

UNITED STATES OF AMERICA

NATIONAL TRANSPORTATION SAFETY BOARD

\* \* \* \* \*

Investigation of:

\*  
\*  
\*  
\*  
\*  
\*

MAINTENANCE-OF-WAY EMPLOYEE  
FATALITY, BNSF RAILWAY, MIDWAY  
SUBDIVISION, MINNEAPOLIS,  
MINNESOTA ON MAY 25, 2015

Docket No.: DCA-15-FR-011

\* \* \* \* \*

Telephonic Interview of: ALEX FRANCO, JR.

Wednesday,  
July 22, 2015

The above-captioned matter convened, pursuant to notice.

BEFORE: RICHARD HIPSKIND  
Investigator-in-Charge

## APPEARANCES:

RICHARD HIPSKIND, Investigator-in-Charge  
Chairman, Track and Engineering Group  
National Transportation Safety Board

RICK NARVELL, Human Performance Investigator  
Chairman, Human Performance Group  
National Transportation Safety Board

BOB BEATON, Ph.D., Chief of Human Performance and  
Survival Factors Division  
National Transportation Safety Board

GEORGETTA GREGORY, Chief of Railroad Division  
National Transportation Safety Board

DALE JOHNSON, Safety Inspector-Track Division  
Federal Railroad Administration

THOMAS JULIK, Safety Inspector-Track Division  
Federal Railroad Administration

JOHN SMULLEN, Safety Inspector-Operating Practices  
Federal Railroad Administration

KEVIN WILDE, General Director Systems Safety  
BNSF Railway

GEORGE LOVELAND, Vice General Chairman  
Brotherhood of Maintenance of Way Employee Division

<u>ITEM</u>	<u>I N D E X</u>	<u>PAGE</u>
Telephonic Interview of Alex Franco, Jr.:		
By Mr. Hipskind		6
By Mr. Narvell		28
By Ms. Gregory		33
By Mr. Julik		34
By Mr. Johnson		40
By Mr. Smullen		43
By Mr. Loveland		44
By Dr. Beaton		50
By Mr. Hipskind		69
By Mr. Julik		75
By Dr. Beaton		80
By Mr. Hipskind		81

I N T E R V I E W

1  
2 MR. HIPSKIND: Good morning, everybody. My name is  
3 Richard Hipskind and I am the investigator-in-charge and the track  
4 group chairman for NTSB for this accident. We are conducting a  
5 telephone interview on July 22, 2015 with Mr. Alex Franco, Jr.,  
6 who works for the BNSF Railway Company, or BNSF.

7 This interview is in conjunction with NTSB's  
8 investigation of an employee fatality in Minneapolis, Minnesota on  
9 May 25, 2015. The NTSB accident reference number is DCA-15-FR-  
10 011.

11 Before we begin our interview and questions, let's go in  
12 the order I suggested and introduce ourselves. Please give your  
13 name and spell your last name, and please identify who you are  
14 representing and your title. I would remind everybody to speak  
15 clearly and loudly enough so we can get an accurate recording.

16 I'll lead off. Again, my name is Richard Hipskind. The  
17 spelling of my last name is H-i-p-s-k-i-n-d. I am the  
18 investigator-in-charge and track group chairman for NTSB on this  
19 accident. Rick?

20 MR. NARVELL: Rick Narvell, N-a-r-v-e-l-l. I'm the  
21 human performance investigator with the NTSB, Washington, D.C.

22 MR. HIPSKIND: And FRA, please?

23 MR. JULIK: This is Thomas Julik. Last name is spelled  
24 J-u-l-i-k. I'm a safety inspector with FRA.

25 MR. JOHNSON: I am Dale Johnson, J-o-h-n-s-o-n, safety

1 track inspector for FRA headquartered in Minneapolis, Minnesota.

2 MR. SMULLEN: And I am John Smullen, S-m-u-l-l-e-n. I'm  
3 the operating practices safety inspector for the U.S. Federal  
4 Railroad Administration out of St. Paul, Minnesota.

5 MR. LOVELAND: George Loveland, last name spelled  
6 L-o-v-e-l-a-n-d, BMWED representative.

7 MR. WILDE: Kevin Wilde, BNSF Railway, general director  
8 systems safety.

9 MR. HIPSKIND: And the spelling of your last name,  
10 Kevin?

11 MR. WILDE: Oh, excuse me. W-i-l-d-e.

12 MR. FRANCO: And I'm Alex Franco, F-r-a-n-c-o. I'm the  
13 director of engineering training services headquartered at  
14 Overland Park, Kansas for BNSF Railway.

15 MR. HIPSKIND: Okay. And, Dr. Beaten, let's get you on  
16 the record too.

17 DR. BEATON: I'm Bob Beaton, chief of the Human  
18 Performance and Survival Factors Division at NTSB. My last name  
19 is spelled B-e-a-t-o-n.

20 MR. HIPSKIND: Okay. Thank you, everybody.

21 MS. GREGORY: One more, Dick. This is Georgetta  
22 Gregory, chief of the Railroad Division at the NTSB. And my last  
23 name is spelled G-r-e-g-o-r-y.

24 MR. HIPSKIND: Thank you, Georgetta. I wasn't sure  
25 whether you were going on be on this morning. Georgetta, if you

1 don't mind, would you jump in there with your questions after Rick  
2 Narvell, please?

3 MS. GREGORY: Certainly.

4 MR. HIPSKIND: Okay. Mr. Franco, do you mind if we  
5 proceed on a first-name basis?

6 MR. FRANCO: Please.

7 MR. HIPSKIND: All right. Thank you, Alex. And a  
8 couple of questions. Do we have your permission to record our  
9 discussion, our interview with you today?

10 MR. FRANCO: Yes, you do.

11 MR. HIPSKIND: And do you wish to have a representative  
12 with you at this interview?

13 MR. FRANCO: I do not.

14 MR. HIPSKIND: Okay. Let's proceed.

15 INTERVIEW OF ALEX FRANCO, JR.

16 BY MR. HIPSKIND:

17 Q. Alex, if you could please give us the highlights of your  
18 career: when you hired on, how long you have worked in the  
19 railroad industry, and the different positions that you've held  
20 leading up to your current title? And when you get us that far,  
21 please explain your duties and responsibilities of your present  
22 position.

23 A. Thank you. First, I'm originally from Fresno,  
24 California. I've worked for BNSF Railway for just over 24 years.  
25 I started my career with the railroad in 1991 on the former

1 Santa Fe as a trackman in the maintenance-of-way department. I  
2 held many scheduled positions in the maintenance-of-way department  
3 for approximately 9 years, including truck driver, machine  
4 operator, foreman and track inspector, as well as safety  
5 assistant, before deciding to make the leap in a supervisory  
6 exempt position.

7 In 1998, I began taking temporary exempt assignments  
8 before being hired as a maintenance-of-way manager field training  
9 in 1999, where my primary responsibility was the delivery of BNSF  
10 initial and annual requalification maintenance-of-way operating  
11 rule programs.

12 In 2002, I was promoted to manager of field safety and  
13 had field safety responsibility and oversight. Specifically, for  
14 BNSF, Sound Transit construction program on the Northwest Division  
15 headquartered in Seattle, Washington. Some of my duties included  
16 performing safety behavior assessments, operations testing,  
17 implementing safety processes with a focus of improving workplace  
18 safety and reducing injuries.

19 In 2005, I was promoted to terminal trainmaster in  
20 Vancouver, Washington before coming back to engineering, where I  
21 was promoted to roadmaster in Bellingham, Washington. I held the  
22 roadmaster position until 2008, when I was promoted to the manager  
23 roadway planning position in Minneapolis, Minnesota. In 2010, I  
24 was promoted within the division to assistant director of  
25 maintenance production, where I had capital production gang

1 oversight.

2           These experiences led me to my current position with  
3 BNSF as the director of engineering training services at our  
4 Technical Training Center in Overland Park, Kansas, where I have  
5 most recently worked since 2013 and have been responsible leading  
6 a team of approximately 40 managers and supervisors, including  
7 railroad instructors that deliver technical training and safety  
8 and rules training, both at the Technical Training Center and  
9 across the BNSF system for all engineering employees, which  
10 include track, structure, signal telecom and roadway equipment  
11 departments.

12           My primary responsibility is to ensure that my training  
13 services team meets BNSF's engineering technical training  
14 requirements. This requires identifying, developing, implementing  
15 and delivery of training, training delivery evaluation and  
16 sustainment of learning curriculum in all of the engineering  
17 disciplines that I mentioned before.

18           Are there any questions about my work history before we  
19 move on?

20           Q. No. Thank you for that, Alex. And before we go any  
21 further, I do want to explain that BNSF offered and sent a pre-  
22 read document prior to this interview.

23           And Georgetta, if you don't have that, I will send it to  
24 you immediately.

25           MS. GREGORY: I do not.



1 MR. HIPSKIND: Okay.

2 MS. GREGORY: If it's a new one since the last  
3 conference call we had?

4 MR. HIPSKIND: It is, and so I'll be sending that here  
5 in just a minute.

6 BY MR. HIPSKIND:

7 Q. So with all that said, Alex, I want to give you the  
8 floor, and so that you can go over some of the concepts of BNSF  
9 training, the safety and operating rules. And really what we're  
10 after here is for you to give us a better understanding of how you  
11 present all this training for the protection of maintenance-of-way  
12 employees working on and about the tracks, and also to give you an  
13 opportunity to address or pull the discussion into how the  
14 training is achieved with the employees in the engineering  
15 departments. You cover 26 states. There's a lot of different  
16 employees, a lot of different departments, and we just kind of  
17 want to understand how all this is accomplished. So with that, if  
18 you will go ahead?

19 A. Well, first, I want to thank you, Dick, and all of you  
20 on this panel for affording me the opportunity to discuss BNSF's  
21 training programs and processes today. I thought it might be  
22 helpful if I approached our discussion today by focusing on how  
23 the engineering training services team functions within BNSF  
24 safety and technical training organization, what our vision is and  
25 what our training initiatives are, which will provide some insight

1 into how we develop and maintain our training program. For the  
2 purpose of this discussion today, I'm going to focus primarily on  
3 maintenance-of-way operating rules training. If at any time there  
4 are questions or if you need more information, please don't  
5 hesitate to stop me.

6 I want to start with BNSF's safety vision, which is we  
7 believe every accident or injury is preventable, and our vision is  
8 that BNSF Railway will operate free of accidents and injuries. I  
9 start with this because our vision at the training center is  
10 simply inspire confidence and advance capabilities. I'm  
11 passionate about this simple vision because having worked through  
12 the ranks and file, I know personally how I remember feeling when  
13 I would receive quality training and the confidence I would walk  
14 away with to go back out in the field and accomplish my tasks  
15 safely.

16 We have specific strategic initiatives that we focus on  
17 to ensure that we provide quality training. Our strategic focus  
18 areas are effectiveness, which is how we provide quality training  
19 both in curriculum and instruction. That means planned objectives  
20 through sound learning concepts, with emphasis on high potential  
21 exposures. This ensures we provide the right training at the  
22 right time and at the right location. We strive for participant-  
23 based training that meets the immediate and long-term needs that  
24 is not necessarily gold plated, but balanced and flexible to meet  
25 the state of our railroads.

1           Accountability is our next initiative and focus area,  
2 and this is to simply have systems and reports that link to  
3 manpower systems and aid employees and supervisors by smartly  
4 providing actionable information and promotes employee ownership.

5           The last is usability, and that is to have training  
6 materials, systems and reports which are simple, easy to use and  
7 that leverage mobility.

8           These focus areas push us and our customers to a new  
9 training paradigm in pursuit of safe and efficient railroad  
10 operations. It's the foundation that we use to design and deliver  
11 training.

12           Our training programs and procedures are part of BNSF's  
13 risk reduction program, which is also known as BNSF's layers of  
14 safety. This concept was introduced to our employees when BNSF  
15 launched our Approaching Others training. Our risk reduction  
16 program begins with risk identification with safety overlays in  
17 place to mitigate risks. These overlays are identified as design  
18 and safety, rules and procedures, safety information, and finally,  
19 Approaching Others About Safety. These overlays work to mitigate  
20 risks before an incident occurs.

21           When we design training, especially operating rule  
22 training, we consider the exposures that employees receive  
23 training on in Approaching Others About Safety training. These  
24 exposures include line of fire/release of energy, walkway/path of  
25 travel, ascending/descending, pinch points, and lifesaving

1 processes. These exposures help drive the content in our training  
2 programs. And there are many, many rules and procedures that  
3 govern employees at BNSF. Our goal is to identify the rules and  
4 procedures that will reinforce the safety overlay so that  
5 employees can confidently identify risk and mitigate exposure to  
6 safely accomplish their tasks. These Approaching Others concepts  
7 and fundamentals are embedded within our instructional design  
8 process and help us ensure that we are focusing on providing right  
9 content for our employees.

10           Before I discuss a sample of our maintenance-of-way  
11 operating rules program, I thought it might be helpful to explain  
12 our qualification process. This begins, of course, with the  
13 understanding that many positions within our engineering  
14 department require or may not require a position to maintain an  
15 operating rules qualification. For the sake of the discussion  
16 this morning, BNSF's operating rules qualification is identified  
17 as BOR, or Book of Rules.

18           When we talk about initial qualification process, all  
19 new hire employees or current employees who do not currently have  
20 a BOR qualification must receive BNSF's maintenance-of-way  
21 operating rules promotion training. This training is 4 days of  
22 instruction and 1 day of examination. The course primarily  
23 imparts how to utilize resources such as the maintenance-of-way  
24 operating rule book, timetable, system special instructions, and  
25 general orders. A thorough review of each operating rule book

1 chapter is provided and employees must take an examination and  
2 pass with a minimum score of 80 percent.

3           For our requalification process, employees who work  
4 positions that require a BOR qualification must requalify each  
5 year by attending a 1-day maintenance-of-way operating rule  
6 requalification training class. Employees must pass an  
7 examination with a minimum score of 80 percent. If the employee  
8 is unsuccessful, the exam is graded and the employee is  
9 immediately provided a second attempt to correct any missed  
10 questions. If enough corrections are made to increase the score  
11 to 80 percent, the employee retains their qualification.

12           If the employee cannot pass on a second attempt, a 90-  
13 day retake process is initiated. The employee is given a document  
14 outlining their responsibility to make a third exam attempt within  
15 90 days. Failure to retake the third attempt or to successfully  
16 pass results in immediate suspension of the qualification.  
17 Communication is immediately escalated to the supervisor and to  
18 BNSF's manpower planning department to ensure that the employee  
19 cannot hold a BOR position.

20           If an employee is interested in regaining a Book of  
21 Rules qualification after failing a third attempt, then the  
22 employee may elect to go through the initial qualification process  
23 that I previously explained.

24           Are there any questions on the requalification or  
25 initial qualification process?

1 Q. No, not at this time, Alex. Just maybe just go a little  
2 slower. Some of us probably are taking some notes out here.

3 A. Okay. Thank you. I wanted to next talk about our  
4 training delivery. Our training services team manages a very  
5 rigorous schedule to meet the demands of our engineering  
6 departments and their work schedules. And our training audience  
7 is roughly about 12,500 employees.

8 Production gang, large construction gangs, and gangs  
9 that support large-scale work are given schedule priority during  
10 BNSF's gang start-up process. This time frame is usually during  
11 the first 3 to 4 months of the year.

12 Training then rolls out across the system and held in  
13 smaller forums across local divisions. Should a rule change occur  
14 once our training program is initiated, we utilize multiple  
15 processes that are part of BNSF's risk reduction program that I  
16 explained earlier, specifically in the rules and procedures and  
17 safety information overlay process. Some examples of this may be  
18 an engineering newsletter or a safety information notice that is  
19 issued electronically and utilized during job safety briefings,  
20 monthly safety meetings, or operations testing events. This  
21 information is also integrated into our current rules program, if  
22 applicable, and added to a list of known discrepancies that are  
23 eventually included in formal instructional design updates to  
24 training programs. This ensures that BNSF has a solid version  
25 control program in process.

1           We also provide direct support with our managers of  
2 field training. We have 10 managers of field training that  
3 provide rules instruction. This happens in many ways, including  
4 participating in conference calls with supervisors and their  
5 employees, hosting webinars, and attending local town hall or  
6 safety meetings to support discussions surrounding any recent  
7 changes.

8           Dick mentioned that there was a two-page NTSB BNSF  
9 Training Conference Call document that was sent out, and this  
10 document highlights a sample of several of our recent maintenance-  
11 of-way operating rule training programs, including an interim  
12 program that we use to communicate some changes midyear to  
13 operating rules and procedures.

14           For the purpose of discussion regarding BNSF's training  
15 services, specifically, but not limited to, maintenance-of-way  
16 operating rules or requalification training, the following  
17 information is going to highlight BNSF's training strategy for the  
18 following training programs:

19           The first is our maintenance-of-way operating rules  
20 requalification program for 2014, BNSF's adjacent controlled track  
21 training program for 2014, and our maintenance-of-way operating  
22 rules requalification program for the current year, in 2015.

23           Our maintenance-of-way operating rules requalification  
24 program for 2014, in the document you'll see that the target  
25 audience for engineering are all maintenance-of-way employees,

1 both scheduled and exempt. The course length is 6 hours of  
2 instruction plus 2 to 3 hours of exam administration, execution  
3 and scoring.

4 The prerequisite for attending the class is that the  
5 employees must previously be rules qualified. If not qualified,  
6 then they would begin a qualification process per BNSF management  
7 instructions.

8 Approaching Others exposures related to the Approaching  
9 Others training are included in this course and all of the  
10 exposures are listed in the document: line of fire, pinch point,  
11 walking/path of travel, ascending/descending, lifesaving  
12 processes. Application of these exposures are integrated into the  
13 content as appropriate to processes and procedures associated with  
14 the rules that we present.

15 The goal for the 2014 program was to promote a  
16 maintenance-of-way employee's ability to locate and apply  
17 appropriate maintenance-of-way operating rules as prescribed by  
18 BNSF and required by applicable FRA, CFR parts.

19 Our course objectives for 2014 were for the employees to  
20 be able to reference timetables and resources to reinforce  
21 territory familiarization and apply appropriate operating rules  
22 through timetable simulated exercises. The second objective was  
23 to identify and apply applicable lifesaving safety and operating  
24 rule processes through scenario-based exercise.

25 The third was to identify and apply appropriate roadway



1 worker protection and methods of on-track safety for all work  
2 locations through simulated exercises, including proper completion  
3 of maintenance-of-way forms. These include authority forms,  
4 working limit forms, Statement of On-track Safety forms, and  
5 Multiple Work Group forms, with simulation that included employees  
6 completing these forms during class. The fourth was utilizing  
7 electronic devices according to proper procedures for any given  
8 task or situation.

9           After BNSF initiated their 2014 maintenance-of-way  
10 operating rules requalification program, the FRA implemented the  
11 adjacent controlled track regulation. In anticipation of these  
12 upcoming maintenance-of-way rules changes that would be in effect  
13 July 1st to support the FRA adjacent controlled track regulation,  
14 BNSF's system rules team, under the direction of the director of  
15 operating rules and partnership with my team, created a BNSF  
16 adjacent controlled track training document and a delivery program  
17 to communicate this update for all affected employees,  
18 specifically employees who had already received their annual  
19 maintenance-of-way operating rule requalification training. Prior  
20 to the implementation of the new adjacent controlled track  
21 regulation and BNSF's revised maintenance-of-way operating rules,  
22 nearly 57 percent of BNSF's engineering employees had already  
23 received their requalification training.

24           BNSF's adjacent controlled track training strategy  
25 included training for all engineering supervisors in the delivery

1 of the BNSF adjacent controlled track training document.  
2 Supervisors with would then lead an on-the-ground training effort  
3 communicating the new FRA regulation and BNSF maintenance-of-way  
4 operating rule update to support the regulation. Supervisor  
5 training was overseen by the director of engineering training  
6 services, which is me, utilizing managers of maintenance-of-way  
7 field training via conference calls, webinars, field training  
8 classes, and field assessments that were outside of our 2014  
9 requalification program. And this was to provide supervisor  
10 training delivery support.

11           Additionally, BNSF's adjacent controlled track training  
12 document was included in the remaining scheduled 2014 maintenance-  
13 of-way operating rules requalification classes.

14           The BNSF's adjacent controlled track training document  
15 focused primarily on key changes to the scope of BNSF's current  
16 applicable operating rules; a summary of maintenance-of-way  
17 operating rule changes, including glossary terms; and scenario-  
18 based exercises with questions and answers opportunities for  
19 employees.

20           I want to talk a little bit about what's not included in  
21 the document and that's sort of the front-end process to set up  
22 this training delivery program. The first thing that my team did  
23 was to partner with our field leaders -- these are our ADPs, our  
24 general directors and our division engineers -- to agree upon the  
25 delivery of this training document by first-line supervisors at

1 BNSF.

2           Once we had that agreement and commitment, then we  
3 drafted a schedule that would afford opportunity to train all  
4 supervisors, as well as be able to train all employees prior to  
5 the July 1, 2014 implementation of these rules changes. Part of  
6 that process included, like I mentioned earlier, direct conference  
7 calls with division leaders and employees, follow-up conference  
8 calls to ensure that once these practices were in place after the  
9 July 1st implementation, that we would come back and make an  
10 assessment of any gaps in that training.

11           Moving on to our maintenance-of-way operating rules  
12 requalification 2015 program that we have currently going on this  
13 year, again the target audience is our engineering maintenance-of-  
14 way employees, both scheduled and exempt. The course length is  
15 less instruction this year -- it's 5 hours of instruction -- plus  
16 a 2 to 3-hour exam administration time that allows execution and  
17 scoring, with no exam time limit.

18           A change to what you see in the document for  
19 prerequisites is that, in 2015, all engineering employees are  
20 required to attend the maintenance-of-way operating rules  
21 requalification class, both BOR or non-BOR employees. This is  
22 because we have integrated both rules requalification and roadway  
23 worker protection training that's required by the FRA into one  
24 class. The premise behind this is that we think it's important  
25 that employees who do not have direct responsibility to be

1 employees in charge listen, understand, and experience the  
2 training that employees in charge go through so that they are  
3 afforded more opportunity to engage and participate in job safety  
4 briefings.

5           Approaching Others exposures are imbedded as well in our  
6 2015 program. They're the same exposures that I mentioned in our  
7 2014 program and they're applied the same way, integrated into  
8 content as appropriate to processes and procedures associated with  
9 the rules that we present in the program.

10           The goal for 2015 was to promote maintenance-of-way  
11 employees' ability to locate and apply the appropriate rules as  
12 prescribed by BNSF and required by applicable FRA, CFR parts.  
13 More importantly, we wanted to focus on utilizing resources, both  
14 paper rule books and through electronic use of our rule books that  
15 are available electronically, so that employees, when they're in  
16 the field, had more opportunity to access these resources.

17           The course objectives for this year are as follows: One  
18 is for employees to be able to locate maintenance-of-way operating  
19 rules using both electronic and print-based versions of  
20 maintenance-of-way resources; to apply the appropriate operating  
21 rules associated with applicable FRA and CFR parts by selecting  
22 appropriate actions in realistic scenarios; to apply the  
23 appropriate operating rules associated with adjacent controlled  
24 track operations by selecting the appropriate actions in realistic  
25 scenarios; to apply methods of on-track safety by selecting the

1 appropriate actions in realistic scenarios for rules qualified  
2 employees and non-rules qualified employees; and to identify  
3 exposures related to the Approaching Others initiatives as rules  
4 are applied in everyday engineering work processes.

5           That is a summary of or a sample of three of our  
6 programs that we have recently initiated at BNSF: Again, our  
7 maintenance-of-way operating rules 2014 program for  
8 requalification; BNSF's training program to communicate the  
9 midyear rule changes to support the FRA regulation on adjacent  
10 controlled track; and our current maintenance-of-way operating  
11 rules requalification program for 2015.

12           Are there any questions?

13           Q. Alex, this is Dick Hipkind. I'm sure there will be,  
14 and let me first start and I want to thank you for giving us a  
15 thorough introduction there. But Alex, let's go back and get some  
16 things kind of nailed down and maybe understand a little bit  
17 better where you're coming from and where you're trying to get to.

18           When you've talked, you used a phrase about high  
19 potential exposures, and can you give me a couple of examples of  
20 that and what is it that you're trying to do with segmenting those  
21 out?

22           A. Like I mentioned in the piece about our Approaching  
23 Others About Safety program, we introduced these industry  
24 exposures to our employees as focus points for risk analysis in  
25 job safety briefings. Those exposures are, like I previously

1 mentioned, line of fire/release of energy, walkway/path of travel,  
2 ascending/descending, pinch point, and lifesaving processes.

3           So when I mention that we use that as a base for  
4 identifying what content to put into our rules program, an obvious  
5 one is lifesaving processes. So when employees are going to  
6 perform tasks and they perform their risk analysis and they  
7 identify that they're in a situation which requires a lifesaving  
8 process, our intent is to have delivered training to them where  
9 they can draw back on that training and understand that before I  
10 do this task, I have to identify what lifesaving processes need to  
11 be implemented here so that I can safely perform the task.

12           Q. Okay. And so some of what you said there, some of my  
13 terminology for that is hazard recognition and then risk  
14 mitigation. Are we talking essentially the same thing?

15           A. We are.

16           Q. Okay. Somewhere in your explanation of training you  
17 said that one of the goals was to have rules or procedures easy to  
18 understand. Can you give me maybe an example of that?

19           A. Yes. So one of the challenges that we've had with the  
20 recent implementation of adjacent controlled track is to separate  
21 our longstanding requirement for employees to understand their  
22 roadway worker protection requirements when they foul track. And  
23 so an example of that is an employee's basic understanding of what  
24 they need to implement as far as the method of on-track safety  
25 when they're foul of track, versus what qualifiers they need to

1 understand and identify to be able to implement processes when  
2 they're working around adjacent controlled track.

3           So that can be confusing to employees. And so one of  
4 the things that we have done to make that easier, and an example  
5 of that is in this year's program, our 2015 maintenance-of-way  
6 operating rules requalification program, is to separate those two  
7 items. So we have in one module of our 2015 rules program, we  
8 focus on what are your roadway worker responsibilities when you're  
9 foul of any track, even one individual track. And then we dive  
10 down even further by identifying types of tracks. So to better  
11 explain, we would say what are your responsibilities when you foul  
12 a main track? And then we would take it to another section and  
13 say what are your responsibilities when you foul other than main  
14 track, like a yard track or a non-controlled track.

15           So we focus on those basic roadway principles that we  
16 have always reinforced in our past training programs, and then  
17 separate from that we talk about adjacent controlled track and we  
18 talk about qualifiers or things that employees would need to  
19 understand are present to determine if they actually have an  
20 adjacent controlled track situation. And then that leads to the  
21 job analysis that helps them determine what processes to put in  
22 place, so again, back to those lifesaving processes that we  
23 identified as the exposures to help mitigate risks.

24           Q. Okay, Alex, thank you for that. So let me kind of see  
25 if I'm understanding all of this. If I'm going to be in a

1 position of say, like, a foreman or somebody who's in charge of a  
2 gang, at a minimum I'm going to -- or as a prerequisite, I should  
3 say, I'm going to have to go through the Book of Rules and I go  
4 through the training that everybody else goes through. And  
5 ultimately, if I'm in charge, I conduct a job briefing, we go out  
6 to the site and we try to complete a task. But in all of this, is  
7 the goal of all this training, is it so I understand the words in  
8 the rule or is there some other thing that you're trying to go  
9 after here?

10 A. That's a great question. And the answer is, is that as  
11 we continue to try to improve the quality of training at BNSF, we  
12 have moved from a lecture, rules on a screen type of training  
13 delivery to one that is more scenario based.

14 So we look to try to capture various types of scenarios  
15 or tasks that employees, when they come to class, regardless of  
16 their department, regardless if they're in roadway equipment or  
17 whether they're a structures employee, we present a diverse amount  
18 of scenarios where an employee can relate and say, you know what,  
19 I did that yesterday; I did that task yesterday and this training  
20 reinforces or has just reinforced that I did what I was supposed  
21 to do. Or in some cases it may create that light bulb that goes  
22 off with an employee where they may have realized that they  
23 skipped a step.

24 And so, again, moving away from lecture, sort of printed  
25 rules on a screen, we want to engage employees by providing this



1 blend of training with some reviewed rules, especially those that  
2 have changed or have been updated, and then really to provide some  
3 scenario-based exercises that are sort of a day in the life of  
4 what these employees do, so that they learn to apply the proper  
5 rules to accomplish their task.

6           So that's our intent, is for them to be able to leave  
7 class, go out into the field, identify the task that they need to  
8 do, and be able to utilize their resources to find the rules that  
9 they need to implement to perform that task safely.

10          Q.    Okay. Thank you, Alex. I have just a couple quick  
11 questions here. When we talk about the examinations, and across  
12 the board, no matter when I took the test or whatever, 80 percent  
13 -- I have to get 80 percent of it right. And so as I was sitting  
14 there listening to you, I thought, well, do you guys take any  
15 steps -- what if the 4, 5, 10 questions I missed, what if they're  
16 critical in nature? I guess I passed the test, but I'm wondering  
17 how do you get into my head, how do you address the fact that  
18 maybe I'm wrong-headed about a couple maybe very important things?

19          A.    And that's a great question that we constantly get  
20 asked, is how do we mitigate -- even an employee that passes, you  
21 know, perhaps he missed three or four questions that are really  
22 important. And so part of that process is in the administration  
23 of the examination and the responsibility that the manager of  
24 field training has to visit with that employee. And actually,  
25 most employees are proactive and we find that employees who take

1 the examinations for rules really want to understand and know what  
2 they missed. So in a case where we have an employee that isn't as  
3 interested, we make sure to go after them. But in most cases  
4 employees are -- it's very competitive and they're very proud of  
5 the score that they achieve in a rules examination class.

6           So that being said, what we do is we allow them to  
7 review their exam once it's corrected even if they passed. And  
8 then we provide some feedback on those questions. And so we may  
9 -- a conversation might look like an instructor who sits down with  
10 an employee and says, you know, you passed, but you may want to go  
11 back and you might want to brush up on your timetable  
12 familiarization because all your questions were around timetable  
13 use. Did you have a question? Or what was confusing about the  
14 training or about the timetable that I can help you with? So we  
15 afford that opportunity to all employees.

16           I can say that we have initiatives moving forward to  
17 even improve that process to where it's really based on the type  
18 of learning management system that we use. But as we look to  
19 improve even those systems, we're hoping that we can automate  
20 that, where we can actually have those discussions in class and  
21 then we can follow up with information back to that employee's  
22 supervisor to say, hey, this employee did really well; you may  
23 want -- there's some coaching and development opportunities here  
24 in these areas. And that's the direction that we're moving  
25 towards.

1 Q. Okay. Thank you for that detailed answer, Alex.

2 MR. HIPSKIND: The last question and then, Rick, I'm  
3 going to hand it off to you.

4 BY MR. HIPSKIND:

5 Q. Alex, you mentioned that from time to time maybe a rule  
6 changes or there's a different interpretation and you've provided  
7 us the example of the adjacent track and how that was rolled out.  
8 And in that you used some terms like an engineering newsletter or  
9 maybe some kind of a interpretation of a rule update. And so my  
10 question -- and you said you guys did that electronically. So my  
11 question is, how do you track that to know that you got the right  
12 amount of saturation with the engineering forces?

13 A. Well, we track it in a variety of ways and we also don't  
14 track everything that we communicate. So we have to look at the  
15 level of communication that goes out, and if it's simply a process  
16 change that is not necessarily tied to some high potential  
17 exposure, it may be enough to communicate that electronically  
18 through a newsletter or take the communication piece and, you  
19 know, have the supervisor deliver that information.

20 If it's something that's a little bit higher level or  
21 that has more potential for exposure, like adjacent controlled  
22 track, then we have processes in place where we can track that  
23 training, whether it's through our learning management system or  
24 through our operations testing database. And for the adjacent  
25 controlled track training initiative, all supervisors that train

1 their employees were required to enter those employees into our  
2 operations testing database. And so basically we just assigned a  
3 training number to that initiative and that's how we track that we  
4 delivered that training to all employees.

5 We also track that any employees that received adjacent  
6 controlled track training post-July 1, 2014 that attended the  
7 rules class got the same information, because after July 1, 2014,  
8 we included that same training document content. We added that  
9 informally to our 2014 requalification program.

10 And then finally, in 2015, specific to adjacent  
11 controlled track, we know that we included that in the program and  
12 that it was part of our training objectives.

13 Q. Okay. Thank you.

14 MR. HIPSKIND: Rick, how about see what is on your mind?

15 MR. NARVELL: Okay. Thank you, Dick.

16 BY MR. NARVELL:

17 Q. This is Rick Narvell with the NTSB. Alex, can you hear  
18 me okay?

19 A. I can, Rick.

20 Q. Okay, good. Just a few here. Approaching Others  
21 exposures, you've got five components here: line of fire, pinch  
22 points, walking/path of travel, ascending/descending, and  
23 lifesaving processes. Can you just give us a brief description of  
24 each one of those elements?

25 A. I'll try. I didn't create the program but I've been

1 exposed to it enough where I'll take a try at it.

2 Q. Okay.

3 A. So line of fire/release of energy are situations where  
4 an employee might come into the line of fire or release of energy  
5 in a situation that might include placing themselves between  
6 equipment; it could be in the way of a tool swing arc or circle of  
7 safety situation. And so when we talk about line of fire, we're  
8 asking employees to focus their risk analysis on what's going on  
9 around me where I might be hit, struck by an object or a piece of  
10 equipment.

11 For walkway/path of travel, we're wanting employees to  
12 really focus on putting their eyes before where their feet step,  
13 right? So that's obviously to mitigate falls, slips, trips, and  
14 that could incorporate understanding concepts like good  
15 housekeeping or taking a better path of travel, for example, using  
16 a portable staircase on a construction project versus traversing  
17 down a hill, you know, 50 feet away, taking the time to find a  
18 better path to prevent that slip, trip or fall.

19 For pinchpoints, obviously that's pretty self-  
20 explanatory. We want employees to be cognizant about where they  
21 place their toes and fingers. That could be equipment doors. It  
22 could be the use of tools or, you know, track construction  
23 material.

24 Lifesaving processes, we kind of touched upon that  
25 earlier. These are processes where employees are in situations

1 where we have to incorporate specific rules that are going to save  
2 lives. An example of that might be the use of track and time in  
3 CTC territories on controlled tracks, where if an employee needs  
4 to foul a track that requires authority, that they know that  
5 that's a lifesaving process. If they get up on that track without  
6 implementing a lifesaving process, it could mean that they'll  
7 suffer a life-altering injury or fatality.

8 I'm leaving one out. Kevin, can you help me out? What  
9 have I not --

10 MR. WILDE: Ascending/descending.

11 MR. FRANCO: Ascending/descending. So, you know, BNSF  
12 has always incorporated a three-point contact policy. So that's  
13 sort of integrated in our ascending/descending exposure, and  
14 that's basically employees utilizing three-point contact, facing  
15 equipment when they're dismounting, you know, using handrails  
16 where handrails are available.

17 BY MR. NARVELL:

18 Q. Great. Thank you. That's very helpful. Is there a  
19 specific module in any of the training that you give to your  
20 employees that addresses hazard identification and risk mitigation  
21 or is that, what you just described address that?

22 A. It's what I've described and it's what's imbedded in our  
23 Approaching Others About Safety program. You know, that program  
24 gives some very detailed scenario exercises and videos where we  
25 see employees in vignettes in situations that are exposed to those

1 types of exposures and making decisions on risk analysis and what  
2 processes to put in place to be able to perform their tasks.

3 Q. Okay, great. You mentioned when Dick was questioning  
4 you earlier that crews perform risk analysis, you know, at the  
5 jobsite. Is this something that is written down or in some type  
6 of a checklist or a paper form or electronic and performed by  
7 somebody, ostensibly the EIC or the group, or is this -- or  
8 explain how that works?

9 A. We give guidance in our maintenance-of-way operating  
10 rule book on what some components of a job safety briefing would  
11 look like, but we don't use checklists and we don't try to capture  
12 specific items because that list is exhaustive and we certainly  
13 don't want to pin employees down to a list where they are in a  
14 situation that includes factors that aren't on that list.

15 What we really want them to do is to be more global  
16 thinking about it and to be able to identify what they do every  
17 day and put that in a situation of where they're at logistically,  
18 to be able to understand the risk that's involved and then to be  
19 able to apply the proper rules and procedures to be able to  
20 accomplish that task.

21 Q. Okay, great. You mentioned that you are, I guess,  
22 currently utilizing the scenario-based training. Any idea when  
23 you start introducing that, Alex?

24 A. You know, we did scenario-based training even when I was  
25 an instructor back in the early 2000s. I think that the

1 difference today is that we just improved that process because we  
2 professionally design our training programs. We have a  
3 professional instructional that -- a professional instructional  
4 design team here at the Technical Training Center that utilizes  
5 industry leading processes to create training programs. You know,  
6 part of that includes when to introduce an exercise, how much, the  
7 types of exercise, the type of exercises and activities in the  
8 training programs to better engage the learner.

9 Q. Okay, great. And the final question, at least at this  
10 point for now, and I'm going to preface this by saying you may  
11 not, you know, have an answer on this, but any idea how many  
12 employees have actually, you know, invoked, if you will, the  
13 Approach Others principles out in the field? Do you ever get any  
14 numbers or feedback on that?

15 A. We don't collect that data at BNSF, but I think if you  
16 look at our safety performance and our culture change that we're  
17 seeing at BNSF, it's evident that employees are embracing the  
18 Approaching Others concept. You know, BNSF has had a phenomenal  
19 turnaround in safety culture and safety performance and I think  
20 that's evident in the training programs that we have, especially  
21 Approaching Others.

22 Q. Okay, great. Thank you, Alex.

23 MR. NARVELL: Dick, that's all I have for now.

24 MR. HIPSKIND: Thanks, Rick.

25 Ms. Gregory?



1 MS. GREGORY: A wonderful presentation, Alex.

2 And Dick, you and Rick have stole many of my questions.  
3 But I do have one, and if it's been covered already forgive me.

4 BY MS. GREGORY:

5 Q. How do you approach training your contract employees,  
6 your contractors that you hire?

7 A. We have a specific contractor training program here at  
8 the Technical Training Center and we utilize NARS, which stands  
9 for the National Academy of Railroad Sciences. We have a  
10 partnership with Johnson County Community College, which is where  
11 our Technical Training Center is located, and through NARS,  
12 contractors can enroll in specific courses. These include  
13 maintenance-of-way operating rules, track inspection, bridge  
14 inspection training, welding. And that instruction is the same  
15 content that we deliver our employees. Sometimes it's a BNSF  
16 instructor. Most times it's an actual adjunct professor that's  
17 employed by Johnson County Community College.

18 The important point here is that when a contractor goes  
19 through training, they receive the training but BNSF does not  
20 qualify them. Right? It is our intent that the contracting  
21 company sends their employee to receive training, makes an  
22 evaluation of that employee, and then lets BNSF know my employee  
23 is qualified in your rules and processes in order to perform the  
24 task that we have an agreed-upon contract to perform.

25 Q. Thank you for that. Do they receive or are they

1 receiving the Approaching Others training?

2 A. No, they are not.

3 Q. And how about your new revisions to adjacent track  
4 protection?

5 A. I don't know that question. I could -- we have to defer  
6 to the director that manages the contracting training program. I  
7 don't know specifically how they're receiving those types of rule  
8 updates.

9 Q. Okay. Thank you for that. And then just one last  
10 question. I want to go back to the Approaching Others. Do you  
11 know if there's any consideration being given to giving them a  
12 briefing or some training on that Approaching Others concept?

13 A. I don't know specifically. I'd have to defer to Kevin.

14 MS. GREGORY: Kevin, do you know?

15 MR. WILDE: So we are experimenting with some of our  
16 intermodal contractors. But for clarification, BNSF does not  
17 train all contractors on maintenance-of-way operating rules. We  
18 provide an avenue for contractor training. So that's  
19 clarification to the first question you asked also.

20 MS. GREGORY: Okay. Thank you, Kevin.

21 And that's all I have right now, Dick.

22 MR. HIPSKIND: Thank you, Georgetta. And, Thomas, will  
23 you lead off for FRA please?

24 MR. JULIK: Yeah, sure thing. Thanks Dick.

25 BY MR. JULIK:

1 Q. Thanks Alex here, for being here today. Looking at some  
2 of the information that you provided here in this document, as  
3 well as some of the things that you've stated so far, it appears  
4 that each year the training program is slightly different,  
5 slightly enhanced or some of the material may be quite different  
6 each year. How are the materials selected each year for the  
7 annual training?

8 A. Well, again, we start with the exposure-based initiative  
9 to ensure that we're putting in content that is going to save  
10 lives. Right? So like I mentioned in my piece earlier, there are  
11 a lot of rules that we could certainly talk about, but we really  
12 want to talk about the ones that are going to prevent a life-  
13 altering injury or fatality for employees.

14 Part of that includes some analysis that's done on some  
15 data. So we look at what the state of the railroad is in. We  
16 look at operations testing data. Where are we finding gaps in  
17 rules applications for employees? Where are our exceptions? You  
18 know, and then we focus in on how can we include rules to cover  
19 these exceptions. And then finally, we look at what are some  
20 recent changes, like adjacent controlled track, and do we need to  
21 reintroduce that or continue to focus on that to ensure that  
22 employees understand those changes.

23 Q. All right. Thank you. And so you also discussed the  
24 engineering newsletters that can go out from time to time in  
25 between the annual training there. Does that stuff occasionally

1 include some diagrams or things or is it strictly text that goes  
2 out mostly?

3 A. It may include some scenario-based diagrams and it may  
4 just be that we communicate the actual regulation or rule change.  
5 It's not always a rule change too. It could be that it's a  
6 procedural change or that we had changed vendors. So those  
7 communication vehicles conveyed different types of communications,  
8 and sometimes they include diagrams.

9 Q. Okay. So for some of the large-scale production gangs  
10 that BNSF has across the system, do they physically have a monthly  
11 safety meeting, as you mentioned previously?

12 A. The process is the same for production gangs in that  
13 it's the same process that we have and requirement for local  
14 divisional gangs, where whether it's through -- it's in job safety  
15 briefings during the week or at one given time in a month, that  
16 there is some time made for safety discussion.

17 Q. Okay. I guess what I was trying to get at a little bit  
18 here is that if some of the materials are just put out there, as  
19 in an image type form, is there a means for some of these larger  
20 production gangs that don't have a monthly sit-down meeting in a  
21 place that may have a projector to try to disseminate that  
22 material?

23 A. Well, I'll give you one example --

24 Q. Is there standard policy for that?

25 A. Yes. I'll give you an example, a recent example. I

1 mentioned that I used to manage a production gang on the Twin  
2 Cities Division. And I'll give you an example of a roadmaster  
3 that managed a steel gang. Rather than shut down for a full day,  
4 what this roadmaster would do is he would calculate that amount of  
5 time that he would take in one day and he would stretch that out  
6 over the period of a month. And so on Fridays, he would do a late  
7 start out of the hotel before they got out to the jobsite and he'd  
8 reserve a room, and if there was information that needed to be  
9 displayed on a screen, he would do so. And he would do these sort  
10 of mini monthly safety meetings broken up by the week.

11           So that's just an example of some of the resourcefulness  
12 that our field line supervisors use and have to communicate, you  
13 know, safety processes and changes or communication to their  
14 employees. Those types of gangs are afforded the same  
15 opportunities that our headquarter gangs have, where if there is  
16 enough communication that needs to be displayed on a screen, they  
17 certainly have the means to set up a hotel or a meeting room to do  
18 so.

19           Q.    Okay, great. Thank you. So for the folks -- kind of  
20 shifting gears here a little bit. For the folks that BNSF tasks  
21 with conducting operations testing, is there any additional  
22 training that happens annually for those individuals?

23           A.    By individuals, do you mean the training for supervisors  
24 that conduct operations testing?

25           Q.    Yes. Correct.

1           A.    Yes.  An example would be, like, the adjacent controlled  
2 track training program.  So all the supervisors who had delivered  
3 that program are responsible for operations testing, or most of  
4 them, that have employees that report to them.  And so that would  
5 be an example of how they receive training.

6                    To be able to go out and make assessments on rules  
7 applications for adjacent controlled track, they would need to  
8 have been trained in that.  So aside from the annual  
9 requalification training that exempt employees have to go through  
10 just like scheduled employees, these are our annual  
11 requalification classes.  You know, focused training programs like  
12 the adjacent controlled track, where we deal directly from a  
13 manager of field training position directly to the supervisor,  
14 those supervisors would receive that type of specialty training in  
15 order to enhance their operations testing capabilities.

16           Q.    Okay.  And so if there are individuals that ultimately  
17 need some clarification on rules, is there a rules hotline that  
18 individuals should contact or what's the typical process for  
19 clarification of a rule if folks out in the field of unsure of  
20 something?

21           A.    For engineering -- so we do have a hotline at BNSF, but  
22 for engineering specifically, we assign responsibility  
23 systematically to our managers of field training, which are our  
24 rules instructors.  I also have a manager that oversees that group  
25 that works for me, and we publish cellphone numbers, emails, and

1 believe me they get used every day, where --

2 Q. Hello?

3 MR. JULIK: I think somebody hit their mute button.

4 MR. HIPSKIND: Are you there, Alex? Hello?

5 MS. GREGORY: I think we lost --

6 MR. JULIK: Hello, Alex? Are you still here?

7 MR. HIPSKIND: Let's stop here for a minute and do a  
8 roll call. This is Dick Hipskind. I'm still on.

9 MR. NARVELL: This is Rick Narvell and Bob Beaton.  
10 We're still here. I'm going to turn the machine off, the  
11 recorder, Dick, for a minute.

12 MS. GREGORY: Georgetta is still here.

13 MR. JULIK: Thomas Julik is still in.

14 MR. JOHNSON: Dale Johnson is still on.

15 MR. SMULLEN: John Smullen is here.

16 MR. LOVELAND: George Loveland, still on.

17 (Off the record.)

18 (On the record.)

19 MR. NARVELL: Go ahead.

20 MR. JULIK: All right. Rick, let me know when you're  
21 ready.

22 MR. NARVELL: Yep, I'm ready. Go ahead.

23 BY MR. JULIK:

24 Q. Okay. Alex, before you dropped off here you were just  
25 starting to discuss some of the methods in which some folks in the

1 field have for obtaining rules clarification. Can you start from  
2 the top of that again here?

3 A. Yeah. I believe the question was is our hotline or are  
4 there available resources for employees should they have a rules  
5 question. And my answer was that we have 10 MFTs, a manager that  
6 oversees that group, and myself, as well as all of my technical  
7 instructors here at the training center that are available 24  
8 hours a day to take rules calls.

9 So with regards to our managers of field training, they  
10 are systematically assigned to various locations on the BNSF  
11 system and our numbers are published, as well as given during  
12 class to employees, should employees or supervisors have a need  
13 for a rule support. In addition to that, we attend conference  
14 calls, town hall meetings to reinforce any rules changes or  
15 questions or lend support to the field when that occurs.

16 Q. Okay, very good. All right. I think that's pretty much  
17 it for my questions here at this point here, Alex. Thank you.

18 MR. JULIK: And Dale, I guess you're next up here.

19 MR. JOHNSON: Yeah. Thank --

20 BY MR. JOHNSON:

21 Q. Thank you, Alex and -- today. I guess my question is  
22 kind of in line with -- the real question I had, in line with  
23 where Ms. -- was going. I guess, you know, from your explanation,  
24 Alex, the procedures and processes -- excellent and having worked  
25 in the industry I know, you know, BNSF is a leader in training,



1 it's obvious from your explanation.

2           And I know employees with high level of responsibility,  
3 you know, as far as making all these assessments of risk and  
4 understanding individual qualifications and there's just a lot out  
5 there, from your explanation and as you have stated. But I just  
6 still get so confused, is how we get so lost in the rules that we  
7 lose sight of, first and foremost, the most important thing, which  
8 is positive safety, you know, from the opportunity of really  
9 working on this investigation.

10           And I guess going in line with Mr. Julik's earlier  
11 questioning, I just notice and I'm witnessing the industry, not  
12 only BNSF, the other -- having the opportunity of working with  
13 four Class I railroads in my area of responsibility, that there's  
14 -- the supervision, and today there is just little or no knowledge  
15 of maintenance practice. You know, there are just a lot of young  
16 supervisors in the field. And I guess that's where I'm most  
17 concerned, you know, our follow-up and where BNSF -- going in the  
18 future with all these young, young supervisors and how we get them  
19 up to speed and how do they (indiscernible) with various employees  
20 on rules applications and procedures and risks?

21           A. Well, that's a great question, Dale, and I think that  
22 question is, is how do we reinforce the importance that our  
23 supervisors, our exempt leaders, are as proficient, if not more,  
24 on rules knowledge or understanding the rules so that they can go  
25 out and ensure that our employees are applying them properly. And

1 you know, if we look at new supervisors or employees that are  
2 either promoted from within a craft or that are brought into  
3 BNSF's management training program, you know, we -- our training  
4 process is very rigorous around supervisors.

5           First of all, we've already stated that supervisors  
6 receive the same training that scheduled employees receive. And  
7 we promote and really we require that supervisors attend the  
8 annual requalification classes with their employees. And what we  
9 do is, is that reinforces their understanding, identification of  
10 their employees that may have coaching opportunities or that may  
11 be struggling with rules application, and then after the class  
12 they can go back and they can work on that.

13           So there are lots of processes in place specifically  
14 with supervisor training. We have an annual supervisor  
15 certification training program where supervisors have to, each  
16 year, participate and accomplish specific supervisor training and  
17 they're required to go to rules class. They go through the same  
18 initial and requalification process that employees do.

19           The other thing that we've done to enhance that is that  
20 we, with regards to operation testing, which I think you  
21 mentioned, is that we do manager led training initiatives, where a  
22 middle manager or a two-level manager above the FLS will go out  
23 with them, with the intent to focus on how those supervisors are  
24 evaluating employees and what their knowledge of rules are, to be  
25 able to make appropriate and accurate assessments of our

1 employees' performance.

2 Q. Well, thank you, Alex. That helps me. At this time I  
3 have no further questions at this time.

4 MR. HIPSKIND: Mr. Smullen?

5 MR. SMULLEN: Can you hear me now?

6 MR. HIPSKIND: We can.

7 UNIDENTIFIED SPEAKER: Yes.

8 BY MR. SMULLEN:

9 Q. Okay. Hi, Alex. Thanks for your time and your  
10 preparation for this. We really appreciate it. Kind of open our  
11 eyes up on how the BNSF operates there in the rules department.  
12 The folks ahead of me really -- you did it well, answered -- or  
13 asked a lot of questions I was.

14 One thing I'd like to know in regards to operations  
15 testing, when you change -- you have specific tests that the  
16 managers apply, and when you change the test, how they're supposed  
17 to perform a specific test, how is that message sent out to the  
18 testing managers?

19 A. So just like any type of safety or rules process change  
20 communicated through our rules and procedures or safety  
21 information overlay that I mentioned in BNSF's risk reduction  
22 program, that safety information is through aligned efforts that  
23 communicate safety messages at all levels here in BNSF's  
24 organization. Part of that includes the issuance of a detailed  
25 explanation of what changed, and then we provide access to the new

1 updated operations testing manual for those employees -- or  
2 supervisors.

3 Q. So that comes from your shop?

4 A. No, it comes out of our safety and communication  
5 department.

6 Q. Okay. So that's dated, then after that goes out, at  
7 that time the test is modified and changed; is that correct?

8 A. Yes.

9 Q. Okay. That's all the questions I can think of right  
10 now. Thanks, Alex.

11 MR. HIPSKIND: Okay. Thank you, John.

12 George, are you ready?

13 MR. LOVELAND: Yes, sir, Mr. Hipskind.

14 BY MR. LOVELAND:

15 Q. Good morning, Alex. How are you this morning?

16 A. I'm well, George. How are you?

17 Q. Good, good. I would also like to thank you for being so  
18 well-prepared. I just have a few questions. I'll try to make  
19 this quick.

20 I get around quite a bit and the people in the field  
21 still don't get this. I know you talked about all the training  
22 and stuff that goes on and I guess I've been sitting here trying  
23 to think of a word for it, and I don't mean this in a derogatory  
24 manner or anything like that because I really think you guys do  
25 care about safety, but I think we're kind of in a fantasy world

1 because -- the people in the field getting it.

2 A. George, I lost you after fantasy world.

3 Q. Okay.

4 MR. HIPSKIND: Hey, Rick, on your end, if you're not  
5 hearing for a clear, accurate recording, please say something,  
6 will you?

7 MR. NARVELL: I can't hear him at all now.

8 MR. LOVELAND: How about now?

9 MR. NARVELL: There.

10 MR. HIPSKIND: Okay. George, you were having a little  
11 bit of an audio difficulty. Please pick up where you were making  
12 a comment about leading into fantasy land.

13 BY MR. LOVELAND:

14 Q. Okay. Well, I don't mean to use that in a derogatory  
15 manner because, like I said, I really do think BNSF cares about  
16 safety, as obvious with the program and stuff. But I think it's  
17 -- it's a great theory, but I don't think it's being implemented  
18 like we think it should be, like in fact we think it is, because  
19 the people in the field, they still don't get it. And I'm just  
20 wondering what we're going to do, and I'd be willing to help also,  
21 to make sure these people in the field -- it is getting down, it  
22 is trickling down to the managers or the front-line supervisor and  
23 everybody else, that the training is actually happening like it  
24 should?

25 A. I appreciate those comments. And let me first -- I want

1 to make sure I understand the question behind those comments and  
2 -- but let me first say that I agree with you. I think that we'd  
3 be fooling ourselves to think that we have a perfect program and  
4 that there wasn't opportunity for us to design or create better  
5 programs every year. So we certainly believe in that philosophy  
6 of how can we always do better and how can we continue to improve  
7 our content and our training programs.

8 I will tell you that, as far as your comments about  
9 employees not getting it, I can tell you that we track our  
10 training performance diligently and that last year, in 2014, our  
11 failure rate for employees that attended our maintenance-of-way  
12 operating rules class was less than 1 percent. It was actually  
13 .47 of a percent of failure rate.

14 This year it's actually lower. And this year we've  
15 included even more training on some specific things that I think  
16 you might be concerned about, like adjacent controlled track. And  
17 we've trained 77 percent of our population this year already.

18 So we tracked all that diligently. We look at how  
19 employees are answering questions on tests. We vet our tests  
20 through an analysis process at the beginning of the year, at  
21 midyear, and at the end of the year to look at do we have the  
22 right questions; are employees responding to the exam positively;  
23 are we asking truthful and real questions; do we not just have  
24 fillers? We don't believe in trick questions. And so we look at  
25 employee performance in examination and we measure that.

1           And then we go back to the drawing board if we need to.  
2 If we identify that all the employees are missing question 14, we  
3 look at, you know, is it because of the training; is it because  
4 the way the question's wrote? And then we look at statistics like  
5 what are our first-time failure performances? How many employees  
6 failed a second time? How much time are employees -- even though  
7 we don't time the examination, how much time is it taking them?

8           So we treat this training process respectfully and we  
9 pay attention to indicators and to the things that we are  
10 tracking, and lastly, we rely on employees' feedback. You know, a  
11 lot of feedback after our 2014 program was that employees wanted  
12 to not be surprised about what was going to be in their upcoming  
13 rules class. We took that to heart and we actually created a  
14 newsflash last year that we mailed to everyone's homes. And in  
15 that newsflash we disclosed all the rules that we were going to  
16 talk about. So it wasn't a secret when employees came to rules  
17 class in 2015. We told them, these are things that you should  
18 know.

19           And then what we did is we provided small articles about  
20 how some specific rules were applied to the tasks that they did,  
21 including adjacent controlled track. And I was happy and pleased  
22 to see the employees actually took that document -- you know, I  
23 receive documents all the time in the mail and a lot of times they  
24 go unopened. But these employees actually read the newsflash.  
25 They want to learn and they want to make sure that they're

1 applying rules properly. They brought it to class and they  
2 actually used it in class.

3           So while I respect and appreciate that feeling, we just  
4 don't have the indication that shows employees aren't getting it.  
5 But we do know that we'd be fooling ourselves to think that we  
6 don't have opportunities to always be better.

7           Q.    Okay. And I appreciate that, but how about -- I, of  
8 course, don't have access to the information that you were just  
9 talking about, what the pass or fail rate or (indiscernible), but  
10 I think the tests are different than actually being out in the  
11 field. Next time you're out and about stop in the work group and  
12 just take everybody aside and ask each one of them what the  
13 adjacent track rule means and see if you get the same answer or if  
14 they even know. Because I'll bet you they don't.

15           A.    Well, I do, I do make those visits. I was actually with  
16 RP06 and RP07, our steel gangs, out in Tulsa at the beginning of  
17 the year for their start-ups, and then we actually went out into  
18 the field to look at some certification processes to see what we  
19 could do to automate that, and surprisingly the employees had a  
20 very good grasp on adjacent controlled track. And that's just a  
21 sampling. So I understand that's a small target audience.

22                But we do, George, we do go out into the field and we  
23 look at rules application processes to ensure, outside of  
24 operations testing, just from a training perspective, to look at  
25 where are our gaps in training? You know, if an employee isn't



1 applying a rule that we taught, especially if we taught it in the  
2 current year, why aren't they applying it? Is it a rules, a  
3 knowledge issue, or is it a noncompliance issue?

4 So we try to make that assessment and if it's a rules  
5 issue or a knowledge issue and a training issue, then we certainly  
6 go back and we take that and we look at how can we improve our  
7 program to bridge that gap. If it's a noncompliance issue, we  
8 deal with that either through Approaching Others or through  
9 operations testing processes. But we pay attention to those types  
10 of things.

11 You mentioned how can you help? Last year when we  
12 piloted our 2015 program, we sent out an invitation to the BMWED  
13 to sit in our pilots. No one attended. So where you could help  
14 is by coming in and collaborating with us or previewing these  
15 classes so that you can make an honest assessment when an employee  
16 calls and says I'm not getting it. And then you'll have firsthand  
17 knowledge of, well, I remember that being in class or being  
18 discussed.

19 So we're certainly going to extend that invitation again  
20 this year to BMWED specifically, and I would encourage you or as  
21 many of you to attend and sit in on these pilots. Come in and  
22 actually get rules qualified. We do have some vice general  
23 chairmen and local chairmen that come in and take the training and  
24 the feedback we get is very positive.

25 Q. Well, I agree with you and I think that would be a great

1 thing. I don't -- I guess I didn't see the invitation, but I  
2 would love to attend.

3 A. I'll make sure that it comes personally from me.

4 Q. Okay. And I just have -- just one more quick thing. On  
5 the contractors that Georgetta was talking about, why wouldn't  
6 BNSF want to make sure that the contractors were qualified and not  
7 just leave it up to the contracting company?

8 A. Can you repeat that? I'm sorry, you broke up.

9 Q. Okay. The contractors, you said that the BNSF didn't  
10 monitor -- that you left it up to the contractors to determine  
11 whether they're qualified or not. And I guess my question is so  
12 why wouldn't BNSF want to monitor and make sure that they were  
13 qualified if they're out there working with our people?

14 A. Well, I'm not so sure that there aren't processes in  
15 place, but it's not a process that I have oversight of. And  
16 again, like earlier, I would have to defer that to our director  
17 that's in charge of that type of training.

18 Q. Okay. That's all I have.

19 MR. HIPSKIND: Okay. This is Dick Hipkind. Kevin, can  
20 we put you down for a "to do," maybe a follow-up email on that  
21 question? It's the same one that Georgetta raised and that George  
22 did too.

23 So, Dr. Beaton, would you like to go next?

24 DR. BEATON: Yes. Thank you.

25 BY DR. BEATON:

1 Q. Good morning, Alex.

2 A. Good morning.

3 Q. And let me preface my questions by saying that my  
4 interest, of course, is in the accident itself, and I appreciate  
5 that you've got visions and responsibilities for a much larger,  
6 more complex world. But I just want to make sure, you have had a  
7 chance to familiarize yourself with the accident that we're  
8 investigating?

9 A. I have.

10 Q. And you're familiar with the employees that are  
11 involved?

12 A. I'm familiar with the employees' training records, yes.

13 Q. Okay, good. That's what I meant to say. All right. So  
14 let me ask a couple points just to clarify my own language here.  
15 I want to be respectful of the terms that you used. I've heard  
16 mention of an assortment of different types of gangs, work gangs.  
17 What kind of gang -- what's the label that you would use for the  
18 gang that was involved in this accident?

19 A. I believe these employees were on a construction gang.

20 Q. Construction gang? Okay. Thank you. And these were  
21 BOR employees? Rules --

22 A. Some were BOR employees, yes.

23 Q. You say some were?

24 A. Yes.

25 Q. All right. Which ones were and which ones weren't?

1           A.    I would have to go and pull the training records again.  
2 I don't know them by name or by memorization, but I could  
3 certainly pull that up and look at each individual employee that  
4 you had a question about.

5           Q.    Okay. Well, maybe we can talk more generically, rather  
6 than getting personal with the individuals. The foreman of a  
7 construction gang, would the foreman be a rules qualified  
8 employee?

9           A.    Yes.

10          Q.    Okay. And then the helpers on the gang, they would be  
11 generally rules qualified?

12          A.    It would depend on the position and how those positions  
13 were bulletined.

14          Q.    Okay. Can you give me an example of how that depends on  
15 a position and how it was bulleted?

16          A.    Sure. So if the employees were in a position, let's  
17 say, like a truck driver or a machine operator, then those  
18 positions would've been bulletined as requiring the Book of Rule  
19 qualification before they could even bid the job. Most likely if  
20 there were any labor-type positions, there may be a possibility  
21 that those positions were bulletined without needing the BOR  
22 qualification.

23          Q.    Okay. So the two other employees on this gang both  
24 operating forklifts, we might presume that they were rules  
25 qualified?

1           A.    Yes.  I believe they were machine operators, so they  
2 would've been Book of Rules qualified.

3           Q.    Okay.  So without trying to hold you to anything, it  
4 sounds like all the members here of this construction gang  
5 probably were rules qualified.  Would you agree with that?

6           A.    Again, I'd have to look at each individual and look at  
7 their training record.  What I would say, the majority of them  
8 probably had a Book of Rules qualification based on the positions  
9 that we've just discussed here.

10          Q.    Okay, good.  That's all I -- I just wanted to get some  
11 clarity on that.

12                    I wanted to go back.  You were describing the vision for  
13 safety at BNSF, maintenance-of-way safety, and you described a  
14 couple goals is to inspire confidence and establish advanced  
15 capabilities, and then you described three pillars of that program  
16 or that vision:  effectiveness, accountability and usability.  And  
17 you made a point of saying that this is all part of a larger  
18 layers of safety approach.

19                    For effectiveness, as it relates to this construction  
20 gang, would you have any measure of the effectiveness of their  
21 adjacent track rules training?

22           A.    I wouldn't personally have any measurement other than  
23 what their training records are, training that they received, any  
24 operations testing data that they've had previously, before the  
25 incident, where their local supervisors or supervisor that had

1 been in their area had possibly made some assessments. But  
2 outside of that I wouldn't have any data.

3 Q. Okay. So when it comes to the pillar of accountability  
4 for the members of this gang, with respect to their adjacent track  
5 rules training, what sort of measures of accountability do you  
6 have?

7 A. I have a training record that shows that they've  
8 successfully completed their rules training program, which meant  
9 that they demonstrated enough proficiency to pass and retain their  
10 requalification or Book of Rules status. If we took a deeper dive  
11 we could probably produce the actual score that they had on their  
12 examination. So from my system perspective, I have that.

13 Q. Okay.

14 A. And then from a more global system perspective, we have  
15 the processes that I mentioned previously, which are their  
16 operations testing data, their employee interview data, you know,  
17 safety conversations that they had with their supervisors.

18 Q. Okay, good. Thank you. And just to be complete, what  
19 measures of usability would you have as it relates to this  
20 construction gang?

21 A. When I talked about usability as far as training  
22 initiatives, I mentioned that we would provide good training  
23 materials, that we would have systems in place and reports which  
24 are simple and easy to leverage, mobility. That means that we  
25 have a very strong process between our learning management system

1 and our manpower system, which ensures that employees who are not  
2 qualified can't work their position. So that's very important.

3           So if you have employees that don't demonstrate  
4 competency or proficiency and are unable to retain their  
5 qualification, they don't hold the position. So our system  
6 communicates directly with the system that manages those positions  
7 to ensure that that doesn't happen. So that's just one example.

8           Q.    Would you have any measures related to the usability for  
9 the foreman of this gang? Can you -- I guess what I'm trying to  
10 get at here is this pillar of usability of materials, does it  
11 extend down to the boots on the ground or is that more of a  
12 conceptual design pillar for how you structure or architect your  
13 training?

14           A.    It's more for the conceptual design, but it could  
15 include training materials that are takeaways. So, for example,  
16 in 2015, I mentioned that we had a newsflash that we published and  
17 mailed directly to all employees that they could use as a quick  
18 reference guide. We have student guides as part of our formal  
19 designing process. We have instructor guides for all of our  
20 instructors so that we ensure consistent training.

21           So with that instructor guide, I know that I'm going to  
22 deliver the same training in Seattle that I would deliver in  
23 Springfield because we have a scripted guide for our instructors.  
24 So when we talk about usability in training materials, that's all  
25 inclusive.

1 Q. Okay, food. And that's a good segue to another question  
2 I had. I understand and am impressed with the level of effort  
3 that you take to architect your training. And at some point all  
4 those good ideas and all that nicely developed training material  
5 has to be delivered. The training program has to be executed.  
6 And it sounds to me like you are delivering the training to the  
7 employees as the boots on the ground and, to keep things in terms  
8 of my interest, the foreman and the two other crew members  
9 would've received their training from a supervisor?

10 A. They would've received their rules training from one of  
11 my employees, which are managers of field training. These are  
12 exempt positions that are strictly responsible for delivering  
13 these types of programs.

14 Q. Okay. And so let me just talk a little -- or ask a  
15 question or two about the -- and you referred to them as managers  
16 of training?

17 A. Managers of field training, or we call them MFTs for  
18 short.

19 Q. Managers of field training. I want to be respectful of  
20 your terminology. So a manager of field training, how do you  
21 train the trainers? How do you ensure that your MFTs are  
22 effective and efficient?

23 A. That is a great question. So part of the process starts  
24 at the front end with who we hire. So we have a job posting when  
25 we look for MFTs that require a certain level of field experience



1 and a certain level of rules proficiency. So certainly we look at  
2 if they're an employee, let's say, that's coming from the field  
3 and wanting to become exempt, we look at prior rules performance.  
4 We look at how have they done on their rules exams. We look at  
5 their safety records. We look at employees that are going to  
6 model exemplary safety behavior, not just understand rules.

7           And then what we do is we look for employees that have a  
8 certain level of field experience. We want our instructors to be  
9 able to relate experiences even outside of the instructor guide.  
10 So while I mention that we have an instructor guide that's  
11 scripted to ensure that we deliver consistent training material,  
12 it's also designed to be flexible for that instructor to be able  
13 to insert experiences, especially in areas that are different from  
14 other areas. You know, having worked -- having been a kid from  
15 California who's now lived and worked in the north region, say  
16 like Minneapolis, and worked in places like Fargo, North Dakota,  
17 the way they do things is a lot different than the way I did  
18 things when I was a kid in California.

19           So it's important that we have a diverse group of  
20 instructors that have all different types of experience  
21 backgrounds so that when they're in class and they're teaching  
22 employees about a rule, they can relate a task that they've  
23 actually shared in the experience with those employees. So we  
24 look for that type of candidate.

25           And then on the back-end process, I actually have a

1 senior MFT that is actually in a higher position than our MFTs  
2 that deliver the training. And we put our MFTs through a very  
3 rigorous assessment program. Number one, all our MFTs have to go  
4 through a master instructor program. That's a formal training  
5 program here that's provided by Johnson County Community College  
6 in partnership with us. It's overseen by an adjunct professor.  
7 It's 18-month minimum training with assessment facilitation  
8 training.

9           And so we put them through that process, as well as our  
10 own internal assessment processes with a senior MFT. And what  
11 that means is that senior manager will go out and he'll actually  
12 sit through a class with an MFT, especially when we on-board a new  
13 one, and we look for things like are they following the instructor  
14 guide; are they clearly communicating rules properly? And in the  
15 moment, if we hear or if we identify that an instructor may be a  
16 little off on some rules clarification or rules delivery, we  
17 immediately nip that in the bud.

18           So we perform those assessments not just through that  
19 senior MFT, but it's a requirement for all my staff to go out,  
20 including myself, and sit through these assessments. So each  
21 instructor is at least assessed three times annually and then we  
22 provide follow-up development opportunities as well.

23           Q.    Excellent. Thank you for that detail.

24           MR. HIPSKIND: This is Dick Hipskind. I want to  
25 interrupt here for a minute, so Rick will you turn the recorder

1 off please?

2 MR. NARVELL: Yeah. Give me a second.

3 (Off the record.)

4 (On the record.)

5 MR. HIPSKIND: On the record. And Dr. Beaton?

6 MR. NARVELL: Okay, back.

7 DR. BEATON: Okay, thanks.

8 BY DR. BEATON:

9 Q. And Alex, thanks for that detailed insights into the  
10 field training manager. And I certainly hear your enthusiasm for  
11 the program and I'm delighted to hear somebody who's so thrilled  
12 about their job.

13 I do have a couple other areas I want to touch on. You  
14 know, again, I want to try to keep things in the context of the  
15 accident in Minneapolis, but I realize that some of these may be  
16 broader in scope. I find it intriguing that you have a program  
17 called Approaching Others, and that label conveys to me a number  
18 of things about safety. And I heard you earlier just say that you  
19 were not the one who picked these five pillars: the line of fire,  
20 pinch point, walking path, ascents/descents, and lifesaving  
21 processes. But I assume that these five areas represent the full  
22 scope of the Approaching Others exposures or is there more to the  
23 vision of Approaching Others than is reflect by those five areas?

24 A. It's a part of Approaching Others. And I think where we  
25 lose sight of is really the sort of longstanding tradition that

1 employees really look out for each other, and that's really what  
2 we try to reinforce in Approaching Others.

3 Q. Okay.

4 A. The exposure based part of the training is just a part  
5 of that.

6 Q. Okay. And in looking out for others, I'm just going to  
7 use a label of convenience here called peer-to-peer support within  
8 a gang. And would the gang in Minneapolis have received some  
9 particular training module on peer-to-peer or looking out for  
10 others support?

11 A. Most likely.

12 Q. Most likely. And most likely what module would that  
13 have been?

14 A. It would have probably been Approaching Others.

15 Q. Okay. The title of the module is Approaching Others?  
16 Does that module -- is that a module that exists as an identified  
17 chunk of content, as you have some documentation on it?

18 A. Yes. It's identified as content and it's a program  
19 that's actually been in effect for the last 3 years.

20 Q. Okay. And as part of that program, you have a record of  
21 this crew, the individual members, the foreman and the two other  
22 crew members of having taken that module?

23 A. So for that training, those records are locally held.  
24 And so currently when a supervisor delivers that training or when  
25 that training is delivered by a peer, those sign-in sheets are

1 held locally. So that is not a record that I would keep in my  
2 learning management system.

3 Q. Okay. And so the Approaching Others training would not  
4 be delivered by an MFT?

5 A. No.

6 Q. Okay. It would be delivered by someone in the local  
7 facility? And what sort of qualifications or training do you  
8 have, or oversight for that training do you establish for the  
9 local facilities?

10 A. So someone's not on mute. I just want to make sure that  
11 you can hear me.

12 Q. I can hear you fine. I do hear the background noise.

13 A. Okay. It sounds like they muted.

14 So Dr. Beaton, the Approaching Others About Safety  
15 program is managed by our safety department, which is not  
16 technical training. And so I can't give you the specifics on how  
17 the training content was developed or how it's managed, but we can  
18 probably provide that information after the call.

19 Q. Okay. I would like to learn more about that. But just  
20 so that I'm clear, it sounds like the training that you've been  
21 describing for us today is one form of training architected at  
22 BNSF headquarters, where there may be other training that is  
23 developed by the safety department that's separate and perhaps  
24 developed under a different safety vision than the programs that  
25 you've been describing today?

1 OPERATOR: Sorry, I can't find a meeting with that  
2 number. Try entering your conference ID again and then press  
3 pound.

4 MR. FRANCO: Someone's not on mute trying to get on a  
5 conference call.

6 So, Dr. Beaton, I don't know if it necessarily isn't --  
7 is under a different safety vision, but we do have different  
8 arenas of training. I specifically oversee technical training,  
9 which includes the rules training.

10 MR. HIPSKIND: Richard Hipskind.

11 OPERATOR: You're now joining the meeting.

12 DR. BEATON: Okay. So, Dick, I think you've just  
13 rejoined us. I was not aware that you were gone. We're getting  
14 some feedback --

15 MR. HIPSKIND: Yes --

16 DR. BEATON: -- on the line, so please mute when you  
17 can.

18 (Off the record.)

19 (On the record.)

20 MR. NARVELL: Okay. Back on. Go ahead, Bob.

21 BY DR. BEATON:

22 Q. Okay.

23 A. I think, Dr. Beaton, what I want to clarify is that I  
24 oversee safety and technical training related to specific  
25 departmental technical type training and rules. We do have other

1 types of training programs, like non-ops training. These are like  
2 HR leadership, specific safety courses that are managed by other  
3 departments.

4 Q. Okay. I was specifically interested in this Approaching  
5 Others training. It sounds like that that's handled by someone  
6 else?

7 A. It's handled by our safety department. And while I try  
8 to be as aligned as I can be with that program, like I mentioned  
9 earlier, to make sure that the concepts are imbedded in what we  
10 train specifically with rules, I don't manage it.

11 Q. Okay. Nor do your master trainers manage the delivery  
12 of that training?

13 A. Outside of just the concepts that we integrate in our  
14 training program, no.

15 Q. Okay. So it's fair to say that aside from maintaining a  
16 corporate familiarity with Approaching Others, you really don't  
17 have anything to do with the design, delivery, or monitoring or  
18 supervision of that training?

19 A. That's correct.

20 Q. Okay. I assume that someone at BNSF could be made  
21 available to us if we were interested in learning more about the  
22 Approaching Others training?

23 MR. WILDE: So this is Kevin Wilde with BNSF, and that  
24 is certainly a discussion we can have and an opportunity that we  
25 could set up based on NTSB request.

1 DR. BEATON: Okay, thank you. Thank you very much,  
2 Kevin.

3 BY DR. BEATON:

4 Q. Like I said, I knew that maybe my questions might go a  
5 little bit broader in scope than the Minneapolis accident, so I'll  
6 try to be true here. I've just got a couple more questions.

7 Alex, for the technical training that you do oversee and  
8 deliver -- and I heard you describe some of the training in terms  
9 of things like the pinch points and the walking paths and that  
10 sort of thing. So my question here may need to be adjusted, but  
11 -- a little bit, but I'll use the original context.

12 When I heard you describing the Approaching Others  
13 training, and you use some really great clarifying analogies, like  
14 on the walking path you want people to see what's in front of them  
15 before they put their foot on it, or something to that effect.  
16 And what I want to ask you is, in the training that you do provide  
17 and are responsible for, do you go beyond the singular hazards?  
18 That is, for example, if I was going to stand on some unsecured  
19 materials which may be subject to being hit, do you have any  
20 training that looks at the sequence of exposures to the hazards  
21 that might provide a worst-case scenario perspective for the  
22 employees? That is, do you train employees to go beyond the  
23 singular hazard and look at what's the worst thing that could  
24 happen to me here today?

25 A. Well, I think that's the guidance that we give with our



1 -- the rules that we have in place, specifically for job safety  
2 briefings and understanding, for an example, fouling track.

3 I'll give you an example of how we incorporate the  
4 Approaching Others concepts here, like, at the technical training  
5 center, even in our labs and classrooms, which are obviously not  
6 the same environment that our employees are in when they're in the  
7 field, but we try to treat it like it is. So, for example, when  
8 we're in a crane simulation lab where we have a crane simulator,  
9 you know, we liken that to the actual experience as if our  
10 employees were in the field in a crane, so we require the same  
11 level of job safety briefing. We require the same PPE. We want  
12 it to be as real to that employee as possible.

13 So I think when you talk about the level of training,  
14 you know, when you ask about how do we incorporate these concepts,  
15 that's what we do here at the training center. You know, the  
16 trick is when we look at incorporating Approaching Others concepts  
17 into specifically rules training is, how do we connect operating  
18 rules to these exposures or to employees understanding that that's  
19 a line of fire concept or this is a task that might possibly have  
20 a pinch point exposure. You know, what are some of the rules that  
21 I'm already dealing with to accomplish my task that I can  
22 specifically focus on or include in my job safety briefing? So  
23 that's what we try to do in our training.

24 Q. Okay. And do you have a specific module on hazard  
25 recognition or hazard assessment or exposure evaluation? I don't

1 care what the label is, but what do you do to train the crews to  
2 identify the hazards or the types of exposures that they may  
3 encounter on the job?

4 A. So that is more likened to safety training, like I  
5 mentioned, like Approaching Others training, which does a pretty  
6 deep dive into understanding risk assessment and exposure to  
7 mitigation. And employees will receive that through other types  
8 of safety training as well or safety discussions. It's not  
9 necessarily a part of technical training or anything that I  
10 oversee here.

11 Q. Okay. So the risk assessment, would that be handled by  
12 the safety department as well?

13 A. Yes.

14 Q. Okay. So let me ask you a couple of higher level  
15 questions, and I'll try to wrap this up quickly. When you train  
16 somebody in a trade or craft about the rules that are applicable  
17 to their trade or their craft, is there any consideration given to  
18 the rules that might apply to other, but related crafts or crafts  
19 that would interact in the work environment, that is, that would  
20 have to work in close proximity to one another?

21 A. Do you have an example of what --

22 Q. I do. And thanks for giving me the opportunity.  
23 Suppose I'm a T&E crew member, okay, and so I have a certain set  
24 of rules about controlled movements within working limits and I'm  
25 also having to work around construction crews. Would there be any

1 consideration given to what a T&E crew member should need to know  
2 about the construction crew's rules and training in hazard  
3 analysis, and vice versa? Is there any cross-breeding, if you  
4 will, among the trades?

5       A.    So I can speak for engineering. I can't speak for TY&E  
6 training. But I can tell you that that happens naturally and our  
7 rules are designed so that they're sort of interlaced with each  
8 other. An example of that, let's say, is the use of Form B track  
9 authority, where we train employees -- first of all, it's  
10 important for our employees to understand our rules before we try  
11 to understand TY&E's rules. So, and that just makes us better and  
12 more aware of what other departments might be doing.

13               So going back to the example of track bulletin Form B  
14 use, when we teach employees about the use of Form B's, we include  
15 the responsibilities that TY&E employees have when Form B's are in  
16 effect. So, and again, a lot of that time is built in or designed  
17 into our programs and a lot of time it just happens in natural  
18 conversation between the employees and the instructor.

19               And an example of that might be an employee that says  
20 when I give instructions to a train crew to proceed through a Form  
21 B, do they have to repeat the instructions this way? And so we  
22 will refer back to our requirements and then we may even reach  
23 further into, like, GCOR requirements. And in that way we get  
24 some insight into how TY&E employees operate and apply their  
25 rules.

1 Q. Good. Okay. Would it be fair to say that a TY&E  
2 employee would be familiar with the adjacent track rule?

3 A. I would not know because I don't know what their  
4 training program looks like.

5 Q. Okay. And that's handled by another group outside of  
6 your technical training?

7 A. Well, it's handled by another director here who oversees  
8 the transportation technical training.

9 Q. Transportation technical training. Okay. All right. I  
10 appreciate that.

11 In this accident we had a foreman. Who was the  
12 supervisor of that foreman? Are you familiar with that?

13 A. I don't know the details.

14 Q. Okay.

15 A. Yeah. No, I don't know who the supervisor was.

16 Q. All right. And in a general case, then, someone who is  
17 supervising foremen, would you be responsible for their training?

18 A. Yes.

19 Q. And would they, aside from receiving the rules training,  
20 would they receive the training to deliver training; that is,  
21 "train the trainer" type of training?

22 A. Not that type of supervisor generally. Those formal  
23 training programs are delivered by my employees. I did mention  
24 earlier the exception that we had where we delivered some adjacent  
25 controlled track training programs via first-line supervisors. So

1 in that case, yes, we would have a "train the trainer" program  
2 like I described, where we directly train supervisors to be able  
3 to deliver this communication. But for formal training programs,  
4 that's delivered by my employees.

5 Q. Okay. And for the first-line supervisors, would they  
6 get hazard recognition training as part of their training regime  
7 or qualification regime?

8 A. Yes. They would get it in Approaching Others training.

9 Q. Okay, good. All right. Thank you, Alex, for your  
10 candid and informative answers. I'm going to stop now and turn it  
11 back over to Dick.

12 MR. HIPSKIND: Okay. Thank you, Dr. Beaton.

13 Kevin, it's your turn.

14 MR. WILDE: So based on all the questions asked and  
15 Alex's responses, BNSF doesn't have any additional questions for  
16 Alex at this time.

17 MR. HIPSKIND: Okay. Alex, are you still good to do our  
18 final round of questions here?

19 MR. FRANCO: Yes.

20 BY MR. HIPSKIND:

21 Q. All right. I think we have covered a lot of this and  
22 had a really good discussion. I just -- let me look over my notes  
23 real quickly here, and I think I had maybe a couple of comments.

24 In your estimation, when you talk about the numbers of  
25 people that you have that go out and perform the training, I think

1 you threw out a number something like 40. So my question is, are  
2 you right sized for the number of staff to meet the goal? Is the  
3 budget right and are you foreseeing any increase or decrease?

4 A. Well, I will say that, you know, my position is a new  
5 position. I am the first to hold it when I took this position  
6 back in 2013, and I can tell you that the oversight of positions  
7 has increased for me. Which is a good thing, because we did some  
8 analysis and we looked at forecast for training and hiring, and so  
9 I can say confidently that we have enough employees on my team to  
10 execute our training plan. And we track that quarterly. You  
11 know, we have a system that diligently looks at what our training  
12 goals are and we provide those training metrics to my general  
13 director every quarter.

14 Q. Okay. Thank you.

15 A. You know, the fact, Dick, that we're 77 percent of  
16 requalification training executed at midyear is -- you know,  
17 versus where we were at last year, at 55, 60 percent at the same  
18 time, shows that we have an aggressive program.

19 Q. Okay. And I did note that. So a second kind of  
20 comment, sitting back listening to the dialogue. You described a  
21 case where the employee said, well, we'd like to know the rules  
22 ahead of time and so you send something out. They can study that.  
23 They know what they're going to be trained on. They know what  
24 they're going to be tested on. And you described a setting, a  
25 classroom setting and said that, you know, we find it helpful for

1 their supervisors to attend the various trainings with their local  
2 people.

3           And has there been any discussion about, and I'm going  
4 to tag it as like a chill factor? Because I recall you saying  
5 that you want to have good dialogue. You want to have good  
6 conversation in the classroom. So if I'm a truck driver, foreman,  
7 laborer or something like that, and am I going to be as open to  
8 talk about some of my challenges or things of that nature if my  
9 supervisor is there?

10          A. You know, that's a great question. And the experience  
11 that I have and that my training staff has had is that, yes. In  
12 fact, employees feel more comfortable when their supervisors are  
13 in class because a lot of times if a process is just a little out  
14 of place in a location, that is the time to right sight it.

15           And so when we're going through rules review or through  
16 the content, we'll ask those probing questions. We'll say, who  
17 does it differently or who's not doing it this way? And we'll get  
18 -- the employees will volunteer that, well, we kind of do it a  
19 little differently. And if that supervisor is sitting in the  
20 room, it's a time for us to get them really bolt off the hook.  
21 It's a time to right sight the situation, to reinforce what the  
22 right process is, and overall, the experience is positive.

23           Where we find that it's not so successful is when the  
24 supervisor isn't there and doesn't learn or understand that there  
25 is a gap. And so oftentimes when they're there in class, which is

1 what we strive for, we get a lot of feedback afterwards saying,  
2 you know, I really wasn't sure as a supervisor that we were doing  
3 the right thing, but thank you for clarifying it and you made it a  
4 lot easier for me to go back now and make sure that I have a  
5 tighter assessment on this process.

6 Q. Okay. So let me kind of recant where I think my  
7 understanding's at. That in the overview of training in general,  
8 just on the engineering side of things, is it fair to say that  
9 there's been an evolution, say, from several years ago to how  
10 you're doing it now, and maybe several years ago it was more about  
11 knowing the content of the rule? And it seems to me that there's  
12 been a change. Are you going to something that's more behavior-  
13 based training to where you're trying to get away from the  
14 language and back into what's happening in the real world?

15 A. I think that our initiatives have always been to ensure  
16 that employees know the rules that they need to apply to  
17 accomplish their tasks. I think that as an organization, a  
18 training organization, based on the initiatives that I described  
19 earlier, that we get better every year in developing blended  
20 training. Part of that does include that scenario-based training  
21 and part of it does try to reinforce what are employees actually  
22 dealing with in the field and how can we incorporate that in the  
23 classroom?

24 So yeah, I think that we are getting better every year  
25 in that we're trying to realize those opportunities. But I think



1 the concept of why we deliver training is just as strong as it was  
2 when I used to be a rules instructor, was to ensure that employees  
3 had the tools to be able to perform their tasks safely.

4 Q. Okay. But in all of this, going home safely means that  
5 when I come to work I need to know and understand the rules, but  
6 the trick in all this is that for whatever task that I am  
7 scheduled to do that day, in whatever environment, with whatever  
8 set of circumstances, I need to be acutely aware of all potential  
9 hazards that are out there and to not only recognize them, but  
10 discuss them with the group, if I have a group, and then to  
11 sufficiently mitigate against that, right?

12 A. That's correct.

13 Q. Well, what is your terminology for that process?

14 A. That's all reinforced in our job safety briefing  
15 training. You know, if we look, for example, at this year's  
16 program, our 2015 program, I think that if you've ever experienced  
17 a BNSF job safety briefing versus another industry briefing, that  
18 you would see that it's industry leading. I mean, there are  
19 things that are being discussed now that historically have never  
20 ever been discussed even when I first started, and I haven't been  
21 here that long. I've only been here 24 years. So where our  
22 safety culture has changed to what employees are discussing now is  
23 incredible.

24 And so an example of how we reinforce that or take that  
25 to the next level is an exercise that we do in our 2015 program,

1 which is we give employees scenarios and then we say go build a  
2 job safety briefing and then let's get back together and then  
3 we'll hear what your briefings are like in your group. And with  
4 the whole intent to make it less lecture delivered and more  
5 participant based job safety briefings with different deliverers.  
6 Right? So the idea or the trick is, is if you have someone who  
7 has responsibility for specific tasks, those are the people we  
8 want to hear from. We don't want to necessarily just hear from  
9 the employee in charge.

10 Q. Okay. Well, I don't want to make this jump, but I am  
11 going to ask you this next question about do you think there's a  
12 correlation between the quality and content of a job briefing and  
13 -- and let me elaborate. If we have a foreman, supervisor or  
14 something with a group of employees going out to perform a task,  
15 again, any task, any set of circumstances, any environment, if  
16 that job briefing is maybe really not up to snuff or it's brief or  
17 there's not a lot of participation, versus another group that more  
18 emulates your goal, your concept of a job briefing, more  
19 participation, more discussion, a little bit lengthier job  
20 briefing, would you expect the latter group to be more successful,  
21 more safe in how they go about their task; they've reduced more of  
22 the risk, they've recognized more of the hazards? How do you  
23 answer that?

24 A. I would answer that I -- yes, I would agree that the  
25 group that is more engaged in their job safety briefing and does a

1 thorough risk analysis is going to be more successful and actually  
2 more productive.

3 Q. Okay. All right. That's all I've got.

4 And Rick, why don't you jump back in? And hopefully  
5 we'll just have a few questions maybe in our closeout round.

6 MR. NARVELL: I have no further questions, Dick. Thank  
7 you.

8 MS. GREGORY: And this is Georgetta. I have no further  
9 questions either.

10 MR. FRANCO: Thank you.

11 MR. HIPSKIND: And Thomas?

12 MR. JULIK: Yeah. I'll be fairly brief here.

13 BY MR. JULIK:

14 Q. How does BNSF through the training modules view fouling  
15 a track and the definition of that?

16 A. I'm sorry. I don't understand your question. How do we  
17 view fouling the track or how do we train fouling the track?

18 Q. Yeah. Well, how do you train to fouling a track? And  
19 when it relates to situations where employees may foul or the  
20 potential piece of it?

21 A. Well, like I mentioned earlier, we compartmentalize  
22 fouling track to make sure that we emphasize that it's a separate  
23 principle, right, that employees have to understand their basic  
24 roadway worker concepts and responsibilities when it comes to  
25 fouling any type of track.

1           So an example of how we train that is, like in our 2015  
2 maintenance-of-way operating rule requalification program, where  
3 that's a separate module. We use tools and exercises and tasks in  
4 simulation which help employees understand how to apply those  
5 rules, whether it's authority or protection rules or whether it's  
6 train advanced warning rules. Whatever the appropriate method of  
7 on-track safety is, we have captured that in its own module.

8           And I think that we talked earlier about how we  
9 differentiated that from adjacent controlled track, which is in  
10 its own module. That comes later. Right? That's part of that  
11 risk analysis and assessment. But we try to drive that training  
12 at the basic principles of roadway worker safety, which is  
13 understanding foul of track and what that means. And I think that  
14 there have been discussions surrounding our recent definition of  
15 fouling track and how we've enhanced it to be more clear and more  
16 aligned with the FRA regulation, where it talks about risk  
17 analysis and not just being within 4 feet or this imaginary plane,  
18 but also to identify and understand that equipment or material  
19 have to be considered or evaluated for fouling as well.

20         Q.    Okay. Yes, thank you. I guess I wasn't quite specific  
21 enough as far as kind of the direction that I was looking at with  
22 that. But yes, and that's kind of what I was looking at as far as  
23 how you stated your definition's kind of changed a little bit  
24 there. And in various portions of the maintenance-of-way  
25 operating rules there's segments that, like for the job briefing

1 section, for instance, that refers to tracks that may be fouled.

2           And I'm just kind of curious how that discussion  
3 typically plays out when it comes to -- I think that most people  
4 in the industry, especially at BNSF, are very familiar with  
5 fouling a track being within the 4 feet, but I think that it is  
6 less clear in some of the situations where work groups are in a  
7 scenario in which some of the material or some of the equipment  
8 that they are using may have the potential.

9           So what do you guys kind of look at or try to provide as  
10 guidance for some of the individuals in the field as far as how to  
11 assess that risk and the potential, however high or small that may  
12 be, of some of that stuff to foul in the job briefing?

13           A. Well, again, it goes back to risk analysis and scenario-  
14 based training. And if you're in the field in an actual  
15 environment where you're going to foul the track, you know, we  
16 give some guidance as to things that I mentioned already that have  
17 to be considered. You know, if you're going to be using, like, a  
18 boom truck and you're going to be lifting material, you know, you  
19 have to identify whether or not you have controls or measures in  
20 place to prevent that material or equipment from fouling the  
21 track.

22           And so I think that that's more clearly defined in this  
23 recent rules change, but the premise has not changed. It's always  
24 been that employees should have awareness when fouling track. I  
25 think what we've done here recently is just clearly defined some

1 other considerations that have to be made when it comes to risk  
2 analysis. And part of that might include even operator  
3 effectiveness or experience. And if I have two operators and  
4 one's more experienced than the other but he's not available and I  
5 need to use a junior employee, I may need to put into place more  
6 safety overlays. That's all part of the risk analysis that we  
7 talk to our employees about.

8 Q. Okay. And then through that and in some of the  
9 training, isn't there also a lot -- or some measures to encourage  
10 some of the other folks that are not directly leading the job  
11 safety briefings in the field, that they get involved as far as if  
12 they see something where they might see that, you know, equipment  
13 may be operated by a less experienced employee, to speak up and  
14 try to encourage or request additional measures of protection?

15 A. Yes. And this is where it's absolutely critical and I  
16 go back to the foundation of exposure-based training principles  
17 when we create content and that our training programs are aligned  
18 with our Approaching Others About Safety training initiatives  
19 where both programs sort of reinforce or support each other. So  
20 while we teach employees about rules applications and  
21 (indiscernible), Approaching Others About Safety training teaches  
22 employees that may not be in a position of leadership or support  
23 to be vocal about issues that they might see in the field. So  
24 both programs sort of enhance and support each other.

25 Q. Okay. And then do you also train on any sort of a

1 formal process in which employees may be able to challenge a form  
2 of authority that may be needed or that's being provided to the  
3 workers?

4 A. Yeah. I think what you're referring to, Thomas, is the  
5 roadway worker protection training program that BNSF has, and like  
6 I mentioned, which has those concepts, right of challenging when a  
7 process isn't right or in place. So all those concepts are  
8 reinforced, and again, they're embedded this year in our 2015  
9 rules program, where all employees come to class and have the  
10 opportunity to experience both what the employees in charge have  
11 to do as far as responsibilities as well as what just basic  
12 roadway worker principles are and what those employees that are  
13 not in an EIC capacity have to understand and have obligation to  
14 support.

15 Q. Okay, very good. Excellent. Thank you for your time  
16 here. That's all I've got for questions.

17 MR. WILDE: So Dick, Kevin Wilde, BNSF. I caution the  
18 group, I can't assure you that we'll go past 11:30 on this bridge.

19 MR. HIPSKIND: Well, then let's be quick about it then.  
20 I've got some closeout stuff I've got to read.

21 MR. JOHNSON: Yeah, Richard, this is Dale Johnson and I  
22 have no further questions at this time.

23 MR. HIPSKIND: And John?

24 MR. SMULLEN: No further questions. Thank you, Richard.

25 MR. HIPSKIND: George?

1           MR. LOVELAND: No further questions. Thank you,  
2 Richard, Alex.

3           MR. HIPSKIND: Dr. Beaton?

4           DR. BEATON: Let me just ask one real quick question.

5           BY DR. BEATON:

6           Q. Alex, is there any specific training, either within your  
7 shop or in the safety department shop, that teaches crew members  
8 how to be good or effective and safe crew members; that is, how to  
9 play well on the team with regard to complying with the rules,  
10 doing the hazard analysis properly, ensuring that there's not only  
11 a good but an understood job briefing?

12          A. Yes. Those are all concepts that are embedded in the  
13 technical training that we do here at the TTC and in the field, as  
14 well as our Approaching Others and other safety training  
15 initiatives that we have at BNSF. And then just our on-the-ground  
16 face-to-face conversations and initiatives that we have with  
17 employees, all those are reinforced in those situations.

18          Q. Okay. And so the material that you have to be an -- and  
19 let me just say an effective team member, that those are  
20 documented as a module that might be available to review?

21          A. Well, again, we talked about how a lot of that is in our  
22 Approaching Others About Safety training program. So I think  
23 Kevin said he could supply some of that --

24          Q. Okay. Okay.

25          A. -- information afterwards.



1 Q. Great. Thank you very much. That's all for me.

2 BY MR. HIPSKIND:

3 Q. Okay, Alex. Nice job. And if there are no other  
4 outstanding questions from the group -- and I'll pause here for a  
5 few seconds. Okay, let's go ahead and do the closeout piece.

6 Alex, I know we bounced around on some stuff, I know  
7 everybody greatly appreciated your introduction piece, but is  
8 there anything that you'd like to add or change to our dialogue,  
9 the discussion we had here today?

10 A. No. No, thank you.

11 Q. And finally, are there any questions that we should've  
12 asked but we did not?

13 A. No, I don't think so. I think we had a great  
14 conversation.

15 Q. Okay. And not from a in-the-field operational, your  
16 thoughts about preventing a reoccurrence, but do you have any  
17 thoughts on the training side that may pertain to the accident  
18 that you may change or tweak in the future?

19 A. I don't think I have anything that we haven't already  
20 discussed as far as our continual drive to provide quality  
21 training, and the answers I gave about how we come up with content  
22 and some of the data we look at. So obviously we -- I mentioned  
23 that we look at the state of the railroad and we look at  
24 operations testing data and what's going on at BNSF. So other  
25 than what we've already described, I wouldn't offer anything else.

1 Q. Okay. And is there anyone else that you think that we  
2 should interview?

3 A. No, I don't think so.

4 Q. All right. Now, let me go over these four bullets and  
5 see if you understood them clearly. That the purpose of the  
6 investigation, our interview today, is to increase safety, not to  
7 assign fault, blame or liability?

8 A. Yes.

9 Q. So you understood that? Okay.

10 A. I understand, yes.

11 Q. Okay. NTSB cannot offer any guarantee of  
12 confidentiality or immunity from legal or certificate actions?

13 A. I understand.

14 Q. Okay. And that a transcript or summary of the interview  
15 will go into the public docket?

16 A. Yes, I understand.

17 MR. HIPSKIND: Okay. Thank you very much for engaging  
18 with us today and I'll talk to the team after we conclude here,  
19 but, Rick, if you will attend to the recorder?

20 And thank you again, Alex.

21 (Whereupon, the interview was concluded.)

22

23

24

25

CERTIFICATE

This is to certify that the attached proceeding before the

NATIONAL TRANSPORTATION SAFETY BOARD

IN THE MATTER OF:            MAINTENANCE-OF-WAY EMPLOYEE  
   FATALITY, BNSF RAILWAY, MIDWAY  
   SUBDIVISION, MINNEAPOLIS,  
   MINNESOTA ON MAY 25, 2015  
   Telephonic Interview of Alex Franco, Jr.

DOCKET NUMBER:            DCA-15-FR-011

PLACE:

DATE:                        July 22, 2015

was held according to the record, and that this is the original,  
complete, true and accurate transcript which has been transcribed  
to the best of my skill and ability.

---

Karen A. Stockhausen  
Transcriber