

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: ANDREW DEMBICKIE, Conductor
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
State of California Public Utilities Commission

LOUIE COSTA, National Safety Team
SMART Transportation Division

BRIAN FRANSEN
BLET Safety Task Force

AARON RATLEDGE, General Director, Operating Practices
and Rules
BNSF Railway

RYAN RINGELMAN, General Director, System Safety
BNSF Railway

ASA FULLER, Local Chairman
SMART Transportation Division
(On behalf of Mr. Dembicki)

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I N T E R V I E W

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

7 This morning we're going to speak with Mr. Andrew
8 Dembickie --

9 MR. DEMBICKIE: Yes, sir.

10 MR. FRIGO: -- who was a conductor on the equipment. Before
11 we begin, we're going to go around the room and introduce
12 ourselves. I'll begin and then I'll pass to my right. For the
13 benefit of the transcriptionist, please spell your last name.

14 Ryan Frigo, F-r-i-g-o, and I am the IIC on this accident.

15 MR. MANUTES: My name is John Manutes, M-a-n-u-t-e-s. I'm a
16 rail accident investigator with the National Transportation Safety
17 Board.

18 MR. RATLEDGE: Aaron Ratledge, R-a-t-l-e-d-g-e. I'm with
19 BNSF Railway, general director of operating practices and rules.

20 MR. COSTA: My name's Louie Costa, and I am the SMART
21 Transportation Division representative from the National Safety
22 Team with the NTSB on this investigation. Costa, C-o-s-t-a, last
23 name; first name Louie, L-o-u-i-e.

24 MR. FRANSEN: Brian Fransen, BLET Safety Task Force
25 coordinator. Fransen is F-r-a-n-s-e-n.

1 MR. LAFERRIERE: Thad Laferriere, State of California PUC,
2 Operating Practices. L-a-f-e-r-r-i-e-r-e; first name is T-h-a-d.

3 MR. CONNOR: Rich Connor, C-o-n-n-o-r, chief inspector,
4 Federal Railroad Administration.

5 MR. McKEITHEN: Isaac McKeithen, Federal Railroad
6 Administration, operating practices. M-c-K-e-i-t-h-e-n.

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

9 MR. DEMBICKIE: Andrew Dembickie, conductor for BNSF Railway.
10 Last name is spelled D-e-m-b-i-c-k-i-e.

11 MR. FRIGO: And Andrew, do you wish to have someone here with
12 you today as a representative?

13 MR. DEMBICKIE: Yes, I do.

14 MR. FRIGO: Sir, can you introduce yourself, please?

15 MR. FULLER: My name is Asa Fuller, local chairman out of Los
16 Angeles. First name is A-s-a; last name is Fuller, F-u-l-l-e-r.

17 MR. FRIGO: Thank you.

18 And Andrew, is it okay if I call you on a first-name basis,
19 Andrew?

20 MR. DEMBICKIE: Yes, sir.

21 MR. FRIGO: Great. Thank you. And do I have your permission
22 to record this conversation with you here today?

23 MR. DEMBICKIE: Yes, you do.

24 MR. FRIGO: Okay. And just for the benefit of the
25 transcriptionist, we are close to a railroad and we are outside

1 right now in a tent, so we might have some pauses just to let
2 trains go by, so I just want to have that information out there.

3 INTERVIEW OF ANDREW DEMBICKIE

4 BY MR. FRIGO:

5 Q. Andrew, can you just give me a little bit of your history on
6 the railroad, when you started, where you started?

7 A. I was hired February the 12th of 2018 out of the Phoenix
8 terminal.

9 Q. And that was with BNSF?

10 A. With BNSF Railway.

11 Q. Do you have any previous railroad experience?

12 A. No.

13 Q. Okay. So you're out of Phoenix?

14 A. Yes, sir.

15 Q. Okay. Is that your normal -- that was your normal territory?

16 A. That was where I was hired out of.

17 Q. Okay.

18 A. But we have systemwide seniority with BNSF and you can travel
19 to other terminals to work, and I've done that.

20 Q. Okay. So is this a new assignment that brings you to Los
21 Angeles?

22 A. Yes, sir. I was here 4 days.

23 Q. You were here 4 days. Okay. So you arrived here on the --
24 end of February? So, okay --

25 A. Yeah, February 27th or 28th, somewhere in there.

1 Q. Okay. And what is some of the work that you were assigned to
2 do while being up in this area?

3 A. I was required to familiarize, meaning I was going to run
4 here as a conductor and I had to familiarize with the territory
5 that I would be the conductor running, you know, the areas that I
6 would be working.

7 Q. Okay. So you are a qualified conductor currently?

8 A. Yes, sir.

9 Q. You're just waiting to qualify on this territory?

10 A. Yes.

11 Q. Okay. Thank you for helping me understand that. And how
12 many days prior to the early morning hours of the accident were
13 you out here familiarizing?

14 A. What do you mean by --

15 Q. Did you have any other jobs that you --

16 A. I had already taken a trip, one full trip to Barstow and back
17 from the port on a stack train. And I had taken a manifest train
18 from the Hobart -- well, it's called the LBJ -- or the LAJ yard,
19 up to Barstow on a manifest, and I was with that crew bringing a
20 manifest from Barstow back to LA.

21 Q. Okay.

22 A. So if I would have made the full trip, it would have been my
23 second full trip from LA to Barstow.

24 Q. Okay. And what time did you go on duty?

25 A. We went on duty at 1700 hours on the 2nd of March.

1 Q. Where was that on-duty location?

2 A. In Barstow.

3 Q. In Barstow. And prior to going on duty were you out that way
4 or were you in a different location?

5 A. I was in a hotel in Barstow that BNSF puts their employees
6 at.

7 Q. Okay. And what were your activities that day of the 2nd
8 prior to going on duty?

9 A. My trip going there was 12 hours, and I was -- I spent most
10 of it sleeping. I woke up probably around 1 or 2 that day.

11 Q. Did you grab something to eat after you woke up?

12 A. Yeah.

13 Q. Do you remember what kind of -- like did --

14 A. Yeah, peanut butter and jelly.

15 Q. Okay. All right. What about, do you take any medication or
16 anything regularly?

17 A. I take -- I don't know what it's called. I take something
18 for anxiety.

19 Q. Okay.

20 A. It's prescribed by my doctor. I take it once a day.

21 Q. Okay. And you took that on schedule?

22 A. I take it before I go to sleep.

23 Q. Okay. And anything over the counter?

24 A. No. I don't do anything else.

25 Q. How would you characterize your health?

1 A. Good.

2 Q. Okay. Do you see a physician regularly?

3 A. Yeah.

4 Q. Okay. What time did you get the call for the 1700?

5 A. We had an hour and a half call, so -- I have it on my phone.

6 Q. That's okay. So you think it was about an hour and a half.

7 Did you have enough time to --

8 A. It was an hour and a half before the 1700, so whatever time
9 that is.

10 Q. Okay. And when you got up -- and I'm not familiar with
11 Barstow so I might ask -- if I'm asking incorrectly or, you know,
12 you need clarification, feel free to ask me. But so when you get
13 to the yard -- how do you get there? Is there a shuttle van that
14 picks you up and --

15 A. Yeah. There's a shuttle van that picks you up.

16 Q. Okay. And were you and the other conductor together at the
17 hotel?

18 A. No.

19 Q. No. Okay.

20 A. No. I never met Ellis until I got to the terminal.

21 Q. Okay.

22 A. I was the only one in the shuttle van that the driver took me
23 from the hotel to the terminal.

24 Q. Okay. So at the terminal what do you do? Can you walk me
25 through that? Like --

1 A. Try to ask everybody around who Ellis is.

2 Q. Okay. So you know who you're looking for? You --

3 A. Well, I'm looking -- you know, I had the call sheets for the
4 engineer, him, and myself, and I just waited till people came in
5 the door and, hey, you know, are you --

6 Q. Are you Ellis?

7 A. -- are you Ellis? Are you --

8 Q. Okay. So you eventually found Mr. Ellis?

9 A. Yes, sir.

10 Q. Okay. And what are some of the things you guys talked about?

11 A. We just small talked. He asked me where I was from and how
12 many trips I had made, kind of getting to know each other, you
13 know. He told me things I already knew, but that's okay. You
14 know, like the GTBs and, you know, the work order and iPad and
15 timetable stuff. He was --

16 Q. Okay. And then you guys get with the engineer at some point?

17 A. Engineer showed up.

18 Q. Okay. And then --

19 A. Louie.

20 Q. Okay. And then what happens? You guys start talking about
21 the trip and --

22 A. Yeah.

23 Q. Okay. And what -- do you recall some of that conversation?

24 A. I like just knew that Louie had 23 years in and, you know,
25 and asked -- you know, was just asking me questions, you know,

1 where you from, how many years you've got, and try to -- you know,
2 just so we kind of all knew everybody's experience, you know. I
3 know that Ellis had 8 years in.

4 Q. How did you feel about that? Like do you feel like you were
5 with a good group?

6 A. Well, certainly with my engineer.

7 Q. Okay. So when you guys get onto the equipment, do you guys
8 have a briefing? Do you have a safety briefing or --

9 A. Before we rode the shove cars?

10 Q. Well, before you leave Barstow.

11 A. Oh, yeah, we did that in the terminal.

12 Q. Okay.

13 A. You know, we had a little whatever, you know. They were
14 telling me -- after we got on the train I was asking a lot of
15 questions because, you know, we left from B yard, I think, Track
16 9. And I'm not sure if I'm right or not. I know it was Track 9,
17 but I don't know if they call it B yard there in Barstow. And the
18 previous train that I took out of Barstow to leave, they left from
19 what they call the inspection track. So it was a different area
20 of the yard that we left from and I was just asking Ellis, what's
21 this track, what's that track? They don't line switches there.
22 They have a little pot signal thing. I guess the -- what do you
23 call it?

24 UNIDENTIFIED SPEAKER: Router.

25 MR. DEMBICKIE: The router lines the switches. You have to

1 talk to the router before you can leave the yard.

2 BY MR. FRIGO:

3 Q. So you were just -- you were trying to get some information
4 to help you out in the future?

5 A. Yeah.

6 Q. And how were those answers, those responses from Mr. Ellis?
7 I mean did they sound normal to you? How would you characterize
8 that?

9 A. Yeah.

10 Q. Okay. So on this trip you guys are -- can you walk me
11 through after you leave the yard, what's going on the cab?

12 A. From Barstow to here?

13 Q. Um-hum.

14 A. Small talk.

15 Q. Okay.

16 A. Louis was -- Louie was talking about he's got vacation in a
17 couple days and he's going to go down to San Diego, take his wife
18 and daughter down there, and where he was going to stay on
19 Coronado Island. And Ellis and I were teasing him about having
20 money to go, you know.

21 Q. Yeah.

22 A. And I then, you know, wondered Ellis had a wife and kids, you
23 know. And he talked about being down there recently and stayed at
24 some crappy joint, but took his wife to some real nice dinner that
25 cost 150 bucks.

1 Q. He had to make up for it.

2 A. Yeah.

3 Q. Yep.

4 A. It was just, you know, I mean -- and, you know, I don't
5 remember, you know -- it took us like 2 hours to leave the yard
6 before we left Barstow. And then when the trip did get going,
7 then I started -- we started focusing more on what the task at
8 hand, paying attention to our PTC screen and, you know, we had a
9 Form B that we had to get talked through, and I think that was
10 somewhere around Valley View or -- I'm not sure, but --

11 Q. Okay.

12 A. Yeah, they were doing something with a bridge or something,
13 but I could be mistaken.

14 Q. Okay. But everything sounded normal to you? Everything was
15 going according to what you would expect from your experience?

16 A. I've been to a lot of terminals in the 3 years that I've done
17 this job, and these four trips I took, every single crew has been
18 so polite and nice to me, and these two guys were no different.

19 Q. Okay. Okay. All right, Andrew. So can you -- when you guys
20 get to this yard where the accident occurred, what's your
21 recollection of what the job is and what the plan is and --

22 A. We briefed miles out before we even got there. I had taken a
23 LACBAR train -- not trying to skip subject, but I feel it's
24 important. I took a stack train up the previous day, a manifest
25 train, and I stopped here with that crew and we set -- we picked

1 up two tracks out of here on this end of Lameda [sic]. And the
2 day I came back down was the other end of the yard that I guess
3 they call the hill, and there's four tracks there. So I got to
4 see them going that way, but it was night again, you know, so not
5 real well. So I kind of let Ellis know I had -- what experience I
6 did have here at the yard so he was aware that, you know, I've
7 picked cars up here but I haven't set cars out, so I didn't know
8 quite anything.

9 So we talked about -- he talked about what he was going to do
10 when we got here. You know, he said, we're either going to come
11 into 4 or 3 rail, and I'm going to set the first cut of cars in 2,
12 and then we're going to put the rest in 1. And he said we're
13 going to fill up 2 and I'm going to have 10 to 15 cars left that
14 we're going to put into 1 rail. And as far as -- he said, oh,
15 we'll talk more when we get closer because there's points of
16 reference I can tell you to, you know, like pick out.

17 Q. Okay. Do you remember what -- so what happens next? Do you
18 guys get a little bit closer and do you have that conversation?

19 A. Yeah. When we got -- we got stopped at the signal for a
20 little while before we got it to come into the yard here. And he
21 said, we're almost there, and when we get up to the switches --
22 because we had to line ourselves in if the path wasn't lined for
23 us. So when we got that point, we were already lined into 4 and
24 the derail was already down. So when the train -- we were lined
25 into 4, so when we started ahead, he said there's three -- excuse

1 me -- there's three, what do you call them, the --

2 Q. Palm trees.

3 A. Palm trees. Yes, sir. Thank you. Three palm trees, and the
4 third palm tree is where you want to stop the end of your cars.

5 You know, so when you're shoving down the track, he said that
6 third palm tree. So two of the palm trees are real tall and the
7 one in the middle is shorter, so that's how you can pick out --

8 Q. That's your landmark.

9 A. -- the landmark. Once you get -- you see that first tall
10 one, the second one, and the third one, the third one's where you
11 got to stop.

12 Q. Okay.

13 A. That's how he picked out his landmarks.

14 Q. Okay. All right. So can you just walk me through some of
15 the conversations that you guys are having in the yard. So you
16 pull -- the derail, you mentioned the derail was down.

17 A. The derail was down before we went to 4 track. Okay. Then
18 he says, remember, same thing, we're going to get down -- he had
19 his sheet with our cars on it. He said, we're going to hang on
20 to -- and I'm just approximate, okay?

21 Q. Yep.

22 A. We're going to hang on to 30 cars, okay, and the rest of our
23 train is going to stay in the 4 track. We're going to go up past
24 the 2 switch, we're going to line the 2 switch for our movement,
25 then I'm going to get on, he said, and I'm going to ride the shove

1 back down 2, you know, and then we'll -- everything that fits in
2 2. We'll come up, we'll make a cut, you know, we'll do our set
3 and release -- tie brakes, do our set and release. And then we'll
4 cut away and we'll put the rest of the cars into 1 rail.

5 And he says, you can just stay at the switch if you want to,
6 you know. And I said, well, Ellis, if you don't mind, I want to
7 ride the shove because I need to see -- I'm a visual person, okay,
8 and I'm not like somebody you can show me a map. I'd rather have
9 you take me there and -- you know, so I know what I'm doing.
10 Because when I get done familiarizing, nobody's going to be with
11 me. It's going to be my job to take care of the shove, whether I
12 want to ride the shove or walk the shove or however I want to do
13 it. So --

14 Q. Do you want to take a break?

15 A. One second.

16 Q. Yep. Not a problem. We'll go off the record here.

17 (Off the record.)

18 (On the record.)

19 MR. FRIGO: Okay. We are back on the record. I've got --
20 I'm just trying to start this other recorder.

21 Okay. We're back on the record here with Andrew.

22 BY MR. FRIGO:

23 Q. So Andrew, you were telling us you're a visual person. I'm
24 the same way. I've got to see things. So you wanted to ride the
25 shove?

1 A. Yeah.

2 Q. Okay. And Mr. Ellis was -- he was fine with that?

3 A. Yeah.

4 Q. He had no issues?

5 A. He was fine with that.

6 Q. Okay.

7 A. So he lined the switch. Louie had pulled up way past or, you
8 know, 50 feet from the switch, and so we had to walk up to the cut
9 or to the train. And as we were walking up there, I -- it's his
10 train and I was trying to be respectful and I asked him what side
11 he wanted to ride.

12 Q. Okay.

13 A. And he said, I always ride that side, which he picked the
14 south side, and I got on the north side. And it was a boxcar.
15 And on my side I had the main line right beside me, and I -- right
16 as I got on, a train off the main line went by, you know. And
17 I -- like we were still on the lead, like not going, not -- you
18 know, we were not going into 2 yet, you know. So I didn't have --
19 Track 1 -- you know, you have the main -- you have Track 1, 2, 3,
20 and 4, and I didn't have one separating me when I got onto the
21 car. I was next to the main. And so I was paying attention to
22 the train that went by me pretty fast. You know, I was already on
23 the ladder.

24 And so we both get on, and Ellis tells Louie on the radio
25 that he got two riders and that he had his point. And I want to

1 say he told him start out with 20 cars, you know. And we got
2 to -- our rear car started moving and I felt a little bit more
3 comfortable because once we got into the 2 rail, I had that track
4 in between me and the main. Now I can't remember whether any more
5 trains went by me or not. But as we're going down, like, it was a
6 smooth ride. The engineer was doing great. We weren't going that
7 fast, you know. I'll bet we were going less than 10 miles an
8 hour, you know.

9 And Ellis is -- he's giving car counts. We're going down
10 there. And mainly, since he had control of the movement, I'm -- I
11 know what he told me about the palm trees, okay, but since I
12 wasn't on that side of the boxcar where I could see them, I'm -- I
13 was focusing on doing landmarks for myself. Like when he said 20
14 cars, okay, we just went by this building. You know, so I kind of
15 had a reference knowing that he just told him 20 more cars and
16 it's right at this building. And then there was a fence and, you
17 know what I'm saying, as I went down.

18 Q. Were you able to see everything okay? Like were you able to
19 see like the buildings and stuff like that?

20 A. On my side.

21 Q. On your side.

22 A. Yes.

23 Q. So was it really dark out or --

24 A. It was -- I mean, yes, it's 2 in the -- whatever time it was,
25 between midnight and 2 in the morning. I don't remember what

1 time. It's all a blur, you know, now. But it was -- you know, I
2 used my lantern to look at certain objects that, you know, I
3 wanted to look at.

4 Q. So you were seeing stuff, though. You were picking up some
5 landmarks for yourself for the future.

6 A. For my --

7 Q. For your knowledge.

8 A. Yeah.

9 Q. Okay.

10 A. We get down towards the end of the track down there and he --
11 and I -- this is approximate -- I think he gave a four car count,
12 four more cars. But like he gave the four car, that count, and 2
13 or 3 seconds after he says that, he said stop, stop.

14 And I didn't know, you know, what was going on, on his side.
15 You know, I'm just, you know -- I did kind of -- didn't know and I
16 looked down the rail what I could see, and I didn't see anything
17 yet, you know, that was like in our path. We still had plenty of
18 room, and I think we had a hold of 6,000 tons, you know. And we
19 went three more cars and he then screamed on the radio just Stop!
20 Stop! Stop! And we hit, we had hit something. And then I looked
21 at -- then I could see on the corner of my eye our DP unit. And
22 we -- I could hear us scraping down the whole side of it.

23 And I waited until the train came to a stop and I got down.
24 And I hollered out for him, you know. I didn't know where he was
25 at. I don't know if he'd jumped down. I didn't know any, you

1 know --

2 Q. Um-hum.

3 A. Trying real hard not to think. Then I got down and I
4 hollered out for him and I didn't get no answer. And I got on my
5 pack set, my walkie-talkie, and I yelled out emergency, emergency,
6 emergency three times like we're trained to do. And then the
7 engineer was calling for Ellis, you know, calling out for him,
8 calling out for him and he wasn't answering. I told him -- I told
9 Louie, I said, the conductor's down, we need help now, you know.
10 And I didn't know anything at this point like where he was at, you
11 know.

12 And I called Louie and asked for an in-between so I could go
13 through the boxcars to try and see where he was at. But Louie
14 changed the channels and I didn't know he was on a different
15 channel, so I didn't go in between. Instead I went to our car in
16 the middle of the boxcar and I looked underneath the car to see if
17 I could see him. And I could see from his knees down to his feet
18 and he was dangling about a foot or 2 off the ground. And at that
19 point I knew he was pinned in between the cars.

20 So I got up and went around the tracks to the DP unit and
21 walked up on the rear of it to the catwalks. It's got catwalks on
22 both sides. And I went around on the conductor's side catwalk of
23 the motor and I was talking to him. And but he wasn't saying
24 anything.

25 Q. It's all right, Andrew.

1 MR. FRIGO: All right. We're going to go off the record
2 again.

3 (Off the record.)

4 (On the record.)

5 MR. FRIGO: Okay. We're back on the record with Andrew.

6 BY MR. FRIGO:

7 Q. Andrew, you mentioned before a little bit about landmarks
8 that Mr. Ellis told you about --

9 A. Yes.

10 Q. -- and you said about some palm trees. Can you just tell me
11 a little bit more about that? From your recollection where are
12 those palm trees?

13 A. What direction --

14 Q. East. East.

15 A. East? The were east of that hill yard.

16 Q. Okay. Do you --

17 A. So when -- if that's east, then when we came in we were going
18 west. And we were shoving those cars into the --

19 Q. We're missing Main 3 on here, on this sketch that we have,
20 but --

21 A. Okay. No that's fine. So we came in 4 here and we made our
22 cut. And the engineer pulled up all the way down here and he
23 stopped right in here.

24 Q. Feel free to draw on that, please.

25 A. Okay. We stopped right in here, and then Ellis lined the 2

1 switch, and he got on this side and I got on this side. The palm
2 tress are like right here.

3 Q. Okay.

4 A. You know, somewhere in there. I'm not, you know --

5 Q. Okay.

6 A. And so I got on this side and he got on that side and we rode
7 the shove down. And he said, this should have been where we
8 should have stopped. And our DPs must have been like somewhere
9 right in there. And he --

10 Q. Okay. Do you remember seeing those palm trees at all from
11 your vantage point?

12 A. No. I couldn't see them because I was riding the boxcar just
13 like that one over there.

14 Q. And you're on the other side?

15 A. I'm on the other side.

16 Q. And I think you mentioned you saw a building?

17 A. I can see on my side -- I can -- I was hanging on the ladder
18 and I can look and see my side, but -- and I can see probably, I
19 want to say, 10 feet ahead of me on the track that we're in, but
20 that's it. I can't see -- unless I look around the boxcar, which
21 I'm not sticking my head around there when we're riding, you know.
22 I need three points of contact and, for me, I don't feel
23 comfortable, you know, sticking my head around the boxcar to look
24 to see where we're going. I had -- he was in control of the
25 movement and I had to rely on somebody that's been here before. I

1 hadn't been here before. So I didn't bother to -- I didn't, you
2 know, think -- I looked ahead as far as I could see when he said
3 the four car count and then right after asked to stop. But I
4 didn't think we were going to hit anything.

5 Q. Do you remember seeing DP units at all?

6 A. I remember I could see out of the corner of my left right as
7 he was screaming stop, stop, stop, then I could -- it was coming
8 into my --

9 Q. Your view.

10 A. -- vision.

11 Q. Yep.

12 A. And by --

13 Q. Thank you, Andrew. Thank you.

14 MR. FRIGO: I don't have any other questions at this time.
15 I'm going to pass it off to Mr. Ratledge.

16 BY MR. RATLEDGE:

17 Q. First of all, I just want to say, Andrew, that your
18 recollection of events, thoroughness of your answers is remarkable
19 and I appreciate that. Just a couple of quick questions. I don't
20 have many because, like I said, you went through this very, very
21 well. So if I ask a question that you've already answered, I
22 apologize.

23 During the shove move do you remember having any conversation
24 with Mr. Ellis off the radio?

25 A. No. We weren't talking at all.

1 Q. Okay.

2 A. When somebody's shoving, we're not allowed to do anything
3 other than focus on our shove. We can't perform any other duties
4 than the duty at hand when we're shoving. We were not in
5 conversation.

6 Q. Okay. Thank you. And at any time -- I mean, it sounds like
7 you guys were job briefing the entire time since the first time
8 you met him in Barstow, talking about the train, talking about the
9 moves that are going to be happening here in La Mirada when you
10 get here. At any time during those briefings was there anything
11 said about, hey, you know, we may not -- the rear of the train may
12 not fit or it may foul the lead behind us? Do you remember the
13 engineer or Mr. Ellis talking about that at all?

14 A. No.

15 MR. RATLEDGE: Okay. That's all the questions I have at this
16 time.

17 MR. COSTA: Thank you. Thank you, Andrew.

18 And Ryan, just for clarification purposes, are we going to
19 stay with the incident and then go back around for other questions
20 not involving --

21 MR. FRIGO: Yeah, we'll do another round.

22 MR. COSTA: Okay.

23 MR. FRIGO: We'll call this the first round. So if you have
24 any follow-up questions on the incident, we'll ask those now.

25 MR. COSTA: Okay. I'm good on the incident.

1 So thank you so much for being here, and I appreciate all
2 your recollection and everything.

3 MR. FRIGO: And just your name again.

4 MR. COSTA: Oh, Louie Costa with SMART Transportation
5 Division.

6 MR. FRIGO: Thank you, Louie.

7 BY MR. FRANSEN:

8 Q. Brian Fransen, BLET. I just want to touch on one thing you
9 said, Andrew, and it's the only question I've got, is when you
10 said that when you got here you were required to familiarize.
11 Were you required to when you got here or did you request to
12 familiarize?

13 A. Well, I -- I'll tell you this much. When I got here, I
14 couldn't get a hold of anybody at the Gifford yard -- the Hobart
15 yard. I'm sorry. So when I got down lane -- I know this is off
16 the subject, but I want to tell my whole --

17 Q. Yep.

18 A. And I stopped in Rutland's (ph.) at my friend's. Unpacked
19 all my stuff. I used the iPad to call the three master numbers on
20 there. Nobody would answer. One number said it wasn't right no
21 more. And so I took it upon myself to drive to the yard and talk
22 to them before I went and marked up.

23 Q. Okay.

24 A. I went in and I talked to Dominic. I think that's his name.
25 That's --

1 UNIDENTIFIED SPEAKER: That's right.

2 MR. DEMBICKIE: Dominic at the Hobart yard thing, and he told
3 me what I needed to do, you know, to familiarize. But then when I
4 marked up, they just -- they marked me up. The crew caller just
5 placed me on the board. And I'm not talking the familiarization
6 board. They put me on the board. And I'm glad I looked before I
7 left the parking lot, because I went back into Dominic and said,
8 hey, I called the crew caller right now and because I'm showing
9 permanent on Board 7, and they said that you had to email them and
10 tell them to put me on 774, which is the familiarization board.

11 BY MR. FRANSEN:

12 Q. Okay.

13 A. So, I'm sorry, but if I wouldn't have taken that upon
14 myself --

15 Q. Yes.

16 A. -- and went in and asked, I could have just went to work.

17 Q. Sure.

18 A. And maybe management would have caught it and maybe they
19 wouldn't have, but I wasn't coming here to work LA in a yard I
20 didn't know without familiarizing.

21 Q. Yes.

22 A. So I went back in, he did what he had to do. Within 5
23 minutes I got a call that I was placed on 774 and I went to
24 familiarize.

25 MR. FRANSEN: Okay. That's the only question I had, Andrew,

1 so -- thank you.

2 BY MR. LAFERRIERE:

3 Q. Thad Laferriere, State of California PUC. Andrew, first I
4 want to say that -- thank you for being as forthright and your
5 honesty in your answers, and -- louder?

6 MR. FRIGO: Louder.

7 MR. LAFERRIERE: Okay. Sorry.

8 BY MR. LAFERRIERE:

9 Q. Thank you for being honest and forthright in your answers.
10 This is a traumatic event and you're doing a great job. And we do
11 appreciate your input here just so we're clear.

12 I have one, maybe two questions. Mr. Ellis in his -- when
13 you guys were working together, did he wear glasses that you were
14 aware?

15 A. Yes, I think he did wear glasses.

16 Q. Okay. And then during the shove move or when you climbed off
17 the locomotive, did you notice if he had his glasses on or not?
18 Other than --

19 A. I was wearing safety glasses, but I -- to be honest with you,
20 I don't remember whether he was wearing glasses or not.

21 Q. During the shove move?

22 A. During the shove move. Like --

23 Q. Or during the whole shift?

24 A. No, I know he was wearing them on the locomotive, you know.

25 Q. Reading glasses or like prescription --

1 A. I think they were prescription glasses.

2 Q. Okay. Okay.

3 A. But maybe I'm thinking of the engineer.

4 Q. Okay. We can find out more. I just was --

5 A. I know that Louie was wearing glasses for sure.

6 Q. Okay.

7 A. But I thought that, you know --

8 Q. Okay. And then just for you, how is your eyesight?

9 A. Good.

10 Q. Good? You don't --

11 A. Yeah.

12 Q. -- you don't have prescription glasses or anything?

13 A. I wear glasses for, you know, like up close, you know, but
14 other than that, no.

15 MR. LAFERRIERE: Okay. I don't -- again, thank you for your
16 time. I do appreciate it. Okay? Thank you.

17 BY MR. McKEITHEN:

18 Q. All right. Andrew, appreciate you being here. Isaac
19 McKeithen with the FRA. And I've just got a couple of brief
20 questions for you. And if you want, you can just feel free to
21 take a deep breath and, you know, if you need to just take a
22 minute, no big deal.

23 My first question, in the job briefing in Barstow did you all
24 talk about your rest from the day before? You know, did you --

25 A. I know that Ellis doesn't stay at the hotel, and I think he

1 goes home when he -- he lives, I think he said 40-mile proximity
2 of Barstow and he goes home.

3 Q. Okay. And then the engineer, you know, was he like, I had a
4 bad drive in to work today or --

5 A. No. He came down -- he came from LA to Barstow with Ellis
6 and said they had a great trip coming down.

7 Q. Okay. And my next question: When we pulled into the hill
8 yard, I'm curious as to how did we come to the location to make
9 the cut, the rear -- where we dropped the rear of the train at in
10 4?

11 A. Ellis and I got down off the train. And when Ellis told the
12 engineer we were in the clear -- he had the train list of all the
13 cars and he knew which cars he was taking over to 2 and 1, and he
14 told the engineer to go ahead, which means go forward. And Ellis
15 was watching the car numbers going by, and we got to the cut, you
16 know, the number of the car, and he had the engineer stop. He got
17 an in between. He tied a brake.

18 Q. Okay, okay. So did he ever like point out that you might
19 want to make your cut here for any specific reason or like as a,
20 just a reference for yourself in the future, you know?

21 A. No.

22 MR. McKEITHEN: Okay. That's really all the -- all I have
23 for you. I appreciate -- once again, I mean, it's admirable, you
24 know, the strength you have right now. So I appreciate you being
25 here.

1 MR. DEMBICKIE: Yes, sir.

2 MR. FRIGO: Isaac, thank you.

3 BY MR. FRIGO:

4 Q. This is Ryan Frigo again with NTSB. So Andrew, I just want
5 to talk a little bit about your time in Phoenix.

6 A. All right.

7 Q. Do you remember training, going through training?

8 A. Yeah.

9 Q. Can you describe that a little for me?

10 A. Thirteen weeks of training. It's been 3 years, so, you know,
11 I'm not going to say I'm accurate, but -- first 2 or 3 weeks of
12 the training was in classroom, you know, learning the rules. You
13 know, it's a small rulebook, about that thick, you know. And then
14 from there, you do your OJT stuff and you go out with all -- like
15 they put you with a crew and you're basically kind of just
16 observing, you know. You don't really, like, get into doing too
17 much. You're just back there watching them line switches and how
18 they do things or whatever.

19 And then I think week 9 we were back in the classroom to take
20 a midterm test. That was -- you weren't -- you got a grade on it,
21 but it was more to let you know where you're progressing in the
22 program as far as the rules and, you know, things that -- you
23 know, shoving and going in between and, you know, you got to have
24 25 feet, you know, to -- you have to work on equipment 25 feet,
25 100 feet from derail. You know, how much space you have to have

1 in between cars to cross, all that type of stuff, you know, basic
2 stuff.

3 And then after week 9, you go back out from OJT. And then
4 week 13 you come back and an instructor from Kansas City, I think,
5 came in, and like we went over each day before the final exam.
6 And the final exam you have to score 90 or better on the final
7 exam. You get two chances and if you don't pass, you don't have a
8 job; you're done.

9 Q. How did you feel about the training? Do you think it made
10 you ready to start, you know, learning? What do you think?

11 A. I had John Abbott and Pat Patton were my instructors, and
12 they were awesome. And I felt my training gave me enough to mark
13 up and learn. But I'm not going to tell anybody 13 weeks is
14 enough for any job to, you know -- but, you know, we can't have 6
15 months of training and, you know, it's adequate.

16 Q. Okay. Do you -- once you were done training and you started
17 working down in Phoenix --

18 A. Right.

19 Q. -- were you doing regular jobs or --

20 A. I couldn't hold Phoenix when I marked up out of class. I had
21 to go to Winslow. So I went to Winslow to work the main line.
22 And I worked 7, and went from Winslow to Belen. And I worked that
23 from May of '18 to January of '19, and my seniority wouldn't allow
24 me to hold there, so I went to Temple, Texas after that. And I
25 held Temple, Texas from January to October of '19. And then when

1 I got cut out of there, I went to Alliance, Nebraska. Then I
2 worked Alliance, Nebraska from October to around February of '20
3 when the pandemic hit and I got furloughed. And I was furloughed
4 for 4½ months. And around, I want to say June or July, I got
5 recalled by BNSF from furlough in Phoenix, and I held Phoenix
6 until a week ago and I came out here to LA.

7 Q. So what do you -- I mean that's a lot of moving around.
8 That's a lot of territory to learn and in a short amount of time.
9 I mean do you think each time you were in a different location you
10 had enough time to familiarize yourself and learn that territory
11 to feel confident in doing the job?

12 A. Not always.

13 Q. Okay. And, I mean when that kind of situation happens, who
14 can you talk to at the railroad? I mean are -- can you talk to
15 officials about that? I mean in my experience, that answer's no.
16 But I mean maybe --

17 A. No.

18 Q. -- maybe you've had a different experience.

19 A. Systemwide seniority can be a positive and a negative in
20 itself. Okay. It's a positive in that it gives me as somebody
21 that only has 3 years in the opportunity to work if I want to.
22 Because I have a classmate that won't chase anywhere and he was
23 familiarized -- he was furloughed for a year and a half and just
24 came back from furlough when I did in June or July, and he was
25 gone for a year and a half.

1 Q. And after your furlough, when you came back was there any --
2 did you just go right back to work or did they --

3 A. Just went right back to work.

4 Q. So there was no like refresher training --

5 A. No.

6 Q. -- that they put you through or anything?

7 A. Now, for me, because of what I chose to do in my career with
8 the railroad, I was comfortable with coming back. But if I
9 would've been my classmate, hell no would have I been comfortable
10 after being furloughed for a year and a half being handed my pack
11 set and keys and my lantern and say, go out to work.

12 Q. That's a good point, Andrew. That's a good point.

13 MR. FRIGO: John, do you have anything else you want me to
14 ask?

15 Okay. I'm going to -- Andrew, thank you. I'm going to turn
16 it over to Mr. Ratledge, and we're kind of going to do the same
17 chair shuffle on this side.

18 MR. RATLEDGE: Again, Andrew, appreciate the consideration
19 and everything you remembered. I appreciate the thoroughness. I
20 don't have any questions.

21 BY MR. COSTA:

22 Q. Hey, Andrew, just a couple of quick things. So in your
23 training in Phoenix, did it -- oh, Louie Costa, SMART
24 Transportation Division. In your training in Phoenix, is it yard
25 training and road training, so you had -- do they have both?

1 A. They -- yeah, I was given both.

2 Q. Both. Okay.

3 A. But I'll be honest, most of it focused -- their thoughts at
4 the Phoenix yard was that they kind of had the mentality there,
5 you're not going to see the road because of your seniority, and
6 they focused more on the yard.

7 Q. On the yard. Okay.

8 A. I got two trips to Winslow and back in the yard, and that was
9 it.

10 Q. In the road?

11 A. On the road.

12 Q. On the road. So two trips -- two roundtrips --

13 A. Two roundtrips from Phoenix to Winslow during my 13-week
14 training, and that was it.

15 Q. And at that point when you passed your test on week 13, you
16 were a qualified conductor, could have took a train to Winslow --

17 A. Yep.

18 Q. -- could have took a -- wow.

19 And I sympathize with the chasing seniority. I mean, I
20 respect the fact that you're trying to stay employed and you're
21 going from terminal to terminal. And, I mean, that's amazing. I
22 was lucky enough when I hired out to not have to do much of that,
23 a little bit, but I certainly appreciate that.

24 During the training, again, I wanted to touch on do they
25 provide training on getting on and off moving equipment for your

1 class?

2 A. Yeah.

3 Q. They did?

4 A. Yes.

5 Q. So they can show you those -- okay.

6 A. They did. It's not allowed.

7 Q. Right.

8 A. But they did take us out there and, with a single engine, and
9 showed us how to safely get on and off moving equipment. They
10 did.

11 Q. Okay. And when you -- so when you were coming to when you
12 arrived here and you contacted management, how many trips were you
13 going to be allowed here for familiarization before you would be
14 required to mark up?

15 A. So they asked -- they told me I had to do two trips from the
16 port, and that was on a stack train, because the stack trains are
17 the only thing that leaves the port here. So two trips on a stack
18 train from the ports to Barstow, a trip on a manifest, which was
19 the LACBAR, and then that was to bring the BARLAC back, which
20 that's what I was on.

21 Q. Right.

22 A. And then that -- because that leaves from LAJ.

23 Q. LAJ.

24 A. LAJ. And I had to do a two-train, which is just a normal
25 stack train, and that goes from Hobart to there, to Barstow. And

1 then I was supposed to come to this yard and do one switcher job.

2 And that was it.

3 Q. Okay. So basically four -- three round trips essentially?

4 A. Um-hum. Four -- like four roundtrips to Barstow and then one
5 road switcher job here at the yard.

6 Q. I mean, based off of the trips that you did make -- I know
7 you didn't complete the fourth -- well, the roundtrip on the
8 second roundtrip. Do you think that that's sufficient for the
9 territory here? Or do you think that it would be better to have a
10 few more trips to be able to get to know the territory and to know
11 the nuances of this subdivision and the other subdivisions that
12 you traverse?

13 A. Personally I just -- I think that that's a personal
14 preference, you know, for a conductor. Because, say, I felt
15 comfortable with the four trips, okay? If I didn't feel
16 comfortable with my four trips, I'd go to my union rep and say,
17 hey, listen here, I don't feel -- I don't feel safe; I need some
18 more time and could he please ask management for some more time,
19 you know.

20 Q. Okay.

21 A. I will say this much, though, that I did feel comfortable
22 with it only being one road switcher job here. Okay. Because I
23 don't -- I am no aware of how many switcher jobs they do get. But
24 too, also in saying that, a road switcher job, if you know
25 anything about them, they go to all these industries.

1 Q. Right.

2 A. One time on that's not going to help you. Even if you did
3 four road switcher jobs, you know, you may be on Board 7 and not
4 get called for that road switcher job that you familiarized on for 2
5 months.

6 Q. Right, right, right.

7 A. So for me, one was fine. One yard switcher was good for me.
8 But I've been around so much, you know. But in going everywhere
9 I've went, I've done nothing, in my own opinion, to make me a
10 better conductor. I know guys that spend their career -- and
11 that's okay with me, you know, that they don't ever go anywhere.
12 And I've learned from every terminal I've been, from all kinds of
13 different old heads, you know, situations they've been in and all
14 kinds of stuff to help myself.

15 Q. Right. Right. Good deal. I appreciate that. Thank you.

16 So final question. Do you feel that the recent changes in
17 railroad operations have had any adverse affect on crews? Do you
18 feel it's added some additional pressure to them performing their
19 duties?

20 A. Conductor wise?

21 Q. Yes.

22 A. The only thing, and this is just my opinion, okay? It's not
23 anybody else's; it's mine. You know, they cut too deep half the
24 time when they -- they knee-jerk reaction. What I mean, when
25 things slow down, they can look far enough ahead to keep the

1 boards a little bit more fat than what they do. But as soon as
2 things -- like, say, they know for this week that things are slow,
3 they cut on Monday when they should wait a little longer for work
4 to pick back up again. They just shoot themselves in the foot
5 because then they don't have the crews to move the trains. And
6 it's all about money.

7 Q. Does that put some additional pressure on the ones that are
8 still there in order to work more and --

9 A. Absolutely. They -- to stay marked up because the board's so
10 short.

11 Q. Okay. Great. Andrew, I appreciate that. Thank you very
12 much. I appreciate it.

13 BY MR. CONNOR:

14 Q. I have one follow-up question before I walk away. Rich
15 Connor, Federal Railroad Administration. One last question about
16 your interactions with Mr. Ellis coming over here. Did he mention
17 anything about his sleep prior to reporting or say he got short
18 rested or --

19 A. No, sir.

20 Q. Anything other that you can think of that he might have
21 complained about that might have been a distraction for him that
22 day?

23 A. No.

24 MR. CONNOR: Okay. Thank you.

25 BY MR. McKEITHEN:

1 Q. Okay, Andrew. Once again, I thank you for being here and
2 being patient. Was there any -- on this trip, did you all make
3 any stops to work any other locations prior to getting here to
4 La Mirada?

5 A. No, sir.

6 Q. So it was a straight shot from Barstow?

7 A. Straight shot from Barstow to here, and we were to set out
8 the set-outs and go on to that LAJ yard and do the rest of the
9 work there.

10 Q. Okay. Is that normally -- so as you all are riding, did you
11 ask the crew is this a normal thing, that you all just got a
12 straight shot to La Mirada and have to make a stop or was there
13 any kind of discussion about normally you got to make a stop here,
14 like (indiscernible) or anywhere to --

15 A. To my recollection, sir, I think that that BARLAC only stops
16 here at this yard to perform work, and then they do the rest of
17 the work at LAJ. But I don't know.

18 Q. And one last question. So was this the first over-the-road
19 train that you had been on, on your rebound that made a stop --

20 A. Yes, sir.

21 Q. -- before it got to the destination?

22 A. The previous trip that I made was on a stack train, and it
23 just goes straight from the port to Barstow, no stops, no work.
24 It's carrying intermodal cars.

25 Q. Okay. All right. Sorry about this. I do have one

1 additional question. So as you all are coming into the yard here,
2 the hill yard, you say, were there any special characteristics
3 besides the palm trees that either the conductor or the engineer
4 pointed out to you that -- you know, to remind you of this,
5 uniqueness of this location?

6 A. No.

7 MR. McKEITHEN: That's all I have. Thank you again, Andrew.

8 UNIDENTIFIED SPEAKER: Can I clarify one thing? He -- Isaac
9 asked a question about why the cut was made, on the previous
10 question, up at the (indiscernible) yard. So the standard process
11 is, for pulling through Track 4, is to hit their counter right
12 there at the signal. So as they come in, they're trying to hit
13 the counter to clear the main line, to get inside the signal,
14 which is what they did. They were inside of the signal, and then
15 obviously, you're making that cut at the west end of the yard to
16 clear the lead in order to be able to shove back up into Track 2
17 or 1 and be in the clear of those tracks they're shoving.

18 That's why the cut was where it stood, because they cleared
19 the main and also still cleared the lead, and obviously, if they
20 don't clear the main, in order to make their cut on the west end
21 to be able to shove the tracks, then they're not able to do that.
22 But just to know why the train -- the rear of the train was
23 stopped there, it was to clear the main line but also still be
24 able to clear the west end so you could shove Tracks 1 and 2 on
25 the west end.

1 MR. FRIGO: Thank you for that clarification.

2 Okay, I'm just going to -- go ahead, Mr. Ratledge. You got
3 another follow-up?

4 BY MR. RATLEDGE:

5 Q. Just one clarification. I believe Mr. Isaac asked you if
6 this was the first time that you'd stopped at a yard to do work on
7 the BARLAC, but I think I heard you previously say that you were
8 on the LACBAR --

9 A. Yes, sir.

10 Q. -- and worked on the -- worked actually right here on this La
11 Vida end?

12 A. Yes, that --

13 UNIDENTIFIED SPEAKER: La Mirada.

14 MR. RATLEDGE: La Mirada, okay.

15 MR. DEMBICKIE: -- so you're correct.

16 BY MR. RATLEDGE:

17 Q. Okay, I just wanted to make sure I heard that right.

18 A. The trip, the trip --

19 Q. Yeah, LACBAR.

20 A. I took the LACBAR up, and we did stop here and pick up cars.

21 MR. RATLEDGE: Okay. That's all the questions I had. Thank
22 you for clarifying that.

23 MR. FRIGO: Thank you.

24 BY MR. FRIGO:

25 Q. Okay, Andrew. I just have one more question and we're going

1 to close this out. And, again, thank you for -- you know, I know
2 it's not easy, but thank you. You're helping us understand
3 everything that occurred. Just from your -- and this is your
4 opinion, but, I mean, what do you think could've prevented this
5 accident?

6 A. I'm going to say it, all right, and then -- I don't like
7 saying it, because Ellis is no longer here to give his side or to
8 say whatever, all right, but you want my opinion?

9 Q. Just your thoughts, it's -- what do you --

10 A. Unfortunately, he made critical errors in his car count
11 somehow. And that's what contributed to the accident. I know
12 nothing else -- I'm running it in my head, why didn't he jump down
13 off the car? Why -- I don't know what the hell he was thinking,
14 you know. I --

15 MR. FRIGO: Andrew, thank you. And with that, we're going to
16 go off the record.

17 (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 Andrew Dembickie

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