

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 :

:

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Interview of: Randy Valencia

Tuesday,

July 28, 2016

Panhandle, 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

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

2 MR. SOUTHWORTH: Okay, once again, my name is
3 Jim Southworth, S-O-U-T-H-W-O-R-T-H. I'm the
4 investigator in charge for this accident that occurred
5 on June 28, 2016 in Panhandle, Texas on the Burlington
6 Northern Santa Fe. A head-on collision with two
7 freight trains.

8 The NTSB number for this investigation is
9 DCA16FR008. At this time, we are going to go around
10 the room and introduce the participants. I'll start to
11 my left and then I'll go to my right. We will end with
12 the interviewee, and then we'll start the first round
13 of questioning.

14 The person we are interviewing today is Randy
15 Valencia with the Burlington Northern. So I'll start.
16 And it's Jim Southworth, S-O-U-T-H-W-O-R-T-H, with the
17 NTSB out of Washington, D.C. and the IIC for this
18 investigation.

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

21 MR. FACKLAN: Steve Facklan, F-A-C-K-L-A-N,
22 primary investigator for BLET Safety Task Force.

23 MR. RINGELMAN: Ryan Ringelman, R-I-N-G-E-L-M-
24 A-N, BNSF Safety Department.

25 MR. MARTINEZ: Chris Martinez, M-A-R-T-I-N-E-

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1 Z, FRA.

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

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

6 MR. NARVELL Rick Narvell, N like in Nancy,
7 A-R-V-E-L-L, with NTSB.

8 Randy Valencia, V-A-L-E-N-C-I-A, with BNSF.

9 MR. SOUTHWORTH: Mr. Valencia, do we have your
10 permission to go on a first name basis?

11 MR. VALENCIA: Yes.

12 MR. SOUTHWORTH: Do you go by Randy?

13 MR. VALENCIA: Randy.

14 MR. SOUTHWORTH: Okay. And you do not find it
15 necessary or wish to have a representative with you
16 today, yes or no?

17 MR. VALENCIA: No.

18 MR. SOUTHWORTH: Thank you. Thank you, and
19 we'll proceed.

20 Can you give us a little synopsis of your
21 railroad career? If it begins with a railroad other
22 than BNSF, please make that available to us. Kind of
23 tell us about your career in railroading, and bring it
24 up to where you are now. And then provide a little
25 additional detail into the duties and responsibilities

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1 you have in your current position with Burlington, or
2 BNSF.

3 MR. VALENCIA: Hired out in the Maintenance of
4 Way Department as a bridge and building laborer. Did
5 that for about a year and a half. And then I went into
6 the operating side and was hired as a fireman.

7 Shortly into the fireman, as a fireman, I went
8 into the Locomotive Engineering Training Program.
9 Became a locomotive engineer in 1980. I worked as a
10 locomotive engineer until 2001, and became a road
11 foreman of engines in 2001.

12 Approximately mid-2002, I became what was a,
13 titled as a Senior Train Master/Road Foreman of
14 Engines. In 2005, I became the Manager of Safety for
15 this Kansas Division, and in 2007 I became the
16 Superintendent of Operating Practices for the Kansas
17 Division.

18 MR. SOUTHWORTH: So you are currently the
19 Superintendent of Operating Practices?

20 MR. VALENCIA: Correct.

21 MR. SOUTHWORTH: We're going to go ahead and
22 start, and go around the room. We'll start with Tomas.
23 Go ahead.

24 MR. TORRES: Tomas here with the NTSB. What's
25 your role as the Superintendent of Operations?

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1 MR. VALENCIA: Superintendent of Operating
2 Practices is the title. And I, my direct reports, my
3 work crew for the road foreman engines on the Kansas
4 Division, and basically, we provide oversight over
5 locomotive engineer certification. We provide the
6 requirements for locomotive engineer certification.

7 We also have additional duties in locomotive
8 engineer training. And then we also have just a
9 general operating requirement, whether its' GCOR or
10 Airbrake Train Handling, Rule of Requirement, and/or
11 training.

12 MR. TORRES: Do you set the guidelines for the
13 road foremen? You know, like, how many rides you got
14 to do per month or per year? Testing?

15 MR. VALENCIA: Yes, I do.

16 MR. TORRES: What are they?

17 MR. VALENCIA: Well, it depends upon where
18 they're assigned. Because some road foremen have
19 higher density of traffic than others. But basically,
20 they will either have a 14 train ride goal per month,
21 or a 12 train ride goal per month.

22 MR. TORRES: And how about efficiency testing?

23 MR. VALENCIA: I set that. It's, I've got two
24 different work groups and we break it down into series,
25 whether through our Operations Testing Guide, there's

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1 100, 200, 600 Series. So, they're broken down. I
2 don't know the exact numbers for each road foreman.

3 MR. TORRES: So, do you set, like, how many
4 stop indication tests you do, or flags or anything like
5 that? I mean, is there, like, so many per month that
6 they've got to do?

7 MR. VALENCIA: Yes.

8 MR. TORRES: What are those?

9 MR. VALENCIA: I have to look at the document.
10 I can't, I don't want to recite that off the top of my
11 head.

12 MR. TORRES: Do you spend time with your road
13 foremen?

14 MR. VALENCIA: Yes, I do.

15 MR. TORRES: And, when you're with them, what
16 is it that you're looking for, or, you know, can you
17 explain, you know, what your role is when you're with
18 them?

19 MR. VALENCIA: One of the things I do when I
20 meet with them, is I always provide them any kind of
21 new information. So, anything that has come up,
22 basically on the last time we visited, we talk about
23 anything new.

24 Or we look at any kind of ideas for the
25 territory. I also do some train rides with them.

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1 Basically, I'm just looking at their interaction with
2 the crews, what they're observing, what they're doing.

3 At times I go operations testing with them.
4 Basically look at their setup, communication,
5 performance as a test. Any interactions with the crews
6 that we do during that time. So, primarily it's either
7 we're in kind of an office-type environment where we're
8 going over any information and/or it's a field day.

9 MR. TORRES: Okay. On the road foremen, when
10 they're doing the train rides, what's your expectations
11 of them when they're in the cab, during the ride, you
12 know? What is it that you expect for them to be doing
13 with the crews or what?

14 MR. VALENCIA: Main thing I do is that, they
15 are observing the skill set of the engineer, which is
16 the check rides. And then they're also going to
17 provide that information on the train ride report and
18 do an honest assessment of the skill evaluation.

19 And then I also encourage that they give very
20 honest and candid feedback towards what that
21 performance was. And then also they're observing the
22 interaction of all crew members as to how they're
23 managing restrictions, how they're doing communication,
24 if they're doing anything distracting.

25 So, basically, it's: evaluate the engineer;

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1 provide feedback; score the ride; observe the entire
2 crew; and, give feedback on that crew observation.

3 MR. TORRES: How about event recorder
4 evaluations? What's the requirement for road foremen?

5 MR. VALENCIA: Road foremen typically have a
6 three event recorder review minimum. And in that, I
7 specify that one event recorder review has to be a
8 local, a road switcher, or a yard engine.

9 And, basically, looking at train handling
10 skills, looking at rule requirements, and those are the
11 primary things you look at when you're looking at an
12 event recorder.

13 MR. TORRES: Do you use event recorders to
14 identify train handling patterns of engineers? How
15 they're handling the train? How they're stopping the
16 train? How they're approaching the signals? I mean,
17 do you use that, or are you just looking at throttle
18 modulation?

19 MR. VALENCIA: No. When we are looking at
20 event recorder, if you have information on the signal
21 indications, then you can evaluate that skill set and
22 how that was handled. Event recorder alone will not
23 provide signal information, so without some other level
24 of technology or some other information, you have to
25 have that in order to properly look at what was a stop

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1 for signal and what was a stop for something else.

2 MR. TORRES: Yes, like, for example, like,
3 speed restrictions, Form B, I mean you have that on
4 your track forms. Do you use that as a tool when
5 you're looking at a event recorder?

6 MR. VALENCIA: Yes.

7 MR. TORRES: And how frequently is that? I
8 mean, is it routine, or is it random?

9 MR. VALENCIA: It's random. To get all of the
10 Form As and the Form Bs of a trip, it has to be pretty
11 timely. Because that gets archived in the database,
12 and the road foremen would have to spend, invest
13 significant time to get all of that information and
14 look at an event recorder. We don't always do that to
15 a very high degree. We do some, but it's because it's
16 time consuming, we really prefer them to be, to have
17 their time spent out in the field.

18 MR. TORRES: How about the Signal Awareness
19 Forms that the conductor's supposed to fill out? You
20 know, they're required to turn them in at the
21 terminals. Or, what's the requirement for that?

22 MR. VALENCIA: Well, there's two instructions.
23 One of them is a system special instruction, that
24 provides the information for what a conductor is
25 supposed to document. And then it says that you will

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1 turn them in based on local instructions. And then we
2 have local instructions as to where a Signal Awareness
3 Form is supposed to be turned in.

4 MR. TORRES: And where do they turn them in
5 to? Like a box, or --

6 MR. VALENCIA: Typically it can be. It can be
7 a box or a drawer, or a cabinet. Whatever's set up at
8 the location.

9 MR. TORRES: And what's done with those forms,
10 you know, does somebody look at them?

11 MR. VALENCIA: Not, no. Not all of them.

12 MR. TORRES: I mean, how do you verify that
13 they're doing it correctly or that they, you know, they
14 are actually doing it the way they're supposed to be
15 doing it?

16 MR. VALENCIA: Typically, for the road
17 foremen, they look at Signal Awareness Forms when they
18 get on trains and during operations testing if we stop
19 a train in the field, we will look at their Signal
20 Awareness Form at that time.

21 MR. TORRES: Do they ever verify it with the
22 event recorder? Is it random?

23 MR. VALENCIA: Sometimes, but not often.

24 MR. TORRES: Okay. With your road foremen, do
25 you guys know your crew base pretty good? I mean, do

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1 you, is there any employees that concern you at any
2 given moment, or you have focus on?

3 MR. VALENCIA: So, two questions there. One
4 was do we know our crew base. And I do want to believe
5 that all of my road foremen know their crew base. And
6 then, are there people that concern us? Really and
7 truly, everybody concerns us because anybody could have
8 a bad train handling day. But, if there are any
9 employees that are, I've had, like, an opps test
10 failure or has had a ride and is combative or quiet or,
11 you know. I think there's kind of an ebb and flow with
12 everybody where they have good times and bad times,
13 especially over a long career.

14 MR. TORRES: Yes, but, is there any engineers
15 that really stand out, that might need more attention.
16 I mean, do you keep track of anything like that?

17 MR. VALENCIA: No.

18 MR. TORRES: BNSF as a scoring mechanism for
19 engineers, do you use that as -- how to rate an
20 engineer or, you know, how, who needs more focus, more
21 attention?

22 MR. VALENCIA: Not often. Originally, some of
23 that had some data points that, I think, had some
24 challenges with. But, we really try and work with all
25 of our engineers, and really try and just maintain an

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1 overall presence with all of our crew members.

2 MR. TORRES: Are you familiar with the BNSF
3 discipline policy?

4 MR. VALENCIA: Yes.

5 MR. TORRES: And alternative handling?

6 MR. VALENCIA: Yes.

7 MR. TORRES: Can you describe it to us, or
8 explain it to us?

9 MR. VALENCIA: The discipline policy or the
10 alternative handling?

11 MR. TORRES: Let's start with the discipline
12 policy.

13 MR. VALENCIA: So, the discipline policy is
14 written in what's referred to as PEPA, and it shows,
15 basically, the stages and advancements of discipline
16 based on guidelines. And it's broken down into
17 standard and serious, and then how that progression can
18 work. Whether an event is deemed as standard or
19 serious and how that progression works.

20 MR. TORRES: And, the other one?

21 MR. VALENCIA: Alternative handling?
22 Alternative handling is an agreement-based process. So
23 some, it writes out the criteria for any kind of event
24 that is, qualifies for alternative handling. And then
25 those guidelines within that agreement are how

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1 alternative handling is applied.

2 MR. TORRES: Okay. With the engineer on the
3 striking train, eastbound striking train on June 28th,
4 were you familiar with him? Were you familiar with his
5 record?

6 MR. VALENCIA: Mr. Owens? Yes.

7 MR. TORRES: Was there any concern on his work
8 history? Was there anything that stood out?

9 MR. VALENCIA: Yes.

10 MR. TORRES: And what was that?

11 MR. VALENCIA: The fact that he had had two
12 decertifications within a short period of time.

13 MR. TORRES: Had a decertification March 1,
14 2015?

15 MR. VALENCIA: I believe that was the date,
16 yes. I'll have to trust you with that date, but I know
17 there was one early in 2015.

18 MR. TORRES: And two events which were
19 considered as one, on September 21, 2015.

20 MR. VALENCIA: Correct.

21 MR. TORRES: Speeding violations. And then,
22 on that same day, in the morning, your road foreman
23 boarded with him, and I guess he deducted some points
24 for Form B? You know, in a manner that he was
25 approaching a Form B?

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1 MR. VALENCIA: Yes.

2 MR. TORRES: Did any of that really -- I mean,
3 what did you do with that information? I mean, what
4 concerns did that bring to you?

5 MR. VALENCIA: Well, the concern was the
6 performance, but the conductor -- the road foreman had
7 addressed it with the engineer that day. He had
8 documented and deducted the points, and also talked to
9 the conductor on that same trip. And, as I recall, the
10 conductor said that he really hadn't provided -- that
11 he didn't also think that it was as much of a train
12 handling matter as the road foreman took it as.

13 MR. TORRES: Are you involved in the
14 discipline process or who's involved?

15 MR. VALENCIA: I'm involved to some degree,
16 yes.

17 MR. TORRES: Were you involved in this
18 instance? September 21, 2015?

19 MR. VALENCIA: Yes.

20 MR. TORRES: And how did you guys handle it?
21 Or, you know, what was required when you guys handled
22 it?

23 MR. VALENCIA: One, because it met the
24 criteria for decertification. We then suspended the
25 certification. My group also -- the road foreman, put

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1 in the Notice of Investigation, which is part of the
2 discipline process, combined it with the FRA hearing.
3 And then that went on to actually go to a formal
4 investigation. And then the actual discipline
5 assessment, I don't do that.

6 MR. TORRES: Who does that?

7 MR. VALENCIA: It's either, primarily it's the
8 general manager has the final decision, but also their
9 labor relations has PEPA Review. Typically, they can
10 review the investigation and determine if the case was
11 proven or not proven, or if there are any outstanding
12 circumstances with that.

13 MR. TORRES: And after that incident, what
14 kind of training was provided to the engineer?

15 MR. VALENCIA: After that incident? Really
16 wasn't much because he had just, because he had went to
17 what we refer to as the Decertification Retraining
18 Class in the prior event in March. Because of the
19 short proximity and the class is the same, we did not
20 send him to the class a second time after the September
21 incident.

22 MR. TORRES: So, there was no further action
23 other than just kind of keep it the way it was. Other
24 than, what --

25 MR. VALENCIA: Well, he --

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1 MR. TORRES: -- the FRA would require.

2 MR. VALENCIA: The revocation period gets --

3 MR. TORRES: No additional remedial
4 training.

5 MR. VALENCIA: Not that I'm aware of.

6 MR. TORRES: And then this particular
7 engineer, on May 21st, he had a formal reprimand for
8 laying off too much?

9 MR. VALENCIA: That I couldn't tell you about.

10 MR. TORRES: And then, how about the incident
11 on June 1, 2016, he failed a test on a approach signal?

12 MR. VALENCIA: Yes.

13 MR. TORRES: And, how was that one handled?

14 MR. VALENCIA: That one was handled -- there
15 was a formal investigation issued for that event. It
16 was also documented, I believe, as an operation test
17 failure from Mr. Roberson (phonetic). However, that
18 was never finalized prior to the accident and his, him
19 being deceased.

20 MR. TORRES: So, wow. What kind of plan was
21 scheduled to be assessed on this engineer? You know,
22 like, did he fall under the alternative plan or --

23 MR. VALENCIA: I believe in that case, he did.
24 I can't say for certain, but if memory serves me, he
25 did, that one did qualify as an alternative handling.

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1 MR. TORRES: Then did you guys come up with a
2 plan as to what the remedial action was going to be for
3 that engineer?

4 MR. VALENCIA: No, we did not.

5 MR. TORRES: So there's nothing written, and
6 you guys never discussed it?

7 MR. VALENCIA: When you read alternative
8 handling, the plan has to be a coordinated effort
9 between employee, his local chairman, and a supervisor.
10 And that meeting did not happen before the June 28th
11 incident.

12 MR. TORRES: From June 1st to the 28th, what
13 happened that it didn't happen?

14 MR. VALENCIA: Well, first off, because -- the
15 event happens, so there is a time lapse for when that
16 also gets reviewed. Investigation notice has to come
17 out. And then, in return, in order for alternative
18 handling to be, the employee has to accept
19 responsibility. So all of that takes time. So just
20 because it happened June 1st, doesn't mean June 2nd
21 you're doing alternative handling.

22 It's a process that takes time and steps for
23 not only the actual notice, but also for the employee
24 to determine with his local chairman if there's going
25 to be acceptance of responsibility and communicate that

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1 back. And then agree to an alternative handling.

2 MR. TORRES: On June 1st, on that incident,
3 did that raise any concerns on your part?

4 MR. VALENCIA: Certainly, yes.

5 MR. TORRES: You know, with two
6 decertifications in 2015, and then this incident. I
7 mean, did it inspire you to take any more actions?
8 More serious actions? Or were you just going to follow
9 what was in place?

10 MR. VALENCIA: I'm going to follow what's in
11 place.

12 MR. TORRES: Did you discuss it with anybody
13 else?

14 MR. VALENCIA: I informed my general manager
15 that it occurred and that we were going to put out the
16 Notice of Investigation.

17 MR. TORRES: And what did he say, you know,
18 when you discussed it with him?

19 MR. VALENCIA: He asked me about, if that's
20 standard. And I said yes.

21 MR. TORRES: Was there any other concerns on
22 the engineer, as far as anything that might have been
23 affected in his performance?

24 MR. VALENCIA: The only thing I have in that
25 case is speculation. I don't have any facts.

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1 MR. TORRES: Okay. I'll pass that on to Rick.

2 MR. NARVELL Thank you. Rick Narvell with
3 NTSB. Randy, you had an acronym here that we have
4 heard today, but I wanted to make sure that I get it
5 from you. And that's PEPA. What does that acronym
6 stand for?

7 MR. VALENCIA: That's Policy on Employee
8 Performance and Accountability.

9 MR. NARVELL Also known as --

10 MR. VALENCIA: (inaudible.)

11 MR. NARVELL -- that's okay. That's why I
12 was wanting to check. Also known as the disciplinary
13 policy.

14 MR. VALENCIA: Yes.

15 MR. NARVELL For lack of a better term. Is
16 that accurate? Okay.

17 When your road foreman of engines, when they
18 do train or check rides, are these announced or are
19 they unannounced? Or are they both?

20 MR. VALENCIA: For an onboard check ride? We
21 typically don't tell them beforehand we're going to
22 ride with them. Every now and then, if we need to get
23 somebody for a certification date, we will tell them,
24 I'm going to meet with you on your next trip you're
25 going to go on so that I can do your evaluation.

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1 MR. NARVELL So this would be for Part 240,
2 for example.

3 MR. VALENCIA: Right.

4 MR. NARVELL Okay. But there are
5 unannounced, and that's --

6 MR. VALENCIA: Yes.

7 MR. NARVELL -- normal. Okay. All right.
8 Mr. Torres went down, and I don't want to go over this
9 ad nauseam again, but there are two de-certifiable
10 events for this gentleman. And then, ultimately, it
11 ended up with the 1 June 16 incident, where he,
12 apparently, re-made the decision to have him go forward
13 with the alternative handling, is that correct?

14 MR. VALENCIA: Correct.

15 MR. NARVELL Now, how is the details of that
16 worked out? So, we have a way forward, and now how are
17 we going to execute that plan? What are all the
18 elements or components that are a part of that? How's
19 that work?

20 MR. VALENCIA: Of the alternative handling
21 plan?

22 MR. NARVELL: Yes. So we made a decision.
23 We're going to put me in an AH. Now what? What
24 happens next?

25 MR. VALENCIA: Well, again, by agreement, that

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1 has to be a coordinated effort between the employee,
2 his representative, and a supervisor. And, out of that
3 meeting, and those three determine what is the best
4 course of action, what remedial training is necessary,
5 what does the employee need.

6 So, it does require some open candidness from
7 the employee to say, I need that. And if you don't get
8 that, basically, you have to put down or determine what
9 is the best course of action with the three party
10 meeting.

11 MR. NARVELL: Okay. Good. So, on a timeline
12 here, on a linear basis, we have the incident was
13 1 June. And then we have this accident on 28 June.
14 So, almost a month.

15 What is the normal, or is there a normal
16 average time from an event to when the plan gets put
17 into effect?

18 MR. VALENCIA: No, not really. Because when
19 an investigation notice comes out, labor
20 representatives of the employee have the ability to
21 postpone, and sometimes we have multiple postponements.
22 So, some of them can happen fairly quickly; some of
23 them can drag on for a long time during the
24 postponement procedures, before there is an acceptance
25 of responsibility.

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1 MR. NARVELL: So that was my next kind of
2 follow-up question. Is there a drop dead, thou shalt
3 must have this done by six -- I'm just using an
4 arbitrary number. Is there a date that has to be, or
5 can this go on for months and years? Maybe that's a
6 little extreme, but --

7 MR. VALENCIA: There is no timeline that says
8 from the date an investigation comes out, to it has to
9 be finalized.

10 MR. NARVELL: That's what I'm asking. So, in
11 this particular case, it was 27 days, same one.

12 MR. VALENCIA: Yes.

13 MR. NARVELL: Some are shorter. So, once the
14 decision is made here, and then the details if you
15 will, or the process, or the elements, that had not
16 occurred here with this gentleman, is that correct?

17 MR. VALENCIA: Correct.

18 MR. NARVELL: So that was, I guess, TBD or to
19 be determined. And then this incident happened in
20 Panhandle on 28 June. Okay.

21 So there's no average time, and there's no
22 kind of drop dead date for these things. It's just
23 getting people together on that three-legged stool if
24 you will. And then once that is all done and agreed
25 upon, that's when it goes into effect?

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1 MR. VALENCIA: Yes.

2 MR. NARVELL: Is that accurate? Okay.

3 Did you know this gentleman? I know you're,
4 you've got a lot of engineers. There's, I think we
5 heard there's some 9,000 in the whole system, and
6 quite a bit less, obviously, on the Kansas sub, but did
7 you happen to know this gentleman?

8 MR. VALENCIA: Yes.

9 MR. NARVELL: Okay. Can you just tell us
10 about him from what you know of him?

11 MR. VALENCIA: So, not a lot of real personal
12 knowledge, but I'd seen him. See him at work. See him
13 in crew lobbies. Had discussions with him. Nothing
14 really stand out in any of my interactions with him. I
15 couldn't tell you what any of his personal hobbies were
16 or anything like that. But I just knew, I knew his
17 name, especially since I'd been on the Panhandle sub.
18 And been, really, on this division for a long period
19 time.

20 MR. NARVELL: Okay.

21 MR. VALENCIA: I know most people, but really
22 details about knowing them, I usually don't.

23 MR. NARVELL: Okay. So he's been around, and
24 I say that in a good way, about 20 years or something
25 like that, we heard?

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1 MR. VALENCIA: Yes.

2 MR. NARVELL: Okay. So nothing untoward that
3 would cause you a concern with what you knew of him at,
4 in the work environment?

5 MR. VALENCIA: Correct.

6 MR. NARVELL: All right. Now, you mentioned
7 you didn't know anything about his personal hobbies.
8 Did you know anything about his life off the railroad?
9 Family, or where he lived, or anything of a personal
10 nature?

11 MR. VALENCIA: Not directly.

12 MR. NARVELL: Okay. What do you mean by not
13 directly?

14 MR. VALENCIA: Basically, I had to go -- it's
15 basically, rumor or hearsay that he had had some
16 marital issues. But, I don't have any confirmation of
17 that in any way.

18 MR. NARVELL: Okay. Now, I understand that
19 and I appreciate that. Thank you. But, we're trying
20 to, obviously, figure out what happened here. I will
21 ask you, and again, a factual based on that, I will
22 keep it in that context. Was this something that was
23 fairly recent? Or is it something that goes back a
24 ways with this potential problem, or do you know?

25 MR. VALENCIA: I'm going to have to say it was

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1 fairly recent.

2 MR. NARVELL: Fairly recent. Okay. Anything
3 else about this gentleman that comes to mind, at this
4 point, for our purposes today?

5 MR. VALENCIA: No.

6 MR. NARVELL: Okay. Thank you. I think
7 that's all I have for right now. Mr. Southworth?

8 MR. SOUTHWORTH: I think I'm going to pass on
9 this round just to see how many other follow-ups
10 develop and then I'll -- might have some clarifying
11 questions a little later.

12 For now, I'm going to pass. We'll ask Steve
13 Facklan if he has anything.

14 MR. FACKLAN: Steve Facklan. BLET Safety Task
15 Force. I just got a couple. Most of them are just kind
16 of follow-ups.

17 The September 2015 event with Mr. Owens, how
18 long was that decertification? I think he was, from
19 our discussion, he was, after that he was working as a
20 brakeman for approximately six months. Was he
21 decertified for that six months total, or was some of
22 it just a record suspension, maybe a 30 day, and he
23 chose to stay on the ground?

24 MR. VALENCIA: No. Well, I can't say if he
25 stayed on the ground beyond his revocation period. But

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1 based on the FRA Guidelines, two de-certifications
2 within a two year, 24 month period, is six month
3 revocation period. So, his revocation was six months,
4 based on the regulation. And if he stayed any time
5 beyond that as a brakeman, it may have just been then
6 because he didn't have a bump or whatever. That, I
7 can't answer.

8 MR. FACKLAN: Okay. We just needed --

9 MR. VALENCIA: But it was six months.

10 MR. FACKLAN: -- that clarified. Okay.

11 Safety Summit Agreement. There's Class I, Class II and
12 Class III identifications. Or identifiers for
13 violations. There's pretty much everything, you know,
14 rules, violations, everything out here followed there
15 in one of those Classes. Attendance issues. Stop
16 signal issues. To a minor route, just administrative
17 rules of violation.

18 MR. VALENCIA: Typically, if a rules violation
19 is covered under the Safety Summit Agreement, the it
20 would be classified under I, II or III.

21 MR. FACKLAN: Okay.

22 MR. VALENCIA: There are some exclusions in
23 the Appendix to the Safety Summit Agreement, but there
24 are some that are not eligible at all.

25 MR. FACKLAN: I was just trying to figure --

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1 give the definition of Class III offenses. What Class
2 III offenses, can you give us examples of what a Class
3 III offense would be under the Safety Summit Agreement?

4 MR. VALENCIA: Class III are typically
5 considered a standard level violation. And, you know,
6 what we know as an approach signal-type violation,
7 train handling action that wasn't involved in a
8 violation that met the criteria for decertification, it
9 could fall under that standard level.

10 MR. FACKLAN: The June 1st incident with
11 Mr. Owens, where he had to place a straight in an
12 emergency, would that be considered a Class III?

13 MR. VALENCIA: Yes.

14 MR. FACKLAN: Okay. That's all I have right
15 now.

16 UNIDENTIFIED SPEAKER: Nothing for me.

17 MR. MARTINEZ: Nothing for me. Chris
18 Martinez, FRA.

19 MR. SOUTHWORTH: Nothing from Aaron Ratledge,
20 BNSF.

21 MR. SAUNDERS: Kamron Saunders, Smart TD.
22 We've heard other testimony today. This is the first
23 time that we've heard that on the June 1st issue -- we
24 heard earlier that that would be a more or less a slap
25 on the hand. Now we're hearing that there was an

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1 investigation scheduled. Is that -- are you sure there
2 was an investigation scheduled for that yellow block
3 incident?

4 MR. VALENCIA: Yes.

5 MR. SAUNDERS: And do we have documentation of
6 that, and can we get that?

7 MR. SOUTHWORTH: If there was one scheduled,
8 we have documentation, so --

9 UNIDENTIFIED SPEAKER: (Inaudible.)

10 MR. SAUNDERS: That's all I have at this time.

11 MR. TORRES: Tomas Torres with NTSB. In 2015,
12 he had two incidents. March 1st for the dark signal,
13 correct?

14 MR. VALENCIA: Correct.

15 MR. TORRES: And then September 21st was
16 speeding violation?

17 MR. VALENCIA: Correct.

18 MR. TORRES: So, would both be considered two
19 separate incidents?

20 MR. VALENCIA: Yes.

21 MR. TORRES: The reason I'm asking is because
22 in your policy here, in Section 2 Serious Violation,
23 there's one part that reads, a second serious violation
24 committed by the applicable review period, may result
25 in dismissal. So, what decision was made to keep him

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1 onboard?

2 MR. VALENCIA: Well, one, the PEPA policy says
3 may, doesn't say it's required.

4 MR. TORRES: Okay.

5 MR. VALENCIA: So, then again, that is the
6 general manager's discretion. And/or any information
7 they get from PEPA review.

8 MR. TORRES: Okay.

9 MR. NARVELL: I just have one more area, and
10 it won't take long, Randy. We've had, as you've heard,
11 a lot of discussion about Mr. Owens and questions about
12 him.

13 Did you know anything at all about Mr. Smith,
14 his conductor, there the day of that incident. Do you
15 know anything at all about him?

16 MR. VALENCIA: I certainly do not.

17 MR. NARVELL: Never met him, or --

18 MR. VALENCIA: I think I've met him, you know,
19 I supervised the Panhandle sub a lot of years ago, and
20 he's worked there for a lot of years. But as far as
21 having any recent interactions or anything that comes
22 to memory, I don't.

23 MR. NARVELL: Okay. Great. Thank you very
24 much. That's all I have.

25 MR. SOUTHWORTH: I just want to make sure

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1 I'm clear. I got some clarification from Matthew
2 Garland and that makes me understand -- this is Jim
3 Southworth, NTSB -- that makes me understand the
4 different classes. I get the March 1 incident, in dark
5 territory. That was a serious level event. I get that
6 he had another serious level event on the 21st of
7 September 2015, which resulted in decertification as an
8 engineer.

9 And then he worked as a brakeman up until the
10 middle of March, March the 16th, where he was
11 recertified as a locomotive engineer. And then we have
12 the event, June 1st, 2016. One of the questions I
13 asked Mr. Garland was, is it typical to go almost four
14 weeks before we have an arrangement that's been made,
15 the deployment, whatever you want to call it, to meet
16 and talk about elements of what was then going to be,
17 or was communicated to me and I think the rest of the
18 group to be, the alternate handling.

19 And I guess I'm a little confused. Do we all,
20 are we also going to view that there was to be an
21 official investigation, and that was determined. Is
22 that what I'm hearing?

23 MR. VALENCIA: An Investigation Notice was
24 issued. And everything I recall is that he had
25 requested and received alternative handling.

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1 MR. SOUTHWORTH: From the union?

2 MR. VALENCIA: Well, they request alternative
3 handling from the union and then, basically, under the
4 policy guidelines, he could get alternative handling.

5 MR. SOUTHWORTH: Who makes the request for
6 alternative handling?

7 MR. VALENCIA: Typically, it's his
8 representative, the local chairman.

9 MR. SOUTHWORTH: Okay. When there is
10 alternative handling accepted by management, what
11 happens to the activities that were put into motion to
12 do an investigation?

13 MR. VALENCIA: The investigation is basically
14 nullified by the alternative handling. The part about
15 alternative handling, is it's an alternative to
16 discipline. So the discipline procedure is basically
17 just stopped and put on hold and then closed out as
18 alternative handling.

19 MR. SOUTHWORTH: Okay. Was it closed out?

20 MR. VALENCIA: No.

21 MR. SOUTHWORTH: Okay. And, for the record,
22 BNSF is going to dig up for us that investigation
23 written information.

24 UNIDENTIFIED SPEAKER: Yes, I mean it's, those
25 are captured. I mean, we can resurrect that.

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1 MR. SOUTHWORTH: Yes. It fits into the
2 chronology.

3 I don't have anything further right now.

4 MR. FACKLAN: Steve Facklan, BLET Safety Task
5 Force. Panhandle. The incident. Did you have any --
6 from the event prior, nothing afterwards -- have you
7 heard of any reports from any crews or anything, within
8 the Panhandle area itself, just the siting, the
9 signals, and the switches right there at Panhandle, any
10 reports of any kind of switch failures or signal
11 failures?

12 MR. VALENCIA: No.

13 MR. FACKLAN: Okay. That's all I have.

14 MR. RINGELMAN: Ryan Ringelman. No questions.

15 MR. MARTINEZ: Chris Martinez, FRA. Just to -
16 - you said that you and him would make a request, and
17 who did they send the request to, and how did they send
18 the request?

19 MR. VALENCIA: For?

20 MR. MARTINEZ: For alternative handling.

21 MR. VALENCIA: The request has to come in
22 writing. The most common way in today's world is an
23 email. The local chairman would send an email saying,
24 requesting or accepting alternative handling for this
25 individual, or a case number.

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1 MR. MARTINEZ: Who does he send an email to?

2 MR. VALENCIA: The director of administration.

3 MR. MARTINEZ: Okay.

4 MR. RATLEDGE: No, I don't have any.

5 MR. SOUTHWORTH: All right, Randy, is there
6 anything we have not asked that you think we should
7 have asked? Is there anything you'd like to add or
8 speak into the record, that you think would be
9 pertinent, helpful, useful, necessary, and of course,
10 factual in nature?

11 MR. VALENCIA: Not that I can think of at this
12 time, no.

13 MR. SOUTHWORTH: Well, thank you for your
14 time. And this concludes the interview.

15 (Whereupon, the above-entitled matter was
16 concluded.)

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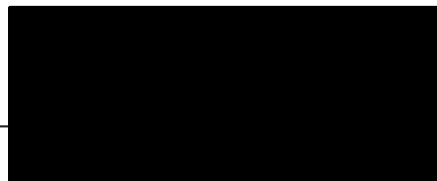
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C E R T I F I C A T E

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

DATE: 07-28-16

I hereby certify that the attached transcription of page 1 to 33 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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