

Railroad Worker Killed By Train NOT on Cell Phone At Time of His Death

By Kate Hinds | 10/06/2010 – 4:54 pm

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(St. Paul, Minnesota – Laura Yuen, [MPR News](#)) — Were authorities too quick to blame cell phones for a fatal rail accident that occurred last month in Minnesota? Perhaps.

Andrew Kim Weaver, 53, a veteran employee of the Burlington Northern Santa Fe Railway, was killed September 1, 2010 in the northern Twin Cities suburb of Coon Rapids.

Authorities said the man stepped off a test train and walked onto a nearby track, where he was hit by a Northstar commuter train that he apparently did not see. At the time, authorities said that was because he was talking on his cell phone.

It's a story that been repeated — with some reason — after a series of recent high-profile accidents involving trains.

But since then, family members began to question that claim, saying the story didn't jibe with what they knew of the veteran employee of the BNSF Railway.

Under pressure from Weaver's family, the sheriff's department this week said Weaver was not on his cell phone at the time he died, reversing its earlier version of events. Now, the office says Weaver, 53, of Fridley, apparently was using his cell phone shortly before he died — but not at the exact moment he was hit. (See updated MPR story [here](#).)

Weaver died in a quiet residential neighborhood where the trains purposely don't sound their horns. Freight and passenger trains charge east and west on parallel tracks situated several feet apart.

Authorities say Weaver had just finished his inspections with a BNSF test train on one track. With some papers in one hand, according to his family, he stepped from behind the test train and walked right onto the nearby track — and into the path of a Northstar commuter train. Authorities say the train was probably going about 80 miles per hour.

Weaver's only sibling, Sarah Kobara of South Pasadena, California, has accepted those painful facts. What she struggled to believe was the explanation she received from a medical examiner on the morning of her brother's death.

"When I asked him what happened, he said, your brother was talking on the phone and didn't see the train coming," Kobara said.

Kobara said she was shocked; after all, she thought of her older brother as a stickler for safety. The day her brother died, the Anoka County sheriff's office issued a press release, also stating Weaver was on the phone when he was killed. Several media outlets and blogs picked up [the story](#).

In an interview with MPR News last week, Kobara said her brother's legacy was ruined in a rush to judgment.

"It matters a lot to me because it's his reputation," Kobara said, adding that the initial news

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stories made him “look like an idiot.”

“And he wasn’t,” she said. “It was an accident.”

Kobara said she simply wants to clear her brother’s name. She said the family isn’t seeking any kind of financial payment and doesn’t find fault with BNSF, or with Metro Transit, which manages the commuter line.

Family members say after Weaver’s death, Gary Patterson, an investigator with the county sheriff’s office, began reviewing video footage of the incident on a much larger screen. Patterson told the family he believed Weaver wasn’t holding a phone to his head at all. One theory, among Weaver’s family and co-workers, is that he was putting chewing tobacco in his mouth, and a large watch he was wearing could have looked like a phone.

MPR News left several messages with the sheriff’s office last week seeking comment. On Monday, Sgt. Paul Lenzmeier, a spokesman, confirmed that the department is backing off its earlier conclusions after studying video footage of the incident.

“And after numerous viewings of this tape, it was determined that the victim of the train accident was not on the cell phone at the time of the accident, and at the time of the accident, his cell phone was not in his hand,” he said.

Lenzmeier did not know why officials initially assumed Weaver was on his phone. It’s not clear whether investigators had recovered Weaver’s cell phone records as part of the investigation.

Kobara’s husband, John, said Anoka County Sheriff Bruce Andersohn apologized today for his office’s handling of the situation. John Kobara said he was pleased with Andersohn’s apology.

“He was good and straightforward and empathetic,” he said. “I’m very pleased he called, and that he acknowledged a mistake.”

The sheriff’s office plans to issue a full report of the incident, as well as a press release pertaining to the cell phone issue, Lenzmeier said. The Federal Railroad Administration is also investigating. BNSF declined to comment on what happened for this story, citing the federal investigation.

Distracted cell phone use has been the cause of recent rail deaths in other parts of the country. A new federal regulation prohibits railroad operating employees, such as conductors and brakemen, from talking on electronic devices while on duty, but the Federal Railroad Administration said that rule did not apply to Weaver’s position. As a roadmaster, Weaver ensured the tracks met regulations and standards.

Sarah Kobara said her brother’s love affair with the railroad began in college when he got his first job doing repairs. He stayed with BNSF as a foreman and other positions for three more decades, even after hard labor on the tracks forced his spine to deteriorate. Kobara said doctors implanted 22 titanium bolts in his back to hold his spine together.

“Here his body is falling apart, but all he wants to do is get back to work on the railroad,” Sarah Kobara said. “That was his love. He couldn’t see himself working any place else.”

Kobara said her brother was on disability and living in Colorado after his surgery six years ago. When an opening with the railroad company opened up in Minnesota, Weaver took it — even though it was an administrative position. But she said her brother climbed his way up to supervisory roles.

BNSF officials say they valued Weaver, too. Earlier this year, the company honored him at an Employee of the Year ceremony for his work on the Northstar line.

Listen to the full story [here](#).

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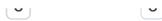
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