

UNITED STATES OF AMERICA

NATIONAL TRANSPORTATION SAFETY BOARD

* * * * *

Investigation of:

*

*

UNION PACIFIC COLLISION

*

JULY 16, 2013

*

Docket No.: DCA-13-FR-008

HAYS, KANSAS

*

*

* * * * *

Interview of: AUSTIN MUÑOZ

Salina Yard Office
Union Pacific Railroad
Salina, Kansas

Thursday,
July 18, 2013

The above-captioned matter convened, pursuant to notice.

BEFORE: TED T. TURPIN
Accident Investigator

APPEARANCES:

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

JAMES SOUTHWORTH
Investigator-In-Charge
National Transportation Safety Board

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

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

ZACHARY ZAGATA
Operating Practices
Federal Railroad Administration (FRA)

JOHN WYKER
Chief Inspector
Federal Railroad Administration (FRA)

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

STEVEN CLEVELAND
Local Chairman, UTU
Salina, Kansas

<u>ITEM</u>	<u>I N D E X</u>	<u>PAGE</u>
Interview of Austin Muñoz:		
By Mr. Turpin		5
By Mr. Dragoo		9
By Mr. Facklam		9
By Mr. Zagata		10
By Mr. Lord		10
By Mr. Turpin		11
By Mr. Dragoo		18
By Mr. Facklam		18
By Mr. Zagata		19
By Mr. Southworth		19
By Mr. Turpin		20
By Unidentified Speaker		22

I N T E R V I E W

1
2 MR. TURPIN: My name is Ted Turpin. Today is July 18th,
3 2013, at Salina, Kansas, interviewing the conductor-in-training on
4 the manifest through train in connection with an accident that
5 occurred at Hays, Kansas, on July 16th, 2013. The NTSB accident
6 number is DCA-13-FR-008.

7 And if you would, please start by stating your name and
8 spelling it.

9 MR. MUÑOZ: My name is Austin Muñoz, A-u-s-t-i-n; Muñoz,
10 M-u-ñ-o-z.

11 MR. TURPIN: All right. Thank you. We'll go around the
12 room. We'll have everybody state their name.

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

15 MR. TURPIN: Thank you.

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: Zack Zagata, Z-a-g-a-t-a, FRA.

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

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 Investigator in charge of the Hays, Kansas accident.

1 MR. TURPIN: All right. Thank you.

2 INTERVIEW OF AUSTIN MUÑOZ

3 BY MR. TURPIN:

4 Q. We'll just start with, you tell us what happened.

5 A. Let's see. The first thing I can remember is that
6 gradual curve coming into the area. I looked down to make sure I
7 knew where we were at because I knew I had to log the five-mile
8 rule in. So my head was down for a while, making sure I knew
9 where we were at. I looked up, saw the EOT of the local, stared
10 at the main to make sure that I saw that that track was clear.

11 And then I looked over at the station, that little
12 thing, looked over there, noticed a red target for that -- for the
13 switch that -- it turned out to be the one going to the house
14 track. Looked over and saw another red target. Not being real
15 familiar with the area, didn't realize which one that was. I
16 tried to -- in the dark tried to see the points. About that time
17 is when I heard the engineer yell -- I'm assuming he plugged it.
18 That was what the hiss was. And then just felt the jolt of the
19 turning off into the turnout, saw the steel cars, and just braced
20 for what felt like forever. And then, then we hit. Then after
21 that there was lots of jolts and sparks and noise after noise.

22 I remember three, at least three jolt -- the jolt of the
23 impact. I remember thinking how hard is this going to feel? Then
24 a few more jolts. And then everything was just stopped. Saw the
25 glow. Heard some yelling. Reached out to the nearest window

1 because I heard someone yell, "We can't get out. Can't get this
2 window open." Reached my hand out. There was no glass in the --
3 an opening about 2 by 2, I think. I don't know. Shot out of
4 there. Somehow I had a flashlight in my hand, looked back, saw
5 fire, diesel fuel. You know, hey, there's fuel everywhere. We
6 got to get out of here. Made sure -- and then I heard everybody
7 starting to climb out wherever. You know, a lot of confusion, a
8 lot of, "I can't get out. Where are we going?"

9 We walked away. That's when I'm assuming that area --
10 that fuel must have ignited and there was another flame-up. And
11 that was -- that was basically it as far as I can --

12 Q. Okay. Keep going.

13 A. Well, by the time we were that far away, I already saw
14 some emergency lights. They were there already. I mean, I don't
15 know how they got there that fast. Wayne was -- he had his bag,
16 so he was trying to call the dispatcher. I don't know who he was
17 calling, emergency. And that's when that flame-up happened. I
18 said, "We need to get farther away. Let's get farther away."
19 Then we just kind of walked away.

20 That's when -- I don't know if was a police officer or a
21 fireman asked if we were railroad. He told us to walk down to the
22 command post. And we walked over there. I mean -- that's when
23 they started asking for, you know, what was going on. And we were
24 all -- I was so shook up I couldn't really answer anything.

25 Q. Okay. All right. Let's go ahead and back up to when

1 you came around the curve. Did you happen to look at the
2 speedometer?

3 A. No.

4 Q. Do you have a feel for what you think the speed might
5 have been about then?

6 A. Only because -- yeah, well, it had to have been -- I
7 would say it was more than, more than 40.

8 Q. Okay.

9 A. I can't imagine, I mean -- yeah, something like that.

10 Q. Okay. That's fine. Did you have the train consist with
11 you or paperwork on the train?

12 A. Yeah. I had a little -- I have a little system with my
13 map and then the train paperwork and map, conductor's log.

14 Q. Were you able to take it out of the engine with you?

15 A. No. I didn't never see that desk again. Once we hit, I
16 never saw anything.

17 Q. Okay. I realize the cab is upside down and you're
18 inside there. Do you remember, did you go out the right-hand side
19 window, front window, or left?

20 A. I don't -- I do not know what window.

21 Q. It was the front window though?

22 A. I really couldn't tell you. I just know that it was a
23 window that was empty. There was no glass in it.

24 Q. Okay. Okay. Do you remember the engineer removing a
25 window?

1 A. No. I got out fast. I mean, I was the first one out.
2 I hopped out and turned around and looked and asked -- I remember
3 -- because I thought they were right behind me. I said, "Right
4 here." Went out. Thought they were right behind me. "Where you
5 guys at?" I heard, "This side." So I kind of walked around to
6 the other side. That's where --

7 Q. Okay.

8 A. -- that's where the engineer was and Mo hadn't gotten
9 out yet. Then he came out a -- came out another window.

10 Q. Okay.

11 A. I don't know if they came out the same one or not or --

12 Q. All right. Good. Good. Did you mention you see the
13 -- saw the distance signal for Hays?

14 A. Yes. No, I did not mention that, but, yes, I remember
15 seeing that.

16 Q. Okay. What was it displaying?

17 A. Clear.

18 Q. Okay. During this time frame of coming around the
19 curve, when did you see the signal?

20 A. I couldn't tell you. I just remember seeing -- looking
21 straight ahead and seeing all the street lights and then the
22 clear.

23 Q. Okay. Okay, that's fine.

24 MR. TURPIN: Okay, now I'm going to go around the room
25 and ask if anybody has any questions, particularly about the

1 accident itself, so we'll start with Nile.

2 MR. DRAGOO: Nile Dragoo, UTU.

3 BY MR. DRAGOO:

4 Q. Austin, where were you sitting in the cab?

5 A. I was sitting in the conductor's seat.

6 Q. And the conductor was sitting?

7 A. Next to me.

8 Q. Okay. Do you remember, just kind of a guess, when you
9 think you really saw that the target was red and switches were
10 wrong?

11 A. Right before he plugged it, I saw a red -- I saw a red
12 target and I guess I didn't know what it was. So it would've been
13 right before.

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

15 MR. MUÑOZ: Okay.

16 MR. FACKLAM: Steve Facklam with BLET.

17 BY MR. FACKLAM:

18 Q. I was just trying to get the order what you saw things.
19 You mentioned you saw the ETD of the local, saw the main was
20 clear, saw the red target for the house track, then saw the main
21 target. Did you -- when you were -- you said you were -- had seen
22 the distance signal was clear. Did you see the distance signal
23 before all those?

24 A. Yeah.

25 Q. Okay. I just wanted to get the order.

1 A. I believe so.

2 MR. FACKLAM: Okay. That's all I have.

3 MR. MUÑOZ: Yeah.

4 MR. ZAGATA: Zack Zagata, FRA.

5 BY MR. ZAGATA:

6 Q. Do you remember when you said you braced yourself what
7 you did? Where did you go out the cab and brace yourself?

8 A. When I -- how did I brace myself? I just stood up at
9 the seat with my feet down, hand out and just -- that was it.

10 MR. ZAGATA: Thank you.

11 MR. LORD: Steve Lord, UP.

12 BY MR. LORD:

13 Q. Austin, what trip was this in your training?

14 A. In my -- my whole entire training? This would have been
15 -- I can't remember how many trips we took east, but this would've
16 been my -- the seventh start going west.

17 Q. Seventh start. In your training were you trained on
18 what conductor's handle was for?

19 A. The handle?

20 Q. Conductor's handle.

21 A. Oh, the emergency?

22 Q. Yeah.

23 A. Yes.

24 Q. Did you or did the engineer initiate the emergency?

25 A. The engineer did.

1 MR. TURPIN: All right. Let's, let's start working
2 (indiscernible).

3 BY MR. TURPIN:

4 Q. When did you hire out for the railroad?

5 A. April 1st, I think was our start date.

6 Q. This year?

7 A. Yeah.

8 Q. All right. Why don't you walk through what you've done
9 since then?

10 A. We had four weeks new-hire training, four weeks of on-
11 the-job training, one week with a local, one week nighttime yard,
12 one week on the through freight east, one week daytime yard. Then
13 we had three weeks of conductor's class. And then, I believe -- I
14 don't know my days that well as far as when they started -- when
15 we started training on through freight. It was, I believe, 2½ to
16 3 weeks going east attached to a turn. And then I had 1 week --
17 1 week and then one trip going west.

18 Q. Okay. So when you -- you're designating west and east,
19 you mean out of Salina?

20 A. Out of -- yes.

21 Q. So when you go east, you're going Salina to where?

22 A. Kansas City.

23 Q. Kansas City. And the west trips are Salina to?

24 A. Sharon Springs.

25 Q. Sharon Springs. Okay. Thank you.

1 So you think this may have been your seventh west trip.

2 You mean round trips on the west side?

3 A. No. I would have been the start of my fourth roundtrip.

4 Q. Okay. Okay. When would you anticipate being promoted?

5 On your own.

6 A. Oh, to the conductor?

7 Q. Yeah.

8 A. I don't know. I would assume -- I don't -- I don't know
9 what the standard training length would have been.

10 Q. Okay. You didn't see a target? They didn't give you a
11 target date when you'd be able to mark up or --

12 A. No.

13 Q. -- give you an idea? No? Okay.

14 All right. Does the crew have a form they fill out in
15 connection with your trip as you as a trainer, an evaluation --
16 conductor evaluation or training --

17 A. They have a -- there is a -- yeah, conductor efficiency
18 checklist on the computer that they go through if need be. It has
19 to be filled out by different mentors.

20 Q. Mentors do that?

21 A. Yeah. The guys that know --

22 Q. So not necessarily the one that was on the train?

23 A. Yeah. I guess, technically, Santa would have been my
24 mentor for that trip.

25 Q. Okay. So when he completed the trip, he would've gone

1 to the computer and filled out a form?

2 A. If I needed to. Once they're checked off, I don't think
3 you have to go back and redo them.

4 Q. Okay. So they only want -- they only need a certain
5 number of --

6 A. Yeah.

7 Q. -- of the checklists? Okay. So not every trip?

8 A. Not every --

9 Q. Basically you're not monitored every trip; you're
10 just --

11 A. They're not --

12 Q. -- there training?

13 A. Yeah. They're over your shoulder making sure and --
14 well, it's different -- yeah.

15 Q. Okay. So basically were you doing all the duties of the
16 conductor on this trip?

17 A. Basically, yes, but not alone. I have a lot of
18 questions when I'm on the train and -- well, they're all -- every
19 guy is very helpful, so -- you know, they're making sure that I
20 don't miss anything or anything like that.

21 Q. Were you doing the track warrants?

22 A. Yes.

23 Q. All right. Let's walk back through a few things I have
24 here. Were you taking any prescription drugs or nonprescription
25 drugs?

1 A. I take high blood pressure medicine, lisinopril. I take
2 cholesterol, simvastatin. And then other -- HTCZ I think is the
3 other high blood pressure one. It's all --

4 Q. And these have all been reported to UP?

5 A. Yeah.

6 Q. Anything nonprescription?

7 A. Well, other than Advil, but I don't think I had taken
8 any in a while.

9 Q. Okay. You wear glasses?

10 A. No.

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

12 A. No.

13 Q. All right. Now I see somebody gave you cheat sheet in
14 front of you there. We're going to ask you what we call a 72-hour
15 history of the last three days, the trips you took, and the rest
16 period. And the real focus is what did you do while you were off
17 duty.

18 A. While I was off duty?

19 Q. Yeah. So if we start with the -- we know you went on
20 duty Monday, 4:10 in the afternoon.

21 A. Right.

22 Q. So Monday during the day, did you sleep or were you
23 awake or?

24 A. I slept in.

25 Q. Till what time?

1 A. At least 8:30 or 9.

2 Q. Okay. And when did you go to bed? That'd been --

3 A. Before that?

4 Q. Yeah -- been Sunday.

5 A. Sunday, I was in bed by 10.

6 Q. Okay. And when did you work last prior to that?

7 A. I was on federal rest, so it would've been -- the 12th.

8 I think the 12th.

9 Q. So you basically had Friday, Saturday off?

10 A. Yes.

11 Q. And Sunday, three days in a row?

12 A. Yeah -- well, when did I get there Friday? No, it was

13 Saturday morning. I tied up at 7:48.

14 Q. Okay. 7:48 in the morning on Saturday.

15 A. Right.

16 Q. Did you stay up that day or did you go to bed?

17 A. I went to bed.

18 Q. And got up when?

19 A. That would've been 5:30.

20 Q. Okay. So it's 5:30 Saturday afternoon/evening. Then

21 what did you do?

22 A. Family was in town from Texas, so I visited them.

23 Q. Uh-huh.

24 A. But we left early, went home and went to bed about 11.

25 Q. Okay. Do you remember what time you got up Sunday

1 morning?

2 A. No -- well, yeah, it would've been around 9 or 10.

3 Q. Okay. All right. So basically you had one -- two full
4 nights' sleep during your normal sleep cycle nights. Did you feel
5 fatigued at all?

6 A. No.

7 Q. Went to work at 4:10 in the afternoon ready to go?

8 A. Yeah, I was -- felt very rested.

9 Q. Okay. Okay. Checking my boxes. When was the last time
10 you had a supervisor ride with you?

11 A. Ride with --

12 Q. Yeah.

13 A. I don't think I've -- I don't think I've had one ride
14 with me on the through freight.

15 Q. Okay. That's fine. How about an observation test or an
16 efficiency test?

17 A. Let's see. One of the starts of my east -- one of the
18 trips east, had -- is that what you mean by -- is that the FTX
19 test?

20 Q. Uh-huh.

21 A. Yes. One of the trips east. I don't know what day it
22 would've been.

23 Q. Okay. You remember what kind of test it was?

24 A. Observation over the radio, I think.

25 Q. Okay. Were you notified that you had been tested and --

1 A. Yes.

2 Q. And what did they tell you?

3 A. He came over the radio and said that -- addressed the
4 conductor I was with, to tell him that I did a good job repeating
5 back the track warrant and complying with the X -- I think it was
6 an XG we're crossing. Reading that back.

7 Q. Okay. Good. Had you ever worked the Hays local?

8 A. For one week, my very first week out of (indiscernible).

9 Q. Had you -- you'd tied the train up there in that siding
10 then or the house track?

11 A. Yes.

12 Q. Had you lined the switches?

13 A. I observed. That was my -- like I said, it was my first
14 week, so I basically followed.

15 Q. Do you remember, were you laying back there with the
16 brakeman or with the conductor? Who was lining up behind?

17 A. When? On the local?

18 Q. Yeah.

19 A. It would've -- I don't -- back, you know, back then I
20 don't know what his title would have been. I don't remember who
21 it was.

22 Q. Okay.

23 MR. TURPIN: All right. I think I'll pass it around the
24 room until I think of something. Nile.

25 MR. DRAGOO: Nile Dragoo, UTU.

1 BY MR. DRAGOO:

2 Q. Austin, when you were making your conductor-in-training
3 trips, are you assigned to a certain conductor all the time?

4 A. Well, going east we were, yes; going west, no.

5 Q. So like when you -- when that guy going east -- let me
6 get this straight. Going east, you're going into Kansas City?

7 A. Uh-huh.

8 Q. So you go in there with the conductor into Kansas City
9 and then tie up, and then you come back with the same conductor?

10 A. Yes.

11 Q. And going west you don't do that?

12 A. I was first -- when I was rested, I would go with the
13 next train back or out.

14 Q. So you work with different conductors, basically.

15 A. Yes. Yes.

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

17 MR. FACKLAM: Steve Facklam, BLET.

18 BY MR. FACKLAM:

19 Q. As you're making your way from Salina to Hays, do you
20 recall hearing any of the radio conversations from the local up
21 ahead?

22 A. Yeah. It wasn't very clear, but --

23 Q. Wasn't very clear. Do you remember what portion of the
24 trip that was in?

25 A. Yes. We were sitting on the main at, I think, Dole, and

1 we could hear them doing their work at Russell.

2 Q. Did you happen to hear them at all in Hays --

3 A. No.

4 Q. -- over the radio?

5 A. No.

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

7 MR. ZAGATA: Zack Zagata, FRA.

8 BY MR. ZAGATA:

9 Q. Do you remember what your last job briefing was you had?

10 A. Last job briefing. At Dole we talked about -- we talked
11 about the next track warrant and then we talked about -- we
12 would've had one more track warrant after that, I think, that we
13 talked about, how far we were going to go. And then, I don't know
14 if they count as a job briefing, but the five-mile logs, where
15 we're at, how fast we're going. They were kind of continuous.

16 MR. ZAGATA: All right. Thank you.

17 MR. TURPIN: John. I'm sorry, Jim, go ahead.

18 BY MR. SOUTHWORTH:

19 Q. You mentioned you worked the local there at Hays once?

20 A. Once.

21 Q. Daytime or nighttime?

22 A. Daytime.

23 Q. Daytime. Okay.

24 A. Yeah. I don't think I was -- I was on it for that week.

25 I don't think -- I can't remember being on duty after the sun went

1 down.

2 Q. Okay.

3 BY MR. TURPIN:

4 Q. We've heard everybody -- your whole crew we know heard
5 the local when you were at Dole, but I forgot to ask too, did you
6 hear them release the track warrants at Hays?

7 A. No.

8 Q. Didn't hear that? How far -- where would you have been
9 or up to what point would you have to get your track warrant or
10 have to stop if they hadn't released it? How far away would you
11 be? That make sense?

12 A. Yeah. I'm trying to think of where our -- that track
13 warrant went to. We got one -- 270. I don't, I don't know. I
14 can't --

15 Q. They use mileposts here or do they use switches and
16 sidings?

17 A. Both.

18 Q. They actually use mileposts?

19 A. Yes, sometimes.

20 Q. Okay. Did you have any that trip they were using
21 mileposts?

22 A. Yes.

23 Q. Okay. You can get at little help.

24 A. Oh, going --

25 Q. Could it have been?

1 A. Could've been.

2 Q. That's fine if you don't recall. It's --

3 A. I don't. I mean --

4 Q. It's okay. We'll have the dispatcher's log so we'll --
5 we can piecemeal some of that trip together, but I was just kind
6 of curious. And also, did you have any discussion in the cab,
7 like, "Boy, I hope the local get out of our way, bah, dah, dah,
8 dah." Because you knew you were following him.

9 A. Right. Yeah, yeah.

10 Q. Did you guys have any talk like that?

11 A. I don't remember.

12 Q. Okay. All right. Again, this is a tough one. I
13 mentioned it to your partner earlier too. I realized you were
14 just in a train wreck, but is this a safe place to work?

15 A. Yeah.

16 Q. Yeah? Why?

17 A. It seems it's one of the main focuses, I believe, of
18 here that's -- I mean, even the guys -- every guy that I talk to
19 says, don't get in a hurry, just be safe.

20 Q. Okay. What did you do before you came to the railroad?

21 A. I laid floors, floor layer.

22 Q. Okay. So this is really totally different kind of
23 world?

24 A. Yeah. It really is.

25 Q. Yeah. Do you ever remember being around a place that

1 constantly said be safe when you're working?

2 A. No. Not as much, no.

3 Q. More here than anywhere else?

4 A. Oh, yeah. Oh, yeah.

5 MR. TURPIN: Okay.

6 BY UNIDENTIFIED SPEAKER:

7 Q. Do you think the training that you've had and been
8 involved in since April of 2013, do you think it's adequate for
9 the job you'd need to do and --

10 A. I think -- yes, I do. I would -- more on-the-job stuff
11 during the classroom maybe. We spend a lot of time in the
12 classroom. But other than that, no. I mean once you hit -- my
13 very first day, it was, you know, a lot of information, but all
14 good information from everybody I worked with. There's not a
15 person I've worked with that I felt was just like, here, sit there
16 and wait till we're done.

17 MR. TURPIN: Are you ready to go, conductor?

18 MR. MUÑOZ: I would say I was.

19 MR. TURPIN: Right.

20 MR. MUÑOZ: You know --

21 MR. TURPIN: Fair enough. All right.

22 All right. Thank you. Okay, that concludes this
23 interview. Thank you.

24 (Whereupon, the interview was concluded.)

25

CERTIFICATE

This is to certify that the attached proceeding before the

NATIONAL TRANSPORTATION SAFETY BOARD

IN THE MATTER OF: UNION PACIFIC COLLISION
 HAYS, KANSAS
 JULY 18, 2013
 Interview of Austin Muñoz

DOCKET NUMBER: DCA-13-FR-008

PLACE: Salina, Kansas

DATE: July 18, 2013

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

Derick Marx Rawls
Transcriber