

NATIONAL TRANSPORTATION SAFETY BOARD

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 IN RE: :
 :
 THE ACCIDENT INVOLVING TWO : NTSB Accident No.
 UNION PACIFIC FREIGHT : DCA16FR005
 TRAINS THAT OCCURRED NEAR :
 GRANGER, WYOMING ON :
 MARCH 14, 2016 :
 :
 -----:

INTERVIEW OF: BERNIE SOMMER

Monday,
 March 14, 2016

Little America Travel Center
 Granger, Wyoming

BEFORE

RUBEN PAYAN, NTSB
 KEITH COLVIN, Federal Railroad Administration
 JAMES CURLEE, Federal Railroad Administration
 SCOTT JOHNSON, Federal Railroad Administration
 DENNIS STONECYPHER, Federal Railroad
 Administration

This transcript was produced from audio
 provided by the National Transportation Safety Board.

APPEARANCES:

On Behalf of Union Pacific, the Interviewee, and
Other Individuals Involved in This Investigation:

JAY MCANDREW, General Director
Union Pacific Railroad Company

(
[REDACTED]

1 P-R-O-C-E-E-D-I-N-G-S

2 (time not given)

3 INVESTIGATOR PAYAN: All right. All right,
4 good afternoon. It is March 14th, 2016, and we're
5 conducting interviews in association with NTSB Accident
6 Number DCA16FR005.

7 We're in the Little America Hotel, near
8 Granger, Wyoming, and we're going to be interviewing
9 Mr. Bernie Sommer, from the Union Pacific. My name is
10 Ruben Payan, I'm the Signal Group Chairman for the
11 National Transportation Safety Board, R-U-B-E-N,
12 P-A-Y-A-N. And now, we'll go around the room and
13 introduce everybody.

14 MR. COLVIN: Keith Colvin, C-O-L-V-I-N,
15 Director of Signal Maintenance.

16 MR. CURLEE: James Curlee, C-U-R-L-E-E, FRA
17 Signal and Train Control Inspector.

18 MR. JOHNSON: Scott Johnson, J-O-H-N-S-O-N,
19 Signal and Train Control Inspector of Region 8.

20 MR. STONECYPHER: Dennis Stonecypher,
21 S-T-O-N-E-C-Y-P-H-E-R, FRA PTC Specialist.

22 MR. PAYAN: Okay. And, Mr. Sommer, the
23 purpose of this investigation, the NTSB investigation,
24 is to increase safety. We do not assign fault,
25 liability, or blame. That's not the purpose of our

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1 investigation.

2 As I said before, we're going to transcribe
3 this interview and it's going to be part of a public
4 record, so the NTSB can't offer any guaranty of
5 confidentiality, or immunity, from any kind of legal,
6 or certificate, actions.

7 The transcript will go in the public docket.
8 You'll be afforded a chance to review it, before we do
9 that, and correct any mistakes that we may, we may have
10 introduced into the docket. You're allowed to have one
11 representative with you, and is this person here by
12 your choice?

13 RESPONDENT: Yes.

14 INVESTIGATOR PAYAN: Okay, and can you,
15 please, state your name, your present position, and
16 your employer, and spell your last name, please?

17 RESPONDENT: My name's Bernie Sommer and I'm
18 a Signal Supervisor for Union Pacific Railroad. My
19 last name is S-O-M-M-E-R.

20 INVESTIGATOR PAYAN: Okay, and the person
21 here with you, is?

22 RESPONDENT: Jay McAndrew, General Director,
23 Signal, Union Pacific Railroad.

24 INVESTIGATOR PAYAN: Okay. All right, thank
25 you. Okay. Now, we're talking about the accident that

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1 occurred on Monday, or March 14th. We talked to Mr.
2 Thompson, just briefly, a little while ago. Were you
3 present Sunday when the job briefing was held?

4 RESPONDENT: The job briefing, I was
5 involved, and, there was, I believe, two job briefings,
6 one was with the pilot/conductors.

7 INVESTIGATOR PAYAN: Okay.

8 RESPONDENT: And, and then there was one
9 that was held for the Signal employees.

10 INVESTIGATOR PAYAN: Okay.

11 RESPONDENT: I was in the Signal employees'
12 job briefing. Was not at the one for the
13 pilot/conductors.

14 INVESTIGATOR PAYAN: Okay. And who ran the
15 briefing you were at?

16 RESPONDENT: Robert Olsen.

17 INVESTIGATOR PAYAN: And you know his title?

18 RESPONDENT: Signal Supervisor.

19 INVESTIGATOR PAYAN: Okay. And what was
20 discussed during that briefing?

21 RESPONDENT: Oh, a lot of things. We talked
22 about the process, which we use to achieve the work
23 that needed to be done. They talked about
24 generalities, you know, the risk assessments, they talk
25 about, you know, maybe some, some things that each

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1 individual should try to know, if they're going out
2 there.

3 Then they get site-specific and try to
4 assign people to sites, kind of, giving them their
5 responsibilities, what their goals are. They talk
6 about if, you know, if somebody needs help, make sure
7 you call the cut-over trailer, make sure you're -- we
8 have people that we send around that are there, just to
9 help people out there having trouble, and that's with
10 the cut-over part of it. So the talk was directed
11 towards the work that needed to be done for the signal
12 cut-over.

13 INVESTIGATOR PAYAN: And what was your job
14 assignment?

15 RESPONDENT: My job assignment was to work
16 as a with the pilot conductors on the night crew, to
17 provide a liaison between the pilot conductors and the
18 signal people.

19 So if the signal people were to come out and
20 do anything with the track, or anything, and make it
21 unsafe, my job would be to coordinate that work with
22 the pilot conductors.

23 And, also, to help us with the line and
24 switches and stuff like that, if we needed to hand
25 throw switches, or something.

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1 INVESTIGATOR PAYAN: Okay. So that was
2 Sunday, correct?

3 RESPONDENT: That was the --

4 INVESTIGATOR PAYAN: The job briefing was
5 Sunday?

6 RESPONDENT: Job briefing, yes, and I, I
7 went to work Monday night.

8 INVESTIGATOR PAYAN: Okay. Okay, so now, on
9 Sundays, sticking with Sunday here, you had the job
10 briefing, did you meet with any of the conductor
11 pilots, at any time?

12 RESPONDENT: No.

13 INVESTIGATOR PAYAN: No? Okay, did you know
14 them?

15 RESPONDENT: No.

16 INVESTIGATOR PAYAN: No? Okay. And then,
17 Monday, what time did you report for duty?

18 RESPONDENT: 7:16 p.m.

19 INVESTIGATOR PAYAN: Okay, and where did you
20 report to?

21 RESPONDENT: Mile Post 847.

22 INVESTIGATOR PAYAN: 7:16 p.m.?

23 RESPONDENT: Yes, sir.

24 INVESTIGATOR PAYAN: And, and --

25 RESPONDENT: Mountain time.

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1 INVESTIGATOR PAYAN: Okay. And what was the
2 mile post, again?

3 RESPONDENT: 847.

4 INVESTIGATOR PAYAN: 847, okay. Was that
5 where the, the cut-over trailer was?

6 RESPONDENT: No, no.

7 INVESTIGATOR PAYAN: No?

8 RESPONDENT: That's where -- the reason that
9 I was there was because we had a handful of guys
10 working at that location.

11 INVESTIGATOR PAYAN: Okay.

12 RESPONDENT: And that was also where the
13 pilot that was in charge was at.

14 INVESTIGATOR PAYAN: Okay.

15 RESPONDENT: The guy that was going to be
16 talking to the other pilots, it gives me one person to
17 deal with, instead of having five guys calling the
18 dispatcher and stuff, I call him, he does his part, we
19 coordinate things.

20 INVESTIGATOR PAYAN: Okay. And, and you
21 went to 847 and you met with the pilots, IEIC pilots,
22 conductor pilots?

23 RESPONDENT: Yes, I met with Matt Litteral.

24 INVESTIGATOR PAYAN: Okay. And did you have
25 any kind of job discussion?

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1 RESPONDENT: Yes.

2 INVESTIGATOR PAYAN: What did that entail?

3 RESPONDENT: I had, we discussed the process
4 in which, if we were going to do any work on the track,
5 I was there to, basically, explain to him what I was
6 there for and how we were going to handle it.

7 We exchanged phone numbers and we got, you
8 know, radio channels going and talked about what
9 channel we wanted to run on and stuff like that,
10 because the signal cut-over goes on one and I went to
11 the road channel, so that I could listen to those guys,
12 you know, because of where I was at, I could walk over
13 and see my guys. I could switch the radio, too, but it
14 was just easier for me to listen to the road channel,
15 to hear what was going on, so I knew where the trains
16 were and stuff.

17 INVESTIGATOR PAYAN: Okay. So your point of
18 contact with the conductor pilots was going to be the
19 EIC conductor pilot?

20 RESPONDENT: Yes, sir.

21 INVESTIGATOR PAYAN: Okay. Did you meet any
22 of the other conductor pilots --

23 RESPONDENT: No.

24 INVESTIGATOR PAYAN: -- at the 847?

25 RESPONDENT: At 847? There was another guy

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1 there, but I never did get it, I never talked --

2 INVESTIGATOR PAYAN: No?

3 RESPONDENT: He was, I think he was,
4 actually, the pilot for 002 and he was just helping
5 down there at 847 and wasn't that far to go, and if a
6 train came, he would go to 002 and take care of it.

7 INVESTIGATOR PAYAN: Okay. Was there any
8 kind of a, when you showed up on duty, at 716, was
9 there any kind of hand-off, or any kind of discussion,
10 from the EIC Signals person that you were relieving?

11 RESPONDENT: Yes.

12 INVESTIGATOR PAYAN: And what would, did
13 that entail?

14 RESPONDENT: He told me the trains that were
15 in the limits are, or that were approaching, what the
16 plan was for the train moves to be made, at that time.
17 The dispatcher, the process dispatcher lets us know,
18 kind of, what the plan is, and then that allows us to
19 get everything in place and have a plan, ourselves, and
20 to have people on the position that, you know, for
21 example, just prior to when I first got there, they
22 were talking about making a move.

23 They were going to use the Y, and those
24 switches have signal locks on them, and so I was
25 getting ready to make a plan to unlock those switches,

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1 while he does his move and stuff like that, you know,
2 just, we were talking planning and stuff.

3 So he was giving me the plan that the
4 dispatcher had given him, and where he was leaving off
5 at, so I knew which trains were supposed to be coming
6 and what the plan was.

7 INVESTIGATOR PAYAN: Okay. Did your EIC
8 that you were relieving, did he express any concerns,
9 or worries, as the job was progressing that you should
10 be aware of?

11 RESPONDENT: The EIC that did the turnover
12 with me, the Signal?

13 INVESTIGATOR PAYAN: Yes.

14 RESPONDENT: No.

15 INVESTIGATOR PAYAN: No, okay. So
16 everything was going smoothly, to that point?

17 RESPONDENT: Yes.

18 INVESTIGATOR PAYAN: Okay. Now, as far as
19 you're concerned, what was the job of the conductor
20 pilots?

21 RESPONDENT: Discuss what the dispatcher,
22 what the, what the, the plan was, to keep the trains
23 moving.

24 INVESTIGATOR PAYAN: Okay.

25 RESPONDENT: And to clear the train

1 (inaudible) the limits of the Form B and, you know,
2 make sure that it, that, you know, everything was ready
3 to go, if they were lining switches and stuff like
4 that.

5 INVESTIGATOR PAYAN: Okay.

6 RESPONDENT: They needed to line switches,
7 if they were going up to the Pocatello, or straight
8 through, they needed to make sure the switches were
9 lined.

10 INVESTIGATOR PAYAN: Okay. So would you, so
11 with that in mind, between the limits of where your
12 signal (inaudible) was, the dispatcher had control of
13 the switches, correct?

14 RESPONDENT: No. He only had control of the
15 switches at 844 and 002.

16 INVESTIGATOR PAYAN: At the limits?

17 RESPONDENT: Yes, they were just at the
18 eastern limits and then at the, up at 002, I think,
19 they had control of that switch, too, but --

20 INVESTIGATOR PAYAN: Okay. And, and --

21 RESPONDENT: -- I don't know what they --

22 INVESTIGATOR PAYAN: -- when --

23 RESPONDENT: -- (inaudible).

24 INVESTIGATOR PAYAN: -- he operate the
25 signal, or -- I'm sorry. When the dispatcher operated

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1 the switches, everything was still enabled, as far as
2 the lining and locking the switches?

3 RESPONDENT: Yes.

4 INVESTIGATOR PAYAN: And they would get
5 indication for that?

6 RESPONDENT: Yes.

7 INVESTIGATOR PAYAN: So the conductor pilots
8 were there just to add another level of safety, or --

9 RESPONDENT: They, you know, I've done it
10 quite a few times, but they're there to protect the
11 rear end of the trains, to protect the trains. So yes,
12 I would say there's another level of safety.

13 If one train was going through, they need to
14 know that that guy's gone, before we clear the next
15 guy, and they also need to make sure that everything's
16 ready for them to go through.

17 INVESTIGATOR PAYAN: Okay.

18 RESPONDENT: So.

19 INVESTIGATOR PAYAN: So after 847, did you
20 stay there, until the accident, or did you go somewhere
21 else?

22 RESPONDENT: Well, like I said, just before
23 the accident, I went over to the, the control point
24 where I guys were working, he wanted to make that move.
25 And I wanted to make sure I discussed with our guys

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1 what the plan was, so they knew what was going on, in
2 case they were doing some testing and they needed, you
3 know, and I just wanted them to know what was going on
4 and make sure it was okay with them that, mainly, to
5 let them know we were going to make a train movement
6 that wasn't straight through, or anything like that,
7 that was going to be going to the Y and back.

8 INVESTIGATOR PAYAN: Okay.

9 RESPONDENT: And, you know, just to, kind
10 of, make everybody aware of what was, the plan was.

11 INVESTIGATOR PAYAN: Okay.

12 RESPONDENT: And I went over there to see
13 him and then I went right back over to Matt, to
14 literally, he was sitting on the south side of 847.

15 INVESTIGATOR PAYAN: That's where the
16 cut-over was being run from?

17 RESPONDENT: That's where Matt was working
18 from.

19 INVESTIGATOR PAYAN: All right.

20 RESPONDENT: Yes. That's where Matt was
21 talking to the dispatcher and stuff from.

22 INVESTIGATOR PAYAN: Oh, the EIC, the other
23 EIC.

24 RESPONDENT: Yes, the other EIC.

25 INVESTIGATOR PAYAN: Okay.

1 RESPONDENT: I was sitting right next to
2 him.

3 INVESTIGATOR PAYAN: Okay. Now, where you
4 were located, did you have any kind of indication, a
5 control panel, or something, where you can see the
6 trains coming through there?

7 RESPONDENT: No.

8 INVESTIGATOR PAYAN: No? So it was all just
9 by radio that you were told what was coming?

10 RESPONDENT: Yes, sir.

11 INVESTIGATOR PAYAN: Okay. So did you stay
12 there until the time of the accident?

13 RESPONDENT: Yes, I was there when they, the
14 accident happened.

15 INVESTIGATOR PAYAN: Okay, can you, kind of,
16 walk us through that, how were you notified of that, or
17 how did that transpire?

18 RESPONDENT: Well, it, the dispatcher had
19 given us a plan and they said they wanted to run a
20 train one-to-one at 844 west, and a train two-to-two
21 east at 865, and, and that was what the plan was. And
22 so I heard that part of it and then, I believe, and I
23 didn't, Matt, that was his job, he talked to his
24 pilots, or whatever he did.

25 And, and then, a little bit ago, later, a

1 different dispatcher came on and he called for the
2 5718. And he only said that number once, and after
3 that, he couldn't say the number.

4 And he said there's, he said where are you
5 at, and he repeated, you know, where, where's and he
6 couldn't even repeat the number then he, I could, he
7 looked, I could hear him to look at his, he was looking
8 at, apparently, for the, the signal and when he got the
9 signal, I mean, and by the time that he got a hold of
10 the guy the guy said I just made contact with the train
11 and the sighting.

12 INVESTIGATOR PAYAN: Okay.

13 RESPONDENT: And that would've been the
14 engineer, or the conductor, on the 5718 that would've
15 probably have said that.

16 INVESTIGATOR PAYAN: Okay. And what
17 happened, what did you do after the accident?

18 RESPONDENT: Made some phone calls right
19 away. I called Bob right away and my boss and then,
20 the safety guy, I called him, and then, the dispatcher
21 was calling to talk to him and, originally, they said
22 everybody was, I don't know if he said okay, but
23 everybody was up, you know, not, there was, I think,
24 the injuries came later, I think everybody was bruised
25 up.

1 So they said everybody was okay and they
2 were on the ground. And so then I went down there, I
3 drove down there to, you know, see if there's anything
4 I can do to, maybe, help out, or whatever, see what
5 happened.

6 INVESTIGATOR PAYAN: Okay. And did you talk
7 to anybody when you arrived?

8 RESPONDENT: Bob. And I did talk to the
9 train crews, there was five of them, and I asked them
10 if there was anything that I could do, and one of them,
11 the gentleman that hurt his left arm, they asked if he
12 could sit in a warm truck, so I pulled my truck up
13 there and had the, and sat with him so that, until the
14 ambulance got there.

15 INVESTIGATOR PAYAN: Okay. So did you have
16 any discussions with the, your counterpart, the EIC,
17 for conductor pilots, between the accident and when you
18 left for, to, to the site?

19 RESPONDENT: No.

20 INVESTIGATOR PAYAN: No? How about when you
21 arrived on scene, I mean, did you talk to any of the
22 conductor pilots there?

23 RESPONDENT: I talked to Jerry Park
24 (phonetic).

25 INVESTIGATOR PAYAN: And where was he

1 stationed?

2 RESPONDENT: He was the pilot conductor at
3 844.

4 INVESTIGATOR PAYAN: 844, okay. What did
5 you discuss?

6 RESPONDENT: How, I just, you know, he said
7 he heard a loud noise and he came, you know, down to
8 see what was going on and, you know, we were, that's
9 about, really, all I remember talking about, you know.

10 INVESTIGATOR PAYAN: Okay. And no
11 discussion about how the train ended up down there?

12 RESPONDENT: No.

13 INVESTIGATOR PAYAN: Okay. Were you asked
14 to take a drug and alcohol test?

15 RESPONDENT: No.

16 INVESTIGATOR PAYAN: No? Okay. And how
17 long did you stay on scene?

18 RESPONDENT: I'm trying to think, I don't
19 really, I just kind of, I know I stayed until the end
20 of my shift, which would've been, probably, 7 or 8
21 o'clock in the morning.

22 INVESTIGATOR PAYAN: Okay. What were the,
23 following the accident, what were the instructions you
24 received, regarding your work, I mean, you were still
25 off scene, were you asked to stop, or did you just

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1 stop, or --

2 RESPONDENT: As far as my work?

3 INVESTIGATOR PAYAN: Yes.

4 RESPONDENT: I was, I guess, like I said, I
5 just went there to render help, if I could, and as far
6 as the crew went, they continued with what they were
7 doing. You know, we made sure the dispatcher knew
8 that, that both tracks were fouled and, you know, I
9 think the pilots were doing that.

10 But, you know, I wasn't paying attention, I
11 wanted to make sure that got taken care of. We looked
12 at HAZMAT on the train, looked at spills, wanted to
13 make sure our MCC was called.

14 You know, like I said, we were asking the
15 train crews if they were okay, if they needed, that
16 there was an ambulance on the way and, like I said, a
17 guy sat in my truck and we were wanting to make sure
18 that, we kept asking them and I know the, Bob was, you
19 know, asking if they needed anything, if we could do
20 anything for them and --

21 INVESTIGATOR PAYAN: Okay.

22 RESPONDENT: -- we were, basically, rendering,
23 making sure that everything got stopped and that we
24 were rendering some help.

25 INVESTIGATOR PAYAN: Okay. But now, as far

1 as the signal cut-over that was going on, at the time,
2 were you instructed to stop, or did you just stop,
3 what, did you have any people at 844 inside the
4 bungalow there?

5 RESPONDENT: No. No, there was nobody at
6 844, we had people at 847, and they, they just, they
7 kept going. They were working and they continued with
8 what they were doing.

9 INVESTIGATOR PAYAN: Okay. Okay. FRA, you
10 want to ask any questions?

11 MR. COLVIN: No, I don't have anything.

12 INVESTIGATOR PAYAN: Jim?

13 MR. CURLEE: No.

14 MR. COLVIN: No I don't have anything.

15 INVESTIGATOR PAYAN: UP?

16 MR. COLVIN: I got a couple.

17 INVESTIGATOR PAYAN: Sure.

18 MR. COLVIN: This is Keith Colvin. Bernie,
19 the, you said, after the incident occurred, the folks
20 at GE847 continued what they were doing?

21 RESPONDENT: Yes, sir.

22 MR. COLVIN: And what were they doing?

23 RESPONDENT: They were cutting over making
24 circuit changes for the cut-over, testing the location,
25 at the point that the, that was going on, they were

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1 doing the route checks, verifying all the circuitry and
2 the routes and, you know, and through the equipment,
3 making sure that the, that all the, everything,
4 equipment reacted the proper way.

5 MR. COLVIN: And they were making sure it
6 reacted the proper way, at 847, is that correct?

7 RESPONDENT: Yes, sir.

8 MR. COLVIN: Okay. Was any of the testing
9 that they were doing, at 847, would that have had any
10 effect on anything that was going on at 844?

11 RESPONDENT: No. They were, they were
12 testing equipment in the house. Everything was
13 disconnected and they could --

14 MR. COLVIN: Okay, so everything was
15 disconnected and --

16 RESPONDENT: They were just checking the
17 equipment in the house.

18 MR. COLVIN: At that one location, correct?

19 RESPONDENT: Yes, sir.

20

21 MR. COLVIN: Okay. Good. You stated, also
22 that the conductor pilots had gotten a plan from the
23 dispatcher and, I think, you stated that the dispatcher
24 said they wanted to run a west-bound train at 844?

25 RESPONDENT: One-to-one. Yes, sir.

1 MR. COLVIN: Okay. So that did include,
2 which track, when that plan was scheduled?

3 RESPONDENT: What she said, one-to-one, one
4 tract.

5 MR. COLVIN: Okay. Main one-to-one on one
6 track --

7 RESPONDENT: Main --

8 MR. COLVIN: -- and what about the
9 east-bound train, that plan for that train was?

10 RESPONDENT: Two-to-two, at 865, which would
11 have been the other end of the limits.

12 MR. COLVIN: Okay, so that's Track 2.

13 RESPONDENT: Two, yes.

14 MR. COLVIN: The main, the main switcher
15 safe?

16 RESPONDENT: Yes.

17 MR. COLVIN: Okay, good. That's all I got,
18 at the moment.

19 INVESTIGATOR PAYAN: Okay.

20 RESPONDENT: As I understood that that
21 one-to-one --

22 MR. COLVIN: Okay.

23 RESPONDENT: -- meant no switches, because
24 we did a lot of two-to-ones today.

25 INVESTIGATOR PAYAN: Okay.

1 MR. COLVIN: Good.

2 INVESTIGATOR PAYAN: All right, a little bit
3 of background, how long have you been with the UP?

4 RESPONDENT: Thirty-seven years.

5 INVESTIGATOR PAYAN: Thirty-seven, okay.

6 And in your current position, how long you been in
7 that?

8 RESPONDENT: I think for four, or five, four
9 years.

10 INVESTIGATOR PAYAN: Is that --

11 RESPONDENT: I don't know, four years.

12 INVESTIGATOR PAYAN: -- is that with
13 construction?

14 RESPONDENT: Yes new construction.

15 INVESTIGATOR PAYAN: New construction.

16 RESPONDENT: I'm a supervisor --

17 INVESTIGATOR PAYAN: Okay.

18 RESPONDENT: -- for new construction.

19 INVESTIGATOR PAYAN: And those four or five
20 years have been, is that with the PTC, or other stuff?

21 RESPONDENT: That's been the main part of
22 our work, yes, but I do other stuff, also.

23 INVESTIGATOR PAYAN: Okay.

24 RESPONDENT: Doing whatever they're doing.

25 INVESTIGATOR PAYAN: Okay. So with the PTC,

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1 construction, how many of these similar projects have
2 you been, would you say you've been on?

3 RESPONDENT: The Laramie Sub, the Rollins
4 Sub, were both mine. I've been involved in the
5 cut-overs on the Sidney and Columbus. I couldn't even
6 begin to tell you how many of these kinds of things I'm
7 involved in. I, I putting a number to it would be, it
8 could be --

9 INVESTIGATOR PAYAN: So quite a few, is that
10 --

11 RESPONDENT: Quite a few, yes.

12 INVESTIGATOR PAYAN: -- is that a fair
13 statement?

14 RESPONDENT: Yes, sir.

15 INVESTIGATOR PAYAN: And are you usually the
16 EIC on these projects?

17 RESPONDENT: Sometimes, not always.

18 INVESTIGATOR PAYAN: Not always, okay. What
19 other roles do you, do you fill?

20 RESPONDENT: I support, help, helping the
21 guys, if they get in trouble, or something, you know,
22 they get signal trouble, or whatever. Making sure
23 they're doing what they're supposed to be doing.

24 INVESTIGATOR PAYAN: Okay. So you're pretty
25 familiar with the, the UP procedures, the cut-over

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1 procedures?

2 RESPONDENT: Yes.

3 INVESTIGATOR PAYAN: Okay. Have you ever
4 held a job briefing for the EIC, or, not the EIC, the
5 conductor pilots?

6 RESPONDENT: I've never held one, but I've
7 been there for them.

8 INVESTIGATOR PAYAN: You've been there,
9 okay. What's usually discussed for the conductor
10 pilots?

11 RESPONDENT: Well, in this, the conductor
12 pilots, they talk about the limits, the general plan,
13 the idea that, that the goals, you know, the time limit
14 that we're looking at.

15 They talk about how each switch is going to
16 be dealt with, within the limits. And so each switch
17 is addressed as, you know, and, you know, they might
18 say we're going to have signal locks on them, if you
19 need to throw them. That's when you would get a hold
20 of the EIC to signal and we'll come out and we'll get
21 them unlocked for you and help you throw of them.

22 Some of them are under signal lock. Well,
23 actually, almost all of them are. We signal lock all
24 the switches to the limits and climb them, make them so
25 that they're inaccessible, so no one can throw them

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1 without us knowing.

2 And then we work with the pilots. That's
3 discussed, you know, any special moves, if there's like
4 a local working in there or something that, if they're
5 inside of the city limits, or out of a yard, I should
6 say, you know, the crossing protection.

7 The, you know, and we talk about, the person
8 that's holding the meeting, talks about, you know, we
9 ask them that they control, they have control of the
10 switches, you know, in this case where the dispatcher
11 had control that's discussed, they know that, you know,
12 the, again, the limits, who the contacts are.

13 We exchange phone numbers, what radio
14 channels and stuff everybody's going to run on. They
15 run on the road channel, we run a different one, we let
16 them know that, what channel we're on.

17 We talk about risk assessments and, you
18 know, any special things that might be going on in that
19 particular cut-over.

20 INVESTIGATOR PAYAN: Okay. Do they, are
21 they given an explanation about what the work the
22 signal people are doing? I mean, not to the point of
23 the installation process, but the general overview?

24 RESPONDENT: Yes, kind of, you know, not
25 very much. Really, the message we give them is that,

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1 if we're going to foul the track, we will coordinate it
2 with them --

3 INVESTIGATOR PAYAN: Okay.

4 RESPONDENT: -- as far as what we're doing,
5 you know, they don't know if we're taking signals down,
6 or hooking signals up, or setting up track circuits,
7 or, you know, changing wires, so they really are not,
8 they're just concerned with the track.

9 INVESTIGATOR PAYAN: Okay. And now, the job
10 briefings you've attended, is it any discussion on
11 their role on verifying the switch position?

12 RESPONDENT: The job briefings I've been
13 involved in, we've discussed with, every job briefing
14 I've been at, they've discussed that the person at the
15 location needs to verify the switch.

16 INVESTIGATOR PAYAN: And is there a
17 distinction when dispatcher had control, or when it's
18 handed off?

19 RESPONDENT: You know, I, I, I don't
20 remember ever saying anything other than the dispatcher
21 would have control of that switch, and so I don't know
22 that anybody ever really said you need to go verify the
23 switch each time.

24 That was kind of a general statement. If
25 you're at a location, you need to verify the switch and

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1 then, maybe, at a different part. I wasn't at the
2 meeting with this crew, with these guys. But I've been
3 in other ones, so I don't know --

4 INVESTIGATOR PAYAN: Have you ever had an
5 outage where the switches at the limits are still under
6 dispatcher control?

7 RESPONDENT: Gosh, I don't, I don't
8 remember. Yes, I think I have, but I just don't
9 remember a specific time.

10 INVESTIGATOR PAYAN: Okay. So is this
11 uncommon, or --

12 RESPONDENT: No, I think we've done it
13 before, I just don't, you know, I don't think it's,
14 it's not -- yes, maybe it is uncommon, and we don't
15 really do it too often this way.

16 INVESTIGATOR PAYAN: Okay. But, as far as,
17 and I don't want to put words in your mouth, as far as
18 you remember, there wasn't a distinction made for the,
19 for their role, for the conductor pilots at locations
20 where the switches are under dispatcher control, versus
21 the hand throw, for them --

22 RESPONDENT: At the --

23 INVESTIGATOR PAYAN: -- for them to verify?

24 RESPONDENT: At the cut-over meetings that I
25 was with, with the crews I was with, which was not this

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1 one, I don't remember them -- the conversation was that
2 the pilot needed to coordinate with the dispatcher to
3 make sure the switches were lined the correct way.

4 INVESTIGATOR PAYAN: Okay, so --

5 RESPONDENT: So the pilot conductor would
6 talk to the dispatcher and the dispatcher had control
7 of the switches and the pilot needed to verify with
8 that dispatcher that the switch was lined, what the
9 plan was and which way the switch would be lined.

10 INVESTIGATOR PAYAN: Okay. Okay. And did
11 you happen to listen to radio conversations, during
12 your shift that night?

13 RESPONDENT: Yes.

14 INVESTIGATOR PAYAN: Now, I'm talking
15 between conductor pilots and trains.

16 RESPONDENT: I could hear everything Matt
17 Litteral was saying, or hearing. Some of the
18 conversation went to the cell phones, because the
19 radios you can't reach, you know, and, each other.

20 And so when Matt got his plan from the
21 dispatcher, I don't remember hearing him call Jerry and
22 talking to Jerry and saying, you know, you need to
23 throw that guy through, or whatever, that everything
24 was okay. He did ask me, if we were in the clear, and
25 I said yes.

1 And so I didn't hear that conversation. I
2 did not hear Jerry talk the train, the cut pilot that
3 was at 844, I didn't hear that, I couldn't hear that,
4 you know, last time (inaudible) pilot and we could
5 barely hear the guy on either side of us, on the radio,
6 so did a lot of communicating through phones.

7 INVESTIGATOR PAYAN: Now how about any, any
8 dispatcher conversations that you hear, was there any
9 kind of checklist that dispatcher would go through?

10 RESPONDENT: With the pilots?

11 INVESTIGATOR PAYAN: With the pilots, or the
12 EIC.

13 RESPONDENT: Just, this is what we're going
14 to do next and, I did hear, she's, like I said, and I
15 think she talked to Matt a few times about what the
16 plan was and, and what she wanted to do next.

17 And when they give us that information we
18 that's a when we go and verify they -- of course, the
19 pilots were verifying that time, but I've done enough
20 time that I pay attention too, you know, I don't --

21 INVESTIGATOR PAYAN: Sure.

22 RESPONDENT: -- I was, and they make sure
23 that the way is clear ahead of them.

24 INVESTIGATOR PAYAN: So do you recall the
25 dispatcher ever asking somebody to verify the switch

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1 portion?

2 RESPONDENT: No.

3 INVESTIGATOR PAYAN: Okay. Either at the
4 limits, or in between?

5 RESPONDENT: No they didn't ask.

6 INVESTIGATOR PAYAN: Okay. Now, were there
7 ever any hand throw switches used on the night of the
8 accident?

9 RESPONDENT: No. No.

10 INVESTIGATOR PAYAN: No?

11 RESPONDENT: Not that night. We were
12 planning on it, but we didn't get to.

13 INVESTIGATOR PAYAN: Okay.

14 RESPONDENT: The accident happened first.

15 INVESTIGATOR PAYAN: Okay. Any questions,
16 FRA, UP?

17 RESPONDENT: I do, I do remember talking to
18 Jerry and he was parked across the road, up on a hill,
19 so he could get a hold of the trains out ahead and the
20 communications was, if he could've got it, if he could
21 have had good communications, he could've sat next to
22 the tracks. And that was something that was a
23 challenge for him.

24 So he was where he could track -- because
25 you want to get a hold of that train, you know, so that

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1 they can handle their train, coming into the limits,
2 and those radios just don't get out very far.

3 INVESTIGATOR PAYAN: And, Jerry, was the
4 conductor pilot, at 844?

5 RESPONDENT: Yes.

6 INVESTIGATOR PAYAN: Okay, so he was, he
7 would have to drive up to that, that mountain top,
8 nearby?

9 RESPONDENT: On top of a hill (inaudible).

10 INVESTIGATOR PAYAN: I saw somebody parked
11 up there today.

12 MR. CURLEE: We'd like to have one. This is
13 Jim Curlee. Do you think that having a laptop in your
14 vehicle, with the dispatcher's screen available, would
15 help in these scenarios?

16 And I'm not talking just the accident, would
17 it help the entire process, on these big cut-overs like
18 this, so you can see, actually, what's coming down?
19 All the railroad maintenance vehicles have them, so I'm
20 wondering, if it would help, if the construction
21 vehicles did too?

22 RESPONDENT: You know, do I think it would
23 help, yes. I think it would. I think it would help
24 for the train crews to have them, whoever's running
25 those trains.

1 MR. CURLEE: In this case, it would be the
2 conductor pilots?

3 RESPONDENT: In this case, the conductor
4 pilot, the EIC, whoever's running the trains. But it
5 helps you verify what the dispatcher's telling you. In
6 this particular case, where the dispatcher had control
7 of 844, they might have seen that that switch was lined
8 reverse. And other than that, though, inside the
9 limits, you know, you're offline and so there's really
10 --

11 MR. CURLEE: Okay. Yes, I understand.

12 RESPONDENT: -- as far as approaching and,
13 and as far as that goes, leaving.

14 MR. CURLEE: Yes. In --

15 RESPONDENT: You know, I --

16 MR. CURLEE: In this case, any control
17 points that were still active it, from what I'm
18 familiar with the UP system, it would've showed the
19 switch position on that screen.

20 RESPONDENT: That's correct.

21 INVESTIGATOR PAYAN: Interesting. Just a
22 general, for my own, to understand, you're, say you're
23 a conductor pilot and you have to use your cell phone
24 to contact the dispatcher, or the train, or whoever
25 you're talking, well not the train, but your EIC, for

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1 train, does that limit you from going out and verifying
2 a switch, because you're on a cell phone?

3 RESPONDENT: You, it takes longer, because
4 it, like, for example, if they call and say we're going
5 to clear our train through, you know, you'd want to go
6 verify the switch.

7 You got to go back to your vehicle to get on
8 the phone, you know, so it takes a little longer to do
9 that. It doesn't limit you from doing it, you know, it
10 just -- and cell phones probably don't get out real
11 good in some places out there, either.

12 I know the guy that was west of us last
13 night, we couldn't talk to him on the cell phone,
14 unless he went to a special place. He could hear our
15 radio, because it had a little bigger antenna, but we
16 couldn't hear him, so we called him on the radio and
17 he'd call us on the phone.

18 When you're clearing trains through, you
19 know, that just adds an extra level of, how do we find
20 out where everything's going, what's going on, but --

21 INVESTIGATOR PAYAN: Yes.

22 RESPONDENT: -- you know, we take the safest
23 course. It's just, if the radios were clear and you
24 could sit anywhere, it would make a big difference.

25 INVESTIGATOR PAYAN: But even, like you

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1 said, even the cell phones aren't a solution --

2 RESPONDENT: Not always.

3 INVESTIGATOR PAYAN: -- (inaudible).

4 RESPONDENT: Not always.

5 INVESTIGATOR PAYAN: Okay.

6 RESPONDENT: The cut-over's all across
7 Wyoming, Laramie and Rollins, were both my territories
8 and we had to make a lot of provisions for us to be
9 able to communicate.

10 INVESTIGATOR PAYAN: Okay. Mr., FRA.

11 MR. CURLEE: Jim Curlee, again. Is there a
12 procedure in place where the communication system, the
13 handheld radios, truck radios, whatever you guys are
14 using, are tested, prior to the cut-over starting?

15 RESPONDENT: Not specifically that I know
16 of.

17 MR. CURLEE: Okay.

18 RESPONDENT: I know I've talked to
19 communications about trying to enhance that and they
20 said that longer antennas help a lot and, you know, so
21 if you guys have a handheld, you can hook it up to a
22 long antenna, I guess, that, maybe, would make the
23 reception a little better, but --

24 INVESTIGATOR PAYAN: Not always, huh?

25 MR. COLVIN: Can I ask a question?

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1 INVESTIGATOR PAYAN: UP, yes, sir.

2 MR. COLVIN: Yes, this is Keith Colvin, I
3 have one question. When we set up the cut-over
4 trailer, where we run the cut-over out of, Bernie, do
5 we ever test the cut-over trailer radio, to see that we
6 can talk to each location?

7 RESPONDENT: Yes we do.

8 MR. COLVIN: Okay.

9 (Off microphone discussion)

10 INVESTIGATOR PAYAN: Okay. Oh, in your time
11 doing this, do you, in your job requirements, do you
12 ever go out and see if these conductor pilots are doing
13 their job correctly, does that follow under your
14 purview?

15 RESPONDENT: No.

16 INVESTIGATOR PAYAN: No? And do you have
17 recourse, if you do happen to see somebody that's not
18 doing what you think is an adequate job, do you have
19 resources you can do to correct that situation?

20 RESPONDENT: Yes.

21 INVESTIGATOR PAYAN: And what would that be?

22 RESPONDENT: Stop everything. Have a stand
23 down, you know, I, I that's part of the reason I
24 monitor the same channel the trains are on, so that,
25 you know, I, if everybody, I think, out there is what

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1 you have to understand, if there's any kind of a
2 question of what's going on, stop everything.

3 INVESTIGATOR PAYAN: Okay. And do you
4 address it with the conductor pilot, or is there
5 somebody that you need to bring it up to?

6 RESPONDENT: If something like that
7 happened, I would discuss it with my boss and, and I
8 believe, then, they would go through the channels that
9 they chose. I mean, he might handle it himself, he
10 might to the, we have a contact in Train Management
11 that usually is involved in all this MTO, or MOP, or
12 whatever.

13 INVESTIGATOR PAYAN: Okay. Have you ever
14 had reason to do that?

15 RESPONDENT: No.

16 INVESTIGATOR PAYAN: Okay. Anybody else?

17 (Off microphone discussion)

18 INVESTIGATOR PAYAN: UP?

19 (Off microphone discussion)

20 INVESTIGATOR PAYAN: Before I finish, I
21 would like to give the person being interviewed a
22 chance to, I ask him, knowing now what you know today,
23 in hindsight, is there anything that you think could've
24 prevented this accident, either a procedure, a rule, or
25 training?

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1 RESPONDENT: You know, and that's, kind of,
2 a vague -- are you asking me, specifically, as myself,
3 I assume?

4 INVESTIGATOR PAYAN: As yourself, yes.
5 We're looking for any kind of a -- our investigations
6 what we come out is recommendations, to try and prevent
7 the accident, and if you were given the opportunity,
8 knowing what you know today, is there any kind of
9 training, any kind of procedure, any kind of rule,
10 anything that you think would have prevented this
11 accident?

12 RESPONDENT: I thought we covered everything
13 in the job briefings real well. I think that the
14 training, you know, I believe in training, I like
15 training guys, I like to do it myself. And I had a guy
16 with me last night that was new, and I like to training
17 idea, but as far as, you know, the job briefings, we
18 covered everything.

19 We talked to the dispatcher, we even talked
20 to the pilot conductors and the crew, everybody's, we
21 give them, try to simplify it, by keeping one contact,
22 the EIC, and then those EIC and the pilots and the EIC,
23 those two guys talk and each one's responsible for
24 their group. I thought we was covered in the, and I
25 wasn't at this job briefing, but at the ones that I've

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1 been at. Training might help.

2 INVESTIGATOR PAYAN: A little more training?

3 (No response)

4 INVESTIGATOR PAYAN: Okay. All right, well
5 thank you for taking the time to talk to us. I'm going
6 to get your information, so I can send you the
7 transcript of this interview and you can review it.

8 I'll give you a card before you leave and if
9 you think of anything that you think might help us,
10 please, feel free to call me. But, in the meantime,
11 thank you for coming. And we're off the record.

12 (Whereupon, the interview in the above-
13 entitled matter was concluded at (time not given).
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C E R T I F I C A T E

MATTER: Union Pacific Train Accident
Granger, WY March 14, 2016
Accident No. DCA16FR005
Interview of Bernie Sommer

DATE: 03-14-16

I hereby certify that the attached transcription of page 1 to 40 inclusive are to the best of my professional ability a true, accurate, and complete record of the above referenced proceedings as contained on the provided audio recording; further that I am neither counsel for, nor related to, nor employed by any of the parties to this action in which this proceeding has taken place; and further that I am not financially nor otherwise interested in the outcome of the action.



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