

DCA11FR002  
Collision - BNSF  
Red Oak, Iowa  
April 17, 2011

Interview  
BNSF 9470 Struck Train  
Conductor

UNITED STATES OF AMERICA

NATIONAL TRANSPORTATION SAFETY BOARD

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Investigation of:

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BURLINGTON NORTHERN SANTA FE  
COLLISION  
RED OAK, IOWA  
APRIL 17, 2011

Docket No.: DCA-11-FR-002

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Interview of: CHRISTOPHER D. PATE

Shenandoah Inn  
680 West Sheridan Avenue  
Shenandoah, Iowa

Tuesday,  
April 19, 2011

The above-captioned matter convened, pursuant to notice.

BEFORE: TED T. TURPIN  
Operations Group Chairman

## APPEARANCES:

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MR. TURPIN: Okay. My name is Ted Turpin with the NTSB. This is April 19th, 2011. We're here investigating accident DCA-11-FR-002. We're interviewing Mr. C.D. Pate in connection -- the interview is in connection with an accident that happened April 17th, 2011, at approximately 7 a.m., near Red Oak, Iowa at CP McPherson. This interview is being recorded. And do you understand that it is being recorded, Mr. Pate?

MR. PATE: Correct.

MR. TURPIN: Okay. And if we could, we'll start around the table and if you could state your name and spell it, please?

MR. PATE: Christopher Pate, C-h-r-i-s-t-o-p-h-e-r, P-a-t-e.

MR. TURPIN: Thank you. And next?

MR. STOLKE: Stephen Stull, Local Chairman, Division 642, BLET, Creston. S-t-u-l-l.

MR. JENNER: I'm Stephen Jenner with the NTSB. I'm a human performance investigator out of Washington.

MR. JACKSON: Kimble Jackson, BLET. J-a-c-k-s-o-n.

MR. FIELDS: Carl Fields, F-i-e-l-d-s, Brotherhood of Locomotive Engineers and Trainmen, Safety Task Force.

MR. GIBSON: Jerry Gibson, G-i-b-s-o-n, United Transportation Union, Safety Task Force.

MS. ANDERSON: Barb Anderson, (indiscernible)-r-s-o-n, FRA.

## 1 INTERVIEW OF CHRISTOPHER PATE

2 BY MR. TURPIN:

3 Q. All right. Mr. Pate, can you just relate to us what  
4 happened on the day of the accident?5 A. Eastbound unit train, on duty in Lincoln at 0115 in the  
6 morning. Having a pretty good trip, 55-mile-an-hour train, not  
7 doing too bad. Come into CP 458 Hastings, Iowa, green. The  
8 approach signal at approximately 450 was -- pardon me, 455 was at  
9 approach, and the CP -- the crossover is at 453.5, red. Amtrak  
10 went around us, Main 1. At a yellow, proceeded on that indication  
11 until we got to signal approximately 450. Had a restricting --  
12 it's a grade-plated intermediate signal. So, we took that  
13 restricted speed, and I followed a train out of there. He took  
14 off over to Red Oak.15 I assume we were waiting on the Z train. We were going  
16 to meet the Z train at McPherson. Assuming, because -- not like a  
17 dispatcher to tell you everything that's going on, but -- pulled  
18 up there, stopped. We were there for approximately 20 minutes,  
19 half hour. I wasn't, you know, looking at the stop time, but --  
20 the next thing I knew, we started moving. Kind of confused why we  
21 were moving. Didn't realize the train was behind us that close.  
22 Never heard anything out of them. Never heard any detectors go  
23 off, you know.24 Start moving. The engineer says, "Jesus, you know, I  
25 think we've just been rear-ended." I says, "Okay." Just trying

1 to take everything into -- take it -- you know, it's all going --  
2 trying to process all that stuff. Then I looked, I looked out the  
3 rear window towards the west. I seen the huge plume of black  
4 smoke coming up and that's when I knew that something bad had  
5 happened.

6           Tried raising the dispatcher. It was right there in  
7 shift change, so -- used our emergency tone to put out an  
8 emergency signal. Took a couple, 3 minutes, somewheres around  
9 there, for them to answer. By that time Randy had dug his cell  
10 phone out, turned it on, called 911 on his personal cell phone  
11 device. He took off back there. I stayed around a little bit  
12 longer making sure the dispatcher knew about it, everybody in the  
13 area knew -- I called -- I verbally said, "Emergency, Emergency,  
14 Emergency," on the radio. Somebody asked, "What happened?" I  
15 says, "Goddamn it, we just got rear-ended" -- something like that.  
16 I told them where were at, you know, we just got rear-ended. I  
17 didn't know if the Z train was coming. You know, they could have  
18 piled -- well, they were piled up on Main 1 back there. You know,  
19 so he could have been coming, taken the signal. He could have run  
20 into it, too, so -- anyway, I put the "Emergency, Emergency,  
21 Emergency" broadcast out there.

22           Finally, did get ahold of the dispatcher. Told him what  
23 had happened, we think we've been rear-ended, and I did confirm, I  
24 think, most likely did, after seeing all the smoke back there. He  
25 made sure who we were, where we were at. I told him we were the

1 9740 -- never forget that -- at McPherson.

2 He started calling their engine number out. No response  
3 out of them. So, I put my vest on and -- put my vest on, got my  
4 pack set, and just ran back there. And then he was trying to  
5 holler at me, but with the portable radio it was just, you know, a  
6 bad area. I couldn't really hear him. I called him on my phone  
7 and I told him, I says, "Yeah, we have been rear ended; it's bad."

8 The fire department, emergency services were starting to  
9 show up and I told him, "If you need anything else, you know, call  
10 me or holler at me on the radio. I can hear you. I'll call you  
11 back on my phone," so -- and then I was -- after that, I just  
12 turned the radio off. Figured he wants to get ahold of me, he can  
13 get ahold of me. He knew all about it, so --

14 That's pretty much what I can recollect, right there.

15 Q. Okay. Good. Thank you.

16 I think you mentioned that you were stopped at the  
17 crossover when Amtrak went by you?

18 A. Yes.

19 Q. Okay. And then, then the signal cleared at the  
20 crossover to -- from red to yellow?

21 A. Yeah.

22 Q. Okay.

23 A. Must have been a train ahead of us in the block, but --  
24 he might have been rolling into McPherson, he might have already  
25 been stopped up there. Sometimes they'll hold the signal on you



1 for -- whatever they're thinking. I don't know why.

2 Q. Okay. All right.

3 You're a qualified locomotive engineer as well?

4 A. Correct.

5 Q. Okay. But you were assigned as a conductor on this  
6 train?

7 A. Yes. I've -- I'm originally from Los Angeles. That's  
8 where I hired out at, started my railroad career out there. Went  
9 through the engine program out of Los Angeles. That's where my  
10 seniority is established.

11 Q. What date?

12 A. 8/6 of '6, I believe. I think so. It's in the  
13 computer.

14 Yeah, so when I transferred out here -- like I come out  
15 here just because I -- Los Angeles was too expensive. I wanted to  
16 get out of there. I never brought my engineer seniority with me.

17 Q. Okay.

18 A. I got system-wide conductor seniority, engineer  
19 seniority, established out there on the Los Angeles Division.

20 Q. All right.

21 Have you since qualified as an engineer here?

22 A. They keep me up-to-date. I mean, I have to keep my card  
23 up to date. No, I haven't, I haven't brought my seniority out.

24 Q. Okay. So, you're 240-qualified but you can't actually  
25 operate as an engineer here?

1 A. No.

2 Q. Okay. When did you move here?

3 A. Three years ago in January. Three years and 3 months  
4 ago.

5 Q. And have you predominantly worked Creston to Lincoln?

6 A. Yes. Either be it extra board or ID pool, flavor of the  
7 month, I --

8 Q. Okay. So, you went directly from L.A. to Creston, then,  
9 as --

10 A. Yes.

11 Q. Okay. Thank you.

12 Has any of the engineers let you operate trains on the  
13 territory?

14 A. Oh, I've been offered. I mean, I've been offered to do  
15 it. It just depends.

16 Q. Okay. And you haven't run any trains?

17 A. (No audible response.)

18 Q. Okay. Just to double check and I know you -- I know you  
19 stated this, but you heard no radio transmission from the train  
20 behind you?

21 A. No, not that -- I didn't hear anything. No.

22 Q. Okay. Were you aware that there was a train on duty at  
23 Lincoln behind you?

24 A. Oh, I -- yeah, I mean, on duty, on paper. I ran a list  
25 when we left to see, you know, who was coming at us and all that

1 stuff. I knew there was a couple behind us on duty.

2 Q. Okay.

3 A. I didn't realize that they were that close.

4 Q. All right.

5 MR. TURPIN: I think I'll go ahead and give it to Steve.

6 BY MR. JENNER:

7 Q. I'm going to ask some follow-up questions.

8 A. Okay.

9 Q. Did you actually see -- when you walked back to the  
10 train and you saw the point of impact, did you see a fire going on  
11 at that time?

12 A. Yes. I mean, the point of impact was farther west.  
13 Where they finally ended up is where I kind of --

14 Q. Right.

15 A. We stayed back for a while because Randy was back a  
16 ways. He didn't want to get too close, you know, with the smoke  
17 and all that stuff going on. So, we stayed back there for a while  
18 until the fire department started rolling in and they were close  
19 so we just kind of moseyed up there a little bit farther.

20 Q. Was the fire sort of just in the area of the lead  
21 locomotive or was it spread out to other cars?

22 A. No. It was mostly in the lead locomotive, in the cab  
23 area, what was left of it.

24 Q. Um-hum.

25 A. And then the second engine was on fire, the engine part;

1 not the actual cab, but the --

2 Q. Right.

3 A. -- the diesel engine.

4 Q. Did this -- okay, so two, two fire --

5 A. Yeah.

6 Q. Two separate fires --

7 A. Yeah.

8 Q. -- going on?

9 A. Yeah. Because the second one you could see on the  
10 paint, see where it's smolder -- you know, it's singed.

11 Q. Do you -- just if you know, do you happen to know what  
12 was fueling the fire? What --

13 A. Yeah, I keep thinking about that. I don't know, to be  
14 honest with you. To me -- I mean, I know diesel's combustible.  
15 You can through a match at it and diesel will light, you know.

16 Q. Okay.

17 A. I don't know what would have been fueling it, to -- I  
18 mean, when we hit or when they hit us, you know, we moved. I  
19 mean, it wasn't 5, 6 seconds and I looked back and it was already  
20 just pouring smoke out, so I -- I couldn't imagine what would burn  
21 that quick or what would start that.

22 Q. Right.

23 A. I mean, you guys got a better idea than I do, but just  
24 to me -- I mean, the fuel tanks are on -- you know, at the bottom,  
25 you know, about the middle. I mean, there's a lot of electronics

1 up there, but I don't know what fueled that quick.

2 Q. About how long did it take for you to get to --

3 A. Where they finally ended up?

4 Q. Yeah, where the train ended up, the rear of your train?

5 A. From the time that I left the locomotive --

6 Q. Right.

7 A. -- or from the time that I (indiscernible) --

8 Q. Well, from the time of impact.

9 A. I'd say it couldn't have been more than probably -- an  
10 approximate would be 15 minutes. Like I said, I was still trying  
11 to get ahold of the dispatcher, make sure everybody knew about it.

12 Got my -- you know, put my vest on. Got -- you know,  
13 just -- I didn't tidy up the place, by any means, but I just threw  
14 my vest on, got a couple of things, and walking back there -- or  
15 like a sprint. I didn't run. I mean, look at me, I can't run too  
16 far, so --

17 Q. At what point did the emergency crews start to arrive?

18 A. They were just rolling up about the time I got back  
19 there. So, about, you know, approximately 15 minutes, in that  
20 general area. Because I could hear the sirens for almost the  
21 whole time I was walking back there. I could hear them come.

22 Q. Were there both police and then --

23 A. Yes. There was Montgomery County -- Montgomery County?  
24 Yeah, Montgomery County Sheriff was there. I believe it was the  
25 Red Oak Fire Department. Maybe some other mixed cities or

1 counties but I know that -- I did speak with the Red Oak Fire  
2 Chief. He was there, so --

3 Q. What did he ask you?

4 A. If we were okay, you know, if everything was going all  
5 right. The track equipment -- they wanted to know, you know,  
6 because there was stuff leaking from the track equipment. There  
7 was oil or solvents or what. He was asking me what was in those  
8 and I says, "The hell if I know," because all our paperwork shows  
9 we just had railway equipment. So anything that's in those  
10 machines, I have no idea. There's a couple propane tanks -- they  
11 were clearly -- they were labeled propane, so they had placards  
12 on them, but --

13 Q. Okay. How long was it before they started to try to put  
14 out the fire?

15 A. Well, for the record, this is pretty hazy. I'm still  
16 trying to go over it in my head, but -- it was pretty quick. They  
17 showed up, I mean, it was still engulfed in flames. And they were  
18 -- I don't know, probably your average time to just to get the  
19 hoses out, get them all set up. I think they were spraying foam.  
20 It looked like a foam discharge or whatever was going on, so --  
21 and, I mean, water and foam both.

22 Q. Okay. Were you banged up as a result of this?

23 A. No. I mean, we were lunged forward. It was just kind  
24 of an odd -- like, just like an odd feeling. You know, you're  
25 just getting shoved forward and you -- almost like if you're -- an

1 engineer is on slack or something like that or the vehicle jammed  
2 on a slack and --

3 Q. Right.

4 A. -- it just kept pushing it forward.

5 No, I mean, I was, I was in my seat. (Indiscernible).

6 If I had been standing up, getting a water or something, it might  
7 have knocked me down in the middle or something.

8 Q. Right.

9 A. I was sitting down, so --

10 Q. Were you asked to -- after things settled down, were you  
11 asked to give a specimen for post-accident testing, toxicological  
12 testing?

13 A. Uh-uh. There was no asking. I mean, it was you're  
14 going to the hospital, so --

15 Q. A request?

16 A. Yeah, yeah.

17 Q. Who asked you?

18 A. I don't know what his first name is -- or Dan, is it Dan  
19 Munson? Steve?

20 MR. STULL: Yeah.

21 MR. PATE: Yeah, Dan, Dan Munson out of Omaha.

22 BY MR. JENNER:

23 Q. And he's with --

24 A. BNSF.

25 Q. BNSF.

1           A.    Yeah, he said that we were going to be going to the  
2 hospital. We were going to get a ride from our road foreman in  
3 town -- Knutson's (ph.) his last name.

4           Q.    What hospital did you go to?

5           A.    Creston.

6           Q.    And if you could summarize how the specimen process --  
7 were things routine?

8           A.    Never -- I've never been through that part before, but I  
9 guess there was as routine -- if you were used to it, they  
10 probably were.

11          Q.    Right.

12          A.    He showed up and he had an FRA testing kit, a box.  
13 There was three smaller boxes in it with, you know, vials for  
14 blood, urine sample containers. They -- when we got to the  
15 hospital, you know, we just give our names, we come in the back  
16 room. They hooked me up, got my blood pressure, took my heart  
17 rate, and then from there they moved on. We did the urine because  
18 I was about ready to pop, and then they did blood.

19          Q.    Okay.

20          A.    Took three, three vials of blood and I think two vials  
21 of urine, two containers.

22          Q.    Do you recall, for you, what time that that occurred,  
23 general time?

24          A.    General, it was 12:15 to 12:30 for both of them. 12:15  
25 to 12:40 between doing both of them. I mean, he had the times



1 listed. I've got a copy somewheres. It's in my truck.

2 Q. Just to reflect on something said earlier about not  
3 hearing any communication from the train behind you.

4 A. Yes.

5 Q. Is that normal, or atypical, not typical to --

6 A. Yeah, it would have been normal, given the circumstances  
7 that day.

8 Q. I asked a confusing question.

9 A. Okay.

10 Q. What is normal, to hear radio contact or to not hear  
11 radio?

12 A. Oh, you hear a lot of radio contact. I mean, there's a  
13 lot out there.

14 In that situation, I mean, the way the signal should  
15 have been operating or, you know, the way it -- in my head, I --  
16 you know, it should have went. They would have never had to --  
17 there's a rule in the territory where you have to call a signal --  
18 if you're coming into a control point, if you're on the yellow,  
19 you got to call it out.

20 We -- when we approached McPherson, we were on a  
21 restricting signal, not required to do that. When they took  
22 453.5, assuming it was yellow, coming in behind us on that block,  
23 they wouldn't have had to call that out because it's a -- they're  
24 coming into an intermediate. We're coming into a control point,  
25 we're on restricted speed, so --

1 Q. Who were they calling signals out to?

2 A. Just open air broadcast. BNSF 9740, what direction you  
3 are, what main track you're on, and where you're approaching and  
4 how fast.

5 Q. And that's a requirement for that territory?

6 A. For this territory.

7 Q. Right. And if you can reflect on what signals are  
8 called out and just, in general, what signals do you not have to  
9 call out?

10 A. If you're on an approach, you call out if you're coming  
11 into a control point, an absolute signal.

12 Q. And what signals do you not have to call out?

13 A. Anything other than that.

14 Q. Okay. And how, in your experience, are crews -- how  
15 pretty closely do they follow those rules about calling out  
16 signals?

17 A. Good. Good. I mean, they're pretty on target on that  
18 one.

19 Q. Okay.

20 A. I mean, it makes it nice for you because you're sitting  
21 there and you -- you know, like I said earlier, you're coming to a  
22 red signal. Well, the dispatcher won't talk to you. Half the  
23 time he doesn't tell you what you're there for, but you can hear  
24 somebody -- you know, approaching this or -- oh, okay, he's up  
25 there. Okay, now we can kind of figure out what's going on here.

1 So it's kind of -- it's pretty useful, you know.

2 Q. If I understand, you were trailing another train?

3 A. Yes.

4 Q. Did you hear a conversation from them?

5 A. Not that I recall. I'm not saying they didn't say  
6 anything --

7 Q. Right.

8 A. -- maybe I just didn't hear it.

9 Q. From what I'm hearing, that -- to me that sounds  
10 somewhat unusual. Because they -- should they have been calling  
11 out some of the signals?

12 A. I don't know what they were operating on.

13 Q. Okay.

14 A. Not a clue.

15 Q. Okay.

16 A. They could have been following somebody else and they  
17 didn't have to call the signal.

18 Q. Right.

19 A. So I -- not a, not a clue.

20 Q. I think that's all the questions I have for this area.  
21 What I'm going to do is let other people ask questions and then,  
22 as a matter of routine, we ask about your health and work schedule  
23 and --

24 A. Okay.

25 Q. -- and things like that, so I'll follow up later.

1 Thanks.

2 A. Okay.

3 MR. FIELDS: Chris, Carl Fields, BLET.

4 BY MR. FIELDS:

5 Q. You made reference to your lead motor being a BNSF 9740.  
6 Could it have been a 9-4-7-0?

7 A. Oh. I'm sure it could have been, yeah.

8 Q. That's all I have right now.

9 A. Okay, yeah -- dyslexic.

10 MR. GIBSON: Jerry Gibson, United Transportation Union.

11 BY MR. GIBSON:

12 Q. Just so I'm clear on this. Calling signals --

13 A. Yes.

14 Q. -- is this a timetable special instruction for this  
15 location based on traffic or is this something system-wide; do you  
16 know?

17 A. No, it's not systemwide because it was never -- there  
18 was no rule for that out in Los Angeles, on that territory. I  
19 mean, I haven't worked everywhere on the system, but from me  
20 being -- working out there and working here, I know it's not  
21 system-wide, all over.

22 Q. So, just for clarification, in L.A. --

23 A. Um-hum.

24 Q. -- you had to call all signals out on the radio?

25 A. No.

1 Q. No?

2 A. None.

3 Q. None, at all?

4 A. Passenger trains.

5 Q. Passenger trains?

6 A. Passenger trains out there called signals out other than  
7 clear. We don't have to -- there's just so much radio traffic out  
8 there.

9 Q. Okay.

10 A. God, if everybody was calling them out, you'd never get  
11 a word in edgewise.

12 Q. I come from a state that we don't have to worry about a  
13 lot of that, so --

14 A. Okay.

15 Q. Fortunately.

16 Is there a rule that you guys have that requires you,  
17 when you're stopped at a location, to repeat on the radio that  
18 you're stopped at a location?

19 A. Not in CTC territory.

20 Q. Okay.

21 A. Everything that we operate from -- well, I'm not going  
22 to say everything, but from leaving Creston to Lincoln is all CTC.  
23 Creston has yard limits, ABS/TWC yard limits.

24 Q. Okay. All right, that --

25 A. But -- no. No, when you're stopped, you don't have to

1 call it.

2 Q. Get a little bit more interpersonal. Have you worked  
3 with any of the crewmembers of the striking train previously?

4 A. The engineer, not the conductor.

5 Q. Okay.

6 A. Being in the same craft, you don't -- I mean, not  
7 typically work with them.

8 Q. So, you have worked with Mr. Anderson before?

9 A. Yes, sir.

10 Q. Any exceptions at all with -- and again, if you don't  
11 feel comfortable answering something, you do not have to,  
12 but --

13 A. Sure.

14 Q. -- did you ever take any exceptions? Would you consider  
15 him more than capable to run? Was there anything out of the norm  
16 that --

17 A. Give me a second to think about this, how to word it.  
18 Let's just say he wasn't in my top five to work with, I'll tell  
19 you that. We'll just leave that one be at that.

20 Q. And you did not know the conductor very well at all?

21 A. I just -- you know, BS-ing with her in the locker room  
22 and stuff like that. I mean, I never worked with her, personally.  
23 Just, hi, how you doing, you know. She just bought a house. I  
24 just bought a house, you know, talking stuff like that. That's  
25 the most I knew her, from her.

1 Q. Did, by chance, did you happen to see them? Because you  
2 were both at -- away from home and I would have to assume that you  
3 guys would stay at the same lodging facility --

4 A. We do.

5 Q. -- in Lincoln. Did you happen to see them out and about  
6 while you were taking a rest or they can rest --

7 A. Not at all. Uh-uh. I didn't see them.

8 Q. That's all I have. Thank you.

9 MS. ANDERSON: Hi, Chris.

10 MR. PATE: Hello.

11 MS. ANDERSON: Barb Anderson.

12 BY MS. ANDERSON:

13 Q. Just a couple of questions. When you were at the  
14 hospital, were you examined by a doctor?

15 A. Yes. There was a doctor on duty.

16 Q. Okay. And did the doctor prescribe any medication?

17 A. Yes.

18 Q. And can you tell me what that prescription was?

19 A. I don't know the exact names. One was a muscle relaxant  
20 and one was a painkiller.

21 Q. And did you take any of that medication while you were  
22 at the hospital?

23 A. No, not at the hospital.

24 Q. Okay. And did you take any of that medication prior to  
25 being interviewed?

1 A. Yes.

2 Q. Before I interviewed you?

3 A. Oh, no, no. Not that -- no, not Sunday. No.

4 Q. Okay. And how are you feeling now?

5 A. Still jarred. Still just, you know, a little shaky. I  
6 mean, not -- just thinking about all of it, you know. You know,  
7 the picture's in the paper and everybody's calling you and, you  
8 know, bugging you half the time. You can't let it -- you can't  
9 start to forget about it until people leave you alone, really. I  
10 mean, it's nice that they do call you and see how you're doing and  
11 stuff, but about every time they call you, it just pops right back  
12 into your head, so --

13 Q. Did you meet with the peer support group at all?

14 A. Yes. Well, I had to talk to him, so they could get me  
15 off on trauma, so -- and I seen him this morning for a little bit  
16 at the depot. He wanted to have a big long conversation, but I  
17 got to get down here, so -- I'll keep in contact with him at some  
18 point.

19 Q. Now, on this particular territory, when you're running  
20 over are here on the Creston stuff, are you required to keep up  
21 the signal awareness form?

22 A. Yes. I did turn that in this morning.

23 Q. Okay.

24 A. That's been turned in to the company.

25 Q. And at the time of impact, were you -- had you noted



1 that you had stopped at that location?

2 A. Yes. I put the stop time down there.

3 Q. Do you recall what the last piece of equipment was in  
4 your train?

5 A. No. Like I said before, all the wheel said -- or the  
6 work orders, rail equipment related; that's all.

7 Q. So, when you boarded in Lincoln, you didn't have an  
8 opportunity to see your train? You didn't --

9 A. No.

10 Q. -- drive --

11 A. Typically, there's no -- I mean, it was air-tested at  
12 the initial -- where it was made up. Came in with a good air  
13 slip. The car man worked it and there was really no -- not no  
14 point, but -- it wasn't required to go look at it, is what I  
15 should say. I mean, we could see there was track machines on it,  
16 you know, so --

17 Q. And from our previous conversation too, did -- let's  
18 see, you were called on duty at Lincoln?

19 A. Yes.

20 Q. And you were at the hotel?

21 A. Yes. I was at the hotel when they called.

22 Q. And did you get adequate time to get to the depot? You  
23 didn't have any problems?

24 A. Yes. In the conversation we had Sunday, I did get a  
25 late call but I'm a stickler for -- I mean, I only get an hour and

1 half call anyway. I mean, if you short me that I'm going to take  
2 the time and I'm going to get there late, you know.

3 I'm going to take my hour and half.

4 Q. Okay.

5 A. If it was noon and they said be here by 12:10, well, I'd  
6 show up at 1:30. It wasn't like (indiscernible), you know --

7 Q. And so you took your full hour and a half to get to --

8 A. Yes.

9 Q. -- the depot? Okay.

10 A. Probably even a little bit more.

11 Q. Did you ride with the engineer to the depot?

12 A. No. No. He wanted to go get some stuff at the store  
13 and I just got in my car. I keep a car out there, so --

14 Q. Is there anything that you can recall outside of -- you  
15 know, you -- did the dispatcher ever tell you, you had anybody  
16 following you or do you --

17 A. Uh-uh.

18 Q. -- recall any conversation?

19 A. That's not normal either.

20 Q. Okay.

21 A. No, they won't tell you.

22 Q. And had you worked with this dispatcher before? I  
23 believe it's JLM?

24 A. Well, which one would that be? Because the shift  
25 changed --

1 Q. Night shift.

2 A. That was the night guy? Yeah. I've worked -- been out  
3 there a lot with him.

4 Q. Okay.

5 A. You know.

6 Q. Did you have any problems with the way he dispatched you  
7 or --

8 A. Well, if we're going to get into that we'll be here for  
9 a week, you know.

10 Q. Okay.

11 MR. FIELDS: Don't hold back.

12 MR. PATE: I mean, no safety issues by any means.

13 BY MS. ANDERSON:

14 Q. Okay.

15 A. I mean nothing like that, no.

16 Q. And what was your first indication there was a problem  
17 then? Was --

18 A. First indication was, you know, being shoved forward and  
19 going -- you know, we were moving forward. And then the big eye-  
20 opener was seeing the smoke coming. And then you just go, okay,  
21 now I know something's happened, you know. Something bad. You  
22 know, I thought maybe -- because when he said, you know, "I think  
23 we just got run into", you know, okay -- it's always bad, but  
24 maybe it wasn't -- it couldn't have been as bad as it was. Maybe  
25 they just bopped a couple of cars off the rail. Not like that's

1 an -- you know, simple thing either, but at least they would have  
2 been alive or, you know, just equipment damage. But then seeing  
3 all that smoke, I thought, oh, this isn't good at all here, you  
4 know.

5 Q. Okay. I have no further questions. Thanks, Chris.

6 A. Okay.

7 BY MR. TURPIN:

8 Q. I do have a couple -- there's something we failed to ask  
9 the engineer. You might have recalled, when you were stopped at  
10 CP McPherson, do you remember if he left -- set the train or not?  
11 Were the brakes applied?

12 A. Oh, yeah, there's a -- I'm sure he did.

13 Q. He had the automatic --

14 A. Yeah, well, I'm not going to say a 100 percent I know,  
15 but I've worked for Randy before. I like working with him. He's  
16 a good engineer, and I'm sure he had the air set.

17 Q. Okay. I think we're getting the event recorder from  
18 that train, so we'll know what was in it. If not, we need to ask  
19 for that. That's all right.

20 A. No. No problem.

21 Q. As far as the crew from the striking train -- well, you  
22 had worked with the engineer. So when you had made trips to  
23 Lincoln, did you guys ever hang out in your off duty time in  
24 Lincoln? Did you know of him having any hobbies, you know, golf  
25 or anything else that he did when he was in Lincoln?

1 A. No.

2 Q. Do you know if he had a car like you? Did --

3 A. He did. He had recently sold it.

4 Q. Okay. So, he didn't have a private vehicle in that  
5 place?

6 A. Not at that point of time, no.

7 Q. Okay. How about the conductor?

8 A. No. I don't believe so because I always see her in the  
9 van, so --

10 Q. I think that's it for mine.

11 MR. TURPIN: Steve?

12 BY MR. JENNER:

13 Q. As I mentioned, if I can ask some routine questions  
14 about your overall health and work schedule? You had mentioned  
15 being a little banged up post-accident. Before the accident, how  
16 would you characterize your overall health?

17 A. Oh, before that? Just normal, normal everyday-to-day,  
18 you know, things. Getting calls at weird hours all the time, but  
19 -- I mean, I try to sleep as much as I can, you know. Just try to  
20 -- I mean, I try to get my rest, you know. I'm not trying to --  
21 you know, I'm not up all night figuring I'll get my sleep at work,  
22 you know, one of them people.

23 Q. Right.

24 A. I try to get my adequate rest, yeah.

25 Q. Okay. Before I forget, how much sleep do you need to

1 feel rested?

2 A. It depends. I mean, it's weird. Sometimes like -- if I  
3 get out to the hotel and I'm super, I mean, dog-ass tired, I mean,  
4 I've been up like 24 hours or something, there's a lot of times,  
5 I'll get like 5, 6 hours sleep and it -- that'll rest me. It's --  
6 let's see, it's also the more tired -- it's weird to say, but the  
7 more tired I am, that's like the worse I sleep.

8 I'll be like, you know -- I'll be up for 24 hours. I'll  
9 get out there, I'll sleep 5 hours, when you'd think a normal  
10 person would sleep like 12 hours. But actually, that'll do me  
11 pretty good. Actually, I drink about a gallon of coffee a day,  
12 so, you know -- but that's what I do.

13 Q. Okay. I see you're wearing glasses. Are those  
14 prescription glasses?

15 A. Yes.

16 Q. Did you wear those when you were operating?

17 A. Yes.

18 Q. Okay. Is your hearing normal?

19 A. What's that?

20 (Laughter.)

21 BY MR. JENNER:

22 Q. I tried to ask it loud enough so we could avoid that.

23 A. Sure. Sure. No, it's fine. I had my hearing test done  
24 last year and the year before and it was good.

25 Q. Were you -- before the accident, were you on any

1 prescription or non-prescription --

2 A. No.

3 Q. -- medications? Okay.

4 If I could have you reflect on your work/rest schedule  
5 and, go back a couple days, I'd like to know when you're on duty  
6 and off duty and when you got rested.

7 A. Oh --

8 Q. You can have --

9 A. -- thank you very much.

10 Q. You can refer to your cheat sheet, if that helps.

11 A. Okay. Yeah. Let's see here --

12 MR. TURPIN: Oh, I'm sorry. Do you want to start  
13 backwards or -- what's ever --

14 MR. JENNER: If you want to start maybe --

15 MR. TURPIN: -- whichever's easiest?

16 MR. PATE: Did I get -- well, I guess I didn't. I'm not  
17 sure.

18 BY MR. JENNER:

19 Q. Do you want to start Wednesday, if you could remember  
20 your schedule?

21 A. I'm trying to -- let's see --

22 MS. ANDERSON: Do you know what day it was?

23 MR. PATE: Oh, the 16th, the 15th, the 14th, the 13th?

24 MS. ANDERSON: Yeah.

25 MR. PATE: Oh, the 7th -- okay, okay. Yeah. What do you

1 want me to do, just read this off?

2 BY MR. JENNER:

3 Q. Well -- as natural as possible. Tell me, were you --  
4 Wednesday, did you -- were you on duty or off duty and, if you  
5 were on duty, what time did you --

6 A. Yeah, because I was remember -- let's see, what was  
7 it? I was laying off -- oh, yeah, I hadn't had a weekend off in  
8 a while. So, I had come in -- okay, I went to Lincoln on an  
9 empty, tied up at 4:45 in the morning. Had 12 hours on duty. And  
10 then that Thursday night -- I mean, it was Thursday. Yeah. Come  
11 home on the Z train, had a pretty smoking trip. That was nice.  
12 And then I got in -- I smart rested. So, reset my starts and then  
13 -- that was Friday.

14 In terms of getting out, I thought, hey, I haven't had a  
15 weekend off for a while, looked -- nice weekend. Laid off. And  
16 then I went back to work on the 13th -- yeah, because I had -- I  
17 took Sunday off. I laid in all day Monday, and then Tuesday. I  
18 went to work on the 13th on a dog catch. And that was -- how much  
19 time -- 11-1/2 hours. I was tied up in the morning again, as  
20 well. So, worked all night and then went to Lincoln on an empty.  
21 What was the cover time on that? Eight hours on an empty. Back  
22 home was 12 hours. And then out -- yeah, the 16th that was the  
23 day before, so Saturday. Yeah, we're tied up at 1345. At 11  
24 hours and 45 minutes, on duty and then we got right back out of  
25 there from rest. So, 11-1/2 hours.



1 Q. Okay. Now, in terms of the beginning of your shift on  
2 Sunday, do you recall how you felt? Did you feel rested? Did you  
3 feel not rested? Do you recall?

4 A. Oh, you know, you wake up and you're tired for a little  
5 bit but then you snap out of it, get going and -- you know, I was  
6 tired but not dozing-off-falling-asleep tired, just, you know.  
7 It's 1:15 in the morning.

8 Q. All right. Thank you for the --

9 A. Okay.

10 Q. I think that's all the questions I have right now.

11 A. Okay.

12 MR. JENNER: Who wants to continue on?

13 MR. FIELDS: Carl Fields, BLET.

14 BY MR. FIELDS:

15 Q. Just one thing, Chris. Ms. Hyatt, the conductor on the  
16 striking train --

17 A. Uh-huh.

18 Q. -- did you ever have a chance to work with her in any  
19 capacity when you came over to work Creston?

20 A. Did I ever work with her?

21 Q. Yeah, as a -- you know, through your qualifying and/or  
22 any --

23 A. No.

24 Q. Okay.

25 A. Even on, even on something that would require two

1 trainmen. You know, a lot of times we'll spot at Red Oak, right;  
2 they'll call them brakemen. I never worked with her on any of  
3 that stuff either.

4 Q. Okay.

5 A. Never covered, ever.

6 Q. That's all I had.

7 MR. GIBSON: No further questions from me.

8 MS. ANDERSON: Barb Anderson.

9 BY MS. ANDERSON:

10 Q. Did you guys ever -- you and Randy ever talk about  
11 somebody napping on this trip? Did you have that conversation?  
12 Either one of you tired enough to take a nap or --

13 A. No. No, I can't get comfortable on the motors. I mean,  
14 I don't know about him, but --

15 Q. Okay.

16 A. I know some guys can sleep. I just can't get  
17 comfortable on the thing.

18 Q. Okay, so that didn't come up? You weren't --

19 A. No.

20 Q. That's all I had. Thanks, Chris.

21 A. Yeah.

22 MR. TURPIN: Steve?

23 BY MR. JENNER:

24 Q. As a conductor, have you -- what is your role in terms  
25 of if you believe that the engineer is not handling a train

1 properly and you have concerns, how would you handle the situation  
2 if they're --

3 A. Me, personally?

4 Q. Yeah.

5 A. I'd pull him to the side, talk to him about it. You  
6 know, if -- talk to him, tell him he's just not running -- I'm  
7 feeling you're not doing a good job, you know, and -- or tell him  
8 -- you know, point out his faults. I mean, his head's this big  
9 and, you know -- but point out his faults and -- but then I'd go  
10 to the union, you know, talk to somebody higher up.

11 Q. If it were real time, if you were on -- operating at the  
12 time and the -- an engineer were -- was going a little fast for  
13 your liking, would -- how would you handle that?

14 A. Yeah. Oh, I'd tell him. You know, I'm not bashful.  
15 You guys have seen that. I'd tell straight up. If you're  
16 speeding or whatever, you'd say, "Hey, wake up, dufus", you know.  
17 Or you're going fast or, you know, we're coming in a little hot or  
18 -- no, I don't have a problem telling somebody that.

19 Q. Have you had occasion --

20 A. Oh, yeah.

21 Q. -- to do that?

22 A. Oh, yeah. And it's not like, you know, it's a bad --  
23 you know, he might just forget. You got that 25 coming up.  
24 You're coming in a little hot. "Hey, dude, we got the 25."  
25 "Oh, yeah. Okay."

1 Q. Is this -- how does the BNSF train you to -- for  
2 conductors to handle these situations, these type of situations?

3 A. Oh. You know, they probably say it to you, you know,  
4 first -- I don't know. It's probably in the rulebook, you know,  
5 how to deal with it. Or if you don't -- if you're unsafe, speak  
6 up. I remember like the test when you're hired out, you know,  
7 multiple choice. If you see somebody doing unsafe, what do you  
8 do? Continue to let them do this, do this -- no, you want to --  
9 they want you to tell an official, I'm sure, you know.

10 Q. Have you heard the concept or the term "Crew Resource  
11 Management"?

12 A. I've heard it. I've -- what does that entail?

13 Q. Well, it's -- in general, it's sort of how operating  
14 crews communicate with each other.

15 A. Oh, okay.

16 Q. And sometimes they have formal training on it, sometimes  
17 it's part of like engineer-type training. It's -- you know, it's  
18 if one person has concerns and how they speak up and how they  
19 communicate and manage workload and --

20 A. Uh-hum.

21 Q. -- for safer operations and improve situation awareness  
22 and all these other (indiscernible).

23 A. Okay. I got you.

24 Q. Okay. But that's not --

25 A. I was just unfamiliar with the term.

1 Q. Okay. But -- okay, now that you're -- from what I just  
2 described, is that part of your training?

3 A. Oh, sure. I mean, you know, they try to keep -- 12  
4 hours to sit there is a long time just stare out the window and  
5 not talk to whoever you're with. You try to sit there and you  
6 safety briefing each other and, you know, we get our track  
7 warrants or track, you know, GGBs and we both go over them  
8 together; at least I, you know, I try to. "Hey, we got this up  
9 here; we got this going on" or, you know -- stuff like that. "Did  
10 you get good sleep last night?" I'll ask that every once in a  
11 while, you know, "How'd you sleep?"

12 Q. Okay. But what I'm trying to nail down here is, is  
13 there ever a guy, an instructor, who says, this is the way I would  
14 like you to handle -- you know, one suggestion to handle a  
15 situation that you think is -- you have concerns about that it's  
16 unsafe?

17 A. Somebody that you --

18 Q. More formal type training along those lines.

19 A. No. Steve, is there? I know you can't answer for me,  
20 but, I mean -- but am I missing something here? I don't think so.

21 MR. STULL: Can I answer with my experience?

22 MR. TURPIN: We'll just -- I'll just -- all I need to  
23 know is really what Chris remembers.

24 BY MR. TURPIN:

25 Q. Were you ever trained on how to deal with difficult

1 employees?

2 A. I'm going to say no.

3 Q. Okay.

4 A. I'm going to say no.

5 Q. And have you ever been trained specifically on dealing  
6 with an engineer that is going too fast?

7 A. No. It's more of a -- just a learning deal. I mean,  
8 you -- not formally trained. I mean, I'm -- there's rules in  
9 there, you know, if you're speeding you tell them and -- you know.

10 Q. Okay.

11 MR. JENNER: That's fine --

12 MR. PATE: It's just being used to working out there and  
13 you go, hey, dude, you know, you're going too fast, or, you know,  
14 this is going on. I mean --

15 MR. TURPON: Okay.

16 MR. PATE: I don't know.

17 MR. TURPIN: We can do it after the interview. You can  
18 explain.

19 MR. STULL: Okay.

20 BY MR. JENNER:

21 Q. I'm sorry. How much -- how well did you know the  
22 conductor of the striking train?

23 A. I just -- just from BS-ing with her. Just, you know,  
24 locker room chats and --

25 Q. Right.

1           A.    I mean, I never called her on the phone.  I didn't have  
2 her phone number.

3           Q.    Right.

4           A.    Just see her around and say hello or something like that,  
5 you know.

6           Q.    And feel free to answer this any way you want or not  
7 answer it, but if she were in this type of situation that I've  
8 been describing that if she had an engineer who was not operating  
9 safely, do you -- from what you see of her, would she be the type  
10 of person to speak up?

11          A.    I can't answer for her.

12          Q.    Okay.

13          A.    I don't know.

14          Q.    Fair enough.

15          A.    Because, I mean, like I said, I never worked with her so  
16 I don't --

17          Q.    Right.

18          A.    I don't know.  So --

19          Q.    Okay.  Thank you for answering that.

20               MR. TURPIN:  Okay.  Anybody else have anything?

21               MR. GIBSON:  Jerry Gibson, United Transportation Union.

22               BY MR. GIBSON:

23           Q.    You've been out here for how long?  Three months?  Or  
24 did you say 3 years?

25           A.    In Iowa --

1 Q. In Iowa.

2 A. -- 3 years. I've worked --

3 Q. Three years.

4 A. -- for the BNSF for 7 -- over 7 years.

5 Q. Okay. When you came out here, as far as qualifying, did  
6 you take any exceptions with it?

7 A. Like familiarization? I mean --

8 Q. Yeah. When you were qualifying, characteristics, do you  
9 feel that adequate time --

10 A. Oh, I --

11 Q. Do you feel the training programs are okay?

12 A. Well, I mean, like, you know, when I come out here  
13 there's really no qualifying. There's -- you know, you got  
14 system-wide trainman seniority. I can go pretty much anywhere I  
15 want. So, I just placed a bump out here, talked to the train  
16 master, kind of felt the guys out a little bit and they give me  
17 familiarization trips.

18 Q. That's -- yeah.

19 A. You go -- yes, you go with a conductor and you're just  
20 -- you're familiarized.

21 Q. Right. Right. Right. Okay.

22 The people that you've worked with, have you taken  
23 exception with their training or is there people -- well, let's  
24 start there. I don't want to lead. Have you taken any exception  
25 with the training with co-workers?



1 A. With their ability to perform?

2 Q. Correct.

3 A. There's a couple of them, you know, you got to watch  
4 more than others. I mean, it just -- it's like with any job, you  
5 know, you got to watch some of them more. But that's what, you  
6 know, that's what I'm there for.

7 Q. Right.

8 A. Just to watch him and make sure he's doing what he's  
9 supposed to be doing, you know.

10 Q. Okay.

11 A. And that's --

12 Q. And if somebody had an exception like -- you know,  
13 you're one of the rare individuals that -- who does not seem to  
14 have an issue with speaking up. But as far as -- have you heard  
15 of others that have stepped up prior if there was --

16 A. Oh, yeah.

17 Q. -- any issues?

18 A. There's people out there, you know it.

19 Q. Okay, good. No further questions.

20 A. Okay.

21 BY MR. TURPIN:

22 Q. All right. Well, that pretty much completed mine as  
23 well, so now we'll ask for some input. It's your turn. What --  
24 and is there anything that you can think of that would improve the  
25 safety out here or even specific to the accident that you feel

1 needs to be expressed?

2 A. If I knew all the circumstances right now, I could  
3 probably speak on it, but I don't know really what happened.

4 Q. Okay.

5 A. I mean, once everything was said and done and we know  
6 all the facts, anything like that, I could probably do a list.  
7 You could have changed -- you know, hindsight, you could have done  
8 this, I mean; but I don't know what really happened. All I know  
9 is we were sitting there and got rear-ended and that's why we're  
10 here today, so --

11 Q. Okay. Thank you very much. I appreciate it.

12 (Whereupon, the interview was completed.)

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CERTIFICATE

This is to certify that the attached proceeding before the

NATIONAL TRANSPORTATION SAFETY BOARD

IN THE MATTER OF:           BURLINGTON NORTHERN SANTA FE  
                                  COLLISION  
                                  RED OAK, IOWA  
                                  APRIL 17, 2011  
                                  Interview of Christopher D. Pate

DOCKET NUMBER:           DCA-11-FR-002

PLACE:                    Shenandoah, Iowa

DATE:                     April 19, 2011

was held according to the record, and that this is the original,  
complete, true and accurate transcript which has been compared to  
the recording accomplished at the hearing.

---

Jennifer Ames  
Transcriber