



Antonio Perez
President and CEO, Talgo, Inc.
1000 Second Ave., Suite 1950
Seattle, WA 98104

June 3, 2019

The Honorable Robert L. Sumwalt
Chairman, National Transportation Safety Board
490 L'Enfant Plaza East, SW
Washington, DC 20594

Re: Talgo, Inc. US notice of intent to file Petition for Reconsideration
NTSB Investigation No. RRD18MR001

Dear Chairman Sumwalt,

I write on behalf of Talgo, Inc. to provide notice of Talgo's intent to file a Petition for Reconsideration under 49 C.F.R. § 845.32 regarding certain findings, safety recommendations, and the probable cause of the subject accident. During the investigation, Talgo was not afforded an adequate opportunity to supplement, clarify, or refute evidence that, unbeknownst to Talgo, would be a focal point of the NTSB's final conclusions. This deprived the NTSB of a complete picture of the equipment and mechanics at issue, and has resulted in erroneous factual findings, safety recommendations, and probable cause determinations set forth in the Accident Report synopsis.

As an initial matter, we, too, have an abiding interest in the safety of our trainsets and the passenger rail industry as a whole. Regrettably, we believe the NTSB's report is founded on an insufficient factual basis and erroneous analysis regarding the rail equipment involved that are actually counterproductive to safety in the industry, as the report unfairly tarnishes a product that is both useful in meeting demand while serving as a safe product in doing so. Talgo has been designing and manufacturing safe and reliable equipment for over 75 years, and we stand behind our equipment's crashworthiness and safety record worldwide.

Over the course of the investigation, and culminating with the NTSB's adoption and publication of the Accident Report synopsis, Talgo was limited in the opportunity to provide full and complete factual information and engineering evidence to the investigation. As a result, NTSB staff and Board Members did not have available or did not properly interpret all information relevant to the crashworthiness of a design that has significant differences from the conventional rail equipment historically operated in the U.S. This is especially important as the NTSB acknowledged from the very beginning of the investigation that its rail specialists were

unfamiliar with the technology and behavior of the Talgo train sets under normal operating conditions, let alone in high energy accidents.

- Talgo was prohibited, and in fact threatened with arrest, when it attempted to take photographs of its derailed train cars at the Joint Base Lewis-McChord to aid in its own safety assessment, while other parties to the investigation were allowed to do so. The NTSB's investigators' insistence on exclusivity and control early in the investigation deprived us of an early opportunity to present our informed analysis to the Board. The NTSB's unwillingness to collaborate undermined both the fact-finding process and the thorough documentation of evidence.
- Although the NTSB contacted multiple stakeholders to testify or otherwise participate at the July 10-11, 2018 investigative hearing, Talgo was not a designated party for the hearing or invited to testify. Talgo's participation in the hearing would have provided important evidence and understanding of the behavior of Talgo equipment to the NTSB staff and Board Members, which should have been considered in reaching their conclusions and recommendations.
- Talgo made no less than four written and several oral requests to meet in person with NTSB staff or Board Members to answer questions, provide additional information and evidence where needed, and discuss possible NTSB findings. Unlike similar requests from the other parties, Talgo's requests were rebuffed.
- There is no indication that Talgo's April 12, 2019 Party Submission was considered by investigators or the NTSB Board Members in connection with the Accident Report. The NTSB's findings and recommendations as stated in the synopsis do not reflect and are starkly inconsistent with the extensive technical information provided by Talgo in this document, and in several other submissions made by Talgo the previous year. In fact, Talgo is concerned that its party submission did not even make it into the hands of the NTSB Board Members. Talgo also alerted NTSB that mistakes were made in the course of the investigation, but they appear to have been ignored.
- The factual findings and probable cause determination turn on the NTSB's conclusion that certain fatalities and injuries were worsened and possibly caused by the design of the Talgo trainsets, even though the trainsets met industry standards when designed and manufactured and still do today. Talgo will point to evidence in the record and also provide evidence not reviewed by the agency that demonstrate these conclusions are erroneous.

We understand that the final Accident Report will be published in the next several weeks. We request the opportunity to provide additional factual information and clarification about the

Page 3
Chairman Sumwalt
June 3, 2019

evidence in the record before the Accident Report becomes final, in order that the NTSB provides the public with the most accurate conclusions and safety recommendations possible in its official report. In any case, we respectfully request that the NTSB publish this letter on the public docket promptly to reflect Talgo's belief that the factual record for this investigation is incomplete, that the findings and conclusions reached by the NTSB are unfounded, and of Talgo's intent to file a Petition for Reconsideration

Best regards,

A handwritten signature in blue ink, appearing to read "A. Perez" with a stylized flourish at the end.

Antonio Perez
President and CEO, Talgo, Inc.

cc: Mike Hiller
Railroad Accident Investigator, National Transportation Safety Board

Kathleen Silbaugh
General Counsel, National Transportation Safety Board

Gary Halbert
Holland & Knight LLP