

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

* * * * *
In the matter of: *
*
METROLINK TRAIN NO. 111 *
COLLISION WITH UNION PACIFIC *
RAILROAD LEESDALE LOCAL, * Docket No.: DCA-08-MR-009
September 12, 2008, *
Los Angeles, California *
* * * * *

Interview of: GREGG KONSTANZER

National Transportation Safety Board
Courtroom
1515 West 190th Street
Gardenia, California

Thursday,
September 25, 2008

The above-entitled matter came on for interview
pursuant to notice.

BEFORE: TED TURPIN

APPEARANCES:

TED T. TURPIN
National Transportation Safety Board

DAVE WATSON, Senior Investigator
National Transportation Safety Board

STEPHEN T. DAWSON, Safety Coordinator
United Transportation Union

JAY J. ELLIS, Operating Practices Inspector
State of California
Public Utilities Commission

W.R. (BILL) DESKIN, Operating Practices Inspector
Federal Railroad Administration

TED FRITZ, Transportation Manager
Connex/Metrolink

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1
2 MR. TURPIN: We're continuing with the interviews in
3 connection with the Metrolink accident on September 12th.

INTERVIEW OF GREGG KONSTANZER

4
5 BY MR. TURPIN:

6 Q. And if you would please, state your name and spell
7 it.

8 A. My name is Gregg Konstanzer, G-r-e-g-g,
9 K-o-n-s-t-a-n-z-e-r.

10 Q. And your employer?

11 A. Connex Railroad.

12 Q. And your title?

13 A. Assistant general manager.

14 Q. And could you please explain your job position and
15 responsibilities?

16 A. I act as the number two person in the organization
17 working directly for the general manager, Tommy McDonald. And
18 I'm in charge of the field managers and their actions, the --
19 in addition, I handle administrative duties as required by
20 Mr. McDonald.

21 Q. Okay. And how many field managers is that?

22 A. I think there's about a dozen.

23 Q. Let's just start kind of with some general questions
24 that's basically the -- how does the interface between your
25 company and Metrolink work?

1 A. We have our offices -- we have crew bases that -- I'm
2 going to try to paint this picture and forgive me if I -- if my
3 answers today are not real clear and concise. I'm a little
4 tired.

5 But we have crew bases that respond to myself and the
6 general manager. The general manager's office is located in
7 the Metrolink Operations Center in Pomona. I have an office
8 there and I also have an office at the central maintenance
9 facility in Los Angeles. Our director of safety and operating
10 rules also has an office at the Metrolink Operations Center.

11 The Metrolink Operations Center, obviously the
12 dispatching center, is the -- what makes things happen on the
13 railroad. So our interface is not just daily, but hourly, a
14 very close working relationship with the agency. We do -- we
15 run the railroad the way they want it run.

16 Q. Okay. If it's not too extensive, can you kind of lay
17 out the actual management levels and job titles? You mentioned
18 a director of safety and operating rules. What else is within
19 the Connex system?

20 A. We've got a chief financial officer located at the
21 Central Maintenance Facility. We have a director of payroll at
22 the Central Maintenance Facility. The director of payroll has
23 two full-time clerical employees. Those employees input data
24 from time tickets to run the payroll.

25 We have a clerical type of employee that works at the

1 Central Maintenance Facility whose job obviously is clerical.
2 She also assists in distributing track warrants and bulletins
3 to crews, kind of whatever's needed.

4 We have a transportation manager at the Central
5 Maintenance Facility. That manager runs the Los Angeles crew
6 base and also ensures that employees going on and off duty at
7 the Centralized Maintenance Facility are up to speed and ready
8 to go.

9 We have a transportation manager at Lancaster,
10 California who is in charge of the trains that run to that
11 location. We have a transportation -- senior transportation
12 manager in Moorpark/Montalvo who handles the trains that run
13 that direction. We have a transportation manager in Oceanside,
14 California who handles the transit run down to Oceanside -- or
15 out of Oceanside. We have two transportation managers in San
16 Bernardino, California who handle the San Bernardino to Los
17 Angeles operations and the San Bernardino to Oceanside types of
18 operations, Orange County operations. We have a transportation
19 manager in Riverside, California that handles the Riverside
20 base crews.

21 We have a general manager and an assistant general
22 manager and the director of operating rules and safety at the
23 Metrolink Operations Center. We have an administrative
24 assistant that works at the Metrolink Operations Center
25 directly for Mr. McDonald. Is that everybody? No.

1 Q. Two platform, two --

2 A. Oh, excuse me. We have two -- we have a
3 transportation manager that works approximately 5:30 a.m. to
4 about 2:00 p.m. at the platform in Los Angeles. That person
5 interfaces with all the trains that come and go out of Los
6 Angeles. We have a second shift, so to speak,
7 transportation -- or he's a trainmaster that works in Los
8 Angeles that works the afternoon trains.

9 We have a general road foreman of engines that has
10 overall responsibility for locomotive engineer certification
11 issues, things of that nature.

12 We have two additional transportation managers, one
13 of whom is a bit of a rules specialist, and another
14 transportation manager. Those two are assigned as needed.
15 They're not really vacation relief, it's just -- they're just
16 additional resources. What else was I going to say?

17 All of them are DSLEs except for the transportation
18 manager in Lancaster and the trainmaster that works on the
19 afternoon shift in Los Angeles. And the general road foreman
20 of engines, in addition to just overall certification issues,
21 he handles all the Lancaster locomotive engineers.

22 Q. That's pretty complete.

23 A. I think that's in a whole bunch of conductors and
24 engineers.

25 Q. Whole bunch? How many is that?

1 A. I think we have 63 conductors and 64 engineers right
2 now that are active. We have some that are in training as
3 well.

4 Q. Who provides that training?

5 A. Connex is responsible for training the locomotive
6 engineers and conductors. So far, we have not done any
7 locomotive engineer training. When we do, which -- we haven't
8 had a need because we -- I don't know that inundated is the
9 correct term, but because of our schedules that we have for our
10 crews, it's very desirable and we get a lot of people from the
11 Burlington Northern Santa Fe and the Union Pacific that would
12 like to work for us because the work schedules are -- the
13 lifestyle -- you can actually have a life working on a commuter
14 train operation. So there's -- we have a lot of people that
15 would like to work for us as engineers.

16 When the time comes that we do our locomotive
17 engineer training, which presumably -- because we anticipate a
18 large number of increased Orange County service, we're going to
19 be promoting conductors to -- I don't like that word. We're
20 going to afford conductors an opportunity to work as locomotive
21 engineers by training them at the Burlington Northern Santa Fe
22 sponsored school in --

23 UNIDENTIFIED: Overland Park.

24 THE WITNESS: Overland Park, Kansas, thank you.

25 UNIDENTIFIED: Johnson Community College.

1 THE WITNESS: Johnson Community College. We have --
2 our conductor training, we also take people from the Burlington
3 Northern Santa Fe, the Union Pacific, and Amtrak, and with
4 additional training in addition to what they've already been
5 taught, they get about six, eight weeks of training to qualify
6 them to be conductors on Metrolink.

7 Engineers that come over, eight to twelve weeks of
8 additional training in addition to what they already have with
9 their Class 1 certificate before they're able to work solo on
10 Metrolink.

11 BY MR. TURPIN:

12 Q. Okay.

13 A. Did I answer it, or --

14 Q. I'll double-back a little bit. When did Connex
15 obtain a contract with Metrolink?

16 A. I believe it was June 25th, 2005.

17 Q. Okay.

18 A. I can't -- it was the 25th when we -- I can't
19 remember if it was the 25th or the 26th. It was a Sunday was
20 the first day, I remember that.

21 Q. Were you familiar with the Metrolink system prior to
22 2005?

23 A. Yes, I was the acting general -- yeah, acting general
24 manager from, I believe, March of 2005 to the takeover for
25 Amtrak. Mr. McDonald went to Connex in March -- I believe it

1 was March. And then when he went over there, then Amtrak
2 assigned me to be the acting general manager.

3 Q. Okay. I'll go back up through your career. When did
4 you start with the railroad anywhere?

5 A. May 16th, 1977.

6 Q. And that was where?

7 A. God's railroad, Santa Fe.

8 Q. What location?

9 A. Is this going to become public record, by the way?

10 Q. Yes, it does.

11 A. Terrific. That was in -- actually, I hired out in
12 San Bernardino and made the transfer to Los Angeles.

13 Q. Okay. And your next major change?

14 A. You want to just go through --

15 Q. Absolutely.

16 A. Okay. Promoted to engine foreman in 1978; promoted
17 to conductor in 1982; started working as a relief supervisor of
18 operations in 1984; was taken over as a conductor by Amtrak
19 in -- November 5th of 1986; taken over as a supervisor of
20 operations at Amtrak in February of 1987; promoted to
21 assistant -- what was the name of it? Assistant transportation
22 manager in Salt Lake City in 1989; promoted to road foreman in
23 San Antonio, Texas -- I think that's what it was -- in 1992;
24 was promoted to superintendent in San Jose for Caltrain in
25 1994; was promoted to -- what did they call that one?

1 I think it was assistant general manager for the
2 Southwest Chief in 2000; and then worked -- we had a whole
3 bunch of title changes and things there, but while I was in Los
4 Angeles from 2000 and 2005, I was at various times responsible
5 for the train and engine crews in the yard, the Sunset Limited,
6 the Southwest Chief, and back and forth and various rail
7 organizations and so forth; and then came to Metrolink,
8 formerly with Connex, in -- June 25th of '05.

9 Q. Okay. Prior to the acting GM position, then you --
10 had you worked with the Metrolink System?

11 A. No.

12 Q. Okay. So basically, it was inner city?

13 A. Well, yeah, the '94 to 2000 was Caltrain, which was
14 a --

15 Q. Right.

16 A. -- very different type of commuter system, but a
17 commuter system nonetheless.

18 Q. All right. But not here in LA?

19 A. No.

20 Q. Okay. All right, thank you. Back to the employment
21 forces here, to recap it, basically, I think what I understood
22 you were saying that you could say that all the Metrolink
23 existing employees were pre-certified or had existing railroad
24 jobs at other railroads before they came to Metrolink, either
25 as a qualified conductor or a qualified engineer?

1 A. Everyone that came over on the takeover, to the best
2 of my recollection, was an Amtrak locomotive engineer or
3 conductor and had been -- they were all -- they all held their
4 Class 1 certificates, the engineers from Amtrak, and came over
5 in seniority order.

6 Q. Any employees since that time?

7 A. They have been previously certified Union Pacific,
8 Burlington Northern Santa Fe or Amtrak engineers. And then
9 conductors have been kind of across the board promoted
10 conductors from freight or passenger railroads.

11 And then we have -- we've hired some of our own folks
12 that we sent to the Johnson County College. And they came out
13 of there as -- I guess they call them conductors or whatever,
14 but we put them through a pretty extensive training course.

15 Q. Okay.

16 A. After that. The Johnson County College does a good
17 job of giving people basic framework to be a conductor. But
18 when they join another railroad, they need fine-tuning to bring
19 them up to speed.

20 Q. Okay. Change gears just a little bit. The
21 efficiency testing program, who manages that?

22 A. Well, I'm not sure where you're going with the
23 managing of it, but Brenda Lettengarver, the director of
24 operating rules and safety, she crunches the numbers to make
25 sure that we are meeting our guidelines that we have within

1 Connex and the agency there. They're kind of together, but the
2 agency has requirements and Connex has requirements.

3 Q. Okay. That's kind of where I'm going. What are
4 those requirements? Who takes which portion of responsibility?

5 A. Well, we're responsible -- we check to make sure that
6 we're complying with both our own and the agency's --

7 Q. Okay.

8 A. -- requirements. And I have the requirements if
9 you're interested.

10 Q. Yes.

11 A. And these would be the quarterly required testing.
12 And I'm pretty sure this one --

13 MR. TURPIN: Excuse me, we're going to take a break
14 for just a moment.

15 (Off the record.)

16 (On the record.)

17 BY MR. TURPIN:

18 Q. Thank you. Small break. I think my interest here
19 was somewhat the interface with the FRA. If the FRA comes to
20 Metrolink, do they ask to look at the records of Connex or do
21 they ask to look at the records of Metrolink for efficiency
22 testing?

23 A. Both.

24 Q. Okay.

25 A. It's been my experience they ask for both.

1 Q. Okay. And now we'll get back into kind of the
2 detail. What are the -- what do you see as -- do you have a
3 minimum number of efficiency tests per supervisor?

4 A. Yes, each manager's required to perform fifty
5 efficiency tests of various types each month, which with twelve
6 managers would be six hundred tests. Last month, we reported
7 two thousand, approximately two thousand tests. We --
8 Metrolink has historically gone way over any requirements by
9 Amtrak or the agency on efficiency testing, more than -- when I
10 worked for Amtrak, I remember the numbers and seen the types of
11 tests that Metrolink did and they were always -- they probably
12 did more efficiency testing on Amtrak than any other unit on
13 Amtrak.

14 And to this day, it's still very large numbers and
15 they're not just fluffy tests. There's a lot of good quality
16 testing that goes on on Metrolink.

17 Q. Okay. Are any of those -- do you have like core out
18 of those fifty? Should there be a minimum of say ten red
19 signal tests, or something --

20 A. Yeah, we have --

21 Q. -- to that effect?

22 A. We have six stop tests per quarter that have to be
23 performed by engineers. The platform managers are -- they're
24 not held to the platform itself, but the two gentlemen that
25 work at the station, they must perform twenty restricted speed

1 tests per quarter. So there's each crew base has -- not crew
2 base, but each type of manager has specific tests that are kind
3 of unique to their area.

4 And then the managers that work -- that work out in
5 the field in places like Riverside, they're required to perform
6 three -- four foreign railroad crews each month. We conduct
7 monthly joint efficiency tests with the Union Pacific and the
8 Burlington Northern Santa Fe with their local field managers.
9 And those tests, generally speaking, they will decide what type
10 of tests they're going to do on the day of the efficiency tests
11 taking place. And excuse me, the FRP&C are also involved with
12 our joint efficiency testing.

13 But generally speaking, the group that gathers for
14 the efficiency testing program will decide at that time what
15 type of testing to conduct on that particular day, which I
16 think is very good because you can utilize something that just
17 happened last week on one of the railroads to decide let's hit
18 the crew and test them on this particular item rather than
19 decide a year in advance we're going to -- every June we're
20 going to test on one particular type of test. Well, it's much
21 better to do it on the day of the test, I think.

22 Q. Okay. With this joint operations, which we
23 understand on the Metrolink, you know, you have freights
24 operating on your property. Let's set up a scenario that one
25 of your supervisors, say, is at Chatsworth.

1 A. Um-hum.

2 Q. A freight train passes through Chatsworth and your
3 supervisor can see that they have a flashing yellow signal.

4 A. Um-hum.

5 Q. That freight engineer fails to call the flashing
6 yellow. And my understanding is your rule requires that on
7 your property.

8 A. Um-hum.

9 Q. How would that supervisor for Connex respond? How
10 would -- how would he respond to that failure on the UP
11 engineer?

12 A. He'd contact his counterpart on the Union Pacific and
13 inform him.

14 Q. Okay. Would he enter that as a test failure in your
15 system?

16 A. I believe that the way we -- sometimes the --
17 sometimes there are issues involving duplicate testing. But
18 for a failure, it would be my expectation that both the
19 Burlington -- or the Union Pacific manager and the Connex
20 manager would enter it as a failure.

21 Q. Okay. And your supervisor would then expect the UP
22 supervisor to actually take the discipline action or
23 admonishment or whatever?

24 A. Now, we're getting into agency issues and we're
25 talking about not calling a signal issue would be reported to

1 the agency through our mechanism. In the grand scheme of
2 things, now I think signal calling is becoming more important.
3 The, the -- and I don't want to speak to the past, but I want
4 to tell -- I want to use a more appropriate example.

5 A de-certifiable rule violation, the train is
6 stopped, my manager goes and responds. And then when the Union
7 Pacific or Burlington Northern Santa Fe official shows up, that
8 official will take the lead. It's my understanding that the
9 standard procedure is that the crew is barred by the SCRRRA
10 until the Union Pacific or Burlington Northern Santa Fe provide
11 an explanation. Say that the crew -- and we're really
12 stretching things out on what type of violation it could be,
13 but that's the standard procedure on a significant rule
14 violation.

15 A de-certifiable type of a situation is that the
16 crew -- because we've responded to those -- I've responded to
17 them, is that the crew is stopped and we interview them. When
18 a freight carrier shows on the scene, we explain what seen and
19 heard. And then the freight carrier handles the disciplinary
20 side of it.

21 Q. And actually, that example I would expect even though
22 it's more critical is simpler because the supervisor from the
23 other railroad would show up.

24 A. Um-hum.

25 Q. The area that I was kind of interested in is it is

1 one where the supervisor wouldn't show up but would be
2 notified, you know? And you wouldn't have a guarantee that
3 they're going to follow through with an oral admonishment with
4 the other individual or -- you know? Basically managing
5 foreign crews on your property and making sure they're in rule
6 compliance --

7 A. Right.

8 Q. It's hard to track all the way through, right?

9 A. I'd have to go do some research on it. I can't
10 remember off the top of my head.

11 Q. You deal with both the BNSF and UP.

12 A. Yes.

13 Q. Is it pretty much the same? It works well for
14 both --

15 A. Yeah.

16 Q. -- in that respect --

17 A. Absolutely.

18 Q. -- in the joint operation testing and so on?

19 A. Um-hum.

20 Q. Okay. I think we -- I think I've asked this, but you
21 submit the efficiency testing documentation to Metrolink so
22 they --

23 A. Yes.

24 Q. -- they keep a record as well as you?

25 A. I can't speak to what they keep or don't keep, but we

1 supply them with efficiency testing information and they have
2 access to all of our records whenever they want it, just like
3 the Federal Railroad Administration or the Public Utilities
4 Commission.

5 Q. Okay. Do you maintain the 240 documentation?

6 A. I'm really bad with these numbers.

7 Q. Engineer certifications.

8 A. Yes. It's like the emergency orders. I can't
9 remember which. I know what they mean, but I don't know -- I
10 didn't memorize the numbers.

11 Q. Training and testing, not just the program but the
12 results and the -- and so on, evaluations that are done on
13 students, you maintain that at the Connex?

14 A. Yes, those are maintained at the Metrolink Operations
15 Center.

16 Q. Okay. That's a part of the Connex system?

17 A. Yes. I'm sorry, yes. Connex.

18 Q. Yeah, okay.

19 A. Connex maintains all those records, yes.

20 Q. Okay.

21 A. There is one type of record that's not maintained at
22 the Metrolink Operations Center, and that is technically hours
23 of service, track through crew time tickets, and those are
24 maintained at the Centralized Maintenance Facility with our
25 payroll department.

1 Q. Okay. Who maintains the revisions and the updates of
2 the General Code, the rules -- operating rules?

3 A. Try that one again please.

4 Q. Okay. I'll start with, who designated that the
5 General Code would be the operating rules for Metrolink?

6 A. The SCRRA.

7 Q. Okay. And who makes revisions to that General Code
8 when required?

9 A. That is done through timetable committees that they
10 have a monthly timetable committee meeting and the Union
11 Pacific, Burlington Northern Santa Fe, Amtrak, Connex -- I
12 believe there's an open invitation to the FRA and/or FRP&C.
13 They're frequently there also. And I don't know, is that
14 everybody?

15 Q. Is there a Metrolink representative there as well?

16 A. Yeah, it's their timetable committee, the SCRRA
17 Timetable Committee is theirs. And then through joint
18 discussion, which there's an agenda that's put out each month
19 in advance, we have the meetings, which I've attended. Not
20 all, but I have attended those and frank and open discussions
21 are held to determine whether or not additions, deletions, or
22 revisions to the General Code of Operating Rules are warranted.
23 And then they're adopted based upon -- I believe it's -- I
24 believe it -- I don't know it requires a unanimous agreement,
25 but I've never seen it not be unanimous agreement on changes.

1 Q. Okay. So let's say a change to a rule is made. It
2 will first be published by what mechanism?

3 A. Well, it's the agenda and then it's discussed in the
4 meetings. And depending on the topic, it may be carried on the
5 meeting for months.

6 Q. Okay.

7 A. And then at some point when all the facts are clear
8 and everyone is comfortable with the change or whatever it
9 might be, then a vote is conducted and the change is made.

10 Q. Okay. And then how is that information given to the
11 train and engine crews?

12 A. Well, the order of importance would be reverse it.
13 It would a track bulletin and then the track bulletin becomes a
14 general order, and then the general order becomes a timetable
15 special instruction as in addition to -- or a change to the
16 general code. And then at some point, many of these things,
17 it's my understanding that -- then there's a general code
18 committee made up of all the participant railroads to the
19 general code and they have similar meetings.

20 And if warranted, then it could become a change to
21 the general code itself.

22 Q. Okay. And within your system, who publishes the
23 track warrant?

24 A. All those things I mentioned are published by the
25 SCRRRA.

1 Q. Okay, including the general order?

2 A. Yes, yes.

3 Q. That would be wide scope as far as a rules change.
4 What if you change a detector location?

5 A. Well, a detector location would be transmitted by
6 track bulletin and then general order and then timetable
7 special instruction.

8 Q. Okay. Earlier, we actually heard about another
9 vehicle instruction for the employees and that was a notice, a
10 notice that comes from your organization Connex. How does that
11 fit into the scheme of rules and application of those?

12 A. Well, they carry the force of -- I'm not sure where
13 we're going with this, but they are -- they -- the notices that
14 we put out, Connex puts out, we expect compliance with them.
15 But notices -- I'm not -- that's -- I put them out. I'm not
16 sure where -- where to go with that.

17 Q. Okay. Let's get specific. We have a cell phone,
18 electronic device --

19 A. Right.

20 Q. -- requirement under General Code and not in the
21 prohibition of the use --

22 A. Um-hum.

23 Q. But you also have a cell phone specific.

24 A. Well, electronic device specific, yeah.

25 Q. Okay. And they exist at the same time?

1 A. Right.

2 Q. Okay. How -- which one do the crews comply with?

3 A. If they're smart, they comply with the more
4 restrictive one, which would be my notice.

5 Q. Okay. And that notice basically requires what?

6 A. That engineers have all electronic device turned off,
7 out of arm's reach, in their grips while they're in the control
8 compartment of a train. The only time that they can use their
9 own, and this would be personal devices because locomotive
10 engineers are not issued electronic devices by Connex or the
11 agency or the BN or the UP.

12 Connex engineers are not issued any cell phones or
13 Bluetooths or videogames or any -- or whatever kind of goofy
14 electronic devices are out there nowadays. They -- but if they
15 do have a portable cell phone and they chose to use it, they
16 could use it if the train breaks down and there's a mechanical
17 malfunction. They need to go into the engine room and try to
18 do some troubleshooting with a Bombardier mechanic, that
19 would -- that would be acceptable to Connex if they could do it
20 for that reason.

21 They could also use their portable cell phone in an
22 emergency to notify the train dispatcher of a collision or a
23 grade crossing incident or something significant of that
24 nature.

25 Q. Okay. What's the title of this notice? How do

1 you -- how do you publish it?

2 A. They're called Connex/Metrolink notices, I believe.

3 Q. Okay. And they're posted at the crew on duty
4 locations?

5 A. They're posted at all crew on duty locations and
6 they're also made available to crew -- for crews to take with
7 them, if they so desire. They're not required to carry them
8 but they're required to comply with the information that's in
9 them. And so, we make them available to them.

10 Q. Okay. If I were a Connex supervisor and I found an
11 engineer that was violating that notice, would I take that as
12 an efficiency test failure?

13 A. I'm trying to think of all the different notice --
14 there's so many different things inside these notices. There
15 are -- you must call the crew dispatcher when you come back
16 from vacation.

17 Q. Okay. Specifically to the cell phone.

18 A. Okay.

19 Q. If I had a cell phone violation, how would I take
20 that as an efficiency test?

21 A. I would be a failure of 1.10 --

22 Q. Which is?

23 A. -- of the General Code of Operating Rules. Even
24 though the notice -- even though the notice is not a revision
25 to the General Code of Operating Rules, it pertains to it. So

1 it would be my expectation and it's my understanding that it
2 would be shown as a failure in the General Code -- under
3 General Code Rule 1.10.

4 Q. And 1.10 basically says the employee must?

5 A. Where is that one? That's -- it -- I believe it
6 prohibits the unauthorized use of electronic devices, or
7 something of that nature.

8 Q. Okay, so it is the cell phone or --

9 A. It would pertain to cell phones, yes.

10 Q. Okay. All right. Let's change gears a little bit.

11 This is a question that we've asked more than one person. In
12 the circumstances surrounding the -- this accident, we gathered
13 some information that there may've been a flashing yellow, then
14 the train went by a yellow and stopped at the Chatsworth
15 Station. And the question that keeps nagging on us is what
16 rule would apply as he departs the station?

17 A. Well, if we're talking -- are we -- the rule that
18 applies is that when you depart that station, you don't want to
19 run into anything between you and the next signal. And you
20 want to be able to comply with the next signal. If the crew is
21 running under a restricting indication -- the delayed in block
22 and associated rules have changed so damn many times, I'll try
23 to keep the most current one in my head but it's my
24 understanding that if you're running on restricted speed
25 indication then make a station stop, that you would have to

1 continue on at restricted speed to -- until the leading wheels
2 pass the next signal if the next signal authorizes movement
3 past that signal.

4 The -- in this particular case, because of the
5 thoughts on what signal might apply, it still goes to a speed
6 that you would not want to -- because you would not want to run
7 through a switch or run into another train between you and the
8 next signal. So the speed would have to be able to
9 commensurate with doing that. And I'm really getting all
10 screwed up here.

11 Q. That's okay.

12 A. I believe on Metrolink, if he was operating under an
13 approach signal and could see the next signal in advance as a
14 clear that he could operate as if he was operating on a clear
15 signal. And that could be wrong --

16 Q. Okay.

17 A. -- because I'm really damn tired.

18 Q. Okay, that's fine.

19 A. But the whole -- I mean, a lot of these --

20 Q. I don't want to make statements on it, but there's
21 always a complexity out there when you layer rules. And this
22 is actually a layered situation. You have a yellow signal, you
23 have delayed in block, so you're layering rules over the top of
24 other rules and sorting through and having the appropriate
25 response. And that's fine. I mean, they're there, you

1 captured it. You were talking about both and that's fine.

2 That's fine.

3 A. Well, the basic one is -- thank you very much.

4 The basic one is the restricted speed. That's the --
5 that's the concerned one is ABS versus CTC and --

6 Q. Okay.

7 A. Anyway --

8 Q. Do you do efficiency tests?

9 A. Occasionally. I don't know if we ran my tests, I --
10 one or two. That doesn't mean that I don't conduct
11 efficiency -- I do efficiency tests everyday.

12 Q. Okay.

13 A. But they're not recorded. My office is right in
14 front of a highway crossing at grade. I watch trains coming in
15 and out of this -- the North Pomona Station multiple times a
16 day. I'm watching for whistle use and a multitude of things.
17 The most recent change with the whistle use, I get my watch
18 out, you know, and make sure it's fifteen seconds from the time
19 they start until the time that they enter the crossing. So I
20 do those all the time.

21 And then I'll go out on my own sometimes, even
22 without my managers, just on my own to spot check compliance
23 for all kinds of different things.

24 Q. Okay. If one of the line supervisors wasn't
25 submitting either quantity or quality efficiency testing

1 reports, who would they get a call from?

2 A. Well, they'd get a call from the general manager.

3 Q. Yeah. Okay.

4 A. They'd get a call from me, they'd get a call from the
5 director of safety and operating rules.

6 Q. Okay. So you are within that chain --

7 A. Yes.

8 Q. -- of people that would notify the supervisors?
9 Okay.

10 MR. TURPIN: Okay, that's all I have.

11 MR. FRITZ: I don't have anything.

12 MR. TURPIN: Bill?

13 BY MR. DESKIN:

14 Q. Bill Deskin. You mentioned that the last reporting
15 period that you turned in over two thousand tests as a group.
16 Were there any violations or de-certifications out of those two
17 thousand?

18 A. I don't remember the numbers, but I -- we did not
19 have any de-certifications that I can recall on the last -- I'm
20 trying to remember the last one we had.

21 Q. Okay.

22 A. It's been awhile.

23 Q. When your managers go out and perform foreign line
24 tests, do they perform without foreign line managers with them?

25 A. Occasionally, yes, and vice versa. Sometimes the

1 foreign line managers will test Connex/Metrolink crews and
2 we're not present. And that's -- it's the more -- the more,
3 the better. If we don't take exception to that, I don't think
4 they take -- they don't take -- I don't believe they take
5 exception to us testing them and we certainly don't take
6 exception to them testing with us. And it's -- we certainly
7 enjoy doing joint testing also, comparing notes.

8 Q. Since you've been with the organization, do you know
9 if there have been any stop tests performed that have resulted
10 in failure and de-certifications?

11 A. I don't believe so. The last efficiency test I was
12 involved with on a stop signal test was Sunday. We stopped
13 tested the steam train that special train that ran to San
14 Diego. Was that last Sunday or the Sunday before?

15 UNIDENTIFIED: Last Sunday.

16 THE WITNESS: Last Sunday. So we ran -- we did a
17 test on them.

18 MR. DESKIN: That's all I've got.

19 BY MR. ELLIS:

20 Q. Jay Ellis. In the testing or de-certification, do
21 you know approximately how many red signal violations there've
22 been on Metrolink territory of the Metrolink engineers in the
23 last couple of years?

24 A. I just pulled -- I pulled a report on that the other
25 day, and I can't remember if it was one or two. Sorry I can't

1 remember.

2 Q. One or two?

3 A. One or two.

4 MR. ELLIS: All right. That's all I have.

5 BY MR. DAWSON:

6 Q. Gregg, in the last -- Dawson with the UTU. In that
7 last group where you turned in 2,000 tests --

8 A. Um-hum.

9 Q. -- were there any electronic device violations in
10 that period?

11 A. I don't believe so.

12 MR. DAWSON: All right, thank you. That's all.

13 BY MR. WATSON:

14 Q. I'd like to policy level kind of questions because
15 you're a policy level kind of a guy.

16 A. Okay.

17 Q. You and those guys, how do you establish what crew
18 level you're going to need for your operations?

19 A. Well, there's a contractual crew size and then there
20 are situations where we will occasionally adjust the crew size
21 based on experience, when we run, ballast trains, or things of
22 that nature, or rail trains. We will typically have two
23 conductors and an engineer because of the nature of the work
24 that's being done. It's not really, in my opinion, wise to
25 have an engineer and a conductor only on a train that's dumping

1 ballast or things of that nature.

2 Q. I understand --

3 A. The standard passenger train crew size is an engineer
4 and a conductor.

5 Q. And that's by contract between you and SCRRA?

6 A. Yes.

7 Q. And then you add as needed for whatever the
8 contingencies of the system are?

9 A. Yes.

10 Q. All right. How about managers? How do you establish
11 what managerial level you'll need?

12 A. The managerial level for the overall operation is set
13 by the agency. And then -- then it falls to me to determine
14 where to allocate those resources.

15 Q. The efficiency testing program that you described --
16 the guy we had in here earlier, you know, he described as --
17 well, from their level --

18 A. Um-hum.

19 Q. -- what they're required to do fifty a month and they
20 team up virtually every time.

21 A. Um-hum.

22 Q. Is that something that you and Mr. McDonald would
23 strategize about to come up with what's reasonable for an
24 officer to do?

25 A. Well, I can't remember if it's an agency requirement

1 that it be fifty or whether it was a Connex. But again, we
2 don't think too much about that -- the minimums because we
3 exceed them regularly and it's not really something that -- it
4 becomes -- as a field manager, you could probably write five
5 hundred tests a day.

6 Q. Um-hum.

7 A. But the time required to input that data would just
8 make you crazy. So, particularly with compliances, just
9 watching a crew go from Los Angeles to San Bernardino, there
10 are just countless compliances and it's difficult to choose
11 which ones are the most important to input, although we
12 obviously do the ones that we consider the most safety
13 critical, being speeds and signals and things of that nature.

14 Q. Okay. And the -- we hate quotas. We hate the word
15 quota and all that. Is there a suggested number of
16 noncompliance reports that you would anticipate from that
17 fifty?

18 A. We don't have a quota for failures. And I don't
19 believe I've ever -- I don't believe we had one on Amtrak
20 either.

21 Q. All right. Do you have a mechanism -- a system
22 mechanism for evaluating the quality of the tests? And let me
23 explain for -- I don't want to put you on the hook -- that
24 sometimes you'll see things that obviously taken right off the
25 train register, you know. They're all -- you know, they're all

1 the same -- the day just before the tests are due in a month or
2 they're all kind of --

3 A. Oh.

4 Q. Do you have any kind of a -- either a computer system
5 or any kind of way to monitor if a given officer's tests are
6 done around the calendar or around the clock or across the
7 board as far as the rules that you want tested?

8 A. Yes. Well, in addition to the contractual and
9 standards that we set for testing, we -- mostly Brenda will --
10 Brenda Lettengarver will review the tests to make sure that
11 that's not happening. We don't have a computer program to do
12 it, but all of us have been doing this long enough.

13 And your example is noted that with quota systems in
14 some places, running up to the end of the month and I don't
15 have any tests in, so I'm going to do a whole bunch at the end
16 of the month and that's not an issue here. We have a pretty
17 good size staff here and -- on Connex and we don't really have
18 a problem with getting the efficiency tests done. It's
19 really -- it was an issue some places I've worked but it's not
20 here. We have plenty of managers and sufficient time because
21 we have plenty of managers to get the tests in in a timely
22 manner.

23 Q. And as assistant general manager, you're comfortable
24 with the quality of the testing that's done out there?

25 A. Absolutely.

1 Q. Okay. And it's something I don't understand, you
2 know, both those guys explained it to us and you explained it
3 to us and that's -- the -- I can't say delayed in the block
4 because that he wasn't delayed in the block.

5 A. Right.

6 Q. But for the process for advancing a trim that if
7 you're coming down through and you're in signal territory and
8 you're between control points and you've got ABS signals down
9 through there -- is that the case? Do you have ABS signals --

10 A. This is -- at the incident was CTC. Is that what
11 we're talking about?

12 Q. Let's go through -- we've talked general before about
13 the incident.

14 A. Oh, okay.

15 Q. So, were each of those signals that we've been
16 talking about control points?

17 A. I think it was control point, intermediate, control
18 point where the incident occurred.

19 Q. Okay. And --

20 A. I believe.

21 Q. Yeah. Typically, the signal that'll apply -- or
22 you'll take the signal when the engine gets to it.

23 A. Well, there was a time when that -- I believe when
24 that took place, but some railroads, I believe, you're allowed
25 to take the signal in advance of reaching it.

1 Q. And that's true of each of these signals, the advance
2 approach, the approach, and the -- had that signal at Davis --
3 not Davis, Topanga, isn't it, the one they went through? Had
4 it been cleared, they can take that as soon as they can see it?

5 A. Yes.

6 Q. It's just me and my old school.

7 A. Oh, I know, we could have a long talk about it.

8 Q. Yeah, where you can take it?

9 A. Where it used to be in the way it used to be and all
10 that sort of thing.

11 Q. And I have asked the system road foreman and probably
12 as good to ask you too, the reasoning, you know, behind that is
13 that so that you can efficiently advance the trains?

14 A. I -- you started to -- when you mentioned talking
15 about the old days, I just flipped back into SH and DH train
16 orders and superiority of trains and everything. So I've got
17 to try to bring myself back to now. I'm sorry, could you do it
18 again?

19 Q. Yeah. What would be the reason behind taking that
20 signal as soon as you can see it?

21 A. Presumably that it would not be unsafe to do so and
22 it would expedite the movement of the trains.

23 Q. Makes sense to me. CAD signals, lot of this is --
24 you know, we're getting all kinds of questions from folks
25 across the country about what their experience is to help in

1 this situation. CAD signals, are those used -- equipped with
2 CAD signals out there?

3 A. No, sir.

4 Q. No. The ones that run from here to San Diego, have
5 they got CAD signals on them?

6 A. No, sir.

7 Q. So you don't have any on the equipment that you all
8 run?

9 A. I don't know that -- if anyone has CAD signals in
10 Southern California.

11 Q. Okay.

12 A. The last time I was with them was in Denver to --
13 Denver to Ogden. Did you come out to Denver?

14 Q. I did.

15 A. When we had that with Amtrak?

16 Q. Um-hum. The -- and train stop. Train stop, from
17 what I understand, you run from LA down to San Diego but not --
18 not north?

19 A. I don't --

20 Q. They have automatic train stops?

21 A. Yeah, automatic train stop is at, I believe, Santa
22 Ana to Oceanside.

23 Q. Okay. That pretty well -- that's all. That's all
24 the questions I have.

25 MR. TURPIN: I don't think I have anything else?

1 Anybody?

2 BY MR. TURPIN:

3 Q. I would -- yeah, we always close asking the -- you as
4 a participant if you have any ideas of anything that would
5 improve safety, specific to this or just a general statement?

6 A. No. I -- not that I don't have statements. I hadn't
7 anticipated that question, and I don't have a laundry list of
8 things that I would have suggestions for off the top of my
9 head.

10 Q. Okay. Let me narrow it to just one issue that has
11 come up just recently and that's the second person in the cab.
12 Have you had any discussions or your own personal opinion on
13 having two people in the cab?

14 A. I don't see that as providing any additional safety
15 to the operation of Amtrak or Connex or any train that doesn't
16 have two persons in the cab, I don't see that as adding any
17 layers.

18 Q. I just thought of one that I did have. With
19 approximately over 120 train and engine crews and then you've
20 got 12 first line supervisors, it works out to like ten
21 percent. So, back to the detail, you said the agency gives you
22 guidelines. Is that -- is that a percentage guideline of
23 supervisors or do they want a ratio of, you know, one to ten,
24 one to fifteen, or --

25 A. I couldn't speak to that. That wouldn't -- we'd have

1 to ask the agency on that. Generally speaking, as service
2 increases -- it's not a hard number of ten percent or something
3 like that. But as service increases, the agency has some
4 pretty solid operating people and the recognition as a result
5 that as you have more trains and more crew bases, you need more
6 people to watch over those crews.

7 Q. Okay. So let's say you -- you put on some more
8 trains and more service and you increase another ten people --

9 A. Um-hum.

10 Q. It wouldn't be difficult for you to go to the agency,
11 okay, there's going to be eleven because we also want a
12 supervisor with that ten mix, that train and engine mix.

13 A. I guarantee that that -- well, there's a similar
14 request before the agency right now for the increased service
15 in Orange County.

16 Q. Um-hum.

17 A. And there could be a crew base in Orange County and
18 we're going to them with -- depending on the frequency of
19 service, would dictate how many managers we would recommend
20 going to it. 24-hour service takes more people to manage than
21 eight-hour service.

22 Q. Right. And as a general rule, that's pretty
23 easily -- it passes through to get the managers with the
24 increase?

25 A. I haven't been with the agency, or with this

1 operation long enough, but I can't imagine that they would balk
2 at that. The agency is pretty reasonable to deal with on our
3 requests.

4 MR. TURPIN: Okay. Very good. I think that's it. I
5 thank you very much.

6 (Whereupon, the interview in the above-entitled
7 matter was concluded.)

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CERTIFICATE

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

IN THE MATTER OF: METROLINK TRAIN NO. 111
 COLLISION WITH UNION PACIFIC
 RAILROAD LEESDALE LOCAL,
 September 12, 2008,
 Los Angeles, California
 Interview of Gregg Konstanzer

DOCKET NUMBER: DCA-08-MR-009

PLACE: Gardena, California

DATE: September 25, 2008

was held in accordance with the record, and that this is the
original, true and accurate transcript which has been compared
to the recording accomplished at the interviews.

John Sullivan
Court Reporter