

UNITED STATES OF AMERICA

NATIONAL TRANSPORTATION SAFETY BOARD

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Investigation of: \*

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MAINTENANCE-OF-WAY EMPLOYEE \*

FATALITY, BNSF RAILWAY, MIDWAY \* Docket No.: DCA-15-FR-011

SUBDIVISION, MINNEAPOLIS, \*

MINNESOTA ON MAY 25, 2015 \*

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\* \* \* \* \*

Interview of: JEREMY PAPENFUHS

Holiday Inn Downtown  
St. Paul, Minnesota

Thursday,  
May 28, 2015

The above-captioned matter convened, pursuant to notice.

BEFORE: RICHARD HIPSKIND  
Investigator-in-Charge

## APPEARANCES:

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

STEPHEN JENNER, Human Performance Investigator  
National Transportation Safety Board

DALE JOHNSON, Region 4 Track Safety Inspector  
Federal Railroad Administration

JIM SOUTHWORTH, Rail Accident Investigator  
National Transportation Safety Board  
Washington, D.C.

GEORGE LOVELAND, Vice General Chairman  
Brotherhood of Maintenance-of-Way,  
Employees Division

THOMAS JULIK, Safety Inspector  
Track Division  
Federal Railroad Administration

JOHN SMULLEN, Operating Practices Safety Inspector  
Federal Railroad Administration

KEVIN WILDE, General Director of System Safety  
BNSF Railway

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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 and Engineering Group chairman for NTSB for this accident. We  
5 are here today, on May 28, 2015, at the Holiday Inn Downtown in  
6 St. Paul, Minnesota to conduct an interview with Mr. Jeremy --

7 And Jeremy, help me with the --

8 MR. PAPENFUHS: Papenfuhs. Papenfuhs.

9 MR. HIPSKIND: -- Papenfuhs, who works for the BNSF  
10 Railway, or BNSF.

11 This interview is in conjunction with NTSB's  
12 investigation of a maintenance-of-way employee fatality on BNSF's  
13 Midway Subdivision in Minneapolis, Minnesota, near Minneapolis  
14 Junction on May 25, 2015. The NTSB accident reference number is  
15 DCA-15-FR-011.

16 Before we begin our interview and questions, let's go  
17 around the table and introduce ourselves. Please spell your last  
18 name and please identify who you are representing and your title.  
19 I would remind everybody to speak clearly and loudly enough so we  
20 can get an accurate recording. I'll lead off and then pass off to  
21 my right.

22 Again, my name is Richard Hipskind. The spelling of my  
23 last name is H-i-p-s-k-i-n-d. I am a railroad accident  
24 investigator, investigator-in-charge and the Track and Engineering  
25 Group chairman for this accident.

1 DR. JENNER: Good morning. I'm Stephen Jenner, J-e-n-n-  
2 e-r. I'm a human performance investigator with the NTSB.

3 MR. JOHNSON: Good morning. I'm Dale Johnson, J-o-h-n-  
4 s-o-n, FRA, Region 4 track safety inspector.

5 MR. SOUTHWORTH: Jim Southworth, S-o-u-t-h-w-o-r-t-h.  
6 I'm a rail accident investigator with the NTSB in Washington, D.C.

7 MR. LOVELAND: George Loveland, Brotherhood of  
8 Maintenance of Way Employees Division, vice general chairman.

9 MR. JULIK: Good morning. My name is Thomas Julik. I'm  
10 a safety inspector with FRA in the track division.

11 MR. SMULLEN: Good morning, Jeremy. John Smullen with  
12 the Federal Railroad Administration. I'm an operating practices  
13 safety inspector. I am sitting today as an observer, posting the  
14 hearing.

15 MR. WILDE: Kevin Wilde, W-i-l-d-e, BNSF Railway. I'm  
16 general director of system safety.

17 MR. HIPSKIND: Okay. And, Mr. Papenfuhs, would you  
18 please introduce yourself and put yourself on the record?

19 MR. PAPENFUHS: Jeremy Papenfuhs, BNSF roadmaster based  
20 out of Minneapolis, Minnesota. Last name, P-a-p-e-n-f-u-h-s.

21 MR. HIPSKIND: All right. And Mr. Papenfuhs, do you  
22 mind if we go on a first-name basis throughout our interview?

23 MR. PAPENFUHS: That is fine.

24 MR. HIPSKIND: All right. Jeremy, do you wish to have a  
25 representative with you during this interview?

1 MR. PAPENFUHS: No.

2 MR. HIPSKIND: And do we have your permission to record  
3 our conversation, our interview with you this morning?

4 MR. PAPENFUHS: Yes, you do.

5 INTERVIEW OF JEREMY PAPENFUHS

6 BY MR. HIPSKIND:

7 Q. All right. Let's proceed. Jeremy, kind of give me an  
8 idea of when you hired out, how long you've worked for the  
9 railroad, and take me through kind of the positions that you've  
10 held and get me up to the present time.

11 A. I was hired in Springfield, Missouri, May of 2007. I  
12 was a craft employee between May 2007 and May of 2011. At that  
13 time I took my first exempt role as an assistant roadmaster on the  
14 Southwest Division in Albuquerque, New Mexico. I was there for a  
15 little over a year.

16 June of 2012, I took my first roadmaster job in  
17 Flagstaff, Arizona on the Southwest Division and I was there for  
18 right at a year. July of 2013, I transferred to Minneapolis to be  
19 a terminal roadmaster here on the Twin Cities Division.

20 Q. So fair to say that you've had some time in supervision  
21 and you've seen the BNSF operation at different locations?

22 A. Yes, I have.

23 Q. All right. Jeremy, let's go right to the day of the  
24 accident, and if you can tell us your recollections, your memories  
25 of how you were notified and where you were at and what you did

1 after the notification, and then when you arrived at the accident  
2 site? Just take us through some of the events of what you did  
3 while you were there, what you were asked to do, and we will kind  
4 of go from there, okay?

5 A. All right. I was actually in my office at 80 44th  
6 Avenue, Northeast, in Minneapolis, Minnesota on Monday, May 25th.  
7 I was in there working on some paperwork. I actually had some  
8 guys out working on an issue that we had in the yard, so I was  
9 wanting to go out and see those guys while I was in.

10 I was notified of the incident and there was a service  
11 interruption that came across my email that was briefly describing  
12 a incident that was right around milepost 9.7 there on the Midway  
13 Sub. I was close. I got up and just, I want to go down there and  
14 check it out and make sure everything was all right. I was the  
15 on-call roadmaster for the territory at that time.

16 I left my office as soon as I seen the page come out.  
17 As I was walking out of my office, headed to my vehicle to go to  
18 the location, the maintenance-of-way desk, which is, they call us  
19 if there's any issues that we need to respond to, they had called  
20 me and said that a locomotive had hit a pile of ties that then the  
21 ties hit a pedestrian.

22 So I continued down to the location at that time. A  
23 couple minutes after that, I contacted my supervisor, the division  
24 engineer, just to kind of give him a brief heads-up on what was  
25 going on. At that time I was notified that it was actually a

1 light power that hit a panel that was involved with the fatality  
2 in question.

3           At that time I drove down to the location. It took me,  
4 oh, less than 10 minutes to get to the location. And arriving on  
5 the scene, there was already the ambulances, the first responders,  
6 fire trucks, several of those, several law enforcement officers.  
7 I pulled up to the location and, first thing, I briefed with the  
8 four employees that was there. They were very shaken up. I  
9 wanted to make sure that they was okay, if they needed anything.  
10 Just trying to do some comforting on their level. They were  
11 finishing up some questionings with some -- from the first  
12 responders that was there.

13           Once I got done briefly talking to them, you know,  
14 getting just a kind of feel for the incident that happened, I  
15 definitely make sure they were in no harm's way and that they were  
16 okay. And I asked those individuals to go down to the van, which  
17 was 100 yards or so away from the incident scene, just so they  
18 didn't have any more exposure at that time.

19           I briefly was there for 10 or 15 minutes after talking  
20 to those individuals and I started conversating with the emergency  
21 forces that was already there. I seen what they needed, what they  
22 needed out of us. I just wanted to make some phone calls to get  
23 information on the individual and just kind of get a plan of  
24 attack with EMS on what we needed to do with the remains, you  
25 know, at the scene, at location. Definitely I made sure that the



1 protection was set up correctly on -- to make sure we was  
2 protected for the track that was involved.

3           At that time I was also making various phone calls, like  
4 I say, just notifying my proper chain of command, getting the ball  
5 rolling on some information that the first responders needed.  
6 Through that, we went -- kind of got a plan of attack. We were  
7 still waiting on several individuals to arrive, including our  
8 claims group, our special agents, and the medical examiners group  
9 from the first responders. We did go through that. We definitely  
10 made sure that the area was safe before a lot of work was  
11 involved.

12           Through the course of time of more individuals arriving,  
13 as they would arrive, I would give them guys a job briefing on  
14 what we had, you know, kind of a roadmap of where we needed to go,  
15 a few of the timelines that we needed to construct still, of  
16 course, as a course of action as more people arrived.

17           After our claims group, the medical examiner, all those  
18 guys arrived, we did determine that we would have to move two  
19 panels. There were track panels that was involved in the  
20 incident. We would have to remove those away from the remains so  
21 we could remove it from the area. There was a 966 Cat loader that  
22 was sitting at the location.

23           When I was given the all clear from the medical  
24 examiners, our claims group and everybody involved, I did move the  
25 first panel out, away to the side. The remains was already

1 covered up with tarp just for viewing purposes. Moved the first  
2 one out. I parked the loader underneath an unstable set of panels  
3 that was sitting in near, that was from the ground to the cars. I  
4 shut the loader off.

5 I went over and re-briefed with the fire department on  
6 what they needed. It was determined, after viewing the situation,  
7 that we would have to remove one more panel. At that time, took  
8 the loader. I removed the panel that was on top of the  
9 individual, drug it out approximately 5 to 8 feet. I returned the  
10 loader back to be able to hold up the second panel that was in  
11 question, just for safety purposes. And the EMS -- the first  
12 responders, the medical examiners, they took care of all the  
13 remains. The body and everything was removed from the scene.

14 At that time a lot more people had arrived from us. We  
15 did conduct some quick briefings on -- with me and my division  
16 engineer, on the four individuals that was there, just getting  
17 some relative information, employee numbers, names, and definitely  
18 make sure we was checking up on those guys, making sure they're  
19 holding up all right. Definitely very shaky, with the  
20 circumstances that they just witnessed.

21 Through that time, we was doing surveying of the scene,  
22 you know, just trying to put a timeline together of, you know,  
23 what we, you know, what we was noticing, where all of the  
24 equipment was at the time of the incident.

25 Q. Okay. Thanks, Jeremy. That's very thorough. You had

1 mentioned something about the securing of the track and  
2 everything. Can you tell me what, you know, if when you checked  
3 that, what did you see?

4 A. When I did check the protection on the -- we call it the  
5 steam track, where the incident -- where the cars were actually  
6 sitting on top of when it was, the incident occurred. On the --  
7 this is railroad east-west location. If you was looking at the  
8 cars in question, to the right-hand side or railroad east, there  
9 was a lock on the derail leading into that track for protection on  
10 that side. On the west side, railroad west or the left side of  
11 the scene, there was a switch lined away into a different track  
12 for their protection on the west end of that track. It was  
13 secured with maintenance-of-way locks.

14 Q. Okay. And this incident did happen on a holiday,  
15 correct?

16 A. Yes, it did.

17 Q. Did you have any of your crews working on the holiday?

18 A. I did have seven employees that did, I had to call in  
19 for the holiday. They were actually working on a derailment that  
20 had happened the bowl, a common event with the classification yard  
21 here in Minneapolis. But that was definitely on a on-call basis  
22 just due to the severity of, the impact it had to the operations,  
23 I did have those individuals in there working.

24 Q. And all your other crews were?

25 A. All my other crews were off. It was a long weekend,

1 3-day weekend and we were trying to get as many people off as  
2 possible. But we did have to call those individuals in for a  
3 service interruption.

4 Q. Okay. And from time to time if you need, if you've got  
5 some ongoing projects or you're trying to do some support work for  
6 production that may be on your territory, if you need people for  
7 the weekend, how do you go about securing volunteers or making  
8 those assignments?

9 A. If we have some kind of plan to work on a weekend, such  
10 as we do do some road crossings on weekends, we do have some prep  
11 work, some projects, on that I usually cover that on my morning  
12 conference calls throughout the week, of what people can volunteer  
13 to come in. Do we have the correct workforce, machines, et  
14 cetera, but that is on a volunteer basis only. We cover that  
15 usually the week before of the work.

16 Q. And so what, do you broadcast out I'm looking for X  
17 number of people to work Saturday, Sunday to do whatever? I  
18 mean --

19 A. Yes. Generally we go through what the work plan is  
20 going to be for that weekend, whether it's going to be a crossing  
21 install. You know, it just varies what the work is. Generally I  
22 go through I need a section, I need various machines, I need a  
23 surfacing gang, I need a set of welders, and we just go through  
24 with seniority order and also a volunteer basis on who can cover  
25 each one of those tasks.

1 Q. Okay. And does that all work out pretty well? I mean,  
2 do you get enough volunteers to answer the demands of things that  
3 come up?

4 A. Most generally I get enough volunteers to cover what my  
5 bases are. If I do not, I do open up to the adjacent roadmaster's  
6 territories. You know, if I do need an extra set of welders,  
7 machine operators, those things, I do open those up to the  
8 adjacent territories to lend a hand.

9 Q. Okay. And fair to say that most of your territory is  
10 centered in and around Minneapolis?

11 A. Yes.

12 Q. Okay. And I just want to be clear that in the railroad  
13 industry, everything that we're talking about and your job title  
14 and the things that you do, you're on the maintenance side of  
15 railroading, correct?

16 A. That's correct. I've got all the track maintenance on  
17 my territory. I'm responsible for any track renewals, track  
18 inspections, repairs, anything along with the, with the track  
19 maintenance side of it.

20 Q. Okay. Are you familiar enough that you can comment  
21 briefly about the other half, the construction half, the  
22 production half?

23 A. Yes, I can.

24 Q. Please go ahead.

25 A. I'm on the division side, which we've got our

1 territories that we are assigned. We have all the local  
2 maintenance on it. On the production side, those are our  
3 production gangs that come in and do a series of tasks, whether it  
4 be relaying rail, installing ties, you know, various things.  
5 Those are production areas. They are production groups. They do  
6 travel around the system through different agreements on they're  
7 going to do one, basically one task.

8           We do have a construction group now, that they do along  
9 the same lines of production gangs. They're our regional system  
10 gang. They go through different territories with different  
11 expansion, construction, installing turnouts. You know, anything  
12 that needs built with new construction, those guys generally  
13 handle most of that.

14           On this case, we do have a large expansion problem on  
15 the Midway Sub, and that is where the construction gangs are  
16 located at right now for the Twin City side.

17           Q.   And do you have a counterpart to the position that you  
18 hold on the construction side?

19           A.   Yes. We actually have two of them. We have two  
20 roadmasters that are assigned to the division. They oversee a  
21 couple of the large projects that are relatively close to here to  
22 Minneapolis. They're basically looking out for the division's  
23 interests, make sure they keep their timelines, you know, to  
24 oversee the whole project.

25           We also do have construction roadmasters that come in.

1 They're actually assigned to the crew that they are leading. And  
2 they basically come in, just like what the production gangs do,  
3 you know, a little over a 20-man force. They come in, take care  
4 of the turnouts being built, the tracks shifting, you know,  
5 anything that needs to be taken care of with the construction side  
6 expansion of the actual building.

7 And the division roadmasters that oversee the project,  
8 they're overseeing from start to finish, whether that be outside  
9 forces with dirt work, all the way to the completion of the signal  
10 installs, if there is any. They oversee the whole project.

11 Q. Okay. And Jeremy, take me into the world of the  
12 communication and coordination of between your division  
13 responsibilities, your workforces and the production or  
14 construction side of things? How should I understand that?

15 A. All right. For the division side, we cover our  
16 territories. Each roadmaster has their territory  
17 responsibilities. On the weekends, we do have a five-man rotation  
18 that we take turns on weekend duty and holidays, et cetera, but  
19 generally it's out of the 5-day workweek. Like I said, that's a  
20 5-week rotation.

21 We have counterparts that are in the construction and  
22 production areas, work hand-in-hand together of -- because we're  
23 going to use some of the same forces for, you know, several  
24 different projects, most of the time the, in this case, the  
25 construction side, they work very close with me and my adjacent

1 roadmaster on any machine needs, manpower needs, coordination of  
2 windows, material. Definitely we work hand-in-hand with each  
3 other to make sure we get the projects done.

4 Q. Okay. And this gang that was involved in the incident,  
5 they're on the construction side of things, right?

6 A. That is correct. They're on CG08.

7 Q. CG08? CG stands for construction gang?

8 A. Construction Gang 08. And 08 is just what their gang  
9 number is.

10 Q. Okay. Help me to understand. Do you have, like, a day-  
11 to-day knowledge, understanding of where all these construction  
12 gangs are?

13 A. I've got a brief overview of generally where they're  
14 going to be at. The construction group does put out calendars on  
15 window needs and this is actually on my adjacent roadmaster's  
16 territory, that we're -- most of the construction is working.  
17 Some of it is on mine. Me and the roadmaster on the construction  
18 group for the division standpoint, we conversate several times a  
19 week on what they're going to be doing, you know, what any needs  
20 are, where we need to work together, you know, collaborate there  
21 and combine forces on whether it be a window. I've got an idea of  
22 where they are daily, but not specifically, though, unless it's  
23 something that involves me.

24 Q. Well, does your counterpart on the construction side,  
25 does he reach out to you and say, hey, Jeremy, I'm going to have



1 this gang, this gang, this gang working on the weekend here,  
2 there, doing this, doing that? I mean, are you cut in to that  
3 degree?

4 A. Sometimes I am. If there's things that, you know, for  
5 -- we can do or something that we need. If there's something they  
6 need help with, I generally know about it, but I don't always know  
7 exactly what they have planned for if there's weekend work. I  
8 don't have that all the time.

9 Q. Okay. And just because I've been around way too long, I  
10 have an interest in understanding this. I get it that your  
11 maintenance division forces are needed and support the production,  
12 construction side of things, right?

13 A. Correct.

14 Q. But does it ever go the other way? Like, when you're  
15 maybe inundated with test vehicles or Sperry cars or something  
16 like that, does the manpower ebb from construction over to help  
17 you?

18 A. Yes. Time to time -- we actually had a project planned  
19 for this week that we was combining some machines to help do a  
20 couple large projects, when we were shadowing production gang  
21 windows on a very tough location, to be able to get track and time  
22 to be able to perform our work. We do on occasions use each  
23 other's resources, manpower machines, material, as we need to.

24 Q. Not all the time, but as events dictate them?

25 A. Yes.

1 Q. Okay.

2 A. Yeah, we do help each other out.

3 Q. All right. Is there anything else that we need to know  
4 that maybe we didn't ask you about just your notification,  
5 response to the incident?

6 A. No.

7 Q. Okay. I know probably one of your division  
8 responsibilities for sure is safety, right?

9 A. Correct.

10 Q. And some of what we have been talking about in the  
11 investigation are job briefings, and I know you are really good at  
12 it. But take me through your world of BNSF's expectations for you  
13 about how you monitor safety, employees, gangs. But I really want  
14 you to just focus in and stay in the job briefing topic type  
15 world, if you would?

16 A. All right. As a -- on the division side, I have a  
17 conference call at 7:00 in the morning, 5 days a week, with my  
18 crews. We go over -- of course, safety is the first topic we talk  
19 about. You know, anything we have going on, you know, there  
20 around the terminal, around the territories. You know, it could  
21 be things that are going on with system-wide, you know, rules  
22 changes. We go through a lot of that stuff in the mornings.

23 And then I open it up for comments, questions, you know,  
24 just open it up to the workforce. Me and my adjacent roadmaster,  
25 we actually share a conference call with our guys, just due to the

1 location that we're at. We do have quite a few people on that  
2 call from several locations. But definitely go over -- we go  
3 over, you know, any new safety topics, any items that we feel we  
4 need to cover, you know, whether it be -- the last couple years  
5 we've went to a exposure-based briefing, which in my opinion is  
6 one of the best things that we've done, talking about the  
7 different exposures. And those exposures are over 90 percent of  
8 what all the workforce incidents are in our industry.

9           Just talking about, you know, some of the littlest  
10 things to the biggest things of pinch points, line of fire, you  
11 know, path of travel, ascending, descending, you know, our life-  
12 saving processes, including, you know, any questions on  
13 protection, you know, what the weather conditions could be that  
14 day. You know, you can have a simple rainstorm and you can add a  
15 lot of different scenarios to that, that we cover on the  
16 conference calls there.

17           You know, like I said, anything that's going on system-  
18 wide, any safety briefings that come out. And then, like I said,  
19 we open it up to the workforce and anything they've got, anything  
20 they've noticed the last, you know, maybe couple days, the last  
21 week. Did we just get done with a big project, you know, what's  
22 the debrief on that?

23           And then I start into the work plan on where my forces  
24 are going to be go. But also our foremens, when we get out in the  
25 field, you know, there could be several different things that one

1 section crew, you know, they perform that day. They should be  
2 having job briefings, you know, anytime that a condition's  
3 changed, any job task changes; do we go from point A to point B,  
4 you know, to a different task. You know, we need to be job  
5 briefing, you know, on every -- every time a condition's changed.  
6 Is there any safety risk for that? Is there any protection  
7 issues, any questions?

8           The whole point of it is to make sure that the employees  
9 are involved. It's not a, just a -- it's a dialogue, not just a  
10 commentator of this is what you're going to do. We're asking as  
11 open-ended questions, and over the last 6 or 7 years that I've  
12 been involved with it, we do several training courses with our  
13 engineering leadership training, our approaching others training.  
14 We are begging to have anybody approach anybody. Our approaching  
15 others trainings have been huge. You know, if anything that we  
16 have, we want to make sure that it's out there, we're discussing  
17 it. And what are we doing to mitigate the exposures that we're  
18 facing?

19           Q.    Okay. When you use the word exposures, when I decode  
20 that on my end, the two words that I think of are hazard  
21 recognition. Are we very far apart?

22           A.    Nope. You're right along the same lines.

23           Q.    Okay. And the reason that you think that that is  
24 worthwhile is -- is it because you cannot mitigate that which you  
25 don't talk about and don't recognize? I mean, is it that simple?

1           A.    Yes.  It's that simple, and it's -- another way to view  
2  it is you look at a task, you got several different eyes, you  
3  know, possibly, depending on what your workforce is.  It could be  
4  the simplest thing that we know is there.  If you have a new  
5  employee on the crew, it's to be able to talk about the exposures,  
6  the hazards, you know, anything that we have in that work  
7  location, to be able to get those out and to be able to come up  
8  with a plan to, you know, what do we -- we have this here, what  
9  are we going to do about it?  How are we going to avoid it?  Can  
10 we get rid of it?  Can we change our task here just a little bit  
11 to avoid that area?  Along those lines.

12           Q.    Okay.  Well, I get the concept, and I've been very close  
13 to this a lot of my life.  But let's talk just a little bit more  
14 about -- I get it about the job briefing.  I get it about the  
15 concept and I get it about the goal you want to reach.  Now, let's  
16 talk about how do you satisfy yourself that your various  
17 workforces are getting very close to being on the same page with  
18 where your thinking is at?

19           A.    After our, you know, morning conference calls, all my  
20 people, you know, they start, you know, going out to their various  
21 work locations.  We do have a no drive-by that we, if we do see  
22 anybody out there working, we stop, we brief with them, talk with  
23 them, be involved with their job briefings.

24                    We do ops testing also, just to make sure we're out  
25 there with our guys and, you know, and being involved with their

1 job briefings, you know, asking the various questions of, you  
2 know, has things changed, and being out with the crews and just,  
3 you know, constantly asking them and being involved with the crews  
4 that are out there.

5 Q. Okay. And do you have a certain expectation placed on  
6 you about completing X number of operational tests in a given  
7 time?

8 A. That is up to each managers to set their operation  
9 testing goals for their employees. We do have a number of tests  
10 types. We have several different test numbers dealing with  
11 several different things, whether it be protection, different  
12 forms of protection, vehicles. We do have an expectation set by  
13 our managers of what we -- what is mandatory, we have to make sure  
14 we're testing for and complete in the calendar month.

15 Q. Okay. Well, let's talk about maybe some potential  
16 challenges. I'll have to ask -- let me ask you this first. Do  
17 you do operational testing on job briefings?

18 A. No.

19 Q. Well, let's talk about that.

20 A. We have job briefing books that we do go through. In  
21 previous years, that was a requirement and now it is not. The  
22 reason why we do not have that as a requirement now is it used to  
23 be a job briefing book, you check the box. Now our new job  
24 briefing books that we have gave to our employees, we've revamped  
25 them with the exposures. We want it to be an open dialogue. We

1 don't want it to just be a check the box, yeah, I took care of  
2 this. We want it to be able to be, you know, where we're asking  
3 those questions. We're leading with open-ended questions. We're  
4 getting feedback from the group and not just this is what we're  
5 going to do, this is what it is.

6 We've moved to this to make sure that it's not just  
7 check the box, it's a involved group discussion on what the task  
8 at hand is, what's your exposures, you know, various questions.  
9 What's your protection? In emergency, where are we going to go,  
10 you know, who's going to do what? It's various things.

11 Q. Okay. I don't want to use the word transition. Maybe  
12 the change occurred long enough ago, but kind of give me some  
13 context of that? How long have you been in the new system?

14 A. We started AO, guess it'd be, I believe, starting our  
15 third year of it.

16 Q. And AO means?

17 A. Approaching others.

18 Q. Okay.

19 A. And we've been transitioning into our new culture, if  
20 you will, through our different ESLT, which is or engineering  
21 safety leadership training. And the whole point of that is to --  
22 it's been around for a couple years now -- to just to get where  
23 it's an open dialogue, where we're asking the questions and it's  
24 not just one person standing up that says, you know, for every  
25 question, this is what it's going to be. It's just to make sure

1 we're getting everybody involved on it.

2 Q. Okay. And I get it about there used to be maybe a more  
3 formalized form, a booklet that the EIC or the foreman would take  
4 around, the employee-in-charge or the foreman would carry around  
5 with him and maybe that was a -- maybe that facilitated auditing  
6 and those kinds of things. In today's world with what you're  
7 doing, new concept with job briefing engagement and all that, does  
8 the foreman keep any record that a job briefing occurred or is all  
9 the paperwork gone?

10 A. The paperwork is not gone. We do have job briefing  
11 books that we do use, especially on the division side, the  
12 production side. We -- of course, when they come, we try to do  
13 our best to make sure they have our books. I believe some of them  
14 -- each division has a little difference ones, but we do have a  
15 book that we do use to -- kind of as a roadmap through the job  
16 briefing, make sure we're asking the exposure-based questions.

17 Q. Okay. We are going to talk to the construction  
18 roadmaster here in a little bit. Best to ask him about how he  
19 does --

20 A. That's correct.

21 Q. -- similar auditing or whatever?

22 A. Yes.

23 Q. Okay. Now, does anyone ever approach you and pull you  
24 aside and say, Jeremy, I work for a foreman and he's really not  
25 cutting it on these job briefings?



1           A.    Yes.  I have had individuals contact me and I, you know,  
2  I take those with consideration of -- you know, first question is  
3  what more -- what does he need help with?  And then I talk to  
4  those individuals of -- whether it be a foreman, to make sure that  
5  he knows the expectation and to help that individual, you know, to  
6  excel on that, whether it be more training, explanations.  You  
7  know, we do everything we can there to help the individuals to  
8  lead a gold standard job briefing the way we need him to.

9           Q.    Okay.  Is there anything else you think I need to know  
10 about just the world of the job briefing and how you either  
11 monitor it or whether we're -- maybe I didn't ask all the right  
12 questions?

13          A.    I believe you've covered, you covered it.

14          Q.    Okay.  Well let's invite some of the other  
15 investigators.  They've been listening to us, so maybe they have  
16 some questions.

17               MR. HIPSKIND:  Dale, can I come to you first?

18               MR. JOHNSON:  Yes.  Thank you.

19               BY MR. JOHNSON:

20          Q.    You stated that you were, you arrived on the scene --  
21 when you arrived on the scene, Jeremy, was main track protection  
22 already established?

23          A.    The protection, no.  There was locomotives that was  
24 involved.  They were sitting on the main track protection -- or  
25 they were sitting on the main track, and those were also protected

1 with the train crew. But we didn't -- we would not -- on top of  
2 the main tracks, I did not set up protection there.

3 Q. Okay. And but who initiated the protection of the main,  
4 then, like when I arrived there the following day?

5 A. I had -- when you had arrived the following day, as soon  
6 as we had everything, the scene cleaned up, I copied track and  
7 time on the main track between Van Buren and Minneapolis Junction.  
8 I had a brief with a dispatcher. We had the locomotives flagged  
9 for our protection then.

10 Q. Okay. But it was you that established --

11 A. That's correct.

12 Q. -- protection? Okay. That's what I wanted to clarify.  
13 And I remember you touching base on this. You were not currently  
14 in charge of that location?

15 A. No.

16 Q. Okay. So they do they do have a new roadmaster with  
17 them?

18 A. Yes.

19 Q. Okay.

20 A. They have a division roadmaster for the construction  
21 side, and then the actual construction crew actually has their own  
22 roadmaster also.

23 Q. Okay. But, I mean, there's two roadmasters: You cover  
24 Northtown and there's another roadmaster in St. Paul. So that  
25 roadmaster is on site now?

1 A. Yes.

2 Q. Okay.

3 A. Yes. That roadmaster is on site, and this is  
4 approximately, you know, half a mile from my location --

5 Q. That's correct.

6 A. -- from the edge of my territory.

7 Q. But I understand the previous roadmaster, division  
8 roadmaster moved on to another position?

9 A. Yes.

10 Q. So they did fill that position?

11 A. Yes.

12 Q. Okay.

13 A. That roadmaster has been there for probably right around  
14 2 months or so.

15 Q. Okay. All right. All right. I'm going to pass at this  
16 point.

17 MR. HIPSKIND: All right. Thank you, Dale. We'll just  
18 continue right on around.

19 Jim, you're okay?

20 George, how about something?

21 BY MR. LOVELAND:

22 Q. Just a couple quick questions, Jeremy. You talked about  
23 a job briefing form? You said there still is forms, but you said  
24 it's not a uniform form across the BNSF Railway; it's just each  
25 division has their own specific one, if they have one?

1           A.    Yes.  And through the division management, through our  
2 supervisors, I know the Twin Cities has one that's a little bit  
3 different than the other divisions that I've been on, just because  
4 of -- and where some of that's coming from is, you know, whether  
5 our past, you know, past history.  You know, we've come up with  
6 that as a division of what more can we do to help facilitate the  
7 job briefings that we want to be held.

8           Q.    So with the gang traveling across the system, they  
9 wouldn't have the same uniform briefing form for each division  
10 they went to?

11          A.    I can't speak directly for that, but I would say  
12 probably not.

13          Q.    When you do the schedule work for the weekend for the  
14 guys to work, do you have a conference call on the weekend also?

15          A.    We generally don't have a conference call on the  
16 weekends.  Generally, if it's my workforce, I've briefed those  
17 guys ahead of time.  I leave that up to the employee-in-charge  
18 that's running the crews then.  Most of the time I stopped in  
19 there during the weekends just to check on, see how everything's  
20 going.  If not, they're conversating with me, even if I'm not on  
21 call.  They're generally -- I'm asking them questions throughout  
22 the day if I am not there, how things are going, you guys need  
23 anything?  And they do the same through the on-call roadmasters  
24 too if I'm not available.

25          Q.    And you said you was the on -- excuse me -- proper

1 language here. You were the on-call roadmaster for this weekend?

2 A. That is correct.

3 Q. Did the weekend include the holiday?

4 A. Yes, it did.

5 Q. I don't have any more questions.

6 MR. HIPSKIND: Thanks, George.

7 Thomas, anything?

8 MR. JULIK: Yes, I do.

9 BY MR. JULIK:

10 Q. I guess kind of continuing on the same line here,  
11 Jeremy, as far as when weekend work is assigned. You said that  
12 you typically leave it up to the EIC to kind of figure out what  
13 protection is required. Is that accurate or do you have some form  
14 of further communication with them prior to the work commencing,  
15 to make sure they kind of understand the area and so that there's  
16 a dialogue about what form of protection may be required there?

17 A. Yes. And all correct, that statement. It's they lead  
18 the morning job briefing there, but we've already talked about  
19 throughout the week of what form of protection you're going to  
20 need, is there a window set up, is there a track bulletin Form B  
21 set up or do you need one, does the condition warrant it? And to  
22 make sure that everybody -- I mean, that's all taken care of  
23 during the week of what's required for that location, whether that  
24 be machines, what form of protection, do we have somebody set up  
25 for the protection, you know, whether its -- most of my territory

1 is double main, so we generally we always have a Form B, and that  
2 -- just to make sure that everybody's on the same page of what  
3 protection is required so it's not a surprise the first day they  
4 show up.

5 Q. Okay. So that's part of your general conversation that  
6 you have ongoing with the --

7 A. Yes.

8 Q. -- EIC and the folks to ensure that you've got all the  
9 components in place, including an understanding of the protection?

10 A. That's correct.

11 Q. Is that accurate?

12 A. Yes.

13 Q. Okay. When it comes to operations testing, how does  
14 that work on BNSF? Are you able to just -- I understand it's a  
15 pass-fail type thing, is that correct --

16 A. That's correct.

17 Q. -- for operations testing? So are you able to look  
18 through the rulebook and grab any rule and pass someone on that or  
19 are there specific tests for specific rules that you do an  
20 operations test on the employees?

21 A. We do have an ops testing manual that directs what ops  
22 test it is, what rules pertain to that ops test. You could have  
23 one ops test that could be pertaining to several different rules,  
24 depending on, you know, what that ops test is. The ops test, a  
25 lot of those are kind of generic track protection. When you look

1 through that ops testing manual, that explains to you what rule is  
2 it directly, whether it's a safety rule, it's a maintenance or  
3 operating rule, is it an EI? That directs you to the exact  
4 language of what a pass-fail is and what rulebook that's  
5 pertaining to. Does that answer your question or --

6 Q. Yes, it does. Is there a specific ops test for job  
7 safety briefings?

8 A. No, there is not. There's language in there, but it's  
9 -- that is a pass-failure, and with that it's -- you don't put one  
10 in for pass; it's only if you have an exception with it  
11 afterwards. But there is no physical number, that I can recall  
12 anyways.

13 Q. Okay. So if you, I guess, audit or operations test a  
14 gang at the start of their work, you can only document if the job  
15 safety briefing was, I guess, not cutting the muster? You can't  
16 say yes, I observed this and saw that it was good. Is that  
17 correct?

18 A. That's correct. And it's --

19 Q. Okay.

20 A. -- and if I'm at that location, if the job briefing is  
21 not cutting it, we're going to have the discussion right then and  
22 there because we're going to go have the job briefing as we're  
23 into it.

24 Q. Okay. All right. Thank you. That's all I've got.

25 MR. HIPSKIND: Thanks, Thomas.

1 Kevin, anything?

2 MR. WILDE: BNSF does not have any questions.

3 MR. HIPSKIND: All right. And let's touch base with  
4 Dr. Jenner?

5 DR. JENNER: I do not have any questions.

6 MR. HIPSKIND: Gentlemen, I'll look around the room.  
7 Anybody else with anything?

8 Go ahead, George.

9 MR. LOVELAND: Just one more quick one. I'm sorry.

10 BY MR. LOVELAND:

11 Q. I know I just looked through your -- you said earlier  
12 that nobody on your territory was working except for the call-out  
13 for derailment, right?

14 A. That's correct.

15 Q. Was there anybody else in the area working that weekend,  
16 working Monday?

17 A. I guess the only other people that was working on the  
18 weekend in that area would be our track inspectors. They work 7  
19 days a week, with requirements that the division has set alongside  
20 with the --

21 Q. The reason why I ask is, not to paint you in a corner or  
22 anything here, is I heard that there was a group of employees  
23 working and peddling curve block plates? And I didn't know about  
24 -- well, I guess what I'm asking, would that have been planned  
25 work? Or but if you don't know about it --



1 A. If --

2 Q. -- of course, you wouldn't know anyway, but --

3 A. If they was out there peddling curve blocks, I was not  
4 directly aware of it. I know that they've --

5 Q. Okay. Is that something you could find out for us  
6 maybe?

7 A. Yes, I could find out. I know that we've, on the  
8 adjacent territory, we have been doing quite a bit of peddling  
9 material for the production unit we do have in the area.

10 Q. Okay.

11 A. So if they were out there peddling, I can find that out.  
12 But I don't recall it off the top of my head anyway.

13 Q. I appreciate that. That's all the questions I have.  
14 Thank you.

15 MR. HIPSKIND: Just a minute. Let me do some  
16 housekeeping here.

17 George, on your last question and to take -- Jeremy, if  
18 you want to look into that's fine, but if you'll work that answer  
19 through Kevin? He's the --

20 MR. PAPENFUHS: Okay.

21 MR. HIPSKIND: -- party spokesperson and he can reach  
22 back out to me on that, okay?

23 MR. PAPENFUHS: Okay.

24 MR. HIPSKIND: That's how we're going to handle that.

25 MR. WILDE: Thank you very much.

1           MR. HIPSKIND: Thomas, I think maybe you had something  
2 or not?

3           MR. JULIK: Yes.

4           BY MR. JULIK:

5           Q. Thomas Julik here with FRA. Were you aware that the  
6 five employees involved in the incident here on Monday, were you  
7 aware that those guys were out there working, performing that task  
8 that day?

9           A. No, I was not.

10          Q. So prior to receiving the call or receiving the  
11 notification from the maintenance-of-way desk, you were not aware  
12 that those employees were there?

13          A. No, I was not. I was not aware of it until I talked to  
14 my division engineer. He's the one that actually told me, after  
15 the incident occurred.

16          Q. Did it surprise you to learn that some of the  
17 construction guys were out there working on the weekend, that you  
18 weren't notified of that?

19          A. It's not uncommon to have those guys working through the  
20 various things. I was surprised at the location, that they was  
21 there working.

22          Q. Okay. Thank you.

23          BY MR. HIPSKIND:

24          Q. Well, I need to beg the question, what surprised you  
25 about it?

1           A.    Just that I didn't -- I was not aware that they were  
2 there.

3           Q.    Okay. All right. Oh, this is Dick Hipskind, and I want  
4 to follow up, Jeremy, with you on -- you kind of get the tasks  
5 that they were doing, unloading the track panels, and I just, we  
6 know that was on a construction production side of things. Do you  
7 ever find, in the things that you do, that you might have to have  
8 workforces engage in a similar task like that?

9           A.    Yes. It's very common. We unload panels, the same task  
10 that they were doing, we unload those very commonly in the yard.

11          Q.    And should I think of that, that you do that with a very  
12 similar, if not the same, type of piece of equipment?

13          A.    Yes, we do. The same --

14          Q.    I don't mean the equipment that they had out there, but  
15 your equipment that's very similar to that?

16          A.    Yes. We unload panels very often with a loader, same  
17 type of what they're using.

18          Q.    Okay. Let's do a little roleplaying here for just a  
19 couple minutes. If I'm your foreman and this unloading the track  
20 panels is the thing that you want me to do that day, and you tell  
21 me, Dick, you go over to this location and I got a couple of flats  
22 there and you take John Doe, the operator of the Cat, and get that  
23 done. Do you impart to me some dos and don'ts about the task that  
24 you've given me?

25          A.    Yes, that would warrant some extra probing questions.

1 Q. Okay. Well, provide me your best insight, and knowing  
2 that I'm going to go out and do this?

3 A. We do have, like I said, that is a very common task.  
4 Some of the first questions I would ask is, you know, knowing the  
5 locations, are the flats spotted correctly, you know, depending on  
6 where it is. You know, what do you guys -- do you need a Form B,  
7 do you need adjacent track protection? Are you on the yard side?  
8 You know, what switches you're going to lock out, just to -- on  
9 that side, to let the terminal what we need. You know, are you on  
10 the main line side? Do you need a window? I mean, what's your  
11 protection there is. You know, where are we going to put them at?  
12 You know, those are -- be some of the questions I'd be asking.

13 Q. Okay. Do you -- well, if we have that dialogue, do you  
14 and I get into the detail of how I'm going to have an operator  
15 pick on the panels or is some of that just assumed, that the  
16 operator's going to know how to do that?

17 A. I would leave that up to the operator that is performing  
18 the duties. Between that and the employee-in-charge of how the  
19 nuts and bolts are going to work on, exactly how they're going to  
20 pick it up, you know, things along those lines.

21 Q. Okay. Look, I'm not trying to make this too difficult,  
22 but are you going know whether I've got an experienced operator or  
23 not?

24 A. If it would be one of my employees that's going to be  
25 running the loader, I've got a very comfortable understanding of

1 what their skills are. You know, if it's somebody that's  
2 operating for the first time, do I have them do that that day?  
3 You know, it's -- that's just part of knowing what my people are  
4 and what they -- what they're capable of that I know of. Does  
5 that answer your question or --

6 Q. Yeah. And but I just want to take it just one more step  
7 further. As a foreman, do I have the authority to make a decision  
8 that I can put on that piece of equipment to unload those panels  
9 anyone I want?

10 A. Most of our machines have assigned operators on them.  
11 There is certain tasks that are more delicate than others, if you  
12 will. It's -- if we do have a new employee on there, you know,  
13 it's -- there's going to be probably a conversation there with  
14 that foreman, whether it be with me or the operator of, you know,  
15 of do you know what you're -- you know, do you know how to do  
16 this? Are you comfortable doing this? You know, a lot of that's  
17 internally, but it's -- I mean, if we have somebody more -- that's  
18 experienced, has done that before, compared to a, you know, a  
19 brand new employee that's just got on that machine, whether we're  
20 probably going to have a more experienced operator or EIC or  
21 somebody being right there closely monitoring it.

22 Q. So is some of the operative thinking in all this that if  
23 I'm the foreman working for you and you assign me to go to a  
24 certain location and tell me there is a couple of flats properly,  
25 correctly spotted -- and you did talk about it depends on where

1 it's spotted and all that -- but as long as I choose a guy who has  
2 seniority or has -- I think, in railroad vernacular it's rights,  
3 has rights on a particular type of equipment, and if I have two  
4 people there, I can really use either one of them if I want?

5 A. We try to stick with whoever the operator is that has  
6 that machine on bid. I mean, and I leave it up to also those guys  
7 to make sure they're letting me know or the foreman know, hey, I'm  
8 not comfortable with this; I've never done this before. You know,  
9 I put that ball back in their court also to -- they've got to be  
10 able to tell us if -- what they're comfortable with, what they  
11 don't know how to do, you know, be able to ask those questions.

12 Q. Okay. Well, the real world is always trickier than just  
13 what you and I lay out.

14 A. Agreed.

15 Q. And so now the work's being done on the weekend. The  
16 assigned operator had some leave planned or he's going to be with  
17 the family, he's not available, and so I'm equipped with my normal  
18 guys, but of them, there is, amongst my crew that's out there  
19 doing this task, there is a machine operator who's not the regular  
20 guy. Am I still good to go?

21 A. Yes.

22 Q. Okay. Let's --

23 A. Yeah, that's, you know, brought up in our weekly, you  
24 know, conversations on it. If I've got this loader on bid, I'm  
25 not going to be available, you know, we open up to volunteers who

1 can run the loader and, you know, whether unloading track panels,  
2 you know -- that's a conversation we're having up front.

3 Q. Okay. And sometimes the real world could be you sent me  
4 out there to do something and maybe I don't have an operator.  
5 Maybe I don't even tell you that. And you kind of move around,  
6 check gangs, and you come up on my gang and I'm doing that thing  
7 you want me to do. And then you look over and you go, wait a  
8 minute; I know that employee that's on that machine, he's not a  
9 machine operator; he's not qualified. Do you and I have a  
10 discussion then?

11 A. Yeah. I would have a discussion of, you know, what the  
12 foreman, whoever lined that or whoever's with that crew, you know,  
13 we talk about is he okay doing this? And then I'd probably have  
14 the same conversation with the operator, just to make sure  
15 everybody's on the same page. And it's, you know, along those  
16 lines that we have to use, to make sure we (indiscernible) if  
17 something is not -- we're not comfortable or we don't know what  
18 we're doing, we've never done that before, we got to make sure we  
19 exercise those questions.

20 Q. It's the "never done that before" that causes you  
21 concern?

22 A. I won't say it causes me concerns, but it definitely  
23 makes me ask the extra questions. It's not always a bad thing  
24 they've never done that before, but I want to make sure they're  
25 doing it the right way. You know, whether that be asking more

1 questions from a more experienced operator, because we got a lot  
2 of guys that have a lot of tenure that have done that task and  
3 been around that task many, many, many times. He'll offer advice,  
4 you know, help guidance, along those --

5 Q. Okay. Well, many, many times is one thing. But if I'm  
6 doing it the first time, are we over in that exposure column now?

7 A. Yes. And, you know, asking those questions has helped  
8 mitigate some of those exposures of make sure we're comfortable  
9 with it. And if we're not, we're not going to perform that task.

10 Q. Okay.

11 A. And that's, most of that time that's the operator that  
12 is performing the duty.

13 Q. All right. Jeremy, it's been great talking with you.

14 MR. HIPSKIND: I'll just look out amongst the gentlemen  
15 and any more questions? If not, let's go ahead with our closeout  
16 piece.

17 BY MR. HIPSKIND:

18 Q. You know I'm going to ask you a few questions here about  
19 did we ask you everything that you thought we should? Is there  
20 anything maybe we left off the table that you want to clarify or  
21 bring up?

22 A. No.

23 Q. Okay. And is there anything that you want to change or  
24 add to our conversation?

25 A. No.



1 Q. And in regard to safety, do you have any suggestions for  
2 preventing a reoccurrence?

3 A. Preventing reoccurrence, I know we've had some  
4 conversations already over the last few days, I personally, with  
5 the construction group that I have here, more of the open  
6 communication, the open dialogue, when we have stuff planned,  
7 especially on the weekends. When the roadmaster down here is on  
8 call, you're on call for three different territories, all the way  
9 to milepost 200 on Staples, which is just outside the North Dakota  
10 line, and all the way down to the Wisconsin border. So a large  
11 area there. Definitely most of everything goes on here in the  
12 city is a very complex area. Just to make sure we're having an  
13 open -- that open dialogue of, hey, just a quick email and quick  
14 phone call, hey, I'm going to have you guys working here. Of  
15 course we're going to have stuff come up on an on-call basis, but  
16 if we are having planned work, make sure we're involving those on  
17 our briefings and our conversations.

18 Q. So more awareness?

19 A. Yes.

20 Q. And is that because you might have particular local  
21 knowledge or insight?

22 A. Yes. And being a district roadmaster here, I've been  
23 here for just short of 2 years now, with gangs that are coming in  
24 from out of town, whether that's -- they're a production gang,  
25 they're a construction gang, whether they're just a maintenance

1 gang that's coming in from, you know, somewhere else in the city,  
2 we'd be in with territory is that we have here, some tasks, there  
3 is some areas that I want to be able to provide some more  
4 oversight to. You know, on this location you need to make sure  
5 you double check this.

6 We need to make sure we let transportation know because  
7 maybe they surfaced that. We have commuters that run 7 days a  
8 week, you know, on my whole territory, or I guess a good portion  
9 of my territory, and to just the different exposures there of, you  
10 know, what do we have right there? Whether it be a transportation  
11 site, you know, a track site, just to make sure we're having an  
12 extra, that extra conversation.

13 Q. Okay. And I did provide you my business card, and I  
14 would just point out to you that in the coming days or weeks, if  
15 anything else comes to mind or whatever, please reach out to me.  
16 And for that matter, any of the gentlemen around the table here  
17 today. Okay?

18 A. Okay.

19 Q. All right. Let's proceed with our final questions here.  
20 Prior to the interview, did we discuss that the purpose of this  
21 investigation is to increase safety, not to assign fault, blame or  
22 liability?

23 A. Yes.

24 Q. And that the NTSB cannot offer any guarantee of  
25 confidentiality or immunity from legal or certificate actions?

1           A.    Correct.

2           Q.    And that a transcript or summary of the interview will  
3 go into the public docket?  And do you understand what the public  
4 docket is?

5           A.    Yes, I do.

6           Q.    Okay.  And that as an interviewee, you had the right to  
7 choose a representative, but you were okay to talk with us without  
8 one?

9           A.    That is correct.

10          Q.    Jeremy, thank you so much for taking time out of your  
11 busy day to be with us.

12                   And with that, we'll conclude the interview.

13                   (Whereupon, the interview was concluded.)

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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  
   Interview of Jeremy Papenfuhs

DOCKET NUMBER:            DCA-15-FR-011

PLACE:                        St. Paul, Minnesota

DATE:                         May 28, 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.

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Karen A. Stockhausen  
Transcriber