

UNITED STATES OF AMERICA

NATIONAL TRANSPORTATION SAFETY BOARD

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Investigation of:

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MAINTENANCE-OF-WAY EMPLOYEE
FATALITY, BNSF RAILWAY, MIDWAY
SUBDIVISION, MINNEAPOLIS,
MINNESOTA ON MAY 25, 2015

Docket No.: DCA-15-FR-011

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Interview of: RYAN WONOLA

Holiday Inn Downtown
St. Paul, Minnesota

Thursday,
May 28, 2015

The above-captioned matter convened, pursuant to notice.

BEFORE: RICHARD HIPSKIND
Investigator-in-Charge

APPEARANCES:

RICHARD HIPSKIND, Investigator-in-Charge
Chairman, Track and Engineering Group
National Transportation Safety Board

JAMES SOUTHWORTH, Railroad Accident Investigator
National Transportation Safety Board

STEPHEN JENNER, Ph.D., Human Performance Investigator
National Transportation Safety Board

DALE JOHNSON, Safety Inspector-Track Division
Federal Railroad Administration

GEORGE LOVELAND, Vice General Chairman
Brotherhood of Maintenance of Way Employee Division

THOMAS JULIK, Safety Inspector-Track Division
Federal Railroad Administration

KEVIN WILDE, General Director-System Safety
BNSF Railway

JOHN SMULLEN, Safety Inspector-Operating Practices
Federal Railroad Administration
(Observer)

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I N T E R V I E W

1
2 MR. HIPSKIND: Good morning, everybody. My name is
3 Richard Hipskind, and I am the Investigator-in-charge and Track
4 and Engineering Group chairman for NTSB for this accident.

5 We are here today on May 28, 2015, at the Holiday Inn
6 Downtown in St. Paul, Minnesota, to conduct an interview with
7 Mr. Ryan Wonola, who works for the BNSF Railroad, or BNSF.

8 This interview is in conjunction with NTSB's
9 investigation of a maintenance-of-way employee fatality on BNSF's
10 Midway Subdivision in Minneapolis, Minnesota near Minneapolis
11 Junction on May 25, 2015. The NTSB accident reference number is
12 DCA-15-FR-011.

13 Before we begin our interview and questions, let's go
14 around the table and introduce ourselves. Please spell your last
15 name and please identify who you are representing and your title.
16 I would remind everybody to speak clearly and loudly enough so we
17 can get an accurate recording. I'll lead off and then pass off to
18 my right.

19 Again, my name is Richard Hipskind. The spelling of my
20 last name is H-i-p-s-k-i-n-d. I am a railroad accident
21 investigator and investigator-in-charge and Track and Engineering
22 Group chairman for this accident.

23 DR. JENNER: Good morning. I'm Stephen Jenner, J-e-n-n-
24 e-r. I'm a human performance investigator with the NTSB.

25 MR. JOHNSON: Good morning. My name is Dale Johnson, J-

1 o-h-n-s-o-n, and I am a track safety specialist with FRA.

2 MR. SOUTHWORTH: Good morning. My name is Jim
3 Southworth, S-o-u-t-h-w-o-r-t-h. I'm a railroad accident
4 investigator for the NTSB out of Washington, D.C., and I'm looking
5 at ops and mechanical and system (indiscernible).

6 MR. LOVELAND: Good morning. My name is George
7 Loveland, L-o-v-e-l-a-n-d, Brotherhood of Maintenance of Way
8 Employees Division, vice general chairman.

9 MR. JULIK: Good morning. My name is Thomas Julik with
10 FRA. I'm a safety inspector in the track discipline. Last name
11 is spelled J-u-l-i-k.

12 MR. SMULLEN: I'm John Smullen with the Federal Railroad
13 Administration, spelled S-m-u-l-l-e-n. I'm an operating practices
14 safety inspector. I'm here posted as an observer actually.

15 MR. WILDE: Kevin Wilde, W-i-l-d-e, BNSF Railway,
16 general director system safety.

17 MR. HIPSKIND: And, Mr. Wonola, would you please
18 introduce yourself for the record?

19 MR. WONOLA: Hi, you all. I'm Ryan Wonola, W-o-n-o-l-a.
20 I work for BNSF Railway as the roadmaster CG08, construction gang.

21 MR. HIPSKIND: And, Mr. Wonola, do you mind if we
22 proceed on a first-name basis?

23 MR. WONOLA: No.

24 MR. HIPSKIND: Okay. Thank you, Ryan. I've got a
25 couple of questions to ask you. First of all, do you wish to have

1 a representative with you in our interview process?

2 MR. WONOLA: No, I'm fine.

3 MR. HIPSKIND: You're fine, okay. And do we have your
4 permission to record our interview discussion with you today?

5 MR. WONOLA: Yes, you have my permission.

6 INTERVIEW OF RYAN WONOLA

7 BY MR. HIPSKIND:

8 Q. All right. Thank you very much. Ryan, why don't you
9 take us through kind of just talk for a little bit about when you
10 hired into the railroad industry, who you worked for and the
11 progression of maybe some of the job titles you've held, and kind
12 of bring us up to your present day position.

13 A. I was hired on last year in March as an EFLS and --

14 Q. And EFLS is what?

15 A. It's an experienced front-line supervisor. So I had
16 management background in construction and architecture. So I kind
17 of came on that direction as well as a degree, and then Nebraska
18 East under Eddie Sandoval was my direct report, my division
19 engineer, kind of mentored me through there. From there, he
20 offered me a system roadmaster job for Nebraska East, in the
21 division there. I supported and helped out the local roadmasters
22 in the area as well as the division. It was about 3 months ago, I
23 received the offer to become roadmaster of CG08 and I reported to
24 them down on a project in Alba, Oklahoma, and proceeded to Aurora,
25 Nebraska and now my gang is up here in Minneapolis working on the

1 project up here.

2 Q. Okay. How are things going for you and do you feel
3 comfortable doing the things that you're doing?

4 A. Yes, things are going really good. I mean, I'm really
5 proud of my gang and who these individuals are and what their
6 capabilities are. You know, it's been a rough couple of days but
7 up until then, I mean really we were looking forward to seeing
8 what we could do this year, and they're a really good group of
9 guys.

10 Q. Okay. Tell me a little bit about your duties and
11 responsibilities and what the construction side of BNSF track and
12 engineering is all about.

13 A. My gang is more of a heavy construction. So we deal
14 with large turnouts, switches and stuff. Basically new
15 construction items. My duties is basically, number one is their
16 safety, make sure they're safe on the daily task and overall just
17 get home to a family is my number one priority. I plan,
18 coordinate with the local divisions, of course, my upper
19 management on what needs to get done, the process that needs to
20 get done. I work with operations on when our windows come and,
21 you know, I've just got my basic requirements I need to do for a
22 day, ordering things, you know, what those guys need on a day-to-
23 day basis. It could be anything from tools to safety items. I
24 order all that stuff. Basically oversee anything they do need.

25 Q. Okay, Ryan. Thank you. Is it fair to say that if I'm a

1 construction gang employee, I could get moved about and we could
2 go from here, there and almost anywhere on the system?

3 A. Yes. My gang, how they kind of work, they base it off,
4 division gang, you know, the divisions and I think we were 700.
5 We have a couple districts basically. My gang has certain
6 districts where we're allowed to work. So anywhere in the system,
7 wherever those districts are, we pretty much go work at. So a lot
8 of my gentleman are 400 which is Nebraska area. I think we have
9 700 and 200 districts but I'm not 100 percent sure, but I'm pretty
10 sure those are where our districts are. So I can work anywhere in
11 the system on projects in those areas.

12 Q. Okay. The reference to 700, 400, that just means --
13 that's just identifying a broader geographic area?

14 A. Basically, yeah. Basically.

15 Q. Okay. All right. Understood.

16 A. I don't know the districts by heart on what states and
17 what cities and stuff like that but --

18 Q. Okay.

19 A. But when you go to a particular area, like the Twin
20 Cities area, Minnesota or Minneapolis, Minnesota, is it fair to
21 say that you've got enough work. You're going to be there a while
22 or --

23 A. Yes. Depending on the scope of work, it usually tends
24 to be a little longer period of time. We are scheduled to be up
25 here through August. We have 25 number 11s to put in, like 4 20s.

1 I think overall we've got 32 switches to put in. So I mean it's
2 quite a bit of work throughout the summer up through August.

3 Q. Okay. And is it fair to say that the employees that you
4 have under your supervision, they can come from all over the
5 system, I mean different cities, different states, faraway as well
6 as close by, right?

7 A. If an employee, yes, but through those districts, my
8 gangs I'm accustomed to. So those guys in 400, they could work on
9 my gangs, like pretty much anywhere they could come from.

10 Q. Okay. And we just completed an interview with what I
11 would call one of your counterparts, Jeremy, who is a local
12 division roadmaster. So how about, we'll just sit back and
13 listen, but how about you talk about your world and the work you
14 do and how you reach out and communicate, coordinate with the
15 local personnel, okay.

16 A. Local personnel?

17 Q. Sure.

18 A. All right. Well, my last project it was easy because I
19 was from Nebraska Division. I knew all those individuals already.
20 So that transition was easy. Once I came up here, I arrived
21 actually last Monday, as I was finishing up the project down in
22 Urbana and I arrived last Monday. Basically they give us a
23 playbook of everybody to reach out to. So, you know, I spoke with
24 the divisions.

25 This project, we had -- Bruce was roadmaster for

1 particularly Minnesota. He was in charge of the project. So he's
2 already had those contacts and relationships with them. He was
3 just getting me up to speed on everybody.

4 Then I reach out to them, you know, I start calling the
5 operations side, get familiar with, you know, our windows. I'm
6 starting to plan stuff, who to contact. So basically this past
7 week when I was up here, I was reaching out towards -- just
8 getting to know them, getting to know the area, who I need to
9 contact to get certain things done, you know, a lot of that
10 information came from Bruce. He's been up here since the
11 beginning of the project. So that's kind of how I start each
12 project in a different area once I arrive.

13 Q. Okay. And just because I don't know, Bruce, does he
14 have a last name?

15 A. Bruce Criswell. Sorry about that.

16 Q. Bruce Criswell. Does he work for you? Do you work for
17 him?

18 A. I technically work for him. He's a roadmaster because
19 what we do, I have a gang, but then we have roadmasters for like
20 -- a Minneapolis roadmaster. So he's in charge of pretty much the
21 construction up here. So he'll be working here in the midway sub
22 and the staple sub. So he basically oversees those projects, you
23 know, we have a roadmaster and like I think John, my last one,
24 he's more out of Chicago. So he does the stuff there and then he
25 was doing the project on Urbana. I work kind of directly with

1 them. They usually have ADMP, the -- whatever, it depends which
2 project's which they report to. Because we have ADMP here as
3 well, Josh Fluke (ph.). So I report to him.

4 Q. And ADMP stands for?

5 A. Assistant director of maintenance production, I believe.

6 Q. Okay. In our investigation, I think at least what I
7 have come to know is when a construction gang comes into an area,
8 they're there for a reason.

9 A. Um-hum.

10 Q. And as you mentioned, a lot of work to do, like 32
11 switches.

12 A. Yeah.

13 Q. I'm sure there are all other kinds of assignments, too,
14 handling materials, lots of things.

15 A. Oh, yeah.

16 Q. And you end up supporting things of the local people who
17 end up supporting you. But my takeaway is because there's a lot
18 of work, often there is an ample amount of work to get done on the
19 weekend. Is it fair to say that?

20 A. It's fair to say that.

21 Q. You have to speak up.

22 A. It's fair to say that, yeah. It's fair to say that.

23 Q. And so take me through -- I know you plan out the work
24 and I know you recognize when things need to be done on the
25 weekends, stay on schedule all those kinds of things.

1 A. Right.

2 Q. So tell me how you go about planning the work and then
3 making sure you've got people to do the work if it's going to
4 occur on the weekend or whatever. How do you do that?

5 A. Most of all, we try -- for the most part, we try to have
6 everything done during the week, but it's almost -- but sometimes
7 we need stuff done on the weekend. Usually my expectation is to
8 have a foreman, at least one of my foremen to stay and work which
9 they're all well qualified and it's, you know. Then pretty much
10 offer, you know, basically I let them know what needs to get done,
11 take some volunteers. I don't, I don't usually -- I won't do
12 really extensive, any large projects. It'll be your standard
13 every day stuff that's a repetitive thing that they do on a day-
14 to-day basis. It won't be like putting a switch in on the weekend
15 or anything like that. It would be more your -- like we were
16 basically this past weekend -- should I talk about it?

17 Q. Sure. Sure.

18 A. It was basically just help out, like the FRA came
19 through and did a huge audit. So, you know, I asked if anybody
20 wanted to stay back there. We had a big span of switch installs
21 to do Wednesday which, you know, we basically all this past week
22 on some installs. So we had to take a switch and bring it down
23 there and prep it. So, just, you know, some minor stuff of the
24 construction gang. It's a repetitive thing they do on a day-to-
25 day basis.

1 A lot of times the guys, they don't go home on weekends,
2 you know. A lot of the guys, it might be too far to travel, stuff
3 like that. So they stay and they'll come ask me if they want --
4 if there's some work and you kind of work with them on staying at
5 the hotel all weekend long, you know, because like I said, there's
6 always something to do.

7 Q. Okay. In terms of -- let's talk about the communication
8 side of it. If you know you've got projects or tasks to be done
9 on a weekend, a holiday, whatever, how do you ensure that you've
10 got the right number of people, volunteers or whatever, what is
11 that part? I mean do you go out and stand in front of a gang and
12 ask for volunteers? Do you do it over a phone? I mean take me
13 into that detail of it.

14 A. I mean detail, like this instance, this is the most
15 recent or --

16 Q. Yes, let's talk about that. Let me just --

17 A. Yeah.

18 Q. -- let me take a second and as a question. CG08 is the
19 gang that work for you.

20 A. Yes, that's right.

21 Q. And the five people that were involved in the incident,
22 they work for you?

23 A. That's right.

24 Q. And what we're trying to do is get your perspective for
25 our understanding --

1 A. Yeah.

2 Q. -- how did they come -- how did those five come to be
3 chosen and how did they come to be out there for whatever they
4 did, Saturday, Sunday, Monday, okay.

5 A. Those gentlemen were basically chosen. It was
6 Wednesday. We had a morning briefing. Our morning briefings, we
7 go and extend on the daily tasks, what's coming up, exposures
8 we're about to have for those tasks for that day. We go into
9 detail the whole entire base plan.

10 In this instance, we knew FRA -- we were informed FRA
11 was here and the division might need assistance. So we -- from
12 there, because usually about Wednesday, we're starting to look
13 for, you know, who's staying for the weekend because we've got to
14 get hotels and stuff and sign up for them. So they openly ask,
15 you know, start off with that. So then we ask, well, this is kind
16 of what stuff we've got going on, you know, anybody that's staying
17 back, you know, you're more than welcome to.

18 Then from there it was kind of, as the week progressed,
19 those individuals, those five individuals volunteered to stay.
20 Friday came around and our window on Friday, you know, some stuff
21 got delayed, delayed. So we weren't able to finish it up on
22 Friday and at a reasonable time, you know, everybody, we're
23 putting some long hours in. So I was like, all right, let's go
24 home. Tyrell was there and, you know, we briefed about it. He
25 goes we can finish this up on, tomorrow, since, you know, we are

1 coming in anyway. So we talked, all right, said, you know, even
2 my -- he's my foreman. He's the one I go to and I basically line
3 and plan everything out with him.

4 My belief is you can't have one person just plan
5 everything. I really -- I stress to my guys, talk to me. Let me
6 know what you need, we basically brainstorm everything we do and
7 we come up with the best plan that way. That's kind of how I keep
8 open dialogue with them on planning each aspect. So we talked
9 about it. Since we had a couple of guys, you know, we had four
10 guys staying, you put this crossing in.

11 I had a servicing set that was arriving from Urbana
12 coming up here. So I needed somebody there to basically oversee
13 that because we had to unload it with cranes, and I needed
14 somebody, a BNSF representative there to, a maintenance-of-way
15 employee or anybody, basically the contractor logistics, if they
16 damaged the machine as they were unloading it. So I needed some
17 people there on Saturday for that.

18 There was just some minor stuff. Again Tyrell and I
19 ended the conversation, you know, I told him, you know, it's a
20 holiday week. I do not want you working Monday. That's kind of
21 how we left off the conversation. I do not working on Monday.
22 These items, you know, I don't want you to work long hours.
23 That's why they give them a lot to do, some odds and ends stuff.
24 That's kind of how we left on Friday on what the plans for this
25 past weekend were.

1 But overall, the answer to your question was usually on
2 a weekend, we have work to do, we do ask for volunteers, and we
3 make sure -- we talk as a group is how many people we're going to
4 need for this, and we talk as a gang on each aspect on that. It's
5 not one of those things where we're like, we've only got two guys,
6 all right. I'm going to have you put a switch in even though we
7 need 10 guys for it. We always ask on everything we need. We
8 always -- I keep it open. I'm like, all right, how many guys will
9 I need to do this, how, you know, how many guys would you like,
10 who wants to work then, is kind of usually how that works.

11 Q. Okay. And speaking about this past weekend, Saturday,
12 Sunday, Monday.

13 A. Yeah.

14 Q. You and Tyrell definitely talked about what you wanted
15 him to do for Saturday?

16 A. Yes.

17 Q. Did you say yes?

18 A. Yes, yes.

19 Q. Okay. And for Sunday.

20 A. Yes, that's correct.

21 Q. Now did you talk about it in terms of specific tasks
22 like on Saturday you're going to go over here, you're going to be
23 with this gang and you're going to put that cement crossing in on
24 the UP track?

25 A. I did not schedule every detail out. Basically I line

1 them up what he needs to be done which we discuss, we need to do
2 this, this and this which was basically the FRA defects which was
3 brought up on Wednesday when we originally had people but then we
4 had servicing set come in. We talked about, make sure they're
5 there for that, basically start prepping for our upcoming week,
6 just to get us ready for it so we're not putting long hours in
7 that next week, just odds and ends.

8 Q. Well --

9 A. I don't, I don't schedule from, all right, I want you
10 here at 8:00. I want you here at 10:00. I mean I don't schedule
11 that detail if that's what you're asking.

12 Q. Well, yeah, but help me out. How big of a list or what
13 was on the list that you and Mr. Anderson talked about? Was it
14 one thing, two things? How many things was it?

15 A. FRA defects, and that is -- and I told him, you know,
16 they know if we don't get to to it, you know, it is, you know, it
17 is what it is. Basically our talk was the main thing was the
18 servicing set. Well, FRA defects, they have a lot of predictions,
19 that all came up Wednesday originally. We talked, discussed that,
20 but you don't get to it because, you know, you have other things
21 to do, you know, you don't get to it. There's always the next
22 day. The servicing set, FRA, the crossing panels, finish up that
23 project we had on Friday. What else? And just start prepping for
24 the next week. So I guess it would be four items that we had
25 talked about.

1 Q. Okay. Let me tell you what I know and let's see how it
2 fits in with what you thought was going to happen. You mentioned
3 something about FRA --

4 A. Um-hum.

5 Q. -- and I just want to be clear. Was this a series of
6 FRA items that was already existing that people had identified
7 that need to be corrected?

8 A. Honestly, I was informed -- because we told them, if
9 needed basically. I was informed the FRA was coming and auditing
10 basically the yards in Minnesota. That's what we were informed,
11 and since we're there, you know, we told them we support you guys
12 if need be. I don't know how many FRA defects came out of the
13 thing. I don't know any of that information. I was just
14 informed, you know, as I -- all right. This might come up. They
15 -- we were told there was an audit. They went through the yards.
16 I was told previous the times they've done it, they came out with
17 a lot of defects, and FRA, you usually have your 30 days to, you
18 know, correct things or whatever. So, you know, we -- it's kind
19 of how we went from there. I don't know how many items were on
20 that list for FRA. I never seen it.

21 Q. Okay. But I guess the context here is FRA had been
22 somewhere locally.

23 A. Yeah, locally, yeah, that's correct.

24 Q. And as one of your tasks and items that you talked to
25 Mr. Anderson about was you may end up having to go over to address

1 some of those. Is that fair to say?

2 A. That's fair to say.

3 Q. Okay. Yeah, because some of -- I just want to deskull
4 (ph.) the idea, and maybe it's true, that you were doing some work
5 on the weekend to stay current with the deadlines on projects --

6 A. Yeah.

7 Q. -- knowing that in the coming week --

8 A. Yeah.

9 Q. -- the week that we're in now --

10 A. Yeah, this is the week now.

11 Q. -- that you may have to go over and support division
12 people to address FRA type issues. So I just want to understand
13 if some of what you were doing was in anticipation of this week
14 that we're in now or if it was dealing with they've already been
15 here?

16 A. I don't see it because, you know, our main goal was, you
17 know, is our project. So if we didn't get to go help with FRA,
18 whatever, a lot of it was, you know, you know, those guys ask
19 every week, you know, you know, especially if they're system
20 gangs. They're a rare breed. I mean they're a close group of
21 guys. They love the railroad. They love railroading. They like
22 to be out there and they love what they're doing. I mean they
23 travel. They don't go home much. They choose not to go home
24 because they want to work. So that's why we told them, you know,
25 this, you know, if you guys wanted work, this is an option

1 basically. That's what the FRA part was. This is an option for
2 you guys to stay and work but most importantly is we do -- we had
3 our stuff. So this week, we weren't planning on doing any. It
4 was our tasks. It wasn't -- we weren't pressured to do the FRA
5 things. It was, you know, our tasks came first, you know. It
6 wasn't pressure this whole week to do the FRA, if that's what
7 you're asking.

8 Q. Okay. No, it wasn't a matter of pressure. It was -- in
9 my mind, it was a matter of time. Was it to address things that
10 were already identified or was it in anticipation of, in the
11 coming week, after the holiday weekend we would need to be
12 diverted. I just wanted to get clear on that.

13 A. Oh, no, I don't think. I wasn't my perspective that we
14 were going to have to get diverted to FRA defects.

15 Q. Okay.

16 A. I -- it was just, you know, the weekend and guys wanted
17 to stay, you know, these are some tasks that I can't get done.

18 Q. Okay. I don't want to dwell on it much longer.

19 A. Okay.

20 Q. But we heard something about that part of what they did
21 on Saturday had to do with maybe a crossing, a cement crossing.

22 A. Over in Saint Anthony, yeah.

23 Q. Saint Anthony, and does that involve a UP track?

24 A. Yes, we have -- over there what we did last week, we put
25 a new switch in, on the UP track. So we put the switch in and

1 then on Friday we had to put a turnout in and tie it to the
2 Minnesota Commercial So the work was to put the switch in on the
3 UP track. We basically put that back in service Thursday night,
4 and Friday's task was to tie the Minnesota Commercial into that
5 turnout. So it was kind of limited -- an extra switch that was on
6 the mainline originally. It was just one of the stages of this
7 long work project we have.

8 Q. Okay. Ryan, does it make sense to you that the follow
9 on to Friday's work would naturally have been Saturday to go and
10 address the crossing and all that kind of stuff?

11 A. Originally it was Friday's work plan. It basically was
12 just to tie it in and do the -- put the crossing in, basic tie in
13 to Minnesota Commercial and basically cut out the Minnesota
14 Commercial's project, put a panel in and line up their track into
15 that turnout and then put the crossing in. It should have been
16 about a four or five hour project, since that came up with, you
17 know, the operation side and the delay delayed, then servicing
18 set, you know, it took a while for them to get permission to get
19 over there. So we're like, all right, instead of rushing and
20 working late and, you know, long hours on Friday, you know, that's
21 why we're like, you know, at least those guys, finding guys to
22 stay, Tyrell's we need to put this in Saturday. I'm like, all
23 right. Let's do that instead of working long hours --

24 Q. Okay.

25 A. That's why we ended up doing the crossing on Saturday.

1 Q. Okay. But you're okay that on Saturday they were up
2 there installing the crossing on UP.

3 A. Yeah --

4 Q. In other words, they were in the right place doing the
5 right thing --

6 A. Yeah, that is 100 percent correct --

7 Q. -- (indiscernible) or less, right.

8 A. Yeah, (indiscernible).

9 Q. Okay. All right. And I take it they were probably
10 there pretty much most of the day.

11 A. Yeah, they started prepping a little bit, doing the
12 crossing. They said that the crossing took a lot longer than
13 anticipated just due to the servicing set. We're using a local
14 servicing set because my operators for mine had just arrived that
15 day. You know, they had travel days. So they weren't up there
16 yet. So the local servicing set took a while. It look longer
17 than anticipated I guess is evident.

18 Q. Okay. Is it fair to say --

19 A. They were in the right spot.

20 Q. -- that's the thing that was Saturday --

21 A. Yeah.

22 Q. -- that was on the list --

23 A. That's correct.

24 Q. -- but now watch this. But they really didn't have time
25 to get to anything else on the list, right?

1 A. I don't know what else they got done that day.

2 Q. Okay. All right.

3 A. I didn't talk to them in the evening. I didn't call
4 them that evening. I talked to them the day when the stuff has
5 arrived. I was informed that it's taking a lot longer
6 (indiscernible) out there.

7 Q. What's your best guess on what did they do Sunday --

8 A. Sunday --

9 Q. -- I mean if they followed the list that you guys talked
10 about.

11 A. Sunday, I was informed that the signal, we had a dirt
12 pile that needed to get moved. They spent a lot of time doing
13 that. That's what I was informed that they done on Sunday. And
14 Tyrell knows the whole plan and, you know, what needs to get done.
15 So I mean --

16 Q. Was the addressing the assistance to the signal
17 department on the list and so be in there and doing that Sunday?

18 A. It wasn't, it wasn't on my list. That's, you know, the
19 part of nature of our job is things come up and we adapt to them.
20 We -- when things change, our expectation is to re-brief and re-
21 discuss what's going on and go from there. So, you know, it
22 happens every day in our job and our daily tasks that we're to do,
23 things do change.

24 Q. Okay. I've been listening. I'm going to do some math
25 with you. When you and Mr. Anderson talked on Friday --

1 A. Um-hum.

2 Q. -- you talked about a list of things to do.

3 A. Yeah.

4 Q. So several things to do, right?

5 A. Yeah, that's correct.

6 Q. Okay. Now let's look at Saturday and let's look at
7 Sunday, okay.

8 A. Yeah.

9 Q. Saturday he got an item off the list done.

10 A. Yeah.

11 Q. Do we agree on that?

12 A. We agree on that.

13 Q. Okay. And --

14 A. A couple of things, the servicing set arrived and the
15 crossing.

16 Q. Okay. All right. And then on Sunday because this other
17 thing came up, I'm guessing he didn't get any additional items on
18 the list done. Fair to say?

19 A. That's fair to say.

20 Q. Okay. So --

21 A. But I mean this list is not a, you know, this is stuff
22 that eventually needs to get done but here are some items to keep
23 you busy. This is not me directly saying do this, do that. This
24 is basically to keep you busy, you know. That's basically what it
25 is.

1 Q. Okay. Right. Well, did Tyrell ever talk to you about
2 the arrival of the flat cars and the track panels?

3 A. No, no, nobody ever spoke to me. Last week, we were
4 looking for some switches to actually come in.

5 Q. Switches to come in --

6 A. To perform --

7 Q. Was that those --

8 A. Yeah, the panels stacked up and those are the number 20
9 switches. We were looking for those and there was open
10 discussion. I mean we're like, you know, we don't know when
11 they're going to come in. They could come in soon. I personally
12 never knew those panels they were unloading, that they had
13 unloaded or attempted to unload on Monday, I had no knowledge
14 those were there.

15 Q. How do you usually become aware of something like that?

16 A. A lot of stuff, I mean -- Bruce, the -- he's the
17 roadmaster, he does all the ordering, all the material on this
18 line, stuff like that. Normally if I do the ordering and
19 everything, I, you know, I'll receive like an e-mail or something
20 or I start looking it up. I can look up, figure out what consists
21 they are, where they're at, like those switches. Last time I
22 looked, I couldn't tell you what day it was, maybe Thursday Bruce
23 and I looked them up, and they were in Oklahoma or -- and one
24 switch got split up in Kansas City. So mean we didn't know when
25 they were going to come, but we knew they were on their way. But

1 this is stuff we talk about with all, you know, my foremen. I
2 discuss with my foremen all this information. I don't hide -- I
3 don't like to just show up that day and go -- and surprise them.
4 I keep them in the loop on everything I know about that project so
5 they know which helps in the long run plan and eventually be safe,
6 you know, but I knew about the switches but I didn't know anything
7 about those panels that came in with them.

8 Q. Okay.

9 A. I didn't know we were looking for them. We had plenty
10 on the ground. I didn't know we had more coming. I knew switches
11 might be on the way but that's as much as I knew.

12 Q. Okay. When we talked earlier about your conversation
13 with Mr. Anderson on Friday, I thought I heard you say something
14 about finishing a switch, maybe like an assembly of a switch.

15 A. Oh, yeah. Our next project was supposed to be Wednesday
16 this week, and it was supposed to be the right-hand turnout over
17 here, basically same area we have been working on. I told them
18 they could start prepping for it, because he does all of our
19 prepping anyway. He's my foreman. He'd go out there where most
20 guys need construction documents, but his knowledge of the
21 railroad is unbelievable. I learned a lot from him. He'd go out
22 there and build a switch without even having a document with him.
23 So basically planning for that, prepping for it was what his tasks
24 are pretty much for every project we do. And since he was going
25 to be there, I mean that's --

1 Q. Okay. And just because we could be talking about two
2 different switches or two different locations --

3 A. Yeah.

4 Q. -- you're aware of the switch that they went and
5 completed on Monday, right?

6 A. As I was informed, they completed a switch Monday
7 morning.

8 Q. Is that the same switch that you and Mr. Anderson were
9 talking about?

10 A. To be straight up honest with you, I've been caught up
11 with all of this, trying to take care of my guys, I haven't really
12 -- I haven't gone out --

13 Q. Gone out.

14 A. -- to the switch. I haven't gone out and physically
15 looked at that switch. I, you know, I -- what I've been told,
16 it's the one we're supposed to be doing but I haven't gone out
17 there and verified it.

18 Q. Okay.

19 A. Because I've been --

20 Q. All right. Well, I guess what I'm trying to get at, and
21 I don't want to beat around the bush anymore but maybe it's a case
22 where you guys talked about some things that you wanted done and
23 maybe there was some expectations created. And then the thing
24 that happened on Sunday with having to go over unexpectedly and
25 deal with that --

1 A. Yeah.

2 Q. -- maybe he didn't get as far down on the list.

3 A. Tyrell, if you know -- this is, you know, who he is. He
4 is probably the most ambitious man, you know, foreman I've been
5 around, a person, individual. He wants to be, you know, do a
6 great job. It's, you know, we (indiscernible) but he likes, you
7 know, he kind of does the project himself, you know. I go up to
8 him and let's do this, this or this. Let's go get measured.
9 He'll measure these panels. Let's go measure this. He'll put out
10 a piece of paper saying it's already done. He'd have all these
11 measurements. He says I already took care of that, Ryan. That's
12 how good he was at his job.

13 So my planning with him on projects and everything,
14 which I do with my foremen, is all discussion. It's not a demand.
15 It's a discussion of what needs to get done and it's not me
16 directly. They know, they know what needs to get done. I know
17 what needs to get done, but it's all open discussion on it. It's
18 not me directly. We plan as a group on how to get something done.
19 So, if that makes sense.

20 Q. Well, would you have been surprised on Tuesday, and
21 let's say this whole thing didn't happen --

22 A. Yeah.

23 Q. -- on Monday, would you have been surprised on Tuesday
24 if in the presence of Mr. Anderson, he said, well, on Saturday and
25 Sunday, I got this done on your list, I got that done on your

1 list. We had this thing came up, and we took care of that for the
2 signal people and whatnot, and I went ahead and got that switch
3 put together, and I saw two cars of panels, and I got that
4 unloaded, kind of like what you just said.

5 A. Yeah.

6 Q. He whips out the piece of paper and he said got that
7 done, got that done.

8 A. He knows how to railroad. He knows what needs to be get
9 done on the job and stuff like that. So he does take an
10 initiative on a lot of things. So, yes, I would have been
11 surprised because I didn't know about it, because I didn't know
12 whose panels were there. So, yeah, but I would have been --
13 knowing him, I mean because I didn't know about it. So, of
14 course, there they are, you know, nice work, you know.

15 Q. Well, there's a couple of ways to think about that.

16 A. Yeah.

17 Q. You would have been pleasantly surprised --

18 A. Yeah.

19 Q. -- because more work would have got done but you
20 wouldn't necessarily have been surprised --

21 A. With him.

22 Q. -- with him that he had done that, right?

23 A. Yeah, it would be more like, good job because somebody
24 does a good job, you tell them good job, you know.

25 Q. All right. We're coming close to our conversation.

1 It's going to end here in just a minute. Just to be clear, you
2 did not have any other people that worked for you that were out
3 there working Monday.

4 A. Besides those five?

5 Q. Yeah.

6 A. No, because I asked -- I didn't even know they -- I got
7 the phone call and I assumed something happened at the hotel or
8 something like that because I didn't, you know, I asked them not
9 to work on Monday. I said I don't want you guys working. It's a
10 holiday, you know, take it easy this weekend, you know, don't put
11 long hours in. So when I got that call on Monday, I was -- it hit
12 me hard. I was like -- especially because I wasn't expecting it.
13 So that caught me off guard and then something that's, you know.

14 Q. Okay. All right. All right. I appreciate everything
15 that you've added thus far, but I've got some other gentlemen,
16 investigators, let's see what's on their mind.

17 MR. HIPSKIND: Jim, let me jump over to you if I can.
18 Anything?

19 MR. SOUTHWORTH: Ryan, I appreciate the amount of
20 information you've provided. Do you need a break?

21 MR. WONOLA: No, I'm all right. This whole process, I
22 haven't slept much. It's just coming up with something.

23 MR. SOUTHWORTH: Understandable. I don't have any
24 follow ups right now.

25 MR. HIPSKIND: George, anything?

1 MR. LOVELAND: Yes, sir.

2 MR. HIPSKIND: All right.

3 BY MR. LOVELAND:

4 Q. You said that Tyrell knew the switches to be coming. Is
5 that correct?

6 A. Yeah, the --

7 Q. But he didn't know about the panels?

8 A. I don't -- as far as my knowledge, unless somebody else
9 informed him about it. I knew some switches might be coming in.
10 We knew they were going to be coming. We've been anticipating
11 them coming in, just the fact, you know, we have everything else.
12 So I mean we were just looking for those. They were the last
13 things to come in. But I don't think we knew about the panels,
14 but like I said, Tyrell, he's one of those guys who will go out
15 and either drive the site, plan or go over -- or go -- he knows
16 the whole entire scope, and I give him, my foremen, all the
17 documents they need for the whole entire scope of the project. So
18 he -- I'm assuming he probably drove over there and this is just
19 my assumption, is he just drove over and saw them.

20 Q. Tyrell wasn't the type of foreman you've got to tell him
21 every move to make. He --

22 A. Yeah, yeah.

23 Q. -- pull the paper out and say are we going to --

24 A. Exactly, exactly.

25 Q. Did you ever have any problems with him as a foreman?

1 A. I have never had a problem with him. Sometimes I kind
2 of, you know, I tell him I just want (indiscernible), you know,
3 because he, he has confidence in his guys which I have confidence
4 in them as well. I'm like, all right, let's not -- just bring in
5 an extra machine to help. He's like, oh, no, this machine will
6 lift. I'm like, no, bring another on in. So I mean he did take
7 initiative on a lot of things but some stuff I, stuff like that, I
8 had to, like let's just get extra help, you know what I mean.
9 Because his belief was we can do it. We can do it. So --

10 Q. Did you ever take exception to any of the job briefings
11 that Tyrell held?

12 A. For the most part, when I came on board, he had a really
13 good connection with those guys. They, they really -- he has
14 leadership. Those guys will do anything for him. He asks them to
15 jump, they will jump. He built that relationship with the guys.
16 When I came on board, I wasn't going to take that from him. I was
17 going to approve on it, and the one thing, I needed him to improve
18 on was job briefings in the morning. So we did improve on that.

19 So I basically started leading that, and then when our
20 assistant foreman came in, he had some ideas. We started
21 initiating some other stuff to our briefings. We have printouts
22 that we have Brian make now of all our protection and everything
23 like that for the day, from Form Bs to contact information. So we
24 have those printouts that we hand to those guys. We've got a
25 whiteboard. We do all of our whiteboard stuff. The other one,

1 (indiscernible) on the safety briefings, that's one thing I felt
2 needed improved.

3 His leadership out there on getting a job done, I mean
4 because he was well respected. His knowledge was -- his knowledge
5 of the track and how to railroad, I mean it was in his blood, you
6 know, his dad and everybody, you know. So he -- so that was one
7 thing I took upon myself to improve, on the briefings.

8 Q. And just to clarify a little bit, when you got here, you
9 said he had a really good relationship with the people on the
10 gang.

11 A. Yeah.

12 Q. And you seen the briefings needed some work. So you
13 incorporated yourself and the assistant foreman in there --

14 A. Yeah.

15 Q. -- to do more stuff.

16 A. Yeah.

17 Q. Maybe some -- I forget what you said, handouts or --

18 A. Yeah.

19 Q. -- a board or something.

20 A. Handouts, a whiteboard, yeah, something like that.

21 Q. Mostly visuals --

22 A. Yeah, yeah.

23 Q. -- for that. Did you include Tyrell in that?

24 A. Yeah, yeah. Tyrell -- definitely. Tyrell was always
25 involved.

1 Q. What was his involvement?

2 A. His involvement was basically -- I would basically go
3 over safety, and each day, Brian might give parts of it, Tyrell
4 might give parts of it, which we keep the safety briefing part of
5 it open dialogue. We ask them questions or I'm like what are the
6 exposures here? And everybody gets involved with that. What is
7 our protection? It depends. Tyrell might be working on a project
8 right here. Brian might (indiscernible) guys right here. So
9 Tyrell will go over his protection. He usually goes over the game
10 plan for the day because you know, he's -- (indiscernible) his
11 leaders. So he goes (indiscernible). We tell him what our
12 protection is. Then I, usually towards the end, I reinforce what
13 the protection is and, you know, finish off on some more safety
14 stuff. That's usually how our briefings go, but usually for the
15 most part, Brian, Tyrell and myself are usually the main three to
16 go, but when we do go over exposures, it's each information
17 person, you know, people will just, all right, you know, I ask
18 what are the (indiscernible) and people will start, we're moving
19 panels today. So watch (indiscernible) here. Watch the doors.
20 It's a windy day. Doors might shut. So people start --
21 everybody's included on that aspect.

22 Q. Who's Brian, the guy you just mentioned?

23 A. Brian Holt is my assistant foreman.

24 Q. Assistant foreman. Okay. Kind of what I've gathered
25 over the last few days here is that we talked about briefings and

1 stuff, is Tyrell give the nuts and bolts of it.

2 A. Yeah, very much, yeah.

3 Q. And you and maybe they said -- they mentioned his name,
4 but I can't remember the name. That's why I asked.

5 A. Brian Holt.

6 Q. I can't remember what was said but would give the safety
7 aspect of it. Is that accurate?

8 A. For the most part, yeah.

9 Q. For the most part.

10 A. You know, the safety part, you know, Tyrell did go over
11 the more detail of the scope of work that was getting done, and
12 from those scopes, we will branch off on certain things. So, you
13 know, if he has multiple things being planned, we'll sit there and
14 talk, all right, you know, for this task, what are the exposures?
15 Then when you guys come over here, what are the exposures? Then
16 we touch based on, you, you finish off, you know, ask the guys to
17 re-brief. I'm big on stretching. You know, I work out. I
18 stretch all the time. So I tell them to stretch all the time.
19 I'm like, all right, you know, re-brief, before you get out of
20 here if it's, you know, if you've been sitting around too long,
21 re-stretch before you get out there and start doing anything, and
22 so I'm usually kind of -- because we end up with stretching. At
23 the end of our briefing, we finish off with stretching and
24 basically reinforce, re-brief when need be, stretch when need be,
25 and then everybody kind of gets to work I guess you'd say.

1 Q. You've been very helpful. I appreciate.

2 A. No problem.

3 MR. HIPSKIND: Thanks, George. Thomas?

4 MR. JULIK: Okay. Yeah.

5 BY MR. JULIK:

6 Q. How long did you say you worked with Tyrell?

7 A. It's been about three months.

8 Q. About three months. And you said you were finishing up
9 a project down in Nebraska and just showed up here in the Twin
10 Cities on Monday. Is that correct?

11 A. That is correct.

12 Q. Okay. So was Tyrell up here the time before that?

13 A. Yes, Tyrell -- I stayed down in Urbana, finish up that
14 project down there. Tyrell and my machine operators with my heavy
15 equipment -- two loaders and two excavators, came up north here.
16 There was a lot of panels to be unloaded, switches to be moved, a
17 lot of more heavy equipment stuff that needed to get done. So he
18 came up here. Bruce, the roadmaster in charge, basically met with
19 them, lined them up with tasks they needed to get done the week
20 before the rest of my gang came. So Tyrell and those employees,
21 machine operators, basically was getting the site ready for when
22 the rest of my gang came up here. We just basically start
23 connecting panels together, start building the railroad basically.

24 Q. Okay. So at this point, how familiar do you feel that
25 you are with the area where the project is taking place?

1 A. I feel fairly familiar, you know, maybe a couple of
2 names of, you know, what the locals call something differently on
3 certain track. I have all the track names 100 percent down or
4 nearly 100 percent down, but pretty familiar with the jobsite.

5 Q. Okay. So what I guess was the communication like
6 between you and Tyrell as far as any form of on-track safety that
7 might be required for the weekend work? Was that part of your
8 discussions with him?

9 A. I didn't know they were going to be unloading those. I
10 talked to him about make sure you have the right protection which
11 I go over that every day, whatever, you know, whatever you guys
12 got at hand, go over the right protection, make sure these guys
13 are safe, you know, and don't -- I didn't go into detail on
14 everything. Before I came up here, before my gang, before I sent
15 anybody up here, I had a safety meeting because I knew this
16 project was about to happen. So I went over adjacent track rules.
17 I went over -- we ordered more derails to help set up for
18 protection. We ordered more flags trying to get as much prepared
19 to be in these close quarters. So we went over all that stuff and
20 then once we came up here, we do go over every single morning,
21 every single briefing we have, we go over what is our protection
22 on each track and the areas that we are working.

23 This weekend, you know, a lot of it is going to be
24 prepping. They weren't going to be cutting any switches in. But
25 I mean just plain and simple, I just said make sure these guys are

1 protected, you know, look out for one another. That's the
2 conversation we had before we left.

3 Q. Okay. So you told the guys to not work on Monday. Was
4 that something stating that you preferred not to work or was that
5 explicit instructions for to not work on Monday?

6 A. I would say it was more an explicit instruction. I go I
7 don't want you -- my words was I don't want you working on Monday.
8 It's a holiday, and I don't want you guys working long hours is
9 basically my instructions on Monday of the hours basically. This
10 is a direct conversation I had with Tyrell before I left Friday.
11 Usually a lot of stuff I, you know, I bring more information to my
12 foremen because they're the ones who, you know, manage the guys
13 and coordinate the guys. So that's why I just went to him and
14 talked to him which I do with any project, any foremen who is
15 going to be out there, I go to the foremen, we're going to have a
16 talk about each thing, whatever, but in an instance like that, I
17 usually have my foremen and I go over the whole third job and
18 project, like that, and we inform the guys as it comes I guess
19 you'd say.

20 Q. So what would your reaction have been on Tuesday had
21 everything gone as planned and they came in and said, we worked
22 yesterday and got this, this and this done?

23 A. Well, like he said, I mean, you know, originally because
24 when I found out, I was, I was really -- I was like they weren't
25 supposed to be working today. What's going on? So I mean that

1 shocked me there. Since it happened differently, I haven't
2 thought about it. I probably would have, you know, nice work,
3 Tyrell, probably but I didn't want you guys working on Monday. I
4 was like, you know, why did you guys do this? But right now all I
5 can do is assume why he did it, and think of who he is, why he
6 worked. But I probably would have told him, you know, the work
7 they got done, I probably would have said, you know, nice job, all
8 right, where do we need to go from here basically.

9 Q. Okay. Were you on call this past weekend?

10 A. Yeah, I'm technically not on call but I'm always on
11 call. I've got my phone on 24/7. So I keep in touch with the
12 guys. It's not like working in division. You're on call when all
13 the other roadmasters are off. Does that make sense?

14 Q. Um-hum.

15 A. You know, division is, you know, you've got three
16 territories and three different roadmasters, you might be
17 overseeing all those territories, but for me, I'm always on call.
18 Half of these guys report to me. So I'm always on call.

19 Q. Did you notify the local division roadmaster that was on
20 call that weekend that you were going to have employees out there
21 working?

22 A. I did not. I did not. The information from Bruce when
23 he asked us on Wednesday, I think it's more I assumed he spoke to
24 them, to let them know, but I don't know. That's all assumption,
25 but I didn't directly. I just assumed he had already contacted

1 them. That's why we worked, you know, talking about the FRA stuff
2 but that's just me assuming. I don't -- I didn't talk to them
3 directly.

4 Q. Okay. Back to briefings here. Given that you had
5 identified that Tyrell's briefings were not up to your standards
6 or your expectations --

7 A. Um-hum.

8 Q. -- I understand that you took steps to improve the
9 briefings --

10 A. Yeah.

11 Q. -- during the workweek. What steps, if any, were taken
12 to try and improve his briefings on the weekend when he was
13 working?

14 A. Basically where his briefings were weak, is the SE, you
15 know, he went over the protection, the game plan, he went over all
16 that stuff. He's a soft spoken guy. It was basically just
17 demonstrate how he needed to do it, and I -- there's been times I
18 got him, you know, I'm like, all right, Tyrell, you know, we ask
19 him, you know, what else have you got, stuff like that. He went
20 over exposures. He'd go over that but it was more he was soft
21 spoken. He didn't engage the employees. Like he went over the
22 stuff but it wasn't like -- we didn't -- I can't remember what
23 they called -- we had to take a class basically for briefings. I
24 can't remember what the class is. Basically your entire whole
25 gang engaged, instead of just demanding, just one person talking

1 about it, they want everybody to be engaged in it, and that's kind
2 of where the weak part was on his briefings I would say probably.

3 Q. Okay.

4 A. And I he probably didn't go in as thorough either on
5 some stuff but --

6 Q. Was Tyrell required to conduct operations testing?

7 A. No, no.

8 Q. Why not?

9 A. It's everybody's responsibility to be able to -- know
10 what they're doing, but as an exempt officer, he does the
11 operation testing. I engaged my foremen to assist with like --
12 all right, well, one of my expectations to do like (indiscernible)
13 and miscellaneous stuff like that. So I get my foremen involved
14 in helping with that, but operation testing, I think for the most
15 part directly exempt officers are doing it.

16 Q. Okay. I guess given the location where the incident
17 occurred, at the industry track with the flatcars on it, that's
18 the main track. Do you feel that the group would be in compliance
19 with BNSF rules to unload those panels without having main track
20 protection?

21 A. I got out there Monday night, and I couldn't believe
22 they were doing it. They walked me through it and I was informed,
23 you know, farther down there's wider track centers and like that,
24 and I was informed that's where pretty much division and everybody
25 unloads their stuff, but that general location there, I couldn't

1 believe it. So to answer your questions, I don't think they were
2 -- what was your question again?

3 Q. Whether or not you thought they could do that --

4 A. No, no.

5 Q. -- and still be --

6 A. No, I didn't think -- like I couldn't believe they did
7 it. So, no, I do not think they were in compliance with the
8 rules. So --

9 Q. Okay. Thank you.

10 MR. HIPSKIND: Thanks, Thomas. Kevin, do you have
11 anything?

12 MR. WILDE: No, BNSF has no questions.

13 MR. HIPSKIND: Thank you. And Dr. Jenner.

14 DR. JENNER: Just a couple.

15 BY DR. JENNER:

16 Q. You mentioned you had no knowledge that the panels were
17 there at the yard?

18 A. I had no knowledge?

19 Q. Yes.

20 A. Yeah.

21 Q. If you did, would that have affected your decision about
22 which volunteers, which group would have gone out there?

23 A. No, probably not I mean because it was more, you know,
24 generally, you know, I asked who wants to stay and we had plenty
25 of panels on the ground. To me -- well, first, I didn't know they

1 were coming but I didn't think it was 100 percent necessary to get
2 done. I had a feeling why he did it but it's just my opinion on
3 why he did it, because as material does come in, basically you
4 just like to unload it, you know, get it on the ground and release
5 the cars, you know, just be out of our way, and instead we're
6 sitting on cars for weeks on end, you know. I mean so usually
7 when stuff comes in, we usually just, all right, get it unloaded
8 and get it out of here, but I mean I don't -- I probably wouldn't
9 have -- I don't know. I couldn't tell you. I could not tell you.
10 I -- we had plenty of panels all over the place. They're all
11 over. So, you know, I wouldn't have asked for extra volunteers.
12 I won't force somebody to do something. So if someone doesn't
13 want to work, all right, we'll see you on Monday, you know what I
14 mean.

15 Q. Um-hum.

16 A. So --

17 Q. Do you have a pretty good understanding of each gang
18 member's training and experience and capabilities or is that left
19 up to the -- like Tyrell or people in his position?

20 A. I have a pretty good understanding of what each
21 individual is capable of and what we ask from them.

22 Q. Um-hum.

23 A. Of course, Tyrell since he's been with them longer and
24 everything like that and seen them in action a lot longer than I
25 have, I just know from what I've seen and when I stepped in, what

1 they've been asked to do and just being around them because I'm
2 out there all the time with them. So I have a pretty good
3 understanding, a good feeling for what they can do, what they
4 cannot do.

5 Q. Okay. So did you take an exception to the people who
6 were trying to do the tasks on that day? For instance, you had
7 people undoing the chains, climbing material, climbing the panels
8 and you had people operating the front loaders.

9 A. Yeah.

10 Q. Are you okay with --

11 A. Yes, I was okay with those gentlemen doing it. Phil is,
12 of course, our loader operator. That's what he does. Dave is in
13 our group, too. He's on our excavator but I would say he's
14 probably one of our top group II guys we have. A lot of times we
15 do think, we have an inexperienced guy, he will, you know, you'll
16 coach him through I&O, you know, you need to move this way, this
17 way, kind of basically helps, you know, the inexperienced guys.
18 So I do 100 percent feel comfortable with the guys who were out
19 there to do that task.

20 Q. You used the term group II, can you just explain?

21 A. Group II is basically machine operators.

22 Q. Okay.

23 A. So they would be our, you know, loaders, our backhoes,
24 our excavators.

25 Q. Great. That's all I have. Thank you.

1 A. You bet.

2 MR. HIPSKIND: Thanks, Steve. Dale, I know you've been
3 busy but are there any questions on your end?

4 MR. JOHNSON: Yeah, I guess I do.

5 BY MR. JOHNSON:

6 Q. I think somebody, they've been touched on here, but one
7 question I had and it may have been answered already, and I
8 apologize if I'm digging something up that's been answered. How
9 often did you physically sit with your foreman's job briefing?
10 Was it a daily thing or --

11 A. Yeah, daily.

12 Q. I mean physically sat with Tyrell, you know, when he
13 provided the briefing. Did you -- how often? Was that daily?

14 A. Every day, yeah.

15 Q. Okay.

16 A. Because I go, you know, we disperse, you know, just
17 depending on, you know, what day it is what we're doing. I might
18 go over to Brian's. We split up. I might go over to Brian's and
19 with them.

20 Q. Um-hum.

21 A. The next day I might go over to Tyrell's with him. You
22 know, I ask -- after we split up, we have our large group
23 discussion and then a lot of times we're one group together all
24 day long. Sometimes we might split up groups. It just kind of
25 depends what the task is. But I'm pretty much with them every

1 day.

2 Q. And I guess the key question I had, was the job briefing
3 just one at the motel or were they conducted out at the jobsite?

4 A. It would be out at the jobsite.

5 Q. So they weren't at the motel?

6 A. No, not at the motel.

7 Q. Okay.

8 A. We've just been doing them at the motel this week just
9 because of the incident that happened.

10 Q. Yeah.

11 A. But, no, we're always out at the jobsite and we have a
12 whiteboard that we hang on the side of our truck, we fill out with
13 all of the Form Bs, all of our information about protection --

14 Q. Yep.

15 A. -- and, you know, we go over everything. And then from
16 there, we have a large one. If things change, we'll re-brief. I
17 get with my foremen, I debrief with them on, you know, how the day
18 went. So --

19 Q. Okay. And you had stated that the UP crossing there,
20 that they were done. I'm familiar with that location, and that's
21 a control point where that UP crossing is, at Saint Anthony, that
22 you were discussing earlier. The guys installed it on Saturday.

23 A. No, they're 100 percent at that site.

24 Q. Okay.

25 A. 100 percent.

1 Q. So do you have any knowledge as to what the protection
2 was the day they put the crossing back in?

3 A. I don't have any knowledge on what their protection was
4 that day. What we've been doing is we contact the UP which we
5 have a direct line to them, basically ask them, you know, what
6 we're doing, they're giving us a siding, you know, we've got to
7 get this train through, whatever. So we contact them, get
8 permission from them. Since Minnesota Commercial is right there,
9 we get permission from them and we get permission from our
10 operations side. Then usually we're set up derails, what we're
11 going, we're setting up derails and our other protection was, you
12 know, their line, the main switch coming off the main line against
13 us, and we -- those days, we have flaggers, too. So --

14 Q. Okay.

15 A. But I did not -- when I talked to them on Saturday and
16 what they were doing, I didn't specifically ask them if they had.

17 Q. Okay.

18 A. We did it two days in a row, and they knew the
19 expectations on this, the protection needed for this area. So I
20 didn't go over it.

21 Q. Okay. And just from previous testimony, I kind of know
22 the answer for why they worked Monday, because they stated Sunday
23 it rained so hard they only worked four hours.

24 A. Oh, that's why.

25 Q. And that's through earlier testimony and so that's why

1 they worked on Monday, or they chose to work Monday.

2 A. I see.

3 Q. That's kind of my understanding.

4 A. All right.

5 Q. That's all I have.

6 A. With all this that went down, I didn't -- I haven't gone
7 into detail with them on -- like I said, I didn't go out and look
8 at that switch. I didn't verify everything they did since I've
9 been dealing with this, and my main concern is my whole entire
10 gang I guess you'd say, not the railroad right now.

11 Q. Yeah, and you've just been here one week, right?

12 A. Yeah, --

13 Q. All right.

14 A. I got here -- I flew up -- we had a follow-up window in
15 Urbana. I think my first day was Tuesday here if I remember.

16 Q. Okay.

17 A. But they just all kind of go together.

18 Q. That's all I have. Thank you.

19 MR. HIPSKIND: Thanks, Dale. Anybody else have any
20 questions?

21 MR. LOVELAND: Just a couple of quick ones.

22 MR. HIPSKIND: Okay, George. Go ahead.

23 BY MR. LOVELAND:

24 Q. Just real quick. Have you ever taken exception to
25 Tyrell's choices on track protection?

1 A. No, the fact is, most of the time I've been with him,
2 you know, we went over it and all, stuff like that, because he was
3 my foreman. So I'm usually -- he's usually where the major
4 projects are happening. So I'm usually -- a lot of times I work
5 that area.

6 Q. And as far as being told not to work Monday, it was just
7 Tyrell you told, not the other four, right?

8 A. That is correct.

9 Q. And you said it was your decision not to have them work
10 on Monday because it was a day off, a holiday, not to work too
11 much on weekends. Was that your decision or a directive from
12 above?

13 A. That was my decision. That was just basically I don't
14 want you working long hours because we had a long week with some
15 switch installs. I knew we were going to have another long week
16 with switch installs, and it was just off days, you know, don't
17 put long hours in, and I don't want you to work Monday. That's
18 kind of what it was.

19 Q. Okay. Thanks.

20 BY MR. HIPSKIND:

21 Q. Okay. I want to springboard off of something that
22 George brought up. This is Dick Hipskind. The picture I'm
23 getting now is that you and Mr. Anderson worked closely together.

24 A. Yes, we worked closely together.

25 Q. And maybe you couldn't be with him 100 percent of the

1 time, but when there was anything big going on, you and he were
2 together?

3 A. Yes, because pretty much anything big was going on, most
4 of my entire gang was there.

5 Q. And is it fair to say on an occasion where there was
6 something big going on, he was kind of the advanced guy who would
7 set things up and get things going?

8 A. Yes.

9 Q. Okay. Well, here's what I want to understand. When
10 there's something big going on or something like that, did you
11 make the choice and the selection about the protection based on
12 the particular area that was being worked or did he?

13 A. The protection over --

14 Q. No, no, just in general.

15 A. Oh, in general.

16 Q. In general. Who would make that decision between the
17 two of you?

18 A. Between the two of us, it basically was an open dialogue
19 between both of us in case somebody missed something. But I do
20 that with my foremen. Like I said, I keep it up with all my guys.
21 Are we missing anything? So we make sure -- we try to make sure
22 everything's covered. So between both of us, if it's just him and
23 I, him and I will talk, we need this done, we need this done, plus
24 we need, maybe like I need this and this. You know, we'll go over
25 it together usually, but I do it with my whole gang.

1 Q. Okay.

2 A. Everybody.

3 Q. But in the limited time, and it really is for you, it's
4 very limited time that you've known this foreman, right?

5 A. Yes, sir.

6 Q. And I guess we should not lose sight of that. Let's put
7 a number on it. You've known this guy for what? A week or more?

8 A. I've known Tyrell for about three months now.

9 Q. Okay. Okay. For three months, all right. Okay.
10 You've only been up here a week.

11 A. I've only been up here for a week, yeah.

12 Q. My fault. I got that messed up. But what I wanted to
13 ask you is, so in the normal course of things, you've got a list.
14 He's going out and setting up projects, whatnot. Have you ever
15 visited a jobsite where you've had to change the protection that
16 he put in place?

17 A. I can't think of anything. For the most part, we've
18 always had a Form B, track and time, and with new construction,
19 usually we have wide track centers as it is. I haven't so far
20 since I've been with him. I haven't had to change the protection.
21 There's times that, you know, we might -- he might, you know, miss
22 something, and I'm like, hey, well, what about this, and he's
23 like, yeah, that's good. We've got a flagger over there. But I
24 mean I haven't directly had, no, you had no protection. We need
25 to do something about it. I haven't had that experience with him

1 yet.

2 Q. And, Ryan, because you are a construction gang, putting
3 in switches, putting in track panels, construction work, new
4 construction, in the course of getting those things accomplished,
5 you have -- your gang, your people that work for you, have to
6 handle material.

7 A. That's correct.

8 Q. Panels, switch panels, right?

9 A. That's right.

10 Q. And use equipment to load, unload, move, install --

11 A. That's correct.

12 Q. -- right?

13 A. That's correct.

14 Q. Any problems with Mr. Anderson on any previous
15 assignments to handle material?

16 A. Since I've been with them, I haven't seen anything. A
17 lot of stuff, like when he came up here for me, you know, they
18 unloaded it. I wasn't here. So I didn't see him unloading that
19 stuff. We unloaded a switch the other day, but it was in the
20 yard. You know, we had all protection. We talked to the train
21 crew and everything like that, and I haven't seen anything since
22 I've been up here. But for the most part, for a lot of this stuff
23 he has been doing, I haven't been around for that yet. He was up
24 here doing it while I was in a different area. So I didn't see
25 his protection on it and how he handled all the instructions,

1 about how he did it.

2 Q. Okay. The unloading of the switch that you mentioned --

3 A. Yeah.

4 Q. -- was that a case where the switch panel is stacked
5 vertically in a gondola?

6 A. Yeah, they're stacked vertically.

7 Q. And just help me out. What did you use to unload them?

8 A. We have two excavators, and basically what we do is just
9 kind of lift it straight up out of the gondola. We set it down,
10 then we re-hook up the chains with the panel being flat and
11 that's, you know, how we move the panel from there.

12 Q. Okay. One other --

13 A. Or we use two loaders on either end, too. We have two
14 loaders on either end of the panel, and then, you know, one will
15 back up and one will go forward.

16 Q. And one of those excavators, was that Dave Johnson?

17 A. Yeah.

18 Q. Okay. Do you feel comfortable with him in an excavator
19 and handling material and all that?

20 A. I 100 percent have faith in Dave in handling --

21 Q. Okay.

22 A. -- the whole project, that we're lifting a switch panel,
23 yeah.

24 Q. All right.

25 MR. HIPSKIND: Gentlemen, I've emptied my cup. Any

1 further comments?

2 BY MR. HIPSKIND:

3 Q. All right. Ryan, if you're all right, we will proceed
4 to close out. So let me go through my list of questions to ask
5 you. Is there anything you want to add or change to some of the
6 conversation that we've had here this morning?

7 A. No, not anything I can think of right now.

8 Q. Okay. Is there anything in terms of -- we hit a lot of
9 different topics. We jump around, all this and that. Is there a
10 burning question that maybe you were thinking, I wonder why they
11 didn't ask me that? Do you have any of that?

12 A. No, I don't have anything like that. I mean you guys, I
13 don't know 100 percent stories from the guys.

14 Q. Okay.

15 A. So I don't have anything right now.

16 Q. I understand. And is there anybody else that you think
17 that we ought to interview? You know, we've interviewed the four
18 members of CG08 and we interviewed Jeremy, the train crew and
19 whatnot. Is there anybody else that makes sense to you that we
20 should interview?

21 A. No, I don't --

22 Q. Good to go?

23 A. I think we're good to go.

24 Q. Okay.

25 A. I mean I don't know how much more information you're

1 getting from anybody else. I really --

2 Q. Okay. That's understandable. And the last question I'm
3 going to ask you about the interview and the topic in general is
4 so do you have any suggestions for preventing a reoccurrence?

5 A. I mean to prevent this, I mean it's, you know, because I
6 don't know what was going through his mind. I mean I feel like --
7 you know, he should know, you know what I mean. Because I was, I
8 as in shock once I got out there and knew what they were doing and
9 how they were doing it. I was in shock. So I --

10 Q. Are you specifically referring to the lack of main track
11 protection?

12 A. Probably that and -- probably that and then I also
13 heard, you know, they would unload two panels at a time. I don't
14 know if that's true or not. That's mainly what it was.

15 Q. Do you --

16 A. I heard rumors where Tyrell might have been standing. I
17 don't know if it's true or not. I was -- my mind was
18 (indiscernible) in shock that that was true or not. I couldn't
19 believe why he'd be standing there.

20 Q. I want to get your opinion on a couple of items. So had
21 you been there and -- let's forget about the holiday. It's just
22 they need -- your gang needs to be there to unload those panels
23 from those flatcars.

24 A. Yeah.

25 Q. And you drive up and they've got the loaders down on one

1 end and the other machine on the other end and if they're going to
2 pick two panels at a time, would that cause you to have a
3 conversation or --

4 A. Yes, I probably would have stopped the operation on that
5 aspect. Probably because -- I would probably ask them to do one
6 at a time just because it's, you know, the panel's a pretty good
7 size. I would ask them to do one at a time, and with them not
8 being locked into place, you know, as a pair, they could slide
9 off.

10 Q. Okay.

11 A. Not saying people haven't done two at a time before.
12 I've never seen anyone do two at a time before. I was told people
13 have and they've had a problem and this could have just been a
14 freak accident. But I would have just asked them to do one at a
15 time. I would have asked for that.

16 Q. Okay. And --

17 A. I think it was verified it was two at a time, I think it
18 was, somebody said.

19 Q. Okay. And in terms of, you had given that crew that
20 task, it's not the holiday, it's the day after, it's Tuesday of
21 this week, and you drive up and Tyrell is up on top of one of the
22 stacks of panels. Does that cause a concern for you?

23 A. If he was standing on top, that would cause a concern.
24 I would ask him to get down. Once those chains are off, there's
25 no reason anybody should be up there besides the machines coming

1 to grab the panels and everyone should have been in the clear in
2 my opinion. That's -- I couldn't believe -- I would have had him
3 down.

4 Q. Okay.

5 A. But I don't know where he was standing if he was up
6 there. I would have had him down.

7 Q. So maybe one of your -- a couple of your suggestions on
8 preventing reoccurrence is don't have a forklift pick two at a
9 time.

10 A. Right.

11 Q. Correct.

12 A. That would be correct, yeah.

13 Q. And we shouldn't have any personnel, whether it's a
14 foreman or whoever, shouldn't have any personnel on top of the
15 materials that we're going to move.

16 A. Right.

17 Q. Okay. I didn't want to put words in your mouth --

18 A. No.

19 Q. But that's --

20 A. All right. You shouldn't have somebody up there and I
21 feel like it should be one panel at a time.

22 Q. Okay. Do you have a view on the main track protection?

23 A. Yeah, my view is they should have never done it there.

24 I mean that's -- right there where they were at, I can't remember
25 what it was about, but I think somebody said it was like 13 foot

1 or something like that, I -- there's too much potential to foul
2 there. I mean if anything went wrong, it would end up being, you
3 know, the train guy got hit and stuff like that, there's -- I just
4 don't think there was enough room there, and that was my first
5 thought when I pulled up, when I pulled up to the scene, I was
6 like why would they have ever done it here. So --

7 Q. Okay. And so your option there might have been wait and
8 have the cars spotted --

9 A. Yes, sir.

10 Q. -- in a wider location on that track --

11 A. Yeah.

12 Q. -- for that reason?

13 A. I would agree. I would have asked to have it done
14 somewhere else. Most of our stuff that we've done was -- has been
15 in the yards but like I said, I wasn't there last week. I was
16 informed that they did they further down where they had plenty of
17 track distance. I wouldn't have done it there personally. I
18 would have not even thought about it.

19 Q. Okay. All right. Anything else to add?

20 A. No, that's all I have.

21 MR. HIPSKIND: All right.

22 MR. JULIK: I have one more.

23 MR. HIPSKIND: Jump in there briefly.

24 MR. JULIK: Thomas Julik, FRA.

25 BY MR. JULIK:

1 Q. Just one last question. What is your understanding of
2 BNSF's adjacent track protection rule and how it would apply in
3 this situation?

4 A. Well, how it applied in this situation is, you know, 19
5 feet or whatever, you're going to need protection from a Form B or
6 half track time on that track to do any type of work which I read
7 into it more deeply, once it all happened, just because of rumors
8 and everything, I read that you're not allowed to have a flagger
9 to unload material with adjacent track. It's not sufficient.
10 That's what I just read in the EI.

11 MR. HIPSKIND: And EI stands for what?

12 MR. WONOLA: Engineer instructions.

13 MR. HIPSKIND: Okay.

14 BY MR. JULIK:

15 Q. So the instructions do not use a certain type of
16 protection and do something else is located in the engineering
17 instructions, not in the operating instructions with the other --

18 A. I don't know.

19 Q. -- OTS rules?

20 A. I have to read through and verify it, but I know -- I
21 saw it in the EI.

22 Q. Okay.

23 A. I learned about it in the EI just because I opened the
24 book and I'm like, unloading panels because that was -- I had a
25 bunch of questions myself on it. So that's why I opened the book

1 and read about unloading material. After all is said and done, my
2 brain was racing. So I wanted facts and you guys wanted facts.

3 Q. Okay. Thank you.

4 A. Um-hum.

5 MR. HIPSKIND: Thank you, Thomas.

6 BY MR. HIPSKIND:

7 Q. I have a few questions to ask you, yes or no, all right.

8 A. Okay.

9 Q. Prior to the interview, did we discuss about the purpose
10 of the investigation as to increase safety and not to assign
11 fault, blame or liability?

12 A. Yes.

13 Q. And NTSB cannot offer any guarantee of confidentiality
14 or immunity from legal or certificate actions.

15 A. Yes.

16 Q. We did talk about it?

17 A. We did talk about it.

18 Q. All right. And that a transcript or summary of the
19 interview will go into the public docket.

20 A. Yes, it will.

21 Q. And you understand the term public docket?

22 A. Yes.

23 Q. You do?

24 A. For everybody.

25 Q. Okay. And that as an interviewee, you had a choice to

1 have a representative but you were comfortable to talk with us
2 without one.

3 A. Yes, that's correct.

4 Q. All right. Ryan, thank you so much. I know you're
5 busy, and I know this has been a tough few days. I hope you get
6 on the better side of this at some point.

7 MR. HIPSKIND: And with that, let's close the interview.

8 (Whereupon, the interview was concluded.)

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CERTIFICATE

This is to certify that the attached proceeding before the

NATIONAL TRANSPORTATION SAFETY BOARD

IN THE MATTER OF: MAINTENANCE-OF-WAY EMPLOYEE
 FATALITY, BNSF RAILWAY, MIDWAY
 SUBDIVISION, MINNEAPOLIS,
 MINNESOTA ON MAY 25, 2015
 Interview of Ryan Wonola

DOCKET NUMBER: DCA-15-FR-011

PLACE: St. Paul, Minnesota

DATE: May 28, 2015

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.

Kathryn A. Mirfin
Transcriber