EXHIBIT 3-A

Docket No. DCA-08-MR009

NATIONAL TRANSPORTATION SAFETY BOARD
WASHINGTON, D.C. 20594

Operations Group Factual Report

2/13/2009

DCA08MR009
Collision
Metrolink/Union Pacific Railroad
September 12, 2008
Chatsworth, CA

National Transportation Safety Board Operations Group – Factual Report

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Synopsis

On Friday, September 12, 2008, at approximately 4:22 p.m., Pacific daylight time, westbound Metrolink train 111 (train 111) collided with Union Pacific Railroad freight train LOF65 – 12 (Leesdale Local) near Chatsworth, California (MP 444.123). The Metrolink train derailed its locomotive and lead passenger car; the UP train derailed its two locomotives and ten cars. As a result of the collision train 111's locomotive was shoved about 50 feet rearward into the lead passenger car. Emergency response agencies reported that 102 injured persons were transported to local hospitals. There were 25 fatalities.

Damages are estimated at $10.6 million. Environmental conditions were daylight, clear skies, haze, calm winds and a temperature of 73 degrees with visibility of 4 miles. Parties to the investigation include Metrolink, UPRR, CPUC, FRA, BLET, UTU, Bombardier, Mass Electric Construction Company, Connex, Los Angeles Police Department, and Los Angeles Fire and Rescue.

During this investigation, the operations group interviewed both train's surviving crewmembers, managers, the dispatcher and potential witnesses to document the circumstances that led up to this accident. Crewmembers, with the exception of the Leesdale Local conductor, were able to give detailed interviews of the operation of their train, signals received and actions - both before and after the accident. Crew statements were compared with applicable rules and instructions, signal records, and locomotive event recordings.

Method of Operation and Location

The method of operation is Centralized Traffic Control (CTC). All train movements are governed and authorized by signals controlled from a centralized train dispatching center at Metrolink's Operations Center (MOC) in Pomona, California. Dispatching is governed by the General Code of Operating Rules, timetable and special instructions supplemented by the Metrolink's Manual of Instructions effective 12:01 a.m. effective September 1, 2007.

The collision point was railroad direction west and compass direction north of CP Topanga on Metrolink's Ventura Subdivision on single track at MP 444.123. Trains are operated in either direction on a single main track by signal indication of the CTC system. On this subdivision there are an average per day of 14 freight trains, 18

Metrolink trains, and 12 Amtrak trains. Maximum authorized (timetable) speed for freight and passenger train is 40 mph at the accident location. The 40 mph limit is between MP 442.6 and 444.5. Passenger train maximum speeds increase to 70 mph between MP 444.5 and 453.1. In the area of the accident, all trains use radio channel 2929.

The Southern California Regional Rail Authority (SCRRA) is the joint powers authority that oversees Metrolink, Southern California's commuter rail service. Metrolink has 7 rail routes, 56 stations, and 416 miles of track in six counties, transporting approximately 45,000 passengers daily. Metrolink has 155 commuter coaches and 38 locomotives. Transportation services and operating crews are provided by transportation contractor Connex[1]. Connex has a five-year operating contract that began July 1, 2005, to provide services previously provided by Amtrak.

Circumstances Prior to the Accident

LOF65 – 12 (Leesdale Local)

Union Pacific (UP) freight train LOF65's (Leesdale Local) crew base/reporting point was in Gemco, California on September 12, 2008, at 11:30 a.m. The Leesdale Local's crew consisted of an engineer, conductor and trainman. This was a regular assignment for the engineer and the trainman, and the conductor was filling a vacancy (extra). Outbound assignments on this day ended at Oxnard, CA. At 3:13 p.m., the train started returning eastbound to Gemco. The train had 2 locomotives, UP 8495 & 8491, (EMD SD70ACE) and 17 cars (7 loads and 10 empty). Train weight, including the locomotives, was 1522 tons. Train length, with locomotives, was 1,164 feet. The engineer and the conductor were located in the lead locomotive and the trainman was located in the second locomotive.

The eastbound Leesdale Local received a clear signal at CP Davis (MP 440.8) at 4:17:38 p.m. At 4:20 p.m., a text message is received by Verizon from the UP conductor's phone. At 4:20:15, the Leesdale received an approach diverging signal indication at intermediate signal 4426 indicating it would enter the 11,300 foot controlled siding at CP Topanga.

Metrolink Crew

The Metrolink conductor and engineer, crew designation CMKMV3, worked a regularly assigned five day week, Monday thru Friday, with Saturday and Sunday rest days. The crew had worked together on this assignment for nearly 6 months. On the morning of the accident, they reported for duty at the Montalvo crew base at 5:54 a.m. A job briefing was conducted to discuss track warrants and bulletins from the Union Pacific Santa Barbara Subdivision and Metrolink track warrants and bulletins from the Ventura,

[1] Connex, the transport division of Veolia Environnement, entered the US transportation market in 2001.

Valley and River Subdivisions. Also covered was the safety rule of the day (5301). At approximately 6:15 a.m., the conductor gathered up the applicable paperwork for the four trains they would operate, nos. 106,111,118 and 119. At approximately 6:25 a.m. a class 2 air brake test was conducted, and then the train was shoved east out of the yard under signal indication stopping at the station. The conductor made the "last call" boarding announcement for passengers at 6:44 a.m. After receiving a diverging signal, train 106 headed west, cab car forward towards the Union Pacific Santa Barbara Subdivision, at CP CO 400. Train 106 made 10 intermediate stops before arriving at Los Angeles Union Station (LAUS) at 8:25 a.m. The crew changed operating ends at 8:32 a.m. and operated 106's equipment from LAUS westbound to Metrolink's Centralized Maintenance Facility (CMF), arriving at 8:53 a.m. Once the train was secured, the crew went off duty at 9:26 a.m. The conductor stayed in the immediate area going upstairs to the "quiet" room provided for employees and the engineer left. The conductor stated that the engineer normally drove to his residence and had done so during this mid day relief.

The crew returned to duty at 2:00 p.m. at the CMF. The conductor said the engineer spoke of a two hour nap and described getting good rest. The crew was issued new track bulletins and conducted a job briefing. The crew traveled to the yard, boarded the equipment scheduled for train 111 and departed at 3:03 p.m. in non-revenue service from CMF arriving in LAUS at 3:12:03 p.m. The conductor said his last "face to face" meeting with the engineer took place during the predeparture air test at LAUS. The conductor stated that he saw nothing unusual with the engineer during that meeting. During the time at LAUS, a text message person A[2] is sent to the engineer at 3:11:51 p.m. At 3:20:02 p.m. the engineer is sent a text message from person A. At 3:23:59 p.m., the engineer is sent a text message from person A. At 3:30:49 p.m., the engineer sent a text message to person A.

Train 111 departs on schedule in the pull mode (locomotive in the lead) at 3:34:54 p.m., enroute to Moorpark, California. Train 111 consisted of locomotive SCAX855 (F59PH) pulling passenger cars SCAX185, SCAX207, and cab/passenger car SCAX617. Train 111's conductor's report listed a passenger count of 268 (with a peak count of 189). At 3:35:49 p.m., a text message is transmitted to the engineer from Person A. Train 111 make its first station stop at Glendale at 3:43:55 p.m. and departs at 3:44:55 p.m. Train 111 made its next scheduled stop at Downtown Burbank at 3:50:08 p.m. and departed 46 seconds later at 3:50:54 p.m. At 3:51:08 p.m. a text message is transmitted from the engineer to person A. Train 111 next stopped at Burbank-Bob Hope Airport at 3:54:46 p.m. and departed 39 seconds later at 3:55:25. At 3:56:36 p.m., a text message is transmitted to the engineer from person A. At 3:59:54 p.m., a text message is transmitted to the engineer from person A. Train 111 next stops at the Van Nuys station 4:01:38 p.m. and departs 37 seconds later at 4:02:15 p.m. At 4:06:25 p.m., a text message from person A is transmitted to the engineer. Train 111 then stopped at CP Raymer 4:06:54 p.m. (MP 453.1) waiting for eastbound Amtrak 784. At 4:07:08 p.m., a text message was transmitted from the engineer to person A. At 4:08:47 p.m. a text message is transmitted from the engineer to person A. Amtrak 784 clears and train 111 departed at 4:09:41 p.m.

[2] Person A will not be identified. The cell phone factual report contain more details.

Train 111 arrived at Northridge station 5 minutes late at 4:14:10 p.m. and departed 40 seconds later at 4:14:50 p.m.

Accident Narrative

Up's Leesdale Local

The eastbound Leesdale Local enters the single main track at CP Davis (MP 440.8) at 4:11p.m., at a recorded speed of 46.6 mph. After passing through a 7,369-foot tunnel, the Leesdale Local received an Approach Diverging signal indication at the intermediate signal at MP442.6 at 4:20:15. This signal indicated to the train that they would be entering the siding at CP Topanga. At 4:20 (seconds unavailable), the Leesdale Local's conductor sends an outgoing text message. The Leesdale Local then traversed tunnel 27 (924 feet) then traveled through tunnel 28 (537 feet) before entering a 6° right hand curve. The Leesdale Local's engineer said the last time he heard train 111 was its engineer calling out the signal at the "Control Point at the east end of Chatsworth" (CP Bernson). As the Leesdale Local exited the tunnel into the curve at 40 mph, the opposing Metrolink train came into view (300 feet from the collision point). The UP train's emergency air braking system was activated with little, if any, reduction in speed. The collision occurred at 4:22:23, 645 feet from tunnel 28's portal at MP 444.12.

Metrolink Train 111

Train 111 departed Northridge passenger station (MP 449.3) at 4:14:50 p.m. The conductor started walking through the train during the 6 minute travel time to Chatsworth. The engineer called the next signal at MP 448.3 green (recorded at the train dispatching center). At approximately 4:17 p.m., a recording in the MOC captured train 111's engineer calling over the radio a flashing yellow signal (advance approach) at CP Bernson (MP 446.8) which it passed at 4:17:45 p.m. Train's 111's conductor did not recall hearing the engineer call the signal at CP Bernson. No more radio transmissions from the engineer were recorded before the accident occurred. Train 111 passed the next signal 4451 at 4:18:41. The engineer was not recorded or overheard by anyone calling out this signal indication.

Train 111 stops at Chatsworth station at 4:19:20 p.m. (3 minutes behind schedule). The station stop lasts for 57 seconds. The conductor testified that once the train stopped, he opened the train's platform side doors and stepped down from the rear car onto the platform to observe passengers stepping up and down from the train. The conductor stated that his routine was to step back up to at least the first step of the rear passenger car before making the final announcement of the train's impending departure and pressing the door closure buttons. The conductor said that once you start the sequence button to close the doors, it takes about 10 seconds. Once the door closure sequence is started, the conductor keeps the crew door open so he can look down the side of the train. The conductor stated that when he looked forward alongside the train, he could see a green (proceed) at CP Topanga and said he called to the engineer "Metrolink

111 Highball.[3]" He stated that he did not hear a response from the engineer. This transmission does not appear on any recordings available.

At 4:20:07 p.m., after a 57 second stop, the event recorder shows the engineer preparing the train to depart Chatsworth Station Platform by moving the throttle from idle to 2 and initiating the release of the train's air brakes at 4:20:12. At 4:20:13 p.m., the throttle is moved to 3. Once the conductor closed the crew door, he returned to his desk to update his delay report. The conductor had not heard the engineer call any signal since the "green signals departing Northridge on our way to Chatsworth." At 4:20:17, the brakes are fully released and the train speed is gradually increasing. At 4:20:19 p.m., the throttle is increased to maximum 8 and train speed is 4 mph.

At 4:20:20 p.m., the engineer activates the locomotive bell lasting for 42 seconds. At 4:20:51 p.m., the engineer begins sounding the locomotive horn for 11 seconds for Devonshire Road crossing at MP 445.20. After the train crosses Devonshire, the engineer stops sounding the horn at 4:21:03 p.m. and turns off the bell. At 4:21:03, a text message is sent to the engineer from person A. At 4:21:23 p.m., the engineer activates the locomotive bell for 19 seconds and also makes a short (1 second) sounding of the locomotive horn. While the bell is on, the engineer begins sounding the horn at 4:21:34 p.m. for the next crossing - Chatsworth street at MP 444.70. At 4:21:35 p.m. the train's speed is 52 mph. The engineer stops sounding the horn at 4:21:41 p.m. and the train's speed has now increased to 54 mph. The engineer also manipulates the throttle first to 5, then 6, back to 5, then to 7 then back to 3 and finally to throttle 4 where it remains until the accident. The train is now approximately 1200 feet from the signal for train 111 at CP Topanga. At 4:21:46, the engineer initiates a minimum brake pipe pressure reduction. Train 111 passes the signal at 4:21:56 p.m. At 4:21:59 p.m., the train's brakes have slowed the train to 44 mph. At 4:22:00 p.m., the engineer releases the train's air brakes. At 4:22:01 p.m., the engineer sends a text message to person A. At 4:22:02 p.m., the switch at CP Topanga MP444.4 records "out of correspondence (run through)". At 4:22:05 p.m. the train's brakes are now released and the locomotive is in throttle 4 until the collision. The defect detector at MP444.5 broadcasts a no defect message indicating train 111 is west of the detector. At 4:22:14, train 111 clears the CP Topanga circuit indicating it is beyond the eastbound signal. The collision occurs at 4:22:23. The point of collision is 1761 feet west of the CP Topanga's signal, 1384 feet west of a run through switch[4] at CP Topanga. Sight distance testing found the sight distance for the engineer of train 111 was 247 feet to the point of collision. No change in throttle position or a brake application was noted since the switch was ran through 18 seconds earlier, including when the Leesdale local came into view of the engineer.

The out of correspondence message and the loss of train 111 from the screen prompted the dispatcher to attempt to contact the trains by radio with no response. The dispatcher turned to the telephone line and the Metrolink conductor was on the phone calling from his Metrolink issued cell phone on train.

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[3] In third interview, he said "highball 111 **on a green signal.**"

[4] . The switch had been aligned for the westbound Leesdale local to enter the siding beginning at CP Topanga.

Post Accident Investigation

On September 15, 2008, an exemplar Metrolink train and Union Pacific locomotives (8442 and 8484) were positioned facing each other at the point of collision (MP 444.123). Each train was separated simultaneously and stopped every 60 feet representing each second prior the collision based on a closing speed of 40 mph. At the time, preliminary event recorder data indicated that train 111 was moving 42 mph and the UP train was moving 40 mph. Measurements recorded indicate the Metrolink train's engineer could see the Leesdale Local was 247 feet from the point of collision. The Leesdale Local could see train 111 300 free from the point of collision. Sight distance measurements are attached in draft form until they are released in final form.

Metrolink Dispatching

The dispatcher came on duty at 1:50 p.m. at the MOC after a rest period of 15 hours and 50 minutes. This was his regularly assigned position and his off days were Monday and Tuesday. He said he had no report of maintenance of way or signal workers in the area of the accident. He also had no reports of anything out of the ordinary from any train crews. He had not conversed with any of the train crewmembers since going on duty. He stated that an eastbound Amtrak train was running in front of the LOF65 that he let the Amtrak by before letting the Leesdale Local on the subdivision at Moorpark. Once the proceed signal was given at Moorpark, there was no other interaction with the Leesdale Local until the accident. Westbound train 111 met eastbound Amtrak 784 at Control Point (CP) Raymer (MP 453.1). He described he routed eastbound Leesdale Local at 3:50 p.m. to leave CP Davis (MP 440.8) and take (enter) the siding at CP Topanga (MP 444.4). Then he lined the route for train 111 up to CP Topanga to hold the main (stop) at 3:57 p.m. Once the routing was completed, he said he looked away from the screen to do paperwork. The first indication of trouble was when he observed train 111 was not on his screen. He then observed the west switch at CP Topanga flashing trouble indications. He then notified the chief dispatcher that it "looks like we lost Main Line Indication on Metrolink 111." The Val Sub dispatcher stated that he had a signal drop and the switch was out of correspondence at CP Topanga MP 444.4. The dispatcher then unsuccessfully tried to radio both trains. He then turned to use the telephone and the conductor of train 111 was on the phone stating that there was an emergency with multiple injuries and the train (111) was on fire. While talking to the conductor the LA Sheriff's hotline phone rang and after learning that deputies were helping the conductor, he began notifications and started implementation of the established emergency operating procedures.

Applicable Rules and Instructions

General Code of Operating Rules, 5th edition, effective April 3, 2005. (GCOR)
Rule 1.10 Games, Reading, or Electronic Devices

Unless permitted by the railroad, employees on duty, must not:

- Play games.
- Read magazines, newspapers, or other literature not related to their duties.

Or

- Use electronic devices not related to their duties.

Metrolink Timetable #5 Additions and revisions to GCOR dated July 8, 2008

Fourth Bullet is added:

- Use cellular telephones when operating the controls of moving equipment except in emergencies

General Code of Operating Rules, 5th edition, effective April 3, 2005. (GCOR)

ADD RULE

Metrolink Timetable No. 5 Joint Special Instructions All Subdivisions

GCOR Rule 1.47 – Duties of Crewmembers

The following is added to Rule 1.47 Duties of Crew Members

B. All Crew Member's Responsibilities

The following is added:

4. Crew member in the cab of the controlling unit must communicate the train identification, name of aspect and location all signals via radio. Crew member occupying the body of a passenger train, cab of a trailing locomotive, helper unit or caboose must acknowledge transmission of all except green (Clear).

On passenger trains, if acknowledgement is not received, the engineer must determine the reason at the next scheduled stop.

GCOR's Operating Rule 9.9 Train Delayed Within a Block

If a train has entered a block on a proceed indication that does not require restricted speed, and the train stops or its speed is reduced below 10 MPH, the train must:

B.CTC or Manual Interlocking Limits

Proceed prepared to stop at the next signal until the next signal is visible and that signal displays a proceed indication.

Metrolink Timetable No. 5 Join Special Instructions All Subdivisions

GCOR Rule 9.9 Delayed Within the a Block
Item B is revised:
B. CTC or Manual Interlocking Limits: Proceed not exceeding 40 MPH, prepared to stop at the next signal until the next signal is visible and the signals displays a proceed indication.

Connnex Metrolink Notices #17.08 dated July 8,2008 (Metrolink Notice)

Electronic Devices:

The inappropriate use of electronic devices by employees on duty has been shown to be a contributing factor in personal injuries and rule violations. While you are working you are obligated to be completely focused on your job and the safe transportation of passengers. As a result, under most circumstances employees are prohibited from having personal electronic devices turned on and/or in their immediate vicinity while working. Here are some examples of when company or personal cellular phones must not be used:

- While on the ground lining switches, meeting trains, standing next to main tracks or when performing other duties that require your undivided attention to safety and rules compliance
- While in the control compartment of a moving train
- To conduct non-railroad business while on or near trains

Here are some examples of when company or personal cellular phones may be used:

- While in a layover facility
- When communicating railroad business on a stopped train such as troubleshooting mechanical problems or reporting information relating to an incident as the incident commander
- When in a crew transportation van
- Conductors reporting information to dispatchers relating to delays, etc., as long as the Conductor is not in the control compartment of a moving train

Remember, when the train is moving or you are on the ground performing railroad business your personal electronic devices must be turned off and must not be within your reach-for example on the control stand or on your person. Personal electronic devices

may be carried in your grip if they are turned off. Conductors must have their company cellular phones "on" at all times while on duty.

Head End Authorization:

Only the engineer of record, conductor of record, mechanical riders, operating managers and others with proper written authorization are permitted on the head end and/or control compartment of Metrolink trains.

Conductors and Engineers-TEAMWORK:

Prior to departure after stopping for any reason, the Conductor and Engineer must communicate the signal name or aspect they are currently operating on. In addition, if the Conductor can see the next governing signal from the platform at a station stop, the signal aspect or name must be communicated by radio to the Engineer. These requirements are in addition to previous instructions regarding Conductors reminding Engineers of upcoming restrictions, being delayed in block, etc.

Red Strap:

The cab car "red strap" will be placed so that the entire forward mezzanine level is secured when the train is in push mode. When the strap is not in use it must be secured in the cabinet behind the Engineer's station. Whenever additional authorized personnel are carried on the head end of equipment or ahead of the "red strap area" of cab cars, the Conductor must notify MOC. Examples of authorized personnel are mechanical employees evaluating equipment, C&S or MOFW employees evaluating signal or track conditions, SCRRA employees carrying letters of authorization, Law Enforcement officers. Deadheading employees are not authorized in the forward mezzanine ahead of the red strap. The door to the control compartment of the cab car is to be closed at all times except for authorized instances. Examples of authorized occasions are: Employee qualification, Connex Manager Evaluation, Job Briefing with Conductor.

Metrolink Timetable No. 5 Joint Special Instructions

Rule 1.4 Carrying out Rules and Reporting Violations

Any rule violation, condition, practice, act of negligence or misconduct that may threaten the operation of trains or safety of passengers or employees must immediately be reported to the Metrolink Operations Center (MOC).

Signal Aspects and Indications – Metrolink Timetable No. 5

SIGNAL ASPECTS AND INDICATIONS

Rule	Aspects	Name	Indication
9.1.1	With "D" Plate.	DISTANT SIGNAL CLEAR	Proceed. If train is delayed before reaching next signal or switch point indicator, it must then proceed prepared to stop short of next signal or switch point indicator.
9.1.2	With "D" Plate.	DISTANT SIGNAL APPROACH	Proceed prepared to stop short of next signal or switch point indicator.
9.1.3	With or without number plate.	CLEAR	Proceed.
9.1.4	With or without number plate.	APPROACH SIXTY	Proceed prepared to pass the next signal not exceeding 60 MPH.
9.1.5	With or without number plate.	APPROACH FIFTY	Proceed prepared to pass the next signal not exceeding 50 MPH.
9.1.6	With or without number plate.	APPROACH DIVERGING	Proceed prepared to advance on diverging route at next signal not exceeding prescribed speed through turnout(s).
9.1.7	With or without number plate.	ADVANCE APPROACH	Proceed prepared to stop at second signal.
9.1.8	With or without number plate.	APPROACH RESTRICTING	Proceed prepared to pass the next signal at restricted speed.
9.1.9	With or without number plate.	APPROACH	Proceed prepared to stop at the next signal. Trains exceeding 40 MPH must begin reduction to 40 MPH as soon as head end passes signal.
9.1.10	Without number plate.	DIVERGING CLEAR	Proceed on diverging route not exceeding prescribed speed through turnout(s).
9.1.11	Without number plate.	DIVERGING ADVANCE APPROACH	Proceed on diverging route not exceeding prescribed speed through turnout(s) and be prepared to stop at second signal.
9.1.12	Without number plate.	DIVERGING APPROACH	Proceed on diverging route not exceeding prescribed speed through turnout(s) and be prepared to stop at the next signal. Trains exceeding 40 MPH must begin reduction to 40 MPH as soon as head end passes signal.
9.1.13	With or without number plate.	RESTRICTING	Proceed at restricted speed.
9.1.14	With number plate.	STOP AND PROCEED	Stop, then proceed at restricted speed.
9.1.15	Without number plate.	STOP	Stop before train or engine passes the signal.

Metrolink's Program of Operational Tests and Inspection

Each railroad, under 49CFR—217 Railroad Operating Rules must have a program of operational tests and inspections (efficiency tests). Connex's formal program in compliance with the regulation was effective on June 25, 2007 and revised it on July 1, 2008. The program provided quotas and testing requirements. Tests were to be spread out and not confined to specific times and days of the month. The tests were to include Metrolink and foreign line crews operating over the SCRRA property. At least 50% of the tests were to be on Operating Rules and special instructions. Testing methods should include visual observation, monitoring live and previously recorded radio and telephone transmission, scrutiny of locomotive event recorder data, and use of radar or other approved wayside speed monitoring devices. Provisions are made for shunt or shunting track barricades. Metrolink supervisors said the delay of passenger trains was approved but that passenger complaints were a consideration on whether to conduct a stop test of a train. Under Games, Reading or Electronic Devices Rule 1.10., the test cited the inappropriate use of electronic devices and that personal electronic devices may only be carried in grips if turned off and that conductors must have company cellular phones "on" at all times while on duty. The test is a failure if crewmembers are found with electronic devices in a location other than that allowed by rule.

The Safety Board obtained test records that could be identified as related to cell phone observations from Metrolink for Rule 1.10 since June 25, 2005. Of the 14 records of observations, there were 10 instances that cited noncompliance with the rule 1.10. Three cited specific instances of having a personal cell phone turned on while operating the train. One of those instances was for the Metrolink engineer on train 106 on September 7, 2006, two years before the accident. He was cited for failure of test 1.3.1 and 1.3.3. He received verbal counseling for the failure.

Metrolink Crew

Had the accident not occurred, train 111's crew would have been on duty for 7 hours and 5 minutes since returning to duty. They were scheduled to arrive at Moorpark at 4:45 p.m. The crew would then operate train 118 from Moorpark departing at 4:57 p.m. and arriving at LAUS station at 6:20 p.m. The crew would then operate train 119 from LAUS to Montalvo departing at 6:40 p.m. After arrival at Montalvo at 8:35 p.m., the crew would then go off duty at 9:05 p.m. with an average total time on duty of 10 hours and 37 minutes. This crew had been regularly assigned together on this assignment since April 15, 2008.

Engineer

Metrolink 111's engineer, age 47, was hired by Connex on June 25, 2005. He worked for Amtrak as an engineer when he was employed by Connex in June 2005. His engineer's certification was valid until September 10, 1010. Checks of his work history

revealed the last time the he missed a regular workday was September 3rd, 2008, using a personal day for reasons unknown. Two days before the accident, the engineer received a "Letter of Counseling" regarding his responsibility for the delay of train 119 on August 19, 2008 at Moorpark Station.

Conductor

Metrolink 111's conductor, age 57, also a Connex employee, was first hired by Amtrak on September 18, 1995 and move to Metrolink during November of 2001. He had been working out of Moorpark/Montalvo from April 2002 to present. His work history revealed he had used 2 personal off days on Tuesday (9/9) and Wednesday (9/10) and returned to duty on Thursday the day before the accident. The conductor said a reoccurrence of a previous health condition prompted the taking of the two off days. The conductor also received a "Letter of Counseling" regarding his responsibility for the delay of train 119 on August 19, 2008 at Moorpark Station.

Union Pacific Crew

Engineer

The UP engineer, age 65, was hired on April 3, 1969. He was promoted to engineer on April 3, 1969 and his certification expiration date was January 31, 2010. He was a member of the UP Los Angeles Service Unit. The Leesdale Local was his regular assignment. He received his Rules examination on May 2nd, 2008. There was no record of discipline for the previous 2 years.

Conductor

The conductor, age 32, was hired on June 22, 1998. He was promoted to conductor on May 13, 1999. His last rules examination was on March 27, 2008. He was working extra as the conductor on the Leesdale Local. There was no record of discipline for previous 2 years.

Brakeman

The brakeman, age 64, was hired on January 2, 1965. He held the position of Thru Freight Brakemen on the Los Angeles Service Unit since June 26, 2008. The Leesdale Local was his regular assignment. He had no record of discipline for the previous 2 years.

Metrolink Dispatcher

The dispatcher came to Metrolink in 1996 after being employed by Amtrak since 1996. The dispatcher came on duty at 1:50 p.m. after a rest period of 15 hours and 50 minutes. This was his regularly assigned position off Monday and Tuesday.

Cell Phones

All Metrolink conductors are issued a company cell phone. (Team: Does the UP issue cell phones to its conductors?) The Metrolink conductor stated that his understanding the cell phone were provided for the MOC or the dispatcher to be able to contact the conductor and for the conductor to use to report delays or incidents to MOC or the dispatcher. Train 111's conductor, though seriously injured, called the dispatch center to report the collision and provided some detail. Because of his injuries, responders ask that he stop so that they could assist him.

During post accident interviews, the Conductor stated that he was allowed to use the cell phone for company business when he was located in the body of the train. He said that he had once cautioned train 111's engineer when he was observed using a cell phone in the cab car compartment. The train was stationary and preparing to leave Moorpark station. He also said the engineer promptly responded when reminded of the rule. The conductor said he later verbally reported the incident to a supervisor. Neither the supervisor nor the conductor could remember the exact date but early August of 2008 was most likely. The supervisor confirmed the conductor's recollection and stated that he responded to the conductor's concerns by speaking directly to the engineer about the cell phone usage limitations but avoided the specific instance noted by the conductor. The supervisor stated that he did not document the contact with the engineer nor tell the conductor of his contact with the engineer. Not hearing any comments from either the supervisor or the engineer, train 111's conductor assumed the manager had not taken action. On the day of the accident, Train 111's conductor, speaking to another conductor about job assignments, brought up the August phone incident stating he did not believe the supervisor followed up on his verbal report. This discussion was not the primary purpose of the call and the conductor said "it just came up." In follow up interviews, the conductor could not relate any other engineer complaints regarding cell phone usage.

The Leesdale Local's UP crew was also covered by GCOR under the same prohibitions detailed in Rule1.10. There was no mention of cell phone usage during post accident interviews of the crew. Because of his injuries, the conductor was unable to provide detailed information. News accounts in the days following the accident prompted the issuance of a subpoena for the conductor's cell phone records.

Under privacy laws, records of cell activity were turned over to the NTSB's lab. A separate lab report will be available in the docket.

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