

NATIONAL TRANSPORTATION SAFETY BOARD

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

Interview of: JOSH ROBERSON

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: All right. We'll go on the  
3 record. Today is August the 24th, 2016. My name is  
4 Jim Southworth, it's S-O-U-T-H-W-O-R-T-H. I'm the  
5 investigator in charge for this accident that occurred  
6 in Amarillo, Texas on the Burlington Northern Sante Fe  
7 head-on collision occurred June 28, 2016.

8 NTSB Accident Number is DCA16FR008.  
9 DCA16FR008. We're here today to conduct interviews to  
10 gain factual information related to that accident.  
11 We're at the Wingate Hotel in Amarillo, Texas. The  
12 first person interviewee that we'll talk to today is  
13 Josh Roberson. And he is the Division Road Foreman for  
14 the BNSF which is oversight for, in this territory  
15 where the accident occurred.

16 All right. We're going to go around the  
17 room and we'll introduce everyone that's here that will  
18 be participating in this investigation interview. They  
19 may or may not have questions from time to time for  
20 this witness but as for the record they are here and a  
21 part of the interview.

22 I'll start to my left. Well, we'll start  
23 with the witness himself. If you'll state your name,  
24 spell it and then we'll come over here and we'll go  
25 around the room this way.

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1 MR. ROBERSON: Josh Roberson, R-O-B-E-R-S-O-  
2 N. Road Foreman Engines on the Panhandle Sub.

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

5 MR. SOUTHWORTH: And again, I'm Jim  
6 Southworth, investigator in charge.

7 MR. FACKLAN: Steve Facklan, F-A-C-K-L-A-N,  
8 Primary Investigator with the BLET Safety Task Force.

9 MR. RINGELMAN: Ryan Ringelman, R-I-N-G-E-L-  
10 M-A-N. Systems Safety, BNSF.

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

13 MR. RATLEDGE: Aaron Ratledge, that's two  
14 A's, A-A-R-O-N R-A-T-L-E-D-G-E. Operating Practices,  
15 BNSF Railway.

16 MR. SAUNDERS: Kamron Saunders, K-A-M-R-O-N  
17 S-A-U-N-D-E-R-S, Smart TD, National Safety Team.

18 MR. NARVELL: Rick Narvell, N like in Nancy,  
19 A-R-V, like in Victor, E-L-L with NTSB.

20 MR. SOUTHWORTH: All right, thank you  
21 gentlemen. Off the top do we have your permission to  
22 record this interview?

23 MR. ROBERSON: Yes.

24 MR. SOUTHWORTH: Okay. And do you mind if  
25 we proceed on a first name basis? We'll call you Josh.

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1 MR. ROBERSON: No.

2 MR. SOUTHWORTH: Okay. And you have been  
3 advised about your rights and/or your need for  
4 representation and you've declined that.

5 MR. ROBERSON: Yes.

6 MR. SOUTHWORTH: Thanks. Let's go ahead and  
7 proceed. Why don't you give us a little synopsis of  
8 your work experience and take us up to your present job  
9 and then let us know how long you've been in that  
10 position, presently. Go right ahead.

11 MR. ROBERSON: I hired out with BNSF in  
12 1995. Worked as a conductor for a couple of years  
13 before I was promoted to an engineer in '97. Worked  
14 from '97 to 2013 as an engineer working on the road  
15 west up in Kansas City. In 2014, I started work for  
16 the remote audit group looking at downloads. In 2015,  
17 April 15th, of 2015, I became road foreman engines on  
18 the Panhandle Sub.

19 MR. SOUTHWORTH: Okay, we'll go ahead and  
20 start with Rick or Tomas. Go right ahead with your  
21 questions.

22 MR. TORRES: Tomas with the NTSB. Josh, so  
23 you say you're a road foreman?

24 MR. ROBERSON: That is correct.

25 MR. TORRES: How long have you been a road

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1 foreman?

2 MR. ROBERSON: Since April 2015.

3 MR. TORRES: Okay, so you're a designated  
4 locomotive engineer supervisor?

5 MR. ROBERSON: That is correct.

6 MR. TORRES: What kind of training did you  
7 receive for that?

8 MR. ROBERSON: I have to take a test every  
9 three years.

10 MR. TORRES: Okay, so how long have you been  
11 supervising this territory?

12 MR. ROBERSON: Since April 2015.

13 MR. TORRES: Okay. About how many train  
14 rides have you done? Or, what's your requirement to do  
15 as far as how many train rides are you required to do  
16 per month, per year.

17 MR. ROBERSON: Per month, I'm required to do  
18 14 on-board train rides along with three event recorder  
19 reviews every month.

20 MR. TORRES: So how do you keep track of who  
21 needs a train ride? Or is there a requirement to keep  
22 track of anybody, or?

23 MR. ROBERSON: So, we have a certification  
24 department will send out a certification report which  
25 we can go and filter our engineers that we have in

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1 Amarillo.

2 MR. TORRES: So those would be your  
3 priority, I mean the ones that need a ride or coming  
4 up? Is there a specific reason, you know, is it are  
5 they just due or is there a reason why you need to  
6 check ride?

7 MR. ROBERSON: Every engineer's required to  
8 have some form of skills evaluation every year whether  
9 it be annually or some are required a triennial skills  
10 evaluation.

11 MR. TORRES: So how do you prepare for a  
12 train ride you know, before you get on the train, you  
13 know, how do you plan for it?

14 MR. ROBERSON: I guess I don't follow what  
15 you're asking.

16 MR. TORRES: Well, you know, do you, when  
17 you board a train with an engineer, do you have a plan,  
18 you know, I mean, like, where you're going to ride to,  
19 to and from, or?

20 MR. ROBERSON: Yes, so, I'm required to ride  
21 for 50 miles, so.

22 MR. TORRES: And inside the cab, what occurs  
23 between you and the engineer, you know, what  
24 communication is between you and the engineer?

25 MR. ROBERSON: I will let them know my

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1 expectation, approaching restrictions, signals that are  
2 not green.

3 MR. TORRES: And, at the end of the ride,  
4 what do you do?

5 MR. ROBERSON: I record that in our database  
6 as far as a train ride. I go down through the things  
7 that I've checked off within that train ride.

8 MR. TORRES: So there's a list of items you  
9 need to look at while you're on board?

10 MR. ROBERSON: I have a list of items and  
11 anything that we come across that we touch and I check  
12 off.

13 MR. TORRES: Do you give engineering any  
14 feedback as to the evaluation?

15 MR. ROBERSON: Before I step off the train,  
16 I give them feedback.

17 MR. TORRES: Back in September of 21st,  
18 2015, on the striking engineer, you gave that engineer  
19 a train ride, do you recall that?

20 MR. ROBERSON: Yes.

21 MR. TORRES: Can you describe --

22 MR. SOUTHWORTH: Let me interrupt real  
23 quick. Let's go with eastbound or westbound.

24 MR. TORRES: Eastbound. The engineer of the  
25 eastbound striking train. You had a train wreck with

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1 them September 21st, 2015.

2 MR. ROBERSON: Correct.

3 MR. TORRES: Can you describe that train  
4 ride?

5 MR. ROBERSON: During that train ride, we  
6 were approaching a Form B and I felt that we weren't  
7 slowing down soon enough because the employee in charge  
8 was not responding to the conductor calling. So, I had  
9 to prompt the engineer to set the air, slow the train  
10 to a stop.

11 MR. TORRES: Okay. And were you aware what  
12 happened afterwards you got off that train, during that  
13 day?

14 MR. ROBERSON: Yes.

15 MR. TORRES: Do you know what that was?

16 MR. ROBERSON: Approximately a week later I  
17 was informed from the remote audit group that that same  
18 train crew had had a de-certifiable event, at some  
19 point down the trip. Approximately 200 miles, maybe.

20 MR. TORRES: So it was a eastbound or a  
21 westbound direction on that trip?

22 MR. ROBERSON: Still going east.

23 MR. TORRES: Still going east? Yes, because  
24 it shows that he went by slow order, 40 mile an hour  
25 slow order at 53 mph and at a turn out, 40 mile-an-hour

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1 turn out, he went, he was doing 51. So before you got  
2 off that train from that train ride, you know, how did  
3 he receive that information when you told him he needed  
4 to be more responsible?

5 MR. ROBERSON: He seemed to take all the  
6 information in about situational awareness and looking  
7 ahead at our next restrictions. He seemed to accept it  
8 well, both of them. It wasn't just the engineer on  
9 that trip that I discussed it with, it was the  
10 conductor as well.

11 MR. TORRES: How long did you know this  
12 engineer was, was he under your watch the whole time  
13 you've been on this?

14 MR. ROBERSON: I have approximately 450  
15 engineers that are under, that I supervise here out of  
16 Amarillo.

17 MR. TORRES: Is there any one engineer that  
18 stands out that might need more supervision?

19 MR. ROBERSON: No, I try to give everyone  
20 the same attention as far as train rides, Ops testing.

21 MR. TORRES: And then on the June 1st of  
22 this year, 2016, same engineer he has a deficiency test  
23 failure on an approach signal. Was that based on event  
24 recorder because it shows that he went into emergency,  
25 ready for, engineer-induced emergency?

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1 MR. ROBERSON: That was a self-report from  
2 that engineer to myself of the engineer-induced  
3 emergency. That operations test failure came from an  
4 approach signal I believe, an approach signal  
5 violation.

6 MR. TORRES: And how was that handled, the?

7 MR. ROBERSON: We follow guidelines and when  
8 we're operating on an approach signal and it takes an  
9 emergency and it takes an engineer-induced emergency to  
10 stop within so many feet of the absolute, red absolute  
11 signal. We typically handle it with an investigation  
12 notice.

13 MR. TORRES: So was there a discipline  
14 insist or, you know?

15 MR. ROBERSON: There was alternative  
16 handling granted for that event.

17 MR. TORRES: Because in March of 2015, prior  
18 to that, did he have a de-certifiable event also?

19 MR. ROBERSON: I do not know.

20 MR. TORRES: It shows that he had a dark  
21 signal failure stop on March 1st of 2015. Did you  
22 conduct that test?

23 MR. ROBERSON: I wasn't here until April  
24 2015.

25 MR. TORRES: So, on this incident with the

1 approach signal, June 1st of 2016, so what kind of  
2 discipline was assessed, can you explain if you know?

3 MR. ROBERSON: The employee was granted  
4 alternative handling. That alternative handling plan  
5 had not been followed through or even written out at  
6 the time of the incident.

7 MR. TORRES: So this happened on the 21, on  
8 first, June 1st and then the accident occurred on the  
9 28th and there still was no plan to as to how he was  
10 going to be handled?

11 MR. ROBERSON: Typically, when we schedule  
12 an investigation, they get scheduled two weeks out.  
13 So, I can't recall exactly when that investigation was  
14 supposed to take place. You know when the alternative  
15 handling plan was actually issued before we make a plan  
16 for it.

17 MR. TORRES: Do you make that decision  
18 yourself or are there's other superiors to that are  
19 involved?

20 MR. ROBERSON: I will come up with the plan  
21 and usually refer to my supervisor to make sure that  
22 it's tailored to an employee.

23 MR. TORRES: Do you remember if you, what  
24 kind of plan you came up with?

25 MR. ROBERSON: I do not.

1 MR. TORRES: Is it like in a written form or  
2 is it verbal?

3 MR. ROBERSON: We have an alternative  
4 handling plan and then the employee's granted  
5 alternative handling and it has lines for us to write  
6 in and fill out to explain what exactly is in the plan.  
7 Have a start date and an end date once it's completed.

8 MR. TORRES: So did he qualify for that  
9 alternative handling or was that an option or do you  
10 have to go that route?

11 MR. ROBERSON: I don't handle any of the  
12 discipline so I can't answer that.

13 MR. TORRES: Well, out here on the  
14 territory, the conductors are required to turn in their  
15 signal coordinates, where do you they turn it in?

16 MR. ROBERSON: Junior Yard Office.

17 MR. TORRES: Is it on a box, do you they fax  
18 into a database, or?

19 MR. ROBERSON: There are mail slots for each  
20 crew base and they are turned in right there in the  
21 Junior Yard Office.

22 MR. TORRES: And what does BNSF do with  
23 that?

24 MR. ROBERSON: They keep the records of  
25 those. From time to time they have an audit of those

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1 signal awareness forms.

2 MR. TORRES: And what do they look for?

3 MR. ROBERSON: Speeds by approaches, after  
4 following approach media, making sure that the signal  
5 awareness form is filled out correctly if you're  
6 recording the times that they go by, yellow signal.

7 MR. TORRES: And is there a way to verify  
8 it? That information that's in the signal awareness  
9 form?

10 MR. ROBERSON: Event recorder.

11 MR. TORRES: So how often do you guys do  
12 that?

13 MR. ROBERSON: I couldn't tell you exactly  
14 how many times we've done it. We do do it.

15 MR. TORRES: Is it frequently or is it, you  
16 know, do you, how many per month, are you required to  
17 do so many per month?

18 MR. ROBERSON: No.

19 MR. TORRES: So did it ever concern you on  
20 this engineer work history, you know, I mean, you were  
21 familiar with his work history and the safety record?

22 MR. ROBERSON: I was involved with a couple  
23 of the events that Mr. Owens had had.

24 MR. TORRES: But my question is were you  
25 concerned?

1 MR. ROBERSON: Cody had some challenges and  
2 I was concerned about the challenges that he may have.

3 MR. TORRES: Was there any plan to correct  
4 those problems?

5 MR. ROBERSON: With his events, we followed  
6 the PEPA policy the best we could. Once again, I  
7 don't, I don't get involved in that. Mine is strictly  
8 fact-finding, presenting that.

9 MR. TORRES: So, he was handled according to  
10 your discipline policy, the alternative (inaudible) and  
11 if he met those requirements that's it was applied?

12 MR. ROBERSON: That's how his events were  
13 handled, that's correct.

14 MR. TORRES: So, if an engineer once or  
15 twice a year commits a violation, you know a de-  
16 certifiable event, but if he goes beyond the 12 months  
17 then he can pretty much start over again and kind of  
18 have another violation that fall into the guidelines of  
19 discipline and alternative handling?

20 MR. ROBERSON: Not necessarily. It depends,  
21 all that is governed by the Code of Federal  
22 Regulations. If you have two events within 24 months,  
23 so you go beyond 12 months, it's not a 12 month  
24 process.

25 MR. TORRES: Rick?

1 MR. NARVELL: Okay, thank you. This is Rick  
2 Narvell with the NTSB. I just had a few here just to  
3 kind of clarify based upon what Tomas has asked so far,  
4 Josh.

5 You indicated that you don't handle the  
6 disciplinary phase or aspect of these things, I  
7 understand that. Can you tell us, and if not, we'll  
8 get someone from BNSF who will, can you tell us what  
9 your understanding is of this alternative handling pol-  
10 is it a policy or a guidance or what is it?

11 MR. ROBERSON: Alternative handling plan  
12 gives us the ability to tailor something towards an  
13 individual employee to see how we can help them moving  
14 forward, possibly correct some of the things that  
15 they've had in the past.

16 MR. NARVELL: Okay.

17 MR. ROBERSON: As far as where that plan  
18 comes from, I'm not 100% sure.

19 MR. NARVELL: Okay, but there is a plan and  
20 apparently this plan consists of some type of a written  
21 procedures or a form or a protocol, is that accurate?

22 MR. ROBERSON: Correct.

23 MR. NARVELL: Okay. So we will be able to  
24 get a form or a document that will give us more  
25 information about this disciplinary or alternative

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1 handling. Is that accurate?

2 MR. ROBERSON: Yes.

3 MR. NARVELL: Okay, good. We'll get that.

4 Back to the engineer of the eastbound train on the  
5 accident date, you mentioned to Mr. Torres that Cody  
6 had some challenges. Can you kind of elaborate on  
7 that? What did you mean by that?

8 MR. ROBERSON: He had had the event on  
9 September where I was riding, onboard train ride  
10 followed by the de-certifiable event.

11 MR. NARVELL: Right.

12 MR. ROBERSON: And then the event in June.  
13 So, that's why I say there's some challenges there.

14 MR. NARVELL: Okay. When you talk to him  
15 about the September 15 event, you were present of  
16 course at that, this was the Form B, you didn't think  
17 he was slowing down slow enough for the Form B,  
18 correct? What was his demeanor like, was he receptive  
19 to that? Was he okay with it, or was he not okay with  
20 it, I guess is what I'm asking?

21 MR. ROBERSON: He took the feedback well.  
22 Admitted that he didn't start soon enough and felt like  
23 he'd had it under control but, so we just take a step  
24 back, take a look at it, work on our cab communication,  
25 make sure that when we're approaching restrictions that

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1 we're slowed down and we're in control, so.

2 MR. NARVELL: Okay. By chance, was the  
3 conductor that was involved in this accident that we're  
4 here for today was that conductor present on that day  
5 when you had this September 15th Form B discussion?

6 MR. ROBERSON: I believe it was September  
7 21st and no, he was not.

8 MR. NARVELL: Okay, did you know that  
9 conductor?

10 MR. ROBERSON: I did not.

11 MR. NARVELL: You did not, okay. How would  
12 you have rated overall, and I know you've got, I wrote  
13 down you've got 450 engineers kind of under your watch.

14 How would you have rated the engineer of the  
15 eastbound train, I mean in just a generally, just  
16 anything you'd like to say in terms of his train  
17 handling abilities, his skill, his knowledge of the  
18 rules and so on and so forth.

19 MR. ROBERSON: I was here for approximately  
20 a year --

21 MR. NARVELL: Right, April 2015.

22 MR. ROBERSON: Right. And I've had, you  
23 know, two incidents with Mr. Owens. I have, when you  
24 have this many employees under you, you typically deal  
25 with a lot of events --

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1 MR. NARVELL: Right.

2 MR. ROBERSON: Just across the board.

3 MR. NARVELL: Sure.

4 MR. ROBERSON: I would say Cody was no  
5 different than any other, other than the fact that he  
6 did have some events.

7 MR. NARVELL: Okay. All right. Did you  
8 know anything at all about his life outside of the  
9 railroad, his personal life, anything at all?

10 MR. ROBERSON: I didn't know Cody outside of  
11 the railroad, no.

12 MR. NARVELL: Okay. Were you aware of  
13 anything that may have been a basis for a pre-  
14 occupation or a distraction in his life away from his  
15 job as an engineer? Something that would have been  
16 bothering him on his mind?

17 MR. ROBERSON: No.

18 MR. NARVELL: Okay, okay. Great, thank you,  
19 that's all I have for right now.

20 MR. SOUTHWORTH: I'm going to go. I'm Jim  
21 Southworth. I understand from your comments that you  
22 don't determine the discipline. Is it true then that  
23 the alternative handling is actually part of the  
24 discipline?

25 That's the plan where you've seen something

1 you need corrected or you've seen something that's a  
2 violation or problem and the alternative handling is to  
3 address that. Is that in the sense a form of  
4 discipline?

5 MR. ROBERSON: I'm going to say no.

6 MR. SOUTHWORTH: Okay. And, you also said  
7 that in the same realm, you don't determine the  
8 discipline, who does? Who evaluates the information  
9 that you have and then determines what they need to do  
10 from a discipline standpoint?

11 MR. ROBERSON: So, it goes to the level of  
12 Superintendent of Operating Practices and then General  
13 Manager and then.

14 MR. SOUTHWORTH: Okay.

15 MR. ROBERSON: Once it comes back down to me  
16 is when, if it's an alternative handling, that's where  
17 I get to deal with it again.

18 MR. SOUTHWORTH: Okay, and they'll ask you  
19 for input on the alternative handling?

20 MR. ROBERSON: No.

21 MR. SOUTHWORTH: No. Okay. So I'm looking  
22 at this alternative handling as like a BNSF policy. Is  
23 it covered in your operating rules?

24 MR. ROBERSON: Agreement.

25 MR. SOUTHWORTH: It's an agreement.

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1 MR. ROBERSON: It's part of the agreement  
2 with labor.

3 MR. SOUTHWORTH: Part of the agreement with  
4 labor. Can we get --

5 MR. ROBERSON: Absolutely.

6 MR. SOUTHWORTH: -- on the record, I know he  
7 talked about it.

8 MR. ROBERSON: We'll get to the safety  
9 (inaudible)

10 MR. SOUTHWORTH: I would like to see that  
11 both electronic, as well as hard copy.

12 UNIDENTIFIED: Just, again for the record,  
13 he already had it.

14 MR. SOUTHWORTH: Pardon me?

15 UNIDENTIFIED: Tomas has that.

16 MR. TORRES: Yes, he sent it to him.

17 MR. SOUTHWORTH: Okay. Do we have any of  
18 the alternative handling records for Cody Owens? Do we  
19 have them?

20 MR. TORRES: No.

21 MR. SOUTHWORTH: We need to get those.

22 UNIDENTIFIED: I, clarify what you mean by  
23 the records. I don't know that we have any records.  
24 He was not, I don't understand him to have been in the  
25 plan.

1 UNIDENTIFIED 2: There will be a sheet.  
2 That they fill out.

3 MR. SOUTHWORTH: Hang on, hang on. He did  
4 not, they did not execute an AGE plan is what Josh's  
5 saying.

6 Let's take a real quick break here and we'll  
7 hash out.

8 [Numerous unidentified speakers talking over  
9 each other].

10 [Wherein the matter went off the record at  
11 00:26:34 and went back on the record at  
12 00:26:35].

13 MR. SOUTHWORTH: Okay, we're back on the  
14 record. Josh, real quick, you have 450 engineers that  
15 you look at during the course of your work on a yearly  
16 basis, I guess we'll say that. And is it that also  
17 mean there's 450 conductors?

18 MR. ROBERSON: Yes.

19 MR. SOUTHWORTH: Okay, so we're looking at  
20 1,000 employees during the year, usually paired up, two  
21 to an engine, that kind of thing. So you're riding a  
22 lot of trains.

23 MR. ROBERSON: Correct.

24 MR. SOUTHWORTH: How often during the week  
25 do you ride trains, just ballpark so I know. We'll

1 break it down to weekly (inaudible)

2 MR. ROBERSON: I wouldn't even be able to  
3 give you that number. I'm --

4 MR. SOUTHWORTH: Well, how many individuals  
5 would you get a chance to look at in a week's time.  
6 Let's say that. Because I know some train rides are  
7 longer than others, that sort of thing.

8 MR. ROBERSON: Between testing and train  
9 rides?

10 MR. SOUTHWORTH: Yes.

11 MR. ROBERSON: Or just train rides?

12 MR. SOUTHWORTH: Let's just say just train  
13 rides right now.

14 MR. ROBERSON: Train rides, probably, I  
15 don't know. Probably 20 plus.

16 MR. SOUTHWORTH: 20 plus a week?

17 MR. ROBERSON: Yes.

18 MR. SOUTHWORTH: Okay, all right. Some of  
19 those are longer than others. Now, is it safe to say  
20 that when you are riding the train, doing a train ride,  
21 check ride, whatever you call it, call it train rides?  
22 All right, so it's, you're looking at their  
23 qualifications of the territory and all that.

24 MR. ROBERSON: I'm sorry. To be clear, I  
25 thought you were talking about employees and I was

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1 saying 20 employees, not 20 train rides.

2 MR. SOUTHWORTH: Oh, 20 employees.

3 MR. ROBERSON: Yes.

4 MR. SOUTHWORTH: Okay, in a week's time?

5 MR. ROBERSON: Right.

6 MR. SOUTHWORTH: Okay. That's helpful. And  
7 when you ride the head end with a crew, are you  
8 observing both the conductor and the engineer?

9 MR. ROBERSON: Yes.

10 MR. SOUTHWORTH: Okay. Do you ever ride  
11 qualification rides where the conductor may be trying  
12 to qualify as an engineer and he's got to be qualified  
13 on the territory. Do you do those rides?

14 MR. ROBERSON: Not sure exactly what you  
15 mean.

16 MR. SOUTHWORTH: If I'm a conductor and I  
17 want to be an engineer, I have to be qualified on the  
18 territory before I can run as an engineer, right? And  
19 someone has to qualify me, they have to ride over the  
20 territory a certain amount of time.

21 MR. ROBERSON: So are you talking about our  
22 locomotive engineer training program?

23 MR. SOUTHWORTH: Yes, are you in any part of  
24 the locomotive engineer training program?

25 MR. ROBERSON: Yes.

1 MR. SOUTHWORTH: Okay. And what role do you  
2 play in that thing?

3 MR. ROBERSON: So everything outside of what  
4 happens at the technical training center, we handle out  
5 in the field.

6 MR. SOUTHWORTH: Out in the field, on the  
7 job?

8 MR. ROBERSON: Correct.

9 MR. SOUTHWORTH: Okay, thank you. Let's  
10 see. That's all I have for now and we'll go, we are  
11 going over here to Steve Facklan.

12 MR. FACKLAN: Steve Facklan, BLET Safety  
13 Task Force. Just kind of have one question for you  
14 right now, Josh. You say you handle about 450  
15 engineers in Panhandle, so do you feel like that is  
16 just in, this is all opinion, do you feel that that may  
17 be too many engineers for one road foreman to  
18 effectively and efficiently test and handle and maybe  
19 keep a good evaluation of?

20 MR. ROBERSON: So that 450 is in Amarillo  
21 terminal. Whether they go west, whether they go east,  
22 whether they go on the loop. There's two of us road  
23 foreman, actually three, in Amarillo. So.

24 MR. FACKLAN: That kind of watch over the  
25 whole 450 --



1 MR. ROBERSON: Correct.

2 MR. FACKLAN: Okay. That, are you the only  
3 road foreman on the Panhandle Sub from, well, do you  
4 run, does your territory run from Amarillo to  
5 Wellington?

6 MR. ROBERSON: It runs from Amarillo to  
7 Waynoka.

8 MR. FACKLAN: Winoka?

9 MR. ROBERSON: Yes.

10 MR. FACKLAN: And, you're the only, are you  
11 the only road foreman covering that territory, giving  
12 check rights over that territory?

13 MR. ROBERSON: From Amarillo to Waynoka,  
14 yes.

15 MR. FACKLAN: Okay, and how many engineers I  
16 guess out of that, would you say that, out of that 450  
17 run that area of it, I realize it fluctuates, but I  
18 would think 90% of the guys kind of stay in their pool.  
19 I just want to get an idea of your workload, of the  
20 engineers you supervise.

21 MR. ROBERSON: I would say 100.

22 MR. FACKLAN: Okay.

23 MR. ROBERSON: Maybe 200, I guess might be a  
24 little over 200 maybe. Often and on because you're  
25 going to have the extra board. Wellington holds some

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1 of those turns.

2 MR. FACKLAN: Okay, and with roughly that  
3 100, and you've been on this road foreman for a little  
4 over a year now, do you feel like with this last year  
5 that's if, you can effectively and efficiently manage  
6 that number of 100 and kind of get to know their work  
7 patterns, their history, discipline issues.

8 MR. ROBERSON: So I've been able to make  
9 sure that all of my certification rides are complete.  
10 I'm well ahead of schedule which tells me that I can  
11 handle that workload very easily.

12 MR. FACKLAN: Okay.

13 MR. ROBERSON: I know in road foremen have a  
14 lot going by larger territory than I do, so, I'm  
15 comfortable with where I'm at.

16 MR. FACKLAN: Okay, that's all I have right  
17 now.

18 MR. SOUTHWORTH: Anybody else? Mr.  
19 Martinez?

20 MR. MARTINEZ: Chris Martinez, FRA. You had  
21 mentioned that you had a concern about the eastbound  
22 engine here. Did you bring that to anybody's attention  
23 or did you make a plan of how you're going to address  
24 your concerns?

25 MR. ROBERSON: So anytime I had an event

1 with Cody, Mr. Owens, we had discussions, you know. On  
2 this last one, June 1st, we had a discussion as I was  
3 showing him the download from that event about how we  
4 just need to change the way we operate, you know, the  
5 way we approach things. So, that's kind of where I was  
6 at with Mr. Owens.

7 MR. MARTINEZ: But you put nothing in plan,  
8 in a plan to --

9 MR. ROBERSON: Once again that would have  
10 been --

11 MR. MARTINEZ: -- to further address --

12 MR. ROBERSON: That would have been part of  
13 his alternative handling and we never got to that  
14 level, so I didn't have the time to reach that, so.

15 MR. SOUTHWORTH: Anybody else?

16 MR. MARTINEZ: No, that's good on me.

17 MR. RATLEDGE: Aaron Ratledge, BNSF. Josh  
18 just a couple questions. You, we're you first on scene  
19 after the accident? Or where were you at the day of  
20 the accident?

21 MR. ROBERSON: The day of the accident I was  
22 at mile post approximately 519.

23 MR. RATLEDGE: So you were almost there.

24 MR. ROBERSON: I was waiting on the division  
25 train master, we were going to do some testing that

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1 day.

2 MR. RATLEDGE: So what type of testing were  
3 you going to do?

4 MR. ROBERSON: Some signal testing, we would  
5 do two --

6 MR. RATLEDGE: Basics operations testing?

7 MR. ROBERSON: All kinds of operations  
8 testing.

9 MR. RATLEDGE: Okay, take us in to the point  
10 where you heard about the accident. How did you hear  
11 about it and what?

12 MR. ROBERSON: So I was sitting at  
13 approximately mile post 519 and my radio was going off  
14 but I really wasn't, I was on my computer and I really  
15 wasn't paying attention to it.

16 I was waiting on the division train master  
17 and I got a telephone call from him, not sure exactly  
18 what time it was. Five, about 8:20, somewhere in  
19 there. And he said, hey, I think we have something bad  
20 going on at Panhandle.

21 He was on the other side of Panhandle at  
22 that time headed my direction and he said the  
23 dispatchers on the radio calling crews and nobody's  
24 answering and I looked up and all I could see is black  
25 smoke.

1 MR. RATLEDGE: Okay.

2 MR. ROBERSON: At that time I was looking at  
3 my computer and I looked back and I could see if from  
4 where I was so I immediately went to the location.

5 MR. RATLEDGE: All right. So, just a couple  
6 of things on an alternative handling plan. Has it been  
7 your experience that during the investigation process,  
8 that it takes some time between the local chairman and  
9 the company officers to be able to I mean, reschedule  
10 investigations.

11 You know, there's all those others, the  
12 formality process to where the union has to request  
13 alternative handling, so I'm just trying to get in  
14 there the time lines of the incident occurred on June  
15 1st, and the accident happened on June 28th.

16 Is it abnormal to have a 28-day-period in  
17 there to not have an alternative handling plan in  
18 place?

19 MR. ROBERSON: Absolutely not.

20 MR. RATLEDGE: Okay, that's all I have.  
21 Thanks.

22 MR. SAUNDERS: Kamron Saunders, Smart TD. I  
23 think this was asked and answered, but, so on June 1st,  
24 there was a self-report that triggered, tell me what  
25 that was again, what happened on June 1st that he self-

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1 reported?

2 MR. ROBERSON: On June 1st of this year, he  
3 self-reported the engineer-induced emergency as  
4 required by our notices. My follow-up with that is  
5 what led to the investigation notice.

6 MR. SAUNDERS: Okay. So then he's, so he's  
7 charged, his, he or his representative get with you  
8 guys and have a, they ask for alternative handling,  
9 it's all done and we start into that process for the  
10 alternative handling after it's okayed by both. Or  
11 would have been.

12 MR. ROBERSON: I'm sorry, but what's the  
13 question?

14 MR. SAUNDERS: So my question is, what, so  
15 you have, he's, he gets charged, he self-reports, he  
16 gets charged, his representative or he comes to you and  
17 say hey, we want to use alterative handling if we can.

18 So then, whoever that goes to on, with BNSF  
19 and the local chairman say, work that out, you would  
20 then devise a plan, not, let's go away from this one,  
21 lets, and then that plan gets set in motion and what  
22 would that normally consist of, an alternative handling  
23 as far as--

24 MR. ROBERSON: You're asking what --

25 MR. SAUNDERS: Would it be more rides, would

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1 it be, you know, you're going to kind of keep on him,  
2 he's going to be your --

3 MR. ROBERSON: So there are a whole number  
4 of things we can do. We have a what we call a coaching  
5 counseling class, that's an eight hour class in  
6 Amarillo, the one of the road foremen. We usually team  
7 up to put that class on.

8 We obviously have the ability to put  
9 somebody back in the simulator. We have five different  
10 unusual condition runs that we can do. There are just  
11 a number of things we can do if we think one of those  
12 might benefit them and correct some of the things that  
13 had occurred in their event.

14 Anything, once again, the local chairman  
15 would be involved to help with that process. But there  
16 are a number of things that we can do.

17 MR. SAUNDERS: Okay. And I think you were  
18 asked if this engineer stood out in your group of 450  
19 as needing more training or needing more, and I think  
20 you said he didn't, he was, is that right?

21 MR. ROBERSON: So he had a couple events,  
22 there are engineers that will go and never have an  
23 event. So, I can't say that Cody didn't have some  
24 challenges and I believe I've said that, that he had  
25 some challenges.

1 MR. SAUNDERS: Okay, thank you, that's all I  
2 have.

3 MR. NARVELL: This is Rick Narvell at the  
4 NTSB.

5 MR. SOUTHWORTH: You want to do follow-ups?

6 MR. NARVELL: Yes. I am. I'm ready.

7 MR. SOUTHWORTH: Doing okay?

8 MR. NARVELL: Feeling all right?

9 MR. ROBERSON: Yes.

10 MR. NARVELL: This is the follow-up, last go  
11 round here. Just to be clear, I thought I, I just want  
12 to make sure for the record that you, when the  
13 alternative handling plan, and I know we did not get  
14 formulated for Mr. Owens from the June 1 incident, but  
15 whatever that is, you just execute it.

16 You don't have any input as to a simulator  
17 or coaching count, when it comes down to you, you go  
18 forth and make it happen, is that correct?

19 MR. ROBERSON: That's not correct.

20 MR. NARVELL: That's not correct.

21 MR. ROBERSON: I am involved in the  
22 alternative handling plan.

23 MR. NARVELL: Okay.

24 MR. ROBERSON: Now, I will meet with the  
25 local chairman.



1 MR. NARVELL: Okay.

2 MR. ROBERSON: Once I come up with a plan.  
3 It's also involves the Superintendent of Operating  
4 Practices and it's agreed upon.

5 MR. NARVELL: Okay.

6 MR. ROBERSON: The process that I'm not  
7 involved on, is deciding whether or not that employee  
8 is eligible or is granted alternative handling.

9 MR. NARVELL: I see, thank you. That  
10 clarifies for me and I apologize if I misunderstood.  
11 That clears that up for me. So you are involved in the  
12 nuts and bolts part of it. But whether he or she is  
13 eligible, that's not you.

14 MR. ROBERSON: That's not me, correct.

15 MR. NARVELL: Okay, thank you, all right.  
16 Just a couple more Josh, back to Mr. Owens here. The  
17 times that you, how many, would you have any idea, and  
18 again knowing you've been here for under a year at the  
19 time of this incident, could you give us any idea of  
20 how many times you would have ridden with him on a  
21 train ride or a check?

22 MR. ROBERSON: I'm not 100% sure.

23 MR. NARVELL: That's fine.

24 MR. ROBERSON: I believe I rode with him  
25 once in the, I believe once. From September to March,

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1 he was not working as an engineer.

2 MR. NARVELL: Okay, you know what he was  
3 doing then?

4 MR. ROBERSON: He was working as a brakeman.

5 MR. NARVELL: So September of 15 to March of  
6 16?

7 MR. ROBERSON: Into March of 16, correct,  
8 six months.

9 MR. NARVELL: Okay. So, you rode with him,  
10 was that the day, one of those days of his incident,  
11 then? Maybe I'm losing my --

12 MR. ROBERSON: Yes.

13 MR. NARVELL: And what day was that, just  
14 for the record again? Was that the September 21st?

15 MR. ROBERSON: September 21st.

16 MR. NARVELL: Okay, so that was the only  
17 time that you actually had laid eyes on him and watched  
18 him and observed him, correct?

19 MR. ROBERSON: Correct, the September 21st.

20 MR. NARVELL: Got you. So just once, okay.  
21 Knowing it was just one time, was there anything in his  
22 demeanor that would have caused you concern as far as  
23 being attentive, alert or on his game or not on his  
24 game or anything that was a flag, I guess, again  
25 knowing it was only the one time?

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1 MR. ROBERSON: No, I mean, no.

2 MR. NARVELL: Okay, great, thank you. I  
3 believe that's all I have.

4 MR. TORRES: Tomas Torres with the NTSB.  
5 You said you were going to do efficiency test that day,  
6 the day of the accident?

7 MR. ROBERSON: Correct.

8 MR. TORRES: How many are you required to  
9 do, I mean is it broken down into rules or is it, you  
10 just go out there and test whatever you can test.

11 MR. ROBERSON: The total number I can't give  
12 you because I'm not 100% sure what it is, but it is  
13 broken down into different categories, different tests  
14 that I'm required to do.

15 MR. TORRES: So a stop test, dark signals,  
16 there's a required number --

17 MR. ROBERSON: That's correct.

18 MR. TORRES: That you have to field every  
19 month.

20 MR. ROBERSON: That's correct.

21 MR. TORRES: That's all I have.

22 MR. SOUTHWORTH: I don't have any follow-ups  
23 right now, no, besides --

24 MR. FACKLAN: Steve Facklan, BLET Safety  
25 Task Force. Just, kind of shifting gears going back

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1 out to Panhandle. Had you heard of any kind of  
2 reports, issues with any of the signals at Panhandle  
3 prior to the accident just from employees or local  
4 crews, anything out of the ordinary that had been  
5 happening out there?

6 MR. ROBERSON: I don't recall of any  
7 reports.

8 MR. FACKLAN: Since the accident, have you  
9 heard of anything from employees, have they come to you  
10 and told you of things?

11 MR. ROBERSON: I had a local chairman talk  
12 to me about the signal at 5232 which I investigated and  
13 determined what was going on.

14 MR. FACKLAN: What was the issue he brought  
15 to your attention? What, I mean, was, did he bring an  
16 issue about a signal in that area that was an issue  
17 maybe before the accident or was this after? If it was  
18 after the accident --

19 MR. ROBERSON: It was after.

20 MR. FACKLAN: Okay, then we don't need to go  
21 any further into that. Did you, you're one of the  
22 first ones on the scene. Did you happen to see the  
23 engineer of the westbound train at all?

24 MR. ROBERSON: When I, no.

25 MR. FACKLAN: When was the first time you

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1 saw the engineer of the westbound train?

2 MR. ROBERSON: I have not seen him since the  
3 incident.

4 MR. FACKLAN: Oh, okay, okay. His road  
5 foreman, he kind of had responsibility, overseeing the  
6 trip optimizer program, the use of the trip optimizer  
7 by engineers around your territory?

8 MR. ROBERSON: No.

9 MR. FACKLAN: You don't?

10 MR. ROBERSON: No.

11 MR. FACKLAN: Okay, let me ask you a  
12 different question that's similar. Is it required by  
13 the crews if the train is equipped with working train  
14 optimizer that they have it engaged, that they use it  
15 during their trip?

16 MR. ROBERSON: It's required that they  
17 initialize it and use it when they can if they have the  
18 ability to use it at that time.

19 MR. FACKLAN: From your understanding, what  
20 events would require them to be using it or not be  
21 using, or let's start with not be using it, what kind  
22 of events would happen where they shouldn't be using  
23 it?

24 MR. ROBERSON: Approaching Form B's.  
25 Operating on a yellow signal, approach signal, those

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1 are about the easy two that you can think of.

2 MR. FACKLAN: If a train crew had clear  
3 signals, no Form Bs, no Form As, no slow orders in  
4 front of them, would it be your expectation that they  
5 should be using that.

6 MR. ROBERSON: Yes.

7 MR. FACKLAN: If they weren't at that time  
8 and you were made aware of it, would you have to call  
9 them to check why they weren't using it?

10 MR. ROBERSON: We allow the Manager of  
11 Operating Practices Fuel Consumption group to handle  
12 that. We don't really handle the trip optimizer side  
13 of it at all.

14 MR. FACKLAN: Okay.

15 MR. ROBERSON: He handles the contacting  
16 employees.

17 MR. FACKLAN: Manager of Operating, or  
18 what's his, what would his title be?

19 MR. ROBERSON: Manager of Operating  
20 Practices, I don't know if he uses Fuel afterwards,  
21 Consumption, something like that.

22 MR. FACKLAN: Okay, so he, but there's  
23 Manager of Operating Practices that kind of  
24 specifically sees use of PTC on the territory. Or, I'm  
25 sorry, trip field, trip optimizer.

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1 MR. ROBERSON: That's correct.

2 MR. FACKLAN: Okay. That'S all I have.

3 MR. SOUTHWORTH: Okay?

4 MR. TORRES: I got couple of questions here.

5 MR. SOUTHWORTH: Some follow ups?

6 MR. TORRES: Yes. On trip optimizer, do you  
7 ever get any feedback from employees on how they feel  
8 about trip optimizer?

9 MR. ROBERSON: No. Everybody seems to be  
10 using it when they can now and seems to, I have heard  
11 good things about it, you know, so far.

12 MR. TORRES: Okay, and one more question on  
13 the eastbound striking, the engineer on that train, it  
14 shows that he got formal reprimand for excess of duty  
15 attendance. Was he calling off sick a lot or was he  
16 missing call, this happened in May 23, 2016.

17 MR. ROBERSON: I do not handle any of the  
18 attendance policy. That is handled there in Amarillo  
19 and I have nothing to do with it.

20 MR. TORRES: That's all.

21 MR. SOUTHWORTH: Okay. I told you before  
22 I'd ask you this, is there anything you want to state  
23 for the record, is there any information you want to  
24 give to us, any thoughts, ideas, opinions, feelings,  
25 gut, whatever it might be, that you want us to know and

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1 talk to us about?

2 MR. ROBERSON: No.

3 MR. SOUTHWORTH: Okay. That being said, the  
4 interview is concluded. Thank you much for your  
5 participation and look for a transcript in the mail to  
6 be printed and that you'll be able to supply an errata  
7 if need be.

8 MR. ROBERSON: Thank you.

9 MR. SOUTHWORTH: (inaudible)

10 (Whereupon the above-entitled matter went  
11 off the record at 00:49:49).

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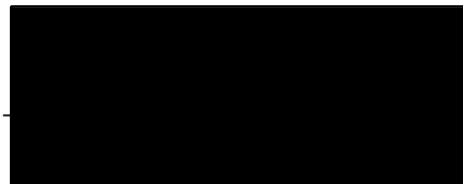


C E R T I F I C A T E

MATTER: Head On Collision, Panhandle, TX  
BNSF Railway, June 28, 2016  
Accident No. DCA16FR008  
Interview of Josh Roberson

DATE: 08-24-16

I hereby certify that the attached transcription of page 1 to 41 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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