

UNITED STATES OF AMERICA

NATIONAL TRANSPORTATION SAFETY BOARD

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Investigation of: \*

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SEPTA TRACK WORKER FATALITY \*

PHILADELPHIA, PENNSYLVANIA \*

Accident No.: RRD19FR009

JULY 8, 2019 \*

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\* \* \* \* \*

Interview of: PHILIP METZGER

Assistant Director of Track Inspection

SEPTA

SEPTA Headquarters  
Philadelphia, Pennsylvania

Thursday,  
July 11, 2019

## APPEARANCES:

TROY LLOYD, Railroad Accident Investigator  
National Transportation Safety Board

JOHN WEISGERBER, State Safety Oversight Representative  
Pennsylvania Department of Transportation (PennDOT)

BILL BANNON, Vice President  
Transport Workers Union (TWU), Local 234

RONALD BENSON, JR., Director of Construction Safety  
Southeastern Pennsylvania Transportation Authority  
(SEPTA)

DAVID STUMP, Chief Engineering Officer  
SEPTA Track Department

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I N T E R V I E W

1  
2 MR. LLOYD: Okay. We are on the record.

3 I told you about the interview transcripts.

4 MR. METZGER: Yes.

5 MR. LLOYD: And legal representative and all that stuff,  
6 so --

7 All right, good morning, everyone. Good afternoon, everyone.  
8 My name is Troy Lloyd. I'm from the National Transportation  
9 Safety Board. Today's date is July 11th, 2019, and we are at the  
10 SEPTA headquarters located in Philadelphia, Pennsylvania, located  
11 on the 12th floor in Conference Room 12B. We are interviewing  
12 Mr. Philip Metzger, who works as the assistant director assigned  
13 to the Track Inspections Branch for the Southeastern Pennsylvania  
14 Transportation Authority, or SEPTA. The interview is in  
15 connection with an accident that occurred on July 8th, 2019 in  
16 Erie interlocking. The NTSB accident reference number is  
17 RRD19FR009.

18 The purpose of this investigation is to increase safety, not  
19 to assign blame, fault or liability. The NTSB cannot offer any  
20 guarantee of confidentiality or immunity from legal or certificate  
21 actions. A transcript or summary of the interview will go in the  
22 public docket. The interviewee can have one representative of the  
23 interviewee's choice.

24 Have you selected to have any type of representative?

25 MR. METZGER: I have not.

1 MR. LLOYD: Do you understand that the interview is going to  
2 be recorded?

3 MR. METZGER: Yes.

4 MR. LLOYD: Okay. So before we start the interview in  
5 question, let's go around the table and introduce ourselves. When  
6 I get to you, please spell your last name, who you are  
7 representing and your work title. So what I'll do, I'll start off  
8 with myself, we'll work off to the right, Mr. Metzger, and we'll  
9 just go around the room.

10 So, again, my name is Troy Lloyd. Spelling of my last name  
11 is L-L-O-Y-D. And I am the NTSB Track and Engineering Group  
12 Chairman for this accident.

13 MR. METZGER: My name is Philip Metzger. Last name M-E-T-Z-  
14 G-E-R. I'm an assistant director of track inspection for city and  
15 suburban track inspection groups.

16 MR. BANNON: Bill Bannon, B-A-N-N-O-N; vice president of TWU,  
17 Local 234.

18 MR. BENSON: Ronald Benson, Jr., B-E-N-S-O-N; director of  
19 construction safety for SEPTA.

20 MR. WEISGERBER: John Weisgerber, W-E-I-S-G-E-R-B-E-R;  
21 representing PennDOT SSO.

22 MR. STUMP: David Stump, S-T-U-M-P; chief engineering officer  
23 of SEPTA's Track Department.

24 MR. LLOYD: Thank you guys for participating in this  
25 interview. Okay, Phil, Philip -- what do you want?

1 MR. METZGER: Phil's fine.

2 INTERVIEW OF PHILIP METZGER

3 BY MR. LLOYD:

4 Q. Okay. So, Phil, just give me a history of your work history  
5 here at SEPTA: date of hire, how you've worked your way up to  
6 become the assistant director of track inspections? Fill us in on  
7 that.

8 A. I was hired April of 2008 as a track general helper. I left  
9 that job in 2009, took the test to become a track maintainer  
10 second class, was promoted January 1st of 2010 as a second class.  
11 I was a TM2 for a while, put in for a maintenance manager position  
12 on night work. Got promoted October of 2010 to the maintenance  
13 manager position. I was the maintenance manager on night doing  
14 maintenance and construction for several years. I split from the  
15 company for a short period, roughly July 2015, and was rehired as  
16 an inspection manager in November of '16. I worked with the  
17 inspection group as a maintenance manager, then the assistant  
18 director position became available in 2017. I applied for it,  
19 interviewed, and got this current position in August of 2017.

20 Q. And what -- and after your split, what year did you come  
21 back? That was 2015?

22 A. '16.

23 Q. 2016?

24 A. Yeah, November of 2016.

25 Q. And you came back to work as what?

1 A. As a maintenance manager for track inspection.

2 Q. Okay. So, you -- 2016 -- you had a maintenance manager job,  
3 split from the company from 2010 to 2016. Is that what it was?

4 A. No, no, no. I was a maintenance manager on nights from 2010  
5 until 2015.

6 Q. Okay. Okay, gotcha.

7 A. In 2015 I split and I came back in 2016.

8 Q. Okay. Gotcha now. You came back as a maintenance manager?

9 A. For track inspection. So prior -- before I left, I was a  
10 maintenance manager for construction and maintenance.

11 Q. All right. Now tell me, what's an assistant director of  
12 track maintenance/construction inspections with your title,  
13 assistant director of track inspection, what's that in detail?  
14 What's that do?

15 A. I'm responsible for all the inspection for our city and  
16 suburban lines. I keep track of all of our compliance, paperwork,  
17 records, you know, make sure everything's covered the way it's  
18 supposed to be. Ensure safety, ensure everybody's following our  
19 procedures. There's also compliance on managers as well and the  
20 assistant director, where we get out and walk with the inspectors  
21 and, you know, just talk to them while we're out there, make sure  
22 they're following all of our rules. SOPs, make sure they're being  
23 safe, you know, audit, talk to them, make sure they understand  
24 what they're doing.

25 Q. How often do you get out with them?

1 A. Several times a month, or -- by the book, I'm supposed to  
2 walk with one inspector a quarter. I always well exceed that. I  
3 have two maintenance managers that work for me; they're required  
4 to walk with two inspectors a month. Like I said, we all -- we do  
5 more than that. We're out there weekly with the inspectors.

6 Q. Okay. So what do you mean when you ensure the safety of the  
7 inspectors? What does that mean? What are you looking at when  
8 you ensure the safety?

9 A. We make sure they're following all the rules and procedures  
10 that are in place. If anybody has any concerns, you know, I make  
11 sure I address them. I hear what they have to say; we look into  
12 it. If any changes need to be made, we'll make the changes. Do  
13 what we need to do to make sure everybody is doing their job as  
14 safe as possible.

15 Q. So in the position you're in, so you're RWP qualified?

16 A. Yes.

17 Q. And you have, I guess, MW-100 qualified?

18 A. Yes.

19 Q. Okay. What is MW-100? What does that do, what is that?

20 A. It's a -- we're trained on our safety standards for track.  
21 There's different sections of the SMW-100. There's maintenance  
22 and construction standards, there's safety standards, there's  
23 safety rules -- there's different parts of the book. In track  
24 inspection, we more or less use the safety standards section. It  
25 more or less gives us limits for the classes of track so we know



1 what's safe, you know, when things need to be addressed.

2 Q. Talk to me about your regular routine on July 8th, 2019, from  
3 the day your alarm clock -- from the time your alarm clock goes  
4 off to you report to work that day, fill me in on all the details.  
5 Be as detailed as possible up to the time that the accident  
6 occurred.

7 A. My alarm clock goes off at 4:30 a.m. I get up, I make  
8 breakfast, I eat. I leave my house approximately 5:30. I drive  
9 to the train station near me, where I park my personal vehicle,  
10 get into my work vehicle, drive into my office at 103 Victory.  
11 Usually arrive there about 6:30, 6:45.

12 I'm in my office. I do paperwork to make sure, you know, all  
13 my -- the runs are all set up, make sure every thing's covered, if  
14 we need any additional support for protection. It was a Monday  
15 morning; Monday mornings I have a speed restriction report that I  
16 have to do and distribute to let everyone -- notify everyone of  
17 any temporary speed restrictions that may or may not be in place  
18 out there, anything that was removed or set up. So I do all my  
19 paperwork, get everything together.

20 At 8 a.m. our employees start. So at 8 a.m. went down -- my  
21 office is on the second floor at 103 Victory; the assignment room  
22 is on the first floor. I go downstairs. We actually had a safety  
23 productivity meeting that morning where we talk about any issues,  
24 you know, topics from the previous month. The inspectors may  
25 bring up any issues that they feel they have and we'll talk about

1 that, I'll look into it and investigate. And then we give out  
2 their assignments and everyone leaves from there.

3 I go back up to the office, finish up whatever paperwork or  
4 whatever I was doing, and then I head out into the field. You  
5 know, depending on the day -- that particular day I went out to  
6 catch up with an inspector, but had a couple reports from the  
7 productivity meeting about lights out on the subway surface, so I  
8 went over there to check the conditions there. I can't recall  
9 everything. Just running around checking on things, doing things,  
10 and then I come back to the office. Usually get back to the  
11 office about 2:30 -- 2, 2:30, something like that. Get together  
12 any paperwork, any reports, anything that I did for the day, send  
13 out any emails that I may need to send out.

14 Usually my employees, they start coming back in, in the  
15 afternoon. We had several employees staying late Monday night to  
16 cover detailed switch inspection runs that were open, so there was  
17 only a couple employees. We usually chit-chat a little bit. I  
18 usually leave the office about 3:45, drive back to the train  
19 station, park my SEPTA truck, get in my personal vehicle, go home.  
20 Usually home about 5, 5:15.

21 Arrived home, started cooking some chicken. I was standing  
22 there cooking chicken when Lou Tremarki called me and said that  
23 the employee was struck by a train. At which point I went back to  
24 the train station, got in the truck and went to Erie.

25 (Interruption.)

1 MR. LLOYD: Let's go off the record for one minute.

2 (Off the record.)

3 (On the record.)

4 MR. LLOYD: And we are back on record.

5 BY MR. LLOYD:

6 Q. So how do you keep track of all that stuff? So you come in,  
7 you're looking at tracks that need to be walked twice weekly with  
8 a 1-day interval, and now you're looking at this interlocking --  
9 this particular interlocking now is due for its 30-day -- or its  
10 monthly detailed switch inspection. How do you keep track of all  
11 that?

12 A. We have different spreadsheets and lists, and everything is  
13 in there. So when I'm setting up the runs -- you know, usually  
14 towards the end of the month I'm looking at when we can do our  
15 switch inspections for the following month, start plugging it into  
16 our duty roster. That's where we have all of the runs and  
17 assignments set up. We'll start filling runs in there on the  
18 days. Once we have those intervals in between these inspections  
19 we're able to start filling them.

20 I have reminders on my Outlook that remind me for certain  
21 things, you know, like my reports and stuff that are due that I  
22 have to distribute. But like I said, the runs it's more or less  
23 just checking the previous months' compliance reports, seeing when  
24 they were inspected, ensuring we have the interval in between so  
25 we can schedule it to be inspected again.

1 Q. So when you set your -- so when you set the runs, do you set  
2 the runs up or does the maintenance manager set the runs up?

3 A. I was doing it for a long time. Just recently I started  
4 having one of the maintenance managers do it and I just review it  
5 and make sure we're still on compliance and we have the allotted  
6 times in between inspections.

7 Q. So you would tell your foreman, okay, this inspection needs  
8 completed, this inspection needs completed, this detailed switch  
9 inspection needs completed, and they would actually do the  
10 instructions to your maintenance managers to the track inspectors  
11 and all that?

12 A. I'm sorry. I'm not following --

13 Q. Yeah, so your maintenance managers, you're now giving the  
14 duty to your maintenance managers to come up with the inspections,  
15 right?

16 A. Right.

17 Q. And you tell them this is due; you go set it up. Or are they  
18 now looking through, they're going, okay, I need to do this --

19 A. They're looking through the compliance reports seeing when it  
20 was inspected last and when we need to inspect it again.

21 Q. So when you set up your runs, do you guys have a sit-down  
22 with the guys going, okay, let's -- you're doing from point A to  
23 point B; let's talk about the type of protection you're going to  
24 utilize, and lets talk about close clearance area between 3 and 4,  
25 let's talk about the interlocking between 8 and 9? Do you guys

1 sit down with your people that -- supervision and communication  
2 such as in 214 and --

3 A. Right. We don't specifically talk about the protection for  
4 each run. The protection is built into the runs. Certain runs  
5 that require advanced watchpersons, it's already built into when  
6 we assign extra watchpersons for that run. We have certain runs  
7 that require work zone protection because of no clearance  
8 locations. It's already built and established into the schedule  
9 so when we do it, we give them the extra personnel to flag for the  
10 stops so that the inspectors can -- so it's all built into the  
11 runs. So we don't specifically talk about it each morning.

12 You know, obviously if an inspector feels like there's an  
13 issue somewhere, then we'll discuss that certain particular issue.  
14 But I always remind the employees every morning, I say safety  
15 first and then teamwork. I do make it a point to say that every  
16 single morning, but we don't talk about the specifics for  
17 protection for each run, no.

18 Q. Does each group, such as this (indiscernible) reference, you  
19 know, Nixon and Monroe, do they have an assigned territory that  
20 they always do? Are they over this week and over here this week,  
21 or do they have their own branch?

22 A. We have job pickings twice a year where the inspectors pick  
23 their runs. For the most part, they stick with those runs unless  
24 someone's on vacation and it's a run that requires additional  
25 protection so I need to, you know, put their run at a different

1 time to make sure this run with the additional protection is  
2 covered. But for the most part, yes, week in, week out they do  
3 the same runs with the exception of the monthly switch inspection  
4 runs. They're kind of just -- we assign them to an inspector when  
5 they have an available day where I can fit it in there and make  
6 sure we have that compliance.

7 Q. So the day that -- on that day when they were doing their  
8 casual inspection or the regular interval inspections, that's  
9 their regular assignment, that's their pick or bidden assignment,  
10 right?

11 A. The run that they did that morning?

12 Q. Yes.

13 A. Yes.

14 UNIDENTIFIED SPEAKER: I don't mean to interrupt. Do you  
15 remember off the top of your head where that run was, where they  
16 worked? Do you remember?

17 MR. METZGER: They were at Susquehanna to Girard on Broad  
18 Street, all four tracks.

19 UNIDENTIFIED SPEAKER: I'm sorry.

20 MR. LLOYD: Oh, no --

21 MR. METZGER: An inspector and watchperson work together  
22 every day, unless one of them are on vacation or have a scheduled  
23 day off.

24 BY MR. LLOYD:

25 Q. So they were a team (indiscernible) --

1 A. Since the picking, they've been a team working together.  
2 They do that run every Monday, like I said, unless I had to  
3 reschedule it for one reason or another. But otherwise, that run  
4 is done every Monday with those same two employees.

5 Q. What about the Erie interlocking, is that within their run?

6 A. It is not.

7 Q. That is not.

8 UNIDENTIFIED SPEAKER: You said it is not in their run?

9 MR. METZGER: It is not in their run, no. I said they were  
10 up there for a detailed switch inspection, which are only done  
11 monthly. That's not something that they're there for every week.  
12 It may have been Nixon was assigned it this month; last month it  
13 may have been a different inspector. I'm not 100 percent. I  
14 would have to check the records.

15 BY MR. LLOYD:

16 Q. Okay. So the assigned runs in the interlockings in -- that  
17 fall within that assigned run, that wouldn't be that group's  
18 responsibility to make sure that the 20-day or 30-day detailed  
19 switch inspections are complete?

20 A. Any switches that are on that employee's regular run get a  
21 casual inspection every week. That detailed switch inspection is  
22 only done once a month and it's not always in that inspector's  
23 territory. It's not always the same inspector doing it. It  
24 rotates depending on availability, if inspectors are on vacation  
25 or if -- where I can cover the run.

1 Q. What days off -- what days do the track inspectors work?  
2 What's their rest days? Are they Monday through Friday, off  
3 Saturday, Sunday?

4 A. Monday through Friday, yes; 8 a.m. to 4:30 p.m.

5 MR. LLOYD: I'll pass on to Bill. That's all I have right  
6 now.

7 BY MR. BANNON:

8 Q. You're familiar with the hotspot list?

9 A. Yes.

10 Q. Do you know off the top of your head if there's any specific  
11 interlockings that are on the hotspot list?

12 A. I'm not sure off of the top of my head.

13 Q. Do you think they should be, interlocking should be on the  
14 hotspot list?

15 A. I think it would depend on the physical characteristics at  
16 the location of the interlocking. Saying the word interlocking is  
17 kind of a broad term, too. I mean, like I said, where the  
18 incident took place, with the exception of the switches, it's  
19 tangent track, the -- where clear line a sight. You know, and  
20 that particular switch -- Erie interlocking is a big interlocking.  
21 There's a switch on a different track where there's a curve there  
22 where you would position your watchperson in a different place  
23 than you would when you're on tangent track. You know, so the  
24 physical characteristics come into play when you're talking about  
25 what should be on that hot list -- hotspot list.



1 Q. So where would you think a spot -- one of the interlockings  
2 would be that you would say might be -- you're not saying -- where  
3 do you think one may be?

4 A. I would assume 69th Street interlocking is probably on that  
5 list.

6 Q. What makes that different?

7 A. All the curves.

8 Q. Okay.

9 A. You can't maintain a clear line of sight at 69th Street  
10 because of all the curves.

11 Q. Do you think just specifically detailed switch inspections,  
12 not the regular inspections, do you think a detailed switch  
13 inspection would be better done, say, at a different time than is  
14 done now? Let me rephrase it. Don't answer that yet.

15 Do you think that it would be safer to do them at a different  
16 time than it's done now?

17 A. In light of our situation, I would say absolutely now. You  
18 know, but doing the switch inspections on overtime in the evenings  
19 the way Mr. Nixon and his watchperson were assigned, it's not  
20 something that I started to implement when I got there. I mean,  
21 they've always -- they've been done that way since before I came  
22 to the inspection group, but -- so --

23 Q. I'm not blaming you, I'm just --

24 A. Right.

25 Q. -- I'm asking your opinion. I'm asking for --

1 A. Like I said, honestly, there are certain interlockings that I  
2 don't put on overtime because of the physical characteristics that  
3 the switches -- detailed switch inspection for 69th Street, I  
4 don't put on overtime. Detailed switch inspections for Fern Rock,  
5 I don't put on overtime. Detailed switch inspection for Erie, you  
6 have line of sight, so it's -- I never considered it a safety  
7 issue.

8 MR. BANNON: I'm good.

9 BY MR. WEISGERBER:

10 Q. This is Joe Weisgerber. These runs you keep talking about,  
11 how long ago were they established?

12 A. In their current form?

13 Q. Yes.

14 A. I'm not sure. Before I came track inspection.

15 Q. Okay. You haven't reconfigured them or reassigned them in  
16 any way, shape or form?

17 A. There was one run that I reconfigured, and that was from 2nd  
18 to Spring Garden on Market-Frankford. Well, 2nd to Girard -- I  
19 apologize -- 2nd to Girard on Market-Frankford. That's the only  
20 run I reconfigured. All the rest of the runs have been set up and  
21 established since before I came to track inspection.

22 Q. Okay. And the teams pick them for 6 months and then you have  
23 another pick?

24 A. Not necessarily 6 months, just twice a year is what our  
25 requirement --

1 Q. Twice a year. Okay.

2 A. But yes, yes.

3 Q. All right. So this team has been doing this run since the  
4 last pick, at least?

5 A. Correct.

6 Q. When was that?

7 A. Well, they -- their normal run they've been doing since the  
8 last pick. Not necessarily the switch inspection that they were  
9 performing at the location.

10 Q. Right. So when was the last pick?

11 A. I think it was January.

12 Q. January? Okay.

13 A. I'm not 100 percent on that. I think it was January.

14 UNIDENTIFIED SPEAKER: It was several months.

15 MR. METZGER: Yes, several months.

16 BY MR. WEISGERBER:

17 Q. So they've been working together for several months --

18 A. Yes.

19 Q. -- at this point? Okay.

20 I know doing the switch inspections in overtime is pretty  
21 standard. How often do they do -- how often has this team done --  
22 I mean, is it a daily thing to do overtime inspection for switches  
23 or is it once a week or --

24 A. It depends on how many runs need to be covered. It depends  
25 on the time frame, the interval in between to make sure we have

1 those 20 days between inspections. So I can't really just give  
2 you a number of how often. It just depends on the situation, you  
3 know. Some weeks there are more runs on overtime than others  
4 depending on if I have inspectors scheduled for vacation or  
5 personal days or holidays or anything like that. So some weeks  
6 there might not be a single run on overtime, some weeks there's  
7 several.

8 Q. Are the turnout inspections -- I guess Erie would be one  
9 turnout inspection cluster or -- you still call them runs when you  
10 do turnout inspections?

11 A. Yeah, the switch inspection, we have switch inspection runs  
12 where we give them a list of switches. It's usually an  
13 interlocking where they have to go out and do the detailed switch  
14 inspection for those switches.

15 Q. So Erie would be a switch inspection run?

16 A. Yes, it's all the switches in Erie --

17 Q. All 12 switches or whatever --

18 A. -- upper level, lower level, and then also part of that same  
19 run are two switches on subway surface.

20 Q. Okay.

21 MR. LLOYD: But they would also walk through there on their  
22 daily switch inspection they had to go through?

23 MR. WEISGERBER: The daily track inspection?

24 MR. LLOYD: Yeah.

25 MR. WEISGERBER: Well, somebody else walked through there

1 because that's not the run they're doing right now.

2 MR. METZGER: Yeah, that's someone else.

3 MR. LLOYD: No, what I'm saying, the interlockings are still  
4 getting walked twice weekly, (indiscernible) it's not getting  
5 looked at --

6 UNIDENTIFIED SPEAKER: In detail --

7 MR. LLOYD: -- every 20 or 25 days. You're just going out  
8 and doing your switch throws, your back-to-backs, your guard face  
9 gauges, field (indiscernible) --

10 MR. METZGER: Yes.

11 MR. LLOYD: Gotcha.

12 BY MR. WEISGERBER:

13 Q. Okay. So maybe this was a question for Lou that I should  
14 have asked. They wanted to go in and put some spikes in to hold  
15 the frog in place. Did they find that that day or was it  
16 something that was found previously?

17 A. The inspector did call me previously about the -- he said  
18 that the frog had some movement in it. I didn't get a chance to  
19 get up there and verify that.

20 Q. So was that a week before or --

21 A. I can't recall.

22 Q. You can't recall. Okay. But it was probably the last time  
23 he looked at this switch?

24 A. Right.

25 Q. Which was probably month before then he really -- or could

1 have been --

2 A. He could've been --

3 MR. BENSON: 5/17, he told me.

4 MR. WEISGERBER: 5/17 --

5 MR. BENSON: Which was when Lou -- when they called Lou and  
6 told Lou about this -- about the (indiscernible).

7 MR. METZGER: He told me about it -- the inspector told me  
8 about it prior to that Monday.

9 MR. BENSON: Prior to that. Yeah, so did he tell Lou?

10 MR. METZGER: I'm not sure.

11 MR. BENSON: Okay.

12 BY MR. WEISGERBER:

13 Q. But a week or month or whatever beforehand?

14 A. Yes.

15 Q. Right. Okay. But it wasn't that day?

16 A. Right.

17 MR. WEISGERBER: Okay. So maybe they looked at it and it had  
18 gotten worse or something and he wanted to make sure he put the  
19 spikes in that day. Okay. All right, I think I'm done.

20 UNIDENTIFIED SPEAKER: I don't have anything.

21 UNIDENTIFIED SPEAKER: Can I step back one second?

22 BY MR. BENSON:

23 Q. How far in advance did they -- oh, I missed, how far in  
24 advance did they tell you about it, about the --

25 A. I'm not sure. I recall the inspector calling me and telling

1 me that there was some movement at that frog location. I don't  
2 remember when it was that he called me.

3 Q. It wasn't Nixon or --

4 A. It was Nixon. Nixon called me at the (indiscernible) --

5 Q. It was Nixon, okay. So they had been out there previous to  
6 this --

7 A. Incident, yes.

8 Q. Incident, they were previously out there inspecting that  
9 switch that --

10 A. Either for a daily -- you know, our weekly runs that we do or  
11 for a switch inspection. I can't remember.

12 Q. Okay, okay.

13 A. But he was there previously, did call me about it.  
14 Inspectors, they call me all day with different conditions  
15 everywhere. I can only get to so many places to verify the  
16 conditions.

17 Q. And that wasn't their -- I'm sorry; this is Ron Benson.

18 That wasn't their normal run?

19 A. No.

20 Q. This was their overtime?

21 A. Right.

22 Q. So was it discovered on their -- I know you don't recall  
23 when, but was it discovered on someone else's normal run or was it  
24 -- I'm just trying to figure out when it was discovered, on whose  
25 run, whose inspection.

1 MR. WEISGERBER: Well, Nixon called to tell him about it.  
2 Theoretically, Nixon would have been the one who found it.

3 MR. BENSON: But was it --

4 MR. WEISGERBER: But that would have been the detailed  
5 inspection the month before?

6 BY MR. BENSON:

7 Q. That's what I'm asking. Yeah.

8 A. Or it may not have been a detailed switch inspection at the  
9 time.

10 Q. Well, that's what I'm trying to --

11 A. That's why I couldn't (indiscernible) --

12 Q. That's what I'm trying to figure out.

13 MR. BENSON: He couldn't answer that question. Okay. I'm  
14 good. I was trying to get some clarity on when that call  
15 happened.

16 MR. WEISGERBER: You know, for whatever purpose we might want  
17 to figure out when that call was. I mean, if you have it  
18 documented someplace, you write these things down or --

19 MR. METZGER: When I can. Like I said, sometimes I'm on the  
20 road when they call me. I may be in the tracks. I don't always  
21 have the ability to write it down and I count on them to put it on  
22 the back of their inspection report so that we can review it.

23 MR. WEISGERBER: Okay. So it's probably on the back of one  
24 Nixon's inspection reports. Which we've asked to see, right,  
25 Dave?



1 MR. STUMP: Well, were asked for a month of previous  
2 inspections in that territory, and the last complete detailed  
3 switch inspection.

4 MR. WEISGERBER: Okay.

5 MR. STUMP: I don't know who did any of that, but -- and I  
6 have the --

7 MR. METZGER: I haven't received that request, so I  
8 didn't --

9 MR. WEISGERBER: Should be in there somewhere --

10 UNIDENTIFIED SPEAKER: Well, theoretically it would be on the  
11 previous --

12 UNIDENTIFIED SPEAKER: Yeah, it would be on there somewhere  
13 within that date range.

14 UNIDENTIFIED SPEAKER: It should be. It should be.

15 BY MR. BENSON:

16 Q. Would you say is it any type of practice to discuss the  
17 protection that the guys use at any time? If they come back and  
18 tell you they have a -- they found something that needs to be  
19 repaired, and the conversation may be, well, not now, at another  
20 time. Is there ever a discussion amongst -- with you and the  
21 staff, you and your managers, your managers and the workers, about  
22 what type of protection they plan on using if you're familiar with  
23 the territory?

24 A. I'll tell you, it depends on the condition that's found and  
25 the type of work it would take to repair it. Obviously any kind

1 of dismantling work or anything that's too involved, anything that  
2 includes any gas or pneumatic tools, we would set off --establish  
3 work zones for. Driving in a couple cut spikes, we do that a lot  
4 of times under train approach warning.

5 Q. Okay. So you all do have a discussion about the type of  
6 protection?

7 A. Yes. It depends on the repair that needs to be done.

8 Q. And is it solely the responsibility of the -- are there times  
9 when it's solely responsibility of the employee, the QPE or the  
10 track inspector to be responsible for his or her level of  
11 protection?

12 A. Most days, yes. If they call me about a certain condition,  
13 I'll ask them, all right, what do we need to do to fix it? I can  
14 put a couple cut spikes in. I'm not going to tell them  
15 specifically you need to use train approach warning and have your  
16 watchperson so far ahead of you. If they say, you know, I need to  
17 put bars on -- there's a crack in a rail base, I need to put bars  
18 on it, or I know we need to use a drill, I know we need the bars,  
19 we're going to have to set up work zones. I'm going to call our  
20 emergency truck employees so they can bring out the work zone sign  
21 setup so active protection is established properly.

22 Q. Thank you.

23 A. Normal maintenance, you know, a couple cut spikes, throwing  
24 in a gauge rod, usually no, I don't specifically tell them what  
25 needs to be used. They're already out there with a watchperson;

1 that's what they're supposed to be utilizing while they're out  
2 there.

3 MR. BENSON: Okay. I'm good. Thank you.

4 BY MR. STUMP:

5 Q. Just one question, if you had a track inspector and he called  
6 you up and said, listen, I got to make this repair; it's in a  
7 funky spot and I've only got one watchman; can I get another guy,  
8 would that be something that you'd do?

9 A. Yes. I may ask him more details about the condition, what's  
10 going on, what do we need to do to fix it, but ultimately, yeah,  
11 if we need to get personnel there, I'll call other personnel and  
12 get someone there, do what we have to do.

13 Q. So additional help is readily available?

14 A. Yes.

15 DAVID STUMP: That's all I have right now.

16 BY MR. LLOYD:

17 Q. So it's probably pretty -- this is Troy again from the NTSB,  
18 L-L-O-Y-D. So is it pretty much when the track walkers are out  
19 there doing their daily runs, unless the area is not considered a  
20 hotspot, the chosen choice of on-track protection is probably  
21 going to be train approach warning over watchman protection,  
22 right?

23 A. That's the minimum level that we use is train approach  
24 warning.

25 Q. But is that --

1 A. It's built into every run. Every inspector has a watchperson  
2 with them, yes.

3 Q. So 100 percent of the -- or 99 percent of the time it's, I'll  
4 say, unless it's -- even when you've got your advanced watchman,  
5 you're still under train approach warning?

6 A. Yes.

7 Q. So that's their protection, that's what we're using is train  
8 approach warning on a daily basis?

9 A. Yes.

10 Q. Right? So explain train approach warning to me and how it's  
11 put into effect, how it's used -- who's in charge of it, whose  
12 place is where. Explain train approach warning to me.

13 A. The way we do it, the inspector responsible for the  
14 protection, he does the job briefing, he has a watchperson with  
15 him. He'll tell the watchperson you need to be so far ahead of  
16 me, maintain a clear line of sight, make sure you're giving me  
17 adequate warnings so that I can clear at a minimum of 15 seconds  
18 before that train gets to me. But the inspector's responsible for  
19 assigning the protection and telling the watchperson where they  
20 need to be positioned, what they need to be doing.

21 Q. So what is train approach warning? So am I getting out of  
22 the way of a train and do I got somebody looking out for me?  
23 How's it work?

24 A. You have a watchperson assigned to specifically watch for  
25 trains. That way you can focus on the inspection.

1 Q. And does he have any type of special equipment he carries  
2 with him? So lets say he's 100 feet away --

3 A. They're supposed to have a visual and audio device with them.  
4 A whistle or an air horn, a flashlight. In the subways we don't  
5 use the disks just because of clearance issues, so we don't use  
6 the disks.

7 Q. And what he does, does he -- is he alerting a train operator  
8 or is he alerting the inspector?

9 A. He's alerting the inspector.

10 Q. Okay. So how is proper and effective train approach warning  
11 achieved, lets say, in an interlocking like in Erie, where I've  
12 got two local tracks on the outside, two express tracks on the  
13 inside, with a number of double-8 crossover with a diamond. How's  
14 train approach warning properly set up and achieved there?

15 A. When you have a clear line of sight, you position the  
16 watchperson the appropriate distance from you to watch for any  
17 incoming trains. At the job briefing you have to discuss where  
18 you're going to clear when there is a train on the approach. So  
19 you tell the watchperson, position them so that you have the  
20 protection; when there's a train up, you've already designated a  
21 place to clear.

22 Q. So where would usually a watchperson be placed in an  
23 interlocking where you have two parallel tracks, you've got a  
24 diamond in the middle, where would that watchman usually be placed  
25 to preform effective and sufficient train approach warning?

1 A. They would be placed on the track that we're performing the  
2 inspection on. If they're inspecting 2 track, he's going to be  
3 ahead of you on 2 track watching for any trains coming down 2  
4 track.

5 Q. So the watchman would be standing in a live track in the  
6 interlocking?

7 A. No, on one side or the other. If there's columns down there  
8 in advance of the interlocking, you'd stand in between the  
9 columns.

10 Q. Okay. So he would be standing in a predetermined place of  
11 safety --

12 A. Yes.

13 Q. -- not in live --

14 A. Not in a live traffic area.

15 Q. Not in the live traffic?

16 A. Right.

17 Q. But close enough range where he's in the clear where he can  
18 see the best advantage for sight for approaching trains on both  
19 tracks?

20 A. Yes.

21 Q. And in close enough range where he can verbally and audibly  
22 warn -- visually and audibly warn the track inspector?

23 A. Yes.

24 Q. Okay. How many miles or footage -- it's probably mileage,  
25 but how many miles does an average run consist of? How many miles

1 is that?

2 A. I'm not sure. It varies on the level of protection. A run  
3 that requires a work zone, it's going to take a little longer to  
4 establish that level of protection so you're not going to have as  
5 much time to walk. It depends on the physical characteristics.  
6 There are a lot of things that go into how long a run is.

7 Q. So some runs are other than other ones?

8 A. Yes.

9 Q. What's probably the longest run that your team has?

10 A. In the city?

11 Q. Yeah, wherever.

12 A. My suburban inspection runs are probably the longest.  
13 They're close to 7 miles.

14 Q. Seven miles? And when you say the suburban is that different  
15 from the conditions, whether it be at Erie, is it somewhat still  
16 -- or what's the difference between suburban and what happened --

17 A. Suburban is outside. There is no subway out there.

18 Q. Okay. So it's all outside, ballast track, or -- that's  
19 nothing street-level, though? That's not street track, right?

20 A. Yeah, there's some --

21 UNIDENTIFIED SPEAKER: Some of it is.

22 BY MR. LLOYD:

23 Q. Some of it is?

24 A. Some of the suburban runs, the Media-Sharon Hill, have some  
25 street track in it.

1 Q. So it's much more daylight out there, and it's --

2 A. Yes.

3 Q. If it's raining its raining, if it's snowing it's snowing, if  
4 it's 90 degrees it's 90 degrees.

5 A. Yes.

6 Q. Much more better line of sight kind of stuff so that way they  
7 can maybe move through it quicker?

8 A. It's actually the exact opposite. The line of sight on the  
9 suburban lines is actually (indiscernible) there's a lot of curves  
10 out there. It's not always a great line of sight out there.

11 MR. WEISGERBER: But it would be easier to clear up on the  
12 suburban lines than it is to --

13 MR. METZGER: Not necessarily. Some of those shoulders,  
14 there's steep grades that go down --

15 MR. WEISGERBER: Yeah, that's true, yeah.

16 MR. METZGER: Yeah. Do a misstep out there, you're going  
17 tumbling down a hill. So it's not always necessarily quicker,  
18 easier, safer.

19 MR. WEISGERBER: Yeah.

20 BY MR. LLOYD:

21 Q. What's the type of traction/power on the suburban line? Is  
22 it still third rail or is it overhead catenary?

23 A. One of the lines is third rail, the other one -- two are  
24 catenary.

25 Q. Okay. Talk to me about Erie interlocking. In your words,



1 describe the safety -- the condition of Erie interlocking. Is it  
2 a safe interlocking or a safe place to work and to navigate and  
3 all that stuff, in your opinion?

4 A. I don't think it's any safer or unsafe than most of our other  
5 interlockings or locations. Like I said, on one of those express  
6 tracks, you have a clear line of sight for a significant distance  
7 so you can see any approaching trains coming. You have plenty of  
8 warning.

9 Q. When you guys do detailed switch inspections are they joint?  
10 Are they jointly completed with the C&S?

11 A. No.

12 Q. Okay. You guys do two separate -- they'll do their thing and  
13 then you guys will come in and do your thing?

14 A. Yes.

15 Q. Okay. How does C&S protect themselves when they do a  
16 detailed switch inspection?

17 A. I'm not sure.

18 Q. Let's talk about job safety briefings. It's a mandatory  
19 thing that a track inspector has to fill out a form.

20 A. Yes.

21 Q. Is this something that he has to handwrite or is this  
22 something that is already prefilled out and he just fills in some  
23 blanks?

24 A. Yes. Most of the -- it's a lot of questions on there asking  
25 you what are you using, how much distance you need, what's the

1 speed of the track, what's the location, what are you working on.

2 So it's a lot of fill in the blanks answering the questions.

3 Q. Okay. So how's it filled out for when I'm walking a run and

4 it's got various speeds due to maybe -- you know, I'm

5 (indiscernible) track I'm 70, now I'm in a curve area where the

6 Vmax allows me 45, now I'm back up to 65, I'm down to whatever.

7 How do they talk about that in a job safety -- a normal track job

8 safety briefing?

9 A. Generally we go off of the highest speed. So if in your

10 territory 70 miles an hour is the highest speed, that's -- we're

11 going to talk about prepare for that.

12 Q. Okay. So the protection's established for the maximum

13 overall speed?

14 A. Yes.

15 Q. Okay. How often are job safety briefings audited by

16 management personnel?

17 A. We audit them every time we walk with an inspector because we

18 have to be briefed and sign it before we go down to the tracks

19 with them and walk with them.

20 Q. What about every so often, I'm just (indiscernible) say, you

21 know, hey, John, I want to see your last 7 days of job safety

22 briefings to see if you're filling out stuff, see if you're

23 filling them out completely and correctly? Is an audit ever

24 completed on job safety briefings?

25 A. No.

1 Q. You ever heard of close-call reporting, a close-call  
2 reporting process like -- I'm sure the commuter rail has 3CRS?

3 A. I just recently heard about it. Apparently they have  
4 something set up like that on the railroad side.

5 Q. Does your division or does this part of SEPTA have any type  
6 of close-call reporting process or near-miss reporting?

7 A. No, not that I'm aware of.

8 Q. Okay. Have you ever been informed of any kind of near misses  
9 -- man, we went down there and we had this type of protection set  
10 up and all of the sudden we didn't have enough time, we need to  
11 look at this differently now? You ever had anybody come at you?

12 A. There was something brought up at our productivity meeting  
13 about some of the interlockings on Market-Frankford had some  
14 ladders removed to get onto the catwalk. We're currently in the  
15 process of trying to figure out where they could be relocated,  
16 re-set up, because the inspectors were saying that it takes them  
17 more time to clear because now they have to go to the next ladder  
18 location.

19 Q. So, in that case, what's -- I'm glad you brought that up. So  
20 what's being done in that case where now it's taking me longer to  
21 clear, because I've had someone report a safety concern now; I  
22 used to be clearing this time, now it's taking me this time? Are  
23 they doing any other type of robust protection maybe in these  
24 areas now that are using advanced watchmen or slowing down trains  
25 through there to allow them that more time? What's going on in

1 that area?

2 A. They just have to make sure they give themselves more time to  
3 clear. Make sure that as soon as that train is detected, they're  
4 clearing the track. Make sure they have that allotted time.

5 Q. Okay, you ever worked as a watchman?

6 A. As a watchman?

7 Q. Yes.

8 A. Years ago.

9 Q. Years ago? Do you think a watchman -- and just, I'm just  
10 thinking how -- I got 2 track territory, as soon as he sees them  
11 headlights he's (makes sound). Or do you think it takes, I'm  
12 looking this way and now I'm going to get out? Do you know what  
13 I'm saying? Do you think the watchmen are -- as soon as they see  
14 that train approaching, that they're right on key?

15 A. Yes.

16 MR. LLOYD: Bill?

17 BY MR. BANNON:

18 Q. I want to get back to the thing about when you said that  
19 Nixon at some point notified you about this frog moving?

20 A. Yes.

21 Q. So is -- I don't know if you can pinpoint the time, but it  
22 was some time before obviously the incident?

23 A. Right.

24 Q. In that time, you hadn't got a chance yet to go up and check  
25 it out?

1 A. Correct.

2 Q. I'm sure you've been down there since. You've seen the  
3 repair that was done?

4 A. Yes.

5 Q. Is that a repair that you think -- I mean -- did you think  
6 that the whatever -- I don't know how far he said it was moving or  
7 whatever the case may be. Did you think it was something that  
8 needed your immediate attention, you go up there right away when  
9 he called you the first time?

10 A. The first time -- I always ask him, is it safe? He explained  
11 to me that it was good for now but he would like to put some cut  
12 spikes in at that location. I didn't see the condition under load  
13 prior to the cut spikes being installed. I don't know how much it  
14 was moving. I don't know if an immediate repair was required.  
15 I'm not sure.

16 Q. Have the guys ever expressed to you the issue of the length  
17 of the runs? Maybe like them being too long?

18 A. One run I hear about being too long, that's the Girard at --  
19 Girard to City Hall. I had a previous inspector say that he felt  
20 that that run was too long.

21 Q. What did you do after he -- what measures -- did you do  
22 anything after that when he said like, listen, I think that run is  
23 too long? What was the management's response to that?

24 A. I went out and walked the run and felt like -- I don't feel  
25 like it's too long of a run. I walked that run to the end of the

1 line, and I didn't have no issues.

2 Q. You don't use train approach warning on that run, though?

3 A. For some of the runs, train approach warning issues. The  
4 work zones are used at the beginning of the run between Race-Vine  
5 and Walnut-Locust because of no clearance in City Hall Station and  
6 the back-to-back curves that are between those -- City Hall and  
7 Race-Vine. So they'll be under a work zone protection in the  
8 morning, inspect from City Hall to Race-Vine, then they break down  
9 the work zones and they're under train approach warning from Race-  
10 Vine up to Girard.

11 Q. Okay. Based off your experience, if you were given this  
12 assignment tomorrow to go into whatever, let's just say same spot,  
13 Erie interlocking -- Phil, I need you to work overtime tonight;  
14 you're going to be on Erie interlocking doing switch inspection.  
15 Would you do it at that time or would you wait until after load  
16 line? You personally?

17 A. Me personally? Yeah, I would do it.

18 Q. You would do it at -- during load line?

19 A. Yes. Well, I probably -- me personally, I would have started  
20 on the ramp, up there where no trains are running.

21 Q. Why?

22 A. Because there's less trains. There's no trains up on the  
23 ramp, so you give load line a chance to wrap up some while you're  
24 inspecting switches where there is no traffic.

25 Q. Say the ramp's not an issue. Say its just Erie with no ramp,

1 nothing like that. You think it's safer to do them during load  
2 line as opposing to after load line?

3 A. Do I think it's safer to do them during load line?

4 Q. Yes.

5 A. No.

6 MR. BENSON: Okay. I don't have anything else.

7 MR. WEISGERBER: I don't have anything more.

8 MR. BANNON: Neither do I.

9 MR. LLOYD: I usually like to end -- this is Troy again from  
10 NTSB. I like to -- I usually like to end things on a positive  
11 note. So you have a voice in this matter. Right now is the  
12 optimal opportunity to, if you know any type of positive changes  
13 that you can start expressing. This is an open investigation with  
14 the NTSB with SEPTA and all that stuff. If there's anything that  
15 you would do to change it so this wouldn't happen again, what  
16 would Phil put into place?

17 MR. METZGER: I'm in the process of making several changes.  
18 One is I don't intend to do runs in the evening anymore. If I  
19 have runs that can't be filled during our regular hours, then  
20 we'll do it on a weekend.

21 MR. BANNON: You're going to do what?

22 MR. METZGER: On the weekend, a Saturday or Sunday. We're  
23 increasing the type of protection that we're using or -- I don't  
24 want to say increasing. We're adding to the type of protection  
25 that we're using. Reconfiguring a few things. I'm sitting down

1 -- like I said, it's still a work in progress, nothing set in  
2 stone just yet. And in the meantime, no inspectors have been out  
3 there until we come up with a final plan of what exactly we're  
4 going to do and how to do it as safe as possible to make sure  
5 nothing like this ever happens again.

6 MR. LLOYD: What would you do different at Erie interlocking?

7 MR. METZGER: I don't know.

8 MR. LLOYD: Anybody?

9 MR. BENSON: No, I'm good.

10 MR. WEISGERBER: I'm good.

11 MR. LLOYD: All right. Phil, thank you very much. We  
12 appreciate you coming in. All right, we are off the record. This  
13 interview is complete. Thank you.

14 (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: SEPTA TRACK WORKER FATALITY  
PHILADELPHIA, PENNSYLVANIA  
JULY 8, 2019  
Interview of Philip Metzger

ACCIDENT NO.: RRD19FR009

PLACE: Philadelphia, Pennsylvania

DATE: July 11, 2019

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

  
Danielle K. Klunk  
Transcriber