

UNITED STATES OF AMERICA

NATIONAL TRANSPORTATION SAFETY BOARD

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Investigation of: *

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

Accident No.: RRD21LR007

* * * * *

Interview of: RAYMOND GARCIA, Tamper Operator
Union Pacific Railroad Company

Via telephone

Thursday,
February 4, 2021

APPEARANCES:

ROBERT "JOE" GORDON, Railroad Accident Investigator
National Transportation Safety Board

MICHAEL HOEPF, PhD, Human Performance Investigator
National Transportation Safety Board

JOHN MANUTES, Railroad Accident Investigator
National Transportation Safety Board

PATRICK SHARP, Signal and Train Control Inspector
Federal Railroad Administration

ROY MORRISON, Director of Safety
Brotherhood of Maintenance of Way Employees

JOSEPH NANTISTA, Vice President, Unified Safety Division
Brotherhood of Maintenance of Way Employees

JIM COX, Attorney
Brent Coon & Associates
(On behalf of Mr. Garcia)

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I N T E R V I E W

(12:22 p.m.)

1
2
3 MR. GORDON: So, some of what you heard, Raymond, it'll be
4 what we've talked about before. My name is Joe Gordon. I'm a
5 rail accident investigator with the NTSB, National Transportation
6 Safety Board. This phone interview is being conducted on
7 February 4th at 12:22 p.m., and that's Eastern Time. I know we've
8 got people in different time zones.

9 Today, we are speaking with Mr. Raymond Garcia who works for
10 the UP Railroad. This interview is in conjunction with NTSB's
11 investigation into the January 31st, 2021, accident where a UP
12 roadway worker was fatally injured near Vail, Arizona. The NTSB
13 reference number is RRD21LR007.

14 The purpose of this investigation is to increase safety, not
15 assign fault, blame, or liability. I'd like for everyone to, you
16 know, keep that in mind as we're going through the interview. You
17 know, we're here to get a firsthand perspective and find any
18 safety gaps that we might be able to.

19 So, before we begin the interview, I'd like for us to go
20 around and introduce ourselves. I'll kind of call on you by
21 organization, and if you could introduce yourself -- and, Mr. Cox,
22 we'll get to you later on in the -- you know, in the lead into
23 this.

24 So, once again, my name is Joe Gordon. The spelling of my
25 last name is G-o-r-d-o-n. And I'm a rail accident investigator

1 with the NTSB. And we'll go on with the other NTSB.

2 Dr. Hoepf?

3 DR. HOEPF: Thanks, Joe. This is Michael Hoepf with the
4 NTSB. Last name is H-o-e-p-f. I'm a human performance and safety
5 investigator.

6 MR. GORDON: Okay. Thank you, Dr. Hoepf.

7 And John Manutes.

8 MR. MANUTES: Good morning. My name is John Manutes,
9 M-a-n-u-t-e-s. I'm also a rail accident investigator with the
10 National Transportation Safety Board.

11 MR. GORDON: Thank you.

12 And we will go onto FRA.

13 MR. SHARP: Good morning. Patrick Sharp, signal and train
14 control inspector for the Federal Railroad Administration. My
15 last name is S-h-a-r-p.

16 MR. GORDON: Thank you, Pat.

17 And we will go onto BMWED. Roy?

18 MR. MORRISON: Roy Morrison, director of safety, Brotherhood
19 of Maintenance of Way.

20 MR. GORDON: Thank you.

21 And Joe?

22 MR. NANTISTA: Joe Nantista, N-a-n-t-i-s-t-a. I'm a vice
23 chairman for the Unified System Division, a federation of the
24 Brotherhood of Maintenance of Way Employees Division,
25 International Brotherhood of Teamsters.

1 MR. GORDON: Okay. And thank you.

2 Mr. Garcia, as we talked before, do we have your permission
3 to record the discussion today?

4 MR. GARCIA: Yes, sir.

5 MR. GORDON: Okay. Thank you. And we also talked about the
6 transcript eventually being a part of the public docket after you
7 have an opportunity to review it. And you understand that, you
8 know, with that transcript, if it eventually becomes a part of a
9 public docket, we can't guarantee any confidentiality, as we
10 discussed before.

11 MR. GARCIA: Yes, I understand.

12 MR. GORDON: Okay. Thank you, sir. And you do have a
13 representative with you today on the phone as well.

14 And if you could introduce yourself for us?

15 MR. COX: I'm Jim Cox, C-o-x. I'm a member of Brent Coon &
16 Associates. I'm in Denver.

17 MR. GORDON: Okay. Thank you, Mr. Cox.

18 And, Mr. Garcia, I know I've bounced back and forth, you
19 know, between Mr. Garcia and Raymond. Is it okay if the folks on
20 the call, call you Raymond today?

21 MR. GARCIA: Yes.

22 MR. GORDON: Okay. Thank you. And if you would -- just the
23 same as everyone else, if you would just give us your name,
24 spelling of your last name, and your job title with UP?

25 MR. GARCIA: My name is Raymond. Last name is Garcia,

1 G-a-r-c-i-a. I am a tamper operator on Gang 9062. That's my job
2 title.

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

4 INTERVIEW OF RAYMOND GARCIA

5 BY MR. GORDON:

6 Q. So, start out -- if we could just understand a little bit
7 more about your work experience, kind of, you know -- if you could
8 let us know from the time that you hired out with the railroad.
9 And no great level of detail on that, but just kind of the
10 progression of when you hired out and what your jobs have been
11 leading up to the current position of the tamper operator.

12 A. Well, I hired out in May 29, 1993, and I have been on labor
13 for probably three years, ran small machines. And then in
14 January 1996 is when I -- January 16, 1996, is when I got my TMO
15 -- they call it TMO, track machine operator. That's around bigger
16 machines like tampers, regulators, and ballast regulator, TKO,
17 stuff like that. Pup tampers and like that. So, that's when I
18 got those dates.

19 I got date on my first date ever on the track machine
20 operator was a 6700 Jackson tamper. That's when I ran. I ran for
21 a long time off and on, then I went to different machines, like
22 TKO, and then I went to ballast regulator. And then I ran a
23 double build (ph.) machine called Double Broom and then a track
24 finishing machine. And also, there's a machine they call a shrimp
25 boat (ph.). I forget what the name of the -- the real name of

1 that was, but they call it a shrimp boat on the system gangs, on
2 the tech gangs.

3 I worked on tech gangs a lot and I stayed on smaller gangs
4 and I've -- pretty much the whole time, then I went to big gangs.
5 Every now and then, I'll go back to a big gang and then come back
6 to a smaller gang. And then, finally, I kept -- decided to go
7 back on the big gang because everybody's asking where I was and
8 stuff like that, so I got back on the big gangs back in May just
9 -- May of 2020 is when I got back on a gang. Got back on 90 --
10 well, actually, 8566 gang. I worked there one half and then I
11 took vacation, and then that's when I caught the COVID and I was
12 hospitalized June -- May 31st all the way to June the 12th. As I
13 was hospitalized, I fought with COVID-19.

14 And then I didn't -- I took four months off, finally get my
15 doctor's release from Gallup (ph.) and then my doctor's release
16 from the UP. So, I went back to the railroad. My doctor from
17 Gallup, she released me on September 19th to go back to work, and
18 then the UP finally released me and I came back -- October the 6th
19 was my first day of work back, and I went back on the TKO that I
20 was running, and I finished that out and -- until we got
21 (indiscernible) -- till we got cut off, and then I went to another
22 gang on a TKO again in Steamboat Springs, Colorado.

23 Then we moved to Green River, Wyoming. I stayed there until
24 I caught a bit on the backhoe. And prior to this, I was running a
25 backhoe for four days, and then I got bumped. And then, after

1 that, I bumped on the machine that I was running right now, the
2 pup tamp.

3 Q. Okay.

4 A. So, last half, I ran it, and this is the full time that I ran
5 it. The 26th, I started running it for six days up to the
6 accident, to the 31st.

7 Q. Okay. So, that was the --

8 A. But I'm --

9 Q. Oh, sorry. That was January 26th of this year that you
10 started on that pup tamper?

11 A. Yeah. Full time, yes. Because before that, I bumped on it
12 and I ran it for, like, four days and then I -- then we went on
13 our days off, and I came back on the 26th on Tuesday, and I ran it
14 all the way up to the 31st.

15 Q. Okay. Okay. Well, yeah. Great. That's amazing that you
16 can run that down like that and, you know, I know running all that
17 equipment, that's -- there's an art to that. And for you to be
18 able to qualify on all that equipment, that says a lot. And also,
19 you know, very sorry to hear about the COVID-19 issue. That's --

20 A. Oh, yeah.

21 Q. Yeah. That's definitely changed the world that we're living
22 in. I'm sorry that it hit that close to you.

23 A. Oh, it went through my whole family.

24 Q. Yeah. Yeah. That's been a real challenge, no doubt. And,
25 you know, part of the reason -- like we spoke before, part of the

1 reason that we're doing these remotely is because of that, just
2 trying to, you know, stop the travel and spread where we can. So,
3 I appreciate that information on your work history. That's very
4 helpful.

5 So, if you would, if you'll go to the day of the accident and
6 just talk to us, you know, about -- from your lodging -- I assume
7 you guys are probably lodging there somewhere close to the work
8 equipment. If you'll just kind of talk to us about the --

9 A. Yeah. Well, I --

10 Q. -- about that.

11 A. Well, I was staying at that Motel 6 and I had enough rest. I
12 went to sleep about 9:30 p.m. that night and got up and went to --
13 got about 6:00. Went to get my coffee and something to eat, as I
14 always do, and took my high blood pressure medicine, like I always
15 do, my lisinopril and other high blood pressure medicine that I
16 take. I take four pills, like, atorvastatin for my cholesterol
17 and metformin for my diabetes.

18 So, I took the four and then I went -- I've been doing that
19 ever since June, ever since I went to the -- I was hospitalized,
20 and I've been taking it ever since June. There was no side
21 effects. No nothing. I don't see it making me sleep or anything.
22 As long as I eat food with it, I was good.

23 And it was just a normal day that day, June -- or, July --
24 or, January 31st. And we got on the track at 9:28 a.m.

25 Approximately, 9:28 a.m., we got on the track. We rolled down to

1 the place -- to the milepost where we were going to start working
2 and the guys out front, they started doing their thing. I just
3 slowly moving up at a time because the machine was spreading up
4 during the time -- at the time. And everybody was taking --
5 having their turn to run their machine to go.

6 We were keeping our space in between, 50 feet to 100 feet
7 between our space, and then we started working. By the time I
8 started working, then we -- I started tamping the new ties and
9 then I -- Mr. Morgan was up ahead and he would spray the down
10 ties, which the ties were already in -- under the track that --
11 the old ties because, I guess, it was for the QC behind, that way
12 they don't have to do the double work and try to nip it up.

13 So, he would spray -- every now and then, he would spray one
14 or two ties, and then skip, like, whatever down (ph.) ties it was.
15 And he would spray one dot and then he would go on. And then I
16 started doing -- running my tamper. I didn't feel nothing out of
17 ordinary that morning. I did my inspection and all that, my brake
18 inspection, went out, filled out my logbook, and everything.

19 And the only thing that I noticed -- or, actually, the day
20 before -- couple days before was that the travel (ph.) motor had
21 went out on it. The travel wasn't -- went out on it and that it
22 started tipping hydraulic and then -- the mechanic knew about the
23 travel motor, so they took that off and then they put a new travel
24 motor on there, and then they told me to run it the next day, so I
25 did.

1 But two times into that day, it was already busted -- the
2 travel motor was already busted, and it was already tipping --
3 gushing hydraulic out. That's when I stopped and then they just
4 disconnected the hose and stuff like that. And then after they
5 disconnect the hose, they just kind of, like, capped it off and
6 everything, and I ran it with just the one motor. Just the left
7 front was the motor that was on there.

8 So, on the -- on January 31st, I went out with that one motor
9 and I went to the position where I start working that day and I
10 started working. Nothing out of ordinary. I just traveled it out
11 -- traveled out to the jobsite where we're going to start, then we
12 put in my work mode (ph.) position, I start tamping away, and we
13 kept -- I kept my space. I kept looking down, looking forward,
14 and -- so I could keep my distance.

15 Then I tamped probably, like, 100 to probably 150, somewhere
16 in that time period and it was in the afternoon, and approximately
17 about 1:22 p.m. on the -- on January 31st, that's when I was -- I
18 tamped my last tie and then I was going to skip over five ties to
19 do the next new tie. That's when I was -- I indexed the machine
20 forward and then it seemed like -- it didn't stop, because I let
21 go of the joystick in going forward position and it seemed like it
22 didn't stop to me. That's when I started panicking.

23 I tried to reach for the horn cable that was right above my
24 head, so I could get Mr. Morgan's attention to at least get him
25 out of the way. The emergency button was right there, but I -- it

1 was too many things going on and I was -- I panicked at the time.
2 And I seen him right there ahead of me and I was trying to still
3 reach for the thing, and the next time I seen him was probably,
4 like, 10 feet ahead of me.

5 And then, finally, I pulled the joystick back into work
6 cycle -- I put it into work cycle and, finally, I buried the work
7 in the ground. And the machine stopped so quick right there and
8 that's when I fell forward. I hit my head on the window and I hit
9 the window with my knee, and I busted out the windshield. And
10 then I got off the equipment.

11 I was scared, I was shaking, and the first thing I did was
12 look for Mr. Morgan and I see him. He was laying there under the
13 machine. And then I hurried up and got back on the machine. I
14 went to the channel that was on and I said emergency, emergency,
15 three times. That's when I guess they caught on and they called
16 the paramedics and stuff like that.

17 And then I set there all shaking and just wondering, like,
18 what happened? What was going on? What had happened? I was just
19 wondering, how did this happen? And I kept thinking -- coming
20 back to me and stuff like that. And by the time I asked him, hey
21 -- well, I asked him in Navajo -- if your elder -- if you're
22 Navajo, your elder's always, like, your grandpa. So, I said it in
23 Navajo.

24 I said, acheii, are you okay? He raised his right arm and
25 said, hey. He just said something like, hey, or something like

1 that he said. And I figured he was going to be all right. And
2 then I just stood there off to the side and then everybody came
3 around. And they're worried -- they're more worried about me and
4 had me on the back. Said, hey, Raymond, are you okay? Are you
5 okay?

6 Yeah, I'm trying to be okay. And I just stood there, walking
7 around, walking around and -- just all shaking. And then they
8 just locked out the machine and -- went and got my stuff out of
9 the machine, they just locked out, and then they were just waiting
10 on the -- waiting for the sheriff department to come, finally
11 came. And then after a while, the ambulance came and then they
12 took him out from under the -- under by the machine. And then
13 they transferred -- they put him on the ambulance.

14 Q. Okay.

15 A. And then, you know -- then I said in the -- one of the
16 managers, Chuck (ph.), just to calm down and they gave me water,
17 just asking me if I'm okay. If I was hurt. I just told them my
18 knee was hurting and stuff like that, and my -- I guess my arm
19 hurt. I didn't know I -- like, my arm hurt, my -- actually, my
20 knuckle hurts now. So, then just a little pain here and there.

21 Then I sat there and then the sheriff's department, they did
22 a little interview with me. I just gave them my driver's license
23 when it happened and everything. And then, after that, I waited
24 around, we waited around, and probably all this process took I
25 don't know how many hours right there. And finally, everything --

1 they took him, and they locked out the machine and everything.

2 And then I took -- I told my supervisor -- he asked me if I
3 was okay and I said, yeah, I probably need to go to the hospital
4 and get checked out, too. And then, after that, we left and then
5 we went to the hospital. And then, by that time, it was late and
6 then I said, can I use your phone to call my wife? And then he
7 said, yeah, sure.

8 So, I used his phone to call my wife, then -- and then I told
9 her we had a little accident, but I'm okay, but I hit a person and
10 -- I hit one of the coworkers and I said, I don't know if he's
11 okay, but we're going that way now to the Banner Hospital in
12 Tucson. That's when we went over there and then we went to -- we
13 tried to get the -- well, actually, I went over there to the x-ray
14 and then he x-rayed -- I got x-rayed and then got checked out.

15 And then I was okay. Then there was a -- (indiscernible)
16 when I got discharged from the hospital, there was a lady standing
17 outside with my supervisor. I guess she's the lady that does the
18 blood work and a urine sample. So, I stayed out there and then
19 (indiscernible) wait. So, then, after that, we found out that
20 they wouldn't let us inside the hospital. They wouldn't let us
21 inside the hospital because of the COVID restriction and
22 everything.

23 So, after that, they went to call somebody else and then they
24 finally got a -- they went to Tucson ER place in another small
25 building. That's where we went. That's where they did the blood

1 withdrawal and then they did the urine sample there. By that
2 time, it was late and then the claims agent was there. He did a
3 -- like, a recorded interview on me of exactly what I'm telling
4 you guys and -- it's what I told him, too, that night.

5 And then, standing at the hospital, when I was there at
6 Banner, I wrote a statement of the accident on what happened and
7 what time and everything. Exactly the same thing what I told you
8 is what I had wrote down on a full page of a report that I'd done.
9 And then I just dated and signed. I just put to whom it may
10 concern, and that was it. That was Mr. Randy Risa (ph.) had that
11 on his notebook and that is the only statement that I had done
12 that night.

13 And then, after that, I finally -- it was getting real late
14 and my wife kept calling me on my supervisor's phone and saying --
15 she said, hey, are you okay? Are you still -- I said, I'm still
16 there. Till I get to my car, I'll talk to you when -- on my
17 phone -- on the phone. And then she said, all right.

18 Then that night, Andrew Bokenkamp, the -- I guess he's the
19 northern region supervisor, he flew in from Omaha, so we had to
20 wait for his -- at 10:44, they finally landed with a jet in
21 Tucson. And that was -- it guess it was four -- with four other
22 people. I didn't know (indiscernible) but the only person that
23 interviewed that night was Andrew Bokenkamp, the general director
24 (indiscernible). He's the one that interviewed me that night at
25 the trailer -- at one of the gang trailers out there, the semi-

1 trailers that the gang has in the Tucson yard.

2 That's where we did that. And we stayed there probably for
3 probably at least over -- almost an hour, asking me the questions,
4 what I just told you. Just the same thing that I was asked and
5 stuff like that. The time that we got on the track and
6 everything. All the events up to the tragedy when it happened.
7 That's what happened that day. It seemed like it was just -- it
8 just happened so fast that day. The accident just happened so
9 fast and that was the event that took place that day.

10 And by that time, it was probably after midnight by the time
11 we finished our -- I guess the interview that he did. And then
12 that's when I went back and went to sleep. And then he said,
13 don't worry about coming in tomorrow. We'll pay you for the next
14 two days and go ahead, take some rest, drive home safe. If you
15 can't drive, let us know, and stuff like that. Then I left
16 probably about around 9:00 in the morning that morning.

17 Then some guys, they started calling me and texting me, my
18 coworkers, my old coworkers that had retired years ago from the
19 old supervisor that I -- that they knew me when I ran machines
20 from them. I guess they contacted Randy Reese (ph.) and asking me
21 how I was doing. If I was doing okay. Lot of people reached out
22 to me and appeared supportive, and calling me every now and then,
23 see if I'm okay, how am I taking it, and stuff like that.

24 And my wife and my mom are my rock. They supported me and
25 tried to talk to me and stuff like that. At the time, it gets

1 emotional and I'm still kind of -- still in a state of shock about
2 what has happened and stuff like that. And so, here we are and
3 now I'm -- that's what happened, the event on that day. And now
4 I'm home and here we are in this meeting.

5 Q. Yes, sir. Well, thank you so much. You know, that's an
6 excellent recall of what happened, and I hate for you to have to
7 go through that again, but I know it really helps everybody to
8 understand it a little bit more. And really glad, Raymond, to
9 hear that you got a support network and, you know, it sounds like
10 you got coworkers that really respect you. And like we talked
11 about --

12 A. Yeah.

13 Q. -- before, it's a family. So, you know, I'm glad that your
14 family's there for you and if there's anything that -- you'll have
15 my contact number if there's any -- ever a time you want to talk
16 or anything like that. I'm --

17 A. Yeah.

18 Q. -- available as well. So, I appreciate -- you know, I
19 appreciate you going through that with us. I've got just a couple
20 of questions and then I'll kind of pass it around to the other
21 guys for their --

22 A. Okay.

23 Q. -- questions. So, you mentioned the -- that morning before
24 you get started, can you talk to us about the job briefing that
25 you guys hold prior to going to work?

1 A. Yeah. We meet up at Vail, Arizona, right there by the tracks
2 and we get our job briefing that morning of what we're going to do
3 that day, the milepost, and stuff like that, because we did not
4 have no Form B or nothing because somebody else was overlapping
5 the Form B, so -- but we had tracking time (ph.), though, to
6 protect us that morning.

7 And every morning we -- they do roll call and then they going
8 to -- they say what milepost we're going to start at and then
9 what -- then you can talk about what we -- how many ties they did
10 prior and stuff like that that morning and so forth like that.
11 And then we do -- finish our job briefing. Everybody agrees on
12 everybody's -- if they have any questions about the job briefing,
13 whatever you have -- you have whatever person -- whoever is on the
14 job briefing, if they -- if you don't understand, then say you
15 have a question about it.

16 But nobody said nothing that morning. I didn't say nothing.
17 Everybody agreed on it. And then we went to do our little stretch
18 out. We do (indiscernible) exercise and then we got on the bus.
19 And then we went on the bus, like, to the -- where the machines
20 were parked at. And when we see the -- where the machines are
21 parked at, we got off the bus, and we went -- I went around,
22 unlocked my door on the machine, and I started looking around.

23 Looked at the brake. The pins on the brake usually gets
24 loose or usually falls of -- the counter pins (ph.) usually fall
25 off, so that's the first thing I check every morning. Then the

1 loose bolts and then the -- that's around the machine and
2 everything. And then I look around and I look at my logbook and
3 everything and see if there's anything that I didn't mark off or
4 -- and then I check my lights and everything.

5 And then, after that, we sat around for probably -- or, till
6 9:30 till we got on the track. That's when we got the tracking
7 time. We got on the track then. And then I took my -- put my
8 machine in travel, ready to go, filled my air up that morning, and
9 sat there, sat there waiting for tracking time. And as soon as we
10 start, the machine behind me was a spike and they started rolling
11 backing. They got enough distance, that's when I released my
12 brake.

13 And then, when you have it in travel, the machine will
14 automatically roll either way, forward or reversal. Because of
15 the grade, it kind of rolled backwards a little bit. That's when
16 I pulled on my service brake that I have that they use for when
17 you're traveling that machine. But if you have it in work mode,
18 the machine has, like, a deadman. The machine automatically stops
19 at the -- to the point where, if you go this tie and then the next
20 time, the machine will just -- as soon as you let go of the
21 forward position, the machine will stop automatically because it
22 has a -- they call it a deadman --

23 Q. Okay, okay.

24 A. -- is what the machine has.

25 Q. Okay.

1 A. So, then I did my inspection, then we rolled out that
2 morning. So, after that, everything that I talked about.

3 Q. Okay. So, when you're testing as part of your inspection of
4 your equipment, is there an actual test with the brake system
5 where you actually apply the brakes and pull against those or is
6 that --

7 A. Yeah. Well, actually, what I usually do is -- I learned it
8 from another gang that I was on. I was on a smaller gang. I used
9 to run a Jackson on that -- Jackson tamper on that gang. We would
10 roll out every morning and, before we get out to the switch or
11 we'd make a little move, we -- I'd pull the brake back and then I
12 try to forward the machine or reverse it. That way, if it don't
13 move, that tells me that the brake is good.

14 Then when I release my brake, I kind of roll back a little
15 bit, then I pull on my service brake, that's when the machine will
16 stop. So, that's what I did that morning. I roll it all the way
17 out to the track. I went up probably 75 feet from the spiker,
18 then I pulled on -- I started slowing down and ease up to them.
19 Then the other machine I told, hey, I'm stopping up ahead.

20 So, he stopped -- the rail lifter, he stopped. Then when we
21 move forward, I check my brakes again, and then we forward -- we
22 keep rolling, then the -- till the place where we stopped before
23 -- to go to work.

24 Q. Okay, okay. And when you tested the brake that morning,
25 everything seemed to be functioning okay?

1 A. There was nothing out of the ordinary that morning that was
2 -- everything was working fine. I filled out my logbook and
3 everything. But about that, like I said, the travel motor, it was
4 already logged in that -- it wasn't on there that it was not
5 working. So, even the mechanic has filled out the logbook saying
6 that the rebuilt one was replaced (ph.).

7 And then, after that, like I said, I only worked, like, three
8 ties and it was already leaking again. That's when they took the
9 travel chain -- or, the chain that they call a travel chain, they
10 took that off, and then they just -- we call it -- they cap off
11 the hose.

12 Q. Okay.

13 A. They hydraulic was coming out, dripping on the right side of
14 the machine again, so that's when I started running it without
15 just the one motor.

16 Q. Okay, okay. So, yeah. So, that was actually the day of the
17 accident that you were operating on one --

18 A. Yes, yes.

19 Q. -- motor again? Okay.

20 A. Yes.

21 Q. All right.

22 A. Yes.

23 Q. And when you spoke about indexing on the machine, that
24 indexing feature, can you explain that? I'm assuming that's when
25 it's in work mode?

1 A. Yeah. Well, yeah, that's in the work mode. Yes, that's in
2 work mode and in travel mode. If you have it in work mode, like I
3 said, it stops by the brake. It's already, I guess -- it's built
4 in. It's called a deadman brake.

5 Q. Okay.

6 A. So, you index forward. There's, like, a joystick. It's a
7 joystick that you just pull forward and then you kind of let you,
8 and then it'll stop to the place where you're going to tamp the
9 tie.

10 Q. Okay.

11 A. So, it just -- you know, nothing out of the ordinary that
12 morning. Just started tamping away. Did two squeezes on every
13 tie, then I let go, it will stop, and then go to the next one,
14 stop. Then if you kind of go over it, you just make -- you just
15 stop -- the machine will stop and then you just -- on that
16 joystick on the left side, it'll say reverse.

17 You just kind of, like, pull it towards me and then the
18 machine will automatically index backwards just a little ways to
19 where you want and then it'll stop again.

20 Q. Okay.

21 A. So, on that thing -- on the joystick, there's a forward,
22 reverse, and then the bottom it'll say cycle. That's that work
23 cycle, (indiscernible). Then on the right side it says up feet,
24 so that -- the up feet means that when the -- when you're done for
25 the day or when you're going to go through a crossing or one of

1 the detectors, you want to raise your work head (ph.) higher up
2 rather than just let it kind of hang down.

3 Q. Okay.

4 A. So, that's when you use that up feet, so -- to make your work
5 head higher up or to lock up the work head. That's for that part.

6 Q. Okay, okay. So, that indexing --

7 A. But the --

8 Q. Yeah. The indexing's actually a feature to -- like, based on
9 the tie spacing, it just positions the machine at the next work
10 location.

11 A. Yeah.

12 Q. Okay.

13 A. Yes, the next tie.

14 Q. Okay.

15 A. Then it will automatically stop with the deadman brake.

16 Q. Okay.

17 A. There's no pedal in there to forward or reverse it. It's
18 just done by the joystick.

19 Q. Okay, okay. And when you hit the joystick, after you tamp
20 the last tie that you were working on prior to the accident, you
21 pushed the joystick. When the machine would've normally indexed,
22 did it seem like it continued to travel where it would've normally
23 stopped?

24 A. Yeah. That's the time -- it kept rolling forward at the time
25 I let go of the joystick. It kept rolling.

1 Q. Okay.

2 A. It kept rolling further than where I was supposed to stop,
3 the tie that I -- I passed it and I passed it, and then that's
4 when I panicked. And then I seen what was going on up ahead that
5 -- never at the time Mr. Morgan has turned around and looked at me
6 or nothing. He kept facing east and he kept -- it kept coming, so
7 I was trying to grab -- like I said, I was trying grab for the
8 horn to get his attention, but I got in panic mode and stuff like
9 that.

10 And finally, I put the -- I was trying to fiddle with the
11 joystick. That's when I finally -- I threw it in work cycle.
12 That's when I buried the work head in the ground and that's when I
13 fell forward.

14 Q. Okay, okay.

15 A. To me, I thought, like, this happened so fast and it just --
16 I don't know if it's malfunction of the joystick or something.
17 Like, I can't -- I'm trying to think it over and over, why would
18 it do it? Why would it do it that day because I ran it prior to
19 that and stuff likethat, and all the times that machine would
20 stop. All the time.

21 Q. Okay. Yeah. And all the time that you've been running a
22 machine similar to this one, either this machine or another pup
23 tamper --

24 A. Yeah. Even the Jackson tamper is like that. The Jackson
25 tamper is like that, too.

1 Q. Right.

2 A. Indexes the same -- almost the same way. The same way as --
3 I ran the Jackson tamper many years and it almost -- it's almost
4 identical the way it indexes forward.

5 Q. Okay. And you've never had a machine in the past continue to
6 move when it's in that indexing work mode? You've never
7 experienced --

8 A. No. No.

9 Q. Okay.

10 A. No, I have never experience nothing like that for the last --
11 since 1996. Like I said I've been running those big machine,
12 like, especially -- I started out with a Jackson tamper and I have
13 never experienced nothing like that in -- with that tamper and
14 have never run away from me or started tamping on its own. Has
15 never done that before.

16 Q. Okay. All right. Well, thank you for that. And just one
17 more question from me and I will pass it along. When Mr. Morgan's
18 out ahead of you, spraying the crossties that you need to tamp, is
19 that -- is he spray painting in the middle of the track or is he
20 spray painting the shoulders of the tie --

21 A. Yeah. In the middle part. I could see right in the middle
22 of the ties, between the rail --

23 Q. Okay.

24 A. -- where I could see it.

25 Q. Okay.

1 A. Yes.

2 Q. All right. Thank you, sir.

3 MR. GORDON: And I will pass it along. We'll go to
4 Dr. Hoepf, NTSB, first and then we'll just go around with
5 questions there if anybody has anything.

6 DR. HOEPF: Yeah. Thanks, Joe. Appreciate it.

7 BY DR. HOEPF:

8 Q. And thank you so much, Raymond, for being with us today and,
9 you know, we really appreciate it. You know, just -- we're just
10 here trying -- we're just the safety people, just trying to look
11 for safety enhancements wherever we can. I think it's -- you
12 know, I think it's really interesting just this -- we had some
13 interesting discussion about the equipment here. I'd to just
14 kind of talk a little bit more about that.

15 You know, you've got such an extensive work history. I'm
16 just wondering, you know, if you could kind of -- and I know you
17 just talked about it -- a lot about this. But maybe we can just
18 kind of zoom out and kind of go back (indiscernible) again and
19 talk about -- can you kind of just give me an overall description
20 of, like, the controls again.

21 I mean, I know you said there's a joystick, but could you
22 maybe just kind of describe the cab and, you know, any foot pedal
23 that you use, and give us a big picture of how you control that
24 machine?

25 A. Well, I guess, like I said, the way to control the machine,

1 there's two -- well, there's a travel mode and there's a work mode
2 on that machine. So, if you -- if you're tied up for the day or
3 for the evening or when you're done working for the evening, you
4 -- first of all, you use -- you put it in the travel mode in
5 either direction -- well, for whichever direction you're going to
6 travel. And then there's a propel thing that you go high and low
7 on that thing. But in work mode, the machine will not move in
8 high propel mode, so you have to put it in low. So, that's when
9 the machine will move forward from tie to tie.

10 But if you have it in travel mode, you can run it for high.
11 If you leave it in low, the machine will travel real slow down the
12 track. But if you put it in high, it'll travel a little bit
13 faster. So, that's the travel mode.

14 Q. Oh, okay.

15 A. That's in the travel mode. But if you have it in work mode,
16 you change the -- you just flip it to where it says low and then
17 you just put it on work mode. And that's when you --

18 Q. Okay.

19 A. -- can put it in --

20 Q. Wait. Sorry to interrupt you, but if you could just clarify.
21 So, you were saying that there's two motors in this. There's a
22 travel motor and the travel motor was (indiscernible) --

23 A. Yes. There's a travel motor and -- yes. The travel motor,
24 if you have it in work mode, it puts it into four-wheel drive.
25 The mechanics were telling me that it puts it in four-wheel drive.

1 But if you have it on travel mode, it takes it out of -- to four-
2 wheel drive and you put it in a two-wheel drive. That's the way
3 the machine travels -- they make it travel, I guess. That's what
4 I was informed that -- because that morning, that -- the time that
5 the travel motor went out, they said, oh, you can run it with one
6 motor. It'll still work. It'll be a little bit slower, but I'll
7 still work. That's what I was told.

8 But they pretty much explained it like the machine just --
9 that two motors make it -- just makes it like it's in four-wheel
10 drive. But if you have it --

11 Q. Okay.

12 A. -- with that one motor, it's just in two-wheel drive. That's
13 like putting it in travel mode, that way I guess it puts it in --
14 itself in two-wheel drive.

15 Q. Got you, got you. Yeah, that's really helpful. And, you
16 know, I'm just wondering if -- trying to get a handle on, does
17 that impact, like --

18 A. Yeah.

19 Q. How does having that one motor out impact the handling of the
20 machine or -- you know? So, yeah. So, that's helpful. But
21 anyway, so -- I cut you off, but you were kind of talking about
22 the controls and everything like that. So, you got --

23 A. Yeah.

24 Q. -- a joystick and then you've got -- do you have foot pedals,
25 too, or?

1 A. No. There's no foot pedal on there. There's a foot pedal on
2 there, but I -- nobody operates it. I guess it's just set there
3 off to the side. I don't think nobody's ever used it. I never
4 use it. I never used it to --

5 Q. Oh, okay.

6 A. Yeah. It's there, but that's not to move the machine,
7 though. It's just to put the work heads down. That's what it
8 says on the -- I looked at it before and it says cycle on there.
9 And then that's not to move the equipment forward or reverse.

10 Q. Oh, okay.

11 A. -- on that pedal (indiscernible) --

12 Q. Okay. You don't use a foot pedal.

13 A. No, I don't use the foot pedal.

14 Q. Got you, got you. Okay. So, the joystick, you can use to
15 move forward backwards, forward reverse?

16 A. Yes.

17 Q. And then you can also use it in -- what was the name of the
18 mode you said where it was like a --

19 A. It's called work cycle. That's to make work heads up and
20 down, up and down, like --

21 Q. Okay.

22 A. -- to index, to -- and then on the right side of it, it's
23 called up feet. That's to bring the work head higher up to lock
24 it up or to go through a crossing or through a switch or through
25 detectors or something, so that's up for that. But if you're done

1 for the day, I usually put that up and then -- when I lock up my
2 work head, so that way it won't come down on me when I'm going
3 through a --

4 Q. Oh, okay.

5 A. -- crossing or --

6 Q. Okay. I got you, I got you. So, you got -- so, you operate
7 this joystick and -- I'm sorry. You know, I'm not there with you
8 and don't have the controls in front of me. You operate a
9 joystick with your left hand, with your right hand?

10 A. With my right hand.

11 Q. With your right hand? Okay. And then --

12 A. Yeah.

13 Q. -- do you -- the work heads you're talking about, do you
14 control that with, like, the left hand, or?

15 A. No. The work head is -- the work head mode is right there on
16 the same joystick. You just kind of pull it back to drop the work
17 head.

18 Q. Oh, okay. Okay.

19 A. You don't do nothing with your left -- you just let your arm
20 rest right there on the top for the left arm. The main thing you
21 do is work the machine with your right arm because the joystick is
22 on the right arm. On the left side of the console, there's
23 nothing right there except for the service brake, the parking
24 brake, and the emergency button is right there.

25 Q. Okay, okay. I got you, I got you.

1 A. But on the right side, you do the -- you run the machine like
2 that.

3 Q. Okay, okay. So, you said you run a lot of heavy equipment.
4 I mean, did you feel comfortable with this machine? I mean, did
5 it give you any pause, you know, or did you have any controls you
6 didn't like or (indiscernible) --

7 A. No. I felt confident with the machine. I feel confident --
8 I'm confident with every machine that I had run in the past. Not
9 only this I had run in the -- what I mentioned earlier in my -- in
10 the call. I have ran all the machines that I have listed down.
11 I'm confident in the machine that I run --

12 Q. No, not the -- I didn't mean the -- I shouldn't say, you
13 know, confident. I just meant, you know, did you find the
14 controls to be intuitive? Did you like the controls or if you
15 were going to --

16 A. Yeah.

17 Q. -- design it yourself, would you use a similar design or
18 would you prefer a -- would it be easier to handle with a
19 different design, I guess, is kind of what I'm asking.

20 A. Well, the way it would be designed better, I think, would be,
21 like, a Jackson tamper. The control on that is on the left side
22 for forward and reverse.

23 On a Jackson tamper, like, that (indiscernible) on the left
24 side of the console and then there's another joystick on the right
25 side of the console to squeeze the ties. That's one a Jackson

1 tamper. But this whole thing is on one side of the console.

2 Q. Okay, okay. I got you.

3 A. The forward, the reverse, the -- yeah. That's all on one
4 console.

5 Q. Yeah. So, if you want to come to a quick stop, what do you
6 do with the joystick?

7 A. You let go of the joystick and then it'll go, like
8 automatically go to -- the machine will stop itself.

9 Q. Okay, okay. I got you, I got you.

10 A. With that deadman brake because it doesn't -- the only time
11 you use that service brake is when you're in travel mode.

12 Q. Okay. Oh, okay. The only time you use the service brake is
13 when you're in travel mode. So, you're not in travel mode --

14 A. (Indiscernible) --

15 Q. -- until if you --

16 A. No.

17 Q. -- actively have the joystick pressing forward or backward,
18 the machine is just going to stop.

19 A. Yeah. Yep.

20 Q. Okay, okay. I mean, I don't want to mischaracterize your
21 statement, but -- so, it sounds to me like you were quite confused
22 because you took your hand off the joystick and the machine
23 continued to move when you were expecting it to stop.

24 A. Yeah.

25 Q. Is that --

1 A. Yes, yes. That's when it kept rolling and kept rolling, and
2 I was trying to -- that's the time that I kept rolling more than
3 what I -- supposed to stop. That's when I start panicking and I
4 grabbed for the horn to get the coworker attention, so he could at
5 least get out of the way or something or I didn't want to hit the
6 other machine that was ahead of me, the rail plate machine, the
7 rail lifter.

8 Q. Yeah. Well, I just need to know --

9 A. And that's when I --

10 Q. Yeah. I understand what you're saying, you know, where I'd
11 be panicking, too, if I was expecting --

12 A. Yeah.

13 Q. -- the machine to stop and it didn't. (Indiscernible) --

14 A. Yeah. Even though the emergency button was right there, I
15 just got in a panic mode and then --

16 Q. Oh, okay.

17 A. Yeah.

18 Q. So, there's an --

19 A. Yeah.

20 Q. -- emergency stop button that --

21 A. Yes, right there. Right there by -- on the left side of the
22 console. Right there, yes.

23 Q. Oh, okay. What does that look like? Is it, like, a big, red
24 button or something, or?

25 A. It's like a big, red button, yeah. Big, red button you

1 just --

2 Q. Okay.

3 A. -- push and it stops.

4 Q. I got you.

5 A. Yeah.

6 Q. I got you. But, I mean, have you ever had to use that button
7 before?

8 A. No. No, I didn't. I've used it on other machines. That's
9 when, like, the hydraulic hose will bust, sometimes you have to
10 use that that way to shut off the machine quick, but I have never
11 used it to travel machines or to -- for anything. But I have used
12 it before, but on a different machine, but that it's just to --
13 not to let the hydraulic spray all over the place. That's when it
14 shut the whole machine down (indiscernible) --

15 Q. Oh, okay. Okay.

16 A. -- I ever used it before.

17 Q. And does that kill the engine, too, then?

18 A. Yes. That kills the engine and everything.

19 Q. Oh, okay. Okay. I got you, I got you.

20 A. Until you release that button, that's when the machine will
21 start back up.

22 Q. Yeah, yeah. I got you, I got you. So, I understand it's
23 difficult to ask and I -- so, I just want to just make sure we
24 have this kind of straight so that, you know, we can just kind of
25 finish some other things up. But, I mean -- so, can you just walk

1 me through this kind of one more time? I mean, you know -- so,
2 you're expecting the machine to stop and it doesn't.

3 A. Yeah.

4 Q. You know? I mean, at that point, how fast do you think
5 you're going?

6 A. Probably, like, three to five miles an hour.

7 Q. Okay.

8 A. To the index, probably, like, three to five miles an hour.

9 But when it took off on me, probably, like, not even five. Four
10 or five, maybe. Between three and five MPH. Yeah.

11 Q. Okay, okay. Wait. Okay. So, let me just clarify something
12 real quick. So, when you're moving at that point -- the point
13 when you were moving, did you have your hand on the joystick,
14 pushing forward, or was it -- was the machine moving forward --

15 A. I let go by that -- I was ready -- I went to the tie that --
16 or, the sixth tie -- like I said, I tamped the tie, there was a
17 skip of five ties that I'm supposed to come out to the sixth one
18 to tamp that, then that's when the machine kept rolling when I let
19 go of the joystick. It kept rolling on me.

20 That's when I panicked, thinking why it's not stopping. Then
21 that's when I tried to get the horn cable to at least try to -- to
22 at least -- to blow the horn, that way I could get his attention
23 because that's when it -- and everything else -- everything
24 happened.

25 Q. Oh, right, right. Absolutely. Yeah. I mean, it's --

1 A. Yeah.

2 Q. I totally understand, you know, the -- must've been the
3 frustration and the panic and --

4 A. Yep.

5 Q. Yeah. I mean, I know this is hard right now. I'm sorry.
6 But we're just, you know -- we're just trying to --

7 A. Yeah.

8 Q. -- kind of figure out (indiscernible) this in the future,
9 somebody else being in your similar situation. I'm just trying to
10 figure out, you know, was it a situation where -- okay. So, when
11 the machine, you know, was last moving, was it moving because of
12 the index featuring, where it was advancing an X amount of ties
13 based on that work mode? Or was it (indiscernible) --

14 A. That's the thing that -- that's the thing I was -- I kept
15 thinking about. Why did it kept moving? Why didn't it stop when
16 I let go of the forward mode --

17 Q. Yeah.

18 A. -- the forward thing, because once you let go the machine
19 automatically stops. But for some reason, it kept going further
20 than where I was supposed to stop, and that's when all the chaos
21 happened and I got in a panic mode, and that's when it didn't
22 stop.

23 Q. Right.

24 A. That's when I pulled on the work -- I didn't want to hit the
25 other machine ahead of me. That's when I kind of pulled it back

1 on -- in the work, so that's when I buried the work head in the
2 ground. That's when it finally stopped quick and that's when I
3 fell forward, like I said earlier.

4 Q. Oh, right. Yeah, yeah. No, I mean -- and I appreciate the,
5 you know, details and you walking us through that. I guess what
6 I'm just trying to understand is, you know, just -- even
7 independent of this accident, we're just talking about --

8 A. Yeah.

9 Q. -- this kind of indexing feature. So, does the way that this
10 work is that, you know, the machine would be advancing a certain
11 amount of ties without you having to push the control forward
12 manually? I mean, does that -- is that how that feature works?
13 Or maybe you can just describe to me how that feature works one
14 more time.

15 A. Well, actually, the way that moved forward -- the way to make
16 that move in a work mode -- in a forward position is, every time
17 you move forward, you hit the joystick forward. And then if you
18 go up to the tie where you're going to tamp, that's when you let
19 go of the joystick. That's when the machine will automatically
20 stop right there and then you tamp the track.

21 Then you go -- because if there's a green dot, then -- what
22 Mr. Morgan was doing, then I'd come up to that and then I'd tamp
23 that to make it flush with the rail. So, that's what I was doing
24 that morning. So, forward is to move forward and then to let go
25 is to have the deadman stop the machine automatically.

1 Q. Okay, okay. I got you, I got you.

2 A. It works the same way because sometimes the rail lifter ahead
3 of me will miss the plate and then the guy behind me will be -- I
4 have a backup camera on that machine. Sometimes the guy will be
5 waving to me and then that's when I blow my horn about three times
6 and I stop -- I'll go back. And then they'll say, there's a plate
7 missing.

8 So, then I call the guy on the machine ahead of me and say,
9 hey, there's a -- you missed a plate down here. So, that's when I
10 roll back. I roll back in the work mode slowly, then I go back to
11 where he needs to put the plate in. Then I move up to where he
12 put the plate in, and I squeeze that up. And then I move up --

13 Q. Okay.

14 A. -- slowly at a time to where I left off and then I go --
15 that's how that machine works if -- so, every time you let go of
16 the joystick, the machine automatically stops to the point where
17 you need it to be.

18 Q. Okay. And does that -- does it center on a particular tie?
19 Does it do that automatically or do you have to, like -- do you
20 have to (indiscernible) --

21 A. Well, sometimes, if you go over a little bit or -- if you go
22 over a little bit, you can just drop back a little bit, like, you
23 can pull on it to the -- like, reverse mode a little bit, just
24 little -- just a little pull and it will move the machine back a
25 little bit at a time. So, if you want to -- if you go a little

1 bit past it, the machine -- then you can reverse it a little bit
2 and then you can squeeze up the tie. That's how that --

3 Q. Okay.

4 A. -- joystick works. So, it works --

5 Q. Okay.

6 A. That joystick works in four modes -- four different modes.
7 Yeah.

8 Q. Okay. Interesting. Well, that's really helpful for me.
9 Thanks, Raymond. I'm going to --

10 A. Yeah.

11 DR. HOEPF: I'll have some more questions in a second round,
12 but I'm going to let other people ask a couple questions, so
13 thanks again.

14 MR. GORDON: All right. Thanks, Mike.

15 MR. MANUTES: Hey, Joe. This is John.

16 MR. GORDON: Yeah.

17 MR. MANUTES: Hey, Joe. I've got a question. I know you
18 asked me, but I wasn't sure my device was working. I'm sorry.

19 MR. GORDON: Oh, no. You're fine. John, before you start --
20 Raymond, if at any time you need to take a break, I know, you
21 know -- I know we've been going at it for a while. If you need
22 to take a break, just let me know and we'll pause things and then
23 get restarted. But we'll try to move on if you're ready to.

24 MR. GARCIA: I'm ready.

25 MR. GORDON: Okay. Thank you. And you've been so helpful so

1 far. I really do appreciate the detail that you're giving us.

2 So, John, if you've got a question there?

3 MR. MANUTES: Yes. Thanks, Joe.

4 BY MR. MANUTES:

5 Q. And, Raymond, thank you very much for being with us. My
6 condolences to you and the gang. It's a really --

7 A. Yes.

8 Q. -- tough situation, so thanks for speaking with us.

9 A. It is.

10 Q. I just have -- yeah. I just have two quick questions and
11 what I would like to do is maybe come out of the cab a little bit
12 and understand a little bit more about how the process works. So,
13 can you, from your point of view in the pup tamper, explain to me
14 what Mr. Morgan's role is. I've seen photographs and this is hard
15 because we're not there. The green dot that is placed in
16 between --

17 A. Yes.

18 Q. -- the rails on the tie, what does that mean to you? What is
19 that?

20 A. Well, actually, that -- well, during our briefing we say,
21 hey, Mr. Morgan, or whoever they're going to put behind that --
22 behind the rail lifter that morning, they'll say -- you'll look
23 for that green dot, so the ties will be down. So, they'll put a
24 dot here, a dot there. Not every tie, but every -- whatever down
25 ties they are. And then they'll do the ties that needs to be

1 nipped up. I guess it's for the --

2 Q. Okay.

3 A. -- QC behind the gang, that way they don't have to try to
4 find it to nip it up. And the --

5 Q. Okay. (Indiscernible) --

6 A. -- TKO up ahead will lift the ties. I guess it lifts more
7 than -- however high they wanted to lift to pull out the old ties,
8 that's when they -- because they're lifting it kind of higher
9 because it happen in a curve because they're putting a different
10 plate under there. So, sometime it's -- it'll be hard for the TKO
11 to lift just a little way, so they have to little bit -- lift a
12 little bit higher.

13 That's when some of the old ties have dropped. That's when
14 Mr. Morgan would give me a dot right in the center of the tie and
15 that way, when I come up to it, then I'll know which one that
16 needs to be nipped up with that machine.

17 Q. Okay. Thank you. So, if I could rephrase that and then you
18 tell me if I'm right. But the machine ahead of you -- first of
19 all, your gang is not replacing every single tie. Your gang is
20 replacing some --

21 A. No.

22 Q. -- of the ties?

23 A. Some of the ties, yes.

24 Q. Okay. And the machine ahead of you may have left one of
25 those ties in a position where it needs to be nipped up, so to

1 speak. And so, the --

2 A. Yes.

3 Q. -- green dot is placed by Mr. Morgan, or whoever's there --

4 A. Yes. Yes.

5 Q. -- and that means you will then come and manipulate the
6 ballast and the ties with your machine --

7 A. Yes.

8 Q. -- near the green dot.

9 A. Yes. Yes, to nip it up.

10 Q. Okay.

11 A. Yes. To make it flat to the rail.

12 Q. (Indiscernible). Great. And you're doing the nipping. And
13 so, my second question is the -- and thank you for that answer.
14 That really helps. My second question is we also noticed from the
15 photographs, again, because we can't be there, that some of the
16 tie plates have green paint on them also, maybe off to the outside
17 of the -- the field side, there's some green paint. Is that of
18 any interest to you at all? Are you doing things with ties
19 (indiscernible) --

20 A. Those are the ties that -- those are the mark for the TKO out
21 front, so that way --

22 Q. Okay.

23 A. -- they know to pull -- I don't pay attention to the one
24 that's on the plate already on the outside. When I come up to the
25 tie, I already know which tie has been replaced. I can see the

1 new ties already and then I -- sometimes, like I said, I'll see a
2 green mark. That's the one that I tamp.

3 But mainly the one that I look for will be the new ties they
4 put in. I don't look for the green plate that's off to the side
5 -- on the field side of the track. That's for the machine up
6 ahead, the TKO, the one that are pulling old ties. They mark that
7 for them, so mainly the one I --

8 Q. Okay. So, your ties --

9 A. -- kind of look -- what's that?

10 Q. I'm sorry. Your ties are the new ties with green dots.

11 A. Yes. Yep.

12 Q. Okay.

13 A. The one with the green --

14 Q. Okay. (Indiscernible) --

15 A. -- plates are the ones that have been -- already been
16 replaced and that's a new tie.

17 Q. All right. That helps me because (indiscernible) --

18 A. But only the one with the green dot in the middle is the old
19 tie that's already been there -- existing there and that's the one
20 that needs to be tamped up.

21 MR. GORDON: Okay.

22 MR. MANUTES: I thought I was done, but I got confused. And,
23 Joe, maybe you can --

24 MR. GORDON: Yeah. No --

25 MR. MANUTES: You got this. Maybe you can --

1 MR. GORDON: Yeah. I know. I think you guys are on there.
2 I'll state it and then, Raymond, if you'll tell me if I'm
3 right. So, you're tamping every one of the new cross ties and
4 then --

5 MR. GARCIA: Yes.

6 MR. GORDON: -- in addition to the new ties, if you've got a
7 green dot on one of the older ties that had been there, you're
8 going to tamp that one as well.

9 MR. GARCIA: Yes, I do.

10 MR. GORDON: Okay. Okay.

11 MR. MANUTES: Okay. Thank you, both, for that.

12 BY MR. MANUTES:

13 Q. And would you say -- this'll be my last one. Would you say
14 that your last tie that you tamped was a new tie or a tie with a
15 green dot on it?

16 A. Yes. Yes, it was a new tie. Yep.

17 Q. Okay.

18 A. There was a new tie and then there was -- and then I was
19 coming out to the sixth one that was also a new tie.

20 Q. Okay.

21 MR. GORDON: Okay.

22 MR. MANUTES: Raymond, again, I'm sorry that this happened.
23 Thank you for my questions and taking the time.

24 Hey, Joe, I don't have anything.

25 MR. GORDON: Okay. Thank you, John. And we will move on to

1 Pat Sharp from FRA.

2 Pat, you got anything?

3 BY MR. SHARP:

4 Q. I just wanted to let Raymond know, I'm here on-site in Tucson
5 and I've been out and watched some of the testing of the machine,
6 and so I'm here on-site. And the FRA is a separate entity from
7 the NTSB, of course, the Federal Railroad Administration. And so,
8 I'll -- I'm in joint -- we're working together on this
9 investigation. So, just so you know, there are two -- there's two
10 groups that are working on this accident and -- but we're
11 collaborating all of our --

12 A. Okay.

13 Q. We're sharing this interview so that we didn't have to bother
14 you twice and I didn't have to interview you and Joe's group
15 interview you either. You know, we could do it together.

16 A. Yes.

17 Q. I am really appreciative of your willingness to help us
18 understand your position here in what was going on and I think we
19 covered -- the questions I had have all been taken care of in
20 your -- basically, just your description.

21 A. Yeah.

22 Q. Maybe a question -- have you been aware of any of the other
23 operators maybe mentioning something similar occurring, you know,
24 in the past with this type of machinery? You guys talk a lot.
25 You're sharing a machine with another operator, basically. Your

1 off week, you have another operator that comes in. Has there been
2 any mention (indiscernible) --

3 A. Yeah. Well, I talked to some guys, but not any operator of
4 the pup tamper. They have never said anything to me, but
5 everybody's kind of not really calling me about how the machine or
6 why -- how it happened and stuff like that. I guess, somebody's
7 never called me about how -- or, it has never happened to them
8 before, like, how it just didn't -- the machine didn't stop.

9 Q. Okay.

10 A. They never talk to me about how the --

11 Q. I know you guys communicate real well amongst each other, you
12 know each other, and you've been on different gangs --

13 A. Yeah.

14 Q. -- and you have a great amount of experience. And so, I was
15 just a little curious if any cross talk prior to or anybody said,
16 hey, I think I had that happen to me. I just (indiscernible) --

17 A. The only thing that my -- see, my dad retired from the BNSF
18 long time ago. He's 85 years old now. And he said that had
19 happened to him before on the BNSF, that machine. The same thing
20 that happened, but he didn't hit no employee or nothing. Yeah.

21 That's --

22 Q. Okay.

23 A. -- a thing he told me that was -- that happened to my dad,
24 like, probably way back. I don't remember what year. He retired,
25 like, probably 15 years ago now and he used to run pup tampers

1 and -- on the BNSF. And he ran pup tampers and regulators and a
2 few other machines that he ran at the time.

3 Q. Okay.

4 A. And that's what I told him that what happened to me and he
5 said, oh, that happened to me years ago, too, but I didn't hit
6 nobody or hit the -- he said he just barely got close to hitting
7 the other machine that was ahead of him, too. That's what he
8 said.

9 Q. Okay. All right.

10 A. That was the only time that -- I never talked to any UP pup
11 tamper operators or nothing else. Nobody else.

12 Q. Okay.

13 A. It hasn't happened before to them.

14 MR. SHARP: All right. That was just the one question I
15 think I had for you. And again, I feel terrible about this
16 situation. My years of experience in -- out here and these are
17 just horrible to have to deal with. But our main focus here is --

18 MR. GARCIA: Yeah.

19 MR. SHARP: --to find out ways we can prevent it in the
20 future or if there's something that we can implement that will
21 change. But I appreciate your help on this, Raymond, I really do.

22 MR. GARCIA: Yes.

23 MR. SHARP: And that's all, Joe, right now. Thank you.

24 MR. GORDON: Okay. Thank you, Pat. We'll go on to BMWED.

25 Joe, do you have any questions or anything to clarify?

1 MR. NANTISTA: Yeah. I've got a few. Thanks, Joe.

2 BY MR. NANTISTA:

3 Q. Good morning, Ray.

4 A. (Indiscernible).

5 Q. I just want to go back to the morning again in job briefing.
6 You know, those job briefings can be pretty hectic. There's a lot
7 of people involved, not only the employees but supervisors and
8 contractors, usually. Was anything mentioned in the morning about
9 the machine, or any of the machines for that matter, you know, not
10 operating correctly previously?

11 A. Well, the only thing we covered was the machine is not fixed
12 yet. It's going to be a while before they get a new travel motor.
13 That's the only thing they said because they already used the one
14 they had, the spare they had, to -- the rebuilt one, which, like I
15 said, they replaced and it already leaked into -- three ties into
16 tamping. And then (indiscernible) --

17 Q. Okay. And that was -- sorry. That was during job briefing
18 the morning of the 31st. Is that right?

19 A. No. It was prior to that. It was --

20 Q. Oh, okay.

21 A. -- a week before that. It was a week before that.

22 Q. And then you had previously said that the motor went out the
23 morning of the 31st. Is that correct?

24 A. Yeah. Well, it was already gone that -- on the 30th. It was
25 already gone that morning. That's when they took off the travel

1 -- the big, old chain that they took off for the travel chain and
2 then they capped off the lines, so it won't drip hydraulic through
3 the motor. So, they did that that morning because it was -- like,
4 the hydraulic was dripping all the way through and they didn't
5 want the other guys to run into the other machine because it
6 was -- the rail was wet from the hydraulic that -- prior to that.
7 A couple days before that.

8 Q. Okay. And I apologize. I wasn't following along, I guess.
9 So, before you left the hole (ph.) on the 31st, they already
10 capped the hose off that -- you know, prior to that?

11 A. Yeah. That was already capped off and everything else prior
12 to that --

13 Q. Okay. So, it wasn't after you went out to the track. It was
14 before you actually --

15 A. No.

16 Q. -- left the hole. Is that --

17 A. Yeah.

18 Q. That's correct, right? Okay.

19 A. Yes.

20 Q. I mean, have you operated a machine, any TMO for that matter,
21 you know, with only one of these motors before? Is that standard
22 practice?

23 A. Yeah. Sometimes you have to -- kind of, like, if something
24 really major like that breaks and it's just kind of like sometimes
25 you have to -- like, for instance, the pump will go out -- a

1 hydraulic pump will go out, but that's -- the machine will not
2 start or will not -- it will start, but it will not work in the
3 work mode on any machine, that way they -- you just tow it back
4 in. But other than that, they said -- the mechanics agree on, I
5 guess, saying that, hey, you can work with one motor. That
6 when --

7 Q. Okay. So --

8 A. -- I ran it with one motor.

9 Q. And the mechanics are the one that gave the green light on --
10 to run it. It's okay with one motor is what they said.

11 A. Yeah. One motor and then they even sign off for it to -- on
12 the logbook, stating that it -- the motor was replaced and --

13 Q. Okay. And that kind of leads me to my next question. This
14 was all documented in the maintenance log of the machine log of
15 the machine log of the machine, correct?

16 A. Yes. Yes. In the logbook.

17 Q. Okay. All right. I mean, obviously, that's important. And
18 if the mechanic signed off on it, you know, that's important, too,
19 because at that point he's -- you know, he's giving his
20 professional opinion that the machine is good to be run for the
21 day. You know, what about parts? I mean, are we talking new
22 parts? Are they recycling parts from other machines and -- you
23 know, is that kind of common practice out there?

24 A. Well, I guess the part -- the brought one, like -- a rebuilt
25 one. That's the one that leaked. I don't know if the part that

1 was already on there was a original part that came with the
2 machine or not, but --

3 Q. True. Yeah.

4 A. Yeah. The one they put on was a spare.

5 Q. Okay. I mean, that's important to me. And, you know, just
6 getting back to basics on this, do you remember the machine number
7 by any chance? You know, I would like to reference it
8 specifically.

9 A. It's TMT, like Tom, Mary, Tom, 1602.

10 Q. 1620? Okay. And that's more for my reference just so we --
11 you know, we know we're talking about the right piece of equipment
12 going forward. Are you aware of maintenance on this? I know you
13 previously said you've only -- you were only on the machine six
14 days prior to the incident and then done, like, four days prior to
15 that on the previous (indiscernible).

16 A. Yeah.

17 Q. I mean, has there been work done on this machine that you're
18 aware of?

19 A. Yeah. I'm pretty much familiar with it because, last year,
20 when I got on the gang back in May, that's when one of the
21 operators that used to run it -- well, it wasn't that machine, but
22 it was a different machine. I don't remember what the number was
23 of that -- on that machine. But it was the same thing, identical,
24 but the machine number was different.

25 I ran that machine. They got it and said, hey, you know how

1 to run a pup -- I guess they looked at my record and said, hey,
2 you know how to run a pup tamper. Can you run that? So, I was --
3 I bumped on the TKO but, prior to that, they let me run the -- a
4 pup tamper. And I was --

5 Q. Yeah.

6 A. -- pretty much familiarized with it. So, I ran that pup
7 tamper last year -- that was last year in May. I ran it for
8 probably the whole -- I don't know how many days I ran it. Like,
9 half of the half, I think, maybe I ran it that way. I ran it like
10 that, but I was assigned to the TKO at the time. So, I'm pretty
11 much familiarized with that machine. I know where all the
12 maintenance and stuff like that would go on and everything to
13 check where the (indiscernible).

14 Q. Okay. And I've only got another one or two for you. You
15 know, as far as repairs and maintenance on these machines, are you
16 performing the maintenance or is -- are those gang mechanics? Who
17 does the maintenance on the machines and the repairs in specific?

18 A. Well, I think there's a -- I guess on our days off, they
19 maintenance the machine and -- because there's somebody -- I
20 forgot who was it. On the logbook, somebody signed off on it. I
21 forgot who the -- who it was that signed off on that -- on my
22 logbook in the front because they had a note in there that said
23 the machine is ready to go and good to go.

24 I don't know if that little note is still in the machine
25 because, on the first day back, I got in the machine and then that

1 -- the logbook was on the seat and then the little piece of paper
2 was on there. Machine has been serviced and all that. It's good
3 to go. That's what it -- I forgot what it said on that little
4 note.

5 Q. And then just to clarify, after you got back to work and saw
6 that note, that's when you had the issue with the travel motor,
7 correct?

8 A. Yes. Probably like --

9 Q. (Indiscernible).

10 A. It was probably like -- let's see. We came back the 26th and
11 I had that problem with it on the 29th.

12 Q. Okay. Within a few days?

13 A. Yep.

14 Q. All right. That's all I got for you, Ray.

15 MR. NANTISTA: And again, I want to reiterate, you know, I'm
16 familiar with Ray. I've known him for a few years now and, you
17 know, Ray's reputation as a machine operator out there is second
18 to none. He's incredibly competent on all these TMO machines and,
19 you know, that's a known fact on the gangs.

20 But, you know, again, Ray, I appreciate the information.

21 MR. GARCIA: Yes.

22 MR. GORDON: Thank you for that, Joe.

23 And thanks, Raymond. You good to keep on pushing ahead?

24 MR. GARCIA: Yes.

25 MR. GORDON: We'll go to Roy Morrison with BMWED.

1 BY MR. MORRISON:

2 Q. Hey, Ray. Thanks for sitting down with us today.

3 A. Yeah.

4 Q. I just had a couple of quick questions kind of about the
5 machine. I'm mildly familiar with the goings on with that tamper.
6 When you say the pump was out and it leaked, was it leaking from
7 the front axle or the rear axle?

8 A. It's the rear axle. It was the travel motor that I was
9 talking about, yes, that was leaking -- I guess, it's from the --
10 it's right in the middle of the machine that was the -- right in
11 the middle of the travel pump, that's where I guess the seal went
12 out or something. I seen it --

13 Q. Okay.

14 A. -- leaking on there and -- well, actually, I was informed by
15 the laborers behind me and they say, hey, your machine -- because
16 I can't see -- where I'm sitting, I cannot see that travel motor
17 until you get down in there and you look under the step. That's
18 when you can see the travel motor. It's under the machine.
19 Because the way I was notified was the labors. Hey, stop. Hold
20 on. Something's leaking under your machine. That's what they
21 told me.

22 And I got off -- I put the parking brakes on, I got off, and
23 then I looked at -- I could notice the travel motor was leaking.
24 So, that way they -- and then I just put it in -- I just left it,
25 worked it like that, they just capped it off, and then I ran it

1 like that that day. Then that night, they replaced the motor. I
2 guess they said they worked on it till, like, 9:30 or 10:00 that
3 night. They replaced it.

4 The next morning, I took it out again, and then three ties
5 into the work, that's when the rebuilt one gave up already within
6 this -- that moment. That's when they just took off the chain
7 again and then they capped off the lines again.

8 Q. Okay. So, after they capped off the lines and everything had
9 been leaked all over, had any attempts been made to clean the --

10 A. No. No, they just left the -- it was probably like that for
11 a little bit and then they -- they didn't clean it. The foreman
12 then informed all the other operators that there's -- on your
13 reverse move heaving back to the hole, watch out. There was going
14 to be some hydraulic on the track, so keep your distance. And
15 then even some of the operator, they informed each other -- among
16 each and say, hey, you can see the trail of hydraulic and slow
17 down. That's what they informed each other on the way back at the
18 end of the day that day on the 30th.

19 Q. Well, that's a really good practice to just -- it's good to
20 hear that that's going on out there, you guys are communicating
21 that to each other. I have some experience in the cab, but it's
22 been several years since I've been in that kind of machine. When
23 you're --

24 A. (Indiscernible).

25 Q. -- sitting there in the machine, can you kind of tell me what

1 your view is looking out when you're looking? I mean, is it just,
2 like, an eight-foot picture window or what does it look like?

3 A. It's pretty much different than the old one. I ran the old
4 pup tamper, too, the one that are dinosaur, they say. I ran those
5 pup tampers before, too, and this one is different. The other
6 one, the bigger one, the old ones, they have a big -- a whole
7 window all the way up, all the way across, that -- you could see
8 up the whole view of you -- in front of you.

9 This machine, particular machine, the pup tamper, the
10 TMT 1602 and the newer models, I guess, it has windows -- it has
11 three -- kind of, like, a skinny window, one that's straight right
12 in the middle between the track, and then there's another one
13 that's kind of, like, on the work head side on both sides, and
14 then there's kind of, like, a couple little windows, and then the
15 right side has the big windows where the rearview mirror are for
16 the left side. Then for the right rear mirror, there's another
17 window on that side.

18 And then there's a backup camera that's also installed in
19 that and -- which you can see clear when you're backing up to --
20 or, if you were told to back up, then I would use that and the
21 mirror, and I kept my head on a swivel all the time backing up if
22 I was told to back up to another -- one of the skipped ties that
23 the rail machine has missed to put a plate under.

24 Q. Okay. So, your view looking forward in this new machine is
25 not as good as the old design like the old electromagnetics then.

1 A. Yeah. The old electromagnetic is designed like a full, big
2 window, like a vehicle window. Like a --

3 Q. Yeah.

4 A. -- car window. That's how the old ones are, but this ones
5 are not. But the newer ones are not. They're kind of probably,
6 like, a -- I'd say about a foot in a half, about a foot and a half
7 between --

8 Q. Okay.

9 A. That's how far it is. And then it stands up all the way up
10 to -- I don't know how many feet long up the windows are all the
11 way up to the -- from the top cab to the bottom -- to the middle
12 of it. Then there's two smaller windows on the bottom -- three
13 smaller windows on the bottom. That's the one I busted out with
14 my knee when I went to that stop.

15 Q. Okay. And when we -- looking back at the controls that we
16 talked about on the left side, you have the button that shuts down
17 the machine. Can we talk about that shutdown process? I mean, is
18 it you push the button and the brakes just lock up or what does
19 that --

20 A. Yeah. It will stop the machine quick. It'll shut off the
21 whole motor. It should stop the machine. I've never tried
22 rolling it, but -- rolling and hitting that. I've never tried it.
23 But on other prior machines that I have ran in the past, like I
24 said, the hydraulic hose will bust. That's when sometimes you
25 have to use that emergency button. It will kill the motor and the

1 machine will stop.

2 Q. Okay. Has there ever -- in your many years of experience out
3 there on the track, has there ever been a practice of using that?
4 Like, a training on how to use it and then practicing, making sure
5 it works?

6 A. Well, actually, not really, but I have used it before --
7 well, not before. But I accidentally hit it before because I was
8 going through a crossing in Fairbury, Nebraska. I think it was a
9 few years ago. At that time, I was on a Jackson, though, because
10 the horn was right there -- well, the horn button was close to the
11 emergency button thing at the time. It was a older tamper. It's
12 one of those single -- they call it single-cab tampers.

13 But the newer model, they moved the emergency button to a
14 different spot because I guess some guy's been doing that.
15 Because if you go through a crossing, you hit horn, and you try to
16 look up ahead. That way you don't hit nobody up ahead. So, I
17 tend to -- I forgot that I hit the emergency button instead of the
18 horn button. That's when I was rolling in the middle of the
19 crossing at the time. And that's when I shut off the -- I killed
20 the machine right there and it slowed down.

21 I go, oh, shoot. Then I pulled the emergency button back up
22 and then I put it back in -- kind of, like, I got the control to
23 put it in neutral to restart the machine. That's what I did.
24 That's the only time I have used it, but I have never used it --
25 not on the pup tamper. No, I have not.

1 Q. All right. (Indiscernible) --

2 A. The only time that we ever do -- go ahead.

3 Q. No, sorry. Just to understand what you were just saying,
4 like, you -- the only time you've ever really used it was on
5 accident.

6 A. Yes, yes.

7 MR. MORRISON: Okay. I don't have any more questions.

8 MR. GORDON: Okay. Raymond, we'll do a real quick second
9 round, if you could. I've just got a few clarifying questions.

10 BY MR. GORDON:

11 Q. Well, I guess we'll start off with the braking on the left-
12 hand side of the console. That's also where the service brake is.
13 Is that correct?

14 A. The service brake and the parking brake.

15 Q. Okay.

16 A. That's for if you're -- for being in travel mode.

17 Q. Okay. So, the only time you would use that service brake is
18 when you're tramming -- when you're just moving from one work
19 location to the other and --

20 A. Yeah. Like, if you're coming out of the hole to go to your
21 worksite, then when you're tying up (ph.) for the day, you go to
22 the -- whatever your tie-out spot is, that's when you put it in
23 your travel mode to go travel down the track. That's when you use
24 the service brake. That's how I slow the machine down and to stop
25 the machine.

1 Q. Okay, okay. And so, just -- as far as the safety equipment
2 on the machine, does -- is that machine equipped with a change of
3 directional arm? If you're working in one direction --

4 A. Yes.

5 Q. Okay. And was it functioning --

6 A. Yes. And it's in working -- it was working.

7 Q. Okay.

8 A. Because I marked it off with my logbook stating it was
9 working because I -- went you put it in forward and you reverse
10 it, the alarm will come on. Then when you have it in
11 reverse -- the travel thing in reverse and when you forward, the
12 alarm will come on.

13 Q. Okay. But when you're -- like, when you're in work mode and
14 you're just indexing, moving from one -- you know, from one tie to
15 the next time, it's -- there's no alarm prior to movement. Is
16 that correct?

17 A. No. There is no alarm prior to that, no.

18 Q. Okay, okay. And so, to go back a little bit on the work, so
19 you on the tamper and the ground person that's marking cross ties
20 for you, you guys are almost -- you're a team, right? I mean, you
21 know --

22 A. Yes.

23 Q. -- to look for him before you move? Is there --

24 A. Yes.

25 Q. -- a job briefing that you guys discuss as far as kind of

1 spacing? You know, did you have an opportunity to talk to
2 Mr. Morgan or is it just understood kind of how that --

3 A. It's understood, like, how -- I have never met Mr. Morgan. I
4 have never talked to him. I've never met him before and we -- I
5 guess that -- I guess he just assumed that the spacing between the
6 machine and him will -- it will be like that during that day and
7 -- because that's not normally what he's -- because they put
8 different person on there before, not only him all the time.

9 It was a different guy at different times. Like, he worked
10 ahead of me twice two days and the two days prior to that he was
11 working behind me, tapping on plates with a hammer to straighten
12 up the plates that I can't, so the spiker will have a good place
13 to spike the plates.

14 Q. Okay, okay. But the day --

15 A. So, I had a different guy that was working there before.

16 Q. Okay. But the day that -- of the accident, you knew that he
17 was there, and you knew to put eyes on him before --

18 A. Yes.

19 Q. -- you moved forward. Okay.

20 A. Yes.

21 Q. Okay.

22 A. Yes. Every time that I tamp, I look forward up ahead. I
23 look down, I keep -- like I said, I put my head on a swivel. I
24 look down to look for the new tie. I look for -- see what's ahead
25 of me and stuff like that.

1 Q. Okay.

2 A. And when to stop and tie the tie, if it's four in a row or if
3 it's four here then another five skips, like, that's how the
4 machine runs. Or if I see that green dot, that -- where he put,
5 that's where the -- I will stop the machine and I will do my
6 thing. And then I index forward to the next tie that's -- I was
7 working.

8 Q. Okay, okay. So, I think I've just got one more. So, when
9 you moved the machine forward after, you know, the -- so, the last
10 move before the -- what you recall is, like, the uncontrolled
11 movement. When you made that --

12 A. Yeah.

13 Q. -- move, about how long -- and, you know, understanding that
14 this is just to the best of your recollection. How long do you
15 think that time was from the time that you initiated that movement
16 until the accident?

17 A. I'd probably say probably five, seven seconds, maybe. Five,
18 six, seven seconds.

19 Q. Okay. And do you have any idea --

20 A. The last time I seen him was he was probably, like, 10 feet
21 ahead of me.

22 Q. Okay.

23 A. And never the time that he turned around and looked at me.

24 Q. Okay. Okay. So, that five to seven seconds, do you have an
25 idea just based on your experience and recollection about how much

1 distance in feet you would've moved in that time?

2 A. Probably about 20.

3 Q. Okay.

4 A. Probably, like, 15 to 20 feet.

5 Q. Okay. Yeah. And there again, understanding that, you know,
6 this is just to the best of your recollections. That's a good
7 memory there. Yeah.

8 A. Yeah.

9 Q. So, I think that that's all I've got.

10 MR. GORDON: I do want to -- I know that Mike Hoepf from the
11 human performance side, he's got some questions as far as, you
12 know, just kind of understanding your regular workdays and hours
13 and those kind of things. So, we'll go to Mike --

14 MR. GARCIA: Yeah.

15 MR. GORDON: -- if you're okay with that? And then we'll
16 definitely --

17 MR. GARCIA: Yes.

18 MR. GORDON: -- let everybody have a -- you know, we'll ask
19 if anybody has another question after we go through that.

20 So, Mike, if you -- if you're ready for the -- for those
21 questions as far as the work schedule and things?

22 DR. HOEPF: Yeah. Thanks, Joe.

23 BY DR. HOEPF:

24 Q. And thanks, Raymond. Appreciate it. Yeah. And as Joe
25 allude to, these are just standard, you know, performance kind of

1 questions. Don't, you know, read into anything here.

2 A. Yeah.

3 Q. We just got to ask them. So, yeah, like he said, you know,
4 we try to usually build a 72-hour history. Just --

5 A. Yeah.

6 Q. -- if you can kind of -- to the best of your ability, just
7 kind of walk us through the past couple of days, when you go to
8 sleep, when you get up, that kind of thing.

9 A. Well, since we started work at 8:00, I go to sleep around
10 9:00 in the evening, 9:00/9:30, close to 10:00 in the evening. I
11 get fully rested and everything. I sleep well. I sleep good,
12 things like that, and no trouble sleeping. No problem sleeping.
13 And in the morning, like, I set my alarm at 6:00.

14 I get up at 6:00 and I go get ready for work. And then I go
15 to get my coffee and then that's when -- I get my coffee and my
16 breakfast sandwich, or burrito, whatever I'm going to eat that day
17 in the morning. And then I take my -- the medication that was
18 prescribed to me for my, like, high blood pressure and cholesterol
19 medicine and metformin for my diabetes. I take four pills. So,
20 that's the one I take food and that's the thing that I've been
21 doing ever since June, ever since I had that COVID. Well,
22 that's --

23 Q. Right.

24 A. -- what I've been taking, pretty much. And then I get --
25 there's no problem at home. There's no problem nowhere else.

1 It's just I did my daily thing at -- or, my daily thing at work
2 and then at night. And the same thing that I do for the last many
3 years that I've been doing and try to support my family. That was
4 what I was doing and it's what I did.

5 Q. Great. Thank you. And so, you know, January 31st was the
6 day. January 30th, the 29th, were you on the road, staying in the
7 hotel on those nights as well or (indiscernible) --

8 A. Yes. Yes. Hotel.

9 Q. Okay, okay. And was it the same hotel room on the 30th --

10 A. Yes.

11 Q. -- and the 29th?

12 A. Yep. Yes.

13 Q. Okay, okay. So, same commute, basically, out of -- you say
14 Vail is where you were staying, or?

15 A. No. Right there in Tucson and I drive 15 miles to Vail in
16 the morning.

17 Q. Okay, okay. I got you. So, in your estimation, it was easy
18 enough to get enough sleep and --

19 A. Yep.

20 Q. -- because you were just staying at hotel (indiscernible) and
21 everything?

22 A. Yep.

23 Q. Okay. Okay, great. Thanks. And did you have to use your
24 cellphone or anything while you were at work?

25 A. No.

1 Q. You weren't getting any calls or anything like that?

2 A. No, I did not. I try to -- I didn't get to it until I had to
3 use my supervisor's phone to call my wife and then I finally got
4 back to my car. I forgot what time it was. That's when I text
5 Joe Nantista, saying that this is what happened. I think I still
6 have the text of what time I sent him that text. I couldn't reach
7 out to anybody that day. And that's when I finally got a hold of
8 my wife from my supervisor's phone and then that's when my wife
9 kept calling me back on my supervisor's phone to see if I was okay
10 and everything, if everything else was okay.

11 And then, finally, until I got to my car that night, which it
12 was already February the 1st, I think, at the time, and that's
13 when I finally got a hold of Joe and I finally talked to my wife
14 from my own phone. And that's the time all this happened.

15 Q. Got you, got you. Okay. Thank you for that. And I know you
16 said you had a couple prescription medications, but you said that
17 didn't, you know -- that didn't impact your performance.

18 A. No, sir.

19 Q. No use of drugs or alcohol on the job?

20 A. Nope.

21 Q. Okay. (Indiscernible) --

22 A. I don't do drugs. I don't drink alcohols.

23 Q. Okay, great. Thank you, thank you. Appreciate that. And
24 then just (indiscernible) --

25 A. Like I said, they did the blood test and then they did the

1 urine sample, so.

2 Q. Yeah. Right. And we appreciate you very much, you know,
3 offering to do -- you know, doing that. Just a couple more quick
4 questions. Talked a little bit about visibility out the window.
5 I just wonder, did you feel like you had adequate visibility? Was
6 the sun in your eyes or anything like that? Did you --

7 A. No. There was no sun. It was a clear visibility. After I
8 threw the work head in the ground, that's when the hydraulic
9 sprayed on the windshield. That was when -- at the time, was kind
10 of hard to see. But prior to that, there was no nothing -- there
11 was nothing blocking the window. There was no -- it was a clear
12 vision -- clear visibility.

13 Q. And the weather was good?

14 A. Weather was good. The weather was clear and everything.

15 Q. Okay, okay. Great. And just to briefly touch on, you know,
16 kind of workload and safety culture and those sorts of things, how
17 was your work tempo? Did you feel like you were given enough time
18 to accomplish your task?

19 A. Yeah. It was enough time. I had enough time to perform my
20 work and everything that morning. And the job briefing that we
21 do, we don't rush through it and we do -- if we have questions, we
22 raise our hand and whatever to ask questions. And we weren't
23 pushed. Nobody was pushed. I wasn't pushed to say, hurry up and
24 do this. I was never told that, and I've never heard anybody
25 saying that we're being rushed out there or anything, rushed to

1 finish our work or nothing. And so, we just pretty much do our
2 work and keep moving along.

3 Q. Okay, great. Thank you for that. And then, you know, just
4 -- I know you've got extensive work experience. How do you feel
5 about Union Pacific as a company? Do you feel like they provide
6 you the necessary training and support, you know, from a safety
7 perspective to do your job well? Do you have any concerns about,
8 you know, the organization or your training?

9 A. Yeah. I have a lot of -- like I said, I've been out here
10 many years and I like what they (indiscernible) do, what the
11 trainings do, I like what they do, and I have -- I like to
12 have -- I like what they put out for training. Sometimes they let
13 people to go to school for their -- like, if you -- people get
14 (indiscernible) on the tampers or whatever, they can let them go
15 to school and stuff like that.

16 I like their training, I like the company, and I like working
17 for the railroad. I want to keep coming back and looking forward
18 to my retirement and keep working for the company. I like the
19 company. And I like my friends, my brothers that I work on the
20 railroad. Like I said, I spend more time at work than at home, so
21 I consider them as -- every one of them as my brother.

22 Q. Yeah, yeah. Okay, great. Thank you so much. I appreciate
23 that perspective.

24 A. Yeah.

25 Q. Yeah. Just to kind of, you know, closing remarks for me and

1 just -- I want to just give you an opportunity here just to -- any
2 final kind of thoughts you might have. I mean, it sounds like
3 we're talking to you today that, you know, something strange has
4 maybe happened with this piece of equipment, at least from your
5 perspective. It seems like that's most likely place of a safety
6 intervention. Would you agree with that assessment? Is that kind
7 of how you're seeing, you know, (indiscernible) --

8 A. Kind of like a -- maybe like a malfunction of the joystick or
9 something. That's the way I'm seeing it, like -- because I have
10 never experienced any other way that I can picture that I'm
11 thinking that -- I don't know if it's in the joystick or if it's
12 the faulty of the machine or -- but I kept (indiscernible) --

13 Q. Yeah.

14 A. -- I kept going back over and over. I'm beating myself up on
15 it -- about it for the last how many days now ever since it
16 happened, what could I have done to prevent this and stuff like
17 that. That's, like, kind of get -- beat up myself on it. But my
18 wife and other guys, they talk to me and try to come and say, you
19 okay? Then I try not to think about it, then it keeps coming back
20 again and so forth.

21 Q. Yeah, yeah. All right. Well, Raymond, if you think of
22 anything that -- you know, else that you want to -- you want us to
23 take a look at or you think of something that -- somebody you want
24 to talk to or anything like that, please reach out to Joe or
25 myself and -- that's all the questions I have. But I'm going to

1 let, you know, the rest of the team have the final round of
2 questions. But that's all for me, so thanks again.

3 A. Okay.

4 MR. GORDON: All right. Thanks, Mike.

5 And, Raymond, we're going to try to wrap this up very, very
6 soon. Just want to make sure everybody gets an opportunity to ask
7 any final questions that they might have.

8 John, anything you have? John Manutes?

9 MR. MANUTES: No. I have nothing. Thank you, Ray, for your
10 time today.

11 Thanks, Joe, for the opportunity, but I don't have anything
12 else.

13 MR. GARCIA: Yes.

14 MR. GORDON: All right. Thanks, John.

15 And we'll go to Pat Sharp, FRA.

16 MR. SHARP: No. Appreciate everything that you've shared
17 with us, Raymond, and I'm -- I don't have any other questions
18 right now. Thanks.

19 MR. GARCIA: Okay.

20 MR. GORDON: All right. Thanks, Pat.

21 And BMWED? Anything there?

22 MR. NANTISTA: Yeah, Joe. Joe Nantista. I've got one more
23 follow up with Ray.

24 BY MR. NANTISTA:

25 Q. And, Ray, I appreciate you hanging in there. I know it's

1 been a long morning.

2 A. Yeah.

3 Q. Just to continue down the path that we were just discussing
4 about, you know, rest and your work schedules and all that. Do
5 you feel like you have enough time away from the job to
6 recuperate? I mean, this is a very labor intensive, you know,
7 mentally draining job as a machine operator.

8 You guys are on those tracks for 10-plus hours every day,
9 eight days in a row. You know, can you just speak to your time
10 away from the machine? The time that your body and your mind has
11 time to recuperate and be prepared to come back and do it again.
12 Can you just speak to that a little bit?

13 A. Well, from my point of view, is I get enough rest and I -- I
14 get enough rest at the end of the day. Depends on, like -- every
15 day, probably get up between 6:00 and 7:00 every day, the half
16 that I was -- I've been on. So, by the time -- I mean, I'm not
17 young anymore.

18 But the time I -- really, bed for me is between usually 9:30
19 and 10:00. That's when I would call my wife and my mom and say,
20 hey, I'm getting ready for tomorrow. I'm going to sleep. So,
21 that's pretty much -- and I sleep through the whole night. I
22 don't have -- I don't wake up in the middle of night or anything
23 -- for anything. Probably just to use the restroom. That's
24 probably about it.

25 And then other than that, then my alarm is set at 6:00 a.m.

1 and then -- since we start at 8:00. And that's when I get up at
2 6:00 and start getting ready (indiscernible) few hours ahead. And
3 that's when I get up early and then I go drive -- start driving
4 out to the jobsite by quarter to 7:00. That gives me another hour
5 and 15 minutes to get out there -- and get my coffee by 6:30 and
6 stuff like that.

7 And by that time, I'm energized. I'm ready to go. I'm ready
8 to go for that day to accomplish what I need to do for that. I'm
9 ready for it. I'm not tired or anything. I'm ready to go and
10 that's the way I feel about myself, and that's the way I've been
11 doing it.

12 Q. You know, I definitely appreciate that. You guys are
13 certainly ready to go in the morning and you guys enough that if
14 you're not, you know to speak up and say something. My direction
15 is more about the work schedule. You know, recently, within the
16 last 16 months, we've had a major change on the way the
17 consolidated system gangs work and I'm just curious as if that had
18 any affect on you. You guys were used to working, you know, eight
19 days on, then having a full seven days off.

20 A. Actually, about that, I've been -- as I said, I've been
21 working out here for a long time. I've been working four tens.
22 At the time that I used to have four tens, I worked that many,
23 many, many years. This is (indiscernible) --

24 Q. Four tens is what? About four days of -- four 10-hour days.
25 Is that right?

1 A. Yeah. Yeah. That was my normal schedule before I got on
2 this Z5 and Z6 schedule. So, this is probably the second year --

3 Q. Okay.

4 A. -- that I'm working this schedule ever since they did away
5 with the four tens and the five eights. So, I started --

6 Q. And now Z5, Z6. Explain what that is to everybody. Not
7 everybody's aware of that.

8 A. Z5 is the gang that works, like, the first half of the month.
9 It'll be the first eight days, whatever calendar days it falls on
10 will be the first half -- will be, like, the first month of
11 the (indiscernible) --

12 Q. The first Tuesday of the month, right?

13 A. Yeah. The first Tuesday of the month. And then we'll work
14 to the following Tuesday and then another gang will come in and be
15 a Z6. It's kind of like the gang continuously working all the
16 time, that way --

17 Q. Yeah. And it's not only -- I'm sorry. It's not only, you
18 know, important for you that you now are --

19 A. Yeah.

20 Q. You know, you're at work for the same amount of time and now
21 you have less time at home because on the previous schedule it was
22 eight on seven off. You're not doing eight on six off. But it's
23 also important to notice that, you know, the machines are now
24 running around the clock on this schedule. The machines run --

25 A. Yeah.

1 Q. -- Tuesday the, you know -- the first Tuesday of the month
2 through the end of the month. I mean, it's not out of -- it's not
3 exaggerating in any way to say these machines run 31 days a month.
4 Is that correct?

5 A. Yes.

6 Q. So, you know, there's a lot of wear and tear on the machines.
7 You know, they have an increased man count, so it's the same
8 mechanics looking after the machines. It's the same operators
9 operating the machines. And again, you know, it's important to
10 state that, you know, instead of having seven days off every work
11 half, you guys now have six.

12 And I just wonder if that's an issue here because that's
13 absolutely a safety concern from the standpoint of the Brotherhood
14 of Maintenance of Way. And I just think -- I think it needs to be
15 on the record that there's definitely something there that
16 probably needs to be looked at. But with that, Ray, again, I
17 apologize for keeping you long. I know it's been a long morning,
18 so --

19 A. Yeah.

20 Q. -- good job today and we appreciate you sharing the
21 information with everybody.

22 A. Yes, Joe.

23 Q. Thanks, Ray.

24 MR. GORDON: All right. Thanks, Joe.

25 Roy, anything you'd like to add?

1 MR. MORRISON: No. I'd just like to again thank you for
2 being here, Ray.

3 MR. GARCIA: Yep. Thank you.

4 MR. GORDON: All right. And, Mr. Cox, before we wrap up
5 there, anything we can do as far as clarification or, you know,
6 you and I can speak afterwards if you'd like, but just wanted to
7 see if you had any questions for us.

8 MR. COX: No. I think we all have a good understanding of
9 what happened. The machine malfunctioned. We just need to figure
10 out why. And we're going to have to trust the UP and the FRA to
11 tell us that.

12 MR. GORDON: All right. Thanks, Mr. Cox.

13 BY MR. GORDON:

14 Q. And, yeah, along that same line, Raymond -- and we're almost
15 done. Just to kind of help us, you know, focus on what we need to
16 when we take a look at this machine, you said that the left-hand
17 console, that's where your different -- I guess the different
18 brakes are that -- you know, different brakes for --

19 A. Yep.

20 Q. -- different scenarios. But are you sure that you didn't,
21 like -- as far as kind of looking at the machine, giving a
22 detailed inspection of the machine, you don't feel like you
23 manipulated any of those brakes on that left-hand console? Prior
24 to the accident?

25 A. No, I did not. The only way to manipulate that brake is when

1 you put it in travel mode.

2 Q. Okay, okay. All right.

3 A. Yes.

4 Q. So, that --

5 A. There's the service brake there and then the parking brake
6 there. That is the only thing on there. And the emergency
7 button.

8 Q. Okay, okay. And you didn't hit any of those prior to the
9 accident to your --

10 A. Nope.

11 Q. -- knowledge? Okay.

12 A. No, I did not.

13 Q. Okay. All right. Thank you.

14 A. Like I said, the -- yes.

15 Q. Yep. Oh, no. Did you have something to add there?

16 A. No. Like I said, on that left side of the console, there's
17 only the service brake lever and the parking brake and the
18 emergency brake. That's on the left side of the console. That
19 was it.

20 Q. Okay.

21 A. And the only time you use that service brake is when you have
22 it in travel mode.

23 Q. Okay, okay.

24 A. I never touched that through the whole day when I'm working.

25 Q. Okay. All right. Thank you. That helps to understand that.

1 MR. GORDON: And I know that Mike touched on, you know, if --
2 at any time, if anything comes to mind that you want to share with
3 us, you know, if something just -- if you get some recall on
4 something that you think's important to the investigation, feel
5 free to reach out to me. And, you know, I can't say enough for
6 the team, and I know you've heard it multiple times, but --

7 MR. GARCIA: Yeah.

8 MR. GORDON: -- we really do appreciate the time that you've
9 taken today to -- you know, to share the experience with us and,
10 you know, I appreciate your professionalism. I know this --

11 MR. GARCIA: Yeah.

12 MR. GORDON: -- couldn't have been something that you were
13 looking forward to, and I appreciate you, you know, agreeing to
14 sit down with us, understanding that the purpose that we have is
15 to try to keep someone from going through something like this in
16 the future. So, thanks again, Raymond. And with that, we'll stop
17 the recording.

18 (Whereupon, the interview was concluded.)
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CERTIFICATE

This is to certify that the attached proceeding before the

NATIONAL TRANSPORTATION SAFETY BOARD


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

ACCIDENT NUMBER: RRD21LR007

PLACE: Via telephone

DATE: February 4, 2021

was held according to the record, and that this is the original,
complete, true and accurate transcript which has been transcribed
to the best of my skill and ability.



Danielle C. Morgan
Transcriber