

NATIONAL TRANSPORTATION SAFETY BOARD

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 IN RE: :  
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 THE ACCIDENT THAT OCCURRED : NTSB Accident No.  
 ON LA JUNTA SUBDIVISION AT : DCA16MR004  
 MILEPOST 373 ON MARCH 13, :  
 2016 :  
 :  
 ----- :

Interview of: MAYNARD BURL

Wednesday,  
 March 16, 2016

Cimarron, Kansas

BEFORE:

MICHAEL HILLER, NTSB  
 SEAN CURRY, NTSB

This transcript was produced from audio  
 provided by the National Transportation Safety Board.

## APPEARANCES:

On Behalf of Cimarron Crossing Feeders LLC:

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1 P-R-O-C-E-E-D-I-N-G-S

2 (12:15 p.m.)

3 MR. HILLER: All right. Good morning. Mike  
4 Hiller with the National Transportation Safety Board.  
5 We are interviewing Maynard, last name Burl. This is  
6 in reference to the Amtrak accident here in Cimarron  
7 Kansas.

8 We'll go around the room and introduce  
9 ourselves. To my left?

10 MR. CURRY: Sean Curry. I'm a highway  
11 accident investigator with the National Transportation  
12 Safety Board.

13 MR. BURL: Maynard Burl.

14 MR. MCMONIGLE: Pat McMonigle with the  
15 Dysart Taylor Law Firm, attorneys for Cimarron.

16 MS. HILKER: Christi Hilker, attorney for  
17 Cimarron Crossing Feeders.

18 MR. HILLER: Thank you all. Let me just  
19 state for the record today is March 16, 2016 and it is  
20 quarter after 12:00.

21 So, Maynard, what we would like you to do is  
22 just characterize in your own words the events that led  
23 to the movement of the truck on March 13, 2016. If  
24 you've got any references of time, you could put those  
25 in there in your characterization as well and it would

1 be helpful.

2 MR. BURL: Okay. Sunday morning I'm  
3 assuming between 9:00 and 10:00 I got a call from Kevin  
4 at the mill that they had a truck incident. I came  
5 out, the truck was parked back up at the mill. He told  
6 me the air brake did not engage. I tried it.

7 I put it in gear and I couldn't move the  
8 truck. He argued a little bit that it wasn't working.  
9 Then we tried it again Monday morning at the start of  
10 the day and it was still working. That's about all I  
11 know about it.

12 MR. HILLER: Okay. So when you got that  
13 call, who called you?

14 MR. BURL: Kevin, the mill man that was on  
15 duty that day.

16 MR. HILLER: Okay. And then Kevin said  
17 there's been an incident --

18 MR. BURL: At the feed yard.

19 MR. HILLER: -- at the feed yard. Then what  
20 did you do after that?

21 MR. BURL: I got in my pickup and came right  
22 out here. I was probably here five minutes after he  
23 called me.

24 MR. HILLER: Okay. Then what were you told  
25 when you arrived?

1 MR. BURL: I was told that the truck run  
2 down through the field and just over the highway and  
3 that he went down, backed it out, and drove it back up.  
4 When I got here it was already parked. The muffler was  
5 hitting the drive shaft a little bit so I pried it  
6 down. That's all.

7 MR. HILLER: Okay. Did anyone mention that  
8 the truck had come in contact with the railroad tracks  
9 to you?

10 MR. BURL: No. Nobody mentioned that.

11 MR. HILLER: Did you go look at the path of  
12 travel of the truck?

13 MR. BURL: Yes.

14 MR. HILLER: Did you go down to the highway?

15 MR. BURL: No, because they told me it was  
16 just sitting over the edge of the payment.

17 MR. HILLER: Okay. How long have you been  
18 working here?

19 MR. BURL: Since August 1st.

20 MR. HILLER: Okay. Any incident like this  
21 ever occur before?

22 MR. BURL: Not in my career.

23 MR. HILLER: Not in your career. And you  
24 are the manager here?

25 MR. BURL: Yes.

1 MR. HILLER: Okay. All right. You said you  
2 parked it. When it was parked you started it up and  
3 put the brake on?

4 MR. BURL: It was running when I got here  
5 and it was sitting parked.

6 MR. HILLER: Where was it?

7 MR. BURL: Right at the mill.

8 MR. HILLER: Can you be a little more  
9 descriptive? Is it on this side, the road side?

10 MR. BURL: Well, it was right up against the  
11 grain tanks.

12 MR. HILLER: Which is --

13 MR. BURL: The east side of the grain tanks.

14 MR. HILLER: The big gray things?

15 MR. BURL: Yes.

16 MR. HILLER: The silos. Which way was it  
17 facing?

18 MR. BURL: It was facing --

19 MR. HILLER: Into the property?

20 MR. BURL: Yeah.

21 MR. HILLER: Is that a hill area?

22 MR. BURL: Small incline.

23 MR. HILLER: Okay. You got in and there  
24 were no warning lights on or anything?

25 MR. BURL: None whatsoever. I popped the

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1 air brake off, moved it a little bit, popped it on and  
2 it locked it down completely. I even accelerated it to  
3 see if I could move it and I couldn't move it.

4 MR. HILLER: How do you set a parking park  
5 on that particular truck?

6 MR. BURL: Just pull the knob out of the  
7 dash.

8 MR. HILLER: Okay.

9 MR. BURL: Air brakes.

10 MR. HILLER: And are there any sounds  
11 associated with you pulling that knob out and  
12 setting --

13 MR. BURL: Just a little air sound but  
14 there's no warning.

15 MR. HILLER: Okay. So you hear a little  
16 air?

17 MR. BURL: Yes.

18 MR. HILLER: Sort of a burst of air?

19 MR. BURL: Yes.

20 MR. HILLER: Okay. And as the truck sits,  
21 does the truck -- if the truck isn't running, will the  
22 air brakes still hold?

23 MR. BURL: Yes. They are designed if you  
24 lose all your air, they automatically lock down.

25 MR. HILLER: Okay. Does the truck -- if the

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1 truck is idling and the air brakes are set, do you have  
2 -- does it occasionally sit there and release air?

3 MR. BURL: Yes, if it's still running.

4 MR. HILLER: If it's still running?

5 MR. BURL: Yes.

6 MR. HILLER: Okay.

7 MR. BURL: When the tanks get full it's got  
8 a pop-off on it.

9 MR. HILLER: Got it. You said you had a  
10 disagreement. You tested the break.

11 MR. BURL: Yeah.

12 MR. HILLER: You found that it worked to  
13 your satisfaction.

14 MR. BURL: Right. Arturo (phonetic) is the  
15 one that told me that the brake wasn't working.

16 MR. HILLER: And what was that conversation  
17 between you and Arturo?

18 MR. BURL: He just said the brake wasn't  
19 working. "Let me get in there and I'll test it." I  
20 tested it, got out, and he was still arguing with me it  
21 wasn't working but it was working.

22 MR. HILLER: Was this after the incident  
23 occurred?

24 MR. BURL: Yes, when I come to the feed  
25 yard.



1 MR. HILLER: Had he ever come to you anytime  
2 during that day with --

3 MR. BURL: I wasn't here during the day.

4 MR. HILLER: Oh, okay.

5 MR. BURL: I just come in and went out.  
6 That's usually what I do on Sunday.

7 MR. HILLER: Got it. Has there ever been  
8 any issues with maintenance of the equipment on this  
9 feed lot?

10 MR. BURL: None whatsoever.

11 MR. HILLER: How would you characterize the  
12 maintenance of this equipment?

13 MR. BURL: Excellent.

14 MR. HILLER: Why?

15 MR. BURL: Because my son has a maintenance  
16 shop in town and it had been in there and I've got all  
17 the receipts from what was done to it.

18 MR. HILLER: Okay.

19 MR. BURL: About roughly a month ago  
20 sometime in January, a month and a half.

21 MR. HILLER: Okay. Very good.

22 Any further questions?

23 MR. CURRY: Good to go.

24 MR. HILLER: No further questions from me.

25 Do you have any last comments you'd like to make?

1 MR. BURL: No, I sure don't.

2 MR. HILLER: This concludes the interview.

3 Thank you very much.

4 (Whereupon, the above-entitled matter went  
5 off the record at 12:22 p.m.)

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C E R T I F I C A T E

MATTER: Accident That Occurred on  
La Junta Subdivision March 13, 2016  
Accident No. DCA16MR004  
Interview of Maynard Burl

DATE: 03-16-16

I hereby certify that the attached transcription of page 1 to 11 inclusive are to the best of my professional ability a true, accurate, and complete record of the above referenced proceedings as contained on the provided audio recording; further that I am neither counsel for, nor related to, nor employed by any of the parties to this action in which this proceeding has taken place; and further that I am not financially nor otherwise interested in the outcome of the action.



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