

UNITED STATES OF AMERICA

NATIONAL TRANSPORTATION SAFETY BOARD

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Investigation of:

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UNION PACIFIC COLLISION
HAYS, KANSAS
JULY 16, 2013

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

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Interview of: DAVID W. NOTHERN

Salina Yard Office
Union Pacific Railroad
Salina, Kansas

Thursday,
July 18, 2013

The above-captioned matter convened, pursuant to notice.

BEFORE: TED T. TURPIN
Accident Investigator

APPEARANCES:

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1 I N T E R V I E W

2 MR. TURPIN: My name is Ted Turpin. Today is July 18th,
3 2013, and we're at Salina, Kansas, interviewing a crew member from
4 LDG89-15 in connection with an accident that occurred at Hays,
5 Kansas, on July 16th, 2013. The NTSB accident number is
6 DCA-03-FR-008 [sic].

7 And do you understand this interview is being recorded?

8 MR. NOTHERN: Yes, sir.

9 MR. TURPIN: Would you please state your name and your
10 -- and spell it?

11 MR. NOTHERN: David W. Nothern, N-o-t-h-e-r-n.

12 MR. TURPIN: Okay. Now, we'll go around the room and
13 have everybody introduce themselves and spell their names.

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

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

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

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

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

23 MR. WYKER: John Wyker, W-y-k-e-r; FRA.

24 MR. SOUTHWORTH: Jim Southworth, S-o-u-t-h-w-o-r-t-h.
25 I'm the Investigator-In-Charge for the accident investigation in

1 Hays, Kansas.

2 MR. TURPIN: All right, thank you.

3 INTERVIEW OF DAVID NOTHERN

4 BY MR. TURPIN

5 Q. What was your position on the local?

6 A. I was the engineer.

7 Q. Engineer. All right, thank you. Why don't you tell us
8 basically about your trip, starting out from on duty at Salina,
9 just kind of tell us what happened?

10 A. Well, we were on duty at 1:00. I don't think we
11 departed till 17-something.

12 We set two cars out, company gondola cars at Bavaria,
13 KP-195. I think we set six company gondolas out at KP-201.
14 Proceeded west to the salt mines, which is milepost 217.5 and
15 handed off four cars, I believe, to the salt mine.

16 Went on west to Black Wolf, 232, and picked up three
17 loads, switched out one empty, spotted it back up, company cars
18 for the ties project. I think we went from there to Russell,
19 switched at Russell. All the cars, empty tank cars wouldn't fit
20 in there on one shove. When we went to the loaded track,
21 everything was a build, so I can't tell you exactly how many we
22 set out. Three of them wouldn't fit in on the first shove so we
23 picked up 12. It's always a little more difficult there in the
24 dark I feel like.

25 The next thing we did was switched out an empty nut oil

1 at the Land O'Lake track and put back in. Loaded nut oil, left
2 the three that wouldn't fit, the three empty tanks on the west
3 track, went up to the gluten track, got an empty. That gave us
4 five buffers.

5 We put it together and then we pulled the loads out to
6 clear the Land O'Lake track and shove those other three in hanging
7 out because they wouldn't clear. There wasn't enough room for
8 them, which is not necessarily an uncommon practice. At least
9 they're right there where they can get them.

10 At that point in time, after we made an air test, it was
11 obvious that we didn't have time. There was a car that had been
12 derailed on the east end of Walker, and we were told to shove it
13 in to clear the derail, tie everything down.

14 And we discussed that we didn't have time to set out our
15 loads of alcohol and everything we picked up at that plant at
16 Gorham, which was normal practice, because we're going to stop at
17 Gorham the next day anyway and Hays is a real bottleneck having
18 any more cars than you have to go in there with. So knowing we
19 didn't have enough time to do that and make it -- do all our work,
20 we ran over to Walker, shoved those cars into clear, tied them
21 down, proceeded to Hays, stopped at the east switch.

22 Dale lined us in to the pass, lined the Derail, pulled
23 on the end with the head in of the train to Vine Street, let the
24 conductor off to make the cut, pulled on up to clear the derail,
25 which I believe left 12 cars east of Vine Street, which would be

1 the cars that were to go to Ellis the next day.

2 I remember Josh making a comment about a couple kids
3 crossed through those cars just before we made the cut at Vine
4 Street. I'm west of Vine Street with the crossing when I'd
5 stopped and this happened. And once they were clear, then he made
6 the cut, pulled on in, secured the cars that I had and the two
7 units. Called the hotel for a ride because I'm about a half a
8 mile west of the depot.

9 Dale had walked up to the head end where I was at west
10 of Vine Street and got his grip and things off the unit. And we
11 got in the van, rode back to the depot. I was the last one to tie
12 up. As I recall, I tied up at -- I thought it was 1:15 because
13 I'm sure I was rested at 11:30.

14 Is that what we want or --

15 Q. Yeah, that was good. That's very good.

16 A. Okay.

17 Q. Thank you. So, and we'll back track just a little bit.

18 A. Sure.

19 Q. You came into Hays, you stopped the switch. When you
20 say Dale lined up, that would be the brakeman or conductor?

21 A. That would be Dale Hoyt.

22 Q. And he was what position?

23 A. He was the brakeman.

24 Q. Brakeman. When he lined the main track, did he walk to
25 the Derail before you moved?

1 A. He walked to the Derail before I moved.

2 Q. Okay. And then he gave you a go-ahead. Was he using
3 hand signals or radio?

4 A. You know, he's right there where I can see him. I see
5 the Derail go off. I believe he gave me a go ahead, a hand
6 signal.

7 Q. Was he over on the left side, the Derail side?

8 A. He's on the south side of the pass, south side of the
9 Derail.

10 Q. All right. How many total cars you pulling in?

11 A. Twelve plus 12 plus 5 plus 4 steel cars. Boy, without a
12 little help, I'd say, off the top of my head, that's all I can
13 remember. I know we left 12 that went to Ellis on the east side
14 of Vine Street, pulled the remainder over, which would have
15 included the 4 that spotted right there at Hays the next day, the
16 steel cars; plus the alcohol cars plus the nut oil, empty gluten
17 and three loaded tie cars. That's what I remember.

18 Q. Okay. Now, the brakeman stayed at the Derail as you
19 pulled in?

20 A. As far as I know. Once I go by him, I don't --

21 Q. Right. Did you have any more communication with him?

22 A. He assured me we cleared the -- when we cut off, made
23 the cut, he assured me we cleared that derail by at least one car.
24 I almost always ask that because I don't want nothing rolling over
25 a derail. I remember asking that. I remember him responding.

1 Q. Okay. Did he give you the initial stop or "That's
2 good"?

3 A. Yes.

4 Q. Okay. And then you turn around and confirm, "Are we
5 past the derail by a car?"

6 A. That's correct. That's correct. That's how I remember
7 it.

8 Q. Okay, okay. Then did you hear anything else from him
9 after that?

10 A. I did hear him say that he -- switches were restored and
11 derail was back in -- derail was restored, I believe was his
12 words. I did hear him say that about the switch and the derail.

13 Q. Okay. Okay. And while he's saying that, you're pretty
14 close to getting a cut sign from the conductor? That be about
15 right?

16 A. We've already cut.

17 Q. Oh, you had already cut the crossing?

18 A. Yes, sir.

19 Q. Okay. Do you remember when the brakeman walked up, if
20 he came up on the main or on the other side?

21 A. I think he came up -- I'm on the lead unit. I can't say
22 for sure. It's dark, it's 1:00 in the morning, it's between 12:30
23 and 1. I can't say for certain.

24 Q. Okay. And you secured the cars for him?

25 A. I secured the two units and done a securement test and

1 then set it back up.

2 Q. Did anybody tie any handbrakes on the cars?

3 A. I wasn't told that they did.

4 Q. Okay. All right. Was that a fairly normal routine for
5 tying up the train?

6 A. Yeah, it's normal. It's normal. Yeah, it's normal.

7 Q. You have to cut the crossing most nights?

8 A. No, that's what I was telling you earlier is, you try to
9 reduce that thing as small as you can. That's why anything that
10 doesn't -- anything that's coming out of that alcohol plant, if it
11 bounces right back to Salina, why take it on to -- that's 52 more
12 miles into Hays and back. As a rule, we always leave it there.
13 But this was short enough that making that cut at Vine Street, it
14 would still fit between Vine Street and Allen Street. We knew
15 that from past practice.

16 Q. Okay. So normally you actually wouldn't have to cut the
17 crossing? You get it down small enough to --

18 A. A lot of times, we're lucky enough that it will fit
19 between Vine and Allen. So yes, we don't cut the crossing. We
20 pull on in and the whole train's in one piece and on air. That
21 way it's on continuous air.

22 Q. Um-hum. Okay. I gotcha. Who normally lines the switch
23 in and takes care of the Derails when you tie up there? By
24 position, brakeman or a conductor?

25 A. I'm thinking more times than not, it's the brakeman

1 because that conductor's got -- well, I'm an old guy, so to me,
2 he's doing a clerk's work plus his work, and he needs to get
3 started on that as soon as he can at that depot. I'm thinking
4 it's usually the brakeman. I'm trying to remember back. I've had
5 lots of conductors in the last 4½ years I've been on this job. It
6 changes often.

7 Q. But you're saying quite often the conductor will get off
8 and head for the yard office while you guys are putting the train
9 away?

10 A. Yes.

11 Q. Okay. Okay. All right, so you got a train that'll fit
12 between the two crossings, Vine and Allen. Once the guy's lined
13 up behind, he stops you before Vine to walk up? Or does he just
14 send you all the way up?

15 A. I stop -- when I pull in, I stop to let whoever's still
16 on the train off at Vine Street. Going on in, then the guy at the
17 Derail stops the train, confirms how -- I want a confirmation how
18 far we cleared that derail. And whoever got off at Vine Street
19 when I stop makes that cut.

20 Q. Okay. But if you don't have to cut, if the train will
21 fit between the crossing, how do you come in?

22 A. A lot of times they lead the -- whoever lines those
23 switches, lines us in, he will walk up. Very seldom does it fit
24 this side of Vine. Very seldom does it fit east of Vine. Most of
25 the times, it fits west of Vine.

1 And so you let one guy off to line the switch and the
2 derail as you pull in, let the second crew member off at the depot
3 at Vine Street, pull the remainder of the train in, fitting
4 between Allen and Vine. And I usually secure everything down
5 there.

6 Q. Okay, that makes sense. Thank you.

7 Had you worked with these two crew members before?

8 A. Oh, yeah.

9 Q. Are they regular on the job right there?

10 A. No. Dale was off the extra -- I think he's off the
11 conductor's extra board. I think they ran out of brakemen.

12 Q. Okay. How long has the conductor been on the job?

13 A. He was with me last summer for a while until he got --
14 you know, I don't know if it's two months. I don't know. He was
15 with me last summer, and he come back up here this summer. He's a
16 summer guy, I guess, for the last two summers.

17 Q. Okay. But he obviously likes the job, he tries to get
18 on it when he can?

19 A. Yeah, yeah. Yeah, I think he likes it in the summer
20 because there's more outdoor stuff do then, and he got the
21 continuity of having Saturday/Sunday off.

22 MR. TURPIN: Okay. All right, I'm going to come back a
23 little later and ask some other questions, but right now we go
24 around the room and ask if anybody's got any questions. Nile?

25 MR. DRAGOO: Dave, Nile Dragoo, UTU.

1 BY MR. DRAGOO:

2 Q. How long you been on the job? It sounds like you pretty
3 well know how it operates?

4 A. This last stint, close to four years, I suppose.
5 Somewhere between three and five is -- I mean, I bounced back and
6 forth.

7 Q. But you've been on it, let's say, four years pretty
8 solid?

9 A. Pretty solid.

10 Q. On your train crews, do you have a regular crew or is it
11 a force job or?

12 A. It's not a high bid job. I mean, apparently, I just
13 love the fact I don't answer the phone and so I stay there. I
14 take a cut in pay -- my wife doesn't have good health and so I
15 stay here for the continuity of the lifestyle that comes with it.

16 Q. Yeah, weekend's off, that's a big deal.

17 A. Yes.

18 Q. And you said you've worked with this crew before?

19 A. Yes.

20 Q. Do you -- did they mention like when -- I believe, is it
21 Dale, the brakeman?

22 A. Dale.

23 Q. He got off to switch, to bring in, then walked up to the
24 derail, got the derail, and then he told you to come ahead or gave
25 you a signal to come ahead?

1 A. I believe he gave me a signal.

2 Q. Do you know, do you think by maybe chance, and you may
3 not know this, while you were pulling in, he was saying okay, I'm
4 going to walk up to the switch and line that back while he's
5 pulling in and then I'll stop, and stops in the clear?

6 A. Oh, yeah. I don't put that out of the question at all.
7 I mean --

8 Q. Or he could have just stayed at the derail --

9 A. Yeah.

10 Q. -- and say, hey, when he gets in the clear, I'm going to
11 get the derail then walk up and get the switch?

12 A. Yeah. I got no way of knowing once we get by.

13 Q. Yeah, right.

14 A. I'd be speculating on that. But, yeah, that's not out
15 of -- I wouldn't think that'd be unusual at all.

16 Q. In the area where you headed in there, that switch area
17 around there, is there good lighting there or is it pretty dark?

18 A. There ain't no lighting there. When that headlight goes
19 by, he's in the dark.

20 Q. Has anybody ever complained about it or talked to the
21 carrier? That you know of or --

22 A. I don't --

23 MR. TURPIN: I'm sorry, the easier thing is, have you
24 ever?

25 MR. NOTHERN: No, I never have.

1 MR. TURPIN: Okay.

2 MR. DRAGOO: Yeah.

3 MR. NOTHERN: I never have.

4 MR. DRAGOO: Okay. You know, that's all I have, Dave,
5 right now. Thank you.

6 MR. FACKLAM: Steve Facklam, BLET.

7 BY MR. FACKLAM:

8 Q. When you pull in there to Hays, how close to your DOL
9 time were you when you finally had everything secured?

10 A. As I -- when I have everything secured?

11 Q. Yeah, after you've tied down your engines.

12 A. Oh, it could have been between 10 and 15 minutes, I
13 suppose.

14 Q. So you were pushing up against the --

15 A. Oh, yeah, we were -- it was -- yeah.

16 Q. Is that --

17 A. As I remember, we arrived at 12:35, so, you know, lining
18 in and pulling down to Vine Street, what would that be, another
19 two or three minutes. I don't know. I'm just going to go with
20 15 to 10 minutes left.

21 Q. Was there any sense of urgency created by the
22 dispatcher, by other crew members, that you had to get in there
23 and clear it up before your EOL time? Or was it, did you have
24 enough time you felt you could get it all done?

25 A. We felt like we could get it done. I mean --

1 Q. Were you moving at your, the normal pace, or did you
2 guys pick it up a little bit more because of (indiscernible)?

3 A. Well, picking it up when you have to pick it up, is just
4 part of the railroad. That's just a way of life, I feel like.
5 And I got to tell you that I'm glad to do it.

6 Q. Yeah.

7 A. Sometimes they set me in the hold for hours, and if they
8 need some help within, I'm glad to do it. So, I don't know, I
9 guess I've danced all the way around that --

10 Q. No, I understand what you're saying. (Indiscernible)
11 out there.

12 When your brakeman, Dale, got off the engine to throw
13 the derail off, do you recall if he had his lantern or any kind of
14 lighting?

15 A. I'm sure he had his lantern. I'm sure -- he would have
16 had to have, I'm pretty sure he give me a go ahead signal. And
17 like I said before, that is pitch black once that headlight
18 leaves.

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

20 BY MR. ZAGATA:

21 Q. Zach Zagata, FRA. Do you feel like the crew got along
22 well, communications and (indiscernible)?

23 A. MR. NOTHERN: You know, Dale is very outgoing. The
24 conductor is a quiet guy. Yeah, I think they got along fine as
25 far as I know. If they didn't get along, I don't know it.

1 Q. Okay.

2 MR. TURPIN: John?

3 MR. WYKER: No.

4 BY MR. TURPIN:

5 Q. All right, a couple things. When you stopped at the
6 switch, did you guys have a job briefing?

7 A. Oh, yeah.

8 Q. And do you remember the high points of the job briefing?

9 A. Just exactly like I'm telling you. Dale -- it was
10 Dale's job to get us in there, line us in, get us in the clear,
11 that the conductor would make the cut at Vine Street; that was
12 already in the briefing.

13 Q. Okay.

14 A. That's what I remember.

15 Q. Okay. Do you remember saying we'll meet up at the yard
16 office, or where you're going to --

17 A. Well, I'm sure they said that. I mean, that's just kind
18 of like going out and shutting the light off, you know, but I
19 can't -- it's so commonplace.

20 Q. Okay. How about the end-of-train device, was there any
21 comment about what to do with it?

22 A. No. Not that I recall.

23 Q. Do you normally leave it on the cut, or?

24 A. We do it both ways. I'm sure it was left on there
25 knowing that we would couple up the next day, shove that rear

1 12 cars out, pull the -- add 20 back in, bring the power back to
2 the crossover, grab those 12 cars and go west to Ellis. So
3 knowing that was going to be the rear of the train the following
4 day, I'm sure that's why it was left there.

5 Q. Okay. So for an operational reason, is it -- would you
6 say about 50/50 or it's just sometimes, but it depends -- just
7 depends?

8 A. It depends. Yeah, it depends.

9 Q. Okay. There's no outstanding rule to bring it in, put
10 it in the yard office, shut her down, or anything like that?

11 A. No. I can give you examples. Like sometimes that steel
12 would be on the rear end and maybe we would bring it in when we're
13 heading in the pass, cut it off at the east end pass. The
14 rear-end device would come off because we know that steel ain't
15 going no farther but to that next track south the following day.

16 So on those days, they would take the rear-end device
17 off and lay it down. So it goes both ways.

18 Q. Okay. Do you recall as you got close there any
19 discussion about that was a good decision to run the work, you
20 know, we made it in good time, we're here, dah, dah, dah, or it
21 was just understood?

22 A. It was just understood. I mean -- it was just
23 understood.

24 Q. Okay. All right. Now, we're going to go through some
25 of the drier stuff as background, which isn't necessarily dry, but

1 when did you start on the railroad?

2 A. '74.

3 Q. And where at?

4 A. Right here.

5 Q. As a?

6 A. I was on an extra gang on maintenance of way.

7 MR. TURPIN: Nile feels good about that. How long did
8 you stay with maintenance of way?

9 MR. DRAGOO: Oh, just about a year is all, and then --

10 MR. TURPIN: I'm sorry, Nile, we're talking to --

11 MR. NOTHERN: I went into engine service in the spring
12 of '77.

13 BY MR. TURPIN:

14 Q. So you didn't go through train service; you went
15 straight to engine service?

16 A. That's correct.

17 Q. Okay. When were you promoted to engineer?

18 A. Oh, 7/7/77, I believe. I know that's when Maxi Bower's
19 road with me. I think that's about right.

20 Q. Okay. All right, and all this time you've been here at
21 Salina?

22 A. Yeah. Yes.

23 Q. You said four years basically on the local job. Prior
24 to that, extra board work or did you get a regular run for a while
25 or anything?

1 A. Oh, I've had regular runs. I've been on the east local,
2 east end, west end, afternoon switch engine, daylight switch
3 engine. Usually I'd switch to switch engine in the summer and
4 then go back to that road in the winter.

5 Q. Okay. West end a lot too?

6 A. Yeah.

7 Q. All right. What's your last cert date, certification
8 date on your card, do you know? Every three years they come out
9 and do a big thing with you?

10 A. I don't know. I guess as long as they turn me loose, I
11 don't pay much attention to it. I don't guess I can tell you --

12 Q. Okay. We can --

13 A. -- about that.

14 Q. What's it say on there? Let's see. Last ride
15 observation -- expires in '14, so it was in '11, I guess.

16 A. Yeah.

17 Q. 3/12/11. All right. When's the last time a supervisor
18 rode with you?

19 A. Oh, that ain't been very long ago. Probably in the last
20 30 days, I suppose.

21 Q. How about the last time you were efficiency tested?
22 Call it a FTX?

23 A. That hadn't been very long ago either. It's 30 to
24 60 days.

25 Q. Yeah.

1 A. I had a couple of them in the last 60 days.

2 Q. What kind of test?

3 A. Stop test here between here and the yard limits going
4 west is one of them I remember.

5 Q. All passes?

6 A. Yeah.

7 Q. They let you know?

8 A. Yeah. I don't want to listen to anything else.

9 Q. You get tested pretty frequent?

10 A. Well, yeah.

11 Q. Every month, every other month?

12 A. It can run over months.

13 Q. Yeah. Okay. When was the last time you actually
14 operated a hand-operated switch?

15 A. It hasn't been too long ago because on Fridays we run
16 around a train at Gorham and it's not unusual to head in.
17 Somebody will line up the east end, somebody else makes the cut,
18 and maybe I'm on the -- I'm the only one on the head west end of
19 the unit, and I pull up to the west end; maybe I'll get down and
20 line the derail and switch. That's just one example.

21 Q. Okay.

22 A. I'll line it from time to time.

23 Q. You'll drag them out and they'll line it -- they line it
24 back when you're out?

25 A. That's correct.

1 Q. Okay. Do you take any prescription drugs?

2 A. No, sir.

3 Q. Any nonprescription, like Claritin or Nyquil to sleep?

4 A. No.

5 Q. Do you wear glasses?

6 A. Yeah.

7 Q. When you operate? When you run the train?

8 A. Yeah.

9 Q. Were you wearing the day of the accident?

10 A. Oh, yeah.

11 Q. Okay. Oh, this is tough, you're going back to '77. Did
12 your training prepare you for the requirements of the job?

13 A. I believe so.

14 Q. Okay. Is there a method to reporting or a way to report
15 safety issues?

16 A. Oh, yeah, you can go -- a total safety culture. You can
17 make a call on the -- we got an 800 number, or you can do it on
18 computer, I believe.

19 Q. Have you ever?

20 A. I've talked to total -- I've worked with total safety
21 culture somewhat.

22 Q. Okay. That's that pure observation system, right? Is
23 that what that is?

24 A. Yes.

25 Q. Are you an observer?

1 A. No.

2 Q. Are you --

3 A. I support it, but I don't take part in it.

4 Q. Have you allowed people to observe you?

5 A. Oh, yeah.

6 Q. Okay. So you've agreed to it when somebody on your
7 crew's come on and said --

8 A. I'm totally open to that.

9 Q. Okay. Do you think that works?

10 A. I think it's a good idea. I think it's a voice that the
11 company wants to listen to, and we need a ton of that.

12 Q. Yeah. All right.

13 MR. TURPIN: We need to go back around the room again.
14 Nile?

15 BY MR. DRAGOO:

16 Q. Dave, you have -- Nile Dragoo, UTU. You stated that you
17 heard Dale say the switch and derails were lined back?

18 A. Yes.

19 Q. Did he tell anyone else?

20 A. He wasn't telling me; he was telling the conductor. I
21 just overheard it.

22 Q. Okay. After he told the conductor, did they notify the
23 dispatcher or what did they do?

24 A. I think the conductor went in and made a phone call
25 right there at the depot. That's kind of the -- part of the plan

1 of having the conductor get off at Vine Street where the depot's
2 at making that cut so he can go right in and release that warrant.
3 So I believe that's how it was.

4 Q. So you think he called him on the telephone?

5 A. Yeah. I think he did.

6 Q. Would you have any reason to doubt that Dale didn't line
7 these switches?

8 A. Oh, no, I have no reason to -- I would -- I'll be honest
9 with you, I would work with Dale to the end of my career, either
10 one of these guys. I can't poke a hole in them. They're fine. I
11 mean, obviously, something took place, but I'd work with them
12 forever.

13 MR. DRAGOO: That's all I have. Thank you.

14 MR. FACKLAM: Steve Facklam, BLET.

15 BY MR. FACKLAM:

16 Q. After your train was pulled in all the way, could you
17 visibly see the conductor at Vine Street?

18 A. Oh, no, I'm too --

19 Q. No? Okay.

20 A. It's dark, I'm way down there. I'm almost in another
21 world as far as --

22 Q. Couldn't even see a lantern --

23 A. No, no, no, no. This is the one time where we're not --
24 when you're yarding a train like that, where we're not leaving,
25 where we don't have a box for, where we can't back down the main

1 and get the brakeman or whoever on the head end, there ain't no
2 way to see to confirm.

3 Q. And that kind of answers my next question. There's no
4 way you could even see --

5 A. No.

6 Q. -- the brakeman down on the other end?

7 A. No. No.

8 Q. And, I guess, now I'll talk -- you heard the brakeman
9 tell the conductor that the switches and derails were lined back
10 to normal position?

11 A. Yes, I did.

12 Q. Did the conductor notify you of that?

13 A. No.

14 Q. You just overheard the conversation?

15 MR. FACKLAM: That's all I have.

16 BY MR. ZAGATA:

17 Q. Do you guys have -- you have a job briefing before you
18 got to Hays there?

19 A. We discussed our time relative to the end of our trip
20 after the air test at Russell, had a job briefing before we did
21 anything there at Walker, had a another job -- well, you talk a
22 little bit between stations about what you're going to do. It's
23 actually a job briefing. And then again right when we stopped at
24 that west switch at Hays. Yes.

25 Q. Do you remember what the last job briefing you guys had,

1 what was discussed before you pulled into Hays there?

2 A. Last thing I remember is --

3 MR. TURPIN: He's answered that.

4 MR. ZAGATA: Oh, he did? Okay.

5 MR. TURPIN: Yeah.

6 MR. ZAGATA: I'm sorry.

7 MR. NOTHERN: Yeah.

8 MR. TURPIN: Everybody agree? Then that's
9 (indiscernible) quit. We don't need you to do it twice.

10 MR. ZAGATA: Sorry about that.

11 MR. NOTHERN: Sure, thank you.

12 MR. TURPIN: No, that's okay.

13 Let's go ahead and do just more one with that, just kind
14 of a general.

15 BY MR. TURPIN:

16 Q. Do you always do a job briefing before you do your
17 setouts and pickups and have work to perform?

18 A. Oh, yeah. Oh, yeah. Oh, yeah. This is dark territory.

19 Q. What other times do you do job briefings?

20 A. Before you stop and set out, pick up, all that stuff.
21 You want to know who's going to be where. We try to live up to
22 just what they teach us.

23 Q. Yeah. Good. Okay, thank you.

24 MR. TURPIN: Okay. Does that --

25 MR. ZAGATA: Yeah, that's (indiscernible).

1 MR. LORD: Steve Lord, UP.

2 BY MR. LORD:

3 Q. Dave, tell me again who secured the rear end of your
4 train, was it the brakeman or was it the conductor?

5 A. I think they secured both ends of that. That's standard
6 protocol. That's the way that conductor likes it. He -- and I
7 like it. You want something on the east end right there at the
8 derail, which would be the brakeman, and he also ties at least
9 however many handbrakes right there on the east side of Vine
10 Street. That's standard move was with Josh.

11 Q. So before you made the cut, you did a securement?

12 A. Well, we generally do. I guess it's on that tape. I
13 don't -- I can't confirm that. I think I did, but I can't confirm
14 that. I know I did on the other end.

15 Q. So you're saying that the, what was left east of Vine
16 Street was secured not only on the east end but on the west end,
17 that would be a couple brakes at each end?

18 A. Yes. On the east side, they always tie handbrakes on
19 both ends of that cut of cars if they -- if that's the case, if
20 they leave cars there like that on the east side of Vine Street.

21 MR. LORD: Thank you.

22 MR. NOTHERN: You bet.

23 BY MR. SOUTHWORTH:

24 Q. In the last safety briefing that you held in there at
25 Hays, was there any discussion about how much time was left on

1 your hours of service? Was there anything else that was done to
2 make sure you could get your work done in time?

3 I know the conductor got off and he was able to go into
4 the office. Was there any other instructions related to how much
5 work was left, the time we had; and if so, were there any
6 discussions about whether we didn't have enough time, or someone
7 was wondering if there was enough time, that kind of thing?

8 A. I remember saying to Josh, well, we're putting in at
9 12:35, right, as Dale was lining in, I believe. And that was our
10 -- that's when we put in, that's what it shows on our tie-up. And
11 as far as any time restriction, that's the last thing I remember
12 being said.

13 Q. So just a comment that we're still going in at 12:35 --

14 A. Yes.

15 Q. -- that's the time. But no one said anything about
16 that's not enough? There wasn't any changes in plans or anything
17 like that other than the fact you're at Hays?

18 A. No changes in plans.

19 Q. And if you had more time available, say, an hour --

20 A. Yeah.

21 Q. -- would you have tied up somewhere else?

22 A. No.

23 Q. Still would have put everything where you did?

24 A. If we'd had another hour, those Russell cars would have
25 been setting at Gorham, if I got anything to say about it.

1 Q. Because of the work you had to do the next day with them
2 and everything?

3 A. Yes, sir.

4 Q. Okay. They were all lined --

5 A. It's just safer. It's just better. That's a busy
6 crossing at Vine Street. Every time you block it, it's just --
7 it's not good.

8 MR. TURPIN: Okay. All right.

9 UNIDENTIFIED SPEAKER: I had one follow-up to the
10 briefing.

11 MR. TURPIN: Yeah, go ahead.

12 BY UNIDENTIFIED SPEAKER:

13 Q. When you arrived, was there a discussion letting you
14 know when you had things lined back?

15 A. Well, Josh might have said that to him. And that might
16 have been part of the -- that might have been said right there,
17 okay, go ahead and line us in, we'll pull in and I'll get off and
18 -- that might have been uttered right then from Josh. As far as I
19 know it was, or just understood. You know, it's just --

20 MR. TURPIN: Yeah, we're obviously --

21 MR. NOTHERN: It's kind of a -- it was a routine thing
22 at that point.

23 BY UNIDENTIFIED SPEAKER:

24 Q. And they did have the discussion afterwards that he had
25 relined the switch?

1 A. I heard on the radio that he had restored switch and
2 derail. I heard on the radio, "Switch and derail restored."

3 Q. Okay, switch and derail restored and then -- but not
4 switches and derail -- singular switch? If you recall.

5 A. I don't remember plural. I just remember switch.

6 Q. Gotcha. Good.

7 MR. TURPIN: Okay, good.

8 BY MR. TURPIN:

9 Q. But who handled the track warrants during the trip?

10 A. Conductor.

11 Q. The whole time?

12 A. Well, sometimes if they're on the ground and a
13 dispatcher calls, I have from time to time.

14 Q. Okay. Did the brakeman ever release anything or do any
15 track warrant?

16 A. I don't think so.

17 Q. Okay. What do you guys actually call the tracks at
18 Hays? Here's a picture for you. If you start with the main,
19 what's -- the one you tied up on, what do you call it?

20 A. Pass track.

21 Q. You call it the pass track. And the one against the --

22 A. I like to call it the 740 because that's what you're
23 required to put in at GUI. It's just a way of remembering the
24 number. Some guys call it the house.

25 Q. The house? Somebody else had mentioned steel?

1 A. Oh, yes, because we spot the steel at -- yeah, it's been
2 called that. It's been called -- it's all the same track.

3 Q. All the same track. Okay, 740, house, steel.

4 A. Some guys call it south industry. You know, I've heard
5 it called all those.

6 Q. What does your crew -- do you know what your conductor
7 calls it?

8 A. Well, if we're spotting lumber on the other end of it,
9 you might call it the lumber track. Spotting steel on this end,
10 it might be called the steel track. I've heard it called the
11 south industry track.

12 Q. Okay. I've got plenty of names here for it. They'll
13 understand what I'm referring to.

14 A. Yeah.

15 Q. Yeah. Thank you.

16 A. You bet.

17 Q. Did you use your cell phone while you were on duty?

18 A. Yeah. When we stopped at the salt mine, that guy don't
19 have a radio, and to make sure he was coming, I called him. When
20 we were at the far end at Hays before the train was tied down, I
21 called the hotel for a ride. I might have talked to my wife
22 somewhere.

23 Q. Okay.

24 A. That's what I remember.

25 Q. All right. Is this a safe place to work?

1 A. Referring to?

2 Q. Working on the UP here at Salina?

3 A. Yeah. I probably shouldn't say this, but I don't like
4 dark territory. I never have. When I hired out, we had block
5 signals out here, and I don't like dark territory. But I guess
6 that don't make it unsafe. It's safe. I mean, we're securing
7 everything, we're double-checking everything.

8 Q. Was that train order territory?

9 A. Yeah.

10 Q. ABS train order?

11 A. Yes.

12 Q. You make these manual switches or I mean -- I don't
13 know, what would you call them? I guess, they're manual interlock
14 switches. Has that made it safer for using the sidings?

15 A. On these new sidings they put in, yeah. Yeah.

16 Q. Okay. Anything you'd add, anything you'd change,
17 suggestions?

18 A. Well, if I had it my way, we would've never taken the
19 block signals out.

20 UNIDENTIFIED SPEAKER: When did they (indiscernible)?

21 MR. NOTHERN: 1990. And whatever we're talking about
22 here couldn't have happened if those block signals were in:
23 broken rail, forgot derail, anything.

24 BY MR. TURPIN:

25 Q. 1990, were they -- were you still running train

1 orders --

2 A. That's what I remember.

3 Q. -- or track warrants? Do you remember?

4 A. That was train orders then, back then.

5 Q. It had gone to track warrants by then?

6 A. Did we have track warrants in? Yeah. Yeah.

7 Q. That's just historical kind of curiosity. Thanks.

8 MR. TURPIN: All right. Let's go around one more time
9 because I'm pretty done here. Nile? Steve?

10 MR. DRAGOO: I don't have anything, Dave. Thank you.

11 MR. TURPIN: John?

12 MR. NOTHERN: You're welcome.

13 MR. TURPIN: Jim?

14 MR. SOUTHWORTH: Nope.

15 MR. TURPIN: All right. Then interview's completed.

16 Thank you.

17 MR. NOTHERN: Thank you.

18 (Whereupon, the interview was concluded.)

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CERTIFICATE

This is to certify that the attached proceeding before the

NATIONAL TRANSPORTATION SAFETY BOARD

IN THE MATTER OF: UNION PACIFIC COLLISION
 HAYS, KANSAS
 JULY 16, 2013
 Interview of David Nothern

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DATE: July 18, 2013

was held according to the record, and that this is the original,
complete, true and accurate transcript which has been transcribed
to the best of my skill and ability.

Christina H. Neilson
Transcriber