



I, GARY BROCKMAN 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:

<u>PAGE NO:</u>	<u>LINE NO:</u>	<u>CHANGE AND REASON FOR CHANGE</u>
<u>31</u>	<u>17</u>	<u>Name Mr Deurhea Not Mr Girlow</u>
<u>35</u>	<u>7</u>	<u>Name Mr Deurloo Not Mr Girlow</u>

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: 4-19-17 Witne [Redacted]

UNITED STATES OF AMERICA

NATIONAL TRANSPORTATION SAFETY BOARD

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Investigation of: *

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DERAILMENT OF UNION PACIFIC TRAIN *

NUMBER UEGKOT 09 NEAR GRAETTINGER, * Accident No.: DCA17MR007

IOWA ON MARCH 10, 2017 *

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Interview of: GARY BROCKMAN

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

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I N T E R V I E W

1
2 MR. GORDON: Good morning. My name is Joe Gordon, and I'm
3 the NTSB Track and Engineering Group Chairman for this accident.
4 We are here today on March 15th in Spencer, Iowa, to conduct an
5 interview with Mr. Gary Brockman, who is a track inspector for the
6 Union Pacific. The interview is in conjunction with the NTSB
7 investigation where an eastbound Union Pacific loaded ethanol
8 train number UEGKOT 09¹ derailed near the bridge over Jack Creek
9 near Graettinger, Iowa. The NTSB reference number for this
10 accident is DCA17MR007.

11 Before we begin the interview and questions, let's go around
12 the table and introduce ourselves. Please spell your last name
13 and who you are representing and your title. Please be sure to
14 speak clearly for the recording. I'll start off and pass off to
15 my right.

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

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

22 MR. SANDUSKY: Tim Sandusky, S-a-n-d-u-s-k-y, track safety
23 inspector, Iowa Department of Transportation.

24 MR. BROWN: Tom Brown, B-r-o-w-n, Federal Railroad

¹ Corrected train ID

1 Administration, track safety inspector.

2 MR. BROCKMAN: Gary Brockman, B-r-o-c-k-m-a-n, and I'm with
3 the Union Pacific and I'm a track inspector.

4 MR. MOELLER: Butch Moeller, last spelling M-o-e-l-l-e-r.
5 General Director, Union Pacific Railroad.

6 MR. GORDON: Okay. And as we discussed before, the purpose
7 of this investigation is to increase safety. We're not here to
8 assign any fault or blame. NTSB cannot guarantee any
9 confidentiality or immunity from any legal action or certificate
10 action. A transcript of the interview will be -- will go into the
11 public docket. You'll have an opportunity to review that prior
12 to. And you also have the right to have a representative.

13 Do you have a representative in the room today?

14 MR. BROCKMAN: No, I don't.

15 MR. GORDON: Okay. Thank you, Mr. Brockman. And do I have
16 your permission to record our interview today?

17 MR. BROCKMAN: Yes.

18 MR. GORDON: Okay. Thank you, sir.

19 INTERVIEW OF GARY BROCKMAN

20 BY MR. GORDON:

21 Q. If you could just start off by giving us a little bit of
22 background of your railroad career. Just tell us when you started
23 and kind of how you worked through the ranks.

24 A. I started the railroad on April 5th, 1976, as a laborer on a
25 rail gang, laying CWR between Eagle Grove, Iowa and Humboldt,

1 Iowa. And from there, I worked in different capacities. I've
2 been an assistant foreman, section foreman. Got to be a track
3 inspector in December of 1983, and I've been kind of doing that
4 job pretty much regularly ever since. Got 41 years of service.

5 Q. All right. That's a lot of years out there. And track
6 inspecting since 1983, so you've been doing this --

7 A. Right.

8 Q. -- doing this a long time. Can you tell us your current
9 assignment, what territories? I know this is a pretty spread
10 out --

11 A. Well, my current assignment is I'm a track inspector. I'm
12 headquartered out of Fort Dodge, Iowa, and I have -- for
13 territory, I have the Tara Subdivision, a grain line. It's
14 between -- runs between milepost 0 and milepost 70.10 on the Tara
15 Sub. I have the Laurens Subdivision that runs from milepost 0 to
16 milepost 28.5. And that, again that's the Laurens Subdivision. I
17 also have the Estherville Subdivision that runs from milepost 0 to
18 78.4 at Superior, Iowa. And I have two industrial leads, the
19 Roelyn and Farnhamville, and then I have Callender Yard and Fort
20 Dodge Yard.

21 Q. How big are those yards? Are they --

22 A. Oh, Callender Yard is about 5 miles. It has a 2-mile-long
23 siding and four other tracks, so it's about 5 miles total. Fort
24 Dodge is about the same, about 5 miles. The two industrial leads,
25 one is three and a quarter miles. The other one is about 5. So I

1 have about 184 miles of main line track.

2 UNIDENTIFIED SPEAKER: What was that second industrial lead?
3 I'm sorry. Roelyn?

4 MR. BROCKMAN: Roelyn, R-o-e-l-y-n, and then the
5 Farnhamville.

6 BY MR. GORDON:

7 Q. Okay. And of this 184 miles of basically main line, does all
8 of that have the same inspection frequency requirements?

9 A. Now it does, yes. Everything used to be, but since the --
10 well, we did a timetable change back in December, and somehow the
11 Estherville Sub got reclassified as Class 4, the whole thing. So
12 we've been doing two weekly inspections since like December
13 sometime on that. Then with that FRA agreement that we -- that
14 the UP entered into, everything has been needing to be run twice a
15 week.

16 Q. So your --

17 A. So my territory has basically doubled.

18 Q. Okay. Twice a week inspections. Now do you have a
19 counterpart in this? I mean, do you have someone else that helps
20 you with that territory?

21 A. We have -- the section foremen have been kind of helping out
22 little bit until we get it figured out. But try to do -- I try to
23 do the majority of it. But as -- well, yeah.

24 Q. Yeah, that's a lot of inspection, for sure, getting over
25 twice a week. So the track inspection, I'm assuming hi-rail and

1 walking there, how do you typically do -- and let's focus, right
2 now we'll focus on the Estherville Sub. How do you typically
3 conduct an inspection, one of your twice weekly inspections on
4 that?

5 A. Well, I'll -- basically the hi-rail. It's 80 miles long.
6 I'll try to -- of the 80 miles east and the first 33 miles is 136-
7 pound rail. It was Class 4 to start with, 49 mile an hour. And
8 then from milepost 33 to the end of track is 30 mile an hour, and
9 we have a couple other permanent slows like through Emmetsburg and
10 up at Superior we have a couple slow orders up there.

11 But, so I'll try to -- sometimes if I -- I'll run the whole
12 thing if I have time to do it. I'll do the from 0 to 78 up, where
13 I'll do the whole inspection. And otherwise, I'll try to do it in
14 two parts, two different times during the week. I'll do the west
15 end. I'll sit on at Superior and come down or Emmetsburg.
16 Depending on my train traffic. We got a local that works out
17 there Monday through Fridays, so I have to kind of inspect around
18 him. And then if we have any -- we're more busy between
19 Emmetsburg and Goldfield, milepost 0, because we got an ethanol
20 plant there that's busier than the one up at Superior.

21 So just try to adjust my inspections to try to get behind
22 most of the trains there and just whatever I can, you know,
23 traffic-wise so I don't have to battle a train coming at me. If I
24 can get behind them and go, that's better, so --

25 Q. And is all this -- is your territory mostly all -- how do you

1 obtain a permit to get on the track? Is it --

2 A. It's track warrant territory.

3 Q. So you're working between blocks --

4 A. Milepost to milepost.

5 Q. What's the limitation? I'm not familiar with the UP
6 standards, but as far as like hi-rail inspection, what kind of
7 speeds do you --

8 A. Well, it's --

9 Q. -- run during that?

10 A. Well, it's the track inspector's discretion. He's got to be
11 able to stop at a speed that allows half -- being able to stop
12 within half the range of motion. And then the speed is whatever
13 my discretion is so that I can identify track defects and -- you
14 know, yeah. So that I can, you know, being able to stop my truck
15 safely and then, like I said, being able to identify defects.

16 Q. And does that speed vary depending on the condition of the
17 track?

18 A. Yeah. If it's slippery out, it's slower. But, I mean, I try
19 to -- well, you know, then it's track speed. If we got, you know,
20 if we have 10 mile an hour, we're not supposed to go over 10, just
21 whatever the track speed is. But we -- I usually try to run about
22 20. That's a good speed for me. Just kind of nice and even
23 and --

24 Q. And at 20 mile an hour, traveling that speed that you're
25 comfortable doing your inspection with, you don't have any

1 problems getting over all that territory?

2 A. Well, yeah, sometimes, like I said, that Estherville Sub, it
3 takes a while. I mean, it's a long day if I do the whole thing.
4 It gets into -- could be 9, 10 hours a day to get over all that.
5 And like I said, depending on if I have traffic or whatever. And
6 other times I'll just, you know, I'll try to do half of it and
7 half -- you know, do the half the other day, just keeping it in
8 frequency, you know, trying to -- we got to keep a day in between,
9 and we got to do it twice in the 7 days with a day in between, and
10 everything else.

11 Q. Yeah. It's a --

12 A. Just trying to --

13 Q. -- challenge sometimes.

14 A. Yeah. And then we got to do the switch inspections and joint
15 bar inspections and everything else. So it gets a little, gets a
16 little busy some days.

17 Q. I'm sure. I'm sure. So do you recall your last inspection
18 -- and, again, we'll focus on the Estherville Sub. Do you recall
19 your last inspection over that track prior to the March 15th
20 accident? What -- the date of that inspection.

21 A. Actually, the date of that inspection was the 9th, Thursday,
22 the 9th, was the last time I was up there. I started that day.

23 Q. Oh, I'm sorry. The accident was March 10th. I'm -- I've
24 moved up to today. But am I right, the accident was March 10th?

25 UNIDENTIFIED SPEAKER: Correct.

1 MR. GORDON: So correction for the record.

2 UNIDENTIFIED SPEAKER: Early morning, March 10th.

3 MR. GORDON: Okay. The accident occurred on March 10th, and
4 we'll go back with that.

5 BY MR. GORDON:

6 Q. Your last inspection was?

7 A. Was March 9th.

8 Q. And where did you start that inspection?

9 A. I -- well, on just the Estherville Sub?

10 Q. Yes.

11 A. I started at Superior.

12 Q. And Superior, and you would have been going east?

13 A. Milepost 78.4.

14 Q. And going eastbound?

15 A. Going eastbound.

16 Q. And just, if you'd kind of walk us through that day, you
17 know, how that day started and if there were anything --

18 A. Just with the Estherville?

19 Q. Yeah.

20 A. Okay. Well, I had finished an inspection earlier that day.

21 I started an inspection on the Tara and Laurens Sub. So I
22 finished that inspection. I drove from Albert City to Superior.

23 And the local Thursdays they run to Superior. They go all the way
24 up there on that day. And so they were up there doing work. So I
25 called them on the radio on the way up, and they were just about

1 back to Emmetsburg. So I asked them to change their warrant up or
2 they had their warrant changed. So I secured a warrant on my way
3 up, got to Superior, got it out of the computer, set on and
4 everything, and started my inspection eastward. So that was
5 about, oh, I'm going to say about 12:30, 12 or 12:30, I think when
6 I took out of Superior.

7 Q. And as you're going on your inspection that day, did you note
8 anything on your report?

9 A. I had -- yes. I had a couple of bolt defects, one in the 69
10 mile, one in the 49 mile. I made the inspection from 78.4 to -- I
11 think I went down to 48.49. That's an end of a segment there. So
12 I try to make sure I get all the segment inspected so I don't
13 leave any little milepost.

14 Q. Right. Okay. And anything unusual in that area of the Jack
15 Creek Bridge? Do you recall anything?

16 A. I do not recall anything that I took any exception to in that
17 area that day. I mean, everything was -- I was probably -- I
18 think at the time I went through there was probably, I'm going to
19 guess, around 1:30, quarter to 2, 2, somewhere in that time frame.
20 I'm not sure.

21 Q. Do you remember the temperature that day? Was it --

22 A. It was kind of nice that -- you know, the sun was out that
23 morning, in the morning, and then it started to cool off. I mean,
24 it was starting to cloud up when I kind of went through that area
25 and the wind was picking up, and it was starting to cool off a

1 little bit, and it did get colder that night. I mean, it dropped
2 down to -- I think I seen on the news it was like 4 or it was
3 going to get colder that night, but I don't know what the
4 temperature was at that time that I went through there, but it was
5 starting to cloud up and everything.

6 MR. GORDON: All right. I'm going to pass it over to my
7 right here, and let Mr. Gekas ask a question there.

8 BY MR. GEKAS:

9 Q. Mike Gekas, Brotherhood of Maintenance of Way Employees. You
10 said you have a 184 miles of track. Do you feel that's an
11 adequate -- do you have an adequate time through the week to
12 inspect that much track?

13 A. Well, I've been doing it. I've been doing it for a long time
14 that way. I've had that territory for quite a few years, and we
15 keep current with our inspections, I mean, so --

16 Q. You said you have help with the --

17 A. Well, before --

18 Q. -- foremen inspecting your track right now.

19 A. Well, the 184 miles, before that, I was doing most of that
20 myself. But with this mandate when we doubled, you know, it's
21 just my territory went from 184 miles to 386, doubled that
22 territory. So it just got to be that logistically it's --

23 Q. So it makes -- it's difficult to --

24 A. Yes.

25 Q. -- inspect that track --

1 A. Yes.

2 Q. -- twice a week?

3 A. Yeah. So that's kind of -- you know, when it got -- when we
4 signed -- when the UP signed that agreement and that started, it
5 was Class 3 track and above, and most of my track is Class 3. So
6 it was twice a week. And lot of it, you know, like I said, I was
7 running most of the other inspection. Or if I had a day off or
8 something like that, the relief inspector. We didn't really have
9 a assigned relief inspector. It would be the section foreman of
10 the territory. And Dave's territory, there's two inspectors that
11 split his territory.

12 Q. And you said your inspection on the Estherville Sub, if you
13 did it all in one day it takes 9 to 10 hours --

14 A. Or longer.

15 Q. Or longer.

16 A. Depending on conditions. And I didn't mean to interrupt you,
17 but --

18 Q. No, please. I mean, I'm trying to get your words in the
19 transcript. Do you ever have any pressure from UP management to
20 finish the inspection either in one trip; do you feel that you
21 have to --

22 A. No. I don't think there's a pressure to do it as, per se.
23 But, I mean, it's just if I'm out there and -- just, like I said,
24 my territory is so spread out that if I'm up there, and I get up
25 to -- you know, if I run up to like 48 or I run up to 70 or

1 something, to finish that inspection it's like another hour to do
2 it. I might as well do it while I'm up there instead of turning
3 around the next day and driving 5 or 6 hours back up there to
4 finish the inspection. Because I have other track that I need to
5 do the next day to keep my frequency, and to keep my schedule for
6 my inspection so that I can -- you know, we had to -- we have to
7 develop a play book that we use to make sure that we get all the
8 tracks inspected over the required time and everything else.

9 So we just try to -- you know, I just have to inspect so much
10 track and so many switches each day. I've got 100 switches that I
11 do, and then my yards. I got to figure them in there.

12 Q. Very well. And on average, how many hours a week do you work
13 performing your inspections since your territory has doubled now?

14 A. Well, I've been roughly 50, 50 to 55 hours a week. And then
15 that's, you know, with the other guys are running, like I said,
16 whatever they run, and they'll try to get over some of it on my
17 off days. I work Tuesday through Saturday. My work schedule
18 Tuesday through Saturday. So I'm off on Mondays, and a lot of
19 times the guys will run the track on Mondays.

20 You know, I try to get over, I try to get over -- if I do the
21 Estherville, I try to do it on Saturday so that they can actually
22 do it with the frequency requirement or the day in between, that
23 they can actually do the inspection again Monday, so --

24 Q. So you're roughly -- I'm just trying to get in hours of
25 inspection just as a general scope so we can see how much you're

1 having to inspect on a weekly basis to fulfill the requirements.

2 On the Estherville Sub particularly, anywhere from -- that
3 you inspect on this territory, have you in your reports,
4 inspection records, have you found defects at any point that in
5 this particular area that needed direct attention, needed --
6 within your last, say, month of inspection?

7 A. No. I have not wrote any defects in that area in the last
8 month.

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

10 BY MR. BROWN:

11 Q. Tom Brown, FRA. Just to follow up on Mike's question there.
12 In the last month you said you didn't have any. Do you recall any
13 problems there, I mean, as far back as you can remember? And not
14 only what you would find, but anything with a geometry car, any
15 mobile rail detections? Just overall, you know, if there was
16 bridge tie problems, the bridge, just anything at that area ever?

17 A. Ever. Well, we --

18 Q. You've been up here a long time.

19 A. Well, no. You know, I've been -- yeah, I've been on that
20 territory for a long time.

21 Q. That was one of my other questions, just to backtrack real
22 quick before you answer that then, Gary. How long have you done
23 the Estherville?

24 A. I have done the Estherville Subdivision -- well, like I said,
25 I've been a track inspector since '83, and that was actually my --

1 part of my territory back then. And it's been pretty much --
2 well, like I say, I worked out of Eagle Grove. I had different
3 areas. But off and on, I've probably been a track inspector up on
4 that territory, I'm going to say, at least 25 years or longer.
5 You know, I've had that as part of my territory.

6 Q. I kind of thought it was, but because there's so many
7 territories up here --

8 A. Yeah.

9 Q. -- I didn't know if there was ever a realignment.

10 A. I've been --

11 Q. Some tracks have actually been tore out since you --

12 A. Yeah.

13 Q. -- started track inspecting.

14 A. Well, actually, when I started -- I've probably been, this
15 job in Fort Dodge, I've probably been -- I was out of Rolfe for a
16 while. I had the same territory, and then we moved. So I'm going
17 to guess, yeah, it's been 20, 25 years that I've been a track
18 inspector up in that same area.

19 Q. So then to rephrase the question, in the 25 years, do you
20 recall anything unusual or any maintenance to that bridge? I
21 mean, whether there was a rail changed, whether it was a bridge
22 condition.

23 A. The only thing I can, the thing that I -- I think we had a
24 broken rail, I think, to the west of the bridge. That's been
25 several years ago, and I think they welded that in. That was on

1 the south rail, I'm going to say, and it was back west of the
2 bridge a ways. But that's been -- I can't even remember when that
3 was. And I don't remember if that was a detector car rail or if
4 it was a service failure. I'm not sure because I don't think I
5 found that one.

6 Q. When you say a ways off the bridge, would that be a rail
7 length off the bridge?

8 A. Oh, no. It was probably back a couple hundred yards maybe.

9 Q. Yards?

10 A. Yards, yeah. I can't remember. It was back -- there's kind
11 of -- that bridge kind of sits in a little bit of a curve. It was
12 kind of back in the straight track. I couldn't give you a
13 milepost offhand. I know 57's back there somewhere. But that's
14 been the only rail defect that I've noticed in there.

15 We had a geometry, urgent geometry, I think, it was down
16 between the two bridges there east of the Jack Creek Bridge down
17 toward the other one. I think we had a geometry spot in there.
18 And then actually we had the surfacing gang up there last year.
19 We had an EC run, and they were surfacing up in that area. They
20 surfaced around that area. I think they did -- I think they
21 started back in the straight track and raised up to the bridge and
22 around, if I remember right.

23 Q. All right.

24 A. And then they raised back in the 58 mile in through town at
25 Graettinger.

1 Q. All right. Revisiting the -- you said December of 2016 is
2 when the new inspection frequency came about?

3 A. Yeah. Somewhere around there. It popped up --

4 Q. So about 3 or 4 months?

5 A. Yeah, 3 or 4 months that we've been doing. It might have
6 even -- it came, it kind of came out in our new timetable for --
7 and then they were redoing some reclassification some of the
8 segments. And we kept getting an overdue for inspection up there,
9 and I was like, I was just up there, you know, and because they
10 kept saying -- you know, and then all of a sudden I kind of called
11 somebody. I said what's going on or why is this popping up?

12 And they said, well, it came out Class 4. It got
13 reclassified somehow that the whole subdivision, and we've been
14 waiting for a general order to come out to rectify that so it
15 would go back. You know, so then we'd still have to do the two
16 inspections up to West Bend, but then from West Bend up to the end
17 of track we'd only have to do the one weekly.

18 Q. So you, do you feel like you've had to increase your speed
19 any? I mean, not only even Estherville, because you do have other
20 subdivisions, and I just wondered if there was places maybe a
21 person could increase their speed. And do you feel like maybe
22 someplace else you are or is it just the help you're getting from
23 the section foremen have increased to compensate the --

24 A. Well, the -- what -- you know, like I said, since that
25 conception of having to do the two inspections, the section has

1 been pressed into service to do -- they, like I said, they try to,
2 they'll try to do -- Dave will have, will schedule some guys to go
3 out and try to help to get that first trip made to kind of help
4 alleviate. Because I was, like I said, I was -- before that, I
5 was pretty much doing all the inspections anyway. And like I
6 said, I was -- 50 to 55, sometimes 60 hours a week depending on
7 traffic, and if we were out there doing other things, but --

8 Q. I'm sorry.

9 A. Go ahead.

10 Q. If you, I was going to ask another question. I thought you
11 were done.

12 A. No. Go ahead.

13 Q. Were you finished?

14 A. Yeah. I'm finished.

15 Q. I'm sorry.

16 A. I was rambling.

17 Q. I'm sorry, Gary.

18 A. That's all right, Tom.

19 Q. Going to the section foreman then that makes an inspection.
20 Are you aware of, and I know it's not your responsibility to be
21 aware, but is he a qualified inspector?

22 A. Yeah. He's passed the test and everything. I believe he has
23 his card and everything else.

24 Q. And does he enter the reports or --

25 A. Yes.

1 Q. So he enters the reports.

2 A. He enters his own reports. They have a -- I think they're
3 actually, there for a while -- they actually changed the track
4 inspection system. We have a new web-based that used to be -- you
5 know, it was just a, it was a program before; then we got the
6 upload/download, and now it's web-based. So that when we close
7 that inspection it's same time or whatever.

8 But he's actually on the system as an inspector, and he
9 has -- you know, he can actually access my setups to use, and he
10 can develop his own to do it. But actually the section foreman --
11 well, actually the two section foremen that you have out in there,
12 they actually were my relief inspectors when I was off last year
13 for a while, and they actually had my job. They were doing my job
14 for a while over that territory and everything, so --

15 Q. So you say you were off for a while. How long?

16 A. I was off for 6 months last year, from February until June of
17 2016. I was off on a -- I had an injury, knee injury.

18 Q. All right. One last question. To your knowledge, were you
19 the last thing to actually traverse Jack Creek Bridge before
20 the train derailment?

21 A. Yes, I was. Lucky me.

22 Q. No. I thought that's what it was, but just for clarification
23 That's all the questions FRA has at this time.

24 A. Yes, I was.

25 MR. GORDON: All right, Butch.

1 BY MR. MOELLER:

2 Q. Butch Moeller. Gary, so just to make sure I understand.

3 Your mileage has not increased. It's the frequency --

4 A. Right.

5 Q. -- of the mileage --

6 A. Right.

7 Q. -- correct?

8 A. Yes, that's correct.

9 Q. With the new FRA agreement that the UP entered into, Class 3
10 and above, we went to a twice weekly inspection.

11 A. Correct. So, yeah, the -- yeah, it's just the territory, the
12 basic miles is 184 miles.

13 Q. Do you feel with that increase in frequency that the quality
14 of your inspections have suffered any?

15 A. I would like to think no, but they might have a little. Just
16 with the added time constraint, trying to get over, you know,
17 winter and everything else --

18 Q. Sure.

19 A. -- trying to get over everything.

20 Q. So on the Estherville Sub, how many trains a day do we run
21 across that line?

22 A. Well, we have the local that works Monday through Friday.
23 They go out and back. Mondays they'll go to Superior round-trip.
24 Tuesdays they'll go to Graettinger. Wednesdays they -- or
25 Tuesdays, no, excuse me. Monday they will go to Superior.

1 Tuesday they'll go to Emmetsburg. Wednesday to Graettinger.
2 Thursday to Superior. Then Friday is another Emmetsburg turn. So
3 they're out there them 5 days plus whatever we have pulling up and
4 all at Emmetsburg. They may get, depending on business, they may
5 get a couple of trains a week in there. Hartley, elevator. We
6 run up to Emmetsburg and then get onto CP and run out to Hartley
7 depending on their -- you know, they may -- it's not just one
8 business is there. But, I mean, that local's out there 5 days a
9 week, and then maybe an ethanol train or so depending on the
10 traffic. But --

11 Q. So would it be fair to say, on average, we have one train a
12 day, and then occasionally we have a unit train that comes across?

13 A. That's correct.

14 Q. So is getting time on that Estherville Sub, especially on
15 that location that we have this incident that we're all gathered
16 here for, is it an issue?

17 A. No. You might have to wait a little bit until the local gets
18 by you. If you can adjust where you're going to start, you can
19 get -- you know, call a dispatcher and -- or lot of times we'll
20 call the train crew, see what they have for a warrant. Because
21 they start work at 5:00 in the morning. So they'll get a box 7
22 all the way for the whole 78 miles if they're going the whole way.
23 So if we want to get in there, we talk to them. They'll change
24 their warrant and the dispatcher will let us out there. So, no,
25 it's not really -- sometime the wait for the dispatcher answering

1 or something like that can be a while, but --

2 Q. And then you talked about a broke rail that you wasn't quite
3 sure how far away, on average, 2- to 300 hundred yards --

4 A. Yeah. It was --

5 Q. -- off the approach to the bridge. And how long ago was
6 that?

7 A. It's been a couple of years ago. It hasn't been recently,
8 no. It's been a while.

9 Q. Any service failure rails that you can --

10 A. No.

11 Q. -- remember in recent times?

12 A. Not in recent times.

13 MR. MOELLER: All right, I don't have anything else.

14 MR. GORDON: All right. You need a break or anything? You
15 doing good?

16 MR. BROCKMAN: No. I'm good.

17 MR. GORDON: Doing good. All right. You are doing good.
18 You're helping us answer questions.

19 MR. BROWN: Joe, this is FRA on a -- just a follow-up to
20 Moeller's question.

21 BY MR. BROWN:

22 Q. When he said service failures, just so there's not confusion.
23 What I, I guess what I want to -- on a 90-pound rail on
24 Estherville, the whole thing, do you have service failure -- we're
25 talking about it, how many you had, so that, maybe that's what you

1 answered.

2 A. Oh.

3 Q. But I wanted to make sure it wasn't just kind of in that
4 area.

5 A. Okay. Well, as a whole, the 90-pound on the Estherville Sub
6 runs from milepost 32.25 to end of track to 78.4. We have some
7 -- we have through Emmetsburg it's 112-pound. Through Graettinger
8 it's 112-pound. The 112 starts at Graettinger, starts at 80 or
9 48½, and then runs to 59, about a mile, mile through Graettinger.
10 They did that just so we didn't have to comp in and out of the
11 switches all the time.

12 And then through Estherville is 112-pound, but then the next
13 is 90-pound going up to Superior. So in that, we have had service
14 failures. Not a lot. I mean, we've had them more between West
15 Bend and Emmetsburg than we've had up there. We've had more
16 broken comp bars up there.

17 Q. And the service failure is the same whether the train reports
18 it, whether you find it behind the train or --

19 A. Right, yes.

20 Q. It's just other than what's found by the detector.

21 A. Yeah. And I think -- and I'm thinking that rail that I
22 remember it being in there, like I said, it's been a couple of
23 years ago, if even that, and I think it might have been a detector
24 car rail. I'm not sure. But it's been a while. It hasn't been
25 within the last 6 months or anything like that. I mean, it's been

1 longer than that or that I'm thinking of.

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

3 MR. GORDON: So not -- it wouldn't be common to have a broken
4 rail in that 90-pound rail through that area? That's not typical?

5 MR. BROCKMAN: Oh, no, no. It's kind of a -- no, not really.
6 Like I said, not in that area, no.

7 BY UNIDENTIFIED SPEAKER:

8 Q. So, Gary, if I'm correct, the location that you described is
9 actually 6-inch rail, isn't it?

10 A. No.

11 Q. The comp bars that you were talking about.

12 A. Well, no. The comp bars, yeah, that would be back north of
13 there. It's not in this location in where this accident happened.
14 The 115-pound rail is to the west a mile or better. It starts at
15 58½.

16 Q. Through Graettinger.

17 A. Through Graettinger, west through Graettinger. It doesn't
18 come out that way. So there's no comp bars or nothing in that
19 area. I don't even think there's any joint bars in that area, if
20 I remember right.

21 UNIDENTIFIED SPEAKER: Thank you.

22 MR. GORDON: All right, and just to help out transcriptionist
23 out, we'll introduce ourselves when we start. Let me get a couple
24 in here. Joe Gordon, NTSB. And then I'll pass it to my right.

25 BY MR. GORDON:

1 Q. Do you have help -- when you're inspecting, I know you've got
2 inspectors that will fill in when -- and try to help you get the
3 frequencies and everything. But when you're out there hi-railing
4 do you have someone in the truck with you or are you --

5 A. The only time I have anybody with me is when I either have
6 Mr. Brown or Mr. Secora or my MTM has to do a, has to do twice a
7 month now or it used to be -- a track inspector evaluation, he'd
8 have to do that once a month; he's got to do that twice a month
9 now so.

10 Q. When you're out inspecting track, is it only inspection or is
11 there some minor correction, tightening bolts and --

12 A. Yeah, if I -- anything I can -- you know, I can put a bolt in
13 if I have to or something like that. But mostly it's just to get
14 the inspection done.

15 Q. So you're not out there tamping joints or --

16 A. No.

17 Q. -- those kind of things?

18 A. No.

19 Q. All right. That's good to hear.

20 So the agreement that was entered into, that was an agreement
21 between UP and FRA; is that correct?

22 A. That is correct.

23 Q. All right. We'll talk about that, get some more information
24 on that. So you're covering these -- your territory didn't
25 expand, but the frequency did.

1 A. Frequency, yes.

2 Q. So any after-dark inspection in order to get that territory
3 covered or are you able to get everything --

4 A. No. Special inspections if -- you know, sometimes it might
5 get dark if I'm -- wintertime it might get dark.

6 Q. Right.

7 A. Yeah. But most of the time it's daylight unless I have a
8 special inspection or if I got to go out and check something out
9 in the middle of the night or something.

10 Q. All right. Well, talk to me a little bit about remedial
11 actions. If you find a defective condition, just what do you have
12 to do after you find something that's, I guess, below a UP
13 standard?

14 A. I either -- if I can repair it, if it's -- well, for example,
15 if it's a bolt defect, I'll install a bolt if I can. If it's in a
16 joint that's pulled apart and I can't do it, then I will call the
17 section so they can come and fix it. And if I have to walk a
18 train over it, I -- I walked a train over a broken rail Thursday
19 morning, that same day, but that's another, that's another thing.

20 Q. Right.

21 A. But, I mean, I do what I have to remediate it. I usually try
22 to call the section, if not. You know, they'll come up and fix it
23 usually. So --

24 Q. And then speed restriction. Do you ever have to speed
25 restrict any track?

1 A. Once in a while. Yeah, once in a while we do, but if we
2 can't get at it and we have to put a slow order on overnight, then
3 we'll put the speed down.

4 Q. Then in that area through Estherville -- and we'll just kind
5 of focus on Superior going back into town and 90-pound rail. Have
6 you had to put any speed restrictions out on that recently?

7 A. I haven't. No, not recently.

8 Q. All right. I think I've got a few more clarifications, then
9 I'm going to pass it off. EC run, I think someone referred to an
10 EC run. Is that --

11 A. That's evaluation car, our --

12 Q. Geometry.

13 A. -- EC, right, geometry car. That's correct.

14 Q. All right.

15 A. And then our DC runs are the detector car for the rail.

16 Q. All right. Bridge inspection. If there's a bridge
17 inspection conducted, do you see that information or does that
18 information go to someone else?

19 A. No, I do not. I do not see anything. Yeah, the bridge
20 inspector, I'll be joined with him once in a while, but I don't
21 see any of his stuff that he writes or anything like that or what
22 he inspected. I suppose I could pull his report up if I wanted
23 to, but I guess I --

24 Q. But that's not something that's a responsibility?

25 A. No, that's not something -- no.

1 MR. GORDON: All right, that's what I have right now. We'll
2 pass it over to my right.

3 BY MR. GEKAS:

4 Q. Yeah, Mike Gekas, for the BMWED. Couple quick things,
5 follow-up questions. You seem to have a pretty good memory and
6 know your territory quite well in very specific terms. You have
7 stated that once in a while the bridge inspector, you'd go joint
8 with him. Roughly about how long ago was the last time that you
9 saw that or went joint with that bridge inspector where we -- you
10 know, a time frame when that you think the bridge might have been
11 inspected?

12 A. I can't recall the last time that I was joined with him. But
13 like I said, I'm not -- unless we're in the same area, I don't
14 really -- he gets his own warrant. And I think he might -- they
15 used to have a guy with him. I don't know. But like I said, I
16 -- the only time I happen to have any interaction with the bridge
17 inspector is if I'm joined with him. And, you know, usually I
18 have a longer warrant. So he'll get a shorter one in there for
19 the bridges, and he'll have to call me and then I'll either -- you
20 know, we'll talk then coming down. But I can't recall probably
21 right off the top of my head the last time I had one with him.

22 Q. Okay. Just, you're very knowledgeable on everything, so --
23 on what we're talking about. In your inspections, just so I
24 understand, do you -- when you inspect and you have to apply
25 remedial action, do you -- does UP offer more strict standards for

1 inspections or do you just go and follow the FRA standards for
2 inspecting, for the minimum standards?

3 A. Well, yeah, the UP has standards that we can use to get to
4 the point. You know, we can -- they have their standards, UP
5 standards that are a little bit higher than the FRA, but most of
6 the time when we put a slow order on it's for FRA standard.

7 Q. So you just use the base minimum, FRA minimum standards --

8 A. Right. Yes.

9 Q. -- for track?

10 A. Yes.

11 Q. Thank you. And then you said your manager rides along with
12 you twice a month. When was the last time your manager rode with
13 you?

14 A. Wednesday.

15 Q. Wednesday.

16 A. Actually, I had -- Wednesday I had Mr. Secora. He's a DOT
17 inspector for the State of Iowa. And then I had Mr. Girlow (ph.).
18 We made an inspection on the Tara Sub, and that was Wednesday, the
19 8th.

20 Q. And with that, when was the last time your manager inspected
21 with you over the specific Estherville Sub?

22 A. It would -- I can't -- it's been a while. It's probably been
23 over a month or better. I can't recall the last time without
24 looking. I show him accompanying me on my reports all the time
25 whenever he's with me.

1 Q. Last month, February of 2017 --

2 A. No, it might have been --

3 Q. -- or January?

4 A. It might have been in January sometime that we were over that
5 part. I mean, he's been with me -- the last time we made
6 inspection out there we went to Emmetsburg and came in, and that
7 was -- I can't remember the date, but it's -- it was since the
8 first of the year probably. But we -- through that area I can't
9 recall the last time without -- like I said, I show him on all my
10 reports if he accompanies me where I go.

11 Q. No, that's good. I'm just trying to find out when the last
12 time he rode that territory with you. And that's close enough
13 for --

14 A. Yeah. I can't, like I say, I can't recall off the top of my
15 head, but I --

16 Q. Then you also made a comment surface and lining gang or a
17 tamper regulator went over that particular -- tamped from there to
18 the bridge last year. Do you happen to know when that took place
19 last year?

20 A. It was in the fall last year. We did some surfacing around
21 through Graettinger and out towards that way, and I want to say
22 they raised in and out of that bridge, I believe.

23 Q. Like November, October?

24 A. Yeah.

25 Q. Somewhere in there?

1 A. Would have been around there, November, later on. It was
2 almost before -- it was right before a freeze-up. I mean, we were
3 still sticking a few -- Halloween, I know it was around there.
4 Probably around Halloween time was the last time they were in
5 there.

6 Q. And I'm sorry if I forgot; it may have been asked already.
7 So it was surfaced around Halloween. Has there been any type of
8 geometry car or detector car ran --

9 A. Since then?

10 Q. -- since then?

11 A. No. The reason that we were up there was the detector car
12 ran before that. And we had a lot of -- we started at, actually
13 they started at Superior surfacing, and they came a lot of -- did
14 most of the way down to there, and they -- we had a few spots
15 between -- we had just a few locations between Graettinger and
16 Emmetsburg, and they just tried to touch them up as they were
17 going south. So they were, they kind of were skipping spots,
18 different spots in there.

19 So it would have been last fall, end of October, first of
20 November. But the geometry run was before that. That was like in
21 May or June or -- June. I think it might have been June or --
22 because I came back to work at the end of June, light duty, and I
23 think they were running around then. So it would have been June
24 when the geometry car was out there, I'm guessing.

25 MR. GEKAS: Thank you for your answers. I have no further

1 questions.

2 BY MR. BROWN:

3 Q. Tom Brown, FRA. We heard that there's possibly like a track
4 analyzer that could be pulled behind a --

5 A. Yep.

6 Q. -- hi-rail vehicle. Is that something that you've used?

7 A. Yep. Well, me and Joel have done that. We've taken --

8 Q. And Joel is?

9 A. Joel's truck is actually set up for it. It's got --

10 Q. He's the other track inspector?

11 A. Yeah. Joel Babcock is the other track inspector out of Eagle
12 Grove. And he has -- his truck, he's got that analyzer. He runs
13 that on his territory a lot. He's got a lot more curves than I
14 do. But his truck is actually drilled for it. He's got a -- it
15 sets up on a -- it's got to be drilled; there's pins that hold it.
16 And he's actually -- we've run it up on that end of the -- right
17 after we inherited the Estherville out to Superior, a couple, 3, a
18 couple years ago, a couple years ago. And right after we got it,
19 Joel -- I had Joel come up with the analyzer, and we ran our
20 curves down with our -- three, our more sharper curves.

21 Q. So you think that was the last time the analyzer was actually
22 up on the Estherville or up on this end of the Estherville Sub?

23 A. Yes. But I don't think we did that curve. I don't remember
24 doing that curve. We did the one right in town of Graettinger and
25 then we, then we -- I think we skipped that part and went into

1 Emmetsburg and did the curves around Emmetsburg. They're a little
2 sharper.

3 Q. We talked a little bit about the rail and detector cars and
4 that. Do you go with the detector cars any?

5 A. No. No.

6 Q. Who does the --

7 A. Mr. Girlow would do -- the manager's got to be on there.

8 Q. With the rail detector car?

9 A. Right. And then there's the manager's got to be with the EC
10 car too.

11 Q. So then he's the one putting on the remedial action?

12 A. Yep.

13 Q. Do you get -- then do you get a copy of the --

14 A. I get a copy of --

15 Q. -- rail detection reports, the ultrasonic reports of the
16 defects they found?

17 A. Yes. Yeah. It's available, but usually the section gets
18 them because they're the ones that's going to go out there. I get
19 a copy of it just so I can see them out there. You know, I try to
20 do a --

21 Q. And the reason I asked, there is, you know, on certain
22 remedial actions there's required inspections.

23 A. Right.

24 Q. To follow-up on 30 and 90-day inspections. I just wanted to
25 make sure you were getting that information.

1 A. Yes. I got that information.

2 MR. BROWN: FRA has no further questions at this time.

3 BY MR. MOELLER:

4 Q. Butch Moeller, UP. Gary, just for clarification. When you
5 mentioned joint with a bridge inspector, you're not specifically
6 talking about being in a vehicle --

7 A. Oh, no, no, no.

8 Q. -- together?

9 A. Joint occupancy of the track segment.

10 Q. So for an individual that's not familiar with that, you would
11 be in a vehicle, a bridge inspector would be in a vehicle, and you
12 had the same limits or similar limits in track occupancy that you
13 have to communicate with each other?

14 A. That is correct. We're occupying the same track segment or
15 section of track. We're not riding around together, no.

16 Q. Yes, sir. I had heard you earlier make mention of an urgent
17 defect. What -- can you give us a little detail on that?

18 A. The EC, when they put -- the EC car, when it finds a defect,
19 they either classify it as a urgent or priority urgent, critical
20 or critical priority urgent, something like that. They classify
21 it as different things. And it was -- I think it was a lower
22 priority, if I remember right. Like I said, that's been -- that
23 wasn't the last run. That was probably a couple years ago on the
24 second run.

25 Q. So a critical would be an FRA minimum standard?

1 A. I believe so.

2 Q. And then an urgent would be a little less?

3 A. Like a UP standard.

4 Q. So do you know does Dave or does he manage toward that urgent
5 type defect or does he simply wait until it's a critical?

6 A. Can't answer that.

7 Q. Let me ask you this. Do you recall who put the -- there's a
8 little over 3 miles of 10 mph slow orders west of this incident
9 location in and around the Estherville, the city there on the
10 Estherville Sub. A little over 3 miles long of 10 mph.

11 A. Right.

12 Q. Do you recall who put that slow order out?

13 A. I did part of it. Actually, part of that curve that -- a lot
14 of -- that 10 was put on after that EC run because the track
15 didn't meet standard up there. The whole thing was 10 from the
16 whole -- from like -- let me get my mileposts right. From about
17 70.25 to 78.4 was all 10 mile an hour. And we went up -- that's
18 where the surfacing gang started that year. They started up there
19 at Superior, and they started surfacing eastward. And they had
20 geometry car defects and that's what they were hitting as they
21 were going down.

22 And they got -- somewhere in there they were up there running
23 -- they had some gauge issues up there in the curve in the 73
24 mile, and the section actually, I think they walked it. Or it was
25 when I was off, so I can't -- I know they walked that curve and it

1 was down to 10. And then the surfacing gang surfaced around
2 there. And I extended the slow order out to 74.25, where it is
3 now, because there was a bad crossing and there were some tie
4 issues in there behind the surfacing gang. So I put that on
5 there, and I took the slow order off between Superior and back.

6 Q. So that 10 mph has been out for 148 days?

7 A. Any (indiscernible).

8 Q. Do you ever get any pressure to raise the speed, remove an
9 order, anything along those lines?

10 A. No.

11 Q. So you get support for protecting the track?

12 A. Yeah.

13 MR. MOELLER: I have no other questions.

14 MR. GORDON: All right, I've got a few more. This is Joe
15 Gordon, NTSB.

16 BY MR. GORDON:

17 Q. For the purpose of the interview and really for everything,
18 the Code of Federal Regulations calls a track inspector a federal
19 inspector as a state or federal employee. So just think of your
20 state or federal inspectors.

21 A. Okay.

22 Q. When was the last time that you had a federal inspector with
23 you, be it a state or federal inspector, over that Estherville?

24 A. Over that territory?

25 Q. Yeah, um-hum. If you can recall.

1 A. I can't -- was you and me up there? I can't recall
2 if you --

3 UNIDENTIFIED SPEAKER: No.

4 MR. BROCKMAN: No. I can't recall the last one, I guess.

5 BY MR. GORDON:

6 Q. Okay, yeah. We'll look for that. How often would you say
7 that you see a federal inspector on that portion of territory?

8 A. I usually once a year, twice a year. Jeff will come out
9 couple times a year. Tom usually tries to make it out once or
10 twice. At least once.

11 Q. And do you ever identify something from a hi-rail vehicle and
12 then this is a portion that you get out and walk? Do you ever do
13 that on some of those areas that haven't been tied as frequently
14 as what -- maybe back toward the main line?

15 A. Yeah, I get out and walk the ties quite -- I wrote a lot of
16 tie defects up there. Well, little history lesson: Ain't been
17 tied since the late '80s.

18 Q. Right. We could tell they had been in there for some time.

19 A. Yeah, that was -- I'm going to guess it was about '86 or '87
20 without really looking it up, but it's been a while since there's
21 been a tie gang up there. So any ties that have been put in
22 there, I think I wrote every one of them.

23 Q. You directed them to them?

24 A. And Tom's wrote a bunch of them.

25 Q. Right. So as you mentioned earlier, a curve, just -- there's

1 no curve -- Jack Creek Bridge is tangent in there, is that
2 correct? There's not -- is there a slight curve there?

3 A. There might be a -- there's a slight curve in there, I think,
4 that comes off that bridge.

5 Q. Off of the bridge?

6 A. Yes. It's not very big. It's kind of -- it might -- and
7 then it kind of, well, kind of -- it's kind of right in a little
8 bit, and then it's there's more of a curve down below to the
9 crossing down further.

10 Q. After you get --

11 A. Yeah.

12 Q. -- if you're going eastbound direction of travel --

13 A. Yeah, it's more curve down --

14 Q. -- of the train it's more after you get --

15 A. Yeah, more after down in that area. It's -- you know, it
16 just kind of -- just the way it lays, it's not -- it just kind of
17 comes up straight there. And then as you get off the bridge a
18 little bit, then it kind of curves toward that crossing or
19 whatever, but --

20 Q. And how often would you say that you walk those areas, those
21 -- I want to say, if we focus on 90-pound rail that hasn't been
22 tied in a lot of years?

23 A. Well, during the -- I call it the tie season, usually between
24 March and freeze-up, quite often. I'll go on down through
25 there -- like I said, I write quite a few tie defects up through

1 that area. Well, not exactly through that area, but I mean up at
2 my curves and different areas up above there, there's a few areas
3 where the ties are a little busted up a little worse, and then you
4 get surfacing and you get a few more bust up; in winter you get a
5 few more bust up. So I just, I got a couple areas that are
6 probably worse in that area that are -- you know, I try to focus
7 on.

8 MR. GORDON: All right. I'll pass it to my right.
9 Questions?

10 BY MR. BROWN:

11 Q. Tom Brown, FRA. You mentioned something about the last tie
12 gang possibly being '86 without you looking it up, and I don't
13 think the year is important. We realize it's a long time. Are
14 you aware of any capital programs that were -- like seeing tie
15 walkers out here or talking to tie walkers who come out and marked
16 a car or -- I'm sorry -- mark the ties, do you know of any
17 programs that might have been proposed or did you ever even see
18 anything in writing or nothing in writing, just verbal? But, I
19 mean, anything that might have -- was going to happen and didn't,
20 that fell through? Because I understand there was a tie gang up
21 to Emmetsburg, which would be like milepost 48.5.

22 A. Right.

23 Q. But nothing from 48.5 to Superior has been, you said, in the
24 late '80s?

25 A. Well, there was a -- when they did -- they did that between

1 Goldfield and Emmetsburg when the POET ethanol plant was coming
2 online. They tied it up to there. They had a program to go
3 there, and it was supposed to be a two-phase. They were going to
4 do up to 48.49. And then Superior Ethanol was being built about
5 the same time, and then when that went online, there was a phase
6 two that was supposed to address the track issues up towards
7 Superior. And it -- the plant got delayed, if I remember right,
8 it was a while before it opened up. So, you know, it kind of got
9 put on the back burner.

10 But there has been tie graders or tie markers out there, and
11 they have graded that section from 48.49 to the end of track. I
12 can't -- it's been several years since they've done that.
13 Probably 5, because they grade them for -- if I remember right,
14 they grade them for like a 5, 5-year out or whatever. And it's
15 been at least that long since they've been out there.

16 Q. All right. And then just because you have the local
17 knowledge of this area and have been up here as a track inspector
18 so long, and you've said they built the railroad because of the
19 plant in Emmetsburg south to Goldfield, so from 0 to 48 or
20 48½. And your knowledge was the Superior plant came after that,
21 and that's where these cars that derailed are from.

22 A. Right.

23 Q. Do you ever know -- let me try to rephrase this. At one time
24 was that plant meant to go across another subdivision or did they
25 always want it to go into Estherville?

1 A. They have an alternative route up there. They have the Rake
2 Subdivision that comes out of Estherville and runs over to
3 Bricelyn, Minnesota. And the junction switch is there in
4 Estherville. So they had an alternative route, and they -- but
5 that line, the Rake Subdivision is 90-pound jointed. It's got
6 some CWR in it, a couple miles in there, and I think it's 100-
7 pound CWR, and then it goes back to jointed track. And then over
8 in Lakota, they got CWR for that Lakota ethanol plant.

9 So they could have very easily took it that way, if they
10 wanted to. But I don't know, it's just, I think, for -- to keep
11 the -- but that line it has to go in through Mason City and down
12 the Spine Line. So I think, like I said, I don't know if it just
13 was easier to run it down to Estherville,

14 Q. Well, the reason I ask is because you had said at one time --
15 or it's just been in the last 3 years that you inherited from that
16 junction switch basically --

17 A. Up to --

18 Q. -- up to Superior.

19 A. Right.

20 Q. So I thought maybe at one time maybe that was the intended
21 route and why the territories were defined like that.

22 A. I don't know if it ever was, but it's just -- I kind of
23 inherited that track because the track inspector that was -- we
24 always used to -- our territory used to end at 69.5, which was
25 basically the yard limit at Estherville, and then the Mason City

1 MTM took over there. They had out to Superior, and then they had
2 the Rake Sub. They had a section crew and a track inspector
3 headquartered out of Estherville. And just over the years with
4 people retiring, and they moved the job, they moved the section
5 foreman over to Blue Earth. And so they had to come out of Blue
6 Earth to make that inspection, so --

7 Q. More for logistics than --

8 A. Well, actually, the guy who was assigned that, he also had
9 the Spine Line and the Fairmont Sub, and he was -- the Fairmont
10 Sub was -- had some issues on it where he had to do more
11 inspections. So it was kind of hard for him to do that. And
12 Mr. Eric Gehringer, at the time he was the director. He kind of
13 called and asked -- you know, the guy was having a hard time
14 getting over that 9 miles. And so I was up there, and so he asked
15 me if I could kind of basically be a relief inspector until he got
16 caught up. So I did the inspections. And then pretty much we
17 ended up -- Dave ended up getting the territory, and so being I
18 was running up there anyway, I got -- inherited it.

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

20 BY MR. MOELLER:

21 Q. Butch Moeller, UP. Gary, do you know prior to this incident,
22 were there any plans to lower that class of track to Class 2?

23 A. Yeah. Yes, there is.

24 Q. And that was prior to the incident?

25 A. Yes. Well, it has to do with this agreement, and with the

1 added inspections they were going to reevaluate the track and slow
2 it down to 25.

3 Q. Yeah. And that's the simple reason why I asked the question.
4 I just wanted it to be a matter of the record that we intended to
5 do that prior to this incident.

6 A. Yeah. It just hasn't gotten through the process yet or
7 something, so --

8 MR. MOELLER: Thank you. No other questions.

9 MR. GORDON: All right. I've got a couple, and we're going
10 to be wrapping up very shortly.

11 BY MR. GORDON:

12 Q. I know as a track inspector you're not looking at the
13 superstructure on the bridge or anything like that, but did you
14 have any concerns with the bridge deck on anything over there on
15 the Estherville Sub --

16 A. No.

17 Q. -- as you're going through on your inspections?

18 A. No.

19 Q. And you've got quite a bit of territory, as we've discussed.
20 As far as it goes -- and I know some territories, some of the
21 subdivisions may almost be like two separate subdivisions because
22 you've got big rail --

23 A. Correct.

24 Q. -- on one end and small rail on the other. But if you were
25 going to kind of rate the territories that are assigned to you,

1 the subdivision or the track that's assigned to you and say this
2 is an area of concern, where would Estherville rank in that?

3 A. That location or the whole thing?

4 Q. Just let's concentrate on the 90-pound rail probably --

5 A. The 90-pound --

6 Q. -- from Superior coming back in.

7 A. It would be an area of concern.

8 Q. It's an area that you focus on?

9 A. Yes.

10 MR. GORDON: And so I'll look around the table one more time.

11 BY MR. BROWN:

12 Q. Tom Brown, FRA. Just to follow-up on Joe Gordon's question
13 just for some clarification, I guess, for me. Because you have so
14 much territory that's different, and I'll use the Boone
15 Subdivision as a example. From Point A on the Boone Subdivision
16 to the end of Point B, there's no difference. It's the same
17 subdivision, same traffic. It's same rail. So there's just no
18 -- but with -- Gary, it's safe to say, you probably, you've got I
19 believe jointed 90-pound rail?

20 A. Yeah. In some of my territory. Not on Estherville.

21 Q. And you've got jointed other places. Big CWR, small -- but
22 so you've got an array.

23 A. Yes. I got everything from --

24 Q. But then you got some that actually get quite a bit more
25 traffic than this. So it would be a concern, but I don't know,

1 would it be your biggest concern because of traffic? The number
2 of trains versus other ones. Or you might --

3 A. Well, not number of trains, no. It would not be as probably
4 a big as concern as my Tara Sub jointed track where we get -- you
5 know, if I had to compare apples to oranges, I'd -- it's kind of
6 lower. I mean, it's a concern with the ties, but --

7 Q. It's tough. And we're not trying to put you on the spot
8 here.

9 A. No, no, no.

10 Q. I think with -- your territory is unique to what a lot of
11 track inspectors have.

12 A. Right.

13 Q. Because you're not going out in a day that if no matter what
14 10 miles I'm doing on the Boone Subdivision it's going to -- it
15 don't matter if I'm doing it over here or over here, it's the same
16 subdivision.

17 A. Right.

18 Q. Ten miles here can be critical one place. And I believe
19 sometimes inspectors even hit some of these at a greater frequency
20 not because of the agreement that we've talked about earlier --

21 A. Right, yeah.

22 Q. -- but because of their own personal concern.

23 A. Right. Well, I mean I understand what you're trying to say.
24 I mean, it's -- you know, I've been out here long enough, I
25 know -- I pretty well have a pretty good working knowledge of my

1 track. And, I mean, my jointed track, it's 90-pound. It's a
2 whole different ballgame. But I mean it's 90-pound jointed
3 30 mile an hour, and it's --

4 Q. I guess to bring my rambling together, you say it's a concern
5 but it may not be the biggest concern --

6 A. Right.

7 Q. -- of your --

8 A. That's correct.

9 Q. -- 184 miles?

10 A. That's correct. It's a concern, but it may not be the
11 biggest concern. I mean, it's a --

12 MR. GORDON: No, I appreciate that.

13 MR. BROCKMAN: I understand what you're saying, Tom.

14 MR. GORDON: Yeah. I appreciate that clarification.

15 Anything here?

16 All right, so we are going to wrap it up. Looking around the
17 room, I think we've got all the questions. I do like to end an
18 interview with -- we've established that you've got a very good
19 knowledge of the territory. I like to end the interview, and
20 just, you know, if you have anything you'd like to add to what
21 you've given us so far?

22 MR. BROCKMAN: Nope. If you don't have any more questions, I
23 guess -- all I can do, I guess.

24 MR. GORDON: Yeah, yeah. No. We appreciate what you've
25 done. And the only other thing that I would say is if -- we're

1 out here for safety improvement. I mean, if you can, if you think
2 of anything, and it doesn't have to be during this interview, you
3 can --

4 MR. BROCKMAN: Right.

5 MR. GORDON: -- you can contact one of us at any point. But
6 if from your unique perspective of going out and inspecting this
7 track twice a week as you're doing now --

8 MR. BROCKMAN: Right.

9 MR. GORDON: -- if anything comes up in your mind that would
10 be a safety improvement, be sure to pass that along probably to UP
11 or talk to your FRA guy and pass those along.

12 And I would like to ask if any questions come up later as we
13 start to look through any of the documentation if I could -- if it
14 would be okay if I contacted you for a follow-up question?

15 MR. BROCKMAN: Yeah, that's fine, yeah.

16 MR. GORDON: I've got your contact information.

17 MR. BROCKMAN: Yeah, the email, that's my personal. And like
18 I said, I have a railroad one, but I don't know it offhand.

19 MR. GORDON: Okay. And I've got your phone number as well,
20 so --

21 MR. BROCKMAN: Yeah. The first cell phone is my work one.

22 MR. GORDON: Okay.

23 MR. BROCKMAN: Or that -- well, my home phone; then the next
24 cell phone, that's my company cell phone. I have that on me all
25 the time. But either one of those two cell phone numbers. Just

1 leave me a message if I don't call.

2 MR. GORDON: All right.

3 MR. BROCKMAN: Or if you don't get a hold of me.

4 MR. GORDON: Well, thank you so much. And we're going to, as
5 a team that you see here, we're going to try to reconstruct this
6 thing and figure out what we can do to prevent it in the future.
7 We appreciate your time coming in today.

8 And with that I'm going to go off the record.

9 (Whereupon, the interview was concluded.)

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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 Gary Brockman

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