

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

9 The NTSB is an independent federal agency charged with
10 determining the 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. The NTSB has no regulatory
13 or enforcement powers. We will publish recommendations to any
14 party, whether that's a state or federal agency, a railroad, a
15 labor union, etc., that we believe can act on those
16 recommendations to prevent accidents from happening in the future.
17 And there are several phases to the process: fact finding,
18 analysis, probable cause determination, and recommendations. We
19 are still in fact finding on this accident.

20 Today we are here to speak with Mr. Featherston. Before we
21 begin, we will go around the table and introduce ourselves for the
22 transcriptionist. The NTSB uses a party system to ensure
23 participation from subject matter experts. All parties are here
24 to conduct follow-up questions and help document the interview.
25 If there's any objections to individuals participating, the

1 interviewee may remove or ask to remove people from the interview,
2 but that person would remain a party member with access to the
3 transcript.

4 Let's try to speak clearly into our microphones today. Teams
5 might give us a little bit of a challenge so we might have to
6 repeat ourselves occasionally. Since we're on Teams and we can't
7 go around a table, I will call on people to introduce themselves.
8 Please speak your name, your title -- sorry -- speak and spell
9 your name, tell us your title, and who you work with.

10 So my name is John Manutes, J-o-h-n, M-a-n-u-t-e-s. I'm a
11 railroad accident investigator with the National Transportation
12 Safety Board.

13 Isaac?

14 MR. McKEITHEN: Isaac McKeithen, I-s-a-a-c, McKeithen,
15 M-c-K-e-i-t-h-e-n. I'm operating practices and a track inspector
16 with the Federal Railroad Administration.

17 MR. MANUTES: Thank you, sir.

18 Louie?

19 MR. COSTA: Yeah, my name is Louie Costa, L-o-u-i-e,
20 C-o-s-t-a. I'm the assistant coordinator of SMART Transportation
21 Division National Safety Team, and I'm the California state
22 legislative director for SMART Transportation Division.

23 MR. MANUTES: Thank you, Louie.

24 Ryan?

25 MR. RINGELMAN: Ryan Ringelman, R-y-a-n, R-i-n-g-e-l-m-a-n,

1 general director of system safety, BNSF Railway.

2 MR. MANUTES: And finally, Aaron?

3 MR. RATLEDGE: Aaron Ratledge, A-a-r-o-n, R-a-t-l-e-d-g-e,
4 operating practices and rules, BNSF.

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

6 And Brian, just for the record, could you do the same for us,
7 name, spell, and your title?

8 MR. FEATHERSTON: Brian Featherston, B-r-i-a-n, F-e-a-t-h-e-
9 r-s-t-o-n, senior trainmaster, BNSF.

10 MR. MANUTES: And we talked about this earlier. Sorry, I got
11 it out of order. May I call you Brian?

12 MR. FEATHERSTON: Yes.

13 MR. MANUTES: Okay. Thank you. Brian, do you have anybody
14 as your representative with you today?

15 MR. FEATHERSTON: No.

16 MR. MANUTES: Okay. And do I have permission to record this
17 interview with you?

18 MR. FEATHERSTON: Yes.

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

20 All right. Brian, if you could today, just we ask that you
21 answer all of the questions to the best of your recollection or
22 understanding, since we're -- this is a little bit of a -- more of
23 a fact-finding interview. If you don't understand a question, you
24 know, please ask for it to be repeated or explained. It might be
25 very difficult to hear today with Teams. If you misstate

1 something or you want to modify one of your answers, you're more
2 than welcome, you're encouraged to do so.

3 Does anybody have any questions before we sort of dive into
4 this?

5 Our strategy today will be I'll lead off with some questions,
6 and when I'm done with my line of questioning, we'll go around --
7 I'll try and keep the same order. We'll go around to everybody to
8 see if they have any follow-up questions. We'll do that twice.
9 Hopefully by then, we'll have had all of our questions answers.
10 Like I said, this is going to be -- I think we should probably
11 plan on another 40 minutes. I think we'll take the full hour
12 today. I'm not sure what you had scheduled. But we might go a
13 little bit faster than that. So if we're ready, I'd like to get
14 started. Okay.

15 INTERVIEW OF BRIAN FEATHERSTON

16 BY MR. MANUTES:

17 Q. So, Brian, if you don't mind, I'd like to just start
18 generally. If you could help us understand, just give us a brief
19 summary of your background, how you came to the railroad, other
20 positions or jobs that you've held with the railroad, and then
21 maybe tell us a little bit about the position you're at now.

22 A. All right. I started out with BNSF in 2001. I was a
23 conductor in the L.A. area. From being a conductor, I was offered
24 a position to be a manager down at Watson and the ports. I took
25 that position, worked as a temporary trainmaster, then got

1 promoted to an ATM down there at Watson and the ports. Then
2 became a trainmaster, worked down at the ports for many years,
3 then moved to Los Angeles. Worked in Los Angeles and then went to
4 La Mirada, and I have been at La Mirada for I believe the last 8
5 to 9 years as a senior trainmaster.

6 Q. Okay. Thank you. And ATM is assistant trainmaster?

7 A. That is correct.

8 Q. Okay. And when you say the ports, can you describe what the
9 ports means?

10 A. The ports is down in Long Beach, L.A. That's where the boats
11 come in, the big ships with all the containers. I would call that
12 the ports.

13 Q. All right. Thank you.

14 So, of course, these interviews today are in relation to a
15 tragic event. You know, on behalf of my colleagues and I, express
16 my condolences, our condolences, both to you, the BNSF family, the
17 SMART family, for the loss of Mr. Ellis.

18 Could you help me understand -- you know, I was out there
19 immediately following the accident. We were there for a couple of
20 days, but it's been a little while. I don't remember if we talked
21 while we were out there. Could you just help me understand your
22 familiarity with the accident, Mr. Ellis specifically, just so
23 that I have sort of a baseline so I know kind of what you know?

24 A. I wasn't first on scene. I arrived hours later, so I could
25 not tell you the start of the scene, what exactly happened. When

1 I arrived, they already had the fire department there. There was
2 some BNSF that was already on scene. When I arrived on scene, I
3 was told of what happened with Mr. Ellis, and then we just went
4 from there and waited for other parties to show up and the coroner
5 show up. And that's about what I have of the incident.

6 Q. Okay. Okay.

7 A. I was on my rest cycle and then got called in, in the
8 morning.

9 Q. Oh, okay. So like we talked about offline, there might be
10 some interest from you as a subject matter expert to explain for
11 the transcript and for the people on the team here, just describe
12 the La Mirada yard, both geographically -- grade, tracks, what's
13 it used for, how does it get used, you know, yard jobs, road jobs.
14 Can you just sort of explain the La Mirada yard for us?

15 A. Okay. La Mirada yard is a manifest yard. Manifest means we
16 have boxcars and tank cars that go to customers to spot them up,
17 to be offloaded. The train comes in at Buena Park. When we do a
18 set-out off of a BARLAC, they set the train out and then we bring
19 it up into La Mirada yard to switch it out. Now it's a continual
20 yard from La Mirada to Buena Park. We just have two separate
21 yards: a staging yard that's Buena Park, and La Mirada, which is
22 our switching yard.

23 We have our three morning crews that come on duty. We have
24 our three afternoon crews that come on duty that all have certain
25 customers to go to spot up. They each have either boxcars or tank

1 cars that they take with them, and we are a 24/7 operation at
2 La Mirada. And the --

3 Q. About how -- oh, go ahead. I don't want to interrupt.

4 A. No, the trains that come in, we do operate our BARLAC that
5 comes into Buena Park 7 days a week, and our LACBAR comes in -- we
6 do that 5 days a week. A LACBAR is a train that picks up empties
7 from La Mirada and takes them to Barstow. The BARLAC is a train
8 that comes from Barstow and sets out at La Mirada. Those are the
9 loads going to the customer.

10 Q. Okay. I think you covered it, but let's put it in one --
11 could you explain BARLAC and LACBAR, the symbols, what they mean,
12 where they go, briefly?

13 A. Okay. A BARLAC is a train that consists of loads, mostly
14 loads, that comes to La Mirada. It comes from Barstow. They
15 build the train out of Barstow, and it's all for our customer
16 spots. So that's a BARLAC that comes into the yard and sets out
17 in Buena Park. A LACBAR is an eastbound train that picks up at
18 La Mirada, and those consist of all the empties that we pull from
19 the customer, being boxcars or tank cars, and we ship them back
20 east and they go back to get reloaded.

21 Q. So BAR is Barstow and LAC is?

22 A. LAC is L.A., BAR is Barstow.

23 Q. Okay. Great. Thank you.

24 Could you describe physically the La Mirada yard a little bit
25 more for us? So like how long is it? You said it's one

1 continuous yard with Buena Park, so how long is it, how many
2 tracks is it, is it a bowl, is it a hump, is it -- you know, those
3 kind of details?

4 A. So Buena Park consists of four tracks. We call them 6801,
5 6802, 6803, and 6804. That is Buena Park. Each track has
6 different track lengths. La Mirada consists of 6331 through 6339,
7 and 6335 is our running track. That is a clear track.

8 So when you come in at Buena Park, you run in through Buena
9 Park 6803 and you use La Mirada 6335 as the runner. So it's
10 just -- it's one -- think of it as being like a city block long.
11 It is two different -- let's say two different blocks,
12 neighborhoods, let's say, for a visual. Two different
13 neighborhoods, but you can get to it from both ends. It's
14 continuous. It's not on the main line. It's off the main line in
15 the yard.

16 Q. Okay. And there's how many main lines in that area, would
17 you say?

18 A. On that area there we have three main lines and they do not
19 go into our yard.

20 Q. Okay.

21 A. You come off the main line into the yard.

22 MR. MANUTES: All right. I'm going to go off script for just
23 a second, Ryan. We had talked earlier about having a description
24 for the transcript. Is that about you wanted or do you have a
25 follow-up question specific to describing the yard?

1 MR. RINGELMAN: No. That, I think, was kind of the overview
2 that Frigo was looking for.

3 MR. MANUTES: Okay. Very good. Thank you.

4 BY MR. MANUTES:

5 Q. Brian, thank you for that. Could you describe for us the
6 training that conductors receive regarding how to spot cars?
7 Maybe describe, if you know, what the training looks like before
8 they get qualified out in your area and then what local training,
9 whether it's hands-on or classroom, do they get on, you know, the
10 physical acts -- how to spot cars, how to check for clearance
11 points, things like that. What does training look like on how to
12 spot cars properly?

13 A. So I'm not part of the training class, so I couldn't get into
14 detail of that. But they do go through a 12-week program on how
15 to spot cars, how to know to look for clearance points, anything
16 fouling, fouling tracks, how to replace knuckles, that is all
17 taught in class.

18 Q. And where is class? Is class in L.A. or is class in Fort
19 Worth or somewhere?

20 A. Class can be in different areas. So if you have an L.A.
21 class, it'll be -- it could be in L.A. or it could be in San
22 Bernardino, and it is in the field. They do have to do on-field
23 training with a training instructor. The training instructor will
24 show them how to put cars together. That's making a hook. That
25 means one boxcar and another boxcar go together and it's called

1 knuckles in between; they make a hook. They also show them what
2 the clearance points are, the best place to ride a car, and
3 anything to do with building a train, changing a knuckle, getting
4 on and off a car, that's all done also in the field with a
5 training instructor.

6 Q. And that training -- when you say in the field, that could be
7 really anywhere on the system, not necessarily in La Mirada?

8 A. Yes. It could be anywhere on the system. If you're in L.A.,
9 it's going to be in L.A. They're going to give you areas that
10 you're going to be working at.

11 Q. Okay.

12 A. And they also have -- they get training with other employees.
13 So before the employee finishes his class to become a full-fledged
14 conductor, he also goes into the field and works with other jobs.
15 They get on-the-field training.

16 Q. Okay. Is that the same training -- what you're describing as
17 like in the field, on-the-job training, is that the same as what
18 the other conductor was doing on this job, where he was a
19 qualified -- he was a qualified conductor but he was learning the
20 territory? Is that similar or different?

21 A. It is similar. He was getting familiarization. So
22 familiarization is the same. It's he's out in the area, he's
23 learning the area. He hasn't worked it in a while or he may be
24 new to the area, so we give them familiarization so that when they
25 come out here they know where they've been. They ride certain

1 trains. They work in certain yards. The area that they're going
2 to be marked up at working, if they're going to be in L.A., then
3 we'll put them on L.A. jobs. If they're going to be at Watson,
4 we'll put them on Watson jobs. If they're going to be at La
5 Mirada, they'll work some road switchers.

6 Q. Okay. As part of that training or familiarization, do you
7 know if spotting cars in the clear is discussed? Clearance
8 points, you know, how to follow those rules regarding making sure
9 your equipment is left in the clear of a switch? Do you know if
10 that's discussed?

11 A. Yes.

12 Q. Okay. Is that standard for the railroad? I mean or is it
13 different everywhere you -- you know, is clearance points in
14 La Mirada different than clearance points at Buena Park and
15 different than the port, different than Barstow, or is it all
16 pretty standard?

17 A. It's all standard. It's all the same.

18 Q. Can you describe how that's determined?

19 A. A clearance point?

20 Q. Yeah.

21 A. A clearance point is determined by so many feet. I could not
22 tell you the exact numbers. Isaac might be able to tell you. I
23 believe, Isaac, is it 8½, 9 feet from the curve, FRA standards?

24 Each track has a clearance point on there, and if a clearance
25 point isn't designated, then you've got to follow, per your rule,

1 you need to stop and spot that car so many feet away from a
2 clearance point -- a curve, a switch.

3 Q. Okay. Okay. So let's maybe change gears a little bit. Do
4 you have a role as trainmaster in efficiency testing? Do you call
5 it efficiency testing at BNSF? You know what I'm talking about,
6 operational testing. Do you have a role in that in your area?

7 A. Yes.

8 Q. You conduct efficiency tests?

9 A. Yes.

10 Q. And do you supervise people who also conduct their own
11 efficiency tests, other managers?

12 A. We go out and do operations testing teams with other
13 managers, road foremen. So it would be a group.

14 Q. Is it always a big group or -- I'm sorry. I shouldn't say
15 big. Is it always a group or do you also do testing on your own?

16 A. We do testing on our own also.

17 Q. Okay. So could you describe for us maybe how efficiency
18 testing works? Do you have a program that you follow or do you
19 determine yourself what tests you want to conduct? Maybe explain
20 to us how efficiency testing works for you and your team in the
21 La Mirada area.

22 A. So efficiency testing in La Mirada area, I'll go out there
23 and observe a crew, watch, making sure that if they're going in
24 between cars they're saying the proper verbiage, the rules that we
25 have, that they're tying handbrakes, they are spotting cars in the

1 clear of clearance points, not leaving cars out to foul, not
2 running. There's just -- there's different tests that we observe
3 while we're out there.

4 Q. So to put it another way, you monitor the crew to make sure
5 they're following the rules?

6 A. That is correct.

7 Q. And what happens if you find them not following the rules?

8 A. Depending on the rule, they'll get a verbal violation, which
9 then will go onto their record. And if it's one of a deadly, like
10 going between, leaving cars out to foul, running, the crew can be
11 pulled from service and an investigation started.

12 Q. How often is efficiency testing -- how often do you conduct
13 efficiency testing?

14 A. Well, you do efficiency testing every day you're out there.
15 You may not input the test in there, but you've always been taught
16 as a manager, when you're out there, you're always looking for the
17 safety of other employees. So you're always looking at what
18 they're doing, and if you see something, you go up and talk to
19 them. Yeah, they may put their sunglasses on top of their
20 forehead, and then you go up to them, put your safety glasses
21 down, and they understand. But you're always observing and
22 watching when you're out there.

23 Q. Do you have a minimum number of tests you do need to input in
24 a, say, week, month, quarter?

25 A. There is a minimum that you have to input per month.

1 Q. Okay. Is that -- where would you look for that? Now is that
2 number in a program you follow or is that --

3 A. Yes. It's in a program. Correct.

4 Q. And as part of that program, are there certain numbers of
5 tests that need to be done for certain rules in particular,
6 radios, clearance points? Or --

7 A. I mean, yeah, you got to have a certain number of 100 series
8 tests, a certain number of 200 series, and each series is
9 different. Nights, weekends --

10 Q. Yeah, could you describe the series a little bit more for us?
11 I'm not familiar with that.

12 A. So you can have the 100 series tests, what could be your
13 deadlies: you're running, you're going in between, anything that
14 has to do with a deadly decision. Your 600 will be something to
15 the effect of radio procedures, could be a 600 series, electronic
16 devices in the field. Each test has their own rule specified with
17 it.

18 Q. Do you have employees, like assistant trainmasters or other
19 managers, that you supervise or do they report to other people?

20 A. Yes. I have one trainmaster.

21 Q. And do you -- does he conduct efficiency testing, he or she?

22 A. Yes. She does.

23 Q. And does -- do you test with her sometimes?

24 A. Yes. Sometimes, yes.

25 Q. And do you train her on how to do efficiency testing?

1 A. She had been trained already.

2 Q. Okay. So could you describe briefly then how are managers
3 and trainmasters -- I should say how are -- you can see my old UP
4 nomenclature creeping back in, right? How are trainmasters
5 trained on how to conduct efficiency testing?

6 A. Well, it's been a while since I got trained. We did go to a
7 class for training, and that's where you learn the testing, going
8 out there. You could not test on your own. You had to be
9 qualified with a road foreman and learn the rules of testing first
10 before you can go out there. So you cannot just go out and test.
11 You have to be qualified as a manager.

12 Q. And once you're qualified, you're qualified forever unless --
13 I guess something could happen.

14 A. Correct. But new rules come into effect. So as the new
15 rules come into effect, you need to read up on those and then you
16 have to look to see what changes have had. And those rules come
17 out and we get updates on those.

18 Q. Okay. So you've been in La Mirada for 8 or 9 years. Would
19 you say that efficiency testing has improved over that time,
20 gotten worse over that time, stayed about the same, as far as
21 number of tests, quality of tests, effectiveness of the tests?
22 How has it changed over the years?

23 A. Well, it's not just about testing. It's about the nature of
24 your employees there also, the rapport you have with your group.
25 We have a great safety number at La Mirada. The guys really, they

1 watch each other's back. They watch and make sure if they see
2 something, they say something. So boots on the ground, I'm --
3 that's -- I'm a real -- I'm a manager. I'm a stickler with that.
4 I believe that we should be out with the crews. I believe over
5 time, since I've been there, it has improved. It's done very
6 well.

7 Q. Okay. Thank you. When you first got your position at La
8 Mirada 8 or 9 years ago, how many -- was there still just one
9 trainmaster that you supervised or were there more or less
10 trainmasters that you supervised?

11 A. It's changed over time. So when I got there, there was two.
12 And back then it wasn't trainmasters. It was ATMs, which is
13 assistant trainmasters.

14 Q. Okay. Was it ever more than two assistant trainmasters or
15 trainmasters?

16 A. No, just -- there at La Mirada, just two more. So three
17 total including myself.

18 Q. Yeah. And now it's two --

19 A. Two.

20 Q. -- so it's one plus one, right?

21 A. Yes.

22 Q. But you're both trainmasters?

23 A. Yes. So the one trainmaster, when we had three, was also
24 considered a rover. So that trainmaster would help out here and
25 San Diego. Yeah.

1 Q. San Diego. Pretty good territory then?

2 A. Yes.

3 Q. Okay. Are employees in La Mirada encouraged to report unsafe
4 conditions or behavior that they see and how does that work?
5 Could you just -- assuming they're encouraged to do that, how does
6 that work?

7 A. So we have SIRP form. That's a safety issue resolution log
8 that they can submit to us. And if they have any issues of
9 overgrown trees, uneven ballast, they can drop that off with a
10 trainmaster and the trainmaster can input it into the system, and
11 then we can go from there and have either mechanical or it can
12 have track department fix the area. And if it needs to be fixed
13 right away, we pull the track out of service.

14 So we have a great rapport of working conditions with the
15 crews to where they're able to come up and tell myself or the
16 other trainmaster, hey, we have this issue with a overgrown tree.
17 We're able to call up mechanical or track department. They'll
18 come over there right away and cut it. It's -- we get our issues
19 resolved pretty quick.

20 Q. Okay. All right. Thank you for that. Is that tracked on a
21 log, like a -- so there's a closeout. Do you review it
22 occasionally?

23 A. Yes.

24 MR. MANUTES: Okay. Okay. So I think that's all I have for
25 my first round of questions. I really appreciate your candid

1 answers in helping us out.

2 I'm going to try to just stick with my list just so I don't
3 forget anybody. So I'm going to go to Isaac next and see if he
4 has any questions.

5 MR. McKEITHEN: Oh, yeah, actually I have one.

6 BY MR. McKEITHEN:

7 Q. Brian, are you and Ashley the only two managers that actually
8 perform tests at La Mirada?

9 A. No.

10 Q. Can you -- so the other managers that test at La Mirada, are
11 they -- what positions are they? Are they the road foreman and
12 the superintendent or just the road foreman that can come in?

13 A. Anybody can come in and test at La Mirada, any road foreman,
14 superintendent, manager.

15 MR. McKEITHEN: Okay. That's all I have, John.

16 MR. MANUTES: All right. Good question, Isaac. Thank you
17 for that.

18 And I should have said for the transcriptionist, please
19 restate your name before you start your round of questions,
20 even -- although it's a little different since I'm calling on
21 people instead of sitting around a table. So that was Isaac with
22 the FRA.

23 Louie, I've got you next on my list.

24 MR. COSTA: Yeah, Louie Costa, SMART TD.

25 Hey, Brian, how you doing?

1 MR. FEATHERSTON: Pretty good. Thanks.

2 BY MR. COSTA:

3 Q. Just a couple of quick questions just for my own knowledge
4 here. Is the BARLAC and the LACBAR the only two train symbols
5 that set out at La Mirada?

6 A. Yes.

7 Q. How many of those are there a week? Are they daily, are they
8 weekly, or --

9 A. So the BARLAC, which is the Barstow to Los Angeles, that sets
10 out 7 days a week.

11 Q. Seven days a week. Okay.

12 A. The LACBAR, which is Los Angeles to Barstow, picks up 5 days
13 a week.

14 Q. Okay. And so on the BARLAC, where will that train -- will it
15 terminate at Watson, does it terminate in L.A. somewhere, or is it
16 Bernardino? Where does that train terminate?

17 A. It terminates at the LAJ.

18 Q. LAJ, okay. And is the piece of track that comes through
19 La Mirada, if you go on duty at San Bernardino, for instance, on a
20 train, does it run through La Mirada? If you go on duty at Watson
21 on a train, does it run through La Mirada? Is that a portion of
22 the main track that goes straight to Barstow and then it branches
23 once it gets beyond there, going west?

24 A. Oh, I don't know what you mean. Do you mean on the main line
25 outside La Mirada?

1 Q. Correct.

2 A. Yeah. So if you got on a train in L.A., you'll be on the
3 main line and you will pass La Mirada. If you got on a train at
4 San Bernardino taking it to L.A., vice versa, you'll pass La
5 Mirada.

6 Q. And Watson would be the same? If you go on duty at Watson,
7 you would go through La Mirada? So three different locations
8 where a road crew can originate in but they'll all run through
9 La Mirada on the way to Barstow?

10 A. Correct.

11 MR. COSTA: Okay. Okay. That's about all I have, John.

12 So thanks -- thanks, Brian.

13 MR. MANUTES: Okay. Thanks.

14 Ryan, would you like to ask any questions?

15 MR. RINGELMAN: I think on this round I'll pass and defer to
16 Aaron for his questions.

17 MR. MANUTES: All right. Aaron?

18 MR. RATLEDGE: Yep. This Aaron Ratledge, R-a-t-l-e-d-g-e,
19 with BNSF Railway.

20 BY MR. RATLEDGE:

21 Q. Brian, appreciate your time and the candid answers and
22 everything. So the advanced operations testing that we require
23 our managers to go through every 3 years, have you done that yet?

24 A. It's continual, so I'm always testing. Right now I'm going
25 through the testing again right now on the computer. Yes.

1 Q. Okay. And we had -- I know we had to switch to virtual due
2 to Covid. You can't have a meeting or go throughout a day without
3 saying Covid 18,000 times, it seems like.

4 Yeah, I just -- I know previous to Covid we were sending our
5 officers to Kansas City for -- every 3 years for advanced
6 operations testing just to keep everybody in speed and -- up to
7 speed on everything that's going on. I just wasn't sure if you
8 had attended that yet or not, so -- I appreciate --

9 A. No. Because of Covid, yes, it -- unfortunately.

10 MR. RATLEDGE: Okay. That's all the questions I have,
11 Mr. Manutes.

12 MR. MANUTES: Okay. Thanks, Aaron.

13 I guess I have one follow-up. This will be the start of our
14 second round, so if anybody's got any questions after this round,
15 you'll have lost your chance.

16 BY MR. MANUTES:

17 Q. Brian -- which means there's a light at the end of the tunnel
18 here, Brian, thankfully for you, I'm sure.

19 Are there any changes in the La Mirada yard since this
20 accident? I'm thinking of -- let me just ask you these
21 individually. Has there been any increased training in La Mirada?

22 A. For increased training, we have a different rule change.
23 That's it.

24 Q. Okay. Could you tell me more about that rule change?

25 A. The rule change -- I don't have the rule in front of me, so I

1 wouldn't be able to give you the exact specifics on it. It's
2 about riding equipment, if it's -- I don't want to state the wrong
3 stuff so I don't want to say without the paperwork in front of me.

4 Q. Okay. That's fair.

5 A. It's just how you're riding the car and where you should ride
6 the car.

7 MR. MANUTES: For Ryan or Aaron, do you know if Ryan has a
8 copy of that new rule or rule change?

9 MR. RINGELMAN: I don't know. I don't believe I've sent it
10 to him, but we certainly can.

11 MR. MANUTES: All right. Let's post that as a -- I'll post
12 that as a follow-up for later.

13 BY MR. MANUTES:

14 Q. Is that rule change, Brian, specific to the La Mirada yard or
15 is that system?

16 A. That's system.

17 Q. System? Okay. Do you know the number offhand?

18 A. No, I don't.

19 Q. Okay. Was there any change post-accident with increased
20 testing or testing for -- testing more for maybe specific rules
21 with regard to clearance points or riding cars or radio rules?
22 Was there any change to the testing plan?

23 A. No.

24 Q. Okay. And was there any change to the way trains come in off
25 the main line? We had talked a lot about the counter being set to

1 ensure that the main line was cleared. Do we know if anything
2 changed -- is the counter, you know, started at a different place
3 or anything like that, or any changes to how you bring cars in off
4 the main line?

5 A. No.

6 MR. MANUTES: Okay. All right. I'm going to have one more
7 last question when everybody's done, but I don't have any others.

8 So, Isaac, would you like to ask any follow-ups?

9 MR. McKEITHEN: Isaac McKeithen. No, I don't have any
10 follow-ups.

11 MR. MANUTES: All right. Thanks.

12 Louie?

13 MR. COSTA: I do. Louie Costa.

14 BY MR. COSTA:

15 Q. Just to clarify, so after the fatality there's been a riding
16 car rule change systemwide on the BNSF; is that correct?

17 A. Yes.

18 Q. Okay. And that would have come out to crews via General
19 Order or a general notice, or how was that sent out?

20 A. So it's in your -- I believe it's in the General Order. I
21 could be mistaken. But also, we did do briefings.

22 Q. Okay. I'm just curious because I'm not quite sure I saw that
23 or not. Do you know -- can you tell us what changed within the
24 rule? I mean, it's got to be in the, what, TY&E Safety Rules,
25 13.1.5 or something like that, or somewhere around there, is that

1 the riding rule? My memory's not that great, but --

2 A. But it's not just specific to La Mirada. It's all locations.
3 It's riding equipment, if you have equipment -- like you don't
4 want to get on a boxcar and ride back five cars. It's --

5 MR. RATLEDGE: We can get you a copy of it, Louie, if you
6 want us to. I'd hate to try to get him to go through memory here.

7 MR. COSTA: I was just curious. I can probably look it up.
8 I just hadn't -- I wasn't aware that the rule had changed.

9 MR. RATLEDGE: Yeah. It's out there. Yeah, it's out there.
10 It's in the General Orders. It's already updated in the Living
11 Rulebook and everything. You can access it.

12 MR. COSTA: Okay. But it wasn't specific to -- was it
13 specific to the type car that was involved in the La Mirada
14 accident or just --

15 MR. RATLEDGE: No.

16 MR. COSTA: No?

17 MR. FEATHERSTON: No.

18 BY MR. COSTA:

19 Q. Okay. Then just one more follow-up. So you had mentioned
20 the training program early on in your first questions with John.
21 How many weeks at these locations are conductor trainees given the
22 road training and how many are, you know, assigned to yards? So
23 I'm assuming Los Angeles has a yard, San Bernardino has a yard.
24 You mentioned road switches at La Mirada, which must be what the
25 three -- or the six jobs there are. So what portion of their

1 training is over the road, through freight, L.A. to Barstow, San
2 Bernardino to Barstow, Watson to Barstow?

3 A. Each person is taken on individual cases, so I couldn't give
4 you an exact, saying that every single person gets four trips at
5 La Mirada, no.

6 Q. Okay. But how many -- so of the 12-week or 13-week program,
7 how many weeks are allocated towards over-the-road training,
8 through-freight training?

9 A. I don't run that program, so I don't know exactly how many
10 are on that.

11 MR. COSTA: Okay. Thanks. That's all I have, John.

12 Thanks, Brian.

13 MR. MANUTES: Okay, Louie. Thanks.

14 Ryan, do you want to go next or do you want me to take it to
15 Aaron and come back to you? Give you a choice.

16 MR. RINGELMAN: I'll go quickly. Just one follow-up
17 question.

18 MR. MANUTES: This is Ryan.

19 MR. RINGELMAN: Oh, sorry. Ryan Ringelman.

20 BY MR. RINGELMAN:

21 Q. One quick question, follow-up on the SIRP process. Can you
22 just talk -- so you talked about the form that gets filled out.
23 If somebody fills out a form or an SIRP, then can you kind of talk
24 through the process that happens after that? You receive it and
25 then what becomes of it?

1 A. So if I receive an SIRP -- let's go, for an example, we have
2 overgrown bushes. So a crew turns in -- fills out a form and puts
3 his name; conductor, brakeman, engineer. He puts the location of
4 the overgrown bushes. He turns the paperwork in to myself or the
5 other trainmaster. We'll input that into the system and,
6 depending on location, if the overgrown bushes that he turned in
7 are fouling the track, we immediately pull the track out of
8 service for safety reasons. Then we get in touch with track
9 department and we let them know we have an SIRP turned in for this
10 location, please send someone over. And then he immediately will
11 set up a day to have trimmers come out there and trim the bushes.
12 Once the area has been done and I get confirmation, then I go out
13 there myself, or another trainmaster physically verifies it, and
14 then we can close the SIRP out and inform the crew that turned it
15 in. He also gets an email saying his SIRP has now been closed out
16 and the area has been fixed.

17 MR. MANUTES: Yeah, you're mute --

18 MR. RINGELMAN: Sorry. I had an engine idling next to me.

19 BY MR. RINGELMAN:

20 Q. So it's a closed-loop process, where once that gets turned
21 in, it gets assigned to somebody, and then there is oversight and
22 reporting to ensure that it gets closed out appropriately and
23 timely?

24 A. That is correct.

25 MR. RINGELMAN: Okay. Thank you. Good move.

1 That's all I have.

2 MR. MANUTES: Okay. Aaron?

3 MR. RATLEDGE: No, sir.

4 MR. MANUTES: Okay. I do have a couple follow-ups based on
5 some of this.

6 BY MR. MANUTES:

7 Q. Brian, in your estimation, who does the most -- what
8 position, what -- trainmaster, superintendent, road foreman, who
9 does the most testing in the La Mirada yard? Is it you or is it
10 somebody else?

11 A. I couldn't give you an estimate on there because I don't know
12 what other testing might be done. If a road foreman comes in or a
13 superintendent comes in, they don't have to divulge that they're
14 in the yard. They might just want to go out and just talk to the
15 crews. So I could not give you an estimate on who does the most
16 testing.

17 Q. Okay. That's fair. Thank you.

18 And then unrelated, since we're just doing follow-ups -- I
19 know I'm bouncing all over. I apologize. And this one's a little
20 bit longer form. I might've wanted to ask it earlier than this.
21 Could you describe -- or using your experience as a conductor and
22 all your time in La Mirada, explain to us, you know, how this move
23 should be done. So we understand that the BARLAC comes in and it
24 comes into the Buena Park yard. Can you sort of just walk us
25 through the steps that a conductor might take to spot the cars

1 there in La Mirada?

2 A. All right. So if you're on the BARLAC, you have to make a
3 set-out there in the La Mirada area, which we call Buena Park
4 yard. The conductor will come in the yard. He'll come in at
5 Buena Park. He'll take their train through a clear track through
6 Buena Park, which is usually track 6803. Then they will be on the
7 west end of Buena Park. Depending on how many cars they have,
8 they'll have to set out in either track 2 -- 6802 or 6801.
9 They'll have to -- if they have -- let's say they have 40 cars
10 that they need to put into the track. You will end up riding the
11 point, and you will be riding the point from west to east and set
12 them into a track which will be, let's say, 6802, and if you have
13 any balance, you'll go into 6801.

14 Majority of the conductors -- it just depends on how many
15 cars you have to set out. You can break it into two tracks so
16 that you can watch the point from the top end of the yard and
17 shove into one track then shove into another track, if you have a
18 small handle.

19 Q. Okay. And so -- a handle is a cut of cars?

20 A. Correct.

21 Q. And so that's a cut of cars behind your engines that you're
22 going to set out, that's a handle. So if you're -- so in the last
23 little bit that you described there, if you're going to watch the
24 point -- if you're going to watch the shove from the top end with
25 a short handle, does that mean you don't ride cars back?

1 A. That is correct. You'll watch the point from the ground.

2 Q. And would you say that the BARLAC the night of -- with

3 Mr. Ellis, did Mr. Ellis have a short handle or a long handle?

4 A. He had a short handle to where he would have overflow into
5 another track.

6 Q. So might have he watched this shove from the ground and not
7 on a car? Is that what you're describing or do I misunderstand?

8 A. So the amount of cars that he had, you could've watched --
9 let's see. He had -- you have to make sure you don't lose the
10 visual on his -- on the point --

11 Q. Right.

12 A. -- when you're shoving back. He had too many cars to fit
13 into the one track, so he had to put them into another track
14 anyway. So why would you shove an entire track back when you
15 could've split the train and put them in just the two tracks?

16 Q. Split it maybe halfway or something like that --

17 A. Yes.

18 Q. -- and kept the visual the whole time?

19 A. Correct.

20 Q. Do you want to speculate on why he would've done that? I
21 don't know the answer.

22 A. No.

23 Q. No. I don't either. Okay. Interesting.

24 And I was looking for my map. I know we don't have one in
25 front of us today. Did you say that the clear track is usually

1 6803?

2 A. Correct.

3 Q. Was that the clear track that night? I don't remember.

4 A. I don't remember. I believe so, yes.

5 Q. Okay. All right.

6 MR. RINGELMAN: I believe it was. This is Ryan. I believe
7 it was, and then it dipped down into 4 track and then came back up
8 the 2 track.

9 MR. MANUTES: Yeah. Okay. That sounds correct.

10 MR. RINGELMAN: That's all correct?

11 MR. FEATHERSTON: Yes. Yes.

12 MR. MANUTES: I don't -- sorry. Give me just a second.

13 Okay. I think we covered that pretty well.

14 BY MR. MANUTES:

15 Q. As a -- one last one. As a trainmaster or a conductor, do
16 you take any exception or concern to the position of where the
17 rear locomotive, the DPUs, were left on the portion that was going
18 to continue on that night?

19 A. Well, where the DP was left, it could've actually been pulled
20 up even more because it was not fouling the top end of the yard.
21 So the cut was made a little too low. The DP was in the clear of
22 the main line, but it was not in the clear of course 6802.

23 Q. Would you have taken that -- now it maybe -- what I heard you
24 say was maybe it could've been done better. Would you have taken
25 that as an exception to a rule, where it was left, if you'd have

1 been out there efficiency testing that night?

2 A. No. He did not leave it out.

3 Q. Yeah. Okay.

4 MR. MANUTES: All right. I don't have any, but since I took
5 the opportunity to give myself a third round, we'll go around the
6 horn one more time.

7 Isaac, do you have anything for a third round?

8 BY MR. McKEITHEN:

9 Q. This is Isaac McKeithen. Brian, in your best -- how do I
10 want to say this? How many -- how often do you test or know of
11 testing, operational testing conducted at night at Buena Park?

12 A. It varies. Each officer -- I can't speak for other road
13 foremen or other officers that are testing, but there is testing
14 done at night.

15 Q. Do you have a percentage that you try and accomplish in any
16 given month for night testing at either La Mirada or Buena Park?

17 A. There isn't a set percentage that you have to say I need to
18 get five tests done or -- and it's not about like the testing
19 going at night. It's the quality of tests.

20 MR. McKEITHEN: Okay. That's all I have, John.

21 MR. MANUTES: Okay. Thanks, Isaac.

22 Louie, do you have any follow-ups?

23 MR. COSTA: Yeah, just real quick.

24 BY MR. COSTA:

25 Q. So just to go back on the move there and the number of cars.

1 So if I'm -- if he's going to set out enough cars only that will
2 fit in that track, for instance. So let's say they didn't have
3 overflow to go to another track but it was all going to fit into
4 one track. From the ground, you're not comfortable shoving 25
5 cars in the dark. I would not be. I would imagine that no one
6 would be (indiscernible) protect the point in that situation.

7 So at this location, even though they would all fit in one
8 track, it would be acceptable to split that into two different 12-
9 car set-outs so that you could just stay on the ground, and fill
10 up two tracks where it all would fit into one?

11 A. Yes.

12 MR. COSTA: Okay. Thanks. That's all.

13 MR. MANUTES: Okay. Ryan?

14 MR. RINGELMAN: Ryan Ringelman.

15 BY MR. RINGELMAN:

16 Q. Yeah, and I know this is not -- you know, you're not in
17 charge of operations testing, but to the extent we've talked about
18 it a little bit here, could we maybe go back and talk a little bit
19 about -- and you don't need specifics, but you talked about Series
20 100, Series 200, Series 300 type tests. Are there expectations --
21 there's a total expectation that you get every month; is that
22 accurate?

23 A. Yes.

24 Q. And then there are -- and you don't need the numbers or
25 percentages, but there are expectations around individual or at

1 least team testing?

2 A. Yes.

3 Q. And then there are expectations around locations that those
4 testings might occur?

5 A. Yes.

6 Q. And then time of day -- night, daylight, team testing at
7 night, things like that, you get a report or an expectation list
8 every month that says I've got to do X number of tests at night, X
9 number of tests during the day at a minimum, right?

10 A. Yes.

11 Q. Is that all accurate? Okay.

12 A. Yes.

13 Q. Thank you. Good, good --

14 MR. MANUTES: Okay. Aaron?

15 MR. RATLEDGE: No, sir, not at this time.

16 MR. MANUTES: Okay. Anybody else have anything for Brian?

17 Seeing nothing. Okay. Great.

18 BY MR. MANUTES:

19 Q. So my one last question, Brian, is the same one that I ask
20 everybody that we interview. Based on what you know about the
21 accident and the tragic events that happened that day, is there
22 anything that you think the team needs to know that could've
23 prevented the accident or are there improvements that need to be
24 made based on this accident to prevent it from happening again?

25 A. No.

1 Q. Okay. Thank you. I will provide you my contact information
2 via email here today. If you have any questions or want
3 additional information on the process, you can contact me at any
4 time.

5 Do you have anything else you'd like to say? Are there
6 questions we should have asked that you'd like to answer that we
7 forgot to do?

8 A. No.

9 MR. MANUTES: Okay. Well, thank you very much for your time.
10 With that, I will end the recording, but if we could stay for just
11 a second after I end the recording, it'd be helpful. And it's
12 going to take me a second to find the button.

13 (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 RAILWAY EMPLOYEE FATALITY
 IN LA MIRADA, CALIFORNIA
 ON MARCH 3, 2021
 Interview of Brian Featherston

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