

UNITED STATES OF AMERICA

NATIONAL TRANSPORTATION SAFETY BOARD

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Investigation of: *

*

CALTRAIN COLLISION WITH *

CONSTRUCTION EQUIPMENT NEAR *

SAN FRANCISCO, CALIFORNIA, * Accident No.: RRD22MR007

ON MARCH 12, 2022 *

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Interview of: ROBERT SEBEZ, Acting Director,
Safety and Security,
Caltrain

San Francisco, California

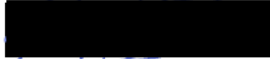
Sunday,
March 13, 2022



I, Robert Sebez, have read the foregoing pages of a copy of my testimony given during a follow-up interview stemming from NTSB's investigation (Ref: RRD22LR017) of the derailment of Caltrain's Train SB506 after a collision with on-track equipment on March 10, 2022, in San Bruno, California on the Caltrain railroad and that these pages constitute a true and accurate transcription of same with the exception of the following amendments, additions, deletions or corrections:

<u>Pg.</u>	<u>Ln</u>	<u>CHANGE AND REASON FOR CHANGE</u>
5	11	Replace "maintenance away" with Maintenance of Way to correct title as stated.
6	10	Replace "railway" with Roadway to correct title as stated
6	13	Replace "T.L." with J.L to correct as stated
6	15	Replace "BSF" to BNSF to correct as stated.
8	8	Replace "Tasse" with TASI to correct as stated.
10	12	Replace "Tasse" with TASI to correct as stated.
12	17	Replace "Tasse" with TASI to correct as stated.
12	20	Replace "Tasse" with TASI to correct as stated.
13	13	Replace "Tasse" with TASI to correct as stated.
13	16	Replace "Tasse" with TASI to correct as stated.
15	21	Replace "Tasse" with TASI to correct as stated.
16	2	Replace "Tasse" with TASI to correct as stated.
20	1	Replace "Tasse" with TASI to correct as stated.
25	2	Replace "Tasse" with TASI to correct as stated.
27	10	Replace "Tasse" with TASI to correct as stated.
27	19	Replace "Tasse" with TASI to correct as stated.
28	2	Replace "Tasse" with TASI to correct as stated.
9	18	Replace "Sabez" with Sebez to correct spelling as stated.
9	20	Replace "Sabez" with Sebez to correct spelling as stated.
9	22	Replace "Sabez" with Sebez to correct spelling as stated.
32	14	Replay "Railway" with Roadway to correct as stated.

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

Date: 4/25/22 Witness: 

APPEARANCES:

DICK HIPSKIND, Railroad Accident Investigator
National Transportation Safety Board

FELIPE AYALA, Track Inspector
Federal Railroad Administration

RICK BRUCE, Track Safety Specialist
Federal Railroad Administration

JAMES RIDGEWAY
CPUC Track

DEREK BROWN, Deputy General Manager
TransitAmerica

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I N T E R V I E W

1
2 MR. HIPSKIND: Good afternoon, everybody. My name is Dick
3 Hipskind, and I am a railroad accident investigator for NTSB, and
4 I am the Track and Engineering Group Chairman for NTSB for this
5 accident. We are conducting this interview on March 13, 2022,
6 with Mr. Robert Sebez. Did I pronounce that correctly?

7 MR. SEBEZ: Sebez.

8 MR. HIPSKIND: Sebez, okay, who works or Caltrain as an
9 acting director, safety and security. The interview is being
10 conducted in-person at the Westin Hotel in San Francisco,
11 California. This interview is part of NTSB's effort in conducting
12 a series of follow-up interviews with the parties to the
13 investigation in which we are, and where we are conducting an
14 ongoing investigation of a Caltrain train number SB-506, it's
15 collision and derailment that occurred on March 10, 2022, on
16 Caltrain's railroad on main track two in San Bruno, California.
17 The NTSB accident reference number is RRD22LR007.

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

23 I'll lead off and then ask for other interviewers to identify
24 themselves according to the previous order established. Again, my
25 name is Dick Hipskind. The spelling of my name is D-I-C-K, last

1 name H-I-P-S-K-I-N-D. I am a railroad accident investigator for
2 NTSB on this accident.

3 MR. AYALA: Felipe Ayala, first name F-E-L-I-P-E, last name
4 A-Y-A-L-A, FRA, track inspector.

5 MR. RIDGWAY: James Ridgway, J-A-M-E-S, Ridgway, R-I-D-G-W-A-
6 Y, CPUC Track.

7 MR. BRUCE: Rick Bruce, R-I-C-K, B-R-U-C-E, with the Federal
8 Railroad Administration. I'm a track safety specialist.

9 MR. BROWN: Derek Brown, D-E-R-E-K, B-R-O-W-N, with
10 TransitAmerica Services, deputy general manager for the
11 maintenance away department.

12 MR. HIPSKIND: To all the interviewers, thank you. Prior to
13 recording our interview, I spoke with Robert to request his
14 permission to record our discussion today and to obtain his
15 permission to use first names in our discussion. Robert, has
16 there been any change to you affirmation of those conditions?

17 MR. SEBEZ: No, there has not.

18 MR. HIPSKIND: Okay. Ryan, or, excuse me, Robert, do you
19 wish to have a representative with you today?

20 MR. SEBEZ: I do not. And for the record, my name is Robert
21 Sebez, R-O-B-E-R-T, did I do that already?

22 MR. HIPSKIND: No, you're fine. Go ahead.

23 MR. SEBEZ: S-E-B-E-Z. I work for Caltrain, or more
24 appropriately for the San Mateo County Transit District as the
25 acting director of safety and security.

1 MR. HIPSKIND: Thank you, Robert.

2 INTERVIEW OF ROBERT SEBEZ

3 BY MR. HIPSKIND:

4 Q. So, Robert, could you please give us a synopsis of your work
5 history, railroad-related, and bring us up to your current
6 position, and how long you've held it?

7 A. Certainly, and sorry for my answers might be a little cloudy
8 as I'm sleep deprived, but I started out in about 2012 or 13. I
9 started out working for a company called Balfour Beatty, as a
10 railway worker in charge. I worked there until the -- essentially
11 until the contract ran out, and then I got a position with, that
12 for a short stint, maybe about seven months, the contract ran out.

13 Then I went to work for a company called T. L. Patterson and
14 Associates, and I worked there as an RWIC for Capital Projects, as
15 well as an inspector for Capital Projects on BSF property. As an
16 RWIC for both of those employers, I worked on the Metrolink
17 property.

18 Then I got an offer in Denver for a company called Denver
19 Transit Operators where I briefly worked as an RWIC and then moved
20 on into safety where I stayed for two years, and then, again
21 worked as a safety officer, but also covered for coordination of
22 Capital Projects, and then I got a job with TransitAmerica
23 Services, Inc., as a capital, excuse me, an operation's
24 construction liaison manager where I, you know, essentially put
25 together the operations and constructions, and construction, and

1 the coordination for the various projects, including, including
2 the electrification project. That was short to -- oh, yeah, I
3 quickly went on to work for the Peninsula Corridor Joint Power
4 (indiscernible), or for Caltrain on the rail side exclusively, and
5 worked as a manager of rail operation's compliance. I believe I
6 did that for about two years, and then moved on to the deputy
7 director of safety and security, just before COVID, and then
8 shortly after, held the acting role, which is where I am at
9 present.

10 Q. Okay, thank you for that. And Robert, could you please
11 describe for us your duties and responsibilities in your current
12 position?

13 A. Yeah, that's always hard for me to do for some reason, but
14 yes. So manage -- obviously managing our safety staff. I have a
15 deputy director whose primary focus is on security. Our staff,
16 when fully, fully, fully staffed, we have a safety coordinator on
17 the left side, two rail safety officers on the rail side, a
18 manager, a safety data analyst, and, you know, chair various
19 committees; ensure that the, ensure that our contract compliance
20 is, how do I put this? Ensuring safety of the railroad, crew the
21 levers of the contract, through the contractor, which includes
22 meeting with the contractor on a regular basis, intake of incident
23 reports, and safety data, joint efforts. I guess I can go on, but
24 I think you get the gist.

25 Q. I do. I'm interested in how you described that, and I think

1 it'd be helpful if you could provide us, maybe, an example of when
2 you're talking to the contractors, maybe, an issue that they had
3 that you were about able to resolve?

4 A. An issue that they had?

5 Q. Safety concerns.

6 A. Sure. Sure. You know, there is very small items, like the
7 contractor didn't properly plug up, like a (indiscernible) on a
8 platform. Right now we have an initiative with Tasse because
9 there's been a lot of vehicle accidents. We try to come up with a
10 way to, you know, mitigate that by forcing everybody to walk to
11 the back of their truck and see what's there. By making it, it
12 sounds silly, but it's useful. Having a cone at all times parked
13 at the back of the truck, and when you're driving it needs to be
14 in the bed of the truck, and that way it's easy to monitor, if
15 everybody's complying, and then we know that their walking to the
16 back of their truck, observing what's back there, things of that
17 nature. And, right not, you know, we're in the process of
18 implementing our newly mandated systems safety program plan, and
19 that is a joint effort as well. All that aside, I'm not bringing
20 it up that I'm also the acting director of safety and security for
21 the San Mateo Fentan (ph.) (indiscernible) Trams, which is a bus
22 service, but it's not relevant, so, I'm not getting into that.

23 Q. Okay. And we won't either.

24 A. Okay.

25 Q. But fair to say that in some of your activity with the

1 contractors, you have seen changes. You've seen some success?

2 A. Yeah.

3 Q. Okay. Let's go back and I just, like we did with Jason and
4 Ryan, kind of paint the picture for us. How big of a territory do
5 you have? How many people? I know you listed off some people,
6 but just give me a general ballpark number of people that help you
7 accomplish the safety effort.

8 A. Sure. Sure, (indiscernible) safety's from the top down, and
9 it's with everybody, so, you know, the district has 765 employees.
10 Caltrain has, some, last I checked the headcount was 485, and then
11 everybody should be involved in safety to one extent or another.
12 Not that I'm directly in charge of those individuals, that's --
13 but it's a -- we operate on 71 miles of rail, but we own, I
14 believe, 52 of those miles.

15 Derek, correct me if I'm wrong, but we maintain the signal
16 system for all 71 miles?

17 MR. BROWN: We maintain the signal system for the 51 miles.

18 MR. SABEZ: For the 51?

19 MR. BROWN: Correct.

20 MR. SABEZ: Okay.

21 UNIDENTIFIED SPEAKER: Excuse me.

22 MR. SABEZ: Oh, that's right, we don't own the track on one
23 in town (indiscernible). Okay. Got it. All right.

24 What else? We're undergoing a huge electrification project,
25 and obviously we're here talking about that today, but it's been a

1 big undertaking.

2 BY MR. HIPSKIND:

3 Q. Okay, and I don't mean for this to be a trick question or
4 anything, but in your role in the safety department, fair to say
5 that you're interfacing with all the departments on Caltrain?

6 And --

7 A. I don't think that's trick question. I think, yeah, it's
8 fair to say.

9 Q. Okay.

10 A. Yeah. I certainly have a responsibility to.

11 Q. Yeah, okay, all right, and so when -- besides Caltrain, and
12 when we talk about Herzog, and Tasse, and the different
13 contractors and organizations that are out here working on the
14 property, you interface with them as well.

15 A. Um hmm.

16 Q. Yes?

17 A. Yes.

18 Q. Okay. All right. How is that, how is all that going? I
19 mean, are people listening? Are they responding? What are you
20 asking them to do? And how are they performing with what you're
21 asking them to do?

22 A. Sure. Well I -- asking them to do is an interesting way to
23 phrase it, you know, what --

24 Q. Trying to be broad with my question.

25 A. -- what you really want to do, I mean, you know we have two

1 different modes of transit, and the way it needs to be managed is
2 much different, you know. I cannot tell Derek how to run his
3 railroad because I am not his employer, but we do have a contract
4 and so we try to influence the contractor through the contract to
5 get, to influence the safety of the product that we would like.
6 That makes sense.

7 Q. Okay, well I'm going to try to ask this question and either
8 include it or eliminate it. Is there a monetary incentive with --
9 if they have a better safety record?

10 A. No. No, there's no monetary incentive. There is a potential
11 for safety penalty. I believe this incident is -- would be an
12 example, one of those --

13 Q. Talk a little bit more about that.

14 A. Well it's not anything that I've ever -- well, if I'm being
15 perfectly honest, I don't know that it's my responsibility to --
16 for that to be within my power to do.

17 Q. You just us to -- you're just noting that there is a
18 contractual; there's parts of the contract where that can be
19 addressed.

20 A. Yeah, but I don't like the way I answered that. Let me be
21 clear. I'm -- we had a terrible incident on our railroad and I
22 own that, and I'm responsible for fixing it, so let me say that
23 first. I'm just -- the reason why I'm explaining it is, I can ask
24 anything that I want, to your point, it may not be the best
25 strategy to get it, and there's other means to do it, and my job

1 is to find that, and to influence our contractor, so. And if I
2 have -- if I'm not able to do that, I'm not doing my job well.

3 Q. Okay. Well out of the couple of guys that we've talked to
4 today, earlier today, we've talked to them pretty in-depth about
5 efficiency testing, on site observations. We talked about data
6 gathering, data, databases, kind of tracking the data that's
7 coming in, and they indicated a lot of what they do in the future
8 is derived from -- it is data driven from their prior activities.
9 So you were here, you heard some of that, what's your version? In
10 your safety department, do you execute a similar methodology?

11 A. No. No. We don't because we don't do the day-to-day safety.
12 Where our contractual obligation is that we attend the weekly
13 meetings and we are afforded the opportunity to do joint
14 inspections, which is part of the reason why we underwent this
15 effort for the cones, although not part of the official
16 operational testing plan. It is certainly data driven as it's
17 written in the operational testing plan that Tasse has developed.
18 There are some things that I would like to see improved by way of
19 efficiency. I think he mentioned there's 60 tests per manager. I
20 think it's actually less than that, but I might be wrong. Tasse,
21 and I appreciate the fact that they -- the reason why -- that they
22 do it, but they go well above and beyond that number, well above
23 and beyond. What I would like to see is actually less, but more
24 meaningful. I think, from my understanding, it, you know, if you
25 go to like a UP Railroad, you'd see a lot more failures. I've got

1 to be careful with my words here. I don't want to see more
2 failures, but I do want to make sure that we're doing thorough and
3 well thought out tests, and that, that we're essentially --

4 (Background noise)

5 A. -- catching the deficiency that we have. Yeah.

6 Q. Okay, some of my takeaway from what you just said is,
7 sometimes a railroad's accident, incident, data becomes a leading
8 indicator of where there are some breakdowns, or increases in
9 certain outcomes from, you know, going out and being on the track,
10 etcetera, etcetera. And I think what I hear you saying is maybe
11 going out and taking issue with more minor infractions, like PPE
12 just as a generalized thing, you might -- I think what I hear you
13 saying is, you might want Tasse or some of the other contractors
14 to have more in-depth, where the rubber meets the road, and people
15 are getting injured.

16 A. What I'm -- okay, so what I'm not saying is Tasse's doing a
17 poor job. I just want to make that clear.

18 Q. No, I know. I understood it that way.

19 A. Yeah. What I am saying is that I think you can put more time
20 and attention when you don't have the volume, and you can get
21 meaningful results that way.

22 Q. Okay.

23 A. Yeah.

24 Q. It's not always about the numbers; quality over quantity.

25 A. If you have bad inputs, you're going to have bad outputs.

1 Q. Okay. I understand now. Well, what else? Is there anything
2 else you want to talk us about in general? About your safety
3 department, safety program, are there other elements that maybe we
4 haven't drilled down and asked you specifically about?

5 A. Oh, I'm sure there are, but nothing that -- I'm willing to
6 answer any question you have, it's just I haven't slept well so I
7 don't know what to bring up.

8 Q. All right. Well let me make a second attempt. Let's talk
9 about the accident, and I am more interested in, has there been
10 any discussion about the way forward? Certainly, a really bad
11 outcome, but what can you characterize about how does Caltrain --
12 how do you respond to this? What are some of the initial steps?
13 I know that currently you're in a -- kind of a lockdown, shutdown,
14 standdown, whichever term that different railroads use, but after
15 the standdown is over and people have to go back to work, what's
16 the game plan? What's the approach?

17 A. Well let me first say, it's hard to find yourself in any
18 major, or really any incident, and not have this predisposed
19 notion of, or predetermined, you know, cause, and that's something
20 that you really have to fight. And what I've found is, after
21 doing quite a few investigations, not of this caliber, is that
22 you're usually wrong to some extent, and it's absolutely critical
23 to find out where the breakdown was, what the root cause is,
24 before developing any recommendations. And if those
25 recommendations aren't meaningful, if they're not adequate, and --

1 or if they're not implemented, it's a big opportunity that has
2 been wasted, and especially in this case, because it could have
3 been much worse. So now we have an opportunity to make sure it
4 doesn't happen to the best of our ability, so.

5 Q. Well, I don't want to put group words in your mouth, Robert,
6 but you guys are probably going to do something versus nothing.

7 A. Yeah, I'm sorry. So, we're going to -- we're doing our own
8 investigation, just as everybody is, I'm sure. We want to
9 determine the root cause. We want to make sure everything is
10 covered, and we want to develop some meaningful recommendations.

11 Q. And you feel confident that that likely will -- that what you
12 just alluded to there, that will be executed and there is very
13 likely to be a follow-on list of improvements or changes.

14 A. I am 100 percent confident in that. Yes.

15 Q. Okay. All right. Anything else you want to talk to us about
16 in terms of safety or tools or programs that you use to improve
17 safety?

18 A. I certainly can if that's what you'd like to talk about.

19 Q. We would.

20 A. Okay. Yeah, another initiative that we have with the safety
21 department, or our Tasse Safety. I've talked about leveraging
22 contracts, leveraging our contract to peek at the safety results
23 we want. We've talked about data. We have a program called
24 Industry Safe that when I came into this department, was for the
25 most part unused. I'm a big believer in data. I like to develop

1 a way to analyze it from a very granular perspective.

2 Tasse has their own forms that they use to capture this data,
3 often times it's handwritten, it's usually scanned. As I said,
4 they're not using Industry Safe, I'm on the fence on it, but this
5 is my means of the contract that I do have to leverage them. So
6 what we've done is we've offered them to use our forms, which is
7 the same form that they had, but in a digital format where I can
8 extract that data and a granular form, and then we'll have the
9 capability of uploading it to Industry Safe. But more
10 importantly, by running it through a business-intelligence
11 software to see if we can get some meaningful reading indicators
12 out of it. That's in progress.

13 Q. Okay.

14 A. Yeah.

15 Q. Oh, when do you expect that to be fully implemented or
16 completed?

17 A. So what I found is I expect everything to be completed in two
18 weeks, and then it, you know, it takes years. You know, we'll get
19 it done. We'll get -- we have a lot to do. We'll get everything
20 done; we just won't do it all right now. My old boss told me --
21 he used to tell me that. But realistically, this is part of the
22 implementation of the SSPP. So, I can tell you it will be less
23 than three years, but I would hope to get it, -- well, I hope to
24 get that at six months.

25 Q. Well since you brought up the acronym SSPP --

1 A. System Safety Program Plan.

2 Q. Okay.

3 A. Yeah.

4 Q. Well that tells me that you guys are overlooking at some of
5 the stuff on the, the Federal Transit Agency. I mean, that sounds
6 like some of their acronyms. Are you --

7 A. No.

8 Q. No?

9 A. No. This is an acronym of the FRA. The FTA no longer uses
10 an SSPP, and I know this because we had to develop a different
11 safety plan. I mean, in 2000, in 2020 -- by the way, that was a
12 fun year, but, no, FTA is P-tasked now, and FRA now is SSPP as of
13 2020.

14 Q. Okay. Well, so are you saying that there are, that there's
15 regulatory language that provides you guidelines on the program
16 that you're supposed to have and execute?

17 A. Yeah, 49 CFR 270.

18 Q. 270.

19 A. Um hmm.

20 Q. Okay. Well, I'm a little bit familiar with 270. That was a
21 long time coming about. So how is that effort going on your
22 railroad? I assume that you have a program, a document, in place.

23 A. We do. We have an approved document by the FRA. That
24 document was officially approved in December. You know, we have
25 three months, six months, we have milestone markers, you know, we

1 may have hit the three month as of now, but we have completed all
2 the three month mile markers in two months, so we're good on
3 schedule. The best is yet to come though, so it's a challenge.

4 Q. Well, let's drill down on that just a little bit more. When
5 did you have, just approximate time, when did you have your 270-
6 program approved?

7 A. December, I forget the exact date, somewhere around mid-
8 December.

9 Q. Of this past year?

10 A. Yes.

11 Q. Okay, so you've only had it in force for just a hand full of
12 months.

13 A. Um hmm.

14 Q. Okay. So, too soon to talk about any audits or anything like
15 that; the program is still pretty much in an infancy state. Is it
16 fair to say that?

17 A. Yeah, yeah, sure.

18 Q. Okay. All right. Was there any push back in Caltrain to go
19 through that process, or?

20 A. I mean, we didn't have a choice, but you know, my policy has
21 always been to work well with the FRA. That's what I learned from
22 my mentor, and it just so happens there's some decent people in
23 (indiscernible) that worked for the FRA. Larry Day (ph.) used to
24 be a director of Caltrain, and he's a good guy, so. We got a lot
25 of -- it was a positive experience.

1 Q. Okay. When we talk about the FRA approved program, is that
2 fair game for the California PUC to take a look at that as well?

3 A. If their asking for a copy, I'll give to them. Is it within
4 their scope? No, it's not.

5 Q. Well, I did kind of want to know that, so --

6 A. Yeah.

7 Q. -- you answered that.

8 A. Yeah. (Indiscernible) I was going to answer (indiscernible).

9 Q. All right. Well I, I've kind of (indiscernible) our
10 conversation with elements about FRA and California PUC, so.

11 A. Yeah. But they would be our SSOA if they were the -- if we
12 were a -- they would be our state safety oversight if we were a
13 rail transit organization, like BART, or VTA, but we are not.
14 We're commuter railroad, so FRA regulated.

15 Q. Okay. The whole 270 is because you're carrying passengers.

16 A. The whole 270 is because we're part of the general
17 railroading system and we have a commuter inner city passenger
18 railroad, yeah.

19 Q. All right. Robert, --

20 A. How am I doing? Am I doing okay?

21 Q. You are doing remarkably well. But we know -- anyhow, I
22 appreciate the conversation you and I have had. Let's see what
23 the other interviewers, what's on their mind. Okay?

24 BY MR. AYALA:

25 Q. I just have a couple questions. Do you ever participate

1 directly in any of the field audits with Tasse?

2 A. So the answer is very seldomly so far. I'm going to be up --
3 I'm going to be frank about that. The plan is to be much more
4 engaged, as I spoke about earlier. I want to make sure I answer
5 your questions, so you didn't think I was dodging it, but I do
6 want to talk about the incident. So if this is going to be all
7 about what I just talked about right now, let's go back and talk
8 about the incident, because I would be remiss if we didn't. You
9 said I'm in charge.

10 MR. HIPSKIND: I did.

11 BY MR. HIPSKIND:

12 Q. Do you and I want to talk about the incident?

13 A. If now is the appropriate time, yes.

14 Q. Well, I will caution you, I do not want to engage in an
15 analytical setting. I just want to talk about facts, and if there
16 are some facts and you want to talk about that, that's fine.

17 A. Sure.

18 Q. Do you -- you're good with those orders?

19 A. Yeah, absolutely. Yeah.

20 Q. What's on your mind, Robert?

21 A. Are you going to put it on me to -- see, I was hoping you'd
22 ask me the right questions. Well, let me start by asking if
23 anybody else if they have any questions for me regarding the
24 incident.

25 (Pause)

1 A. Nobody does.

2 UNIDENTIFIED SPEAKER: Oh, yeah.

3 MR. HIPSKIND: I -- listen, I'll open the door, please.

4 UNIDENTIFIED SPEAKER: We need to go on through.

5 BY MR. HIPSKIND:

6 Q. Robert, what are your thoughts about the incident?

7 A. I think that -- may I address the snapshot?

8 Q. Yes, please.

9 A. Okay. I don't mean offend to you, but I don't think it was
10 -- this is a key part of the investigation, as you put it. I
11 didn't like that, and I want to make sure we understand what this
12 document is. This document is an operational document to give
13 certain parties an understanding of what is authorized to hold.
14 This is not a document of on-track safety. This is not used by
15 anybody for on-track safety. This document does not preclude any
16 RWIC from being granted track and time, which was demonstrated
17 that evening, and that should be clear to everybody.

18 Q. Anything else?

19 A. I think if this is something that we're going to focus on, we
20 want to ask ourselves why. Why do we think that? Because these
21 two documents are different, or because something changed; which,
22 by the way, I do not like, I like the planning. Anybody that says
23 we should be planning everything, I'm in that group. I do agree
24 that changing your routine will be a contributing factor. I know
25 it's easier to make mistakes when you're routine has changed, but

1 we are a railroad.

2 As Ryan Humphreys said, or as Jason Kallstrom said, when we
3 have defects and they got to be fixed, we don't say, well, I
4 didn't work there last night so I'm not going to fix it.
5 Something bad might happen, right? So I think highly of
6 TransitAmerica Services Inc. I think they can take care of
7 something when they need to. I think they expect things to
8 change. And to focus on this, I think it should be fully vetted.
9 I hope these comments are taken well, but I hope we get to the
10 root cause. I'll just say that.

11 Q. I think we're in the same boat, rowing in the same direction,
12 so I appreciate your comment. Is there anything else you'd like
13 to bring up that's on your mind about the accident?

14 A. Sure. I don't know that it was explicitly stated, but --
15 well, first let me say, you know, two things: communication and
16 just the fundamentals of on-track safety. It's -- you have to
17 take care of that before you get onto anything else, and a lot of
18 times we put, you know, we think we're adding more safety and
19 really, what we're doing is we're taking away from it.

20 So, I don't know if anybody explicitly pointed it out, but,
21 you know, we need -- well, I don't know if anybody caught it, but
22 -- so I think everybody's in agreement that we released track and
23 time without informing the crew, right? Or without at first
24 informing the crew.

25 Q. Well, let me interrupt you and say, we haven't got all that

1 nailed down, but it is on the list to check out every way we
2 can --

3 A. Sure.

4 Q. -- before we definitely say it is that.

5 A. Okay. Yeah. I --

6 Q. Do you agree?

7 A. I'm trying to think if -- yeah, and it hasn't been fully
8 concluded, but that's for certain.

9 Q. Okay.

10 A. I don't know if anybody caught Mr. Talley's statement, but if
11 what he said is any bit of the truth, but that happened twice that
12 night, right? They were to get on main track 1, excuse me, main
13 track 2. They needed protection on the adjacent track, rather
14 adjacent track protection, sorry, and they got on.

15 Mr. Hidalgo visually verified that they got on, visually verified
16 that they were in the clear, but did not update them when the
17 conditions had changed, right? So is this a requirement? How do
18 I know that the crew doesn't know that they can't (indiscernible)
19 main track 1? And I'm saying this because we have to look into
20 it. Is this a reoccurring issue? Do we -- is this a broader
21 issue, right? And then -- and that's a fundamental -- we should
22 never release a protection from anybody, under any circumstances,
23 without re-briefing, and that is fundamental.

24 Q. Yeah, let me respond. Just in the work I do over the course
25 of the many accidents, it is not uncommon that when we are in

1 pursuit of finding a probable cause, or the root cause, that when
2 we look holistically at a broader amount of time, accidents happen
3 in a relatively short amount of time. But when we back out, take
4 that 30,000 foot level, we often find, whether it was some, maybe
5 some other things along the way leading up to that could use a
6 little bit of corrective action. I'll put it that way. Maybe you
7 weren't causal to an accident, but it's something you kind of find
8 along the way because you're looking at something else. So if we
9 -- are you in agreement with that statement?

10 A. Sure.

11 Q. Okay. All right. If you don't have anything else on the
12 accident, I do want to include our other interviewers.

13 A. I do have one on the accident.

14 Q. Well let me ask it the way I should ask it. Do we have your
15 permission to include the other interviewers?

16 A. Oh, of course.

17 Q. All right.

18 A. Yeah, but I would like to talk more about the accident at
19 some point.

20 Q. All right. Let's see what's on their mind first. Maybe
21 we'll get there.

22 A. Sure.

23 BY MR. AYALA:

24 Q. I had asked the -- about if you were directly involved in any
25 of the field audits; you answered that. The other question is

1 does Caltrain or like agency employees, do they perform any audits
2 without the -- without Tasse?

3 A. No.

4 Q. Okay.

5 A. No. And this -- that's not a function of our department.
6 And when I say that I haven't participated in any audits, I
7 participated in many audits in different positions. My department
8 has participated in audits, just I haven't, but it is
9 (indiscernible).

10 Q. Is there somebody specific, you know, that maybe in the
11 agency, or maybe works directly for you, that is responsible for
12 monitoring like, safety activities for the -- for like, in
13 specifically for maintenance-away safety activities?

14 A. Is there a designated maintenance-away safety activity
15 person? That -- that's what they do? No.

16 Q. Yeah.

17 A. No.

18 Q. Or maybe it's part of their job?

19 A. No, I mean safety is part of all of our jobs. We have a
20 maintenance-away person, but we've -- look, we hired an O&M to run
21 the railroad and to do the safety. So to have a maintenance-away
22 specific person, that means I'm going to have a signal specific
23 person just for the safety department, it's not necessarily an
24 efficient way to do it.

25 Q. Yeah.

1 A. General oversight, absolutely. I mean -- and I think you'll
2 see that I've been involved in that, for sure.

3 Q. That's all -- that's what I was asking. Thank you.

4 A. Yeah.

5 BY MR. HIPSKIND:

6 Q. Let me interject here. You used an acronym O&M?

7 A. Operations and Maintenance.

8 Q. Okay. All right. Thank you.

9 MR. HIPSKIND: Jim?

10 MR. RIDGWAY: No, I don't have any questions.

11 MR. HIPSKIND: Rick?

12 BY MR. BRUCE:

13 Q. All right. This is going back to him a little bit, you said
14 your company, you got data analysis; did they do data analysis on
15 the company's safety audits, or reviews, and any part?

16 A. So we were -- we review the data. I don't consider it data
17 analysis until you know, we've, we're running it through software,
18 and I have the data granularly. I guess that's a long way of
19 saying it's not where I want it to be, but we'll get there.

20 Q. Okay. And he said -- so any of your direct reports have any
21 goals to meet or policies to meet of being out there with them as
22 they do ops tests or any kind of safety?

23 A. Yeah, it's not a metric of performance, but it -- I'll tell
24 you, it should be. Part of -- no, I'll just leave it at that. I
25 don't want to -- yeah. I mean, I could expand on that and as to

1 why, but I don't think it'll add to anything.

2 Q. Okay, to the accident, is the company -- you work for
3 Caltrain, has the company been informed of or worked with
4 improvements on failures of releases, Form B issues,
5 (indiscernible) filing a track or anything like that, comparative
6 to this accident?

7 A. So I think that would relate back to the operational test
8 question. I can tell you that we had requested to be a part of
9 joint fuel audits, as we're contractually obligated., to which
10 Tasse has agreed. This is not a finger pointing and directly
11 related to -- yeah, OTS, yeah. Absolutely.

12 Q. And you mentioned you've got your operational managers, which
13 was TransAmerica and Caltrain. Is there an issue between either
14 one of them to correct any kind of safety issue, like you're
15 talking about? Is there procedures that have been challenging to
16 get safety met as far as, like, this accident? Is there
17 challenges that you all have met, that you made the request, and
18 it's been an ongoing think? Or has there been anything like that?

19 A. So Tasse's been for the most part, really easy to work with
20 and they're amenable. Where I've struggled is finding the formal
21 channels to deal with what you just said.

22 MR. BRUCE: That's all I have right now.

23 MR. HIPSKIND: Thanks Rick.

24 Derek.

25 BY MR. BROWN:

1 Q. Robert, I just want to confirm. Industry Safe, you are
2 recommending we, Tasse that is, start using Industry Safe as a
3 means of collecting the data for incidents so they can be analyzed
4 and track for trains and stuff like, is that?

5 A. Well, I think the right way to say it is that you guys should
6 be doing it. You are contractually obligated to do it, and it's
7 not being done. In understanding of that, I'm offering a
8 different means to capture the data.

9 Q. So the incidents that occur currently, you receive an
10 incident report. Correct?

11 A. Yep.

12 Q. So they are doing it, just not in the Industry Safe process.

13 A. Yeah, I think I answered that question.

14 Q. Okay. All right. Thanks.

15 A. I mean, when you said they're doing it, they're filling out
16 incident reports and --

17 Q. Yeah.

18 A. -- we're receiving it. Absolutely, yeah.

19 MR. BROWN: Yeah. That's all I've got. Thanks.

20 BY MR. HIPSKIND:

21 Q. So Robert, how would you characterize the sharing of data? I
22 know you indicated you want to modernize and get to a -- kind of
23 an electronic way to capture it, but in general, that idea
24 Aside, how would you characterize the sharing of data? Is it
25 fluid? Is it going back and forth? Are you getting what you

1 want, or do you have some concerns?

2 A. Oh, it's just like any project; it's frustrating. You want
3 to get it going and you have a million things to do. So yes, I
4 mean, that's a concern to me, but that is all within -- that's all
5 contained on my side of the table, and that's, you know, and this
6 is on me for that.

7 Q. Within the --

8 A. And you know I thought -- by the way, when I'm talking about
9 inspections, excuse me, audits, I'm talking about my department.
10 We have contract and safety that does these RWIC audits, and I
11 would be remiss if I didn't say that. So, yeah, let the record
12 show, I guess, go ahead, sorry.

13 Q. No, I thought you brought up an interesting point. So how
14 well is that staffed and what are their goals and expectations?

15 A. How well is our --

16 Q. The -- it seemed to me you were alluding to -- you have
17 personnel that know and respond to and collect data on RWIC type.

18 A. I have safety staff that are involved in the Capital Projects
19 that handled the safety certification aspect, that participate in
20 incident -- accident investigations, that develop recommendations,
21 and that perform audits in the field.

22 Q. Okay. Let me tie a couple things together. I may not get it
23 correctly said, but part -- maybe as I understand it, part 270, it
24 seems like there is an expectation that if you write in your
25 program, we're going to go out and collect data, and a lot of our

1 activity, in the future, data driven? Fair to say that or no?

2 A. Oh, absolutely.

3 Q. Okay. So I think I understand why you want to modernize the
4 collection of data so that you can crunch it, query it, trend
5 lines, and all that.

6 A. Absolutely. That's exactly why, yeah.

7 Q. Okay, and you're just getting -- I don't mean to, I don't
8 mean for this to sound the way it's going to sound, but you are
9 getting started and you do have a vision for how you're going to
10 apply 270, the SSVP and all that.

11 A. It's one of our goals. We have milestones for those goals,
12 and we've met them all so far.

13 Q. All right. So it's all going pretty well?

14 A. Yeah.

15 Q. All right. Anything else on your mind that you want to talk
16 to us about or you want us to talk to you about? We're sensitive
17 to your comment about being sleep deprived.

18 A. But I don't want that to hinder this investigation.

19 Q. Okay. Well you -- well, it won't. But I just, you know,
20 whatever's on your mind, we're here to talk.

21 A. That's all I have for now.

22 Q. Okay. Anybody else have any other comments, questions?

23 UNIDENTIFIED SPEAKERS: No, no.

24 BY MR. HIPSKIND:

25 Q. Okay. Robert, with your permission, would you like to

1 proceed to closing out?

2 A. Certainly.

3 Q. All right. Robert, is there anything you would like to add
4 or change to any of our discussion with you today?

5 A. No.

6 Q. Okay, and are there any questions that we should have asked
7 but did not?

8 A. No.

9 Q. And do you have any suggestions for preventing a
10 reoccurrence?

11 A. Well, I think it's -- I'm not a big believer in developing
12 recommendations before the root cause has been identified. I do
13 have areas where I think it's worth looking into, and I was very
14 much in agreement with almost everything that Mr. Humphreys had
15 said, and I think he eloquently put it. Any recommendation we
16 have, has potential unintended consequences. So you have to be
17 very -- it's easy to put a blanket on it, but that blanket can
18 cause operational problems and it can cause safety issues. So
19 it's to be fully vetted out.

20 I think, you know, an indication on a dispatch board, or --
21 and I, and it's not clear to me whether or not an indication via
22 shunt, would enforce PTC. If it would, certainly would have
23 prevented this accident, so long as they weren't in the same
24 block, right? That should be looked into with caution and not,
25 let's do it, put them on, and we find out what other problems it

1 brings.

2 I think we should make sure that now all the RWIC's
3 understand fundamentally that we should look into understanding
4 all -- make sure all RWICs fundamentally understand about what
5 goes into a job briefing. You know, just because it's compliant
6 doesn't mean it's safe, but the FRA does do a good job. What's
7 our scope of work for the day? What are you going to do? That
8 wasn't clear to Mr. Robbins, according to his statement. What are
9 our anticipated challenges of what might seem and then we cater
10 the on-track safety to that?

11 And I think we have -- I think we should look into the
12 opportunity of making sure that our on-track safety is concise.
13 As Mr. Humphreys said, I don't see a conflict in the rules for him
14 to be designated as a railway worker in charge until he got to
15 Mr. -- until they arrived in south San Francisco. He had a re-
16 briefing, and designated him as the employee in charge, if that's
17 the way it was to go down that lane. I do think the more people
18 you add, the more opportunities you have of a failure in
19 communication, and that wasn't absolutely necessary.

20 That being said, there might be instances where it's
21 necessary, so we have to prepare for it too. So I don't claim to
22 have all the answers that this deserves, a deep, deep look, and I
23 want to just be a part of finding that and whether it is. Even if
24 it's to my detriment, I would participate in that, so.

25 Q. I think what you just provided us was well said, and by that,

1 I mean you do have to weigh the balance of the pros and cons.

2 A. Um hmm.

3 Q. And you do have to think about unintended consequences, and
4 they're not always right there and visible.

5 A. Um hmm.

6 Q. But maybe doing something (indiscernible) if you will. A lot
7 of railroads, when they come up with a change, run a pilot to
8 gather data and to gain feedback. So I, I'll ask it in the form
9 of a question: do you feel confident that you guys will execute a
10 thorough look at it, and that you will -- where there's an
11 opportunity for improvement or change, that you'll execute that?

12 A. Again, I feel 100 percent confident in that.

13 Q. Okay. Is there anyone else who we should interview? We are
14 going to interview a person from, is it JPB? Did I get that
15 right? Okay, so --

16 A. I'm sure you did, yeah.

17 Q. -- somebody tomorrow and is there any other questions,
18 comments from anybody?

19 Final word, I'll ask you, do we have your permission to close
20 it out?

21 A. Absolutely.

22 MR. HIPSKIND: All right. Well, I do want to put on the
23 record that you have been part of the track group and you have
24 helped us immensely, added value to our investigation,
25 participating in some of the interviews, so you have a double

1 thanks from the track group and NTSB.

2 Thank you for helping us out. And with that, we will
3 conclude.

4 MR. SEBEZ: Great, thank you.

5 (Whereupon, the interview was concluded.)
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CERTIFICATE

This is to certify that the attached proceeding before the

NATIONAL TRANSPORTATION SAFETY BOARD


IN THE MATTER OF: CALTRAIN COLLISION WITH CONSTRUCTION
EQUIPMENT NEAR SAN FRANCISCO, CALIFORNIA
ON MARCH 12, 2022
Interview of Robert Sebez,
Acting Director, Safety and Security,
Caltrain

ACCIDENT NO.: RRD22MR007

PLACE: Westin Hotel,
San Francisco, California

DATE: March 13, 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.


Deborah Dowling Sweigart
Transcriber