

UNITED STATES OF AMERICA

NATIONAL TRANSPORTATION SAFETY BOARD

\* \* \* \* \*

Investigation of:

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

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

Docket No.: DCA-15-FR-011

\* \* \* \* \*

Interview of: ROE MORGAN

Holiday Inn Downtown  
St. Paul, Minnesota

Wednesday,  
May 27, 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

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

JOHN PALACIOS, Director of Engineering Safety  
BNSF Railway

JOHN MOZINSKI, Vice Chairman, Secretary-Treasurer  
Brotherhood of Maintenance of Way Employees  
Division  
(Representative on behalf of Mr. Banks)

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

<u>ITEM</u>	<u>I N D E X</u>	<u>PAGE</u>
Interview of Roe Morgan:		
By Mr. Hipskind		6
By Mr. Johnson		13
By Mr. Julik		14
By Mr. Palacios		15
By Dr. Jenner		16
By Mr. Loveland		18
By Unidentified Speaker		19
By Mr. Hipskind		20
By Mr. Loveland		22
By Mr. Hipskind		23

I N T E R V I E W

1  
2 MR. HIPSKIND: Good afternoon everybody. My name is  
3 Richard Hipskind, and I am the investigator-in-charge and the  
4 Track and Engineering Group chairman for NTSB for this accident.  
5 We are here today, on May 27, 2015, at the Holiday Inn Downtown in  
6 St. Paul, Minnesota, to conduct an interview with Mr. Roe Morgan,  
7 who works for the BNSF Railway, 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 27, 2015 [sic]. The NTSB accident reference  
12 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 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, investigator-in-charge, and Track and Engineering  
22 Group chairman for this accident.

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

1           MR. JOHNSON: I'm Dale Johnson, J-o-h-n-s-o-n. I am  
2 Region 4, a track safety inspector. FRA. I'm sorry.

3           MR. PALACIOS: I'm John Palacios, spelled  
4 P-a-l-a-c-i-o-s, with BNSF Railway, director of engineering  
5 safety.

6           MR. LOVELAND: George Loveland. Last name's spelled  
7 L-o-v-e-l-a-n-d. I am the vice general chairman -- or a vice  
8 general chairman for the Brotherhood of Maintenance of Way  
9 Employees Division.

10          MR. JULIK: My name is Thomas Julik. I'm an FRA safety  
11 inspector in the track division.

12          MR. SMULLEN: John Smullen, S-m-u-l-l-e-n. I'm a  
13 operating practices safety inspector for the Federal Railroad  
14 Administration. I am posted here as a -- working as an observer  
15 today.

16          MR. HIPSKIND: And, Mr. Morgan, can we get you to  
17 introduce yourself for the record?

18          MR. MORGAN: My name is Roe Morgan, M-o-r-g-a-n, and I  
19 am a laborer or section man for BNSF Railroad.

20          MR. HIPSKIND: And just for our transcriptionist, the  
21 spelling of your first name is how?

22          MR. MORGAN: R-o-e.

23          MR. HIPSKIND: Okay. Thank you, Mr. Morgan. As we  
24 proceed through this interview discussion, is it okay with you if  
25 we use a first name basis?

1 MR. MORGAN: That'd be fine.

2 MR. HIPSKIND: Okay. Thank you for that.

3 MR. MORGAN: I may not remember all of yours.

4 MR. HIPSKIND: Oh. Well, we're not as important as you  
5 are, but hey -- Roe, do you wish to have a representative with you  
6 here at this interview this afternoon?

7 MR. MORGAN: Yes, I do.

8 MR. HIPSKIND: John, would you put yourself on the  
9 record?

10 MR. MOZINSKI: John Mozinski, M-o-z-i-n-s-k-i, BMWED,  
11 vice chairman, secretary/treasurer.

12 MR. HIPSKIND: Thank you, John.

13 And Roe, do we have your permission to record this  
14 discussion, our interview with you today?

15 MR. MORGAN: Yes, sir. You do.

16 MR. HIPSKIND: Thank you.

17 INTERVIEW OF ROE MORGAN

18 BY MR. HIPSKIND:

19 Q. First thing I want you to address, Roe, is kind of give  
20 me an understanding of when you hired out, a month or a year -- I  
21 don't need the exact date -- and tell me the jobs or positions  
22 that you've held over your career and take me up to present day.

23 A. I hired on in 5/7/07; May 7th, 2007. Been on 8 years.  
24 Started out as a laborer, got a truck date in '08. So, drove a  
25 truck. Still have that job position; I'm just not in it right

1 now. I'd rather be a laborer. That's the job I bid on this gang,  
2 CG08.

3 Q. Okay. And on the day of the accident, you were a  
4 laborer?

5 A. A laborer, yes.

6 Q. Okay. I understand. So Roe, let's let you talk and me  
7 sit back and listen. And some of the things I want you to cover  
8 are just take me through the day, how it unfolded, where you were  
9 at, where you started work, who you were with, and if you did a  
10 job briefing, the quality and content of that, and then take me  
11 out and let me know what task you did. But when you get to the  
12 part about being over (indiscernible) and the panel unloading,  
13 kind of slow down and give me some greater detail with that if you  
14 would.

15 A. Okay. Started out that morning about 8:00, we met in  
16 the lobby. That would be Tyrell, myself, Phil, Dave, and Jesse,  
17 all met in the lobby of the hotel, 8:00, to have a Tyrell  
18 briefing, which is, I mean, short, to the point, let's go to work  
19 deal. But, we covered -- he was a -- said we was going to build a  
20 tail rail in the yard. Then we were going to unload some panels  
21 off some flatcars. And they was sitting on a siding track, so he  
22 said we'll have like a derail on each end of the siding track.  
23 And the adjacent track, as long as we didn't foul within 4 foot of  
24 that, we shouldn't need any coverage on that. So, we just  
25 considered ourselves covered with the derails on the yard track,

1 which the cars were on.

2 Q. Did you assist with any of the application of the  
3 protection out there?

4 A. I did not help put it on, no.

5 Q. Okay. And in the -- after you left the hotel and  
6 everything, you went to your first task of the day, which was  
7 something to do with putting --

8 A. We went to the yard where there's no tracks. It's just  
9 we're building switches and panels. So we didn't have to have any  
10 safety coverage of any tracks near us. So we just built the tail  
11 rail, put it all together, and then Phil got in his loader, Dave  
12 got in a loader, Tyrell and Jesse got in a pickup. I got in a  
13 van. I followed Phil and his loader with my flashers on for  
14 safety purposes over to the other job site. Then Phil and -- or  
15 Tyrell and Jesse followed the other loader in the pickup, doing  
16 the same thing.

17 So we went over there, parked all of the vehicles. And  
18 everything was chained down, so we had to -- and Tyrell had to put  
19 the derails up yet, so we just waited, talked -- kind of talked  
20 amongst each till Tyrell went and put the derails up. Then we all  
21 went up there, start taking the chains off. So, some was on the  
22 ground, a couple of us were up on top taking them, just dropping  
23 them down.

24 And I climbed down. Tyrell was still standing on the  
25 last, the fourth panel, a car down full of panels. And Phil had



1 got in his loader. Dave went to get in his loader. I think Jesse  
2 went over to the pickup, and I had -- I figured, well, the labor  
3 stuff is done so all I could do is sit and watch them unload. So  
4 I turned around. Everything's behind me. These you're your cars.  
5 I'm over here. And I seen Tyrell stand up there and he said hot  
6 rail, so I figured, well, I'm not in the way. And everybody else  
7 was clear. So I turned around, walked toward the van, and I hear  
8 a crash.

9 I turn around and look and all the panels are down and  
10 Tyrell's nowhere in sight. So Dave gets out of his loader. He's  
11 running back over there, so I figured maybe he saw Tyrell fall or  
12 something, jump, I don't know. So I went over there with him and  
13 he collapsed on the way over there. And I said, it must be bad.  
14 So I walked on over there and I saw Tyrell under that panel and I  
15 knew he was gone. I could just tell.

16 So, I turned around and I -- Phil was sitting in his  
17 loader and I said call 911 immediately. So him or Jesse or both  
18 called 911. Emergency was on their way. And the engineers, they  
19 waved the police and everybody in, showed them how to get in where  
20 we were.

21 And then, the medic come up to me. He said, where's he  
22 at? How's he doing? I said, he's right over here under these  
23 panels, but I don't think he's going to make it. So I walked them  
24 over there and they went over there and did what they could, but  
25 it wasn't much. And then the cops showed up and I talked to them,

1 and that was about the end of it till -- they kept us away from  
2 it. That was out there most of the day.

3 Q. Okay, Roe, take us out through the end of your day. I  
4 understand that you probably were there for a while, but after you  
5 left that scene, that area, where did you go and what did you do,  
6 to wherever you went next?

7 A. I went to the building, the GOB. They took us to the  
8 GOB building and had us all take a breathalyzer and a urinary  
9 test.

10 Q. Okay.

11 A. And I assume we all passed it. I seen I blew zeroes on  
12 that, so --

13 Q. And did you -- you know, while you were there, did you  
14 provide a written statement?

15 A. Yes, a short, to the point statement for whoever it was  
16 that asked for it. I don't remember names.

17 Q. And after all that was complete, were you released from  
18 duty and -- or did you go back to the hotel or what?

19 A. Back to the hotel, yes.

20 Q. Okay. Let me take you back and let me try to get a  
21 little detail out of you on just a couple of items. Were you ever  
22 on -- not the unloading side of the flatcars, but did you ever  
23 have a opportunity or have to go over to the main line side of  
24 where the cars were sitting?

25 A. No. All I did on there, I climbed up on the cars and

1 untied the end, went across the top, untied all that, and then the  
2 other end of the cars. Then when I got off the cars, I was on the  
3 field side the whole time.

4 Q. Okay. And after all the panels kind of crashed and fell  
5 and all that kind of calamity, do you recall having any  
6 interaction or dialogue with either one of the crew members that  
7 were operating the locomotive?

8 A. No, we didn't. After they called or showed the police  
9 and everybody how to get in there, we had no conversation at all  
10 with the engineers.

11 Q. Engineers meaning?

12 A. Engine people that was driving the locomotive.

13 Q. Okay. All right. I just wanted to be clear about that.  
14 I'm curious about how did you -- I'm aware that you  
15 guys, your group, the five people, you included, that you worked  
16 together on Monday. But previously you worked together on Sunday  
17 and Saturday. Is that part correct?

18 A. That's correct.

19 Q. Do you recall how you ended up working those 3 days? I  
20 mean, is it something you sign up for? Is it --

21 A. Oh, they -- either the foreman or the roadmaster,  
22 usually they ask people that are -- have to drive too far to go  
23 home if they want to work the weekend, they have stuff we could do  
24 if you would rather work than drive. So we just volunteer, you  
25 know, we'll stay and work if you have things to do, so --

1 Q. Is that a regular kind of occurrence?

2 A. Yeah, almost every week they'll ask. If they've got  
3 stuff that needs to be done, they ask for volunteers to stay.

4 Q. Have you -- but you have volunteered and you've done  
5 that before?

6 A. I stay almost every weekend.

7 Q. Okay. So you're working a lot of days in a row?

8 A. Right.

9 Q. Okay. How did you happen to feel on the day of the  
10 accident? Were you wore out? Were you --

11 A. No. Not --

12 Q. -- good to go or --

13 A. Just another day.

14 Q. Just another day, okay.

15 A. Saturday and Sunday were kind of light. We didn't --  
16 it's not like a workday where you put in 10 grueling hours.

17 Q. By light, you mean a shorter number of hours worked?

18 A. Correct.

19 Q. Okay. All right. Roe, that's all the questions I've  
20 got for you for right now. I'm sure I'll have -- I'm sure I'll  
21 think of another one here, given time. But I want to engage some  
22 of the other investigators and see what's on their mind.

23 A. Okay.

24 Q. You okay with that?

25 A. Yeah.

1 MR. HIPSKIND: Dale, let me come to you first.

2 MR. JOHNSON: Okay.

3 BY MR. JOHNSON:

4 Q. Roe, have you worked prior with these individuals? Do  
5 you know all the people involved?

6 A. Let's see. A couple of them remember me. I don't  
7 remember people that well, but I did work with Tyrell before.

8 Q. Okay.

9 A. I knew him. And Jesse, I've never worked with. Dave,  
10 I've never worked with. Phil, for maybe a little bit of time on  
11 the P-811, but it'd been a few years ago.

12 Q. Okay. So in the morning, what was the first thing you  
13 did when you guys got started on the day of the incident?

14 A. We had our little briefing in the hotel.

15 Q. At the hotel?

16 A. Right. In the lobby.

17 Q. Did you participate? I mean --

18 A. Yeah.

19 Q. Okay. Can you hear --

20 A. We all stand or sit around in a little group there and  
21 Tyrell -- we asked, well, what are we going to do today? And he  
22 says, well, we're going to put them -- put that tail rail on -- in  
23 the yard and then we're going to go do them -- take them panels  
24 and get them unloaded.

25 Q. Okay.

1           A.    And then somebody, I don't know who, asked we got --  
2 what are we going to do for protection if that's on the track?

3           Q.    Yeah.

4           A.    And he said, oh, it's just a yard track. We're going to  
5 put a derail on each end and then the other track, he said there's  
6 a main track behind it, but we're not going to be over there so we  
7 shouldn't need protection on it.

8           Q.    Okay. So what you guys did on the day of the event,  
9 that's normal tasks for you guys?

10          A.    Yeah. We have a briefing every morning even if it's  
11 like four or five guys --

12          Q.    Yeah.

13          A.    -- or the whole gang. We always have a briefing on what  
14 we're going to do for the day.

15          Q.    Cool.

16          A.    Kind of protection, we always have.

17          Q.    Okay. That's all I have, just --

18               MR. HIPSKIND: Thanks, Dale.

19               George?

20               MR. LOVELAND: I don't have any questions.

21               MR. HIPSKIND: Tom, you ready?

22               MR. JULIK: Yeah.

23               BY MR. JULIK:

24          Q.    So you had the briefing first off there in the morning  
25 at the hotel, correct?

1 A. Yes.

2 Q. Did you have another briefing when you showed up at the  
3 switch?

4 A. Not as a group, no. But I did go as a -- to the loader  
5 where Phil was while he was putting the -- Tyrell was putting the  
6 derails up. I said, are you sure we don't need nothing on that  
7 other track? He says, if we're not going to foul it, then we  
8 should be good to go. That's with a -- you got a 4-foot rule,  
9 which everybody knows about. So if anybody was on that other side  
10 to untie chains or whatever, as long as they're in the 4-foot  
11 rule, they should have been safe.

12 Q. And this was at the location where you were unloading  
13 panels, not the switch, correct?

14 A. Correct.

15 Q. Okay. Did the group have another briefing in between  
16 when you had the briefing at the hotel before you started  
17 unchaining the equipment, other than the discussion that you just  
18 mentioned there?

19 A. There was no briefing.

20 Q. Okay. All right. That's all I've got for questions.  
21 Thank you.

22 MR. HIPSKIND: John, you're next.

23 BY MR. PALACIOS:

24 Q. Yeah, I just got one for you real simple. You just  
25 mentioned that you questioned the protection on the main track.

1 Who was that conversation with?

2 A. Phil, the guy on the loader, yeah.

3 Q. Phil? He's the loader operator? Okay.

4 A. Yeah. I was just talk and tell him about when -- while  
5 Tyrell was putting the derails up, you know, I just wanted to kind  
6 of cover it.

7 Q. Okay. Appreciate it. That's all I got.

8 MR. HIPSKIND: Dr. Jenner?

9 DR. JENNER: Yeah, just a couple.

10 BY DR. JENNER:

11 Q. We've talked to your co-workers today and we're trying  
12 to fully understand why Tyrell might have been still up on the  
13 top, on the panels. Do you have any thoughts about that?

14 A. That kid, I'll tell you, when we build them panels and  
15 line them into place, he's always wanting to stand on them for  
16 some reason. I don't know why. But he'd stand on the end of  
17 them. Even if they picked them up and they -- even when they  
18 moved them, and we'd say that is not safe, that's not safe, you  
19 know. But you couldn't talk him out of it. So when we went up on  
20 top and untied them, he was up there with me. And when I climbed  
21 down, he just stayed there. I guess because he's the foreman and  
22 maybe he could see better up there.

23 Q. What does he -- see what?

24 A. How that we're going to unload. Oversee the whole  
25 thing.



1 Q. Would it have surprised you if he remained up there  
2 during the unloading?

3 A. No.

4 Q. That would not have surprised you?

5 A. If he was -- he was on the fourth car. He'd have  
6 probably stayed up there until they got all three first cars  
7 unloaded.

8 Q. So it's possible that he was -- he would have remained  
9 up there just to watch the operation unfold?

10 A. That's correct.

11 Q. Okay. Would there have been another reason for him to  
12 remain up there that you can think of?

13 A. No.

14 Q. When you said that he liked to stand on --

15 A. He did. He liked --

16 Q. -- on the panels --

17 A. He'd get on them panels. If he could walk in the yard,  
18 he'd much rather walk on them ties for some reason than on the  
19 regular ground. That's just the way he was.

20 Q. Had you worked with him during other unloading  
21 operations?

22 A. No, not unloading operations. The only other time I  
23 worked with him was on a steel gang and we was always on the  
24 ground.

25 Q. What is your impression if he remained up there? Is

1 that reasonably safe to do that or would you have concerns?

2 A. I didn't see any harm with it because -- being that far  
3 down from where their activity was -- they was going to start  
4 unloading on the far car. So I kind of thought, well, he'll be  
5 all right down there.

6 Q. I'm sorry, how long have you been with this gang?

7 A. Since January when they started this year.

8 Q. And overall, at least the -- the gang overall, how do  
9 you think they approach the work? Is it a professional group?

10 A. Yeah. We're all --

11 Q. Is there some sloppiness?

12 A. We're all professional and we all get along good.

13 Q. And for the four other people you worked with over the  
14 weekend, how would you summarize their approach to their work?

15 A. They're all professionals. There is no slouchers here.

16 Q. Well, that's my questions. Thank you.

17 MR. HIPSKIND: Is that it, Steve?

18 DR. JENNER: Yes.

19 MR. HIPSKIND: Okay. I missed that. I'm sorry.

20 So let me ask the group, do you have any follow-up  
21 questions for Roe? George, please go ahead.

22 MR. LOVELAND: Just one.

23 BY MR. LOVELAND:

24 Q. Earlier you said that typical Tyrell briefing, you know,  
25 here's what we're going to do, let's go do it.

1 A. Right.

2 Q. Is that just this weekend typical briefing or typical  
3 briefing since January?

4 A. Since January. And so that's the way he was, short and  
5 to the point, and then if there's anything else as a base group,  
6 usually the roadmaster or the assistant foreman would say their  
7 piece and then we'd go to work.

8 Q. So this has been -- even at the morning briefing, he  
9 tells everybody there the same thing, short and to the point?

10 A. Yep, that's the way he was.

11 Q. And nobody's taken exception to that?

12 A. No.

13 Q. That you know of? Okay, thank you. I don't have any  
14 more questions.

15 MR. HIPSKIND: Okay. Thank you.

16 Gentlemen, anybody else have a follow-up question? All  
17 right.

18 UNIDENTIFIED SPEAKER: I've got one.

19 MR. HIPSKIND: Sure.

20 BY UNIDENTIFIED SPEAKER:

21 Q. Do you recall, before Tyrell, you know, hot rail before  
22 you heard that crash, do you remember hearing any bells or the  
23 whistle from the approaching train?

24 A. No, not at all.

25 Q. Okay. All right, that's all I have. Thank you.

1 A. Yes, sir.

2 BY MR. HIPSKIND:

3 Q. This is Dick Hipskind again. Roe, if they had their  
4 bells, the engine bell ringing, do you believe you would have  
5 heard it?

6 A. I believe so.

7 Q. Was there other -- any ambient noise, noise from the  
8 loaders or anything that may have masked that, or not?

9 A. Both loaders were running, but I don't think that would  
10 have masked it.

11 Q. You know what a locomotive going by with its engine  
12 bells sounding, you know what that sounds like?

13 A. Yes.

14 Q. So is it your estimation, if it was going, you would've  
15 heard it?

16 A. Yes.

17 Q. Okay. Did you happen to hear any kind of a train  
18 whistle, train horn, earlier than when the accident happened?

19 A. Earlier, yeah, but it was on a different track.

20 Q. Different track, meaning?

21 A. Wasn't going anywhere near us. I could hear the horn  
22 blowing in the distance.

23 Q. Oh, you mean a operational train far away?

24 A. Right.

25 Q. Okay. Not on the track that was adjacent to you?

1 A. Correct.

2 Q. Okay. I'm -- I understand that.

3 Roe, kind of describe for me whatever training that  
4 you've received over the last few years. And what I'm really  
5 asking is, in terms of on-track safety, job briefing, that kind of  
6 stuff.

7 A. Well, we have a start-up class. Every year when these  
8 gangs start, they have a start-up class and they go over the  
9 safety. You have to take a test on it and pass it.

10 Q. Okay.

11 A. So that's every year.

12 Q. Is that a 1-day, multiple-day thing? How should I  
13 understand that?

14 A. For a full week.

15 Q. A full week.

16 A. A full week of you go through your hearing, your  
17 respirator, your book of rules, which covers your safety, and  
18 medical. Anything they think you need, they go over it for a  
19 solid week. That's all you do is sit in class and go through that  
20 stuff.

21 Q. And that's in advance of production season or something?

22 A. That's when the gang starts up. So this gang started  
23 January 19th. 19, 20, 21, 22, and 23rd you would've had all  
24 class, no -- there would've been no field work.

25 Q. At all?

1 A. No.

2 Q. Okay. And you've been in the production side of things  
3 for all the time that you've been on the railroad or have you ever  
4 been over on the maintenance side of things?

5 A. All I've done is work steel gangs or tie gang, drive a  
6 truck, and work two of these construction gangs.

7 Q. So most -- fair to say mostly on the production side of  
8 things pretty much your whole career?

9 A. Yes.

10 Q. So the start-up is an annual thing for you?

11 A. Yes, every year.

12 Q. Okay. All right.

13 MR. HIPSKIND: Gentlemen, any other questions?

14 MR. LOVELAND: Just one.

15 MR. HIPSKIND: George?

16 BY MR. LOVELAND:

17 Q. You said you were in class for 5 days --

18 A. Yes, sir.

19 Q. -- for gang start-up. Is that 5 days of actual rules,  
20 going over rules?

21 A. No. Like one day you would do your hearing and your  
22 respirator. And then maybe you'd watch a hearing video for that,  
23 then you'd watch respirator videos for that, which is safety.  
24 Then the last 2 days, usually Thursday, you'd go over your book of  
25 rules and take your test.

1 Q. Okay. Thank you. No more questions.

2 A. Yes, sir.

3 BY MR. HIPSKIND:

4 Q. Roe, I had said to you earlier, is there anything that  
5 you want to add or change to our discussion, albeit brief, but is  
6 there anything you want to add or change to it?

7 A. Well, and that adjacent rule, I think it's pretty much  
8 confusing to me.

9 Q. Okay. Why --

10 A. It got --

11 Q. -- why do you say that?

12 A. They say, well, 19-foot centers or -- what's the rest of  
13 it? Somebody on the ground, you have your on-track equipment.  
14 They want you to go through and pick three or four and if one of  
15 them's not right, it's yes or no. You know, it's more confusing  
16 than it is explanatory. So if we could go over that rule again  
17 and make it more explanatory, then I think it -- that'd help.

18 Q. Are there any questions that maybe we should have asked  
19 that we didn't ask as part of your interview? We don't want to  
20 leave anything out. I know we focused on what we think we want to  
21 talk about, but should we have asked something else?

22 A. Not that I can recall at this time.

23 Q. And I take it that by your last statement that you think  
24 the thing to change to prevent a reoccurrence is to revisit the  
25 adjacent track rule?

1           A.    That is correct.

2           Q.    All right.  Fair enough.  Anything else we need to know?  
3  Is there somebody else that you think we should interview?  You  
4  know we've interviewed the four of you on the gang today.  Is  
5  there anybody else we should reach out to, to gain a more complete  
6  understanding of how things go out here?

7           A.    Well, there was only the five of us there, so on that  
8  incident, there's probably nobody else that could tell you  
9  anything.

10          Q.    Okay.  I understand.

11          A.    But on how the rules go, that's on people above me.

12          Q.    All right.  And we have some plans and we do intend to  
13  explore --

14          A.    Okay.

15          Q.    -- that more deeply, okay?

16                MR. HIPSKIND:  John, I think we're to the point where --  
17  do you have any clarifications based on what we've talked about  
18  here?

19                MR. PALACIOS:  Not really.  It's just I'd like to re-  
20  echo some of my previous arguments, you know, when we talked about  
21  gang start-up and how the book of rules goes, and then also the  
22  adjacent track rule, that, I mean, that needs to be explored and  
23  changed.  I mean, I believe change back to how originally it was  
24  and that could have prevented it.

25                MR. HIPSKIND:  It's duly noted.  And you have made



1 comments --

2 MR. PALACIOS: Yeah.

3 MR. HIPSKIND: -- in previous interviews. All right.

4 Roe, I think I need to ask you a few questions. So, if  
5 you'll bear with me, we'll take care of that, okay?

6 MR. MORGAN: All right.

7 BY MR. HIPSKIND:

8 Q. Prior to the beginning of our interview, did we discuss  
9 that the purpose of this investigation was to increase safety, not  
10 to assign fault, blame, or liability?

11 A. That is correct.

12 Q. And did we discuss the fact that NTSB cannot offer or  
13 guarantee -- offer any guarantee of confidentiality or immunity  
14 from legal or certificate actions?

15 A. We did.

16 Q. And that a transcript or summary of the interview will  
17 go into the public docket?

18 A. Yes, sir.

19 Q. And that as the interviewee, you would have one -- you  
20 would have the choice of one representative, and I think you have  
21 indicated you've elected John to be that representative?

22 A. That is correct.

23 Q. Okay. Any other closing comments or questions for me or  
24 the investigative team?

25 A. No, none.

1           Q.    You do have my business card and if something comes to  
2 you or -- if something over the next, course of the next few  
3 weeks, whatever, do not hesitate to reach out to me, okay?

4           A.    Okay.

5           MR. HIPSKIND:  And if there's nothing else, gentlemen,  
6 Roe, I want to thank you for coming in here, being so patient, and  
7 adding value to the investigation.

8           MR. MORGAN:  You're welcome.

9           MR. HIPSKIND:  No, I should be saying thank you to you.  
10          Okay.  With that, let's close our interview with  
11 Mr. Morgan.

12          (Whereupon, the interview was concluded.)

13

14

15

16

17

18

19

20

21

22

23

24

25

CERTIFICATE

This is to certify that the attached proceeding before the

NATIONAL TRANSPORTATION SAFETY BOARD

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

DOCKET NUMBER: DCA-15-FR-011

PLACE: St. Paul, Minnesota

DATE: May 27, 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.

---

Chelsea Baranoski  
Transcriber