I, Roger Kingery, have read the foregoing pages of a copy of my testimony given during an interview relating to the accident that occurred on March 10, 2017, near Graettinger, IA and these pages constitute a true and accurate transcription of same with the exception of the following amendments, additions, deletions or corrections:

PAGE NO:	LINE NO:	CHANGE AND REASON FOR CHANGE
9	13	first word "vent" should be "bent"
9	15	"vent" should be "bent"
12	4	" "
14	17	" "
14	22	" "
14	23	" "
14	24	" "

I declare that I have read my statements and that it is true and correct subject to any changes in the form or substance entered here.

Date: 4-23-17 Witness: [redacted]

24	5	Hi rail should be hyrail
29	25	ware should be wire

UNITED STATES OF AMERICA

NATIONAL TRANSPORTATION SAFETY BOARD

Investigation of:	*	
	*	
DERAILMENT OF UNION PACIFIC TRAIN	*	
NUMBER UEGKOT 09 NEAR GRAETTINGER,	*	Accident No.: DCA17MR007
IOWA ON MARCH 10, 2017	*	
	*	

Interview of: ROGER KINGERY

Spencer, Iowa

Wednesday
March 15, 2017

APPEARANCES:

JOE GORDON, Track and Engineering Group Chairman
National Transportation Safety Board (NTSB)

TOM BROWN, Track Safety Inspector
Federal Railroad Administration (FRA)

TIM SANDUSKY, Track Safety Inspector
Iowa Department of Transportation

MIKE GEKAS, Party Representative
Brotherhood of Maintenance of Way Employes Division-
International Brotherhood of Teamsters (BMWED-IBT)

JAMES "BUTCH" MOELLER, General Director, Maintenance
of Way, Northern Region
Union Pacific Railroad

I N D E X

ITEM	PAGE
Interview of Roger Kingery:	
By Mr. Gordon	5
By Mr. Brown	13
By Mr. Gordon	15
By Mr. Gekas	18
By Mr. Brown	19
By Mr. Moeller	23
By Mr. Gordon	26

I N T E R V I E W

MR. GORDON: Good afternoon. My name is Joe Gordon, and I'm the NTSB Track and Engineering Group Chairman for this accident. We are here today on March 15th in Spencer, Iowa, to conduct an interview with Mr. Roger Kingery, who works for the Union Pacific. This interview is in conjunction with the NTSB investigation where eastbound Union Pacific loaded ethanol train UEGKOT 09[1] derailed near the bridge over Jack Creek near Graettinger, Iowa. The NTSB accident reference number is DCA17MR007.

Before we begin our interview, let's go around the table, introduce ourselves. Please spell your last name, who you are representing and your title. I would like to remind everyone to speak clearly so we can get an accurate recording. I'll start off, and then pass off to my right.

Again, my name is Joe Gordon. The spelling of my last name is G-o-r-d-o-n. And I'm the NTSB Track and Engineering Group Chairman for this accident.

MR. GEKAS: Mike Gekas, G-e-k-a-s. Party representative for the Brotherhood of Maintenance of Way Employes Division of the IBT.

MR. BROWN: Tom Brown, B-r-o-w-n. I'm with the Federal Railroad Administration. I'm a track safety inspector.

MR. KINGERY: I'm Roger Kingery, K-i-n-g-e-r-y, a bridge supervisor for the Union Pacific Railroad.

[1] Corrected train ID

MR. MOELLER: Butch Moeller. Spelling of last name, M-o-e-l-l-e-r. General director, maintenance of way, Union Pacific Railroad.

MR. GORDON: Thank you for that.

And before we get started with the interview, do I have your permission to interview -- or to record the interview?

MR. KINGERY: Yes.

MR. GORDON: Thank you. And we spoke before, you could have a representative with you today. Do you wish to have a representative?

MR. KINGERY: No.

MR. GORDON: Thank you. And the purpose of the NTSB investigation is to increase safety. We're not here to assign any fault or blame or liability. NTSB cannot guarantee any -- offer any guarantee of confidentiality or immunity from any legal or certificate action. A transcript or summary of the interview will eventually go into the public docket. You'll have an opportunity to review that and get any comments back before we do that.

INTERVIEW OF ROGER KINGERY

BY MR. GORDON:

Q. So with that being said, we can get started. If you -- Mr. Kingery, is it okay if I call you Roger --

A. Yes.

Q. -- for the interview? Thank you for that.

Roger, if you could just give us kind of a background, work

experience, starting with when you hired out and how you got to the job that you're in today?

A. I started with the railroad in September of 2004. I was hired on in new construction, bridge construction. And spent 4 years building bridges, fixing bridges, some maintenance, a lot of building new. In 2008, in August of 2008, I interviewed and was selected for the bridge inspector position. So that was the B position, which is -- you know, there's an A and a B for the inspectors. The A guy is the experienced inspector, and then the B is the guy who is learning, type thing. And so then I've been doing that, this is my ninth year now inspecting. And that's pretty much my career with the railroad.

Q. All right. And what's your assigned territory? How many structures or bridges?

A. Roughly around 426 bridges, and I run around 180 to 200 culverts a year, too, on top of that.

Q. Okay. And --

A. Our bridges are split. I mean, we have some bridges that are four times a year; I got like 32 of those. And then there are some bridges, a small number of bridges, that are just once a year. That's a bridge that's 10 years or less with no severe calls. And then I have the other bridges that are just twice a year, and we try to run those on a 6 -- as close as we can to a 6-month cycle. It varies depending on weather and everything else, but we try to do it every 6 months.

Q. And so can you help me with a little bit of the frequency, the reason for the four times on some bridges? Is that driven by --

A. Well, that's -- if you want to know details, Todd Martindale, being the guy -- I know it's the design of the bridge, gross metric tons per year going over the bridge, severity of calls on the bridge, and there's probably other metrics involved, but that's something that you'd have to talk to guys way over my pay grade for.

Q. All right.

A. But, I mean, basically, I mean, they come out with a list and they say here is your quarterly bridges, and we set up our schedule, and then four times a year. So basically they're going to get their two a year that they normally get, and then they're going to get an extra one -- and those run on a 3-month cycle. So you're going to get two extra inspections a year on those. This was not a quarterly bridge. This was just a twice a year bridge.

Q. And when you speak about severity of calls, is that kind of the grading of the --

A. Yeah.

Q. -- of the bridge?

A. Yeah. Yeah. And I'm not wise as to all the different algorithms they use, but we have severity of calls, and then a lot of the severity that's in there goes into figuring out what the condition of the bridge is.

Q. Thank you for that. But, however, these numbers are agreed upon, you get a schedule of this bridge requires quarterly inspection, this bridge two times a year, and some only annually?
A. Right.
Q. Okay. And so let's focus on the -- well, before we focus on one particular bridge, give us a little bit of -- if you're going out to do a bridge inspection, if you'll just tell us, kind of walk us through, after you're on scene at the location, you've secured track time protection, how the bridge inspection goes.
A. If it's a timber bridge like this, we'll pull up to one end of the bridge or the other, depending on which way we're going. We'll stop a couple trucks off the bridge, get out. Usually I'll kneel down in front of the truck and I'll sight down the rail. I'll look for profile and I'll look for alignment in the track, and that will cue me in if there's a dip or a swing or something, you know, I'll cue in on that. Is there an issue? What do I have to look at there? Everything's good or whatever, we'll move on.

Once a year we'll go down under the bridge. Every piling and every cap, wood cap, and every wood pile gets hit with a hammer and sounded so we can see if there's a void or anything. If there's a -- if we see a void, hear a void in the hammering, I'll take a drill, I'll drill into it. I've got a probe I can stick in and I can determine how big the void is and -- I'll determine how the void is and I'll put a plug in it. And then we'll look in our -- we've got reference books that tell us what kind of condition

to put on it depending on what the void is and how big, and then we'll write that down in the book as we go.

And if it's something I'm going to have to look at again the next time around, I just tap the plug in light, and then I can pull it right back out and I can probe that again the next time I come around, so I'm not putting multiple holes in the thing. And we usually drill -- if it's a void, you drill three holes from different directions, and then you can figure out how big that is, and working -- is it to one side or the other, and gives us a real good idea what the void is inside. Usually it's a void of some type that we're drilling for.

And then we'll do that. We'll usually do all the pile in a vent, then we'll do the cap. Then we'll move to the stringers, and we'll rate all the stringers there, go through that. And then we -- and we just go to the vent. We continue that process all the way from one end of the bridge to the other. We're done, we'll come up at the end, and then we'll walk across the deck and we'll look at the rail and ties, tie plates, you know, and rate all the ties. And then that pretty much wraps it up.

And then we'll go back to the truck. We've got a -- we have bridge books with us. We've written everything down as we go. And we'll come back and we'll enter all those calls in the computer, and then we'll go down to the next bridge.

Q. All right. And I know recently some things changed, I guess, with federal regulation with bridges. I think probably within the

last 5 years FRA bridge regulation changed a little bit and there were more emphasis put on bridge repairs that were made and having someone, a qualified engineer sign off on repairs. Is that anything that you get involved with or is your job just to report the condition?

A. I just report the condition. And, I mean, if it's something severe -- we have different levels of calls, and if it's a top level call, I'll call the manager. I might call my supervisor. If I have questions, I can call my supervisor. I can call my director. I call design sometimes, and I'll send them pictures and say, here's what I got, here's what the measurements are, you know, if it's something that doesn't really fit, you know. Okay. And then they'll run the analysis on it and they'll come back and say, here's what you need to do.

Or if it's something that requires immediate action, I can put slow orders on it. I can take it out of service. And if it's something severe, we send off notes and pictures to the managers and directors so they're all aware of it, and then it goes right on their schedule. I can tell them, hey, it's good for a while. I can say, you need to be out here tomorrow, or I can say it looks good for a week or -- I mean, there's some -- I mean, I have discretion based on experience in seeing stuff. But we make sure that it's going to be safe when we leave the bridge.

Q. All right. Well, thank you for that.

Jack Creek Bridge, let's talk about the last inspection. And

if -- well, before we talk about the last inspection, let's -- if you could just kind of walk us through what that -- what type of bridge that is, what you would call that?

A. It's a timber open deck. So you have timber pile, timber caps, timber stringers, with an open deck bridge laid down across the top.

Q. And what's the length on that?

A. 152 feet with 11 spans.

Q. And that's going to be back wall of the bridge to the back wall of the bridge?

A. Yeah.

Q. All right. The last inspection that was conducted, and you said this was a two time a year inspection.

A. Yeah. This is a B2 bridge. It's two, twice a year.

Q. The last inspection that was done, were you on that inspection?

A. Yep. Sure was. Both Doug and I, we always inspect them together working as a team.

Q. And what was the date on that inspection?

A. Be October -- oh, where is it? October 11, 2016.

Q. And you've got your report there in front of you, and that's fine for you to refer to. We've actually got a copy of that, so we won't need to ask for a copy. We've already got one coming.

So if you would just characterize, you know, if you were going to report to your supervisor the condition of Jack Creek

Bridge, just kind of characterize to us what you saw on that inspection and --

A. Basically, the timber was in good condition. I think the only thing we had was a B cap on vent 7, and that's not a real major issue. It's not a cap either my partner and I could even remember what the condition is. And, I mean, we have a lot that we see, and unless something really sticks out in our minds and rings some alarm bells or like -- it's not something that we'll probably remember that sticks out.

The type that would stick out would be something that it's close to the next condition or, wow, that's really bad. Those you remember. So I was really surprised to hear this one went down because they're just -- the stringers are pretty good. The piling is in good shape. The caps were in good shape.

As far as a B cap, I've seen them last 8 years, you know, so -- and this was put on May of 2015, so -- and, I mean, there's who knows what -- I couldn't tell you right off the top of my head what the condition was that made it a B cap, but there's a lot of conditions it could have been, maybe a vertical crack or whatever. But maybe it was -- maybe it had check bolts in the cap so it was holding it together and it wasn't separating, and it wasn't rotting. But you still have to -- I mean, there's conditions that make it a B, but that doesn't mean it's a bad cap. It's going to last a long time. It just means it's progressing.

Q. Right.

A. And you just keep watching it.

MR. GORDON: Okay.

BY MR. BROWN:

Q. Tom Brown at FRA. When you say B cap, I'm guessing that it's a grading system you have, that A is the best?

A. No, no, no. No.

Q. Oh.

A. It would be an Oscar cap, an O cap -- we call them an Oscar. An O cap is like brand new. And then a V, Victor, cap would be, oh, maybe it's got some splits or it's checking or, you know, an end's starting to open up or it's crushing a little bit. B is a little worse. And then an A is the --

Q. And what's the B stand for? Do you know?

A. No. It's just a grade that we have.

Q. Okay. Well, that's --

A. Yeah. There's no --

Q. But when you said a V was a Victor cap, I thought maybe B --

A. It's just like a 0, 1, 2, 3, only we use an Oscar --

Q. So where is B?

A. It's in the middle. It would be a middle grade condition.

Q. And how many -- you said 0, 1, 2, 3. I mean, do you go like six or?

A. No. We go --

Q. Ten? I'm not --

A. Three.

Q. Three. Okay.
A. So it would be either an Oscar -- oh, I'm sorry, four. Oscar, Victor, Baker, A or Alpha. If it's an A cap, we're calling the manager. I mean, that -- I mean, if it gets to that point, you have to call a manager. It's an automatic call that goes in through our computer system, plus you're sending an email. You're making a call. You're sending photos. You know, because that's something they need to get out and change.
Q. I appreciate. That was just to try to help me understand it better.
A. Sure.
Q. I thought maybe it's like an A, B, C, D thing.
A. It's -- yeah. No. I know it can be very confusing with all the different --
Q. And then just one more question.
A. Sure.
Q. You said it was vent 7.
A. Um-hum.
Q. Do you number them from the lower milepost?
A. Correct. Start with 1, start on the low milepost, and then work your way all the way down across the bridge.
Q. Okay. And you said there was 11 vents and -- or, no, 11 --
A. There's 11 spans. So that gives you 12 vents.
Q. So 12 vents?
A. Yes.

Q. So seven would put it, oh, middle west?
A. Yes. It would be a little -- one past middle. You'd have -- six would be the middle, and seven would be one past the middle of the bridge. So that would probably, I'm guessing, put it across the creek, I think.
Q. And then if a cap was graded that way, you're just grading the whole cap? That's not going to tell you whether it was north side, south side. Just -- a stringer would because you go -- you number them across.
A. Correct. Correct.
Q. But the cap, you're just saying the cap itself?
A. Yes. There's just an overall rating for the cap, one overall rating. And it is basically -- there's one overall rating for a pile, one overall rating for a stringer. Everything just has one rating. There might be more than one condition that could bring you to that rating, but it's all one rating. And everything is defined in our inspection book, you know, and that's what you go by. It tells you what the conditions are, and what you find and then you rate it accordingly.
MR. BROWN: No more questions for FRA at this time.
MR. GORDON: All right.
BY MR. GORDON:
Q. So that number seven cap, is that what we were talking about?
A. Yeah.
Q. Did you notice any deflection, any, I guess, gap between the

rail and the ties in that area of that cap? No vertical deflection or anything noted on the inspection report?
A. I didn't see anything that I would have put in the report.
Q. All right. So also part of it, you said when you go up to do an inspection, you stop about two truck lengths short of the bridge, get out and sight down the rail, and you're looking basically at the --
A. I'm looking at the approaches, and I'm looking at the profile and the line of the rail going across the bridge and coming off the bridge.
Q. Because we all know we don't want to see any profile out on the bridge, right?
A. Right.
Q. That's a bad thing. So when you're looking at the bridge approaches, did you make any note of anything, take any exception on the last inspection report?
A. Well, I don't know if there is a bridge out here that doesn't have a low approach. However, we also have measurements and FRA guidelines on how much an approach has to be low before we can put any calls on it.
Q. Right.
A. So this bridge wouldn't -- didn't have any, enough that -- the only thing we had was we had the high end -- the first tie off the bridge had a gap under it where it lost some ballast. But it was just the very first tie right off the bridge.

Q. And --
A. And then if there was, I will put -- if there's a low approach on a bridge and it doesn't qualify, meet the federal guidelines for being low, you know, to meet standards, if it is causing the bridge ties to crush on the ends, I'll still put a 2C call in and put a call in it because it's causing a defect on the bridge. Even though it doesn't meet your guidelines, I'll still put a low level call on there so it's in the books. And that way when they run their programs, it'll pick that up, and it'll say, oh, that bridge has a low approach, you know, it's starting to crush the ends of the ties.

Now if it's not crushing the ties, I'm not going to put anything in there because it doesn't meet the qualifications to make a call.

Q. Right.
A. It wouldn't be right to do. Or somebody could call me out on it and say, well, that doesn't meet your criteria; why are you putting it on there? And I wouldn't have an argument.
Q. Right. Right. So this particular bridge there was a -- off of the west end there was one tie that had some ballast that was kind of churned up around the tie?
A. There was a gap underneath the tie.
Q. Okay. But it wasn't --
A. But it wasn't low. It was just in, you know, on one tie, and it's going to be maybe a 18, 20-inch section of rail.

Q. Right.
A. So you got good support on both sides.
Q. But there was no -- it didn't rise to the level where you were talking about where it's crushing your bridge ties, so --
A. Uh-uh.
MR. GORDON: All right, I don't have -- I'll pass it over to my right.
BY MR. GEKAS:
Q. Mike Gekas with BMWED. You said after you inspect you put a slow order on the bridge. After you inspect what, the actual bridge? When you put the slow order on, are you inspecting the actual bridge, bridge timbers? Just for clarification. Or when you do your -- you get down when you first show up to the bridge, you view the track to see if there's any deviation, do you issue a slow order for the actual track part of it, or do you issue a slow order for the bridge part of your inspection?
A. Anything between the back walls, track or bridge. Does that make sense?
Q. No, it does. Because you just said --
A. I'm not sure --
Q. -- you issue a slow order. So I want to -- I'm just trying to make -- clarify.
A. Any condition that I would find between back wall to back wall. If it's track or deck or piling, anything that would -- that I believe would require a slow order or the -- my reference

guide and, you know, the FRA guidelines say you have to slow it down to a certain point, then I would issue it there, whether it's rail, whether it's ties, whether it's bridge substructure.

Q. So if there is an issue within --

A. Well, if it was runoff too -- I mean runoff, I guess, wouldn't necessarily be on the bridge, but if the runoff was excessive, then I could place a slow order on the track for excessive runoff. I mean --

Q. All right. And that does make sense. I just wanted a little clarification on that because you say you put slow order on, so I'm -- not knowing, I wanted to make sure that if you're talking strictly bridge timbers or track. So --

A. No.

Q. Are you 213 qualified then to inspect?

A. Yes.

Q. Thank you.

A. I take the FRA standards tests.

MR. GEKAS: I have no further questions at this time.

BY MR. BROWN:

Q. Tom Brown, FRA. That was one, would be one of my follow-up questions, whether you -- because you seem knowledgeable of the 213 standards, that if you were qualified to make that. And so do you carry a string line?

A. Yes. I have a speed liner. I have a track level.

Q. Level board, okay.

A. I have a gauge board.
Q. So you have all the inspection tools necessary?
A. Yes.
Q. That's why I was wondering if you had to actually call a track inspector out if you found some of this. But -- so if you find something, how is that -- let's say you found something that was close, is that communicated to the track --
A. Yes.
Q. -- inspector or MTM? We find conditions as track inspectors sometimes that it meets the criteria for FRA because them are the minimum standards. It may be close to either your UP standards or just something that's close, does that get communicated to the MTMs or --
A. If I send in -- if I have to send a note out, and quite -- sometimes I'll -- I'm either talking to the manager with a note or sometimes I'll send it to the track inspector and say, hey, I found this; it's within a half-inch of the FRA, you know.
Q. And a note is Lotus Notes?
A. Um-hum. Sure.
Q. So like email?
A. Yeah. It's a companywide email. And I'll send him a note or I'll call him too. Sometimes say -- you know, because we usually -- most of the subs I'm on, I know the bridge inspectors and the track inspectors and sometimes the MTMs, and we usually communicate. We're good at -- hey, you got a -- sometimes I'll

find a washout next to the track and I'll pass that on to the track inspector or he'll say, hey, I got a -- you know, are you coming down here; you need to look at this bridge, it's got a low spot. And then that helps us. You know, because even though we got our own specialties, I mean, we can still look at something and tell, hey, we need to do something about it. And if we need to protect ourselves, we can. But it's also good to have the person who is trained to do that --

Q. Right.

A. -- come down and go even more into detail of what's going on.

Q. And then just for clarification too, when we were talking about the slow orders. You know, the FRA standards for bridges don't really have a table of slow orders or anything. We don't have that. It doesn't exist. But do you guys have something that would, if a track -- or I'm sorry -- a bridge inspector found this condition, this condition, there's like, did you say, a formula or something that --

A. No. I mean, it's up to us. I mean, and if we're going to place a slow order, we have to call our manager. And if we can't get our manager, we call the director. And we also discuss it with our manager of bridge maintenance. And before we place a slow order, we have a conversation; maybe we'll send them pictures, measurements and stuff, and then together we make a decision as to -- ultimately it's my decision.

Q. Based more on judgment, though?

A. Yeah. Quite a bit.
Q. And experience and --
A. Experience and judgment.
Q. Yes.
A. Yes. Which is why we call our supervisor. And he might refer -- we might get design involved in it, like I said earlier. I mean, whatever we need to do to figure out exactly what the safest way to handle a situation is.

And then if it does require a slow order, my next call is to the manager of bridge maintenance, and then -- in the area. And then I'll have that conversation with him. And, of course, then I've got to send out mail to everybody, and I'll send out pictures to everybody, and I'll put the appropriate calls in, and we've even got special codes that we put in if it's a condition that causes a slow order on a bridge. So, I mean, it pops it up to the top of their screen, so --

The program is built to elevate the calls up to where they need to be so the managers see the real hot issues quick. Plus, we always follow up with conversations and notes with them too. So they're never left in the dark, nothing pops up on them. And that way they can respond quicker. If they've got people in the area, they can get stuff ready, you know, plan stuff out.

MR. GORDON: Supervisors don't like to be surprised, do they?

MR. KINGERY: No, they don't. Well, and that's just I think -- I don't know, the bridge department overall, I thought, is

really good at communicating across.

BY MR. BROWN:

Q. This just helps us understand it better, how the process -- because I guess I was never aware that you guys are actually 213 qualified, which actually makes me feel better.

A. Um-hum.

Q. That you're seeing it and able to recognize it and trained in it and --

A. Yeah, we can measure it and put the calls on accordingly, according to the FRA standards.

MR. BROWN: Good. FRA has no more questions at this time.

BY MR. MOELLER:

Q. Butch Moeller, UP. So, Roger, just to even add a little more to the clarity. So in the example you used, if you pull up -- you stop short of the bridge.

A. Um-hum.

Q. If you seen profile runoff on the actual roadbed, you have the tools necessary to measure that and take whatever appropriate steps to remediate any defect --

A. Yep.

Q. -- necessary, correct?

A. Yeah.

Q. And then according to your inspection on the structure as well, if you notice maybe a cap that would need to be shimmed or whatever, you have the tools necessary to take into consideration

under load, things of that nature, and then provide the proper remediation also?

A. I can't really calculate anything under load. I mean, there's things we like to watch under load. There's bridges that are hi-rail only, and it's very difficult.

Say this line -- you may be able to see a train. You could call a dispatcher and ask, and say, do you have a train coming anytime soon? And they may say, well, it's going to be 8 hours or 7 hours, or they might say, hey, we got one in an hour. You know, you try to -- if it's something, if it's something really major, we always try to watch that under load, if we can.

Q. Sure.

A. Because that, I mean, that's going to compound maybe what you have, if you --

Q. And let me clarify. If you happen to see, say, a space or something between a stringer and a cap or things like that --

A. Yeah.

Q. -- you have the ability to, within reasonable judgment, know what that distance may be and just take it into consideration?

A. Well, we would add that -- if you had a low spot in the rail and you measured that, and then you had gaps between the stringers, you'd add that. And if you had a gap between the cap and the pile, you'd add all that. Yeah.

Q. That's my point.

A. Exactly, yeah.

Q. As part of the inspection on your bridge, do you take into consideration the rail across the deck of it?
A. As far as?
Q. Anything that you may note.
A. Yeah.
Q. If you had a joint, if you had a crushed head, if you had anything of that nature.
A. Sure. I've put slow orders on bridges because you had a spike head pulled up and the rail was on top of the spike head. So that's an automatic 25-mile slow order.
Q. Good example. So in relation to the Jack Creek Bridge, was there ever any condition about the rail that you had noted in any inspection or anything?
A. No. No. Gauge was fine. The line was good. And we didn't have any issues with -- we checked for loose spikes. I mean, I don't know -- I mean, we'll -- we've got a little spike tester. I don't know how to describe. It's like a bar with two fingers on the end so you can just -- you know, you kick a spike with your foot and if it rattles or anything, you can stick that right under. You don't have to bend over and hand pull them all the time, and we'll just pull up. And we've put a ton of -- we've put tons of calls on all year for loose spike, groups of loose spikes and stuff, so -- has to be three ties or more in a row. There wasn't any loose spikes. It wasn't canted in or out. There wasn't plate cutting, you know, that we -- that would meet

anything in our criteria. So, I mean, nothing that raised our level of alarm for anything.

MR. MOELLER: Okay. Thank you.

MR. KINGERY: Yeah.

MR. MOELLER: I have no questions.

MR. GORDON: Thank you.

BY MR. GORDON:

Q. Joe Gordon, NTSB. So you spoke about the conditions back wall to back wall, and I think -- I appreciate Butch clearing that up, that it -- you know, as you're coming up to the location you're empowered to take action outside of that -- those back walls. But --

A. We can place calls anywhere on the track. I mean, if we come to a washout or a broken joint bar, whatever, I mean, we can put whatever is necessary on there.

Q. So that's another set of eyes out there.

A. Sure.

Q. That's good to hear.

A. And if I have questions about it, I'll call the track guys and say here's -- and I do from time to time. Hey, I found this, you know. "Okay." You know, you want to guide me through this? "Yeah." I mean, is this measured right? "Yeah."

So it's -- I don't do their work all the time, so it's always nice if I get an experienced track inspector on the phone, and I'll -- did I do this right? Here's how I did it. "Yeah." Okay,

good; we're good. And then sometimes those guys will come right down. They said, well, I want to run over there and I'll -- they like to put the slow orders on. I mean, I will, but I have to post it -- when I call the dispatcher it's no boards displayed, and they hate that.

Q. Right.

A. So, and then, if I do put a slow order on the track, the maintenance manager is going to immediately send his track inspector out to re-measure what I measured.

Q. Right.

A. They always will.

Q. Right.

A. It's the same -- I mean, if they put something on a bridge, they're going to send us out to redo it, to look at it and to check it out, and make sure, yeah, that is right or no that's not really what you're seeing. So, and that's fine, but at least we got it protected. And if we erred on the safe side, no big deal. If you err on the wrong side, then you're going to get into trouble.

Q. Right.

A. So that's why we -- like I say, we stay in contact. We look for stuff. When we go down the rail, we're looking at kinky track. We're looking for major dips or we've found -- we've found broken joint bars and we've found concrete tie clusters. There's all kinds of stuff you see, but --

Q. Yeah.
A. And we don't necessarily look for it, but if it pops up --
Q. If you see it, right.
A. -- we're going to make some calls.
Q. Well, good, good.
The age of the bridge there at Jack Creek, do you --
A. 1937.
Q. 1937.
A. Yeah.
Q. And during your inspections, have you seen much repair, new work or anything that looks like it's been replaced since that time or is that pretty much in kind?
A. I don't know. I know there is a note in here that the ties were turned at one time.
Q. The deck?
A. Deck. The deck ties have been turned. So, I mean, those aren't the original ties. They've been replaced at some point in time. I don't know. I don't have it here --
Q. Right, but we can --
A. -- that I can tell you.
Q. We can get an age on that deck if --
A. Yeah.
Q. -- if we need it.
A. It's in ESM, what the age of the deck is.
Q. So you look at a lot of bridges.

A. Um-hum.
Q. Looking, you know, looking at the bridges -- I mean, I was a track inspector, so looking -- I knew looking at track, I mean, I knew the curves that I wanted to slow down and take more time through or possibly even park the truck and walk. Jack Creek Bridge, was that a bridge that was anywhere up on the concern list as far as --
A. No concern whatsoever. It was a good bridge. So, I mean, it's -- and when we do that, you know, that bridge, we always put on our waders, go across it and inspect all the piling in the water as we go and just all the way across. So, no, there was -- I would say that was one of the good bridges as far as condition out here.
Q. And you know we're relying heavily on what you guys know because --
A. Yeah.
Q. -- we don't have anything to assess out there on the bridge now. So --
A. No, our biggest issue with that bridge was all the barbed wire that the farmers had stapled to the sides of the pile all the way across the river, and then that was catching drift and stuff, and then that would break the wire sometimes. Then it would bring it around, and you're trying to wade in waders and in water that's maybe waist deep or something, and then you're trying to get around the barbed ware too, so -- but other than that,

structurally I think it was in good shape.

If there's a bridge -- I mean, we do a ton of bridges. If there's a bridge that has an issue, it sticks in your head. You're going to remember that. If it's a bridge that has no issues, it just blends in with all the other bridges. I mean, you know, so --

Q. And this one just blended in with the rest?

A. Yeah.

MR. GORDON: All right. Anything from my right?

MR. GEKAS: No, not at this time.

MR. BROWN: No further questions, FRA.

MR. GORDON: Anything, Butch?

MR. MOELLER: No.

BY MR. GORDON:

Q. Okay. Well, anything that you would like to add? I think you've answered our questions, and I appreciate your time coming in and sitting down and talking with us. If you can think of anything that you'd like to add, anything that -- you know, we want to be sure that the credit for what you guys do -- I think you've summarized the inspection procedure really well.

And I'm like Tom, it is -- it's nice to know that there's -- that you guys are 213 qualified over here on UP. I think that's a really good thing. So that also -- one of the areas of concern always on a bridge, like you mentioned at the beginning, is the approach. You know, you've got soft track -- even well-surfaced,

well-maintained track is still soft coming onto a rigid structure, and that's just a location where you're always -- that transition, you're always going to have issues, and so the fact that you look at those and you're qualified to look at geometry on those bridge approaches. And just because of the sequence of the accident, not because of anything else, but because of the sequence of the accident, that was the west bridge approach.

West bridge approach, other than the tie that had a little bit of shy ballast around it and a little bit of movement, you didn't see any profile or anything on that rail that stuck out when you --

A. Not when we looked at it last October. I mean, I can't say anything changed from then.

Q. Right.

A. But when we were there, there wasn't an issue there.

MR. GORDON: All right. And I'll look around the room one more time. Last chance. Everybody good?

Okay. So I would like to ask you because we're really early phase of the investigation. We're getting near completion of the on-scene, but we've still got a whole lot to do. So it may be beneficial for me to reach out to you. I may have a follow-up question at some point, if that would be okay?

MR. KINGERY: Yeah.

MR. GORDON: And with that, on behalf of the NTSB, I would like to thank you for taking the time to come in and sit down with

us and, you know, having the knowledge that you do and being willing to transfer that knowledge over to us.

MR. KINGERY: I probably confused you more.

MR. GORDON: No. I think you answered a lot of questions, and, you know, I knew a little bit about bridges just from my time with FRA and working with the bridge specialists that they have over there, but I don't claim to be a bridge expert and it is good to sit down with someone who does that work. So thank you for that.

And we will go off the record.

(Whereupon, the interview was concluded.)

CERTIFICATE

This is to certify that the attached proceeding before the

NATIONAL TRANSPORTATION SAFETY BOARD

IN THE MATTER OF: DERAILMENT OF UNION PACIFIC TRAIN NUMBER UEGKOT 09 NEAR GRAETTINGER, IOWA ON MARCH 10, 2017
Interview of Roger Kingery

ACCIDENT NUMBER: DCA17MR007

PLACE: Spencer, Iowa

DATE: March 15, 2017

was held according to the record, and that this is the original, complete, true and accurate transcript which has been transcribed to the best of my skill and ability.

_____
Katherine Motley
Transcriber