

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: JEREMY EBELING

Holiday Inn Downtown  
St. Paul, 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)

<u>ITEM</u>	<u>I N D E X</u>	<u>PAGE</u>
Interview of Jeremy Ebeling:		
By Mr. Hipskind		6
By Mr. Southworth		14
By Dr. Jenner		14
By Mr. Smullen		16
By Mr. Loveland		21
By Mr. Albanese		22
By Mr. Hipskind		27
By Mr. Loveland		33
By Mr. Albanese		34
By Mr. Smullen		35
By Dr. Jenner		38
By Mr. Hipskind		39

I N T E R V I E W

(9:10 a.m.)

1  
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. Jeremy  
8 Ebeling, 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 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 the Investigator-in-Charge for this accident.

22 DR. JENNER: I'm Stephen Jenner, J-E-N-N-E-R, a Human  
23 Performance Investigator with the NTSB.

24 MR. SOUTHWORTH: I'm James Southworth, S-O-U-T-H-W-O-R-  
25 T-H. I'm also a Railroad Accident Investigator. I'll be looking

1 at operations and mechanical aspects of this investigation.

2 MR. ALBANESE: I'm Thomas Albanese, A-L-B-A-N-E-S-E.  
3 I'm the General Manager for the BNSF Twin Cities Division and I  
4 will be representing the operating discipline for BNSF.

5 MR. LOVELAND: George Loveland, Vice General Chairman,  
6 BMWED. Brotherhood of Maintenance of Way Employees Division.

7 MR. SMULLEN: John Smullen, S-M-U-L-L-E-N, representing  
8 the Federal Railroad Administration Office of Safety. I'm an  
9 Operating Practices Safety Inspector.

10 MR. JULIK: My name is Thomas Julik. Last name is  
11 spelled J-U-L-I-K. I am a Safety Inspector with FRA in the track  
12 discipline, and I am posting this interview.

13 MR. JOHNSON: I'm Dale Johnson, J-O-H-N-S-O-N. I also  
14 am with the FRA, Track Safety Inspector. And I'm also an  
15 observer.

16 MR. HIPSKIND: And, Mr. Ebeling, would you please  
17 introduce yourself?

18 MR. EBELING: I'm Jeremy M. Ebeling, E-B-E-L-I-N-G. I  
19 am a conductor/switchman for BNSF Railway.

20 MR. HIPSKIND: And, Mr. Ebeling, do you mind if we go to  
21 a first name basis?

22 MR. EBELING: I do not mind.

23 MR. HIPSKIND: Okay. Jeremy, do you wish to have a  
24 representative here with you, today?

25 MR. EBELING: I do.



1 say, a couple of minutes prior to the accident. And as we  
2 discussed before the interview, just kind of take us -- give us  
3 that video -- enough information to create that videotape image in  
4 our own minds, if you could.

5 A. Some of my duties and responsibilities as a utility that  
6 day, are to line tracks or switches for the hostler so we go in  
7 the right direction. My duties also include talking to the  
8 dispatcher or people that are needed to get from point A to point  
9 B, and to guide the hostler into the right spot, whether that be  
10 with hand signs or using the radio to tell him how far he can go.

11 What was the rest of the question?

12 Q. Well, on the day of the accident, what time did you  
13 report?

14 A. Okay.

15 Q. And if your day was pretty much uneventful --

16 A. Okay. On 5/25, my on-duty time was 0630. Very  
17 uneventful up until the detail in question. We did hostle some  
18 power around Northtown, and then were instructed to take new  
19 engines over to Midway Q9 for the Midway switch crew and to take  
20 their power from Midway Yard back to Northtown Yard.

21 Q. So first an eastbound move and then, at the time of the  
22 event, that was on a westbound move?

23 A. That is correct.

24 Q. Okay. Jeremy, start about a couple of minutes before  
25 the accident and just kind of give us a landscape view of what

1 you're seeing and especially on the approach to the standing  
2 equipment on that adjacent track.

3 A. Okay. The signal there is Minneapolis Junction. It was  
4 an approach medium. We came up to that. There has been a lot of  
5 work around there lately throughout the whole Midway Subdivision.  
6 Mike and I had discussed that and had encountered people working  
7 already at St. Anthony, and had sounded our horn and whistle  
8 there. We had briefed about how much work is going on around  
9 there.

10 We came up to Minneapolis Junction. Like I said, there  
11 was an approach medium. We seen maintenance-of-way people working  
12 on the main line 2 pocket, is that we refer to; it's at the  
13 museum. It's between Minneapolis Junction and Van Buren. I seen  
14 one person on top of the panels. I seen a skid loader. I didn't  
15 see anybody else. We discussed coming up to these people.

16 We sounded our horn, kept our bell on. Once our first  
17 engine had cleared those people, we had heard a sound that was not  
18 normal and felt a jarring sensation. I don't know if Mike put it  
19 in -- Mike Haggerty had put it into emergency, but we stopped  
20 within a couple feet. I then grabbed the radio and called out,  
21 "Emergency, Emergency, Emergency; main track, Midway Subdivision,  
22 BNSF 2737."

23 I then got off the engine -- or I should say stepped out  
24 onto the front of the engine, called across to the maintenance  
25 guys to find out if everybody was okay. I couldn't hear or



1 understand anything that they were saying, so I got off the engine  
2 and I had approached them. I observed three individuals. And I  
3 asked them if they were okay and they said, yes.

4           So I went back to the engine with my radio, talked to  
5 the main line yardmaster, the West Hump dispatcher, and said that  
6 it seems to be that everybody is okay. I heard the sirens and  
7 stuff coming. Told them to keep having these people come, we'll  
8 go from there.

9           Q.    Okay. Let me try to pull some more detail out of this.  
10 Give me -- I know it's hard to judge sometimes when these things  
11 are happening so quick, but try to put some time frame, time  
12 assessment, to the best of your ability, on how quick the accident  
13 happened, how quick the locomotive came to a halt. And try to put  
14 some time to when you're exiting, the conversation, and the return  
15 to the locomotive.

16           A.    To the best of my recollection, the incident happened at  
17 approximately 1130. It was only a couple seconds that we had  
18 heard the sound, felt it, and that we had come to a stop. Maybe a  
19 matter of feet from the time of those two incidences as well.

20           As far as me, from the point of impact to me calling out  
21 "Emergency, Emergency, Emergency," it wasn't a minute that I  
22 stepped out onto the engine to ask them guys if they were okay. I  
23 would say about another 5 minutes, approximately, for me to go  
24 over and ask if they were okay and to come back to the engine and  
25 continue talking with the dispatcher, giving him updated

1 information on our train.

2 Q. Okay. And so the accident happens, the movement stops,  
3 and that all -- within seconds?

4 A. Matter of seconds.

5 Q. And in the time it took you to dismount -- did you go  
6 over the cars? Did you go out and around the cars?

7 A. To the best of my recollection, I went around the cars,  
8 because they were flat cars and there were no handholds to crawl  
9 over the cars.

10 Q. Okay. And when you asked them if they were okay, did  
11 they appear to have a concerned look on their face or anything,  
12 or, I mean, that a catastrophe had just happened?

13 A. To the best of my recollection, yes, they did. There  
14 was profanity being used, not directed at anybody. But yes --  
15 yes.

16 Q. Do you recall, Jeremy, at any time whether they said  
17 that somebody had been hurt or crushed or was in need --

18 A. No.

19 Q. -- of medical assistance?

20 A. No.

21 Q. I'm going to kind of ask you an opinion question. Do  
22 you find that a little bit amazing, now that you understand  
23 greater details of it? I mean that initial, your going over there  
24 to assess what's happened and --

25 A. Yes.

1 Q. Do you have any explanation for it? I'm not -- I know  
2 I'm kind of asking you to explain --

3 A. In my opinion, I think everybody may have been frazzled.

4 Q. In shock?

5 A. In shock. And maybe, in my opinion, when I asked them  
6 if they were okay, maybe they were just referring to themselves.  
7 I -- that's the only explanation I can give you.

8 Q. Okay. All right. Well, let's -- you've talked to them.  
9 And you go back around the cars; is that correct? And you get  
10 back on the locomotive. Take us slowly through some of the  
11 conversation or whoever you talked to at that time.

12 A. I talked to the main line yardmaster. He asked if  
13 everyone was okay. I said as far as -- as best to my knowledge  
14 everybody seemed to be okay. We're all shaken up, but everybody  
15 seems to be okay. I believe that he said that emergency was on  
16 its way. We could hear the whistles and stuff, sirens.

17 I talked to West Hump dispatch. He wanted to know  
18 exactly where our locomotives were. I told him that we were in  
19 between Minneapolis Junction and Van Buren. His concern was the  
20 Y, because he had trains that were coming. And I said we are  
21 clear of both legs of the Y. We're not affecting anything else,  
22 just this.

23 Q. And Jeremy, let me try and clear up something. When you  
24 used the term earlier about dispatch and then just recently you  
25 said, I think, West Hump dispatch, different people? Same person?

1           A.    On the Midway Subdivision we have an East Hump  
2 dispatcher and a West Hump dispatcher and you switch over there.  
3 But I had only verbally talked to the West Hump dispatcher. And  
4 so when -- what I referred to as dispatch, most likely I was  
5 referring to the West Hump dispatcher.

6           Q.    Okay. And is that choice to reach out to him because  
7 technically you're still in his territory?

8           A.    It's his territory. So we, yeah, we have to give him a  
9 heads up on what's controlling and affecting his track.

10          Q.    Okay. And the fact that you're going to be in some  
11 delay status?

12          A.    That is correct.

13          Q.    Okay. All right. Well, the accident's happened.  
14 You've checked with the guys. You had some radio communication  
15 with West Hump dispatch. Let's talk about, how does the rest of  
16 the day go? Who do you see next in terms of emergency response?  
17 And take us through a characterization of how your day ended and  
18 those activities, et cetera.

19          A.    To the best of my recollection, the very first person I  
20 seen was a squad car to show up on the scene. Next was the fire  
21 department. The fire department I seen approach the maintenance  
22 people and they were assessing -- I assume they were assessing the  
23 situation. This went on for a while. We didn't get off the  
24 engines. We didn't want to be in the way.

25                   As far as officials, our first official that we seen was

1 our trainmaster, Jeremy King. Once we seen that he's showed up,  
2 we stepped off the engines because he was approaching us. There's  
3 a Minneapolis police officer that asked us for a statement. We  
4 stated that we couldn't give a statement. He wanted our names and  
5 our birth dates. Jeremy King said it was okay to give him that.  
6 We did.

7 I believe Mike Haggerty made a comment that we were just  
8 thankful that nobody got hurt or killed. And that's when he  
9 looked at us and said there is a deceased person over there. And  
10 that was the first that we had heard about it.

11 After that, Jeremy King had us go to his vehicle after  
12 we tied our units down and isolated everything. He then took us  
13 to Midway Yard where we had given a statement. After we had given  
14 a statement, they had a couple more trainmasters show up;  
15 Mike Jouppi for sure. I don't remember who all else showed up.  
16 We then went to HCMC, where we provided a blood and urine sample  
17 for the FRA, I believe.

18 Q. Okay. And HCMC stands for --

19 A. Hennepin County Medical Center.

20 Q. Okay.

21 A. After we provided those, we got in Jeremy King's vehicle  
22 and proceeded to Northtown, tied up our ticket, went home.

23 Q. Okay. All right. Jeremy, thank you for taking us  
24 through some of those events through your eyes. Let me pass this  
25 line of questioning -- let me lean on Mr. Southworth. Do you have

1 any questions?

2 BY MR. SOUTHWORTH:

3 Q. You didn't know anybody that you talked to there when  
4 you asked them about who was hurt or anything?

5 A. I didn't know anybody's name. I only seen three people.  
6 I don't know how many were there all together. I couldn't tell  
7 you right off the top of my head, but I do know for sure I seen  
8 three. And I went up to each individual and then asked them if  
9 everybody's okay.

10 Q. Okay. Nothing else right now.

11 MR. HIPSKIND: Thank you, Jim.

12 Dr. Jenner?

13 BY DR. JENNER:

14 Q. Thanks for your testimony so far. I appreciate that.  
15 It's good detail. If I can just go back and revisit when you  
16 first saw the person on the top of the panels. Can you describe  
17 what you saw and what that person was doing, and did you make any  
18 eye contact or wave?

19 A. I did not make eye contact. I honestly can't say what  
20 he was doing. I could speculate on what he was doing. So I don't  
21 know. All I know is that he was on top of there. And I seen a  
22 guy in a front-end loader. Where exactly the front-end loader  
23 was, I -- it happened so fast, I don't know.

24 Q. Was the person who you saw -- can you describe his  
25 physical positioning? Was he standing upright? Was he kneeling?

1           A.    He was crouched down.  What he was doing, I don't know.  
2  As we sounded our whistle and had our bell on, he stood up and he  
3  looked at us.  I did not make eye contact with him, but he did --  
4  basically acknowledged that we were there.

5           Q.    Okay.  Did it seem to catch him by surprise?  If you can  
6  tell by body language?

7           A.    I couldn't tell.  It wasn't, in my opinion, it wasn't a  
8  jolt up like, oh, my gosh.  It was --

9           Q.    I think you said acknowledged and --

10          A.    He acknowledged us.

11          Q.    And once he stood up, did he remain standing or did you  
12  see him walk in one direction or change position?

13          A.    I was focused on what was in front of us.  Everything  
14  didn't seem to be affecting our engine, so it was, okay, what's  
15  the next signal at Van Buren?  It wasn't until the track panels  
16  hit our second unit that I realized, oh, my gosh.  And I don't  
17  know who that guy was on top there.  I can't say if he was the guy  
18  who was the fatality that I heard about or not.

19          Q.    In your best estimate, about how far away distance-wise  
20  did you first see him?

21          A.    The guy who was on top of the track panels?

22          Q.    Yes.

23          A.    It wasn't too far right after we took the signal.  If I  
24  was to give you my best estimate, 300 feet, I guess.

25          Q.    Okay.  Now, the equipment that you mentioned

1 observing --

2 A. Track panels?

3 Q. No, no. The lift equipment.

4 A. Oh, the front-end loader?

5 Q. The front-end -- I'm sorry.

6 A. Okay.

7 Q. Did you see that --

8 A. I seen that before I seen the person on top of the  
9 panels.

10 Q. Did you see the front loader in motion? Do you know if  
11 it was moving at the time?

12 A. At the time, I cannot say that I seen it in motion.  
13 When we came to a stop and after I called out emergency and I  
14 stepped out onto the engine, I did see it backing up. The only  
15 thing that I seen.

16 DR. JENNER: I think that's my questions for now. Thank  
17 you.

18 MR. HIPSKIND: Thank you, Steve.

19 Mr. Smullen?

20 MR. SMULLEN: Thank you.

21 BY MR. SMULLEN:

22 Q. You said you saw the guy on the top of the ties, about  
23 300 feet. Was that 300 feet before the point of impact or 300  
24 feet past the signal that you took?

25 A. It was right after we took the signal --



1 Q. About 300 feet past the signal?

2 A. -- that I seen him.

3 Q. Okay. And you mentioned you talked to the main line  
4 yardmaster?

5 A. I did.

6 Q. Do you remember who that was?

7 A. Scott Sheard (ph.).

8 Q. What seat were you sitting in?

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

10 Q. That being the rear seat of the two on the left?

11 A. Excuse me?

12 Q. The rear seat of the two left seats? Or the front seat  
13 of the two left seats?

14 A. Okay. Facing west, I was on the left-hand side, yes.

15 Q. The front seat or the back seat?

16 A. The back seat.

17 Q. Okay.

18 A. Not sitting sideways, but facing west.

19 Q. But you're -- okay, your back was to the window, but you  
20 were facing the movement?

21 A. Yeah.

22 Q. Okay.

23 (Off the record.)

24 (On the record.)

25 MR. HIPSKIND: This is Dick Hipkind, we needed to go

1 off the record there for a minute, but we're back on.

2 Mr. Smullen, will you please continue?

3 MR. SMULLEN: Yes, be glad to. Thank you.

4 BY MR. SMULLEN:

5 Q. Jeremy, let's clarify a little bit about the seating  
6 situation on the locomotive.

7 A. Okay.

8 Q. Now, I understand there's two seats on the left side?

9 A. That is correct.

10 Q. And you were seated in the rear seat facing west, the  
11 direction of movement?

12 A. That is correct.

13 Q. And to your right was a side window?

14 A. To my left, there is a side window.

15 Q. To your left is a side window, okay. And then the door  
16 window is straight ahead?

17 A. That is correct.

18 Q. Okay. I think that straightens out any questions we may  
19 have had earlier. And back to the point you described where you  
20 first saw the man on top of the ties. Whereabouts was that? Can  
21 you explain your distance from that in more detail?

22 A. That was about 300 feet before we reached him.

23 Q. Okay. Very good. Got it now. I'm clear. I'm clear.

24 Another question. Did you look behind you after you  
25 heard that noise and felt that? Look out the window or out behind

1 you?

2 A. Yes, I did.

3 Q. Can you describe what you saw?

4 A. I seen our rear motor being demolished.

5 Q. Okay.

6 A. And I seen track panels being torn apart.

7 Q. Any idea what was going on with the track panels  
8 dynamically? Were they being propelled in one direction or  
9 another?

10 A. They were being propelled in the westward direction and  
11 up.

12 Q. And up. Okay. Did you see the man on top of the ties  
13 at that time?

14 A. I did not.

15 Q. Did you see anybody on the ground at that time?

16 A. There was nobody on the ground --

17 Q. Okay.

18 A. -- in between our engines and the next track.

19 Q. Right. I understand that.

20 A. Yeah.

21 Q. But, I mean, on the other side of the ties.

22 A. No, I can't see over there.

23 Q. Okay. Is that because the top of the ties got in your  
24 view of the other flat car, why you couldn't see over? Were the  
25 ties higher than where you were sitting at --

1           A.    Yes.

2           Q.    -- piled up?  Okay.  So when you went by the ties, you  
3 looked up to see the man on the top?  Could you still see him then  
4 or was he even with you or --

5           A.    As we went -- as we approached him, I could see he was  
6 about eye level to me on the ties that he was -- or track panels  
7 that he was on.

8           Q.    Okay.  Do you recall what track panel pile he was on?

9           A.    To my best of my recollection, he was on the second car.  
10 There was a third car going west.  And then there were three flat  
11 cars that have not been loaded yet in the westward direction.

12          Q.    Okay.  So he was on the second car and that was loaded  
13 with ties.

14          A.    Yes.

15          Q.    Do you know what end of the car he might have been on?

16          A.    I do not remember.

17          Q.    Okay.  You said you got down, went around the cars, went  
18 down and asked everybody where they were.  When you got around the  
19 cars or when you can see down there, where did you see people  
20 located at that time?

21          A.    There was one guy in the front-end loader.  There was  
22 one guy crouched down by a building.  And there was another guy  
23 walking around.

24          Q.    Walking around where?

25          A.    Between the two.  Between the guy --

1 Q. Two guys?

2 A. -- in the front-end loader and the guy that was crouched  
3 down.

4 Q. Okay. One front-end loader? Two front-end loaders?  
5 Three front-end loaders?

6 A. One.

7 Q. One?

8 A. That I could see.

9 Q. Okay. And it was -- was it moving?

10 A. No. Not at that point in time when I approached them.  
11 It was not moving.

12 Q. Okay. That helps.

13 MR. SMULLEN: I think that's all I got right now. Thank  
14 you.

15 MR. HIPSKIND: Thanks, John.

16 Mr. Loveland?

17 BY MR. LOVELAND:

18 Q. Jeremy, when you -- you said that when you guys were  
19 coming up to the work group there, you were -- had your bell going  
20 and you were blowing your horn. When did you start blowing your  
21 horn?

22 A. That's correct. We were doing those things.

23 Q. But at what point did you start blowing your horn? I'm  
24 sorry.

25 A. If -- to the best of my recollection, I would have to

1 say at least 250 feet before we approached the actual equipment.

2 Q. Just one-time blow or multiple times?

3 A. No, it was -- if I can remember correctly, it was honk,  
4 honk -- honk, honk, honk -- honk, honk. And the --

5 Q. So continuous?

6 A. Yup. And the bell stayed on.

7 Q. Was this your first time past this location that day?

8 A. No, it was not.

9 Q. Did you -- well, you said you took power somewhere, or  
10 is that Mike that said that? One of you guys said you took power  
11 somewhere or you were bringing old power back.

12 A. That is correct. We originally took two units down to  
13 Midway. So we went by this location one time already. And this  
14 was the second time going back through that same location for the  
15 day.

16 Q. Do you remember what time it was you went by the first  
17 time?

18 A. If I was to recall, I think it was around 1030.

19 Q. Did you see anybody working there at that time?

20 A. I did not.

21 MR. LOVELAND: I don't have any more questions at this  
22 time.

23 MR. HIPSKIND: Thanks, George.

24 Mr. Albanese?

25 BY MR. ALBANESE:

1           Q.    I'm just going to ask again.  I think this question's  
2    been asked of you a couple times.  I apologize for asking again,  
3    but -- the way the cars were situated -- I'll kind of describe it  
4    a little bit to you -- was, there were seven gondola cars that  
5    have turnouts in them and kind of sticking up.  But we'll use the  
6    term they kind of looked like a picket fence sitting through  
7    there.  And then there are two flat cars, 90-car flat cars, that  
8    have panels stacked on them, but they had two sets of panels on  
9    each flat car.  So there would have been seven high of panels, two  
10   stacks on each car.  So it's just -- each stack was not a separate  
11   car, but there were two stacks on each individual car.  And then  
12   there was a second car with two more stacks on it.  And then there  
13   were the three empty flats beyond that.

14                So as I describe that, if you think about four separate  
15   stacks of panels.  Could you then, based on that description, just  
16   thinking about the stacks of panels, where might you think that  
17   employee would have been positioned who was on top?

18           A.    I have a question.  How many gondolas?

19           Q.    There were seven gondolas and then there were two flat  
20   cars --

21           A.    Okay.

22           Q.    -- that had panels on them that were past the gondolas.  
23   And then each of those flat cars just had two stacks of panels on  
24   each flat car.  So sometimes it could appear that each stack of  
25   panels might look like its own individual car, but it was one long

1 flat car with two stacks of panels on each car. So it was only  
2 two cars of panels there.

3 A. Okay.

4 Q. But there were four stacks of panels.

5 A. Okay. And I guess I don't understand the question. I'm  
6 sorry.

7 Q. Where do you think that employee, of the four stacks of  
8 panels, might have been positioned on which one?

9 A. I don't remember.

10 Q. You don't --

11 A. If there -- if it -- to the best of my recollection, I  
12 thought there -- and maybe it was because of the aftermath, I  
13 thought there were three cars that were loaded. If it was only  
14 two, I'm guessing that he was on the second car, to the best of my  
15 recollection.

16 Q. Would he might have been on the very last stack of  
17 panels or --

18 A. Right.

19 Q. -- or a stack closer to the middle?

20 A. No. To the best of my recollection, he would have been  
21 on the second loaded car.

22 Q. Okay. I know that's hard to -- I know a whole lot was  
23 going on there so it's hard to recall. In the same line of  
24 questioning, where might have been that one loader that you saw  
25 that was approaching. Would that have been --



1           A.    That I don't know. I just remember seeing the loader on  
2 the other side of the track panel cars. I don't -- I know he  
3 wasn't at the gondolas with the track panels up in the air. I  
4 know he wasn't there.

5           Q.    Okay. The front-end loader, you said that you had  
6 recognized that first before you saw the employee who was on top  
7 of the panel cars.

8           A.    That is correct.

9           Q.    By chance, would you recall if there was the rotating  
10 light on top of it, the strobe light? Would that have helped you  
11 see that first? Did you notice if that was --

12          A.    I did not notice that.

13          Q.    You did not notice if the strobe light was working. And  
14 you estimated it was roughly 300 feet prior to approaching where  
15 the employee's location was. What might be your estimate of prior  
16 to where the front-end loader was to where you all had seen that?

17          A.    When did I acknowledge the front-end loader?

18          Q.    Right.

19          A.    Is that what you said?

20          Q.    Yeah. Just a estimate to your best ability.

21          A.    To the best of my knowledge, it was before we reached  
22 the gondolas.

23          Q.    Okay. So that would be all the way back at the switch  
24 for the east leg of the Y, back there?

25          A.    Yes. Yes.

1 Q. Okay. When you approached Minneapolis Junction and you  
2 were going westbound towards Midway, did you happen to see any of  
3 the loaders parked in that area when you went by there earlier in  
4 the day? Were there --

5 A. Eastbound towards Midway?

6 Q. Right.

7 A. I did not notice the loader over there.

8 Q. Okay. And just for clarification for me, you initially  
9 exited the locomotive and were standing either on the nose of the  
10 locomotive or was it on the side walkway trying to talk to the  
11 employees?

12 A. No, it was on the front of the locomotive on the highest  
13 step. As soon as you -- I just opened --

14 Q. Right outside the door?

15 A. I just opened the door, and I yelled, "Is everybody  
16 okay?"

17 Q. Okay. And because of difficulty in hearing, then you  
18 went down and you said you walked all the way around the cars?

19 A. I seen somebody holding their leg, crouching down. It  
20 seemed like there were people in distress, so I went over there.

21 Q. Okay. And you specifically asked each of those three if  
22 they were okay, or everyone was okay?

23 A. As kind of a group. Like I said, I seen three people.  
24 The first person that I came closest to, "Are you okay?" He said,  
25 yes. The guy in the front-end loader responded that he was okay.

1 And the guy who was knelt down responded that he was okay. I was  
2 talking in general about everybody, but I'm assuming maybe they  
3 were just talking about themselves, with what we have found out in  
4 further events.

5 MR. ALBANESE: Okay. That's all I have.

6 MR. HIPSKIND: Thanks, Tom.

7 Jeremy, do you want to take a break?

8 MR. EBELING: I would like to take a break.

9 MR. HIPSKIND: All right. Give us a second here.

10 (Off the record.)

11 (On the record.)

12 MR. HIPSKIND: Okay. This is Dick Hipskind. We are  
13 back from break.

14 BY MR. HIPSKIND:

15 Q. And Jeremy, let's continue painting the picture here.

16 And I want to take you back. I know we've kind of been over this  
17 and over this, but -- so panels have hit the locomotives. The  
18 locomotives are stopped. Everything's happening real fast. You  
19 exit the locomotive. You're out on the front board there and you  
20 holler over at the gang. But here's where I want to go with this.  
21 Eventually you dismount the locomotive?

22 A. That's correct.

23 Q. That's correct. And then you go out and around the  
24 cars. And I want to slow you down and I want to capture, if you  
25 can, your vision of what you see. I know there's an array of

1 panels on the ground, and I know that you've told us that you  
2 talked to three employees. So here's what I want to get at -- and  
3 you mentioned something about one of the employees in a loader, a  
4 big forklift type thing. Where was the loader? Was it where the  
5 panels were in a disarray, or was the loader -- go ahead.

6 A. It was back.

7 Q. Back, meaning toward the east?

8 A. I guess I don't --

9 Q. Well, wait a minute, we have -- look at this little  
10 exhibit here. It's a diagram. And so, here's where --

11 A. Okay.

12 Q. -- here's where the other flat cars are and here would  
13 be the west switch of that pocket track. And you kind of -- you  
14 didn't go up as far as the switch, but you went --

15 A. No.

16 Q. -- around these cars. And when you come back here, just  
17 kind of point with your pencil, where was the equipment?

18 A. This here is where the cars are.

19 Q. Okay.

20 A. Main track. This is us.

21 Q. Okay. Yeah, I may have pointed that --

22 A. Yeah.

23 Q. -- incorrectly.

24 A. The loader was back here when I approached them. It was  
25 pulled away from the track panels.

1 Q. Okay.

2 A. The --

3 Q. Nope. Hold on. And what else did you see there in  
4 terms of equipment?

5 A. I just seen the loader.

6 Q. A loader or two loaders?

7 A. I only remember one loader.

8 Q. Okay. And the loader that you saw, was it down toward  
9 that first car that had the panels on it or was it more backed  
10 away from the car where you saw the employee on top of the panels?

11 A. No, to the best of my recollection, that loader was  
12 closer to the empty cars.

13 Q. Okay. So up toward the west end and not the east end?

14 A. That is correct.

15 Q. Okay. Now slow down and try to visualize coming around  
16 those cars and seeing everything. Is your recollection that  
17 there's one piece of equipment? One loader? And you described  
18 where it was. It was parked --

19 A. It -- when we first seen that loader, it was not there.  
20 When I approached the people, if that's what you're asking. I  
21 guess I don't understand exactly what you're asking me.

22 Q. Okay, two things. Did you see one loader or two  
23 loaders?

24 A. To my best recollection, I only seen one loader.

25 Q. Okay. And the one loader, was it backed away and toward

1 the west end of the loaded flat cars, or was it down toward the  
2 east end of the loaded track panel flat cars, next to the loaded  
3 gons that had the picket fence look to them?

4 A. No. No, it was not towards those.

5 Q. Okay. But only one loader, in terms of your  
6 recollection?

7 A. To my recollection, there was only one loader that I had  
8 seen.

9 Q. Okay. And let's talk about the number of people. Are  
10 you sure that you saw everybody that was out there? And you --

11 A. No, I don't know how many people were out there. I seen  
12 three people.

13 Q. Okay. That's fine. Now, let's go back to -- let's take  
14 you back and put you back at Minnesota Junction.

15 UNIDENTIFIED SPEAKER: Minneapolis.

16 BY MR. HIPSKIND:

17 Q. Or is it Minneapolis?

18 A. Minneapolis Junction.

19 Q. Okay. Thanks for correcting me. Minneapolis Junction.  
20 And you're coming around that area. You're on the left side of  
21 the locomotive. You can see out the window. And you mentioned  
22 that you saw a piece of equipment. Okay? And I want to ask you,  
23 why did you happen to notice that piece of equipment? Was there  
24 anything special about it? Was there anything -- its position;  
25 what do you think caught your eye?

1           A.    It caught my eye, it was a big yellow loader.  Yellow.  
2  That's the only thing I can say.

3           Q.    Okay.  Do you recall whether there were any lights or  
4  anything like that?

5           A.    I don't remember that.

6           Q.    Okay.  All right.

7           A.    I'm not saying there wasn't or there was.  I don't  
8  remember them.

9           Q.    Okay.

10          A.    It's not standing out in my memory.

11          Q.    But for where you saw that position of that loader at  
12  that time on your first preview, was it in a different location  
13  from when you came around the cars?

14          A.    Yes.

15          Q.    Okay.  And let's just go over this one more time.  Where  
16  that loader was working, was that first loaded car of track panels  
17  or the second car?

18          A.    To the east?

19          Q.    Yeah, the east -- to the east would have been the first  
20  loaded track panel car.

21          A.    Okay.

22          Q.    And then the west car would have been the second loaded  
23  track panel car.  And then three empty flats after that.

24          A.    Correct.

25          Q.    And think about when you came around the empty flats,

1 you have just described where that loader was at that time. And  
2 so all I'm asking you is --

3 A. Is that first or second --

4 Q. -- yeah, from where you first saw it to where you saw it  
5 post-accident, same place? Different place?

6 A. Different place.

7 Q. And so when you came around the cars, the loader you saw  
8 was west or east? How would you describe --

9 A. I would say --

10 Q. -- in comparison?

11 A. I'm confused.

12 Q. Okay. All right.

13 A. I'm just trying to understand your question. So when I  
14 first seen the car, if I was --

15 Q. The loader?

16 A. The loader. It was by the second car, to the best of my  
17 recollection, of the track panels. When I dismounted the engine,  
18 it was over here, away from the cars and the wreckage.

19 Q. Okay. And just one loader?

20 A. I only remember one loader.

21 Q. Okay. Now I'm not trying to be difficult, but let me --  
22 I need to get some clarity here. Let me ask the question a  
23 different way. Had there been two loaders there, do you think  
24 you'd have a recollection of that?

25 A. If there was, I didn't see two loaders.



1 Q. You saw one?

2 A. I saw one. I don't know if there was another one there.

3 Q. But you would agree, it'd be pretty hard to miss?

4 A. I would agree.

5 MR. HIPSKIND: Okay. All right. That's all I've got.

6 So, gentlemen, let's go around for a second round.

7 Thank you for all -- painting that for us. Anybody next?

8 George, go ahead.

9 BY MR. LOVELAND:

10 Q. I just -- I know I said I didn't have a question, but  
11 just a real quick question because I'm a little bit confused  
12 myself now, too. Because I thought you said that the -- that when  
13 you first seen the end loader, it was at the car closest to the  
14 gon, on the flat car closest to the gon. But then I thought you  
15 said you seen it on the second car. Maybe I just misunderstood  
16 you and that's why I wanted to get just a clarification on that.

17 Was it -- when you seen the end loader pulled up to the  
18 panels, was it on the flat car right next to the gon?

19 A. I personally don't know if it was pulled right up to the  
20 cars.

21 Q. Okay.

22 A. But from my view, when we were coming up to it, that's  
23 where it appeared to be.

24 Q. Right next to the gon?

25 A. Yeah. Yes.

1 Q. Okay.

2 A. Yes.

3 Q. Okay. I just want to make sure. So, and when you come  
4 around the cars and come up to the end loader, you'd be coming --  
5 you're coming from a westerly direction, walking east. When you  
6 come up to the two people and the guy on the end loader, was the  
7 end loader facing you with the forks or facing away from you with  
8 the forks?

9 A. No, the forks were pointing towards the main track,  
10 towards the cars that had the track panels.

11 Q. So he was facing back were he could run in there and  
12 start scooping up panels? Kind of. Into the wreckage?

13 A. That is correct.

14 Q. Okay. Perfect. Thank you.

15 MR. HIPSKIND: Okay, gentlemen. Anybody else with a  
16 question?

17 MR. ALBANESE: Yeah, I have just one or maybe two  
18 questions.

19 MR. HIPSKIND: Thomas, go ahead. Go ahead.

20 BY MR. ALBANESE:

21 Q. Did you hear anything on channel 70, any type of  
22 communication from the crew, possibly even announcing that a train  
23 was approaching? Did you hear anything on the radio from that?

24 A. I did not.

25 MR. ALBANESE: Okay. That's it.

1 MR. HIPSKIND: Go ahead, John.

2 BY MR. SMULLEN:

3 Q. Take you way back to the beginning of the shift. You  
4 went to work at 6:30 --

5 A. That's correct.

6 Q. -- as a utility position. Did you -- is that utility  
7 position married up with this hostler position all the time?

8 A. That is correct.

9 Q. So you and the engineer went on duty at the same time?

10 A. That is correct.

11 Q. And you got your general track bulletins.

12 A. That is correct.

13 Q. Who were they addressed to, do you remember?

14 A. They were general yard bulletins addressed to YNTW/NTW.

15 Q. Okay. So it wasn't addressed specifically to the job,  
16 but it was to all the operations within the terminal?

17 A. That is correct.

18 MR. HIPSKIND: This is Dick Hipskind. Slow down a  
19 minute and tell us what some of the acronyms that you used were.  
20 That he used, Jeremy.

21 MR. EBELING: General yard bulletins, everybody in the  
22 yard receives these. I have a copy.

23 MR. HIPSKIND: And they were issued to, and then you  
24 used --

25 MR. EBELING: They are issued to YNTW/NTW, meaning Yard

1 Northtown/Northtown.

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

3 BY MR. SMULLEN:

4 Q. And that would cover between Northtown and Midway also?

5 A. These general track bulletins cover the Staple  
6 Subdivision, Midway Subdivision, St. Paul Subdivision --

7 Q. Okay.

8 A. -- St. Croix.

9 Q. Okay. So you covered all the way down the river then.  
10 Okay. That answers that question.

11 What's the job assignment? Is it different than the  
12 engineer's? Or is it the same job assignment for this utility and  
13 the --

14 A. As far as the job number?

15 Q. Yeah.

16 A. No, the job number for Mike, I guess I don't know.

17 Q. It's different than yours?

18 A. Yes, mine is, what, the 711U I believe is the actual --  
19 Mike works the job every day. Mine is based on seniority, whoever  
20 can hold it that day.

21 Q. Okay.

22 A. Does that answer your question, I guess?

23 Q. It does. It does.

24 MR. LOVELAND: So the job's the same, but the person may  
25 not be?

1 MR. EBELING: That is correct.

2 MR. HIPSKIND: George, thanks for asking that question.

3 By MR. SMULLEN:

4 Q. Okay. When you -- back to when you walked around the  
5 end of the cars. Could you tell which end of the scattered rail  
6 panels this front-end loader was stopped at?

7 A. Could I tell?

8 Q. Yeah.

9 A. No.

10 Q. Okay. Did you go up to the loader?

11 A. I was probably from Tom Albanese and I away from him.

12 Q. Was he --

13 MR. HIPSKIND: Let me put a distance to that. Less  
14 than 10 feet?

15 MR. EBELING: Less than 10 feet, yes. Thank you.

16 MR. SMULLEN: Thank you.

17 MR. EBELING: That's accurate.

18 MR. SMULLEN: Not that big of a board room.

19 MR. EBELING: I apologize.

20 MR. HIPSKIND: No, no, that's all right.

21 BY MR. SMULLEN:

22 Q. And the operator was in the cab of this machine --

23 A. He was.

24 Q. -- the whole time?

25 A. He was.

1 Q. He opened the door to you?

2 A. Yes.

3 Q. Okay. And you did walk around the side of the flat  
4 cars, not all the way around the gondolas?

5 A. No, the gondolas were in the opposite direction and the  
6 wreckage and -- there's --

7 Q. You went the short way. Okay. That's all I got.

8 DR. JENNER: I got a question.

9 MR. HIPSKIND: All right, gentlemen. Steve?

10 BY DR. JENNER:

11 Q. Yeah, just real quickly. This accident happened  
12 yesterday, on a Monday. Can you just tell me your schedule a few  
13 days before then? Were you working each day or did you have some  
14 days off?

15 A. No, I worked the day shift prior to that.

16 Q. Which specific days?

17 A. So my weekends are Wednesday/Thursday. So I work days  
18 on Friday, Saturday and Sunday.

19 Q. And, I'm sorry, similar time on duty/off duty?

20 A. Yep, 6:30, 7:30 would be my start times.

21 Q. Between 6:30 a.m. and 7:30 a.m. is your start time?

22 A. Yeah.

23 Q. And how long do you usually work until?

24 A. It varies.

25 Q. By how much? You know --

1 A. It could be anywhere from 7½ hours to 12 hours on duty.

2 Q. Do you recall your schedule for Sunday?

3 A. I do.

4 Q. If you would let me know, please?

5 A. On Sunday, I worked, I do believe it was 10 hours. So I  
6 started at 7:30 on Sunday and got off at, I believe, at 5:00.

7 Q. And --

8 A. Saturday, I worked 12 hours. My on-duty time was 6:30  
9 and my off-duty time was 6:30.

10 Q. Friday, I guess I would have to go back in my records  
11 and -- I don't remember.

12 A. That helps. Thank you. How was your, just overall  
13 health? Did you feel -- how was your overall health and did you  
14 feel alert on the day of the accident?

15 Q. Yes.

16 A. Okay, great. Okay. Thank you.

17 BY MR. HIPSKIND:

18 Q. Gentlemen, any other questions? Okay. I'm going to,  
19 with your permission, Jeremy, I'm going to start our close-out  
20 process. Okay?

21 A. Okay.

22 Q. And one of the things I need to ask you is, you've been  
23 kind enough to describe a lot of stuff to us, and we've been kind  
24 of giving you a lot of questions, so let's think about this. Is  
25 there anything that you'd like to add or change from our dialogue

1 about your recollection of the incident?

2 A. There is not.

3 Q. Okay. And are there any questions we should have asked  
4 but did not?

5 A. Not offhand, no.

6 Q. Okay. And do you have any suggestions for preventing a  
7 reoccurrence? Anything come to mind in terms of operation or  
8 anything?

9 A. No, I don't.

10 Q. Okay. And is there anyone else who we should interview  
11 that maybe you think would be helpful to having a broader  
12 understanding?

13 A. I guess I don't know who you have in mind to interview.  
14 I would just say the maintenance -- everybody that was there.

15 Q. Okay. And we have scheduled that, and we will do that  
16 tomorrow. So let me also enter, for the record, I'm going to ask  
17 you a series of questions. These were things that we covered  
18 prior to beginning our interview, but I want -- I need to get them  
19 in on the record. Okay?

20 A. Okay.

21 Q. Did you understand that the purpose of this  
22 investigation was to increase safety, not to assign fault, blame  
23 or liability?

24 A. I did.

25 Q. Okay. And did you understand that NTSB cannot offer any



1 guarantee of confidentiality or immunity from legal or certificate  
2 actions?

3 A. Yes.

4 Q. And was it your understanding that a transcript or  
5 summary of the interview will go in the public docket that NTSB  
6 creates?

7 A. Yes.

8 Q. And you understood that, as the interviewee, that you  
9 could have one representative of your choice?

10 A. Yes.

11 Q. And you did elect to have a representative with you?

12 A. I did.

13 MR. HIPSKIND: Okay. That's all I have, but before we  
14 close this out, I want to invite your representative, Kevin, to  
15 offer any of his thoughts or a need for clarification on anything  
16 we discussed.

17 MR. AMORIELLO: I actually don't have any at this time.  
18 I thank you for the opportunity to clarify those as we went along.

19 MR. HIPSKIND: Okay.

20 MR. AMORIELLO: And but I would like to offer our  
21 objection to not being allowed to tape record this session,  
22 although we do understand your reasoning behind it. But we would  
23 like that on the record as well.

24 MR. HIPSKIND: Okay. And so noted. And we did offer an  
25 explanation of that off the record. And we also, as an assurance,

1 we are going to share a copy of the transcript with Jeremy. Okay?

2 So if -- gentlemen, I'll ask you one more time, any  
3 questions?

4 UNIDENTIFIED SPEAKER: No.

5 MR. HIPSKIND: Okay. Jeremy, I want to thank you for  
6 spending some time. I know that this was not a normal day for  
7 you. But we do appreciate the fact that you came in and helped  
8 us, the investigative group, to kind of know and understand. You  
9 were there and I think you did a great job in helping us to  
10 broaden the canvas, you know, clarify the picture for us.

11 So with that, if there are no other comments, we will  
12 close the interview.

13 (Whereupon, the interview was concluded.)

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