

UNITED STATES OF AMERICA

NATIONAL TRANSPORTATION SAFETY BOARD

* * * * *

Investigation of:

*
*

UNION PACIFIC COLLISION

*

HAYS, KANSAS

* Docket No.: DCA-13-FR-008

JULY 16, 2013

*
*

* * * * *

Interview of: DALE HOYT

Salina Yard Office
Union Pacific Railroad
Salina, Kansas

Thursday,
July 18, 2013

The above-captioned matter convened, pursuant to notice.

BEFORE: TED T. TURPIN
Accident Investigator

APPEARANCES:

TED T. TURPIN
Accident Investigator
National Transportation Safety Board
1515 West 191st Street
Gardena, California, 90248
turpint@ntsb.gov

JAMES SOUTHWORTH
Investigator-In-Charge
National Transportation Safety Board

NILE DRAGOO
Chairman, Transportation Safety Team
United Transportation Union (UTU)

STEVEN FACKLAM
Safety Task Force
Brotherhood of Locomotive Engineers and
Trainmen (BLET)

ZACHARY ZAGATA
Operating Practices
Federal Railroad Administration (FRA)

JOHN WYKER
Chief Inspector
Federal Railroad Administration (FRA)

STEVEN LORD
General Director of Regional Operations
Northern Region
Union Pacific Railroad

STEVEN CLEVELAND
Local Chairman, UTU
Salina, Kansas

<u>ITEM</u>	<u>I N D E X</u>	<u>PAGE</u>
Interview of Dale Hoyt:		
By Mr. Turpin		5
By Mr. Dragoo		18
By Mr. Facklam		21
By Mr. Lord		25
By Mr. Wyker		28
By Mr. Turpin		29
By Mr. Dragoo		37
By Mr. Facklam		38
By Mr. Zagata		40
By Mr. Turpin		40

1 I N T E R V I E W

2 MR. TURPIN: My name is Ted Turpin. Today is July 18th,
3 2013, and we're at Salina, Kansas, interviewing the brakeman from
4 the LBG89-15 [sic] in connection with an accident that occurred at
5 Hays, Kansas, July 16th, 2013. The NTSB accident number is
6 DCA-03-FR-008 [sic].

7 Do you understand that this interview is being recorded?

8 MR. HOYT: Yes, sir.

9 MR. TURPIN: All right. And would you please state your
10 name and spell it?

11 MR. HOYT: Dale A. Hoyt; D-a-l-e; Alan, A-l-a-n;
12 Hoyt, H-o-y-t.

13 MR. TURPIN: All right, thank you. We'll go around the
14 room and have everybody --

15 MR. CLEVELAND: Steve Cleveland, C-l-e-v-e-l-a-n-d,
16 Local Chairman, UTU, Salina, Kansas.

17 MR. DRAGOO: Nile Dragoo, D-r-a-g-o-o, Chairman, UTU
18 Safety Team.

19 MR. FACKLAM: Steve Facklam, F-a-c-k-l-a-m, BLET Safety
20 Task Force.

21 MR. ZAGATA: Zach Zagata, Z-a-g-a-t-a, FRA.

22 MR. LORD: Steve Lord, L-o-r-d, General Director
23 Regional Operations, Northern Region, Union Pacific.

24 MR. WYKER: John Wyker, W-y-k-e-r. I'm with FRA.

25 MR. SOUTHWORTH: Jim Southworth, S-o-u-t-h-w-o-r-t-h.

1 I'm the Investigator-In-Charge for the accident investigation here
2 in Hays, Kansas.

3 MR. TURPIN: Okay. All right.

4 INTERVIEW OF DALE HOYT

5 BY MR. TURPIN:

6 Q. We've interviewed the engineer and the conductor so
7 we've got a lot of background as far as the trip and everything.
8 Why don't we make this a little more simple. Why don't you just
9 tell us what happened once you came to a stop at the east end at
10 Hays?

11 A. Okay. We already had our job briefing, came to a stop,
12 got off the train. And it was my job in the job briefing was to
13 line us in and line behind.

14 So checked the points of the switch. Like, you know, at
15 nighttime, a lot of times we check the points with a headlight and
16 look over there, you can see everything and right through it, you
17 know. So looked at the points; it looked fine. Opened the switch
18 and lined it for a pass movement. Locked the lock in the hasp,
19 took the key out, put it on my belt, walked down to do the derail.

20 As I walked down the derail -- there's another track in
21 there -- we always look at them as we're coming up to it. You
22 know, you look to make sure everything's lined for you. That
23 switch was lined for our move.

24 I walked out over that to the derail, took the derail
25 off, locked it back, and took my key out, made sure that derail

1 was off and gave -- let the engineer know that we're lined for a
2 pass, derail's been taken off and made for -- aligned for their
3 movement. And then they started taking it ahead with the
4 conductor.

5 We had already had a job briefing that he was going to
6 take it down and then he was going to get off at the depot and do
7 securement down there. Then he was going to -- I was going to
8 relieve him on that as he went inside and started doing work order
9 reporting, because we were short on hours.

10 And so, as they started pulling in, I watched them
11 coming in. I walk up to the main line switch, which is a normal
12 habit of mine to go to the main line instead of standing at a
13 derail. And I can't remember how many -- you know, as the unit
14 came by, how many cars got by as it went past me as I was walking
15 back. And I get to back to the main line and I started giving my
16 car count for clearing up. And what I do is on -- working in
17 Hayes before, I watch it when he -- that last car gets past the
18 derail, give them a car count to stop on that. I can't remember
19 the car count. We started at 15, counted down from there.

20 And got past the derail, usually about a car's length is
21 what I give them, and had them stop, said, "That'll do." And I
22 went ahead and took the -- checked the points on the main line
23 switch, unlocked it, threw it back for main-to-main move, and then
24 walked up and put the derail back and restored it and locked it,
25 and started heading up towards the cut where the clearance points

1 were. And as I was walking up, you know, I could hear the
2 conversation, radio communication between the conductor and
3 engineer, and he was doing a train securement check. He had
4 called for red zone. Got on red zone and went in and tied
5 handbrakes. He called red zone to get brakes and unpass Hays.
6 All normal stuff, you know.

7 And I was walking up and as he got done with that, they
8 did a securement check. And he come off, and I told him that I
9 would finish the move for him, take the -- he makes the cut there
10 and we pull the train across to cut Vine, pull it ahead, and I
11 would finish that move. He said that would be fine.

12 I did hear him make, you know, radio communication with
13 the engineer. One of the things I heard him say was -- we had
14 seen a guy following us on the train, and I hear him tell the
15 engineer that, you know, it seems like that our -- the railroad
16 buff was gone. And I seen him shine his flashlight back towards
17 our main line switches, and I looked back and -- you know, we
18 always look back at switches anyway when you got lights back there
19 to see if there's any red showing. But we don't use that for -- I
20 mean, it's not normal to use that for checking targets. We just
21 -- it just gives you an idea, oh, there's no red showing.

22 And I thought -- when he shined it back, I thought he
23 was shining it back to see if there's anybody behind us. I looked
24 back to make sure nobody was back there. I was kind of -- to be
25 honest with you, I was kind of nervous. You know, we had -- we've

1 had some situations out there and I -- you just don't know what's
2 going to happen and -- so I looked back to make sure nobody was
3 back there behind us and nothing was going on, and I realized what
4 he was doing was just kind of looking to make sure everything's
5 clear. I told him I would go ahead and finish the move. And he
6 walked in, started doing work order reporting, said that would be
7 fine.

8 And I went ahead and took control of the movement, which
9 we had made the cut; he had made the cut. Start pulling ahead
10 across Vine. I finished starting the count. As I walked
11 following the last car down towards Vine where I could get a good
12 view of where to stop the train, and he did tell me that you get
13 up right there by Vine, there's a little -- some equipment. He
14 says that's the best place to see where to stop, and I walked up
15 to that. I gave him a car count, made sure it was over 250 feet,
16 and we actually got plenty of feet past that. We were kind of
17 concerned to make sure we had enough clearance down on the other
18 end.

19 I stopped the train, stopped the movement, and engineer
20 I knew was doing securement check up there on the head end. We
21 were going to tie down just -- in our job briefing, you know, just
22 tie down two engines, hold the rest of the train. And I proceeded
23 to walk forward to the head end of the train, which was quite a
24 ways down there. And, of course, we had our grips and stuff on
25 there. And I walked down there, got up on the rear unit and

1 walked through, noticed that the rear unit was tied down.

2 Went to the head-end unit, and the engineer was in the
3 process of doing a train securement on the head end. And our
4 discussion as he did that and we got done was -- in-cab discussion
5 was, do we have a ride? He had got a ride coming for us. So he
6 had called for a van to come. And he said the van's coming down
7 here to pick us up right down here. And then I did discuss with
8 him about the guy that was following us.

9 There was a conversation between the engineer and the
10 conductor as he was -- before I took control of the movement, as
11 he pulled -- before he started pulling across Vine, of course, he
12 was -- the head-end units and the cars were already through Vine,
13 but he made -- we had made the cut, but it hadn't start moving
14 ahead. There was some trespassers climbed through, and I seen
15 them. I thought there was three of them. I don't know if there
16 was three or two, but I thought I saw three guys climb through.
17 And, you know, we're always concerned that somebody's going to get
18 hurt pulling ahead, but then we seen them clear up. And I know
19 the conductor told the engineer on the head end, we had some
20 trespassers down here and don't make a move. Then he said they
21 were off. Of course, they went on the other side, going to the
22 south.

23 So as I walked up, I kind of looked around, made sure
24 they weren't around anywhere. I got up there -- it was dark --
25 and I made that -- you know, I had that conversation with him.

1 And I did make a conversation with the engineer, our conversation
2 -- you know, all these things are just the things that happened
3 exactly as it was. I said, well, what was that? That was kind
4 of, you know, strange, somebody following us. I was kind of -- I
5 was nervous about it. I was stressed and just thinking -- you
6 know, we've heard some rumors out here about somebody, you know,
7 trying to get back at the railroaders so you never know.

8 As he said, yeah, it was just -- I think we lost him; it
9 was just our railroad buff. You know, I did think in my head that
10 maybe it was a young guy following the train because when we first
11 came into Hays, he was sitting back at a crossing just with his
12 headlights towards the tracks. And then as we pulled by him, he
13 pulled out and he kept stopping, braking, following along. So I
14 thought, you know, maybe it's a kid just goofing around, but you
15 just don't know.

16 And as we got off the train to get in the van, the car
17 pulls up that's following us, and it was a little GMC older model,
18 '90s model. And I thought it was kind of red with maybe it had
19 some black in it. But it was dark out there. And he rolled down
20 his window and turned on his light and, apparently, he knew the
21 engineer because they said something; they exchanged a
22 conversation. And then I asked him as we got in the van, I said,
23 "Who is that guy?" He said he was a guy from Ellis that was a
24 railroad kid that worked at the museum or something. And the
25 comment was, he said he knows so much about the railroad, he's on

1 the internet, that he actually knows when you're going to work
2 before you do. I said, well, that's kind of nice because I don't
3 know when I'm going to work half the time. So I don't how he
4 figured that out.

5 But, you know, to be honest with you, I was concerned
6 about it. I was a little stressed because, like I said, we've had
7 some threats out there. I worked that job before at Russell and
8 we know -- we've heard what's happened down there, and I was just
9 concerned, you know, that -- you never know.

10 Q. Okay.

11 A. So we got in the van, drove back to the depot.

12 One thing I did leave out is I did hear the conductor as
13 I cleared up the main line switch and derail restored, the
14 conductor gave a time to the engineer. But all I heard was a
15 time. I didn't hear him giving up a warrant on my handheld. All
16 I heard was 12:35, so midnight 35. And I know he said 12:35, but
17 it was midnight 35.

18 And on my radio -- I had just got done having a meeting
19 with the radio man here because my radio for some reason, they put
20 a new antennae on it, but I just have terrible communication when
21 a train gets a certain ways away, so I thought -- you know, once
22 again, I just heard the last part of it, the conversation was. So
23 I just assumed he was giving him a time that switches were
24 restored.

25 Q. Okay.

1 A. Got in the van. Like I said, we went back to the little
2 yard office depot there, did our normal tie up, had a discussion
3 about, actually about the trip. You know, we had a good trip, all
4 day everything went really good. We had a lot of work.

5 Got in the van. They had a discussion about what
6 they're going to get to eat. We went down, they stopped at Burger
7 King. Of course, I didn't want nothing to eat, and they ordered
8 some hamburgers.

9 Then we seen a bunch of police cars pulling up on Vine
10 Street, a whole bunch of them. We just assumed -- as the van
11 pulled out, we were looking down there -- they were looking for
12 somebody the way they were blocking the crossing. Never heard no
13 noise or nothing.

14 And had a conversation about that, went back to the
15 hotel -- we had already tied up, went back to the hotel, went up,
16 got our rooms. And I had to switch my room because the one I was
17 in was a smoking room and it smelled terrible.

18 And I just got in my room and sit down and we got a call
19 that we needed to come down to the lobby for a meeting. We got
20 down there about 2-something, a little bit after 2 in the morning.
21 And sat down there till 8:00 in the morning before I went back to
22 my room and then we were called when we got back to come down
23 there at 11. So that's basically it.

24 Q. All right, very good. I'm going to back track just a
25 little bit and work on a couple little details I'm curious.

1 On the first move in, you lined the main track switch,
2 then you lined the derail, and you gave the engineer a go ahead.
3 Did you use a radio or your lantern?

4 A. I didn't use my lantern. Actually, I think they started
5 making the move without me giving a go ahead, if I remember
6 correctly. He started clearing in there. I know he blew the
7 horn, but I gave him the command that derail was off and main line
8 switch lined for their movement.

9 Q. Okay. And you're full in his headlight, you know --

10 A. Yeah, yeah, right in my headlight. So he seen
11 everything. And I know he honked the horn, tooted the horn. But
12 I think Josh -- Josh was on the head end with him, the conductor,
13 so he gave him the go ahead to start pulling in.

14 Q. Okay, all right. So then you stayed engineer's side or
15 the south side?

16 A. I was on the south side.

17 Q. South side. So you stayed near the derail while they
18 pulled in?

19 A. Well, I was at the derail, but I turned and started
20 walking back towards the main line switch. My --

21 Q. Okay. Where were you when you stopped the cut?

22 A. I was at the main line switch kind of down a little bit
23 on the hill on it. You got to stand on the hill because it's
24 actually up high, and it's -- actually know that -- I was really
25 surprised. I thought maybe because they were, had just worked on

1 tracks out there, they had actually built up with some rocks
2 there. Because normally on that switch, we've said something
3 about it before, you pretty much have to stand on the hill to line
4 it. So it's been dangerous. I know that there was a switchman I
5 knew out here that retired that he said he had hurt his ankle
6 there. So I knew I was standing right there. I was 10, 12 feet
7 away, maybe 15 feet away from the switch kind of down on the hill.
8 I would say probably about 10 foot.

9 Q. Okay. And then you lined it as soon as it was cleared?

10 A. As it cleared the derail.

11 Q. Oh, you waited till the derail was cleared --

12 A. Yes.

13 Q. -- then you lined the switch, you walked towards the
14 derail?

15 A. And walked up to the derail.

16 Q. Okay. Lined the derail. Then when you headed up, did
17 you head up on the --

18 A. On the south side.

19 Q. On the south side?

20 A. Yeah.

21 Q. Okay. So you were between what would be the house track
22 and a passing track?

23 A. Yes.

24 Q. Okay. And you could actually see the conductor at Vine?

25 A. Yeah, I seen his lantern and I actually -- he was back

1 from Vine where the clearance point is, probably 250 feet.
2 There's a spot there, and he was back there. And I seen him and I
3 heard him giving command for red zone, because I had already
4 stopped the movement. And, of course, when I started walking back
5 after I lined back the derail, that's when I gave, you know, radio
6 communication that the switches had been restored.

7 Q. Okay. Now, there was a cut on the house or steel track,
8 right?

9 A. Yeah. There's a cut in -- on the in pass.

10 Q. That was yours?

11 A. Yeah.

12 Q. And then, but there was also cars --

13 A. There was loaded -- there was empty steel there for work
14 the next day.

15 Q. Okay. So you were walking between the cut of cars --

16 A. Yeah, yeah.

17 Q. -- headed towards the 250 feet to keep the gates from --
18 make the gates come back up?

19 A. Yeah. There's a spot there that you -- you know, it's
20 already been marked on the rail, you know, where to stop and clear
21 up.

22 Q. Okay. Did you tie any brakes on the bottom end down
23 here on the pass?

24 A. No.

25 Q. Okay. And then when you got to the conductor, you

1 basically took over the move to clear the crossing --

2 A. Yeah. He had made --

3 Q. -- farther west?

4 A. He was preparing to start pulling them ahead, but that's
5 when we seen the trespassers going through, and he stopped that.
6 And then I said, you know, I would continue to move after he told
7 the engineer that they were gone, so I was clear.

8 Q. All right. You work this job before?

9 A. Yeah.

10 Q. Quite a few?

11 A. I worked it one time for 5 months regular and then --

12 Q. Okay. What year was that?

13 A. It would have to be '06 right after I got hired. It
14 might have been '05.

15 Q. As a brakeman?

16 A. Yeah. I started out as a brakeman. Let's see. It
17 would be '06, because I worked in Herington my first year as a
18 night dodger.

19 There was a conductor -- he's actually Wade Isaacson.
20 He's a railroad cop. He was working then as the conductor and he
21 called me up and asked if I wanted to take the brakeman spot with
22 him on it. And when I came over here, I wasn't there very long
23 when he had got the job as a railroad police officer. So I took
24 up the -- I stepped up to conductor for --

25 Q. And what did you say, it was about 5 months?

1 A. All together with the time I started, yeah, 5 months.

2 Q. Okay. That's quite a while ago.

3 A. Yeah, it's a long time.

4 Q. You been back since?

5 A. Well, I've been back there on the extra board. I've
6 been pretty much on the extra board ever since. I worked Oakley
7 quite a bit as extra board and then back and forth as an extra
8 switchman here in Salina, then extra conductor's board pretty
9 much.

10 Q. Have you ever held pool jobs?

11 A. I got cut, cut off the board one time when they were
12 making all them cuts, and I went on a pool turn for just a short
13 period of time. And then, of course, I take a lot of pool turns
14 on the extra board --

15 Q. Right.

16 A. -- but not a regular pool turn. I only held that for a
17 while and it was the west end.

18 Q. So you work conductor's extra board by choice; you like
19 that?

20 A. Yeah. Yeah, I like it. I like the different, change
21 up. And I like, I actually like to do switching. So it gives me
22 an opportunity to do a lot of switching. I enjoy switching and
23 being on the ground.

24 MR. TURPIN: Okay. So we've kind of covered the tie-up
25 and later on I'll do some more background stuff, your work

1 experience, kind of what we just did. Right now, I want to go
2 around the room and ask if anybody has any questions. Nile?

3 BY MR. DRAGOO:

4 Q. Dale, Nile Dragoo, UTU. You mentioned something about
5 Russell. What happened at Russell?

6 A. Well, we had an incident here last year where a young
7 boy got killed on the tracks. The 89 job used to flip at Russell,
8 we'd get -- we'd turn around at Russell to go back when we had to
9 flip on Fridays. And they stopped doing that. They decided to
10 start going to Gorham because apparently the father of this boy
11 had been making threats. All I know is what -- I've heard the
12 threats he's made. I don't know, you know, you hear it through
13 the grapevine and imagine him being pretty angry. But I know I've
14 worked out there a couple times that we flipped at Russell and
15 there was -- where he works, I noticed there's been a guy that
16 seems pretty angry. He comes up, flying up in his concrete truck.
17 As a matter of fact, the last threat I heard was that he was
18 threatening to throw gasoline on somebody and light them on fire,
19 railroaders.

20 And then through the grapevine I heard he had been -- he
21 had left and then he came back. Well, a while back, we flipped
22 out there and I was lining back a derail in that pass track which
23 is next to the cement track. And where that cement place is where
24 he works, an employee pulled up in his -- a big truck and he
25 pulled up like he was angry, backed up real fast, got in his

1 pickup, spun out his tires and come flying down there by the track
2 where I was at. And I thought he was coming after me.

3 But that was just -- you know, he acted like he was
4 angry. And we've heard rumors so, you know, that's in the back of
5 your head and that's what's been going on. We've been hearing
6 that he's made a vendetta that he's going to get back at
7 railroaders, you know, so the day and age we're living in, I --
8 you just don't know.

9 Q. Back to when you lined the switches back there in the
10 derail, who'd you tell that you did this?

11 A. The engineer.

12 Q. Engineer?

13 A. Yeah.

14 Q. You didn't -- did the engineer convey it to the
15 conductor then?

16 A. The conductor heard the command on the radio because he
17 acknowledged he heard it, switches were lined back.

18 Q. Lined back to normal position?

19 A. Yes.

20 Q. Okay.

21 A. And the engineer on this job is really always thorough
22 about repeating back any commands you give. So we work on that
23 out here really good about giving back the same command that you
24 give out.

25 Q. Have you worked with this conductor and engineer before?

1 A. Never with the conductor; engineer, quite a few times.
2 I usually -- I worked with him in the yard before.

3 Q. There where you -- that switch where, and correct me if
4 I'm wrong, where you head into the pass, you guys call it?

5 A. Um-hum.

6 Q. How's the lighting there?

7 A. Well, you know, I think it's not that bad usually
8 because we have -- there's some buildings behind there and there's
9 like a -- where the steel track is, there's some lights out there.
10 But it is dark down there. I mean, there's no lights by the
11 tracks. You have to definitely have a lantern to see everything.

12 But, you know, I talked the other day, FRA. I told
13 them, you know, I would say it's probably a 4 maybe, I don't know.
14 I mean, it's dark, but it's -- I'm used to working it, you know.
15 We work in the dark a lot out here.

16 Q. With you guys getting close to being hours out of time
17 under your hours of service, did you feel like you was rushed
18 trying to get everything put away and tied down?

19 A. The only time we feel -- I feel like we were rushed was
20 getting clear to the main and getting in because we were short on
21 service. Don't want to leave the train hanging out there without
22 being able to finish moving. And, of course, that's always a
23 feeling of being rushed on that. You know, you got to clear up
24 because you got trains that got to go. We got single main track.
25 If you can't clear it up, they got to call a crew to come out

1 there and anyway you got to hold up trains on both sides, you
2 know.

3 MR. DRAGOO: Okay, Dale, that's all I have for now.

4 MR. HOYT: Okay.

5 MR. TURPIN: Thank you.

6 MR. FACKLAM: Steve Facklam, BLET.

7 BY MR. FACKLAM:

8 Q. While lining there on the east end, you felt it was
9 adequate?

10 A. Well, I don't know. I don't know how to say adequate.
11 I mean, it was okay for me with a lantern. I don't really get too
12 upset about lighting because I work in Kansas City, we work in the
13 yard here, and the lighting's bad on all the railroad tracks. So,
14 you know, you kind of get used to working it, make sure you just
15 have a good lantern, you know, you can see what you're doing.

16 Q. So you did have your lantern with you?

17 A. Yeah, yeah. And I double-checked my battery and it was
18 working fine, so --

19 Q. The battery pretty fully charged --

20 A. Yeah.

21 Q. -- right? Normal practice?

22 A. It was a newer battery.

23 Q. What's that?

24 A. It was a newer battery.

25 Q. Okay. So you were at the main line switch when the

1 train pulled in --

2 A. Uh-huh.

3 Q. -- and when he cleared the derail, you were at the main
4 line switch when you stopped him?

5 A. Yeah, yeah.

6 Q. Okay.

7 A. Yeah, I always do that as -- you know, I did have this
8 discussion earlier during the day on the trip with the conductor
9 about, you know, some people do opposite. They go from -- like if
10 you're taking out of a, coming out of a track and he'll -- you
11 know, guys will line the derail, they walk up and line the main
12 line, then head in to the head end. And, of course, if we have
13 back -- box 4 (ph.), we can back up and pick up the crew.

14 But I always like to stand up at the main line and walk
15 back and get the derail afterwards because my big concern is that
16 I might leave main line switch and hit the derail. So I figure if
17 you're going to miss a switch, the main line switch is what's
18 important, especially in dark territory. That's number one thing
19 to get first. So if I get that first and I get back and get the
20 derail, then I let the engineer know that they were lined back.
21 That's just my routine.

22 Q. So being at the main line switch, you kind of would have
23 been on the north side of the train instead, until you started
24 walking up towards the derail, then you kind of went on the south
25 side?

1 A. Yeah. Well, I was on -- never on the north side. I was
2 always on the south side.

3 Q. Always on south side? Okay.

4 A. Yeah, there's -- you can't do nothing on the north side
5 other than you can -- the engineer can see you, but --

6 Q. Okay. Did you ever see the conductor up at the Vine
7 Street from where you're at?

8 A. Yeah.

9 Q. You can see the conductor?

10 A. Yeah, I seen him, you know, I had seen him enough to see
11 to get in.

12 Q. See his lantern or --

13 A. And I could hear him. You know, I was paying attention
14 to what he's doing down there and, you know, we're still having
15 radio communication about our work.

16 Q. The trespassers, all three of you had mentioned
17 trespassers. Where did -- do you know where about the trespassers
18 passed through the train?

19 A. They would be behind the ethanol cars, and we had some
20 steel on there. They were probably -- it was between some tank
21 cars.

22 Q. Would this be west or east of Vine Street?

23 A. It would be right in the middle of Vine Street.

24 Q. Right around Vine Street?

25 A. Yeah, because we hadn't started making a move across,

1 made the cut and start moving ahead yet.

2 Q. Did any of you report the trespassers to anybody?

3 A. Well, I know, you know, I heard the conductor tell the
4 engineer. And I didn't know if he was going to go in and call
5 about it or not, but I heard him tell them they were clear. And I
6 seen with my own eyes that they were clear of the -- the three
7 were that I saw. I don't know -- I didn't know if any more were
8 coming across, you know. Of course, we're on the south side and
9 the trains blocking it, but --

10 Q. At Vine Street, was it the conductor or you that made
11 the cut to separate the train?

12 A. He made the cut.

13 Q. The conductor made the cut?

14 A. See, that's one of the things about, I saw him up
15 there is I --

16 Q. He just (indiscernible)?

17 A. -- I had just assumed -- I worked a job before where
18 guys go in and they just automatically get off and go in and start
19 doing the work order. And it would be my job to walk up there to
20 make the cut, which I had no problem doing that. I was just
21 heading down that way to do that normal thing and I seen that he
22 had already started the securement check and all that. So I was
23 listening to the radio communication, knew what he was doing. I
24 could see him doing it.

25 Q. Okay. And you had stated you had reported the main line

1 switch and derail were lined and locked for --

2 A. Yes.

3 Q. -- main line, or normal use?

4 A. Yes.

5 Q. Okay. You did that over the radio. You reported that
6 to the engineer?

7 A. Yeah, on the radio to the engineer.

8 Q. Who responded back to you?

9 A. Engineer.

10 Q. The engineer responded back to you?

11 A. Yes. He responded back and he says, "Is that correct?"
12 I said, "That is correct."

13 Q. Okay. And did the conductor state anything at that time
14 over the radio?

15 A. I heard him make a mention of the main line switch is
16 restored and derail restored.

17 Q. So he kind of repeated it too, along with the engineer?

18 A. Yeah, kind of yeah, going along with the same radio
19 communication.

20 MR. FACKLAM: That's all I have right now.

21 MR. ZAGATA: I don't have anything right now.

22 MR. LORD: Dale, Steve Lord, UP.

23 BY MR. LORD:

24 Q. Go back up to the east end. At the end of job briefing,
25 your role to line them in and then line back at. You approached

1 that switch and you unlock, did you have any trouble with the lock
2 or the switch?

3 A. The switch has always been real rough on that to throw.
4 So not, not terribly rough for me. I mean, I do a lot of switches
5 out here like that. But I did note, pay attention to that. And
6 that was one of the things I was thinking about as I was lining it
7 back.

8 Q. You had no issue with the lock?

9 A. No.

10 Q. Okay. So you didn't have to line the next switch, you
11 were already lined in?

12 A. The -- it was already lined for our use.

13 Q. Lined for the pass?

14 Let's go back up to the Vine Street. You guys were both
15 on the south side making the cuts. Was is it normal to cut on the
16 south side? I'm trying to understand if you reach over and --
17 somehow you got to get the angle cock inside.

18 A. Well, you get a red zone. You know, the reason we're on
19 the south side on that, as you pull into Hays, as he starts
20 pulling in, the only way to be on the other side is you would have
21 to -- because you line in, you take derail off, you would have to
22 actually climb through the train to get on the other side. So,
23 you know, you just -- we do get on that side to make the cut
24 sometimes too.

25 You know, as a matter of fact, I don't know if the

1 conductor did on that side. I know he tied brakes and got out a
2 red zone, but I don't know where he made the cut from. He might
3 have been on the north side. Because, you know, if you can get on
4 the north side when you're doing that, you like to, where the
5 engineer could see you.

6 Q. And that's where the angle cock is?

7 A. Yeah. Sometimes. Then we had them big gondola cars,
8 the angle cock's on the opposite side. And we picked up four of
9 them at Black Wolf and they, all the angle cocks were on the south
10 side.

11 Q. I want to go back up to the east end again, when you
12 talk about that switch again. So you had no problems with the
13 lock? You did lock it back up on your entry?

14 A. Yeah, I always lock up, take my key with me. You got to
15 go get another switch, you lock it. And I've been actually,
16 honestly, been working on that, making sure switches are locked
17 instead of just hanging them and walking to another switch. Some
18 guys, you know, carry other keys. I only have one key set, and I
19 just use the one key, and I can go up and get -- if I got a derail
20 to get off, I got the keys with me. So I got the switch locked
21 for that move. Of course, you got to take some time to unlock it
22 again, throw it back and lock it up, but that's -- the only
23 problem you ever have, most of the locks out here, I always have a
24 little bit of problem getting the key lined up. The keys don't
25 line up again, so it's dark, you got to get it lined up. But

1 other than that, I mean, I was able to unlock and lock it.

2 Q. So you line the switch and down line the derail, walk
3 back up to the main line switch, and let him know when he was
4 clear --

5 A. That's where I do my car count, yes.

6 Q. You were giving the car counts, and then you unlocked
7 the switch again -- unlocked the lock again and threw it back to
8 normal?

9 A. Unlocked it, yeah, threw it back to normal main line
10 movement.

11 Q. Then locked it again. You only threw the main line
12 switch?

13 A. Yes, main line switch. Locked it back main line
14 movement, locked the lock back.

15 Q. Had no trouble with the lock either time?

16 A. Just normal lock things. You got to get the key lined
17 up and sometimes you have to pull the lock. I mean, they're set
18 out there in the weather all the time. They're not like I
19 couldn't get the lock off at all. I mean, I got it off.

20 BY MR. WYKER:

21 Q. What kind of switch is it? Is it a --

22 A. High stand.

23 Q. -- throw over or is it --

24 A. A high stand pull.

25 Q. It's a high stand pull?

1 A. Yeah.

2 Q. Okay. So you pull it out, you pull it around and then
3 you --

4 A. Stick it back in.

5 Q. -- push it back in again. Okay. And then you put a
6 lock back in?

7 A. Yeah.

8 Q. Okay. Okay, thank you.

9 UNIDENTIFIED SPEAKER: Nothing.

10 BY MR. TURPIN:

11 Q. Did you happen to check the time when you lined up
12 behind?

13 A. No, I didn't have time when I went back. I had my watch
14 in my -- on the train in my grip.

15 Q. When you take the key out of the lock, do you habitually
16 pull on the lock?

17 A. Not always. You know, as you take the key out, you
18 know, you pull on it as it is anyway. Them keys, you know,
19 they're not filed down, they're regular keys. They're in there so
20 they're hard. You have to pull on the lock to check to make it
21 slide. So it's kind of like you take care of it when you're
22 pulling the key out, you know. But I don't -- I'm not -- Brian
23 informed me that it was a rule. I don't normally take all the
24 locks and check them every time.

25 I know that I checked it, made sure that it was, you

1 know, for our movement. And then also, you know, you pull up on
2 the end to make sure it was tight, just a habit to be in.

3 Q. Okay. All right. Let's go back to some of that other
4 stuff. When did you start on the railroad and where and what were
5 you doing?

6 A. I started in February 2005, went to school in Junction
7 City, was hired on for Herington.

8 Q. As a trainman, brakeman, conductor?

9 A. Conductor.

10 Q. Conductor?

11 A. Yeah, conductor and trainman.

12 Q. And your conductor's date was in '06?

13 A. It would be '05.

14 Q. In '05?

15 A. Yeah.

16 Q. Okay. Have you ever taken promotion to engineer?

17 A. No.

18 Q. RCE qualified?

19 A. No.

20 Q. We pretty well walked through the jobs you've worked and
21 the areas you've worked in, okay.

22 This one is easier for you guys because of your weekend,
23 but we need to walk through your weekend activities. I know you
24 had -- well, no, you were off the extra board. Did you work
25 Saturday or Sunday?

1 A. I came in Sunday morning.

2 Q. Did you work Saturday?

3 A. Yeah, I was -- I worked to Kansas City Friday, Friday
4 evening.

5 Q. Oh, there -- cheat a little bit. He's got some cheat.

6 A. Okay. Yeah, I was called 2130 on Friday and then I
7 worked back Saturday to Sunday morning. I got in --

8 Q. Okay. Let's take you to Kansas City. So Friday night,
9 2130, you worked the night. What time do you remember getting to
10 Kansas City?

11 A. 7:54 in the morning.

12 Q. All right. What did you do in Kansas City?

13 A. Took a train into Armourdale.

14 Q. Yeah. What did you do when you got off duty?

15 A. Oh. Went to the gym with the engineer for a little
16 while and then came back and went to bed.

17 Q. All right. What time do you think you laid down?

18 A. I think about 10:00 maybe.

19 Q. All right. When did you get up?

20 A. I got up for breakfast at 8:00.

21 Q. No, that's not working out for me. Okay, Friday night
22 you worked all night, got there at 8 in the morning, went to the
23 gym, went to bed at 10 a.m.

24 A. Wait a minute. I'm trying to remember that trip.

25 I got called at 1:00.

1 UNIDENTIFIED SPEAKER: Yeah.

2 MR. HOYT: Okay. This is a different trip. Tied up
3 at --

4 UNIDENTIFIED SPEAKER: That's right, that's right.

5 THE WITNESS: -- 1830. Yeah, it's a different trip. It
6 was -- would be the 12th, 13th. Yeah, yeah, 8:05 call.

7 BY MR. TURPIN:

8 Q. Okay. So Friday, you worked a daylight trip to Kansas
9 City.

10 A. Yes.

11 Q. Got to Kansas City about 6:00 at night?

12 A. Yeah.

13 Q. All right. All right. Then you went to the gym?

14 A. Yeah, I went to the gym with the engineer.

15 Q. All right. Went to bed about 10:00?

16 A. Yes.

17 Q. All right, good. Got up for breakfast at?

18 A. 8:00.

19 Q. 8:00. Felt rested?

20 A. Yeah. I was a little bit not rested. I've been working
21 quite a bit and it's hard to get rested down there in that hotel.

22 Q. So it's Saturday morning, you had breakfast. When did
23 you get called?

24 A. I was called at 1300.

25 Q. Okay, not until 1:00? And you worked until when?

1 A. Wait a minute. I was called at 2130, I'm sorry, that
2 night. I can't even remember.

3 Q. Okay. So you --

4 A. I was called for the KC. Okay, now I know, I remember.

5 Q. You were in Kansas City all day long. Did you go lay
6 back down?

7 A. Yeah, I did. I laid down for the afternoon and got
8 called for the MKCSI.

9 Q. All right. How long do you think you slept?

10 A. That afternoon, I probably slept to about 5:00 in the
11 evening.

12 Q. So how long were you asleep, do you think, nap?

13 A. Okay. After I had laid down at 10:00 in the morning
14 maybe, so I got, what, 5 hours maybe --

15 Q. Okay.

16 A. -- that I was napping, 5 hours, 6 hours maybe.

17 Q. All right. Okay, now we're getting somewhere.

18 A. Yeah, I'm trying to -- it's a lot to remember.

19 Q. That's all right. I understand. It's hard.

20 All right. So now it's Saturday, you caught a -- what
21 time was it in the evening?

22 UNIDENTIFIED SPEAKER: 2130.

23 MR. HOYT: Yeah, 2130 for the MKCSI.

24 BY MR. TURPIN:

25 Q. All right. And you're headed back to Salina. What time

1 -- when did you get here?

2 A. It was all night. I got tied up at 7:54 in the morning
3 so we were not far from being full hours of service.

4 Q. And that's Sunday morning. What did you do Sunday?

5 A. Went home, had church with my family in the morning, and
6 then laid down with my little boy for a nap when he went down
7 about 2, 3:00 in the evening. And I guess I got up about 5:30,
8 did chores, and went to bed with my -- I had a bath with my boy at
9 9:00 then went to bed with my wife and slept till I got called at
10 -- slept all night long, got up in the morning.

11 Q. So Monday morning, what time did you think --

12 A. Monday morning. Of course, I -- all night long I was
13 checking the boards, but I was first out, so -- I was supposed to
14 been second out but I tied-up and I was first out on Monday.

15 Q. Okay. How many times out were you when you went to bed
16 Sunday night?

17 A. Second out.

18 Q. So you were second out?

19 A. Yeah, I've been tying out first and second out for
20 10 days maybe.

21 Q. Okay. So you got -- you were home all night?

22 A. Uh-huh.

23 Q. You were thinking about having to go to work all night,
24 but you were home all night?

25 A. Always -- natural habit is non-stop checking where

1 you're at. My wife's --

2 Q. How did you check? Do you go on computer or you --

3 A. I get on my -- yeah, I'll get on my phone. Had it laid
4 by the bed and look at it all the time.

5 Q. Okay. What time do you think you finally got up Sunday
6 morning?

7 A. Monday morning?

8 Q. Monday morning, yeah, you're right.

9 A. Well, I know what time I got up. I was up at 6:30
10 because my boy -- my wife had to work. My boy was up.

11 Q. Okay. And then between then and when you got called for
12 the local, did you go lay down at all, take a nap on Monday?

13 A. No. No.

14 Q. Did you feel rested when you went to work?

15 A. Yeah, I felt fine. I mean, I was ready. I wasn't very
16 happy about the fact that we got called at 1:00 and we sat down at
17 the depot like till 5 before we got out of here. So I was, by
18 that time, I felt pretty -- started to get lethargic. You know,
19 you're sitting around doing nothing waiting.

20 Q. Yeah. Okay.

21 A. We had a lot of work to do.

22 Q. All right. Well, let's go back to some of that trip
23 during the night. You know, the conductor and engineer told us
24 you had to run a little bit of work because you ran out of time.
25 You're aware of that, right?

1 A. Yeah, yeah.

2 Q. You a part of that decision process?

3 A. Yeah, I heard them on the job briefing talk about it,
4 discussing it, and listened with the dispatcher. They had us to
5 some extra work that was important. We had to clear up a car at
6 Walker that had been pushed over the derail. So they were ready
7 for us to go on in to Hays and get out of the way.

8 Q. Okay. All right.

9 A. So we had good job briefings. We actually had a really,
10 really good trip. I mean, we -- everything, we had a lot of work,
11 but it went really good. And I was really overjoyed that we
12 actually were working hard on doing everything 100 percent rules
13 compliant. I mean, it's nice that we're all trying to start
14 getting into this habit of trying to -- and it was, you know, you
15 get out here and you work with a guy and everything's clicking and
16 you're doing it all; it's nice to see how it all works together.
17 Actually, I had made that comment to the conductor that I really
18 enjoyed how we were all working hard and doing everything by the
19 rules.

20 Q. Okay.

21 A. Because you got to, you got to think about it, what
22 you're doing. There's a lot of stuff. I mean, I wrote it down
23 the other night what we did, and it's three pages long, just the
24 stuff you do here at Hays.

25 MR. TURPIN: All right. I'm going to have just a few

1 more there at the tail end, but usually I want to run through if
2 there's any more. Nile?

3 BY MR. DRAGOO:

4 Q. Dale, Nile Dragoo. Do you work the brakemen's extra
5 board?

6 A. I have before, but, you know, I'm on the extra
7 conductor's board. I wasn't supposed to be called for this job.
8 It was -- they were out of brakemen.

9 Q. So if they're out of brakemen, they pull you off the
10 conductor's board?

11 A. Yeah, I actually was -- I wasn't expecting a call. When
12 I got called, I wasn't -- when they called me as a brakeman and I
13 asked the -- I actually asked the crew caller, why am I getting
14 called as a brakeman; I'm a conductor. And she said we're out
15 brakemen.

16 Q. Does this happen often?

17 A. Too often. It's not supposed to. You can't plan for
18 it.

19 Q. Okay. When you line a switch back, do you look at the
20 target or you look at the switch points?

21 A. I look at the switch points. You know, we look at
22 targets out of habit after you do stuff just to see if there's any
23 red showing. But we all know that you can't trust targets out
24 here. I mean, I've seen hundreds of them that are spinning, that
25 just flop and hanging there. So, you know, you could be -- you

1 never trust a red target saying it's lined or a green target,
2 so --

3 MR. DRAGOO: Okay, Dale, that's all I have. Thank you.

4 MR. FACKLAM: Steve Facklam, BLET.

5 BY MR. FACKLAM:

6 Q. You were working conductor's extra board. Were you
7 getting much time off at home in your home terminal?

8 A. No.

9 Q. Just rough average over the last 2 weeks, do you
10 know --

11 A. Um-hum, 14 hours.

12 Q. About 14? So you're almost going out on your rest?

13 A. Pretty much so.

14 Q. Working conductor's extra board, do they show open jobs
15 that you may be called for so you can kind of predict?

16 A. No. Our train line is -- when I look at it, to me it's
17 -- none of it make sense because it never, never goes the way it
18 says. You can't even get close to predicting it.

19 Q. And then there's no way to predict -- is there any way
20 for you to predict vacancies on the conductor's extra board that
21 you may have got the conductor --

22 A. You look at, you know, you look at all the vacancies,
23 but you can't even tell them.

24 Q. I don't know if I worded that right. So with the
25 brakeman's extra board running out, do you monitor that to see if

1 they're possibly going to then start filling vacancies from the
2 conductor's extra board?

3 A. No. Normally, I monitor that to see if -- you know, if
4 you're going to get called on a train with a brakeman as a
5 conductor, who you might be working with on that train. Like a
6 grain train, you know, you like to know who you're going to be
7 working with. But as far as -- I never pay attention that they're
8 going to call you off of the conductor's board for that because
9 that's just not something you look at because we're not supposed
10 to be called.

11 Q. Has that been very common --

12 A. Yes.

13 Q. -- running off the, running the --

14 A. Too common.

15 Q. Okay.

16 A. Yeah, they use us to fill the extra brakeman's job quite
17 often. They've even called us to do it at Oakley, so --

18 Q. Now, going back to the -- at Hays when you reported, you
19 said you reported the switches lined and locked to the engineer.
20 Is that the normal practice for you to report it to the engineer
21 or the conductor?

22 A. To the engineer.

23 Q. You normally report it to the engineer?

24 A. Yeah. You know, you say something to the conductor too,
25 but he -- I let the engineer know, and that's normal practice.

1 And working with that engineer too, that's normal practice with
2 him.

3 MR. FACKLAM: That's all I have at this time.

4 MR. TURPIN: Okay.

5 MR. ZAGATA: Zach Zagata, FRA.

6 BY MR. ZAGATA:

7 Q. Is it -- that main line switch there, is it normal
8 practice to stand on that south side when you're pulling in?

9 A. Yeah.

10 Q. You're saying -- what type of target does that main line
11 switch have on it?

12 A. It's a red target.

13 Q. It's a red target?

14 A. Yeah. I really can't -- I don't think it has green on
15 the side of it. It could. I mean, I'm trying to remember it. I
16 just know that -- I don't pay attention to the target too much,
17 but I know it does have a red target on it.

18 MR. ZAGATA: That's all I have.

19 MR. TURPIN: John?

20 BY MR. TURPIN:

21 Q. Just some of these clean-up questions here at the end.
22 Do you take any prescription drugs?

23 A. Yeah, I do. One prescription, I take one for migraine
24 headaches.

25 Q. Okay. I don't understand these things, but could you

1 state what the drug is?

2 A. It's called Treximet.

3 Q. Okay, thanks. Any nonprescription drugs?

4 A. No.

5 Q. Okay. Do you wear glasses?

6 A. Just for reading, nothing else. Like reading,
7 magnifying glasses basically.

8 Q. Okay. Do you recall the last time you were efficiency
9 tested or FTX?

10 A. I was trying to figure it out the other day. I think
11 it's been within the last couple weeks.

12 Q. Okay. And was it -- it was successful; you passed?

13 A. Yes, it was.

14 Q. The supervisor let you know?

15 A. Yes.

16 Q. Okay. Do you feel well trained to do your job?

17 A. Oh, yes, I do.

18 Q. Okay. Did you use your cell phone while you were on
19 duty?

20 A. One time when we were stopped, I made a phone call and
21 put it back in. We were stopped, nothing was being done.

22 Q. Okay. Do you remember where that was?

23 A. That would be -- we got back on the train at Walker,
24 stopped, went to the -- talked to the dispatcher; got done with
25 that. We were not doing nothing, so (indiscernible) made a call

1 and put my phone back in.

2 Q. So Walker?

3 A. What's that?

4 Q. Walker?

5 A. No, no. I wasn't walking.

6 Q. No, at Walker.

7 A. Oh, yeah, at Walker.

8 Q. All right, thanks.

9 A. No, it wasn't Walker. I'm sorry. It would be Black
10 Wolf.

11 Q. Black Wolf?

12 A. Black Wolf, yeah.

13 Q. Okay. Is it a safe place to work?

14 A. Not always.

15 Q. Why?

16 A. There's a lot of things out here that can hurt you, a
17 lot of dangerous stuff, and we have a lot of places that we have
18 bad track and there's a lot of moving equipment.

19 Q. Okay. Any way you'd make it safer?

20 A. Well, you know, I had brought up one time before, one of
21 the things I think is -- you know, you're kind of pressured on
22 stuff that you -- you know, my point was being on turning stuff in
23 and somebody doing something about it.

24 Q. Have you ever turned things in, unsafe things?

25 A. I've made suggestions to, you know, management and let

1 them know about something.

2 Q. Verbally or formally?

3 A. Verbally.

4 Q. And do you get a response?

5 A. Well, you know, just a verbal response.

6 Q. Okay. Is there a mechanism to actually put something in
7 formally or in writing?

8 A. Yeah. Yeah, you can put information in, you can put it
9 all in there.

10 Q. You haven't used that though?

11 A. I haven't, no. I've been to a few safety meetings and
12 made suggestions.

13 Q. Okay. All right. Kind of back to John's stuff, and
14 this is really kind of the crux of what happened, you know, and
15 you're aware here, obviously, what happened afterwards. And it's
16 really important that you think back, when you walked back there
17 to line that switch, did you physically remember, can you
18 physically remember, did you line the high stand tag switch or did
19 you use the throw-over switch?

20 A. The high stand.

21 Q. The high stand switch. And I'm asking that because
22 these two switches are obviously different.

23 A. Yes.

24 Q. One's a low throw --

25 A. One's a low throw.

1 Q. -- and one is the high stand.

2 MR. TURPIN: All right. Any other questions? That it?

3 Very good, complete this interview.

4 (Whereupon, the interview was concluded.)

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

CERTIFICATE

This is to certify that the attached proceeding before the

NATIONAL TRANSPORTATION SAFETY BOARD

IN THE MATTER OF: UNION PACIFIC COLLISION
 HAYS, KANSAS
 JULY 16, 2013
 Interview of Dale A. Hoyt

DOCKET NUMBER: DCA-13-FR-008

PLACE: Salina, Kansas

DATE: July 18, 2013

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.

Christina H. Neilson
Transcriber