



I, Todd Kropilak, have read the foregoing pages of a copy of my interview that was held on August 2, 2023. These pages constitute a true and accurate transcription of same except for the following amendments, additions, deletions or corrections:

<u>PAGE NO:</u>	<u>LINE NO:</u>	<u>CHANGE AND REASON FOR CHANGE:</u>
<u>7</u>	<u>5</u>	<u>(indiscernible) to Fixed Guideway</u>
<u>8</u>	<u>8</u>	<u>--9 to 2019</u>
<u>8</u>	<u>8</u>	<u>(second) -- to month</u>
<u>11</u>	<u>4</u>	<u>training to triennial</u>
<u>13</u>	<u>14</u>	<u>TSSB to TSSP</u>
<u>20</u>	<u>3</u>	<u>FFRS to FFRs</u>
<u>20</u>	<u>15</u>	<u>a trust to treated</u>

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

Date: 9/28/23

Witness: 



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<u>PAGE NO:</u>	<u>LINE NO:</u>	<u>CHANGE AND REASON FOR CHANGE:</u>
<u>23</u>	<u>2</u>	<u>-- to reasons</u>
<u>26</u>	<u>2</u>	<u>NOB to NOV</u>
<u>28</u>	<u>18</u>	<u>graft to Craft</u>
<u>30</u>	<u>5</u>	<u>BTGA-- to PTASP</u>
<u> </u>	<u> </u>	<u> </u>
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I declare that I have read my statements and that it is true and correct subject to any changes in the form or substance entered here.

Date: 9/28/23

Witness: 

UNITED STATES OF AMERICA

NATIONAL TRANSPORTATION SAFETY BOARD

\* \* \* \* \*

Investigation of:

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FATAL PATCO TRAIN ACCIDENT ON  
THE BENJAMIN FRANKLIN BRIDGE  
NEAR CAMDEN, NEW JERSEY ON  
OCTOBER 14, 2022

Accident No.: RRD23FR001

\* \* \* \* \*

Interview of: TODD KROPILAK, Project Manager, Aeronautics  
NJDOT State Safety Oversight

Cherry Hill, New Jersey

Wednesday,  
August 2, 2023

APPEARANCES:

MATT THOMPSON, Investigator in Charge  
National Transportation Safety Board

MICHAEL BACHMEIER, Operations Group Chairman  
National Transportation Safety Board

TROY LLOYD, Railroad Accident Investigator  
National Transportation Safety Board

ROBERT FINNEGAN, Chief Security and Safety Officer  
Delaware River Port Authority

TODD KRAHOLIK, Accident Investigator  
National Transportation Safety Board

DANA SANZO, Branch Chief  
National Transportation Safety Board

PHILIP HERBERT, Accident Investigator  
Federal Transit Administration

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I N T E R V I E W

1  
2 MR. THOMPSON: My name is Matt Thompson. I'm the NTSB  
3 investigator in charge for this accident. We're here today, on  
4 August 2, 2023, at Cherry Hill, New Jersey, to conduct an  
5 interview with Todd Kropilak? Is that pronounced right?

6 MR. KROPILAK: Kropilak.

7 MR. THOMPSON: Kropilak. I'm sorry.

8 MR. KROPILAK: That's fine.

9 MR. THOMPSON: Who works for New Jersey DOT; is that right?  
10 DOT?

11 MR. KROPILAK: That's correct.

12 MR. THOMPSON: Okay. This interview is in conjunction with  
13 NTSB's investigation for Camden, New Jersey, the accident on the  
14 Ben Franklin Bridge. The NTSB accident reference number is  
15 RRD23FR001. The purpose of this investigation is to increase  
16 safety, not assign fault, blame, or liability.

17 Before we begin our interview, Chris, let's go around the  
18 table and introduce ourselves. Spell your last name; and if  
19 you're representing someone, who you're representing; and your  
20 title. I'd like to remind everybody to speak clearly so we can  
21 get an accurate recording. I'll start off, then pass it to my  
22 right. Again, my name is Matt Thompson; spelling of my last name,  
23 T-H-O-M-P-S-O-N; and I'm the NTSB IIC for this accident. And go  
24 ahead.

25 MR. BACHMEIER: Michael Bachmeier, B-A-C-H-M-E-I-E-R, NTSB

1 ops.

2 MR. LLOYD: Good morning. My name is Troy Lloyd. The  
3 spelling of my last name is L-L-O-Y-D. I'm with the NTSB, and I'm  
4 a railroad accident investigator.

5 MR. FINNEGAN: Robert Finnegan, F-I-N-N-E-G-I-N. I'm chief  
6 security and safety officer for the DRPA.

7 MR. KROPILAK: Todd Kropilak, K-R-O-P, as in Peter, I-L-A-K.  
8 I'm the program manager for NJDOT State Safety Oversight.

9 MR. KRAHOLIK: Todd Kraholik, K-R-A-H-O-L-I-K, NTSP accident  
10 investigator.

11 MS. SANZO: Dana Sanzo, S-A-N-Z-O, branch chief with NTSB.

12 MR. THOMPSON: Okay. This is Matt Thompson, T-H-O-M-P-S-O-N.  
13 Todd, do you understand these transcripts will be part of a public  
14 docket, and as such, we cannot guarantee confidentiality?

15 MR. KROPILAK: (No audible response.)

16 MR. THOMPSON: And that, as discussed, we will email you a  
17 copy of the transcripts. You can go through, and if there's any  
18 corrections, you can send it back to me. If everything's good,  
19 then we'll just put that in Kiteworks, and they'll end up in the  
20 docket.

21 MR. KROPILAK: Okay.

22 INTERVIEW OF TODD KROPILAK

23 BY MR. THOMPSON:

24 Q. Okay. Can you go through a little bit about your work  
25 history, a little synopsis, how long you've been, where you were,

1 positions --

2 A. Sure.

3 Q. -- what you do?

4 MR. KROPILAK: I'd like to take this time first to talk  
5 about --

6 MR. THOMPSON: Yes.

7 MR. KROPILAK: -- representation for this meeting. The best  
8 way to probably do it is just, when I receive notification to  
9 come, I push that up the chain. So, I'm just going to read this  
10 email. It's called, time-sensitive NTSB interview of SSOA. I  
11 will redact names as I'm reading it.

12 I'm not sure if DK, who is our DAG, deputy attorney general,  
13 has had a chance to fill you in, but we received a response from  
14 the AG's office regarding representation in this matter. We were  
15 advised that there's an agreement between NJDOT and the NTSB that  
16 would prevent Todd from discussing any of the facts of this matter  
17 being investigated with DK. For that reason, they won't be having  
18 DK attend the actual interview with Todd, but DK will be available  
19 via Teams before tomorrow's meeting to answer any questions you  
20 may have. There may be some specific questions that he cannot  
21 answer due to the NJDOT/NTSB agreement, but he should be able to  
22 provide general guidance/advice.

23 So, I'm still under the contention that I should have  
24 representation in this meeting; however, the Attorney General's  
25 Office is saying it's unavailable.

1 MR. THOMPSON: Okay. I don't --

2 MR. KROPILAK: So, to answer your question, my civil service  
3 title is administrative analyst four. I work in the Office of  
4 aeronautics, federal and state safety programs. I've been in  
5 (indiscernible) since 2010 assisting at different levels. In  
6 January of '21, I became program manager.

7 MR. THOMPSON: Okay. It looks like I forgot to introduce  
8 Phil Herbert. He's on Teams. Phil, can you introduce yourself?

9 MR. HERBERT: Yeah. I tried to speak up, but I was on mute.

10 MR. THOMPSON: Oh, sorry.

11 MR. HERBERT: Yeah, so, my name is Phil Herbert,  
12 H-E-R-B-E-R-T. I'm with the Federal Transit Administration, and I  
13 am an accident investigator.

14 MR. THOMPSON: Okay. Thanks, Phil. Dana, would you like to  
15 start off?

16 MS. SANZO: Yes, thank you.

17 BY MS. SANZO:

18 Q. Would just like to start off, if we can ask you, just give us  
19 an overview of the State Safety Oversight program.

20 A. Okay. Staffing-wise? Is that --

21 Q. Staffing and steps in --

22 A. Well --

23 Q. -- providing oversight over --

24 A. Okay.

25 Q. -- PATCO, so just general.

1 A. Okay. So, we'll start with staffing. The office is  
2 comprised of three groups of people. We have State individuals,  
3 and we're also assisted by two treasury contracts. One treasury  
4 contract is for temporary employment services, and the other  
5 contract is specific to our program to provide technical  
6 expertise. The program has program standards associated to it,  
7 and the FTA audits the program on a three-year basis. We've had  
8 our last audit in -- 9? I don't have the --

9 Q. (Indiscernible).

10 A. Okay. And we've worked on closing out any corrective actions  
11 that were associated to that part.

12 Q. And if you'd describe the added process, what steps you would  
13 take to conduct that audit specifically with PATCO?

14 A. Oh, okay. So, for the PATCO audit, our PATCO audit was done  
15 in September of 2020. We used, at that point, State staff and  
16 contract staff to help conduct that audit. Part of our program  
17 standards, we have a checklist, so we go through the checklist  
18 doing interviews, talking to PATCO staff, and then we develop a  
19 report. And that report was issued in December of '20. At that  
20 point, there was 13 noncompliances and eight compliances with  
21 recommendations.

22 Q. Does the audit process include on-site observations?

23 A. Yes.

24 Q. And are there firsthand on-scene observations for Roadway  
25 Worker Protection program for PATCO?

1 A. I believe they're an allotted -- there's not an actual  
2 observation of work being done. We do observations throughout the  
3 year, so we use that as guidance during the audit process.

4 Q. And if you could discuss, we've talked about, as results of  
5 the audits, corrective action plans can be issued, and can you  
6 talk to the process of working through resolution of the  
7 corrective action plans?

8 A. Sure. We have a database where all corrective actions are  
9 listed, any updates that are happening, and we work off of that in  
10 trying to resolve corrective actions. At the time, we had one  
11 individual designated to work with PATCO on trying to resolve the  
12 corrective actions that were open, and we would discuss that in  
13 the monthly meetings.

14 Q. Okay. And that's the monthly meetings. Who would be part of  
15 those monthly meetings?

16 A. The CSO, the AE, and PATCO management. There'd be a listing  
17 of the open caps, and Dave would provide an update to how many  
18 were closed if they were closed for that month.

19 Q. Is there a State authority through laws or policies -- do you  
20 have ability to direct PATCO to make changes?

21 A. We would have them develop a cap to correct an issue.

22 MS. SANZO: Okay, thank you.

23 MR. THOMPSON: (Indiscernible).

24 MR. LLOYD: Okay. If you don't mind.

25 MR. THOMPSON: Okay.

1 MR. LLOYD: Troy Lloyd from the NTSB. Spelling of my last  
2 name's L-L-O-Y-D.

3 BY MR. LLOYD:

4 Q. Thanks, Todd, for being here. You know why we're here, the  
5 accident we had on the Ben Franklin Bridge. I'm just trying to  
6 grasp some more finding here, but what is a State Safety Oversight  
7 Agency? What is it? What's it do? What's it mean? What is it?

8 A. It works on behalf of the FTA --

9 Q. Okay.

10 A. -- to enforce regulations and provide oversight for the light  
11 rail systems in the state.

12 Q. So, you guys would work for the FTA as more of the regulatory  
13 efforts to the Part 674 --

14 A. Yes.

15 Q. -- stuff, right? And that gives you guys the authority to  
16 come in, do inspections, do audits, do whatever?

17 A. Correct.

18 Q. Visit worksites, whatever, right?

19 A. (No audible response.)

20 Q. Okay. Well, that said, what's the duties of the SSOA?  
21 What's the duties? Is it still to coincide with FTA? I mean, is  
22 the SSOA doing FTA's work?

23 A. We enforce the regulations --

24 Q. Okay.

25 A. -- that the FTA --

1 Q. Right.

2 A. -- has.

3 Q. Okay.

4 A. So, we conduct the training audits; we look at accident  
5 investigations; we provide that data into the SSOR system for the  
6 FTA, their database --

7 Q. Through the NTD, I guess, huh?

8 A. Well, that's separate. So, we provide an accounting of the  
9 information, we audit each system on a three-year-basis, and then  
10 we're audited by the FTA.

11 Q. Okay. And that audit's to make sure that you guys are doing  
12 the job that you're --

13 A. Our program --

14 Q. -- assigned --

15 A. -- standard, yes.

16 Q. The program standard?

17 A. Yes.

18 Q. Okay. With that said, what's an SSOA program standard? Is  
19 that something that's written in procedures, written in rules?

20 So, what's an SSOA program standard?

21 A. It's a program standard, and it's signed of by each system  
22 that they receive it, they've understood what's in it, and it's  
23 criteria that they have to abide by.

24 Q. Okay. So, what transit? So, you don't do FRA property. You  
25 just oversee State Safety Oversight transit regulated stuff, not

1 FRA, but just particularly FTA oversight, correct?

2 A. There's a slight overlap with FRA waivers that the systems  
3 may have. So, there's some FRA reporting that we get notified  
4 about and the FTA would get notified about.

5 Q. Okay. Now, what transit agencies do you guys have? Do you  
6 have the all in New Jersey that you're responsible for?

7 A. We have four systems: Newark Rail, River Line, Hudson-Bergen  
8 Light Rail. Those three are owned by New Jersey Transit. And  
9 then, PATCO.

10 Q. Okay. And how many people do you have to -- it's a big  
11 territory. How many people do you have under your authority to go  
12 out and do inspections, and audits, and things of that nature?

13 A. We were certified under seven FTEs, full-time equivalents.  
14 At that time, we were roughly a little over eight.

15 Q. Okay. Is that sufficient to actually cover the, I guess, the  
16 oversight duties that you guys are responsible for for -- like,  
17 you didn't mention five transit agencies.

18 A. That was the number the FTA certified us to, and we were  
19 exceeding that number.

20 Q. Okay. And a question you may not know, how does FTA out of  
21 DC know how many people you need to regulate five transit  
22 agencies?

23 A. Well, that was part of the certification process.

24 Q. Okay.

25 A. So, they looked at a workload assessment that we provided to

1 them.

2 Q. Pretty accurate?

3 A. It was their workload assessment.

4 Q. I mean, what I'm saying is, is it enough? Is it  
5 overwhelming? Is what you have to the number of people, is it  
6 enough? Do you need more to sufficiently oversee the agencies?

7 A. We've exceeded the number that they've certified us to.

8 Q. And your FTEs, what training do they go through to go out and  
9 be able to audit PATCO, go out and do right of way safety audits,  
10 train inspections, things like that?

11 A. So, each person has an individual training plan, an ITP, that  
12 gets started through the FTA. We track the classes that they  
13 take. And to be able to look at the accident investigations, you  
14 need the TSSB certificate, so that's tracked in the, again, in  
15 SSOR, the FTA database. And then, also, there's minimum standards  
16 that have to be reviewed and you have to be familiar with.

17 Q. Okay.

18 A. Which is tracked.

19 Q. Okay. How do you keep up with -- I'm sure it's different  
20 rules with PATCO, versus the Hudson-Bergen Line, versus the River  
21 Line. How do you keep up with different -- PATCO does it this  
22 way, this transit agency does it this way? It's not like FRA has  
23 a set of standards. How do you go by five --

24 A. Right. It's --

25 Q. -- different types of standards?

1 A. Four, four different rulebooks. When we go do an  
2 observation, part of the observation, if there's any kind of  
3 deficiency, we include the rule in that. So, I don't expect  
4 everybody to know every rule in every rulebook, so we would  
5 include that specific rule that we felt was in violation.

6 Q. Okay.

7 A. Yeah. So, the reviews are done collaboratively with multiple  
8 staff to help build their knowledge, and that's the process we  
9 use.

10 Q. Got you. So, what is a cap?

11 A. That's a corrective action plan.

12 Q. And what does that mean when it comes to an audit or a safety  
13 investigation, an accident investigation?

14 A. So, it --

15 Q. What is a CAP?

16 A. -- it tracks -- excuse me. It tracks when it was open, who's  
17 responsible, and the status of what's the goal; and then, when  
18 it's completed.

19 Q. Okay. Okay. So, it's like finding, whatever, and something  
20 like that. It's like a finding or something in your -- it's like  
21 something that they would have to provide you with what they've  
22 done to correct your --

23 A. Correct.

24 Q. -- corrective action.

25 A. Who's in charge of it on --

- 1 Q. Okay.
- 2 A. -- their side. And then, the time frame of when --
- 3 Q. Okay.
- 4 A. -- it should be accomplished.
- 5 Q. So, is the CAP the same as our -- I know you mentioned  
6 recommendation. Is that the same? Is a CAP the same as a  
7 recommendation?
- 8 A. No.
- 9 Q. So, what's the difference between the two?
- 10 A. For instance, we have a safety concern. Like, if we're doing  
11 an observation, it would be a safety concern, and that can be  
12 addressed either through a CAP, or it could be addressed on its  
13 own. And then, there's recommendations that we have that wouldn't  
14 necessarily be a CAP.
- 15 Q. Okay. Who does the CAPs or the recommendations go to?
- 16 A. For PATCO, it goes to the chief safety officer,  
17 Dave Fullerton, and the accountable executive.
- 18 Q. All right. And the accountable executive? And you said  
19 there's a time limit on correcting CAPs, or correcting  
20 recommendations, or --
- 21 A. There's --
- 22 Q. -- (indiscernible)?
- 23 A. There's got to be a time, an estimate time, put on there.
- 24 Q. Okay.
- 25 A. It can change with an appropriate explanation, depending on

1 the situation.

2 Q. So, what do you look for for a CAP or a recommendation that  
3 you give to PATCO or any other transit agency to get closing  
4 acceptable acts or a closing acceptable action? What do you look  
5 for? If you give PATCO a recommendation or a CAP, what things do  
6 you look for to successfully say, yeah, they're doing what they  
7 need to do, or --

8 A. Okay. It would be a picture. If it was a defect that we  
9 found, like a physical defect in a stairway or handrail, or it  
10 would be documentation if it was a plan that would have to be  
11 developed. That would come in as -- or it would be an  
12 observation. We would go have to look at it to confirm.

13 Q. Right. And any agencies that -- I mean, what happens if I  
14 don't agree with a CAP or a recommendation? So --

15 A. Yeah.

16 Q. -- how does a transit agency defend a CAP or a  
17 recommendation?

18 A. They would have an opportunity to explain their procedures or  
19 what they were doing and how that would be. That would suffice.

20 Q. Okay. Did you guys have any CAPs or findings for the  
21 accident that we're here discussing today?

22 A. Yes.

23 Q. Ben Franklin Bridge? Do you notice offhand how many CAPs, or  
24 were they CAPS or were they recommendations, or -- and do you know  
25 if they're close-acceptable or if some are still open?

1 A. So, after the event, we issued action items to PATCO. From  
2 those, there was five action items. Do you want me to go through  
3 them, or --

4 Q. Yeah, yeah. Let's have it on record, please. Yes.

5 A. Okay. So, one was to have a safety standdown with all PATCO  
6 personnel and reinforcing the RWP program. Number two was to  
7 perform the investigation and give us an update every 30 days of  
8 the status of that.

9 Number three was to develop and implement a corrective action  
10 plan for requirements of the RWP that addressed FTA  
11 recommendations, so that was, the roadway workers were not  
12 permitted to enter the right of way without PATCO representation.  
13 Safety briefings cannot be delegated, and are required to be  
14 completed by the EIC, and PATCO EIC flag persons on right of way  
15 must have a radio. So, that was three.

16 Number four was, submit the job safety briefing forms for  
17 contracted work identified for the previous 45 days for review.  
18 And number five dealt with meetings and monitoring activities.  
19 So --

20 Q. So, you provide the CAP. It provides you, this is what we're  
21 doing, and the person putting -- have you guys went out to make  
22 sure that what's being written is actually being done on the site?  
23 So, has there been a field visit since these CAPs to show --

24 A. Right. So --

25 Q. -- proof of closure?

1 A. -- for communicating the PP (ph.) work logs, we've gone out  
2 and done observations. We did 13 observations --

3 Q. Okay.

4 A. -- after the event, and that generated 18 findings to PATCO.

5 MR. LLOYD: Excellent. I'm good right now. Thank you, Todd.

6 Thank you very much.

7 MR. THOMPSON: Mike, you had some questions?

8 MR. BACHMEIER: Yeah.

9 BY MR. BACHMEIER:

10 Q. Morning, Todd. How much training has FTA provided you or  
11 anyone else at New Jersey Department of Transportation over the  
12 past year, FTA training?

13 A. I would have to pull that from our data.

14 Q. Yep.

15 A. Provide it to you. Part of the grant, we have a training  
16 allotment associated to the grant, so there's funding for  
17 training. Our training goes through approval by our assistant  
18 commissioner, and we are able to take training as needed. You  
19 know, if we're able to get into the class, if there's an opening  
20 in the class, or if the, you know, class is available that  
21 somebody needs, we would try and get them into the class.

22 Q. And that's FTA-provided classes?

23 A. (No audible response.)

24 Q. Okay. Characterize the training and guidance that FTA has  
25 provided over the past 10 years. Has it changed, increased,

1 decreased?

2 A. Oh, it's increased. Yes, the, you know, the addition of SMS  
3 training, and also the minimum standards for each system, or the  
4 documents associated as minimum standards, and also  
5 familiarization with each system, that's tracked as part of our  
6 training plan.

7 Q. Okay. Aside from the triannual audit of NJDOT, when does an  
8 FTA visit visit you guys?

9 A. We have quarterly meetings with our FTA representative,  
10 Maria.

11 Q. Do they accompany you or your team during ongoing audits,  
12 site visits, or other SSO activities?

13 A. They haven't been on site. We do invite them to the  
14 triannual audits. We like inform them of when training and what  
15 is being conducted.

16 Q. Were they on the last audit with you in 2020?

17 A. I'd have to check the attendance sheet on that.

18 Q. Okay. Is there any interaction that the New Jersey DOT SSO  
19 program has with the FTA Regional Office in Philly or New York  
20 City?

21 A. Yes. So, the grant is issued through New York, so our grant  
22 activity goes through that region. Excuse me. So, that would be  
23 the actual application status of applying; letting them know that  
24 the grant application is in; and then, also, closeout of the  
25 grant.

1 Q. Okay.

2 A. As part of the grant management, quarterly, we do milestone  
3 progress reports and FFRS, financial reports, to what the drawdown  
4 is on the grant.

5 MR. BACHMEIER: Okay. Thank you. That's all I have.

6 MR. KRAHOLIK: Yes, Todd Kraholik, NTSB.

7 BY MR. KRAHOLIK:

8 Q. So, New Jersey performed an RWP on it in '21; is that right?

9 A. That's correct.

10 Q. Okay. And in that audit, you listed action items. Are those  
11 the same thing as a corrective action plan, when an action plan  
12 will be in the corrective action plan, or what would be the  
13 difference between an action item and a CAP? Or there may not be  
14 any. Is there a difference?

15 A. Again, depending on the item, it could be a trust either  
16 through applying the existing procedures, or a CAP could be  
17 developed if it needed further development.

18 Q. So, if there was not a CAP assigned to these action items,  
19 how do you track the action items? How would you know an action  
20 item was completed? Do you keep up with an action item?

21 A. Yes. We have a database, so any kind of observation or audit  
22 goes into the database, and then we have that as our record.

23 Q. Okay. In that audit, I think there was multiple times it was  
24 listed that PATCO needs to revise their safety plan. Do you know  
25 if they did revise their safety plan?

1 A. Yes, they did, yes.

2 Q. Do you know when they revised it?

3 A. I do not have the date.

4 Q. Okay. The only safety plan I saw was from 2019, but this  
5 audit was after, so there should be another safety plan somewhere.

6 A. The right of way safety plan I have is 11/3/22.

7 MR. LLOYD: 11/3/22. Okay. So, for the record, there's  
8 another right of way safety plan (indiscernible)?

9 MR. BACHMEIER: That was after the accident.

10 MR. THOMPSON: Yeah, it was post-accident.

11 MR. LLOYD: (Indiscernible)?

12 MR. BACHMEIER: Post-accident.

13 MR. LLOYD: (Indiscernible)?

14 UNIDENTIFIED SPEAKER: Oh, it's post-accident.

15 UNIDENTIFIED SPEAKER: There is?

16 UNIDENTIFIED SPEAKER: Finnegan. Finnegan or Flannagan.

17 MR. LLOYD: Okay. If so, can we get a copy of that, please?

18 Yeah?

19 MR. THOMPSON: Yeah.

20 MR. BACHMEIER: Yeah, okay. So, that was after --

21 (Crosstalk)

22 MR. BACHMEIER: -- that was after the accident.

23 BY MR. BACHMEIER:

24 Q. Do you know what kind of time frame you put on PATCO to  
25 revise their safety plan? You did the audit in -- I think you

1 issued them this report 11/23/21. So, almost a year later that  
2 they revised their plan, is that sufficient timing? Would that be  
3 soon enough to satisfy New Jersey Transit, a year after, to revise  
4 their plan?

5 A. It could have been sooner.

6 Q. Okay.

7 A. It could have been sooner.

8 Q. Could have been sooner.

9 A. So, just to clarify that, that audit was not a scheduled  
10 audit. It came after an internal audit that was done by PATCO.  
11 That internal audit had no findings in it as far as the job  
12 briefings, so we decided to take a further look at that, and  
13 that's when we -- we didn't conduct a full audit. We scaled it  
14 down to what we refer to as a mini audit.

15 Q. I got you. I don't know if you said the date. Do you know  
16 when PATCO did their internal audit?

17 A. April of 2020.

18 Q. And just to clarify, they found no RWP issues in their  
19 internal audit; is that what you mean by that?

20 A. In regards to the job briefings.

21 Q. So, every action item has a date assigned to when it needs to  
22 be fixed, or you just go through it every 30 days and see what the  
23 update is on it? Is there any drop-dead date? Do you ever assign  
24 drop-dead dates when things have to be completed by?

25 A. It's up to the system to supply the date. We look at it,

1 evaluate it, so it would seem appropriate for what needs to be  
2 done. And one of the -- why we assigned one staff to their CAPs  
3 was to try and reduce the number of open CAPs, so just to focus on  
4 that to --

5 Q. I got you. And you said earlier, if you didn't feel they  
6 were giving sufficient response, you would actually go out and do  
7 observations for specific CAPs, right? Or is that only just to  
8 figure out if it's completed, to --

9 A. Right, it would be to see if it's completed. Any kind of  
10 time frame with the CAP would be discussed with the CSO.

11 MR. BACHMEIER: I got you. I don't have anything else right  
12 now.

13 MR. THOMPSON: Matt Thompson, T-H-O-M-P-S-O-N. So, we have  
14 the triannual safety audit in 2020; and then, in 2021, we have the  
15 RWP. But you mentioned earlier when you were talking to Troy  
16 about 13 ROW inspections. Where is that documented, or is there  
17 another document out with those, or were you -- because you did  
18 say post-accident.

19 MR. KROPILAK: Right. Those go out individually --

20 MR. THOMPSON: Okay.

21 MR. KROPILAK: -- through our database. Each observation is  
22 separate and gets sent out separately to the system.

23 MR. THOMPSON: Okay. Now, I think that is all I've got here.  
24 Mr. Finnegan, do you have anything?

25 MR. FINNEGAN: No, sir.

1 MR. THOMPSON: No, sir? What about you, Phil, or FTA?

2 MR. HERBERT: Yeah, just a sort of clarification.

3 Phil Herbert, H-E-R-B-E-R-T, with the FTA.

4 BY MR. HERBERT:

5 Q. Good morning, Todd. I'm actually just across the river in  
6 Philadelphia (indiscernible). I wasn't able to get over there.

7 Just a point of clarification. Mr. Bachmeier asked you some  
8 questions about training. Do you know who operates or runs the  
9 training for the travel trains of the administration?

10 MR. THOMPSON: Training.

11 MR. KROPILAK: Who runs the train?

12 MR. THOMPSON: Training, yeah.

13 BY MR. HERBERT:

14 Q. Who runs the training? In other words, who we use.

15 A. Oh. TSI?

16 Q. Okay.

17 A. Are you --

18 (Crosstalk)

19 A. Or --

20 Q. And in your experience, does TSI offer a multitude of  
21 different training options, to include TSSP and WSO, or the World  
22 Safety Organization, certification?

23 A. Yes, they do.

24 Q. Okay.

25 A. I was a WSO member for several years.

1 Q. And where did you receive that training?

2 A. Through the FTA and TSI classes.

3 MR. HERBERT: Okay. That's all I had. I just wanted to  
4 clarify that so that it's on the record of where that training is  
5 available.

6 MR. THOMPSON: Okay. Thanks, Phil.

7 MR. HERBERT: Thanks.

8 MR. THOMPSON: Okay. Does anybody -- Dana, do you have more?

9 MS. SANZO: Yes, I do. Thank you. This is Dana Sanzo.

10 BY MS. SANZO:

11 Q. A few follow-up questions regarding the action items issued  
12 as a result of the accident and some of the responses, referring  
13 to an email that talks a little bit about the responses. I'd like  
14 to ask first for action item number one requiring PATCO to hold a  
15 safety stand-down. Did anyone with the State Oversight attend any  
16 of that or those standdowns?

17 A. No. What they did was provide the sign-in sheets of the  
18 PATCO employees who attended.

19 Q. And next question goes in part -- this is through an email  
20 that has an NJDOT comment that says, PATCO management required  
21 NJDOT that they're already implementing FTA recommendations and do  
22 not intend to develop corrective action plans. If a property  
23 states something like this, that there's no intention to develop  
24 any corrective action plans, what can the State Oversight Agency  
25 do about those circumstances?

1 A. So, that would fall under an administrative notice of  
2 violation. So, we have the ability to issue, we call it, NOB, to  
3 assist them for that purpose. If compliance still wasn't sought,  
4 it would escalate through and up the chain. So, it would go from  
5 myself to the safety manager, then my manager to the AE, and then  
6 from the director to the accountable exec. Or, board. I'm sorry.  
7 At that point, the board.

8 Q. To date, has any such action been taken with the specific  
9 action items issued after the accident?

10 A. We have not issued a notice of violation.

11 Q. I would like to follow up, because I was going to ask about  
12 notice of violations, and as a course of the team's work so far,  
13 they were provided previous notices of violations. One is dated  
14 2019, and one dated 2020. What is the current status related to  
15 this notice of violation?

16 A. I'd have to research that.

17 Q. Well, we will request that information for the future. And  
18 also, with it, at least the first one discusses -- or, mentions, a  
19 series of near-misses of roadway workers. We'd also like to  
20 request documentation of what those were.

21 A. Okay.

22 MS. SANZO: Thank you. That's what I have for now.

23 MR. THOMPSON: Okay. Troy, do you have anything else?

24 MR. KROPILAK: Yes, just --

25 MR. THOMPSON: Okay.

1 MR. LLOYD: Absolutely.

2 MR. KROPILAK: All right.

3 MR. LLOYD: Please.

4 MR. KROPILAK: So, you're looking in that '19 to '20 range?

5 MS. SANZO: Yes. They were --

6 MR. KROPILAK: Okay.

7 MS. SANZO: There were two notices of violations that were  
8 provided --

9 MR. KROPILAK: No.

10 MS. SANZO: -- to the --

11 MR. KROPILAK: I'm sorry. The near-misses.

12 MS. SANZO: Yes.

13 MR. KROPILAK: The near-misses. Okay. Yeah. Okay.

14 MR. THOMPSON: You're good, huh?

15 MR. KROPILAK: Yes.

16 MR. THOMPSON: Okay.

17 MR. LLOYD: Yeah, I've got some follow-ups. This is Troy  
18 from the NTSB. L-L-O-Y-D, last name.

19 BY MR. LLOYD:

20 Q. You mentioned SMS, buzzword for the last eight, 10 years.  
21 What is SMS?

22 A. Safety Management System. It's a way of evaluating the  
23 safety progress on a situation.

24 Q. Is there a difference between SMS and, I guess, system  
25 safety? And this --

1 A. This is --

2 Q. -- is why I'm asking, Todd, yes. A number of years ago, it  
3 was always Mil 882. Then, he went to the buzzword, the SMS, and  
4 everything's from the top down. I mean, I always thought it was  
5 from the top down, anyway. But what's the difference between SMS  
6 and system safety the way we did it 10 years ago? What do you  
7 see? Do you see a difference? Better, worse? I don't know.

8 A. We're still rating the safety events, looking at the  
9 frequency and severity of them. I guess it's a different approach  
10 to --

11 Q. Do you see a difference in when they went over to the SMS  
12 side of the house, that it's much more better, or people are  
13 better trained, people are looking at the four pillars, the  
14 assurance, the policy, all that stuff, you know, the safety  
15 assurance, safety policy?

16 A. It's more regulation. It's more involvement --

17 Q. Okay.

18 A. -- from each discipline. Each graft had, at the system  
19 level, the joint workplace committee, you know, bringing those  
20 employees in, talking about safety events, talking about ways to  
21 improve safety.

22 Q. Does FTA provide any subject matter experience to teach one  
23 how to do SMS? I mean, who's evaluating that PATCO's got a good  
24 SMS program, the SSOA has a good SMS program? Is it FTA?

25 A. There's FTA classes, SMS awareness. There's several classes

1 that are available.

2 Q. Helpful?

3 A. Yes. Yeah.

4 Q. What FTA regulations or standards exist to make it easier on  
5 you to make sure to keep people within that SMS program, to keep  
6 them in that standards envelope? What FTA regulations exist, if  
7 any, I'm asking? Such as right of way safety.

8 A. Well, (indiscernible) --

9 Q. Does (indiscernible) have a standard on right of way safety?

10 A. There's training requirements, right? There's training  
11 requirements that need to be met, like CSO or people involved in  
12 accident investigations. So, that gives you, I'd say, kind of  
13 like a base level to start off with.

14 Q. Got you. So, there's no FTA regulation that's out there like  
15 an FRA RWP standard 214? Does FTA have something like a part 214,  
16 Roadway Worker Protection --

17 A. We received --

18 Q. -- like a regulation?

19 A. -- a notice of proposed rule-making for RWP rules. So,  
20 shortly, FTA's going to be developing a set of regulations for  
21 public comment.

22 Q. Through the tracks, I guess, it's (indiscernible) through the  
23 tracks (indiscernible)?

24 A. I don't know who's developing the -- I believe --

25 Q. Yeah.

- 1 A. I don't know, at the FTA level.
- 2 Q. Okay. And what's -- I know I want to get the acronym  
3 straight. Public Safety, Agency Safety Plan, or whatever, that  
4 PSAP or whatever?
- 5 A. BTGA --
- 6 Q. Yeah.
- 7 A. -- SB (ph.)?
- 8 Q. What is that?
- 9 A. So, after our program standards, the PTASP is developed to  
10 comply with the program standards. So, it's how they're going to  
11 conduct their business to comply with the program standards.
- 12 Q. And to your program standards, or to our --
- 13 A. State of New Jersey's program standards.
- 14 Q. Okay. So, the State of New Jersey has a program standard --
- 15 MR. THOMPSON: Just hold on. We're still --
- 16 UNIDENTIFIED SPEAKER: Oh, yeah. Actually --
- 17 BY MR. LLOYD:
- 18 Q. -- they put it out, and it goes to -- so, is it, FTA signs  
19 off and says, yeah, it's good to go?
- 20 A. No. It's reviewed. It's submitted to the FTA --
- 21 Q. Yeah.
- 22 A. -- for review. But we develop it; and then, it gets sent to  
23 each system for signing that they acknowledge the plan and to  
24 comply with it.
- 25 Q. Right. And who writes that? Does the agency write the

- 1 agency plan, or does --
- 2 A. Oh, I'm discussing the program standards. I'm sorry.
- 3 Q. Yeah.
- 4 A. I was saying --
- 5 Q. I'm talking about the PTASP. So, who writes --
- 6 A. The system.
- 7 Q. So, the system writes --
- 8 A. System writes it.
- 9 Q. And that's more based off how we do SMS? We have rules, we
- 10 have procedures, we have this, we have that. It goes to you guys.
- 11 You review it; looks good. FTA reviews it, signs off on it.
- 12 Right?
- 13 A. We review it with a checklist.
- 14 Q. Okay.
- 15 A. We include that checklist, those items, with the document to
- 16 the FTA.
- 17 Q. And then, that's how an agency may conduct accident
- 18 investigations, how they do audits, how they --
- 19 A. Yes.
- 20 Q. -- down to how to cover a pandemic or something, I guess, or
- 21 pray that it's --
- 22 A. Yes.
- 23 Q. Okay.
- 24 A. Yeah.
- 25 Q. Okay. And can you guys disapprove --

- 1 A. Yes.
- 2 Q. -- an agency plan if you say, eh, like --
- 3 A. Yeah. Not good.
- 4 Q. -- you know, send it --
- 5 A. Yes.
- 6 Q. Have you ever had to do that?
- 7 A. Yes.
- 8 Q. Okay. PATCO's pretty good, pretty much signed off for the
- 9 first time, or --
- 10 A. I'd have to review that.
- 11 MR. LLOYD: Oh. Okay. I'm good. Thank you. I'm good.
- 12 Thank you.
- 13 MR. THOMPSON: Anybody have anything else?
- 14 MS. SANZO: I have one further one that I neglected to that
- 15 on the post-accident safety actions, and this is Dana Sanzo.
- 16 BY MS. SANZO:
- 17 Q. For action item number four was, submit completed job safety
- 18 briefing forms. And it is noted as closed, that they've been
- 19 submitted. Has there been a review of those job safety forms?
- 20 A. I believe that was item number two, just so we're on the --
- 21 you're saying number four, or --
- 22 Q. (No audible response.)
- 23 A. I mean, give me one sec.
- 24 Q. Well, I could --
- 25 A. Okay. No.

1 Q. -- ask you --

2 A. You're right. You're correct. Okay. So, we did a review of  
3 that. They were distributed to PATCO. So, at that point, we came  
4 out for the series of observations, we gave PATCO an opportunity  
5 to work on what we found, and then, in July, we started the next  
6 phase of reviews again.

7 Q. And just to be certain, this past July of --

8 A. Correct.

9 Q. -- '23?

10 A. Yes.

11 Q. And speaking generally, what's going to be involved in this  
12 coming phase that's started of review?

13 A. So, we have four items on that. So, we're going to continue  
14 that 45-day audit. That review of those documents is in progress.  
15 There's a document review of the SAM plan that was discussed.  
16 That's the *Safety Administrative Manual* from DRPA. There were  
17 some interviews that were conducted, and observations. We're  
18 trying to start observations again, and they were delayed because  
19 of some radio issues.

20 Q. Is there an anticipated completion date to this phase  
21 (indiscernible)?

22 A. No, we haven't put a date to that.

23 MS. SANZO: Okay. Thank you very much.

24 MR. THOMPSON: Okay. Anybody have anything else? Okay. Do  
25 you have anything you'd like to add, Todd?

1 MR. KROPILAK: No. Okay.

2 MR. THOMPSON: Okay. All right. Then, if we have any  
3 follow-up questions, we'll reach out to you.

4 MR. KROPILAK: Okay.

5 MR. THOMPSON: And on behalf of the NTSB, thank you for your  
6 time and cooperation.

7 (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: FATAL PATCO TRAIN ACCIDENT ON THE  
BENJAMIN FRANKLIN BRIDGE NEAR  
CAMDEN, NEW JERSEY ON OCTOBER 14, 2022  
Interview of Todd Kropilak

ACCIDENT NO.: RRD23FR001

PLACE: Cherry Hill, New Jersey

DATE: August 2, 2023

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.



Transcriber