UNITED STATES OF AMERICA

NATIONAL TRANSPORTATION SAFETY BOARD

Investigation of:	
UNION PACIFIC RAILROAD REMOTE CONTROL OPERATION YARD DERAILMENT WITH EMPLOYEE FATALITY IN ARLINGTON, TEXAS, SEPTEMBER 22, 2017	Accident No.: DCA17FR013

Interview of: MARVIN J. ALBERT, II

Hilton Hotel
Arlington, Texas

Monday,
September 25, 2017

APPEARANCES:

GEORGETTA GREGORY, Operations Group Chair
National Transportation Safety Board

STEPHEN JENNER, Ph.D., Human Performance Investigator
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KELLY M. SEACHORD, Director of Regional Operations
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Union Pacific Railroad
(On behalf of Mr. Albert)

I N D E X

I N T E R V I E W

MS. GREGORY: Hi. My name is Georgetta Gregory, G-r-e-g-o-r-y, and I'm the NTSB group chairman for the Operations Group for this accident.

We're here today on September the 25th, 2017, at the Hilton Hotel in Arlington, Texas, to conduct an interview with Marvin James Albert, who works for the Union Pacific Railroad. This interview is in conjunction with NTSB's investigation, where there was a remote control yard job of switching cars in the Great Western Union Pacific Yard --

UNIDENTIFIED SPEAKER: Great Southwestern.

MS. GREGORY: Excuse me. Great Southwestern Yard on the Union Pacific railroad. They were shoving cars into track number 1. There was a derailment and an employee fatality.

The NTSB accident reference number is DCA17FR013. The purpose of the investigation is to increase safety, not to assign fault, blame, or liability.

So before we begin our questions, let's go around the table and introduce ourselves. Please spell your last name, who you represent, and your title. I would like to remind everybody to speak clearly so we can get an accurate recording. I'll start off and then pass off to my right.

Again, my name is Georgetta Gregory, and it is G-e-o-r-g-e-t-t-a, Gregory, G-r-e-g-o-r-y. I'm the investigator and I'm serving as the group chairman for the Operations Group for

this accident.

And I have your permission to record this interview, Mr. Albert?

MR. ALBERT: Yes, ma'am.

MS. GREGORY: And do you mind if I call you Marvin or Marv?

MR. ALBERT: No, ma'am.

MS. GREGORY: Which do you prefer?

MR. ALBERT: Marv is fine.

MS. GREGORY: Marv is fine. Okay. Thank you.

And you understand that this transcript would be part of the public docket?

MR. ALBERT: Yes, ma'am.

MS. GREGORY: And as such, we cannot guarantee any confidentiality.

Do you wish to have a representative for this interview?

MR. ALBERT: Yes, ma'am.

MS. GREGORY: And that representative is?

MR. ALBERT: Doris.

MS. GREGORY: Doris Beutel, B-e-u-t-e-l, hyphen, Guthrie, G-u-t-h-r-i-e. I'm senior general attorney for Union Pacific.

MS. GREGORY: Thank you.

And so we'll start to my right here with Mr. Jenner.

DR. JENNER: Stephen Jenner, S-t-e-p-h-e-n, J-e-n-n-e-r. I'm a Human Performance Investigator with the NTSB.

MR. SEACHORD: Kelly Seachord, S-e-a-c-h-o-r-d, general

director of regional ops for the Union Pacific.

MR. SAUNDERS: Kamron Saunders, K-a-m-r-o-n, S-a-u-n-d-e-r-s, investigator, SMART TD.

MR. ALLEN: Zach Allen, FRA, Z-a-c-h, A-l-l-e-n.

MS. GREGORY: And you want to -- Marv, would you --

MR. ALBERT: Marvin James Albert, II; A-l-b-e-r-t. I'm senior supervisor of remote control operations for Union Pacific, Fort Worth Service Unit.

INTERVIEW OF MARVIN J. ALBERT, III

BY MS. GREGORY:

Q. Okay. So let's get started now. Marv, could you just give us a good synopsis of your work experience and take us up to you present job, how long you've been in that position?

A. I hired out in La Grande, Oregon as a brakeman in 2004, January of 2004. In October of 2005, I applied for and got the Manager of Operating Practices II position in Cheyenne Wyoming. I was promoted to MOP, manager operating practices in Cheyenne a year after that. And then 2 years later, in 2013, I applied for and got the senior manager remote control for Fort Worth Service Unit. That was in -- yeah, in 2013. And then I've been in that position till now.

Q. Could you tell us what your job entails, what you do on a daily basis?

A. The senior manager of remote control operations kind of oversees the whole remote control program for the service unit,

inventorying the RCTs, sending them in when they need fixed, ensuring employees are tested to the federal requirements in CFR 240, 242, and then proficiency testing. I also teach rules classes, hold hearings for discipline. I've been charged with a new hire process from when an employee is put into class, making sure they have their equipment and stuff like that.

Q. I'm curious about your training program for remote control operators. So if you could --

A. Yes, ma'am.

Q. -- describe the training that these -- new hires as well as current employees?

A. So when a new hire goes through his conductor phase of that portion, like I said, I just order their equipment, and then I'm not sure exactly what the conductor phase is. I believe it's 9 weeks, and then there is some on-the-job training, stuff like that.

When they graduate from the conductor certification class, the Fort Worth Service Unit puts them into RCO training to get everybody certified. That includes a 2-week classroom portion followed by a 3-week on-the-job training, and at the end of that 3 weeks, that's when they get their certification ride.

In the meantime, during that 3 weeks, employees are given a 1-hour performance ride to kind of let them know where they stand and what to expect for the certification ride.

During that 2-week classroom portion -- and I'm not -- I

don't teach that; I'm not qualified to teach that -- there are some tests that I know because we have had washouts due to testing, and I'll just get a notification, hey, this employee didn't pass the mechanical portion of the test, or whatever.

Q. So are you familiar with the exact curriculum on what they learn in that 3-week period?

A. No, ma'am.

Q. So you don't have an overview? Okay. Well, then, can you walk us through the actual RCO operation, you know, starting with when they go on duty, and describe the testing -- the vigilance testing and the whole process that they go through?

A. Oh, oh, oh, oh, you mean the -- okay. So when an employee gets called for duty, most of our remote control jobs are -- they know they're a remote control job. So the Union Pacific has a card, and I believe I showed you that --

Q. Um-hum. You did. Thank you.

A. -- with all the steps that go through. So an employee would take his box from a locked -- we keep them locked in a cabinet with the batteries, and the batteries are designated by day -- or not day, but shift, due to how they charge. So our chargers will drain the batteries and then bring them back up to preserve the life, make them last longer. And that's more of a, you know, a battery conservation type of thing.

When they get to the unit, they'll either start the unit because they'll be shut down or sometimes they'll just hand off.

Once they get everything set up per that process and now the box is in control of -- is that where'd you like me to go from?

Q. Um-hum. Yes.

A. So now I got all the air brakes set up so that the box is in control. The first thing they'll do is a -- it's a tilt test. That's part of the link-up process. They won't let you go any further until that test is -- and basically what that does is test the mercury switch inside. And they make you -- it's attached to your vest. You'll bend over 45 degrees, and it'll time out. It takes 5 seconds to time out. Most guys, it'll tilt out a little longer to make sure it catches it. And this is all before the box will do anything.

Once that's done, you'll have to recover, set all your settings, basically, to a default position, speed selector and stop, independent brake and release, even though the computer has a full set on it, and then your automatic brakes and release.

After that, the employee -- there's a two-step process to continue, and we leave it -- you can do one or the other first. There is no sequence to it. It's either a man down broadcast message where we have a designated channel the employee will go to, and they'll tilt the box out, and at this time it will actually go into emergency. And when it goes into emergency, the radio will broadcast "Operator A is down" or "Operator B is down" depending. For that first test, you have to hear both if there are two boxes linked up.

After that, then they'll get on the ground. They'll recover everything, get on the ground, and do a vigilance test. That's where we're testing the vigilance toggles, making sure the box times out in 50 seconds. It starts beeping for 10 seconds. At 60 seconds, it'll put a full service -- well, not a full service, but a full set on the box, which is a 20-pound brake pipe reduction.

After that, they'll recover all of that, and then they'll do -- conduct a running air brake test. A running air brake test consists of getting the locomotive going. So while they were linking up, they knew all the air brake had enough air to conduct this test. The vigilance test confirmed that the brake shoe is applied.

And then they'll get the locomotive moving and go to coast, where it's just kind of free-wheeling. And they'll set a low on the independent and then release it, make sure it sets up, and then they'll feel it grab or see a reduction in speed and then release it to make sure they release.

After that, they'll get it up to a higher speed, set a minimum, make sure that the brakes do not set, because it's set up to bail off the locomotive brakes in minimum and light. Go to light, which is a 10-pound set. At that point, they'll go to medium, make sure they see a speed reduction, and then release, make sure they see the -- that it rolls free again. And then that's a complete remote control running air brake test.

Q. And so then they're ready to start their day?

A. At that time it's ready to start whatever their job is.
Q. Thank you. You said you do the performance testing. I think that's the word. Is that the same thing as the field testing exercises?
A. Yes, ma'am.
Q. Do you recall the last time you observed the crew on this accident train?
A. It happened to be -- I want to say September 7th I tested this crew with Mr. Torres, Shipley, and Hodo. And it was actually a new process we have. One of the duties I have is I'm a drone pilot for the company, and we have drones that we can test with.
Q. Could you tell us a little more about that and the particular test that you did on this crew?
A. So this test on the 7th was done at -- I could bring it up, but we did -- we launched the drone from down at the -- it would be the west end kind of where the incident was. They were working at the east end. I put the drone up. We flew down along the track that he was working. I believe the first employee we saw was Mr. Cero. And I turned that SD card over to Mr. Riddick.
Q. I believe I have that now.
A. Okay. And I think it was George that we saw first. Well, I think I snapped a few pictures of where we -- I'm trying to remember. It's on the SD card, and it's time-stamped.
But anyway, we -- I observed Mr. Cero throw a switch and line some stuff back. The units were moving back and forth. We had

the radios listening, red zone, stuff like that, and I believe we found Mr. Beckman down in the track. He was -- I believe he was releasing brakes to take cars out to industry.

And I believe on that test, the only thing that we saw for correction was Mr. Cero threw a switch, went to check the points, and when he walked away from the switch, he kind of walked along the tie butts in the foul of the track for a short, very short distance. But we did see that as a training opportunity.

Q. And so that activity was the only thing you took exception to during that testing?

A. Yes, ma'am.

Q. And was that during daylight hours?

A. Yes, ma'am.

Q. Okay.

A. I was trying to remember the right -- I want to say afternoon, because I believe after we debriefed them, they went and got some lunch.

Q. Okay. Thank you for that.

Let's talk about the Union Pacific rules for a minute. What is an employee required to do to ride on a car? Can you tell us about any restrictions or any requirements on how they're supposed to ride on cars and any kind of training they get for that activity?

A. Our GCOR Rule 81.7, and then there are some subcategories of that, an employee would approach the car, inspect where they're

going to climb on, climb off, make sure there's no loose hand-holds, and things, and then get a firm grip before they bring it up.

The Union Pacific kind of teaches to always have some sort of three-point contact while getting on and off. Holding all four when getting off is a huge -- that is a opportunity we use to coach an employee if they kind of get off and swing off or don't -- we want them to have good solid holds before releasing the car so that they know they're not going to slide down the ballast or lose their footing.

Q. So when they're riding on the car, what kind of ergonomics do they -- how do they hold on?

A. Okay. So when -- then once they're mounted on the car, we want them to face the direction of movement that they're going. And obviously, if you have an RCO box, you know, you try to hold on and you have to have one hand free to operate the speed selector. So I would expect to see two feet and one hand on the car.

Q. So you would expect them to hold the ladder with the hand, or is it more common to hook the arm through?

A. A lot of times you'll see a hooked arm. I mean, when I have to operate and ride, that's -- I try to do that also. And it's more comfortable. I'll just -- it's more comfortable that way.

Q. Do you have any issue, Marv, with the clearance between the ladder and the side of the car on certain cars to -- are you

restricted to get your arm in there at any time?
A. There are some cars that, like, I can't get my arm through, and sometimes I get my wrist up and over or -- but there are cars that have shallow -- I guess a shallow depth would be the way to say that.
Q. The car in this accident that Mr. Beckman may have been riding on, would that ladder have provided him to hook his arm in there or would he be required to hold on with his hand?
A. I didn't see enough room to hook an arm in. I didn't try to stand up there. I didn't want to put dust and stuff on the stirrup. I don't think he would have been able to get his arm through that.
Q. And of course we don't know at this point in the investigation where he actually was. Had he been walking to protect the shove and this movement, what had been required under those circumstances?
A. If he was walking, the Union Pacific requires that we have a -- we call it a triangle of vision. So from the leading edge of the car that is shoving, he needs to see that and the track that he's going to shove into. If he's going to walk with it, he is not allowed to walk, according to our rules, in front of the shove. So we would expect him -- I would have expected Mr. -- if he was walking, to kind of walk with the knuckle as it's traversing the track.
Q. And are there any restrictions on when there are cars on

adjacent tracks as far as walking or riding? How do you expect to see them protect the shove under those circumstances?

A. If they're riding, we would expect them to use their judgment for clearances. And I do know we have some restrictions in Davidson Yard about what tracks you can ride, what tracks you can't, if there's equipment on an adjacent track. I'm not sure what is in the Great Southwest. But yeah, I would expect an employee to -- and that's another reason we face the direction of the shove, so they can see obstacles coming.

Q. And do you do check rides with the RCO operators?

A. Yes, ma'am.

Q. Do you know the last time you did a check ride with Mr. Cero or Mr. Beckman?

A. I want to say I did Mr. Beckman's certification ride, and I do not know when that was.

Q. And so you didn't take any exceptions during his certification ride?

A. Just because I know my numbers, if it was a certification ride, I probably saw some. I'd have to look it up, ma'am.

Q. Okay. Appreciate that. Just --

A. You need me to look it up?

Q. No, we can get that later.

A. Okay.

MS. GREGORY: That's all I have. I'm going to hand it off to Steve for a minute and let him ask some of his questions.

DR. JENNER: Great.

BY DR. JENNER:

Q. Steve, Stephen Jenner, NTSB. Thank you for your details so far.

We interviewed Mr. Cero yesterday, and he was referring to the remote control box as the green box?

A. The green box, yes, sir.

Q. Yeah. And he said previous to that, he operated a yellow box. And can you talk about when there was a transition from, you know, from yellow to green?

A. Okay. When I showed up on Fort Worth, they had already had the green box. The green box is a Cattron Company box. The yellow box Mr. Cero was referring to was a Canac box, and that was what I was trained on Cheyenne. What I understood was Cattron bought Canac, just wanted one box between the two companies, so they merged and came up with this green box.

Q. When did that change occur, that transition occur?

A. In Cheyenne, Wyoming, it was in 2007/2008 area, I want to say. And I believe Fort Worth was after that. But again, that's -- I'm guessing 10 years ago, because I think they went by size of service unit, was what I remember the RCO guys that were training us on the green box.

Q. So the ones that were used in this yard, you think it was about 10 years for the green box?

A. Yes, sir. But a guess --

Q. Sure, sure.
A. I wasn't here when they transitioned.
Q. Have you operated both?
A. Yes, sir.
Q. I'd appreciate your opinion on differences and plusses and minuses of one versus the other.
A. The yellow box was less forgiving as far -- I mean, the green box is easier to figure out problems because it gives you a readout. The yellow box would transmit it over the radio, and if you didn't catch that transmission, you didn't know what was going on with it. So it was difficult to ascertain as far as what faults or glitches there were with the system.

As far as the operations go, the buttons are different, but they're all in the same place as the yellow box. A little bit -- the yellow box was smaller and -- but as far as the buttons, they're all in the same place. It was an easy transition from the yellow box to the green box as far as ergonomics and muscle memory.

Q. Okay. So at least for the last few years, green box has been exclusively used in this year?
A. Four years, at least 4 years.
Q. At least 4 years, okay.
A. Yes, sir. That's when I came, 4 years ago.
Q. Again, questions about the use of the box. Do you receive feedback from the people who use them, and if you can walk us

through how you get feedback and what you do with that information?

A. Most of the feedback that I get is through bad order boxes. Our process here is if a guy has a box -- and let's say he's using the vigilance toggle, and this one -- the right one doesn't work, but the left one does. I have a tag. They'll put the tag on it, put it on the top shelf of the lockers. I try to make a weekly inventory, and that'll be how I fix any problems.

As far as the ergonomic stuff, I do hear guys, you know, I wish the toggles were different shapes like the yellow box, I wish it was smaller like the yellow box, I wish it didn't weigh as much. You know, I mean, I didn't design the box so -- I will give feedback to the RCO group if it's a legitimate concern.

Like, one of the complaints I got when I first got here was the batteries would fall out. And I sent a bunch back in to get the new plates put on the bottom. They were just worn, because the inventory wasn't done as regularly as I do it now.

And I didn't like -- they sent me some rubber tabs to help hold, and I didn't like how those -- because then you had to get something to pry the battery out, which damaged more batteries, and you know, it just wasn't -- that wasn't an acceptable fix to me. So --

Q. Okay. Do you have any input in terms of guidance for when employees -- when the RCO operators should be walking when the train is moving versus riding?

A. I always tell the -- and -- whatever you're comfortable with, I'm fine with. When I'm doing a ride, they'll ask me where do you want to ride at. And I -- my standard answer is I'm here to observe you. Do whatever you would do if I'm not here, and I'll find a safe place to ride if you're going to ride. I just may need some extra time, you know? So I tell the employee whatever makes you comfortable.

Q. What I'm hearing from you, and yesterday, as well, is that, as discussed sometimes, the depth of the ladder from the side of the car varies. And I heard you say that this ladder, that on this car was on the shallow side?

A. Yes, sir.

Q. Now, we heard that some people like to hook their arms around. That's how they're comfortable. But the option is to secure one hand on the ladder if they can't get their arm around?

A. Yes, sir.

Q. Do you think that's -- that method of securing the hand is adequate when the train is moving?

A. Just one hand?

Q. Well, one hand is secure, so you have three points, and one hand free to manipulate the controls.

A. I believe it's, I believe it's adequate.

Q. Okay. If you -- without naming names or anything, what are some of the more common violations that you'll observe for RCO operations?

A. Most of my coaching on rides is -- and I mean, most of my rides are on new-hire employees and managers who don't conduct rides very often or operate the equipment very often. So most of my coaching is during the link-up process, just unfamiliar with the process of linking up, maybe not knowing what the settings on the box are. That's another high coaching.

And after that, it gets -- probably gets into safety. On and off equipment is a big one; walking on or near tracks. A lot of times, I'll -- because, I mean, we're multitaskers. I'll find an employee walking and looking at a switch list versus the walking path, and then I'll take that opportunity to correct.

Q. As you know, we're just very early on in the investigation of this accident so we don't have any conclusions about what happened, so I'm not asking you for that. But are there any areas that you would be interested in making changes or improvements to either in light of this situation or up and to this situation?

A. I can tell you, as far as my program in Fort Worth, I wish my managers would treat RCO operators as they treat engineers, and I just don't get that feeling on that side. And after that, I would probably say the reason is because they're not as familiar with their operations. I would like to see my managers more familiar with the operations of the system, the box. I would like to see managers use it more often. I'll just say it like that.

Q. How does that translate to performance or efficiency or safety?

A. As far as the managers' understanding?
Q. Yes.
A. I think if a manager understood, there would be less push for production. They would understand this process takes this amount of time, and then they would know is this employee -- does this employee need help or is this employee, you know -- it just escaped me -- maybe stalling for overtime or something like that. Does that make sense? I had a word in my head and I totally lost it.

I mean, we are a production company. We do -- and some of the -- because I'll get phone calls about this process is taking this long, okay, that process should take long. So it -- that's how I feel the managers could --
Q. Okay. Just to become more familiar with your overall operations --
A. Yes.
Q. -- so they can appreciate the time and work that's involved?
A. Yes, sir.
Q. Okay. Thank you. I appreciate your input there. That's the questions I have for right now.
A. Okay.

BY MR. SEACHORD:
Q. Kelly Seachord, Union Pacific Railroad. So, Marv, on the previous test that you referred to earlier with the drone, were you able to observe either employee ride the equipment?

A. No.
Q. Okay. Do you -- have you ever heard or do you know of anything in your own personal knowledge, where JP had any medical condition or physical condition that might limit his ability to perform his duties, like ride or anything like that?
A. No. JP was a bigger guy, but every time I ever did see him ride, I don't recall ever taking exception.
Q. Okay. And so to follow-up a little bit on what you were saying on what you wanted to see the other managers do, so that would just be more in the relationship of -- would it be -- is the reason why you'd like that is so that they could understand how much time it takes for the employee to use RCL and then would have more eyes looking at that to make sure that the employees are all doing it correctly?
A. Yes, sir, and then an understanding of the processes. I guess it -- that might not make sense. The step-by-step sequential --
Q. It does to me.
A. Okay.
Q. I understand what you're saying.
MR. SEACHORD: Okay. I think that's all the questions I have.
BY MR. SAUNDERS:
Q. Kamron Saunders with SMART TD. I have a couple questions just for -- because I know absolutely nothing about RCL. You gave

me the *Reader's Digest* version out in the field the other day, and I appreciate that.

A. Yes, sir.

Q. So on a check ride -- and I'm an engineer, and I know how that check ride works. So on a -- and I guess that's what you call it, a check ride?

A. A performance evaluation.

Q. Okay. So, you know, there is I think a 4-hour or 50-mile minimum on an engineer's check ride. How does that work on the RCL?

A. I'm sorry. I should explain. When Georgetta asked me about the certification, a certification ride at the end of a student's -- for his initial certification is a 4-hour ride. Basically with him for half a shift, and then there are criteria on the checklist that you have to see so sometimes it takes longer.

After that, you -- that's a certification ride. After that, you have performance rides. Performance rides are 1-hour. The criteria are a lot -- they're -- you don't have to see everything that's on a checklist that's -- on the checklist it's asterisks, you know, the big -- safety, protecting shoves, making sure they have their license, that type of stuff that falls under the federal stuff is what I noticed. And then once every 3 years for a recertification ride, an operator would receive a 2-hour certification ride.

Q. Okay. So on a job like Mr. Beckman and Mr. Cero were on, I think they do -- they more or less go to industry?
A. Yes, sir.
Q. Their cars, they come and go, somebody brings to Great Southwestern Yard. So there's a lot of -- so they -- they'll get their cars together to go to -- I think International Paper was one of them that I heard. And then they get -- they actually ride the engine out to International Paper, but they're still working the box?
A. Yes, sir.
Q. They don't cut that off and then run the engine?
A. No, sir.
Q. Okay. So in a thing like that, if you were out doing your ride, there would probably be observation, watching them do that, and then maybe sometime riding on the engine, I'm assuming, or whatever they were doing at that time?
A. I could picture that, yes, sir.
Q. And then, so you're more or less -- you're over -- you -- I'm assuming you do some check rides, but then you're over a group of managers --
A. Yes, sir.
Q. -- that do more of the testing and what --
A. Yes, sir.
Q. What are their titles? Are they MOPs or are they just RCL guys?

A. The title -- let me -- the designation is a designated supervisor remote control operator. And their titles can range anywhere from MYO, MTO, MOP, senior MTO, senior MOP, all the way -- I mean, I know I've given directors rides.
Q. So it's just -- whether it be an MYO or whatever that's gone and gotten certified so that they can do that?
A. So they'll get certified through the Union Pacific's DSRCO requirements, and that's the RCO group out of operating practices. And then once they get done with their classes, I'll watch them do a ride, make sure they're up to the standards of the service unit before I'll have the DRO turn on their designation.
MR. SAUNDERS: Okay. All right. I think that's all I have for now.
BY MR. ALLEN:
Q. Zach Allen with the FRA. Marv, if you recall, since you were out at the scene of the incident, do you remember how many of the locomotives in the consist were RCL-qualified?
A. Just one.
Q. Now, is the --
A. Oh, I'm sorry. I thought you meant the -- how many locomotive in the consist were RCO-capable?
Q. Yes.
A. One. There were three locomotives. The UP-840 could be linked up with remote control, and I believe both Gensets were conventional.

Q. Getting back to the boxes, is there assigned boxes to certain jobs or do they just pick one off the shelf?
A. They just pick one off the shelf.
Q. And they work for any unit?
A. Yes.
Q. Any locomotive --
A. Any RCL locomotive, yes, sir --
Q. Talking about standing on the car -- when we were talking to Mr. Cero, he said it's comfortable for him to climb -- instead of -- he climbs up above the stirrup when he can and puts his feet up on the first ladder rung or hand-hold, whatever you want to call it. Is that kind of a standard practice that you know of or is it just up to the employee?
A. That's kind of the comfort of the employee and the characteristics of the car. We do have some rules that would require an employee to get up. Like if they're traversing a road crossing, a grade, they would be required to be above the stirrup. That's just to make sure if somebody runs the gates, it doesn't hit the employee below, you know, with the vehicle.
Q. Okay. Is there any rule that says that -- say if they get on the end of the stirrups first and start the move, can they keep climbing up while they're moving?
A. If --
Q. If they decide it's not comfortable for them to be in the stirrup and want to get back up on that rung, if they're rolling,

can they climb up and get into a more comfortable position or do they have to stop?
A. If that three-point contact can be maintained, I would say they could climb up.
Q. Okay. On the boxes in the day of the incident, do those type of boxes show what the speed is or just the throttle position?
A. They can show the speed. There is a toggle sequence you have to go through to get the speed to come out on the little L -- I think it's a LED screen or LCD screen.
Q. Okay. And how often, or are they, the RCL boxes, tested and recertified that they're working correctly? Or is there any type of certification process for those?
A. I've never heard of any sort of recertification. The boxes are -- every time a shift comes on duty, we go through that process that I walked through earlier. The tilt test, vigilance -- or the man-down test, the vigilance, and a running air brake test every shift.
Q. All right. Because it's not like an ETD that has to be recertified every year?
A. I don't know what a ETD is.
Q. End-of-train device.
A. Oh, an EOT? Okay.
Q. Everybody's lingo is different. Yeah.
A. Okay. No, I do have -- my program, I send them in as -- the program is set up to send them in at least once a year. That's

the contract we have with Cattron. And that's just kind of a recalibration. They'll replace worn switches, and things like that. With the inventory that I have and the amount of use that these boxes get, I very seldom have one go overdue. It's -- they usually have a toggle or something go out or a piece will get broke off that I have to send in, and then they'll -- they do their thing. And I believe I turned those maintenance records over for Mr. Beckman's box. I believe you guys have them.

Q. Okay. And how about the locomotives? Do they have to be -- as far as the remote control equipment itself, does it have to be retested besides each morning or each shift, or is that mechanical and you don't take care of that side of it?

A. Our remote control operators can do a locomotive daily inspection. Is that --

Q. Well, I didn't know if the RCL equipment itself to verify that it's recertified, like, using the box (indiscernible) the equipment inside the locomotive.

A. Other than what they do at the beginning of the shift, we don't test anything else. We have electricians and things that handle that --

Q. Right, mechanical guys do it?

A. Yeah. He's out of mechanical department, drives that truck.

MR. ALLEN: Okay. That's all my questions so far.

MS. GREGORY: Okay. Thank you, Mr. Allen.

BY MS. GREGORY:

Q. This is Georgetta Gregory again. I have a couple of follow-up questions for you, Marv. On Zach's question about the maintenance on the boxes, so if I understand your answer correctly, there's not a scheduled maintenance program; you just send them into the manufacturer if there's a defect?
A. I'll get -- like, for instance, like, Big Spring Yard is way out towards Odessa. And they don't operate -- I think they have one job. It doesn't operate very long. I'll get a e-mail from the RCO group. I'm trying to think of her name, but she'll send me an e-mail, hey, this box hasn't been seen by Cattron in however many months, can you swap it out and send it in.
Q. Okay. And then, Mr. Jenner asked you about the yellow box and the green box. And another green box was already in use when you came to Fort Worth, but perhaps in other locations that you worked, was there any training or guidance offered to the operators when they got the new box?
A. When they got the new box, they brought in a -- I'm speaking about Cheyenne.
Q. Um-hum.
A. I wasn't in Fort Worth when they transitioned. They brought in a team, and it was every shift we just -- they basically went over what the differences were, what to expect, how the link-up process works, because this -- it -- if I can remember properly, and it's been 10 years since I ran a yellow -- let me see -- 2007, yeah, about 10 years since I ran a Cattron -- a Canac box, the

yellow box. I believe there were some -- there's more redundancies built into this green box. You can't -- if this step isn't done, you can't move on to the next step with the green box.

Q. So --

A. So we had to make sure that they knew the process.

Q. So would you characterize the green box as being a safety improvement over the yellow box?

A. Definitely.

Q. Okay. Good. As far as their personal protective equipment, are they -- are gloves considered part of that personal protective equipment?

A. Yes, ma'am.

Q. And is there any requirement for them to wear gloves when they're riding on cars?

A. Here, lately, one of the bigger coaches that I've been taking about gloves has been while pulling the knife switch. We recently put a rule in that said an employee has to wear glove when pulling knife switches. Riding cars, I would kind of leave that up to the employee if --

Q. Okay. And just for the record, could you explain what a knife switch is?

A. It's like a big breaker that cuts the battery off from the rest -- it would be like disconnecting your car battery. That way --

Q. And that would be in the locomotive?

A. Yes, ma'am. That way, you wouldn't drain the battery while the unit is sitting there.

Q. Thank you. And you spoke a little bit about the managers and you'd like to see them understand the operation and the process of using the remote control boxes. So I'm curious as to what kind of training do the managers go through?

A. After they become a Class 6 operator or an RCO operator, they'll go to a designated supervisor, remote control operations class and -- through the RCO group, the operating practices group. They have their curriculum that they go through.

I was a previous -- previously, I was an MOP, so I kind of had -- because they'll review event recorders. They'll review the different tools we have to use the equipment as far as catch on connect and RCL main term for GE yards, GE railyard. And that would allow us to, hey, I'm getting this kind of fault, this is when I got it. You can -- there's ways to search that, and then they have a spreadsheet that says if this fault happens, kind of a flowchart, do this; if it doesn't fix it, do this, you know, to know what to expect.

And then, at that time they usually -- at least I did as an MOP -- they took us out to the field. We moved equipment around, practiced precision spotting, things like that, proper ways to protect.

Q. And let's see. You made reference to a certification checklist --

A. Yes, ma'am.
Q. -- when you're doing a certification ride. What kind of things are on that checklist? And would you perhaps provide us with a copy of that checklist?
MR. ALBERT: Could we take a break? I need to go to the restroom anyway.
MS. GREGORY: Absolutely.
MR. ALBERT: And then I can grab one.
MS. GREGORY: So we'll let the record show that it is 11:05 a.m. Central Daylight Time, and we're going to take a 5-minute break.
(Off the record.)
(On the record.)
MS. GREGORY: Okay. We're going to go back on the record. Let the record show that it is 11:28 a.m. Central Daylight Time.
BY MS. GREGORY:
Q. And Marv, we were talking about the certification checklist, and you were going to give me some highlights of what was on that list.
A. So we have a tablet that has the skill evaluation forms on them. And in the inside cover, it has the criteria and then how many point values we as a company assign to them to decide if it's a passing ride or a not-passing ride.
If you get below an 80 percent, it would be a failed skill evaluation, and then we would go into the remedial training and

that process. And then each one is carbon copied, and we give a copy to the crewmember if they want to sign it.

Q. And you do that once every 3 years?

A. No, ma'am. The skill evaluation is once every 180 days at least. So if I do a ride -- like, if I were to do a ride, that employee's days get reset to zero. Then they have 180 days to do another skill evaluation, what we call a performance ride, a 1-hour ride.

The certification ride is the same form, but as you see, there's, like, asterisks on some of the criteria. So in order to do a performance ride or a 1-hour ride, this is one of those 180-day checks. And that's part of the C.F.R. 240 I believe it falls under.

So I have to see how an employee controls slack. I have to see them make a coupling. I have to see them leave equipment in the clear, use of their independent brakes or not using it when required, other items listed in Chapter 35, which is our remote control rule chapter. I have to see them protect a shove. I have to observe safety rules, watch them operate the speed selector and throw a switch, basically.

Q. So, Marv, do you feel that this checklist is comprehensive enough to make sure that they're safe RCOs?

A. Oh, yes, ma'am.

Q. Thank you. And what is the difference in the checklist for that and the certification ride? I wasn't real clear on that.

You just had --
A. It's the same.
Q. -- additional elements?
A. So, then, all the other elements that aren't asterisks would be on the cert ride.
Q. Okay.
A. And just because it's a 1-hour ride, if I see an employee use automatic brakes or I ask them about their automatic brakes, what's your -- what's the full setting on an automatic brake, if they don't know how many pounds of air that sets, I would take a training opportunity there. If they give me a good job briefing, if they secure cars, I'll put it down even though it's not a required criteria; it's extra. So I give them credit for everything that they do.

MS. GREGORY: Could I get you to make sure that Mr. Bittner gets one of those? Or I can take one, whatever is best.

MR. SEACHORD: I've already got it noted.

MS. GREGORY: Do you have it noted, Kelly?

BY MS. GREGORY:

Q. Okay. So we'll have that to go along with our record --
A. Another thing you were asking me was the -- that test, I did have my copy, or I should say, the original from the 7th.
Q. Oh, the one, the FTX (ph) on September the 7th on the --
A. Yes, ma'am.
Q. And was this the same crew? Was this George Cero and JP

Beckman?
A. Yes, ma'am. And that is entered in our EQMS system.
Q. Okay. Did you take any exceptions on that exercise?
A. It says, "When walking away from switch, do not walk foul of track." And that was Mr. Cero.
Q. Okay. So there were no exceptions to Mr. Beckman's performance on September the 7th?
A. No, ma'am.
Q. Great, great.
When they're picking cars up out of the industry -- because when we talked to Mr. Cero yesterday, they had gone up to an industry and picked up some cars. What kind of inspection did they do on the cars before they pull them out of the industry?
A. One thing they have to do is they -- a safety inspection, walk around the cars, make sure there's nothing dragging, not still hooked up to the facility, whatever it -- I know one of the places is Biagi, which is a beer warehouse. They have to make sure the ramps are up and the doors are closed, things like that.
This crew I saw switch with air. I don't know if they conducted an air test, because I don't know exactly what time they picked up those cars.
Q. Okay. So they would be required to do an air test, though, just to -- would that just be a set and release when they pull them out of the industry?
A. It would be a transfer train air test --

Q. Transfer air test? Okay. And then one more question for me. Track 101 in this yard where the derailment happened, is that the track that they build the outbound train in to take the empties or the loads back to one of the classification yards?
A. I'm not sure what the T-plan is for that. That would be the transportation side --
Q. Okay. I appreciate that.
MS. GREGORY: Okay. I'm going to pass it on around the table here.
Mr. Jenner?
DR. JENNER: I do not have any other questions. Thank you.
BY MR. SEACHORD:
Q. I have a little bit of follow-up from Kamron's questions about who can evaluate RCL operators. So there's different class -- classes of performance or licensing, is that right?
A. Yes, sir.
Q. And so for a locomotive engineer, what class is he?
A. The locomotive engineer is a Class 1.
Q. Okay. If you remember -- and then for an RCL operator, what class is he?
A. Six.
Q. And so for a supervisor for either one of those two classes, is there a separate qualification for a supervisor for each one of those two classes?
A. To get the initial class or to give the class? Maybe I'm

misunderstanding --
Q. Well, to be a DSRCO or a DSLE. What's the difference between a DSRCO and a DSLE?
A. A DSLE is a designated supervisor locomotive engineer. DSRCO is designated supervisor remote control operator.
Q. And can you be both?
A. Yes, sir. I am both.
Q. Is everybody both?
A. No, sir.
Q. So what is the difference?
A. If you only hold a Class 6, which is an RCO license, you can only be a DSRCO. If you have a Class 1 and a Class 6, you could be both. You have to have that license prior to being a designated supervisor, if that was the question.
Q. I think that helps me anyhow, so thank you.
A. Okay.
MR. SEACHORD: That's all the questions I have.
BY MR. SAUNDERS:
Q. Kamron Saunders, SMART TD.
I had a question, and it was brought up earlier, about speed. So I'm assuming that if I was running a box, I wouldn't look down to see my speed? Most of that's done because they do it and they -- you know, to keep under the speed limit, whatever it may be, 10 miles an hour, whatever --
A. So remote control operators are really good a feeling those

notches. And this is a misconception among a lot of people. The notches on the RCT, or the green box, it's not a throttle. It's a speed request. So if I want to go to -- if I want to start my movement, I would hit my vigilance button, go to "couple," and the Union Pacific sets their couple at 1.8 percent, or 1.8 miles per hour.

The unit will start loading it -- the computer will start loading the unit until -- and then when it gets to 1.8 miles per hour, it will start controlling it with throttle modulation and brakes. So, then, if I go to 4, the same process. It would go to 4 miles per hour and maintain 4.

So a RCO operator, if he knows what speed he's in, he will know what his maximum speed will be.

Q. Okay. So it is kind of like -- it's a fail-safe. If I was in 4, there's no way I could get over 10 miles an hour, correct, or it shouldn't --

A. If you stay in 4, yes, sir.

Q. Yeah. Okay. All right. Thank you.

BY MR. ALLEN:

Q. Zach Allen.

Talking about the speed there, when we were talking to Mr. Cero, this was an unusual situation because normally you only use two locomotives, not three. Would -- with -- how would I say it? Is it governed that it doesn't matter how many locomotives they would have or could they have built up -- can you build up more

speed or are they governed or run at a certain speed with all three units whether it's two unit or one unit?

A. No, it doesn't matter how many units you have. It would be 4 miles an hour if 4 is requested. It's MU'ed (ph) through the computer --

Q. So there's no increase of HPT, horsepower?

A. Yeah.

Q. Okay. I think that was -- that's my only question.

A. Okay.

Q. Thank you.

BY MS. GREGORY:

Q. This is Georgetta Gregory again. I just have a couple quick follow-up questions.

On the box, the green box -- we'll use Mr. Cero's -- I like that, green box -- the speed control, how many notches are on there? I know you have idle and coast, and you've mentioned 4?

A. Okay. I don't have one with me. I'll have to write it down, so seven selectors. And they range -- well, I guess technically eight because there is a stop also.

So stop is stop, full independent.

Coast B is if the locomotive is already in movement, you can go to coast B. And what that does is put the engine in, like, a free-wheel with a low independent brake setting, and that's just kind of used to control slack.

And then coast is just free, all the brakes are released.

Now, depending how you go to coast, I understand that -- like, if I'm in speed select 7 and go to coast within a certain amount of time, it'll only let me coast to mile-per-hour 7 is what I understood. I've never tested that. But if I were stopped and went to coast, it'll just release the brakes. And we use that as a securement check. We have to be able to release the independent brakes to make sure the cars are going to hold.

Couple, as I said, is 1.8 miles an hour. And then the increments go 4, 7, 10 and 15.

Now, there are two different modes on the RCR, so if you're in hump mode, then you have a hump 1 and a hump 2 selector. And those would be coast B and coast, because with humping operations, we don't -- we need to go slower than 1.8 miles an hour, so they'll set those at whatever location. I think we're set at .8 and 1.2 for hump 2 for Davidson Yard.

Q. So on this box, then, you said it has 10 and 15 are the higher ranges, so does that mean 10 miles per hour and 15 miles per hour?

A. Yes, ma'am.

Q. And will the box limit the speed to no greater than 15 miles an hour?

A. Yes, ma'am.

Q. And accordingly, the coast position, it would never exceed either the last speed-control position you were in, and at no time would it ever allow the train to get up over 15 miles an hour?

A. Like I said, I never tested that. That's just kind of what I heard --
Q. Okay. Okay. Appreciate that.
A. -- through the industry at our conferences and things.
Q. And you did mention that you would prefer to see the managers supervise the RCO operators and treat them more as if they were engineers, which they do have a Class 6 engineers license. Could you expand on that just a little bit?
A. There are sometimes when I feel, and it could be just all the background, that the RCO operations are limiting as compared to if an engineer was running the job. And that could be some of the older mentality of the production side of things.

And also I want them to have a better knowledge because, honestly, man, it's just -- it's selfish. It's a better quality-of-life for me. I don't get calls in the middle of the night, hey, this is happening, and we don't know what's going on. And it's -- that's RCT 101. If you would listen to your crew, they're telling you what's happening, you know? And it is -- I just -- as far as the knowledge of the equipment and things like that.

As far as the process, they understand the rides, and stuff like that. I don't have any problem with that side of things. It's those, you know, the production questions. If I'm doing a certification ride, I always get the comment that productions suffer that day, you know? And it's -- if I'm doing the ride, I'm doing the ride. It is what it is.

Q. Well, thank you for that. And I appreciate your efforts on that.

And I have no further questions, Marv. We do want to watch the event recorder, but we can do that after the conclusion.

A. Yes, ma'am.

MS. GREGORY: Steve, do you have any more questions?

DR. JENNER: I do not have other questions.

MS. GREGORY: Kelly?

MR. SEACHORD: Kelly Seachord, no questions.

MR. SAUNDERS: Kamron Saunders, no questions.

BY MR. ALLEN:

Q. Zach Allen. Just one more question because you got into the speed on your thing. I don't know if you're familiar with the yard, Marv, but do you know what the speed of the yard tracks are in that area, what's required?

A. Any time we're -- other than the main track, I know our max is 10.

Q. Ten? Okay.

A. As far as specifics, that one -- because I haven't done a ride at Great Southwest in a while. I would revisit that if I had to go over there.

MS. GREGORY: Okay.

MR. ALLEN: I think that's it.

MS. GREGORY: Any other questions?

(No response)

BY MS. GREGORY:

Q. Okay. Marv, is there anything you'd like to add, anything that you think we didn't ask you that we should have asked you, or anything you'd just like on the record that could help?

A. No. I don't think so. This is a whole new process for me, and I'm good.

Q. You're good?

MS. GREGORY: Okay. Let the record show that it is 11:45 a.m. Central Daylight Time, and this concludes the interview with Marvin James Albert.

(Whereupon, the interview was concluded at 11:45 a.m.)

CERTIFICATE

This is to certify that the attached proceeding before the

NATIONAL TRANSPORTATION SAFETY BOARD

IN THE MATTER OF:	UNION PACIFIC RAILROAD REMOTE CONTROL OPERATION YARD DERAILMENT WITH EMPLOYEE FATALITY IN ARLINGTON, TEXAS, SEPTEMBER 22, 2017 Interview of Marvin J. Albert, II
ACCIDENT NUMBER:	DCA17FR013
PLACE:	Arlington, Texas
DATE:	September 25, 2017

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.

Danielle VanRiper
Transcriber