

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

Interview
BNSF 9470 Struck Train
Engineer

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: RANDY L. MARLIN

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

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MR. TURPIN: My name is Ted Turpin, T-u-r-p-i-n. I'm the operation group chairman for the NTSB. And we're investigating DCA-11-FR-002. Today is April 19th, 2011. And we're interviewing R.L. Martin [sic] in connection with an accident that happened -- wrong name? You guys flipped on me. I'm sorry.

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MR. MARLIN: Marlin, M-a-r --

MR. TURPIN: Marlin.

MR. MARLIN: -- l-i-n.

MR. TURPIN: I'm sorry. Excuse me. I'm going to ask you to do that anyway.

A collision that occurred April 17th, 2011, approximately 7:00 a.m., near Red Oak, Iowa at CP McPherson.

And if we could, we'll start around the table with Mr. Marlin. State your name and spell it, please.

MR. MARLIN: Randy Marlin, M-a-r-l-i-n, Engineer in Creston, Iowa.

MR. STULL: Stephen Stull, Local Chairman, Division 642 BLET, Creston, Iowa.

MR. TURPIN: Spell you name, please.

MR. STULL: S-t-u-l-l.

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

MR. FIELDS: Carl Fields, Brotherhood of Locomotive

1 Engineers and Trainmen, Safety Task Force.

2 MR. JACKSON: Kimble Jackson, BLET.

3 MR. GIBSON: Jerry Gibson, G-i-b-s-o-n, with United
4 Transportation Union.

5 MS. ANDERSON: Barb Anderson, FRA, A-n-d-e-r-s-o-n.

6 MR. TURPIN: All right, thank you. (Indiscernible).

7 UNIDENTIFIED SPEAKER: It picks up really well.

8 MR. TURPIN: All right. Very good. Thank you.

9 INTERVIEW OF RANDY L. MARLIN

10 BY MR. TURPIN:

11 Q. We start this very simple. If you could, Mr. Marlin,
12 just explain what happened the morning of the 17th?

13 A. Starting?

14 Q. Wherever you -- wherever you'd like.

15 A. We followed a coal train into a block at McPherson. We
16 stopped behind a coal train. Amtrak then went around -- we were
17 on Main 2. Amtrak then went around us on Main 1 and out onto
18 single track at McPherson. The coal train then left the block
19 ahead of us and we proceeded to pull up to the red signal at 4475
20 McPherson, where we stopped. Approximately 10, 15, 20 minutes
21 maybe we were jolted from the rear. We were struck. The lead
22 locomotive jumped forward to 100 feet, maybe more. Hit pretty
23 hard. We knew something serious was happening.

24 So, we jumped up and we looked around out back, and a
25 pretty large cloud of smoke. I kind of compared it to an atomic

1 bomb. It just kind of mushroomed. I tried to -- toning up the
2 dispatcher. And honestly, I don't know if I was hitting the right
3 buttons or what, but I attempted several times to dial 911 on the
4 BNSF radio. Probably three times at least. And I didn't never --
5 I never heard it tone through. So, I grabbed my cell phone,
6 dialed 911, and they answered very quickly. And I told them what
7 I had thought happened, that we'd been rear-ended by another
8 train.

9 I was continue -- I was talking to her, the dispatcher,
10 911 dispatcher. And I put my jacket on as I was speaking to her
11 and I started heading to the rear. And I guess I called -- I got
12 about a third of the way back, a couple thousand feet, and I told
13 her I'd call her back if I had any more information.

14 I got closer. I was probably within 500 feet of it, and
15 I seen there's a pretty large fire. And I did, I called her back,
16 the 911 dispatcher. I called her back and told there was a pretty
17 large fire. And by that time pretty much, while I was still
18 talking to her, the first responders, the firemen were there.

19 I did say I didn't know if I wanted to get any closer.
20 I know they fuel the motors in Lincoln and there was a lot of
21 propane and acetylene and stuff on that equipment and I wasn't
22 sure of the situation exactly. She advised me to stay back and
23 let the firemen handle it.

24 So initially -- then probably 5 minutes after they were
25 there or so I kind of worked my way up there anyway. I wanted to

1 check on that crew. I guess I wanted to -- I hoped they jump or
2 something, or got off anyway. But I searched along the cars and
3 they didn't jump.

4 Q. Okay.

5 MR. TURPIN: We'll take a break for a minute.

6 (Off the record.)

7 (On the record.)

8 MR. MARLIN: Okay.

9 MR. TURPIN: Okay. I'm going to come back to the
10 accident later.

11 MR. TURPIN:

12 Q. Let's just ask a couple other questions. When did you
13 start -- hire out with the railroad?

14 A. September 9th of 1994.

15 Q. As what position?

16 A. Conductor trainee.

17 Q. Okay. Have you had any advancements or promotions since
18 then or other training?

19 A. I was promoted to engineer in July of 1995.

20 Q. And have you worked engineer since then or --

21 A. Yes.

22 Q. Where have you worked primarily?

23 A. I initially trained out of McCook, Nebraska for 2
24 months, and then I was sent back to Creston, where I've worked
25 since.

1 Q. You were at McCook as an engineer or when you first
2 stated training?

3 A. As an engineer trainee --

4 Q. Um-hum.

5 A. -- from January of '95 to early March, I guess, of '95,
6 I was in McCook as a trainee. And then I finished my training in
7 Creston.

8 Q. Okay. So where did you catch this maintenance-of-way
9 train?

10 A. In Lincoln, Nebraska. We was called for 1:15 in the
11 morning.

12 Q. And your trip from Lincoln over to McPherson?

13 A. We was 2 hours, roughly, getting out of the yard. I
14 think we left Lincoln around 3:00 or 3:10. Had a really good
15 trip. We slowed down once for like 10 or 15 minutes at Colon,
16 Nebraska. And then we was nonstop to McPherson -- or to 453.5
17 actually, which is two signals in advance of McPherson, where we
18 had a red signal.

19 I punched up the dispatcher, and I knew Amtrak was in
20 the area, and I stated that we had a really good train and we was
21 sure we could fit a lot of places. And he said okay. And then
22 after 10 minutes or so we got a yellow signal there at 453.5.

23 So we advanced up to the next signal, 450.2, which is a
24 intermediate, with a green marker signal. We proceeded to pull
25 into the block, and behind another coal train that was parked

1 there, we stopped back of that coal train. Amtrak went around us,
2 probably, I don't -- probably 10 or 15 minutes. All of this
3 -- these short stops, I'm not exactly sure of. We was there
4 probably 15, maybe 20 minutes. Amtrak went around the coal train
5 that was in the same block as us at McPherson. Departed. And we
6 -- then we pulled up to McPherson 447.5 and -- at a red signal and
7 stopped.

8 Q. Okay.

9 A. All total, from Lincoln to McPherson, probably 3-1/2
10 hours, 3 hours and 45 minutes. A real good trip to that point.

11 Q. So did you cross over at 450.3 or were you already on 2?

12 A. We were on Main 2 at 453.5.

13 Q. And you got a red at the crossover?

14 A. Yes, that was a red signal initially.

15 Q. Okay. I wouldn't want to make too many assumptions, but
16 was the coal train in front still moving, you think?

17 A. I --

18 Q. He could have --

19 A. There was --

20 Q. -- been in the block?

21 A. There was two coal trains in there initially.

22 Q. Oh. Okay.

23 A. After I punched him up -- and I don't know why he
24 changed his mind or what. Maybe I talked him into -- I don't
25 know. I was hoping to go around the two coal trains because I had

1 a 55-mile-an-hour train. So I was hoping I could go around him,
2 but I think he let one -- well, I'm sure he let one coal train
3 out. He proceeded out of that block. You hang out -- the second
4 train will hang out into the -- past the intermediate to give us a
5 red. So that's why we had the red. Then he advanced up to
6 absolute at 447.5, and then I proceeded to follow.

7 Q. Okay. When you pulled down on the red grade signal you
8 kept on going, right?

9 A. Yes.

10 Q. Okay. How far back from the rear do you think you
11 stopped?

12 A. From the coal train in front of us?

13 Q. Yeah.

14 A. 300 feet, 400 feet maybe.

15 Q. Okay. And how far back do you think you laid back from
16 the signal once you were able to move down to CP McPherson?

17 A. Probably the same, 400 or 500 feet.

18 Q. Okay. The train behind you was the 9159. Had you heard
19 any radio traffic or heard anything of it?

20 A. I never heard a word from them.

21 Q. Okay.

22 A. Not a detector behind us or anything of that nature.

23 Q. Okay. I think they went on duty about 2 a.m. Did you
24 see them --

25 A. 2:30.

1 Q. 2:30. Did you see them at Lincoln when they --

2 A. No. No. We went out to our train and sat on it until
3 they removed the blue flags. And we never met them passing at
4 all.

5 Q. Okay.

6 A. But we do run a -- we call it a hit list of the traffic
7 out there, and I did notice that they were on duty at 2:30, and I
8 think there was another crew on duty behind them also.

9 Q. Okay. So you were sitting in the yard when they showed
10 up at the yard office probably?

11 A. I would imagine, yeah. Yeah, we didn't leave till 3, so
12 I imagine they were.

13 Q. And you didn't hear their train when you left either
14 coming in or anything? Crew change point?

15 A. No.

16 Q. Okay. I didn't get their departure --

17 A. I never --

18 Q. -- time, so I'm not sure.

19 A. I never heard their voices, either one of them, on the
20 radio.

21 Q. Okay. Had you ever run this maintenance-of-way train
22 before?

23 A. Oh, not this particular one, no. I'm sure I've had them
24 before.

25 Q. Yeah, but they don't come through often, though, right?

1 A. Well, no, not every day. No.

2 Q. Right.

3 A. No. No, it's not a regular, I would say --

4 Q. What's your normal traffic look like? What kind of
5 trains do you run?

6 A. Coal trains and empties mostly. We have one intermodal,
7 or two, one each direction. And the rest is basically -- we do
8 have one freight train, Galesburg to Lincoln and Lincoln to
9 Galesburg.

10 Q. How big is the freight, size-wise, length?

11 A. Usually around 7,000 feet.

12 Q. How about the intermodal?

13 A. Oh, it's anywhere from 4,000 to 7,000, usually, feet
14 long.

15 Q. So that 3,000-foot one was kind of a nice trip then?

16 A. Yeah, it was a really good handling train. Didn't have
17 any trouble with it.

18 Q. Yeah. You don't have any locals or --

19 A. One local that comes down here to Shenandoah out of
20 Creston.

21 Q. Where is that junction? Red Oak?

22 A. Red Oak Junction, yup. That's where they get off the
23 main.

24 Q. Okay.

25 MR. TURPIN: All right, normally, our process now is we

1 move around the table. I'm kind of done with my initial portion,
2 and we'll -- I'll go to Steve next.

3 MR. JENNER: Okay.

4 BY MR. JENNER:

5 Q. Would you like a break now or do you want to --

6 A. Oh, I'm fine.

7 Q. Great. A couple of follow-ups and I'm going to jump
8 around.

9 A. Okay.

10 Q. You had mentioned a little while ago that you never
11 heard the voices of the other crew on the radio. Do you think
12 that is because there was no conversation going on or was there
13 bad communications that day?

14 A. I guess -- I just never heard them. We had, like I
15 said, we had a very good train.

16 Q. Uh-huh.

17 A. I figured it would be -- after -- in retrospective, I
18 just figured it would be hard for a load to keep up with us
19 anyway. I never once heard anything out of them. Never heard,
20 like I said, never heard a detector go off behind us to give us
21 any clue that they were behind us. And whether that's partly the
22 radio communications, I -- there's, you know, there's some spots
23 where you have -- that are worse than others as far as the
24 communication. So I don't necessarily think it was all radio. I
25 don't know.

1 Q. How was your communication that day? Did you have any
2 problems?

3 A. No. Not until we tried the 911. And then again I don't
4 know if I pushed the right buttons or not, to tell you the truth.

5 Q. You mentioned that you'd never run this maintenance-of-
6 way train before.

7 A. Right.

8 Q. If I understand this, this train was about 3,000 feet?

9 A. It was 3100 feet long, yes.

10 Q. For other -- you run other maintenance-of-way trains?

11 A. Yes.

12 Q. How -- in terms of size, what size trains do you
13 typically run or is there a typical?

14 A. Typically is the empty coal trains and the loaded coal
15 trains, which anywhere from 6300 usually up to 7400 feet long.
16 That would be our -- that would be the typical, I guess.

17 Q. For a coal train?

18 A. For our -- yes.

19 Q. How about for a maintenance of weigh?

20 A. That's -- I don't have an answer for that. I don't know
21 what a typical maintenance-of-way train would be.

22 Q. Okay. For yours to be --

23 A. I don't run them enough to know what a typical --

24 Q. Okay.

25 A. -- train would consist of.

1 Q. In terms of -- I'm interested in visibility around
2 McPherson. How was the -- in terms of the sun, in terms of fog,
3 and things like that, can you discuss that, please?

4 A. It was early morning. There was absolutely -- there was
5 -- it was cloudy. No fog. It was a very good day, as far as
6 seeing. Distance-wise, 5-mile visibility. I don't know. I could
7 see -- definitely see 2, 3 miles very good.

8 Q. So is it fair to say you just didn't have any issues or
9 concerns about visibility?

10 A. No, no issues or concerns about the fog or rain or
11 weather or anything.

12 Q. Because it was cloudy, was the sun a factor in any way?

13 A. Not at all.

14 Q. Okay. There's -- I walked a little of the area, and
15 leading up to the signal where you were stopped there's a pretty
16 good curve.

17 A. Yes.

18 Q. How -- if you did not have a red signal there, you were
19 just operating normally, how would you approach that curve in
20 terms of speed and braking?

21 A. On a coal train?

22 Q. On a maintenance-of-way train.

23 MR. TURPIN: Are you talking speed-wise or just -- how
24 would you go through there speed-wise?

25 BY MR. JENNER:

1 Q. Speed-wise, yes.

2 A. On a clear signal?

3 MR. TURPIN: On a green signal or on a yellow?

4 BY MR JENNER:

5 Q. Oh, no, on (indiscernible). Well, first, I want to ask
6 on a clear signal.

7 A. Well, I could tell you better on a coal train.

8 Q. Okay. By all means.

9 A. A coal train, I'd come down through there, if it had
10 three or four motors, you're going to have to notch off a little
11 bit about -- starting before the curve. And you'd probably be up
12 to probably 35 mile an hour, 30, 35 in there somewhere. You'd
13 want to notch down to probably throttle 5.

14 You coast down and you'll come around that -- there's a
15 little bit of a swale in there right before the curve. If you go
16 below 5, you're probably going to get a little run-in, not too
17 big. Try to keep her at 5, and then you just let her roll. And
18 then at the bottom of the bridge about 446, you try to hit that
19 about 41 mile an hour, 40, 41. Throttle out to throttle 8, and
20 roll through there about 45 mile an hour.

21 On a -- like on a Z train you probably wouldn't have to
22 throttle out. It would probably be throttle 8 clear through on a
23 typical intermodal train, 60-mile-an-hour train. You're probably
24 not going to hit 60 going through there, up that hill, before you
25 hit that other hill into Red Oak. So probably keep her at

1 throttle 8.

2 Q. Now, if you could describe the same thing, I would
3 appreciate that, for -- if you were operating on a yellow signal?

4 A. On a yellow signal to the 447.5; to the signal I was
5 stopped at?

6 Q. Yes.

7 A. Okay, coming in on a yellow?

8 Q. Yes.

9 A. I would -- again on a coal train?

10 Q. On a coal train.

11 A. You'd be in notch 8, throttle 8 until probably 449.5.
12 It'd probably be -- you'd probably be up to 20, 20 mile an hour
13 maybe. Start coming out easy. And then you'd want to be in --
14 you'd let her roll for a little bit. Probably in that curve -- or
15 in that curve you'd be going into dynamic, and you'd probably go
16 under the bridge there less than 20, around 20 mile an hour. And
17 you'd set a minimum airbrake -- air by the bridge. And then
18 probably go to another 5 pounds a little bit after the bridge.
19 Then you'd stop down in there.

20 Probably -- there's a little crew change point and you'd
21 cross -- you'd stop probably right about in there. There's a
22 little driveway, used to be a driveway. They tore it out and
23 there's two stop signs on each side down there. That's roughly
24 where you'd stop.

25 MR. TURPIN: Excuse me. This is Turpin.

1 BY MR. TURPIN:

2 Q. When you say bridge, you mean the overpass or a bridge?

3 A. The overpass that was --

4 Q. The overpass?

5 A. -- affected by the wreck.

6 Q. Okay. Okay.

7 A. Overpass. I'm sorry.

8 Q. That's all right.

9 MR. JENNER: And --

10 MR. TURPIN: I'm sorry.

11 BY MR. TURPIN:

12 Q. Did you keep the DP shoving on you when you were doing
13 that? Light power to the rear?

14 A. Well, I never split them.

15 Q. Okay.

16 A. Split the DP.

17 Q. Yeah.

18 A. Unless it was raining on a hill or something. Then I'd
19 split them and notch down to 7 or 6 on the head end to keep them
20 from slipping and squealing.

21 Q. Okay.

22 A. But typically on that line, you don't have to. If you
23 had two on the rear, two and two, that's a different story. You'd
24 have to split them down through that swale at McPherson.
25 Otherwise you would get a heck of a run-in.

1 Q. Okay. So with just the one you leave them synced up
2 and --

3 A. If it's two and one, I never split them.

4 Q. Okay. That's fine. Thank you.

5 MR. TURPIN: I'm sorry, Steve.

6 BY MR. JENNER:

7 Q. In terms of the crew members who struck your train, did
8 you know them on a professional level?

9 A. Yes.

10 Q. How -- can you just tell me about -- what you knew about
11 them in terms of how they, you know, approached their job and
12 things like that?

13 A. Well, I know Tommy loved his job. He loved it a lot.
14 He liked being out there. I guess -- I think he hired out a
15 couple years after I did, probably in '96. I'm not sure; 2, 3
16 years maybe later than I did. I got to work with him early on
17 when he was a conductor for a few years. I feel bad talking about
18 him, but he's -- he had a short attention span. It was just -- he
19 did. I mean, I hate saying that about him. But, I mean, he lived
20 and breathed the railroad. He loved it. And I don't know, he
21 just -- I don't know.

22 MR. TURPIN: If I may? We already have some information
23 that he may have been considered one of the guys that speeds a
24 little bit, you know. In a lot of districts, in a lot of
25 territories, there's people that do run fast, you know. So, we

1 already kind of know that information. And I know the crew people
2 that work with him probably know him better than anything else.
3 So was that part of his personality as well, that he liked to --
4 that he liked to run fast or against the speed?

5 MR. MARLIN: I don't -- I don't think fast was -- would
6 be a word.

7 MR. TURPIN: Okay.

8 MR. MARLIN: If anything, he -- I would say erratic
9 probably would be a more --

10 MR. TURPIN: Okay.

11 MR. MARLIN: Can I have a second?

12 MR. TURPIN: Absolutely.

13 UNIDENTIFIED SPEAKER: Do you want to go out and talk --
14 we can go outside and --

15 (Off the record.)

16 (On the record.)

17 MR. TURPIN: Okay, after a short break we're continuing
18 our interview with Mr. Marlin.

19 BY MR. JENNER:

20 Q. Yeah, just to -- just one more question about Tommy. In
21 your casual conversations did he ever express to you any concerns
22 about his work conditions, about, you know, the train, the
23 equipment, the people he works with?

24 A. Not that I recall.

25 Q. Very good. Thank you. That's all the questions I have

1 for now, and we're going to go around the room.

2 And I have to get on record one more question. Were you
3 the engineer that day of the accident? Were you operating the
4 train the whole -- when the accident -- were you operating the
5 train as an engineer?

6 A. I was operating the train as an engineer that was
7 struck, yes.

8 Q. Okay. And from when you went on duty until the time of
9 the incident?

10 A. Yes.

11 Q. Okay. I just wanted to get that official. That's all
12 the questions I have.

13 BY MR. FIELDS:

14 Q. Carl Fields, BLET. Randy, just to clarify, you had
15 mentioned earlier about split DP?

16 A. Yes.

17 Q. Could you just for the record mention what that means?

18 A. Well, you operate -- you can operate the head end
19 separate from the DP unit on the rear end. Like if it's raining
20 and the lead end is slipping and sliding, or ice or snow, you can
21 split them, split the DP and run the DP in throttle 8 and notch
22 down and -- and on the throttle in 6, and it will stop the
23 squealing and the sliding and the stuff like that.

24 Q. Okay. Thanks.

25 Piggybacking on what Steve Jenner had talked about, and

1 if you were operating a loaded coal train in the same scenario,
2 that would be east on Number 2 Main; would that be correct?

3 A. Yes.

4 Q. And approaching in that area of the accident site, and
5 if you were to receive a red grade marker or red grade signal
6 indication at that intermediate --

7 A. Okay.

8 Q. -- how would you operate your train from that point up
9 to CP McPherson?

10 A. Well --

11 MR. STULL: Can I -- Stephen Stull. Normally in a
12 situation like that you're not going to have that unit train
13 there, so that -- are you wanting to know specifically if you're
14 pulling in behind another coal train? Because it's going to be
15 different, the length of train that you would have to pull in
16 behind. I don't know if you're getting what I'm saying.

17 MR. TURPIN: All right, we need the interviewee to
18 answer that.

19 MR. STULL: I'm sorry.

20 MR. TURPIN: But along that line, that's the kind of
21 answer we'd like to have. But that's fine.

22 Okay, you've got a yellow at the crossover -- excuse me,
23 this is Ted Turpin. A yellow at the crossover and you've got a
24 red at the grade signal. How would you normally bring a coal
25 train down to McPherson?

1 MR. MARLIN: I would -- I believe I've answered that,
2 this scenario.

3 MR. TURPIN: We just need the -- yeah. I think you did
4 earlier too.

5 MR. MARLIN: Do you want me to -- from a stop at that
6 signal or is it -- I mean, that's how I --

7 MR. TURPIN: No, you didn't stop. You're actually
8 rolling by the grade signal. What speed would you try to roll by
9 the grade signal at, on a red?

10 BY MR. FIELDS:

11 Q. Just for -- I'm sorry, Carl Fields. The only two
12 scenarios I had reflected in my notes were on a loaded coal train
13 with a clear indication --

14 A. Okay.

15 Q. -- and then coming in on an approach.

16 A. To a stop?

17 Q. So, I never got the red grade marker, red grade signal
18 indication. So, echoing on that, I would say, yes, with the
19 assumption that you are following a train with the red grade
20 signal indication; would that be correct?

21 A. Okay. If I had a red grade signal coming up at 450.4, I
22 believe it is, I'd go by that signal. Probably, approximately a
23 quarter of a mile, there's a curve, a sharp curve to the right.
24 So I'd be going probably no more than 12 mile an hour, depending
25 on how much power I had. Throttle would be anywhere from 6 to 8,

1 probably. I'd come around there preparing to stop. It's a pretty
2 sharp curve.

3 Once I got around the curve, I'd definitely come out to
4 throttle 8, even on a load, because you got to get over that --
5 it's a pretty steep grade there at milepost -- where the milepost
6 is. And then if there's a train in the block you'd probably be
7 looking at another half mile to stop. So you just throttle down
8 and you would -- you'd stretch them into there because three-
9 quarters of your train would still be on that hill if you stop in
10 second out there.

11 Q. Thank you. And, Randy, I mean, do any trains act the
12 same, two alike in breaking?

13 A. No. No.

14 Q. So would the length of your train, is it somewhat of an
15 oddity to have that short of a train out there? As we -- as your
16 rep, Steve, had mentioned earlier that normally it's a coal train
17 in the block, so you would be a -- would you be under the
18 assumption you would see the rear end prior?

19 A. On a coal train you'd absolutely see the rear end. If
20 he is first out, out of McPherson. When you come around that
21 first sharp curve, you would definitely see the rear end.

22 Q. You operate quite often in this territory, correct?

23 A. Yes.

24 Q. Each direction?

25 A. Each direction, yes.

1 Q. And operating in an eastward movement, have you noticed
2 -- while you're operating tell your signal concerns in the area?

3 A. I don't recall any in that particular concern in them
4 blocks. I just don't recall any.

5 Q. Have you noticed or have you -- with there being a set
6 training program for locomotive engineers, do you feel it's an
7 acceptable program or could it be lengthened for the locomotive
8 engineers? Do you feel there's any deficiencies?

9 A. I guess I'm not qualified to answer that. I mean, I --
10 some people, 6 months would be fine; others, there's not. So I
11 don't -- I am not really qualified to answer that.

12 Q. Okay. It's just a personal opinion. Thank you.

13 That's all I have. Thank you.

14 BY MR. GIBSON:

15 Q. Jerry Gibson, United Transportation Union.

16 The dispatchers, do they inform crews or do they stay on
17 top -- I know all dispatchers have different personalities and
18 characteristics of how they handle things, but do the dispatchers
19 -- are they pretty good about informing crews of, hey, you have a
20 train ahead, the length is this?

21 A. Sporadic.

22 Q. Sporadic?

23 A. Some are. Some do. Some you can't hardly understand.
24 Some you can't hardly -- won't answer the radio. Some talk too
25 much. I mean, I --

1 Q. Okay, more specifically on this day, the dispatcher that
2 you were working with.

3 A. Yes.

4 Q. Were they informing the crews, for instance yourself,
5 that you were following a train ahead?

6 A. The best I can recall is that he just -- when I asked --
7 when I informed him that, you know, I had a good train, and I
8 think his response was okay. I don't think he said there was
9 anything else.

10 Q. Was this a dispatcher that normally you would work with
11 on this?

12 A. I don't really recall --

13 Q. Okay.

14 A. -- who the dispatcher was.

15 Q. I have no further questions then.

16 BY MS. ANDERSON:

17 Q. Would it be --

18 A. Yes.

19 Q. Barbara Anderson, FRA.

20 You said on the morning that the visibility -- was there
21 any ground fog or any haze?

22 A. Not in that area.

23 Q. Okay. Do you recall what the temperature was?

24 A. No. No.

25 Q. You mentioned you grabbed your jacket, so --

1 A. It was -- I know it was cool. It was 30 to 40 degrees,
2 I'd guess, if I had to guess, in there somewhere.

3 Q. Was the rail wet?

4 A. No. No.

5 Q. Okay. So, no rain or --

6 A. No frost, no rain.

7 Q. Okay. And did you have any difficulty, let's say from
8 the last -- the previous signals that we've been talking about
9 here, did you have any difficulty observing the signal? Was it no
10 problem with the aspect?

11 A. None. None whatsoever.

12 Q. And I'm kind of at an advantage because I had an
13 opportunity to --

14 A. Right.

15 Q. -- talk to you before. Do you recall what time you got
16 called for your train?

17 A. It was 1:15 in the morning.

18 Q. Okay. That was your on-duty time?

19 A. Yes, it was.

20 Q. Okay. Called on duty. Did you get a late call?

21 A. We did get a late call. It was like midnight :07 or
22 midnight :09, I think it was, in there.

23 Q. Okay. And did you have to hustle to get over to the --

24 A. No, it -- I was at the motel so, you know, you usually
25 get out of there as quickly as you can. So I was down there

1 waiting for the bus on time still.

2 Q. And any other problems before you left Lincoln?

3 A. Not that I recall anyway. No.

4 Q. Was your train ready to go?

5 A. We -- it was still blue-flagged when we went out. They
6 were still working on the motors. Oh, they brought a -- yeah,
7 they brought a cooler out, I believe, because the refrigerator --
8 the fridge was bad order. And then he set the cooler on, and took
9 the blue lights, we hollered, did our -- released the breaks or
10 undid the handbrakes. That's it.

11 Q. So, the delay there wasn't an exorbitant amount of time
12 or anything? Pretty normal?

13 A. Yeah, pretty normal I'd say. I mean, we were late
14 getting on the train, which still is kind of typical. We, you
15 know, traffic we just -- I think it was all typical. Two hours is
16 probably not too bad to get out of a Lincoln on a train.

17 Q. How about on a coal train? If you're on a coal train,
18 how long does it normally take you to get out of there?

19 A. Probably roughly the same.

20 Q. About 2 hours?

21 A. Yeah.

22 Q. So that train that was called behind you went on duty at
23 2:30?

24 A. Uh-huh.

25 Q. And you told me you departed at 3:10; it was about 3:10

1 you thought?

2 A. We departed at 3:10, yes.

3 Q. So they probably wouldn't have got out of there until
4 much -- 4:00?

5 A. I don't know what time they left. I -- once again, I
6 never heard their voices on the radio, you know, saying set and
7 center or hollering at Lincoln Yard.

8 Q. Okay.

9 A. So.

10 Q. Now, Amtrak went around you when you were up there on
11 Main 2?

12 A. Yes.

13 Q. Okay. And did you have a train ahead of you at that
14 time?

15 A. There was a coal train in the same block --

16 Q. Okay.

17 A. -- as us, yes.

18 Q. And one coal train had departed just ahead of that then?

19 A. Probably 20 minutes prior to Amtrak maybe.

20 Q. Okay. And that turns into single track there --

21 A. Yes.

22 Q. -- at that location?

23 A. Uh-huh.

24 Q. Okay. So Amtrak goes by and they're eastbound --

25 A. Yes.

1 Q. -- also?

2 A. Yes.

3 Q. Okay. And then you never -- did Amtrak say anything on
4 the radio? Did you hear any conversation?

5 A. I heard Amtrak -- they must have meant -- went Main 1
6 because they set a diverging approach --

7 Q. Okay.

8 A. -- into Red Oak at the next double track. I heard --
9 the load that left the block, not right ahead of me but two trains
10 ahead of me, I heard them call out the signal at 4 -- 437.6.

11 Yeah, 437 --

12 UNIDENTIFIED SPEAKER: 436.7.

13 MR. MARLIN: 436.7. I heard them call out in approach
14 in advance of that. I was just thinking in my head -- I said I
15 was just thinking, well, why didn't they -- this was after I
16 parked there and we was there for a few minutes, I said why didn't
17 they go ahead and run the train ahead of us out of the -- you
18 know, they had plenty of time. I was just -- after they called
19 that signal out up there at Red Oak, I was just thinking why --
20 what was the dispatcher doing, you know? But --

21 BY MS. ANDERSON:

22 Q. I thought that was common for trainmen to think that.

23 A. Yeah. What the hell now? But the -- and I don't know
24 if this -- but the, you know, the dispatchers were changing time
25 on -- changing at that time. And a lot of times they'll just --

1 well, we'll leave it here, I guess, is what they do, you know,
2 until we get them changed. So I just assumed that was what was
3 going on. He took one and -- when they doing their turnover, and
4 that was good enough for him, so --

5 Q. And let me just for clarification purposes, Amtrak was
6 eastbound also?

7 A. Eastbound.

8 Q. So you've got two coal trains, Amtrak, and yourself that
9 you know about all in the same area? Have I got that right?

10 A. Yeah, that -- yeah, there was --

11 Q. Okay, one coal train left, then Amtrak goes around --

12 A. Two coal trains ahead of me is all I --

13 Q. Okay.

14 A. Yeah.

15 Q. Okay.

16 A. One climbing the hill at Red Oak and then one directly
17 in my block and me behind him. Yes.

18 Q. Okay. And then after Amtrak, everybody started moving?

19 A. The coal train ahead of us left.

20 Q. Okay.

21 A. Followed Amtrak out.

22 Q. Now, was there another train, a Z train, an intermodal
23 train out here somewhere?

24 A. It was -- all we know is that was planned.

25 Q. Okay.

1 A. From our sheet.

2 Q. Oh, okay.

3 A. It was planned. When we pulled up to stop, we just -- I
4 think we tried punching up the dispatch, and that's -- I can't, I
5 can't really recall. I think we tried to punch up the dispatcher
6 and we got no answer, or maybe we didn't punch him up. I'm not
7 sure on that.

8 Q. Okay.

9 A. But after a few minutes we just assumed we was there for
10 the Z train.

11 Q. Okay. And the Z train would have been westbound?

12 A. He'd have been coming west.

13 Q. Okay.

14 A. Westbound, yes.

15 Q. Okay. And you had a -- you're looking at a --

16 A. Red signal.

17 Q. Red signal, okay. And that would be 447.5?

18 A. 447.5.

19 Q. Okay.

20 A. McPherson.

21 Q. I have no further questions.

22 A. Okay.

23 Q. Thanks, Randy.

24 BY MR. TURPIN:

25 Q. All right, I'm just -- I've got just a couple here real

1 quick. Back to the subject of sitting at McPherson, you made the
2 assumption that you were probably waiting for the Z train then?

3 A. Yes.

4 Q. Because you'd been there -- you --

5 A. Yeah.

6 Q. Okay.

7 A. I can't recall if we punched the dispatcher up or we --
8 if we punched him up, or if we didn't punch up and he didn't
9 answer -- or we did punch him up and he didn't answer us, or we
10 didn't punch him up. But we never spoke --

11 Q. Okay.

12 A. -- to the dispatcher.

13 Q. Well, back that up. You would have done that under the
14 assumption that the coal train had left far enough ahead that you
15 should have been getting a green by then? You had waited long
16 enough, there should --

17 A. Yes.

18 Q. -- have been green?

19 A. Oh, yeah. Yeah.

20 Q. Okay. That's --

21 A. The coal train was --

22 Q. That's what prompted you to --

23 A. The coal train was long gone --

24 Q. Okay.

25 A. -- and we still had a red signal.

1 Q. Okay.

2 A. So I -- we just, I guess we expected the Z train because
3 it's a priority train and --

4 Q. Did you hear the coal train? Did you hear him clear
5 something down --

6 A. Oh, I --

7 Q. -- ahead of you?

8 A. I guess. I don't really remember him going -- there's a
9 detector at 445.7, and I don't really remember hearing him going
10 over it.

11 Q. Right.

12 A. That just don't stand out to me.

13 Q. But you did -- I mean, we all get a feeling out there.
14 We know how long it's going to take before the train gets out of
15 the block and --

16 A. Oh, I --

17 Q. -- you should have been getting a --

18 A. Yeah.

19 Q. -- green for 10, 15, 20 minutes?

20 A. I absolutely knew he was gone long enough --

21 Q. Yeah.

22 A. -- that we should have had a signal.

23 Q. Okay.

24 A. But I didn't, like -- once again, I don't recall that
25 detector going off.

1 Q. That's fine. Okay. And then earlier you mentioned when
2 you went back you were talking to 911. That was with your cell
3 phone?

4 A. Yes.

5 Q. Okay. Did you use the cell phone from the locomotive
6 before you started back? Because you said you weren't getting --

7 A. Yeah, I -- once I didn't get anything from the
8 dispatcher -- like I said, I don't know -- I don't even think it
9 toned through at the time.

10 Q. Um-hum.

11 A. But I can't be certain I pushed -- I may have pushed one
12 number wrong, and then after -- if you screw up one number, then
13 you've got to start all over. And I just -- screw it, and I
14 grabbed my cell phone in the cab of the locomotive and dialed 911.

15 Q. 911 local? Okay.

16 A. Yes.

17 Q. Okay. Thank you.

18 MR. TURPIN: Steve?

19 MR. JENNER: Okay.

20 BY MR. JENNER:

21 Q. Were you injured as a result of this accident?

22 A. I'm sore, yeah. They gave -- I have been prescribed a
23 muscle relaxer for my back. And I don't, per se, think it's an
24 injury. I think I'm just stiff. Because it was a pretty hard
25 hit.

1 Q. Were you jolted out of your chair?

2 A. Yeah.

3 Q. Did you end up hitting the console?

4 A. No.

5 Q. If you could just describe what --

6 A. I was just -- it was just jerked back. I mean, I -- we
7 were both in our seats, thank God, because I think it would have a
8 lot different if --

9 Q. Right.

10 A. -- we were standing or something else. But I think we
11 just whipped back in our chairs pretty hard.

12 Q. Did you end up going to the hospital?

13 A. Well, when we did the FRA kit, the doctor on call just
14 kind of -- no X-rays or nothing. Like I said, I think it's just
15 -- I'm just sore. I don't -- I wouldn't necessarily call it an
16 injury. I don't know.

17 Q. Okay.

18 BY MS. ANDERSON:

19 Q. Did they give you a prescription for a muscle relaxant
20 at that time?

21 A. Yes, they did.

22 Q. Okay. I was unaware that you had seen a doctor at the
23 scene.

24 A. Yeah, they gave me -- they gave actually me -- yeah,
25 they gave me a prescription for a muscle relaxer and for pain.

1 Q. Okay. Had he given you anything to take prior to
2 leaving the facility there?

3 A. No.

4 Q. No pills or --

5 A. No. Just a prescription. No.

6 Q. Okay.

7 MS. ANDERSON: I'm sorry.

8 MR. TURPIN: Go ahead.

9 BY MR. JENNER:

10 Q. Let me just -- since you mentioned the FRA kit. Do you
11 know what time -- you were asked to give specimens, urine
12 specimens?

13 A. Urine and blood, yes.

14 Q. Urine and blood. Do you -- can you recall the
15 approximate time that took place?

16 A. Near 1:00 in the afternoon.

17 Q. And what was the facility?

18 A. It was a hospital, a clinic in Creston, Iowa.

19 Q. Were there any problems with the collection process or
20 the procedure?

21 A. Well, there's a first time for everybody. I wouldn't
22 necessarily call it professional, in my opinion. They were
23 talking on the phone to some Chris from the BNSF describing how
24 they should do it and do this and -- there was problems with it.

25 Q. Did that delay things as --

1 A. Oh, yeah, sure. I mean, they had to talk to somebody to
2 figure out where to do this, where to sign, who's to do this. And
3 during the process of that, the EMT administering it had an
4 emergency call. So, he left and another lady had came in, and she
5 started signing her name to it. It wasn't a very good process. I
6 had actually gone through it once before when I -- on a derailment
7 with a Z train one time, and it was totally different.

8 Q. Okay.

9 A. And once again, I'm sure the medical personnel was not
10 trained in this or, you know, had no idea how to do it, but -- so
11 there were several signatures on each vial, or whatever.
12 Everybody handled it. I mean, it was -- it was unusual, I feel.

13 Q. Had you taken any medications before giving --

14 A. No.

15 Q. -- a specimen to --

16 A. No.

17 MR. TURPIN: Excuse me, that would include anything over
18 the counter as well?

19 MR. MARLIN: Nothing. No.

20 MR. TURPIN: I'm sorry.

21 BY MR. JENNER:

22 Q. Okay. What I'd like to do is just ask you about your
23 overall health.

24 A. Okay.

25 Q. And before this accident, how was your overall health?

1 A. I'd say good.

2 Q. Were you taking any prescription or nonprescription
3 medication?

4 A. No.

5 Q. I don't see you wearing any glasses. Do you have any
6 prescription eyewear?

7 A. No.

8 Q. Okay. Is your hearing normal as far as the last test
9 that you had?

10 A. I think so, yes.

11 Q. Okay. Okay, I think you may have been asked these
12 questions yesterday, but we're -- I'm interested in your work
13 routine --

14 A. Okay.

15 Q. -- you know, a few days before the accident.

16 A. Um-hum.

17 Q. And the accident happened Sunday. If you have any notes
18 you want to refer to or anything, but if you can just tell me
19 about your schedule from Thursday and we'll walk you up until
20 Sunday?

21 A. Okay.

22 Q. Like when -- if you can start from where you were and
23 when you woke up and when you were on duty and off duty?

24 A. From Thursday?

25 Q. Um-hum.

1 A. Well, I can tell you Wednesday.

2 Q. Okay, great.

3 A. I started out -- we had a safety meeting or a safety
4 class that I attended.

5 Q. And what time was that?

6 A. At Creston. And I was there at 9:00 in the morning
7 until 4:00 that afternoon at Creston. That evening I went to bed
8 normal, say around 10:00 Wednesday night. I woke up around 6:30
9 Thursday morning. I got around, got the kids and everybody to
10 school.

11 Q. So you were at --

12 A. Did not --

13 Q. You were at home this time?

14 A. At home, did not perform any railroad service Thursday.
15 Thursday night went to bed at normal time, 10:00 or 10:30.

16 Let's see, Friday morning I would have got up around
17 6:30 again, 6:30, 7:00. Let's see, Friday I went to bed about --
18 I think it was around -- I went to bed early because I knew I was
19 going to get out to go to work. I went to bed around 9:00, I
20 believe.

21 Q. Did you work Friday or were you off duty or were you --

22 A. I went to work early Saturday morning, and I'm trying to
23 recall the time. I don't have any notes with me. It was early
24 Saturday when I was called to leave Creston. It was 2:30 or 3:00
25 in the morning, if I remember right. I'm not sure on that. But

1 it was early morning.

2 Friday, we left Creston. I think we worked 11 hours and
3 45 minutes to Lincoln. We tied up. If I can kind of work back,
4 maybe I can figure out the exact times.

5 UNIDENTIFIED SPEAKER: We have that.

6 MS. ANDERSON: If this will help you. Let me give it to
7 you.

8 MR. TURPIN: Mr. Marlin was just handed a work history
9 that we have a printout of, so that he can remember better.

10 MR. MARLIN: Just a second. I've never really looked at
11 these too much.

12 UNIDENTIFIED SPEAKER: It says (indiscernible), I
13 believe.

14 MR. MARLIN: Is this the date here?

15 UNIDENTIFIED SPEAKER: Right, date.

16 MR. TURPIN: 4/15, 3:05 on duty.

17 UNIDENTIFIED SPEAKER: That's your marked time on there.
18 Just go to --

19 MR. TURPIN: We're still working with the printout.
20 It's a little hard to read.

21 (Whispering; simultaneous speaking.)

22 MR. MARLIN: Okay.

23 MS. ANDERSON: Let's see if this one's easier.

24 MR. MARLIN: Okay. Let's see, back to Friday night. I
25 went to bed early because I knew I was going to get out in the

1 morning. I went to bed around 9:00. We were on duty at 2:00 a.m.
2 in the morning, Saturday the 16th. We worked -- I believe it was
3 11 hours and 45 minutes to Lincoln on an empty. I -- in Lincoln I
4 was at the hotel. I got to the hotel around 2:30.

5 I was up maybe a half hour, give or take a few minutes,
6 a half hour or so. I was pretty tired so I went to bed. And then
7 I didn't wake up till -- it was probably 7:30 or 8:00. And I
8 called in to see where I was at on the railroad line, and it said
9 1:15. It was -- I believe it was planned at the time for 1:15.

10 I went and got something to eat. And by the time I got
11 back, I called back in -- I'm thinking around 9:00 or 9:30 I
12 called back in and it was already ordered for 1:15, so I just
13 figured they were holding it for our rest. Took a shower.
14 Watched TV a little, for a few minutes.

15 I tried calling back in at midnight because I hadn't
16 heard my -- got my call yet. I knew it was already ordered. And
17 I got -- I heard something from the tape that I've never heard is,
18 cannot accept calls at this time. I've never heard that from the
19 railroad before. And I said, well, I don't, I don't know. And so
20 I stood around there, watched TV a little longer, and about 10
21 minutes later they called, gave me a short call for 1:15 in the
22 morning.

23 From there on, never really had a chance to stop and
24 kick back and get -- catch 20 minutes of rest here or 10 minutes
25 of rest there. It was pretty much a straight shot I'm doing

1 something the whole time till Sunday morning. I don't know if
2 that was specific enough or --

3 BY MR. JENNER:

4 Q. Okay. Your activities Friday, were you off duty on
5 Friday?

6 A. Yes, I was.

7 Q. Okay. So you went to bed, you said, early, maybe 9:00
8 p.m. Friday?

9 A. Yes.

10 Q. And you were called -- and you went on duty around 2:00
11 a.m. or 2:30?

12 A. I was called for 2:00 Friday morning, according to this
13 paper, yes.

14 Q. But you knew you would be reporting about that time?

15 A. I knew it'd be early in the morning, yes.

16 Q. Okay. So how -- about how much sleep do you think you
17 got Friday night?

18 A. Oh, I got -- I actually fell asleep there. I was --
19 3-1/2 hours, 4 hours.

20 Q. Let me ask you, how much sleep do you need? If you
21 didn't have to work the next day, how much sleep do you need
22 normally to feel rested?

23 A. Well, I can do pretty good on 7 hours, 6-1/2, 7 hours of
24 sleep.

25 Q. Okay. How did you feel after 3-1/2, 4 hours Friday

1 night?

2 A. I felt good.

3 Q. Okay. And when you operated Saturday, how did you feel
4 during your on duty time?

5 A. I felt pretty good.

6 Q. Okay. So after you went off duty Saturday, you had an
7 11-hour 45-minute on duty?

8 A. Yes.

9 Q. And can you just -- I'm just a little unclear about when
10 you rested Saturday after you went off duty.

11 A. Saturday, I got to the motel around 2:30.

12 Q. P.m.?

13 A. 2:30 p.m.

14 Q. Okay.

15 A. In the afternoon of the Saturday. Like I stated, I was
16 up maybe a half hour, 20 minutes to a half hour. Went to bed. I
17 was tired.

18 Q. Okay.

19 A. And woke up around 7:30 or 8:00 or so in there.

20 Q. So that's another 3-1/2 to 4 hours sleep?

21 A. Yeah.

22 Q. How did you feel when you --

23 A. Well, let me -- on the train going out, I probably got a
24 combined hour and a half maybe. We had several stops, just little
25 waits, waiting, so --

1 MS. ANDERSON: And that was on Saturday?

2 MR. MARLIN: That would be Saturday, yes, going to
3 Lincoln.

4 BY MR. JENNER:

5 Q. Combined -- I'm sorry, combined 1-1/2?

6 A. Probably, yeah. Roughly, I should say.

7 Q. But I'm not sure what that means.

8 A. Taking a nap while you're sitting on a train.

9 Q. I was going to ask you about that.

10 A. Okay, yeah.

11 Q. What is the policy in terms of --

12 A. One person will stay awake while the other naps or rests
13 for a few minutes.

14 Q. Okay. So that occurred during your Saturday trip?

15 A. Yes.

16 Q. Great. Did those help?

17 A. Oh, yes, they do. Yes. Absolutely.

18 Q. Okay. So when you departed Sunday --

19 A. Okay.

20 Q. -- how did you feel?

21 A. I felt good. I felt okay.

22 Q. Did you feel pretty good the entire time you were on
23 duty?

24 A. Yeah. I would say yes. I had -- once we arrived at
25 McPherson I was planning on taking a short nap. I knew the Z

1 train would be coming here pretty quick. I was going to rest, if
2 I could.

3 Q. Okay.

4 A. I never did get to sleep there, though.

5 MR. TURPIN: Do you want to ask the follow-ups?

6 MR. GIBSON: Yeah, I have just a couple things.

7 MR. TURPIN: Right. On a related note, actually, I
8 think Jerry has some follow-ups.

9 MR. MARLIN: Okay.

10 MR. TURPIN: Specifics.

11 MR. GIBSON: Well, we covered the napping thing, so
12 that's --

13 MR. TURPIN: Right.

14 MR. GIBSON: -- great. I wanted to know if you did have
15 a policy on that.

16 BY MR. GIBSON:

17 Q. On the trips as far as your rest -- being an engineer
18 myself, you know, you've got -- some of those trips are just so
19 monotonous.

20 MR. TURPIN: Can you state your name?

21 BY MR. GIBSON:

22 Q. Oh, I'm sorry. Jerry Gibson with United Transportation
23 Union. Some trips are more monotonous than others, as far as if
24 you didn't get enough sleep or if you're working on a kind of a
25 nasty work/rest cycle. Would you consider these trips between

1 Lincoln and Creston -- do they keep you busy? Do the guys -- does
2 it keep your attention? Can they get monotonous to where it's
3 easy to drift off, daydream?

4 A. Certainly. Yes, it is.

5 Q. Okay. How so? I mean, is it just miles and miles of --

6 A. Well, there's quite a bit of sitting. I mean, there's
7 -- we have single track out there. And, of course, on a load,
8 specifically, you're doing 40, 45 at best. And it does drag, drag
9 out.

10 Q. Okay.

11 A. Yeah, it -- monotony, yeah. Sure.

12 Q. Okay. All right. Thank you.

13 Your work/rest cycles right now, call patterns pretty
14 easy to see? Are they sporadic?

15 A. Pretty sporadic. I'd call it not good.

16 Q. Have there been issues? Have we tried to do anything to
17 sit down and talk about it? Is it a contractual thing? Is it
18 just you're short of manpower?

19 A. Partly. Short of manpower. Tough to get days off.
20 Stuff everybody's -- around this table's heard before, you know.
21 Poor lineups.

22 Q. Short calls, is that a common thing?

23 A. Well, I get a few a month, you know. Two or three a
24 month probably. I don't know if that'd be considered common.

25 Q. Do they utilize the new RSIA, Rail Safety Improvement

1 Act? Some of the hours of service changes that are in there will
2 allow a carrier to tell a crew that they may have to return within
3 10 hours without a 2-hour call. Do they ever utilize that out
4 here at all?

5 A. I've never heard of that, no.

6 Q. Okay.

7 MR. TURPIN: That's -- I'm sorry, when they go off duty
8 they put them on notice?

9 BY MR. GIBSON:

10 Q. They can tell them prior to not -- prior to you marking
11 off that, hey, we want you back here in 10 hours.

12 A. No, I've never --

13 Q. They do not utilize that here?

14 A. I've never done -- heard of that.

15 Q. Thank you.

16 MR. GIBSON: I have more questions, but not related to
17 Mr. Jenner's. Would you like me to continue with my other
18 questions?

19 MR. JENNER: I think I'm done, so why don't you just
20 continue with your questions, then we'll go to, to Carl.

21 BY MR. GIBSON:

22 Q. Okay, Jerry Gibson again with United Transportation
23 Union.

24 I just want to clarify, all crews operate on the same
25 radio channel. Do you have a road channel and then a dispatcher

1 channel, or is it all in one or --

2 A. We have two channels, actually, we operate on.

3 Q. Okay.

4 A. And we operate on 53 from Creston to 466.4, which is
5 another control point, Balfour, roughly, is what we call it. Then
6 we go to 87 all the way to Lincoln. And once we get in -- near
7 Lincoln, going by Havelock at Lincoln, yard limits we go to 66 and
8 talk to the yard.

9 Q. Would it be safe to say, based on prior questions of you
10 hearing interactions with other crews, that you felt that your
11 radio that day was operable, there was no issues with your radio
12 that day?

13 A. I would say there was none with ours.

14 Q. Okay.

15 A. You did bring up a very good point and -- you know,
16 where we -- the radio changes at 466.4. We're talking, you know,
17 15 miles, 20 miles. So that maybe played a part of us not hearing
18 them approach. I mean, there is a detector right after that on
19 53, but I never -- I still never heard that. So if they were --
20 you know, people have forgot to change channels.

21 Q. That was going to be my next question, if it's --

22 A. Oh.

23 Q. -- operating in territories like that, all of a sudden
24 you're like, oh, God, you're calling signals on this channel
25 and --

1 A. Well, it's only been in place 2 years, probably 2 years
2 where they split dispatching there. And on weekends, I believe,
3 they use the same dispatcher all the way across, whether he
4 monitors the two channels or not. I, myself have gone 10 miles on
5 the wrong channel when I initially started. I do much better now.
6 And they actually have a sign there now because I think people
7 have -- before there wasn't even a sign to state change channels.
8 It maybe played a part. I don't know.

9 Q. And you said that the dispatcher -- at the same place
10 where you switch your radio channel, that there's a change of
11 dispatching as well?

12 A. I think during the week there is. There's some
13 shifts -- maybe it's midnight shifts and some -- I don't know
14 their -- I don't know how they do it specifically. But I know
15 sometimes you'll talk to the same dispatcher on the same channel.
16 I don't know what their shift is or their decision --

17 Q. Okay.

18 A. -- if it's midnights, they run the same, or if it's
19 during the week. I don't know exactly what their -- what they
20 determine to split it.

21 Q. Follow that up with dispatching. What other time
22 changes, when we said that there was a changeover of dispatchers?

23 A. 7:00 a.m., 3:00 a.m., and 11:00 a.m.

24 Q. Okay.

25 A. Or 7:00 a.m., 3:00 p.m., and 11:00 p.m.

1 Q. Yeah, because I was about to ready to markup on the 3:00
2 a.m. to 7:00 a.m. job. That's along the lines of --

3 A. You like that one, huh?

4 Q. One more, one more question. If you know that you're
5 going to -- well, let me rephrase this. Where would you find the
6 rear end of a coal train normally if you knew that someone was
7 ahead of you stopped at McPherson -- if I'm saying that correctly,
8 and you're coming in on the grade signal, typically where would
9 you anticipate finding the rear end of that coal train

10 A. Either at milepost 444.9 to 449 -- 449.5, in there, a
11 half mile in there.

12 Q. Okay. Thank you very much. I have no further
13 questions.

14 MR. TURPIN: Barbara?

15 BY MS. ANDERSON:

16 Q. This isn't work/rest related, but read-end device. Did
17 you have an operative rear-end device?

18 A. Yes.

19 Q. Okay. Did you at any time lose continuity with that
20 rear-end?

21 A. Not once.

22 Q. Okay. So when you were stopped at McPherson, did you
23 have any feedback from the rear end?

24 A. They are -- I know they are set in fine. I think I
25 spoke with you before on this. I don't necessarily know if it was

1 flashing red. It was daylight also, so maybe it wasn't at the
2 time. I don't know.

3 Q. When you walked back, do you recall the last car of your
4 train? Do you remember what the last car number was of your train
5 or --

6 A. No.

7 Q. -- what type of equipment that was? Okay. I have no
8 more questions.

9 MR. TURPIN: Okay, I'm going to have a couple. Carl, do
10 you have -- just one question. Go ahead.

11 BY MR. FIELDS:

12 Q. Carl Fields, BLET.

13 Randy, just one question, if you would, please. You
14 said you were -- when you arrived at the hotel in Lincoln you were
15 only there may be a half hour and you went to bed; is that
16 correct?

17 A. Um-hum.

18 Q. Did you have -- at any time during that short period
19 meet and/or speak with the striking crew?

20 A. No.

21 Q. No? Thank you. That's all I had.

22 A. Is that all?

23 MR. TURPIN: Okay.

24 BY MR. JENNER:

25 Q. Steve Jenner. How far was the -- your trip from the

1 hotel to the terminal?

2 A. Four or 5 miles. We -- they picked us up. I rode in
3 the van that picked us up. We went to the grocery store -- I got
4 groceries -- and then to the yard office probably took 10, 15
5 minutes.

6 Q. Okay. Great. Thank you.

7 MR. TURPIN: All right. Are we just about done?
8 Everybody pretty much finished?

9 BY MR. TURPIN:

10 Q. Okay. I just have a couple real quick ones here at the
11 end. A clarification, you said the rear of a coal train in front
12 of you would have been stopped between 449.0 and 449.5?

13 A. Yes.

14 Q. Are both those locations still on the tangent track when
15 leaving that right-hand curve? Or would you have to search for it
16 around the left-hand curve once -- you know what I'm saying, after
17 you go by the grade?

18 A. Yeah, you'd see that coming -- you'd see that.

19 Q. Either of those locations you could see it on the
20 straight track?

21 A. Yes.

22 Q. Okay. All right. One other area that we got into a
23 little bit earlier, and this is just something that I -- I don't
24 know where we'll get some of this information from, but the
25 engineer of the striking train, did he have any hobbies that you

1 know of or anything that he did when he was off duty? Did he like
2 to go golfing or, you know, things he did in Lincoln?

3 A. Well, I know is he's an awfully good mechanic. He
4 helped a lot of people with their vehicles and just a overall
5 generally nice guy. Like I said, he loved the railroad. I don't
6 -- just maybe Steve could answer if he had any more hobbies?

7 MR STULL: I think one of his number one hobbies was the
8 union, the BLET. I do know that.

9 MR. TURPIN: Okay. Do you know if he watched sports,
10 like NBA? The playoffs were on, on the weekend.

11 MR. MARLIN: I doubt it.

12 MR. STULL: I can't see him --

13 MR. MARLIN: I don't, I don't know.

14 MR. TURPIN: Okay. Well, you usually know when
15 somebody's --

16 MR. STULL: Yeah, yeah.

17 MR. TURPIN: -- a fan, you know.

18 MR. MARLIN: I doubt it.

19 BY MR. TURPIN:

20 Q. Okay. All right. Now it's up to you. Anything you
21 might want to contribute? Anything you -- improve the safety on
22 your railroad? Any statement you'd like to make?

23 A. Well, I guess one of my issues currently is that -- with
24 the rest, the 10 hours in Lincoln, the 10-1/2-hour mandate. I'm
25 not really popular -- that's not really popular with me or a lot

1 of the people I've spoken with. I feel if -- you're better suited
2 to get your rest at home in your own bed.

3 There's been occasions, even for myself, where I have
4 trouble falling asleep in Lincoln or -- I think if they went back
5 to the 8 hours rest, maybe undisturbed 8 hours rest in Lincoln or
6 away from home terminal and why not give you 12 hours or 14 hours
7 at your home terminal?

8 And another, another concern of mine is the RSI. You
9 state at the top of the board first out while you're doing this.
10 So then every time you go to work, it's at midnight or 1:00.
11 Let's change it to noon to noon, from 12 noon to 12:00 noon the
12 next day. Because you're at home for 2 days and then at midnight
13 you're going to work. You're going to work tired. Because you're
14 at home, you're going to try to get stuff done.

15 And then -- but every time you stay first out, because
16 you don't lose your turn -- you don't want to lose your turn, you
17 stay first out, you go to work tired. I mean, you take, you know
18 -- I guess that's my two concerns that I really have with that
19 rest.

20 MR. TURPIN: Okay, anything --

21 MR. MARLIN: Just the main --

22 MR. STULL: Well, I was just going to say -- Stephen
23 Stull.

24 MR. TURPIN: Uh-huh.

25 MR. STULL: I was going to say that a lot of times when

1 you're resting out in Lincoln, you have 10 hours undisturbed. So
2 by the time you're rested, a lot of crews that maybe would have
3 been -- maybe have been taking your train, maybe. So, therefore,
4 that puts you more times out on the board because these crews that
5 run around you in the process, therefore, you're not going to get
6 out in your 10 hours undisturbed. You're going to get out --
7 which a lot of times leads to 15, 16 hours in a motel. And by the
8 time that you've went to bed and rested your 8 hours, and then
9 you're back up again and you've been up for 5 or 6 hours, you're
10 tired again by the time they call you for work. Because on the 8
11 hours, the 8-hour work schedule, that provided you an opportunity
12 for those trains, whereas they may have already called those
13 trains out with the home terminal crews.

14 MR. MARLIN: Once again, if the crew runs -- Randy
15 Marlin. If the crew will run around you, they're also caught
16 short rested too. So now you have a whole bunch of tired crews
17 out there.

18 MR. TURPIN: Yeah. Okay.

19 MR. MARLIN: So --

20 MR. TURPIN: All right. Very good.

21 Anybody have any last thing at all?

22 All right. Then that concludes our interview.

23 (Whereupon, the interview was concluded.)

24

25

CERTIFICATE

This is to certify that the attached proceeding before the

NATIONAL TRANSPORTATION SAFETY BOARD

IN THE MATTER OF: BURLINGTON NORTHERN SANTA FE
 COLLISION
 Interview of Randy L. Marlin

DOCKET NUMBER: DCA-11-FR-002

PLACE: Shenandoah, I.A.

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.

Kimberly A. Hawkins
Transcriber