

UNITED STATES OF AMERICA

NATIONAL TRANSPORTATION SAFETY BOARD

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Investigation of: *

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CALTRAIN COLLISION WITH *

CONSTRUCTION EQUIPMENT NEAR *

SAN FRANCISCO, CALIFORNIA, * Accident No.: RRD22MR007

ON MARCH 12, 2022 *

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Interview of: CLAUDE ROBINS, Flagging Foreman

Transit America Services, Inc.

San Francisco, California

Tuesday,

March 15, 2022

APPEARANCES:

STEPHEN JENNER, Ph.D., Human Performance Investigator
National Transportation Safety Board

MITCH MCCARTHY, Vice Chairman
Brotherhood of Maintenance of Way Employes Division,
Unified System Division (BMWED USD)
(Representative on behalf of Mr. Robins)

I N D E X

ITEM

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Interview of Claude Robins:

By Dr. Jenner

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I N T E R V I E W

(10:30 a.m.)

DR. JENNER: Good morning. Today is March 15th, 2022, and the time is 10:30 a.m. My name is Stephen Jenner, and I'm an investigator with the NTSB.

Today we are conducting an interview with Mr. Claude Robins regarding the train accident that occurred on March 10th, 2022, in San Bruno, California. This is Mr. Robins' second interview pertaining to this event, second interview with the NTSB.

Mr. Robins has a representative with him today, Mitch McCarthy, who also represented him during the first NTSB interview.

So let's go ahead and introduce ourselves. Again, my name is Stephen Jenner, S-t-e-p-h-e-n, J-e-n-n-e-r. I'm an investigator with the NTSB. And we'll go to my left, if you would state and spell your name, give me your title, who you work for.

MR. ROBINS: My name is Claude Robins. That's spelled C-l-a-u-d-e, R-o-b-i-n-s. I work for Transit America, and I've been working for them since July 5th, 2000, and my position is a flagging foreman.

DR. JENNER: Okay. And Mitch.

MR. MCCARTHY: Mitch McCarthy, M-i-t-c-h, M-c-C-a-r-t-h-y. I am a vice chairman for the BMWED USD, and I will be Mr. Claude Robins' representative today.

DR. JENNER: Terrific.

So thank you for being here.

1 MR. ROBINS: Thank you.

2 INTERVIEW OF CLAUDE ROBINS

3 BY DR. JENNER:

4 Q. I had a chance to listen to your first interview, the
5 audiotape of that, and as we were discussing earlier, there were
6 some things that I thought were interesting statements that you
7 made that I'd like to explore further. At the end of the
8 interview when you were being asked about how can we make -- how
9 can we prevent this accident or what else should be looking for,
10 you made a statement along the lines that we need to look at the
11 whole picture. And that's what I'd like to explore to you today,
12 what in your mind is the whole picture and -- because I think
13 there's perhaps something else that you have thoughts about, about
14 this incident.

15 So let me get started by asking you how did you get into
16 railroading?

17 A. I worked for flags (indiscernible) for 15 years. Flags
18 (indiscernible) closed down and was moving, I think, out of the
19 state or out of the country. At that time we're looking for other
20 employment. San Francisco, I think, was going to be hiring
21 because of the San Francisco Giants were coming to town, so
22 someone said they were looking for coach cleaners or something
23 like that. So I just thought, hey, let me try to apply for a
24 railroad job. I'm still working, going to make the cut, but due
25 to the workforce layoffs, I had to start looking for other

1 employment before we completely shut down. So I put in an
2 application and got on with Amtrak at that time, and at that time
3 they came in and said maintenance of way. I didn't know what
4 maintenance of way was. I thought I was going to be a coach
5 cleaner and found out I was going into rail work. And I started
6 my career of trackman for Amtrak.

7 Q. And when was that?

8 A. And that was July 5th, 2000. And that brings me to today,
9 which is March 15th, 2022.

10 Q. So you've been in maintenance of way for 20 --

11 A. I've been in maintenance of way program --

12 Q. -- 21, 22 years?

13 A. Yes. Department. Department.

14 Q. Right. If you can just summarize the various positions you
15 held?

16 A. Yes. I held trackman, machine operator B -- didn't operate
17 too many machines on that -- welder helper, watchman, and then a
18 flagman, and then a flagging foreman.

19 Q. And how long as a flagman foreman?

20 A. I would say 15 years, and then -- yeah, 15 years.

21 Q. What do you think of being a flagman foreman?

22 A. A lot of responsibility. A lot of responsibility. A lot of
23 contractors. A lot of things going on all the time.

24 Q. Okay. Is it a stressful position?

25 A. Yes. Yes.

1 Q. What is -- what are the stressors?

2 A. The stressors are knowing where everyone is at all times;
3 knowing what's happening on the track or the area that you're
4 working in; heavy duty equipment, machines coming in, going out;
5 passengers at stations; employees -- new employees, old employees,
6 so -- scheduling, schedules, who you're working with, how well
7 they comprehend with the contractors itself, not getting too close
8 to the contractor as friends, buddies. Because remember that we
9 have to perform a job and if we get too close to them, we forget
10 what our focus is on our job. So those are the stressors.

11 Q. I see.

12 A. Long hours. Long hours, a lot of overtime.

13 Q. That is thrust upon you?

14 A. Yeah. Well, it's --

15 Q. Or is it volunteer overtime?

16 A. It's more volunteer. It's optional. It's not that it's
17 forced on you, but because normally every project is pretty much a
18 7-day-a-week event, whether it's broken down into different parts
19 or categories with shifts, overtime is always available. It's a
20 24/7 operation.

21 Q. Is there an hours of service requirement?

22 A. Not for maintenance of way employees. But for signal and, I
23 think, operations, there is an hours of service, but not
24 maintenance of way employees.

25 Q. I see. Okay. You listed a bunch of things that you're

1 responsible for. Is there one particular thing that stands out
2 that gives you the most -- that you lose sleep over? One element
3 of all those things, what's the most, what's the most challenging
4 part, the most difficult part?

5 A. Knowing where everybody's at.

6 Q. And when you say everybody, who are we talking about?

7 A. Your employees -- not your employees, but your crew, your
8 crew and your gang, the gangs that you're watching.

9 Q. What is -- do you have a particular strategy for where you
10 position yourself along with the gang? Do you like to be on site?
11 Do you like to be at a different location? So how do you go about
12 tracking where everyone is?

13 A. Again, depending on how many people you're involved with that
14 particular day, you have an area from, let's just say, A to Z, and
15 people could be all over that A to Z area. I cannot be in one
16 position. Based upon normally wherever the action or the most
17 serious work is, I'm normally in that area itself, but I got to be
18 able to be in a position where the trains can hear me because I'm
19 on a radio via truck, which is my vehicle, and the trains have to
20 be able to hear in both directions. I have to be able to
21 communicate with them. So an example is, I can't be at one place
22 and a train is calling me from another place. I got to be in a
23 position where the train or the radio frequency can get all the
24 way around and my individual or my helper can hear me so that they
25 can clear in time of a train.

1 Q. Right.

2 DR. JENNER: Yes?

3 MR. McCARTHY: I do have one thing that pertains to this
4 situation that you're discussing.

5 DR. JENNER: Just say --

6 MR. McCARTHY: Oh, yeah. This is Mitch McCarthy with the
7 BMWED. I would like to bring up something that Claude mentioned
8 at the previous interview in regards to the specifics and also is
9 in relation to the question and statements being asked right now.

10 On the day in question, you were bringing up that you were
11 required to be at a certain location in this scenario because of
12 the radio, right?

13 MR. ROBINS: Correct. Correct.

14 MR. McCARTHY: Maybe explain that.

15 MR. ROBINS: Okay. On this particular day of the accident,
16 the crew was getting on at roughly a milepost known as 12. -- I'll
17 say 12.3, which is Center Street. My location was 9.1 -- well,
18 9.1, 9.2. That is actually South San Francisco. South San
19 Francisco is where I was staged at inside the parking lot
20 communicating with the trains. The trains are calling me from
21 around a curve, actually at what we call visitation, which is
22 located -- Bayshore visitation, milepost 5.0 to let's just say
23 7.0, and that's a curve area where we have a lot of trouble
24 sometimes with a train getting ahold of the individual who's
25 running that Form B. So I was at 9.1. My work gang or work crew

1 was at roughly 12.2, getting onto the track at Center Street. So
2 I couldn't be at 12.2 and trying to communicate with a train
3 that's all the way down maybe at 5.0, 5.2 area.

4 BY DR. JENNER:

5 Q. Right. And I recall that being discussed briefly in your
6 first interview. So I was going to ask those --

7 A. Yes.

8 Q. -- those questions.

9 MR. McCARTHY: Sorry.

10 DR. JENNER: No, no. That's all good. It's all good.

11 BY DR. JENNER:

12 Q. Did you mention that there was some type of barrier that
13 interferes with radio reception?

14 A. Not a -- I did say some type of wall. Again, it's a
15 frequency around a curve, that's right around a curve. Again, the
16 mountains itself, the way the radio bounces off the tunnel -- you
17 know, the train is coming out of a couple tunnels there, 1 -- 2,
18 3, and 4, basically. And sometimes right around that curve, you
19 just get bad reception sometimes.

20 It could be a bad radio on the train. I can't say it would
21 be my truck radio because I talk to 40, 50 trains a day. As they
22 get closer, then the reception comes in. But around sometimes
23 what they call I think a dead zone -- sometimes you get a dead
24 zone. Just like our cell phones, you go -- you're on the freeway,
25 you're talking or whatever, visa-versa, and the phone cuts out.

1 Same with our radio. Sometimes you can get in a bad zone and you
2 just -- you know, I may lose you or I may not understand or may
3 not hear you correctly or the reception's gone, and maybe in 2
4 more minutes it comes back and we repeat ourself that I didn't
5 understand, I didn't copy, and then we repeat.

6 Q. It sounds like you knew about this issue going into that day.

7 A. About what issue?

8 Q. About the potential radio problems.

9 A. Oh, yeah. Yeah. Yeah. I mean -- I'm not saying it happened
10 that day. I don't think it happened that day, but I know where
11 they'll be so that they can -- so they could hear me and I could
12 hear them.

13 Q. Right. I'm just asking if you showed up that day and, like,
14 what's wrong with the radio? But you had previous experience
15 knowing the potential radio issue?

16 A. Yes, yes. Correct. Correct.

17 Q. Okay. Is that a common occurrence on the territory? Are
18 there just some particular --

19 A. South San Francisco area has always been a different scenario
20 versus other places on the track. And again, and it could be the
21 train radio, it could be a malfunction on -- again, I don't know
22 how many trains Caltrain has, but it could be a bad order on a
23 radio, you know, and --

24 Q. Um-hum.

25 A. It's just one of those things. That's one of the bad,

1 normally the bad spots --

2 Q. Right.

3 A. -- is that area.

4 Q. So if -- let's hypothetically say the radio reception always
5 is very good in that area.

6 A. Okay.

7 Q. Where would you have liked to have positioned yourself that
8 day at the beginning of the work?

9 A. Probably the same position I was at, at 9. --

10 Q. 9.1. Okay.

11 A. -- at 9.1.

12 Q. And that's strategically positioned -- besides the radio,
13 there's other reasons for you to be there?

14 A. Yes. Actually, the worksite was going to be at 8.6, which
15 is, again, an area where they were coming to perform their duties.
16 So they had to pass me at 9.1 to get to 8.6 area to do the work
17 that they were going to do. The way the right-of-way is, I cannot
18 be on the right-of-way with my vehicle and communicating with
19 trains and them bringing their stuff in to do their work. So I
20 have to be outside. And in the event that a flag goes down or
21 something happens and I have to rush somewhere inside my limits or
22 go check on another crew, I have to have access to move around. I
23 didn't that day, but that's why I'm staged where I am.

24 Q. I see. In general -- I understand there's work being done
25 throughout the track -- how widespread could one extreme of work

1 being done and the other work being done, how far apart could they
2 be?

3 A. Well, a Form B could last -- again, going in a previous
4 project, a Form B was, I think, 9. -- I'll give you an example,
5 9.-something to 14.-something. That was on, I think, the BART
6 project in roughly the year 2001/2002, and that was a 4 -- 3, 4
7 year project. I think our limits there was from 9 or 10.0 all the
8 way down to 14. So you could have a 5-mile Form B. So in 5
9 miles, you could have a number of crews, a number -- I'm talking
10 you could have seven, eight crews, you know, different
11 coordinators. Again, I'm not watching each and every one of them,
12 but I'm in cahoots or in correspondence with their watchman or
13 their subgroup coordinator, what we call them now.

14 Q. Right.

15 A. So I would call them. They would clear their crew. They
16 would report back to me and I would check it off, crew 1, crew 2,
17 crew 3, crew 4 is all in the clear, and then I would clear that
18 train through their limits.

19 Q. Thank you. You mentioned subgroup coordinator.

20 A. Yes.

21 Q. So let me turn to that. That was Mr. Tim Hildago [sic]?

22 A. Tim -- yes, Tim Hidalgo, I think is his name.

23 Q. Right.

24 A. And we had also with us that day two, what we call shadows.
25 These were new employees or newer employees. I didn't know them,

1 just met one of them the previous day. The second day, I just met
2 him for the first time. And these are guys who's in training, in
3 training or been with the company for a few months and they're
4 shadowing to see what we do or how things work, maybe prepping
5 them to become watchmen or subgroup coordinators in the future.
6 Yes. So we had a total of four of us. Yeah, Tim, the two
7 shadows, and myself. So we had four total.

8 Q. Right. You just mentioned meeting a couple of them for the
9 first time. How about Tim, had you worked with him before?

10 A. He worked with me before on another project, not long. It
11 was, I think, the South San Francisco project he worked with me
12 maybe for a day, you know, again, a day here, a day there. They
13 bounce individuals back and forth. I never know who I'm going to
14 have.

15 Q. Right.

16 A. I never know who I'm going to have.

17 Q. Do you recall if he was the subgroup coordinator when the two
18 of you worked the previous project?

19 A. Yes. Whenever he works with me, he's always going to be a
20 subgroup. I am the senior. I am the one who will be the RWIC.
21 That's railway worker in charge.

22 Q. Right.

23 A. So he would -- if a Form B is in effect, he would be my eyes,
24 my ears. He would be the watchman for the group. Whoever's
25 performing duties on the track or whatever they're doing, he'll be

1 specifically with them and reporting to me.

2 Q. Right.

3 A. While my focus, main focus is to talk to trains, clear the
4 trains, make sure men and equipment are in the clear.

5 Q. Right. I'm just curious. What was your professional
6 impression of working with Tim previously, on your previous job?
7 Were there any issues? Was it a good working --

8 A. Nervous. Nervous guy. Jittery guy. A guy with a lot of,
9 you know, a lot of energy. Again, but Tim hasn't been with the
10 railroad a long, long time. I don't know -- I know -- I don't
11 know how long Tim has been with the railroad. I know it hasn't
12 been, you know, 6, 7 years. I think that would be too much. So I
13 don't know his history, but he's I think a nervous type
14 individual. Want to do well, want to do well, respect him 101
15 percent, but -- want to be there, but I think he's jumpy -- I
16 don't know how -- fidgety, I would say. You know, that's what I
17 would -- how I would characterize him.

18 Q. Sure. Were you satisfied with his abilities? Did anything
19 he say or do give you concern either on the first time you worked
20 with him or just last week?

21 A. He's one I have to watch. You know, yeah, I'm somewhat
22 concerned. You know, again -- I feel comfortable with him, but,
23 again, I want to make sure he understands the process in what
24 we're doing. What I mean by that is I want to make sure that -- I
25 know he's going to be there, I know he's going to be watching, but

1 I just don't want him to take something out of character. I mean,
2 you know, I mean overcautious or not allowing them to do the work
3 that they have to do, somewhat like that I mean. So that's how I
4 would have to characterize Tim.

5 Q. Okay. So let's say last Thursday on the day of the incident,
6 was -- did you have to give extra attention to Tim? Did you have
7 to pay a little more attention to him and his performance or were
8 you able to just do your routine without concern?

9 A. I had to -- I'm not going to say I had to pay more attention
10 to him, but I had to make sure he was focused, had to make sure he
11 was with me. What I mean by that is, he got all his -- the proper
12 equipment and he was attending to the people that he was watching.

13 Q. Um-hum. Okay. Besides his mannerism as you described, was
14 he doing the right thing? Was he doing what you wanted him to do?

15 A. Yes. Yes. I would say yes.

16 Q. Okay. Is there anything else you'd like to share about
17 working with either Tim or anyone else that day that gave you
18 concern?

19 A. Well, the concern was, again, that the two shadow guys, which
20 were the two new employees -- I didn't know one. Again, I just
21 met him that day for the first time. Don't know how long he had
22 been with the railroad. I think he was 22 years old, because I
23 think I made a reference that, hey, I got son that's 21. I think
24 we did talk, share words like that. The other individual was with
25 me the day before, the day before, and that was -- his name was

1 Ameechicor (ph.) -- I'm sorry. I forgot his name.

2 Q. Right. Right.

3 A. Ameech -- Ameechwa (ph.) or something like that. He was with
4 me the day -- with Tim the day before.

5 Q. Right.

6 A. And I did reiterate in our briefing sometimes I called the
7 radio -- I didn't get his attention on the radio because of,
8 again, the correspondence. They have a packset. They have a
9 packset radio. I have a more -- a booster system in my truck, so
10 I could hear, but his communication from where he was at to where
11 I was at sometime was scratchy or I couldn't hear him and he had
12 to -- I had to repeat or I called on the phone to Tim to make sure
13 that, you know, men and equipment were either in the clear or did
14 he hear me. Hey, I told you or I said we were in the clear.
15 Well, I didn't hear it. And again, that was a radio issue, not
16 his. Maybe he did respond, but, again, until I hear, I don't know
17 that he's hearing me. So that's the only issue I had with that
18 shadow.

19 The other guy was totally new. I didn't know anything about
20 him. I think I met him last week, I think, on a -- not on a
21 project. Where'd I meet this guy at? He was with somebody and he
22 told me his name. He told me his name and I said, oh, yeah, I
23 just met you last week and you told me your name. But he was
24 either shadowing or with another group or something, and he
25 just -- oh, he's with me today. So that's the only thing I know

1 about that guy, I think. And he had only maybe been here 4
2 months, 5 months. I, again, I don't -- it was somewhere like
3 that. It was fairly new, fairly new.

4 Q. How does having trainees, or does it at all, sort of affect
5 how you go about doing your job?

6 A. Well, if I have a trainee, I got to put -- and even though
7 he's under someone else who's more experienced, I have to, again,
8 make sure that he understands the quality and the capacity of
9 what's going on. You give me a trainee guy -- again, I've been
10 doing this 20-plus years. You give me a guy who only been out
11 here 3 to 4 months, I'm concerned. And that's what I meant about
12 the whole picture.

13 You put a guy out here who only got limited time, you got
14 trains running on these tracks 79 miles an hour, I got to make
15 sure you're -- you have full attention of what's going on, on this
16 track. I got to make sure you're not engaged with contractors or
17 you're not engaged with something else and you are fully focused
18 on my traffic time and listening to me and/or a coordinator. So
19 when you give me somebody new, I'm jittery. I'm nervous now
20 because I don't know you. Can I trust you?

21 I know we all go through training. I know we're trained, RWP
22 trained, TASI trained, and all this, but it's another story when
23 you're out on a track and a train is blowing by you, you know, at
24 whatever speed or whatever the duration is, whether it's a
25 hi-rail. So, yeah, I'm definitely concerned who's out there with

1 me, do I have a competent person or not? These two or three, I
2 don't really -- I can't say that I'm 101 percent in favor of them
3 because you haven't proven to me or demonstrated to me that I'm
4 trustworthy of you being down there or with an individual. So I'm
5 close, I'm like mother duck looking at little duck there to make
6 sure, hey, are you in the clear or where you at, what you're doing

7 Q. Right.

8 A. So that's my main focus. So I'm very cautious about who I'm
9 with. When I talk about a big picture, we got qualified people, I
10 think, out on the track. You got more experienced people out on
11 the track. Why isn't some of the more experienced people on
12 certain jobs, is what I'm saying?

13 Q. Um-hum.

14 A. A new guy, a trainee guy, I could see you working here; I
15 could see you being -- working off track; I could see you watching
16 a job. I understand all that. But why would you be on a track
17 when you got trains running 79 miles an hour on both tracks and
18 then I got another guy such as -- I'll give example of Mitch,
19 who's been here maybe 9 or 10 years, and Mitch might be watching
20 somebody in a parking lot who's just offloading something -- boxes
21 out of a car. I'd rather use Mitch on a project where I'm at
22 versus using a new guy because I know I could rely, know the
23 object of the railroad. And that's what I mean about a big
24 picture.

25 Q. I see.

1 A. Someone I could count on or somebody I could trust.

2 Q. Right. How often are trainee types assigned to you? Is this
3 a weekly, monthly --

4 A. Again, it varies. It could be a -- I'm not going to say a
5 daily thing, based upon -- I don't know management's schedule.
6 Again, I don't know. I will provide a list. I don't know. If
7 they think someone needs to be out and just need to see the way
8 the railroad works, they may send somebody out. Maybe they have
9 too many people and they say, I want you to see what it's like to
10 be out with Claude or with a Mitch or with a Steve or visa-versa.
11 As far as training, I just can't say because there's so much going
12 on out on the tracks right now. There's a lot of work out there
13 right now, so --

14 Q. Yeah. I'm going to press you a little on that. I just --
15 I'm just trying to get just an estimate. Is it a daily, every day
16 you expect to see a trainee, or maybe once a week or maybe once a
17 month? I'm just trying to understand how often you have to deal
18 with this big picture type of thing.

19 A. It can be -- at least a week. I'll just say in a week's
20 time.

21 Q. Okay.

22 A. Because on a daily basis it changes. It changes on a daily
23 basis. Again, I don't know their schedule. I'm talking about
24 management's schedule.

25 Q. Sure.

1 A. I don't know who -- if it's required for me to have a second
2 person. Again, remember, jobs are based on what they put in for,
3 and then it's what they -- you could recommend the world. I'm
4 going to ask you for a million dollars, but I'm only going to give
5 you 500. You know what I'm saying? So they could ask for three
6 people. The agency itself might say I'm only going to send you
7 one or I'm only going to send you two. I don't know who they're
8 going to send. So those two people they send, I don't know who
9 they're going to send.

10 And then I might not need them and I might need them. So
11 it's just, it's just like -- could be today I need two people and
12 I got a lot of work done, but I can't do it because I don't have
13 enough people to do what it is you want. The next day I might
14 have three people. It might be a new guy or a lower seniority --
15 I'm not going to say new -- a lower seniority guy.

16 Q. Right.

17 A. Because I don't know everybody that's at the shop area or
18 everybody -- the newer people that they hired because I'm in the
19 field a lot.

20 Q. Right. Was this crop of people on that day, like, more
21 inexperienced than other crops of people you may get? Did
22 something stand out about, oh, these people are very experienced
23 or today I've got a whole inexperienced crew? Anything --

24 A. I would say more inexperienced, more inexperienced. Again,
25 Hidalgo been there -- again, I would say 4 years, and that might

1 be high, it might low. I would say 4 years, right? So I don't
2 know his complete history because I don't know where he's been
3 every day, what he's been watching.

4 Q. Right.

5 A. I don't know what -- he could've been in the parking lot
6 watching them offload boxes. He could have been on track. I
7 don't know where he's been, so --

8 Q. Right.

9 A. The other two guys, yeah, completely, you'd have to say that
10 that's inexperienced. When you got two guys that's shadowing, of
11 course that's inexperience right there because they -- they're
12 clueless to the way things happen. But I can't give you their
13 history because I don't know how long they've been here, again,
14 and what they've been seeing for the last 3 or 4 months that
15 they've been on the railroad.

16 Q. Right. If I understand, you had them -- one of the tasks you
17 had to do involved flagging?

18 A. Correct. Correct.

19 Q. Okay. Did that -- did they perform okay when they were
20 flagging?

21 A. On that particular day, I took -- because he had two. Now
22 we're talking about two different days. That particular day of
23 the accident I'm referring to, we had two, two extra guys, or I'm
24 just going to -- two shadow guys.

25 Q. Right.

1 A. I allowed one to go with Tim. I allowed one to go with me.
2 The one that went with me was the, I would say the more
3 experienced one because he had did it previously with Tim the day
4 before. So I took him with me. I allowed him to put up the flags
5 or -- as I watched him, observed him put up the flags. Because I
6 got a condition right now that I'm not allowed to lift X amount of
7 pounds due to me just coming back to work from an injury, so I
8 allowed him to put it up.

9 The other individual, the new guy -- that I call new -- was
10 with Tim Hidalgo, and I'm expecting Tim to watch him and help him
11 and put the flags up like he was directed to do.

12 Q. Right.

13 A. So I didn't hear no complaints. They called me on the phone
14 after they put them up. Robins, yellow/red flags are up at Point
15 A position. Okay. I'm proceeding to the red flags. They called
16 me at the red flag, red flags are up at this position and we're
17 now proceeding to the location of Center Street. And that's what
18 happened. So everything worked picture perfect that day.

19 The day before that, I only had one guy, one guy with Tim
20 Hidalgo. So that one individual put up the north end and he put
21 up the south end. Both of them, they put up both, and I did
22 nothing. I just talked to trains, talked to them indicating
23 something's in the limits.

24 Q. Right. Okay. I'm going to change topics a bit. I want to
25 talk about your workload.

1 A. Okay.

2 Q. You know, earlier you mentioned a whole bunch of
3 responsibilities you have to perform your job.

4 A. Um-hum.

5 Q. But I hear two distinct activities that you're responsible
6 for. I know you have many, but one is dealing with the trains
7 going through the work area, and two is communicating with your
8 work group.

9 A. Correct.

10 Q. Right. How -- talk to me about the challenges there. Is
11 that something you, in your position, that's something you expect
12 you do every time you're working?

13 A. Oh, correct. Correct. I mean, that's number one. If -- for
14 sure, if you've got a Form B, you have to talk to a train.

15 Q. Of course.

16 A. Let's establish that first. If you got -- if a train is
17 coming through any area and you got that limit or those limits,
18 you definitely have to correspond with anything on the track, not
19 just trains. I'm talking about hi-rail vehicles, machine
20 operators, whatever is in that area, they have to get authority
21 from me, which is the RWIC, before you can come enter those limits
22 or exit those limits. So you have to do that. Let's establish
23 that.

24 With the other individual -- on the B side to that, if you
25 have someone, again, in your limits, which would be Hidalgo at

1 this time, he has to correspond because he has equipment and/or
2 something on that track. So he also has to correspond with me
3 because I have something on track, he's inside my limits, so I
4 have to make sure it's clear or clean for that train or that
5 hi-rail vehicle to get through to the limits.

6 Q. Right.

7 A. So it's a A/B type of thing. Both have to go through you --

8 Q. Right.

9 A. -- to get through the intersection. In order to get through
10 the intersection -- the cars got to get through and the
11 pedestrians got to get through, so I have to be the one to get
12 them both through that area.

13 Q. Right. Right. Do you find that something just routinely
14 manageable or does it get overwhelming? Where are we --

15 A. It's definitely manageable. It's part of the job. I've been
16 on a job where I've had six subgroup coordinators, where you
17 actually got to go through six people before you cleared a train.
18 So it's manageable. It's doable. It's part of the job, so --

19 It gets overwhelming, yes, it gets overwhelming because,
20 first thing, you got a train calling. You know what train is
21 going to be calling. You want to get that train through, but you
22 also want to make sure that your people are in the clear and
23 equipment, whether it's a concrete, whether it's a concrete boom.
24 If a concrete boom is over -- hanging over the rail pumping
25 concrete --

1 Q. Right.

2 A. -- you want to make sure that concrete boom is out of the way
3 so that it don't get struck by the train.

4 Q. Right.

5 A. And that has happened -- not with me, but it has happened in
6 the past, something hanging over. So you want to make sure that
7 you got your men and/or equipment in the clear. So you got to go
8 down the line: Number one, are you clear; number two, are you
9 clear; number three, are you clear with your people, your machines
10 and your equipment?

11 Q. Um-hum.

12 A. So, yeah, it's overwhelming. Yes, it's overwhelming. And
13 talking to a train, that's a lot going on. And I'm talking to
14 each train, each train each way. You talking about a northbound,
15 you talking about a southbound. So it's not just one way.

16 Q. Right.

17 A. We're talking about two trains going through and you're
18 clearing five, six people, whatever it is in your limits, every
19 time. Every time.

20 Q. Right. Thank you for that. And I'm going to explore that a
21 little deeper as well. But let me just in general ask you, on the
22 day of the accident, your overall workload, just overall, was that
23 similar to prior days? Was it less busy or more busy or about the
24 same?

25 A. When you say busy, busy is what?

1 Q. Just how many -- how busy you are overall because there's so
2 much activity going on.

3 A. Okay. The train traffic was the same. The trains are on a
4 schedule. So no, there was no additional trains to the schedule.
5 I only had the one work group, the one work group, which had three
6 pieces of -- it was a total, I think, of three pieces of
7 equipment, so that was manageable. I'll say manageable. It was
8 doable. It was done the previous day. So it wasn't overwhelmed,
9 it's something that we had previously done, which was the day
10 before. So that was all in our correspondence of what we do for
11 that day.

12 Q. Okay.

13 A. So I wouldn't say it was just out there. It was a little
14 new -- not new to me, because, again, I had only worked with them
15 yesterday, the previous day. In the past, I have not worked with
16 this group or this gang. And the records itself will show who's
17 been out there the last few weeks or whatever this gang has been
18 working on track for -- I don't know how long. But just 2 days, I
19 just happened to be with them.

20 I didn't expect to be with them. No, I didn't. That was a
21 change that was thrown on me the previous morning an hour
22 before -- well, not even an hour basically -- well, an hour before
23 that shift started, that I was going to be with this individual
24 gang. I had no recollection that I was going to be doing that or
25 going to be with that gang.

1 Q. Let me ask you about that. Do you usually know an hour
2 before about what gang -- on previous days, about what --

3 A. Well, previous days, I should know. Unfortunately, this day
4 something occurred early in the morning where I think a individual
5 called in sick from -- and they needed me to go to fill the shoes
6 or the responsibility of this job for that day.

7 Q. So you were not expecting -- you had done this job the day
8 before, but you were not expecting to do it this day?

9 A. This job I did on --

10 Q. So Thursday was the incident.

11 A. Thursday was the incident.

12 Q. I think you described you also --

13 A. Yeah. Yeah, Thursday was the incident. I did it Wednesday.

14 Q. Right.

15 A. And Wednesday was -- Wednesday I was notified a hour prior.
16 A hour -- I'm thinking I'm going somewhere else. When I'm coming
17 into work, I'm looking to go to another jobsite. That's my focus,
18 my intentions, my energy is to go -- I'm watching Mr. Steve, I'm
19 watching Mr. Mitch today, that's what my focus, that's what the
20 schedule said. I get a a call from our supervisor, our manager,
21 indicating he needs me to go somewhere else. And that was 30
22 minutes to an hour prior to going to this job that I took for the
23 2 days.

24 Q. Right. Because of that call from your manager, were you --
25 time wise were you rushed?

1 A. Yeah, it -- I wasn't going to say -- I'm not going to say I
2 was rushed, but my whole train of thought changed. Because now
3 I'm doing something completely different that I don't know what's
4 going on. A new crew, I don't know what machinery they have. A
5 new crew that's doing a work task that I don't know nothing about.
6 So all that's new -- not new to me, I mean it's new to me, but --
7 so I got to change my train of thought. Now what do I have? Do I
8 got a helicopter out there? Do I got a 747 out there? Do I got
9 two Cessnas out there? I don't know. I don't know until I go try
10 to find out what do I have. So my whole emotions changed, you
11 know, as to, wow, what do I have? I've never worked with this.

12 I understand it's been some issues with people on track or
13 whatever the deal is, and now I'm thrown into that fire. I feel
14 personally now I'm thrown into something that I'm really not ready
15 for. I can handle it, but am I really ready for that change right
16 now? Coming back from 10 months, being off for 10 months --
17 again, I've been off for the last 10 months and I just came back a
18 month ago, February 1st. Am I ready for that type of, I'll say,
19 excitement?

20 Q. All right. You're asking a hypothetical: Was I ready; am I
21 ready for that type of excitement?

22 A. Yes. I'm trained for it.

23 Q. Right. Do you think you were ready for that going into that
24 day?

25 A. It was a shell shock. It was a change. I'm not going to say

1 I wasn't ready because I'm trained on the property. But it was a
2 shell shock. I'll say, yeah, it was a shock to my system. Again,
3 because I don't know what's going on. I don't know what's out
4 there. I don't know what they're doing. I don't know what kind
5 of equipment they have. I don't know what they've been getting,
6 what do they got, and all of that. So it was, it was a shock to
7 my system, I'll say. Yes.

8 Q. Okay.

9 A. So yes.

10 Q. So you at least got a taste of it on Wednesday.

11 A. Correct.

12 Q. So you met some of the players --

13 A. Yes.

14 Q. -- and some of those same players were Thursday.

15 A. Yes.

16 Q. Plus a trainee or two may have been different.

17 A. Yes.

18 Q. Okay. Did you feel more comfortable going into Thursday than
19 Wednesday?

20 A. Yes. I felt more comfortable on Thursday than I did on
21 Wednesday.

22 Q. Okay. With your description, did you approach it -- I mean,
23 you've described different feelings going into it, but it's
24 something that you -- I thought I heard you say, yes, I can manage
25 this; I can manage this, but it's -- it won't be overwhelming for

1 you. You didn't have concerns that this is overwhelming?

2 A. No, no, no, no. I just felt it was going to be -- again, in
3 my mind, just like it was on Wednesday -- yeah, I'm getting my
4 day, Wednesday and Thursday -- yeah, I figured it was going to be
5 just like it was the previous day.

6 But there was a change. There was, again -- as we say,
7 expect a train any time, any direction, on any track. There was a
8 change that morning. On Thursday morning, the day of the
9 accident, there was a change, a change that -- a rebel that came
10 upon me, and that was getting on the track, after talking with
11 dispatch, getting on the track from Linden to Center Street. You
12 know, the discussion we had -- again, we talk about any changes;
13 that was a change.

14 The change was, oh, Claude, you're supposed to get on right
15 here, or my instructions are what it shows on paper -- you're to
16 get on right here instead of getting on down here. Yesterday I
17 got on down here, everything was fine. Today I want you to get on
18 down here, even though I was able to get on down here. But it was
19 a change, it was a change. Yesterday, all the trains are crossing
20 over right here; today, for some unknown reason, they're going to
21 cross over here right onto our individuals. Yesterday, it was
22 fine. We were going all the way down the track and crossing right
23 here. Today, or the day of the accident, there was another
24 change.

25 Q. Right.

1 A. Just thinking about it, there's another change. We're
2 crossing here, not down here. You see?

3 Q. Right.

4 A. So we got a couple of changes here.

5 Q. Right. So I understand there's a logistical change.

6 A. Yes.

7 Q. But what you're -- you're telling me the change is more than
8 just entering Point A, Point B. You're telling me there's a
9 mentality that goes along with it.

10 A. Yeah, yeah, yeah. You got to be, you got to be focused. You
11 got to know what's going on, where these changes coming, where
12 they're happening at. I mean, yeah, yeah, that's -- yeah, again,
13 that's another, another shock to you.

14 Q. Right.

15 A. That, well -- and, again, especially when you didn't know. I
16 didn't know of that one, but that was a change. I'm just giving
17 you example --

18 Q. Sure.

19 A. -- of changes.

20 Q. Sure.

21 A. So things do change, and your body, your mind, your soul got
22 to be ready for these changes.

23 Q. Change is not a good thing in your discipline?

24 A. You know, you -- I -- if you see my paperwork, if you see my
25 history, I like to be decisive [verbatim]. I like to know what

1 you're doing. If you tell me, I like to know you're doing it. I
2 like to make sure we're on the same page. I like to make sure we
3 have a clear understanding. I like to make sure all of that.

4 When you throw a change, I can deal with the change, but
5 again, we have to -- we got to be ready for the reaction and --
6 you know, a change could be a good thing, a change could be a bad
7 thing, you know. A change might say that, hey, we got to pause,
8 we got to back up, we got to start over here to see what's really
9 going on. And, you know, when you throw it, and you just -- over
10 a phone and over here, when you got everything calculated, you
11 know, it changes the whole -- you know, we're inside the room now.
12 If, for instance, an earthquake happened, it's a change.

13 Q. Right.

14 A. We got to figure out are we going out that way or is it safe
15 to go out that way? That's a change. You know, the body -- the
16 mind don't know. The mind don't know. The mind is just reacting
17 to the fact that there was an earthquake. Now the mind got to put
18 it in perspective to the body, what are we going to do? Are we
19 going to jump under the table? Are we going to go under the
20 doorway? What are we going to do? So, you know, I mean, now the
21 reaction side phases into the focus system of what we're getting
22 ready to do.

23 Q. Um-hum.

24 A. So that's what I mean about changes. Yeah, there's changes
25 every day in our life. Every day we're going to come upon

1 changes. It's how we deal with the change. You may deal with it
2 differently, I may deal with it differently regard as to what I
3 got going on and you got going on or Mitch got going on. So
4 that's what we got to be prepared for. And I don't know how you
5 react to it. I react differently because I like to be precise. I
6 like to be ready. I like to be able to make a decision as to the
7 proper decision as to what I want to do or how can I react to
8 this.

9 Q. I appreciate that. Let me ask you a specific question then.
10 In your interview, previous interview, you mention arriving about
11 7 a.m., you like to get there early. And you --

12 A. 7 a.m. where?

13 Q. On the site. You talked to Phil.

14 A. Yeah, Mr. -- the foreman guy. Yeah.

15 Q. The foreman guy, right.

16 A. Yes. Yes.

17 Q. What is it that Phil needs to -- what do you guys talk about?

18 A. Again -- what we talked about that day?

19 Q. Yes.

20 A. That's my second day talking to him, I think.

21 Q. Right.

22 A. Because I never met him before. So what we talked about that
23 day -- again, and this was not on the record/off the record. No,
24 I'm not saying for you.

25 Q. Yeah.

1 A. For Mr. Phil, I'm saying.

2 MR. McCARTHY: Can you clarify who Mr. Phil is?

3 DR. JENNER: He was the foreman with --

4 MR. ROBINS: Mr. Phil, my understanding, was the foreman of
5 Balfour Beatty --

6 MR. McCARTHY: Okay.

7 MR. ROBINS: -- the guy -- yeah.

8 MR. McCARTHY: Okay.

9 MR. ROBINS: Who's in charge of the Balfour Beatty crew.

10 MR. McCARTHY: Understood.

11 BY DR. JENNER:

12 Q. But he also operates some equipment?

13 A. Yes, yes, yes. He's a foreman/operator. Again, don't know,
14 but yes, that is correct.

15 Q. My understanding.

16 A. Yeah, my understanding, too. I think he's a -- he's the
17 foreman of the gang, the one who I touch bases with first. At 7
18 o'clock, 7 o'clock-ish, around that time, I pulled up into the
19 parking lot or the parking area. I seen him. He backed up to my
20 truck. We talked in the morning, how you doing? Hey, everything
21 worked well yesterday, good job. I congratulate him, hey, we
22 worked well. We got off a little late per dispatch. I mean, I
23 released my time 10 minutes late, 15 minutes late, somewhat like
24 that, and then getting the machines off the track. So I'd like to
25 start a little earlier today. I got a rapport with dispatch. I'm

- 1 pretty much on time. So what I'd like to do is see what we can
2 do, let's start it a little earlier or keep me in communication.
3 So that's what we did. We talked about --
- 4 Q. That was him talking? That was him talking to you where
5 you're just summarizing --
- 6 A. Yeah, we're having a conversation at this time.
- 7 Q. Right.
- 8 A. Me and Mr. Phil.
- 9 Q. Right. Just to conceptualize that, is he sort of telling you
10 what he wants done, are you negotiating, or what --
- 11 A. No. I'm telling him that everything went well yesterday, I'd
12 like for us to be on time. I'd like for us to be off track at the
13 end of the day at 4 o'clock. If I give you protection till 4
14 o'clock -- you have protection till 4, so let's start a little
15 earlier by getting ourself off track.
- 16 Q. Okay.
- 17 A. Off track. That's all that was.
- 18 Q. That's you talking to Phil?
- 19 A. That's me talking to -- yeah.
- 20 Q. Okay.
- 21 A. Phil then is -- excuse me. Is this my water?
- 22 Q. Yep.
- 23 A. Is this a clean water or --
- 24 Q. Yep. Yep.
- 25 A. Okay. I just wanted to make sure it's all right.

1 Phil was -- me and Phil talked as to what the procedure or
2 the process was for today, which was the day of the accident. He
3 said we left three poles out yesterday on the right-of-way, we're
4 going to do the three poles first. Our job is to do the three
5 that we have out, then we're going to go back to the yard, which
6 was their facility -- the track yard where they load their
7 material.

8 Q. Um-hum.

9 A. I think the crew in the yard were making more poles for them
10 or establishing the rigging that they need to do that. So they're
11 going to do that. And we're going to go set the three, go back to
12 the yard, get three more, and then, based upon our time, we're
13 going to come back into the jobsite and put up three more poles,
14 and that will be our day's work, our day's activity.

15 Q. Right. I'm sorry. Just what you just described, is that you
16 telling Phil or Phil telling you?

17 A. Phil telling me.

18 Q. Okay.

19 A. Phil telling me --

20 Q. Right. So --

21 A. -- what his plan was for the day.

22 Q. Right. So he's discussing this is his goal for the day --

23 A. Yes.

24 Q. -- and how he wants to approach it, and you're listening.

25 A. Um-hum.

- 1 A. So were you okay with what he wanted to do?
- 2 A. Oh, yeah. Yeah, I'm -- I was fine with that.
- 3 Q. Okay.
- 4 A. I was fine with that.
- 5 Q. All right. So there's a friendly discussion, professional
6 discussion --
- 7 A. Yes.
- 8 Q. -- and then you negotiate and come --
- 9 A. Yes.
- 10 Q. -- to a consensus.
- 11 A. And this was just me and him talking before we had our job
12 briefing. I'm just getting a brief idea, I'm just getting a brief
13 synopsis of what's going on today.
- 14 Q. Sure.
- 15 A. What your plan is. Now when we get into the briefing, we can
16 get into it a little bit more in depth, but right now this is the
17 plan; okay, got it. That way when I brief with dispatch, I can
18 tell them what my plan is or what my plan -- I talked to Steve,
19 this is the plan that we're going to do. We're going to blah,
20 blah, blah; blah, blah, blah; blah, blah -- that's our plan.
- 21 Q. Got it.
- 22 A. Yes.
- 23 Q. Okay. I want to explore the -- when I think of workload, and
24 you were describing these are the number of tasks I need to do
25 today, okay, I look at it two different ways.

1 A. Okay.

2 Q. And one is I need to accomplish 10 different things today,
3 but sometimes during -- so let's call that a manageable workload.

4 A. Okay.

5 Q. But at some times, four or five of those things occur at the
6 same time. So while 10 is manageable, now several things are
7 happening at the same time so suddenly your workload peaks.

8 A. Um-hum.

9 Q. If you follow that?

10 A. Okay.

11 Q. Phones are ringing, people are knocking on your door, trains
12 are coming. Do you recall during your shift where suddenly things
13 started to get extra busy?

14 A. I think -- yeah, I would say so. Not extra busy, but
15 getting -- the time frame, the time frame 9:30ish, 9:30 area is
16 when we're trying to get our protection on the track. 9:30 is
17 what's designed on paperwork that they are allowed to get their
18 track and time. So at 9:30, I -- yeah, contractors are ready to
19 go to work, they're ready to get on track, and they're ready to
20 come down. So around that, I would say, yeah, that's a little
21 hectic because you're talking to dispatch. Dispatch -- and I got
22 probably 10 other groups probably trying to talk to dispatch, too.
23 Phone's probably ringing off his hook over there.

24 Q. Sure.

25 A. So everybody's trying to get on. Everybody's anxious, more

1 than -- I can't speak for them, but I know everybody's trying to,
2 because the line is so busy so much, we're all trying to get on
3 the track. So at that time, I got Mr. Tim calling, hey, we're
4 ready; we're ready to get on. So, okay, let me get ahold of
5 dispatch. So I'm trying to get ahold of them to get the proper
6 time that I need to get them on track. So, yes, at that time
7 that's a hectic time, because we're trying to get -- establish our
8 protection and trying to get them on to get to their worksite.

9 So, yeah, I would say 9:30 to 10 o'clock hour, I guess, yeah,
10 that's a -- you know, and again, it's going to run smooth once we
11 get down there, but again, that hectic time is inside that half
12 hour or that 40 minutes, whatever it takes, to get yourself on and
13 get yourself squared away.

14 Q. Good. Thank you.

15 Let me ask you. When a train wants to enter the work zone
16 and then exit the work zone, so the very first time you talk to
17 them --

18 A. Um-hum.

19 Q. I'm sorry. Do you talk to the engineer or do you ever talk
20 to the conductor?

21 A. Normally it's the engineer. Sometimes he could be in
22 training with someone else and he may have his conductor, I think,
23 call. I don't know. All I know is somebody's answering the phone
24 on one end --

25 Q. Right.

1 A. -- somebody's talking on this end. I don't know because I
2 don't know who's actually taking -- normally, I think, if I got it
3 right -- I'm not in the engineering department, so I can't say who
4 they designate to -- sometimes he may be calling the Form B,
5 sometimes he may be. So I can't say. Normally I would think it
6 would be the engineer, I think, that I'm talking to.

7 Q. Fine. So I was curious about how many times from the first
8 time you talk to a train approaching the work area to the last
9 time you talk to him, one single train, how many times do you go
10 back and forth on the radio with him, typically, if everything
11 goes as normal?

12 A. If everything goes normal, we would talk one time. Basically
13 one time. And I'll give you an example.

14 Q. Yes.

15 A. This -- first, I'm the engineer: This is Caltrain 1-2-3
16 calling MW-200. That's myself. I'd like to -- I'm at your Form
17 B. I'll say, Caltrain 1-2-3, this is Foreman Robins. You have my
18 permission to use Form B, authority 4-5-6, restriction number 1,
19 main track number 1, through the limits of 8.4 to 9.4, authorize
20 you to pass my red flag located at 8.4 maximum authorized speed
21 without stopping. Over.

22 He would then come back, the engineer and/or the person on
23 the other end would say, I understand -- this is Caltrain 1-2-3 --
24 I have your permission to enter your limits of 4-5-6, restriction
25 number 1, main track number 1, limits 8.4 to 9.4, passing a red

1 flag without stopping at my maximum authorized speed.

2 I then come back and say, Caltrain 1-2-3, that readback is
3 correct. This is MW-200. I'm out. And he says, thank you, and
4 he's on his --

5 So on a good day, a good day -- and 95 percent of the time,
6 98 percent, it's only one time we're going to talk, and he's --
7 tells his conductor we're cleared through Form B number whatever,
8 he's on his way, we don't talk no more. Or I'll see you on the
9 way back or, you know, something -- have a safe day, something
10 like that. So normally it's one time.

11 Q. Okay.

12 A. But on that particular day, I did tell a train to give me a
13 call, come down to South San Francisco Station and hold. I did.
14 It was, I think, a southbound train. I says, Caltrain -- again, I
15 don't remember his number -- proceed to South San Francisco and
16 hold. And he came down to South San Francisco and he called me
17 from South San Francisco.

18 The reason why, I had some activity where Mr. Hidalgo and the
19 other individuals were getting on the track. It was not clear
20 down that area, and I was holding track and time on the 1. So at
21 that time I told him -- I think Hidalgo called me, we're in the
22 clear; we're on main track 2, we're in the clear. I then told the
23 train -- I think I came back and said, MW-200 to the Caltrain, you
24 have permission to continue through my limits with previous
25 instructions. That's letting him know now that that track ahead

1 is clear. And he says, okay, Caltrain 1-2-3, understand I have
2 your permission to proceed on previous instructions through the
3 limits.

4 And now, that time, we did speak two times. We normally we
5 don't. But that was one of the incidents that I had to speak to
6 him twice. And he went through safely on the 1 track with no
7 comebacks.

8 Q. Got it. I'm passing out a -- each of you can have one of
9 these -- a piece of paper with three tables on it. And one of
10 them is describing the trains that pass through the work zone when
11 the Form B was in effect. I can give you a little time to digest
12 that, but the train that you just described, do you recognize that
13 train on the table?

14 A. Possibility 504 or 112. I'm not for sure which one it -- no.
15 No, I don't, I don't remember. I know I talked to these trains,
16 but I don't know which one. Well, he's on 1, so it had to be a
17 southbound train. So it would had to be -- it would have to be
18 112 or the 504.

19 Q. Okay.

20 MR. McCARTHY: Steve, I have a question.

21 DR. JENNER: Yes.

22 MR. ROBINS: I'm not for sure on --

23 MR. McCARTHY: Is the second box here, is this referring to
24 like during the Form B?

25 DR. JENNER: Yes.

1 MR. McCARTHY: Okay. It does say after Form -- or maybe I'm
2 not -- trains passing through work zone after Form B.

3 DR. JENNER: Yeah, after Form B was established. So --

4 MR. McCARTHY: Oh, okay.

5 DR. JENNER: Right.

6 MR. McCARTHY: I got it. Okay.

7 DR. JENNER: Yeah. I'm sorry.

8 MR. McCARTHY: No worries.

9 DR. JENNER: This is just our little working thing.

10 BY DR. JENNER:

11 Q. So after you establish the Form B.

12 A. And that would be at 9 a.m. So at 9 a.m. --

13 Q. Right.

14 A. -- I can -- remember, I can call an hour before or I got -- I
15 can talk to trains an hour before my Form B goes into effect.

16 Q. Okay.

17 A. So yes.

18 Q. I guess I'm trying to match it up with like when the work got
19 started --

20 A. Gotcha.

21 Q. -- things like that. So not an official table. So with that
22 said, you're narrowing it down to one of two trains?

23 A. Yeah. If -- again, and I can't recall it. I do -- it is on
24 tape, whatever it is, but --

25 Q. Right. Right.

1 A. I think was either 504 or -- yeah, 504 or 112, because it was
2 a southbound train. I'm pretty sure it's probably the 112.

3 Q. Um-hum.

4 A. Yeah, because he's on 1. I had to clear up track and time on
5 1, so it's more than likely -- I would almost agree that it was
6 probably the 112. I would bet on that. I'm not going to say I'm
7 a betting man, but it'll be close. I think it'll be maybe the
8 112.

9 Q. Right. So I'm not sure how they designated time 0955. I'm
10 not sure of what that represents. Is that when he first enters
11 the zone or he first approaches you?

12 A. Again, I don't know they calculated 9:55.

13 Q. Right.

14 A. We know it's 9:55 a.m. We know that's the time.

15 Q. Right. 9:55 represents what?

16 A. So I don't know if he's -- yeah, where he's at 9 -- he's in
17 between. I'll tell you, he's in between my Form B -- my limits
18 and South San Francisco. He's in between --

19 Q. Okay.

20 A. He shouldn't be no further than South San Francisco at that
21 point.

22 Q. And how far is that, South San Francisco?

23 A. From where?

24 Q. From, oh, let's say Center Street, 12.3.

25 A. Okay. Well, okay, South San Francisco's roughly 9. -- we'll

- 1 just say 9.1.
- 2 Q. Oh, I just need an estimate.
- 3 A. Oh, no, that's okay.
- 4 Q. Yeah, yeah.
- 5 A. 9.1 and Center Street is roughly 12.3. So you're looking
6 about roughly 3 miles.
- 7 Q. Right.
- 8 A. Probably right -- yeah.
- 9 Q. South San Francisco --
- 10 A. Yeah.
- 11 Q. -- 9.1. Okay.
- 12 A. Yeah, yeah, yeah. About 9.1 to 12.2, 12.3.
- 13 Q. Got it. Okay. So if you had to talk -- if we're calling
14 this the 9:55, can you guesstimate the first time you talked to
15 him and the second time you talked to him?
- 16 A. Again, I had -- I write down every time I talk to a train and
17 it was in the books that I turned into them.
- 18 Q. Okay.
- 19 A. So if he -- we'll say at 9:55. Okay. I would roughly say
20 9:50. I would say 9 -- okay, I would just say 9:50. It isn't
21 going to take 5 minutes to talk to him, clear him through my
22 limits, and he's rolling. So he's coming up to a stop. So I
23 would say roughly 9:50.
- 24 Q. Okay.
- 25 A. Or -- yeah. Because I think I remember releasing at like

1 9:52 or 53, I think, on my release time, somewhere right around
2 that time. And soon as I got a release time on 1, I then had to
3 give him clearance to say track 1 was clear. So -- excuse me. If
4 it was 9:55, I remember releasing time around 9:48, 9:52, right
5 around that time. So if I did that, my last time would be right
6 around 9:55, 9:56 somewhere, to clear it -- I mean, to tell that
7 train it's all clear for him to get through on main track 1.

8 Q. Okay. First conversation roughly 9:50.

9 A. Yes.

10 Q. Second time is roughly 9:50- -- did you say 6 or did you --

11 A. Around 9:55. It had to be --

12 Q. Around 9:55.

13 A. -- right around that area.

14 Q. Okay.

15 A. Because he can't go no further than that without me knowing
16 that it's clear ahead for him.

17 Q. Right. And you just walked me through, I think, the exact
18 language you would use when --

19 A. Correct.

20 Q. -- when communicating.

21 A. That's correct.

22 Q. I think that -- and he repeats exact language.

23 A. He repeats it.

24 Q. So maybe that's a little under a minute, that --

25 A. Oh, yeah. Yeah, yeah, yeah. That roughly -- you're talking

1 a minute, 2 at the max, at the max.

2 Q. Right.

3 A. And we're pushing the 2 minutes. But 1 minutes is normally
4 ample enough time for us to repeat what we say to one another.

5 Q. Right. So would that minute be for the first conversation
6 and also for the second conversation?

7 A. It would probably be for the first conversation. And then I
8 think 3 minutes later -- so that would have put us like 9:50. And
9 probably, like I said --

10 Q. I'm sorry. The first conversation's at 9:50, and you're --

11 A. Probably -- 9:50 would probably -- around 9:50ish I would say
12 would have probably been our first conversation.

13 Q. Right.

14 A. And our -- gives him about 3 or 4 minutes to get to the next
15 station, and that puts us right at 9:55, and that's probably right
16 around our second conversation.

17 Q. And the second conversation would last how long?

18 A. Oh, that --

19 Q. Also about a minute or a little less?

20 A. Not even, not even long -- yeah, I would say a minute, a
21 minute.

22 Q. Okay.

23 A. Because I'm just telling him now it is clear for him ahead to
24 proceed south on that track.

25 Q. Good. Okay. Thank you.

1 So that was the only train -- we're thinking it's Train 112.

2 A. I'm thinking. I'm thinking.

3 Q. Right.

4 A. I'm thinking. Yes.

5 Q. Right. Each of those, two minute conversations. Okay.

6 Do you get -- there must be occasions, but I'll ask is there,
7 where you're talking to a train and then someone's trying to reach
8 you at the same time, the dispatcher's trying to reach you or
9 you're -- or Hildago's trying to reach you at the exact same time?

10 A. Yes.

11 Q. Right. So what happens?

12 A. You take --

13 Q. Do you -- are --

14 A. You juggle. You -- based on -- you juggle whatever you're
15 doing. I mean, again, if I'm talking to a train, I'm engaged in
16 talking to that train right now. Until I get that train talked
17 to, that phone call's going to either wait or I might say -- I
18 might hit the button -- I got a Bluetooth in our truck -- hold on,
19 I'm talking to a train, and he should be able to hear me talking
20 to a train. So normally if I'm talking to a train, you're
21 probably going to hang up the phone --

22 Q. Okay.

23 A. -- until I finish that transmission with the train. If not,
24 you know, again, that would be an inexperienced move of someone,
25 if they know I'm talking to a train. Because you hear. I mean,

1 you got a packset. You got a packset, so you hear me talking to a
2 train. So normally -- I'm talking about my coordinator now. And
3 San Jose, San Jose actually could hear, because they got a
4 dispatch center, they hear me talking to a train also. They may
5 hang up or, okay, Robins, I hear you talking to a train or visa-
6 versa, normally. And if I'm talking to them, and I hear them
7 talking to a train, I may hang up and call you right after because
8 I know it's only going to be a couple minutes, and let them take
9 care. You can hear the transmission going on.

10 Q. I see. So, but you are aware someone is trying to reach you,
11 there's something else --

12 A. Oh, yeah. Yeah, yeah, yeah, you're aware of something. You
13 know, like anything else, you know when you got a call waiting if
14 there's another call coming in. And again, the radio's on a
15 different frequency than the phone, so --

16 Q. I see.

17 A. So yes.

18 DR. JENNER: Okay. Do you guys need a break? Do you want to
19 take a minute or two? I'm going to dive a little more into this
20 table here. I'll tell you what, let's take a break and I'm going
21 to let you guys digest this.

22 (Off the record.)

23 (On the record.)

24 DR. JENNER: It is 12 o'clock, and we're back on the record.

25 BY DR. JENNER:

1 Q. Claude, I referenced a paper with three charts earlier, and
2 you're looking at them now. One of those tables is from just
3 generic phone records of times that we identified where you and
4 Tim Hildago had a phone conversation. And -- 1,2,3,4,5,6 -- there
5 are six times listed here. And I'm asking you a very challenging
6 task. Looking at the time, if you could go back and reflect what
7 may have been discussed for each of those times? This is --
8 again, this is a challenging task, so whatever insight you can
9 provide, I appreciate that.

10 A. Okay.

11 Q. So if we -- we'll start with the 6:33 a.m. Do you have any
12 recollection of what happened then?

13 A. Again, 6:33, again -- and I'm not exact, I'm not 100 percent
14 for sure, but at 6:33, that's normally where Tim Hidalgo should
15 have been at Menlo Park office on his way or en route to my
16 destination. So that 6:30 basically is when he shows up in Menlo
17 Park and I would think he's calling me or I'm -- I'm sure -- or
18 I'm even calling him, I don't remember, to see if he was en route,
19 or he may be calling me to tell me he's in en route to my
20 location. Or he's -- yeah, that's what I could say about the 6:33
21 a.m. call.

22 Q. Okay. So that call was just informational and this is where
23 I am?

24 A. Correct. Correct.

25 Q. Okay. The next call we have is at 9:01 a.m.

1 A. 9:01, again, and I'm not 100 percent for sure on this, it
2 could have been the fact that Tim was in position or -- to calling
3 me, either telling me maybe that the yellow/red flag was up or --
4 yes, maybe he said, I have the yellow/red flag up and I'm en route
5 to maybe put up the red flag.

6 Q. And from that conversation, things seemed normal?

7 A. Things seemed normal at that time, yes.

8 Q. Okay. Anything else about 9:01?

9 A. No.

10 Q. Okay. The next call is at 9:16 a.m.

11 A. 9:16, I am again estimating. I'm not 100 percent sure on the
12 information I'm giving you. Possibility that Tim is telling me
13 that he's -- might be at my red flags or the red flags were put up
14 at that time and he's probably just letting me know that the flags
15 are put up.

16 Q. Okay. And your recollection is there was no problems with
17 the red flags being put up?

18 A. Nothing. Nothing at that time.

19 Q. Okay. Then we have 9:45 a.m.

20 A. Possibility he's at Center Street. He's probably en route or
21 he's around Center Street with the guys, with the crew, probably
22 getting ready to brief them, or telling me that he's ready to
23 maybe get on track or asking me to -- his crew is ready and can I
24 get time?

25 Q. Okay. Do you recall any -- him informing you of any problems

1 going on?

2 A. No. No. Or, I'm sorry, 9:40- -- around that time, yeah, he
3 could have been asking me to get permission to get the track and
4 time, in that order. Probably, yeah, could have took me -- to get
5 the track and time.

6 Q. Right. And feel free to reference the bottom table about
7 track and time if that --

8 A. Oh, okay. Sure. Oh, okay. Gotcha. Gotcha.

9 Q. Yeah, if that --

10 A. Oh, okay. Yes.

11 Q. If you want to link the two, if there's a connection.

12 A. Okay. Yeah, 9:45 looks like -- it looked like we got track
13 and time at 9:48. So I would think that maybe -- again, and I'm
14 just trying to put a puzzle together. He could have called me to
15 tell me that they're ready to get on, can I get track and time. I
16 probably got track and time around 9:48 hour, and that's when I --
17 that's -- 9:48 it shows track and time, 9:48. So I was probably
18 getting track and time at that time and called him back to give
19 him the knowledge of my track and time.

20 Q. Oh. So once you received it from the dispatcher, then you
21 call him back?

22 A. I have to call him -- I have to call Tim and tell him that
23 I --

24 Q. Sure.

25 A. -- do have the proper track and time.

1 Q. And that may have been the 9:49 conversation?

2 A. Correct.

3 Q. Okay. Let's talk about 9:45 then. That -- I don't want to
4 put words in your mouth. Are we done with 9:45?

5 A. No. The 9:45 is probably, again, when he called me to say
6 that they're ready to get on the track.

7 Q. Right.

8 A. Again, I'm speculating, so the best of knowledge.

9 Q. Right.

10 A. So I'm not saying this is -- I'm thinking at 9:45 he called
11 me and said we're ready to get on the track, and I have to now
12 call dispatch and get the time for him.

13 Q. Right. Right. Anything else you can think of at time?

14 A. No. At 9:48 I probably got the track and time, is what I'm
15 thinking, I got track and time.

16 Q. Okay. And did I hear you say now you're -- this conversation
17 then, you're calling Tim at the site to say I got track and time?

18 A. I have track and time and giving him the authority number and
19 the limits in the track.

20 Q. And then there's -- so that's -- oh, I called that 9:48. I
21 apologize. That's 9:49 as listed on the table.

22 MR. McCARTHY: I believe he was saying 9:48 was the time he
23 called to get the track.

24 DR. JENNER: Right.

25 MR. McCARTHY: And then 9:49 is the time he transferred the

1 track and time authority information.

2 DR. JENNER: Right. Right. I was saying 9:48 as the phone
3 call.

4 MR. McCARTHY: Got it.

5 DR. JENNER: It's actually -- we're listing here as 9:49.

6 BY DR. JENNER:

7 Q. Okay. So then we have 9:54, a call with you and Tim.

8 A. Okay. 9:54, I don't know who -- probably me calling Tim
9 telling him that I released main track 1 and him acknowledging --
10 or him -- let's see, 9:54. I released the track and time and he's
11 telling me -- I'm acknowledging with him that we don't have 1 no
12 more and he is on 2. He's probably on track 2 in the clear.

13 Q. So you're saying to Tim we don't have, we don't have track 1
14 anymore?

15 A. Correct. Correct. I have released or -- I don't know if he
16 called me and tell me that he's in the clear, then I call dispatch
17 and tell them that I want to release track 1.

18 Q. Um-hum. Okay. Anything else you can recall from 9:54?

19 A. No.

20 Q. So I think I heard you said that you -- you're informing him
21 you released track 1 and your understanding is -- was he was on
22 track 2 at the time?

23 A. Yes. He is on track 2.

24 Q. Okay.

25 A. That was our conversation. Men and equipment are probably in

1 the clear on track 2, I can release track 1 at that time, and I
2 released track 1.

3 Q. Right. The men and the equipment are probably clear on track
4 2?

5 A. Meaning -- no, not meaning they're clear on track 2, meaning
6 they're on track 2.

7 Q. They're on track 2, yeah.

8 A. And they're in the clear, which means they're in -- probably
9 in their vehicle. In their vehicle, but they're in the clear.

10 Q. But occupying track --

11 A. Yeah, yeah.

12 Q. Oh, no, no, I'm sorry.

13 A. No. No.

14 Q. I need to be clear -- certain. Are they on track 2 or away
15 from track 2? What are we describing?

16 A. Well, they -- well, they should be -- if they're telling me
17 that, they should be on -- occupying track 2. They should be
18 occupying.

19 Q. They should be occupying.

20 A. So they could be inside their vehicle, but they're in the
21 clear of main track 1.

22 Q. Right. Okay. Okay. Do you recall what you knew? So now
23 you have -- you release track 1 and you know that they're --
24 you're thinking they're on track 2 and probably in their vehicles.

25 A. Yeah, they should be on track 2. I know that they release 1,

1 so I know at that time --

2 Q. Sure.

3 A. -- I mean, not -- no, but I'm 101 percent sure now that
4 they're not on 1, so there's only one other track --

5 Q. Sure.

6 A. -- and I got two. So they should be, what I'm thinking our
7 conversation, we're on track 2, we're in the clear of 1.

8 Q. Right.

9 A. So yes.

10 Q. Okay. Anything else about 9:54?

11 A. No. That would be about it.

12 Q. Okay. And phone call quality is good? There's no
13 interference, like you may have with radio --

14 A. No, no. I -- it was quick --

15 Q. Right.

16 A. -- but it was, I think, no issues with the phone at that
17 time.

18 Q. Right. Does Tim offer any information to you that -- like
19 does he say my guys are in the vehicle on track 2 or do you just
20 sort of --

21 A. No.

22 Q. -- from your end know?

23 A. No. No, he did not. He didn't say -- I don't remember. I'm
24 just thinking that he's telling me that they're in the clear. And
25 I don't know if he said he's proceeding or he said that we're

1 proceeding down to my location or what the conversation was at
2 that time.

3 Q. Right. Are you getting all the information you need from Tim
4 in these phone calls?

5 A. Pretty -- I guess pretty much. Again, it's a verbal thing
6 that he's on 2. I know that. He's on 2. And the next thing that
7 I think verbiage should be, proceeding south -- or, I'm sorry,
8 proceeding north to my location. I may have said that --
9 proceeding to north to my location at 9.1.

10 Q. Okay. I imagine, if you didn't get the information you
11 needed, you would have inquired about it?

12 A. Correct. Correct.

13 Q. Right. And so far everything sounded normal?

14 A. Sounded normal.

15 Q. Sure.

16 A. Sounded normal.

17 Q. Okay. And at 9:58 we have that the main track 2 was
18 released.

19 A. Okay. That was probably me. Again, I don't think I --

20 Q. That was in a phone call. This -- now I'm referring to the
21 bottom table.

22 A. Yeah, yeah.

23 Q. Yeah.

24 A. Yeah, yeah. That would be me releasing main track number 2,
25 one piece of 2. Because I had two pieces of track and time on 2.

1 Q. Right. And your assumption there was that -- where did you
2 think the crew was at that point? Did you --

3 A. At what time?

4 Q. At 9:58.

5 A. At 9:58, they're probably at Center -- on the move from
6 Center Street down to my location in track 2 with the equipment.

7 Q. Right. So that's about a 3½ mile journey.

8 A. Correct.

9 Q. Do you have a sense about where they may be or you just
10 didn't know?

11 A. No, no, no. I have no idea.

12 Q. Yeah.

13 A. I have no idea.

14 Q. Okay. So I think from the first interview it was discussed
15 that 9:58 was not ready to be released based on where they were.

16 MR. McCARTHY: 9:58?

17 DR. JENNER: The -- at 9:58, the track and time.

18 MR. McCARTHY: Okay.

19 DR. JENNER: Thank you. That's what came out of the first
20 interview.

21 MR. McCARTHY: Yeah, yeah. I'm sorry. It just sounded like
22 you said at -- maybe I just heard you incorrectly when you were
23 asking the question.

24 DR. JENNER: Okay. I'll just clarify.

25 BY DR. JENNER:

1 Q. 210 was released at the time of 9:58. Okay.

2 A. Yes, that would -- yeah, according to what you showing me.

3 Q. Right.

4 A. That 210 was released at 9:58.

5 Q. Right. Okay. So what I'm trying to do is, like you, look at
6 the big picture, and I'm looking at a little part of the big
7 picture --

8 A. Um-hum.

9 Q. -- right now. So if we look at the the three tables here,
10 from my eyes, but I'm not trying to skew anything, you have a
11 communication, from the top table, at 9:54 with Hildago on the
12 site. Between -- what we discussed earlier, for southbound Train
13 112, you have a conversation around 9:50 and again at 9:55.

14 A. Um-hum.

15 Q. And then you're releasing two tracks at 9:54 and at 9:58.

16 A. Okay.

17 Q. Okay. So what I'm seeing is a lot of activity. What I was
18 trying to describe earlier, there's --

19 A. Yeah.

20 Q. -- overall workload and then there are times where it gets
21 concentrated. So I'm seeing a lot of activity between 9:50 and
22 9:58.

23 A. Correct.

24 Q. Right. So how would you conceptualize this? Is this just a
25 normal, you know, it's something you would expect to see on a

1 day's job or is this --

2 A. Again --

3 Q. -- when you're looking at it now, like, wow, this is a lot or
4 this is normal?

5 A. Yeah. That's a lot, a lot. It would be -- again, I'm not
6 used to running this, so that's a lot for me. And I'm not saying
7 it's not a lot for anybody else, but again, I'm not used to
8 working with one of these gangs, getting this type of track and
9 time during this time because I hadn't worked on the PEC, what
10 they call P-E-C project, which is what this is, Balfour Beatty.
11 So that is a lot going on. Everything happens at the 9:30 hour
12 when it's -- they're allowed to get the track and time. So a lot
13 is going on during that time. But, again, not new to me, but it's
14 new to me because I'm not used to being in this circle with this
15 project.

16 Q. Right. Now what would be the difference if you were familiar
17 with this work -- with this crew? You worked with them dozens and
18 dozens of times. Okay. How would that have eased your workload?

19 A. I would have probably been more precise as to what they need,
20 what they don't need, knowing how they get on or how they get off
21 the track. I kind of would have been able to put in perspective
22 how much time it normally takes, or somewhat -- I would've had
23 somewhat of an idea, idea.

24 Q. Right.

25 A. And this time I just -- I'm clueless. I don't have a real

1 idea. The day before, I got them on the track, I think -- it was
2 within, I think, 5 minutes, 10 -- I think under 10. I'm not for
3 sure what the records show, but I think it was smooth, boom, boom,
4 and boom. You know, I mean, I got them on the track and --

5 Q. Yeah.

6 A. -- it wasn't -- I don't think it was this much. Still -- I
7 think it was still three pieces of track and time, but it was a
8 lot -- not smoother, a lot faster, I think. The first day I
9 think -- I thought, again, could be because I haven't worked with
10 them --

11 Q. Right.

12 A. -- and got on (snaps fingers) just like that.

13 Q. Right.

14 A. The second day it, in my mind, going back, it seemed like it
15 took them a few extra minutes, a little longer than it took the
16 previous day.

17 Q. I see.

18 A. That's what I can recall from all of this.

19 Q. Okay. When we compare the times of these three different
20 boxes, you know, when we have it laid out there, does -- when you
21 look at those activities that go in that 8-minute period -- in
22 that 4-minute period from 9:54 to 9:58, what do you think?

23 A. I'm thinking that he -- from what I can put in my head
24 together, that I probably -- we're back and forth in conversation.
25 He's telling me -- I gave him permission to get on on track 2. He

1 got on track 2. We have track 1 for additional protection. I
2 released 1, I'm thinking -- when he told me that they were in the
3 clear, I release 1, and then I probably called right back and
4 released 2. In the meantime, probably on and off with dispatch,
5 because the line was probably busy, is crazy, and I'm trying to
6 release 2 at that time. I'm thinking that me and Tim talked and
7 he's probably now got orders to proceed north to where I'm at.
8 While he's proceeding north, I'm trying to get the track and time
9 released so that we can get that other track open so that we could
10 have our open -- track open to have train movement.

11 Q. Right. So --

12 A. That's what I see.

13 Q. Right. So you're projecting like this is what needs to
14 happen?

15 A. Yes. Yes.

16 Q. Right. But -- needs to happen in the future and you thought
17 it was available now, that it were okay to release it now?

18 A. Well, on the release -- yeah, on the release, I remember with
19 dispatch and that -- you know, I know after I release 1, I had to
20 release a piece on 2. And maybe a clog in my mind, I don't know
21 what went on there, but I remember I know I got to release 1.

22 Q. Yeah.

23 A. That's no if, and, ors about that. Because we have to have
24 our traffic on 1. We have to have open track. Two, I'm
25 remembering, I thought, a conversation with dispatch that I had to

1 release one of my times on 2.

2 Q. Okay. Thank you. Anything else you want to discuss from
3 these tables?

4 A. No. No. That'll be -- that's --

5 MR. McCARTHY: I think we're good.

6 DR. JENNER: Okay. Thank you.

7 BY DR. JENNER:

8 Q. Let me change topics a bit and -- okay. Bigger picture here.
9 This electric --

10 A. Electrification.

11 Q. Electrification project, this has been going on for a few
12 years now, a couple years.

13 A. Correct. Correct.

14 Q. Okay.

15 A. Electrification, yes, about 3, 4 years.

16 Q. Right.

17 A. At least 3 years, going on -- yes.

18 Q. Right. So it's a special project. It's not typically part
19 of your normal maintenance of way duties?

20 A. No, it's -- no. It's a special project, again, through the
21 railroad, through Caltrain and whoever. Their future -- this is
22 the future, the new generation, as we call it, of electrifying
23 trains --

24 Q. Okay.

25 A. -- through, I don't know, the government or the -- whatever

1 it is, it's the new process. They want to get away from the
2 diesel and go to electrification, the future. That's the green as
3 we call that, I think. The green world or -- so that's what's
4 going on with this electrification. And that's been going on for
5 3, 4 years, you know. Yes.

6 Q. Right.

7 A. From San Francisco, I think all the way down to San Jose, San
8 Jose. But I have not been involved with that. I've been involved
9 with another project. I have been involved for the last 3
10 years -- 3, I think 3 years, I've been on the South San Francisco
11 project building -- rebuilding of the new platform, the new
12 station.

13 Q. From about when to when, the new station?

14 A. This is '22, so -- maybe '19 -- 2019 to 2022, I've been on
15 the SSF project, South San Francisco project.

16 Q. Right. But you referenced that you were off for 10 months?

17 A. That's correct.

18 Q. What period of time were you off?

19 A. I got operated on May 11th --

20 Q. Of 2021?

21 A. -- '21. I got injured on 3/31, is when I got injured,
22 3/31/21, and I returned to work on February 1st, 2022.

23 Q. Do you sort of just jump right back into -- as if you hadn't
24 missed a day?

25 A. No. I mean, I had to go through training again. We're

1 annually trained.

2 Q. Oh, I see.

3 A. We have to be annually trained, once a year. Went through my
4 training, and they were trying to wean me in back into the system
5 slowly, because, again, I had been out and there's been a lot of
6 changes on the railroad. The electrification is now in the area
7 that I was working in, which was the South San Francisco area. So
8 they were just trying to slowly -- I'm not 100 percent back. They
9 got restrictions on my duties at this time. I'm still under
10 doctor's care for my injury. Still going through what we call
11 rehab, the rehab process --

12 Q. Right.

13 A. -- of getting back. So what we're doing basically is having
14 me fill in. I'm just going here, going there, going everywhere.

15 Q. What type of restrictions?

16 A. I think I can only -- I can't lift or pull no more than 30,
17 40 pounds.

18 Q. Okay.

19 A. And I think that's all the restriction there is to it.
20 Again, don't lift, don't pull, don't carry, somewhat like that.

21 Q. Right.

22 A. Tore the left bicep, tri/bicep muscle, just ripped it off.
23 Had to have it reattached.

24 Q. Was that a work job?

25 A. Yes.

1 Q. That was on a work --

2 A. Yes.

3 Q. Okay.

4 A. Yes.

5 Q. So how does this project, the electrification project, how
6 does that overall, you know, affect your operations in terms of
7 normal maintenance of way activities you may normally do?

8 A. The electrification project is a moving process, first of
9 all. I mean, they got moving parts, different screws, bolts, and
10 everything going on here with this operation of establishing --
11 putting up high wire, putting in poles, putting electric stuff on
12 the track. I'm not -- I wasn't involved with that. I was
13 involved with building of a station, a complete tear-out, rebuild
14 of a -- I don't know if it was -- a 30, 40 million dollar project
15 on the South San Francisco section, a underground -- trenching
16 underground, coming back up to the other side for this project
17 here.

18 This electrification is just moving everywhere. Every day
19 they're in a different location. Every day it might be something
20 different with them. I was not part of that. What I mean, I had
21 my own project. I had been with the South city project. So with
22 the electrification, again, I don't know what I got. I could have
23 you here today and somebody else tomorrow. I'm talking about a
24 new operation or a new group.

25 Q. Right.

1 A. So, it just so happened, they happen to be coming north right
2 now working their way back to San Francisco. And this is a day
3 and night operation. So I wasn't familiar. I wasn't somewhat
4 included in what they were doing. I'm clueless to what they've
5 been doing. I know they've been working on track, but again --
6 sometimes they're in my limits, but again, my sole focus was with
7 the South San Francisco project. If they came in my area, they
8 had their own coordinator, subgroup coordinator or their own
9 watchman watching them.

10 Q. Right.

11 A. And they would coordinate with me what they're doing inside
12 my limits. And I would let them do according to what they had to
13 do, and then they would move on.

14 Q. Um-hum.

15 A. This time that I'm back at work, I got thrown into this
16 project at the last minute. I had a event of a phone call to go
17 take over someone else's position for that day or that time
18 period, which was that Wednesday and Thursday. So that's what
19 happened with that.

20 Q. So you returned February 1st.

21 A. Correct.

22 Q. And after a few years of working on the other -- well, after
23 being off for injury --

24 A. One year. Almost 1 year.

25 Q. Wow. And so what was the first day that you were assigned to

- 1 the new project?
- 2 A. Which new project?
- 3 Q. The electrification. I'm trying not to say the word.
- 4 A. Yeah. No, no, it's okay. It's okay. Just say electric.
- 5 Just say electric.
- 6 Q. Yeah, electric project. Thank you.
- 7 A. Which would have been Wednesday, which was --
- 8 Q. Wednesday was the very first, was the very first --
- 9 A. -- which was the first day.
- 10 Q. Okay.
- 11 A. Which would have been the first day. That would have been
- 12 Wednesday.
- 13 Q. Thanks for clarifying.
- 14 A. Yes.
- 15 Q. So did you have specific training about, okay, this is our
- 16 electric project and this is what needs to be done? And did you
- 17 have a mentor, in a sense?
- 18 A. No. No. No.
- 19 Q. Would that have -- would you -- if you were running the show,
- 20 if you were the king of the railroad, how would you have
- 21 approached someone entering this electric project for the first
- 22 time? Is it so much different than your normal work that it's --
- 23 A. Of course. Of course it would be different, because you got
- 24 to understand that I've been with the same group for the last 3
- 25 years. I know the operation. I know from groundbreaking to

1 putting a forklift in the ground or a backhoe in the ground, to
2 bringing in a -- a crane in to take off a bridge. With
3 electrification, I would have known the players and/or the
4 equipment, what was used to do this project. So I would've had
5 some type of sense of idea of what they're doing, what they're
6 using, what they're going to use, because I would have been full
7 engaged in that.

8 Q. Right.

9 A. This way, I was not engaged in it. I did not know what they
10 were using, did not know the equipment they had, so I'm just out
11 of the dark, opening the door, coming in saying, oh, this is what
12 we got.

13 Q. Right.

14 A. Let's try to figure out -- I'm relying on you now. I can get
15 you the protection. I can get you the protection on the track.
16 I'm qualified to do that.

17 Q. Right.

18 A. That's my job, to get the protection on the track. But as
19 far as moving a boat, a car, and a jeep, what are we using? How
20 are we going to do that; what is that? Well, how are we going to
21 get that across? Where we going to get that on at? Where we
22 going to take that off at? I had no indication of what they're
23 using or the magnitude of how big the equipment was.

24 They made this crane -- again, first off, I seen some of them
25 up and down the track, but I've never actually worked with them in

1 particular. So that would have been totally different for me,
2 because I would have been familiar with what we have --

3 Q. Right.

4 A. -- what we're doing, what I got, where I can get on at, where
5 I can't get on at, and I would have been more engaged. I'm more
6 engaged in over here because they had been building this, you
7 know, for the last 3 years from ground up.

8 Q. Right. You know, we talk about -- and I think you heard from
9 the first interview how can we make things safer.

10 A. Yes.

11 Q. Do you think -- from what you're just telling me, do you
12 think if someone else were in your position switching projects,
13 that there -- they would benefit from shadowing for some time to
14 learn the process, learn the equipment?

15 A. Again -- and shadowing would have been a little different
16 because our job titles are different. A shadow is completely
17 different than RWIC --

18 Q. Right. I --

19 A. -- versus a watchman.

20 Q. Right.

21 A. You know, that's what I'm saying.

22 Q. A bad term for me. I should not have used that.

23 A. Yeah. No, it's -- yeah, it's okay, it's okay.

24 Q. For you to have followed around another RWIC?

25 A. Yeah, it probably would have been nice to know, again, what

1 I'm in store for, you know, what's going on. Yeah, it would -- I
2 don't know if they can utilize my experience and say, hey, Claude,
3 we're going to put you and you together because I could you use
4 somewhere else --

5 Q. Right.

6 A. -- versus just saying, hey, here's the paperwork, here's the
7 binder, go -- they've given you a case. Okay, Mr. Steve, go
8 investigate this operation.

9 Q. Right.

10 A. You open the file and say, whoa, whoa, wait a minute, wait a
11 minute. We need, we need to go back a few steps here to -- I
12 need, I need last week's information, I need a week before
13 information before I could just jump in here and say, hey, we're
14 going to do this.

15 Q. Right.

16 A. You can do it because you're qualified, you're experienced,
17 you know your job, so you can do it, but it's going to be a little
18 different. Wait a minute. I got to see what I'm -- what am I
19 working with here? And I think, with them, they didn't do that.
20 They just figured that -- not they, the company, that throw
21 somebody in and make the best of it, you know, make it happen,
22 make it -- you make it happen. You know what to do, make it
23 happen. And it unfortunately, not only on that part -- you can
24 make it happen, but how do you make it happen with new individuals
25 who don't even know probably how to get back to the location of

1 the accident.

2 Q. Right.

3 A. I mean, if I ask you, hey, Mr. Steve, can you take me back to
4 the accident? You know, your head's going to start spinning
5 because you don't know -- first think, damn, damn, where am I?
6 I'm at the airport, where'd this -- you know, things are -- the
7 body's going to start objecting to what's going on. Same with me.

8 Q. Um-hum.

9 A. I know the area. I know where I'm at. But now I got to put
10 together what's all in play here, what's all in play. And I
11 didn't know all the players that's involved with the task that I
12 was about to embark in. So that's what I mean by, that's what I
13 mean by that.

14 How can we make it better? Again, I think you can look at
15 your staff, look at who you have, and, again, put the right
16 individuals in a place. Again, someone who have 10 or 12 years
17 shouldn't be in the parking lot directing traffic, telling them
18 park in this stall, park in that stall. You need that person out
19 on the track with a machine who's got experience like that. You
20 cannot say, Claude, I want you to go to the parking lot and direct
21 traffic when I'm utilized out there on the track, is what I'm
22 saying by we. The way it is, I don't know. The schedule's
23 overwhelming, as you -- yeah, you'll get a copy of the list or
24 you'll see the list.

25 It's a lot going, a lot going on out there. And they have to

1 put these people in certain things and certain things change
2 overnight. You can see the track and time requested, the track
3 and time wanted; that is a lot. And if you look at page 1, 2, or
4 3 on this -- I gave you -- or I'm giving you, rather, four dates
5 or four days as to the activity that's going on on the property
6 that I received on a daily basis. So today, I got this; tomorrow
7 it might be totally different. And this is throughout the whole
8 project.

9 So if you say, hey, go down here and do this, and this is
10 what you're giving me and this is what a management team or a
11 construction team consists of, this is what we got, and you get
12 out there and this is not what you have, it changes the whole ball
13 game again, you know.

14 Q. Right.

15 A. That's what I mean. How can we make it better? We have to
16 train more. We have to -- you can't take a person off the street
17 3 months and ask them to do something like -- something that
18 you've got a moving vehicle or a moving train to and from because
19 they're not going to understand it. Things change with the
20 railroad or the rail itself. Things are not the same every day.

21 We know trains run north, trains run south. We know there's
22 a schedule. We know that there's 80 or 106 trains running both
23 ways. We know that much. But there's things that happen in
24 between that. And this is not the first incident that happened.

25 This is the first pretty -- no, I'm not even going to tell

1 you that this the first major incident, because it's not. We've
2 had -- we got people out now that machines done ran into them.
3 Same outfit. Same outfit, this Balfour Beatty type of outfit,
4 that they done ran into things, ran into machines -- not a train.
5 The train is -- unfortunately, that was the bad part, the train
6 was involved this time.

7 This project got a history right now of these guys -- not
8 these guys in particular -- this outfit, this project, running
9 into one another. Several. I'm not going to say one, I'm not
10 going to say two, I'm not going to say a few. I'm going to say
11 several incidents where these people have bashed in the cars, tore
12 up machines, machines ran into something or each other. People
13 have been out. People are probably out right -- one is out right
14 now, a back injury. Someone just came back, out almost a year
15 like myself. We're coming in, don't know what happened. Again,
16 something for the investigation crew to find out. But machine ran
17 into somebody else. A machine ran into a machine. So this is a
18 pattern. This is a pattern of things happening.

19 Now we just got to the point that I'm thrown in this pattern
20 and now it's getting worse, and then got worser now. I mean, now
21 we -- now we're involving trains. Now, we never involved a train
22 before. We were just involving equipment on equipment on vehicle
23 on vehicle. Now this past week, on the 11th, March 11th -- I
24 think March 10th, 11th -- you guys got --

25 Q. The 10th.

1 A. The 10th. Now we're adding another factor in here now. Now
2 we're adding a train. Now we're bringing a train into this
3 action. Before it was just you and me. Before it was a vehicle
4 on vehicle. Before it was a machine on machine. Now we're
5 bringing the utmost now. Now we done incorporated a train into
6 the jobsite, into -- regardless of who fault it is, regardless to
7 how it happened, regardless of when it happened, now we
8 incorporating explosions now.

9 So, yeah, we're building ourself up to a major disaster.
10 That's where we're at. We're at a -- we're at level, we're at
11 level icon 4, icon 5. We're at the top now. That's where we're
12 at right now. And I don't care how many times we wash it away and
13 we have a safety briefing and we have a safety standdown, man, you
14 at DEFCON top now. You are at DEFCON top now.

15 Why Claude didn't want to be involved with this? Because
16 Claude knew, because Claude knew there was going to be something
17 happening out there with this project. That's why I didn't want
18 to be a part of it. And that's where I'm at right now. I mean,
19 it drug me -- not intentionally, but got me in the middle of
20 something now that I knew was building and building and building.
21 Now me, coming off the street for 11 months, I'm involved in this
22 now. Never wanted to involve myself in it. I take pride in what
23 I do. And now I'm involved with -- I'm not going to say boneheads
24 or whatever the scenario is, because things happen. But this has
25 been building up and building, building and building, and now

1 we're bringing trains, we're bring innocent people into it. We're
2 bringing somebody who's only been here 4 months out onto the
3 right-of-way. Look at the big picture, I'm saying. That's all
4 I'm saying. Look at the big picture.

5 Hell, man, I don't care what you think of me. I don't care
6 what you do with me. You're going to do what you're going to do.
7 I'm a man, I can accept that. I can deal with that. But I don't
8 know where I'm at right now. Now you got me -- not you. I mean,
9 they got me so shaken up I don't even know, I don't even know if I
10 need to be out by a rail right now. That's how screwed up I am.

11 Woke up the other morning in tears, in tears, out of my
12 sleep -- hotel seeing my mom. Woke up in tears, man, in tears
13 from what I seen. Look at my history. My history don't show
14 this. My history don't show negligence, mistakes like this.
15 Yeah, a mistake was made somewhere. We got to know -- we're going
16 to figure out where. These are minor mistakes that shouldn't be
17 happening. But you got major work going on out here right now
18 that's uncommon to what we do, uncommon to what we do. And now
19 we're at where -- I don't know where we're at right now. But it's
20 been building and building, and finally it got to the top. And
21 fortunately, we got away with something here. I mean, no
22 fatality, we got away with that. Thank God. We got away with
23 something like that.

24 We got to look at those two 20-year-olds that's got to look
25 at this for the rest of their life, that seen a train come in. We

1 got a Mr. Hidalgo, 4-year man, who's already loosey-loosey, I say,
2 in my eyes. I'm no counselor. I'm no judge. I could see
3 somebody's reaction who's going to be affected by this.

4 Q. Um-hum.

5 A. Now can I trust him out on the track with me no more? No, I
6 don't think so, not from what he just saw and not -- seeing his
7 background and seeing how he is. No, man. This dude going to be
8 jittery, jittery out there. Am I all right to go back out there?
9 Am I tripping on trains now? I know engineers. I talk to them
10 every day. They know me. We talk every day. But this is where
11 we're at right now.

12 And the last thing I want to be doing is talking to you. I
13 want you to have your story. I want you to get the story from me.
14 I don't care how they look at me, how they say I shouldn't be
15 saying what I'm saying. I'm saying what I'm saying. It's on
16 record. It's on record for what I say. I stand by what I say.
17 They don't like it, it's okay; march me on. I'm okay with that
18 decision. At least I know I'm leaving today alive. I left today
19 with you being alive. I can't say that for tomorrow. I can't say
20 that for what I see. I can't say that with the misinformation I
21 see that people are getting.

22 The day of the accident a guy got me getting on -- I
23 shouldn't be getting on here. I mean, this is misinformation that
24 people are sending out that are not correct. Got a manager who
25 said, oh, I think, I think, I think you're meeting here, I think

1 you're meeting there. My first day, I went through three people,
2 three people from the company: Am I meeting with this first? Oh,
3 no, we're meeting over here. Am I meeting here? Oh, no, we're
4 meeting over there. This is information you guys should be giving
5 me. Now, wait a minute, I'm new to this. Not new to this -- this
6 is a new project for me. What do you mean we're not meeting at
7 the Westin Hotel? Oh, she said we're meeting at the Westin Hotel.
8 Oh, no, you guys meet at the San Bruno Yard. Oh, San Bruno Yard,
9 I get over there, call Mr. Mitch, oh, Mr. -- no, we're meeting up
10 there. We're meeting over here at visitation. What? I got three
11 people, manager, where the hell are we meeting at? Nobody knows,
12 but you're sending Claude out here to protect these people?

13 That's what they did. That's what they did.

14 They sent me out here to protect these people and nobody know
15 where we are. But we're going by the paper, but the paper's not
16 correct. What are we going by here? Oh, my 20-plus years'
17 experience because I know how to get you on track, I know how to
18 get you from Point A to Point B? Yeah, I can get you there, but
19 what am I getting there? I can get you there. Oh, you didn't
20 tell me you had all this machine -- all these machines that's got
21 to get down there; you never said that. It never list in here
22 what type of machines they're using, never said that. We know
23 there's some type on-track equipment. You didn't tell me you were
24 going to have two damn cranes that's going to be lifting poles
25 that's 60 feet in the air. You never said that. Nobody briefed

1 and said this is what we're going to be doing. No, no, that never
2 was said.

3 All it said was, Claude, 4:30 in the morning -- I done woke
4 up at 4 o'clock in the morning, got my gear together like my
5 procedure. My procedure: lunch here, lunch made the night
6 before, everything's at the door, keys, keys, phone -- boom, boom.
7 I go in order. I'm on the Bay Bridge, San Francisco Bay Bridge,
8 getting off the Bay Bridge, I get a call from a manager, oh, I'm
9 sorry, but I need you to go somewhere else. What the hell? I
10 mean, okay, my mind is scheduled to go here. I'm focused on my
11 work that's going to be over here. I need you to go handle this.
12 Okay. What do I got over there? Oh, I don't know. Let me look
13 at the paperwork.

14 And then you look at the paperwork, it's incorrect. But
15 you're sending me here. You're sending me there to fail because
16 you don't have the correct information. I know things change. I
17 understand things change. But how do you expect me to make it
18 right if it's already wrong, if it's already wrong. And that's
19 what they did.

20 So now I got to live with something, I got to live with
21 something -- I don't know how I would've lived if "A" would've
22 happened. I don't know. I don't know. Right now I -- we're at a
23 standstill right now. I don't know where I'm going from here.
24 I'm 60, 60 years old. I may bounce away. You know, I mean, I got
25 a 20-year-old son that loves me. I got a wife that loves me.

1 Claude, you should know this ain't you, you waking up in your
2 sleep, you waking up crying, you're waking up. I got a mom on --
3 in a hospital on a bed. I got things rolling through my head
4 right now besides this, besides this accident.

5 I know it's part -- it's a change. It's a change. I'm
6 dealing with it. It's hard, but I'm dealing with it. So I don't
7 know where I'm at right now. But I want to give you my story. I
8 want to give you the correct story. If it's wrong, tell me. Let
9 me help you to understand what you don't understand. I'm just
10 telling you from my perspective. That's all I'm doing. I'm
11 telling you from my perspective.

12 I was there. I was there. When that train come by, he was
13 on the right track. He was on the right track. That was 1. When
14 he passed me, he was on 1. Next time I saw that train, he was on
15 2, he was on fire, he was explosion and everything else. That was
16 in a matter of 5, 10 -- 5, 10 minutes, whatever it was. That's
17 how quick another change came within this project.

18 Never had that many incidents on the project I've been on for
19 the last 4 years or any other project I've been on. So it comes
20 and go. It's a rocky road. It's a rollercoaster right now. It
21 is, it really is. So that's, that's my story.

22 Q. I appreciate that.

23 A. Thank you.

24 Q. Thank you for sharing.

25 A. Yes. And I'm sorry if it's -- I didn't get this much help

1 when my arm got damn near ripped off. I didn't get this much help
2 when I laid on that gurney with that guy had to put me to sleep to
3 attach my arm. Where was NTBS [sic]? Where was my family? Where
4 were they then? I ain't going to tell you about the railroad that
5 didn't pay me for damn near 11 months. Am I upset? You damn
6 right I am. You damn right I am.

7 I got issues my ownself. Excuse me. Issues my ownself. Did
8 they care how my family was going to live? No, no, didn't get no
9 phone call on that. So I'm bitter. I'm hurting right now on
10 another platform. Yeah, I got issues. I done gave you 20 years
11 keeping [sic] everybody alive. Now something happen, now you want
12 me to give you my story now? Where the hell was you when my story
13 was -- when I'm laying out there when they're doing this and doing
14 that to me? Where were you when I'm calling the railroad board
15 asking them, hey, man, where's this and where's that? Oh, you got
16 to do this. Where's this when manager's supposed to fill out
17 paperwork, didn't fill it out, now you want to penalize me for it?
18 That's what I'm going through right now.

19 I just get back. I just got back because I was gone for 10½,
20 11 months. And then not even a month later, I'm right back in the
21 fire again of another incident? Man, that's a lot. That's a lot.
22 Yeah -- it's not you. It's not you. It's not you. I'm just
23 telling you my story. I'm just telling you my story. They want
24 it, they're going to get it. And they can do whatever they want
25 to do with it. But I can leave now -- not after this, but after

1 that, and say everybody's accounted for, everybody's alive. Might
2 be scratched up, might be bruised up -- I'm bruised up. I'm
3 bruised up. But at least we're accounted for.

4 Can I do this for another 20 -- hell, no. The mind is not
5 saying that. You know, the body's reacting, jerking. I mean, you
6 know, the body's going through some -- maybe in shock now. So
7 that's my story, sir.

8 Q. Again, thank you for that.

9 A. Yes.

10 Q. You were -- I had provided you -- I'm changing topics a bit.
11 I had provided you with the questions in advance, which you --

12 A. Yes, sir.

13 Q. -- had printed out, you responded to. And this had to do
14 with -- I asked detailed questions of what we call 72-hour history
15 of --

16 A. Yes, sir.

17 Q. -- your on-duty/off-duty activities, your work/rest. I had
18 asked about some medical and health background and you provided me
19 with --

20 A. Yes, sir.

21 Q. -- with information. So we don't have to go over that now.
22 Is there anything -- I need time to digest this.

23 A. Sure.

24 Q. I just -- is there anything that stands out here that you
25 want to provide greater details? It looks like you provided a

1 lot, so I thank you for that.

2 A. Yes. Yes. No, I did -- just on the record, you asked for
3 Monday to Friday history.

4 Q. Um-hum.

5 A. I went back 2 days prior to that, I think, because you asked
6 my work days, my work hours, and I just wanted to reflect that on
7 the paperwork that I provided it did show -- it showed work on
8 Saturday and Sunday, the last 2 weeks, 5 a.m. to 7 p.m., which is
9 a 14-, 15-hour work week -- not work week, work day. And that was
10 done March 5th and March 6th. And that was again done the week
11 prior to that. So the last two weekends, I was on the San Mateo
12 crossing project. It was overtime. It wasn't forced, but it was
13 optional. But it was a 15-hour day both days. And I went right
14 into the job of that Monday to -- went into the Thursday incident.
15 So --

16 Q. Right.

17 A. Yeah. So that --

18 Q. So this includes overtime. What is a -- if there were no
19 overtime, is there set hours that you work? I know it varies
20 day-to-day --

21 A. Yes. Yes, but --

22 Q. -- but what's a typical -- how many hours a day?

23 A. A typical day for me is 6 a.m. to probably 5 p.m. So I'm
24 talking about a 12-hour -- 11-, 12-hour day.

25 Q. And that includes overtime?

- 1 A. That's including my overtime.
- 2 Q. Right. If there weren't overtime, what would that be?
- 3 A. Well, normally a shift would be 6 to 3 -- 6:30 to 3. But,
- 4 again, that's a rarity that you get that. I mean, that's a rarity
- 5 that -- because contracted hours are what the agency has agreed
- 6 them to work.
- 7 Q. Right.
- 8 A. So I don't think there's not too many that's really scheduled
- 9 for just an 8-hour --
- 10 Q. Right.
- 11 A. -- an 8-hour shift.
- 12 Q. Right. Is your overtime in part it's nice extra money or in
- 13 part that I want to make sure the job gets done where --
- 14 A. It's just what I do. Twenty years of it, this is what I do.
- 15 I'm just so used to it being part of my -- when I'm involved with
- 16 something, I'm involved with it. I do take time. I took a
- 17 time -- a day last week, I think it was, to -- a day off or
- 18 somewhat, but that's just --
- 19 Q. Do you -- I'm sorry.
- 20 A. -- part of what I do. I don't do it every week, but a
- 21 typical week for me is -- normally is we're talking 70, 75 hours
- 22 easy in that, you know, in a week basically. So yes.
- 23 Q. Do you have scheduled days off?
- 24 A. Scheduled is Saturday/Sunday.
- 25 Q. Okay. And is that -- are you usually able to get those days

1 off?

2 A. Yes. Yes, I mean, normally. But it's always work is
3 available Saturday and Sunday.

4 Q. Got it.

5 A. And normally, again, it's offered. It's offered. It's my
6 discretion to say yes or no.

7 Q. Um-hum. Oh, so when the electric project began was there a
8 greater need for people to work overtime?

9 A. No. When the electrification first started, again, that was
10 4 -- 4, 5 years ago, 4, 5 -- you know, again, it's just starting.
11 So it's -- as it got going more and more, I mean, more and more
12 things started happening, more and more crews came aboard. So it
13 started off -- I think I started there actually, basically, and
14 maybe it could have been just looking at locations. That's how
15 you start, you look at locations. And then we go into segments of
16 start the work, work phase 1, work phase 2. So it started, you
17 know, looking at locations, and then that may have been on and
18 then, as time permits, you know, you bring on a crew and -- again,
19 you only had maybe three or four crews. And now, I mean, man, you
20 may have -- you got a day shift and a night crew now, and you
21 probably have, oh, I don't know, 15, 16 crews easy. I don't know
22 how many crews they have.

23 Q. Right.

24 A. It's around the clock right now.

25 Q. Yeah, I guess I'm curious. For a few years you're working on

1 the station replacement?

2 A. Yes, the replacement.

3 Q. Right. So did the electric project affect you in terms of
4 how much time you had to put in at the station in any way? That
5 it caused delays or, you know, anything?

6 A. Yeah. No, no, no. I was on that project, so if I'm on that
7 project, I'm on that project. They wouldn't more than likely pull
8 me off to go do the electrification. They'll bring in other
9 people to the electrification.

10 Now that the South San Francisco and 25th Avenue project has
11 completed, has completed now -- 25th Avenue project was a 3-, 4-
12 year project also. So now that those two are completed, the
13 biggest thing going right now is electrification. That's the
14 priority right now. There's no more station project or no more
15 building of 25th Avenue or building of South San Francisco. The
16 next building or a construction is the electrification project.

17 Q. I see.

18 DR. JENNER: Are we good? Okay.

19 BY DR. JENNER:

20 Q. We've covered a lot.

21 A. Yes.

22 Q. And I don't want to just take your time if we don't have
23 anything else to learn.

24 A. Yes.

25 Q. So is there anything that we have to learn?

1 A. No, not at this time. Just talk about our big picture being
2 all on one -- on the same channel, same page. We know a lot of
3 work needs to be done. We know a lot of work has to be done, but
4 we have to put the right people in the right places. And right
5 now the right people are not in the right places. I can't say who
6 the right people are, but again, if you got 10 years and this guy
7 got 1 year, this guy should not be where a 10-year guy should be.
8 That's just obvious right there. If you can't get me back to a
9 jobsite, and this guy been to a jobsite 10 years, I think that's
10 only self-explanatory right there. I think if you got a manager
11 who don't know where to put people or confusion, I think we need
12 to look at, you know, where we're at with that. I'm not saying
13 you do or you don't. I don't know, because I don't know your job.
14 I know my job and that's where I -- that's what I focus on, my
15 job. So that's all I could say to this whole picture.

16 Q. Okay. Thank you.

17 DR. JENNER: Mitch, do you have anything to add or ask? We
18 can go off the record if you want.

19 MR. McCARTHY: I think we've been pretty thorough, definitely
20 got a lot of information on the record.

21 Again, I do appreciate you providing all the information you
22 did. It's very important and --

23 MR. ROBINS: Yes.

24 MR. McCARTHY: I'm okay. I'm okay with everything.

25 MR. ROBINS: Okay. Let it be known that I am going to leave

1 with Mitch and/or the -- Mr. Steve, the -- not a transcript but a
2 contractor form that how we been moved, what's the activity on the
3 track on a daily basis, so that at least you have something to
4 reference to as all the activity that's on the track provided to
5 us -- again, this is not a secret document. It's something that
6 we get a daily basis that tell us what we're to get or what we're
7 not to get or what's disputed through -- dispersed, I'm sorry,
8 throughout the contractors itself. So I will leave that with --

9 MR. McCARTHY: What do you mean to get? Are you referring to
10 the track protection?

11 MR. ROBINS: The track protection, the track protection. So
12 I just wanted to let you know that I am leaving that with you guys
13 so that you can look at it.

14 DR. JENNER: Okay. I think we're both interested in a copy
15 of --

16 MR. McCARTHY: Yep.

17 MR. ROBINS: Yes.

18 DR. JENNER: Okay.

19 MR. ROBINS: Okay.

20 DR. JENNER: Very good. Anything else? Anything else?

21 MR. McCARTHY: I'm all right.

22 MR. ROBINS: I'm good.

23 DR. JENNER: Terrific. It is 1 o'clock. And I just want to
24 thank you for spending time today.

25 MR. ROBINS: Thank you.

1 DR. JENNER: Okay. And we'll end the interview.

2 MR. ROBINS: Thank you.

3 (Whereupon, at 1:00 p.m., the interview was concluded.)

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CERTIFICATE

This is to certify that the attached proceeding before the

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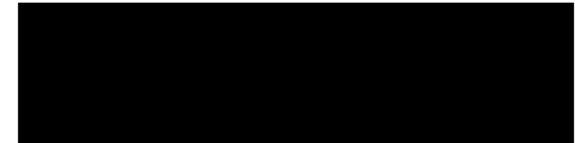
IN THE MATTER OF: CALTRAIN COLLISION WITH CONSTRUCTION
EQUIPMENT NEAR SAN FRANCISCO, CALIFORNIA
ON MARCH 12, 2022
Interview of Claude Robins

ACCIDENT NO.: RRD22MR007

PLACE: San Francisco, California

DATE: March 15, 2022

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.



Kay Maurer
Transcriber