

CHAIRMAN ROBERT L. SUMWALT III
OPENING STATEMENT

**Investigative Hearing—Managing Safety on Passenger Railroads:
Amtrak Overspeed Derailment, DuPont, Washington;
and CSX and Amtrak Train Collision, Cayce, South Carolina.**

Good morning. Welcome to the Boardroom of the National Transportation Safety Board. I am Robert Sumwalt, and it is my distinct honor to serve as Chairman of the NTSB. Joining me today on this Board of Inquiry are my colleagues, Member Earl Weener and Member Bella Dinh-Zarr.

Today, we will first hear testimony on the February 4, 2018, collision of Amtrak train 91 with a stationary CSX freight train near Cayce, South Carolina. Tragically, the collision took the lives of the engineer and conductor of the Amtrak train. At least 92 passengers and crewmembers on the Amtrak and CSX trains were transported to medical facilities.

We will then turn to the December 18, 2017 derailment of Amtrak 501 from a highway overpass near DuPont, Washington. The derailment took the lives of three passengers, injured 62 passengers and crewmembers, and also injured eight people in highway vehicles.

My colleagues and I offer our sincerest condolences to those who have been affected by these tragedies, and our purpose for being here is to make sure that things like this don't happen again. We also hope that the hearing will help to answer questions that you may have.

The focus of the hearing is managing safety on passenger railroads. That includes managing safety on Amtrak during railroad service. But it also includes much more.

With the exception of the northeast corridor, Amtrak trains operate almost entirely on track owned by other railroads. Likewise, decisions about planned new Amtrak service are not made by Amtrak in a vacuum, but by a broad group of stakeholders.

When you think about it, when a passenger train is running on a freight railroad's tracks, those tracks essentially become passenger rail tracks, and signal suspensions on those tracks become passenger railroad signal suspensions. When decisions affecting a passenger's trip are being made before passengers begin to use a rail-line, that becomes a passenger railroad safety issue.

A few years ago, an executive of a major freight railroad company retired to become the chief executive officer of a major passenger railroad. Unfortunately, as sometimes happens, that railroad later had an accident investigated by the NTSB, and as they always do, our investigators conducted interviews, including interviewing the CEO of that passenger railroad.

Our investigators asked him: You've got an extensive history running freight railroads, now you run a passenger railroad. What is the difference? He answered, "that is a really good and interesting question. Coal and containers don't complain a lot."

Perhaps he was being a little facetious. But for those of us in the work of passenger railroad accidents, who meet with the victims if they happen to be alive, I'm not sure that a lot of us saw that as a very comical remark.

Part of the purpose of this hearing is to understand how the passenger railroads are managing those risks. Are they just accepting the risk? If the freight railroads think the procedures are okay, is that

sufficient for a passenger railroad? Or does there need to be a risk assessment?

This hearing will elicit additional factual information about the accidents as part of our ongoing investigation. At a future date, we will issue accident reports that will include determinations of probable cause and any safety recommendations that are warranted.

It is not the purpose of this hearing to determine the rights or liability of private parties, and matters dealing with such rights or liability will be excluded from these proceedings.

Additionally, we will not attempt during this hearing to analyze the testimony received, nor will any attempt be made at this time to determine the probable cause of the accident. As mentioned, such analyses and cause determinations will be made at a later date by the full Board after consideration of all of the relevant evidence gathered during our investigation. Once the investigations are completed, the final reports on these accidents will be made available to the public, as are all of our investigative products.

NTSB investigations are aided by the participation of parties. The NTSB designates as parties those organizations or individuals whose technical expertise is necessary in the public interest, and whose specific knowledge will contribute to the development of pertinent evidence.

At a pre-hearing conference on June 27, the NTSB and the parties to this hearing agreed upon the issues to be discussed, the list of witnesses who would testify, and the exhibits to which we will refer today and tomorrow.

The four broad issue areas outlined in the hearing agenda:

This morning we will discuss Amtrak Operations on Host Railroads

This afternoon we will discuss addressing Safety in Preparation for the Point Defiance Bypass

Tomorrow we will discuss Managing Safety on Passenger Railroads

And finally we will look at an International Approach to Passenger Train Operations and Shared Use and Safety Management Principles from other Industries.

Although the investigations in Cayce and DuPont are comprehensive and are examining a multitude of aspects, this hearing will only focus on these areas. This means that all testimony and questions will be limited to these issues areas.

I will now introduce the parties. As I call the name of each party, I ask the designated spokesperson to identify themselves and their affiliation with the party they represent, and to introduce others seated at their table.

Party	Spokesperson
Federal Railroad Administration	Robert Lauby
International Association of Sheet Metal, Air, Rail and Transportation Workers	Matthew Campbell
Brotherhood of Locomotives Engineers and Trainmen	Carl Fields
Brotherhood of Railroad Signalmen	Cory Claypool
CSX	Steve Ammons
Sound Transit	Salah Al-Tamimi
Amtrak	Theresa Impastato
Washington State Department of Transportation	Ronald Pate
Washington State Utilities and Transportation Commission	Michael Sturges

I want to thank you for your cooperation up to this point, and we look forward to continuing to move along with these investigations.

The order of the hearing will be as follows: Hearing Officer Joe Gordon will offer a safety briefing, some scheduling information, and a description of the exhibits to be used during the hearing.

We will begin after that with the Cayce investigation. The investigator-in-charge, Richard Hipskind, will provide an overview will provide the overview.

This afternoon, we will take testimony on the DuPont derailment and our second issue area, Addressing Safety in Preparation for the Point Defiance Bypass. Investigator-in-charge Ted Turpin will begin with an overview.

Tomorrow, we will turn to the two remaining issue areas: Managing Safety on Passenger Railroads, and International Approach to Passenger Train Operations and Shared Use and Safety Management Principals from other Industries.

For each issue area, Mr. Gordon will introduce NTSB technical panelists and will swear in witnesses. The witnesses have been pre-qualified and their qualifications and biographical information are available in the public docket.

The witnesses will be questioned by the NTSB technical panel, then by the spokesperson for each party, and finally by the Board of Inquiry.

For the parties, after one round of questions, due to time constraints, a second round will be limited to pertinent questions that serve to clarify the record or to address any new matter that was raised in the first round. Parties have been instructed to have their party spokesperson raise his/her hand to indicate a desire for follow-up questions.

As Chairman of the Board of Inquiry, I will make all rulings on the admissibility of exhibits, appropriateness of questions, and pertinence of proffered testimony, with the assistance of NTSB General Counsel Kathleen Silbaugh, who is seated behind me. All such rulings will be final.

I must emphasize that NTSB investigations are, by regulation, fact-finding proceedings with no adverse parties. The Board does not assign fault or blame for an accident or incident.

NTSB participants will not ask, and party representatives will not be permitted to ask, questions that call for speculation or analysis, or that are related to fault, outside litigation, or legal liability in general.

The record of the investigation, including the transcript of the hearing, all exhibits entered into the record, and the presentations, will become part of the NTSB's public docket and will be available on the Board's website.

The exhibits contain redactions, noted with opaque boxes, which are the result of discussions between the parties and the NTSB regarding the disclosure of information claimed to be personally identifiable, security sensitive, or proprietary information.

The NTSB is authorized by statute to disclose information to carry out its mission, but we protect confidentiality and proprietary information to the greatest extent possible. While the NTSB has access to all of the information, the exhibits disclose to the public relevant materials that are part of the investigation and/or will be discussed at the hearing.

A white paper explaining our authority to use proprietary information is available on the NTSB website.

Witnesses who have completed their testimony should be aware that they may be subject to recall should the need arise. Therefore, witnesses should not leave unless they have checked with the Hearing Officer, Mr. Joe Gordon.

Mr. Gordon will now provide important safety and scheduling information and describe the exhibits. Mr. Gordon.

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