

UNITED STATES OF AMERICA

NATIONAL TRANSPORTATION SAFETY BOARD

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Investigation of: *

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BNSF RAILWAY EMPLOYEE *

FATALITY IN LA MIRADA, *

Accident No.: RRD21FR008

CALIFORNIA ON MARCH 3, 2021 *

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Interview of: ASHLEY FILL, Trainmaster
BNSF Railway

Via Microsoft Teams

Tuesday,
September 14, 2021

APPEARANCES:

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National Transportation Safety Board

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I N T E R V I E W

1
2 MR. MANUTES: All right. Good morning. My name is John
3 Manutes. I'm an investigator with the National Transportation
4 Safety Board. Today is Tuesday, September 14, 2021, and we are
5 speaking remotely via Microsoft Teams. This interview is being
6 conducted in reference to NTSB accident number RRD21FR008, an
7 employee fatality at the BNSF Railway in La Mirada, California on
8 March 3, 2021.

9 The NTSB is an independent federal agency charged with
10 determining probable causes of transportation accidents and
11 promoting transportation safety. It is not part of the DOT, the
12 FRA, or any other regulatory agency. NTSB has no regulatory or
13 enforcement powers. We will publish recommendations to parties
14 such as federal or state agencies, railroads, labor unions, etc.,
15 that we believe can act on those recommendations to prevent
16 accidents from happening in the future. There are several phases
17 to this process. We are in the fact-finding phase. Then we'll
18 continue to analysis, probable cause determination, and
19 recommendations.

20 Today we are here to speak with Ashley Fill, a trainmaster at
21 BNSF Railway. Before we begin, we'll go around the table and
22 introduce everyone for the transcriptionist. The NTSB uses a
23 party system to ensure participation from subject matter experts.
24 They are here to conduct follow-up questions and help document the
25 interview. If there are any objections to those individuals that

1 are participating, they may be removed from this interview, but
2 they would be -- they would remain a party member with access to
3 the transcript.

4 Let's try to speak clearly into our microphone, which is
5 obviously easier for me to say than do. Instead of going around
6 an actual table, I'm going to call on individuals to prevent us
7 from speaking over each other. So I will start.

8 My name is John Manutes, J-o-h-n, M-a-n-u-t-e-s, a rail
9 accident investigator with the National Transportation Safety
10 Board.

11 Isaac?

12 MR. McKEITHEN: Isaac McKeithen, I-s-a-a-c, McKeithen,
13 M-c-K-e-i-t-h-e-n, operating practices and track inspector with
14 the Federal Railroad Administration.

15 MR. MANUTES: Thank you, Isaac.

16 Louie?

17 MR. COSTA: Good morning, Ashley. My name is Louie Costa,
18 L-o-u-i-e, C-o-s-t-a. I'm the assistant coordinator for the SMART
19 Transportation Division National Safety Team, and I'm also the
20 state legislative director here in California.

21 MR. MANUTES: Thank you, Louie.

22 Ryan?

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

25 MR. MANUTES: Thanks, Ryan.

1 Aaron?

2 MR. RATLEDGE: Aaron Ratledge, A-a-r-o-n, R-a-t-l-e-d-g-e.
3 I'm with the operating practices and rules group in Fort Worth for
4 BNSF Railway.

5 MR. MANUTES: All right. Thank you very much, Aaron.

6 Ashley, I will be with you in just a moment. First I wanted
7 to ask you, Ashley, do you have anybody with you as a
8 representative or would you like anybody with you as a
9 representative?

10 MS. FILL: I do not have anyone and I don't wish to have
11 anyone.

12 MR. MANUTES: Okay. And do I have your permission to record
13 this interview?

14 MS. FILL: Yes, you do.

15 MR. MANUTES: Okay. Thank you very much.

16 Ashley, I just ask that today you answer all of our questions
17 either to the best of your recollection or the best of your
18 knowledge since we're a going to ask you some general things more
19 than the specific stuff. But if you don't understand a question,
20 please just ask for it to be repeated or explained. Or if you
21 realize you misstated something, want to modify a previous answer,
22 we encourage you to do so.

23 INTERVIEW OF ASHLEY FILL

24 BY MR. MANUTES:

25 Q. Okay. So if you could please start by stating your name,

1 spelling your name, telling us your employer and your title, and
2 then begin with some background information about how you got
3 started on the railroad.

4 A. Okay. My name is Ashley Fill, A-s-h-l-e-y, F-i-l-l,
5 trainmaster for BNSF out of La Mirada. And a little bit about
6 myself, I started 7 years ago with the BNSF as a corporate
7 management trainee for transportation. I started with -- or
8 started working out of Argentine Yard in Kansas City. I've worked
9 in Barstow, California, San Bernardino, and now La Mirada.

10 Q. Okay. So -- thank you very much for that. And I'm sure
11 there's great things in your career as an operating manager
12 trainee who started in Kansas City. That means you're going to go
13 a long way. Good way to go. Just a different railroad, that's
14 all.

15 A. Yeah, (indiscernible).

16 Q. Let's see. So you started as an operating manager trainee
17 out of -- or a corporate trainee out of the Kansas City area in
18 Argentine. What was your first position other than trainee? Did
19 you go into assistant trainmaster?

20 A. Yes. So I was technically a transfer trainmaster there,
21 which basically dealt with the interchanges between different
22 railroads.

23 Q. Okay. And when did you come to Barstow?

24 A. I'm trying to remember. I believe it was October 2015, to
25 the best of my knowledge.

1 Q. Okay. That's helpful. And your first position at Barstow,
2 what was that?

3 A. That was a terminal trainmaster.

4 Q. Is a terminal trainmaster different than the position you
5 have now?

6 A. Yes.

7 Q. Can you explain that difference for us?

8 A. The difference is the terminal trainmaster is in charge of
9 overseeing the crew boards, and if we need to deadhead people home
10 or people to the terminal to make sure that we have the correct
11 pool sizes. And we also had to call trains on duty or upon
12 arrival and (indiscernible) that way, and mostly just briefing the
13 outbound crews that are on duty for their train. So --

14 Q. Okay.

15 A. That was the major roles that I played in Barstow as a
16 terminal trainmaster.

17 Q. When did you -- correct me if I get the terms wrong, but when
18 did you stop being a terminal trainmaster and become a
19 trainmaster?

20 A. There's no real difference between the two, it's just -- I've
21 been a trainmaster throughout my career. It's just different, I
22 guess, responsibilities in different locations. So --

23 Q. Okay. So how would you describe your responsibilities sort
24 of today?

25 A. Today I'm a division trainmaster, which means that I oversee

1 several road switching crews that provide final mile service to
2 customers. So it's more of a manifest operation, where I deliver
3 boxcars, tank cars to customers directly. And I also cover the
4 main line territory as well. So any sort of service interruptions
5 that take place, I also have to respond to those.

6 Q. Geographically, how big is that territory? Roughly.

7 A. I should have the mileage off the top of my head. I just
8 know that it's L.A. to San Bernardino.

9 Q. Okay. No, that's helpful. Thank you.

10 So first of all, on behalf of all of us and my colleagues
11 here at NTSB, our condolences for the loss of Mr. Ellis. This is
12 a tragic event. Nobody likes to see us show up because this is
13 often the position that we're in.

14 Can you describe very briefly your relationship with the
15 accident? Did you respond to the scene, were you involved with
16 the investigation, and your relationship with Mr. Ellis, if you
17 had one prior to the accident, just to help me understand sort of
18 where we're all at?

19 A. I would say that I did respond to the scene. I was not at
20 the office at the time that it occurred, so I did respond once I
21 heard of it. And I don't believe I was the -- I wasn't the first
22 one on scene. I know that there was our BNSF police officer who
23 had responded first and a separate crew that was there and the
24 emergency personnel. And then I do believe I was the first
25 officer there that I am aware of.

1 Q. Okay. So you're there --

2 A. An officer -- yeah, officer meaning a transportation officer.

3 Q. Thank you for that. Okay.

4 And had you met Mr. Ellis prior to the accident?

5 A. Yeah. I've known him since Barstow professionally. So --

6 Q. What does that mean? Since you got to Barstow?

7 A. Since I was -- yeah, since I was a trainmaster at Barstow. I
8 knew him from working with the L.A. pool, L.A. pool to Barstow.

9 Q. All right. Again, I'm really sorry for this having happened.

10 Could you -- and if at any point anybody needs to take a
11 minute -- I don't know that we're in a rush. Certainly I'm not.
12 So we can pause the recording at any time, whether that's for
13 questions or just to get some water, take a break.

14 Can we move on, Ashley? Get into --

15 A. Yes. Yes.

16 Q. Get into more specifics? Okay. So could you help me
17 understand the training that is provided locally, if any, for
18 conductors in the Barstow-La Mirada -- La Mirada specifically --
19 area. What sort of -- once they are brought into your area,
20 presumably qualified through BNSF procedures, what sort of
21 additional training happens in your area?

22 A. I would say that additional training specifically for our
23 area is they take a familiarization trip on trains that have work
24 and the road switchers here. So it really depends on what they
25 are working. And I don't assign the familiarization. That's not

1 my role. But that is -- so I wouldn't be able to speak
2 specifically to it, but the knowledge that I have of it is, if
3 you're working a particular board, working board, you have to
4 familiarize yourself on trips in which you would be assigned from
5 that working board. And that's basically the best I can explain
6 that process.

7 Q. Okay. And that's not your area, I understand that. So would
8 it be fair to say that when you see a new name assigned to a job,
9 like a BARLAC, you have to assume that's a qualified conductor,
10 you know that's a qualified conductor who's -- you don't need to
11 go out there and check?

12 A. Right. Yeah. I do check if they are newer and just provide
13 additional information if they need it, or if I hadn't seen them
14 come across my train. If I'm not familiar with them, I check. I
15 just have a more formal briefing with them, just to make sure
16 they're comfortable.

17 Q. So that might be a form of training, right? Not to put words
18 in your mouth. But if there's somebody new and you make contact
19 with that person --

20 A. Sure.

21 Q. -- make sure they have what they need. If you got a new --
22 and I understand, you know, Taj wasn't a new guy, per se, or
23 really -- Taj was not a new guy. Let me rephrase that for the
24 transcript. Taj was not new to the area.

25 But in general, whether it's a new person or somebody that's

1 maybe just needs a little follow-up, how would you describe any
2 additional information that you might give? You said you would
3 maybe touch base with somebody. If they're on a BARLAC they're
4 probably going to make a set-out at La Mirada. Specific to La
5 Mirada or Buena Park, what kind of information might somebody need
6 in that area?

7 A. I would just make sure that they were familiar with the
8 tracks that they were going into and the movement that they would
9 be making, and where they would be setting out the cars or picking
10 up the cars from. And making sure that they properly secured the
11 equipment, just certain yard-specific details like that.

12 Typically, if they have over a certain number of cars, over
13 40 cars, they'll go in two tracks. So I just make them aware of
14 that, so that they're going to either fill up one track completely
15 and put the balance to a second track or they'll split the cut up
16 evenly, depending. Sometimes I prefer that if I'm giving them
17 instructions to set-out, just the way the train is blocked with
18 the cars.

19 For instance, because the way the blocks come in -- and this
20 is kind of getting into the minutiae a little bit. I don't know I
21 if it's helpful information.

22 Q. It's all helpful. Thank you.

23 A. But if a train comes in and it has like, a large block for a
24 certain customer, instead of cutting that block in the middle, I
25 would rather have it all together. So instead of putting it into

1 two tracks, I'd rather have it in one track for when we go to
2 switch out the cars later, after it arrives. So --

3 Q. So that makes sense. A block of cars being a group -- or a
4 cut of cars all destined to the same location.

5 A. Correct.

6 Q. You wouldn't want to split those into two tracks if you
7 didn't have to. If 40 cars will fit into one track and there's 40
8 cars going to one place, you'd probably put them there?

9 A. Right.

10 Q. Who -- how much decision making rests with the crew and how
11 much decision making rests with the trainmaster with regard to
12 where the cut's made, you know, for cars coming into Buena Park?

13 A. I would say that the majority of the decision making is left
14 to the discretion of the crew and what they feel comfortable with.
15 If there's something specific that I would like to see happen,
16 then I relay that information. But typically it's really at the
17 discretion of the familiarity of the conductor and what they --
18 and how they want to do the move, instead of --

19 Q. Okay.

20 A. Especially since most of the people out here are pretty
21 familiar, so -- and they have their own way of doing it. So it
22 would just be more counterintuitive for me to try and explain the
23 way that I would want them to do it as opposed to them just doing
24 it the way that they know how. So -- if that makes any sense.

25 Q. Oh, yeah. It's all good information. Thank you very much

1 for that.

2 So barring any blocking that may need to be done, would
3 you -- is there a preferred way from management's perspective:
4 splitting the cut evenly or filling up one and putting the
5 remainder in the other? Or basically either way works for you if
6 there's not an operational issue?

7 A. Either way works for me, to be honest.

8 Q. Okay. That's helpful. Thank you. I was just -- a lot of
9 that was just curiosity. It's my understanding that on March 3rd,
10 Taj was filling up one track -- filling up a track -- I don't mean
11 the number 1 -- filling up a track and spotting the remainder
12 over. Is your understanding?

13 A. Yes.

14 Q. If you -- if a conductor were to split the cut evenly, does
15 that change how he protects the -- he or she protects the point?

16 A. It depends on the size of the set-out that they're making. I
17 believe -- just to give a little bit of perspective, let's say you
18 have a 20 car set-out. You could say that you could see 20 cars
19 going down the track and protect the shoving from the ground,
20 depending on where you are able to position yourself, and see all
21 the way down that track as the cut of cars are shoving down. Or
22 you can split it up into 10, you know, setting out 10 cars into a
23 track and then 10 cars into another track, so you feel more
24 comfortable with protecting the shove. So that's where I leave
25 that up to the discretion of the conductor. Because they might

1 also want to ride the cut back to the east end of the yard to
2 operate the derail that they have to get once they arrive their
3 train. So they might shove back so they don't have to walk all
4 that way to get the derail.

5 Q. Okay. Thank you.

6 A. Um-hum.

7 Q. And then while we're talking about the move or to bring cars
8 in off the main line, you were out there that night. As an
9 operating manager, did you take exception to -- did you believe
10 that there might have been a rules violation in relation to where
11 the rear DPUs were left parked, or not really?

12 A. To be honest, when I -- I'll just say when I first heard --
13 when I got the information of what happened, not being there, it
14 didn't make any sense to me what had happened. Like it just
15 didn't -- it just seemed out of the ordinary for any of that to
16 occur and I couldn't even picture what exactly could have possibly
17 happened where an employee would have been pinned between the DPs.
18 It didn't make any sense. And then when I showed up on scene, it
19 still didn't make any sense to me. And it wasn't until -- like I
20 really just couldn't wrap my mind around what I was seeing because
21 it was just so -- it just seemed so out of the ordinary. And
22 when -- it wasn't until the debriefing where -- it still doesn't
23 make any sense. None of this makes any sense why this happened.
24 But I'm curious as to why the cut of cars wasn't pulled down
25 further to the west end.

1 I don't think that there was any exception because there's
2 going to be times where -- in this particular case, yes, the cut
3 would have cleared, but in certain cases, that's not going to be
4 true even when it is pulled all the way down to the west end. So
5 it might be that the -- you know, we have a train that's hanging
6 out towards the east lead there, towards that Buena Park signal.
7 I wouldn't take exception to that because they're occupying that
8 lead and they're -- they need to make that cut in that particular
9 spot to make their set-out. So -- I think I answered your
10 question.

11 Q. You did, yeah. Thank you very much.

12 A. Okay.

13 Q. So we touched on rules briefly. I'd like to talk about your
14 role with efficiency testing. Let's start with the basics. Do
15 you conduct efficiency testing, rules testing, in La Mirada and on
16 your territory?

17 A. Yes.

18 Q. Okay. And you've been trained by BNSF on how to conduct
19 rules testing?

20 A. Yes.

21 Q. Do you in La Mirada, or maybe it's for the system, have an
22 efficiency testing program that you follow that gives you
23 instructions on how many of certain types of tests to take, how to
24 conduct those tests, things like that?

25 A. Could you repeat that one more time?

1 Q. So -- yeah, I'd be happy to. So does BNSF have a efficiency
2 testing program that you follow that includes -- and really it's a
3 yes or no question, but to maybe help characterize it, it might
4 have descriptions on how to conduct tests, how many tests of a
5 certain type to conduct, like X number of radio rules or maybe
6 certain percentages at night, things like that?

7 A. Yes.

8 Q. Okay. Do you train others on how to conduct efficiency
9 testing? Other managers, other trainmasters.

10 A. I do not currently and nor do I formally train them. But
11 let's say in other locations that I have worked where we have
12 newer management, I will definitely take them out testing to show
13 them how, but it's not in a formal context.

14 Q. Okay. But you look to bring new managers up to speed on the
15 job.

16 A. Right.

17 Q. They can observe you doing your job and learn that way?

18 A. Correct.

19 Q. How often do you conduct efficiency testing?

20 A. How often? I would say on -- well, we do have monthly
21 requirements, and I would say just throughout that month I try to
22 do -- conducting them and actually -- and train them, are two
23 separate things. So, yeah, I conduct them constantly because I'm
24 constantly observing my employees working. I'm -- so I would say
25 frequently. I would say every day, honestly. I don't enter them

1 every day, but I do observe my employees working every day.

2 Q. Okay. And when you see an unsafe behavior or a concern or a
3 rules violation, how -- what is the next step? How do you address
4 that?

5 A. I would first talk to the employee or talk to the crew.
6 Well, I would stop them and pull them aside and say, hey -- or
7 just ask them why they were working in a particular way. And then
8 I would, you know, explain to them that they're actually violating
9 a rule and then explain why that rule exists for their safety
10 purposes. So it would be more of an educational moment to make
11 sure that, one, they're aware of their own behavior, not just
12 complying with the rules. Just making sure that they know --
13 they're staying engaged in how they perform the work safely. And
14 then, so after that conversation, I would then enter an exception
15 for whatever rule that they were in violation of as a verbal coach
16 and counsel when I enter the operations testing.

17 Q. Okay. And that -- okay. So thank you.

18 Does the data that does get input, whether it's a coaching
19 and counseling event or -- I assume sometimes it's also that they
20 passed, right? You did a test and there is no exception but the
21 record is there that you did some testing, right?

22 A. Correct.

23 Q. Those things go into the system. How often, if ever, do you
24 and your supervisor review sort of that data that's being put in
25 there? Do you ever see it again, or once you put it in is it

1 gone?

2 A. We review it. We see who has been tested, who hasn't been
3 tested, you know, if we're -- just to make sure that we're
4 observing, you know, all of our crews. It's not -- I would say
5 operation testing, at least for me, is more organic, just based
6 on, you know, time and place. And so, it -- but, you know, if we
7 do see a pattern of like, hey, we haven't -- you know, we're not
8 getting everyone or it's like just the same crews over and over
9 again, then we need to switch up or make it more intentional to
10 make sure that we're observing everybody.

11 Q. Okay. Thank you. And then in addition to trying to make
12 sure that everybody has an opportunity to be tested, do you also
13 try and spread it out over days of the week or hours in a day,
14 like at night?

15 A. Yeah. Yeah, that would be how we would have to do it to get
16 everybody or to make sure that we're observing everybody.

17 Q. Fair point. How long did you say you've been in La Mirada,
18 about -- or the Buena Park area; about 5 years?

19 A. Two years.

20 Q. Two years there?

21 A. Yes. I think it was just recently 2 years, so --

22 Q. All right. And in that time have there always been the two
23 trainmasters or has there sometimes been a third or more?

24 A. Two trainmasters.

25 Q. Okay. And over that time, would you say that the efficiency

1 testing program has gotten better in 2 years, maybe it's a little
2 harder to accomplish than it was 2 years ago, stayed about the
3 same?

4 A. I don't know.

5 Q. About the same?

6 A. I would say about the same. Yeah, I don't --

7 Q. Okay. Okay.

8 A. I've never really thought about it, so --

9 Q. Okay. How often do you see other officials in your yard
10 conducting -- I say your yard -- in the La Mirada-Buena Park, how
11 often do you see other officials in the yard conducting testing --
12 superintendents, directors, roadmasters, maybe, folks that maybe
13 don't stay in your office all the time?

14 A. I would say once a month.

15 Q. About once a month?

16 A. Um-hum.

17 Q. And do they sometimes tell you that they've been there?

18 A. Yeah. That's -- a lot of the times it's done with me as like
19 a team testing event.

20 Q. Okay. All right. That's helpful.

21 MR. MANUTES: If we can hold tight for 30 seconds, I have to
22 reply to this message or we're going to get interrupted.

23 (Pause.)

24 Okay. I'm sorry. Now we can continue.

25 BY MR. MANUTES:

1 Q. Are employees in your area encouraged to report either safety
2 defects or unsafe behaviors? Are they -- do they have a way to do
3 that?

4 A. Yes. They're encouraged to do so, and the process is called
5 a Safety Issue Resolution Process. And they can either report it
6 verbally to me and then I will enter it into -- me or any other
7 officer -- or transportation officer. And I would enter it into
8 our system as a safety issue. Or they can turn in a SIRP form to
9 me, which they would just fill out written. And then whoever the
10 issue is assigned to -- usually if I yield a safety issue, I'll
11 just assign it to myself and then follow up with the parties that
12 I need to, to resolve it. But that's the process. And then once
13 it's resolved, then you close it out, which gives communication to
14 the crew member that opened it. So --

15 MR. MANUTES: Okay. Okay.

16 So I think I forgot to describe this at the beginning of the
17 interview. We are now going to give everybody a chance to answer
18 some -- or ask some follow-up questions. We'll probably do two
19 rounds of this because I'll wind up with some follow-up questions
20 myself and we'll give everybody another chance. So, again, we're
21 going to -- I'm going to call on folks so that we're just not
22 talking over each other. Normally we would be in a room together
23 and this is much easier. So I'm going to -- just going to call on
24 some folks. Everybody gets a chance to ask follow-up questions,
25 have a discussion with you, and then it'll come back to me and

1 we'll do one more round.

2 I'm terrible about this, but please -- I think everybody's
3 better at this than I am. Please say your name and who you're
4 with before you start speaking for the benefit of the
5 transcriptionist. I will probably forget, like I always do.

6 So Isaac, I'd like to start with you again just so I don't
7 have to change my list. Would you like to ask any questions?

8 MR. McKEITHEN: Hi, Ashley. Isaac McKeithen, FRA.

9 BY MR. McKEITHEN:

10 Q. I have one question. What would you say is the percentage of
11 your testing that you conduct would be at night at Buena Park or
12 at La Mirada?

13 A. For me, the majority of my testing is done at night. I would
14 probably say about -- I don't know, if I had to give you a
15 percentage, I would say maybe 80 percent, because I cover nights.
16 So my -- most of them are after 9 p.m. So --

17 Q. Okay. And out of that 80 percent, you said about once a
18 month you have another manager that comes and do testing at La
19 Mirada. Is that like jointly with you or just that you know have
20 been in there testing because they notify you?

21 A. That would be jointly with me.

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

23 MR. MANUTES: Does Isaac need to repeat his question, because
24 my front doorbell rang and I can't mute my computer. Did you guys
25 hear it okay?

1 (No audible response.)

2 MR. MANUTES: Okay. Good deal. Sorry about that. I
3 apologize. Maybe I should say for the record, my computer won't
4 let me mute.

5 Thanks, Isaac.

6 Louie, would you like to go next?

7 MR. COSTA: Yeah.

8 Hey, Ashley, how are you doing?

9 MS. FILL: Hi. Very good.

10 BY MR. COSTA:

11 Q. Just a couple of questions. Is it fair to say that the
12 majority of the conductors who have a set-out that will not fit
13 into one track, will ride, as you said, to the east end to be in
14 position to return the derail back to the derail position?

15 A. To my knowledge, yes. I'm not 100 percent if they all do
16 that, but yes.

17 Q. Okay. And so then if someone -- is it a -- it could be a
18 conductor trainee, for instance, and he's with the conductor and
19 the work is done in that fashion. I mean, it makes sense because,
20 you know, I'm a conductor 24 years. If I don't have to walk 5,000
21 feet, I'm not going to walk 5,000, right? I'm going to position
22 myself to be in the right position. So if you're a trainee with
23 someone making that move and that's how you're taught to make the
24 move, you would make that same move in the same fashion. You
25 would fill up one track, get yourself in position to return the

1 derail, then make your walk back up again. I mean, that's just
2 probably how most of the trainees are taught to make that
3 particular move when they're not going to be able to fit all into
4 one track?

5 A. I would say yes.

6 Q. Okay. And then in our previous conversations with crews when
7 we were in La Mirada back in March, it was stated that this
8 particular job or this train with the work there at La Mirada used
9 to have a third crew member, a brakeman. Would it be fair to say
10 that in that situation an additional crew member would make that
11 move that much safer, not requiring anyone to ride on the side of
12 a car?

13 A. Sure.

14 MR. COSTA: Okay. Okay. That's all I got.

15 John, thanks.

16 MR. MANUTES: Thank you, sir.

17 Ryan or Aaron, do you want to flip a coin? Ryan, you want to
18 go first or --

19 MR. RINGELMAN: I'll go. I just had one quick follow-up, I
20 think.

21 BY MR. RINGELMAN:

22 Q. You talked about looking at kind of the data and reviewing
23 your operations testing program. Is there -- is it fair to say
24 there's sort of a monthly process that you go through, either
25 formally or on a yellow tablet or in a hallway conversation about

1 what the expectations are for the coming month?

2 A. So are you asking do -- like there's -- if there's monthly
3 expectations?

4 Q. Yeah. Do you and Brian or other local leaders talk about
5 what are we trying to accomplish with operations testing this
6 month, this quarter, this year?

7 A. I think it's based on, you know, patterns of behavior that we
8 see. Like there's been certain exceptions that have popped up
9 recently. So we definitely want to make sure that we're changing
10 that behavior and making sure that it's not a habitual pattern and
11 just be exception to the rule. So we want to follow up on
12 exceptions that have been taken. And then -- but mostly it's just
13 all encompassing. Like we do have certain requirements, but it's
14 mostly just really being in tune with what we need to do for our
15 people and what's going on here. So --

16 Q. No, I think your word you used, which is a great one, was
17 organic, and how you see what's going on and -- I think you and I
18 both spoke to there's kind of formal operations testing program
19 and then informal engagement, and we try and stay active and
20 involved. So you have the flexibility with the operations testing
21 program to -- Brian went through a little bit in detail of the
22 expectations on the series and etc., but you have the ability to
23 flex that to things that you see and to identify areas that you'd
24 like to test as a local operating team?

25 A. Yes. Yeah. Yeah, because the expectations are just a

1 minimum. There's no maximum or any sort of restriction on what I
2 can and cannot test. I just need to make sure that I'm at least
3 doing the minimum requirement in certain areas to make sure that I
4 have a balanced testing, I guess -- at least I'm testing balancing
5 certain aspects of operating.

6 Q. Do you remember -- you said you were out there the evening
7 of. Do you remember on the night of this incident how many TYE
8 employees were part of this operation?

9 A. Were at the scene or --

10 Q. Yeah. Well, were part of this train, the BARLAC.

11 A. Yeah. Well, part of the train was a -- the conductor, the
12 engineer was not on scene -- well, they were at the head end.

13 Q. Sure.

14 A. And then the familiarizer, of course, who was with Taj.

15 MR. RINGELMAN: Very good. Thank you.

16 MR. MANUTES: Thanks, Ryan.

17 Aaron?

18 MR. RATLEDGE: Aaron Ratledge, BNSF, R-a-t-l-e-d-g-e.

19 BY MR. RATLEDGE:

20 Q. You know, Ashley, thanks again for being here. I know it's
21 difficult to try to recreate this and have to go through it again
22 here. But really kind of keying off of one of Louie's previous
23 questions about, you know, had there been a three-person crew,
24 would it have made it safer? I just want to make sure from your
25 perspective that you agree that there's rules in place that keeps

1 incidents like this from occurring with a two-person crew versus a
2 three-person crew?

3 A. Yes.

4 Q. Okay. So somebody riding on the side of a car still has
5 rules to follow regardless if there's a third person on the ground
6 watching the point from afar?

7 A. Yes. I mean -- yeah, I guess if -- we could have a 10-man
8 crew and eliminate the work for us and, you know, people. But --
9 so that might reduce risk, but that doesn't mean that if it, you
10 know, was a two-crew man crew that they couldn't perform it
11 safely.

12 Q. And this BARLAC move, LACBAR move, it's nothing new that we
13 created there at La Mirada or Buena Park for set-outs and pickups?
14 I mean this is a routine move that, I mean, the crews have done
15 hundreds of times. I dare to go to the thousand mark because I
16 think I may be stretching it. But fair to say it's a routine move
17 that everybody's familiar with?

18 A. Yes. Yeah, I mean, we run that train every day, so I'm sure
19 that even saying that it's in the thousand mark isn't a stretch.

20 So --

21 Q. If -- I'm sorry. I didn't mean to cut you off.

22 A. Nope. Nope. That's it.

23 Q. So -- go ahead. I did it again.

24 A. No. I'm filling space, so I should be quiet. You can ask
25 your question.

1 Q. No. So going back to the question about shoving back to get
2 the derail, you said it's not uncommon but it's not common. But
3 is it -- I mean, really you go back to the train crew's
4 preference, whether they want to shove back to get the derail on
5 their initial shove. But a lot of times, you say that it does not
6 occur, right?

7 A. Yes. There's times where it does not occur. It really all
8 just depends. And when I say that it's to the conductor's
9 preference, it's -- that doesn't mean that they can do things
10 unsafely. It's just whatever they feel comfortable with doing as
11 long as they're not breaking rules, they're not cutting corners,
12 and like I said, they're not operating unsafe. It's just what
13 they feel comfortable with and if they can -- and how they can get
14 the job done efficiently. So it's them -- I think it's more
15 engaging for them to identify their own exposures than to have me
16 dictate exactly what it is that they should do. They're observing
17 the situation and they're the ones doing it.

18 Q. Yup.

19 MR. RATLEDGE: Well, Ashley, that's all the questions I have
20 at the moment, and I thank you again. And I'll pass it off to
21 Mr. Manutes.

22 MR. MANUTES: Okay. Thank you. I keep trying to unmute
23 myself but I don't have to.

24 Yeah --

25 UNIDENTIFIED SPEAKER: On your mute button.

1 MR. MANUTES: It doesn't work.

2 So, Ashley, again thanks. We're probably nearing the end of
3 this. I want to ask a couple of questions just to double back on
4 the topics we've already talked about.

5 BY MR. MANUTES:

6 Q. When it comes to training, could you again -- and I know
7 you've already done this in a way, but could you again sort of
8 help me understand your role and the trainmaster's role in general
9 in training? Where I'm sitting with it right now is I feel like
10 you're not really involved with initial training, because when
11 guys show up, they may be new to the territory but they're not new
12 to the BNSF. So maybe touch on that, but also then maybe tell me
13 a little bit more about recurrent training and there must
14 certainly be additional training that happens throughout the year,
15 whether it's safety or operations or, you know, human resources.
16 I don't know what sort of computer training.

17 So can you just give me a little more about your role in
18 helping make sure everybody's trained in your territory? And
19 maybe it's nothing, and that's fine, too. I just want to
20 understand.

21 A. I would say that as far as the computer-based training,
22 there's reminders that go out to each employee when they tie up a
23 ticket after working. And then I also -- you know, there is also
24 reminders that are sent out to us to remind our crews. So I'll
25 just touch base and see who has completed their training, who has

1 not completed computer-based training modules and I guess remind
2 them of that. That would be the extent of my involvement in
3 making sure that they're up to date in their computer-based
4 training.

5 And then as far as training goes for the -- I guess, to be
6 familiarized, I don't schedule their familiarization. And I don't
7 train on them on how to -- you know, they're familiarizing with a
8 conductor who is trained, so that's their training process. And
9 really the only part of the training, when they're newer like that
10 that I can give them, their conductor is already giving them
11 through just having -- providing clarity of the territory itself.
12 So I basically just reiterate what the conductor is passing to me,
13 which is making sure that they're familiar with the territory.
14 So, and so that's -- but it's the conductor that's giving them the
15 training for the territory. That's who is training them formally.
16 That's the process.

17 Q. Okay. Do you know what the conductors use or how they
18 determine the distance they have left to shove in that yard? What
19 are they using as reference to know they're getting close to the
20 end of the track? Is it just seeing the end of the track, is it
21 signal, is it -- I mean, how are they giving car counts when the
22 track's empty?

23 A. I don't really know how to answer that. I'm not sure.

24 Q. Okay. Maybe somebody can help with a follow-up on that one.

25 And then the last two, I think that I have -- efficiency

1 testing, you have a minimum standard that you're to meet as a
2 trainmaster. Hypothetically, what does it look like -- do you
3 get -- would you expect that you would be coached if you didn't
4 meet that minimum standard? Who would do that? Would that be
5 Brian or would that be, you know, Ryan on a call? How would that
6 work? I mean I'm not asking you to tell us if you've ever not met
7 your standard, but hypothetically, what would your expectation be
8 if you didn't meet your standard? How is that reviewed and
9 handled?

10 A. I believe I would, yeah, be coached by a supervisor of mine
11 or a superintendent, would be the expectation if I didn't meet the
12 requirement.

13 MR. MANUTES: Okay. Thank you.

14 Isaac, do you have any follow-ups? I don't think I have
15 anything else.

16 MR. McKEITHEN: Isaac McKeithen, FRA.

17 BY MR. McKEITHEN:

18 Q. Ashley, I do have one follow-up. Has there been any updates
19 to testing, to your knowledge, been put out for managers? Any new
20 requirements, any changes to testing?

21 A. I would say that we have a different platform, but as far as
22 new expectations, no, not -- I mean not to my immediate knowledge.
23 I mean they can change whenever our superintendent wants to change
24 them as far as the minimum goes. So --

25 Q. Oh, okay. So, but there hasn't been any new minimums, been

1 put out or any new requirements to your knowledge?

2 A. Honest, I'm sure there have. I think, when we changed to a
3 different system, it's a different way of reporting them, so they
4 had -- it was adjusted. I just don't -- I couldn't tell you what
5 exactly they were. I just know what they are now. I couldn't
6 speak to the different changes of the minimums.

7 MR. McKEITHEN: Okay. That's all I have, Ryan -- John.

8 MR. MANUTES: All right. Thanks, Isaac.

9 Louie?

10 BY MR. COSTA:

11 Q. Yeah, just a quick little follow-up to what -- a question
12 that Ryan had asked or a comment that he had made on the number of
13 people in this particular -- on this particular train. So the
14 train crew was two members, operating crew members. A
15 familiarizer is not an additional operating crew member for the
16 purposes of facilitating the work, correct? They're there to
17 learn the territory.

18 A. Correct.

19 MR. COSTA: Okay. Thanks. That's it.

20 MR. MANUTES: All right. Thanks, Louie.

21 Ryan?

22 MR. RINGELMAN: All right. Stepping on myself. It wouldn't
23 let me click on unmute.

24 BY MR. RINGELMAN:

25 Q. One kind of follow-up on the -- we talked about training and

1 your role in training. I think maybe we cued it up in a formal
2 sort of way. You've talked a little bit about -- and I certainly
3 don't want to put words in your mouth, but I want to make sure I
4 understand what I've heard, is that there's a lot of ongoing --
5 maybe we call it coaching rather than training. So would you say
6 that your role, you know, in your role, you are active with -- you
7 said daily, kind of daily coaching and involvement? You might not
8 call that formal training, but coaching, is that -- would you
9 distinguish those two?

10 A. Yeah. That's fair. I -- yeah, I just don't want to say that
11 I am formally in charge of train anyone because I'm -- that's not
12 my role. I -- yeah, I would say more of a coaching, but --

13 Q. And you mentioned if you saw somebody new -- I mean maybe how
14 you met Taj to begin with, somebody new that you hadn't seen on
15 the board or you hadn't met with, you might talk to them. Would
16 it be -- would you say, hey, I see Ringelman is familiarizing with
17 Conductor Ratledge. And you might have seen that on the board and
18 you might approach me in the break room with a cup of coffee and
19 say, hey, I saw you familiarizing the other day with Aaron, "How
20 did that go? What did you learn?" have conversations like that.

21 A. Yeah. Sure. And then I would just have any follow-up
22 questions or just kind of reiterate or explain, you know, the
23 particular pickup or set-out at La Mirada. Or if I have, you
24 know, new crew members who don't often work road switchers out of,
25 you know, this location, I'll follow up with them with, you know,

1 particulars on the territory. And that's -- yeah, that's where I
2 give most of the coaching. The LACBAR and the BARLAC is pretty
3 basic operating and it's not -- it doesn't really take much for
4 guys to pick up on it. So there's not really a lot of my input
5 that's needed other -- you know, further than the familiarization
6 trip.

7 Q. Very good. Thank you. I appreciate it. I wanted to make
8 sure I understood kind of how you put that all together. So I
9 appreciate that cleanup. Thank you.

10 A. Um-hum.

11 MR. RINGELMAN: I'm -- that's it.

12 MR. MANUTES: Thanks, Ryan.

13 Aaron?

14 MR. RATLEDGE: No, sir. Not at this time.

15 MR. MANUTES: Okay. All right. Well, I think that wraps up
16 our round of questions. Does anybody have anything that they
17 thought of while Ryan was speaking?

18 Isaac, Louie, we good? Okay. Catch up on my notes here.

19 BY MR. MANUTES:

20 Q. Just a couple to wrap up. Since the accident, have there
21 been operational changes or rule changes or any kind of local
22 changes to how the BARLAC does its work in La Mirada?

23 A. No. I mean it's still pretty standard. We pull through at
24 Buena Park and then we set out to two tracks, if needed. So at --
25 and then at times I'll brief with the crew to split up the set-out

1 in a particular way if that opportunity presents itself, but the
2 set-out and the operation has stayed the same.

3 Q. Okay. I'm going to ask you the same question that I ask
4 everybody we talk to, and I know it's tough to relive these
5 things. I appreciate you taking the time today.

6 Based on what you have been involved with here, the time that
7 you've had to think about it since then, is there anything that
8 you want our team to know that you think may have prevented the
9 accident or an improvement that could be made that could prevent
10 this from happening in the future that you'd like us to know
11 about?

12 A. No, not really. I mean, it's just tragic.

13 MR. MANUTES: All right. Like I said, I will email you
14 shortly with all my contact information so that you have it. If
15 you have any questions about this or any additional information or
16 anything you'd like me to provide for you, reach out anytime.
17 You'll have my cell phone and my email address.

18 And with that, thank you very much for your time. We'll end
19 the recording. If you'll stay on for just a second and we can
20 wrap up off the record. Okay?

21 MR. FILL: Okay.

22 (Whereupon, the interview was concluded.)
23
24
25

CERTIFICATE

This is to certify that the attached proceeding before the

NATIONAL TRANSPORTATION SAFETY BOARD

IN THE MATTER OF: BNSF RAILWAY EMPLOYEE FATALITY
 IN LA MIRADA, CALIFORNIA
 ON MARCH 3, 2021
 Interview of Ashley Fill

ACCIDENT NO.: RRD21FR008

PLACE: Via Microsoft Teams

DATE: September 14, 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