

NATIONAL TRANSPORTATION SAFETY BOARD

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 IN RE: :
 :
 THE HEAD-ON COLLISION : NTSB Accident No.
 THAT OCCURRED NEAR : DCA16FR008
 PANHANDLE, TEXAS ON :
 JUNE 28, 2016 :
 :
 :
 ----- :

Interview of: DEREK SCHILLING, BNSF Engineer

Wednesday,
June 29, 2016

Amarillo, Texas

BEFORE:

TOMAS TORRES, NTSB
 AARON RATLEDGE, BNSF
 ERICH JESKE, BLET
 RAFAEL MARSHALL, NTSB
 STEVE FACKLAM, BLET
 KAMRON SAUNDERS, SMART TD

This transcript was produced from audio provided by the National Transportation Safety Board.

APPEARANCES:

On Behalf of the Interviewee:

JOE MALLOY, BLET Local Chairman, Amarillo

1 P-R-O-C-E-E-D-I-N-G-S

2 (TIME NOT GIVEN)

3 MR. TORRES: Yeah. Well, okay. We'll get
4 started. My name's Tomas Torres, spelled T-O-M-A-S,
5 last name Torres, T-O-R-R-E-S. I'm with the NTSB. And
6 today is June 29th at Amarillo, Texas.

7 The interview is pertaining to the engineer
8 on the westbound train, and the engineer's name is --

9 MR. SCHILLING: Derek Schilling, D -- Derek
10 as in D-E-R-E-K, Schilling is S-C-H-I-L-L-I-N-G.

11 MR. TORRES: Okay. This interview is in
12 connection with the accident that occurred there at
13 the, what's the name of that location?

14 MR. SCHILLING: Panhandle.

15 MR. TORRES: Panhandle. Head-on collision.
16 The NTSB accident is DCA16FR008. The purpose of the
17 investigation is to increase safety, not to assign
18 fault, blame or liability. NTSB cannot offer any
19 guaranty of confidentiality or immunity from legal or
20 certificate actions.

21 A transcript or summary of the interview
22 will be going to the public docket. The interviewee
23 can have one representative of the interviewee's
24 choice. The Union's here. Anybody can be here. You
25 want somebody?

1 MR. SCHILLING: Joe Maloy.

2 MR. TORRES: Okay. Do you understand that
3 this interview is being recorded?

4 MR. SCHILLING: Yes.

5 MR. TORRES: Okay. I already introduced
6 myself, so you, to you?

7 MR. SAUNDERS: My name is Kamron Saunders,
8 with SMART TD. That's K-A-M-R-O-N, S-A-U-N-D-E-R-S.

9 MR. MALOY: Joe Maloy, BLET Local Chairman,
10 Amarillo, for Mr. Schilling. First name Joe, J-O-E,
11 last name Maloy, M-A-L-O-Y.

12 MR. JESKE: Erich Jeske, BLET Safety Task
13 Force. Eric is E-R-I-C-H, Jeske, J-E-S-K-E.

14 MR. RATLEDGE: Aaron Ratledge, BNSF Railway
15 Operating Practices, A-A-R-O-N, R-A-T-L-E-D-G-E.

16 MR. FACKLAM: Steve Facklam, S-T-E-V-E, F-A-
17 C-K-L-A-M. BLET Safety Task Force Primary
18 Investigator.

19 MR. MARSHALL: Rafael Marshall, R-A-F-A-E-L,
20 Marshall, M-A-R-S-H-A-L-L. I'm the Human Performance
21 Investigator with the NTSB.

22 MR. TORRES: Okay, Engineer Schilling, can
23 you give us a little bit of your background history
24 with the railroad, you know, when you hired out, you
25 know?

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1 MR. SCHILLING: I hired out in August 19th,
2 2002, in Slaton, Texas. I moved to Amarillo later that
3 year, and then worked between Amarillo and Slaton till
4 2006. In 2006, I was promoted to engineer. And most
5 of my career, I've worked on the extra boards or from
6 Amarillo to Clovis, as an engineer. And last year,
7 last May, I started familiarizing, started running to
8 Wellington at every opportunity I could.

9 MR. TORRES: That's Tomas Torres with the
10 NTSB. So that's Amarillo to Wellington?

11 MR. SCHILLING: Yes.

12 MR. TORRES: Is that the run? What
13 subdivision would that be?

14 MR. SCHILLING: Panhandle.

15 MR. TORRES: Panhandle. Okay. On the day
16 of incident, can you describe, like, you know, the day
17 or that, you know, before you went on duty, and then
18 when you went on duty, and explain to us, you know,
19 what happened? You know.

20 MR. SCHILLING: During the -- well, I
21 brought the train in. I came in, took a nap. Woke up
22 for a little bit. I made some food, and then laid back
23 down and slept for, I think it was about five more -- I
24 got four hours the first hour -- the first time, and
25 about five hours the second time, so about nine hours.

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1 And I just watched movies until call time. And I got
2 another bite to eat, and went to work.

3 MR. TORRES: So what time did you go on duty
4 that day?

5 MR. SCHILLING: I believe it was 1:45 --

6 MR. TORRES: Oh, you went on duty --

7 MR. SCHILLING: -- a.m.

8 MR. TORRES: -- 1:45 a.m.? So when you got
9 to the yard office, what did you guys discuss? You
10 know, was there a job briefing?

11 MR. SCHILLING: Yes.

12 MR. TORRES: Could you explain to us what
13 you guys discussed?

14 MR. SCHILLING: We first of all, we made
15 sure we had, both of us had our paperwork, GTBs and the
16 train wheel. And we first went over the GTBs and just
17 made sure we seen the, you know, anything special
18 happening, you know, Form Bs that we probably will hit,
19 we might hit, you know, slow orders that are slow in a
20 new place, anything new that, you know, something that
21 we wouldn't have seen, previous trip.

22 And then we go to the train, the work
23 orders, and we discussed the speed of the train. She'd
24 already known that -- so Lara had already known the
25 speed of the train, already looked it up. I verified

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1 that the, you know, the lead 15 cars were loaded, or
2 the 15 wells were loaded, so I could run -- or had 25
3 wells were loaded so I could run all my dynamic
4 operative brakes. And of course, they had ten wells
5 for compliance.

6 We discussed that we was under 8500 feet for
7 the train, so we're good for 70 miles per hour. So we
8 pretty much broke it apart on everything that takes it
9 in and out of compliance, made sure it is in
10 compliance. And then we broke it apart on why it is 70
11 miles per hour. We had a very good job briefing, in
12 fact, one of the best I've had in a while. And that's
13 what stands out so much.

14 MR. TORRES: So the maximum authorized speed
15 of that train that day was --

16 MR. SCHILLING: Seventy MPH.

17 MR. TORRES: -- 70? And you went on duty at
18 Wellington?

19 MR. SCHILLING: Yes, sir.

20 MR. TORRES: And that would be at westbound?

21 MR. SCHILLING: Yes, sir.

22 MR. TORRES: You were going west? Okay.

23 And now so you went on duty at 1:45 a.m.?

24 MR. SCHILLING: Um-hum.

25 MR. TORRES: And then what time did you guys

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1 depart?

2 MR. SCHILLING: I think around 2:30, but it
3 could have been earlier. I generally write it down,
4 but I lost that piece of paper.

5 MR. TORRES: Right. Can you describe, you
6 know, the trip?

7 MR. SCHILLING: Yes.

8 MR. TORRES: From the time you departed to
9 time of incident.

10 MR. SCHILLING: Yes. We departed on a clear
11 signal. The fifth unit was isolated. They had four,
12 were running. We had 32 axles of dynamic braking. We
13 had four engines, so that's 17,600 horsepower. And it
14 was either 83 or 88 TOB. They -- I get enough of them,
15 I kind of mix them up. But we was under 90 TOB. We --

16 MR. TORRES: TOB means --

17 MR. SCHILLING: Tons per operative --

18 MR. TORRES: -- tons per operative?

19 MR. SCHILLING: -- brake. We were -- you
20 know, we took off on a cleared, and we ran all the way
21 down Main -- let's see here. We ran all the way down
22 Main 2, all the way to, oh, all the way to Alba. And
23 two signals before, we had a flashing yellow. As I was
24 slowing down for the flashing yellow, they lit up, so
25 we was lined through.

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1 We went over to, from Main 2 to Main 1, to
2 Natural Turnout, because it's over to a main track,
3 because that's where 2 mains in. We follow around Main
4 1. We don't go back over to Main 2. We just stay on
5 Main 1. We go up through a slow, 25-miles-per-hour.
6 We then, we talked to a foreman that, he was setting
7 where the flag should be, two miles advanced of where
8 his Form B, or where was performing work, his limits.

9 So we roll -- we talk to him because if
10 there's such a slow order on there, there's a
11 possibility of being in his limits. He read us
12 through, and we continued, cleared signals all the way,
13 Main 1, to pretty much, I think, White Deer.

14 At White Deer, the dispatcher calls us up,
15 says, you're going into Panhandle, into the siding.
16 You're going to be -- it's going to be a good meet,
17 which from what I take from that means is, is there's a
18 -- the eastbound that we're meeting is closed, so they
19 will either -- we won't be waiting long in the siding,
20 or they'll be stopped, and we'll be going in one and
21 going out. And that'd be from Main 2 to the siding,
22 north siding is what we call it. It's a powered
23 siding.

24 MR. TORRES: So you were going to -- you
25 were on, running on Track 2, lined up to take the

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1 siding?

2 MR. SCHILLING: We was on line -- sorry,

3 Main 1 --

4 MR. TORRES: Main 1?

5 MR. SCHILLING: -- to take the siding.

6 MR. TORRES: Okay.

7 MR. SCHILLING: Sorry about that. We ran

8 Main 1 from, I believe it's Loader to -- or Knoll to

9 Panhandle.

10 MR. TORRES: When did you talk to the

11 foreman, before -- or would you remember, you know --

12 MR. SCHILLING: Yeah. It was right around

13 4:15 in the morning. He had a 5 a.m. --

14 MR. TORRES: Oh, so he was out there early.

15 MR. SCHILLING: -- form. So, but we was

16 thinking, being at 25 miles per hour, and I'd seen that

17 there was two 25 miles per hour, but one of them wasn't

18 really in effect. I was just giving ourself enough

19 time, so he'd -- you know, I'm guessing 4:15 a.m.

20 MR. TORRES: Okay. And then, as you were

21 approaching Panhandle, can you describe that for us?

22 MR. SCHILLING: Yes. We, whiles we were

23 approaching Panhandle, I mean, everything, our first

24 off-colored signal was a flashing yellow, at CP 5232.

25 Again, we were heading westbound, where the train's

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1 staying right around 50 miles per hour.

2 It's long enough that the downhills don't
3 really speed us up, because our, half our train's going
4 up the hill. So we're averaging 50, I would say, miles
5 per hour, because we also have a throttle restriction,
6 and 50 mile an hour you must go to Throttle 5, and it's
7 just not enough to get us going really fast.

8 But at 5232, we have a flashing yellow. And
9 generally, on our subdivision, a double yellow or
10 yellow over yellow is what to put you into the siding,
11 but this one's just really different, because it stays
12 flashing yellow, like you was going to slow down.

13 But we were -- of course, the dispatcher let
14 us know, we're going into the siding, so I tell the
15 conductor, I said, hey, we're taking the siding
16 flashing yellow. And our discussion is, there used to
17 be -- or it should be a double yellow, to indicate
18 we're actually deferred you.

19 But anyway, we talked on how that signal was
20 off. So we started approaching the siding to
21 Panhandle. And I see the train coming. I see the
22 train that we are going to meet, coming, which it, you
23 know, it sounds right. The dispatcher was right on.

24 And as he rounds the curve, I think he's
25 doing a little fast. And then when he, when he goes

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1 past where I believe the, right at the clearance point
2 of the shunt of his block, I'm thinking he ran, he's
3 probably ran his block. And when I realize, when he's
4 hit that crossing, I know that we're going to have a
5 head on. Because if he was stopping it, which took him
6 a long time to occupy that crossing. If it was a --

7 MR. TORRES: But you saw him at the
8 crossing, then you kind of --

9 MR. SCHILLING: Yeah. He's moving through
10 the crossing too fast. I mean, you got a --

11 MR. TORRES: Yeah. From the crossing to the
12 control point, you saw that he --

13 MR. SCHILLING: Right. From the control
14 point to the crossing.

15 MR. TORRES: Yeah.

16 MR. SCHILLING: But, you know, I've seen
17 people run. I still had enough time. If they was
18 going to stop, you know, if they just had slack run in,
19 or just go, was going a little too hot, we could have
20 stopped too. But as, at the speed that he was moving
21 through this crossing, I know that this guy's moving
22 way too fast, and we're too long, and this is -- we're
23 going to hit.

24 It was -- and I tell the conductor, we're
25 going to have a head-on. They're going to hit us. And

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1 we go out the back door. And the choice for the back
2 door is, the front door has two doors, and the wind's
3 going to push through the door, so the back door's the
4 only option.

5 I run straight to the first set of steps
6 that come to me, hit the back, hit the bottom steps. I
7 see Lara, off the -- I see her right around the first
8 step. I think she's going to jump. I do not see her
9 again.

10 I set my feet out, thinking it was going to,
11 you know, I'm going to try to skid down this -- I'm
12 jumping. There's no -- I'm trying to skid, though.
13 And when I actually do make the step, it -- my feet
14 actually catch the ballast, spin me over, and I slide
15 on my back down the ballast.

16 The second I -- the second I can get moving
17 forward, I -- it's, if it's crawling, it's falling, so
18 I --

19 MR. TORRES: So you --

20 MR. SCHILLING: -- can't stay up. I don't
21 know why I'm so dizzy, but I can't stay up. I get
22 right over where the soil meets the ballast, is when I
23 hear -- or when I look over, and they're hit. I keep
24 on running north.

25 And a container -- I look over my right

1 shoulder, and a container is about, I assume about 50
2 feet in the air. So I stumble to my left, which would
3 be west, and the container lands incredibly close to
4 me. About that time, a container lands about eight
5 feet to my left again.

6 And so I run, I continue heading -- because
7 I've just, I've got to go. I've got to go. When I get
8 -- when I believe I'm far enough away from the
9 accident, I turn around. And I just see the whole
10 thing engulfed in flames. So, one second.

11 MR. TORRES: Can you describe the terrain,
12 going west, you know, when you got from the flashing
13 yellow, and the throttle position, what you were doing
14 and where's the train handling?

15 MR. SCHILLING: Well, from the flashing
16 yellow, it's pretty flat. We're ending out of a dip,
17 where you actually will gain speed. So I'm in maybe
18 Notch -- between Notch 1 and Notch 2, and probably
19 idle. So I'm doing right about 50.

20 It -- I can coast in there, get down to 45.
21 It'd still be over a mile away. And I plan on usually
22 about 3/4 of a mile away, I'm probably going to be
23 about 40 miles per hour, and just so it doesn't sneak
24 up, so if I don't get a bump behind, if the slack runs
25 in, it doesn't, it doesn't push on me.

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1 MR. TORRES: What's the speed of the siding?

2 MR. SCHILLING: Forty MPH to the turnout.

3 MR. TORRES: Forty. Okay, at this time I
4 want to pass it on to the SMART.

5 MR. SAUNDERS: All right. This is Kamron
6 Saunders. Do you have any idea how fast you were going
7 --

8 MR. SCHILLING: Yes.

9 MR. SAUNDERS: -- when you decided to get
10 off, or?

11 MR. SCHILLING: I see 40, I see 41 miles per
12 hour when I plug it and head back. I was told I was
13 doing 39 when it impacted, which is, seems about right
14 for the timing.

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

16 MR. SCHILLING: Okay.

17 MR. RATLEDGE: Aaron Ratledge. The question
18 has to do with Ms. Taylor. You said you saw her -- if
19 you can go through that just real quick, what was the
20 last time you saw her?

21 MR. SCHILLING: The last time I saw her, I
22 believe she was stepping down onto the first step.

23 MR. RATLEDGE: Okay. So on the nose?

24 MR. SCHILLING: On the nose of the second
25 unit. Both noses -- the first unit was fate -- was a

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1 westbounder, the second one was a westbounder.

2 MR. RATLEDGE: Right.

3 MR. SCHILLING: So I believe she's going to
4 jump.

5 MR. RATLEDGE: Okay.

6 MR. SCHILLING: But I really thought she
7 jumped.

8 MR. RATLEDGE: Yeah.

9 MR. SCHILLING: I really believe she did.

10 MR. RATLEDGE: And so Derek, again, you came
11 to the first set of steps, with meaning the first steps
12 behind, on the lead locomotive, the rear steps?

13 MR. SCHILLING: Yes. That belong to -- yes.

14 MR. RATLEDGE: Okay.

15 MR. SCHILLING: The steps of that --

16 MR. RATLEDGE: Lead locomotive at the rear
17 end?

18 MR. SCHILLING: Correct.

19 MR. RATLEDGE: And you think you saw her --

20 MR. SCHILLING: On the steps of the second
21 unit. There's just a -- there's a walkway that the
22 steps of the second unit --

23 MR. RATLEDGE: Okay.

24 MR. SCHILLING: -- are probably six feet
25 apart.

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1 MR. RATLEDGE: Yeah.

2 MR. SCHILLING: At most.

3 MR. RATLEDGE: So she was -- she was on the
4 nose of the second?

5 MR. SCHILLING: She was right behind me.

6 MR. RATLEDGE: Okay. And then -- okay, so
7 she would have -- you would have gone down the first
8 one. She would have crossed over the platform and then
9 down the steps of the second, of the lead of the second
10 unit?

11 MR. SCHILLING: Is what I believed.

12 MR. RATLEDGE: Okay. Understood.

13 MR. SCHILLING: But I don't see her in -- I
14 don't see her leap. So I don't know if she went back
15 up to the second unit.

16 MR. RATLEDGE: But you definitely remember
17 her coming out behind you?

18 MR. SCHILLING: Yes. She was on my tail.

19 MR. RATLEDGE: Okay. Very good. Thank you.

20 MR. FACKLAM: Steve Facklam, F-A-C-K-L-A-M,
21 BLET Safety Task Force. Kind of backing up here a
22 little bit. At the Oaktree, the hotel in Wellington
23 that you stayed at -- you do stay at the hotel in
24 Wellington, at the Oaktree?

25 MR. SCHILLING: Yes, sir.

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1 MR. FACKLAM: Okay. You said you had about
2 four hours off -- four hours of sleep, then you were up
3 a little bit, then another five hours of sleep,
4 roughly?

5 MR. SCHILLING: Yes.

6 MR. FACKLAM: Okay. Was that sleep restful,
7 at the --

8 MR. SCHILLING: Yes.

9 MR. FACKLAM: -- Oaktree? Okay.

10 MR. SCHILLING: Yes. I woke up and messed
11 around, and then I just kind of -- sometimes I just
12 can't get a solid sleep, and I, so I'll lay down --

13 MR. FACKLAM: Okay.

14 MR. SCHILLING: -- sleep, wake up for a few
15 minutes, lay down and sleep.

16 MR. FACKLAM: Okay. Before, maybe about a
17 half hour before the incident, do you recall the
18 weather, at that point, as you were running? Was it
19 cloudy, clear, sunny, as the sun was coming up?

20 MR. SCHILLING: It was humid.

21 MR. FACKLAM: Humid?

22 MR. SCHILLING: I went -- I believe it being
23 humid, because the engine, the engine itself was -- the
24 air conditioner was broke. And so it was a humid
25 morning, but I don't remember clouds. I do not recall

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1 clouds. I believe it would have been a clear --

2 MR. FACKLAM: Clear day? Okay. The train
3 you were running, did it have a Trip Optimizer?

4 MR. SCHILLING: No.

5 MR. FACKLAM: No? It didn't have it? And
6 as I understand, did it -- was it equipped with PTC?

7 MR. SCHILLING: Yes.

8 MR. FACKLAM: Okay. But as I understand,
9 PTC is not in effect on the Panhandle?

10 MR. SCHILLING: That's correct.

11 MR. FACKLAM: Okay. Have you ran PTC --

12 MR. SCHILLING: Yes, sir.

13 MR. FACKLAM: -- Positive Train Control
14 before?

15 MR. SCHILLING: Yes, sir.

16 MR. FACKLAM: Have you ran it on the
17 Panhandle Sub before?

18 MR. SCHILLING: No, sir.

19 MR. FACKLAM: Okay. Do you know if Positive
20 Train Control was active on the Panhandle Sub?

21 MR. SCHILLING: It is not.

22 MR. FACKLAM: Was it -- has it been active
23 before? I work the Emporia Sub. I hand off to guys
24 there --

25 MR. SCHILLING: Okay.

1 MR. FACKLAM: -- at Wellington lot. On the
2 Emporia Sub, PTC was in effect and on. Then it was
3 turned off to work out some more bugs, and then it got
4 turned back on earlier this year. I was just wondering
5 if the Panhandle Sub had had PTC working at one time,
6 and then turned back off to maybe work some more bugs
7 out?

8 MR. SCHILLING: No, sir. The only thing I
9 believe PTC worked on was the actual Avard Subdivision.

10 MR. FACKLAM: Avard Sub? Okay. As you're
11 approaching White Deer -- well, as you're approaching
12 Panhandle, I believe you were back there at the
13 Panhandle, the eastbound train, you said you notice it
14 coming fast at the crossing. Could you -- I guess the
15 sun was up, so he wouldn't be dimming his lights at
16 that time. Is that correct?

17 MR. SCHILLING: Correct. I remember the
18 lights on bright the entire time.

19 MR. FACKLAM: Okay. Did you happen to -- I
20 know with the comfort cab, it's hard to tell, could you
21 tell at all if he was sounding the horn, at all?

22 MR. SCHILLING: No. I could not tell.

23 MR. FACKLAM: Could you see any movement in
24 that cab?

25 MR. SCHILLING: No.

1 MR. FACKLAM: No? Okay.

2 MR. SCHILLING: And the only time -- but for
3 the record, the only time that I ever see into that cab
4 is --

5 MR. FACKLAM: Close.

6 MR. SCHILLING: I'm just, I'm looking that
7 direction. If -- I don't see anything, but I
8 definitely don't see movement.

9 MR. FACKLAM: Okay. And did you hear any
10 kind of radio traffic from that train? Any kind of --

11 MR. SCHILLING: No, I did not.

12 MR. FACKLAM: Okay. Not, not at all prior
13 to the accident, not --

14 MR. SCHILLING: Correct. And I believe that
15 another reason why I was given a, the reason of doubt,
16 why it wasn't plugging it earlier, is he could hear me
17 just as well as I could -- when the dispatcher told us,
18 it was within range of when the dispatcher -- they
19 could have heard him telling us.

20 MR. FACKLAM: Okay. Okay. And you did
21 throw the train in emergency before you --

22 MR. SCHILLING: Yes, sir.

23 MR. FACKLAM: -- went out the back? Okay.
24 That's all I have for right now.

25 MR. MARSHALL: Okay. Rafael Marshall with

1 the NTSB. One of the things we usually try to do for
2 all the operators is to get a 72-hour history. So I
3 was wondering if you could go back about three days,
4 and tell me, sort of, what sort of specific activities
5 you performed, conducted, prior to coming on, I guess,
6 the starting work on the day of the crash.

7 MR. SCHILLING: My uncle passed away. And
8 they had a pretty immediate funeral. So the previous
9 time I worked, I had to layoff away from home terminal
10 at Wellington, to get back to Amarillo, to drive to
11 Happy, to go to Follett, to go to the viewing. And I
12 had the funeral.

13 Then I went home, and took another day off.
14 And the next time I go to work is going to Wellington.
15 So I really didn't perform anything.

16 MR. MARSHALL: Okay. So what -- on the, I
17 guess --

18 MR. SCHILLING: Nothing strenuous. I mean,
19 it was just setting around the house.

20 MR. MARSHALL: Yeah.

21 MR. SCHILLING: Really just kind of resting
22 up. I just believe everything was just normal, being
23 lazy around the house.

24 MR. MARSHALL: Okay. What sort of -- I know
25 you said just being lazy around the house, but what

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1 sort of activities were you doing, during that time?

2 MR. SCHILLING: Watching TV.

3 MR. MARSHALL: Watching TV? Okay. How was
4 your, like your rest activities during that period?

5 MR. SCHILLING: I usually wait till a good
6 four -- if I know I'm going to go to work, and I know
7 it's going to be -- there's a window of when we can go
8 to work, you know, four hours after we're activated to,
9 you know, twelve hours after we're activated is usually
10 the window we're going to go to work.

11 So I try to time it where I believe I'm
12 going to be activated, take a, say, so many hours
13 before, if I -- so I don't even try to go to sleep. If
14 I cannot go to sleep, I still have enough time to, you
15 know, take a sleeping pill or --

16 MR. MARSHALL: Yeah.

17 MR. SCHILLING: -- whatever, so I'm safely
18 rested before I even have the opportunity, you know --

19 MR. MARSHALL: Okay.

20 MR. SCHILLING: -- to go to work.

21 MR. MARSHALL: Okay. Have you received any
22 guidelines at all from the company, as to how to
23 maximize rest, or anything like that, or how to handle,
24 just fatigue, if you feel fatigued?

25 MR. SCHILLING: Yes, sir. We have a module,

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1 a training module. I don't know if it's every year, or
2 every two years, but I know we have to watch a module
3 on fatigue and rest. I don't recall it being on last
4 year's module, but I know it was on the years before.

5 MR. MARSHALL: Okay.

6 MR. SCHILLING: Explain -- and it does
7 explain, you know, a sleep debt. It does explain, you
8 know, taking naps, and how much time it buys you, and
9 how much sleep you really need to perform, and what --
10 how little sleep, when you start being fatigued.

11 MR. MARSHALL: Okay. Another thing that
12 we're, I guess that is of interest to us, is
13 distraction, and distraction's a big deal with, I
14 guess, in, especially in the field that I'm in, which
15 is commercial vehicle safety. Could you tell me what
16 sort of policies there are for distraction?

17 MR. SCHILLING: I know that there's not
18 supposed to be any personal electronic devices, nothing
19 reading, you know, nothing other than work-related.
20 And when I say work-related, you know, if they're
21 looking up a rule at the exact moment, or at a moment
22 we need it, usually all they need to have out is, you
23 know, maybe a track chart, maybe a time table.

24 But they're -- oh a signal awareness form,
25 they need to have that out. And if they're just

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1 looking through a rule book and not saying -- or if
2 they're just looking through a rule book to look
3 through a rule book, I'll even ask them to put that up,
4 because it's just, there's no reason for that kind of
5 distraction when they need to be watching for signals
6 and whatnot.

7 But you're supposed to have a sterile
8 environment, you know, as in conversation, as in, you
9 know, you're not supposed to be engaged in anything but
10 working, and especially when you're busy, and all that.

11 MR. MARSHALL: Okay. The only other
12 question I have is, could you tell me, could you
13 estimate how far you were from the, from the other
14 train when you first saw it?

15 MR. SCHILLING: Well I first seen it go
16 around the bend. I think I'm about a mile out.

17 MR. MARSHALL: About a mile?

18 MR. SCHILLING: But when I first reacted,
19 I'm guessing 2200 feet --

20 MR. MARSHALL: Okay.

21 MR. SCHILLING: -- is my best guess.

22 MR. MARSHALL: Okay.

23 MR. SCHILLING: And that's, you know, that,
24 I haven't stepped off. And that, I haven't -- it's a
25 different reference when you're in the cab.

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1 MR. MARSHALL: Okay. Well thank you.

2 MR. TORRES: So Tomas Torres with the NTSB.
3 So you, did you ever use your cell phone throughout the
4 trip?

5 MR. SCHILLING: No. I did not.

6 MR. TORRES: And conductor?

7 MR. SCHILLING: No. She did not.

8 MR. TORRES: Okay. Now, was this train
9 equipped with Trip Optimizer?

10 MR. SCHILLING: No.

11 MR. TORRES: But they do run those trains in
12 this territory?

13 MR. SCHILLING: They do have Trip Optimizer
14 on our territory, yes, but this -- I know our, I know
15 our second, third, fourth and fifth unit did have Trip
16 Optimizer. But for some reason, our unit was a -9, and
17 generally they're not equipped with optimizers. And
18 even if they are, the -- usually when those module --
19 or that screen's on the back wall, they never work,
20 nine out of ten times. I've marked them down.

21 So it just seems like the lead unit was the
22 only one that does not have a Trip Optimizer.

23 MR. TORRES: Would you describe to us how --
24 what the Trip Optimizer feature, and how it works?

25 MR. SCHILLING: Yes, sir.

1 MR. TORRES: Can you kind of explain to --

2 MR. SCHILLING: Trip Optimizer, a Trip
3 Optimizer is a predecessor of, it was a trip -- or it
4 was a GE prompter. It used to tell you what notch it
5 wanted you to be in, and kind of gave you the same,
6 similar layout. But the Trip Optimizer, it shows you a
7 map, and it's got, it has the grade up and down, with
8 the mile posts marked.

9 It does not show crossovers or, you know,
10 any locations of anything other than the mile posts.
11 It's -- you could see where your front of your train
12 is. You could see where the rear of your train is.
13 When you go to -- when you start the train, and head it
14 -- within some, you know, percentage of your max speed
15 or track speed, you initiate the optimizer, and it
16 prompts you to put it to Run A.

17 Once you are in Run A, it takes over. It
18 does not blow the horn. And it will not add brakes.
19 It will ask you to add -- I'm saying air brakes. Now,
20 it will do its dynamic braking. It will prompt you, if
21 you're staying on the same track, if you're crossing
22 over.

23 If you are crossing over, you could -- when
24 you hit that, you can't see where it says, 50. You
25 know, if the crossover's good for 50 MPH, it will tell

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1 you 50 MPH. So you can, you have a certain idea of
2 where that 50 MPH is, or where that crossover actually
3 is, corresponding to where you see it go below, you
4 know, when you see it go to 50 mph.

5 It does not tell you where the sidings are.
6 And it -- but it does slow down for any Form A, and it
7 does not work through Form Bs. It does tell -- it does
8 have a readout, with exactly what mile post you are, to
9 the tenth of a mile. It does have a -- it tries to
10 estimate the time of your arrival.

11 And when it is active, it'll give you two
12 speeds on your speedometer. You will have a needle
13 that is your speed, which will be indicated with the
14 white speedometer needle. And then you will have your
15 projected speed, which will be your green needle.

16 And what the optimizer best does is, if
17 you're going faster than the projected speed, it tries
18 to slow you down, the most fuel-efficient way. If
19 you're going slow, it tries to speed you up. At 55
20 miles per hour, if you're on, say, a Q train, it will
21 take you down to Notch 5, for fuel efficiency.

22 If you're of course, a Z train, it knows the
23 difference. It will keep you at -- a Z8 and 9, it will
24 -- it can run you, do the Run A and all the way to 70
25 mph.

1 MR. TORRES: So a Trip Optimizer on a Z
2 train --

3 MR. SCHILLING: Yes, sir.

4 MR. TORRES: The maximum authorized speed,
5 well, what's the fuel conservation speed for a Z train?

6 MR. SCHILLING: There is no notch. There's
7 no -- a Z1 through 7, it's Run 5, 55. A Z8, 9, you can
8 use all the notches at all the speed, at the entire
9 range of speed, all the way to 70. If you are on a Q
10 train, if the optimizer's working but say you're
11 running it, you are Run 5, 55.

12 But if you're on a Q train like mine, you
13 have to be at Run 5 at 50 MPH, because it does not,
14 it's not equipped with a optimizer.

15 MR. TORRES: Now on a Z train, it can be
16 equipped with Trip Optimizer, and it will run the notch
17 up to 8, to run it up to 70 MPH.

18 MR. SCHILLING: Yes, sir.

19 MR. TORRES: Is that what you're saying?
20 But it's just, like cruise control, basically?

21 MR. SCHILLING: Yes, sir. It is cruise
22 control, or it's satellite driven. But, I mean, it
23 does have its flaws, you know. You got to know your
24 speedometer, how accurate your speedometer is, because
25 whatever your speedometer's inaccuracy, it's going to

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1 -- you know, if your speedometer's inaccurate, and
2 you're actually running faster than what it's
3 projecting, then the optimizer, of course, is running
4 you faster than what it's actually projecting.

5 But we were told to use the -- the PTC has a
6 speedometer also, on its screen. You're supposed to
7 compare the two, and usually, where the PTC is
8 generally the, what you go by, it's usually not off.
9 I've only had one PTC off in my career.

10 MR. TORRES: How does it affect -- Trip
11 Optimizer, how does it affect the alerter?

12 MR. SCHILLING: It does not affect the
13 alerter. It -- when you're -- since it's moving the
14 notches, it's going to go off every, I think it's every
15 40 seconds, because I think it's a total of one minute
16 if you don't touch the notches. If you blow the horn,
17 it resets it. If you touch a prompt on the screen, it
18 resets, and that includes the distance counter.

19 And I don't know, if you touch anything, it
20 kind -- it knows. Other than like a headlight or, you
21 know, something that's a solid switch doesn't go
22 through the screen.

23 MR. TORRES: So if that Trip Optimizer's
24 making the throttle changes and the alerter goes off,
25 it won't reset it?

1 MR. SCHILLING: No. It will not.

2 MR. TORRES: You have to manually --

3 MR. SCHILLING: Yes, sir.

4 MR. TORRES: -- reset it? Do you touch one
5 of those other, like bell, the independent, or
6 something?

7 MR. SCHILLING: Well we have two alerter
8 buttons. Or the conductor, some engines will allow --
9 there's a horn on the conductor's side. And I seen
10 where they hit the horn, and just reset that alerter.
11 I have seen it.

12 MR. TORRES: But not all of them?

13 MR. SCHILLING: No. The newer ones do not.
14 They -- you can't reset them with the horn. And I
15 think it will reset if it's not in -- it starts warning
16 you, the alerter starts warning you about 20 seconds
17 before it's going to take action.

18 Usually if you're within that 20 seconds,
19 and this counter is going down, and you see how long
20 you have, you hit the horn, it usually won't reset it,
21 because that's, I think that's an action that people, a
22 conductor will use to reset it when the engineer. And
23 then you usually got to go straight to the alerter and
24 hit the alerter.

25 Now if you hit the horn outside of when it's

1 alarming you so much, it does reset it. You know, it's
2 60 -- or it's 40 seconds after the last event, when you
3 touched it.

4 MR. TORRES: And how does it affect,
5 overall, maybe not just you, maybe the other employees
6 for, you know, that you know of, how does it affect
7 their performance with a Trip Optimizer, as far as
8 being vigilant?

9 MR. SCHILLING: That does take away from
10 skill. If you have a computer running you more often,
11 you do not hone in on running it manually and, you
12 know, there is a skill that --

13 MR. TORRES: You lose the feel?

14 MR. SCHILLING: You get duller. I don't
15 think you lose it, but you definitely get duller when
16 you don't run manual a lot. But, you know, it, the
17 optimizer does -- it's there to save fuel. And a lot
18 of people will run manual, do speed it up when it's
19 unnecessarily running you slow. Right.

20 MR. TORRES: How about alertness to the
21 crew, you know, like being vigilant, you know,
22 situational awareness? Does that affect?

23 MR. SCHILLING: I think that's a person by
24 person scenario. Me, it does not. Me, it --
25 personally, to me, when it's taking care of the trip

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1 and running it, then I'm going to be more alert on my
2 whistle boards and, you know, I have more time to look
3 at things and being more aware that I have slows coming
4 up. And it's less on my plate.

5 But, you know, it's -- you're the one that's
6 busy. I mean, if you're a person who has to stay busy
7 to stay awake, then you will become less alert.
8 Because essentially, all you're doing is hitting an
9 alerter, or hitting a whistle, and there's a lot of
10 times that people you hit -- you'll have a conductor
11 that will be blowing the whistles. So the engineer
12 even goes to a lazier state, or a less alert state,
13 because now the conductor's doing the engineer's job.

14 MR. TORRES: Right.

15 MR. SCHILLING: I've seen that before, but I
16 haven't worked as a conductor but two weeks out of the
17 last eight years.

18 MR. TORRES: Okay. Can you describe to us
19 again the signal indications you were getting, as you
20 were approaching the siding? You said, you described
21 something about a flashing yellow, that you should have
22 had double yellow at some --

23 MR. SCHILLING: Both signals will suffice.
24 A flashing yellow's the same thing as a double yellow.
25 But generally, a double yellow means you're going to

1 diverge. But a flashing yellow, they're both approach
2 meanings. They both mean the same thing. You're not
3 supposed to -- you're supposed to pass the signal not
4 exceeding 30 MPH -- or 40 MPH, and immediately reduce
5 down to 30 MPH at the next signal. That's the action
6 that's going to be taken.

7 MR. TORRES: But at that location, do you
8 get a double yellow, or just a flashing yellow light?

9 MR. SCHILLING: You get a flashing yellow.
10 Then the next signal will be red over yellow or red
11 over green. But the most restrictive signal you can
12 get with a flashing yellow, if you take a flashing
13 yellow, is a yellow or red over yellow, is the most
14 restricting you can get.

15 MR. SAUNDERS: So on the Panhandle Sub --
16 oh, Kamron Saunders, SMART TD. On the Panhandle Sub,
17 if you have Trip Optimizer capability, do you have to
18 run it, according to BNSF policy?

19 MR. SCHILLING: Yes.

20 MR. SAUNDERS: Okay. What about the air
21 conditioner? You said it wasn't working?

22 MR. SCHILLING: The air conditioner was --
23 the humidity on a lot of days -- that day was a high
24 humidity day. The air conditioner, well it just failed
25 to work, and it'll be, it'll get hot, and it'll get --

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1 it'll get warmer with the AC on, than it is outside.

2 Every once in a while I'd have the conductor
3 go back and open the vent to, it's like circulation or
4 vent, and it'll usually give us about five minutes of
5 coolness. If it got too hot, I'd have to do it.

6 MR. SAUNDERS: So did you all have the
7 windows open?

8 MR. SCHILLING: Not much. We did a little
9 bit, but not much.

10 MR. SAUNDERS: Is there any BNSF policy on
11 air conditioners certain times of year, or certain
12 temperatures?

13 MR. SCHILLING: Yes, sir.

14 MR. SAUNDERS: I'm from a little further
15 south, but --

16 MR. SCHILLING: I believe, in the summer
17 time, all locomotives are required now to have a
18 working air conditioner. And it's not that this air
19 conditioner wasn't working. It was that this air
20 conditioner was not working under that humidity. When
21 we got into a little --

22 MR. SAUNDERS: It just couldn't keep up?

23 MR. SCHILLING: Right. When we got to drier
24 -- once we has topped Curtis and get, kind of got into
25 Woodward, the air conditioner really wasn't -- it was

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1 cooling it down. But for a good portion of the trip,
2 it wasn't. So it did keep up eventually, but it was a
3 good portion of the trip.

4 MR. SAUNDERS: Okay. And your home terminal
5 is Amarillo?

6 MR. SCHILLING: Yes, sir.

7 MR. SAUNDERS: And you work the extra board
8 there?

9 MR. SCHILLING: No, sir.

10 MR. SAUNDERS: You're on the extra board or
11 you're on a full job?

12 MR. SCHILLING: I'll, I have a full time.

13 MR. SAUNDERS: Okay. How often do they
14 work? When you come back to Amarillo, how long are you
15 usually home?

16 MR. SCHILLING: It varies. Twenty-four to
17 forty-eight hours is what I guessed. I'd had an
18 engineer -- I was on, working as a conductor. I had an
19 engineer who got six starts in a row, so less than 24
20 hours for him, but typical, usually get two days off.

21 MR. SAUNDERS: So you feel like there's
22 ample manpower as far as --

23 MR. SCHILLING: There's ample amount of
24 manpower. There's ample amount of time.

25 MR. SAUNDERS: What about, are there any

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1 absenteeism policies, or how are they? Are there --

2 MR. SCHILLING: You have a, you have an
3 availability policy that allows you, in an unassigned
4 pull, generally seven days a month that you can take
5 off. And you -- it also counts in a rolling three
6 months. So, you know, some months if you don't take
7 off, it actually will allow you to kind of carry it
8 over, as long as, in that rolling days, you don't hit
9 say 15 weekdays and 6 weekend days of time off.

10 And in the -- even in that event, you're not
11 -- they're not going to terminate you. You get
12 multiple chances.

13 MR. SAUNDERS: Okay. Did the crew that you
14 all received the train from, did they report anything
15 about the air conditioner? Did they tell you
16 something?

17 MR. SCHILLING: No, they did not. But it
18 wasn't hot enough to really -- it was just, it was
19 mildly uncomfortable. It was not -- you know, it not
20 like the sun was beating down. It was just muggy in
21 the cab. It wasn't -- we were not stressed, if that's
22 what you're asking.

23 MR. SAUNDERS: Okay. Going back to the
24 question on how far you were from when you decided it
25 was time to take action and --

1 MR. SCHILLING: Yes, sir.

2 MR. SAUNDERS: You said 2200 feet, so around
3 a quarter mile, something like that, I guess, you --

4 MR. SCHILLING: It would be about half a
5 mile. I'm guessing a half mile, but we were moving
6 towards each other at 110 mile an hour.

7 MR. SAUNDERS: Oh, a half mile, yeah.

8 MR. SCHILLING: So --

9 MR. SAUNDERS: Okay.

10 MR. SCHILLING: I mean, we're talking doing,
11 you can do two miles in a minute, so --

12 MR. SAUNDERS: Yeah. So you were -- at that
13 point, where were you in relation to heading in, how
14 far from heading in?

15 MR. SCHILLING: He had already went past
16 where our entry spot was by --

17 MR. SAUNDERS: Okay.

18 MR. SCHILLING: -- 2000 feet, I would guess.

19 MR. SAUNDERS: Okay. Yeah.

20 MR. SCHILLING: It could be shorter.

21 MR. SAUNDERS: And we'll see that later,
22 when --

23 MR. SCHILLING: You might have the video.

24 MR. SAUNDERS: Okay. Okay. That's all I
25 have.

1 MR. JESKE: Erich -- excuse me. Erich
2 Jeske, BLET. I do have one question, going back to
3 when the dispatcher told you that you would be going
4 into the siding. Is there any reason the eastbound
5 crew may not have heard you? You know, do you change
6 radio channels as you approach Amarillo?

7 MR. SCHILLING: You change them at CP
8 Roberts, but I don't believe that they was past
9 Roberts. They could have been. I just don't -- it's a
10 possibility, yes.

11 MR. JESKE: Okay. So a possibility they
12 could have been --

13 MR. SCHILLING: Yes. Yes.

14 MR. JESKE: -- east of -- or west of
15 Roberts? Is that correct?

16 MR. SCHILLING: Yes, sir. So there's --

17 MR. JESKE: So they may have still been on
18 this other radio channel and did not hear?

19 MR. SCHILLING: Or they could have changed
20 the channel late.

21 MR. JESKE: Okay.

22 MR. SCHILLING: You know, there is no
23 penalty for --

24 MR. JESKE: Right.

25 MR. SCHILLING: -- changing the channel. We

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1 all do forget to do it. There's no -- I don't believe
2 there's -- sometimes you go a couple of minutes without
3 changing the channel, but --

4 MR. JESKE: Okay.

5 MR. SCHILLING: -- generally it's correct.
6 So, but there is a possibility that they was west of CP
7 Roberts.

8 MR. JESKE: Okay. At Roberts, you change
9 over? And what are your radio channels that you
10 operate on?

11 MR. SCHILLING: Twenty-eight in PS-101's
12 territory, so from Amarillo to Roberts would be 28.
13 From Roberts to Hemon (phonetic), we're on Channel 36.
14 And from Hemon to Wellington, we're on 72.

15 MR. JESKE: Okay. Thank you very much.

16 MR. FACKLAM: Steve Facklam, BLET Safety
17 Task Force. You were, said earlier that generally, in
18 the pool, the engineers' pool, you'd have 24, 48 hours
19 off --

20 MR. SCHILLING: Yes, sir.

21 MR. FACKLAM: -- between trips? Are you
22 familiar with, maybe the prior three days, I know you
23 were off, but have you -- did you hear anything, how
24 the engineers' board was turning, how the prior three
25 days before the incident, were guys getting 48 hours

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1 off in between trips, or did you know if they were
2 maybe getting closer to the 24 hours off?

3 MR. SCHILLING: They was getting less than
4 24 hours off.

5 MR. FACKLAM: Less than 24 hours off?

6 MR. SCHILLING: Yes, sir. Well for Shawn
7 Gells (phonetic), he had let me know that he was,
8 already had had his sixth start, that day that I talked
9 to him.

10 MR. FACKLAM: So he had six starts in that
11 Amarillo pool? What would --

12 MR. SCHILLING: Yes.

13 MR. FACKLAM: If it's turning, you know,
14 with 24 hours to 48 hours off, what are the average
15 starts that you would get in, in a half, in a two week
16 period?

17 MR. SCHILLING: That's just all dependent on
18 trips.

19 MR. FACKLAM: But --

20 MR. SCHILLING: To get six starts, you would
21 have to work six consecutive times, with less than 24
22 hours off between the time you tied up and the time you
23 came on duty.

24 MR. FACKLAM: Yeah. I see where you're
25 going. Yeah. He had -- okay.

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1 MR. SCHILLING: But after six starts --

2 MR. FACKLAM: Yeah.

3 MR. SCHILLING: -- you are getting, you are
4 given 48 hours off. It's mandatory. And then if you
5 do seven starts, they give you three days off, 72
6 hours.

7 MR. FACKLAM: So he hit RISA in the Amarillo
8 pool?

9 MR. SCHILLING: Yes, sir.

10 MR. FACKLAM: Less than -- six starts with
11 less than 24 hours off within those six starts?

12 MR. SCHILLING: Yes, sir.

13 MR. FACKLAM: Okay.

14 MR. SCHILLING: But he's the only one that
15 I'm aware of that was on RISA, on our pool.

16 MR. FACKLAM: Okay. But that happened
17 during the prior three days, he hit that six threshold,
18 start threshold that, about three days, within that
19 three-day window?

20 MR. SCHILLING: Yes, sir. But that also can
21 also happen if you have very long trips. If you get
22 stuck, say, in Wellington for 23 hours, and then you
23 take a train, if you take a train home, and it takes
24 you 14 hours, you know, versus if somebody goes
25 straight to Wellington, you know, a six hour trip on a

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1 Z train, off real quick, and then six hours off, they
2 may, they will stay at the home terminal because the
3 way the pool -- the way the pool works in rotation,
4 they will be off more considerate time than say a
5 person who has, you know, say not so good luck on -- or
6 lot longer trip, because he'll still be in the same
7 position, on the pool.

8 MR. FACKLAM: You had -- before, you had
9 explained the BNSF availability policy.

10 MR. SCHILLING: Yes, sir.

11 MR. FACKLAM: Have you heard of the BNSF low
12 hour policy?

13 MR. SCHILLING: Yes.

14 MR. FACKLAM: What's your -- have you --
15 what's your understanding of it?

16 MR. SCHILLING: I've never been in trouble
17 for low hours, so I haven't really been explained it.

18 MR. FACKLAM: You said --

19 MR. SCHILLING: But I believe it -- I think
20 it used to be like the bottom 10 percent was going to
21 be compared and, you know, if they're so far off the
22 threshold, you get in trouble for low hours. But I
23 only know one employee that's got in trouble in the
24 last year for low hours.

25 MR. FACKLAM: Where do you find information

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1 on low hours, the policy?

2 MR. SCHILLING: I do not know. I'm not
3 aware of -- I don't --

4 MR. FACKLAM: So --

5 MR. SCHILLING: -- believe that was a
6 policy, that's --

7 MR. FACKLAM: But are you aware of people
8 being disciplined for low hours?

9 MR. SCHILLING: Yes. But I'm not aware of a
10 policy.

11 MR. FACKLAM: Not aware of the policy?
12 Okay.

13 MR. SCHILLING: Not like the availability
14 policy.

15 MR. FACKLAM: Do you have -- have you heard
16 coworkers that maybe are afraid to take time off when
17 they should, because they're afraid of maybe low, being
18 hit with low hours, or going across the availability
19 policy threshold, and maybe being disciplined?

20 MR. SCHILLING: Well, it's a, kind of a
21 double-edged sword. If you're afraid of getting
22 availability discipline, that means you're working,
23 you're working -- you're not working much. So then, in
24 turn, you would have more time off between trips.

25 If you, if you're laying off all the time,

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1 you got a long time between trips, and if you're
2 working all the time, you're usually not in the
3 availability policy, or you're not in availability
4 trouble, or you're --

5 MR. FACKLAM: What --

6 MR. SCHILLING: -- not worried about the
7 policy.

8 MR. FACKLAM: With the low hours, is --
9 that's based on -- is that based on the hours you
10 actually are on duty?

11 MR. SCHILLING: I'm not aware of the actual
12 policy, like guidelines or rules, but I do know that
13 they can see if you have a bunch of like short trips,
14 or if you have a bunch of what we call is a good trip,
15 you know, down and back, and they could see that, too.

16 There's got to be an, there's got to be an
17 equation involving how many trains you've taken and how
18 many -- because there are people who take the same
19 amount of trains who double, double the amount of
20 hours. And it's just what events happened. Did you
21 stop? Did you break your train in half?

22 You know, one little incident can add four
23 more hours. And if you miss a window because you're
24 not rested, it can add ten more hours of your rest. So
25 that could be 14 more hours you just add on the trip

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1 because of one event.

2 MR. FACKLAM: Yeah. But you haven't seen
3 anything in writing on this --

4 MR. SCHILLING: No sir, but I don't push the
5 low hours limit. I work enough. I don't --

6 MR. FACKLAM: I recall I --

7 MR. SCHILLING: I don't believe I've ever
8 been in availability --

9 MR. FACKLAM: I get --

10 MR. SCHILLING: -- trouble to be, for this
11 --

12 MR. FACKLAM: I'm not -- and I'm not --

13 MR. SCHILLING: -- issue.

14 MR. FACKLAM: I'm not talking about you so
15 much as I'm talking about --

16 MR. SCHILLING: I understand.

17 MR. FACKLAM: -- the, how it works out there
18 with your fellow coworkers. And maybe there's some
19 people that push it, that maybe should be off getting a
20 little rest, but might be afraid to, because they might
21 be, maybe they've had all Z9s, and -- down to, between
22 Amarillo and Wellington, and they're, know their hours
23 aren't up there.

24 MR. SCHILLING: That could be a possibility,
25 but I'm not familiar with it --

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1 MR. FACKLAM: Okay.

2 MR. SCHILLING: -- because I have not been
3 in trouble for it. I've --

4 MR. FACKLAM: Okay.

5 MR. SCHILLING: It's not a, it's not a
6 consideration of mine, because --

7 MR. FACKLAM: Okay.

8 MR. SCHILLING: -- I've not experienced it,
9 because --

10 MR. FACKLAM: Yeah. Okay. Let's see.
11 Before I go on to that, that signal at -- I wanted to
12 go back to the signal at, was it 5232?

13 MR. SCHILLING: Yes, sir.

14 MR. FACKLAM: Is that normal, that that --
15 even if you're going to take a siding there, that that
16 just always shows a flashing yellow?

17 MR. SCHILLING: Yes, sir.

18 MR. FACKLAM: It never shows like a yellow,
19 or double yellow?

20 MR. SCHILLING: No, sir.

21 MR. FACKLAM: Or --

22 MR. SCHILLING: Not to my knowledge.

23 MR. FACKLAM: Okay.

24 MR. SCHILLING: If you was going to stop
25 before it, it's always a yellow, too.

1 MR. FACKLAM: Okay.

2 MR. SCHILLING: So I've just, you know --

3 MR. FACKLAM: Now this, I may be wrong on,
4 but I'm trying to think back, the different rules
5 governing flashing yellow, and the double yellow. Is
6 there a speed difference between the two? They're --

7 MR. SCHILLING: It's the same signal, sir.

8 MR. FACKLAM: Is -- okay. So I'm, I was
9 thinking that a double yellow, you had to be 35.

10 MR. SCHILLING: No. That's a yellow over --
11 that's a red over flashing yellow.

12 MR. FACKLAM: Okay. Thank you. I'm -- that
13 was the question.

14 MR. SCHILLING: That would be a merging
15 approach, medium, so 35.

16 MR. FACKLAM: Okay. The emergency response,
17 after the incident, do you know -- I know this is going
18 to be probably a fog. Do you know how long it was
19 before you -- somebody from BNSF was there on scene?

20 MR. SCHILLING: I never met a person from
21 BNSF on the scene.

22 MR. FACKLAM: Okay. You were --

23 MR. SCHILLING: The --

24 MR. FACKLAM: -- en route to the hospital?

25 MR. SCHILLING: -- two ambulances refused to

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1 take me, because they wanted to be closer to the wreck.
2 I do know that. I know a fire truck yelled at me to
3 get off the road.

4 MR. FACKLAM: Do you want to, do you want to
5 let us know? I mean, go ahead and --

6 MR. SCHILLING: I can't. I would love to.

7 MR. FACKLAM: Go ahead and explain what
8 happened after that, after you got up.

9 MR. SCHILLING: When I --

10 MR. FACKLAM: After you, after you got up.

11 MR. SCHILLING: When I -- after I had
12 jumped, after I had cleared the wreckage, I'm, I
13 noticed that I am spraying blood. And this blood's
14 coming from, of course, the top of my head. I put my
15 hands on the top of my head. My finger fits into the
16 top of -- in a gash on top of my head. In fact, I have
17 two gashes.

18 So I take off my overshirt, and I wrap it
19 around -- I know now that it didn't, it really didn't
20 do any more good, other than just kind of slow it down,
21 and -- but I walk up to a car, and they yell at me, we
22 called 911. And I said, well I'm losing a lot of blood
23 here, will you wave down an ambulance?

24 So he rolls up his window. So I trek to the
25 next road, because I know at this moment, nobody's

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1 helping me. So I walk all the way to the pavement of
2 the road. I see the first ambulance show up, and it's,
3 I believe it's Panhandle's ambulance.

4 So I take the overshirt off, wave at him,
5 and I get his attention. He stops. He real quick
6 grabs a ice pack, or some kind of pack. I don't know
7 if it was for compression. I don't remember it being
8 cold. But he puts it on there and puts this tape over
9 it, and says, I've got to go to the accident. And off
10 he goes.

11 So the next -- so at that moment, I borrow
12 somebody's phone, and phone my wife. These emergency
13 responders are not picking me up. I just left her a
14 message. Please find somebody, you know, I mean, call
15 John Purvines (phonetic), call -- do something. I'm
16 afraid these guys are going to leave me out here,
17 because how does an ambulance not pick up a person
18 that's in need when they don't know if there's anybody
19 else to pick up?

20 So the next ambulance shows up, and I
21 believe this ambulance was White Deer. It was -- no,
22 it was Pampa. I believe it's Pampa. So Pampa shows
23 up, and anyway, the guy just rolls down the window from
24 the passenger seat. He says, I've got to go. Looks
25 like you're handled. I've got to go.

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1 So he goes and parks behind -- he goes
2 through a field, that I have trekked through on my
3 feet. And he goes and parks in the, just kind of
4 behind a fire truck. So I'm setting in this good
5 Samaritan's pickup. She let me borrow her phone.

6 And anyway, about that time a fire truck --
7 I hear, I hear the ambulance. I really do hear the
8 ambulance. But I'm thinking, maybe it's the fire
9 truck. I'm still bleeding. So I kind of stand up and,
10 you know, and try to grab -- I'm going to wave, I'm
11 going to wave this ambulance down behind this fire
12 truck. We were pulled on the side of the road. We're
13 not in the middle of the road.

14 So about the time that guy in the fire
15 truck, of course, yells, get off the damn road. Fire
16 -- the ambulance, thank God, is behind there, and it's
17 Claude. So I wave at him. And I said, sir,
18 everybody's gone by me. I don't know that there's
19 anybody else down there, but I -- he goes, do you have
20 a head wound?

21 And I said, I'm bleeding from my head. I
22 don't know how bad it is, but I know I'm bleeding from
23 my head. I have spoken with my wife, and she's worried
24 about this being hit in the head. Any other place, I
25 might say, you can go check it out. I'm bleeding from

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1 my head. I think I got a hole in my skull. My finger
2 shouldn't have fit that far down, you know.

3 And he says, load up, I'm taking you. And I
4 loaded up. I think it took him a couple of minutes to
5 get the code. I don't know what took him two minutes,
6 but after two minutes, which seems like an eternity,
7 they took me Code 3 to Northwest, which we're at right
8 now.

9 MR. FACKLAM: Did they -- did all these
10 emergency responders know you were a part of the train
11 crew?

12 MR. SCHILLING: Yes. I told them. Even if
13 they wasn't aware, I made them aware.

14 MR. FACKLAM: Okay. Do you remember who
15 that finally was, what service that finally was that
16 took you?

17 MR. SCHILLING: Yes. It was Claude.

18 MR. FACKLAM: Clut?

19 MR. SCHILLING: Claude. C-L-A-U-D-E.
20 Texas.

21 MR. FACKLAM: Okay. That's all I have.

22 MR. MARSHALL: It's Rafael Marshall from the
23 NTSB. I was curious about what sort of interactions
24 you had with Ms. Taylor prior to the accident, what
25 sort of, what sort of topics you guys talked about.

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1 MR. SCHILLING: I met her at Amarillo on the
2 train to Wellington. So I had not known her prior. I
3 know the conductor explained to me what she looked
4 like. I introduced myself.

5 On there, we didn't really talk much, but I
6 mean, she talked that she had a son, and she used to be
7 married to a railroader. And she moved from, I think,
8 Kansas City to La Junta or Pueblo, one of the two. I
9 don't know which one. And she got her engine service,
10 she got her card, or she went to engine service on that
11 territory, a different division than ours.

12 And, but she moved to Amarillo and was
13 working as a conductor. But I believe that's also what
14 made her a better conductor was because she -- another
15 engineer knows what the, kind of, the pet peeves are,
16 what they're, what another engineer is expecting.
17 That's why she knew to tell me the speed of the train.
18 That's why she knew to check 25 dynamic brakes.

19 She was already ahead. She was already --
20 knew not only her job, but she made my job easier. So
21 that's why I was kind of impressed by her.

22 MR. MARSHALL: So this was the first time
23 you worked with her?

24 MR. SCHILLING: Yes.

25 MR. MARSHALL: Okay. Were there any issues,

1 like any sort of -- I mean, it sounds to me like you
2 guys had a good working relationship, but were there
3 any times --

4 MR. SCHILLING: There was -- no. There was
5 not a single issue.

6 MR. MARSHALL: Okay.

7 MR. SCHILLING: There -- I don't know of a
8 single issue.

9 MR. MARSHALL: Okay.

10 MR. SCHILLING: I mean, it's not -- we
11 weren't like the best of friends, but I surely wouldn't
12 mind working with her again.

13 MR. MARSHALL: Okay. I was also wondering
14 if you could tell me a little bit about the crew
15 resource management policies for BNSF, and how that
16 would actually translate to how you would -- what -- I
17 guess, to your job. How does it actually affect how
18 you perform your job?

19 MR. SCHILLING: Could you restate the
20 question? I'm sorry.

21 MR. MARSHALL: Oh, it's -- I just wanted to
22 know a little bit about the crew resource management
23 policies --

24 MR. FACKLAM: How does --

25 MR. MARSHALL: -- of the company.

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1 MR. FACKLAM: How does crew calling work?

2 MR. MARSHALL: Yeah. You know, you could --

3 MR. MALOY: You could, you need to define
4 that a little more.

5 MR. SCHILLING: It's, essentially, who I
6 work with is whoever falls in line --

7 MR. MARSHALL: Okay.

8 MR. SCHILLING: -- at that call time. You
9 know, if I'm -- say there's 70 -- say there's 50 trains
10 -- there's 50 turns. We'll just make this simple.

11 There's 50 turns that are Amarillo turns. So it's, I
12 would be essentially the 75th train out of Amarillo.

13 And the same thing with the Wellington end. So that's
14 how it pretty much matches up.

15 MR. MARSHALL: Okay.

16 MR. SCHILLING: Or rather the conductor.
17 I'm sorry.

18 MR. MARSHALL: Well one of the things that
19 always interests us is just sort of like a health
20 history for the operators. And I was wondering if you
21 could tell us a little bit about just health
22 background, if you were taking any medications or
23 anything like that, prior to the accident.

24 MR. SCHILLING: I have high cholesterol, and
25 that's the only, really, health issue. That's the only

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1 health issue I have, is high cholesterol.

2 MR. MARSHALL: Okay. So you don't have high
3 blood pressure or --

4 MR. SCHILLING: No, sir.

5 MR. MARSHALL: And you're not taking -- are
6 you taking any medications at the moment, for
7 cholesterol?

8 MR. SCHILLING: Yes, sir. They just put me
9 on it, so I keep on forgetting the name of it. They
10 just changed my cholesterol.

11 MR. MARSHALL: Okay.

12 MR. SCHILLING: Let's see, I can't remember
13 the name. Lipitor.

14 MR. MARSHALL: Lipitor? Okay. That's all I
15 have right now.

16 MR. TORRES: Okay. Tomas Torres with the
17 NTSB. I got a couple of questions for you. Does the
18 train dispatcher usually call you guys when you guys go
19 to make a meet, or was it just kind of haphazard?

20 MR. SCHILLING: It is his own discretion. A
21 good train -- a good dispatcher will, so you, at least
22 you can prepare. Because sometimes it, you know, if
23 you know you're going to meet somebody slow, or you're
24 going to be waiting on them, there's no reason to go
25 there to meet them at 70 mile an hour, as fast as you

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1 can. You can throttle off. You can coast, essentially
2 saving fuel.

3 And, you know, it, and it gives you more
4 time. You can watch that flashing yellow at night, you
5 know, a lot further away. But if you're giving
6 yourself enough time to prepare, you may get a -- you
7 may actually see that flashing yellow turn to like a
8 clear, or a green, because they -- you gave them enough
9 time to get by you.

10 And in turn, start -- stopping a train in,
11 to a dead stop and starting it takes up a lot of time.
12 But if you coast, you'll save a lot of fuel, and it's a
13 lot faster, because the time it takes to restart the
14 train to speed, to gain momentum.

15 MR. TORRES: Less train handling.

16 MR. SCHILLING: Yes.

17 MR. TORRES: Another question. You guys run
18 double track, right?

19 MR. SCHILLING: Yes, sir.

20 MR. TORRES: Is there any locations where
21 the signal, say for example, you're -- what track were
22 you on that day?

23 MR. SCHILLING: I was on Main 1.

24 MR. TORRES: One? Okay. If you're coming
25 out east, on Main 1, and you get, go under -- get

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1 running around on the 2, would there be any confusion,
2 any locations where the signals might kind of overlap,
3 or you might mis-identify it, that it's yours, when
4 it's not?

5 MR. SCHILLING: Are you saying going
6 eastbound?

7 MR. TORRES: Yeah, coming out.

8 MR. SCHILLING: No. Because the eastbound
9 signal's all by itself. It's on the right hand side of
10 the track, on Main, on Main 2. So Main 1 would be on a
11 -- Main 1's on the left hand side, you know, so you're
12 on the Panhandle. But you -- there's no other, I mean,
13 confusing signals --

14 MR. TORRES: Like curve?

15 MR. SCHILLING: -- on that territory.

16 MR. TORRES: Like curves? You know, when
17 you're on, sometimes you're on the curve, it might look
18 like it's yours, but --

19 MR. SCHILLING: If you're not familiar with
20 that, if you're not familiar with that track, then you
21 need to be familiarized. It's your responsibility to
22 be familiarized with that territory or you're not
23 supposed to run that territory.

24 MR. TORRES: No. I know what you're saying,
25 you know, when you know the territory, but is there any

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1 chance of mis-identifying that signal when it's on
2 another track, that you might take it that it's yours?

3 MR. SCHILLING: Not there. Because why
4 would you --

5 MR. TORRES: Or --

6 MR. SCHILLING: Why wouldn't you see my
7 headlight, if I can see his bright headlights?

8 MR. TORRES: So it's --

9 MR. SCHILLING: He can see mine.

10 MR. TORRES: So it's a engine rail, pretty
11 much?

12 MR. SCHILLING: Yes. I don't believe
13 there's a confusion there, no.

14 MR. TORRES: Okay. And now I'm thinking of
15 what my partner was trying to say is that, how about
16 train lineups? You know, are they accurate, or they're
17 totally upside down, or --

18 MR. SCHILLING: Conductors' are more
19 accurate because when they lay off the -- they have an
20 extra board that covers the position that's become
21 vacant. So they don't move up. Engineers, when they
22 lay off, they take the turn with them. Or they can
23 flip the board.

24 And so sometimes when a lot of people lay
25 off real quick, you find yourself going to work,

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1 essentially, more often or in less amount of time than
2 when your original lineups are. But you also have the
3 right to flip the board. You have the right to lay
4 off, one -- unless you're activated.

5 If you're activated, you know, you -- an
6 engineer cannot lay off once they're activated. But
7 you still get four hours off, you know, before -- you
8 know, they have to wait four hours before they call
9 you. Then you -- they have to give you an hour and a
10 half for recall.

11 MR. TORRES: I don't have any more
12 questions.

13 MR. FACKLAM: I had one I missed.

14 MR. TORRES: Okay.

15 MR. FACKLAM: On the Panhandle Sub, if you,
16 if your lead engine is equipped with a Trip Optimizer,
17 are you required from, by BNSF, to use it?

18 MR. SCHILLING: Yes, sir. It is a
19 requirement.

20 MR. FACKLAM: Okay.

21 MR. SCHILLING: And it's, I believe it's a
22 fuel conservation requirement. But it's a -- and why
23 wouldn't you? It tells you all the locations of --

24 MR. FACKLAM: Well, as we were talking
25 earlier, sometimes you feel it may dull the skills, and

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1 stuff like that. So I was just wondering.

2 MR. SCHILLING: You spend plenty of time
3 around off colored signals. You spend plenty of time
4 running on Form Bs. There's plenty of opportune times
5 when you're not running that Trip Optimizer. You're
6 not supposed to do it when you're on a crossover.
7 You're not supposed to do it in special events.

8 So on a -- you still get -- you're still
9 supposed to hone it, but it can, it can get you lazy,
10 running on the areas that you're always got clear
11 blocks and whatnot. You know, you may not be able to
12 catch your -- you may get more run-ins than run-outs,
13 but you still got your opportune time to run the train.

14 And not all the trains are optimizer. You
15 know, there's so many that are not, including the one I
16 was on.

17 MR. FACKLAM: Okay. That's all I had.

18 MR. MARSHALL: I just have one more
19 question. This is Rafael with the NTSB. I was just
20 wondering if you could tell me a little bit about any
21 awards you've gotten in the past ten years? How --
22 okay.

23 MR. SCHILLING: I have got -- I have
24 received multiple gas cards. If you save so much fuel
25 in a certain -- if you consume less fuel, or you're

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1 more efficient, and you're in a certain percentile,
2 they do award you with a fuel card. Got a few of
3 those. They sent me a award one time for getting 100
4 percent on a simulator.

5 So, I mean, they do send you stuff, and they
6 do recognize you with some stuff. But -- and they
7 always put your name on there, for --

8 MR. MARSHALL: Okay.

9 MR. SCHILLING: -- fuel conservation.

10 MR. MARSHALL: I guess the corollary of that
11 is, have you had any disciplinary actions against you?

12 MR. SCHILLING: No.

13 MR. MARSHALL: In the last ten years? Okay.
14 That's all I have.

15 MR. TORRES: Any more questions? Okay.
16 Tomas Torres with the NTSB. I just got a, some. Most
17 of them you already answered, but I'm going to go ahead
18 and ask again.

19 MR. SCHILLING: Okay.

20 MR. TORRES: Do you remember the train ID
21 for that day?

22 MR. SCHILLING: Q Shy Stow (phonetic), I
23 believe, 6 -- it could have been like 622 or 624. It's
24 a 6, I was pretty sure.

25 MR. TORRES: Okay. How about your work

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1 history, your rest cycle prior to that, going on duty
2 that day? You know, can you go back three days? I
3 know you already explained it, you know, but can you
4 kind of go over it again, you know? What was your work
5 history, you know, the three days prior, up to that
6 day?

7 MR. SCHILLING: I was just, I was off. I
8 was -- I was laid off, so I was not -- I didn't have to
9 worry about showing up. I didn't have to worry about
10 looking at lineups. I rested. I took the day off. It
11 was -- I unpacked from going to the funeral. I tried
12 to help my wife with a couple of things, tried. But I
13 just rest. I mean, sometimes you, you get enough of
14 it, you know, draining on you, after all that.

15 But again, even if I was mark, owed any
16 given random time, I'd still be given a five-and-a-
17 half-hour advance notice, four hours before a call
18 anyway. I'd have ample time to prepare, is what I'm
19 trying to say.

20 MR. TORRES: Okay. So, and your engineer
21 certificate, when's the last time, when's the last time
22 you got certified?

23 MR. SCHILLING: This last year. I cannot
24 remember exactly. February?

25 MR. TORRES: So 2016?

1 MR. SCHILLING: Yes.

2 MR. TORRES: Last time a road foreman or
3 supervisor rode with you, had a checkride?

4 MR. SCHILLING: Would be Jarod Heck
5 (phonetic), and it would be December, maybe, of 2015.

6 MR. TORRES: Okay.

7 MR. SCHILLING: So Road Foreman of Engines
8 out of Wilmington, Kansas.

9 MR. TORRES: How about the last efficiency
10 test, you know, like stop test, or any kind of test out
11 there?

12 MR. SCHILLING: I cannot recall.

13 MR. TORRES: Did your training prepare you
14 for the requirements of your job?

15 MR. SCHILLING: Yes.

16 MR. TORRES: Is this a safe place to work
17 for?

18 MR. SCHILLING: It is under the right
19 circumstances. If you're, if you're doing your job,
20 and they're doing their -- and your conductor's doing
21 their job, and everybody else you're meeting's doing
22 their job, at least one of the two, this is a very safe
23 place. Or if you have a backup, like PTC, this is --
24 then it is even, then it is an even more safe place.

25 But if you -- just like any job, if somebody

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1 does, if somebody doesn't do their job, and leaves it
2 on somebody else, who doesn't do their job, something's
3 going to happen, especially if you don't have a fail
4 safe.

5 MR. TORRES: Is there anything you would
6 like to add, anything in your mind?

7 MR. SCHILLING: No.

8 MR. MARSHALL: I don't have anything.

9 MR. TORRES: No more questions. This will
10 conclude the interview with the engineer. And thank
11 you.

12 MR. SCHILLING: Yeah, there's a sign-up
13 sheet or something.

14 MR. TORRES: Yeah. Can you give us your
15 name, phone number and email? We'll have this
16 transcribed, and we'll send you a copy, and we'll send
17 it to the BLE, to all the parties.

18 (Whereupon, the above-entitled matter went
19 off the record at TIME NOT GIVEN)

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22

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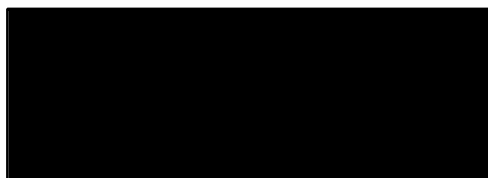
25

C E R T I F I C A T E

MATTER: Head-on Collision that Occurred
Near Panhandle, TX on June 28, 2016
Accident No. DCA16FR008
Interview of Derek Schilling

DATE: June 29, 2016

I hereby certify that the attached transcription of page 1 to 66 inclusive are to the best of my professional ability a true, accurate, and complete record of the above referenced proceedings as contained on the provided audio recording; further that I am neither counsel for, nor related to, nor employed by any of the parties to this action in which this proceeding has taken place; and further that I am not financially nor otherwise interested in the outcome of the action.



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