

UNITED STATES OF AMERICA

NATIONAL TRANSPORTATION SAFETY BOARD

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Investigation of:

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

Docket No.: DCA-15-FR-011

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Interview of: JESSE BANKS

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)

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I N T E R V I E W

1  
2 MR. HIPSKIND: Good afternoon, everyone. 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  
6 Downtown in St. Paul, Minnesota, to conduct an interview with  
7 Mr. Jesse Banks, who works for the BNSF Railroad, or BNSF.

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

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

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

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

25 MR. JOHNSON: Good afternoon. Dale Johnson, J-o-h-n-s-

1 o-n, and I am the track safety inspector for Region 4  
2 headquartered out of St. Paul, Minnesota.

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

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

9 MR. JULIK: My name is Thomas Julik. I'm with the FRA  
10 as a safety inspector in the track discipline.

11 MR. SMULLEN: I'm John Smullen with the Federal Railroad  
12 Administration out of St. Paul here, operating practices safety  
13 inspector, and I'm here observing for this interview.

14 MR. HIPSKIND: And, Mr. Banks, would you please  
15 introduce yourself?

16 MR. BANKS: My name's Jesse Banks, last name B-a-n-k-s.  
17 I'm a welder with the BNSF.

18 MR. HIPSKIND: All right. And, Mr. Banks, do you mind  
19 if we proceed on a first name basis?

20 MR. BANKS: That's fine.

21 MR. HIPSKIND: You're okay to go with Jesse?

22 MR. BANKS: Yes, sir.

23 MR. HIPSKIND: All right. Jesse, a couple of questions  
24 here. Do you wish to have a representative with you here today?

25 MR. BANKS: Yes, sir.



1 quality and content of that briefing, and then just take us  
2 through the couple of tasks, and kind of slow down when you get  
3 over to the track panel unloading and I'll just sit back and  
4 listen, okay?

5 A. Yes, sir. We started the day at the hotel, 8:00 a.m. I  
6 had a briefing there. We went over what we was going to do. We  
7 was going to finish that panel and then head on over and finish  
8 that switch -- or unload those panels. I'm sorry. Did I say  
9 finish the panel? Finish the switch and then head over and unload  
10 panels, and that was pretty much it.

11 We headed on out. We finished that switch. You know, I  
12 was just lagging down two rails, no issues. Well, we talked about  
13 getting some lunch, lunch was getting up, but, you know, we had  
14 time to head on over and get those panels. So we headed on over  
15 there. I believe it was -- it was Phil was there first in his  
16 loader, Tyrell -- oh, I'm sorry. In the briefing, it was me,  
17 Tyrell, Roe, Phil and Dave. And so Phil headed on out to the  
18 panel location. He was there first. I believe he had Roe with  
19 him. And then Tyrell and I, we were in the pickup, Tyrell's  
20 pickup, and we had fallen back with Dave. Dave was getting diesel  
21 in his loader at the original site there at the Bridal Veil, as  
22 they call it, and so we had fallen back a little bit and we're  
23 heading on to the panel location.

24 When we get there, he and I in the pickup, we checked  
25 the derails on that track that was -- the two cars that the panels

1 were on. He put our locks on there. He walked down and checked  
2 the switches and we had to give Dave directions to get there. He  
3 didn't know how to get there. So he was en route.

4 We get there, and we begin to -- we begin to unchain it,  
5 and we, you know, we go about our business. It was just two cars,  
6 two stacks on each car. So it's a good bit of chains and some of  
7 them was quite -- it was a little tough getting some of them, but  
8 it wasn't, you know, nothing we couldn't handle. We got them all  
9 unchained and the loaders were in position, I believe. Tyrell's  
10 pickup was over on the west side and the van, the trackman's van,  
11 they call it, was over on the east side, just to help paint a  
12 picture. Are you wanting a more detailed layout before I begin  
13 everything?

14 Q. Whatever you're comfortable with is okay with me, Jesse.

15 A. It -- like you've got -- the two railcars, of course,  
16 they're connected and they got, you know, two stacks. The loaders  
17 were right in front of them cars and probably back a ways, I don't  
18 know. I mean, they weren't like right on them, you know, but --  
19 and, of course, our pickup was maybe 100 feet away, kind of off to  
20 -- this far, in the westward corner, and the trackman van was  
21 about the same distance over on to the east.

22 We got them unchained. That took a little while. No  
23 issues. I had climbed down off the panels and I headed over to  
24 the pickup. That's why I was telling you where it was at. And I  
25 noticed Tyrell had stayed up there. I don't know why. I didn't



1 think about it. I don't know. I was over by that pickup and I  
2 noticed that Dave had begun to get under the panels, and his forks  
3 had -- you know, he went in there and I don't even know if he had  
4 two lifted up. He went to pick up two. And he went on in there.  
5 I could tell he was moving, and Phil was in his loader. Phil was  
6 just sitting there. Tyrell was up there, and I don't know where  
7 the trackman was, Roe. I don't know where he was.

8           And that panel, I don't even think he got them picked  
9 up; you know, like he was ready to bring them out and that one  
10 panel slid and it just -- I mean, it was on the -- the way I  
11 remember it, it was on the ground and that's when that train hit  
12 it, and that shot that panel into them other panels and it was  
13 just chaos. It was like dominoes, you know. I don't even  
14 remember the -- it was just -- it was chaos.

15           I remember looking up at Tyrell and it looked to me like  
16 he was jumping off. And I saw him hit the ground and then just  
17 disappear under panels.

18           I went to call 911. I hesitated. I wanted to run up to  
19 him, but them panels was still just falling. I didn't know what  
20 to do. I called 911 and I know -- I looked up at Phil and he was  
21 getting on his radio, and I assumed he was calling 911 on the  
22 radio, you know, or whatever. I didn't talk to him, and I  
23 immediately called 911. I checked my phone to see if was still in  
24 there for the time, just -- I don't know, but it wasn't. And  
25 Dave, I remember he was just -- he was freaking out, you know,

1 just why, why? He was pretty upset. And I basically ran around  
2 like a madman trying to -- watching for the paramedics to come and  
3 so I could flag them down because we were kind of in the yard a  
4 little bit. We weren't right on the street, you know. And they  
5 came pretty quick. They were there within probably 5, 10 minutes,  
6 if that.

7           And I remember I was -- I had been talking to the  
8 paramedic lady for a while, and she asked me to go back up there  
9 to see if they needed some help, you know, and nobody -- everybody  
10 was away from him. Nobody was doing anything. And it just hit  
11 me, you know, it's probably nothing they could've done. I didn't  
12 ask. I didn't say anything. I just -- and the paramedics came  
13 pretty quick and I told them what had happened. I greeted them  
14 there and they went about their business.

15           I tried to comfort Phil a little bit. He was just  
16 sitting there freaking out, you know. I went over there and just  
17 sat with him and put my hand on his shoulder. And after that,  
18 things are sketchy. I couldn't tell you. The local roadmaster  
19 came out. I can't remember his name. I'd know it if I heard it,  
20 but he was the first one, I believe, on the scene as far as BNSF  
21 personnel.

22           The firemen, they had talked to us. They had asked that  
23 we -- we might need to help to get those panels up off of him,  
24 and, I mean, I couldn't do that. I couldn't do that. And  
25 fortunately that roadmaster said he would if need be. I don't

1 even know if they did it. I don't even know what the outcome of  
2 that was.

3 But, I mean, past that, everything is sketchy because  
4 there's just a lot of standing around. We were out there for a  
5 while. I don't know what else to tell you.

6 Q. Well, let me help you out there. Let's just continue  
7 forward with how you ended your day.

8 A. Yes, sir.

9 Q. And then we'll go back and touch on a couple of things.  
10 Did you eventually go and provide a sample, blood tox test type  
11 thing somewhere?

12 A. Yes.

13 Q. And was that in a clinic, a hospital, or --

14 A. It was at the GOB, General Office Building, they call  
15 it.

16 Q. Okay.

17 A. It was a BNSF office, and it was many hours later.

18 Q. Okay. And then did you sit down and eventually provide  
19 a written statement after the tox test?

20 A. I don't recall if it was before or after, but it was in  
21 that time frame, within an hour.

22 Q. Let me say it this way. After those two things were  
23 accomplished, then did you go off duty?

24 A. Yes, sir.

25 Q. And where did you go? Did you return to the hotel,

1 motel, whatever?

2 A. Yes, sir.

3 Q. Okay. Let me take you back to not the day of the  
4 accident and not Sunday and not Saturday. It's my understanding  
5 that Saturday, Sunday, Monday, the five of you worked together as  
6 a group, a crew, right?

7 A. Yes, sir.

8 Q. Is that correct?

9 A. Yes, sir.

10 Q. Okay. I want you to think earlier in the week, do you  
11 ever recall -- and what I'm trying to understand, Jesse, is what  
12 caused you guys to be out there on the weekend and holiday? Did  
13 somebody request that you be there doing some work? Was there an  
14 offer made? Give me a little understanding on that.

15 A. You know, I mentioned, that I work the steel gangs.  
16 Generally, I'm no longer than 8 -- no farther than 8 hours from  
17 home, I'll drive that. This gang, I've been on it to work with  
18 some guys and I heard they make, you know, some overtime, so I  
19 wanted to be on this gang. And I knew the welding foreman from  
20 previous years; I wanted to work with him.

21 Well, it's 14 hours from home and I don't want to drive  
22 that. My car's having some issues. I didn't want to drive that  
23 period because I just came up the week before, you know. I wanted  
24 to take some breaks, and I had asked around, I said, hey --  
25 because I've heard these big gangs will work the weekends because

1 there's so much to do, they'll do some, I guess -- I don't know if  
2 you say oddball jobs, but they'll do the work the weekends, you  
3 know, button up loose ends, you know.

4           And so I had asked around. I had asked Brian Holt, the  
5 assistant foreman, and he didn't know if there was work. Because  
6 it was a holiday weekend, most guys were going home, you know. So  
7 I had asked around. I believe I asked Ryan -- I don't know how to  
8 pronounce his last name -- the roadmaster. And I don't even  
9 remember when it was established. I asked Tyrell because Tyrell  
10 just came back from vacation, I believe, and he said he was going  
11 to be working. So I just stuck with him since I wanted to work  
12 because it wasn't much of an option to go home, because here in a  
13 couple of weeks they'll fly me home. I think I mentioned that.

14           Q. In the conversation with Tyrell about him saying that  
15 he's going to work, that he's going to be working, and what you  
16 meant was over the weekend, right?

17           A. Yes, sir.

18           Q. Okay. Did that occur like in the Tuesday, Wednesday,  
19 Thursday time frame?

20           A. It was Wednesday at the earliest. It was -- yeah, it  
21 was Wednesday. It was Wednesday.

22           Q. Were you with a lot of other people and somebody  
23 approached you and made an offer to need volunteers to work the  
24 weekend?

25           A. No, sir.

1 Q. Nothing like that?

2 A. No, sir. I pursued it. I had been asking that week,  
3 all week basically. I asked even the hauling guy if he was  
4 working, so maybe we could shoot some wheels, and he went on home.

5 Q. Okay. Who's your go-to guy for you to know whether you  
6 can work the weekend or not?

7 A. That's why I went to the foremen on the gang and the  
8 roadmaster to make sure it was okay with them. Because, I mean,  
9 say, if it was just me, they're not going to let me get out there  
10 and do something, you know.

11 Q. Okay.

12 A. That's why I went to them.

13 Q. When did you have that conversation with the roadmaster?  
14 When you say roadmaster, it's my understanding there are the local  
15 roadmasters that have local work crews and then there are  
16 construction roadmasters. I'm thinking you probably worked for  
17 the construction roadmaster. Is that correct?

18 A. Yes, sir, that is correct.

19 Q. Okay. Did you ever have a conversation with that  
20 individual prior to the weekend about whether you were going to  
21 work the weekend?

22 A. I can't remember the specifics, but I imagine. I  
23 planned on asking him. I imagine I asked him. But when I asked  
24 Tyrell is -- that was when I knew I was working that weekend. I'm  
25 trying to think for specifics when I talked to Ryan and I can't

1 give you specifics.

2 Q. Okay. That's good. Let's go --

3 A. And --

4 Q. Go ahead.

5 A. Ryan, the construction gang roadmaster.

6 Q. Okay. Let's go back to the day of the incident. You  
7 did the job briefing at the hotel. Is that right?

8 A. Yes, sir.

9 Q. Do you recall what was the content of the job briefing?  
10 How long did it last? Did you have any issues with it?

11 A. We discussed the -- what we was going to be doing,  
12 finishing that panel -- switch -- excuse me -- and unloading them  
13 panels. And, you know, adjacent track was mentioned, it's not  
14 going to be an issue, adjacent track protection and derails;  
15 derails was mentioned. And anything else, I can't give you any  
16 more specifics.

17 Q. The portion about the derails, what did that mean to  
18 you?

19 A. On that -- the track that was -- we was going to be  
20 working on.

21 Q. Okay. Why was that important? How should I think about  
22 that?

23 A. Just so nothing else can come in there to work, if you  
24 will, or drop, you know, drop something off. Because those  
25 switches were just dropped off a few days ago before we got there

1 is my understanding. The panels were there but then there were  
2 some extra switches also. Just derails with our maintenance-of-  
3 way locks on there.

4 Q. By switches, do you mean panels in gons or --

5 A. Yes, parts of track in the cars.

6 Q. Standing vertical?

7 A. Yes, sir.

8 Q. Okay. And let's slow down and talk about, you mentioned  
9 that you were with Jesse and that you and he went to where the  
10 derails are. Now, are there permanent derails on each end of that  
11 track?

12 A. Let me correct you. Tyrell.

13 Q. Tyrell, excuse me.

14 A. That's fine.

15 Q. I'm sorry.

16 A. I was with Tyrell in his pickup and there were derails  
17 at each end of the track, yes.

18 Q. So they were already there?

19 A. Yes, sir.

20 Q. Did you do anything to them? Did you lock them? Did  
21 you smack them? What did you do? Why did you go to the derail in  
22 the first place?

23 A. To put our maintenance-of-way locks on them. Tyrell did  
24 that.

25 Q. And that would prevent what from happening?



1           A.    That would show that we were there and to prevent them  
2    derails from being thrown.

3           Q.    Okay.  Did you go to any other locations in that area  
4    and do anything else for protection?

5           A.    I did not.  Tyrell, he walked to the switches, checked  
6    the switches, and -- but I didn't get out of the truck.  I stayed  
7    in the truck.

8           Q.    What would you guess that he did when he was at the  
9    switch?

10          A.    Make sure they weren't thrown to us.  I believe the one  
11    on the east side was a power switch and I think he just inspected  
12    it.  I don't know what -- I couldn't tell you.

13          Q.    Okay.  And if he had sent you up there to that hand-  
14    throw switch and said secure the switch, what would you do or what  
15    would you take with you?

16          A.    I would've asked him.  I would've made sure that we had  
17    -- we were in the position to throw that switch and I would've  
18    taken a lock to put a lock on that switch.

19          Q.    A different lock than the block that was on it?

20          A.    A maintenance-of-way lock, our own maintenance-of-way  
21    lock.

22          Q.    To which maintenance-of-way has the keys?

23          A.    Yes.

24          Q.    Okay.  And you do all that, those kinds of things again  
25    for what reason?

1 A. Protection.

2 Q. Okay. Is that something that was discussed in your job  
3 briefing?

4 A. The derailments were discussed, yes, sir.

5 Q. Did anybody raise an issue with any of that?

6 A. No, sir.

7 Q. Did you raise an issue with that?

8 A. No, sir.

9 Q. Okay. One of the things that you mentioned is that, and  
10 I want you to tell me who was involved, but you mentioned  
11 something about all these stacks of panel, track panels, and the  
12 fact that they were chained. So who did the unchaining?

13 A. I believe we all did. I couldn't account for everybody.  
14 I know most of us did. Like you've got the two cars. That  
15 eastward car in the middle, I jumped up on there and unchained the  
16 chains that would go into the car itself. That took a little  
17 while. I believe Roe got the car immediately to my -- to the  
18 west. And then Tyrell and I, we climbed up top and undid the  
19 hooks and dropped the chains, and that took -- that was a little  
20 bit of a struggle, but it wasn't bad, no issues. And I believe it  
21 was Roe and -- I couldn't tell you. I know Roe worked on the  
22 other car, but I couldn't give you specific of who else it was.

23 Q. Okay. What we've talked with everybody else is you know  
24 your geography out there; you know which end is east and you know  
25 which end is west, right?

1 A. Yes.

2 Q. Okay. Was Dave's loader located on the east end of  
3 these two cars or the west end?

4 A. East.

5 Q. Okay. Think about where his loader was and that stack  
6 of panels. And we're going to assign a lettering scheme to each  
7 stack, and we're going to call the one where he was at A, and the  
8 other one on that car B, and then moving westward, we're going to  
9 call the next stack C, and then the furthest west stack, we're  
10 going to call letter D.

11 A. Yes, sir.

12 Q. Okay. So you primarily worked on getting the chains off  
13 of stacks C and D?

14 A. Yes, sir. And in the beginning, a little bit on B.

15 Q. On B, okay. And eventually you said that you and Jesse  
16 were on top of -- disconnecting some stuff, and should I think of  
17 that as like on stacks C and D?

18 A. Yes, sir. I'll correct you. Tyrell and I --

19 Q. I'm sorry.

20 A. That's fine.

21 Q. I'll try and get this straight here in just a minute or  
22 two.

23 A. Yeah, I couldn't account -- when I was doing that one on  
24 the -- on B, the westward of B, I couldn't account for Tyrell. I  
25 believe he was on that -- he was on D.

1 Q. Okay.

2 A. But he and I, we finished the top of C and D.

3 Q. Well, here's where I wanted to go with this just to  
4 confirm some stuff. You eventually got off the top of the track  
5 panels and you descended to the ground, okay.

6 A. Yes, sir.

7 Q. But is your recollection that Tyrell stayed up on the  
8 top of the panels?

9 A. Yes, sir. I believe it was D, but I couldn't give you  
10 -- part of me wants to say C and D. When stuff came down, I  
11 believe he was towards the middle of the two, C and D.

12 Q. Okay. Very good. Did you talk with Tyrell about why he  
13 was going to stay up there?

14 A. No, sir.

15 Q. Did he want you to descend from up there and did he give  
16 you something else to do?

17 A. No, sir.

18 Q. Okay. When you descended and got on the ground, kind of  
19 describe what area were you at?

20 A. I climbed down that far west end and immediately headed  
21 just to the pickup. I don't know why. I don't know. I might  
22 have gotten a drink. I don't even recall. But I know because --  
23 to help paint a picture again, you know, you've got the two cars  
24 and those loaders are parked right in front, I guess it would be  
25 the south side, and that pickup was over here. Well, I'm not

1 going to hang out by that loader, you know, so I was off to that  
2 pickup. And I remember wondering, I didn't know what Tyrell was  
3 doing up there. I didn't know, and he didn't -- I went over to  
4 that pickup, to answer your question.

5 Q. Do you recall looking over at the car that Phil was  
6 going to unload and do you recall seeing Tyrell up there?

7 A. Yes, sir.

8 Q. No doubt about it?

9 A. No doubt about it.

10 Q. Okay. Where were you when the dominoes, the calamity  
11 started?

12 A. In that same area, kind of back by the pickup on Phil's  
13 southern, southern westward side of his loader.

14 Q. Okay. How did all of that look to you?

15 A. I don't understand the question. What do you mean?

16 Q. All right.

17 A. The situation of it all?

18 Q. Yeah.

19 A. Well, it was pretty quick then that Dave started to  
20 unload. And I was just like, well, you know, I didn't know why  
21 because that end -- I just didn't know why. The way that panel  
22 slid, I just don't know -- I didn't -- I couldn't figure out what  
23 he was doing. I mean hindsight, I can't say, you know.

24 Q. When you said the panel slid, did it go toward the main  
25 track?

1 A. Yes, sir. The north side, yes, sir.

2 Q. And then I thought you said earlier that it hit the  
3 ground?

4 A. In my recollection, my memory, it was at a pretty good  
5 slant as it was going down on the other side of that car. I can't  
6 tell you -- it looked to me that it was on the ground and then got  
7 hit. I can't -- I couldn't tell you anything past that.

8 Q. Okay.

9 A. I mean, it was -- most of that panel was behind that  
10 car.

11 Q. Do you have a recollection that you saw the -- there was  
12 a passing couple of locomotives, right?

13 A. Yes, sir.

14 Q. Did you see those equipment contact the track panels?

15 A. Not directly. I saw that panel react to the hit because  
16 that -- the car and the loaders were in the way.

17 Q. That's what I was trying to get you to address.

18 A. I saw that, yes.

19 Q. So it extended from A to B to C to D?

20 A. That one panel got knocked into the -- I guess you could  
21 say B, and then what that one panel kept doing, I don't know, but  
22 I know they all got -- they all connected it looked to me. You  
23 know what I'm saying? Like they got to pushed into one another  
24 like dominoes.

25 Q. Did your eyesight, your vision, did it turn towards

1 where Tyrell was at any time?

2 A. Briefly.

3 Q. And what is your recollection of that? What did you  
4 see?

5 A. It looked to me that he was jumping off, and I believe I  
6 saw him hit the ground and then just -- just gone under panels.

7 Q. Panels fell on top of him?

8 A. Yes, sir.

9 Q. Okay.

10 A. In a matter of seconds, it had all happened.

11 Q. Okay. Jesse, that's all I've got for you right now. I  
12 want to pull in some of the other investigators that are here with  
13 me. Are you okay with that?

14 A. Yes, sir.

15 MR. HIPSKIND: Dale?

16 MR. JOHNSON: Yes.

17 BY MR. JOHNSON:

18 Q. I guess the thing that stands out to me is what you had  
19 stated, that you were surprised that Dave started to unload the  
20 panels. I guess --

21 A. Well, may I?

22 Q. Yeah.

23 A. And also that it got away from him so bad. He didn't  
24 even have it picked up, it appeared to me, and that one started to  
25 slide. And I just -- I don't know, the whole thing. But go on.

1 Q. Okay. And were you ever on the ground unloading panels  
2 or were you on the car -- or, excuse me, undoing chains? Were you  
3 ever on the ground undoing chains or were you on the car undoing  
4 chains?

5 A. Yeah, when we had started cars C and D, on that field  
6 side, that would be the westward cars, I -- that's what I had  
7 done. I had worked my way that way, eastward, hopped up on that  
8 middle, yes, sir.

9 Q. All right. And I missed -- you said 4 years?

10 A. Yes, sir.

11 Q. So 2011 you would've been --

12 A. Yes, sir.

13 Q. And I guess in your briefing and stuff, did you have a  
14 common understanding of the task at hand, what you were expected  
15 to do?

16 A. Yes, sir. Finishing off that switch was -- you know,  
17 lagging some stuff down, that was straightforward; unloading  
18 panels. You know, we had two, as far as I could tell, very good  
19 loader operators, you know. I've been around them just a little  
20 bit, but I didn't have any issues there. Yeah. Yes, to answer  
21 your question.

22 Q. Thank you.

23 MR. JOHNSON: Thank you.

24 MR. HIPSKIND: Thanks, Dale.

25 George, Mr. Loveland?



1 BY MR. LOVELAND:

2 Q. Jesse, just to -- I apologize, I'm a little bit  
3 confused, a little bit, and we touched on it here a couple times.  
4 Was you surprised that Dave was unloading the panels or surprised  
5 that the panel was sliding the way it was?

6 A. A little of both. I mean --

7 Q. Okay.

8 A. -- because he went in pretty quick. And I don't know if  
9 -- you know, I couldn't tell you. A little bit of both, but  
10 mainly that it got away from him as bad as it did.

11 MR. LOVELAND: That's all I have.

12 MR. HIPSKIND: Thanks, George.

13 Tom?

14 BY MR. JULIK:

15 Q. So when you're undoing chains, were you ever on -- I  
16 guess it would be the north side of the cars in between the  
17 industry track where the cars were placed and the main track?

18 A. I don't -- I didn't unchain any, but when I had finished  
19 B, I think I climbed down on that side and checked those, and the  
20 ones that I looked at were hooked. So that's when I climbed on up  
21 and finished those up top.

22 Q. Okay. Prior to undoing all the chains, was there any  
23 discussion in the group about whether or not some form of  
24 protection would be required for the work of undoing the chains  
25 between where the cars were and the main track?

1           A.    We were under the impression, you know, we would be 4  
2 foot from that. We'd be out of 4 feet of that track, and so we  
3 went with that. And, of course, the derails and all that. But  
4 that's what we was on.

5           Q.    Do you know the speed of the main track through there?

6           A.    No, sir.

7           Q.    Was there any discussion about getting authority on the  
8 main track for the purpose of unloading panels just in case one  
9 shifted?

10          A.    No, sir, not with me. I just went blank. Adjacent  
11 track, we felt we were covered with that, and we went with that.

12          Q.    Okay. That's all I've got for you. Thank you.

13               MR. HIPSKIND: Thanks, Tom.

14               John, can I get you to chime in?

15               MR. PALACIOS: You bet.

16               BY MR. PALACIOS:

17          Q.    I want to go back to when you saw the panels sliding.  
18 So you saw the panels slide down on the opposite side, right?

19          A.    Yes, sir.

20          Q.    And what was the duration of time between the time it  
21 stopped moving and train come by?

22          A.    That -- it was almost instantaneously. I mean, I  
23 couldn't give you -- like I didn't see that engine -- I wouldn't  
24 see the engine coming, you know. I didn't see it. And then I saw  
25 it got hit, so, I mean, it was, it was there.

1 Q. So the two rails were on the -- one end of the panel was  
2 sticking up in the air and you could see it?

3 A. No, the panel was long ways.

4 Q. Uh-huh.

5 A. So the ties were sticking up. You know what I'm saying?

6 Q. Okay. Now I got you.

7 A. The ties were sticking up and -- yeah, I mean it had a  
8 -- you know, it slid down on that other side of the car, straight  
9 down. That's my recollection. That's what I believe I saw.

10 Q. Okay.

11 A. And I believe it was -- if it didn't hit the ground, it  
12 was pretty close to the ground, because you could see the top of  
13 the ties just above that car, you know.

14 Q. And then just almost --

15 A. Chaos.

16 Q. -- the train came by. Okay.

17 How about the job briefing that you guys had in the  
18 morning? What kind of a conversation was held with Tyrell or  
19 amongst you as a group on the exposures and what kind of risk you  
20 guys were going to face that day?

21 A. It was -- Tyrell held the briefing, and it was pretty  
22 straightforward. We discussed the derails, adjacent track was  
23 mentioned, and just what we was going to be doing, finishing that  
24 switch and, you know, that was pretty straightforward, so --

25 Q. That's all I got. Thanks.

1 MR. HIPSKIND: Thanks, John.

2 Dr. Jenner?

3 DR. JENNER: Just a couple of questions.

4 BY DR. JENNER:

5 Q. We've been trying to figure out why Tyrell was still on  
6 top of the panels there. Have you been a part of other unloading  
7 procedures?

8 A. We had -- I think it was my first week out there, we had  
9 pulled some -- you know, they put those switches in them cars at  
10 an angle, sitting on an A frame, and we hooked two -- oh, heck --  
11 front-end loaders. What are they called? The things --  
12 excavators. We took -- we hooked two of them and, you know, it  
13 was made clear, get out, you know, get out of the car. Two guys  
14 climb in, hook them up and get out. And, man, you know --

15 MR. HIPSKIND: Jesse, do you want to take a break? It's  
16 okay, man.

17 DR. JENNER: Let's take a break.

18 MR. HIPSKIND: We will take break.

19 (Off the record.)

20 (On the record.)

21 BY DR. JENNER:

22 Q. Okay. What I was asking just prior to the break was we  
23 were trying to figure out why Tyrell was on top. But rather than  
24 keep on asking, you know, other questions, the same question is --

25 A. Yeah, I mean, why he was up there, I don't know. I

1 mean, you know, looking back, you know, I wish I'd have hollered  
2 at him, you know, to get down.

3 Q. Okay.

4 A. You know, you've got to look at -- that's, you know. Go  
5 ahead.

6 Q. Great. That's fine. Thanks for your answer.

7 I was interested in what other days you had worked prior  
8 to Monday. Did you work both the weekend days?

9 A. Yes.

10 Q. With the same group of five people?

11 A. Yes.

12 Q. Okay.

13 A. And we did some miscellaneous work.

14 Q. Um-hum. How long were you with this gang, did you say?

15 A. This is -- officially on this gang, this is my third  
16 week, but I had met some of these guys and worked with them in  
17 Alba. I was on a mobile thermite truck. So I had actually known  
18 some of them and worked around them. That was 4 -- 4, 5 months  
19 ago maybe.

20 Q. So you know these five -- the five of you knew each  
21 other just from the last few weeks or --

22 A. Yes.

23 Q. Of any of those, did you know from --

24 A. Alba.

25 Q. -- Alba?

1           A.    Yes, sir.  I knew Tyrell.  We had actually hung out a  
2 little bit, you know, outside of work -- dinner, lunch, bowling,  
3 that type of deal.  And I don't, I don't recall that I worked with  
4 them too much, nobody that was involved in the -- nobody that  
5 worked this weekend.

6           Q.    And how would you capture their approach to work?  Are  
7 they a professional group?

8           A.    Yeah, they're on it, you know.  They don't -- you know,  
9 we got that switch buttoned up, no big deal.  Them gentlemen, they  
10 run their loaders.  Like I said, going in that day, I wasn't  
11 worried about it.  And Tyrell, Tyrell's on top of it.  You know,  
12 we'll be driving through the yard and he'll be checking stuff.  
13 He'll be looking around, you know, and -- yeah, they're very  
14 professional.

15          Q.    All right.  And so you've worked with other gangs  
16 obviously, and there were questions about the safety briefing.  On  
17 this day, how would you capture the briefing?  Was it thorough or  
18 did you still have some questions remaining?

19          A.    I didn't have any questions, I'll tell you that.  I  
20 mean, we covered some bullet points, but, you know, it wasn't on  
21 paper and -- you know, a lot of people, they want you to be more  
22 thorough, I'll tell you that.  Like nobody had any questions.  
23 None of them guys would've -- if they had questions, they would've  
24 asked.  If they had questions or concerns, you know, like I said,  
25 they're professional and they would've --

1 Q. Okay.

2 A. -- they wouldn't have hesitated to ask.

3 Q. Since you mentioned more thorough, in what regard?

4 A. Every little where to sneeze. You know, I mean, every  
5 little detail, every little step, every little thing.

6 Q. But in terms of preparing yourself for this day, did you  
7 think that the briefing was adequate for this day?

8 A. Yes, sir.

9 Q. All right. Thank you.

10 BY MR. HIPSKIND:

11 Q. Jesse, you've been on the railroad for about 4 years.  
12 Kind of describe for me the training that you received thus far.

13 A. Like even on-the-job type training or classes?

14 Q. Classes, just the whole nine yards. I don't want you to  
15 go blow by blow, but --

16 A. I've done all my welder classes. They break them up,  
17 you know, frog and switch point, thermite; I've done all those.  
18 Book of rules and stuff, I couldn't give you dates on when I did  
19 my last one. I need a welding review this year. I've got to get  
20 that done. But I've done them. I've done -- we did some  
21 leadership classes a couple of years ago. Gang startups, they,  
22 you know, they'll put you through some stuff. CPR.

23 Q. And just for those that -- I'm familiar with the term  
24 gang startup, but gang startup, is that like an all-day thing or a  
25 couple of days thing focused on safety prior to the production

1 season?

2 A. Yes, sir. Generally a several day thing.

3 Q. Okay. Did you attend that this year, 2015?

4 A. No, sir.

5 Q. And is that unusual or --

6 A. No, sir. I was on a mobile thermite truck. I wasn't  
7 part of the big gang come startup, so there wasn't -- I've been on  
8 this gang late obviously, as mentioned. So --

9 Q. Okay. Well, that's an interesting thing. So let me ask  
10 you some questions. When you're on the production and they do the  
11 big startup things, you're used to going through that, right?

12 A. Yes, sir.

13 Q. And it's dubbed by various names depending on what  
14 railroad you're talking about, but it's that couple of days of  
15 intense safety module, one right after the other, before you  
16 actually go out and start doing stuff. So my question, with that  
17 said, my question to you is when you're on the -- not the  
18 production side of things, but the maintenance side of things, do  
19 they have something that's comparable to the startup thing?

20 A. Just throughout the year, I would say, you know.  
21 Because you've got to stay on top of your -- because at startup,  
22 you get your fit test for your respirator and all that and, you  
23 know, you just do that throughout the year. And -- so to answer  
24 your question, I guess, no -- yes would be the answer to your  
25 question. It's just not all at once over the course of a couple



1 of days.

2 Q. It's spread out?

3 A. As you need them or as the classes come out.

4 Q. Okay. What about roadway worker protection training?

5 Is that its own module when you're in the maintenance side? How  
6 should I understand that?

7 A. I don't understand the reference, roadway worker  
8 protection.

9 Q. Okay. On-track safety, job briefings, your various  
10 forms of protection available, how you should apply that, that  
11 kind of training on that kind of task or assessment, do you get  
12 specific training on just that topic?

13 A. That's generally not covered. You learn that from  
14 people out in the field, the foremen and whatnot maybe.

15 Q. But you've gone through the startup environment, too,  
16 right?

17 A. Yes, sir.

18 Q. I mean production. And so the startup environment, do  
19 they cover it there as its own topic?

20 A. I don't recall, sir.

21 Q. Okay. But we could look at your training records and if  
22 it's there -- maybe you don't recall, but if it's there, it would  
23 be documented.

24 A. It may be in there, yeah.

25 Q. Okay. All right.

1           MR. HIPSKIND: Gentlemen, do you have any additional  
2 questions? George, go ahead.

3           MR. LOVELAND: Just one on that. Sorry. George  
4 Loveland.

5           BY MR. LOVELAND:

6           Q. Just one on that. If it's something you don't recall  
7 going over, then apparently they didn't spend much time on it, if  
8 it was there. Is that accurate?

9           A. Yeah.

10          Q. Okay.

11          A. I'm not a smart man, you know, but I think I'd remember  
12 a day course on filling out briefings if they touched on it. And,  
13 you know, when you have that ADMP, let me elaborate --

14          Q. Okay.

15          A. -- if I may.

16          Q. Okay.

17          MR. HIPSKIND: Tell me what the ADMP is.

18          MR. BANKS: A high up, you know, the boss. The boss'  
19 boss. A guy you want to listen to. They may come out and say,  
20 you know, we need to do this, this and this. But we're never --  
21 we don't never just sit down in a class -- I don't recall just  
22 sitting down in a class and them showing us slide shows and stuff,  
23 you know. There have been people that tell you that type of stuff  
24 but never -- I don't recall a specific class, you know what I'm  
25 saying, like a little review or whatever.

1 MR. LOVELAND: That's all I have. Thank you.

2 MR. HIPSKIND: Dale, Tom, anything else?

3 MR. JOHNSON: No.

4 MR. HIPSKIND: Dr. Jenner?

5 MR. HIPSKIND: Jesse, home stretch. Let me read some  
6 questions, but before we do that --

7 MR. HIPSKIND: John, your representative, do you have  
8 anything you want to contribute at this time --

9 MR. MOZINSKI: Yeah, I do.

10 MR. HIPSKIND: -- in terms of clarification?

11 MR. MOZINSKI: Yeah. Just in terms of clarification,  
12 you guys got talking here at the end about these gang startups and  
13 if the districters have it. Gang startups have usually it's a  
14 4-day class where they come in, like you said, the respirator.  
15 One day will be assigned the book of rules, going over  
16 expectations from a roadmaster and something else. That's  
17 essentially what the gang startup is. Where on the district  
18 crews, the district crews have monthly safety meetings, if they  
19 even have them, where they will try to incorporate this.

20 You talked about filling out a job briefing form or  
21 draft protection and different stuff. We have probably about a 3-  
22 inch book and it's a 1-day book of rules class that is 30  
23 questions that goes -- and our rulebook is obviously hundreds,  
24 hundreds of rules. That's, if ever, it will tried to be thrown in  
25 there. It's not a day of focus on it. It's just a 3-inch long

1 rulebook, an 8-hour day on it covering -- they'll just pick some  
2 rules out of there. So that's just --

3 MR. HIPSKIND: Okay. I understand that better.  
4 Anything else, John?

5 MR. MOZINSKI: Well, obviously, which we've already  
6 elaborated on is this track adjacent track rule with Dave Johnson  
7 and then Phil. I would just make sure we look at this and try to  
8 get a better understanding and clarification, and try to go back  
9 to the way it used to be.

10 MR. HIPSKIND: And again, my understanding of your point  
11 about the adjacent track rule is you're pleased that FRA, BNSF and  
12 others discussed the clarity and formulate some simplicity to the  
13 interpretation for the people in the field.

14 MR. MOZINSKI: That -- not only that, but it also be  
15 changed back to the way it was. They removed the potential and  
16 now it's -- if you have potential -- it used to say if you have  
17 the potential to foul the track, you need to have protection over  
18 there. Now it's the intent. Well, nobody intended to foul the  
19 track. That potential needs to be over there, where it needs to  
20 go back to the rule of how it was in 2006, how it originally was  
21 proposed. It's got a lot of loopholes in it now after different  
22 submissions by organizations that representative Class 1  
23 railroads, together as a whole have essentially taken all the  
24 stuff we fought very hard to get originally when the adjacent  
25 track was killing so many people earlier on.

1 MR. HIPSKIND: Okay.

2 BY MR. HIPSKIND:

3 Q. Jesse, let me get you to comment on -- we've had a  
4 little dialogue on some things. What say you about any of that?

5 A. I agree with John.

6 Q. Okay. All right. I understand. So we're to the  
7 closing piece here, and did we forget to ask you some questions?  
8 Are there questions that you think that we should have asked that  
9 maybe we did not?

10 A. No, sir.

11 Q. And do you have any ideas about maybe some changes that  
12 need to be made that might help prevent this reoccurrence?

13 A. I wouldn't know where to begin on that right now. I  
14 don't want to comment on that.

15 Q. Okay. You do have my business card, and you feel free  
16 to contact me, either send me an e-mail or dial me up on my cell  
17 phone, if you want to talk about that, or -- I know over the  
18 course of the next few weeks, things will be different for you,  
19 okay? I understand that. Is there anybody else that you think  
20 that we ought to interview other than -- you know we've  
21 interviewed with Phil and Dave and yourself and we're going to  
22 talk to -- I forget the other gentleman's name, Roe.

23 A. Roe, yes.

24 Q. Okay. But is there anybody else?

25 A. No, sir. I mean, if you all had questions that weren't

1 answered today, that would be up to you all, but I mean I wouldn't  
2 know anybody to recommend.

3 Q. Okay. Is there anything that you want to add or change  
4 about what we've discussed here today?

5 A. With him mentioning the monthly safety briefings, like  
6 my last one when I was home, we did our CPR requal, you know. It  
7 just jogged my memory. I just want to throw that out there, and  
8 that's it.

9 Q. Okay. Now let me go through a series of a few questions  
10 for you, okay? Is it your understanding that the purpose of this  
11 investigation is to increase safety, not to assign fault, blame or  
12 liability?

13 A. Yes, sir.

14 Q. And did we discuss prior to the interview, NTSB cannot  
15 afford any guarantee of confidentiality or immunity from legal or  
16 certificate actions?

17 A. Yes, sir.

18 Q. And did we discuss that a transcript or summary of the  
19 interview will go into the public docket and did you understand  
20 what a public docket was?

21 A. Yes, sir.

22 Q. All right. And did we also discuss that as the  
23 interviewee, you could have one representative and that that was  
24 your choice?

25 A. Yes, sir.

1 Q. And we covered that. That was John. Any other closing  
2 remarks that you would want to add?

3 A. Nothing from me.

4 Q. All right.

5 MR. HIPSKIND: Gentlemen, anything else from any of you?

6 If not, Jesse, you have my sincere thanks for being in  
7 here. I know it was a little bit difficult for you, maybe way  
8 difficult for you, but thanks. Thanks for helping us out with all  
9 this, okay?

10 MR. BANKS: All right.

11 MR. HIPSKIND: And with that, we'll conclude the  
12 interview.

13 (Whereupon, the interview was concluded.)

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