

NTSB Accident Number:DCA 15-FR007

Date of Accident: April 3, 2015

Time of Accident: 21:23 Hours CST

Type of Train (s): Rail Switching Services Plant Switcher

Railroad Owner: Tracks owned by Union Pacific Railroad and leased to Evergreen Packaging

Effective May 1, 2010.

Train Operator: Rail Switching Services, a sub-contractor under Grace Railroads Contractors who took over the rail servicers at Evergreen (by bid) March 1, 2015. Prior to March 1, 2015 – rail switching was accomplished by Progress Rail Services, Inc.

Method of Operations: Industry Track with no signal appliances and a maximum authorized speed of 5 mph at all locations under the provisions of Railserve’s Rule 1.1 Restricted Speed.

Class Yard: Both Class I railroads access the Evergreen Classification (Interchange) Yard via the Union Pacific’s Old Mop Yard by way of track 115 (approximately 1.900 feet from Evergreen to UP). Class I access is for delivery and pick-up of customer cars.

The Evergreen Class Yard is comprised of seven (7) tracks oriented west to east with switching leads along the southwest and northeast sides. The yard is connected to the Union Pacific via track 115 at the west end of the yard. Yard tracks are number with approximate lengths as follows;

103	11,500’ from point of Track 115 Connection and 3,340’ west of 115 connection.
1	3,700’
2	3,700’
3	3,700’
4	3,690’
5	3,690’
6	3,695’

The Yard from the connection track 115 to the Old highway 81 crossing measures approximately 1.04 miles (west – east). The switch for track 115 (interchange to the UP) is approximately 0.07 miles north of the UP McGehee Sub main Mile Post 353.

No record of a profile of the yard was found.

Initial observation revealed the Class Yard to contain multiple slip, trip, stumble, and fall hazards in many toe path areas. The West end was equipped with what might be described as overhead fool lights – with 2 of the 3 lights not operable.

In the area around the estimated accident site, there was no significant debris found in the walking area.

Operational Rules: Railserve, Inc. Safety & Operations Procedures, Effective 12:01 a.m., May 10, 2012. Evergreen Packaging Pine Bluff Mill Employee & Contractor Safety Rule Book Effective February 1, 2007 – with modifications through March 17, 2014.

Fatalities: One

Injuries: One

Location of Accident: Pine Bluff, AR – Evergreen Classification (Interchange) Yard

Mile Post: No milepost assigned. Corresponds to approximately MP353 on the Union Pacific's McGehee Sub approximately 0.07 miles due south.

CFR Application: The Evergreen Mill and its' associated rail network has been viewed as "insular" with regards to Federal Railroad Administration jurisdiction.

Damages: No Track or equipment damages accessed.

Operational Synopsis:

On April 3rd, 2015, at approximately 9:24 PM CST, under dark, clear, dry weather and 56 degrees, the Evergreen Switcher crew suffered a fatality during switching operations at the west end of the classification yard. The standard switch crew consists of three (3) men – Operator, Lead and Helper. At the time of the accident, only two men were engaged in switching – the operator (locomotive operator Scoles) and the Lead man (Job Foreman-switchman Stewart). The third crew member (Helper Williams) was approximately one mile away on a restroom break – intending to meet the other men at the west end of the classification yard via the companies all terrain vehicle.

The two men at the west end were in the process of switching out the outbound car cuts for interchange delivery to the Union Pacific and Burlington Northern Santa Fe railroads.

The job departed the Mill Warehouse tracks after pulling 4 loads, traveled to the west end of the class yard via 6 rail. The move from the Mill to the west end was a dragging move. Once at the west end, the job shoved against 4 rail to a joint to pull back west with 14 -15 cars to start building the outbound. They switched one BNSF car to track 101 (CRLE 6417) and a single UP car (UP 355099) to track 103. After the two cars were set out (with no brakes applied) the crew was shoving from west to east along the southwest lead into track 4 with remaining loads to make a joint and shove the cars occupying 4

track east to clear. The speed of the move will be determined once the event recorder data is read. As stated, the maximum authorized speed set by Railserve was 4 mph. Once the crew cleared the cars into 4 rail, they intended to drag back into west 103 and switch the outbound cars to 103 or 1 rail – depending on their destination.

All angle cocks were opened to permit air flow and break response throughout the entire cut allowing operation of the automatic brakes, if required. The last communication received by the operator was "...3 to a hook". Ten (10) to 12 (twelve) seconds later, the operator stopped the cut of cars, due to no further communication, went back, and discovered the lead man fatally injured by being run over by the CRLE 6443.

The thirty-four car cut consisted of nine (9) loaded cars and twenty-five (25) empty cars. There were twelve (12) tank car in the cut. All of the tank cars were empties. The only placarded cars were UN1830 residue (sulphuric acid >51% acid) used at the Evergreen Mill.

Operational Experience: All employees working the night (1700-0300) crew on the day of the accident were previously employed by Railserve – prior to RSS taking over switching services. Employee records have been requested along with training records.

Additional Information: 1) Event Recorder Tapes dat file requested of MOP Ted Broberg, Union Pacific Railroad. MOP Broberg was on a train and tie-up up at Big Sandy, TX and would contact the team upon return to Pine Bluff.

2) Module from the TIR (Track Informational Recorder) has been requested from Union Pacific Omaha and will be forwarded to NTSB EIC.

3) Operational Rules review to be completed Thursday, April 9, 2015.

4) Requested Training Records on employees via NTSB from Rail Serve.

5) Selected interviews will be conducted Friday, Aril 10th, 2015 – based on availability of employees.

Interviews with the following Evergreen Employees were conducted April 10, 2015;

1. Justin Costello Site Manager
2. Anthony Bearden Site Asst. Manager
3. Bradley Williams Helper
4. Jonathan Scoles Operator

Summary:

Employment

1. All employees were previously employed by Railserve, Inc.
 - a. Costello hired during May, 2009 as a Helper – worked to Manager
 - i. Qualified as Helper, Lead, and Operator
 - b. Bearden hired 01/31/10
 - i. Qualified as Helper, Lead, and Operator
 - ii. Signs off on promotional moves following OJT.
 - c. Williams hired 08/14/14
 - i. Qualified as Helper
 - d. Scoles hired 04/10/15 as Operator
 - i. Previously worked at site and was Operator

Training

2. Site Manager Costello states all individuals were trained under
 - a. Railserve Operational Rules
 - b. Railserve Safety Rules
 - c. Evergreen Safety Rules
 - d. Hazardous Material Recognition & Response
 - e. Examinations covering all materials
 - f. On the Job Training/Mentoring (OJT)
 - i. The amount of time spent on OJT varied according to ability.
 - ii. There was no set amount of time.
 - g. Under Railserve – employees were subjected to Quarterly Rules Reviews and tests.

Field Audit

3. Under Railserve, Mgr Costello states he was required to complete daily field testing for rules compliance and submit the testing on the prescribed form. He stated he had a minimum requirement of two (2) tests per day.
 - a. Since RRS has taken over – he states he continues to observe but does not record.
 - b. Other employee stated they have never seen such compliance testing during the night (1700-0300) shift.

Rules

4. Rules
 - a. Every employee was found to have a functional knowledge of the rules during the interview – especially those covering:
 - i. Drug & Alcohol
 - ii. Securement Requirements
 - iii. Speed Requirements
 - iv. Job Briefing
 - v. Red Zone Requirements
 - vi. Equipment in the Foul
 - vii. PPE Requirements
 - b. With regard to the following policies – there was more than one interpretation of the current policy;
 - viii. Electronic Devices (Cell Phone Use)

1. The confusion centered on use of the company cell phone.
- ix. Getting On/Off Moving Equipment
 1. Confusion due to Railserve not allowing and RSS allowing under 4 mph.
- x. Footwear (PPE) Requirement
 1. Railserve policy stated leather lace up 6-8 inch, defined heel boots.
 2. Some interviewees understood other types are allowed.
 3. No definitive policy issued by RSS – yet.

Equipment

5. Equipment
 - a. RSS had leased from UP the UP 1912 until their additional unit arrived on scene.
 - b. All employees with operator ability stated the UP 1912 (EMD GP60) was highly similar to the locomotives normally used – but they had no familiarization briefing on the operation prior to use.
 - c. All PPE was described as functional and adequate – including the hard hat head lights and radios. Scoles and Williams stated there had been some radio issues inside the mill load out area previously – but no issues outside.
 - d. Normally, if any crew member encounters ant defect that would be classified as “not useable” or “bad order” – they would report it for the proper carrier to respond.
 - i. There was uncertainty as to who to report to.
 - e. Evergreen will reject certain cars and label them “BO” or bad order due to failure to meet protection requirements for the loads, i.e., leaks in roof, door seal, etc.
 - i. These cars are taken back to the class yard for deleivery back to the Class I carrier.
 - f. Track issues are reported to Grace Railroad Contractors for repair.

Conditions

6. Conditions
 - a. All employees stated, in one manner or another, the Class Yard was dangerous
 - i. Toe paths
 1. Tripping Hazards everywhere
 - a. Rail Pieces
 - b. Broken Tie Pieces
 - c. Grass
 - d. Tie Plates, Spikes, Bolts, etc.
 - ii. Lighting
 1. 2 of 3 flood lights on the west end (south side) were out.
 2. No flood lights on the west end (north side).

Events

7. Only two individuals were working at the time of the accident;
 - a. Scoles – Operator
 - b. Williams – Helper
 - i. Both statements during interviews were consistent with regards to planned events and actual events – with regards to switching operations at the west end.
 - ii. Stated they had determined they could finish in 7 moves.
 - c. No one witnessed the accident.
 - d. Williams
 - a. Stated he marked up the switch list now in evidence after discussion with victim.
 - c. Scoles
 - a. Stated victim was working north (amongst rails) of the lead – or on the left side of the locomotive view.
 - d. Scene – Post Ax
 - a. Scoles – 1st on Scene
 - b. Costello – 2nd on Scene
 - c. Willaims – 3rd On Scene

Schedules

There are two (2) shifts assigned at Evergreen

- 0600 – 1600 Days
- 1700 – 0300 Nights

Normal assignments run 8 on with 6 off – during a 14 day cycle.

Both Operator Scoles and Helper Williams had just transitioned from days to night Thursday April 2, 2015. Scoles and Williams worked Thursday April 2nd from 0600-1600....then came back to work Friday April 3rd at 1700 hours.

Both stated they had been off 6 days prior to Thursday's return to work.

Both stated they had 8 – 10 hours of rest between 1600 Thursday and 1700 Friday.

Operator Scoles did state his rest was interrupted, up and down – but he felt he was well rested at 1700 Friday.

Mechanical Inspection Evergreen Class (Interchange) Yard

April 8, 2015 0937 Hrs

B.Ardell Carter R5 OP Inspector

Kris Moore R5 MP&E Inspector

Car Facing Direction = "B" end of car

All cars jointed with air in Track 4

Position \ L/E	Dir	Number	Weight LD	Road	Type	Defect / Description	
1	L	East	1912	N/A	GP60	Front Barrier Chain Not Secure L1, R2, R4 Brake Shoes Overriding Air Hoses on front and rear walkways	
2	L	East	SP228565 183,887	UP	DD	A End Angle Cock Bracket Broken	
3	L	East	SSW67914 186,823	UP	DD		
4	L	East	SP228995 184,969	UP	DD		
5	L	East	CRLE6421 188,969	BNSF	D		
6	L	East	WRWK72831 125,357	BNSF	DD		
7	L	West	WRWK72831 181,114	BNSF	DD		
8	L	East	AOK473387 178,406	BNSF	D		
9	L	East	UP355406 171,471	UP	DD		
10	L	East	CRLE6443 179,448	BNSF	D	Angle Cock Bracken Broken - Insecure B end	Incident Car
11	E	West	EEC2808	UP	D		
12	E	West	ACFX71918 EC85	UP	T	Non Placarded Tank	
13	E	West	DBCX201074 LATEX	UP	T	Non Placarded Tank	
14	E	West	AOK15177	BNSF	D		
15	E	West	AOK473303	BNSF	D		
16	E	West	NAHX65614	UP	CH	BL End Handhold Clearance < 2"	
17	E	West	GATX6671	UP	T	Tank Placarded 1830 (Sulphuric Acid>51%) Residue Mty	
18	E	East	BNSF729330 100T	BNSF	D		
19	E	West	ACFX40896	UP	CH		
20	E	East	CGTX70598	UP	T	Tank Placarded 1830 (Sulphuric Acid>51%) Residue Mty	
21	E	West	PROX16317	UP	T	Tank Placarded 1830 (Sulphuric Acid>51%) Residue Mty BL End Handhold Clearance < 2"	
22	E	West	WLPX44699	UP	CH		
23	E	East	CRIX59236	UP	CH		
24	E	West	UTLX301146	UP	T	Non Placarded Tank	
25	E	West	UTLX643708	UP	T	Non Placarded Tank	
26	E	East	ACFX66710	UP	CH		
27	E	East	UTLX301256	BNSF	T	Non Placarded Tank	
28	E	East	CRLE6425	BNSF	D	B End Crossover Platform Broken	
29	E	East	WLPX57028	UP	CH		
30	E	West	GATX8797	UP	T	Tank Placarded 1830 (Sulphuric Acid>51%) Residue Mty	
31	E	East	GATX8757	UP	T	Tank Placarded 1830 (Sulphuric Acid>51%) Residue Mty	
32	E	East	NW178760	UP	CH		
33	E	West	PROX60069	UP	T	Tank Placarded 1830 (Sulphuric Acid>51%) Residue Mty	
34	E	West	WRWK728295	BNSF	DD		
35	E	East	GATX8771	UP	T	Tank Placarded 1830 (Sulphuric Acid>51%) Residue Mty #1,#2, #4 Bottom Rod Safety Support Missing	