operations calls and those types of things, but the two big
23 focuses right now are the implementation of the SMS and then the
24 PTC implementation across the board.

25 Q. So in the -- I just want to ask a follow-up on the SMS. So

1 is that -- should I think of that as, you know, when you came on
2 in May 2017, was that part of the goals and responsibilities to
3 implement SMS or is that new from January?

4 A. The System Safety Plan, with the ultimate vision of
5 establishing the SMS since I've been there.

6 Q. One of the original goals?

7 A. Right.

8 Q. Okay.

9 A. That was one of the original goals, and that's actually
10 Theresa, who when I came onboard, that was -- she had that goal
11 and vision in place. So the SMS focus probably has increased
12 since --

13 Q. Since January?

14 A. -- since January.

15 Q. Okay. No, and I'm glad you mentioned Theresa because, you
16 know, I think we've interviewed Theresa two or three times since
17 2015, so it's good to have, you know, someone else to talk to.

18 (Laughter.)

19 BY MR. FRIGO:

20 Q. So the -- and I've sat in those morning calls. I've done
21 that, and I've done that in the safety seat and, I mean, what, you
22 know, what kind of input was Safety providing on those calls?

23 A. Oftentimes you're reviewing incidents, getting teams to take
24 a deeper dive into root cause. That's one of the biggest
25 opportunities I see oftentimes. You can become blinded in

1 operations, things become routine, and Safety, Compliance and
2 Training has an obligation as to navigate that blindness, if you
3 will, and continue to focus and drill down on the root cause
4 analysis. And that's one of the big opportunities here at Amtrak,
5 something that we've focused our attention on, is taking another
6 layer dive into incidents as they occur, and not only to identify
7 the root cause but how do you apply that takeaway systemwide so
8 you're not learning those lessons time and again. If something
9 happens, let's make sure we learn it once and share it widely.

10 Q. Is there a -- and that's a good practice to have. But so is
11 there a structure outside of the morning call to have that
12 discussion? Is there a committee structure that exists in a
13 dedicated team for doing that?

14 A. We have a couple different groups. We have our Executive
15 Safety Council that's chaired by Ken Hylander, or co-chaired by
16 Ken Hylander and Scott Naparstek, and that Executive Safety
17 Council that oversees safety of operations at Amtrak. And that's
18 a tiered, supported by tiered committee that's been, that stood up
19 over the last 6 to 8 months as it relates to local committees,
20 division committee, regional committee that navigates those
21 things.

22 And you also have, outside of that, we have different
23 platforms. We have root cause corrective action team that goes
24 out and established root cause corrective action. Committees
25 focused on a particular area within those. We also have a couple

1 different venues as it relates to committees focused on different,
2 you know, actions. PTC is up to 21 different groups where we have
3 a seat at the table, and as issues are brought up related to
4 safety, you know, those are being brought back to the group and
5 those that we can solve within the department, we do that. Those
6 that we need the Executive Safety Committee's support on are
7 brought forth there.

8 Q. Okay. And again, I apologize. Because I try -- I promised
9 to try to stick to a format here, but you say interesting things
10 that makes me want to follow up at the time. So I promise we'll
11 go back to SMS and you mentioned the SSPP. But on the safety
12 committees and the seat at the table, does the -- is your
13 department, does your department own the committee or who owns the
14 committee?

15 A. We co-chair the Executive Safety Committee and then the
16 committees are owned by operating folks.

17 Q. By the operating folks? Okay.

18 A. But we provide the support. And they're immature. They're
19 not in mature committees right now, and that's one opportunity
20 that -- in the freight world I came from a much more disciplined
21 structure that culturally it was very streamlined and the
22 expectations were clear, and we're moving in that direction at
23 Amtrak.

24 Q. So you're getting at some of those disparities --

25 A. Right.

1 Q. -- between the passenger environment and the freight
2 environment?

3 A. Right. And I don't think it's between the passenger and
4 freight environment. I think it's culturally as it relates to
5 organizational structure that, you know -- I came from an
6 environment in 50 years where the majority of their chairmen and
7 executive leaders are grown from within. So there's not much of a
8 pendulum swing when leadership changes occur. And I think if you
9 look at Amtrak historically, there have been dramatic pendulum
10 swings with external buyers at the top, and I think it's created
11 an absence of culture.

12 Q. That's an interesting perspective. And, you know, it's not
13 the forum for it, but, you know, it'd be -- that right there is a
14 great discussion on, you know, the movement of culture and even,
15 you know, does group think occur within environments with that
16 type of -- I mean, there's a whole -- that's an interesting
17 discussion.

18 And then just going back to, so we talked a little bit about
19 there's not really a typical day, there hasn't been a typical day.
20 We talked a little bit about how there was a shift with
21 Mr. Hylander coming on, more of a shift towards SMS?

22 A. Right.

23 Q. Okay. So would you say that your -- that the goals given to
24 you to effectively manage your department, have they changed?

25 A. They've become more transparent.

1 Q. Okay.

2 A. The SMS implementation is the focus.

3 Q. Okay. And as far as the -- so let's just try and stick
4 within that vein of SMS, and so is Safety, Compliance or Training
5 the responsible entity under you for SMS?

6 A. Is Safety, Compliance and Training the responsible entity?
7 Yes, and the System Safety Group is leading the charge with that.

8 Q. Okay. And if you could just go over the -- and you'll
9 understand why I asked that with this question now. What is the
10 organization structure under you for whether -- is it the System
11 Safety Group that -- or who's responsible for SMS?

12 A. System Safety Group is responsible for SMS.

13 Q. And what does that structure look like? How many full-time
14 employees? Are there vacancies? If you could scope that out for
15 me so I have a better idea?

16 A. Twenty-one full-time employees. There's a handful of
17 vacancies within that structure.

18 Q. Okay. And that's within this System Safety Group?

19 A. Within the System Safety Group, that's correct.

20 Q. Okay. From the -- is that the same as when you came on or
21 have things changed?

22 A. It's the same as when I've come on with a few more vacancies
23 that have occurred.

24 Q. Okay. Vacancies meaning people have left or additional
25 positions were added?

1 A. Vacancies, people have left.

2 Q. People have left? Okay. Do you -- from when you came on in
3 May 2017 until, you know, until today, are you aware of any
4 increase in headcount or anticipated increase into that department
5 to implement an SMS system?

6 A. Am I aware of any?

7 Q. Yeah, has there been any attempt to -- you know, has there
8 been a -- we spoke to several people before and one of the things
9 that we discussed was, you know, when we talked about SMS, did
10 Amtrak have the right structure in place to implement and develop
11 an SMS program. And that was one of the things that we discussed,
12 we talked about, you know, is the headcount sufficient, is there
13 enough reach of the department.

14 So I'm just curious if, you know, with you coming on in May
15 2017, and then the focus really ramping up for SMS with
16 Mr. Hylander, I mean, has there been any talk of that, of -- I
17 mean is 21 enough?

18 Q. There's been dialogue around the staffing and the locations
19 of the staffing. So there has been dialogue related to that.

20 A. But no significant changes?

21 Q. A significant change has not occurred, but that review's
22 ongoing.

23 A. Okay. And maybe that's something you can keep NTSB updated
24 on when that review is complete and, you know, how that process is
25 going.

1 So then let's just move into, you talked a little bit about
2 the interaction on the morning call and with other departments,
3 but, you know, how can I really understand what the -- and we can
4 just talk about the System Safety Group for this example. How
5 does that interaction look with the rest of the organization at
6 Amtrak?

7 A. For example, let's do mechanical. They have a director of
8 system safety, and that's supporting that group. We have a new
9 mechanical VP who came on in July. The first thing he did was
10 move that director of system safety's office to right outside his
11 door and he partakes in the decision making that occurs in that
12 department. His input is solicited. His vantage point and
13 perspective is also solicited.

14 He plays a big part in the investigation on incidents and
15 accidents. He plays a part in looking at policy and chiming in on
16 policy, providing them with feedback related to policy. And
17 within his group, he has -- I know some people working in support
18 of -- it's a director of system safety (indiscernible) reporting
19 up to him that also were proactively looking for opportunities to
20 enhance.

21 Q. That director position, is that in mechanical or is that in
22 your --

23 A. It's in the System Safety Group.

24 Q. It's in the system safety department under your group?

25 A. That's correct.

1 Q. Okay.

2 A. But the support, they support mechanical.

3 Q. In that example, they're supporting mechanical.

4 A. They have one in engineering, and then transportation we have
5 two of the three are filled right now.

6 Q. Is there anything that's connected to the rest of the
7 corporate structure, you know, or is it mainly focused on the --
8 you know, in the transportation entity of the house where it's
9 mechanical, ops, engineering, infrastructure, engineering? I
10 mean, is there any other component of it that maybe liaisons with
11 PD or with the capital group as far as long-term planning?

12 A. You have the, you know, the system safety, Jim Wollinkowski
13 (ph.) is one of our gentlemen that does a lot from a SMS standing
14 up. So we've root cause, directive actions, the data analytics
15 group, but from a capital planning, no.

16 Q. Okay. And now what about the role of the System Safety Group
17 or, you know, if there's another name for it within your purview
18 that interacts with the host railroad? Is there anything specific
19 in that area within your group?

20 A. No.

21 Q. No? Okay.

22 A. No, the interaction with the host railroads are our
23 compliance folks and our training folks, any interactions with --

24 Q. So that's the other side of, the other side of your group?

25 A. Right.

1 Q. And is -- do they -- is there any avenue for communication,
2 formal communication between, whether it's the Compliance or
3 Training Group with the System Safety Group on host railroad
4 issues or anything to that nature?

5 A. Formally, no. But informally, they're within the same team,
6 three senior directors have the autonomy to interact as they see
7 fit.

8 Q. Okay. And what about the role of the, again, of your office
9 in interacting with many of the foreign tenants that come onto,
10 let's say, the corridor? Is there anything specific or does that
11 go back to that Compliance and Training Group, as well?

12 A. It goes back to the Compliance and Training Group.

13 MR. FRIGO: Okay. Most of -- Dick, most of the rest of the
14 questions I have are really related to SMS and getting into that.
15 So do we want to maybe take a break right now and then go into
16 that?

17 MR. HIPSKIND: It's up to Justin, but I think that's a great
18 idea.

19 MR. FRIGO: Does that work?

20 MR. MEKO: I think it's a great idea.

21 MR. HIPSKIND: Okay.

22 MR. FRIGO: All right. So let's go off the record.

23 (Off the record.)

24 (On the record).

25 MR. HIPSKIND: Okay, everybody, we're back from our break,

1 and Justin, this is our follow-up round, so we'll try and ask
2 fewer questions, but I wanted to ask you a few things just to sew
3 up a few holes for me.

4 BY MR. HIPSKIND:

5 Q. One, we made kind of a general request about some data and
6 let me put some parameters on it. Just 5 years' worth, and we
7 don't need each and every test by each and every supervisor or
8 manager. We're just looking for some aggregate numbers. And let
9 me define it this way. We're looking for the same kind of data
10 that informs your decisions about the direction of your efficiency
11 testing programs. Okay? Now do you have any questions of me
12 about the data request?

13 A. You're looking for the data from the testing on each of the
14 roads, correct?

15 Q. Yeah, if you want to give us network numbers, that's fine.
16 But at a minimum, we want current numbers on a working score, but
17 we want to see the Amtrak numbers on Amtrak property, and then we
18 want to see those on the host railroads.

19 A. So the Amtrak versus the host?

20 Q. Well, I'm been told to amend that to 10 years.

21 MR. FRIGO: No, no, no. Just for, something else for -- you
22 can do that for the -- 5 years for the efficiency testing and then
23 if someone could give me 10 years of org charts for the safety
24 department?

25 MR. HIPSKIND: Not efficiency data, but organizational

1 charts?

2 MR. FRIGO: Yeah, just --

3 MR. HIPSKIND: You want to see the evolution of that, right,
4 Ryan?

5 MR. FRIGO: Yeah, because like I said, we've talked with
6 several, you know, investigators. I don't have that far back, so
7 it would just help me to see, you know, 10 years from then until
8 today. Because, you know, you kind of mentioned that constant
9 changeover of leadership, and to me, it's an interesting data
10 point.

11 MR. HIPSKIND: Okay. So any questions about that?

12 MR. MEKO: On the org chart, the first three layers?

13 MR. FRIGO: For let's say whatever comprises that safety
14 organization, and I know that there will be some complexity to
15 that because of where safety has been housed in the past, but that
16 would be --

17 MR. MEKO: (Indiscernible).

18 MR. FRIGO: Yes, thank you.

19 MR. HIPSKIND: Okay. And on that point, you can send us some
20 stuff and if we need to get back, we can have some communication
21 on that to refine both of those requests. Okay. That's a big
22 thing that's on my plate now.

23 BY MR. HIPSKIND:

24 Q. So Justin, let's go back, and for those people who are out
25 here that may not have a railroad background, let's get some

1 context around it. We've been talking about efficiency testing
2 and regulatory language and all the how we do. Why do we do it?
3 Why does a railroad or why does Amtrak or why does any other
4 railroad, why do we engage in all this stuff? What's the bottom
5 line? Where are we trying to get to?

6 A. The bottom like is we do it because we have a professional
7 and moral obligation to customers, to the communities we work in
8 and around, and to our co-workers and our colleagues. We have
9 a -- take a trustable, verify approach to make sure that, you
10 know, professional railroaders are doing the right thing. And
11 it's -- I was talking about the DMV earlier. It's similar to law
12 enforcement in a sense that you have to be somewhat predictably
13 unpredictable with your testing to just monitor compliance around
14 rules and expectations. And it's a unique industry and our folks
15 are monitored really less than 2 percent of time that they're on
16 duty performing work.

17 So you're creating an environment that we're doing the best
18 that we can to effectively move people without -- while
19 simultaneously eliminating the risk of accident or incident as
20 related to train operations, as related to track maintenance and
21 mechanical operations as well. So it's -- the reasons for doing
22 it to ensure that, you know, we're doing what we're saying we're
23 doing, and we can only do that by getting an eyes on the
24 activities being performed, and that's where the testing provides
25 you that opportunity.

1 Q. Okay. And earlier we talked about FRA's involvement and we
2 mentioned part 217, which I think embodied in there are some
3 efficiency testing regulatory language. And I'm sure that FRA has
4 come in and performed audits; is that correct?

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

6 Q. Okay. So why don't you characterize, what is their take on
7 your efficiency program? And then, in that, in those audits and
8 things of that nature, I'm sure that they have provided you some
9 expectation of what they think from an FRA perspective. But
10 Justin, I would also like for you to talk about, do you think that
11 Amtrak is fulfilling your expectations of efficiency testing?

12 A. The FRA feedback that I've been privy to in the short time
13 that I've been here, one of the observations that has been shared
14 is the percentages of the testing of our foreign roads operated on
15 NEC hasn't been consistent with the percentage of traffic.

16 Similarly, one of the observations made on a following FRA
17 audit was the folks that were audited, the compliance with the
18 rule, they knew the rule when they approached the -- when the FRA
19 audit team approached the boys in the field, they knew the rule.
20 It was choosing to apply the rule was the decision that was --
21 where the decision is may not to. So from an education
22 standpoint, they shared that the employees were knowledgeable but
23 the compliance was sometimes not there. That's where you get into
24 what we were talking about a little bit earlier with Ryan, in
25 terms of, okay, so where's the, what do you do with that

1 knowledge? And that's where the coaching, the mentoring, looking
2 at it from a training perspective, looking at it from an
3 opportunity to proactively bridge that gap before further
4 accidents or incidents were happening is the charge that we have.

5 I think the fourth part of your question was -- if you could
6 repeat it?

7 Q. How do you think you were fulfilling your expectations of
8 efficiency testing via Amtrak's policy?

9 A. We have some opportunities from a -- we're meeting the
10 requirements. I think the opportunity is to provide some more
11 feedback around the quality of the testing and we're establishing
12 a new platform, IT platform this summer that will provide some
13 opportunities to allow us to have more visibility of the system
14 and the activities. And that will provide us with the opportunity
15 to make more data driven decisions around the testing and it
16 provides the opportunity from approaching a development
17 standpoint. It provides the middle managers an opportunity to
18 provide more critical -- not critical, but more subjective
19 feedback to the testing officers based on data, as opposed to what
20 we're doing right now, which is that three-dimensional dive at it.

21 So we need to do more proactively with the testing that's
22 taking place and we need to enhance our visibility of the testing
23 that's taking place so we can double down on those efforts.

24 Q. Okay. And I know it may seem like we're jumping around a
25 little bit here, but earlier we talked about -- you talked

1 extensively about training. And behind the Cayce accident, I know
2 one of the common thoughts that we've been having internally in
3 NTSB is train crews, crews that operate Amtrak passenger trains
4 for the most part, they know how to operate on signalized
5 territory, CTC territory. Okay. You would agree with that,
6 right?

7 A. Yes, sir.

8 Q. Okay. So one of our thoughts is, what does Amtrak do to
9 prepare crews for signal suspensions? Because signal suspensions,
10 that's a completely different environment, operating environment;
11 would you not agree with that?

12 A. I would agree with that.

13 Q. Okay. So tell me a little bit of the background on how you
14 might address that change?

15 A. We have the applicable rules that are shared with those
16 employees that are covered by when they're operating across CSX.
17 The first thing you do is provide them with the applicable rules.
18 We provide the training around the rules, which we do in our
19 recurrent training. And then, similarly, in this instance, CSX
20 provided a bulletin that outlined the parameters of the location,
21 the segments that were involved, the start and end times. So then
22 you interface and you approve those with the crews going on duty
23 to confer understanding of what's happening, a firm understanding
24 of the applicable rules and afford them the opportunity to pose
25 any questions. And in this instance, when we have signal outages

1 on a particular distance, we required another employee in the cab
2 of the locomotive, as we did this time. We had a conductor being
3 up there for the transcribing of the traffic report.

4 Q. So he was up there for a purpose?

5 A. He was up there for a purpose, yes, sir.

6 Q. And would I be correct in saying he helped mitigate the
7 challenge of operating during the signal suspension? I don't want
8 to jump --

9 A. I'd say, I'd say have an awareness around the track
10 authorities, opposed to the words you used, but --

11 MR. HIPSKIND: Okay. All right. Justin, great dialogue on
12 all these subject matters. That's all I've got for right now.
13 We'll just wait and see what --

14 MR. MEKO: Yes, sir.

15 MR. HIPSKIND: Mr. Bucher?

16 MR. BUCHER: Dave Bucher, B-U-C-H-E-R.

17 BY MR. BUCHER:

18 Q. Just have a couple of follow-up questions, back to the
19 subject of the 217 testing. Could you give us an overview of the
20 qualifications that a supervisor has to go through to be a tester?

21 A. Understood. When they attend the training class in
22 Wilmington and then following the completion of that class, then
23 they're given a field checklist where they have to demonstrate
24 proficiency while being observed by a qualified testing officer
25 for completing those tests. And both the actual completion of the

1 test but then the understanding of the testing procedures around
2 the test.

3 Q. Okay. Okay, and since we've talked a little --

4 A. And similarly -- I'm sorry.

5 Q. That's all right.

6 A. The other piece is they have to be qualified on the area that
7 they're testing on.

8 Q. Okay. Good. Good answer. Are there -- and talking, going
9 back to a little bit on corridor/off corridor. Are there
10 numerical thresholds for the number of tests conducted on corridor
11 as opposed -- I know you have to work with the host railroad
12 obviously when you're doing efficiency testing off corridor. But
13 do you require any kind of minimum testing from your supervisors?

14 A. We provide 25 tests a month for most supervisors, and then on
15 top of that we have requirements for the different roles. Road
16 foremen, for example, have different requirements as it relates to
17 train rides and observations. So there's layers of requirements,
18 but at a minimum each testing officer's required to go 25 tests.

19 Q. Okay. So there is, okay, there is a minimum.

20 A. Yes, sir.

21 Q. All right. Perfect.

22 MR. BUCHER: Okay. That's all I have.

23 MR. HIPSKIND: Dave. Mr. Kannenberg?

24 MR. KANNENBERG: Dave Kannenberg, FRA. I'm just going to
25 think back for a minute in what you guys were talking about with

1 people knowing the rule and for whatever reason deciding not to
2 follow the rule. This isn't specific to Cayce, but, you know, I
3 work with Andy Keith, who's one of our guys on the FAMES
4 committee, and this is something we look a lot at fatalities and
5 it's a head scratcher why people -- how people can know a rule and
6 not follow a rule. Again, it has nothing to do with Cayce. It
7 has nothing to do with Crozet. But it is a head scratcher. And I
8 know that's your job to try to figure out why people are doing
9 that and to make them stop. When you figure that out, could you
10 let everybody else know, because we're struggling with that
11 ourselves, as are the other railroads, as you know.

12 You know, that's really all I have. I appreciate the time,
13 and I would just like to say, condolences to Amtrak and to
14 everybody for those crewmembers that did pass. That was a
15 horrible accident and it shook the railroad community. That's why
16 we're here.

17 MR. MEKO: I'd like by no means to figure it out, but I think
18 collectively the parties in here, you know, the industry, labor
19 and you know, management at all levels and I think with the
20 technologies and the perspective, we have the collective wisdom to
21 figure it out. It's just working together and communicating with
22 each other to best solve challenges in the opportunity that's
23 before us.

24 MR. KANNENBERG: I'll share this one little bit, and I know I
25 keep saying I'm done and then I keep talking, I apologize. But we

1 have noticed on the FAMES committee that it's generally not a bad
2 employee that does this. It's the good employee trying to
3 accomplish something in a -- you know, trying to get something
4 done or trying -- and again, this doesn't apply to Cayce or Cayce,
5 however you pronounce them. But what we found in FAMES is
6 somebody trying to accomplish something. It's not a lazy or bad
7 employee. It's actually a good employee that for whatever reason
8 decides he's going to go outside of a rule or regulation that he
9 knows exists, just real quick to accomplish the mission, you know,
10 with the good of the company in mind, and that's when things got,
11 went bad. Thank you.

12 MR. HIPSKIND: Dave, thanks for that input. Thanks for those
13 comments.

14 Mark, do you have anything?

15 MR. PATTERSON: Yeah, if I could, real quick.

16 BY MR. PATTERSON:

17 Q. Mark Patterson, FRA. Justin, back to the follow-up question
18 I had earlier when we were talking about the delegation for the
19 local coordination to road foreman at division level. I'm just
20 curious, from your perspective, is that kind of a delegate and
21 just let be managed at that level, or is there any kind of
22 feedback mechanism to your level or sharing best practices? I
23 know host railroads operate differently, so I'm sure there's a lot
24 of differences depending on who the host is, but is there some
25 involvement there that comes up from above the division level, you

1 know, in terms of that local coordination for, you know, whether
2 there are best practices to share, lessons learned or something
3 like that, that helps that at all from your perspective?

4 A. Internally we have feedback mechanisms that we provide each
5 tester, feedback on a quarterly basis. That's an opportunity for
6 sharing of the feedback and best practices. It's an opportunity
7 to have in front of us that we're wrapping our arms around.

8 Q. Okay. And then my only question is back to Ryan's question
9 interested me, was for -- with respect to your group, you have the
10 safety, compliance and the training, I just wasn't clear on how
11 you explained how the, you know, the safety and compliance work
12 within the SMS group compared to the training group? Is that -- I
13 mean, I understand SMS is still in a process for you all and
14 you're still bringing it on board. I'm just curious how that
15 interaction was? I may not have heard it correctly but --

16 A. The System Safety Group is leading the charge, and the
17 Compliance and the Training Group are supporting them as necessary
18 and needed in the different endeavors. So, system safety's the
19 motor of the car, the compliance and safety folks are the -- or
20 the compliance and training folks, the passengers that are
21 supporting it.

22 MR. PATTERSON: Okay. All right. Thanks.

23 MR. HIPSKIND: Thank you, Mark.

24 And Matt?

25 MR. CAMPBELL: Yes, sir.

1 BY MR. CAMPBELL:

2 Q. Matt Campbell, SMART Transportation Division. A few
3 questions ago I think you said about the -- that an engineer-only
4 or single-crewmember-only operation, there's a rule or a mechanism
5 where an additional crewmember for these, and is that a specific
6 rule that designates that?

7 A. It's a policy that we have internally at Amtrak.

8 Q. So in this particular situation, the second crewmember, they
9 were at a station. He --

10 A. Brought on from another station.

11 Q. -- because of the rule went to the cab?

12 A. Right.

13 Q. And what would happen on the line of road if the dispatcher
14 called and said, please copy this authority, would the train then
15 stop and the additional crewmember would go to the cab or would
16 that single engineer?

17 A. The single engineer, in that instance, would take it down and
18 share it with the --

19 Q. So the rule applies only when feasible?

20 A. Known. When it's known in advance.

21 Q. And is there a -- I know you talked about the safety program
22 and that kind of stuff. But is there -- I mean, is it an active
23 program where those in the field, crewmembers can report and
24 dialogue about issues they see on the line of road, you know,
25 bringing them to the safety team that you talked about, their

1 attention, so they can address those types of things? Is that
2 like a constant, a monthly meeting or --

3 A. It's a monthly meeting. The programs are, from my experience
4 elsewhere, the program's immature as it relates to the
5 participation and the credibility of it. And it's going to be
6 instances like you're describing when we'll start gaining
7 credibility and the involvement of our labor folks more
8 proactively. But the mechanism's there and we're working on how
9 best to continue to grow it at the present time.

10 MR. CAMPBELL: That's all I have.

11 MR. MEKO: Thank you.

12 MR. HIPSKIND: Thank you, Matt.

13 Steve, anything?

14 MR. AMMONS: Yeah.

15 BY MR. AMMONS:

16 Q. Yeah, Steve Ammons, CSX. Justin, do you or your group
17 periodically meet with other peers from other host railroads such
18 as CSX on operational testing plans, trends, anything? I mean, is
19 there a group that --

20 A. We have a couple of the GCOR, NORAC committees. But one of
21 the takeaways for me with this is doing exactly what you're
22 describing, some more opportunities to proactively dive from a
23 system level, because the conversations take place amongst the
24 local folks and the divisions officers to divisions officers,
25 between Amtrak and CSX. But from more of a testing group doesn't

1 have a peer, if you will, group where they get on and talk about
2 observations or trends with other testing groups in the
3 engineering.

4 Q. Okay. Is there anything in your mind that sticks out, that
5 differentiates one host railroad from another that's, you know --
6 I get that you said that this is one thing that comes to mind is
7 that we probably should start doing, you know, this collaboration.

8 A. Right.

9 Q. But is there anything in the past that sticks out? Are all
10 the host orgs similar in the way that they work with you and
11 Amtrak or is there one thing that sticks out maybe from one versus
12 the others?

13 A. No, the host railroads are similar interactions, and they
14 similarly, when I was working at the freight, Amtrak was,
15 regardless of where I was working it was similar. I guess it
16 varies with individual personalities, of course, but from the
17 structure and communication as a standpoint, they're all very
18 similar.

19 Q. Okay. And the last question I have is regarding the Cayce
20 accident, in particular. The communication between CSX and Amtrak
21 regarding the signal suspension, the upcoming signal suspension,
22 was the communication typical of what you would normally see from
23 CSX or any other host railroad around the limits, the bulletins
24 they were -- the training, I mean, the briefings? I mean, is that
25 typical?

1 A. It was typical and it was consistent with what we've been
2 seeing previously.

3 MR. AMMONS: Okay. I think that's all I have.

4 MR. HIPSKIND: Thank you, Steve.

5 Theresa?

6 MS. IMPASTATO: I have no questions at this time.

7 MR. HIPSKIND: Ryan, are you ready?

8 BY MR. FRIGO:

9 Q. Ryan Frigo, NTSB. I just want to ask a follow-up to Steve's
10 question. So when was that information communicated about the
11 signal suspension? When was it communicated by CSX to Amtrak?

12 A. A specific, they provided a specific outage. They give it to
13 you in the calendar that this is our planned outages. And then
14 oftentimes because of a variety of reasons many of them dealing
15 with weather or other unseen delays, that schedule will vary, but
16 then they'll update our folks in CNOC a couple of weeks out and
17 they'll share specifics of that outage via a bulletin a couple of
18 weeks out.

19 Q. Okay. And who at Amtrak sees the specifics of the bulletin?

20 A. The division level and the folks at CNOC. And then the train
21 crew themselves will receive a copy of that bulletin.

22 Q. Okay. Do you know, does anybody at the division level or the
23 CNOC or even the train crew, does anybody perform a risk
24 assessment of the information that's provided?

25 A. We do have one.

1 Q. Can you walk me through that process? What does that look
2 like right now, because I get --

3 A. Right.

4 Q. If it didn't exist at the time, what does it look like now?

5 A. CNOC notifies Operating Practices that they've received
6 notice of the signal suspension. Operating Practices then engages
7 the local folks who have the fundamental knowledge of that
8 territory, and System Safety folks who have -- are the most fluent
9 in risk assessment, and they get together and they outline the
10 parameters of the outage. And then they look at the different
11 opportunities that we can take related to the outage. One being,
12 suspend service. Another one is rerouting around the affected
13 area if feasible.

14 And then if neither of those are options, then they start
15 mitigating the risks appropriately with the -- of what they are.
16 For instance, how many basically switches, the number of
17 crossings, are the crossing -- are the crossings going to be
18 impacted by the outage? What type of work's being done? Is there
19 an adjacent track? Is there on-track equipment on an adjacent
20 track where they're going to be clearing. A whole suite of
21 exposures, a whole suite of risks, and then based on that they
22 make a decision on the best operating method would be and they
23 communicate that back with the local supervision and the crews
24 that are involved in the outage via a job briefing provided to the
25 supervisor and crew present.

1 Q. So that process is led locally at the division level or is it
2 led by System Safety?

3 A. The process is Operating Practices for the System Safety.

4 Q. Okay. So System Safety's kind of a technical expert?

5 A. Technical expert for the risk assessment piece of it.

6 Q. Is there a review and approval required by System Safety?

7 A. Yes, they're doing approvals with myself and the vice
8 president of transportation.

9 Q. Okay. So now I've got to ask the follow-up though. So is
10 everybody in this process involved with doing the risk assessment,
11 have they been trained in what a risk assessment is?

12 A. I believe so. Each individual actor, I'd have to verify
13 that.

14 Q. Something to look into.

15 A. Yes, sir.

16 Q. Okay. Thank you for that. So now I'm going to -- I think
17 we're off that. I want to go into general SMS and some of the
18 stuff you mentioned before. I promised I would save it, so --

19 A. Right.

20 Q. When you talk about SMS at Amtrak, what does that mean to
21 someone reading this who doesn't -- you know, I know the
22 terminology, you know, I live in the terminologies. But for
23 someone who's going to read this transcript, how can you best
24 explain SMS at Amtrak to them?

25 A. I'd say it's a proactive risk management system designed to

1 detect and mitigate risks in the workplace. It's been utilized in
2 the aviation industry. They utilize it in the healthcare
3 industry. A couple of the big things that I've -- I'm by no means
4 an expert in SMS. I'm learning a tremendous amount each day, but
5 one of the big takeaways is it's not a program and it's not an
6 initiative. It's a process that should stand long after the
7 initial initiators of it are gone. So that'd be my elevator
8 definition of it for you.

9 Q. Excellent. And is the program at Amtrak, you know, as you
10 alluded to, it's a -- it's the implementation of SMS and the
11 environment that gets created by it, it's not an overnight thing.
12 It's not a quick fix. It's a long-term process. So how can I
13 think of the evolution of Amtrak? Where are we in that process?

14 A. Very -- we're early in the process. The safety policy and
15 objectives have been outlined. The Executive Leadership Team has
16 shared a letter with the enterprise as it relates to their
17 commitment to the SMS program and process, SMS system they have.
18 And then we started to prioritize the, you know, different areas
19 as it relates, you know, where the activity is supported, the
20 risk-based hazard management, safety assurance and the safety
21 promotion.

22 So the risk-based hazard management, they're working on,
23 working on doing that with the root cause corrective action teams.
24 The safety assurance, we're wrapping our arms around doing, you
25 know, quality, multi-dimensional investigation of incidents, and

1 then the safety promotion piece is how do we -- can leverage
2 takeaways from those in our training and proactively, you know,
3 apply the different elements of observations as it relates to
4 testing, as it relates to data, and to training from the safety
5 assurance piece. So we're very -- we're at the infant stages of
6 the program.

7 Q. And you mentioned essentially the four pillars of the SMS
8 program, and to me it sounds like, and correct me if I'm wrong,
9 that the policy, is that the most mature of the four pillars at
10 this point?

11 A. Yes. And I -- yes, it is because it was putting words to
12 paper and that's -- it was more complex as you, you know, what are
13 we going to do, what are we going to say, what are we committing
14 to, so there's a lot of dialogue around that. I don't want to
15 simplify it, but the policy piece of it, there's a lot of
16 dialogue, there's a lot of internal discussion, but the activity
17 isn't as complex as implementing the program.

18 Q. And during this process of implementing an SMS, what role do
19 you see the current System Safety Program Plan play in it?

20 A. It'll be one of the spheres as it relates to, you know,
21 implementation of the SMS.

22 Q. Are there certain elements within that, that you see as
23 useful for the SMS program?

24 A. The Data Analytics Group, I think will be critical. Jim
25 Wollinkowski, who's in our -- he's our senior director for the

1 safety policy. He's going to be instrumental with his group.

2 Q. Okay. And what about on the -- you know, I just, I jotted
3 down some notes from our earlier conversation --

4 A. I have -- sorry to interrupt.

5 Q. Go ahead.

6 A. The field base, too, because you can't have an administrative
7 system, you have to have execution in the field and you've got to
8 apply it from the field. So your senior directors in System
9 Safety, they're supporting field. They've got to have -- you
10 know, they have to be embedded with the field folks because you
11 can have all the policies, systems and procedures in the world, if
12 you don't have people buying in at the execution level, you're
13 going to fail.

14 Q. So walk me through that. I mean, that's a challenge. How do
15 you, how do you think you get that --

16 A. I can't walk you through it at this time because --

17 Q. It's under development.

18 A. -- we're in the middle of it.

19 Q. Under development. Okay.

20 A. Right.

21 Q. All right. Because that, you know, that SSPP's been around
22 at Amtrak a long time.

23 A. Right.

24 Q. You know, Amtrak -- it was a voluntary program and there's a
25 lot of history with that document here at Amtrak. But you know,

1 you're right, the practicality of implementation at the field
2 level, that's something that we saw in an earlier investigation
3 that was missing. So it's good to hear there's at least --

4 A. No, and that's the --

5 Q. -- thinking about it now.

6 A. That's the biggest challenge that we have in front of us and
7 is one that I think that everybody's aware of, and I think there's
8 been some, you know, personnel moves in that direction. We have
9 two safety officers reporting directly to the COO, and that's a
10 measure that was taken that, you know, developed in that regard.

11 Q. I just want to go back to -- you know, I jotted down some
12 notes from our earlier discussion. I wrote down risk assessment,
13 deep dive and root cause. And I'm just wondering how does that
14 fit into your program?

15 A. We have a -- bringing in some people that are safety
16 professionals in our System Safety Group and they have not, you
17 know, taken the initial cause that you often receive at face
18 value, and leveraging the experience of those folks and to do the
19 follow-up in terms of, okay, we understand what happened, but
20 trying to wrap our arms around why did it happen from, you know, a
21 perspective of safety professionals who can view it in a different
22 lens than oftentimes the operating folks can't at the cursory
23 glance.

24 And I think that's -- you know, having seen some of these
25 root cause corrective action teams, they're kind of symbolic of

1 what you'd like to have systemwide, if you will. It's the System
2 Safety folks facilitate dialogue amongst the subject matter
3 experts and asking questions around issues that are getting the
4 subject matter experts to take the deeper dive than they
5 traditionally would. And then similarly supporting them with
6 executive support that, you know, nothing's off the table in terms
7 of where it relates to a solution.

8 So the ones that I've sat in on and observed, they've not
9 been -- that's what you want, the network to be operating like at
10 the end of the day. That's a healthy environment, that if you get
11 to that point, that's when you'll know, one, you have a SMS in
12 place or until it's effective, those dialogues are taking place
13 without facilitation or direction.

14 Q. So do you think that those -- is the System Safety staff
15 that's involved in these discussions now, are they getting the
16 support they need from the different operating departments? Are
17 they seen as a resource?

18 A. I think, yes, they are right now. And I think that's going
19 to be a critical part of my role, part of Mr. Hylander's role and
20 the -- our peers outside of our group to continue to support them.

21 But they've been effective and I think that they've shown
22 added value to the people participating, and I think that speaks
23 more than anything anybody else can do. Once those operating
24 folks are seeing the value add, all of a sudden the light bulb
25 goes off that it's a tremendous resource to lean on.

1 Q. Yeah, and I'm encouraged by the fact that you use words such
2 as supported and, you know, and again, the collaboration, because
3 I think you've -- from what you've laid out, you have the right
4 approach that your experts are the supporting role versus the
5 ownership role of some of those tasks.

6 A. And it's going to be -- it's a marathon, not a sprint.

7 Q. Absolutely.

8 A. And that's the challenge that we have in front of us and our
9 group because it's -- there've been historically a lot of
10 initiatives at Amtrak, and again, this isn't an initiative or a
11 program. It's a system, and it's selling people. It's going
12 to -- I'm from Missouri, the Show Me state. There's a Show Me
13 mentality at Amtrak and we have an obligation to show the
14 employees who may be a little bit inquisitive or suspect, if you
15 will.

16 Q. And it's a marathon without a finish line.

17 A. Right.

18 Q. That's the best way to look at it. And so in that vein of
19 showing the employees at Amtrak, how's that happening? Is there a
20 collaborative effort with the --

21 A. We're in the midst of those discussions now, actually.

22 Q. Okay.

23 A. How do we best communicate to our folks, you know, what's
24 going on? And it's because there's so many vehicles of
25 communication, but similarly, you know, one group doesn't leverage

1 one specifically, so how do we best communicate that? We're
2 actually meeting tomorrow. That's one of the big pieces of it.
3 We're doing some things around internal communications with
4 different programs and different policies that we've recently
5 implemented. But how do we get that out there is one of the major
6 focuses we have at the present time.

7 Q. And is there, have there been any efforts to engage the
8 leadership of the labor unions in the process of developing any of
9 the elements of SMS?

10 A. Not in the development of the elements. We have been with
11 some of the programs that we're using to support it, like the
12 Route Qualification Program, we've engaged them in terms of their
13 feedback. And we'll continue to do so. That's one of --
14 something I think Amtrak does well is reaching out to labor for
15 feedback on different programs.

16 And one of the first things that Mr. Hylander did was meet
17 with the general chairman and kind of outlined what the SMS was.
18 And, you know, we saw the feedback. He was very candid about the
19 program and that it needs to be shared. We talked about earlier
20 that it's a system, and we're revamping our participation in the
21 close call program. It's a big -- one of the big goals, short-
22 term goals for the exact reason that you're talking about, is it's
23 engaging labor, and we're going to need labor engaged for us to be
24 successful. And that's -- the Close Call Program presents us with
25 an opportunity to work with them closely and we're trying to

1 navigate how best to, you know, how best to ensure compliance.
2 And compliance of that in terms of a sense of, you know, how best
3 to get employees to do the right thing because it's the best thing
4 for him or her to do personally (indiscernible).

5 Q. Yeah, it's best to have that buy-in up front in the process.
6 In fact with the -- in the Chester report, Member Christopher Hart
7 has an extremely informative consenting opinion in the back of
8 that report that speaks to basically that, the collaboration.

9 A. Right.

10 Q. So that's -- it's something that can be used to help further
11 that discussion along here.

12 So what role does -- if I say, safety certification, is that
13 a term that you're comfortable talking about, what role that plays
14 at Amtrak?

15 A. Not so much.

16 Q. Okay. What about -- let me, let me rephrase it. Let's talk
17 about the starting up of new services, whether it's a new siding,
18 whether it's a new ladder in a yard, whatever that might be, and
19 is there any role that Safety plays in that startup process to
20 verify that what was supposed to be built was actually built
21 correctly according to the specs?

22 A. Historically it's been hit and miss. It's a focus that we're
23 zeroed in on at the present time. And that's the different
24 services, whether it be something new or, you know, a seasonal
25 service. They recently did one service that's going to be taking

1 place this summer, and it's going to be (indiscernible) equipment
2 change for an evacuation reason that is being adopted by the
3 operating folks. But it's been viewed as critical. It's been hit
4 and miss historically from an execution standpoint.

5 Going forward it's going to be necessary as it relates to not
6 only new service or construction, but amendments to operating
7 plans. Of course you've got whether it be from an employee
8 standpoint or any sort of change with the equipment involved for
9 being informed the parties involved.

10 Q. So is there currently staff that that's their responsibility
11 or --

12 A. We have staff that, it's not their sole responsibility.
13 They'll get assigned to different duties in a department project.

14 Q. Okay. Then again, I go back to that whole training and
15 qualification. That staff, are they trained in those principles
16 of certification and verification?

17 A. The folks in our Safety Group that perform that work are.

18 Q. Okay. All right. And I'm almost done, I promise. But did
19 you have any prior experience with any of these risk management
20 programs or on the assurance side from your previous experience?
21 Or is it just, is it a new thing for you?

22 A. I've had risk management experience.

23 Q. Okay.

24 A. And, you know, if you look at some of the many aspects of the
25 SMS as it relates to policy, the risk-based hazard management type

1 work, there's a lot of those elements are present on many of your
2 freight roads.

3 Q. And did you -- so what would be the difference then? I mean
4 are -- I mean is it just that they're not interconnected into an
5 SMS or, I mean, if those elements are there already in a lot of
6 the freight roads, as you said, maybe that's something we should
7 be talking about, that the industry should be discussing, is --
8 you know, I'm not aware of that. But I agree with you. I'm aware
9 of certain components --

10 A. Right.

11 Q. -- that exist, but do you know if it --

12 A. That's what I'm talking about, you know, pockets of the
13 components that exist, where you have your safety policies, where
14 you have your audits that are done, you know, in conjunction with
15 labor, and you're going out and looking at best practices or
16 you're looking at opportunities. And your safety committees,
17 where you have tiered; your safety assurance that, you know,
18 they're leveraging the data on the training standpoint, the use of
19 simulators and those types of things, that you're looking at
20 historical data. You're sharing the data, educational bulletins,
21 those types of things, and computer-based training. A lot of
22 pockets of it are -- it's not as mature as the one in the airline
23 industry by any means, but there's pockets of it that are
24 definitely present.

25 Q. Well, hopefully we get there one of these days.

1 A. Yeah, absolutely. We don't have a choice.

2 Q. And so what are your thoughts on the proposed part 270 for
3 FRA? What are your thoughts on that? Are you familiar with the
4 rule?

5 A. Yeah, what --

6 Q. Just in general. I mean, it sounds like a lot of -- about
7 what's comprised in the rule. Are you confident that elements in
8 the rule will be detrimental or helpful to what Amtrak is
9 establishing as an SMS? Or, you know, what are your thoughts on
10 that?

11 A. Can you give me a --

12 MR. FRIGO: Can we go off the record for a second?

13 MR. HIPSKIND: Sure.

14 (Off the record.)

15 (On the record.)

16 MR. FRIGO: Okay. We are back on the record.

17 BY MR. FRIGO:

18 Q. This is Ryan Frigo with NTSB. Justin, I'll rephrase my
19 question a little bit. So with all the work that's gone into
20 putting in a foundation for SMS, in your opinion, in your
21 position, is Amtrak committed to implementing and maturing that
22 SMS program into the future?

23 A. It's a non-negotiable for us. We have to. We have to.

24 MR. FRIGO: Excellent. Thank you. I have no further
25 questions.

1 MR. HIPSKIND: Thank you, Ryan.

2 Thank you, Justin. Justin, I just got a few hopefully quick
3 questions that I missed earlier and then we'll do a -- I'll poll
4 the group and then we'll do a closeout piece, if that's suitable
5 for you?

6 MR. MEKO: Yes, sir.

7 BY MR. HIPSKIND:

8 Q. Listen, I'm aware that there's a lot of different items on an
9 efficiency testing list, probably dozens and dozens of them. And
10 is one of the ways that a manager or supervisor conducts
11 efficiency testing, check rides, or do you call check rides
12 something different?

13 A. The check rides.

14 Q. And do you keep numbers on that?

15 A. We do.

16 Q. Okay. Can you include some of that with the data you're
17 going to exchange with us?

18 And then because there are so many different types of
19 efficiency tests -- some of them are just, you know, does the
20 employee have their cell phone off; is it in his grip? And do
21 they have their books with them and a current timetable? And then
22 you mentioned earlier that there -- I don't want to add the word
23 core, but there are some things that have to do with operations
24 like how does a crew operate when they encounter a diamond, an
25 interlocking, and how do they comply with restricted speed, signal

1 changes, things of that nature.

2 So it got me thinking, and so I want to ask you, if a manager
3 or supervisor, whether your test -- whether an Amtrak supervisor
4 or manager is testing a host railroad tenant on your property or
5 you have one of your manager supervisors testing an Amtrak crew on
6 a host railroad property, if you want to get -- if the goal for
7 that day in doing efficiency testing has to do with coordination
8 with either the dispatcher on your property or the dispatcher on
9 the other property, and setting signals up to make these specific
10 efficiency tests, does that present challenges? Is that a
11 challenge to conduct them?

12 A. It depends on your experience level from a relationship
13 standpoint and, yeah, it'll vary. And if you've been on a
14 territory for a significant amount of time, you know who to call,
15 when to call to set that up. But there are more inherent tasks
16 associated with such a test that by nature make it more demanding,
17 if you will, than -- make it more demanding to conduct such a test
18 because of the steps and tasks involved with doing it.

19 Q. Okay. And let me go just a little bit granular, more
20 granular on that scenario. If I'm a host railroad supervisor
21 manager and I want to test an Amtrak crew, pretty easy for me to
22 call the dispatcher and have the signal set, et cetera, et cetera,
23 because I've got that experience.

24 A. That's correct.

25 Q. And when I want to execute it, the dispatcher's not going to

1 argue with me. I'm going to get it done and I'll do that.

2 A. Right.

3 Q. And we're going to look at the data and your numbers are
4 going to reflect that. But I guess one of the things that I'm
5 driving at is, let's say that one of your managers or supervisors
6 in operations wants to make that same test on an Amtrak crew on a
7 host railroad. Well, I can't do it unless I can coordinate and
8 get somebody to help me on the host railroad do that same test at
9 the host railroad. Do you see where I'm going with this?

10 A. That'd be a correct observation.

11 Q. Okay. So it does require more coordination. And when your
12 trains operate in the middle of the night, 1, 2, 3 o'clock in the
13 morning, it could make it even more complicated for the host
14 railroad to provide that support help to execute that same kind of
15 efficiency test if it involves signals or the dispatcher or a
16 restricted speed type test?

17 A. The host -- each of the roads has, you know, night
18 requirements and night coverage, so it wouldn't necessarily -- the
19 time of day wouldn't pose a challenge. The competing focus as it
20 relates to activities and missions, you know, is one thing. But
21 they -- as a whole, it creates -- it's more challenging.

22 Q. Okay. They've both got to want to do it and they have to
23 both be committed to those same efficiency testing goals?

24 A. Right. Yes, sir.

25 Q. Okay. That's the only thing I -- and so if when you're

1 reviewing the numbers on efficiency testing, if on a particular
2 host railroad you're not seeing the numbers, the levels of
3 efficiency testing that maybe you're seeing throughout the network
4 in other places, and you have a concern about that, you want to
5 see more efficiency testing and for whatever reason the numbers
6 say that they're kind of falling down or they're behind, how do
7 you work out that difference?

8 A. It's an interface with the front lines and the supervisors,
9 the division leadership of that supervisor is an anomaly for that
10 month or quarter, you know, what are the trends showing? Is there
11 an explanation or a reason? So it's communication and interface
12 between my group and the front line officers.

13 Q. So it just reverts back to something as basic as
14 communication and cooperation and coordination?

15 A. That's correct.

16 Q. Okay. Thank you. And --

17 A. And sometimes education because it may be a new supervisor
18 who's had a misunderstanding.

19 Q. Well, you've provided me a great segue. So one of my other
20 thoughts about a host railroad, I know when you make changes,
21 operational changes, rule changes or timetable or bulletin
22 changes, when we're talking about Amtrak property that probably
23 gets communicated instantaneously and you're aware of it and you
24 can address it. Am I correct with that?

25 A. That's correct.

1 Q. Okay. Let's think about on a host railroad, if they change
2 an operating rule or procedure, whether it's local or systemwide,
3 tell me, what's the mechanism? How does that get conveyed to you
4 and how do you take care of the training of your crews in an
5 adjustment of that rule change?

6 A. It would -- the means of conveyance would vary depending on
7 the location. You know, NORAC, GCOR, they have their own
8 committees that, you know, oversee those books. But if a change
9 were to occur, traditionally we'll get it in advance. Like if,
10 you know, CSX and Norfolk Southern have standalone rule books,
11 they'd share with our operating group, operating practices group
12 in advance, if they're issuing something new.

13 And if this is a rule book change, or a new rule, or a
14 complete overhaul of their rule book, they'd send it to us in
15 advance to communicate that with our personnel. Bulletin changes,
16 they share locally with the -- with CNOC and then it's
17 communicated. Again, it comes down to the interface between the
18 supervisor and the train crew in terms of distribution of that
19 communication, and questions or concerns that somebody may have
20 around it.

21 Q. Would the -- is it fair to say the analogy would be your
22 description of the advance notice for signal suspension, it would
23 be routed through those same kinds of --

24 A. It would be similar.

25 Q. It would be similar?

1 A. Now, if like CSX was issuing a new operating rule book, it'd
2 be more -- they'd send that, you know, to us in advance, far in
3 advance, and we've got to make sure we have copies in place for
4 personnel, opportunities to review it before it goes into effect.

5 MR. HIPSKIND: Okay. Group, those are all of my questions.
6 I want to just poll all of you quickly. Does anybody else have a
7 follow-up question? No, no, no.

8 Ryan, how did I know it was going to be you. Go ahead.

9 MR. FRIGO: That's why you gave me the last seat. You know,
10 I've got to --

11 BY MR. FRIGO:

12 Q. All right. Just to go back to 270 and --

13 A. Sure.

14 Q. -- just try and be as specific as I can. And I'm going to
15 tie it all together, bear with me. So are you familiar with the
16 requirements of proposed 270 for a host and tenant to coordinate
17 on the development of risk management programs within the
18 passenger railroad's safety plan?

19 A. I'm familiar with it.

20 Q. Okay. So with that familiarization, do you think that could
21 be a positive measure to improve the coordination on safety
22 activities between Amtrak and its hosts?

23 A. I do.

24 Q. Okay. Thank you.

25 A. I do.

1 MR. HIPSKIND: Thank you, Ryan. Justin, with your
2 permission, I'll begin to close this out.

3 MR. MEKO: Works for me.

4 MR. HIPSKIND: All right. You've been a fine sport in all
5 this.

6 BY MR. HIPSKIND:

7 Q. Justin, is there anything that you would like to add or
8 change to our discussion here today?

9 A. No, sir. I think it was -- appreciate the patience and the
10 thorough explanation at the beginning and just the warm welcome
11 I've received here.

12 Q. Oh, you'll get that from me all the time. Are there any
13 questions we should have asked but we did not?

14 A. No, giving Ryan a second chance, I think we've got them all
15 answered and asked.

16 Q. You think we covered the waterfront?

17 A. Yes, sir.

18 Q. Okay. And do you have any suggestions for preventing a
19 reoccurrence? We usually ask that behind an accident, but within
20 the framework that many of the things we've talked about here
21 today, just improvements in general?

22 A. No, I think as a whole the industry needs to continue to move
23 forward with the communication, the dialogue, the transparency
24 around incidents that we can share best practices and lessons
25 learned. And that's not specific to any one incident. I think

1 it's something for the industry, as we navigate the -- you know, a
2 new era in railroading, I think it's going to become more and more
3 critical that we proactively work together to solve problems.

4 Q. Well said. Is there anyone else who we should interview on
5 this subject matter?

6 A. No, sir. Nobody that I can think of at this time.

7 MR. HIPSKIND: Thank you very much, and if there are no other
8 -- oh, Mark, any clarification on anything we've talked about?

9 MR. LANDMAN: No, I think you've done a thorough job. I
10 appreciate it. Thank you.

11 MR. HIPSKIND: All right. Thank you all.

12 MR. MEKO: I have one from a timeline -- we can go off the
13 record, I guess -- from a delivery standpoint.

14 MR. LANDMAN: Yeah, we can do that off the record.

15 MR. HIPSKIND: Okay. Then with that, again, Justin, we
16 greatly appreciate your time. We know your time's valuable. And
17 that'll conclude --

18 (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: April 9, 2018

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.


Romona Phillips
Transcriber