

UNITED STATES OF AMERICA

NATIONAL TRANSPORTATION SAFETY BOARD

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Investigation of:

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COLLISION OF AMTRAK TRAIN 280
WITH MAINTENANCE-OF-WAY EMPLOYEE
ON OCTOBER 29, 2014 IN
COLUMBIA COUNTY, NEW YORK

Docket No.: DCA-15-FR-003

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Interview of: PATRICK COLLIERE

Courtyard Marriott
Kingston, New York

Friday,
October 31, 2014

The above-captioned matter convened, pursuant to notice.

BEFORE: RICHARD HIPSKIND
Investigator-in-Charge

APPEARANCES:

RICHARD HIPSKIND, Investigator-in-Charge
Railroad Accident Investigator
National Transportation Safety Board

DR. STEPHEN JENNER, Human Performance Investigator
National Transportation Safety Board

TOM HEBERT, Safety Task Force
Brotherhood of Locomotive Engineers and Trainmen

JIM FINNEGAN, Grand Lodge Representative
Brotherhood of Railroad Signalmen

MATTHEW PORTO, Director of Safety
Amtrak

LONNIE McMILLAN, Safety Officer
Amtrak, Atlanta Division

WILLIAM COLLINS, Signal and Train Control Inspector
Inspector-in-Charge
Federal Railroad Administration

PAUL HRASKA, Operating Practices Inspector
Federal Railroad Administration

ROBERT WINSTEL, Signal and Train Control Specialist
Federal Railroad Administration

DAN TOTH, Operating Practices Inspector
New York State Department of Transportation

WILLIAM FOSTER, Senior Investigator
Columbia County Sheriff's Office

GEORGE GERNON, Investigator
Amtrak Police Department

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1 I N T E R V I E W

2 MR. HIPSKIND: My name is Richard Hipskind, and I am a
3 railroad accident investigator, and I am the Investigator-in-
4 Charge for NTSB for this accident.

5 We are here today, on October 31, 2014, at the Courtyard
6 Marriott in Kingston, New York, to conduct an interview with
7 Mr. Patrick Colliere --

8 MR. COLLIERE: Colliere.

9 MR. HIPSKIND: -- Colliere.

10 MR. COLLIERE: Forget the E. Forget the E.

11 MR. HIPSKIND: Colliere, who works for the National
12 Railroad Passenger Corporation, or Amtrak.

13 This interview is in conjunction with NTSB's
14 investigation of a collision of Amtrak Train 280 with a
15 maintenance-of-way employee on October 29, 2014, at milepost 100.9
16 on Amtrak's Hudson Line near Clermont, New York, in Columbia
17 County. The NTSB accident reference number is DCA-15-FR-003.

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

23 Again, my name is Richard Hipskind. The spelling of my
24 last name is H-i-p-s-k-i-n-d. I'm a railroad accident
25 investigator, and I'm the Investigator-in-Charge for NTSB on this

1 accident.

2 DR. JENNER: Stephen Jenner, S-t-e-p-h-e-n, J-e-n-n-e-r.
3 I'm a human performance investigator with the NTSB.

4 MR. HEBERT: Tom Hebert, H-e-b-e-r-t, BLET Safety
5 Taskforce.

6 Mr. FINNEGAN: Jim Finnegan, F-i-n-n-e-g-a-n, Grand
7 Lodge Representative, Brotherhood of Railroad Signalmen.

8 MR. PORTO: Matt Porto, P-o-r-t-o, Director of Safety,
9 Amtrak.

10 MR. McMILAN: Lonnie McMillan, last name spelled M-c-M-
11 i-l-l-a-n, Safety Officer, Mid-Atlantic Division, speaking for
12 Matthew Porto today.

13 MR. COLLINS: William Collins, C-o-l-l-i-n-s, Federal
14 Railroad Administration, Signal and Train Control Inspector,
15 Investigator-in-Charge of the accident.

16 MR. HRASKA: Paul Hraska, H-r-a-s-k-a, Operating
17 Practices Inspector, Federal Railroad Administration.

18 Mr. WINSTEL: Robert Winstel, W-i-n-s-t-e-l, Signal and
19 Train Control Specialist, Federal Railroad Administration.

20 MR. TOTH: Dan Toth, T-o-t-h, New York State Department
21 of Transportation, Operating Practices Inspector.

22 MR. FOSTER: William Foster, F-o-s-t-e-r, Senior
23 Investigator, Columbia County Sheriff's Office.

24 MR. GERONON: George Gernon, G-e-r-n-o-n, Investigator
25 with the Amtrak Police Department.

1 MR. HIPSKIND: And, Patrick, will you go ahead and
2 introduce yourself as well.

3 MR. COLLIERE: Patrick Colliere, C-o-l-l-i-e-r-e, Safety
4 Officer, New York Division.

5 MR. HIPSKIND: Okay. And do you mind if we just are on
6 a first name basis, and do you prefer Pat or Patrick?

7 MR. COLLIERE: Pat works.

8 MR. HIPSKIND: Pat, okay. Pat, do we have your
9 permission to record our discussion, our interview with you today?

10 MR. COLLIERE: Yes, sir.

11 MR. HIPSKIND: Okay. Second question, and do you wish
12 to have a representative with you in this interview?

13 MR. COLLIERE: No, sir.

14 MR. HIPSKIND: Okay. Let's proceed.

15 INTERVIEW OF PATRICK COLLIERE

16 BY MR. HIPSKIND:

17 Q. Pat, give us kind of a synopsis of your work experience
18 when you hired out and just kind of hit the high points up to your
19 position that you hold currently.

20 A. Okay. I was hired on for Amtrak in August of 1984. I
21 was hired on as a trackman position. I worked as a trackman for
22 two years down in Washington, D.C., and I bid and was awarded a
23 job with our B&B Department. That was in 1986. I worked in
24 Washington, D.C. as a B&B mechanic for five years, and was awarded
25 a B&B foreman's position which I worked until 1996. At that time

1 I got involved with the high speed rail project for the company,
2 and went to New York as a safety coordinator, again an agreement
3 position from the end of '96 to April of 2000, and at that time, I
4 bid and was awarded a safety engineer's position for the New York
5 Division. I've been working that position since. It's changed
6 titles but the same job, engineer to start with and then a safety
7 officer. It just changed titles.

8 Q. So, Pat, for about how many years in the safety position
9 then?

10 A. Safety manager for 14 years, safety coordinator which
11 was an agreement position for 4 years.

12 Q. Okay. Fair to say you're pretty knowledgeable about the
13 rules?

14 A. Yes, sir.

15 Q. And in some of your duties and responsibilities in your
16 current position, do you ever get involved in the kind of train
17 the trainer aspect of rules and training?

18 A. Not regulatory rules. The ad hoc courses, if you will,
19 I do PowerPoint presentations for training camps, where they do
20 the regulatory stuff, the subject is safety. Same thing at the
21 new hire camps or classes, they come and give an hour in their 10
22 day training to talk strictly about safety, going over some of the
23 regulatory stuff but not -- it's not a qualification course. To
24 answer your question, I've been trained the trainer but I'm not a
25 trainer by trade. I'm a safety officer.

1 Q. Okay. Well, some of our interests has been in this
2 investigation, the -- your knowledge and understanding on kind of
3 roadway worker rules and procedures. So in some of your duties,
4 do you ever get engaged with groups of maintenance-of-way
5 employees and talk to them about that subject?

6 A. Usually for the past eight years, I've been partnering
7 with the FRA doing RWP compliance audits on the New York Division.
8 Then with other management and supervision, same type of audits.
9 They're not just strictly RWP compliance. There's also safety
10 audits.

11 Q. Okay. And should I know that type of work that you're
12 talking about is kind of synonymous with efficiency testing? Do
13 you look at it that way?

14 A. Well, not in our 1872 program because of my position but
15 I do document reports on my audits.

16 Q. Okay.

17 A. There is a documented report that we -- I do the 1872 or
18 efficiency program, I'm not in that program. Our positions don't
19 do that. We do our own independent efficiency test if you will.

20 Q. Okay. Well, let me ask you just a little bit different
21 and see if I can get to the same place I wanted to be. It would
22 not be uncommon for Amtrak managers or supervisors to conduct
23 efficiency tests relative to RWP type procedures and rules.

24 A. There are people that do do that, yes.

25 Q. Okay.

1 A. Managers and supervision.

2 Q. Okay. Do you see any of that data coming through the
3 system? Do you monitor that or crunch the numbers from time to
4 time?

5 A. I don't monitor it, but what I do with it, the test
6 system, with my position, if there is an incident or accident,
7 injury, I will go to the system and EER system, it's an EER
8 system, it's the engineering employee review system, I don't know
9 if anybody told you about that.

10 Q. No.

11 A. It's where we keep all the vital information about each
12 employee, and their 1872, efficiency tests, will be documented in
13 that program.

14 Q. And when you say --

15 A. Yes, I review. If there's a -- we always look at an
16 employee's history. From that, we can evaluate, myself, after
17 looking at it, some type of accident or injury where an employee
18 got hurt or there was damage to a property or equipment, you might
19 see a trend where somebody might need some help in a certain area.
20 Maybe an employee has got a bunch of noncompliance for PPE. We
21 would get them some additional training in that area or whatever
22 the area is. So I use it that way.

23 Q. Okay. Well, we're halfway down the road.

24 A. Okay.

25 Q. So I need to ask you this. In this particular incident,

1 accident, the employee fatality, did you run such a package on the
2 deceased?

3 A. Yes.

4 Q. Is that anything that you care to comment on?

5 A. I, I briefly reviewed it and I have it with me today,
6 and I'm sure it will be in the documents, the employee history
7 that I've been helping Mr. Porto get the package together to get
8 to you guys and the profiles which we call the whole packet will
9 be in the thing. Did I notice any noncompliance for the deceased?
10 No.

11 Q. Okay.

12 A. She didn't have any noncompliance in 1872s.

13 Q. So the other side of that coin is did she get looked at,
14 efficiency tested from time to time? Does the document talk about
15 that?

16 A. Yes.

17 Q. And so how would you characterize that?

18 A. Very well. Very -- like I said, she has no
19 noncompliance of these tests and I can tell you how many she had
20 if you want to know.

21 Q. Yeah, I -- because I'm trying to get a feel for how many
22 times she may have been tested and if you can just generally
23 characterize over what time period?

24 A. Okay. There's 30 efficiency tests on Ms. Kline (ph.).
25 It looks like the first one was on November 12, 2013, and her

1 latest one was on 10/21/14.

2 Q. Okay. So another way of saying that is 30 times since
3 she's been hired?

4 A. Yes.

5 Q. Okay. All right. I want to jump back and see what your
6 thoughts are on how you might characterize when a new hire hits
7 the property. Are they -- do they go through some training before
8 they ever go out there? Do they go out and then you schedule the
9 training? Kind of give me how all that's supposed to work out.

10 A. Okay. Here's the training records. As you know, Ms.
11 Kline was hired on 9/3/13. The first 10 days after they're hired,
12 they go -- a new employee goes into a classroom environment. I
13 believe the first day, the employee finds out about Amtrak and
14 their benefits, the union they're going into and all that stuff.
15 The representatives come in and talk to the employee, the human
16 resources people.

17 And then I guess for the next nine days, there's
18 different training courses. I have her training record on her 10
19 days and new hire training and I guess her first day looks like it
20 was -- she was hired on the 3rd. Her first day of training was on
21 the 3rd, and you'll have the list of what was trained on those
22 day. I won't go over -- just quickly. It's DNA suspicion, tells
23 about our drug and alcohol policy, diversity training, PPE
24 training, noise and hearing training, respiratory training, CPR,
25 first aid, asbestos awareness, hazmat training, and here's the one

1 you want to talk about is RWP training.

2 Q. Exactly.

3 A. RWP training is a full eight hour course for a new hire,
4 and it spills over to the second day. They have about an hour for
5 a review of what they learned and hopefully grasped the day
6 before, and then they're tested, and they have to score a score of
7 85 to move forward and be qualified to work on the railroad,
8 everything but a non-watchman's capacity. You want me to talk
9 about what happens with RWP?

10 Q. Sure.

11 A. All right. So the first 90 days, when an employee is
12 hired, like I said, the first day, the second day they pass the
13 test, and then between -- and then they're not in the non-watchman
14 capacity for the first 70 days. They work out on the railroad
15 under their EIC's protection, employee-in-charge. Between their
16 70th and 90th day, they can get qualified as a watchman.

17 What that mentoring program entails is three consecutive
18 days with a qualified watchman standing right next to them. Our
19 rules say you can't talk to a watchman while he's performing his
20 duties. This is the only situation that you can because you're
21 mentoring the person. So he's with the employee for three
22 consecutive days and he's mentored. There's a form that's filled
23 out and sent to his supervisor once this mentoring process is
24 complete. It's sent to his supervisor, sent to his manager and
25 sent to a safety officer or equal for signoff, that this employee

1 has been mentored.

2 After the mentoring process is complete, they go back to
3 our training department and take the watchman's qualification
4 test. If they pass that, they'll get a card that says they're
5 fully qualified in RWP.

6 In Ms. Kline's case, she was -- she went to RWP on
7 9/10/13, and she became a qualified watchman on 5/15/14. So it
8 was nine months before she finally got her qualifications on what
9 I said. I don't know why it took that long, but she didn't have
10 to report -- perform any watchman duties before 5/15/14. Did that
11 kind of explain it?

12 Q. Yeah, that was a great explanation. Well, why don't you
13 continue how that progression may go past watchman lookout? Are
14 there -- is there that next level to like EIC or -- and how should
15 we understand that? Is it just a matter of more training, takes
16 longer?

17 A. Okay. So you want to know how the person becomes an
18 EIC --

19 Q. Yeah.

20 A. -- or a qualified employee?

21 Q. Yes.

22 A. Well, in the case of her craft, it's NORAC C. We have
23 three different types of NORAC. NORAC A is for transportation
24 employees with past specific rules and regulations. NORAC B is
25 engineering department, M&W employees, with their safety rules and

1 regulations and task specific rules. Ms. Kline's an engineering
2 department employee, and I'll tell you the difference between B
3 and C, and she's a NORAC qualified C employee, NORAC C.

4 A Class B Amtrak employee, engineering deployment, they
5 get qualifications to move on-track equipment, along the tracks.
6 Class C wouldn't. They don't move any equipment across tracks.
7 They're not qualified to give traveling orders. Class B is.
8 Class C isn't. Both classes are qualified to take tracks out of
9 service and get foul time. Now which task to be able to do that,
10 you have to have either NORAC B or C. You have to have physical
11 characteristics on the piece of railroad you're working and you
12 must be qualified in RWP.

13 Q. That sounds like a lot. Is it?

14 A. It is. I mean it takes some knowledge. It takes some
15 training. It takes some study. It is a lot.

16 Q. Okay. Well, now we're a better understanding of the
17 sequence. Tell me about is there a frequency or a pattern to
18 recurring training? So do they do it annually or every 10 years
19 or what?

20 A. Yes. No, RWP, NORAC and physical characteristics are
21 yearly qualifications.

22 Q. And --

23 A. Annual.

24 Q. Okay. And let's, let's separate out that initial
25 roadway worker training and such. I think we said it was eight

1 hours and maybe even more.

2 A. It is. It's 8 hours the first day, and I don't know
3 which day in the 10 they do it, I don't know if it's the same day.
4 Eight hours the whole day the first day. They come in on the very
5 next morning after they're told to go home and study because there
6 will be a test and they do a review. It might take them an hour.
7 It might take them two hours depending on what people's questions
8 are and what they grasp, but it's usually about an hour, and then
9 they take the test.

10 Q. Okay. And when I think about the annual, the
11 reoccurring training, is that more of kind of like a refresher
12 course?

13 A. Yes.

14 Q. Shorter in duration?

15 A. Yeah, the refresher, the refresher for RWPs is a four
16 hour course again with a much shorter test.

17 Q. Okay. But again, I want to be clear. You're not the
18 person who goes in and trains on that refresher course but you're
19 -- but I think you're very familiar with the rules and the topics
20 and all that kind of stuff?

21 A. Yes, sir. I am qualified myself in NORAC and RWP.
22 Don't have physical characteristics.

23 Q. All right. And you are certainly familiar with the
24 Albany to New York area, are you?

25 A. It's an area of my responsibility.

1 Q. Okay. And in some of the work that you do, do you
2 happen to get out and ride on trains?

3 A. Yes.

4 Q. How, how should I understand that? Like --

5 A. I do --

6 Q. -- once a week or --

7 A. No, okay. I try to get out at least once a month and
8 they're all document. We call them head end rides. My purpose
9 would be on the head end ride is for RWP observation.

10 Q. Well, I'm not surprised.

11 A. Yeah.

12 Q. Okay.

13 A. Yeah, we're looking for gangs to clear, proper amount of
14 time, proper PPE. You go by, that's probably all you can really
15 see. Make sure barricades are up.

16 Q. But you're whizzing by on the train, and we know the
17 trains go pretty fast out there. So if, you know, if you observe
18 people and everybody's doing the right thing and getting in the
19 clear and all that kind of stuff, you're just whizzing by and you
20 see them and there's really not much to -- for you to follow up
21 on, right?

22 A. Well, if I was to observe an employee in my opinion that
23 did not move fast enough or be not in the clear standing for 15
24 seconds, I mean if we're getting closer and that guy's still
25 moving off, he's not in the clear 15 seconds. I certainly don't

1 know the employee, but I recorded it at the milepost, what color
2 hat he's got on. We get in touch with the ADE, assistant division
3 engineer, try to get in touch with that employee, and mentor him
4 about what I seen out there.

5 Q. Okay. So there is a follow up on exceptions that you
6 observe?

7 A. Yes.

8 Q. Okay. And if somebody comes out and has that
9 communication with him, is that documented?

10 A. It could be documented in a formal counseling session if
11 we're sure that it's -- we know the employee. Like you said it.
12 I'm whizzing down it fast and usually you can't -- you just know
13 it's a white guy or black guy with an orange hat. So to identify
14 him going at 125 miles an hour is tough. So usually you don't
15 know who it is. You see the gang, but you can pick out something
16 odd, like a person not wearing a hardhat and everybody else is.
17 So it's that kind of stuff that I observe for the most part,
18 either people clearing too slow or the other part of it is or
19 gangs that continue to work as we pass which is against the rules.
20 You know, a passing train, stop, get in the clear and watch the
21 train. That's the other observation that we note.

22 Q. Okay. Now we -- our discussion thus far has been about
23 what you do and what you know, and this question has to do with
24 how many people are out there doing train rides and maybe doing
25 similar things like what you're doing? Are you the only one or

1 are there others?

2 A. No, sir. There's many people. I've got three safety
3 liaisons that are great employees who work for me, and they do --
4 they're told to do one documents ride a month. It's that way for
5 every division on Amtrak. I've got counterparts in four other
6 divisions.

7 Q. Okay. And, Patrick, earlier we talked about you have
8 been with people who were supervisors, managers and they were kind
9 of doing that efficiency testing, and the point I want to make
10 there is --

11 A. I don't think I said I was with them. I said that they
12 do it.

13 Q. Oh, they. Okay.

14 A. Yeah, I'm not with them. I'm not with them when they do
15 them.

16 Q. Okay.

17 A. Like I said, I monitor and I review, but I'm not with
18 them when they do these efficiency tests.

19 Q. Okay. Well, the only distinction I want to make is not
20 all of it's by train. Some are just actual visits to the gang.

21 A. The efficiency test program is supposed to be done in
22 the field, not at a desk, in the field, observation of employees.

23 Q. All right. Now watch this. So with all these things
24 we're talking about, train rides, you see people and people,
25 supervisors, managers, so is there some database that is

1 collecting all this stuff and is being coded up and kept up to
2 date and all that kind of --

3 A. Yes.

4 Q. Yes.

5 A. Yes.

6 Q. Okay. And from that, you can run queries, right?

7 A. Yes.

8 Q. On a gang or a location or a person and all that?

9 A. Yes.

10 Q. And you've already given us that you were able to run it
11 for the deceased, right?

12 A. Yes, sir.

13 Q. Okay. And same for anybody else that you would want to
14 do that?

15 A. Yes, sir.

16 Q. All right. And so -- and again, I'm not trying to trick
17 you here, but with such a big database, does anybody do that kind
18 of deep dive and see what the trends are doing?

19 A. Yes.

20 Q. Well, tell me a little bit about that.

21 A. Okay. Director of Safety, Matt Porto, I know he does
22 trends on injuries, accidents, rule violations. I'm not sure he
23 does a query on 1872s. I don't think so. But you're talking
24 about where the data goes?

25 Q. Where it goes and how it's used, how often it's used and

1 the --

2 A. Okay. I think -- I believe -- I know it's a regulatory
3 program for the Federal Railroad Administration, and all that data
4 is sent to our central reporting and communicated to the Federal
5 Railroad Administration.

6 Q. Okay. Do they ask for that stuff from to time?

7 A. They don't ask me.

8 Q. Well, what do you think?

9 A. I think they do, yes.

10 Q. Okay. All right.

11 A. I think they have to send reports but I --

12 Q. All right. Okay. Anything else that you want to tell
13 me about observations, efficiency testing, databases, trend lines,
14 anything like that?

15 A. No, sir.

16 Q. Okay. Let's double back. Let's go back to the
17 beginning. When I'm a new hire and I'm being taught, I'm going to
18 the classes and I got hired about six, seven months ago, and over
19 the course of my work, I've ascended to where I'm capable of
20 getting foul time or a watchman lookout, and maybe I'm even coming
21 up on being an EIC, okay, and maybe I've been really sharp and now
22 I'm a foreman. So I can do that EIC work and all the other kinds
23 of stuff. Tell me, if you can, what is it, what is it that's been
24 emphasized to me about these practices and procedures, I mean
25 getting track time, doing the job briefing, and how I monitor

1 people that are working for me. I know that was a lot but talk to
2 me about what do you think Amtrak tries to impart to these
3 individuals that are going to take on that responsibility, you
4 know, as a regular kind of day-to-day operation.

5 A. Okay. I told you about the RWP. I guess we'll go into,
6 in this case, NORAC C. It's a four-day class, very extensive,
7 going over all the rules and regulations, safety being the most
8 important aspect of your job and getting qualified. I believe the
9 first test is a 100 question test and then once you pass your
10 original NORAC C, it's annual like I said, and then it comes down
11 to a shorter, a half a day course with a 50 question test, on all
12 aspects of responsibility as far as rules and regulations are in
13 NORAC. It tells you how to take -- how to fill out a Form D, and
14 you do it in the class. How to take foul time, you do it in the
15 class. How to add a recorded, and it tells you about the rules
16 and regulations of the railroad laws I'll call them, as far as
17 your responsibility to protect people in the movement of trains
18 and/or track equipment. That's what NORAC does. I guess you want
19 to know about the physical characteristics.

20 Q. Sure, let's get all of it.

21 A. Okay. Physical characteristics, and everybody,
22 hopefully you know what that is. That's the actual infrastructure
23 that are broken up in mileposts, interlockings, spaces of tracks
24 and employees that want to either get foul time or track out of
25 service must be qualified in physical characteristics in the

1 section of track they're looking to either take out of service or
2 get foul time on. That is -- we have a program online for
3 physical characteristics but how people learn physical
4 characteristics is go out and walk the infrastructure, identify
5 things on the infrastructure such as signals, switches, hump
6 signals, that sort of stuff because when you go in to qualify on
7 that piece of territory, you have to know all this stuff. It's on
8 a test. You qualify in different territories. That's physical
9 characteristics. You've got to know the lay of the land when
10 you're going to protect people. That's part of the qualification
11 for taking track out or foul time, along with RWP. So I explained
12 those three qualifications. Any questions?

13 Q. Yes, I've got more questions.

14 A. Okay. I thought somebody --

15 Q. You and I, you and I are just beginning to talk.

16 A. Okay. All right.

17 Q. Okay.

18 A. Just beginning.

19 Q. So when you use the term territory --

20 A. Yes.

21 Q. -- how should I think of that as a chunk of miles of
22 railroad? Is it 5 miles, 10 miles, 20 miles? Is it different?

23 A. Yeah, call it a segment of track.

24 Q. Okay.

25 A. You'll get physical characteristics from CP La-la-la to

1 CP La-la-la, and you're qualified in that second. And if you're
2 going to get qualified in the next section of railroad, same
3 thing. Some people are or most people here appear to be qualified
4 across the division. People on the Hudson Line get qualified on
5 the whole Hudson Line.

6 Q. Is that one segment or is it broken up?

7 A. I'm not sure.

8 Q. Okay.

9 A. I'm not sure. You want me to guess, which I won't do,
10 right. I think it's one section, where you get the Hudson Line.

11 Q. And the Hudson Line goes from New York to Albany?

12 A. No, it doesn't go all the way down. You've got to get
13 to Metro North Territory, you know, before you get to --

14 Q. Is that Poughkeepsie then?

15 A. Yeah.

16 Q. So Poughkeepsie to Albany and just rough it out. How
17 many miles is that?

18 A. I don't think the track goes all the way up to -- yes,
19 it does go all the way -- 100 miles maybe.

20 Q. Okay. All right. I'm good with that. Well, that's a
21 pretty good chunk of -- there would be a lot of things in 100
22 miles, wouldn't there?

23 A. Yes, not as bad up here as it down south though.
24 Believe me, there's not as many turnouts and there's a lot of
25 signals, but there's not the turnouts and switches that --

1 switching from track to track like you've got. So the -- in my
2 opinion, the PCs up here, physical characteristics, are much
3 easier than they are say down in Penn Station, New York where
4 you've got 35 tracks and a 4 track railroad. So this is a two
5 track railroad which makes it much easier to obtain your
6 characteristics.

7 Q. Okay. Now tell me if there -- tell me where I would
8 look to find this kind of training, and I want to go back to the
9 new hire scenario, and so I'm a new hire, and I've gone through
10 the 10 days and I've gone through all that kind of RWP stuff, and
11 I've been out here for a few months and now I'm watchman lookout
12 and just like the example before. I just keep ascending in my
13 responsibilities. In all that time, and in all that kind of
14 training, did anybody at Amtrak show me, tell me, how to problem
15 solve the environment, the circumstances when I go to apply all
16 that training? And if you're not clear about that, I'll take a
17 second and explain it.

18 A. I think I know what you're asking.

19 Q. Okay. Go ahead then.

20 A. All right. In NORAC, there's situational things like
21 you're talking about right in NORAC where they tell you what to
22 do, how to do it, the only safe way to do it --

23 Q. Um-hum.

24 A. -- proper procedures and the rules. As far as we're
25 talking about just a qualified employee, we're not talking about a

1 foreman or above.

2 Q. Oh, no. I meant to include that in this kind of
3 hypothetical that we're talking about.

4 A. You want to include the foreman?

5 Q. Yeah, and I'm going to tell you why. Because we're
6 going to stop beating around the bush a little bit here. A lot of
7 what we've heard in the investigation is that an EIC can be in
8 charge of 25, 26 people. Trust me, that number was thrown out,
9 and I'm sure sometimes it's a lot less. Don't know if it's a lot
10 more, but let's just deal with that because that is something that
11 we've learned. And so to me, I'm interested in understanding how
12 in all this training coming along through Amtrak's training,
13 whether somebody told me how to problem solve and how to manage
14 multiple gangs in a broad area. That's what I would like to talk
15 about a little bit.

16 A. Okay. To be an EIC, foreman in charge, you go to --
17 well, let me back up. BMW employees go to a 20 day foreman's
18 school. C&S employees, NORAC C, when you became a C&S foreman,
19 there's an online course that you take and you have to pass that
20 to become a foreman. And there's a study guide, study process.
21 You just don't get online and pass it. It takes a person a bit of
22 time. The majority of that foreman's training, foreman's
23 qualification is exactly what you said. It's situational. That's
24 the training that it is. He already knows the rules and
25 regulations. Now he's learning situational, problem solving in

1 the foreman's qualifications. That's what that course is all
2 about.

3 Q. Are you familiar with the content of some of this that
4 you're describing?

5 A. Yes.

6 Q. You are?

7 A. Yes.

8 Q. Okay.

9 A. I can give you an overview.

10 Q. Give me an overview then.

11 A. All right. Yeah, it's situational. I haven't -- I've
12 been told about the test. First of all, the test for the C&S,
13 like I said, is taken online and no two tests are the same. So
14 you can't tell your buddy that's getting ready to take the test
15 next week --

16 Q. The pattern of the answers.

17 A. -- the pattern of the answers. They change. It's a 100
18 question test, all -- 100 question test, yeah, also online, and
19 they change up the content. They might have 300 questions and
20 throw 100 of them at you, and a lot of the content, like you say,
21 it's situational. Where you would place watchmen, what is
22 necessary to take a track out of service, where should your
23 whistle boards be placed, if you've got 10 -- there will be a
24 diagram where there's a group of work or multiple group work
25 gangs, what do you have to take into consideration to place

1 watchmen, noise, environment, weather, those sort of things. And
2 you have to answer the questions. So it's very situational.

3 Q. Okay. In other words, they're not given true/false
4 questions or maybe multiple choice.

5 A. No, sir.

6 Q. They're asking them to look at the paragraph, the
7 narrative that's being laid out and I'm going to ask you. Do you
8 consider that problem solving?

9 A. Yes.

10 Q. Okay.

11 A. Very much so.

12 Q. All right. And again, I'm not trying to trick you here.
13 Do you think the level of testing in this method of testing that
14 you're talking about, do you think it matches up well with the
15 real world?

16 A. Yes.

17 Q. Okay. All right. So --

18 A. Let me elaborate, please.

19 Q. Okay. Sure.

20 A. They'll put you in an exact situation that you might
21 come on out there on a job, and you have to tell them, well, I
22 would place four watchmen or a watchman is not enough, you know.
23 They'll say it's snowing out there and visibility is down. If you
24 can't see a sufficient distance to get people in the clear 15
25 seconds, what should you do? Well, two options is the foul time

1 or track out of service, those type of situational deals.

2 Q. Okay. And what, what would you think the right answer
3 would be if the question on the test said here's the layout,
4 you're in some curve track territory and the operational speed is
5 maybe somewhere between 100 and 90 miles an hour, and we all know
6 that you need increased site distances to protect work that may be
7 in and around that area. And then here's the twist on this
8 particular question. It says to the employee, you've got to have
9 three guys working and you've only got two guys left over to do
10 the watchman lookout, and the question ends, what do you do?

11 A. I'm sure -- I'm not sure, but I would think there would
12 be something in there that if you don't have enough protection,
13 you don't do the job.

14 Q. Okay. Do you --

15 A. If you can't protect your people, have people in the
16 clear 15 seconds before the train reaches your work location, you
17 don't do the job.

18 Q. Okay. And kind of what you just said is what I was
19 driving at on the problem solving aspect, you know.

20 A. Um-hum.

21 Q. How many do I need and where do I put them and am I
22 aware of the train speed, et cetera, and I think the train speed
23 and all that kind of comes back through physical characteristics.

24 A. Yeah, and your timetable in your NORAC book which is
25 required to have, you know, for an EIC to have on the job. He has

1 to have his books, NORAC. He has to have his bulletin orders,
2 TRBs for the area you're in and he has to have his qualification
3 cards, in case the FRA comes out and wants to audit or anybody
4 else. These are things you have to have. It's not -- I'm making
5 it sound like it's because of an audit, but it's not. It's so the
6 employee can check the things that you're talking about, speed,
7 distances, also taking in consideration noise, weather and other
8 unforeseen things that you might find on a jobsite. So they're
9 given all the tools that they need and they should have them on
10 their person on the jobsite. That's required just for that
11 reason, to reference in case you need it to solve those problems.

12 Q. Okay. Pat, we've had a pretty good discussion. I
13 appreciate the candor and the back and forth. That's all I've got
14 for right now. We've got a lot of good investigators here. I'm
15 sure that they have some curiosity, too.

16 DR. JENNER: Can I suggest we take a break first?

17 MR. HIPSKIND: Do you mind if we take a break?

18 MR. COLLIERE: No, let's do it.

19 MR. HIPSKIND: All right. I'm a smoker anyway.

20 (Off the record.)

21 (On the record.)

22 DR. JENNER: Okay. We're back on the record. This
23 Steve Jenner.

24 BY DR. JENNER:

25 Q. Thanks for your very thorough answers so far. That's

1 very helpful. I just want to go back and get a little more
2 details on some things or just get your opinion on some things.
3 For a new employee who has never been in the railroad before, what
4 do you think is, in terms of personal safety, what's the hardest
5 thing for them to grasp or something that they overlook?

6 A. I think the main thing for a railroad, if you're working
7 on or about the right-of-way is, you know, the engineering
8 department is a construction department with the added hazards of
9 trains and the electrical systems. So to get used to working
10 around the equipment and the electrical system is a challenge. We
11 have every type of construction on the railroad as you would any
12 other things. We build things. We make things. We fix things,
13 and then you've got to worry about protection against trains.

14 Q. Okay. So is there specific behavior? Are they not --
15 are they walking in areas that they shouldn't be? Are they
16 handling equipment that they're not supposed to? What in
17 particular do you think?

18 A. New hire employees are never on the railroad by
19 theirself. They're being mentored so to speak. There's no school
20 or college you go to, to learn the tasks of working on a railroad
21 or driving a spike or fixing a switch. It's classroom training
22 with on-the-job training. So I believe we take special
23 consideration, and when we get new hires, mentor them along if you
24 will.

25 Q. Um-hum.

1 A. They certainly do have to get used to working around the
2 railroad and the trains and the equipment. I think that's their
3 biggest challenge, and I'm sure that they don't feel safe
4 theirselves, you know, in their first 60 or 90 days until they get
5 used to how to really grasp what's around you and learn what's
6 going on.

7 Q. Um-hum. Now we've talked a lot about personal safety.
8 Is there a part of that process where you're sort of tasked with
9 looking out for the safety of others?

10 A. When you get into a protection role, yes. Anybody
11 that's qualified and is an EIC, that's their main responsibility,
12 the safety of your work crew and the infrastructure. So when
13 you're getting into that type of role, there's specialized
14 training in that, and that's your foreman's school --

15 Q. Um-hum.

16 A. -- for the EICs.

17 Q. Okay. Again we also talked about the efficiency
18 testing. If you could just summarize the process, how was that
19 done. We heard about 30 efficiency tests that occurred for -- in
20 this occasion. On a day of efficiency testing --

21 A. Okay.

22 Q. -- just walk through that.

23 A. Okay. They're usually done, depending on the person
24 that's qualified. First of all, the employees that do efficiency
25 testing are trained and are in the program if you will. They've

1 been trained how to perform a test. The program is online now.
2 They used to be by hand where you write them and send them in but
3 now it's online and they're trained on what to look for. They're
4 trained on the rules and regulations of the railroad, to be able
5 to perform the test and spot unsafe or safe practices, that type
6 of stuff.

7 Certainly as part of the efficiency test, 1870 (sic)
8 program, is compliance. There's rules listed in the program, in
9 the efficiency test. So they'll do NORAC compliance, RWP
10 compliance, safety compliance, all aspects of it, and if they
11 find, like I said, you find a person doing and following the
12 rules, you write a compliant test. You find problems out there,
13 where things aren't right, you write a noncompliant and you, as a
14 supervisor or manager, would counsel the employee on the spot.

15 Q. Um-hum.

16 A. And then enter your findings in the program. So there
17 is where the test works. It's a program. It's non-disciplinary.
18 It's a program where you want to mentor and fix things that are
19 not right out there and give credit for good things. If the guy
20 does a good thing, and you're going to write an 1872 on him, you
21 tell him, I'm going to write a compliant, great job. So it's
22 twofold that way.

23 Q. Great. Thank you. Let me just bring up some details of
24 what we learned about this incident and a little history there.
25 From interviews and from video tapes, we know that the person was

1 struck while walking between the rails there. When we were out
2 doing our -- visiting the accident site, you and I and everyone
3 else was walking between the rails and when is -- I assume that
4 when we were out there, that was okay to do that.

5 A. Yeah, the EIC, when they gave us an on-track briefing,
6 was very specific as where he wanted it, told us what to do and
7 when to do it. The pre-determined place of safety, our day out
8 there, was on number 1 track because it was out of service.

9 Q. Okay.

10 A. You know what out of service means, right?

11 Q. Um-hum.

12 A. Blocked up on each, on either end --

13 Q. Um-hum.

14 A. -- of the interlocking space, taken out of service. You
15 know what blocking up means, right? And throwing down a signal so
16 trains can't come into your out of service.

17 Q. Okay. And I think you're about to answer my second
18 question. In cases where the track is out of service, it is okay
19 for an employee to walk between the rails.

20 A. Yes.

21 Q. Okay.

22 A. If determined by the EIC. I mean, yes, I mean it's
23 safe. It's blocked up and in the NR safety rulebook, it states
24 clear all main tracks. Now we were safe. We all, we all agreed
25 that we were safe the other day. I don't think there was any

1 possible way a train could come down that track. So the pre-
2 determined safety was between the gauge of the rails.

3 Q. Okay. So if during an efficiency test, someone came up
4 and was looking for a safe, you know, procedures and employees
5 were there, they said this track here, track 2 is out of service,
6 and you see them walking around the track, that would be okay if
7 you had assurance that it was out of service.

8 A. Yes.

9 Q. Okay. And on the converse side, if it's not out of
10 service, they should not be walking within a certain number of
11 feet of the track?

12 A. You should only foul a track in the performance of your
13 duties period.

14 Q. Okay. And that's something that they're trained on and
15 tested on?

16 A. Yes.

17 Q. Okay. All right. I think that's all the questions I
18 have now. Thank you.

19 A. Thanks.

20 MR. HIPSKIND: Tom, do you have anything?

21 MR. HEBERT: I just actually had a couple of questions.

22 BY MR. HEBERT:

23 Q. When you do your 1872s and you find a noncompliant
24 condition, when the supervisor counsels the employee, is there any
25 documentation that the employee has been counseled?

1 A. The documentation is that they'll write a
2 noncompliant --

3 Q. Um-hum.

4 A. -- on the test, on that test, and like I say, on the
5 spot. I don't want to say counsel. I think I would call it
6 mentor.

7 Q. Okay.

8 A. Mentor the employee so it doesn't happen again.

9 Q. And last one was the employees, you had just mentioned
10 that, you know, you're not to foul the track unless it's in the
11 course of your duties. Am I safe to assume though you don't
12 follow the track or they're trained or they're educated not to
13 follow the track without proper protection while engaged in their
14 duties?

15 A. Yes.

16 MR. HEBERT: That's all I have.

17 MR. HIPSKIND: Thank you, Tom. Jim.

18 MR. FINNEGAN: Yeah, I've got several questions
19 actually.

20 BY MR. FINNEGAN:

21 Q. You're a new hire and you go through the 10 day course
22 and you said you have 8 hours classroom education. What day does
23 that occur on?

24 A. I'm not sure what day in the 10.

25 Q. Okay.

1 A. I don't believe it's early on. It's probably the second
2 or third day.

3 Q. Second or third day.

4 A. Fourth day. I believe it's, you know.

5 Q. And you come in and take the test. Is that 100 multiple
6 choice questions? Is that on a computer for each student or it's
7 a written test?

8 A. Written test.

9 Q. So it's a proctored test and you have to get an 85 score
10 to pass that test.

11 A. Or better, yes.

12 Q. Or better, and so what are you qualified to do after you
13 pass that test?

14 A. It makes you a roadway worker. It gives you -- you can
15 go work on a track under supervision --

16 Q. Okay.

17 A. -- not performing any sort of watchman duties.
18 Somebody's always going to be protecting you.

19 Q. So you're qualified to let other people protect you
20 after --

21 A. You're qualified to work on the railroad, on or about
22 the tracks.

23 Q. Okay. And then -- so you're a non-watchman. You can't
24 really do anything but be protected by another employee for the
25 first 70 days after you pass that test.

1 A. No, that's when, that's when the rule says you can start
2 the mentoring process. We want the employee to be working in the
3 railroad environment --

4 Q. Got you.

5 A. -- for a period of time before they start protecting
6 other people, and just from knowing myself, it's -- 85 percent of
7 the time, they go through the process well after 90 days as she
8 did.

9 Q. Okay.

10 A. We want to give our employees time to work. If you
11 pulled up any of these profiles of the employees, it's usually two
12 or three months after they're working on the railroad before they
13 start the mentoring process.

14 Q. Okay. And then -- so the mentoring process consists of
15 three days with the watchman, and then you -- they mark off, you
16 know, that they feel that you learned what was necessary.

17 A. Yeah.

18 Q. And then that goes -- is disbursed to supervision and
19 then you take another test, a watchman's test after that?

20 A. Yeah, you mentoring. This guy's job, you mentor.
21 That's his three days' responsibility. That's all he's going to
22 do is stand behind you.

23 Q. Right.

24 A. First he'll show you, instruct you and then stand behind
25 you and watch you perform your duties. And after that, this is

1 the rule between 70 and 90 days that can happen but usually it's a
2 little later.

3 Q. Okay.

4 A. In her case, it was nine months later. You have the
5 mentor sign off on it, your supervisor, and a safety official sign
6 off this form that's sent down to our training department. That
7 gives them notification that this employee can be -- can go to
8 class to take his test to be qualified as a watchman.

9 Q. Okay. So the person that does the mentoring, what are
10 their qualifications? Do they only have to have a watchman's
11 qualification or can they -- is it somebody that has additional
12 qualifications, such as an EIC that's NORAC qualified?

13 A. It's usually a gang member that's qualified in RWP.

14 Q. Okay. So it's another --

15 A. He's a qualified --

16 Q. -- person that's taken a watchman's test?

17 A. He is a qualified watchman, RWP. He's qualified in RWP.
18 When you're in the non-qualified role, up until the 90th day, it
19 says right on your card, you're not qualified to watch for trains.

20 Q. Right. But the person mentoring you at that phase is
21 qualified as a watchman.

22 A. Is a qualified roadway worker with all the
23 responsibilities as such.

24 Q. I'm confused.

25 UNIDENTIFIED SPEAKER: He's a qualified watchman.

1 BY MR. FINNEGAN:

2 Q. He's a qualified watchman.

3 A. Yes.

4 Q. Okay.

5 A. Can --

6 Q. He can have additional qualifications?

7 A. Yeah, he sure can.

8 Q. Okay.

9 A. But if he's just qualified in RWP, you can't take foul
10 time, you can't track, you can't do any of that.

11 Q. Okay.

12 A. You're just qualified to watch and work on the railroad.

13 Q. Is the watchman's test -- before you take that test, is
14 there an eight hour course for that or is that a computer test?
15 Is it proctored or --

16 A. It's proctored. They take, I think it's, I believe it's
17 supposed to take four hours. They have a two hour refresher, talk
18 about some of the things that they experienced while they were out
19 there being mentored, answer any questions or concerns, that sort
20 of thing. They show them a video and then they kind of review the
21 rules and regulations and they take the test.

22 Q. Okay. And then specific to Vicky, she qualified as a
23 watchman nine months later on May 15 of 2014. Is that correct?

24 A. Yes.

25 Q. And when you hired for this project, the general idea

1 was you were hiring a five man gang to provide protection for the
2 contracting employees. What did she do for nine months? Can you
3 fill in that gap, the nine month gap from when she was hired up
4 until May because she wasn't qualified to be a watchman and she
5 wasn't qualified for NORAC until -- what was the date on that?

6 UNIDENTIFIED SPEAKER: May 15th.

7 BY MR. FINNEGAN:

8 Q. -- May 15th.

9 A. I'm not sure what she did.

10 Q. Okay.

11 A. She didn't perform watchman's functions, I know that.

12 Q. And she didn't perform foul time, give foul time or --

13 A. She could work on or about the railroad.

14 Q. By herself or --

15 A. No, no, with a qualified person. You have to have
16 protection if you're working on or about the railroad.

17 Q. Okay.

18 MR. FINNEGAN: I'll pass off to Matt. If I think of
19 some other things, I'll --

20 MR. PORTO: I'm good for now.

21 MR. HIPSKIND: Bill, have you got anything?

22 MR. COLLINS: I don't have any questions. Oh, yes, I
23 do.

24 BY MR. COLLINS:

25 Q. What's considered in the clear, the distance?

1 A. Four feet outside of the live, any live track.

2 Q. The nearest rail, four feet from the nearest rail?

3 A. Four foot outside of any track. You have to be a
4 minimum of four feet outside of a live track.

5 Q. And outside is -- but the reference point is the closest
6 rail?

7 A. The closest rail.

8 Q. Just four feet.

9 A. Four feet. FRA regulations. Your regulations.

10 Q. I don't (indiscernible).

11 A. No, that's a minimum. Bill, that's a minimum. That's a
12 minimum. Believe me, they stand a whole lot further than that.

13 Q. Um-hum.

14 A. But that's the rule of thumb. That's the law.

15 Q. Well, Amtrak can have much more stringent distance. Do
16 they?

17 A. Yes, we do. In a lot of cases, we go well above the FRA
18 RWP regulations. Our rulebook says clear all main tracks on the
19 approach of a train, and in most cases we do unless situations are
20 that you can't do that and then it's up to the EIC to provide a
21 pre-determined place of safety. Hence, Penn Station, New York, 24
22 tracks, you can't clear all main tracks. There's no where against
23 the wall for you to clear really, if you've ever been there, but
24 you've got to foul time or track out of service, what's going to
25 be your pre-determined place of safety. So the rulebook says

1 clear all main tracks, but in some situations, you certainly
2 cannot, hence what I just told you. So -- but you're in a place
3 of safety.

4 Q. Well, speed cessations, like restricted speed anyway --

5 A. Definitely.

6 Q. -- but we're talking main line, on a mainline like the
7 Hudson Line.

8 A. Yes.

9 Q. So if an employee fails a test, is there a record of
10 that, if they go through the 100 question test and they fail it?

11 A. Yes.

12 Q. There's a record made of that?

13 A. Yes.

14 Q. And then if they go and they take it again, and they
15 pass, then they're all set, but that record, that first failure,
16 that's in the employee history?

17 A. Yes.

18 Q. So we can check to see if there was any failures?

19 A. Yes.

20 Q. When are they no longer a new hire?

21 A. They're no longer a new hire when they come out of new
22 hire training I would think. You're an employee then and you've
23 got certain qualifications. It depends on your definition of new
24 hire. Once you've worked one day or two days, I don't think
25 you're a new hire any more.

1 Q. Well, training takes almost a week, right?

2 A. It takes two weeks.

3 Q. Two weeks, okay. So post two weeks, then they're no
4 longer considered a new hire. They could be -- I know some
5 railroads have different colored hats or hardhats or they have
6 different colored stickers on the hardhat to designate a non-
7 qualified, a new employee.

8 A. Yes.

9 Q. Does Amtrak have anything like that to determine where
10 someone walks out to a group and they can see where somebody is a
11 new hire, not a new hire, but a non-qualified person?

12 A. Yes, you've got a qualification. One of the rules and
13 regulations is you carry your qualification card on your person
14 when you're on or about the tracks. The EIC should inspect those
15 cards to ensure you're qualified.

16 Q. At the -- I know they often do that at the job briefing.

17 A. At the job briefing, at the on-track briefing.

18 Q. But other than that, there's no physical -- they're all
19 orange hardhats and orange hardhats.

20 A. Yes.

21 Q. Okay. And I know it's written someplace, but it's like
22 you only should be on the tracks for the necessary performance of
23 your duties. You're not -- if it's not actually necessary to be
24 within the gauge, you don't -- you shouldn't be there.

25 A. If you're not performing a task or a function, you

1 shouldn't be on the tracks.

2 Q. Right. I mean even if you're own the track, you
3 should --

4 A. Even if you own the track, right.

5 Q. You should not be up there because you could be doing
6 something immediately adjacent but even if you own it, because
7 I've had this come up, where guys are doing stuff. Well, we own
8 it. I said I don't care if you own the track or not. You're not
9 properly situational awareness. You're not watching out. Cars
10 roll down, cars get kicked, cars roll down, locomotives run away,
11 all sorts of stuff happen. You cannot depend on the dispatcher
12 like even blocking devices applied. I always assume the track is
13 live even if it's owned, proper authority is granted and
14 everything else. I don't care. It's still dangerous.

15 A. You're only to foul a track in the performance of your
16 duties.

17 Q. Right, when absolutely necessary.

18 A. That's it.

19 Q. And the 1872 is the name of the form that they fill out
20 and report an efficiency. 1872, is that the number?

21 A. We call it the 1872. What's it say on the document
22 here? Yep, 1872 observations. That's what it is.

23 Q. And is there a spare copy of that? Is it like a booklet
24 that the EIC or somebody, or whoever goes out and does the test,
25 they can carry a booklet and there's a form and they fill it out

1 as they encounter each group or is it like a spare copy in the
2 timetable or something or --

3 A. Yeah, they have a little sheet that they write on the
4 observation, the time and date, and then they record it in the
5 computer.

6 Q. Right. And then he goes back to headquarters and enters
7 all that stuff.

8 A. Right.

9 Q. So it all becomes a big document.

10 A. Yep.

11 Q. Part of the big database. Okay.

12 A. If you want, I'll pass this around so you can check it
13 out. You're going to get copies of all that but I don't know if
14 everybody's ever seen that.

15 Q. Okay. That's all the questions I have. Thank you.

16 A. Thank you, Bill.

17 MR. HIPSKIND: Paul.

18 MR. HRASKA: Paul Hraska.

19 BY MR. HRASKA:

20 Q. A question about the 1872s and you said they were -- if
21 a person is observed and they're observed doing something right,
22 they get spoken to and say congratulations, you did the right
23 thing. If they do something wrong, they get counseled. Is there
24 any situation where somebody does something wrong enough where
25 they're taken out of service and that gets recorded on the 1872 as

1 such where they need disciplinary action?

2 A. Okay. First of all, we keep saying counseled. I prefer
3 to say mentored.

4 Q. Okay.

5 A. Because if we counsel an employee, you do have to
6 document it.

7 Q. Okay.

8 A. So it's a mentoring, training. If you counsel, you've
9 got to document it.

10 UNIDENTIFIED SPEAKER: Retraining maybe.

11 MR. COLLIERE: Yeah, yeah, whatever. There you go. So,
12 yes, there's been situations --

13 UNIDENTIFIED SPEAKER: Coaching.

14 MR. COLLIERE: -- where you go out and you observe an
15 employee breaking a major rule or violation, you're not going to
16 write an 1872 for that. You're going to take the appropriate
17 action.

18 MR. HRASKA:

19 Q. So essentially they would be taken out of service.

20 A. Taken out of service and that's it.

21 Q. Okay. One other questions on PCs. The PCs, when your
22 employee takes a PC test, physical characteristics test, most of
23 them are written tests. Is that correct?

24 A. Yes.

25 Q. Are there follow ups with verbal tests also? In other

1 words, they take a 100 question physical characteristics test, and
2 then is that person later questioned on, verbally as to knowledge?

3 A. I'm sorry to say no. It used to be that way.

4 Q. Yeah.

5 A. And you didn't take a test. You sat down with a rules
6 examiner --

7 Q. Right.

8 A. -- and he went dah, dah, dah, and you made sure you knew
9 where you are.

10 Q. Yeah.

11 A. Now with this consent degrees and everything else, it's
12 structured and it's up to you to go out there and get yourself
13 qualified, know the infrastructure, come in and take your test.

14 Q. Thank you.

15 A. Um-hum.

16 MR. HRASKA: I have no further questions.

17 MR. WINSTEL: Bob Winstel.

18 BY MR. WINSTEL:

19 Q. I want to take you back to the 1872 program. The form
20 is the 1872. The people that perform the 1872 observations. The
21 first question is do they receive specific training in how to
22 carry out an 1872 observation?

23 A. Yes.

24 Q. Is there a manual or instruction booklet --

25 A. Yes.

1 Q. -- issued to them?

2 A. It's online.

3 Q. Okay.

4 A. The whole program is online.

5 Q. Is the 1872 program parallel to any particular set of
6 documents? And I'll give you some examples. Safety rulebook,
7 operating rulebook, timetable special instructions, roadway worker
8 rules, that would be, you know, I'm kind of leading you a little
9 bit here.

10 A. All that you mentioned.

11 Q. Okay.

12 A. With the exception of physical characteristics, and you
13 didn't mention that. But, yes, it's geared -- there's, there's --
14 Matt could probably answer it, but I think there's, I'm going to
15 say 228 tests, and a lot of those tests are for certain rules.

16 Q. So is it fair to say that the tests that you just
17 mentioned are actually a standard instruction and they must comply
18 with the series of elements in those instructions in order to be
19 properly observed or be properly in compliance?

20 A. I'm -- the --

21 MR. WINSTEL: Can we go off the record here for a
22 second?

23 MR. HIPSKIND: Yes.

24 (Off the record.)

25 (On the record.)

1 BY MR. WINSTEL:

2 Q. When an employee is observed in the 1872 program, is
3 there a list of standards he must be in compliance with in order
4 to receive a compliance on the 1872?

5 A. Yeah, the test program is set up with regulatory and
6 compliance components if you will, and if -- I'll just use this as
7 a demonstration. A conductor throwing a switch, there's four or
8 five components to that on throwing a switch, checking your
9 points, make sure it's locked and whatever it is, and he can -- he
10 will -- there's a test number for that task that he could be
11 compliant or noncompliant on.

12 Q. Thank you.

13 MR. WINSTEL: That's all I have.

14 MR. TOTH: Dan Toth.

15 BY MR. TOTH:

16 Q. I have something I want to get clear on. It takes off
17 on what Steve was talking about and Bill. We'll take this
18 situation. I'm a roadway worker. You've come down to do some
19 efficiency testing on me. I'm on track 1. Track 1 is out of
20 service and a line full, say on line 4. I need to go probably a
21 quarter of a mile up the track to talk to another roadway worker.
22 You observe me walking, straddling the rail and then maybe in the
23 gauge and then back out. Would you take exception that?

24 A. Depending -- like I said, if the -- if it's the pre-
25 determined place of safety for the EIC, that the EIC tells you,

1 you may walk down the gauge of that track.

2 Q. Okay. Even though I'm not going to do anything in the
3 gauge. None of my work that I have to do has anything to do with
4 me being in the gauge.

5 A. You're performing -- you just told me, you were going
6 down the track to see --

7 Q. I'm going down to talk --

8 A. -- to talk --

9 Q. -- just to talk to another roadway worker employee.

10 A. About railroad business.

11 Q. Right.

12 A. You're in a pre-determined place of safety. It's out of
13 service. You can walk down the gauge of the track. You're
14 performing a railroad function. Your function is to go down there
15 and get some instructions or whatever you've got to do.

16 Q. Okay.

17 MR. TOTH: No further questions.

18 MR. FOSTER: William Foster.

19 BY MR. FOSTER:

20 Q. If there is a railroad worker employee, whether it's a
21 track worker, and pardon me for not knowing all the different
22 terminologies, but right down from the laborer on up to a
23 supervisor, that observes a safety issue or feels there is more --
24 need for more personnel, is there a procedure, and what is that
25 procedure in place for addressing those concerns?

1 A. Are you talking about a protection issue?

2 Q. Any safety issue including protection or workplace
3 safety issues.

4 A. If I understand you correctly, if something is needed in
5 the area of safety, and something's not safe, you have to address
6 it immediately. Is that sort of what you asked? Whether it be
7 protection or in the case of you're out there and, and conditions
8 changed, it started snowing, visibility's wrong, gather your gang
9 up, get the proper protection so you can protect your gang safely.

10 UNIDENTIFIED SPEAKER: Workplace general issue. I think
11 that's what he may be alluding to that for RWP challenge.

12 MR. COLLIERE: RWP challenge is only in the area of on-
13 track protection or RWP, not safety. Different animal. And good
14 faith -- do you want me to talk about the good faith challenge?

15 BY MR. FOSTER:

16 Q. Well, I'm not familiar with it.

17 A. Well, if you don't agree --

18 Q. Safety and protection I guess are two separate --

19 A. Yes.

20 Q. -- issues. So basically if we just talk about
21 protection, I guess my questions would be if a worker feels
22 there's not enough protection, what is that procedure?

23 A. There you go. Now you're talking about the good faith
24 challenge. We call it the dispute resolution clause of RWP. And
25 this is all roadway workers, if they don't feel protected and

1 confident in the protection being provided, they need to challenge
2 that at the on-track briefing. That employee's concerns have to
3 be addressed before the work group starts to work, and there's a
4 flowchart to how it gets resolved. Ninety-nine out of a hundred
5 cases, if an employee raises a concern about his or her
6 protection, it's handled right at the gang level. I've been a
7 safety officer, doing safety for 20 years, and I've only been
8 involved in one dispute resolution. Like I said, usually it's
9 resolved at the gang level. They'll have the extra watchmen.

10 If somebody's not safe, they don't feel safe, they
11 address it, but there is a step that goes from the gang level to
12 address it, that's DIC, and if it's still not resolved, an
13 employee doesn't feel safe, the supervisor is called in. He gets
14 into the conversation, in the mix, and makes recommendations or
15 not and if the employee still isn't safe, the safety department's
16 called and they get involved. That's how it goes.

17 MR. FOSTER: Thank you.

18 MR. HIPSKIND: Okay. Thanks, William. George.

19 BY MR. GERNON:

20 Q. I've got a couple of questions, and this is not in
21 regards to a lot of the things that you spoke about. Safety
22 briefing, before you start, who is in charge of doing that safety
23 briefing?

24 A. Well, there's two briefings. First, it's the safety
25 briefing.

1 Q. Okay.

2 A. And that's any gang member. Any member of the gang can
3 give a safety briefing.

4 Q. Okay.

5 A. And that's a great practice, if people do that because
6 it gets people involved, and that's the first. Anybody can do a
7 safety briefing.

8 Q. Okay.

9 A. The on-track pre-briefing is the employee-in-charge of
10 providing your on-track protection.

11 Q. Okay. Next question. The employee-in-charge, how close
12 are they supposed to be with their gang? Are they -- should they
13 -- I mean if you have from CP 94 to CP 103 out of service, can the
14 EIC be at CP 94 and have employees up at, you know, 102, you know,
15 103, in that area? Do you consider that a safety practice or not
16 a safe practice?

17 A. It's a safe practice. We do it all the time.

18 Q. Okay. Well, that's --

19 A. All the time. We have rail gangs, tie gangs, different
20 gangs that could be stretched out 10 miles across the railroad.
21 We have got one employee-in-charge that takes the track out of
22 service, Form D. You know what that is, right? He also provides
23 the on-track protection for many, many different locations on the
24 right-of-way. He places the watchmen or whatever protection he's
25 going to use and the instruction to the employee is, if it's a

1 watchman, I'll just use a situation where you've got a gang down
2 here making -- and you use watchman protection. You've got a gang
3 down there a mile away from where the EIC is, and they're
4 protecting that employee or contractor with a watchman, he goes
5 down and he places the watchman, places the watchman off the track
6 by the way. You're never supposed to stand on the track, if you
7 have to, and places the watchman and he performs his function.
8 He's qualified to do so. He goes back and does his duties.

9 If there's a situation up here or situations change, his
10 instructions, and he knows to clear the track, get in touch with
11 the EIC, things changed, we need another watchman, we can't do it
12 watching, we need foul time, but the instruction to that gang, if
13 you will, working up the line is exactly that.

14 Q. Okay. One other question. When they do safety
15 briefings, everybody's required to sign the safety briefing and
16 the work briefing. What happens if they don't sign? I mean on a
17 safety sample.

18 A. If they don't sign the briefing, that means they're not
19 satisfied with the protection. They can't go to work. It's
20 required to sign the document, and the reason is that you know and
21 understand your protection being provided and you're happy with
22 it.

23 Q. Okay. Thank you.

24 MR. GERONON: No more questions.

25 MR. HIPSKIND: Pat, you still good to go?

1 MR. COLLIERE: Good to go.

2 MR. HIPSKIND: I'm going to try to make the second round
3 a little quicker.

4 BY MR. HIPSKIND:

5 Q. I just want to come back -- we've used -- you used the
6 term and we've talked about, all of us have used the term,
7 mentoring. And in my mind, there's a couple of different ways we
8 can think about that concept, that process, and so I want to know
9 how we mean that and when we use that mentoring term.

10 If I'm a new employee and I go through some of the
11 training and I get out in the real world, the expression has been,
12 he'd be mentored. Is that a one-on-one relationship that I have
13 with a specific employee or should I think about it, that all the
14 senior, older guys, whoever they are, recognize that I'm a new guy
15 and so they shepherd or mentor me?

16 A. Yeah, usually in --

17 Q. So it's the latter?

18 A. It's the latter.

19 Q. Okay.

20 A. Yeah, you're mentored within your gang.

21 Q. Okay. And it could be by different people.

22 A. Yes.

23 Q. All right. And how long has that been something that's
24 been prevalent or --

25 A. For my 30 years on the railroad.

1 Q. So a long time, decades.

2 A. For my 30 years, that's what I know. I've been mentored
3 since I first started the railroad.

4 Q. Okay. And so is that supported? Is that talked about
5 in the training like you will be mentored?

6 A. Yes.

7 Q. There are people out there who are going to mentor you?

8 A. Yes.

9 Q. Okay. And you think that's accepted by the workforce,
10 they're going to take that on?

11 A. Yes.

12 Q. Okay. Or at least that's been your experience, right?

13 A. Yes.

14 Q. Okay. I want to -- I kind of like some of the things
15 that George was saying, and it got to me to thinking. When
16 anybody who's qualified and who's got a group of people, whether
17 it's 1, 5, 10, 25, in front of them, and they're doing that safety
18 briefing and that job briefing, you know, one side of the form is
19 job briefing and the other side of the form is safety briefing,
20 and I know when we went out there, we had to sign both sides and
21 all that kind of stuff.

22 So here's my point. For that entire group, when they
23 scatter and back to George's example, different places within
24 maybe a seven, eight mile thing, there's pretty much just that one
25 original form that was signed by everybody and I'm going to guess

1 that's supposed to be in whose possession? The EIC.

2 A. The EIC.

3 Q. Okay. But how many times have you seen where that one
4 form was copied so that all the different gangs in that broader
5 span of track that's out of service, like on a Form D or whatever,
6 that they have that as a reference because somebody made more than
7 one document? Is there something to prohibit that, making a copy
8 of that thing that all the multiple gangs signed?

9 A. In my 20 years of safety, I've never seen anybody make a
10 duplicate copy of an on track or job briefing.

11 Q. Okay.

12 A. They've held -- things change. They've held additional
13 briefings but not, not copying a job, an on-track briefing or a
14 job briefing.

15 Q. Is that -- is it just as simple as there's not copiers
16 out on most of the right-of-way? So you just don't have the
17 access to do it.

18 A. There's no reason to copy it.

19 Q. Because?

20 A. Because situations are the same. Things haven't
21 changed. The direction and the instruction on those briefings are
22 correct, and everyone's happy with it.

23 Q. Okay. Well, let me come at it a little bit different
24 way. In the training, when I go through the training, you know,
25 you guys are going to be out there, you're going to need to know

1 how to do this, and the rules of the road is that when you are
2 attending a job briefing, and the EIC is telling you all the
3 hazards and telling you about the safety stuff, in the training,
4 tell me, do you tell them to do a certain thing when that's being
5 done? And I'll tell you what the certain thing is. Are they told
6 you're to write down what this guy's telling you?

7 A. No, that's not our, that's not our rule or regulation.
8 It's verbally. It's verbally communicated and that's it. It's
9 not written down, the protection that he gives you. Now I think I
10 know where you're going here, but anyway --

11 Q. I don't know if you know where I'm going.

12 A. -- we've got qualified people beside the EIC that might
13 be on a different location. Let me use the tie unit. Four mile
14 operation. You could have multiple gangs, multiple tasks, a B&B
15 gang working here, a track gang working here, another B&B gang
16 working here and another one there in this four mile stretch. The
17 EIC places the watch protection for the adjacent tracks for the
18 entire job, for the entire job if he chooses to. And they need
19 the protection because they're not, you know, the rules and
20 regulations. But you're not performing the same tasks as the
21 track gang which is the EIC is a part of. You're a B&B gang. All
22 of a sudden a crane rolls up, and you've got to use the crane on
23 the track. There is a foreman-in-charge of the B&B gang that has
24 to put out additional protection for that unit, for that task.
25 With that said, he has to communicate with the EIC, let him know

1 we're going from watch protection and I'm going to get foul time
2 because there's a possibility this equipment fouling the adjacent
3 track while I'm offloading this material.

4 Q. But the fundamental thing is, when that burrow crane
5 came into your example, things changed.

6 A. Things changed.

7 Q. And when -- just in a category, when things change,
8 communication is expected?

9 A. Right.

10 Q. To be in compliance with the whole concept of --

11 A. Of more --

12 Q. -- a job briefing.

13 A. Right. More protection added, if needed, and certainly
14 there's another briefing either done by this foreman who is
15 qualified to do it or he has the EIC come down and do an
16 additional briefing. Usually he's a qualified employee, things
17 change, he's working on this guy's Form D, he can have his own on-
18 track briefing and provide his own protection. This guy ain't
19 protecting him any more. He's got his own protection.

20 Q. Can a --

21 A. Because the situation changed.

22 Q. Can an EIC do a job briefing and, we'll just use the
23 example you gave us, a stretch of railroad, multiple gangs, all
24 kinds of activity, but when I do that job briefing, can I go over
25 and like it was on 1 track main, can I go over and job brief them

1 on 2 track main as well?

2 A. You've got work going on --

3 Q. Going on, on both tracks.

4 A. -- on both tracks.

5 Q. On both tracks.

6 A. Yeah, well, you would do that your briefing.

7 Q. Okay.

8 A. You would do that at your original briefing. You would
9 be doing work on one track, two track. We're going to use out of
10 service or foul time, whatever protection he chooses to use to
11 protect his gang.

12 Q. The main thing is that an EIC that I correctly calculate
13 where everybody's going to be, certain gangs are going to be over
14 on 2, whatever they're going to do on 2 main track, and 1 track
15 may be simpler. I've just got it out of service, but you can see
16 how complex this is, right?

17 A. Yes, yes, yes.

18 Q. So I want to go back and visit in the training, is there
19 any emphasis, instruction, direction, expectation that if I'm
20 going to be standing, receiving instruction from an EIC in one of
21 these more complex, quite a few people, a couple dozen people are
22 there, that I am to write down what he is telling me?

23 A. No.

24 Q. There is not.

25 A. There is not.

1 Q. Okay. You know where we're going. I mean if I go out
2 and do whatever I'm doing, if I forget, if I get mixed up, if I
3 think it was 1 track today and 2 track tomorrow.

4 A. Yeah.

5 Q. I just want to bring that up as something people can
6 consider or -- and that's why I brought up the --

7 A. Yeah. If you ever feel --

8 Q. -- whole thing.

9 A. Okay. If you ever feel that your protection is
10 compromised, where you can't be in the clear, 15 --

11 Q. Hold on. Let's don't deal with compromise. Let's deal
12 with confused.

13 A. Confused. You should stop all work and address the
14 protection issues to ensure that everybody can be in the clear 15
15 seconds before a train reaches your work location.

16 Q. Well, you know, in an ideal world I agree with you.

17 A. That's fact. You need to be in the clear 15 seconds or
18 your -- that's the ideal world, and if you don't have your
19 protection set up that way, you're not safe on the railroad.

20 Q. Okay. Last best thing, and I'll shut up here pretty
21 quick. You and Bill were talking about the 4 foot envelope and
22 you referenced FRA and a couple of times we've heard also a yard
23 stick measurement like a 15 foot. And I just want to be clear.
24 Which is it? On that 15 foot, how do you understand that
25 definition? If I'm 15 foot away from that nearest rail, I just

1 need what? Lesser protection.

2 A. All right. I believe you're probably talking about a
3 contract. In their rules and regulations, in their training,
4 they're trained and taught, first of all, they can't protect
5 themselves, and if you get between -- within 15 foot of live
6 track or a track, Amtrak has to protect you. Now that protects
7 you. It will be determined by the person providing the
8 protection, the qualified person, and their rules and regulations,
9 our rules and regulations is four foot. To answer your question,
10 if a contract is working, nine foot from the outside of the rail,
11 the EIC or the person protecting them, the qualified person
12 protecting them, might not put out any protection at all. He's
13 not in the four foot fouling envelope period. That 15 foot rule
14 speaks about contractors, and it's not anything to do with an
15 Amtrak employee.

16 Q. Okay. That clears that up. Pat, thanks.

17 MR. HIPSKIND: That's all I've got, and let's see what
18 the second round brings.

19 DR. JENNER: No questions from me.

20 MR. HEBERT: No questions.

21 MR. FINNEGAN: I've got a couple of questions.

22 BY MR. FINNEGAN:

23 Q. The person that does the qualified efficiency test, the
24 supervisor that performs those, you said that was a computer
25 course that they take, self-directed?

1 A. Yes.

2 Q. And there's a multiple choice quiz afterwards and
3 they're qualified or how does that work? Is there a test that
4 they take that --

5 A. I'm not sure about that. I can't answer that question.

6 Q. Okay.

7 A. I know they're trained on it. Whether there's a test
8 involved, I'm not sure.

9 Q. Okay. And then the contractor, you sounded like you're
10 familiar with their training. That is a computer test that they
11 take. They watch a video I guess and then take a multiple choice
12 test or -- and pass/fail with a certain percentage of the
13 questions answered --

14 A. Yes.

15 Q. -- correctly? Okay. Is part of that test a good faith
16 challenge? Does that -- does -- is he -- who does he challenge I
17 mean if he doesn't think he's protected?

18 A. There's not a dispute resolution clause in the
19 contractor protection, but there is a safety clause in the
20 contractor protection clause.

21 Q. So he's aware that if he feels that the Amtrak employee
22 that's supposed to be protecting him --

23 A. Yeah.

24 Q. -- he can challenge but --

25 A. He can refuse to go to work if he's got a safety issue

1 and isn't happy with his protection. He doesn't feel safe, there
2 would be many people to get that rectified real quick.

3 Q. Okay. Thank you.

4 MR. HIPSKIND: Thanks, Jim.

5 MR. PROTO: No questions.

6 BY MR. COLLINS:

7 Q. Is there anything -- this is Bill Collins. Is there
8 anything that could be done that would have, in your opinion, that
9 would have prevented the incident? In other words, is there
10 something that could have been done to enhance the employee's
11 awareness or situational awareness? At this point, it seems like
12 there's a certain thing that was violated, but I'm just wondering
13 if you could think -- come up with anything that would have made
14 -- prevented that from happening?

15 A. You're talking about Ms. Kline.

16 Q. Yes.

17 A. Yeah, I've gave it a whole lot of thought. This ain't,
18 this ain't my first one that I've been on. I know that the task
19 that was begin performed was outside the fouling envelope and
20 there was no reason for her to be on that track. Is that what
21 you're asking me?

22 Q. Well, we're agreeing to that, right, but is there
23 anything that -- we agree that that's the situation but is there
24 you can conceive that would have precluded her from doing that,
25 from performing that? Some way that could have been strictly

1 enforced to the point where, I mean she had a perfect compliance
2 record. So why was she noncompliant that day? Is there anything
3 that you could think of that would reinforce the on track, only on
4 track necessary in the performance of your duty?

5 A. I'm sure all of our employees are trained and it's kind
6 of drilled into them that you don't get on the track unless you
7 have to, unless you're performing a function, and I don't know
8 what else could have done. She made a choice, if we're talking
9 about her, and I don't know what that choice was and what she was
10 doing, but certainly the task --

11 MR. HIPSKIND: Gentlemen, I don't want to get into a
12 real deep analysis in assigning the blame. That's not why we're
13 here, and today's goal was just an education on some of the things
14 that we thought we needed to understand better about RWP in
15 general. So if you could just start over again.

16 MR. COLLIERE: I think that all of our employees get
17 ample amount of training and know the rules and regulations to
18 keep themselves safe out there, and if they're not safe, if they
19 don't feel safe, they're to challenge, and there's never been
20 anybody reprimanded or disciplined for challenge. So I don't
21 think there's a fear of that there. We mentor them all the time
22 especially the new employees.

23 MR. COLLINS: No further questions.

24 MR. HIPSKIND: Thank you, Bill.

25 MR. HRASKA: This is Paul Hraska. One follow-up

1 clarification.

2 BY MR. HRASKA:

3 Q. Talking about the ability to do a challenge, to
4 challenge, and I think I heard you explain that it's done -- a
5 challenge can be issued at the safety briefing. Can a challenge
6 be issued after the safety briefing? Say a crew gets out and they
7 see that they're on a curve and they don't feel that protected?
8 Can they issue a challenge after a safety briefing?

9 A. Yes, and it's trained.

10 Q. Okay. Okay. Thank you.

11 A. You stop all work at that point. The second somebody
12 raises a concern, you stop all work, get off the railroad and
13 adjust what you have to adjust.

14 Q. Thank you.

15 MR. HRASKA: No further questions.

16 MR. HIPSKIND: Bob?

17 MR. WINSTEL: No further questions.

18 MR. HIPSKIND: Dan?

19 MR. TOTH: This is Dan Toth. No further questions.

20 MR. HIPSKIND: William?

21 MR. FOSTER: Nothing further.

22 MR. HIPSKIND: George?

23 MR. GERONON: No further questions.

24 MR. HIPSKIND: Pat --

25 MR. FINNEGAN: I have one more question, one more

1 question.

2 MR. HIPSKIND: Okay. Hurry up, Jim.

3 BY MR. FINNEGAN:

4 Q. Okay. The mentoring that we've been discussing, does
5 anybody keep a record, any written documentation about the
6 mentoring program? Like if I mentored you, is there a checkoff
7 that, you know, he was qualified, we worked on this today? Is
8 there any kind of formal record kept?

9 A. For some types of mentoring. We're in the midst of a
10 New York Division foreman's mentoring program --

11 Q. Okay.

12 A. -- that I'm doing for all the foremen, you know what I
13 mean, to help them in -- especially we've got a lot of new
14 foremen --

15 Q. Sure.

16 A. -- to help them and the records are kept by me for that.

17 Q. But not necessarily for a gang member --

18 A. No, not --

19 Q. -- as they're progressing through their --

20 A. No, not for a gang member.

21 Q. Okay. All right. Thank you.

22 MR. HIPSKIND: I'm going to have to hurry here because
23 there's some things that I know on our devices. Thank you very
24 much, not only for being here today and dealing with a lot of --
25 we parsed out an awful lot of stuff on RWP and I think you handled

1 it really well, and the reason I think that's important is all
2 this dialogue here in this interview has added value in my humble
3 opinion to our investigation as we can bring people along and
4 parse this stuff out. It answers a lot of questions about we
5 wonder about this and wonder about that. So you did a great job.

6 And, gentlemen, if you don't have any other questions,
7 thanks again, Pat, and we'll end the interview.

8 (Whereupon, the interview was concluded.)

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CERTIFICATE

This is to certify that the attached proceeding before the

NATIONAL TRANSPORTATION SAFETY BOARD

IN THE MATTER OF: COLLISION OF AMTRAK TRAIN 280
 WITH MAINTENANCE-OF-WAY EMPLOYEE
 ON OCTOBER 29, 2014 IN
 COLUMBIA COUNTY, NEW YORK
 Interview of Patrick Colliere

DOCKET NUMBER: DCA-15-FR-003

PLACE: Kingston, New York

DATE: October 31, 2014

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.

Kathryn A. Mirfin
Transcriber