

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 * Docket No.: DCA-15-FR-011

SUBDIVISION, MINNEAPOLIS, *

MINNESOTA ON MAY 25, 2015 *

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Interview of: MICHAEL HAGGERTY

Holiday Inn Downtown
Minneapolis, Minnesota

Tuesday,
May 26, 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 A. 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

THOMAS ALBANESE, General Manager
BNSF Twin Cities Division

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

THOMAS JULIK, Safety Inspector-Track Division
Federal Railroad Administration

JOHN SMULLEN, Safety Inspector-Operating Practices
Federal Railroad Administration

KEVIN AMORIELLO, Secretary
SMART Transportation
(Representative for Jeremy Ebeling)

JOHN HAGGERTY
(Representative for Michael Haggerty)

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I N T E R V I E W

(9:10 a.m.)

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2
3 MR. HIPSKIND: Good afternoon, my name is Richard
4 Hipskind and I am the investigator-in-charge and the Track and
5 Engineering Group chairman for NTSB for this accident. We are
6 here today, on May 26, 2015, at the Holiday Inn Downtown, in
7 St. Paul, Minnesota, to conduct an interview with Mr. Mike
8 Haggerty, who works for the BNSF Railway, or BNSF.

9 This interview is in conjunction with NTSB's
10 investigation of an employee fatality on BNSF Midway Subdivision
11 in Minneapolis, Minnesota, near Minneapolis Junction on May 25,
12 2015. The NTSB accident reference number is 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 I will pass
18 off to 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 the IIC for this accident.

22 DR. JENNER: Stephen Jenner, S-T-E-P-H-E-N, J-E-N-N-E-R,
23 I'm a human performance investigator with the NTSB.

24 MR. SOUTHWORTH: James Southworth, S-O-U-T-H-W-O-R-T-H.
25 I'm also a railroad accident investigator -- I'll be looking more

1 at the operations -- and Mechanical Group chairman for this
2 accident investigation, and assisting the IIC.

3 MR. ALBANESE: Thomas Albanese, A-L-B-A-N-E-S-E. I'm
4 the general manager for the BNSF Twin Cities Division. And I'll
5 be representing BNSF for the operating discipline.

6 MR. LOVELAND: George Loveland, last name spelled
7 L-O-V-E-L-A-N-D. Brotherhood of Maintenance of Way Employees
8 Division.

9 MR. SMULLEN: John Smullen, S-M-U-L-L-E-N. I'm with the
10 Federal Railroad Administration, in position of the operating
11 practices safety inspector.

12 MR. AMORIELLO: Kevin Amoriello, A-M-O-R-I-E-L-L-O.
13 SMART Transportation Division representative for Jeremy Ebeling.

14 MR. MIKE HAGGERTY: Mike Haggerty, H-A-G-G-E-R-T-Y. I
15 was the hostler on that job that day.

16 MR. HIPSKIND: Okay, Mr. Haggerty, do you wish to have a
17 representative with you today?

18 MR. MIKE HAGGERTY: Yes, I do.

19 MR. HIPSKIND: And would the representative, would you
20 please introduce yourself?

21 MR. JOHN HAGGERTY: John Haggerty, President of SMART
22 Transportation Division Local 1000. Spelling of last name,
23 H-A-G-G-E-R-T-Y, representative for Mike Haggerty.

24 MR. HIPSKIND: Okay, and this is Dick Hipskind again,
25 and we have two gentlemen from FRA who are also here posting the

1 meeting, and let me ask them to introduce themselves.

2 MR. JOHNSON: My name is Dale Johnson, J-O-H-N-S-O-N. I
3 am a FRA, Region 4, headquartered out of St. Paul, Minnesota,
4 track safety inspector, and I'm an observer today.

5 MR. JULIK: My name is Thomas Julik. Last name is
6 spelled J-U-L-I-K. I'm an FRA safety inspector in the track
7 discipline.

8 MR. HIPSKIND: Okay, and this is Dick Hipskind again.
9 Mr. Haggerty, do you mind if we proceed on a first name
10 basis?

11 MR. MIKE HAGGERTY: That's fine.

12 MR. HIPSKIND: All right, Mike, the next question I need
13 to ask is, you're aware that we are recording the interview; do we
14 have your permission to do that?

15 MR. MIKE HAGGERTY: Yes.

16 MR. HIPSKIND: All right, thank you.

17 INTERVIEW OF MICHAEL HAGGERTY

18 BY MR. HIPSKIND:

19 Q. Mike, just -- I just want to get through a couple of
20 preliminary questions. If you could just give us a little bit of
21 your background. I don't need specific dates, but if you can give
22 us a month and a year that you were hired and then just take us
23 through maybe a couple of the various jobs, just a tree top
24 answer.

25 A. Hired April 28, 2008, and I would say for the last 5 or

1 6 years all I've done is work the hostler Job.

2 Q. Primarily here in the Minneapolis area?

3 A. Correct.

4 Q. So you're pretty familiar with moving equipment back and
5 forth between different yards?

6 A. Correct.

7 Q. Okay, all right. Mike, let's just go to the day of the
8 accident, and if you'll just kind of fill in some fundamental
9 information, if it was your regular assignment, what those hours
10 are, what your duties and responsibilities are, and when you
11 reported to work.

12 And then, rather -- I don't know if this happened early
13 on in your shift, but if you can just kind of fast forward, if
14 things were uneventful, you can take us up to that. But I want
15 you to slow down and really give us your perspective of, say, that
16 first couple of minutes prior to the accident, in the moment of
17 the accident, and then some of what you saw, some of the actions
18 you took immediately after the accident.

19 A. Okay.

20 Q. We'll sit back; you've got the floor. We'll just
21 listen.

22 A. Okay, I started my shift at 6:30 a.m. I just came off
23 my rest days. My job is to hostile power, put it on, up on trains,
24 move -- just move engines around in general, wherever need be,
25 whatever I'm instructed to do.

1 So that was a normal, uneventful day. Two minutes prior
2 to the accident, we took approach medium signal in Minneapolis
3 Junction, saw ahead of us the gang working. We were on the main
4 track. They were on the main line 2 pocket switch is what we call
5 it. No flagman, nobody working next to the rail or anything like
6 that. At some point in there I whistled. I left the bell on the
7 entire time, going 10 to 15 miles an hour, taking it very slow,
8 but at no time were we, you know, instructed to do anything; just
9 taking it slow through there.

10 I mean, we noticed the people off to the side, almost
11 completed going through next to the ties, when we felt something
12 hit the rear of our second locomotive. We had two locomotives.
13 Felt something strike the rear. At some point in all that, you
14 know, I dynamite the engine, threw it to stop. I got on the radio
15 immediately and asked for medical responders, just in case; we
16 didn't know what happened or anything like that.

17 And before we even came up to -- maybe I should say we
18 did notice there was nothing fouling the tracks and there was no
19 one on the tracks or equipment next to the main. So as far as
20 that, we're looking ahead, heading west. Almost got through it,
21 felt obstruction, went into emergency at some point. Called West
22 Hump, told them to get emergency responders out there. The
23 gentlemen with me in the cab went down and over the railcars and
24 asked one of the employees over there if everyone is okay.

25 Someone over there responded, we're okay; we're just

1 shaken up. He came back, reported to me. They asked us on the
2 radio, I think, a few times, is everyone okay. We said, we
3 believe so; they said they're just shaken up. We stayed in the
4 cab the whole time, and obviously I called the -- our officials
5 and told them to come over there. Wait in the cab the whole time.
6 This whole time we presumed everyone was okay.

7 Probably 20 minutes went by after the initial accident.
8 A cop that was actually sitting at Minneapolis Junction we had
9 passed when we were coming up, waved at him, waved at us, told us
10 to come down from the engine. We came down from the engine, and
11 asked us for our names. Trainmaster Jeremy King said it was okay
12 to give him our names. Gave him that and our date of birth, and I
13 said to him, thank God at least everyone's okay. Which he
14 responded to me, there's someone under the ties.

15 We had no idea. We were -- so then that's where it
16 went, and he also said something in there and I can't tell you the
17 exact words, so you can't take this for sure, but he said
18 something along the lines of -- when he told us that there was
19 someone under there that the -- I believe he said like the
20 operator or someone said that the ties got moved into the engine.
21 Because everything was in the clear when we went through. There
22 was nothing even close to the tracks. Like I said, I don't know
23 what happened behind us, just felt the jar from the rear motor.
24 So --

25 Q. Okay. Let me, let me go back see if I can get you to

1 add in some detail. This going from one yard to another, the
2 distance traveled there is about how many miles roughly?

3 A. I couldn't even tell you, maybe 4 or 5. I don't --
4 Do you know offhand? I don't know.

5 Q. Okay, that's fine. And one of the things I wanted to
6 pick up on is, you mentioned that you kind of slowed down as you
7 near the presence of maintenance-of-way; is that correct?

8 A. Yeah, we'd been going slow the whole way because they're
9 doing so much work through there. I'm not in a hurry, so, yeah,
10 we were --

11 Q. So fair to say that in your travel from the one yard
12 going over to Northtown -- Northtown was where you were headed,
13 right?

14 A. Correct.

15 Q. That you've observed maintenance-of-way here, there,
16 kind of everywhere?

17 A. Um-hum, yup.

18 Q. And when you normally see people on or about the track,
19 what do you normally do?

20 A. Mostly you do the bell. You make sure that they, you
21 know, see you, you know.

22 Q. Okay. And for the hostling that you do, do you receive
23 paperwork or bulletins or anything like that to do that kind of
24 work, or?

25 A. GTBs, just like everyone else.

1 Q. All right. Do they often include presence of
2 maintenance-of-way working here, there, anywhere, as a kind of a
3 heads up or, you know, look out type stuff?

4 A. Yes.

5 Q. Sometimes they do?

6 A. Yeah.

7 Q. On the day of the incident were -- did you get
8 documentation or paperwork kind of informing you of where people
9 were working?

10 A. Yes. We got documentation, but there was nothing
11 specifically about those people working there.

12 Q. And when you say "those people," you mean in the
13 Minneapolis Junction area?

14 A. The gang or whatever they are considered, yes.

15 Q. Okay, all right. Okay, fine. And you said there was
16 somebody else with you. There was just one person with you?

17 A. Correct.

18 Q. All right. Now thinking about the locomotive, and
19 you're going westbound or -- westbound, right?

20 A. Um-hum.

21 Q. Okay, fill me in on where you are in the locomotive cab,
22 where you're sitting. So -- and paint that part of --

23 A. Sitting in the engineer's stand.

24 Q. And that's on which side of the locomotive?

25 A. Right-hand side.

1 Q. And BNSF is right-hand running, right?

2 A. Um-hum.

3 Q. Okay. And the other person that's with you, I assume is
4 in the other seat?

5 A. Yup, left-hand.

6 Q. And that's normally the way you run between the two
7 yards?

8 A. Yup.

9 Q. Okay. When you're coming around that curve prior to
10 coming down the piece of the main track next to where they were
11 doing the loading/unloading, did you happen to notice anybody
12 standing on top of some of the cars there?

13 A. Yeah. I apologize. I was going to add that in there.

14 Q. That's okay. That's fine.

15 A. Yup. I didn't see him initially. You know, we saw the
16 -- the one thing that caught my eye was just the big loader
17 because it's big. Ties were stacked up, so you don't see anybody
18 else. You know, if they're standing alongside of that, I don't
19 know who's working there or not. So we went slow and, I don't
20 know, maybe halfway through -- I mean, I'm just not exactly sure,
21 exactly where in the -- maybe somewhere halfway through, I
22 remember seeing a gentleman that was on his knees, you know, like
23 he was working; he was on the very top of one of the -- what do
24 you call it -- a plate or a --

25 Q. Just --

1 A. -- on top of the ties. He was leaning down and I didn't
2 see him at first, then I saw him look up. I had the bell on; he
3 looked up at us. We went by him and I couldn't tell you how many
4 feet or seconds after that I felt something hit; we both felt
5 something hit the back end.

6 Q. Okay. And, Mike, as I recall your description, prior to
7 when your locomotive has come alongside the gondolas and all that
8 kind of equipment, you had sounded the whistle, sounded the horn,
9 both, one or the other?

10 A. Yeah, I can't tell you exactly when or -- I mean, I had
11 the bell going the whole time along it. But like I said, I hadn't
12 seen anybody working there. They weren't on the track or
13 anything, so you assume, you know, or -- what we saw was the
14 people on that side and then, you know, I don't know if it was
15 halfway through, I saw a guy lean up like he was kneeling there
16 working on top of the ties or something, on top of the --

17 Q. Okay. Did he wave at you; did you wave or make eye
18 contact or acknowledge his presence?

19 A. We made -- yeah, we made eye contact because I think --
20 well, I know he heard the bell. You know, he looked up at us,
21 so --

22 Q. Okay.

23 A. I couldn't tell you, you know, like seconds and all
24 that.

25 Q. All right. Now, let's slow down just a little bit more.

1 As -- think about again, your view as you're coming by, and you're
2 going about 13 mile an hour, right?

3 A. Um-hum.

4 Q. As you're going by ringing the bell, do you see any
5 movement that -- you were asking what those things were. They
6 were track panels.

7 A. Yeah, panels is the proper word.

8 Q. Pre-built panels, two rails on top of ties, spiked to
9 the ties. Did you see any movement of any of that material?

10 A. No, I didn't see the movement of it, but once you see
11 the people, you're -- I was focused on in front of us because no
12 one was on the track. I'm watching in front of us. I'm not
13 looking out the sides of the windows, what they're doing. I'm
14 solely focused on the task at hand in front of us. So, yeah, I'm
15 not looking out the sides, you know, so -- no, I'm always focused
16 on what we're doing.

17 Q. Okay, that's very helpful.

18 A. Yeah, and I -- like I said, I made sure there was
19 nothing in the foul when we were coming up to it, even when we
20 were proceeding through it, nothing was close to in the foul.

21 Q. Okay, that's a single main track through there. And the
22 track that they were working on is -- would've been to your left?

23 A. Correct.

24 Q. Okay, and nobody between your locomotive and the
25 material?

1 A. No.

2 Q. And you didn't really -- did you notice anybody on the
3 other side of the material, any machines or anything like that?

4 A. Just the forklift.

5 Q. Just the forklift.

6 A. The front-end loader, or whatever you want to call it,
7 yeah.

8 Q. Okay. So you gave us the part of your recollection
9 about afterwards, and your hostler got down on the ground, went
10 over there, and then you said a cop. And I just want to clarify,
11 was that a railroad or some local government?

12 A. Minneapolis cop.

13 Q. Okay, and do you recall the arrival of emergency
14 equipment, emergency responders?

15 A. No, they were quick, you know. I just, you know,
16 couldn't tell you that.

17 Q. Okay, what -- tell me after the accident and after
18 waiting and whatnot, tell me how the rest of your day went. Did
19 you give a statement; did you go and provide samples, anything
20 like that?

21 A. Yup, we were taken back to the Midway trailer, wrote
22 down statements, which are right here.

23 Q. Okay.

24 A. From there, we went down to HCMC and they drew blood and
25 urine.

1 Q. Okay. And then after that, you went off duty?

2 A. They brought us back to the Hump Tower, tied up, and
3 went off duty.

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

5 A. Okay.

6 Q. And thanks for painting that portion of the picture.
7 That's just some stuff that we just did not know.

8 A. Um-hum.

9 Q. So let me finish up with my stuff.

10 MR. HIPSKIND: And, Mr. Southworth, do you have any
11 questions for Mike?

12 BY MR. SOUTHWORTH:

13 Q. Yes. In your experience hostling between those yards or
14 those areas, is it often that you see them in there doing anything
15 with track panels?

16 A. No.

17 Q. No. Okay. Did you work the day before the incident?

18 A. Nope.

19 Q. No, that's right, you said you were off, right?

20 A. Yup, came off my rest cycle.

21 Q. Came off. That's all I have for now.

22 MR. HIPSKIND: And, Dr. Jenner, anything for Mike?

23 DR. JENNER: A few follow-up. Thank you.

24 BY DR. JENNER:

25 Q. What were your expectations of being notified entering

1 this work territory through -- do you have any expectations about
2 a radio communications or any type of flags or anything like that?

3 A. I'm not sure, what are you --

4 Q. As you're operating your train through the area, through
5 the work area.

6 A. Yup.

7 Q. Did you expect to get a radio call from someone on the
8 ground?

9 A. No. No, I mean, just you go by your GTBs and, you know,
10 you observe. That's all.

11 Q. Okay.

12 MR. HISPkind: And let me just interrupt. Sometimes we
13 have -- we use railroad slang and sometimes we use abbreviations.
14 So, GTB stands for?

15 MR. MIKE HAGGERTY: General Track Bulletins.

16 MR. HIPSkind: Okay, thank you.

17 BY DR. JENNER:

18 Q. When you enter a similar type of work area, are there
19 ever times where someone would notify you ahead of time, through
20 radio, and can you describe those conditions? I saw you nod your
21 head yes.

22 A. Well, yes, I mean, it'd be by Form B's or speed
23 restrictions or flags. So it just varies on the situation.

24 Q. But in terms of like radio communication or someone on
25 the ground, and anything like that?

1 A. There could be a flagman on the ground, yes.

2 Q. Okay, what -- under what conditions would there be a
3 flagman on the ground?

4 A. I couldn't tell you. That would be on their craft
5 whenever they consider, you know, they need to do it.

6 Q. Okay, and you've run into those conditions before. What
7 is your responsibility under those conditions?

8 A. To stop or do whatever they do with proceed -- proceed
9 at restricted speed, maximum speed, whatever their instructions
10 are, yup.

11 Q. And how long have you been operating over the accident
12 section, the accident territory?

13 A. The last 5 or 6 years.

14 Q. And any -- have there been any type of changes to the
15 track or to the layout or anything like that?

16 A. No.

17 Q. Okay, that's all the questions I have right now, thank
18 you.

19 MR. HIPSKIND: Thank you, Steve.

20 Mr. Smullen.

21 MR. SMULLEN: Thank you. Thank you very much.

22 BY MR. SMULLEN:

23 Q. Mike, railroads have different rules for operating when
24 they come up from (indiscernible) as far as when they should
25 whistle or not. Do you know what the BN's rules are for that;

1 when you're supposed to?

2 A. You know, I just -- in that instance, I whistled, you
3 know, when I saw the workers.

4 Q. Okay.

5 A. So --

6 Q. So do you know what the rule is at the BN; what it is?

7 A. No.

8 Q. How close off --

9 A. Top of my head, I think it's 200 feet.

10 Q. Off 200 feet?

11 A. Yeah.

12 Q. Okay. You saw him, you whistled, and then --

13 A. Yeah.

14 Q. -- kept the bell on?

15 A. Like I said, when everything happened --

16 Q. Were your headlights on?

17 A. Yup. Ditch lights were on; everything was on bright.

18 Q. Okay. And you inspected the engine prior to taking off?

19 A. Yup, we got it -- yup.

20 Q. Okay. So you didn't take any problems with your
21 locomotive at all? Okay.

22 A. No. The locomotive we had wasn't running; we were
23 running off the rear locomotives.

24 Q. Okay, so the front one was dead?

25 A. Yeah, so we were --

1 Q. It was quiet.

2 A. Yup.

3 Q. So did you hear it; hear the impact also, then, since it
4 was quiet out there?

5 A. Yeah.

6 Q. And feel it also. What did you feel? How many strikes
7 did you feel?

8 A. You know, I just felt probably the one. You know, I
9 just --

10 Q. Okay.

11 A. It all goes into a blur. You know, you feel the one and
12 you hear it and, you know, your reactions take over.

13 Q. Okay. Okay, now you said you called -- you said
14 something on the radio. What did you say on the radio?

15 A. Oh, I just called for emergency responders.

16 Q. How did you say that? Who did you call? Who'd you talk
17 to?

18 A. West Hump dispatch, said we needed emergency responders,
19 and told them location, I believe. So --

20 Q. Okay. All right. Why did you think you needed
21 emergency responders?

22 A. Just because of the loud bang, you know, and I looked
23 out the window and you could see stuff, and I'd rather have people
24 come.

25 Q. Okay, that's fine, that's fine. Just trying to figure

1 out the reasoning you went through on that.

2 A. Yup, yup.

3 Q. You said you saw a front-end loader or a forklift?

4 A. Yes.

5 Q. Which -- where was it located at?

6 A. Somewhere maybe in the middle. I don't remember
7 exactly, you know.

8 Q. In regards to the cars that they were unloading, was it?

9 A. It might have been towards -- more towards the west end.

10 Q. Okay.

11 A. You know, but I don't remember how many cars or -- in or
12 anything like that.

13 Q. Okay, and that's all I got. Thank you. Thank you.

14 MR. HIPSKIND: Okay, and if anybody needs to have a
15 second chance, we will have a second round.

16 MR. SMULLEN: All right.

17 MR. HIPSKIND: Mr. Loveland.

18 BY MR. LOVELAND:

19 Q. I just heard you talking about your blowing the whistle
20 and stuff when you're approaching a work group.

21 A. Yeah.

22 Q. And you said you believe you whistled about 200 feet
23 from the --

24 A. Yeah, I probably even blew it before then, you know, but
25 when all that happens you tend to --

1 Q. But at least 200 feet?

2 A. Oh, yeah. Yeah.

3 Q. Okay.

4 A. I would think so.

5 Q. No more questions.

6 MR. HIPSKIND: Thank you, George.

7 And Mr. Albanese.

8 MR. ALBANESE: Albanese.

9 MR. HIPSKIND: Albanese.

10 BY MR. ALBANESE:

11 Q. It may be just a little bit redundant on a couple of
12 questions, but I'm kind of trying to look for a little bit of
13 clarity, and really in positioning of the equipment and the
14 individual. There were four -- there were two railcars with tie
15 panels and each railcar had two stacks on each railcar. If you
16 think about it coming from east to west being four separate stacks
17 of panels, could you recall specifically where the employee that
18 was kneeling on those panels might have been?

19 A. Like I said, I can't tell you exactly, but I would
20 venture to say more towards the west end.

21 Q. Toward -- more --

22 A. Yeah.

23 Q. -- towards the west end.

24 A. Yeah.

25 Q. Okay. By chance, could you tell if it was on the very

1 west-most stack or not?

2 A. No, I couldn't tell you that.

3 Q. Okay. And then the loader that was actually working,
4 again, in kind of relationship to the four different stacks, which
5 stack might you recall?

6 A. I think it was somewhere towards the end, you know, so
7 -- maybe in the middle. I just -- I don't remember exactly.

8 Q. Okay.

9 A. I can't tell you exact distance there.

10 Q. That's fair.

11 A. Yeah.

12 Q. Okay. Let's see. After -- you said you saw the foreman
13 and he acknowledged you all coming by. Did -- after the contact,
14 did you see if he took action to get off of the stacks of panels
15 or --

16 A. No, I don't know if he was a foreman or who, you know.

17 Q. He was the foreman.

18 A. Okay. I don't know that. No, I just remember, you
19 know, you didn't see him until he -- because he was slouched over;
20 I believe he was working on something, but I don't know. I just
21 seen him look up at us when he heard the bell, you know, and then
22 passed by him. And I don't remember how many seconds or feet, and
23 then we felt something strike the rear locomotive.

24 Q. Okay. And then at that time you --

25 A. Just a reaction, make sure it's --

1 Q. He was out of your view from that point forward?

2 A. Yeah. We had already passed him, you know, and then we
3 felt something hit the locomotive.

4 Q. Okay.

5 A. So I wish I could tell you better, but when you see
6 everything's in the clear, you're focused on ahead of you because
7 you don't want someone -- you know, you just want make sure.
8 You're just watching in front of you, so --

9 Q. Let's see. So as you were approaching from the east end
10 of the Y there, there's -- as the scene was described, there were
11 eight or seven carloads of -- they have turnouts in them or
12 switches in the open-top gondolas, so they kind of stood up almost
13 like a picket fence, someone described. Were you able to, as you
14 approached up, see the loaders that were out there working before
15 you got by those?

16 A. I mean, I saw the one big loader and, you know, like I
17 said, I'm not looking out the side windows. I'm strictly --

18 Q. Okay.

19 A. -- focused on in front of me. I mean, you see people
20 all the time working off to the sides. It's not where my eyes
21 need to be, so --

22 Q. Right. I understand. And then, lastly, what was the
23 purpose of the locomotive movements that you were doing that day?

24 A. Power swap, because the power we were bringing back --
25 the engine we were on had dead batteries, I believe, so --

1 Q. Okay, that was the lead locomotive that had dead
2 batteries?

3 A. Correct.

4 Q. That explains why we shut it down and was unable to get
5 it started back up.

6 A. Yeah, that's what we were told by a trainmaster, that it
7 had dead batteries, so --

8 Q. Okay, I have no other questions.

9 MR. HIPSKIND: Okay, thank you.

10 Mike, at this point do you want to take a break or do
11 you want to keep going? What we normally do is, I've got just a
12 couple of questions and we'll probably will go back around the
13 table to see if anybody --

14 MR. MIKE HAGGERTY: Take a 2 minute break. That's fine.
15 I don't mind.

16 MR. HIPSKIND: All right, if -- Steve, if you will put
17 them all on hold here.

18 (Off the record.)

19 (On the record.)

20 MR. HIPSKIND: Okay. This is Dick Hipskind again and we
21 are back on the record. And Mike, you ready to proceed?

22 MR. MIKE HAGGERTY: Yes.

23 BY MR. HIPSKIND:

24 Q. Okay. We want to revisit in detail, maybe some why
25 questions, and just -- we've talked amongst ourselves. When --

1 part of your description includes the sounding of the whistle, the
2 bell, and I even think you said, "I had the bell on continuous as
3 I was going along these cars." But think back when you first
4 either sounded the horn or turned on the bell, and give us a
5 little bit better understanding of why you did that, why you made
6 those choices in the locomotive cab to activate those kind of
7 audible warning type systems?

8 A. Just because I saw the, you know, front-end loader over
9 there. Like I said, I didn't know how many people. You don't see
10 anything, you just try to take the safe course. So --

11 Q. Okay. And you think that may be -- again, guesstimate
12 on your part, how many seconds or how many feet prior to --

13 A. Everything a guesstimate kind of in that point, you
14 know, it's just my main focus is -- you know, I alerted the people
15 and I made sure that everything in front of us was clear, nothing
16 was fouling, so --

17 Q. Okay, all right. And let's revisit, I want to clarify,
18 did you put the train in emergency or did the train go in -- or
19 your two locomotives, did they go in emergency?

20 A. I believe I put it in emergency. I know when I -- after
21 everything was done, it was in emergency. So it's all reaction,
22 you know. I don't remember step by step what I did in the cab.
23 Because when something like that happens, it just -- kind of your
24 reactions take over.

25 Q. Okay, I don't want to put words in your mouth, but you

1 think that you likely initiated the emergency?

2 A. Correct.

3 Q. But we can look at the event recorder tape and figure
4 that out --

5 A. Yup.

6 Q. -- definitively.

7 A. Yup, yup.

8 Q. And you're good with that, right?

9 A. Yeah. Yup, that's fine.

10 Q. Okay. Let's also talk about -- I want to talk again,
11 just briefly, when you are going by the gondolas with the -- I
12 think somebody said picket fence, you don't see any material
13 movement and you really -- do you really see anybody or see any
14 equipment moving?

15 A. No. I mean, I just remember seeing the big front-end
16 loader because it was taller than everything else.

17 Q. Okay.

18 A. So --

19 Q. Think back. Do you recall whether you saw it lifting
20 anything or making a movement forward or backwards?

21 A. Don't remember.

22 Q. Okay, and I do want to remind, for the record, you are
23 in the seat in the locomotive farthest away from the standing
24 equipment where they were doing the unloading?

25 A. Correct.

1 Q. Okay. So it might be prudent for us to talk to the
2 gentleman that was with you who was nearer that side?

3 A. Correct.

4 Q. Okay, and we'll do that. But after -- in the moment
5 that there was contact, and we kind of know it was a track panel
6 and we know it came over and hit the locomotive, loud noise?

7 A. Um-hum.

8 Q. Did it disrupt the momentum of the locomotive going
9 forward?

10 A. You know, I don't remember in the whole moment. I just
11 remember hearing the big boom and I believe that -- you know, I
12 wish I could tell you I -- emergency did this, that. I mean, when
13 it happens it's a lot easier to ask me the question, than to be
14 there in the situation. Because I mean, you're just -- your
15 reaction takes over.

16 Q. A lot of things happen quickly?

17 A. Yup.

18 Q. Okay.

19 A. You go from one minute being in the clear of everything,
20 when you look it's all in the clear. It was unexpected, you know;
21 you don't expect that when you're going by, so --

22 Q. Okay. So two locomotives, right?

23 A. Um-hum.

24 Q. And the locomotives come to a stop.

25 A. Yes.

1 Q. And, your -- you and your co-worker, you're naturally
2 curious as to what calamity is out there on your left side. And
3 take us through, again, if we were watching, not you at this point
4 in time, but the locomotives have stopped, tell us a little bit
5 more in detail about the movement of your co-worker. How did --
6 where did he exit the locomotive, how did he exit it, and how did
7 he get to someplace other than the locomotive to make an
8 assessment?

9 A. He went out the front door, went down the steps. I
10 couldn't tell you if he crawled over the cars or he went around
11 the cars, because at that point I'm on the radio just calling for
12 -- to make sure there's emergency response.

13 Q. Okay. Well, let's talk about the radio. What channel
14 are you on?

15 A. 70.

16 Q. And that's the normal road channel?

17 A. Yes.

18 Q. And you reach out and you're calling who?

19 A. The West Hump dispatch.

20 Q. West Hump dispatch.

21 A. Correct.

22 Q. Now, is that the dispatch for the main line for that
23 area?

24 A. Correct.

25 Q. Okay, and tell us what did you initially say; how do you

1 contact them? Tell us just a little bit more about that dialogue
2 if you can.

3 A. I'll tell you best to my recollection, you know, I
4 believe I said our engine number and I told them, you know, I
5 think our location, to get emergency responders out there, and I
6 didn't know much else, you know. It just had happened, but --
7 yeah, you know, that's about it.

8 Q. Okay, when you said your location, did you say you were
9 at --

10 A. I said -- I believe I said we were in between
11 Minneapolis Junction and Van Buren.

12 Q. And Van Buren would've been ahead of you?

13 A. Correct.

14 Q. Okay, and what did he say in response?

15 A. I believe he probably -- I think he just said that they
16 were on their way. I don't remember in the moment, you know, like
17 a thousand things are going through your head.

18 Q. No, that's understandable, and that's why we need to
19 have this dialogue with you. But when -- your take on, you've
20 called him and announced an emergency situation, and his reply to
21 you about they are on the way, you took that to mean emergency
22 responders?

23 A. Yeah, and I believe he said, you know, emergency
24 responders are on the way.

25 Q. Okay. One of your descriptions was that a cop shows up,

1 and we've already figured out it's a local community police
2 service. Do you have any guesstimate of time? I know these
3 things are kind of jumbled up, but --

4 A. No, I mean, like I said, he was sitting up at
5 Minneapolis Junction. I believe that's the same cop that came
6 right down there as, you know --

7 Q. So, when you went through Minneapolis Junction, in
8 addition to seeing gondolas and material cars and the end loader,
9 this police -- in a squad car or something like that?

10 A. Um-hum.

11 Q. He's what, to your right?

12 A. Yup, facing east.

13 Q. Facing east and you're going west?

14 A. Um-hum.

15 Q. Okay. Any acknowledgement from him or any
16 acknowledgement from you about him being there?

17 A. Just a wave.

18 Q. Pardon?

19 A. Just a wave.

20 Q. Just a wave, okay. So that accounts for maybe how quick
21 a policeman comes up and says he needs to talk to you and get your
22 name and all that kind of stuff?

23 A. That was 20 minutes afterwards.

24 Q. Twenty minutes afterwards, okay.

25 A. Yeah, yeah, 15, 20 minutes. I can't --

1 UNIDENTIFIED SPEAKER: A long period. A long period.

2 MR. MIKE HAGGERTY: Yeah, I can't tell you the exact
3 minute or --

4 BY MR. HIPSKIND:

5 Q. No, no, no, that's fine. But we have no concept of time
6 until you help paint some of that for us.

7 A. Yeah. So, yeah, like I said, I wish I could tell you
8 exactly.

9 Q. Okay, I know we've got a few more questions, so let me
10 turn it over to Mr. Southworth.

11 MR. SOUTHWORTH: I'm fine for now.

12 MR. HIPSKIND: You're good.

13 And Dr. Jenner.

14 BY DR. JENNER:

15 Q. Yeah, just, if you can just back up your schedule just a
16 few days, the day before you had off -- you were off work the day
17 before?

18 A. Um-hum.

19 Q. Were you -- can you just back up your schedule, which
20 days you were working, which days you were off.

21 A. I had Saturday/Sunday off.

22 Q. Okay, and what is your -- what was your on-duty time and
23 off-duty time scheduled to be?

24 A. Scheduled on-duty time is 6:30 and the latest I can work
25 is 6:30.

1 Q. 6:30 a.m. to p.m.?

2 A. Correct.

3 Q. Just how was your -- how'd you feel at the beginning of
4 your shift in terms of your alertness level and things like that?

5 A. Fine.

6 Q. Okay, overall health is good?

7 A. Yup.

8 Q. Okay, great. Thank you.

9 MR. HIPSKIND: Thanks, Steve.

10 And Mr. Smullen?

11 BY MR. SMULLEN:

12 Q. Yeah, you said you saw the front-end loader from a
13 distance back.

14 A. Um-hum.

15 Q. What part of the front-end loader did you notice? How
16 did you identify it was a front-end loader?

17 A. I know equipment, and I think I saw it from the side.
18 You know, there -- you know, you can just see the cab and the
19 side.

20 Q. So you saw the side view of the cab?

21 A. Yeah.

22 Q. Did you see the wheels?

23 A. No, not to my recollection.

24 Q. Did you see the bucket in the front?

25 A. No.

1 Q. Okay, all right. Your conductor got down and said that
2 everybody was okay, came back with your report. Do you know who
3 told him that?

4 A. Could not tell you that. We don't know who they are.

5 Q. Okay. You said you went by the signal, you're operating
6 on an approach medium.

7 A. Yes.

8 Q. What's the speed limit on that?

9 A. Twenty-five through there.

10 Q. Twenty-five?

11 A. Yeah.

12 Q. And that's permit speed limit through there?

13 A. Yeah.

14 Q. Did you see the next signal?

15 A. Yeah, I believe it was an approach.

16 Q. Okay, what was going on in the cab as far as
17 conversations between those two signals?

18 A. Nothing. I mean, it was --

19 Q. Did you call the -- did you call out the signals?

20 A. Yeah, I mean, between we were talking about signal, you
21 know, approach medium, like that. As far as anything else,
22 nothing. I mean, we saw the guys; you know, we acknowledged we
23 saw the guys up there.

24 Q. How did you acknowledge, meaning --

25 A. Well, I mean, you know, just --

1 Q. Between the two of you or just by blowing the whistle?

2 A. Well, I, you know, I think it's both. I blew the
3 whistle and stuff, I mean, we both look over and you see the
4 equipment, you know, and you're --

5 Q. You guys, did you talk about it at all or --

6 A. I can't remember that, to be honest with you.

7 Q. All right. Okay.

8 A. I believe so, but I can't tell you with total certainty.

9 Q. Okay.

10 MR. SMULLEN: That answer your questions? I think
11 that's all I got right now.

12 MR. HIPSKIND: Thank you, John.

13 MR. SMULLEN: Oh, excuse me, one more.

14 MR. HIPSKIND: No, go ahead.

15 BY MR. SMULLEN:

16 Q. Let's talk about how you operate through here. It's
17 CTC, correct?

18 A. Correct.

19 Q. And who operates the CTC with dispatch?

20 A. West Hump.

21 Q. West Hump dispatch? And he operates his territories
22 from where to where?

23 A. From St. Anthony, I believe and I don't how far west --

24 Q. West? Okay, into Northtown, where you were going?

25 A. Yup, yup.

1 Q. So you started your move. You talked to the East Hump
2 to get to the St. Anthony; is that correct?

3 A. Correct.

4 Q. And you talked to the West Hump, or did you just go by
5 signal indication?

6 A. Nope, just went on signal indication.

7 Q. So there was no talking to the dispatcher through here?

8 A. No, nope.

9 Q. Okay. Was there any other movements in the area, train
10 movements?

11 A. No, not that I remember.

12 Q. Okay.

13 A. It's the main track through there anyway, so --

14 Q. Right. There was no stopping at one of the Y's there
15 for you, or no need to.

16 A. No.

17 Q. You didn't have to stop and wait for anybody ahead of
18 you?

19 A. No, no.

20 Q. All right. Okay, thank you.

21 MR. HIPSKIND: Okay, thanks John.

22 George.

23 BY MR. LOVELAND:

24 Q. You know, we may have already discussed this but I don't
25 remember. But in your duties throughout the day before this

1 incident, did you pass through that area before, on your way
2 through?

3 A. Yes.

4 Q. Yeah. What time was that?

5 A. Guesstimate, maybe 10:15.

6 Q. So about an hour before this?

7 A. Yes.

8 Q. Going east?

9 A. Yeah. And I actually do kind of remember even when we
10 were going east, you know, there was nothing there, and that's why
11 I think we acknowledged kind of in the cab when we were coming
12 back. We said something, and I don't remember the exact words,
13 because that's when we saw people there. But I don't remember the
14 words we used, but we knew that people were there. We just don't
15 -- I don't remember what we said. We knew they were there. We
16 both knew they were there, and I just don't remember what we said.

17 Q. Okay, so going -- when you're going back east, did you
18 see that you --

19 A. Going back east or you meaning heading?

20 Q. No, excuse me, when you went east the first time through
21 there, did you -- I think you said there was nobody there working
22 there, right?

23 A. Yeah, we don't -- yeah, neither one -- you know, we
24 didn't -- nothing even was there.

25 Q. You didn't -- if they were there, you didn't see them,

1 right? Is that the correct -- or I guess what I'm asking, were
2 they working at 10:15 when you went through there the first time?

3 A. Not that we saw anybody. I mean, they could've been
4 there, but we never saw anything. It wasn't noticeable like it
5 was when we came back through.

6 Q. What was the weather like the first time you went
7 through and then the second time you come back through?

8 A. Both times conditions were fine.

9 Q. So it wasn't raining or anything?

10 MR. HIPSKIND: You have to say yes or no. We see you
11 shake your head but --

12 MR. MIKE HAGGERTY: Oh, I'm sorry. Yeah. No, I mean
13 the conditions were the same.

14 MR. LOVELAND: I wasn't trying to put words in your
15 mouth, I was just referring to your head shaking.

16 MR. MIKE HAGGERTY: Yup, I'm sorry.

17 MR. LOVELAND: Thanks, Dick, for straightening me out
18 there.

19 MR. HIPSKIND: Anything else, George?

20 MR. LOVELAND: No. Thanks, Mike.

21 MR. HIPSKIND: Thank you.

22 Thomas.

23 BY MR. ALBANESE:

24 Q. Okay, I have a few. A little bit further on that. When
25 you went eastbound, you said you saw nothing there. The front-end

1 loader, you didn't see the front-end loaders in view or anywhere?

2 A. It could've been there, but like I said, you know, if
3 it's not right in front of us, we're not -- I'm not looking out
4 100 yards, 200 yards, because, I mean, there's always people
5 around, bystanders, whatever, and I'm looking, you know, something
6 that's pertaining to the track in front of me that may be an
7 obstruction.

8 Q. Okay. Okay, so you did notice on the way back and you
9 discussed that, as you had said here in the follow-up, that you
10 noticed something was different; you saw the front-end loaders.

11 A. Um-hum.

12 Q. Is that the reason why ultimately then you blew the
13 whistle and started ringing the bell?

14 A. Yeah, you just want to make sure; it's better to take
15 the safe course.

16 Q. Okay. And then when you all heard the noise and -- from
17 that point until the time you placed it in emergency or the
18 locomotives went in emergency, what do you think as far as timing
19 on that?

20 A. It's probably pretty instantaneously --

21 Q. Okay.

22 A. -- but, like I said before, you know, you're just --
23 your reactions take over.

24 Q. All right. And was the next thing that you did, was it
25 announce emergency or, or did you ask for emergency response or

1 what was the sequence there?

2 A. I couldn't tell you that, you know. I just wanted --
3 you know, you just called all -- you know, obviously we knew there
4 was an emergency. I can't remember if I said emergency or what I
5 said, what my exact words. I wanted to make sure someone was
6 coming, you know, so I let them know --

7 Q. Or did the conductor make any of those announcements
8 over the radio?

9 A. I couldn't tell you.

10 Q. The utility?

11 A. Couldn't tell you.

12 Q. Okay. And did you have any conversation personally,
13 you, with the maintenance-of-way employees?

14 A. No.

15 Q. All right, that's all I have.

16 MR. HIPSKIND: Okay, thanks Thomas.

17 Mike, we're kind of empty, all of our cups here, but let
18 me check. Does anybody in our interview group, do you have any
19 more questions for Mr. Haggerty?

20 BY MR. SMULLEN:

21 Q. Something keeps ragging at me here a little bit here,
22 just help me out. You said when you went by, you saw a guy
23 kneeling on the ties and he looked up.

24 A. Um-hum.

25 Q. He was lower than the locomotive, then, at that point?

1 A. No, he was on top of the stack.

2 Q. So was he eye to eye with you or what do you think?

3 A. No. I want to say he almost maybe even higher, but I
4 don't remember how high the stacks were, you know. I just don't
5 remember the exact footage, you know, how high they were.

6 Q. Okay.

7 MR. HIPSKIND: George, one more?

8 BY MR. LOVELAND:

9 Q. Just, I think, maybe -- when you mean, he looked up, you
10 don't mean he looked up at the, like up --

11 MR. SMULLEN: Up from his work?

12 BY MR. LOVELAND:

13 Q. -- at the sky, towards you? He looked up from his
14 position?

15 A. Looked in the window. You could just see that the, you
16 know, the person eye --

17 Q. But he just looked up from the position he was in?

18 A. Correct.

19 Q. Not like --

20 MR. SMULLEN: I got you.

21 BY MR. LOVELAND:

22 Q. -- like over you? Okay.

23 A. No, no, no. Yeah, looked down at us. You know,
24 something caught his attention, obviously, probably the bell.

25 MR. HIPSKIND: Is that it guys?

1 UNIDENTIFIED SPEAKER: I got one more.

2 MR. HIPSKIND: Sure, and Mike, this is how it goes.

3 MR. MIKE HAGGERTY: That's fine.

4 BY UNIDENTIFIED SPEAKER:

5 Q. Yes, this has kind of got me thinking about a couple of
6 things. Were you able to hear anything on the radio that may have
7 come across from maintenance-of-way crew?

8 A. No.

9 Q. On channel 70? And as he was on he knees, was he
10 looking down at the work he was doing? Was he doing -- did it
11 look like he was doing something like maybe unfastening chains or
12 something like that?

13 A. I couldn't tell you that, you know. I don't know what
14 he was doing up there.

15 Q. Okay.

16 A. So.

17 MR. HIPSKIND: Is that it?

18 DR. JENNER: That's it.

19 MR. HIPSKIND: No, Jim wants to ask a question, so let's
20 see what he's got.

21 BY MR. SOUTHWORTH:

22 Q. Jim Southworth. Just want to clarify a part if we can
23 go back a little bit. You got information from your -- not a
24 conductor. What's he called, a --

25 MR. HIPSKIND: The utility?

1 BY MR. SOUTHWORTH:

2 Q. Utility man that no one was hurt, just shook up?

3 A. Correct.

4 Q. Was he on the east end or west end of the accident site?

5 A. East end -- or, I mean, I'm sorry, west end. Because we
6 were almost through it, so --

7 Q. So he climbed across to talk to someone?

8 A. Either climbed across or went around because I think
9 there was only a few cars left. I couldn't tell you what. Like I
10 said, I was on the radio.

11 Q. But he didn't go -- he stayed pretty close to the track
12 area? He didn't go off towards the big chain-link fence?

13 A. Couldn't tell you exactly where he went.

14 Q. But he's the one that came back and told you that as far
15 as he knew there was no injuries, just shook up?

16 A. From what he was told, yes.

17 Q. Okay, okay. Just trying to figuring out where he was
18 and what --

19 A. Yeah, I couldn't --

20 Q. -- his view point might have been (indiscernible) --

21 A. -- couldn't tell you, I'm just -- I'm standing up in the
22 locomotive.

23 Q. Yeah, I'm just trying to see if I can get a little idea
24 of the person that told him --

25 A. Yeah.

1 Q. -- might not have had any view of the gentleman that was
2 down, so --

3 A. Yeah.

4 Q. All right.

5 A. Didn't change our response at all to the situation,
6 so --

7 MR. HIPSKIND: We're all -- we're done?

8 MR. SOUTHWORTH: I'm done.

9 MR. HIPSKIND: We're good?

10 BY MR. HIPSKIND:

11 Q. Okay, just to revisit this last point. When you come
12 by, the only person you see is the guy who is on top of the panel;
13 you don't see anybody else. Correct so far?

14 A. Well I said --

15 Q. You see --

16 A. -- I said I saw the operator, you know -- not the
17 operator, the -- just, you know, on the loader.

18 Q. The loader?

19 A. Yeah.

20 Q. But you don't see the loader moving forward or backward
21 and you don't see the loader lifting?

22 A. Not that I remember.

23 Q. Okay, and we will ask your co-worker.

24 A. Yeah, I remember it was facing towards the -- you know,
25 forks towards the -- or whatever he had, you know, he's facing

1 towards the main track, you know. That's the only thing I
2 remember is the position he's in.

3 Q. Was he close enough to the track panels that he likely
4 had his forks underneath them?

5 A. That I couldn't tell you. I just remember he wasn't far
6 away; I mean, he was close to them.

7 Q. Okay.

8 A. So I don't know their length, their forks or, you know,
9 anything like that, so --

10 Q. And in the short distance that you traveled, we're not
11 even talking two car lengths here, a lot of things happened,
12 noise, the train goes in emergency, and I want to be clear about
13 this point, Mike. However the train went in emergency, whether
14 you did it or it initiated on it's own, the calling out the
15 emergency and the conversation with the East Hump --

16 UNIDENTIFIED SPEAKER: West Hump.

17 MR. MIKE HAGGERTY: West Hump.

18 BY MR. HIPSKIND:

19 Q. -- West Hump dispatcher, you didn't wait on your
20 co-worker to exit the locomotive, go over there -- and the phrase
21 I'm going to use is report back to you?

22 A. No.

23 Q. That was ongoing whatever he was doing in his activity.

24 A. Yes.

25 Q. And how ever he got over there, climbed over the car,

1 went around the car, whatever, correct?

2 A. Yes, yes.

3 MR. HIPSKIND: All right. Guys, I think that's all
4 we've got, right? Collectively? I see a lot of nods going up and
5 down.

6 So, now I want to acknowledge Mr. John Haggerty, who is
7 Mike's representative and commend you, you have been patiently
8 waiting, and I want to invite your input if you think we need any
9 clarifications on anything.

10 MR. JOHN HAGGERTY: At this point, no, no
11 clarifications. The only thing I want to state on the record is
12 that at the beginning of the interview, I requested to have my own
13 personal recording of the interview and was told that the only
14 recordings allowed are the recordings of the NTSB and that I was
15 not allowed to make my own personal recording.

16 MR. HIPSKIND: Okay. And we did talk about that. I'm
17 okay with you putting that in the record.

18 MR. JOHN HAGGERTY: Thank you.

19 MR. HIPSKIND: But we will share the copy of the
20 transcript with Mike, and Mike, we've talked about that, and so if
21 we're all done, I want to go through this little bit of a litany
22 of some things that we talked about before the interview took
23 place and put them on the record now, okay?

24 MR. MIKE HAGGERTY: All right.

25 BY MR. HIPSKIND:

1 Q. So we talked about the fact -- or I'm going ask you in a
2 form of a question, then you can give me a yes or no, okay? Did
3 we talk about that the purpose of this investigation was to
4 increase safety, not to assign fault, blame or assign liability?

5 A. Yes.

6 Q. And did we talk about that the NTSB cannot offer any
7 guarantee of confidentiality or immunity from legal or certificate
8 actions?

9 A. Yes.

10 Q. And did we talk about that a transcript or summary of
11 the interview will go in to the public docket?

12 A. Yes.

13 Q. And we also talked about the process where we will
14 provide you with a copy for you to review and correct via errata
15 sheet?

16 A. Yes.

17 Q. And we also talked about the fact that you could have
18 one representative of your choice present and you did elect to do
19 so?

20 A. Yes.

21 Q. And we also talked about the fact that we would record
22 the interview and were you okay with that?

23 A. Yes.

24 Q. All right. You have my contact information; I also have
25 your contact information, and so I want to thank you for coming in

1 here and helping our investigation today.

2 A. Um-hum, you're welcome.

3 Q. It was just a necessary part. I think you knew that
4 and --

5 A. Of course, yeah.

6 Q. -- I just, I want to commend you for your manner in
7 which you took on this responsibility and aided our investigation.

8 MR. HIPSKIND: So if there is nothing else, gentlemen,
9 again, our sincere thanks and we'll be in touch and I'll get you
10 that mailing. It may take a couple of weeks, okay?

11 MR. MIKE HAGGERTY: Okay, sounds good.

12 MR. HIPSKIND: Okay, Mike? Thanks again, and thanks to
13 you, John, and that will be the conclusion of the interview.

14 (Whereupon, the interview was concluded.)

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