

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: BOBBY PECHAL

Friday,
July 1, 2016

Pampa, Texas

BEFORE:

TOMAS TORRES, NTSB
 RYAN RINDELMAN, BNSF
 AARON RATLEDGE, BNSF
 STEVE DUPONT, FRA
 ERICH JESKE, BLET
 RAFAEL MARSHALL, NTSB
 STEVE FACKLAN, BLET
 KAMRON SAUNDERS, SMART TD

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

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

2 (Time not disclosed)

3 MR. TORRES: Okay. This is an NTSB formal
4 interview. My name is Tomas Torres, T-O-M-A-S, T-O-R-
5 R-E-S. Today's date is July 1, 2016, and we are at
6 Pampa, Texas in the Holiday Inn Express interviewing --

7 MR. PECHAL: Bobby, B-O-B-B-Y, Pechal, P as
8 in Paul, E-C-H-A-L, Jr.

9 MR. TORRES: And your title?

10 MR. PECHAL: General Director,
11 transportation support for BNSF in Fort Worth, Texas.

12 MR. TORRES: Okay. It's in connection with
13 an accident that occurred at, near Panhandle, Texas,
14 June 28, 2016. The NTSB accident number is DCA-16-
15 FR008. Steve?

16 MR. DUPONT: Steve Dupont, S-T-E-V-E, D-U-P-
17 O-N-T, FRA operating practice specialist.

18 MR. JESKE: Erich Jeske, BLET, safety task
19 force. E-R-I-C-H, J-E-S-K-E.

20 MR. MARSHALL: Rafael Marshall with the
21 NTSB. R-A-F-A-E-L, M-A-R-S-H-A-L-L.

22 MR. FACKLAM: Steve Facklam. S-T-E-V-E, F-
23 A-C-K-L-A-M, BLET party spokesman.

24 MR. SAUNDERS: Kamron Saunders. K-A-M-R-O-
25 N, Saunders, S-A-U-N-D-E-R-S with SMART TD.

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1 MR. RINDELMAN: Ryan Rindelman, BNSF. R-I-
2 N-D-E-L-M-A-N.

3 MR. RATLEDGE: Aaron Ratledge, BNSF. A-A-R-
4 O-N, R-A-T-L-E-D-G-E.

5 MR. TORRES: Okay. You understand this is
6 being recorded?

7 MR. PECHAL: Yes sir, I do.

8 MR. TORRES: Okay, thank you. Can you
9 please describe what your, what your, work history with
10 BNSF?

11 MR. PECHAL: My work history, I started my
12 career in February of 1978 as a clerical employee for
13 the formal Santa Fe Railway in Temple, Texas.

14 I started out as an extra clerk doing a
15 number of duties from lade billing cars to a
16 telegrapher or a train order operator, crew calling in
17 the days of manual crew calling. Just a number of
18 variety of clerical positions.

19 I became a train dispatcher in 1980, as
20 well, I should say an extra train dispatcher in 1980,
21 and an extra yardmaster in 1982 as, and worked extra
22 relieving assistant trainmasters and any of those
23 positions that I had mentioned before where there was a
24 need during the '80s, as I didn't hold a regular
25 position. I was extra.

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1 In the mid '80s, I was furloughed and unable
2 to work, and I had an opportunity to hire out for the
3 Chicago South Shore and South Bend Railway in Michigan
4 City, Indiana as a conductor.

5 And I worked out of Michigan City between
6 Randolph Street Station in Chicago and South Bend,
7 Indiana for about 11 months before I got recalled back
8 to my clerical seniority and made the decision to go
9 back to the Santa Fe Railway at that time.

10 I worked my way up into a number of clerical
11 jobs again, extra dispatcher, extra yardmaster, and
12 then I, again, got a regular position as a chief clerk
13 in the Euless, Texas crew office in 1988. And then
14 from there on until today I have been in crew
15 management of some type.

16 So from a chief clerk in '88 I was made an
17 exempt employee or in management in 1993 as a manager
18 of crew planning and moved to Schaumburg, Illinois and
19 worked in the SOC or systems operating center in
20 Schaumburg, Illinois.

21 And then went back to Topeka, Kansas as an
22 assistant director in crew management. Was
23 subsequently promoted to a director in crew management.

24 In 2010 I was transferred as a director in
25 crew management to Fort Worth, and then in February of

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1 2014 I was made the general director of transportation
2 support in Fort Worth.

3 MR. TORRES: Can you describe your current
4 duties right now?

5 MR. PECHAL: So I have a number of teams
6 that do some varied activities. I, my primary
7 responsibility has to do with crew management,
8 overseeing the crew calling of our about 17,000 active
9 TY&E employees across the BNSF system.

10 I do that with management staff that is
11 located in the operating center in Fort Worth, as well
12 as a single manager in each of our regional operating
13 centers in Kansas City, San Bernardino, and Spring.

14 In addition, I have our crew calling office
15 that is located in Topeka, where we physically do the
16 calling for TY&E employees. Mostly with technology,
17 but that group is located in Topeka.

18 In addition, I have the administrative
19 responsibility for scheduling of train dispatchers, as
20 well as yardmasters across the BNSF system.

21 As well as, I have the responsibility for
22 our service interruption desk, which is the desk that
23 reports any difficulties that are going on out on the
24 rail, any service interruptions that are ongoing on the
25 railroad.

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1 MR. TORRES: Okay. When it comes to crew
2 calling, I mean, what's the processing? How you look
3 at the boards, you know, how do you maintain them, make
4 sure there's enough manpower, stuff like that?

5 MR. PECHAL: You're talking about in
6 current-day?

7 MR. TORRES: Yes.

8 MR. PECHAL: So right now, the way that we
9 size boards is we look at a historical function, how
10 fast are folks cycling, wanting to make sure that folks
11 are not cycling at a level that is too quick getting
12 out.

13 In addition to, we talk with field
14 supervisors and find out any events that are happening
15 in the foreseeable future such as, are we having work
16 trains, are we going to need to call extra yard engines
17 that will take extra personnel?

18 So we have a number of folks that are
19 involved in input that help with the board sizing
20 function that is driven by the division crew manager
21 that I spoke of a moment ago that is for each region.

22 We have one also in the regional operating
23 centers. And then those folks input the data into the
24 system that acts on that data.

25 MR. TORRES: Okay.

1 MR. MARSHALL: Actually Tomas, I know that
2 Dick (phonetic) had spoken with Bobby prior to us
3 meeting here, and I don't know if you wanted to go
4 through that scenario that Bobby had spoken with you
5 about.

6 MR. PECHAL: What he had asked me is, that,
7 to start off, to go through sort of my involvement in
8 the history and the evolvement of crew calling during
9 my career.

10 And I will start out with my experiences on
11 the Santa Fe in 1978 working as a crew caller or crew
12 clerk, where we managed a pool of employees that was
13 done manually. It was tracked two ways.

14 One way it was tracked, on a board up on a
15 wall, whether it was a magnetic board or a tag board or
16 a chalkboard, they were different at different
17 locations.

18 And also there was a large sheet of paper
19 that they were tracked also for historical records.
20 The reason that it was up on the wall is so that TY&E
21 employees could see what their board standing was, as
22 well as ask questions about when we thought they were
23 going to go to work.

24 So my initial experience with crew calling
25 was very manual, in addition to when we call folks to

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1 go to work, we call them by telephone obviously,
2 manually.

3 But we also at that time had positions that
4 actually went to peoples' homes and knocked on their
5 door and told them that, you're ordered to go to work,
6 you're called to go to work. We stopped doing that as
7 we moved into the '80s.

8 As well as, on the former Santa Fe side, and
9 I think that it's very similar with other Class I
10 railroads in the US, we started looking at technology
11 waves of tracking and keeping up with employees with
12 the thought of being more efficient with being able to
13 deliver as the outcome.

14 So in the mid '80s, while I was away from
15 crew calling on the former Santa Fe, there began an
16 effort to keep up with board standing only
17 electronically, so that TY&E employees could look at
18 their board standing online.

19 As I came back to the former Santa Fe in '88
20 and got back into crew calling, we began working on
21 integrating not only the board standing, but
22 integrating it with the lineup and the projections.

23 So that was really kind of the start of
24 being able to view where I stand and when I believe I'm
25 going to go to work.

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1 Since that time, we have continued to
2 develop tools to help TY&E folks better understand when
3 they're going to go to work.

4 So as we started using automation for
5 calling folks in about 2003, we also started working on
6 ways to deliver information that was customizable by
7 the user.

8 So we implemented our first package, which
9 is, we call push or push Profile, which allows for TY&E
10 employees to go online and make certain selections
11 about when they want to be told information.

12 Like for example, notify me when I'm eight
13 times out. Notify me when I'm scheduled to go to work
14 in eight hours. So that was our first effort at really
15 trying to deliver real-time data to TY&E.

16 And the, and the way that we got there was
17 we partnered with labor. We went to the general
18 chairman, we asked for subject matter experts across
19 the railroad, and we got eight TY&E, active TY&E
20 employees that actually came and worked in the crew
21 office with us, to, or to help design this push
22 Profile.

23 And that was an effort over a period of
24 about a year and a half before we implemented it. I
25 think it implemented in 2008. It might've been early

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1 2009.

2 But we continued to use that information
3 that we gained from the subject matter experts to
4 further that push into mobility.

5 And what I mean with mobility with the
6 advancement of the Smartphones and the ability to use
7 apps, we designed a, it's really a link, but it looks
8 like an app, that allows TY&E employees to use their
9 Smartphone to design, not only the push, what I want
10 the system to tell me, but also to do other things
11 real-time.

12 And in addition to using what we had with
13 the push, we, it also gave us the ability to get
14 feedback. So as we started implementing the mobility,
15 which we implemented the first delivery of it in 2011.

16 That gave us the ability to get feedback
17 from employees. So we took their feedback and started
18 adding those features to the mobility piece.

19 So right now, a TY&E employee has the
20 ability to have information delivered to them in a
21 number, a different number of ways, whether that's by
22 telephone, whether that's by logging into the system,
23 whether that's by mobility app.

24 So what my message is, is in the way that we
25 provide information now is so different than when I

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1 began, that it's more real-time and more accurate for
2 our employees.

3 So currently our environment is we are an
4 automated outbound center in Topeka. We handle about
5 89, 90 percent of our transactions electronically. We
6 deliver content of some type to about 12,000 of our
7 17,000 TY&E employees.

8 And when you think about the mix of folks
9 that have assigned on-duty times and folks that work in
10 unassigned pooled service and extra boards, the
11 majority, not all, but the majority of them are signed
12 up for some type of information delivery that gives
13 them predictability on when they're going to go to
14 work.

15 MR. TORRES: Okay. Like I said, I'll pick
16 up as we go around.

17 MR. JESKE: I'll take a pass for this one.

18 MR. MARSHALL: I don't have anything right
19 now.

20 MR. FACKLAM: Okay. Familiar with the new
21 system and it's, oh, Steve Facklam, BLET safety task
22 force. Yes, the new systems are much needed.

23 The push alerts that, where the crew sign up
24 to get information delivered to them via text message,
25 I know recently the push alerts were not working.

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1 Were they, do you know if they were up and
2 running at the time of this accident, or I've heard a
3 lot of people, I guess first let me ask, were the push
4 alerts down recently, and were they back up and working
5 where the Amarillo to Wellington crews would've been
6 able to receive push alerts?

7 MR. PECHAL: The push alerts have not been
8 down in the last 30 days.

9 MR. FACKLAM: Okay.

10 MR. PECHAL: When, and let me go even
11 farther than that. I'm not aware that the push alerts
12 have been down in recent history. So the specific
13 answer to your question is no, the push alerts were not
14 down.

15 MR. FACKLAM: Okay. So just, I know in
16 Kansas City we've had a lot of good people that were
17 not receiving their push alerts. Maybe it's on their
18 end at that time. Let's see.

19 Can you describe the trains coming in, in
20 this, you may not have Amarillo to Wellington, Kansas
21 specific knowledge, but I just want in general terms, a
22 train is coming into a terminal. How is that train,
23 that, who initiates ordering that crew and what is the
24 process from ordering that crew, who orders it to how
25 it's delivered to that crew to come to work?

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1 MR. PECHAL: Let me speak generally, which I
2 believe will cover the --

3 MR. FACKLAM: Okay.

4 MR. PECHAL: -- both the Wellington and
5 Amarillo examples. Well, it will cover the Amarillo
6 example. I'm not sure it will cover the Wellington,
7 and I'll define the difference.

8 So there is a number of transactions that
9 happen. For example, a train that needed to be ordered
10 at Amarillo is called inbound by the dispatcher that is
11 handling the train currently. So they call a train for
12 a certain time.

13 Then in the case of Amarillo, there is some
14 oversight to, because of the number of trains we run.
15 There is some oversight to decide in what order we're
16 going to call them out.

17 In other words, are we going to favor the
18 train that we've called, or that's called inbound to go
19 on the main line, or do we have one that needs to come
20 out of the yard ahead of it?

21 So we've got some oversight there that
22 decides the order. That person goes into either two
23 programs that are possible. One of them's called Train
24 Call. Another one's called YDS.

25 But they click on that symbol and they

1 decide what time they want to put that specific train
2 on duty. Then electronically, that message is taken to
3 the crew system, which is designed in sort of a
4 decision tree environment, to go to a certain pool and
5 pick a certain employee, conductor and engineer in this
6 case.

7 And that initiates an automated outbound
8 call. That automated outbound call is delivered to the
9 TY&E employee in the manner that they have designated,
10 or the preference that they have designated in the
11 system. And they can accept the call a number of ways.

12 We've even, certainly by telephone,
13 certainly by logging on and looking. But we've also
14 with the mobility app even made it available where now
15 we can text folks, and then they can log right back in
16 off of that text and accept the call. And then that
17 completes the train call.

18 So that's an example of a location that has
19 oversight. Now there are other locations. Fort
20 Madison is certainly one, and I think Wellington would
21 be one, where we really don't do a lot of making up and
22 breaking up of trains.

23 So when the call comes inbound, it
24 automatically goes outbound. So the inbound call
25 automatically generates the outbound call, which steps

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1 through the same process as the previous way. Goes to
2 the crew office in Topeka, or the system, and then
3 makes the decision on the right crew to call, delivers
4 the information electronically and allows the employee
5 to take action on that request for work or that call
6 for duty.

7 MR. FACKLAM: So when, be fair to say that
8 Wellington and like, and Fort Madison for example, the
9 oversight, the actual people, the actual maybe
10 management of it, the personal is taken out of it and
11 it's completely automated.

12 MR. PECHAL: I think the automation of the
13 generation of the train call, there's not people. I
14 don't think that we can say that there's not oversight,
15 because there are, there is oversight, not only from
16 regional operating centers, but there are also
17 management employees at Wellington and at, and at Fort
18 Madison that look at what's going on at the terminal
19 and make adjustments as needed.

20 I mean, we do occasionally stop a train at
21 one of those locations and so in that case, then we
22 have some human interaction that stops the inbound call
23 so that it doesn't automatically generate the outbound
24 call, and then we hold that train there for whatever
25 reason, whether it's to swap blocks, you know, do some

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1 block swapping or whether it's to hold it for other
2 reasons.

3 MR. FACKLAM: Okay. I just wasn't sure if,
4 when that it's inbounded if that, and that just starts
5 the ball rolling to an automated process. So unless
6 somebody is stepped in there and blocked it, it would
7 be automated.

8 MR. PECHAL: Yes sir, that's correct.

9 MR. FACKLAM: Okay. Okay. That's all I
10 have for right now. Thank you.

11 MR. PECHAL: Yes sir.

12 MR. SAUNDERS: I know even in my 22 years,
13 oh, this is Kamron Saunders. We're light-years ahead
14 of where we were. You know, my issue with, is not
15 necessarily the technology, but the information that
16 the technology is putting out.

17 So you know, although, yes, it, we can, we
18 can monitor it easily, but do you feel that the train
19 lineups are, and I shouldn't say, as accurate as
20 possible, I guess?

21 MR. PECHAL: I don't mean to cut you off,
22 but, no, go ahead.

23 MR. SAUNDERS: So I guess in that, do you,
24 of course I'm off the UP so it's a different system
25 than what BN has, but I still feel that there are some,

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1 there could be some additions to the information that
2 is put out, as far as train lineups. Do you feel --

3 MR. PECHAL: I would, I'm going to answer
4 that at, I'm going to come at it a little bit from the
5 back end of it.

6 MR. SAUNDERS: Okay.

7 MR. PECHAL: The majority of our lineups are
8 good with the way that we measure them, plus or minus
9 three hours. When you look at us from a system basis,
10 by far, the majority are good. But it's not perfect.

11 There are things that happen, whether it be
12 a locomotive that breaks down, a switch that won't
13 line, a signal that won't work. There are things that
14 happen that cause inaccuracies in lineups.

15 MR. SAUNDERS: Sure. Okay. So the, and
16 there, you know, it's easy to, you know, you mentioned
17 that Amarillo versus at Wellington and, you know, I'm,
18 I have no idea what kind of traffic is at either. I'm
19 sure that Amarillo is kind of like a hub. Wellington
20 is more of a outlying, away from home.

21 So it's probably easier, I know it's much
22 easier to adjust schedules for those places because you
23 don't have trains coming out of the yard, you don't
24 have, or maybe you do. I don't know.

25 But is there actually, so even in, not, you

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1 know, you said, using the resources at that location,
2 do you have people that, you know, not just saying or
3 relaying to you, hey, we're going to have a work train,
4 we're going to have this, we're going to have that.

5 Do you have people that, when a train gets
6 knocked down, going in there and updating that?

7 MR. PECHAL: So the process of maintaining
8 lineup accuracy is a couple of ways. So we have chief
9 dispatchers in the operating centers and other people
10 on the dispatching team might be assistant corridor
11 Sups, chief dispatchers, it might even be a trip
12 dispatcher, that have the responsibility for updating
13 lineups when things happen.

14 And then there's the terminal aspect, like
15 let's take Amarillo for example. They're responsible
16 for updating lineups for trains that originate out of
17 the yard at Amarillo.

18 So there are a couple of different groups
19 that look at what's going on with the trains that have
20 the responsibility for oversight and updating when
21 things happen.

22 MR. SAUNDERS: Okay. Going to manpower, are
23 there, you know, I'm sure each location, I'm sure each
24 location has its own county fare or whatever it may be,
25 do those, are those thing taken into account? Do you,

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1 how do you, how do you work that, or do you?

2 MR. PECHAL: We do. So it's kind of like my
3 board sizing a little while ago where we talk with
4 local folks and we understand when we're having the
5 Black Eyed Pea festival or some event that's going on
6 locally.

7 And we make adjustments, not only to board
8 size, but we also know that we're going to have backups
9 for, with trains.

10 So those are, it's not like we update those
11 a week in advance. Those are kind of more closer to
12 the event than --

13 MR. SAUNDERS: Sure.

14 MR. PECHAL: -- than they are, than the
15 board sizing event happens. I think, I think, well, I
16 don't know if that answers your question or not.

17 MR. SAUNDERS: Sure. Yes, that was a big
18 question, you know, and that's, going a little further,
19 let's talk about absenteeism. Are there, what kind of
20 issues are there with absenteeism? Maybe you don't
21 deal with them as much, but say, at Amarillo.

22 MR. PECHAL: So we have a certain percentage
23 of absenteeism challenges, just like any other railroad
24 or any other industry for that matter. And if your
25 question is, does people behavior impact lineups, the

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1 answer's yes.

2 MR. SAUNDERS: Okay. So do you have data,
3 I'm not going to ask you to pull it off the top of your
4 head, but are there, say at Amarillo, are there a lot
5 of TNY that hit rest, or go into federal rest?

6 MR. PECHAL: Well, so I would tell you that
7 for the last 18 months or so that since we've been a
8 slower volume, that the answer's no.

9 We, I look at system numbers daily, and our
10 system numbers for the last 12 months have been really
11 lower than they had been since right after really RSIA
12 was implemented in July of 2009 --

13 MR. SAUNDERS: Sure.

14 MR. PECHAL: -- for us. We went into a bit
15 of a slow time right after that. So the 276 and the
16 consecutive start counts and all those types of things
17 weren't really an issue.

18 As we built rapidly in 2013 and 2014, we saw
19 higher incidence or occurrences of consecutive starts.
20 But recently, as we have slowed down the last 18 months
21 or so, 276, rarely an employee hits that out of a pool
22 freight employee base of 12,000 people, maybe 100 at a
23 time are on consecutive starts. Very, very small
24 percentage.

25 MR. SAUNDERS: Okay. So I'm sure that's

1 taken into account for, and your crew sizing?

2 MR. PECHAL: Yes.

3 MR. SAUNDERS: You're looking, and how
4 often, on the UP I think they, like extra boards they
5 adjust. Where I come from, the conductor's on Monday
6 and the engineer's on Tuesday. Do you all have a
7 weekly thing like that or is it --

8 MR. PECHAL: So we have several, we have
9 several different agreements. Former Santa Fe is
10 outlined by agreement that will do it on one day a
11 week. Former BN is not outlined.

12 However, we do make the commitment that we
13 will do, I think we'll do, for the majority of, there
14 is some change here, for engineers on Monday and
15 conductors on Tuesday. Other places you'll find that
16 it's flipped. It's, you know --

17 MR. SAUNDERS: Sure.

18 MR. PECHAL: -- the engineers on Tuesday and
19 conductors on Monday. Now, to say that we never call
20 the local chairman and say, hey, we made a mistake. We
21 need to add some more folks here. And normally we get
22 cooperation with labor. That happens.

23 MR. SAUNDERS: Sure.

24 MR. PECHAL: But we try to maintain that
25 commitment across the system that we will only make

1 that change once a week.

2 MR. SAUNDERS: Okay. And then I understand
3 at, on the pool that runs Amarillo to Wellington, the
4 conductors have a, have a pool board, and then they
5 have an extra board to protect them.

6 MR. PECHAL: That is correct.

7 MR. SAUNDERS: The engineers have something
8 other, they're more like an extra board. So if the, if
9 I'm six times out and the first five guys take vacation
10 or whatever it may be, I'm now first out. Is that
11 correct?

12 MR. PECHAL: So let me give you a little bit
13 more definition around that. So what we're talking
14 about is a, the Waynoka run-through agreement which was
15 mutually agreed between BLET and, at the time, the
16 Santa Fe, that the engineer pool turn would rotate with
17 what we call take your turn with you.

18 MR. SAUNDERS: Okay.

19 MR. PECHAL: Okay? So it rotates as a rule
20 a little bit faster than the conductor's turns because
21 we fill the vacancies on the conductors, but on the
22 engineers, we remove the vacancies, right?

23 MR. SAUNDERS: Right.

24 MR. PECHAL: Everybody knows what the ground
25 rules are.

1 MR. SAUNDERS: Sure.

2 MR. PECHAL: And so everyone is very well
3 aware of it. I'm going to step back to technology here
4 for just a second.

5 Now with the mobility, I am able to use the
6 exact example that you had, the first five folks are
7 going on vacation, I'm able to tell that.

8 And I'm able to tell that sixth out
9 individual well in advance that, you know what?
10 There's a train, the next train is at 2:00 in the
11 morning, and while you're sixth out, at midnight, these
12 five folks will go away.

13 So this individual knows well in advance
14 that that is going to happen and to prepare himself for
15 the 2:00 call.

16 MR. SAUNDERS: Okay. And I'm assuming, I
17 know that, you know, like I said, this is all brig to
18 me. It's different than UP.

19 And so I know their calling windows, and
20 we'll talk about that in a minute, but are there also,
21 I heard something about being activated or, and then,
22 for a certain amount of time.

23 So what if, what if those five guys ahead of
24 me mark off sick? Is there, do they, so for the, for
25 the five guys that are marking off sick, do they have a

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1 certain time that they can do that and a certain time
2 that they can't?

3 MR. PECHAL: Well, if you want to do it by -
4 -

5 MR. FACKLAM: Hang on. You said sick. Did
6 you mean vacation?

7 MR. SAUNDERS: Well, I'm saying now sick or
8 whatever. So in other words, not scheduled vacation,
9 but now you've got guys who had jumped up and all of a
10 sudden are sick or whatever it may be.

11 MR. FACKLAM: Okay.

12 MR. SAUNDERS: And so then they come off the
13 board. So yes, I understand, you know, you got, where
14 you can look and see that you know somebody's penned it
15 to go on vacation at midnight.

16 MR. FACKLAM: Yes. Okay.

17 MR. SAUNDERS: But these unforeseen, say an
18 unforeseen thing, and that's just, my question is going
19 to involve into how do the call windows work.

20 MR. PECHAL: So can I talk about how the
21 call windows work first and then we'll come back --

22 MR. SAUNDERS: Sure.

23 MR. PECHAL: -- and I'll try to address your
24 question. So what we call this type of an agreement or
25 what I call it is a manual planner activated pool.

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1 You have a group of employees at Wellington,
2 a group of employees at Amarillo, and we have an
3 individual that oversees the management of the pool and
4 they make decisions on each end at certain times during
5 the day, and in the case of this pool, every four
6 hours, 4:00 a.m., 8:00 p.m., noon, 4:00 p.m., I'm
7 sorry, 4:00 a.m., 8:00 a.m., I said that wrong. Let me
8 say that again. 4:00 a.m., 8:00 a.m., noon, 4:00 p.m.,
9 8:00 p.m., midnight, we do what is called an
10 activation.

11 And we take a look at the lineup and the
12 number of away from home terminal crews that we have,
13 and we try to meld them together so that we can
14 minimize held away time and maintain equity, and so
15 let's take an example of 20:00, that we activate a crew
16 at 20:00.

17 I can call that crew on duty at midnight.
18 So I can give them an hour and a half call, two and a
19 half hours later under the current active.

20 And when it was originally set up, that was
21 the intent was that we would activate for four hours,
22 then you would be called between the fourth and the
23 eighth.

24 However, as we've learned more about
25 managing this type of pool, we really go a little bit

1 farther than that. We don't try to go too far, but we
2 try to go a little bit farther than eight hours out to
3 give folks a better idea, one, of the order, so that
4 they can compare it with the time of trains, the
5 expected lineup of trains.

6 So we activate every four hours, and you can
7 be called after the fourth hour after you're activated.
8 Does that, does that explain it well enough?

9 MR. SAUNDERS: Okay. So I guess to go back
10 a little bit further, there's not really a schedule of
11 the activation. You notify that person that they've
12 been activated, or how does that work?

13 MR. PECHAL: If the individual has decided
14 that they want the data pushed to them, or if they want
15 to receive it on mobility, the moment I make that 20:00
16 activation, they will get an alert that says, you're
17 activated.

18 MR. SAUNDERS: Okay. So if I'm, so if I'm
19 an engineer at Amarillo and I'm even first out, if I've
20 not been activated, you've not told me I'm activated
21 or, then I know that I've got at least four hours?

22 MR. PECHAL: You should have four hours.
23 Yes sir.

24 MR. SAUNDERS: And that's four hours to call
25 time, not to time you're going to call me to make it

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1 five and a half hours. So --

2 MR. PECHAL: That's four hours on duty. I
3 could call you, in the case of Amarillo, with an hour
4 and a half, a 90 minute call, I could actually call you
5 if I activated you at 8:00 p.m., I could call you at
6 10:30 for midnight.

7 MR. SAUNDERS: Okay.

8 MR. PECHAL: That is the reason why we tried
9 to extend it out a little bit so that we would limit
10 that happening.

11 MR. SAUNDERS: Okay. All right. Thank you.

12 MR. TORRES: What's the percentage of
13 availability do you expect an employee to, you know, be
14 marked out on?

15 MR. PECHAL: So our goal is to have 75
16 percent of our employees available at all times. We
17 can run our railroad the way that we want to run it
18 with 75 percent availability.

19 MR. TORRES: Are they allowed to take
20 vacation or a personal leave day when they need to? Or
21 what is it based on, how many engineers or conductors
22 are on the board?

23 MR. PECHAL: So let me, let me talk about
24 scheduled vacation, and then I'll talk about single day
25 vacation, and then we'll talk about layoffs.

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1 So, because they're really kind of handled a
2 little bit different by agreement. Each year we
3 schedule vacations for individuals. That's scheduled
4 by seniority and by allocation, by the number of
5 allocations that we have.

6 For example, 52 weeks a year, each week has
7 a certain number of folks that can be off. That is
8 based on weeks of vacation earned, as well as the
9 number of out and the number of slots that that math
10 equates to.

11 So those are scheduled before the end of the
12 previous year. In other words, 2016 vacations were set
13 up in October and were finalized sometime during
14 December so that the schedule is out --

15 MR. TORRES: Of 2015.

16 MR. PECHAL: Of 2015. Yes sir. Thank you.
17 So you've got solid weeks of vacations that are
18 scheduled.

19 Also under labor agreements, individuals are
20 able to keep single days to use throughout the year, as
21 well as personal leave days, as well as, we allow
22 folks, when we have enough people to work, to layoff
23 personal business.

24 And so, to manage that, we have set up a
25 layoff program, where people can go in and request to

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1 use a day of vacation, use a PLD, take an LOP day, and
2 they can do that in advance of the time that they're
3 going to take it.

4 So for example, here we are on July the 1st.
5 If I wanted to be off on August the 1st, no, July,
6 August, so, if I wanted to be off on September the 1st,
7 90 days from now, my math's not good. October 1st,
8 sorry.

9 If I wanted to be off on October the 1st, I
10 could request a vacation day, or a PLD day, or a
11 personal day right now, and on day 60, August the 1st,
12 then our system would look at who has applied, how many
13 allocations we have, and it would award them in
14 seniority order.

15 What we see happen is, of course, it, during
16 that period, the Friday, Saturday, Sunday allocations
17 are usually pretty full, the Monday, Tuesday,
18 Wednesdays are not.

19 So then when we get into, when we get closer
20 to that September 1 date, then it's harder to get a
21 pre-approved layoff.

22 So if I need to be off one week from now,
23 chances are the allocations are full. But that doesn't
24 necessarily mean that you can't get off.

25 So for example, if I try to layoff through

1 the system electronically and the system denies me, it
2 gives me some options, and one of them is to talk to a
3 supervisor who can look at the individual and say,
4 well, I'm sorry, you've got to work, or you know, we'll
5 let you take the day off.

6 And what we encourage our supervisors to do
7 when they're looking at them is to look at the
8 individual, and if this is someone that works all the
9 time and needs a day off, we need to give it to them.

10 Of course, there's the other end of the
11 spectrum too with folks that are off a lot and when
12 we're talking about weekend days and we need to operate
13 our business, then sometimes we decline those
14 vacations, single day vacations, PLDs or LOP days.

15 So we have the ability to get them pre-
16 approved. We also have the ability to take them
17 immediately.

18 So even though all the allocations are
19 filled, if I wanted to take, if all of a sudden
20 something happened and I wanted to take today off, I
21 could access the system and say, I want to layoff
22 personal business.

23 The system would look at two things. It
24 would look at availability, and if availability was
25 above a certain number, most places we have it at, set

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1 at 75 percent, some places 70.

2 It depends, I mean, there are some
3 differences in each location. It looks at the
4 availability percentage where we had it set, as well as
5 supply versus demand.

6 So if I had an extra board with three people
7 on it, and I had no vacancies, and my availability was
8 above a level that I had preset, it would still allow
9 for the layoff.

10 If it was below the availability or the
11 supply and demand was at a number below what we wanted
12 it to be in order to make sure we can run our railroad,
13 then it would decline it and give them the same
14 opportunity to go to a supervisor who could either
15 approve or deny.

16 MR. TORRES: And the employees that have a
17 history of laying off like frequently, how does that
18 affect the board? I mean, he brought up lineups and
19 boards, so --

20 MR. PECHAL: Well, unavailability impacts
21 others behind them. I mean, I don't know any other way
22 to say it.

23 We have pretty good availability during the
24 week. We have pretty poor availability around things
25 like holidays, paydays, and we struggle. That's when

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1 we see layoffs, sickness type layoffs. Other type of
2 layoffs go up. So to say that layoffs impact, at times
3 they do.

4 MR. TORRES: So an employer might get caught
5 a little short if he's not on that application, that
6 map?

7 MR. PECHAL: Well, I think there's,
8 depending on the type of pool, we have many different
9 pool operations. And depending on the type of pool
10 operation, and especially on an extra board, someone
11 could get caught short, to your, to your comment, of
12 being rested for a job due to shortage. Absolutely.

13 MR. TORRES: Steve?

14 MR. DUPONT: Yes. Steve Dupont, Federal
15 Railroad. When you look at your crew management
16 system, you can tell, there should be some kind of
17 identity in there if the employee was called
18 electronically or manually. Yes or no.

19 MR. PECHAL: Yes.

20 MR. DUPONT: Okay. So it would have
21 something up there, whether the crew caller made a
22 manual call or the system took care of it.

23 MR. PECHAL: Yes sir.

24 MR. DUPONT: Okay. Do you know the two
25 trains involved, do we know if they were called

1 manually or electronically?

2 MR. PECHAL: All four crew members were
3 called electronically.

4 MR. DUPONT: Electronically.

5 MR. PECHAL: Yes sir.

6 MR. DUPONT: Okay. Do we know if there was,
7 even though they were called electronically, were there
8 any interaction, maybe a follow-up phone call by the
9 crew members to crew management?

10 MR. PECHAL: No sir, there were none.

11 MR. DUPONT: On either crew?

12 MR. PECHAL: No sir.

13 MR. DUPONT: Okay. Okay. I think that's it
14 for right now.

15 MR. JESKE: Erich Jeske, BLET, safety task
16 force. You mentioned that the lineups try to maintain
17 accuracy of plus or minus three hours.

18 MR. PECHAL: Right.

19 MR. JESKE: So plus or minus three hours,
20 that's virtually a six hour window. How does that work
21 into the lineup pushes?

22 Because I personally know from the lineup
23 pushes that they will, every 15 minutes, they cycle
24 through the system and I'll get a push, and my on-duty
25 times have varied by 12 hours, as much as, you know, 10

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1 minutes.

2 I mean, it, you know, from a 30 minute cycle
3 for two pushes. And when you're trying to get those
4 pushes, or I guess I should say, with the three hours,
5 that's a six hour window that you don't know.

6 So you could be sitting there looking at
7 your lineup and know that at 20:00 I was supposed to go
8 to work, but that could be as early as 5:00 in the
9 evening, 17:00, or as late as 23:00.

10 What efforts are being made to narrow that
11 gap to help with crew fatigue and crew rest?

12 MR. PECHAL: So I'm going to speak generally
13 about the things that we have going on around the
14 system as far as things that we're looking at to try to
15 mitigate crew fatigue.

16 MR. JESKE: Okay.

17 MR. PECHAL: So we have done some predictive
18 work schedules in pools, as well as shuttle service
19 pools in numerous places.

20 Right now, currently we are doing a
21 predictive work schedule at Tulsa, and at Mandan, where
22 folks know for a six week string, when they're going to
23 go to work.

24 We've also done some pool consolidations
25 that we have forced on labor, for lack of a better

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1 phrase, through Article 9, to look at another method of
2 alleviating predictability. And I will tell you that
3 in both of those cases, I have seen predictability
4 improve.

5 So PWS, for those that are able to hold PWS,
6 you know when you're going to go to work for a six week
7 period, I mean, that's, that eliminates any concern
8 that there's any change in lineup. For places where
9 we've consolidated pools, that puts more turns in a
10 pool.

11 MR. JESKE: Okay.

12 MR. PECHAL: And so when you're running X
13 amount of trains at a terminal each day, a couple of
14 folks laying off in front of you doesn't impact your
15 change much more than, you know, maybe, if, so if
16 you're running 24 trains a day, it changes your lineup
17 two hours.

18 MR. JESKE: Okay.

19 MR. PECHAL: Now, we do have challenges at
20 very low density areas where things happen. Things
21 happen with trains where we certainly have the type of
22 large swings in predictability.

23 But those are seen really on low density
24 lines, not on the higher density lines. Certainly like
25 through Amarillo.

1 MR. JESKE: Okay. Another question about
2 the lineup pushes, do you know if it's possible to
3 receive a lineup push within the 10 hours of federal
4 rest that is required?

5 MR. PECHAL: So we, the answer is yes. You
6 can receive a push, and the reason that you can is
7 because it is at the behest of the employee. It's not
8 at the behest of the carrier.

9 So a push and any mobility contact can be
10 controlled. We have an option in there that says, if I
11 am on rest, don't send me any information.

12 So I can restrict it. But what we see is
13 most of the folks, you know, want to know, and then
14 they go in and customize.

15 You know, some folks are pretty sharp with
16 the technology. They're able to go in and customize
17 it. So for example, I get off work. I want to know
18 what's going on while I'm in my rest period, my 10 hour
19 undisturbed rest, and then I decide I'm going to lay
20 down and I really only want it to touch me, or to let
21 me know if I'm called.

22 I can go in and change that flag, and then I
23 can get my rest closer to the on-duty time. So it's
24 customizable for the user.

25 MR. JESKE: I asked that question because I

1 have not received any lineup pushes during that 10 hour
2 period since the FRA implemented that --

3 MR. PECHAL: Yes.

4 MR. JESKE: -- restriction that there could
5 be no contact during that.

6 MR. PECHAL: Right.

7 MR. JESKE: So that's why I asked that.
8 Because if you got a lineup with an extra board, and
9 say with three people on it, and you're talking a plus
10 or minus three hour window, that could affect rest by
11 bringing somebody who's going to, who looks at things
12 and sees why I shouldn't be going to work for 24 hours.
13 I have enough time to go to the store, mow the yard,
14 whatever.

15 They got off, they went and did that. Now
16 they're sitting down. It's getting to the eighth hour
17 of their 10 hour rest, but now they're first out.

18 No lineup push has occurred because the
19 lineup obviously changed by even more than three hours
20 at that point. Now they stand to be called at 10 for
21 11 and half or 12, whatever, you know, some areas have
22 two hour calls, 90 minutes. I understand that.

23 So that creates a dynamic where that person
24 either, A, had to continually log in to look at lineups
25 via mobility, or they get caught short.

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1 So what's the work around, because I'm not
2 aware of one that would allow for a lineup push during
3 your federal rest?

4 MR. PECHAL: Again, it's customizable by the
5 individual.

6 MR. JESKE: Okay.

7 MR. PECHAL: If you don't, if you don't want
8 it to come to you, it won't. You can go in and tell
9 that not to come to you. You can customize the lineup
10 push not to be delivered, or you can have it delivered.

11 MR. JESKE: Okay.

12 MR. PECHAL: I mean, it's the same, it's
13 also the same thing with accessing the system through
14 mobility.

15 It's the same thing with the logging on. We
16 allow employees to log on. That's at the behest of the
17 employee.

18 We want, we want our employees to have
19 information, and we want them to have it the way that
20 they want to receive it. That's why we've spent so
21 much effort in trying to figure out as many different
22 ways as we could to deliver it.

23 MR. JESKE: Okay.

24 MR. PECHAL: So that you can get it when you
25 want it and stop it when you don't, to allow you to

1 secure meaningful rest to get ready to go to work.

2 MR. JESKE: Yes. And like I said, I'm just
3 asking because mine is set to deliver between midnight,
4 1:00, and 23:59 around the clock, but it, when I'm on
5 federal rest, it doesn't, it, I do not receive
6 anything.

7 MR. SAUNDERS: Some, they need to get you
8 the pamphlet on how to set it up.

9 MR. JESKE: Then something must've changed
10 in --

11 MR. SAUNDERS: Do you want it? Do you want
12 it?

13 MR. JESKE: Yes, if you could get that to
14 me, I'd appreciate it.

15 MR. SAUNDERS: I don't know that I can, but
16 we can get somebody to get it to you.

17 MR. JESKE: Okay.

18 MR. PECHAL: Oh, yes.

19 MR. JESKE: Another question. Paper
20 deadheads, how do those affect the lineups? What, when
21 those are utilized, how does that affect things?

22 MR. SAUNDERS: Maybe explain paper deadheads
23 first.

24 MR. JESKE: I guess if you could explain a
25 paper deadhead from the crew management side.

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1 MR. PECHAL: Okay. So whenever we have a
2 train call in a pool and we are unable to fill that
3 because of a vacancy in the pool and no rest on the
4 extra board, and I'm going to go ahead and focus on the
5 engineer here for just a minute.

6 MR. JESKE: That's fine.

7 MR. PECHAL: So that we can talk about
8 filling the vacancy, as well as calling anyone that is
9 demoted and working in the other craft.

10 After we exercise those collective
11 bargaining work rules and we have no one to run that
12 train, then we take that turn and we paper deadhead it,
13 which means we hold it in its slot, basically, on the,
14 on the rotation of the pool, and it moves.

15 Behind the scenes it moves, it doesn't
16 really look like it, but it maintains that position in
17 the pool until it gets back to the home terminal, and
18 the individual that was on it marks up.

19 So back in, I'm going to go off, I'm going
20 to go off on a rabbit trail here and we'll come back to
21 you.

22 So back in June of 2014, we made a decision
23 that we were going to go strictly by the General
24 Committee's collective bargaining agreement, with
25 respect to filling vacancies because paper deadheads

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1 were a concern for all of us.

2 So what that did was it stopped all the
3 steps beyond the demotes that we had local agreements
4 on. We eliminated all of those, so we really only went
5 to those few steps.

6 And when that, when we were able to, unable
7 to fill, then we paper deadheaded and called the person
8 behind, which impacts predictability.

9 The thing that we saw happen was we were
10 averaging somewhere around, I don't know, 200 a day on
11 the system, and we went down to an average of about 30
12 a day on the system, except around weekends, paydays,
13 and holidays, where those number shot up significantly.

14 MR. JESKE: Okay. No more questions.

15 MR. MARSHALL: Rafael Marshall with the
16 NTSB. Could you tell me what BNSF's policies are for
17 employee commute times? Do you take that into account
18 at all?

19 MR. PECHAL: So if we're talking about an
20 employee that lives at, that works at Amarillo and is
21 called to work at Amarillo?

22 MR. MARSHALL: Well, are there maximum
23 commute times for employees? Do they need to live
24 within a certain radius from the, a terminal?

25 MR. PECHAL: Well, employees decide where

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1 they're going to work by seniority. They decide where
2 they're going to live by personal choice.

3 So do we take into consideration the time
4 that it takes from where they live until they get to
5 where they work from a, from a perspective of counting
6 that as on-duty time? No.

7 MR. MARSHALL: Okay. So they can live as
8 far as they want and there's no restrictions on that at
9 all?

10 MR. PECHAL: Correct.

11 MR. MARSHALL: Okay. So can someone refuse,
12 I mean, what are the reasons why that an employee can
13 refuse a trip without penalty?

14 MR. PECHAL: I'm not, I'm not sure I
15 understand the question.

16 MR. MARSHALL: Is that, well, if somebody
17 calls and says, Bobby, I'm too tired. You know, would
18 that be a valid reason?

19 MR. PECHAL: We --

20 MR. MARSHALL: What are some of the valid
21 reasons they can say, they can refuse?

22 MR. PECHAL: We absolutely want someone
23 calling and telling us that they're not coming if
24 they're not rested and ready to work.

25 MR. MARSHALL: Yes.

1 MR. PECHAL: I mean, I believe that the
2 message is loud and clear out on the BNSF property that
3 you are empowered to make a decision and we'll talk it
4 out later.

5 I think that when you talk about people that
6 are doing what they are supposed to be doing, which is
7 the majority of our population, that while that may
8 happen, that happens few and far between.

9 And these employees are the type that work
10 and there's not any punitive action. I think that you
11 will probably also find that we have a very small
12 percentage of our workforce that may tend to use that
13 more often. And with those, we take a little bit
14 deeper look at behavior.

15 MR. MARSHALL: Okay. So are there, for
16 example, how, I mean, is there a maximum number of
17 times that somebody could call in sick within a certain
18 period? Is that, how does that work?

19 MR. PECHAL: So there is a, there are
20 attendance guidelines that lay out expectations for how
21 much people can work or how much they can be off.

22 It is, while I'm not a subject matter expert
23 on attendance guidelines, there are a number of
24 different things that go into the mix, like assigned
25 service folks.

1 For example, a yard engine that works Monday
2 through Friday, off Saturday Sunday. They have a
3 different set of standards than someone that works in
4 pool service that could be available, or is available
5 to work anytime that they're marked up. So there is,
6 there are different ways that we look.

7 And then it's also even more complicated
8 when people go back and forth within a month between,
9 you know, a regular assigned job and an unassigned job,
10 and we identify them in mixed service. So --

11 MR. MARSHALL: So going back to commute
12 times, for the crew that started in Amarillo, do we
13 know how, anything about how long they had to commute
14 to get to --

15 MR. TORRES: From where they lived.

16 MR. MARSHALL: Yes, where they lived.

17 MR. PECHAL: I do not.

18 MR. MARSHALL: Okay.

19 MR. PECHAL: I do not.

20 MR. MARSHALL: I apologize for some of these
21 basic questions, but is there a minimum or maximum
22 hours that an individual can work a week or a month,
23 anything like that?

24 MR. PECHAL: Yes, well, there are, so under
25 the 2008 Railway Safety Improvement Act, there are a

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1 number of requirements of individuals.

2 The cap on 276 hours per month, a cap on 30
3 hours of limbo time, a cap on consecutive starts. Six
4 consecutive starts gets 48 hours off. Seven
5 consecutive starts gets 72 hours off.

6 So there are those caps on the amount of
7 hours that an individual can work.

8 MR. MARSHALL: Okay. Also, are there any,
9 is there any policies on what crews can bring onboard
10 on their trips, like personal electronic devices, books
11 or food or anything like that?

12 MR. PECHAL: Again, yes, the answer's yes,
13 but I'm not a subject matter expert on --

14 MR. TORRES: I'll get it. I'll get that for
15 you.

16 MR. MARSHALL: Okay. Thanks. I'm sure I
17 know the answer to this one, but are there any
18 restrictions on the use of alcohol while on active
19 mode?

20 MR. TORRES: I'll get you that too.

21 MR. MARSHALL: Okay. Think I'm done with
22 mine. Thanks.

23 MR. FACKLAM: Steve Facklam, BLET safety
24 task force. Real quickly, I want to revisit the paper
25 deadheads again. Was it 2010, 2014, you've kind of

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1 restricted down, you went, you're going by more
2 agreement now.

3 In your calling matrix you said if you have
4 a blank turn, and my understanding is correct, you no
5 longer cycle through as many, maybe calling an extra
6 board to calling in demoted status.

7 You've kind of cut down on the number of
8 people you would cycle through to fill that turn. Is
9 that what, how I'm understanding?

10 MR. PECHAL: We have a eliminated local
11 agreements and past practice. The, so the answer to
12 your question is yes.

13 MR. FACKLAM: Okay.

14 MR. PECHAL: And we have gone back to the
15 fill steps that were required in General Committee
16 agreements. And then what we have seen from the result
17 of that is an overall reduction in the number of paper
18 deadheads.

19 MR. FACKLAM: Okay. How many paper
20 deadheads can be done? Say you have a person that's 10
21 times out activated. The first, then the, maybe the
22 next, the, eight turns above him are blank and
23 activated. Can you deadhead, paper deadhead all those
24 turns to get to that guy?

25 MR. PECHAL: I'm going to give you the

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1 simple answer at the end.

2 MR. FACKLAM: Okay.

3 MR. PECHAL: I would like to think that as
4 much as I talk about this very issue with my team and
5 how we are very mindful of one specific instance, and
6 the instance that I'm talking about ties into exactly
7 what you're saying, that if we have an individual that
8 thinks they're going to work at 8:00 or 9:00 in the
9 morning and we have the exact episode that you're
10 talking about, that causes that individual to go to
11 work at 10:00 at night, that we're going to stop and
12 we're going to figure something different.

13 Because that is the one thing that concerns
14 us the most, and while we do not have an electronic or
15 technology solution to that, we watch for that very
16 closely, the folks that are activating and overseeing
17 pools.

18 The message to my team is that needs to be
19 stopped. So could it happen? Yes sir. Should it
20 happen? No sir.

21 MR. FACKLAM: Okay. I want to revisit some
22 of the activations here. Is there a, is it kind of, is
23 there a set rule on forecasting out to activate, do you
24 look, do you project eight hours out and activate
25 people that will be going to work within eight hours?

1 MR. PECHAL: I think that the original
2 intent of the planner manual activated pool was to give
3 a four hour notice for people that they were going to
4 work in the second set of four hours.

5 So through the use of that agreement, I
6 mean, this particular one, the Waynoka is '87. I think
7 the remainder of the ones that we have on property are
8 mid to late 80s agreements that are, that work in this
9 fashion.

10 We've extended that a little bit, and not
11 without, not without some liability risk. Because as
12 we extended out and we really try to give more than
13 just the four hour notice, sometimes we miss the other
14 way and people wind up being, so instead of going
15 eight, we go 12 hours, right? Or we go 10 hours. And
16 then that 10 hour person winds up being called two or
17 three hours later.

18 We do have some risk of claim liability that
19 we have folks turn claims in on us that we have a board
20 award on that does cost us some claim liability.

21 But to answer your question specifically,
22 the original intent of the agreement, from my
23 understanding, was a four hour activation, then you
24 would be called in the next four hour window, because
25 we would have another group that would be called in

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1 that four hour window.

2 But part, and again, partnering with labor
3 and know what we're doing, we are gone a little bit
4 longer with that activation with the intent of letting
5 folks know when they were going to work and doing
6 better.

7 MR. FACKLAM: Does activation windows, when
8 you're activating, just from what I've noticed, you
9 know, maybe Friday, Saturday, Sunday, are they
10 forecasting out further? Maybe reaching out and
11 forecasting out 12 hours ahead versus the weekdays and
12 maybe sticking more to that eight hours?

13 MR. PECHAL: I don't think that I can give
14 you an honest answer to that question. My perspective
15 and looking at pools is that we pretty much run them
16 the same day, the same way every day from an activation
17 perspective.

18 But to your point of weekend unavailability,
19 I mean, sometimes we might go out a little bit farther.

20 MR. FACKLAM: Okay. Is there any way that
21 employees can know ahead of time how far you're
22 activation out, so they can maybe predict their rest
23 better?

24 MR. PECHAL: Well, that is the point of
25 activating. Farther out I think is the, to show the

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1 mix of home terminal and away from home terminal crews
2 so that you can know the first important thing is your
3 board standing, and then you can compare that to your
4 calling order, or what train you believe, or we believe
5 you will catch.

6 So I mean, I believe the farther out we can
7 go, the better of we are. But trying to go too far,
8 there is the concern of making mistakes because of
9 changes.

10 MR. FACKLAM: That's, was kind of what I was
11 getting at. If we're activating, forecasting 12 hours
12 or maybe a little bit more out, and there's, most of
13 the, if people are used to, okay, when I get activated
14 I'm going out within eight hours.

15 But they've been activated, your forecasting
16 12 or more hours out, they could go to sleep, get their
17 rest, thinking they're, okay, within eight hours, I'm
18 going to work.

19 They wake up and now they're up for a few
20 hours, well, my call didn't happen. I guess that's one
21 of the concerns I have and that I've noticed in some of
22 the pools, especially on the weekends.

23 MR. PECHAL: Again, lineups aren't perfect.

24 MR. FACKLAM: Yes.

25 MR. PECHAL: We try to provide all the tools

1 that we can to those, so when we activate long, you
2 should, you should be able to tell that we're
3 activating long. But when there are changes, sometimes
4 that is very difficult for me to predict.

5 MR. FACKLAM: Okay. Are crews at risk of
6 any kind of discipline if they layoff activated?

7 MR. PECHAL: They're no more or less at risk
8 than they are at other times. I think that the
9 expectation in discussions that I've had with General
10 Committees and the way that we manage manually planner
11 activated pools is that people should not layoff when
12 they're, when they're on the active board.

13 However, certainly if someone called and
14 told us that they were sick, we would lay them off.
15 That would impact the number of folks we had activated
16 in, on ready to go to work.

17 But would I refuse someone from laying off
18 because they were on the active board? No sir.

19 MR. FACKLAM: Okay. Let's see. Layoff
20 allocations. Are layoff allocations the, you have
21 certain numbers of slots that are allocated each day.
22 Are the allocations the same Monday, Tuesday, and
23 Wednesday, Thursday, as they are for Friday, Saturday,
24 Sunday?

25 MR. PECHAL: No. They are not.

1 MR. FACKLAM: Are there fewer allocations?

2 MR. PECHAL: There are fewer allocations as
3 a rule on Friday, Saturday, and Sunday. Because we
4 know that those are days of the week that we are going
5 to have higher instances of immediate layoffs that we
6 don't know that are coming.

7 So when you look at allocations, to my
8 comment earlier, and to your comment, which is spot on,
9 that we have less allocations during weekends.

10 What you'll see is, all those allocations on
11 the weekends are full, but those during the middle of
12 the week are available. So the answer is, you're
13 correct. We allocate less on the weekends.

14 MR. FACKLAM: Okay. If a person were to
15 layoff sick when the allocation is full, or try to
16 layoff sick when the allocation is full, is there
17 another, and I'm speaking sick, not personal or
18 anything like that, in the allocation full, are they,
19 and it's going through the computerized system, are
20 they still immediately laid off, or are they required
21 to maybe call a person?

22 MR. PECHAL: In very few instances that I'm
23 aware of do we require a sickness of a family emergency
24 layoff. Only in cases of severe manpower shortages
25 would we route that call to a supervisor prior to the

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1 layoff.

2 MR. FACKLAM: Okay.

3 MR. PECHAL: It is extremely close to 100
4 percent of the number of sickness layoffs that we flow
5 through the system. The perspective is, we don't deny
6 people to layoff sick.

7 MR. FACKLAM: Okay. Would it be possible,
8 this might kind of backtrack to activation, I guess I'm
9 trying to say, I, if a, I guess my fear is, if an
10 employee is caught, if the lineups change so much on
11 him and he doesn't get fully rested and he's getting a
12 call.

13 He gets a call for work and he's, wasn't
14 expecting to go to work for four to eight hours later,
15 and he just can't do it. He, for, if he marks off on-
16 call, could he be subject to discipline?

17 I guess I'm looking at any adverse thing
18 that may be in their head that may think, well, let me
19 just get this out if I'm tired, when he maybe should
20 take that time off, is he, is he going to be afraid to
21 mark off with discipline, or with maybe discipline held
22 over his head?

23 MR. PECHAL: I think back to my earlier
24 comment, if that's happening to an individual that's
25 doing what he's supposed to be doing and marking up,

1 I'm sorry, and working.

2 MR. FACKLAM: Yes.

3 MR. PECHAL: And doing all of the right
4 things, that, while there would certainly be a
5 discussion between supervisor and employee, that I
6 would like to think that there wouldn't be a
7 disciplinary action.

8 If it were someone that is constantly off,
9 is constantly laying off on-call, then they could
10 certainly subject themselves to discipline. Yes sir.

11 MR. FACKLAM: Are you, were you familiar
12 with how the, you may not since you're up there in the
13 management, were you familiar with how the Amarillo
14 pools were working within the last five days of the
15 incident? This may be too specific for you.

16 MR. PECHAL: Are you talking about prior to
17 Tuesday?

18 MR. FACKLAM: Yes.

19 MR. PECHAL: I'm a little bit familiar with
20 it. Yes sir.

21 MR. FACKLAM: Okay. Were they, are you
22 familiar if, were they working a little faster than
23 normal? I guess that's a higher mileage pool, and from
24 talking to those, the workers over there, they're
25 generally used to 24 to 48 hours off just because how

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1 it's regulated with the miles.

2 And I haven't got the pool snapshots or
3 anything yet, so I was wondering if those guys were
4 working with less than 24 hours off, which is a little
5 faster than that board would turn under normal
6 circumstances?

7 MR. PECHAL: But they were not working with
8 less than 24 hours.

9 MR. FACKLAM: Okay. That's all I have.
10 Thanks. I appreciate it.

11 MR. SAUNDERS: This is Kamron Saunders.
12 Going back to the activation process, once I'm
13 activated, am I activated until I'm called, or do I go
14 back off for a certain amount of time if you don't call
15 me during that window?

16 MR. PECHAL: You're activated until you're
17 called.

18 MR. SAUNDERS: Okay.

19 MR. PECHAL: Now, there are, there are
20 things that happen, you know, in the case of a service
21 interruption where sometimes we will reach out to labor
22 and say, things have changed, we want to deactivate
23 some folks and, you know, sit back and wait and see how
24 the service interruption happens. So I don't want you
25 to think that no one ever gets deactivated.

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1 MR. SAUNDERS: Okay.

2 MR. PECHAL: It can happen.

3 MR. SAUNDERS: Is that an issue? Is it, I
4 mean --

5 MR. PECHAL: I don't, it doesn't happen very
6 often. It's a very far exception.

7 MR. SAUNDERS: Okay. And I don't know --

8 MR. PECHAL: And before we do it, we reach
9 out to the individuals that are involved and say, hey,
10 it's going to be a while.

11 MR. SAUNDERS: Does that create an issue
12 with those individuals when, if and when you do that,
13 although you don't do it very often?

14 MR. PECHAL: I think that it doesn't create
15 an issue. I think it lets them know that --

16 MR. SAUNDERS: Yes.

17 MR. PECHAL: -- something's changed and that
18 --

19 MR. SAUNDERS: Okay.

20 MR. PECHAL: -- that hopefully it will
21 resolve --

22 MR. SAUNDERS: Right.

23 MR. PECHAL: -- some issues. I mean,
24 they're preparing to go to work.

25 MR. SAUNDERS: Sure.

1 MR. PECHAL: Now they're being told, hey,
2 don't because something's happened.

3 MR. SAUNDERS: Okay. Okay. So, yes, I
4 guess that was my thing that, so the, so going back to,
5 see I was thinking that window meant something
6 completely different.

7 So that means that, and I think you already
8 told me this but I'm going to ask again. So you
9 activate me at 8:00 a.m. The earliest you can call me
10 for with a 90 minute call is noon.

11 MR. PECHAL: That is correct.

12 MR. SAUNDERS: Okay.

13 MR. PECHAL: Yes sir.

14 MR. SAUNDERS: Okay. Yes, there, I had a
15 question. I think Steve alluded to it, and it was
16 about the, yes, he answered that. I'm good.

17 MR. TORRES: I've just got one question now.
18 Do you have like Operation Red Block? Like the UP has
19 an Operation Red Block.

20 Like for example, somebody got cut short, is
21 in a family event, had a few beers, he calls in and
22 they, he's allowed to layoff without question, you
23 know, you have any program like that with --

24 MR. FACKLAM: There is something similar,
25 because I've questioned that and --

1 MR. PECHAL: There's Operation Stop.

2 MR. FACKLAM: Yes, similar.

3 MR. PECHAL: Not Stop. What is it?

4 MR. FACKLAM: Where it, I think --

5 MR. JESKE: I mean certainly we can, we can
6 talk after this if you've got questions about it.

7 MR. FACKLAM: There is something where
8 another person can't step in.

9 MR. PECHAL: No. Not that I'm aware of, the
10 intricacies of how it works.

11 MR. TORRES: Well Union Pacific has a
12 program that, like, say he's in a family event and he
13 gets caught short, you know, four or five people layoff
14 and he thought he was going to work 8:00 a.m. the
15 following day and had a few beers, you know, or
16 something like that.

17 He gets called, you know, he can say, you
18 know what, I'm laying off. Operation Red Block. And
19 he's off, you know, I let him go with no penalty or
20 discipline. So I was wondering if the BNSF employees
21 have that option?

22 MR. PECHAL: The message that we send our
23 employees is that they are empowered to layoff if there
24 is anything that will prevent them from operating
25 safely.

1 MR. TORRES: Right. That's all I have.

2 MR. DUPONT: Excuse me, Steve Dupont. The
3 two crews involved in the accident, did you go back and
4 do any review of their work history?

5 MR. PECHAL: I went back and looked at a
6 review of a few days prior to, yes sir.

7 MR. DUPONT: And you may not have this
8 question, it'll be in one of the records that I'll get,
9 the last 30 days, were any of these employees off for
10 any extended period of time for any reason?

11 MR. PECHAL: Not that I'm aware of. No sir.

12 MR. DUPONT: Okay. Okay.

13 MR. JESKE: Erich Jeske, BLET safety task
14 force. I do have a question in regards to crew fatigue
15 and going back to the attendance guidelines with
16 respect to the mixed service.

17 Would an employee be subject to discipline
18 if they are force assigned to an assigned job and then
19 they observe rest days, then get force assigned or have
20 to bump to another job because they were displaced with
21 different rest days, would that employee be subject to
22 discipline for, or for issues that are beyond their
23 control?

24 MR. PECHAL: Erich, I apologize. I'm not an
25 expert on attendance guidelines.

1 MR. TORRES: Yes, I don't know, now I have
2 so many questions.

3 MR. JESKE: Okay. I --

4 MR. TORRES: You know, that --

5 MR. JESKE: Well, it's because it goes into
6 the crew fatigue, because now this employee has been
7 force assigned to an assigned job, then they got
8 displaced and went to another assigned job, and what
9 we've finally come to is that they are now on an extra
10 board.

11 And with attendance guidelines, would that
12 employee possibly, for fear of violating the guidelines
13 or going over the guidelines, be subject to a fatigue
14 situation where they may feel that they were forced to
15 take that call to satisfy one side of the equation
16 while working fatigued?

17 MR. PECHAL: Erich, you're asking me to
18 speculate on employee behavior, and I'm not sure that I
19 can give you a factual answer.

20 MR. JESKE: Okay.

21 MR. PECHAL: As to, again, I'm, as we talked
22 about attendance guidelines from a higher level, there
23 is a difference in the way that we measure folks in
24 regularly assigned starting time and a difference in
25 the way that we measure folks in pool service.

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1 MR. JESKE: Okay.

2 MR. PECHAL: That how the mix works and how
3 that is managed, I am not the subject matter expert on
4 that.

5 MR. JESKE: Okay.

6 MR. PECHAL: So I apologize.

7 MR. JESKE: Oh, that's fine.

8 MR. MARSHALL: This is Rafael Marshall with
9 the NTSB. I was wondering if there are, if BNSF has
10 your policies, like a formal method of communication,
11 sort of like a, like an aviation CRM where there's a, I
12 guess, there's methods that each crew member can
13 formally act as a check and balance for the other crew
14 member to make sure that those, you know, his or her
15 tasks are being performed properly?

16 MR. PECHAL: Let me make sure I understand
17 your question. So you're talking about specifically a
18 conductor and an engineer on a train?

19 MR. MARSHALL: Yes.

20 MR. PECHAL: Whether they have some type of
21 cross checklist to be sure that, again, that's outside
22 of the crew calling realm.

23 MR. MARSHALL: Okay.

24 MR. PECHAL: I'm not --

25 MR. MARSHALL: Is that something that can be

1 provided as well?

2 MR. FACKLAM: That's, Bobby doesn't have
3 that.

4 MR. MARSHALL: Okay. Thank you.

5 MR. TORRES: Is there any more questions?
6 There's no more questions, then that'll end the
7 interview. Thank you very much.

8 MR. PECHAL: Yes sir.

9 MR. TORRES: Thank you --

10 MR. PECHAL: Thank you all.

11 MR. TORRES: -- for all the information and
12 answering our questions.

13 MR. FACKLAM: Thanks, Bobby.

14 MR. TORRES: Yes.

15 (Whereupon, the above-entitled matter went
16 off the record at an undisclosed time.)

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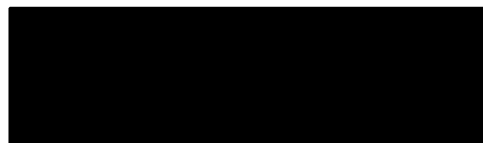
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C E R T I F I C A T E

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

DATE: July 1, 2016

I hereby certify that the attached transcription of page 1 to 63 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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