

UNITED STATES OF AMERICA
NATIONAL TRANSPORTATION SAFETY BOARD
OFFICE OF ADMINISTRATIVE LAW JUDGES

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Investigation of:

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COLLISION OF TWO WASHINGTON
METROPOLITAN AREA TRANSIT
AUTHORITY TRAINS ON THE RED LINE
NEAR TAKOMA PARK, MARYLAND
JUNE 22, 2009

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Docket No.: DCA-09-MR-007

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Interview of: BRIAN BROOKS

Washington, D.C.

Thursday
July 2, 2009

The above-captioned matter convened, pursuant to notice.

BEFORE: RONALD EDWARDS

APPEARANCES:

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I N T E R V I E W

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2 MR. EDWARDS: Good morning. My name is Ron Edwards with
3 the Department of System Safety and Environmental Management.

4 We're here today to conduct a follow-up interview with
5 Mr. Brian Brooks, the operator of Train 214. We're here to speak
6 about -- just follow-up information on the incident that took
7 place on the 22nd of June, 2009.

8 Just real quick, to go around the room. Once again, I'm
9 Ronald Edwards.

10 MR. BALLARD: Hercules Ballard, Washington Metro.

11 MR. REMINES: Jim Remines, NTSB.

12 MR. BASSETT: Matt Bassett, Tri-State Oversight
13 Committee.

14 THE WITNESS: Brian Brooks, train operator.

15 MR. EDWARDS: All right. Mr. Brooks, unfortunately I
16 was not available to make the initial interviews and, post that,
17 there's a few other questions I believe that, you know, Safety, as
18 well Operations, may want to ask you, and this is just like I
19 said, a follow up.

20 This is just for us to have better knowledge on our
21 side, or better information on our side so that we move forward
22 making the corrective actions post this incident; one, to
23 determine what exactly happened during the incident; and, two, to
24 put us in a better place to make the proper decisions moving
25 forward as to how to alleviate or minimize or reduce the

1 probability of us ever having another accident like this.

2

INTERVIEW OF BRIAN BROOKS

3

BY MR. EDWARDS:

4

Q. My first question is what was your assigned run for that
5 day?

6

A. My assigned run was B205.

7

Q. B205? And what does that mean?

8

A. B, for Brentwood.

9

Q. Okay.

10

A. I came out of Brentwood; 205 is a swing.

11

Q. Okay. And what time did your shift start on the 22nd?

12

A. My shift on the 22nd starts at 6:44.

13

Q. 6:44 a.m.?

14

A. A.m., yes.

15

Q. And the previous day, were you working the previous day,
16 the 21st?

17

A. That was a Saturday. No.

18

Q. Okay. You were off the previous day?

19

A. Yes. I'm off on the weekends.

20

Q. Okay. And how many -- since 6:25 -- 6:44 a.m. -- were
21 you working the same run, the Red Line 205, the whole time, up
22 until the incident?

23

A. 205 is the run number, Train 218, 218 from Silver Spring
24 to Grosvenor -- 2, gosh, 204 --

25

Q. 204?

1 A. -- coming from Grosvenor to Silver Spring, and from
2 Silver Spring to Shady Grove 171 (indiscernible) 171.

3 Q. And the run that you were on when the incident took
4 place was which run?

5 A. The same run. The only difference is I didn't do the
6 171 because it was a delay on the line.

7 Q. Okay.

8 A. So --

9 Q. So, at this point, you were going from Grosvenor to
10 Silver Spring?

11 A. Right.

12 Q. All right. Do you remember what track you were running
13 on?

14 A. On which?

15 Q. Track 1 or track 2?

16 A. No, I'm saying which, which --

17 Q. On the incident run.

18 A. Oh, the incident run, that was 214, Train 214. That's
19 when I swung back -- swung back on.

20 Q. Okay.

21 A. I was running on track 2.

22 Q. Okay. And, on this run, what mode were you operating in
23 during this run?

24 A. Mode 2, level 1.

25 Q. Mode 2, level 1? Mode 2, level 1 being ATO or manual?

1 A. Manual.

2 Q. Manual mode. And, approximately -- you were in manual
3 mode the whole entire trip?

4 A. Yes, from Silver Spring --

5 Q. Okay.

6 A. -- to that point, yes.

7 MR. EDWARDS: Herc, do you have any questions?

8 MR. BALLARD: Yes.

9 BY MR. BALLARD:

10 Q. Just to pick up where you left off about the manual
11 mode, when you were operating manual mode, at any point during
12 that trip from Silver Spring down to -- let's see -- outside of
13 Fort Totten where you last stopped, did you lose your speed
14 readouts at any time?

15 A. Yes.

16 Q. What happened when you lost your speed readouts?

17 A. The birdies (ph.) in the train stopped.

18 Q. And when did you -- when did this happen?

19 A. When I noted that there was a train ahead of me.

20 Q. Well, I'm thinking more about location. Was it multiple
21 times between Silver Spring --

22 A. Yes.

23 Q. -- and -- okay. Multiple times?

24 A. I think -- yes.

25 Q. Okay. And what happened -- what did you do? What did

1 you do when you lost your speed readouts?

2 A. I stopped the train.

3 Q. And then, how did the train begin? You sat there and
4 you waited a period of time?

5 A. Yes.

6 Q. And you waited until your speed readouts returned --

7 A. Returned.

8 Q. -- before you moved again, in operating between Tacoma
9 to Fort Totten?

10 A. Yes.

11 Q. You answered some of this before. When you left Tacoma
12 in mode 2, manual mode --

13 A. Yes.

14 Q. -- speed readouts, do you remember, approximately, how
15 many times you lost your speed readouts between Tacoma platform
16 and when you actually came to the final stop?

17 A. I lost it one time before I came to the final stop.

18 Q. One time? And that was due to a train --

19 A. Ahead of me.

20 Q. -- ahead? Okay. Was there a period where you were
21 losing speed readouts (indiscernible) or just that one time you
22 lost speed readouts, the train stopped because there was a train
23 ahead of you and then that's where you came to a final stop?

24 A. That I can remember, yes.

25 Q. When you came to a final stop due to a train being in

1 front of you, do you ever remember your speed readouts coming back
2 to you at any point after that? I mean, when you came to that
3 final stop where the collision occurred because the train was in
4 front of you, when that train moved, whatever, did your speed
5 readouts ever return?

6 A. Not that I remember, no.

7 Q. You don't remember your speed readouts coming back? And
8 from where you were sitting on your train, you could see the train
9 on the platform --

10 A. Yes.

11 Q. -- at --

12 A. I could see part of the train.

13 Q. When your train came to a stop, was that train ahead of
14 you, which obviously was 110 -- was 110 already on the platform at
15 Fort Totten or was it moving to the platform, if you remember?

16 A. I want to say it probably was because, when I stopped
17 the train, the train was pretty much moving onto the platform. I
18 can't say if it was completely onto the platform.

19 Q. Okay.

20 A. I just remember the train moving into the station.

21 Q. Okay. So, at any point, during your trip from Silver
22 Spring to the final stopping location, between Tacoma and Fort
23 Totten, did you ever move the train with zero speed command?

24 A. No. I know when we leave Silver Spring that sometime
25 the speed commands would drop in and out --

1 Q. Uh-huh.

2 A. -- but, otherwise, no.

3 Q. But you didn't have that problem with the speed readouts
4 dropping in and out between Tacoma and Fort Totten?

5 A. Not that I remember, no.

6 Q. Normally, and not on this date -- not on this date, any
7 other date -- because you said there are periods sometimes you
8 operate manual mode, when you don't have speed readouts, when your
9 speed readouts do not return, will not return, right --

10 A. Uh-huh.

11 Q. -- and you see there's nothing ahead of you and
12 determine that you've been waiting long enough, let's say more
13 than a minute, what do you normally do if your train comes to a
14 stop without speed readouts?

15 A. Contact Central.

16 Q. Okay. And get permission to move the train?

17 A. Inform them -- yeah, they normally tell you to work
18 through the problem because I guess sometimes when you leave
19 Tacoma -- I guess as you're -- I guess, the -- I think that's
20 pretty much -- I want -- it's close to the turn --

21 Q. Uh-huh.

22 A. -- like a straight track --

23 Q. Right.

24 A. -- that they were having a problem there (indiscernible)
25 I think it was after the switch --

1 Q. Right.

2 A. -- that I think that Friday, I believe, that I had to
3 work through the circuit. I contacted Central that I kept losing
4 speed readouts.

5 Q. And was it track 1 or track 2?

6 A. Track 2.

7 Q. But, on this particular trip, you didn't encounter that?

8 A. No.

9 Q. Not that day?

10 A. No.

11 Q. But you have encountered it on prior trips.

12 A. Yes.

13 Q. I want to talk again about the reason that you operated
14 manual mode because, from your previous interview, you said that
15 you feel that the guidelines, the rules in the book, give you
16 authorization to operate manually, just again to talk about the
17 reasoning why you operate manually.

18 A. Okay.

19 Q. Okay. Explain why you feel that, even though there's an
20 announcement made at (indiscernible), that you feel that you have
21 a need to operate manually? I'm not saying it's right or wrong,
22 but just explain why.

23 A. Well, due to the safety issue and also the job factor,
24 trying to save your job, with so many incidents that you get
25 either with the train running off the platform or you may get a --

1 like I'm on a two-legged line and normally they try to dedicate
2 six cars to the 200 line, and on occasions I operate eight car
3 trains. So pretty much all day I'm operating a six car train.
4 Then they give me an eight car train.

5 Q. Uh-huh.

6 A. So, to the fact, okay, I have an eight car train but I
7 guess sometimes you get in that -- your mindset goes back to, oh,
8 I got six cars because this is what I've been doing, this
9 repetitious thing, all day. I have six, I have six, I have six.
10 I'm running back and forth with six and then they all of a sudden
11 they give you eight. So you come onto the platform and make a six
12 car stop and even though you can look down there, in your mind,
13 okay, I've got six cars, and then once you hit the button and you
14 realize, oh, no, I've got eight, it's already too late. The doors
15 are already open. So that's one thing I didn't want to happen
16 because I would hate for someone to fall.

17 Q. Right.

18 A. And also, with the train running off the platform, even
19 though we want to say the trains aren't supposed to run off the
20 platform with the platform stops --

21 Q. Uh-huh.

22 A. -- they do, and to monitor a system -- and pretty much
23 we're monitoring for the speed readouts -- we're monitoring for
24 light. Sometimes that light don't illuminate because we find out
25 that the bulb may be blown or sometimes the light do illuminate

1 and the train will come in normally. Then as it brakes down
2 normally because you're looking at the speed readouts and it takes
3 off. It's like a surge and it'll take off. So now about the time
4 you're able to stop the train -- if they say -- if we were started
5 -- that you're supposed to stop at an ATO stop, the train is going
6 to be off the platform by some cars.

7 Q. Uh-huh.

8 A. Not a car, some cars because you're looking at -- maybe
9 my reaction is going to be fast or slow to your reaction --

10 Q. Uh-huh.

11 A. -- to hitting that button --

12 Q. Right.

13 A. -- and it doesn't stop immediately. It brakes itself
14 down. If you hit the mushroom, then normally you're going to get
15 in trouble because the one level, Central says that you're not
16 supposed to hit the mushroom.

17 Q. Right.

18 A. And the book says if the train failed to stop under
19 normal conditions, you hit the mushroom. So which one is right?
20 Is the train stopping under normal conditions, when you hit the
21 ATO and the train goes off the platform versus the train -- versus
22 you hitting the mushroom and you might get a door off, but you're
23 still able to now serve the station?

24 MR. EDWARDS: I hate to interrupt, but I'll let you
25 finish if you have some more.

1 MR. BALLARD: Okay.

2 BY MR. EDWARDS:

3 Q. You said that Central would say not to hit the mushroom
4 but the rule book says to bring it to an immediate stop.

5 A. Right. If the train failed to stop --

6 Q. Uh-huh.

7 A. -- under normal conditions, which -- if it's going to
8 the platform, and you hit ATO --

9 Q. Stop.

10 A. -- stop, it's not going to stop.

11 Q. Okay. Do you have any document, or -- I mean, have you
12 seen any documentation? You say Central tells you not to hit the
13 mushroom. Is that a documented thing or is that something that
14 you've been told from communications with Central?

15 A. I truly believe both. I can't remember exactly a
16 particular document that I can physically go and touch and then
17 show you.

18 Q. Okay.

19 A. But I want to say that I saw it. I want to say that I
20 saw it.

21 Q. And the reason I asked is because if we're sending mixed
22 signals, that's something that needs to be corrected from my side.
23 I mean just looking at this, if we're telling -- the books says
24 one thing and we're telling somebody to do something else, we need
25 to have that fixed. I mean, that's a procedural fix that needs to

1 be put in place that I'm saying.

2 A. And I'm not too sure, I guess in reference, is that like
3 contradictory to what it is that we do. On one level, do we
4 proceed with that since the train isn't stopping under normal
5 conditions, like if I tell the train to stop and it's not
6 stopping, does one supersede the other one or is it the same? So
7 is that a judgment call?

8 Q. I understand. The other thing you said, that you're
9 looking for a light and sometimes the light may be blown out.

10 A. Right.

11 Q. Is -- when you notice that this light is not working, is
12 there communications made with Central to inform them that --

13 A. Yes.

14 Q. -- you're not getting the indicators?

15 A. Yes.

16 Q. And is there any kind of a report that you fill out at
17 the end of your day to make sure that the train or that car
18 maintenance is informed that we have an issue with this railcar?

19 A. Typically, we communicate with Central Control -- and
20 not to bash Central Control because I really don't -- I think
21 they -- I think they're doing a terrific job with what they
22 have --

23 Q. Uh-huh.

24 A. -- to deal with because I visit down there and I'm
25 actually friends with a couple of people who are down there and I

1 see at times just being on a railroad how hectic it is down there
2 or it can, it can get.

3 Q. Uh-huh.

4 A. I know that on a few occasions I've reported something
5 was wrong with the train, and that same train's back out there for
6 the p.m. rush, or we just kept running that train. So I'm not too
7 sure if it was passed on to the -- like the terminal
8 supervisors --

9 Q. Uh-huh.

10 A. -- and the terminal supervisors just were trying to make
11 revenue --

12 Q. Uh-huh.

13 A. -- because now they have to find a train. I don't know
14 who to say -- and at one point they do have the little cards that
15 you fill out if you have a discrepancy.

16 Q. Okay.

17 A. And I used to fill those out all the time, and I guess
18 filling them out all the time became a problem because --

19 Q. A problem for you, or a problem for the receiver who you
20 had to give them to?

21 A. The receiver, because I was told that I needed to tell
22 Central Control --

23 Q. Okay.

24 A. -- versus writing all these things.

25 Q. Have you ever had these problems in car maintenance or a

1 mechanical person been dispatched to your train to help you see if
2 they can fix the problems?

3 A. When I contact Central Control, normally they try to put
4 someone on it. So if I had to give a percentage of the time,
5 maybe like 90, between 90 and 95 percent of the time, they would
6 normally put someone on it if it was a supervisor or car
7 equipment.

8 Q. Okay.

9 A. And sometimes they copy the information and you just
10 keep the railroad moving. So I'm not too sure if they have
11 something more precedent to put someone on it or they don't have
12 enough people because everyone is kind of doing other things now,
13 that they just let that, you know -- it's not that bad, we'll just
14 let it go to another line or whatever. I'm not too sure how the
15 rationale --

16 Q. Earlier, when you were speaking, you said that there
17 were two reasons why you go to manual mode. You said safety
18 issues and job factors. Could you be more specific on the safety
19 issues that you're speaking about? I mean, I understand you said
20 the station overruns.

21 A. Yeah, station overruns, the fact that you may have an
22 eight car train thinking that you have a six --

23 Q. Uh-huh.

24 A. -- doors open, someone fall off.

25 Q. Okay.

1 A. -- now we're looking at either someone injured or based
2 on how they fell or where they fell, it could be a fatality.

3 So --

4 Q. Uh-huh. When you switch from a six car to an eight car
5 train, do you do any type of train count before you take control
6 of that vehicle?

7 A. No. We have these placards, the eight car placard --

8 Q. Uh-huh.

9 A. -- and they normally tell you when you come into the
10 terminal to let the terminal know that you have eight cars, so
11 there's always eight to the gate.

12 Q. Okay. So that's a phrase that they've coined?

13 A. Yes.

14 Q. Okay.

15 A. I know I'm just speaking on my own behalf, but I'm also
16 speaking on my coworkers; like I said, if you're running a six all
17 day long --

18 Q. Uh-huh.

19 A. -- even though that coined phrase for the most part we
20 do remember --

21 Q. Uh-huh.

22 A. -- but I want to say sometimes that -- that six all day
23 -- and you become --

24 Q. Conditioned?

25 A. -- conditioned with, I'm having six cars. So -- and

1 based on the platform that you do come on, you can't see the full
2 train.

3 Q. Okay.

4 A. So, you know, it's stipulated through Central to stick
5 your head out the door before you open it and you look down there
6 and you see that you have six or you see as far as you can see
7 because not only you looking at the instruction of the station,
8 but you looking at the instruction of the people that's on the
9 platform.

10 So it's kind of hard to determine how many cars you
11 have, I mean, just for like a split, that split moment because,
12 even though we have the edge of the platform, that's granted, and
13 the little horizon before you get there, you have people that want
14 to stand close to that granted edge.

15 Q. Understood. Understood. But it is typical procedure
16 for you to put your head out --

17 A. Yes.

18 Q. -- and look back to make sure --

19 A. Yes.

20 Q. -- I guess you're counting the red lights or the -- you
21 actually count the trains or when you look out, what are you
22 looking for?

23 A. You're looking to the end of the train --

24 Q. Okay.

25 A. -- to make sure that you have all the cars on the

1 platform.

2 Q. Okay.

3 A. Because, at that point, you can't count the lights
4 because you didn't open the doors.

5 Q. All right. Are there any other safety concerns that you
6 may have expressed at the other interview that we haven't
7 addressed here that --

8 A. The only major concern that I had before this accident
9 was, as I say, the station overrun and allowing the train to
10 overrun the station and then you get kind of sanctioned for
11 something that is based on how quick you are, to be able to stop
12 the train, or what you're looking at because when the train comes
13 on the platform, of course, you're not just looking at the train
14 speed and looking at this blue light that you're looking at to
15 make sure there ain't nobody, and I think that the next couple of
16 days later, someone jumped on the -- jumped in front of a train I
17 think I heard. So, you know, you're operating a train. You're
18 looking for all this --

19 Q. Uh-huh.

20 A. -- trying to make announcements. You're trying to make
21 sure that no one is going to jump in front of your train, that
22 you're trying to make sure the track is clear ahead of you.
23 That's a whole lot to kind of put on someone and, like I say,
24 you're expected to monitor the computer, who supposed to be
25 monitoring itself and the train, but you're responsible for all

1 the other stuff as well.

2 Q. Okay.

3 A. I'm not saying that it was -- can't do it or we don't
4 because we do it daily but just out of a blink of an eye, you can
5 be looking at one thing and see someone close to the edge of the
6 platform and the PSS drop out.

7 Q. Uh-huh.

8 A. So your attention was diverted from constantly looking
9 at this light to make sure that it's doing what it's doing, and
10 then looking at someone on the platform, and as you go back, you
11 notice that you lost PSS.

12 Q. When you say PSS, what --

13 A. Programmed station stop.

14 Q. Okay.

15 A. So now you hit ATO stop and the train is going to keep
16 going. Now you're going to get that -- regardless of anything
17 that you say, that's going to be a mark against you, and you get
18 so many, then you put in the street or taken out.

19 Q. So you feel that it's -- if you're -- I don't want to
20 put words in your mouth. I mean I don't want to do that, but what
21 I'm hearing is that you feel as though you have more control.

22 A. Right. Because I'm not concerned now about me
23 monitoring the train because now I'm monitoring myself and I can
24 also kind of look, because I can determine how quick the train is
25 coming to the station. ATO, the train could come in there 41

1 miles an hour, hit the platform --

2 Q. Uh-huh.

3 A. -- well, if it doesn't start dropping down at a certain
4 point, or if it gives you the appearance that it's dropping down
5 at a certain point, and then take a point of power, a power surge,
6 you can't stop the train. If you do, if you're good, and you
7 catch it in time, you can take a six car train and stop it almost
8 at the eight car mark on the platform.

9 Q. Okay.

10 A. That's if you, you know, you on your total game, and you
11 caught it early, or it went out -- let me stop it like right now.

12 Q. Okay.

13 A. Otherwise, it leaves you only two other options, the
14 mushroom or you calling Central saying I've got doors off the
15 platform.

16 MR. EDWARDS: Anything else, sir?

17 MR. BALLARD: Yes.

18 BY MR. BALLARD:

19 Q. Just for the committee here, is there anything on the
20 console, the train's console, that would tell a train operator the
21 number of cars consist --

22 A. Yes. Yes, I want to say yes, and I also want to say yes
23 with a caution.

24 Q. Okay.

25 A. Yes with caution because it's little small lights and,

1 per experience, being on different trains and they, not all at
2 once, but some of the lights don't work or we have trains that
3 misread where that -- a couple of times, we had eight car trains
4 that said it was a six car train --

5 Q. Uh-huh.

6 A. -- or, you know, you might -- it might say six cars but
7 you might have six cars, but when you look at the readout because
8 it's like a line here, a line here, a line here, a line here, a
9 line here, a line here, well, let's say this line and this line
10 doesn't work and is it a six or is it an eight. You don't know
11 which lines are working. So when you look at the car count --

12 Q. Uh-huh.

13 A. -- they work, but I can't say for all the time that they
14 don't work, but I've been on a couple of trains that they don't
15 work, and I've been on a train and I've heard a few trains call in
16 and say, okay, we have -- the train is reading this and that's not
17 what we have in the consist.

18 Q. A question on that, and based on what you said earlier,
19 do you normally pick up your trains on the platform?

20 A. Yes.

21 Q. Not in the yard?

22 A. Not in the yard.

23 Q. So when you pick up your --

24 A. Can I -- not to -- can I use the bathroom?

25 Q. Please.

1 A. (indiscernible) bathroom.

2 Q. Okay. Yeah.

3 (Off the record.)

4 (On the record.)

5 MR. EDWARDS: We're back on.

6 THE WITNESS: Can I go back and finish answering your
7 question because you asked me, and I was addressing --

8 MR. EDWARDS: Uh-huh.

9 THE WITNESS: Can I go back? Okay. You was asking me
10 about the safety issue.

11 MR. EDWARDS: Uh-huh.

12 THE WITNESS: I was saying something in reference to the
13 program, platform station style. Also, about the cars, the eight
14 versus the six, and if you, you know, when they mix it up --

15 MR. EDWARDS: Uh-huh.

16 THE WITNESS: -- that sometimes you can get caught in a
17 rut where you, all day you been running six and your last run
18 they'll give you eight.

19 MR. EDWARDS: Okay.

20 THE WITNESS: Also I note several occasions that in
21 particular locations where there's a pocket track, that before you
22 approach the signal, it drops red.

23 MR. EDWARDS: Okay.

24 THE WITNESS: And the train will keep going through that
25 signal in ATO because you get so close to the signal, and I guess

1 it is becoming a -- I guess at one point we didn't, we didn't know
2 what it was, and I know I had wrote in on it, and then I got back
3 that it was a circuit that they're working on. It was a problem
4 that they were working on, that Central knew about the signal
5 dropping out before he train approached --

6 MR. EDWARDS: Uh-huh.

7 THE WITNESS: -- that signal. And, to me --

8 BY MR. EDWARDS:

9 Q. Can I ask what pocket track we're talking about? Do you
10 know which to be specific?

11 A. Specific -- it started with -- at Farragut North because
12 there's always the gap (ph.) train that sits at Farragut North.
13 It started off at Farragut North on track 2 and I think when it
14 first happened to me, I contacted Central because I didn't know if
15 a train was coming out, did they drop the red on me because they
16 wanted me to stop or something.

17 Q. Uh-huh.

18 A. And they informed me that they was having problems with
19 the -- I guess with the circuit right there.

20 Q. Okay.

21 A. So I'm not too sure if the train is like prematurely
22 shunning the signal.

23 Q. Do you have a timeframe? I mean, if I want to go back
24 and research, I mean do you have a timeframe around when this
25 started or --

1 A. It's been over -- probably since last -- the ending part
2 of last year.

3 Q. Do you know of any mechanism or any channels to
4 communicate with safety if you have some -- these concerns? Have
5 you ever been informed of, do you know of any way that you can
6 communicate these issues?

7 A. No, I take them to either Central Control and then like
8 I say, we have a little sheet that if we want to report any
9 discrepancies, we put them on that sheet. When I was doing that,
10 I guess I was turning too many discrepancies with early PSS and
11 stuff like that. So it was kind of --

12 Q. How long have you been a train operator? When did you
13 become a train operator?

14 A. I've been a train operator almost seven and a half
15 years.

16 Q. Seven and a half years. And, at -- I mean -- the reason
17 I'm kind of baffled is because -- not baffled -- I have these
18 questions because in your seven and a half years, you've never
19 been -- never had any dealings with the safety office. You've
20 never had -- nobody ever communicated that we had a safety hotline
21 or any other ways of contacting like your regional safety officer.
22 Have you seen the safety bulletins that go out that say that the
23 safety officers are located in these regions?

24 A. Does that normally come out when they send the rule of
25 the week?

1 Q. No, I mean, actually every month there's a safety
2 bulletin that's posted up. It should be posted up in all
3 facilities on the bulletin boards and, occasionally, you'll see
4 one that talks about -- I mean the safety office puts them out.
5 Now these are on green paper and it'll say Safety Bulletin. We
6 send out safety bulletins and there's contact information at the
7 bottom and we send it out on at least two to three times a year
8 saying who your regional safety officer is, and if you have
9 questions or comments to notify your safety officer.

10 A. I want to say truly, and this is not -- because I do
11 look at the bulletin board --

12 Q. Uh-huh.

13 A. -- but for the most part, you come in, get the manifest
14 and normally -- since I have to go to Silver Spring, I normally
15 cushion out on a train that leaves the yard.

16 Q. Uh-huh.

17 A. So, it's like, by the time I get my manifest, sign my
18 name to my manifest, the person who is supposed to be taking the
19 train out the yard is ready to go.

20 Q. Okay.

21 A. So I normally just kind of leave out with them.

22 Q. Okay.

23 A. And just cushion up to Silver Spring because that's
24 normally the train that I will take out from Silver Spring or I
25 will leave before that train so I can catch a train on the

1 northbound to be there in time for my train.

2 Q. Okay.

3 A. So I guess for me having a swing, I'm pretty much here
4 in the morning to pick up my trap (ph.) and in the p.m., kind of
5 put my trap in and walking out the door, and not to say that it's
6 not posted, but if it's not given to us, like I know they give us
7 the safety rules, if it's not attached to the safety rules --

8 Q. You really don't --

9 A. -- you know, based on what's going on, like when I was
10 in the yard, I had the opportunity. So I knew everything that was
11 going on because I was in the yard, when I was the yard operator.

12 Q. Okay.

13 MR. EDWARDS: That's it.

14 BY MR. BALLARD:

15 Q. Okay. I'll get back to what we were talking about
16 earlier because I want to talk to you about the A02, the Farragut
17 North signal problem.

18 A. Okay.

19 Q. Your train was probably not going into the pocket track.
20 So you probably were on track 1 or track 2, right?

21 A. I was on track 2. I had already left the platform.

22 Q. Okay. So you were leaving Farragut North --

23 A. Right.

24 Q. -- and going towards Dupont Circle.

25 A. So I already passed that first signal.

1 Q. Okay.

2 A. As I started to approach the second signal --

3 Q. It dropped red.

4 A. -- it drops red.

5 Q. Okay. And when it drops red, you said your train is on
6 approach to it and it goes through the signal and then comes to a
7 stop or you stop it?

8 A. No, it actually will pick back up the speed because it
9 passed the signal. So the speed readouts will drop --

10 Q. Uh-huh.

11 A. -- in ATO and then it'll pick back up and continue on.
12 But when it first started happening, I would stop the train and
13 contact Central, but I had already went through the signal.

14 Q. Okay.

15 A. And they would tell me to continue on.

16 Q. Okay. So this happened on a number of occasions?

17 A. Yes.

18 Q. Okay. And do we know if the switches are blocked at
19 that point?

20 A. No, those aren't blocked switches because they normally
21 have a train sitting in the pocket track. So they have to let
22 that train out the pocket track.

23 Q. Okay. But let me explain something. At any point, you
24 can block any switch whether --

25 A. I've got you, yes.

1 Q. Okay. And talking about the safety issues and you feel
2 that you were turning I guess car problems in to someone.

3 A. Yes.

4 Q. And who was that someone?

5 A. Well --

6 Q. The division.

7 A. Yes.

8 Q. Someone in the division, right?

9 A. Yes.

10 Q. So not car maintenance to someone in ARTRA (ph.)
11 Division Office?

12 A. Yes.

13 Q. And what made you feel that you were turning in too
14 many?

15 A. Because I was told that I needed to contact Central
16 versus writing these things up and then let Central know about
17 them.

18 Q. Was that because -- I'm asking you, the type of
19 incidents that you were reporting, was it something that would
20 probably need immediate attention or was it something minor like a
21 bulb blown out on a console that needed to be replaced?

22 A. When they came to me, they didn't say which particular
23 incident that I was reporting. They said I just needed to let
24 Central know.

25 Q. Give me an example of one that you reported to your

1 division, I mean to the division manager rather than Central
2 Control, an example?

3 A. The signal problem. I reported it to Central because it
4 happened --

5 Q. Okay.

6 A. -- and then it was doing it frequently and I was like,
7 okay, and I wrote on it that it's a safety issue --

8 Q. Right.

9 A. -- because we don't know if a train is coming out or
10 not, or we don't know if they pull a red for a reason.

11 Q. Okay. Sometimes you don't understand it, and I'm not
12 saying anybody's right or wrong, but if there was something unsafe
13 that you feel is unsafe, you know, please report that to OCC
14 immediately. I'm not saying you can't report to your division in
15 addition to that, right, but please report it, and I'm not sure
16 why you were told this by the division, you know, but they were
17 correct, you should report it to OCC, but you also have the right
18 to report it to your division, in addition to that. Okay.

19 A. Okay. Well, I reported it to both --

20 Q. Right.

21 A. -- so that's --

22 Q. That's the way it's supposed to be done. If you don't
23 feel it's being taken care of, then you take it to the next level.

24 Getting back to the train length, and you not being
25 comfortable knowing the number of cars in your consist. You

1 operate from Silver Spring to Grosvenor.

2 A. To Grosvenor, typically, yes.

3 Q. Okay. So you -- when you board your train at Grosvenor,
4 what end of the train do you board?

5 A. The Shady Grove end.

6 Q. Okay. So you take the train into the pocket at
7 Grosvenor.

8 A. No, someone else takes it in the pocket. I pull it out
9 of the pocket.

10 Q. So you pull it the Shady Grove area or the Glenmont
11 area?

12 A. Up to Silver Spring or Glenmont?

13 Q. Not Shady Grove -- Glenmont. So you're at the opposite
14 end of the train at that point?

15 A. Yes.

16 Q. So normally if you have a train leaving let's say
17 Grosvenor, you know the length of the train?

18 A. At Grosvenor, yes, pretty much.

19 Q. So your concern is a train at Silver Spring, not knowing
20 the length?

21 A. Yes.

22 Q. Okay. What end of the train do you board at Silver
23 Spring?

24 A. Normally, you would sit in a block house --

25 Q. Okay.

1 A. -- and then you would go to the trailing end of the
2 train. So you would pretty much know --

3 Q. The length.

4 A. Yes, the length but -- when we come out of Shady Grove
5 because the train leaves from Shady Grove --

6 Q. Right.

7 A. -- as well.

8 Q. Okay. So let me make sure the committee understands.
9 So when you board your train at Grosvenor typically, on this
10 particular day, you boarded it -- on a platform and you went to --
11 at Grosvenor, you went to the Glenmont end of the train. So you
12 were at the trailing end of the train.

13 A. Yes.

14 Q. So the train came in, berthed on the platform. So you
15 were pretty comfortable at that point knowing that you had
16 whatever size train, whatever length train you had.

17 A. Right.

18 Q. So when you get to Silver Spring, you position at the
19 head end of the platform, the train comes in or you walk out of
20 the block house as it comes in. So the train is already on the
21 platform.

22 A. Right.

23 Q. So you're there, you're pretty comfortable that you know
24 whether this is a six car or eight car train?

25 A. Right. And I can't dispute what you're saying.

1 Q. Right.

2 A. I guess the only thing that I'm saying to you is on
3 occasion, that I'm on a 200 line --

4 Q. Right.

5 A. -- they put six car trains.

6 Q. Right.

7 A. So that's not like a discrepancy but we had that rare
8 occasion --

9 Q. Right.

10 A. -- where I've been given an eight car train.

11 Q. Right.

12 A. So all day I've ran a six car train. I'm not, I'm not
13 saying that there's an issue with the light --

14 Q. Uh-huh.

15 A. -- and if that's what you're referring to, with the
16 light, okay, let's say the train pulled up to the eight car marker
17 for whatever reason, six car train to the eight car marker --

18 Q. You mean maybe at Silver Spring you pull up to the eight
19 car marker.

20 A. At Silver Spring --

21 Q. Right.

22 A. -- Glenmont, and I was to take over the operation of the
23 train.

24 Q. Right.

25 A. Pretty much the operator will let me know or when I get

1 in, I will look --

2 Q. Right.

3 A. -- to see what kind of train that I have.

4 Q. Okay.

5 A. But, like I said, it's just those points whereas -- and
6 this -- and I'm not saying that it's always equipment error.

7 Q. Right.

8 A. I'm saying it's human error, too, when in your mind I
9 have a six car train, I have a six car train, you give me an eight
10 car train --

11 Q. Right.

12 A. -- I leave, I have an eight car train, I have an eight
13 car train, and I service a couple of platforms, no problem. Then
14 my mind goes to the point where I get to the next station, I've
15 got a six car train because this is what I've been operating all
16 the time.

17 Q. Right.

18 A. So I'm not saying that there isn't -- there's not a fact
19 of human error there. I'm just saying that if there's no
20 consistency when you give me these cars, there is a possibility
21 that my human error will show up because now I'm conditioned that
22 I'm operating six cars.

23 Q. Right.

24 MR. EDWARDS: Can I ask a question real quick?

25 BY MR. EDWARDS:

1 Q. At any point, do you or -- you said that sometimes you
2 may talk to the operator --

3 A. THE WITNESS: Yes.

4 Q. -- and you'll have a discussion. Is that something
5 that's done as operator to operator or there ever a requirement
6 where you have to have some sort of a communication when you're
7 relieving the train from the previous operator?

8 Is there a requirement or is there a -- is there a
9 requirement for you to communicate with the train operator that
10 you're relieving the train from to discuss if there's any issues
11 with this train that you're pulling out or if there's anything
12 that should be noted on the line, problems that may come up or do
13 you talk to the terminal supervisor to get some of this
14 information?

15 A. Truthfully, sometimes the terminal supervisor don't know
16 if there's a problem --

17 Q. Okay.

18 A. -- with any particular train --

19 Q. All right.

20 A. -- because I guess communication from Central to the
21 terminal and also from terminal to terminal --

22 Q. So it's like the chain of custody, you know, when you
23 take over somebody's train, you don't sit there and you talk to
24 them for a second to get an update or briefing?

25 A. A lot of times -- all the trains are supposed to be pre-

1 tripped.

2 Q. Uh-huh. I mean I understand that. I just wonder, do
3 you communicate with the other operators when you're relieving the
4 train?

5 A. Sometimes.

6 Q. Okay.

7 A. Sometimes you have that dialogue, sometimes it's a split
8 second whereas, okay, he's getting off and I'm getting on because
9 the line can be backed up.

10 Q. Okay.

11 A. So it's just at that point of just changing off and keep
12 going. Sometimes somebody might yell out, you know, there's a
13 mode on a train because I've operated a whole lot of trains that I
14 thought that it was called in for a mode. So it's not like I'm
15 just arbitrarily just going manual mode all the time because for a
16 great deal of some of those times that it's -- I have a mode, and
17 I know on a couple of occasions, central called me and said, well,
18 is there something wrong with your train, and I'm thinking like, I
19 just got this train and this train just came to me, so I'm
20 assuming that you would have already known that it was -- it had a
21 mode on it. So I will tell them there's a mode and they'll put
22 car equipment on it.

23 Q. Uh-huh.

24 A. I think on one occasion they thought that I was trying
25 to be funny by going manual mode, and I was like, no, I just

1 picked up the train. I thought you all knowed [sic] that it had a
2 mode because typically it's kind of radioed down to Central if
3 they've got a mode. They put someone on it. The train got a
4 mode. It still has a mode if it's not reset and it goes back
5 across town.

6 Q. But --

7 A. With a mode.

8 BY MR. BALLARD:

9 Q. But you -- that's an assumption on your part, right?
10 The OCC knows it has a mode.

11 A. Right. That's -- I'm not saying that that is true.

12 Q. Right.

13 A. I'm just saying when I get the train all I see is this
14 solid light or a flashing light --

15 Q. Right.

16 A. -- and it's a mode. So under the assumption that this
17 is typically what we do, you will operate the train mode 2, level
18 1 because that's what you're supposed to do if you have a mode.

19 Q. But would you -- because you don't report problems with
20 trains, right, wouldn't you double check with OCC say, you know,
21 Central, I'm showing a mode because you know it could happen on
22 key up.

23 A. Right.

24 Q. Right. I'm showing a mode on my train, right,
25 permission to operate manual P5 to codes. I think that's

1 something that we normally do in the system. That's the
2 instruction you normally get from OCC.

3 A. Right. If you have an (indiscernible) with your train,
4 yeah.

5 Q. If you have a mode, a propulsion problem.

6 A. Right.

7 Q. So when you pick the train up, and you see a mode
8 illuminated on the console, do you just automatically operate P5
9 to codes or you just operate mode 2 and --

10 A. No, P5 to codes because --

11 Q. You operate P5 to codes.

12 A. -- sometimes they -- sometimes the operator has already
13 informed me, okay, there's a mode on the train. So --

14 Q. The operator tells you.

15 A. Yeah, sometimes because it might flash in your car until
16 you key up.

17 Q. Okay. Okay.

18 A. And I'm not saying that, you know, there is no dialogue.
19 I'm just saying based on how quick things go, how quick everything
20 is, you may get that dialogue or you may not.

21 Q. Earlier you said that you have known that there have
22 been train problems and OCC has allowed those trains to go -- to
23 continue in service through the end of the line --

24 A. Right.

25 Q. -- without any intervention from a supervisor or car

1 maintenance.

2 A. Car maintenance has gotten on a train and told Central
3 that this train needs to not come back on the line --

4 Q. Uh-huh.

5 A. -- and the train came back on the line. It was turned
6 around when it got to the end of the line to go back out.

7 Q. And what was the problem with the train if you remember?

8 A. I can't, I can't remember the exact problem.

9 Q. Uh-huh.

10 A. Because I was the operator. I think -- let me see. I
11 think it either had a light on it, a white light on it or --

12 Q. White light.

13 A. -- either that or I'm trying to remember. I just
14 remember the occasion because car equipment got back on and said
15 something that it shouldn't have went back out.

16 Q. Did he report that to Central or did he get back on his
17 train, if it was on a return trip?

18 A. He reported it to Central.

19 Q. He mentioned it to you, but did he ever mention it to
20 Central --

21 A. He mentioned it to me.

22 Q. -- that is should be replaced?

23 A. No, it was reported --

24 Q. Okay.

25 A. -- that when it gets to the end of the line that they

1 were going to take it off.

2 Q. Okay. Okay. And for some reason, they did not. It was
3 not taken off.

4 A. When it got to the end of the line --

5 Q. It was not replaced.

6 A. -- it was sent back out.

7 Q. Okay.

8 A. So I'm not too sure if the communication was lost
9 between Central getting the information from car equipment and
10 from Central to the terminal, but the same train --

11 Q. Went back out. Did you experience any additional
12 problems with that train when it went back across? I'm asking
13 because I'm trying to find out why the decision was made to send
14 it back?

15 A. Send it back.

16 Q. Yeah.

17 A. It broke down.

18 Q. And when you say it broke down?

19 A. The train broke down.

20 Q. It stopped? It didn't move?

21 A. No, the train -- yeah, it had mechanical -- it broke
22 down.

23 Q. And then what happened?

24 A. They had to recover the train.

25 Q. Okay. And do you remember how long ago this was?

1 A. No. I remember last time -- the last time, I remember
2 the train came out of the yard with a problem, they stated that it
3 was a problem; they sent the train out anyway. I wasn't the
4 operator. I was the operator behind that train.

5 Q. Uh-huh.

6 A. But they sent the train out anyway.

7 Q. From the yard?

8 A. From the yard, and before it got to Rockville, the train
9 BIE.

10 Q. Okay. Was this recently?

11 A. Yes.

12 Q. Okay.

13 A. So I'm just saying that it's -- I guess it's on both
14 issues I guess to get revenue out.

15 Q. Okay.

16 A. So I'm not saying it is all on Central. I'm just saying
17 somewhere the concern is making revenue that we, that we I guess
18 forget that we have an issue with the train. I guess if they run
19 it back the other way and it don't break down then, you know, we
20 make revenue. We just put car equipment on it.

21 Q. Okay. Getting back to the question we had before when
22 you excused yourself, about the manual mode. The last interview
23 we had, you said that there were two occasions you were taken off
24 the train because of operating manual. On the third occasion, you
25 were sent for a post-incident and then you were sent to training,

1 right?

2 A. Sent for a refresher course, yes.

3 Q. For a refresher course, to training --

4 A. Yes.

5 Q. And during that refresher training, at wherever it took
6 place, what were you told? What were you told on that refresher
7 training? What were you taught about manual mode as opposed to
8 ATO? Were you told that it was okay to continue or were you told
9 something different?

10 A. Well, they wanted to find out why I felt that it was
11 unsafe in reference to operating the train, and as I expressed my
12 concerns, they then understood the concern because it is a
13 concern. It's a concern when, you know, if this is your
14 livelihood and you just sit in the street, you don't have no pay
15 coming in. It was a concern if you want to say human error that a
16 train come on the platform and now that we're opening the doors,
17 mainly that we forget that we have six, you know, that we forget
18 that we have an eight car train and think it's a six.

19 So those were my concerns, and I think they were
20 legitimate concerns and I just I guess looking out for myself, but
21 I also see a whole lot of my other coworkers who are in the same
22 or worst positions than I am get put in the streets
23 (indiscernible) because I know years before, if you had a train
24 off the platform, drop left and right, if you can service the
25 platform, service the platform.

1 Now it's coming with, okay, since it's become more
2 frequently and there's been a constant upgrade of the software, is
3 it the operators or is it the software? We've got new trains
4 online versus the old trains. We have new software that we're
5 using. Is it truly the operator or is it the software? And I
6 guess it came to a point where we realized it's the software, but
7 all the safety mechanisms that was placed on the train since the
8 train can run by itself is on the operator now.

9 So now we can open the doors both sides, where at one
10 point it was a failsafe mechanism that you had to move the train
11 in order to open the door. When you came on the platform, if you
12 didn't get -- but the doors didn't open on the platform. You
13 could adjust the train on the platform --

14 Q. Uh-huh.

15 A. -- and they'll open the doors on the platform side
16 because the doors wouldn't open. You had to key down and key back
17 up.

18 Q. Uh-huh.

19 A. That was a failsafe device that was on the train. In
20 order for the doors to open up, and that was if someone opened the
21 doors up on the opposite side as well because you had to key down
22 and key back up.

23 Q. So what's different now?

24 A. Now we don't have that failsafe device anymore. We're
25 not using that failsafe device. Everything is open and closing

1 doors mainly.

2 Q. Okay. Because you've got the doors switching manual,
3 manual?

4 A. Right.

5 Q. Okay. So they're totally dependent on the operator.

6 A. Now to do everything. And it's not -- I don't believe
7 it's a hard challenge for us, but when you had all this, at one
8 point, allowed the train to do everything and even with the safety
9 aspect, and now you're putting everything there on the operator,
10 let alone the operator have to watch out for people who strike the
11 train because we always say a person struck by the train, and as
12 we've always had discussion as operators, the train never leaves
13 the track. So how does the train strike a person who didn't jump
14 in front of the train?

15 So -- and that's just, you know, something that we talk
16 about because for us it's the darndest thing because it's always
17 going to be the operator at fault until it gets cleared up that
18 it's not the operator. Everything that happened, we're guilty
19 until proven innocent. When the doors -- when we had the issues
20 with the doors opening on the opposite side of the platform,
21 before we went into manual mode with the doors, it was always the
22 operator at fault until proven that it wasn't the operator.

23 But to me, it's kind of shed in a different light that,
24 okay, we realize that it is a problem and we had an operator doing
25 everything. But we still have to answer when we feel certain

1 things are safe for us to operate the train because if safety is
2 first, whose safety? Because we, as an operator, we have the
3 ultimate responsibility for the safety of the customers, but we
4 get beat down when we look at that.

5 Q. Let me get back to what you said about the training
6 instructor, the refresher --

7 A. Okay.

8 Q. -- instructor. You said they agree with you that -- I
9 guess they understood your concerns, right.

10 A. Right.

11 Q. But even with that --

12 A. They have to follow the book.

13 Q. That's what I'm concerned about. What did they tell
14 you? When you returned to the mainline, what were you supposed to
15 do?

16 A. Well, for the instance, pretty much they just referred
17 that you will have to follow the book, and the book says even
18 though the ultimate decision of the operation of the train is on
19 the operator, that Central Control has the ultimate say so. And
20 to me that's kind of like a contradictory within itself. If we
21 had, if we had the responsibility of the public, then how do we
22 supersede with that responsibility because somebody feels as
23 though, well, we want the system to run computer all day long.
24 Okay. But we know the computer have glitches in it. Well, you
25 know, you need to catch the glitches.

1 Q. Uh-huh.

2 A. So if the train overruns the platform, you know, you
3 need to catch it before it overruns the platform. Okay. But we
4 know we've been having problems but that's up to you to catch, and
5 if you don't catch it in time, if you don't recognize it in time,
6 and some of it is with experience, to kind of look at it because I
7 think most people coming out of class, they look for that PSS, but
8 the more senior operators or operators in the yard, they know,
9 okay, I'm looking for PSS but also I'm looking for the speed
10 readouts.

11 Q. Uh-huh.

12 A. Because at a certain point, I have in my mind that I
13 know pretty much for each different train, like the lead car, if
14 I'm running 5,000, I know almost to a point where the 5,000 start
15 dropping out, starting losing speed readouts.

16 Q. All right.

17 A. But that's not something that's going to be taught in
18 the class. That's something that you kind of deal with as you
19 come on a line and you get some experience like, okay, the train
20 almost overrun the platform but we didn't. Okay. That's stuff
21 you start looking at for yourself personally and we start speaking
22 amongst ourselves.

23 Q. I see.

24 MR. EDWARDS: Does anybody else have any questions?

25 MR. BALLARD: I've got one more. One more.

1 BY MR. BALLARD:

2 Q. Between, and we mentioned this very early on in this
3 discussion, between Tacoma and Fort Totten, as far as you can
4 recollect, that your train only stopped once due to a train being
5 in front of you.

6 A. Right.

7 Q. Only once. And --

8 A. Well, it stopped twice.

9 Q. Okay. It stopped twice.

10 A. The second time was when the collision occurred.

11 Q. Okay. Once between there was a train in front of you,
12 that train moved.

13 A. Moved to the next I guess spot.

14 Q. And then you moved up and then you stopped again.

15 A. Yeah, and then I stopped where that train was and that
16 train proceeded into the station.

17 Q. Okay. When your train stopped, did you make any
18 announcements or anything to your customers letting them know, you
19 know, we're stopped until --

20 A. I made an announcement the first time we stopped and I
21 even let them know that it was a delay on the line that --

22 Q. Okay.

23 A. -- that we will be moving like stop and go.

24 Q. Uh-huh.

25 A. Because there was a train ahead of me and I knew when I

1 came up the line that there were trains staggered down the line
2 when I came up the line. So --

3 Q. Okay.

4 A. -- yes, I did make an announcement.

5 Q. Okay. And you made that announcement twice?

6 A. Yes. And it could have been more than twice but I know
7 I stopped twice, but I made the announcement.

8 Q. You stopped only twice but you made the announcement at
9 least twice --

10 A. At least twice.

11 Q. -- to let them know that you were holding because there
12 was a train.

13 MR. BALLARD: That's all I have.

14 MR. REMINES: Jim Remines.

15 BY MR. REMINES:

16 Q. Can I ask you, the first stop --

17 A. Yes.

18 Q. -- was the train ahead of you stopped where you stopped
19 the second time?

20 A. I believe I stopped where that train was, yes.

21 Q. Okay. Let's go back to manual and automatic. And I've
22 got to explain this to laymen and I'm trying to become proficient
23 at what you do out there. When you lose your speed and what's it
24 called, the speed command --

25 A. Yes.

1 Q. -- in automatic, you cannot move until it returns. Is
2 that correct?

3 A. Correct.

4 Q. When you lose it when you're in manual, can you move the
5 train?

6 A. Yes, you'll get the birdies.

7 Q. And the birdies?

8 A. You'll get the over --

9 UNIDENTIFIED SPEAKER: B-b-b-b-b-b-b --

10 THE WITNESS: Yeah, speed along.

11 BY MR. REMINES:

12 Q. Okay. But you could still move the train?

13 A. You will have to go to a P5 and then you can move the
14 train but you can only move the train max speed at 14 miles an
15 hour.

16 Q. Yeah, that's what I understood. So that was one of the
17 concerns of the managers. If you lose a speed command, and the
18 signal goes to red, are we talking about that pocket track, does
19 the physical wayside signal go to red and then the train passes it
20 and then it returns, your speed command?

21 A. Yes.

22 Q. Okay. Do you think the speed command is -- I'm trying
23 to figure out. Speed command has nothing to do with the wayside
24 or is the wayside reading the red signal? The speed command, is
25 it coming from the wayside at that point?

1 A. Yes.

2 Q. Okay. Now you say you have car department people or
3 mechanical people on a train because I see them myself if you're
4 having brakes sticking and something like that. Are there APC
5 people that show up on a train, too, that do a similar or --

6 A. They normally do it wayside.

7 Q. Wayside. I understand that. Now when you take over a
8 train and let's say the train comes into the station, it's a
9 termination point, you step on the head end and the operator steps
10 off the rear.

11 A. Based on I guess, I'm not too sure what you're saying
12 but based on if a train comes on the platform --

13 Q. Right.

14 A. -- and I'm taking that train back out --

15 Q. Right.

16 A. -- I normally would get on that back trailing car --

17 Q. Right.

18 A. -- and the operator will pull it into the parking track,
19 and I will take it out of the parking track onto the platform.

20 Q. Right. So he keys down and you key up --

21 A. Yes.

22 Q. -- from opposite ends train.

23 A. Yes.

24 Q. Is there any request to communicate at that point?

25 A. No. We just normally -- it's kind of like a courtesy

1 thing. You hit the horn, beep the intercom horn --

2 Q. Right.

3 A. -- which they kind of trained us in training to kind of
4 do to let the other person know that you're keying down.

5 Q. Okay. But there's no briefing from him to you about the
6 condition of that train?

7 A. Most of the time, since we're kind of like families,
8 some people do say things, some people -- you won't find nothing
9 until you key up like, oh, I've got a mode. So --

10 Q. If he's had intermittent problems with a train or even
11 like air conditioning programs with the train, I've seen cars,
12 there's no way of you knowing what the condition of the rest of
13 the train is?

14 A. No.

15 Q. Okay. If he's making -- if he's had problems getting
16 the brakes off, unless you overhear him over the radio, there's no
17 briefing --

18 A. No.

19 Q. -- for you, there's nothing in the console that would
20 say, we've had a problem with this or you've got a problem with
21 this car.

22 A. Not unless Central will tell them to put a note on the
23 console, but if they put a note on the console, they put it on
24 that trailing end --

25 Q. Okay.

1 A. -- not on your end.

2 Q. You've taken over an inbound train from an outbound -- I
3 mean from an inbound train and now you're outbound. Is there
4 any -- do you communicate before you go on a line? Do you
5 communicate with the OCC that you're leaving?

6 A. No.

7 Q. Or are you just operating off the wayside and the speed
8 command?

9 A. Operating off the wayside and speed command.

10 Q. Do you ever communicate with OCC and ask them about the
11 conditions on that line that you're departing on?

12 A. No.

13 Q. So how do you find out about delays?

14 A. Normally when they come over the radio and they will
15 either instruct you to make announcements or you will hear that
16 because you might have just came on.

17 Q. Right.

18 A. So you might -- your radio may have not been on OPS 1.

19 Q. Right.

20 A. So you probably won't get OPS 1 until you get on the
21 train, and you will probably hear them trying to move the train
22 that experienced the problem. So that's when you might.

23 Q. I think I went through this leaving with track personnel
24 wayside. You would not necessarily know that when you leave the
25 station, would you?

1 A. No.

2 Q. How do they handle a track -- you've been on there seven
3 and a half years and since then, we've had changes made to the
4 track wayside worker protection. Is it -- do you feel some of the
5 operators said they didn't know that the track people out there.
6 Is that the case today?

7 A. Not as much. I'm like, I guess on occasions, like I
8 said, based on when you picked up your train --

9 Q. Yes.

10 A. -- if they've already made an announcement before you
11 went to OPS 1 --

12 Q. Okay.

13 A. -- you wouldn't probably know until they make the next
14 announcement.

15 Q. The manifest that you get, what's in that manifest?
16 I've heard that. That's when you come on duty?

17 A. That's when you come on duty. Pretty much it tells you
18 what train you're taking out, the departure and arrival time.

19 Q. How do you know the next train you take out? Is that
20 part of that schedule?

21 A. Yes, it's just like listed. So I take out Train 214, it
22 leaves here. It's due at this point, and then I take out train
23 210, it leaves here at this point and arrives at this point and
24 then I take this train out. So --

25 Q. But this day was unusual, the last train you had wasn't

1 shown on the manifest, was it?

2 A. The train? The 214?

3 Q. Yeah.

4 A. No, that was on my manifest.

5 Q. Because you said that they had been relieving and they
6 were pulled in --

7 A. Oh, no, that was that morning.

8 Q. Oh, that morning.

9 A. Right. Normally I would have taken 171 across to Shady
10 Grove but there was a delay.

11 Q. Okay.

12 A. I think they may have took [sic] my train. So they had
13 me pretty much kind of assisting with bathroom relief because at
14 that point now is, if I could delay, because a lot of time the 100
15 operators get to Glenmont, they're just turning back around and
16 coming back out.

17 Q. Okay.

18 A. And I guess to kind of minimize, utilizing on all the
19 line supervisors, because now everybody starts saying I need a
20 personal, that they will let them get off at Silver Spring
21 sometimes --

22 Q. Okay.

23 A. -- and I will, I will or whoever's working the platform
24 will take the train to Glenmont and they get their relief there
25 and the next train that's coming out would be their train. So

1 they had an opportunity to go to the restroom because that was, I
2 guess that was an issue that they were trying to deal with down at
3 Silver Spring and Glenmont because a lot of operators, when
4 there's a delay on the line, you don't have enough time to use the
5 restroom, and then you're back out.

6 Q. Do you feel that you have enough information to operate
7 your train safely out there? And if not, where would you like to
8 see improvements? And that's just an open question for you. I
9 know you're talking about the ATO problem and the doors on the
10 platforms -- maybe I should ask that question. When you're
11 automatic, could the train stop off the platform and you open it,
12 inadvertently open the doors for the passengers?

13 A. When the doors are on automatic?

14 Q. When your train is an automatic.

15 A. Now we can, yes. Before if it didn't detect the train
16 was on the platform, it wouldn't allow the doors to be opened.
17 You had to make an adjustment in order for the train to open the
18 door.

19 Q. So that's changed today. You could inadvertently -- the
20 doors could be opened with the passengers -- putting passengers
21 off at the platform?

22 A. Right.

23 Q. In manual, right?

24 A. Yes.

25 Q. In automatic also?

1 A. Yes.

2 Q. And it could stop off the platform in automatic?

3 A. Yes.

4 Q. And your concern is that with manual, you're able to
5 control where the train stops and when the doors open?

6 A. Right.

7 Q. I just want to understand that. Okay. Now I'll go back
8 to my original question.

9 A. Okay.

10 Q. Information. Do you need more information from OCC
11 before you depart? Do you think you're getting enough information
12 from the operator on the inbound? Do you think there are any
13 voids out there that could make it a better operation from the
14 standpoint of what you know what's going on? Or are you satisfied
15 with the information you're getting now -- given now?

16 A. So I have to respond to all that?

17 Q. Yeah.

18 A. There is a communication gap. That's one. There is a
19 communication problem. That's two. Communication problem meaning
20 certain sections of the railroad, there are spots that we can't
21 communicate.

22 Q. Okay. That's with radios.

23 A. Excuse me.

24 Q. That's radio?

25 A. Yes, with the radios.

1 Q. Okay.

2 A. So there's a -- like I said, there's a communication
3 problem between OCC to the operator and the operators to
4 operators. There's a communication problem with radios that we
5 can't communicate with OCC and sometimes we have to do what we
6 call relay. Can you relay the message? Because they might can
7 [sic] catch one train that's closest to you that can communicate
8 back with you.

9 Q. And what kind of communications are we talking about at
10 this point?

11 A. That's pretty much utilizing the radio.

12 Q. Yeah.

13 A. So if there's a --

14 Q. Are they safety messages, operating messages?

15 A. They can be anything.

16 Q. Okay.

17 A. I can't hear nothing so --

18 Q. You don't know what's going on around you.

19 A. Right. And then we have a point where we're not
20 supposed to move the train and if you hear them, they say, well,
21 go to the next -- the nearest ETS box --

22 Q. Uh-huh.

23 A. -- but I can't hear nothing to go to the ETS box because
24 I'm not supposed to move the train.

25 Q. Okay.

1 A. And I'm not supposed to use the cell phone. So --

2 Q. Okay.

3 MR. REMINES: Ron.

4 BY MR. EDWARDS:

5 Q. I have one follow-up question for you or another
6 question for you. Prior to the incident, when you -- I guess you
7 were in the operator's cab, your train is at a stop point, you
8 recognize or you see the train that's on the platform beginning to
9 pull off. Did you at that point recognize that speed readouts
10 were coming back to your train or had they come back?

11 A. I just saw that the train --

12 Q. Uh-huh.

13 A. -- I didn't even know that it was pulling off or
14 anything.

15 Q. Okay.

16 A. I just saw the train there.

17 Q. But that whole time between when you were --

18 A. No, I didn't have any speed readouts.

19 Q. The whole time, you didn't have any speed readouts?

20 A. No.

21 Q. So up until that point of the collision itself, you were
22 still without any speed readouts?

23 A. Right, because I still saw the train ahead of me.

24 Q. They weren't -- I mean I just want to clarify. They
25 weren't coming in and out. There was no --

1 A. There were no speed readouts.

2 Q. You said zero speed readouts. Okay. All right.

3 MR. REMINES: Jim, one more time.

4 BY MR. REMINES:

5 Q. In the retraining process, tell me how that works.

6 A. Pretty much the refresher is to refresh you the
7 operation and also rules and regulations.

8 Q. How does it work? Do you report there for a day?

9 A. You report there for I guess how many days they
10 determine that you need refresher training.

11 Q. Who's they?

12 A. Management.

13 Q. Are they there when you go through the retraining?

14 A. No, they just have an instructor there.

15 Q. And the instructor, is that instructor a manager or he's
16 just a person that's there to answer your questions?

17 A. They're there on the company's behalf. So I guess
18 pretty much for the time that I went there, they were kind of
19 baffled why I was there. They had to figure out why I was there,
20 and then they had to figure out how to address the reasons for me
21 being there.

22 Q. And they're supposed to resolve what? Your concerns.
23 They have a mandate to take action to either help you or retrain
24 you. So that -- it would say on there what you're there for.

25 A. As far as I know when I went there, they asked me why I

1 was there, and I guess they had to call back to the division to
2 find out what was going on, and I guess the best way to train me
3 or retrain me, refresh me.

4 Q. Then they fill out a recommendation like to return to
5 work like your doctor would if you went to a doctor for --

6 A. I guess once you go through training --

7 Q. Do they give you a slip to go back to work?

8 A. Go back to you -- no, they don't give you a slip. I
9 guess once you completed training, then that was pretty much it
10 for that day.

11 Q. And you report back to work?

12 A. Right.

13 Q. You don't have to meet with the manager when you come
14 back?

15 A. Not unless you've got sign paperwork for disciplinary
16 action or something.

17 Q. So they don't know what happened at retraining. They
18 just know that you had to come there for a refresher?

19 A. Well, they were seeing me there. So pretty much,
20 it's -- if I could say, it's like a standard training refresher
21 course.

22 Q. Uh-huh.

23 A. Like they would -- like if I need to be certified. They
24 would --

25 Q. But here -- you're here for a reason --

1 A. Right.

2 Q. -- related to --

3 A. So they address whatever -- they will address whatever
4 reason the management told them.

5 Q. Okay. You're there saying I refuse to go to automatic,
6 right?

7 A. No, I didn't -- okay. When I went there, I explained to
8 them the reason I was adjusting the train on the platform because
9 I would go automatic but I will adjust the train on the platform
10 to the eight car marker, and then open the doors.

11 Q. Okay. And you were there because you were pulling to
12 the eight car mark and opening the doors?

13 A. Yes.

14 Q. Okay.

15 A. Which I can do.

16 Q. What did retraining tell you? Were they operators? Had
17 they operated?

18 A. Yes, they actually trained the operators.

19 Q. Okay. And they came to you, they said to you, you're
20 here because you won't open at the six car mark.

21 A. Right.

22 Q. Right. And what did they say?

23 A. Do you feel comfortable opening the doors at the six car
24 mark? And I was like, well, yeah, and I explained to them, I
25 said, well, on occasion I have eight car trains. I said typically

1 I run six. I said, so, I just have a fear that when -- on one of
2 those days that they give me an eight car train that I will go to
3 the six car mark and open the doors --

4 Q. Okay.

5 A. -- believing in my mind and even probably looking at the
6 train and saying, oh, it was six, open the door and then realize
7 it was eight.

8 Q. So did they tell you that -- what, what was the
9 resolution when you walked out of retraining?

10 A. The resolution was that I understand that six car trains
11 typically stop at six car trains and pretty much I need to believe
12 in the computer.

13 Q. And what did you do? You went right back to manual?

14 A. After I came out of training, I spoke with my
15 superintendent.

16 Q. Right.

17 A. And my superintendent and I talked for a lengthy time,
18 and he and I was going in ATO to the six car marker but then I
19 told him I didn't feel truly comfortable.

20 Q. So you went right back to the eight car point?

21 A. Shortly thereafter, yes.

22 Q. Shortly thereafter. And --

23 A. But I was more -- I was taking more precaution. So --
24 but even when I came in, ATO still was experiencing PSS and that's
25 before the trains get to the platform --

1 Q. Yeah.

2 A. -- and picks up the programmed station stop. And on
3 occasion, it'll stop short. It won't stop at the platform. So
4 now we have to adjust the train, contact Central and adjust the
5 train on the platform, to get permission to go to the platform.
6 Or it'll stop at a certain point.

7 Q. Do you think Central made a note of that from a report
8 from the standpoint of your having to adjust the train?

9 A. I know that when we contact Central, the radio there is
10 recorded. So --

11 Q. Yeah.

12 A. -- that's --

13 Q. But you don't know whether they made a report that the
14 train control system was stopping and making you have to adjust on
15 the platform?

16 A. I have no clue about --

17 Q. No, I just wanted to ask. I'm trying to understand that
18 now what works and what your concerns were.

19 MR. REMINES: Okay. Matt, do you have --

20 MR. BASSETT: Well, I have one question that's sort of
21 to you but also to address (indiscernible) folks.

22 BY MR. BASSETT:

23 Q. Are they doing just eight to the eight for everything
24 then? I mean -- because I've been getting these service alerts
25 saying everybody's pulling to the eight car marker for all trains.

1 A. That, from what I understand, is now being done for all
2 cars. All cars -- all size, all size consists are going to the
3 eight car mark.

4 Q. Okay. So once -- presuming at some point sooner or
5 later they're going to return to manual, or I'm sorry, ATO
6 operations, will that continue?

7 A. At this point, all I know is that moving forward, all
8 cars are going to be stopping at the eight car mark. I think
9 that's also, from what I understand, and this -- we may want to
10 talk about this off this record.

11 MR. EDWARDS: We can pick that up later. Anymore
12 questions, sir?

13 MR. BASSETT: Yeah.

14 MR. EDWARDS: Oh, I'm sorry.

15 BY MR. BASSETT:

16 Q. When you get the birdie when you're in manual mode --

17 A. Yes.

18 Q. -- do you have a certain reaction time that the train
19 budgets for your react to the over speed alarm?

20 A. Yes.

21 Q. And then how long is that?

22 A. It'll keep beeping until you put it in a (indiscernible)
23 rate.

24 Q. Okay. But if it -- I mean I assume that you can't just
25 have it keep beeping at you indefinitely. I mean is the train

1 going to react somehow? Is it going to show you in a BIE?

2 A. Oh, no, you lose speed readouts, so the train is slowing
3 itself down.

4 Q. So as soon as you hear the birdie, the train is already
5 starting to slow itself down?

6 A. Yes.

7 Q. And if you're in mode 2, level 1.

8 A. Yes.

9 Q. Okay.

10 A. Because it takes away your speed readouts. So the
11 train, the failsafe mechanism for the train, if I'm speaking
12 correctly, is the train starts slowing itself down to zero speed.

13 Q. As soon as it gets the birdie.

14 A. Right.

15 Q. Okay. Two sort of tangential questions. One is you
16 mentioned you're working swing in the day. What do you -- and
17 you've got like five hours between --

18 A. Yes.

19 Q. -- your runs. What do? I mean are you home? Are you
20 here?

21 A. That day I actually went up to UDC and I was doing my
22 homework. So I was up there doing my homework, took my lunch up
23 there, took a brief nap up there, and then I cushioned to Shady
24 Grove.

25 Q. Okay. And the announcements that you get about track

1 crews, you get those reports saying all operators being advised,
2 we have track walkers between --

3 A. Certain locations.

4 Q. -- certain locations. When you see, like let's say
5 you're advised you've got track walkers between I don't know,
6 Tacoma and Rhode Island Avenue. Is that a reasonable assumption
7 for where their territory might be in a day?

8 A. It can stretch --

9 Q. Is that a little long or -- regardless. If you -- if
10 you're at Union Station and then you get to Rhode Island Avenue,
11 and then right after you get into the Rhode Island Avenue Station,
12 you see track walkers up there, is it your -- would you say that
13 you and/or the average operator would say, okay, there's the track
14 walkers they're talking about?

15 A. Mode 2, level 1.

16 Q. Yeah. So is the assumption that once you see them,
17 that's it. You're not going to see anything else, that you're not
18 going to see anymore on the way up?

19 A. Based on the area, I'm like you gave a lengthy area.

20 Q. Yes.

21 A. So that entire area, we will be under watch.

22 Q. Okay.

23 A. I know we had a recent safety rule that went out, I
24 believe it was a safety rule, or an update --

25 Q. Uh-huh.

1 A. -- that (indiscernible), and pretty much it had quoted
2 when you go into manual mode, when personnel is wayside and I
3 guess it was a conversation on it because I guess it was felt that
4 it was supposed to be a station prior to, and when we went back to
5 the rulebook, it was like two stations prior to.

6 Q. Yeah. That's what I was talking about sixs, special
7 order.

8 A. So that was like everybody was I thought it was one
9 station prior to. Two stations because -- we were, we were saying
10 two stations prior to, that's kind of like a long time, you know,
11 to go from manual mode because you're two stations away from the
12 affected area. So pretty much we come to that one station away.
13 That would give enough safeguard, and I guess that was, you know,
14 like a communication that came that we had spoken about.

15 MR. BASSETT: That's all I have.

16 BY MR. BALLARD:

17 Q. Just a clarification of one thing. In the interview we
18 had before, you mentioned that you always operate manually.

19 A. I didn't say I always operate manually. I prefer to
20 operate manually but if I'm instructed to go ATO, I go ATO.

21 Q. Okay. So on the day of this incident --

22 A. I was in manual mode.

23 Q. Okay.

24 A. And, no, I didn't hear the blanket announcement for us
25 to go ATO.

1 Q. Okay. So the reason you were in manual mode on June
2 22nd, was because you did not realize it was time for you to
3 operate the train in the ATO? If you had known that you should
4 have been ATO, you would have been ATO?

5 A. If I was instructed by OCC, then, yes, I would have went
6 ATO. If -- like I stated before, before they used to call out the
7 particular trains because I guess we had so many trains that were
8 in manual mode versus ATO mode. So they were calling out
9 particular trains, train so and so, I need you to go ATO. This
10 train, I need you to go ATO. So they were calling out the train
11 IDs when it was ATO time because I want to make the assumption
12 that they didn't feel comfortable in ATO. So they was in manual
13 mode but lately they sent out a blanket announcement versus
14 calling out a particular train ID.

15 Q. So you --

16 A. And that would pretty much be it. So your understanding
17 was that it was normal for you and everyone else on the Red Line
18 during that period to be in manual mode because you didn't hear
19 the blanket announcement saying change from manual to ATO.

20 A. I can only speak for myself.

21 Q. Right.

22 A. I can't speak for no one else, and I would say I felt
23 comfortable being in manual mode versus going ATO.

24 Q. So your normal operation during the periods that you're
25 supposed to be in ATO was ATO?

1 A. I prefer manual.

2 Q. But the question is because there's a time period,
3 right --

4 A. Uh-huh.

5 Q. -- during rush hour --

6 A. ATO.

7 Q. -- and you're not sure if you got the memo or not,
8 (indiscernible) ATO, right. So if you're instructed to or you're
9 given a directive, written or verbal, right, to go ATO, you always
10 normally in ATO? You normally operate the train ATO during that
11 period of time.

12 A. If they single me out, then yes.

13 Q. So what you're telling me is that if they -- if OCC
14 notices that you're in manual mode, then -- and it instructs you
15 personally to go ATO, then you go ATO?

16 A. Yes, but sometimes I do operate in ATO. I'm not saying
17 that I don't -- I never operate in ATO.

18 Q. Uh-huh.

19 A. I'm just saying I prefer if I can operate in manual mode
20 I will operate manual mode. If I'm instructed to go ATO, then I
21 will go ATO, but per the blanket announcement that you're asking
22 me about --

23 Q. Uh-huh.

24 A. -- at that time I was in manual mode because I felt
25 comfortable going in manual mode. And I have a question for you.

1 Q. Uh-huh.

2 A. What is the difference between us operating manual
3 versus ATO?

4 Q. I can't explain that.

5 A. And does it hurt anything if we operate manual versus
6 ATO?

7 Q. I can't explain that either, but the question, the
8 question I'm asking you, because I'm trying to get an
9 understanding from you, is that you've been on the Red Line for
10 how long?

11 A. About seven and a half years. And, no, not my whole
12 entire time I've felt this way but recent events, all this stuff
13 has started occurring, my views about operating ATO and manual --

14 Q. Uh-huh.

15 A. -- I just had a discomfort allowing the train to do
16 everything and then when the train does something that it's not
17 supposed to, now I'm at fault.

18 Q. Uh-huh. So I'm trying to understand, do you understand
19 when you're supposed to be in ATO and --

20 A. Yes.

21 Q. -- when you're supposed to be in manual?

22 A. Yes, I understand when I'm supposed to be in ATO and
23 manual.

24 Q. So on a normal weekday during rush hour, your train's
25 operating what mode?

1 A. Pretty much I prefer manual mode.

2 Q. Yeah. What mode should it be operating in?

3 A. ATO.

4 Q. Right. During rush hour.

5 A. Unless there's a discrepancy with the train and then
6 it's in manual mode, and I can say pretty much the five days out
7 of the week that I operate a train, if I were to give a percentage
8 of the number of trains that have modes that I have to operate a
9 train in mode 2, level 1, it will probably be about 50 to 65
10 percent that the trains have modes on.

11 Q. So normally during rush hour, you operate the train ATO
12 even though you prefer manual. Is that true?

13 A. I would prefer -- no, that's not true. Because like --
14 I just addressed that. At least 50 to 65 percent of the times
15 that the trains have a discrepancy which we're ordered to operate
16 the train manual mode.

17 Q. Okay. When there's no discrepancy on your train, and
18 you're -- during rush hour, you normally operate your train ATO?

19 A. No.

20 Q. Unless you feel safer operating manual mode. Is that
21 what you're saying?

22 A. Say what?

23 Q. So when there's no malfunction.

24 A. There's no malfunction.

25 Q. You said during rush hour, the train should be operating

1 in ATO?

2 A. Yes.

3 Q. So on what occasions does -- is it that you feel -- what
4 happens that makes you feel that on a particular day, on a
5 particular trip, or whatever, that you should go from ATO to
6 manual mode during rush hour?

7 A. Well, what happened?

8 Q. Yeah, what caused you to decide to do that?

9 A. Just out of the sheer fact that what continues to happen
10 to me on the line, that a train overran the platform, that
11 somebody open the doors off the platform.

12 MR. EDWARDS: Honestly, between the conversation, I got
13 a little confused, and maybe if I could ask a direct question.

14 BY MR. EDWARDS:

15 Q. Is there a directive that says during a certain period
16 of time the trains will be operated in ATO?

17 A. Yes.

18 Q. Okay. There is that directive. And if your train has a
19 problem, you would take your train out of ATO as per direction
20 from Central because you have a mode?

21 A. Right.

22 Q. And at all other times you have a train functioning
23 properly, no problems, how are you operating your train?

24 A. Normally or occasionally manual mode.

25 Q. Normally or occasionally manual mode. Okay. On the day

1 of the incident, were you having any modes or any problems with
2 the train?

3 A. No, not that I can think of, no.

4 Q. All right. Was it during the time period when the
5 directive states it should be in ATO?

6 A. Yes.

7 Q. All right. Do you have any questions for me, from
8 safety?

9 A. The biggest question that I have is what is the issue
10 between operating the train mode 2, level 1, versus mode 1?

11 Q. That -- I don't have the direct answer for it.
12 Basically I believe that rail operations have made a determination
13 that during these time periods, because of I guess -- I'm guessing
14 and maybe I shouldn't guess, but for line efficiency, I don't
15 know. Don't get me wrong. For line efficiency, ATO is the
16 preferred method of operating the trains during mass peak rush
17 hour time periods. During those non-peak rush hour times --

18 A. They run manual mode.

19 Q. -- they run manual mode.

20 A. And so --

21 Q. And that -- from what I understand, that's from a
22 directive from a previous incident that we had many years ago
23 where operators were not used to using the manual mode. So we've
24 had to go through a time, where we do some time in ATO and some
25 mandated time in manual. So that's a mandate from -- that we have

1 train operators used to operating in both modes from the Shady
2 Grove incident. That may be the spark of part of the decision
3 making process.

4 A. Okay.

5 Q. From -- well, that's the best answer I can give at this
6 point.

7 THE WITNESS: I have a question.

8 MR. BALLARD: Yes.

9 THE WITNESS: Like from the point when we do operate the
10 trains in ATO versus manual, has there been any issues with line
11 deficiency? I mean like, you know, basically I guess the running
12 of the line, if it's better to operate the train in ATO and allow
13 the computer to basically run the trains which based on what's
14 going on in the system, you never have the total fleet in ATO
15 because of the different issues with the trains.

16 MR. BALLARD: Uh-huh.

17 THE WITNESS: Is there, I guess more so when it's in
18 manual mode all the time, is there a difference? Are there more
19 incidents or issues in manual mode versus ATO?

20 BY MR. BALLARD:

21 Q. Okay. Two things. Do you feel that an operator who
22 just came out of training can operate a train as efficiently as
23 you can with seven years of experience, manual mode?

24 A. I truly believe that he have the same training but I may
25 have --

1 Q. Same training, same training but do you feel he can
2 operate as well as you can manually?

3 A. I really can't --

4 Q. Honestly. Honestly.

5 A. The honest truth to answer that question is they would
6 have had to have been in every situation that I've been in
7 honestly. A lot of them probably went through OJT and they worked
8 the yard, but I worked the yard for a couple of years and I used
9 to work with the shop department. So when I worked the yard, I
10 actually -- we communicated what was going on. That's how I found
11 out that in the braking mechanism of the train that they put a
12 delay for the brake in.

13 Q. Okay.

14 A. So when you go to a B5 rate, it takes a couple of
15 seconds before it actually kicks in the brake. It doesn't brake
16 immediately.

17 Q. Let me explain something to you, other than what you
18 know. When you come into the station in manual mode --

19 A. Uh-huh.

20 Q. -- when you come into the station, you come in, you go
21 to B1, 2, 3, whatever, how you do, stop on the platform --

22 A. Right.

23 Q. -- you know, if the platform is right outside, you open
24 the window, you look out, right.

25 A. Uh-huh.

1 Q. But if it's on the left-hand side of the train, the
2 platform's on the left-hand side of the train, now you've got to
3 bring the train -- the master control back, B5, auto store, get
4 up, walk across --

5 A. Auto store?

6 Q. B5, B5. You've got a problem when you've got to bring
7 up auto store, B5. You've got to walk across to the opposite end
8 of the train, right, the other side of the train, the other side
9 of the cab --

10 A. Okay.

11 Q. -- look out the window --

12 A. Uh-huh.

13 Q. -- right, open the doors --

14 A. Uh-huh.

15 Q. -- right, come back to your seat and make an
16 announcement, right, go back to the window, close the doors, walk
17 back over to the seat and then move out of the station.

18 A. Right, yes.

19 Q. In ATO --

20 A. The windows close, the train --

21 Q. When you're moving back to your seat.

22 A. Right.

23 Q. So that's more efficient. You get out of the station
24 quicker than if you operate in manual mode. Also, also from
25 experience, from experience, look at some operators. Some

1 operators who are new to the operation, the operation, cannot
2 operate as well as an experienced operator. On the day that OCC,
3 the first occasion OCC called you and you were in manual mode,
4 what did OCC tell you? What did they explain to you was the
5 reason why they detected that you were operating manually?

6 A. They didn't. They just told me to go multilevel. I
7 mean --

8 Q. What --

9 A. They told me to go ATO.

10 Q. Was it ever said to you that you were backing the line
11 up?

12 A. Okay. On one occasion, and I think I might have known
13 what you're speaking of, when I came into the platform --

14 Q. Right.

15 A. -- they said, okay, well, it's ATO.

16 Q. Uh-huh.

17 A. So I went ATO, the train came on the platform, I adjust
18 the train on the platform.

19 Q. Uh-huh.

20 A. So, yeah, that was something that they were trying to --
21 that was something that they did say that I was holding the line
22 up, and then also one of your controllers over the air said I
23 would have just let him go manual mode. So you don't want me to
24 go manual mode which is efficient for me to operate the train,
25 that I feel is within safety, but if I follow the rulebooks, the

1 rulebooks state that if I come in the platform and I don't get all
2 doors open, I can adjust the train on the platform, right. So
3 we're following the rules, ATO, platform, I don't get all doors
4 open. Can I adjust the train on the platform?

5 Q. You follow the rule. If the rule states that when you
6 -- when the train stops on the platform, and it's not positioned
7 properly, that you can adjust the train on the platform, if that's
8 the rule, that's what you're supposed to do.

9 A. So I adjust the train on the platform.

10 Q. But I'm not going to sit here and say that you can
11 purposely stop the train when it comes into the platform --

12 A. No, I --

13 Q. -- and readjust it at each platform. I'm not going to
14 say that.

15 A. No, no, that's not what I'm -- I'm saying following the
16 rules, that I come on the platform, if the train does not open the
17 doors automatically --

18 Q. Right.

19 A. -- that's in your rules --

20 Q. Right.

21 A. -- that I can adjust the train on the platform to the
22 eight car mark is in the rules, okay. So the incident that you
23 are expressing to me, that's what I was doing.

24 Q. Okay. But I'm not -- I can't really, you know, discuss,
25 you know, the particulars of the incident. I don't know what

1 happened.

2 A. No, but you asked a question and I was addressing it to
3 you so that you would know because you asked the information. You
4 would know what I was doing. I was following the rules. The
5 rules state, train come on the platform, doesn't -- I don't get
6 open doors, can I adjust the train?

7 Q. But the question was about whether or not in manual
8 mode, it was efficient as ATO. That's what we're discussing.

9 A. I was in ATO at that time. The only time I went manual
10 mode is when I adjusted the train on the platform.

11 Q. But I'm not saying anything was wrong. I'm not trying
12 to dispute what you're saying about the incident.

13 A. But you just asked me, you just asked me did I cause a
14 delay? Was it told to me that I was causing a delay?

15 Q. Yes, yes.

16 A. And I was --

17 Q. And the answer is?

18 A. And I was saying to you, I was following the rules.

19 Q. But the question was, were you causing a delay when your
20 train was stopping?

21 A. I wasn't causing a delay. I was following the rules.

22 Q. Okay. The question was what the OCC said to you during
23 the incident but never mind. The question was -- from you to me
24 -- was, is it more efficient to operate ATO than manual? It's
25 more efficient, the whole system if all trains are in ATO.

1 A. Okay.

2 Q. There are occasions when we have to have operators
3 operate in manual mode. If there's a fault on the train or if
4 there's an eight car consist.

5 A. Consist.

6 Q. We have to do that. Normally, during rush hour and at
7 some point, you can come to OCC and sit with us one day, whenever
8 you want to, and I can show you when we have trains operating at
9 the manual mode, they have a tendency to back the line up. Some
10 operators can operate the main car train or any other train manual
11 mode very efficiently. Some operators can't. Okay. So to
12 explain your question, it would be better for you to come to OCC
13 to see for yourself.

14 A. And one last thing, or to piggyback what you just said
15 about the efficient aspect. So when the incidents that occur and
16 you may not be aware of, when train operators are operating in
17 ATO --

18 Q. Uh-huh.

19 A. -- and they put supervisors on the train because they
20 were delaying the line based on how they're operating.

21 Q. Uh-huh.

22 A. Where is the efficiency in that if they're in ATO but
23 they still causing a delay.

24 Q. Because maybe there's something that the supervisor can
25 do to assist the operator in moving along, getting in the station,

1 getting out of the station more quickly.

2 A. Okay. So we want to say that there's a controversy with
3 manual that it won't operate as efficiently as an ATO but based on
4 the operator, and based on the operator in ATO --

5 Q. Uh-huh.

6 A. -- that you have to put an additional person on the
7 train to operate that train efficiently.

8 Q. No, that's not what I'm saying. What I'm saying is that
9 on certain occasions --

10 MR. EDWARDS: For the purpose of the interview, we're
11 done with the interview process.

12 MR. BALLARD: Yes.

13 MR. EDWARDS: Can we wrap up the interview?

14 MR. BALLARD: Yeah.

15 MR. REMINES: Yes.

16 MR. EDWARDS: And then we can further explain. This is
17 Ron Edwards. It's approximately 12:40 p.m., 7/02/09, we're
18 closing the interview out with Mr. Brian Brooks. Once again,
19 Ronald Edwards, Hercules Ballard, Jim Remines and Matt Bassett are
20 present. Thank you very much.

21 (Whereupon, at 12:40 p.m., the interview in the above-
22 entitled matter was concluded.)

23

24

25

CERTIFICATE

This is to certify that the attached proceeding before the
NATIONAL TRANSPORTATION SAFETY BOARD

IN THE MATTER OF: Collision of Two Washington
Metropolitan Area Transit Authority
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Interview of Brian Brooks

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was held according to the record, and that this is the original,
complete, true and accurate transcript which has been compared to
the recording accomplished at the hearing.

Kathryn A. Mirfin
Transcriber