

UNITED STATES OF AMERICA

NATIONAL TRANSPORTATION SAFETY BOARD

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Investigation of:

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UNION PACIFIC RAILROAD ROADWAY
WORKER FATALITY IN VAIL,
ARIZONA, ON JANUARY 31, 2021

Accident No.: RRD21LR007

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Interview of: DANNY WOOD, Machine Operator
Union Pacific Railroad

Via teleconference

Thursday,
April 8, 2021

APPEARANCES:

ROBERT "JOE" GORDON, Investigator in Charge
National Transportation Safety Board

JOHN MANUTES, Mechanical Group Chairman
National Transportation Safety Board

MICHAEL HOEPF, Operations Group Chairman
National Transportation Safety Board

PATRICK SHARP, Investigator in Charge
Federal Railroad Administration

SHANE MAPES, Track Safety Inspector
Federal Railroad Administration

ANDREW BOKENKAMP, General Director
Union Pacific Railroad

RANDY RUIZ, Manager, Track Program
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Union Pacific Railroad

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Brotherhood of Maintenance of Way Employes Division

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I N T E R V I E W

(3:03 p.m.)

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2
3 MR. MANUTES: Okay. Good afternoon, my name is John Manutes
4 and I'm an NTSB mechanical group chairman for this accident.

5 We're here today on April the 8th at 3:03 Mountain Time, all
6 of us on the phone to conduct an interview with Danny Wood, who
7 works for the Union Pacific Railroad. This interview is in
8 conjunction with the NTSB's investigation of a tamper accident
9 near Vail, Arizona. As a result of the accident, a track laborer
10 was fatality injured. The NTSB accident reference number is
11 RRD21LR007, and the purpose of this investigation is to increase
12 railroad safety. We are not here to assign fault, blame, or
13 liability.

14 Before we begin the interview today and any additional
15 questions, let's go around the phone and introduce ourselves.
16 Please spell your last name, say who you are representing, and
17 your title. I'd like to remind everybody to speak clearly so we
18 can get an accurate recording. I'll start off and then we'll try
19 to do this by organization, NTSB, FRA, Union Pacific, BMWED,
20 Nordco, and finally, Mr. Wood.

21 So again, my name is John Manutes, I'm a rail accident
22 investigator with the National Transportation Safety Board, and
23 the spelling of my last name is M-a-n-u-t-e-s.

24 Joe.

25 MR. GORDON: Good afternoon, everyone. My name is

1 Joe Gordon, G-o-r-d-o-n.

2 MR. MANUTES: I don't have you, Joe.

3 MR. GORDON: Oh, I'm showing umuted. Can you guys hear me?

4 MR. HOEPF: Joe, I can hear you.

5 MR. GORDON: Oh, okay. All right, Joe Gordon, G-o-r-d-o-n.

6 MR. MANUTES: Let's just do a quick check. Mike, can you
7 still hear me?

8 MR. HOEPF: John, I can still hear you.

9 MR. MANUTES: Well, all right, it looks like my audio
10 might've been bad there. Did you guys all hear Joe?

11 UNIDENTIFIED SPEAKER 1: Yes.

12 UNIDENTIFIED SPEAKER 2: Yes.

13 MR. GORDON: Yeah, I can hear.

14 MR. MANUTES: Okay, I apologize if I stepped on you. It
15 looks like my audio cut out.

16 MR. GORDON: Oh, okay, no problem. Joe Gordon, G-o-r-d-o-n,
17 and I am the investigator in charge for the NTSB for this
18 investigation.

19 MR. MANUTES: Okay, thank you very much.

20 Mike.

21 MR. HOEPF: Good afternoon, everyone. My name is Mike Hoepf,
22 that's H-o-e-p-f. I'm a human performance and assistant safety
23 investigator serving as the operations group chairman for the NTSB
24 on this investigation.

25 MR. MANUTES: Okay, Pat.

1 MR. SHARP: Hi, good afternoon. Patrick Sharp, S-h-a-r-p.
2 I'm the IIC for the FRA in District 7 for this accident
3 investigation, and our accident number is FE2021-01.

4 MR. MANUTES: Thank you.
5 Shane.

6 MR. MAPES: Good afternoon. Shane Mapes, M-a-p-e-s. I'm a
7 track safety inspector out of the Denver, Colorado, area out of
8 District 6, and I'm just assisting with the investigation on the
9 FRA side.

10 MR. MANUTES: Okay, thank you.
11 Andrew.

12 MR. BOKENKAMP: Yeah, Drew Bokenkamp with the Union Pacific
13 Railroad, general director and here with the Union Pacific.

14 MR. MANUTES: Could you spell your last name, please, Drew?

15 MR. BOKENKAMP: Yeah, B-o-k-e-n-k-a-m-p.

16 MR. MANUTES: Thank you.
17 Randy.

18 MR. RUIZ: Randy Ruiz, the last name is spelled R-u-i-z. I'm
19 with Union Pacific, manager, track program.

20 MR. MANUTES: Thank you.
21 Jay.

22 MR. FARRAR: Jay Farrar, last name F-a-r-r-a-r. I'm the
23 director of track program, Union Pacific.

24 MR. MANUTES: Thank you.

25 Danny, I promise we'll come back to you.

1 Adam.

2 MR. ALLEN: My name is Adam Allen, A-l-l-e-n. I'm a vice
3 chairman with the Brotherhood of Maintenance of Way Employes.

4 MR. MANUTES: Thank you.

5 And John.

6 MR. GOBERT: I'm John Gobert, G-o-b-e-r-t, regional service
7 manager for Nordco.

8 MR. MANUTES: Okay. Thank you very much, everybody.

9 So, Danny, let's take this opportunity, why don't you go
10 ahead and introduce yourself and give us your title and then we'll
11 come back. So, Danny, go ahead.

12 MR. WOOD: All right. Danny Wood, W-o-o-d, and I'm a machine
13 operator for Union Pacific.

14 MR. MANUTES: Thank you, Danny. And can I can call you Danny
15 or would you like me to call you Mr. Wood?

16 MR. WOOD: No, Danny's fine.

17 MR. MANUTES: All right, thank you. Do we have your
18 permission today, Danny, to record our discussion?

19 MR. WOOD: Yes, you do.

20 MR. MANUTES: Thank you. And you understand that the
21 transcriptions that are part of the -- will be part of the public
22 docket and we cannot guarantee any confidentiality?

23 MR. WOOD: Yes, I do.

24 MR. MANUTES: Thank you. And we discussed that you had the
25 opportunity to have a representative with you today. I understand

1 you do not have a representative with you today, is that correct?

2 MR. WOOD: That's correct.

3 MR. MANUTES: Okay. Okay, I'm going to say this now so that
4 I don't forget. As we go through any rounds of questioning, we
5 may have two, we may have just one, whatever works for the group,
6 but as we go through rounds of questioning, please clearly state
7 your name and your title or at least who you're with, before you
8 get into your questions.

9 INTERVIEW OF DANNY WOOD

10 BY MR. MANUTES:

11 Q. So I'm going to start. The very first thing I would like to
12 do, Danny, is like we talked about, could you just please give us
13 a synopsis of your work experience, take us, you know, through
14 your time at Union Pacific up to your present job, let us know how
15 long you've been in your current position and just give us a brief
16 overview?

17 A. Yeah, I've probably been -- I've been with Union Pacific
18 since 2005, been a track laborer and then a machine operator,
19 basically running the RLPI, the rail lifter here, and I've been
20 doing that probably for almost, I'll say, 13 years and that's
21 where I'm currently at now.

22 Q. Okay, thank you. And just for the notes, RLPI stands for --

23 A. It's the rail lift plate inserter.

24 Q. Rail lift plate inserter. Okay, thank you. Okay. So the
25 way I'd like to start, Danny, and first of all, my sympathies to

1 you and to your gang for going through this, for having to go
2 through this, for losing your friend, and my apologies for taking
3 2 months to get to this interview. I know that a lot of time has
4 passed and some of this might be difficult to recall and that's
5 okay. Like we talked about, we're just asking you to do the best
6 that you can to sort of go back to that day.

7 So if you could, you know, sort of go back in your mind to
8 the day of the accident. Take your time, I think we have lots and
9 lots of time today. If you find that you talked for 20 or 30
10 minutes, that's fine. If you, you know, only talk for a little
11 while, that's fine, too. But you know, if it helps, close your
12 eyes and just think back to the day, January 31st, back in Vail.
13 You know, maybe you can tell us what you felt or saw as you
14 started the day.

15 I don't know if that means, you know, starting your story,
16 you know, leaving the hole or starting your story leaving the
17 hotel that morning, but if you could sort of in your mind's eye go
18 back to a point in that morning where you can begin to walk us
19 through, you know, how the day was going, how it was -- what you
20 saw and smelt and felt and heard and saw up in the RLPI machine,
21 you know, right through sort of the end of that day for you.

22 So I don't know if you want to, you know, take a breath, take
23 a minute, put yourself back there for us and then, you know, for
24 the benefit of those of us that are trying to improve safety a
25 little bit, give us an idea of what that day was like for you.

1 A. All right. From what I can recall, the morning started off
2 just about like every morning does, we arrived at the machines,
3 had our time to do our walk-around and general inspection of our
4 equipment, filled out the logbook, got our tracking time and
5 headed out to the location where we were going to start replacing
6 ties for the day. Up until, oh, the time of the accident,
7 everything seemed like a pretty normal day for us. Production-
8 wise, I think we were doing okay.

9 I just -- it was a cool morning, I'll sort of add that in
10 there, because before anything had happened, my assistant foreman
11 had walked up to the machine and just asked if he could climb up
12 in the seat there for a minute to get out of the wind. And it was
13 a little chilly, I think, for Tucson at that time, but I just told
14 him yeah, he was more than welcome to crawl up on there.

15 He seat belted up, I started to go back to doing my job
16 plating and it, to me, seemed like I just started to insert the
17 plates on that next tie when I felt and heard the tamper run its
18 work heads into the ground, because it's a distinct sound and
19 feeling when that tamper's operating. And I had looked over to my
20 AF and asked him actually why he was doing closer than he should
21 be.

22 And then that's when it kind of, I guess, popped into my
23 head, where was the ground man that was behind me. I checked the
24 side, the two side mirrors to see if I could see him. The guys
25 actually kind of stand off to the side of the machine so I could

1 see them in the mirrors if I stop, that way I know where they're
2 at and they can see me as I'm getting to ready to continue
3 forward. I didn't see James out of either side of the mirrors,
4 and then when I looked up in my center rearview mirror, that's
5 when I had seen that the tamper had run over the top of him.

6 So up until that point, I believe we were just having a
7 normal day.

8 Q. Okay. So what does it look -- I'm sorry, you said felt and
9 sounds like, so what does it feel and sound like normally and what
10 does it feel and sound like when the tamper heads hit the ground?

11 A. You can always hear the tamping tools going into the ground
12 vibrating and you can feel a little bit through the rail on the
13 machine. But when the tamper heads go down quick and sudden, you
14 can -- and it's close enough, if you're like standing around as
15 the operator is either adjusting things or doing some maintenance
16 to it, you can actually feel the ground, I guess, shake more than
17 normal and the vibrating motors get louder on it.

18 Q. Okay. So you felt that and you probably knew what it was
19 right away. After you looked in the center mirror and you saw
20 Mr. Morgan, I guess, where, under the machine?

21 A. I seen him under the machine, correct.

22 Q. So can you walk us through the next -- the next few minutes?
23 You know, I know it's tough and I hate to do it to you, but could
24 you walk us through sort of what happens next?

25 A. Okay. At that time when I had stated that the tamper had run

1 over James, the AF called for our emergency over the radio, we got
2 -- and I'm not for sure who responded back to us, but they had
3 responded back to -- if we had needed an ambulance or a trauma kit
4 or along that line, so I just stated over the radio, Gin (ph.),
5 our emergency procedure, which we call out three times emergency,
6 which clears the radio for everybody. Told them, told the foreman
7 what had happened.

8 And the machine ahead of me, which is our tie inserter, he
9 backed up to me, dropped the trauma kit off, and at that point in
10 time, my assistant foreman basically was walking towards the
11 tamper, it would've been on my right side of the -- or the right
12 side of the machine, he went that way and I walked around to the
13 left side of the machine, because at the time, we couldn't tell
14 which way James was facing underneath of it.

15 So when I walked around, I seen Ray standing next to the
16 machine. Neither one of us said anything to each other, I just
17 had walked around him to the other side of the machine, to which
18 way James's head was facing, and then at that time, I just got
19 down on the ties so I could lay under there to see, I guess, if
20 there was any medical attention, if he was still breathing,
21 talking, I guess just kind of to assess the situation of what was
22 going on.

23 Q. Okay, okay. Thank you. So you're -- and all right, so the
24 machine ahead is the tie inserter and he can -- he comes back to
25 you while you're still on your machine and he drops off a trauma

1 kit?

2 A. Correct.

3 Q. And then did your foreman grab that or did you grab that?

4 A. I cannot recall who grabbed the trauma kit --

5 Q. That's okay, I understand.

6 A. -- to be honest with you.

7 Q. I understand, that's okay. And when you say right and left,
8 is that with relation to the direction of travel?

9 A. Yes, we were working east to west.

10 Q. Okay.

11 A. Oh, it was west to east, I'm sorry.

12 Q. West to east, right. And so left would be north, I guess,
13 the north side.

14 A. Correct.

15 Q. And so you and your foreman split up and you come around and
16 you see -- you see Ray, and at that point Ray is on, I guess, the
17 north side of the machine, and you said you didn't say anything.
18 What was going on with Ray at that time?

19 A. At that time, he was actually just standing there. He wasn't
20 walking anywhere, he was just kind of standing there. I don't
21 know, I'm not medical trained that far into it, but I don't know
22 if he was in shock or what was actually going through him at that
23 time.

24 Q. Okay. So how close by then was the tamper to the rear of
25 your machine?

1 A. I never actually stepped anything off at the time.

2 Q. No, no.

3 A. But if I -- in my perspective of it, I believe it was around
4 15 feet from me.

5 Q. Okay. Okay, maybe about, yeah, seven, six or seven ties, 15
6 feet, and my experience is that folks on gangs like yours are far
7 better guessing at distances than I am at measuring them, so --
8 but 15 feet, that's a good estimate. I appreciate that, thank
9 you. And so no words spoken with Ray and he -- and Ray was on, I
10 guess -- so Ray's on the north side, you're on the north side, but
11 James is laying facing the south side, so you went around the
12 machine then to go check on James?

13 A. Correct, I did.

14 Q. Okay. And we'll end it, we'll end it here. I'm just curious
15 -- or I'll end my piece of it here, but I'm curious, as a last
16 question before we go around the table, so to speak, was James
17 responsive at that point? Were you able to speak with him?

18 A. Yes, James was responsive at that time. I had asked him what
19 had happened, he said he got run over. I had asked him questions,
20 if anything at the time had hurt, and at that time, he just told
21 me that he was laying on a rock on the tie. He gave me his wife's
22 name and a phone number, and I just tried to sit there and I guess
23 keep him from going into shock and keep him conscious and speak,
24 and so to try to keep him calm while we were waiting for the --
25 the emergency teams to show up.

1 MR. MANUTES: Well, from all of us, thank you for doing that
2 and being so responsive to him. Certainly him and his family, I'm
3 sure, appreciate it and that's a tough, tough spot to be in, and
4 it sounds like you were calm, cool and collected, and I sure
5 appreciate that. I am going to ask that we go around by
6 organization. We'll start with the NTSB, go in the same order
7 that we introduced ourselves, roughly.

8 Mike, would you like to introduce yourself into the record
9 and ask a few questions?

10 MR. HOEPF: Sure. This is Mike with the NTSB. Thanks, John.
11 And yeah, I appreciate -- appreciate the chance to ask a couple
12 questions here.

13 BY MR. HOEPF:

14 Q. I hoped that we'd just talk a little bit more about the
15 operation that day. So I don't have a background at the railroad.
16 Can we just talk a little bit about these machines and just kind
17 of how this works? So there's a tie inserter and then the RLPI
18 and then -- and that's followed by a tamper. Do you think you
19 could just talk us through a little bit about how that process
20 works?

21 A. Do you want to go from the beginning of a tie gang or just
22 from the machines I've mentioned?

23 Q. Whatever makes more sense to you. I mean, I don't need a
24 totally deep dive, but just, you know, if you could just kind of,
25 you know, kind of help to explain to, you know, the public how

1 this operation works a little bit better.

2 A. Okay, we've got -- starting at the beginning, we have what
3 they call spike pullers, which they pull the rail -- or the spikes
4 from the tie plates and out of the ties, their selves. Then it
5 moves back to -- I got to stop and think here now myself. Spike
6 pullers. Move back to the extractor, which is the extractor grabs
7 ahold of the old tie that we're getting ready to replace and
8 removes it.

9 Then behind him, we've got what they call a tie crane, which
10 will -- or scrapper crane, which will pick the ties up, put them
11 in piles off to the sides of the track. Then we've got what we
12 call a scarifier which cuts through, and he digs a hole for us to
13 kind of keep the tie down below the rail so we're not moving that
14 all over. Then we've got an inserting tie crane, which will stuff
15 a tie in the hole for -- whoops, I'm sorry, I skipped the anchor
16 spreader here. We've got an anchor spreader which will spread the
17 anchors to widen the hole for us. Then the scarifier digs the
18 hole. Then we come back to the stuffing tie crane, which will put
19 the tie in the hole. Then it goes back to the inserting trip or
20 TKO, which actually grabs the tie and sticks it back underneath
21 the rail.

22 Then from there on, it goes back to me. I've got anywhere
23 between three and four guys in front of me, they'll clean the rock
24 off the ties, they place the rail plates back on the tie, and then
25 my machine, I come along and I actually lift the rail -- well,

1 supposedly push down on the tie and slide the plates back under.
2 The tamper will come behind that and squeezes rock underneath of
3 it to keep that tie tight up against the rail. And then we've got
4 a set of auto-spikers in the back, which spike it back down for
5 us.

6 Q. Okay, that's really helpful. Thank you. So would you say,
7 you know, you're kind of in the middle, toward the back of this --

8 A. It's more towards the back, but yet it's the middle of the
9 gang, too, if that makes any sense. I'm trying to -- actually,
10 I'll say I'm in the back half of the gang there.

11 Q. Okay, okay. Yeah, it's just kind of interesting to me, I've
12 kind of heard this described as a walking assembly line, is that
13 -- I don't know, does that kind of ring true for you?

14 A. Pretty close to that, yes, we're -- I believe that's probably
15 why they call us a production, because we just keep moving
16 everything. It's repetitive, but yeah, you're not in one position
17 at all times.

18 Q. Um-hum, um-hum. Yeah, and I appreciate that. And so how
19 fast, I mean, how -- you know, is there a pace that everybody kind
20 of moves at or do people kind of -- some people move slower and
21 some people move faster?

22 A. That's kind of a -- that depends on gangs and operators. I
23 mean, for the most part, we all try and move in sequence, I guess,
24 if that's how you want to say it. I mean, we've got our spacing
25 between our machines that we keep. Track conditions will cause,

1 you know, differences in things, obstacles out here on the tracks.
2 But for the most part, yeah, we -- what is it by hour? Give or
3 take. We try and shoot around 300 ties an hour, is what it is.
4 But as my supervisor or manager here says, we have a base number
5 and what we get, that's basically what our goal or our safe number
6 is.

7 Q. Got you. That's really helpful for me, so thank you, thank
8 you for that. So I just kind of want to go back to, you know, the
9 day of the incident a little bit and just, you know, kind of talk
10 about basically just what this -- and I understand it's probably
11 difficult to recall some of the specifics at this point, but, to
12 the extent that you can kind of recall, from your perspective,
13 what is it like to be in this, you know, production line here? So
14 about what time in the morning do you think you got started
15 working?

16 A. Oh, I don't even remember what time we were actually starting
17 out there. It was earlier morning. I'm not a hundred percent
18 sure what time we were actually starting, if we were there at
19 5:30, 6:30, somewhere in there in the morning, I'm not for sure.

20 Q. That's completely understandable. Like I said, we understand
21 there's some difficult memory effects here, so -- and if anything,
22 you know, you're not sure about, just feel free to just answer
23 that way, that's great.

24 A. Okay.

25 Q. So you said, you know, it sounded like it was a cool day,

1 production sounded like it was going okay through the morning. Do
2 you guys take breaks? Are there periodic breaks typically that
3 you would do?

4 A. We have a lunch break. That sometimes kind of falls on the
5 operator or if there's a need to make up, like you've fallen
6 behind, say you've had a mechanical breakdown or maybe tracks just
7 get rough on you that day, and then we're always -- if we need a
8 break, we take a break. Grown men, I guess I should say we don't
9 have to be told when to stop and take one. If we actually need
10 one, we just -- you know, we don't extend it out --

11 Q. Yeah.

12 A. -- but if you need a quick break, I mean, you take a break.
13 If you need to get off the machine, your butt's getting numb, you
14 just need to catch your breath or get yourself woke back up, we
15 just -- we take that time.

16 Q. Yeah. Yeah, I would certainly think that you would need, you
17 know, a break, like you said, just from the vibration and kind of
18 the machine, just to get up and stretch your legs or get some
19 coffee or something. I mean, I understand, again, memory effects,
20 but can you recall, do you think you took -- do you recall taking
21 a break in, you know, midmorning? Do you work all the way until
22 lunch without a break sometimes?

23 A. Yeah, as I explained, we'll take our lunch break usually, and
24 I believe it's between the fifth and sixth hour is how we kind of
25 go, but if we -- I know I had stepped off the machine -- I can

1 recall stepping off the machine to use the -- to go to the
2 bathroom or, you know, take a water back to James or just to sit
3 and talk for a minute.

4 Q. Okay, okay. And so you recall probably taking a break at
5 least at some point in the morning. Do you recall what your
6 discussion was that morning, though, with James, how he was doing
7 that day?

8 A. No, I really don't recall him saying how he was doing or
9 even, I guess, if I even asked him how he was doing that day. I
10 just know I had taken him back a couple of waters throughout there
11 and I guess --

12 Q. Okay.

13 A. -- I don't know if I'll ask, you know, anything beyond that.

14 Q. Yeah. I'm just trying to paint a little bit of a picture
15 here of how this kind of, you know, typical workday goes here. So
16 you carry some waters on your machine, I guess, and that's pretty
17 typical. Do you kind of distribute those to people who are, you
18 know, walking, walking along the ground or is that just something
19 you did just to be friendly?

20 A. No, no. All the machines carry water, and we'll walk them
21 back to the ground men every now and then because sometimes there
22 does get to be a good size gap between you and the person on the
23 ground. So it's just, I guess, one of our things, you just make
24 sure that they've got what they need back there, too. So if you
25 need to back up, sometimes we might just set them on the ties for

1 them. I don't actually have a cooler on the machine. I like my
2 water a little room temperature, I'll say, so I have it in the
3 cab, so I get off and I just walk the water back to whoever's
4 behind me.

5 Q. Got you, got you. So do you recall what time you stopped for
6 lunch that day?

7 A. No, I don't recall what time we did stop for lunch or if
8 myself, if I did stop for lunch.

9 Q. Oh, okay, so you're not -- and that's totally okay, at least
10 I understand memory effects at this point. But if you had to
11 guess, would you say you did or you didn't stop for lunch or
12 you're really not sure?

13 A. I'm really not for sure on that.

14 Q. Okay. And that's totally -- that's okay. So I'm just -- if
15 you -- on a typical day, if you got started, say, I think you said
16 maybe you got started around 6:00, what time would you typically
17 stop for lunch?

18 A. Like I said, it's usually five and a half, six hours in
19 between, so if we start at 6:00, I'd say somewhere between 11:00,
20 11:30, noon.

21 Q. Okay, okay, I got you. And do you have a time stamp for when
22 you think the incident occurred, in your mind?

23 A. Your know, honestly, I don't even recall what -- what time
24 the accident actually even happened. I believe we were late
25 morning hours or early afternoon. I don't know if I'm blocking it

1 out or if I really don't recall what time it was.

2 Q. Yeah, that's totally -- that's totally fine, that's totally
3 fine. We're just getting what we can here. So when you do stop
4 for lunch, do you guys typically pack a lunch or stop off at a
5 local restaurant or does it just depend? I mean, is it for a half
6 an hour, maybe an hour?

7 A. We usually take a half-hour lunch. We pack everything in
8 with us out here. Lunches, raincoats, everything we need, we
9 usually have with us so we can make it through the day. Once we
10 leave our vehicles, what we have with us basically is what you've
11 got.

12 Q. Okay, okay. I got you, I got you. Okay, so let me just --
13 let me just talk a little bit more about kind of the work process.
14 You said it sounded like, to your recollection, production was
15 going okay. So there's a tie inserter in front of you -- is the
16 tie inserter in front of you? Is there anybody on the ground --
17 was there anybody on the ground in front of you walking or was it
18 the next person or the next thing in front of you was the actual
19 piece of equipment at the time, sort of?

20 A. I have three guys -- that morning I had three guys in front
21 of me, that's between myself and the tie inserter, two guys
22 that'll what we call hook and set the plates on the tie for my
23 machine, and then we've got a guy up there that was shoveling rock
24 off the ties.

25 Q. Okay, all right. And so how much -- what's the distance that

1 you keep away from the people in front of you?

2 A. The minimum I keep is 25. I usually try to stay back a
3 little bit further than that. With looking down all the time,
4 you're looking down at each tie as you're going in, so I want to
5 give myself enough time when I look up that I see clearly where
6 all the three of the guys, or four, whoever's in front of me, I
7 know where they're at.

8 Q. Um-hum. Yeah. So yeah, how does that -- I mean, how does
9 that work? Do you have kind of a -- sort of an internal thought
10 process of, you know, how you manage doing your work versus kind
11 of managing that distance? Do you kind of periodically look up,
12 or do you kind of phase that into what you're doing, is that what
13 you're saying?

14 A. Yeah, I try and -- I guess maybe doing it for so long, it's
15 mentally built into myself, but every tie, you want to -- I want
16 to look up, and whether I do or don't, like you said, it's just
17 all repetitive now to me, but I want to make sure that at least
18 every couple ties, I want to know where them guys are that, that
19 somebody -- by the time I was looking down to put those plates
20 under there, that maybe somebody has missed a plate and had walked
21 back up to a few ties ahead and found an extra one and was
22 bringing it back to me. So I just want to make sure that they've
23 got their space and that they feel comfortable.

24 Q. Um-hum, um-hum. And --

25 A. So I --

1 Q. Oh, I'm sorry, let me --

2 A. I'm sorry. I think it's just in my mind, I've got myself
3 trained to look up every time I move that machine from tie to tie.

4 Q. Yeah, I mean, like I said, it almost sounds like it's kind of
5 built into your sequence, you know, to look up in between ties to
6 kind of gauge that distance. So thank you for that. So are there
7 any challenges, has that ever been -- you know, have you ever had
8 an issue maintaining that distance?

9 A. Personally, I believe, no, I haven't.

10 Q. Okay. And so let me -- let's turn to talk about the extent
11 that you recall, you know, looking back in the other direction
12 behind you. So as you're going back through the day, how far back
13 would you say would be the range of how far behind you Mr. Morgan
14 would be?

15 A. He generally was 25, if not more, feet behind me. He kept
16 his spacing very well from me.

17 Q. Okay, so at least 25 feet.

18 A. At least 25 feet.

19 Q. Is he required to keep a distance from you, from the machine?
20 I mean, is there like a rule for him to stay a certain amount of
21 distance away from you?

22 A. Yes. Yes, we have a -- we have the 25-foot minimum.

23 Q. Oh, okay. So that's basically the rule is to keep at least
24 25 feet.

25 A. Yes.

1 Q. Okay. And how about -- how about Mr. Garcia, about how far
2 away was that tamper from you throughout the day? About what
3 range would you say?

4 A. On that, there's times he was maybe up to a quarter mile
5 behind me.

6 Q. Okay. And what would be -- what would be the closest that he
7 got to you under the normal, you know, working circumstances?

8 A. Under normal working circumstances, they've got it set in our
9 rules for 70-foot, and he stayed well beyond the 70-foot. So I
10 mean, he never -- I don't recall him ever coming any closer than
11 70 feet.

12 Q. Okay. And I know that you already kind of talked with John
13 about this, about, you know, your recollection of the accident.
14 But if we could just kind of approach that again, did you notice
15 Mr. Garcia getting a little bit closer to you by looking in your
16 rearview mirror at all, or was it the sound that caused you to
17 direct your attention behind you?

18 A. It was the sound and the vibration that caused me to look
19 back to see him that close to me.

20 Q. Okay. So up to that point, you hadn't noticed any spacing
21 issues?

22 A. No, I had not noticed any spacing issues up until then.

23 Q. Okay. And so, again, I just -- so you heard the, you know,
24 tamper heads dropping and was there -- what about that got your
25 attention? I mean, was it a different sound than normal

1 operations or was it the same sound that you would hear the tamper
2 making at any time, and it was just distinct to you because it was
3 closer?

4 A. It was actually louder and actually, I could feel the
5 vibration a lot more than the normal, normal day.

6 Q. Okay, so was your interpretation of that that -- I mean,
7 first, I'm sure you were just reacting to, you know, hearing that
8 and feeling the vibration there, but, you know, did you arrive at
9 the conclusion then that this was an atypical situation just based
10 on the louder volume of the noise and the vibration?

11 A. I guess what I recall saying, you know, why is he so --
12 what's he doing so close to me? Yeah, it just -- it wasn't
13 typical for that to be -- the sound or the feel to be that close
14 to me. If I answered your question the way you're asking it.

15 Q. Yeah, yeah. No. Well, you did. So I guess what I'm driving
16 at is I'm just trying to -- to the best extent you can recall, you
17 know, if we can kind of unwind this before you even get out of the
18 cab, so kind of walk me through to the extent that you can
19 remember, you hear this noise, you looked in your rearview mirror,
20 you see that the tamper is closer than it should be, what did you
21 do at that point? Did you immediately exit your -- the cab of
22 your vehicle?

23 A. No. At that time, like I said, I checked both side mirrors
24 and couldn't see anybody there and -- but the first thought in my
25 mind was why was he so close, and then it -- I guess it registered

1 in my brain that, you know, I couldn't see my ground man anywhere,
2 where was he at? I don't know why that thought didn't come first,
3 but the first was, why is he so close?

4 Then it came to checking the mirrors to see where he was at,
5 and when I couldn't see him and then looked up in the center and
6 seen him under there, I actually -- if I recall right, when I got
7 off the machine to grab the radio to initiate the emergency action
8 again, my machine was in mid-cycle. If I lift my butt off my
9 seat, it kills my hydraulics, and my machine will stay in the
10 position it's in. And when they had gotten James loaded up and
11 headed to the hospital, when I got back to my machine, I had
12 realized that yeah, it was still in basically mid-cycle. So as
13 soon as I called the 911 or for the emergency, that's when I
14 exited the machine.

15 Q. Okay, okay. I got you, I got you. So sort of the process
16 here is hearing, feeling the vibration. At that point, you look
17 in the mirrors, discover there's an emergency situation, notify
18 emergency personnel. At that point, you get out of the cab of the
19 vehicle. So at that point, if you recall, do you recall if
20 Mr. Garcia had exited the cab of his vehicle? Was he already
21 outside the cab of his vehicle at that point?

22 A. Yes, he was already outside of his cab as I was coming
23 around, I guess we decided it was the north side of the tracks
24 there.

25 Q. Okay. And so I know you said that Mr. Garcia seemed to be

1 possibly in a state of shock, wasn't really saying anything. Did
2 you speak to him at all?

3 A. I never said anything as I walked around him, and he never,
4 never spoke to me either.

5 Q. Okay. I guess, you know -- and don't take this as
6 questioning you or anything like that, I'm not trying to challenge
7 on that, but is there a reason that you didn't say anything to
8 him? I mean --

9 A. I don't know if I was just concentrating on James underneath
10 there or, you know, knowing that he had -- or I guess assuming
11 that he had been run over, that that's why I didn't say anything
12 when I got out. I guess, yeah, I never even asked him if he was
13 okay or, yeah, I just -- I guess my mind was just on James
14 underneath the machine at the time.

15 Q. I got you, I got you. So it was really more -- the question
16 wouldn't be why didn't you talk to Mr. Garcia, the question would
17 be why did you talk to Mr. Morgan, who you were obviously
18 responding to in the emergency situation at that point.

19 A. Correct.

20 Q. Okay, okay. I got you, I got you. So let me just ask you
21 this. What do you think happened, you know, based on just your
22 perspective from this?

23 A. I honestly don't know. I'm hoping you guys figure that out
24 so I know.

25 Q. Okay. And did you ever get understanding of why the tamper

1 heads were dropped instead of, you know, Mr. Garcia simply
2 applying the brakes?

3 A. As far as I knew, I guess I didn't speak with anybody on
4 anything to understand why, I just, I guess, in my mind, assumed
5 something had failed. I guess maybe that's what I was hoping,
6 that it was a mechanical error, that it was an issue with the
7 machine and that's why he had slammed the work heads into the
8 ground, because maybe the brakes had failed or there was some
9 other mechanical failure with it.

10 MR. HOEPF: Okay, great. Hey, thank you very much for your
11 time. That's all the questions I've got for you right now. I'll
12 turn it back over to John, thanks.

13 MR. MANUTES: Thank you very much, Mike, I really appreciate
14 that.

15 And thank you, Danny, for all those answers.

16 Let's continue to go around the phone. Joe.

17 BY MR. GORDON:

18 Q. Yeah, this is Joe Gordon with the NTSB. Danny, once again, I
19 just want to say thank you so much for spending some time with us
20 today. I just really have one question on the emergency call. To
21 your knowledge, were you and your assistant foreman that was on
22 the machine with you, was that an emergency call that you guys
23 made, that was the initial emergency -- that was the initial call
24 for emergency?

25 A. Yes, that was the initial call that cleared the radio and to

1 get somebody with a cell phone to call the 911 to get somebody on
2 their way out there.

3 Q. Okay. And you said that when you looked back in your
4 rearview and Mr. Garcia was standing beside the machine, that was
5 -- that was where you saw him when you initially picked him up in
6 the mirror. But to your knowledge, you didn't see him coming back
7 from like the south side of the machine or anything like that, he
8 was just -- when you first put eyes on him, he was standing on the
9 north side close to the machine?

10 A. Yeah, I didn't see Ray in the actual mirror, I didn't see Ray
11 until I had stepped off the machine to come around. But yeah, I
12 never seen him come from anywhere out of the machine, I just
13 actually seen him on the ground as I was -- as I was coming around
14 it.

15 MR. GORDON: Okay, okay. Yeah, that's all I have right now.
16 John, if you want to -- I guess we'll go to UP next.

17 MR. MANUTES: Yeah, let me -- no, actually I was going to FRA
18 next, if that's okay, but let me --

19 MR. GORDON: Oh.

20 MR. MANUTES: -- do a quick administrative thing here.
21 Randy, do you -- Randy Ruiz, do you have contact with our next
22 interviewee, Thane? And I wonder if we can just push him back 30
23 minutes if we need to.

24 MR. RUIZ: Yeah, I'll contact his manager, Jamie Becker, and
25 tell him that we're going to push him back 30 minutes.

1 MR. MANUTES: Thank you very much, I appreciate that. Okay.

2 MR. RUIZ: I'm going to step out just for a little bit.

3 MR. MANUTES: Okay, thank you.

4 Pat, with the FRA, do you want to ask any questions?

5 MR. SHARP: Hi, Patrick Sharp with the FRA. Danny, thanks so
6 much for the time you're taking here with us. I don't know if
7 John told you, but we're doing the -- we're joined together in
8 this investigation to help each other, the NTSB and the FRA, with
9 this, working with the UP and Nordco and the union and all the
10 other people involved here to try to figure out what happened
11 here.

12 And I know this is difficult and has been difficult for you
13 to have to deal with, but we do really appreciate that, and on the
14 FRA side, you know, we send our condolences also for the loss of
15 the UP employee, your friend and coworker. And I just appreciate
16 that you've been able to go back -- it's been some time and
17 difficult for you to have to rehash a lot of this stuff and -- but
18 I don't -- I think we've kind of covered what I was thinking about
19 on my question side.

20 And Shane Mapes is also on here with us, and I'll let him, if
21 he has any questions. He may have some, but I don't, and I just
22 appreciate your time here, Danny.

23 MR. WOOD: All right, thank you.

24 MR. MANUTES: Okay, thank you, Pat.

25 Shane.

1 BY MR. MAPES:

2 Q. Hi, Danny. Shane Mapes with the FRA. I really don't have
3 many questions at all. I guess the only one I might have is in,
4 you know, your 13 years experience out on the gang, have you ever
5 had a situation where your equipment had any brake failures or
6 gone out in front of you at all?

7 A. Personally, no, I have never had an issue with the piece of
8 equipment that I've been on.

9 MR. MAPES: Okay. So I was just curious. I appreciate it,
10 thank you.

11 MR. MANUTES: Okay, thank you, Shane.

12 Let's go to the Union Pacific. I think I'd like to -- I know
13 Randy's probably out at the truck or working on some things, so
14 Andrew -- Drew, let's maybe start with you.

15 BY MR. BOKENKAMP:

16 Q. Hi, Danny. Appreciate you hanging on here. I know it feels
17 like you're being asked a lot of the same stuff, but you're doing
18 a good job, so appreciate it. I just got a couple questions here
19 real quick. So when you went back there, Danny, and you saw Ray
20 and he was obviously, it sounds like, in some shock, was he --
21 what was he doing? Was he like looking underneath the machine or
22 was he just kind of standing there? What was he doing when you
23 went back there?

24 A. As I passed and he kind of -- he had his -- he was just
25 standing there, but he had his back towards the machine, so he was

1 facing away from it.

2 Q. Okay.

3 A. Yeah, like I said, he just -- I guess basically he was facing
4 away and looking down kind of towards the ground, away from the
5 machine.

6 Q. And from the time that you kind of felt the vibration or he
7 put the work heads in the ground to the time you went back there,
8 about how -- just roughly how long do you think that was?

9 A. In my mind, if it was 2 or 3 minutes, that might be a little
10 too long. Pretty instantaneously, I think.

11 Q. And when you went back there, did you -- it sounds like you
12 guys, you know, looked at each other, made some eye contact or
13 whatever it might be. Did you get the impression -- did Ray know
14 that he had hit the gentleman at that time?

15 A. I guess maybe just by -- with him standing there and with the
16 look and demeanor he had, that I believe he knew that he did. But
17 as for saying positively, I can't.

18 Q. Okay.

19 A. Just, you know, in my opinion or perspective of it, I believe
20 he did.

21 Q. Okay. And when you went around to the other side to kind of
22 attend to James, did Ray eventually come around or what did he do
23 when you were doing that?

24 A. I guess I don't recall if he did come around or not. I tried
25 to belly down on the ground and had kind of made my way up under

1 the machine a little bit so I could make eye contact with James,
2 and he kind of was reaching out, so I held his hand while we were
3 there, and then I was trying to get close enough that I could hear
4 him. He spoke soft anyway, and then under the circumstances, it
5 was even a little more softer than normal.

6 MR. BOKENKAMP: Sure. Okay, I think that's really all the
7 questions I have there. Thanks, Danny.

8 MR. MANUTES: Yeah, thank you, Drew and thanks, Danny.

9 Jay, do you want to ask any questions?

10 MR. FARRAR: Yeah, I do, actually.

11 BY MR. FARRAR:

12 Q. Hey, Danny, can you hear me okay?

13 A. Yes, I can hear you, Jay.

14 Q. Thanks a lot for being on here today, you know I appreciate
15 it. I know I'll just see you soon, but I just have a couple.
16 Prior to what happened, when you were just in your machine
17 operating before you heard, was there an excessive amount of radio
18 commotion going on or was it just normal? Like when you had to
19 break into your emergency call, was it like the radio chatter's
20 bad or was it, you know, not a lot going on? Do you recall that?

21 A. If I recall right, this gang's usually pretty good on the
22 radio, it has been really quiet, it's kind of nice. So I don't
23 believe there was -- as I recall, there wasn't any excessive
24 chatter on the radio.

25 Q. Okay. And then the only other thing is, is you said that you

1 were -- when you first noticed Ray being behind you and the
2 machine being that close, you kind of took exception to that. Is
3 that because there's a process to get that close or you took
4 exception because it was even closer? Walk me through what your
5 normal process is if you want to get close to machines.

6 A. Okay. My normal process is, if we need to bunch up for any
7 reason, first we need to have a job briefing on it, on how we're
8 going to go about closing the gap or bunching up. And then under
9 the circumstances, I would get off the machine and flag him in to
10 me to where both of us, I could see him and he could see me, and
11 then I would flag him in to a certain distance that we agreed upon
12 in a job briefing.

13 Q. Because I think what you're telling me is, is he was closer
14 than what you guys call allowable to get without there being a
15 ground person to (a) have a job briefing and then (b) to bring you
16 in closer, is that what I'm understanding?

17 A. Yes, Jay.

18 Q. Okay. And then the last question. For people that are
19 around your machine, like if you want to move forward or you want
20 to move backwards or you want to notify them, what's typically the
21 way you notify them? How do you get somebody's attention?

22 A. If I've been sitting for an extended time or I need to, I
23 guess, go beyond the 25 -- what I call the 25-foot working limit
24 there, if I'm going forward, I'll give two honks of the horn and
25 wait until they acknowledge me, and then I'll make my move. If

1 I'm going to go in reverse, I use three horn blasts and then make
2 sure that the tie marker or whoever's behind me clears the tracks
3 before I make my move.

4 Q. Okay, so you typically -- as a machine operator, are you the
5 only one who does that, or is that normal to say you usually use
6 the horn for audible warnings to let -- to try to get somebody's
7 attention?

8 A. That's just how everybody, I guess, out here, we talk to it
9 at job briefings and things like that, that's kind of our policy
10 is we honk twice to move forward and three times to move
11 backwards.

12 MR. FARRAR: All right, that's all I had. Thanks a lot,
13 Danny, I appreciate you taking the time today.

14 MR. MANUTES: All right, thank you, Jay.

15 Is Randy back with us?

16 MR. RUIZ: Yeah, I'm back with you. I haven't been able to
17 contact those guys, so I don't know when Thane can get on here. I
18 just have one -- I stepped out to try and talk, so I'm not sure
19 what was covered. I just want to cover one thing with Mr. Wood
20 here.

21 BY MR. RUIZ:

22 Q. You know, obviously, I was there with your guys and I've been
23 writing down, you know, all the information as we go, and I know
24 you don't have to write down information like that on a daily
25 basis for reporting purposes and such, but -- and I know every

1 project we go to is a different starting time, but I have that we
2 started at 0800 at Vail and we took the track at 9:28 that day at
3 Vail or at the siding there that we were tied up on. Does that
4 sound about right?

5 A. That sounds -- yeah, I know the sun was up when we --

6 Q. Right. So I just wanted to clear that, it wasn't as early as
7 you thought it was. So you said we normally take lunch between
8 your fifth and sixth hour. If you started at 8 o'clock, when
9 would that have been?

10 A. About 1:30 -- 1:00, 1:30, somewhere in there.

11 Q. Yeah. And that was -- the accident happened before that, so
12 you probably wouldn't have normally taken lunch before that,
13 right?

14 A. Correct, correct.

15 MR. RUIZ: Okay, I just wanted to make that point because I
16 know that was one of my -- one of the things that perked me up as
17 we were going through here. That's the only question I had, I
18 wanted to clarify it.

19 MR. MANUTES: Okay, Randy. And I appreciate you trying to
20 get a hold of Thane. I heard from -- I forgot his name. Anyway,
21 that's for the next call. We'll just keep going. Just
22 administratively, Thane, you're not on, are you?

23 MR. WHITESHEEP: Mr. Whitesheep is here now.

24 MR. MANUTES: Okay, could you -- would you mind jumping off?
25 Could you hang up for now and dial back in at 4:30 your time? We

1 ran a little long here.

2 MR. WHITESHEEP: Four thirty?

3 MR. MANUTES: Would you mind doing that for us?

4 MR. WHITESHEEP: Okay.

5 MR. MANUTES: That's 30 minutes from now, 28 minutes from
6 now.

7 MR. WHITESHEEP: Okay.

8 MR. MANUTES: Thank you, sir, appreciate that.

9 MR. WHITESHEEP: Yeah.

10 MR. MANUTES: We'll talk to you real soon.

11 MR. WHITESHEEP: Okay.

12 MR. MANUTES: Okay. Let's see if I can find my place in my
13 notes here again. Okay, so that was Randy with the Union Pacific.
14 I'm not sure you said that.

15 Let me go to Adam with the BMWED, would you like to ask any
16 questions?

17 MR. ALLEN: Yeah, that would be good.

18 BY MR. ALLEN:

19 Q. Hey, how you doing, Danny?

20 A. Good. How are you?

21 Q. Oh, not too shabby. Just a couple questions. What kind of a
22 schedule were you guys working? Were you on like a five/eight
23 schedule or were you on compressed halves?

24 A. We were on compressed halves.

25 Q. All right. Do you recall which day of the half you guys were

1 on?

2 A. No, I don't recall without having to look at a calendar to
3 look back to see where we were at.

4 Q. But it wasn't the first -- it wasn't the first day of the
5 half, correct?

6 A. I don't believe so, no.

7 Q. Okay. Ten-hour days, I'm assuming?

8 A. Yeah, we were running 10-hour days.

9 Q. All right. Had you guys worked any overtime that half, that
10 you can recall?

11 A. Not that I recall, we didn't.

12 MR. ALLEN: All right. I think that's all I got for you,
13 Danny.

14 MR. WOOD: All right, thank you.

15 MR. MANUTES: All right.

16 MR. ALLEN: Thanks for your time, man.

17 MR. MANUTES: Thank you both.

18 John Gobert from Nordco may have to drop off, so let me ask,
19 John, are you still on?

20 MR. GOBERT: Yeah, I'm still on here. I don't have any
21 questions.

22 MR. MANUTES: Okay, thank you for that. I believe we've gone
23 all the way around one time.

24 BY MR. MANUTES:

25 Q. Danny, thanks for hanging in there. Obviously, this is

1 longer than I told you to expect and I apologize for that, but the
2 reason for it is you're giving us some really good information and
3 some things that I hope that we can build on as a team to figure
4 this out. So thanks for hanging in there a little bit longer for
5 us. I'd like to --

6 A. No problem.

7 Q. Thank you. So I'd like to follow up on a couple of items. I
8 understand, based on what you've told everybody, that a lot of the
9 work that you do gives you a very strong sense of the noise and
10 the vibration and the feeling through the rail through the seat,
11 into the seat of your pants and what's going on around you. Did
12 you notice that day any -- other than the tamper work heads
13 hitting the ground at the moment of the accident, any other
14 indications that something was wrong with the tamper during the
15 day?

16 A. No --

17 Q. Even though I know it's behind you, but --

18 A. No, I don't believe so.

19 Q. Okay. And have you -- I guess, have you ever had your
20 machine struck from behind by another piece of work equipment? I
21 mean, you know, not stopped short and actually swapped some paint.

22 A. Yes, I have.

23 Q. And what would those -- are those sometimes mechanical
24 failures? I guess, have you experienced mechanical failures with
25 the machine behind you, brake failures, runaways, things like

1 that?

2 A. I have not, no.

3 Q. Okay. So I'd like to just, one more time, maybe just walk
4 the next couple of minutes, I know it's tough, but where you left
5 off, you had passed Ray, you'd gone around to the other side of
6 the machine and you had begun to support James and triage James
7 and see how he was doing. When did you see Ray again, if ever?

8 A. I think, if I recall, the last time I had seen Ray was
9 walking down to Randy's truck after James had been airlifted.

10 Q. Okay, so that's quite a while. I mean, oh, that's a while
11 later.

12 A. Yeah. And that was, I guess, from a distance, too, that
13 wasn't -- I wasn't real close to him at that point.

14 Q. Did you stay with James -- well, how long -- I'm sorry, let
15 me rephrase that. How long did you stay with James before you
16 left James's side?

17 A. I stayed with him until the actual EMTs showed up and asked
18 me to -- well, I guess I asked them if I could get away or move
19 away so they could do what they needed to do.

20 Q. Okay. And, Danny, my next question is going to sound
21 insensitive, and I don't know any other way to ask it, so I'm just
22 going to apologize first. But in the time that you spent with
23 James, did you see Ray come talk to James or visit James or
24 anything in that whole time?

25 A. Not that I recall, no, I didn't see him. I can't say if he

1 was behind me or anything like that because I was on the ground --

2 Q. Sure.

3 A. -- underneath the machine, like having -- no, I don't believe
4 I had. I didn't.

5 MR. MANUTES: Okay. And I apologize that I even had to ask
6 that. That's going to be my last question. I believe this next
7 round will probably be a little shorter, but everybody gets an
8 opportunity here.

9 Mike, would you like to ask any other questions?

10 MR. HOEPF: Thanks, John. Yeah, I don't have much, I just
11 want to follow up on a couple quick things.

12 BY MR. HOEPF:

13 Q. Danny, thank you again very much for your time. I understand
14 this is very difficult. Let me just ask you real quick, I'm
15 curious, when you were hit from behind, can you tell us what
16 happened? I know that was a totally unrelated incident, but do
17 you know what the cause of that was?

18 A. I'll say human error on that one. We were traveling
19 machines, I was having -- I started to experience a mechanical
20 issue with my machine, which was causing it to slow down slower
21 than normal speed. Had called over the radio for mechanics. I
22 called for the machine behind me, didn't get a response, called
23 again, didn't get a response, and at the time, the machine was
24 still -- I was still moving and then felt the impact from behind.

25 Q. Okay, I got you. So you didn't -- you never learned the

1 specific cause in terms of if the operator had fallen asleep or,
2 you know, was distracted on their cell phone or whatever, you
3 never got a chance to learn about why specifically they hit you?

4 A. I went to the hearing on it, I guess, I don't know if I
5 didn't fall up -- or follow up with it or if I've just forgotten
6 over the time, but no, I don't believe I do recall why, why it
7 happened.

8 Q. No, that's totally okay, I just -- we're just trying to
9 understand -- you know, I'm just trying to understand what are
10 some of the factors that might cause somebody to, you know, bump
11 into somebody in front of them. So, again, I just want to -- you
12 know, this is difficult, but I just want to ask kind of one more
13 time about this emergency response situation. I understand that
14 you're responding to an emergency. You know, you probably weren't
15 thinking much about Mr. Garcia at the time, you know, responding
16 to Mr. Morgan, but did you find it odd that he wasn't responding
17 to Mr. Morgan at that time? Did that strike you as something that
18 was strange or did you attribute his behavior to something in
19 particular?

20 A. I guess maybe that -- I guess he didn't want to see, maybe,
21 what had happened. Maybe not wanting to see what condition James
22 was actually in or if, you know, maybe in that matter of minutes
23 or time that it took me to get from my machine back there, if he
24 did look -- like I said, I didn't see him get off his machine, so
25 I'm not for sure what side he actually crawled off of, if he

1 looked or not. But I did find it strange that -- I guess, now
2 that you mention it, that he wasn't there looking or offering some
3 kind of help.

4 Q. Um-hum, um-hum. Well, let me ask you just a final couple of
5 -- these are just standard sort of, you know, questions. Did you
6 know Mr. Garcia well at all from work? Were you guys friends,
7 work together much?

8 A. I actually -- this would've been, that I recall, my first
9 time working with him. Maybe a few of our working halves that I
10 had worked with him or actually James, for that -- in that fact,
11 too.

12 Q. Okay. I was just going to ask you if you had an assessment
13 of, you know, his performance as a machine operator, but it sounds
14 like that wouldn't be a good question for you because you don't
15 have an experience working with him. So the only question that I
16 have for you is, do you have any suggestions for us, as an
17 investigative body, to -- anything else that we -- any other
18 threads we should pull, anybody else we should talk to or any
19 suggestions for safety enhancements in the future?

20 A. Not right off hand I don't. It's kind of just -- just one of
21 those things you need to think about or maybe reflect on that you
22 don't want to.

23 MR. HOEPF: Yeah. Well, thank you very much for your time
24 today, Danny, we really appreciate it.

25 John, I'll turn it back over to you.

1 MR. MANUTES: Okay, Mike, thank you very much.

2 Thank you, Danny.

3 Joe.

4 BY MR. GORDON:

5 Q. Yeah, this is Joe Gordon with NTSB. Danny, just one question
6 going back to your time -- you said you worked as a laborer on the
7 production gangs prior to becoming an operator, is that right?

8 A. Correct.

9 Q. And you were doing similar ground work, either plate removal
10 or marking down ties, that kind of work?

11 A. Yes, correct.

12 Q. Okay. Did you ever experience any near misses with machines
13 any time where you had to step out of the track and get out of the
14 way of anything, or was the spacing pretty much maintained when
15 you were out there doing that work?

16 A. As far back as I can recall, the spacing was maintained while
17 I was there. I've never had any -- other than being hit from
18 behind, I've never had any close calls out here like that.

19 MR. GORDON: Okay. Yeah, just that's a good, good
20 perspective to know how long you've been around it and know that
21 that's -- that, you know, you guys have that orchestrated as far
22 as that ground person and machine operator keeping a visual on
23 them. So I appreciate the time you spent with us.

24 That's all I've got, John.

25 MR. MANUTES: Okay, Joe, thank you.

1 FRA, Pat?

2 MR. SHARP: Pat Sharp with the FRA. I don't have any more
3 questions, Danny. Thanks again for being here.

4 MR. WOOD: Thank you.

5 MR. MANUTES: Okay, Shane.

6 MR. MAPES: Shane with the FRA. No more questions. Thank
7 you for your time, Danny.

8 MR. WOOD: Thank you.

9 MR. MANUTES: Okay. Thank you, Shane.

10 Drew, UP.

11 MR. BOKENKAMP: Yeah, I don't have anything else for you.
12 Thanks, Danny.

13 MR. WOOD: Thanks, Drew.

14 MR. MANUTES: Thanks, Drew.

15 Jay.

16 MR. FARRAR: No, I'm good.

17 Thank you, Danny.

18 MR. WOOD: Thanks, Jay.

19 MR. MANUTES: Randy.

20 MR. RUIZ: No, I have nothing else.

21 Thank you, Danny.

22 MR. WOOD: Thanks, Randy.

23 MR. MANUTES: Okay, Adam, BMWED.

24 MR. ALLEN: No, I have nothing else.

25 Thanks, Danny.

1 MR. WOOD: Thanks.

2 MR. MANUTES: And John, Nordco.

3 MR. GOBERT: Yeah, I have no further questions.

4 Thank you, Danny.

5 MR. WOOD: Thanks.

6 MR. MANUTES: Okay, all right. Danny, again, everybody said
7 thank you. The team really appreciates your time today, and we're
8 very, very sympathetic and very sorry, and we send our sympathies
9 for what you've gone through. And I learned a lot today about
10 your response, and thank you for that on behalf of really the
11 whole industry. We really appreciate that you were -- you were
12 right there and were able to do what you did.

13 To follow up on something that Mike said -- and again, I'm
14 sorry, this is John Manutes, NTSB. Do you have anything that you
15 would like to add that we haven't asked you about the situation?

16 MR. WOOD: No.

17 MR. MANUTES: Really, anything at all.

18 MR. WOOD: No. Other than everybody keeps thanking me and it
19 was the gang that responded well. They did their part with
20 clearing the radio, getting back the emergency -- the trauma kit
21 that we needed and getting the EMTs to James and to the incident,
22 the way we've job briefed about it, the way we planned it, and it
23 just -- it wasn't just me, it was the whole part of the gang that
24 got -- got us to where we are here.

25 MR. MANUTES: Okay, that's noted. It's a team effort, and it

1 sounds like you got a really strong team, and it takes everybody
2 working together to respond to something like this. If we have --
3 we may have follow-up questions. Do you mind if we contact you in
4 the future if we have a follow-up question or if we didn't catch
5 something just right?

6 MR. WOOD: No, that's fine. I'm slow at checking the
7 messages in real life. So yeah, if you leave me one, I will
8 contact you back.

9 MR. MANUTES: Yeah, and if I leave you five or six, you'll
10 contact me back, too. I apologize for calling you that whole
11 time.

12 MR. WOOD: It's all past.

13 MR. MANUTES: Okay, I appreciate it. And if you want to
14 contact me anytime, you've got my number, and I can get you in
15 contact with anybody here in the group, or we can just talk
16 anytime. So with that, on behalf of the National Transportation
17 Safety Board, all the parties here, we really want to thank you
18 for your time, your cooperation in helping us try to improve
19 railroad safety. So thank you.

20 And with that, I will -- I will end the official recording.

21 (Whereupon, the interview concluded.)
22
23
24
25

CERTIFICATE

This is to certify that the attached proceeding before the

NATIONAL TRANSPORTATION SAFETY BOARD

IN THE MATTER OF: UNION PACIFIC RAILWAY ROADWAY
WORKER FATALITY IN VAIL,
ARIZONA, ON JANUARY 31, 2021
Interview of Danny Wood

ACCIDENT NO.: RRD21LR007

PLACE: Via teleconference

DATE: April 8, 2021

was held according to the record, and that this is the original,
complete, true and accurate transcript which has been compared to
the recording accomplished at the hearing.

A black rectangular redaction box covers the signature of David A. Martini. There are some faint handwritten marks above the box, possibly initials or a date.

David A. Martini
Transcriber