

UNITED STATES OF AMERICA

NATIONAL TRANSPORTATION SAFETY BOARD

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Investigation of: *

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BNSF EMPLOYEE FATALITY *

IN LA MIRADA, CALIFORNIA, * Accident No.: RRD21FR008

ON MARCH 3, 2021 *

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Interview of: LOUIE BETANCOURT, Engineer
BNSF Railway

BNSF Railway Facility
La Mirada, California

Thursday,
March 4, 2021

APPEARANCES:

RYAN FRIGO, Investigator in Charge
National Transportation Safety Board

JOHN MANUTES, Rail Accident Investigator
National Transportation Safety Board

RICH CONNOR, Chief Inspector
Federal Railroad Administration

ISAAC McKEITHEN, Operating Practices
Federal Railroad Administration

THAD LAFERRIERE, Operating Practices
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BRIAN FRANSEN
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BLET Los Angeles

AARON RATLEDGE, General Director, Operating Practices
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BNSF Railway

RYAN RINGELMAN, General Director, System Safety
BNSF Railway

DAVID LITTLE, Field Supervisor
SMART Transportation Division
(On behalf of Mr. Betancourt)

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I N T E R V I E W

1
2 MR. FRIGO: Good morning. My name is Ryan Frigo. I'm an
3 investigator with the National Transportation Safety Board. Today
4 is March 4th, 2021, and we are in La Mirada, California, at a BNSF
5 yard facility. And this is in reference to NTSB Accident No.
6 RRD21FR008, a employee fatality at BNSF Railway.

7 We're here to speak with Louie Betancourt, engineer. And
8 before we begin, we'll go around the table and introduce ourselves
9 for the transcriptionist. Let's try to speak loudly. We are in
10 an outside open tent due to COVID restrictions, so let's try and
11 speak loudly for the transcriptionist. There might be times where
12 we have to pause our speaking because of train movements, and
13 we'll all kind of do the best to keep things as loud as we can.

14 So I'll begin and then pass to my right. Ryan Frigo,
15 F-r-i-g-o, investigator in charge, NTSB.

16 MR. MANUTES: My name is John Manutes, M-a-n-u-t-e-s. I'm a
17 rail accident investigator with NTSB.

18 MR. RATLEDGE: Aaron Ratledge, R-a-t-l-e-d-g-e, BNSF Railway,
19 general director of operating practices and rules, Fort Worth,
20 Texas.

21 MR. COSTA: Louie Costa, C-o-s-t-a, SMART Transportation
22 Division, National Safety Team and state legislative director in
23 California.

24 MR. RINGELMAN: Ryan Ringelman, R-i-n-g-e-l-m-a-n, general
25 director system safety, BNSF.

1 MR. FRANSEN: Brian Fransen, BLET Safety Task Force.
2 Fransen, F-r-a-n-s-e-n.

3 MR. FERRALL: Edward Ferrall, BLET local chairman, Los
4 Angeles.

5 MR. FRIGO: Spell your last name.

6 MR. FERRALL: F-e-r-r-a-l-l.

7 MR. LAFERRIERE: Thad Laferriere, State of California PUC,
8 L-a-f-e-r-r-i-e-r-e; first name T-h-a-d.

9 MR. CONNOR: Richard Connor, C-o-n-n-o-r, FRA chief
10 inspector.

11 MR. McKEITHEN: Isaac McKeithen, FRA OP inspector, IIC.

12 MR. BETANCOURT: And Louie Betancourt, B-e-t-a-n-c-o-u-r-t,
13 BNSF engineer.

14 MR. FRIGO: And it's okay if I call you Louie?

15 MR. BETANCOURT: Yeah, that's fine.

16 MR. FRIGO: Louie, do you have anybody as your representative
17 here today?

18 MR. BETANCOURT: Dave Little, local chairman.

19 MR. LITTLE: David Little, field supervisor, SMART-TD.

20 MR. FRIGO: Okay. And Louie, do we have your permission to
21 record this conversation with you here today?

22 MR. BETANCOURT: Yes, you do.

23 MR. FRIGO: Okay. Thanks, Louie.

24 INTERVIEW OF LOUIE BETANCOURT

25 BY MR. FRIGO:

1 Q. Louie, how long have you been with the railroad?

2 A. Hired out in '98, engineer since since 2004, February of
3 2004.

4 Q. Started as a conductor?

5 A. Yes.

6 Q. Okay. And have you been out in the LA area the whole time
7 or --

8 A. Yes.

9 Q. Okay. Is this -- like this trip you were on, is that your
10 usual job or how does that kind of work?

11 A. It's on a pool turn. It's an assigned train to the ID pools.
12 It's not a regular assigned train per pool. It's just called at
13 1800 usually out of LA, most -- except for weekends. And out of
14 Barstow it varies in time. Got the BARLAC coming back, get the
15 empties going east and then loads coming back. So out of Barstow
16 it can vary at whatever time. It doesn't --

17 Q. But this is a pretty typical job for you?

18 A. It's a routine job for the most part. I've done it many
19 times.

20 Q. Okay. Can you walk us through when you got the crew call
21 and, you know, everything leading up to getting your train that
22 day?

23 A. Yeah. Yeah. Went on duty, I believe, 1700, if I recall.
24 Got on board. Crew said everything was on duty, verified the
25 list, verified air slip. Everything was ready to go. All I had

1 to do is depart. We waited for a lineup. A crew was doing a set-
2 out, I believe, on a BARRIC, I think it was. Waited for them.
3 Left 2 hours old. Trip was smooth all the way, all the way down
4 to La Mirada.

5 I'm going to take this off my --

6 UNIDENTIFIED SPEAKER: Yeah, that's -- okay. No problem.

7 MR. BETANCOURT: Yeah, we departed -- once we departed, we
8 never stopped. Everything was running smooth till we got to La
9 Mirada, you know. And even that, Taj, the conductor, was briefing
10 with the familiarizer, and I just kind of was overhearing. I
11 never intervene with students and conductors talk amongst
12 themselves. That's their thing. It's their focus within
13 themselves. And yeah, just -- we just got to La Mirada and began
14 our set-out.

15 BY MR. FRIGO:

16 Q. Okay.

17 A. But as far as the trip went, it went smooth.

18 Q. The trip was smooth?

19 A. Smooth. No problems, good conversations. That's a smooth
20 trip, almost too perfect.

21 Q. How were those engines handling for you?

22 A. Great.

23 Q. Okay.

24 A. Great.

25 Q. No issues?

1 A. No issues. Great.

2 Q. Nothing remarkable?

3 A. PTC was on point. TO was running great. Too perfect, just
4 too good. And I took a very strict -- I had to take into manual
5 control because we were on signal indication. That was it.

6 Q. Okay. And just before we keep moving ahead to the stuff that
7 occurred at the yard and the work at the yard, did you spend the
8 night prior to at a hotel or how did you get to the terminal
9 facility where you got the train?

10 A. We just take a train up east to Barstow.

11 Q. Okay.

12 A. And then we stay at a hotel.

13 Q. Okay.

14 A. We get a call from the hotel to go on duty in Barstow to
15 bring the train back.

16 Q. Okay.

17 A. So I did get sleep. We were off for like 15 hours, I think
18 it was, something like that.

19 Q. So who did you ride out with?

20 A. Taj.

21 Q. With Taj?

22 A. Yes.

23 Q. Okay. So at the completion of the job?

24 A. Right.

25 Q. Okay. And was Taj at the hotel with you? Did he stay at the

1 hotel?

2 A. He drives home.

3 Q. He drives home. So he's got -- he keeps a car off at --

4 A. Barstow.

5 Q. -- at Barstow. Okay. So then when you get the call, you get
6 the call for 1700.

7 A. Correct.

8 Q. About an hour and a half before?

9 A. Hour and a half call.

10 Q. Van, shuttle van picks you up or --

11 A. Correct.

12 Q. Okay. And is it just you in that van?

13 A. In this can it was just me, but usually it's different --
14 comes from different terminals.

15 Q. Okay. So then you get to the terminal, and is that when
16 you -- how do you find Mr. Ellis and then also the familiarizer
17 that was with you that day?

18 A. The familiarizer I didn't know till we were there.

19 Q. Okay.

20 A. As far as just showing up, we go to the terminal. It's just
21 like here, you know, we all show up -- it's an on-duty terminal,
22 so we just show up, and he was there. And Taj, I know I was
23 working with him because -- sometimes the boards are off so I
24 might come up with a different conductor, but for the most part
25 they stay in turn. We stay in turn. So I came back with Taj, I

1 was just looking for Taj, and he was already there.

2 Q. So you and Taj have worked together before?

3 A. Yes.

4 Q. About how many times would you -- do you think?

5 A. Oh, I don't remember.

6 Q. A lot?

7 A. A lot. Quite a few, yeah.

8 Q. Okay. Did you notice anything different about Taj that day?

9 A. Only -- I mean, no. Just the day before our originating
10 train was out of the port. It's TTI-14, which is the old Hanjin.

11 MR. FRIGO: We're just going to go on pause for a minute
12 here.

13 (Off the record.)

14 (On the record.)

15 MR. FRIGO: Okay. So we are back on the record.

16 BY MR. FRIGO:

17 Q. So the day before, you were about to tell us something about,
18 you know, that you remember from the day before.

19 A. We were called for a eastbound harbor train. It was out of
20 TTI-14, formerly known Hanjin. There's a firehouse there. That's
21 usually a landmark where we go, as to where to go to get this
22 train. We got in the van. It was just Taj and myself and the
23 driver. For whatever reason, instead of going towards TTI, we
24 went a different direction. I didn't really know. I didn't
25 really hear them talk amongst themselves. I think they were

1 talking about cars or whatever. And I wasn't really paying too
2 much attention. I figured they were probably going to go get food
3 en route, something in particular.

4 At one point I started getting concerned. I didn't want
5 to -- you know, I was just kind of like maybe something -- they're
6 going somewhere else that I don't know about, maybe I overheard or
7 something. And we wind up going towards Alameda, which is another
8 control point out of -- on the corridor, where we relieve
9 westbound trains coming in. So when we got there, I asked Taj. I
10 go, Taj, where are we going to -- why are we here? Why are we in
11 Alameda? He says, well, Joe said TTI-14. And I'm like, well,
12 TTI-14, the firehouse, that's Hanjin. Why are we here? Are we
13 picking up a crew or what? And Taj was -- he just said, oh; oh,
14 well, he said firehouse. I go, but TTI-14 firehouse. So we had
15 to turn back and we went towards Hanjin.

16 So that right there kind of -- you know, I didn't know why he
17 didn't understand that. TTI was just routine. That's just --
18 it's not nothing uncommon. TTI-14, the firehouse, everybody kind
19 of knows where that is unless you're brand new, then you don't
20 know. So that's how the trip started. It seemed a little
21 abnormal for him. I didn't really understand why he didn't grasp
22 it, why he didn't question the driver, because that was just too
23 unusual, a little bit. You know, for me at least, working with --
24 you know.

25 And same thing on the return trip back. You know, he asked

1 me, Louie, so where did you go on duty? And I looked at him and
2 I'm like, Taj, we went on duty together out of the port. And he
3 says, oh; oh, that's right, I'm sorry. Yeah, yeah, I'm just not
4 all up there. And I just looked at him. I mean, I just kind of
5 looked at him a little like, huh, okay, whatever. I didn't -- you
6 know, I was maybe he just -- you know, maybe it's just something
7 off. But that whole trip was a little off, and, you know, but
8 it's just Taj. I mean, I'm not going to look at it any different
9 other than just maybe it was -- you know, I don't know.

10 Q. Taj ever -- you know, you guys -- you mentioned you guys work
11 together a lot. I mean did he mention anything going on out, you
12 know, in life outside the railroad?

13 A. Yeah. I mean, generally we talk. You know, he's told me
14 about, you know, his son going to school, playing college ball.
15 He's going to become a future father-in-law, I believe. His
16 daughter's getting married. It's just family conversations. I
17 don't know him personally like that outside of work to understand
18 if he had any other issues, personal or non-personal. I don't
19 know. I just know him as a co-worker, and he's a friend at work
20 and we have good conversations on a train for the most part. You
21 know, I don't know him outside of work though, other than just
22 what he just told me there.

23 Q. Okay. And then just for my clarification, the -- you know,
24 those two examples that you brought up about the firehouse and
25 then asking about, you know, where you went on duty, that was the

1 day before --

2 A. Yeah.

3 Q. -- is that correct? That's the trip out to Barstow. So that
4 was the --

5 A. That was the trip east with the firehouse incident about the
6 TTI, and then the trip back home was the car. Like on the BARLAC
7 coming back, that's when he asked me where did I go on duty.

8 Q. Okay. So that's the accident trip?

9 A. Correct.

10 Q. Okay. All right. And do you remember when in the trip he
11 asked you that?

12 A. Oh, God, I want to say -- Jesus, I mean, maybe about --
13 honestly I don't remember. It was maybe an hour or maybe before
14 we got to La Mirada, maybe, give or take. I don't know. I'm not
15 sure.

16 Q. Okay. And during that trip as you guys are heading to La
17 Mirada, I mean how were the interactions with the three of you?
18 Because you guys were all up in that cab, right?

19 A. Correct.

20 Q. So can you, you know, tell us a little bit more about what
21 you can recall about that, what some of the conversations might
22 have been?

23 A. Yeah, we just basically talked about -- you know, for the
24 most part, generally, I want to say 60 percent of the trip was
25 fairly quiet. He was briefing with the -- I want to say I think

1 he was briefing with the familiarizer for a few minutes throughout
2 time, throughout the trip. Him and I talked about just personal
3 things about me going out on trip here in a couple of weeks. He
4 was recommending a couple of little things and we were just kind
5 of mocking back and forth in a funny way, you know.

6 And but other than that, it was really nothing -- nothing
7 really, I mean, other than -- yeah, nothing really, I mean,
8 just -- that was really so much out of the ordinary other than at
9 the beginning of the trip, I mean, we got a couple of people
10 trying to take pictures of the train. They stood in front of the
11 train to take pictures, and that was kind of like a -- that
12 alerted the student. I was kind of sitting back so I didn't see
13 him because the guy popped out last second and then ducked back
14 in. But I didn't see essentially because I was kind of like
15 laying back more, so I didn't see him because it gets -- he got a
16 better view of him. That was just a startle of the trip, but for
17 the most part the whole trip was smooth.

18 Q. And, you know, and nothing else remarkable that came out like
19 in radio communication or --

20 A. Oh, the -- I did notice that he did have a cough throughout.
21 Throughout the whole trip he was coughing. Obviously, I cracked
22 open the window. He -- I --

23 Q. This is Taj had a cough?

24 A. Taj, correct.

25 Q. He had a cough?

1 A. Taj had a cough. So I don't know if that was just getting to
2 him. He did -- he wore his mask for the most part the whole trip.
3 I think he -- yeah, I'm sure he did. Yeah, he did wear his mask,
4 except when was eating or whatever. But for the most part that
5 was a consistent cough that he had throughout the trip. But it
6 wasn't like coughing out a lung.

7 Q. Okay.

8 A. It was like a (coughs).

9 Q. Okay.

10 A. You know. And that was -- he did tell me that he came off of
11 a -- he did tell me that he did come off of Covid, that he did
12 test negative already, so that's why he came back to work. But he
13 didn't specify of the symptoms or anything like what he went
14 through. We were just like -- I just kind of overlooked it.
15 Well, you're negative, okay, whatever, you know. And we just
16 started talking among other things in life.

17 Q. Okay. Did he mention at all like when he was sick with
18 Covid, like how long in the past that was?

19 A. No, no. I -- no, I didn't. No, he didn't.

20 Q. Okay.

21 A. But I did notice him on Board 5, I want to say, but that was
22 like a month ago, too, maybe. I don't know.

23 Q. And Board 5, what would that mean?

24 A. It's kind of like a board you go off either if you're
25 discipline or you go off on injury or medical.

1 Q. Okay. So if you're sick for -- if you know you're going to
2 be out for a little bit, maybe that's -- you might be on Board 5?

3 A. They put you on Board 5, or pending investigation for
4 whatever discipline usually, generally. I don't --

5 Q. Okay. All right. And then when you guys got to La Mirada,
6 what was the plan? Were you guys talking about the plan and --

7 A. He talked to the familiarizer. He was briefing with him. I
8 know the move generally because I do it. It's a routine move.
9 It's nothing abnormal about it. We just pull up. I hit my
10 counter to clear the main. We pull up, he makes his cut. A
11 conductor generally makes the cut, shoves one track, the balance
12 goes to another track. Double back to the lead. Air test, set,
13 release. He may have to click his cars, and then we go off to the
14 LAJ.

15 He was -- I want to say I think he was briefing with the
16 familiarizer about the clearance point. He pointed out palm
17 trees, just a landmark of where generally the spot line is where
18 you want to stop. And I was hearing that, and I was just kind of
19 like, okay, well, he's on it. He's teaching well, you know. And
20 as far as that, he talked to him. And then we had pulled up to
21 the west end of the Buena Park side. They both got off and the
22 move commenced.

23 Q. What do you remember during that move? I mean, did -- so
24 what was the plan? Let me ask that first. What was the plan for
25 that move?

1 A. The plan was to pull into Buena Park, make a head-end set-out
2 on two tracks there at Buena Parkside.

3 We pulled up, he made a cut. And we had to -- I think we had
4 a handle of 48 cars. It might have been 6,000 tons -- I'm not --
5 I don't quite remember -- because the train was heavy. It was
6 about 6,000. I'm just guessing. I didn't -- I don't remember the
7 paperwork. I'm just guessing. It's about 6,000 tons. We pulled
8 up 48 cars.

9 I did see -- he wanted to shove Track 2 first and then the
10 balance to 1. So we pulled up and he -- just nice and easy. He
11 talked to me on the radio. He was confident, assured of himself.
12 I was like, okay, he's on it. You know, this is -- we're going to
13 do a good move here. You know, he's -- and it started, I think he
14 started off with some, I don't know, maybe 20, 25 car counts, I
15 want to say, maybe. And he was consistent -- consistent, smooth,
16 everything was smooth. I was shoving back smooth, had air
17 underneath it. It's a heavy cut so I don't want to fling the guys
18 around.

19 And as me doing that move, I kind of could feel where I'm
20 going to wind up stopping with that amount of cars. So I'm just
21 going nice and easy, smooth. I think I was doing maybe 7 max,
22 maybe at one point it got up, maybe got up to 8, maybe. I don't
23 even know. And then at one point it even dropped down to 5, 6
24 miles an hour. He's still giving me car counts, 25 and -- and
25 like I said, I don't exactly, but it was consistent car counts.

1 It was till to seven -- I think he gave me a seven car count,
2 and I keyed the mic. I said seven. And then I don't know if he
3 gave me five or four. And I'm, okay, I was already doing five. I
4 think at that point I think I was doing five or six because it
5 cinched down quite a bit, so I kept pushing I think a little bit
6 more, five or six. So I'm like, okay, that's about right. And
7 I'm thinking, and after that either four or five car count, he
8 followed up with a stop. And it was a panic stop, Stop! Stop!
9 Stop! At first he said stop, and I'm like, okay, stop. I'm going
10 to probably overshoot it. And then he went Stop! Stop! Stop!
11 And at that point I had everything set, independent set, and I
12 just held on.

13 And I was -- I called back to Taj, and I says, Taj, are you
14 okay? Are you okay? Is everyone okay back there, I think I said.
15 And the familiarizer is telling -- he says, emergency, emergency,
16 emergency. He's down, he's down, I want to say I think. And I'm,
17 what? He goes, he's pinned, he's pinned. So I went on 36, dialed
18 911. Called out emergency, emergency, emergency to the
19 dispatcher. I told him we needed emergency personnel now at the
20 east end of Buena Park now. Emergency, emergency, we need
21 emergency personnel. Dispatcher asked me for the milepost. I did
22 not know. I was blanked out.

23 So, yeah, that was that. And to come to find out, you know,
24 he ran into a cut.

25 MR. FRIGO: All right, Louie. I don't have any additional

1 questions right now. I'm just going to pass it on.

2 BY MR. RATLEDGE:

3 Q. Hi, Louie. Again, my name's Aaron Ratledge. Thank you again
4 for being thorough in answering our questions. Just a couple of
5 clarifying questions. You said on the trip coming back from
6 Barstow to Los Angeles, that's whenever he asked you about were
7 you on duty on that trip or the previous trip?

8 A. That trip. Coming back home to LA.

9 Q. Okay. So when you went on duty at 1700 in Barstow, he was
10 asking so where did you go on duty at?

11 A. He hadn't asked me then. He asked me during the trip,
12 towards the ending of the trip, it might have been. Almost
13 towards the ending of the trip, he asked me -- it was just kind of
14 like a conversation. He just -- so, Louie, where did you go on
15 duty? And I looked at him, and that's when I told him, I said, I
16 went on duty at the port, Taj. And he said, oh, that's right.

17 Q. The port or in Barstow?

18 A. Oh, at the port. This is on the westbound trip, he --

19 Q. Okay. On the westbound trip he asked about the day before?

20 A. The day before. Yeah.

21 Q. Okay. Just out of the blue? It just came up out of the
22 blue?

23 A. Yeah, out of the blue. Out of the blue, he just made that
24 conversation, so where did you go on duty, Louie? I'm like -- I
25 looked at him. I'm, we came out of the port, Taj, don't you

1 remember? I mean --

2 Q. Okay. So, you know, again, seasoned engineer. I think
3 you've got how many years of service?

4 A. Twenty-two years.

5 Q. Twenty-two years. Routine move through the Buena Park yard.
6 I guess you can call it Buena Park and La Mirada.

7 A. Buena Park side, La Mirada side, you know.

8 Q. Okay. Nothing out of the ordinary this trip, I think you
9 said. As far as the moves that were going to made, nothing
10 different, nothing special?

11 A. No. I mean, nothing -- nothing really out of the norm. At
12 least to me, it just seemed like a normal conversation. Even the
13 odd conversation seemed somewhat normal, I guess in its way. I
14 don't know. A little odd, strange, maybe, like with the asking of
15 the on-duty point. The coughing, I maybe felt -- you know, I mean
16 he brought the Covid, you know, he had it or whatever and he came
17 back negative. So other than that, I mean it's -- I don't know
18 how to make it abnormal. I mean it wasn't. It was just like,
19 okay, he went through some stuff, maybe he just forgot. And we
20 went on to a regular conversation and we went on our trip. And
21 most of the trip was fairly quiet for the most part, I want to
22 say.

23 Q. So, you know, you said that you guys had really good
24 conversations in the cab all the way from Barstow to La Mirada.
25 At any point do you remember Taj and Andrew, the familiarizer

1 conductor, talking about, you know, equipment maybe left in the
2 foul on the other end based upon train length, train size, or
3 anything like that?

4 A. I don't remember. I mean, if he did, I don't know.

5 Q. That's fine.

6 A. Yeah.

7 Q. Is it typical to have the rear end fouling that end if you
8 have a longer train certain days?

9 A. Yeah. Yeah, generally the rule is just -- I mean not the
10 rule, but I mean generally the plan is to clear the main, clear
11 the derail at minimum, you know, just so we could perform duty.
12 Because sometimes those trains are big. They could vary -- they
13 vary in size. Sometimes you're not going to clear completely the
14 east end. But, you know, at that point you just cut your cut
15 in -- your set-out in half. And, you know, 25/25 and, you know,
16 eliminate engine -- or, you know, eliminate a problem, you know.
17 And just 25/25 if it's a 50-car set-out.

18 Q. Typically they used the counters to signal clear -- indicated
19 a clearance on a main line. Do you ever set it --

20 A. Yeah.

21 Q. -- to clear of main -- of Track 3 or anytime like that?

22 A. It's just a ballpark set-out. It's just -- it's just I'll do
23 it here today. Or I'll just here today or, you know, well, it's a
24 longer train, oh, maybe I'll just do it here today. Generally I
25 try and clear Track 1 because that's the one that comes out into

1 the main and the derail, so I just generally just try and clear it
2 just so I know that it's there. It's not really like this has to
3 be here. It's just wherever, as long as we clear.

4 Q. When you're making the shove into 2 track, you said you had a
5 minimum set underneath the cars. It was about 6,000 tons. So it
6 wouldn't be in train forces with men on the side of the cars. Is
7 that a typical move that you do whenever you're shoving back up to
8 the other end making a set-out?

9 A. Yeah. Yeah, generally, because those cuts -- it's a heavy
10 cut. Generally they're all heavy. BARLACs are -- some you get
11 like a small little light. But, yeah, it's a bowl. It'll sag
12 out. But I -- because you're coming down, you're going downhill,
13 you set a minimum set. So you just want to kind of keep it all
14 bunched up and, you know, till you start shoving up to the out
15 set. Just more control. It's more of a controlled shove.

16 Q. And whenever you're shoving uphill and you have a minimum set
17 underneath your train, stopping distances are shortened?

18 A. Yeah. Generally yeah, of course. Yeah. You have --

19 Q. Okay. And at any time did you feel out of control during
20 your shove?

21 A. No. No. It was just smooth.

22 MR. RATLEDGE: That's all the questions I have at this time.

23 UNIDENTIFIED SPEAKER: I don't have anything for Louis at
24 this time right now. Thank you for being here. I appreciate it.

25 UNIDENTIFIED SPEAKER: I think I'm good.

1 BY MR. CONNOR:

2 Q. Yeah, Rich Connor, FRA. Had you made this move in the past
3 with Ellis? You said you've worked with him several times and
4 this is a common move coming in here.

5 A. I don't know if I -- I don't -- I know he's worked that more,
6 essentially more than I do maybe per trip. I think I've worked
7 with him -- I've done the BARLAC with him before. I couldn't tell
8 you when. It's -- we don't work the same thing on a consecutive
9 basis. It could be a year before I got the BARLAC with him again,
10 or months, or it could be twice in week. I don't know. But this
11 particular time, it's been a while. But with any conductor it's
12 generally a same move. It's nothing out of the ordinary. Maybe a
13 case of the train set, I might be on the rear end or the head end.
14 But other than that, there's really nothing -- I mean, it's just a
15 routine train.

16 BY MR. McKEITHEN:

17 Q. Louie, once again, thank you for being here. You said it was
18 a smooth trip coming in from Barstow. Were you running -- when
19 you say smooth, that means you're running on mostly clears or
20 dispatch was being friendly to you?

21 A. No, no. It was just we really -- once we departed, we never
22 stopped. It was just a clear -- we had clears the whole way. I
23 think we stopped once and then we just got color and then we just
24 got lined into La Mirada. But what I mean by smooth trip, it was
25 just -- just a comfortable trip. It wasn't like, you know, it

1 wasn't -- TO was running. PTC was running. I mean, almost like,
2 man, this is like -- kind of like everything's working fine today
3 for whatever reason. It generally never works that way. And but
4 today it -- this particular trip it did. And other than just
5 towards the end even, it was just a -- conversation was good, like
6 I said, I mean, other than just a couple little ordinary out of
7 the moment things. But that's pretty much it.

8 Q. So with that stop in the middle of the trip, was there any
9 unusual reaction from the conductor that, you know -- unusual,
10 other than normal?

11 A. I mean Taj, is Taj. You know, he's sometimes to himself,
12 he'll be quiet, he'll just sit there and won't say nothing, or
13 maybe he might bring something up that he's just -- he seemed very
14 just quiet, just -- I mean when we stopped he just seemed quiet,
15 you know, maybe thoughtful. But then again, maybe we're all like
16 that. I don't know. But for the most part nothing that stood out
17 other than his, you know, maybe a cough here and there and, you
18 know, maybe he was -- but it wasn't a long stop. You know, it was
19 just that one, and actually I think we met the LACBAR, actually,
20 and then we got in.

21 Q. So I have a question about as you're coming into Buena Park.
22 And you had mentioned that you normally set your counter anywhere
23 between the signal and the derail or number 1 track?

24 A. Yeah. Just like, you just --

25 Q. Depending on the length of your train?

1 A. It's not even a -- it's not even -- you just want to clear
2 the main generally. There's a signal when we come in that lines
3 you up into the main, and then there's a derail just past that.
4 There's Track 1, you know, obviously protected by the derail. So
5 I generally just try and hit it somewhere between there and the
6 palm trees or, you know. It's just a ballpark. It's not like
7 I'll hit it here today, I'll hit it -- or sometimes I hit it late.
8 Sometimes I hit it late, you know. And but it -- just as long as
9 it clears the main is the main focus, is just to get off the main
10 so they can run trains.

11 Q. So then when -- do you ever talk about making sure you clear
12 that derail, any conversation about having to get the -- you know,
13 how you're going to get the derail back or --

14 A. Okay. So the move works like this. You pull in, you hit
15 your counter to clear the main. The conductor -- and the first
16 shove is a long shove. It's a long shove, or even if it's a small
17 cut, generally the conductor will shove all the way to the back to
18 the east end of the Buena Park side, flop the derail back, and
19 I'll either pull him up or he'll walk up, just depending on the
20 length of the set-out.

21 Q. Oh, okay.

22 A. So he doesn't have to -- like let's just say it's just a 10-
23 car set-out. Okay. We'll shove back the length of Buena Park so
24 he could put the derail back, and then I bring him back up. But
25 essentially when you have a long cut, the first long shove goes

1 all the way down to the east end. They stop at the clearance
2 point. They walk back, flop the derail back, and then they walk
3 back up. Make a cut, double over to the next track, tie your
4 brakes, double back to your lead. He does his clicking, I do my
5 set and release, off we go to the J.

6 Q. You say sometimes you pull him back up. So when you shove
7 them in, and they get off and they go line the derail, they come
8 back to the rear end of that cut and you pull them back out when
9 you --

10 A. No, no, no. No, no, nothing like that. He just -- what I'm
11 saying, when I shove the long track, we stop. He stops me at the
12 clearance point at the east end. And then he'll walk back, flop
13 over the derail, and then they just walk back up to the cut once
14 they secure their brakes on that first initial cut. So the train
15 doesn't move no more after it sits still. You know what I mean?
16 Like the first shove goes down. We stop at the clearance point at
17 the very east end, being that end. And then he'll walk back, it's
18 only like maybe six, seven cars maybe, and he'll flop the derail
19 back. And then he walks back up towards the west end, secure his
20 train, makes a cut, doubles over to the next track, secures his
21 train, doubles me over to the lead. He comes back to the head
22 end. He does -- he'll do his clicking on his iPad. I
23 set/release. We pull up to right here, and we call the dispatcher
24 and off to the J we go, which is another station in LA. That's
25 it. You know, it's --

1 MR. McKEITHEN: That's all I have. Thank you very much.

2 MR. FRIGO: Okay. This is Ryan Frigo again. I don't have
3 any further questions, but pass it on to my right.

4 MR. MANUTES: Again, thank you for being with us today.

5 MR. FRIGO: Say who you are.

6 MR. MANUTES: Yeah.

7 BY MR. MANUTES:

8 Q. My name's John Manutes. I'm a rail accident investigator
9 with NTSB. I've just got a couple, three questions here.

10 When you come into La Mirada here, on one side of the yard
11 you've got the three main lines, on the other side of the yard
12 you've got some industry. Do you know or do you have an
13 expectation of which side a conductor might be riding on when
14 you're doing these moves?

15 A. I mean, every conductor is different. If they're going to
16 shove Track 1 closest to the main, generally they shove the south
17 side. They stay on the south side because they don't want to be
18 close to the main. If they shove Track 2, they could just be on
19 any side. I -- the only thing I -- yeah. No, that's really it.
20 There's not really no -- I mean, only on Main 1 side you want to
21 be inside, you don't want to be next to the main. That's just
22 a -- that should be a common practice. Main 2 side -- I mean,
23 with Track 2 it could go either/or, whatever he feels. I mean,
24 but generally the second cut goes into Track 2 so you don't really
25 shove that far.

1 Q. Okay. Thank you. It sounds like, from your perspective, the
2 priority when you're coming off the main line is to clear the
3 signal and clear the derail with the rear of the train. And so
4 equipment left out on a lead on the east end is fairly normal?

5 A. Yeah, fairly.

6 Q. Fairly?

7 A. Yeah.

8 Q. It could be there?

9 A. It could be there. You know, it could be there, could not.
10 I don't know because I'm not back there. I just hit a counter.
11 Sometimes counters vary from -- and it's --

12 Q. Yeah.

13 A. It could vary.

14 Q. Yeah. Did you hear -- do you overhear during the
15 conversation between the conductors, any comment from Ellis to his
16 familiarization conductor about that specifically? I know you
17 said he was doing a lot of training and you overheard that he was
18 doing a good job, he was kind of on point. Did he mention
19 equipment on the lead at all?

20 A. You know what, no, I don't. I don't recall that.

21 Q. Okay.

22 A. No, I don't recall that.

23 Q. Okay. And then just one last, fairly simple. Did the
24 conductor, Taj, does he wear glasses normally when he's in the cab
25 or when he's working?

1 A. You know what, no, I didn't notice glasses on Taj. I don't
2 know. I think he wears glasses. I'm not sure if he does, though.
3 I don't -- I think I've -- yeah, I don't know. I don't know. I
4 don't have knowledge, just a -- yeah, I just -- I don't know.

5 MR. MANUTES: Okay. All right. Thank you. I don't have
6 anything else.

7 BY MR. RATLEDGE:

8 Q. Aaron Ratledge. Just a couple of follow-up questions
9 relating to the actual shove move getting there towards the end of
10 it. You talked about how he started you up with 25, you thought,
11 or 20.

12 A. Yeah.

13 Q. Everything was normal from shove perspective. Was there
14 anything abnormal towards the end that you're not used to?

15 A. No. Actually, as an engineer, you run off your conductor.
16 He's your eyes. He's, you know, your voice. You can tell when
17 the conductor's jittery, if he's questionable. You run with a
18 caution. You're kind of like, okay, he's a little doubtful, I'm
19 going to do this. He was confident. He was confident, assured of
20 himself, started me -- initiated the move, confident with X amount
21 of cars, followed up with X amount of cars, followed up with X
22 amount of cars. Comfortable and confident. His voice, it's
23 almost like he was happy on the point and like just enjoying the
24 ride, enjoying the air. He was just comfortable. I mean, it made
25 me feel comfortable. So just till the last -- yeah, like I said,

1 just till the very end, I don't know how it went so bad in a
2 matter of seconds. And that's --

3 Q. So you recognized there's an issue in the last few seconds of
4 the shove?

5 A. Well, initially when he said stop, I'm like, okay, I already
6 set it all, and then it just fall -- it's fast. It was fast. It
7 went from a stop, so I already -- I think I had set it all
8 independent, trying not to -- I wasn't going to fling him. I had
9 too much air underneath it. And I just, yeah, came to a stop, but
10 I was -- I think I was already -- had everything. And it was
11 stop, stop, stop. It just happened like -- this is 3 second
12 warning, I think. I mean, you know, 3 or 4, I don't know. I
13 just --

14 Q. The last car count that you received, everything was going
15 good?

16 A. Yes.

17 Q. He's enjoying the ride, did not sound alarmed or anything?

18 A. No.

19 Q. Like you said, just a couple of seconds after that, in your
20 mind as you recall, to the best of your recollection, all of a
21 sudden you were given the stop, stop, stop.

22 A. Yes. Yep. You know -- yeah, that's pretty much exactly how
23 it happened.

24 MR. RATLEDGE: Okay, Louie. Thank you very much. That's all
25 the questions I have.

1 BY MR. FRANSEN:

2 Q. Hey, Louie. Brian Fransen, BLET. I guess I just -- I just
3 want to clarify as an engineer putting myself in your shoes. When
4 he counted down, he was counting down car counts. When he went
5 from seven to four, do you think he could have been -- did it seem
6 like he was in a -- like he looked up and saw something where he
7 was short? Was that at three car lengths or was it coming fast
8 when he was at the end there?

9 A. You know, honestly, I wasn't going fast enough to even, you
10 know -- he was counting me down.

11 Q. Yeah.

12 A. Seven, four, I'm doing maybe 5, 6, 5.

13 Q. Yeah.

14 A. So I'm kind of seeing where I'm at. And generally where I
15 was at, it might have kind of been where I would have normally
16 kind of come into a stop anyway on a cut like that. But I don't
17 know the length of the cars. Some are small, short.

18 Q. Sure.

19 A. And in this case there was a lot of short cars, I think. So
20 he went from four to a stop shortly after a second. I don't even
21 know. It was fast.

22 Q. It was fast?

23 A. It was fast.

24 Q. Okay.

25 A. It was fast. So that was just what happened.

1 MR. FRANSEN: Thank you. That's the only question I have.

2 MR. BETANCOURT: I think the BLE local chairman would like to
3 ask a question, if that's okay?

4 MR. FRANSEN: Yes. I guess the best way to ask it is to
5 continue -- this is still Brian Fransen.

6 BY MR. FRANSEN:

7 Q. Clearing the east end of 3 or 4 track is not -- it's not
8 required, right? And there's certain times you won't even be able
9 to clear --

10 A. Correct.

11 Q. -- the east end because of train length.

12 A. Correct.

13 Q. Correct?

14 A. Correct.

15 Q. So I guess what -- I guess that's -- it's not a question,
16 it's more of a statement. So by no means is it abnormal to leave
17 your train fouling that end of 3 or 4 track. It's part of the
18 regular move, especially -- varying with train length, of course.

19 A. Right. Yeah, it's not abnormal. I mean, 4 is a short
20 runaround track up high. You don't have to, you know, clear it.
21 The goal mainly on a train like this is to clear the east end in
22 general as far as the main derail. You could ballpark the
23 clearance point wherever you want. As long as it just clears,
24 that's just -- and it varies with train length.

25 Q. Clears the main?

1 A. It clears the main. That's generally your -- that's the
2 goal, just to get out of the main. You could ballpark, as I said,
3 here, here, here or whatever.

4 Q. Average set-out is 30 to 50 cars coming out of Barstow at La
5 Mirada, or is there a -- is it usually a big set-out like that
6 where it takes two tracks?

7 A. It varies. It varies. Sometimes it takes two, sometimes it
8 takes one. So it varies. I mean, the trains I've got it's varied
9 and -- that's it.

10 Q. Is there a time when you would not clear the main, I mean
11 with a train so long that you would actually -- it wouldn't be
12 possible at all?

13 A. They usually, in instances like that -- I've never had that.
14 I've heard they usually make a cut out on the main and they bring
15 the train in, and then they flag back out to the main. They leave
16 it on the Buena Park side east of the signal. So what they'll do,
17 if the train is too long and they know they're not going to clear
18 the main, generally what they'll do, they'll leave the main --
19 they'll leave the train on the main, they make a cut, and then
20 they pull into La Mirada and they go back light to the main.

21 Q. Okay. That makes sense.

22 One more question, I guess, and then -- and it's neither here
23 nor there. It's just for my own curiosity, Louie. Is it normal
24 to fill up 2 first and put the leftovers into 1, or do some
25 conductors put everything into 1 and the leftovers into 2? Does

1 it matter at all?

2 A. I generally -- most of the guys fill 1. They shove 1,
3 balance to 2. In this case, I did overhear Taj, I did overhear
4 him say that he shoves Track 2 first because 1's too close to the
5 main.

6 Q. Okay.

7 A. And that's it.

8 Q. There's no general notice or nothing about it, it's
9 preference?

10 A. Just preference, I'm guessing. Yeah, it's preference.

11 Q. Okay.

12 A. That's -- yeah, it's preference.

13 MR. FRANSEN: I believe that's all I've got that's my -- I
14 have to ask, Louie. Thank you.

15 BY MR. COSTA:

16 Q. Yeah, Louie, just one quick question. So you've been doing
17 this since '98 -- Louie Costa, SMART-TD. So on this particular
18 move and because of the distance in the shoving, when you first
19 started doing this move was there another member of the crew that
20 would stay back there who they would drop off and watch that
21 shove?

22 A. This used to be an assigned -- it used to be assigned freight
23 when it came in with a brakeman. And generally they helped each
24 other out, you know, with a shove move, brakes watching the point.
25 When they went to the ID pools, it went to two-man crew. But

1 yeah, it used to be an assigned -- when they used to have a
2 brakeman.

3 Q. So if that was the case, the brakeman would get off at the
4 other end and then the conductor would shove to them, and so you
5 don't have the amount of work -- saturation of work for one
6 individual alone and all that other --

7 A. You know what?

8 Q. -- (indiscernible) and everything else.

9 A. And not to interrupt you, Louie, I just -- now I -- just
10 because you refreshed my mind. Generally what they would do, they
11 would come in, brakeman get off, throw the derail, conductor pull
12 up, shove, guy watched the point, walk up. They helped each
13 other, you know. It just worked in conjunction, just -- it was an
14 assigned freight. Those guys will work together and just to make
15 it easy on both, I guess.

16 Q. A little less risk involved then, right?

17 A. Yeah.

18 Q. Shove and walking and everything else. So --

19 A. I'd say.

20 Q. -- it's just somebody --

21 A. Yeah, I'd say. Yeah.

22 MR. COSTA: Okay. Thank you. I appreciate it.

23 BY MR. McKEITHEN:

24 Q. Louie, this is Isaac McKeithen. I have a follow-up question.
25 So was there any discussion about -- so when you pulled into Track

1 No. 4 and the conductor and the familiarizer got off on the west
2 end of Track 4 and you continued to pull, was there any -- did
3 they ask you anything about whether you were in the clear yet of
4 the main or --

5 A. No.

6 Q. -- how is it looking or any discussion like that?

7 A. No. No, he was just going off his list.

8 Q. Okay.

9 A. No.

10 Q. So did you ever -- have you ever had a time where you brought
11 a train into here and you had to tell the conductor we're not
12 clear of the main yet?

13 A. I don't remember. No. I don't remember. I don't remember.
14 I think maybe there was a time where I'm off the main and go, hey,
15 I still need like -- off the main. But no, not -- it wasn't --
16 it's not something that got brought up that day in general. I
17 don't remember.

18 MR. McKEITHEN: Okay. That's all I have.

19 BY MR. FRIGO:

20 Q. Okay, Louie. I'll -- I've got one more question to ask you
21 and, you know, I know you were on the other end so, you know, you
22 weren't there when everything happened. But, you know, from what
23 you know is there anything you can think of that could have
24 prevented this accident?

25 A. I mean, the -- I honestly don't know what would have

1 prevented it. I mean, like I said, maybe if there was a -- I
2 guess the only way I could see it, if there was a brakeman on the
3 east end dropped off as a marker and he could see the point. You
4 know, they like the point, like how we used to do it, shove a
5 point, shove a cut, conductor's at the bottom. Maybe light some
6 fusees and light up the tip and shove it back, count them down.

7 As far as this initial move, I don't know. I don't know. I
8 don't know on an individual's mentality, per se. I don't know
9 what he's thinking on a shove, if he's in focus with the shove or
10 did he just space out in a small duration and lost his focus. I
11 don't know. But as far as preventing it, like I said, when there
12 used to be a brakeman, they both worked in conjunction, maybe.

13 I -- you know.

14 MR. FRIGO: Thank you, Louie. And with that, we'll go off
15 the record.

16 (Whereupon, the interview was concluded.)

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CERTIFICATE

This is to certify that the attached proceeding before the

NATIONAL TRANSPORTATION SAFETY BOARD

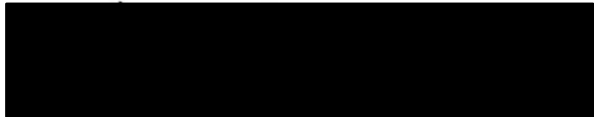
IN THE MATTER OF: BNSF EMPLOYEE FATALITY
 IN LA MIRADA, CALIFORNIA
 ON MARCH 3, 2021
 Interview of Louie Betancourt

ACCIDENT NO.: RRD21FR008

PLACE: La Mirada, California

DATE: March 4, 2021

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.



Kay Maurer
Transcriber