

DCA23FA149

AIR TRAFFIC CONTROL

Group Chair's Factual Report - Attachment 5
Interview Summaries

UNITED STATES OF AMERICA

NATIONAL TRANSPORTATION SAFETY BOARD

* * * * *

Investigation of: *

*

FEDEX CARGO PLANE & SOUTHWEST *

AIRLINES BOEING 737 INCIDENT AT *

Accident No.: DCA23LA149

AUSTIN INTERNATIONAL AIRPORT, IN *

AUSTIN, TEXAS ON FEBRUARY 4, 2023 *

*

* * * * *

Interview of: DAMIAN CAMPBELL, Local Control East Controller
Austin Air Traffic Control Tower

Austin, Texas

Tuesday,
February 7, 2023

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APPEARANCES:

BRIAN SOPER, Air Traffic Control Investigator
National Transportation Safety Board

DUJUAN SEVILLIAN, Human Performance Investigator
National Transportation Safety Board

SCOTT DAVIS, FAA ATC Subject Matter Expert
Federal Aviation Administration

BRANDON JOHNSON, NATCA Air Safety Investigator
National Air Traffic Controllers Association

MARK FELLNER, Counsel

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I N T E R V I E W

1
2 MR. SOPER: My name is Brian Soper. I'm an air traffic
3 investigator with the NTSB. And we are here to investigate the
4 incident that occurred -- a surface incident occurred on
5 February 4th, 2023, at approximately 0640 Central Standard Time,
6 involving Southwest Flight 708 and FedEx Flight 1432.

7 I have with me in the room from the NTSB's investigative
8 group, Mr. Scott Davis, who is here with us from -- what facility
9 are you from, sir?

10 MR. DAVIS: The Indianapolis district.

11 MR. SOPER: Indianapolis district and he is serving as the
12 FAA subject matter expert on the air traffic control group. Also
13 with us is Mr. Brandon Johnson out of Salt Lake City Air Traffic
14 Control Tower and is an ASI with NATCA representing NATCA as the
15 NATCA's party group member to the air traffic control group. And
16 Dujuan Sevillian who is here with us, a senior human performance
17 investigator at the NTSB embedded with our air traffic control
18 group today.

19 And if I could get you to say -- state your first and last
20 name for me.

21 MR. CAMPBELL: Damian Campbell.

22 MR. SOPER: And how do you spell your first name?

23 MR. CAMPBELL: D-a-m-i-a-n.

24 MR. SOPER: Thank you. And you -- this is your
25 representative you have chosen?

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1 MR. CAMPBELL: Yes.

2 MR. SOPER: Could you state your name for me, sir?

3 MR. FELLNER: Mark Fellner.

4 MR. SOPER: Mark Fellner. And how do you spell your last
5 name?

6 MR. FELLNER: F-e-l-l-n-e-r.

7 MR. SOPER: Now that we have all that out of the way. As I
8 mentioned to you earlier, we are an independent federal agency.
9 We're charged with investigating civil aviation accidents and
10 incidents of a serious nature, finding the probable cause, and
11 hopefully developing safety recommendations that can prevent
12 recurrence. We're non-regulatory. We have no enforcement powers.
13 We do not make rules, we do not enforce rules. And our job here
14 is -- we're here at this time just gathering the facts that are
15 involved around this whole incident.

16 So as we ask you questions, we ask that you just be honest
17 and forthright and answer to the greatest detail that you can.
18 Please don't feel like you have to fill in the blanks. If you
19 don't know something, it's okay to say you don't know. And if you
20 don't -- if you don't recall, it's okay to say you don't recall.
21 You can take as much time as you need to answer questions.

22 You can kind of control the pace a little bit. You can slow
23 us down. You can't really speed us up but you certainly can slow
24 us down if we get -- going -- moving a little too fast. Any time
25 you need to take a break, please feel free to do so.

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- 1 A. This is a Wednesday for me.
- 2 Q. So which is what?
- 3 A. Pro day (ph.).
- 4 Q. Pro day? All right. Well, I'm sorry about that. Very good.
- 5 Have you been back to work since the incident?
- 6 A. Yeah.
- 7 Q. Have you? In the tower?
- 8 A. Yeah.
- 9 Q. How you doing? How you feeling?
- 10 A. (Indiscernible).
- 11 Q. Feeling all right?
- 12 A. I'm doing.
- 13 Q. Do you have any questions before we kick off?
- 14 A. No, sir.
- 15 Q. All right. If I could then -- I got your first name. D-a-m-
- 16 i-a-n. And Campbell is that with a P or without a P?
- 17 A. Just like the soup.
- 18 Q. What was your age at the time of the incident?
- 19 A. Forty-three.
- 20 Q. And your operating initials here?
- 21 A. DC. Delta Charlie.
- 22 Q. And you were, at the time of the event, you were working the
- 23 local one position combined with local -- or I'm sorry, local east
- 24 combined with local west. Is that right?
- 25 A. Yeah.

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- 1 Q. And do you have any prior FAA air traffic control work
2 experience, military, DoD, dispatch, contract tower?
- 3 A. Yes.
- 4 Q. What do you got?
- 5 A. I've been in the agency for 13 years. I started in 2010 at
6 Champaign CMI in Illinois. Transferred to - that was an up-down
7 level seven. Transferred to Fayetteville FAY in North Carolina
8 which is another up-down seven. Then I went to C90 in Chicago
9 TRACON. And then I went to South Bend which is an up-down seven
10 before finally coming here.
- 11 Q. Prior to coming in the FAA, did you do anything air traffic,
12 military --
- 13 A. No. I was in the --
- 14 Q. -- or DoD --
- 15 A. -- military but it wasn't air traffic.
- 16 Q. Oh, okay. What branch are you?
- 17 A. Navy.
- 18 Q. Me, too. Thanks for your service (indiscernible). I retired
19 from the Navy.
- 20 A. Thank you.
- 21 Q. Did quite a few years there. When did you -- when were you
22 in?
- 23 A. 1998 to 2002 and then 2008 to 2012.
- 24 Q. Oh, you went back for more.
- 25 A. Just like a dummy.

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1 Q. I hear you, man. So what did you do in the Navy?

2 A. When I first joined, I was undesignated so I was a bosun's
3 mate.

4 Q. No wonder you said like a dummy. No, I'm just kidding.

5 A. And I struck radioman at the time radioman was a rate they
6 combined that with the DVs (ph.). Became IT. But I was basically
7 still a radioman.

8 Q. Those are (indiscernible) real work, man. That's not a joke.

9 A. Yeah.

10 Q. So sea duty what did you do? What ships?

11 A. The USS VICKSBURG CG 69 out of Mayport, Florida. The USS
12 STETHEM DDG 63 out of San Diego. Did a BALTOPS, a WESTPAC.

13 Q. Real Navy. Oh, I get it.

14 A. Yes, sir.

15 Q. Good stuff. Do you hold any collateral duties at this
16 facility or have you been on any recent details that have taken --

17 A. No, sir.

18 Q. -- outside the facility? So you don't do anything like
19 write the schedule for some part of the group crews or do the
20 training rep or the LSC rep --

21 A. No.

22 Q. -- or none of that. And so if you would for me -- I just
23 want you to kind of give me your 30,000 foot bio, right, like your
24 aviation background. Kind of -- you kind of just gave me some of
25 it. Right. Because we started talking about your background but

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1 what got you interested in aviation? At what time did you start
2 pursuing that that led you to where you're at here today? You
3 don't have to be super detailed. Just kind of like what it was.
4 I mean, some people, it's -- my friend told me it was a good job.
5 I went down and took the test and the rest is history. Right.
6 But I don't know what --

7 A. That's pretty much --

8 Q. -- your story is.

9 A. That's pretty much the story. I got off active duty and I
10 ended up going back to the military as an active duty reservist
11 and I was drilling. I was in school full time. And a friend told
12 me that the FAA was hiring air traffic controllers and I thought
13 that was the group of guys that worked the ground with the little
14 batons.

15 Q. Right.

16 A. He said they're -- he was having a veteran Preference, go and
17 take the test, blah, blah, blah. In Chicago, the test was
18 (indiscernible) DuPage, Illinois. Drove out, took the test. Got
19 like a 95 or something on it. Went through the hiring process.
20 It took two years. Got picked up in 2010 went out to school, went
21 to O-K-C, that's it. Had no prior aviation interest or
22 experience.

23 Q. How are you liking it? Honestly. I mean, I know it's an odd
24 time to ask that. Right? But I mean, seriously, I mean, how do
25 you like the job?

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1 A. When I got into it, I got to O-K-C, I was grouped in a class
2 of CTI guys, second generation controller guy like -- who parents
3 were controllers; got them in. And a couple VRA guys. So they
4 were the ones who indoctrinated me into aviation as far as
5 learning aircraft types and we do this, we do that. Blah, blah,
6 blah. And CMI was a really good starting point for me because I
7 originally wanted to go to Midway but I went to Champaign Urbana
8 and there was an older cat there who used to tell us about the
9 Oshkosh --

10 Q. Oh, yeah.

11 A. -- and things like that.

12 Q. Absolutely.

13 A. It was not something that I was into but it was something
14 that grew on me over the years so I mean, I like it personally.

15 Q. Good, good. Have you been -- have you ever been terminated,
16 suspended, or asked to resign from a position since you've been in
17 the FAA?

18 A. Terminated?

19 Q. Yeah.

20 A. What do you mean terminate?

21 Q. So have you ever been -- have they not terminated your
22 training but -- let's just go with suspended. Have you been
23 suspended --

24 A. Yes.

25 Q. -- from a position?

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1 A. Not from -- I've been suspended from -- for a day.

2 Q. Okay, for a day. Has that been within the last year or about
3 how long ago was that? Was it at this facility?

4 A. No.

5 Q. Was drug or alcohol screening performed as a result of this
6 event?

7 A. Yes.

8 Q. Do you remember when they did it, how long after the event,
9 roughly. Like less than two hours, between two and five hours,
10 between five and ten hours, or more than ten hours, or more than a
11 day?

12 A. It wasn't like --

13 MR. FELLNER: The following day.

14 Q. Ot was the following day?

15 A. It was the following day. It was Monday.

16 MR. SOPER: Cool.

17 MR. CAMPBELL: Sunday. Wasn't it?

18 MR. FELLNER: Sunday. I'm sorry. Sunday.

19 BY MR. SOPER:

20 Q. And have you had any major changes in your personal life over
21 the last year, good, bad, or indifferent? I'm looking for real
22 big picture things that necessarily like -- you know, I have a
23 child, I got -- I got married or I got divorced or I sold a house.
24 I mean, like things that have changed the way you --

25 A. No.

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1 Q. -- your daily routine and things. Nothing like that. How
2 about -- similar question. Maybe changes in your financial
3 situation over the last year, you know, filed bankruptcy, won the
4 lotto?

5 A. I wish.

6 Q. I'm with you on that, my brother. Very good. So I'm going
7 to -- did you file an ATSA as a result of this event?

8 A. Yes.

9 Q. Good. Did you get confirmation back that the ERC received
10 that report?

11 A. Like (indiscernible) number?

12 Q. Yeah. I think they give you a --

13 A. Yeah.

14 Q. -- recognition that they got it. Good. Glad to hear that.

15 A. I don't have it with me. Do you need that?

16 MR. SOPER: No, no, no. I do not need that. I just -- I
17 just wanted to ask if you did that. So for right now, I'm going
18 to shift over to our human performance investigator who is going
19 to talk to you about some background information and some 72-hour
20 history. Go ahead, Dajuan.

21 BY MR. SEVILLIAN:

22 Q. So Damian -- so we typically conduct a 72-hour history just
23 to understand the activities prior to the incident. So the next
24 questions will be related to that. So I'll talk a little bit
25 about health first and then I'll go into a 72-hour history. When

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1 I say 72-hour history, I want to talk about from the February 1st
2 to the 4th to get that data.

3 But the first question, are you currently taking any
4 medications?

5 A. Right now? I took some Dayquil before I came in.

6 Q. Were you taking any medications prior to the incident?

7 A. No.

8 Q. Do you drink alcohol?

9 A. No.

10 Q. And the next questions that are going to be related to -- you
11 go back February 1st, step through this whole process, but on
12 February 1st, how many hours of sleep do you -- sorry. Let me
13 start from the beginning. How many hours of sleep do you
14 typically need to feel rested?

15 A. Six.

16 Q. How many hours of sleep do you normally get?

17 A. Six to eight.

18 Q. So on February 1st, what time did you wake up?

19 A. What day is February 1st?

20 MR. SOPER: The 4th would've been Saturday. Right?

21 A. Yeah.

22 Q. So that's a Wednesday.

23 MR. SOPER: Yeah, Wednesday.

24 A. So February 1st.

25 Q. Yes. Yeah. What time did you wake up on February 1st?

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1 A. I worked (indiscernible) shift that day. So I probably got
2 up at 5:30.

3 Q. And on that day, did you take any naps during the day?

4 A. No.

5 Q. What time did you go to bed?

6 A. On February 1st?

7 Q. Yeah.

8 A. About 9:30.

9 Q. Was your sleep interrupted at any time during the night?

10 A. No.

11 Q. So you said you worked that day. What was the shift again?

12 You --

13 A. A 7 to 3 shift.

14 Q. Seven to three. Okay. And what's a typically work schedule
15 for you?

16 A. Three 12:30s, two sevens.

17 Q. Have you ever had to stay at work later than your scheduled
18 work hours?

19 A. Sometimes if we -- we're short staffed here. And we're on
20 mandatory six-day work weeks. So everybody gets a six-day
21 overtime day. Sometimes people call off on their overtime. If
22 this happens, sometimes you get asked to -- you know, they call it
23 hold over. You get hold over for like two hours or something like
24 that. I didn't that day but that's usually what happens sometimes
25 with some controllers if -- you know, if we had to cover from the

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- 1 day shift to the swing shift to the evening shift. Somebody get
2 hold over for a couple hours usually.
- 3 Q. And then, February 2nd, which was a Thursday, what time did
4 you wake up?
- 5 A. Same time, 5:30. That was another seven shift.
- 6 Q. Any naps? What time do you go to bed?
- 7 A. Thursday, I probably didn't go to bed until about midnight
8 maybe.
- 9 Q. Was your sleep interrupted at any time?
- 10 A. No.
- 11 Q. And then, you worked that day, as well?
- 12 A. Friday?
- 13 Q. Yes.
- 14 A. No. I'm off on Friday.
- 15 Q. So let's talk about February 3rd.
- 16 A. That's Friday. Correct?
- 17 MR. SOPER: Yeah, that's Friday.
- 18 Q. Yeah, it's Friday. Yes. What time did you wake up?
- 19 A. 11, 12 maybe.
- 20 Q. Did you take any naps?
- 21 A. No, once I'm up, I'm up.
- 22 Q. What time did you go to bed?
- 23 A. I think I probably laid down about 8:30, 9.
- 24 Q. Sleep interrupted at any time?
- 25 A. No.

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- 1 Q. Did you work that day?
- 2 A. Saturday?
- 3 Q. Yeah.
- 4 A. That was the date of the event.
- 5 MR. SEVILLIAN: So that was the 3rd.
- 6 BY MR. SOPER:
- 7 Q. I think we got off a day there. I think we did it twice,
- 8 too. Because I think we -- you were actually asking him on the
- 9 first time if he had worked on Thursday and he was answering for
- 10 Friday. He asked you --
- 11 A. Oh, okay.
- 12 Q. So he did work the seven shift on --
- 13 A. Thursday.
- 14 Q. -- Thursday. And did you get held over on that day?
- 15 A. No.
- 16 Q. Then Friday, you did not work.
- 17 A. No.
- 18 Q. You went to bed about --
- 19 A. Midnight.
- 20 Q. Oh, Friday, you went to bed --
- 21 A. No, Friday, I went to bed about --
- 22 Q. That's what I thought.
- 23 A. -- 8:30, 9.
- 24 Q. Right. So then, you got up on Saturday --
- 25 A. Saturday --

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1 (Crosstalk)

2 A. -- yeah.

3 MR. SEVILLIAN: So this -- we've got the 1st through the 4th
4 for that information. Back to you then.

5 MR. SOPER: Do you want to -- you're good with the medical
6 questions and stuff?

7 MR. SEVILLIAN: For right now. Yes.

8 BY MR. SOPER:

9 Q. And you had a medical clearance certificate at the time of
10 the event. Correct?

11 A. Yes.

12 Q. I believe we've got the copy again but I just want to make
13 sure. Do you have any restrictions or waivers to your medical
14 clearance?

15 A. Yes.

16 Q. What is that?

17 A. I have sleep apnea.

18 Q. Do you utilize a CPAP?

19 A. Yes.

20 Q. Do you recall -- I mean, do you use it religiously or --

21 A. Yes.

22 Q. You -- to the best of your recollection, you used it on
23 Friday night prior to the event?

24 A. Yes.

25 Q. Do you take medication, maintenance medication at all, as

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- 1 well?
- 2 A. (No audible response.)
- 3 Q. How long have you been on the CPAP roughly?
- 4 A. Since March of last year.
- 5 Q. Do you notice a different? I mean, is it --
- 6 A. Tremendous.
- 7 Q. Does it help you? I'm kind of curious myself. I'm looking
- 8 at the same thing.
- 9 A. Tremendous difference.
- 10 Q. My brother says that. Okay, well, good. And so, have you
- 11 been interviewed about this event prior to now?
- 12 A. No.
- 13 Q. Did they do -- did they conduct an SSR or anything where they
- 14 utilized you in that?
- 15 A. No.
- 16 Q. Have you had an opportunity to review the replay of this
- 17 event?
- 18 A. Several times.
- 19 Q. When was the last time you Probably reviewed that?
- 20 A. Ten minutes ago.
- 21 Q. Was a relief briefing conducted on that day when you took the
- 22 position --
- 23 A. Yes.
- 24 Q. -- of local. Was that recorded?
- 25 A. Yes.

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- 1 Q. Do you guys utilize the checklist here?
- 2 A. Yes.
- 3 Q. What type is that? Is it on IDS or NIDS -- you guys got
- 4 NIDS? Right?
- 5 A. Yes.
- 6 Q. Is it on the NIDS?
- 7 A. Yes.
- 8 Q. And you utilized the checklist that day to the best of your
- 9 recollection?
- 10 A. Yes.
- 11 Q. On a scale of one to five, five being the heaviest, how would
- 12 you rate the traffic volume at the time of the event?
- 13 A. Two, one.
- 14 Q. Was that normal for that time of day and day of the week and
- 15 what you'd expect?
- 16 A. Yeah, it's early morning. Traffic has not picked up yet.
- 17 Traffic doesn't usually pick up until about nowadays 6:30 or 7.
- 18 Q. Similar question. On a scale of one to five, five being the
- 19 most complex, how would you rate the traffic complexity at the
- 20 time of the event?
- 21 A. We didn't have any ground visibility. We had an indefinite
- 22 ceiling. That's the most -- that's the biggest complexity of it.
- 23 We had this dense ground fog. And we don't have -- you know what
- 24 ASDE-X is?
- 25 Q. Yep, I sure do.

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- 1 A. We don't have ASDE-X here. So we don't have --
- 2 Q. Right.
- 3 A. -- any type of ground radar so we have to use reporting
4 points for taxiing aircraft. So that's the complexity aspect of
5 it. So if I had to calculate that, I would probably say maybe a
6 three or four.
- 7 Q. Was that more complex or less complex than normal at that
8 time of the day?
- 9 A. That's more complex.
- 10 Q. That's more complex.
- 11 A. Only because --
- 12 (Crosstalk)
- 13 A. -- usually it's VFR even at night.
- 14 Q. Yeah. Do you recall -- were there any, aside from the
15 weather and from the visibility being what it was, were there any
16 other distractions at or leading up to the time of the event that
17 -- and this could be anything so kind of think about giving it
18 some thought -- but somebody working on something, having
19 equipment issues, there was an alarm going off with something, we
20 were trying to get logged on -- get somebody logged on to CEDAR,
21 there was somebody with a comm problem. Whatever. I mean, just
22 anything that was out of the ordinary that could have been a
23 distraction to the operation around that time or leading up to
24 that time.
- 25 A. I can't recall.

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1 Q. Do you recall -- I know you said visibility, couldn't see
2 anything. Could you expound on that just a little bit. The
3 general weather conditions around the time of the event, do you
4 recall, was there any precip occurring at the time that you were
5 aware of? Rain?

6 A. Just the cloud cover.

7 Q. Just the cloud cover.

8 A. Yeah, yeah. Low ceilings. We had a ground fog that was -- I
9 want to say it was at least 200 AGL from the ground up. I mean,
10 you couldn't see anything. You couldn't see the approach end of
11 the runway, we couldn't see our turnoff points. And you would
12 lose sight of arrivals about 300, maybe 400 AGL on approach. Like
13 they -- once they dipped down into the cloud, you couldn't see
14 them.

15 Q. So you were -- were you ever able to see FedEx on this
16 approach?

17 A. Yes.

18 Q. Were you -- you were able to see --

19 A. His initial approach.

20 Q. -- him when he was high?

21 A. Well, his light. Yeah, when he was high. His light.

22 Q. And did you see Southwest at any time during this
23 evolution --

24 A. No, we couldn't see Southwest.

25 Q. You never seen anything. And did you conduct -- did you do

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- 1 the pre-duty weather briefing on that day before you took the
2 shift?
- 3 A. Yes.
- 4 Q. How do you guys do yours here?
- 5 A. You log into CEDAR and you pull it up.
- 6 Q. So it's like -- it's on a computer terminal somewhere?
- 7 A. Yeah.
- 8 Q. And where -
- 9 A. At the sign-in desk on the first floor --
- 10 (Crosstalk)
- 11 Q. And you guys just -- is there audio with that? Do you guys
12 listen to --
- 13 A. Yeah.
- 14 Q. -- headphones or anything and do --
- 15 A. We got speakers.
- 16 Q. Oh, okay.
- 17 A. (Indiscernible).
- 18 Q. Is there anything that stood out to you from that brief that
19 day? Do you remember? I mean, I know it was a few days ago but
20 is there anything that stood out to you in that brief that you
21 were like, oh -- and I imagine you just drove in so you probably
22 had a good idea that the weather --
- 23 A. Yeah.
- 24 Q. -- was not spectacular.
- 25 A. I can't recall anything out of the ordinary.

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1 Q. And did you have a cellular phone or a PDE on you at the time
2 of the event?

3 A. A cellphone.

4 Q. What's the -- if we could get the number and the carrier for
5 that cellphone? This don't go on the report by the way.

6 A. [REDACTED] And my carrier [REDACTED]

7 Q. And at the time that the event occurred, had you requested a
8 relief or were you waiting on a relief or were you in your normal
9 rotation --

10 A. I was in my normal rotation.

11 Q. -- the (indiscernible). And are you the one that notified
12 your supervisor about the event?

13 A. Yes.

14 Q. And when did that happen? Was it immediately --

15 (Crosstalk)

16 MR. SOPER: Very good. And do you have more, Dujuan, before
17 we get into the event or the recollection?

18 MR. SEVILLIAN:

19 Q. Yes, I do. I want to just talk a little bit about the CPAP
20 -- you said you have sleep apnea. And when were you diagnosed
21 with the sleep apnea?

22 A. Not last year. In November I want to say prior to last year.

23 MR. SOPER: 2021?

24 MR. CAMPBELL: Yes.

25 BY MR. SEVILLIAN:

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1 Q. I know Brian touched on this a bit but how often do you use a
2 CPAP?

3 A. Every day.

4 Q. So prior to the incident, you were using the CPAP machine?

5 A. (No audible response.)

6 MR. SEVILLIAN: So that's all the questions I have for now
7 about that. We can transition to the other aspect of --

8 BY MR. SOPER:

9 Q. All right. Very well. So what I'd like you to do now for
10 us, Damian, if you could, just try to -- and I know you're
11 probably tired of recollecting this, but if you could just kind of
12 remember back and just tell us the story as you recall things
13 playing out. You've been able to refresh memory with the replays,
14 obviously, and stuff, too.

15 So just kind of step us through starting with at the point
16 either Southwest or FedEx whichever one checks in with you first,
17 checks in, and just kind of step us through everything as you
18 recall it occurring. And try to -- really try to include details
19 as you think about them.

20 And what I mean by that is is if you're going down -- say
21 like, I did this and I remember that because of this, like add
22 those things in because they're very helpful to us sometimes in
23 understanding and putting together the big picture. So just tell
24 us that story and -- you can stop at the point that you notified
25 the supervisor and you were just going into event notifications.

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1 A. FedEx checked in about 15 miles out, descending out of 5,400
2 feet. On the ILS 18 left gave him the RVR, cleared him to land.
3 A few minutes passed, Southwest 708 calls, reported holding short
4 18 left ready to go. Gave him the RVR. Gave him the traffic on
5 the three-mile final, let him know it's a heavy 767. Cleared them
6 for takeoff. Southwest acknowledged the traffic. They were
7 rolling, I assume. He goes around the corner, can't see him.
8 When we cleared Southwest, FedEx calls. Wanted to confirm he was
9 clear to land. This is not uncommon for guys who check in 20 to
10 15 miles out. They're just making sure they are still cleared to
11 land.

12 He asked was he still cleared to land. I confirmed it. Gave
13 him the traffic that was on departure roll 737. He says roger.
14 Some time passed, we didn't hear the engines of the 737 for his
15 roll. Asked him if he was rolling. He said we are rolling. So
16 around this time, we lost sight of FedEx. He drops below the
17 cloud cover.

18 Next thing we hear is -- I believe it was FedEx telling
19 Southwest to abort. And then, FedEx says we're going around. I
20 let the supervisor know we're in the go-around. I give FedEx the
21 go-around instructions. He acknowledges. I told Southwest roger
22 turn right when able. Southwest says negative. He was in, I
23 believe a critical phase of flight at that point. Southwest turns
24 to 7080. Climbs back up to 3,000. Southwest does depart on that
25 190 heading.

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1 Once FedEx was clear, gave us Southwest a 170. Shipped him
2 to departure. Put FedEx on the 360 to bring him back around.
3 Vector for another approach on the ILS. Gave him the finals
4 approach. And that was it. Let Susan know, the supervisor know,
5 you know, what happened. At some point, I did get relieved. And
6 I filed my ATSAP.

7 Q. And so let's go back to FedEx checks in. You can visually
8 see him at the point -- well, I know he's 15 miles out, but he's
9 got -- you had visibility above the --

10 A. Yeah.

11 Q. -- everything in this was kind of a ground fog issue this --

12 A. Yeah.

13 Q. -- weather deal. So the skies weren't necessarily bad
14 though --

15 A. Yeah.

16 Q. -- from the tower level. The -- what is the -- how would you
17 -- how long have you been working local? How long have you been
18 qualified local --

19 A. Four years.

20 Q. -- so you've been doing this for a while. And Southwest is
21 one of your primary carriers obviously. In your experience, are
22 they fast movers, slow movers?

23 A. Southwest is our most ready carrier. Southwest is the
24 carrier that -- I can't -- I can only speak from my experience
25 with --

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1 Q. Absolutely. Absolutely. This is your --

2 A. Southwest is the one carrier that if we're in a departure
3 rush or in arrival rush, they're the only carrier that I would do
4 any squeeze play with. When they call ready, they are actually
5 ready. They turn the corner and they churn and burn. They're
6 going. And this has been my experience with Southwest for four
7 years. United, never. American, absolutely not. Delta, no way
8 in hell.

9 So the rule is - two increasing to three. So with Southwest,
10 the expectation bias is when they call ready, they're actually
11 holding short and they're ready. You give them the traffic and
12 they go. So that was, I guess, the expectation bias with
13 Southwest was -- if he's ready, he's at the end of the runway,
14 he's ready. Unfortunately, I couldn't confirm if he was at the
15 end of the ready or if he was calling early saying he was ready.

16 Q. Barring this visibility situation you did have that day, you
17 feel confident that any other normal operation in VFR -- that
18 spacing was fine?

19 A. Yes.

20 Q. And do you guys utilize a -- do you have any type of
21 procedural deal here where you're not -- where they tell you like
22 you got to clear them before they cross this thing in certain
23 weather conditions, when the RVR is less than something, or is
24 there anything like that that I knew I have to clear him before he
25 reaches the three-mile inbound or if I have to clear him before

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- 1 they cross this mark, we got something on the video map, or --
- 2 A. Yeah.
- 3 Q. -- is there anything like that? What is it here? What is --
- 4 A. I can't recall it.
- 5 Q. Do you recall --
- 6 A. I'm sorry.
- 7 Q. No, no problem. Do you recall on that morning, did you have
- 8 the TDW or the monitor, the radar monitor in the tower, moved over
- 9 to your position where you were working from?
- 10 A. The DBRITE?
- 11 Q. Yes, that.
- 12 A. Yeah.
- 13 Q. And do you recall -- do you do your own settings or does it
- 14 pretty much stay on the same settings --
- 15 A. Everybody has their own settings.
- 16 Q. Everybody has their own. What do you kind of keep yours on
- 17 there? What do you set up at?
- 18 A. Thirty miles out is showing just the final.
- 19 Q. Very good. Do you -- one last question, then I'm going to
- 20 pass it along but when you're -- where do you normally lose an
- 21 aircraft, in your experience on -- coming inbound on radar? When
- 22 do you lose them off the display normally, passing through what
- 23 altitude?
- 24 A. On the radar?
- 25 Q. Yeah, on the -- yeah, on your radar display up there, when do

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1 you usually lose them?

2 A. When they drop off the scope?

3 Q. Yeah.

4 A. 800 feet.

5 MR. SOPER: Very good. I'm going to pass it along for now
6 and I'm going to pass it along to Mr. Davis.

7 BY MR. DAVIS:

8 Q. Thanks. Good afternoon. Just a couple questions to start
9 out. How often do you think you've seen these low visibility
10 situations here in Austin since you've been here?

11 A. Maybe a handful of times.

12 Q. Since you don't see it very often, do you know, is that
13 something you normally cover in training to just kind of refresh
14 any -- you know, best practices type thing?

15 A. I can't recall. I mean, we have our standard refresher
16 training that we have every year.

17 Q. And you can't recall if this was something that was in it or
18 not?

19 A. No.

20 Q. One thing that I was a little confused on when we got our
21 tour on earlier, where the RVRs are located in your tower, where
22 would you have been -- which display -- was it the actual RVR
23 display or was it the NIDS display where you were --

24 A. It's on the NIDS.

25 Q. The one that was actually at your position or -- there was

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1 also one to the left where I thought --

2 A. In the morning --

3 (Crosstalk)

4 A. There is only two positions in the tower because it's so
5 early. Like I said, the traffic is slow. So the ground and
6 clearance positions are at the clearance delivery position if you
7 guys have been upstairs in the tower.

8 MR. SOPER: Yeah.

9 A. We work local From the ground position, ground east position.
10 So on that NIDS, you can pull up the RVR right there. And we just
11 bring the DBRITE to the ground position.

12 Q. You mentioned -- and I totally get the Southwest being your
13 most ready carrier. I get that. I felt the same thing when I was
14 working Southwest airplanes. I get that. So when you're in those
15 low visibility situations, would you have expected the pilot to
16 call and say, hey, we are at the hold short markings or -- any
17 clarification on local control or would you expect the ground
18 controller to maybe you let you know, hey, he's ready to go at
19 the hold short --

20 A. We was doing reporting points so the pilot or whatever
21 aircraft that was coming up was told to report holding short with
22 local. And every aircraft did it. When they got to the end, they
23 was holding short. They reported holding short of the runway on
24 local.

25 Q. So your expectation was they were at the markers. They --

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- 1 A. Yeah.
- 2 Q. -- weren't 50 yards --
- 3 A. Exactly.
- 4 Q. -- back from that or anything.
- 5 A. Yeah.
- 6 MR. DAVIS: I think that's all I have for right now. Thanks.
- 7 MR. SOPER: Brandon?
- 8 BY MR. JOHNSON:
- 9 Q. Touch a little bit more on the weather and the low
10 visibility. You said you've seen it only a handful of times. Is
11 -- is it pretty consistently seasonal or is it always --
- 12 A. What do you mean by seasonal?
- 13 Q. Is at typically the same time of year every year you see it?
- 14 A. Me?
- 15 Q. Yeah.
- 16 A. No. It just depends on if we have like a succession of warm
17 days or we get like a random cold day or vice versa.
- 18 Q. Oh, yeah. And then for the weather -- I'm just trying to get
19 a better picture of the weather. You said you had the low fog.
- 20 A. Um-hum.
- 21 Q. Were you -- was the tower cab above the fog bank or was it
22 kind of still in the top layer?
- 23 A. We was just above it.
- 24 Q. Just above it. And then, was there any high clouds above
25 you? Or was it kind of clear?

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1 A. I couldn't see any unless it was at 3 or 4,000 feet.

2 Q. Now, I'm looking -- the METAR that prints it out and it says
3 quarter mile RVRs, freezing fog, and vertical visibility of 200
4 feet. Was there any deicing going on, were they deicing?

5 A. No. There was an issue with the METAR reporting the freezing
6 fog. You would have to ask somebody in weather about that. But
7 we actually had a couple -- we asked for a couple PIREPs from some
8 of the guys that departed early that morning. And nobody reported
9 any freezing fog. Nobody needed to deice because there was
10 actually no icing. But as far as why the -- like we don't do
11 weather observations here. So we don't amend, we don't do
12 anything that deals with that.

13 Q. Have you ever heard the term ice shedding or -- take that as
14 a no?

15 A. No.

16 Q. This is just a little background. In freezing conditions,
17 when they have to defrost and stuff, guys will get on the runway
18 and they'll have to run up the engines to shed off -- ice off the
19 N-1 stage the blades off the front.

20 A. Okay.

21 Q. It happens. I was just curious if you were familiar with it
22 or if you'd even heard that term before.

23 A. No.

24 Q. And it doesn't sound like you have. So your refresher
25 training, what do they normally cover in your refresher training?

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- 1 A. It's the -- I guess standard. I mean, standard ELMS
2 refreshers we do.
- 3 Q. So the -- are they produced locally or are they the ones
4 produced nationally?
- 5 A. The ones produced nationally.
- 6 Q. Do you have a simulator here at Austin? Both types --
7 (Crosstalk)
- 8 Q. Like a tower simulator or an ETG lab.
- 9 A. They do have a ETG lab that they built on the seventh floor
10 (indiscernible). Oh, we do have a radar sim on the first floor
11 and then we have the tower ones.
- 12 Q. Tower one. How often do you use that?
- 13 A. When you're in training, when you're going through the tower
14 training --
- 15 Q. So just the initial. No follow on?
- 16 A. Yeah.
- 17 Q. You don't have -- that's not part of your refresher training
18 or anything?
- 19 A. No.
- 20 Q. You don't get to simulate anything that's like low --
- 21 A. No.
- 22 Q. -- occurrence or anything like that? So walk me through your
23 normal routine from driving through the gate to getting up and
24 getting your first position relief briefing, just normal.
- 25 A. On a regular day?

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1 Q. Yeah, on a regular day.

2 A. Pull up to the gate. Scan my badge. Come in. Sign in.
3 Check CEDAR. Check the weather. Check into radar if the
4 supervisor's downstairs and get my assigned position wherever it
5 is.

6 Q. And about how long does that typically take you? Just
7 curious.

8 A. If there's nothing in CEDAR, five minutes. If there's
9 something in CEDAR, if there's an item we need to see or pre-duty
10 briefing item they have in there, maybe two minutes.

11 Q. Is CEDAR used primarily -- is there like briefings and
12 mandatory briefing items, is that how you primarily get all your
13 information shared with you?

14 A. What do you mean by mandatory briefing items?

15 Q. Anything that comes out saying hey, this is changed to a
16 procedure, this is something you need to be aware of? Does that
17 typically occur in CEDAR or is that --

18 A. Yeah.

19 Q. Do you have ever any face-to-face briefings?

20 A. Yeah. If there's -- like if there's like a special event, if
21 there's a significant change that was put out recently that's not
22 been adapted to the point 65 or whatnot. If there's been a change
23 to a certain, like a satellite report in our airspace, if there's
24 a change to a certain approach in our airspace. Those are usually
25 done face-to-face with the supervisor.

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1 Q. And with that, you mentioned, when you were describing your
2 event, you mentioned the two increasing to three. Can you
3 describe what that is?

4 A. The two increasing three rule is that when the aircraft on
5 approach is two miles the departing aircraft needs to be on his
6 roll already.

7 Q. And how do you normally verify that?

8 A. What do you mean?

9 Q. How do you watch it two increasing to three? When -- let me
10 back track a little bit. So when does that need to be applied?
11 What's the requirements for that to be applied?

12 A. I can't recall the specific requirement. I know it has --
13 it's involved in IFR situations.

14 Q. And then, if you have to apply it, how would you know it's
15 being complied with? What would you -- obviously, have the TDW
16 for your two-mile. And then, do you look out the window or how do
17 you get the rolling report?

18 A. Yeah, out the window.

19 Q. Out the window. Okay. This event happened on a Saturday
20 which was your Sunday. Correct? Your overtime day?

21 A. Yeah.

22 Q. Is your overtime day typically the same day every week?

23 A. For me, for the last year, it has been. It's usually a
24 Saturday. Last year, I mostly worked evening overtimes, like a
25 12:30 or a 2:15 shift. This year I've been on all morning shifts.

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1 Q. All morning. Okay. Are you familiar with the ILS critical
2 areas around the airport?

3 A. Yes.

4 Q. How tall is your tower?

5 A. 900 feet, I think.

6 Q. 900 feet?

7 A. I have no idea how tall this tower is.

8 Q. And about how far above the fog bank would you think it was,
9 just --

10 A. I can't say.

11 Q. Can't say. It wasn't just like right at the bottom of the
12 windows or --

13 A. No.

14 MR. DAVIS: Let's see. That's all the questions I have for
15 now.

16 MR. SOPER: Dujuan?

17 BY MR. SEVILLIAN:

18 Q. Yes. So the next questions that I have are going to be
19 related to your workstation area and what you're able to see at
20 certain places in the tower. So just as a controller, what sorts
21 of things are -- do you focus your attention when aircrafts are
22 taking off and landing?

23 A. When an aircraft is taking off, we pay attention to the full
24 length of the runway. We watch the final. See if anybody is on
25 final. And we watch the departure end.

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- 1 Q. And in terms of FedEx, what could you see? Could you see
2 FedEx coming into land?
- 3 A. When he was on a three-mile final?
- 4 Q. Yes.
- 5 A. Could see his landing light.
- 6 Q. And could you see Southwest Airlines --
- 7 A. No.
- 8 Q. -- taking off? Where were you located in the tower when the
9 incident occurred?
- 10 A. Local east. Which was situated at ground.
- 11 Q. And what could you see at your position outside the tower?
12 What could you see outside the tower?
- 13 A. Fog.
- 14 Q. And can you describe the ILS critical area and the --
- 15 A. For 1-8 left or 1-8 right?
- 16 Q. 1-8 left.
- 17 A. The ILS critical area is on the east side of the runway, on
18 taxiway echo.
- 19 Q. And where do you typically get your runway visual range, your
20 RVR data from?
- 21 A. The NIDS.
- 22 Q. And where is that RVR information displayed to the
23 controller?
- 24 A. If you're sitting at clearance delivery, there's an actual
25 RVR system next to clearance. For local and ground, it's on the

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1 NIDS and it's right in front of you on the display. The big NIDS
2 monitor.

3 Q. And do you verify the RVR information or -- on both sides?
4 You said yes?

5 A. Yes, sir. Yes.

6 Q. So how do you locate an aircraft coming into land when it's
7 low visibility?

8 A. We use our DBRITE typically. If it's low visibility to where
9 we can't see the aircraft at all -- like if we can't see their
10 landing light and we have to rely solely on the DBRITE, that's
11 harder.

12 Q. So can you explain this DBRITE system and --

13 A. The DBRITE is basically our radar, our radar in the tower.
14 So a guy on final we can see -- I mean, we can see out to 40 miles
15 if we wanted. But local, we usually use about 20 or 30 miles.
16 When he's on final, we can see him. If it's low visibility
17 situation, he drops off the monitor about 800 feet which is about
18 our ground elevation.

19 And at that point, you have to adhere to your other senses.
20 You have to listen for the roll -- the engines and everything
21 spooling up whenever they roll out once things calm down, the
22 flaps come down, you tell them, turn right when able, report
23 exiting the runway. And once they report exiting the runway, you
24 ship them to the ground. Now you know that your runway is clear.
25 Those are your -- that's the only way you can do it with no

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1 visibility.

2 Q. Then how do you communicate with an aircraft when there's low
3 visibility?

4 A. How do you mean?

5 Q. What's the procedure? Is there a procedure in place when
6 there's low visibility on how you communicate with a pilot --

7 A. As far as?

8 Q. In terms of -- can you see another aircraft that's landing?
9 How do you understand what's being seen out there on the runway?

10 A. I don't understand that question.

11 Q. Is -- when we're looking at a situation where you can't see
12 anything out of the tower --

13 A. Um-hum.

14 Q. -- do you communicate with the pilot and tell them, hey, we
15 can't see --

16 A. That's the RVR reporting.

17 Q. That's the only method to report is the RVR?

18 A. Yeah. And the ATIS.

19 Q. And the ATIS. Was there any information in the ATIS that was
20 provided to the pilots in terms of --

21 A. All pilots get the ATIS upon checking in with radar.

22 Q. And are there standard operating procedures that talk about
23 how to handle situations with low visibility on the runway?

24 A. Are there?

25 Q. Are there any standard operating procedures that you use?

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1 A. Yeah.

2 Q. What are they?

3 A. I couldn't recall them for you.

4 Q. Can you describe the purpose of SMGCS Surface Moving Guidance
5 Control System?

6 A. Could I --

7 Q. Can you describe it at a high level what that is?

8 A. I could not. I know it's a system we use here. And this is
9 the first facility I've been to with SMGCS.

10 MR. SEVILLIAN: Those are the questions I have for right now.
11 Back to you.

12 BY MR. SOPER:

13 Q. Do you recall on that morning, when you guys came in, did you
14 come in at the time as the sup? Did she beat you up there or did
15 you beat her up there or did you guys kind of go up there around
16 the same time? Do you remember?

17 A. I was up there first.

18 Q. And when she came up or prior to her coming up, the sup that
19 -- was there a sup up there before that or not?

20 A. No, there was another controller.

21 Q. Another controller. And they were doing CIC then, I assume.

22 A. Um-hum.

23 Q. Up there. So do you recall -- did you get any type of -- was
24 there any type of briefing or discussion on what to expect because
25 of the weather, the way that it was or expectations from the sup

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1 on anything like, hey, I -- just anything. You know, wanting you
2 to pay attention to this or we're going to be doing that or this
3 is going to be an issue for us this morning or --

4 A. Not that I can recall, no.

5 Q. Anything like that. Okay. And how often would you say, in
6 your experience, do you actually have an OS in the tower providing
7 oversight?

8 A. I can't answer that because I can't give you a good answer to
9 that. The OSs are required to be in the tower. I mean, they have
10 their own proficiency requirements to --

11 Q. Right.

12 A. -- be up and down, obviously. And there are mandates in
13 place for them to be in the tower more. But I can't speak to
14 that.

15 Q. Do you think there is -- do you experience a lot of on-the-
16 spot -- not always correction but -- on-the-spot corrections when
17 there are deficiencies or engagement --

18 A. Sorry.

19 Q. No worries, no worries. Do you need to take a break?

20 A. No, I'm fine. Just --

21 Q. Any -- do you normally receive any type of briefing stuff
22 from the sups or is it kind of, you know, you check into your
23 position, you're expected to do your thing unless something goes
24 wrong, they don't really engage much. I mean, where -- what is it
25 for your -- what has your experience been?

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1 A. We're all professionals. Unless there is something out of
2 the ordinary, a special event, significant situation -- if you are
3 a CTO which is just, you know, certified in the tower or full
4 performance level, you check in with the sup, get your position.
5 And they expect you to do your job.

6 Q. And you -- so I understand -- and I know I'm jumping around a
7 little bit. But I understand your -- are you still training down
8 in radar right now?

9 A. Training in radar right now.

10 Q. And I think I seen you had a TRB like back in September and
11 they extended your hours to 75 remaining or something like that.

12 A. Um-hum.

13 Q. Where are you at now today?

14 A. Recommended on west at 45 hours.

15 Q. Good, good, good. So that's going well for you then?

16 A. Yeah.

17 Q. You think? You got that picked up. Good deal. And how
18 often -- are you still getting a lot of tower time right now or
19 have you -- has most of your time been dedicated down in radar
20 doing your training?

21 A. We have proficiency days here. And my rotation is first two
22 days are training days.

23 Q. Of every set?

24 A. Yeah, every week. My Monday and Tuesday are training days.

25 My Wednesday is a pro day. Excuse me, Thursday is a training day.

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1 Friday is a pro day.

2 Q. So you had two pro days every single set and they're spread
3 out by at least two days. Back -- again, jumping around just a
4 tad bit I know. But I wanted to go back to the hours that were
5 worked around the day of the incident. I think you said you work
6 -- your normal shifts are, again, two 12:30s -- or three 12:30s
7 and two sevens plus you guys are on a mandatory six day. Right?

8 A. Yeah.

9 Q. Or something like that. So on the -- at the time of the
10 incident, you had worked two sevens. Friday was your off day.
11 You came to work on Saturday. Was that your sixth? Was that the
12 sixth overtime, that other --

13 A. That was my six day.

14 Q. That was going to be your six day? Okay. And Friday is your
15 normal day off then?

16 A. Yeah. Friday and Saturday would normally be my days off.

17 Q. Then it's a mix which day you get for your six?

18 A. Last year, it was evening shifts. So far this year, it's
19 been morning shifts since we started the new year. It's just been
20 morning shifts.

21 Q. So you normally -- so that's three 12:30s and two seven.
22 Okay, I just -- I was trying to figure out where you were at in
23 that rotation on that one.

24 MR. SOPER: That's all I got for right now. I'm going to
25 pass it back to Mr. Davis.

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1 BY MR. DAVIS:

2 Q. I just have two questions right now. Going back to the very
3 beginning in the questions, he asked you about the volume and
4 complexity and you rated the complexity as a three or a four with
5 those kind of visibility conditions. Given that the complexity
6 was a little higher, I was curious -- I mean, you had two planes,
7 you know, one on the final, one on the ground.

8 Was there any pressure to get that Southwest jet out, you
9 know, before FedEx or even on a normal day, do you feel pressure
10 to make sure we're efficiently moving airplanes or just kind of
11 the thought process there? Or did it cross your mind like, man,
12 with visibility so bad, maybe I should've just waited where
13 normally I would?

14 A. The job is to safely and efficiently move aircraft. So I
15 wouldn't call that pressure. That being said, being here for the
16 last four years, almost five. It's just you build an expectation
17 bias based on the aircraft you work and how they work and how they
18 operate. I'm not saying that's right. It's just the crux of the
19 job. But I don't feel that there is any pressure to rush an
20 aircraft. The goal is to be safe and efficient.

21 Q. And what time do you think it actually hit you, like you
22 realized what was taking place on the runway? Did you know like
23 at that moment in time that they might've been on top of each
24 other? Was it kind of when they were off the departure end and
25 you saw it on the DBRITE there?

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1 A. It became a concern when I didn't hear Southwest's engines.
2 And at that point, it became a critical issue.

3 Q. Is it easier at that point just to almost not issue control
4 instructions since you don't really know where Southwest is at
5 or --

6 A. No.

7 Q. Just kind of thinking of mindset.

8 A. That's not easier. To say that's easier is kind of insulting
9 only because to sit back and say, well, I'm not going to do
10 anything, you're gambling with somebody's life at that point. So
11 it's not easier. At the point when it became an issue was now,
12 you know, when things have to be ramped up as far as, you know,
13 now we need to figure out what we're doing with these aircraft.

14 MR. DAVIS: I understand. Thanks. That's all I have.

15 MR. SOPER: Thank you. Brandon?

16 BY MR. JOHNSON:

17 Q. Yeah, I got a few more questions. So on a normal VFR day,
18 walk me through your decision process, when to put a guy out in
19 front of an arrival? Like everything from the distance, speeds,
20 performance. Walk me through your decision tree.

21 A. On a normal VFR day, we can use line up and wait. On
22 Saturday, line up and wait was not available because we could not
23 see a -- the approach end of the runways and we could not see our
24 exit points on the taxiways. So on a normal VFR day, we can use
25 line up and wait which is we can put an aircraft in position on

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1 the runway.

2 With that being said, what goes into play is the distance
3 they are from the final, the speed they're going and the aircraft
4 type. So if I have a Skyhawk, which is a single engine prop, you
5 guys know, they go about 90 knots. If they're on a three-mile
6 final, I can probably get two jets out in front of him before he's
7 ever a factor on a VFR day.

8 Conversely, if we're talking about a 737 that's going 170
9 knots on a three-mile final, you're not going to get nobody out in
10 front of him. You might be able to get a GA jet out but that's
11 pushing it. Typically, for jets, if they're going 170 knots, four
12 miles is the cutoff for me. Single engine, twin turbo props, it
13 just depends on their speed. 121-50, it just depends on their
14 speed. The incident in question, the 76 was going 120 knots in
15 final. But with that being said, he also ate up the final --

16 Q. Now, slightly change it. Ignore this particular instance.
17 In a similar situation, similar weather and stuff like that, what
18 would your decision tree be in that case?

19 A. Decision tree is similar except we can't use line up and
20 wait.

21 Q. Yeah. So how much would that affect your decision plan?

22 A. Significantly. Because you have to take into account still
23 the speed and the distance. But now you'd have to take into
24 account your departing aircraft and the time it would take for
25 them to come around the corner.

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1 Q. And how much time does that typically add?

2 A. It depends on the aircraft. It can be 30 seconds. If it's a
3 heavy, it can be up to a minute.

4 Q. And going back to the whole low visibility -- now you said
5 you can use your radar to get the distance from the end of the
6 runway and stuff. And when the guys taxi off the runway, you get
7 a report, hey, turn right, you listen to the engines and stuff.
8 And I think I read somewhere or heard it -- I can't remember but
9 you'll have to help me with this one. But you said you listened
10 to the engines on Southwest. You didn't hear them and that's when
11 you got worried. Right?

12 A. Um-hum.

13 Q. And how do you -- other than the engines, how do you get
14 verification that the aircraft is actually rolling? Do you have
15 any way to do that?

16 A. No.

17 Q. Let's see. So going back to the SMGCS questioning and stuff
18 like that. You weren't very familiar with SMGCS. Do you recall
19 ever getting any training on it?

20 A. I can't recall but I'm pretty sure I got training in the
21 tower when I first got here back in 2019.

22 Q. All the way back in 2019. But nothing since then?

23 A. No.

24 Q. Yeah, so -- okay. And going back to the incident, at what
25 point in your mind did you recognize it was going to be an issue?

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1 A. I can't recall.

2 MR. SOPER: Thanks, Brandon. Dajuan?

3 BY MR. SEVILLIAN:

4 Q. Jumping back here to just the day of the incident. I just
5 wanted to -- how were you feeling that -- the day of the incident
6 health-wise?

7 A. What do you mean?

8 Q. Were you -- did you have any -- were you feeling good that
9 morning in terms of --

10 A. You mean prior to the incident?

11 Q. Prior to the incident. Right.

12 A. Yeah, I felt fine.

13 Q. And then in terms of the incident, what do you think could
14 have been done to prevent this particular incident if you could
15 think about it from that standpoint?

16 A. I need a minute.

17 MR. SOPER: No worries. Want to take a break?

18 MR. CAMPBELL: Yeah.

19 MR. SOPER: Let's take a break. Step out. We're going to
20 take a break right now and we'll come back in just a moment.

21 (Off the record)

22 (On the record)

23 MR. SOPER: I have restarted the recording. We have Damian
24 back with us now. So if you could repeat your question that you
25 had before we left there on break, Dajuan?

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1 MR. SEVILLIAN: Thanks, Brian.

2 BY MR. SEVILLIAN:

3 Q. So the question I had was any thoughts on how this incident
4 could have been prevented?

5 A. Several thoughts. The most obvious answer being just not
6 launch Southwest. The expectation bias being what it was, it
7 looked to be a safe operation. But hindsight being 20/20,
8 definitely could have held them. The visibility was -- or should
9 have been a reasonable enough (indiscernible) to use increased
10 separation, which is always available. To your question earlier,
11 there was no pressure to expedite his departure.

12 Q. And I'm switching gears here just talking more about
13 reporting information. But first -- so who do you report to --
14 (Crosstalk)

15 Q. -- yeah.

16 A. My supervisor is Kyle Dorman (ph.). But the day in question,
17 I was working in overtime, the supervisor on shift was Susan.

18 Q. That's the operations supervisor?

19 A. Yes, sir.

20 Q. And so, if you have to report a safety incident or something
21 that -- how do you go about doing that?

22 A. It depends on the level of the event of the procedures they
23 would go through. But let's just say like a case like this --
24 when we have a go-around, the ones that's outside of half a mile,
25 you know, if we execute a go-around, we just call downstairs.

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1 Hey, you know, I have a go-around.

2 As long as you get the reason for the go-around, it could be
3 that the sequence that finals gave us didn't work. It could be
4 that the aircraft on final felt they were too high, they was
5 coming in too fast, and they needed to go around. I mean, there's
6 a lot of reasons for a go-around that aren't incident worthy. And
7 we just -- we call down -- they -- I would assume -- I'm not a
8 supervisor. They do like a MOR or some type of paperwork for it.
9 And business as usual.

10 But the first thing you do is you notify the supervisor who
11 is ever in charge at the time, and they notify the ATM. In cases
12 where it's inside of half a mile or if it wasn't a conflict type
13 of surface violation, you'd notify the supervisor. They usually
14 get you off position as quickly as possible. You're allowed to
15 review the incident and you can file your ATSAP at your
16 discretion.

17 Q. And are you aware of any other controllers that have reported
18 safety incidents that were aware of in the past?

19 A. Am I aware?

20 Q. Yeah.

21 A. Yes.

22 Q. Do you have a thought process of what sorts of incidents that
23 they report?

24 A. I mean, I'm not going to get into other controllers' issues
25 or safety issues. I do have a vague reference of the safety

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1 (indiscernible) they may have reported. But that's -- those are
2 their things. That's not for me to speculate.

3 Q. Yeah. We're just trying to get a sense of reporting
4 information. How often does it happen? Are you aware of other
5 controllers that report issues?

6 A. I'm aware of other controllers that have reported issues. I
7 can't give you a frequency of how often it happens. I mean,
8 there's been incidences in the past. But as far as giving you a
9 baseline for how frequent these incidents are, I couldn't speak to
10 that.

11 Q. And then beyond reporting events, do you -- is there any sort
12 of safety meeting that you have --

13 A. We have a local safety council.

14 Q. And what's -- tell me a little bit about the local safety
15 council.

16 A. I have no idea on that.

17 Q. How would you rate the safety culture here from -- on a scale
18 of 1 to 10, 10 being the highest?

19 A. Prior to this, I would've told you 10. Everybody takes being
20 safe serious here. And I don't think any facility doesn't,
21 honestly. We have so much -- I'm sorry. I have to ask you a
22 question. How familiar are you with air traffic levels?

23 Q. Levels of what?

24 A. The facility levels.

25 Q. Please --

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1 A. Okay. You guys probably already know --

2 MR. SOPER: I'm aware of that. Yeah.

3 A. -- this. I know you guys do. So we're level nine up down
4 which the facility levels go through 5 to 12. Twelve being the
5 highest, five being our lowest. Used to be four (indiscernible).
6 So we're a level nine up down but we have traffic of a level 10 up
7 down.

8 To that point, because we're not a level 10, we're not a
9 class B airspace. We're a class C airspace. So we deal with a
10 lot of small aircraft. Cessnas, King Airs, Archers, Cherokees,
11 things like that.

12 So because we are so busy, but yet we still have small
13 traffic, we have to take safety to an extra step because we still
14 have to provide safety for our little John Doe pilot who is coming
15 in on his barnyard plane he built in his garage while we still
16 have a 7-3 or a Gulfstream coming in. So for us, safety is
17 paramount for what we do.

18 Q. So would you rate the safety --

19 A. I would still rate it at 10.

20 MR. SEVILLIAN: All right. Those are the questions I had for
21 right now.

22 BY MR. SOPER:

23 Q. Back to the event, were you aware that FedEx was a on CAT III
24 approach?

25 A. FedEx reported on CAT.

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1 Q. Yeah. And you recalled it that morning. I mean, you knew he
2 -- what does that mean to you that he's on a CAT III.

3 A. CAT IIIs typically means that you don't want to take them off
4 the approach. They couldn't do the -- we have -- we can only do
5 CAT III approaches on 1-8 left. We can't do them on 1-8 right.

6 Q. Do you know why that is?

7 A. I can't recall the specifics of why.

8 Q. Do you know what it means for the aircraft, what they're
9 going through? Has anybody ever --

10 A. No.

11 Q. -- talked to you about that? Do you recall any specific
12 requirements that you guys have when an aircraft is reporting a
13 CAT III approach?

14 A. No.

15 Q. And I know you kind of alluded to this earlier but I kind of
16 wanted to pinpoint it just a little bit. When precisely, to the
17 best of your ability, did you first -- what was the first thing
18 that made you go, oh, no? Like something is wrong --

19 (Crosstalk)

20 Q. Yeah, yeah. When was that oh, crap moment for you? In this
21 event, to the best of your ability, like what thing that occurred
22 or what occurrence didn't occur that made you go, there's a
23 problem?

24 A. FedEx was on the two-mile final. And we didn't hear anything
25 from Southwest.

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1 Q. Out of curiosity -- this is armchair quarterback a little
2 bit. So just bear with me and don't feel like these are
3 (indiscernible) but I'm just kind of curious, why didn't you wave
4 off the FedEx? Why was -- did that ever come into play even in
5 your decision-making process, was that or even something you
6 thought about doing?

7 A. That was definitely something I thought about and have
8 thought about for a while. I don't know.

9 Q. I get it. It's hard when you're -- it's different when
10 you're not -- when you're in the situation at the time, it's much
11 different than it is to sit and talk about it afterwards. So I
12 can appreciate that.

13 And I guess I just wanted to know -- I was just trying to
14 understand if maybe that ever did enter your mind and if there was
15 a reason, specifically, that you said maybe I should wave them off
16 and then said, I don't want to do that because of this. And if
17 there's not, that's okay. I'm not trying to put words in your
18 mouth. I just wanted to understand if that was a part of the
19 decision-making that you did.

20 A. The fear of waving FedEx off when he was inside two miles is
21 giving him a go-around instruction and not knowing where Southwest
22 is in his departure roll. Because the initial of a go-around is,
23 they climb back up. They're still on runway heading, they climb
24 back up.

25 Q. Yeah.

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1 A. So if he's coming down, and we give him a go-around that's
2 short and Southwest is actually rotating, we make a worse
3 situation even worse.

4 Q. And how about -- same question for Southwest. Did you think
5 about aborting Southwest and cancelling their takeoff clearance?

6 A. Same answer.

7 Q. Same?

8 A. I thought about it.

9 Q. I know you don't have it a lot of times where you work in
10 this type of weather. I think that it's -- it's not a common
11 occurrence. When it does happen, do you -- I mean, is there ever
12 anything -- does the facility ever put things in place? Do they
13 have any mitigation efforts that go into place that they --
14 anytime we drop below this visibility or we have weather of this,
15 we automatically shift to this, you know, we start doing this
16 operation or we start using this equipment. Can you -- is there
17 anything like that that stands out to you?

18 A. As far as like with the SMGCS and the CAT III?

19 Q. This -- yeah, any of it. That hinges on weather or weather
20 criteria --

21 A. SMGCS and CAT III hinges on weather.

22 Q. They both do. Okay. And we asked you about when you lose
23 aircraft on final. So if you -- is there anything here that you
24 think you are lacking to be able to do your job? And what I'm
25 talking about is stuff that's available to you, equipment,

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1 resources, things that you know exist out there? Is there
2 something that is -- that you guys do not have access to that you
3 feel you should and would make a big difference in events like
4 this? Equipment or procedure.

5 I mean, are there -- and I ask you this because you have some
6 experience at some other facilities, too. So you can kind of --
7 you can speak to -- you've experienced other facilities and how
8 they operate and I'm sure you made comparisons like, man, when we
9 were here, we did that, and there's probably some good and some
10 bad.

11 But is there anything here that as you've worked through
12 stuff, and especially considering this event here that you think,
13 you know what, if we have this, or if we did this, this may be
14 much different. Has there been anything like that?

15 A. ASDE-X is one thing I think we -- this facility should've had
16 five years ago. Personnel. We could definitely use more people.
17 But in light of this situation, I think the biggest thing would be
18 ASDE-X. Without ASDE-X, without form of ground radar, our
19 operations come to almost a crawl in inclement weather.

20 Q. That's fair. Let me ask you this. With regard to an ASDE
21 type system or a Surface Detection System, do you feel like
22 there's a lot of -- I don't want to call them incidents -- I mean,
23 but do you feel there's a lot of occurrences here, when you're in
24 the tower, that are -- that would be assisted by the -- by having
25 ASDE here? So not just this weather instance, but are -- do you

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1 guys have a lot of other complex areas on the airfield or hotspots
2 that ASDE --
3 A. Yeah.
4 Q. -- would provide great assistance --
5 A. Yeah.
6 Q. -- that you guys are constantly struggling with? Can you
7 give me an example of a couple that might be --
8 A. So you've been up in the tower.
9 Q. I did. I was up there.
10 A. So our tower faces the terminal back side.
11 Q. Yes.
12 A. So we can see the gates from, I think, 2 to 30. The gates
13 from 14 to 28 -- I think once -- 24 goes in sequential order. But
14 then we have gates on their front side that we can't see.
15 Q. Right.
16 A. So when we have -- United parks on the west side of the
17 terminal and all their gates are on that side, where we can't see
18 them when they push. 25, 27, 29, 31, and 33. We can't see those
19 guys when they push. So when they call for a push, you know
20 (indiscernible) advise ready to taxi 1-8 left, 1-8 right,
21 whatever, and we may have another United coming in. The only
22 thing we can do is say, you know, you have company pushing on the
23 25. The ramp's uncontrolled so we can't dictate, hey, you know,
24 hold this or do this, or do that. We can make suggestions.
25 Advise you --

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1 Q. I get it.

2 A. -- wait until your company comes around the corner. Same
3 thing on the east side. We have some American, some Delta who
4 parks on that side of the terminal, you know, 1, 3, 5, 7, 9, 11,
5 we still don't see that. So as far as issuing safe taxi
6 instructions, you know, if we got a guy coming in, he say yeah,
7 we're going to gate 7 and I know I have a guy who just pushed off
8 of gate 7, I say I recommend you holding southeast corner until
9 your gate is available.

10 Traffic just pushed off of gate 7. It hasn't come around the
11 corner yet. And they understand, oh, you know, we can't see back
12 there. And that's a narrow gateway so I can't say proceed to the
13 gate at your discretion. I mean, I can because the ramp's
14 uncontrolled, but that's not operating safely if I say that
15 knowing that there's a guy back there who has pushed. You know
16 what I mean?

17 Q. Yep.

18 A. And that's a daily operation. That's just nothing --

19 Q. Good. And they have a system they were pointing out to us in
20 the tower. I believe you pointed out to us -- it's American
21 Airlines owned system. They've given you access to it. What is
22 that called again? Auto --

23 MR. FELLNER: Not Autobahn. Aerobahn.

24 MR. SOPER: Aerobahn. That's -- I kept saying Autobahn, too.
25 And I'm like, I know I'm saying the wrong thing. That's the

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1 highway in Germany. Remember that? I'm like, okay, yeah. So
2 Aerobahn. Do you know what that is? Have you seen it up there or
3 do you utilize it all?

4 MR. CAMPBELL: Is it the (indiscernible) whatever they pull
5 up --

6 (Crosstalk)

7 MR. FELLNER: -- downstairs.

8 MR. SOPER: Oh, okay. That's more of a downstairs thing.

9 MR. FELLNER: (Indiscernible).

10 MR. SOPER: You use what?

11 UNIDENTIFIED SPEAKER: We used flight radar 24 upstairs.

12 BY MR. SOPER:

13 Q. Oh, that's right. You guys use flight radar up there. So
14 how do you use utilize that? Do you utilize that when you're up
15 there?

16 A. Flight Radar 24, it's some free thing we got online.

17 Q. Yeah.

18 A. And the ground controller uses it mostly. It just gives them
19 something to use as a frame of reference during that type of
20 weather to see where planes are and just to keep their sequence in
21 order.

22 Q. I understand. So you personally will use it sometimes it.

23 A. Yeah.

24 Q. You refer to it when you're doing stuff. And that's because
25 you can see those ADSB tracks on the ground --

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1 A. Yeah.

2 Q. -- when they're there, right?

3 A. If they have it on, yeah.

4 MR. SOPER: Good deal. That's all I have for right now.

5 Mr. Davis, do you have --

6 MR. DAVIS: I only have on more right now. In unusual
7 situations, which it seems this low vis is, and I'm talking in
8 general, not the instance from the other day, would it be your
9 expectation that if a supervisor came in -- and I don't care
10 whether it's in the TRACON or tower -- when you have something
11 unusual like that go on, they might have come up and said, hey, be
12 careful, we're in low vis this morning or hey, there's -- you
13 know, maybe it's thunderstorms today moving through.

14 But they're supposed to be really bad. Let's keep an eye on
15 vectors -- whatever it might be. Is that maybe a standard
16 practice where they normally bring those attention -- that
17 attention to that in the morning? Or it's just kind of like you
18 -- maybe you said earlier where we're all professional, we saw the
19 pre-duty weather, you know, we should know what's going on type
20 thing.

21 MR. CAMPBELL: As far as something like thunderstorms, which
22 you know is significant -- if there was something like a hurricane
23 and there was lightning storms because of that, I think that would
24 something that would be briefed. But as far as your typical
25 weather, that's more on checking your CEDAR, watching your pre-

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1 duty weather briefing.

2 MR. DAVIS: That's all I have.

3 MR. SOPER: Brandon?

4 BY MR. JOHNSON:

5 Q. Back track a little bit to your pre-duty weather briefing.

6 How thorough is that?

7 A. What do you mean?

8 Q. What do they cover?

9 A. The pre-duty weather briefing?

10 Q. Yeah.

11 A. I think it's from Houston Center. I'm not sure who does it.

12 But they usually cover -- they cover the weather for the day and

13 they give you -- you know, you have a line of storms moving in

14 here, convection here turbulence there. I mean, it's a summation

15 of the day's weather.

16 Q. And they break it down for the individual airport so they

17 have a section dedicated to your airport?

18 A. They break it down for the airspace.

19 Q. And do you feel it's helpful?

20 A. Yep.

21 Q. Good. Then on a personal note, trust me, even with a class

22 bravo, it doesn't scare away little, tiny guys. Trust me, I'm in

23 a class bravo and we have three flight schools on the airport.

24 A. I'm sorry to hear that.

25 MR. JOHNSON: But that's all I got.

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1 MR. SOPER: Okay, Dajuan?

2 MR. SEVILLIAN:

3 Q. Yeah, just one other question. When you were talking earlier
4 about the positing reporting in place, because of low visibility,
5 so is there some sort of procedure, like a documented procedure
6 about what's supposed to be done in terms of when you have a
7 situation like this? Or it's just common knowledge?

8 A. Well, our reporting points, I believe -- I can't recall for
9 certain -- I believe it's in the SOP as far as reporting points.
10 That kind of weather, I can't recall for certain. But it is
11 definitely common knowledge to do here -- it is actually -- you
12 know, if you have a report, I believe that's an SOP but I'm not --
13 I can't recall for certain.

14 Q. Then you receive reporting points from other aircraft -- from
15 -- did you receive any reporting points from Southwest?

16 A. Yeah. Southwest reported holding short at 1-8 left.

17 MR. SEVILLIAN: That's all the questions I had. Back to you.

18 BY MR. SOPER:

19 Q. I don't think I really have any more right -- so I think I'm
20 tapped. Does anybody have any last questions, oh, by the ways? I
21 might have a couple here that are kind of general in nature that I
22 want to ask you but that's it.

23 So when it comes to training here, and I'm talking about your
24 refresher and your recurrent stuff. What is the last one you
25 remember getting? Like not the -- necessarily the exact subject

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1 but when is the last time you guys went through a refresher or a
2 recurrent that you can recall?
3 A. In regards to what exactly?
4 Q. Well, do you just do them spread out or do you do --
5 A. Yeah.
6 Q. -- it like at certain times? Okay, so there's -- what's the
7 last one you remember getting?
8 A. I honestly don't know.
9 Q. That's all right. And how about -- are you aware of what an
10 ECV or ICV is?
11 A. No.
12 Q. Very good. So there -- your internal compliance
13 verifications and your external compliance verifications, right --
14 A. Right.
15 Q. -- where they come and they check all your stuff and what you
16 guys do, and they're not calling traffic, they're not doing this,
17 or not getting PIREPs, they are doing -- and you get ratings that
18 come out of those. And generally speaking, facilities will have
19 -- out of those will be formed like CAPs, like corrective action
20 plans or emphasis items --
21 A. Okay.
22 Q. -- that are the things that they're going to --
23 A. I think we had one of those recently.
24 Q. That's where it becomes (indiscernible). And that's what I
25 was going to ask you is if you're familiar with any. Have you

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1 noted or remembered or is there anything like they've talked about
2 that you've received a briefing item on, they made this an
3 emphasis item like, hey, we were deficient in PIREP dissemination.
4 I want, you know, I want to hear everybody soliciting PIREPs or
5 whatever (indiscernible) or something or -- you know.

6 A. The most recent one I do recall, we had -- it came out -- it
7 was briefed -- was we weren't using full call signs.

8 Q. And I'm jumping around again but trying to get some last-
9 minute ones in here. So this is just your experience. So I know
10 you're not facility management or anything like that but your
11 staffing issue -- you mentioned you guys are short staffed here.
12 Like you mentioned that.

13 So you make -- in your opinion, you are short staffed. And
14 when you say that, how -- in your opinion, how big of an impact do
15 you think that's making on your operation and your ability to
16 train effectively, be trained effectively, and safely conduct the
17 operation?

18 A. Early last year when we went into the six-day work weeks, it
19 was extremely difficult because you would come in on a training
20 day, you would end up being used for staffing because of that. So
21 you wouldn't get any of the training. The impact it makes is
22 significant because you have -- how many controllers are here now?

23 MR. FELLNER: Thirty-three --

24 A. You have 33 controllers doing the top three most stressful
25 job in the country. Bar none. And then you're expecting them to

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1 work more doing one of the highest stress jobs in the world. And
2 then you take that person and you put them in a situation where
3 now you have to work that job more with less time off to recover
4 from working. So I think it plays a big role because you run the
5 risk of controller burnout at this point. Because these guys --
6 like we have four guys on a two-day -- I mean, on --

7 MR. FELLNER: Seven.

8 A. Seven where they come and they work four days, ten hours a
9 day. But those guys will work two overtime days then. The guys
10 like us who work five days a week, we work eight hours a day, we
11 get one day overtime. So we're working six days a week. Those
12 guys are also working six days a week. But they're working six
13 days a week but they're also working more hours. That's a lot
14 more time on position with less time off. So I think it plays a
15 huge role. And again, I'm a CPC IT which --

16 Q. Yeah, sure.

17 A. I was certified when I came here. Blah, blah, blah. And I'm
18 just speaking to the 33 full performance level CPCs.

19 Q. Right. So let's talk a little bit about -- when did you say
20 you got here?

21 A. March of 2019.

22 Q. So welcome here, you're here in COVID.

23 A. Yep.

24 Q. That was the year. Wasn't that year?

25 A. 2020.

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1 (Crosstalk)

2 Q. I know you can't speak to pre-COVID here because you
3 essentially went into COVID like when you got here. Right?

4 A. Well, COVID was 2020.

5 Q. Oh, I'm a year off. Okay.

6 A. Yeah, COVID was 2020.

7 Q. Very good. So you can speak to this. And this is what I
8 want to know. So your ops tempo and the way things were going
9 prior to going into COVID, just from your experience, and I know
10 you would've been new so you were training up and stuff but
11 -- and then what you've experienced coming out of COVID. Do you
12 note an operational capacity difference of the amount of traffic
13 you guys are working or complexity of traffic you're working or
14 both?

15 A. Since I've been here, the traffic has increased every year.

16 Q. Every year.

17 A. 2020 was the one year that it obviously didn't. It died.

18 Q. Sure. When I got here in March of 2019, started in the
19 tower. I think I certified probably by August. I think I was
20 certified. And I was new so I didn't really know the traffic. I
21 didn't have an understanding of the traffic.

22 But when I got here, you know, controllers would talk about
23 how the traffic -- looked like the traffic was big enough, blah,
24 blah, blah. COVID hit, everything dies down. You know, everybody
25 is working from home. We have the glorious five days on, ten days

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1 off. And then we had the five days on, five days off. Then
2 eventually, we got back to normal working hours.

3 When we came back and we was back working normal working
4 hours, traffic slowly ticked back to normal but then it never
5 plateaued. It just kept increasing. And then 2021, there was the
6 boom in traffic with the tech companies moving down and then to
7 the last year was another boom in traffic. And this year is the
8 same thing. It just keeps increasing.

9 Q. Do you feel like you have the ability to -- is -- do you feel
10 like you have the support here, that you have the ability to tell
11 management like, hey, I'm tapping out, man; this is too much. I
12 can't -- I don't know -- I need a break or I need to come off
13 position. Or do you feel like you just don't have that
14 opportunity because you are already stretched as thin as you can
15 get? And if we're on for the hours, we're on for the hours.

16 A. Yes and no. I mean, yes, we do have that ability and the
17 opportunity to do so. No in a sense of -- everybody who is here
18 who wants to be here who isn't here to move on who isn't here to
19 move on next, like somebody who maybe want to come here with the
20 aspirations to go to a bigger -- like this is a nine. Somebody
21 maybe want to go to a 12.

22 But for a few guys here who are -- they're from Texas or
23 maybe their family is here now who wants to be here because this
24 is where I'm putting my roots down, blah, blah, blah. Those guys
25 understand that nobody is walking through that door to save them

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1 so it's like, yeah, you can tell management, hey, this, that, and
2 a third, but then, the only people we can fall back on for
3 assistance is the people who are already here.

4 Q. The last thing I have for you. Since the operation, you said
5 you're back to work -- you've been working in the tower since
6 then. Have you changed anything in the way you do business --

7 A. I haven't worked local.

8 Q. You haven't worked local.

9 A. I've only worked ground.

10 Q. Do you feel like anything has changed in the way you're going
11 to approach that position?

12 A. (Indiscernible).

13 Q. Do you? Like what?

14 A. I haven't worked local yet.

15 Q. Right.

16 A. So I can't say for certain how I (indiscernible) when I go
17 back to local. Speaking logically, you know not having worked it
18 yet, the biggest thing is recognizing the increased weather and
19 the increasing separation when you have something like that
20 happening. And learning from this incident is the biggest thing.

21 MR. SOPER: Do you have anything else? Any oh, by the ways?

22 UNIDENTIFIED SPEAKER: Well, just to -- last -- to highlight
23 that, you said that you recognized that the thought of increased
24 separation and weather, have you communicated that with management
25 in terms of your thoughts and --

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1 MR. CAMPBELL: Since the incident, management has spoken to
2 me. My supervisor, my FACREP, a couple of my trainers who I'm
3 working with in radar now, talking to about. And everybody has
4 given me their input and insight as far as things they would've
5 done or things to look at in the future. So I've gotten a lot of
6 support.

7 MR. SEVILLIAN: That's all I have, Brian. Thanks.

8 MR. SOPER: Do you have any questions for us before we wrap
9 up?

10 MR. CAMPBELL: Same one I had when I first walked in.

11 MR. SOPER: I'm sure you're not anxious to get out of here.
12 I'm going to stop the recording. I show the time now at -- is it
13 12:55?

14 MR. CAMPBELL: 12:55.

15 MR. SOPER: 12:55 Central Standard.

16 (Whereupon, at 12:55 p.m., the interview was concluded.)
17
18
19
20
21
22
23
24
25

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CERTIFICATE

This is to certify that the attached proceeding before the
NATIONAL TRANSPORTATION SAFETY BOARD


IN THE MATTER OF: FEDEX CARGO PLANE & SOUTHWEST
AIRLINES BOEING 767 INCIDENT AT
AUSTIN INTERNATIONAL AIRPORT, IN
AUSTIN, TEXAS ON FEBRUARY 4, 2023
Interview of Damian Campbell

ACCIDENT NO.: DCA23LA149

PLACE: Austin, Texas

DATE: February 7, 2023

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.


Katie Leach
Transcriber

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UNITED STATES OF AMERICA

NATIONAL TRANSPORTATION SAFETY BOARD

* * * * *

Investigation of: *

*

FEDEX CARGO PLANE & SOUTHWEST *

AIRLINES BOEING 737 INCIDENT AT *

Accident No.: DCA23LA149

AUSTIN INTERNATIONAL AIRPORT, IN *

AUSTIN, TEXAS ON FEBRUARY 4, 2023 *

*

* * * * *

Interview of: DAMIAN CAMPBELL, Local Control East Controller
Austin Air Traffic Control Tower

Austin, Texas

Wednesday,
February 8, 2023

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APPEARANCES:

BRIAN SOPER, Air Traffic Control Investigator
National Transportation Safety Board

DUJUAN SEVILLIAN, Human Performance Investigator
National Transportation Safety Board

SCOTT DAVIS, FAA ATC Subject Matter Expert
Federal Aviation Administration

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National Air Traffic Controllers Association

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I N T E R V I E W

1
2 MR. SOPER: Again, my name is Brian Soper. And we're here
3 with a supplemental interview of Mr. Damian Campbell who was the
4 local controller involved in the incident that occurred on
5 February 4th here at Austin ATCT. And involving Southwest Flight
6 708 and FedEx Flight 1432.

7 I have with us in the room today Mr. Damian Campbell who is
8 represented by his representative from NATCA here at the facility.
9 And again, your name, sir?

10 MR. FELLNER: Mark Fellner.

11 MR. SOPER: Mark Fellner. And I have with us all of our
12 existing group members again. Mr. Scott Davis from the FAA.
13 Mr. Brandon Johnson from NATCA and Mr. Dujuan Sevillian from the
14 NTSB and myself.

15 I know we spoke yesterday and we don't have to go through all
16 that other preliminary stuff clearly today but we just had a few
17 more questions. And I'm going to let Dujuan kick off for us this
18 morning because he was the one that initially had some additional
19 questions we wanted to ask. So if you could -- you want to go
20 ahead, Damian -- or I mean, Dujuan.

INTERVIEW OF DAMIAN CAMPBELL

22 BY MR. SEVILLIAN:

23 Q. Thanks. Appreciate it. So just a couple of questions about
24 the morning of the event. Have you ever experienced those weather
25 conditions working as a local controller while you've been here at

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1 Austin?

2 A. They're rare. We usually don't have the -- that significant
3 weather.

4 Q. So you say rare like has there been some other times that
5 you've experienced it?

6 A. Over the years, yes.

7 Q. And then, how did you handle those situations when you had
8 departing aircraft or an aircraft coming in?

9 A. How do you mean?

10 Q. In terms of -- when you had low visibility conditions let's
11 say from that standpoint. How did you -- did you communicate or
12 discuss with the other aircraft or pilots? How did you handle
13 that situation when you have low visibility discussions?

14 A. You mean as far as issuing traffic?

15 Q. Traffic -- anything that's involving your role, how did you
16 deal with that?

17 MR. SOPER: Do you change your work processes at all in your
18 decision making? Like based on having that weather, do you have
19 your own personal risk mitigations kind of that you put in place.
20 Like I got low visibility today so I think about these things and
21 I do this more, I do that more.

22 Is there anything you change necessarily about the way you
23 handle that traffic when you're working with low visibility here?

24 MR. CAMPBELL: Yeah. Low visibility here or at any facility
25 is relatively the same. There are certain procedures we do that

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1 we can't do i.e. line up and wait. We don't do any VFR type of
2 aircraft. I mean, I have to take in consideration a lot more the
3 speed of the aircraft, the distance they are from the airport, as
4 well as runway time which is how long it takes for them to depart
5 (indiscernible).

6 BY MR. SEVILLIAN:

7 Q. In terms of training, this is -- seems like a unique scenario
8 in terms of having these low visibility operation, this fog. Is
9 there any training that you get, let's say recurrent training, on
10 how to deal with these type of situations?

11 A. Outside of our normal yearly recurring training we get
12 throughout the year, I can't recall any significant or special
13 training that we get.

14 Q. Is it -- not significant but is there something that's
15 generic in terms of the training?

16 A. Just our annual refresher training we get from the routine --
17 it's a plethora of trainings we get throughout the year so I can't
18 give you specifics but beyond those things, no.

19 Q. And where's that training normally held?

20 A. It depends on the training itself, what type of refresher
21 training. It could be instructor led which means it could be face
22 to face with somebody that comes into the facility. It could be
23 led by one of the supervisors or it could be done on the ELMS.

24 Q. What's the ELM?

25 A. ELMS is just the e-learning courses we have for the air

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1 traffic.

2 MR. SEVILLIAN: That's the question I had for right now.

3 BY MR. SOPER:

4 Q. So in the training aspect, we were -- like I said, we finally
5 had an opportunity to go through some of the data and stuff. And
6 we noted in there that like in the last 2 1/2 years or so you show
7 up as missing about 24 or 25 trainings, what I will say is that
8 that seems to be common across the facility.

9 There's a lot of trainings that are not documented so I don't
10 know -- is that -- do you have any feeling as to -- I mean tell me
11 about your -- you can't speak for everybody else but for you, are
12 those missed because they were done during times that you're just
13 -- I mean, like what -- tell us the story.

14 A. I'm not missing anything.

15 Q. Really? So I mean, do you think it's not being documented
16 appropriately somewhere --

17 A. It --

18 Q. -- else in the --

19 A. In my opinion, I don't know what courses they're saying that
20 I'm missing but based on my understanding of the courses I'm
21 subscribed, I'm not missing anything. And what I mean by that is
22 the supervisors are usually pretty good on, hey, these are due by
23 this date. All of them have a date to get done.

24 Q. Sure.

25 A. If they are due by that date, I go in the ELMS, I do those.

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1 And I do anything else that's in the ELMS, that's subscribed to
2 me. Period.

3 Q. Yeah.

4 A. So if there's something missing, I don't know about it.

5 Q. So outside of ELMS where I assume -- does that show up in
6 ELMS like you have assignments --

7 A. Yeah.

8 Q. -- or you have things that are put to you to get done by a
9 certain time? Outside of ELMS, for recurrent and refresher, where
10 does that get documented that you need to do those? Who notifies
11 you you have this training to do and how do they do that?

12 A. Supervisors. When you come in, you check in. You sign in.
13 Check in. If it's like -- when we get like the updates to like
14 the .65, we get like these little refresher --

15 Q. Right.

16 A. That's a face-to-face briefing. If we have like a critical
17 ELM that may have just populated that week that needs to be done
18 by everybody nationwide NAS-wide we get notified by the
19 supervisor. They usually give you time to do it throughout the
20 day or some point during the week.

21 Q. Yeah. I -- again, that seems -- there seems to be a problem
22 across the facility. There was a lot of missed training. I know
23 on the last ECV, they were hit on it for non-compliant medium I
24 think for training completion or whatever like that which usually
25 if a facility gets hit on that, it's pretty -- they won't hit on

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1 that unless it's pretty egregious across the board.

2 A. Yeah.

3 Q. I mean, it takes quite a few for them to do so. So my
4 curiosity on that is, it very well could be a documentation issue,
5 too. How is that being documented, who is responsible for
6 ensuring those get documented? I don't know. But I kind of
7 wanted to just get your view from your own training, anything you
8 can speak to. So to the best of your ability, you've completed
9 all trainings that have --

10 A. Whenever I'm given a --

11 Q. -- been assigned to you.

12 A. -- training, I complete it.

13 Q. And --

14 A. And I do -- not to cut you off.

15 Q. No, no. Go ahead.

16 A. When I first got here in 2019 -- so we had -- what's that
17 thing called on the computer, the computer-based stuff when you
18 first get here that used to be on the second floor that Flipper
19 made us do, the computer.

20 MR. FELLNER: Talking about CEDAR?

21 MR. CAMPBELL: It's not CEDAR.

22 MR. JOHNSON: ORT?

23 MR. DAVIS: You guys still do CBIs?

24 (Crosstalk)

25 MR. CAMPBELL: CBI. Thank you. Thank you. So when I first

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1 got here in 2019, all my CBIs from all my previous facilities were
2 not documented. And ironically, the training administrator here
3 made me do all those CBIs over.

4 BY MR. SOPER:

5 Q. Really?

6 A. So I sat here in training and did 10 years' worth of CBIs.
7 So when I say I'm not missing anything, that's why I say that.
8 I'm not missing anything.

9 Q. Right.

10 A. If I'm missing something, it's definitely a documentation
11 issue only because -- like I sat here for two weeks and did CBIs.

12 Q. That's -- and then that's good information. I appreciate
13 that. Good. So moving away from that just a little bit but in
14 kind of a similar lane. So we were looking at the -- we were able
15 to pull up currency and things like that. And in the currency, it
16 looks like you fell out of currency a number of times over the
17 last whatever amount of time.

18 I don't remember the full time we looked at but there's a
19 number of times, five included having to be re-certed. Of those
20 times, I mean, can you tell us a little bit about what caused you
21 to fall out of currency usually?

22 A. Recently, it's just been the fall out from COVID. I've had
23 COVID twice myself. And I've been exposed to someone with -- who
24 was COVID positive. And myself, I'm not vaccinated so if I'm
25 exposed to someone who has COVID, I'm out for two weeks and if

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1 that falls during the time when I need to get current, then I'm
2 usually going to fall out of currency.

3 Q. So to the -- I mean, so to the best of your knowledge, I
4 think that -- the last time I feel like it was August -- does that
5 sound right to you? August of '22.

6 A. I couldn't recall that to tell you the truth.

7 Q. You don't recall. I mean, have you -- do you recall falling
8 out of currency for any other reason besides a medical-related
9 issue (indiscernible)?

10 A. No, sir.

11 Q. No? And I think that you probably fell out of -- did you --
12 there was something in there that you lost your medical at some
13 point. Was that the sleep apnea time frame?

14 A. Yes, sir.

15 Q. So you --

16 A. Fell out of currency with that, as well.

17 MR. SOPER: And that's understandable. That -- I understand
18 how that happens. But then you got on a CPAP and -- those
19 answered those questions for me. That's all I have for right now.
20 So I'm going to pass it to Brandon.

21 BY MR. JOHNSON:

22 Q. Just going to back track to the training. Do you guys get
23 read & initials and briefing items in CEDAR?

24 A. We get briefing items in CEDAR. Read & initial is usually a
25 folder that they have that you go and you read what's in it or the

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1 instructor -- or supervisor -- I'm sorry -- supervisor read it to
2 you and check you off.

3 Q. Now, on CEDAR, do you check that every day?

4 A. Yeah. You check in when you sign in at the check-in desk.

5 MR. JOHNSON: That's all I have.

6 MR. SOPER: Thanks, Brandon. Scott?

7 MR. DAVIS: Nothing this morning. Thanks.

8 MR. SOPER: Dujuan?

9 BY MR. SEVILLIAN:

10 Q. What was the discussion about the sleep apnea? I'm trying to
11 remember. You said earlier about the currency.

12 A. He asked yesterday about was there any restrictions to my
13 medical certificate and that's the sleep apnea. And I lost one of
14 my currency times was because I was down due to the fact that I
15 had to acquire a certain amount of data on the CPAP machine to
16 qualify to go back to full duty. And during that time, I lost my
17 medical.

18 Q. The other question is, obviously, those conditions on that
19 day, that morning, were -- they don't happen all the time here.
20 Is there any sorts of training that you would like to have to help
21 you out in case you encounter something like that in the future
22 from the center?

23 A. If I'm being honest with you, the biggest issue with that
24 situation -- and I'm not trying to cast dispersions or deflect
25 blame or anything like that -- expectation bias is a big factor.

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1 The weather is a big factor. But if there was something that I
2 think we could use in the future to mitigate something like that
3 from happening again, it would be a ground radar more than
4 anything.

5 Q. How could a ground radar help assist you?

6 A. A ground radar allows us to see the aircraft when we can't
7 see it. Everything like our radar, our DBRITES, as you guys know,
8 have to be licensed and rated. So if we had a rated ground radar,
9 we -- you can see where the plane is. You can see what the plane
10 is actually doing on the radar as opposed to making an educated
11 guess.

12 MR. SEVILLIAN: That's all I have for right now.

13 BY MR. SOPER:

14 Q. I did have one question. So I know that this is hard to
15 remember so you just might not be able to but I just want you to
16 try to really think hard. You've probably experienced weather
17 like this before but do you know the last time, and when I say
18 that, could you -- I'm not expecting you to spit out a day, yeah,
19 I remember it was February 4th, 2000 whatever.

20 But I'm saying, do you feel like you've experienced that
21 similar weather in the last three months, six months, a year, or
22 it's been over a year since you've seen that kind of weather while
23 you're on watch?

24 A. That bad, I couldn't say I've seen that -- I can't recall
25 I've seen that within the last year that bad.

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1 Q. So I guess we could make that an easier question by -- where
2 you could not see surface movement. Where you couldn't see
3 aircrafts at the surface.

4 A. (Indiscernible).

5 Q. So you feel confident it's been at least a year since you've
6 seen --

7 A. For me.

8 Q. -- anything like that. Yep. Very well. So to this training
9 issue, do you guys have a training manager here? You can even
10 answer that question if you want -- if you know. You might know
11 better.

12 MR. FELLNER: The TA. We have a TA (indiscernible).

13 MR. SOPER: You have a TA?

14 MR. FELLNER: Training administrator.

15 MR. SOPER: And does that person --

16 MR. FELLNER: It's the ATM.

17 (Crosstalk)

18 MR. SOPER: What's that?

19 MR. FELLNER: Steve's it.

20 MR. SOPER: Oh, okay. So he acts in that capacity?

21 MR. FELLNER: Yes.

22 BY MR. SOPER:

23 Q. And I know you're without an OM right now, too, so you're
24 covering those duties, as well for now. How -- has this come up
25 in the past training documentation here? You're like, has

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1 somebody come to you and said, hey, you're missing these trainings
2 and you're like, no, I'm not? I mean, do you feel like that's
3 occurred on a personal level like you --

4 A. For me, no. We've had issues before with certain ELMS not
5 working. I have heard -- I've only experienced maybe twice here
6 but I've heard other controllers complain about doing an ELM,
7 going through the video, taking a test, hitting submit, and then
8 going back to content and not getting credited for that particular
9 ELM.

10 Q. I can attest to those. Those do happen. I know it. I know
11 it for a fact.

12 A. So that's the only training issue I've seen myself
13 personally.

14 Q. When you -- shifting modes a little bit here. When you were
15 training on position in the tower when you first got here, did you
16 have any trouble on your tower training or was that pretty quick?
17 I mean, you got --

18 A. Yeah. I got here in March and I think I certified like in
19 August or something.

20 Q. (Indiscernible). Now I want to step back just a little bit
21 to some of your previous facilities. We noticed going through
22 your stuff, you were at one facility for a year. Tell us about
23 that.

24 A. Which one?

25 Q. I think that was Chicago that you were only there for a year.

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1 Right?

2 A. Champaign.

3 Q. Champaign for a year. Chicago was six months. Right?

4 A. Yeah.

5 Q. So talk to me about Champaign. How come only a year? Was

6 it --

7 (Crosstalk)

8 A. -- transfer to Fayetteville.

9 Q. -- out of there or -- oh, okay. So --

10 A. Be close to my wife and kids.

11 Q. So there was -- had you certified at Champaign before you

12 left or --

13 A. I certified through ground and I was working on local and a

14 hardship to go to -- well, a hardship to go to Greensboro and they

15 gave me Fayetteville.

16 Q. Then you were at Fayetteville for a few years. I seen that.

17 A. Yeah.

18 Q. Did you get checked out at Fayetteville?

19 A. Absolutely.

20 Q. Okay, good. Then after you left Fayetteville, then you went

21 to --

22 A. Took a bid to C90.

23 Q. C90. And so six months there?

24 A. I got my ass kicked.

25 Q. So that just wasn't your gig. Right? I'm with you. So you

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1 bid out of there or did you --

2 A. No, I washed (ph.) out.

3 Q. You washed out.

4 A. And I went into the NEST (ph.).

5 Q. Yeah, I was going to say so you're NEST then.

6 A. Yeah. And the FACREP there was James Hall (ph.) I believe.

7 And he asked me what was my goals once I -- when I washed, he
8 asked me what was my goals. I said well, I would like to come
9 back and try it again. And he said -- he recommended that I go to
10 a level seven up down, somewhere that had a radar that I could
11 still get -- or keep my dual certification close to C90, certify,
12 and bid back.

13 The only two places that really qualified for that was
14 Rockford and South Bend. Bid South Bend, got South Bend. Went to
15 South Bend, certified. Was there for a few years. Plans changed.
16 By this time, I had gone through a divorce. Ex-wife had moved to
17 Houston. I was in a new relationship and the goal was to get
18 closer to the kids at that point. So that's how I ended up down
19 here.

20 Q. Good. So in your opinion, where do you excel at most? Radar
21 or tower? Where do you -- where are you the most -- where is your
22 comfort zone?

23 A. Comfort zone.

24 Q. Yeah. Like for you working (indiscernible).

25 A. Home.

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1 Q. I don't blame you, dude. I get it. I mean, but work-wise --
2 I mean, do you feel you have an area that you just -- I'm more
3 comfortable there. I work well there.

4 A. I never thought about it like that.

5 Q. No? Okay, well, that's good. You don't have to. I'm not
6 trying to put answers in you.

7 A. Yeah.

8 Q. Yeah. If you just look at equally, it's all the job and
9 that's good. So do you feel like you have a more difficult time
10 in one area than the other in picking it up when you are going
11 through the qualification process?

12 A. That's radar. Picking it up is definitely radar.

13 Q. Have you had previous -- so throughout -- how many tower
14 tickets have you had now? Three?

15 A. Three.

16 Q. So those three tower tickets, did you -- of the other
17 previous two, did you struggle at all in the training of those or
18 did you certify a normal --

19 A. Certified quickly.

20 Q. -- time and went to radar. Very good. You said you didn't
21 air traffic in the Navy. Correct?

22 A. No, sir.

23 Q. You were never air traffic there. You didn't do any air
24 traffic until you came out. And I didn't remember -- I was trying
25 to remember. Did you say you were straight off the street, test?

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1 A. I was an off the street hire.

2 Q. I couldn't remember if you went to college, too, or not. I
3 didn't remember.

4 A. Uh-uh. I did go to college. Not for --

5 MR. SOPER: Not for air traffic. I got you. That's all I
6 have for right now. Dujuan, do you have any additional?

7 MR. SEVILLIAN: I don't have any follow-up questions right
8 now. We can go around with the rotation.

9 MR. SOPER: Brandon?

10 BY MR. JOHNSON:

11 Q. Now, this is going back so I apologize and I understand if
12 you can't remember all of it but walk me through your sim
13 sessions. Basically, if I remember right, you said you basically
14 did it in initial training here and that was it?

15 A. Yeah.

16 Q. Yeah.

17 A. I didn't go in the sims after that.

18 Q. Do You remember anything about the sim sessions?

19 A. No.

20 Q. No? Not at all.

21 A. You asking me to go back four years.

22 MR. SOPER: Yeah, that's a long time.

23 Q. Yeah, I realize that. It was a shot in the dark. I was
24 hoping but no, I get it.

25 A. The only thing I do remember and it's really irrelevant is

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1 that -- and this was in San Antonio, not here, the tower sims we
2 did -- was that they broke down. But again, I couldn't give you
3 specifics or details of which scenario broke down or why it broke
4 down.

5 Q. What were you doing in San Antonio for sims?

6 A. That's where the sims were at the time when I got here.

7 Q. Okay, okay.

8 A. We went to the San Antonio Airport.

9 Q. Then the other question I have is after you left here
10 yesterday, you got out of the briefing or the interview, did you
11 ever think of anything that you were like, dang, I should have
12 told them or I wish they would have known?

13 A. No, I mean, I came here with the goal to be honest and open
14 and candid with you guys. I didn't hold anything back or leave
15 anything not on the table. When I left here, I went home, spoke
16 to my lady. She asked me how'd things go and I say I got -- she's
17 in the military, she's still in the Navy right now. I say, you
18 know, it's your typical government ass chewing. I don't know what
19 to tell you.

20 MR. JOHNSON: That's all I got.

21 MR. SOPER: I hope you don't think we're doing that to you,
22 man. We're -- I told you -- I know it feels like that but we're
23 not, man. We really just trying to --

24 MR. CAMPBELL: Don't -- it's not a slight to any --

25 MR. SOPER: -- capture it. Yeah.

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1 MR. CAMPBELL: -- of you. All of you have been respectful,
2 very polite, very accommodating I guess is the best way to put it.
3 It's just that in a situation like this, you can't see it any
4 other way.

5 MR. SOPER: I understand.

6 MR. CAMPBELL: I wouldn't know any of you had this incident
7 not occurred.

8 MR. SOPER: I know. You're right.

9 MR. JOHNSON: Unfortunately you're right.

10 MR. SOPER: You're absolutely right. Well, we don't want to
11 keep you in here any longer. Do you have any oh-by-the-ways,
12 Dujuan?

13 MR. SEVILLIAN: No, nothing that didn't get asked. I think
14 you touched on the training aspect and the -- I wanted to know a
15 little bit more about the visibility. We're just trying to
16 understand -- one of the questions that we always ask ourselves
17 is, is this a one-off event meaning that is this a situation where
18 fog is -- this happened one time. Or this has happened before and
19 you've experienced something like this before. So that's why some
20 of those questions are coming from that angle.

21 MR. CAMPBELL: No, I understand.

22 MR. SEVILLIAN: We're just trying to --

23 MR. CAMPBELL: Most of the guys here -- the CPCs I'm
24 referring to -- have been here for eight plus years. They got
25 here and they stayed. So I'm sure for them, you know, they have

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1 more experience dealing with a random scenario like that. And I'm
2 not making an excuse or anything.

3 If you were to ask me, do you think this is a one-off event?
4 For me, personally, it probably would be. Because I'm probably
5 going to give ten-mile gaps everywhere in the future just to avoid
6 ever seeing you guys again.

7 (Crosstalk)

8 MR. CAMPBELL: But you know, it's just that shellshock
9 culture.

10 MR. SEVILLIAN: So given that -- I know what you're saying.
11 Ten mile -- but is there some sort of now -- is there ever a
12 discussion amongst the team or other controllers? I usually give
13 four or five miles or I give six?

14 MR. CAMPBELL: Oh, I've had that with several controllers.
15 I've had that with controllers that don't even work here.

16 MR. SEVILLIAN: And do they have sort of a rationale behind
17 it? Is it --

18 MR. CAMPBELL: You have -- so you -- you guys obviously know.
19 I'm sure you probably met some. You have controllers that --
20 everybody is different. You have your -- as we call them --
21 gunslinger controllers. You have your super passive/aggressive
22 controllers. So it just depends on your level of comfort with the
23 traffic.

24 With that being said, everybody approaches things
25 differently. Like I was sitting in the NATCA office yesterday

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1 after I talked to you guys. And one guy, he said you know, it
2 looks good at first he said but in those situations, he said just
3 give them five miles. He said don't even -- he said
4 (indiscernible) five miles. Don't even wait, just make them wait.

5 Another guy said when FedEx called and he said blah, blah,
6 blah, he said I probably would've -- when you asked Southwest
7 this, I probably would've did this. Everybody has that 20/20
8 vision after the fact. So everybody -- I had a friend who is a
9 really good friend to me. I knew him in Fayetteville. He's in
10 DFW tower. He called me last night and we talked for about an
11 hour.

12 And he said -- I guess he experienced something like that
13 with a trainee and he was telling me about it. And he said the
14 biggest thing is you have to be ready to do something. He said --
15 and every situation is never going to be the same.

16 MR. SOPER: I'm glad you're reaching out, man. Or other
17 people are reaching out to you. I mean, that's a good sign. And
18 that's good. And I hope that at the end there's a teaching moment
19 here, too. That you actually do pick up something and don't think
20 that people are after you.

21 Because eventually, you'll be training people, too, if you're
22 not already. And when you're training people, hopefully you'll
23 take this kind of thing with you because that's what makes a
24 difference. When you train others and then they take that with
25 them and they training others.

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1 MR. CAMPBELL: Yeah.

2 MR. SOPER: It becomes a legacy. So -- well, that's good.
3 I'm glad. Keep doing that. Keep talking to colleagues and stuff.
4 Keep taking in that information and you're right. All controllers
5 are different. Doesn't mean you have to follow every one of those
6 things for sure. But it's going to help you develop better
7 decision-making skills so you don't get yourself into that.
8 That's good, man. Well, I want to let you get out of here. And
9 I'm sorry for having to bring you back in again. I really am.

10 MR. CAMPBELL: It's fine.

11 MR. SOPER: It's just about trying to -- we didn't have all
12 the data yesterday and we're thinking we don't need these open
13 spots. Let's get it now and not make him come back in two weeks.
14 Because that's even worse. Right? Like we're coming back like
15 what. So very good. I'm going to go ahead and turn off the
16 recording there. Sorry. And I show the time at -- yep.

17 (Whereupon, the interview was concluded.)
18
19
20
21
22
23
24
25

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CERTIFICATE

This is to certify that the attached proceeding before the
NATIONAL TRANSPORTATION SAFETY BOARD


IN THE MATTER OF: FEDEX CARGO PLANE & SOUTHWEST
AIRLINES BOEING 767 INCIDENT AT
AUSTIN INTERNATIONAL AIRPORT, IN
AUSTIN, TEXAS ON FEBRUARY 4, 2023
Interview of Damian Campbell

ACCIDENT NO.: DCA23LA149

PLACE: Austin, Texas

DATE: February 8, 2023

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.


Katie Leach
Transcriber

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UNITED STATES OF AMERICA

NATIONAL TRANSPORTATION SAFETY BOARD

* * * * *

Investigation of: *

*

FEDEX CARGO PLANE & SOUTHWEST *

AIRLINES BOEING 737 INCIDENT AT * Accident No.: DCA23LA149

AUSTIN INTERNATIONAL AIRPORT, IN *

AUSTIN, TEXAS ON FEBRUARY 4, 2023 *

*

* * * * *

Interview of: MARK FELLNER, NATCA Facility Representative
Federal Aviation Administration

Austin, Texas

Wednesday,
February 8, 2023

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APPEARANCES:

BRIAN SOPER, Air Traffic Control Investigator
National Transportation Safety Board

DUJUAN SEVILLIAN, Human Performance Investigator
National Transportation Safety Board

SCOTT DAVIS, FAA ATC Subject Matter Expert
Federal Aviation Administration

BRANDON JOHNSON, NATCA Air Safety Investigator
National Air Traffic Controllers Association

KENNETH RODAL, Vice President
Austin Airport

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I N T E R V I E W

1
2 MR. SOPER: All right, test one, two. All right, my name is
3 Brian Soper, I'm an air traffic investigator with the NTSB and we
4 are here today with Mr. --

5 MR. FELLNER: Mark Fellner.

6 MR. SOPER: Mark Fellner, who is the NATCA FACREP at this
7 facility; is that correct?

8 MR. FELLNER: Correct.

9 MR. SOPER: And your representative you have chosen is?

10 MR. RODAL: I'm Kenneth Rodal, I'm the VP here at Austin
11 Airport.

12 MR. SOPER: Okay, thank you.

13 And also in the room, I have Mr. Scott Davis from the FAA out
14 of Indy district representing the FAA on the group.

15 Mr. Brandon Johnson, representing NATCA on the group out of
16 Salt Lake City Tower and Mr. Dujuan Sevillian, who is a senior
17 human performance investigator from our headquarters in
18 Washington, D.C. We are here for the investigation of the event
19 that occurred on February 4th, 2023 between -- there was an
20 incident involving Southwest Flight 708 and FedEx Flight 1432.

21 And the -- to repeat what I said a little bit earlier, just
22 to understand that the NTSB is not a regulatory agency, we have no
23 enforcement power. We don't make rules, we don't enforce rules,
24 our job is all safety and that's what we're concerned with. We're
25 here on this portion of the investigation is just gathering facts

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1 as they relate to the accident -- or the incident in this case,
2 sorry, and so that we can put that together and reconstruct the
3 entire sequence and develop the probable cause, which is what
4 we're charged to do. And hopefully from that, develop safety
5 recommendations and prevent recurrence. We can offer no, you
6 know, guarantee of confidentiality or immunity. Our stuff is very
7 transparent. At the end of the day, when our public docket comes
8 out, your name will be attributed to the conversation we're having
9 today. It'll be part of that transcript. Do you have any
10 questions for us before we start?

11 MR. FELLNER: I do not.

12 MR. SOPER: Okay.

13 UNIDENTIFIED SPEAKER: (Indiscernible).

14 MR. SOPER: Okay, if you want to take a break at any time,
15 just let us know. We'll kind of do this in a round robin fashion.
16 I'll start off, I have some background questions I kind of want to
17 ask to get a feel for and then we'll go around the room, we'll ask
18 questions. You've been through this a few times, so you know how
19 it goes.

20 MR. FELLNER: Yep.

21 MR. SOPER: And we'll just go ahead and get started and get
22 right into it so we can get you out of here.

23 So, first of all, if I could get your representative -- can
24 you spell your name for me?

25 MR. RODAL: Kenneth, K E N N E T H.

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1 MR. SOPER: Yep.

2 MR. RODAL: Rodal, R O D A L.

3 MR. SOPER: Okay, and you're the VP here.

4 Great, and could you give me the spelling of your last name
5 one more time?

6 MR. FELLNER: Sure, F E L L N E R.

7 UNIDENTIFIED SPEAKER: My mom used to do that when I was a
8 kid, (indiscernible).

9 INTERVIEW OF MARK FELLNER

10 BY MR. SOPER:

11 Q. And how old are you now?

12 A. I'm 38.

13 Q. Okay, what are your operating initials here?

14 A. Foxtrot Romeo.

15 Q. And you are the FACREP and you are currently fully facility
16 rated?

17 A. Correct.

18 Q. And do you have any prior FAA air traffic work experience,
19 military, DOD, federal contract, dispatch?

20 A. One previous facility.

21 Q. Okay, it was not FAA, or was it?

22 A. It was FAA.

23 Q. Oh, okay, that's good. Nothing prior to coming to the FAA,
24 though air-traffic wise?

25 A. No.

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1 Q. All right, cool, and where were you at before you came here,
2 then, one previous facility -- well, let me just ask, when was
3 your EOD with the FAA?

4 A. September 11th, 2009.

5 Q. Oh, September 11th.

6 A. I'm sorry, Jesus, February 11th, 2009.

7 Q. February 11th, okay.

8 A. Yeah, I always get the numbers screwed up. So, February
9 11th, 2009.

10 MR. SOPER: 2009, you said?

11 MR. JOHNSON: You're officially not allowed to come to Salt
12 Lake.

13 BY MR. SOPER:

14 Q. All right, February 11th, 2009, and you went through the
15 academy, correct?

16 A. Yes.

17 Q. And when you left the academy, where was the first facility
18 you went to?

19 A. I reported to Binghamton, New York, BGM.

20 Q. And when -- what month and year was that?

21 A. June of '09 approximately.

22 Q. Yeah, that's fine, and then you left there when to come here?

23 A. December of '13 to report to Austin in January of '14.

24 Q. And do you hold any collateral duties besides being the
25 FACREP or are you, like, the LSC rep, do you write the schedules,

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1 do you -- anything? A whole list of them?

2 A. I just -- I'm trying to delegate as much as possible. No, I
3 don't have any other tasks that I work here.

4 Q. Okay. All right, cool, and so if you would just like the
5 asked the other folks, give us that ten-thousand-foot aviation
6 background, you're -- you know, from the time you decided you were
7 going to pursue aviation and decide your trip and what led you to
8 here?

9 A. How far back would you like me to go?

10 Q. Just go back, you know, like high school. Like, you know,
11 you're graduating high school and you're deciding what you're
12 going to do with your life?

13 A. So, originally, I wanted to be a pilot.

14 Q. Yeah.

15 A. I started flying in 1999. I did the whole solo thing on my
16 16th birthday and got my pilot's license shortly after my 17th
17 birthday. Then I was looking at schools like Embry Riddle and
18 realized that's very cost prohibitive. So, I elected to go to
19 college for a police officer. I started in EMS as a stepping
20 stone my freshman year of college. I did EMS while I was in
21 college at Rutgers University. I did EMS for 11 years. I
22 graduated college, started working for the Police Department and
23 then this job opportunity just sort of fell in my lap by accident.
24 So, I applied, never thinking I was going to get it, and I got a
25 phone call or email, I don't remember back then, but I got

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1 eventually was hired by the FAA.

2 Q. Cool, and the rest is history, huh? Do you ever regret not
3 staying in the police force?

4 A. No.

5 Q. All right, have you been terminated, suspended, asked to
6 resign from any position since you've been in the FAA?

7 A. No.

8 Q. Cool, and how would you describe your overall health in the
9 terms of excellent, good, fair, poor?

10 A. Excellent.

11 Q. All right, cool, and I don't need your medical classification
12 stuff, we're not talking about the incident day, so I'm going to
13 skip over some of those things. And you don't know what you're
14 doing (indiscernible)?

15 A. No.

16 Q. Yeah, I was going to say we don't need to go through that.
17 Just kind of going down -- so, did you in any official capacity
18 review this event? Meaning, were you part of the -- of a SSR,
19 CER, initial review, did you -- were you the persons sup?
20 (Verbatim) I mean, was there any -- did you have any official
21 capacity to have to review this event?

22 A. No.

23 Q. Okay, have you reviewed the event?

24 A. Yes.

25 Q. Okay, so let me ask you -- just put the controller hat on for

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1 a minute, if you could classify the traffic volume at the time of
2 the event on a scale of one to five, five being the heaviest, how
3 would you rate the traffic volume?

4 A. One.

5 Q. Okay, and similar question, do you think that was normal for
6 that time of day, day of the week, that type of thing?

7 A. Yes.

8 Q. And on a scale of one to five, five being the most complex,
9 how would you rate the traffic complexity at the time of the
10 event?

11 A. It's a little more difficult to evaluate because the volume
12 was so low, I would say complexity was also one. But it was not
13 typical weather, so --

14 Q. So, I mean, you can -- when we talk about complexity there --
15 and that's a good question -- I'm not just talking about the
16 traffic, is there something that made the traffic services more
17 complex? So, it can be weather. So, if weather made it more
18 complex, then you can adjust that number accordingly.

19 A. Three.

20 Q. Okay, and that was normal, or above normal, or below normal
21 for that time?

22 A. Above normal for that time.

23 Q. Okay, and just going to keep going down. All right, so
24 that's all I have for background stuff on you. So, let's talk a
25 little bit -- I do want to ask you a couple questions about the

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1 event and when I do that, I'm asking knowing that you were not
2 present for the event, that you have no work relationship to it or
3 anything else. But you have watched the replay and understand
4 what occurred there and have had discussions about it and I would
5 like to -- is there anything that stood out to you right when you
6 watched that replay that is like -- that was off to you? Or that
7 just seemed like -- you know, I want to know more about that or
8 whatever.

9 A. Yes, my first thought was the weather. I worked the
10 overnight that night, so I left at about 6:00 in the morning.

11 Q. Oh, okay, how long had the weather been like that?

12 A. So, that was one of the things that was my first thought.

13 Q. Okay.

14 A. There was a Southwest that landed, I want to say, around 2:30
15 in the morning that reported ground fog beginning on Runway 36
16 left. A short time later, I inquired on another arrival if there
17 was ground fog present and he said no, not really, and then there
18 a Delta, I believe, landed on the other runway simultaneously and
19 said there's starting to be ground fog on this runway. It was
20 approximately 2:00 or 2:30 in the morning.

21 Q. Okay.

22 A. As I was leaving, the ground fog was intensifying and I might
23 have mentioned that during my relief briefing to the day-shift
24 controller that the ground fog was over the night shift and that
25 had been intensifying. So, it was clear to me as I was leaving

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1 that the fog was going to be very low level. So, the sky was
2 clear, visibility was unrestricted, you could see aircraft on
3 final. But as it would intensify throughout the morning, as I
4 would imagine it would, it was going to be one of those situations
5 where aircraft would drop into the fog to land, but you could
6 still see them on a mile or 2 final?

7 Q. Yeah.

8 A. So, that occurred to me and I was curious if that was still
9 the case because when I left at 6:00, I don't know what the
10 weather was at 6:45.

11 Q. Right.

12 A. The other thought that I had was knowing that I couldn't see
13 the ground, I would not have done that if I were in that position.

14 Q. Right, and what -- I mean, what would you have done probably?
15 I mean, and I know that it's always easy to play armchair
16 quarterback, but I'm just saying, you know, you try to keep out of
17 it when we know what everybody else did.

18 A. Sure, I realize through air traffic experience and pilot
19 experience that when the visibility is what it is like that,
20 pilots are going to be a lot slower with everything they do on the
21 ground. I want to make the turn when I find the right place,
22 facing the right direction, you know, have the conversation with
23 the crew before they put the throttle up. So, I would imagine, in
24 my mind, that a three-mile hole would not be sufficient to launch
25 a proceeding departure.

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1 Q. So, let me ask you -- you bring up an interesting point and
2 it's kind of -- I'm glad you went down this road. So, that's
3 based on your experience from pilot and air traffic control and
4 what you've had here, how has that -- how did you learn that? I
5 mean, how did you learn that, you know what, they move slower in
6 the weather, they move slower in IFR, I'm going to need more space
7 or whatever is? I mean, did that come mostly from your experience
8 as a pilot and you just knew that now because you did that or does
9 it come -- did experience on position where things didn't work out
10 for you or did it -- was it part of your training along the way
11 somewhere? Were other controllers or veteran people along the way
12 have told you, like, hey, man, when this, this is the deal? I
13 mean, how did it --

14 A. 50/50 my own experience and air traffic -- pilot experience
15 and air traffic experience.

16 Q. Okay, good.

17 A. It's certainly taught and through the OJT process when you're
18 in the tower with the OJTI that when you're in this position,
19 things move -- they move a lot slower -- significantly slower.
20 So, that was emphasized to me in my training, I've emphasized that
21 to other people in their training and I'm very confident that's
22 emphasized throughout the training process here at the facility.

23 Q. Interesting. Okay, and so I'm going to shift gears with you
24 a couple times here a little bit. But let's talk about SMGCS
25 here. How well do you think the SMGCS program and process here is

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1 known across the workforce? What it really means to them and what
2 they --

3 A. I'll answer that in a long way.

4 Q. Okay.

5 A. So, one of the things that the ATM and I were trying to do is
6 convince others -- the powers at be that we need ground
7 surveillance. So, one of the things I did to gather data is I
8 went through a year's worth of METAR data to determine how many
9 days we were IFR, how many days we were below this ceiling, this
10 is incrementally lower, and then visibility incrementally lower to
11 the point where I think I got all the way down to less than a
12 quarter mile and indefinite ceiling either zero or 100. The data,
13 for at least SMGCS, wasn't -- I want to say it was less than 15
14 times of the year that I pulled -- day, not necessarily hour, but
15 day.

16 Q. That you would've had criteria for --

17 A. For SMGCS.

18 Q. Oh, okay.

19 A. So, we forwarded that out, whether that was strong evidence
20 or not. So, your specific question, could you repeat that because
21 I think I just --

22 Q. So, the -- how well do you think the SMGCS procedure stuff is
23 known by the workforce here?

24 A. Oh, right.

25 Q. Do you think it's like, well-known and people understand it

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1 and they know when we need to get into it? Or we go into it so
2 infrequently that --

3 A. I think most controllers have a good foundation. Every
4 single nuance, I would say that is not well known. Like, I didn't
5 know we needed to call the airport when it was sustained RVRs
6 below. I know we notified them, but I didn't remember the
7 criteria. So, I think people have an understanding of when the
8 RVR hits this, you activate the SMGCS, turn on the generator, this
9 is what we need to do, so, you know, everything slows down.
10 Basically, treat everything as one runway, we're arriving this
11 runway, we're departing, you know, so I think they have an
12 understanding of that, but all of the very small nuances, I don't
13 think are known.

14 MR. SOPER: Okay, that's all I'm going to ask for right now.
15 I'm definitely going to have some more questions, but I want to go
16 ahead and pass it along.

17 Dujan?

18 BY MR. SEVILLIAN:

19 Q. Yeah, I just want to talk about the -- just sort of the
20 challenges to the low-visibility operations. If you could give
21 sort of your perspective on low-visibility operations, some of the
22 challenges that controllers may face. What would you say?

23 A. So, I don't want to sound like a broken record, but staffing
24 is a challenge here. So, ideally, in my mind, if we're going to
25 be in that kind of a position -- it's not uncommon to have two

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1 positions that time of day and it wouldn't necessarily benefit us
2 to have a third body in the tower. Clearance is not necessarily
3 busy, it's usually ground and local or just ground. But you have
4 reporting points, you're trying to figure out where the aircraft
5 are, occasionally, using the Flight Radar 24 to get a sense of
6 where they are. It's not something we can use officially. But
7 yeah, I already went off on a tangent, go ahead with --

8 Q. Oh, on the question?

9 A. Yeah.

10 Q. Yeah, just curious on some of your -- from your perspective,
11 the challenges that local controllers may face in operating in the
12 low-visibility operations?

13 A. Knowing where the aircraft are obviously would be a difficult
14 thing to figure out, especially without any type of ground radar
15 and using pilot position reports. Typically, the ground
16 controller would tell the aircraft report holding short of the
17 runway from the tower. So, in my mind, the expectation would be
18 that the aircraft reported that they were holding short, they were
19 stopped at the approach end and waiting for the next instruction.
20 But I would be unable to determine that visually, so that would be
21 the challenge.

22 Q. And so, this -- I don't want to call it the weather
23 phenomenon, but there was some fog. I mean, obviously, you
24 recorded it, you said the night before hey, there's some fog, you
25 know, watch out for it. But is this common in this area in terms

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1 of -- you know, is that common?

2 A. I would say certain times of the year for a few days in a
3 row. But common outside of that, I would say no.

4 Q. So, from the standpoint of training for local controllers, if
5 a local controller, let's say, doesn't necessarily experience that
6 type of situation or scenario, that's kind of a -- sort of a one-
7 off type of event, how do you train for something like that?

8 A. We have weather than can decrease pretty substantially, not
9 necessarily to the point where you're in SMGCS, but you're
10 talking, you know, a mile or half a mile of low ceilings. So,
11 it's not quite the same criteria, but you're still operating
12 almost at exactly the same because you're slowing everything,
13 you're talking about increased separation rules, you're talking
14 about applying different separation rules. The turn up points
15 and, you know, on the final, you can't use a stagger, just all
16 kinds of things that we talk about in the tower regularly without
17 necessarily having to go into specific SMGCS operation. So, those
18 things would still apply.

19 MR. SEVILLIAN: Okay. All right, yeah, that's all the
20 questions I have for right now.

21 BY MR. SOPER:

22 Q. I got a question before I pass it. Why do you not conduct
23 facility training here for you? Why do you not personally do it?

24 A. Train?

25 Q. Yeah.

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1 A. I'm really not supposed to.

2 Q. Okay.

3 A. A person in my position is not supposed to train.

4 Q. I got you. Training other people -- you're not supposed to
5 train other people?

6 A. Yeah, incase things don't go right and --

7 Q. How about providing facility training like from the
8 standpoint of a refresher type training on low-visibility
9 operations to the facility?

10 A. So, one of the things that the previous ATM and I and then I
11 think you and the OM took over was CIC refresher. She and I felt
12 that the knowledge and the implementation of that knowledge needed
13 to be strengthened, so when she was here, she and I discussed
14 having a very indepth CIC refresher course.

15 Q. Uh huh.

16 A. I don't recall if that fell off the wagon or not, but we
17 picked that all back up with -- he took it over with the previous
18 OM and we rolled that out because that was important to us. We
19 want the CICs to have the knowledge and have the confidence to do
20 their job correctly. So, that was one of the things that we did.
21 So, I take part in that, but not as a direct role. I keep kicking
22 this.

23 Q. No, I figured that you guys --

24 A. But I do in a different way.

25 MR. SOPER: Okay, good.

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1 All right, go ahead, Brandon.

2 MR. JOHNSON: No, you're fine.

3 BY MR. JOHNSON:

4 Q. How would you rate -- on a scale of one to ten, how would you
5 rate the controllers' knowledge of IFR operations, low-visibility
6 operations in the tower cab?

7 A. Overall or that particular controller?

8 Q. Yeah, overall?

9 A. I would say it's very high. So, I would say nine.

10 Q. And in that -- well, since you lead into it, that particular
11 controller?

12 A. I can't say I don't recall, so I'd say I don't know. Yeah, I
13 don't know.

14 Q. Do you ever work with that controller?

15 A. I do.

16 Q. How often?

17 A. This year, not as much. But previously, we've worked
18 together.

19 Q. How often do you work with him in the tower cab?

20 A. Without looking at the CRU-ART, I couldn't speculate.

21 Q. Okay, that's fine. So, you heard me ask -- during another
22 interview and I'm going to ask you the same question.

23 A. Okay.

24 Q. Walk me through your decision tree for a guy on final in VFR
25 conditions and you're trying to get a departure out?

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1 A. Aircraft type is paramount because that's going to give you
2 your speed and whether or not I can see the aircraft, distance
3 from the runway, what type of approach they're on, weather, if
4 there was anything else going on that's distracting. There's a
5 tremendous amount of things that go into play when you're making a
6 decision as to whether or not you want to get someone out. If
7 they're in position, if they're not, if they're training aircraft,
8 if there's -- you know, if I'm confident in them, is it Southwest
9 versus American. There's lots of different things that come into
10 play with a decision like that.

11 Q. Okay, and then what about for your separation, what you're
12 comfortable with, what you normally use, stuff like that?

13 A. It's all dependent on type, speed, distance. My comfort
14 level -- so, there's no set number or magic calculations, but it's
15 all dependent on the situation with every single factor that's
16 evaluated before a decision's made.

17 MR. JOHNSON: Nice side-Step.

18 MR. FELLNER: It's just true.

19 Q. I mean, do you have a minimum amount?

20 A. It depends if it's a Cessna or a 787 and it's a training guy
21 on the runway. There's so many different factors but -- generally
22 speaking, if we're talking, let's say, an air carrier on final and
23 an air carrier on the runway, visual conditions, the aircraft has
24 slowed to a speed that I think is sufficient to allow for spacing,
25 mathematically calculate distance, time to fly, three to four

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1 miles.

2 Q. Okay, do you have NATCA schedulers that do the schedule?

3 A. I have a one scheduler -- we have two official people on the
4 schedule team for the NATCA side. One of them builds the schedule
5 and the other one helps with finding the little issues with it.

6 Q. Okay, and then when you negotiate for the schedules, how many
7 controllers would you like, would you think appropriate for this
8 facility?

9 A. I have to rewind. So, back in 2017, the ATM and I wrote a
10 business case for this facility advocating for more controllers.
11 We saw the writing on the wall. We (indiscernible) air that was
12 projected, we had Southwest that had anticipated growth, we had
13 all kinds of data that was showing us we were going to be busier
14 in two or three years. So, we forwarded up the business case, we
15 were both told it was making traction, that was getting places.
16 The last we heard, it was on the director's desk before covid hit.

17 Q. So, what were the numbers?

18 A. We were asking for 52.

19 Q. 52? Okay.

20 A. So, the -- covid happened, everything came to a screeching
21 halt, as we started to come out of covid, there was turnover in
22 the NATCA side, turnover in the FAA side, so the conversation was
23 reinvigorated and both sides sort of played that, I don't know
24 what you're talking about card. So, we reignited everything and
25 we are where we are now.

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1 Q. Okay, are you still comfortable with the 52 number or you
2 think it --

3 A. I think it needs to be higher.

4 Q. And why? Walk me through your decision for the 52?

5 A. So, we have a new airspace that's going to be rolled out.
6 It's one of those things where do we get more staffing and then
7 work on the airspace, or do we work on the airspace and hopefully
8 grow into it? We elected to get the new airspace and hopefully
9 grow into it because we weren't getting the staffing anytime soon.
10 Something needed to change. So, with the new airspace, we want to
11 expand the size and the number of scopes in our TRACON. We want
12 to expand the positions of the tower. There's a lot of things we
13 want. We laid all that out and we made the FAA and NATCA aware of
14 the things that we were requesting. I think ultimately, it would
15 put us in the high 50s.

16 Q. Okay, and you mentioned something about Flight Radar 24?

17 A. Yes.

18 Q. You have that in the tower cab --

19 A. We occasionally have it in the tower to use as a tool, not
20 anything to provide separation.

21 Q. And where is that at?

22 A. In the middle of the tower, there's an island, it's --
23 there's two computer screens, one -- the larger one has the TSD
24 and the smaller one has the CRU-ART and the occasional use of
25 Flight Radar 24. If you're working ground control, looking out

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1 the window, it's behind you, facing you.

2 Q. Okay, so it's mostly used for ground control?

3 A. Ground control.

4 Q. Okay, and how visible is it to the locals?

5 A. Not very.

6 Q. Not very. And then you guys have a tower sim here at the
7 tower, right?

8 A. If you want to call it that, yes. It's three computer
9 monitors put together closely.

10 Q. Okay, and have you ever been able to use it?

11 A. I have not used it. The previous ATM and I discussed whether
12 we wanted one. We elected to ask for one, we got it. I think
13 it's called the ATC on the go or something. It's kind of a piece
14 of junk. But it is what it is.

15 Q. Have you built -- have you -- do you know of progress to
16 build scenarios for it or anything?

17 A. I delegate that to the training rep.

18 Q. The training rep?

19 A. He's very involved, very active. We're actually just redoing
20 our radar simulations as well. So, he would know that. I would
21 not.

22 MR. JOHNSON: That's all I got.

23 MR. SOPER: Thanks, Brandon.

24 Scott?

25 BY MR. DAVIS:

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1 Q. The only questions I have are around the local safety
2 counsel. Can you speak to how active the local safety counsel is
3 and the involvement you have?

4 A. They're very involved. We -- Steve and I delegate quite a
5 bit to them. The OS that was in the tower during the incident is
6 the management person on the LSC. We have two controllers in the
7 LSC, they're both very -- I want to say active, and they're
8 respected, and they're knowledgeable. So, we delegate quite a bit
9 to them, we run a lot through them, and then the recommendations
10 they give to Steve and I, we go over them together and we decide
11 whether or not we want to adopt them.

12 MR. DAVIS: That was going to be my other question, actually,
13 so that's all I have. Thank you.

14 BY MR. SOPER:

15 Q. So, you guys -- you took some dings on your most recent ECV,
16 right?

17 A. Yes, can you delete some of it?

18 Q. And there's some -- there's a couple big ones in there,
19 right?

20 A. Yeah.

21 Q. So, you guys have some open CAPs or mitigations going on
22 right now, I assume, that are still related to that, right?

23 A. Yes, we probably have at least one.

24 Q. Are you able to gauge any, you know, needle change on those?
25 I know that's not been a very long time. So, I mean, you had the

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1 ECV in November, I'm not sure how much you've been able to
2 implement regarding that, but are you seeing any needle change?

3 A. He would be more the one to know exactly.

4 MR. SOPER: Yeah, feel free to answer that, I mean, if you
5 know.

6 MR. RODAL: Am I allowed to speak?

7 MR. SOPER: Yes, we'll record you.

8 MR. RODAL: Yes, we've been -- well, we've been working on
9 it. We changed our memory aids for the inposition stuff. That's
10 already been implemented.

11 MR. SOPER: Okay.

12 MR. RODAL: As far as the memory aid thing, we had a speaker
13 distraction issue. That's been mitigated as well, I just -- they
14 turned it off. As far as the visual scanning thing -- I don't
15 know how far you got into the ECVs, but there were some
16 recommendations. Did you get into the actual recommendations or
17 just the CAPs?

18 MR. SOPER: Yeah, a little bit. Yeah, we got into the
19 recommendations a little bit.

20 MR. RODAL: Yeah, like, they had recommended -- because of
21 the issues with the scanning and how the tower cab is.

22 MR. SOPER: Right.

23 MR. RODAL: Where the one local is here and it faces -- your
24 back is to the other runway -- the west runway and whichever -- in
25 this case, they weren't at local anyway, they were at ground but.

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1 MR. SOPER: This was the position change deal there, right?

2 MR. RODAL: The positioning, yes, they recommended where
3 rather than doing the CIC, to maybe do two locals. But as we
4 discussed earlier, we don't have staffing.

5 MR. SOPER: I mean, great, give me some people, yeah.

6 MR. FELLNER: It would be nice.

7 MR. SOPER: Yeah.

8 MR. FELLNER: It's only been six years we've been asking for
9 this.

10 BY MR. SOPER:

11 Q. Well, let me ask you that, talk about the staffing level?
12 What's the -- so, I know what the management's view of that
13 situation is and I know what the controller's, maybe, view is or
14 whatever. But you -- from -- how's the workforce dealing with
15 that? What's happening with the workforce?

16 A. So, we pulled the data -- Kenneth and I pulled the data for
17 2022. Austin was the 17th busiest facility in the country. We
18 were the busiest Level 9 in the ten buffer and anything above us
19 is a 10, 11, 12, and there's several 10s and 11s below us, the
20 next one being Nashville, is a Level 9, and I think they're number
21 21, 22. So, we're clearly, just by data, busy, right?

22 Q. Right.

23 A. What the frustration is repeatedly is that nobody seems to
24 care. We run that kind of volume with three radar scopes. That's
25 insane. Like, it's just beyond insane. Comparatively, every

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1 controller here works more airplanes than any other controller in
2 this district. Like, just -- it's just -- the data is really just
3 scary and depressing.

4 Q. Just from straight math, you did -- I mean, it's --

5 A. It's just crazy.

6 Q. What effect is that having on the controller workforce here?

7 A. The morale is -- we try our best to do what we can, but the
8 morale is pretty low. The sense is that the FAA doesn't care,
9 there's no change coming, and that's what Steve -- I give Steve
10 credit for working hard on things like the airspace change and
11 advocating for us and things like that. So, the morale here is
12 not good, six day work weeks is exhausting, the schedules that we
13 work are exhausting, time off is few and far between. So, people
14 are just mentally and physically exhausted.

15 Q. So, that's -- and that's really my next question. So, what
16 is your feel for -- do you believe that, you know, you -- I mean,
17 I can almost answer the question without asking it, but I want to
18 ask it. The schedules where they're at and what you're having to
19 do, are you noting, at your level, that the fatigue is affecting
20 the workforce in the operation?

21 A. Everyone here strives to do, on a scale of one to ten, a 12.

22 Q. Yeah.

23 A. No matter how tired we are, how beat up we are, how mentally
24 drained we are, we still push ourselves to provide the air traffic
25 service safe, orderly, expeditious to our customers. So, everyone

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1 here goes above and beyond at their own detriment to do that. I
2 have not seen it directly affect the operation per se, like, oh,
3 someone's just fatigue and there's a mistake as a result of it
4 because I think that we really push ourselves. But it is evident
5 that -- at how exhausted people are being here all the time.
6 Having to drive to work six days a week or spend ten-hour days
7 here multiple days a week when they want to be, you know, with
8 their families or recovering and recuperating. So, there is that
9 aspect of it. I haven't necessarily seen an error or something
10 happen as a result of the fatigue.

11 Q. Okay, I mean, are you --

12 A. I've seen it happen as a result of being overwhelmed with
13 volume.

14 Q. Sure, which is still related, right? I mean, you know,
15 because --

16 A. In theory, it's related. But anybody could --

17 Q. You know, if you had appropriate staffing, you could
18 potentially have not been in that situation.

19 A. Right.

20 Q. I get it. So, your -- so, is there -- do you feel that there
21 is a hyper awareness then on the level of those that are either --
22 I don't know, your more veteran controllers or even in -- I don't
23 know how your supervisors are here, you've got very few of them,
24 which is another problem.

25 A. Yeah.

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1 Q. But is there an outlet for controllers if they do start
2 feeling that? Do they feel -- do you feel that, as a controller,
3 controllers feel comfortable if they're, like, today's not going
4 to be the day, man, like, I can't -- I'm not there. I've had it
5 today. Or do you feel like there's -- they're going to have an
6 apprehension because they're such team players, they don't want to
7 be the one that calls out and has to -- I mean, how -- is there
8 any --

9 A. The only outlet we have is to work the positions that don't
10 require you to control aircraft. Like, if people are fatigued or
11 I've seen people say can I just go work data, can I work
12 clearance, or can I do something where -- you know, it's
13 important, but you're not actively separating aircraft.

14 Q. Right.

15 A. So, you can perform sort of an administrative function and
16 support the operation without actually having to move airplanes
17 around. So, that's one of the mitigating things that we do.
18 Steve and I have talked about sliding people instead of having
19 them on a position -- a control position where they sit for a
20 period of time, a new person would come in, get them out, and they
21 would slide to the administrative position, if you will, so to
22 provide some sort of mental relief. We haven't necessarily
23 implemented that to the extent that we maybe could. But not
24 directly, no.

25 Q. Okay, shifting gears just a tad bit and going back to

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1 training and simulators. So, I know the simulator you're speaking
2 of and it doesn't sound like probably, you know, it's very
3 engaging here. I know you guys used to utilize San Antonio?

4 A. Uh huh.

5 Q. What -- when you were able to use San Antonio, do they have a
6 better, more robust simulator that is more valuable when you are
7 able to use that?

8 A. So, the only reason we stopped going there is because we got
9 our own.

10 Q. Okay.

11 A. They -- from what I understand, I have not been there, they
12 have the full, like, floor to ceiling deal where it's like you
13 actually -- I've been to the facility, I've walked in the room,
14 but I have not used it.

15 Q. Yeah.

16 A. It's much larger, it's much more robust.

17 Q. Yeah, well, that definitely is a lot different than those
18 suitcase simulators.

19 A. Yeah, I've got to tell you.

20 Q. So, yeah, I think anybody that's done both would know this.
21 So, I mean, I guess I'm curious, is there -- are you not allowed
22 to because you own this suitcase now? Would it be like yeah, hey,
23 we're not going to fund that because you've got your own?

24 A. I don't think we've asked, but I would be curious of what the
25 answer would be. I would suspect they would say no initially and

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1 if we press it enough they might find a way. But I don't think
2 initially they would agree with it, but I'm speculating.

3 MR. SOPER: Do you recall or know at all --

4 I mean, maybe you could answer this to, you've been here a
5 long time?

6 MR. RODAL: Yeah.

7 BY MR. SOPER:

8 Q. Yeah, so when they did use the simulator program at San
9 Antonio -- or when did they did utilize the simulator in San
10 Antonio, was it strictly for initial training qualification or
11 were you guys utilizing it to accomplish either proficiency, or
12 scenario based, or refresher, or whatever it is that you have to
13 do the simulator with?

14 A. We had an individual here who went to a training review board
15 for the tower.

16 Q. Uh huh.

17 A. He was sent down to San Antonio at least once, maybe twice,
18 to do specifically built scenarios to target his deficiencies.
19 So, they did do that for him.

20 Q. It was successful?

21 A. As far as the functioning?

22 Q. Did you get the results that you needed? I mean --

23 A. He -- whether we did it one time or a thousand times, we
24 weren't going to get the results we needed.

25 Q. All right, cool, that --

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1 A. So, no.

2 Q. But at least that was done, I mean -- so, I get it.

3 A. Yes.

4 Q. And on that note, the -- I mean, I just feel like, you know,
5 we've been talking a lot about, you know, how do we prepare people
6 to make good judgement. That's not something you can directly
7 train per se, you know what I'm saying? So, it's a little bit of
8 different things. It's a mix of experience, and training and, you
9 know, whatever. So -- but that being said, one of the areas that
10 always ends up lacking when we start digging in is scenario-based
11 training, like after the point of initial qualification. So often
12 that is just dropped and so, a person could feasibly go a year
13 before they see an ugly weather day and now they get one. Could
14 we do a better job of preparing them for that, I don't know, you
15 know. But I just -- I feel like these simulators are grossly
16 under utilized or they're looked at in the wrong way and I'm not
17 saying it's the magic bullet either, it's not. But if it's a good
18 program, they can work good. Have you ever been in Chicago's
19 simulator -- their tower sim?

20 A. No.

21 Q. It's -- if you ever get a chance to drop in there, you
22 should. Like, it's intense. But they've got, like, 15
23 contractors that do nothing but around the clock sims, that's what
24 they do. So, they're proficient, they're good. Controllers, they
25 don't -- you don't have to worry about taking controllers out of

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1 the workforce to go run it, right? they just say boom, go down
2 and do sims and they go down there and they run problems on them
3 and it's -- and they're intense, it's a beautiful one. But I just
4 was curious if there was any thought given to the ability to get
5 back to San Antonio for any type of simulator work on any type of
6 basis?

7 A. I don't know if that question's been asked.

8 MR. SOPER: Okay. All right, cool. All right, that's all I
9 got for right now.

10 Dujan?

11 BY MR. SEVILLIAN:

12 Q. Well, just on the lines of that. I know we were talking
13 about staffing issues earlier, but do you think it would be
14 possible to get local controllers into a simulated type of
15 activity even though they -- there's a staffing shortage here? Is
16 there any way to do that or is it just like --

17 A. We can make any kind of work if we absolutely have to. As an
18 example, with the new airspace we're running, ideally, someone
19 would get a full day of training, classroom, simulation on how to
20 work the new airspace. That's not going to happen. So, we've
21 already discussed it and the ATM and I have decided that what
22 we're going to do is, we're going to pull someone the last hour of
23 their shift and do a quick, one-hour classroom and they're going
24 to go to simulator after two hours of holdover, and they're going
25 to do at least two, maybe three problems. I shouldn't say -- run

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1 three simulations -- two or three simulations and that's it.
2 You're talking a brand-new airspace and that's the best we can do
3 it's pretty pathetic.

4 Q. Just -- I was just curious on the -- how do you generate or
5 develop those scenarios? Are they based off of like a prior
6 situations that controllers have faced or are they -- how do you
7 -- what do you base your scenarios off of?

8 A. That's a great question for my training guy.

9 Q. Okay.

10 A. I do not know.

11 MR. SEVILLIAN: Okay, those were the only questions I had.

12 MR. SOPER: Okay, Brandon?

13 BY MR. JOHNSON:

14 Q. Going back to the sims, you -- this might be more than you
15 could answer, but I'm still going to try for it. Based on the
16 experience with the two different version of the sims, what would
17 be a good use for the sim you guys have versus what they have --
18 what San Antonio has?

19 A. So, we don't send everyone to the sims. I'll back up, when I
20 got here, I didn't -- I was not sent to the sims. There's some --
21 the management, in my mind, determines the criteria for sending
22 someone to the simulator or not. I don't know if, now that we
23 have our own, that everyone goes through the simulator. I don't
24 know for sure.

25 MR. FELLNER: Do they?

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1 MR. RODAL: I don't know. I went to the simulator.

2 MR. FELLNER: In San Antonio. You came from (indiscernible),
3 that's why.

4 MR. RODAL: That is why.

5 MR. FELLNER: I'm just -- so, anyway, sorry. So, I don't
6 know if everyone is required to the sims here. Having said that,
7 the -- I would imagine that it would be for just Austin-specific
8 things here. It wouldn't be for anything monumental to build like
9 a -- I mean, yeah, you're going to build a foundation, but I don't
10 think it would be for someone that has literally no tower
11 experience. Like, it would be sort of a building block versus the
12 foundation.

13 BY MR. JOHNSON:

14 Q. And then what I'm trying to find out is -- I've never used
15 the suitcase sims. I've used the big ones. So, I mean, like, I
16 realize you said they're three computer screens attached to a
17 computer. I'm just trying to figure out what are they actually
18 used for? If you can't get the total immersive experience of a
19 true sim, what --

20 A. That's why I'm saying it's more of a building block. You
21 just get an idea of what the airport kind of looks like when this
22 happens in this situation. It's just kind of a very poor
23 representation of what's actually going to happen when you go
24 upstairs.

25 MR. JOHNSON: Okay, that's all I got.

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1 MR. SOPER: Scott, do you have any?

2 BY MR. SEVILLIAN:

3 Q. I just wanted to highlight -- you're talking about the sim,
4 but it's more of a desktop simulation, would you say that for the
5 -- you said the three computers --

6 A. Yeah, they're three monitors just very closely put together.

7 Q. Okay, and it's just more of a familiarity type of sim?

8 A. Yeah, I would assume so. But we have -- I would imagine we
9 use it here for a specific just pass, fail I assume. I don't know
10 what the -- off the top of my head the training program,
11 specifically for that part of the facility is.

12 MR. SEVILLIAN: Okay, appreciate it. Thank you, Mark.

13 BY MR. SOPER:

14 Q. Okay, cool. All right, how do you feel the CICs -- are you a
15 CIC here as well?

16 A. Yes.

17 Q. Overall, I know that, based on your staffing, you guys are
18 CIC in the tower a majority of the time?

19 A. Correct.

20 Q. It's just what you've got to do, right? That said, do you
21 feel the CICs here are -- they do -- are you guys getting to --
22 are they providing on-the-spot corrections most of the time, or do
23 you feel that's very hit and miss based on the CIC or, you know --
24 or is that just too hard for you to judge for the facility?

25 A. Controller to controller, peer to peer, it's challenging to

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1 provide on-the-spot correction.

2 Q. Yeah, agree.

3 A. I would call them more of on-the-spot comments.

4 Q. Yeah.

5 A. Like, oh, that looks tight or oh, what are you doing there?

6 Not a I wouldn't do that or you need to say this. So, it's more

7 of a coaching versus corrective statement.

8 Q. Okay, yeah.

9 A. I would say those are done. We could perhaps improve on

10 that, but it's not like we're absolutely remiss of doing that.

11 Q. Right, but, I mean, are you empowered to do it? I mean, I

12 know you're empowered because they're giving you the CIC

13 qualification, but is that supported then?

14 A. I would say it is.

15 Q. Okay. All right, do you feel -- and this is just your

16 thought, but, I mean, you see it because you're in the operation

17 regularly -- how often do you work the tower versus radar? Do you

18 -- just yourself?

19 A. It depends. We've --

20 Q. I mean do you have a pretty -- I mean, you have a pretty

21 healthy mix either way?

22 A. Yes.

23 Q. I mean, it's not like you're 90 percent of the time in one.

24 All right, so that being said, do you feel that the fact that you

25 are in the CIC so much of the time is a detriment long term up

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1 there because you have -- you lose that -- you know, because
2 there's so much of the maybe not necessarily direct oversight? Or
3 do you feel like well, I mean, I've been places where the sups
4 aren't that great and the CIC actually can do a better job, right?

5 I don't mean to say it that way, but, I mean, it happens. But
6 what's your feel working up there? Do you feel this is a
7 detriment or do you think that part is still good? I mean --

8 A. I feel like it's a detriment for a different reason.

9 Q. Okay.

10 A. While CIC is part of my job function, it's not my sole duty
11 as an air traffic controller

12 Q. Right.

13 A. So, my job primarily should be to move airplanes, not oversee
14 the operation. That's someone should be in management conducting
15 that and we're supposed to have performance management doing the
16 things associated with oversight and being a manager. So, I think
17 it is detrimental in the fact that it's taking away from the
18 ability to open more positions, it's detrimental to increasing in
19 fatigue, it's detrimental to increasing workload because that's
20 not what I should be doing.

21 Q. Correct me if I'm wrong, because I could be wrong on this and
22 I want to know from somebody who's working this, but I felt like
23 the CIC position was developed as an interim gap in those off-the-
24 wall times when you have to need it. Meaning, it was never
25 intended to be a semi-permanent fixture. It was meant to -- you

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1 know, we had a weird day where a sup called out or a sup had to be
2 down here for this reason. We can still operate with general
3 oversight and we certify these controllers -- this CIC so they can
4 provide that general oversight in that small gap when we need to
5 and then we shift back to an operational sup as soon as we can get
6 one available or whatever it is and it seems like it's become used
7 as a regular position now. It's like we're staffing CIC and that
8 seems a little odd. Am I off on that?

9 A. So, I would agree with you and I would go a step further. I
10 came from a facility where we had one supervisor that worked,
11 like, an 8:00 to 4:00 or whatever and he was never in the
12 operation, only running the facility.

13 Q. Yeah.

14 A. So, the controller was upstairs by themselves, the controller
15 downstairs was by themselves, both in charge of each respective
16 location and we had a supervisor on a shift for eight hours. So,
17 I don't know what they did, but they were almost never in the
18 operation. Here, we're lucky that one is in the operation at
19 least and in one of the operational areas.

20 Q. Yeah.

21 A. Unfortunately, they don't get much of a break and they're in
22 there for eight hours, so they have their own fatigue and, you
23 know, eating, bathroom breaks, and their own issues.

24 Q. Yeah.

25 A. So, it's an all-around not good situation.

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1 MR. SOPER: Very good. Fair enough. I don't have anything
2 else.

3 Does anybody else have any?

4 UNIDENTIFIED SPEAKER: I'm good.

5 MR. SOPER: All right, I'm going to go ahead and stop.

6 Do you have any questions for us before we close?

7 MR. FELLNER: I do not.

8 MR. SOPER: I'm going to stop the recording.

9 (Whereupon, the interview was concluded.)
10
11
12
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CERTIFICATE

This is to certify that the attached proceeding before the
NATIONAL TRANSPORTATION SAFETY BOARD

IN THE MATTER OF: FEDEX CARGO PLANE & SOUTHWEST
AIRLINES BOEING 767 INCIDENT AT
AUSTIN INTERNATIONAL AIRPORT, IN
AUSTIN, TEXAS ON FEBRUARY 4, 2023
Interview of Mark Fellner

ACCIDENT NO.: DCA23LA149

PLACE: Austin, Texas

DATE: February 8, 2023

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.



Carolyn Hanna
Transcriber

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UNITED STATES OF AMERICA

NATIONAL TRANSPORTATION SAFETY BOARD

* * * * *

Investigation of: *

*

FEDEX CARGO PLANE & SOUTHWEST *

AIRLINES BOEING 737 INCIDENT AT * Accident No.: DCA23LA149

AUSTIN INTERNATIONAL AIRPORT, IN *

AUSTIN, TEXAS ON FEBRUARY 4, 2023 *

*

* * * * *

Interview of: SUSAN GREEN, Operations Supervisor
Austin Air Traffic Control Tower

Tuesday,
February 7, 2023

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APPEARANCES:

BRIAN SOPER, Air Traffic Control Investigator
National Transportation Safety Board

DUJUAN SEVILLIAN, Human Performance Investigator
National Transportation Safety Board

SCOTT DAVIS, FAA ATC Subject Matter Expert
Federal Aviation Administration

BRANDON JOHNSON, NATCA Air Safety Investigator
National Air Traffic Controllers Association

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I N T E R V I E W

1
2 MR. SOPER: My name is Brian Soper. And I'm an air traffic
3 investigator with the NTSB. And we're here to investigate the
4 incident that occurred on February 4th, 2023, regarding Southwest
5 Airlines Flight 708 and FedEx Flight 1432.

6 It happened about 0640 in the morning. I have here with me
7 in this room today the rest of the air traffic control group,
8 Mr. Scott Davis from --

9 MR. DAVIS: Indianapolis District.

10 MR. SOPER: Indianapolis District. And he is representing
11 the FAA as the FAA's group member to this investigation. And I
12 have Mr. Brandon Johnson from Salt Lake City Tower representing
13 NATCA. He is a NATCA ASI and is here representing the labor union
14 in this investigation. And I have Mr. Dujuan Sevillian who is
15 here with us. Senior human performance investigator from our
16 headquarters. And he'll be looking at some human performance
17 issues with this investigation.

18 Then for the record, I have with me, your name again?

19 MS. GREEN: Susan Green.

20 MR. SOPER: Is that Green with an E on the end or without an
21 E?

22 MS. GREEN: No, sir. G-r-e-e-n.

23 MR. SOPER: And do you have a representative with you today?

24 MS. GREEN: I do not.

25 MR. SOPER: Did you want a representative to be available for

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1 you?

2 MS. GREEN: No, I don't think so.

3 MR. SOPER: I just don't -- I don't want you to think because
4 you're there you can't have a rep. If you would -- I mean, if you
5 would like your ATM to be your rep, I can ask him to come over
6 here and he can sit in this room with us. It's up to you.

7 MS. GREEN: No, I'm okay.

8 MR. SOPER: Very well. Then so as I mentioned earlier, we
9 are -- the NTSB is an independent federal agency. We are charged
10 by Congress to investigate civil aviation accidents and incidents
11 of a serious nature, develop probable cause, and hopefully, safety
12 recommendations to industry to keep it from happening again in the
13 future.

14 Our investigations are kind of lengthy. It'll probably be
15 about a year before we close up the investigation. We encourage
16 you to go back and look at that full report when it has come out
17 so that you can see the rest of the story.

18 The -- we are -- we have no regulatory power. As I mentioned
19 earlier, we don't enforce rules, we don't make rules. That's not
20 our thing. We're concentrated specifically on the safety aspects
21 of the event. And we're here just in the fact-finding phase of
22 our investigation and collecting everything that we can here at
23 this facility to understand better how things transpired.

24 Do you understand everything as I've explained it today.

25 MS. GREEN: Yes, sir.

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1 MR. SOPER: And I'm sorry for the technical difficulties
2 getting started here and the late start trying to get that going.
3 We are having some trouble with this Zoom and the Microsoft Teams.
4 I don't know which side it was on but I apologize for that causing
5 a little bit of a delay. So if you're ready, we'll go ahead and
6 get right into it so that we can get you on your way sooner than
7 later.

8 INTERVIEW OF SUSAN GREEN

9 BY MR. SOPER:

10 Q. If you would for me, I had your first name as Susan. And
11 that's S-u-s-a-n, I assume?

12 A. Correct.

13 Q. And Green you said without an E. And how old were you on the
14 day of the incident?

15 A. Forty-three.

16 Q. And what are your operating initials here?

17 A. Mike Kilo. MK.

18 Q. And you were working -- can you tell me what position you
19 were working at the time of the incident?

20 A. I was working from the clearance delivery position in the
21 tower and I was working ground, clearance delivery, and CIC
22 combined.

23 Q. Do you have any prior FAA air traffic control work experience
24 like military, DoD, federal contract tower, dispatch, anything
25 like that?

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1 A. Yes. I did military Air Force at Shepherd Air Force Base
2 from 2003 to 2006. And then I was at Boston Logan Tower from 2007
3 to 2010. And then East Texas Regional Airport 2010 to 2013. And
4 then I moved to Austin in 2013.

5 Q. Very good. Thank you for your service. I retired from the
6 Navy, as well. Were you a controller in the Air Force?

7 A. I was.

8 Q. Excellent. Do you hold any collateral duties or have you
9 been on any recent details that have taken you outside the
10 facility that would affect currency and proficiency?

11 A. No, sir.

12 Q. Can you describe for me -- just kind of give me a 10,000-foot
13 bio. Your aviation bio -- kind of what got you interested in
14 aviation and brought you to where you're at today as a controller.
15 Like, you know, you always had interest in aviation in high
16 school, joined the Air Force. Whatever it was for you that
17 brought you from there to here.

18 A. Right. Well, I joined the Air Force right after college and
19 I didn't even know what air traffic control was. But when they
20 pulled up my -- when the recruiter pulled up my list for job
21 opportunities, it was air traffic control or to go in general and
22 I kind of rolled the dice on what I got. I went with air traffic
23 control. They assigned me TRACON or RAPCON is what it was with
24 the military. So sent me to Shepherd Air Force Base. I finished
25 out my four years of service and then got hired by the FAA and

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1 they sent me straight to Boston Logan.

2 Q. And how long did you say you've been with the FAA now? So
3 you came there in 2000 and what year was it?

4 A. Seven.

5 Q. Seven.

6 A. 2007.

7 Q. Very good. So have you ever been suspended, terminated, or
8 asked to resign from any position since you've been in the FAA?

9 A. No, sir.

10 Q. How would you describe your overall health in the terms of
11 excellent, good, fair, poor?

12 A. Good.

13 Q. And was drug or alcohol screening performed as a result of
14 this event?

15 A. Yes, sir.

16 Q. Do you remember how long after the event? Was it within a
17 couple hours to five, the next day?

18 A. They just did it today.

19 Q. Today.

20 A. This morning.

21 Q. And have you had any major changes in your personal life over
22 the last year that have been a disruption in your life, so to
23 speak. I mean, they can be good or bad. Like I had a child, we
24 adopted a child, anything big like that that was a big change in
25 your personal life? Married, got divorced?

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1 A. Not in the last year. No, sir.

2 Q. Kind of a similar question. Major changes in your financial
3 situation over the last year like --

4 A. No, sir.

5 Q. -- won the lotto, filed bankruptcy? Okay. Did you file an
6 ATSAP as a result of this event? I know you're a supervisor --

7 A. Yes, I did.

8 Q. You did. Great. Did you get a response back that it was
9 accepted by the ERC?

10 A. I don't believe so. I haven't gone into the ATSAP website
11 but if they sent me an email, I have not received that.

12 Q. Have you been interviewed about this event prior to now?

13 A. No, sir.

14 MR. SOPER: And for now, I'm going to turn it over to Dujuan,
15 our human performance specialist. He's going to ask you some
16 background questions.

17 BY MR. SEVILLIAN:

18 Q. Thank you, Susan. The (audio distortion) conduct a 72-hour
19 history and that's just basically --

20 A. I can barely hear you, sir. I'm sorry. I'll turn it up a
21 little.

22 Q. We typically conduct a 72-hour history here at NTSB. It's
23 just your activities prior to the incident. So the next questions
24 that I'm going to ask are related to that alongside some health-
25 related questions. So the first one is are you currently taking

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- 1 any medications?
- 2 A. No, sir.
- 3 Q. Were you taking any medications prior to the incident?
- 4 A. No, sir.
- 5 Q. Do you drink alcohol?
- 6 A. Occasionally.
- 7 Q. How many drinks do you typically have in a day?
- 8 A. Zero in a day. Maybe once or twice a month.
- 9 Q. Do you drink -- did you drink alcohol prior to the incident?
- 10 A. No, sir.
- 11 Q. So the next questions are related to opportunities of rest,
- 12 sleep, et cetera. How many hours of sleep do you typically need
- 13 to feel rested?
- 14 A. Probably seven.
- 15 Q. How many hours -- go ahead.
- 16 A. Eight would be nice. But seven -- I feel rested with seven.
- 17 Q. And how many hours of sleep do you normally get?
- 18 A. Probably six.
- 19 Q. The incident happened on February 4th. So I want to start by
- 20 talking about your activities on February 1st. What time did you
- 21 wake up on February 1st?
- 22 A. Is that Wednesday?
- 23 Q. That is --
- 24 MR. SOPER: Yes.
- 25 Q. -- Wednesday, yes.

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1 A. Wednesday, I woke up at -- well, I suppose you've heard about
2 the incident with the weather that we had. So Wednesday, I woke
3 up at 1:20 to put fuel in the generator because we were without
4 power. Then I went back to bed. Woke up again at 5. Refilled
5 the generator and I stayed up at that point.

6 Q. Did you take a nap or anything?

7 A. I don't think so. I did have Wednesday off. I didn't go in
8 on Wednesday because of the weather event. I wasn't able to get
9 out of my driveway.

10 Q. What time did you go to bed on Wednesday?

11 A. Wednesday night or --

12 Q. Yes.

13 A. Is that what you're asking?

14 Q. Wednesday night.

15 A. I think probably 9. There's not much to do without power.

16 Q. And you said you didn't work that day?

17 A. I did not work on Wednesday.

18 Q. On Wednesday.

19 A. Correct.

20 Q. And then, for the 2nd, February 2nd, that's a Thursday, what
21 time did you wake up?

22 A. The electricity came back on around 4 a.m. so that woke me
23 up. I went back to sleep and woke up roughly 6 or 6:30.

24 Q. Any naps during that time frame?

25 A. No, sir.

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- 1 Q. What time did you go to bed?
- 2 A. Thursday night?
- 3 Q. Thursday night.
- 4 A. Thursday, I worked 1 to 9. I got home at 10. I probably
- 5 went to sleep around 10:45.
- 6 Q. And was your sleep interrupted at any time that day?
- 7 A. Thursday night into Friday?
- 8 Q. Thursday night --
- 9 A. No, sir.
- 10 Q. Then so for Friday, what time did you wake up?
- 11 A. 4:00.
- 12 Q. And then, did you take a nap or anything?
- 13 A. No, no. I was at work.
- 14 Q. What time did you go to bed?
- 15 A. Friday night?
- 16 Q. Yes.
- 17 A. Nine.
- 18 Q. And was your sleep interrupted at any time?
- 19 A. No, sir.
- 20 Q. And the incident was on the 4th so --
- 21 A. Right.
- 22 Q. Any other things during that time frame that you would like
- 23 to discuss in terms of sleep?
- 24 A. I don't think so.
- 25 Q. So what is your typical work schedule?

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1 A. So typically, I should work Tuesday and Wednesday night, 1 to
2 9 is my schedule. I usually stay until 10. Then Thursday, I'll
3 work like a 10 to 6. Friday I'm working -- Friday and Saturday
4 I'm working 6 to 2, although I'll frequently get there a little
5 bit earlier. 5:30 to 1:30 or 2. Sunday is my day off. Monday
6 should be my day off but I'm usually on overtime Mondays. So that
7 could be a morning or an evening shift.

8 Q. And have you ever had to stay later than your scheduled work
9 time? Is that typical?

10 A. Yes. But not past a 10-hour day.

11 MR. SEVILLIAN: Okay. Back to you, Brian. Thank you.

12 BY MR. SOPER:

13 Q. So did you have an opportunity to review replays of this
14 event?

15 A. I reviewed the replay on Saturday morning before -- I
16 reviewed it briefly on radar before I sent it to Steve and then I
17 listened to the tapes and I have not looked at the replay since
18 then.

19 Q. Was a relief briefing conducted when you took the position in
20 the morning in the tower?

21 A. Yes.

22 Q. Was that recorded?

23 A. It was.

24 Q. Do you utilize a checklist here?

25 A. We do.

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1 Q. And you used it that morning?

2 A. Yes.

3 Q. Was that a checklist -- is it a manual checklist or is it one
4 that's in NIDS or --

5 A. It's in the NIDS. You have to click the checklist button.

6 Q. And so, pertaining to the event, on a scale of 1 to 5, 5
7 being the heaviest, how would you rate the traffic volume at the
8 time of the event?

9 A. One or two. One, honestly.

10 Q. And do you feel that was normal for that time of day and day
11 of the week, that tempo of operation, that's what you would have
12 expected?

13 A. Yes.

14 Q. And then, on a scale of 1 to 5, 5 being the most complex, how
15 would you rate the traffic complexity at the time of the event?

16 A. I would say 2.

17 Q. Do you feel that was normal for that time of day and what you
18 would expect during that time in the shift?

19 A. That's slightly more complex because of the fog but not
20 significantly.

21 Q. And aside from the fog which we're going to talk about in a
22 moment, were there any other distractions occurring at or around
23 the time of the incident that you can recall? And this can be
24 anything like -- we had somebody with communication issues. We
25 were trying to get the lighting panel to work. We were trying to

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1 -- anything that could have been a distraction to the operation
2 that you can think of.

3 A. No.

4 Q. And --

5 A. (Indiscernible).

6 Q. So now talking about the weather itself, do you recall -- can
7 you explain to me what you recall about the weather around that
8 time frame to the best of your recollection. I know there was fog
9 present and visibility was bad. Was it -- I think others
10 indicated that maybe the fog layer was like low, potentially lower
11 than the tower level at the time. So can you explain to me what
12 you were observing.

13 A. Yes, sir. It was very foggy in terms of seeing the ground.
14 You couldn't see the ground. You could sometimes pick up some of
15 the center line lighting which is really bright. So I could see
16 the green lights on, but coming out of the terminal. Then you
17 could see above the fog layer for a while and then it fogged all
18 the way over by the time I left the tower cab. You couldn't see
19 at all.

20 Q. Do you remember if there were any -- do you remember any
21 weather advisories or anything out at the time?

22 A. I don't recall anything printing out.

23 Q. Did you receive the pre-duty weather briefing on that day?

24 A. I did, yes.

25 Q. And how did you get that? Was it via -- is it -- I believe

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1 the other gentleman spoke to us that you have a terminal set up
2 and you sit down at a computer --

3 (Crosstalk)

4 Q. -- that's got a speaker.

5 A. Right. There's a workstation in the hallway and you --
6 that's where you stop. You sign in for your shift. You check
7 your weather. You mark your initials on the weather board and you
8 can listen to it (indiscernible).

9 Q. Do you recall anything standing out to you in that pre-duty
10 weather brief that you guys received on that day that was
11 pertinent for the day's weather that you were about to see?

12 A. I just recall the fog.

13 Q. And how often do you say you have fog like that here in your
14 experience? How is that -- how often have you seen that?

15 A. It's pretty rare. Well, it's pretty rare for me to see it.
16 I'm not very often in the tower except for my four hours or so a
17 month. But I'm not sure if I could say how many times a year.

18 Q. That's all right.

19 A. Pretty small amount.

20 Q. Out of curiosity, and maybe this is too difficult to answer
21 but out of the times you have seen it, does it seem to be more
22 often in one time of day or the other, like it's more often in the
23 morning when we see it or it's more often in the evening when we
24 see it?

25 A. It's typically in the morning. In fact, I do recall looking

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1 at the weather forecast and seeing that it was supposed to clear
2 up around 10:00 which it did. Which was weird because at 9:30, it
3 was still fogged in and at 10, it was pretty much clear.

4 Q. Interesting. And have you -- had you requested a relief
5 briefing at the time of the event? Were you waiting on a relief
6 or were you in your normal rotation?

7 A. Are you talking about right after the event?

8 Q. No, I'm talking about -- at the time the event occurred, you
9 were just in your normal rotation, is that right? I mean, you
10 hadn't called for a relief and you were waiting for one. Right?

11 A. Not -- correct. You're not talking about after the event.
12 You're --

13 Q. No, not after the event. Yeah.

14 A. During the process. No, sir. I was in my rotation.

15 Q. When you became aware of the event and we'll talk a little
16 bit about when you became aware in a minute but when you did
17 become aware of the event, who made you aware of the event?

18 A. I became aware when I saw that controller stand up and start
19 looking out and then I looked over and I saw FedEx. So I mean, I
20 guess, my awareness of what was happening in the tower cab made me
21 aware that something was happening.

22 Q. Did you notify another supervisor or the ATM or did you make
23 that notification?

24 A. I did. I notified --

25 Q. Who did you notify?

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1 A. -- the ATM.

2 Q. How long after the event do you think it was before you
3 notified him?

4 A. As soon as I got downstairs and then I went to review the --
5 so I sent -- I went into the office, sent a text message to his
6 work phone stating there was an event. We need to look at it. I
7 don't remember what the text said. And then I reviewed the radar
8 or replay and as soon as he saw it, he called me. So 45 minutes.
9 By the time he called me, it was 45 minutes. I notified him right
10 away.

11 MR. SOPER: Thank you. Dujuan, did you have more questions
12 before I get into the recollection piece?

13 MR. SEVILLIAN: None as of right now.

14 BY MR. SOPER:

15 Q. So what I'd like to ask now, Susan, if you could do for us,
16 is kind of just -- I would like you to in your own words and in
17 your own recollection tell us the story from where you know -- and
18 I understand that you kind of -- you're picking up late in the
19 game on it maybe. But take us from the time you become aware that
20 something is occurring there and then step me through your process
21 until the point that it's just you're notifying supervisors and
22 stuff. Just kind of tell us how that went.

23 A. Well, I was on ground. Because of the fog there was some
24 additional workload as far as telling them to report turning left
25 onto golf, report turning left onto bravo. So it wasn't so much

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1 additional workload, just additional communication and just paying
2 attention and making sure I knew where every aircraft was all the
3 time and especially if there was any situation where there might
4 need to be a give way or a hold short. So -- cleaning staff.

5 Thank you.

6 Right. I was working ground. The moment I really became
7 aware of it was when FedEx was going around. I saw the controller
8 stand up and looking out the window and that's an immediate sign
9 to me what's happening and I saw FedEx climb out of the clouds and
10 turn left and then I realized something had happened.

11 Then at that point, there was already somebody scheduled to
12 come up and get us at 6:45 which, I think, was 5 minutes after, so
13 as soon as they got us out, I went straight down, texted the ATM,
14 and went to the office and looked at the replay.

15 Q. And so, my first --

16 A. I --

17 Q. Go ahead.

18 A. I'm sorry. I did ask the controller what had happened, of
19 course, while I was in the tower cab. And he said that Southwest
20 never rolled.

21 Q. I actually -- I just have a couple questions right off the
22 bat that I just -- while we're on that line. When you stepped
23 down and watched the replay after the event happened, you did your
24 initial notification, you went down to the office and you watched
25 the replay, what things stood out to you and what entered your

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1 mind? What were your -- try to take me through your thought
2 process as you watched and listened to the replay and what you
3 thought about that, what your reaction to it was, what you felt
4 like was going on.

5 A. Our ability to listen to local is not connected to the
6 Falcon.

7 Q. Oh.

8 A. And so I couldn't hear. I had to watch it on radar, then I'm
9 talking to Steve, and then I told Steve, let me go listen to the
10 Falcon and write you a timeline -- or not to the Falcon, to the
11 [DALR] --

12 (Crosstalk)

13 A. It's slipping my mind. But the computer -- the other
14 computer in the other supervisor's office. So I had to go across
15 the building, go listen to the tapes. But of course, just
16 watching the radar replay, you have no way of knowing,
17 unfortunately, on radar if was Southwest airborne when FedEx
18 started to go around. All I could tell was at the point at which
19 FedEx broke out and then initiated the left turn.

20 And then, of course, I pulled up the radar separation which
21 you could only get off of the departure end when both targets
22 tagged back up. So we had no replay for the tower. It was pretty
23 limited. When I listened to the tapes -- another thing that the
24 controller had told me in the tower was that Southwest told him he
25 was aborting so then FedEx went around.

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1 When I listened to the tapes, I had that already in my mind,
2 Southwest said he's aborting, FedEx said he's going around. So
3 that -- not comparing voices, that is the image that I had.
4 Southwest (indiscernible) roll. He said he's aborting. FedEx
5 said we're going around. And that's the timeline that I sent to
6 Steve. I was not aware -- and they were separate transmissions
7 from what I thought was Southwest to what I thought was FedEx.

8 Q. Were -- what is your expectation as a supervisor up there or
9 a local controller when you're working local when you have -- do
10 you have any additional requirements, restrictions, or things that
11 you have to consider if an aircraft is shooting a CAT III
12 approach?

13 A. Well, you have the hold short line but that's on the east
14 side of the ILS critical area. That's on the east side of the
15 runway. So you have to be aware of that. Other than that, no,
16 I'm not sure exactly what you're looking for but --

17 Q. I'm not trying to get you to make up something. I just --
18 yeah, I mean, I just wanted to tell me what your expectations are
19 and what you consider -- so do you know what a CAT III approach
20 is?

21 A. Well, the minimums are lower, they have higher
22 qualifications. Some pilots or aircraft are capable of it and
23 some are not. Because they get down to a lower minimum.

24 Q. Yeah. Do you know what's occurring during a CAT III
25 approach? Do you know what that is for the pilot?

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1 A. I don't.

2 MR. SOPER: Well, just so you know, a CAT III is a fully-
3 automated approach. The pilot is not supposed to look out the
4 window. It's the one time that a pilot is supposed to dedicate
5 their focus to instruments the entire time and they're flying --
6 the plane is flying them down to the deck so it's a very good
7 approach. It's very precise.

8 Anyway, I'm going to go ahead and pass it along for now. I'm
9 definitely going to have some more questions for you but I want to
10 go ahead and pass along for the moment to Mr. Davis.

11 BY MR. DAVIS:

12 Q. Good afternoon. I want to tie in to -- Brian asked you about
13 how often you normally see these type of low-level fog situations.
14 You said it was pretty rare and even less with the amount of time
15 you get in the tower each month. Do you happen to know on a
16 facility level where they come up with your refresher training
17 ideas each year? Do you know how that's -- is that --

18 (Crosstalk)

19 Q. -- just -- is it in your local training order -- is it
20 changed every year?

21 A. I honestly don't know.

22 Q. Can you recall if you've ever trained on something like this
23 that it is rare, like a SMGCS plan or low visibility conditions?

24 A. Well, we have a SMGCS plan. I'm sure that we trained on it
25 when I first got to the facility. I don't recall any refresher

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1 training. That doesn't mean there wasn't any but if there was, it
2 wasn't in a face-to-face type setting. It might have been through
3 CEDAR. No, I don't recall.

4 Q. So it looks like you guys had an ECV team in here the end of
5 2022. Is that correct? In November. Does that sound about
6 right?

7 A. Yes.

8 Q. One of the items in that --

9 A. Yes. I do remember that. Sorry.

10 Q. The items that were found noncompliant in there, do you know,
11 were those briefed up to the workforce -- for you at the sup level
12 and then did that make its way to the workforce, do you know?

13 A. I think they're still working through that. I was aware of
14 some of the high -- I forget what they call it but there were five
15 that fell into the high noncompliant category and then the rest
16 were considered low and noncompliant. I don't believe there were
17 anything in the middle. And things like -- some of the
18 noncompliant high that I remember were like use of memory aids,
19 scan for the CIC and off the top of my head, I can't recall. But
20 I'm not sure if that made it out to the workforce.

21 Q. Yeah. I was asking from the standpoint of -- I know you had
22 said that the controller was sitting down. We saw visual scanning
23 was one of the noncompliant highs. Just wondered if there had
24 been any training on that or what the expectations are for visual
25 scanning in the tower.

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1 A. Right.

2 Q. If you had remembered any sort of training on that.

3 A. I know it was brought up. I know that I talked to my crews

4 about it in team brief but that wasn't an official roll down.

5 That was just me saying hey, here's things that they found we need

6 to work on. Although, in that particular case, I can't speak for

7 him but he may have felt there is nothing that -- that he can't

8 see anything.

9 Q. Just one other question for now. You guys have a tower

10 simulator on the seventh floor or something like that from what we

11 were told. Is that ever used other than just initial training

12 when somebody comes in?

13 A. No, sir. I've never seen it.

14 MR. DAVIS: That's all I had for now. Thank you.

15 MR. SOPER: Thank you. Brandon?

16 BY MR. JOHNSON:

17 Q. I'm going to Hit back on SMGCS. How familiar are you with

18 the SMGCS plan?

19 A. I'm familiar with it. I've read over it a couple of times.

20 I don't recall ever being in a scenario where we've used it or at

21 least that I was part of.

22 Q. And then, how much time -- you mention that you go up there

23 for your four hours of currency that you need up in the tower.

24 How often do you actually go up in the tower?

25 A. Outside of that?

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1 Q. Yeah. Or with that included. Like total time.

2 A. That has decreased now that we're down to three supervisors.
3 When we had five supervisors, I would make it up there at least,
4 I'd say, three to four hours a week in addition to my four hours
5 of pro (ph.) time. So maybe eight hours a month. With three
6 supervisors, we can't get up there at all except for the pro time.
7 So that's four hours.

8 Q. Four hours a month for --

9 A. Right. Four, four-and-a-half.

10 Q. Yeah, that's right. For your team briefs, how often do you
11 get to hold those?

12 A. Almost every week. We didn't have one last week because of
13 the incident on Saturday. But we had one Friday.

14 Q. Yeah. And what do you normally cover in those?

15 A. If there are briefing items, we'll do that. Sometimes the
16 ATM will come in and talk about that -- things -- whatever he
17 needs to talk about or the support specialist will come in and
18 provide briefings. Otherwise, it's an opportunity for me to talk
19 to my team about things that I see happening or any kind of trends
20 and for them to talk to me about concerns they have going on with
21 the team or the facility.

22 MR. JOHNSON: That's all I got for now.

23 MR. SOPER: Thanks, Dajuan.

24 BY MR. SEVILLIAN:

25 Q. Yeah. Susan, so as the operations supervisor, what sorts of

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1 things do you focus your attention on in the tower?

2 A. Well, it depends on where I'm at. Do you mean -- it depends
3 on what role I'm playing. So if I'm the OAS downstairs, if I'm
4 the ops sup downstairs, what am I paying attention to in the
5 tower? I'm trying to pay attention to the air traffic load which
6 you can see on the TSD with the number of departures. I'm paying
7 attention to whatever the CIC is telling me from up there. There
8 has to be a lot of communication. Their rotation I'm paying
9 attention to. Training. Especially if I notice there's been a
10 really busy period, then I might try to swap out the local
11 controller and leave on the clearance delivery controller a little
12 bit longer.

13 So a lot of it I'm paying attention to the, I guess, the
14 rotation, the human part of it, and making sure the staffing is
15 appropriate. If I'm in the tower -- if I have the opportunity to
16 -- excuse me just a minute -- when I'm in the tower and have the
17 opportunity to just be the supervisor, it's -- I'm listening to
18 local mostly. Sometimes I'm listening to ground. Sometimes I'm
19 working as TMU and doing some of those duties, calling for times,
20 talking to the downstairs supervisor about what we have going on
21 and what we need in the tower.

22 Q. Thanks. And you may have said this earlier but where were
23 you located in the tower when the incident occurred?

24 A. At the clearance delivery position.

25 Q. And what could you see at your position in terms of what's

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- 1 going on outside the tower, what could you see?
- 2 A. I could just see the center line taxi lights coming out of
3 the terminal occasionally. I could see -- now and then I would
4 get a glimpse of an aircraft as they were making the turn onto --
5 if it correlated with what they said, we're turning on to golf. I
6 could glance out and I might be able to see lights for aircraft
7 correlation and that was pretty much it. Then you could see --
8 for a while, you could see above the fog layer and then, after a
9 while, it fogged all the way in (indiscernible).
- 10 Q. Where do you typically get your runway visual range
11 information from?
- 12 A. Normally from the TSD. There's been some outages but yeah.
13 Then we have the -- I'm not sure what it's called but the Legacy
14 one up in the tower is turned on, as well.
- 15 Q. Okay. So in terms of --
- 16 A. I think I said from the TSD. I meant the NIDS. We get it
17 from the NIDS primarily. That's what I meant to say.
- 18 Q. Okay. So I just wanted to switch over to the -- sort of the
19 organization side. And I just wanted to talk about -- when you --
20 is there a system in place where you can report safety issues? Is
21 there something available to report those types of things here?
- 22 A. Well, we've got ATSAP and of course, the LSC.
- 23 Q. Have you ever -- have you submitted one before?
- 24 A. ATSAP?
- 25 Q. Yes.

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1 A. Oh, yes. I've submitted multiple ATSAP reports.

2 Q. So who do you report to? Who do you report to?

3 A. Directly report to Steve Martin, the manager.

4 Q. In terms of safety meetings, do you have any of those here?

5 Do you ever attend any of them? Do you have safety meetings?

6 A. No. We have the local safety council. And I just picked
7 that up in January so I'm sort of getting my feet under me with it
8 but we've met three times so far. And we should -- it says once a
9 month. I try to get us scheduled for once a week. And then look
10 at the safety website and then talk about any safety things that
11 have come down from our facility.

12 MR. SEVILLIAN: Those are the questions I have for right now.
13 Back to you, Brian.

14 BY MR. SOPER:

15 Q. All right. Thank you. In this event, as you -- when you
16 went -- and we'll go back to the event. When you watched the
17 replay of the way things played out, and you were able to get your
18 bearings on what had occurred and the way that it transpired, did
19 the controller's actions meet your expectations in that event or
20 did -- do you -- did you identify with anywhere in there that you
21 thought this -- this probably shouldn't have happened or this
22 should've happened differently or I would've liked to have -- I
23 would've expected to see something differently here. I mean, did
24 you identify with anything like that as you watched that replay?

25 A. Yes. I'm not -- I don't want to sell him down the river or

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1 anything like that.

2 Q. That's not it. We -- I -- let me preface that before you go
3 on, I don't want you to think you're doing that. I need to
4 understand though culturally how this plays out because it is
5 important to understand what your expectation is as a supervisor
6 and as a qualified controller there and how you may have done
7 something differently or whatever too, or what your interpretation
8 of it is.

9 A. Right.

10 Q. And that's not sell him down the river. It's to just say
11 well, what other options were there here and what is it that was
12 your view? I mean, how did you perceive it?

13 A. Sure, yeah. Having not talked to him -- I mean, there's a
14 couple of different approaches. I can look at that situation and
15 think, as a local controller, I would not have attempted to launch
16 a departure in that spacing especially not knowing exactly where
17 that departure was. It's one of those things where there was
18 nobody behind FedEx. That's your spot. That's your hole.

19 But then as a supervisor, I'm thinking okay, what rule was he
20 applying here? Was he using two, increasing to three? What was
21 his thought process behind that. I would want to ask him what --
22 how were you applying separation without asking Southwest for
23 report departure roll. I mean, the short answer is no, it didn't
24 meet my expectations at all. That is not what I would want to see
25 on local. Not at all.

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1 Q. That's fair. So explain to me a little bit, and this is just
2 -- now this is getting into kind of a hypothetical but you kind of
3 touched on this so I kind of want to go down that road just a tad.
4 And you mentioned that for instance, the -- man, I lost my train
5 of thought there. I forgot where I was going with that. It was --
6 you would have -- oh, I know.

7 In the process, does the weather -- does the visibility like
8 it was that day, does that play into the decision-making process
9 with regard to what you're going to use for separation, for two
10 increasing to three or those type of things? Does it play into
11 your thought process, in your decision-making when you're deciding
12 how to do something. And if so, how? Give me kind of an example
13 of how that plays into it for you. What do you do?

14 A. Of course. Yeah. Well, if you can't see them, then you
15 can't apply visual separation. So you need to know where the
16 departure is. You need to know where the arrival is, which you
17 can verify through your radar but the departure we don't have
18 ground radar. So you have only reporting points or reporting --
19 yeah, reporting points on the ground.

20 And so, for local, you need two increasing to three, however,
21 that, in my opinion, is really the bare minimum. You need that
22 departure rolling when that arrival hits two miles at the latest.
23 It's not -- there's no room. If he's not -- if he doesn't say
24 we're departure roll, to me, the way that I would work it, that
25 arrival is going around.

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1 Q. Have you -- can you recall a time here that you have had to
2 work local in those conditions at all? Have you had to do that
3 yet where you could not see your ground traffic?

4 A. I'm sure that I have as a controller because I was a
5 controller for a few years here before I became a supervisor. But
6 I'm not sure if I remember anything that stood out that I could
7 tell you about.

8 MR. SOPER: No problem. I'm going to pass it along again to
9 Scott for now.

10 BY MR. DAVIS:

11 Q. Did the weather impact your decision that morning on whether
12 you went up to the tower to get your currency or whether you
13 would've gotten some currency downstairs?

14 A. It impacted my decision to get ground instead of local which
15 I felt was, at the time, I felt would be a more appropriate
16 decision for me. Yeah.

17 Q. I understand it's always easier after the fact to look back.
18 But I ask the question, did you think an extra set of eyes up
19 there would have helped in this situation? So had you been
20 standalone and local would've been combined and then you had
21 another controller working clearance and ground?

22 A. Right. Of course, afterwards. Yeah, I desperately wish I
23 had had somebody up there. But the truth is, in that time, in
24 that making of that decision, I would've made the same decision
25 but you can look at the TSD and say there's only one arrival.

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1 This is a departure problem is what we call it. It's not a
2 problem but it's a departure scenario.

3 To be honest, I think if I had had a CIC up there or if I was
4 the CIC, I may very well have been listening to ground instead of
5 local because that's where the complexity was. You know, I don't
6 know that for sure but --

7 Q. Do you think the culture is such here that -- so let's say
8 whether it was you or CIC -- you were up there standalone, right,
9 and you saw this situation develop. Do you think the safety
10 culture here would've allowed that -- allowed a CIC or yourself as
11 a sup, would they have spoken up? Do they feel comfortable
12 speaking up in those situations to offer help to the controller?

13 A. You're talking about if there was standalone who was
14 listening to local?

15 Q. Yeah.

16 A. Yeah, 100 percent anybody would've been what are you doing,
17 send him around. Or something to that effect. I have no doubt
18 about that. People would speak up.

19 MR. DAVIS: That's all I have, Brian. Thank you.

20 MR. GREEN: I see people speak up all the time when they're
21 like, hey, are you watching those two. Or I'll see them tag up
22 another plane on somebody else's scope that's a VFR that could be
23 a factor. All the time.

24 MR. SOPER: Brandon?

25 BY MR. JOHNSON:

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1 Q. It's become clear that this facility uses a lot of overtime.
2 Do you see that impacting your -- how do you see that impacting
3 your workforce?

4 A. I'm speaking here as a supervisor but also as a person. I
5 see a decrease in morale for sure. I see that there is fatigue.
6 I see some fatigue in the supervisors, as well, in terms of just
7 long, long hours in the operation without a break. Those kinds of
8 things concern me.

9 Q. And pivot back to the whole training stuff. How often -- how
10 do you -- let me phrase this -- how do you feel the training
11 environment is here at the facility?

12 A. There's two different training environments. The classroom.
13 I think that our training personnel are really enthusiastic.
14 You've met Steve Barnes (ph.) perhaps. He's enthusiastic, he's
15 really -- actually, they're all -- watching them run sims and
16 things, they're really motivated to get people through. So I do
17 think they make a lot of effort.

18 In terms of the controllers, I can see a correlation between
19 the effort that the trainee puts into training and the response
20 that they get from the training team. So the more interested the
21 trainee is, the further the training team will work.

22 Nevertheless, we're all extremely motivated to get people
23 certified to get some help here but -- so the motivation is there
24 but it's a difficult facility to certify at.

25 Q. Difficult how?

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1 A. It's -- since I've been here, the traffic and complexity have
2 increased significantly and I think people -- one of the
3 conversations as they divide up the airspace and work through an
4 airspace redesign, which they're in the process of doing, but the
5 idea behind it is to make some of those sectors less complex and I
6 think that trainees -- we have one who just certified on radar
7 east and he -- it was challenging for him. He made it. And
8 actually, he's doing great but he barely made it and I think it's
9 just hard to do it when it's so busy and so complex. So it's a
10 challenging facility in that way.

11 Q. Then what about recurrent training? Do you feel like you
12 guys get enough or would like more?

13 A. I like recurrent training. Actually, I like it a lot. I
14 know everybody doesn't but I do. I think we were getting it
15 regularly before COVID and then it hasn't fully returned. We did
16 one or two rounds, I think two last year. I'm not sure if that
17 answers your question.

18 Q. No, that's fine. Yeah. Then the next one is like, refresher
19 training, do you feel like refresher training is sufficient here
20 or are controllers losing skills on stuff they don't see very
21 often?

22 A. I think there's an attempt for refresher training but where
23 we could see improvement would be changing that from a briefing
24 item to -- it can't just be a face-to-face. It needs to be like a
25 classroom environment or team brief because a face-to-face is just

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1 me at the desk telling this person, this is what this says and I
2 just read it to them because I've got a lot of other duties and I
3 don't think that's sufficient. But I think given the amount of
4 staffing that we have and the challenges with the support even,
5 we've struggled to keep an ops manager. I think they're doing the
6 best they can up there.

7 MR. JOHNSON: That's all I had.

8 MR. SOPER: Dujuan.

9 BY MR. SEVILLIAN:

10 Q. I'm trying to remember, did you state earlier that you have
11 seen fatigue in operations supervisors before?

12 A. Before what?

13 Q. You've seen it --

14 A. In general?

15 Q. In general, yeah.

16 A. Just in general?

17 Q. In general.

18 A. Yes, sir.

19 Q. And have you ever had discussion with them about -- do they
20 feel like they're fatigued?

21 A. You know, no. The short answer is no. You ask somebody, how
22 are you doing, well, I'm a little tired. I -- can I do anything
23 to support you or help you but I'm not sure what I can do from my
24 position.

25 Q. Is there time off that a controller can take if they're tired

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1 or if they feel fatigued? Is it -- is there something in place of
2 them to do that?

3 A. Well, they have their personal leave, sick leave, and annual
4 leave or things like that.

5 Q. But what I'm saying is, could you call -- could you say that
6 you're fatigued and that be something that's okay to call in?

7 A. Again, it would be charged as sick leave. But yes.

8 Q. So just going back to the sequence of events or just the
9 incident. From your perspective, if you have a situation as a
10 local controller and they cannot see outside of the tower, it's
11 foggy, it's low visibility, you can't see the aircraft coming in
12 to land or take off, what should -- what sorts of contingencies
13 are in place to handle a situation like that where you have
14 reduced visibility where I can't see out of the tower?

15 A. I'm not entirely sure what you mean. In terms of equipment,
16 we have the DBRITE to see where the arrival is, position reporting
17 to see what's going on on the ground, or the arrival could give
18 you that if you needed it. What kind of contingencies -- I'm not
19 sure what you mean by that.

20 Q. Those are the areas that I was looking for. But in terms of
21 position reporting, you did state that. What's included in
22 position reporting? What does that mean?

23 A. Well, you know, when I was on ground, I was giving -- I
24 wanted them to report specific positions so that I knew, okay, for
25 example, taxi to runway 1-8 -- runway 1-8 left taxi via golf 1,

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1 golf and bravo, report turning onto golf. And that way I know
2 they're out of the terminal area and then when he says we're on
3 golf, all right report turning onto bravo. Okay, we're on bravo.
4 Then I would tell them contact tower short of the runway so that
5 they were -- I would know where they were. Does that make -- does
6 that answer your question?

7 MR. SEVILLIAN: Yes. That's all I have, Brian. Thank you.

8 BY MR. SOPER:

9 Q. Great. Because I got to piggyback off of that and I won't
10 forget it now. So when you -- so this is, again, somewhat of a
11 hypothetical. I want you to kind of step me through. So the
12 expectation in this case, for you, had you been working local and
13 you were going to try to get him out, the Southwest, it sounds
14 like -- I mean, the appropriate way to do that when you cannot see
15 him is to get a position report.

16 So he reports holding short of runway 18 left. You will tell
17 him, if you look up and say, that guy is at three, three-and-a-
18 half, Southwest are fast movers, he'll probably get out there and
19 go. But I can't see him. So do I tell him Southwest traffic is
20 this and give him the clearance to go with a condition report your
21 roll -- or report rolling and then if he's not rolling by a
22 certain point, I know I can go ahead and give my go-around or
23 cancel takeoff clearance? Is that how you're stepping through it?

24 A. Well, I would -- so if we're -- in this scenario, I never
25 would've rolled that departure.

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1 Q. You feel it was just --

2 A. In another --

3 Q. Just to close anyway. Like that's not something you would've
4 even shot.

5 A. I'm assuming if Southwest is holding short, that he's
6 stopped.

7 Q. Right.

8 A. But now he has to get moving again. Versus, okay, we're
9 approaching 1-8 left or we've just made the right turn at the
10 approach end. Even then -- but in a hypothetical situation, if
11 FedEx was a little bit further out or something, yeah, it would be
12 cleared for takeoff, report departure roll. I possibly have a
13 little bit more experience with that coming from Boston although
14 that was 13 years ago. But --

15 Q. Do you --

16 (Crosstalk)

17 Q. I mean, do you have a personal cutoff that you kind of
18 utilize in your own head to mitigate that risk of -- I mean, or
19 not -- or mitigate those distances? So do you -- hey, I don't
20 clear a guy -- like-type aircraft, I'm not going to clear a guy if
21 this guy is inside of here? I mean, I know you have the --

22 A. We do.

23 Q. -- two, increasing to three. But what do you use for your --

24 A. Well, I'm a supervisor. I'm a slightly but -- a little bit
25 more cautious. But I start with four-mile final. That's my

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1 cutoff. At that point, I'm looking at other things like what
2 aircraft is it. How fast is the guy on final going. If he's
3 going really slow, he can come in a little closer and I can still
4 get somebody out. If he's going pretty fast, I'm cutting it off
5 at four-and-a-half miles. It definitely depends on type aircraft
6 that's going to be departure roll and their communication skills
7 if that makes sense.

8 Q. Yep.

9 A. If they've been -- yeah, if I'm not hearing from them
10 something that makes me confident, we're just waiting.

11 Q. What's your experience here with Southwest? I know they're
12 your main carrier probably in here --

13 A. Right.

14 Q. Right. So are they traditionally fast movers? They're
15 moving, moving, moving, it's all good. I mean, you can pretty
16 much count on them. When they get to the end, they say they're
17 ready and I say clear for takeoff. They're going to get out
18 there, set up and go. They're not going to spend any time dilly-
19 dallying.

20 A. That's correct.

21 Q. That is kind of a true statement there at least. And out of
22 curiosity, on this FedEx that was coming in, is that a regularly
23 scheduled flight for you guys? You guys get them pretty much
24 every morning or --

25 A. We do.

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1 Q. And how --

2 A. Typically, they land on the west runway because that's where
3 they park.

4 Q. And how about the Southwest -- was this probably normal for
5 them, too? I mean, you don't -- I don't know if you -- I guess
6 it's -- that's probably a little bit harder question.

7 A. Right. I don't know their schedule. But I didn't see
8 anything there that was abnormal traffic.

9 Q. So you said that you didn't recall another time that you
10 probably had ever been in SMGCS. Were you in SMGCS this morning?

11 A. On the 4th?

12 Q. Yeah.

13 A. So we did not officially enter SMGCS. The RVR was not
14 consistently below 1200. So although we didn't officially enter
15 it, we did have the runway -- I mean, yeah. We had the surface
16 lights turned up and I was utilizing the taxi instructions. But
17 we didn't need a follow-me vehicle. So officially, we did not
18 activate SMGCS.

19 Q. And how valuable do you think it would be to your operation
20 to have ASDE or ASSC here?

21 A. I would love to have ASDE.

22 Q. Aside from --

23 (Crosstalk)

24 Q. Aside from this --

25 A. Having --

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1 (Crosstalk)

2 Q. -- zero -- I'm sorry. Aside from this zero visibility issue,
3 tell me the other areas that this would benefit safety greatly for
4 your operation?

5 A. Right. So having worked with ASDE in Boston, one of the
6 great benefits was that the vehicles were equipped with
7 transponders which showed up on the ASDE. So one of the issues
8 now that we have is trying to get runway inspections completed.
9 Because our process here is for them to run opposite direction to
10 the arrival. And you need -- we need some space to get that done.

11 But also, it's difficult to see them. Especially if the
12 vehicle is a mile away. It's -- they're not easy to spot. Even
13 when you have clear skies. So having ASDE not only because of the
14 transponder but also, they can then -- because the safety logic is
15 in place, they can proceed the same direction as the traffic.

16 Which is to get on the runway right after the arrival is and
17 then follow them down and execute the -- so that would be a huge
18 benefit in terms of safety. Not putting a vehicle on the runway
19 that you can -- that you're having a hard time seeing visually.
20 And then, of course, any time we've got (indiscernible) fog.

21 Q. Do you -- this is going to be kind of a strange question so
22 if you can't answer it, just say that. But do you have to
23 routinely engage in more laborious work just in order to -- by
24 having a lack of that tool, meaning -- I'm -- I was sitting here
25 trying to find the best way to word this.

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1 I just -- I want to know if -- well, yeah, I mean,
2 occasionally, it gets busy and it would be nice to have ASDE or is
3 it a situation like, you know what, we constantly have to work
4 harder here to try to monitor the traffic coming out of the gates
5 that we can't see entering the taxiway and dealing with the
6 vehicle (indiscernible) from them and how we're going to send
7 these back. So we end up with a lot of extra transmissions and a
8 lot of extra time and thought going into those where if ASDE was
9 there, it becomes -- it would reduce all of that. Like I don't
10 know for

11 you --

12 (Crosstalk)

13 Q. -- if it's like that. I mean --

14 A. I understand your question. I don't know if I can accurately
15 answer it because I don't spend enough time up there. I can tell
16 you from downstairs, it would sure be nice to have ground radar
17 especially as the supervisor to be able to see what is happening
18 in the tower, particularly when I can say -- because I'm doing
19 traffic management duties, as well.

20 When I can look and go, okay, tower has got eight departures
21 lined up on the left side, guys. Let's favor the ride side with
22 our arrivals. So having that ability would be -- would really
23 improve our efficiency, I think. But that's from downstairs.

24 MR. SOPER: That's all I got for right now. Scott?

25 MR. DAVIS: I just have one additional for right now. I know

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1 you said if it was you, you probably would not have departed that
2 Southwest given the cutoffs and whatnot. So on that note, are you
3 aware of any outside pressures that might've caused the controller
4 to feel the need to depart that Southwest ahead of the FedEx?

5 MS. GREEN: I'm not. Do you mean from the agency?

6 MR. DAVIS: Yeah, or maybe a culture in here. Is it an
7 efficiency thing? Maybe we -- hey, we're increasing traffic.
8 We're push, push, push efficiency type thing.

9 MS. GREEN: I'm not aware of that.

10 MR. SOPER: Brandon?

11 BY MR. JOHNSON:

12 Q. I'm going to ask the million-dollar question. I get to this
13 time. If you had anything at your disposal, what would you like
14 here at this airport to help you with air traffic?

15 A. Staffing.

16 Q. Staffing.

17 A. Staffing. I would like to have a tower supervisor up there
18 all the time. I would like to have eight supervisors. Four
19 downstairs, four up, or whatever, however. I would like to have
20 that. I would like to have more controllers. We have talked
21 quite a bit in team briefings about the desire to split the local
22 controls. Splitting downstairs positions in more -- in better
23 ways. Staffing by far.

24 Q. And I realize --

25 A. Followed by --

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1 Q. Oh, sorry.

2 A. -- traffic management unit would be really helpful, as well.

3 Q. And I realize you guys just had your staffing numbers
4 increased, what, in November was it? I think it was. To 42. Do
5 you have any thoughts on how many controllers and how many
6 supervisors you would think would work appropriately here?

7 A. Well, it just depends on if you're trying to staff -- I mean,
8 this is all hypothetical. If you're trying to staff to what our
9 exact traffic is right now versus the projected growth, I mean, to
10 me -- I don't know. It takes people two years, sometimes three or
11 four to get certified.

12 So I don't -- personally, I don't like the idea of staffing
13 only to what we have right now when we're projecting continued
14 growth. I'm not sure off the top of my head how many controllers
15 that would require. I don't -- I'm not sure. I'd like to see 15
16 controllers per shift.

17 I'd like to see an additional person on the mid. I know
18 sometimes they are getting hammered pretty good. And I'd like to
19 see supervisors in the tower from 6 a.m. to 10 p.m. and
20 downstairs. Tower and down. So however that many that takes.
21 But that's an ideal world. That's not our reality.

22 MR. JOHNSON: Of course. Thank you.

23 BY MR. SOPER:

24 Q. Well, before I pass it to Dujuan, on that note, I'm glad to
25 hear you say that because you said something that is really key in

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1 there, too, which is staffing to what you have is not the key. In
2 a growing facility, if you are consistently increasing your
3 traffic volume and your workload, you can't staff air traffic
4 controllers to what you have now because the training track for a
5 controller is lengthy.

6 By the time they are usable on your schedule, it is a much
7 different situation. Right. So you're always kind of behind and
8 that's not fair. It's not fair to trainees. It's not fair to
9 trainers. And if you don't have the appropriate amount of
10 oversight in supervisory capacity, then it's all for nought.
11 Right? I mean, it's still --

12 A. Right.

13 Q. You're still stuck with what you got. So I'm glad to hear
14 you say that. And I would say that I hope that -- you said you
15 recently took over the LSC. Something you guys should look at in
16 a very serious manner and work with facility management on to
17 develop this and I think -- and I know it's a struggle.

18 A. Right.

19 Q. The argument of staffing is everywhere and it's -- so many
20 times -- there's just so many arguments for and against it but I
21 think that it seems clear to me you guys have a proven increase --

22 A. Need.

23 Q. -- in your ops tempo consistently over a period of time with
24 no indication of that going to decrease. I mean, there's no
25 reason to believe it's going to -- so I think that those things

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1 might carry some value if you start working on that. So I hope
2 you'll get an opportunity to but if you only got three sups, I'd
3 say even that's probably a little bit tough to make happen right.
4 I mean, to do performance management and administrative duties.

5 A. (Indiscernible). It's a challenge. But they're coming.

6 Q. Good.

7 A. There's potential.

8 MR. SOPER: Very well. Dajuan?

9 MR. SEVILLIAN: I don't have any other questions. Thank you.

10 MR. SOPER: No more questions? Anybody else? Scott?

11 MR. DAVIS: No.

12 MR. SOPER: Brandon? Okay.

13 BY MR. SOPER:

14 Q. I don't think -- I just had one other area and that is, when
15 you're suping, is it ever your practice -- do you ever brief your
16 watch team on things when you have out of the ordinary situations,
17 for instance, like that day. That morning, we had the low
18 visibility, which was not something that's common for you guys,
19 not unheard of, but not common.

20 So is there any type of briefing that gets done when people
21 come up there that as a sup, you would say, okay, hey, here's the
22 deal, man. We got reduced visibility this morning. It's looking,
23 bad. Make sure you're doing this. Make sure we're getting that.
24 I'm going to be doing position reports on everybody here so make
25 sure -- I mean, is there anything like that that occurs for you?

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1 A. I'm giving that briefing for sure as I am giving up the
2 position. We need to be issuing RVR, you need to be watching for,
3 yeah, reporting points or whatever. But as far as a supervisor, I
4 don't often have the opportunity to have a pre-brief with my
5 controllers. Most of them -- the first four arrive before I do
6 and then -- and I'm usually getting a briefing from them.

7 And then, depending on where I'm at in the facility, if I'm
8 in the TRACON and I can say, hey, here's what we've got going on
9 today, I absolutely do that as the 7 o'clockers start to arrive.
10 But like, in this case, they came up to the tower -- I mean, I'm
11 up in the tower so by the time they check in and come up there,
12 I'm just giving the position briefing which includes that. Does
13 that answer the question?

14 Q. Yeah, yeah, yeah. That's fine. And in your opinion, is
15 training working here? And I'm not talking about positional
16 training but recurrent, refresher, that type of stuff. Is that
17 working here or should -- does it need improvement?

18 A. I think it needs improvement. I have seen improvement
19 already from when I first got here and from earlier facilities in
20 the agency. I think that Austin is on the right track.

21 Q. Good.

22 A. We just haven't gotten to where we need to be and I think
23 that the key to that is to get people in those positions. We need
24 a consistent ops manager and we just -- and the ATM. We need both
25 of those positions filled and then we need support staff. And

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1 those positions have been -- I think -- I can't remember what year
2 it was but a year-and-a-half that we had an ATM but we had no ops
3 manager and no support specialist. And so, yeah, I believe we
4 need a lot of support.

5 Q. So right now you have a support specialist?

6 A. We do. Just one.

7 Q. But you do not have an OM.

8 A. We don't.

9 Q. And how long have you been without an OM? Do you know?

10 A. He retired at the end of December. However, the ATM was not
11 in the facility. He had a family emergency or something so he
12 literally had just the OM for November and December and then now
13 just the ATM. So three months that we've had one.

14 MR. SOPER: Very well. I don't have any other questions.
15 Does anybody? No? No oh, by the ways. Do you have any questions
16 for us?

17 MS. GREEN: No, sir. I guess just -- are there -- Is there a
18 possibility of a follow-up interview and what should I look for
19 from you?

20 MR. SOPER: There's always a possibility but it's not very
21 likely and we don't often have to come back to interview a
22 controller. But if we do, I mean, we would reach out through the
23 same channels as before, we would go through AJI and they will get
24 a hold of your facility and we would discuss making that happen.

25 Outside of that, the next communication you can really expect

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1 from us would be when we get the transcript in of the interview
2 that we will provide you to take a look at for accuracy. Outside
3 of that, not really anything other than to use this as a learning
4 experience moving forward. And try to get some traction on some
5 improvement items. So I appreciate you taking the time out.

6 If you don't have any other questions for us, we'll let you
7 get on your way and I appreciate you staying late there. I know
8 it's kind of later even on the East Coast right now. So do good
9 in the class. Enjoy the class and we will try not to bug you at
10 all.

11 MS. GREEN: Thank you, sir.

12 MR. SOPER: Thank you. Bye-bye.

13 ALL: Thank you.

14 MR. SOPER: Stopping the recording. I show the time at 1608.
15 Is that right?

16 MR. SEVILLIAN: Yes.

17 (Whereupon, at 4:08 p.m., 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: FEDEX CARGO PLANE & SOUTHWEST
AIRLINES BOEING 767 INCIDENT AT
AUSTIN INTERNATIONAL AIRPORT, IN
AUSTIN, TEXAS ON FEBRUARY 4, 2023
Interview of Susan Green

ACCIDENT NO.: DCA23LA149

PLACE: Austin, Texas

DATE: February 7, 2023

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.


Katie Leach
Transcriber

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UNITED STATES OF AMERICA

NATIONAL TRANSPORTATION SAFETY BOARD

* * * * *

Investigation of: *

*

FEDEX CARGO PLANE & SOUTHWEST *

AIRLINES BOEING 737 INCIDENT AT *

Accident No.: DCA23LA149

AUSTIN INTERNATIONAL AIRPORT, IN *

AUSTIN, TEXAS ON FEBRUARY 4, 2023 *

*

* * * * *

Interview of: STEPHEN MARTIN, Air Traffic Manager
Austin Air Traffic Control Tower

Austin, Texas

Wednesday

February 8, 2023

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APPEARANCES:

BRIAN SOPER, Air Traffic Control Investigator
National Transportation Safety Board

DUJUAN SEVILLIAN, Human Performance Investigator
National Transportation Safety Board

SCOTT DAVIS, FAA ATC Subject Matter Expert
Federal Aviation Administration

BRANDON JOHNSON, NATCA Air Safety Investigator
National Air Traffic Controllers Association

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I N T E R V I E W

1
2 MR. SOPER: So I'm going to say a few things for the record.
3 My name is Brian Soper. I'm an air traffic investigator with the
4 NTSB and we are investigating -- we are here today with the air
5 traffic manager from Austin.

6 And could you state your name for the record, please?

7 MR. MARTIN: Stephen Martin.

8 MR. SOPER: Thank you. Is that a Stephen with a V or a P-H?

9 MR. MARTIN: P-H.

10 MR. SOPER: Thank you. Also with me in the room, we have Mr.
11 Scott Davis out of Indy district representing the FAA as a group
12 member on the group here. And we have Mr. Brandon Johnson out of
13 Salt Lake City Tower representing NATCA on our group. And we have
14 Mr. Dujuan Sevillian, a senior human performance investigator from
15 our home office at NTSB.

16 So we're investigating the incident that occurred on
17 February 4th, 2023, involving Southwest Flight 708 and FedEx
18 Flight 1432. And we just -- we wanted to go over some things but
19 before we do that, just kind of for understanding, the NTSB, as I
20 mentioned to you earlier in our in-brief, we're an independent
21 federal agency charged with the investigation of civil aviation
22 accidents and incidents of a serious nature, finding the probable
23 cause, and hopefully developing some sort of safety
24 recommendations that we can issue to industry or some portion of
25 industry to prevent reoccurrence. And that's our job in a

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1 nutshell.

2 So we are not a regulatory agency, we have no enforcement
3 power, we don't make rules, we don't enforce rules, and we're not
4 concerned with the litigation piece that comes as a result of
5 things. We're interested in the safety and improving safety and
6 helping you get to a better place and the industry gets to a
7 better place if we can.

8 So we're just fact finding here and trying to gather all that
9 information -- in accident investigation, reconstruction is
10 everything. We have to reconstruct everything from all the way
11 back and then just kind of bring it up and build it up and find
12 where those weak spots are, those holes, and that's what we're
13 here to do today. And we can only do that by talking to the
14 experts and you guys are the experts because your -- this is your
15 house.

16 So do you have any questions for us before we get started?

17 MR. MARTIN: No questions.

18 MR. SOPER: If you want to take any breaks at any time, just
19 let us know you need to take a break. That's fine. We'll stop
20 the recording and step out. I know you do not have a
21 representative here today and that is of your choice. Correct?

22 MR. MARTIN: Correct.

23 MR. SOPER: And if you decide at any time that you do want a
24 representative, please just let us know.

25 INTERVIEW OF STEPHEN MARTIN

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1 BY MR. SOPER:

2 Q. We'll go ahead and kick off. I'll get a little bit of
3 background information from you just so we kind of know who you
4 are. I know you gave us a mini bio in there before so we have
5 some of that. But I wanted to reiterate because I'm trying to
6 remember now, how long have you been here as the ATM?

7 A. I reported to Austin in -- on March 15th of 2021.

8 Q. Where were you before that? What were you doing before you
9 came here as ATM?

10 A. Part of that, I was at Denver TRACON. Had been at Denver
11 TRACON for almost 16 years. The most -- when I left Denver
12 TRACON, my most recent role there was the support manager for air
13 space and procedures.

14 Q. Cool. Well, that's probably a bonus for here. Right?
15 Because you got some background in the air space seat deal and
16 that's important what you guys got going on. So that's good. I'm
17 glad to hear that. So you've only been here since -- I was
18 thinking you were here a little bit longer than that so that's not
19 as long as I was thinking. Do you recall who you were placed here
20 -- not personally who they were but was that somebody that had
21 been here long term or was it -- did you replace a detail or do
22 you know?

23 A. I do know. So the previous -- so the air traffic manager of
24 record here actually just went down to San Antonio. And so, even
25 after I got here, she actually left -- I think it was maybe two

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1 months before I got here. So the operations manager who was here
2 was acting ATM when I arrived. So I kind of got a handoff from
3 him. However, the previous ATM of record just went down to San
4 Antonio, so she was still in the area. Still working for the FAA.
5 And I would interact with her on a somewhat regular basis.

6 Q. And she was here long term --

7 A. I can't -- so she had a long history here. She was a
8 controller here at one point. I believe she moved around to some
9 other facilities but she had a pretty extensive history at Austin.

10 Q. Well, before I get into some questions, I kind of just want
11 to ask you, so March '21, that's not long, you were still drinking
12 from the fire hose probably for the most part because you're
13 trying to pick up on everything. So that's just coming out of
14 COVID. Right? March --

15 A. Correct.

16 Q. Kind of?

17 A. Yeah, they were still -- when I got here, the workforce, the
18 bargaining unit was still working in COVID schedules. When I got
19 here, we started recalling them or I put them back on normal
20 schedule. It was pretty quick after I got here because traffic
21 was -- had -- was starting to increase and so within a month or
22 two of me getting here, we put them back on a normal schedule and
23 then started shortly after that, recalled the high-risk
24 employees --

25 Q. Right.

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1 A. -- who were completely at home. So we -- I submitted the
2 request to recall them, as well.

3 Q. From your point of view, since you've been here now -- I
4 mean, you're settled in, obviously, and things going -- what have
5 you identified, if anything, as being the -- well, let me rephrase
6 that. What was your feeling of the state of the training program
7 here at the facility, what you inherited? And I'm not -- this
8 isn't to dime out somebody else.

9 This is just your assessment. Now you checked a board.
10 You're assessing all of the programs and responsibilities and
11 stuff. And what was your overall feel for the training program
12 here that was in place that you inherited?

13 A. So let me start with what's not an exact answer to your
14 question but it's -- I spent my entire career at level 11 and
15 level 12 facilities. And things at larger facilities just operate
16 much different than smaller facilities.

17 Q. Sure.

18 A. So everything -- literally everything about this facility
19 when I got here -- and I'm going what the heck are we doing here.
20 But it's not necessarily because Austin was doing everything
21 wrong. It's just because I've been doing some -- I've been in one
22 environment for --

23 Q. Yes.

24 A. -- 25, 30 years. And coming into another environment. So
25 there were lots of things that I was like, wow, what are we doing

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1 here. So the training department, you know, we were trying to get
2 our tower simulator, we have a suitcase TSS. So not like a
3 permanent fixture but kind of mounted with screens and --

4 Q. Right.

5 A. -- but no problems were -- have been -- and still have not
6 been -- we don't have any certified problems so it's not actually
7 in our training program. I believe prior to getting that, we
8 would send people down to San Antonio. But we haven't been doing
9 that so there haven't been any tower simulations since I arrived
10 or not official ones that are certified and can be documented.

11 We had a lot of people -- not a lot of people but I mean, we
12 had several people training in the TRACON but training had been
13 paused for over a year and then once we finally got the green
14 light to restart training, getting a lot of up-to-speed things.
15 And then I guess I didn't question the program that much until we
16 had our first TRB and again, not like any other facility but TRB
17 comes in and kind of says, wow, you guys didn't do this, didn't do
18 this, didn't do this.

19 And we're kind of like, oh, wow. So still up to that point
20 -- because I still had an operation manager, as well. And my --
21 the operations manager also had a very extensive history here. He
22 was a CPC and a supervisor here before he left. So he had an
23 extensive background. Our training support specialist has been
24 here forever. Very extensive background here. Very knowledgeable
25 at the facility.

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1 So I think I may have taken some things for granted as far as
2 the training goes. That we've got some established people here
3 and we should have a pretty solid program so it kind of wasn't
4 until the first TRB that I'm like, okay, we've got to fix a lot of
5 things for that and we're still working through those and trying
6 to fix things in the training program.

7 Q. Speaking of that -- So exactly what are the gentlemen that
8 are out here, right here, are they your training people, are they
9 contractors, what is the --

10 A. That whole front office, when you first come in the front
11 door, the gentleman whose desk is immediately to the left, so he
12 is a management program analyst so he's not a support specialist.
13 He is more administrative, like does our time and attendance, does
14 stuff like that. So he's not a support specialist. Not a 2152.

15 Q. I got you.

16 A. There is usually a gentleman behind him, behind the little
17 barrier there, the little cubicle wall, who is a support
18 specialist and he is on paper our QC specialist and our airspace
19 and procedures specialist. Each of those, in my opinion, are
20 full-time jobs. Plenty of work to go around. We'll get you
21 those.

22 So putting both of those hats on one person is asking a lot.
23 Steve "Flipper" Barnes (ph.) whose desk is the furthest back
24 towards this wall back here, he is also a 2152 support specialist
25 for training. Then we have three -- well, four SAIC contractors

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1 that are -- supplement our training there. And again, to divvy up
2 some of that workload, even though Darryl (ph.) is supposed to
3 have airspace and procedures and -- so publications would
4 generally fall under airspace and procedures but I asked Flipper
5 to take all publications away from Darryl just to try and balance
6 out that workload a little bit.

7 I have two support specialists, one NPA. And then the other
8 -- so it's unusual that they're all here. All the -- SAIC
9 contractors. We generally, we get an allotment of hours and we
10 schedule them as needed for training so that it's unusual that
11 they're all here. But yeah, we have four of them.

12 Q. And their role, is it primarily the simulator type training
13 and development and running of the simulator? That's primarily
14 what they're involved with doing?

15 A. And classroom, as well. They teach --

16 Q. They do --

17 A. -- classroom, as well?

18 Q. -- do some classroom, as well. Is it just in the actual
19 position qualification training portions of those like doing
20 classroom for developmentals and people in training?

21 A. Yes.

22 Q. Well, actually on position. Not -- they're not involved with
23 recurrent refresher, all of that stuff?

24 A. Correct. I believe -- if we needed to do -- like -- I
25 believe I can assign them to do briefings like team briefings or

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1 something like that. But not recurrent training or something
2 where you're supposed to have a management and bargaining unit.

3 Q. So what's been your view -- how come there hasn't really been
4 any tower sims? Is it because that suitcase model is just not --
5 it's not working well or people don't -- it's not -- we don't have
6 the people that know how to run it correctly or build the problems
7 or -- like I'm not sure exactly where that sits? Is it -- is it a
8 time issue, a staff issue -- and I'm not sure.

9 A. I think it's a time issue. But to be honest, I'm not 100
10 percent certain on that. I'll say that for developing our radar
11 lab problems, Flipper is very knowledgeable about doing that. Is
12 really good about that. So I don't have any experience with the
13 TSS one way or another. So I don't know if those two systems
14 overlap or don't overlap.

15 Q. Yeah.

16 A. So Flipper is the one that's working on those problems for
17 us. I assume that because he's so good with the radar problems
18 that he's knowledgeable about those, as well. That could've been
19 a blind spot on my part if that's not the case. But it's more him
20 having the time to go up and work on those which he does. And
21 it's up on -- is it the sixth floor in the tower. It's one of the
22 sub-levels in the tower where we have it set up in a little room
23 there. So he'll go up there when he can and spend half a day or a
24 day working on them. But it's not like he can devote --

25 Q. So the SAIC folks they wouldn't get involved in that or --

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1 A. Not in building the problems. No. But in administering --
2 so they're -- they can grade problems but they also primarily fly
3 the problems, as well. Act as the pseudo pilots and fly the
4 problems.

5 Q. So they're not -- so the development of the scenarios and
6 stuff, the building of the problems, that's all done by your
7 facility, the support manager or whoever.

8 A. Correct.

9 MR. SOPER: That's all I got for right now. I'm definitely
10 going to have some more stuff. But I just kind of want to pass it
11 along so everybody can have a chance to talk here. Dujuan, go
12 ahead?

13 BY MR. SEVILLIAN:

14 Q. Yeah. So I just wanted to talk about the -- sort of like the
15 management level -- you know, your role as ATM, do you ever get
16 involved with something called safety management system? Do you?

17 A. Yes.

18 Q. What -- Can you just explain your role in the SMS here or --

19 A. It's -- as it -- the role that I'm most familiar with is
20 safety risk management for implementing -- and again, because my
21 -- just coming from an aerospace and procedures position, you know
22 when implementing change and the safety risk management process
23 involved with implementing change is where I'm, I guess, most
24 familiar with it. But as a whole, we've got to manage risk,
25 manage safety throughout the facility and anywhere we can. I'm

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1 not sure if I'm answering your question.

2 Q. I guess what I'm saying is when there's a situation that
3 comes up in terms of, let's say, or risk with controllers or an
4 environment, are you involved in that, and sort of the management
5 of that risk as an air traffic manager?

6 A. As far as making decisions of how to mitigate that risk?

7 Q. Well, identifying the issues and then mitigating the risk.

8 A. Yes.

9 Q. And in terms of your coordination with -- let's say, do you
10 coordinate with controllers in terms of, hey, these are some of
11 the issues that we're seeing around the facility, this is the
12 things that we need to make better? Is that --

13 A. Yes. I would say that -- ultimately, anything that's
14 happening in this building, right, in this facility, falls under
15 me. So ultimately, it's all going to be my responsibility. If I
16 have an operations manager, then most of that pertaining to the
17 operation and risk associated with the operation, I would expect
18 the operations manager to handle most of that and still come to me
19 with it.

20 Make sure I'm aware of it. Make sure I know what we're doing
21 and how can I provide assistance and support in mitigating this
22 risk. But the -- that would be under the ops manager's purview.
23 But again, ultimately, ops manager works for me. And so, it all
24 comes back to my office.

25 Q. In this particular incident, how were you notified in terms

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1 of what happened on this particular issue?

2 A. Just the upward reporting, how did that work?

3 Q. Yeah, how did that --

4 A. So I got a text from the supervisor at -- I think it was
5 about 7:15 that said, hey, I need you to give me a call when you
6 can. I'm looking at a potentially significant event. So as soon
7 as I got the text, maybe five minutes later -- I was at the gym, a
8 workout, so I didn't hear it come in. But I check my phone every
9 few minutes. Saw the text.

10 So I called her. She said hey, this -- so her initial
11 description of it to me -- I didn't -- I wasn't aware of the
12 gravity of the situation and the initial description was that we
13 tried to get a departure out in front of this arrival. Southwest
14 said he aborted his takeoff but then still -- it sounded a little
15 bit like pilot deviation and sounded like -- I didn't understand
16 the gravity of the situation from the initial conversation.

17 And I said okay, I'm at the gym. Give me -- probably be 30
18 minutes until I can get my computer fired up. And let me -- and
19 look at it so let me review it and I'll call you right back. And
20 I asked her to also try and put together what she can as far as a
21 timeline and send it to me during that.

22 By the time I got my computer opened, she had sent me a
23 timeline. And again, it -- I don't think she recognized when she
24 listened to it that -- I think she was still under the impression
25 that Southwest said he was aborting his takeoff and then still

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1 rotated.

2 So then I listened to it and I was like, I don't -- that's
3 not what it sounds like to me. So I called her back and we talked
4 about it. I said I'm setting up my -- I'm listening to this and
5 setting up a timeline and my sequence of events I'm not sure
6 matches yours. Let's talk about this. So I told her -- I'm like,
7 sounds to me like that was FedEx telling Southwest to abort and
8 she was like, got you. No, I didn't pick up on that.

9 So we had a discussion about that. And I said okay, yeah,
10 this is what -- I'm pretty sure this is what happened and if you
11 don't have anything to the contrary, then I'm going to go ahead
12 and stick with my timeline, roll this up. So I then sent -- I had
13 my -- I typed my timeline from the recording. I just -- from the
14 Falcon replay I was listening to. Put it in an email, sent it to
15 district leadership and then sent a text that said hey, we had --
16 we just had a significant event. Just sent you the timeline. I'm
17 ready to discuss it. Give me a call.

18 They called me back in -- I don't know, maybe 15, 20 minutes.
19 Something like that. We had some discussion with them. They said
20 okay, have the -- get the MOR ready. And then they did some
21 upward reporting and it was the assistant general manager called
22 me back and said okay, yeah, go ahead and get the MOR in and we
23 will be doing an SRT so start doing the post-event checklist. Get
24 all that information together. So I submitted the MOR myself.
25 And I notice now I screwed it up. I put Southwest in our log if

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1 you guys look at the MOR. I put -- I incorrectly typed Southwest
2 call sign, put 1432. So it says FedEx 1432 and Southwest 1432.

3 But anyway, on the text, the free text part has everything
4 correct. Just -- I put the call sign in incorrectly. But yeah,
5 so I submitted the MOR from home because I didn't want the sup
6 here -- you know, it was a pretty lengthy MOR in there. And if I
7 can leave the sup engaged and not having to be heads down typing,
8 then -- so I just put it in from home.

9 MR. SEVILLIAN: Those are the questions I have for right now.
10 Brandon?

11 BY MR. JOHNSON:

12 Q. Sorry about that. Your FACREP and you. How is your
13 relationship?

14 A. It's good.

15 Q. Yeah?

16 A. Yeah. We work together pretty closely. I mean, I'll -- he's
17 a very reasonable guy and I think we've -- I haven't been here
18 that long but I think we understand each other pretty well and I
19 think we work together pretty well.

20 Q. Do you guys have regular meetings?

21 A. We do. So it's not -- primarily, because of our staffing
22 situation, it's not an on-the-calendar like every Wednesday at
23 1:00 we meet. But yeah, we -- I mean, we probably sit down in my
24 office two or three times a week at least. And maybe not
25 necessarily for an hour but for 15, 20 minutes a pop couple times

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1 a week.

2 Q. Do you guys have a functioning LSC?

3 A. We do. Yeah. I will say that's one thing this facility --
4 well, our LSC here is very active and involved in almost
5 everything that's going on. I do know that's one of the things
6 that's been brought up. Is sometimes the LSC as far as the --
7 what's the monthly -- the bulletins.

8 Q. Oh, the safety discussions --

9 A. Safety -- yeah. So we're maybe a little lacking there. But
10 our LSC is involved in almost everything that we're doing.

11 Q. Was it last October, November you had your staffing increase?

12 A. I think October is when it hit.

13 Q. October.

14 A. Correct.

15 Q. What -- did they give you the numbers you were asking for or
16 how many numbers were you looking for?

17 A. No. What -- so we -- I sent up to headquarters -- so
18 probably give you more information than you need so tell me to
19 shut up if you -- but -- so last summer, the vice president for --
20 so Jeffrey Vincent (ph.), his staff, and the directors for all
21 three service areas, they just needed to have -- the place have a
22 meeting. They were in here for, I think, the SUPCOM, which was
23 just north of here -- meeting -- so they asked if they could meet
24 here. Said yeah, great. And I'm going to try and capitalize on
25 this opportunity.

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1 So I kind of hijacked them and said can I give you a 15-
2 minute presentation in here on our staffing. And I asked for 55
3 controllers. Said here is my case. This is why I need 55. But
4 really the case is I can't build a schedule -- putting everybody
5 on six to eight work weeks every week, I can't build a schedule a
6 to our guideline numbers with what I've got right now.

7 So that started the ball rolling. Mr. Vincent was very
8 receptive to that. Said -- asked me to send it to him. So I sent
9 it up to his senior advisor. Made some changes. Added a few
10 things he requested. Sent it up. Then we met with -- giving
11 NATCA their credit, too -- the RVP and the ARVP came out here and
12 met with Mark and I. And our -- the RVP happens to sit on the
13 CRWG. We had a really good meeting with them. We gave them the
14 same data. And it started to get some traction.

15 So really, what they did what the staffing increase which
16 don't mean to sound like I'm not grateful -- I'm extremely
17 grateful for it because prior to them doing that if you went into
18 the placement dashboard it still shows -- it showed that we could
19 still lose three controllers. They show that we could release
20 three in a round of NCEPT.

21 So what that bump did was climb from 38 to 42. Was enough to
22 put us at zero releases where we could at least stop the bleeding.
23 They originally told us that -- because the CRWG had developed
24 this new formula they were going to use. They selected, I
25 believe, four test facilities. Austin was one of those test

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1 facilities. My understanding was that they selected one where
2 they think the staffing is exactly where it needs to be, one
3 facility that they believe is overstaffed, and then two facilities
4 that they think are understaffed.

5 So Austin got selected as one of those. We were told that,
6 hey, we're giving you this bump now before this round of NCEPT but
7 then the CRWG is still going to run this new formula and we'll
8 come up with your new number after that. However, then we started
9 the staffing -- air traffic staffing become a bigger, more public
10 issue and then we were told, okay, yeah, it's not going to be just
11 you four facilities; We're going to do this for everyone. But then
12 that kind of delayed them running their new calculation on Austin.

13 Q. How did you get to 55 that you wanted?

14 A. How did I get to that number?

15 Q. Yeah.

16 A. I would have to pull up my -- actually, I won't even --
17 Jeffrey Vincent put me on the spot in there because I was just
18 showing them we can't staff the facility with what we've got here.
19 He said what do you want. And so on the fly, I said 55. But then
20 when I set up the business case, I built the case for why that's
21 what we would need.

22 So part of that is we have a collaborative work group that's
23 done an airspace redesign like I was telling you guys about. So
24 part of that is adding positions, as well, and so that was part of
25 that calculation. To get -- the exact how I got there, I would

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1 have to pull out what I sent which I'm happy to forward to you
2 guys if that's useful.

3 MR. SOPER: No such thing as too much information for us.
4 I'm not gonna lie.

5 A. Yeah.

6 BY MR. JOHNSON:

7 Q. Does your numbers -- and I was kind of curious. Did your
8 numbers take into account, not just the increased positions but
9 all the ancillary duties like the safe discussions, running the
10 tower sim with pulling controllers out to do it, refresher
11 training, recurrent training, all that stuff?

12 A. No. I -- to be perfectly honest, I don't think I'm smart
13 enough to dive that deep into it and know really how to calculate
14 those -- to come up with a valid argument there so it was really
15 just based on staffing, leave obligations, things along those
16 lines.

17 Q. So even with the number you sent out, that didn't include all
18 of the guys are out for attending recurrent training --

19 A. So there might -- I think there was probably a generic buffer
20 in there that would allow for those but not something that I could
21 break out and say I need X number of shifts to cover recurrent or
22 something like that.

23 MR. JOHNSON: That's all I got for now.

24 MR. SOPER: Thanks. Scott?

25 BY MR. DAVIS:

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1 Q. Yeah. I got a couple things for you. It's interesting to be
2 in this spot. I'm only less than three months removed from being
3 ATM in a much lower facility. And I know how even busy it is with
4 all those hats and a smaller facility level load, a level nine.
5 So I got a lot of respect for what you're doing.

6 So these questions kind of jump all over the place. Talk --
7 tying back into refresher training, in your position here as the
8 TA, who would you expect to create refresher training here?

9 A. We also have a training collaborative work group which has
10 been established for -- it was actually established prior to my
11 arrival here that we've rotated a couple people through it. But I
12 would say a combination of myself, the TA, Flipper, our training
13 support specialist, and the CWG. The training CWG would come up
14 with them.

15 Q. Do you feel like if they came to you and said -- and we'll
16 just take the incident we're talking about here. Hey, maybe we
17 need some more training in this area, they would be able to
18 develop that for you and get that on your plan for next year type
19 thing?

20 A. Yeah. I'll be -- again, to be honest, so the -- it's --
21 there are some things you take for granted and you don't know what
22 you don't know. And so, I knew we had -- I knew we had SMGCS
23 plan. So you asked the question yesterday. I didn't know we
24 didn't have the hold bars. And it seems like there's a good
25 number of people here that weren't aware that we need to put a

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1 SMGCS on the ATIS. When we doing a SMGCS. And so those are
2 things that I -- it's my job to know but I didn't know those.

3 It's -- until something brings it to my attention, that's
4 something I don't think to go look for to dive into and so yeah,
5 if somebody would've brought that to my attention because those
6 things pop up all the time, you know. And I hear something. I'm
7 like what. What do you mean we're not doing that. And so, then
8 you try and fix it but it's just kind of trying to put out fires
9 where they pop up.

10 Q. And just kind of a different type question. You made the
11 comment earlier that SAIC doesn't create any of your problems for
12 your sim and stuff. Do you know why? Do you know why they're not
13 involved in that part of it?

14 A. I don't. No.

15 Q. My previous experience is that they will do that and that is
16 something the service area will provide. So I was just kind of
17 curious if there was a specific reason they didn't do that with
18 four of them there.

19 A. Do they -- so do they go to the -- because there's a
20 development class that you have to have to be able to build those.
21 Right?

22 Q. Right.

23 A. So SAIC can go to those? Okay. I don't know the answer to
24 that but I'll certainly look into it.

25 Q. It just -- just one of those things. You know, sitting here,

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1 would have up-to-date simulator problems help. Could you then use
2 them in refresher training and other things. Just one of those
3 things to think about.

4 You talked about -- you know, the reporting and then filling
5 out the common post-event checklist. How does that look for --
6 with the resources you have? Are you expected to do that? Do you
7 have help here?

8 A. I -- like I said, when I had an ops manager, that's some
9 help. So yeah, I mean, ultimately, it -- supervisors can do those
10 but again, in this scenario, especially right now, I never have
11 more than one -- I can't say never. On Thursdays, if no one is on
12 leave, nothing else is going on, everything is perfect, on
13 Thursdays, I have a midday supervisor. So I have a day, a midday,
14 and an evening. Then there's some overlap where I have two
15 supervisors in the building like from 10 to 6.

16 But that's rare. So under -- 90 percent of the time, I only
17 have one sup in the building. And I don't want the sup working on
18 post-event checklists or really even a lengthy MOR like that while
19 they're sitting there in the office. And I really don't want them
20 to put a CIC in and come out and do it out here if they don't have
21 to. So yeah, anytime I can do it, I will do it. Or if I had an
22 OM, I would try and make sure that one of us is available to do
23 those. So I would say on -- actually, since I've been here, I
24 think I've probably done all the significant events. All the
25 checklists for it. I could be misspeaking on that though. But I

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1 -- yeah, if at all possible, I do them.

2 MR. DAVIS: I may have some more on the follow-up but that's
3 all right now.

4 BY MR. SOPER:

5 Q. Shifting modes just a little bit to the scheduling or the
6 staffing situation. How long have you been in the mandatory
7 sixes?

8 A. So the -- where things got really bad was pay period 14 of
9 last year, of 2022. So we were working a significant amount of
10 overtime. Prior to that, then we had a CPC here got selected for
11 a full-time article - NATCA article 114 detail. I said I can't
12 release him. District said you're going to have to justify it.

13 I put together a justification. Said this is what -- showed
14 them what the schedule is going to look like. Sent it up and I
15 did not get support on that. They said you're going to release
16 him. So he came out of the schedule. Then right after that, a
17 CPC here got picked up by runway safety. Same thing. I said I
18 can't let someone else go. They said nope, you're letting him go.
19 So they left. We had a CPC IT who was certified through the tower
20 resign and so all of our CPC ITs are scheduled for staff -- it's
21 dual purpose. It's also for currency.

22 Because to get a certain amount of currency time but for
23 staffing. So two days a week, they're on staffing lines, and
24 three days a week, they're on training lines. So even CPC ITs
25 help with our staffing as long as they have some certification.

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1 So we had a CPC IT who was certified through the tower. He
2 resigned from the agency and so all that hit right around that pay
3 period 14 time frame. And so from pay period 14 to -- I'd say
4 close to the end of last year, for the most part, everyone was
5 working six-day work weeks. There was some exceptions. Maybe you
6 do it -- maybe have two or three weeks of six-day work weeks and
7 then you get a week where you get two RDOs. But I mean, it was
8 pretty consistent six-day work weeks for everyone.

9 Q. And I see -- I think we've seen there there's something like
10 seven -- is it seven people still on four tens? Has that been
11 considered?

12 A. It's -- it seems counterintuitive and I know -- I see the --
13 let me -- I'll give you the argument that --

14 Q. There's always other reasons that you don't see eventually.

15 A. So it puts -- the gist of it is it puts extra people in our
16 overtime pool to be scheduled for overtime. And now, that doesn't
17 mean that we're trying to get people overtime but it means we
18 can't build a schedule even with people on overtime. To get to
19 our guideline numbers every day, there's just not enough people
20 available on RDOs.

21 So with the four tens, we got an agreement this year that --
22 that compressed work schedule is different this year than last
23 year. If we keep it, the only way I'm even going to entertain it
24 is I need them here when the traffic is here. So their schedule
25 is 10 to 8 -- actually, it's 10:30 to 8:30 which is the bulk of

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1 our traffic. Not an ideal shift. Not really what they want to
2 work.

3 But that's the tradeoff. If you want to work the four tens,
4 this is when I need you here. So they work three of those, three
5 10:30 to 8:30 and then their last day is, I believe, a 9 to 7. So
6 they get a little earlier start, a little earlier finish. But
7 then NATCA's bargaining chip there that -- so there's some logic
8 to it and again, I'm not saying I --

9 Q. I understand that.

10 A. -- like the four tens.

11 Q. I understand.

12 A. But it's -- now it puts an extra person that's available to
13 be scheduled on that day to bring them in. And we're getting the
14 benefit of having them here for 10 hours. Like I said, my -- I
15 said I'd rather go without the four tens.

16 But NATCA is able to present a case that it's not hurting us
17 -- and we're spending so much overtime anyway, it's not an
18 additional overtime expenditure. There's no more or less there.
19 But it puts an extra person available. So they were able to
20 present a case that I can't say that it's -- can't show enough
21 significant harm in my opinion to say --

22 Q. Yeah.

23 A. -- we're not doing it.

24 Q. And that's fine. But I am curious, are you getting any
25 feedback or is there a feedback mechanism even to -- how is this

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1 affecting the workforce now since it's been a sustained amount of
2 time. At a sustained amount of time, you start to get tired.

3 Right? Six-day work weeks can take a toll on you just because
4 that only having one day break off is -- at first it's like, eh.
5 Then it starts to get ugh. And then pretty soon you're like damn.

6 A. Yeah. We got to go to work already.

7 Q. Yeah, definitely.

8 A. And that's something that I'm concerned about and Mark and I
9 -- the FACREP and I -- had a lot of discussions about that
10 regarding this year's basic watch schedule as opposed to last year
11 and we made some changes because of that. So last year, everyone
12 -- NATCA said we're going to handle all this but we're going to
13 ask everybody their shift preference and then we're going to try
14 and schedule people their shift preference which everybody wants
15 to work a day shift.

16 Q. Sure.

17 A. Right?

18 Q. Of course.

19 A. Nobody wants to work the evenings. Then we're going to
20 schedule the overtime. So we're going to try and give people
21 their preference and then schedule the overtime since we have the
22 overtime coming in anyway. Whoever is making time-and-a-half is
23 going to work -- people on their regular days can work this. So
24 we had a -- we had a conversation about that. I said we can't
25 keep doing this because we need to schedule as much continuous

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1 time away from the facility as we possibly can.

2 So bringing somebody in to work an evening shift on their
3 first day off is less beneficial -- like let them work whatever is
4 going to give them the most continuous time away from the
5 facility. And that's what we need to focus on. So we kind of
6 went round and around about that for a while. But they -- Mark
7 and his schedule team see the logic. And they're -- some of those
8 guys are guys that are working four tens, too. And said, yeah, I
9 think we agree with that.

10 So we changed the way that we're scheduling the overtime to
11 try and maximize the time away from the facility. But yeah,
12 fatigue is absolutely a big concern.

13 Q. And how big of a challenge is the ability to accomplish
14 meaningful training when you're in a staffing constraints that are
15 such that -- I mean, a person -- you can only stretch a human so
16 far. Right? I mean, --

17 A. Yeah, it's --

18 Q. I got to get performance management done. I've got to get the
19 refresher and recurrent done. I've got to -- I've got all the
20 mandatory checkbox items, I've got emphasis items and CAPs that
21 are open that I have to keep addressing and monitor
22 (indiscernible) OSAs.

23 I mean, there's just so many things and you can only stretch
24 a person so far. Where are you finding the biggest challenge or
25 the biggest -- where you're getting -- you are just reaching your

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1 max elasticity.

2 A. I mean, you nailed it. And again, it's not isolated to this
3 facility. That's --

4 Q. Right. No, I --

5 A. -- but --

6 Q. Yeah, this is a challenge.

7 A. I would say my -- the biggest frustration to me is I feel
8 like I can identify things that we can do to help mitigate these
9 issues that we're experiencing, help with fatigue, reduce the
10 complexity on the workload but I can't implement any of those
11 because I have to pull people out of the operation to be able to
12 do what I need to do to implement those.

13 I can't help it because we're in it. So it's a cycle. So
14 that's the most frustrating part for me. So I can't do a staff
15 study to implement this long-term airspace change because I don't
16 have the staff. I don't have the people -- staff study is no
17 small undertaking. I mean --

18 Q. Right, no.

19 A. -- it's difficult to get that stuff together. And I can't
20 pull people out of the operation to do that. And like you said,
21 okay, can I write it myself, well what am I not going to do that I
22 have to -- I'm going to have to not complete something that I have
23 to roll up to my boss because I'm working on this. So it's --
24 yeah, I don't really know what else to say about that.

25 Q. And I'm just going to be straightforward. I mean, one of the

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1 things I identify as being significant, hard to get my head
2 around, and I think other people look at it very -- I don't know,
3 a lot of people kind of brush over it. And three supervisors is
4 not adequate. And I mean the bottom line with that for me is that
5 I don't think -- people don't want to take into consideration its
6 long-term effect meaning -- they talk about well, we got CICs.
7 Just get a CIC up there. You know, providing oversight on the
8 operation.

9 But the general oversight of the operation is not necessarily
10 the biggest piece we're talking about. I mean, let's face it,
11 when you have CICs, they can't perform performance management so
12 the longer you have OSs out of the operation, you got a busier
13 environment downstairs so generally, when you do have a sup here,
14 they're spending a majority of their time down there because
15 that's where the facility and mission need is.

16 So therefore, they're absent from the tower and you're 95
17 percent or whatever the percentage might be. It's high. That
18 you're operating CIC in the tower. That just erodes over time,
19 right, I mean, because you don't have that on-the-spot correction
20 as much up there because you're operating the CICs. So things
21 drift. And drift is allowed then because you don't have the
22 supervisor to bring it back on course.

23 So I say all that to say that -- where do you feel you are at
24 and what is the status of your OS staffing right now and what --
25 and tell me your view. Because that was just my view and I'm just

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1 looking outside in. You are living it so I'm not seeing
2 everything you can.

3 A. I'm -- yeah, I mean, you basically nailed it. I agree 100
4 percent with everything you said. We just got hit on -- we had an
5 ECV in November and had a non-compliant high on oversight,
6 specifically oversight in the tower because CICs are for the most
7 part not -- I believe the way the ECV worded it is CICs are not
8 making on the spot corrections. Technically, CICs can't do
9 performance management. They can do on-the-spot corrections. And
10 they're just not going to do it for the most part.

11 Q. That's pretty normal unfortunately. I mean, that's --

12 A. And so, but you nailed it. The complexity and the -- all the
13 phone calls come to the TRACON. It just -- everything. Like if I
14 have on sup here, I need the sup in the TRACON. I'm not --

15 (Crosstalk)

16 A. -- going to send them up to the tower.

17 Q. Agree with that.

18 A. So yeah, three -- I have two completely separate operational
19 areas. Maybe I was talking to the ERT. I forget who I was
20 talking to yesterday but somebody -- I just brought this up
21 yesterday. With -- like at Denver TRACON, it's technically two
22 specialties, arrival wall, departure wall but it's all in the same
23 room. So even if I got one sup there, he can still provide -- he
24 or she can still provide oversight to two areas. Same thing at
25 the center. You know, they do the cross-aisle supervision

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1 sometimes because you have a manager there who is able to
2 physically observe what's gone on. Probably not as engaged as
3 they should be but you can still -- so at an up down, you don't --
4 you can't do that. They are completely separate areas.

5 And so, we -- when I got here, we had four supervisors in the
6 building. We have one supervisor who is on a full-time detail.
7 I've never met him in person. So I have an employee who is now a
8 direct report for me that I've never met face to face. Full-time
9 detail. So last year -- last summer probably -- like I said, I
10 need to recall him. I'm going to recall him. He's had a somewhat
11 high-profile position. The district said no, that's not
12 happening.

13 I said well, we got to do something and they said okay, we'll
14 give you a temp bid to backfill for him. Even get you TCS money.
15 Awesome. Great. Let's get it out. We got the bid out. They got
16 the list and then said we messed up the list. We can't select off
17 of it. So got nothing out of that. Meanwhile, had another
18 supervisor -- one of our supervisors here got selected to Tucson,
19 I believe. It's to a level eight facility so lower-level facility
20 but they're also very short staffed on sups. Everybody is.

21 And again, I said okay, I can't release her in six months.
22 They want a six-month release. I can't release her in six months.
23 Let me coordinate with the ATM. I'm going to tell him a year but
24 as soon as you get me someone on that temp bid and get them in the
25 door, I'll let her go. But let me hold onto her until we get them

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1 in. I'll coordinate with the ATMs that I need here. They said
2 no. Got to release her in six months. So she's gone.

3 So then, at the end of last year, we had a supervisor retire
4 unexpectedly. We didn't -- he wasn't really planning on it. But
5 so he went in December. So that's how we got to the three we are
6 right now. Again, on paper, we do have four because I've got the
7 one on a full-time detail.

8 Q. Do you have any inbounds on that?

9 A. So we have one bid that closed -- I think it closed last
10 year, at the end of last year that they still haven't made a
11 selection on. I'm told they're going through the deviation
12 process to make a selection. I asked for two off of that based on
13 the retirement -- the one I wasn't expecting said let me select
14 two off this.

15 They initially told -- said okay, yes, we'll let you select
16 two off that. Then once the bid closed and they got the list,
17 they said we only selected one. So I -- I'm being told there's
18 one selection going through the deviation process for that right
19 now. I also two weeks ago got to preview a bid for a temp to
20 backfill for the detail but that bit is not out yet. They told me
21 they're getting TCS money just like the one that we didn't select
22 on anyone from last year. They're -- and being told that that bid
23 is on its way. It's just not out yet.

24 Q. We'll shift away from that subject for right now. I do have
25 some questions. So let's -- I wanted to talk about Damian just a

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1 bit. So we looked at some of the stuff and one of the first
2 things that came up was kind of training and we look at some
3 training numbers and he missed 24 trainings over X number of time
4 but then we take a deeper look into the facility and that's --
5 that seems to be systemic across the facility.

6 Somewhere -- it either isn't getting documented or doesn't --
7 I don't -- I kind of get the feeling it's not the controllers
8 aren't getting their training. I think that probably there's a
9 documentation failure somewhere in the loop. And with the changes
10 you've had and the things that go on, I mean, that's not
11 necessarily not foreseeable but is there a plan to -- I mean, is
12 that something you've identified in your -- and you've got
13 something moving in place to correct that?

14 A. Documentation like the dash 25's --

15 Q. Yeah.

16 (Crosstalk)

17 Q. I think it's more along the lines of like recurrent training,
18 refresher training.

19 A. Got you.

20 Q. Those kind of things I think aren't getting -- they're
21 showing that they're not doing them in large numbers. It seems
22 not likely but --

23 A. Well, I will say I do believe we're deficient on getting some
24 of those accomplished. And again, it's staffing. Like I feel --
25 one of the big things I pushed for when I got here was -- we're

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1 doing team briefings every day, period. You will get your teams
2 out and we're doing team briefings because that -- sitting around
3 a table like this, you get to hear things. You get --

4 Q. Yeah.

5 A. Not only is it building relationships but you hear what's
6 going on. You get to hear what they're thinking about, what's
7 bothering them. And I said even if we don't have a pending
8 briefing item that you're going to brief on this week, you're
9 getting your team out. We're doing team briefings. So I push
10 that really hard.

11 And we've -- we're doing them occasionally. But there's lots
12 of days -- like even if the sup says, okay, we're doing a team
13 briefing, it's them and two people sitting in there. So it's hard
14 to -- with recurrent training last year, same thing. We can't
15 schedule like one day of big classes. They were doing classes,
16 recurrent classes with two and three people in them because that's
17 all we can --

18 Q. Yeah.

19 A. All we can get out of the operation. So it's -- again, it's
20 kind of that cycle thing. Right? Because to do the training, I
21 got to pull an instructor out. So if you can get a class of 10
22 people and do that -- do four classes with ten people in it, okay,
23 then you're done and that's nice and easy. But instead, like I
24 got to do like 15 classes and get the instructor and get a sup and
25 a CPC out 15 times to do this. It's just -- it makes everything

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1 more difficult. So I think you're probably not off base. We
2 probably do have some documentation issues but we are -- we are
3 also probably failing to get some of it done.

4 Q. And how about -- so he fell out of currency seven times over
5 a certain amount of time which seemed like, wow, excessive. But
6 in talking to him, it's -- they sound all medical related. And we
7 have some COVID ones. Have you had that issue across the facility
8 or --

9 A. No. Not across the facility. He is I think a higher number
10 than usual. He -- one of them was a long-term -- not
11 disqualification -- a long-term --

12 Q. Yeah. I remember said he was prescribed a CPAP as a
13 result --

14 A. Exactly.

15 Q. That took him down for a little bit.

16 A. So that was for a while but then --

17 Q. -- understandable.

18 A. But then also just with the monthly currency, he had several
19 14-day quarantines.

20 Q. Yeah.

21 A. That then if you're halfway through a month and you don't
22 have your currency and then you get knocked out for the second
23 half of the month, then you're going to have to get an over the
24 shoulder currency is going to lapse. So there were quite a few of
25 those.

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1 Q. So since we said the C word -- how has COVID impacted your
2 facility? I mean, people like to say we're out of COVID but in
3 the air traffic community, we're really not. Right? I mean, with
4 all the other cleanings and the things that have to take place,
5 how has that been affecting you? I mean, the facility.

6 A. There have been -- probably not as bad as some but there have
7 been some significant impacts. Like I said, we've definitely been
8 in staffing triggers that can be directly attributed to COVID and
9 we had one really -- because of the cleaning so we had to do an
10 emergency level three cleaning. In those scenarios, they won't
11 let you bring any people who aren't already inside the building
12 and you can't bring new people in basically.

13 So we found out we needed to do an emergency cleaning. That
14 whole process of getting one scheduled and to the facility is time
15 consuming. It doesn't happen fast. So as people started timing
16 out, like I've got -- I got a whole evening shift full of people
17 sitting out in the parking lot that I can't bring in the building.
18 Day shift is timing out. I got down to one controller in the
19 TRACON. One controller in the tower and me. I'm in there
20 answering phones just trying to help during that.

21 But -- and one of those controllers that was left was within
22 an hour or 45 minutes of timing out. And there was nothing I
23 could do. We're waiting for this cleaning. And so, that's a
24 pretty significant impact. And again, that's a small window.
25 It's isolated. Over the long term, we had a lot, a lot of shifts

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1 where we were short staffed. Maybe not in a staffing trigger but
2 short because we lost somebody to -- through contact tracing even
3 though they weren't symptomatic.

4 So they're out and then there's nobody available to call in
5 for overtime because of our staffing levels. So when we lose
6 people, there's no bringing somebody in just because we don't have
7 anybody available.

8 MR. SOPER: One thing I wanted to shift back to training real
9 quick on. The -- gosh darn it. I just lost my train of thought.
10 It was about Damian's -- I'm going to go ahead and I'll have to
11 table that and think if -- see if I can remember it and I'm going
12 to go ahead and pass it along to Dajuan.

13 BY MR. JOHNSON:

14 Q. So earlier, we were discussing the -- how you got notified
15 about the event. And just the -- you started thinking about the
16 gravity of the situation and that it was pretty serious. Well,
17 given your knowledge of this incident and the situation, what do
18 you think could've happened to prevent this from occurring in the
19 future? What do you think can happen to prevent this type of
20 incident from occurring in the future?

21 A. Prevent it from happening in the future or prevent that one
22 from -- so I'll say that through this process, I've identified a
23 deficiency in our refresher training regarding low visibility
24 operations. So we're in the -- we're remedying that right now and
25 already sent out a draft. Face-to-face briefing item for

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1 everybody to review and get feedback on and we're going to start
2 that probably tomorrow because, again, it took this to be a
3 catalyst for me to realize that we're not doing things we
4 absolutely should be doing.

5 When Mark, the FACREP, said he -- I probably shouldn't name
6 names here. But he said I don't think I've ever put SMGCS on the
7 ATIS. How are we not doing that. So that's a failure on the
8 facility's part. In training or refresher training, he said I
9 haven't looked at that letter since I was in the classroom and I
10 just didn't remember that.

11 So that's a failure on our part to catch those things. It's
12 a failure on my part to recognize that we're not doing some of
13 those things. So getting that -- I guess when it comes to this
14 specific incident though, I don't know that any of that prevents
15 that incident. And I don't mean this to pile on to Damian at all,
16 but when I watch that replay, I cannot for the life of me
17 understand how he thought that was going to work.

18 And it doesn't appear to me to be -- I mean, I guess it could
19 be a misunderstanding of just -- just knowing that in a low
20 visibility environment like that, that guys aren't going to taxi
21 fast. Nobody is going to take it on the roll. But I mean,
22 honestly, even if somebody was going to take it on the roll,
23 that's a situation that I'm not sure I would try that given the
24 fact there's nobody behind FedEx. Even if it's good VFR outside,
25 I'm not sure I would do that. Maybe I would if I needed to.

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1 But given that scenario, I can't -- I guess I don't know what
2 to identify to say this would've -- this is something that we as a
3 facility should have done for the lead up. We absolutely
4 should've been training the low visibility operations. And that's
5 a deficiency we're going to correct but I don't know that if we
6 would've put SMGCS on the ATIS and we would've called the city,
7 that that exact same thing wouldn't have happened.

8 Q. So from the standpoint, are you talking -- we're talking
9 about Damian here. Is it more decision-making that you're looking
10 at with Damian or what do you -- what are you thinking about in
11 terms of -- I don't -- I mean, I looked at the replay, I wouldn't
12 have --

13 A. Yeah, and --

14 Q. -- understood why that could've happened.

15 A. In the scenario, yeah, it was just decision-making. And
16 again, in my opinion. I'm not -- Damian is a good guy and he -- I
17 think the gravity of this is really hitting him, as well. So I'm
18 not trying to -- I feel bad piling on but yeah, it's -- in that
19 scenario, this was just really poor judgment. I don't know a
20 better way to put it.

21 Q. So what you're saying is that the deficiency that you have
22 identified in terms of the low visibility operations -- the
23 organization is trying to figure out what can be done in the
24 future to help local controllers out if they're in this type of
25 situation. Is that okay to say?

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1 A. Yes. Definitely. So in that -- the briefing item, the memo
2 we're putting out, I go back -- I spell that out and say you've
3 got to remember aircraft are going to slow down sooner on final.
4 They're going to be slower on final. They're going to take longer
5 to exit the runway. They're going to taxi slower. They're going
6 to take longer to start their takeoff.

7 Like everything happens slow -- I mean, it's -- I guess -- I
8 don't know. Maybe I'm taking some things for granted but
9 everybody drives in here to get to work. If it's -- if you can't
10 see anything at all -- if the fog is that thick and you can't see
11 anything, you're not driving 80 down the interstate. Right? I
12 mean, I don't know. I guess -- you can't make any assumptions and
13 assume people know things. But I guess in that scenario, I can't
14 wrap my head around it.

15 Q. I appreciate it. Thanks.

16 BY MR. JOHNSON:

17 Q. Back tracking to your OS staffing -- I apologize if I missed
18 it but how many are you authorized?

19 A. Six.

20 Q. Six. Do you think that's a fair number?

21 A. No, I don't. So with -- like I was explaining earlier with
22 the two separate operational areas, if I had six, I could --
23 again, removing any variables, I could provide oversight in the
24 operation -- in both operational areas as needed with six
25 supervisors -- so basically, to provide oversight on the day and

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1 evening in the tower, day and evening in the TRACON, I need 28
2 shifts -- I need 28 supervisor shifts every week. With six
3 supervisors, I would have 30.

4 So that is sufficient to cover that. But that doesn't
5 account for any performance management, training team meetings,
6 recurrent training. All those things that you mention. So I
7 would say that eight is a reasonable number to get us there.
8 Don't get me wrong. Right now, I'd be ecstatic to have six. But
9 ultimately, for what we need to do, yeah, I really need eight to
10 be able to do what we needed to do.

11 Q. Changing gears now. How familiar with the day-to-day
12 operations are you up in the tower and up in the TRACON?

13 A. I have a general familiarity with them. Again, this -- we
14 had a facility evaluation team come through at the request of the
15 director last year and that -- that was something he brought up.
16 And my view of my job, and it's a little bit different right now
17 because I don't have an OM, but my view of my job is -- it's not
18 my job to be an expert on the operation. It's my job to run the
19 facility. And it's more big picture, more oversight type
20 position.

21 And I have an operations manager to manage the operations.
22 And I had that conversation with the OM when I got here. And I
23 was like, listen, ops are yours. I'm going to run front house and
24 keep a general awareness of that but ops are yours. And that's
25 how I want this to operate. We were maybe a little bit less than

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1 successful in trying to get that done. But so I would like to
2 have a more in-depth knowledge than I do. I try in and get in
3 there and monitor some and I'd like to do it more. There's just
4 so many hours in a day. But I would say I have a basic knowledge
5 of it but not in depth.

6 Q. Now would you -- if I asked you how often Austin experiences
7 low IFR conditions, would you have any estimation?

8 A. If I were going to take a guess, I'd say 15 times maybe a
9 year.

10 Q. And that's spread over the days and stuff?

11 A. Yeah, yeah.

12 Q. And my question -- what I'm getting at is how would you
13 expect the controllers to be familiar with low IFR conditions if
14 you only see 15 of them in a day -- a year, I mean.

15 A. Yeah. I mean, it's a good question. I don't have a great
16 answer for it. Like you said, you know, I think maybe there's
17 just some things you -- you make assumptions right, which like I
18 said, I can't -- I shouldn't be making assumptions about anything.
19 But I assume that people are doing what they're supposed to be
20 doing. And that's -- I probably should've known in the morning
21 when I drove in and it's thick fog, I should've said hey, I need
22 to go up to the tower and sit up there for a while while we're in
23 low visibility operations. I haven't done that. So I should've
24 done that. Yeah. I don't -- I mean, it's a valid point.

25 I don't have a good answer, I guess. It's just one of those

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1 expectations. I -- I was going to use the analogy -- you don't
2 see emergencies all the time but I expect people deal with those
3 -- but we do the refresher training on those. I guess maybe -- I
4 honestly did. I, again, assumed that low visibility operations
5 was part of our refresher training that we do and I didn't realize
6 it wasn't until I started digging into it.

7 I reported out on the SRT that it's part of our refresher
8 training because I believed it was. And then got in to get the --
9 dug into the records to find when the last time I briefed it is
10 and went, oh, crap, it's -- it's not part of our refresher
11 training.

12 Q. Changing gears again. Your -- it came up that your METAR was
13 reporting freezing fog.

14 A. Correct.

15 Q. But the reports from controllers and apparently pilots --
16 this is hearsay at this point -- but it wasn't actually freezing
17 fog. Do you know anything about why the METAR would be freezing
18 fog and the weather outside is not?

19 A. I don't. I wasn't -- I knew that was in -- I knew the
20 freezing fog was in a weather sequence but -- no, I don't know.

21 Q. Do you work at all or do you have any interaction with the
22 certified weather observers?

23 A. Not extensive. No. I mean, I know them. But no, I don't
24 interact with them regularly or have that much communication with
25 them.

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1 Q. Do you handle the contract or is that outside the building?

2 A. It's outside the building.

3 MR. SOPER: Thanks. Scott?

4 BY MR. DAVIS:

5 Q. Yeah, I just had one follow-up question and it actually kind
6 of ties into what Dujuan had asked you earlier. So he had asked
7 you if there's anything you thought that would prevent the
8 incident happening. Instead of going that far to saying prevent
9 it, are there any tools or resources that you think that are out
10 there that you could have that maybe would mitigate the risk
11 significantly so maybe it wouldn't happen again?

12 A. Yeah. I mean, any type of surface surveillance with safety
13 logic would have prevented it. It would've -- assuming it's
14 working properly, it would've alarmed and that's -- and I don't --
15 maybe there was a misunderstanding on the two increasing to three
16 rule, as well. And so maybe some focused training on that
17 could've perhaps prevented it or would've triggered him to take
18 some action at that two-mile point where there was still -- right
19 when FedEx questions it, which, again, you know, red flag.

20 Why is he asking me this. Maybe that would've triggered some
21 action but at the very least, if we had some surface surveillance
22 equipment with safety logic again, it would've alarmed, then
23 that's that. Right? It's an alarm. I'm sending this guy around.
24 So yeah, I feel confident that would've prevented it.

25 MR. DAVIS: That's all I have.

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1 MR. SOPER: I don't have anything else right now? Dajuan?

2 MR. SEVILLIAN: Nothing from me.

3 MR. SOPER: Nothing? Nothing? I want to -- do you have any
4 questions for us (indiscernible)?

5 MR. MARTIN: No questions. No.

6 MR. SOPER: So I'm going to stop the recording for now. I
7 show the time at 12:41 Central.

8 (Whereupon, at 12:41 p.m., the interview was concluded.
9
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CERTIFICATE

This is to certify that the attached proceeding before the
NATIONAL TRANSPORTATION SAFETY BOARD


IN THE MATTER OF: FEDEX CARGO PLANE & SOUTHWEST
AIRLINES BOEING 767 INCIDENT AT
AUSTIN INTERNATIONAL AIRPORT, IN
AUSTIN, TEXAS ON FEBRUARY 4, 2023
Interview of Stephen Martin

ACCIDENT NO.: DCA23LA149

PLACE: Austin, Texas

DATE: February 8, 2023

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.


Katie Leach
Transcriber

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UNITED STATES OF AMERICA

NATIONAL TRANSPORTATION SAFETY BOARD

* * * * *

Investigation of: *

*

FEDEX CARGO PLANE & SOUTHWEST *

AIRLINES BOEING 737 INCIDENT AT *

Accident No.: DCA23LA149

AUSTIN INTERNATIONAL AIRPORT, IN *

AUSTIN, TEXAS ON FEBRUARY 4, 2023 *

*

* * * * *

Interview of: JOHN PRATOR, Contract Weather Observer - Supervisor
Condor Reliability

Austin, Texas

Thursday,
February 9, 2023

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APPEARANCES:

BRIAN SOPER, Investigator
National Transportation Safety Board

DUJUAN SEVILLIAN, Investigator
National Transportation Safety Board

SCOTT DAVIS, ATC Subject Matter Expert
Federal Aviation Administration

BRANDON JOHNSON, Air Safety Investigator
National Air Traffic Controllers Association

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I N T E R V I E W

1
2 MR. SOPER: All right, so my name is Brian Soper, I'm an air
3 traffic investigator with the NTSB. We're here investigating the
4 incident that occurred on February 4th, 2023 involving Southwest
5 flight 708 and FedEx flight 1432. Here with us in the room with
6 today, I have mister -- could you state your name for the record,
7 please?

8 MR. PRATOR: John Prator.

9 MR. SOPER: And how do you spell your last name?

10 MR. PRATOR: P R A T O R.

11 MR. SOPER: Thank you, and I'll -- also in the room, I have
12 with us our members of the air traffic control work group on this
13 one. Mr. Scott Davis, out of Indianapolis district, is here with
14 us representing the FAA on the group. Mr. Brandon Johnson, NATCA
15 ASI, representing NATCA on the group; he comes here with us from
16 Salt Lake City tower, and Mr. Dujuan Sevillian, who is our senior
17 human performance investigator back at our headquarters in D.C.
18 from the NTSB.

19 So, just to kind of give you a little bit of a background, we
20 are here, as we talk about earlier, on a fact-finding, you know,
21 visit to pull together all the facts as they related to this
22 incident so we can start putting together the pieces of the
23 puzzle. So that you understand, the NTSB is not a regulatory
24 agency, so we have no enforcement power, we don't make rules, we
25 don't enforce rules. However, our weight is carried in our safety

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1 recommendations and we do those through long, methodical
2 investigations, right. And so, at the end of the day, we just
3 want you to -- this -- we call this an interview for a reason
4 because it's a discussion, it's not an interrogation. We don't
5 have a light swinging over your head, we don't ask trick
6 questions, there's no knowledge test here, we're gathering facts.

7 So, all of our questions will be very straight forward. If
8 there's something you don't understand, just ask us to reexplain
9 it. If at any time, you know, if there's something you don't
10 know, you just don't know it. It's okay to say you don't know;
11 it's okay to say you don't recall. Most of our questioning for
12 you today, it's not necessarily related directly to this incident,
13 but relates to the culture, the facility, and the support that you
14 provide to the air traffic folks here and to the airport.

15 We'll kind of go around the room in sort of a round robin
16 fashion, you know, we'll all have some questions for you, I'm
17 sure, and you can ask questions at any time if you'd like. And
18 just to -- just for the record, you are -- you have selected no
19 representative here with you today, is that correct?

20 MR. PRATOR: That's correct.

21 MR. SOPER: Okay, and if at any time you decide that you want
22 one, just let us know and you can bring them in. I don't foresee
23 anything highly contentious in this conversation.

24 MR. PRATOR: Yeah.

25 MR. SOPER: It's probably not a big deal. So, all right,

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1 well, do you have any questions for us before we get started?

2 MR. PRATOR: Not so far.

3 MR. SOPER: All right, great.

4 INTERVIEW OF JOHN PRATOR

5 BY MR. SOPER:

6 Q. I'd like to get some background information from you so we
7 can understand where you are. You mentioned earlier you've been
8 to 13 different airports. Could you kind of step us through your
9 background as a meteorologist? Just kind of pick us up where you
10 started in meteorology, step us through -- you don't have to tell
11 us every little job you've had, but, I mean, where have you been,
12 you know, kind of just step us through to what brings you here
13 now?

14 A. I joined after I got out of the Navy.

15 Q. Yeah.

16 A. I attended University of Texas for a while and then I moved
17 to Austin and got an offer for this job here, but actually, in
18 Houston. I'm sorry, I went from Austin to Houston, then I got a
19 job offer there taking one of their observations in Houston, and
20 then I worked at Intercontinental and then Hobby. I left there
21 and got transferred here to Austin at the old airport and -- do
22 you need this much detail or --

23 Q. Yeah, that's fine, absolutely.

24 A. And I was there for about a year and a half and the FAA and
25 the National Weather Service are wanting to get rid of weather

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1 people, they didn't think they needed us and the battle went back
2 and forth for a while. They eventually closed our office and the
3 night we left, an ice storm hit and they called and asked if we
4 would come back. Then -- but I was already, you know, in the
5 process of -- I was literally packing and fixing to move, so I
6 left and got transferred to Alamosa, Colorado, and then
7 transferred from Alamosa to - gosh, I -- oh, Dulles International.

8 Q. Okay.

9 A. And then went from Dulles to Chicago -- worked at Midway in
10 Chicago, was transferred from there to Los Angeles, I worked at
11 LAX, and Van Nuys, and Thermal -- there's an airport at Thermal.

12 Q. Yeah?

13 A. Yeah, and then from there to Tulsa then I believe here. I
14 think I've probably missed a few. But that just --

15 Q. Yeah.

16 A. You know, a lot of weather around and working at a lot of
17 different airports.

18 Q. What's your total years in meteorology?

19 A. 29.

20 Q. 29 years?

21 A. Yes, sir.

22 Q. Okay, and what is the position you hold here now?

23 A. We're called weather observers and just so you know, we're
24 not actual forecasters like meteorology forecasts.

25 Q. Right.

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1 A. We do, as you know, the aerodrome ten-mile radius aviation
2 weather.

3 Q. Yep.

4 A. So, it's a lot different, you know, in what we do versus
5 meteorologists that forecast and all that.

6 Q. Yep. Yeah, I understand. And -- but -- so, what -- I know
7 you're a weather observer, but are you the lead or the supervisor
8 here in this facility?

9 A. I'm a supervisor, yes.

10 Q. The supervisor. And how many employees do you have?

11 A. Five.

12 Q. Including yourself?

13 A. Let's see, six.

14 Q. Six? Five and yourself?

15 A. Yeah, six including myself.

16 Q. Are you a 24-hour operation here?

17 A. Yes, sir.

18 Q. Okay, and what is the company that you work for? Like, I
19 know you're contracted by the FAA, are you -- what's your company
20 name?

21 A. Right now, it's Condor Reliability. It used to -- we
22 followed the companies, that's why you'll see a lot of us older
23 guys that have been to so many places because the company would
24 lose a contract and the new company coming in would fire everyone.
25 So, you'd have to follow your company.

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1 Q. Yeah.

2 A. But thankfully, the government -- I believe it's the FAA that
3 said you can't do that anymore.

4 Q. Okay.

5 A. Which was a good idea because you had these people constantly
6 just moving all the time --

7 Q. Yeah, those contracts could change all the time?

8 A. Right, it's -- they're five years. So, now, we just stay
9 where we're at and the companies come and go. Like right now,
10 we're with Condor Reliability Services, they're out of California.

11 Q. How long have you -- how long has it been under the contract
12 of Condor?

13 A. It's not even a year. They just -- you know, they were up
14 for bit several years ago, but it got postponed and then covid hit
15 and that postponed it even farther.

16 Q. Yeah.

17 A. And they just awarded it, I believe, last -- yeah, last year.
18 But now it's in dispute. They dispute all the time.

19 Q. Oh, okay.

20 A. You know, but as of right now, we're with Condor. Prior to
21 that, we were with the Rockhill Group, which is out of Florida,
22 and they're a big government contractor. They do a lot of
23 military aviation stuff. You guys may know of the Rockhill Group.

24 Q. Yeah, I recognize that name, actually.

25 A. Yeah.

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1 Q. So -- and that -- so, just for our benefit here, so the way
2 those contracts work, are they essentially, those are bid per
3 airport everywhere that has CWOs? If they have a CWO office -- a
4 contract weather office, those are just contract individually,
5 each one?

6 A. Well, it's --

7 Q. Not by -- is it by region? (Indiscernible).

8 A. It's region.

9 Q. Okay, so what's your group out here? Do you know, like, who
10 that includes?

11 A. It includes Austin, Dallas, Fort Worth, Corpus Christi, San
12 Antonio, oh, of course Houston -- both Houstons, and I think a
13 couple in Louisiana. Yeah, I believe a couple in Louisiana, maybe
14 New Orleans. They broke up the regions and redid them here
15 recently, so I'm not sure what all the -- you know, this region is
16 Texas, so you do have Texas -- oh, El Paso, I believe.

17 Q. Okay. All right, and so -- and you've been -- so, how many
18 years have you done here, at this facility?

19 A. 20.

20 Q. And that's broken, correct, or is there --

21 A. Yes, sir.

22 Q. Yeah.

23 A. Well, no, I actually came here in 2003. I came here in 2003,
24 so this will be my 20th --

25 Q. This is your 20th year here on this visit? So, you've been

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1 here for a minute --

2 A. But I was here -- before, I was here from '95 to '97, but
3 that was at the old Austin airport off -- closer to downtown.

4 Q. Okay. All right, so if you would, could you tell me a little
5 bit how -- so, this is event related and I wanted to ask you this.
6 So, in walking through our discovery here and finding things and
7 collecting data, I think we learned that the incident was not
8 reported to you guys when it occurred, is that correct?

9 A. That's correct.

10 Q. Can you step me through how you did learn there was an
11 incident, and when, and how, and what the reaction was for your
12 office, what you had to do?

13 A. Well, I was actually on the following flight -- a Southwest
14 flight coming into Austin. I had attended a funeral, I was flying
15 back. I wanted to -- I don't get an opportunity to see the
16 airport very often from a plane, I just don't fly much, and so, I
17 was excited leaving Houston and it's clear and ten.

18 Q. Yeah.

19 A. And they announced that, you know, it's pretty bad in Austin
20 and as we approached Austin, I could tell the weather was bad and
21 it was. I mean, we basically just dropped down through the clouds
22 and fog and then bam, there's the runway lights, we set down. I
23 had no idea anything had happened. My staff here had no idea
24 anything had happened. On my way home -- or maybe I was already
25 home -- my phone started going off and it was a local

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1 meteorologist and a few other people saying hey, did you hear
2 about this incident and I had no idea. Anyway, they filled me in
3 and said we almost -- a plane was almost set down on top of
4 another one. My employee, who was actually on duty, got off early
5 that afternoon, still didn't know and he didn't find out until I
6 notified him that evening at home that anything -- whoops, I'm
7 sorry -- that anything had happened. So, he had no -- we had no
8 idea because they don't call us with the mishaps anymore and I've
9 requested and told them hey, guys, that's a requirement. You
10 really need to let us know because when NTSB comes when
11 something's happened and it's weather related and that stuff is
12 not archived, they're going to be upset with you and it's not our
13 fault; we don't know.

14 Q. Right.

15 A. We can't see, we can't hear, I have no idea anything's
16 happened unless I see it.

17 Q. Well, what was their reaction to that? What was their
18 response to that?

19 A. Yeah, we need to do that and then that was -- you know, they
20 just don't.

21 Q. Okay.

22 A. So, that was -- I hadn't talked to them about it in probably
23 at least a year.

24 Q. Have you seen that in the past? I mean, have you known of
25 other events that have taken place and you didn't get notified?

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1 A. Oh, yeah, we didn't -- we very -- I mean, a man dead on our
2 runway when he got run over, we're not notified. They don't
3 notify us if any -- I mean, even if brakes overheat, we're
4 supposed to be notified because they want to augment the weather.
5 So, we save an hour before the incident and we save an hour after
6 the incident so that you guys have full line of two hours of
7 weather, you know, with this event in the center.

8 Q. Yeah.

9 A. So -- right, so we're going to give you the weather before
10 and after and you have all that information. If we don't archive
11 that, it's gone.

12 Q. Right, okay. I apologize, but I noted the alarm on your
13 phone and the time that it is, do you need to go do an op because
14 we can just take a break?

15 A. No, I put it in there. It's clear and we should be good. I
16 just set it earlier.

17 Q. All right, good. Excellent, I just wanted to make sure we
18 weren't interfering with the ops there.

19 A. No, you're fine, but thank you.

20 Q. All right, and -- okay, so in what -- to your knowledge and
21 based on your experience and what procedures you have in place
22 there at the facility, what should happen as far as you know in
23 the event of -- in a case like this where there's an event? What
24 would you expect to happen if it was working correctly?

25 A. We should be notified immediately so we can go ahead and

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1 start augmenting all the data and saving the data for you guys, or
2 FAA, or whoever is going to need it. So, like I said, we archive
3 an hour -- save the weather -- archiving -- we save it an hour
4 before, an hour after the event.

5 Q. Right.

6 A. I mean, they have to let us know pretty quickly so we can do
7 that.

8 Q. Right, yeah.

9 A. And then that's what we start doing, we start archiving all
10 the weather for you guys or whoever's going to need it.

11 Q. Do you guys then immediately take a SPECI?

12 A. Yeah, I'm sorry, we immediately take a special as well.

13 Q. Right.

14 A. And so, you know -- so, the weather right then -- so, if they
15 call us 30 minutes after the incident, well, that doesn't do much
16 good. You need weather as close to the event as we can get. So,
17 they should call. They used to in the old days. I remember, man,
18 if something happened and within two to three minutes, we had --
19 our phone was ringing.

20 Q. Okay, now earlier we were talking -- and I know in our
21 discussion earlier, we talked about the -- when we were talking
22 about freezing fog that was in the METAR for that at the timeframe
23 of the incident and that brought up kind of some discussion on
24 some concerns that the facilities -- that you guys have had for
25 quite some time about your sensors.

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1 A. Yeah.

2 Q. Could you kind of step us through that and tell us the story?
3 I know you related it to me earlier, but if you could do it for
4 all of us, that would be great?

5 A. The whole story?

6 Q. Yeah, kind of. It would be very helpful if you kind of step
7 us back --

8 UNIDENTIFIED SPEAKER: Condense it.

9 BY MR. SOPER:

10 Q. You can condense it. But step us back to when it was -- when
11 you first -- for yourself, when you first started making somebody
12 aware or if somebody made you aware and you went down the road of
13 trying to get resolution and then how that got changed? Just kind
14 of tell us that story and you can be as descriptive as you want.

15 A. Okay. All right, so in 2003 when I was transferred here, I
16 pretty quickly noted -- because I got here in the winter of 2003,
17 so I pretty quickly noticed that the temperature seemed off. It
18 was reading way too low. So, I -- and also had my staff start
19 correcting the temperature and dew point because it was incorrect.
20 We measured as far as a 17-degree indifference (sic) between the
21 actual temperature -- or difference between actual temperature and
22 what it -- you know, what it was reading.

23 Q. Where were you taking that other temperature, you know, the
24 actual temperature?

25 A. From our manual equipment.

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1 Q. Okay.

2 A. You know, we have the manual psychrometers and everything and
3 we have run out -- right here, it's level with the tarmac when
4 we're over here where I was showing you.

5 Q. Right.

6 A. And so, we weren't down in a gully -- or they weren't or
7 whatever, it's flat land and the planes are sitting right over in
8 the tarmac and they're calling us and saying hey, it's 42 degrees
9 or whatever and you're reporting 31 or 30, you know, freezing or
10 below.

11 Q. Right. Yep.

12 A. That's why they were concerned with it because they're having
13 to deice and we were already correcting the temperature and so, I
14 got a call from National Weather Service asking me why we were
15 changing the temperature and I told them because it was incorrect
16 and they said well, you can't do that. So, this -- that developed
17 a new argument because I disagree; that's my job.

18 Q. Yeah.

19 A. And so, we continued to correct it and it got more and more
20 heated, so the National Weather Service contacted the FAA in
21 Washington -- it went all the way to Washington, D.C.

22 Q. Okay.

23 A. And so, now the National Weather Service and FAA were kind of
24 sparring back and forth with us stuck in the middle. And for a
25 long story short, they -- the FAA finally folded and just said

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1 look, just let it go, let the temperature do what it wants. I
2 disagreed again and said I was going to change it anyway and the
3 FAA sent me a direct order not to change it or I would be fired.

4 Q. Do you have any of that documented anymore?

5 A. I may. I will try to find it for you. If you give me an
6 email, I'd be glad to forward it to you.

7 Q. Absolutely.

8 A. So, you know, we're somewhat stuck, you know?

9 Q. Right.

10 A. I mean, what are we supposed to do? I don't want to lose my
11 job, but I also want to do it correctly and I've never had this
12 problem before. I've been all over and I've never -- we correct
13 what is incorrect. That's our job is to make sure everything in
14 there is accurate and ASOS is not accurate. They'll tell you all
15 day long it's accurate. It's extremely inaccurate. I've sat on
16 it for 29 years; it's horrible.

17 Q. Are you able to get any support from your company? Do they
18 support in that manner or are they pretty much -- like, I'm not
19 sure how the role plays out for them?

20 A. Some -- not much. Back then, I was with a company, Pacific
21 Weather, and I mean, they supported me. They said hey, you know,
22 he's very experienced, he's very good at what he does, so is his
23 staff and I believe they're correct, you know, but they just kind
24 of took the sidelines and --

25 Q. So, I don't mean to go backwards, but you hold a

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1 certification, right, of some sort?

2 A. Yes, sir.

3 Q. And what is that certification?

4 A. It's a certification by the National Weather Service and the
5 FAA that we're certified to do this job. I mean, it consists of
6 quite a bit of training and --

7 Q. The official title is a certified weather observer?

8 A. Yes, sir.

9 Q. Okay, great, that's what I was curious about. And you have
10 been a certified weather observer for how long now?

11 A. Since 1995. So, what is that, 29 years I think.

12 Q. Okay, very good. I didn't mean to go back I just forgot to
13 ask.

14 A. No, that's fine. I think I actually got lost, too, what I
15 was trying to go on and tell you.

16 MR. SOPER: No, that's okay. No, that's good. No, that's
17 good information. I'll tell you what, I'm going to have more
18 questions for you, certainly, so -- but I'm want to pass around
19 the room so that our folks have an opportunity to ask them. I'm
20 going to pass along to Dujuan.

21 BY MR. SEVILLIAN:

22 Q. Yeah, on that line of questioning, you stated that you've
23 received quite a bit of training to -- for you to -- can you
24 explain just some of that training at a high level?

25 A. Yes, sir. It's usually -- so, back when I was certified, the

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1 weather was done quite a bit differently. ASOS was just something
2 that was kind of sat in the corner if the airports even had them.
3 So, it was all manual observation. So, we literally -- a book
4 this thick and you study that book and back in those days, they
5 said if you want this job, you've got to prove that you're capable
6 of doing this, learning it mostly on your own. Once you get to a
7 certain point, we're going to put you in an office and let you OJT
8 train with other weather people there and then you take an exam.

9 Back then, the National Weather Service administered the exam
10 and you had to pass it, obviously, and then you get your
11 certification, and then even then, you're still just barely
12 qualified to do the job. It took a lot of on-the-job training to
13 get to a point where you're competent enough to be left alone, you
14 know, because things are nice when it's a day like this. But then
15 as soon as the weather gets bad, just like controllers, our job
16 gets more and more and more difficult the worse the weather gets
17 and that's where your observers will start failing is when the
18 weather gets bad. So anyway, that's why they put you through a
19 lot of OJT, you know, and there's not a whole lot of us out there
20 so it's kind of unknown that we even exist.

21 Q. Yeah, earlier, you were talking about you should be notified
22 immediately about an event?

23 A. Yes, sir.

24 Q. Is there any procedure in the manual?

25 A. They usually just call. As soon as -- you know, because we

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1 don't know unless -- I've actually witnessed a few, so of course,
2 then you immediately take an observation and run inside, log it,
3 and start archiving the weather. But if we don't see it, we don't
4 know. So -- but in the past, we've -- they've always called at
5 all the other airports. I mean, they call within a couple of
6 minutes, hey -- one of the controllers will grab the phone and say
7 we just had an incident, please archive and, you know, that's what
8 we do. But here, we're just not getting notified and I've brought
9 it to their attention a couple of times and they don't seem
10 concerned.

11 Q. Yeah, I just want to step back to the discussion about --
12 your job title is a certified weather observer and not a
13 meteorologist?

14 A. Yes, sir.

15 Q. But can you just give me sort of a perspective of what you do
16 on a daily basis as a certified weather observer?

17 A. Well, we sit there and monitor the computer, which has -- you
18 saw the sensors, right, and they're usually off, or wrong, or
19 broken. But we also -- we go outside, you know, we look at what
20 the weather is and see if it agrees -- or if we agree with what
21 ASOS is saying and then we correct ASOS wherever it's wrong. Like
22 it may not see the clouds and they maybe just, you know, a
23 scattered layer, broken up. I don't know if you would know what
24 that means but, you know, a little bit of clouds or more. We put
25 them in there -- we put the clouds in there, how high they are.

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1 You know, if ASOS says that visibility is ten and it's actually
2 five, we'll put in five.

3 Just things like that, the temperature, dew point, make sure
4 that's all correct. Of course, we're not allowed to change those
5 two and that's it. Our minimum requirement is once an hour, we go
6 outside to check the weather. But that's really not -- I mean,
7 days like this, yes, but otherwise, it's not really sufficient, so
8 we go out more than that. We go out a lot just to make sure --
9 especially when you're in a building like this when we can't hear
10 or see, you know, we need to go out and try to catch the weather
11 changing and it's hit or miss. Sometimes we get it, sometimes we
12 don't. But that's what we do. We go out, see what the weather
13 is, and enter it into the computer.

14 MR. SEVILLIAN: All right, thanks, John.

15 Back to you, Brian.

16 MR. SOPER: Thanks, Dujuan.

17 And we'll go and pass it along to Brandon.

18 BY MR. JOHNSON:

19 Q. You mentioned you went to college. What college did you go
20 to and what was your --

21 A. University of Texas.

22 Q. Okay.

23 A. But it's South Texas.

24 Q. Okay.

25 A. It's down in Brownsville.

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1 MR. SOPER: That's important here.

2 MR. PRATOR: Yeah.

3 MR. SOPER: Don't mistake it.

4 BY MR. JOHNSON:

5 Q. And what were you studying there? Was it --

6 A. Actually, no, it was biology.

7 Q. Oh, nice.

8 A. Yeah, at the time, I was working with animals. I got
9 straight out of the military and right off the bat, got hired by a
10 zoo, worked with reptiles and aquatic department. I was really
11 interested in that. But started learning the pay is just
12 horrible.

13 Q. Yeah.

14 A. I'm working with animals that can kill you. I worked with
15 king cobras and mongoose. After a while, you know, I got torn up
16 by a crocodile and so, I'm like all right, I'm out, you know?

17 Q. Yeah, and backtracking a little bit, in the Navy -- what was
18 your job in the Navy, what did you do there?

19 A. I was in submarines.

20 Q. Okay.

21 A. I went -- so, I had no weather background what so ever until
22 I just got lucky and the people that were hiring at the time when
23 I was in Houston liked veterans somebody said hey, I know a guy
24 who would love to do this, and he's a good guy, and he's a veteran
25 and they interviewed me and hired me. So, I just got lucky. I

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1 had no weather background.

2 Q. Okay, now, when you say you had -- you tried to reach out to
3 people to have them call you for incidents, who do you usually
4 work with? Who is your counterpart on the FAA side?

5 A. I just -- anybody, I mean, I had spoken to Mark Fellner --
6 Mark -- yeah, Mark -- and Mark was concerned and he said he was
7 going to bring it up. I had mentioned it to the previous tower
8 chief. It was a lady. She's been gone a little bit now, I can't
9 recall her name, I'm sorry.

10 Q. Yeah.

11 A. But, you know, just in mentioning. I mean, any controller
12 can pick up the phone and call and say hey, we've had a mishap,
13 you know. So, I had mentioned -- I said man, you guys are not
14 calling us when there's mishaps and I'm afraid it's going to come
15 back on you guys when the NTSB comes down here one day and it's
16 weather related. I'm just not seeming to get much attention.

17 Q. Okay, now since you look at the weather all the time, I'm
18 curious, how often does Austin go through low IFR conditions like
19 what happened on Saturday? So, like vertical visibility, RVRs?

20 A. How many times a year?

21 Q. Yeah, a guesstimation?

22 A. Quite a bit. I would say -- oh my gosh, I hate to put a
23 number on it because we see it a lot. I mean, it happens,
24 especially, you know, when you start getting in these later -- 30
25 to 50 times maybe a year.

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1 Q. Okay.

2 A. I guess. I mean, I could be wrong and I'm sorry.

3 Q. No.

4 A. I mean, we -- I'm sure we have the data, but I don't exactly
5 know. You know, it's just a job, we go over, we put our stuff in.

6 Q. Yeah. No, that's fine. I was just curious -- I lost my
7 train of thought there for a second -- IFR weather observations.
8 Yeah, hopefully I remember later. Distance -- how far away is the
9 primary sensor from here? From where you take it?

10 A. Oh, my God, we have observation measurement and I can't
11 remember -- is it three quarters of a mile -- or a mile, I
12 believe. Something like that.

13 Q. Yeah.

14 A. I have it up there.

15 MR. JOHNSON: Yeah, that's fine. I was just curious. That's
16 all I got.

17 MR. SOPER: Okay, thanks.

18 BY MR. SOPER:

19 Q. While we're on that, maybe you could point out to us where
20 you -- where your normal observation point is for you guys, where
21 you normally take your observations from?

22 A. Well, since we've -- now, we're in the buildings like this,
23 you know, as you know, in the past, we had an observation point.
24 But now that they've put us here, we just have to do what we can.
25 So, we run outside and we come all the way around the building and

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1 come back through the door here. So, we do, you know, a 360 to
2 the best we can. There's buildings that block some of our
3 visibility.

4 Q. Okay, we'll talk more about that in a minute.

5 A. Okay.

6 MR. SOPER: Brandon, you have more?

7 MR. JOHNSON: I remembered my question.

8 MR. SOPER: Okay.

9 BY MR. JOHNSON:

10 Q. Does the low IFR conditions typically happen in one season
11 versus the other or is it pretty spread out?

12 A. It's pretty spread out. I mean, it can be -- you know,
13 because we get pretty bad thunder storms here, so you can just get
14 pummeling rain, you know, heavy rain, which drops visibility
15 massively, as you know. So, no, it can be spread out pretty --
16 throughout the year.

17 Q. Okay.

18 A. Even in the summertime, you know, you get pummeled with a big
19 old Texas thunder storm and it's -- it can be bad.

20 MR. JOHNSON: Okay.

21 MR. SOPER: Thanks, Brandon.

22 Scott?

23 BY MR. DAVIS:

24 Q. Two questions for you. In today's environment, what avenues
25 do you have to share concerns when you have them? Like the

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1 temperature and dew point, if you came across something today you
2 weren't certain about, do you have avenues that you can share
3 those concerns upward?

4 A. Not really. I mean, I guess, you know, when I have a
5 concern, I'll seek out somebody like Mark Fellner, you know,
6 because he seems like he's concerned, he's sincere, and the tower
7 chief -- I would go to the tower chief, I guess. My company is --
8 this won't go to my company? Will this go?

9 MR. SOPER: I mean, we don't give it to them, but it will be
10 publicly available.

11 MR. PRATOR: a lot of the companies don't have much concern.

12 MR. DAVIS: I understand.

13 MR. PRATOR: We do, but it's -- going to them is not going to
14 get much done. You know, so I'll go directly to the people here.
15 I'm not afraid to go talk to anybody. But usually, it would be
16 Mark Fellner or Mr. White (ph.).

17 BY MR. DAVIS:

18 Q. So, what type of services could you provide the workforce
19 here, you know, if it was a good working relationship with ATC?
20 What do you think you could help them with on a daily basis if you
21 had that open communication?

22 A. Well, obviously, a lot of -- we could take a lot of the load
23 off of them with the weather wise because they're still having to
24 -- they're concerned with that because a lot of them are certified
25 LAWRS or I guess they all are now, right?

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1 MR. JOHNSON: They shouldn't be.

2 MR. SOPER: This is not a LAWRS facility.

3 MR. JOHNSON: Yeah, they shouldn't be -- they have you.

4 MR. PRATOR: Oh, okay.

5 UNIDENTIFIED SPEAKER: They should all be tower weather
6 observers, meaning they should all be able to take a tower weather
7 observation or visibility change or whatever.

8 MR. PRATOR: Oh, okay.

9 MR. SOPER: That's all they're required to.

10 MR. PRATOR: In the past, we did everything from flight
11 folders -- you know, I don't mean to sound -- offend you or
12 anything, but do you know what those are?

13 MR. DAVIS: No.

14 MR. PRATOR: Okay, we used to -- we would plot the flight
15 path of all the flights and we would print out all the weather
16 from, say, Los Angeles all the way to Japan, or China, or wherever
17 that flight was going, from Los Angeles to Chicago and we would
18 print out all the weather, all the conditions, everything we could
19 and we gave to those -- and they would give them to the pilots and
20 those pilots had those in their cockpit with them. We used to go
21 that far. We did all that and he knows.

22 MR. DAVIS: Yeah.

23 MR. PRATOR: I mean, the controllers used to come in and talk
24 to us like hey, what's going on today, do you think it's going to
25 rain? The meteorologist on TV says we're going to get pummeled.

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1 Those guys -- they're great guys, but they're -- they love their
2 weather. They want to be bad, you know, it makes news and we
3 would tell them now, you're probably okay or we'd give them winds
4 aloft or whatever. I mean, it's -- we could offer a lot, but
5 that's kind of gone to the wayside now and basically, we just
6 babysit a computer.

7 BY MR. DAVIS:

8 Q. So, going back to February 4th, the day of the incident.

9 A. Yeah.

10 Q. On a morning like that, say you were the one here, if
11 somebody came to you and said these current conditions, this
12 indefinite ceiling, quarter-mile vis, how long do you think it
13 would last, would you be able to help with something like that?

14 A. Yes, sir.

15 Q. Okay.

16 A. Yeah, we could've told them probably when it would clear out
17 -- or when we thought it would clear out. Yes, sir.

18 MR. DAVIS: That's fine, thank you.

19 MR. SOPER: All right, thanks.

20 BY MR. SOPER:

21 Q. So, I actually have quite a few more questions probably. But
22 right now, I'm going to hit you up with some equipment. So, what
23 equipment or systems do you currently have access to in your
24 office to do your job? What are the things that you use? Do you
25 use -- do you have any access to weather radar, like WSR 88-D data

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1 or TDWR data and how do you monitor, like, approaching storms and
2 all that? Like, do you -- what do you have access to do that?

3 A. Well, we don't have any of that anymore. What we did is when
4 we were in our old building prior to moving here, the airport
5 provided us high-speed internet, the National Weather Service, and
6 the local meteorologist supplied us with computers so we could run
7 radar so we could keep track of it at all times and that was
8 great. However, once we moved over here, the FAA did provide
9 intranet, but it's too slow and you have to have a government
10 email address to access it, which we don't have. I've tried to
11 get it, but failed. So, we have nothing. All we have is ASOS.
12 We can get internet access on a day like this on our telephones by
13 using our own phones on a hotspot.

14 Q. Yeah.

15 A. But unfortunately, it's a beautiful day. Radar -- I don't
16 need radar. I need radar when there's something coming or when
17 the weather gets bad and, of course, then these don't work.

18 Q. That was my next question. I mean, is that a detriment to
19 you from the standpoint of being able to do your job to the best
20 of --

21 A. Absolutely, yes, sir. Absolutely. I mean, it -- the only
22 piece of equipment that we now have is that little temperature dew
23 point sensor that I showed you that's handheld that you can buy on
24 Amazon.

25 Q. Have you pressed that at all in recent times with anybody

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1 whether it be an FAA entity or your contract? Like, I don't know
2 who your -- who is your contract -- who is your COR? Do you know,
3 like, who the assigned COR is from the FAA? Okay, so I didn't
4 know if they were somebody in this facility that you were aware
5 of. They're probably somebody from somewhere --

6 A. Yeah, they're in Washington. I don't know. I knew the guy
7 -- you know, all we did is contact him for a new ID -- to get our
8 IDs and if we needed something. But, I mean, you know, I told you
9 that someone took our temperature and dew point sensor.

10 Q. Yeah.

11 A. And so, we bought our own because the FAA just doesn't want
12 to really spend the money to -- even though it's a handheld sensor
13 that probably costs a 150 dollars.

14 Q. What does that sensor provide you?

15 A. Temperature, dew point, humidity, relative humidity, wet
16 bulb, I mean, it provides us quite a bit, you know, and with those
17 numbers, we can start getting cloud heights and all that stuff as
18 well.

19 Q. Okay, where -- the -- so, how do you -- what's your location
20 of your office in relation to where you have to go to take your
21 observations and what does that entail? So, when you have to take
22 an observation, what do you have to do here?

23 A. Okay, if we're -- our office is on the second floor, it has
24 no windows or anything. We can't hear or see. So, to take a
25 standard observation, we have to go out a couple doors, down two

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1 flights of stairs, or you can ride the elevator. It's only one
2 floor and -- but the elevator's really slow. So, we have to run
3 down two flights of stairs, go out a secure door on the side of
4 the building, then we have to run around the building, come back,
5 as I told you, down this hallway here, all the way back down the
6 hallway, and back up the stairs, or the elevator, back into our
7 office, and enter our information -- the data.

8 Q. Is the -- where you have to take your observation from around
9 the building, is it -- you mentioned having to go all the way
10 around the building, my history -- my past history -- and I'm not
11 a meteorologist or a weather observer, but those that I've known,
12 they usually have a standard point of observation, essentially,
13 right?

14 A. Right.

15 Q. It's their location they go to every time, which gives them a
16 clear view, 360 degrees of whatever, the sky, you know, they kind
17 of work that out ahead of time. It sounds like you kind of have
18 to go around the building in order to get the same view?

19 A. Yes, sir.

20 Q. You can't get it from one exact spot? That -- is that
21 optimal or not optimal?

22 A. It's not optimal because, I mean, first of all, we're on the
23 ground.

24 Q. Yeah.

25 A. It's not an optimal sight, so even though we go around the

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1 building, as you can see our visibility is blocked in so many
2 areas.

3 Q. Right.

4 A. But due to other buildings, terminals, stuff like that.

5 Q. So, you had mentioned to me earlier that when you guys made
6 the move here from another area on the airfield and at that area,
7 I understand, you have good observation point, correct?

8 A. Yes, sir.

9 Q. But when you moved here and they -- that was one of the
10 things you discussed with them, right, of what we need to have to
11 be able to have a good observation point?

12 A. Yes, sir.

13 Q. And they pointed out to you an area that involved a rooftop,
14 I believe, here. Could you explain -- kind of step me through
15 that of what that discussion was and then when you got here, how
16 that changed to what that -- how that went down?

17 A. Okay, the FAA showed up -- this is in -- it was probably 2016
18 or '17, the FAA came down from Dallas -- two women from Dallas
19 came down to inspect our site. They said we'd probably be moving
20 because their -- I guess the airport wanted to expand. So, I
21 spent probably two to three hours with them, showing them
22 everything, what we did, how we do it, what we would need if they
23 moved us into another building and I told them the minimum
24 requirement is we've got to have a window so we can see and hear.
25 You know, like over there we had a window, if something happened,

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1 you could pop that window open and what was that, thunder or
2 whatever. They said okay and they seemed very -- you know, they
3 agreed.

4 When they -- then I got the call to come over here, they
5 wanted to show me the building. So, I came over here, they let me
6 in, they escorted me up and showed me where we are currently at,
7 that's where we were going to be and I wasn't happy because it's
8 just an old smoking room, we can't hear or see. But they did say
9 right here is an access door, you can go out onto the roof and I
10 said well, okay, that's better than nothing. I mean, I -- you
11 know, okay, and the day that we moved in here, we were actually
12 moving furniture in here and the tech op supervisor, I believe,
13 came up and said -- and locked the door and said you all aren't
14 allowed out there. Then they locked us out of the tower cab and
15 they locked us out of the catwalk. So, we lost all those
16 observation points.

17 Q. Huh.

18 A. So, now all we can do is go around the building. I mean, if
19 we want to go to the cab, but, you know, with our ID the janitor
20 has more access than we do. I have to call them on their intercom
21 and if they're busy, you know, they don't want to deal with that.
22 Plus, the intercom, I believe, is broken, I think.

23 Q. Okay.

24 A. You know, so we don't bother. I mean, it's -- by the time we
25 ride the elevator all the way up there, go up in the cab, take an

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1 observation, you know, it could be over with. I mean, we could
2 already -- conditions changing again.

3 Q. So, going back one second, we talked about the access to
4 equipment and systems you have in the office. Right now, you
5 essentially -- how are you receiving the ASOS information?

6 A. How?

7 Q. Yeah.

8 A. Just on the ASOS screen. That's all we have.

9 Q. So, you have an ASOS screen in the office there?

10 A. Yes, sir.

11 Q. And -- but outside of that, you have no computer access or
12 the access that you do have is procured by yourself by using a
13 hotspot when you can, is that correct?

14 A. Yes, sir. Yeah.

15 Q. And that's -- okay, so nothing is being provided for you to
16 be able to do that?

17 A. No.

18 Q. Except for the computer that you can't access?

19 A. Right.

20 Q. Very well. Okay, I just want to be clear on that and then --
21 so, I wanted to talk a little bit about tower visibility versus
22 surface visibility. So, do they call you with tower visibility?

23 A. No, what they do is they enter their visibility in their --
24 they have an ASOS up there as well.

25 Q. Okay.

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1 A. And so, they'll enter their tower visibility in there and it
2 shows up on my screen so I know. But a lot of times, you know,
3 they'll put in our visibility is a mile and a half and then they
4 get busy and, you know, I'm at eight, nine, miles and they're
5 still reporting a mile and a half. So, eventually, we'll either
6 call them or remove it.

7 Q. Do you -- I was going to say, do you ever -- what occurs for
8 you if you see them put in a tower visibility that seems to be
9 either much different or makes you question? Do you have a
10 discussion with them, do you -- how do you process that? Do
11 you --

12 A. To be honest with you, we usually don't argue with them
13 unless it's just a huge discrepancy because we just don't -- it's
14 gone south in the past before arguing with controllers, you know,
15 and so we just -- if they put in a mile and a half -- unless, you
16 know, if I go outside and it's clear and ten, I'll call them and
17 say guys, why did you put a mile and a half in there? But
18 otherwise, we just leave it -- we put ours in and they can put
19 what they want.

20 Q. Are you involved at all -- is your office involved at all
21 with the qualifying controllers here in tower visibility
22 operations?

23 A. No, sir.

24 Q. Not at all?

25 A. No input, no training, no nothing.

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1 Q. No nothing? Okay, and how about RVR information here, when
2 they report the ten minute, how do you fit in the ten minute RVR
3 information into the METAR? Do you do that or do they do that
4 just like they do with tower vis?

5 A. It's automated.

6 Q. It's an automated thing?

7 A. Yeah, it's automated. It's just automatically puts RVR in
8 there. We used to -- we had our own RVR sensors, charts, and
9 everything and they've taken that away as well.

10 Q. So, you have no way to verify that, like, so -- because
11 you're responsible for augmenting errors, right?

12 A. Yes, sir.

13 Q. Okay, so you have no access to RVR data without calling them
14 to ask them what the RVR is saying up there? If you wanted to
15 know, that would be the only way you would know?

16 A. Well, I mean, I can see it on ASOS, but it's only one runway
17 and I believe it's 36.

18 Q. Yeah, but you don't see it from -- coming from the direct-
19 read instruments like they have in the tower or the IDS?

20 A. Oh, no, sir.

21 Q. You're just seeing what comes into the --

22 A. Yeah, you know, and a lot of times -- I know we went through
23 a point where they were doing a lot of construction and it was
24 sending -- you know, the dust would go across the runway and the
25 RVR would be reading, you know -- it's causing it to malfunction.

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1 But I can't correct that because I can't -- we're not supposed to
2 touch the RVR anymore, I believe.

3 Q. Okay, and one of the things that our meteorologist wanted to
4 ask was do you -- can you define the difference for me from a
5 weather persons -- you know, a weather expert's point of view of
6 the difference between mist, fog, and freezing fog?

7 A. Mist, fog, and freezing fog?

8 Q. Mist, fog, and freezing fog.

9 A. Mist is usually somewhat falling -- it's pretty close between
10 mist and fog.

11 Q. Okay.

12 A. You know, fog is on the ground.

13 Q. Yeah.

14 A. You know, it's usually on the ground and then, of course,
15 freezing fog is fog that is freezing and it can freeze as it falls
16 down. Now, on this particular incident -- I don't mean to
17 sidetrack a little bit -- my car was sitting out here because I
18 was out of town.

19 Q. Yeah.

20 A. And the observer that morning actually found -- there was a
21 thin -- real thin layer of ice and since my car had been sitting
22 there for a couple of days, it was down to temp but it wasn't
23 forming anywhere else. But he still called -- well, ASOS calls
24 automatically freezing fog as soon as the temperature hits 32 and
25 you have fog. But -- so, okay, fog is on the ground.

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- 1 Q. Yeah.
- 2 A. Mist, you could look at as falling very slowly.
- 3 Q. Yeah.
- 4 A. And freezing fog is obviously fog that's freezing on contact
5 with something like an airplane's wings or a car -- a parked car
6 that's been sitting there for a while.
- 7 Q. Do you guys maintain a log of augmentations when you do them?
8 Do you have a log of any kind that you log -- like, if you augment
9 the METAR for error or for inaccuracy, do you have a log where you
10 log it anywhere?
- 11 A. We used to and they -- the FAA told us to stop. Do you want
12 to hear the story right now?
- 13 Q. I do want to hear the story.
- 14 A. The FAA has continually tried to get rid of us because we're
15 an expense and I understand budget.
- 16 Q. Yeah.
- 17 A. And so, they came up with an idea years ago of we're going to
18 count -- we want you guys to count everything you do and we knew
19 what they were doing this for, it even came within the FAA.
20 People were telling us, you know, because we have people in the
21 FAA, friends.
- 22 Q. Sure.
- 23 A. And so, they're trying to do this to prove that you guys are
24 not worth what you're being -- that you -- we don't need to.
- 25 Q. Got you.

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1 A. So, they had us count everything we did. We were turning in,
2 on average, anywhere from 12 hundred to 25 hundred corrections a
3 month. That looked very bad on their ASOS equipment and so, what
4 they did is they said okay, no longer -- you can't count these
5 ops. If you do this -- if the clouds are wrong, don't count that.
6 If the winds are wrong, don't count that, just -- only a couple
7 certain things they wanted us to count. So, that dropped our
8 numbers from say, you know, like I said, anywhere from 12 to 2,000
9 plus a month down to 800 or so, 600, so it looked better. But --
10 and they finally just gave up on that just recently and told us we
11 don't have to do that. However, I still have some of those
12 paperwork.

13 Q. Okay, it would be good to see what you use for that and how
14 you did that. It would be good.

15 A. I'd be glad to give it to you.

16 Q. And you say that now, the direction is don't keep those logs?

17 A. Don't even bother.

18 Q. Don't bother.

19 A. See, we -- they -- I feel we used to be a very -- we used to
20 have a very specific skill set and I feel we've just been dumbed
21 down and stuck in a corner and now we just -- it's just continual
22 oh, no, you don't need to do that. We don't want you to do that
23 anymore and now, we're just -- I don't know. Like I was telling
24 you, we've lost most of that skill set because they've pulled our
25 equipment, we have no equipment. We used to -- you know how it

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1 looked? You'd come in the weather office and we'd have windspeed,
2 direction temp, dew point, barometers. Now, we have none of that.

3 Q. Yeah.

4 A. We sit there and make sure this ASOS doesn't send out
5 incorrect information and we go out and do the weather.

6 Q. Right.

7 A. But we've -- we're doing that and putting in ASOS and
8 correcting ASOS, but it's just bare minimum now.

9 Q. So, what are your -- you're a 24-hour operation, how do you
10 split up your shift work? How does that generally work? Is it
11 different all the time? Does it constantly change or do you guys
12 -- are you set -- kind of on set shifts or --

13 A. We're kind of on set shifts mostly. I don't like moving
14 people around a lot. It seems to make them -- my staff has always
15 been happier if I left them on set schedules.

16 Q. Yeah.

17 A. So, they're -- we work anywhere from sixes to tens, you know,
18 we may work a ten-hour shift every once in a while.

19 Q. Okay.

20 A. But we're -- you know, and it's a set schedule for the most
21 part.

22 Q. Do you run into the occurrence of overtime here much?

23 A. No, we're not really allowed.

24 Q. Okay.

25 A. We have to get permission for overtime.

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- 1 Q. Okay, I got you. Is that from company or is that from the
2 FAA?
- 3 A. Both, I believe.
- 4 Q. I see.
- 5 A. Yeah, because they bid a certain price and if they have to
6 pay overtime, then I guess the company -- and I believe they can
7 get reimbursed by the FAA. But a lot of the companies just don't
8 want to deal with it.
- 9 Q. All right, let me shift modes just a little bit and ask you
10 about interaction with the air traffic folks here or lack thereof
11 it seems to be. But the -- have you ever -- in your history, not
12 just in recent times, but have you ever been asked to provide or
13 asked to assist in training with regard to localized weather for
14 air traffic control here? Whether it be like hey, could you be
15 part of our local refresher training that we do annually or that
16 we have to do twice a year, have they asked for input from that or
17 asked you to do a briefing on local weather? Has any of that
18 occurred since you've been here?
- 19 A. Here at Austin or in the past?
- 20 Q. Let's start with here at Austin?
- 21 A. Never.
- 22 Q. Okay, have you done that anywhere else?
- 23 A. Yes, sir.
- 24 Q. Has that been asked of you?
- 25 A. Yeah, oh, yeah.

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1 Q. And you were in the same type of role as a contract weather
2 observer there?

3 A. Yes, sir.

4 Q. How was the -- do you feel that was -- so, I'm guessing
5 you've been at places where you feel the relationship was good
6 with air traffic and places where it's not?

7 A. Oh, yes.

8 Q. So, how do you compare the relationship that you have here --
9 your office has here with air traffic compared to a good one?

10 A. I'd say this one's poor.

11 Q. Okay, and have you tried -- have you made any attempts to
12 rectify that personally?

13 A. I have tried. I mean, we tried. You know, I mean, the first
14 thing I -- being in so many of these towers before, the first
15 thing we usually did is once we got here, we started trying to
16 become one of the team, become friends with everybody and stuff.
17 These -- I'm not saying the people here are bad. I'm just saying
18 that they don't want to associate with us.

19 Q. No, I - sometimes they don't know what they don't know.
20 Yeah.

21 A. They don't want to associate with us. We're like the weather
22 people and I notice that it's gotten like that over the past few
23 years, you know.

24 Q. Yeah.

25 A. It seems like they just stick the weather people in the

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1 corner, you know, and they're lower down the ladder. Just stay
2 away from us; leave it alone. We just don't have a good
3 relationship. Not bad, nobody's -- I don't want to say that
4 they're cruel or anything.

5 Q. Yeah.

6 A. It's just -- we just -- they don't seem to want to have much
7 association with us. So, we've kind of now gotten to the point
8 where I just stay mostly down on my end of the building, do my
9 observations and go back up.

10 Q. Do you ever get calls for weather assistance from air traffic
11 control?

12 A. No, sir.

13 Q. They never call you?

14 A. Not anymore.

15 Q. Okay, you have in the past, though?

16 A. Uh huh.

17 Q. What would that be like? What would controllers for?

18 A. Oh, they'd call us like hey, man, are these winds going to
19 shift, I mean, do you think this fog -- when do you think this fog
20 is going to lift, when is this thunder storm going to hit, when is
21 this rain going away, when will it be here? I mean all kinds of
22 weather where they were really concerned. I mean, like you were
23 telling me that you were a controller in the Navy and you guys
24 used to stop in and talk to your weather guys first. They used to
25 do that. They used to stop by and even if they stuck their head

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1 in the office like hey, man, is this -- when's this rain going to
2 be here? You know, anything like that that they were concerned
3 with would -- you know, I think aviation safety, they would come
4 ask us and now, we just hear nothing.

5 Q. So, if the air traffic control facility here were to ask you
6 -- your office to say hey, you know what, we're trying to put
7 together some better training for weather or we're trying to put
8 together some better weather awareness for our folks when they're
9 coming on watch. We have a -- you know, like, I don't know if
10 you're aware, but the air traffic controllers here, they have to
11 attend a pre-duty weather briefing every day when they come on.
12 It's kind of a recorded session that's put out by the overlapping
13 CWSU that works at -- this one's out of Houston and it gives that
14 synoptic weather picture in a very condensed form.

15 A. Yeah.

16 Q. It lets them know if there's going to be hazardous weather
17 coming through, convective activity, kind of gives them
18 suggestions. It's very in-route centric though and doesn't apply,
19 necessarily, directly to the airport itself, it's kind of more
20 generalized.

21 A. Yeah.

22 Q. If they were ask you to provide, you know, like, hey, could
23 you give us kind of a quick sheet augment twice a day to help
24 augment our pre-duty weather briefing with localized weather, like
25 here for our airport and our aerodrome of what we might be

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1 expecting here, things that we need to be concerned about. Is
2 that something you guys could support if it was asked of you or do
3 you not have the bandwidth to support something like that?

4 A. Well, I mean, we could've in the past.

5 Q. Okay.

6 A. There's a couple of concerns. My biggest one would be we
7 have to access to that data anymore just simply because we have no
8 radar, no internet, no any of that stuff.

9 Q. Yeah.

10 A. And secondly, a lot of us -- I mean, I'm ashamed to say it,
11 but a lot of us have lost our skillset because we've been stuck in
12 a closet now for years and, you know, if you don't use it, you
13 lose it.

14 Q. Okay.

15 A. And, you know, so a lot of us are -- I mean, I was very
16 experienced, I gave weather briefs, I gave -- I prepared flight
17 folders for thousands of flights. I mean, I received thousands of
18 phone calls from different -- from pilots, from controllers, from
19 FAA, and now, it's just total, you know, radio silence.

20 Q. Do you ever receive inspections or anything here from any
21 level or entity, whether it be FAA or whether it be your own
22 company? Does anybody come in and inspect your operation for what
23 you do at all? Like any kind of verification?

24 A. They used to, the National Weather Service did.

25 Q. Yeah.

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1 A. They used to. We were National Weather Service and then they
2 contracted us out and then the National Weather Service said okay,
3 we'll keep track of their training, their inspections, and
4 maintaining the equipment and things like that.

5 Q. Uh huh.

6 A. And now it's just gotten to the point well, the only thing
7 the National Weather Service does now is maintain the equipment.
8 They do take care of that equipment and that's -- I guess the last
9 inspection we've had -- the FAA is supposed to inspect us, but I
10 haven't seen them in quite some time.

11 Q. Okay.

12 A. You know, but I mean, really, the guys that would come, they
13 don't know anything about weather. They come to say where's your
14 visibility charts and we would show them. They just didn't know a
15 lot and I understand, it's not their -- they're not weather
16 people.

17 Q. Yeah.

18 A. And so, we haven't been -- no, sir, we haven't been inspected
19 in a while, I can say that.

20 Q. No, I just -- I didn't know if somebody did that here. So,
21 do you guys -- and speaking of visibility charts, do you guys
22 maintain charts of visibility points that you guys use for your
23 visibility for new stuff?

24 A. Yes, sir.

25 Q. I know that when you've been here a number of years, you

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1 really don't have to do charts?

2 A. You learn them, yeah.

3 Q. But they're available for access and things like that? Okay.

4 A. Yeah, we usually use -- like, we would get the helicopter IFR
5 charts and use those because, you know, this is a measurement for
6 certain --

7 Q. Yeah.

8 A. And that's how we would set them up. But now most of us have
9 been here so long that we know where they're all at.

10 Q. Okay.

11 A. But we still have the charts to answer your question, I'm
12 sorry.

13 MR. SOPER: No worries. Hey, that's all I've got for right,
14 I know it was a lot.

15 But Dujuan?

16 MR. SEVILLIAN: I don't have anything right now.

17 MR. SOPER: Okay, Brandon, good?

18 MR. JOHNSON: No.

19 MR. SOPER: Scott? Oh, geeze, back to me all ready. I'll
20 start the second half of our interview. No, I'm just kidding.

21 BY MR. SOPER:

22 Q. All right, so just real quick, you have a lot of years'
23 experience in this and you've been to a number of airports, so
24 you've been a part of a number of contract weather offices, worked
25 for a number of companies, but all in support of the FAA's

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1 mission. How do you compare what's happening here to what you've
2 experienced in the past at weather offices? In your own words
3 just -- you know, how do you compare?

4 A. How do I compare like --

5 Q. I guess -- I know that's kind of a vague question, I
6 apologize. Let me try to find a better way to phrase it. But I
7 kind of just want to know -- so, first of all, I'm kind of just
8 looking for -- has it been surprising, has this been a big change
9 for you, like, and -- or for your staff and do you feel like this
10 is -- yeah, I mean, how different is it for you?

11 A. It's quite a bit. I mean, especially -- I mean, I've seen
12 this coming. You know, the FAA, like I said, I'm not trying to
13 rub anybody's nose in anything, but they've wanted to get rid of
14 us for a long time and so, they've kind of shoved us back in
15 corners and it's gotten worse and worse. When we moved into this
16 office over here -- one, my staff still struggles. I know most of
17 my staff wanted to quit.

18 Q. Yeah.

19 A. Because it's just not -- it's -- I look at it as sad, they
20 seem to not have any interest in weather, not realizing how
21 important it is to aviation and they've continually pushed us back
22 to where -- to be honest with you, a lot of us have just gotten to
23 the point where, you know, we don't -- I don't want to say we
24 don't care.

25 Q. Right.

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1 A. We care, but how can I? I've tried. I've fought the FAA,
2 the National Weather Service for literally decades. When I first
3 came to Austin, I think I mentioned to you that they were trying
4 to get rid of us and they eventually got rid of us and then
5 they're calling us the next day going oh, my god, we're getting
6 slammed with an ice storm, can you please come back and help? And
7 I didn't, I said no because I knew what was going to happen. I'm
8 going to come help them for 24 hours and they're going to say
9 okay, you're fired. So, I left. And so -- but that -- it's --
10 I'm just sad, I just don't like it, the environment here. It's a
11 nice building, I'm not saying the people aren't nice, I just don't
12 -- I'm sad at what's happened with weather and aviation -- or
13 aviation weather.

14 Q. Do you have any -- in the course of your work here, do you
15 have any communication with the most local WFO that is out here?
16 Do you guys talk to them at all or do you have any discussions
17 with them?

18 A. Not really.

19 Q. Okay.

20 A. The only person outside of our office that I really talk to
21 is that Mr. Kimmel (ph.) -- Troy Kimmel and he's a meteorologist.
22 He was with TV, in the media.

23 Q. Yeah.

24 A. But he got away from that; he has his own company. But he's
25 heavily involved in the weather observer program. He's been an

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1 ally of ours for years because he understands how important it is
2 and he supports us.

3 Q. Right.

4 A. And so, he's about the only person that I talk to outside of
5 our office or other observers.

6 Q. That was my next question, actually. I mean, do you still
7 have contact with other contract weather offices, you know, that
8 you speak with?

9 A. Yes, sir.

10 Q. How are your challenges in compared with what -- to them? Do
11 you talk to any that are still -- they seem to have good working
12 relationships with the air traffic elements?

13 A. Yes, several of them know -- sorry about that -- several of
14 them know that Austin is in a pretty bad situation.

15 Q. I see.

16 A. They know their -- our ASOS is -- for some reason, has more
17 malfunctions than most of the others. It does the craziest things
18 and I'm not going to bore you with it, but we struggle with it a
19 lot. Like I was telling you, dropping winds, for example, right
20 as the hourly is transmitted, it'll send it and we're looking at
21 it going okay, everything is correct. We turn around and come
22 back up to the ops transmit and there's no wind. Now, my phone
23 will ring if that happens. The controller calls hey, there's no
24 wind. But besides that, also, the struggles we're having, you
25 know, being stuck in this office where we can't see or hear,

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1 they're kind of sympathetic like god, I can't believe they stuck
2 you guys in something like that. We at least have windows, you
3 know, or we can at least step out our door and look.

4 Q. Yeah.

5 A. You guys are screwed.

6 Q. And so, you have no other means of communication directly
7 with air traffic control other than a telephone, too, correct? Is
8 that right?

9 A. Yes, sir.

10 Q. Okay, and you don't have access to be able to go into the
11 control room or anything like that? So, if you need to access the
12 control space, you got to call and get permission and they've got
13 to bring you there?

14 A. Yeah.

15 Q. The -- I guess the last thing, just to kind of -- what do you
16 truly need, that you do not have, to be able to function in your
17 job even in the minimal environment correctly?

18 A. Internet access and a window.

19 Q. I mean, that's good. That's what I want to know. I mean,
20 you're the expert there and that's kind of what I'm getting at.
21 It just -- I won't lie, it did baffle me a little bit walking into
22 your office and not seeing -- I normally walk into any weather
23 office or entity and there are generally several monitors with
24 things pulled up on them that are being monitored or looked at.
25 When I didn't see that, it caught me off guard. So, I just didn't

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1 know -- so, it's really a matter of just not having access where
2 you're at at the moment?

3 A. Yeah.

4 Q. And did you have access to that when you were in the trailer
5 out on the different place on this airfield?

6 A. Oh, absolutely. Yes, sir.

7 Q. You had access to that?

8 A. Yeah -- oh, to the airfield?

9 Q. No, when you were on the airfield, did you have access to the
10 internet? Or wherever you were located?

11 A. Yeah.

12 Q. Sorry, I didn't mean to say airfield.

13 A. Yeah, oh, we had -- they provided highspeed internet,
14 computers, screens. We had, just like you said, multiple screens.
15 It's funny because when we first got there, it was awesome, you
16 know, it had all the -- all our everything we needed including
17 backup sensors like wind direction, speed, temp, dew point,
18 barometer, all that stuff. Then when this spat started with me,
19 National Weather Service and the FAA, the Weather Service actually
20 got angry -- well, they were angry at me and they actually came
21 and removed that equipment because it was theirs. They actually
22 came and out of spite, removed all our backup equipment. So,
23 now -- you used to -- you know, you would get a call every once in
24 a while from, say, a school teacher. Somehow, they'd get ahold of
25 us and say would it be okay if we bring a couple students and let

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1 them see a weather office? And it was kind of neat, you know,
2 you'd show them around and show the kids hey, this is windspeed
3 and direction and this is pressure. Now, they call, if they can
4 get our number, and I'm embarrassed. I tell them no. I mean,
5 what are you going to come in here and look at --

6 Q. Nothing?

7 A. Nothing. You know, it's embarrassing because I actually had
8 some come in after they removed all that equipment and this is
9 even prior to over here and they were like that's it?

10 Q. Yeah.

11 A. It's like yeah, that's it now. You know, they're expecting
12 to see all this equipment and this data and everything and now,
13 it's gone.

14 MR. SOPER: All right.

15 Okay, all right, Dujuan?

16 BY MR. SEVILLIAN:

17 Q. I have one other -- you were talking about how ATC calls you
18 about, like, say, missing wind information on ASOS. Is there
19 other information they call you about in terms of ASOS and things
20 that are missing?

21 A. If it breaks. You know, if something breaks or -- you know,
22 they'll call us and usually we can fix it. Not always, you know,
23 like a software glitch or, like, the screen will go black, they'll
24 call us about there and we'll run up there and fix it. But
25 otherwise, that's it. Nothing usually weather related, if that's

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1 what you're asking.

2 Q. Okay, so nothing weather related, just more some functional
3 related issues, is that --

4 A. Yes, sir.

5 Q. Okay.

6 A. Well, you know what, I take that back. If we're blatantly
7 wrong, which we can be, I mean, you know, as you guys know, you
8 can be sitting in your office and it's just a few clouds out there
9 and 15 minutes later, this, you know, stratus layer or fog or
10 whatever has just rolled over you. Well, we can't see it or we
11 don't know. I mean, I can't run outside every three minutes.
12 They'll call us and be like hey, guys, are you all awake, do you
13 see this cloud layer that's coming in at 500 feet? Like aw,
14 shoot, you know, and we run outside. So, they will call if
15 something like that -- you know, they don't completely --

16 Q. Cut you out?

17 A. You know, cut us out. They -- no, they will call.

18 MR. SEVILLIAN: All right, that's all I have.

19 MR. SOPER: Okay, Brandon?

20 Scott?

21 Do you have any questions for us before I turn off the
22 recorder?

23 MR. PRATOR: No, sir.

24 MR. SOPER: All right, we'll go ahead and stop the recording.

25 I show the time at 12:29.

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1 (Whereupon, at 12:29 p.m., 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: FEDEX CARGO PLANE & SOUTHWEST
AIRLINES BOEING 767 INCIDENT AT
AUSTIN INTERNATIONAL AIRPORT, IN
AUSTIN, TEXAS ON FEBRUARY 4, 2023
Interview of John Prator

ACCIDENT NO.: DCA23LA149

PLACE: Austin, Texas

DATE: February 9, 2023

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.



Carolyn Hanna
Transcriber

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