

UNITED STATES OF AMERICA

NATIONAL TRANSPORTATION SAFETY BOARD

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Investigation of:

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COLLISION OF TWO UNION PACIFIC

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FREIGHT TRAINS NEAR GALVA, KANSAS

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SEPTEMBER 25, 2014

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Interview of: ROBERT POGUE

McPherson, Kansas

Friday,

September 26, 2014

The above-captioned matter convened, pursuant to notice.

BEFORE: DAVID BUCHER

Rail Accident Investigator

APPEARANCES:

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I N T E R V I E W

MR. BUCHER: This is Dave Bucher, Operations Group Chairman for the NTSB accident investigation of the Galva, Kansas accident of September 25, 2014, accident Number DCA-14-FR-012. And this is the interview of Mr. Robert Pogue, conductor on Union Pacific train involved. To my right is --

DR. JENNER: I'm Stephen Jenner, S-t-e-p-h-e-n, J-e-n-n-e-r, with the NTSB.

MR. HANKEN: Terry, T-e-r-r-y, Hanken, H-a-n-k-e-n,
Union Pacific Railroad.

MR. ZAGATA: Zach Zagata, Z-a-c-h, Zagata, Z-a-g-a-t-a,
FRA.

MR. SMITH: Carl Smith, C-a-r-l, S-m-i-t-h, SMART
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MR. FACKLAM: Steve, S-t-e-v-e, Facklam, F-a-c-k-l-a-m,
BLET Safety Task Force.

MR. GASKILL: Gary Gaskill, G-a-r-y, G-A-s-k-i-l-l,
Union Pacific Railroad.

MR. HARMER: Kevin, K-e-v-i-n, Harmer, H-a-r-m-e-r,
Union Pacific Railroad.

MR. HENTON: Chad Henton, C-h-a-d, H-e-n-t-o-n, SMART
Transportation Division, Local 506, Chairman.

INTERVIEW OF ROBERT POGUE

BY MR. BUCHER:

Q. Okay. Mr. Pogue, to begin, could you go back to the day

1 of the accident and recount your day from the moment you got
2 called to go to work and just take us through the day, through the
3 incident and anything afterwards that you can give for us.

4 A. I got the phone call at 2102 to be on duty at 2300 for
5 the ILX-G4X, for the 22nd. I had been asleep for roughly 6½
6 hours. Proceeded to meet my engineer downstairs at 2230. We then
7 went to Lowe's Country Store, grabbed a couple of items for the
8 trip, and then arrived at the depot roughly 2240.

9 I then proceeded to pull up the paperwork, get
10 everything situated, go over the safety brief, job brief with him
11 about what's going on. I heard from the crew as they passed the
12 train defect detector at mile pole 302. We job briefed again
13 about what all needed to happen. Got on the engine, verified the
14 headlights worked, checked the supplies, air wrench, air brake,
15 fusees and flags. And then we proceeded down the rail.

16 We saw -- we met one train at Pratt going into the
17 siding. We continued eastward. We stopped short of the siding
18 there at Preston and saw two -- met two trains there, and then
19 continued eastward again. Met one train there at the control
20 point at Jana, stayed on the main for that one. Then we met two
21 at Whiteside. Then we went into the siding and waited there for a
22 little bit. It was at Whiteside that we got our track warrant for
23 authority and the engineer contacted BNSF to get clearance over
24 the Cotton Belt there at Hutch.

25 We then continued to proceed eastward on clear signals

1 to Inman. Our track warrant had us staying on the main meeting
2 one at Inman. We verified that train engine before we passed the
3 approach because they had xbox 2, a non-effect till arrival after
4 us. We then -- I then restored the spring switch at the east
5 siding switch of Inman to main line, and then contacted the train
6 that was in the siding to verify the -- my engineer took down the
7 track warrant while I was restoring the switch to power for
8 continued movement from Inman to CPTC 210. He did that at 0511.

9 So we met seven trains between Pratt and Galva. The
10 Union Pacific 8120, the one that we struck, was our eighth meet of
11 the evening. At the signal at mile pole 212 was an advanced
12 approach, called it out, annotated it in my conductor's log,
13 continued down, and then the signal at CPC 210 we had an approach.
14 The UP 8120 was about halfway to two-thirds of the way up the
15 siding and we passed them after verifying their engine number
16 before the approach. They had an xbox 2 for their track warrant
17 as well. So we called out to them.

18 We were about halfway down the main when we saw the
19 signal at 208 clear up from red to -- from stop to clear. Once
20 again, called it out to my engineer. We then proceeded down the
21 main, increasing speed to continue movement. We were less than a
22 quarter mile, probably between 5- and 700 feet when we noticed
23 that the other train had not cleared the switch. We basically
24 threw the emergency handle at the same time and I told them to get
25 down, so -- and then we went on the ground.

1 I then contacted dispatch over the radio using the 911
2 frequency and my engineer started contacting people by phone. I
3 verified there was no hazardous materials on the ground. Our
4 first 10 cars that I knew for sure were probably on the ground
5 contained no hazardous materials. And then we just acted upon
6 dispatcher's orders from there on out.

7 Q. Okay. I have a couple of follow-up questions and then
8 we'll just start going around the table. We'll go around a couple
9 times probably.

10 A. Okay.

11 Q. Your train when you left, departed your origin, no
12 problems with the air brakes or --

13 A. No problems with the air brakes, no problem with the
14 dynamics. We did have a bad train list leaving Pratt. There was
15 some work to be done between Dalhart and Pratt. They're at
16 liberal, but the work order changed and for some reason or other
17 the AEI detector and dispatch hadn't updated the train consist
18 list. But we did find the train list from the previous crew,
19 verified that it was -- verified its accuracy and the axle count,
20 so we then continued movement. When we stopped at Preston, the
21 engineer -- because the TPA limit and the instructions were to
22 isolate the DP, the second head unit, he went ahead and put it
23 back online because it would bring us back down below TPA.

24 Q. Okay. Were there any communications, radio problems
25 with the train?

1 A. No, sir.

2 Q. You were able to clearly communicate with everybody else
3 going down the road?

4 A. Yes, sir.

5 MR. BUCHER: All right. I'm going to pass it off to
6 Dr. Jenner here.

7 BY DR. JENNER:

8 Q. Great. Thanks very much, you had great detail. So I
9 appreciate that. It makes it -- it paints a good picture for us.
10 What I want to do is go back and just jump around a bit for
11 questions that I still have. And again, anytime you need a break
12 just let us know.

13 You had mentioned you met, I think, seven trains before
14 the incident occurred. What is the procedure for meeting trains
15 in terms of communicating from one train to the other?

16 A. If there's a track warrant for authority not in effect
17 -- an xbox 2, not in effect until after the arrival of this train,
18 before you go in the Cab Red Zone you communicate what's going to
19 happen, you know, you have an approach diverging or an advanced
20 approach. You continue down the main, you go into the siding, you
21 let the trains on the other end know, hey, this is Union Pacific
22 8572 going into the siding at Jana. They'll respond as, you know,
23 the 8572, this is UP 2120 staying on the main. And then you can
24 act upon your track warrant for authority.

25 Just a courtesy to confirm engines so that there's a

1 record that, you know, we communicated from this train crew to
2 this train crew, there was no misinformation.

3 Q. Okay. And in all those meets, was there any, ever any
4 problem communicating between trains?

5 A. No, sir.

6 Q. Okay. Is there a, sort of, common practice about who
7 reaches out to who first?

8 A. Just whoever shouts out first.

9 Q. Okay. You started to identify signals, and so let me
10 bring you back there. The first one was 212, which you said was
11 an advanced approach?

12 A. Yes, sir.

13 Q. First of all, how was the weather, how was visibility
14 that evening?

15 A. Weather wasn't overcast, had a clear sky. Moon wasn't
16 really shining all that bright so there wasn't a whole lot of
17 glare off the rails or anything like that. So visibility was
18 okay. The headlights on the engine, they were adequate but not
19 the best I've worked with.

20 Q. So what does that mean?

21 A. It was the cab that we -- the engine that we had, the
22 headlights were by the engine number lights. They just don't
23 reach out as far as the double stack on the nose.

24 Q. Okay. In turns of seeing objects on or off the tracks
25 or signals, does that have any influence?

1 A. Just in visibility distance --

2 Q. Visibility distance.

3 A. -- and during the night.

4 Q. Was it a concern to you or just one of these, oh, I've
5 been on better, I've been on worse?

6 A. It was one of those, I've been on better, been on worse;
7 adequate, workable, you know. It was not a safety hazard at the
8 time.

9 Q. Okay. Good to know. All right. So you're coming up on
10 212, if you can estimate, how far in advance were you able to
11 identify that signal? You know, I'm trying to get a sense of we
12 can see it a half mile, three-quarters of a mile, a mile away?

13 A. With the advanced approach there at 212, you can see it
14 probably about a half mile away.

15 Q. And what is the process for calling out signals between
16 you and the engineer and use of the radio? Can you walk me
17 through that?

18 A. On an advanced approach and anything less restricting
19 call out the signal and as you pass it call out the speed. On an
20 approach or more restricting, obviously, log it in the conductor's
21 log and on an approach, you know, as you're passing the signal you
22 call it out, its location, you know, whether or not you're on the
23 main or in the siding and that starts a Cab Red Zone.

24 Q. When you talk call out, do you and the engineer
25 verbalize it to each other and then you call it out on the radio;

1 is that part of the process?

2 A. Yes, sir. We do a cross-cab communication before we
3 pass a signal. You know, we're coming up on approach, he confirms
4 approach, and then as we pass it, you call out on the radio.

5 Q. How was radio communication in that area? Were you able
6 to hear other trains call out signals as well?

7 A. Yes, sir.

8 Q. So pretty good day for radio?

9 A. Yes, sir, pretty good radio.

10 Q. Okay. So you said about a half a mile away you can
11 identify that signal --

12 A. Yes, sir.

13 Q. -- as advanced approach, okay. So now you're coming up
14 on 210, CP 210, and I think earlier you said that was approach.
15 About how far away could you see that signal?

16 A. Once again, between a half mile and three-quarters of a
17 mile.

18 Q. And I'll assume that you and the engineer talked it over
19 and you called it out?

20 A. Yes, sir.

21 Q. Okay. Is your method of operation, do you happen to
22 record every signal, whether it's, you know, advance approach,
23 approach restricted or clear, on your conductor --

24 A. I don't annotate the clears unless we're proceeding
25 after an approach. But, yes, sir, I'm very methodical in my

1 logbook. Anything more restricting than clear is annotated.

2 Q. Okay. So at what point, and you may have to back up
3 geographically, were you able to see what I'll call the westbound
4 train? When were you able to see him for the first time?

5 A. We saw their headlight as we were passing 212. We could
6 see down the track and see they were pulling into the siding.

7 Q. So the first time you saw him, you could identify that
8 he was pulling into the siding?

9 A. Yes, sir.

10 Q. And when was the first time you talked to them?

11 A. Before CP 210, we let them know because we can pass the
12 signal at 212 on our advance approach not under Cab Red Zone. We
13 identified ourselves as the UP 8752 coming down the main here at
14 Galva. They responded because their track warrant was an xbox 2.

15 Q. Okay. Did you know that there was going to be a meet in
16 that area before you reached 212?

17 A. We heard them getting their track warrant from dispatch.

18 Q. Oh, okay. And when did you hear that?

19 A. We were between Inman and Galva. I couldn't give you an
20 exact milepost.

21 Q. Okay. Okay, so right now you saw the advance approach,
22 then the approach, and you're continuing eastbound. My
23 understanding is that the siding is about 10,000 feet long?

24 A. Yes.

25 Q. Do you -- did you have any idea how long the westbound

1 train was?

2 A. No, sir.

3 Q. Okay. All right. So now you're coming up the next
4 signal, CP 208, can you give me an idea, an estimate, of when you
5 were able to first identify that signal and what it was?

6 A. We were passing CP 208 -- or, I'm sorry, 210, and we
7 looked on the main, saw that it was all red, and we're preparing
8 to stop short of the signal.

9 Q. Okay. Again, in terms of half mile, three-quarters, 1
10 mile, how far in advance do you think you could see CP 208?

11 A. Probably about a mile, mile and a half.

12 Q. Is it a pretty tangent track?

13 A. Straight line, good rail.

14 Q. Okay. So, I'm sorry, you said about a mile for 208?

15 A. Yes, sir.

16 Q. Okay. And then I heard you say in your story that at
17 one point you -- that it cleared, that you saw it clear up?

18 A. Yes, sir.

19 Q. So walk me through that. Which one of the two of you
20 saw it and how did you, you know, communicate to each other?

21 A. Okay. We passed CPTC 210 on an approach and were
22 preparing to stop. We were about, I'd say, halfway down the main
23 coming up on 208 and I noticed that the signal cleared up and I
24 said, clear signal, to my engineer. I had made the remark, you
25 know, that's an awful short K train. And he responded, yeah, it

1 is. And then he responded, you know, clear signal. So then we
2 began to continue down the track picking up speed to pass the
3 signal at maximum authorized speed.

4 Q. Okay. Now, when you said that's a short K train, I'm
5 going to assume you couldn't see the length of the train --

6 A. Right.

7 Q. -- so how did you come to that conclusion?

8 A. Well, I took it as the signal displaying clear, they had
9 cleared the switch points and were all the way in the siding.

10 Q. So in your mind, 208 cleared because the westbound train
11 was now completely in the siding?

12 A. Correct.

13 Q. Okay.

14 A. Because it is an absolute signal, you know, anything on
15 the east side of that signal is going to throw up a red there at
16 208. It's, you know, stop.

17 Q. Okay. Beyond CP 208 is now a new signal, CP 207. Were
18 you able to see that at any point?

19 A. As we were coming down the hill at 210, I was able to
20 make out that there was a signal about a mile past 208, but it was
21 still displaying red because they hadn't cleared it up yet.

22 Q. I'm sorry, at what point was that, that you were
23 traveling?

24 A. Control point 210 is at the crest of a hill and you go
25 into a valley almost. As we were cresting over the hill, you can

1 see down the track pretty far away.

2 Q. Wow, so you can see that, the 207 signal, before you
3 could seen the 208?

4 A. Yes, sir.

5 Q. Okay.

6 A. And just the way the shields over the lights are.

7 Q. Right. And at that point you observed 207 to be red?

8 A. Yes, sir.

9 Q. Okay. So when you saw it clear, I think you said you --
10 the engineer, started to accelerate the train?

11 A. Yes, sir.

12 Q. And at what point as you're approaching 208 could you
13 now visually detect that the westbound train was not completely in
14 the siding?

15 A. We were between, I'd say, probably 5- and 750 feet away
16 when the headlights picked up that they were still pulling into
17 the clear. We couldn't see their DP. We couldn't verify that
18 their tail end was out because, like I said, we hadn't seen the
19 distribute power yet, and by that point it was too late.

20 Q. Okay. Earlier I think you said you -- which one of you,
21 you or the engineer, actually saw it first or came to that --

22 A. We both saw it at about the same time. Bryce remarked
23 -- you know, he yelled out, what? And I said, get down.

24 Q. Okay. If you could, walk me through about after you
25 said get down, what did you do and what did the engineer do?

1 A. After I told him to get down, we almost simultaneously
2 threw the emergency handle. I told him, you know, obviously get
3 down. I then got underneath the desk and crammed myself up and
4 braced myself as best as possible. I grabbed a hold of the hoses,
5 the electrical lines there at the bottom of the desk.

6 Q. And do you know what the engineer did?

7 A. I'm not 100 percent sure, sir.

8 Q. Okay. So if you can, can you just tell the story from
9 that point on, and at some point there was contact between the
10 trains and what happened to you?

11 A. I told him to get down. We both did our emergency
12 response actions. And once I was pretty sure the train had
13 stopped moving, I called out to him and made sure he was okay. We
14 then tried to find an egress point and ended up climbing through
15 the conductor's side window. And then just, thankfully, I had my
16 radio. We called out -- we called up dispatch and shortly
17 thereafter we made -- shortly after we made contact with dispatch,
18 UP 8120, the westbound train, came over the radio, are you guys
19 okay? We said, no, we hit you.

20 Q. Oh, so westbound contacted you first?

21 A. Yes, sir.

22 Q. All right. And what else was a part of that
23 conversation?

24 A. He said, you know, we went into emergency, you guys
25 okay? And I was, you know, yeah, we're fine; we're contacting

1 dispatch now.

2 Q. Okay. Did they offer to help or provide assistance in
3 any way?

4 A. Not really, because I had already made contact with
5 dispatch and everything.

6 Q. All right. Did emergency responders eventually show up?

7 A. Yes, sir. The first ones on the scene were the Galva
8 firefighters and they verified that we were okay. And then Terry
9 Hanken showed up and verified we were okay. And after that the
10 EMT showed up. The firefighters asked us to go over there to get
11 checked out and verify that we were actually truly okay, and
12 that's about all she wrote.

13 Q. Okay. There are rules about post-incident toxicological
14 testing. Were you -- did you have to give specimens?

15 A. Yes, sir. I did submit a urine specimen, blood specimen
16 and took a breathalyzer.

17 Q. And when and where did this occur?

18 A. It was later on in the afternoon at Herington Hospital.

19 Q. Was there any problem with the process of giving blood
20 or specimens or anything like that?

21 A. No, sir.

22 Q. Do you happen to know the results of the breath test?

23 A. .000.

24 Q. Good answer. I'm going to change pace just a bit. Was
25 this your first -- when was the last time that you traveled

1 eastbound over that accident territory?

2 A. It was probably, I'd say, I think it was Sunday;
3 Saturday into Sunday time period.

4 Q. Okay. So the reason I'm asking that is for -- part of
5 the discussion is the new signal at 207. Was the accident trip
6 the first time that you had seen that signal up and illuminated?

7 A. Yes, sir. The previous eastbound trip that I had taken,
8 they were cutting in the signals. I was about to get flagged by
9 when they lifted the restriction and I got talked past the red
10 signal, proceeded at restricted speed until I could verify the
11 next signal. So I had actually not seen the brand new signal that
12 was just cut in illuminated.

13 Q. Okay. So at that point it was being worked on and
14 displaying red?

15 A. They hadn't had it illuminated yet.

16 Q. Okay.

17 A. The signal at 208 was red; we were supposed to get
18 flagged by there. From there, proceed on flagman's orders.

19 Q. Okay.

20 A. And then the restriction was lifted, we got talked past
21 the signal by dispatch, and then continued at restricted speed
22 until we got the next clear signal.

23 Q. So when -- how long did you know that this new signal
24 was put up and how did you find out about that it was going to be
25 operational at some point?

1 A. We reviewed our subdivision general order before we had
2 even left Herington, verified that, you know -- because my
3 engineer hadn't run to Pratt and I told him about the new grainer
4 being put up and all the track work that was being done, the new
5 loop track and everything, the new signals, and I remarked about
6 how it's going to keep me in a job over the winter, so --

7 Q. Changing pace a bit, had you worked with the engineer,
8 had you previously worked together?

9 A. No, sir. This is the first time I had worked with him.

10 Q. How did you guys work together up until the incident?

11 A. I think the dynamic was rather good. Very professional
12 young man, especially for not having any military background.
13 Very soft spoken but very punctual.

14 Q. So you were happy the way he operated the train and --

15 A. Extremely.

16 Q. -- and any concerns at all about anything?

17 A. I made a couple of suggestions to him, you know, you
18 might want to keep the speed down a little bit here, they've been
19 testing a lot lately, be on the lookout for this. And he
20 responded and complied with my request.

21 Q. Okay.

22 DR. JENNER: That's -- thank you very much for -- that's
23 the questions I have for now. We're going to bug you around a
24 second time but we'll take a break before then. But if you don't
25 need a break now we'll just continue on.

1 MR. POGUE: I could actually use a restroom break.

2 DR. JENNER: Great. We'll do that.

3 MR. BUCHER: Okay. We're going to take a break.

4 (Off the record.)

5 (On the record.)

6 MR. BUCHER: This is Dave Bucher. We're back on the
7 record and we're continuing with questions of Mr. Pogue.

8 MR. HANKEN: This is Terry Hanken, T-e-r-r-y,
9 H-a-n-k-e-n, Union Pacific Railroad. No questions from me.

10 BY MR. ZAGATA:

11 Q. Zach Zagata, FRA. You said when you were cresting the
12 hill you saw that 207, so you went to red; is that correct?

13 A. You can't see it until you start to actually come down
14 the hill.

15 Q. Right. Did you happen to see that signal at any point
16 go clear?

17 A. The one at 208?

18 Q. At 207?

19 A. At 207?

20 Q. Yeah.

21 A. I wasn't paying attention to 207. I just noted that we
22 could see it.

23 Q. Okay. Was there any kind of, at that point, any kind of
24 outside distractions at all going on in the cab or --

25 A. No, sir.

1 Q. -- you all seemed pretty focused on what was going on?

2 A. Very focused on what was the task at hand.

3 Q. Okay. And then as far as communication with that crew,
4 there was nothing else said other than what you stated? You know,
5 they didn't say, hey, we're almost in the clear or anything like
6 that?

7 A. They made the remark, you know, it looks like we cleared
8 out. They made the remark that the engineer saw the clear signal
9 in his mirror when it went clear.

10 Q. Did you guys -- when he said that, did that weigh
11 heavily on your guys' actions at all or, I mean --

12 A. Once we visually determined it, that's when we decided
13 to notch up and start picking up speed to have a good meet.

14 MR. ZAGATA: I have no other questions.

15 BY MR. SMITH:

16 Q. Carl Smith, SMART Transportation. How long have you
17 been on the railroad?

18 A. I hired on for Union Pacific and started a new hire in
19 BIT training May 5th of this year. I then marked up to work the
20 RT33 Board at Herington the first week of September.

21 Q. And do you recall about how many student trips you had
22 before you marked up --

23 A. For -- during BIT, I had two weeks working with Lance
24 Driver, a conductor out here on the Union Pacific. He was holding
25 the regular turn for Pratt. I worked with him consistently for 2

1 weeks, and then I had a week of working the Pratt during my
2 conductor-in-training as well. So I knew the territory fairly
3 well and that's why I was comfortable with trying to apply for
4 that board to hold a position.

5 Q. And you hold the regular assignment on that --

6 A. Yes, sir. I hold the TP08 turn.

7 Q. Okay. And just between Pratt and Herington, how many
8 different types of territories, operating territories?

9 A. There's two: TWZ ABS and CTC territory.

10 Q. And just because I'm not familiar, where do those
11 territories split?

12 A. CTC runs from Herington to Pratt with a break of TWC in
13 the middle of it, and then it's from CPTC 210 to CPTC 248 at the
14 south side of Hutchinson.

15 Q. And then you said you have to talk to the BN about the
16 Cotton Belt --

17 A. Yes, sir.

18 Q. -- interlocking at Hutchinson. So you have to change
19 radio channels?

20 A. Yes, sir.

21 Q. Okay. And how many different dispatchers do you have to
22 talk to in a normal trip between Pratt?

23 A. Two. Just Dispatch 72 for Union Pacific and then
24 Dispatch 17 for the BN.

25 Q. But you have to talk to them on two different radio

1 frequencies?

2 A. That's correct.

3 Q. And just how were you aware of the new signal being 207?

4 A. We review the subdivision general order, as I said
5 before, and I had noticed that they were cutting in signals during
6 daylight trips prior to this. I hadn't actually run with these
7 signals being cut in or anything like that, so I was curious as to
8 how it was going to look, how it was set up.

9 Q. And you said that your previous trip Sunday, that you
10 had to flag by the -- talked by that signal because it was dark,
11 it wasn't -- it still hadn't been lit?

12 A. That is correct. It was a daylight trip. Another
13 conductor -- his name is Pearl; I'm not sure of his full name --
14 he was the flagman at the west edge of the Form C.

15 Q. Okay. So you were flagged by, going eastbound flagged
16 by 208 and then 207 also? They're both absolute --

17 A. Yes, sir.

18 Q. Okay. Just back to the general order that you got in,
19 you know -- I don't know if UP has like the total safety culture,
20 I don't know if they have it in Herington. But was there any talk
21 about, hey, have you seen this new general order talking about
22 this? Or everybody just read it, a common --

23 A. Before we left Herington, I discussed with my engineer
24 that, hey, you know, they're cutting these signals in, you know,
25 they've got a brand new grainer out there. We talked about, you

1 know, employment availability, you know, and everything like that.
2 So it was discussed, but not a whole lot of thought was put into
3 the discussion, just beware.

4 Q. Okay.

5 MR. SMITH: That's all I have. Thank you.

6 BY MR. FACKLAM:

7 Q. Steve Facklam, F-a-c-k-l-a-m, BLET Safety Task Force. I
8 heard you mention the military. You served in the military?

9 A. Yes, sir.

10 Q. Just personally, thank you for the service.

11 A. Thank you, sir.

12 Q. If you can, the territory between 212 and 210, is that
13 territory pretty flat or any dips in there? In the sight line
14 between signal to signal, can you see -- I fired off a couple of
15 questions at once, but -- can you see the signal 210 from 212?

16 A. Yes, sir.

17 Q. Okay. So that's pretty flat, maybe downhill?

18 A. Right. There between 212 and 210, like I said, you
19 crest over a valley. There's a stream that runs around it right
20 around there, between 210 and 208, so it dips down. And then you
21 come back up and then right on there is where the -- on the other
22 side of that is where the grainery is coming in.

23 Q. Okay.

24 A. The sight lines are pretty good. There's not a whole
25 lot of trees in the way or anything like that. So the moon wasn't

1 in my eyes and we didn't have any glare. We had a good meet for
2 the most part except for hitting them. There was no visual
3 impairments.

4 Q. Between 210 and 208, real flat there and where you can
5 see?

6 A. Like I said, that's where it dips down for that stream
7 bed.

8 Q. And you had stated that going by 210 you could actually
9 see the signal at 207?

10 A. Yes, sir.

11 Q. Before you could see the signal at 208?

12 A. Yes, sir. Like I said, the shrouds over the tops of the
13 lights --

14 Q. Made it more visible?

15 A. Well, because of the sight lines, until you actually get
16 down there you can't really fully see 208 until you come down off
17 the crest, and then we saw it cleared up from stop. We saw it was
18 red, proceeded down the track, prepared to stop, saw it clear up.

19 Q. Now, you're familiar where 24th Street is at?

20 A. No, sir.

21 Q. Okay. I guess it's the crossing right before the signal
22 or -- right before the signal at 208, is there a crossing right
23 before the signal at 208?

24 A. Yes, sir.

25 Q. Okay. Do those gates, when they come down, do they

1 interfere at all with the signal or --

2 A. No, sir.

3 Q. -- distract?

4 A. No, sir.

5 Q. Then you stated you had seen 207 red, but you hadn't see
6 it clear up at all?

7 A. Correct.

8 Q. Okay. You were more focused on the signal at 208 at
9 that time?

10 A. Correct.

11 MR. FACKLAM: That's all the questions I have for you,
12 thanks.

13 MR. POGUE: Thank you.

14 BY MR. GASKILL:

15 Q. Gary Gaskill. You stated that the last time you went
16 through there eastbound was on Sunday and that was during -- just
17 before they put the signals --

18 A. Yes, sir.

19 Q. Okay.

20 A. I believe it was Mr. Henton and Conductor Pearl, they
21 were the flagmen for that particular job that day. And right
22 before we arrived, we stopped short of the Form C and tried to
23 contact -- contacted the employee in charge of the flags and he
24 notified us, you know, we're getting ready to lift the Form C,
25 it's no longer going to be invalid, dispatcher's been trying to

1 get a hold of you. So --

2 Q. Okay. Just prior to this trip back from Pratt, how did
3 you get out to Pratt? Did you (indiscernible) or you took a train
4 out?

5 A. I took a train out.

6 Q. Were the signals operating on the westbound when you
7 went through there?

8 A. There at Waldeck the west siding switch at Waldeck, we
9 had to get flagged by that because there was a lot of rain, a lot
10 of lightning that night, and the dispatcher could not verify the
11 placement of the switches --

12 Q. Okay.

13 A. -- on the west end there at Waldeck, CPTC-200. So gave
14 me instructions, you know, take the switch in hand, then flagged
15 us past it. Took the switch in hand, verified the switch points
16 were correct. I had Bryce pull the engine, two and a half engine
17 lengths over, and then I climbed back on board, contacted dispatch
18 once we got a clear signal and lifted Cab Red Zone, and confirmed
19 with him that the switch was lined and locked for main track
20 movement, you know, everything's hunky dory.

21 Q. Did you have any other signal issues from TC-200 till
22 you got to 210?

23 A. No, sir.

24 MR. GASKILL: That's all the questions I have.

25 BY MR. HARMER:

1 Q. Kevin Harmer, Union Pacific. Rob, you stated that you
2 seen the signal at CP 208 go clear?

3 A. Yes, sir.

4 Q. When you guys noticed that the K train was not in the
5 clear, did you observe that signal again at 208 a second time or
6 not?

7 A. I was not paying attention to it. I noticed that we
8 were getting ready to hit him.

9 Q. Okay.

10 A. And I -- that was the furthest thing away from my mind
11 at that particular moment.

12 Q. Okay. Did you have that signal in view down the main
13 after it was clear; at no time it changed back from a clear to a
14 red?

15 A. No, sir.

16 Q. Okay.

17 MR. HARMER: No further questions. Thank you.

18 BY MR. BUCHER: Okay. This is Dave Bucher and we're
19 going to go around one more time if everybody is ready. I have a
20 couple and they're follow-up questions. I'm going to jump around
21 a little bit, okay?

22 MR. POGUE: Before we continue any further, can I verify
23 my last name? It's Pogue.

24 MR. BUCHER: Oh, Pogue?

25 MR. POGUE: Yes, sir.

1 MR. BUCHER: No problem.

2 MR. POGUE: It is P-o-g-u-e.

3 MR. BUCHER: Okay. Go back here one second a couple
4 pages.

5 BY MR. BUCHER:

6 Q. First question relates to the emergency services, the
7 responders arriving after the accident. Can you give me about how
8 long it took to get -- between you climbing out of the locomotive
9 and the responders arriving? We usually try to keep some kind of
10 a timeline when the responders first get there.

11 A. I'd say maybe about 10, 15 minutes.

12 Q. Ten or 15 minutes, okay. Okay. In your mind about how
13 many trips in the last 30 days through the area have you noticed
14 any signal issues with any of the signals in the area? Anything
15 out of the ordinary in the Galva --

16 A. The only problems with the signals I've actually had
17 were in TWC ABS territory. Those are signals 241.3 and 238.8. We
18 were about 20 feet away from them and they dropped right in our
19 faces and then we continued on a restrict and proceed. And that
20 was last week and I reported those to dispatch as soon as
21 possible.

22 Q. Okay.

23 A. They then sent out a signalman to verify the 55 local
24 and Herington was following behind us and they didn't have any --
25 they could not reproduce the same problem with those signals.

1 Q. Okay. Okay. Jumping around again, as you approached
2 the westbound in the siding, did you dim your headlight
3 approaching that train for him?

4 A. Yes, sir. There's a crossing on the other side of 210
5 or on the west side of 210. We had the headlights on for going
6 through that crossing. Once we knew we were clear of the
7 crossing, we dimmed them to have a good meet. As we were passing,
8 turned on the overhead lights to verify, hey, we're awake, we're
9 alive --

10 Q. Okay.

11 A. -- and then turned the headlights back on, overhead
12 lights off, continued down the rail.

13 Q. Thank you.

14 MR. BUCHER: That's all I have for now.

15 BY DR. JENNER:

16 Q. I'll continue the jumping around process.

17 A. No problem.

18 Q. Make it complicated for you. I want to revisit the
19 communication you had with the westbound train. Part of the radio
20 discussion was the westbound -- do you know if you were talking to
21 the engineer or the conductor?

22 A. I had the conversation. I verified the train with Tracy
23 Roth, the engineer on the westbound train.

24 Q. Okay. At what point did he -- how many times did you
25 talk to him; was it just one conversation?

1 A. It was just one conversation until the accident.

2 UP 8752 east coming down the main at Galva. He responded, UP 8120
3 in the siding at Galva, thanks guys, out.

4 Q. But you said something else also that part of what you
5 heard him say was, I see a green signal in my mirror?

6 A. Yeah, he said, I think we got a clear back there.

7 Q. Okay. And when he said that, had you already seen the
8 clear?

9 A. Yes, sir.

10 Q. Okay. So you had seen it, then you had the conversation
11 and he sort of confirmed from his perspective he saw a clear also?

12 A. We didn't shout out to him. He stated it.

13 Q. Right, right, right.

14 A. And I confirmed with him. I had a cross-cab
15 communication with my engineer --

16 Q. Right.

17 A. -- you know, clear signal, let's rock and roll.

18 Q. Okay. So you and your engineer saw a clear and then you
19 heard the westbound just communicate, just matter of fact --

20 A. That is correct.

21 Q. -- I see green in my rearview mirror. Okay. And was it
22 after you heard him say that, that you accelerated or was that
23 process already begun?

24 A. I believe that process had already begun. You'd have to
25 confirm that with the engineer. We hadn't begin to accelerate at

1 a noticeable rate and I can verify with the speedometer.

2 Q. Okay. And if you can guesstimate, between the time that
3 you first visually saw the clear, how long before you heard the
4 other engineer say that he also saw a clear?

5 A. Not even 10 seconds had transpired.

6 Q. Okay. When you did see that he hadn't cleared, you had
7 mentioned that you both threw the emergency, put it in emergency.
8 Is that train equipped with an end-of-train device?

9 A. No, sir. The train we were on, the ILX-G4X the 22nd, we
10 were two-by-one, we had two engines on the head end and we were
11 DP, and the brake pad communication test as well as the emergency
12 application, we could throw the emergency brake from the rear.

13 Q. So it's automatically done from the head end --

14 A. Correct.

15 Q. -- you put it in emergency head end and the rear is
16 activated automatically?

17 A. Yes, sir.

18 Q. Great. Okay. Okay, including training runs, before you
19 qualified conductor, how many times had you traveled over this
20 territory both eastbound and westbound as far as you can estimate?

21 A. Oh, at least 30 times.

22 Q. Each way?

23 A. Round trips.

24 Q. About 30 round trips?

25 A. Thirty round trips at a minimum, if not more.

1 Q. Okay. Great. Changing pace again, you started to tell
2 us about when you hired out, which was May 5, 2014?

3 A. Yes, sir.

4 Q. Previously, had you had railroad experience?

5 A. No, sir. Previously, I worked at a machinist out of
6 Wichita for 6 months and before that I was active duty Air Force.
7 I was a staff sergeant in the United States Air Force.

8 Q. Okay. So you hired on, on May 5, 2014 as what?

9 A. May 5th was the beginning of my new hire class for
10 conductor TUNY for Union Pacific Railroad.

11 Q. Okay. And can you just walk us through that, in
12 general, you know, the training, how did that go, and you spent
13 how many weeks doing what and what and what?

14 A. It's a 2-year degree in 4 weeks. Getting everything --
15 it's very fast paced but manageable. A classroom setting. The
16 conductors or the instructors are engineers and conductors that
17 have been working out here for some time and everyone was very
18 knowledgeable in his field. It goes over the basics of CTC, TWC,
19 ABS territory, automatic cab signals, terminology restrictions,
20 the GCOR rules, and then the Union Pacific specific rules, goes
21 over the 8620 for your hazmat, the emergency response guide. Like
22 I said, it's a 2-year degree in a matter of 4 weeks and after that
23 if you have questions you ask your conductors while you're working
24 on your OJT and most of them are pretty good as well.

25 Q. The OJT starts after 4 weeks?

1 A. Yes, sir. Four weeks of classwork and then you have --
2 I know that for us Herington guys, the OJT was a little bit
3 longer. I believe it was 7 weeks. OJT as a brakeman-in-training,
4 and then we went back to the class for our conductor-in-training
5 class, which was 3 weeks long. And then we had another 3 weeks of
6 on-the-job training as conductor-in-training that time.

7 Q. Okay. And when did you become qualified as a conductor,
8 if that's proper term?

9 A. The first time I was allowed to mark up and work on my
10 own was, like I said, the first week of September. We got taken
11 off the training board, got put on the bump board. I verified
12 with Mark Makovich (ph.) that we were released to roam free, if
13 you will, and then I put in my bid for the RT33 board there to
14 Pratt.

15 Q. When all was said and done and you first marked up in
16 September, did you feel confident in your skill set?

17 A. Yes, sir.

18 Q. Great.

19 A. I take conductor, the responsibility of a conductor, the
20 same way I did as a staff sergeant in the Air Force. You know, I
21 may make little mistakes, you know, I might turn an angle cuff a
22 little bit too fast and throw the train in emergency, but I don't
23 make mistakes like this.

24 Q. I understand. Okay. Changing pace again, I've got some
25 standard questions just about your overall health. But first, if

1 you can tell me, were you banged up as a result of this incident?

2 A. I've got a nice bruise forming. It starts from my left
3 tricep and goes into the middle of my left shoulder blade. But
4 that's it.

5 Q. Have you been checked out medically?

6 A. I got a once-over by the EMTs there and I don't feel
7 that I need to go get checked out or anything like that. I
8 haven't been feeling ill. I've had time to decompress and feel
9 all my bumps and bruises. I had the discussion with my wife as
10 well. I've taken Aleve, once every 6 -- one Aleve every 6 hours,
11 and I'm fine.

12 Q. Okay. Before this incident, how was your overall
13 health?

14 A. Right as rain.

15 Q. Great. Did you have any allergies, colds going into
16 this?

17 A. No, sir.

18 Q. Any chronic conditions, medical conditions?

19 A. No, sir.

20 Q. Okay. Another gentleman is going to ask you more
21 details about your work, rest and sleep. I'll save that for him.
22 But have you ever been diagnosed for any sleep conditions?

23 A. No, sir.

24 Q. Okay. You probably had a physical as part of the
25 company since you hired on that would check your vision and

1 hearing?

2 A. Correct.

3 Q. Are those normal?

4 A. Yes, sir.

5 Q. So everything is good?

6 A. Everything is A-Okay.

7 Q. Great. Okay. Does -- in terms of operations, does the

8 dispatcher in any part of the communications you have with

9 dispatchers, do they talk about any possible meets you may have?

10 A. If we ask them specific, yes. Normally, they'll tell
11 us, you know, hey, you know, you guys, I'm lining you guys out of
12 the siding here or you guys are stopped in the siding here, you're
13 going to meet two here, one here, et cetera. They kind of give us
14 what their tentative plan is. Obviously, things change on the go
15 and normally they're pretty good about letting us know what the
16 plan is.

17 Q. Okay. Was your communications with the dispatcher on
18 this trip, was it pretty positive, do you think?

19 A. Yes, sir. It was very amicable.

20 Q. Okay. No confusion about it, any of the operations?

21 A. No, sir.

22 Q. Great. Terrific, thank you. We'll pass you on.

23 BY MR. HANKEN:

24 Q. Terry Hanken, H-a-n-k-e-n, Union Pacific Railroad.

25 During any time of the trip, Robert, as you're going along your

1 trip, you met seven trains --

2 A. Yes, sir, seven before we met the one at Galva.

3 Q. Okay. How much rest did you have prior to that, of
4 course, 10 hours undisturbed --

5 A. Yes, sir.

6 Q. Sleep-wise you said --

7 A. Sleep wise, roughly about 6½ hours.

8 Q. All right. Was there any communication while you guys
9 were operating or on duty at --

10 A. 2300.

11 Q. -- 2300, it's tough time of the morning coming into
12 work, was there any talk of any tiredness between you and the
13 engineer?

14 A. No, sir. I asked him if he got some sleep. He said,
15 man, I was out before breakfast.

16 Q. Okay.

17 A. Because we tied up the morning, the morning of the --
18 let's see, it would be the 24th.

19 Q. Okay.

20 A. We tied up about 5:00 in the morning. We got to the
21 hotel and breakfast is served at 6:30 to 9:30 there. He was out
22 cold before breakfast was served and so was I.

23 Q. Okay.

24 A. I asked him, I said, did you get any rest? He said,
25 man, I was out like a light, slept like a baby.

1 Q. Okay. So you had roughly about 3 weeks -- you've held
2 that train since September, since you marked up --

3 A. Yes, sir.

4 Q. -- for your conductor on your own, you've been on that
5 train the whole time?

6 A. Yes, sir.

7 Q. As you come into Galva, you know, as you've done your
8 training, are there landmarks or anything that you look at, you
9 know, okay, I'm coming into Galva eastbound, there's a crossing
10 there, I know that at a couple miles such and such; is there any
11 landmarks that you look at or is it signals that you're just
12 looking for, or --

13 A. There -- you know, they've got the field there on the
14 west side of 210 and, you know, check out the farm equipment, the
15 empty farm equipment, the gas tanks and everything like that, that
16 they have out there, the propane tanks. You know, I know that
17 there's a road crossing there and then there's one right there by
18 the siding switch.

19 Q. Okay. So you got a road crossing on both ends of the
20 siding --

21 A. Correct.

22 Q. The first time you seen a signal eastbound, right, the
23 east end of Galva and then the new signal at 207 that was red. As
24 you come in, like, from 212 as you're coming into 210, that's kind
25 of uphill?

1 A. Yes, sir.

2 Q. And then is there some dropping through there, through
3 Galva?

4 A. Yes, sir.

5 Q. Okay.

6 A. Shortly after the -- before -- right there around the
7 210 signal is where it starts to ease on down.

8 Q. Okay. Could you notice the brightness, the red, on that
9 207 with that train still coming in on a siding beyond that was
10 red? Do you recall that signal, that one beyond 208 to 207 that
11 was red as it was coming --

12 A. I believe so, sir, yes sir.

13 Q. Was there any -- I don't know if you can recall if it
14 looked -- when it went clear, when you saw a clear signal at 208
15 or when you noticed a clear signal, do you know where that roughly
16 was, or you might have answered this, where it roughly was on
17 where you were out on the main line, more towards the west end,
18 east end, middle, roughly?

19 A. We were about a third, maybe halfway in.

20 Q. Okay.

21 A. And that's when I remarked to Bryce, that's a short K
22 train.

23 Q. Okay.

24 MR. HANKEN: That's all I have.

25 BY MR. ZAGATA:

1 Q. Zach Zagata, FRA. Did the company provide you guys any
2 kind of electronic devices, a cell phone or anything like that,
3 camera or anything at all?

4 A. Radio.

5 Q. Radio, okay. As far as personal electronic devices,
6 were there any?

7 A. I couldn't verify for the engineer, but I'm a stickler
8 for rules; mine was off in airplane mode and stowed.

9 Q. We're going to go through some of this sleep stuff here.
10 What's your (indiscernible) time to your assignment, how long does
11 it take to get from your house to the yard?

12 A. Two minutes.

13 Q. Two minutes. And how long of a call time did you get?

14 A. Two hours.

15 Q. Let's say you're on vacation, what time would you
16 normally go to bed?

17 A. I'm an old man. I'm in bed by 2130.

18 Q. And then how long would you sleep after that going to
19 bed at 2130?

20 A. Six and a half hours.

21 Q. Six and a half. You may have answered this. So your
22 quality of rest prior to the accident or reporting to duty, so
23 before you go on duty, how rested did you feel: excellent, good,
24 fair, poor?

25 A. Excellent. I had a --

1 Q. Do you -- oh, I'm sorry, go ahead.

2 A. I said I had a cup of coffee to -- just for something
3 hot to drink and we were ready to go.

4 Q. Do you normally take naps during -- just throughout the
5 day, let's say before going to work or anything like that or when
6 you're at home do you normally take naps?

7 A. Yes, sir, to make sure that I'm rested. If I'm held
8 out, if they don't call me on my rest for an abnormal time, you
9 know, 14, 16, 18, 22 hours I'm at home, I'll make sure I'm
10 consistently watching the board; you know, I need to take a nap
11 between this time and this time to be rested for a call at this
12 time. But I do try to keep up on that as much as possible.

13 Q. So you nap pretty regularly --

14 A. Yes, sir.

15 Q. When you get those naps, how long do you normally take
16 them, like, as far as --

17 A. About 2 hours.

18 Q. Two hours, okay. Did you take a nap within -- well,
19 assuming you slept for that 6½ hours before you went on duty?

20 A. Yes, sir.

21 Q. As far as your alertness level, just prior to the
22 accident, 1 being very sleepy and 5 being very alert, how would
23 you rate when you were out there?

24 A. Five.

25 Q. Did you take any over-the-counter medications or

1 anything like that?

2 A. No, sir.

3 Q. No prescriptions?

4 A. No, sir.

5 Q. All right. Now the most challenging part is the sleep
6 history portion. When you got in on the 24th, what time did you
7 go to bed, did you say, approximately?

8 A. I got 4 hours of sleep between the hours of 06 and about
9 10:00, I woke up. Went down to grab a bite to eat real quick,
10 went back upstairs and then slept for another 6½ hours before the
11 call.

12 Q. So you said you went to bed at 06?

13 A. Yes, sir, roughly.

14 Q. And then got up at 10, went downstairs?

15 A. Yes, sir, went down, called in a couple of the other
16 conductors that I was in class with, went and grabbed a bite to
17 eat and then came back. We got back to about 1300, and I slept
18 for another 6½ hours.

19 Q. So you woke up about 1730, is that --

20 A. About 1930.

21 Q. 1930, okay. Let's see. How about Tuesday, the 23rd,
22 can you recall what time you went to sleep that day?

23 A. I couldn't tell you, sir.

24 Q. Okay. What we'll do is we'll get done here. I'll have
25 some additional questions on this stuff here --

1 DR. JENNER: Yeah, you can take your time afterwards, if
2 that's okay with you, just off the record.

3 MR. POGUE: Yeah.

4 MR. ZAGATA: I have no further questions.

5 BY MR. SMITH:

6 Q. Carl Smith, SMART Transportation Safety Team. Rob, so
7 you were at your away from home terminal in Pratt. What's the
8 lodging conditions like there?

9 A. Great.

10 Q. Where do you stay?

11 A. Holiday Inn Express.

12 Q. Okay.

13 A. The main reason I chose the Pratt turn is because I like
14 the hotel a lot.

15 Q. And so the rooms are --

16 A. The rooms are clean.

17 Q. -- have blackout curtains --

18 A. Got the blackout curtains, the air conditioners work,
19 the heaters work.

20 Q. No noise?

21 A. Not a whole lot of noise. The maids are pretty
22 consistent with overstuffing the amenities and everything like
23 that for the railroaders.

24 Q. That's good to hear. And so the meals, they serve
25 breakfast from 6:30 to 10. If you don't get there, you just have

1 to go get something --

2 A. Yes, sir.

3 Q. Do they -- is everything within walking distance or do
4 they give you a ride?

5 A. The Renzenberger driver is there because there is not an
6 actual full depot there. It's inbound, outbound, that's it.
7 There's not an NTO or anything like that on duty. We do have a
8 couple of managers down there that do observations and testing to
9 make sure everybody is in compliance. But the Renzenberger
10 drivers will normally, if there's not an inbound crew or an
11 outbound crew called on asking for a ride prior to this, they'll
12 normally give you a ride down to grab something to eat real quick,
13 down to Walmart or down to the gas station. So the accessibility
14 there is better than, say, Kansas City.

15 Q. Good deal. I'm glad to hear that. Also, just to -- so
16 train lineups, did you -- were you expecting -- what time were you
17 expecting to go to work out of Pratt?

18 A. Between 11 and 01 based upon the lineup.

19 Q. So -- and this train fell within the --

20 A. Yes, sir.

21 Q. Okay.

22 A. And I had already started accruing away from home pay,
23 and I checked the lineup. You know, I was still five turns out
24 when I woke up and we were -- the entire way, we were following
25 another eastbound train, so --

1 Q. And then just one more -- so, on an average run between
2 Pratt and Herington, how many meets; what's a normal? It varies
3 from day to day --

4 A. There is no normal. It depends on the traffic patterns.
5 I know that currently they've got some work out west past Pratt
6 between Pratt and Dalhart, so we've been having a lot of dead
7 heads back from Pratt because they're just not sending the
8 eastbound trains from Dalhart. But there is no normal or average
9 number or anything like that of how many meets you're going to
10 have during the trip. Like I said, it all depends on -- I've had
11 trips where I didn't meet a single train. I've had meets where,
12 you know, I've had trips where I've met 12. So there is no
13 consistency.

14 Q. But you (indiscernible), right?

15 A. Yeah.

16 Q. You know I'm joking with you. Well, I'm glad you're all
17 right. That's the most important thing, that when you wreck, you
18 walk away from it --

19 A. Oh, yeah.

20 Q. I'm amazed, man, very much so.

21 MR. SMITH: That's all I have. I'm really glad you're
22 okay.

23 MR. POGUE: Thank you.

24 BY MR. FACKLAM:

25 Q. Steve Facklam, BLET Safety Task Force. Just a couple of

1 quick questions here. Working in the pool, I guess, since you
2 marked up in September, the beginning of September, what kind of
3 time off were you getting at home, just rough average between
4 trips?

5 A. It was averaging between, and I know it's a big gap, but
6 it was averaging between 14 and 22 hours, somewhere right there.

7 Q. What kind of time off were you averaging away from home
8 terminal before you went back to work?

9 A. With that one it was about 12 to 16 hours.

10 Q. Since you've marked up, have you marked off or just
11 worked solidly through or took any time off?

12 A. I took one personal leave day to go with my wife to a
13 doctor's appointment.

14 Q. Was that in --

15 A. That was probably a week and a half, 2 weeks in.

16 Q. But other than that you've been marked up?

17 A. Yes, sir.

18 MR. FACKLAM: That's all the questions I have for now.

19 MR. GASKILL: Gary Gaskill, I don't have any questions.

20 MR. HARMER: Kevin Harmer, Union Pacific, has no other
21 questions.

22 MR. BUCHER: Do you need a break?

23 MR. POGUE: No, sir.

24 MR. BUCHER: Okay. I think there's at least a couple
25 more questions to go around. Do you want to just finish it up?

1 MR. POGUE: Sure.

2 MR. BUCHER: Okay, Steve?

3 BY DR. JENNER:

4 Q. Okay, just a couple more. The approaching westbound
5 train, at some point you're looking at his headlight. Did that
6 ever affect your ability to see any of the signals?

7 A. No, sir.

8 Q. Okay. Did he have his high beam on at some point and
9 lower it?

10 A. Once he cleared the crossing there close to 207, the
11 signal down there on the east end of the siding, once he cleared
12 that crossing he dimmed it down and then once, I believe, once our
13 engine was past, he turned the brights back on.

14 Q. How can you tell that it was the crossing at 207 when he
15 did it? How are you able to estimate that?

16 A. That's the one that's right there at the siding switch.

17 Q. Because that's still several miles away from you. I'm
18 just curious how you're able to determine that?

19 A. Well, like I said, he's coming into the siding. That's
20 the -- there's one siding there at the east end of the siding and
21 then there's one past the siding switch on the west end.

22 Q. Okay.

23 A. So that's the only one possible.

24 Q. Okay. I'm just impressed by that. Zach is going to
25 talk to you a little more about, you know, offline so we won't bug

1 you here. But the one detail that you're able to remember about
2 you rest you had on the 24th between 6 a.m. and 10 a.m., 4 hours,
3 and then you ate and talked to some people, then another 6½ hours
4 of rest. So that's 10 hours.

5 A. Right.

6 Q. But that's more than you typically need?

7 A. That is normally -- that is typically more than I
8 normally take. But I was tired and I decided to take another nap
9 and it just so happened the last 6½ hours. I woke up on my own
10 full of pep.

11 Q. Okay. Do you think you were just overtired on that day
12 from the previous day's work?

13 A. It's possible, but --

14 Q. When I hear someone getting that much more than what
15 they normally are accustomed to, then I'm thinking --

16 A. Right.

17 Q. -- you had a rough previous day or something?

18 A. I can't speculate.

19 Q. Okay, great.

20 DR. JENNER: Are there any other questions here?

21 BY MR. GASKILL:

22 Q. Gary Gaskill. I just want to clarify something. You
23 mentioned about you saw his headlight dim when he went over the
24 crossing and you mentioned at the end of the siding. Did you mean
25 207 or 208?

1 A. 208.

2 Q. 208, okay. Because it was 208, not 207, that you saw
3 him go by that crossing?

4 A. Right.

5 Q. Dim his headlight. After he got lined
6 (indiscernible) --

7 A. Correct?

8 DR. JENNER: Did I mishear that?

9 MR. GASKILL: No. I just -- he said 207, and I just
10 wanted to verify it was 208, not 207.

11 DR. JENNER: Okay, great.

12 MR. BUCHER: Okay, Dave Bucher again. Last chance for
13 questions and then we'll --

14 DR. JENNER: Before Dave signs off. You have remarkable
15 detail today, so we want to thank you for that and taking time
16 out. I'm sure you've given this some thought in the last couple
17 of days, but I'd like to throw it to you if, given everything that
18 you thought about and your knowledge of operations, is there any
19 recommendations you would make in terms of new types of equipment
20 or procedures or policies that you think can help prevent this
21 type of incident from occurring again?

22 MR. POGUE: The only thing that I might have to suggest
23 is maybe make that signal for 207 to go into that grainer circle
24 is maybe a pot signal, that's about the only thing. So there
25 wouldn't be any possibility for any error.

1 DR. JENNER: Okay. We didn't ask you directly, but do
2 you think that signal, 207, came into play in this situation?

3 MR. POGUE: No, sir. I will swear up and down until the
4 day that I die that it was that 208 signal that I saw go clear.

5 DR. JENNER: Okay.

6 MR. POGUE: Like I said, I may mistakes about, you know,
7 giving too long or too short car counts and I have to speed up and
8 catch up here and there, but something like this, something rules
9 wise, procedural wise, I do not mess up.

10 DR. JENNER: Great. Thank you for that.

11 MR. POGUE: Thank you.

12 MR. BUCHER: Okay. This is Dave Bucher again and this
13 concludes the interview with Mr. Pogue.

14 (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: COLLISION OF TWO UNION PACIFIC
FREIGHT TRAINS NEAR GALVA, KANSAS
SEPTEMBER 25, 2014
Interview of Robert Pogue

DOCKET NUMBER: DCA-14-FR-012

PLACE: McPherson, Kansas

DATE: September 26, 2014

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.

Michelle Smirolodo
Transcriber