

UNITED STATES OF AMERICA

NATIONAL TRANSPORTATION SAFETY BOARD

\* \* \* \* \*

Investigation of:

\*  
\*  
\*  
\*  
\*  
\*

UP AND BNSF TRAIN COLLISION  
MAY 25, 2013  
NEAR CHAFFEE, MISSOURI

\* Docket No.: DCA-13-MR-004

\* \* \* \* \*

Interview of: JAMES HAWKINS

Monday,  
May 27, 2013

The above-captioned matter convened, pursuant to notice.

BEFORE: MIKE FLANIGON  
Investigator-in-Charge

## APPEARANCES:

MIKE FLANIGON, Investigator-in-Charge  
National Transportation Safety Board  
490 L'Enfant Plaza East, S.W.  
Washington, D.C. 20594

RICK NARVELL, Human Performance Investigator  
National Transportation Safety Board

FRED PRINGLE, Chief Inspector  
Federal Railroad Administration (FRA)

BRYAN ALDRIDGE  
RANDY DUMEY  
Safety Task Force  
Brotherhood of Locomotive Engineers  
and Trainmen (BLET)

CORY REYNOLDS, Senior Railroad Safety Inspector  
Missouri Department of Transportation

KENNETH EDWARDS, Safety Team  
United Transportation Union (UTU)

RANCE RANDLE, Operating  
Burlington Northern-Santa Fe Railroad (BNSF)

RANDY EARDENSOHN  
Union Pacific Railroad (UP)

ROBY BROWN, Safety  
UP Railroad

JOSEPH BERRY, Motive Power and Equipment Inspector  
FRA Region VI

GABE NEAL, Deputy Regional Administrator  
FRA Region VI

JASON TAULLIE, Operating  
Union Pacific

JACOB MUROV, Attorney  
Schlicker, Bogard & Denton

<u>ITEM</u>	<u>I N D E X</u>	<u>PAGE</u>
Interview of James Hawkins:		
By Mr. Flanigon		6
By Mr. Narvell		19
By Mr. Dumey		30
By Mr. Eardensohn		31
By Mr. Randle		46
By Mr. Reynolds		47
By Mr. Flanigon		49
By Mr. Narvell		51
By Mr. Eardensohn		55
By Mr. Berry		55
By Mr. Flanigon		72
By Mr. Narvell		76
By Mr. Eardensohn		77
By Mr. Randle		78
By Mr. Flanigon		80
By Mr. Dumey		80
By Mr.		82
Attachments:		
Conductor's Log		A-1
Picture (JPEG File P5250501)		A-2
Picture (JPEG File P5250552)		A-3

I N T E R V I E W

1  
2 MR. FLANIGON: This is Mike Flanigon with the National  
3 Transportation Safety Board. I am the investigator in charge of  
4 our investigation into the collision involving a Union Pacific  
5 freight train and a Burlington Northern freight train in Chaffee  
6 -- or near Chaffee, Missouri, on Saturday, 5/25/13.

7 Today is Monday, 5/27/13, and we are conducting an  
8 interview. I am going to go around and ask everyone here to state  
9 and spell their name. And I'll start with myself, Mike Flanigon,  
10 F-l-a-n-i-g-o-n. And we are interviewing --

11 MR. HAWKINS: James Hawkins, H-a-w-k-i-n-s.

12 MR. FLANIGON: And he is -- who is advising him.

13 MR. MUROV: Jacob Murov, M-u-r-o-v.

14 MR. FLANIGON: And around the table?

15 MR. NARVELL: This is Rick Narvell, the Human  
16 Performance Investigator with the NTSB.

17 MR. DUMEY: Randy Dumey, D-u-m-e-y, BLET Safety Task  
18 Force.

19 MR. EARDENSOHN: Randy Eardensohn, E-a-r-d-e-n-s-o-h-n,  
20 Operating Practices, Northern Region, for Union Pacific Railroad.

21 MR. RANDLE: Rance Randle, R-a-n-d-l-e, BNSF Operating.

22 MR. BERRY: Joseph Berry, J-o-s-e-p-h, B-e-r-r-y,  
23 Federal Railroad Administration, Motive Power and Equipment Safety  
24 Inspector.

25 MR. REYNOLDS: Cory Reynolds, R-e-y-n-o-l-d-s, Missouri

1 Department of Transportation, Senior Railroad Safety Inspector.

2 MR. EDWARDS: Kenneth Edwards, E-d-w-a-r-d-s, United  
3 Transportation Union.

4 MR. FLANIGON: And in the back, I think if you just  
5 speak up, they'll hear it up here.

6 MR. BROWN: Roby Brown, R-o-b-y, B-r-o-w-n, Union  
7 Pacific Safety Department.

8 MR. TAULLIE: Jason Taullie, T-a-u-l-l-i-e, Union  
9 Pacific Operating, St. Louis.

10 MR. ALDRIDGE: Bryan Aldridge, A-l-d-r-i-d-g-e, BLET  
11 Safety Task Force.

12 MR. NEAL: Gabe Neal, N-e-a-l, Deputy Regional  
13 Administrator with FRA, Kansas City, Region VI.

14 MR. PRINGLE: Fred Pringle, P-r-i-n-g-l-e, Chief  
15 Inspector FRA, St. Louis.

16 MR. FLANIGON: Did we get Bryan, I didn't -- okay,  
17 great. Well, let's start. This is Mike Flanigon again. One  
18 quick administrative item, you understand that we're going to  
19 record the interview and that I will be providing you a transcript  
20 before it's finalized for your review?

21 MR. HAWKINS: Yes.

22 MR. FLANIGON: Okay. And you may need to speak up just  
23 a little bit, to make sure -- I'll put it close to you. I brought  
24 that water for you.

25 MR. HAWKINS: Okay.

1           MR. FLANIGON: So you've got an extra there, if you want  
2 it. And again, as I mentioned earlier, anytime you want to take a  
3 break, just let us know. Anytime you guys feel you need to step  
4 out and chat, that's okay, too.

5                           INTERVIEW OF DANIEL HAWKINS

6           BY MR. FLANIGON:

7           Q. And I want to start with a very general question and  
8 just ask you to walk us through the morning in question. Start  
9 wherever in that day or that trip you think best tells the story.  
10 Take your time. You know, we're interested in all the details you  
11 can remember. And, you know, just tell us in your own words what  
12 happened.

13          A. I guess really we left out of Hansel on a clear signal.  
14 We were on track speed. Got a small S curve. Come around,  
15 there's an intermediate signal, followed by a detector, then an  
16 absolute signal. They're about a mile and a quarter apart, mile  
17 and a half.

18                       We passed the detector. I was writing in my logbook. I  
19 saw that the signal, the absolute signal, at the north end was  
20 approach. I called it out. Engineer repeated it back to me. I  
21 was writing in my logbook, doing what I have to do as a conductor,  
22 my duties, talking on the radio, doing what I had to do. Nothing  
23 was out of the normal. It's an everyday thing we've done there,  
24 you know, and -- there's a sweeping curve to the right, when  
25 you're heading south, and there's -- the signal is at the south

1 end. We came around the corner, I saw that we had a restricting.  
2 I didn't think we were slowing down like we should. I plugged the  
3 train like I was trained to do. That's about all I remember.

4 Q. Okay. And then, what happened next?

5 A. We crashed. I mean, we --

6 Q. Yeah.

7 A. -- we had a collision. The next thing I remember then  
8 is trying to get up to my feet. My head was split open. I had a  
9 lot of blood, couldn't see real well because the blood was in my  
10 eyes. My engineer was beside me. We rolled over on the conductor  
11 side. He landed beside me. I don't know which side he was on,  
12 but he was beside me.

13 I spoke with him. I was able to reach the radio. I  
14 dialed 911. The dispatcher came right to me. And I explained to  
15 him what was going on, that we needed an ambulance, you know, I  
16 was bleeding, we were alive. That's -- and then, he stayed with  
17 me on the radio, talking back and forth. I didn't see anybody for  
18 a little while. I kept talking to him and to Doc, the engineer,  
19 Mr. Blanchard.

20 I could smell fuel. It sounded like the engine was  
21 running, I wasn't sure. So I told the dispatcher I needed to know  
22 how to shut it down because I could smell the fuel. I didn't know  
23 exactly what was going on. So I don't remember who came on the  
24 radio at that point, if it was the Omaha Train Management. It was  
25 somebody from Omaha, I heard that. And he told me how to set --

1 to shut it down, what buttons to push, flip breakers, whatever I  
2 had to do to get it shut down.

3 At that time I could see out the back -- what would be  
4 the back door. I could see somebody on the overpass with a  
5 flashlight. So I crawled around, dug out my lantern that was  
6 tossed around inside there, and I was able to shine it out the  
7 window and get their attention so they knew where we were.

8 Then, I dug out -- dug my cell phone and my engineer's  
9 cell phone out of our grips, because I didn't know how long we  
10 would have radio or exactly how we could get out of there, in case  
11 we needed some further communication. There was a -- it was  
12 actually -- I believe a police officer was on the overpass, and he  
13 hollered down. I told him I would try to get my way out the best  
14 I could.

15 I was able to stand on top of the engineer's seat -- it  
16 was sideways -- and slide the windows open, and I crawled out what  
17 would be the engineer's side window. And I was able to pry the  
18 back door open as they were making their way down, and we got Doc  
19 out through what would be the small rear back door behind the  
20 engineer's seat. From that, we just made our way up the hill to  
21 the ambulances and the EMS personnel.

22 Q. Okay. Can you walk through the signal sequence coming  
23 in? You said you're filling out the logs.

24 A. We --

25 Q. What you saw, describe them by car or railroad name,



1 aspect, any indication that --

2 A. The 127 sub signal, which is the intermediate, was an  
3 advance approach, a flashing yellow. And then, like I said, right  
4 beyond that is the 128 detector. It's just a trackside detector,  
5 you know. That has to be written down in the book as well. And  
6 then, CPD-129 is the absolute, and that was an approach, solid  
7 yellow.

8 And then, like I said, when we was coming around the  
9 corner, I looked up from doing my stuff -- my duties as a  
10 conductor, and CPD-131 at the south end was a flashing red  
11 restricting. Just beyond that, I want to say 1500 feet, I'm not  
12 sure, there's a -- is the interlocker signal. And it was all red  
13 for a stop signal.

14 Q. Okay. Did you have any difficulty seeing the signals?

15 A. There are some trees in the way, so until you get around  
16 the corner, you cannot make visual contact with the signals until  
17 you get around that sweeping curve --

18 Q. And --

19 A. -- because there are trees growing up on the side of the  
20 tracks.

21 Q. And which signal would that be?

22 A. That would be the D-131 and the interlocker signal,  
23 because they are right back-to-back at the south end.

24 Q. And D is the distance or the one before the --

25 A. It's Control Point D-131.

1 Q. Okay, D-131.

2 A. It's the absolute signal at the south end.

3 Q. And that would be the flashing?

4 A. That was the flashing red restricting.

5 Q. Okay. Going back to -- you started the shift at 9:30?

6 A. 9:45.

7 Q. 9:45. Had you worked with this engineer in the past?

8 A. Yes.

9 Q. You know him reasonably well?

10 A. Yes.

11 Q. From your recollections and interactions with him, when  
12 you reported for work, did he seem like he normally does?

13 A. Yes.

14 Q. Okay. And up until getting close to this accident site,  
15 would you describe his performance in running the train and  
16 dealing with his job as normal, or would you take any exception to  
17 anything he did to run the train?

18 A. As far -- I've worked with Doc plenty of times and he  
19 didn't run it no different than he ever has.

20 Q. Okay.

21 A. He -- I didn't see anything that would cause me to be  
22 alarmed. He ran the train just like he always does.

23 Q. As you're running along the track, when signals come  
24 into view, do you talk about those in the cab?

25 A. Yes, we do. We call out signals in cab, you know, no

1 matter what it is. When you see it, whoever makes first contact  
2 calls the signal out between us.

3 Q. And was he responsive if you called out a signal?

4 A. Yes.

5 Q. Okay. Do you remember who called out these signals, or  
6 did you call out these signals, the advance approach?

7 A. We called them in the cab. I don't know who called them  
8 first; him, I, either one. You know, sometimes he may see it  
9 before me, so he acknowledges it first. Then I acknowledge that I  
10 see it by saying exactly what the signal is.

11 Q. Um-hum. And so, he called the signals?

12 A. Um-hum.

13 Q. One -- either he called them first or you called them  
14 first, but one of you called them and then the other would  
15 respond.

16 A. Yes.

17 Q. Is that typically how it works?

18 A. Yes.

19 Q. Yeah, okay. And the defect detector, is that something  
20 you communicate about or you just hear it come on and --

21 A. We hear it come on. There's -- I mean, we both hear it.  
22 It's on the radio, you know. The only time we usually communicate  
23 is, you know, the no defects and the axle count --

24 Q. Um-hum.

25 A. -- or if we get a defect, you know. That's the only

1 time we really make communication on a detector.

2 Q. Okay. And when you say you applied the emergency brake,  
3 plugged it, did you use the conductor's valve to do that?

4 A. Yes.

5 Q. Okay. Thinking back to the earlier parts of the trip  
6 and up through the accident, did you take any exception to any of  
7 the condition of the equipment, the --

8 A. My speedometer was broke, it did not work. It was  
9 there, but it did not work.

10 Q. Okay. Did the engineer say anything to you about the  
11 condition of the equipment --

12 A. No.

13 Q. -- concerned about anything? Other than the  
14 speedometer, any other equipment problems?

15 A. No, not that I'm aware of.

16 Q. Okay. Do you -- how familiar are you with the  
17 engineer's job of operating the train?

18 A. I only know what I see. I'm not trained to be an  
19 engineer.

20 Q. Uh-huh.

21 A. So just, just what I pick up from watching, that's all I  
22 know, you know.

23 Q. So from the conductor's seat, would you be able to tell  
24 if -- what the engineer is doing with the controls? Can you tell  
25 by the, you know, the RPM of the engines, of the different sounds,

1 whether he's putting airbrakes on or putting --

2 A. You can tell by the sound. Like if he touch the  
3 airbrake, you can hear air blowing off.

4 Q. Um-hum.

5 A. Most of the engines, you can hear them -- the throttle  
6 click.

7 Q. Um-hum.

8 A. Most of the time I have something I'm doing so I don't  
9 look to see what they're doing.

10 Q. Um-hum. And dynamic braking or -- would you be able to  
11 detect when an engineer was using dynamic braking?

12 A. For the most part, it makes a noise. It depends on how  
13 much dynamic brake he's in. It may not make hardly any noise or  
14 it may make a lot of noise.

15 Q. Would you be able to recall what the engineer was doing  
16 through the sequence coming down to the control point to the final  
17 control point? So, I'm not sure whether it would be dynamic or  
18 power or --

19 A. I heard him set some air. I heard the air blow off.

20 Q. Um-hum.

21 A. As far as throttle dynamics, I do not know.

22 Q. Okay. At any point in the trip did the engineer appear  
23 to lose consciousness, fall asleep, become unresponsive?

24 A. No. No, we talked the whole way, off and on.

25 Q. You know, I worked on the railroad, and worked both as a

1 trainman and then later as an engineer, and my recollection is  
2 there were sort of categories of engineers. I'd say there's sort  
3 of real slowpokes, you know, just, you know, way under the speed  
4 limit, very cautious. There's sort of steady, sort of, you know,  
5 a good balance. And then maybe there's some hot doggers out there  
6 that try to run a little hot, and wait until the last minute to  
7 put the brakes on and, you know, try to make a passenger train  
8 stop with a big long train or something like that. How would you  
9 describe Doc on that continuum of sort of very conservative to a  
10 little edgy?

11 A. Every time I've worked with him, he's more conservative.  
12 He's not -- he doesn't like to charge signals. He doesn't like to  
13 speed. He doesn't -- he just wants to move the freight, go home  
14 at the end of the day. He's not in a hurry for nothing.

15 Q. Um-hum.

16 A. You know, he does what he needs to do. In my opinion,  
17 he's a fine engineer.

18 Q. Okay. Signal, view, equipment. What was the  
19 temperature like that evening?

20 A. It was warm. I believe we had the air conditioner on.

21 Q. That kept it pretty comfortable, if you had the air  
22 conditioner on?

23 A. Yeah.

24 Q. Okay. And after the accident, do you recall -- would --  
25 you would've -- well, let me ask. Who would handle the radio

1 during the trip, for the most part?

2 A. The conductor.

3 Q. So --

4 A. I would, yes.

5 Q. -- that would be you? And after the accident, the  
6 communications, when the -- or, no, I think you said you called  
7 the dispatcher?

8 A. Yes.

9 Q. So are you the one that reported it out over the radio  
10 that --

11 A. Yes.

12 Q. -- you had this incident? And did you have radio  
13 communication with anybody else?

14 A. The BN crew came on for a minute. They asked -- I don't  
15 recall what we talked about. It was just a quick instance and I  
16 -- our dispatcher tried to get back ahold of them. I don't know,  
17 I don't know what -- other than that, the only person I talked to  
18 on the radio was our dispatcher, and whoever came on the radio to  
19 help me get the engine shut down. I don't know, like I said, I  
20 don't remember if that was the train management or if that was  
21 mechanical. It was somebody in Omaha, but I don't know who. I  
22 don't recall who it was I was speaking with.

23 Q. Okay. Any other communications with -- that you can  
24 think of?

25 A. Not that I can recall.

1 Q. Okay. And as the conductor, what is your job to do if  
2 the engineer is not operating the train properly?

3 A. My -- I was trained to put the train into emergency if I  
4 feel that he's not doing his job acceptable or if I feel that  
5 there's a danger, my job is to pull the emergency handle.

6 Q. Okay. And you mentioned the speedometer not working.  
7 Can you -- how well would you say you can judge speed without a  
8 speedometer?

9 A. I really don't think I can judge it very well. I mean,  
10 we just use cab communication when we don't have a speedometer.

11 Q. Um-hum.

12 A. You know, it was dark. You know, I don't think we were  
13 speeding. I can't say that we weren't. I can't judge it.  
14 There's nothing to judge; it's dark. There's nothing around.  
15 There's no -- but I had no reason to believe that we were in any  
16 kind of a problem.

17 Q. And the speedometer that's on the engineer's side,  
18 that's not visible to you from --

19 A. No, it's integrated in the computer screen.

20 Q. Um-hum. Did -- as you have these less-than-clear  
21 signals, can you tell us what the requirements are of those  
22 different signals? So you mentioned an advance approach was the  
23 flashing yellow, so what does that mean?

24 A. That is -- a flashing yellow advance approach means that  
25 you immediately reduce your train speed to 40 miles per hour, be



1 prepared to stop at the second signal.

2 Q. And what was the authorized speed of the train, you  
3 know, with the clear signal?

4 A. We were 50 mile an hour outright train.

5 Q. Fifty mile an hour. And so when you and the engineer,  
6 whoever called first, you responded or vice versa, at any point  
7 did the engineer volunteer or did you ask, "What's our speed?"

8 A. When we passed the approach, I asked him what our speed  
9 was and he responded, "30-something." So I assume that's -- he's  
10 under control, he's doing what he has to do. At an approach, that  
11 signal is solid yellow, reduce speed to 30, be prepared to stop at  
12 the next signal. I had no reason to believe that that's not what  
13 we were doing.

14 Q. Okay. So you heard him say -- or you asked him, or  
15 which was it? That --

16 A. I asked. You know, I called out the signal and he  
17 called back. Since my speedometer wasn't working, you know, I  
18 have to have that information for my logbook.

19 Q. Um-hum. Okay. So then you guys called the signal back  
20 and forth. You asked, "How fast are we going?" or "What's our  
21 speed?" and he responded?

22 A. "Thirty-something."

23 Q. Thirty-something, okay.

24 A. That's what I recall him saying.

25 Q. Okay. And that's -- so that gets us to the approach,

1 which is the solid yellow signal.

2 A. Um-hum.

3 Q. Or is it a double --

4 A. A solid, solid yellow.

5 Q. Solid yellow?

6 A. Yes.

7 Q. Single, one light?

8 A. Yes, a single yellow.

9 Q. And then the next signal would be the flashing red.

10 A. Correct.

11 Q. And what does that mean?

12 A. That's a restricting. That means, you know, you've got  
13 to be at restricted speed, looking out for train, cars, anything  
14 ahead of us, broken rail, and our speed is limited to no more than  
15 20 miles an hour.

16 Q. And did you guys discuss the speed at that signal?

17 A. We were in emergency at that signal.

18 Q. Oh, okay. So you pulled the conductor's valve before  
19 you got to the flashing red signal?

20 A. Yes. Yes. I do not recall where.

21 Q. Okay.

22 A. I just know that it happened really fast, and I remember  
23 I pulled the handle, and that's about all I recall.

24 Q. Okay. And then the solid red signal or double red,  
25 whatever it is there, that means --

1 A. Stop.

2 Q. Stop. Short before you get to it.

3 A. Yes.

4 Q. Okay. Okay, I think that's it for now. Probably what  
5 we'll do, just to let you know, we'll go around the table with  
6 these folks, and then I will probably think of something else and  
7 maybe ask you another question. And towards the end is when Joe  
8 will spend a little time with you and talk in a lot more detail  
9 about getting off the locomotive and that sort of the thing, the  
10 -- you know, how'd you get out and how was -- how did the  
11 locomotive behave during the crash and so forth.

12 A. Okay.

13 MR. FLANIGON: I'll turn it over to Rick.

14 BY MR. NARVELL:

15 Q. Mr. Hawkins, this is Rick Narvell with the NTSB. I'm  
16 going to ask you some of what I'll call kind of background  
17 questions. One of the things that we'll do offline here, and  
18 counselor saw with Doc earlier, is when we wrap up here, we'll  
19 step out, and I want to get a four-day work/rest history from you.  
20 So we'll work back from the accident back, basically when you got  
21 up, when you went to bed, just a general description of your  
22 activities, if you can recall.

23 A. Okay.

24 Q. "I don't know" or "I don't recall" is acceptable answer.

25 A. Okay.

1 Q. So we'll do that offline, out in the lobby here, okay?

2 A. Okay.

3 Q. All right. So be thinking about that. And then I'll  
4 have some questions related to the sequence of events as well  
5 here, too, but let me go ahead and get these background questions  
6 out, if that's acceptable to you.

7 A. Yes.

8 Q. And again, if you want to take a break anytime, just do  
9 the old -- okay. How'd you become interested in becoming a  
10 railroader?

11 A. The job I worked before -- I was -- I have a heavy  
12 equipment background and I -- the railroad was hiring, so I  
13 applied.

14 Q. So you were a heavy equipment operator prior to --

15 A. Yes.

16 Q. -- to being -- okay. And you just -- you got interested  
17 in being -- working for the railroad?

18 A. The job that I worked for was funded by the Illinois  
19 EPA. The company I worked for was going out of business, so --

20 Q. Okay. So then you -- okay. And have you been with the  
21 UP the whole time or --

22 A. Yes.

23 Q. Okay. What's your date of hire? And I apologize if  
24 you've said this before.

25 A. 10/6/2008.

1 Q. Okay. So you've been on board about 4½ --

2 A. Yes.

3 Q. -- roughly?

4 A. Yes.

5 Q. Okay, all right. Any -- since you've been on board with  
6 the UP, any prior railroad accidents that you've been in?

7 A. No.

8 Q. Okay, good. All right. In the year or so prior to  
9 this, was there anything going on in your life that might've been  
10 a basis for what I'll call distraction or preoccupation? And just  
11 let me give you a couple of ideas, since I've been in this job,  
12 that might fit that, just -- these are just examples, okay?

13 For example, there might've been, you know, a recent  
14 death in the family, maybe some, you know, adverse medical news,  
15 maybe some bad financial news, something going on with a family  
16 member, something would've been a basis for preoccupation  
17 distraction on this evening that would warrant --

18 A. No.

19 Q. Okay. All right. Okay, a couple of questions on the  
20 medical front here. Can you just give us a general description of  
21 your health?

22 A. I'm healthy. I have no kind of problems. I take no  
23 medication. Vitamins every day.

24 Q. Okay.

25 A. That's --

1 Q. Any medications whatsoever, over-the-counter and/or  
2 prescription?

3 A. No. No, just vitamins is all I ever take.

4 Q. Is this a daily?

5 A. Yeah, just a daily vitamin.

6 Q. Multi?

7 A. Just multi-vitamin, yes.

8 Q. Okay. And that's -- when do you take that?

9 A. Sometimes it's morning, sometimes it's the evening, just  
10 depends on my work schedule. I usually take it when I get up, so  
11 sometimes it's afternoon, sometimes it's evening, sometimes --

12 Q. Various times?

13 A. Yes.

14 Q. Okay. Good. Alcohol or illegal drug use before this  
15 accident?

16 A. No.

17 Q. Okay. And while we're on this topic, were you drug and  
18 alcohol tested after the incident?

19 A. Yes.

20 Q. Okay. Can you give us some specifics as to what was  
21 drawn and when?

22 A. While I was at the hospital, the lady, she had the FRA  
23 drug box. She took the breathalyzer, the urine sample, and the  
24 blood sample while I was in the -- at the hospital.

25 Q. Okay. And have you received any of the results from any

1 of those tests?

2 A. I got the alcohol test on the spot -- it was negative --  
3 the blow. Yeah, it was, you know, flat zero.

4 Q. Okay. And the blood and urine are still being  
5 processed?

6 A. Yes.

7 Q. Okay. All right. Question on your vision, how's your  
8 vision? Any problems?

9 A. It's fine. I don't -- I wear no glasses, no contacts,  
10 no --

11 Q. Okay. Do you know what your vision rating is, in terms  
12 of a 20/20 scale?

13 A. I do not.

14 Q. Okay. All right. And the same question about your  
15 hearing, any problems with auditory hearing?

16 A. No.

17 Q. Okay. Do you take a physical for the railroad?

18 A. I have. I'm not sure when I had my last physical.

19 Q. That was my next question. Your most recent?

20 A. I'm not sure.

21 Q. Would it have been for personal reasons or for the  
22 railroad, or do you know?

23 A. I don't know when the last time I had a physical was. I  
24 think the last one I had was for the railroad.

25 Q. Okay. When you went on duty, up to and the time of, you

1 know, going down by the Diamond there, can you give us an idea of  
2 the workload that evening and into the morning? You know, in  
3 other words, was it busy, was it kind of normal or was it low?

4 A. It was actually low for that day. We didn't really see  
5 very many -- very much traffic.

6 Q. Okay. Remember how many trains you would've passed?

7 A. I don't recall.

8 Q. Okay. All right. Mr. Flanigon asked you about, I  
9 believe, the temperature, and you said you might've had the air  
10 conditioner on. Was it hot in there or was it --

11 A. I don't recall. I don't --

12 Q. Okay. Can you give us an idea of the -- of course, it  
13 was dark out, obviously. Clear, fog?

14 A. It was clear.

15 Q. Clear, okay. All right. And you also mentioned earlier  
16 that on your side of the cab your speedometer was busted.

17 A. Correct.

18 Q. Okay. Any other problems with any of the other  
19 equipment on that trip?

20 A. No.

21 Q. Bell, light, horn, whistle?

22 A. No.

23 Q. Okay. Doc's demeanor, again, I believe, I kind of --

24 A. He was normal. We talked. We had conversation about  
25 just everyday --



1 Q. Okay.

2 A. -- everyday life.

3 Q. And he -- you called and was acknowledged of what I'll  
4 call the four signals: the advance approach, the approach, the  
5 flashing -- well, you didn't get that far. You plugged it  
6 prior --

7 A. Plugged it. Yeah, we didn't get that far.

8 Q. -- between the approach and the flashing red, okay.

9 A. Yes.

10 Q. But he acknowledged the advance approach and the  
11 approach?

12 A. Yes.

13 Q. Okay. Were you looking over at him, at that -- during  
14 that --

15 A. No. I was looking at my logbook. I had a logbook. I  
16 have to fill out anything that's less than a clear signal.

17 Q. Right.

18 A. Trackside detectors, everything has to be wrote in that  
19 logbook. So --

20 Q. So you're -- so was your focus down --

21 A. Yeah, I had my head down, writing in my logbook.

22 Q. Okay. What kind of lighting is in that cab?

23 A. I had an overhead light, one that was -- well, one was  
24 kind of here --

25 Q. Okay.

1           A.    -- on my left-side overhead, and there was one kind of  
2 in front of the overheads, shines down on the dash.

3           Q.    Okay.

4           A.    Or the desk that I sit at.

5           Q.    And was that adequate to do your logbook entries?

6           A.    Yes, yes.

7           Q.    Okay.  But you weren't looking over at him at that  
8 particular time?

9           A.    No.

10          Q.    Do you remember when the last time you would've looked  
11 over actually in that direction prior to coming in down in that  
12 area?

13          A.    I don't recall.

14          Q.    It could be either a milepost and/or time or --

15          A.    I don't recall.  I know we had talked, but a lot of  
16 times I didn't -- you know, I was looking out the window or maybe  
17 -- but we were talking.  He was talking to me, he was responding,  
18 you know, and saying stuff to me.  I don't actually know the last  
19 time I looked at him.

20          Q.    That's what I was trying to get.  I mean, prior to you  
21 plugging it, minutes, longer, that you were conversing?

22          A.    Well, I -- we had talked about the signal while I was  
23 writing in the book.  So --

24          Q.    The advance approach?

25          A.    And the approach, so --

1 Q. And the approach.

2 A. You know, it was within minutes that I talked to him,  
3 that we were conversing in the cab.

4 Q. Okay. Do you remember anything else, backing up, that  
5 you would've talked about just in general before you came in that  
6 area?

7 A. We talked about lunar eclipse.

8 Q. Okay.

9 A. He asked me a couple of times about it. You know, I'd  
10 look out the window at the moon, see --

11 Q. Okay.

12 A. Other than that, we just --

13 Q. Okay. Cell phones, do you own a cell phone?

14 A. Yes.

15 Q. Okay. Do you have a number -- do you know what your  
16 number is?

17 A. [REDACTED].

18 Q. Now, is this a personal or a railroad issue?

19 A. No, it's my personal phone.

20 Q. Okay. Do you have any other ones or is there a railroad  
21 one?

22 A. No.

23 Q. That's it?

24 A. That's the only phone I have. I mean, there's other  
25 phones on my plan, but that's my only phone.

1 Q. Okay. And who's your carrier?

2 A. Verizon.

3 Q. Verizon, okay. When you went on duty, up to the time of  
4 the incident, was there any cell phone use on your part?

5 A. No.

6 Q. Okay. Texting, phone?

7 A. No. I turned it on for a second while we were stopped  
8 at Mount Vernon, but I turned it back off and stowed it in my bag.

9 Q. So just to be clear, there's no cell phone activity?

10 A. No.

11 Q. Including texting and/or voice?

12 A. No.

13 Q. Okay. Do you know what the UP's policy on cell phones  
14 is?

15 A. It's as long as we are stopped in the siding and there's  
16 no safety-sensitive, we can make voice calls.

17 Q. Okay.

18 A. And like I said, I turned it on for a second, but then I  
19 realized there was a train coming so I shut it back off, stowed it  
20 back in my bag.

21 Q. Do you know about when that would've been?

22 A. I really do not recall.

23 Q. You just turned it on and you turned it right back off  
24 again?

25 A. Yeah.

1 Q. Because of the safety-sensitive --

2 A. Right. I was actually going to call my wife, but when I  
3 realized there was a train coming, I, as a conductor, have to do a  
4 roll-by. So I shut my phone back off, stowed it back in my bag.

5 Q. Okay.

6 A. And went down on the ground and did by roll-by.

7 Q. All right. Do you know if Doc owns a cell phone?

8 A. Yes, he does.

9 Q. Okay. And -- oh, that's right, you said you took his  
10 out after the incident?

11 A. Yeah, I dug both of ours out of the grips after. Like I  
12 said, I didn't know how long the radio was going to last.

13 Q. Right, right.

14 A. I didn't know what the procedure is for an engine to  
15 shut down.

16 Q. Okay.

17 A. So I grabbed them just in case we would need some kind  
18 of further communication.

19 Q. So you had the forethought to do that, yeah.

20 A. That's kind of like a life-saving thing --

21 Q. Sure.

22 A. -- you know?

23 Q. I understand.

24 A. I've got to be able to communicate somehow.

25 Q. Right. Was there -- did you observe him doing any cell

1 phone --

2 A. No.

3 Q. -- when you got on, up till the time again of the  
4 incident?

5 A. No.

6 Q. Okay. Okay. I think that's all I have for now. Thank  
7 you.

8 MR. DUMEY: I also got a few, Jimmy.

9 MR. FLANIGON: Mention your name.

10 MR. DUMEY: Oh, Randy Dumey, BLET Safety Task Force.

11 BY MR. DUMEY:

12 Q. How much territory do you operate on? I mean, does it  
13 work kind of like a hub and spoke?

14 A. I work the extra board out of Salem. I cover Chicago to  
15 Dexter, Missouri, including yard jobs, locals.

16 Q. Okay. Did you go to work pretty much when you thought  
17 you was going to or --

18 A. It was a little sooner than what I had expected, but I  
19 knew it would be within a four or five-hour frame there.

20 Q. So you run this territory quite often? I mean, you're  
21 familiar enough you can run it without having to have the  
22 timetable in front of you?

23 A. Yes.

24 Q. Okay. Were there any delays prior to the accident that  
25 might have --

1 A. No, we stopped one time at Mount Vernon and --

2 Q. A short time?

3 A. -- we stayed -- yes.

4 Q. You said earlier that you heard him set the air, the air  
5 blowing when he -- do you know where he done, I mean --

6 A. I don't -- I couldn't honestly tell you where he was at  
7 when he done it.

8 Q. Okay. When you dumped the air on your side, did the  
9 train -- did the air dump immediately or was there a delay or --  
10 do you recall?

11 A. I don't recall.

12 Q. Okay. That's all I've got.

13 MR. FLANIGON: Okay.

14 BY MR. EARDENSOHN:

15 Q. Randy Eardensohn, Union Pacific. Just a little bit more  
16 about your call time. You were called for 2145, that's right?

17 A. Yes.

18 Q. And do you remember what time you were called for 2145?

19 A. I was called -- we get a -- that board, in particular,  
20 we receive a three-hour call, so I would've been called at 6:45,  
21 or 1845 for the 2145.

22 Q. Okay. And that's normal for that --

23 A. Yes, that board had a three-hour call.

24 Q. Okay, so that's you would expect?

25 A. Yes.

1 Q. Okay. As far as, were you rested to go to work and --

2 A. Yes.

3 Q. It sounds like you knew you were going to be going to  
4 work that evening anyway --

5 A. Yes.

6 Q. -- sometime. So you got a good night sleep the night  
7 before and --

8 A. Yes.

9 Q. Okay. There's been a lot of discussion obviously about  
10 the conductor's log and the signals and communication in the cab.  
11 You know we have the rule called "Cab Red Zone." Can you just  
12 explain kind of how that works in the cab, what you're required to  
13 do?

14 A. The Cab Red Zone requires us to, you know, log it in the  
15 book that we're under Cab Red Zone. The only communication is  
16 what is pertinent to controlling the train as far as stopping or  
17 whatever applies exactly to our train. There's no other outside  
18 communication. There's no conversation about anything, other than  
19 related to what it takes to get our train stopped, or whatever  
20 puts us in the Cab Red Zone. For, you know, if we went to  
21 emergency or whatever, you know, we apply to that. We are allowed  
22 to talk to the dispatcher, if it pertains what we need to do. You  
23 can call out signals that pertains to the movement of our train.

24 Q. Okay. There's -- since there's so much talk about the  
25 conductor's log, I brought a copy of it with me. If you want to



1 look at that, you can. I just wanted to ask you a few questions.  
2 It's just about the entry. So everybody knows, every conductor  
3 has a little bit different flair on how they do things. What is  
4 the AA, like your capital AA's that you put in there?

5 A. That is advance approach.

6 Q. Okay. And then, the A is?

7 A. Approach.

8 Q. And then the symbols here that look like 2-0-0, or is it  
9 2 -- I mean, T-0-0 or --

10 A. Oh, that's TDD for trackside defect detector.

11 Q. Okay. And then, there's one last entry here that looks  
12 like an R, is that an R?

13 A. Yes, that's for the restricting.

14 Q. Okay. So moving across, there's also -- it looks like  
15 there's a time column.

16 A. Um-hum.

17 Q. So would this be the time that -- well, explain to me  
18 what that time relates to.

19 A. That is the time that we passed the signal for the  
20 trackside detector when the front end of the engine knocks down  
21 that signal for that trackside detector.

22 Q. So your -- you mentioned the advance approach at 127.7.

23 A. Yes.

24 Q. So that's, what, one, two, three, four entries up from  
25 the bottom on that document. Just -- let's just work across

1 there. I see the AA, which you said is advanced approach. It  
2 looks like the time says 0225.

3 A. Yes.

4 Q. Then, what does the X mean?

5 A. The X means that we acknowledge that in the cab, that I  
6 acknowledge the signal is advance approach and the engineer  
7 responded to me. That's our in-cab acknowledgement.

8 Q. So you called it out; he called it back --

9 A. Yes.

10 Q. -- and you put the X there?

11 A. Yes.

12 Q. Okay.

13 A. And even if he calls it -- maybe he sees it before I do  
14 and he calls it, I still place an X there because we communicated  
15 that in the cab to each other. That's our in-cab communication.

16 Q. Okay. And then, the next symbol there, it looks like a  
17 number. Can you tell me what you wrote there? I see MPH on the  
18 bottom.

19 A. That's 40 MPH there.

20 Q. 40 MPH?

21 A. Yes.

22 Q. So what is that telling you?

23 A. That means that's -- that was the speed we were at when  
24 we passed the signal.

25 Q. And that would be the speed that you called out to each

1 other, is that what you mean, or the speed that you asked him? I  
2 guess you said --

3 A. Yeah, I don't -- I didn't --

4 Q. -- your speedometer didn't work so you had to ask him  
5 for the speed.

6 A. Yes.

7 Q. So that's the speed that he responded with?

8 A. Yes.

9 Q. Okay. Then the next line is 128.0, which is the  
10 location milepost. And then you've got the TDD. That's the  
11 defect detector.

12 A. Yes.

13 Q. Basically the same time, so you can tell by milepost  
14 they're very close together.

15 A. Yeah.

16 Q. You've got another X there, so that's -- do you  
17 communicate about the hot box detector?

18 A. That is -- the way I was trained was, if -- as long as  
19 it speaks to you when you enter it, that's your acknowledgement  
20 that it's working.

21 Q. Okay, so that's what the X is for?

22 A. That's what the X is for on that line --

23 Q. Okay.

24 A. -- is the acknowledgement that that trackside detector  
25 talked to me.

1 Q. And then, it looks like the N -- is it N-O?

2 A. That's N-D for "no defects."

3 Q. No defects, okay. Then, I see here a 252 after that.

4 A. That's my axle count.

5 Q. For your train?

6 A. Yes.

7 Q. Okay. So why do you put the axle count down for?

8 A. That's the way I was trained.

9 Q. Okay.

10 A. When I hired out, this is how I was trained to do a

11 logbook.

12 Q. So does it -- does that refer to the size of your train?

13 I see there's other 252s up here, so I'm assuming those are

14 supposed to all agree or --

15 A. Yes. If we have -- you know, if there's four or more

16 axles off, then we have to notify the dispatcher.

17 Q. Okay.

18 A. So that lets me know that every time that we've got 252.

19 Q. Still got the same number of cars or whatever.

20 A. Yes.

21 Q. So then, the next line down says CP, is that D or an O?

22 A. Yeah, that's a D.

23 Q. Okay, 129. You got an A in there for approach. 0227 is

24 the time?

25 A. Yes.

1 Q. And then it looks like a -- that doesn't look like an X,  
2 I'm not --

3 A. That's a Z. That's for Cab Red Zone.

4 Q. Okay. And then what's the next --

5 A. That's 30 MPH.

6 Q. That's a 3?

7 A. Yes.

8 Q. So it's 30 MPH. So Cab Red Zone, so now you're in a Cab  
9 Red Zone, which you just explained, you know, what Cab Red Zone,  
10 once you're in that situation, how your communication changes in  
11 the cab and what you have to do, right?

12 A. Yes.

13 Q. Okay. So when you -- since this one's a Cab Red Zone,  
14 is there still communication back and forth with the engineer,  
15 about approach --

16 A. Right. It's just what's pertinent to our train is --  
17 you know, like I had to ask him -- you know, when we was at that  
18 signal, we was in a Cab Red Zone, but I had to ask him what the  
19 speed was.

20 Q. Okay.

21 A. That pertains to the safety of our train. You know, I  
22 have to do that for our logbook and -- as well as just to  
23 maintain.

24 Q. Okay. So by putting the Z there, it also is that you're  
25 communicating that speed again that you end up writing down or

1 you're asking him --

2 A. Yes. That gets --

3 Q. -- in this case what the speed is. So if you had a  
4 speedometer over there that was working, do you still communicate  
5 that speed or do you just log what you're looking at?

6 A. No, I was never trained to. As long as I have a  
7 speedometer and we are, you know, doing our job properly, we don't  
8 have to communicate the speed. I was never trained to communicate  
9 the speed.

10 Q. And I'm just going to -- I'm going to give you a  
11 hypothetical. So let's say that you know what -- what's the speed  
12 when you go by an approach signal supposed to be?

13 A. It's -- we immediately reduce to 30.

14 Q. Okay. So if you're going above 30 and you see that on  
15 your speedometer, what would you do about that?

16 A. We would talk about it, as far as, you know -- as long  
17 as I know he's controlling it, you know, would say, "Hey, you got  
18 it under control?" "Yeah." You know, as long as he's making the  
19 effort to reduce the speed, we're still following by the rules.

20 Q. Okay.

21 A. As long as he -- you know, I see that he's making an  
22 effort and I --

23 Q. Okay. So then, if he's not making an effort, then I  
24 think you said earlier you're supposed to plug the train?

25 A. Yes.

1 Q. Okay. Then, we get down here to the R. It's CP --

2 A. D.

3 Q. -- D-131?

4 A. 131, yes.

5 Q. Okay. And then, the R means?

6 A. Restricting.

7 Q. Which is what kind of -- what does that mean you have to  
8 do?

9 A. That means we have to be at restricted speed when we  
10 pass that signal, not exceeding 20 miles per hour, prepared to  
11 stop in half the range of vision of broken rail cars, anything  
12 that may be obstructing.

13 Q. Okay. So the entry pretty much stops there, there's no  
14 time or communication sign or another Z there or any kind of speed  
15 associated on the form. So I'm just going to ask you a little bit  
16 about now what's kind of going on in the cab. You put the R down.  
17 So is that prior to going by the signal or as soon as you went by  
18 the signal?

19 A. As soon as I acknowledged the signal, I was beginning to  
20 write it down as we were coming up to it, you know, I'm just  
21 writing in --

22 Q. So is that -- when you acknowledge it, what does that  
23 mean?

24 A. That's when I realized that it was a restricting signal  
25 and I called it out.

1 Q. When you see it or?

2 A. When I saw it, yes.

3 Q. When you see it.

4 A. Yeah.

5 Q. Do you know how far you were when you saw it?

6 A. I do not recall how far.

7 Q. Okay. So when you saw the restricting signal, you had  
8 communication --

9 A. Yes.

10 Q. -- with the engineer? What did you say to him?

11 A. I called out a restricting. He answered, you know, and  
12 like I said, at that point I realized something, you know, that we  
13 weren't going to get it stopped so I just plugged it. You know,  
14 and that's why everything stopped right there because --

15 Q. Right.

16 A. -- I had to stop -- you know, I had to do my part like I  
17 was trained to do.

18 Q. Sure -- action.

19 A. Right.

20 Q. Okay. So what -- I am going to try to get you to  
21 remember at what point you figured "We're going too fast" or  
22 "We're not going to stop," or do you recall at what location that  
23 was, in relation to the signal or the interlock or --

24 A. I could see the signal. I don't know --

25 Q. You could still see the restricting --



1           A.    I could see the signal, and I just -- something told me  
2 we just had that feeling we wasn't going to get it stopped, so I  
3 just plugged it.

4           Q.    Okay.

5           A.    I figured if nothing else, we would stop short, we could  
6 regroup, get ourselves back together. You know, I just felt that  
7 that was the time that I needed to do that.

8           Q.    Did you say anything to him about, "Are you going to  
9 stop?" or "Stop the train" or did you just --

10          A.    I don't recall.

11          Q.    -- take it on yourself to --

12          A.    I just -- I don't recall saying anything. I think I  
13 just plugged it. I put it into emergency.

14          Q.    Okay.

15          A.    I don't recall.

16          Q.    Okay. Have you ever had to put a train in emergency  
17 before?

18          A.    No.

19          Q.    Have you ever had to tell -- ask an engineer to slow  
20 down or he's going too fast or --

21          A.    No.

22          Q.    Okay. You also had mentioned that, you know, your --  
23 you notice throttle adjustments and things like that because you  
24 can hear the RPMs of the engine going up and down. Kind of going  
25 -- let's go back to that advance approach again, and did you

1 notice any throttle movements or revving engine, up or down, that  
2 you recall near the advance approach or the approach or --

3 A. I don't recall any -- usually when you idle down, you  
4 don't -- there's no -- you don't really notice a change in the  
5 sound of the engine. There's just usually a click of the  
6 throttle. I don't recall if I -- I don't recall that. I do  
7 recall at the approach he -- I heard him set air.

8 Q. Okay.

9 A. And I believe I heard him clicking the throttle out,  
10 but --

11 Q. And that would be back at CPD-129 --

12 A. Yes.

13 Q. -- area and --

14 A. Yes.

15 Q. Okay.

16 UNIDENTIFIED SPEAKER: You say you thought he set air  
17 there?

18 MR. HAWKINS: I heard air below, so I know that he had  
19 set some air.

20 UNIDENTIFIED SPEAKER: Okay.

21 MR. HAWKINS: How much, I don't know. I don't know any  
22 of that stuff.

23 UNIDENTIFIED SPEAKER: Okay.

24 BY MR. EARDENSOHN:

25 Q. And taking you back to that advance approach again, when

1 we were out there looking the area over, there's several road  
2 crossings in there. What do you remember about the whistle  
3 sequence or blowing for the crossings, or anybody out at the  
4 crossings or --

5 A. I don't remember anybody at the crossings. Standard  
6 sequence is what I recall. I don't recall anything that was out  
7 of the ordinary.

8 Q. So the -- I think there's a crossing at about 129,  
9 almost 130. Isn't there a crossing between the approach signal  
10 and the restricting signal, if I remember?

11 A. There's actually two.

12 Q. Okay.

13 A. There's two crossing.

14 Q. Okay. The first one, do you remember the milepost?

15 A. The first one is 129-and-three-quarter maybe.

16 Q. Okay.

17 A. I'm not exactly sure. It's in the curve, past the  
18 signal.

19 Q. Did the whistle blow for that crossing, do you recall  
20 or?

21 A. I don't recall. No, I don't.

22 Q. And then, I did notice that there's a crossing right  
23 close to the restricting signal.

24 A. Yes.

25 Q. Where the restricting signal would be, or did you blow

1 for -- did he blow for that crossing?

2 A. I don't recall. I don't. At that point we're in an  
3 emergency and --

4 Q. Okay.

5 A. -- I don't really recall a lot after.

6 Q. So you think you were in emergency before you got to the  
7 crossing?

8 A. Yes.

9 Q. Okay. Do you know how far before or --

10 A. I do not.

11 Q. Okay. Have you ever had to blow the horn for the  
12 engineer? There's an engineer -- there's a button over there for  
13 the conductor to blow the horn sometimes. If you see something  
14 that he doesn't or --

15 A. Occasionally, you know, maybe somebody's too close to  
16 the tracks on my side, he doesn't see, you know, you may toot the  
17 horn just to get their attention, you know, so they don't come out  
18 in front of you.

19 Q. Okay.

20 A. But as far as blowing for their -- I've never blown  
21 their sequence for them.

22 Q. Okay. You said that you were -- you're the one that put  
23 the train into emergency, so -- and you did so by pulling a  
24 handle?

25 A. Yes.

1 Q. Okay. Do you recall what you did after that?

2 A. I do not.

3 Q. Okay.

4 A. I know -- I don't recall.

5 Q. Do you remember hitting the train?

6 A. I closed my eyes. I heard the sound.

7 Q. Okay.

8 A. The next thing I knew, I was getting up out of the  
9 floor.

10 Q. Okay. Do you remember any conversations from the time  
11 that the train went into emergency and impacting the train, or  
12 until you guys were stopped and --

13 A. No.

14 Q. -- crawling around in the cab?

15 A. No. I don't recall any.

16 Q. Okay. That's all the questions I have right now. Thank  
17 you.

18 A. Thank you.

19 UNIDENTIFIED SPEAKER: Jimmy, did you holler at Randall  
20 before he plugged it, I mean, to let him know you was going to  
21 plug it or you just --

22 MR. HAWKINS: I just plugged it. I put it into  
23 emergency. I was -- that's the way I was trained, that if I ever  
24 felt that I needed to, don't be afraid to, just throw the handle  
25 and --

1 UNIDENTIFIED SPEAKER: Okay.

2 BY MR. RANDLE:

3 Q. Rance Randle. Jimmy, as you would normally, not  
4 necessarily this day, we've talked an awful lot about this signal  
5 sequence on the particular day, but as you would normally approach  
6 the Rockview interlocker on a -- is it southbound or --

7 A. Yeah, southbound.

8 Q. -- southbound train, what would you expect to see?

9 A. The standard, we either run on a clear through there or  
10 we have -- you know, if we're going to stop on the main, we have  
11 an advance approach, all by approach, and it's usually restricting  
12 it at D-131 and red at the interlocker. If we're going in the  
13 siding, then we'll have an approach diverging, a diverging  
14 approach at 129, and we'll be all red at 131 on the siding.

15 Q. Okay. So if you had to -- is it frequent that you just  
16 operate through there on clear signals or is it pretty customary  
17 to see some color, you know, advance approach or some -- at  
18 certain points?

19 A. It just all depends. Sometimes you go through there  
20 normal, sometimes you have to stop. You know, there's no -- I've  
21 been through there a bunch of times and it's -- sometimes it's  
22 clear; sometimes it's not.

23 Q. Okay. Do you ever communicate on the BN -- the railroad  
24 radio with BNSF crews or the BNSF dispatcher?

25 A. I never have myself. I never have gone through there.

1 I've never had the need to communicate with them.

2 Q. Okay.

3 MR. FLANIGON: Joe, do you want to wait until we go  
4 around and --

5 JOE: It makes no difference.

6 MR. FLANIGON: Okay.

7 JOE: Of I might just defer and --

8 MR. FLANIGON: Okay.

9 JOE: -- because sometimes my questions get answered.

10 MR. FLANIGON: Okay.

11 BY MR. REYNOLDS:

12 Q. Cory Reynolds. So you hired in 2008?

13 A. Yes.

14 Q. At your time of hire, did you go straight to a train  
15 service or?

16 A. I hired out for train service, yes.

17 Q. Now, going back to prior before the interlocker and the  
18 signals just prior. I know we've been over this. Any kind of  
19 conversations that you can remember that were lengthy at all or?

20 A. No, not that I recall. I mean, just the standard, you  
21 know, we -- like I said, we talked about the lunar eclipse. We  
22 talked about his kids, we talked about my kids. I don't -- I  
23 couldn't tell you how long we -- our conversations last, you  
24 know --

25 Q. Okay. What was your location at the time of initiating

1 the emergency brake application?

2 A. I was in the conductor's seat on the headend lead unit,  
3 where the conductor sits.

4 Q. Okay.

5 A. On the left side of the locomotive.

6 Q. At any time prior to that were you ever out of your seat  
7 doing anything else at all?

8 A. No.

9 Q. In the bathroom or anything?

10 A. No.

11 Q. I don't have anything else right now.

12 UNIDENTIFIED SPEAKER: No questions.

13 MR. FLANIGON: Doing okay?

14 MR. HAWKINS: Yes.

15 MR. FLANIGON: Short break?

16 MR. HAWKINS: That -- yes.

17 MR. FLANIGON: You'd like a break?

18 MR. HAWKINS: Yes, please.

19 MR. FLANIGON: Let's take a short break. Let me turn  
20 this on pause here.

21 (Off the record.)

22 (On the record.)

23 MR. FLANIGON: Mike Flanigon, we're back after a short  
24 break, and we'll go ahead -- I'm trying to remember where we were.

25 UNIDENTIFIED SPEAKER: Cory was up.



1           MR. REYNOLDS: I was done.

2           MR. FLANIGON: We're back to me and we'll get around --  
3 we'll go around the table one more time. So I had a couple of  
4 follow-ups. The way this works is, you know, as other people ask  
5 questions and you bring up things, then, you know, all the wheels  
6 start turning things up when they ask that. So hopefully, we  
7 won't -- but the second round usually goes quite a bit faster, and  
8 then at the very end there may be one or two more, but then that  
9 should be it, so --

10           MR. HAWKINS: Okay.

11           BY MR. FLANIGON:

12           Q. I think somebody asked you this, but let me make sure I  
13 get it clear. Is it unusual to have to make a stop at that  
14 interlock, at Rockview interlocking?

15           A. No.

16           Q. No? It's something very routine --

17           A. Yes.

18           Q. -- almost? And we talked to -- in relationship to the  
19 conductor's responsibility and job if the engineer doesn't seem to  
20 be slowing down or operating the train in the proper way. In  
21 terms of working with the engineer on this trip -- "Doc" we'll  
22 call him -- if -- is he the sort of person that would make it  
23 uncomfortable for you if you said, "Hey, you know, maybe we're  
24 running a little too fast" or "Are you going to start slowing  
25 down?" Or, you know --

1 A. No.

2 Q. Would he take it as a criticism and give you a hard  
3 time?

4 A. No. No, he would not.

5 Q. How about most of the other engineers you work with?

6 A. No. No, most of them, you know, if you -- they take  
7 what you say, you know, and it's not a -- it's never been a  
8 problem.

9 Q. So nothing in the way -- the engineers you work with  
10 would be intimidating or --

11 A. No.

12 Q. -- make you reticent to --

13 A. No.

14 Q. -- bring something up if you felt you had to? Okay.

15 And experience in this territory, you've worked for how  
16 many years for the railroad? I think you answered --

17 A. Almost five years.

18 Q. Almost five.

19 A. 4½ years. I worked on this particular board for almost  
20 two years, the -- what we call the RT12 board, the Salem to Dexter  
21 route. About a year ago, I went to the extra board, which covers  
22 all the way to Chicago.

23 Q. Um-hum.

24 A. So for almost two years, I sat on that board and ran  
25 that board every time.

1 Q. Exclusively, and then now, you cover this territory, as  
2 well as some other runs and jobs and so forth?

3 A. Yes.

4 Q. So how often do you get on this territory, you know, on  
5 average? Once a month, once a week, two times --

6 A. It depends. I could go twice a week, I could go once a  
7 week, I could go once every three weeks.

8 Q. Um-hum.

9 A. It just depends. There's no actual set time of how many  
10 times I work off each board.

11 Q. Okay.

12 MR. FLANIGON: Okay -- oh, and I'll just make a note for  
13 the record, that the conductor log or the -- we call it the  
14 report, the Union Pacific conductor report, we're going to attach  
15 to the transcript -- so that will come to you -- since we kind of  
16 walked through it on there, as well as any photographs that -- or  
17 images that Joe goes over with you. And I think, I think that's  
18 it for me, so Rick?

19 BY MR. NARVELL:

20 Q. Okay. Just a couple here, Jimmy, these go pretty quick  
21 -- quicker. Since you've been -- Mike just asked you about  
22 essentially if -- when you have discussions with your engineers,  
23 is there any, for lack of better term, pushback or, you know,  
24 "I'll run the train, you sit over there," kind of thing. Since  
25 you've been with the UP, has -- have you ever received any team

1 training on how teams function and what their roles and  
2 responsibilities are?

3 A. I'm not sure what you mean.

4 Q. Team training, so he has his role, you have your role,  
5 but you function as a team up there in that cab. Has there been  
6 any specific training that the UP has given you? It's also called  
7 crew resource management, or CRM; team training?

8 A. Not that I recall. All the training I've done is as a  
9 conductor.

10 Q. Okay.

11 A. And it's usually with other conductors.

12 Q. Okay. But is there ever discussion about the roles and  
13 responsibilities of you as two heads up there on safety purposes  
14 and operational purposes, that kind of thing?

15 A. I believe we've talked about that in -- during my  
16 training, you know, it's -- if something needs to be done, don't  
17 be afraid to say it, you know, if --

18 Q. Okay. But any of these team training -- these terms,  
19 have you ever heard them before?

20 A. No.

21 Q. Okay, that's fine. I want to talk -- and this is my  
22 last area until we step out and we'll get your work/rest for me.  
23 Let's kind of move ahead to after the incident. Now, you've been  
24 extricated, you're in the ambulance, right? Did you get  
25 transported?

1 A. Yes. It took a little bit of time.

2 Q. Sure.

3 A. They had to -- their ambulance full.

4 Q. Okay.

5 A. So Doc and I, we sat on the ambulance, waiting for the  
6 next ambulance to come.

7 Q. And that's what I want to focus on. Was there any  
8 discussion while you guys were I'll call it dwelling or sitting  
9 there, about what had happened or transpired?

10 A. No. I talked more with the safety response team. They  
11 had asked -- you know, they needed to know where my crew was, how  
12 many people were there, you know, what we had ahold of, in case  
13 there was some kind of hazardous, you know. They wanted to know  
14 if there was anybody in the other engines, you know, if I had  
15 talked to the BNSF crew.

16 Q. Okay.

17 A. If -- that was the main thing that I did while was  
18 waiting on the ambulance was I talked with the responders and  
19 whoever their captain of their team was. I'm not sure exactly  
20 what he was called.

21 Q. Okay. I'm glad you brought that -- because I wanted to  
22 clarify. When you said safety team, you're talking about the  
23 emergency responders?

24 A. The emergency response team.

25 Q. The firemen, the paramedics --

1 A. Yes.

2 Q. -- the police or whatever?

3 A. Yes.

4 Q. Okay. So there was no discussion between you and Doc as  
5 to what happened, what occurred, what transpired --

6 A. No.

7 Q. -- what do you think?

8 A. No, he sat in the ambulance, and I was set on the back  
9 of the ambulance and talked with the emergency responders.

10 Q. Okay. And they ask you questions, and did they ask  
11 where hazmat -- if there's any hazardous materials on the train?

12 A. Yes, they did. And I did not have my train list. I do  
13 not know where it went --

14 Q. Okay, sure.

15 A. -- in the collision. But I explained to them that, you  
16 know, we had cars and we had cars -- boxcars with auto parts in  
17 them.

18 Q. Okay.

19 A. I tried to give them as much as what I knew, but --

20 Q. Right.

21 A. -- that was just about what the extent of what I could  
22 tell them, without having the train list with me.

23 Q. Okay, all right. Great, that's all I have for now.

24 Thank you.

25 UNIDENTIFIED SPEAKER: I don't have anything right now.

1 BY MR. EARDENSOHN:

2 Q. Randy Eardensohn, Union Pacific. I don't really have  
3 any questions, but I do want to say something. First of all, I'm  
4 really glad you're here today talking to us.

5 A. Thank you.

6 Q. And you look to be relatively healthy through everything  
7 you've been through. This is post-accident, of course, but you  
8 handled yourself very professionally in the cab, from everything  
9 I've heard here today. You took care of getting ahold of 911,  
10 getting emergency response coming. You took care of your crew  
11 member, helped evacuate the locomotive, acted very professionally  
12 through the entire process, I think. It's too bad you had to, but  
13 you really stepped up and I just want to thank you for that.

14 A. Thank you.

15 Q. That's all.

16 UNIDENTIFIED SPEAKER: I don't have anything.

17 UNIDENTIFIED SPEAKER: No.

18 UNIDENTIFIED SPEAKER: Go ahead, Joe.

19 BY MR. BERRY:

20 Q. Joe Berry, Federal Railroad Administration.  
21 Mr. Hawkins, I'm a motive power and equipment inspector, so I look  
22 at mechanical things. My interest, this investigation has really  
23 concentrated on the crashworthiness of the locomotives. They're  
24 built to a certain standard to help the crew to survive a crash.  
25 And then, after the initial crash, there's getting you out of the

1 train. Because if you survive the crash but we can't get you out  
2 of the train, then bad things can happen. And I've seen that  
3 happen before, where people were alive inside the cabin and they  
4 weren't extracted before something bad happened.

5           So if you don't mind, I'll show you a few pictures.  
6 It's not to try to illicit any kind of emotion out of you, but  
7 it's to find out where you were at after the collision, what you  
8 did, you know, how you got off of the train, because those things  
9 are important not only to us as investigators, but also to  
10 emergency response people. And in the future, maybe some of the  
11 things that we do here will affect our look at crashworthiness, at  
12 least I'm hopeful that it does.

13           A.    Okay.

14           Q.    Don't be alarmed at how many pictures are in here  
15 because I'm only going to look at a half a dozen. And let me get  
16 my list. We're going to start with image number P5250501. And I  
17 may have incorrectly identified that on the previous interview, so  
18 I'll repeat it again. It's P5250501.

19                    What you're looking at here, Mr. Hawkins, is the left  
20 side of the locomotive, which is actually on the ground, because  
21 you're overturned on the conductor side. So this would be the  
22 window. That would be the seat that you described that you were  
23 riding in. After everything came to a stop, where were you  
24 located within the cab in respect to the seat or the window?

25           A.    I was somewhere in -- around this seat and window, and



1 that would (indiscernible) somewhere in that general area. I  
2 don't -- I can't tell you exactly where I was at. I was in that  
3 general area right there. My engineer was here.

4 Q. Okay.

5 A. He was laid across here, and I believe that's the blood  
6 from my head right there, actually.

7 Q. Okay. For the record, at the right-hand side of the  
8 photo, there's actually it looks like two pair of gloves, one in  
9 the window area, which is slightly opened, and then, another part  
10 of a glove right at the almost the right edge of the window.

11 So what you're telling me is you were laying  
12 approximately where that glove is?

13 A. In that general area right there.

14 Q. Okay. And then your engineer was laying to your left?  
15 Where was your head?

16 A. I don't know. I'm assuming, by this picture --

17 Q. Okay.

18 A. -- with the blood, my head had to have been in this  
19 area.

20 Q. Okay.

21 A. Because I believe that's the blood, because --

22 Q. Okay.

23 A. -- the blood came from my -- from me.

24 Q. Do you think you struck your head in this area then  
25 possibly?

1 A. I think I hit the light, to be honest with you.

2 Q. Hit the light.

3 A. If you look at the way my --

4 Q. Right.

5 A. I can't say that for sure, but the way the stitches on  
6 -- the staples on my head look, it's almost the same as the shape  
7 of that light.

8 Q. Okay.

9 A. That would be right above my head.

10 Q. I'm going to zoom in a little bit on this light because  
11 it appears to me that it possibly was damaged or broken possibly;  
12 maybe when you hit your head, maybe it broke, maybe that's what  
13 cut your head.

14 A. Maybe.

15 Q. And I did not see any blood. I looked at the locomotive  
16 on the afternoon after the collision. So I took a lot of  
17 photographs to document --

18 A. Maybe, that might be a sticker.

19 Q. -- but what -- the light that he's describing is his,  
20 for lack of a better word, the order light, what we traditionally  
21 call the order light. That's what he flips on to read his train  
22 orders. And it's at the top of the -- it's on the ceiling. So it  
23 appears then that you were -- your head was toward the ceiling and  
24 your engineer was laying -- was he on top of you, beside you?

25 A. I think he hit me when he came down, but I don't recall.

1 Q. Um-hum.

2 A. It took me a little bit to get myself up, so I don't  
3 know if he was -- actually had hit me when he came down. He was  
4 just laying almost above me. You know, I was on my side, my left  
5 side --

6 Q. Okay.

7 A. -- and he was laying --

8 Q. Okay. Right.

9 A. -- long-ways above. You know, so I don't know if  
10 clipped me off -- he fell on my head when he come down or fell on  
11 my body, I don't know. I just know that when I finally was able  
12 to get myself up, that's where he was laying was right there.

13 Q. Okay. So for the record, it appears that the engineer  
14 was probably along the ceiling, laying longitudinally with the  
15 ceiling.

16 A. Yes.

17 Q. Do you know where was his head? Was it toward the --  
18 now, the front of the engine would be in this direction.

19 A. Yeah, it was -- he would've been laying with his head  
20 towards the front and his feet towards the -- would be towards the  
21 rear.

22 Q. Okay.

23 A. And then laying long-ways.

24 Q. All right. After the train stopped, what was the first  
25 -- the very first thing you did?

1           A.    I spoke to Doc to make sure that he was -- as I was  
2 getting up, I saw him there.  And I said, "Doc, are you alive?"  
3 And he said, "Yes."  And then from -- this vantage point here,  
4 when I could stand up, I could reach the radio that would be on  
5 the conductor side above his head from the angle we were laying.  
6 So I immediately pushed 911 on the radio.

7           Q.    Um-hum.  Okay.  I know that you've been asked these  
8 questions before by the other members here, but just for the sake  
9 of kind of taking us through beginning to end, I'm going to ask  
10 you to kind of go through it again, because maybe you remember  
11 some more things that you hadn't told other members of the group.  
12 So I know it may -- there may be some redundancy here, but I think  
13 it will benefit us to just kind of take it through.

14                        So what happened after you spoke to Doc and he said he  
15 was okay, and you keyed up the dispatcher, then what did you do?

16           A.    The dispatcher came on the radio, answered emergency  
17 call.  I don't know if I told him my actual train ID, and I don't  
18 know exactly what I said to him, but I know, you know, I said we  
19 had a collision, accident, I'm not sure, at Rockview, you know.  
20 And he came back and he asked -- and I said I need an ambulance;  
21 I'm bleeding pretty bad from my head.  And he -- you need to try  
22 to get it to stop, he said, you know.  So I dug around until I  
23 found the actual rolls of toilet paper there in the crew packs,  
24 and I kept putting them on my head because they were bleeding  
25 through.

1 Q. Um-hum.

2 A. And I was talking to Doc and him at the same time  
3 because he, as well as the dispatcher talking to me, he wanted to  
4 make sure the engineer was still alive and stayed talking and --  
5 because he didn't know the extent of our injuries. And he stayed  
6 with me on the radio the whole time. I don't know exactly word  
7 for word what was said. You know, he asked if we were alive, you  
8 know, if we needed an ambulance; they were on their way; he was  
9 there if we needed him, and he talked to me the whole time.

10 Q. Okay. Did he indicate to you anything about how -- the  
11 extent of his injuries? Was he complaining about anything or  
12 did --

13 A. I don't recall. I didn't -- once I knew that Doc was  
14 with me, I just routinely would speak to him so he would -- there  
15 was a lot of conversation with the dispatcher. And like I said, I  
16 smelled fuel. I did not know if the engine was shut down. To me,  
17 it sounded like it was running. I didn't know. So I asked the  
18 dispatcher -- I told him I needed him to tell me how to shut it  
19 down. So -- and I -- like I said, I don't recall who came on the  
20 radio to tell me, but someone came on the radio and explained to  
21 me what I needed to do --

22 Q. Okay.

23 A. -- to make sure that it was shut down --

24 Q. Okay.

25 A. -- because I didn't want it to catch fire with us in

1 there.

2 Q. Right. All right. Now, when you shut the engine down,  
3 did you -- what did you do? Tell me about that.

4 A. He told me to push the emergency -- the red stop button.  
5 I pushed it a few times and I said, "I'm not sure if that's  
6 working." And he said, "Just flip the breakers you can find."  
7 And I tried, but I don't know what I flipped. I don't know  
8 exactly what I did, what I didn't do. I just -- he just said do  
9 what you can do, so that's what I did.

10 Q. Okay.

11 A. But I don't know, I don't know what I flipped and what I  
12 didn't. The radio -- I didn't flip the breaker for the radio  
13 because it was still working. He did -- you know, he stayed with  
14 me the whole time, the dispatcher did. So I talked to him up  
15 until it was time for me to get out of the locomotive. And like I  
16 said, I used my lantern to signal the people on the bridge ahead,  
17 over the top, so they knew that was the locomotive we were in,  
18 because we had two locomotives.

19 Q. Right.

20 A. And so then, when I went out the window, like I said, I  
21 propped the back door open and I was getting Doc out, when the  
22 state trooper that I signaled with my lantern come down, and he  
23 helped me get Doc the rest of the way out of the back, what would  
24 essentially be the back door behind the engineer. It was laid  
25 down sideways and it had one of them little hooks, you know, like

1 to prop the door open with. I was able to prop the door that way.

2 At that point my head started bleeding again, so I  
3 stepped back and the police officer and another -- I assume he was  
4 a paramedic or -- I don't know, he was wearing a safety vest.  
5 They got Doc off the locomotive and we went up the hill. That's  
6 about all I can remember.

7 MR. BERRY: Mike, I have a question for you before I ask  
8 any more questions. I know the position of all the switches. Is  
9 it -- would it be beneficial for you, for me to provide that  
10 information or is that not what the purpose of this is?

11 MR. FLANIGON: Well, it would be useful to provide that  
12 information to us.

13 MR. BERRY: Okay.

14 MR. FLANIGON: But we don't need to get it in the  
15 transcript.

16 MR. BERRY: Okay. Okay. Then I'll just move forward.

17 BY MR. BERRY:

18 Q. When I looked at the locomotive, I paid attention to all  
19 the controls and switches because that's what I'm trying to do,  
20 just like you guys are trying to do certain things, we're trained  
21 to do certain things. And so, and it was what I expected. You  
22 kicked most of the breakers, not all of the breakers, but most of  
23 the -- there's several breaker panels. So all the ones that have  
24 to do with engine control were knocked down. Generator field  
25 switch was off when I looked at it and all the control breakers

1 were off. So that, you know, that would make sure that there was  
2 no electrical power to the locomotive.

3 I did pay attention to the position of the automatic  
4 brake valve handle and the throttle, and the independent brake  
5 valve handle. Now, the automatic brake valve handle was in full  
6 service when I looked at it. The independent brake valve handle,  
7 I'd have to look at the picture, I don't -- I think it was -- it  
8 was partially applied. And the throttle was in dynamic notch 1.

9 A. Okay.

10 Q. So when you plugged the train, I believe you stated  
11 earlier that you grabbed the brake valve handle on your side of  
12 the locomotive.

13 A. Yes.

14 Q. At any time did you ever touch any of the controls on  
15 the engineer's side?

16 A. No.

17 Q. Okay. So unless someone else manipulated them after  
18 they left the train, then the position that I saw them in was the  
19 position that they were after the accident. And I have no reason  
20 to believe that anyone would have manipulated.

21 I did notice, and this is not to contradict your  
22 testimony, I did notice that the conductor's brake valve handle  
23 was in the normal position, not in emergency. So it's possible  
24 that sometime after the accidents, it got moved. Did -- could  
25 perhaps you have stepped on it to get out of the engine?



1           A.    It's possible.  I mean, we -- that's what was laying  
2 down, so that's where we were at.  I did have to crawl into what  
3 would be the -- what, for better terms, a foyer where the bathroom  
4 door is and the internal outside door.  That's where my lantern  
5 was laying.  I had to crawl up in there to get my lantern.

6           Q.    Okay.

7           A.    So it's possible that I hit it going in.

8           Q.    Okay.  And that -- looking at the engine, I've studied  
9 the inside of that engine quite a bit, that does make sense that  
10 that may have been when that handle got moved.  And that -- I did  
11 look in the toilet compartment.  I also did look down in the nose,  
12 and the collision posts were in place.  There was no damage, there  
13 was no collapsing of the toilet compartment.  And that is one of  
14 the reasons that you guys did as well as you did, is because there  
15 was no collision post damage, there was no deformation of the cab,  
16 except for that left-hand side, you know, where you hit the  
17 ground, where it slid on the ground.

18          A.    Right.

19          Q.    Okay.  I'd like to talk just a little bit about how you  
20 were able to get off the train.  I did interview the deputy  
21 sheriff that was the first responder.

22          A.    Um-hum.

23          Q.    He was, in my understanding, the first guy there.  And  
24 he did an assessment of the area, and then, he came over to the  
25 locomotive.  He stated that when he saw you, he could see your

1 head above the window. So apparently you had, by that time,  
2 retrieved your light, light from the nose and you were looking out  
3 that window.

4 A. Yes.

5 Q. What were you standing on to be able to --

6 A. I was standing on the engineer's seat.

7 Q. Okay. Now, for clarification, there are three -- there  
8 are actually four seats in the cab, the one traditionally called  
9 the conductor's seat, there's one in the middle --

10 A. Um-hum.

11 Q. -- and there's the engineer's seat, and then there's  
12 that little one with the hinge on it, on the rear panel, if  
13 there's a four-man crew and it just -- it's -- it just flops down.

14 A. Right.

15 Q. So you were standing on the engineer's seat, not the  
16 metal seat?

17 A. Yes.

18 Q. Okay. Now, did you climb out on your own power or did  
19 somebody give you a hand?

20 A. I climbed out. I opened the windows.

21 Q. Um-hum.

22 A. I slid them open both ways so that it was open as far as  
23 I could. From that position, I was able -- standing on the seat,  
24 I could put my hands down and push myself up on -- to sit on the  
25 side of the locomotive.

1 Q. Okay.

2 A. And that's how I came out. Doc couldn't get out that  
3 way.

4 Q. Right.

5 A. So we propped the back door open and he was -- I was  
6 getting him out. And I believe it was a state trooper was the man  
7 that was standing beside me. I don't recall what he looked like.  
8 But like I said, once I started bleeding, I took a step back  
9 because I knew there was no point for me -- at that point I  
10 couldn't help no more because I was bleeding enough that -- so he  
11 pulled him the rest of the way out. And there was another EMS  
12 standing -- he was standing beside the locomotive on the ground,  
13 which would be like maybe where the ditch was --

14 Q. Um-hum.

15 A. -- in that area.

16 Q. Okay.

17 A. And they took Doc up to the side, up the overpass side.

18 Q. Okay. Now, after you were able to get out, how did Doc  
19 get -- was he walking around down there or what was -- were you  
20 able to see him?

21 A. Yeah, he stood up. When I was going out, he stood up.  
22 He had stood up a couple minutes before that and was kind of -- he  
23 was there. He wasn't really -- I don't know, he just -- he was  
24 there. He was talking with me, you know, and I told him that we  
25 was going to have to get out, you know, and he agreed. And I went

1 out first because I knew that I could probably get out.

2 Q. Okay. Now, did he also step on it -- on the chair to  
3 get out, or did you see that?

4 A. I didn't -- I was outside of, outside of the cab, so I  
5 don't know where he was.

6 Q. Okay. So you assisted with the opening of the door  
7 then?

8 A. Yes.

9 Q. Okay. So with the locomotive laying on its side, then  
10 the hinges would've been up?

11 A. Yes.

12 Q. And the testimony from the deputy was, he grabbed the  
13 handle with his left hand. Were you to his right then?

14 A. Yes, I was to his right.

15 Q. And kind of --

16 A. He was kind of -- he had just stepped up on, I don't  
17 even know what part of the locomotive that would be, right behind  
18 that door that would open.

19 Q. All right. Let me find that picture. Let's just pull  
20 it up. Give me just a second. I think it's -- for the record,  
21 we're looking at image number P5250552, which is looking at the  
22 right-hand side of the locomotive. We've got the side of the car  
23 body that you were standing on.

24 A. Yes.

25 Q. We have a door that's actually hinged on the top now,

1 the top being the right-hand side of the locomotive because it's  
2 facing up.

3 A. Yes.

4 Q. So the handle would be down below, so you were standing  
5 in this area right here?

6 A. Yes, right by that grab iron, that's --

7 Q. Okay, right by the grab iron.

8 A. Yes.

9 Q. And right here are the batteries. And the deputy  
10 sheriff stated he grabbed that with his left hand, opened the  
11 door. You assisted him with holding the door open. He reached  
12 down with his right hand and grabbed Doc by the seat of the pants.

13 A. Doc was about halfway out, once we -- he was able to get  
14 up, but he couldn't get -- he couldn't twist, so that's when the  
15 deputy pulled him and slid him across what would be this -- maybe  
16 a panel door, I don't know exactly what that is, right about where  
17 your cursor is.

18 Q. Yeah, that's a cover. See those bolts right there?  
19 There's like one, two, three, four, five, six, seven, eight bolts.  
20 That's just a panel that can't go anywhere.

21 A. And then there was another -- right about where these  
22 bolts are, there was an EMS, and that's where they took Doc off  
23 the --

24 Q. Okay.

25 A. -- right there.

1 Q. According to the deputy's testimony, there were two  
2 firefighters down here. The three of them helped him down.

3 A. That might be.

4 Q. That was according to his testimony.

5 A. That may be. I don't know how many was there for sure.

6 Q. Right, okay. And then, they assisted you guys up the  
7 hill. All right. All right. I think we got through the hard  
8 stuff. I know that's probably emotional for you to go through  
9 that again.

10 Before I'm finished, I would like to talk just a little  
11 bit -- I did this backwards. I wanted to get the hard stuff out  
12 of the way first. I'd like to talk -- or would like to go back to  
13 the initial terminal.

14 A. Okay.

15 Q. Where was the train when you guys took charge of it?

16 A. It was tied down on the siding at Salem.

17 Q. Okay.

18 A. There's a small, like an entrance to go in the back of  
19 the yard, by the cemetery, just -- I don't know, it's not too far  
20 north of CPI-253. It was tied down right there.

21 Q. Okay.

22 A. On the siding.

23 Q. Was the train ready for departure?

24 A. Yes.

25 Q. So the air test had been completed?

1 A. Yes.

2 Q. It had a good air slip on it?

3 A. Yes.

4 Q. Did you review the air slip?

5 A. Yes. They actually gave it to me in the depot. When I  
6 took (indiscernible) I put it on the wall.

7 Q. Okay.

8 A. It was a good air slip. We checked the brakes. Doc  
9 released the engine brakes, you know, knocked the hand brakes off  
10 the engines.

11 Q. Um-hum.

12 A. And he did a set and a release.

13 Q. Okay.

14 A. And he's pretty firm about it. He likes to do set and  
15 release. Even though the yard job had already done one, he wanted  
16 to do one of his own.

17 Q. Okay. Tell me a little bit about how Doc handled the  
18 train after departure, before the time of the collision. And what  
19 I mean by that is, do you recall how many times he might have used  
20 his air, or how many times his automatic brakes and how many times  
21 he might have used the dynamic brakes?

22 A. I don't recall. Most of the time, the rule for us on  
23 autorack trains is to use the air and stretch brake them. But I  
24 couldn't honestly tell you how many times he used the dynamic  
25 brakes or the air. There was no -- we never felt any run-in. I

1 never felt any run-in or any kind of jerking. I mean, he -- the  
2 train float -- you know, it run like it was supposed to. He  
3 controlled the train -- in my opinion, he controlled it the way  
4 that he should. I have no -- you know, there was no run-in. I  
5 didn't feel anything hitting me or bouncing me around or nothing,  
6 you know what I mean? Common, you know, track where, you know, a  
7 little bit of shaking, but --

8 Q. Right.

9 A. -- as far as train control, he had control of his train,  
10 in my opinion.

11 Q. Okay.

12 MR. BERRY: Mike, I think that very well takes care of  
13 the questions that I would like to ask.

14 MR. FLANIGON: Okay.

15 MR. BERRY: And thank you very much for --

16 MR. HAWKINS: Thank you.

17 MR. BERRY: -- sitting through that.

18 BY MR. FLANIGON:

19 Q. I'll be real quick. Leading up to the -- I mean, once  
20 you've pulled the emergency brake, having any railroaders sort of  
21 worst nightmare, did you take any steps in writing out the rest of  
22 the collision sequence? Did you stay in the seat, did you get on  
23 the floor?

24 A. I stayed in the seat. I didn't -- I don't know why, I  
25 just -- I stayed in the seat.



1 Q. Um-hum.

2 A. I closed my eyes. When I hired out, the instructor that  
3 I had always said don't look, you don't never want to look. He  
4 said even if you don't wake up from it, you don't want to see it,  
5 you know, so I closed my eyes.

6 Q. Okay. And then as far as once the locomotive came to  
7 rest, about how long do you think it was before you saw the  
8 response that -- you know, the troopers and the fire trucks and  
9 ambulances and search team?

10 A. I don't think I could -- I don't know. No, I remember  
11 talking to the dispatcher and he said they'll be there as soon as  
12 they can, you know, but I don't recall how fast it was.

13 Q. Okay. And then going back again to the signal sequence  
14 leading into this, and I'm interested in the visibility of the  
15 signals. The first signal that comes up is the flashing yellow  
16 advance approach. Is that visible from a good distance off?

17 A. It's -- you're coming around a curve, so it's not --  
18 it's one of them -- there's trees on both sides. It's around a  
19 curve, so you've got to get out of that curve. And most of the  
20 time you can see the second signal before you see the first,  
21 because at the angle you're coming around that curve, if you're  
22 looking, you know, you'll -- and then they'll come together where  
23 you notice that the one is before the other.

24 Q. Okay.

25 A. So you're actually seeing the second signal, most of the

1 time coming around the curve, before you see the first one.

2 Q. You guys --

3 A. It kind of lines them up.

4 Q. Do you guys want to call it that way, you know, you can  
5 see the approach?

6 A. We call them as we see them, as we go. We don't go to  
7 the next one then. It's just as you go.

8 Q. Okay.

9 A. That's how I was trained was --

10 Q. So you wouldn't call the advance before the -- I mean,  
11 you wouldn't call the approach before the advance approach?

12 A. No.

13 Q. Even if you saw it first?

14 A. Yes.

15 Q. Okay. So -- okay, so some trees, maybe you don't see  
16 that right away, but you see it, call it. The next signal, pretty  
17 much when you get to the advance approach, is the approach then  
18 visible?

19 A. Yeah, it's a just about a mile, maybe a mile and a  
20 quarter. It's -- they're right there together. That intermediate  
21 signal, and then track detector and that signal are -- they're  
22 real close to each other.

23 Q. And then once you get to the approach, which would be  
24 the solid yellow, do you see the flashing red --

25 A. No, you cannot see it.

1 Q. You don't see it?

2 A. It's around a sweeping curve and there's brush all along  
3 the side of the tracks there.

4 Q. So you don't see that until --

5 A. So there's -- no, you can't see that until you come --  
6 get around the curve --

7 Q. Okay.

8 A. -- before you can see that signal.

9 Q. And then at that time, can you see both the flasher and  
10 the red?

11 A. Yeah, because they're really close together. They're  
12 1200 feet, maybe, between them.

13 Q. Okay. Okay. Last, do you recall speaking with a  
14 trooper, state trooper, about what may have happened in the  
15 accident?

16 A. The only state trooper that I recall was when they were  
17 putting me in the MRI machine. He helped me -- helped the nurse  
18 get me onto the table. And he asked me if I was wearing my  
19 seatbelt, and I told him we don't have seatbelts. And he said, I  
20 know, but I've got to ask. And that was the only trooper that I  
21 spoke with. And he was -- that was at the hospital.

22 MR. FLANIGON: Okay.

23 MR. NARVELL: I have one.

24 MR. FLANIGON: Your name is?

25 MR. NARVELL: Rick Narvell, sorry.

1 BY MR. NARVELL:

2 Q. At some point you made the decision, based on some  
3 input, seat of the pants, I don't want to put words in your mouth,  
4 that we're not going to stop, I believe you said.

5 A. Yes.

6 Q. And that's when you immediately took action?

7 A. Yes. As soon as I realized, I plugged the train, put it  
8 in emergency (indiscernible).

9 Q. I'm just trying to fill in that, what I'll call for lack  
10 of a better term, a vacuum in real factual terms here, in terms of  
11 -- and if you can't answer it, it's extremely difficult, I get it.  
12 You're going along, you're going along, and then at some point --  
13 I don't want to use the word "assume," but you come to the  
14 decision -- you come to the conclusion that there's -- not going  
15 to have it, and then you made a decision and you acted. So you  
16 came to a conclusion, came to a decision and you acted.

17 A. Right.

18 Q. Can you just give us any sense of -- is it the way the  
19 train was handling or was it just based on the speed or any other  
20 parameter or --

21 A. I really don't know what -- why I made, why I made that  
22 decision. I just did. I made that decision.

23 Q. You had a bad feeling --

24 A. I just -- yeah, something just didn't seem right to me.

25 Q. -- is that true?

1           A.    I just knew that it was time to do that, one way or  
2 another, and that's the way I was trained.  Every time that --  
3 every training I've had from Union Pacific is, if you get that  
4 feeling, don't wait.

5           Q.    And you obviously did have that feeling.

6           A.    And I had that feeling, so --

7           Q.    And you acted.

8           A.    Yes.  I did what I thought was -- what I needed to do.

9           Q.    Okay.  Thank you, that's all I have.

10           UNIDENTIFIED SPEAKER:  I don't have anything.

11           MR. EARDENSOHN:  I just got a little short ones here.

12           You may have answered this already --

13           MR. FLANIGON:  Say your name, too.

14           BY MR. EARDENSOHN:

15           Q.    Randy Eardensohn, Union Pacific.  And it may have been  
16 asked and I just missed it, but when did you see the BN  
17 locomotives going across the interlocker ahead of you?

18           A.    I don't know if I ever saw the locomotives, to be honest  
19 with you.

20           Q.    Okay.

21           A.    I -- the cars were dark colored and I picked them up  
22 from the reflectors, but I don't know if I ever recall seeing a  
23 locomotive go across.

24           Q.    Do you remember if you plugged the train before or after  
25 you saw the train going across in front?

1 A. I don't recall when exactly.

2 Q. Okay. But you do remember seeing it at some point?

3 A. Yes, at some point I remember seeing what would have to  
4 be the cars, because they were dark colored. I saw the reflectors  
5 in our headlights going by.

6 Q. Okay.

7 A. But I do not recall seeing an engine.

8 Q. Okay. And then, after the accident, when you were in  
9 the cab, was there any smoke in the cab or -- I know that there's  
10 been talk about diesel smell. Was there any smoke present in it?

11 A. I don't recall.

12 Q. Okay, that's all I have, thanks.

13 MR. RANDLE: Rance Randle.

14 BY MR. RANDLE:

15 Q. Jimmy, have you ever -- come up on a restriction,  
16 whether that be a Form A speed restriction or a signal that may  
17 require stopping or restricted speed, have you ever gotten nervous  
18 as to whether or not the train was going to stop or be operating  
19 at the prescribed speed for the given restriction?

20 A. When I first hired out, you know, I didn't know a lot  
21 about trains so a few things did make me nervous at the beginning.  
22 But, you know, like I said, I've been out here 4½ years now. I  
23 didn't really -- we have a lot of -- there's a lot of things that  
24 play out, but I can't never remember anytime recently ever being  
25 nervous about a train not stopping or not doing what it needed to

1 do. I can't recall any.

2 Q. Okay. When that did happen, what was your -- how would  
3 you handle that situation?

4 A. What situation?

5 Q. I mean, when you would -- when you -- back when you  
6 first hired out and you would get nervous, how would -- what would  
7 your response to that nervousness be?

8 A. Usually, I'd just ask the engineer if he had it, you  
9 know, that was the most of the time when I was new. There was  
10 three of us on there because I was being trained, you know, so --  
11 and a lot of times it was a joke, because they'd say, "Are you a  
12 little nervous? You know, I see you pushing down on the seat." I  
13 had never been around a locomotive before or engines before so it  
14 was an adjustment for me.

15 Q. Right.

16 A. So, you know, the first few times I did get a little  
17 nervous when we would stop because there's a lot to stopping a  
18 train. It's not just like a car, you just push on the brake and  
19 you're done, you know? So -- but most the time, I just would ask  
20 the engineer, you know.

21 Q. Were they normally pretty receptive to that?

22 A. Yeah, you know, it's just like any other place, you  
23 know, they would laugh, but they'd always say, you're okay, you  
24 know, we -- I got ahold of them, it's all right, you know, it  
25 always has been. I've never had a problem.

1 Q. Right. Okay. Thank you.

2 UNIDENTIFIED SPEAKER: He answered my questions.

3 BY MR. FLANIGON:

4 Q. Okay. My same two questions I almost always ask. The  
5 first one, if you're in my shoes, is there some question you'd ask  
6 that I didn't or none of us did?

7 A. No, I don't think so.

8 Q. And the very last is, you know, having been through  
9 this, is there anything you can think of that could be done to  
10 prevent this kind of accident from happening?

11 A. A little more space in between the interlocker and the  
12 absolute signal at the end of the -- of what would be the siding  
13 or the main line there. I don't know, maybe clear the brush back  
14 where you could see a little better. You know, that's about all I  
15 could really think of that would be of any kind of a hindrance.

16 Q. If you'd had a speedometer in front of you that was  
17 operating reasonably accurate, would that have changed the  
18 equation if -- for you?

19 A. I couldn't honestly answer that question.

20 Q. Okay. Okay.

21 MR. DUMEY: Mike, I've got one more follow-up.

22 MR. FLANIGON: Okay.

23 BY MR. DUMEY:

24 Q. You've mentioned this brush twice. Has it been  
25 reported, I mean, that it's affecting the view of the signal?



1           A.    I don't know.  They've trimmed it a few times, so it  
2 kind of grows and comes back.  I don't know if it has been or not.

3           Q.    Which signal are you talking about it blocking?

4           A.    D-130, at the south end when you -- because, you know,  
5 you have to come around that sweeping corner.  And once you pass  
6 129, so the -- it curves to the right when you're going south, and  
7 the brush is all along the inside of that right-hand so that you  
8 can't see the south end of the siding because the trees are there  
9 along that -- there's a farmer's field there and, you know,  
10 there's some houses and stuff that are down, farther down in the  
11 brush line, along the -- let's see, going south, that'd be the  
12 west side, you know.  There's that so there's no -- until you get  
13 around that corner, you can't see that signal.

14          Q.    So until you get around it, about how far are we  
15 talking?  A half a mile, three-quarters or --

16          A.    It's probably three-quarters, maybe a half.  It's  
17 somewhere in between there.  It's not -- and it may be --

18          Q.    You can get up there pretty close?

19          A.    Yeah.  And like I said, the 131 and the interlocker  
20 signal, they're right on top of each other.

21          Q.    Is that D -- or that, I guess it'd be D-131, the south  
22 siding signal that protects that crossover, does it block that  
23 interlocking signal at all, like right behind each other?

24          A.    I don't recall.  I know they're right there, but I don't  
25 know if one is -- I believe that the 131 is taller than the other

1 one --

2 Q. Okay.

3 A. -- but I'm not for sure.

4 MR. BERRY: I had one quick question. Joe Berry, FRA.

5 BY MR. BERRY:

6 Q. The speed indicator on the conductor side, was it not  
7 working at initial terminal?

8 A. Yes.

9 Q. So it was not working the whole time?

10 A. Yes.

11 Q. That's all. Thanks.

12 MR. FLANIGON: Okay. Before I turn this off, I just  
13 want to thank you for taking all this time to help us better  
14 understand what happened, and I'll turn this off, unless there's  
15 anything you want to add?

16 MR. HAWKINS: No.

17 MR. FLANIGON: Okay. I'm going to turn --

18 (Whereupon, the interview was concluded.)

19

20

21

22

23

24

25

CERTIFICATE

This is to certify that the attached proceeding before the

NATIONAL TRANSPORTATION SAFETY BOARD

IN THE MATTER OF:           UP and BNSF TRAIN COLLISION  
                                  MAY 25, 2013  
                                  NEAR CHAFFEE, MISSOURI  
                                  Interview of James Hawkins

DOCKET NUMBER:           DCA-13-MR-004

PLACE:                      Missouri

DATE:                        May 27, 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.

---

Valerie R. Baxter  
Transcriber

## **ATTACHMENTS**

Conductor's Log

MAY-28-2013 18:19

DRURY LODGE

P.01/01

UNION PACIFIC RAILROAD  
CONDUCTOR REPORT

This report must be completed by the Conductor of road freight trains on each trip or tour of duty. Conductors must keep reports in their possession of the last 5 round trips, which must be presented to managers upon request. Report all signals more restrictive than Clear (abbreviations may be used). Report all Train Defect Detector (TDD) announcements. Report other train delays.

Subdivision: 46, 47, 60 Train/Job ID: 2ASMAR 25

Conductor: [Redacted] Engineer: Doc Blanchard

05/24/13  
Departure Date/Time: 22:10 Arrival Date/Time:  
60 Cars 0 Mins 60-cars 4782-7 5990-F1

Location	Signal Name or TDD Announcement	Time	Comments & Other Delays
257.1	T00	0238	XNO 252
268.7	AA	0240	X 28 MPH
272.1	AP	0247	X 34 MPH
C1274	DA	0250	Z 25 MPH
C1275	DA	0251	Speed 35"
280.8	T00	0254	XNO 252
297.8	T00	0009	XNO 252
298.5	AA	0009	X 25 MPH
305.4	T00	0026	XNO 252
321.1	T00	0046	XNO 252
329.9	T00	0101	XNO 252
C1937	AA	0117	X 27 MPH
C1978	AP	0120	X 10 MPH
92.7	T00	0125	XNO 252
104.7	T00	0156	XNO 252
112.0	T00	0208	XNO 252
119.1	T00	0213	XNO
C10122	AA	0220	X 20 MPH
123.7	T00	0221	XNO
127.3	AA	0225	X 40 MPH
128.0	T00	0225	XNO 252
C10129	A	0227	Z 20 MPH
C10131	R		

Conductor Signature: \_\_\_\_\_

JPEG File: P5250501



JPEG File: P5250552



Free State Reporting, Inc.  
(410) 974-0947