

UNITED STATES OF AMERICA

NATIONAL TRANSPORTATION SAFETY BOARD

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Investigation of: *

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BART TRAIN PASSENGER FATALITY *

IN SAN FRANCISCO, CALIFORNIA, * Accident No.: RRD21LR015

ON SEPTEMBER 13, 2021 *

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Interview of: KEITH PALMER, Train Operator
BART

Oakland, California

Wednesday,
September 15, 2021

APPEARANCES:

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National Transportation Safety Board

MICHAEL FORTE
BART

ROY AGUILERA
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ROB BURY, Operations Safety Manager
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MIKE BORER
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MICHAEL HOEPF
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I N T E R V I E W

1
2 MR. FRIGO: Good morning. My name is Ryan Frigo. I'm an
3 investigator with the National Transportation Safety Board. Today
4 is September 15, 2021. We are at BART Headquarters in Oakland,
5 California. This is in reference to NTSB Accident Number
6 RRD21LR015, a passenger train platform accident at Powell Street
7 Station on September 13, 2021.

8 We have several people in the room with us here today. So
9 we're going to go around the room and introduce ourselves. I'll
10 start, and then I'm going to pass off to my right. Spell your
11 last name for the transcriptionist, and also identify what agency
12 that you are representing. We do have two individuals in the
13 room, who are posting in this interview. They will not be asking
14 questions, but they are present. And so I ask that they identify
15 themselves as well for the transcriptionist. So I will begin, and
16 I will pass off to my right.

17 Ryan Frigo, F-r-i-g-o, NTSB.

18 MR. FORTE: Michael Forte, F-o-r-t-e, BART.

19 MR. AGUILERA: Roy Aguilera, A-g-u-i-l-e-r-a, BART.

20 MR. BURY: I am Rob Bury, B-u-r-y, BART.

21 MR. BORER: Mike Borer, B-o-r-e-r, CPUC.

22 MR. KWOK: Daniel Kwok, K-w-o-k, with CPUC. I am posting for
23 this interview.

24 MR. HUNT: Jessie Hunt. Amalgamated Transit Union, ATU.

25 MR. BUSTAMANTE: Bernardo Bustamante, B-u-s-t-m-a-n-t-e

1 [sic]. I work for the Federal Transit Administration.

2 MR. HOEPF: Michael Hoepf, H-o-e-p-f, NTSB.

3 MR. FRIGO: Jessie, can you just spell your name for the
4 transcriptionist?

5 MR. HUNT: Sorry. H-u-n-t.

6 MR. FRIGO: Thank you, sir.

7 And we're here to speak with Mr. Keith Palmer. He's a train
8 operator. Can you introduce yourself, sir, for the
9 transcriptionist?

10 MR. PALMER: Absolutely. I'm Keith Palmer, last name
11 P-a-l-m-e-r, and I'm a train operator for BART.

12 MR. FRIGO: Okay. And, Mr. Palmer, do you wish to have a
13 representative here with you today?

14 MR. PALMER: Yes.

15 MR. FRIGO: And, sir, can you introduce yourself?

16 MR. GRANAT: I'm Michael Granat, train operator, representing
17 ATU 1555. And that's G-r-a-n-a-t.

18 MR. FRIGO: Okay. Great. Thank you.

19 And, Mr. Palmer, are you okay if we just call you Keith
20 today?

21 MR. PALMER: Absolutely.

22 INTERVIEW OF KEITH PALMER

23 BY MR. FRIGO:

24 Q. And, Mr. Palmer, are you okay if we just call you Keith
25 today?

1 A. Absolutely.

2 Q. Okay, Keith. Thank you. And do we have your permission to
3 record our conversation with you?

4 A. Sure.

5 Q. Great. Thank you, Keith. So, Keith, how long have you been
6 an employee here at BART?

7 A. Part-time I've been here two, two and -- about two years.
8 Little bit more than two years. Just started full-time three
9 weeks ago.

10 Q. Okay. So about 2019?

11 A. 2019, June 2019 is when I started.

12 Q. When you started?

13 A. When I started training, yes.

14 Q. Okay. And did you hire on as a train operator?

15 A. Yes, I did.

16 Q. Okay. And what about prior to that? Do you have any prior
17 transportation experience?

18 A. Prior to this, I worked for the Department of Motor Vehicles,
19 California DMV, as a licensing, an LRE, which is a Licensing
20 Registration Examiner. And before that, I worked at the San
21 Francisco International Airport as a -- it's called CAS. They're
22 as -- they are the checkpoint people that work on contract for
23 TSA.

24 Q. Okay. So but as far as railroad experience just BART?

25 A. Just BART, yes.

1 Q. Just BART. All right, Keith. Thanks for helping me
2 understand that. And you said part-time. You started out as a
3 part-time operator.

4 A. Yes.

5 Q. Okay. So what would -- what does that mean?

6 A. Part-time; it's same duties as a train operator, but the
7 schedules are between 20 and 25 hours a week.

8 Q. Okay. Whereas full-time is now?

9 A. Full-time is 40 hours a week.

10 Q. 40 hours a week. And you said you've been full-time for
11 about three weeks now?

12 A. Yes, three weeks.

13 Q. Okay. All right. And, Keith, have you been assigned to the
14 same location your entire time here at BART?

15 A. I would say yes. I generally operate out of Daly City Yard.

16 Q. Okay. And thank you for helping me understand that. So
17 let's talk about the day of the accident.

18 A. Okay.

19 Q. What time did you go on duty? Do you remember?

20 A. That day I had an early start at 6:45.

21 Q. Okay. And what does that, what does that look like when you
22 go on duty? Can you walk us through kind of maybe some paperwork
23 you go over, some -- whether it's managers or supervisors that you
24 might interact with?

25 A. Typical day would be that -- for myself I always go early to

1 work. And what you do is you (indiscernible) in or you clock in,
2 and then what you do is you go upstairs to the floor worker, and
3 you get your assignment for the first run or first assignment of
4 the day.

5 Q. Okay. And so what was your first assignment on that day?

6 A. My first assignment on -- if I can look back here, I can tell
7 you. So it was, that day was kind of unusual because they gave me
8 one run number, but then they changed it to the 517, which is the
9 run number, the train run number, and that dispatched out of M90,
10 which is Daly City, at 8:13.

11 Q. 8:13. So that kind of begins your day --

12 A. Yes.

13 Q. -- as far as operating?

14 A. Absolutely.

15 Q. Okay. And what -- how long are you on that train for that
16 run?

17 A. That's a Dublin run, and the one what we call Loop is from
18 Daly City to Dublin. I would say it's generally about -- if it's
19 a normal run, it would be about an hour and maybe 17, 20 minutes
20 to get to the end destination.

21 Q. Okay. And when you get to that end destination, do you have
22 a turn back or --

23 A. Yeah. So what happens is the train pulls in. You do have a
24 turn back. You take a break. The other operator will take that
25 train, and take it back out.

1 Q. Okay.

2 A. And then you're either assigned -- at that time the floor
3 worker at Dublin at your end station will give you the next
4 assignment.

5 Q. And about how long do you typically have on that turnaround?

6 A. Well, it depends. It really depends. BART's schedule is
7 always flexed. It always flexes. But generally between one or
8 two fallbacks what they call, and that's between maybe 15 and 30
9 minutes. You get a chance to take a break, go to the restroom,
10 maybe have some water, whatever you may want to do when they get
11 back.

12 Q. Okay. So could you -- so when you got to Dublin --

13 A. Right.

14 Q. -- do you remember what your next run was of that?

15 A. Dublin. So they sent me back out on the 519 at 9:51.

16 Q. Okay.

17 A. So that was a little -- so fallbacks, and they -- sometimes
18 they give you lunch. So that was, I did eat something because the
19 time was a lot longer to get back on the train.

20 Q. So and then and where did that run take you to?

21 A. That takes you back to Daly City.

22 Q. Okay. Back to Daly City.

23 A. Yes.

24 Q. Okay. And what happens then when you get back to Daly City?

25 A. So you off-board, and then the other operator will take that

1 train, and it goes back to Dublin.

2 Q. So same thing. You essentially have another --

3 A. You have another operator that will operate that train back
4 to Dublin.

5 Q. Okay. And did you do any other runs that day prior to the
6 accident trip?

7 A. So that was, well, that accident run trip was the last I did.
8 So what we consider loops --

9 Q. Okay.

10 A. -- going there and back is considered a loop in the BART
11 terminology. So that's one, two, and that was going to be -- so
12 that was the 511. That was going to be my third loop, my -- going
13 back out to Dublin, and then I would return home, and then my day
14 would be end.

15 Q. And your day would be over?

16 A. Yes.

17 Q. Okay. So do you remember what time that that loop started?

18 A. The last one?

19 Q. The last one.

20 A. 511. The 511, I call the M90 day. So that's an interesting
21 -- so I called Daly City Yard. They gave me the time to dispatch
22 out of Daly City at 4:58.

23 Q. Okay.

24 A. Okay. Central called me looking for the outbound operator,
25 which is me, and they changed me to dispatch from another location

1 at 1506, and that was from -- they wanted me to deadhead, which
2 means take the train to another station. He told me to take it to
3 24th Street, and your dispatch time out of that will be 1506.

4 Q. Okay. So were you relieving another operator?

5 A. Yes. So the other operator that brought that train, and he
6 off-boarded, and he was told to deadhead back to Daly City.

7 Q. Okay. So when you got those instructions from the control
8 center, you boarded a revenue train?

9 A. Yes.

10 Q. And you deadheaded to 24th Street?

11 A. Yes.

12 Q. And then you boarded the 511 at --

13 A. Yes.

14 Q. -- 1506?

15 A. I just, well, I got on -- but that was my dispatch time from
16 the -- that station, yes.

17 Q. Okay. And then can you just walk us through the process of
18 in that situation when you get on that equipment, what do you do?

19 A. Oh, okay. So you go into the cab. Well, this is what I do.
20 So I go into the cab, close the door. I hang up my backpack, and
21 make sure, well, what we do is we go to the console, and we'll key
22 on. We'll cycle and -- we'll cycle, open the doors, and then we
23 will wait for the alerter to close the doors at the dispatch sign.
24 And at that time, you know, you turn the radio on. I mean, the
25 process is if you -- if you're talking about the process?

1 Q. Um-hmm.

2 A. So you get in. You key on, MCC on, make sure you have a
3 clear board, turn the radio on, maybe make a PA announcement, make
4 sure the radio is working, make sure that the radio comes on and
5 it's audible. And then the doors will open because if there's an
6 ATO door cycle then the doors will open. You wait for your
7 release from central, and that's when you close the doors, and the
8 train dispatches.

9 Q. Okay. And as far as the release is -- how do you know that
10 you have a release?

11 A. Well, you'll get an alerter sound.

12 Q. Okay.

13 A. And prior to the alerter sound, of course, you always -- the
14 step is you always do a look-back. When you get the alerter, you
15 open the -- you're inside the cab first, and then once you get the
16 alerter you're going to open the -- you open the window, and you
17 look. You look forward, you look back, you look forward, and look
18 back again. And you'll get the alert loader is a light that makes
19 a noise, and that will tell you it's time to close the doors.

20 Q. Is that like inside the cab or is that exterior to the --

21 A. It's inside. It's on the, it's on -- it's by the open --
22 it's by the where you close the door, the --

23 Q. Like a door control panel?

24 A. Yes.

25 Q. Okay. And are there any exterior lights along the side of

1 the train?

2 A. Absolutely. There are what they call ETL lights.

3 Q. Okay.

4 A. They're yellow lights that go down the side of the train.
5 How many they are on the train, you know, there's supposed to be
6 -- I don't know specifically. If they all work all at the same
7 time, I don't know about that. But you'll see a set of yellow
8 lights down, and that means that the doors are open.

9 Q. That they're open?

10 A. Yes.

11 Q. So if you see yellow lights, that means that the doors are
12 open?

13 A. Open or if you're -- if you're on (indiscernible) you're
14 moving, it may indicate there's a problem with one of those cars.

15 Q. Okay.

16 A. It's a trouble -- it's a trouble light. It's called an
17 exterior trouble light. That's what ETL stands for.

18 Q. Thank you, Keith. That helps when you -

19 A. I'm sorry. Yeah, okay, sorry.

20 Q. So the ETL is the --

21 A. The ETL is the, yeah --

22 Q. -- exterior trouble light.

23 A. Trouble light, yes.

24 Q. So when you're -- and I don't want to, I don't want to put
25 words in your mouth at all. So let me say it this way, and then

1 correct me if I have it wrong. But when you're looking back and
2 the doors are open, is it -- I mean, am I correct in saying that
3 you would also see those ETLs lit up?

4 A. ETLs lit, yes.

5 Q. Okay. And as far as closing the doors, how does -- I think
6 you mentioned looking back then looking forward then looking back
7 again.

8 A. Look back, yes.

9 Q. So can you just tell us a little bit more about that? Like,
10 what you see. Do those lights go off?

11 A. The process of the look-back?

12 Q. The process, yeah, that whole process of --

13 A. Of looking back so --

14 Q. -- of looking back --

15 (Crosstalk)

16 A. So you look back, and the main, main thing is to make sure
17 that the yellow strip is clear, which is the yellow safety strip
18 that goes down the platform is clear; there are no patrons on the
19 strip -- on the other side. Either they're not there or they're
20 on the other side. Look forward. You're looking down the track
21 make sure there's no obstructions, no -- nothing in front of you.
22 Then you look back again, and you close the doors, and you watch
23 the doors close to make sure, you know, they close. And then the
24 train takes off.

25 Q. Do you look for those ETLs at all during that process?

- 1 A. When you look down -- they, when the doors close, they'll go
2 off. They'll start going off.
- 3 Q. Okay.
- 4 A. And you'll see it. And once they're all cleared, then the
5 train takes off.
- 6 Q. Then the train takes off.
- 7 A. Yeah. If a light, say, for example, ETL is lit, say
8 something gets jammed or -- it will stay lit, and the train
9 doesn't move. It's a safety feature for --
- 10 Q. And in that, in that case that you just mentioned, if it
11 stays lit, if one of those stay lit, does the door automatically
12 recycle or is there something that you have to do at that door
13 control?
- 14 A. I don't do anything at the control.
- 15 Q. You don't. You just, you do --
- 16 A. -- press --
- 17 (Crosstalk)
- 18 Q. -- initial press?
- 19 A. -- to close the door.
- 20 Q. Okay. All right. Okay. So in -- so at 24th Street you do
21 this?
- 22 A. Yes.
- 23 Q. You go through that process, and the train departs?
- 24 A. Yes.
- 25 Q. How was everything working on that train for you that day?

1 What do you remember?

2 A. Like I say, clear (indiscernible). There were no enunciators
3 on the control panel or the train control panel. Took off. It
4 went, it crossed over to the two, and we went, and the train ran
5 normally.

6 Q. Good train?

7 A. Perfect, yes.

8 Q. Okay. What about, what -- tell us a little bit more about
9 that run that, you know, after -- I'm not familiar with the
10 system. So I don't know what -- where are you going after 24th
11 Street? You say you're crossing over to two track.

12 A. Right.

13 Q. And how many station stops are you encountering as you're --
14 because I, you know, I'm trying to get to when did you first
15 become aware that there was an -- that something was going on,
16 something abnormal like on the train? Was there -- because we're
17 here to talk about, you know, we're here to talk about what
18 happened at Powell Street.

19 A. Okay, right.

20 Q. So like --

21 A. You mean, you're asking, you're asking me when I first --

22 Q. Well, I'm just trying to get a sense of when you leave 24th
23 Street --

24 A. -- Street. You want to know the stations in order?

25 Q. Well, how many, I mean, roughly, how many --

- 1 A. 16th.
- 2 Q. About --
- 3 A. It goes 16th, and then it goes Civic, then it goes Powell.
- 4 Q. Okay.
- 5 A. Montgomery, Embarcadero.
- 6 Q. Okay. So that's very helpful to me.
- 7 A. Okay.
- 8 Q. Not understanding the system. So, roughly, I think, three
9 stops before Powell Street?
- 10 A. Yeah, it's the third stop from 24th, right? 16th, yeah.
- 11 Q. So --
- 12 A. Between Civic and Powell.
- 13 Q. Okay. So at 16th and at Civic, how's the train operating?
14 Everything's okay?
- 15 A. Yeah.
- 16 Q. Anything abnormal --
- 17 A. No.
- 18 Q. -- that you can recall?
- 19 A. No. Each station the train pulled up berthed to the 10-car
20 marker, ETL door cycle. That means they open automatically; close
21 them. And went to the next station.
- 22 Q. Okay. What about passenger loads? I mean, was it --
- 23 A. That day I would say it was light. It was in the afternoon.
24 I think it was light.
- 25 Q. And Powell, you get to Powell Street, and what do you do at

1 Powell Street?

2 A. I pull in, I pull into Powell Street. The first thing I
3 noticed was a pair of shoes when I first entered the station. So
4 I'm looking -- the process is look at the yellow strip, you know,
5 make sure that there are no patrons or nothing on that on
6 (indiscernible) the train. You look at the track, the track way,
7 make sure that there's nothing, no obstructions there. Look,
8 maybe look underneath, underneath the platform because there is a
9 little shelf underneath there. And then it pulls up to the 10-car
10 marker. And at the 10-car marker, the train berths properly, and
11 when it does, we get what we call a ATO door cycle. I think it's
12 automatic -- I don't know what that -- okay. And the doors open.
13 Okay. So I get a normal ATO door cycle.

14 Q. Okay. And so, Keith, you said when you're pulling in -- so
15 the train is running in an automated train operation mode.

16 A. Yes.

17 Q. So it is berthing at a location at that platform on its own?

18 A. Yes.

19 Q. Okay. What are you doing as far as where are your hands on
20 the control panel as you're coming into that platform?

21 A. It's always over the stop button because that's the -- the
22 emergency stop button in case, you know, we're out there for
23 public safety. So safety is paramount. That's to stop the train,
24 if there's anything that warrants that.

25 Q. Okay. So you're coming in. You're -- I think you raised

1 your right hand.

2 A. For me, I'm -- yeah, I'm right-handed. So I use my right
3 hand.

4 Q. Okay. So your right hand is over the stop control. Is it
5 like a mushroom or --

6 A. Emergency stop button.

7 Q. Okay. So over the emergency stop button. And you're coming
8 in, and you're scanning the platform, the track bed.

9 A. Looking, yeah. You're coming in. Yeah, you're looking.
10 When you come in, you're looking at the yellow strip on the other
11 side when it comes down. And then when it stops, you're mostly
12 focused on the platform, right. I mean, of course you're looking
13 in front too. So when you come in, so you're there -- well, you,
14 when you, yeah. And you're looking ahead, I mean.

15 Q. Okay. And you mentioned you saw a pair of shoes. So you can
16 remember --

17 A. I saw, I saw a pair of shoes when I entered the platform.

18 Q. Okay. So you enter Powell Street, and you're still in ATO.

19 A. Um-hmm.

20 Q. So the train stops.

21 A. Right.

22 Q. And then what can you remember happening?

23 A. So the -- when the train stops, the doors open, you make your
24 announcement of what station you're at, and go to -- normally you
25 go, you know, go to the door, and then you look out down the, down

1 the platform, make sure the yellow stop is clear, and you wait for
2 the release.

3 Q. Okay. And that release is -- I think that's what you
4 mentioned before, it's that audible --

5 A. It's an audible, and there's a light that flashes by the door
6 control panel.

7 Q. All right. So that happened at Powell Street?

8 A. Yes.

9 Q. Okay. Do you -- is there anything you can -- was everything
10 functioning properly at that time on the equipment?

11 A. Yeah. Everything was -- there was no problems with that
12 train.

13 Q. Okay. Did anything stand out to you aside from the shoes?
14 Was there anything else on the platform that didn't look like it
15 should be there or --

16 A. No. I did not see anything.

17 Q. Okay. So --

18 A. Just caught my attention when I came in.

19 Q. Okay. So you get your door release. You get the audible and
20 the flashing door release at Powell. And then what do you do?

21 A. Then I do my look-back.

22 Q. Okay.

23 A. I look front, look back. Make sure that the yellow strip is
24 clear, and it was. And you close the doors, and the -- and then
25 you return back in, you know, then you close the doors, you look,

1 make sure it clears, watch the ETLs go out, and come back to your
2 train operation, and the train is already moving by that time.

3 Q. Okay. So when you checked that yellow strip --

4 A. Yes.

5 Q. -- can you tell me more about that, what you can remember?

6 A. It was clear. There was nothing. There was nothing
7 obstructing the yellow strip all the way back train.

8 Q. Okay. And then so then the train starts moving again.

9 A. Um-hmm.

10 Q. And then you're -- I think you said as it starts to move
11 you're closing the window?

12 A. You close the window while it's --

13 Q. Okay. And where are you headed next after Powell Street?

14 A. After Powell goes to Montgomery.

15 Q. To Montgomery. Okay. So you're on your way to Montgomery at
16 that point.

17 A. Um-hmm.

18 Q. How's the train running for you?

19 A. No problems.

20 Q. No problem.

21 A. Clear board, normal.

22 Q. Okay. You get to Montgomery, and what happens at Montgomery
23 Station?

24 A. I had ETL door cycle. Looked up, you know, passengers
25 boarded up. I can't -- anyway. ETL door cycle, doors opened. I

1 waited for loader. Made sure that people came on and off the
2 train, closed the door, and took off again.

3 Q. Okay. And where do you head after that after Montgomery?

4 A. Embarcadero.

5 Q. Embarcadero. Train is still -- how's it running?

6 A. Functioning normal.

7 Q. Functioning normal. Okay. And so what happens next? You're
8 just, you're heading towards Embarcadero.

9 A. Embarcadero same thing. Pulls up, pulls up 10-car marker,
10 berths properly, get another ETL door cycle, and same thing.

11 Q. Okay. Do you recall any radio traffic that you were hearing
12 around that time or?

13 A. I do my best to listen to all the radio traffic. My main
14 focus is on my run number because a lot of things happen, but
15 you're listening for your train number because central gives you
16 specific orders that you have to follow. So --

17 Q. So that's what you're listening for, for the 511, right?

18 A. Yes. Absolutely.

19 Q. And do you recall hearing that? Because just in progression
20 we're heading Embarcadero now.

21 A. Um-hmm.

22 Q. Do you recall hearing any communications to the 511?

23 A. No.

24 Q. Okay. So you get to Embarcadero.

25 A. Um-hmm.

1 Q. And everything is normal? It's the same process?

2 A. It's the same process, yes.

3 Q. Okay. So when did you first become aware that something had
4 happened, potentially happened at Powell Street?

5 A. At West Oakland when I was -- I was given a hold by central
6 at West Oakland. They told me I was out of service, changing my
7 run number, and they told me to sweep the train.

8 Q. Okay. And they did that by radio?

9 A. Yes.

10 Q. Okay. So what happens then? You sweep the train. And does
11 supervision meet you or --

12 A. No. Well, you get on the radio. You tell the passengers
13 they have to off-board. You already have the automatic door
14 cycle. The doors are open. You try to get as many passengers off
15 as you can. Close them. All right. You key off. Take your keys
16 with you. Take a portable with you, and get out of the cab.
17 Radio check to central on portable, and then you go, and you clear
18 the train. So any passengers you run into, you open the door.
19 You stand outside. Safety issue for the train operator. And then
20 you tell the -- you explain to the passengers that they have to
21 get off this train because it's out of service.

22 Q. It's out of service. So you walk --

23 A. We walk all the way through the tube how many ever cars you
24 have in your consist.

25 Q. Do you remember how many cars were in the consist that day?

1 A. That was a 10-car, 10-car train.

2 Q. Okay. All right. Did any, was there, do you remember if
3 anybody was on -- did you have to let anybody off when you walked?

4 A. Yes, I did. There was quite a few people that would either
5 didn't hear the announcement or a lot of people have their own
6 ears on. They're doing something else. But, yes, I did. There
7 was a lot of people I had to let off.

8 Q. Okay. And, Keith, after that, then what? What happens?

9 A. So you go all the way back to the train. At that point,
10 central asked me about some -- said something about straps. Is
11 there any straps? Do you see any straps in the -- that's all -- I
12 can't remember if he said -- I don't know, but he said straps,
13 look for straps. Are there any straps hanging out? I said no.
14 So I headed back to the cab, and I'm making sure that the train
15 was swept, and then got ready to take off. And at that time, the
16 BART was there by then. They did board up. So when I got to the
17 cab, I noticed the door open. I looked back, and I think it was
18 three officers or it was BART police boarded up at West Oakland.

19 Q. Did they talk to you or?

20 A. They were talking to Central. One, one -- the female officer
21 came on. She asked me what was going on? I said, no, I don't
22 know what's going on. And then I was listening to Central's
23 instructions to, you know, what to do next. I'm on a hold. I
24 can't move the train unless he releases me.

25 Q. So what happened next? What were you instructed to do?

1 A. So the central released me from my hold, gave me my time,
2 which they normally do. And he told me that the train was going
3 to be out of service to Richmond first, Richmond Yard. And then
4 we took off; we took off. I saw the service so it doesn't stop at
5 any other stations.

6 Q. So it has a --

7 A. It says train don't -- train won't stop on the display sign,
8 and the trains don't stop at the (indiscernible) station.

9 Q. So it gives you a clear route?

10 A. Clear route to the yard, yeah.

11 Q. To the yard. Okay. And then you get to the yard.

12 A. Well, no, well, no.

13 Q. You tell me.

14 A. Oh, okay. Oh, so --

15 Q. Yeah.

16 A. So took off, and I think that the -- so took off, and then
17 central called me again saying that they wanted -- a tech wanted
18 to board at 12th Street, which is the next station after West
19 Oakland. So pulled into -- I pulled into the station. Hit the
20 stop button because I wanted to stop what they call one door in to
21 screen the train just into -- let the technician board up. He
22 boarded up. So he closed the door, and we took off again. And we
23 were instructed that plans changed from Richmond Yard. They sent
24 us to Concord Yard. So central changed the destination. So we
25 went nonstop out of service to Concord Station.

1 Q. Okay. And when you got to Concord Station then what happens?

2 A. Well, I'm going to have to back that up. At Lafayette
3 Station, which is -- the technician wanted to get off. So he had
4 asked Central to let him -- I had contacted Central, is it okay to
5 stop at Lafayette to let the technician off? So the technician
6 got off at Lafayette, and then we continued on our way to Concord.

7 Q. Did you go all the way to Concord then?

8 A. Yes.

9 Q. Okay. So when you get there, what happens?

10 A. Get on transfer routes up. The controller told me to take it
11 down to transfer, and that's where he -- end up parking the train.
12 And then I keyed off.

13 Q. Okay. And after you key off, are the -- is BART police still
14 on the train?

15 A. There was one officer still there, yes.

16 Q. Okay.

17 A. He stayed with me. He wanted to -- he asked about checking
18 the side of the train, and he wanted to take a statement from me.

19 Q. Okay. Do you know why he wanted to take a statement from you
20 or --

21 A. Yeah. So something was strange, and, you know, when
22 something is strange like that, I do carry my portable, and I
23 actually kind of went to what they call incident command. That's
24 another station that it's dedicated to, like, emergencies or
25 things that happen. And I started, you know, I started -- I heard

1 a little chatter. I heard, like, major medical situation. I did
2 pick up some words, and I saw -- I knew something happened. I
3 didn't know where, but I heard a few chatter. It was quiet, but
4 then you pick up some radio traffic. But then so I still didn't
5 know why he wanted to talk to me.

6 Q. Okay. And I should have asked you this before, but I didn't.
7 But when they were -- when you went out of service, and BART
8 police had boarded the train, I believe that was at West Oakland.

9 A. Yes.

10 Q. Were you -- was the door to the cab still closed? Was it
11 open at that point? Did they -- for the rest of the -- until you
12 got to Concord did they -- was the -- did they -- were they
13 observing you? Was your door -- did you still have the privacy in
14 the --

15 A. I can't remember if the door was open or closed.

16 Q. Okay.

17 A. I mean, it was open when they boarded up. I know that. But
18 after that, I don't.

19 Q. You don't remember after. Okay. So then you give a
20 statement to the officer?

21 A. Yeah, I do. But before that, I, you know, I asked for union
22 representation because that's something that we've been trained or
23 not trained, but that's what we're told to do. If there's
24 anything that -- you don't want to make a statement unless you
25 have union representation.

1 Q. So I mean, do they take you somewhere to wait for or are you
2 still on the train at that point?

3 A. I was on the train, and he called his sergeant, and he had to
4 -- I think his process was he had to stay with me until he got the
5 statement. So, fortunately, there was a union rep at Concord
6 Yard. I don't know her name, but she came out and met us, and
7 then she met us. We went. We decided where we were going to go.
8 The tower had called me to come up there, but the police couldn't
9 let me go without -- he needed to be with me. He wanted to check
10 the train, but -- so the union rep came. We all went, and waited
11 for the instructions, and then we ended up going up into the
12 tower.

13 Q. Okay.

14 A. The three of us.

15 Q. Okay. And at that point, you gave a statement to the
16 officer?

17 A. No, not yet.

18 Q. Okay.

19 A. Had some -- there were some phone calls. They wanted some
20 more people to be there. So I think the -- I think Jessie was
21 called in, and Oscar was there, Mike came, and they had Yolanda
22 Marino (ph.), who was a peer, peer support person. And, yeah.

23 Q. Okay. So when everybody shows up, you give a statement?

24 A. Yeah. When -- then I give, I give the statement, yes.

25 Q. Okay. And at that point, did you know what had happened?

1 A. No, I didn't. No, I did not.

2 Q. And after you give the statement, are you then -- do you go
3 anywhere for testing, for any post-accident testing or?

4 A. We went into Concord, whatever the yard office, yeah, first
5 thing was, yeah, there was a collector there. So had to do a
6 breath analyzer, and she wanted a urine sample.

7 Q. Did they show you the instant results of the breath analyzer?

8 A. Yes, they did.

9 Q. Do you remember what those were?

10 A. Zero.

11 Q. Okay. And then after that, I mean, are you free to go or did
12 they want to talk to you some more?

13 A. Yeah, they wanted to talk to us.

14 Q. So you talked to some more BART officials?

15 A. It was BART people, yeah. Talked to Jessie, talked to Mike,
16 and we talked to the TS and the rail ops manager was there.

17 Q. Okay. And when it comes time for them to release you --

18 A. Right.

19 Q. -- to go home, how did that work?

20 A. The transportation supervisor drove me home.

21 Q. Drove you home. Okay.

22 A. Yeah. He was nice enough to drive me home, yes.

23 Q. Yeah, that's great. Keith, I want to, I want to give other
24 people some time to ask some questions, but I do want to ask a few
25 follow-up questions just based on Powell Street. And we talked a

1 little bit about your earmuffs, your --

2 A. Ear protection?

3 Q. Ear protection that you wear.

4 A. Um-hmm.

5 Q. Can you tell us, like, a little bit more about that, about
6 your ear protection that you do wear when you're operating?

7 A. When I'm operating, well, yeah, that's -- what do you want to
8 know about it?

9 Q. Well, I mean, it's -- you can -- I'm just not familiar with
10 seeing --

11 A. Seeing operators wear --

12 Q. -- seeing operators with a over-the-ear --

13 (Crosstalk)

14 A. Really? Okay. Well, I do the -- I wear the ear protection
15 for two main reasons. One is to preserve my hearing because I
16 don't know if you've been on a BART train, but it can get kind of
17 -- the ambient noise is pretty loud, and I've heard stories that
18 train operators that work for a career there 20, 30 years may have
19 some hearing impairment. And the second reason that I wear that
20 is that it helps me listen to the radio better. In two ways. I
21 wear an earpiece, and it covers the earpiece. I can keep the -- I
22 keep my portable low enough where I can hear Central. And the
23 trunk radio, of course, is always on. I always transmit from the,
24 I always transmit from the trunk radio. You can listen to it.
25 You can listen to what's, you know, and that helps squall or

1 silence the ambient noise.

2 Q. Okay. And, do, I mean, do you know, is there a -- are they
3 -- are you allowed to wear ear protection?

4 A. Other train -- I've got the idea from other train operators
5 that do it, and I see other train operators that have ear
6 protection, and they do -- BART even provides ear plugs, which I
7 would assume that ear protection is --

8 Q. Yeah. I don't know. I haven't had a chance to read --

9 A. Well, I don't know. I've never been told that they're not.
10 I've never been told that they're not -- you can't use -- you
11 cannot use ear protection.

12 Q. And I'm not implying that either.

13 A. Oh, okay.

14 Q. I'm just trying to -- I mean, so if you in being a, you know,
15 being full-time, I guess, for three weeks --

16 A. Right.

17 Q. -- have you had supervisors ride with you in the cab to
18 observe your operations?

19 A. I have not.

20 Q. No. I mean, can you recall a time where maybe since you were
21 hired you did have supervision with you?

22 A. Yes. I had one ride, one, one time a manager had boarded up,
23 asked if he could ride with me in the cab to observe me.

24 Q. Okay. And that day, do you remember, did you have those
25 earmuffs on with you?

1 A. I can't remember because that happened back when I first --
2 it was after I certified.

3 Q. Okay. But as far as you can remember, no one has told you
4 -- no one in a supervisory role has said anything to you about --

5 A. No.

6 Q. Okay. I see you have some glasses with you here today.

7 A. Um-hmm.

8 Q. Do you wear glasses when you're operating the train?

9 A. No. These are for reading.

10 Q. They're for reading?

11 A. Yeah.

12 Q. Do you -- and Mike will ask some of these questions also, but
13 so but while we're on the topic, do you see an eye doctor
14 regularly?

15 A. No, I don't.

16 Q. Okay. So those are --

17 A. These are prescription, yeah, these are prescription. The
18 last time I got my eyes checked was when we did the physical for
19 BART, 2019.

20 Q. So like your initial hire?

21 A. Yes.

22 Q. Okay. And do you see a physician regularly?

23 A. I have a doctor. There's no -- my health has been -- is
24 good. So there's been no reason to --

25 Q. So --

- 1 A. As far as like a annual checkup you're talking about?
- 2 Q. Sure.
- 3 A. I do annual blood work for, for insurance.
- 4 Q. Okay. And that's with your primary care doctor or is that
- 5 with like --
- 6 A. No. That's just a office that you go for specimen
- 7 collections.
- 8 Q. Okay. And then you get the, I guess, you get the results,
- 9 and --
- 10 A. I'll get the results, and they're, of course, yeah, the
- 11 insurance company gets the results.
- 12 Q. Okay. Do you see a doctor that maybe interprets those
- 13 results for you or --
- 14 A. No.
- 15 Q. No. Okay. You mentioned that with the eye exam during like
- 16 the pre-hire with BART, was there also a physical that you went
- 17 through?
- 18 A. Did they do?
- 19 Q. That you can remember.
- 20 A. That I can remember. Not part of that, not the -- there's no
- 21 physical on that and the -- when they check the eyes.
- 22 Q. Okay. Do you know was it BART checking the eyes that led you
- 23 to get the prescription reading glasses?
- 24 A. No. It's like over the -- I know, you know, when you get
- 25 older, I guess, you're nearsightedness changes. So for me it was

1 just for reading. Yeah.

2 Q. So did you have them before your employment at BART?

3 A. These pair, this is my first and only pair. I don't --

4 Q. Okay.

5 A. -- can't tell you.

6 Q. No, that's okay. And since you've -- since 2019, have you
7 had any subsequent like eye examinations or physical examinations
8 that were administered by BART?

9 A. By BART since 2019?

10 Q. Yes, since you started.

11 A. No.

12 Q. Like a recurring?

13 A. No.

14 Q. Okay. Keith, I do have some follow-up questions, but I'm
15 going -- are you doing good? Can we keep going for this?

16 A. Yeah, I think I can -- unless you guys want to take a pause,
17 I think I'm okay.

18 Q. Okay. So why don't we keep going, and then once we get to
19 Mike, we'll check in, and see if we want to take a break at that
20 point.

21 MR. FRIGO: So I'm going to turn it over here to my right.
22 And if you could just introduce yourself before you ask questions.

23 MR. AGUILERA: Roy Aguilera, Chief Transportation Officer. I
24 have no additional questions.

25 MR. BURY: Rob Bury, Operations Safety Manager.

1 BY MR. BURY:

2 Q. So, Keith, first of all, I want to thank you for taking the
3 time, and the Union for coming here. I'm going to ask you some
4 unusual personal questions. I don't want you to take any offense
5 at all. But what I'm trying to do is understand because I've --
6 I've been in transportation, public transportation, for 17 plus
7 years. I've never been a TO. Okay?

8 A. Okay.

9 Q. And so I'm trying to improve the system so that way things
10 like this don't happen again. And so I'm going to be asking you
11 some questions that are going to seem odd, but just bear with me,
12 and --

13 A. Okay.

14 Q. -- it will start to make more sense as I ask you the
15 questions. So I'm also going to be typing some answers. So jus
16 bear with me in terms of (indiscernible). So that being said, how
17 many hours of sleep would you think you got the night prior to the
18 incident?

19 A. Prior to the incident. So I was -- the day before was -- I
20 can tell you exactly, actually. Let me see. So the day before
21 that was a Sunday. So that day, I don't know exactly when I got
22 off, but I remember I get off in the -- I have it written
23 somewhere. I went to bed that day around 7 or 8, and I normally
24 wake up around 4:30 or 5 for my next shift.

25 Q. Okay. So it sounds like you got at least eight hours?

- 1 A. Absolutely.
- 2 Q. Okay. Do you drink?
- 3 A. No.
- 4 Q. I don't want (indiscernible).
- 5 A. I'm sorry. I'll take your waters. I thank you for the water
6 today. No, really.
- 7 Q. Where do you live?
- 8 A. San Francisco, California.
- 9 Q. Oh, so you live locally?
- 10 A. Yes, I do. That's why I love Daly City. Such a short
11 commute.
- 12 Q. Got it. So you don't have that two-hour commute each way.
- 13 A. I just started, so we're hoping that it stays the way it is,
14 but I've been blessed.
- 15 Q. You are. Did you have any plans after work that day?
- 16 A. That day was -- generally not because I was on -- that was
17 Monday, yeah. So I was Monday through Friday. So I had to go to
18 work at 6:40 -- not -- I take that back. I had to go to work at
19 10:45 the next day.
- 20 Q. So no plans?
- 21 A. No plans, no.
- 22 Q. Okay.
- 23 A. It's a Monday.
- 24 Q. All right. How old are you?
- 25 A. How old am I? Oh, 56.

- 1 Q. Are you diabetic?
- 2 A. No.
- 3 Q. Do you have young children in your house?
- 4 A. What do you consider young?
- 5 Q. You know maybe below four years old?
- 6 A. No.
- 7 Q. Okay. The reason why I'm asking these is sleep is such a
8 major factor in the transportation industry.
- 9 A. I get it, and I know there's a lot of folks out that have the
10 other sleep disorders. I don't have any of those.
- 11 Q. Sleep apnea, stuff like that.
- 12 A. No. And I sleep good. I sleep light, but I'm a early riser.
13 That's why I like the early shift.
- 14 Q. Well, you look like you're in really good --
- 15 A. I try to -- I try, I try.
- 16 Q. Do you exercise?
- 17 A. Yes, I do.
- 18 Q. Oh, what do you do?
- 19 A. I bike and I run. I used to be a triathlete back in the day,
20 but with work and all lifestyles change.
- 21 Q. Yeah. I gained the Covid 40.
- 22 A. It's all good. You're looking good.
- 23 Q. I'm going on the big diet after all this is over.
- 24 A. Looking good, brother.
- 25 Q. All right. Do you have any construction or anything going on

1 in the evening, which may affect your ability to sleep well?

2 A. Negative, negative.

3 Q. No. Okay. In San Francisco, really?

4 A. Yeah. I live in a very nice neighborhood. Everybody's got
5 what they want and --

6 Q. What neighborhood do you live in?

7 A. I live above Glen Park Station. It's called Midtown Terrace.
8 I don't know if you know that area.

9 Q. Yeah.

10 A. Yeah.

11 Q. Have you had corrective eye surgery?

12 A. No.

13 Q. No. And sorry for the repetition on some of these questions.
14 Do you wear corrective lenses?

15 A. Do I wear what kind of lenses?

16 Q. Corrective lenses?

17 A. I just have readers.

18 Q. Readers. Okay. When was the last time you had a vision
19 exam?

20 A. Well, if you consider the BART, 2019 as an exam where they
21 did the color and they do the eye chart.

22 Q. So 2019?

23 A. 2019.

24 Q. Okay. All right. Do you hear equally in both ears?

25 A. Yes.

- 1 Q. So you think.
- 2 A. Yeah. Well, you have the results from the -- they did a
3 hearing test as well as part of that battery.
- 4 Q. Okay. So -- all right, that answers that. Have you ever
5 spoken with the Safety Department regarding noise issues?
- 6 A. Who? Talked to who?
- 7 Q. The Safety Department regarding noise issues.
- 8 A. I don't even know who the Safety Department is.
- 9 Q. Okay. Well, that would be --
- 10 A. I've never met you, and I don't know who to contact if I have
11 a safety issue.
- 12 Q. It's all right. And that is exactly why I'm asking some of
13 these questions.
- 14 A. Okay. Well --
- 15 Q. Because we have some cultural changes that we --
- 16 A. Come on over to the Yard. Be present, and we'll talk to you
17 all you want.
- 18 Q. That's exactly what --
- 19 A. No, seriously. It's a roundtable would be -- it would be
20 appreciated, and it would be welcome.
- 21 Q. Well, you know, Jessie doesn't buy me a lunch so --
- 22 A. Oh, man. I'll buy you lunch.
- 23 Q. All right. So you had a hearing exam 2019. Do you have any
24 pre-existing health conditions, which may affect your vision or
25 hearing?

- 1 A. Negative.
- 2 Q. No. Okay. Just four more questions. Do you wear hearing
3 protection?
- 4 A. Yes.
- 5 Q. That is a yes.
- 6 A. I do.
- 7 Q. And so I heard your answer when Ryan had asked about wearing
8 the earmuffs. And so what I have experienced on the line,
9 specifically in the Transbay Tunnel, so I have done noise
10 monitoring on the system, and what I've noticed is that the M-Line
11 is way better today than it used to be. It used to be really bad.
12 There is no question. But what I've noticed is that it's gotten a
13 lot better, and so I'm curious. Where do you think you're
14 experiencing noise-related issues on the M-Line, L-Line where it's
15 still you think an issue.
- 16 A. An issue? I can't be specific, but I'll give you a general
17 thing. Generally more noise on the curves than the straightaways.
- 18 Q. Of course. You know why, right?
- 19 A. Of course, yeah. The way -- it's the nature of the beast,
20 right?
- 21 Q. Well, it's (indiscernible).
- 22 A. Yeah.
- 23 Q. So it's not like a car --
- 24 A. Exactly.
- 25 Q. -- with a differential, right?

- 1 A. Right.
- 2 Q. Where they -- where the wheels can move at --
- 3 A. And squeal, and you get that squealing and --
- 4 Q. Yeah, you'll actually get scraping.
- 5 A. Scraping, well, scraping, yes, right.
- 6 Q. And so it's just part of the engineering system that --
- 7 A. Absolutely. Has nothing to do -- and I think it gets -- to
- 8 me it gets amplified, like you say, in tunnels.
- 9 Q. Absolutely.
- 10 A. You know, like aerials are not as bad, and sometimes it's --
- 11 the ambient noise is low enough where you can take the ear
- 12 protection off, but downtown specifically or you run through on
- 13 our line some of the downtown --
- 14 Q. Yeah.
- 15 A. -- it -- I think it's important, you know, especially for me.
- 16 I'm a little bit older than most of the train operators out there,
- 17 and I'm, you know, I'm conscious about my health.
- 18 Q. Yes.
- 19 A. So that's the reason why I do ear --
- 20 Q. Yeah. So what ends up happening is that when you're on
- 21 aerial structures, sound is able to --
- 22 A. Absolutely.
- 23 Q. -- leave. So when you're in subways, sounds is actually
- 24 amplified.
- 25 A. Yes.

1 Q. And so it bounces off of the walls. Although it's usually
2 behind you most of the time. So that being said, not to give you
3 a lesson in noise --

4 A. That's okay. I'll remember to ride closer to the front of
5 the cars. I didn't --

6 (Crosstalk)

7 A. If you're in the back it's louder, you know, probably.

8 Q. All right. So specifically this is where we get to brass
9 tacks now. Have you had any vision-related issues during the look
10 back in any of the BART stations at all? So when you're doing
11 that look back, and you're looking down that yellow tactile, are
12 there any stations that you go I can't really tell, are people on
13 that tactile?

14 A. So the yellow strip, it's effective, but I think just to --
15 this is just a suggestion from a train operator that's out there
16 that making sure that all the tactiles are new, new and bright.
17 Some are -- some over -- depends on where you're at. You're on
18 Concord, you're out in Orinda, you get -- it gets -- it gets
19 bleached a little bit. Yeah. So I mean, just make it consistent.
20 But I think the yellow strips effect -- it's an effective means
21 for safety. Is that the question?

22 Q. Pretty much, yeah. What I'm trying to understand is that
23 like I was saying, and I've never been a TO. I don't know what
24 your job is. Okay.

25 A. Right.

1 Q. So I can sit behind a desk and presume a lot. But I'm not
2 the one sticking my head out the window looking down the platform
3 with about 5 seconds or 15 seconds of dwell time, and trying --
4 because I'll tell you what, there's a lot of patrons going back
5 and forth in and out of the trains.

6 A. That's true. There's a lot. There's a lot of --

7 Q. There's a lot going on.

8 A. -- going on, right.

9 Q. And so I'm trying to understand from your perspective what
10 perhaps you have thought of which may improve our system.

11 A. How about illuminated? How about illuminated yellow safety
12 strips?

13 Q. Eliminate?

14 A. Have lights on them.

15 Q. Oh, illuminated. I'm sorry.

16 (Crosstalk)

17 Q. It's been awhile since I've had a hearing exam, obviously.

18 A. That would be, I mean, with these day and ages with LED
19 lights you can do fantastic things. And I know some of the
20 stations are incorporating them. Personally, that -- that's just
21 a suggestion.

22 Q. Are you able to discern the black door indicator tile well
23 over the course or the length of the platform?

24 A. Going down the length of the platform?

25 Q. Yeah.

1 A. I can't say, and I can't say no because each station is
2 different.

3 Q. Okay.

4 A. Since I've been here with the new fleet cars, door markers
5 are changing now, right?

6 Q. Do you like using the legacy fleet or the fleet of the
7 future? What's your preference of the two?

8 A. We all like the new stuff. Like the older TOs don't like
9 (indiscernible) much about it. But I think the new technology is
10 good. I mean, it's a little --

11 Q. So you like the fleet of the future?

12 A. Yeah. It's more, yeah. I think for a TO it gives you more
13 information about what's happening on the train.

14 Q. Okay. So I wasn't sure if there might be a vision issue or
15 some issue with the fleet of the future or that legacy that you
16 would prefer more.

17 A. The lights are great in the fleet.

18 Q. Yeah.

19 A. The bright lights. I mean, the, yeah.

20 Q. All right. Let's focus on Powell Street station. Have you
21 noticed any changes at Powell Street station?

22 A. The lighting, I think. I think you guys are doing some
23 lighting issues or light work there.

24 Q. So do you think those changes have been better or worse as a
25 TO?

1 A. As a TO? Downtown in the tube more like the better, right?

2 Q. I would say so, but I don't know because sometimes I think
3 changes can make things better or worse depending on your
4 perspective. And so that's why I'm asking is --

5 A. Oh.

6 Q. -- that do you think the lighting has actually improved?

7 A. I prefer brighter stations downtown.

8 Q. Okay. That makes sense. So one of the things that happens
9 as we get older is that we lose our ability to see, especially
10 after the age of 50 and 60. And we actually require, after 60 we
11 require twice the amount of lighting as say an 18-year-old. And
12 that continues to diminish. And so we're not able to actually see
13 contrast as well, and I'm starting to really experience that as I
14 just hit 50. And so what I can tell you is that at Powell Street
15 station there has been massive lighting improvement. And the
16 yellow tactile is vastly brighter than it was with all the
17 lighting going. And so do you think that has improved your
18 ability to look down the Powell Street station or do you think
19 that has hindered your ability? What are your thoughts on Powell
20 Street and the lighting off --

21 A. You know what? I can't --

22 (Crosstalk)

23 A. I can't give you a definite answer because I just started
24 full-time. So I, you know, I don't have that much sea (ph.)
25 experience, you know, being -- I couldn't tell you. There is no,

1 I mean, are you asking for a definite answer? Because --

2 Q. No. It's just kind of a loose observation. So let me give
3 you an example. When you go to Powell Street, you're getting a
4 lot more illumination, I would think. But then when you go to
5 Embarcadero, it's quite a bit darker. So if you had to compare
6 Powell Street to Embarcadero, which one do you think you could see
7 better down?

8 A. I would say -- for doing -- I would say Powell because --

9 Q. Oh, okay.

10 A. -- you've got new lights in there, yeah, I mean --

11 Q. All right. So you're just kind of confirming what I'm hoping
12 you're --

13 A. Okay, no, yeah --

14 (Crosstalk)

15 Q. -- the lighting improvements --

16 A. Absolutely. I think absolutely.

17 Q. Okay.

18 A. Even not for just older folks, but for the younger TOs out
19 there too.

20 Q. Yeah, I know. I went to Powell Street, and couldn't believe
21 --

22 A. It's a mess of, yeah, it's, you have those, those dome or
23 whatever lights that --

24 Q. Yeah, exactly, right. Last question. So -- I hope for your
25 sake. So when you're doing the look back, and you're doing this,

1 what exactly, and I know you kind of answered this question from
2 Ryan before, but what exactly are you focusing on? And so the,
3 obviously, you mentioned the lights.

4 A. Right.

5 Q. You mentioned the yellow tactile. You only have a few
6 seconds, and during when the doors close, and you're about to take
7 off, your peripheral vision begins to focus down the platform, and
8 so it becomes very small. And so what are you focused on? Are
9 you looking at the yellow tactiles? Are you --

10 A. I'm looking at the yellow strip to make sure that there is
11 nothing on -- everything -- there is nothing on it or on the other
12 side towards the train. That safety -- for my main focus is the
13 yellow tactile strip being clear.

14 Q. Have you ever had issues trying to discern objects along that
15 tactile to the end of the platform?

16 A. Not to my recollection, no.

17 Q. No. Okay. Have you had any instances where you thought that
18 was a close one during the look back?

19 A. No.

20 Q. No. Okay. Okay, I think I have what I need, and so I
21 appreciate it. Do you have any suggestions, comments, criticisms
22 that you can give me as a safety person that maybe you thought of
23 that could help improve the system or make things better?

24 A. Well, for safety issues, you know, I would say yes. I mean,
25 so we'd have to have, you know, a pizza and some -- well, you can

1 have the beer, and I'll have the water, but, you know, and talk
2 about it, but, you know --

3 Q. Why don't you feed me some stuff now so --

4 A. Right now? The big one is our patronage. You know it. I
5 know it. Everybody in most of this room knows about it. We have
6 to keep people that don't pay or don't -- shouldn't be riding --
7 shouldn't -- people that -- anyway, people that shouldn't be --
8 you've got to keep the people that shouldn't, that doesn't pay out
9 of the platform, and off the trains.

10 Q. So are you talking about the homeless?

11 A. Are you talking about the -- it's not just the homeless.
12 There's a whole --

13 Q. Or non-paying.

14 A. -- no, non-paying.

15 Q. Yeah.

16 A. Just the people that -- you know the people that cause a
17 problem on our property.

18 Q. I do.

19 A. We all know it, and we need to keep them off just to -- it
20 would make our, it would make the -- our transit system really
21 good.

22 Q. All right. So I am taking note. We know so what's
23 transpired as a result of Covid is that our normal patronage is no
24 longer --

25 A. I know.

1 Q. -- taking the system right now, and it's being supplemented
2 by non-paying --

3 A. I know.

4 Q. -- patronage. And so --

5 A. That's the general trend right now. We see a lot more
6 homeless people on the train now because of the pandemic but --

7 Q. Yeah.

8 A. -- to return our ridership. I have people, I have friends
9 that commute with the train, and they often tell me about
10 unpleasant experiences on the train system. And we want riders to
11 love our system.

12 Q. I agree. Going along the same note, and specifically
13 focusing on safety suggestions from your perspective, anything
14 within our control that you think that we could perhaps implement
15 to make our system better?

16 A. Really those Plexiglas doors would be pretty nice.

17 Q. Okay. So explain that to me.

18 A. I don't know if you -- but it had that -- I think BART even
19 showed us a video about what they did in Canada. They have the
20 Plexiglas double doors on a platform.

21 Q. Oh, so are you talking about the type that you see at, say,
22 airports?

23 A. Yes.

24 Q. Okay.

25 A. That's probably unrealistic in the district, but it's just an

1 idea.

2 Q. I actually inquired about that, and my understanding is that
3 the cost --

4 A. Yeah, it's the cost. It's going to be the cost, and you know
5 what's going to happen is it won't stay the way it is. It will be
6 --

7 Q. Oh, sure --

8 A. -- it will be graffiti, and it won't be what it should be,
9 but that's, that's just a personal, that would reduce a lot of
10 incidents on the --

11 Q. No challenge on that one. Anything else?

12 A. Not really. Let me think about it. We'll have dinner.

13 Let's have Jessie buy some lunch, and then --

14 (Crosstalk)

15 A. There are a lot of really -- you'll get good insight from a
16 lot of the train operators out there that --

17 Q. I realize that a lot of the folk out in the field --

18 A. They know it all. They have all your, all your suggestions.

19 Q. Well, Keith, I really want to thank you very much for your
20 time.

21 A. Thank you.

22 MR. BURY: So that's all I have.

23 UNIDENTIFIED SPEAKER: Just to help me out I'm taking Rob's
24 coffee (indiscernible) you guys. I think he was trying to ask
25 everybody's questions so we wouldn't have to keep going.

1 MR. PALMER: Okay.

2 MR. BORER: Mike Borer, California Public Utilities
3 Commission.

4 BY MR. BORER:

5 Q. So I only have a few follow-up questions. So trust me, I'll
6 be sort of brief.

7 A. Okay.

8 Q. So you said now that you work a 40-hour week.

9 A. Yes.

10 Q. Monday through Friday?

11 A. Depends.

12 Q. Okay. So your schedule is --

13 A. I'm on what they call extra (indiscernible). It's I'm like a
14 floater. It's like whatever. Week-by-week sometimes it could
15 change week-by-week, but generally right now my set schedule is
16 Monday through Friday. I'm on indefinite schedule.

17 Q. So let's just use the week before. Because Monday would have
18 been your first day, right?

19 A. Yeah. Um-hmm.

20 Q. So on the weekend you had -- didn't work any overtime or
21 anything?

22 A. Yeah. So the week before that we just started -- yeah. So
23 the week before that I had another different schedule. I had four
24 10s.

25 Q. Okay.

1 A. So I --

2 Q. So on average, do you only work 40 hours in a week or is
3 there some -- and I'm not saying --

4 A. Oh, right now? The answer is yes because I'm a, you know,
5 I'm just starting, but there is a lot of, as you know, a lot of
6 overtime that's available for folks that want it.

7 Q. Oh, correct, yeah, no problem. The other one I had, you said
8 that on that Monday you arrived at 6:45. What was your scheduled
9 start time?

10 A. Scheduled start, that's given to you by the floor worker. So
11 your check-in time when you clock in, they give you a specific
12 time to clock in. From there to when you're actually -- your
13 first dispatch, that all depends on the floor worker, the --

14 Q. Well, that's where I was going. Because you said you arrived
15 at 6:45.

16 A. Right.

17 Q. But you didn't go out 'till 8:15.

18 A. Yes.

19 Q. What I was wondering is that day was your schedule to start
20 at seven? Because you said you get there early. Or was it
21 starting at eight?

22 A. I can't tell you. I can't give you a definite answer because
23 it always changes. The schedule, you know, people don't come, you
24 know, people drop, and you may have to go earlier. You may have
25 to go later. I can't answer. There is no set day -- time that

- 1 you start.
- 2 Q. Sort of confusing.
- 3 A. Okay. So you come in. You check in to work. You check in
4 to work, and then from there it's a floor worker's assignment to
5 give you. Generally, it's --
- 6 Q. But my point is this. So you wake up in the morning.
- 7 A. Okay.
- 8 Q. How do you know what time you've got to be here?
- 9 A. Oh, no, 6:45.
- 10 Q. That's my, that's the point I was --
- 11 A. Oh, I'm sorry. I'm sorry.
- 12 Q. What is your regular scheduled time to start?
- 13 A. Oh --
- 14 Q. Is it 6:45 or --
- 15 A. On this, on my, on my current, I'm sorry, on my -- my
16 misunderstanding. So my current --
- 17 Q. Well, it's probably me. I'm old.
- 18 A. No. I'm probably older than you, right?
- 19 Q. No, you're not.
- 20 A. You look like (indiscernible). I just had to say that --
21 (Crosstalk)
- 22 A. So anyway, I'm sorry. So my hold down schedule is Monday
23 through Friday, 10:45. I have a 8-hour -- I have five 8s. So
24 it's 10:45. I work 'till 6:45. That's my set schedule right now.
- 25 Q. Now you've really got me confused.

1 A. Okay. But the 6:45 was that first day of that shift. They
2 call you, say, hey, you want a early start? And I said yes. So I
3 started four hours early for that chunk of money that they give
4 you.

5 Q. And not saying I wouldn't do it myself.

6 A. You should. You should join us.

7 Q. That ain't happening. I worked for a railroad for many --

8 A. You know, it's, yeah, it's --

9 Q. So outside your normal work schedule --

10 A. Right.

11 Q. -- we can use the week before, if you want to or --

12 A. Okay.

13 Q. -- maybe part of this is my -- have you had anything that
14 you're doing out of the ordinary, like, jackhammering concrete
15 slabs --

16 A. Oh, you mean --

17 (Crosstalk)

18 A. No. Not really. I mean I'm pretty much work, come home, eat
19 dinner, and go to, go to sleep guy right now.

20 Q. One of the other ones that I have was your breaks. You said
21 you have a break when you get to your final destination before you
22 turn back and --

23 A. Right.

24 Q. -- some of them are 15 minutes, some of them are -- have you
25 had it where you're turning around without a break?

1 A. Not -- it could be a quick restroom break. But, yeah,
2 sometimes when you don't get an increment, whatever the set break
3 time is, they compensate you. They call what they give you as a
4 missed break, and you get a certain amount of time on your check
5 for missing that. It happens. It's not all the time, but it
6 happens.

7 Q. And the final one I have, and I promise it will be a final
8 one. You made a statement that the reason when you have your
9 headset on --

10 A. Yes.

11 Q. -- that you have an earpiece for the radio.

12 A. Yes, I do.

13 Q. Explain that for me.

14 A. Can I show you?

15 Q. Sure. I'm good.

16 A. So for me, well, and I --

17 Q. And the reason I'm asking that is does it hook to -- is it --

18 A. It's part of the radio. So it's --

19 Q. Handset radio, one of the --

20 A. So the district gives us just the radio. They provide you
21 this because this is an important part of your mainline gear.

22 Q. Correct.

23 A. You can buy this. This is additional. You have to buy this
24 on your own. They don't supply it, unfortunately, but so I bought
25 this. And then from this, what it allows you to do like many

1 police officers do is they -- you can plug in an earpiece. So the
2 voices don't -- or the radio doesn't come out of the mouthpiece,
3 but it comes out of the earpiece so you can hear it without
4 everybody else listening to it.

5 Q. Great. Okay. Yeah. I wasn't sure if it's hooked to your
6 handset or if it --

7 A. Oh, it goes to the handset, yes.

8 Q. -- or if it hooked to the actual -- that's why I was curious.

9 A. Yeah.

10 Q. That's why, that's why I went there (indiscernible) had me
11 going on that. Let me make sure I -- that was the last one. The
12 other ones I had were answered. Thank you very much.

13 A. Okay.

14 Q. I appreciate --

15 MR. HUNT: Jessie Hunt from ATU.

16 BY MR. HUNT:

17 Q. Just a couple questions, Keith. Thanks very much. You're
18 doing great.

19 A. Okay.

20 Q. I just wanted to get a couple little clarifying questions. I
21 think that the shift information got clarified there. When you
22 were asked earlier about where your hands were, you mentioned your
23 right hand being at the stop button, and I saw your left hand down
24 here. Where's that left hand normally for you?

25 A. It depends. Usually on the console. It's like it's -- the

1 most important thing is to cover the emergency stop button.

2 Q. Is there something that you're normally doing on the way in
3 to the platform with that other hand?

4 A. It's ready to -- you're ready to turn the radio on -- to turn
5 the PA system on so you can make that announcement.

6 MR. HUNT: That's all.

7 MR. BUSTAMANTE: Bernardo Bustamante, Federal Transit
8 Administration.

9 BY MR. BUSTAMANTE:

10 Q. Thank you for being here. A couple of follow-up questions.
11 Can you tell me a little more about -- I know the dwell time kind
12 of changes from station-to-station --

13 A. Yes.

14 Q. -- on different frequencies. Can you tell me what was your
15 dwell time during --

16 A. That I don't know. That's controlled by our central, what
17 they call central. If the trains are running too fast, sometimes
18 they extend them. If you're running late, they shorten them. So
19 there was a train in front of me. I mean, if -- but I don't -- I
20 can't tell you exactly what the dwell seconds were for that.

21 Q. Okay. Now, when you were at Powell Station you talk about
22 that you look at the ET lights, the exterior trouble lights to
23 make sure that the lights are off.

24 A. Yes.

25 Q. And so when you were looking at that, you didn't see

1 passengers or anything that was --

2 A. No, nothing, nothing abnormal. There was no lights, no.

3 Q. Okay. And part of the -- just for your information, we at
4 the Federal Transit Administration (indiscernible) agencies, but
5 we also do safety oversight. And from our perspective I can see
6 what other transit agencies, how they perform the operations and
7 so forth. So going back to some of the safety improvements that
8 we can do in the future, would it be helpful for you to have an
9 assistant or co-conductor? On some systems they do have that.

10 A. Oh, you mean doubling the train? If we had enough operators,
11 that would be a wonderful idea just because, but in reality, I
12 don't know --

13 Q. Right.

14 A. -- if that would be --

15 Q. That way somebody can concentrate on --

16 A. It would be more useful to have somebody on the platform, you
17 know, like a station, a box, a station agent box or something. I
18 know it's kind of windy and stuff down there especially on the
19 downtown but --

20 Q. Right.

21 A. But to that answer, if you had another operator on, it would,
22 it would help, sure, sure.

23 Q. Another operator or somebody assisting you --

24 A. Sure. Especially if there's trouble on the train, you know,
25 can always help you isolate problems.

1 MR. BUSTAMANTE: Okay. That's all I have. Thank you.

2 MR. HOEPF: Thanks. Mike Hoepf, NTSB.

3 BY MR. HOEPF:

4 Q. Keith, you're doing great. We are definitely getting close
5 to the end of our --

6 A. Okay, yeah. Made it around the table --

7 (Crosstalk)

8 A. Ryan was the toughest one. This guy has the most questions.
9 So but thank you for putting -- anyways, go ahead.

10 Q. Oh, no, no. I was just going to see if you need -- you want
11 to take a break or anything? It's totally up to you. The second
12 round is definitely not going to be as long, but still --

13 A. Yeah. I'd rather just go through -- I would just drive
14 through it because, you know, I don't want -- everybody wants to
15 go. I understand.

16 UNIDENTIFIED SPEAKER: Look at the guy at the other end of
17 the table.

18 MR. PALMER: Yeah, you want to let it go, yeah.

19 UNIDENTIFIED SPEAKER: Take a break.

20 MR. PALMER: I want to take a break. Let's take a break.

21 UNIDENTIFIED SPEAKER: All right, let's take a break.

22 UNIDENTIFIED SPEAKER: We'll take a quick break.

23 UNIDENTIFIED SPEAKER: Let's take a break.

24 (Off the record.)

25 (On the record.)

1 BY MR. HOEPF:

2 Q. All right, Keith, so, you know, a lot of these questions have
3 already been asked, but I just want to talk a little bit, and
4 apologize. It's going to be kind of bouncing around here.

5 A. No worries.

6 Q. Let's try to build your -- we talked about fatigue. And I
7 think, so, how were you feeling on the day of the accident?

8 A. That day I was feeling pretty good. I was, you know, ready
9 to do the last loop and go home, and it's -- yeah, I was feeling
10 great.

11 Q. Yeah. Okay. And I think you said you're in pretty good
12 health.

13 A. I try to keep, I try to keep an exercise regimen and eat
14 well.

15 Q. Yeah.

16 A. Balanced diet. I try to.

17 Q. Yeah. So on the morning of the accident, you had started
18 your -- you went in at 6:45?

19 A. Early start, yes.

20 Q. Okay. And then how long did it take to get to work from your
21 house?

22 A. Oh, three exits. It's 13 minutes, 13, between 13 and 17
23 minutes. It's awesome.

24 Q. Oh, okay. So you were -- you felt well rested and --

25 A. Absolutely.

- 1 Q. Okay.
- 2 A. Yeah. Even ate a little -- yeah, I had something to eat that
3 morning.
- 4 Q. Okay. And so the accident, what time did the accident
5 happen? Well, I guess --
- 6 A. It's --
- 7 (Crosstalk)
- 8 A. I dispatched at 3:06, and probably 3:20, 3:30 maybe, I would
9 expect.
- 10 Q. Right. And so, okay. So I think we said the accident's on
11 September 13th. September 12th, I think you said you usually go
12 to bed around 7 or 8, and get up around 4:30 or 5; is that right?
- 13 A. Depends on the shift, but I'm usually an early riser, yeah.
- 14 Q. Okay. Morning person. Okay.
- 15 A. Yes.
- 16 Q. And then so let's talk about the -- so I guess the 12th was,
17 was that Sunday then?
- 18 A. The 12th was a Sunday, yes.
- 19 Q. Yeah. And can you just walk me through your notes, I guess,
20 of what you've got?
- 21 A. So the 12th, I don't know what time I started, but my first
22 train was at 7:49, and I took one -- so I started, the first train
23 was at 7:49, and I finished my last one was at 1:09.
- 24 Q. Okay. 1:09 p.m.?
- 25 A. Well, that's 1300 so that's p.m., yes.

1 Q. Okay. Yeah. I got you. And then do you know what you did
2 that night?

3 A. Sunday, what did I do? That was -- I don't remember what I
4 did on Sunday.

5 Q. I --

6 A. Sunday -- get on the -- yeah, I usually, if I get home early
7 afternoon, maybe water the garden and then -- I don't go anywhere.
8 I'm a homebody. So stay home, and then kids are home. So hang
9 out with them.

10 Q. Okay. I completely understand. It's difficult to remember
11 back several days.

12 A. Sunday, yeah. I didn't play golf. I know that. Because I
13 was working but --

14 Q. Yeah.

15 A. -- usually Sunday is my golf day.

16 Q. Oh, okay. Sorry you missed your golf day. How about
17 Saturday? Do you remember Saturday or --

18 A. Saturday going back one more. I was another early start. So
19 not early start, but my first train was 5:25 in the morning, and
20 it looks like -- I got off pretty early. 11:18 was my last train.

21 Q. Okay. Sounds good.

22 A. That's why I like to start early because you finish early,
23 and you have some of the day, and you can get to bed early. I get
24 to bed early. I have like old man hours, after dinner. The kids
25 are already being trained. I go to bed early so --

1 Q. Yeah. I understand. So it sounds like you've been -- you
2 were able to kind of maintain a routine then where you --

3 A. Absolutely. Yeah --

4 (Crosstalk)

5 Q. -- work in the morning and then --

6 A. -- I've been blessed that way, yes, that --

7 Q. Okay.

8 A. And that was the reason that I took this shift specifically a
9 10 o'clock shift because there is a -- I can start early, but it's
10 not that early, if it's available.

11 Q. Okay. And then do you recall any activity Saturday night?
12 Do you think you went to bed around the usual time; woke up on
13 Sunday around the usual time or?

14 A. Yeah. It's like Saturday there's nothing really going on
15 around the Palmer household these days.

16 Q. Okay. And then how about Friday? Do you remember anything
17 in your notes on Friday?

18 A. Friday was another early start. First train was 5:19. I
19 finished the day at 12:15. I don't know what -- I finished my day
20 then. I don't know what time they released me. So you'd have to
21 look at my calendar. But Friday, I don't think we -- Friday, no,
22 I don't think we went to dinner or nothing. No.

23 Q. Okay. Yeah, and you know we'll -- we can obviously look at
24 your work records.

25 A. Oh, yeah.

1 Q. The main thing from talking to you we were kind of just, you
2 know, do you recall? I mean, I know you said you don't drink. So
3 it doesn't sound like --

4 A. Like I had a wild party or whatnot?

5 Q. Yeah, like --

6 (Crosstalk)

7 Q. -- wild expeditions or anything?

8 A. No, not really. I mean, I do remember yesterday since I had
9 a day off, I worked on the car, which was kind of nice. But, no,
10 during the week when I, when we work, when I work, I told the
11 family to slow it down and work, and days off we can have some
12 time together.

13 Q. Yeah. No. It sounds good. It sounds like you're really
14 good at managing your fatigue. So that's great. So while we're
15 in this kind of bucket, let me just ask you some issues again.
16 These are just standard questions. Were you drinking or at the
17 time of the accident, the day of the accident?

18 A. Not at all. I don't drink.

19 Q. Okay.

20 A. Drink water but --

21 Q. Okay. Using any drugs --

22 A. No drugs.

23 Q. -- prescription or otherwise that might have impacted your
24 performance?

25 A. I haven't taken any outside of vitamins. I take

1 multivitamins, but none -- I don't even take aspirin. I have no
2 need to right now.

3 Q. Okay. Great. Thanks. Like I said, just standard questions.
4 Were you using any personal electronic devices at the time at the
5 --

6 A. No.

7 Q. Well, I guess you were using your -- you were talking about
8 the radio configuration.

9 A. I don't consider that --

10 Q. Right. That's not a personal --

11 A. -- that's work -- I would say that's work, yeah, that's a
12 work radio.

13 Q. Right. Right. That's a work radio. Okay. Sounds good.
14 Okay. And then I just want to say so you, so regarding the
15 division, you know, you said you had the -- the last assessment
16 was on -- was in 2019, and then you got your reading glasses.

17 A. Right.

18 Q. But so your distance vision is as far as you know --

19 A. Is good.

20 Q. Is good?

21 A. Yeah. I've never worn glasses my whole life. I've got good
22 far vision. Just recently learning that near vision diminishes
23 after 40. I made it to 50 without getting readers, which I bought
24 according to doctor I talked to just in passing he said that's a
25 -- about 10 years, but, yeah, says over the -- farsighted people

1 get -- need readers when they get older.

2 Q. Right, right. So but so as far as your -- you don't wear
3 contacts or anything?

4 A. No.

5 Q. I mean, your distance vision is still, is still good, and do
6 you feel like you've noticed any issues with your vision lately or
7 anything or has it, has it dropped off? I mean, I think you said
8 you -- it's been a couple of years then since you've had an
9 assessment so, I mean --

10 A. Yeah. It's been a couple years. I mean, no, but it's like
11 Rob was saying, like reading with the readers more light helps.

12 Q. Yeah. Okay. More light helps. Okay.

13 A. Yeah, when, you know, reading books and stuff. Outside of
14 that, it's been good.

15 Q. Has that been something you noticed that over like as you've
16 gotten older has changed or just something in general?

17 A. I think just in -- not -- I think it's more when you get
18 older.

19 Q. Yeah.

20 A. Like, I've been blessed with good vision.

21 Q. Yeah.

22 A. My whole life. So for me I'm kind of still in denial with
23 the readers, but I do what I can without them.

24 Q. Yeah.

25 A. But, yeah, it's a thing of -- a part of growing --

1 Q. Absolutely, yeah, yeah, right.

2 A. -- of aging.

3 Q. I mean, I think it's just expected, yeah. My vision is
4 terrible. I can only imagine how many glasses I'm going to need
5 when I'm older. So let me just kind of go into kind of the meat
6 and potatoes of talking about this accident. So we're kind of
7 going after memory here, but it seems to me, and I don't want to
8 speculate, and I don't want you to speculate, but at Powell Street
9 you didn't even know anything had happened, right?

10 A. No, I did not.

11 Q. So, I mean, it doesn't seem to me there would be any reason
12 that you would have any flashbulb memory of departing or --
13 there's probably nothing significant about, you know, Powell
14 Street station in your mind.

15 A. Outside the shoes that I noticed coming in the platform, no.

16 Q. Yeah. I mean, I'm just -- you wouldn't have any reason to
17 remember that specifically because you weren't aware that anything
18 had happened. I guess I'm just trying to say that you've stopped
19 at a lot of stops, you know --

20 A. Oh, yeah, no, and it's --

21 Q. -- any given day and, like --

22 A. It can be -- it's repetitious. But, yeah, no, I didn't know
23 anything until like I said West Oakland when they stopped me and
24 took me out of service.

25 Q. Yeah. And that was how many, how many minutes later do you

1 think that was?

2 A. Well, let's see. It's from Powell we got Montgomery. We got
3 two stations, right? And you have -- times I've been through the
4 tube, the Transbay tube -- four and a half minutes through the
5 tube. So I would say got two stations, maybe that's at least you
6 got five, maybe 10 minutes before I got to west Oakland.

7 Q. Okay.

8 A. Or maybe more, depending on how long --

9 Q. Right.

10 A. -- cycles are at the two stations. But, yeah, I'd say 10
11 minutes at least.

12 Q. Yeah. Yeah. I guess, what I'm saying is, you know, in the
13 formation of (indiscernible) if there was nothing -- you
14 remembered the shoes, you know.

15 A. Right.

16 Q. So tell me about the shoes actually. What -- I think I lost
17 what you were saying there. They were -- you saw just a pair of
18 shoes that were what, sitting on the platform that were --

19 A. They were near the yellow strip, and they were -- tell you
20 what type of shoes they were. They were low, low top white tennis
21 shoes.

22 Q. Okay.

23 A. It just, it just, for me it was, yeah, I just saw it. And
24 when you come in, it's like you don't really -- you see a variety
25 of stuff on the platforms, and you can see scooters, see garbage

1 cans. But it just happened to be there, and I noticed that. So
2 that's why.

3 Q. Yeah. So you happened to -- so you noticed that as you were
4 coming into --

5 A. Yes.

6 Q. -- the station?

7 A. Yes.

8 Q. You saw the -- do you know were they toward, I guess, you
9 know, kind of when you came in were they, were they there or were
10 they farther down in the platform?

11 A. Oh, no, no, no. When you -- first coming in, I can't tell
12 you exactly what car marker, but it was closer to the entering the
13 platform than --

14 Q. Yeah.

15 A. -- anywhere down. Yes.

16 Q. Okay. I mean, I -- not that I think that the shoes are
17 significant, but it's interesting that you remember that because
18 that's probably where your attention is generally directed is --

19 A. Yeah. Then, well, it made me extra -- just be extra aware of
20 looking down, and making sure the safety strip is clear.

21 Q. Yeah, yeah. So, and again, I understand you have limited
22 memory of this, but so what -- what do you see when you're coming
23 into Powell Street? How busy is the platform?

24 A. Like I said, that day was light. Afternoon was light. It
25 wasn't packed for sure, I mean.

1 Q. Yeah.

2 A. I would say -- I can't tell you. I can't speculate how many
3 people were -- that I picked up there.

4 Q. That's okay. That's okay. I understand. I understand. So
5 what do you typically see when you come into Powell Street? I
6 mean, how, you know, how close do people come to, you know, when
7 they're standing there? Do people ever stand on the yellow
8 tactile strip or are they pretty good about standing back from
9 that?

10 A. They're pretty good, but you'll get that individual that will
11 do that. Once in awhile you'll see they play a game or something.
12 You have to be careful about -- you normally if that is seen or --
13 it gets reported on central, and central will let you know,
14 proceed with caution when you're entering. They won't stop your
15 train, but they'll say proceed with caution. There's a report of
16 somebody on the yellow strip.

17 Q. And so you said there's nobody in those stations, I mean, at
18 --

19 A. It was clear. When I came in, it was --

20 Q. Sorry. I'm sorry. Let me -- I'm sorry. I meant to clarify.
21 You don't have any work -- you don't have any employees that are
22 monitoring the platform or anything? I mean, it's just the, just
23 the customers that are on the platform?

24 A. It's just the patrons that are on the platform generally
25 speaking.

1 Q. Okay. So it's really entirely up to you to see if it's
2 clear?

3 A. Well, it's part of what we've been trained to do. It's part
4 of the protocol when you -- as a train operator when you enter a
5 station --

6 Q. Right.

7 A. -- you're always checking for public safety.

8 Q. Oh, right, right. No, I understand that. I'm just kind of
9 looking to see from like a systems perspective is there any like
10 redundancies? Is there like any, like, you know, is there
11 somebody else there --

12 A. There is a --

13 (Crosstalk)

14 Q. -- is there --

15 A. -- station -- there's a station agent, but they're normally
16 upstairs. Or maybe a what do they call them, the people that do
17 the civil -- not civil service. It's the service people that do
18 the maintenance of, you know, cleaning up on the -- they may be
19 down there, but generally speaking there is no additional BART
20 staff on the platform.

21 Q. Okay. I think we were talking about safety recommendations.
22 Is that kind of what you're suggesting is that -- I mean, just the
23 potential --

24 A. Yeah. Like I say, I grew up in Asia and Japan specifically,
25 and having a booth or having somebody on the platform it helps.

1 Q. Yeah.

2 A. It does help.

3 Q. Just to kind of manage the --

4 A. Just the manager of the -- he can tell -- he can help, yeah,
5 he could -- yeah, I think it's a good idea.

6 Q. Yeah. I mean, it sounds like you've had some characters that
7 in your experience seeing people that perhaps some people have not
8 paid to enter the system, perhaps some homeless people, perhaps
9 some --

10 A. You should talk to other train operators. I just started
11 recently, you'll see every -- they tell me, and I thought they
12 were joking. You'll see everything on BART. And I was, like, I
13 don't believe you, but the things that you see on a daily basis
14 are -- not on a daily basis, but the things you do see, and you
15 see human behavior --

16 Q. Right.

17 A. -- it's interesting.

18 Q. Yeah. I mean, is that challenging for you as an operator? I
19 mean, is that frequent? I mean, do you, you know, do you find
20 this being a difficult part of your job to --

21 A. It's an unfortunate part of the job. Not for train operators
22 specifically because we're in the cab. I feel really sad for the
23 patrons, especially the paying patrons because they have to deal
24 with. They're in the car with whoever the -- may not -- shouldn't
25 be there. For us TOs, we see it, but we are, you know, we're in

1 our own cab.

2 Q. Yeah.

3 A. We're told not to leave anyway. So --

4 Q. Right. I assume you would just, you would report to -- would
5 you radio for help if there was like some kind of incident?

6 A. You would, yeah, you have to let Central know, and if it's
7 -- yeah, if it's an emergency you have to call -- you call
8 Central.

9 Q. Yeah.

10 A. And then they decide what to do.

11 Q. Yeah. Do people come on with dogs?

12 A. I've seen a lot of dogs on the platform.

13 Q. A lot?

14 A. Not a lot, but I see dogs, and they're random. They're not
15 -- you don't see any service jackets on them. You see a lot of
16 people that are unpaid patrons carrying these dogs. I think there
17 was an incident where a dog got swept off the platform recently.

18 Q. Can you tell me about that?

19 A. I don't know too much of the details, but somebody had a dog,
20 and it somehow got tangled up, and it was gone. So but, no, I see
21 -- talking about dogs, I do see a lot of dogs, yeah, I see dogs.
22 I seen them on -- I had one experience where I went to Big Point,
23 and the gentleman that was sitting right behind the cab, he was
24 homeless gentleman. He had his dog sitting there right there with
25 him on the seat.

- 1 Q. His dog was sitting with him?
- 2 A. Yeah. And he's dirty, and then it's -- it is what it is.
- 3 Q. Yeah.
- 4 A. And I see dogs on the platform. They're allowed. I've been
5 to the BART website, and I've seen, I've seen what they -- what's
6 written there. Companion dogs has a certain protocol. Service
7 dogs have a certain protocol, but you know, you really can't ask
8 -- I worked at the airport, and you really can't ask people what
9 their dogs are for really.
- 10 Q. Oh, okay. Interesting.
- 11 A. You know what I mean?
- 12 Q. So --
- 13 A. We have no control over that.
- 14 Q. Yeah. Well, I understand. You're trying to operate the
15 train.
- 16 A. Absolutely.
- 17 Q. So I mean I don't know that -- I mean, I don't think there's
18 an expectation on you to exit the train and confront --
- 19 A. Oh, no, no, no, no. That would have to be -- at the station
20 agent level.
- 21 Q. Okay. Have you ever called the station agent about dogs?
- 22 A. I don't think I've ever call the station agent. I don't even
23 know how to do that. No, I don't think I've ever called the
24 station agent.
- 25 Q. Okay. So are people -- is there training? Were you given

1 any training on what you're supposed to do with dogs with respect
2 to people and dogs?

3 A. I don't know if it's part of the curriculum.

4 Q. Okay.

5 A. I don't remember that.

6 Q. So it's not necessarily clear to you what you're supposed to
7 do in that situation?

8 A. No. We let it go. We haven't been told either way. I
9 haven't been told specifically what to do.

10 Q. Okay.

11 A. Can't stop them, and I don't -- what happens, what the
12 patrons do I really have no control. If they're bringing in a
13 dog, they bring in a dog.

14 Q. Yeah. I'm just trying to understand. I mean, it sounds like
15 there's been a prior incident with a dog getting swept
16 (verbatim) off the platform, and I -- people have the dogs, they
17 have a leash, you know, what happens when one person is on one
18 side, the other person is on the other. I mean, dogs,
19 particularly if they're not a service dog, they seem like they
20 could be kind of unpredictable. I'm just wondering has that, you
21 know, has that been your experience?

22 A. No.

23 Q. Has this been an issue you've had to deal with? Is this --

24 A. No. It's not my experience. Finding out details it seems to
25 be my experience now with this case, correct?

- 1 Q. Yeah, from preliminary information --
- 2 A. From what --
- 3 Q. -- and everything.
- 4 A. Right.
- 5 Q. So I'm just wondering. I guess what I'm trying to get at is
- 6 what, you know, what does that influence you as an operator? What
- 7 do you do?
- 8 A. What I do in case I see a dog?
- 9 Q. Well, I guess if you see --
- 10 A. Somebody with a dog?
- 11 Q. If you see somebody who are maybe having a hard time boarding
- 12 the train, you know, if there's some activity or commotion or
- 13 something like that. I'm just wondering. I'm just trying to get
- 14 an understanding of like is that something that typical or is that
- 15 uncommon?
- 16 A. It's uncommon.
- 17 Q. Yeah. So you --
- 18 A. Dogs get -- people get on with their dog, and take a seat.
- 19 That's end of story.
- 20 Q. Yeah. Okay. So this hasn't been something that's been on
- 21 your radar as --
- 22 A. Never.
- 23 Q. -- a concern? Okay. So I'm getting to the end of my
- 24 questions here. I mean, I'm just trying to understand. So you're
- 25 looking back. Walk me through one more time just your protocol of

1 when you're looking out the window, and you're looking behind you.

2 I think you said your attention is focused on the yellow strip.

3 So are you -- what are you looking for? Are you looking for just

4 like a foot to be, you know, like a contrast and like --

5 A. Looking for -- you're looking for a person or an objection,

6 something that's close to the train that could be in potential

7 danger. That's what you're looking for. You're hoping that --

8 you're looking to make sure that nothing is on there.

9 Q. Yeah. So what do you -- have you ever had somebody that

10 didn't, that missed the train that's running alongside the train?

11 A. No. They miss the train when the door closes, and they come

12 running. They come running down the stairs, and they're like,

13 they'll stop.

14 Q. Okay. But you've never seen somebody that was by the train

15 that was --

16 A. I personally haven't.

17 Q. Yeah. Okay. So when you're leaving, is the platform usually

18 just completely clear then? I mean, there's no, there's no

19 customers that are just on the platform still or --

20 A. Well, that's hard to say because when you do your look back

21 you close -- the train starts to move. That's when you get back

22 into -- you close the window, and you get back in -- because,

23 yeah, you can't, you can't -- you don't leave, you don't leave the

24 whole station and keep your head out the window. Do you know what

25 I mean?

1 Q. Well, this is going to be something else I was going to ask
2 you about. So how do you -- how long are you sticking your head
3 out the window? I mean, because, obviously, once the train starts
4 moving --

5 A. Well, you close the door, and you look down long enough to
6 make sure that that strip, that yellow strip is clear.

7 Q. Yeah. So how fast do you think the train is usually going
8 when you put your head back inside the window?

9 A. It generates its own speed. I kind of was thinking about
10 that today riding the train in. It starts off slow, but once all
11 the motors are moving it picks up speed pretty quickly.

12 Q. Yeah. So it's not a long period of time then that you're
13 leaving your head out the window looking once the train has
14 started to move. I mean, I guess, I guess what I'm trying to say
15 is, okay, so you, you're -- I'm just trying to -- I'm sorry. I'm
16 not being clear. But I'm really just trying to get a feel for
17 like what is, like what is your process? What's the, like, what
18 is going through your mind in terms of when you're looking back on
19 the platform?

20 A. I'm making sure that there's nothing close to the train when
21 I pull off the station.

22 Q. Right, right. And I'm wondering at what point do you usually
23 stop looking back behind you, and then -- so the train is -- is
24 the train always in motion or do you ever, you know, do you ever
25 put your head back inside the window before the train starts

1 moving? I mean, is it, is it always, is it the movement of the
2 train that sort of triggers you to pull your head back inside the
3 window? Does that make sense?

4 A. I don't understand the question. The protocol, what we're
5 trained to do is one to look back to make sure that the safety
6 strip or the yellow strip is clear until the doors close. And
7 then, then that's when we return, you know, we get into the cab,
8 return to your operator's seat.

9 Q. Yeah. Okay. I'm just -- if you had to -- okay. From the
10 time that the train starts moving, and your head is out the
11 window, how many seconds do you think your head is still out the
12 window while the train is moving?

13 A. I couldn't tell you.

14 Q. Okay. That's okay. Fair enough.

15 A. I can't tell you. And you probably ask any train operator,
16 they're not going to have a stopwatch that they're looking at
17 their watch. I'd say I don't, I don't know the answer to that
18 question.

19 Q. No. It's okay. It's okay. And I'm sorry. I know these are
20 difficult questions, and I'm just, I'm just trying to get a feel
21 for what that process looks like. So and, again, this is the
22 final time I'll ask you here because I know you've kind of covered
23 this, but Powell Street, I mean, your recollection is that there
24 was -- do you think you recall the platform being completely clear
25 of any people anywhere on the platform? If you don't -- do you

1 remember if there was anybody on the platform? Do you just
2 remember that the tactile strip appeared to be clear? What's your
3 best recollection of what you saw?

4 A. That the yellow strip was clear, and I didn't see anybody on
5 the other side of the tactile strip. I mean, looking down, it was
6 clear. The yellow strip was clear, and the white part just on the
7 other side of it was clear, and took off.

8 Q. Okay. And did you -- do you recall seeing anybody with a dog
9 on the platform when you pulled in?

10 A. No.

11 Q. Okay.

12 A. No dogs.

13 Q. Okay. Thank you very much, Keith. I'll take a look, and see
14 if I have any follow-up questions, but I think that's it for me.
15 So thank you.

16 MR. HOEPF: Ryan.

17 MR. FRIGO: All right, Mike, thank you.

18 Ryan Frigo, NTSB.

19 BY MR. FRIGO:

20 Q. Keith, I just, I've got two questions. So you mentioned that
21 you do drive to --

22 A. Drive to work, yes.

23 Q. You drive to work. So you have a driver's license?

24 A. Yes.

25 Q. Does your driver's license require corrective lenses?

1 A. No.

2 Q. Okay. And then I just want to go into one area where Mike
3 was kind of asking about what you might see on the platform as you
4 pull in, and how you might react to what you see. So if you see
5 an individual with a mobility device, let's say a power wheelchair
6 or something like that, if you notice that when you come into the
7 platform, are you trained to do anything differently when you do
8 your look back?

9 A. When you see a disabled person in a --

10 Q. Sure. Yeah.

11 A. I mean, you're always going to be extra, you know, you're
12 going to use -- proceed with more, probably proceed with more
13 caution, especially like electric vehicle, if it somehow -- I
14 don't know if it would engage or if the, you know. But to answer
15 your question it's not -- it's no. Because they don't tell you do
16 anything different when you see that.

17 Q. When you see that?

18 A. Yeah.

19 Q. Okay. And let me just expand that question. If you came
20 into a station, and let's say you saw one or two people who are --

21 A. On this trip?

22 Q. -- well, visually impaired with a -- with the white cane --

23 A. All right.

24 Q. -- would, I mean, would that trigger any different type of
25 response for you when --

1 A. When you're going past?

2 Q. No. When you -- after you berth and you're waiting for them
3 to get on.

4 A. Oh, oh.

5 Q. Like, if you notice someone --

6 A. If you notice like people with impaired vision getting on,
7 you mean like --

8 Q. Yeah. Just someone who --

9 A. Oh, yeah. You always -- what I do is I -- when they go in,
10 like I kind of take a mental note that I know that they're in
11 there in case of an emergency, like, you have to evacuate them
12 out. If they're in a wheelchair, you're going to want to know.
13 That gentleman in the wheelchair, he's like three cars back, and
14 he may require -- that's what they train us to do. And if there's
15 a visually impaired couple, it's like you got to be prepared for
16 an emergency, like, you know, you have to evacuate the train, that
17 you would know that certain cars have special needs.

18 Q. So it's something that you recognize as you're coming into
19 the station?

20 A. Yeah, you recognize disabled people, yeah, oh, yeah, yes,
21 yes.

22 Q. Okay.

23 A. That's part of the protocol.

24 Q. And, I mean, have you in your time as a train operator, have
25 you seen people -- you did, you mentioned like service dogs that

1 are marked and labeled as such.

2 A. Yes.

3 Q. Have you noticed those dogs in the system?

4 A. No.

5 Q. No?

6 A. No. I've never seen one.

7 Q. Okay. Have you seen one outside of the system just in your
8 normal day-to-day kind of life?

9 A. I don't know. Not around my neighborhood I don't have any
10 people have service dogs. They have regular dogs.

11 Q. But maybe at some point in time you remember seeing --

12 A. Oh, yeah, I see -- my niece is a vet tech so she had that
13 harness for her dog.

14 MR. FRIGO: Okay, that's all I have, Keith. Thank you.

15 MR. PALMER: Okay.

16 MR. AGUILERA: Roy Aguilera, BART.

17 BY MR. AGUILERA:

18 Q. So, Keith, got a couple questions. On the day of this
19 incident, were you carrying a PDE?

20 A. A PDE? Yes, I was.

21 Q. Okay. And for this run was it stowed and off for the entire
22 run?

23 A. It's stored, and generally I always store it turned off.

24 Q. Okay. For this run it was stowed and turned off for the
25 entire run?

1 A. To my best knowledge it was turned off.

2 Q. But it was stowed for the --

3 A. Oh, absolutely. It never comes out. And I usually, my habit
4 is when I come to work I turn it off for the duration of my -- so
5 nobody can contact me at work, unfortunately. Because I don't --
6 I'm old school. I'm not very savvy with all this phone stuff.
7 So, yes, I normally turn it off.

8 Q. Okay. Just to make it clear on departure when you active the
9 door close button, and the look back procedure, you're not
10 sticking your head back into the cab as the doors close, correct?

11 A. No. Of course not. You've got to make sure that the doors
12 are closed.

13 Q. Okay. So now the doors are closed, and you feel movement.
14 Does that trigger you going back into the cab?

15 A. It's kind of not trigger you, but it tells, it tells you that
16 you see the doors close, all the ETL lights go out, and train
17 starts beginning move, that's when you close the door and return
18 to the operator's seat.

19 Q. Okay. And as the train is making that movement, you're
20 making an assessment as you're departing. What assessment are you
21 making?

22 A. That there is no -- there is nothing close to the train.
23 That safety strip is clear, and I'm good, you know, the safety
24 thing is clear. Nothing's going to interrupt, you know, nothing
25 is going to -- nothing is hanging out. The train is safe to

1 depart from the station. That's my assessment.

2 Q. And you're making an assessment on -- in one direction or
3 both directions?

4 A. Assessment meaning?

5 Q. The look back procedure, does it just require you to look
6 back?

7 A. No. It's back and forward, yeah, it is an assessment on
8 both. You have to make sure that there's no obstruction or
9 anybody in the track way ahead of you as well.

10 Q. So you would say that would take a few seconds for that to
11 happen for the train's moving, you're making an assessment here,
12 an assessment there?

13 A. Yeah, absolutely.

14 Q. So it would be a few seconds?

15 A. I can't tell you in terms of in actual seconds, but you're
16 going to turn your head, yes.

17 Q. Okay.

18 A. You are.

19 Q. So I just want to kind of --

20 A. Yeah.

21 Q. -- get that understanding. Thank you very much.

22 A. Okay.

23 MR. BORER: Mike Borer, CPUC again.

24 BY MR. BORER:

25 Q. Just two quick questions. I'm just going to hit on Roy's

1 thing a little bit because I think the thing about you putting
2 your head inside, if you didn't, what's your chances of in a
3 tunnel to --

4 A. Oh, you would -- the clearances are tight. You have to be
5 really careful even aspects. Even opening the door, yeah, they're
6 tight. Don't stick your head, don't even stick your fingers out
7 because you could lose them.

8 Q. I had to help you out a little bit.

9 A. Oh, yeah.

10 Q. I was just waiting for that to come out on you because --

11 A. Oh, yeah, no, the tunnels are tight. They're tight. I guess
12 all railway systems are. You can't, you cannot -- I don't know
13 anybody that sticks their head out when they're leaving, they're
14 leaving the platform or out on the -- I've never it.

15 Q. Okay. So one other follow-up, and it's about the lights on
16 the cars. So your statement was you look back when the doors
17 close the lights all go off. If they --

18 A. The ETLs, yes.

19 Q. -- don't, then you can't move?

20 A. No. The train doesn't move.

21 Q. Right. That's what I'm saying.

22 A. That's a safety feature on the train.

23 Q. The train won't move.

24 A. Um-hmm.

25 Q. So what is your procedure if a light does stay on?

- 1 A. If a light, open door, open door situation?
- 2 Q. So let me give an example. So say --
- 3 A. Well, what's the --
- 4 Q. I'm getting ready to go in the door, right?
- 5 A. Okay.
- 6 Q. All the doors have closed, but I hit this one door, and
- 7 recycles itself.
- 8 A. It doesn't recycle. It closes on you, and depending on what
- 9 you do. If you -- they don't bounce back from my --
- 10 Q. They better.
- 11 A. Do they? They better, they bounce back? Well, anyways, they
- 12 -- if you go -- you're saying you're trying to get in or out?
- 13 Q. Yeah.
- 14 A. So what's the scenario?
- 15 Q. So what I'm saying is if I was going in there --
- 16 A. Right.
- 17 Q. -- and it starts to close --
- 18 A. Okay. Yeah, okay.
- 19 Q. (Indiscernible) on the newer fleet it will open a certain
- 20 amount.
- 21 A. So, yeah, yeah.
- 22 Q. And then it will go through a cycle.
- 23 A. Yes.
- 24 Q. For you, so say the one gets -- a light stayed on. Would
- 25 your procedure tell you to wait a few seconds, and reset the

1 button again or at that point because you can't move the train, do
2 you call dispatch or the --

3 A. Well, the procedure is they do what they call -- if you,
4 after you have an automatic door cycle, a ATO door cycle, you can
5 try to clear it. They call it clear it from the cab or you can
6 cycle the door on the side that the light's on, and yard manual
7 -- and then yard, which is you can manually open the doors, making
8 sure that you're opening them on the platform side. Try to clear
9 it. There might, if there's a ball or something that's in there,
10 kind of kick it out. If that doesn't work, you have to call
11 Central.

12 Q. For just this purpose of me asking the question. So say it
13 doesn't clear the second time you push it, is your job to go back
14 and check or do you wait for a station agent or somebody --

15 A. No. Central tells you everything. They tell you what to do.

16 MR. BORER: Okay. Thank you. That was it.

17 MR. HUNT: Jessie Hunt, ATU.

18 BY MR. HUNT:

19 Q. You mentioned that you had tail lights up in front of you,
20 another train up in front?

21 A. I remember red lights in front of, yeah, red tail lights in
22 front.

23 Q. I'm just wondering if when you were specifically at Powell
24 Street during your look back do you happen to recall if you had a
25 following close enough that --

1 A. I think there was headlights. I saw some -- it was -- you
2 could tell there's some headlights. I'd say yes, yes, train
3 behind me.

4 MR. HUNT: That's all.

5 MR. BUSTAMANTE: Bernardo Bustamante, FTA.

6 BY MR. BUSTAMANTE:

7 Q. A quick follow-up. So part of your procedure when you're
8 about to leave the station based on your experience have you used
9 that you look back and make sure the platform is clear --

10 A. Uh-huh.

11 Q. -- but if it's not clear, how do you use -- like the
12 emergency stop button?

13 A. Yeah. You have to use the emergency stop button to stop the
14 car or stop the train.

15 Q. Okay. And that's just as soon as you look over the window
16 and then --

17 A. If you see something, you see something, yeah. You're
18 trained to use it. That's the only thing that a train operator
19 can do because it runs automatic to stop the train, yes.

20 Q. Okay. It was more of a clarification. Thank you.

21 MR. HOEPF: Okay. Thanks. Mike, NTSB.

22 BY MR. HOEPF:

23 Q. Almost done. I just kind of want to touch on this really
24 quick. The lights, okay. You said those were on the -- the
25 lights that indicate that -- tell me how these work again?

1 A. The ETLs?

2 Q. Yeah.

3 A. So when the doors are open, they light up. They're lit.
4 When they close, they turn off. And the other thing for the ETLs
5 is if there's a problem with that car, they'll light up. It's a
6 quick indication that you can kind of identify a troubled car.

7 Q. Okay. I got you. And so and that's --

8 A. That has nothing to do with -- maybe not a door problem. If
9 it had a brake problem that light will come on. It will tell, oh,
10 that car has a problem.

11 Q. Okay.

12 A. So you can identify it quickly.

13 Q. I got you. And so do you reference, I mean, do you look at
14 those lights frequently? I mean, is that something that you
15 typically kind of pay attention to?

16 A. Personally?

17 Q. Yeah.

18 A. After I, yeah, after the yellow strip's clear, I make sure
19 that all the lights go off, definitely.

20 Q. Okay. Have you ever had a situation where they didn't go
21 off?

22 A. They do. It's like -- sometimes people last minute they'll
23 get in. They'll get in, and the doors don't close all the way,
24 and then when they do, it will close, and it goes off, and then
25 the train takes off.

1 Q. Okay. So but you've never had to use the emergency stop
2 button yourself?

3 A. At a platform have I? I have. When you get run-throughs or
4 something like that, other situations. You stop because the train
5 automatically doesn't stop correctly, and it starts to go past
6 where you want it to stop, you'll have to hit stop button. I've
7 used the stop button in platforms before.

8 Q. Oh, okay. I got you. But never in a situation where because
9 the door is not closing -- or I'm sorry -- never because you
10 thought somebody had not managed to board the train successfully?

11 A. Oh, no. Personally, no.

12 Q. Yeah. Okay. Let me -- so let me just, just to understand
13 this real quick. So the entire process is automated, right? I
14 mean, except for the one button you're pushing is the door close
15 button?

16 A. Yes.

17 Q. Okay. And then just generally what is your experience on
18 when you push that? Is that -- do you usually push that basically
19 immediately after your -- the queue that the -- of the time has
20 allotted for the boarding process to complete or do you usually
21 --

22 A. What is --

23 Q. Can you walk me through, like --

24 A. Oh, no. Well, I can't answer that definitively because every
25 situation is different. If you're running late you -- sometimes

1 you'll press it. You'll -- soon as you get it, you got to go,
2 right? So you want, you know, sometimes when it's a little bit
3 longer, than you have to wait until the alerts to close the door.

4 Q. Yeah.

5 A. Right.

6 Q. I guess what I'm saying is usually do you hear the alert, and
7 then push the button or is there a lot -- are there sometimes when
8 you have a delay --

9 A. Personally, no. I let it -- I let the loader go, and, you
10 know, because I'm more conscientious for the passengers because I
11 want to make sure that they, you know, if they're getting on, you
12 know, somebody wants to get on or get off just be patient with it.
13 It's not like it's -- it's not a quick as soon as it goes you hit
14 it. That's not the case.

15 Q. Okay.

16 A. For me personally. I'm not -- I can't tell you, I can't say
17 that for everybody, but for me personally. Rings a little bit,
18 you look, make sure everything is good to go, clear, and then you
19 close it.

20 Q. Okay. So your process is more look to make sure everybody
21 successfully boards the train, and then you push the --

22 A. Yeah, absolutely. Make sure it's -- yeah. For me the
23 paramount thing is that the train departs safely.

24 Q. Yeah, yeah, okay. I got you. And last question for you. So
25 do you feel comfortable that you can see the entire length of the

1 train, and are you -- do you feel confident that you can see all
2 the way even all the way back to that rear train?

3 A. 700 feet?

4 Q. Yeah.

5 A. I mean, yeah. Well lit, you can see -- I can see all the way
6 down to that, sure.

7 Q. You feel comfortable with that?

8 A. I feel comfortable, absolutely.

9 MR. HOEPF: All right. Thank you so much, Keith.

10 MR. FRIGO: All right, Keith, we usually close these things
11 out with asking you about your ideas of suggestions to improve
12 safety, but you already did that earlier with --

13 MR. PALMER: I don't think you have enough tape on the
14 machine.

15 MR. FRIGO: Exactly. So I think we'll just close it out by
16 saying thank you for helping us understand a little bit more about
17 what happened on the 13th, and if you need anything additional or
18 if you want so share any additional information, Mike and I will
19 give you our contact information, and don't hesitate to contact
20 us. But thank you again.

21 And with that, we will go off the record.

22 (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: BART TRAIN PASSENGER FATALITY
 IN SAN FRANCISCO, CALIFORNIA
 ON SEPTEMBER 13, 2021
 Interview of Keith Palmer

ACCIDENT NO.: RRD21LR015

PLACE: Oakland, California

DATE: September 15, 2021

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.



Katherine Motley
Transcriber