

UNITED STATES OF AMERICA

NATIONAL TRANSPORTATION SAFETY BOARD

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Investigation of: *

DGNO TRAIN ACCIDENT IN CADIZ YARD, * Accident No.: RRD18FR010
DALLAS, TEXAS, AUGUST 13, 2018 *

* * * * *

Interview of: DANIEL RADNEY

Indigo Hotel
Dallas, Texas

Tuesday,
August 14, 2018

APPEARANCES:

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National Transportation Safety Board

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National Transportation Safety Board

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I N T E R V I E W

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2 MR. TORRES: This is an NTSB informal interview. My name is
3 Tomas Torres, T-O-M-A-S, T-O-R-R-E-S. Today's date is August the
4 14th, 2018. We're at the Indigo Hotel in Dallas, Texas
5 interviewing the engineer in connection with an accident that
6 occurred in Dallas, Texas on August the 13th, 2018. The NTSB
7 accident number is RRD18FR010.

8 The purpose of the investigation is to increase safety, not
9 to assign fault, blame or liability. NTSB cannot offer any
10 guarantee of confidentiality or immunity from legal or certificate
11 actions. A transcript or summary of the interview will go in the
12 public docket.

13 The interviewee can have one representative of the
14 interviewee's choice. You have somebody?

15 MR. RADNEY: No, sir, I don't.

16 MR. TORRES: Okay. Do you understand that this interview is
17 being recorded?

18 MR. RADNEY: Yes, sir.

19 MR. TORRES: Okay. Please state your name and spell it.

20 MR. RADNEY: Daniel Radney, D-A-N-I-E-L, R-A-D-N-E-Y.

21 MR. TORRES: Thank you. Dr. Hoepf?

22 DR. HOEPF: Michael Hoepf -- last name is H-O-E-P-F -- with
23 the NTSB.

24 MR. LLOYD: I'm Troy Lloyd -- last name is spelled L-L-O-Y-D
25 -- with the NTSB.

1 MR. STRICKLAND: Bret Strickland, FRA operating practices.
2 Last name S-T-R-I-C-K-L-A-N-D.

3 MR. GIOVANDO: Adam Giovando, Region 5, FRA. Last name is
4 spelled G-I-O-V-A-N-D-O.

5 MR. DUNN: And I'm John Dunn with -- D-U-N-N -- with SMART,
6 S-M-A-R-T, Transportation Division.

7 MR. HOLTZ: Robert Holtz -- R-O-B-E-R-T, H-O-L-T-Z -- vice
8 president of operations for the Central Region.

9 MR. BROWN: I'm David Brown, B-R-O-W-N, the Second, chief
10 operating officer, Genesee & Wyoming Incorporated.

11 INTERVIEW OF DANIEL RADNEY

12 BY MR. TORRES:

13 Q. Okay, Daniel. On the day of the incident, can you tell us
14 from like when you went on duty -- you know, time you went on duty
15 and your activities from there on?

16 A. Came on duty at 1800. Did paperwork, you know, getting
17 everything ready and coming up with a plan for the night, for the
18 job. Had to wait on the trainmaster. He was helping out another
19 crew. He got us in the truck and we took off to South Cadiz.
20 Started out in South Cadiz, out of 400, Track 400, on the south
21 end, which would be the east end, technically.

22 We did a brake test on the locomotive, standing air brake
23 test. And he knocked down the derail out of 400 when we first got
24 there and when we was walking up to the motor. And after we did
25 the brake test, he knocked off brakes off the cars. There was two

1 cuts of cars in Track 400, one cut on the east end and another cut
2 on the west end, technically north end. So he walked to the
3 bottom and shoved me back, made a joint on the cars up there. We
4 had to pull 18 cars out of the middle of that cut, kind of. And
5 the plan was, when we got authority out on the main 1 on the UP,
6 was to set over 18 cars to 401, which would be the middle track on
7 the east end.

8 And we set over to -- he pulled up, made a cut. Once we got
9 permission, I got down and lined the 400 switch and the South
10 Cadiz switch on the main line. And he was still at the bottom. I
11 got back on the motor. We pulled up. He made a cut on the cars
12 that we didn't need on the bottom, set over 18 cars. Came back
13 off, went back into 400. We had to clear up -- when we shoved in,
14 I shoved in with enough room to leave a car that we needed to set
15 over out of that cut back on top, for cars that we needed to go to
16 another customer later on that night. And we also had to clear up
17 for the UP that had to use the main 1 to run a train.

18 Once we got authority back out, we came back out light power
19 out of 400, went to 401, doubled over the head car back to 400.
20 We come out light power and went back to 401. When he laced me
21 up, he went and locked up the derail, restored it. And I talked
22 to a dispatcher, and we got a light to go to Old Santa Fe, which
23 is right there in between the signal there at the -- at South
24 Cadiz there. It's the next switch up.

25 We pulled out. He put the EOT on the bottom, lined and

1 locked the South Cadiz switch. We pulled up clear of the OS
2 signal on the west-facing signal. Got a light into Old Santa Fe.
3 We shoved in, stopped and got the first derail, which is about 10
4 cars in past the signal to come out of Old Santa Fe. He shoved me
5 up to the next -- to the first switch in there, lined the switch,
6 walked up and grabbed the derail out of that track, shoved nine
7 cars in there. We come off with a UP car that was in the middle
8 of the gonds that we needed to spot, and we shoved that car and
9 seven empty gonds up the straight track, which there was no derail
10 there on that side.

11 Pulled back, come off light, grabbed another gond off of that
12 track. Come out, coupled up to our spot cars and the UP car that
13 was going in the customer with. He restored the derail when he
14 walked up out of the 902 on Old Santa Fe. We got up to DART, and
15 we got permission to go across DART and line the switches. He
16 lined us up. We shoved through, and he stopped me to get the
17 derail on that side of DART for American Iron, and then proceeded
18 to shove again to clear up the switches. And I got down and lined
19 behind those and cleared up on DART. Then we went into American
20 Iron. We shoved in. He coupled me up into the loads that we were
21 pulling out.

22 And he got the gate in American Iron first, and then we
23 coupled up to the loads and we shoved -- he went and walked back
24 to look and see how his cars were lined up as far as UP or KCS.
25 We came out with two cuts of KCS, two different cuts of single KCS

1 cars in there, and we set them over and then pulled that whole cut
2 out because there was KCS at the bottom, and that was how we was
3 lining up the train. Went and grabbed those two, come back,
4 shoved all the loads back into the track where they put the loads.
5 And we came off with our empties and spotted American Iron. And
6 then we came off light, picked up our cars, came out. He restored
7 the gates inside American Iron, and we pulled up to where I could
8 go across for the -- DART has a specific way that you have to line
9 their switches. So I pulled up to the other side switch, and he
10 talked to DART and got us permission to cross.

11 He unlocked the switch, and I stepped down. And after that,
12 I went and lined the other switch and then got back on. And he
13 got on the point, and we shoved back and I got off and lined that
14 -- the switch he had unlocked. And then we pulled up. He lined
15 the derail back on that side and then pulled up clear of the first
16 DART switch, restored it, and then we pulled up and cleared the
17 last switch, restored it. And then -- no, I take that back. He
18 didn't restore that derail until we pulled back down the hill. So
19 he restored the derail back when we -- he was on the bottom and we
20 pulled -- I pulled them down to it, and he restored it. And then
21 I pulled down to the signal and I talked to the dispatcher.

22 Got a light to come out to shove back to Cadiz. We come --
23 when we come out, he stopped me again to restore the last derail.
24 And then we pulled all the way out, cleared the OS, then got a
25 signal to shove back to South Cadiz. We shoved back to South

1 Cadiz. He stopped me. He lined and locked the switch, South
2 Cadiz switch. And come on the radio, told me, lined up, double
3 checked, you know. And I come back, South Cadiz lined up, double
4 checked. And he said, you know, bring it ahead three cars. I was
5 running short hood towards the cars on the shove -- for a shove
6 movement on that move.

7 And he brought me ahead three. Well, I came ahead about a
8 car and a half, and he come back on and said, switch lined up;
9 clear for 30. And then I proceeded on, and then next thing I
10 know, I made a hard joint to the cars in 400. I tried to holler
11 at the conductor; conductor did not respond. I tried five times
12 on the radio. I toned up the dispatcher, told him what was going
13 on, that I didn't think we had derailed. I have lost
14 communication with my conductor; I need to step down off the motor
15 to see what's going on.

16 Got down off the motor. I got on the ground. I started
17 hollering for his name. No response. And it was nine cars that
18 we had came out of valley with. And I knew where we would make a
19 joint at, so I got all the way to where that was at, and I
20 couldn't see him. And I didn't have a lot, really, at the -- I
21 mean, I -- only thing I had was my -- I took my phone out, and I
22 had a flashlight on my phone, and that was the only light I had.
23 And I took it. When I was walking down there, I called the
24 trainmaster, told him that I had lost communication with Julio and
25 he needed -- I needed his assistance to come over. I didn't know

1 what was going on.

2 And when I got down there, I was looking underneath the rail.
3 There was a little bit of light where I could see a silhouette,
4 maybe, moving underneath the car. I didn't see nobody. I was
5 hollering his name. And I noticed something black underneath the
6 wheel on the opposite side from me, underneath that car that we,
7 that we had -- was the rear end of our train. And I took my phone
8 out and I shone the light, and it was him underneath the car.

9 I stood up. You know, I hollered, and I was looking to see
10 if he was breathing. He wasn't. I stood up and I, you know, kind
11 of lost my mind for a second. And I started thinking rational. I
12 was like, maybe there's a chance, you know. And I took off
13 running back to the motor. I took my phone and I called Robert.
14 And at the same time I was running, I told him I needed an
15 ambulance here ASAP.

16 And he hung up with me. I got up on the motor. I toned up
17 the emergency tone for the dispatcher and told him I needed an
18 ambulance ASAP, South Cadiz. He asked why. I said, conductor
19 severely injured. And he asked me, you know, what crossing I was
20 near. I said Forest, but that's about a quarter of a mile away
21 and there's actually a parking lot up into the location, kind of.
22 Or a drive that goes to a cement plant on the other side of main
23 2.

24 And he -- anyways, I got off the radio with him. The MYO at
25 Miller Yard for Union Pacific had tried to holler at me on the

1 radio. I couldn't hear him. The yardmaster came on and gave me a
2 number to call him, so I called him. And asked me, you know,
3 where I was at. And I told him, in the -- Robert had just showed
4 up when I got off the phone with the MYO, and Robert had walked
5 over and found him. And then, the MYO had showed up, and then the
6 ambulance and then fire trucks, and then everybody else showed up
7 to the scene.

8 Q. Okay. You said you went on duty at 1800, 6 p.m.?

9 A. Yes, sir.

10 Q. Is that facility joint with Union Pacific or is it separate?

11 A. The yard -- we control the yard. They maintain the trackage,
12 from what I understand. It is -- the only way to get to it is off
13 the UP main line 1.

14 Q. Yeah. Yeah, but where you report, is that -- that's not
15 Union Pacific?

16 A. No, no, not the office. No, the office is DGNO's office.

17 Q. Okay. So when you reported, you know, who did you talk to?
18 What did you guys discuss? You know, like --

19 A. On duty?

20 Q. Yeah. I mean --

21 A. Well, the original plan when we came on duty was we was
22 supposed to -- we was going to grab our cutout that we needed out
23 of 400, then go do American Iron. And then, when we come out of
24 American Iron, we was -- the original plan was just to couple up
25 the loads in the 400 to cars we needed out of 400 and go straight

1 to East Dallas and then go do our customer over there.

2 When we got to Cadiz, that plan had changed. We had talked
3 -- because we realized I was going to have 20 loads on me, and the
4 motor we had wasn't going to be able to handle that. So we had
5 discussed a new plan of, you know, switching out the cars in
6 American Iron to get those switched out. And that was the last
7 plan I knew.

8 Q. So they drove you from your -- well, you got from the point
9 of where you report, right?

10 A. Yes, sir.

11 Q. Of going on duty. They drove you out to Cadiz?

12 A. To the train.

13 Q. To the yard?

14 A. Yes. No, to -- yes, sir, where we was at.

15 Q. And your locomotive was on which end, or --

16 A. It was on the south end of Cadiz on 400, Track 400.

17 Q. So that'd be east or west?

18 A. East.

19 Q. East.

20 A. Yes, sir.

21 Q. And that'd be where the accident happened or --

22 A. It's actually the same spot where the accident happened.

23 Q. Okay. So you went and -- so you took charge of the
24 locomotive at that end, right?

25 A. Right.

1 Q. So when you conducted switching activities --

2 A. Yes, sir.

3 Q. -- you were blocking the cars?

4 A. Yes, sir.

5 Q. Well, for the customers or --

6 A. Yes, sir. We had Texas Star's, which is a customer, and they
7 take lumber racks and boxcars. And then we had two boxcars for
8 Texas Recycling for East Dallas that were already in there. We
9 had a Texas Star that was in the middle of those other cars, the
10 gondas, and all the other stuff that's showing in 400 now. That's
11 been in there since last week, and it became a hotspot. So I told
12 them, I said, if you can grab a cut with that car in there and get
13 the UP out, I said, we can just get rid of that when we come back.
14 And so when we did that, that's what our switching was there at
15 Cadiz the first time.

16 Q. Okay. So you finish your switching there, right?

17 A. Yes, sir.

18 Q. Now what was the last track you guys used?

19 A. We used 401.

20 Q. 401?

21 A. Yes, sir.

22 Q. So you left, got on the main track. And then went to --

23 A. Old Santa Fe or American Iron.

24 Q. American Iron?

25 A. Yes, sir.

1 Q. So you go up there, west?

2 A. East. Back east.

3 Q. Oh, back east?

4 A. Yes, sir.

5 Q. And then you get past -- there's like a signal?

6 A. Yes, sir. There's a -- the signal is probably about 15, 20
7 cars separate from each end within the OS. The signal on the
8 eastbound side facing on the main 1 is about -- it's about 9, 10
9 car lengths from the South Cadiz switch. Well, I take that back.
10 It's probably about seven or eight with the motor. So you got
11 about that much room from South Cadiz switch to the signal, and
12 then you go about 20 more cars and you clear to that next signal
13 for the westbound-facing signal on main 1 for the 214 signal
14 control point T214.

15 Q. And to go into Old Iron [sic], that switch --

16 A. Yes, sir.

17 Q. -- is it a -- what kind of switch is that?

18 A. That's a dual control. It's a CTC control by a dispatcher.

19 Q. So a train dispatcher has to line you in there?

20 A. Yes, sir.

21 Q. To get off the main track?

22 A. Yes, sir. When I tell them that I was -- I told them I was
23 at South Cadiz and that I needed to go to Old Santa Fe, he already
24 lined it up in his computer system to come -- to pull out of Cadiz
25 and then to pull clear of the signal and then get the signal to go

1 back into Old Santa Fe.

2 Q. So you finished your switching, then you go back up east to
3 go to Old Iron?

4 A. Old Santa Fe is what the --

5 Q. Old Santa Fe?

6 A. It's Old Santa Fe.

7 Q. And then you contact the dispatcher and he lines you into
8 that industry?

9 A. I didn't have to line them back -- I didn't have to contact
10 him back. He already has that all programmed in his system and he
11 does that -- the only time I contacted him was when I needed to --
12 because I have to obtain authority to come out of South Cadiz to
13 line the switch, and then he has to give me a signal in order to
14 go past that signal. So like if I tell him -- like that day, we
15 started out and I needed a poke. So he gave me a light for 214
16 there at South Cadiz to pull up to make my switch move over and
17 then shove back in the clear.

18 And then I had to give him back the switch, and I have to
19 give him -- you know, tell him that switch is lined back from main
20 1 for normal position so he takes my authority back from me. And
21 then whenever I ask for -- I have to ask him again for authority
22 to line a switch, and then if I need a signal, I have to tell him
23 where I need to go, if I need a poke or if I need to -- you know,
24 head room to get out of this track or if I'm going to another, you
25 know, location on the railroad, I guess you could say.

1 Q. So you went up east, and then the train dispatcher lined you
2 over to the other industries?

3 A. Yes, sir.

4 Q. So you did some switching there?

5 A. I did.

6 Q. You pulled that spot there?

7 A. Yes, sir. It's up in there a ways --

8 Q. Ten minutes.

9 A. It's back in there. I don't have to deal with the light
10 again for a little while.

11 Q. Okay. So once you complete the switching operations there,
12 you come back out, right?

13 A. Yes, sir.

14 Q. To that UP, Union Pacific main track.

15 A. Yes, sir.

16 Q. So when you come out, you have to contact the train
17 dispatcher?

18 A. Yes, sir. In order to get a signal. There's a signal on
19 that track for -- to come out of Old Santa Fe also.

20 Q. So when you guys are ready to come out, you contacted the
21 train dispatcher?

22 A. Yes, sir.

23 Q. So then you came out?

24 A. Yes, sir.

25 Q. And then you shoved back to Cadiz?

1 A. Yes, sir. We pulled clear of the west-facing signal again,
2 and the dispatcher lined us up and gave us a signal to go back to
3 South Cadiz.

4 Q. So yeah. So he gave you a signal to go back west?

5 A. Yes, sir.

6 Q. And then so that main track switch going to 401, 400/401,
7 what kind of switch is that?

8 A. It's a -- I mean, the dispatcher -- I'm assuming it is
9 unlocked by the dispatcher. He can't throw it. It has to be
10 thrown by a man, by somebody. It's also controlled by a circuit
11 within the rail. Like if you pull up too far, sometimes the
12 switch won't unlock and you'll have to wait 15 minutes for it to
13 time out, and then it'll finally unlock and then you can throw it.

14 Q. Has an electric lock?

15 A. Yes, sir.

16 Q. So once he went through the process, then he lined you into
17 -- so when you were shoving back, you know, before you shoved back
18 to, you know, 400, what did you discuss with your conductor? You
19 know, what took place?

20 A. The last time we had discussed anything about the plan was at
21 American Iron when he was switching out the KCSes. He was
22 deciding if we needed them on the head end or if we needed them on
23 the bottom when we come out. And I told him, I said, you need to
24 have them on the head end because you're -- because we came out of
25 401, and that was the track that we would be putting the KCSes in.

1 And I told him, I said, you're already lined up, so all you got to
2 do is just shove in. And apparently that -- something happened
3 there when we got to Cadiz. I don't know what went on, you know.

4 Q. So when you were shoving back, you had a hold of how many
5 cars?

6 A. Nine gondolas. Loaded gondolas.

7 Q. Nine?

8 A. Yes, sir.

9 Q. Scrap iron?

10 A. Yes, sir.

11 Q. So the plan was to shove back west back into 401?

12 A. Yes, sir.

13 Q. Because you guys discussed that, you know, you were already
14 lined up for that.

15 A. Yes, sir.

16 Q. And was that track clear, or --

17 A. Yes, sir. It was --

18 Q. Is that the reason for it?

19 A. It was a clear track. I mean, that track holds I think
20 around 55, 56 cars, something like that. It's like around 4200
21 feet, I think.

22 Q. So when you stopped -- when you shoved back west, you stopped
23 at the switch, right, to line yourself back into 401?

24 A. Well, he stopped to line the main line switch, the South
25 Cadiz switch.

1 Q. Yeah. Right. And what -- do you know what happened after
2 that, or --

3 A. He told me to bring it ahead three, which I was thinking,
4 well, maybe he's just double -- you know, walking down and making
5 sure the switch points are still good, you know, everything's
6 still good. And then I got about a car and a half and he come on
7 the radio. He said, switch lined up; clear for 30. And I come
8 back and I said, switch lined up; clear for 30; bring it ahead.

9 And which I was already moving, so I picked up speed and went
10 shoving in. And as I was getting closer, the way the switch is
11 next -- the South Cadiz switch is right there off the main line.
12 We're talking maybe 2 feet off the rail where the stand is. I
13 couldn't really see it because the way I was on the motor. I was
14 running short hood against the cars. So, I mean, I can't see
15 right there beside it unless it's right there really close.

16 When I got closer -- I probably went about four cars before I
17 was getting closer to the South Cadiz switch, and my light was on
18 dim, my headlight on the front end. I noticed the target on the
19 side, but I couldn't tell where I was at, if it was South Cadiz
20 switch or if it was 400. Because 400 switch is about another
21 three to four car lengths up from switch point to switch point.

22 Q. From the main track switch to --

23 A. Yes, sir. To the --

24 Q. -- 400?

25 A. 400 switch point. So as I was getting closer, I was seeing

1 this red target. And sometimes railroad -- sometimes some of the
2 MOW guys just, you know, put it on crooked. Sometimes it sits
3 wrong. The 402 switch -- I don't know if you all have been over
4 there, but the 402 switch, you know, the target sits on -- wrong
5 on it.

6 So as I was getting closer, I didn't hear anything else after
7 he told me, switch lined up; clear for 30. As I'm getting closer,
8 I see that target and I'm thinking, is that the 400 switch or is
9 it -- you know, I don't -- you know, I'm looking at it and I'm
10 still kind of -- it's dark. I'm still kind of a little bit away
11 from it and I'm trying to figure out what's going on. And as I
12 get closer and I realize, crap, I'm lined up 400. And, I mean,
13 not even 2, 3 seconds later, I hit the joint.

14 And at that time, my engine where I was at was a car length
15 away from the South Cadiz switch where we stopped. I was two cars
16 with the motor and a car ahead of the switch on the main line
17 still.

18 Q. You were still on the main track?

19 A. Yes, sir.

20 Q. So when you came up to the main track switch there, did you
21 only stop once?

22 A. Just that one time before the --

23 Q. He lined you and then he told you to back them up three cars?

24 A. Yes, sir. And then I went a car and a half for the movement
25 until he came back on the radio. Which I -- when I made the

1 movement, I just kind of took it slow because I didn't know what
2 he was doing, you know. I figure at three cars I might stop. And
3 then he come back on and said, switch lined up; clear for 30. And
4 I said, switch lined up; clear for 30; bring it ahead.

5 Q. So he got to line the main track switch to line you into the
6 yard?

7 A. Yes, sir.

8 Q. And he told you to back it up. I mean, how long did it take
9 him? You know, like do you recall how long it took before he told
10 you to back up?

11 A. Maybe 20, 30 seconds. It wasn't long after he told me three.
12 I mean, it was enough time to move a car and a half. So, I mean,
13 it could only -- maybe 40 seconds. I don't know. The time -- I
14 wasn't really paying attention to the time at the moment. You
15 know, I was just paying attention what he was telling me. If, you
16 know, if he come back on the radio, tell me stop, you know. For
17 the whole night, I didn't really pay attention as far as time
18 lapse.

19 Q. Yeah. Yeah, I'm just trying to see -- trying to visualize
20 what he was doing. So he stopped, lined the switch, told you to
21 back up three cars. But before he came to a stop, he told you to
22 back it up 30 cars?

23 A. Yes, sir.

24 Q. And from where you were at, because you're like on a curve
25 there slightly?

1 A. Yes, sir.

2 Q. You know, is it a turnout?

3 A. Technically all the way up to the signal, it kind of curves
4 around right there.

5 Q. And you're on the right-hand side of the locomotive facing
6 the direction of travel?

7 A. If I was facing west -- yes, sir. The movement I was facing,
8 I was on the right-hand side.

9 Q. And you could see the targets, the switch targets?

10 A. I could see one. I couldn't see the South Cadiz switch
11 because of how close it is to the main line and where I was at
12 when I was shoving back.

13 Q. So you couldn't tell which one was which?

14 A. No, I couldn't until I got closer, which by then it was too
15 late.

16 Q. Did you see his lantern out there?

17 A. No, sir. I never saw a light. I never even saw the
18 reflective off his vest on -- because, I mean, at some point in
19 time he had crossed over to the opposite side of me, is what I'm
20 figuring. Because I never saw him, I never saw -- I couldn't see
21 when he lined the switch because of where I was at on -- when we
22 stopped at South Cadiz switch. And then when as I was shoving
23 back, I never saw a light and I never saw the reflective off his
24 vest. So I don't know if he crossed over at some point in time
25 there on one side. I don't know what the deal was.

1 Q. Okay. So your trainmaster transported you to your
2 locomotive, right?

3 A. Yes, sir.

4 Q. So was he the one that was telling you how things needed to
5 be done?

6 A. No, sir. At this railroad, we kind of supervise ourselves.
7 I mean, they tell us, you know, hey, this is the customers you got
8 to get done tonight. And, I mean, that's as far as it goes. As
9 far as the switching, the crew comes together and comes up with
10 the plan for that to get everything done.

11 Q. So he doesn't have any job briefings with you or like --

12 A. Not the trainmaster. I mean, he just had a job briefing of
13 what -- where we was starting at, and we needed to do American
14 Iron and Texas Star tonight, and that was it, so -- and then he
15 told us that we had to get our gondos out of Track 400. That was
16 the only other job briefing as far as that goes.

17 Q. And do you have any interaction with the Union Pacific
18 trainmasters and managers?

19 A. I've met a few of them. Mr. Bookhouse, which was the MYO
20 that showed up that morning. That was the first time I met him.
21 I've heard his name on the radio out of Miller Yard. I've talked
22 to another MYO out of Miller. Other than that, all I've talked to
23 is dispatchers on the radio and talked to the yardmaster on the
24 radio.

25 Q. So do they ever go out there and watch you guys, or --

1 A. Every once in a while, they'll come out. I mean, they'll
2 have a safety guy, one of their safety managers that comes out and
3 checks on trains, you know, just watches movements, watches
4 everybody as they go.

5 Q. Do they ever talk to you guys or have they ever interacted
6 with you?

7 A. They have talked to crews. I've never talked to any of their
8 safety guys as far as me. I know of other crews that did, you
9 know, that have -- I don't know what's the best word -- you know,
10 contact with some of their safety guys before over the past years.

11 Q. Do they test you guys, efficiency test, Union Pacific?

12 A. Every once in a while they'll come out and efficiency test.
13 Most of our efficiency test is from our railroad, our guys that do
14 it to us on our own track, so --

15 Q. I mean, do they do it on your facility or do they go out
16 there like --

17 A. They don't go on the foreign railroad. They just stay on our
18 tracks to do our --

19 Q. So they don't go to KC yard?

20 A. KCS --

21 Q. No, no, where you were --

22 A. Or at Cadiz?

23 Q. Cadiz.

24 A. I mean, they can go in the yard and test us. I've never been
25 tested in the yard there. Most of the time there's hardly anybody

1 ever at that yard. This job that I was on with Julio was a, it
2 was a -- the job used to run -- it was called the Relief 2. You
3 used to work Monday, Tuesday night and Thursday night out of
4 Mockingbird. And they would work Cadiz -- if they had to work
5 Cadiz. Most of the time they'd go straight over to American Iron,
6 do them and go do Texas Star on those nights. On Tuesdays and --
7 I mean, on Mondays and Wednesday nights, they would go to
8 Carrollton up to Lewisville and work customers.

9 Well, due to recent carloads and getting more in for
10 customers out of Carrollton, they decided to add a crew up there
11 in Carrollton and split the job. So we would start working -- the
12 plan was, from what my assistant general manager told me, was work
13 -- Sunday, you did both customers, which was Texas Star, and if
14 you had Texas Recycling, and then also American Iron. Then Monday
15 night was to do American Iron and pick up as much as we could out
16 of Cadiz, the stuff that comes in from KCS, and then make it back
17 to our Mockingbird Yard location.

18 And then, you know, it was, it was off -- it would split the
19 customers up on the rest of the week. So one day -- that next
20 day, we would do American Iron and do Cadiz, and the next day we'd
21 do Texas Star, do Cadiz. And then the next day we'd do American
22 Iron, Cadiz. And then the last day would be Texas Star and Cadiz.

23 Q. So you alternate?

24 A. Alternated the days for the customers, which this job started
25 a week ago, Sunday. So Julio had been on it already for 4 months

1 on a bid, what we call a bid, where you can hold down a job and it
2 goes for 4 months, a quarter. And he had rebid the job. And I
3 had been working extra work for the last 3½ years, so I know all
4 the locations on the -- on this DGNO property. I've ran them all.
5 So I finally got on a set job, and that was the job I could hold.
6 I couldn't hold any other. So I took it so I could have set days
7 off.

8 Q. So this particular assignment was just bulletined a week ago?

9 A. Right. Right, of the new schedule, of the --

10 Q. On the new schedule?

11 A. Yes, sir.

12 Q. But you guys have been working these industries pretty
13 much --

14 A. Yes, sir. Just different -- it was different schedules back
15 then, up until the last week.

16 Q. And you say Julio had been on it for a month, or at least --

17 A. For 4 months. Yes, sir.

18 Q. -- on that area?

19 A. Or 3 months for sure before at the -- for the last bid.

20 Q. And how long have you been working with him? You know,
21 like --

22 A. Julio?

23 Q. I mean, did you work with him frequently or just like --

24 A. No, it was often when I was on the extra board. When he
25 first marked up as a conductor, I was an engineer on the extra

1 board. I had him work with me once before on the extra board when
2 he was on the extra board, and he took that job as soon as he
3 could. So before -- trying to think. Before last week, I can't
4 tell you the last time I worked with him. It's been a long time.
5 I haven't worked with him. So last week was the first week I got
6 to, you know, work with him again and start getting used to his
7 movements and everything.

8 Q. I mean, did he appear like he was familiar with the area?

9 A. Yes. I mean, everything -- Sunday night, everything was
10 going smoothly. I mean, everything was -- I thought everything
11 was going right. You know, we was actually going to have a good
12 night. And then the incident happened, you know. But as far as,
13 you know, when he came on duty, his train of thought and
14 everything, if that's what you're asking, I mean, he was good to
15 go, I thought.

16 Q. Was this like your last move or close to your last move, or
17 you still had more work to do?

18 A. We still had more work to do. We was -- the plan was, when
19 we got in South Cadiz, we was going to shove three of the bottom
20 cars of our train into 401 in the clear. Then come off of six
21 loaded gonds, which was the rest of the cars, and shove them in
22 Track 402, which is the far outside track. And then we was
23 supposed to come off light and go into 400 and grab the head 11 --
24 I think it was head 11 cars, which was Texas Star's and the non-
25 Texas Star's and two Texas Recycling. And we was supposed to come

1 out and he was going to put the EOT on, line everything behind and
2 walk up, and then we'd go to East Dallas, which is -- I mean,
3 that's probably another 3, 4 miles around the UP to it.

4 Q. So when you were shoving in there with the nine cars of
5 gondola scrap iron, you were supposed to come back out and go over
6 to 400?

7 A. Right. After we got rid of those nine cars. Yes, sir.

8 Q. And then -- but you were going to come back out light engine?

9 A. Yes, sir. I mean, when we came -- when we got done putting
10 those nine cars away in 401 and 402, we was going to be coming out
11 of those tracks light power, light locomotive, and go into 400 and
12 pick up the 10. That way, that's all -- or 11. That's all we had
13 on us then, you know, when we left.

14 And the reason why we did that is the locomotive had two
15 gensets running. One of them's not running, so it can't pull as
16 much as it would on a normal day. And the curve into East Dallas
17 is a really tight curve and it's uphill. And we had took 16 loads
18 in there last Sunday, and I kind of -- I mean, I barely made it
19 in. So I -- when we was at Cadiz and we just, you know, realized
20 that the first -- when we started out at Cadiz, I told him, you
21 know, we need to do this to keep this off of us; that way, we're
22 only going over there with this. And that way, these cars get
23 shipped out tomorrow and we ain't got to worry about them anymore.
24 So that was the plan as far as I knew.

25 MR. TORRES: All right, thank you. At this time, I'll pass

1 it.

2 DR. HOEPF: Okay, thanks. Thanks, Tomas.

3 Doing okay? You need a break or anything, or --

4 MR. RADNEY: No, I'm fine.

5 DR. HOEPF: Okay, great.

6 BY DR. HOEPF:

7 Q. Let me just kind of back out a little bit and just ask you
8 some general questions. So could you just talk about kind of your
9 career on the railroad? You know, when you started and your
10 current position, and that kind of stuff?

11 A. I started back in '07, 2007, for Blacklands Railroad out of
12 Sulphur Springs, Texas. Worked there almost a year. I started in
13 December '07. I got laid off in '08 2 days before Thanksgiving.
14 I was off for a year. At Blacklands, I started out as a
15 conductor. I never marked up as an engineer there. It's a
16 smaller short line than this railroad is. We had to do
17 everything, track maintenance, mechanic. Any time we rerailed --
18 I mean, we derailed our locomotive or something, we'd have to
19 rerail it ourselves. You know, that's just how that railroad
20 operated.

21 When I got laid off in '08, I was off for a year. Got hired
22 on with G&W in '09 with Louisiana and Delta out of New Iberia,
23 Louisiana. Worked for a -- as a conductor for the first 2 years,
24 and then marked up as an engineer my third year. Engineered there
25 the rest of the time, pretty much. And then I had a family death

1 and I decided it was time to move back home, so I transferred to
2 DGNO. I've been -- I worked at L&D for 5 years before I moved, so
3 I was here -- '10, '11 -- around '15, I think, is when I came.
4 December of 2015 is when I moved up here and started out with
5 DGNO.

6 I never had any infractions, you know. I've never -- I mean,
7 I've been involved with derailments, but that was because of track
8 maintenance, you know, or track problems. And never experienced
9 this, really. I've had to relieve a crew before in Louisiana from
10 hitting a car at a crossing and it killed a person in that
11 incident, and I had to relieve the train.

12 As far as my railroad, I mean, here I worked as a conductor
13 for the first 2 years before they familiarized me as an engineer.
14 I fell off a tank car my first year here, and that kind of
15 procrastinated my marking up. At the time we had become
16 shorthanded really bad, so they needed me more as a conductor at
17 the time. So I started working as a conductor more. And then it
18 got to a point we got short of engineers, and I was already
19 qualified with the company; I just needed familiarized. And so
20 they familiarized me and finished up my familiarization and marked
21 me up as an engineer.

22 For the first 2, 3 months, I was an engineer all by myself on
23 the extra board. My whole 3½ years of being at DGNO, I've pretty
24 much been on the extra board. So I have a common knowledge of a
25 majority of the tracks on -- that we run on.

1 Q. Okay, got ya. Okay. So mostly extra board. And then -- I
2 apologize. A lot of this is going to be kind of redundant with
3 what, you know, Tomas asked you. So then -- but then, so recently
4 you had started this regular job?

5 A. Yes, sir.

6 Q. Okay. And do you have a date, you know, for when you
7 transitioned from the extra board to a regular --

8 A. Let's see. Sunday was 13th -- so 12th, 11th, 10th, 9th, 8th
9 -- around the 7th or the 6th. It was two Sundays ago when I got
10 on this set schedule.

11 Q. Okay. So only like 2 weeks --

12 A. Only a week ago. Yeah.

13 Q. A couple of weeks ago that you shifted from the extra board
14 to --

15 A. Right.

16 Q. Okay. Okay, I got you. And then -- okay, and then this
17 regular job, can you talk about, just to the extent that you know
18 Julio's, you know, his -- kind of like his railroad history, his
19 story, you know, how long he's been --

20 A. He was --

21 Q. -- a railroader and --

22 A. I think Friday would be a year for him. This Friday. He was
23 a little slow being marked up. They kind of took their time with
24 him. You know, some people don't get it as quick as others on
25 this job.

1 When he marked up, and that -- I got him the first week he
2 was marked up. Me and him had to work the hold down on a job for
3 a week in -- as a -- off the extra board. And, I mean, I had to
4 help him out a lot then.

5 When he got off the extra board, he went to this job, been on
6 this job ever since. He told me -- this last time, I said, I'm
7 surprised you bided on this job, as hectic as it is. He said,
8 well, because it's the only job I know. You know, he finally got
9 comfortable with it and knew what he was doing.

10 And before railroad, as far as I know, he was in the military
11 and served in Afghanistan. I think he had went to college for a
12 little bit after he got out of the military. That's as much as I
13 know about Julio as far -- I mean, I -- me and him would talk. I
14 mean, we were friends. We knew each other, and he'd tell me all
15 the things he'd want to do in the future, you know, and vehicles
16 he wanted, you know, little stuff like that. And, you know, we
17 would talk about personal life issues. And, you know, this past,
18 you know -- just a lot of different things.

19 Q. Got ya, got ya. Yeah, I imagine you guys worked together,
20 you probably had a lot of time to kind of chitchat and all that.

21 A. Well, me and his best friend that he lived with, he has been
22 here for a little bit longer, for about a year and a half now, 2
23 years. Me and him got pretty close. I worked with him on several
24 hold downs on his job that he was working at the time. So me and
25 him got close.

1 So me and Julio kind of connected then because I was already
2 kind of close with his best friend, too. And they both kind of
3 act the same. You know, they -- you know, they're into the same
4 stuff and everything, which I'm into the same stuff too, you know,
5 hunting, fishing, my guns, cars, everything, you know.

6 Q. Got ya. What's his friend's name?

7 A. Dustin Davis.

8 Q. Dustin? Okay. And so, I mean, were you aware of any major
9 stresses or anything like that in Julio's life? Anything that he
10 seemed upset about? Anything --

11 A. Me and him had talked last week about something. You know, I
12 -- growing up, when I was in middle school, I had started
13 suffering from depression a long time ago and went through that.
14 And he had talked to me about his PTSD from military. As far as
15 him as the way he was, you know, when I knew him, he was good to
16 go. I mean, his mindset was good. You know, he was -- he would
17 get upset -- you know, at any job you're going to get upset when
18 you have to -- you know, you're going to -- sometimes you might
19 have to work 12 hours, 5 days a week in a row, but, you know,
20 that's just how it rolls. You know, railroad's not an easy job.
21 It's not for everyone.

22 And Julio, you know, he'd get mad about certain things. The
23 motor was the biggest issue because we was just always having
24 motor issues. Even before I got on the job, other engineers were
25 having the same problems with the motor. And it just makes it a

1 long night when you can't move and you can't go get your stuff
2 done, you know. And when you can't get it done, you know, you
3 feel unsatisfied with yourself because you're like well, crap, I
4 didn't get nothing done, you know.

5 And I, and I understood him. I mean, I got -- it'll be 10
6 years in December that I have in railroad, and I used to be the
7 same way. I used to get mad all the time. And very recently, you
8 know, back about 4 or 5 months ago, I was like that. And then
9 something kind of clicked that, you know, it's not worth being mad
10 over. It's not worth losing -- stress and losing, you know, just
11 losing sleep or having, you know, something good in your life, you
12 know. And I told him that, you know, and he's like, oh, I know, I
13 just -- you know, I'm just upset. And then we'd just go on.

14 But I mean, as far as that, there was nothing -- he never
15 overreacted to things, you know, so --

16 Q. So just kind of the usual? I mean --

17 A. Just the usual stuff.

18 Q. -- he's venting maybe a little bit, but, you know, not --

19 A. Right. Well, just venting. That was it. It was just
20 venting. Which everybody will do in their job, you know --

21 Q. Oh, yeah.

22 A. -- when you get stressed out.

23 Q. Right, right. Yeah, no, I got that. I got that. Yeah, I
24 was just looking to see, you know, just anything that kind of, you
25 know, really stood out as outside of the ordinary.

1 A. Right.

2 Q. But it sounds like the kind of stuff you're talking about is
3 just kind of the usual --

4 A. Everything seemed fine. I mean, everything really did. I
5 never thought that that night would have went the way it went,
6 ever.

7 Q. Yeah. Yeah. But you said that he seemed -- you know, when
8 he showed up for work, he seemed --

9 A. Normal. I mean, everything was normal.

10 Q. Normal.

11 A. Everything was normal.

12 Q. Right. It wasn't like he walked in with a bottle of Jack
13 Daniels --

14 A. Oh, no, no, no.

15 Q. -- you know, wasn't -- right, sure. Okay.

16 So, and then if you could just -- okay, so you started this
17 job a couple weeks ago, and you said Julio was already on this
18 job?

19 A. Yes, sir.

20 Q. Okay. And so then were you kind of -- were you replacing
21 another engineer that was doing it then?

22 A. Well, yeah. The engineer before had got off and went to the
23 Carrollton night job that split this job. You know, they split
24 this job and added that job up in Carrollton, and this job would
25 just be its own job, you know. So that engineer left and went to

1 that one, and I guess nobody else wanted it in the bids and I
2 ended up getting it in the end, so --

3 Q. Okay, okay. So you came onto this job couple weeks ago. And
4 then Julio had been working this job for like 3 months, so he was
5 pretty comfortable with it?

6 A. Yes, sir.

7 Q. He was pretty familiar with it at this point? I mean, he's
8 kind of new to railroading -- well, not -- I don't want to say
9 new. But a year. But he had a decent amount of experience with
10 this particular job?

11 A. Right. I mean, at times he would get confused. I mean, he'd
12 come back on and ask me, you know, hey, what are we doing right
13 here? And, you know, we'd job brief again about it. It wasn't
14 often that he did that. He didn't do that very often. And I
15 mean, he did it once last week, but this Sunday, there was no -- I
16 didn't know of any kind of confusion of his mindset from what was
17 going on. Other than just trying to figure out, you know, which
18 way we needed to line the cars up when we came out of American
19 Iron, that was it. And that wasn't even confusion. That was just
20 making sure, you know, that we're lining up the train in the right
21 direction, the right way. Right way.

22 Q. Yeah. Yeah, I know you kind of talked about it. I think you
23 might have used the word hectic, you know, in terms of this job,
24 in terms of, you know, the switching operation. I'm not a
25 railroader, so I'm kind of having a hard time tracking, you know,

1 your description going through.

2 A. Yeah.

3 Q. I mean, is this -- you know, can you just kind of give me
4 like a -- what's your takeaway? Is this, I mean, is this kind of
5 a little bit more complicated than some other jobs?

6 MR. RADNEY: Can I go to you on that question? I mean, how
7 would you best explain it? I mean, you've railroaded longer than
8 I have.

9 UNIDENTIFIED SPEAKER: It's industrial switching. Pretty
10 common.

11 MR. RADNEY: Yeah.

12 DR. HOEPF: Yeah.

13 MR. RADNEY: I mean, it's --

14 UNIDENTIFIED SPEAKER: They're blocking cars. They're doing
15 that with the footprint that we have.

16 MR. RADNEY: So, I mean, it -- when I say hectic, I mean,
17 there's times at night that you can get in the yards and you got
18 all kinds of switch moves going on. You know, you got a -- like
19 at our yard, it wouldn't be nothing to have, what, I would say 16
20 moves, 17 moves, maybe 20 moves, which is a lot in one train. And
21 when I say a move, a move is pretty much coming out -- you come
22 out to a cut, come out of the track, and then you shove back into
23 another track to put that car away and then come back to that
24 track. And that's one move to me.

25 So, I mean, you figure 20 of them moves in one night, and

1 then you got two trains to break down, and maybe both trains have
2 20 moves. You know, that -- your mind's got to be prepared to
3 think, all right, I got this car I got to set up; maybe while I'm
4 setting this car, I can set up these two cars together for later
5 on for when I have to set it out, that way it's less move for me.
6 It's all about -- it's like chess. The best way to put it is like
7 playing chess. You're always trying to out think the train to
8 where you can -- not out think. I guess you're trying to think
9 strategically of how you're going to place your cars.

10 BY DR. HOEPF:

11 Q. So you guys have gotten -- I mean, you've got full discretion
12 in terms of how you're going to, you know, how you're going to do
13 these operations.

14 A. Right.

15 Q. So, I mean, there's some decision making on the fly as you
16 guys are kind of trying --

17 A. Right.

18 Q. You're plotting, you're strategizing the most efficient way
19 to --

20 A. Right.

21 Q. -- go about this process.

22 A. Yes, sir. That's the best way to put it, is the way you put
23 it. I mean, it's just constantly thinking. It's a thinking game.

24 Q. Yeah. So you don't -- so, I mean, it's -- so, you know,
25 while you're doing this job, it's just, you know, it's just you

1 and your conductor? I mean, there's --

2 A. Right.

3 Q. -- there's not -- you know, you don't have like a supervisor
4 who's sitting there watching this process or anything?

5 A. No, sir.

6 Q. Okay. I mean, what would -- like who would be the closest
7 supervisor to you, then, at that point?

8 A. Trainmaster would be, which we have three of them. They have
9 -- their job duties are -- they have a lot that they do in a
10 night. I mean, they get some of their testing done throughout the
11 night on certain crews, and then they'll get the rest of their
12 stuff that they have to get done. I mean, a lot of it's bussing
13 crews around and doing computer work, paperwork, you know, logging
14 in stuff into our -- their systems with the company and
15 everything. You know, that, hey, I tested this guy and this is
16 how the failure -- if he had a failure or if he passed, you know,
17 and this is -- that's how they do it.

18 Q. Got ya, got ya. So who would -- would you -- who would be,
19 you know -- who would have been in charge, I guess? Who would
20 have been like your supervisor on, you know --

21 A. That night? Robert Corley was the supervisor on duty at that
22 time.

23 Q. Robert. Okay. Robert Corley. Okay. And, I mean, can you
24 just -- how do you spell his last name?

25 A. C-O-R-E-L-Y [sic].

1 Q. Okay. I mean, and again, I'm just trying to get a better
2 understanding. So you're not -- it's not like you're making radio
3 communications with him on a regular basis or something? I mean,
4 what --

5 A. No, it was pretty much --

6 Q. To what extent have you -- do you -- you checked in with him
7 at the beginning. Was he the one that gave you a job briefing?

8 A. Well, we did our own job briefing.

9 Q. Oh, you -- okay.

10 A. He just told us what customers we needed done and where we
11 was starting out at, and that we was going to have to get gonds
12 out of Cadiz for one of our customers to get out, and that our
13 cars for the other train -- for the other customer was already in
14 Cadiz. As far as him telling us how to switch it, that's all on
15 us. And it's really on the conductor more than anybody. With new
16 guys -- and us engineers try to help out because at this railroad
17 we're dual qualified. We work engineering and conductor if we're
18 on the extra board at times. Or if you want -- you know, if you
19 bid on a job, you can bid to a conductor position or you can bid
20 to an engineer position.

21 A lot of us older guys try to help out the newer guys to --
22 because, you know, they know the basic fundamentals, and sometimes
23 their moves might take longer than others. So you try to help
24 them out to where they're not -- you know, they're not walking,
25 you know, 10 miles a night. You try to help them out with their

1 moves, you know. And a lot of us engineers get down and help
2 throw a switch ahead of us. That way the conductor ain't going to
3 walk all the way back up when he's got to go back there anyways
4 again, you know. There's just a lot of, I guess, camaraderie, I
5 guess, would be the best way of -- you know, we all look out for
6 each other and help out each other.

7 Q. Got ya, got ya. So being a little more experienced, you
8 might kind of make some suggestions --

9 A. Right.

10 Q. -- in terms of how to --

11 A. Right.

12 Q. Even though -- so it typically would be the conductor who's
13 kind of calling the shots in terms of how you guys are going to be
14 doing this process. And in reality, it's more of a -- it's sort
15 of a cooperative process where --

16 A. There is. I mean, technically, the way you look at it as far
17 as us, the conductor is the boss on the job. When it comes to our
18 crew, the conductor is the boss. He tells me what to do; I do it.
19 Now, I mean, we still offer -- we still job brief them, make sure
20 we're on the same page of what's going to happen next, you know.
21 Sometimes things will change on the fly and the engineer won't be
22 notified of it until, you know, the move is made. And then we
23 stop and ask -- I'll -- the engineer will ask, you know, hey, what
24 are you doing right here, you know? So --

25 Q. I got you. I got you. Just to back up for one second. So

1 you got in -- did you, I mean, did you -- it sounds like you
2 pretty much were operating independently, you know, you and your
3 conductor. I mean, when you got in, did you physically talk to
4 Robert Corley? I mean, did -- okay, so you guys --

5 A. We both did. We was both in the -- we have -- the way the
6 office is set up, our -- we have a computer -- two computers in
7 our office where we log in to what we call AMCREW, which is where
8 we got all our car numbers, all our paperwork, what's on each
9 track. And while we -- while Julio was doing that, I was filling
10 out my paperwork for that night, the hours of service sheet,
11 locomotive engine report, and kind of started filling out my delay
12 report of how the -- you know, because every time we stop at a
13 station, that's how you put your time down where you stopped at.

14 And Robert had came in there and talked to us, you know. And
15 it was his first day back, too, from being off for 2 or 3 days, I
16 think. And we had been off for 48 hours. Because we got off
17 Friday morning at 6 a.m. and we come back on duty Sunday afternoon
18 at 6 p.m. So --

19 Q. Okay, okay. Okay, yeah, so while we're on that topic, can
20 you, can you kind of just walk through, then -- so you were off
21 the 2 days.

22 A. Yes, sir.

23 Q. And then you were coming in on Sunday?

24 A. Yes, sir.

25 Q. Okay. And we can, you know, we can take a look at your

1 schedule, but was there -- I mean, do you have any, anything odd
2 happen during your time off? Did you do anything interesting over
3 the weekend or --

4 A. Not me. I mean, I -- it was my first week, last week, to be
5 on this job of nights. So I was getting used to it. So I --
6 railroad, you kind of train yourself. So you kind of change your
7 sleep pattern if you have to.

8 So I had changed up, and by Sunday, I mean, I had everything
9 good to go. So I stayed -- when I got home Friday morning, I went
10 to bed, slept till about 2:30 and got back up in the afternoon;
11 2:30 p.m. got back up. Just kind of hung out with my family, and
12 then stayed up all night till 6 in the morning, and then slept
13 till 3 on Saturday evening. And then I got up, hung out with the
14 family again, and then slept -- went to sleep at 6 a.m. and woke
15 up at 3 to get ready to come to work.

16 Q. Got ya, got ya. So you're trying to maintain your
17 schedule --

18 A. Right.

19 Q. -- so you're not shifting --

20 A. That way I'm not, you know, I'm not getting tired or
21 something. Because, I mean, as the engineer, you can get tired,
22 you know. I mean, and the conductor, you can get tired. It's
23 easy. I mean, it's real easy.

24 Q. Yeah. Yeah, no, I think that's, I think that's smart, then.
25 And one of the advantages of having a regular schedule as opposed

1 to being extra board is --

2 A. Right.

3 Q. -- it makes sense to, you know --

4 A. Well, and as far as Julio's schedule, I don't know what he
5 did on his weekend. He didn't really talk to me about the weekend
6 so I don't know how his weekend went, as far as that went for him.

7 Q. Got ya, got ya. You just know that he was off the same --

8 A. He didn't seem tired to me, though, when he came on duty. He
9 seemed like his normal energetic self, so --

10 Q. Yeah. So he was a pretty energetic kind of --

11 A. Yeah. Well -- yeah, I mean, energetic. And, I mean, he's --
12 he would stay calm most of the night, you know. He just was real
13 kind of chill, I guess, is the best way to put it.

14 Q. Got ya. Got ya. How about, how'd the previous week go? I
15 mean, so you were working with Julio pretty much the same job --

16 A. Yeah.

17 Q. -- you know, the whole prior week?

18 A. The week I got on it, that we worked last week, it was kind
19 of a long week. I mean, the job was his first time, you know,
20 trying to run it this new way, this new scheduling. We was trying
21 to get stuff done, trying to -- and for the whole railroad it was
22 kind of messed up. I mean, the yard was just getting too many
23 cars in it and we just -- the customers weren't taking them in as
24 much. And some of that's why we couldn't get our job completely
25 done, and we had -- last Wednesday night was the only night we got

1 off early. By Wednesday night, which was our fourth day, we was
2 already on an hour of overtime for Wednesday night, which you have
3 to have 40 hours before you get on overtime. So we had already
4 got on 40 on the fourth day.

5 Q. Oh, wow.

6 A. And we worked 6½ hours that day, so -- because the locomotive
7 didn't want to start.

8 Q. I got you. I got you.

9 A. So we sat there the whole time with the mechanic trying to
10 figure out -- you know, trying to get the motor started and it
11 never started on that night. But the rest of the nights, we
12 worked 12 hours.

13 Q. Yeah.

14 A. Or 11½ to 12 hours.

15 Q. Okay, okay. So pretty long week previous week.

16 A. For the first week, yes, sir.

17 Q. So were you kind of looking at that as kind of like settling
18 into a new job, or was that kind of like, you know, equipment
19 issues were giving you a little bit more extra workload or maybe
20 kind of a combination of factors?

21 A. Well, with that job, it's been stuck with that same motor.
22 Gensets, for us that have worked on them, they're not very
23 reliable motors, in my opinion. I mean, we're talking about three
24 18 wheeler motors that are sitting underneath the hood. And it
25 was made -- they were made to cut down emissions, which is all

1 fine and dandy; I'm all about trying to help out nature. But
2 whenever it comes to getting stuff moved, they don't work. And I
3 look at them as pretty much -- it's just all electronics on them.
4 There's more electronics on there than there is motor.

5 So with electronics, with a program -- these RJ Cormans that
6 we run off of and these NREs, they weren't programmed for this
7 Texas heat. You know, ACs go out, so you got all that -- you got
8 engine in the hood that's producing all this heat. On top of
9 this, you got the Texas sun sitting here sitting on all this
10 metal, and it's just, you know, it's just making it worse. And
11 then you got inside the cab and all, you know, you -- if you got
12 AC, then it helps out that motor; but if you ain't got an AC, then
13 all it's doing is just -- it's just melting all that electronic
14 stuff up, you know, all the wiring. So stuff starts going
15 downhill.

16 And like this motor right now. The genset number 2 was down,
17 and so that knocked off horsepower, couldn't get as much with it.
18 It had an air problem. We had to leave the -- on the long hood
19 end of the motor towards the very back, the very last top doors,
20 is the air compressor. We was having to leave that open because
21 the air compressor was getting too heated up and it would cause
22 air problems. There's just issues with them gensets.

23 So we was kind of -- that job has already been dealing with
24 that motor, and I mean, it was something we already knew when we
25 come in. You know, oh, great, I got to deal with this motor all

1 night.

2 Q. Um-hum.

3 A. You know, notching up in the thing, I couldn't -- if I went
4 to notch forward and stayed in it too long, I'd start having
5 alarms going off, so I'd have to notch down to 3. So I couldn't
6 come over and notch 3 in it. So the way we work the job, we
7 basically had to work it around how the motor ran a lot of times.

8 Q. Oh, so that -- so -- okay, so I think, if I hear what you're
9 saying, you kind of had to strategize around these equipment
10 issues to kind of --

11 A. Well, you will. I mean, if you had normal power, I mean like
12 just regular conventional locomotives, then it would be a lot
13 different. For these gensets, a lot of the jobs here at
14 Mockingbird for DGNO are ran with these gensets. So a lot of the
15 crews have to, you know, when they get on a locomotive, they look
16 at the screen and see what's wrong with them; they see if a
17 motor's cut out. And if a motor's cut out, then it means the
18 motor's not running, stuff like that, so --

19 Q. I got you. I got you.

20 A. But I have been taking it pretty easy on this motor, knowing
21 the issues with it. So I just wouldn't come out and notch 3 that
22 often unless I needed to. The only issue we had with it was last
23 Wednesday, and it was because the batteries got low. They were
24 kind of older and they hadn't been replaced in a while so the
25 locomotive wouldn't start. Saturday or Friday morning, they had

1 put new batteries on it when we -- by the time we got back on it
2 this Sunday.

3 Q. Got ya, got ya. Okay. So this is -- so it's the same
4 equipment --

5 A. Right.

6 Q. -- you know, as the previous week.

7 A. We know how to deal with it. Right.

8 Q. So in terms of, you know, so you're kind of, you're -- at
9 this point, you know, on Sunday, you're kind of -- would it be a
10 fair characterization to say you're kind of comfortable with it
11 and they've addressed some of those issues, so --

12 A. Right.

13 Q. -- your day's actually going a little bit better than last
14 week, maybe, then?

15 A. Well, I mean --

16 Q. Or about the same, or --

17 A. It was about the same. I mean, with this motor -- you can
18 ask any of us on this railroad that work on DGNO. They'll tell
19 you the DGNO 2000 is the most temperamental motor we have on the
20 property. I mean, we're talking about a 10-year-old NRE genset
21 motor, so --

22 Q. Got ya, got ya. Okay. Okay. So the previous week, do you
23 know what your total hours clocked at? I mean, do you know what
24 you ended up getting with all your overtime and everything?

25 A. Let's see. It was 41 Wednesday and we worked 12, so it was

1 53 hours.

2 Q. Fifty-three hours. Okay. Okay. I got you. And then -- so
3 your shifts were typically going from, you know, starting -- you
4 said starting at 6?

5 A. Starting at 1800 every day. So 6 p.m. every day.

6 Q. Okay. And then what time were you typically getting off the
7 previous week?

8 A. Five-thirty, a lot of those days. Around 2:30, I think it
9 was -- well, let's see here -- 6½ hours that Thursday. So it was
10 around 2, 1 -- 2:00 in the morning, something like that.

11 Q. Okay.

12 A. And then the last day, we worked from 6 to 6. Sunday, I was
13 here 11½. I think we worked 12 hours another day, so 6 to 6. I
14 think, I think it was Tuesday night we might have worked 12. No,
15 we worked 11½ that night too. So we worked 11½, I think, 3 hours
16 -- 3 days, and then 6½ the next. Would that be right? It was 53.
17 I know that much. I don't remember. I'd have to -- I don't have
18 my book in front of me for my hours of service.

19 Q. Yeah. Oh, that's okay. That's all right. That's good.
20 Just trying to get a general idea there. Sorry, I know it's just
21 a lot of questions. We're covering a lot of good ground though,
22 so -- are you still doing okay?

23 A. Yeah.

24 Q. You want to take a quick break?

25 A. No, I'm -- I mean, I'm ready to get it over with.

1 Q. Okay, okay. So if we could -- I'm getting to the end of my,
2 you know, at least this round of questions here.

3 So the day of the accident, you show up, you check in, you
4 talk to Robert Corley. Did you talk to anybody else? Was there
5 anybody else that gave any direction or anything like that?

6 A. No, sir. He did call -- his best friend runs on the job that
7 comes in there. It's called the Garland Turn. It comes out of
8 Garland and it comes from the -- thank you -- east side. It comes
9 from where we go into East Dallas. East Dallas for that switch is
10 actually called Mount Junction. Anyways, the Garland Turn comes
11 off one side of that Mount Junction and we go into the other side,
12 which we call East Dallas.

13 They come out. They start off in Garland. They have
14 customer cars that are empties that they pick up from the locals
15 there that run in Garland, and they come to KCS, interchange with
16 KCS, pick up. They come down, they go to Garland, they pull in a
17 track and they leave UP cars for Union Pacific that comes from the
18 KCS and from our customers. And then the -- another job comes
19 from Mockingbird, and it goes to Miller Yard to UP, and they stop
20 at Cadiz and pick up those UPs that come from the KCS, and they
21 set out KCS Garland for KCS for the Garland Turn. So it's kind of
22 a revolving door at East Dallas. Nobody really stays there. It's
23 just used an interchange point, I guess you could say.

24 Any of the east stuff that comes from KCS stuff -- we say
25 east stuff; it's technically west. But like customer cars or BNSF

1 cars, we stick them to the 400 track, because it's the longest
2 track at that location. And sometimes it might be 2, 3 days
3 before they can pick up back the way the old job was running,
4 which, last week, we only made it back 1 day with cars from Cadiz
5 back to Mockingbird.

6 Q. Okay. Okay, I got you. I got you. I'm just trying to get a
7 little bit, just a brief, you know, kind of an idea of sort of
8 check in with your supervisor process. Is this like a 5-minute
9 thing or is this like, I mean --

10 A. Well, back to your question. I got off track there --

11 Q. No, it's all helpful stuff. Yeah.

12 A. -- trying to describe the job.

13 Q. Yeah. No, appreciate that.

14 A. His best friend is the conductor on that Garland Turn. So
15 his best friend was messing with him Friday and told him, hey, I
16 sent some gondos out to East Dallas. And he told him -- when I --
17 when we got to work Sunday, Julio told me, he's like, yeah, I
18 think Dustin set out some gondos, so maybe we can do something
19 different here. I said, well, call him and make sure, because
20 it's not showing up on AMCREW. And he called him, and he was
21 like, no, I was just messing with you; I'm sorry, dude. So, you
22 know, and that's just friends, you know, being friends.

23 And so Julio and me came up with a plan of what we had to do,
24 the original plan. And then the plan changed once we got to Cadiz
25 and started realizing, you know, we're going to have this X amount

1 of loads going into East Dallas and that motor's not going to make
2 it. And then on top of that, battling with UP, knowing how UP --
3 you know, you get on their main line, we're the bottom of the
4 totem pole when it comes to Class I railroads. You know, we're
5 going to be last to be moved. So the less moves we have to make
6 on their property, the better we are to get across it, is the way
7 we look at it. And that's kind of how we was looking at it.

8 Q. Okay. So the -- and again, I apologize. I'm not, you know,
9 a railroader, so I'm just trying to get a better understanding.
10 So did they -- were you given -- did Robert Corley give you like a
11 sort of a plan, and then like, once you got to Cadiz, you guys had
12 to, you had to, you know, sort of improvise on the fly?

13 A. No, Robert just told us the customers that we needed to do
14 that night, and that if -- since we found out the gondes weren't
15 there, that we was going to have to dig out our gondes out of 400,
16 Track 400. And after that point, the plan is all on the
17 conductor, and if he wants to talk to the engineer for
18 suggestions, you know.

19 When I say this job is one of a kind, it is. The conductor
20 is the boss. I mean, if he don't switch out a customer or leaves
21 a car behind that, you know -- the trainmaster did come in and
22 say, hey, I need you to grab this. Trainmaster only tells you
23 specific things. As far as the switching moves go, it is all on
24 the crew.

25 Q. Okay, okay. So this isn't -- the trainmaster discussion,

1 this is very brief.

2 A. Right. It's --

3 Q. You know, 5, 10 minutes, and then --

4 A. Yeah.

5 Q. -- and then, and then you guys are out the door and on your
6 way?

7 A. Well, it took a little bit. I mean, we -- he had to get all
8 his paperwork, and he was coming up with a plan, the original
9 plan, that we had came up with that day.

10 And then Robert -- we had the Miller Turn come back in and he
11 had to go help them watch a shove in. So we had to wait on him to
12 get back from there, from doing that, and then we got in the truck
13 and left. It was probably around 7:10, 7:20, somewhere in there.
14 I don't have my delay report from that day so I can't really give
15 you a specific time there.

16 Q. No, it's helpful. I'm just trying to get a general idea. So
17 you're kind of at the -- what should I call it -- the depot was --

18 A. Right. Depot.

19 Q. Okay. What was --

20 A. I mean, other than that --

21 Q. I'm sorry. What was the name of the depot again, you said?

22 A. Mockingbird Yard.

23 Q. Mockingbird Yard. Okay, okay. So you're at Mockingbird
24 Yard; you've got this sort of check-in process.

25 A. Right.

1 Q. At 7:10, you're on the way. At that point you're kind of --

2 A. Well, and see, when we're in the office, in the beginning, we
3 get our paperwork together. We get our boots on, our steel-toed
4 boots. We get our vest on, you know. We start getting ready.
5 Get our bag together. And we have a grip; everybody carries a
6 grip that's got all our rules. You got GCOR, you got G&W's rules,
7 you got UP's rules, you got KCS rules, BNSF rules, all kinds of
8 rules -- DART's rules -- inside the bag. And then most of us
9 carry a lunchbox with us. So we'll go get water out of the depot
10 and put it in a lunchbox and go get (indiscernible), whatever.
11 We're staging up, getting ready for our worknight or our workday,
12 for wherever it is.

13 Q. Got ya, got ya. Okay. And so you guys -- you catch a ride.
14 Somebody gives you a ride out to where you're going?

15 A. Yes.

16 Q. Is it like a van or something like that?

17 A. It's a company truck.

18 Q. Company truck. Okay.

19 A. Yes, sir.

20 Q. Okay. And you're --

21 A. The trainmaster was the one that gave us the ride.

22 Q. Oh, the trainmaster. Okay, okay. So Robert gives you a
23 lift, and then you get -- do you when it's about -- maybe about
24 what time you got to where you were starting to work?

25 A. I want to say it was around 1950, maybe around 2000.

1 Q. Okay. Sounds good. And so what's the -- do you remember
2 what the weather was like? Rainy --

3 A. It was cloudy. It hadn't started raining yet. It was kind
4 of hot when we came on duty. When we was in the valley, when I
5 got off the motor, it kind of cooled off outside a little bit,
6 like a -- like that rainstorm was bringing in a cool front.
7 Because there was a storm coming in. The whole time while we was
8 working, it never rained, never sprinkled or anything. It was
9 just cloudy and dark.

10 Q. Okay. So you didn't have any rain to contend with?

11 A. No, sir.

12 Q. Got ya, got ya. How was the visibility?

13 A. It was clear. I mean --

14 Q. It was clear.

15 A. Real clear.

16 Q. Yeah, okay. Okay. Last thing I want to ask you about, at
17 least just for now, just talking about the switches. So it's dark
18 outside.

19 A. Yes, sir.

20 Q. And so how do you guys see where you're -- I mean, how do you
21 guys see where you're going? How do you see the switches? I
22 mean, is it -- was it -- okay, so it's night, so it's dark. But I
23 mean, is there -- are there like other light posts in the area?
24 Are there --

25 A. There's lights from surrounding buildings, I guess you could

1 say. Technically we're supposed to keep a light on at all times
2 when we're on the ground. A lot of us working -- I mean, let's
3 face it, railroad don't go through the best part of cities, you
4 know. I mean, East Dallas, there's gunshots that go off every
5 night. So some of us have learned to switch without the light and
6 only use it when we need it for like looking at switches or if
7 we're lining a switch, switch point. Or sometimes you can see the
8 switch point without a light. You know, that's just how -- some
9 people just get adapted to looking at it through the night. Your
10 eyes get adjusted to it. It's almost like you have night vision
11 when you work night shift for so long.

12 And I used to work the night shift a long time ago for 4
13 years straight, from -- the same time frame, actually, 6 p.m. to
14 6 a.m. And I used to -- I'm going to be honest. I used to never
15 use the light, ever, unless it was to a point that I couldn't see
16 anything, like I was out in the middle of the woods and I couldn't
17 see anything. So --

18 Q. So it's like a little bit of --

19 A. This little glow, because, I mean, downtown is right there
20 next to Cadiz. There is a trucking yard on the east side, or --
21 technically the way the track runs is north to south right in that
22 area until -- by UP standards, the track runs east to west. But
23 the way that Cadiz is set up, it's a -- there's a north end, which
24 would be the downtown closer end to all the skyscrapers, and the
25 south end is the opposite end. So on the east side of Cadiz would

1 be -- there's a big trucking yard over there.

2 On the west side, which -- there's Cadiz, you got main 1, you
3 got main 2 and then you got CJ Yard. CJ is UP stuff. They mess
4 with it. On the other side of it, there is a -- there's a small
5 concrete mixing plant there, like small. So there's a little bit
6 of glow off of that.

7 So as far as Cadiz goes, that's about all the light you're
8 going to get, is out of that. So --

9 Q. Got ya, got ya. And so did you notice if -- was Julio using
10 his light? You know, does he have --

11 A. I never --

12 Q. -- like a flashlight or like a --

13 A. He did have a -- I remember seeing him put -- he had a
14 flashlight on his chest pack. He wore a chest pack with his
15 radio. I knew -- I seen him last week with a light on his chest
16 pack. I've seen him, you know, use it here and there but he
17 didn't use it all the time.

18 When the incident -- about, you know, 10 minutes, 15 minutes
19 before the incident, I never saw a light back there. And, of
20 course, now right there at South Cadiz is the start of a levee for
21 -- in case of flooding from the Trinity. On one side is the
22 levee; the other side is just a big concrete wall. And the track,
23 there's a grooved-out section where they can drop pieces of iron
24 plate down in there to keep the floodwaters from, you know, going
25 further. So where I was at when we stopped at South Cadiz, I

1 couldn't really see back there anyways.

2 Q. Okay. Okay, I got you.

3 A. So he might have shined his light when he got -- when he
4 lined that South Cadiz switch. I don't know. I couldn't see
5 anything from where I was at. I never saw a beam going anywhere,
6 you know, as far as up or down.

7 Q. Got ya. So you couldn't really see --

8 A. I couldn't see his light, no.

9 Q. I got you. Just, I mean, in general with these switches, can
10 you -- I mean, to what extent can you determine the position of
11 the switches? You know, like --

12 A. By the targets, to a point. Me, I mean, I just started on
13 this job so I'm having to get used to that target. I can't
14 remember every target on this railroad, you know.

15 Q. Um-hum.

16 A. I know if you see red, then it's usually going to be lined
17 the opposite direction than what it should be, so it's going to be
18 going for a different motion. It's not going to be going for a
19 straight track a lot of times. A lot of times straight track is
20 like a green or a white. Red is usually it's lined for the
21 opposite direction for the curving track. The target on the South
22 Cadiz switch, I think, is red and white. Or it's red and green.
23 I don't remember. I know one side is red. I don't remember the
24 other.

25 Q. Okay. Did you say, did I hear you say that one of the

1 banners was slightly askew on one of the switches?

2 A. The 402 switch stand, it's a low switch. The stand -- the
3 target sits up about this tall off of the top of the switch
4 itself, the component. Here a couple years ago, the switch target
5 got messed up somehow, and it's just kind of laying in there. And
6 technically, when it's lined for 401, if I'm not mistaken, it will
7 show red on the target when it shouldn't be showing red at all.
8 It should be either not showing a color at all or white or green,
9 whatever the color may be.

10 Some of the switches are just a -- it's just a plate on the
11 top of the switch stand and when you turn it for -- all right.
12 For a main line switch, it would be like this if I'm coming up to
13 it, if it don't have a -- because some of them have four-way, I
14 guess you could say. They'll have it like this, you know, and
15 it'll be collapsed. But a switch like this would normally be for
16 straight track. A switch like this is meaning it's going away
17 from you or going away from the straight track a lot of times.

18 Q. Got ya.

19 A. Now some of the targets -- and it's not just on DNGO. I
20 mean, UP, a lot of places, KCS, some of the targets are put on
21 crooked a little bit. So you'll see a little bit of that
22 reflective and, you know, you won't know until you get up to it to
23 find out what it is.

24 Q. Got ya, got ya. Do you think, you know, any of that degraded
25 condition of the switches might have had anything to do with

1 anything?

2 A. I do not know, to be honest.

3 DR. HOEPF: Okay. Okay. All right, sounds good. I'm going
4 to go ahead and give these guys -- other guys a chance to ask some
5 questions, unless -- by all means, we can take a break if you'd
6 like to.

7 MR. RADNEY: I'm fine.

8 DR. HOEPF: Still okay? Okay.

9 MR. LLOYD: This is Troy Lloyd, L-L-O-Y-D, with the NTSB. I
10 have no, I have no questions.

11 MR. STRICKLAND: Bret Strickland with FRA, OP. Just want to
12 clarify a couple things.

13 BY MR. STRICKLAND:

14 Q. When you refer to South Cadiz, you're referring to the east
15 end?

16 A. The east end. Yes, sir.

17 Q. Anything that you would say referring to the north end would
18 be west?

19 A. The west end. Yes, sir.

20 Q. But the railroad timetable operates east/west in that area,
21 right?

22 A. I never really looked at the Cadiz timetable as far as that
23 goes. I've just always known it -- we've always called it South
24 Cadiz, North Cadiz. I mean, we know the main line runs east to
25 west. That's how the timetable says it for the UP. But as far as

1 us, as DNGO, we've always known it -- I mean, the timetable on the
2 UP says east to west.

3 Q. Okay. Just to clarify that, so we get this later. And also,
4 take me back just for a minute. When you were shoving back from
5 American Iron to the yard and you stopped for the main track
6 switch and did that, you couldn't see any light back there at all.
7 You couldn't --

8 A. No, sir.

9 Q. -- tell which end he was riding on or --

10 A. No, sir. I mean, I --

11 Q. (Indiscernible)?

12 A. I knew -- when we pulled down to American Iron out of Old
13 Santa Fe, where I was at up there, it's kind of lit up more up at
14 Forest Avenue. I could see him. He was riding on the engineer
15 side when we came out, which, to me, was the, you know, was the
16 right way, because you got main two right there. I mean, you're
17 less than 20 feet of room in between the two tracks, you know,
18 standing there, and you don't want to be caught in between an
19 oncoming train on main 2. When I seen him there, he was on my
20 side. When we got to Cadiz and he lined the switch, I don't know
21 where he was at at that point in time.

22 Q. Okay. And you never, you never caught sight of him again --

23 A. No, sir.

24 Q. -- after he told you to back up three or something to that
25 effect?

1 A. Yes, sir.

2 Q. Until he told you to back up 30, you never saw him --

3 A. I never saw any kind of light. I never saw the reflective.
4 Because when I started getting around that wall, I mean, I could
5 kind of see back in there a little bit. So from that wall to the
6 switch is about three to four cars. I never saw him then, which,
7 if I, if I would have, he would have had to have been outside the
8 401 or 402 from where he was at, where I found him at. Because it
9 curves pretty sharp right in there to go into 400.

10 Q. Did he tell you how he was protecting that, if he was
11 protecting it from the ground or if he was riding, that --

12 A. He never told me if he was riding or from the ground. I took
13 it that he was on the ground, the way he was talking to me. Most
14 conductors on DGNO won't ride it back and then walk up and then
15 make a cut. You know, they'll just walk back. And you know, a
16 lot of times at Cadiz, if we're going in the other track, a
17 conductor will step over and go grab that derail while they're
18 shoving in. So I mean, that's just how it is, mostly, at this
19 railroad.

20 Q. Now talk to me just a little bit about your safety culture
21 and your safety briefings. How often do the managers brief you?

22 A. I mean, we job --

23 Q. Well, I'll say, how much do they talk to you about that?

24 A. A lot of time it's -- they'll just tell us, you know, be safe
25 out there; you know what not to do. You know, anytime something

1 appears like on SOFA or something happens on our railroad or on
2 another one of our sister railroads, then something will get
3 brought up to the attention on that. Or if a trainmaster sees
4 something, then he'll have a briefing with him right there, you
5 know. You know, this is what we don't do, you know, depending on
6 the severity of the, of the issue that happens and -- but as far
7 as, you know, we're coming in and actually talking about safety,
8 it's just kind of us talking about it amongst ourselves. It's not
9 really a manager involved.

10 Q. Okay.

11 MR. STRICKLAND: That's all I had right now. Thank you.

12 MR. RADNEY: You're welcome.

13 BY MR. GIOVANDO:

14 Q. All right. Adam Giovando, FRA. The only question I have is
15 -- it's, kind of, a clarification. So when you were shoving back
16 into the 401 track for -- that was a move. You were supposed to
17 shove into the 401.

18 A. Yes, sir.

19 Q. You were going to drop three cars in the 401?

20 A. Yes, sir.

21 Q. And then the very next move was to the --

22 A. 402.

23 Q. -- 402 track.

24 A. Yes, sir. And then shove six in there, and then we was
25 supposed to come out light power back to 400 and pull up 11 cars,

1 make a cut, tie that cut back down. You know, the other cut. And
2 then pull up, clear switch, put the EOT on, conductor walk up and,
3 you know, do their test while he's walking up.

4 MR. GIOVANDO: Okay. That's all I had. Thank you.

5 MR. DUNN: This is John Dunn.

6 BY MR. DUNN:

7 Q. Do you always go on duty at Cadiz, or is Mockingbird your on-
8 duty point?

9 A. Mockingbird is our on-duty point. That specific day, the
10 Miller Turn -- the day trainmaster had them switch out the stuff
11 we needed and took it over there. That way, kind of give us a
12 head start from having to come from Mockingbird. Because coming
13 from Mockingbird, you have to deal with the TRE and then deal with
14 the UP to get over there. So it cut out some of the movement
15 there. Trying to help us out to get it -- get our stuff done and
16 try to make it back.

17 Q. So was your engine -- was at Cadiz Yard?

18 A. Yes, sir. It was already at the -- what we call South Cadiz.
19 Technically East Cadiz.

20 Q. It's not normally there, or just --

21 A. No, sir.

22 Q. -- depends on the night?

23 A. Just depends on the night.

24 Q. Okay. And then the other question is, you know, we're going
25 to shove into 401.

1 A. Yes, sir.

2 Q. Do I have it right? Is there a derail in 401?

3 A. No, sir. The only derails there at Cadiz, there's one on the
4 south end, east end, of Cadiz in Track 400. And then there's a
5 derail on the main lead up on the north end that covers all three
6 tracks from the north end. Now up to 2 years ago, we had a
7 derailment in there. Where the 402 and 401 switch is, there's a
8 pretty good little curve right there. It always was giving us
9 problems. For a while, UP wasn't taking care of the track.
10 Anyways, we had a derailment in there. Where that curve was,
11 there actually used to be a derail that sat there a long time ago.
12 But when UP came in and fixed that, there was never a derail put
13 back in on that part right there.

14 Q. And to make these moves, you're essentially on the UP main,
15 the head end is?

16 A. Yes, sir.

17 Q. And just to -- the genset, when you were -- you're shoving.
18 You're on the end facing the cars next to the cars. That's the
19 end you're on. The long nose is behind you?

20 A. Yes, sir. Long nose would have been the forward motion of
21 the train. Short hood would have been the shove movement of the
22 train.

23 Q. And you were shoving short hood with the cars ahead of the
24 night cars shoved --

25 A. Yes, sir.

1 Q. Okay. Thank you very much.

2 A. You're welcome.

3 MR. DUNN: That's all. That's all I have. Thank you.

4 MR. TORRES: Okay, Tomas with the NTSB.

5 BY MR. TORRES:

6 Q. On those tracks -- everybody uses the tracks? Like UP, KCS?

7 A. No, sir.

8 Q. Only you?

9 A. Those Cadiz is used by us. Now there has been occasion UP
10 has come in and dumped cars in there that was for us. Wasn't
11 supposed to happen. There was a little bit of -- going on there
12 at that time. But that don't happen that often. That's only
13 happened once since I've been at this railroad in 3½ years.

14 Q. So those tracks are UP, but your railroad leases those track?

15 A. Yeah, we lease that track for our -- for what we need to do,
16 and UP has the -- if I'm not mistaken, they are over the trackage
17 rights on that, I mean, as far as upkeeping it.

18 Q. But you guys pretty much -- you're the only ones that use it.

19 A. Yes, sir.

20 Q. You mentioned earlier that conductors usually, when they're
21 making a shove, they go ahead and line up the other tracks for the
22 next movement.

23 A. Yes, sir. Trying to --

24 Q. You know --

25 A. Staying ahead of the move, is what they're doing in their

1 mind.

2 Q. Yeah, because they know they're going to go to that track.

3 A. Right.

4 Q. Is that the way it's supposed to be done?

5 A. No, sir, it's not. If you're shoving, you're not supposed to
6 be doing that. You're supposed to -- because the rules state
7 you're supposed -- you're not supposed to do more than one thing
8 at one time. So when you're shoving, your attention's supposed to
9 be on the train, on what you're doing, on where it's going.
10 You're supposed to be watching your point and making sure the
11 route of the train. If you're stopped, then yeah, you can go
12 ahead and, you know, go walk up, pre-line everything that you need
13 to do before you make the move, as far as that goes.

14 Q. But they do practice that?

15 A. There is some conductors out there that will do it. And they
16 won't tell the engineer until after it's done, so --

17 MR. TORRES: That's the only thing I needed. Mike?

18 DR. HOEPF: Okay, yeah.

19 BY DR. HOEPF:

20 Q. So just -- you know, there was a, kind of, question about
21 safety culture and all that kind of stuff. So I was just
22 wondering if you have anything else you want to say in terms of
23 the flow of safety information in terms of -- you know, there's UP
24 that, you use their track. And then there's -- you know, is there
25 anything in terms of -- I mean, how does safety information become

1 communicated, aggregated, analyzed, dispensed? You know, what is
2 your day-to-day experience of, you know, safety?

3 A. For us, it's a -- this railroad is complicated. We run off
4 of three different main lines as far as Class Is or foreign
5 railroad, freight railroads. We run off of three passenger train
6 lines. We have the DCTA that we cross over in the east end
7 valley. We have the TRE that we cross over from Mockingbird to
8 get to UP to get to the BNSF and to go do our customers in certain
9 places. We have the BNSF main line we get on, and we go up to
10 Carrollton on it. In Carrollton, we go up to Lewisville on the
11 DCTA, which is a passenger line. In Garland, we run on the KCS
12 line all the way down to the UP. So when it comes to operations
13 and safety of the rules, we have to remember all these railroads'
14 different rules.

15 So it's kind of, I guess, it's just kind of programmed in us,
16 and it's up to us to look out for each other as far as safety
17 goes. Unless, you know, something's brought up to our attention,
18 you know, hey, you know, make sure you double check your switches.
19 And sometimes managers will come in and say that, and -- but as
20 far as that goes, that's as much as the safety goes on it.

21 I mean, we do our safety -- we do a yearly deal. Every year,
22 we have a big class, usually 2 days of -- a weekend, and we do a
23 class with our safety guy. And we go through GCOR. We go through
24 G&W stuff. And we don't really -- I mean, we kind of go through
25 UP and BNSF rules and stuff like that, but mainly off of GCOR and

1 our rules for the property.

2 Other than that, I mean, you get check rides as the engineer.
3 You'll have a check ride come up. Safety otherwise is just
4 trainmasters testing, you know, or when we have a safety audit.
5 We have a safety audit quite often. I think we had one -- I think
6 we've already had two of them this year at DGNO, so -- that safety
7 audit. So we do have -- and when them guys come in, I mean, they
8 really talk to us about, you know, hey, you know, make sure you're
9 watching where you're going; you know, double check what you're
10 doing. Make sure you're not doing more than what you should be
11 doing as far as controlling movements and everything. You know,
12 make sure you're following red zone when you're going in between,
13 and -- they just go through all the fundamental stuff. You know,
14 stuff that, you know, needs to be repeated here and there.

15 Q. So would it be a fair characterization to say you're
16 comfortable with the safety training, you know, that you've
17 received? Is there -- do you see any room for improvement on any
18 of those aspects?

19 A. To be honest, there's always going to be a safety issue
20 anywhere you go, because there's always going to be something that
21 arises. You're never going to have 100 percent because we're
22 human. You know, we make mistakes. Stuff happens, and then
23 that's when safety stuff, kind of, picks up. You know, somebody
24 will pick up a new rule to put in. I think we're all right where
25 we're at. I mean, honestly, I mean, they come out and test us

1 pretty regular. Trainmasters do. They come out on our property
2 and test us.

3 Sometimes Kenny and Dave will be out there. Our general
4 manager, he'll be out there working and he'll keep an eye out and
5 he'll watch, you know, crews. You know, not really -- crew's not
6 knowing what he -- that he's doing that, you know, but they're --
7 he's sitting there watching them and seeing. And if he sees
8 something, he addresses it, and a lot of it goes into what they
9 call SafeTrack. So it's just a lot of -- I mean, the
10 -- there's a lot of safety that goes on. I mean, a lot of it gets
11 talked about. And it's not, it's not every day. But I mean,
12 you'll hear it at least once or twice a week, besides the crew
13 talking about it themselves, you know.

14 Q. Okay. Well, I think we've really covered the waterfront
15 here. I mean, I think we're kind of open and closing door. I'm
16 about to the end of my questions, but I do -- I know it's kind of
17 tough to talk about this, but I do just, kind of, want to take one
18 more sweep, you know, as we really look at the minutes leading up
19 to the accident and just, you know, cross a couple of, you know,
20 cross a couple of T's and dot a couple of I's and just -- I mean,
21 you know, you kind of -- reflecting back on that now, I mean, was
22 there anything that -- you know, what is kind of your takeaway on
23 this? I mean, was there cell phone distraction? Was there
24 something else going on? Was there --

25 A. No, sir.

1 Q. You know, we talk about visibility issues. I mean, what's
2 kind of like your take? What questions are we not asking? You
3 know what I mean?

4 A. I mean, I don't know, to be honest. The only thing that I
5 know of that might have -- and this is a what if. You know, and
6 -- is maybe when the dispatcher said, you know -- because the
7 dispatcher told us when we came out of the valley, he said -- he
8 asked me how long it was going to take at Cadiz. And I told him
9 about 20, 30 minutes in order to get the conductor on the head
10 end, and we'd start moving again to East Dallas.

11 And he said, well, he said, I can give you 20 minutes, but if
12 it's longer than that, you're going to have to clear up. I got a
13 train that's going to be coming through there in a little bit.
14 And I said, that's fine; just let me know. It wasn't no rush in
15 it when he talked to me and when I talked to him. You know, it
16 was discussed between me and the dispatcher that he would let me
17 know if I needed to clear up. As far as that goes, I have no clue
18 what was going on with him.

19 Q. So you didn't, so you didn't feel rushed. I mean, there
20 was --

21 A. No, there was no rushed feeling in it at all. I don't know
22 what the deal was. I mean, it was just a fluke, I guess, in his
23 mind. I don't know. I really don't know.

24 Q. Yeah. Because it's -- and you had even said something about,
25 during your communications, that, you know, you thought that the

1 switch had already been lined.

2 A. Right. I mean --

3 Q. How it was --

4 A. The (indiscernible) -- when we came out of Cadiz, we had knew
5 we was going back into 401 when we come out of the valley. So it
6 was already lined up when we pull out. In my mind, I'm thinking
7 it's lined up already for 401. In fact, we had discussed that
8 over -- at the other side when he was talking about lining up the
9 cars. And I told him, yeah, I mean, you need to put the KCSes on
10 the bottom. We're already lined up for 401, and that's where the
11 KCSes go. And he's like, all right. I mean, as far as that, I
12 don't know, you know. I really don't -- that's how the move was
13 supposed to be that I knew. If he changed something, it was on
14 him and he didn't let me know on it. You know, obviously he
15 didn't. I mean --

16 Q. So it's interesting. In this situation, you know, we talk
17 about areas of omission, areas of commission. You know, sometimes
18 people forget steps. Sometimes people do something that, you
19 know, they didn't mean to do. In this situation, you know, there
20 wasn't a need to throw a switch.

21 A. No, there wasn't. Not that I knew of.

22 Q. And so it's kind of an odd situation in that the switch was
23 thrown --

24 A. Right. Which that's --

25 Q. -- when it doesn't appear that was the intention.

1 A. Right.

2 Q. And so -- and I mean, just from your perspective, there's not
3 really an explanation for --

4 A. No, that's what's puzzling me. I don't know why the move was
5 made the way it was.

6 Q. Yeah. Yeah. Okay, well, I really appreciate it. You know,
7 if you, if you have anything else, you know, you feel you want to
8 comment on -- safety improvements, anything -- like I said,
9 anything that we didn't ask, feel free. I'm going to give these
10 guys a chance to ask some questions, so they might ask some
11 clarification things too. But if you've got anything else you
12 want to comment on, feel free.

13 A. The only thing I got to say -- and this isn't my company's
14 fault for having these motors. I think the government needs to
15 step in. If we're going to come out with an alternative way for
16 motors of being more economic friendly -- I understand economic
17 friendly. The world has changed a lot. But these motors, they're
18 not good. I mean, they're really not. And I think there needs to
19 be more study on these gensets before another railroad gets stuck
20 with -- I mean, my railroad's stuck with these things now, and it
21 wasn't even G&W that bought them or got the whole deal worked out.
22 It was another company did. So now, I mean, I think that's a big
23 issue with it. I mean, you got crews coming on, and they're
24 dreading coming into work because the motors are dying, you know.
25 And I can't blame the company. I can't blame anybody. That's

1 just how the stupid motors run, you know. That's just the way I
2 look at them.

3 That's the only thing I got to say. I wish the government
4 would step in more and look into that and, you know, make it to
5 where they're better utilized for the -- what they need to be for.

6 DR. HOEPF: Okay. Thanks.

7 MR. LLOYD: It's Troy Lloyd, L-L-O-Y-D, from the NTSB.

8 BY MR. LLOYD:

9 Q. I just got a couple follow-up questions, you know, just sort
10 of piggybacking off of what Michael's asking. So just for clarity
11 for myself -- so I'm just trying to piece everything together on
12 what took place. So right before you backed into 400 where the
13 accident occurred, move prior to that, you shoved into Track 401
14 and then you came out of 401, correct?

15 A. You talking about when -- at the time of the incident?

16 Q. No, the --

17 A. Or right before?

18 Q. Right before.

19 A. No. The movement before that was coming out of the valley
20 and shoving back on the UP main line to South Cadiz there to go
21 into them tracks. The first move was supposed to have been made
22 into 401, which would be the middle track. For some reason, the
23 switch was lined for 400 at that time, some point in time there.
24 Either that, or he lined it up when he walked up the first time
25 when we left out of there. And that's -- we ended up going to

1 400. That was the first track that we ended up going into when we
2 -- the second time.

3 Q. So the, so the first time you -- the crew -- this train was
4 in the yard is when you went there, got on the locomotive and
5 headed out to go get your switching orders, correct?

6 A. Yes, sir.

7 Q. And what track did you guys leave out of?

8 A. Four-oh-one.

9 Q. So you left out of 401.

10 A. Yes, sir.

11 Q. Okay. So you went, you went and did your switching duties,
12 all that stuff. So you did -- when you were backing -- when you
13 were shoving back in or backing back in, that first move would
14 have went to what track? It was -- should have went --

15 A. It should have been for 401.

16 Q. For 401.

17 A. Yes, sir.

18 Q. Okay. In relationship when -- I know earlier you said --
19 were saying, you know, you were looking at the switch target and
20 that's when you realized you think --

21 A. Yes.

22 Q. -- that you were on Track 400. Where was you in relation to?
23 Was you already like past the 400/401 switch? Were you right
24 there?

25 A. I was already in the 400 track. So I was probably in it

1 about -- I had to have been in it -- so nine cars. It had to have
2 been eight cars that -- because when I made the join, it was eight
3 cars to the switch point. Because I had a car sitting on the main
4 with the motor with me. So when I was shoving, when I got past
5 the wall -- I mean, it's dark. You can't really tell. My
6 headlight, it was on dim. I didn't have it on bright. I could
7 see the target when I got about three cars from the -- from where
8 I stopped at. Well, say that -- about two cars. And that's when
9 I started questioning, well, is that lined up or is it just the
10 Cadiz switch?

11 You know, I'm still three cars. I can't see the South Cadiz
12 switch either. Because it's right next to the cars, and I'm kind
13 of in a curve still. I mean, it curves slightly in there. And
14 the cars are curved. You know, I can't tell if the cars are going
15 down towards 401 or if it's going towards 400 because of how dark
16 it is and the way the cars look from my direction. About 2 to 3
17 seconds before I made the joint, made the impact with the cars in
18 400, is when I realized, I'm going in 400. And I mean, I didn't
19 even have time to notch off --

20 Q. That's (indiscernible).

21 A. I mean, and I hit, so --

22 Q. So you know that you, you know -- you have a list of the
23 switching order that the director has. You know that, okay, once
24 we make this move, we're going out and we're going to do this next
25 --

1 A. Right.

2 Q. When you came back into 401, what would have been the next
3 move that you guys were going to make? What would have been the
4 next following move?

5 A. If I was going in the 400?

6 Q. Yeah. After the accident move, what would have been the next
7 move? If nothing would have happened, what would have been that
8 next move that you all would have coupled up and went out and did
9 something else?

10 A. I'm guessing -- I don't know. I mean, because the plan I
11 knew -- if it was, if it was the plan I knew, the next move was
12 supposed to be, well, I messed up; I went to the wrong track. I
13 need to come out and go in the 401 and then go to 402 and then put
14 those cars away.

15 Q. Right, but let's -- you know, you went into the correct
16 track. You did, you did the thing. Now what would have been that
17 next move? What was, what was next --

18 A. Oh, when I come --

19 Q. What was next on the list?

20 A. If I -- if we would have went the right direction the first
21 time?

22 Q. Yes. What would have been next on the list?

23 A. We would have been coming out of 400 with 11 cars. Come out
24 on the main line. You know, I would have talked to the dispatcher
25 and took off to East Dallas to switch out.

1 MR. LLOYD: That's all I have, Mr. Tomas. I'm good. Thank
2 you. Thank you.

3 MR. RADNEY: You're welcome.

4 MR. STRICKLAND: Brad Strickland, FRA.

5 BY MR. STRICKLAND:

6 Q. Just to clarify too. When you, when you left out of Cadiz to
7 go out to American Iron originally to switch that place, take me
8 through when you left out with X number of cars.

9 A. Seventeen cars. Well, coming -- we got on the track at 401.
10 He knocked off his brakes. I just stayed stopped right there, and
11 he walked up to the switch at that point in time to South Cadiz.
12 He was getting ready. I was waiting for a dispatcher to come back
13 and answer me to go to the valley. Dispatcher come on. I told
14 him I needed to go South Cadiz to the Old Santa Fe. Shove in the
15 clear for a little bit.

16 And so I pulled up. He told me I was -- he says -- right
17 when I talked to him, the -- our light -- the light on main 2 had
18 lit up for a diverging clear, which -- there's two crossovers
19 right there in that OS. So he said, well, you spoke too soon; I
20 got a -- or it was a late speaking to me. He says, I already got
21 a 9200-foot train going through. And I remember 9200 foot. It
22 was a long train. He said, you'll have to wait on (indiscernible)
23 end. I said okay.

24 So I pulled up to the switch. He got on the motor, and we
25 just kind of sit there, you know. And when we got our light, he

1 got down. I pulled clear of the switch.

2 Q. You talking about the main line switch there?

3 A. Yes, sir. Pulled clear of the main line switch. He was at
4 the main line switch. I don't -- from what I remember, I -- he
5 didn't line the other switch unless he walked back there after he
6 put the EOT on. But it was fairly quick. Once he pulled me out,
7 put the EOT on, put the -- lined the South Cadiz back to normal
8 main 1 use, he got on and we pulled up.

9 Q. So he lined it back for the main, reported to you that he had
10 lined it back --

11 A. Yes, sir.

12 Q. -- to the main. He hung the EOT at that time.

13 A. Yes, sir.

14 Q. Which you would have been, probably, around the corner
15 (indiscernible).

16 A. I was up -- I was almost to -- I was probably about three or
17 four cars up off of the -- let's see. There are 17 cars. I had
18 to have been pretty close to that westbound-facing signal on the,
19 on the side I couldn't see it.

20 Q. So just for clarification, he was out of your sight so you
21 couldn't see him.

22 A. Yeah, I couldn't see back there.

23 Q. You're stopping there for several minutes --

24 A. Yes, sir.

25 Q. -- while he was hanging the EOT. So we're all trying to

1 figure out this 400 and 401 switch. I mean, it's conceivable he
2 left at 401, but it's conceivable that that could have been the
3 point in time --

4 A. See, that's --

5 Q. -- when it got lined, possibly. But that's my point, really,
6 in asking that, is where you were at, you wouldn't have any idea.
7 You couldn't see him. You wouldn't have known --

8 A. No, sir.

9 Q. But he had several minutes when he was stopped when you
10 didn't see him, so --

11 A. Right, that --

12 Q. -- (indiscernible).

13 A. The second time when we come back to South Cadiz, there was
14 several minutes that he kind of -- he had lined the switch. I'm
15 pretty sure he called a red zone and got the EOT off. He took the
16 EOT off. I know for a fact, because Robert told me he saw the EOT
17 up there by the engine. And he -- it probably went on about a
18 minute to 2 minutes there, waiting on him. So he might have --
19 that must have been when. I don't know. I don't know what his --
20 because I couldn't see him at the time.

21 Q. Yeah. We won't know. We're just looking for any possible
22 way, you know.

23 A. Right.

24 Q. Now just a -- some general observation questions for you,
25 because -- is it commonplace -- habits play a lot into what we do

1 every day.

2 A. Yes, sir.

3 Q. So is it common for people to walk foul of the tracks around
4 -- do you see that a lot? Is that a problem?

5 A. No, not really. I mean, most everybody stays in between, you
6 know, away from the gauge, you know, in the clear. From what I
7 was told in the incident that they had found his keys and glasses
8 there on the derail, I mean, you would have had to have been in
9 the gauge to knock off the lock, you know. You would have had to
10 bend over in there to get it. Sometimes guys will walk up and
11 just stand in the gauge and just lay down there and get it and
12 then throw it, and then walk back out of the gauge, you know. I
13 mean, it's not often that people do that as far as that one goes.
14 But as far as his habit, I've never known him to be in the gauge.

15 Q. Okay. Just a little bit about normal safety culture and the
16 way things look around -- how about back to equipment? People
17 with their back to equipment when they're shoving in different
18 tracks and stuff? Do you see that very often or --

19 A. It does happen a few times. People will be walking. They'll
20 tell the train to move ahead instead of waiting to get down there,
21 or just riding the point, get down there, stop, get off and then
22 watch it. Or walking down there to where you're going to be at
23 and then watch it. You know, I mean, that does go on.

24 Q. Okay. And again, just for clarification on your rules
25 because you're dealing with all these other railroads, but what

1 you were working under that night, he would not have to have
2 called a red zone to get in the gauge to line that derail.

3 A. No, sir. Not from way we was going. The way we was supposed
4 to be going.

5 MR. STRICKLAND: That's all I have. Thank you.

6 MR. GIOVANDO: I don't have anything. No other questions.

7 MR. DUNN: This is John Dunn. Want to -- when you left
8 Cadiz, how long do you think you all were going before you all
9 shoved back to Cadiz? Just roughly. It's --

10 MR. RADNEY: So when we left Cadiz the first time to go do
11 American Iron?

12 MR. DUNN: Wherever you went, and then you shoved these cars
13 back. How long were you away from Cadiz before you came back?

14 MR. RADNEY: It was roughly around 2 hours. It had to have
15 been around 2 hours, just from all the switching moves we had to
16 do.

17 MR. DUNN: Okay, thank you. That's all I had. Thank you
18 very much.

19 DR. HOEPF: Wait, let me -- I'm sorry.

20 BY DR. HOEPF:

21 Q. Just while we're on the topic here, if you could just recount
22 again your communications with Julio. You know, so your
23 understanding was the -- there was no need to reline or to throw
24 any switches.

25 A. No, sir.

1 Q. And did you -- do you remember what you guys said? I mean,
2 do you (indiscernible) you can recall that conversation? I mean
3 --

4 A. I mean, other than what I -- I mean, the original plan, I
5 told him -- I said, well, you're going to set these cars to 401
6 when we're done here and we'll go to the valley. I said, you're
7 going to be pulling out of 401, be lined up for your KCS. I said,
8 depending on your list, over there we -- you'll have to shove them
9 KCSes in 401. So you'll want them on the bottom of your train.
10 And I said, and then you can shove in your six. He said, well,
11 you think I got enough room in 402? And I said, well, let me call
12 Robert.

13 So I called Robert and asked him. I said -- because we went
14 up to the west end first when we -- when we first got to Cadiz, we
15 went to the top end. We closed the (indiscernible) on the 400 so
16 he wouldn't have to walk all the way back up there. And then we
17 ran around and got on the train. So I forgot about that part.
18 When we got done at KCS, he had -- we had discussed when --
19 because he had to switch out two cuts of KCS there. And he told
20 me -- he said, do I need these on the bottom or on the head end?
21 I said, you're going to want the KCSes on the bottom. I said, and
22 too, it saves you a move because you're -- you already got a KCS
23 on the bottom of the, of the cut already. I said, that way when
24 -- I said, we're already lined up 401, so when we got back, you
25 can just shove straight into 401. He said, all right; got you.

1 And then that was the last conversation we had of the plan.

2 Q. Got you, got you. About what time --

3 A. And that's roughly, that's roughly about maybe an hour
4 before, 45 minutes before. It had to have been about an hour.
5 Because we was still in American Iron when he asked me that
6 question.

7 Q. Okay, so that was a good 45 minutes to an hour before. And
8 you said you -- at that point, you actually talked to, you talked
9 to Robert?

10 A. I had talked to Robert when we first came up with that plan
11 when we was at Cadiz the first time. I called Robert to find out,
12 you know, exactly how much. It was either there -- let me think.
13 It was either right there when we, when we got done making our
14 move there in the valley to get our spot cars ready. He might
15 have asked me then, you know, how much room I had, and that's
16 whenever I called Robert. It was either there or I did it at
17 Cadiz. I can't remember at the moment. But I did call Robert and
18 asked him how much room we had in 402.

19 Q. Yeah. Do you remember, do you remember what he said?

20 A. He said, oh man, you got room for about 15, 20 in there on
21 the north end, so you should be all right. I said, okay. I said,
22 how much -- I mean, he said -- because I had asked Julio how much
23 footage was in there. And like I said, it holds about 4200 feet
24 in between mark to mark on both 401 and 402. Four hundred's a
25 little bit longer. And he said there was 3500 feet. So I knew

1 for sure there was 10 cars of room for sure in there. I just
2 wanted to double check with the trainmaster because I wasn't
3 really looking. Because that wasn't our plan when we drove up to
4 Cadiz until we got into Cadiz. And I wasn't paying attention to
5 that top end of that track because I wasn't planning on going in
6 there.

7 Q. Got you, got you. Okay. Thanks for that timeline there. I
8 was just -- I was thinking, you know -- I mean, for a second
9 there, I was thinking that you had, you know, you had just talked
10 to Julio and then, you know, it happened.

11 A. No, we wasn't --

12 Q. But this was like a good 45 minutes-plus before --

13 A. A good hour before.

14 Q. -- so he was probably doing a lot of different things between
15 that conversation and --

16 A. And to give more insight, a conductor -- I mean, there's just
17 a lot of moves ahead. So it's easy for a conductor to start
18 getting too far ahead in his mind. So I don't know, I don't know
19 if that's the case in this situation. I don't know what happened
20 as far as his part. I just know what I, what I heard and what I
21 could see.

22 Q. Got you, got you. Okay. And then, I mean, is there anything
23 -- I mean, you know, in that time that, you know, since you had
24 talked to him, I mean, did you see him doing -- I mean, were you
25 able to see him doing anything? I mean, did --

1 A. He wasn't doing anything that I knew of. Everything else, it
2 was good. I mean, I -- he was walking outside the rail, I mean,
3 like he was supposed to, calling red zone when he needed it. I
4 mean, that was it, you know.

5 Q. Yeah.

6 DR. HOEPF: Okay, thanks. I appreciate it.

7 MR. RADNEY: You're welcome.

8 MR. TORRES: It's Tomas with the NTSB. I just got a couple
9 questions.

10 BY MR. TORRES:

11 Q. Do you take any prescription or non-prescription drugs?

12 A. I take a testosterone shot every week.

13 Q. Okay. I think you told us this again, but what's your hire
14 date?

15 A. With DGNO or just in general? My whole career?

16 Q. Well, here with this railroad.

17 A. That would be -- '18, '17, '16 -- it had to -- I think it's
18 December 2015, if I'm -- remember correctly. It was December
19 2015.

20 Q. Okay, when's the last certification date? You know --

21 A. 9/30/2016. It's been signed again 5/18 of 2017.

22 Q. Okay. When's the last time a supervisor rode -- or tested
23 you?

24 A. It had to have been last year at some point around -- in the
25 (indiscernible) months around November or something. If I'm not

1 mistaken, I think it was Greg Malinger (ph.) that rode with me. I
2 mean, I've had a trainmaster ride with me. I mean, he'd give me a
3 check ride. I mean to say, he did the check ride. I mean,
4 because he sat up there and watched me, you know. He knew what I
5 was doing.

6 Q. And efficiency test?

7 A. Passed every one of them. I've been done three or four times
8 on the stop board here. They've watched me switch. You know,
9 make sure -- they've watched me as far as speed goes and
10 everything, so --

11 Q. Has that been recent?

12 A. Yes, sir. I mean, as far as -- I mean, stop boards were
13 definitely recent.

14 Q. And I think you were asked this already. Did you use your
15 cell phone while on duty?

16 A. I did earlier that night a couple of times. But as far as
17 the incident goes, I did not. I mean, my -- I do believe my cell
18 phone was on, but I did not have it where I was in use of it at
19 the moment.

20 Q. Okay. Anything else that you want to add?

21 A. Not really anything else. I mean --

22 Q. Well, that's fine.

23 A. Yeah, I'm not, I'm not thinking of anything else that can
24 help out.

25 MR. TORRES: Okay, there's no further questions. This will

1 conclude the interview. Thank you.

2 (Whereupon, the interview was concluded.)

CERTIFICATE

This is to certify that the attached proceeding before the

NATIONAL TRANSPORTATION SAFETY BOARD

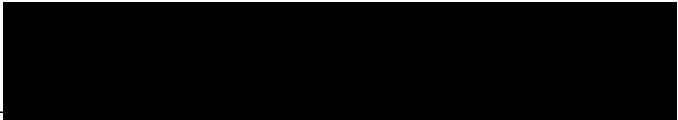
IN THE MATTER OF: DGNO TRAIN ACCIDENT IN CADIZ YARD,
 DALLAS, TEXAS, AUGUST 13, 2018
 Interview of Daniel Radney

ACCIDENT NO.: RRD18FR010

PLACE: Dallas, Texas

DATE: August 14, 2018

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.


Eileen Gonzalez // //
Transcriber