

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.: RRD21LR008

CALIFORNIA ON MARCH 3, 2021 *

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Interview of: DANIEL GEISS, Conductor
BNSF Railway

BRYON WHITAKER, Conductor
BNSF Railway

Via Microsoft Teams

Tuesday,
September 14, 2021

APPEARANCES:

JOHN MANUTES, Rail Accident Investigator
National Transportation Safety Board

ISAAC McKEITHEN, Operating Practices
Federal Railroad Administration

LOUIE COSTA, Assistant Coordinator, National Safety Team
and California Legislative Director
SMART Transportation Division

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

RYAN RINGELMAN, General Director System Safety
BNSF Railway

ASA FULLER, Chairman
SMART TD, Los Angeles

I N T E R V I E W

1
2 MR. MANUTES: Okay. Good morning. My name is John Manutes.
3 I'm an investigator with the National Transportation Safety Board.
4 Today is Tuesday, September 14th, 2021, and we are speaking
5 remotely via Microsoft Teams. This interview is being conducted
6 in reference to NTSB Accident No. RRD21FR008, an employee fatality
7 at BNSF Railway in La Mirada, California on March 3rd, 2021.

8 The NTSB is an independent federal agency charged with
9 determined the probable causes of transportation accidents, and
10 promoting transportation safety. It is not part of the DOT, FRA
11 or any other regulatory agency. The NTSB has no regulatory or
12 enforcement powers. We will publish recommendations to any
13 parties, such as federal or state agencies, railroads, labor
14 unions, et cetera, that we believe can act on those
15 recommendations to prevent accidents from happening in the future.

16 There are several phases to the processes. We are currently
17 in the fact-finding phase. We'll move on to the analysis,
18 probable cause determination and recommendation phase.

19 Today we are here to speak with Daniel Geiss and
20 Byron Whitaker, both conductors for BNSF Railway.

21 Before we officially begin, we will 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 certain individuals

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

4 Since we're on Teams, we'll try to speak clearly into the
5 microphones. To try to prevent party members from talking over
6 each other, I'll call on individuals at certain times where -- if
7 we were in person, it would be easy just to go around a table.
8 It's just a little harder remotely.

9 I'll start. I'm going -- we're going to say our names, spell
10 our names, say who we're with, what our title is, and, like I
11 said, I'll call on people as we go around here.

12 So my name is John Manutes, J-o-h-n M-a-n-u-t-e-s, Railroad
13 Accident Investigator with the NTSB.

14 Isaac?

15 MR. MCKEITHEN: Isaac McKeithen, Operating (indiscernible)
16 and Track Inspector, Federal Railroad Administration.

17 MR. MANUTES: Thank you, Isaac.

18 Lou?

19 MR. COSTA: Yeah, Louie Costa, L-o-u-i-e C-o-s-t-a, SMART TD
20 National Safety Team Coordinator -- Assistant Coordinator and
21 State Legislative Director.

22 MR. MANUTES: Thanks.

23 Ryan?

24 MR. RINGLEMAN: Ryan Ringelman, R-y-a-n R-i-n-g-e-l-m-a-n,
25 General Director of System Safety, BNSF.

1 MR. MANUTES: Thanks.

2 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, Fort Worth.

5 MR. MANUTES: All right, thank you. Since we've got a
6 crowded room over there, I'm going to do this part first.

7 Daniel, would you please say and spell your name and your
8 title?

9 MR. GEISS: It's Daniel Geiss, D-a-n-i-e-l G-e-i-s-s, and I'm
10 a conductor for the BNSF Railroad.

11 MR. MANUTES: Thank you, Daniel.

12 Byron?

13 MR. WHITAKER: Byron Whitaker, B-y-r-o-n W-h-i-t-a-k-e-r,
14 conductor for BNSF.

15 MR. MANUTES: Okay. And before we get to Asa, thank you
16 both, Byron and Daniel. Do you have anybody with you today as
17 your representative?

18 MR. GEISS: Yes, Asa.

19 MR. MANUTES: Okay. So Asa's here.

20 Asa, if you could step close to the mic and just give us your
21 name, spelling, who you're with.

22 MR. FULLER: Okay. Asa Fuller, A-s-a F-u-l-l-e-r. I'm the
23 local chairman out of Los Angeles for the SMART TD, and I'm
24 representing Mr. Geiss and Mr. Whitaker today in this interview.

25 MR. MANUTES: Thank you.

1 Okay. And, finally, Byron and Daniel, do I have your
2 permission to record this interview today?

3 MR. WHITAKER: Yes.

4 MR. GEISS: Yes.

5 MR. MANUTES: All right, great. Thank you.

6 So all we ask is that you answer the questions to the best of
7 your recollection or knowledge. If you don't understand a
8 question, please ask for it to be repeated or explained. If you
9 realize later on that you misstated something or you want to
10 modify one of your answers, we encourage you to do so. It'd be
11 easier to do it today on one recording than it is to try and do it
12 later.

13 MR. GEISS: Okay.

14 MR. MANUTES: So we're just about ready to actually get
15 started. We're going to be juggling a little bit. I think we'll
16 -- sort of the ground rules will be, I'm going to ask a series of
17 questions. Probably, at least to start, it's going to be just the
18 same question to both of you; get your background, a little bit of
19 understanding of where you come from. We'll go through a few
20 questions, probably both of you together, and then we'll send it
21 around the table to allow everybody else to either ask follow-up
22 questions or their own questions. We'll do that, as a plan,
23 twice, and we'll see where we're at after that. That sound good?

24 MR. WHITAKER: Yeah.

25 MR. GEISS: All right.

1 MR. MANUTES: That work for you? Okay.

2 So I don't know where to start. Let's start with Daniel. If
3 you could, just tell us a little bit about your background; you
4 know, when did you come to the railroad, how long have you been at
5 the railroad, what jobs have you held, how did you -- you know,
6 and then maybe lead up to where you're at now and what your
7 position is now.

8 MR. GEISS: Okay. I hired out in 2012, March, as a
9 conductor. I finished my training, did my OJD. I've worked in
10 the yard, I've worked on the road, but mostly, even up till now,
11 it's just been on the road. I've worked the extra board now and
12 then, and I worked in the yard probably about 11 months of the ten
13 years that I've been here. I'm on the road currently.

14 MR. MANUTES: Okay. And when you say "on the road," you
15 know --

16 MR. GEISS: I'm on the LAID (ph.) pulls?

17 MR. MANUTES: Tell me a little bit more about that as if I
18 haven't railroaded.

19 MR. GEISS: Okay. Well, I get on a train, either
20 (indiscernible) or down the ports by Watson, and I take that train
21 to Barstow and then do my rest in the hotel and bring a train
22 back.

23 MR. MANUTES: Okay, thank you.

24 Byron, sir, same question; a little bit of background, where
25 have you been, how'd you get here, what are doing now?

1 MR. WHITAKER: All right. Hired up in '03, and, like Dan
2 said, did my training and then came out and did my OJT. I didn't
3 work LAR because I live in the high desert. I live -- I'm 15
4 minutes away, so I didn't come to L.A. until I could hold the road
5 full time. I've worked multiple terminals: L.A., San Bernardino,
6 Texas, Nebraska. So I've been out and about a little bit.
7 Currently working the LAID pulls as well, from L.A. to Barstow.

8 MR. MANUTES: So your experience is a little bit different.
9 It reminds me a little bit about the familiarizing conductor the
10 night of the accident. He'd kind of been everywhere too. You've
11 worked a lot of different yards, held a lot of different pulls.

12 Is that true for you too, Daniel, or is most of your time
13 there in that area?

14 MR. GEISS: I've been strictly in L.A. and at Watson, yes.

15 MR. MANUTES: Okay. So let me mix this up a little bit.
16 Byron, I'll start with you this time.

17 MR. WHITAKER: All right.

18 MR. MANUTES: You've got a lot of experience in different
19 yards and different areas. When you go --

20 And I don't want to sound like I'm accusing anybody of
21 anything. This is to help me build my understanding. So whether
22 -- if you don't know, or if I ask a question that is just so out
23 there and doesn't make any sense, I want you to tell me that, but
24 I'm trying to build my understanding of how we learn in this
25 industry, how do we train in this industry. I really want to be

1 able to make some recommendations, if they're necessary, that make
2 sense, right? There's nothing worse than the NTSB coming out and
3 saying, you know, if the BNSF would just paint their locomotives
4 pink, you know, we'd solve world hunger. We don't want to do
5 that. We want to make recommendations that make sense that are
6 based on everybody's experience. So that's where I'm going with
7 this. I'm not accusing you -- you guys aren't being accused of
8 anything whatsoever.

9 But I'd like to know, if you go from yard to yard to yard --
10 you're in Nebraska one week, and next week, you're down in Texas,
11 how do you learn? Walk me through the process about how you learn
12 where cars are going to be set out. Somebody says, you know, this
13 week we need to put cars in Lincoln yard, and last week you were
14 in Fort Worth. You know, how do you know what that means as a
15 qualified conductor who's new to a territory? Can you walk me
16 through what that looks like?

17 MR. WHITAKER: Well, you don't honestly. So, literally, you
18 would -- from my -- let's take Nebraska, for example. When I went
19 out to Nebraska, they gave us a training period, and I already
20 knew where I was going to work. I was going to be on the south
21 end, going from Alliance to -- anyway, so I trained -- I mean, I
22 did the full training that they did, and then I focused on where I
23 was going to be working at; sightings (ph.) and switches and
24 speeds and what have you going in that direction, because that's
25 where I was going to be working. Same with Texas. They only give

1 you, when it comes to training when you're transferring from one
2 point to another, a certain amount of time, and some places are
3 different. If you feel comfortable to mark up, because you're
4 already a qualified conductor for BNSF, you mark up and go to
5 work.

6 I do know that the familiarization out here is not long at
7 all. Like you said, there was a guy on the end of that car there
8 that was out here training, and I've had familiarizers with me,
9 personally, tell me that they want to mark up as quickly as
10 possible. So, I mean -- and that was from their mouth to me, you
11 know what I mean? It's, like, just do one trip from L.A. to
12 Barstow, do one yard job, and maybe a road switcher mark up. You
13 can't learn what you need to learn in that amount of time. And
14 for me even, in my training, I was out here, what is it, 13 weeks
15 training, was it? And I didn't really get to learn -- I mean, I
16 was learning what they had me learn, but I didn't really get my
17 hands into it and grasp everything until I'd been out here for a
18 while. It's just experience, you know what I mean?

19 MR. MANUTES: Yeah. Yeah, I do. Is there an advantage to
20 why somebody would want to mark up as quickly as possible? Is it
21 money -- do you get --

22 MR. WHITAKER: There is no advantage to it, in my opinion,
23 for the reason why we're here, you know what I mean? It's just,
24 like -- I don't know. I think if you don't feel comfortable
25 marking up, you shouldn't mark up. People are marking up early

1 because they're being forced to. So -- again, my opinion.

2 MR. MANUTES: Okay. Is there a minimum amount of time? Is
3 one trip out and one trip back a minimum standard? You can't mark
4 up any faster than that?

5 MR. WHITAKER: No. There -- I honestly don't know that
6 question -- that answer.

7 MR. MANUTES: Okay, that's fair.

8 Daniel, thoughts on familiarization trips? You've been in
9 that area -- is it fair to say Daniel's been in that area longer
10 even though Byron's been on the road a little longer? Is that --
11 did I catch that --

12 MR. GEISS: Yeah. I don't --

13 MR. MANUTES: About the same?

14 MR. GEISS: About the same.

15 MR. WHITAKER: About the same, I guess.

16 MR. MANUTES: Okay. So you know the area as well. Is
17 thoughts on marking up one week, 13 weeks, somewhere in the
18 middle, trips? What are your thoughts?

19 MR. GEISS: Well, there's an outline for what you need to do
20 for familiarization, and you should be able to do what is required
21 of you in that familiarization process, but you should also have
22 the ability to say, you know what, I need a little bit more.
23 There's a lot of things that go on out here, and the one thing
24 that's helped me the most is not having pride get involved in
25 anything. Somebody is expecting me to know what I'm doing and I

1 don't, and I say I know what I'm doing, then there's a problem.
2 I've never not had anybody out here that wouldn't be willing to
3 help you if you asked.

4 And as far as familiarization goes, yeah, I've heard many
5 stories from guys coming here, saying, I've got to work, like, two
6 tickets, and they want me to mark up, and not being able to do any
7 of the important trains that we do here, like the LACBAR and the
8 BARLAC and things like that, where you actually are stopping and
9 switching and making sure you're in compliance and things like
10 that. So, yeah, I would say that the familiarization is there in
11 writing, but it's not like it's something that -- gosh, I would
12 just say it's just like, hey, this is what we want, but if we're
13 going to make you mark up early, and unfortunately, there is guys
14 out here that -- I mean, they're new, they're familiarizing, so
15 they're going -- they're not going to talk back or, you know,
16 stand up for themselves. I'm like, no, stand up for yourself.
17 You need all this other stuff, you know? And it's not -- this
18 isn't a little, you know, train that we're running around the
19 Christmas tree at Christmas time, you know? There's a lot of
20 moving parts to this and it's really dangerous.

21 MR. MANUTES: Yeah. Speaking of some of those things that
22 can get -- when you're out there, either with a familiarizing
23 conductor or maybe in a new area yourself, how do you, how do you
24 determine clearance points if they're not marked? I mean, we're
25 all familiar with no clearance signs in industries, you know,

1 maybe against fences of gates or buildings, but when it comes to
2 switch points and what some people have tried to term temporary
3 close clearances or clearance points that are sometimes marked
4 with cones, tell me a little bit about -- maybe start with Daniel.
5 How do you know you've put your equipment in the clear, or the
6 equipment that's already there is in the clear, and do you guys
7 talk about that?

8 MR. GEISS: Well, of course, for the rule, it's an arm's
9 length from the adjacent track plus 50 feet. So you can set it
10 there. I've even gone further than that because I would -- like,
11 if I was riding car next to this, I wouldn't like it to be that
12 close. So I always try to set it up for the person that could be
13 coming behind me, and I don't want them to have to stop their
14 movement or do anything because they think (indiscernible), and I
15 definitely wouldn't want that on my conscience, so I always try to
16 leave -- instead of just, oh, let's squeeze one more car in. No,
17 we'll just put that car on the next track, you know? If it's
18 there and it's marked visibly, yeah, I'll put it there, but if
19 it's not, I make sure it's in the clear, just like I said, so the
20 person coming behind me is not going to have to worry about it.

21 MR. MANUTES: Yeah. You don't want to set any traps.

22 Byron, you feel about the same way? How -- anything you want
23 to add to that?

24 MR. WHITAKER: No, that was pretty accurate.

25 MR. MANUTES: How often do you see permanent markers on the

1 -- does BNSF use those in this territory? Do you ever see that,
2 or is it mostly arm's length and 50?

3 MR. GEISS: No, they're usually marked. There's a lot of
4 places that are marked and spray-painted on the rail.

5 MR. MANUTES: That's what I was going to ask. What kind of
6 markings do you see?

7 MR. GEISS: It's usually a spray-paint that's on the rail.

8 MR. MANUTES: Okay. You guys have some experience bringing
9 the BARLAC into Buena Park?

10 MR. WHITAKER: Oh, yeah.

11 MR. GEISS: Yes, sir.

12 MR. MANUTES: Figured you might. How do you --

13 The other thing I ought to say is I'm not trying to second-
14 guess Taj at all. You know, it appears from all -- from
15 everything we've seen that he was a hell of a conductor and
16 something really unfortunate happened.

17 But I do want to ask, because it was a little bit of a
18 surprise to me at first. You know, (indiscernible) indication
19 that anything happened were overhead shots, and we're looking at
20 these locomotives and we're wondering kind of how everything got
21 to where it was. You know, (indiscernible) bringing in a train
22 and the locomotives, you know, stopping where they were, we've
23 heard some different things. They come in off the main line and
24 you set the counter at the main line, make sure you're clear of
25 the main. You know, thoughts on maybe pulling it up a little bit

1 farther, or is this kind of -- you know, again, I don't want to
2 second-guess Taj, but I'm just wondering if there's other ways
3 that you might've done it, or that looks about right where the
4 locomotives were to you. The (indiscernible).

5 MR. GEISS: I've had them there plenty of times, because --
6 the other thing too, sometimes if you pull up those extra cars,
7 you don't have enough -- now you're screwed, you're stuck. A lot
8 of times you have to leave them out like that so that you can
9 actually make your cut at the clearance line, tie your brakes, and
10 then shove back. If you pull up a little bit past that, now
11 you're in the foul, and you might not have enough room to make
12 your move. You can trap yourself in there.

13 MR. MANUTES: Byron, across the system, is is conceivable
14 that - and I don't want to put this just on La Mirada - in La
15 Mirada, or any other yard, that a train could be departing one end
16 of the yard out on the lead, as they leave, while you're shoving
17 the full length of another track, potentially having the same
18 situation where you've got locomotives on the lead and you're
19 coming at them? I'm thinking, like, a big place, like Alliance,
20 right? Alliance might have a coal train going to the mines, and
21 you're showing another one in; that's not totally uncommon, is it?

22 MR. WHITAKER: No, that's not uncommon at all. That happens
23 all the time.

24 MR. MANUTES: Sure, okay. When you're in La Mirada, Buena
25 Park, how do you keep your situational awareness? Do you -- I'll

1 just cut to the chase because I've ask this question poorly
2 before. Do the palm trees mean something to you? Is that a
3 geographical reference you use?

4 MR. GEISS: That's when I know I've got about three cars left
5 before I've got to stop, but I also put a blinky (ph.) light down
6 on the clearance point so I can get better car counts because I
7 don't want to keep -- give me five, give me five, now give me five
8 more. So I put a blinky light down where I'm going. But the palm
9 trees, yeah, definitely. I've used those many times.

10 MR. MANUTES: Byron?

11 MR. WHITAKER: I just, I just shove -- you know what I mean?
12 Honestly, that's the first time I've ever heard anything about a
13 palm tree.

14 MR. MANUTES: Okay.

15 MR. WHITAKER: You know what I mean? No, I don't use the
16 palm trees. I just shove back on over the clearance point, give
17 or take, and I stop and if I'm close, cool. If I'm not, we'll
18 shove it back, you know, a car. I always stop shy, you know what
19 I mean, that way I can get out on the ground and see it. They
20 don't have any cones, or they hadn't had any cones or anything,
21 and the paint that's on the ties, after being there for however
22 long, is fading out real quickly, so --

23 MR. GEISS: Yeah, it's not that -- there's no lights back
24 there. It's pretty much luck of the draw if one of the buildings
25 back there has lights on, but, still, it's not good enough.

1 MR. WHITAKER: Yeah.

2 MR. GEISS: It's really dark.

3 MR. MANUTES: And just to clarify one point, Byron, the paint
4 is on the rail or on the ties? I think what we saw was on the
5 rail, or maybe it's just faded off. Is there sometimes paint on
6 the tie too?

7 MR. WHITAKER: Yeah, there's paint on the wood ties there,
8 and, you know, in order to see the paint on the rail, you actually
9 have to get down -- you won't be able to see that riding the car,
10 obviously.

11 MR. MANUTES: Right.

12 MR. WHITAKER: So they do the paint on the wood ties, and
13 then sometimes it goes up the side of the rails there, but --

14 MR. MANUTES: But not easy to see that in the dark either, no
15 matter where it is, tie or rail?

16 MR. WHITAKER: No, not -- I'm usually on the point looking
17 for it with my lantern, you know what I mean, and then when I get
18 two or three cars, like Dan said, I'll stop and then get out and
19 find it.

20 MR. MANUTES: Do you ever have a situation where the train
21 ahead of you -- you're getting ready to pull into that yard and
22 the train ahead of you just leaves the D rail (ph.) down for you
23 and leaves you a line for an empty rail? I understand that was a
24 little bit of a rare thing to have happen that night.

25 Because, Dan, I'm picturing you putting down a blinky light.

1 It's pretty easy to put down a light if you're getting the D rail
2 and throwing switches. But if you've got a straight shot in with
3 no D rail up, you know, it may be a little -- is that -- have you
4 run into that before or, usually (indiscernible)?

5 MR. GEISS: Regardless, I'm still going to stop and put my
6 light down.

7 MR. MANUTES: Okay.

8 MR. GEISS: And, plus, I've been told many times, you're
9 lined in and good to go, and we're not.

10 MR. MANUTES: And you're not lined in, good to go.

11 MR. GEISS: I check it anyway. There's -- I'm in no hurry.
12 What the hell else am I going to do? I'm going to check it.

13 MR. MANUTES: Okay. So there at the west end, I guess, we've
14 heard a little discussion today about what I take as basically two
15 options for leaving cars there. You can take your cut that you're
16 going to leave and you can split it in half and you can put half
17 in each -- if you know you're not going to fit, right. You know
18 you don't fit. You put half in each track. Or you can take a
19 long cut, fill up a rail, take the remainder, put it on the other
20 rail; so you kind of have a long cut and a short cut. Do you guys
21 do that sometimes? One or the other, both? Do you have a
22 preference? Either of you could take this. I just -- I'm trying
23 to -- it was the first I'd heard about today, you know, maybe
24 being able to split the cut as opposed to fill up a rail and dump
25 the remainder.

1 MR. WHITAKER: I don't, I don't do that. I mean, I guess you
2 could. It makes good sense. I just make my cut at the car and
3 then I shove the rail full. I shove the first track full, and
4 then that remaining balance I put over. That's the way, honestly,
5 I was trained, so a lot of it has to do with training. I trained
6 with a guy that's been here a very long time, and, honestly, what
7 he taught me to do is how I do it to this day.

8 MR. MANUTES: Yeah. Daniel, is that how you do it?

9 MR. GEISS: Yeah. I -- only once in a while, when you know
10 that you're going to be past that (indiscernible) light because
11 you have too much train, the only other way is to hold the main.
12 So instead of blocking two mains, you've got to hold the main, tie
13 it down out there, and then you just bring it in, make your cut,
14 shove it back over, and then go back out to your train on the
15 main. But other than that, if we're going to clear, I do the same
16 thing. I just bring it up to my last car that is going to La
17 Mirada, I tie it down, make my cut, and then ride it back, walk
18 back up, and then shove the other track.

19 MR. MANUTES: Okay. Do you -- change this a little bit.
20 Generally, in La Mirada, do you see, or do you recall seeing, many
21 officials, folks doing efficiency testing? You know, the old
22 hiding-in-the-bushes folks. Do you get much out there?

23 MR. WHITAKER: No.

24 MR. GEISS: No, not on the road, not really.

25 MR. MANUTES: (Crosstalk).

1 MR. WHITAKER: (Crosstalk) La Mirada.

2 MR. MANUTES: Sorry, Byron. Go ahead.

3 MR. WHITAKER: Was that question for on the road or in La
4 Mirada?

5 MR. MANUTES: Well, specifically in La Mirada, Buena Park.

6 MR. WHITAKER: There's -- no. I've never been tested here.

7 MR. MANUTES: Where -- do you get tested occasionally?

8 MR. GEISS: Mm-hm.

9 MR. WHITAKER: Yeah, yeah.

10 MR. MANUTES: If you were going to get tested, where would
11 you -- I don't want to say expect to see it, but where would you
12 expect to see officials? Either end?

13 MR. WHITAKER: I've been tested quite a bit in Barstow yard.
14 They do a lot of testing up there. That actually would be the
15 number one place.

16 MR. MANUTES: Yeah. About the same, Daniel, or --

17 MR. GEISS: Yeah. I've been tested in Barstow. I've been
18 tested here, but it's not -- you don't see anybody. It just shows
19 up on your screen when you tie up.

20 MR. MANUTES: Okay.

21 MR. GEISS: And I like it better that way, because I think if
22 I see them, then there's going to be something wrong. So if I
23 don't see them, I did it right, so I'm good with that.

24 MR. MANUTES: You read my mind. That's where I was going
25 with that question, but I didn't know how to ask it. What I want

1 to ask is when it shows -- when it just shows up in the computer,
2 that means usually it's a pass, right? There's --

3 MR. GEISS: Yeah.

4 MR. MANUTES: -- no (indiscernible) or anything?

5 MR. WHITAKER: Yeah.

6 MR. MANUTES: Do you get much -- I don't want to say that.
7 I'm not trying to get you to tell on yourselves, but what I want
8 to ask is, if you were going to be coached, you would probably
9 have that face-to-face, even if it wasn't necessarily a safety
10 violation? Do you see much of that happening around the area, or
11 for the most part are folks passing their tests and not having a
12 coaching event?

13 MR. GEISS: Yeah, I --

14 MR. MANUTES: Yeah, tough question.

15 MR. GEISS: I would say most people pass. I don't know.

16 MR. MANUTES: Not really a fair question.

17 MR. GEISS: Yeah.

18 MR. MANUTES: I understand.

19 MR. WHITAKER: Usually, when you hear about stuff like that,
20 people have tore something up, you know what I mean? You don't
21 really hear about the passes, you know? You hear about somebody
22 went over D rail, somebody turned five cars on their side, all
23 these other type of things. That's usually what you hear about.

24 MR. MANUTES: Do you know -- you know, going into a month or
25 a year or, really, anytime, do you know what the testing focus is

1 for the area? I mean, do you ever get told by a manager, hey,
2 we're really looking for spotting cars in the clear or speeding
3 this month of anything like that?

4 MR. WHITAKER: No.

5 MR. GEISS: No.

6 MR. MANUTES: I'll pass it off, I think. I don't -- we're
7 going to -- I know I've got another shot here, so I'm going to go
8 ahead and pass it off and ask Isaac if he has any follow-up
9 questions.

10 MR. MCKEITHEN: Yeah. This is Isaac McKeithen with the
11 Railroad Administration. How y'all doing?

12 MR. WHITAKER: How's it going?

13 MR. MCKEITHEN: Good. I've got a question. So both of you
14 work the BARLAC and the LACBAR. So when you come in to La Mirada
15 (indiscernible) out, is it -- how do you decide, specifically
16 coming into Buena Park, you want to set off, how do you decide
17 what track you're going to set off in and what track you
18 (indiscernible) if your train is too long (indiscernible)? Does
19 the train master give you instructions, or is that strictly on
20 your decision?

21 MR. WHITAKER: I believe, and Danny might remember, but I
22 think you -- I think it's set whenever you come in. You always
23 shove track 2 here, and the put the remainder over into 1, and I'm
24 assuming it's because it's right next to a main line with metro
25 lane going by at track speed. So that's the reason I've always

1 shoved the longest cut down the middle, that way -- you know what
2 I mean? Because the guys work over here every day.

3 But I wanted -- isn't that in the rule book?

4 MR. GEISS: It is. It's in the La Mirada instructions.

5 MR. MCKEITHEN: So it's actually in the La Mirada special
6 instructions to make the --

7 MR. WHITAKER: Yes.

8 MR. GEISS: Yes.

9 MR. MCKEITHEN: -- cut off?

10 MR. GEISS: Yeah. You always shove track 2 and the remainder
11 goes into 1, just to keep the -- you're least exposed on the main
12 side there when you're in 1. You want to be there as little as
13 possible.

14 MR. MCKEITHEN: Over there next to main 3?

15 MR. GEISS: Yeah.

16 MR. WHITAKER: Right.

17 MR. MCKEITHEN: That's really -- and the other thing I wanted
18 to kind of follow-up on with y'all (indiscernible) you send any
19 managers -- so, as you come to La Mirada on any of those long-haul
20 trains, and you're going into (indiscernible), you stop off here.
21 Have you ever had any tests even on the main line out in the La
22 Mirada area?

23 MR. GEISS: Oh, yeah. Again, I've been tested for signals,
24 speed, restricted speed, all that kind of stuff. I've even had
25 securing equipment, leaving equipment in the clear here.

1 MR. MCKEITHEN: What about shoving? Any --

2 MR. GEISS: Yeah.

3 MR. MCKEITHEN: -- shoving?

4 MR. GEISS: I'm pretty sure I can go back on my record and
5 see shoving movements.

6 MR. MCKEITHEN: Okay.

7 That's all I've got for right now, John.

8 MR. MANUTES: Talking to myself, sorry.

9 Louie, you got anything?

10 MR. COSTA: Yeah. Just a couple of quick things.

11 First off, Daniel and Byron, thanks for being here.

12 Appreciate it, appreciate you guys taking the time. I want to
13 touch on just a couple things, especially what you had just said.
14 So in the La Mirada terminal instructions, it states that you're
15 going to fill up -- I believe it's track number 1, remainder goes
16 to track 2, or (crosstalk)?

17 MR. GEISS: Other way around.

18 MR. COSTA: Track 2, remainder goes to track 1?

19 MR. GEISS: Yes.

20 MR. WHITAKER: Yeah.

21 MR. COSTA: Okay. So you're instructed to fill an entire
22 track, and whatever -- if you've got three cars left over, they go
23 over. So you really don't have an option to say, you've got 30
24 cars to shove in there, you can put 15 in each track. You
25 wouldn't be complying with the instructions for that location,

1 correct?

2 MR. GEISS: Technically, yeah, but if they asked you to break
3 it up 15 and 15, that's -- you know?

4 MR. COSTA: Yeah, but I'm just saying your instructions are
5 -- unless otherwise instructed, you're to fill up one track
6 completely and set the remainder over?

7 MR. GEISS: Yeah.

8 MR. WHITAKER: Mm-hm.

9 MR. COSTA: Okay. And then, Daniel, you talked about putting
10 the blinky, which is interesting to me, because that makes a whole
11 lot of sense. I mean, back in -- when I hired out, we used to use
12 fuzees for a lot of stuff like that, right? Would it be
13 beneficial to have something that would reflectorize back to your
14 lantern as you're shoving down there, as opposed -- I mean, I know
15 painted on the side of the rail, like Byron said, you're not going
16 to see that.

17 MR. GEISS: No.

18 MR. COSTA: You might be able to see the orange tie if it's
19 freshly painted, but if it's, you know, covered in dirt and 10
20 years old, you're not going to see it.

21 MR. WHITAKER: Right.

22 MR. COSTA: So something in between the rails, or something
23 that kind of reflectorizes back and gives you a visual;
24 specifically, where it was pretty dark at that location when we
25 went out there that night. Is that something that would benefit

1 your ability to be able to see that as you're shoving down there?

2 MR. WHITAKER: (Crosstalk).

3 MR. GEISS: Yes, definitely.

4 MR. COSTA: Because we all know palm trees can get cut down,
5 right? They --

6 MR. GEISS: They can.

7 MR. COSTA: -- might not be there tomorrow.

8 MR. GEISS: Exactly, mm-hm.

9 MR. COSTA: Okay.

10 MR. WHITAKER: (Crosstalk).

11 MR. GEISS: It's just very dark down there.

12 MR. COSTA: Yeah.

13 MR. GEISS: That's the only reason I would put my blinky
14 there, just so I had a better reference.

15 MR. COSTA: And you both hired out, I believe, during the
16 time -- that was a 13-week program, so you're both -- and you had
17 mentioned that, I think, Byron.

18 Daniel, you hired out --

19 Byron, you hired out out-of-state and then came out? Is that
20 accurate or --

21 MR. WHITAKER: No. I hired out in Los Angeles.

22 MR. COSTA: You did? Okay, so both of you did. So how much
23 of your training, of your 13-week training, was actually road
24 training, and then how much of it was yard training?

25 MR. GEISS: Goodness gracious.

1 MR. COSTA: I know it's been a while so --

2 MR. GEISS: Yeah, it's been a while.

3 MR. WHITAKER: Do you remember what that (indiscernible) is?

4 MR. COSTA: Let me put it to you this way, how --

5 MR. WHITAKER: (Crosstalk) on the road, I believe.

6 MR. COSTA: Three weeks on the road. So were you able to
7 train on every road segment, or every set-out segment, or every
8 industry? Were you able to see that during that training before
9 you took your test on that Friday and now you're a certified
10 conductor on Saturday. You might be taking (indiscernible) to
11 Barstow.

12 MR. GEISS: No.

13 MR. WHITAKER: Yeah.

14 MR. GEISS: You're not able to see everything. There's
15 still --

16 MR. WHITAKER: I mean, there's -- when I went through, there
17 was certain trains that I had to check off.

18 MR. GEISS: Yeah.

19 MR. WHITAKER: BARLAC, LACBAR -- what is it?
20 (Indiscernible). Another manifest train out of Watson. Because
21 those trains did set-outs and they also did -- do work in Barstow.
22 I also got extra training because I was in San Bernardino, and --
23 you know, so a lot of those outlining yards there I got to see as
24 well, working the extra board so -- like I said, 13 weeks is good,
25 but a lot of it just comes from experience, just not take one

1 train and then mark up.

2 MR. COSTA: And how -- I mean, you both discussed the
3 limitations, I guess, on requesting additional familiarization or
4 additional trips. So if you hired out in L.A., you've got Hobart,
5 you've got Watson, you've got San Bernardino, all within your area
6 that you could be forced to go work on a given week or a given
7 day. And let's say that you did. You were hired out of L.A. All
8 your trains left Watson that you trained on, and then if you had
9 to take a train out of San Bernardino, or you had to go to Hobart,
10 were you allowed to familiarize after that point, after marking
11 up? Were you able -- were you given additional opportunities?

12 MR. WHITAKER: No.

13 MR. GEISS: No.

14 MR. COSTA: Would it have been beneficial to you --

15 MR. WHITAKER: (Crosstalk).

16 MR. COSTA: Would it have been beneficial to you to have
17 those additional opportunities?

18 MR. GEISS: Yeah. As many trips as you can get would be
19 beneficial, but it really all depends on the individual too. You
20 know, some people want to get out there and work, you know, and
21 some people want to familiarize for as long as they can, which
22 they should have that option. Because I would have them -- I
23 would feel much more comfortable working with somebody who said I
24 needed more time than just saying, oh, well, they told me to mark
25 up so I'm marking up.

1 MR. COSTA: Right. Everybody kind of takes to it a little
2 bit differently. It's a whole different language; it's a whole
3 different world being a --

4 MR. WHITAKER: Right.

5 MR. GEISS: It really depends on the individual.

6 MR. COSTA: Okay. That's about all I got for now, John.

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

8 MR. COSTA: I think I'll come around round two.

9 Thanks guys. Appreciate it again.

10 MR. WHITAKER: Yep.

11 MR. MANUTES: Ryan?

12 MR. RINGLEMAN: Yes. As Louie said, certainly appreciate
13 your guys' time and thoughts here.

14 Let me start with some questions. I think you guys had some
15 good comments on how you're identifying clearance points, and I
16 think, Byron, you said it well stated, that you're not looking for
17 a mark on the web when you're riding the side of a car, right?

18 MR. WHITAKER: No.

19 MR. RINGLEMAN: So what is your -- I would even maybe assume
20 you're not looking for paint on a tie. You're looking at a switch
21 stand, or you're looking at that crossover, or the points, but you
22 tell me. What is your target? What are you looking at when
23 you're -- and take it -- either take it at La Mirada or Buena Park
24 or anywhere else, because this happens all over the railroad every
25 single day.

1 MR. WHITAKER: Right.

2 MR. RINGLEMAN: So where are you looking, because you're not
3 going to see that white paint or orange paint on the side of the
4 rail? I think we all agree.

5 MR. WHITAKER: Right, right. No. honestly, for myself, I
6 just -- at night, you know what I mean, I'm going to right about
7 where -- about three cars from where I think I need to stop, and I
8 stop, and then I get out and walk and see where -- you know what I
9 mean? Because I don't want to put myself out there riding the car
10 to (indiscernible) or anything like that. So I usually stop --
11 and like Dan said before, I'm -- it's not a hurry train, you know
12 what I mean? None of this is go-fast. So it's not going to hurt
13 anything to stop, get out, and, you know -- one things engineers
14 don't mind is you doing it like that, you know what I mean,
15 because one thing I hear a lot is, man, this guy had me going back
16 and forth. He's fishing for it. You know, just get out and stop
17 and look for it, you know what I mean? It's not going to hurt
18 anything.

19 MR. RINGLEMAN: Yeah. And then how do you, how do you relate
20 or leverage that white paint on the web? That might be a vague
21 question. So you've identified a point. You're thinking three
22 cars or whatever it is, and you stop, then do you walk back and
23 say, okay, it looks like I've got another 50 feet back to this
24 white mark. If I need all of that, now I'm on the ground and I'm
25 looking at where that clearance point is. Or to your point about

1 fishing, well, I stopped a little long and I've got a truck over.
2 Now you've got to move it back 10 feet or 20 feet. Is that how
3 you use that white mark?

4 MR. WHITAKER: Yeah.

5 MR. RINGLEMAN: I mean, if you were going --

6 MR. WHITAKER: When I stop and get out on the ground, I
7 usually -- I'll stop, get off the car, walk to the clearance mark,
8 and then shove the car back, you know, close to it or right there,
9 and then that's where the movement stops and I (indiscernible).

10 MR. RINGLEMAN: Okay. Is there a switch stand reflector at
11 this location (crosstalk)?

12 MR. WHITAKER: No. You can't see none of that stuff. It's
13 all been there probably 40 years, you know what I mean?

14 MR. RINGLEMAN: (Crosstalk).

15 MR. WHITAKER: None of that stuff is reflective back there.

16 MR. RINGLEMAN: Gotcha. And seven days a week on the BARLAC
17 and five days a week on the LACBAR; is that approximately right?
18 Or you guys have done this job more than a handful of times in
19 your careers, I imagine.

20 MR. WHITAKER: Oh, yeah.

21 MR. GEISS: (Indiscernible).

22 MR. RINGLEMAN: Okay. So, on that, and we all take to it
23 differently, and I guarantee you I've been railroading, to the
24 extent you call what I do railroading, for 15 years, and I
25 couldn't pick it up in one day. But somewhere, beyond one

1 familiarizing run, you both have now been in this area and you
2 feel like you're pretty competent railroaders; is that a fair
3 assessment of your abilities?

4 MR. WHITAKER: Yeah.

5 MR. GEISS: It better be. That's my assessment
6 (indiscernible).

7 MR. RINGLEMAN: But you go back, and that's interesting how
8 you first trained. You went back and said, well, the first person
9 I worked with, here's how they taught me to do this and it stuck
10 with me. And over time, somewhere between one or two
11 familiarizing runs, or your first year, and year five, six, seven,
12 eight, you probably felt like you were competent to do these core
13 jobs; is that accurate?

14 MR. WHITAKER: Yeah.

15 MR. RINGLEMAN: Now, admittedly, even at this point in your
16 career, you've probably not been into every industrial facility
17 that we might road switch?

18 MR. WHITAKER: No.

19 MR. RINGLEMAN: (Indiscernible). And the -- it -- I know
20 there's a lot of activity out here. I'm just trying to get a feel
21 for -- we talk a lot about the BARLAC and LACBAR because of this
22 incident, and it sounds like a pretty consistent beat, but is --
23 that's something over time that you would have -- if you're on
24 this board, that you're going to handle every year, every month,
25 maybe every week? One of those two? Something.

1 MR. WHITAKER: Every year. Every year definitely. I've gone
2 months without catching this train. It doesn't bother me a bit.
3 Some guys try to avoid it. But, like I said, I've gone four, five
4 months without catching it, you know?

5 MR. RINGLEMAN: Things that start with a Z are more fun. You
6 get home earlier, right?

7 MR. WHITAKER: Yeah, we --

8 MR. GEISS: Well --

9 MR. RINGLEMAN: Okay, that's good. The other thing -- I
10 don't know. I'd have to look at the instruction, but we talked a
11 little bit about the instructions on pulling down 2, and we got to
12 is it mandatory that you -- I mean, we can pull the instructions
13 and figure out the exact words, and I don't expect you to memorize
14 them, but it started with -- I think there's an instruction that
15 says you pull through 2 and put your primary cut in there. Do we
16 think it actually says or instructs us that it must be filled?
17 Because we kind of tumbled to that (crosstalk)?

18 MR. GEISS: No, it's just something that we do. It's just
19 something --

20 MR. WHITAKER: Yeah. I'm not sure about filling it, but I
21 know you -- well, I guess if your set-out is on the rear end,
22 you'd pull through 2, but the majority of the time, you pull down
23 the lead and then make your cut on 3 track, shove 2 -- you know,
24 shove that portion back --

25 MR. RINGLEMAN: Yeah.

1 MR. WHITAKER: -- and then make the cut and then shove
2 whatever you have left into 1.

3 MR. RINGLEMAN: And that's a pretty -- as you've mentioned,
4 that's a pretty active area, and you've got triple track and those
5 -- some of those (indiscernible) are steaming through there.

6 MR. WHITAKER: Yeah. I've been out there with stack trains
7 going by me at track speed.

8 MR. RINGLEMAN: Some of the long ones are going through there
9 pretty hot too, yeah.

10 MR. GEISS: Mm-hm.

11 MR. WHITAKER: Yeah.

12 MR. RINGLEMAN: Fair point. Is that -- I mean, is there --
13 no right or wrong answer, but is there personal preference that
14 you have in which side of the car you would ride under those
15 scenarios? Would you ride back if there were -- well, let's take
16 it out of La Mirada; I don't want to make it too specific to this.
17 But if you've got a hot rail on your left, and a standing train on
18 your right, do you have a preference of I'd rather ride next to
19 this stationary 50-car cut over here, or the other side where I've
20 got Zs going by at 70?

21 MR. WHITAKER: Honestly, I'd rather not ride it at all.

22 MR. RINGLEMAN: No, that's fair.

23 MR. WHITAKER: You know what I mean? Because I've personally
24 had where I made a set-out here at La Mirada, did it as normal,
25 pulled through 2, made my cut, and -- I'm sorry, pulled through 3,

1 made my cut, was shoving 2, and as I'm shoving back, a homeless
2 guy steps off of one of the cars in between track 3 and 2, walking
3 west. So what I'm trying to get is had I been riding in between
4 those cars, you know, first of all, he would've startled the hell
5 out of me, and anything could've happened. You really don't know
6 what these people do out here, but I try and ride away from
7 standing equipment because -- just for safety, for my own personal
8 piece of mind, whatever you call it.

9 MR. RINGLEMAN: (Crosstalk) I always feel like there's --
10 there might be some in-between, it's probably a hyperbole
11 (indiscernible), but there are people who really prefer riding,
12 and there are people who really prefer walking, and in some ways,
13 (indiscernible) never the two shall meet on those. People have a
14 perspective on it, and it's pretty rigorous one way or the other
15 in many cases, it feels like.

16 MR. GEISS: I don't mind riding a cut of cars, but if I've
17 got cars in the track next to me, I'm going to ride on the
18 opposite side.

19 MR. RINGLEMAN: Yeah, okay.

20 MR. GEISS: That's just -- why even chance that?

21 MR. RINGLEMAN: Good, good. Okay. Thank you. I appreciate
22 those clarifications.

23 That's all I had.

24 MR. MANUTES: All right, Ryan. Thanks. Those were good.
25 That was really good, thank you.

1 Aaron, that's your number there, isn't it? You're still on
2 on your phone. You got anything?

3 MR. RATLEDGE: Yeah. Yep, that's mine. Just a couple. This
4 is Aaron Ratledge with BNSF, Operating Practice and Rules. Daniel
5 and Byron, I'm -- again, I'll share my appreciation, like
6 everybody else has. I appreciate you guys coming down and sharing
7 your knowledge and your expertise with all of us. It's very
8 valuable.

9 And I just want to say hello to Asa. How are you doing, sir?

10 MR. FULLER: I'm doing well, sir. Thank you.

11 MR. RATLEDGE: All right, good. So, listen, I hired out with
12 Santa Fe about 27 years ago as a switchman and conductor, and I
13 was actually the first of that 13-week training program. Santa Fe
14 migrated to it. And coming on as a brand-new employee, I mean,
15 certainly, there was a lot to see, a lot to do on the road, and a
16 lot of switching operations within the territory that I was
17 assigned to. But to your point, and I think you said it best -- I
18 can't remember if it was you, Daniel, or Byron, but you guys said
19 it right. I mean, you gain your experience over time with -- you
20 know, as you repeat jobs and you go over certain line segments and
21 you pick up a little bit more here, you pick up a little bit more
22 there.

23 But, again, I think you said one thing that's really clear,
24 and I just wanted to make sure I understood it correctly. But if
25 you're unfamiliar with a location, I mean, that's your cue that,

1 really -- I mean, slow the work, slow down, and make sure you
2 actually know before you do something. And to your point, Byron,
3 you know, when you're coming down to a clearance location, you're
4 stopping well within that clearance point to make sure you're
5 right on point before that red paint is all over the rail; is that
6 true?

7 MR. WHITAKER: Yeah, that's correct.

8 MR. RATLEDGE: All right. Good deal. And, you know, when I
9 was trained many, many moons ago, you know, they taught me to look
10 at the rail next to me, or if there's equipment in the other track
11 and the end of the equipment's coming up -- what other visual cues
12 do you use to know when you're coming to the end of a clearance --
13 or the end of a track, you know, especially if it's dark? I mean,
14 are you using your lantern? Are you looking at the rail next to
15 you to see where it's getting closer to the rail that you're on?
16 Obviously, by that point, it's too late, but is that kind of some
17 other visual indications you use?

18 MR. GEISS: Well, yeah. I mean, yeah, there's -- like I said
19 -- like we've already said before, experience helps, and if I'm
20 coming to a place where I can't see, I'll just stop rather than
21 have the engineer, hey, give me one more, actually give me another
22 one. I'll just stop and get down and go find it.

23 MR. RATLEDGE: Sure, sure.

24 MR. GEISS: You know, that's --

25 MR. RATLEDGE: Yeah, and I'm really happy to hear that,

1 because that's, obviously, the culture we've tried to instill, and
2 that was what was instilled when I hired out way back when. So
3 I'm glad that's still there in the California area especially,
4 along with other parts of our railroads.

5 Have you guys ever seen job aids or industry playbooks that
6 we refer to that really kind of gives the switching instructions,
7 the locations of D rails and switches and how an industry is
8 supposed to be switched? Have you guys ever been exposed to
9 those?

10 MR. WHITAKER: Yeah.

11 MR. GEISS: Yes.

12 MR. RATLEDGE: Okay. Well, listen, that's all I have at the
13 moment. I'm actually going to have to drop off to get to a
14 doctor's appointment, but, again, I appreciate you gentlemen and
15 your time and your dedication out there. It certainly shows that
16 you guys are out there doing your work safe and doing exactly what
17 you need to be. So I appreciate you guys.

18 MR. WHITAKER: No problem.

19 MR. GEISS: Thank you.

20 MR. MANUTES: All right. Thanks, Aaron. We'll talk soon.

21 MR. RATLEDGE: Okay, thanks John.

22 MR. MANUTES: Louie, Ryan and Isaac, would you guys have any
23 issue with me asking Asa if he's got anything he'd like to ask
24 these guys since he's right here? I kind of think he's part of
25 the team at this point?

1 UNIDENTIFIED SPEAKER: Absolutely not.

2 MR. MANUTES: All right.

3 Asa, you got anything you want to ask these guys or clarify
4 or open up as far as a topic?

5 MR. FITZGERALD: No, sir. You guys pretty much covered
6 everything as far as the familiarization goes and the training.
7 Familiarization, as it goes, like Dan and Byron said, it's pretty
8 much they get a BARLAC, LACBAR train, they get a (indiscernible)
9 train, they got a Hobart. They get two or three trips and they're
10 pretty much told to mark up. Generally, if they ask us for more
11 time, we -- they can get it granted. If they call me and they go,
12 hey, I really don't feel comfortable, is there any way I can get a
13 few more trips? Generally, if I call the terminal manager or one
14 of the train masters or whatever, they generally give that more
15 time if they do ask for it. Our big concern, I would love to see
16 -- I don't know who brought it up, if it was Isaac or Louie -- I
17 think it might've been Louie that brought it up about having some
18 type of reflective light or something there at the top of Buena
19 Park would be a big deal when we're shoving back. You know, a
20 light or reflective material. Because, like I said, we shove back
21 to that clearance point pretty much every day on that BARLAC.
22 Very seldom do you pull through 2 -- if it's a rear end set-out,
23 it's generally DP (ph.) so you've got to go back to your DP
24 anyway. So you're generally going to pull through that track 3
25 and shove 2 into 1. If we could get some type of reflective

1 material, I think that could be -- or a light of some sort, or
2 anything, that would be fantastic.

3 MR. MANUTES: Okay. Thanks, Asa.

4 MR. FITZGERALD: Yes, sir.

5 MR. MANUTES: Appreciate that comment.

6 I think this next round will be pretty quick.

7 Daniel, Byron, have you guys seen any changes, whether it's
8 in rules or in infrastructure, or just in the way you guys do
9 things in La Mirada since March?

10 MR. WHITAKER: Change in rules?

11 MR. MANUTES: Any changes that you think might've been in
12 relation to this accident. You know, have there been any rule
13 changes in how things are done, any -- I mean, we know just from
14 the conversation, there's no reflectors, but, you know, were the
15 ties repainted? Anything that you've seen that has changed?

16 MR. GEISS: Yeah. They've got the ties -- not the ties, but
17 the rail got painted. That's a lot brighter now. That's --

18 MR. MANUTES: (Crosstalk).

19 MR. GEISS: -- pretty much all I've seen.

20 MR. WHITAKER: Bright paint on ties at night, you know what I
21 mean? It's -- it'd work if it was a daylight train. Then you
22 could actually see that paint.

23 MR. MANUTES: Okay. I don't have any other follow-ups.
24 We'll go around the room.

25 Isaac, do you have anything else?

1 MR. MCKEITHEN: No, I don't think I have anything either.

2 MR. MANUTES: Louie?

3 MR. COSTA: Yeah. I just wanted to follow-up on one more
4 thing that we talked about earlier, and it was mentioned during
5 our initial interviews at La Mirada back in March, and that was
6 that this particular job -- I'm not sure up until how long ago,
7 but this particular job -- and I'm sure with your guys' seniority
8 that it was probably this way when you first started working, but
9 they used to have a brakeman on these jobs to facilitate these
10 moves?

11 MR. WHITAKER: Yes.

12 MR. COSTA: So that alleviates the need for the conductor to
13 ride the point, period, and only requires walking one distance of
14 the yard through the ballast and through everything else because
15 you drop a guy off, he (indiscernible) behind, spots you up,
16 you're good to go. In an instance like that, is that something
17 that exponentially makes the job safer from the standpoint of a
18 conductor making those --

19 MR. GEISS: Yes.

20 MR. COSTA: -- moves all by himself?

21 MR. WHITAKER: A hundred percent.

22 MR. GEISS: Mm-hm, 100 percent.

23 MR. COSTA: How long ago did they remove the brakeman, do you
24 know?

25 MR. GEISS: It's probably been --

1 MR. COSTA: Five, six?

2 MR. GEISS: -- probably at least 8 to 10 years since they
3 removed the brakeman.

4 MR. COSTA: It's been that long? Okay.

5 MR. FITZGERALD: Yeah. It's been a while since they removed
6 them. We've actually come and asked them about having a three-
7 man, and they told us they would do an assigned two-man crew, not
8 a three-man crew. We've asked about that. So, I mean, from a
9 Union standpoint, we wanted to make it a three-man crew and set it
10 up where we could have it going back and forth, and -- because
11 they still kind of do -- well, not kind of. They do the three-man
12 crew out of Kaiser still for -- I think they call it the Kaiser
13 crawler or whatever term they call it, but it's based on the
14 three-man assigned crew, and we catch it on the weekend with a
15 two-man crew going westbound.

16 MR. COSTA: I guess the point was basically that -- I mean,
17 even -- when they had the brakemen on there, there were still
18 conductor only trains. So there were two-man crews, but in this
19 particular instance, because of the work, because of the lighting,
20 and I would imagine because of the amount of work that had to be
21 done, it was safer to have that additional person on there.

22 MR. GEISS: Right.

23 MR. WHITAKER: It was an assigned train.

24 MR. GEISS: Yeah, if it was assigned, yes.

25 MR. WHITAKER: One thing that's different with an assigned

1 train is the three guys working it, work it every day. So you
2 don't really have to worry -- I mean, (indiscernible) they know
3 where they're working, you know what I mean? They're familiar
4 with the guys. So a lot of that goes into play when you're
5 talking about safety, you know what I mean? If you're working
6 with the same guys every day, you -- if I'm working with Dan every
7 day, I know how he works. I don't have to tell him, hey, Dan, go
8 line the switch. He knows that, you know what I mean? So that's
9 the perks of having an assigned job.

10 MR. COSTA: Gotcha. Well, that's what I --

11 MR. WHITAKER: (Crosstalk) assigned job at that.

12 MR. COSTA: Right, right. Absolutely. Well, I appreciate it
13 again. Thank you guys very much for being here.

14 I think Isaac might have a question there, John.

15 MR. MANUTES: Yeah, go for it Isaac.

16 MR. MCKEITHEN: So with that being -- that being said, Byron,
17 you said you've been to different terminals, and did the
18 familiarization training --

19 MR. WHITAKER: Yes.

20 MR. MCKEITHEN: -- (crosstalk) locations?

21 MR. WHITAKER: Right.

22 MR. MCKEITHEN: So the familiarization training, is that
23 dictated -- who actually determined how long you're going train to
24 learn a specific territory? Like, for instance, when you went to
25 -- what was that, Texas?

1 MR. WHITAKER: Right.

2 MR. MCKEITHEN: Who determined how many trips you was going
3 to make on a job that went over the road versus (indiscernible)?

4 MR. WHITAKER: I'm not really sure who determines it. It's a
5 set amount of training or days or -- you know what I mean, with
6 the territory that you're in. I don't know who comes up with that
7 figure.

8 MR. GEISS: It's usually in the terminal instructions.

9 MR. WHITAKER: Instructions.

10 MR. GEISS: Saying that you're coming here and this is what
11 you have to familiarize on.

12 MR. MCKEITHEN: Okay.

13 MR. WHITAKER: And the different with going to the -- was it
14 Texas? No, that was Nebraska. That one was unpaid. So in a
15 situation like that, I would see where guys would mark up quickly
16 because they're not getting paid to familiarize. You see what I'm
17 saying? So I think --

18 MR. GEISS: (Crosstalk) we get paid.

19 MR. WHITAKER: We get paid here, so there's no reason to mark
20 up early if you don't feel comfortable. But if you've gotta keep
21 the lights on, mark up and figure it out.

22 MR. MCKEITHEN: Okay. So you're saying if a guy comes in
23 from outside to California, to the Los Angeles area, they're going
24 to get paid for their familiarization versus if you was to leave
25 here and go somewhere else?

1 MR. FITZGERALD: Yeah. This is Asa, Isaac. I don't know if
2 you can see me or not, or if you can hear me, but, yeah, exactly
3 that. So, for example, we had one of our guys just
4 (indiscernible) in El Paso, Texas, and it's nonpaid
5 familiarization there for him. So people coming in to California
6 that are coming here and chasing their seniority, we are paying
7 them, and that's per our general manager has set that up that
8 they're going to get paid while they're going through. So they do
9 get paid during that familiarization period.

10 MR. MCKEITHEN: Okay. So --

11 MR. FITZGERALD: It varies at each location. Some places
12 they -- the Union is also -- the Union also backs the nonpaid
13 because they don't want guys coming in and knocking somebody off
14 the porch, you know what I mean? So a lot of times, the Union
15 backs the nonpaid as opposed to the carrier itself. But we kind
16 of, on both sides, the Union and the carrier, we decided, hey,
17 let's pay these guys coming in because it's important for them to
18 get familiarized and we don't want them to mark it up early if
19 they don't know the territory. We want them to finish their
20 familiarization and do their trips like they're supposed to. We
21 think it's (indiscernible), personally, here locally. So it
22 varies from location to location?

23 MR. MCKEITHEN: And one thing --

24 MR. FITZGERALD: I'm sorry?

25 MR. MCKEITHEN: So, Asa, once they reach the -- say the

1 determined timeframe, there's not an issue to get an additional
2 timeframe from what I understand?

3 MR. FITZGERALD: No, I have never ran into -- now, if a guy's
4 taking, you know, four or five weeks, that's a whole different
5 scenario. No one's usually done that. But if a guy asks for
6 another trip or two; hey, can I catch another BARLAC or another
7 LACBAR, or whatever, generally, I've never had one of the managers
8 tell us no. They've always said, yeah, you can get an extra trip.

9 MR. MCKEITHEN: Okay. And, last but not least, since we're
10 working the BARLAC and the LACBAR, those are basically what we
11 would consider required trains to learn because they do -- they're
12 doing set-off (crosstalk)?

13 MR. FITZGERALD: Right. And here -- yeah, absolutely.
14 That's a required train, generally, that they have to get on, but
15 you're training with a conductor, right? So it's more that you're
16 training with the conductor than the train itself. Generally,
17 what happens on the training part, and it's been such a long time
18 since we've had training period, engineers or conductors around
19 here, but the conductor is -- training is assigned to a conductor.
20 If they don't catch that, then that person has to usually get off
21 with that regularly assigned conductor and go catch somebody else,
22 which they usually don't get too much out of because it just
23 depends what that conductor -- that assigned conductor gets --
24 catches. He might catch a Z9 every trip and then that guy's gotta
25 go get off the train with that normally assigned conductor and go

1 train with somebody else to catch that WATBAR, LACBAR.

2 Now, just recently, our WATBAR has actually been sent out of
3 La Mirada sometimes, which generally didn't happen, but it's been
4 doing that here recently too. So the BARWAT (indiscernible) has
5 been setting out of La Mirada, along with the BARLAC sometimes,
6 which is a new kink in the game here, but it's still the same crew
7 base that's running through here, but it's a different train
8 setting out sometimes in La Mirada also. And it generally -- the
9 only -- the worst part of both of those trains is they set out at
10 night. 99.9 percent of the time, they're always setting out at
11 night at Buena Park, and it's super dark there. That's our only
12 really big concern to me. Our big safety concern there is the
13 lighting at Buena Park, and it's, generally, that BARLAC and
14 BARWAT, always go out at night, and it's usually 2, 3 in the
15 morning. Somewhere between midnight and 3 in the morning
16 generally.

17 MR. MCKEITHEN: Okay.

18 That's all I have, John.

19 MR. MANUTES: All right. Thanks, Isaac. And -- I don't
20 think I need to -- maybe I do, but for the transcriptionist's
21 sake, that was Isaac, I think we got, but that was Asa also
22 answering most of that. I'm not sure if she or he is going to
23 have to go back and figure that out. So -- any for my notes too,
24 when I go back and have to listen to -- and try to remember who
25 was who. So thank you both. That was good conversation. I

1 appreciate that.

2 Ryan, let's come back to you for the last round here.

3 MR. RINGELMAN: Yeah. Just a question because you guys have
4 both done a good job here explaining how you do your business and
5 being very professional, so I appreciate that. On this job,
6 you've been on between 5 and 10 years, each of you, and probably
7 taken, like we said, BARLACs and LACBARs, whether you prefer that
8 one or not. Have you ever done it with a brakeman assigned to the
9 job?

10 MR. GEISS: Yes. Yes, I've done it twice with a brakeman.

11 MR. RINGELMAN: Okay. And you've -- so you've done it some
12 -- probably more than twice without a brakeman?

13 MR. GEISS: Oh, yeah.

14 MR. RINGELMAN: And you've been able to accomplish that
15 safely; is that a fair assessment?

16 MR. GEISS: Yes.

17 MR. RINGELMAN: I appreciate that, appreciate your work.
18 Thank you.

19 MR. MANUTES: Thanks, Ryan.

20 Asa, is there anything you'd like to follow-up on?

21 MR. FITZGERALD: No, sir, I have nothing else. Thank you.

22 MR. MANUTES: All right. Daniel and Byron, we're getting to
23 the end here. I'm going to ask you a question that I ask
24 everybody. You both had an opportunity to give me your thoughts
25 here individually, but I'll just throw it out there for both of

1 you, and maybe we talked about some of this already. You can
2 reiterate it if you want to.

3 Based on what you know, you know, your many years of
4 experience here at La Mirada and across the system, and based on
5 what you understand so far from what happened tragically back in
6 March, is there anything that you want us to know that you think
7 could have prevented this accident, could prevent this accident in
8 the future? Along those same lines, that same thread, are there
9 questions we should've asked that you're thinking, I can't believe
10 they didn't ask me, I need to tell them something? Anything you'd
11 like to tell us along those lines? Take your time. It's a long,
12 loaded question.

13 MR. WHITAKER: I think putting a third man on that train
14 would make it easier, or make it considerably safer, for one,
15 because you eliminate having to ride any cars, you know what I
16 mean? And, you know, it would make the whole thing go a lot
17 smoother if you had a brakeman assigned to that train. That's
18 just my personal -- I mean, like you said, I've done the train
19 myself in both directions many times, so -- I just don't move
20 fast. I just do the work slow, and if it gets done, it gets done,
21 you know what I mean? I'm not running around here like a chicken
22 with my head cut off trying to get the train done. It's --
23 because I want to go home. I've got kids and a wife at the house.
24 That's what I work for.

25 MR. MANUTES: Yeah, amen. Thanks, Byron.

1 Daniel?

2 MR. GEISS: Yeah, I would have to agree with that. The
3 brakeman would help out a lot, and it eliminates a lot of risk, I
4 believe. Yeah. A third person, and just any kind of lighting
5 down there. It's really dark at that side of Buena Park, and,
6 like just what Asa had said, it's usually the middle of the night,
7 midnight, 1 o'clock, 2 o'clock, 3 o'clock in the morning when
8 you're putting that train away, so it's always pretty dark back
9 there. That would help out a lot, and, yeah, I totally agree with
10 the risk that it would help reduce having a third man on that
11 crew.

12 MR. MANUTES: All right. You've got all the experience. I
13 appreciate that input. Thank you.

14 I'll -- I'm going to get you my contact information, or
15 Daniel, in your case, somebody that can get you my contact
16 information, and you guys can reach out to me anytime if you've
17 got questions, concerns about how this went, anything, anytime.
18 But, for now --

19 MR. RINGELMAN: Can I ask one question? We can do it on or
20 off the record. I'm just --

21 MR. MANUTES: No, go -- what would you prefer, Ryan?

22 MR. RINGELMAN: Well, I'll ask on because now it'll sound
23 odd. But because we talked about it earlier, have either -- you
24 both mentioned lighting conditions. Have either of you ever put
25 in an SIRP on lighting conditions at Buena Park, do you recall?

1 MR. GEISS: A SIRP, no.

2 MR. WHITAKER: No.

3 MR. COSTA: When you put in SIRPs, is it your experience that
4 they get addressed or closed out, whether satisfactory or not? Do
5 you have any experience with that? We talked earlier about it
6 here with some other folks, so I just wanted your take on that to
7 the extent we were in the same vicinity.

8 MR. WHITAKER: No. I haven't put any SIRPs on the lighting.

9 MR. COSTA: Okay, that's fair.

10 MR. WHITAKER: And --

11 MR. COSTA: If you ever do, let me know.

12 MR. MANUTES: Do you ever put any SIRPs in for anything? Do
13 you ever put one in? Do you have any experience with the system?

14 MR. WHITAKER: No.

15 MR. GEISS: Yeah, I've put in a couple SIRPs.

16 MR. MANUTES: And did you feel that they were -- were they
17 closed out, even if they weren't closed out to your satisfaction?
18 Did you get a reply that something was --

19 MR. GEISS: I got a reply back, yes.

20 MR. MANUTES: Okay.

21 MR. FITZGERALD: Ryan, that was a really good question.
22 That's for asking that.

23 MR. MANUTES: Any more? Okay. So I'm going to end the
24 record. Thank you very much for your time. If you'll just hang
25 on for a second afterwards, we can close out afterwards, but I

1 just wanted to tell you I appreciate time and I'm going to end
2 this recording.

3 (Whereupon, the interview was concluded.)
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CERTIFICATE

This is to certify that the attached proceeding before the

NATIONAL TRANSPORTATION SAFETY BOARD

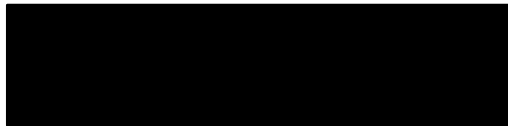
IN THE MATTER OF: BNSF RAILWAY EMPLOYEE FATALITY
 IN LA MIRADA, CALIFORNIA
 ON MARCH 3, 2021
 Interview of Daniel Geiss and
 Byron Whitaker

ACCIDENT NO.: RRD21LR008

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.



Shelby Shover
Transcriber