

Manutes John

From: Woolverton, Larry (FRA) <larry.woolverton@dot.gov>
Sent: Thursday, April 8, 2021 6:53 AM
To: Manutes John; FRA.NTSB.email
Cc: Frigo Ryan
Subject: RE: Regulatory Interpretation Request

Importance: High

[CAUTION] This email originated from outside of the organization. Do not click any links or open attachments unless you recognize the sender and know the content is safe.

John, FRA is currently in the process of investigating and analyzing the conductor fatality in La Mirada, California on March 3, 2021. Accordingly, FRA is not in a position, at this time, to determine whether the position and location of a rear DP locomotive was a contributing cause of the accident or whether it constituted a violation of 49 CFR Section 218.101. However, FRA notes that 49 CFR 218.101(b)(3) may apply to the DP locomotive at issue.

From: Manutes John [mailto:john.manutes@ntsb.gov]
Sent: Thursday, April 1, 2021 2:12 PM
To: FRA.NTSB.email <FRA.NTSB.email@dot.gov>
Cc: Frigo Ryan <ryan.frigo@ntsb.gov>
Subject: Regulatory Interpretation Request

CAUTION: This email originated from outside of the Department of Transportation (DOT). Do not click on links or open attachments unless you recognize the sender and know the content is safe.

I am writing to request an interpretation of 49 CFR Part 218 Subpart F. Specifically as it relates to an accident which occurred resulting in a Conductor Fatality in La Mirada, California on March 3, 2021. NTSB is trying to determine if the positioning and location of the rear DP locomotives constituted a violation of 49 CFR Section 218.101 or any other regulation relating to "out to foul".

On the night of March 2, 2021, and continuing into the early morning hours of March 3rd, the crew of BNSF Train Symbol BARLAC102A conducted operations intended to leave the 48 head end cars of their train in La Mirada, then recouple to the rear portion of the train and continue to Long Beach, CA. To accomplish this task, they departed the mainline and entered the east end of the La Mirada yard and proceeded along the lead track to Track No. 6803, into 6804, and finally to the west end of 6803 (see images in [this NTSB preliminary report](#)). The conductor and familiarizing conductor dismounted the lead locomotive and the train pulled forward to a point where the 48th car was uncoupled from the rear portion of the train. From this moment until the end of the accident sequence, the rear portion of the train did not move from tracks 6803/6804. The rear DPUs were positioned east of the clearance points for track 6803, but west of the switch points for 6803/6802. At this point, **was the rear portion of the train in violation of Federal regulations found in Part 218 Subpart F, or any of the associated guidance in the FRA Compliance Manual?**

The remainder of the accident sequence involved the conductor riding the 48th car while protecting the point of the movement eastward on track 6802 until he shoved past the clearance point of 6802, out onto the lead, and into the rear DPU. He was killed during the raking collision. The specifics of the fatality sequence are not necessarily the subject of this inquiry.

Thank you for your time and consideration. I am available to discuss this anytime at the number below or this email address.



John Manutes

Railroad Accident Investigator
Denver, Colorado

Mobile: [REDACTED]

Email: john.manutes@ntsb.gov

Web: www.nts.gov

CONFIDENTIALITY NOTICE - THIS E-MAIL TRANSMISSION MAY CONTAIN INFORMATION THAT IS PRIVILEGED, CONFIDENTIAL, PROPRIETARY, SUBJECT TO COPYRIGHT, AND/OR EXEMPT FROM DISCLOSURE UNDER APPLICABLE LAW. IT IS FOR THE USE OF INTENDED RECIPIENTS ONLY. If you are not an intended recipient of this message, please notify the original sender immediately by forwarding what you received and then delete all copies of the correspondence and attachments from your computer system. Any use, distribution, or disclosure of this message by unintended recipients is not authorized and may be unlawful.