

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: WAYNE MAGLEY

Mittens Truck Stop
Oakley, Kansas

Wednesday,
July 17, 2013

The above-captioned matter convened, pursuant to notice.

BEFORE: TED T. TURPIN
Accident Investigator

APPEARANCES:

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I N T E R V I E W

1
2 MR. TURPIN: My name is Ted Turpin. Today is July 17th,
3 2013, and we're near Oakley, Kansas, interviewing the engineer
4 from train MSIDV-15 in connection with an accident that occurred
5 at Hays, Kansas on July 16th, 2013. The NTSB accident number is
6 DCA-13-FR-008.

7 Do you understand that this interview is being recorded?

8 MR. MAGLEY: Yes.

9 MR. TURPIN: All right, thank you. Please state your
10 name and spell it.

11 MR. MAGLEY: Wayne Magley, W-a-y-n-e, M-a-g-l-e-y.

12 MR. TURPIN: All right, thank you. And we'll go around
13 the room now and ask everybody to state their name and spell it.

14 MR. WYKER: John Wyker, W-y-k-e-r, FRA inspector.

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

16 MR. TURPIN: Thank you.

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

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

21 MR. TURPIN: All right, good. Thank you.

INTERVIEW OF WAYNE MAGLEY

22 BY MR. TURPIN

23 Q. All right, we'll just start. Wayne, if you'd just tell
24 us what happened?
25

1 A. Approaching Hays, called out the distance signal for the
2 Hays sidings, clear. Looking for the target for the switch
3 leading off the main there in front of the shanty. Had FRED flash
4 dance, which was kind of distracting. Saw a red target, but that
5 could be, you know, the lead switch. And by the time I determined
6 that it wasn't the lead switch, plugged it, why, we were pretty
7 much right on top of the switch. And the next 10, 15 seconds,
8 why, it was pretty quick --

9 Q. All right.

10 A. -- hit the cars and the track, and overturned and bailed
11 out.

12 Q. Which track did you go down?

13 A. The south track.

14 Q. All the way down onto the -- what you called the lead?

15 A. Yeah, down the lead. Ran into what I believe was empty
16 rolled steel cars. That's about as accurate a statement as I can
17 give you.

18 Q. Okay. Now, we've seen that the equipment is upside
19 down. Did you realize at the time when you're in the cab that the
20 engine was actually rolling over?

21 A. No.

22 Q. Okay.

23 A. No, it happened so quick that -- there was impact, and I
24 can remember opening my eyes at one point and seeing a car
25 standing up in front of us. I thought, I don't want to see this.

1 I closed my eyes, and it stopped. We rattled around in there a
2 little bit, stopped. Determined that we were, in fact, upside
3 down. The side windows were tweaked; they didn't want to open.
4 And Austin, the conductor-in-training, I believe went out on what
5 would have been the north windshield. Next thing I knew he was
6 standing in front of me and I'm -- how'd he do that so quick? And
7 pushed on the one in front of me and -- the conductor said I don't
8 have my grip or lunch box. I was thinking phone to call and the
9 hazmat papers. And he sat them in front of me and I just threw
10 them out, went out right behind him and he came out behind me.

11 Q. Okay. Who knocked the window out?

12 A. I pushed the window out on the south side.

13 Q. Okay.

14 A. It was ajar. It wasn't -- it was shattered like safety
15 glass, but it was one piece, and I just pushed and it went out.

16 Q. And the student was already outside the cab?

17 A. Yeah.

18 Q. Then what?

19 A. Then we found our way out of the wreckage. And by the
20 time we got out -- kudos to Hays response, because there were
21 already red and blue lights in the vicinity. I walked down -- I
22 think we went out north of the tracks down to Vine Street and then
23 south, but to be honest, I'm not real sure.

24 Q. And the first people you were contacted with?

25 A. Hays response team. I believe probably a fireman.

1 Q. Okay. Was there a fire by then?

2 A. Yeah.

3 Q. Was there a fire when you were trying to get out?

4 A. When Austin got out, he said, we've got fire, we've got
5 to go. And it was small. I figured that was a good time to go.

6 Q. Yeah. So how long were you there after that?

7 A. After the accident?

8 Q. And after meeting up with the responders.

9 A. Oh, hours.

10 Q. So you watched all the emergency response --

11 A. Yeah.

12 Q. -- and the fire --

13 A. Yeah.

14 Q. Okay. Who was --

15 A. The sun was up by the time we left.

16 Q. Oh, okay. And it happened at what time; do you
17 remember?

18 A. Somewhere around 1:30.

19 Q. Okay. So where did you go then, when you left?

20 A. We were headed home -- or headed back to Salina. Brian
21 had told us they said that they weren't going to need a sample,
22 you know, blood -- or urine sample. And as we were leaving, he
23 called and said, well, they've changed their mind, we need you to
24 go to the clinic. So we went to the clinic and did a blood,
25 urine, and breath test, then went on to Salina.

1 Q. Where was the clinic at?

2 A. Right across the street from the hospital, Hays
3 Hospital --

4 Q. Hays?

5 A. -- up on Canterbury.

6 Q. Okay. All right. How fast were you going?

7 A. I believe between 45 and 47. I don't know if they've
8 got a download off of it yet or not.

9 Q. Yeah, we're still waiting for the data to come in.

10 That train handled pretty good or able to hold the speed
11 pretty good?

12 A. Yeah.

13 Q. How long is it 49 through there? Were you -- had you
14 been in 49 for quite a while or --

15 A. No. Coming from Victoria, it's an uphill pull to about
16 283, and we were picking up speed as we were going down into Hays.
17 I think I had it -- I think I had it at about 45.

18 Q. What were you doing with the levers; where were they?

19 A. To be honest, at this point I can't tell you for sure.

20 Q. Okay. That's all right.

21 A. And when I plugged it, I can't tell you that I did
22 anything with the throttle dynamic or -- if I was in throttle, I
23 can't tell you that I went to dynamic. By the time I determined
24 that we were going in, I plugged it and braced. I don't think I
25 even got the toggle switch thrown for the -- for FRED. There just

1 -- there wasn't time.

2 Q. Quick. You said you saw the rear-end device. That
3 would have been the ones on the rear of the local, right?

4 A. Yeah.

5 Q. And it was flashing?

6 A. Yeah.

7 Q. Which did you see first, the rear-end device or the red
8 switch target?

9 A. Oh, we saw the rear-end device from probably a quarter
10 of a mile away.

11 Q. Okay, all right.

12 MR. TURPIN: I'm going to come back later and talk
13 about, you know, when you hired out and everything else, but while
14 we're talking about the accident, I want to go around the room and
15 see if anybody has any follow-ups here. Steve?

16 MR. FACKLAM: Let's see. Just following up, you said --

17 MR. TURPIN: Just about the accident.

18 BY MR. FACKLAM:

19 Q. Yeah. How soon was it that you threw it into emergency?
20 Just right as soon as you --

21 A. I think it was probably right at or just before the
22 switch.

23 Q. Okay.

24 BY UNIDENTIFIED SPEAKER:

25 Q. Wayne, you said you had seen a distance signal. Where

1 is that? Because it's Track 1 where you were located. Where is
2 that distance signal located?

3 A. Just east of Vine Street.

4 Q. What's it for?

5 A. For the Hays siding west of town.

6 Q. Oh, west of town. Okay, okay. Is that an interlocking?

7 A. No, it's an electrified siding. What do they call
8 those? I want say -- it may be called a manual interlocking.

9 Q. Okay.

10 A. It's a siding.

11 Q. Yeah, but it's -- so that's --

12 A. It's electrified siding.

13 Q. That signal is strictly for that interlocking, for the
14 siding then?

15 A. Right.

16 Q. It has no effect on authority on the main track?

17 A. No.

18 Q. Okay, okay.

19 A. It would give us an indication if we were going to have
20 a red signal at the east end or go into the siding.

21 Q. It would be nice if they had one before the east end of
22 that --

23 A. Well, it would be nice if it was signaled, but --

24 Q. Yeah, yeah. Okay.

25 MR. TURPIN: What color was the distance signal?

1 MR. MAGLEY: Clear.

2 MR. TURPIN: It was clear? Okay.

3 UNIDENTIFIED SPEAKER: Do you know approximately how far
4 those steel cars were in that track in the line switch?

5 MR. MAGLEY: I don't think that I could begin to give
6 you an accurate answer. I believe they were on a straight track.

7 UNIDENTIFIED SPEAKER: The locomotive that you're in,
8 did it have an alerter system?

9 MR. MAGLEY: Yeah.

10 UNIDENTIFIED SPEAKER: The lead locomotive?

11 MR. MAGLEY: Um-hum.

12 UNIDENTIFIED SPEAKER: Was there a camera installed on
13 that?

14 MR. MAGLEY: Um-hum.

15 UNIDENTIFIED SPEAKER: Okay.

16 BY UNIDENTIFIED SPEAKER:

17 Q. When you got out, you had your phone so you were able to
18 make a call.

19 A. It -- go ahead.

20 Q. Did you call dispatcher first?

21 A. Yes.

22 Q. Okay. They were saying you called the trainmaster or an
23 MOP or something?

24 A. I called Brian after I had talked to --

25 Q. After you talked to the dispatcher?

1 A. Yeah.

2 Q. Okay. And Brian is?

3 A. He's the MOP there at Salina.

4 Q. Oh, okay.

5 A. Brian Weeks.

6 Q. Okay. Brian Weeks, okay, okay. So the dispatcher
7 first?

8 A. Yeah.

9 Q. Okay, thank you.

10 UNIDENTIFIED SPEAKER: Was there any radio traffic on
11 the radio?

12 MR. MAGLEY: Not at that time.

13 UNIDENTIFIED SPEAKER: No. I was just wondering if you
14 heard the local crew talking to the dispatcher or anything in
15 advance?

16 MR. MAGLEY: No. While they were switching at Dole --
17 or at Russell, we could hear them while we were setting at Dole,
18 but I didn't hear them after that.

19 UNIDENTIFIED SPEAKER: Okay.

20 BY MR. TURPIN:

21 Q. Was that the only time you heard them?

22 A. We'd heard them a time or two before that coming out of
23 Salina.

24 Q. Okay. What time did you go on duty?

25 A. 1610, 4:10 in the afternoon.

1 Q. What time did you depart Salina?

2 A. I believe 1855. My time book was in the locomotive so I
3 don't have it to --

4 Q. Well, we can get those from the dispatchers as well. I
5 just -- and it's not like a test. I'm just trying to get some
6 benchmarks here.

7 So, all right, you're -- so you're out of town about
8 7:00. Did you have any meets?

9 A. Yeah. There was a train at Terra Cotta, Wolf, and I
10 don't believe there was anybody at Dole.

11 Q. Okay. So those were eastbounds?

12 A. Yes.

13 Q. Where did the local come out of? Did it come out of
14 Salina ahead of you?

15 A. Um-hum.

16 Q. Do you know what time? Did you hear them leave?

17 A. Yeah, I heard him leave, but I can't tell you what time
18 it was when they left.

19 Q. So it was after you went on duty?

20 A. Yeah.

21 Q. So when you were putting your train together, you could
22 hear them?

23 A. Oh, we didn't have to do anything to -- our train was
24 together when we got on it.

25 Q. Okay. I didn't ask that very well. I said what did you

1 do when you got on duty?

2 A. Waited for the -- they sent Tom to Haven on a coal train
3 out first and then they sent the local out and then they sent us
4 out. There was a gang working and I think that's what delayed
5 everything. Had to wait for the gang to clear up and then they
6 sent Haven out, then the local, then us.

7 Q. Okay. All right. Let's try to nail down a little bit
8 more, the detail when you heard them ahead of you. So you heard
9 them leave town, then you left. You got to Terra Cotta for a
10 meet. Had you heard them before you got to Terra Cotta?

11 A. Yeah. We couldn't get authority until they gave up
12 authority.

13 Q. Okay.

14 A. And so we were hearing them give up authority as we were
15 getting authority.

16 Q. So where did they meet that east train at?

17 A. They met a train at Terra Cotta and Wolf also.

18 Q. Okay.

19 A. They may have met that one at Dole, but I think they met
20 it at Wolf.

21 Q. We can check the train sheet on that too. Okay.

22 Could you -- you didn't hear them at Hays; they didn't
23 have any work at Hays?

24 A. We didn't hear them at Hays.

25 Q. Okay. So the last place you heard them before --

1 A. Was Dole.

2 Q. Was Dole. How far away is that?

3 A. Well, we were at Dole; they were at Russell.

4 Q. Okay.

5 A. Russell's 263.

6 Q. And Dole?

7 A. Just went blank. Just east of Bunker Hill. I hate
8 that; I'm just blank.

9 Q. All right, that's fine. Obviously, I get a time table,
10 I'll have all that right there in front of me.

11 A. Yeah.

12 Q. That's fine. Thank you.

13 You ever worked this local?

14 A. No, I've never worked that local.

15 Q. Have you ever -- have been inside here at Hays on either
16 one of those tracks?

17 A. No, I haven't.

18 Q. All right, let's back up. When did you hire out on the
19 railroad?

20 A. '94.

21 Q. As what?

22 A. Brakeman-in-training.

23 Q. And when did you go conductor?

24 A. I want to say like 6 months later.

25 Q. And engineer?

1 A. '95, but you bounce back and forth for a while.

2 Q. Okay. When did you finally, basically, become permanent
3 engineer?

4 A. Late '96/early '97.

5 Q. Okay. And where have you primarily worked?

6 A. Primarily between Salina and Denver.

7 Q. Okay. And so now we add the exceptions. Outside of
8 that territory, where?

9 A. I was brought out a few months, Pueblo to Horse, Dalhart
10 to Tucumcari, and I was in Herington, working Herington to Pratt
11 primarily, for about four years.

12 Q. Oh, wow. When was your last engineer certification
13 date?

14 A. It would be on the license, wouldn't it? Issued 7/11
15 of '12.

16 Q. And the last time a supervisor rode with you?

17 A. It's been in the last 4 months, I think.

18 Q. Last time you may have been tested, operationally
19 tested?

20 A. Last 2 weeks. Within the last 2 weeks.

21 Q. Yeah.

22 A. They had a red flag at yard for Salina.

23 Q. They tell you that you were being tested --

24 A. No.

25 Q. -- or that you successfully passed it?

1 A. Yeah, yeah, successfully passed. They came up and
2 talked to us and told us we passed.

3 Q. Oh, good. Okay. What's the procedure for switches in
4 dark territory? What's the rule regarding that?

5 A. They've got to be lined back for main track.

6 Q. Right. And then you -- is there anything else you have
7 to do?

8 A. Well, you got to sign a book that you lined them back.
9 I'm not sure what you're driving at.

10 Q. You call anybody and tell them?

11 A. Well, you've got -- you can't get another track warrant
12 without verifying that you have lined those switches on main line.

13 Q. Okay, that's what I'm asking, is the procedure.

14 A. Yeah.

15 Q. Okay. So if you go into a siding and you line up
16 behind, what do you have to do?

17 A. You've got to let the dispatcher know.

18 Q. All right. And what if you're unable to? Is there a
19 process available if you're unable to line behind? Let's say you
20 run out of time.

21 A. You still got to them let them know that it's open
22 somehow.

23 Q. Okay. Have you ever been notified that there may be an
24 open switch in front of you?

25 A. A "prepared to stop" is what you get.

1 Q. Okay. You get -- you do get a notification?

2 A. Sure.

3 Q. So that has happened in the past? Or you just know that
4 the procedure's available, or has it actually happened to you?

5 A. No, I've been given a "be prepared to stop."

6 Q. Did you find a switch open?

7 A. No. No, it was closed.

8 Q. Have you ever encountered an open switch before?

9 A. No. We got a good bunch of guys out here. They're
10 pretty damn conscientious.

11 Q. Is it a safe place to work?

12 A. I think so.

13 Q. Usually what we do is, and this is even harder on your
14 memory, but we try to back up to when you went on duty. That
15 would have been on Monday, correct?

16 A. Um-hum, I believe so.

17 Q. Monday at 4:10?

18 A. Um-hum.

19 Q. So what did you do Monday during the day?

20 A. I slept until about -- oh, it must have been about noon.

21 Q. And how long a time was that sleeping? Do you remember
22 when you went to bed?

23 A. I think it was about 3:30.

24 Q. Did you come in off a job?

25 A. Yeah.

1 Q. Because we're just going to keep walking this back; we
2 want to try to get through Sunday and into at least Saturday and
3 find out just kind of your work cycle. So Monday morning 3:30
4 a.m. in. When did you go on duty Sunday?

5 A. I wish I had the time book.

6 Q. It's not a test. And really what's important is to try
7 to figure out your sleep time. Did you get good sleep during
8 those three days?

9 A. Yeah, I did.

10 Q. You didn't go to a wedding or didn't go --

11 A. No. No.

12 Q. So on Sunday --

13 A. We were turning good, but I was able to get rest.

14 Q. Okay. But you do live at the opposite end of the pool?

15 A. Yeah.

16 Q. Do you get almost the same amount of time here as you do
17 in Salina?

18 A. Actually, I usually wind up with more time at Sharon
19 Springs than I do at Salina, but it varies. It cycles; it
20 changes.

21 Q. Okay. So Sunday, Sunday you get called to go to Salina.
22 Do you remember -- let's jog the memory a little bit with --

23 A. Going to work on this train? No, that would have
24 been --

25 Q. No. It would have been the one that got you to Salina,

1 on Sunday.

2 A. A coal bucket.

3 Q. Took the coal train?

4 A. It was a good trip.

5 Q. Evening call?

6 A. Yeah.

7 Q. That's close enough. Did you sleep all day Sunday?

8 A. The majority of it.

9 Q. So did you work a night job Saturday, then, from Salina
10 home?

11 A. Yeah, I think that was a daylight trip going out. I
12 wish I had the time book.

13 Q. Yeah.

14 A. As -- we were turning quick, but as quick as we were
15 turning, I was getting surprisingly good rest.

16 Q. Okay. It looks like you might have gotten, let's say,
17 18 hours off that one time --

18 A. Yeah.

19 Q. -- that one slug there. It looked like 18. Maybe not
20 -- once you got to Salina you actually turned back?

21 A. Yeah, that was a quick turn around.

22 Q. That was 12 -- actually, 11 hours, so --

23 A. Yeah.

24 Q. Yeah. Okay, all right. Well, we can look into the
25 books. You did get your --

1 A. You learn when you're turning, you go home, you get
2 something to eat, get cleaned up, you go to bed.

3 Q. Okay. All right, that kind of sums it up. Did you feel
4 fatigued at any time?

5 A. No, not really.

6 Q. Okay.

7 A. But there again, when you're turning, you go to bed.

8 Q. Yeah. How many days in a row you think you worked?

9 A. I think I had two round trips back to back, and I had
10 laid off previous to that for a dentist appointment, which they
11 canceled.

12 Q. So you probably missed one cycle?

13 A. Yeah.

14 Q. I got you. Okay. You take any prescription drugs?

15 A. No.

16 Q. Nonprescription?

17 A. No. Well, an aspirin or --

18 Q. Yeah. Pushing the envelope on that is more into the
19 antihistamines and Claritins or Nyquils and things like that, you
20 know.

21 A. No. No, I think if a guy doesn't use that stuff on a
22 regular basis, when he does, it's more effective.

23 Q. Okay. It's been a long time, but for -- do you think
24 your training prepared you for your job?

25 A. I do. Brian Weeks, as an officer and our instructor for

1 all of our rules classes, is real thorough. He's --

2 Q. Um-hum. Is he local? Did he come up local here or did
3 they bring him in from somewhere?

4 A. I think he came off the MOP. And we've got good guys to
5 work with. The old heads had done a good job of mentoring us.

6 Q. What about cell phones; what do you do with your cell
7 phone?

8 A. You got a stow it. Shut it off, stow it.

9 Q. Okay. All right. Do you ever observe other employees
10 using cell phones?

11 A. Not -- when they first came out, guys were using them
12 quite a bit. But when the rule came out you can't use them,
13 everybody was just, "Well, okay."

14 Q. Is there anytime you can use them on the UP?

15 A. If you're stopped and you're not in a cab red zone or,
16 you know, doing anything required of your job, you can make a
17 phone call.

18 Q. Okay.

19 A. And I did at Dole.

20 Q. Okay.

21 A. I called my fiancée and told her that no point in
22 waiting up, we were probably going to go dead.

23 Q. Oh, you thought you were kind of running out of time
24 this --

25 A. Yeah, I figured we were going to run out of time.

1 Q. What's the running time? You were there about 1:00 at
2 Hays. What would have been your running time to try to get to,
3 make it in? Well, actually, you figured back from Dole.

4 A. There was an eastbound train coming that was having DP
5 problems and I figured that would be enough to kill us, irrelevant
6 of running time.

7 Q. Yeah.

8 A. And I didn't know how long the local would be out. I
9 didn't know what they had for work, so I just figured we were
10 going to be dead somewhere along the way.

11 Q. You only had about three hours left. You would have had
12 to hightail the whole time, right --

13 A. Yeah.

14 Q. -- from Hays on over?

15 A. Yeah, we might have made it, but I sure wasn't counting
16 on it.

17 Q. Okay. All right.

18 A. I'm not saying I planned to go dead. I just --

19 Q. No, no, no, I understand. No, absolutely.

20 A. -- figured it wasn't going to happen.

21 Q. Yep, yep.

22 MR. TURPIN: All right, anybody have any more questions?

23 BY MR. FACKLAM:

24 Q. How many miles is your run?

25 A. 242.

1 Q. 242. And just an average, normally, say over the last
2 six months, what's it usually -- the time frame that it usually
3 takes --

4 A. I figure 10, 11 hours.

5 Q. Ten, 11 hours average.

6 A. Sometimes you scratch in, sometimes you get a trip where
7 you're only out there 7½ or 8.

8 Q. Coming into Hays, at the incident that we're -- outside
9 of seeing any ETDs and your headlight, is there any other lighting
10 around there?

11 A. There is, but not that would really --

12 Q. That could possibly illuminate that target?

13 A. Yeah.

14 Q. Okay. How often do they do yearly testing, you know, as
15 far as rules testing? How often are you -- does UP test you on
16 the rules?

17 A. I think it's every two years. But the last time I
18 tested, it was back to back; one year and then the next year we
19 did it again.

20 Q. And when was that? When was your last one?

21 A. What was it?

22 Q. Oh, was that the same as the certification you were
23 talking about?

24 A. Yeah, yeah.

25 Q. I got that date, okay.

1 UNIDENTIFIED SPEAKER: July 2012, wasn't it?

2 MR. MAGLEY: Yeah.

3 BY MR. FACKLAM:

4 Q. So then normally, it's about every two years for people?

5 A. Yeah.

6 Q. You just happened to have one back to back?

7 A. Yeah.

8 Q. I've been there.

9 BY MR. DRAGOO:

10 Q. Wayne, Nile Dragoo, UTU. Is this a side pool that
11 you're in?

12 A. Yes.

13 Q. Do you guys ever get federal rest?

14 A. I've never hit federal rest. There are some guys that
15 have, but I think they were extra board.

16 Q. Okay.

17 A. I'm sure you can get access to that information, but I
18 can't tell you for sure that anybody in the pool has.

19 Q. Now, this is track warrant territory, correct?

20 A. Correct.

21 Q. What's your procedure to release a warrant? You clear
22 the limits and what do you do?

23 A. Dial up the dispatcher, tell him that you and the
24 engineer are in agreement that you are clear of the limits of, and
25 repeat the limits to them.

1 Q. And back to this, when you was coming in here to Hays,
2 you really couldn't tell how that switch was until you got on top
3 it?

4 A. That's right.

5 Q. And like we touched on there a little earlier, it's
6 pretty dark in that area, correct?

7 A. Yeah. Now, just the other side of those, you've got
8 Vine Street, which is all lit up. So you're looking into a black
9 area that's illuminated behind.

10 Q. Yep.

11 A. If that makes any sense?

12 Q. Yeah, yeah. Well, I work on the UP out of Marysville.

13 A. Okay.

14 Q. When you have to -- let's say you're out here, you got
15 to set out a bad order on road. You set the car out and then what
16 do you do?

17 A. Well, you've got to do a securement test on it to know
18 that it's not going to go anywhere. And then when you've done
19 that, then you cut away and go back out and make sure you've got
20 everything closed back up.

21 Q. And then when you get it done, do you notify the
22 dispatcher that everything's back to normal, derail's --

23 A. Oh, yeah, you have to or you can't get another track
24 warrant.

25 Q. Right, right.

1 Okay, that's all I got. Again, Wayne, it's amazing you
2 guys survived this. It's remarkable.

3 A. I don't know what I'm supposed to do, but I haven't done
4 it yet.

5 Q. Yeah, yeah, yeah. Somebody's looking after you.

6 A. Yeah.

7 Q. It's amazing.

8 A. We had guardian angels that night.

9 Q. Yeah, yeah. That's all I have.

10 MR. TURPIN: All right. John?

11 MR. WYKER: I can't think of anything further. You
12 answered everything. Thank you very much.

13 MR. MAGLEY: Yeah. Yeah, I -- and like I say, guys, I'm
14 sure that for more accurate information, it's probably going to
15 come off the electronics.

16 MR. TURPIN: Yeah, yeah, and we have those. We're
17 ordering those from the UP. They'll give us all that stuff.
18 That's not a problem.

19 MR. FACKLAM: Is there something --

20 MR. TURPIN: Yeah, go ahead.

21 MR. FACKLAM: In the last 60 days, how many times you
22 think you ran over that territory if you had to guess? You know,
23 not exact, but --

24 MR. MAGLEY: Eighteen, 20.

25 BY MR. TURPIN:

1 Q. And you've actually worked this pool for how long?

2 A. On and off for the last six, seven years. I try to hold
3 Oakley when I can. I just -- no, I don't have enough seniority
4 yet.

5 Q. What works out of Oakley?

6 A. They have a local here, three-day-a-week local.

7 Q. Local.

8 A. And they occasionally get used for dog catching or grain
9 trains up at Coley (ph.).

10 Q. So it's just the one with the old heads on?

11 A. The local? Yeah.

12 Q. Okay. This other one that -- it's the LDG -- is that
13 what's it called -- every night? What do you guys call it?

14 A. The one here? Or the --

15 Q. The one that was down at Hays.

16 A. The 89, LDG89, I believe. I've never worked it.

17 Q. And that's what people call it, the 89 or the LDG --

18 A. Hays local.

19 Q. Hays local?

20 A. Yeah.

21 Q. Because it -- does it always tie up at Hays?

22 A. They flip back to Salina on Fridays, or on -- yeah, on
23 Friday.

24 Q. So they come out and then they --

25 A. Then go back.

1 Q. Then they go back, okay. Have you ever followed them
2 before?

3 A. I'm sure I probably have at some point.

4 Q. Do you know the crew that was working on it?

5 A. Dale Hoyt, I understand was one of the crew members, one
6 of the trainmen; Josh Iverson I think was one of the trainmen; and
7 Dave Nothern. And I know Dave Nothern and Dale Hoyt. I've worked
8 with Dale here numerous times. I'd go to work with Dale in a
9 heartbeat. I don't know Josh. I knew his dad down at Herington,
10 but I've never met Josh.

11 MR. TURPIN: Okay. All right, I don't think I have
12 anything else.

13 UNIDENTIFIED SPEAKER: I have just one thing I wanted to
14 touch on.

15 MR. TURPIN: Yes.

16 UNIDENTIFIED SPEAKER: If that's okay?

17 MR. TURPIN: Yeah.

18 UNIDENTIFIED SPEAKER: Just because I'm not familiar
19 with this.

20 BY UNIDENTIFIED SPEAKER:

21 Q. You said there's a logbook, a switch logbook that the
22 conductors and engineers --

23 A. Your conductor's log.

24 Q. Conductor's log. Just their normal, like, delay report,
25 we'd call them?

1 A. Yeah.

2 Q. Okay. And I'm familiar with those. Different
3 terminology, different railroads.

4 A. Yeah. Yeah.

5 MR. TURPIN: Okay.

6 BY UNIDENTIFIED SPEAKER:

7 Q. Just a couple more. What was the last job briefing you
8 guys had; do you remember?

9 A. Well, it would have been at Dole that we were good to go
10 all the way to Collyer. Now, we had slow orders that we discuss
11 as we're -- as we approach each slow order. I don't know if you'd
12 call that a job briefing or not. I suppose, technically, it would
13 be, but --

14 UNIDENTIFIED SPEAKER: So you discuss with each other
15 slow order coming up?

16 MR. MAGLEY: Yeah.

17 UNIDENTIFIED SPEAKER: That's a job briefing then,
18 they'd (indiscernible).

19 MR. MAGLEY: Okay. And these guys are -- I don't know
20 Austin very well. That's the first time I've ridden with him.
21 But the conductor, I've worked with before. I mean, it's --
22 you're just discussing things pretty much all the way over the
23 road, keep each other on your toes.

24 UNIDENTIFIED SPEAKER: It's not like the old days.
25 Thank God.

1 MR. TURPIN: Yeah.

2 MR. MAGLEY: I smile because of the stories that I've
3 heard.

4 UNIDENTIFIED SPEAKER: Yes, yes. I've been there, yeah.

5 UNIDENTIFIED SPEAKER: When you said you braced
6 yourself, what part of the locomotive did you go to?

7 MR. MAGLEY: I just turned in the seat, stuck my feet
8 down into the console. And I don't think it probably did any
9 good.

10 UNIDENTIFIED SPEAKER: I appreciate it.

11 UNIDENTIFIED SPEAKER: Ted, I got one more.

12 BY UNIDENTIFIED SPEAKER:

13 Q. Wayne, was there ever any electric lock switches out
14 here on this territory, or do you have any idea?

15 A. Not -- electric locks, not that I know of.

16 Q. Okay. We saw like a box there at that switch. At one
17 time, apparently, it was, but it must have been before your time.

18 A. Done a lot of things before my time out here. I'm a
19 greenhorn by comparison.

20 Q. No, you're an old head in some ways.

21 A. Well, in some ways.

22 BY MR. TURPIN:

23 Q. So all the way from Salina to -- you go to, not Oakley,
24 but what do you call it, something Springs? What is it?

25 A. Sharon Springs.

1 Q. Sharon Springs. All sidings are hand-throw switches?

2 A. Terra Cotta, Wolf, Dole, Hays, Collyer, Oz, Hanbury
3 (ph.) and -- I can't believe that; it's gone -- there's one more
4 -- McAllister (ph.), are electric.

5 Q. So the sidings where you meet trains --

6 A. The sidings are --

7 Q. -- have an electric with an approach, which would be
8 like a switch-point indicator basically is what that green is?

9 A. Yeah, basically.

10 Q. Okay. So where you have hand-throw switches is only --
11 where were their hand throw switches then?

12 A. At, say, the little elevators along the way, the ethanol
13 plant.

14 Q. Industry track?

15 A. Yeah, industry tracks.

16 Q. Okay. How many? Give a guess?

17 A. I wouldn't even want to try to speculate. A bunch.

18 Q. A bunch. That's good.

19 A. You're always looking for the green target.

20 Q. Yeah. So would you say that was probably your primary
21 focus when you came around the curve here coming into Hays knowing
22 that the switches are there?

23 A. First thing I wanted to know was how were we lined up
24 for Hays siding, because you got to make note of that --

25 Q. Okay. And you have to come around the curve to see

1 that?

2 A. Yeah. Yeah. Once I determined that we were clear
3 there, then the next focus was -- because if it's a yellow, you
4 may have to be down to 20 over that switch, which would require
5 immediate action.

6 Q. Is that signal on the other side of Vine, or --

7 A. I believe it's on the east side.

8 Q. Okay. There hadn't been any trains out there so we
9 haven't seen it lit up. I didn't notice when we were out there.

10 UNIDENTIFIED SPEAKER: Is it for that -- the crossover
11 that comes, the crossover that was on the west side, right, of
12 Vine?

13 MR. MAGLEY: Uh-huh.

14 UNIDENTIFIED SPEAKER: Yeah. Okay, but you say the
15 signal, you think, on the east side?

16 MR. MAGLEY: Yes.

17 UNIDENTIFIED SPEAKER: Okay, okay. And I didn't notice
18 any either.

19 MR. TURPIN: I didn't either. I think it's because it's
20 not lit up. We're not --

21 BY MR. TURPIN:

22 Q. Is it a pot signal?

23 A. No, no. No, it's tall.

24 Q. High stand?

25 A. Yeah.

1 Q. Well, we're look for it. We'll look for it.

2 MR. TURPIN: All right, very good. I don't think I have
3 anything. Do you have anything you'd like to add?

4 MR. MAGLEY: Glad to be here.

5 MR. TURPIN: Oh, yeah. We're all appreciative of that
6 too. I like going --

7 UNIDENTIFIED SPEAKER: Play the lottery this week.

8 MR. TURPIN: I like going to accidents that --

9 MR. MAGLEY: That's right.

10 MR. TURPIN: All right, that completes the interview.

11 Thank you.

12 (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 Wayne Magley

DOCKET NUMBER: DCA-13-FR-008

PLACE: Oakley, Kansas

DATE: July 17, 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