

NATIONAL TRANSPORTATION SAFETY BOARD

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 IN RE: :
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 THE HEAD ON COLLISION THAT :
 OCCURRED ON BNSF RAILWAY : NTSB Accident No.
 IN PANHANDLE, TEXAS ON : DCA16MR008
 JUNE 28, 2016 :
 :
 -----:

Interview of: Matthew Garland

Wednesday,
August 24, 2016

Amarillo, Texas

BEFORE:

TOMAS TORRES, NTSB
 RYAN RINGELMAN, BNSF
 AARON RATLEDGE, BNSF
 STEVE FACKLAN, BLET
 KAMRON SAUNDERS, SMART TD
 CHRIS MARTINEZ, FRA
 JIM SOUTHWORTH, NTSB
 RICK NARVELL, NTSB

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 MR. SOUTHWORTH: My name is Jim Southworth,
3 the investigator in charge of the investigation in the
4 head-on collision that happened on BNSF on June 28,
5 2016 in the City of Panhandle, Texas.

6 Today is August the 24th. We are in
7 Amarillo, Texas at the Wingate Garden Hotel conducting
8 interviews in the follow up (unintelligible)
9 investigation. This investigatory interview today is
10 going to be with Matthew Garland.

11 First thing we'll do is go around the room,
12 introduce who's here. We'll spell our last names.
13 Again, when you get an opportunity to talk we'll try
14 and stay in order, but if you need to comment or need
15 to clarify or something like that please address your
16 name. And the first time we go around with
17 introductions spell your last name. Okay?

18 So we'll start with me and then we'll jump
19 over here and then we'll go around the table this way.
20 Again, my name is Jim Southworth. I'm the investigator
21 in charge. I'm with the NTSB based out of Washington
22 D.C. And that's Southworth, S-O-U-T-H-W-O-R-T-H.

23 MR. TORRES: Tomas Torres, NTSB. T-O-M-A-S
24 T-O-R-R-E-S.

25 MR. FACKLAN: Steve Facklan, F-A-C-K-L-A-N.

1 Primary investigator, BLET Safety Task Force.

2 MR. RINGELMAN: Ryan Ringelman, R-I-N-G-E-L-
3 M-A-N, BNSF System Safety.

4 MR. MARTINEZ: Chris Martinez, M-A-R-T-I-N-E-
5 Z, FRA.

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

8 MR. SAUNDERS: Kamron Saunders, K-A-M-R-O-N
9 S-A-U-N-D-E-R-S, Smart TD.

10 MR. NARVELL: Rick Narvell, R-I-C-K N like in
11 Nancy, A-R-V-E-L-L with NTSB.

12 MR. GARLAND: And Matthew Garland, G-A-R-L-A-
13 N-D, head of the division, general manager, for the
14 Kansas division with the NSF.

15 MR. SOUTHWORTH: And do you mind if we go on
16 first name basis?

17 MR. GARLAND: Yes.

18 MR. SOUTHWORTH: I'll call you Matt?

19 MR. GARLAND: Matt's fine.

20 MR. SOUTHWORTH: Okay.

21 MR. GARLAND: Perfect.

22 MR. SOUTHWORTH: And do we have the
23 permission to record our discussions today with you?

24 MR. GARLAND: Yes, you do.

25 MR. SOUTHWORTH: And you do not wish to have

1 a representative with you during this interview, is
2 that correct?

3 MR. GARLAND: That is correct.

4 MR. SOUTHWORTH: Great. All right. Well,
5 why don't we just start with a little background. If
6 you can tell us how you came on with the Burlington
7 Northern in June of 2001. Can you give us a little
8 synopsis of your career at the Burlington Northern with
9 the other railroads as well?

10 And the final part of your synopsis is a
11 little bit more detail than about what it is you do
12 now.

13 MR. GARLAND: Okay.

14 MR. SOUTHWORTH: Okay? So go ahead.

15 MR. GARLAND: So brief synopsis. I've been
16 in operations the entire time at BNSF, and my entire
17 tenure with BNSF has been operations. Transportation
18 operations, working in different capacities from
19 assistant trainmaster, trainmaster, terminal manager,
20 assistant superintendent.

21 I was a director around a process
22 improvement group. I ran operating centers of the NFC
23 as a quarter superintendent. I had Seattle at one time
24 and Western Washington as a terminal superintendent. I
25 also served as a general director of transportation for

1 the Kansas division.

2 And then, lastly, is the general manager for
3 the division. Under my responsibility I have all the
4 transportation signal engineering and track
5 responsibility for the entire division. Kansas is
6 roughly between Missouri and New Mexico on the Southern
7 Transcon and we have a lot of setup which pretty much
8 includes the entire State of Kansas.

9 So kind of a Jack of all trades in terms of
10 everything operationally.

11 MR. SOUTHWORTH: Okay. And we'll begin with
12 Tomas.

13 MR. TORRES: So you're the -- Tomas here with
14 the NTSB. So you're a general manager for the whole
15 division?

16 MR. GARLAND: Yes, sir.

17 MR. TORRES: And you supervise all the
18 managers like train masters, road foreman. So, in your
19 capacity, do you know what guidelines what -- that the
20 roadmen -- that road foreman has to follow? You know,
21 like his testing records, train rides, etcetera? Can
22 you give us a description of what his duties are?

23 MR. GARLAND: What the duties are of a road
24 foreman? Is that what you're looking for?

25 MR. TORRES: Yes. And what are his goals?

1 What does he have to meet, like, monthly, yearly, or
2 what?

3 MR. GARLAND: So the best person to explain
4 the individual goal would be the superintendent of
5 operating practices, Randy Valencia. He'll be here
6 next this afternoon. Randy does report to me, but
7 he'll give you a detailed breakdown.

8 But the road foreman, generally, supervises
9 our engineers across a certain territory. So I know
10 you spoke with Josh Roberson this morning. So, for
11 example, he would have the engineers between Kansas
12 City and Wilmington. He provides check rides. He has
13 on board rides with engineers. He reviews downloads.
14 He responds to derailments. He is involved in
15 investigation into derailments or incidents. Pretty
16 much anything in the cab as far as supervising somebody
17 from point A to point B.

18 MR. TORRES: Do you ensure that he meets his
19 requirements? I mean, like, do you know how many tests
20 he's required to do?

21 MR. GARLAND: So, yes. And I'm responsible
22 for that. In terms of the actual number, Randy would
23 be able to give that to you. But in terms of ensuring
24 that everybody stays within compliance, I have a
25 manager of safety that runs different compliance

1 reports, and anybody that's out of compliance is then
2 flagged for additional follow up. So part of Randy's
3 charge is to make sure his team stays within
4 compliance.

5 MR. TORRES: Okay. How about the discipline
6 policy? Are you familiar with that?

7 MR. GARLAND: Yes.

8 MR. TORRES: Can you give us a description or
9 how it works?

10 MR. GARLAND: Sure. So we have DNSF for
11 policy for employee performance and accountability
12 which is called our PEPA policy.

13 Basically, the long and short of it is any
14 serious type event results in what we call a level S or
15 serious level type review which is a three review. If
16 you have two serious events it could result in
17 termination of your position.

18 Under what was called safety summit
19 agreement we have an alternate handling policy that
20 allows for additional retraining, and so it is kind of
21 broad-based framework for discipline where the general
22 manager, based on the seriousness of the event, has the
23 ability to look at the event, take different inputs
24 into what occurred, and then make a decision based on
25 the event.

1 MR. TORRES: So you are involved in the
2 discipline?

3 MR. GARLAND: Yes.

4 MR. TORRES: And remedial training or
5 whatever?

6 MR. GARLAND: So the remedial training
7 portion would, again, fall to Randy to administer.
8 Again, have it ensure that Randy was providing
9 oversight for that process.

10 MR. TORRES: You say you're involved in the
11 discipline part of it, so what role do you play, you
12 know, on it? What is it that you decide or not decide
13 on?

14 MR. GARLAND: Right. So, specific to the
15 transportation group I'm more heavily involved in the
16 discipline process. I'm also responsible for track and
17 engineering signal for any dismissal type decisions.

18 That, as it relates to transportation, you
19 know, any type of serious level event is where I would
20 be engaged. So I'm not sure if that answers what
21 you're looking for, but that's the touch point that the
22 GM becomes involved is more on the serious level
23 events.

24 MR. TORRES: Now, how about employees? I
25 mean, do you have -- is there certain employees you're

1 concerned about or do you keep track of that or does it
2 come to you? Say, you know what? We need to watch
3 this guy and what?

4 MR. GARLAND: It's based on input, right? So
5 if we have a serious event I take as many inputs as I
6 can before making a decision. And that would be part
7 of the question process through it is, you know, are we
8 concerned about this employee? You know, what does his
9 local chairman or what does his labor representative
10 think or how do they feel about his performance?

11 What does the road foreman say and what does
12 the train master say? How does the whole supervision?
13 What does the record look like? How long has he been
14 employed with BNSF? So it's kind of a holistic
15 approach where you take, you know, maybe 30 or 40
16 different inputs in making a single decision.

17 MR. TORRES: Were you familiar with the
18 engineer of the striking town eastbound? Were you
19 familiar with his record?

20 MR. GARLAND: Yes. Yes, I was.

21 MR. TORRES: And was there anything actively
22 that you were doing or telling your managers that they
23 should do?

24 MR. GARLAND: So Cody Owens, the engineer
25 involved in the event, he had been with BNSF for

1 approximately 20 years. And he, I think it was in '15,
2 he had a dark signal test, like, that he failed. So
3 it's an operations test failure which resulted in a
4 serious level event.

5 So, you know, I was -- at that point that's
6 where, again, talking about a serious level event
7 that's where the GM would be involved, right? That
8 event doesn't happen every day. So, obviously,
9 anything that's serious, again, I'm involved in that
10 process.

11 So the second event that he had was, again,
12 within a short amount of time prior to that first
13 event. And, again, him being a 20 year employee
14 that's, again, where I take a look at all the different
15 inputs into making a discipline decision.

16 So our PEPA policy, at that point, would
17 allow for dismissal at that point. But, you know,
18 you've got to take a lot of different things into
19 consideration. So I'll speak to Cody's second event.

20 And there was an over speed violation where
21 he basically went over speed. It was a decertification
22 event. And he went on record to say, you know, he was
23 having a lot of life issues. His wife was threatening
24 suicide. He needed assistance.

25 Again, this engineer had been with BNSF for

1 20 years and in a short time frame had ran into a
2 couple different issues. So we, again, tried to do
3 everything we could to help the employee. Get him
4 employee assistance program, ensure that he's involved,
5 enrolled in it, actively seeking that treatment. You
6 know, at that point, making sure that my guys Randy or
7 Josh or the operating practices folks are really making
8 sure that they work with him and coach him and train
9 him, and make sure that, you know, he can be the best
10 employee that he can.

11 It's not typical that, I would say, we fire
12 somebody or dismiss somebody with that amount of tenure
13 for two issues that happened relatively in a short
14 amount of time. And I chalk that up to maybe, you
15 know, the guy was having some family issues, right?
16 And get him the help he needs and, you know, move on
17 from there, right?

18 MR. TORRES: Yes, so that was in September,
19 the speeding violation you're talking about. Then in
20 May he got a formal reprimand for excess duty
21 attendance. I guess he wasn't protecting his job.
22 What was that two missing calls or was that
23 (unintelligible)?

24 MR. GARLAND: You know, that's not a serious
25 level event. I would have to look at his record to

1 give you a response.

2 MR. TORRES: And then in June 1st he had an
3 approach signal where he got, I guess, a test failure
4 on that.

5 MR. GARLAND: Yes. So that event would be
6 what is categorized under our policy as a class 3 or a
7 very -- it's really a non-serious event. Cody had
8 self-reported, so it wasn't something that, you know,
9 he was hiding or trying to evade. He self-reported an
10 event where he placed his train into emergency.

11 The standard handling for that event for any
12 other employee would just be a coach and counsel. Due
13 to us making sure that we continued to give Cody all
14 the tools and training at our disposal we decided to
15 progress him through, what we call, alternate handling.

16 The alternative handling program is designed
17 to really ensure that we have that retraining, and that
18 we're aware that -- Cody's aware that we're working
19 with him, and to continue to give him the help that he
20 needed.

21 MR. TORRES: Was he getting that retraining?

22 MR. GARLAND: He hadn't gotten it yet. So he
23 was -- under that framework he has a certain amount of
24 time to get that retraining or to go through that
25 alternate handling plan. So let me rephrase. So, yes,

1 he was getting retraining under his prior
2 decertification event, and Josh Roberson was working
3 with him very closely. But the alternate handling for
4 that June 1st event was not completed. It was actually
5 set to be completed later that week.

6 MR. TORRES: So when a decision is made to
7 have an alternative plan for him do you become aware of
8 it? Do you approve it or disapprove it or...

9 MR. GARLAND: No. I'm not involved at that
10 detail level on the alternative handling plan approval.
11 Again, the discussion would be, and it was had, would
12 be Josh and Randy Valencia, do we just give him coach
13 and counseling which would be a standard response which
14 is basically, you know, just, hey, don't do this again.

15 MR. TORRES: Right.

16 MR. GARLAND: Or do we actually put him
17 through an alternative handling plan to give him more
18 tools and more retraining.

19 MR. TORRES: But did it concern you that he
20 had two de-certifiable events in 2012 and then
21 reprimand in May and then approach signal failure in
22 June of 2016? Did it ever -- did it raise any flags to
23 you?

24 MR. GARLAND: I just want to make sure I
25 heard that right. Did you say 2012?

1 MR. TORRES: I'm sorry.

2 MR. GARLAND: Okay.

3 MR. TORRES: 2015 he had two de-certifiable
4 events?

5 MR. GARLAND: Yes.

6 MR. TORRES: And then a reprimand earlier
7 this year and then the failure error in June.

8 MR. GARLAND: Yes.

9 MR. TORRES: So did it raise any flags to you
10 or any concerns?

11 MR. GARLAND: So I was naturally concerned,
12 right? I mean, you have two serious level events for
13 an employee. But, you know, he went on record in his
14 investigation, part of the formal transcript, to say
15 that, you know, he was having a really difficult time
16 at home, right?

17 And maybe he put on record that his wife was
18 threatening suicide. You know, again, he'd been with
19 us for 20 years. I think that counts for a lot, right?
20 So if I look at how we handle the discipline is was in
21 the PEPA framework. We didn't go outside of policy.

22 And that's my role, to make sure that, you
23 know, we get the guys the help that they need when they
24 need it. I'm a resource for them. So is it
25 concerning? Yes, and I think we handled it

1 appropriately. I think we handled it within, again,
2 within policy and getting him all the tools and
3 retraining at my disposal.

4 MR. TORRES: Engineer is a safety sensitive
5 position, so you based your decision on what actions
6 you were going to take involving sampling outside him
7 family -- outside of work?

8 MR. GARLAND: I based my decision on, A, his
9 tenure with BNSF. B, that he had two events within a
10 short time frame. C, that he was requesting outside
11 help and we provided it. And I followed up to make
12 sure that he was actually getting that help. So, yes,
13 I think based on those three factors.

14 MR. TORRES: And did he get help from, you
15 know, for his family issues or?

16 MR. GARLAND: He did. So, obviously, that's,
17 you know, and I wouldn't say client/attorney privilege,
18 but it's some type of relationship with the therapist
19 or psychiatrist, so I'm not allowed to. Understand,
20 number one, and even if I did I couldn't divulge it, I
21 believe. But I wasn't made aware and what I am able to
22 tell you is, yes, he did seek help, and, yes, the help
23 was provided.

24 MR. SOUTHWORTH: Rick?

25 MR. NARVELL: This is Rick Narvell of the

1 NTSB.

2 Matt, what I do for this agency is I do
3 human factor things. Training and drug and alcohol and
4 so on and so forth. And what we've just learned here
5 in the last few minutes is I want to dig a little
6 deeper to with what you know about this gentleman and
7 his family issues.

8 If you're not all aware of the HIPAA
9 concerns, we should be, so if you're aware of the
10 HIPAA, what that means. Do you know -- that may not
11 pertain to here, but basically it's protecting the
12 individual under a federal law for medical disclosures
13 of information.

14 MR. GARLAND: Right.

15 MR. NARVELL: So I'm going to try to steer
16 away from that because that's a legal beagle type
17 thing, attorney thing, but --

18 MR. GARLAND: If I could --

19 MR. NARVELL: Sure.

20 MR. GARLAND: -- I only brought up that part
21 because he divulged it in a public forum --

22 MR. NARVELL: Right.

23 MR. GARLAND: -- on record.

24 MR. NARVELL: Okay.

25 MR. GARLAND: On public transcript, so.

1 MR. NARVELL: Okay.

2 MR. GARLAND: You know, and then, obviously,
3 the help that was given to him I don't know what that
4 was, but --

5 MR. NARVELL: Sure.

6 MR. GARLAND: -- he did receive some kind of
7 treatment or help.

8 MR. NARVELL: So we'll track that down.

9 MR. GARLAND: Okay.

10 MR. NARVELL: And I'll take -- I will make
11 that happen. But from your perspective, let me look
12 over to make sure that I heard correctly.

13 MR. GARLAND: Sure.

14 MR. NARVELL: And particularly with the
15 specifics on the dates here. So in September of last
16 year, so what, ten months ago now, something like that
17 or nine months -- 11 months ago. At some point he was
18 brought in and there was a discussion between he, you,
19 and Randy?

20 MR. GARLAND: No.

21 MR. NARVELL: How did this business of his
22 wife come up?

23 MR. GARLAND: Oh. So when -- and the second
24 event that I referred to, the speeding violation, where
25 we went to a formal investigation, okay?

1 MR. NARVELL: Right.

2 MR. GARLAND: So to find out the facts and
3 make a discipline decision.

4 MR. NARVELL: Okay.

5 MR. GARLAND: Either yes, he did do it, and
6 we're going to make a decision X, Y, Z, whatever the
7 case is, right?

8 MR. NARVELL: Okay.

9 MR. GARLAND: So that's in a formal
10 investigative process. That's where I was made aware
11 of it.

12 MR. NARVELL: And when was that again? I'm
13 sorry.

14 MR. GARLAND: That was for the second serious
15 event which I think we want to refer to as the, in
16 terms of month which --

17 MR. NARVELL: Yes, month and a year.

18 MR. GARLAND: Yes. That's -- we'll need to
19 track that down, exactly.

20 MR. SOUTHWORTH: Okay. What was your
21 question, Rick? I didn't hear.

22 MR. NARVELL: The date of this that the
23 formal investigation with this was involved.

24 MR. GARLAND: Okay. It was the -- you're
25 searching for the actual day?

1 MR. NARVELL: Well, no. The month and year.

2 Is it --

3 MR. SOUTHWORTH: September of '15.

4 MR. NARVELL: '15.

5 MR. GARLAND: Yes. So we'll refer to that as
6 the September '15 event.

7 MR. NARVELL: So this is when this first
8 surfaced, if you will?

9 MR. GARLAND: Correct.

10 MR. NARVELL: Yes, all right.

11 MR. GARLAND: Yes, so that's when I was made
12 aware of it.

13 MR. NARVELL: Okay.

14 MR. GARLAND: I read the formal transcript.
15 That's part of my responsibility, especially in any
16 serious level event --

17 MR. NARVELL: Okay.

18 MR. GARLAND: -- which this was, right? So
19 I read the formal transcript and that's where it was
20 divulged to me that --

21 MR. NARVELL: Okay.

22 MR. GARLAND: -- that happened.

23 MR. NARVELL: And then subsequent to this,
24 the EAP was offered and he accepted that?

25 MR. GARLAND: Correct.

1 MR. NARVELL: For whatever that entailed?

2 MR. GARLAND: Correct.

3 MR. NARVELL: All right. Do you know how
4 long that would have been?

5 MR. GARLAND: No. And I try, because of the
6 concerns you spoke about with HIPAA and everything I
7 try to tread very carefully around asking very specific
8 questions.

9 MR. NARVELL: Right.

10 MR. GARLAND: My concern is, A, are they
11 getting treatment, and, B, are they -- did they follow
12 the plan that was provided to them. And once I get a
13 satisfactory yes and yes then I move forward.

14 MR. NARVELL: And just for the record, did
15 you get that yes and yes?

16 MR. GARLAND: I did, yes.

17 MR. NARVELL: Okay.

18 MR. GARLAND: I did.

19 MR. NARVELL: Did you know him beyond this?
20 Did you have any other contact with him up to and
21 including this very recent, prior to this incident,
22 Panhandle?

23 MR. GARLAND: You know, his family believes
24 that I met him, and I believe I probably did at some
25 point. I don't recall meeting him specifically. You

1 know, we have a pretty large division, 2,400 employees
2 and I do spend as much time as I possibly can in the
3 career room at Amarillo.

4 And at any given point they'll have, you
5 know, could have upwards of 30 to 40 people in there.

6 MR. NARVELL: Okay.

7 MR. GARLAND: I do town halls. I do what's
8 called a listening post. So, like, I bring some of my
9 management in. I sit in the career room and we just
10 discuss safety and, you know, concerns that the crew
11 base might be having, and then we actually log all
12 those concerns.

13 And then when we do that, we do it every
14 quarter, and then we come back and we discuss what our
15 resolution was with different crews. And that process,
16 I think, at least his family recalls that I met him.
17 Or at least I had some kind of impact on him. They
18 remembered me meeting him.

19 MR. NARVELL: Okay. When you refer to his
20 family, I'm glad you brought that up, do you know if he
21 still had a wife at the time of this incident or do you
22 know?

23 MR. GARLAND: He did -- does. Yes, he did.

24 MR. NARVELL: He does now, okay.

25 MR. GARLAND: My recollection, I met her,

1 unfortunately at her -- at his funeral.

2 MR. NARVELL: Okay.

3 MR. GARLAND: And I spent some time with the
4 family post-event. One of my responsibilities is the
5 unfortunate event of speaking with the family after
6 something serious like this happens, so.

7 MR. NARVELL: Okay.

8 MR. GARLAND: So I was the representative of
9 BNSF to speak with the family.

10 MR. NARVELL: You had that unfortunate duty -
11 -

12 MR. GARLAND: Yes.

13 MR. NARVELL: -- if you will. Okay.

14 MR. GARLAND: Yes.

15 MR. NARVELL: So he, and I don't want to go
16 over history. I just want to make sure I have the
17 timeline in a linear fashion down here.

18 MR. GARLAND: Sure.

19 MR. NARVELL: He -- you -- he got -- the help
20 is offered in some time subsequent to September '15.
21 You got your yes and yes.

22 MR. GARLAND: Yes.

23 MR. NARVELL: And was there any additional,
24 to your knowledge, EAP or concerns about a family
25 member of himself that you were aware of up to and

1 including the time of this incident?

2 MR. GARLAND: No.

3 MR. NARVELL: Okay. So he went back to work
4 or per normal in your book?

5 MR. GARLAND: Yes. Per --

6 MR. NARVELL: And I don't want to put words
7 in your mouth.

8 MR. GARLAND: Yes. No, no. That's fair. I
9 mean, per normal, you know, I guess I would use off the
10 radar. You know, appeared that the help and the
11 treatment plan, the discussions and the additional
12 retraining, the additional resources that we gave him
13 were effective.

14 MR. NARVELL: Okay. Good. We talked a
15 little bit, or Tom asked us a little bit about
16 alternative handling. Do you know what the genesis of
17 this policy or program was or no? How it came about?

18 MR. GARLAND: Well, they're probably folks
19 that could explain the genesis and the history a lot
20 better than I could. At the time, I was not involved
21 with the discipline-level decisions as much as I am
22 now.

23 But I could say probably at a high level the
24 intent is to do exactly what we were attempting with
25 Cody. To get folks that have had a long tenure with

1 BNSF retraining, help, and make them a productive
2 employee, and safe employees. I mean, that's, ideally,
3 the entire genesis of this was really, you know, how do
4 we figure out how to involve ourselves without
5 discipline to a way that we're making our employees
6 more safe.

7 MR. NARVELL: Okay. So this most recent
8 incident before the 28 June Panhandle accident, and
9 when I say that, I mean, the 1 June --

10 MR. GARLAND: Yes, sir.

11 MR. SOUTHWORTH: -- level 3 event.

12 MR. GARLAND: Yes. Class 3.

13 MR. NARVELL: So that happens and then there
14 was, I guess for lack of a better term, there was a
15 plan being formulated for the way forward for Mr.
16 Owens, right?

17 MR. GARLAND: Correct.

18 MR. NARVELL: What was that plan? Even
19 though it wasn't finalized, did you have an idea of
20 what plan that was for him by time of this incident?

21 MR. GARLAND: I did not.

22 MR. NARVELL: So it was still -- there was
23 another -- it was almost a month there that you were
24 still thinking about what to do and how to -- is
25 that...

1 MR. GARLAND: No. I wouldn't characterize it
2 as that. So --

3 MR. NARVELL: How would you characterize it
4 then?

5 MR. GARLAND: That the road foreman, Josh
6 Roberson --

7 MR. NARVELL: Right.

8 MR. GARLAND: -- Randy Valencia.

9 MR. NARVELL: Okay.

10 MR. GARLAND: They would be ultimate folks
11 that would be responsible for the crafting, creation,
12 and execution of that plan.

13 MR. NARVELL: Do you know where it was in
14 that process by 28 June?

15 MR. GARLAND: They had scheduled a meeting
16 for that week to go through the process. Obviously, we
17 didn't get past that Tuesday.

18 MR. NARVELL: Okay.

19 MR. GARLAND: But, again, my involvement as
20 the general manager would not be that detailed down to
21 the execution alternate handling plan. That would be
22 left to the road foreman and to the (unintelligible).

23 MR. NARVELL: Okay. So maybe Randy would be
24 the person that we could address this question to, to
25 say, did you have a plan? Even though it wasn't

1 blessed or official for Mr. Owens, and what were the
2 elements of that plan?

3 MR. GARLAND: Yes, yes. I think so.

4 MR. NARVELL: Because that would have been
5 almost a month from the time of this incident until the
6 time of the Pan incident -- Panhandle incident.

7 MR. GARLAND: Right. And Josh, Josh and
8 Randy.

9 MR. NARVELL: I would think that -- what I'm
10 getting at is I'm thinking he, I would guess, I don't
11 know this, but I don't want to assume, obviously, there
12 must have been some at least tentative plan to say
13 we're going to go with this and maybe we tweak it a
14 little bit, etcetera. And maybe he's the person to ask
15 for that?

16 MR. GARLAND: I think it's fair question --

17 MR. NARVELL: Is that fair?

18 MR. GARLAND: -- to ask --

19 MR. NARVELL: Okay.

20 MR. GARLAND: -- Josh and I'm hoping you ask
21 Josh that this morning in terms of what he was thinking
22 because I'm sure he had a lot of thoughts on how he was
23 going to address it and what he was doing.

24 MR. NARVELL: Okay. All right. I think
25 that's all I have for right now. Thank you.

1 MR. SOUTHWORTH: I'm going to try not to
2 reiterate too much stuff or go over things, but I --
3 the agreement that's worked out with the union which
4 includes the alternative handling. What's that
5 document called again?

6 MR. GARLAND: Safety summit agreement.

7 MR. SOUTHWORTH: Safety summit agreement. I
8 never remember the name. I had a chance to review a
9 little bit of it.

10 MR. GARLAND: Okay.

11 MR. SOUTHWORTH: My questions are going to
12 be related to timeline and what I believe is covered in
13 the safety summit documentation.

14 UNIDENTIFIED SPEAKER: Identify.

15 MR. SOUTHWORTH: Hmm?

16 UNIDENTIFIED SPEAKER: Identify yourself.

17 MR. SOUTHWORTH: Oh, I'm Jim Southworth.

18 So 9/21/2015 he gets decertified. He passed
19 up a slow order too fast.

20 MR. GARLAND: Correct.

21 MR. SOUTHWORTH: So he -- he's disciplined,
22 he's decertified. He works as a breakman, and that's
23 what he's able to hold and that's what he works. He
24 works on that up until middle of March 2016 and he
25 regains his certification as a move engineer.

1 June 1st rolls around and he self reports a
2 problem where he passed an approach and he had to place
3 his train into emergency. So now he's in process,
4 we'll call it, where you and Randy, I guess, and
5 probably some input from Josh were looking at what to
6 do. Here we have it. You've got the summit agreement.

7 And so in those discussions and in that
8 discerning work that you did on the BNSF, did you make
9 a determination to go ahead and go with the alternative
10 handling for this incident as well?

11 MR. GARLAND: The June 1st event?

12 MR. SOUTHWORTH: Yes, the one he self
13 reported.

14 MR. GARLAND: Okay.

15 MR. SOUTHWORTH: So before this accident, and
16 I know it's very close in proximity to that June 1
17 date, of course, what was going on? Was the
18 determination already made or was it being made for him
19 to go into an alternative handling program of some
20 sort?

21 MR. GARLAND: It was before June 28th.

22 MR. SOUTHWORTH: Right.

23 MR. GARLAND: We made the determination for
24 him to go into an alternate handling --

25 MR. SOUTHWORTH: Okay. And that --

1 MR. GARLAND: -- program.

2 MR. SOUTHWORTH: -- and the program itself
3 and whatever determinations were made had they been
4 documented? Was there something documented for the
5 alternative handling that he was going to have to abide
6 by or do? What the training might be? Those kind of
7 things?

8 MR. GARLAND: So part of the process, it's a
9 couple different things. Let me just backtrack just
10 slightly. So the June 1st event, for our standard
11 handling under a typical policy that would be a coach
12 and counsel level decision which wouldn't go into that
13 alternate handling plan at all, right? So we were more
14 restrictive in terms of when we looked at the June 1st
15 event.

16 Standard handling, again, would just be for
17 a road foreman to have a conversation and that would be
18 it, right? So we were more restrictive in terms of
19 going, okay, we want to do something additional. And
20 by doing something additional we felt that under the
21 guise of the alternative handling program we would
22 apply that.

23 So that was where my involvement somewhat
24 stopped is, okay, recognizing Cody's had some issues,
25 right? We're getting him some help and we're getting

1 him some retraining. He's had an event. Typically we
2 just talk to him about it, right? But we want to make
3 sure that we're more restrictive with him to make sure
4 that we continued to retrain him and re-coach him. And
5 so that's where I said, okay, let's go down that avenue
6 and get him more help.

7 MR. SOUTHWORTH: Okay.

8 MR. GARLAND: Does that make sense?

9 MR. SOUTHWORTH: Yes. A self reported
10 accident that he self reported him -- that's what I'm
11 getting at, of passing an approach and putting the
12 train into emergency as a result of that, is that de-
13 certifiable on that?

14 MR. GARLAND: No.

15 MR. SOUTHWORTH: It's not?

16 MR. GARLAND: It is not.

17 MR. SOUTHWORTH: It's not as severe or of
18 concern as passing a slow order too fast which he was -
19 - was a de-certifiable event?

20 MR. GARLAND: Correct.

21 MR. SOUTHWORTH: Okay.

22 MR. GARLAND: So passing an approach of the
23 speed that he did and the putting his train in
24 emergency ahead of the stop, we have thousands of
25 trains that pass approach signals every day, right?

1 That's not a concern, right? It's being prepared to
2 stop ahead of the red signal.

3 MR. SOUTHWORTH: All right. So if he gets by
4 the red that's a de-certifiable --

5 MR. GARLAND: That's --

6 MR. SOUTHWORTH: -- event?

7 MR. GARLAND: -- it's a de-certifiable,
8 right? So --

9 MR. SOUTHWORTH: So that's what had me
10 confused a little bit.

11 MR. GARLAND: Okay.

12 MR. SOUTHWORTH: It looked like there's a lot
13 in that agreement that's based on a 24 month period.
14 If you don't have another violation in a 24 month
15 period then you're doing much better, and handling of
16 things is much better.

17 If they were both de-certifiable events
18 within those 24 months would he be ineligible for
19 alternative handling? That's the understanding I'm
20 trying to get because we have two big events. And that
21 would nullify him from using an alternative handling?

22 MR. GARLAND: For a serious level event.

23 MR. SOUTHWORTH: And if the union
24 representative asks for it anyway you would still have
25 the option to say yes if you wanted or because of the

1 way it's written up, two violations within 24 months
2 you would not? Just trying to understand how it works.

3 MR. GARLAND: Yes. No, no. It's a fair
4 question. It is somewhat complex.

5 MR. SOUTHWORTH: Okay.

6 MR. GARLAND: So --

7 MR. SOUTHWORTH: But the real understanding I
8 want to make sure I have is --

9 MR. GARLAND: Sure.

10 MR. SOUTHWORTH: -- 9/21 de-certifiable,
11 high level, great concern. Works as a breakman, gets
12 re-certified in the middle of March of 2016. The 6/1
13 self reportable, past an approach, is not the same
14 level as a de-certifiable event. And after
15 consideration from you at your level, Randy at his
16 level, input from Josh, I'm sure maybe input from Cody
17 himself, we were in the process of an alternate
18 handling which we probably or we did not -- or I say
19 we, the BNSF did not really get a chance to implement
20 that before the accident we had on the 28th?

21 MR. GARLAND: Correct.

22 MR. SOUTHWORTH: Okay.

23 MR. GARLAND: So --

24 MR. SOUTHWORTH: That be correct?

25 MR. GARLAND: I just need to clarify that,

1 again, the June 1st event, the handling of that was
2 more restrictive than it would have been in any other
3 scenario. Because he had a serious event prior to that
4 we did -- we elected to put him into an alternate
5 handling program which is more restrictive.

6 Otherwise, the normal handling, even if you
7 had a level S prior, would be to just have a
8 conversation.

9 MR. SOUTHWORTH: That's what I wanted to get
10 at. The coaching, the counseling at Josh Robertson's
11 level --

12 MR. GARLAND: Correct.

13 MR. SOUTHWORTH: -- as a road foreman.

14 MR. GARLAND: Yes.

15 MR. SOUTHWORTH: That's what I wanted to
16 clarify.

17 MR. GARLAND: So we decided, elected
18 collectively, to make it more restrictive by putting an
19 alternate handling plan to continue our retraining
20 efforts.

21 MR. SOUTHWORTH: Okay. And under the
22 agreement, the summit agreement, was that also
23 requested by his union representation or by him himself
24 as part of the discussions?

25 MR. GARLAND: Yes. I don't think, at least

1 in -- you'd have to -- you could ask Cody or -- not
2 Cody --

3 MR. SOUTHWORTH: Okay.

4 MR. GARLAND: -- you could ask Josh or Randy
5 about this. I never had a conversation with the local
6 chairman about that specifically. Their local chairman
7 would be involved in the plan.

8 MR. SOUTHWORTH: Okay.

9 MR. GARLAND: That's part of the process.
10 But, yes. So the prior events the chairman would have
11 requested alternative handling for.

12 MR. SOUTHWORTH: Particularly the one in
13 September.

14 MR. GARLAND: Yes.

15 MR. SOUTHWORTH: Which was de-certifiable.

16 MR. GARLAND: It's de-certifiable. And we
17 declined alternate handling and said, no, it's a
18 serious event.

19 MR. SOUTHWORTH: Which you can do by the way
20 the agreement's written?

21 MR. GARLAND: Correct.

22 MR. SOUTHWORTH: Okay.

23 MR. GARLAND: And then we moved to formal
24 investigation, and then that's where I take a look at
25 that, like I was telling you about how that holistic

1 picture between local chairman input. You know, now
2 we've got this EAP factor. He's a 20 year employee.
3 He's had two events in a short amount of time, but he's
4 been with us for 20 years.

5 And now we know he has a life event, right?
6 Do we dismiss him based on that or do we not? And
7 that's the decision I have to make.

8 MR. SOUTHWORTH: Right. Okay. How frequent
9 do you run into these kinds of situations similar to
10 Cody's? Where he's got years of experience, recent
11 violation, made amends, became certified, runs into a
12 little trouble again.

13 MR. GARLAND: Yes. It's really tough to say.

14 MR. SOUTHWORTH: Okay. That's
15 (unintelligible).

16 MR. GARLAND: I mean, you're just really
17 asking me to --

18 MR. SOUTHWORTH: I just thought if you had a
19 few of them in mind. They popped up, it's fine.

20 MR. GARLAND: I don't know.

21 MR. SOUTHWORTH: It just goes to consistency,
22 but I don't -- that's okay. I think your answers were
23 good for these.

24 Let's see, outside of HIPAA and all kinds of
25 other things that we don't want to discuss or breech

1 into someone's privacy rights and whatnot. Did he ever
2 give up to you or say to you he had any physical
3 problems or outward medical problems that he would need
4 to report, not report, or filed a claim? Okay.

5 MR. GARLAND: No.

6 MR. SOUTHWORTH: He did not, okay. The duty
7 attendance, that's what? That's a very low violation
8 or a very low of great -- lower concern?

9 MR. GARLAND: Yes.

10 MR. SOUTHWORTH: All right.

11 MR. GARLAND: Given context for it.

12 MR. SOUTHWORTH: Okay. Yes, I understand.

13 MR. GARLAND: I mean, does that make sense to
14 you?

15 MR. SOUTHWORTH: No, I understand.

16 MR. GARLAND: Get 100 of those in a month.

17 MR. SOUTHWORTH: You're explained to us that
18 the level of how you look at these incidents,
19 particularly those that will require some type of
20 discipline or action and how they're related to the, if
21 you call them level 1 or level, I forgot --

22 MR. GARLAND: S.

23 MR. SOUTHWORTH: Level S.

24 MR. GARLAND: Serious level.

25 MR. SOUTHWORTH: And we've asked some

1 questions following up on that to see what you would do
2 with these level S, and I think we -- I have, at least
3 now, and maybe we'll get some follow ups related to how
4 this situation was handled for his level S up until
5 June 1 and then consequently, of course, the accident.

6 MR. GARLAND: Okay.

7 MR. SOUTHWORTH: And I just thought I needed
8 clarification on what happened in March or what
9 happened in June of what level that was. And I have
10 that understanding now.

11 We're going to -- when we're done going
12 through all this stuff I forgot to tell you we'll do
13 two rounds of follow ups. So you might not get
14 questions from people first round, but you might get
15 them second round.

16 MR. GARLAND: Sure.

17 MR. SOUTHWORTH: We'll take a little break in
18 between that as well.

19 MR. GARLAND: Okay.

20 MR. SOUTHWORTH: I have no further questions
21 at this time.

22 MR. GARLAND: Would you mind if I took a
23 short time out.

24 MR. SOUTHWORTH: Not a problem.

25 MR. GARLAND: Just to get a little --

1 MR. SOUTHWORTH: Let's take these off --

2 MR. GARLAND: Okay.

3 MR. SOUTHWORTH: -- and we're going to take
4 a break.

5 On the record, we're going to go to my right
6 and ask if Steve Facklan has any questions for you.

7 MR. FACKLAN: Steve Facklan, BLET Safety Task
8 Force. No questions at this time.

9 MR. SOUTHWORTH: Thank you.

10 MR. RINGELMAN: No questions.

11 MR. SOUTHWORTH: No questions from Ryan
12 Ringelman.

13 MR. MARTINEZ: Chris Martinez. I have no
14 questions.

15 MR. RATLEDGE: No questions from Aaron
16 Ratledge.

17 MR. SAUNDERS: No questions. Kamron
18 Saunders.

19 MR. SOUTHWORTH: Okay. Now we're ready for
20 follow ups and we'll start with Tomas.

21 MR. TORRES: Tomas here with the NTSB. Just
22 one little question as far as your decision. You say
23 you weighed the factors that were outside of his life
24 and his work history, 20 years. How much weight did
25 you put in safety, you know, when you put all that

1 stuff together still? How -- what your decision was
2 going to be? What were you going to do about -- on
3 that, June 1st?

4 MR. GARLAND: So I would say heavily. I'm
5 responsible for these guys' safety, right? And my
6 ultimate concern is the safety of my employees and the
7 guys that work for me. You know, this impacts me more
8 than anyone because, you know, ultimately, I'm
9 responsible for making that decision.

10 So I would say top of mind, 100 percent. It
11 starts and ends with that as being part of the decision
12 making process.

13 MR. TORRES: Could part of the alternative
14 plan there, could it be where you can work it out
15 between your managers where he could continue working,
16 but maybe with another engineer? You know, like
17 assigned to another engineer, so he can -- won't be by
18 himself? As a form of retraining?

19 MR. GARLAND: I guess I need -- I mean,
20 anything's possible, right? You know, if we look at an
21 alternate handling plan and decide what would be the
22 best avenue for Cody based on the situation or the
23 scenario. We still operate within collective
24 bargaining agreements, and so we would have to stay
25 within the confines of locomotive engineer's

1 agreements.

2 MR. TORRES: The reason I'm asking is because
3 it looked like he had issues outside of work that were
4 affecting his work performance. So my question is,
5 should he have been by himself? My question is, should
6 he have been under direct supervision, you know, while
7 he was retraining, you know? Because he had serious
8 problems in a short period of time.

9 MR. GARLAND: Well, in -- you know, again,
10 this is why we have an employee assistance program with
11 professionals that deal with his well-being and his
12 concern, and when they respond back that he has
13 completed it satisfactorily. That, you know, at that
14 point there's also two people in a cab, right? So he's
15 not up there by himself.

16 We have a conductor that's on the left-hand
17 side of the cab that is there to assist the engineer as
18 well. So I think if you look at that I would answer
19 yes, we do have a conductor in the cab. And
20 secondarily, you know, we got the help that he
21 requested and we made sure that that happened.

22 MR. NARVELL: This is Rick Narvell. I guess
23 it's just me, but I just wanted to make sure -- it's
24 more of a clarification question. Based on the 1 June,
25 the 2016 incident, the level 3 event, right? Is that

1 what we call that?

2 MR. GARLAND: A class 3.

3 MR. NARVELL: Or class 3.

4 MR. GARLAND: Class 3 offense, yes.

5 MR. NARVELL: Okay. There was a decision
6 made, ostensibly, by you to put this gentleman on
7 alternative handling. Yes or no?

8 MR. GARLAND: Joint decision, ultimately my
9 authority to, yes.

10 MR. NARVELL: Now, the details were still
11 being worked out. What we'll call, we'll refer to as
12 the process, correct?

13 MR. GARLAND: Yes, the plan of the process.

14 MR. NARVELL: But the actual, here's our way
15 forward with this gentleman, based on the 1 June
16 incident was, in fact, alternative handling? Is that
17 correct, yes or no?

18 MR. GARLAND: Can you rephrase that one more
19 time?

20 MR. NARVELL: So there's two parts to this,
21 okay? One is the decision, yes or no, based on the 1
22 June incident. So referring --

23 MR. GARLAND: And then the June --

24 MR. NARVELL: Right.

25 MR. GARLAND: -- 1 incident, specifically, I

1 was involved in the --

2 MR. NARVELL: Decision.

3 MR. GARLAND: -- decision making process,
4 and ultimately responsible for making that decision to
5 give him something that was more restricted which was
6 alternate handling.

7 MR. NARVELL: So that one was --

8 MR. GARLAND: Is that the answer --

9 MR. NARVELL: -- a way through it?

10 MR. GARLAND: Correct.

11 MR. NARVELL: Okay. Now, the details or the
12 process, however you want to characterize that, that
13 was going to be left to Josh and the other gentleman
14 that's coming in here. Is that also true?

15 MR. GARLAND: And his labor representative.

16 MR. NARVELL: And --

17 MR. GARLAND: It's a joint --

18 MR. NARVELL: -- his labor representative?

19 MR. GARLAND: Yes.

20 MR. NARVELL: And that was scheduled to be
21 within a week or so or about a week from the 28 June
22 incident?

23 MR. GARLAND: Correct.

24 MR. NARVELL: This incident?

25 MR. GARLAND: Yes. They were scheduled that

1 week to meet.

2 MR. NARVELL: Okay. And then what would have
3 transpired? Can you just walk us through what would
4 have transpired, briefly, from that? Particularly,
5 with your involvement after that plan had been
6 finalized?

7 MR. GARLAND: So my involvement would have
8 stopped with the decision making process --

9 MR. NARVELL: Okay.

10 MR. GARLAND: -- to provide him alternate
11 handling. And the execution, development of the plan,
12 etcetera, would be left to Josh, Randy, and his labor
13 representative.

14 MR. NARVELL: Okay. So that the, for lack of
15 a better term, lower level --

16 MR. GARLAND: Correct.

17 MR. NARVELL: -- would deal with it, okay.

18 MR. GARLAND: Well, it's more detailed.

19 MR. NARVELL: Yes, yes.

20 MR. GARLAND: They're the guys in the field
21 working with him. Josh would have, you know, been out
22 there riding with him --

23 MR. NARVELL: Right.

24 MR. GARLAND: -- you know, etcetera. His,
25 you know, labor organization would have had

1 conversations with, you know, the -- could have been a
2 lot of things that could have taken place.

3 MR. NARVELL: Okay. I just wanted to kind of
4 call out or separate your role which is the decision,
5 and the decision, you just said was, yes, we're going
6 to go with this AH or alternative handling. And then
7 we'll leave the processor details or the nuts and bolts
8 of it to the -- to Josh and I can't think of his -- the
9 fellow that's coming in this afternoon.

10 MR. GARLAND: Yes, Randy.

11 MR. NARVELL: Randy.

12 MR. GARLAND: Okay.

13 MR. NARVELL: Thank you. All right. My last
14 area here is we had a lot of discussion centered around
15 and focused on Mr. Owens. Did you know anything about
16 Mr. Smith, his conductor. Do you know any -- did you
17 ever meet him? Did you ever interact with him?
18 Anything about his record, etcetera?

19 MR. GARLAND: Again, I got similar comments
20 from the family that I had met him. At least, he
21 recalled meeting me and spoke about me a couple times.
22 I can't recall specifically meeting him, but, you know,
23 I interact with, again, hundreds and hundreds of
24 employees.

25 But I make it a point to spend a lot of time

1 with the crew, I mean, at Amarillo, so, you know, I'm
2 sure our paths crossed.

3 MR. NARVELL: And that's not a surprise, at
4 least to me, particularly in your position or title,
5 but I just thought I'd ask for the record.

6 MR. GARLAND: (Unintelligible.)

7 MR. NARVELL: You hadn't know this gentleman,
8 so.

9 MR. GARLAND: No, I don't.

10 MR. NARVELL: Okay. I think that's all I
11 have for now. Thank you.

12 MR. SOUTHWORTH: Jim Southworth, NTSB. We go
13 to June 1 to June 28, the accident date. That's 27
14 days, almost four weeks. Is it typical that it would
15 take four weeks to be able to arrange this meet with
16 the union representative and with Cody to go over the
17 alternate handling?

18 MR. GARLAND: Yes.

19 MR. SOUTHWORTH: Typical four weeks is not
20 uncalled for. Is there anything in summit agreement
21 that asks for a certain amount of time that that has to
22 be carried out?

23 MR. GARLAND: I'd have to defer back --

24 MR. SOUTHWORTH: That's fine.

25 MR. GARLAND: -- to the --

1 MR. SOUTHWORTH: We can look. I just
2 wondered if you knew off the top of your head.

3 The -- Rick brought up the next area that I
4 wanted to get some comment on is we do have two people
5 up there. And we focused a lot on score card, if you
6 will, experience and incidents and record
7 chronologically of Cody Owens.

8 I'm assuming, and I'll make the statement
9 now, that we're getting the same information on Mr.
10 Smith? Is that correct? Are we going to develop the
11 same timeline? I would like to. And, also, if there's
12 anything incidents that he had we need to be aware of
13 them. Particularly how they relate to Cody's
14 performance, if they're the same or similar.

15 Same or similar in duration and time,
16 chronologically, and then also if he has items,
17 incidents, class 1, 2, or 3 how are handled. So I'll
18 just state that so Mr. Ringelman knows what I'm looking
19 for when he conducts his --

20 MR. RINGELMAN: This is all stuff, I believe,
21 that's been provided.

22 MR. SOUTHWORTH: Okay.

23 MR. RINGELMAN: He did not have an
24 engineering score card, I don't believe, because he was
25 not an engineer or --

1 MR. GARLAND: No, he (unintelligible)
2 conductor. We won't have them. He doesn't have a
3 score card.

4 MR. SOUTHWORTH: Okay. You understand what
5 I'm looking for? Any parallel information relative to
6 the conductor that was onboard should all be in the
7 packet, okay?

8 MR. GARLAND: And you've had a chance to look
9 at that and I don't think there is much, if anything.
10 I mean, the guy -- he was, like, 59. Been around for a
11 long time.

12 MR. SOUTHWORTH: Right.

13 MR. GARLAND: Really highly regarded
14 employee, not anything, you know, on his record, if any
15 -- you know, of substance, right?

16 MR. SOUTHWORTH: And is there any kind of
17 documentation on this appointment that was to occur
18 that week to go over this information? Make sure we
19 have or was it word of mouth, telephone call, was there
20 an email, was there a letter? Any kind of record --

21 MR. GARLAND: It's a discussion.

22 MR. SOUTHWORTH: -- as to we're going to
23 meet the week --

24 MR. GARLAND: We can ask.

25 MR. SOUTHWORTH: -- of the 28th.

1 MR. GARLAND: You can ask, but I don't -- you
2 know, in this day and ago so many people discuss
3 electronically. Unless they just ran into each other,
4 but it was between Josh and his local chairman, so I
5 would say probably there's an electronic record of them
6 --

7 MR. SOUTHWORTH: Okay.

8 MR. GARLAND: -- saying, like, hey, let's
9 meet or let's regroup on this day or whatever.

10 MR. SOUTHWORTH: We need to do a little --

11 MR. GARLAND: Do you know if we --

12 MR. SOUTHWORTH: -- search?

13 MR. GARLAND: -- I don't know if we've done
14 that or?

15 UNIDENTIFIED SPEAKER: I don't know if we've
16 done the search. That's one of the first things I
17 heard when I got on scene.

18 MR. GARLAND: Yes.

19 MR. SOUTHWORTH: Okay. And you understand
20 why I want that? It just goes to --

21 MR. GARLAND: It's his (unintelligible) yes.

22 MR. SOUTHWORTH: Here's what we wanted to do,
23 we're planning to do. Here's where it shows that was
24 in motion.

25 MR. GARLAND: Right.

1 MR. SOUTHWORTH: I've got an answer from him
2 that's typical, but it's very well typical that what
3 (unintelligible) we see something like that arranged.
4 And in the meantime, there's no restrictions on his
5 activity as an engineer, is that correct?

6 MR. GARLAND: Correct.

7 MR. SOUTHWORTH: And how many --

8 MR. GARLAND: But, again, you know, I, like,
9 don't want to sound like a broken record, but I just
10 feel that this gets less clear because now we've
11 entered this alternate handling plan. But normal and
12 standard handling which is a coach and counseling, not
13 documented, conversation.

14 And so I think that, you know, now we've
15 become more restricted and we said we're going to do
16 all of this other activity that now we're asking, you
17 know, why, right? And I fully understand why, but just
18 want to make sure that I was clear that the standard
19 handling is not even a documented conversation. Just a
20 notated we had a coach and counsel about it, if that
21 makes sense.

22 MR. SOUTHWORTH: All right. I think most of
23 any other concerns or questions I have at this time are
24 probably going to better answered by Randy. So I'll
25 pass on to my right and see if Steve Facklan has any

1 follow up questions.

2 MR. FACKLAN: Steve Facklan, BLET Safety Task
3 Force. No questions.

4 MR. RINGELMAN: Ryan Ringelman, BNSF. No
5 questions.

6 MR. MARTINEZ: Chris Martinez, FRA. No
7 questions.

8 MR. RATLEDGE: Aaron Ratledge. No questions.

9 MR. SAUNDERS: Kamron Saunders, SMART TD. I
10 want to try to get -- I'm confused in the timeline. So
11 at what point did you become aware of his family issues
12 or whatever issues he was having at home? Was that
13 after the June 1st?

14 MR. GARLAND: No, it was prior to that.

15 MR. SAUNDERS: It was during the September --
16 or it was during the investigation of the September
17 21st --

18 MR. GARLAND: Right.

19 MR. SAUNDERS: -- de-cert event?

20 MR. GARLAND: That's correct.

21 MR. SAUNDERS: Okay. Okay. That's what I
22 thought. Okay. That's all I had.

23 MR. NARVELL: It's Rick Narvell. I have
24 nothing further.

25 MR. SOUTHWORTH: I'm going to make the bold

1 assumption that there's no one that has any follow up
2 questions to the questions that weren't asked during
3 the follow up.

4 Anybody else? Well, okay, we're going to
5 call this the end of the interview. We'll turn the
6 microphones off. And, again, thank you for your help.

7 MR. GARLAND: Thank you very much. Hopefully
8 that's helpful.

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C E R T I F I C A T E

MATTER: BNSF Railway Head-On Collision
Panhandle, Texas, June 28, 2016
Accident No. DCA16MR008
Interview of Matthew Garland

DATE: 08-24-16

I hereby certify that the attached transcription of page 1 to 52 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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