

UNITED STATES OF AMERICA

NATIONAL TRANSPORTATION SAFETY BOARD

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Investigation of:

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RAILROAD WORKER FATALITY

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AT EVERGREEN PACKAGING PLANT

* Docket No.: DCA-15-FR-007

PINE BLUFF, ARKANSAS

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APRIL 3, 2015

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Interview of: ANTHONY BEARDEN

Holiday Inn Express
Pine Bluff, Arkansas

Friday,
April 10, 2015

The above-captioned matter convened, pursuant to notice.

BEFORE: JOEY RHINE
Investigator-in-Charge

APPEARANCES:

JOEY RHINE, Investigator-in-Charge
National Transportation Safety Board

GEORGETTA GREGORY, Railroad Division Chief
National Transportation Safety Board

DANA SANZO, Survival Factors Investigator
National Transportation Safety Board

ARDELL CARTER, Operating Practices Inspector
Federal Railroad Administration
Region 5 - Arkansas

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I N T E R V I E W

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2 MR. RHINE: All right. My name is Joey Rhine. I am the
3 NTSB Investigator-in-Charge for this accident. We are here today,
4 on April 10, 2015 at the Holiday Inn Express in Pine Bluff,
5 Arkansas to conduct an interview with Mr. Anthony Bearden, who
6 works for Railroad Switching Services, Incorporated. This
7 interview is in conjunction with NTSB's investigation where an
8 employee of Railroad Switching Services, Incorporated was fatally
9 injured while performing railcar switching duties at the Evergreen
10 Packaging Plant on the evening of April 3rd, 2015 in the city of
11 Pine Bluff, Arkansas, Jefferson County. The NTSB accident
12 reference number is DCA-15-FR-007.

13 Before we begin our interviews and questions, let's go
14 around the table and introduce ourselves. Please spell your last
15 name, who you are representing, and your title. I would like to
16 remind everybody to speak clearly so we can get an accurate
17 reading -- or recording. I'll start off and then pass to my
18 right.

19 Again, my name is Joey Rhine. The spelling of my last
20 name is R-h-i-n-e, and I am the NTSB Investigator-in-charge for
21 this accident.

22 MR. CARTER: My name is Ardell Carter, and I'm going to
23 spell my first name, A-r-d-e-l-l, C-a-r-t-e-r. And I am with the
24 FRA, Region 5, Operating Practices for the State of Arkansas.

25 MS. GREGORY: And I'm Georgetta Gregory, G-e-o-r-g-e-t-

1 t-a, G-r-e-g-o-r-y. I'm Chief of the Railroad Division with the
2 NTSB.

3 MS. SANZO: My name is Dana Sanzo, S-a-n-z-o, and I'm an
4 investigator with the National Transportation Safety Board.

5 MR. RHINE: Okay. Thank you.

6 I introduced you, so you're on the record. Do we have
7 your permission to record our discussion with you today?

8 MR. BEARDEN: Yes, sir.

9 MR. RHINE: And do you wish to have a representative
10 with you at this interview?

11 MR. BEARDEN: No, sir.

12 MR. RHINE: Okay. I would like to ask everybody to
13 clearly announce your name and title before you start questioning,
14 and we're going to proceed with the interview.

15 MR. CARTER: Thank you.

16 INTERVIEW OF ANTHONY BEARDEN

17 BY MR. CARTER:

18 Q. My name is Ardell Carter, Region 5 FRA, OP.

19 Mr. Bearden, would you tell me what your current
20 position with RSS is today?

21 A. Assistant manager.

22 Q. And do you hold any other positions? Or are you capable
23 of working any other positions?

24 A. Yes, sir. I'm a -- well, through my former company, I'm
25 a certified engineer/operator, a certified crew leader, conductor,

1 and as well goes with that, a helper or a switchman, however you
2 want to call it.

3 Q. And in reference to your former company, you were
4 talking about Railserve?

5 A. Railserve, yes, sir.

6 Q. And when did you hire on with Railserve?

7 A. July -- or January 31st of 2010.

8 Q. Okay. And in reference to your operator certification,
9 you spoke of --

10 A. Yes, sir.

11 Q. -- could you tell me what type of training was involved
12 in that?

13 A. I went through about a 2-week train with a senior man on
14 site, which is at Evergreen. At the time he was -- you know, the
15 senior man, which he's not with us anymore; he retired, and he was
16 a former operator from BNSF for about 30 years.

17 Q. Okay. Would you describe -- am I incorrect, this is,
18 like, on-the-job training?

19 A. Yes, sir.

20 Q. Okay.

21 A. Yes, sir.

22 Q. And when you say certified, were you issued any kind of
23 a document?

24 A. No, sir. Far as I know, the company didn't require
25 anything like that. It just, what we doing was I rode with him

1 for a couple -- 2 or 3 days and just pretty much watched what he
2 done, kind of got familiar with the controls of the engine, and
3 then I took the seat and he just rode with me for the remainder of
4 the time to make sure I was just doing things correct and how he
5 actually taught me, trained me.

6 Q. With reference to your qualification as a leadman --

7 A. Yes, sir.

8 Q. -- would it be fair -- and I'm not familiar with that
9 term, but is that like a switch foreman?

10 A. Yes, sir.

11 Q. Okay.

12 A. Yeah, I -- what that is, I lay out a plan at the start
13 of the shift of how we're going to conduct the switching and when
14 we're going to switch, what area to switch. Which normally we
15 have a pattern we go by. We do one particular area first thing in
16 the, you know, in the day, whether nights or day shift, however it
17 goes. We just kind of have a -- not a set way to do it because it
18 could change at any time, but we try to stay on, like, a schedule;
19 do one area because it's the furthest away, then work ourself back
20 toward the mill and to the closest switch, you know.

21 Q. When you became qualified as a leadman, what type of
22 training did you receive for that?

23 A. I have to think about that for a second. Which actually
24 the guy that trained me on the engine helped me out a lot. I
25 ain't going to say he trained me to be a leadman. The assistant

1 site leader at the time actually went through my training with me
2 and he just really showed me how to do actually the computer work,
3 which is what we call updating the computer, like when we make
4 switches in particular areas, we have to remove the car that was
5 there that is empty or being sidetracked and replace it with the
6 car that we actually put in place of that, and getting it in the
7 right location on the track so it would, you know, be a correct
8 switch list when we printed off a new switch list.

9 Q. And if you recall, this was another OJT-type training?

10 A. Yes, sir.

11 Q. And approximately how long were you subjected to that
12 before you were cut loose --

13 A. I went --

14 Q. -- or turned on your own?

15 A. -- about -- I went through that training for about a
16 month.

17 Q. Mr. Bearden, on either your operator OJT or your leadman
18 OJT, were you ever required to review and take examinations on any
19 Railserve safety or operating rules?

20 A. Yes, sir. We went -- we did what they called a crew
21 audit on a daily basis. And what that is, is just a form that we
22 fill out on the procedures. For example, like crossing through
23 standing equipment, you know, if a person's walking too close to
24 the knuckle, you know, and they had a 26-foot rule, you had to
25 walk out around the knuckle, you know, or a half a distance test

1 on the operator. That was a normal thing. You know, we'd give
2 him a car count, say, 10 cars, and if they go 5, they're supposed
3 to stop. And if they didn't stop within the pretty close
4 approximate distance, then, I mean, we would put a failed test on
5 it. I mean, that's what we were supposed to do.

6 There was a bunch of questions on there, though, you
7 know, like people wearing a PPE and -- I can't remember all of
8 them, but it's just general safety and switching, operation rules,
9 you know, that we were under our guidelines at the time.

10 Q. And do you remember a written exam that had these
11 questions on it?

12 A. Yes, sir. It was just a form we filled out. We just
13 kept plenty of copies and we filled them out on a daily basis.

14 Q. Okay. That's -- your daily audit is, like, you as the
15 assistant site manager would perform a daily audit on the
16 switching crews that were active during your time?

17 A. Yes, sir. I do that as a assistant manager, but also
18 the crew leader, the helper, or the engineer, anyone could do the
19 crew audit.

20 Q. Oh.

21 A. You know, it was just a, it was just a crew-wide,
22 actually site-wide. Anyone could do one any time of the day or
23 night.

24 Q. So it was a self-check program for compliance with the
25 rules?

1 A. Right. Yeah.

2 Q. And those forms, were they kept in your office daily
3 or --

4 A. Yes, sir. We'd fill them out and would put them in a
5 little mailbox on the door of our site leader's office and then he
6 would file them and they would keep them for I don't know how
7 long.

8 Q. All right.

9 A. Not really. I mean, I don't know what the time limit on
10 them for them to keep them, you know, on record was.

11 Q. My question is, you can do a crew audit right now
12 because you're familiar with the rules that are on the crew audit?

13 A. Yes, sir.

14 Q. That's my assumption. Where -- were you ever tested on
15 those rules before you became aware of a crew audit?

16 A. Well, the questions that were on the crew audit were in
17 -- over the course of a year, were involved in our quarterly tests
18 also. I mean, we took tests once a quarter, far as, like, it just
19 -- it would cover a variety of things, like operating rules,
20 general rules of the plant, like site-specific rules. And then
21 the general rules throughout our whole rulebook, which we had a
22 written out rulebook that we -- they issued us whenever we hired
23 in, and that's what they tested us on throughout the course of a
24 year.

25 Q. Do you have -- Mr. Bearden, are you on a permanently

1 assigned shift?

2 A. Yes, sir.

3 Q. And that --

4 A. As far as I know I am.

5 Q. What shift are you assigned?

6 A. I work -- my actual hours are from 6 to 4, 6 a.m. to
7 4 p.m.

8 Q. And who develops that assignment? Are you responsible
9 for that?

10 A. No, sir. The site leader is or the manager.

11 Q. And who is that?

12 A. That's Justin Costello.

13 Q. Okay. So Mr. Costello completes the scheduling?

14 A. Yes, sir.

15 Q. Okay. So your normal shift is what I just call
16 daylight?

17 A. Yeah, dayshift.

18 Q. 0600 to 1600?

19 A. Yes, sir.

20 Q. All right. Going back to April the 3rd, would you start
21 sometime previous to the accident and, in your own words, just
22 lead up to the accident? Tell me what you were doing?

23 A. I wasn't even at work that day.

24 Q. You were off?

25 A. Yeah. I was on a scheduled day off.

1 Q. Okay. All right. Let me ask you this. How long has
2 that UP 1912 been on site?

3 A. I think it arrived -- when we went to work for Rail
4 Switching Services, it arrived the day or the previous day that
5 they took over operations at the plant.

6 Q. Which was?

7 A. March the 1st.

8 Q. All right. Have you ever -- what normally -- what model
9 or make or how do you identify the normal engines that you use at
10 RSS in the plant?

11 A. Well, Railserve had two locomotives there. I don't
12 know. They were pretty old engines. They were, I want to say,
13 Geep. I don't know -- I really don't know the specific types of
14 engines --

15 Q. Okay.

16 A. -- for them. But they were older model engines, but
17 pretty much the same as that UP 1912. It was a 16-cylinder, you
18 know, diesel.

19 Q. So in your estimation as an operator, even though you
20 probably -- do you ever have occasion to have to fill in as an
21 operator?

22 A. Yes, sir.

23 Q. Okay. Then the transition from the Railserve power
24 consist to this UP 1912, you didn't find the -- you wouldn't have
25 found individually the UP 1912 as a strange unit to operate?

1 A. No. It was -- other than being a more updated machine
2 and having more horsepower and, you know, a bigger engine
3 altogether, the operating controls and everything are the same as
4 the ones that we were used to operating. And the airbrakes,
5 everything was the same, with the exception that the UP engine has
6 a dynamic brake and the ones that we used before, we didn't have
7 no use for them, so they weren't even in there.

8 Q. Okay. Thank you.

9 Let's talk for a second -- you've been there a while. I
10 want to ask you in reference to conditions at the class yard,
11 Evergreen class yard?

12 A. Yes, sir.

13 Q. Give me your opinion of the conditions out there.

14 A. Our conditions overall?

15 Q. Yes.

16 A. Well, it's on level ground everywhere. I mean, that's
17 -- I guess that's the typical of a class yard. I really don't
18 know. It's just -- it's difficult walking conditions anytime. I
19 always have to watch out for bad railing. You know, you can have
20 possible derail at any time, anywhere. I don't know. There's
21 from -- I guess, scattered out about everywhere is, not
22 necessarily trash, just debris, like pieces of old crosstie, maybe
23 a piece of some abandoned material or something here and there.

24 Q. What about visibility?

25 A. Visibility, at nighttime you're working in the dark so

1 you don't have very good visibility at all. In the daytime, it's
2 not too bad, depending on where you're at. If you're, you know,
3 in between the cars, you know, on -- sitting on the track, you can
4 only see as far as the track next to you, depending on whether
5 it's got cars on it or not.

6 Q. All right. When we talk about visibility at night, what
7 do you currently have on site to allow you to operate under low
8 light conditions? Is it part of your PPE or are there overhead
9 lights or --

10 A. Well, they do have some, I'm going to call them
11 nightlights, on the south side of the tracks on the west end,
12 which right now I think their light bulbs -- several of the light
13 bulbs need to be replaced. But that's the only lighting
14 conditions that they're -- that exist out there, other than what
15 you would personally wear, which would be a light on your hardhat
16 or a lantern, carry a lantern maybe, which I always use the light
17 on my hardhat because it's plenty bright. I can see, you know,
18 around. I can see my walking area. I can see my working area a
19 lot better and I didn't have anything interfering with my hands.
20 You know, I could do -- perform my job duties a lot easier, I
21 guess you could say.

22 Q. Mr. Bearden, I'm going to give you what I believe to be
23 a switch list labeled track number 4, and I've got a couple of
24 questions there.

25 A. Okay.

1 Q. You get your cars from two Class 1 railroads, the
2 Burlington North Santa Fe and Union Pacific; is that correct?

3 A. Yes, sir.

4 Q. What do you guys do if while it -- while you're in the
5 process of switching, you encounter a bad order car or a bad order
6 piece of equipment that's come in? Because I notice on the switch
7 list, some of the -- out to the extreme right, the designate, it
8 says bad order. Is it declared bad order by somebody here in the
9 -- one of you guys in the plant?

10 A. Well, now if we receive a car and we notice something's
11 wrong with it, we can bad order the car, as far as choose not to
12 use it, tell the supervisor, tell him what's wrong with it. And
13 then they'll generally call UP or BN or somebody get -- come and
14 look at it, inspect it.

15 Most of the time the bad order cars come from, as far as
16 the boxes, come from the warehouse, and there'll be a door seal or
17 something where they can't use it, it won't seal up, keep the
18 water out from getting the paper wet, or it have a hole in the
19 roof or the door will be off track. I mean, there's numerous
20 things that could be wrong with the car, the reason they don't
21 want to use it. And what -- they'll just send us or give us a
22 sheet of paper stating that they're bad ordering the car and why
23 they're bad ordering it and then they'll just kick it out as an
24 empty car and we send it back out on our outbound tracks to the
25 prospective railroad.

1 Q. All right. So when -- tell me if I'm not saying this
2 right, but you're talking about the loading dock people with
3 Evergreen will reject a car for loading for a variety of reasons?

4 A. Right. Yes.

5 Q. It'll be labeled bad order and you treat it as an
6 outbound empty, going back to the road that brought it in?

7 A. Yes, sir.

8 Q. Okay. Just a couple more questions and I'll be
9 finished. Have you ever had, while you worked either for
10 Railserve or since RSS took over the contract, any kind of fatigue
11 awareness training?

12 A. No, sir. Not to my knowledge.

13 Q. What, as a assistant site manager, what is the current
14 policy on cell phone use?

15 A. They're not -- anyone is not supposed to use personal
16 cell phones during the course of work at all. That is the policy.

17 Q. Well, when you say personal, are there other cell phones
18 that can be used?

19 A. Well, now we have what we call a crew phone that a crew
20 leader or, depending on the weather, if it's raining or something,
21 we'll leave it in the engine compartment. Now, that's how we stay
22 in contact with the mill to call different areas maybe to find out
23 what cars they're going to want, you know, want spotted into their
24 area and what cars they're going to be pulling out maybe. Or it's
25 an emergency switch contact. If they run out of product in any

1 particular area, they can get ahold of us and let us know that
2 they need -- what they need and where it's at.

3 Q. And what is your current understanding of the policy if
4 I'm on duty and that phone goes off? What's the policy for using
5 the company-supplied cell phone?

6 A. Well, we're supposed to stop and -- stop all operations
7 to answer the phone. Now, they say stop any movement and call a
8 red zone to answer the phone. But usually if we're running light
9 engine or making a pull with some empty cars from our area, we
10 usually answer the phone, I mean, you know, because if it is an
11 emergency switch somewhere, we -- you know, we need to know about
12 it. We try to keep out customers with what they need when they
13 need it, you know.

14 Q. Okay. I'm not -- I think I'm -- so are you saying the
15 policy is when you have to use a company phone, you tell the guy
16 stop what you're doing, use it? Or are you saying it depends --
17 I'm not --

18 A. Well, usually the crew leader usually has the phone with
19 him. That's on a normal -- in a normal deal. And they usually
20 answer the phone, you know. Now, I've been in the crew leading
21 position and the phone rang and I'm spotting a car up or making a
22 shove into the warehouse or -- I won't let it divert my attention
23 from what I'm doing. I let it ring before I answer it, but as
24 soon as I get where I can, I'll make -- you know, return the phone
25 call and find out what's going on.

1 Q. Okay. One other question, Mr. Bearden. I realize you
2 just went from Railserve, effective March 1st, to RSS?

3 A. Yes, sir.

4 Q. But what is your policy, what is, as assistant manager,
5 what's the policy on footwear for you guys?

6 A. A lace-up -- steel-toe, lace-up leather work boots with
7 a minimum of 6 inch on the ankle. Got to be at least 6 inches.

8 Q. Well, is there an occasion -- and I realize working in
9 the mill there's a lot of stuff in the mill, but is there,
10 normally, is there an occasion where you have to have other than
11 that type of footwear on?

12 A. Yes, sir. I, personally, if it's raining or real wet
13 outside, I'll wear some slip-on steel-toe water boots. But
14 there's nothing -- let me say this. Railserve had a policy that
15 lace-up boots were the only type boots were to be wore during
16 work. Now, far as I know, RSS doesn't require lace-up boots, but
17 they recommend lace-up boots for their ankle support purposes.

18 Q. All right. What is your -- well, under Railserve's
19 rules --

20 A. Yes, sir.

21 Q. -- are you allowed to get on or off moving equipment?

22 A. For a time we were allowed to get on and off moving
23 equipment. It wasn't a company rule that you couldn't. In fact,
24 in the rulebook, they had actual procedures of how to get on and
25 off moving equipment. But I can't remember exactly how long ago,

1 a year, maybe 2 years ago, they stopped the getting on and off
2 moving equipment because somebody got injured somewhere. I don't
3 know exactly where, but somebody got injured on the job from
4 getting on and off moving equipment, so they stopped it
5 altogether.

6 Q. Okay. And I think this'll be my last question. Do you
7 guys have a policy -- well, that's kind of -- I don't know how
8 else I'll ask it. When you move railcars anywhere, do you move
9 them with automatic brake hookup on them? Because they all appear
10 to be laced up.

11 A. Yeah. Yeah, you talking about charge them with air?

12 Q. Yeah.

13 A. Yes, sir. We don't move a car -- we don't move a car at
14 all without charging the air system up on it, with the exception
15 of if there's a broken line on a car or a line gets broken during
16 the operating or hooking up or whatever, you know, it's happened
17 -- it's happened to me and I'm sure it's happened to several
18 people, but you have to, you know, you have to move that car out
19 of the way, set it off to the side somewhere, so you have to move
20 it where no air on it. But we don't, under normal circumstances,
21 we do not operate any car with no air on.

22 Q. So while you're switching, you're switching with air?

23 A. Yes, sir.

24 Q. Okay, Mr. Bearden. I appreciate your time and your
25 honesty. I'm not quite as in the dark as I was.

1 A. Okay.

2 BY MS. SANZO:

3 Q. This is Dana Sanzo with NTSB. And a few follow-up
4 questions on what you were talking about so far. In discussing a
5 little bit earlier on your training with Railserve, specifically
6 for the leader position, and you talked about it as about 1 month
7 on-the-job training?

8 A. Yes, ma'am.

9 Q. May I ask who that was with?

10 A. Well, it was my former assistant manager, Tim Ross, and
11 our senior, I guess, hourly employee, which was Charlie Parker.

12 Q. And you also talked about, at least at the time with
13 Railserve, there were crew audits on a daily basis?

14 A. Yes, ma'am.

15 Q. Are these audits still occurring now with RSS?

16 A. Well, we did adopt a lot of their stuff and we're still
17 in the place of putting some stuff in place. But we haven't been
18 doing them on a daily basis.

19 Q. Okay. Thank you. And with your own schedule, you had
20 mentioned the hours 0600 to 1600. What days of the week?

21 A. What days of the week?

22 Q. Um-hum.

23 A. Well, that really varies --

24 Q. Yeah.

25 A. -- because --

1 Q. Maybe I should ask how many days a week that is?

2 A. Well, generally I will work 4, maybe 5 days and then,
3 you know, a couple days off and then come back and work 2 or 3.
4 It really depends on, because of the number of people we have
5 working, what I would do is kind of fill in the slots, the guys
6 that's on their off days.

7 Q. Okay. Thank you.

8 BY MR. CARTER:

9 Q. I have a follow-up question. Mr. Bearden -- oh, Ardell
10 Carter, FRA OP, Region 5, a follow-up question.

11 Do you ever, when you work 4 or 5 days, do you ever
12 return with less than, say, 48 hours' rest, 2 days' rest? Do you
13 generally get 2 days off before --

14 A. Oh, yeah, yeah. Yeah. Now, there has been occasion
15 where I've come in with less time off than that, but not --
16 usually if I work, or anyone, actually, work 4 or 5, however many
17 days in a row, they get at least 3, try to get at least 2 or 3
18 off, yeah. That way, you know, they got personal stuff they need
19 to take care of. Plus, you know, you got -- it's tiring working
20 that many days in a row for anyone.

21 BY MS. SANZO:

22 Q. Okay. And Dana Sanzo, NTSB. And you had talked a
23 little bit about the crew phone and using it to talk to the mill.
24 And was there any way to communicate by other means, say, radio,
25 between the yard and the mill?

1 A. Well, now we have -- we have a mill radio, but we didn't
2 carry it with us all the time. It was just for -- well, what we
3 normally use it for is a particular area, which is a poly broker.
4 We do normally call them on the radio because we can get the
5 actual guy in that area on the radio, and if you call on the
6 phone, you get a different area, which is they use that area, but
7 it's in the, you know, the same, same area -- well, I guess I need
8 to say that. It's in the same place, but it's -- what you'll get,
9 if you call the phone, on the phone, you'll get the extruder
10 department. And a poly area is part of that extruder department,
11 but the actual switching area, we got to let that guy know that
12 we're ready or find out if he's ready so he can drop the flag,
13 derail, and take his lock off and stuff. But we didn't carry it
14 on a regular basis, no, ma'am.

15 Q. Okay. And if, today, if there were any new hires to
16 come on with RSS, someone to start, how would that training happen
17 now? We discussed before earlier about how RSS did it, but has
18 the process changed since?

19 A. As far as I know, I -- no, not to my knowledge. I mean,
20 we normally bring somebody new in and go through a series of
21 tests. I don't know exactly what all they are, but generally the
22 -- and I haven't, since being in an assistant manager's position,
23 went through any of it with the new employees. Generally the
24 manager does all that, you know. But we go through, like, the
25 mill training and hazardous materials and stuff like that and give

1 them tests on that. They watch videos, like kind of like an
2 orientation I guess you would call it. And then whenever they get
3 through that process, we put them in a field with an experienced
4 helper and show them the basic, you know, switch -- when to throw
5 the switch, how to count cars over a switch, just, I guess,
6 general basics of being a helper and a switching operator.

7 Q. And I will take a pause now.

8 MS. SANZO: You can --

9 BY MS. GREGORY:

10 Q. This is Georgetta Gregory and I just had made a couple
11 of notes here. Since RSS has taken over the operations from
12 Railserve --

13 A. Yes, ma'am.

14 Q. -- have they done any training or given you any new
15 rulebooks or procedures?

16 A. No, ma'am. We're still operating under Railserve's --

17 Q. So you're still using all the --

18 A. Yeah.

19 Q. -- Railserve procedures and rules and --

20 A. Yes, ma'am.

21 Q. -- safety rules? Okay.

22 A. Until they do swap us over to their operating rules,
23 we're still operating on the Railserve's guidelines.

24 Q. Okay. Could you tell me, how many managers are there
25 now in RSS and how many assistant managers?

1 A. There's one manager and me, one assistant manager.

2 Q. One of you on?

3 A. Yes, ma'am.

4 Q. So there's one of you on duty all the time or --

5 A. Well, not all the -- not around the clock all the time.

6 Q. And you also mentioned that you had to be real careful
7 down there to -- or you'd have a derailment?

8 A. Well, that's just a --

9 Q. Do you have any idea how often there are derailments in
10 the classification yard?

11 A. Well, not very often.

12 Q. Okay.

13 A. But, I mean, you could -- just to reiterate on that a
14 little bit, you've got a lot of rails out there that go through --
15 I don't want to say a lot of abuse, you know, it just as far as
16 the weight running over them and a lot of traffic. Some of the
17 rails get more traffic than others and they wear out, you know,
18 just --

19 Q. And then if you could just help me, if you could just
20 walk me through one of your normal shifts, what you do as an
21 assistant manager?

22 A. Being assistant manager, as me not working on a crew?

23 Q. Right.

24 A. Okay. Well, that's kind of a hard question to answer
25 because it varies so much. I generally do what -- take down the

1 inbound cars. I go into the classification yard and write down
2 the car numbers for inbound, enter them in the computer.

3 Q. In respect to the operator and the lead and the helper,
4 do you help them get their work lined up?

5 A. Yes, ma'am, if I need to. And sometimes I even, I go
6 out and help them conduct the work. I mean, it just depends on
7 what's going on and if I've got a little bit of, you know, time to
8 where I can help them, I go out and I help them or --

9 Q. And is there any kind of regular pattern to how the work
10 is done?

11 A. Yeah. I mean, far as the switching operations of it?

12 Q. Yes.

13 A. Yes, ma'am. We have a pattern we go by. I mean, we --
14 red zones and I guess -- let's see. I really don't know how to
15 answer the question.

16 Q. Just take your time. If you need to take a break, just
17 let us know.

18 A. No, no, no. I'm good.

19 Q. Okay.

20 A. I just -- I mean, I want to give you the correct answer
21 to --

22 Q. Yeah. Just take your time.

23 A. -- this because -- okay, I do it as if I'm working on a
24 crew.

25 Q. Okay.

1 A. I give a car count to a hook, to a couple. If the
2 engine's got anything on it, if they're light engine, the crew --
3 the switchman or helper will align the switch for me and I'll be
4 waiting at my couple and I'll tell them -- you know, the radio
5 communications, they'll give a lot-to-line PLG and I'll give the
6 operator a command to come into the track and get the hook.

7 And we have, it's normal procedure to call the first set
8 of wheels that goes through the switch point, we'll call the first
9 set through. And once we make a couple, I'll call a red zone and
10 lace up the air hoses and turn the train on air in, knock off any
11 brakes that are applied, and then when I get clear of the track
12 and clear of the red zone, I'll clear my red zone and give the
13 operator the go-ahead and drag on the cars or shove, however --
14 you know, whatever it may be.

15 Q. Right.

16 A. I'll give them the go-ahead to start their move to a cut
17 or drag them all the way out of the track or whatever we need to
18 do there to get to what cars that we're after in that particular
19 track.

20 Q. You mentioned PLG. What is that?

21 A. That stands for points look good. It mean to us -- that
22 means that when we throw that switch, the points of that switch
23 lay one way or the other, depending on the direction you're
24 wanting to go. The rail on the switch point should lay right up
25 real tight next to the rail that -- the existing rail.

1 Q. Okay.

2 A. And that's just to keep from having a derailment,
3 because if there's a gap in that switch, I mean, the wheel of the
4 engine could pick that switch and put it on the ground.

5 Q. Okay. You mentioned the helper stays by the switch
6 generally?

7 A. Generally, yes, ma'am.

8 Q. And the lead would be down where?

9 A. On the couple, or where the --

10 Q. Where the joint -- if you're making a joint.

11 A. If you're making a joint, it'll be at the joint usually
12 or it'd be down, at the very least, at the clearance mark if
13 they're just going to shove some cars in the clear and tie them
14 down and cut them off.

15 Q. Okay. Is there any occasion that they would ride on the
16 cars instead of being down at the opposite end? Is that a
17 practice?

18 A. Yeah. Well, I mean, yeah, we ride on the cars
19 regularly.

20 Q. Okay.

21 A. Generally if we're just making -- like, if we're just
22 making a couple or shoving cars in to cut them off, generally the
23 helper stays by the switch because that's a repeated thing. You
24 just -- you may need this car and you may need to put three of
25 them over here on this other track that you want to use and then

1 bring two or three more back in here, just depending on how many
2 cars you need or what kind of cars you need.

3 Q. Okay. Thank you.

4 A. Yes, ma'am.

5 BY MR. CARTER:

6 Q. Ardell Carter with the FRA. A couple of follow-up
7 questions. What is your standard crew size? Do you have --

8 A. We work three-men crews.

9 Q. Okay. And if you have -- if you're on duty and the
10 operator and the helper show up, then you have to work lead?

11 A. Yes, sir.

12 Q. Or you might take operator and bump them all down. Do
13 you ever work with a two-man crew?

14 A. No, sir. Very seldom do we do any kind of operations
15 with two-man crew. For instance, in that -- so, like, if I was
16 the crew leader and I was getting a phone call, I'd get a helper,
17 depending on his experience now, say, hey, you know, go ahead and,
18 you know, drag these cars out and set them out for me or make this
19 couple for me. It's just depending on what we got going on at the
20 very time, while I talk on the crew phone or whatever. And then
21 whenever I got done conducting that business with them, I would go
22 back and we'd just go back to what we were doing before.

23 Q. Okay. And in reference to this accident, there were
24 three men assigned to the job and it's my understanding two of the
25 three people were actually on site?

1 A. Yeah.

2 Q. Would it be the standard operating procedure for a
3 leadman to perform the work as a helper and the leadman while he's
4 waiting on a helper or the helper to perform the work, or do you
5 generally --

6 A. Well, yeah. I've done it several times, you know, when
7 my helper, say, for -- had to go use the restroom and, I mean, I
8 tell him go right ahead, do whatever you need to do, and I would
9 keep my work going, you know. I mean, I was just -- I don't know
10 if that was the standard practice, you know. We generally try to
11 operate with three people, you know, because that's the way they
12 wanted us to do it, you know.

13 But I, on occasion, would let -- or leave a man and I
14 would do the switches and make the hooks, the cuts and everything
15 until he returned to work. But, you know, it's not for an
16 extended period of time, long enough for them to conduct their
17 business, so to speak, and then come back to work.

18 Q. If you're doing that, Mr. Bearden, are you working from
19 the field side or are you on the lead where the switches are
20 accessible or are you on the, say, the north side?

21 A. Well, I generally -- the way I was trained, now, when
22 you're making a couple, you're on the air, the angle cock side of
23 the hook. So I guess that would be from the north side. If it
24 was in the class yard, it would be from the north side of the
25 switches. That was -- and that's just the way I was trained. I

1 mean, that's where I'm supposed to be because I'm not supposed to
2 reach over a drawbar or a knuckle, you know, and that's just where
3 we always work from.

4 BY MS. GREGORY:

5 Q. So, excuse me, this is Georgetta Gregory. So when
6 you're lacing the air up, you would be on the north side --

7 A. Yes, ma'am.

8 Q. -- of the tracks, away from the switches?

9 A. Away from the switches, yes, ma'am.

10 Q. So would you need to climb through the equipment on
11 occasion?

12 A. Well, no. I mean, not --

13 Q. If you were working out there by yourself? Say the
14 helper had gone to take a break --

15 A. Right.

16 Q. -- and you needed to lace the air and you needed to
17 throw the switch, how would that operation work?

18 A. Well, I -- okay, let's see. If I made a couple, I would
19 lace the air hoses up and turn the air in to the car just sitting
20 in the track and make a move, shove it in or drag on it, whichever
21 I needed to do, until my cut, which is the car I'm going to cut
22 off in that track or cut through the cars I'm going to leave in
23 that track. Either way, I would shove it in and stop the move,
24 tie a brake, shut off the air, and pull the pin lifter and tell
25 the operator drag the car out. And I'd count him over the switch.

1 Then I would cross the tracks, throw the switch. Then I'd cross
2 back over the tracks and then make my next move.

3 Q. Okay. In the event that you were actually pulling cars
4 out of the track --

5 A. Yes, ma'am.

6 Q. -- and so you would be on the north side; is that
7 correct?

8 A. Yes, ma'am.

9 Q. And you would make the joint?

10 A. Yes, ma'am.

11 Q. And you would lace the air up?

12 A. Yes, ma'am.

13 Q. Close the -- or open the angle cock?

14 A. Um-hum.

15 Q. Now you've got 35, 40 cars. How do you get back over to
16 the other side so that you can handle the switches?

17 A. Now, if I was working by myself?

18 Q. Um-hum.

19 A. All right. I would keep my red zone active and I'd
20 cross over them cars.

21 Q. Okay. Thank you.

22 A. Yes, ma'am.

23 BY MR. CARTER:

24 Q. Ardell Carter, FRA. Last question. Are you trained on
25 any type of track inspection?

1 A. No, sir. Not as in going through any specific training,
2 no, sir, I haven't. Now, we -- as a general rule of thumb,
3 everyone that is -- well, that's saying everyone -- of course the
4 operator can't see a whole lot from the operator's compartment,
5 but any one of us working the ground, the switchman or the
6 conductor, lead person, we're just trained in general knowledge
7 to, you know, kind of keep an eye out for broke rail or something
8 obstructing the rail, like something over the top of it or maybe a
9 -- you know, on occasion, you can catch the rail, you know,
10 spreading out or wide-gauging, what they call, and you can tell
11 how the cars are running over the top of the track, you know, if
12 it's getting close to the edge of that, you know. You just kind
13 of try to keep a eye out for that type of stuff because it's a
14 whole lot easier to switch cars than it is to re-rail them.

15 Q. Okay. Thank you.

16 A. Yes, sir.

17 BY MR. RHINE:

18 Q. Joey Rhine, NTSB. I just have a couple questions. Dana
19 had asked about the audit forms.

20 A. Yes, sir.

21 Q. Are the new ones available, still there from previously
22 with Railserve, are they still available for you to use? Are they
23 still out there?

24 A. Do you mean do we have blank copies of them?

25 Q. Yes.

1 A. I don't know for a fact if they are, but I'm sure
2 there's probably some of them there somewhere.

3 Q. The forms that you used after you conducted an audit,
4 where did you put them?

5 A. Well, we turned them over to the site leader or the
6 manager and he would file them in a filing cabinet that he had set
7 up for stuff like that, you know, general -- I mean, it's in a
8 regular filing cabinet.

9 Q. Do you know are they still there, the ones that were
10 already filled out?

11 A. No, sir. Whenever Railserve left, they took all --
12 everything that belonged to them.

13 Q. So Railserve has those documents or they took them, at
14 least?

15 A. Yeah.

16 Q. They're not there?

17 A. Yeah, they're not, they're not --

18 Q. Okay.

19 A. Like, the previous ones are not -- and I don't know if
20 we even have a copy of the ones that we used --

21 Q. Okay.

22 A. -- for that reason being, because all that information
23 was on their computer and when they left, they took all that with
24 them.

25 Q. Right. Okay. The second question, I'm going to refer

1 to the GP60 that you guys are now leasing --

2 A. Yes, sir.

3 Q. -- from the UP 1912?

4 A. Yes, sir.

5 Q. One difference that you said on the controls was that it
6 had dynamic brakes?

7 A. Yeah. It had -- it's got a dynamic brake setup, which I
8 personally don't even know how to use that, so -- you know,
9 because we never, we've never had to deal with that. We don't
10 travel at a very high rate of speed, so I don't really know
11 anything about it, to be honest with you.

12 Q. That's what I was going to ask. Do you guys try to use
13 that when you're switching or --

14 A. No. No, we was always told if you any -- was any engine
15 that had one, that just to even mess with it because --

16 Q. Okay.

17 A. -- there was no need to use it, you know.

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

19 BY MS. GREGORY:

20 Q. Georgetta Gregory. One more question for me,
21 Mr. Bearden. When you were working for Railserve as an assistant
22 manager or in the manager -- do you work the manager position as
23 well?

24 A. Well, yeah.

25 Q. Okay.

1 A. If I have to.

2 Q. When you were working those positions, were you -- you
3 mentioned that daily audits were required and anybody could do
4 those audits?

5 A. Yes, ma'am.

6 Q. As an assistant manager or a manager, were you required
7 to do those? And if so, was there a number that you were required
8 to do, or --

9 A. Under Railserve's operating rules, the manager was
10 required to do one audit per week per shift.

11 Q. Okay. Thank you.

12 A. Yes, ma'am.

13 MR. RHINE: Any further questions for Mr. Bearden?

14 Mr. Bearden, do you have anything that you'd like to
15 add?

16 I don't think so.

17 BY MS. GREGORY:

18 Q. I do have -- I'm sorry. The work scheduling for the
19 crews, can you explain to us how the crews' hours are scheduled?
20 The operator, the lead and the helper, how are their schedules
21 developed and how are they assigned to -- how do they work?

22 A. Well, to be honest with you, that's one area I never
23 really wanted to tackle is making out a schedule, because that's a
24 real headache. I know it is.

25 Q. Do you make out the schedules now?

1 A. No, ma'am.

2 Q. Okay.

3 A. I don't. I left that all up to the manager.

4 Q. Okay. Okay.

5 A. He asked me to do it one time when he was going on
6 vacation and I told him I wouldn't do it.

7 Q. Okay. Thank you.

8 A. Yes, ma'am.

9 MR. RHINE: Okay. We may have some follow-up questions
10 in the future. Would you mind if we contacted you?

11 MR. BEARDEN: No. Not at all.

12 MR. RHINE: Okay. On behalf of the NTSB, I'd like to
13 thank you for your cooperation.

14 MR. BEARDEN: You're welcome.

15 (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: RAILROAD WORKER FATALITY
 AT EVERGREEN PACKAGING PLANT
 PINE BLUFF, ARKANSAS
 APRIL 3, 2015
 Interview of Anthony Bearden

DOCKET NUMBER: DCA-15-FR-007

PLACE: Pine Bluff, Arkansas

DATE: April 10, 2015

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

Karen A. Stockhausen
Transcriber



I, Joseph Anthony Bearden, have read the foregoing pages of a copy of my testimony given during an interview in the accident investigation of the employee fatality at the Evergreen Paper Mill on March 3, 2015 in Pine Bluff, Arkansas, and these pages constitute a true and accurate transcription of same with the exception of the following amendments, additions, deletions or corrections:

<u>PAGE NO:</u>	<u>LINE NO:</u>	<u>CHANGE AND REASON FOR CHANGE</u>
<u>6</u>	<u>7</u>	<u>(should be) January 31st of 2011 not 2010</u>
<u>6</u>	<u>25</u>	<u>done not doing</u>
<u>13</u>	<u>16</u>	<u>unlevel not on level</u>
<u>13</u>	<u>21</u>	<u>its not is</u>
<u>13</u>	<u>23</u>	<u>banding not abandoned</u>
<u>15</u>	<u>16</u>	<u>They'll not There'll</u>
<u>17</u>	<u>12</u>	<u>our not out</u>
<u>20</u>	<u>17</u>	<u>in the process of not in the place of</u>
<u>23</u>	<u>3</u>	<u>in the field not in a field</u>
<u>25</u>	<u>23</u>	<u>I'll do it not I do it</u>
<u>26</u>	<u>5</u>	<u>lock-and-lined not lot-to-line</u>

I declare that I have read my statements and that it is true and correct subject to any changes in the form or substance entered here.

Date: 6-7-15

Witness

