

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: KEVIN ORNELAS

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:

PAT MCMONIGLE, ESQ.
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TMG Employment Law Solutions
Overland Park, Kansas

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

(11:45 a.m.)

1
2
3 MR. HILLER: Good morning. My name is
4 Michael Hiller with the National Transportation Safety
5 Board. This morning on March 16, 2016 about quarter to
6 12:00 Central Daylight Time in Cimarron, Kansas. We
7 are going to interview Mr. Ornelas from --

8 What is the name of the company?

9 MS. HILKER: Cimarron Crossing Feeders.

10 MR. HILLER: -- Cimarron Crossing Feeders,
11 LLC. We'll introduce ourselves around the room
12 starting on my left.

13 MR. CURRY: Sean Curry. I'm a highway crash
14 investigator with the National Transportation Safety
15 Board.

16 MR. ORNELAS: Kevin Ornelas.

17 MR. MCMONIGLE: Pat McMonigle with the
18 Dysart Taylor Law Firm in Kansas City. I'm an attorney
19 for Cimarron Crossing Feeders, LLC.

20 MS. HILKER: Christi Hilker. I'm an
21 attorney for the Cimarron Crossing Feeders, LLC.

22 MR. HILLER: Great. Thank you, everyone.

23 Mr. Ornelas, could you please characterize
24 in your own words events that took place on Sunday,
25 March 13th related to the movement of the agricultural

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1 truck.

2 MR. ORNELAS: Okay. I was having problems
3 with our soak leg (phonetic) so I asked my co-worker.

4 MR. HILLER: Can I interject and say
5 problems with the what?

6 MR. ORNELAS: The soak leg. It's part of
7 the mill.

8 MR. HILLER: A soak leg?

9 MR. ORNELAS: It clogged up on me.

10 MR. HILLER: Okay.

11 MR. ORNELAS: And I needed help. I asked my
12 co-worker if he could give me a hand. He said, "Okay."
13 He's like, "Let me load." He loaded his truck and he
14 parked it close to the steel bins. He got off his
15 truck. At the time that happened I was at the top.
16 How many feet from the ground up I really don't know.
17 I was at the top already and I yelled at him to go
18 ahead and open my gate so I could see if the corn is
19 going to flow through.

20 He did that and I did see the corn go
21 through. As I looked up, I see the feed truck moving
22 so I assumed he got in his truck and left. He heard
23 the corn fall and he left. As I turned to my left, I
24 looked down and I seen him standing there. I was like
25 "Are you serious?" When I looked up again, I see the

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1 truck still moving. I yelled at him. I said, "Hey,
2 the truck is gone." He's like, "What do you mean?" I
3 said, "The truck is moving, man. Go get it."

4 I guess he tried going as fast as he could.
5 By the time he got from where he was at to his pickup,
6 his personal pickup, the truck had already knocked over
7 that corner post and it was already halfway. Halfways
8 by the time he got from his pickup to the entrance.

9 Where I was at there was nothing I could do.
10 Nobody could do anything because of the speed it was
11 going. I seen it, took off across the entire field and
12 crossed the blacktop and I just seen it rock back and
13 forth. That was it.

14 From where I was at that's all I could so I
15 came down. I seen the truck moving and in my mind it's
16 going to flip but somebody -- he went up there and
17 moved the truck himself. I started to come down the
18 ladder and I asked him, "How's the truck?" He's like,
19 "I don't know." We started looking at it. The bumper
20 was -- it wasn't busted up. It was just bent forward
21 and broke.

22 Around 11:00, almost 11:45 or so, he asked
23 me -- in between the feedings he asked me, "Can you
24 take me to go get my truck?" I said, "Okay." You
25 know, it's got that little crossover little dirt road

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1 right over the tracks. I went and dropped them off.
2 He got in his truck and I backed up, turned around, and
3 I left.

4 I see Steve coming out of my steam chest so
5 I came back. After that that's all I could tell you
6 because that's what happened. You know, I never
7 thought something like this would -- you know, in my
8 mind -- my first thing that came to my mind was please
9 don't hit a car. The traffic was slow but there were
10 still cars moving back and forth. I wanted it to flip
11 before it hit the black car. That's what I wanted
12 instead of hitting somebody. That's what I saw from
13 where I was at.

14 MR. HILLER: All right. How many deliveries
15 had that truck made on that morning?

16 MR. ORNELAS: I honestly can't tell you
17 because they are the ones that control their loads. I
18 just run the flakers and make feed.

19 MR. HILLER: Okay. So would you say that
20 was the first time you had seen that truck in the
21 morning?

22 MR. ORNELAS: No. I'd seen it all morning
23 since 6:00 in the morning.

24 MR. HILLER: So that wasn't the first run
25 the truck had made?

1 MR. ORNELAS: No.

2 MR. HILLER: Okay. Do you remember what
3 time it was?

4 MR. ORNELAS: I think it was about 9:30 or
5 so. I'm going to say 9:30.

6 MR. HILLER: Okay. I know the clocks just
7 did the spring forward thing so your watch and
8 everything was adjusted?

9 MR. ORNELAS: My phone was.

10 MR. HILLER: Your phone was.

11 MR. ORNELAS: Yes.

12 MR. HILLER: Okay. So you brought up your
13 phone. Did you make any calls or did you try to notify
14 anybody after this incident?

15 MR. ORNELAS: I was talking to my wife at
16 the time and I told her I thought I needed to catch it
17 on video.

18 MR. HILLER: Oh, okay.

19 MR. ORNELAS: But at the time that was
20 happening my hands were so full of corn, it was wet
21 corn, my phone slipped out of my hands and I dropped
22 the phone to the ground. I picked up the phone back
23 and called her back. She's like, "You didn't catch any
24 of that." I said, "No, it slipped out of my hands."

25 I was like -- that's what I wanted to do at

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1 the time. I got so nervous as soon as it started
2 getting closer and closer to the blacktop it slipped
3 out of my hands and I wasn't able to catch anything.

4 MR. HILLER: Did you call a supervisor? Are
5 you a supervisor here?

6 MR. ORNELAS: No.

7 MR. HILLER: Okay. Did you call a
8 supervisor?

9 MR. ORNELAS: Well, I spoke with Maynard and I
10 let him know that there was a situation that happened.
11 I said, "But you need to be here on the yard." He's
12 like, "Okay." After that I went back to what I was
13 doing.

14 MR. HILLER: When did you speak with
15 Maynard?

16 MR. ORNELAS: It was around 9:52 maybe. It
17 was a quick conversation. Seconds.

18 MR. HILLER: What was the conversation?

19 MR. ORNELAS: Just to let him know that we
20 had a situation here. He's like, "I'll be right over."

21 MR. HILLER: Did you say situation or did
22 you tell him what happened?

23 MR. ORNELAS: No, I said situation. He
24 showed up and I went back to what I was doing. I mean,
25 after that I don't know what was said or what happened.

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1 MR. HILLER: Do drivers of trucks often get
2 out at that location and leave their trucks unattended?

3 MR. ORNELAS: No.

4 MR. HILLER: No?

5 MR. ORNELAS: Uh-uh.

6 MR. HILLER: Has it ever happened before?

7

8 MR. ORNELAS: I've only been here a month-
9 and-a-half.

10 MR. HILLER: Oh, okay. So you have no
11 history. Okay.

12 MR. HILLER: So the driver filled up his
13 truck with feed so he was facing --

14 MR. ORNELAS: It was partial feed.

15 MR. HILLER: All right.

16 MR. ORNELAS: It was just distiller and
17 molasses and chemicals and stuff from the mill.

18 MR. HILLER: So he got stuff out of the mill
19 and you do that by driving through?

20 MR. ORNELAS: Yes.

21 MR. HILLER: It fees from the top. Right?

22 MR. ORNELAS: Um-hum.

23 MR. HILLER: And you said he parked next to
24 the metal bins. Which way was the truck facing?

25 MR. ORNELAS: Okay. When you pull in you've

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1 got to be facing north. He came around and there's
2 like a little driveway you can cut through that faces
3 south.

4 MR. HILLER: Okay. So the truck was pointed
5 south towards the railroad tracks.

6 MR. ORNELAS: Um-hum.

7 MR. HILLER: You said that wasn't the
8 truck's first run of the day?

9 MR. ORNELAS: It had been running since the
10 morning.

11 MR. HILLER: Okay. About 6:00-ish?

12 MR. ORNELAS: Yeah.

13 MR. HILLER: So three hours.

14 MR. ORNELAS: I started having problems like
15 at 8:30 or so and then that's when I realized it got
16 plugged up on top and we have no maintenance. In my
17 mind I'm like I'm going to get somebody to help me out
18 real quick.

19 MR. HILLER: Okay. Was it the last run for
20 that truck for the day or did he keep using it?

21 MR. ORNELAS: No. We were still on the
22 morning feed.

23 MR. HILLER: So he kept driving the truck
24 the rest of the day?

25 MR. ORNELAS: Yeah.

1 MR. HILLER: No more issues with it?

2 MR. ORNELAS: No. Not that I know of.

3 MR. HILLER: As far as you know he kept
4 loading feed. Right?

5 MR. ORNELAS: Yes. His biggest concern was
6 truck damage.

7 MR. HILLER: Yeah.

8 MR. HILLER: So did you observe the truck
9 rolling and moving along its path?

10 MR. ORNELAS: Yeah, I seen it. When I
11 caught a glimpse of the truck -- we've got the barn
12 where the truck is loading for feed at. That's when I
13 seen it. For a minute there I thought it was him
14 because the truck was going to turn.

15 When I seen it, I guess it kind of turned
16 itself back the other way and started catching speed.
17 That's when I notified him. I started yelling at him
18 and he's like, "What?" I said, "The truck took off,
19 man. You go get it." I'm like, "I'm up here. I can't
20 do anything." So that's when he took off.

21 MR. HILLER: So you characterize the speed
22 of the truck as fast?

23 MR. ORNELAS: It was quick.

24 MR. HILLER: It was quick?

25 MR. ORNELAS: Yeah. I mean, for it being

1 not a full load it caught pretty good speed.

2 MR. HILLER: When he parked it, could you
3 hear what was going on?

4 MR. ORNELAS: No. I didn't make no noise or
5 anything. I mean, like physical damage with the motor
6 or anything.

7 MR. HILLER: No, no. When he got out to
8 help you to go pull your chute or whatever you said you
9 had him do, could you -- did you watch him get out of
10 the truck?

11 MR. ORNELAS: I didn't watch him get out of
12 the truck but from where I was at, it sounded like he
13 pulled the air brake. At the same time when they build
14 so much pressure they release it. Like I told
15 everybody else, that's what I heard from up top.

16 That's what you could hear. I wasn't sure
17 if it released air when the pressure had built or if he
18 had pulled the brake. I said you can't really see from
19 up there. You can only hear.

20 MR. HILLER: Are there any motors or
21 machinery or augers or equipment up at the top of the
22 fed mill?

23 MR. ORNELAS: Yes. We got legs. We've got
24 a belt on them. We got augers.

25 MR. HILLER: Is all that running and making

1 noise?

2 MR. ORNELAS: It was running but it wasn't
3 making any noise like to say something that would
4 distract you but you can hear everything. If you are
5 yelling down you can hear.

6 MR. HILLER: So what kind of sound did the
7 parking brake make?

8 MR. ORNELAS: I mean, it sounded like he had
9 just pulled the brake. It's got that loud noise. I
10 don't know how to describe it.

11 MR. HILLER: Air?

12 MR. ORNELAS: Yeah, like air.

13 MR. HILLER: Blast?

14 MR. ORNELAS: Yeah, kind of like a blast. I
15 don't know how some trucks work but I know some of them
16 when they build so much pressure they release it
17 through a little pod they have.

18 MR. HILLER: Yeah.

19 MR. ORNELAS: That's what I heard but from
20 being up there I was like, okay, he parked already.
21 That's when I seen it come around the stake bends
22 (phonetic). Again, I can't tell you I physically saw
23 him pull.

24 MR. HILLER: What is your official title,
25 are you the mill manager or the mill man or what do

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1 they call your job? What do they call it?

2 MR. ORNELAS: I don't know. I'm just a
3 floater, I guess. I float from the mill to the yard.

4 MR. HILLER: Do you ever drive the trucks?

5 MR. ORNELAS: Today was my first time, you
6 know. It was my first time doing it.

7 MR. HILLER: I heard mention -- you've been
8 on the job for how long?

9 MR. ORNELAS: About a month-and-a-half.

10 MR. HILLER: Have you had any training,
11 safety training? Any type of training here?

12 MR. ORNELAS: We did have a safety meeting.

13 MR. HILLER: A safety meeting?

14 MR. ORNELAS: Yeah.

15 MR. HILLER: Okay. What do you talk about
16 in a safety meeting?

17 MR. ORNELAS: They talk about, you know, no
18 driving with cell phones, speed. It was mainly focused
19 on driving; no texting, no on the phones, watch your
20 speeds, slow down.

21 MR. HILLER: Okay. All right.

22 MR. HILLER: Was that taught here?

23 MR. ORNELAS: Yeah, it was here.

24 MR. HILLER: All right. I don't have any
25 further questions for you. Do you have any further

1 questions for us?

2 MR. ORNELAS: I don't.

3 MR. HILLER: Any additional information you
4 think you may offer that would help us in our
5 investigation of the derailment of the train?

6 MR. ORNELAS: No. I mean, everything that I
7 saw and witnessed, you know, I let you guys know.
8 Other than that, that's what I saw.

9 MR. HILLER: Thank you. That concludes this
10 interview.

11 (Whereupon, the above-entitled matter went
12 off the record at 11:18 a.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 Kevin Ornelas

DATE: 03-16-16

I hereby certify that the attached transcription of page 1 to 16 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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